

Greeley City Council Agenda

Regular Meeting
Tuesday, August 20, 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/83020598460>

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

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/>

If you need the following documents in an alternative format for accessibility purposes, please contact the City Clerks Office at cityclerks@greeleygov.com or 970-350-9740.

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

August 20, 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/83020598460>

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 Work Session Meeting Proceedings of July 23, 2024
10. A resolution of the City Council of the City of Greeley authorizing City staff to enter into an Amendment to a Settlement Agreement and Release between Matthew Wilson and Kenneth Amick
11. Introduction and first reading ordinance amending Title 2 of the Greeley Municipal Code to create the Housing for All Advisory Board
12. Introduction and first reading of ordinance amending Title 20, Chapter 3 of the Greeley Municipal Code relating to the Prohibition of Lead Pipes

13. Introduction and first reading of an ordinance amending Title 20, Chapter 3, Article III, Division 1 and Article V of the Greeley Municipal Code relating to the Use and Construction of Domestic and Agricultural Wells

End of Consent Agenda

14. Pulled Consent Agenda Items
15. Food Tax Rebate Program Overview
16. Public hearing and second reading of an ordinance amending Article X of chapter 5 of Title 2 of the Greeley Municipal Code relating to Museums
17. Public hearing and second reading of an ordinance authorizing and approving a loan from the Colorado Water Resources and Power Development Authority (CWRPDA) for the purpose of financing capital improvements to the water system; approving a loan agreement and the issuance of a bond to evidence the loan; providing for the payment of the bond from the operation of the water system on the terms and conditions providing in the bond ordinance
18. Public hearing and second reading of an ordinance making assessments against the lots and lands included within the Local Improvement District No. 343795 to recover the approved maximum costs of construction for sanitary sewer infrastructure in Greeley, Colorado (Ashcroft Draw Basin Sanitary Sewer Infrastructure)
19. Public hearing and second reading of an ordinance submitting to the registered electors of the City of Greeley at the November 5, 2024, coordinated Municipal Election, a question regarding an amendment to Part 1, Article V of the Greeley Municipal Charter regarding financial operations
20. Public hearing and second reading of an ordinance amending sections 6-29, 6-422, 6-445, 6-446, 6-477, 6-481, 20-151 and 20-152 of the Greeley Municipal Code
21. Public hearing and second reading of an ordinance submitting to the registered electors of the City of Greeley at the coordinated election to be held November 5, 2024, the question of authorizing the City Council to extend the current sales tax on food
22. Public hearing and second reading of an ordinance submitting to the registered electors of the City of Greeley, at the coordinated election to be held November 5, 2024, the question of authorizing the City to increase debt by \$65 Million in order to fund transportation improvements
23. Appointments to Boards and Commissions - Construction Trades Advisory and Appeals Board, Judicial Review Board, and Planning Commission
24. Scheduling of Meetings, Other Events
25. 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
26. Adjournment

If you need the following documents in an alternative format for accessibility purposes, please contact the City Clerks Office at cityclerks@greeleygov.com or 970-350-9740.



Council Agenda Summary

Title:

Recognitions and Proclamations

Summary:

Mayor Gates will present a proclamation:

- National Public Lands Day Proclamation

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

Attachments:

National Public Lands Day Proclamation

Item 5 – What's Great About Greeley Presentation



Recognizing National Public Lands Day

WHEREAS, National Public Lands Day fosters a strong connection between people and nature; and

WHEREAS, the City's natural areas, parks, and other natural spaces are recognized for their significant positive impacts to Greeley residents' quality of life; and

WHEREAS, the City of Greeley encourages all residents to join in the care and celebration of our public lands; and

WHEREAS, 2024 marks the 31st annual National Public Lands Day celebration.

NOW THEREFORE, I, John Gates, Mayor of the City of Greeley, Colorado, do hereby proclaim September 28, 2024, as National Public Lands Day in the City of Greeley, and encourage all residents to engage in the celebration and stewardship of Greeley's natural areas.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official seal of the City of Greeley, this 20th day of August 2024.

John Gates, Mayor



City Council Meeting
August 20, 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 with various buildings, green spaces, and a range of 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

Dr. Brenda Campos-Spitze Appointed to UNC Board of Trustees by Gov. Jared Polis

- Latina family physician at Sunrise Community Health
- Serves on Greeley-Evans School District 6 Board of Directors
- Will serve on UNC Board through 2024



Aims Community College Providing First Ford ASSET Program in Colorado

- ASSET - Automotive Student Service Educational Training Program
- Includes paid internship, real-world exposure, associate degree, and Ford service technician specialty training.



Charles L. Cooper Chosen for Lifetime Achievement Award by Strathore's Who's Who Worldwide

- Honored for outstanding contributions in field of finance and retirement planning.
- Formerly worked for Greeley Police Department.



Katie Bond Given the Young Optometrist of the Year Award by Colorado Optometric Association.



Greeley Recreation Received \$20,000 Donation From Phillips 66

- Funds will go towards swimming lessons, equipment upgrades and new technology.



UNC Graduate, Jourdan Delacruz, Took 5th Place at 2024 Olympic Games in Women's Weightlifting

- This is her second appearance at the Olympics.
- She also competed at the 2020 Tokyo Games.



Greeley Ranked #5 on the '50 Best Sunsets Worldwide' List

- Based on social media data using TikTok popularity and local light pollution levels.







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 Meeting	•Next grant application expected May 2023	• City was awarded a RAISE grant for \$20.5 Million. City has submitted for a MPDG grant and is waiting on the results. Discussions continue with CDOT on the 1601 process.	Paul Trombino
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	Bid documents under preparation. Awaiting CDOT and USACOE permits	PW
11-2023	Clark/Butler	Artificial turf and landscape standards	August 1, 2023 Council Meeting	•Come back to Council with a draft ordinance	Scheduled for the October 22, 2024 Work Session	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. Completed 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
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	The City of Greeley has engaged Kimley Horn and Agora Partners for the Reimagine Lincoln Park project, aimed at creating a vibrant and innovative public space in the downtown. The vision for the project includes building a coalition around Lincoln Park, fostering an environment where people of all ages gather to recreate, thrive, and come together. Engagement is scheduled to begin at the end of July.	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 tentatively scheduled 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	Presentation in October as Stormwater presentation will take priority.	Paul Trombino

7-2024	Butler	Stormwater Project Prioritization	August 6, 2024 Council Meeting	Requested staff to bring to a future work session information on the top priorities for Stormwater for the next decade. A review of current and future drainage studies. Also, what projects are next for Stormwater.	Scheduled for the August 27, 2024 Council Work Session	Paul Trombino
--------	--------	--	-----------------------------------	---	--	---------------



Council Agenda Summary

August 20, 2024

Key Staff Contact: Heidi Leatherwood, City Clerk

Title:

A motion to approve the Work Session Meeting Proceedings of July 23, 2024

Summary:

The Work Session of the City Council was held in City Council Chambers on July 23. The draft proceedings of the meeting is presented for the Council's review and approval.

Fiscal Impact:

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

Legal Issues:

Consideration of this matter is a legislative process

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. Council Work Session Minutes July 23, 2024 draft

City of Greeley, Colorado
CITY COUNCIL WORK SESSION REPORT
July 23, 2024

1. Call to Order

Mayor John 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

City Clerk Heidi Leatherwood called the roll.

The following members of Council were present:

Councilmember Tommy Butler

Councilmember Deb DeBoutez

Mayor Pro Tem Dale Hall

Councilmember Brett Payton

Councilmember Johnny Olson

Councilmember Melissa McDonald

Mayor John Gates

4. Reports from Mayor and Council Members

None

5. GXY Airport Strategic Vision

Public Works Director Paul Trombino presented this item at 6:01 p.m. Airport Development Director Paul Anslow was available for questions.

Staff presented an overview of the Greeley-Weld County Airport (GXY) including a new 20-year Strategic Business Plan and sought Council feedback on the plan.

Councilmember Olson asked for additional information on the capacity of runways. Mr. Trombino and Mr. Anslow shared that the length of the runway is not a problem, the issue is related to weight-bearing capacity restrictions.

Councilmember McDonald inquired why the weight issue was not considered when it was originally built and if there a less expensive option. Mr. Anslow said that it may have been a budgeting issue at the time, however, cannot confirm with certainty what occurred

at that time. Mr. Trombino added that the length was likely envisioned to the demands of the time. Mr. Anslow explained that adding weight is usually less expensive than reinforcing a current runway. Mayor Pro Tem Hall confirmed that, when he was on the Airport Authority Board, funding was an issue, and the plan was to secure the length and then add the strength at a later point to support the final goal of commercial level expansion.

Councilmember DeBoutez asked about funding. Mr. Trombino explained that funding is unknown at this time. There are two issues, the taxiway, and connectors as the most important elements to address first, per the suggestions of the Federal Aviation Administration (FAA), which will likely lead to the possibility of FAA funding opportunities. Mr. Anslow added that money for the airport is usually incurred through ground leases. Maintenance and repair facilities bring jobs and additional benefits to the area. Mr. Lee shared that the City is in a unique position to make investments in the airport. The National Guard will remain at the airport, and strengthening the runway opens additional opportunity for military aircraft to utilize the airport.

Mayor Pro Tem Hall commented that while commercial expansion makes sense, passenger service does not. Mr. Anslow shared the benefits of commercial service as the best way to optimize an airport with Greeley's anticipated growth and the unique length of the runway, passenger service is a capitalization opportunity. Mr. Anslow and Mr. Trombino brought up the current state of Boulder Airport's and potential sale, as well as the positioning of the airport. Being outside of Denver International Airport (DIA) provides advantages for airport growth, including commercial service.

Councilmember Butler asked for clarification on the 20-year strategic plan, specifically the timeframe and cost. Mr. Anslow explained that once the runway weight capacity is strengthened, typically it can be flight-ready within a year. Mr. Trombino expressed the need to do a full cost analysis before the cost for strengthening the runway can be determined, and ownership is shared with Weld County.

Mayor Gates commented that the airport is an untapped potential, particularly with hanger space. He agreed that an analysis is appropriate, and support is needed from the County Commissioners.

6. Summer Poll Results and Ballot Decisions

Director of Communications and Engagement Winna MacLaren, Deputy Budget and Policy Director Kalen Myers, and Alex Dunn, Vice President of Aspect Strategic presented this item at 6:33 p.m.

Staff presented the City Council with the results of the public poll conducted in June and sought consensus on which measures to place on the November 5, 2024, ballot.

Public opinion research firm Aspect Strategic, polled 500 Greeley residents to gauge their support of three potential ballot measures: the food tax renewal with permanent extension, a transportation debt issuance, and 0.25% sales and use tax increase for public safety. Consultant Alex Dunn presented details of the poll results.

Mayor Gates requested Mr. Dunn's professional opinion on adding a "sunset" versus "no sunset" polling results. The statistical difference from the focus groups sampling concluded that it is not impacting support, given the option, although a "sunset" is favored.

Councilmember Butler commented that the language is excessive, stating "permanently extended unless altered" seems redundant and he inquired if this language is required by Taxpayer's Bill of Rights (TABOR). City Attorney Ms. Aurzada responded that the City has been working with outside council on the specific language. Councilmember Butler inquired if "without raising taxes" could be added at the beginning of the debt issuance ballot issue. Ms. Myers responded, no, the legal requirements must be adhered to the formal language will come before the council on August 6, 2024, to provide an opportunity for specific questions and alterations.

Councilmember DeBoutez inquired why the debt issuance issue cannot be started with "without raising taxes". Ms. Aurzada explained it is not a tax measure, it is a debt.

Councilmember Olson asked for opinion on the impact of campaigning. Mr. Dunn shared an overview of the process and expressed that there is real utility in campaigning.

Councilmember McDonald shared that the sales tax on food is a big issue with her constituents and she is surprised that the debt package issue has such support.

Council consensus was to add the sales tax on food question to the ballot.
Council consensus was to proceed with transportation debt issuance question on the ballot.

7. Scheduling of Meetings, Other Events

None.

8. A motion to go into an Executive Session for economic development incentives and real property acquisitions

Recommended Action: A motion to go into executive session to discuss possible acquisition of real property, and to receive instructions regarding negotiations 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 § 2151(a)(2).

Councilmember Payton moved to approve the motion. Mayor Pro Tem Hall seconded the motion. The motion passed 7-0 at 7:23 p.m.

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

9. Adjournment

Mayor Gates adjourned the meeting at 7:24 p.m.

8. Executive Session: Executive Session for the purpose of negotiating for economic development incentives and real property acquisition

The Executive Session was called to order at 7:31 p.m. for the purpose of negotiating for economic development incentives and real property acquisition.

All members of Council were present to participate in the executive session, which was convened in person and on zoom platform, in the Colorado Room of City Center South, located at 1001 11th Ave.

In addition, the following staff members attended:

Raymond Lee
Stacey Aurzada
Allena Portis
Dan Biwer
John Hall
Blair Snow
Jason Simmons
Rachel Flynn
Ashley Stiles
Paul Trombino
Brian McBroom
Dalton Kelley

Mayor Gates cautioned each participant to confine the discussion to the stated purpose and provided a reminder that no formal action may occur in the 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 8:32 p.m.

The recording of this executive session 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 D. Gates, Mayor

Attest:

Heidi Leatherwood, City Clerk



Council Agenda Summary

August 20, 2024

Key Staff Contact: Stacey Aurzada, City Attorney, John Goodson, Risk & Safety Manager

Title:

A resolution of the City Council of the City of Greeley authorizing City staff to enter into an Amendment to a Settlement Agreement and Release between Matthew Wilson and Kenneth Amick

Summary:

Wilson filed suit against Amick for actions committed by Amick while arresting Wilson, which actions occurred while Amick was employed by the City of Greeley Police Department. The City retained independent counsel for Amick, who has reached terms of a settlement with Wilson. The City was not named in the lawsuit, but is part of this settlement due to its legal obligation to defend and indemnify Amick. To reflect the terms of this settlement, the City Attorney's Office has negotiated the terms of an Amendment to the settlement agreement between Wilson and Amick. Settlement is contingent upon the approval of the City Council.

Fiscal Impact:

1. Does this item create a fiscal impact on the City of Greeley? Yes
2. If yes, what is the initial, or, onetime impact? \$100,000
3. What is the annual impact? None
4. What fund of the City will provide Funding? Claims Reserve Fund
5. What is the source of revenue within the fund? Allocations charged to each City department
6. Is there grant funding for this item? No

Legal Issues:

A settlement agreement with Mr. Wilson and Mr. Amick will resolve all present claims. The parties also release and waive any other claims that might have arisen from the incident, including any claims that might have been asserted against the City, its officers, employees, and agents.

Other issues and Considerations:

None anticipated

Strategic Focus Area:

Safe and Secure Communities

Decision Options:

Upon consideration of the matter in open session, the Council may move to:

1. Adopt the resolution as presented;
2. Amend the resolution and adopt as amended;
3. Deny the resolution;

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

Council's Recommended Action:

A motion to adopt the Resolution.

Attachments:

1. Resolution No. 27 , 2024 with Exhibits A and B

THE CITY OF GREELEY, COLORADO

RESOLUTION No. 27, 2024

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREELEY,
COLORADO AUTHORIZING CITY STAFF TO ENTER INTO AN AMENDMENT TO
A SETTLEMENT AGREEMENT BETWEEN MATTHEW WILSON AND KENNETH
AMICK**

WHEREAS, Matthew Wilson initiated litigation against Kenneth Amick, for actions taken by Amick while he was employed by the City of Greeley; and

WHEREAS, the City has the legal obligation to defend Amick and to indemnify him for the incident in question;

WHEREAS, the City provided independent counsel for Amick; and

WHEREAS, outside counsel reached an agreement resolving the litigation, a copy of which is attached as Exhibit A; and

WHEREAS, settlement of the claim will include the full release of all claims against the City of Greeley, its officers and employees as required by Section 6-384(e) by both Wilson and Amick; and

WHEREAS, the City Attorney's Office believe it is in the best interests of the City of Greeley to approve a settlement of this litigation;

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

1. City Council authorizes City staff members to sign an Amendment to August 5, 2024 Settlement Agreement and Release ("Amendment"), a form of which is attached as Exhibit B.
2. The City Attorney is authorized to make changes to the Amendment following review and approval by City Council as long as such changes do not change the substance of the agreement.

3. This Resolution shall become effective immediately upon its passage.

PASSED, AND ADOPTED, SIGNED AND APPROVED this 20th day of AUGUST, 2024.

ATTEST: THE CITY OF GREELEY, COLORADO

By: _____
City Clerk

By: _____
Mayor

RESOLUTION No. 27, 2024
Exhibit A

SETTLEMENT AGREEMENT AND RELEASE

This Settlement Agreement and Release ("Agreement") is entered into on this 5th day of August, 2024, by and between Matthew Wilson ("Mr. Wilson") and Kenneth Amick ("Mr. Amick"). Mr. Wilson and Mr. Amick are sometimes referred to collectively as the "parties."

RECITALS

Mr. Wilson had an interaction with Mr. Amick as a member of the Greeley Police Department on June 7, 2021.

Mr. Wilson asserted multiple claims against Mr. Amick in an action filed in the United States District Court for the District of Colorado, Civil Action No. 23-cv-01451-CNS-KAS ("the litigation").

Mr. Amick has denied his conduct violated any federal or state constitutional right maintained by Mr. Wilson.

The parties wish to avoid the expense and vagaries of litigation, and the parties are willing to settle their disputes on the terms set forth in this Agreement without any admissions of liability or wrongdoing by either party.

IN CONSIDERATION of the mutual and unilateral covenants, obligations and promises set out within this Agreement, the parties agree as follows:

OBLIGATIONS, PROMISES AND COVENANTS OF MATTHEW WILSON

1. **INTENT** Matthew Wilson intends this Agreement as a complete settlement and release of all actual and potential issues between himself and Mr. Amick and every present or former elected official, official, employee, agent, representative, successor, predecessor, attorney, insurer, or self-insurance pool of the City of Greeley ("the City") that occurred or accrued prior to the signing of this Agreement whether raised in the litigation or not. Through this Agreement, Mr. Wilson expresses his intent on behalf of himself and all of his successors, assigns and heirs to resolve all existing and potential disputes derived from his interactions with Mr. Amick and the Greeley Police Department and all released parties on June 7, 2021, or contact with any of the released parties to the date of this Agreement. This Agreement concludes every actual or potential dispute and claim between Mr. Wilson any released entity and individual, whatever the nature of any such claim and disputes prior to the date of this Agreement.

2. **RELEASE** Mr. Wilson on behalf of himself and all of his successors, agents, representatives and heirs, hereby releases Mr. Amick and the City and every present or former elected official, official, employee, agent, representative, successor, predecessor, attorney, insurer or self-insurance pool of the City from any and all claims, causes of action, liabilities, expenses and for damages that were or may be asserted against any of them as a result of any acts that

occurred prior to the date this Agreement is executed, as well as respecting any and all omissions to perform acts that were to be performed prior to the date of this Agreement, including, without limiting the generality of the foregoing, any act or omission occurring on June 7, 2021, whether raised in the litigation or not. Specifically, but not by way of limitation, this release includes any and all claims pursuant to federal law, the common law of any state, any federal statute, any state statute, and local law, any federal or state constitutional provision, and any claim for attorney's fees under 42 U.S.C. § 1988 or any other state or federal statute or law prior to the date of this Agreement.

3. COVENANT TO DISMISS LITIGATION AND NOT TO SUE Mr. Wilson agrees and covenants he will authorize his counsel to enter into a stipulated motion to dismiss the proceedings before the United States District Court for the District of Colorado with prejudice. Mr. Wilson further agrees and covenants he will not sue or assert any federal or state cause of action, at law or in equity, whether before a court of law or an administrative agency against any entity or individual released by this Agreement for any claims, causes of action, liabilities, expenses or damages arising out of any acts or omissions by such person or entity that occurred prior to the date this Agreement is executed whether raised in the litigation or not. Mr. Wilson expressly waives any claims he may possess under any state or federal law of any kind or type, again without limiting the generality of the foregoing, prior to the date of this Agreement.

4. WARRANTY OF CAPACITY TO EXECUTE AGREEMENT Mr. Wilson represents and warrants no other person has or has had any interest to the claims, demands, obligations, or causes of action referred to in this Agreement, and he has the sole right and exclusive authority to execute this Agreement and he has not sold, assigned, transferred, conveyed or otherwise disposed of any of the claims, demands, obligations, or causes of action released or referred to in this Agreement. In the event a third party seeks to assert claims under a transferred or subrogated interest, Mr. Wilson will defend and hold harmless the released parties for any such claim.

5. AGREEMENT RESPECTING TAXES Mr. Wilson agrees in the event any part of any money he receives in settlement of any claim resolved by this Agreement is determined to be taxable by any taxing authority, he will be solely responsible for any tax liability arising therefrom. If any entity or person released pursuant to this Agreement is ever found responsible for any tax liability arising from any failure to satisfy any tax liability on any payment described herein, Mr. Wilson agrees to defend, indemnify and hold the released entity or person harmless for any tax, interest or penalty on a tax liability.

6. NO LIENS AND HOLD HARMLESS AGREEMENT Mr. Wilson declares in the event that any entity, person, or party released herein is subjected to any other or further claims of any type by any person or entity, under any actual or purported lien, Mr. Wilson will hold all parties released herein harmless from any and all such claim(s).

7. NO ASSIGNMENT AND HOLD HARMLESS AGREEMENT Mr. Wilson declares and represents no other person or entity received any assignment, subrogation or other

right of substitution to any claim or claims they made or asserted or could have asserted in connection with this matter or pertaining to his association, or contact with any released entity or individual or to any proceeds of such claim(s) obtained or that could have been obtained in connection with any claim they made or could make, and that in the event that any entity, person or party released herein is subjected to any other or further claims of any type by any person or entity, under any actual or purported right of substitution, Mr. Wilson will hold all parties released herein harmless from any and all such claim(s).

8. NO THIRD PARTY BENEFICIARIES Mr. Wilson declares and represents no other persons, firm or corporation is a third party beneficiary to any claim or claims made or asserted in connection with this matter or pertaining to the matters resolved in this Agreement or to any proceeds of such claim(s) obtained or that could have been obtained in connection with any claim they made or could make, and that in the event that any entity, person or party released herein is subjected to any other or further claim of any type by any person claiming the status as a third party beneficiary of Mr. Wilson, Mr. Wilson will hold all parties released herein harmless from any and all such claim(s).

9. REPRESENTATIONS AND AGREEMENTS CONCERNING MEDICARE AND MEDICAID. Mr. Wilson will provide the City and its insurer with complete, accurate, and up-to-date information regarding his Medicare and Medicaid eligibility status, if any. Mr. Wilson also will provide any and all information required by the City and its insurer to verify his Medicare eligibility status and to facilitate and meet the reporting obligations under 42 U.S.C. § 1395y(b)(8). Such information may include, but is not limited to his full name, Social Security Number, Medicare Health Insurance Claim Numbers, if any, gender, date of birth, and information regarding any alleged accident(s), injury(ies) or illness(es).

Notwithstanding any other provision of this Agreement, any prior confidentiality agreement between or among the parties, or any confidentiality or protective order entered by any Court, any party may use protected and confidential information for purposes of complying with reporting and reimbursement obligations under the Medicare Secondary Payer statute and the Medicare, Medicaid, and SCHIP Extension Act of 2007 or for addressing any allegation or claim asserting any reporting violations, penalties, or reimbursement liabilities, and may disclose protected and confidential information to the Department of Health and Human Services, the Centers for Medicare and Medicaid Services, and their representatives and contractors, for such purposes. To the extent the permission of any Court or a modification of any confidentiality order or protective order is needed to implement the purposes of this provision, each party agrees to cooperate in seeking such permission or modification.

Mr. Wilson represents and warrants his is not Medicare eligible and Medicare has not made any conditional payments for medical services or products received by him (pursuant to 42 U.S.C. § 1395y(b) and the corresponding regulations) and related to the accident(s), injury(ies), or illness(es) that give rise to this Agreement. Further, Mr. Wilson represents and warrants if any conditional payments related to the accident(s), injury(ies), or illness(es) giving rise to this Agreement are or have been made by Medicare, then within sixty (60) days of the execution of

this Agreement, he shall reimburse Medicare for such conditional payments as required by Medicare Secondary Payer law, including Medicare regulations at 42 C.F.R. § 411.24(g) and (h). The parties agree that all representations and warranties made in this paragraph shall survive settlement.

The parties agree that, in the event of a breach of the representations and warranties made by Mr. Wilson in this paragraph, the City or its insurer shall be entitled to set off any remaining payments due under the terms of this Agreement or any other agreement up to the total amount of any conditional payments unpaid by Mr. Wilson and related to the accident(s), injury(ies), or illness(es) giving rise to this Agreement, as well as to the full extent of damages and other relief available at law and equity.

Mr. Wilson agrees to indemnify, hold harmless, and defend the released parties against any loss, cost, expense, or liability imposed upon or incurred by it arising from, relating to or concerning Medicare conditional payments related to the accident, injury, or illness giving rise to this Agreement.

Each party has been advised by counsel before signing this Agreement and has relied upon advice of such counsel with respect to all aspects of this Agreement, including but not limited to the parties' respective obligations (if any) to reimburse Medicare for conditional payments related to the accident(s), injury(ies), or illness(es) giving rise to this Agreement. It is understood and agreed that no mistake of law or mistake of fact made by any party, including but not limited to any mistake with respect to any obligation to reimburse Medicare for conditional payments, shall constitute a basis for rescission or reformation or render portion of this Agreement void or voidable.

This Agreement is based upon a good faith determination of the parties in order to resolve a disputed claim. The parties have attempted to resolve this matter in compliance with both state and federal law and it is believed that the settlement terms adequately consider and protect Medicare's interest and do not reflect any attempt to shift responsibility of treatment to Medicare pursuant to 42 U.S.C. § 1395y(b). The parties acknowledge and understand that any present or future action or decision by Medicare on this settlement will not render this release void or ineffective, or in any way affect the finality of this liability settlement and this Agreement.

OBLIGATIONS, PROMISES AND COVENANTS OF KENNETH AMICK

10. **SETTLEMENT PAYMENT** Mr. Amick has asserted his right to defense and indemnification by his former employer, the City, pursuant to C.R.S. §§ 24-10-110, 29-5-111 and 13-21-131. The City has agreed to fund the settlement of this matter pursuant to its obligations under Colorado law to defend and indemnify Mr. Amick. Upon approval by the City Council of the City of Greeley of the resolution requesting the funding of the City's defense and indemnification obligation, the City shall, as a complete settlement of all claims and for the release set forth in this Agreement, pay to Mr. Wilson and his counsel One-Hundred Thousand Dollars and No/One-Hundredths (\$100,000.00) in full settlement of all claims Mr. Wilson asserted or

might have asserted against the released parties prior to the date of this Agreement. This settlement payment will be paid in a settlement check payable to The Trust Account of Baumgartner Law, LLC. Baumgartner Law, LLC will provide its taxpayer identification number in conjunction with the settlement payment by executing an appropriate W-9 Form. The City and Mr. Amick understand Mr. Wilson and his counsel will divide the settlement to account for attorney's fees and costs. The City and Mr. Amick did not participate in the allocation of the settlement payment to Mr. Wilson and his counsel. No withholding any amount for restitution, federal, state or local taxes from the settlement payment will be made. The settlement payment will be made within twenty-one (21) days after the City Council of the City of Greeley approves the resolution. The Agreement needs to be signed by Mr. Wilson and his counsel and a W-9 form needs to be received from counsel for Mr. Wilson prior to the City Council's consideration of the resolution.

GENERAL PROVISIONS

11. **NO ADMISSION OF LIABILITY** This settlement is the compromise of disputed claims, and the consideration paid hereunder shall not be construed as an admission of liability on the part of the parties hereby released and the parties herein deny any liability therefore.

12. **INTEGRATION** The parties understand, acknowledge and agree this Agreement constitutes the entire agreement of the parties regarding the subject matter and transactions referred to herein. The parties understand, acknowledge and agrees that the terms of this Agreement are contractual in nature and not mere recitals. The parties understand, acknowledge and agree this Agreement is fully integrated and supersedes all previous oral or written agreements of the parties.

13. **BINDING EFFECT** This Agreement shall inure to the benefit of, and be binding upon, all the successors, assigns, personal representatives, heirs, and successors in interest of the parties.

14. **GOVERNING LAW** This Agreement is entered into in Colorado, and shall be governed by the laws of the State of Colorado.

15. **HEADINGS** The headings used in this Agreement are for the convenience of the parties only. As such, these headings shall not have any legal effect whatsoever or, in any other way alter or modify the meaning or interpretation of this Agreement.

16. **ADDITIONAL ASSURANCES** This Agreement is intended to be self-operative. Notwithstanding the foregoing, both parties agree that, at the reasonable request of the other party, they shall execute any further documents or instruments reasonably necessary to effectuate the transactions contemplated by this Agreement.

17. **SEVERABILITY** If any provision of this Agreement should ever be declared to be unenforceable, with the exception of the release of any and all claims of Mr. Wilson as set forth in this Agreement or the refusal of the City Council of the City of Greeley to approve the resolution requesting the funding of the City's defense and indemnification obligation, then the remainder of

this Agreement shall continue to be binding upon the parties. The release of any and all claims as set forth in this Agreement is an integral part of this Agreement and is not severable.

18. **FEES AND COSTS** Except to the extent provided for payment of fees under this Agreement, all parties to this Agreement shall bear all of their own costs and fees, including all attorney fees, incurred prior to the date this Agreement takes effect, whether or not such fees or costs were incurred in connection with reaching this Agreement.

19. **EXECUTION IN COUNTERPARTS** This Agreement may be executed in counterparts, each of which shall have full force and effect upon execution by all parties to this Agreement.

20. **WARRANTIES** Mr. Wilson expressly warrants he has carefully read the terms of this Agreement. Mr. Wilson expressly warrants he was afforded the opportunity to consult with counsel prior to executing this Agreement, he fully understands the terms of this Agreement, and enters into this Agreement knowingly and voluntarily, and without coercion, duress or undue influence. Mr. Wilson expressly acknowledges he believes the terms of this Agreement are appropriate to reach a full and final settlement of these matters. Mr. Wilson expressly understands and agrees his signature on this Agreement shall be forever binding, and no rescission, modification or release of the parties from the terms of this Agreement will be made for mistake or any other reasons. Mr. Wilson represents he is legally competent to understand, enter into and execute this Agreement and to accept full responsibility and assume the risk of any mistake of fact as to any damages, losses, or injuries, whether disclosed or undisclosed, sustained as a result of his interactions with the released parties on June 7, 2021, and any claim brought or that could be brought, or any other matter between the parties occurring up to the date of signing this Agreement. Mr. Wilson further warrants and acknowledges no promise or inducement was offered except as set forth herein and this Agreement was executed by him without reliance upon any statement or representation by any persons or parties released or any representatives of such persons or parties concerning the nature or extent of any damages or any legal liability therefor. Mr. Wilson acknowledges entering into this Agreement is not an admission by any entity or person of any wrongful or improper actions, but rather reflects the parties' desire to resolve this matter amicably without additional expense or litigation.

21. **REPRESENTATION OF COMPREHENSION OF DOCUMENT** In entering into this Agreement, Mr. Wilson represents he has relied upon the legal advice of his attorneys, who were the attorneys of his own choice, and the terms of the Agreement have been completely explained to him by his attorneys, and the terms are fully understood and voluntarily accepted by him and he has signed the Agreement as his own free act. Except as specifically provided herein, Mr. Wilson has not relied upon any statements or representations made by the City, the released parties, counsel for any of the released parties, or any other person in entering into this Agreement.

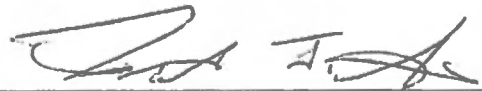
22. **AMENDMENT** This Agreement may not be amended except in a writing setting forth such amendment and executed by all parties.

23. ENFORCEABILITY, CONSTRUCTION, INTERPRETATION The parties expressly acknowledge that this Agreement shall be governed by the laws of the State of Colorado and shall be enforceable in accordance with its terms in the District Court, County of Weld, State of Colorado. All parties, by and through counsel, participated in the preparation of this Agreement, and no rules of construction or interpretation based upon which party drafted any portion of the Agreement shall be applicable or invoked.

AGREED AND ACCEPTED this 5th day of August 2024.

READ CAREFULLY BEFORE SIGNING:


Matthew Wilson


Kenneth Amick

APPROVED AS TO LEGAL FORM:

By: 
S. Birk Baumgartner, Esq.

By: 
Andrew D. Ringel, Esq.

AMENDMENT TO AUGUST 5, 2024 SETTLEMENT AGREEMENT AND RELEASE

This Amendment is hereby entered into this ____ day of August, 2024, between the City of Greeley (“City”), Kenneth Amick (“Amick”), and Matthew Wilson (“Wilson”) as follows:

RECITALS

- A. Wilson and Amick had an interaction that is described in the Recitals of that certain Settlement Agreement and Release (“Agreement”), dated August 5, 2024, regarding an incident that occurred on June 7, 2021.
- B. Among other provisions in that Agreement, Wilson has released any claims he asserted or might have asserted against the City prior to August 5, 2024, as consideration for the issuance by the City of an indemnification, as set forth in the Agreement.
- C. The City Council entered a Resolution on August __, 2024, to provide the Indemnification referenced in the Agreement, and as set forth herein.

AMENDMENT

1. For consideration, the receipt of which is acknowledged, the City hereby will issue payment in the amount of One Hundred Thousand Dollars (\$100,000.00) to Baumgartner Law, LLC in the litigation and settlement of that certain federal action, *Matthew Wilson vs. Kenneth Amick*, United States District Court for the District of Colorado, Civil Action No. 23-cv-1451-KLM (“Civil Action”).

2. This payment is in full settlement of the City’s duty to defend Amick and its concomitant duty to indemnify him against the above referenced claims arising from Amick’s actions or inactions while employed by the City of Greeley, pursuant to all applicable state and federal law. Amick hereby acknowledges and agrees that this settlement is a general release of any and all claims arising out of or in any way related to the City’s duty to defend and indemnify Amick related to the facts and circumstances of the incident as described in the above referenced Civil Action.

3. The City agrees it will not seek reimbursement from Amick for the payment to be made as outlined in paragraph 1 in exchange for Amick’s release as outlined in paragraph 2, and the City releases any duty of Amick to reimburse the City for its payment as outlined in paragraph 1.

4. Payment will issue within 21 days of receipt of a file-stamped copy of a Motion to Dismiss With Prejudice in the Civil Action and an executed W-9 from Baumgartner Law, LLC.

5. The City, Amick, and Wilson each agree to the terms set forth in this Amendment, and consent to their assertion as amendments to the provisions set forth in the Agreement. Except as set forth in this Amendment, all terms of the August 5, 2024 Settlement Agreement and Release remain in full force and effect.

Executed as of the date set forth above.

MATTHEW WILSON

KENNETH AMICK

By: _____
S. Birk Baumgartner
Baumgartner Law, LLC
Attorneys for Matthew Wilson

By: _____
Andrew Ringel
Hall & Evans
Attorneys for Kenneth Amick

CITY OF GREELEY

By: _____
John Goodson
Risk and Safety Manager

APPROVED AS TO LEGAL FORM:

Stacey L. Aurzada
City Attorney



Council Agenda Summary

August 20, 2024

Key Staff Contact: Deb Callies, Housing Director

Title:

Introduction and first reading ordinance amending Title 2 of the Greeley Municipal Code to create the Housing for All Advisory Board

Summary:

This item will focus on the creation of the City's Housing for All Advisory Board (HFAAB) to address evolving needs and changing demographics of housing within Greeley.

With the separation of Housing and Economic Development Urban Renewal (EDUR) Departments, it highlights a critical need for a dedicated body of subject matter experts to provide strategic advice and propose innovative solutions to enhance the city of Greeley's housing goals and objectives being developed in the Housing Strategic Plan. This includes topics surrounding affordability, accessibility, quality, and others. Discussion will also take place regarding the HFAAB purpose, roles and responsibilities, and projected timeline for launching the HFAAB.

Tonight's ask of Council is to introduce the ordinance to create the Housing for All Advisory Board and schedule the public hearing for September 3, 2024.

Fiscal Impact:

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

Legal Issues:

Consideration of this matter is a legislative process.

Other issues and Considerations:

None

Strategic Focus Area:

Community Vitality
Housing For All
Infrastructure and Mobility
Quality of Life

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 September 3, 2024.

Attachments:

1. Ordinance No. 20 , 2024 with Appendix A

**CITY OF GREELEY, COLORADO
ORDINANCE NO. 20, 2024**

**AN ORDINANCE AMENDING TITLE 2 OF THE GREELEY
MUNICIPAL CODE TO CREATE THE HOUSING FOR ALL ADVISORY BOARD**

WHEREAS, it becomes necessary to update the ordinances of the City of Greeley from time to time to continue to improve functionality and align with public values and City Council priorities; and

WHEREAS, the establishment of appropriate housing options within the community, including options for affordable housing, has become a high priority for the City of Greeley and the City Council; and

WHEREAS, because of the importance of encouraging appropriate housing opportunities, the City Council believes it is important to create an Advisory Board to related to housing within the City of Greeley; and

WHEREAS, the City Council has determined that it is in the best interests of the citizens of the City to create a “Housing for All Advisory Board.”

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

Section 1. Article XIV of Chapter 10 of Title 2 Greeley Municipal Code shall be added as shown on Appendix A attached hereto and incorporated herein by this reference.

Section 2. As required by Section 2-8 of the City’s Charter, the City Council shall review the Housing for All Advisory Board every three years, with the first review occurring three years following the effective date of this ordinance.

Section 3. This ordinance shall become effective five days following its final publication, as provided in Section 3-16 of the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS 3rd DAY OF September 2024.

ATTEST:

CITY OF GREELEY, COLORADO

By: _____
City Clerk

By: _____
Mayor

APPENDIX A

ORDINANCE No. 20, 2024

Section 1. Article XIV of Chapter 10 of Title 2 of the above-entitled ordinance shall be added to read as follows:

Secs. 2-883 – 2-889. Reserved.

ARTICLE XIV. HOUSING FOR ALL ADVISORY BOARD

Sec. 2-890. Established; functions.

(a) A Housing for All Advisory Board is hereby created. The Housing for All Advisory Board shall be hereafter referred to in this Section as the "Board."

(b) The duties and functions of the Board shall be:

(1) To advise the city council and city manager on housing issues, strategies, goals and policies.

(2) To study and recommend to the council and the city manager long and short-range goals, ordinances, funding priorities and programs to address recognized housing needs.

(3) To develop and recommend, with community input, innovative approaches to accomplish the city's housing goals, including tools for preserving existing housing and to address affordable housing issues.

(4) To advise the city council and city manager concerning the impacts of city policy proposals on housing affordability, diversity and accessibility.

(5) To review regional housing issues and make recommendations to the city council.

(6) To advise the city council concerning an appropriate advocacy role for the city in state and federal housing matters.

(7) To consult and coordinate with housing committees and other city boards and commissions to develop and support the city's housing efforts.

(8) To review and recommend funding allocations of HOME Investment Partnership Program (HOME) and the Community Development Block Grant (CDBG) Program.

(9) To provide an annual report to City Council.

(c) The Board shall have at least six regular meetings per year

(d) As required by Section 2-8 of the City's Charter, the City Council shall review the Board every three years.

Sec. 2-891. Membership; term of office.

(a) The Board shall consist of nine (9) members, representing, to the fullest possible extent, representatives of all ages of adults, from various social, economic, ethnic and racial segments of the community, with the following preferred experiences:

(1) Two members with professional or lived experience living in affordable housing or developing income restricted housing.

(2) Two members with professional or lived expertise in homelessness or in providing housing or services for residents experiencing homelessness.

(3) Two members with professional experience in real estate or financing, which may include the financial processes around real estate, such as acquisition, development, construction and operation of commercial and residential properties.

(4) One member representing public, private or philanthropic partner organizations that fund affordable housing.

(5) One member from an organization that has a national best practice perspective on housing stability, homelessness or housing opportunity.

(b) In addition to the nine (9) Board members appointed by the City Council, the Housing Authority may appoint a representative to serve as an ex-officio non-voting member to the Board. Such Housing Authority appointee shall not be subject to any residency requirement, nor shall the ex-officio member be considered in determining whether a quorum is present.

(c) The appointed members of the Board shall serve for three-year terms, with terms to be staggered by initially appointing one-third of the appointed members for three-year terms, another one-third for two year terms and remaining one-third for one year terms.

Secs. 2-892 – 2-912. Reserved.



Council Agenda Summary

August 20, 2024

Key Staff Contact: Sean Chambers, Water & Sewer Director, Adam Prior, Chief Engineer

Title:

Introduction and first reading of ordinance amending Title 20, Chapter 3 of the Greeley Municipal Code relating to the Prohibition of Lead Pipes

Summary:

The Environmental Protection Agency's (EPA) Lead and Copper Rule Revisions (LCRR) details a series of public water system requirements that impact Greeley and more than 60,000 other public water system. Under LCRR regulations, the city shall develop a comprehensive inventory of all public and private water service line materials and ensure the removal of lead water service lines. Water & Sewer Utilities Department staff and the City Attorney's Office have prepared the subject ordinance to help achieve regulatory compliance, best serve our customers with high quality water, and advance the City's goal to replace all the lead service lines within the City.

Consistent with the proposed ordinance, staff has prepared a policy that describes the city's lead pipe service line replacement program and the financial assistance available to the City's residents and private water systems.

Fiscal Impact:

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

Legal Issues:

Consideration of this matter is a legislative process

Other issues and Considerations:

None

Strategic Focus Area:

Infrastructure and Mobility

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 September

17, 2024 (minimum 28 days)

Attachments:

1. Ordinance No. 33 , 2024 with Appendix A
2. Lead Protection Program Plan
3. Lead Service Lines: Inventory & Replacement Program Policy (for information)

CITY OF GREELEY, COLORADO
ORDINANCE NO. 33, 2024

**AN ORDINANCE AMENDING TITLE 20, CHAPTER 3 OF THE GREELEY
MUNICIPAL CODE RELATING TO THE PROHIBITION OF LEAD PIPES**

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 17-4 of the City Charter and Section 20-30 of the Greeley Municipal Code authorize and require the Board to acquire, develop, convey, lease, and protect water and sewer assets, supplies, and facilities; and

WHEREAS, under Colorado Revised Statute 31-15-401, City Council is authorized to do all acts and make all regulations which may be necessary or expedient for the promotion of health; and

WHEREAS, the United States Environmental Protection Agency (the "USEPA") adopted regulations to control lead and copper in drinking water and the Colorado Department of Public Health and Environment (CDPHE) directed the City to replace lead service lines in accordance with the USEPA's lead and copper rule; and

WHEREAS, the City believes that providing clean, lead-free drinking water to its residents is a public purpose beneficial to the City as a whole and any benefit to any private landowner in accomplishing this purpose is incidental and subordinate to this primary public and governmental purpose; and

WHEREAS, in 2023, the City created a comprehensive plan to protect residents that may be exposed to lead in their drinking water due to lead pipe service lines or lead pipe within or connected to a private potable water system; and

WHEREAS, in addition, the City created a program to replace lead pipes on private property ("Lead Service Line Replacement Program") and to protect its residents from the potential dangers of lead in the water; and

WHEREAS, some property owners with lead pipes are not providing consent for the Lead Service Line Replacement Program as fast as is necessary to immediately and effectively achieve regulatory compliance and protect the health and safety of its residents; and

WHEREAS, for the health, safety and welfare of its residents, City Council desires to maintain compliance with the lead and copper rule and all other related state and federal regulations by requiring all property owners to replace lead pipe service lines or any lead pipes within or connected to a private potable water systems at their own expense.

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

Section 1. That Section 20-193 contained in Chapter 3 Article III Division 3 of Title 20 of the Greeley Municipal Code shall be amended as shown in Appendix A, attached hereto and incorporated herein.

Section 2. Except as explicitly modified in Appendix A, all other provisions of Title 20 of the Greeley Municipal Code shall remain in full force and effect.

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 17th DAY OF
SEPTEMBER 2024**

ATTEST

THE CITY OF GREELEY, COLORADO

By: _____
City Clerk

By: _____
Mayor

APPENDIX A
ORDINANCE NO. 33, 2024

**ORDINANCE AMENDING TITLE 20, CHAPTER 3 OF THE GREELEY MUNICIPAL
CODE RELATING TO THE PROHIBITION OF LEAD PIPES**

Section 1. That Section 20-193 contained in Chapter 3 Article III Division 3 of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-193—Reserved Lead Pipe Prohibited.

(a) Definitions. The following words, terms, and phrases, when used in this section, shall have the meaning ascribed to them in this subsection (a):

Lead pipe service line or lead pipe water line means all or any portion or component of a pipeline that is made of lead, galvanized steel that is or may have been previously located downstream from a pipeline made of lead, or an unknown or unverified material.

Private potable water system means a water system, located wholly within the city, that is connected to the city's water system but privately owned and maintained. A private potable water system includes systems that are: (1) connected to the city's water system through a master meter, (2) designated as a "private potable water system" by the property owner during development of the property, or (3) considered a "public water system" under Colorado Department of Health and Environment policies and regulations.

(b) Prohibition. Lead pipe service lines or water lines that are used to provide potable water service to any property within the city are prohibited and any existing lead pipe service line or water line used for potable water service must be replaced in accordance with this section. No water line, including but not limited to fire, irrigation, or non-potable water lines, may be repurposed for potable water service or any other type of water service until the city determines, based on satisfactory evidence provided by the property owner, that the line is not a lead pipe water line.

(c) Access. The city is authorized to access any property in such areas as it deems necessary and appropriate to identify lead pipe service lines or water lines through potholing or other appropriate testing techniques. Without limiting the city's authority under section 20-85, the City will provide no less than forty-eight (48) hours notice to the property owner if testing requires potholing or similar ground disturbance, except in cases of emergencies. Upon receipt of such notice, the property owners shall ensure safe access to any areas the city deems necessary and appropriate to conduct such testing.

(d) Service Lines. Beginning October 1, 2024, all property owners shall contact the city within sixty (60) days if they receive notice or knowledge that their property is being served by a lead pipe service line. After receiving such notice or knowledge, the property owner shall replace the

lead pipe service line at their own expense with a service line made from materials approved by the city on or before December 31, 2026, or within six (6) months of receiving such notice or knowledge, whichever occurs later in time. Within thirty (30) days of replacing the lead service line, the property owner shall submit evidence satisfactory to the city that the lead service line has been replaced. This section does not apply to property owners with a private potable water system.

(e) *Private Potable Water Systems.* Beginning October 1, 2024, all property owners with a private potable water system shall inspect and account for any lead pipe service lines or water lines within or connected to their system. Upon notice and request, the property owner shall have sixty (60) days to provide the city with an inventory of any lead pipe within or connected to their system. If the property owner identifies any lead pipe service lines or water lines within or connected to its system, then the owner shall replace the same at their own expense with a material approved by the city on or before December 31, 2026. Within thirty (30) days of replacing the lead service lines or water lines within or connected to its system, the property owner shall submit evidence satisfactory to the city that the lead service line has been replaced.

(f) *Contractors.* Any contractor conducting work on any property within the city shall notify the city within sixty (60) days if they obtain notice or knowledge that the property for which they have been hired to provide services is being served by a lead pipe service line or water line.

(g) *Enforcement, Violations, and Penalties.*

- (1) If a property owner fails to comply with section (d) or section (e), as applicable, and the city receives notice or knowledge that the property is being served by a lead pipe service line or water line, then the city may record a notice of lead pipe service line or water line against the property and charge the owner a monthly administrative fee until the owner replaces all lead pipe. The administrative fee shall be set by resolution of the water and sewer board. In addition to the notice and fee, the city may require the owner to replace the lead pipe service line or water line prior to transferring the property's water service account to a new owner or tenant or issuing any permit for the property required by this Code. After December 31, 2026, the director may also, upon six (6) months notice to the property owner, turn off water to the property or the private potable water system until the identified lead pipe service lines or water lines have been replaced.
- (2) The director may adopt policies or establish programs consistent with this section as may be reasonably necessary to assist property owners in the replacement of any lead service line or water line, including but not limited to financial reimbursements and in-kind services, or to aid in the administration and enforcement of this section.
- (3) A violation of this section shall be deemed an administrative code violation and shall be subject to penalties set forth in chapter 10 of title 1 of this Code.

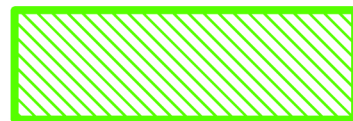
Lead Protection Program Plan

Phase boundaries and timing are subject to changes and delays.



Phase 2

- Potholing: Winter 2023/Spring 2024
- Replacements: Spring/Summer 2024



Phase 3

- Potholing: Fall 2024
- Replacements: Winter 2024/Spring 2025



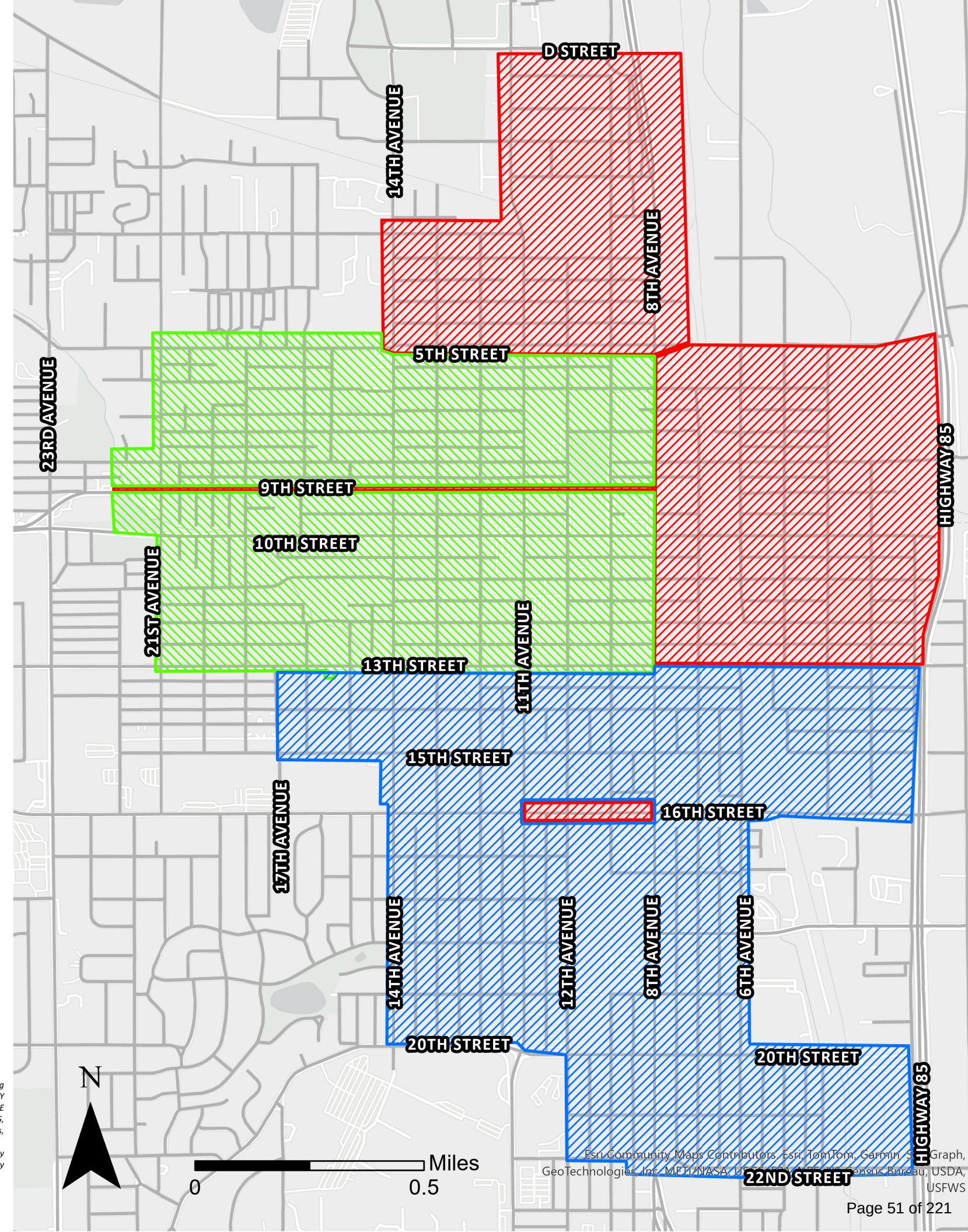
Phase 4

- Potholing: Spring/Summer 2025
- Replacements: Summer/Fall 2025

Phase 5 includes select properties outside these phased boundaries. Potholing is scheduled for Winter 2025/Spring 2026 and replacements in Summer/Fall 2026



The City makes no representation or warranty as to its accuracy or completeness, and in particular, its accuracy in labeling or displaying dimensions, contours, property boundaries, or placement or location of any map features thereon. THE CITY OF GREELEY MAKES NO WARRANTY OF MERCHANTABILITY OR WARRANTY FOR FITNESS OF USE FOR A PARTICULAR PURPOSE, EXPRESSED OR IMPLIED, WITH RESPECT TO THESE MAP PRODUCTS OR THE UNDERLYING DATA. Any users of these map products, map applications, or data, accepts same AS IS, WITH ALL FAULTS, and assumes all responsibility for the use thereof, and further covenants and agrees to hold the City harmless from and against all damage, loss, or liability arising from any use of this map product, in consideration of the City's having made this information available. Independent verification of all data contained herein should be obtained by any user of these map products, or the underlying data. The City disclaims, and shall not be held liable for, any and all damage, loss, or liability, whether direct, indirect, or consequential, which arises or may arise from these map products or the use thereof by any person or entity.





Lead Service Lines: Inventory & Replacement Program Policy

06.18.2024

Reference Documents

- Consent Form
- Proposed City Ordinance
- Lead Protection Program Plan
- CDPHE LCCR Regulations

Introduction

As part of our Lead Inventory & Replacement Program, the City of Greeley is working to find and replace private water service lines that contain lead or are lead contaminated. Under Section 20-122 of the Greeley Municipal Code, the property owner is responsible for the installation, maintenance, and repair of the water service line and fittings from the property line to the residence, including the meter pit. However, under the Revised Lead and Copper Rule (LCRR) issued by the Environment Protection Agency (EPA), the City of Greeley is required to create an inventory recording the material of these service lines. Where lead service lines are discovered, the city is assisting customers with replacement of these service lines.

This document lays out the City's policy for administering this program, and the approach to both individual customers and private systems (such as HOA's, trailer parks and other entities).

All Customers / General

The following applies to all Water & Sewer Customers (including those designated as private water systems):

1. All customers are included in the water service line inventory performed by City of Greeley. All properties will be assigned a status of non-lead, lead or unknown by October 2024.
2. Properties identified with private-side water service lines constructed of lead or galvanized steel requiring replacement (GRR) will be eligible for a free or subsidized replacement performed by the City of Greeley or representatives.
3. Properties identified with galvanized steel private-side water service lines that are documented as always being downstream of non-lead materials are not considered GRR. These properties do not qualify for a free or subsidized replacement.
4. Any state or federal funded facilities will not receive City financial assistance since they have other State and Federal funding available.
5. If a customer has access to additional federal or state funding, and the City performs the replacement, the City may request their assistance to claim these funds.

Individual Water & Sewer Customers

1. Customers may be requested to allow access to their building for an inspection of their water service line.
2. Customers will be notified 2 weeks prior to potholing activities taking place on their property unless in an emergency.
3. Permission from the customer is not required per Greeley Municipal Code Sec. 20.85 to perform a pothole on their property.
4. Where feasible, potholes will be positioned in a location that will cause the least disturbance/damage to the property. For example, placing a pothole in softscape instead of on a concrete driveway.
5. If a customer refuses water service line material determination options, their water service line will be recorded as UNKNOWN and will be treated as a possible lead service line. The owner who opposes water service line material determination options shall fall under the same consequences as an owner who declines consent for a replacement.
6. The City will replace private service lines up to a maximum cost of \$10,000. Beyond this cost, the property owner shall be required pay the additional amount.

Private Systems

1. Private Systems that are registered as Public Water Systems with the CDPHE are responsible to follow CDPHE regulations and submit their inventory to directly to CDPHE. In addition to their statutory requirements to the CDPHE, the City of Greeley Ordinance will require these systems to submit an inventory to the City of Greeley to ensure the public health of its citizens.
2. Private Systems that are not yet registered with the CDPHE will be required to submit an inventory to the City of Greeley. The City of Greeley will include these properties in the City of Greeley inventory.
3. All Private Systems are responsible to conduct their own inventory of their system. The inventory shall include each individual water service line. The inventory should comply with the current CDPHE requirements and guidelines.
4. An initial inventory is due October 2024 including the following items:
 - List of service lines and addresses served,
 - List of construction dates for buildings.
 - Full review of available water system records
 - Visual inspection results
5. For Private Systems constructed from January 1st, 1981, the system can be considered as non-lead.
6. If the historical review and inspections provide evidence that non-lead materials were used for buildings constructed after 1960 then all buildings built after this date can be considered “non-lead”. If lead is found, then further verification and investigation will be required according to CDPHE protocol.
7. Properties built before 1960 shall require full verification, that is a trustworthy historical record, visual inspection, physical potholing verification or combination thereof.
8. If potholing is required to remove “unknowns” from the initial inventory, this shall be the responsibility of the Private System but will be reimbursable at up to \$1,000 per property if completed by December 2025. The City of Greeley shall provide Private Systems with an inventory form and a guidance handout on verification methods.
9. The Private System are responsible for their own water service line replacements. The City of Greeley will reimburse them up to \$10,000 per service line connection or at fair

market value of the actual replacement costs. The work must be completed to City of Greeley Water & Sewer Criteria by a licensed plumber and approved by City of Greeley Building Inspections. All pipes, fittings and materials must be compliant with plumbing code for potable drinking water. City of Greeley Design Criteria and Construction Specifications, Volume 3 and their most recent addition.

10. The City may assist Private Systems with removal of additional lead within their system at the discretion of the Water & Sewer Director or designee.
11. All replacements must be completed by December 2026 to receive reimbursement.
12. Failure to complete the inventory and all necessary replacements before 2026 shall result in further actions detailed in the ordinance including the option to turn off their water supply.



Council Agenda Summary

August 20, 2024

Key Staff Contact: Sean Chambers, Water & Sewer Director

Title:

Introduction and first reading of an ordinance amending Title 20, Chapter 3, Article III, Division 1 and Article V of the Greeley Municipal Code relating to the Use and Construction of Domestic and Agricultural Wells

Summary:

On a periodic basis, the Colorado Dept. of Public Health and Environment (CDPHE) through its Water Quality Control Division evaluates water bodies and rivers to reconsider their use classifications, with the goal of ensuring the protection of those using the water resource. In the event that local streams and rivers are being used for drinking water via groundwater wells completed in the alluvial aquifer connected to the river, there would be very significant financial and treatment infrastructure impacts to the city's wastewater treatment and reclamation facility (WTRF) and its treated wastewater discharge permit requirements.

In 2020, the CDPHE Water Quality Control Division (the Division) proposed a reclassification of the Poudre River east of I-25, known as Segment 12. The Division proposed a classification change from recreational use to a Water Supply use classification, a recommendation based upon the presumption of drinking water wells that were interconnected with the hydrology of the Cache la Poudre (Poudre) river. The potential reclassification of the river segment below the WTRF would have required significant treatment process and chemical addition upgrades at Greeley's WTRF facility. The Division presented evidence of 152 wells utilized for domestic purposes. Greeley refuted these facts and through extensive research found that only one well was allowed for domestic purposes and the owner did not use it for such purposes. Greeley and the Division agreed through the administrative law process to split the Poudre into multiple segments, and the city must take affirmative steps to ensure that new wells for drinking water use are not permitted or used within the city to avoid costly infrastructure impacts to the City's wastewater treatment facilities. Greeley commitment to work closely with development applicants to ensure that any future development within the city or the Long Range Expected Growth Area will be connected to a municipal water system. The proposed amended ordinance supports Greeley's commitment for development to connect to potable supplies and protect wastewater treatment permits.

Fiscal Impact:

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

Legal Issues:

Consideration of this matter is a legislative process

Other issues and Considerations:

None

Strategic Focus Area:

Infrastructure and Mobility

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 September 17, 2024

Attachments:

1. Ordinance No. 34, 2024 with Appendix A

CITY OF GREELEY, COLORADO
ORDINANCE NO. 34, 2024

**AN ORDINANCE AMENDING TITLE 20, CHAPTER 3, ARTICLE III, DIVISION 1 AND
ARTICLE V OF THE GREELEY MUNICIPAL CODE RELATING TO THE USE AND
CONSTRUCTION OF DOMESTIC AND AGRICULTURAL WELLS**

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, Section 17-4(c) of the Greeley City Charter and Section 20-30 of the Greeley Municipal Code authorize the Board to acquire, develop, convey, lease and protect the water and sewer assets, supplies and facilities needed to fully use the water supplies decreed, adjudicated or contracted for the City; and

WHEREAS, the Greeley Municipal Code currently requires that every building within the city be served by a minimum of one tap; and

WHEREAS, it has come Water and Sewer Department staff's attention that there are residents who are using a well for domestic purposes; and

WHEREAS, for both health and safety and policy reasons, Water and Sewer staff recommends that the City adopt language within the Greeley Municipal Code that more clearly prohibit the construction and use of wells for domestic purposes and the use of wells, in certain circumstances, for agriculture; and

WHEREAS, Water and Sewer staff presented Appendix A, attached hereto and incorporated herein, on January 17, 2024 to the Board and the Board recommended City Council adopt the same.

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

Section 1. That Section 20-126 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 2. That Section 20-355 contained in Chapter 3 Article V of Title 20 of the Greeley Municipal Code be deleted and repealed as shown on Appendix A.

Section 3. Except as explicitly modified on Appendix A, all other provisions of Title 20 of the Greeley Municipal Code shall remain in full force and effect.

Section 4. 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 17th DAY OF SEPTEMBER 2024

ATTEST

THE CITY OF GREELEY, COLORADO

By: _____
City Clerk

By: _____
Mayor

APPENDIX A
ORDINANCE NO. 34, 2024

**ORDINANCE AMENDING TITLE 20, CHAPTER 3, ARTICLE III, DIVISION 1 AND
ARTICLE V OF THE GREELEY MUNICIPAL CODE RELATING TO THE USE AND
CONSTRUCTION OF DOMESTIC AND AGRICULTURAL WELLS**

Section 1. That Section 20-126 contained in Chapter 3 Article III Division 1 of Title 20 of the Greeley Municipal Code shall be amended to read as follows:

Sec. 20-126. ~~–Reserved.~~ Wells Prohibited; Exceptions.

(a) It is a violation for a person to drill a new well or use any existing well for domestic purposes. As used in this section, “domestic purpose” or “domestic well” means a well that is used for human consumption or for any other household or indoor use. If any building or structure is being served by an existing domestic well, the property owner shall abandon the well in accordance with all applicable state and local law within 90 days of receiving notice from the city to do so unless the well also qualifies as an existing agricultural well as defined in section (b) below. In such instances, the property owner may retain use of the well on the property provided the property owner complies with subsection (b). If the property owner does not have an existing water tap and service line as required by Section 20-252, then the owner shall request water service from the city in accordance with this title.

(b) It is a violation for a person to drill a new well for agricultural purposes. As used in this section, “agricultural purpose” or “agricultural well” means a well that is used for livestock watering, lawn irrigation, gardening or crop production, and similar non-potable uses. If a property is currently being served by an existing agricultural well, the property owner may continue to use the well for such purposes provided that the owner registers the well within 90 days of receiving notice from the city to do so. Registration of the well must include the following:

1. Proof of a valid permit from the state engineer for the construction and use of the well and decreed water right, if applicable;
2. Location, depth, casing, if any, production in gallons per minute and the type of use of the well; and
3. An executed covenant approved by the city, which shall be recorded in the real property records of Weld County, affirming that the property owner and all subsequent owners will:
 - (i) not use the well for any domestic purpose;
 - (ii) comply with all state and local laws, rules, regulations, and requirements, now or in the future, with respect to the use of the well on the subject property, including but not limited to section 20-191 of this title; and

(iii) affirm that, in accordance with section 20-85 of this title, the city may enter and inspect the subject property to ensure the property owner is complying with the terms of the covenant.

(c) A violation noticed under this section shall be deemed an administrative code violation and shall be subject to penalties set forth in chapter 10 of title 1 of this Code.

Section 2. That Section 20-355 contained in Chapter 3 Article V of Title 20 of the Greeley Municipal Code shall be deleted and repealed 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.~~



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

August 20, 2024

Key Staff Contact: Caleb Weitz, Budget and Policy Director

Title:

Food Tax Rebate Program Overview

Summary:

The purpose of this item is to provide an informational update to the City Council on Greeley's Food Tax Rebate Program. Staff will present an overview of the program, recent statistics, and potential considerations for future program administration. The following are some general facts about the program:

- The Food Tax Rebate Program, established in 1990, provides relief to low-income residents from sales tax on food purchases.
- Recent changes include an increase in rebate amount from \$65 to \$100 per person starting with the 2022 program and the creation of the utility assistance program (UAP) started this year and funded through water and sewer revenues. The UAP offers an additional \$100 towards a household's utility bill automatically if they qualify for the food tax rebate.
- Program participation and total rebate amounts have significantly increased in recent years, doubling from last year's program to this year's.

Fiscal Impact:

1. Does this item create a fiscal impact on the City of Greeley? Yes
2. If yes, what is the initial, or, onetime impact?
3. What is the annual impact? Approximately \$600,000 per year in the 2025 recommended budget
4. What fund of the City will provide Funding? Food Tax Fund
5. What is the source of revenue within the fund? Sales Tax on Food
6. Is there grant funding for this item? No
7. Additional Comments: This is not a new fiscal impact, however, this program does have an ongoing fiscal impact that is planned annually in the budget.

Legal Issues:

Consideration of this matter is an informational item, no action is required.

Other issues and Considerations:

None

Strategic Focus Area:

Community Vitality
High-Performance Government
Infrastructure and Mobility

Decision Options:

This is an informational item, no action is requested.

Council's Recommended Action:

No action is requested.

Attachments:

1. Item 15 - Food Tax Rebate Program Informational Overview Presentation

Food Tax Rebate Program Update

Caleb Weitz, Budget and Policy Director
City Council Meeting - August 20, 2024



Agenda



- Program Overview
 - Qualification Criteria
 - Application Process
- Program Utilization
- Communication & Outreach Efforts
- Future Considerations
- Purpose: Informational

Program Overview

- The Food Tax Rebate program was established in 1990 in conjunction with the repeal of the exemption from sales tax on food for home consumption
- Purpose: To provide relief to low-income residents from the sales tax on food purchases
- Rebate amount history:
 - 2014 and earlier: \$45 per person
 - 2015-2021: \$65 per person
 - 2022-present: \$100 per person
- Rebates issued for previous year: 2023 rebates issued most recent rebates (issued in 2024)

Who Qualifies?

- The individual has been a Greeley resident for at least 10 months in the preceding year and is a Greeley resident at the time of application
- Household income is below specified levels*:
 - 1 person: \$36,972
 - 2 people: \$48,360
 - 4 people: \$71,112
 - Increases for each additional family member
- Income includes all sources: wages, benefits, social assistance, etc.

**2023 income limits align with the State's Low-Income Energy Assistant Program (LEAP)*

Application Process

- Application period: February 1 to May 31, 2024
- One application covers both food tax rebate and utility assistance
- Required documents:
 - ID and proof of residency (e.g., utility bills, rent receipts)
 - 2023 Federal Income Tax Return or other income proof
 - Social Security cards for all family members
- Available online at greeleygov.com/finance
- Paper applications at City Hall, 1000 10th Street
- Processing time: Up to 3 weeks

Historical Program Utilization

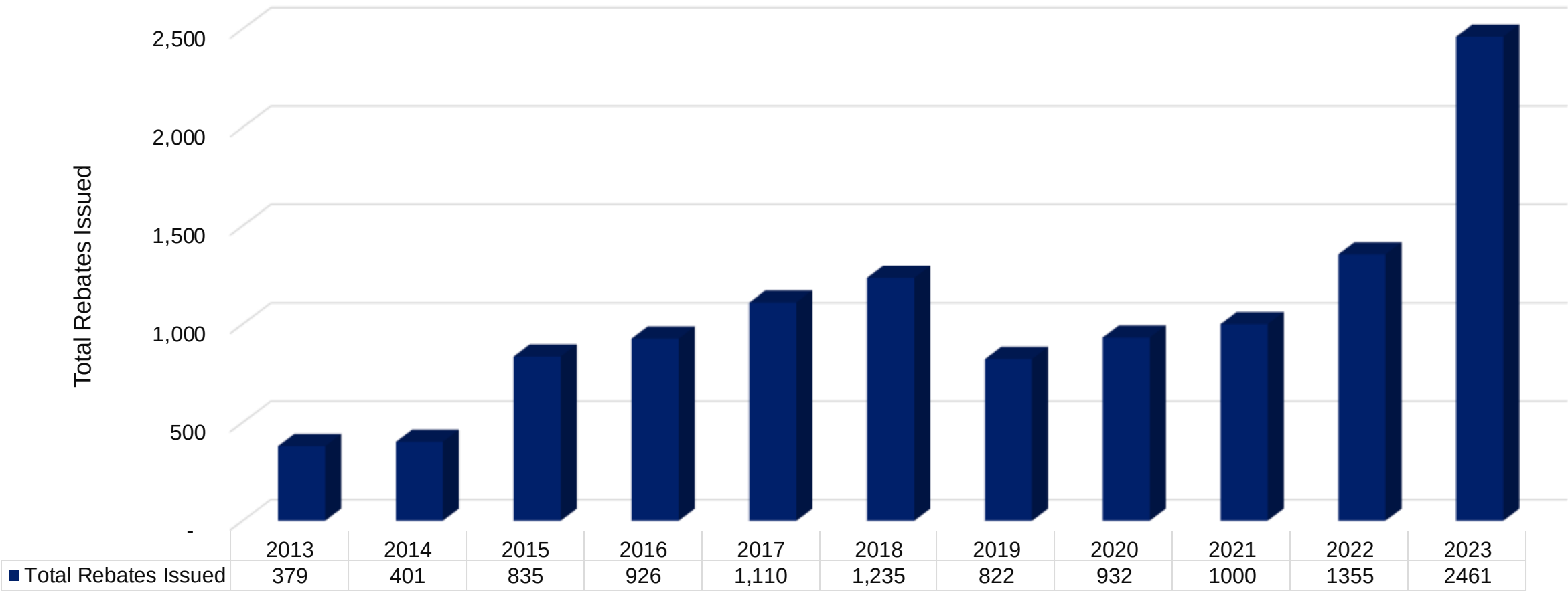
- **2023: 2,461 households, \$562,600 total rebated (\$100/person)**
 - 50.7% single-person households (\$100 rebate)
 - 16.2% two-person households (\$200 rebate)
 - 33.1% households of 3 or more persons (\$300+ rebate)
- **2022: 1,355 households, \$284,200 total rebated (\$75/person)**
- **2021: 999 households, \$122,655 total rebated (\$65/person)**
- **2020: 932 households, \$106,730 total rebated (\$65/person)**
- **Significant increases in recent years due to intensive marketing:**
 - 81.6% increase in households served from 2022 to 2023
 - 97.9% increase in total rebate amount from 2022 to 2023
 - 33.3% increase in per-person rebate amount from 2022 to 2023

5% of the
population
received a
2023 rebate
(5,626 Residents)

There was an
80% increase
in participating
households
over last year

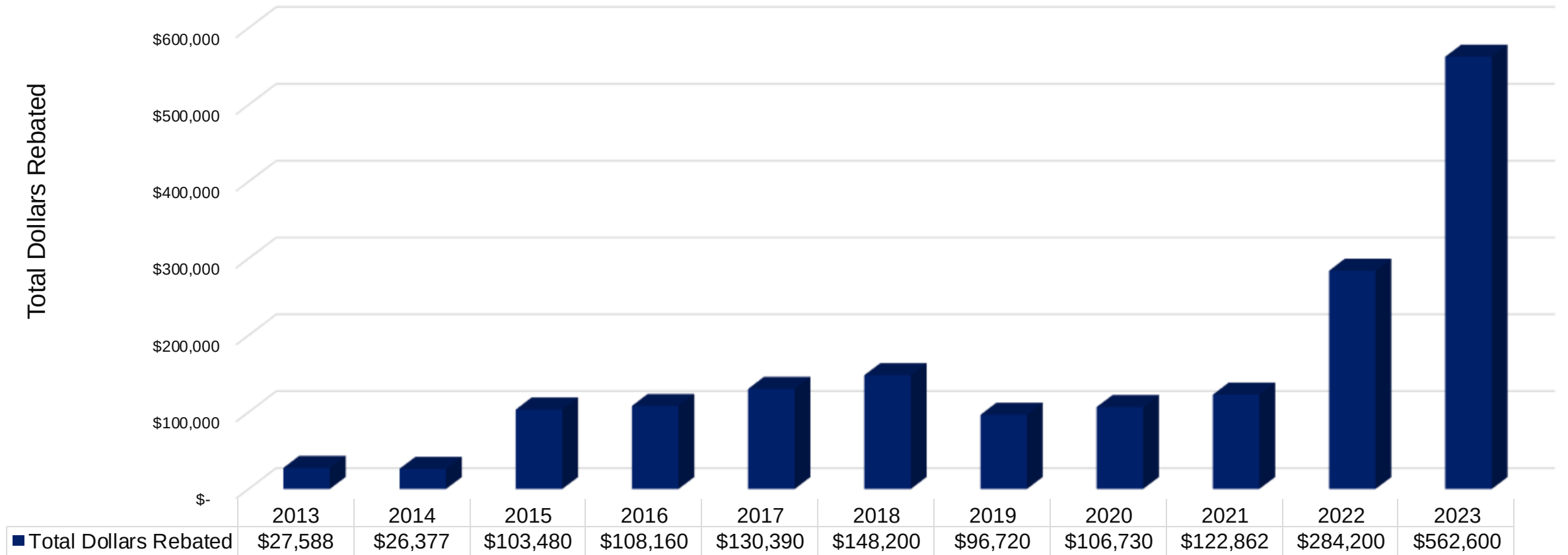
Number of Rebates Issued

2013-2023 Rebates Issued



Total Dollars Rebated

2013-2023 Food Tax Rebate Totals



Communication and Outreach

**Comprehensive information available at
greeleygov.com/finance**

Multilingual support:

- Applications and information in English, Spanish, Malay, and Somali
- Bilingual assistance at City Hall, 8 a.m. to 5 p.m., Monday through Friday

Expanded outreach efforts:

- Booths at 10+ community events (e.g., Farmer's Market, health fairs, enrollment events)
- Flyer distribution to 40+ local businesses
- Participation in various community meetings

Digital marketing:

- Targeted social media ads in English and Spanish
- Inclusion in multiple city newsletters
- Social media posts

Physical marketing:

- A-frame displays at Farmers Market and sports complexes
- Brochure distribution to community centers and organizations

Collaboration with Foundations team for application assistance

Phone support: 970-350-9748

Future Program Considerations

Income Criteria and Eligibility:

- Evaluate shifting from LEAP guidelines to Area Median Income (AMI) for broader inclusion
- Consider tiered rebate amounts based on income levels
- Review residency requirements (currently 10 months)

Rebate Amount and Frequency:

- Establish regular rebate amount review schedule (e.g., biennial)
- Consider indexing rebate to inflation or cost of living increases

Outreach and Accessibility:

- Implement city-wide mailer campaign
- Enhance partnerships with community organizations for application assistance
- Develop user-friendly online application portal

Program Administration:

- Evaluate staffing needs for year-round vs. seasonal administration
- Explore integration with other city assistance programs for streamlined application process
- Implement data analytics for program impact assessment and forecasting

Long-term Sustainability:

- Conduct cost-benefit analysis of program impact on low-income residents
- Explore additional funding sources to expand program reach
- Consider setting multi-year goals for participation rates and total rebate amounts

Thank you





Council Agenda Summary

August 20, 2024

Key Staff Contact: Chris Bowles , Megan Weiler

Title:

Public hearing and second reading of an ordinance amending Article X of chapter 5 of Title 2 of the Greeley Municipal Code relating to Museums

Summary:

The City of Greeley Museum and Historic Sites systems was established with the purchase of the Meeker Home Museum in 1929. The museum and collections of historical objects and documents was formerly adopted into the City Charter in 1958. Title 2, Chapter 5, Article X, Sections 2-443 and 2-444 of the Municipal Code directs the city to provide for museums by ordinance. The Museums now comprise four museum facilities, nearly forty historic buildings, and twelve acres of land. Currently, Meeker Home Museum retains an unclear designation as either parks or museum grounds. This ordinance will clarify the City Charter through code in the designation of museum land; recognize the professional stewardship of City collections; provide the ability to establish hours of operation of facilities and grounds; and give legal protection to cultural heritage sites from trespass outside of these hours.

A motion to introduce the ordinance and schedule a public hearing and second reading for August 20, 2024, was approved by a majority vote on August 6, 2024. After the ordinance was introduced, it was published in full in the August 9, 2024, edition of the Greeley Tribune.

Fiscal Impact:

1. Does this item create a fiscal impact on the City of Greeley? 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:

Quality of Life

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. Ordinance No. 27, 2024 with Appendix A
2. Item 16 - Museums Ordinance Presentation

CITY OF GREELEY, COLORADO
ORDINANCE NO. 27, 2024

**AN ORDINANCE AMENDING ARTICLE X OF CHAPTER 5 OF TITLE 2 OF THE
GREELEY MUNICIPAL CODE RELATING TO MUSEUMS**

WHEREAS, the stewardship in public trust preserves the collections of objects, documents, buildings and structures of historical significance to the City of Greeley and Weld County; and

WHEREAS, the interpretation of Greeley and Weld County's cultural development from prehistory to the present day provides educational benefits for of all Greeley and Weld County citizens; and

WHEREAS, the creation and maintenance of museum facilities as amenities contribute to the Quality of Life of citizens and visitors to Greeley; and

WHEREAS, the Museum Advisory Board recommends this ordinance be adopted; and

WHEREAS, the recommended addition to the Municipal Code would ensure the proper administration of the museums in the City of Greeley for future generations.

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

Section 1. That Sections 2-443 and 2-444 of Article X of Chapter 5 of Title 2 of the above-entitled ordinance shall be added as shown on Appendix A, attached hereto and incorporated herein.

Section 2. 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 20th DAY OF AUGUST
2024.**

ATTEST

THE CITY OF GREELEY, COLORADO

By: _____
City Clerk

By: _____
Mayor

APPENDIX A

ORDINANCE NO. 27, 2024

AN ORDINANCE AMENDING ARTICLE X OF CHAPTER 5 OF TITLE 2 OF THE GREELEY MUNICIPAL CODE

Section 1. Section 2-443 and 2-444 of Article X of Chapter 5 of Title 18 of the above-entitled ordinance shall be added to read as follows:

Sec. 2-443. Museum Administration.

(a) The City Council shall appropriate sums in its annual budget necessary for the maintenance, staffing and operation of the city's museums.

(b) The museums shall be operated, maintained and managed by museum staff as directed by the City Manager.

(c) The museums include the Greeley History Museum, Centennial Village Museum including structures and grounds, Meeker Home Museum including structures and grounds, and the White-Plumb Farm Learning Center including structures and grounds.

(d) The museums shall ethically collect and care for items on the basis of their educational, historical or exhibition value relating to the unique cultural development of Greeley from prehistory to the present. The museum collection shall primarily comprise of culturally significant items placed in the public trust and care of the museums through donations and loans.

(e) The museums shall provide for the development and presentation of inclusive educational programing, interpretive programs and exhibitions.

(f) Museum collections shall be the property of the City subject to the control of City Council and shall be administered in accord with the standards of the American Alliance of Museums. The museum collection shall not be considered a part of the City's inventory of fixed assets. The acquisition or disposal of items shall be under the advisement of the Museum Advisory Board, as set forth in Section 2-666(b) of this Code, and shall be subject to the Museums Collections Management Policy and other relevant policies of the City of Greeley. Acquisition and disposal of loaned items shall be governed by C.R.S. title 38, article 14.

Sec. 2-444. Museum Hours; Violation of Closed Hours Unlawful.

(a) The museum grounds of Meeker Home Museum and White Plumb Farm Learning Center are closed to the public between the hours of 11:00 p.m. and 5:00 a.m., unless an event or extension of hours has been authorized by the Director of Culture, Parks and Recreation. Centennial Village Museum and the Greeley History Museum are closed to the public at all times, except during designated open hours, events or private rentals where the public is invited. All museum structures are only open when appropriately staffed at hours designated by the Director.

(b) Notices of hours shall be posted in conspicuous places on museum grounds, sufficient to inform the public of the opening and closing hours of buildings and grounds.

(c) It is unlawful for any person to be on museum grounds or structures when the museum is closed to the public. This prohibition shall not extend to persons employed to work at the museum or authorized volunteers and during events of a public nature for which a permit has been previously granted. A violation is a misdemeanor offense and, upon conviction thereof, shall be punished pursuant to chapter 9 of title 1 of this Code.

Secs. 2-4435-2-460. Reserved.

Museums Ordinance

Diana Frick, Director of Culture, Parks, and Recreation
Dr Chris Bowles, Museums Manager
City Council Meeting - August 20, 2024



Agenda



- Background and Context for Museums Ordinance
- Purpose: Request for Approval to Establish Museum Hours

Museums Ordinance

Museums Background

- City of Greeley Museums began in 1929 at the Meeker Home Museum
- The Museums were grandfathered into the Home Rule Charter in 1959 as part of the nation's first ever Department of Culture, but neither the scope of facilities or administration were legally defined
- The City of Greeley expanded its Museums portfolio to include Centennial Village Museum in 1976, White Plumb Farm Learning Center in 1996, and the Greeley History Museum in 2005
- Defining Museums in the municipal code will allow for setting open hours for museums and museum grounds as well as codifying regulatory requirements of museums

Museums Ordinance

Request for Council Approval

We are requesting clarification to the Municipal Code that will:

- Define and codify the hours of operations at Museum sites
- Clarify Museum administration and responsibilities

Museums Ordinance

Purpose

- To define Museums services and properties and as a provision of educational and interpretive programming
- To clarify museums hours to make them consistent with park hours and establish management schedules for its sites
- To preserve and protect Museums' historic structures and their collections due to increased reports of real and potential damage to these historic structures
- To align Collection policies and ownership with Colorado Revised Statute on museum collection under Title 38, Article 14. Museums referenced under Cultural Affairs Article X of the municipal code lacks definition for the service or properties under its control

Thank you





Council Agenda Summary

August 20, 2024

Key Staff Contact: Sean Chambers, Water & Sewer Director

Title:

Public hearing and second reading of an ordinance authorizing and approving a loan from the Colorado Water Resources and Power Development Authority (CWRPDA) for the purpose of financing capital improvements to the water system; approving a loan agreement and the issuance of a bond to evidence the loan; providing for the payment of the bond from the operation of the water system on the terms and conditions providing in the bond ordinance

Summary:

The Colorado Water Resources and Power Development Authority (CWRPDA) has authorized a \$20,910,725 loan from the Colorado Drinking Water Revolving Fund loan program for the City of Greeley's Lead Service Line Identification and Replacement program. The CWRPDA provides public drinking water systems in Colorado with low interest loans from federal and state funds for drinking water infrastructure. Notably, the CWRPDA approval of a loan for the City of Greeley includes \$10,000,000 in principal forgiveness due to the use of funds being connected to the protection of public health.

A motion to introduce the ordinance and schedule a public hearing and second reading for August 20, 2024, was approved by a majority vote on July 16, 2024. After the ordinance was introduced, it was published in full in the July 19, 2024, edition of the Greeley Tribune.

Fiscal Impact:

1. Does this item create a fiscal impact on the City of Greeley? Yes
2. If yes, what is the initial, or, onetime impact? Financing of \$20,910,725 for qualified components of the Lead Water Service Line Identification and Replacement Program repayable at a fixed interest rate of 3.50% for a term of up to 30 years. \$10M of the loan amount will be forgiven.
3. What is the annual impact? Annual debt service of the full loan amount after principal forgiveness is \$493,230.65.
4. What fund of the City will provide Funding? Water Fund
5. What is the source of revenue within the fund? Water rate revenue
6. Is there grant funding for this item? No
7. If yes, does this grant require a match? While not a grant, the loan approval includes \$10M in principal forgiveness.

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:

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. Ordinance No. 26, 2024
2. Water and Sewer Board - Resolution 3, 2024
3. Item 16 - CWRPDA Loan Presentation

**CITY OF GREELEY, COLORADO
ORDINANCE NO. 26, 2024**

**AN ORDINANCE OF THE CITY OF GREELEY, COLORADO, ACTING
BY AND THROUGH ITS WATER ENTERPRISE, AUTHORIZING A
LOAN FROM THE COLORADO WATER RESOURCES AND POWER
DEVELOPMENT AUTHORITY FOR THE PURPOSE OF FINANCING
CAPITAL IMPROVEMENTS TO THE CITY'S WATER SYSTEM;
APPROVING A LOAN AGREEMENT AND THE ISSUANCE OF A BOND
TO EVIDENCE THE LOAN; PROVIDING FOR THE PAYMENT OF THE
BOND FROM THE OPERATION OF THE WATER SYSTEM; AND
PROVIDING OTHER DETAILS AND APPROVING RELATED
MATTERS IN CONNECTION WITH THE LOANS**

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

Section 1. Findings. The City Council of the City of Greeley, Colorado (the "Council" and the "City," respectively) hereby finds and determines as follows (unless otherwise indicated, capitalized terms used in this preamble shall have the meanings set forth in Section 2 of this Ordinance):

(a) Section 5-18(d) of the Charter of the City (the "Charter") provides that the City may, without an election, issue securities made payable solely from revenues derived from the operation of projects or improvements or from any source or sources or any combination thereof, other than ad valorem taxes of the City; and Section 5-23(c) of the Charter provides that the sale of all bonds (with certain exceptions not relevant to the subject matter of this ordinance) shall be based upon competitive bids.

(b) Pursuant to Article XVII of the Charter, including amendments thereto adopted at the general election in 1993, the City owns, operates and maintains a municipal water system (the "System") as an "enterprise" within the meaning of Article X, Section 20 of the Colorado Constitution. The System has been designated as an enterprise by such 1993 Charter amendments, by Section 20-23 of the Greeley City Code, and by related actions of the Council and the City's Water and Sewer Board, and such designation is hereby ratified and confirmed. The Council has determined, and hereby determines, based in part upon advice of bond counsel, that the System currently meets all requirements applicable to an enterprise under said Article X, Section 20. Without limiting the generality of the foregoing, the Council has determined, and hereby determines, that in each fiscal year since the adoption of said Article X, Section 20, through and including the 2023 fiscal year, the System has received, and that for the 2024 fiscal year the City intends and reasonably expects that the System will receive, under 10% of annual revenue in grants from all Colorado state and local governments combined. Accordingly, no election is necessary under Article X, Section 20 of the Colorado Constitution to issue revenue bonds for the Water Enterprise are permitted under Title 31, Article 35, Part 4, C.R.S. and Title 37, Article 45.1, C.R.S.

(c) The Colorado Water Resources and Power Development Authority (the "CWRPDA"), a body corporate and political subdivision of the State, has established and administers a Drinking

Water Revolving Fund (“DWRF”) to enable the State to comply with the provisions of the federal Safe Drinking Water Act of 1996, as amended. In order to finance the costs of identifying and replacing lead service lines (“LSLs”) throughout the City’s service area (the “Project”), the City has requested financial assistance from the CWRPDA, and the governing body of the CWRPDA has approved the City for a DWRF loan in the approximate principal amount of \$20,910,725 (consisting of a repayable BIL LSL director loan for \$7,551,020, plus up to an additional \$10,000,000 of up-front Bipartisan Infrastructure Law (BIL) Lead Service Line (LSL) loan principal forgiveness and a base direct loan of approximately \$3,359,705) for a term of up to 30 years and bearing interest at a fixed interest rate of 3.50%.

(d) The terms of the CWRPDA loan are set forth in a loan agreement (the “Loan Agreement”) and the City’s repayment obligation under the Loan Agreement will be evidenced by a governmental agency bond (the “Bond”) to be issued by the City, acting by and through its Water Enterprise, to the CWRPDA, and which shall constitute a special revenue obligation of the City to be paid from the income and revenue derived from the operation and use of the System less reasonable and necessary current expenses of operating, maintaining and repairing the System.

(e) After consideration, the City Council has determined that the execution of the Loan Agreement and the issuance of the Bond to the CWRPDA is to the best advantage of the City.

(f) The City has heretofore duly authorized, issued, sold and delivered (i) its Water Revenue Refunding Bonds, Series 2014 (the “Series 2014 Bonds”); (ii) its Water Revenue Refunding Bonds, Series 2016 (the “Series 2016 Bonds”); (iii) its Water Revenue Bonds, Series 2018 (the “Series 2018 Bonds”); and (iv) its Water Revenue Refunding and Improvement Bonds, Series 2022 (the “Series 2022 Bonds”). There are no other outstanding bonds, notes or other obligations of the City secured by a pledge of or a lien on the Net Revenues. There are no ordinances, resolutions, contracts, agreements, or other enactments or commitments of the City which would prevent the City from issuing and performing its obligations with respect to the Series 2022 Bonds.

(g) The form of the Loan Agreement and the Bond have been reviewed by City staff and advisors, and presented to the City Council

(h) Pursuant to § 18-8-308, Colorado Revised Statutes (“C.R.S.”), all known potential conflicting interests, if any, with respect to the Loan Agreement, the Bond, and the expenditure of proceeds thereof have been disclosed to the Council and to the Colorado Secretary of State. No member of the Council has a personal or private interest, as such terms are used in § 24-18-109, C.R.S., in the Loan Agreement, the Bond, the Project, or any other subject matter of this ordinance, and no member of the Council has any interest, as such term is used in § 24-18-201, C.R.S., in the Loan Agreement, the Bond, or any other contract made or to be made pursuant to this ordinance.

Section 2. Definitions. The terms defined in this Section shall have the meanings assigned in this Section for all purposes of this ordinance (the “Ordinance”), the Exhibits hereto and any amendatory or supplemental ordinance, except where the context by clear implication requires otherwise. Other terms are defined elsewhere in this Ordinance.

“Additional Parity Lien Obligations” means Parity Lien Obligations, other than the Series 2014 Bonds, the Series 2016 Bonds, the Series 2018 Bonds, the Series 2022 Bonds, and the Bonds, which are issued by the City after the date of adoption of this Ordinance.

“Bond” means the governmental agency bond to be issued by the City to the CWRPDA pursuant to the Loan Agreement, the form of which is set forth in Exhibit D to the Loan Agreement.

“Bond Account” means special account of the City designated as the “CWRPDA BIL LSL Direct Loan Bond Account,” established by this Ordinance for the purpose of paying the principal of and interest on the Bond, which shall include a CWRPDA Interest Subaccount and a CWRPDA Principal Subaccount.

“Capital Improvements” means the acquisition of water and water rights, land, easements, facilities and equipment (other than ordinary repairs and replacements), and the construction or reconstruction of improvements, betterments and extensions, for use by or in connection with the System which, under GAAP, are properly chargeable as capital items.

“Charter” means the Home Rule Charter for the City.

“City” means the City of Greeley, Colorado, acting by and through its Water Enterprise.

“City Council” means the City Council of the City, acting as the governing body of the Water Enterprise.

“C.R.S.” means the Colorado Revised Statutes, as amended and supplemented.

“CWRPDA” means the Colorado Water Resources and Power Development Authority, a body corporate and political subdivision of the State.

“Debt Service Accounts” means the accounts and subaccounts within the Water Fund established for the payment of the debt service on Parity Lien Obligations and Subordinate Lien Obligations, including without limitation the Bond Accounts.

“Enabling Law” means the State Constitution, the Charter, the Water Activity Law, the Supplemental Public Securities Act, and all other laws of the State establishing the power of the City to complete the financings contemplated by this Ordinance.

“Financing Documents” means the Loan Agreement, the Bond and this Ordinance.

“GAAP” means generally accepted accounting principles for U.S. state and local governments, as established by the Government Accounting Standards Board (or any successor entity with responsibility for establishing accounting rules for governmental entities), in effect from time to time in the United States of America.

“Gross Revenues” means all income and revenues directly or indirectly derived from the operation and use of the System, or any part thereof, including without limitation, any rates, fees, system development charges, participation payment, tap fees, availability fees, tools and charges for the services furnished by, or the use of, the System, and all proceeds realized from any past or

future dispositions of System property or rights, or related contracts, settlements, or judgments, and including investment income accruing from moneys held to the credit of the Water Fund; provided however, that there shall be excluded from Gross Revenue: any moneys borrowed and used for providing Capital Improvements; any money and securities, and investment income therefrom, in any refunding fund, escrow account, or similar account, pledged to the payment of any bonds or other obligations; any financial products receipts, any financial products termination payment, and any moneys received as grants or appropriations from the United States, the State of Colorado, other local governments or enterprises, or other sources, the use of which is limited or restricted to the provision of Capital Improvements or for other purposes resulting in the general unavailability thereof, except to the extent any such moneys shall be received as payments for the use of the System, services rendered thereby, the availability of any such service, or the disposal of any commodities therefrom.

“Interest Subaccount” means the subaccount of the Bond Account established by the provisions hereof for the purpose of paying the interest on the Bond.

“Loan Agreement” means that certain Loan Agreement by and between the CWRPDA and the City, providing for a direct loan in the approximate principal amount of \$20,910,725.

“Net Revenues” Gross Revenues remaining after the payment of Operation and Maintenance Expenses.

“O&M Reserve Requirement” means an amount equal to the lesser of three (3) months of Operation and Maintenance Expenses as set forth in the Water Fund annual budget for the City’s current fiscal year.

“Obligations” means the Parity Lien Obligations and any Subordinate Lien Obligations.

“Operation and Maintenance Expenses” means all reasonable and necessary current expenses of the City, paid or accrued, for operating, maintaining and repairing the System, including without limitation legal and overhead expenses of the City directly related to the administration of the System, insurance premiums, audits, professional services, salaries and administrative expenses, labor and the cost of materials and supplies for current operation; provided however, that there shall be excluded from Operation and Maintenance Expenses any allowance for depreciation, payments in lieu of taxes or franchise fees, expenses incurred in connection with Capital Improvements, and payments due in connection with any bonds or other obligations issued to provide Capital Improvements For purposes of the above definition expenses shall, to the extent possible, be determined in accordance with GAAP.

“Ordinance” means this Ordinance which authorizes the execution of the Loan Agreement and the issuance of the Bond, including any amendments properly made hereto.

“Parity Lien Obligations” means the Series 2014 Bonds, the Series 2016 Bonds, the Series 2018 Bonds, the Series 2022 Bonds, the Bonds and one or more series of additional bonds, notes, interim securities or other obligations, if any, issued by the City having a lien on the Net Revenues which is on a parity with the lien of the Series 2014 Bonds, the Series 2016 Bonds, the Series 2018 Bonds, the Series 2022 Bonds, and the Bonds.

“*Payment Date*” means, in relation to the Bond, each May 1 and November 1, or such other dates set forth in Exhibit C to the Loan Agreement for the payment of principal of and interest on the Bond.

“*Pledged Property*” means the Net Revenues, including all amounts on deposit in or credited to the Debt Service Account, and all amounts in respect of Net Revenues that are on deposit in or credited to any other account or subaccount of the Water Fund.

“*Prime Rate*” means the prevailing commercial interest rate established pursuant to the terms of the respective Loan Agreements.

“*Principal Subaccount*” means the subaccount of the Bond Account established by the provisions hereof for the purpose of paying the principal of the Bond.

“*Project*” means the identification and replacement of the lead service lines throughout the City’s service area, and other Capital Improvements as set forth in the Loan Agreement and as the Project may be later modified or supplemented.

“*Project Costs*” means the City’s costs properly attributable to the Project, or any parts thereof, and permitted by the provisions of the Enabling Law.

“*Pro Rata Portion*” means when used with respect to a required credit to or deposit in the applicable Debt Service Accounts, the dollar amount derived by dividing the amount of principal or interest to come due on the next scheduled principal or interest Payment Date, as applicable, by the number of months prior to such Payment Date.

“*State*” means the State of Colorado.

“*Subordinate Lien Obligations*” means one or more series of bonds, notes, interim securities or other obligations issued by the City in compliance with the Loan Agreement and having a lien on the Net Revenues which is subordinate or junior (in priority of payment and security interest) to the Parity Lien Obligations.

“*Supplemental Public Securities Act*” means Part 2 of Article 57 of Title 11, C.R.S.

“*Water Activity Law*” means Title 37, Article 45.1, C.R.S.

“*Water Fund*” means the proprietary fund of the City established for the purpose of accounting for the financial activity of the Water Enterprise in accordance with the Charter, including all accounts and subaccounts established thereunder.

“*Water Enterprise*” means the “enterprise” of the City, within the meaning of Article X, Section 20 of the State Constitution, established for the purpose of operating the System.

“*System*” means all of the City’s water facilities and properties now owned or hereafter acquired, whether situated within or without the geographical boundaries of the City, including all present or future improvements, extensions, enlargements, betterments, replacements or additions thereof or thereto, including but not limited to the Project.

Section 3. Approval of Loan Agreement and Authorization of Bond. Pursuant to and in accordance with the Enabling Law, the Bond shall be issued by the City acting by and through its Water Enterprise. The form of the Loan Agreement setting forth the terms, conditions and details of the Bond and the procedures relating thereto, is incorporated herein by reference and is hereby approved; all City officials and employees are hereby directed to take such actions as are necessary and appropriate to fulfill the obligations of the City under the Financing Documents. The City shall enter into the Loan Agreement and deliver the Bond in substantially the forms presented to the City at or prior to this meeting of the City Council with only such changes as are not inconsistent herewith; provided that such documents may be completed, corrected, or revised as deemed necessary by the parties thereto in order to carry out the purposes of this Ordinance. The accomplishment of the Project and the payment of Project Costs are hereby authorized, approved, and ordered. It is hereby determined that the date of final maturity of the Bond does not exceed the estimated life of the Project.

Section 4. Details for the Bond. The Bond shall be in substantially the form set forth in Exhibit D to the Loan Agreement with such changes thereto, not inconsistent herewith, as may be necessary or desirable and approved by the officials of the City executing the same (whose manual or facsimile signatures thereon shall constitute conclusive evidence of such approval). The Bond shall be in an aggregate principal amount not to exceed \$21,000,000, shall bear interest at a rate not to exceed three and one-half percent (3.50%) per annum, and shall be payable semi-annually and mature not more than thirty-one years from the date of its issuance, all as more particularly set forth in the Loan Agreement. The Bond may provide for a late charge (penalty interest rate) in an amount equal to the greater of twelve percent (12%) per annum or the Prime Rate plus one half of one percent per annum on late payments; provided however, such late charge rate shall not exceed the maximum rate permitted by law. For a period not to exceed one year from the effective date of this Ordinance, the Board hereby delegates to the [Authorized Official], or in their absence, the [Authorized Official], the right to determine, within the parameters established above, the final principal of, and loan term for, the Bond.

Section 5. Pledge for Payment of the Bond.

(a) ***Pledge of Net Revenues.*** The Pledged Property is hereby pledged, assigned and granted for the payment of the amounts due under the Financing Documents. The Loan Agreement (and corresponding Bond) shall constitute a first lien upon the Net Revenues and all other Pledged Property, on a parity with all other Parity Lien Obligations and senior to all other Obligations. Pursuant to and in accordance with Section 11-57-208, C.R.S., Net Revenues, as received by the City or otherwise credited to the Water Fund, shall immediately be subject to the lien of the pledge stated above without any physical delivery, filing, or further act. The lien of each such pledge, and the obligation to perform the contractual provisions made in this Ordinance and the other Financing Documents, shall have priority over any or all other obligations and liabilities of the City except for the Parity Lien Obligations. The lien of the above pledge shall be valid, binding, and enforceable as against all persons having claims of any kind in tort, contract, or otherwise against the City irrespective of whether such persons have notice of such liens.

(b) ***Establishment of Accounts.*** There is hereby reaffirmed the Water Fund which shall continue to be maintained by the City to carry out the terms and provisions of this Ordinance and the Loan Agreement. There shall be established and maintained by the City such accounts or

subaccounts within the Water Fund as are necessary or convenient to carry out the terms and provisions of this Ordinance and the Loan Agreement, including without limitation the Bond Account, within which are the Interest Subaccount and the Principal Subaccount, each established for the purpose of paying the debt service on the Bond in accordance with the Financing Documents. No payments shall be made from Debt Service Accounts established for the payment of principal of and interest on any Subordinate Lien Obligations, if any, unless and until the amounts due in connection with all Parity Lien Obligations are made on any Payment Date.

(c) ***Flow of Funds.*** The City shall credit to the Water Fund all Gross Revenues immediately upon receipt. The City shall pay from the Water Fund all Operation and Maintenance Expenses as they become due and payable. After such payment or the allocation of Gross Revenues to such payment, the City shall apply Net Revenues in the following order of priority:

FIRST, in respect of all Parity Lien Obligations, to the credit of or deposit in the applicable Debt Service Accounts, including without limitation the Interest Subaccount, the Pro Rata Portion equal to the interest coming due on the next succeeding Payment Date for the respective obligations;

SECOND, in respect of all Parity Lien Obligations, to the credit of or deposit in the applicable Debt Service Accounts, including without limitation the Principal Subaccount, the Pro Rata Portion equal to the principal coming due on the next succeeding Payment Date for the respective obligations;

THIRD, in respect of all Subordinate Lien Obligations, to the credit of or deposit in the applicable Debt Service Accounts an amount equal to the sum of the Pro Rata Portion of the principal and interest due on the next succeeding Payment Date for the Subordinate Lien Obligations in the same manner as specified in clauses FIRST and SECOND above for the Parity Lien Obligations;

FOURTH, to the credit of or deposit in any reserve accounts established for the payment of the Bond and any Parity Lien Obligations the amounts required in the ordinances or related documents authorizing and controlling the establishment of such reserve accounts; and

FIFTH, subject to any limitations otherwise established in connection with Parity Lien Obligations, to the credit of any other fund or account as may be designated by the City, to be used for any lawful purpose, any moneys remaining in the Water Fund after the payments and accumulations set forth in FIRST through FOURTH hereof.

(d) ***The Bond Does Not Constitute a Debt.*** The CWRPDA may not look to any general or other fund of the City for the payment of the principal of or interest on the Bond, except the funds and accounts pledged thereto pursuant to authority of this Ordinance, and the Bond shall not constitute a debt or an indebtedness of the City within the meaning of any constitutional or statutory provision or limitation; nor shall it be considered or held to be a general obligation of the City.

Section 6. Various Findings, Determinations, Declarations and Covenants. The City Council, having been fully informed of and having considered all the pertinent facts and circumstances,

hereby affirms the representations and covenants set forth in Article II of the Loan Agreement, and further finds, determines, declares and covenants that:

(a) ***Additional Obligations.*** No bonds, notes, interim securities or other obligations shall be issued payable from the Net Revenues and having a lien thereon which is superior to, on a parity with, or subordinate to the lien of the Bond unless there has been met the requirements set forth in EXHIBIT F of the Loan Agreement, under the caption entitled “Additional Bonds”.

(b) ***Maintenance of Rates and Coverage.*** The City hereby covenants that it will establish, maintain, enforce and collect rates, fees and charges for services furnished by or the use of the Water Utility System as required in provisions under the caption titled “Rate Covenant” set forth EXHIBIT F of the Loan Agreement. In the event that Gross Revenues at any time are not sufficient to make the payments required by said provision, the City covenants to promptly increase such rates, fees and charges to an extent which will ensure compliance with said covenants.

(c) ***Enterprise Status.*** The City has established, and covenants to continue to maintain, the System as an “enterprise” within the meaning of Article X, Section 20 of the Colorado Constitution; provided, however, after calendar year 2024 the City may disqualify the System as an “enterprise” in any year in which said disqualification does not materially, adversely affect the enforceability of the covenants made pursuant to this Ordinance. In the event that the System is disqualified as an enterprise and the enforceability of the covenants made pursuant to this Ordinance are materially, adversely affected, the City covenants to immediately take all actions necessary to (i) qualify the System as an enterprise within the meaning of Article X, Section 20 of the Colorado Constitution and (ii) permit the enforcement of the covenants made herein.

(d) ***Obligations Currently Secured by Net Revenues.*** Other than the outstanding Parity Lien Obligations, as of the date of this Ordinance the City has no outstanding debt, bonds, notes, loans or other multiple fiscal year obligation secured by a pledged of Net Revenues.

(e) ***Findings of the City Council.*** The City Council having been fully informed of and having considered all the pertinent facts and circumstances, hereby finds, determines, declares and covenants with the CWRPDA that:

(i) the Water Enterprise has been duly established and is operating during the current calendar year as an “enterprise” within the meaning of Article X, Section 20 of the Colorado Constitution;

(ii) the City Council elects to apply all of the provisions of the Supplemental Public Securities Act to the execution of the Loan Agreements and to the issuance and delivery of the Bond;

(iii) the execution of the Loan Agreement and the issuance and delivery of the Bond, and all procedures undertaken incident thereto, are in full compliance and conformity with all applicable requirements, provisions and limitations prescribed by the Enabling Law, and all conditions and limitations of the Enabling Law and other applicable law relating to the execution of the Loan Agreement and the issuance and delivery of the Bond have been satisfied; and

(iv) it is in the best interests of the City and its residents that the Bond be authorized, issued and delivered at the time, in the manner and for the purposes provided in this Ordinance.

(f) ***Operations and Maintenance Reserve.*** The City hereby covenants to establish and maintain a reserve equal to the O&M Reserve Requirement, and in the event of shortfalls reestablish such amount as required by the Loan Agreement. Such reserve may be in the form of an unassigned fund balance in the Water Fund or other unobligated cash or securities (i.e., capital reserves) or may be in a separate segregated account and shall be maintained as a continuing reserve for payment of any lawful purpose relating to the System.

(g) ***Authorized Officers.*** Pursuant to Exhibit B of the Loan Agreement, the Director of Finance and the Deputy Director of Utility Finance and Customer Service are each designated as an Authorized Officer (as defined in the Loan Agreement) of the City for the purpose of performing any act or executing any document relating to the Loan, the Bond or the Loan Agreement.

Section 7. Amendment of Ordinance. This Ordinance may be amended only with the prior written consent of the CWRPDA.

Section 8. Limitation of Actions. As provided in Section 5-21 of the Charter, no action or proceedings, at law or in equity, to review any acts or proceedings, or to question the validity of or enjoin the issuance or payment of the Bond, or for any other relief against any acts or proceedings of the City done or had under Part Four (Sections 5-18 through 5-23, inclusive) of Article V of the Charter, shall be maintained against the City, unless commenced within 30 days after the performance of the act or final passage of the resolution or ordinance complained of, or else be thereafter perpetually barred.

Section 9. Ratification of Prior Actions. All actions heretofore taken (not inconsistent with the provisions of this Ordinance) by the City Council or by the officers and employees of the City directed toward the issuance of the Bond for the purposes herein set forth are hereby ratified, approved and confirmed.

Section 10. Severability. If any section, subsection, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 11. Ordinance Irrepealable. After the Bond has been issued, this Ordinance shall constitute a contract between the CWRPDA and the City, and shall be and remain irrepealable until the Bond and the interest accruing thereon shall have been fully paid, satisfied, and discharged, as herein provided.

Section 12. Statutes Superseded; Inconsistent Enactments Suspended. Pursuant to Article XX of the State Constitution and the Charter, all statutes of the State which might otherwise apply in connection with the Bond are hereby superseded to the extent inconsistent with this Ordinance. Any ordinances or other enactments of the City inconsistent with this Ordinance or the transactions contemplated hereby are hereby superseded to the extent of such inconsistency and shall to such extent be inapplicable to such transactions.

Section 13. Publication and Effective Date. Following passage of this Ordinance on first reading, it shall be published in full in the Greeley Daily Tribune, a legal newspaper of general circulation in the City. Before this Ordinance shall be considered for final passage, there shall also be published a notice of hearing in accordance with the Charter and ordinances of the City. Pursuant to Section 3.17(f) of the Charter of the City, this Ordinance, if not amended in substance after first reading hereof, shall be published after second reading and final passage either by title or in full, as the Council may determine. This Ordinance shall take effect five days after publication following final passage.

[Remainder of Page Left Intentionally Blank]

Immediately upon its final passage, this Ordinance shall be recorded in the City book of ordinances kept for that purpose, shall be authenticated by the signatures of the Mayor and the City Clerk, and shall be published as required by law in the Greeley Daily Tribune. The City Clerk is hereby authorized to include in such publications any additional information the City Clerk may deem necessary or appropriate. This Ordinance shall take effect on the fifth day following its final publication.

INTRODUCED on 16th Day of July 2024.

ADOPTED AND APPROVED on _____, 2024.

[CITY SEAL]

By: _____
Mayor

Attest:

By _____
City Clerk

**CITY OF GREELEY, COLORADO
WATER AND SEWER BOARD**

RESOLUTION 3, 2024

A RESOLUTION OF THE GREELEY WATER AND SEWER BOARD AUTHORIZING AND APPROVING A LOAN FROM THE COLORADO WATER RESOURCES AND POWER DEVELOPMENT AUTHORITY FOR THE PURPOSE OF FINANCING CAPITAL IMPROVEMENTS TO THE WATER SYSTEM; APPROVING A LOAN AGREEMENT AND THE ISSUANCE OF A BOND TO EVIDENCE THE LOAN; PROVIDING FOR THE PAYMENT OF THE BOND FROM THE OPERATION OF THE WATER SYSTEM ON THE TERMS AND CONDITIONS PROVIDED IN THE BOND ORDINANCE

BE IT RESOLVED BY THE WATER AND SEWER BOARD OF THE CITY OF GREELEY, COLORADO:

Section 1. Findings. The Water and Sewer Board (the “Board”) of the City of Greeley, Weld County, Colorado (the “City”), hereby finds and determines that:

(a) Pursuant to Section 5-18(d) of the Charter of the City (the “Charter”), a proposed Ordinance (the “Ordinance”) is scheduled for introduction at the City Council (the “Council”) of the City’s regular meeting on July 16, 2024, authorizing a loan from the Colorado Water Resources and Power Development Authority (the “CWRPDA”) in the approximate principal amount of \$20,910,725 (consisting of a repayable loan for \$7,551,020, plus up to an additional \$10,000,000 of up-front loan principal forgiveness and a base direct loan of approximately \$3,359,705) (the “Loan”) for a term of up to 30 years and bearing interest at a fixed interest rate of 3.50%, and approving a loan agreement (the “Loan Agreement”) and the issuance of a governmental agency bond (the “Bond”) to evidence the loan upon the terms and conditions set forth in the Ordinance.

(b) Pursuant to Article XVII of the Charter, the City owns, operates and maintains a municipal water system (the “System”) as an “enterprise” within the meaning of article X, section 20 of the Colorado Constitution. The System has been designated as an enterprise by the Charter, by Section 20-23 of the Greeley City Code (the “Code”), and by related actions of the Council and the Board, and such designation is hereby ratified and confirmed. The Board has determined, and hereby determines, based in part upon advice of bond counsel, that the System currently meets all requirements applicable to an enterprise under said article X, section 20. Without limiting the generality of the foregoing, the Board has determined, and hereby determines, that in each fiscal year since the adoption of said article X, section 20, through and including the 2023 fiscal year, the System has received, and that for the current 2024 fiscal year, the Board intends and reasonably expects that the System will receive under 10% of annual revenue in grants from all Colorado state and local governments combined. Accordingly, no election is necessary under article X, section 20 of the Colorado Constitution to issue the Bond.

(c) In addition to the other powers and duties vested in the Board, Section 17-4(a) of the Charter provides, in relevant part, that the Board shall have the power and shall be required to annually establish minimum water rates which must be sufficient to include all expenditures for:

- (i) all operation and maintenance of the System;
- (ii) all debt service requirements; and
- (iii) additions to a reserve account in sufficient amounts to offset depreciation to the System, based on accepted principles of accounting for a water system.

(d) The City has determined it is necessary and desirable for the best interests of the health, safety and welfare of the people of the City to finance the acquisition and construction of capital improvements, betterments, extensions and expansions of the System (the "Project").

(e) The Board is familiar with (i) the Project; (ii) the financing of the Project to be effected through the execution and delivery of the Loan Agreement and the related issuance of the Bond; (iii) the terms and conditions of the loan upon which the Bond is to be issued; and (iv) the provisions of the Ordinance.

(f) Except for the Series 2014 Bonds, the Series 2016 Bonds, the Series 2018 Bonds, and the Series 2022 Bonds (all as defined in the Ordinance), there are no other outstanding bonds, notes or other obligations secured by a pledge of or a lien on all or any part of the Net Revenues (as defined in the Ordinance) of the System secured on parity with the Bond, and there are no ordinances, resolutions, contracts, agreements, or other enactments or commitments inconsistent with the Loan Agreement or the issuance of the Bond or due performance under the Bond or the Ordinance.

(g) Pursuant to Section 17-1 of the Charter, Section 20-31 of the Code, and the Ordinance, and to provide for compliance with Section 17-4(a) of the Charter, the Loan Agreement, the Bond, the Ordinance and the transactions contemplated thereby have been submitted to the Board for its authorization and approval. This resolution shall constitute such authorization and approval, and by adopting this resolution the Board has duly exercised its authority with respect to revenue bonds pursuant to Section 20-31 of the Code.

(h) The estimated period of usefulness of the Project is not less than fifty years from the date of delivery of the Bond.

(i) Pursuant to Section 18-8-308, Colorado Revised Statutes ("C.R.S."), all known potential conflicting interests, if any, with respect to the Loan Agreement, the Bond and the expenditure of proceeds thereof have been disclosed to the Board and to the Colorado Secretary of State. No member of the Board has a personal or private interest, as such terms are used in Section 24-18-109, C.R.S., in the Loan Agreement, the Bond, the Project, or any other subject matter of this resolution or the Ordinance, and no member of the Board has any interest, as such term is used in Section 24-18-201, C.R.S., in the Loan

Agreement, the Bond, the Project or any other contract made or to be made pursuant to this resolution or the Ordinance.

Section 2. Approval, Authorization and Ratification. The Board hereby approves and authorizes the Project, the execution and delivery of the Loan Agreement, and the issuance of the Bond, in an aggregate principal amount not to exceed \$21,000,000, bearing interest at the rates and maturing on the dates and in the amounts to be set forth in the Loan Agreement, and on the terms and conditions provided in the Ordinance; and the Board further hereby authorizes, approves and concurs in all terms and provisions of the Ordinance and the transactions contemplated thereby. Without limiting the generality of the foregoing, as security for the Loan Agreement and the Bond, the Board hereby specifically authorizes, approves and concurs in the pledge of Net Revenues of the System, the granting of an irrevocable and first lien (but not necessarily an exclusively first lien) on such Net Revenues, on a parity with the lien of the Series 2014 Bonds, the Series 2016 Bonds, the Series 2018 Bonds and the Series 2022 Bonds, the covenants, restrictions and limitations relating to additional Parity Obligations and Subordinate Obligations (both as defined in the Ordinance), and the covenants relating to the establishment and collection of System rates and charges, all as provided in the Ordinance. All actions heretofore taken (not inconsistent with the provisions of the Ordinance) by the City, the Board, and officers, agents and employees of the City and the Board, directed toward the undertaking of the Project and toward the execution and delivery of the Loan Agreement and the issuance of the Bond for that purpose are hereby ratified, approved and confirmed.

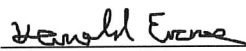
Section 3. Delegation. In connection with this resolution, the Loan Agreement, and the Bond, the Board hereby elects, pursuant to Section 11-57-204, Colorado Revised Statutes, as amended ("C.R.S."), to apply such portions of the Supplemental Act (as defined and provided in the Ordinance) as are relevant to and not inconsistent with the provisions of the Ordinance and this resolution, including without limitation Section 11-57-211, C.R.S. The officers of the City, including appropriate officers of the Board, are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of the Ordinance and this resolution, to comply with the Ordinance, the Loan Agreement, and the Bond, and to comply with all requirements of applicable law in connection therewith, including, without limitation, the execution and delivery of such documents, agreements, certificates, affidavits and other instruments as may be necessary or desirable in connection therewith. Pursuant to Exhibit B of the Loan Agreement, the Director of Finance and the Deputy Director of Utility Finance and Customer Service are each designated as an Authorized Officer (as defined in the Loan Agreement) of the City and the Board for the purpose of performing any act or executing any document relating to the Loan, the Bond or the Loan Agreement.

Section 4. Repeal of Inconsistent Actions. All resolutions, bylaws and other orders or actions of the Board in conflict with this resolution are hereby repealed only to the extent of such inconsistency. This repealer shall not be construed to revive any resolution, bylaw or other order action heretofore repealed.

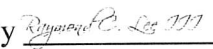
Section 5. Severability. If any section, paragraph, clause or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution.

Section 6. Effective Date. The Loan Agreement and the Bond being scheduled for delivery on or about July 22, 2024 or such later date as is determined pursuant to the terms of the Ordinance, it is hereby determined that the immediate effectiveness of this resolution will promote the public health and safety of, and will benefit, the citizens and inhabitants of the City. This resolution shall become effective and be in full force and effect immediately upon its adoption.

APPROVED, ADOPTED AND SIGNED this July 22 , 2024.

By 
Chairman, Water and Sewer Board of the
City of Greeley, Colorado

ATTEST:

By 
Secretary, Water and Sewer Board of the
City of Greeley, Colorado



Colorado Drinking Water Revolving Fund Loan – Lead Service Replacement and Identification

**Sean Chambers, Director
Water & Sewer Department
City Council Meeting – August 20, 2024**



Infrastructure and Mobility

Drinking Water Revolving Fund Loan

Our loan application for the Lead Service Identification and Replacement project was approved:

- \$20,910,725 loan at 3.5% interest rate for up to 30 years
- \$10,000,000 in principal forgiveness from the Bipartisan Infrastructure Law funding

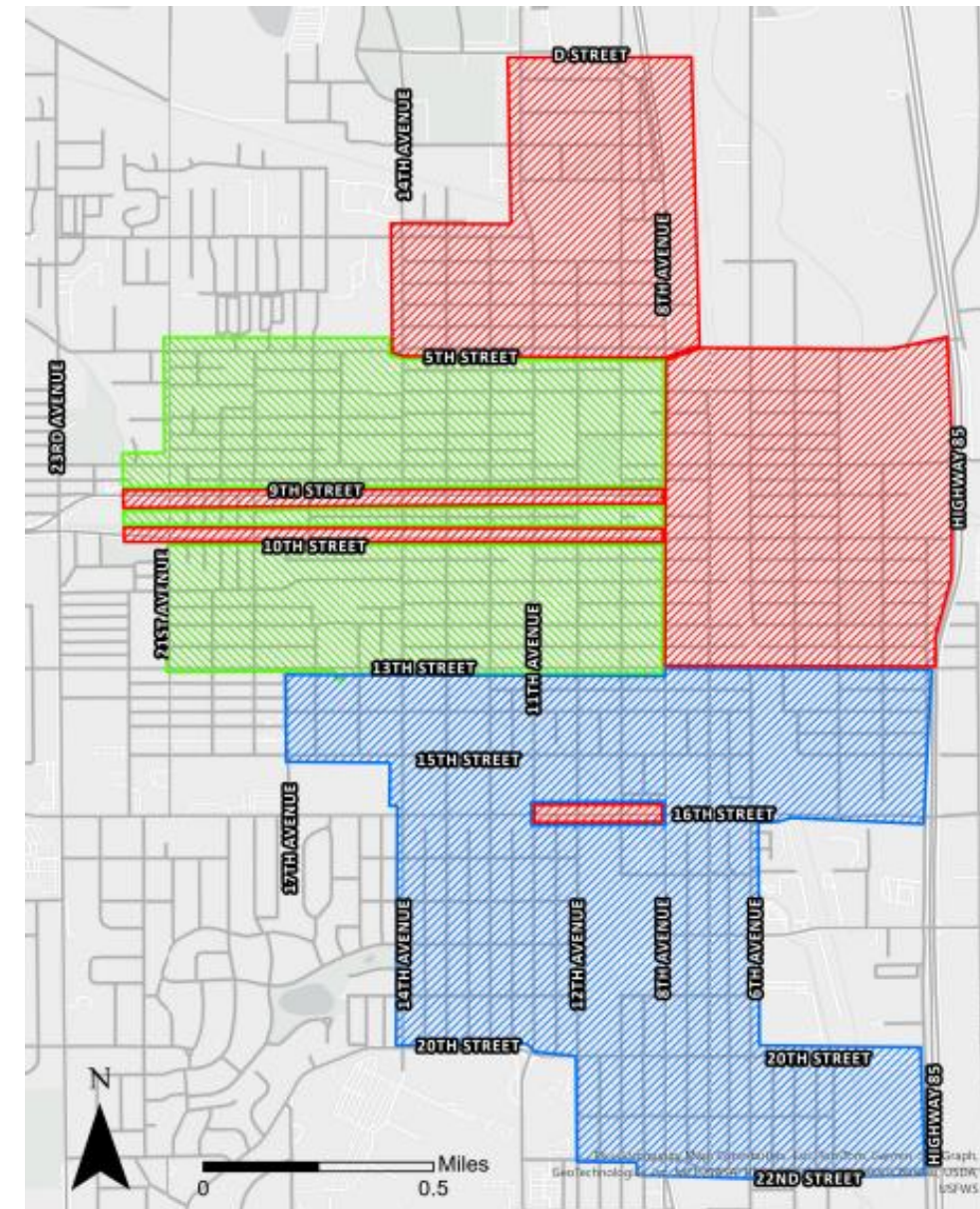
Federal funding requirements, including:

- Davis Bacon Wages, Disadvantaged Enterprises Six Good Faith Efforts, Buy America-Build America, and
- State Historical Preservation Office (SHPO) Review

We separately have received a \$250,000 grant from the State of Colorado Water Quality Control Division for Lead Service Identifications.

Lead Service Replacement Phases

- Estimate for total project cost for Lead Service Identification and Replacement and associated work citywide is \$27M (2023 – 2026+)
- Phase 1 (not pictured) and Phase 2 (red) Potholing work being done prior to funding
- Phases 2 (red) Replacements, 3 (green), and 4 (blue) is the SHPO Review Region: \$21M costs for the loan represents the At-Risk Region not already done. Area of the city considered most at risk for service lines needing replacement
- Phase 5: outside the at-risk region and not included in funding



Timing

- Water and Sewer Board Resolution 3, 2024 – **Approved July 17**
- City Council Ordinance - July 16 (first reading) and August 20 (second reading)
- SHPO Review and Clearance to Proceed – Expected in August 2024 for Phase 2 Replacements, with updates for each phase to be provided in the future

Thank you





Council Agenda Summary

August 20, 2024

Key Staff Contact: Sean Chambers, Water & Sewer Director, Adam Prior, Chief Engineer

Title:

Public hearing and second reading of an ordinance making assessments against the lots and lands included within the Local Improvement District No. 343795 to recover the approved maximum costs of construction for sanitary sewer infrastructure in Greeley, Colorado (Ashcroft Draw Basin Sanitary Sewer Infrastructure)

Summary:

The City Council established a Local Improvement District (LID) No. 343795 for construction of a regional wastewater lift station and gravity sewer line to serve existing and future developments. The 2.9 Million Gallons per Day (MGD) full build out capacity lift station will be located adjacent to the southeast corner of existing St. Michaels Subdivision along 65th Ave. Wastewater treatment for the residents in St Michaels Subdivision and surrounding future developments where historically served by the City of Evans (Evans), While Evans had provided treatment in this basin since 2013 to 2022 and had limited development potential within Greeley's Ashcroft Draw Basin.

In 2018, Evans upgraded their wastewater plant, which significantly increased the monthly sewer rates, for which Greeley has paid the difference prior to the new lift station. Evans has continued to limit wastewater treatment plant capacity which would have limited Greeley's development potential in the basin and further increase sewer rates. In May 2021, Greeley and Evans updated the Intergovernmental Agreement (IGA) to address temporary treatment rates and allows for Evans to provide emergency overflow for the constructed Ashcroft Lift Station.

The Ashcroft Lift Station started construction in June 2021 and became operational in September of 2022 which allows Greeley to provide wastewater treatment to existing and future developments in Greeley within the Ashcroft Draw Basin. The final completion of the Ashcroft Lift Station was completed in May 2024. The Water and Sewer Department is seeking an ordinance setting forth the final tap fee based on actual project cost; and setting forth the property to be included and names of the apparent owners of property for LID no. 343795. The final determination of lots and lands to be included within local improvement district 343795 as set forth in section 18-379(d) of the Greeley Municipal Code.

The LID is setting forth two rates, 1) properties only tributary to the downstream proposed gravity sewer, and 2) properties tributary to the proposed lift station, force main, and gravity sewer as depicted in Exhibit A of the Ordinance. The Lift Station service area is approximately 900 acres, while the gravity sewer service area is approximately 1080 acres, with 180 acres of the service area being directly tributary to the gravity sewer main.

The basis of repayment for the LID will be water service tap size and ¾" equivalents. The lift station will have a ¾" equivalent capacity of 5,156 and the downstream gravity sewer has a ¾" equivalent of

7,051. The LID 343795 set the maximum gravity sewer cost of \$425,000 or \$60.28 per ¾" equivalent water meter size and lift station and force main maximum cost of \$4,875,000 or \$945.50 per ¾" equivalent water meter size. Actual construction costs of the gravity main was \$468,252 and the lift station and force main costs were \$5,297,756. The construction costs came in higher for labor, materials, and installation due to post COVID inflations and significant cost increases in easement for the lift station and force main.

This Ordinance will set the final LID rates, 1) properties only tributary to the downstream proposed gravity sewer with a rate of \$60.28 per ¾" equivalent water meter size, and 2) properties tributary to the proposed lift station, force main, and gravity sewer rate of \$945.50 per ¾" equivalent water meter size as depicted in Exhibit A of the Ordinance.

A motion to introduce the ordinance and schedule a public hearing and second reading for August 20, 2024, was approved by a majority vote on July 16, 2024. After the ordinance was introduced, it was published in full in the July 19, 2024, edition of the Greeley Tribune.

Per Section 18-394 in the Greeley Municipal Code certified mailings of notification of the public hearing were sent out on July 30, 2024, to all each person named in the ordinance. Also, additionally to the publication in the July 19, 2024, edition of the Greeley Tribune, the public hearing notice and the ordinance were published in full in the July 26 and August 9 editions of the Greeley Tribune.

Fiscal Impact:

1. Does this item create a fiscal impact on the City of Greeley? Yes
2. If yes, what is the initial, or, onetime impact? Water & Sewer has already funded total lift station and the force main project costs of \$5,766,008. The City's proportional split of project costs, through the Sewer Enterprise, is \$442,815 for existing development within St. Michaels subdivision and an additional \$466,008 to cover the project costs exceeding the maximum costs of the previously authorized LID 343795.
3. Additional Comments: The Local Improvement District will enable the City to recover the costs of the regional lift station, force main, and gravity sewer from the undeveloped parcels that are benefiting from the sewer infrastructure.

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:

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. 25, 2024 with Exhibit A & B
2. ORD 21, 2021-Final
3. Item 18 - Ashcroft Draw Sewer Lift Station Local Improvement District Presentation

CITY OF GREELEY, COLORADO
ORDINANCE NO. 25, 2024

**AN ORDINANCE MAKING ASSESSMENTS AGAINST THE LOTS AND LANDS INCLUDED WITHIN
LOCAL IMPROVEMENT DISTRICT NO. 343795 TO RECOVER THE APPROVED MAXIMUM
COSTS OF CONSTRUCTION FOR SANITARY SEWER INFRASTRUCTURE IN GREELEY,
COLORADO (ASHCROFT DRAW BASIN SANITARY SEWER INFRASTRUCTURE)**

WHEREAS, the City of Greeley, Colorado ("City") is a home rule municipality empowered pursuant to Sections 1 and 6 of Article XX, and Section 7 of Article X of the Colorado Constitution to, *inter alia*, levy assessments against real property within the City for municipal purposes, including, without limitation, for local improvements; and

WHEREAS, the Charter for the City of Greeley, Colorado further empowers the City to establish local improvement districts, for the purpose of, *inter alia*, constructing local improvements and assessing the costs thereof upon the property especially benefitted by such improvements; and

WHEREAS, Title 18, Chapter 6 (Local Improvement Districts) of the Greeley Municipal Code sets forth the particular authority and procedures by which the City may establish such local improvement districts; and

WHEREAS, the City adopted Ordinance No. 21, 2021 on July 20, 2021, to establish Local Improvement District No. 343795 for the construction of municipal sanitary sewer infrastructure improvements for the benefit of properties within the Ashcroft Draw Basin in Greeley ("Ashcroft Draw Basin Sanitary Sewer Infrastructure"); and

WHEREAS, the Chief Engineer of the Water and Sewer Department has presented a final report to the City Council on such construction and the costs incurred thereby, as required by Section 18-392 of the Greeley Municipal Code, a copy of which report is attached hereto as Exhibit B and incorporated herein by reference; and

WHEREAS, the City Council has considered such final report and desires to assess the lots and lands included within Local Improvement District No. 343795 for the costs of the Ashcroft Draw Basin Sanitary Sewer Infrastructure described above.

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

Section 1. Finding of Construction Completion and Total Costs. The City Council hereby finds that construction of the Ashcroft Draw Basin Sanitary Sewer Infrastructure described above and more particularly described in Ordinance No. 21, 2021 has been completed, and that the total cost to be assessed against the lots and lands within Local Improvement District No. 343795 is \$5,300,000.00, of which \$4,875,000.00 is attributable to the Lift Station and Force Main portions of the project and \$425,000.00 is attributable to the Gravity Main portion of the project.

Section 2. Ashcroft Draw Basin Sanitary Sewer Infrastructure Capacity. The Lift Station and Force Main portions of the Ashcroft Draw Basin Sanitary Sewer Infrastructure have a maximum capacity of 5156 three-quarter inch (¾") tap equivalents. The Gravity Main portion of the Ashcroft Draw Basin Sanitary Sewer Infrastructure has a maximum capacity of 7051 three-quarter inch (¾") tap equivalents.

Section 3. City Portion of Ashcroft Draw Basin Sanitary Sewer Infrastructure Costs. The City shall be responsible for the portion of the total cost attributable to 466.34 three-quarter inch (¾") tap equivalents that will be served by the Ashcroft Draw Basin Sanitary Sewer Infrastructure, in the total amount of \$440,924.47.

Section 4. Manner of Property Assessments and Interest. The City Council hereby finds that the portion of such costs to be assessed shall be first allocated between two divisions of properties within Local Improvement District No. 343795 – those properties benefitted by the Lift Station, Force Main, and Gravity Main aspects of the overall project, and those properties benefitted only by the Gravity Main aspect of the project, as is shown on the map attached hereto as Exhibit A. Within such allocations, the costs, expenses, and interest shall then be assessed proportionally in accordance with the water tap size and ¾” tap equivalents as a surcharge against sanitary sewer taps requested on the lots and lands within Local Improvement District No. 343795. Assessments shall be due from the property owner at the time sanitary sewer plant investment fees are collected, and any unpaid portions of such assessments shall bear interest at a rate of 4.4 percent per annum, which rate was recommended by the Director of Finance and is reflective of the prevailing interest rates on local or special improvement district bonds to finance comparable improvements.

<u>Water Tap Size</u>	<u>¾” Tap Equivalents</u>
¾”	1
1”	1.67
1½”	3.33
2”	5.33
3”	10.67
4”	16.67
6”	33.33
8”	53.33

Section 5. Assessment of Costs. The following lots and lands, all of which were included within Local Improvement District No. 343795 pursuant to Ordinance No. 21, 2021, are hereby assessed as follows.

- Owner(s): Edward Rose Development Company, LLC
Mailing Address of Owner(s): P.O. Box 3015
Kalamazoo, MI 49003-3015
Address of LID Property: N/A
Weld County Parcel No.: 095921104001
Legal Description of LID Property:

LOT 1 29TH ST MULTI-FAMILY SUBDIVISION

Lift Station and Force Main Improvements Assessment: \$945.50 per ¾” tap equivalent
Gravity Main Improvements Assessment: \$60.28 per ¾” tap equivalent
- Owner(s): Edward Rose Development Company, LLC
Mailing Address of Owner(s): P.O. Box 3015
Kalamazoo, MI 49003-3015
Address of LID Property: N/A
Weld County Parcel No.: 095921104002
Legal Description of LID Property:

TRACT 1 29TH ST MULTI-FAMILY SUBDIVISION

Lift Station and Force Main Improvements Assessment: \$945.50 per ¾" tap equivalent
Gravity Main Improvements Assessment: \$60.28 per ¾" tap equivalent

3. Owner(s): Spirit Hospitality, LLC
Mailing Address of Owner(s): 4836 S. College Avenue
Fort Collins, CO 80525
Address of LID Property: N/A
Weld County Parcel No.: 095921281001
Legal Description of LID Property:

LOT 1 VILLAGE AT ST MICHAELS 3RD RPLT

Lift Station and Force Main Improvements Assessment: \$945.50 per ¾" tap equivalent
Gravity Main Improvements Assessment: \$60.28 per ¾" tap equivalent

4. Owner(s): Michael Lannon and Alexis Lannon
Mailing Address of Owner(s): 6714 W. 31st Street Road
Greeley, CO 80634
Address of LID Property: 6714 W. 31st Street Road
Greeley, CO 80634
Weld County Parcel No.: 095921282001
Legal Description of LID Property:

Lot 9A ST MICHAELS 4TH MINOR

Lift Station and Force Main Improvements Assessment: \$945.50 per ¾" tap equivalent
Gravity Main Improvements Assessment: \$60.28 per ¾" tap equivalent

5. Owner(s): Jeremy Hayden and Kristin Hayden
Mailing Address of Owner(s): 3105 67th Avenue Place
Greeley, CO 80634
Address of LID Property: 3105 67th Avenue Place
Greeley, CO 80634
Weld County Parcel No.: 095921232005
Legal Description of LID Property:

GR STM L5 BLK32 ST MICHAELS

Lift Station and Force Main Improvements Assessment: \$945.50 per ¾" tap equivalent
Gravity Main Improvements Assessment: \$60.28 per ¾" tap equivalent

6. Owner(s): Greeley Cobblestone Investments, LLC
Mailing Address of Owner(s): 430 N. College Avenue, Suite 410
Fort Collins, CO 80524-2674

Address of LID Property: N/A
Weld County Parcel No.: 095920000018
Legal Description of LID Property:

GR 17606-B PT NE4 & SE4 20 5 66 (HURST ANNEXATION) BEG NE COR NE4 S0D58'E 1274.46' TO TRUE POB TH CONT S ALG E LN SEC S0D58'E 1378.53' TO E4 COR SEC & AGAIN S0D59'E 1054' TH N62D02'W 873' N43D01'W 875' TH ACROSS ASHCROFT DRAW N40D30'E 35.21' TH N36D44'W 151.07' N45D26'W 235.41' N56D21'W 687.89' N18D52'W 180.13' N49D23'E 225.72' S44D29'E 236.53' N51D43'E 96.55' N32D39'E 372.53' S85D15'W 404.26' N56D59'W 46.95' TO N BANK GREELEY-LOVELAND IRRIGATION DITCH TH ALG SD N BANK N68D16'E 193.42' N83D37'E 230.14' N59D55'E 575.32' N86D02'E 508.51' S62D29'E 422.11' S77D46'E 238.34' TO POB AKA PARCEL B AMD SUB EXEMPT SE-162 (3.98R3D)

Lift Station and Force Main Improvements Assessment: \$945.50 per ¾" tap equivalent
Gravity Main Improvements Assessment: \$60.28 per ¾" tap equivalent

7. Owner(s): Greeley Cobblestone Investments, LLC
Mailing Address of Owner(s): 430 N. College Avenue, Suite 410
Fort Collins, CO 80524-2674
Address of LID Property: 7460 W. 28th Street
Greeley, CO 80634
Weld County Parcel No.: 095920000012
Legal Description of LID Property:

GR 17608 PT NE4 20 5 66 (BASTDOFBA ANNEX) COMM NE COR THENCE S0D58'E 2652.99' TO SE COR NE4 S0D59'E 1054' N62D03'W 873' N43D01'W 875' TO TRUE POB THENCE S89D47'W 1274.97' N01D18'W 1169.01' N88DE 449.08' N75D58'E 150.88' S56D59'E 61.11' N85D15'E 404.26' S32D39'W 372.53' S51D43'W 96.55' N44D29'W 236.53' S49D23'W 225.72' S18D52'E 180.13' S56D21'E 687.89' S45D26'E 235.41' S36D44'E 151.07' S40D30'W 35.21' TO TRUE POB AKA LOT A AMD SUB EXEMPT SE-162 (1D)

Lift Station and Force Main Improvements Assessment: \$945.50 per ¾" tap equivalent
Gravity Main Improvements Assessment: \$60.28 per ¾" tap equivalent

8. Owner(s): Gary W. Wiedeman
Mailing Address of Owner(s): 5880 49th Street
Greeley, CO 80634-9643
Address of LID Property: N/A
Weld County Parcel No.: 095920400069
Legal Description of LID Property:

GR PT SE4 20-5-66 (WIEDEMAN 1ST ANNEX) BEG E4 COR S01D21'E 1120.66' TO TRUE POB S01D21'E 107.03' S88D38'W 20' N01D21'W 184.88' S62D45'E 22.78' S01D21'E 66.94' TRUE POB

Lift Station and Force Main Improvements Assessment: \$945.50 per ¾" tap equivalent
Gravity Main Improvements Assessment: \$60.28 per ¾" tap equivalent

9. Owner(s): Gary W. Wiedeman

Mailing Address of Owner(s): 5880 49th Street
Greeley, CO 80634-9643
Address of LID Property: N/A
Weld County Parcel No.: 095920400070
Legal Description of LID Property:

GR PT SE4 20-5-66 (WIEDEMAN 2ND ANNEX) BEG E4 COR S01D21'E 1227.69' TO TRUE POB
S88D38'W 20' N01D21'W 184.88' N62D45'W 45.56' S01D21'E 226.68' N88D38'E 20' S01D21'E
336.05' N88D38'E 20' N01D21'W 336.05' N88D38'E 20' N01D21'W 20' TRUE POB

Lift Station and Force Main Improvements Assessment: \$945.50 per ¾" tap equivalent
Gravity Main Improvements Assessment: \$60.28 per ¾" tap equivalent

10. Owner(s): Gary W. Wiedeman
Mailing Address of Owner(s): 5880 49th Street
Greeley, CO 80634-9643
Address of LID Property: N/A
Weld County Parcel No.: 095920400071
Legal Description of LID Property:

GR PT SE4 20-5-66 (WIEDEMAN 3RD ANNEX) BEG E4 COR S01D21'E 1247.69' TO TRUE POB
S01D21'E 1078.16' S88D38'W 20' N01D21'W 722.11' S88D38'W 20' S01D21'E 722.11' S88D38'W
20' N01D21'W 1078.16' N88D38'E 20' S01D21'E 336.05' N88D38'E 20' N01D21'W 336.05' N88D38'E
20' TRUE POB

Lift Station and Force Main Improvements Assessment: \$945.50 per ¾" tap equivalent
Gravity Main Improvements Assessment: \$60.28 per ¾" tap equivalent

11. Owner(s): Gary W. Wiedeman
Mailing Address of Owner(s): 5880 49th Street
Greeley, CO 80634-9643
Address of LID Property: N/A
Weld County Parcel No.: 095920400072
Legal Description of LID Property:

GR PT SE4 20-5-66 (WIEDEMAN 4TH ANNEX) BEG E4 COR S01D21'E 2325.85' TO TRUE POB
S01D21'E 297.19' S89D36'W 812.69' N1973.87' S62D45'E 804.09' S01D21'E 1304.84' N88D38'E 20'
N01D21'W 772.11' N88D38'E 20' S01D21'E 722.11' N88D38'E 20' TRUE POB

Lift Station and Force Main Improvements Assessment: \$945.50 per ¾" tap equivalent
Gravity Main Improvements Assessment: \$60.28 per ¾" tap equivalent

12. Owner(s): Gary W. Wiedeman
Mailing Address of Owner(s): 5880 49th Street
Greeley, CO 80634-9643
Address of LID Property: 7727 County Road 27
Greeley, CO 80634
Weld County Parcel No.: 095920400073

Legal Description of LID Property:

GR PT S2 20-5-66 (WIEDEMAN 5TH ANNEX) BEG E4 COR S01D21'E 2623.04' S89D36'W 812.69' TO TRUE POB S89D36'W 1798.35' S89D11'W 1440.74' N29D44'E 730.86' N23D40'E 95.64' S86D25'E 308.53' N29D19'E 306.47' S79D36'E 36.40' S73D0'E 146.25' N86D34'E 71.57' N54D52'E 111.32' N43D02'E 71.79' N36D06'E 288.57' N30D25'E 81.42' N22D57'E 44.85' N15D40'E 35' N0D46'E 705.36' N09D04'W 76.82' N18D44'W 314.19' N14D14'W 134.48' N89D18'E 1292.17' S43D12'E 875' S1973.87' TRUE POB

Lift Station and Force Main Improvements Assessment: \$945.50 per ¾" tap equivalent
Gravity Main Improvements Assessment: \$60.28 per ¾" tap equivalent

13. Owner(s): Lundvall, LLC
Mailing Address of Owner(s): 2201 95th Avenue
Greeley, CO 80634-9069
Address of LID Property: N/A
Weld County Parcel No.: 095920000064
Legal Description of LID Property:

17607-A PT S2 20 5 66 LYING NLY & WLY OF C/L OF LOVELAND & GREELEY CANAL ALSO BEG AT SW COR SEC N65D19'E 1795.15' TO WLY LN OF LOVELAND & GREELEY CANAL & TRUE POB N29D46'E 210.36' N42D21'E 131.83' N71D05'E 79.38' S80D26'E 251.07' S30D08'W 336.1' N85D36'W 348.24' TO BEG (2.69R 5D)

Lift Station and Force Main Improvements Assessment: \$945.50 per ¾" tap equivalent
Gravity Main Improvements Assessment: \$60.28 per ¾" tap equivalent

14. Owner(s): Suncor Energy (USA) Pipeline Company
Mailing Address of Owner(s): c/o Right of Way/Claims
717 17th Street, Floor 29
Denver, CO 80202-3330
Address of LID Property: N/A
Weld County Parcel No.: 095919000008
Legal Description of LID Property:

17605-B PT SE4 19 5 66 BEG N0D29'E 30 & N88D47'W 30' OF SE COR SE4 N88D47'W 295.17' N45D51'E 414.78 S0D29'W 295.29' TO POB (1A M/L) EXC UPRR RES

Lift Station and Force Main Improvements Assessment: \$945.50 per ¾" tap equivalent
Gravity Main Improvements Assessment: \$60.28 per ¾" tap equivalent

15. Owner(s): Cynthia Dean Chismar 2012 Irrevocable
Trust; Dylan Alexander Chismar 2012 Irrevocable Trust; Alexis
Carol Chismar 2012 Irrevocable Trust
Mailing Address of Owner(s): 8310 Wellington Boulevard
Wellington, CO 80549-2191
Address of LID Property: N/A
Weld County Parcel No.: 095919000049

Legal Description of LID Property:

GR 17605-E S2 19 5 66 (LUNDVALL ANNEXATION) EXC E265' W2SW4 ALSO EXC BEG N0D29'E 30' & N88D47'W 30' OF SE COR SE4 N88D47'W 295.17' N45D51'E 414.78' S0D29'W 295.29' TO POB (8R)

Lift Station and Force Main Improvements Assessment: \$945.50 per ¾" tap equivalent
Gravity Main Improvements Assessment: \$60.28 per ¾" tap equivalent

16. Owner(s): Public Service Company of Colorado
Mailing Address of Owner(s): Tax Service Department
P.O. Box 1979
Denver, CO 80201-1979
Address of LID Property: N/A
Weld County Parcel No.: 095919000007
Legal Description of LID Property:

17605D E265' W2 19 5 66 EXC UPRR RES

Lift Station and Force Main Improvements Assessment: \$945.50 per ¾" tap equivalent
Gravity Main Improvements Assessment: \$60.28 per ¾" tap equivalent

17. Owner(s): Public Service Company of Colorado
Mailing Address of Owner(s): Tax Service Department
P.O. Box 1979
Denver, CO 80201-1979
Address of LID Property: N/A
Weld County Parcel No.: 095919000014
Legal Description of LID Property:

17605C S75' OF NE4 19 5 66 EXC UPRR RES

Lift Station and Force Main Improvements Assessment: \$945.50 per ¾" tap equivalent
Gravity Main Improvements Assessment: \$60.28 per ¾" tap equivalent

18. Owner(s): Dale L. Boehner
Mailing Address of Owner(s): 3207 83rd Avenue
Greeley, CO 80634-9041
Address of LID Property: 3207 83rd Avenue
Greeley, CO 80634-9041
Weld County Parcel No.: 095919000068
Legal Description of LID Property:

GR PT NE4 19-5-66 (LUNDVALL ANNEX) LOT A REC EXEMPT RE-1540 EXC UPRR RES (.25R)

Lift Station and Force Main Improvements Assessment: \$945.50 per ¾" tap equivalent
Gravity Main Improvements Assessment: \$60.28 per ¾" tap equivalent

19. Owner(s): Lundvall, LLC
Mailing Address of Owner(s): 2201 95th Avenue
Greeley, CO 80634-9069
Address of LID Property: N/A
Weld County Parcel No.: 095919000069
Legal Description of LID Property:

GR PT NE4 19-5-66 (LUNDVALL ANNEX) LOT B REC EXEMPT RE-1540 EXC UPRR RES (1.14R)

Southern portion of LID Property, as shown on Exhibit A:

Lift Station and Force Main Improvements Assessment: \$945.50 per ¾" tap equivalent
Gravity Main Improvements Assessment: \$60.28 per ¾" tap equivalent

Northern portion of LID Property, as shown on Exhibit A:

Gravity Main Improvements Assessment: \$60.28 per ¾" tap equivalent

20. Owner(s): Nicholas J. Noce and Julianne Noce
Mailing Address of Owner(s): 2815 83rd Avenue
Greeley, CO 80634-9009
Address of LID Property: 2815 83rd Avenue
Greeley, CO 80634-9009
Weld County Parcel No.: 095919000066
Legal Description of LID Property:

GR PT NE4 19-5-66 LOT A (WEST RIDGE AREA ANNEX) REC EXEMPT RE-867 EXC UPRR RES (.38R)

Gravity Main Improvements Assessment: \$60.28 per ¾" tap equivalent

21. Owner(s): Loren L. Johnson and Dorothy A. Johnson
Mailing Address of Owner(s): 8200 W. 28th Street
Greeley, CO 80634-9679
Address of LID Property: N/A
Weld County Parcel No.: 095920000067
Legal Description of LID Property:

GR PT W2NW4 20-5-66 (WEST RIDGE AREA ANNEX) PT LOT A AMENDED REC EXEMPT AM-RE-800 DESC AS BEG NW4 COR THN N89D47'E 319.60' S300' S89D47'W 317.42' N0D11'E 299.99' TO POB (.41R)

Gravity Main Improvements Assessment: \$60.28 per ¾" tap equivalent

22. Owner(s): Loren L. Johnson and Dorothy A. Johnson
Mailing Address of Owner(s): 8200 W. 28th Street
Greeley, CO 80634-9679
Address of LID Property: 8200 W. 28th Street

Weld County Parcel No.: Greeley, CO 80634-9679
095920000065
Legal Description of LID Property:

GR PT W2NW4 20-5-66 PT LOT A (WEST RIDGE AREA ANNEX) AMENDED REC EXEMPT AM-RE-800 DESC AS BEG NW COR SEC THN N89D47'E 319.60' TO TRUE POB THN CONT N89D47'E 293.33' S0D13'W 300' S89D47'W 293.33' N300' TO TRUE POB AKA LOT A RE-800 (.2R)

Gravity Main Improvements Assessment: \$60.28 per ¾" tap equivalent

23. Owner(s): Herbies Homes
Mailing Address of Owner(s): 2563 W. 28th Street
Greeley, CO 80634-8043
Address of LID Property: N/A
Weld County Parcel No.: 095920000068
Legal Description of LID Property:

GR PT W2NW4 20-5-66 (BASTDOFBA ANNEX) PT LOT B AMENDED REC EXEMPT AM-RE-800 DESC AS LOT B EXC BEG NW4 COR S30'N89'46'W 30' TO TRUE POB CONT N89'46'E 291 M/L THN S270' S89'46'W 291' M/L N270' TO TRUE POB (2.41R)

Southern portion of LID Property, as shown on Exhibit A:

Lift Station and Force Main Improvements Assessment: \$945.50 per ¾" tap equivalent
Gravity Main Improvements Assessment: \$60.28 per ¾" tap equivalent

Northern portion of LID Property, as shown on Exhibit A:

Gravity Main Improvements Assessment: \$60.28 per ¾" tap equivalent

24. Owner(s): Jerald L. Stugart
Mailing Address of Owner(s): 7700 W. 28th Street
Greeley, CO 80634-9678
Address of LID Property: 7700 W. 28th Street
Greeley, CO 80634-9678
Weld County Parcel No.: 095920000061
Legal Description of LID Property:

GR 17609 E2NW4 20 5 66 (BASTDOFBA ANNEX) (2D 1R)

Southern portion of LID Property, as shown on Exhibit A:

Lift Station and Force Main Improvements Assessment: \$945.50 per ¾" tap equivalent
Gravity Main Improvements Assessment: \$60.28 per ¾" tap equivalent

Northern portion of LID Property, as shown on Exhibit A:

Gravity Main Improvements Assessment: \$60.28 per ¾" tap equivalent

25. Owner(s): David C. Funderburk and Rebecca A. Funderburk
Mailing Address of Owner(s): 7520 W. 28th Street

Address of LID Property: Greeley, CO 80634-9678
7520 W. 28th Street
Greeley, CO 80634-9678
Weld County Parcel No.: 095920000037
Legal Description of LID Property:

GR 17606-A PT NW4NE4 20 5 66 (BASTDOFBA ANNEX) BEG AT PT 30'S OF N4 COR N89D47'E 1295' S55D25'W 350' S35D58'W 273.18' S89D47'W 844.65' TO PT ON W LINE NW4NE4 N1D17'W 423.60' (10.41A M/L) (.25R)

Gravity Main Improvements Assessment: \$60.28 per ¾" tap equivalent

26. Owner(s): David C. Funderburk and Rebecca A. Funderburk
Mailing Address of Owner(s): 7520 W. 28th Street
Greeley, CO 80634-9678
Address of LID Property: N/A
Weld County Parcel No.: 095920000058
Legal Description of LID Property:

GR PT NE4 20-5-66 (BASTDOFBA ANNEX) LOT A REC EXEMPT RE-376

Gravity Main Improvements Assessment: \$60.28 per ¾" tap equivalent

27. Owner(s): Linnea S. Dollard and Robert G. Dollard
Mailing Address of Owner(s): 7440 W. 28th Street
Greeley, CO 80634-9652
Address of LID Property: 7440 W. 28th Street
Greeley, CO 80634-9652
Weld County Parcel No.: 095920000052
Legal Description of LID Property:

GR 17606-C PT NE4 20 5 66 (BASTDOFBA ANNEX) BEG S01D18'E 1119.98' FROM NW COR OF NE4 THENCE S01D18'E 364.24' N88D0'E 449.08' N75D58'E 150.88' N08D26'E 317.88' S89D47'W 650.11' TO BEG (5A M/L)

Gravity Main Improvements Assessment: \$60.28 per ¾" tap equivalent

28. Owner(s): Greeley Cobblestone Investments, LLC
Mailing Address of Owner(s): 430 N. College Avenue, Suite 410
Fort Collins, CO 80524-2674
Address of LID Property: 7220 W. 28th Street
Greeley, CO 80634
Weld County Parcel No.: 095920100003
Legal Description of LID Property:

PT NE4 20 5 66 COMM NE COR S00D58E 197.56 N90D00W 1074.06 TO POB THENCE ALNG CURVE R 241.24 (R=1146 CH=N77D24W) N73D58W 147.90 S55D24W 225.60 S33D58W 273.18 S28D58W 136.89 N90D00E 677.82 N79D07E 106.37 N00D00E 360.87 TO POB

Gravity Main Improvements Assessment:

\$60.28 per ¾" tap equivalent

29. Owner(s): Greeley Cobblestone Investments, LLC
Mailing Address of Owner(s): 430 N. College Avenue, Suite 410
Fort Collins, CO 80524-2674
Address of LID Property: N/A
Weld County Parcel No.: 095920100004
Legal Description of LID Property:

PT NE4 20-5-66 (HURST ANNEXATION) BEG NE COR SEC S0D58'E 250' TPOB S0D58'E 1024.46' TO POINT ON N BANK GREELEY-LOVELAND IRRIGATION DITCH N77D46'W 238.34' N62D29'W 422.11' S86D02'W 508.51' S59D55'W 575.32' S83D37'W 230.14' S68D16'W 193.42' N56D59'W 14.16' N08D26'E 797.61' N28D58'E 221.62' N33D58'E 273.18' N55D24'E 25.60' S73D58'E 147.90' CURVE TO LEFT (R=1146' CHORD S79D51'E) N89D51'E 390.80' S85D28'E 588.10' TPOB EXC COMM NE COR S00D58'E 197.56 N90D00'W 1074.06 TO POB THENCE ALNG CURVE R 241.24 (R=1146 CH=N77D24'W) N73D58'W 147.90 S55D24'W 225.60 S33D58'W 273.18 S28D58'W 136.89 N90D00'E 677.82 N79D07'E 106.37 N00D00'E 360.87 TO POB

Gravity Main Improvements Assessment:

\$60.28 per ¾" tap equivalent

30. Owner(s): University of Colorado Health
Mailing Address of Owner(s): 12401 East 17th Avenue, MS A037
Aurora, CO 80045
Address of LID Property: N/A
Weld County Parcel No.: 095921253001
Legal Description of LID Property:

GR STM1R TRACT 1 ST MICHAELS 1ST RPLT

Gravity Main Improvements Assessment:

\$60.28 per ¾" tap equivalent

Section 6. Properties within Local Improvement District No. 343795 shall remain subject to all other requirements of the Greeley Municipal Code regarding City sanitary sewer service, including, without limitation, the requirement to construct additional sanitary sewer line extensions, if necessary, to facilitate connection to the Ashcroft Basin Sanitary Sewer Infrastructure, and the requirement to pay sanitary sewer plant investment fees.

Section 7. City staff is hereby authorized and directed to take all action required by the Title 18, Chapter 6 (Local Improvement Districts) of Greeley Municipal Code and such action as may otherwise be necessary and appropriate to administer and collect the assessments made by this ordinance, including, without limitation, recording this ordinance with the Weld County Clerk and Recorder.

Section 8. This ordinance shall take effect on the fifth (5th) day following its final publication, as set forth in Section 3-16 of the Greeley City Charter.

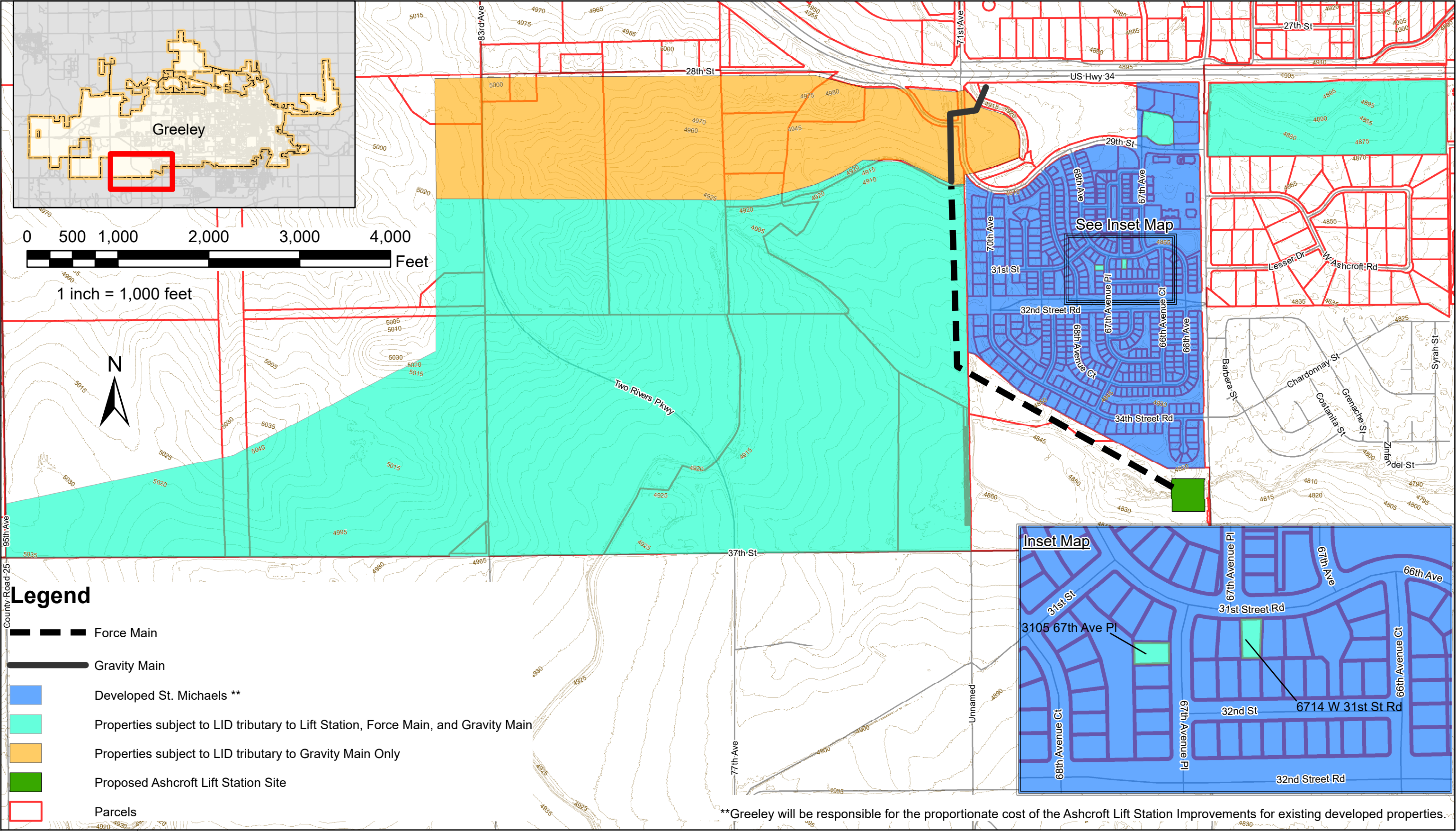
PASSED AND ADOPTED, SIGNED AND APPROVED ON THIS 20th DAY OF AUGUST 2024.

ATTEST:

THE CITY OF GREELEY, COLORADO

By: _____
City Clerk

By: _____
Mayor



**Greeley will be responsible for the proportionate cost of the Ashcroft Lift Station Improvements for existing developed properties.



Exhibit A - Local Improvement District 343795 - Ashcroft Draw Basin

Coordinate System: NAD 1983 HARN StatePlane Colorado North FIPS 0501 Feet
Units: Foot US

Date: 4/27/2021
Reference Scale: 1:12,000

Summary of Costs for Ashcroft Draw LID

The Ashcroft Draw Local Improvement District (LID) project is divided into two components. The *Gravity Main* and the *Lift Station and Force Main*. Costs are tracked separately as the LID assigns costs based on whether a customer is benefiting from the *Gravity Main* only or also from the *Lift Station and Force Main*.

Whiting and Turner were awarded the construction manager at risk (CMAR) contract for construction of both the *Gravity Main* and *Lift Station and Force Main*. Guaranteed Maximum Price (GMP) Contract #1 was for the bore under the Greeley and Loveland Irrigation Canal needed for the *Lift Station and Force Main*. To control costs and take advantage of efficiencies the city used one contract, Guaranteed Maximum Price (GMP) Contract #2 with Whiting Turner for the *Gravity Main* and the remainder of the *Lift Station and Force Main* construction. Total costs for both GMPs with Whiting Turner were split as \$396,925.70 towards the *Gravity Main* and \$4,223,845.22 towards the *Lift Station and Force Main*.

Utility Services expenditures were incurred to cover the diversion of wastewater to the City of Evans collection system during construction of the Lift Station and Force Main. The split of costs between the two project components in the GMPs was 8% for the *Gravity Main* and 92% for the *Lift Station and Force Main*. This split then determines the proportion of shared costs from the other accounts attributable to each project component. The construction line item was additional modifications to the lift station for additional grading, electrical, and SCADA systems. A table of expenditures follows:

	Gravity Main	Lift Station and Force Main
Whiting and Turner (CMAR)	\$396,925.70	\$4,223,845.22
Construction		\$215,667
Contingency	\$244.48	\$2,811.52
Land/Building Cost/Demolition	\$26,688.15	\$306,913.67
Miscellaneous	\$0	\$2.38
Permits, Fees, and Temp. Easements	\$1,794.02	\$20,631.22
Professional Services (Design)	\$34,393.24	\$395,522.29
Project Management (Labor)	\$8,207.08	\$94,381.48
Utility Services	\$0	\$37,984.36
Total	\$468,252.67	\$5,297,758.78

**CITY OF GREELEY, COLORADO
ORDINANCE 21, 2021**

**AN ORDINANCE ESTABLISHING LOCAL IMPROVEMENT DISTRICT NO. 343795
FOR THE CONSTRUCTION OF SANITARY SEWER INFRASTRUCTURE IN GREELEY, COLORADO;
DETERMINATION OF LOTS AND LANDS TO BE INCLUDED WITHIN LOCAL IMPROVEMENT DISTRICT
343795; SETTING FORTH THE MAXIMUM COSTS OF CONSTRUCTION; AND SETTING FORTH THE
PROPERTY TO BE INCLUDED AND NAMES OF THE APPARENT OWNERS OF PROPERTY TO BE
INCLUDED (ASHCROFT DRAW BASIN SANITARY SEWER INFRASTRUCTURE)**

WHEREAS, the City of Greeley, Colorado ("City") is a home rule municipality empowered pursuant to Sections 1 and 6 of Article XX, and Section 7 of Article X of the Colorado Constitution to, *inter alia*, levy assessments against real property within the City for municipal purposes, including, without limitation, for local improvements; and

WHEREAS, the Charter for the City of Greeley, Colorado further empowers the City to establish local improvement districts, for the purpose of, *inter alia*, constructing local improvements and assessing the costs thereof upon the property especially benefitted by such improvements; and

WHEREAS, Title 18, Chapter 6 (Local Improvement Districts) of the Greeley Municipal Code sets forth the particular authority and procedures by which the City may establish such local improvement districts; and

WHEREAS, the Ashcroft Draw Basin is a geographic area, a portion of which is located generally south of U.S. Highway 34, north of 37th Street, and east of 95th Avenue in southwest Greeley; and

WHEREAS, the City anticipates continued development within the Ashcroft Draw Basin and has accordingly identified the need for additional sanitary sewer infrastructure in this area; and

WHEREAS, the City Council desires, on its own initiative, to establish a local improvement district for the construction of municipal sanitary sewer infrastructure for the benefit of undeveloped properties without sanitary sewer service located within the Ashcroft Draw Basin in Greeley;

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

Section 1. Establishment of Local Improvement District 343795. Pursuant to the authority set forth in Section 18-379(d) of the Greeley Municipal Code, the City Council hereby orders the creation of a local improvement district for the construction of sanitary sewer infrastructure to the benefit of undeveloped properties within the Ashcroft Draw Basin in Greeley, Colorado ("Ashcroft Draw Basin Sanitary Sewer Infrastructure"). The local improvement district shall be assigned number 343795 and contain the lots and lands set forth in Section 7 below. The anticipated location of the Ashcroft Draw Basin Sanitary Sewer Infrastructure, and the currently undeveloped lots and lands to be included within Local Improvement District No. 343795, are shown on the map attached hereto as Exhibit A.

Section 2. Anticipated Infrastructure Capacity. The Lift Station and Force Main aspects of the Ashcroft Draw Basin Sanitary Sewer Infrastructure are anticipated to have a maximum capacity of 5156 three-quarter inch ($\frac{3}{4}$ ") tap equivalents. The Gravity Main aspect of the Ashcroft Draw Basin Sanitary Sewer Infrastructure is anticipated to have a maximum capacity of 7051 three-quarter inch ($\frac{3}{4}$ ") tap equivalents.

Section 3. Estimation and Description of Maximum Costs. The total maximum cost of construction and incidental expenses for the Ashcroft Draw Basin Sanitary Sewer Infrastructure is estimated at this time to be \$5,300,000.00. Incidental expenses may include those expenses associated with design, inspection, engineering, advertising, abstracting, publishing, postage, collections, and other similar expenses attributable to the construction of the Ashcroft Draw Basin Sanitary Sewer Infrastructure and the establishment of Local Improvement District 343795. Of the total estimated maximum cost, \$4,875,000.00 is attributable to the Lift Station and Force Main aspects of the project, and \$425,000.00 is attributable to the Gravity Main. This total estimated maximum cost includes expenses for which the City will be responsible, as described in Section 4.

Section 4. City Portion of Infrastructure Costs. Of the total estimated maximum cost set forth in Section 3, the City will be responsible for the construction and incidental expenses attributable to the 466.34 three-quarter inch ($\frac{3}{4}$ ") tap equivalents existing and associated with developed properties within the City of Greeley that will be served by the Ashcroft Draw Basin Sanitary Sewer Infrastructure.

Section 5. Assessments against Local Improvement District 343795 Properties. The final determination of assessments to be made against the lots and lands included in Local Improvement District 343795 shall be established by an ordinance adopted after completion of the Ashcroft Draw Basin Sanitary Sewer Infrastructure improvements described herein, and such assessments shall be based upon the costs of construction, incidental expenses, and a fair market rate of projected interest to be recommended by the Director of Finance and set forth in the assessment ordinance at the time it is adopted. Interest shall accrue on each assessment from the date of the City's final payment on construction costs until the assessment is paid in full. The portion of the total maximum cost of construction and incidental expenses for the Ashcroft Draw Basin Sanitary Sewer Infrastructure to be assessed against the lots and lands described in Section 7 below, and interest accrued thereon, shall be first allocated between two divisions of undeveloped properties within Local Improvement District 343795 – those properties benefitted by the Lift Station, Force Main, and Gravity Main aspects of the overall project, and those properties benefitted only by the Gravity Main aspect of the project, as is shown on the map attached hereto as Exhibit A. Within such allocations, the costs, expenses, and interest shall then be assessed proportionally in accordance with the water tap size and $\frac{3}{4}$ " tap equivalents against sanitary sewer taps requested on the lots and lands within Local Improvement District 343795. Assessments shall be due from the property owner at the time sanitary sewer plant investment fees are collected, and payable in accordance with the terms set forth in the assessment ordinance.

Water Tap Size	$\frac{3}{4}$ " Tap Equivalents
$\frac{3}{4}$ "	1
1"	1.67
1½"	3.33
2"	5.33
3"	10.67
4"	16.67
6"	33.33
8"	53.33

Section 6. City of Greeley staff shall perform construction of the Ashcroft Draw Basin Sanitary Sewer Infrastructure, or authorize it to be done, within a reasonable time after passage of this ordinance.

Section 7. Lots and Lands to be Included in Local Improvement District 343795; Owners. The lots and lands that shall be included within Local Improvement District 343795, the street addresses (if applicable) and legal descriptions of such lots and lands, and the current record owners of such lots and lands, according to the records of the Weld County Clerk and Recorder's Office, are as follows.

- Owner(s): Edward Rose Development Co., LLC
Mailing Address of Owner(s): 38525 Woodward Avenue
Bloomfield Hills, MI 48304-5011
Address of LID Property: 6070 Hwy 34 Bypass
Greeley, CO 80634
Weld County Parcel No.: 095921100005
Legal Description of LID Property:

PT NE4 21-5-66 EXC BEG AT A PT ON E LINE OF SEC 21 WHICH NE COR BEARS N0D08'E 170' TH N89D55'W 1173.70' S84D22'W 201' N89D55'W 1246.80' S0D18'E 276.90' S16D17'W 65.50' S83D42'W 31.30' N0D18'W 530' S89D55'E 2671.90' S0D08'W 170' TO BEG ALSO EXC ASHTON ESTATES SUB ALSO EXC COMM N4 COR S00D47E 1002.59 N89D23E 30 TO POB N00D47W 432.44 THENCE ALNG CURVE R 44.98 (R=376.50 CH=N02D37E) N15D47E 60.65 N00D47W 18.06 THENCE ALNG CURVE R 53.98 (R=376.5 CH=N22D04E) S07D13W 99.09 S02D08W 234.92 THENCE ALNG CURVE L 100.36 (R=1952 CH=S00D40W) THENCE ALNG CURVE R 21.87 (R=111 CH=S04D51W) THENCE ALNG CURVE L 18.72 (R=95 CH=S04D51W) S00D47E 129.83 S89D23W 8.5 TO POB ALSO EXC COMM N4 COR S00D47E 530 N89D12E 31.30 N15D47E 65.50 N00D47W 148.86 TO POB N00D47W 128.04 N89D34E 28.70 THENCE ALNG CURVE L 30.62 (R=69 CH=S12D01W) S00D47E 69.55 THENCE ALNG CURVE L 35.91 (R=436.5 CH=S36D48W) TO POB

2. Owner(s): Spirit Hospitality, LLC
Mailing Address of Owner(s): 4836 S. College Avenue
Fort Collins, CO 80525
Address of LID Property: N/A
Weld County Parcel No.: 095921281001
Legal Description of LID Property:

LOT 1 VILLAGE AT ST MICHAELS 3RD RPLT

3. Owner(s): Lotts, LLC
Mailing Address of Owner(s): c/o Boomerang Self Storage, LLC
7025 W. 8th Street
Greeley, CO 80634-1214
Address of LID Property: 6714 W. 31st Street Road
Greeley, CO 80634
Weld County Parcel No.: 095921282001
Legal Description of LID Property:

Lot 9A ST MICHAELS 4TH MINOR

4. Owner(s): Park Place Homes, LLC
Mailing Address of Owner(s): c/o Boomerang Self Storage, LLC
7025 W. 8th Street
Greeley, CO 80634-1214
Address of LID Property: 3105 67th Avenue Place
Greeley, CO 80634
Weld County Parcel No.: 095921232005
Legal Description of LID Property:

GR STM L5 BLK32 ST MICHAELS

5. Owner(s): Greeley Commons Investments, LLC
Mailing Address of Owner(s): 5189 Copper Blush Court
Castle Rock, CO 80108-8063
Address of LID Property: N/A
Weld County Parcel No.: 095920000018
Legal Description of LID Property:

GR 17606-B PT NE4 & SE4 20 5 66 (HURST ANNEXATION) BEG NE COR NE4 S0D58'E 1274.46' TO TRUE POB TH CONT S ALG E LN SEC S0D58'E 1378.53' TO E4 COR SEC & AGAIN S0D59'E 1054' TH N62D02'W 873' N43D01'W 875' TH ACROSS ASHCROFT DRAW N40D30'E 35.21' TH N36D44'W 151.07' N45D26'W 235.41' N56D21'W 687.89' N18D52'W 180.13' N49D23'E 225.72' S44D29'E 236.53' N51D43'E 96.55' N32D39'E 372.53' S85D15'W 404.26' N56D59'W 46.95' TO N BANK GREELEY-LOVELAND IRRIGATION DITCH TH ALG SD N BANK N68D16'E 193.42' N83D37'E 230.14' N59D55'E 575.32' N86D02'E 508.51' S62D29'E 422.11' S77D46'E 238.34' TO POB AKA PARCEL B AMD SUB EXEMPT SE-162 (3.98R3D)

6. Owner(s): Greeley Commons Investments, LLC

Mailing Address of Owner(s): 5189 Copper Blush Court
Castle Rock, CO 80108-8063
Address of LID Property: N/A
Weld County Parcel No.: 095920000012
Legal Description of LID Property:

GR 17608 PT NE4 20 5 66 (BASTDOFBA ANNEX) COMM NE COR THENCE S0D58'E 2652.99' TO SE COR NE4 S0D59'E 1054' N62D03'W 873' N43D01'W 875' TO TRUE POB THENCE S89D47'W 1274.97' N01D18'W 1169.01' N88DE 449.08' N75D58'E 150.88' S56D59'E 61.11' N85D15'E 404.26' S32D39'W 372.53' S51D43'W 96.55' N44D29'W 236.53' S49D23'W 225.72' S18D52'E 180.13' S56D21'E 687.89' S45D26'E 235.41' S36D44'E 151.07' S40D30'W 35.21' TO TRUE POB AKA LOT A AMD SUB EXEMPT SE-162 (1D)

7. Owner(s): Gary W. Wiedeman
Mailing Address of Owner(s): 5880 49th Street
Greeley, CO 80634-9643
Address of LID Property: N/A
Weld County Parcel No.: 095920400069
Legal Description of LID Property:

GR PT SE4 20-5-66 (WIEDEMAN 1ST ANNEX) BEG E4 COR S01D21'E 1120.66' TO TRUE POB S01D21'E 107.03' S88D38'W 20' N01D21'W 184.88' S62D45'E 22.78' S01D21'E 66.94' TRUE POB

8. Owner(s): Gary W. Wiedeman
Mailing Address of Owner(s): 5880 49th Street
Greeley, CO 80634-9643
Address of LID Property: N/A
Weld County Parcel No.: 095920400070
Legal Description of LID Property:

GR PT SE4 20-5-66 (WIEDEMAN 2ND ANNEX) BEG E4 COR S01D21'E 1227.69' TO TRUE POB S88D38'W 20' N01D21'W 184.88' N62D45'W 45.56' S01D21'E 226.68' N88D38'E 20' S01D21'E 336.05' N88D38'E 20' N01D21'W 336.05' N88D38'E 20' N01D21'W 20' TRUE POB

9. Owner(s): Gary W. Wiedeman
Mailing Address of Owner(s): 5880 49th Street
Greeley, CO 80634-9643
Address of LID Property: N/A
Weld County Parcel No.: 095920400071
Legal Description of LID Property:

GR PT SE4 20-5-66 (WIEDEMAN 3RD ANNEX) BEG E4 COR S01D21'E 1247.69' TO TRUE POB S01D21'E 1078.16' S88D38'W 20' N01D21'W 722.11' S88D38'W 20' S01D21'E 722.11' S88D38'W 20' N01D21'W 1078.16' N88D38'E 20' S01D21'E 336.05' N88D38'E 20' N01D21'W 336.05' N88D38'E 20' TRUE POB

10. Owner(s): Gary W. Wiedeman
Mailing Address of Owner(s): 5880 49th Street
Greeley, CO 80634-9643
Address of LID Property: N/A
Weld County Parcel No.: 095920400072
Legal Description of LID Property:

GR PT SE4 20-5-66 (WIEDEMAN 4TH ANNEX) BEG E4 COR S01D21'E 2325.85' TO TRUE POB
S01D21'E 297.19' S89D36'W 812.69' N1973.87' S62D45'E 804.09' S01D21'E 1304.84'
N88D38'E 20' N01D21'W 772.11' N88D38'E 20' S01D21'E 722.11' N88D38'E 20' TRUE POB
11. Owner(s): Gary W. Wiedeman
Mailing Address of Owner(s): 5880 49th Street
Greeley, CO 80634-9643
Address of LID Property: 7727 County Road 27
Greeley, CO 80634
Weld County Parcel No.: 095920400073
Legal Description of LID Property:

GR PT S2 20-5-66 (WIEDEMAN 5TH ANNEX) BEG E4 COR S01D21'E 2623.04' S89D36'W
812.69' TO TRUE POB S89D36'W 1798.35' S89D11'W 1440.74' N29D44'E 730.86' N23D40'E
95.64' S86D25'E 308.53' N29D19'E 306.47' S79D36'E 36.40' S73D0'E 146.25' N86D34'E 71.57'
N54D52'E 111.32' N43D02'E 71.79' N36D06'E 288.57' N30D25'E 81.42' N22D57'E 44.85'
N15D40'E 35' N0D46'E 705.36' N09D04'W 76.82' N18D44'W 314.19' N14D14'W 134.48'
N89D18'E 1292.17' S43D12'E 875' S1973.87' TRUE POB
12. Owner(s): Lundvall, LLC
Mailing Address of Owner(s): 2015 Clubhouse Drive, Suite 101
Greeley, CO 80634-3644
Address of LID Property: N/A
Weld County Parcel No.: 095920000064
Legal Description of LID Property:

17607-A PT S2 20 5 66 LYING NLY & WLY OF C/L OF LOVELAND & GREELEY CANAL ALSO
BEG AT SW COR SEC N65D19'E 1795.15' TO WLY LN OF LOVELAND & GREELEY CANAL
& TRUE POB N29D46'E 210.36' N42D21'E 131.83' N71D05'E 79.38' S80D26'E 251.07'
S30D08'W 336.1' N85D36'W 348.24' TO BEG (2.69R 5D)
13. Owner(s): Suncor Energy (USA) Pipeline Company
Mailing Address of Owner(s): c/o Right of Way/Claims
717 17th Street, Floor 29
Denver, CO 80202-3330
Address of LID Property: N/A
Weld County Parcel No.: 095919000008
Legal Description of LID Property:

17605-B PT SE4 19 5 66 BEG N0D29'E 30 & N88D47'W 30' OF SE COR SE4 N88D47'W 295.17'
N45D51'E 414.78 S0D29'W 295.29' TO POB (1A M/L) EXC UPRR RES

14. Owner(s): Cynthia Dean Chismar 2012 Irrevocable Trust; Dylan Alexander Chismar 2012 Irrevocable Trust; Alexis Carol Chismar 2012 Irrevocable Trust
Mailing Address of Owner(s): 3051 Taliesin Way
Fort Collins, CO 80524-9383
Address of LID Property: N/A
Weld County Parcel No.: 095919000049
Legal Description of LID Property:

GR 17605-E S2 19 5 66 (LUNDVALL ANNEXATION) EXC E265' W2SW4 ALSO EXC BEG N0D29'E 30' & N88D47'W 30' OF SE COR SE4 N88D47'W 295.17' N45D51'E 414.78' S0D29'W 295.29' TO POB (8R)
15. Owner(s): Public Service Company of Colorado
Mailing Address of Owner(s): Tax Service Department
P.O. Box 1979
Denver, CO 80201-1979
Address of LID Property: N/A
Weld County Parcel No.: 095919000007
Legal Description of LID Property:

17605D E265' W2 19 5 66 EXC UPRR RES
16. Owner(s): Public Service Company of Colorado
Mailing Address of Owner(s): Tax Service Department
P.O. Box 1979
Denver, CO 80201-1979
Address of LID Property: N/A
Weld County Parcel No.: 095919000014
Legal Description of LID Property:

17605C S75' OF NE4 19 5 66 EXC UPRR RES
17. Owner(s): Dale L. Boehner
Mailing Address of Owner(s): 3207 83rd Avenue
Greeley, CO 80634-9041
Address of LID Property: 3207 County Road 27
Greeley, Colorado 80634
Weld County Parcel No.: 095919000068
Legal Description of LID Property:

GR PT NE4 19-5-66 (LUNDVALL ANNEX) LOT A REC EXEMPT RE-1540 EXC UPRR RES (.25R)
18. Owner(s): Lundvall, LLC
Mailing Address of Owner(s): 2015 Clubhouse Drive, Suite 101
Greeley, CO 80634-3644
Address of LID Property: N/A

Weld County Parcel No.: 095919000069
Legal Description of LID Property:

GR PT NE4 19-5-66 (LUNDVALL ANNEX) LOT B REC EXEMPT RE-1540 EXC UPRR RES (1.14R)

19. Owner(s): Nicholas J. Noce and Julianne Noce
Mailing Address of Owner(s): 2815 83rd Avenue
Greeley, CO 80634-9009
Address of LID Property: 2815 83rd Avenue
Greeley, CO 80634-9009
Weld County Parcel No.: 095919000066
Legal Description of LID Property:

GR PT NE4 19-5-66 LOT A (WEST RIDGE AREA ANNEX) REC EXEMPT RE-867 EXC UPRR RES (.38R)

20. Owner(s): Loren L. Johnson and Dorothy A. Johnson
Mailing Address of Owner(s): 8200 W. 28th Street
Greeley, CO 80634-9679
Address of LID Property: N/A
Weld County Parcel No.: 095920000067
Legal Description of LID Property:

GR PT W2NW4 20-5-66 (WEST RIDGE AREA ANNEX) PT LOT A AMENDED REC EXEMPT AM-RE-800 DESC AS BEG NW4 COR THN N89D47'E 319.60' S300' S89D47'W 317.42' N0D11'E 299.99' TO POB (.41R)

21. Owner(s): Loren L. Johnson and Dorothy A. Johnson
Mailing Address of Owner(s): 8200 W. 28th Street
Greeley, CO 80634-9679
Address of LID Property: 8200 W. 28th Street
Greeley, CO 80634-9679
Weld County Parcel No.: 095920000065
Legal Description of LID Property:

GR PT W2NW4 20-5-66 PT LOT A (WEST RIDGE AREA ANNEX) AMENDED REC EXEMPT AM-RE-800 DESC AS BEG NW COR SEC THN N89D47'E 319.60' TO TRUE POB THN CONT N89D47'E 293.33' S0D13'W 300' S89D47'W 293.33' N300' TO TRUE POB AKA LOT A RE-800 (.2R)

22. Owner(s): Herbies Homes
Mailing Address of Owner(s): 2563 W. 28th Street
Greeley, CO 80634-8043
Address of LID Property: N/A
Weld County Parcel No.: 095920000068
Legal Description of LID Property:

GR PT W2NW4 20-5-66 (BASTDOFBA ANNEX) PT LOT B AMENDED REC EXEMPT AM-RE-800 DESC AS LOT B EXC BEG NW4 COR S30'N89'46"W 30' TO TRUE POB CONT N89'46'E 291 M/L THN S270' S89'46"W 291' M/L N270' TO TRUE POB (2.41R)

23. Owner(s): Jerald L. Stugart and Joanne M. Stugart
Mailing Address of Owner(s): 7700 W. 28th Street
Greeley, CO 80634-9678
Address of LID Property: 7700 W. 28th Street
Greeley, CO 80634-9678
Weld County Parcel No.: 095920000061
Legal Description of LID Property:

GR 17609 E2NW4 20 5 66 (BASTDOFBA ANNEX) (2D 1R)

24. Owner(s): David C. Funderburk and
Rebecca A. Funderburk
Mailing Address of Owner(s): 7520 W. 28th Street
Greeley, CO 80634-9678
Address of LID Property: 7520 W. 28th Street
Greeley, CO 80634-9678
Weld County Parcel No.: 095920000037
Legal Description of LID Property:

GR 17606-A PT NW4NE4 20 5 66 (BASTDOFBA ANNEX) BEG AT PT 30'S OF N4 COR N89D47'E 1295' S55D25'W 350' S35D58'W 273.18' S89D47'W 844.65' TO PT ON W LINE NW4NE4 N1D17'W 423.60' (10.41A M/L) (.25R)

25. Owner(s): David C. Funderburk and
Rebecca A. Funderburk
Mailing Address of Owner(s): 7520 W. 28th Street
Greeley, CO 80634-9678
Address of LID Property: N/A
Weld County Parcel No.: 095920000058
Legal Description of LID Property:

GR PT NE4 20-5-66 (BASTDOFBA ANNEX) LOT A REC EXEMPT RE-376

26. Owner(s): Linnea S. Dollard and Robert G. Dollard
Mailing Address of Owner(s): 7440 W. 28th Street
Greeley, CO 80634-9652
Address of LID Property: 7440 W. 28th Street
Greeley, CO 80634-9652
Weld County Parcel No.: 095920000052
Legal Description of LID Property:

GR 17606-C PT NE4 20 5 66 (BASTDOFBA ANNEX) BEG S01D18'E 1119.98' FROM NW COR OF NE4 THENCE S01D18'E 364.24' N88D0'E 449.08' N75D58'E 150.88' N08D26'E 317.88' S89D47'W 650.11' TO BEG (5A M/L)

27. Owner(s): Greeley Commons Investments, LLC
Mailing Address of Owner(s): 5189 Copper Blush Court
Castle Rock, CO 80108-8063
Address of LID Property: 7220 W. 28th Street
Greeley, CO 80634
Weld County Parcel No.: 095920100003
Legal Description of LID Property:

PT NE4 20 5 66 COMM NE COR S00D58E 197.56 N90D00W 1074.06 TO POB THENCE
ALNG CURVE R 241.24 (R=1146 CH=N77D24W) N73D58W 147.90 S55D24W 225.60
S33D58W 273.18 S28D58W 136.89 N90D00E 677.82 N79D07E 106.37 N00D00E 360.87 TO
POB
28. Owner(s): Greeley Commons Investments, LLC
Mailing Address of Owner(s): 5189 Copper Blush Court
Castle Rock, CO 80108-8063
Address of LID Property: N/A
Weld County Parcel No.: 095920100004
Legal Description of LID Property:

PT NE4 20-5-66 (HURST ANNEXATION) BEG NE COR SEC S0D58'E 250' TPOB S0D58'E
1024.46' TO POINT ON N BANK GREELEY-LOVELAND IRRIGATION DITCH N77D46'W
238.34' N62D29'W 422.11' S86D02'W 508.51' S59D55'W 575.32' S83D37'W 230.14'
S68D16'W 193.42' N56D59'W 14.16' N08D26'E 797.61' N28D58'E 221.62' N33D58'E 273.18'
N55D24'E 25.60' S73D58'E 147.90' CURVE TO LEFT (R=1146' CHORD S79D51'E) N89D51'E
390.80' S85D28'E 588.10' TPOB EXC COMM NE COR S00D58E 197.56 N90D00W 1074.06
TO POB THENCE ALNG CURVE R 241.24 (R=1146 CH=N77D24W) N73D58W 147.90
S55D24W 225.60 S33D58W 273.18 S28D58W 136.89 N90D00E 677.82 N79D07E 106.37
N00D00E 360.87 TO POB
29. Owner(s): St. Michael's Commercial Enterprises, LLC
Mailing Address of Owner(s): c/o CMCL, Inc.
P.O. Box 1734
Eagle, CO 81631-1734
Address of LID Property: N/A
Weld County Parcel No.: 095921253001
Legal Description of LID Property:

GR STM1R TRACT 1 ST MICHAELS 1ST RPLT

Section 8. Assessments shall be collected only against properties requesting sanitary sewer taps that connect directly to, or upstream of, the Ashcroft Basin Sanitary Sewer Infrastructure associated with Local Improvement District 343795, and only against the properties described in Section 7 above.

Section 9. Properties within the boundaries of Local Improvement District No. 343795 remain subject to all requirements of the Greeley Municipal Code regarding City sanitary sewer

service, including, without limitation, the requirement to construct additional sanitary sewer line extensions, if necessary, to facilitate connection to the Ashcroft Basin Sanitary Sewer Infrastructure, and the requirement to pay sanitary sewer plant investment fees.

Section 10. This ordinance shall take effect on the fifth (5th) day following its final publication, as set forth in Section 3-16 of the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED ON THIS 20th DAY OF JULY, 2021.

ATTEST

THE CITY OF GREELEY, COLORADO



City Clerk

Mayor

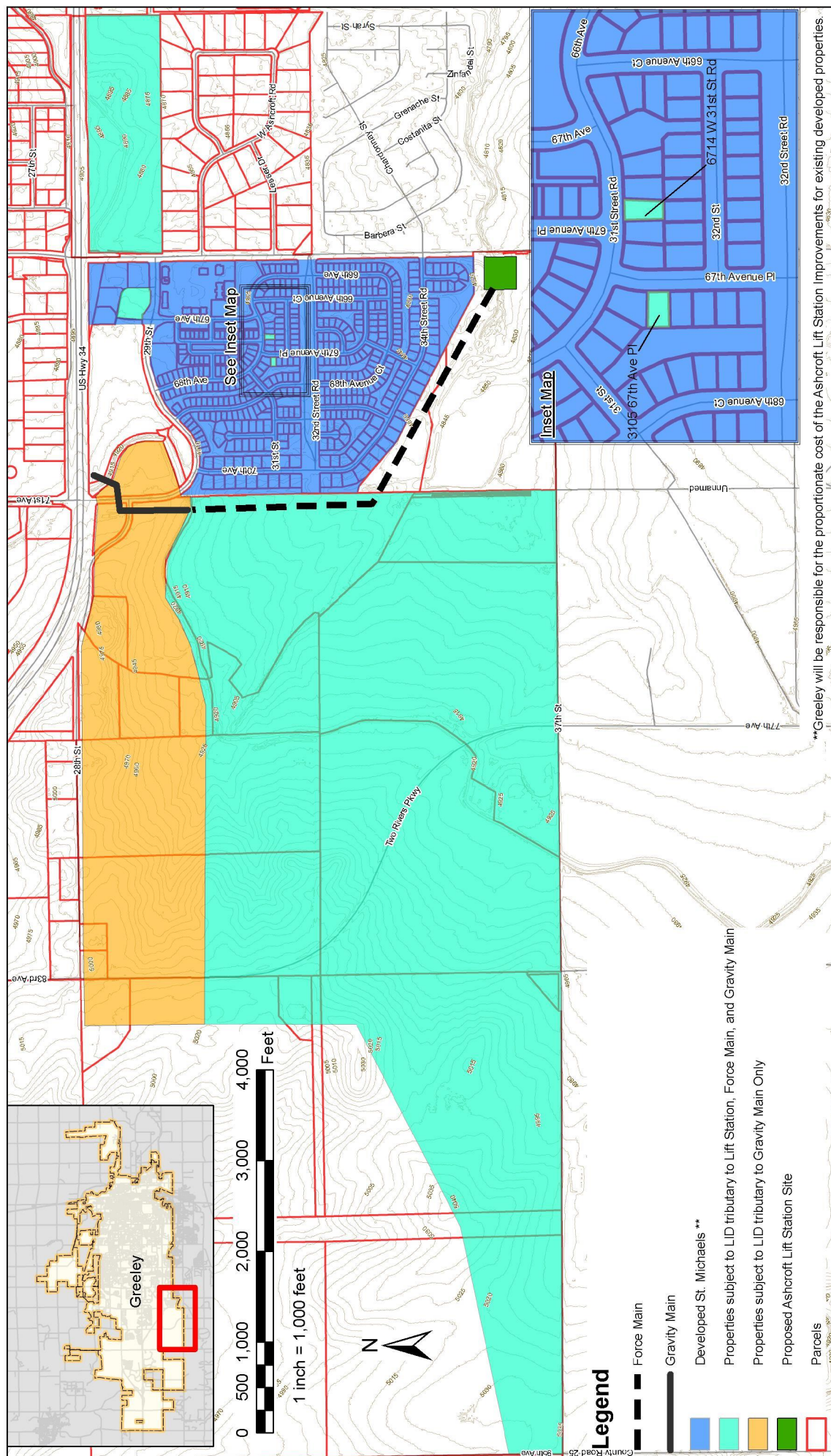


Exhibit A - Local Improvement District 343795 - Ashcroft Draw Basin

**Greeley will be responsible for the proportionate cost of the Ashcroft Lift Station Improvements for existing developed properties.

Coordinate System: NAD 1983 HARN StatePlane Colorado North FIPS 0501 Feet
Units: Foot US

Date: 4/27/2021
Reference Scale: 1:12,000



Ashcroft Draw Sewer Lift Station Local Improvement District

Adam Prior, Water & Sewer Chief Engineer
Adam.Prior@Greeleygov.com, 970-573-0218
City Council Meeting – August 20th, 2024



Infrastructure and Mobility

Agenda

- Description of Project & Local Improvement Districts (LID)
- Original July 2021 Ordinance & LID Costs
- LID Schedule
- LID Cost per Single Family Residence
- Recommendations

Purpose: Approval of an Ordinance to finalize the Ashcroft Draw Sewer Improvements Local Improvement District



Local Improvement District Structure

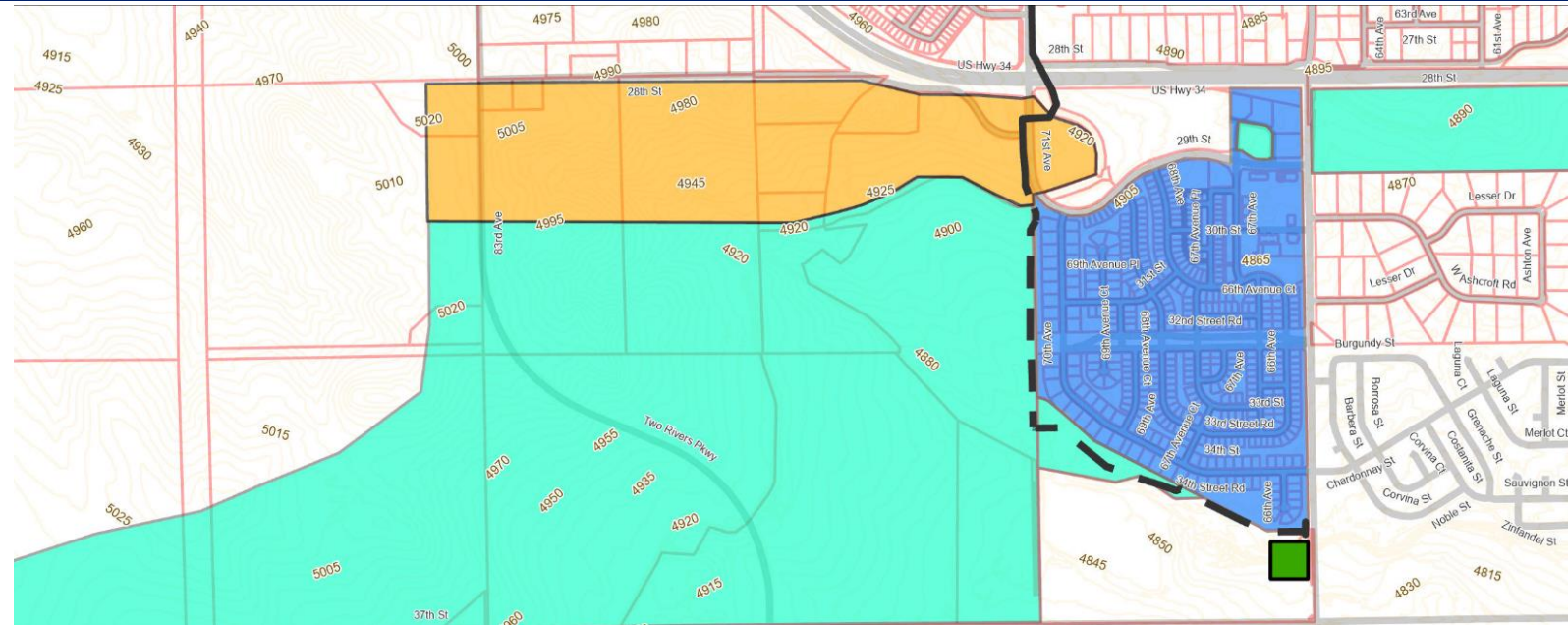
Two rates established within the Local Improvement District (LID)

1. Properties served by Lift Station, Force Main, and Gravity Sewer Main. 
2. Properties served by Gravity Sewer 

Sewer Department fronted all project costs to construct

LID fee is due at Building Permit

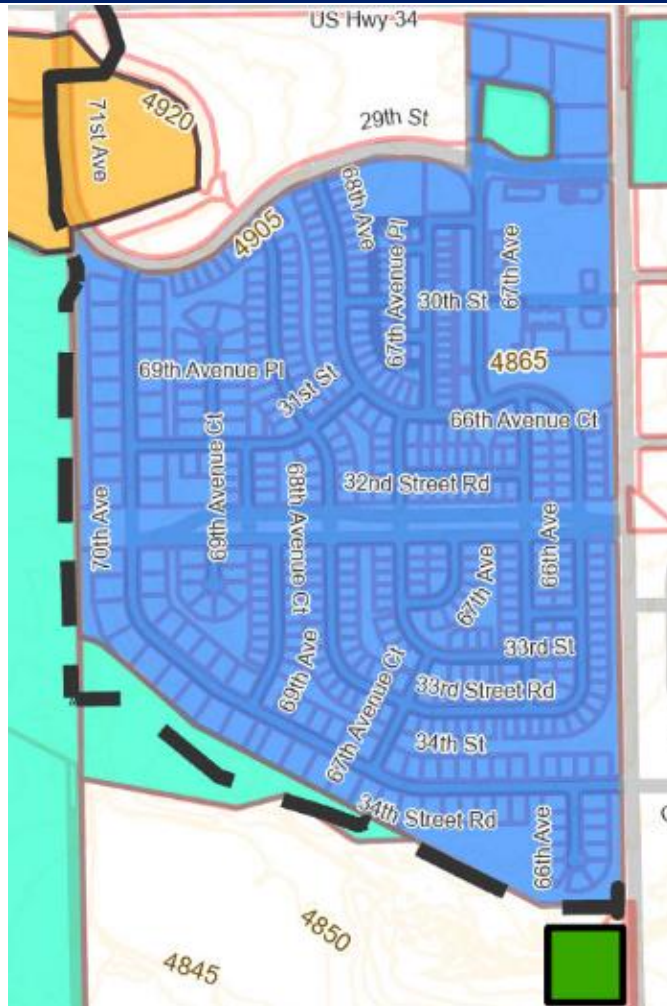
- Interest Rate assessed to LID



The Service Boundaries are based on the topography



LID Costs Included in Ordinance 21 of 2021



- City is responsible for cost for St. Michaels Subdivision properties where Development Fees were already paid.
- City cost to cover existing taps: \$ 442,815 (468.34 single family tabs)

LID Costs Included in Ordinance 21 of 2021

Ashcroft Draw Sewer: Total Project Cost Estimated for LID

- Local Improvement District Fee Methodology and Calculation
 - Methodology allocates costs based upon the sewer assets required for service and the proportion of overall capacity required for development.
- Estimated Project Costs in 2021:
 - Gravity Sewer - \$425,000
 - Lift Station & FM Only - \$4,875,000

	Gravity Sewer	Lift Station and FM Only
Single Family Tap (¾" Equivalent Meters)	7,051	5,156
2021 Estimated Cost	\$ 425,000	\$ 4,875,000
Cost per Single Family Tap (¾" Equivalent Meter)	\$ 60.28	\$ 945.50





The Finished Lift Station and Gravity Main



LID Schedule

Local Improvement Districts require a two-step approval process by City Council:

- **First Ordinance**, City Ordinance 21 of 2021, defines the LID boundary, lists properties, and gives the maximum total cost.
 - A public meeting was held July 20th, 2021 for residents.
- **Second Ordinance** (today) defines the actual cost of the project and cost per tap.
 - This ordinance goes to council upon completion of the project and is the one before you now.



LID Costs per Single Family

Total Project Cost for LID

The second ordinance will use the full charges set in the first ordinance for the Lift Station and Gravity Sewer.

Gravity Sewer: **\$ 60.28 per single family**

Lift Station and Force Main Only: **\$945.50 per single family (¾" tap equivalent)**

Interest Rate recommended by
Finance Director is 4.4%

	Gravity Sewer	Lift Station and Force Main Only
Total single family (¾" Equivalent) capacity	7,051	5,156
Assigned Cost	\$ 425,000	\$ 4,875,000
LID cost per single family equivalent meter	\$ 60.28	\$ 945.50



Staff and Board Recommendation

The Water & Sewer Board and Staff recommend approval of the Ordinance to finalize the Ashcroft Draw Sewer Improvements Local Improvement District



Thank you



Total Project Costs

Expense Type	Gravity Main	Lift Station and Force Main	Total Project Cost
Construction	\$397,170	\$4,442,323	\$ 4,839,493
Land and Easements	\$26,688	\$306,914	\$ 333,602
Permits and Fees	\$1,794	\$20,632	\$ 22,426
Professional Services	\$34,393	\$395,522	\$ 429,915
Project Management	\$8,207	\$94,381	\$ 102,588
Utility Services	\$0	\$37,984	\$ 37,984
Total Costs	\$468,252	\$5,297,756	\$ 5,766,008

Total project costs exceeded estimates in the 2021 ordinance for each component

Costs for labor, materials, & installation increased post COVID

Increased costs for easements for lift station & force main



Council Agenda Summary

August 20, 2024

Key Staff Contact: Stacey Aurzada, City Attorney, Allena Portis, Deputy City Manager/Chief Financial Officer

Title:

Public hearing and second reading of an ordinance submitting to the registered electors of the City of Greeley at the November 5, 2024, coordinated Municipal Election, a question regarding an amendment to Part 1, Article V of the Greeley Municipal Charter regarding financial operations

Summary:

The City Manager's Office has determined that it is in the best interests of the City of Greeley organization to restructure some of the functions of various departments in order to align with the City Council's priorities and to provide the best service to the citizens of the City of Greeley. One of these changes involves moving the budget and procurement functions out of the Department of Finance. This ordinance proposes changes to the Greeley Charter which would change the title of Article V in the Charter to "Financial Operations" instead of "Department of Finance" and to clarify that Part I refers to administration of the City's financial operations. Additionally, the ordinance proposes that the term "Director of Finance" be changed throughout Part I of Article V.

A motion to introduce the ordinance and schedule a public hearing and second reading for August 20, 2024, was approved by a majority vote on August 6, 2024. After the ordinance was introduced, it was published in full in the August 9, 2024, edition of the Greeley Tribune.

Fiscal Impact:

1. Does this item create a fiscal impact on the City of Greeley? 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:

This item has been reviewed by the City Attorney's Office.

Strategic Focus Area:

High-Performance Government

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. Ordinance No. 30, 2024
2. Item 19 - Ballot Measure - Financial Operations Presentation

CITY OF GREELEY, COLORADO

ORDINANCE NO. 30, 2024

**AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS
OF THE CITY OF GREELEY AT THE NOVEMBER 5, 2024 COORDINATED
MUNICIPAL ELECTION, A QUESTION REGARDING AN AMENDMENT
TO PART 1, ARTICLE V OF THE GREELEY MUNICIPAL CHARTER
REGARDING FINANCIAL OPERATIONS**

WHEREAS, the Greeley Home Rule Charter is the City's legislative framework; and

WHEREAS, Article I, Section 1-6 of the Charter provides that amendments to the Charter may be framed and submitted to the electorate, by petition to the Council, or by the Council on its own initiative, in accordance with Article XX of the Constitution of the State of Colorado; and

WHEREAS, City management periodically recommends to City Council changes necessary to maintain the City's Home Rule Charter as a current and forward-looking basic law within which the city government, representing the people, can operate;

WHEREAS, the City has experienced significant and continuous growth which necessitates review and adjustment of the City structure;

WHEREAS, of particular importance is ensuring that the structure of the City's financial operations is able to adjust to meet the needs of a growing City; and

WHEREAS, Part 1, Article V of the Charter provides for a Department of Finance which unnecessarily restricts the ability of the City to structure the City's financial operations in a manner that best meets the needs of a growing City; and

WHEREAS, City Council has determined that it is in the best interests of the City to present to the registered electors of the City of Greeley the opportunity to make a change to the Charter to enable the financial operations of the City to be structured appropriately.

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

Section 1. There is hereby placed on the ballot of the Coordinated Municipal Election set for November 5, 2024, a question asking the qualified electors of the City of Greeley whether to amend portions of the City of Greeley's Charter regarding the Finance Department.

Section 2. A ballot title shall be placed on the November 5, 2024, Greeley Coordinated Municipal Election ballot in substantially the following form:

Shall Article V of the City's Charter be amended to remove and replace outdated provisions as follows?

- a) Shall Article V be renamed “Financial Operations” instead of “Department of Finance” and shall Part I be renamed “Administration” instead of “Finance”?
- b) Shall the term “Director of Finance” be replaced throughout Part I of Article V with the term “Financial Officer”?

- ☐ Yes
- ☐ No

Section 3. If the ballot question receives approval of the majority of the registered electors voting at the general election on November 5, 2024, the City of Greeley Charter shall be amended as follows effective November 6, 2024 without further action taken by City Council:

ARTICLE V. ~~DEPARTMENT OF FINANCE~~ FINANCIAL OPERATIONS

PART I. ~~FINANCE~~ ADMINISTRATION

Sec. 5-1. ~~Department created~~ Financial Administration.

~~A Department of Finance is hereby established, the head of which shall be the Director of Finance and~~ There shall be designated a Financial Officer who shall also be the Ex-officio City Treasurer. ~~The Director~~ Financial Officer shall be appointed by the City Manager, by and with the advice and consent of the City Council and shall be subject to removal by the City Manager, upon recommendation to and approval thereof by the City Council. ~~The Director~~ Financial Officer shall be adequately bonded, have training and knowledge in municipal accounting, budgeting, taxation and financial control.

Sec. 5-2. ~~Director of Finance~~ Financial Officer; powers and duties.

~~The Director of Finance~~ Financial Officer shall have charge of the administration of the financial affairs of the City and to that end shall have authority and shall be required to:

- a. Compile financial information and data needed for the City Manager's annual budget report;
- b. Supervise and be responsible for the disbursement of all monies and have control over all expenditures to ensure that appropriations are not exceeded, or payments illegally made;
- c. Design and maintain a general accounting system for the City in accordance with accepted accounting principles, and develop and maintain internal audit controls in accordance with accepted auditing practice;
- d. Prepare for the City Manager statements of receipts and disbursements showing the financial and budgetary condition of the City. Such statements shall be prepared quarterly or monthly if requested by the City Manager;
- e. Prepare annual financial statements as soon as practicable after the end of each fiscal year;
- f. Prepare tax maps and give such notice of taxes and special assessments as may be required;
- g. Collect all taxes, special assessments, license fees and other revenues of the City or for whose collection the City is responsible and receive all money receivable by the City from the County, State or Federal Government, or from any court, or from any office, department,

or agency of the City, or any other agency or office which is not in existence but which may in the future be created or provided for;

h. Take and keep custody over all monies, securities and credits belonging to or under the control of the City; and deposit and invest such monies as directed by the City Council or, absent any such direction, as provided for or authorized by applicable state law.

Sec. 5-3. Accounting; supervision and control.

The ~~Director of Finance~~ Financial Officer shall exercise proper accounting controls, and to this end the ~~Director of Finance~~ Financial Officer shall:

a. Prescribe the forms of receipts, vouchers, bills or claims to be used by all the offices, departments and agencies of the City Government;

b. Examine and approve or disapprove all contracts, orders and other documents by which the City Government incurs financial obligations, having previously ascertained that monies have been appropriated and allotted and will be available when the obligations shall become due and payable;

c. Audit and approve or disapprove before payment of all bills, invoices, payrolls and other evidences of claims, demands or charges against the City Government and with the advice of the Office of the City Attorney determine the regularity, legality and correctness of such claims, demands or charges;

d. Inspect and audit any accounts or records of financial transactions which may be maintained in any office, department or agency of the City Government apart from or subsidiary to the accounts kept in the ~~Director's~~ Financial Officer's office.

Sec. 5-4. Lapse of appropriations.

Except as hereinafter provided, all appropriations shall lapse at the end of the budget year, to the extent that they shall not have been expended, committed, reserved or lawfully encumbered; however, appropriations for capital projects shall in no event lapse before the end of the second full year after the budget year.

Sec. 5-5. General and special funds.

All revenues of the City shall be accounted for under a general fund and one (1) or more special funds. Revenues which legally are not available for the general operations of the City shall be allocated to special funds. All other revenues shall be allocated to the general fund.

Sec. 5-6. Expenditures.

All expenditures shall be charged to the appropriate budget account under the direction of the ~~Director of Finance~~ Financial Officer. Expenditures may be made by check, electronic transfer or any other legal payment method as provided by ordinance and enacted by the City Council. All expenditures shall be signed or authorized by two (2) City officials, elective or appointive, as designated by ordinance enacted by the City Council.

Sec. 5-7. Reserved

Section 4. The officers of the City are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this ordinance.

Section 5. The Council hereby authorizes and directs the City Clerk to certify such ballot measures to the Weld County Clerk and Recorder and hereby sets and fixes the foregoing as the ballot titles by which each ballot issue is to be submitted. The City Clerk, or the Council by resolution, may make such changes in the ballot title set forth above as may be necessary or appropriate to conform to applicable law. Notice of the election, including submission of the ballot issues, shall be given, and the election shall be held and conducted, and the results thereof shall be determined, in conformity with the Uniform Election Code of 1992, the Charter and ordinances of the City, and other applicable provisions of the Constitution (including, without limitation, Article X, Section 20 thereof) and the laws of the State of Colorado.

Section 6. The City hereby exercises its power as a home rule municipality, pursuant to Article XX of the Colorado Constitution, to supersede any and all laws of the State of Colorado which may be in conflict herewith.

Section 7. If any section, paragraph, clause, or provision of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this ordinance.

Section 8. This ordinance shall be passed and published pursuant to the procedures set forth in Section 3-17 of the City of Greeley's Charter.

Section 9. Should the ballot question receive approval of the majority of the registered electors voting at the general election on November 5, 2024, it shall be deemed to take effect on November 6, 2024 without further action taken by the City Council.

INTRODUCED, READ, AND ORDERED PUBLISHED THIS 6th DAY OF AUGUST 2024.

PASSED AND ORDERED PUBLISHED BY REFERENCE THIS 20th DAY OF AUGUST, 2024.

ATTEST:

CITY OF GREELEY, COLORADO

By: _____
City Clerk

By: _____
Mayor

Ballot Measure- Financial Operations

Stacey Aurzada, City Attorney
Allena Portis, Chief Financial Officer
City Council Meeting - August 20, 2024



Agenda



- Background
- Current Charter language
- Proposed Ballot question
- Proposed Charter language

Background - Chief Financial Officer

- Pursuant to the City's Charter, the City Manager is the Chief Administrative Officer of the City and is responsible to the Council for the proper administration of all of the City's affairs
- The City Manager has determined that the Financial Operations of the City will be best served by appointing a Chief Financial Officer to oversee the City's financial operations
- The City Attorney's office has recommended changes to the Charter

Background - Finance Department

- Historically, the Finance Director managed the procurement and budget activities for the City
- The City Manager has determined that these functions could be best provided if they are divided into separate departments

Current Charter language

- Article V of the Charter is titled “Department of Finance”
- Guidance for “Purchases” and “Budget” are located in this Article
- The Charter refers to the “Director of Finance” throughout this Article
- The language is dated and restrictive and does not allow for operational adjustment that is needed as the City grows

Proposed Ballot question

- If Council passes the ordinance, this question will appear on the November ballot:
 - a) Shall Article V be renamed “Financial Operations” instead of “Department of Finance” and shall Part I be renamed “Administration” instead of “Finance”?
 - b) Shall the term “Director of Finance” be replaced throughout Part I of Article V with the term “Financial Officer”?

Proposed Charter language

- If a majority of Greeley citizens vote yes on the ballot question, the Charter will be changed as follows:
 - The Article will be renamed “Financial Operations”
 - The term “Director of Finance” will be changed to “Financial Officer”

Staff Recommendation

Staff recommends approval of the ordinance submitting to voters the question of amending the Charter regarding Financial Operations.

Thank you





Council Agenda Summary

August 20, 2024

Key Staff Contact: Stacey Aurzada, City Attorney, Allena Portis, Deputy City Manager/Chief Financial Officer

Title:

Public hearing and second reading of an ordinance amending sections 6-29, 6-422, 6-445, 6-446, 6-477, 6-481, 20-151 and 20-152 of the Greeley Municipal Code

Summary:

The ordinance proposes amendments to the Municipal Code to provide the City Manager with the authority to delegate duties related to the City's financial operations to the appropriate City personnel. The proposed changes to the Code will align the Code with the City's Council-Manager form of government, which is required by Section 1-2 of the City's Charter.

A motion to introduce the ordinance and schedule a public hearing and second reading for August 20, 2024, was approved by a majority vote on August 6, 2024. After the ordinance was introduced, it was published in full in the August 9, 2024, edition of the Greeley Tribune.

Fiscal Impact:

1. Does this item create a fiscal impact on the City of Greeley? 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:

This item has been reviewed by the City Attorney's Office.

Strategic Focus Area:

High-Performance Government

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. Ordinance No. 28, 2024 with Appendix A & B
2. Item 20 - Municipal Code Changes - Financial Operations Presentation

CITY OF GREELEY, COLORADO

ORDINANCE NO. 28, 2024

AN ORDINANCE AMENDING SECTIONS 6-29, 6-422, 6-445, 6-446, 6-477, 6-481, 20-151 and 20-152 OF THE GREELEY MUNICIPAL CODE

WHEREAS, the Greeley Municipal Code provides a legislative framework for City functions; and

WHEREAS, it is necessary from time to time to modify sections of the Code to better clarify its provisions or update processes; and

WHEREAS, sections of the Code relating to procurement functions of the City should be updated so that the functions may be assigned in an appropriate way given the needs of the City; and

WHEREAS, sections of the Code relating to water and sewer billing should be updated so that these functions may be assigned in an appropriate way given the needs of the City; and

WHEREAS, the City Council has determined that it is in the best interests of the citizens to amend the City's Code to make these changes.

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

Section 1. That Section 6-29 contained in Chapter 1 of Title 6 of the Greeley Municipal Code shall be amended as shown on Appendix A, attached hereto and incorporated herein.

Section 2. That Sections 6-422, 6-445, 6-446, 6-477, and 6-481 contained in Chapter 6 of Title 6 of the Greeley Municipal Code shall be amended as shown on Appendix A, attached hereto and incorporated herein.

Section 3. That Sections 20-151 and 20-152 contained in Chapter 3 of Title 20 of the Greeley Municipal Code be amended as shown in Appendix A.

Section 4. Appendix B, attached hereto and incorporated herein, contains a copy of the existing ordinances to be amended as required by the Greeley Charter, Sec. 3-16.

Section 5. 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 20th DAY OF AUGUST 2024.

ATTEST

THE CITY OF GREELEY, COLORADO

By: _____
City Clerk

By: _____
Mayor

Appendix A
ORDINANCE NO. 28, 2024

**AN ORDINANCE AMENDING SECTIONS 6-29, 6-422, 6-445, 6-446, 6-477,
6-481, 20-151 and 20-152 OF THE GREELEY MUNICIPAL CODE**

Section 1.

Sec. 6-29. - Director of finance; duties.

The administration of ~~this chapter and chapter~~ chapters 1, 2, 3 and 4 of this title ~~and chapter 2 of title 10~~ is vested in the director of finance, who shall prescribe forms and reasonable rules and regulations in conformity with this code chapter and chapter 2 of this title and chapter 2 of title 10, for the making of returns, for the ascertainment, assessment and collection of the taxes imposed ~~under this chapter in this code~~ and for the proper administration and enforcement of ~~this chapter and chapter~~ chapters 1, 2, 3 and 4 of this title ~~and chapter 2 of title 10~~.

Section 2.

Sec. 6-422. - Definitions.

Purchasing official means the employee designated by the ~~finance director~~ City Manager or designee to perform duties and responsibilities as provided in ~~sections 6-445 and 6-446~~ this Chapter.

Sec. 6-445. - Authority and duties.

(a) The ~~Finance director~~ City Manager or designee shall designate a principal public purchasing official, and shall be responsible for the procurement of materials, supplies, equipment, services and construction in accordance with this chapter, as well as the management and disposal of supplies.

(b) Duties. In accordance with this chapter, and subject to the supervision of the ~~Finance director~~ City Manager or designee, the designated purchasing official shall:

(1) Procure or supervise the procurement of all supplies, services and construction needed by the city;

(2) Exercise direct supervision over the city's central stores and such other inventories belonging to the city for which the purchasing official is given responsibility;

- (3) Sell, trade or otherwise dispose of surplus supplies belonging to the city; and
- (4) Establish and maintain programs for specifications development, contract administration and inspection and acceptance, in cooperation with the public agencies using the supplies, services and construction.
- (c) Operational procedures. Consistent with this chapter and with the approval of the city manager or the Finance director, the designated official may adopt operational procedures relating to the execution of such designated official's duties.

Sec. 6-446. - Delegations to other city officials.

Notwithstanding the provisions of section 6-445, procurement authority with respect to certain supplies, services or construction may be delegated to other city officials by the ~~finance director with the concurrence of the~~ city manager when such delegation is deemed necessary for the effective procurement of these supplies, services or construction. All such delegated procurements shall be conducted pursuant to this chapter and regulations promulgated hereunder. Pursuant to this section, in the event a city official other than the purchasing official is designated to make a procurement, all references to specific purchasing activities by the purchasing official in this chapter shall refer and be applicable to said designated city official. All references to the general duties of the purchasing official in this chapter shall not be applicable to the designated city official.

Sec. 6-477. - Competitive sealed bidding.

- (a) *Conditions for use.* All contracts for amounts above \$50,000.00 entered into by the city shall be awarded by competitive sealed bidding except as otherwise provided in sections 6-478, 6-480, and 6-483.
- (b) *Invitation for bids.* An invitation for bids shall be issued and shall include specification and all contractual terms and conditions applicable to the procurement.
- (c) *Public notice.* Adequate public notice of the invitation for bids shall be given a reasonable time, not less than 15 calendar days prior to the date set forth therein for the opening of bids unless circumstances require a shorter period as determined by the purchasing official. Such notice may include the use of electronic solicitation. Such notice may include publication in a newspaper of general circulation at a reasonable time prior to bid opening. The public notice shall state the place, date and time of bid opening.
- (d) *Bid opening.* Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation for bids. The amount of each bid and such other relevant information as the purchasing official deems appropriate, together with the name of each bidder, shall be recorded; the record and each bid shall be open to public inspection in accordance with section 6-423. In the event of strikes, wars, acts of God or other good cause, as determined by the purchasing official, bid openings may be extended for a reasonable time not to exceed 30 calendar days.

(e) *Bid acceptance and bid evaluation.* Bids shall be unconditionally accepted without alteration or correction, except as authorized in this chapter. Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability such as inspection, testing, quality, degree of skill, delivery and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award shall be objectively measurable, such as discounts, transportation costs and total or life cycle costs. The invitation for bids shall set forth the evaluation criteria to be used. No criteria may be used in bid evaluation that are not set forth in the invitation for bids.

(f) *Award.* The contract shall be awarded with reasonable promptness by appropriate written notice to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids. In the event the low responsive and responsible bid for a construction project exceeds available funds, as certified by the ~~finance director~~ City Manager or designee, the purchasing official is authorized, when time or economic considerations preclude re-solicitation of work of a reduced scope, to negotiate an adjustment of the bid price with the low responsive and responsible bidder, in order to bring the bid within the amount of available funds.

(g) *Multi-step sealed bidding.* When it is considered impractical to initially prepare a purchase description to support an award based on price, an invitation for bids may be issued requesting the submission of unpriced offers to be followed by an invitation for bids limited to those bidders whose offers have been determined to be technically acceptable under the criteria set forth in the first solicitation.

Sec. 6-481. - Non-competitive negotiation.

a) When sole source or emergency procurement situations arise or when the standard competitive processes are deemed impractical, the ~~Finance director~~ City Manager or designee may enter into noncompetitive negotiations in the best interest of the city, including:

(1) Extension of existing contract where a vendor offers to extend an existing contract under the same conditions and at the same or lower price, and such extension is in the best interest of the city;

(2) Service on existing equipment if it is to the city's advantage to obtain parts, repair or service on existing equipment, its supplies or software from a factory-authorized dealer or manufacturer;

(3) Reduced total cost due to, among other things, closer location, more advantageous time allowances or similar variable factors that can reduce the total cost of the product or service;

(4) A particular material or service is required to maintain interchangeability or compatibility as a part of an existing integrated system;

(5) The material is perishable;

- (6) The material qualifies as fine art;
 - (7) The particular material is required to match materials in use, so as to produce visual harmony; or
 - (8) Where competitive solicitation procedures have failed to provide sufficient responsive, responsible bidders.
- (b) Written determination of the basis for the noncompetitive negotiation and basis for the selection shall be included in the contract file.

Section 3.

Sec. 20-152. - Payment of charges.

All rates for the use of water as provided in this title shall be due and payable to the ~~director of finance~~ city ~~at the director's office in the city hall.~~ In case any water user fails to pay all charges within 30 days after the same become due, the same are delinquent and the city may disconnect water service from every premises, building, house or lot in default until the delinquent charges are paid, including payment of reconnection charges as provided in sections 20-158.

Sec. 20-153. - Bills may be sent; process for bill disputes.

~~The director of finance~~ city may, but shall not be required to, give notice to users of water of the amount of the water rates and when due, and the ~~director~~ city may include in such notice and shall collect with the water rates the sewer rates and any associated fees and charges due pursuant to this title. Any customer that believes its water and sewer bill contains improper charges may submit a bill dispute in writing to the director of water and sewer.

Appendix B

ORDINANCE NO. 28, 2024

AN ORDINANCE AMENDING SECTIONS 6-29, 6-422, 6-445, 6-446, 6-477, 6-481, 20-151 and 20-152 OF THE GREELEY MUNICIPAL CODE

Sec. 6-29. Director of finance; duties.

The administration of this chapter and chapter 2 of this title and chapter 2 of title 10 is vested in the director of finance, who shall prescribe forms and reasonable rules and regulations in conformity with this chapter and chapter 2 of this title and chapter 2 of title 10, for the making of returns, for the ascertainment, assessment and collection of the taxes imposed under this chapter and for the proper administration and enforcement of this chapter and chapter 2 of this title and chapter 2 of title 10.

(Code 1994, § 4.04.025; Ord. No. 58, 1991, § 2(part), exh. B, 12-17-1991; Ord. No. 36, 2017, § 1(exh. A), 10-17-2017)

Sec. 6-422. 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:

Alternative project delivery means methods of contracting wherein the solicitation, evaluation, selection, and contracting for a project is accomplished through use of a design/build, construction manager at risk, construction manager/general contractor, or other non-traditional means.

Architect, engineer and land surveying services means those professional services within the scope of the practice of architecture, professional engineering or land surveying, as defined by the state laws.

Blind trust means an independently managed trust in which the employee-beneficiary has no management rights and in which the employee-beneficiary is not given notice of alterations in, or other dispositions of, the property subject to the trust.

Brand name or equal specification means a specification limited to one or more items by manufacturers' names or catalogue numbers to describe the standard of quality, performance and other salient characteristics needed to meet the city requirements, and which provides for the submission of equivalent products.

Brand name specification means a specification limited to one or more items by manufacturers' names or catalogue numbers.

Business means any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture or any other private legal entity.

Change order means a written order signed and issued by the purchasing official, directing the contractor to make changes which the changes clause of the contract authorizes the purchasing official to order without the consent of the contractor.

Confidential information means any information which is available to an employee only because of the employee's status as an employee of the city and is not a matter of public knowledge or authorized to be disclosed to the public on request.

Construction means the process of building, altering, repairing, improving or demolishing any public structure, or building or other public improvements of any kind to any public real property. The term "construction" does not include the routine operation, routine repair or routine maintenance of existing structures, buildings or real property.

Construction management at risk (CMAR) means a contract that allows for a delivery method which entails a commitment by the construction manager to deliver the project within a guaranteed maximum price.

Construction manager/general contractor (CMGC) means a unique method used to accelerate project delivery where the owner hires a contractor to provide feedback during the design phase before the state of construction.

Contract means all types of city agreements, regardless of what they may be named, for the procurement of supplies, services or construction.

Created: 2024-07-09 14:27:56 [EST]

(Supp. No. 4, Update 2)

Contract modification (bilateral change) means any written alteration in specifications, delivery point, rate of delivery, period of performance, price, quantity or other provisions of any contract accomplished by mutual agreement of the parties to the contract.

Contractor means any person having a contract with the city.

Cooperative purchasing analysis means the evaluation of cost data for the purpose of arriving at cost actually incurred or estimates of costs to be incurred, prices to be paid and costs to be reimbursed.

Cooperative purchasing plan means a program that allows the city to share a procurement contract between governments or nonprofit organizations that have competitively bid and vetted vendors for a variety of products and services.

Cost data means factual information concerning the cost of labor, material, overhead and other cost elements which are expected to be incurred or which have been actually incurred by the contractor in performing the contract.

Cost-reimbursement contract means a contract under which a contractor is reimbursed for costs which are allowable and allocable in accordance with the contract terms and the provisions of this chapter, and plus a fee, if any.

Design-bid-build means a project delivery method in which the city sequentially awards separate contracts, the first award for architectural and engineering services to design the project and the second award for construction of the project according to the design, after solicitation of an invitation for bids.

Design-build means a project delivery method in which the city awards a single contract for design and construction of a project.

Direct or indirect participation means involvement through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing or in any other advisory capacity.

Disadvantaged business means a small business which is owned or controlled by a majority of persons not limited to members of minority groups, who have been deprived of the opportunity to develop and maintain a competitive position in the economy because of social disadvantages as defined by state law.

Electronic means electrical, digital, magnetic, optical, electromagnetic or any other similar technology.

Emergency procurements means procurements of supplies, services or construction items when there exists a threat to public health, welfare or safety, provided that such emergency procurements shall be made with such competition as is practicable under the circumstances.

Employee means an individual drawing a salary or wages from the city, whether elected or not; any noncompensated individual performing personal services for the city or any department, agency, commission, council, board or any other entity established by the executive or legislative branch of the city; and any noncompensated individual serving as an elected official of the city.

Financial interest means:

- (1) Ownership of any interest or involvement in any relationship from which, or as a result of which, a person within the past year has received, or is presently or in the future entitled to receive, more than \$1,000.00 per year or its equivalent; or
- (2) Ownership of five percent of any property or business.

Grant means the furnishing by the city of assistance, whether financial or otherwise, to any person or group to support a program authorized by law.

Gratuity means a payment, loan, subscription, advance, deposit of money, service or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value is received.

Immediate family means a spouse, children, parents, brothers and sisters.

Invitation for bids means all documents, whether attached or incorporated by reference, utilized for soliciting sealed bids.

Person means any business, individual, union, committee, club, other organization or group of individuals.

Price analysis means the evaluation of price data, without analysis of the separate cost components and profit as in cost analysis, which may assist in arriving at prices to be paid and costs to be reimbursed.

Pricing data means factual information concerning prices for items substantially similar to those being procured. The term "prices" in this definition refer to offered or proposed selling prices, historical selling prices and current selling prices. The definition of the term "pricing data" refers to data relevant to both prime and subcontract prices.

Procurement means the buying, purchasing, renting, leasing or otherwise acquiring of any supplies, services or construction. The term "procurement" also includes all functions that pertain to the obtaining of any supply, service or construction, including description of requirements, selection and solicitation of sources, preparation and award of contract and all phases of contract administration.

Professional services means services of a specialized nature, including, but not limited to, architecture, engineering, surveying, appraisals, accounting, training, and laboratory testing, the final product of which is predominantly oral or written advice or information or services as promulgated by the city manager.

Public agency means a public entity subject to or created by the city.

Public notice means the distribution or dissemination of information to interested parties using methods that are determined by the city, such methods may include publication in newspapers of general circulation, electronic or paper mailing lists and websites designated by the city and maintained for that purpose.

Purchasing official means the employee designated by the finance director to perform duties and responsibilities as provided in sections 6-445 and 6-446.

Qualified products list means an approved list of supplies, services or construction items described by model or catalogue numbers, which, prior to competitive solicitation, the city has determined will meet the applicable specification requirements.

Request for proposals means all documents, whether attached or incorporated by reference, utilized for soliciting proposals.

Responsible bidder or offeror means a person who has the capability, in all respects, to perform fully the contract requirements and the tenacity, perseverance, experience, integrity, reliability, capacity, facilities, equipment and credit, which will ensure good faith performance.

Responsive bidder or offeror means a person who has submitted a quote, proposal, or bid which conforms in all material respects to the requirements set forth in the invitation for bids.

Services means the furnishing of labor, time or effort by a contractor, not involving the delivery of a specific end product other than reports which are merely incidental to the required performance. The term "services" shall not include employment agreements or collective bargaining agreements.

Signature means a manual or electronic identifier, or the electronic result of an authentication technique attached to or logically associated with a record that is intended by the person using it to have the same force and effect as a manual signature. Electronic signatures are as allowed by the Uniform Electronic Transactions Act, C.R.S. title 24, art. 71.3 (C.R.S. § 24-71.3-101 et seq.), as amended from time to time.

Small business means a United States business which is independently owned and which is not dominant in its field of operation or an affiliate or subsidiary of a business dominant in its field of operation and meets the small business size standards established by the U.S. Small Business Administration, as amended from time to time.

Sole source means after conducting a good faith review of available sources, that there is only one source for the required supply, service or construction firm.

Specification means any description of the physical or functional characteristics or of the nature of a supply, service or construction item. It may include a description of any requirement for inspection, testing or preparing a supply, service or construction item for delivery.

Statement of qualifications (SOQ) means a written document outlining the reasons why a company or person is qualified to provide a certain professional service. A typical SOQ outlines a description of the company, key personnel assigned to projects, project approach, management skills and examples of similar successful projects.

Supplies means all property, including, but not limited to, equipment, materials, printing, insurance and leases or real property, excluding land or a permanent interest in land.

Using agency means any department, commission, board or public agency of the city requiring supplies, services or construction procured pursuant to this chapter.

Written or in writing means the product of any method of forming characters on paper, other materials or viewable screens, which can be read, retrieved and reproduced, including information that is electronically transmitted and stored.

(Code 1994, § 4.20.030; Ord. No. 17, 2018, § 1(exh. A), (exh. B), 4-3-2018)

Sec. 6-445. Authority and duties.

- (a) The finance director shall designate a principal public purchasing official, and shall be responsible for the procurement of materials, supplies, equipment, services and construction in accordance with this chapter, as well as the management and disposal of supplies.
- (b) Duties. In accordance with this chapter, and subject to the supervision of the finance director, the designated purchasing official shall:
 - (1) Procure or supervise the procurement of all supplies, services and construction needed by the city;
 - (2) Exercise direct supervision over the city's central stores and such other inventories belonging to the city for which the purchasing official is given responsibility;
 - (3) Sell, trade or otherwise dispose of surplus supplies belonging to the city; and
 - (4) Establish and maintain programs for specifications development, contract administration and inspection and acceptance, in cooperation with the public agencies using the supplies, services and construction.
- (c) Operational procedures. Consistent with this chapter and with the approval of the city manager or the finance director, the designated official may adopt operational procedures relating to the execution of such designated official's duties.

(Code 1994, § 4.20.060; Ord. No. 17, 2018, § 1(exh. A), (exh. B), 4-3-2018)

Sec. 6-446. Delegations to other city officials.

Notwithstanding the provisions of section 6-445, procurement authority with respect to certain supplies, services or construction may be delegated to other city officials by the finance director with the concurrence of the city manager when such delegation is deemed necessary for the effective procurement of these supplies, services or construction. All such delegated procurements shall be conducted pursuant to this chapter and regulations promulgated hereunder. Pursuant to this section, in the event a city official other than the purchasing official is designated to make a procurement, all references to specific purchasing activities by the purchasing official in this chapter shall refer and be applicable to said designated city official. All references to the general duties of the purchasing official in this chapter shall not be applicable to the designated city official.

(Code 1994, § 4.20.070; Ord. No. 17, 2018, § 1(exh. A), (exh. B), 4-3-2018)

Sec. 6-477. Competitive sealed bidding.

- (a) *Conditions for use.* All contracts for amounts above \$50,000.00 entered into by the city shall be awarded by competitive sealed bidding except as otherwise provided in sections 6-478, 6-480, and 6-483.
- (b) *Invitation for bids.* An invitation for bids shall be issued and shall include specification and all contractual terms and conditions applicable to the procurement.
- (c) *Public notice.* Adequate public notice of the invitation for bids shall be given a reasonable time, not less than 15 calendar days prior to the date set forth therein for the opening of bids unless circumstances require a shorter period as determined by the purchasing official. Such notice may include the use of electronic solicitation. Such notice may include publication in a newspaper of general circulation a reasonable time prior to bid opening. The public notice shall state the place, date and time of bid opening.

-
- (d) *Bid opening.* Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation for bids. The amount of each bid and such other relevant information as the purchasing official deems appropriate, together with the name of each bidder, shall be recorded; the record and each bid shall be open to public inspection in accordance with section 6-423. In the event of strikes, wars, acts of God or other good cause, as determined by the purchasing official, bid openings may be extended for a reasonable time not to exceed 30 calendar days.
 - (e) *Bid acceptance and bid evaluation.* Bids shall be unconditionally accepted without alteration or correction, except as authorized in this chapter. Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability such as inspection, testing, quality, degree of skill, delivery and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award shall be objectively measurable, such as discounts, transportation costs and total or life cycle costs. The invitation for bids shall set forth the evaluation criteria to be used. No criteria may be used in bid evaluation that are not set forth in the invitation for bids.
 - (f) *Award.* The contract shall be awarded with reasonable promptness by appropriate written notice to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids. In the event the low responsive and responsible bid for a construction project exceeds available funds, as certified by the finance director, the purchasing official is authorized, when time or economic considerations preclude re-solicitation of work of a reduced scope, to negotiate an adjustment of the bid price with the low responsive and responsible bidder, in order to bring the bid within the amount of available funds.
 - (g) *Multi-step sealed bidding.* When it is considered impractical to initially prepare a purchase description to support an award based on price, an invitation for bids may be issued requesting the submission of unpriced offers to be followed by an invitation for bids limited to those bidders whose offers have been determined to be technically acceptable under the criteria set forth in the first solicitation.

(Code 1994, § 4.20.080; Ord. No. 17, 2018, § 1(exh. A), (exh. B), 4-3-2018)

Sec. 6-481. Non-competitive negotiation.

- (a) When sole source or emergency procurement situations arise or when the standard competitive processes are deemed impractical, the finance director or designee may enter into noncompetitive negotiations in the best interest of the city, including:
 - (1) Extension of existing contract where a vendor offers to extend an existing contract under the same conditions and at the same or lower price, and such extension is in the best interest of the city;
 - (2) Service on existing equipment if it is to the city's advantage to obtain parts, repair or service on existing equipment, its supplies or software from a factory-authorized dealer or manufacturer;
 - (3) Reduced total cost due to, among other things, closer location, more advantageous time allowances or similar variable factors that can reduce the total cost of the product or service;
 - (4) A particular material or service is required to maintain interchangeability or compatibility as a part of an existing integrated system;
 - (5) The material is perishable;
 - (6) The material qualifies as fine art;
 - (7) The particular material is required to match materials in use, so as to produce visual harmony; or
 - (8) Where competitive solicitation procedures have failed to provide sufficient responsive, responsible bidders.
- (b) Written determination of the basis for the noncompetitive negotiation and basis for the selection shall be included in the contract file.

(Code 1994, § 4.20.105; Ord. No. 17, 2018, § 1(exh. A), (exh. B), 4-3-2018)

Sec. 20-152. Payment of charges.

All rates for the use of water as provided in this title shall be due and payable to the director of finance at the director's office in the city hall. In case any water user fails to pay all charges within 30 days after the same become due, the same are delinquent and the city may disconnect water service from every premises, building, house or lot in default until the delinquent charges are paid, including payment of reconnection charges as provided in sections 20-158.

(Prior Code, § 22-9(a); Code 1994, § 14.08.090; Ord. No. 65, 1990, § 1(part), 12-11-1990; Ord. No. 24, 1999, § 2, 6-1-1999; Ord. No. 39, 2019, exh. A, § 14.08.020, 9-17-2019; Ord. No. 16, 2022, § 28(app. A, § 28), 4-19-2022)

Sec. 20-153. Bills may be sent; process for bill disputes.

The director of finance may, but shall not be required to, give notice to users of water of the amount of the water rates and when due, and the director may include in such notice and shall collect with the water rates the sewer rates and any associated fees and charges due pursuant to this title. Any customer that believes its water and sewer bill contains improper charges may submit a bill dispute in writing to the director of water and sewer.

(Prior Code, § 22-9(b); Code 1994, § 14.08.100; Ord. No. 39, 2019, exh. A, § 14.08.030, 9-17-2019; Ord. No. 16, 2022, § 28(app. A, § 28), 4-19-2022)

Municipal Code Changes- Financial Operations

Stacey Aurzada, City Attorney
Allena Portis, Chief Financial Officer
City Council Meeting - August 20, 2024



Agenda



- Background
- Proposed amendments to the Municipal Code

Background

- Pursuant to the City's Charter, the City Manager is the Chief Administrative Officer of the City and is responsible to the Council for the proper administration of all of the City's affairs
- The City Manager has determined that the Financial Operations of the City will be best served by appointing a Chief Financial Officer to oversee the City's financial operations
- The City Attorney's office has recommended changes to the Municipal Code

Proposed amendments to the Municipal Code

- Clarification and correction of chapters overseen by the Director of Finance
- Replace the term “Finance Director” with “City Manager or designee” to provide the City Manager with the discretion to assign duties as he determines to be in the best interests of the City
- Update language regarding where utility bills can be paid

Staff Recommendation

Staff recommends approval of the ordinance to make the proposed amendments to the Municipal Code.

Thank you





Council Agenda Summary

August 20, 2024

Key Staff Contact: Kalen Myers, Deputy Budget & Policy Director

Title:

Public hearing and second reading of an ordinance submitting to the registered electors of the City of Greeley at the coordinated election to be held November 5, 2024, the question of authorizing the City Council to extend the current sales tax on food

Summary:

Greeley's 3.00% sales tax on food for home consumption ("food tax") is set to expire December 31, 2026. The food tax is a key capital funding source for Greeley, providing an estimated \$11 million each year that goes towards critical facilities and parks maintenance, safety improvements and key infrastructure investments across the city. This ordinance will place a question on the November 5, 2024 ballot asking Greeley voters to vote "yes" or "no" to extend the City's food tax.

A second ordinance on tonight's agenda will add a question to the ballot asking voters to authorize the city to take out a low-interest loan of up to \$65 million to fund transportation investments like the Highway 34 interchanges. The food tax, if renewed by voters, is planned to be the repayment source for this low-interest financing.

The advancement of the food tax renewal and transportation debt issuance to the November 2024 ballot follows months of planning and public engagement on the ballot agenda including the following presentations to Council –

February 13, 2024 Work Session - December Polling Results

The City conducted an initial public opinion poll in December 2023 surveying residents' attitudes about the city, their priorities for city programs and services, and their interest in potential tax proposals. Four tax proposal concepts were tested including the food tax renewal with and without a sunset, a transportation debt issuance and two possible 0.25% tax increases - one for public safety and one for open space. This work session was informational and introduced the 2024 ballot planning work to Council.

March 14, 2024 Work Session - 2024 Ballot Planning The March 14th work session provided detail on the funding plan for each potential tax measure and sought Council consensus on which items to advance to the qualitative research phase or "focus groups". Council requested additional information on the open space and public safety items.

March 26, 2024 Work Session - 2024 Ballot Planning Follow-Up The March 26th work session provided additional detail on the potential 0.25% open space tax and public safety tax increases. Council's direction following this work session was to include both these measures along with the food tax and transportation debt issuance in the qualitative focus group work.

May 7, 2024 Regular Meeting - Focus Group Discussion The May 7th regular meeting included an informational item sharing key takeaways from the focus group that took place in April. The focus groups engaged a group of 39 Greeley residents on the items under consideration for the November 2024 ballot. Participants provided candid and detailed feedback about each of the potential tax measures which provided valuable insight into which items were resonating with the Greeley community. Following staff's presentation, Council provided direction to table the open space tax initiative and to proceed with the food tax renewal, transportation debt issuance and public safety tax increase for a second public opinion poll in June.

July 23, 2024 Work Session - Summer Poll Results and Ballot Decisions The July 23rd work session presented Council with the results of the City's second public opinion poll and requested consensus about which items to approve for the ballot. At a high-level, the poll showed support for the food tax at 53% (down significantly from previous years' polling) and the debt measure polled stronger than previous indications at 59%. While all research indicates the Greeley community has strong support for their public safety teams, the public safety tax increase polled at just 46%. Staff's recommendation was to table the public safety tax item and instead focus solely on the tax neutral food tax renewal and transportation debt issuance for the November ballot. Council provided consensus in agreement with staff's recommendation.

August 6, 2024 Regular Meeting - First Reading of Ballot Ordinances

A motion to introduce the ordinance and schedule a public hearing and second reading for August 20, 2024, was approved by a majority vote on August 6, 2024. After the ordinance was introduced, it was published in full in the August 9, 2024, edition of the Greeley Tribune.

Fiscal Impact:

1. Does this item create a fiscal impact on the City of Greeley? Yes
2. Additional Comments: If voters approve the ballot measure in November, this secures an ongoing capital funding source for the City of approximately \$11 Million annually.

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
Quality of Life

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. Ordinance No. 31, 2024
2. Item 21 - Food Tax Renewal Ballot Ordinance Presentation

**CITY OF GREELEY, COLORADO
ORDINANCE NO. 31, 2024**

**AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF
THE CITY OF GREELEY, AT THE COORDINATED ELECTION TO BE
HELD NOVEMBER 5, 2024, THE QUESTION OF AUTHORIZING THE
CITY COUNCIL TO EXTEND THE CURRENT SALES TAX ON FOOD**

WHEREAS, at the November 1992 general election, the citizens of Colorado adopted, as an amendment to the Colorado Constitution, the provisions of Article X, Section 20 of the Colorado Constitution ("TABOR"), which, among other things, require voter approval for certain exercises of state and local government powers relating to taxation, revenue-raising, spending and the incurrence of debt and other multiple-fiscal year financial obligations; and

WHEREAS, the City currently imposes a general 3.00% sales tax on the purchase of food pursuant to Article III of the Greeley City Code (such sales tax is referred to herein as the "general 3.00% food sales tax"); and

WHEREAS, in addition to the general 3.00% sales tax imposed on the purchase of food, the City's existing Quality of Life tax currently imposes a 0.30% tax on the purchase of food, and the City's existing Public Safety tax currently imposes as 0.16% tax on the purchase of food, resulting in an aggregate sales tax of 3.46% on the purchase of food; and

WHEREAS, the City Council (the "Council") has determined, and hereby determines, that it is in the best interests of the health, safety and welfare of the people of the City that the registered electors of the City be given an opportunity at the November 5, 2024 coordinated election to vote "yes" or "no" with respect to the question of authorizing the Council to extend the general 3.00% food sales tax, as currently imposed, for the purpose of financing capital projects as described in the ballot title set forth below; and

WHEREAS, it is the intent of the City to comply with TABOR in submitting such sales tax extension question to the registered electors of the City.

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

Section 1. All actions heretofore taken (not inconsistent with the provisions of this ordinance) by the Council or the officers of the City directed toward the submission of such sales tax extension question to the registered electors of the City, are hereby ratified, approved and confirmed.

Section 2. The City Clerk is hereby authorized and directed to take all action necessary or appropriate to submit the sales tax extension question to the registered electors of the City as a ballot issue at the November 5, 2024 coordinated election, the ballot title for which shall be in substantially the following form:

CITY OF GREELEY GENERAL SALES TAX ON FOOD EXTENSION

WITHOUT RAISING TAXES, SHALL THE EXISTING VOTER-APPROVED GENERAL SALES TAX ON FOOD CURRENTLY IN EFFECT AT 3.00% BE EXTENDED UNTIL SUCH AUTHORIZATION IS ALTERED OR REPEALED BY GREELEY VOTERS OR GREELEY CITY COUNCIL FOR THE PURPOSE OF FUNDING THE FINANCING OR REFINANCING OF CITY CAPITAL IMPROVEMENT PROJECTS, INCLUDING WITHOUT LIMITATION THE ACQUISITION, CONSTRUCTION, IMPROVEMENT, MAINTENANCE, AND REPAIR OF:

- **STREETS,**
- **PARKS,**
- **RECREATIONAL FACILITIES, AND**
- **PUBLIC BUILDINGS**

WITH SUCH EXPENDITURES TO BE SUBJECT TO INDEPENDENT REVIEW BY A CITIZENS COMMITTEE, AND SHALL THE PROCEEDS OF SUCH TAX AND THE INCOME FROM THEIR INVESTMENT BE COLLECTED, KEPT, AND SPENT AS A VOTER-APPROVED REVENUE CHANGE AND AN EXCEPTION TO ANY REVENUE OR EXPENDITURE LIMITS THAT WOULD OTHERWISE APPLY?

YES _____ NO _____

The Council hereby authorizes and directs the City Clerk to certify such ballot issue to the Weld County Clerk and Recorder and hereby sets and fixes the foregoing as the ballot title by which such ballot issue is to be submitted. Any protests or contests concerning the ballot title set forth above shall be initiated and conducted in the time and manner set forth in Section 1-11-203.5, Colorado Revised Statutes. The City Clerk, or the Council by resolution, may make such changes in the ballot title set forth above as may be necessary or appropriate to conform to applicable law. Notice of the election, including submission of the ballot issue, shall be given, and the election shall be held and conducted and the results thereof shall be determined, in conformity with the Uniform Election Code of 1992, the Charter and ordinances of the City, and other applicable provisions of the Constitution (including, without limitation, Article X, Section 20 thereof) and the laws of the State of Colorado. Nothing in this ordinance or the ballot issue shall preclude application of such revenues to the continuation (with such changes as the Council may provide) of the City's rebate program for low-income City residents, presently provided for in Ordinance No. 39, 2015.

Section 3. If the ballot issue is approved, the Council shall be authorized to continue presently existing provisions or to make other provisions (not inconsistent herewith) for the application of revenues derived from such extended general 3.00% food sales tax to the funding of the acquisition, construction, maintenance, improvement, and repair of capital projects, as described in such ballot title, including, without limitation, the application and pledge of such revenues for principal, interest and other payments and as security for presently outstanding and future bonds and other capital financing.

Section 4. If the ballot issue is approved, the Council shall appoint a committee of City residents (with the criteria of such appointments to be determined in the sole discretion of the Council) to review the schedule of capital projects planned to be funded by the general 3.00% food sales tax. Such committee shall, prior to the annual budget adoption, review the proposed projects and submit any questions or comments regarding the same to the Council for review. The Council shall consider any questions and comments raised by the committee prior to budget adoption. Notwithstanding the committee's independent review, the final determination to finance any particular project remains within the sole discretion of the Council.

Section 5. The City hereby exercises its power as a home rule municipality, pursuant to Article XX of the Colorado Constitution, to supersede any and all laws of the State of Colorado which may be in conflict herewith.

Section 6. The invalidity or unenforceability of any provision of this ordinance shall in no way affect the validity or enforceability of the remainder of this ordinance.

Section 7. Following passage of this ordinance on first reading, it shall be published in full in the Greeley Tribune. Immediately upon its final passage, this ordinance shall be recorded in the City book of ordinances kept for that purpose, shall be authenticated by the signatures of the Mayor and the City Clerk, and shall be published in full or by reference in the Greeley Tribune, a legal newspaper of general circulation of the City. The City Clerk is authorized to include in such publications any additional information that the City Clerk may deem necessary or appropriate.

Section 8. This Ordinance shall be immediately effective on the 5th day following final publication as authorized by Section 3-16 of the Greeley Municipal Charter.

INTRODUCED, READ AND ORDERED PUBLISHED THIS 6TH DAY OF AUGUST, 2024.

PASSED AND ORDERED PUBLISHED BY REFERENCE THIS ____ DAY OF ____, 2024.

CITY OF GREELEY, COLORADO

BY: _____
Mayor John Gates

[SEAL]
Attest:

BY: _____
City Clerk



Food Tax Renewal Ballot Ordinance

Second Reading

Kalen Myers, Deputy Budget and Policy Director
City Council Meeting – August 20, 2024



Agenda

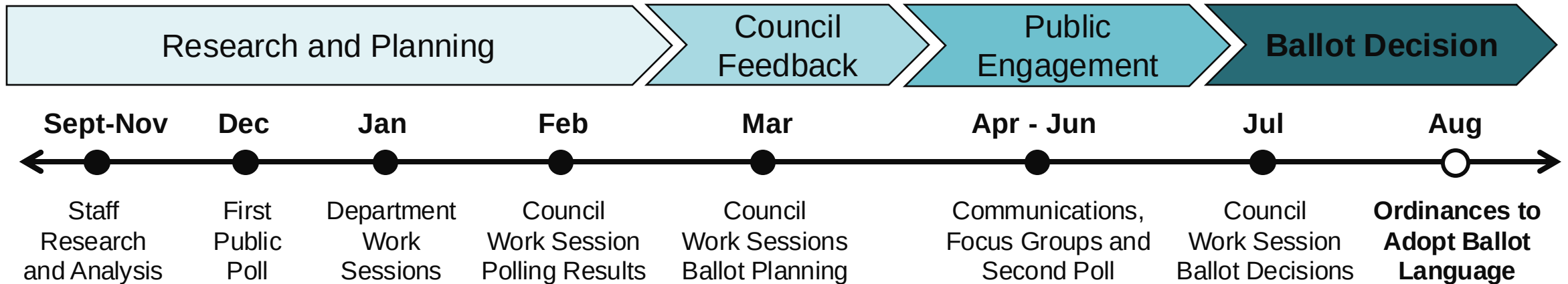


- Project Review and Timeline
- Food Tax Renewal Ballot Language
- Purpose: Public Hearing and Approval of the Ordinance

Project Review



Timeline



Summary of Council engagement on these items:

- February 13 Work Session - December Polling Results
- March 14 Work Session - 2024 Ballot Planning
- March 26 Work Session - 2024 Ballot Planning Follow-Up
- May 7 Regular Meeting - Focus Group Discussion
- July 23 Work Session - Summer Poll Results and Ballot Decisions
- August 6 Regular Meeting - First Reading of Ballot Ordinances

Food Tax Ordinance - Summary

This ordinance sets the language voters will see on their November ballot

Key Points -

- ✓ Renewal of Greeley's 3% sales tax on food, currently set to expire 12/31/2026
- ✓ Permanent Extension
- ✓ The food tax rebate program remains in effect via separate Ordinance No. 39, 2015

Food Tax Funding Priorities Past & Future

Past 5 Years.....\$41M Expended

27%



\$11M Well Maintained Roads

Transfers to KGM for pavement repairs and maintenance

27%



\$11M Recreational Amenities

Senior Center, Rec Center, Rodarte Center, Ice Haus, Family Funplex, Golf

19%



\$8M Inviting, Beautiful Parks

Irrigation systems, playground maintenance, parks restrooms and shelters

10%



\$4M Safe & Accessible Buildings

Emergency repairs, HVAC, Roofs, Flooring, Remodels, ADA improvements

8%



\$3M Traffic Safety & Mobility

Traffic signal replacements, school flashers, bike paths repairs

Next 5 Years.....\$70M Budgeted

27%



\$19M Inviting, Beautiful Parks

Irrigation systems, playground maintenance, parks restrooms and shelters

17%



\$12M Safe, Accessible Buildings

Emergency repairs, HVAC, Roofs, Flooring, Remodels, ADA improvements

16%



\$11M Recreational Amenities

Senior Center, Rec Center, Rodarte Center, Ice Haus, Family Funplex, Golf

10%



\$7M Arts & Culture

Union Colony Civic Center, Historic Sites, Museums

9%



\$6.5M Traffic Safety & Mobility

Traffic signal replacements, school flashers, bike paths repairs

Food Tax Renewal Ballot Language

CITY OF GREELEY GENERAL SALES TAX ON FOOD EXTENSION

WITHOUT RAISING TAXES, SHALL THE EXISTING VOTER-APPROVED GENERAL SALES TAX ON FOOD CURRENTLY IN EFFECT AT 3.00% BE EXTENDED UNTIL SUCH AUTHORIZATION IS ALTERED OR REPEALED BY GREELEY VOTERS OR GREELEY CITY COUNCIL FOR THE PURPOSE OF FUNDING THE FINANCING OR REFINANCING OF CITY CAPITAL IMPROVEMENT PROJECTS, INCLUDING WITHOUT LIMITATION THE ACQUISITION, CONSTRUCTION, IMPROVEMENT, MAINTENANCE, AND REPAIR OF:

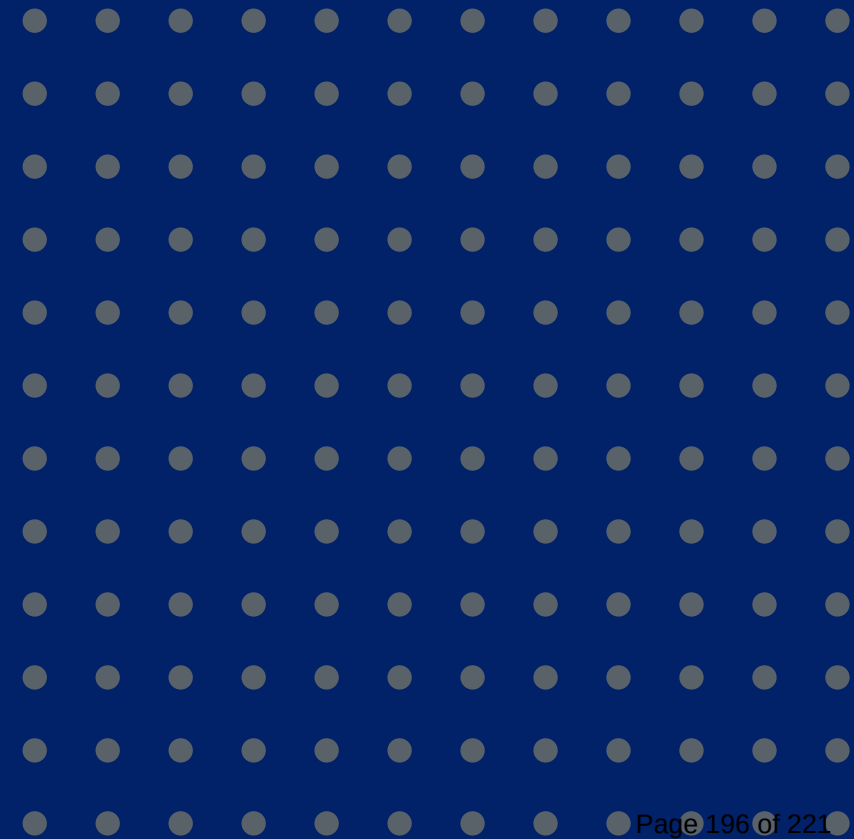
- STREETS,
- PARKS,
- RECREATIONAL FACILITIES, AND
- PUBLIC BUILDINGS

WITH SUCH EXPENDITURES TO BE SUBJECT TO INDEPENDENT REVIEW BY A CITIZENS COMMITTEE, AND SHALL THE PROCEEDS OF SUCH TAX AND THE INCOME FROM THEIR INVESTMENT BE COLLECTED, KEPT, AND SPENT AS A VOTER-APPROVED REVENUE CHANGE AND AN EXCEPTION TO ANY REVENUE OR EXPENDITURE LIMITS THAT WOULD OTHERWISE APPLY?

Staff Recommendation

Staff recommends approval of the ordinance submitting to voters the question of whether to extend the food tax.

Thank you





Council Agenda Summary

August 20, 2024

Key Staff Contact: Kalen Myers, Deputy Budget & Policy Director

Title:

Public hearing and second reading of an ordinance submitting to the registered electors of the City of Greeley, at the coordinated election to be held November 5, 2024, the question of authorizing the City to increase debt by \$65 Million in order to fund transportation improvements

Summary:

In order to fund critical transportation improvements like the Highway 34 interchanges at 35th Avenue and 47th Avenue, the city must take advantage of low-interest financing solutions like those offered under the federal Transportation Infrastructure and Finance Innovation Act (TIFIA). In accordance with TABOR, all debt obligations must go to a vote of the people. This ordinance will place a question on the November 5, 2024 ballot asking Greeley voters to vote "yes" or "no" to authorize a \$65 Million debt obligation which will be used to fund key transportation investments.

A second ordinance on tonight's agenda will add a question to the ballot asking voters to renew the 3.00% sales tax on food for home consumption. If passed, the food tax is planned to be the repayment source for this low-interest TIFIA financing.

The advancement of the food tax renewal and transportation debt issuance to the November 2024 ballot follows months of planning and public engagement on the ballot agenda including the following presentations to Council –

February 13, 2024 Work Session - December Polling Results

The City conducted an initial public opinion poll in December 2023 surveying residents' attitudes about the city, their priorities for city programs and services, and their interest in potential tax proposals. Four tax proposal concepts were tested including the food tax renewal with and without a sunset, a transportation debt issuance and two possible 0.25% tax increases - one for public safety and one for open space. This work session was informational and introduced the 2024 ballot planning work to Council.

March 14, 2024 Work Session - 2024 Ballot Planning

The March 14th work session provided detail on the funding plan for each potential tax measure and sought Council consensus on which items to advance to the qualitative research phase or "focus groups". Council requested additional information on the open space and public safety items.

March 26, 2024 Work Session - 2024 Ballot Planning Follow-Up

The March 26th work session provided additional detail on the potential 0.25% open space tax and public safety tax increases. Council's direction following this work session was to include both these measures along with the food tax and transportation debt issuance in the qualitative focus group work.

May 7, 2024 Regular Meeting - Focus Group Discussion

The May 7th regular meeting included an informational item sharing key takeaways from the focus group that took place in April. The focus groups engaged a group of 39 Greeley residents on the items under consideration for the November 2024 ballot. Participants provided candid and detailed feedback about each of the potential tax measures which provided valuable insight into which items were resonating with the Greeley community. Following staff's presentation, Council provided direction to table the open space tax initiative and to proceed with the food tax renewal, transportation debt issuance and public safety tax increase for a second public opinion poll in June.

July 23, 2024 Work Session - Summer Poll Results and Ballot Decisions

The July 23rd work session presented Council with the results of the City's second public opinion poll and requested consensus about which items to approve for the ballot. At a high-level, the poll showed support for the food tax at 53% (down significantly from previous years' polling) and the debt measure polled stronger than previous indications at 59%. While all research indicates the Greeley community has strong support for their public safety teams, the public safety tax increase polled at just 46%. Staff's recommendation was to table the public safety tax item and instead focus solely on the tax neutral food tax renewal and transportation debt issuance for the November ballot. Council provided consensus in agreement with staff's recommendation.

August 6, 2024 Regular Meeting - First Reading of Ballot Ordinance

A motion to introduce the ordinance and schedule a public hearing and second reading for August 20, 2024, was approved by a majority vote on August 6, 2024. After the ordinance was introduced, it was published in full in the August 9, 2024, edition of the Greeley Tribune.

Fiscal Impact:

1. Does this item create a fiscal impact on the City of Greeley? Yes
2. Additional Comments: If voters approve the ballot measure in November, the City will initiate the steps necessary to secure the transportation loan which is planned to be repaid over a period of approximately 35 years from food tax proceeds. The official debt schedule and annual repayment cost will be finalized at the time of loan agreement and will not exceed the terms outlined in the ballot language.

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
Quality of Life

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. Ordinance No. 32, 2024
2. Item 22 - Transportation Debt Ballot Ordinance Presentation

**CITY OF GREELEY, COLORADO
ORDINANCE NO. 32, 2024**

**AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF
THE CITY OF GREELEY, AT THE COORDINATED ELECTION TO BE
HELD NOVEMBER 5, 2024, THE QUESTION OF AUTHORIZING THE
CITY TO INCREASE DEBT BY \$65 MILLION IN ORDER TO FUND
TRANSPORTATION IMPROVEMENTS**

WHEREAS, at the November 1992 general election, the citizens of Colorado adopted, as an amendment to the Colorado Constitution, the provisions of Article X, Section 20 of the Colorado Constitution (“TABOR”), which, among other things, require voter approval for certain exercises of state and local government powers relating to taxation, revenue-raising, spending and the incurrence of debt and other multiple-fiscal year financial obligations; and

WHEREAS, the federal government provides low interest loans to governmental entities through the Transportation Infrastructure Finance and Innovation Act (“TIFIA”) to fund transportation improvement projects; and

WHEREAS, the interest rate on a \$65 million TIFIA loan is estimated to be 2.5% per annum, and with a repayment period of 35 years, will result in a total repayment cost of \$110 million; and

WHEREAS, the City Council (the “Council”) has determined that a TIFIA loan is the best way to fund critical improvements to the highway 34 intersections located at 35th Avenue and 47th Avenue, the expansion of the City’s regional transit service, and the construction of other traffic safety improvements; and

WHEREAS, the Council currently anticipates a pledge of the City’s existing general 3.00% food sales tax to secure and repay the TIFIA loan, if the extension of such food sales tax (as such tax is currently imposed) and the incurrence of the TIFIA loan are approved by City voters; and

WHEREAS, TABOR requires that the City obtain voter approval prior to incurring debt; and

WHEREAS, the Council has determined, and hereby determines, that it is in the best interests of the health, safety and welfare of the people of the City that the registered electors of the City be given an opportunity at the November 5, 2024 coordinated election to vote “yes” or “no” with respect to the question of authorizing the Council to incur debt in the amount of \$65 million; and

WHEREAS, it is the intent of the City to comply with TABOR in submitting such debt question to the registered electors of the City.

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

Section 1. All actions heretofore taken (not inconsistent with the provisions of this ordinance) by the Council or the officers of the City directed toward the submission of such debt question to the registered electors of the City, are hereby ratified, approved and confirmed.

Section 2. The City Clerk is hereby authorized and directed to take all action necessary or appropriate to submit the debt question to the registered electors of the City as a ballot issue at the November 5, 2024 coordinated election, the ballot title for which shall be in substantially the following form:

CITY OF GREELEY TRANSPORTATION DEBT ISSUANCE

SHALL CITY OF GREELEY DEBT BE INCREASED BY \$65 MILLION WITH A REPAYMENT COST OF \$110 MILLION, TO BE REPAID WITH EXISTING VOTER-APPROVED CITY TAXES AND WITHOUT RAISING TAXES OR IMPOSING ANY NEW TAX, BY SECURING LOW-INTEREST FEDERAL FINANCING(S) AND FOR THE PURPOSE OF FINANCING OR REFINANCING TRANSPORTATION PROJECTS, INCLUDING WITHOUT LIMITATION THE ACQUISITION, CONSTRUCTION, IMPROVEMENT, MAINTENANCE, AND REPAIR OF:

- **NEW HIGHWAY 34 INTERCHANGES AT 35TH AND 47TH AVENUES TO IMPROVE SAFETY, REDUCE CRASHES, AND MINIMIZE CONGESTION;**
- **UPGRADE MAJOR TRANSPORTATION CORRIDORS FOR IMPROVED SAFETY, ACCESSIBILITY, AND TRAVEL EASE; AND**
- **EXPAND GREELEY’S REGIONAL BUS AND MOBILITY OPTIONS TO CENTERRA, DENVER, AND THE AIRPORT**

WITH SUCH EXPENDITURES TO BE SUBJECT TO INDEPENDENT REVIEW BY A CITIZENS COMMITTEE AND WITH SUCH DEBT TO CONSIST OF THE ISSUANCE AND PAYMENT OF BONDS, NOTES, OR OTHER INSTRUMENTS AND BE ISSUED AT SUCH TIMES AND PRICES (AT, ABOVE OR BELOW PAR) AND IN SUCH MANNER AND CONTAINING SUCH TERMS, NOT INCONSISTENT HERewith, AS THE GREELEY CITY COUNCIL MAY DETERMINE?

YES _____ NO _____

The Council hereby authorizes and directs the City Clerk to certify such ballot issue to the Weld County Clerk and Recorder and hereby sets and fixes the foregoing as the ballot title by which such ballot issue is to be submitted. Any protests or contests concerning the ballot title set forth above shall be initiated and conducted in the time and manner set forth in Section 1-11-203.5, Colorado Revised Statutes. The City Clerk, or the Council by resolution, may make such changes in the ballot title set forth above as may be necessary or appropriate to conform to applicable law. Notice of the election, including submission of the ballot issue, shall be given, and the election shall be held and conducted and the results thereof shall be determined, in conformity with the Uniform Election Code of 1992, the Charter and ordinances of the City, and other applicable provisions of the Constitution (including, without limitation, Article X, Section 20 thereof) and laws of the State of Colorado.

Section 3. If the ballot issue is approved, the Council shall be authorized to amend the City Code in a manner consistent with the ballot issue, to continue presently existing provisions or to make other provisions (not inconsistent herewith) for the application of revenues derived from the debt issuance as described in such ballot title, including capital construction, capital maintenance, capital improvements, operating expenses and capital repairs, including, without limitation, the application and pledge of loan proceeds and all legally available and authorized City funds for principal, interest and other payments and as security for presently outstanding and future bonds and other capital financing.

Section 4. If the ballot issue is approved, the Council shall appoint a committee of City residents (with the criteria of such appointments to be determined in the sole discretion of the Council) to review the transportation projects planned to be funded by the loan proceeds. Such committee shall, prior to the annual budget adoption, review the proposed projects and submit any questions or comments regarding the same to the Council for review. The Council shall consider any questions and comments raised by the committee prior to budget adoption. Notwithstanding the committee's independent review, the final determination to finance any particular project remains within the sole discretion of the Council.

Section 5. The City hereby exercises its power as a home rule municipality, pursuant to Article XX of the Colorado Constitution, to supersede any and all laws of the State of Colorado which may be in conflict herewith.

Section 6. The invalidity or unenforceability of any provision of this ordinance shall in no way affect the validity or enforceability of the remainder of this ordinance.

Section 7. Following passage of this ordinance on first reading, it shall be published in full in the Greeley Tribune. Immediately upon its final passage, this ordinance shall be recorded in the City book of ordinances kept for that purpose, shall be authenticated by the signatures of the Mayor and the City Clerk, and shall be published in full or by reference in the Greeley Tribune, a legal newspaper of general circulation of the City. The City Clerk is authorized to include in such publications any additional information that the City Clerk may deem necessary or appropriate.

Section 8. This Ordinance shall be immediately effective on the 5th day following final publication as authorized by Section 3-16 of the Greeley Municipal Charter.

INTRODUCED, READ AND ORDERED PUBLISHED THIS 6th DAY OF AUGUST 2024.

PASSED AND ORDERED PUBLISHED BY REFERENCE THIS ____ DAY OF _____, 2024.

CITY OF GREELEY, COLORADO

BY: _____
Mayor John Gates

[SEAL]
Attest:

BY: _____
City Clerk



Transportation Debt Ballot Ordinance

Second Reading

Kalen Myers, Deputy Budget and Policy Director
City Council Meeting – August 20, 2024



Agenda

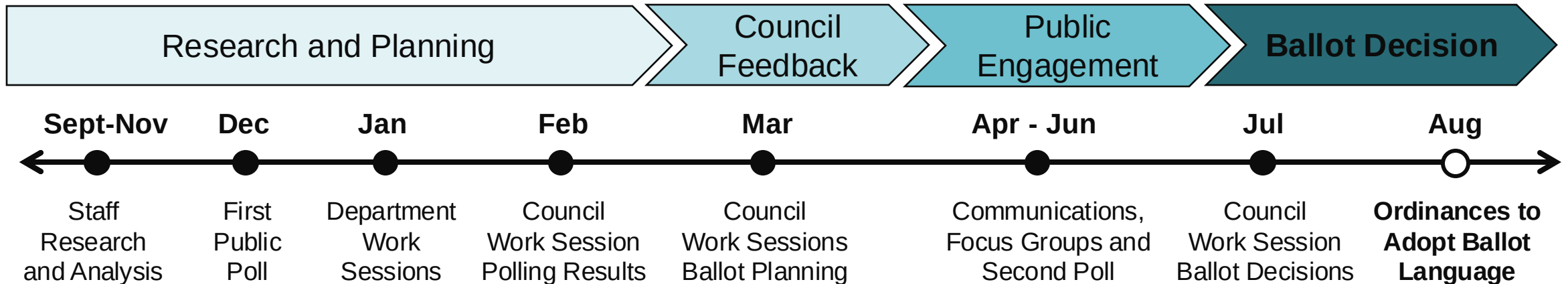


- Project Review and Timeline
- Transportation Debt Ballot Language
- Purpose: Public Hearing and Approval of the Ordinance

Project Review



Timeline



Summary of Council engagement on these items:

- February 13 Work Session - December Polling Results
- March 14 Work Session - 2024 Ballot Planning
- March 26 Work Session - 2024 Ballot Planning Follow-Up
- May 7 Regular Meeting - Focus Group Discussion
- July 23 Work Session - Summer Poll Results and Ballot Decisions
- August 6 Regular Meeting - First Reading of Ballot Ordinances

Transportation Debt Ordinance - Summary

This ordinance sets the language voters will see on their November ballot

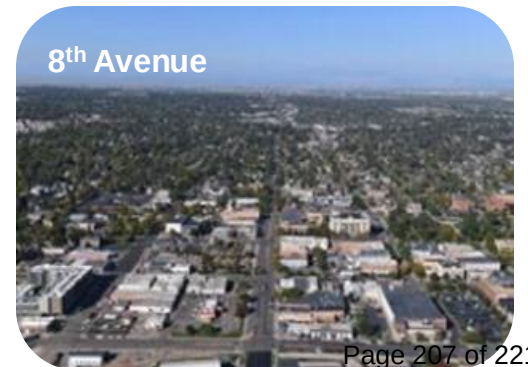
Key Points -

- ✓ Authorization to increase debt by up to \$65 Million with a repayment cost of up to \$110 Million
- ✓ Anticipated financing mechanism is the federal Transportation Infrastructure Finance and Innovation Act (TIFIA) loan program
- ✓ Anticipated repayment source is the food tax

Debt Issuance Priority Uses

Priority uses for this federal financing include:

- ✓ Constructing new Highway 34 interchanges at 35th and 47th Avenue to improve traffic flow, decrease congestion, and improve safety
- ✓ Constructing traffic safety improvements and beautifying major traffic corridors such as Greeley's downtown 8th Avenue
- ✓ Expanding Greeley's regional bus service with routes to Loveland, Severance, Denver, and the airport



Transportation Debt Ballot Language

CITY OF GREELEY TRANSPORTATION DEBT ISSUANCE

SHALL CITY OF GREELEY DEBT BE INCREASED BY \$65 MILLION WITH A REPAYMENT COST OF \$110 MILLION, TO BE REPAID WITH EXISTING VOTER-APPROVED CITY TAXES AND WITHOUT RAISING TAXES OR IMPOSING ANY NEW TAX, BY SECURING LOW-INTEREST FEDERAL FINANCING(S) AND FOR THE PURPOSE OF FINANCING OR REFINANCING TRANSPORTATION PROJECTS, INCLUDING WITHOUT LIMITATION THE ACQUISITION, CONSTRUCTION, IMPROVEMENT, MAINTENANCE, AND REPAIR OF:

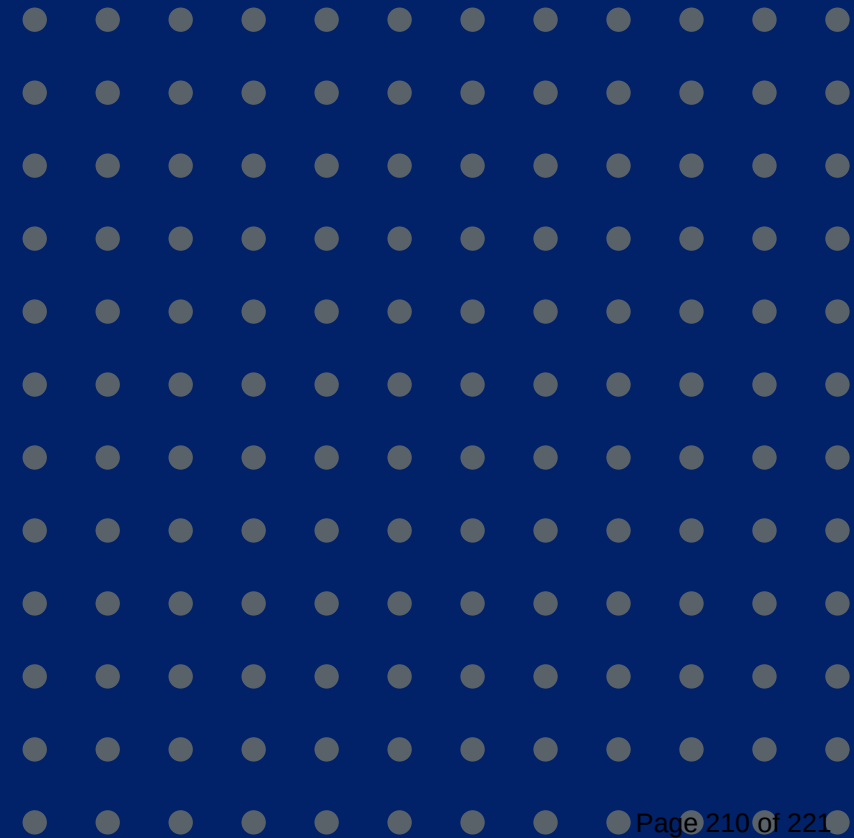
- NEW HIGHWAY 34 INTERCHANGES AT 35TH AND 47TH AVENUES TO IMPROVE SAFETY, REDUCE CRASHES, AND MINIMIZE CONGESTION;
- UPGRADE MAJOR TRANSPORTATION CORRIDORS FOR IMPROVED SAFETY, ACCESSIBILITY, AND TRAVEL EASE; AND
- EXPAND GREELEY'S REGIONAL BUS AND MOBILITY OPTIONS TO CENTERRA, DENVER, AND THE AIRPORT

WITH SUCH EXPENDITURES TO BE SUBJECT TO INDEPENDENT REVIEW BY A CITIZENS COMMITTEE AND WITH SUCH DEBT TO CONSIST OF THE ISSUANCE AND PAYMENT OF BONDS, NOTES, OR OTHER INSTRUMENTS AND BE ISSUED AT SUCH TIMES AND PRICES (AT, ABOVE OR BELOW PAR) AND IN SUCH MANNER AND CONTAINING SUCH TERMS, NOT INCONSISTENT HERewith, AS THE GREELEY CITY COUNCIL MAY DETERMINE?

Staff Recommendation

Staff recommends approval of the ordinance submitting to voters the question of authorizing the City to increase debt by \$65 million to fund transportation infrastructure improvements.

Thank you





Council Agenda Summary

August 20, 2024

Key Staff Contact: Heidi Leatherwood, City Clerk

Title:

Appointments to Boards and Commissions - Construction Trades Advisory and Appeals Board, Judicial Review Board, and Planning Commission

Summary:

Council appointments are needed due to vacancies and expiring terms for the Construction Trades Advisory and Appeals Board, Judicial Review Board, and Planning Commission. New applicants were interviewed by two councilmembers on August 14.

Fiscal Impact:

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

Legal Issues:

The City Attorney's Office reviewed the applications and advised of potential conflicts of interest. It should be noted that there is a possibility that the applicants currently serve as a volunteer on a board or commission besides the one they are applying to. It is also important to point out to the applicants that there are always potential conflicts that exist with business and investments, current jobs or relatives and family members coming before the Board or Commission. Should such conflicts arise, the Board or Commission member simply recuses themselves from that particular item. Such a potential conflict does not preclude anyone from serving on a Board or Commission in general, just that particular agenda item.

Other issues and Considerations:

None

Strategic Focus Area:

Business Growth
Community Vitality
High-Performance Government
Housing For All
Infrastructure and Mobility
Quality of Life
Safe and Secure Communities

Decision Options:

1. Appoint or reappoint the individuals to serve on an applicable board or commission
2. Direct staff to re-advertise applicable vacancy

Council's Recommended Action:

No motion is necessary. The City Council's Policies and Protocol authorize appointment of Board and Commission members by written ballot, which can be used in lieu of a motion or voice vote for individual or multiple appointments. This policy was adopted by Council as a time-savings measure. Accordingly, a ballot is attached for Council's use in making appointments. Candidates receiving a majority vote (at least 4 votes) are appointed with no further action needed by Council.

Attachments:

1. Sample Ballot
2. August Transmittal



City of Greeley
Boards & Commissions
Appointment Ballot
August 20, 2024
Clerk's Tally

Applicants for the boards and/or commissions listed below are in alphabetical order and recommendations from the interview team are shown in bold. Virtual interviews are customarily held on the second week of each month, and appointments are decided during the second City Council meeting (third week of the month).

***** BALLOT *****

Construction Trades Advisory and Appeals Board
5 Positions: 3 Year Term
☐ Sean Jaehn
☐ (Recruit for Additional Applicants)

Judicial Review Board
3 Positions: 3 Year Term
☐ Nicholas Nakamura (I)
☐ (Recruit for Additional Applicants)

Planning Commission
2 Positions: 3 Year Term
☐ Larry Modlin (I)
☐ Christian Schulte (I)
☐ (Recruit for Additional Applicants)

(I) Incumbent

Boards & Commissions Transmittal

August 9, 2024

Key Staff Contact: Jennifer Middleton 970-350-9743

Interview Date

August 14, 2024

Council Interview Team

Councilmembers Hall and Payton

Council Appointment Date

August 20, 2024

Boards and Commissions Being Interviewed

- **Construction Trades Advisory and Appeals Board**
- **Judicial Review Board**
- **Planning Commission**

Council's Recruitment and Qualifications Policy

General recruitment efforts shall be made with special measures being taken to balance ward representation and attract minority and special population applicants. Generally, volunteers will be limited to serving on one board or commission at a time. (14.2. (c)(2) City Council, Policies and Protocol).

Demographic information of existing board members and any specialty requirements are contained within the attached Membership Rosters.

Legal Issues

The City Attorney's Office reviewed the applications and the attached memorandum addresses any potential conflicts of interest.

It should be noted that there is a possibility that the applicants currently serve as a volunteer on a board or commission besides the one they are applying to. It is also important to point out to the applicants that there are always potential conflicts that exist with business and investments, current jobs or relatives and family members coming before the Board or Commission.

Should such conflicts arise, the Board or Commission member simply excuses themselves from that particular item but such a potential conflict does not preclude anyone from serving on a Board or Commission in general, just that particular agenda item.

Applicable Council Goal or Objective

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

Decision Options

1. Recommend candidates for appointment; or
2. Direct staff to re-advertise applicable vacancy.

Attachments

1. Interview Schedule
2. Conflict Memorandum from City Attorney's Office
3. Sample Ballot
4. Membership Rosters from above mentioned Boards and Commissions
5. Applications of those being considered for interview and/or considered for appointment

Transmittal reviewed by: Raymond E. Lee, City Manager Heidi Leatherwood, City Clerk



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

Council Meetings and Other Events Calendars

August 19 – September 14, 2024

Tuesday, August 20, 2024

- City Council Meeting 6 p.m. (1001 11th Ave Greeley CO 80631) City of Greeley Council Chambers

Wednesday, August 21, 2024

- Employee BBQ 11 a.m. Island Grove Regional Park (501 N 14th Ave, Greeley, CO 80631)
 - Water & Sewer Board 2 p.m. (1001 11th Ave Greeley CO 80631) City of Greeley Council Chambers
-

Monday, August 26, 2024

- Greeley Chamber of Commerce 11:30 a.m.

Tuesday, August 27, 2024

- Greeley/Weld Quarterly Breakfast 7:30 a.m. Doug's Diner (801 9th Street Greeley CO, 80631)
- City Council Work Session Meeting 6 p.m. (1001 11th Ave Greeley CO 80631) City of Greeley Council Chambers

Wednesday, August 28, 2024

- Upstate Colorado Economic Development 7 a.m. (822 7th Street Greeley CO 80631) Upstate Colorado Conference Room
- Greeley History Museum Tour 10:30 a.m. 714 8th St (714 8th St, Greeley, Colorado 80631); Greeley History Museum
- Hold Weld Re-4 School District Ribbon Cutting Ceremony 5 p.m. Location TBD

Thursday, August 29, 2024

- Poudre River Trail 7:30 a.m. Poudre Learning Center (8813 W. F Street Greeley CO 80631)
 - Women of Distinction BizWest Event 4:30 p.m. 5290 Arena Circle Loveland, Colorado 80538 The Ranch Complex - FNBO Exhibition Hall (North Hall)
 - Hold Weld Re-4 School District Ribbon Cutting Ceremony 5 p.m. Location TBD
-

Tuesday, September 3, 2024

- City Council Meeting 6 p.m. (1001 11th Ave Greeley CO 80631) City of Greeley Council Chambers

Wednesday, September 4, 2024

- Unstoppable Together: Corner to Corner Tour 10 a.m. Connections for Independent Living (1331 8th Ave, Greeley, CO 80631)

Thursday, September 5, 2024

- Island Grove Advisory Board 3:30 p.m. (600 N. 14th Ave Greeley CO 80631)
 - North Front Range MPO Meeting 6 p.m. Fort Collins Colorado River Community Room (222 LaPorte Avenue Fort Collins, CO 80521)
-

Tuesday, September 8, 2024

- City Council Work Session Meeting 6 p.m. (1001 11th Ave Greeley CO 80631) City of Greeley Council Chambers
- Daniels Fund Community Reception 6 p.m. (359 Linden St, Fort Collins, Colorado 80524)

City Council Meeting Scheduling 2024			
	8/13/2024		
	This schedule is subject to change		
August 20, 2024 Council Meeting	Proclamations - National Public Lands Day Proclamation	Mayor	Intro
	Minutes - July 23 WS	Heidi Leatherwood	Consent
	Resolution - Approval of settlement agreement	Stacey Aurzada	Consent
	Intro & 1st Rdg Ord - Housing for All Advisory Board	Deb Callies	Consent
	Intro & 1st Rdg Ord - GMC Procurement Revisions	Caleb Weitz	Consent
	Intro & 1st Rdg Ord - Prohibiting Lead Service Lines	Sean Chambers	Consent
	Intro & 1st Rdg Ord - Prohibiting Domestic Wells within the City of Greeley	Sean Chambers	Consent
	Sales Tax Rebate Program	Caleb Weitz/Kalen Myers	Informational
	PH & 2nd Rdg Ord - Amending Greeley Municipal Code Relating to Museums	Chris Bowles/Diana Frick	Regular
	PH & 2nd Rdg Ord - Authorize a loan through Colorado Water Resources and Power Development Authority	Sean Chambers	Regular
	PH & 2nd Rdg Ord- Ashcroft Local Improvement District	Sean Chambers	Regular
	PH & 2nd Rdg Ord - Ballot Measure - Amendment to Charter Financial Operations	Stacey Aurzada	Regular
	PH & 2nd Rdg Ord - Amendment to Municipal Code Financial Operations	Stacey Aurzada	Regular
	PH & 2nd Rdg Ord - Ballot Measure - Food Tax	Kalen Myers	Regular
	PH & 2nd Rdg Ord - Ballot Measure - Transportation Debt Issuance	Kalen Myers	Regular
	Boards & Commissions Appointments	Heidi Leatherwood	Regular
August 27, 2024 Council Work Session	Community Survey Results	Winna MacLaren	WS
	Shurview Open Space Naming and Updates	Diana Frick	WS
	Poudre River Restoration Initiative Project Overview	Victoria McKennan/Paul Trombino	WS
	Stormwater Project Prioritization & Basin Studies	Karen Reynolds/Paul Trombino	WS
September 03, 2024 Council Meeting	Proclamation - Alzheimer's Awareness Month	Mayor	Intro
	Minutes - July 16 ; August 6 and 20 CC; July 30 SM; August 13 WS	Heidi Leatherwood	Consent
	Resolution - Union Colony Metropolitan District Service Plan	Jeff Woeber/Brian McBrom	Consent
	Intro & 1st Rdg Ord - H-P Tract 3A Rezone (Tentative)	Michael Franke/Brian McBroom	Consent
	Intro & 1st Rdg Ord - Westgate LID	Sean Chambers	Consent
	Intro & 1st Rdg Ord - Amending Title 8, Chapter 11 of GMC to refuse haulers	Will Jones/Paul Trombino	Consent
	PH & 2nd Rdg Ord - Water Development Code Revisions	Sean Chambers	Regular
	PH & 2nd Rdg Ord - GMC Procurement Revisions	Caleb Weitz	Regular
	PH & 2nd Rdg Ord - Housing for All Advisory Board	Deb Callies	Regular
	CDBG Home 5 year Consolidated Plan	Deb Callies	Informational
September 10, 2024 Council Work Session	Development Impact Fee Study Update	Allena Portis	Worksession
	Downtown Facilities Update	Paul Trombino	Work Session
	City Manager's Recommended Budget Presentation	Caleb Weitz	Work Session

City Council Meeting Scheduling 2024			
	8/13/2024		
	This schedule is subject to change		
September 17, 2024 Council Meeting	Proclamation - Suicide Awareness and Prevention Month Proclamation	Mayor	Intro
	Minutes - September 3 CC; September 10 WS		
	Intro & 1st Rdg Ord - Mountain Vista Rezone	Doug May/Brian McBroom	Consent
	PH & 2nd Rdg Ord - H-P Tract 3A Rezone (Tentative) (1-2 hrs)	Michael Franke/Brian McBroom	Regular
	PH & 2nd Rdg Ord - Amending Title 8, Chapter 11 of GMC to refuse haulers	Will Jones/Paul Trombino	Regular
	PH & 2nd Rdg Ord - Prohibiting Lead Service Lines	Sean Chambers	Regular
	PH & 2nd Rdg Ord - Prohibiting Domestic Wells within the City of Greeley	Sean Chambers	Consent
	Additional Budget Presentation (If needed)	Caleb Weitz	Work Session
September 24, 2024 Council Work Session			
October 01, 2024 Council Meeting	Resolution - L&T Annexation	Doug May/Brian McBroom	Consent
	Intro & 1st Rdg Ord - CDBG Home 5 Year Consolidated Plan	Deb Callies	Consent
	Intro & 1st Rdg Ord - Code Procurement Revisions	Caleb Weitz	Consent
	Intro & 1st Rdg Ord - Second Appropriation	Caleb Weitz	Consent
	Intro & 1st Rdg Ord - Pay Plan	Martha Lanaghen	Consent
	PH & 2nd Rdg Ord - Westgate LID	Sean Chambers	Regular
	PH & 2nd Rdg Ord - Mountain Vista Rezone	Doug May/Brian McBroom	Regular
	PH Intro & 1st Rdg Ord - 2025 Budget	Caleb Weitz	Regular
October 08, 2024 Council Work Session	PD Organizational Assessment Results	Adam Turk	WS
	Mobility Development Plan Update	Will Jones/Paul Trombino	WS
	Council Compensation Review	Heidi Leatherwood	WS
	Council Policies and Protocol - Rules of Decorum Discussion	Heidi Leatherwood	WS
October 15, 2024 Council Meeting	Resolution - 2025 Tax Levy Certification	Caleb Weitz	Consent
	Intro & 1st Rdg Ord - Code amendment to retention period -Administrative Hearing Officer Records	Tasha Reynolds/ Heidi Leatherwood	Consent
	PH & 2nd Rdg Ord - CDBG Home 5 Year Consolidated Plan	Deb Callies	Regular
	PH & 2nd Rdg Ord - Code Procurement Revisions	Caleb Weitz	Regular
	PH & 2nd Rdg Ord - Pay Plan	Martha Lanaghen	Regular
	PH & 2nd Rdg Ord - 2025 Budget	Caleb Weitz	Regular
	PH & 2nd Rdg Ord - Second Appropriation	Caleb Weitz	Regular
October 22, 2024 Council Work Session	CPRD Master Plan Update	Diana Frick	WS
	Outdoor Vendor Regulations and Recommendations (Tentative)	Brian McBroom	WS
	Amendments to Landscaping Codes Artificial Turf	Brian McBroom/Don Threewitt	WS



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 Agenda Summary

Title

Adjournment