Greeley City Council Agenda

Work Session

Tuesday, June 25, 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/89450992350

NOTICE:

City Council Work Sessions are held on the 2nd and 4th 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 view Council work sessions in person or remotely. **Work sessions do not include public input in any format. Public comment is only permitted at regular Council meetings on the 1st and 3rd Tuesdays of each month.**

Watch Meetings:

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

Meetings are livestreamed on YouTube at youtube.com/CityofGreeley as well as over the Zoom webinar. Public participation in the Zoom webinar only allows viewing the meeting.

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/

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 of Greeley Colorado

City Council Work Session Agenda

Tuesday, June 25, 2024 at 6:00 PM
City Council Chambers at City Center South, 1001 11th Avenue, Greeley, CO 80631
via Zoom at: https://greeleyzoom.us/j/89450992350

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Reports from Mayor and Councilmembers
5. Metropolitan District Enhancements Update
6. Overview of Key Economic Development Incentive and Public Finance Tools
7. Scheduling of Meetings, Other Events
8. A motion to go into an Executive Session: Economic Development Project
9. Adjournment

Work Session Agenda Summary

Title:
Reports from Mayor and Councilmembers

Background:

Board/Committee	Meeting Day/Time	Assignment
Airport Authority	3rd Thu, 3:30 p.m.	Payton/Gates
Board/Commission Interviews (Team of 2)	monthly as needed	Council Rotation
CML Executive Board Opportunity	as needed	Hall
CML Other Opportunities	as available/desired	
CML Policy Committee (Council or Staff)	as needed	Hall/Lee; Gates alternate
Downtown Development Authority	3rd Thu, 7:30 a.m.	Butler/DeBoutez
Employee Health Board	as needed	DeBoutez
Highway 34 Coalition	as needed	Olson
Highway 85 Coalition	as needed	Gates
Historic Preservation Loan Committee	as needed	DeBoutez
Human Relations Commission	2nd Monday, 5 p.m.	DeBoutez
Interstate 25 Coalition	as needed	Olson
Island Grove Advisory Board	1st Thu, 3:30 p.m.	Butler
National League of Cities Transportation and Infrastructure Services Committee	as needed	Olson
Parks & Recreation Board	1st Friday, 7 a.m.	DeBoutez
Police Pension Board	quarterly	McDonald
Poudre River Trail	1st Thu, 7 a.m.	Hall
Regional Opioid Council	as needed	Gates
Transportation/Air Quality MPO	1st Thu, 6 p.m.	Olson/Payton
Upstate Colorado Economic Development	last Wed, 7 a.m.	Gates
Water & Sewer Board	3rd Wed, 2 p.m.	Gates
Weld Project Connect Committee (United Way)	as needed	Olson
Youth Commission Liaison	4th Mon, 6 p.m.	McDonald

Work Session Agenda Summary

June 25, 2024
Key Staff Contact: Brian McBroom, Community Development Director

Title:
Metropolitan District Enhancements Update

Background:
Staff will present a brief overview of Metropolitan District ("District") updates, and a general recommendation of qualitative changes to the Metro district regulations for Council discussion.

Upon Council consensus, staff will refine eligible activities and conduct a series of open houses for the community, development, and real estate professionals to provide further input. This is the second phase of the overall District policy review process: to consider adding new approval criteria that increase required enhancements in Districts to provide more oversight into creating high-quality neighborhoods.

Metropolitan districts are quasi-governmental entities with taxing authority that are used to finance necessary public infrastructure and services that the City cannot otherwise provide. A District is a type of special district derived from Title 32 Colorado's Special District Act. Greeley's regulations are outlined in Title 24, Chapter 12. Districts shall provide at least two types of services—fire, mosquito, parks and recreation, safety protection, sanitation, solid waste disposal, street improvement, television relay, transportation, water—and are created in accordance with the Special District Act (Title 32, Article 1, C.R.S.).

Districts can levy taxes and fees, and issue debt to finance infrastructure, operations, and maintenance. Often, developers and related parties may purchase these bonds, sit on District boards, and determine expenditures consistent with an approved service plan. In March 2023, Council considered and adopted a series of updates to District regulations to strengthen application requirements, to create a minimum debt limit instead of geographic size as a threshold, to add a dissolution requirement, and to align noticing with the development code. The full text of Title 24, Chapter 12 as currently adopted is attached. For more background information about Colorado Districts, a Colorado Municipal League presentation is attached that will not be presented during the work session.

Strategic Focus Area:

Community Vitality

High-Performance Government

Quality of Life

Attachments:

1. Greeley Municipal Code - Metropolitan Districts Full Text
2. Colorado Municipal League Presentation
3. Item 5 - Metropolitan District Enhancement Update Presentation

Sec. 24-1201. - Legislative declaration.

a. Metropolitan districts (districts) organized under C.R.S. title 32, art. 1 (the Special District Act), under appropriate circumstances, provide an economic alternative to the development of municipal infrastructure at the expense and risk of the city. The provisions of this chapter are intended to provide procedures for the processing and review of proposals for formation of new districts and to define the restrictions and limitations which may be imposed by the city as a condition to the approval of such districts consistent with the policy and intent of this chapter.
b. The adoption of the ordinance from which this chapter is derived is necessary, requisite and proper for the government and administration of local and municipal matters pursuant to the city's home rule powers granted by article XX of the Colorado Constitution. The city council specifically finds that the determination of whether to use districts to provide for the development of capital facilities and incurring of debt to finance such facilities is purely a matter of local concern and shall determine the merits of allowing the formation of a district for development of municipal infrastructure to allow a district on a case-by-case basis.

(Ord. No. 9, 2023, app. A(24-1201), 3-21-2023)

Sec. 24-1202. - 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:

Board means the board of directors of a district.

District means a metropolitan district proposed to be established and organized under the Special District Act whose service plan is to be approved by the city under applicable state law, and also means any existing metropolitan district that is located wholly within the corporate limits of the city as of the effective date of the ordinance from which this chapter is derived.

Petitioners means those persons proposing the formation of a district, a service plan for a district or an amendment to an approved service plan of a district.

(Ord. No. 9, 2023, app. A(24-1202), 3-21-2023)

Sec. 24-1203. - Reservation and construction.

The city reserves all the powers and authority granted to municipalities by the Special District Act. The provisions of this chapter shall be construed and applied to supplement the applicable provisions of the Special District Act and, to the extent provided herein, supersede the Special District Act pursuant to the home rule powers granted the city by article XX of the Colorado Constitution.

(Ord. No. 9, 2023, app. A(24-1203), 3-21-2023)

Sec. 24-1204. - Permitted district improvements.

A district shall only be permitted to construct those capital and infrastructure improvements which are identified within an approved service plan, which may include, but are not limited to, required off-site improvements and/or improvements required by section 24-1055.

(Ord. No. 9, 2023, app. A(24-1204), 3-21-2023)

Sec. 24-1205. - District minimum size.

A district proposed to issue less than $7,000,000.00 of authorized debt will not be considered.

(Ord. No. 9, 2023, app. A(24-1205), 3-21-2023)

Sec. 24-1206. - Use of eminent domain by a district.

The service plan shall contain language that prohibits the district from exercising the power of eminent domain. However, the city may choose to exercise its power of eminent domain to construct public improvements within the district, in which case the district and the city will enter into an intergovernmental agreement concerning the public improvements and funding for that use of eminent domain.

(Ord. No. 9, 2023, app. A(24-1206), 3-21-2023)

Sec. 24-1207. - District's application for grants.

A district may be permitted to apply for grant funds for which the city is also eligible only after review and approval by the city council of the application for said grant proposal by the district.

(Ord. No. 9, 2023, app. A(24-1207), 3-21-2023)

Sec. 24-1208. - Disclosure.

As part of any sale of real property located within a metropolitan district, there shall be a written disclosure statement which accompanies the sales transaction that identifies and describes the increased property tax burden of the property due to its location in the metropolitan district. Notices of disclosure shall be provided as follows:

a. The metropolitan district will use reasonable efforts and due diligence to cause each developer and home builder to provide a notice of disclosure to the buyer at the time of entering into the purchase contract and obtain the home buyer's signed acknowledgment of the notice of disclosure. The notice of disclosure shall describe the impact of the district mill levy and fees, general purpose of the metropolitan district, and financial impact on each residential property and shall specifically provide the information required by C.R.S. § 38-35.7-110, as amended from time to time.
b. The metropolitan district shall record the notice of disclosure for each property within the district with the county at the time the plat is recorded. The metropolitan district shall record the notice of disclosure for each property prior to any building permits for the subdivision being issued if the subdivision plat has already been filed. The metropolitan district shall provide the city with a copy of such notice of disclosure if the subdivision plat has already been filed with the county. The notice of disclosure shall include the maximum mill levy that may be assessed and associated taxes that may be imposed on the property for each year the district is in existence and all information required by C.R.S. § 38-35.7-110, as amended from time to time.
c. The metropolitan district will use all reasonable efforts and due diligence to cause the developer or home builder to provide information to potential residential buyers by furnishing information describing the key provisions of the approved district to the developer or home builder for prominent display at all sales offices, and by inspecting the sales offices within the district's boundaries on a quarterly basis to ensure the information provided is accurate and prominently displayed. Such information shall include the maximum mill levy and associated taxes and fees that may be imposed on each property for each year the district is in existence, and a description of the improvements that are or have been paid for by the district.

(Ord. No. 9, 2023, app. A(24-1208), 3-21-2023)

Sec. 24-1209. - Referral notice to other affected special districts.

As part of the city review and approval of all proposed districts, a written notice from the city shall be forwarded to each existing special district located within the proposed district's boundary at least 30 calendar days prior to the public hearing. The purpose of the notice is to afford the special districts the opportunity to provide comment about the proposed district and any adverse impacts, including the district's proposed financing and mill levy, which the existing special district anticipates may arise from the district due to its anticipated development and its proposed location.

(Ord. No. 9, 2023, app. A(24-1209), 3-21-2023)

Sec. 24-1210. - District fees and costs.

a. The application and processing fee for the city to review the creation of a district and service plan shall be set periodically by the city manager at a rate to recover administrative review expenses as well as reasonable direct costs incurred by the city related to such district and plan review, including, but not limited to, costs of the city's bond counsel.
b. All owners of real property within any district shall be required to pay any and all applicable city fees, costs and expenses, including, but not limited to, building and development fees that apply to all properties city-wide.

(Ord. No. 9, 2023, app. A(24-1210), 3-21-2023)

Sec. 24-1211. - Required annual report.

Not later than September 1 of each calendar year, each district shall file an annual report (the annual report) with the city clerk, the requirements of which may be waived in whole or in part by the city council, if such reporting requirements place an undue hardship on such district. The annual report shall reflect activity and financial events of the district through the preceding December 31 (the report year). The annual report shall include the following:

a. A narrative summary of the progress of the district in implementing its service plan for the report year;
b.

Except when exemption from audit has been granted for the report year under the Local Government Audit Law, the audited financial statements of the district for the report year, including a statement of financial condition (i.e., balance sheet) as of December 31 of the report year, and the statement of operations (i.e., revenues and expenditures) for the report year or a copy of the audit exemption application;

c. Unless disclosed within a separate schedule attached to the financial statements, a summary of the capital expenditures incurred by the district in development of public improvements in the report year, as well as any public improvements proposed to be undertaken in the five years following the report year;
d. Unless disclosed within a separate schedule attached to the financial statements, a summary of the financial obligations of the district at the end of the report year, including the amount of outstanding debt, the amount and terms of any new debt issued in the report year, the amount of payment or retirement of existing debt of the district in the report year, the total assessed valuation of all taxable properties within the district as of January 1 of the report year and the current mill levy of the district pledged to debt retirement in the report year;
e. A summary of residential and commercial development in the district for the report year;
f. A summary of all fees, charges and assessments imposed by the district as of January 1 of the report year;
g. Certification by the board of directors that no action, event or condition enumerated in section 24-1219 has occurred in the report year; and
h. The name, business address and telephone number of each member of the board of directors and its chief administrative officer and general counsel, together with the date, place and time of the regular meetings of the board of directors.

(Ord. No. 9, 2023, app. A(24-1211), 3-21-2023)

Sec. 24-1212. - Review of annual report.

Annually, the city council, at a regular public meeting, may review the annual reports received from each district. In the event the annual report is not timely received by the city clerk, notice of such default shall be given by certified mail by the city clerk to the board of directors of such district at its last known address. The failure of the district to file the annual report within 45 calendar days of the mailing of such default notice by the city clerk shall empower the city council to impose the sanctions authorized in section 24-1225. The remedies provided for noncompliance with the filing of the annual report shall be supplementary to any remedy authorized by the Special District Act.

(Ord. No. 9, 2023, app. A(24-1212), 3-21-2023)

Sec. 24-1213. - Presubmittal meeting.

Petitioners shall initiate a service plan proposal by scheduling a meeting with designated city staff representatives to discuss the procedures and requirements for a service plan. The city representative shall explain the administrative process and provide information to assist petitioners in the orderly processing of the proposed service plan.

(Ord. No. 9, 2023, app. A(24-1213), 3-21-2023)

Sec. 24-1214. - Filing of proposed service plan.

a. Petitioners shall file a proposed service plan electronically with the community development department. The proposed service plan shall substantially comply with the format of any model service plan which is maintained on file with the city.
b. Copies of the service plan and intergovernmental agreement, including supporting information as required in section 24-1215, together with a nonrefundable application fee, as established by resolution of the city council, shall be forwarded to the community development department at 1100 10th Street, Greeley, Colorado 80631. The applicant shall pay all reasonable fees and expenses incurred by the city if the city chooses to retain outside financial, legal, accounting, feasibility, or other expertise to assist in the review of the application or service plan.
c. If a proposed metropolitan district submits application documents that deviate from the form or content of the model service plan and model intergovernmental agreement, the documents will be reviewed by the city's financial and legal consultants at the applicant's expense.
d. A copy of the proposed petition to be filed with the district court must be included with the proposed service plan filed with the city.
e. The formal application and application fees must be received by the city no later than the third Tuesday of December in the preceding year for a spring election (May) or the third Tuesday of May for a fall election (November). The city cannot commit to timely processing of applications submitted after these dates for their respective elections.

(Ord. No. 9, 2023, app. A(24-1214), 3-21-2023)

Sec. 24-1215. - Service plan contents.

a. Form of application. Any request for approval of a metropolitan district within the city's boundaries shall be in the form of a formal application as follows:

1. A document designated as a "service plan" utilizing the model service plan approved by the city council which shall contain:
   (a) The information required under C.R.S. § 32-1-202(2), and section 24-1055.
   (b) A map of the proposed district boundaries with a legal description or lot and block description.
   (c) An itemization of any costs which petitioners expect to be assumed by the city for the construction and maintenance of public improvements and the timing of said public expenditure.
   (d) Proof of ownership for all properties within the district.
   (e) A copy of any and all proposed, contractual and/or operations documents which would affect or be executed by the proposed district, including the form of any intergovernmental agreement between the district and the city.
   (f) A statement that the proposed metropolitan district shall not provide any ongoing governmental services, without the specific approval of the council, as evidenced by a council resolution, after a public hearing on the matter has been held, either at the time of adoption of the service plan or subsequent thereto.
   (g) A copy of any and all of the proposed enabling, controlling, contractual and/or operations documents that would affect or be executed by the proposed metropolitan district, including the intergovernmental agreement between or among the metropolitan district, the city, or any other government, authority or district.
   (h) Statements regarding community engagement that ensure that residents have adequate opportunity to participate in metropolitan district meetings and remain apprised of the metropolitan district's operations and functions through a public website.
   (i) A statement that the district shall not be authorized to impose, receive, collect, or pledge to any indebtedness of the district a public improvement fee (PIF) unless otherwise approved by the city.
   (j) An assurance that the city would be provided with written notice of the date of hearing on the petition that the proponents would intend to tender to the district court.
   (k) A written intergovernmental agreement with the city in the form of the model intergovernmental agreement approved by the city manager, to be approved subsequent to the city council's adoption of a resolution approving the service plan and the city's approval of a conceptual site plan for the development within the proposed metropolitan district boundaries, which shall specify:
      1. The inclusion of properties within or the exclusion of properties from the boundaries of the metropolitan district;
      2. The refunding of any of the metropolitan district's outstanding bonds which would extend the maturity of the outstanding bonds or increase the total debt service.
      3. Any increase in the maximum debt mill levy or maximum operating mill levy above the cap.
      4. The consolidation with any other special district pursuant to C.R.S. § 32-1-101 et seq.
      5. The acquisition, ownership, management, adjudication or development of water rights or resources.
      6. Application for grants or other state or federal grants.
      7. Provision of services to properties outside the boundary of the city.
      8. Bond documents may not provide acceleration of debt against the issuer as a remedy.
      9. The authority to plan for, design, acquire, construct, install, relocate, redevelop, finance, operate or maintain fire protection facilities or services.
      10. The operation and maintenance of any part or all of the public improvements.
   (l) In addition, the intergovernmental agreement shall contain the following provisions:
      1. Requirements for dissolution of the district upon the accomplishment of the purposes and undertakings for which the metropolitan district was formed. If the metropolitan district was only created for construction of public improvements, it shall dissolve when all outstanding debt is paid. If the metropolitan district was created for providing services or maintenance functions, the metropolitan district may continue so long as those services are provided.
      2. Acknowledgement by the metropolitan district that the city shall not be limited in implementing council or voter approved growth limitations, even though such actions may reduce or delay development within the metropolitan district and the realization of metropolitan district revenue.
      3. All activities by the metropolitan district will be subject to all of the city's zoning, subdivision, building code and other land use requirements.
      4. No telecommunication facilities owned, operated or otherwise allowed by the metropolitan district shall affect the ability of the city to expand its telecommunication facilities or impair existing telecommunication facilities.
      5. If there is a reimbursement agreement approved for public improvements installed by the district, all reimbursed funds shall only be used by the district to repay debt service.

6. All limitations contained in the service plan, including, but not limited to, those pertaining to the maximum debt mill levy, maximum debt mill levy imposition term, and maximum operating mill levy:
   i. Shall not be subject to set-aside for any reason or by any court of competent jurisdiction, absent a service plan amendment; and
   ii. Are, together with all other requirements of state law, including in the "political or governmental powers" reserved to the state under the U.S. Bankruptcy Code (11 U.S.C.) section 903, and are also included in the "regulatory or electoral approval necessary under applicable nonbankruptcy law" as required for confirmation of a Chapter 9 Bankruptcy Plan under Bankruptcy Code section 943(b)(6). Any debt that exceeds the maximum debt mill levy and the maximum debt mill levy imposition term shall be deemed a material modification of this service plan pursuant to C.R.S. § 32-1-207, and shall not be an authorized issuance of debt unless and until such material modification has been approved by the city as part of a service plan amendment. The city shall be entitled to all remedies available at law to enjoin such actions of the district.
7. The district is not authorized to plan for, design, acquire, construct, install, relocate, redevelop, finance, operate or maintain television relay and translation facilities and services.
8. Public improvements will be designed and constructed in accordance with the standards, specifications, and approval of the city and any other governmental entities having proper jurisdiction.
9. Prior to the issuance of any privately placed debt, the district shall obtain the certification of an external financial advisor.
10. The district shall not exercise its city sales and use tax exemption.

(m) Provisions that the metropolitan district shall take all action necessary to dissolve, pursuant to C.R.S. § 32-1-701 et seq., upon an independent determination of the council that the purposes for which the metropolitan district was created have been accomplished, whereupon council shall adopt a resolution, after a public hearing thereon, stating that the proposed metropolitan district shall be dissolved; provided, however, that minimum and maximum time limits upon the council's determination may be set forth in the service plan.

(n) Statements that the proposed metropolitan district will be subject to all of the city's zoning, subdivision, building code and other land use requirements.

(o) If multiple metropolitan districts are proposed to serve different areas of one development, a statement of how the multiple district structure will operate and an assurance that no single district will retain control of all financial decisions for all the districts. Under limited and justified circumstances, the city may, in its sole discretion, permit a single district within a multiple district structure to have some reasonable controls for the sole purpose of ensuring the completion of a very large and complex development. The service plan shall include statements justifying the need for such a district and what reasonable controls the district requires.

(p) Under certain circumstances for large, multiphase developments with long anticipated timeframes for build-out, the city may require, in its sole discretion, statements that specify and limit improvements financed by different areas and/or phases of the development in order to ensure an equitable distribution of public improvement costs.

b. A capital plan including the following:
   1. A description of the type of capital facilities to be developed by the district;
   2. An estimate of the cost of the proposed facilities; and
   3. A pro forma capital expenditure plan correlating expenditures with development of district infrastructure.

c. A financial plan including the following:
   1. The total amount of debt issuance planned for the five-year period commencing with the formation of the district;
   2. All proposed sources of revenue and projected district expenses, as well as the assumptions upon which they are based, for at least a ten-year period from the date of the district formation;
   3. The dollar amount of any anticipated financing, including capitalized interest, costs of issuance, estimated maximum rates and discounts and any expenses related to the organization and initial operation of the district;
   4. A detailed repayment plan covering the life of any financing, including the frequency and amounts expected to be collected from all sources;
   5. The amount of any reserve fund and the expected level of annual debt service coverage which will be maintained for any financing;
   6. The total authorized debt for the district;
   7. The provisions regarding credit enhancement, if any, for the proposed financing, including, but not limited to, letters of credit and insurance; and
   8. A list and written explanation of potential risks of the financing.

(Ord. No. 9, 2023, app. A(24-1215), 3-21-2023)

Sec. 24-1216. - Administrative review.

An administrative review team will review the applicant submittal along with any follow-up documentation that is requested in order to assess the application according to this policy and other appropriate city policy. Once the final review of the service plan by the city staff has been completed, a comprehensive analysis shall be made in written report form to the city council. The report shall evaluate the service plan and incorporate comments of the city staff as well as any consultants. The report shall set forth the recommendations made in accordance with the review criteria contained in section 24-1215.

(Ord. No. 9, 2023, app. A(24-1216), 3-21-2023)

Sec. 24-1217. - Public hearing and criteria applied to a service plan.

Upon completion of the administrative report, a public hearing shall be scheduled for consideration at a regular city council meeting. Public notice shall be accomplished in accordance with the requirements of C.R.S. § 32-1-204.

a. Any testimony or evidence which, in the discretion of the city council, is relevant to the organization of the district shall be considered.
b. The city council shall apply the following criteria to consideration of the proposed service plan:
    1. Whether there is a sufficient existing and projected need for organized service in the area to be serviced by the proposed district;
    2. Whether the existing service in the area to be served by the proposed district is inadequate for present and projected needs;
    3. Whether the proposed district is capable of providing economical and sufficient service to the area within its proposed boundaries;
    4. Whether the area to be included in the proposed district has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis;
    5. Whether adequate service is not, or will not be, available to the area through the city or other existing quasi-municipal corporations, including existing districts, within a reasonable time and on a comparable basis;
    6. Whether the facility and service standards of the proposed district are compatible with the facility and service standards of the city;
    7. Whether the proposal is in substantial compliance with the city's comprehensive plan;
    8. Whether the proposal is in substantial compliance with the county, regional or state long-range water quality management plans and wastewater plans for the area;
    9. Whether the creation of the district will be in the best interests of the area proposed to be served;
    10. Whether the creation of the district will be in the best interests of the residents or future residents of the area proposed to be served;
    11. Whether the proposed service plan is in substantial compliance with this chapter; and
    12. Whether the creation of the district will foster urban development that is remote from, or incapable of being integrated with, existing urban areas, or place a burden on the city or adjacent jurisdictions to provide urban services to residents of the proposed district.

(Ord. No. 9, 2023, app. A(24-1217), 3-21-2023)

Sec. 24-1218. - Findings and written determination regarding district service plan.

If, after consideration of the applicant's submitted materials, staff reports and public testimony at the public hearing, the service plan is approved, a resolution of approval of the service plan, either as approved or as approved with conditions, shall be adopted by the city council. The resolution of approval of the service plan shall include findings that conclusively establish that the service plan is in substantial compliance with this chapter and, in particular, the criteria found in sections 24-1215 and 24-1217. In all cases, the city council shall make findings for its determination of approval, approval with conditions or denial based on the criteria stated in section 24-1217.

(Ord. No. 9, 2023, app. A(24-1218), 3-21-2023)

Sec. 24-1219. - Material modification.

In addition to any material modifications made to any approved service plan, the occurrence of any of the following actions, events or conditions, subsequent to the date of approval of the service plan or most recent amendment thereto, shall constitute material modifications requiring a service plan amendment:

a. Default in the payment of principal or interest of any district bonds, notes, certificates, debentures, contracts or other evidences of indebtedness or borrowing issued or incurred by the district which:
    1. Persists for a period of 120 calendar days or more;
    2. The defaulted payment exceeds the lesser of $50,000.00 or ten percent of the outstanding principal balance of the indebtedness; or
    3. The creditors have not agreed in writing with the district to forbear from pursuit of legal remedies.

b. The failure of the district to develop, cause to be developed or consent to the development by others of any capital facility proposed in its service plan when necessary to service approved development within the district.

c. Failure of the district to realize at least 75 percent of the development revenues (including developer contributions, loans or advances, fees, exactions and charges imposed by the district on residential and commercial development, excluding taxes) projected in the financial portion of the service plan during the three-year period ending with the report year, provided that the disparity between projected and realized revenue exceeds $50,000.00.

d. The development of any capital facility in excess of $100,000.00 in cost, which is not either identified in the service plan or authorized by the city in the course of a separate development approval, excluding bona fide cost projection miscalculations; and state or federally mandated improvements, particularly water, storm drainage and/or sanitation facilities.

e. The occurrence of any event or condition which is defined under the service plan or intergovernmental agreement as necessitating a service plan amendment.

f. The material default by the district under any intergovernmental agreement with the city.

g. Any of the events or conditions enumerated in C.R.S. § 32-1-207(2).

(Ord. No. 9, 2023, app. A(24-1219), 3-21-2023)

Sec. 24-1220. - Appeal hearing of material modification determination.

Should the district dispute that one or more of the occurrences enumerated is a material modification, the district may, within 60 calendar days of notice by the city, and after consultation with city staff, request in writing a hearing before the city council. After hearing and receipt of any relevant information presented by the district and the recommendation of city staff, the city council shall make a finding as to whether such occurrence constitutes a material modification. In the event it is found that a material modification has taken place, the district shall submit its request for an amendment in accordance with this chapter, unless waived by the city council. Upon a finding that no material modification has taken place, the district shall be relieved from obtaining an amendment. The city council may, however, require a later amendment if the change or deviation, on a cumulative basis, subsequently becomes a material modification. In making its determination, the city council shall consider, among other relevant information, whether the modification will have a probable adverse financial impact on the city.

(Ord. No. 9, 2023, app. A(24-1220), 3-21-2023)

Sec. 24-1221. - Service plan amendment.

a. Except as otherwise provided in the approved service plan and except when the city council has determined that no material modification has occurred pursuant to section 24-1220, within 90 calendar days of the occurrence of an action, event or condition enumerated in section 24-1219, the board of directors shall forward an appropriate petition to the city council for approval requesting a service plan amendment. The petition for amendment shall include:

   1. Any information or documentation required under the applicable provisions of the Special District Act;
   2. Any material changes since the service plan was last reviewed and approved by the city council to any of the information, assumptions or projections furnished in conjunction with the petition for approval of organization of a district or contained in the service plan;
   3. A detailed explanation of the activity, events or conditions which resulted in the material modification, including what action was taken or alternatives considered, if any, by the district to avoid the action, event or condition;
   4. The impact of the material modification on the district's ability to develop the capital facilities and infrastructure necessary to meet its capital development plan;
   5. The effect of the material modification on the district's ability to retire, as scheduled, its outstanding financial obligations and its ability to issue and market additional indebtedness, if any;
   6. A current financial plan for the district reflecting development absorption rates anticipated within the district's service area, projected annual revenues and expenditures based upon such projected absorption rates, debt issuance and amortization schedules and a projection of anticipated capital outlays;
   7. The financial impact of the modification on existing residents of the district;
   8. An updated five-year capital improvements plan; and
   9. What alternatives or options are available to the district if the requested amendment is not approved.

b. All of the required information shall be supported by appropriate technical analysis, reports and supporting documents of qualified professionals and consultants. The amendment shall be processed and reviewed in the same manner as prescribed by this chapter for an initial service plan, except that the submittal requirements of this section shall be substituted for those of section 24-1214, and the application fee shall be set by the city manager. This section shall not impair the right of the city to bring an action in the district court to pursue appropriate remedies, including, but not limited to, enjoining the activities of the district pursuant to C.R.S. § 32-1-207(3)(b).

c. After the effective date of the ordinance from which this chapter is derived, all service plan amendments shall comply with this chapter.

(Ord. No. 9, 2023, app. A(24-1221), 3-21-2023)

Sec. 24-1222. - Review of financing.

A district shall not issue any indebtedness that is not consistent with the service plan previously approved by the city, without first submitting the proposed financing to the city for review and comment. The city shall have 60 calendar days to review the proposed financing. The submission shall include the dollar amount of the issue, the estimated interest rate and other financing costs, the type of revenues pledged to repayment, including amount of the mill levy pledged, and a description of the credit enhancements, together with any preliminary official statement or other prospectus for the debt issue. The submission shall be accompanied by a certification of the board of directors that the proposed issuance or refinance of indebtedness is authorized by and in compliance with the service plan for the district.

(Ord. No. 9, 2023, app. A(24-1222), 3-21-2023)

Sec. 24-1223. - Land use.

Approval of a service plan does not guarantee the petitioner and/or the district any other land use approvals by the city required for the development of property within the district.

(Ord. No. 9, 2023, app. A(24-1223), 3-21-2023)

Sec. 24-1224. - Capital facilities.

Districts are prohibited from developing or constructing any capital facility unless such facility is authorized under the service plan and intergovernmental agreement and any applicable city ordinances.

(Ord. No. 9, 2023, app. A(24-1224), 3-21-2023)

Sec. 24-1225. - Enforcement.

Should any district fail to comply with any applicable provision of this chapter, the city council may impose one or more of the following sanctions, as it deems appropriate:

a. Exercise any applicable remedy under the Special District Act.
b. Withhold the issuance of any permit, authorization, acceptance or other administrative approval necessary for the district's development of public facilities or construction.
c. Exercise any legal remedy under the terms of any intergovernmental agreement under which the district is in default.
d. Exercise any other legal remedies, including, but not limited to, seeking injunctive relief against the district, to ensure compliance with the provisions of this chapter.

All remedies of the city are cumulative in nature.

(Ord. No. 9, 2023, app. A(24-1225), 3-21-2023)

Sec. 24-1226. - Application to pending service plans and amendments.

This chapter shall govern the processing, review and consideration of service plans for new districts or those existing districts required to submit service plans or service plan amendments which have not received approval by the city council prior to the effective date of the ordinance from which this chapter is derived.

(Ord. No. 9, 2023, app. A(24-1226), 3-21-2023)

Sec. 24-1227. - Inactive districts and exemption from compliance with this chapter.

a. If any district has not undertaken development of capital facilities or issued any indebtedness within two years after approval of the district by the city, it may apply to the city council within 30 calendar days of expiration of the two-year period for a one-time exemption from compliance with this chapter for a period of time not to exceed four years beginning from the end of the initial two-year performance period.
b.

The city council may grant, at its sole discretion, an exemption if the board of directors submits a resolution to the city council stating that, upon issuance of the exemption, the district's authorization under the service plan and the intergovernmental agreement with the city to undertake development of capital facilities or issue any indebtedness is temporarily suspended. Upon issuance of the exemption, the district shall be excluded from compliance with this chapter, except that the district annually, not later than September 1, shall submit financial statements from the previous year and the budget for the current year.

c. If the district issues no debt within the period, the district must commence dissolution proceedings.

(Ord. No. 9, 2023, app. A(24-1227), 3-21-2023)

Secs. 24-1228—24-1300. - Reserved.

97th CML Annual Conference

June 18–21, 2019 • Breckenridge, CO

Metropolitan District Regulation & Oversight
Friday June 21, 2019
Kim Emil, Assistant City Attorney, Windsor, CO
Doug Marek, City Attorney, Greeley, CO
Robert Sheesley, City Attorney, Commerce City, CO

COLORADO MUNICIPAL LEAGUE

Contents of this presentation reflects the view of the presenter, not of CML.

Metro District Oversight

- "A kind of regulatory Wild West"
- Common perceptions:
  - Confusion of service providers
  - Limited transparency
  - No control over debt, taxes, or decision-making
- What can or should municipalities do:
  - Under the Special District Act?
  - Through service plans?
  - Through local regulation?

Metro District Basics

- Metro Districts are special districts (local governments) authorized by Special District Act
- Provide two or more services as provided in the "service plan"
- Formation requires local jurisdiction and court approval and an election by eligible electors
- 1,794 active Metro Districts (per DOLA)

Colorado Metro Districts

Source: https://data.colorado.gov/Local-Aggregation/Metro-Districts-in-Colorado/knbf-ggf2/data. "Aggregated from thousands of local jurisdictions by the Colorado Department of Local Affairs Demography office. Many of the district boundaries were created from scanned drawings or digitized PDFs, and therefore no guarantee of accuracy can be made for the data."

Statutory Powers

- Levy and collect taxes and fees
- Issue debt
- Provide services and facilities
- Own and dispose of property
- Manage its business and affairs
- Eminent domain (for limited purposes)
- "All rights and powers necessary or incidental to or implied from the specific powers granted . . ."

CRS 32-1-1001, 1101 *et seq.*

Development Metro District Services

- Street improvements, including drainage facilities, sidewalks, parking, lighting and landscaping
- Traffic safety improvements
- Covenant enforcement & design review*
- Parks or recreational facilities or programs
- Security services*

CRS 32-1-1004 (for a complete list)

Metro District Transparency

- Annual reports (CRS 32-1-207(3)(c-d)):
  - Mandatory for 5 years and then annually at the municipality's option (CRS 32-1-207(3)(c-d))
- Annual notice to electors (CRS 32-1-809(1)):
  - Governance, meeting, and election information
  - Mill levy and tax revenue for the prior year
- Public disclosure document and map (CRS 32-1-104.8)
- Open Meetings Law & Open Records Act
  - Plus meeting notices posted in 3 public places in the district and the clerk & recorder's office (CRS 32-1-903(2))
- Colorado Local Government Audit Law
- Local Government Budget Law of Colorado

Metro District Transparency?

- Meetings can be held far outside a district (CRS 32-1-903(1))
- Limited remedy for failure to file annual report, public disclosure, or notice to electors (CRS 32-1-104.8(2), 209)
- Annual notice to electors can be provided by posting to the Special District Association website (CRS 32-1-809(2)(d))

Metro Districts: Municipal Role

- Mandated by the Act:
  - Decision on service plan (CRS 32-1-204.5)
  - Decision on material modifications (CRS 32-1-207(2)(a))
  - Filling vacancies (CRS 32-1-905(2.5))
- Permitted by the Act:
  - Opposition to inclusions, exclusions, consolidations
  - Requesting dissolution
  - Oversight and enforcement

Municipal Review of Service Plan

- Must disapprove unless satisfactory evidence presented showing:
  - *Sufficient existing and projected need for organized service*
  - *Existing service is inadequate for present and projected needs*
  - *Proposed district is capable of providing economical and sufficient service*
  - *Area to be included has or will have financial ability to discharge the proposed indebtedness on a reasonable basis*

  (CRS 32-1-203(2), 204.5)
- May approve, disapprove, or conditionally approve
- Reviewed under an "arbitrary, capricious, or unreasonable standard" (CRS 32-1-206(1))

Metro Districts: Notable Litigation

- *Plains Metro. Dist. v. Ken-Caryl Ranch Metro. Dist.* (service plan enforceable unless not practicable*)
- *Todd Creek Village Metro. Dist. v. Valley Bank & Trust* (material modification not found)
- *Prospect 34, LLC v. Gunnison* County (mill levy cap enforceable)
- *Bill Barrett Corp. v. Sand Hills Metro. Dist.* (shift in location/purpose was material modification)

Material Modifications

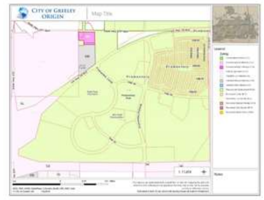
- "Changes of a basic and essential nature" to the service plan require municipal board approval (CRS 32-1-207(2)(a))
  - Does not include changes only to execute the original service plan or boundary changes
  - Material departure from service plan may be enjoined (CRS 32-1-207(3)(a))
- "So far as practicable" (*Plains; Prospect 34*)

Metro Districts in Greeley: Past

- Past City Councils have been skeptical:
  - 1999 – Approved first two Metro Districts
  - 2006 – Issued Moratorium on new Districts
  - 2007 – Adopted Regulatory Ordinances
  - 2008 – Adopted Model Service Plan
  - 2014 – Declined to approve new Districts

Tri-Pointe (Promontory) -- 1999

Residential & Commercial Metro Districts



State Farm Service Center
JBS USA Headquarters

Greeley's Primary Concerns

- Metro District residents may oppose City or School District tax increases
- Metro Districts may have better amenities than in other parts of the City, resulting in perceptions of inequality
- Metro District residents, especially subsequent buyers, may be uninformed and blame City for additional taxes
- Within commercial Metro Districts, major economic engines may seek relief from perpetual additional tax burden

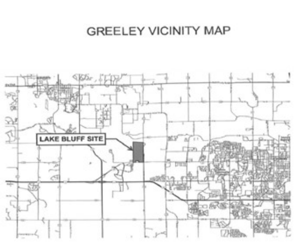
Metro Districts in Greeley: Present

Current City Council is more receptive:

- 2018 adopted Amended Model Service Plan
- Approved six new Metro Districts
- Why the change of heart?
  - Pressure for new housing stock in NOCO
  - Competition from neighboring towns
  - All new Districts in West Greeley, close to Interstate 25

Lake Bluff Metropolitan Districts

<u>Declined</u> approval in **2014.**



<u>Approved</u> resubmittal **2018**.

City of Greeley Metro Districts

City of Greeley Metro Districts

What does Greeley regulate?

- Location and size of District
- Capital and infrastructure improvements
- Mill levy caps and interest rates
- Disclosure statements
- Referral notices to other Districts
- Fees and costs
- Use of eminent domain
- Competitive grants

How does Greeley regulate?

- Require Metro Districts to file annual reports
- Require Council review and approval
- Sanction noncompliance with City ordinance or Special District Act
- Enforce contractual compliance with IGAs
  - Storm Water Facilities Construction & Maintenance
  - Dedication of land for public purpose
  - Collection and remittance of fees

Metro Districts in Windsor

- 1995 - first Metro District (Water Valley)
- 2005 - 6 Districts
- 2005-2007 – developed Model Service Plan
- 2015 – Revised Model Service Plan
  - Relaxed earlier requirements
  - More developer friendly
- 2019 – 20 active Districts

Windsor's First Model Service Plan

- Relied on home rule authority
- Desired because of lack of consistent policy
- Recognized economic inducement to developers (residential or commercial)
- Allowed use for "Enhancements"
  - Debt was limited for Metro Districts for enhancements only
  - Definition:
    - Entry features, non-potable systems, parkways with medians, etc.
    - Definition of enhancements was vague, causing issue with bond counsel
    - Town later required non-potable systems

Windsor's Primary Concerns

- Homeowner awareness of mill levy
- Resistance to future tax increases proposed by Town, special districts, and schools
- Inconsistency between service plans
- Protection of residents from excessive developer cost-shifting
- Potential for district default

Windsor's Current Regulations

- Model Service Plan
- Mill levy cap of 39 total mills – (4) operations; (35) debt service (adjusted for Gallagher, approx. 42 mills now)
- Limits developer cost reimbursements & interest rates for developer obligations
- Minimizes development fees/assessments
- Fees and cost reimbursement for Town review
- Transparency requirements for meetings, elections, notices
- Prohibits use of eminent domain
- Favors formation for mixed use, commercial and industrial developments, higher priced subdivisions and amenity driven developments.

Windsor: Current Trends

- Traditional developer financing
- Metro Districts serving HOA functions
  - Tax advantages for property owners have changed
- Metro District created water enterprise to deliver water to all the areas served within the metro district (Poudre Tech)
- Outsourcing legal, accounting, and financial functions

Windsor: Oil & Gas

- Raindance will have 100+ producing wells
- Benefits:
  - Developing a $10 million recreation center paid for by oil and gas revenues from ad valorem tax
  - 45-50 acres devoted to farm land and open space.
- Developer claimed services would not be possible without oil and gas development

Municipal Oversight: Policy Questions

- Service plans and IGAs; regulations

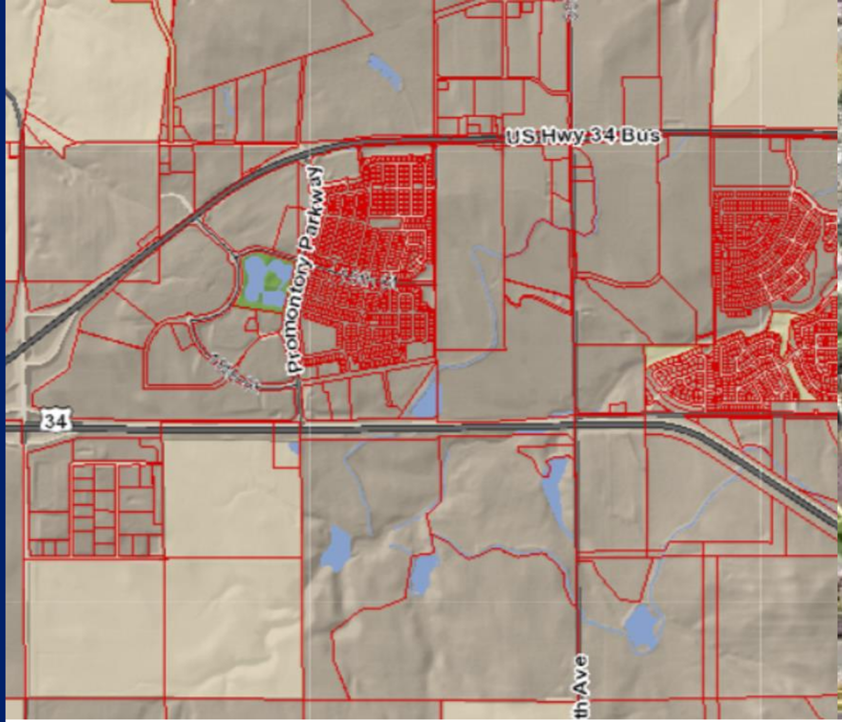
Mill levy term & caps	Debt controls: max; fairness/interest rates
Expense limits	Enhanced public benefit
Minimum size/value	Early end user/resident control
Transparency	Sanctions/enforcement mechanisms
Reimbursement limits	Social policy

- Annual reports (potentially expanded)
- Annual fees & review fees
- Statutory remedies
- Litigation
  - Material departures from service plans/modifications
  - Breach of IGA terms
  - Application of municipal laws and standards

Metropolitan District Updates:

Enhancements and Policy Updates

Brian McBroom, Director of Community Development
Brian.McBroom@Greeleygov.com | 970-350-9802
City Council Work Session – June 25, 2024



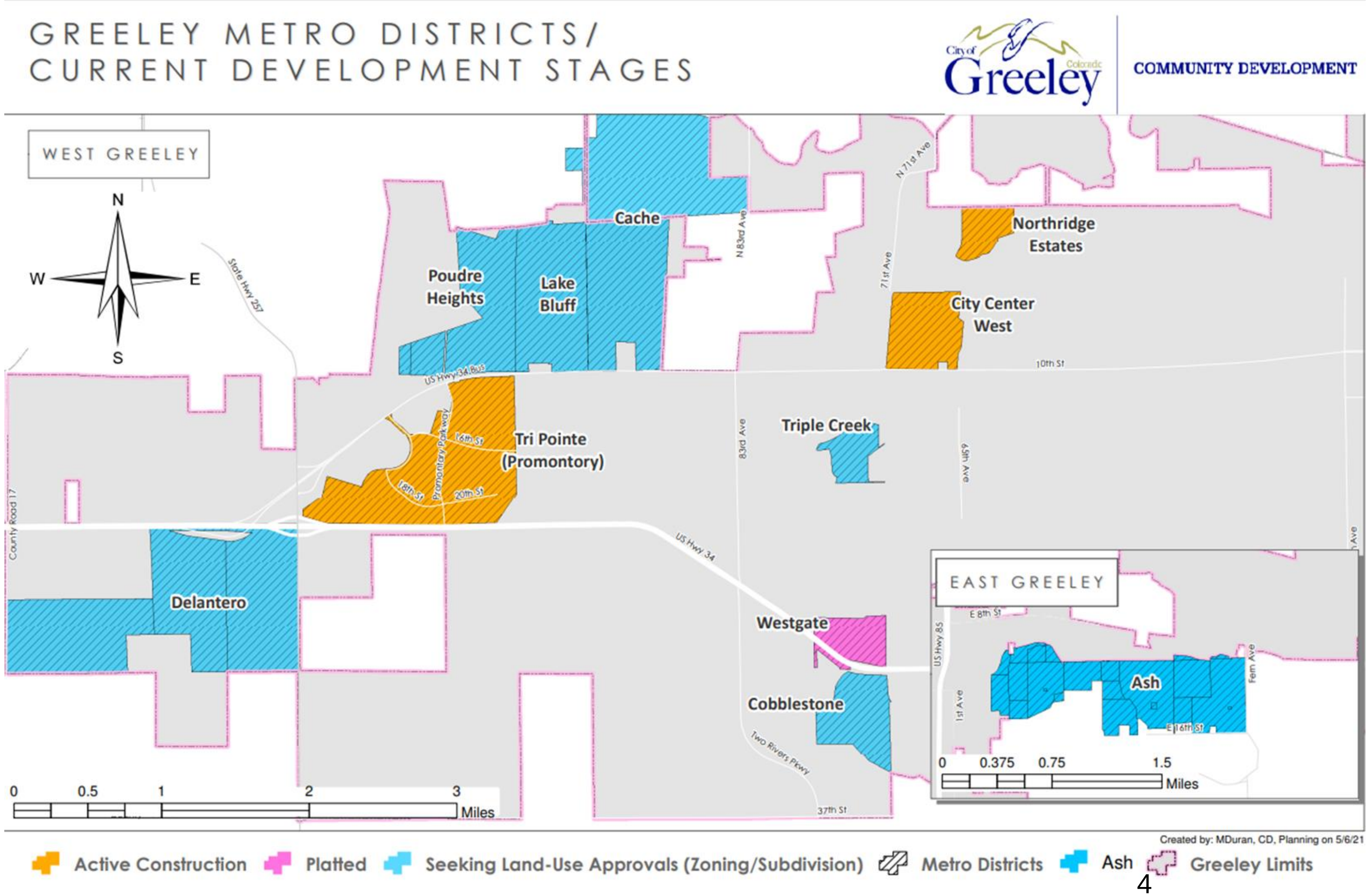
Agenda

- Background
- Overview of comparable community requirements
- Clarification of Greeley priorities
- Staff recommended updates
- Purpose: Consensus and feedback requested

Background

- Greeley ultimately adopted its Metropolitan (Metro) District Code and Model Service Plan in 2007, updated in 2018
- Greeley standards generally reflect the minimum standards found in State Statutes
- Staff presented general information about Metro District updates at a Work session in May 2022
- Greeley adopted technical amendments in March 2023

Introduction



<u>Process Overview</u>

1. Update the current Greeley Metro District Code and Service Plan with basic and needed amendments;

2. **Consider adding new Metro District approval criteria to increase the enhancements required of Metro Districts with new applications;**

3. Monitor state legislation for possible further amendments.

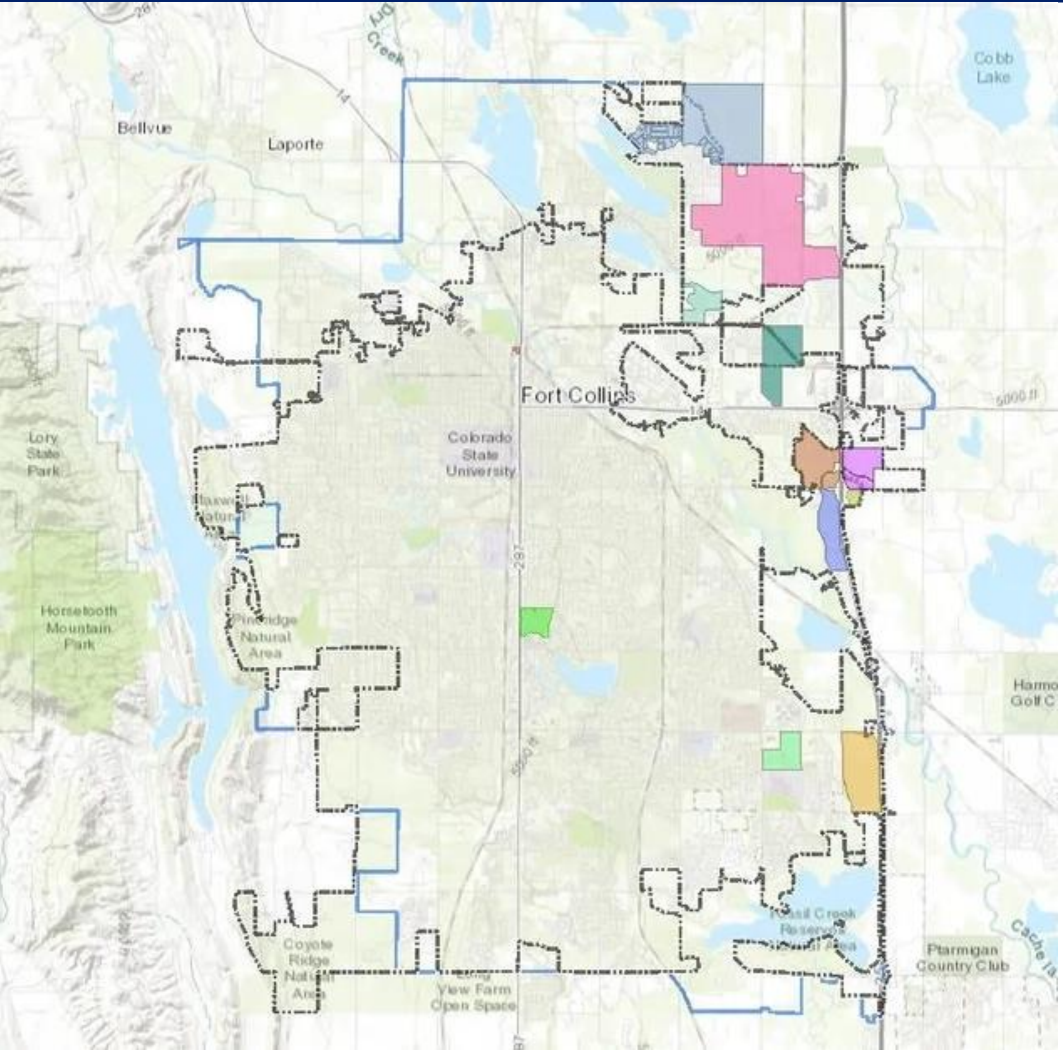
Overview of March 2023 Amendments

- Relocate Metro District regulations into Development Code
- Drop obsolete references
- Shift minimum Metro District size from geographic size to minimum debt limit
- Disallow eminent domain authority
- Add application deadlines for twice/annual election cycles
- Add public notice provision consistent with City Development Code
- Add inactive district dissolution requirements

Comparable Communities

High, Medium, and Low Barrier Metro Requirements

High Barrier Requirements

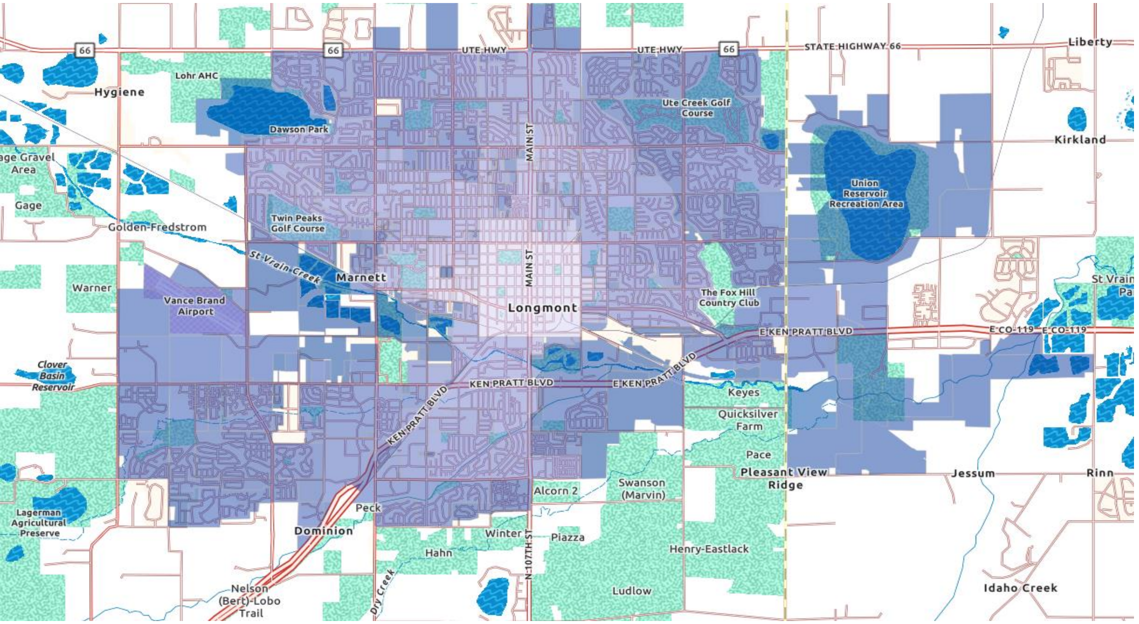


Example: Fort Collins

Point-based threshold:

- Environmental Sustainability
- Critical Public Infrastructure
- Smart Growth Management
- **Strategic Priorities:** Attainable Housing, Infill, Economic Health

Medium Barrier Requirements



Example: Longmont

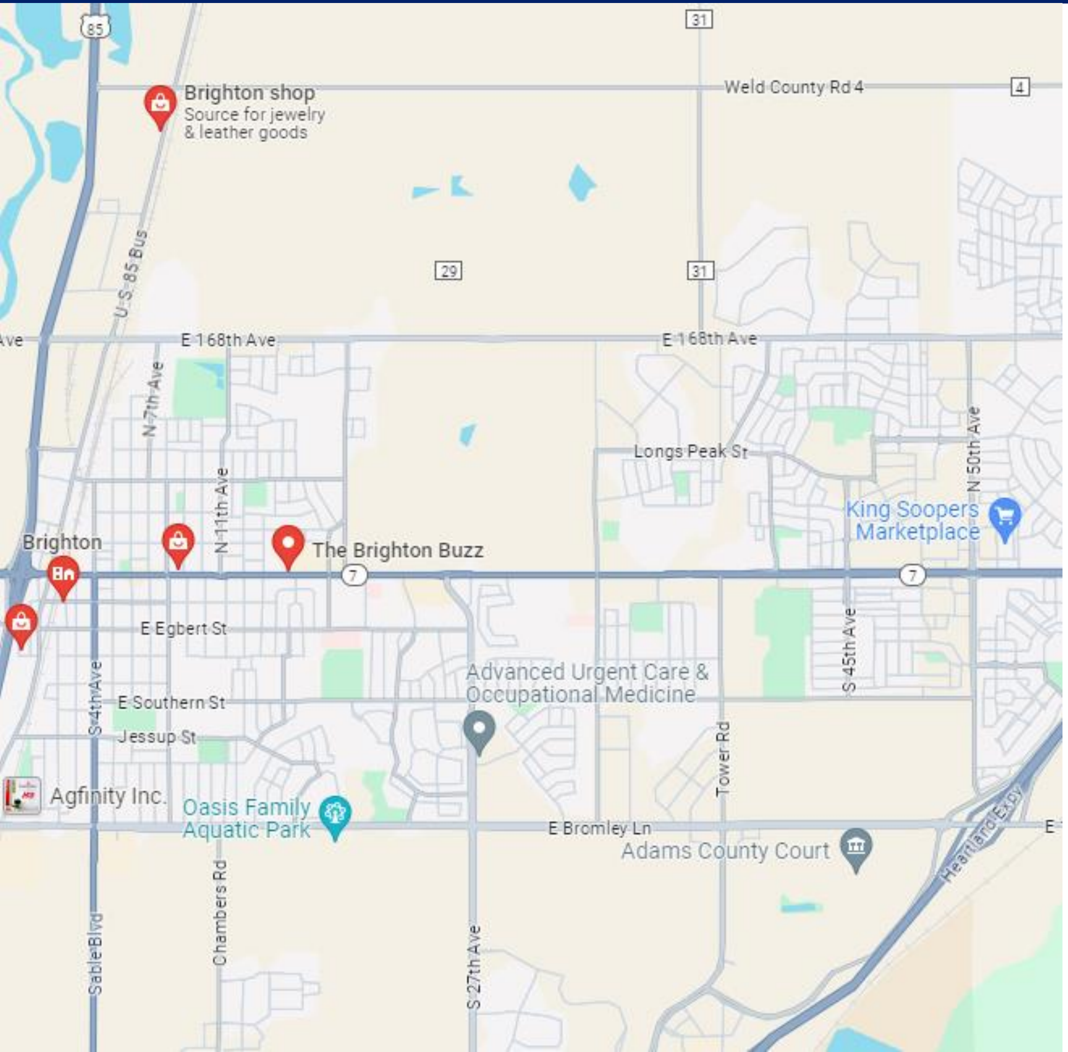
Mixed-use or Commercial:

- Must show demonstrated benefits to citizens and city (implement comprehensive plan, increase tax base)

No Residential because:

- Creates tax differential without commensurate public benefit
- Owners may not be aware of Metro District costs over time

Low Barrier Requirements



Example: Brighton

Point-based threshold:

- Community provides Model Service Plan
- No amenity requirements

**Interested in raising standards but not addressed at this time*

Staff Recommended:

Amenities-Based Approach

High Barrier: Exceed base city standards, provide neighborhood features and design enhancements beyond code requirements

Amenities-Based Approach

- Set proportion of district funding to build and maintain neighborhood amenities
- Minimum threshold determined
- Credit granted for city improvements
- May include implementation of Council priorities

Con: High threshold/cost may deter development

Amenities-Based Approach, Examples

- Implement New Infrastructure Technology
  - Stormwater management strategies, managed landscapes for water conservation, etc.
- Implement Public Amenities
  - Community recreation centers, pools, regional trails, public plazas, or other major public amenities published in city plans and not yet constructed, etc.
- Implement Equitable Policies
  - Redevelopment activities, environmental cleanup, etc.
- Direct, Tangible Economic Development Benefits
  - Increases job growth, increases area tourism, etc.

Alternative: Performance-Based Approach

Medium Barrier: Implement City policy priorities rapidly

Performance-Based Approach

- Metro District approval based on implementation of key Council priorities
    - Affordable, attainable housing
    - Entry-level ownership opportunities
    - Complete neighborhoods: mixed-use, parks and natural areas access
    - Others?
- Applicant required to demonstrate specific policy implementation measures
- Policy priorities may be updated outside of Metro District Regulations

Con: Inconsistency over time with Metro District formation requirements

If Council consensus is to develop an Amenities-Based Approach (High Barrier), staff will assemble a “kit of parts” for stakeholder outreach, draft code revisions, and return with a summary of findings prior to adoption process.

Summary

Thank you

City of Greeley Colorado

Work Session Agenda Summary

June 25, 2024
Key Staff Contact: John Hall, Economic Development Director

Title:
Overview of Key Economic Development Incentive and Public Finance Tools

Background:
The City's Strategic Plan identifies Business Growth as a key focus area. Business growth offers the opportunity for new job creation, the generation of new sales tax revenue, and new private investment in Greeley. Economic development incentives and public finance tools are mechanisms used to stimulate business growth. These tools can be categorized into various types, each serving different purposes.

This presentation will provide an overview of some key incentives and tools that can potentially be seen in future projects brought to council. By utilizing these instruments, governments can create a conducive environment to improve the overall quality of life for citizens. Each tool can be tailored to address specific economic goals and regional needs.

Strategic Focus Area:

Business Growth

Attachments:
1. Item 6 - Key Economic Development Incentive and Public Finance Tools Presentation

Overview of Key Economic Development Incentives & Public Finance Tools

Allena Portis, Deputy City Manager Chief Financial Officer
John Hall, Director of Economic Development
City Council Work Session - June 25, 2024

Agenda

- Introduction
- Vision and Focus Area
- Investment decision factors
- Why we use incentives and public finance tools
- Types of incentive and public finance tools
- How the pieces fit together
- Important considerations
- Examples

Vision and Focus Area

City of Greeley Vision:

“Greeley will be a future-focused city. One that is intentionally developed, safe, affordable, innovative, sustainable, healthy, and inclusive. Seven Key Focus Areas will guide the work that will affirm Greeley as a place where people choose to make their dreams come true and call home.”

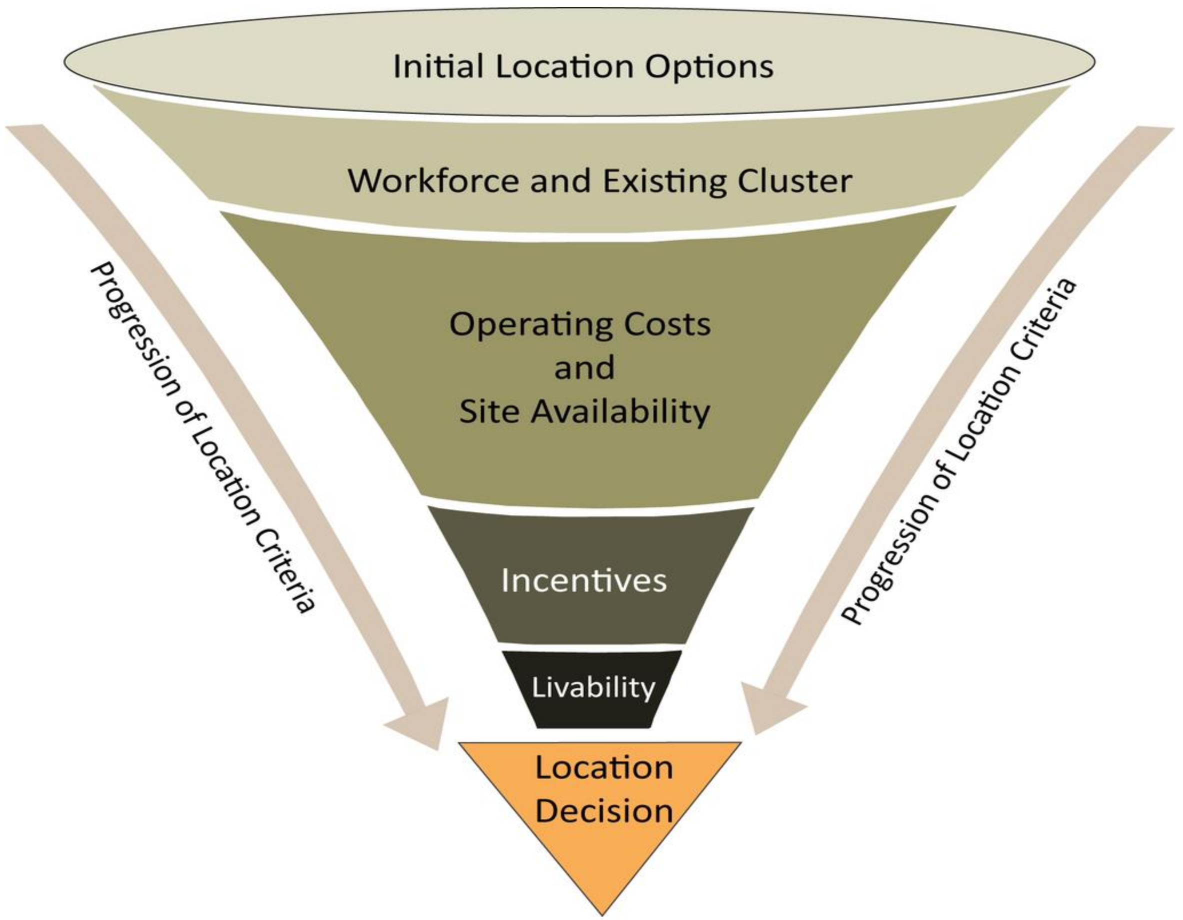
Business Growth Focus Area:

“We are a community with an inviting and reliable environment that recruits, retains, and grows a diversity of businesses, resulting in a resilient economy. Our competitive advantage comes from our skilled workforce, higher wage jobs, ability to collaborate, and expansive business landscape.”

Investment decision factors

City of Greeley Colorado

- Taxes
- Financing
- Regulatory
- Workforce
- Infrastructure
- Markets
- Real Estate



What are public finance agreements and incentives and why do we use them?

- Public Finance Agreements are agreements between a governmental entity and a developer whereby the governmental entity agrees to provide certain financial support directly or indirectly in exchange for the construction of public improvements
- Achieve public policy objectives – jobs, revenue, specific type of investment in a specific location.
- Incentivize an outcome that generates public benefit in a competitive landscape
- Fill a financial gap for a project with public benefit

Types of incentives and public finance tools

- Public Improvement Fees (PIF)
- Tax Rebate Agreements
- Tax Increment Financing (TIF)
- Metropolitan Districts (MD) or General Improvement Districts (GID)
- Direct Contributions
- Rebate/Reimbursement of Development Fees
- General Obligation and Revenue Bonds
- Certificates of Participation
- Non-Profit Conduits
- Land Discounts or Donations
- Moral Obligation Resolution

Public Improvement Fees What are they?

- A public improvement fee ("PIF") is a fee imposed by the owner of real property on retail or other transactions, such as lodging
    - PIF on retail sales is typically imposed as a percentage of gross sales, similar to a sales tax
    - PIF on lodging is typically imposed as a percentage on the total lodging price paid, similar to a lodging tax
- Though PIFs may function similarly to a sales tax or a lodging tax, they are not taxes
- The PIF is imposed by the owner of real property recording a covenant that runs with the land: PIF revenue must be spent on improvements that benefit (or touch and concern) the property that is subject to the PIF

Credit PIFs

There are two types of PIFs – Credit PIFs and Add-on PIFs:

- A Credit PIF is where a municipality grants a credit against a portion of the sales tax or lodging tax due to the municipality that corresponds to the PIF being collected

  Example: The City has a 3% sales tax. The City grants a 1% credit if a 1% PIF is collected. With the credit, the City collects a 2% sales tax and the property owner (through a PIF collection agent) collects the 1% Credit PIF.
- The credit is granted at the cash register and is only granted to the extent that the Credit PIF is actually collected by the retailer from the consumer
- In exchange for granting the credit, the developer agrees to use the Credit PIF proceeds to construct public infrastructure
- Attractive for developers because consumers pay the same effective rate
- Less attractive for the municipality because it is collecting less than its full tax rate.
- The credit for the Credit PIF is established by the municipality adopting a resolution or an ordinance granting the credit

Add-on PIFs

- An Add-on PIF is where the PIF is added to the cost of the goods sold or accommodations provided without a credit being granted against the existing tax

  Example: The City has a 3% sales tax. The real property owner imposes a 1% Add-on PIF on goods sold at retail. The purchaser pays an effective rate of 4% on the goods.
- Less attractive for developers because consumers pay a higher effective rate at establishments on their property than at establishments on property that does not impose an Add-on PIF
- More attractive for the municipality because it is collecting its full tax rate
- Imposition requires no action by the municipality

Tax Rebate Agreements

- Agreement where the municipality collects its tax, such as sales tax or lodging tax, at the full rate and then agrees to rebate all or a portion of the amount collected from a specific taxpayer back to the taxpayer
- Unless approved by the municipal voters, the agreement has to be subject to annual appropriation by the municipality
- The nature of the agreement being subject to annual appropriation makes it less desirable to developers and the investors

Tax Increment Financing (TIF)

- Available to Urban Renewal Authorities, Downtown Development Authorities and Public Highway Authorities
- Once an area is established and a plan is adopted, the property tax base and/or municipal sales tax base for the area is “frozen” and the incremental revenue that is generated above the base goes to the applicable authority to be used to finance public improvements

Metro Districts (MD) What Are They?

City of Greeley Colorado

- Formed under C.R.S. Section 32-1-101, *et seq.*
- Independent quasi-municipal corporation and political subdivision of the state: Independently elected board of directors
- City Council approves service plan that limits powers of district
- Metropolitan districts provide two or more services. Services which may be provided include:
  - Fire Protection
  - Mosquito Control
  - Parks and Recreation
  - Safety Protection
  - Sanitation (sewers)
  - Solid Waste disposal or collection and transportation
  - Streets
  - TV relay and translator
  - Water
  - Transportation (Mass Transit)

Metro Districts (MD)
Revenue Raising Powers

- May levy a property tax imposed on the property within the district
- May levy special assessments on specially benefitted property within the district
- May impose fees, rates, tolls, charges and penalties for revenue-producing services or facilities

General Improvement Districts (GID)

What are they?

- Formed under C.R.S. Section 31-25-601, *et seq.*
- Independent quasi-municipal corporation and political subdivision of the state
- General improvements districts provide any improvement or services that the City can provide
- City Council is the board of the GID

Revenue raising powers:

- May levy a property tax imposed on the property within the district
- May levy special assessments on specially benefitted property within the district
- May impose fees, rates, tolls, charges and penalties for revenue-producing services or facilities

Long-term Financing Options - Bonds and Certificates of Participation

General Obligation Bonds - municipal bonds secured by the full faith and credit of the issuing municipality. Requires a vote to authorize the bonds and tax increase but does not require collateral. The bonds could be limited tax or unlimited tax general obligation bonds.

Revenue Bonds – municipal bonds secured by the revenue from a specific tax, tax increment, specific fees or the City's general fund. Secured by a specific revenue source but does not require collateral. Requires voter approval, unless the bonds are issued by a TABOR enterprise (example, water enterprise).

Certificates of Participation - Lease-financing agreement. Can be repaid from any legally available monies. Requires an asset to lease (collateral), which the municipality can lose use of for the term of the lease if the City does not appropriate funds to make rental payments. Rental payments are subject to annual appropriation. Entering into the lease does not require voter approval.

Other Tools

- Appropriation of funds from the general fund or special funds for specific public improvements
- Rebate certain development or permit fees
- Reimburse the developer for certain improvements, such as for oversizing certain improvements (infrastructure)
- Land discounts or contributions
- Non-profit conduit bonds – revenue bonds secured by project revenues
- Moral Obligation Resolution - A moral obligation resolution is a nonbinding statement of intent from the City Council to appropriate funds to support another entity's bonds; usually in the form of an intent to replenish a reserve fund that secures another entity's bonds if the entity has to draw on the reserve fund to make a bond payment. This provides credit enhancement to the other entity's bonds because the bondholders look at the moral obligation similar to the way that they looked at annually appropriated lease payments for Certificates of Participation

How do the pieces fit together?

- The municipality usually enters into one or more agreements to deploy one or more of the tools identified
- A Public Finance Agreement is used to reflect the agreement of the parties, the flow of revenues and to set restrictions on how revenues are used
- Typically, revenues flow to a metropolitan district that issues bonds to finance the public infrastructure
- The bonds are then payable from the revenue flowing to the metropolitan district through the Public Finance Agreement or other agreements
- Bond repayment sources could include:
    - PIF revenue
    - Rebated tax revenue
    - TIF revenue; and/or
    - Metropolitan district or general improvement district revenue

Colorado Constitutional Limitations

Article 11, Section 2. NO AID TO CORPORATIONS - NO JOINT OWNERSHIP BY STATE, COUNTY, CITY, TOWN, OR SCHOOL DISTRICT

Neither the state, nor any county, city, town, township, or school district shall make any donation or grant to, or in aid of, or become a subscriber to, or shareholder in any corporation or company or a joint owner with any person, company, or corporation, public or private, in or out of the state, except as to such ownership as may accrue to the state by escheat, or by forfeiture, by operation or provision of law; and except as to such ownership as may accrue to the state, or to any county, city, town, township, or school district, or to either or any of them, jointly with any person, company, or corporation, by forfeiture or sale of real estate for nonpayment of taxes, or by donation or devise for public use, or by purchase by or on behalf of any or either of them, jointly with any or either of them, under execution in cases of fines, penalties, or forfeiture of recognizance, breach of condition of official bond, or of bond to secure public moneys, or the performance of any contract in which they or any of them may be jointly or severally interested. Nothing in this section shall be construed to prohibit any city or town from becoming a subscriber or shareholder in any corporation or company, public or private, or a joint owner with any person, company, or corporation, public or private, in order to effect the development of energy resources after discovery, or production, transportation, or transmission of energy in whole or in part for the benefit of the inhabitants of such city or town.

Public Purpose

- Can generally be defined as projects that provide significant cultural, social, and/or economic benefit to the community
- Often represented through job creation, wage levels, economic diversification, or increased retail sales tax
- May also include assistance to projects representing new investment to revitalize specific areas or catalyze development of an area

The “But-For” Argument

- Absent the investment by the municipality, development may not happen or the type of development that is desired would not occur
- ***Without*** development, tax revenues remain stagnate or decline
- ***With*** municipal investment, development occurs, and sales, lodging and property tax revenues increase

Examples

Statewide:
- Grand Junction Dos Rios
- Grand Junction Costco
- Glendale Riverwalk
- Loveland Centerra
- Town of Dillion

Local:
- UNC Medical School
- North Colorado Medical Center
- King Soopers
- Maddie Apartments

Thank you

City of Greeley Colorado

Work Session 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 Work Session Schedule regarding any upcoming meetings or events.

Attachments
Council Meetings and Other Events Calendar
Council Meeting and Work Session Schedule
Status Report of Council Initiatives and Related Information

June 24, 2024 - June 30, 2024

June 2024

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

July 2024

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

Monday, June 24

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

Tuesday, June 25

2:00pm - 3:00pm Greeley Fire Department Promotional Ceremony

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

Wednesday, June 26

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

1:30pm - 3:00pm Delta Park Groundbreaking Celebration (2191 1st Ave (2191 1st Ave, Greeley, Colorado 80631)) - Council Master Calendar

4:00pm - 5:00pm Greeley Stampede Grand Opening Ceremony
(600 N. 14th Avenue, Greeley CO 80631 Park Admission Gate) - Council Master Calendar

5:00pm - 9:00pm Greeley Stampede Bull Riding and Dinner (600 N 14th Ave (600 N 14th Ave, Greeley, Colorado 80631)) - Council Master Calendar

Thursday, June 27

Friday, June 28

8:30am - 1:00pm Annual Naturalization Ceremony (1475 A St (1475 A St, Greeley, Colorado 80631)) - Council Master Calendar

4:00pm - 7:00pm Retirement Open House - John Gates (715 10th Street Greeley CO 80631 (Zoe's Cafe Suite 100)) - Council Master Calendar

Saturday, June 29

Sunday, June 30

July 1, 2024 - July 7, 2024

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

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

Monday, July 1

Tuesday, July 2

6:00pm - 6:30pm Council Meeting Cancelled

Wednesday, July 3

3:00pm - 4:00pm Greeley Police Department Swearing-In Ceremony (Greeley Police Department; Donahue Conference Room) - Council Master Calendar

Thursday, July 4

7:30am - Poudre River Trail (Hall)

Independence Day Holiday - Administrative Buildings Closed

8:00am - 11:00am Greeley 4th of July Parade (TBD) - Council Master Calendar

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

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

Friday, July 5

Saturday, July 6

Sunday, July 7

July 8, 2024 - July 14, 2024

July 2024

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

August 2024

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

Monday, July 8

Tuesday, July 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, July 10

Thursday, July 11

Friday, July 12

Saturday, July 13

Sunday, July 14

July 15, 2024 - July 21, 2024

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

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

Monday, July 15

Tuesday, July 16

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

Wednesday, July 17

8:30am - 5:00pm Council Budget Retreat (R_CCS_Council Chambers Overflow Room 103; R_CCS_Council Chambers - WiFi Ready) - Council Master Calendar

Thursday, July 18

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

10:00am - 11:30am Hold Greeley Refugee Quarterly Community Consultation (TBD)

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

Friday, July 19

Saturday, July 20

Sunday, July 21

City Council Meeting Scheduling 2024

	6/18/2024		
	This schedule is subject to change		
Date/Type	**Description**	**Sponsor Presenter/Director or Project Manager**	**Placement/Time**
June 25, 2024 Council Work Session	Metropolitan District Standards – Options and Recommendations	Brian McBroom	Worksession
	Public Finance Tools and Incentives for Economic Development	John Hall	Work Session
	Executive Session - West Greeley	John Hall	Executive Session
July 02, 2024 Council Meeting	Cancelled		
July 09, 2024 Council Work Session	Proposed Revision to the Cooperation Agreement Between the City and GURA	John Hall	WS
	Overview of Poudre River Stormwater Project	Bhooshan Karnik/ Paul Trombino	WS
July 16, 2024 Council Meeting	Introduction - Mandy Shreve, Director of Homeless Solutions	Mayor	Intro
	Introduction - Rachel Flynn Deputy City Manager IG & SIE	Mayor	Intro
	Minutes - June 4 & June 18 CC; June 11 & June 25 WS	Heidi Leatherwood	Consent
	Motion: Special Meeting for July 23, 2024 (Tentative)	Heidi Leatherwood	Consent
	Motion: Appointment to the Housing Advisory Board	Heidi Leatherwood	Consent
	Resolution - Authorizing City Attorney to Opt-in to Kroger Settlement	Stacey Aurzada	Consent
	Intro & 1st Rdg Ord - Campaign Contributions Limits and Election Amendments	Heidi Leatherwood/Stacey Aurzada	Consent
	Intro & 1st Rdg Ord - Collective Bargaining for Police Sergeants	Stacey Aurzada	Consent
	Intro & 1st Rdg Ord - Eminent Domain Poudre River Ranch Stormwater Drainage Improvement Project (Tentative)	Bhooshan Karnik/ Paul Trombino	Consent
	Intro & 1st Rdg Ord- Ashcroft Local Improvement District	Sean Chambers	Consent
	Intro & 1st Rdg Ord - Amendment to Cooperation Agreement Between the City and GURA	John Hall	Consent
	Intro & 1st Rdg Ord - Housing Advisory Board	Deb Callies	Consent
	PH & 2nd Rdg Ord - Eminent Domain 37th Street Bridge Project	Bhooshan Karnik/ Paul Trombino	Regular
	PH & 2nd Rdg Ord - Request for Eminent Domain Authority for 83rd avenue and 4th Street Project	Bhooshan Karnik/ Paul Trombino	Regular
	PH & 2nd Rdg Ord - Request for Eminent Domain Authority for 23rd Avenue and 4th/5th Street Project	Bhooshan Karnik/ Paul Trombino	Regular
	PH & 2nd Rdg Ord - Westgate Non-Pot Local Improvement District	Ryan Duve/ Adam Prior/ Sean Chambers	Regular
	Boards & Commissions Appointments	Heidi Leatherwood	Regular
	Executive Session - West Greeley	John Hall	Executive Session
	Executive Session - Potential Settlement of Litigation	Stacey Aurzada	Executive Session
July 23, 2024 Council Work Session	June Polling Results	Kalen Myers	WS
	Ballot Measure Decisions	Kalen Myers	WS
August 06, 2024 Council Meeting	Minutes July 2, 2024 CC: July 9 WS	Heidi Leatherwood	Consent
	Resolution - IGA coordinate election with the County	Heidi Leatherwood	Consent

City Council Meeting Scheduling 2024

	6/18/2024		
	This schedule is subject to change		
Date/Type	**Description**	**Sponsor Presenter/Director or Project Manager**	**Placement/Time**
	Resolution - Private Activity Bonds Retention	Ashley Weesner	Regular
	Resolution - Union Colony Donation	Diana Frick	Consent
	Intro & 1st Rdg- Ordinances for ballot measures	Kalen Myers	Consent
	Intro & 1st Rdg Ord - Code amendment to change the retention period for Administrative Hearing Officer Records (tentative)	Tasha Reynolds/ Heidi Leatherwood	Consent
	Intro & 1st Rdg Ord - Amending Article X of Chapter 5 of Title 2 Greeley Municipal Code Relating to Museums	Chris Bowles/Diana Frick	Consent
	PH & 2nd Rdg Ord - Campaign Contributions Limits and Election Amendments	Heidi Leatherwood/Stacey Aurzada	Regular
	PH & 2nd Rdg Ord - Collective Bargaining for Police Sergeants	Stacey Aurzada	Regular
	PH & 2nd Rdg Ord - Request for Eminent Domain Authority for Poudre River Ranch Stormwater Drainage Improvement Project (Tentative)	Bhooshan Karnik/ Paul Trombino	Regular
	PH & 2nd Rdg Ord- Ashcroft Local Improvement District	Sean Chambers	Regular
	PH & 2nd Rdg Ord - Amendment to Cooperation Agreement Between the City and GURA	John Hall	Regular
	PH & 2nd Rdg Ord - Housing Advisory Board	Deb Callies	Regular
August 13, 2024 Council Work Session	1st and 2nd Quarter Finance Information	Tyra Litzau/Robert Miller	Work Session
	Image and Tourism Update	Jaqueline Villegas	Work Session
	Planning Commission Interviews	Heidi Leatherwood	Work Session

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 Meeting	•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 July 16, 2024. Council Meeting; 2nd Rdg Ordinance scheduled for August 6, 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	•Survey complete, will reach 60% design by end of May. Still on track for construction by end of year.	PW
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 •Council work session late 3rd quarter or early 4th 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 design/permitting and construction for this section.	•Received a $45,000 planning grant from the State Trails program in Colorado Parks and Wildlife, and PRTC is contributing $25,000 toward the design process at this integral section of the trail. Natural Areas and Trails division of CPRD has contracted Otak to conduct geotechnical analysis for the Narrows section of the Poudre River Trail in west Greeley. After completing several test bores in the area in late March, the consultant is completing analysis of the testing and will be hosting a workshop with CPRD and Public Works staff, along with representatives from the Poudre River Trail Corridor, Inc. (PRTC) a non-profit board in May.	Diana Frick
14-2023	Butler	**Charter Review**	12/19/2023	Asked Staff to start process of Charter review	Will schedule a follow up report/work session to provide council with cost analysis and CAO will provide information on immediate need changes Update pending second quote information	CAO/CCO
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	Pending CAO Scheduling of a Council Meeting	CAO

3-2024	Butler	**Requested a Budget Retreat for 2025 Budget**	April 2, 2024 City Council Meeting	Requested a Budget Retreat for 2025 Budget	Budget Retreat is scheduled for July 17, 2024	Caleb Weitz
4-2024	Butler	**Requested Work Session for information on the Lincoln Park Redesign- to include status of project, timeline of project and overview of the coming outreach Work Session**	April 2, 2024 City Council Meeting	Requested Work Session for information on the Lincoln Park Redesign- to include status of project, timeline of project and overview of the coming outreach Work Session	A team of staff in CPRD is working to reimage uses for Lincoln Park which includes activation of the space bringing the community to downtown. RFP submitted, proposals were due April 15th. Once the consultant is selected, we will begin internal and external stakeholder and community outreach work.	CPRD
5-2024	Hall	**Impact Fee Study Structure**	May 7, 2024 Council Meeting	Requested staff bring a report to a future work session explaining more in depth the Impact Fee Study Structure - how the ratio is calculated, review process, timeline of review, and development fees	Meeting with staff Work session planned for September	Allena Portis/Robert Miller
6-2024	Butler	**Sidewalk Funding Projects**	May 21, 2024 Council Meeting	Requested staff to come to a work session to report on sidewalk work and plans being done		Paul Trombino

Work Session Agenda Summary

June 25, 2024
Key Staff Contact: John Hall, Economic Development Director, Stacey Aurzada, Interim City Attorney

Title:
A motion to go into an Executive Session: Economic Development Project

Background:
Staff will update the City Council about possible acquisition of real property for an economic development project. Additionally, staff will request instructions from Council related to negotiations for economic development incentives and real property acquisitions for this project.

Strategic Focus Area:

Business Growth

Recommended Action: A motion to go into executive session to discuss possible acquisition of real property, and to receive instructions regarding negotiation for real property acquisition, and negotiation of economic development incentives, as provided for in C.R.S. § 24-6-402(4)(a) and § 24-6-402(4)(e)(I) and Greeley Municipal Code § 2-151 (a)(1) and § 2-151 (a)(5); and if necessary to receive advice from the City Attorney related to these matters as provided for in C.R.S. § 24-6-402(4)(b) and Greeley Municipal Code § 2-151(a)(2).

Attachments:
None

Work Session Agenda Summary

Title
Adjournment