

Greeley City Council Agenda

Regular Meeting

Tuesday, November 19, 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 [Youtube.com/CityofGreeley](https://www.youtube.com/CityofGreeley)

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 Street Greeley, CO 80631

Meeting agendas, minutes, and archived videos are available on the City's meeting portal at <https://greeleyco.portal.civicclerk.com/> 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 If you need the following documents in an alternative format for accessibility purposes, please contact the City Clerk's Office at cityclerks@greeleygov.com or 970-350-9740.



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



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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. Motion to approve the City Council Meeting Proceedings of October 1 and October 15, 2024, and the City Council Work Session Proceedings of October 8, 2024
10. Motion for consideration of appointment of City Council members to be liaisons related to the West Greeley project
11. Resolution authorizing the City Manager to execute an Intergovernmental Agreement with Weld County and the Greeley-Weld County Airport Authority
12. Resolution of the Greeley City Council to name the City Natural Area formerly known as the Shurview property as Arroyos Del Sol Natural Area

13. Resolution to support application for grant funding from the State of Colorado Department of Natural Resources State Trails program for planning and construction design for the 59th Avenue Trailhead and realignment of the Poudre River Trail in Sheep Draw Natural Area
14. Resolution ratifying the appointment of certain nominees to the Board of Trustees of the High Plains Library District
15. Resolution ratifying the appointment of certain nominees to the Board of Trustees of the Clearview Library District
16. Resolution of the City Council of the City of Greeley, Colorado approving a change order with Tasman-Geo Inc (Amour Hill Drainage Improvements)
17. Resolution of the City Council of the City of Greeley, Colorado approving a change order with Lightfield Enterprises (2023 KGM Sidewalks and Concrete)
18. Resolution to approve an Intergovernmental Agreement with the United States Department of Transportation (USDOT) for the Safe Streets for All (SS4A) Planning and Demonstration Grant funding authorization
19. Introduction and first reading of an ordinance reauthorizing the Greeley Art Commission, Union Colony Civic Center Advisory Board, the Greeley-Weld Housing Authority and the Construction Trades and Appeals Advisory Board for a period of three years
20. Introduction and first reading of an ordinance amending Title 8, Chapter 7 of the Greeley Municipal Code relating to Private Security Services
21. Introduction and first reading of an ordinance to consider a request by LAI Design Group petitioning to annex a total of 300.672 acres of land to the City of Greeley. The properties are bounded by Weld County Road 56 to the north, State Highway 257 to the east, and County Road 54 to the south, (Case number ANX2023-0001, L&T Annexation)
22. Introduction and first reading of an ordinance to consider a request by LAI Design Group proposing establishment of zoning with annexation including a total of 300.672 acres of land to the City of Greeley. The properties bounded by Weld County Road 56 to the north, State Highway 257 to the east, and County Road 54 to the south, (Case number ZON2023-0002, L&T Zoning)
23. Introduction and first reading of an ordinance amending Title 20, Chapter 3, Article III of the Municipal Code of the City of Greeley

End of Consent Agenda

24. Pulled Consent Agenda Items
25. Historic Preservation Non-Owner Nomination Informational Presentation
26. City Council and Mayor Compensation
27. Appointments to Boards and Commissions - Citizen Transportation Advisory Board, Greeley Urban Renewal Authority, Historic Preservation Commission, Housing For All Advisory Board and Human Relations Commission

28. 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
29. Scheduling of Meetings, Other Events
30. Motion to go into Executive Session for the purpose of receiving legal advice related to, and determining positions, developing strategy, and instructing negotiators all related to the passage of Ballot Measure 2N to include Police Sergeants in the 2025 Greeley Police Officers' Association collective bargaining agreement
31. Motion to go into Executive Session to discuss the potential purchase, acquisition or lease of a property in unincorporated Weld County for a City service facility
32. Motion to go into Executive Session to discuss the potential purchase, acquisition or lease of real property in West Greeley
33. Motion to go into Executive Session to discuss the potential purchase, acquisition or lease of real property to enhance and support transportation improvements and provide for orderly development
34. Adjournment



Council Agenda Summary

Item: 5.

Title:

Recognitions and Proclamations

Summary:

Vote Yes for Greeley Appreciation

Mayor Gates will present the following proclamations:

1. Small Business Saturday
2. Alzheimer's Awareness Month
3. 16 Days of Activism Against Gender Violence
4. Law Enforcement Records Personnel Week

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

Attachments:

Small Business Saturday Proclamation

Alzheimer's Awareness Month Proclamation

16 Days of Activism Against Gender Violence Proclamation

Law Enforcement Records Personnel Week Proclamation

Item 5 – Presentation



Small Business Saturday

WHEREAS, the City of Greeley, Colorado, celebrates its over 3,500 businesses and the contributions they make to our local economy and community; with the majority of the businesses comprised of less than 20 employees. According to the United States Small Business Administration, there are currently 32.5 million small businesses in the United States, they represent 99.9% of all businesses with employees in the United States, are responsible for 64% of net new jobs created from 2000 to 2022; and

WHEREAS, small businesses employ 47.5% of the employees in the private sector in the United States; and

WHEREAS, 90% of consumers in the United States say Small Business Saturday has had a positive impact on their community; and

WHEREAS, 89% of consumers who are aware of Small Business Saturday said the day encourages them to Shop Small all year long; and

WHEREAS, 73% of consumers who reportedly Shopped Small at independently-owned retailers and restaurants on Small Business Saturday did so with friends or family; and

WHEREAS, 64% cited supporting their community as the main reason for shopping at small businesses that day; and

WHEREAS, the City of Greeley supports our local businesses that create jobs, boost our local economy and preserve our inclusive communities; and

WHEREAS, advocacy groups, as well as public and private organizations, across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

NOW, THEREFORE, I, John Gates, by virtue of the authority vested in me as Mayor of the City of Greeley, do hereby proclaim November 30, 2024, as Small Business Saturday and urge the residents of our community, and communities across the country, to support small business and merchants on Small Business Saturday and throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official seal of the City of Greeley, Colorado, this 19th day of November, 2024.

John Gates, Greeley Mayor



ALZHEIMER'S AWARENESS MONTH

WHEREAS, Alzheimer's disease is the seventh-leading cause of death, affecting more than 91,000 Coloradans among 7 million Americans and more than 55 million people around the world; and

WHEREAS, Alzheimer's disease is a progressive neurodegenerative brain disorder that tragically robs individuals of their memories and leads to progressive mental and physical impairments, for which there is currently no prevention or cure; and

WHEREAS, this disease preys heavily on specific segments of our community, with Black Americans twice as likely as whites to develop the disease, Hispanics 50% more likely than whites, and women account for two-thirds of all people living with Alzheimer's; and

WHEREAS, lack of awareness of Alzheimer's disease has resulted in only half of those affected ever being diagnosed, effectively denying countless people access to the Alzheimer's Association's free resources; and

WHEREAS, the impact of Alzheimer's extends to loved ones of those with the disease, including 177,000 Colorado family members and friends who provided an estimated 307 million hours of unpaid care in 2023 at a value of over \$7.2 billion; and

WHEREAS, the cost to our country in total payments for healthcare, long-term care, and hospice for people with Alzheimer's disease is projected at \$360 billion in 2024; and

WHEREAS, the City of Greeley recognizes the efforts of the Alzheimer's Association to raise funds to find a cure and promote awareness to fight Alzheimer's disease and related disorders, thereby improving the quality of human life for those living with the disease and their care partners and bringing us closer to finding a cure.

NOW, THEREFORE, I, John Gates, by virtue of the authority vested in me as Mayor of the City of Greeley, do hereby proclaim that November shall be recognized as National Alzheimer's Disease Awareness Month & National Caregiver Month.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the City of Greeley, Colorado, to be affixed on 19th day of November 2024.

John Gates
Mayor



16 DAYS OF ACTIVISM AGAINST GENDER VIOLENCE

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

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

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

WHEREAS, the Zonta Club of Greeley is part of Zonta International, founded in 1919, which has worked to Build a Better World for Women and Girls for over 100 years, and

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

WHEREAS, the Zonta Club of Greeley joins over 1000 Zonta clubs in 63 countries in the international **Zonta says No to Violence against Women** campaign to assert that the right to be free of violence is a fundamental human right for all persons.

NOW THEREFORE, I, John Gates, Mayor of the City of Greeley, Colorado, do hereby proclaim the 16 days between November 25th, International Day to Eliminate Violence Against Women, and December 10th, International Human Rights Day, as the **16 Days of Activism Against Gender Violence**. All citizens are urged to work to end gender violence and to eliminate the detrimental consequences gender violence has on the well-being of our citizens.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official seal of the City of Greeley, this 19th day of November 2024.

John Gates, Mayor



Law Enforcement Records Personnel Week

WHEREAS, dedicated Law Enforcement Records personnel serve the citizens of Greeley to provide them with vital services; and

WHEREAS, Law Enforcement Records personnel are crucial to assisting law enforcement agencies identify, pursue, capture, and process suspects; and

WHEREAS, these professionals continually use their expertise and experience in maintaining the criminal justice statistics and improving apprehension strategies; and

WHEREAS, the efficiency of the qualified and dedicated personnel who staff Law Enforcement Records is materially influenced by the people's attitude and understanding of the importance of the work they perform; and

WHEREAS, Law Enforcement Records personnel serving the City of Greeley have exhibited professionalism, efficiency, and compassion during the performance of their essential duties in the past year; and

WHEREAS, the City of Greeley has previously designated the 2nd week in November 2024 to recognize Law Enforcement Records Personnel.

NOW, THEREFORE, I, John Gates, by virtue of the authority vested in me as Mayor of the City of Greeley, do hereby proclaim that **LAW ENFORCEMENT RECORDS PERSONNEL WEEK** was recognized during the time between November 4, 2024, and November 8, 2024

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official seal of the City of Greeley, Colorado, this 19th day of November 2024.

Mayor, John Gates



City Council Meeting
November 19, 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 green trees, buildings, and parking lots, leading up to 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

BizWest '40 Top Young Business Leaders from Northern Colorado and the Boulder Valley'

- All honorees are under 40 years old
- Greeley honorees: Erin Biwer, Drew Esquivel, Caleb Flores, Rachel Hurshman, Jessica Hernandez, Susan McKenzie, Tyler Mowery, Cassandra Williams



Dr. Deirdre Pilch Named 2025 Colorado Superintendent of the Year by the Colorado Association of School Executives

- Superintendent of Greeley-Evans School District 6
- She will represent Colorado for the National Superintendent of the Year award.



City Leadership Present at Amazon Conferences

- Business Reshape Conference: Discussed new Homeless Solutions Department and partnerships
- Innovation Summit: Outreach Team shared program beginnings, successes, and importance of affordable housing.



City of Greeley Awarded \$151,400 Great Outdoors Colorado Grant

- Grant will go towards expanding nature access in underserved areas and developing outdoor programs for youth and families.
- Will create a five-year strategy.



Heidi Leatherwood Named Clerk of the Year by the Colorado Municipal Clerks Association

- Heidi is Greeley's City Clerk
- Sworn in as association vice president







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.



Item: 7.

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.



Item: 8.

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	1601 presentation to Transportation Commission Work Session on November 20th, 1601 consideration for approval in front of Transportation Commission on December 18th, 2024.	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	The contractor is scheduled to begin work on November 14, 2024, and be completed by December 31, 2024.	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 January 14, 2025 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 Poudre River Trail Corrido, Inc. is contributing \$25,000 toward the design process at this integral section of the trail. Natural Areas & Trails (NAT) division of CPRD has contracted Otak to conduct geotechnical analysis for the Narrows section of the Poudre River Trail in west Greeley. NAT and Public Works staff have engaged in the process and provided feedback on the site constraints and possible solutions. The project team will be meeting with Poudre River Ranch area HOA members, the PRTC board, and Councilmember Hall on Sept. 17th to discuss the project and garner feedback from the neighborhood on solutions to secure this section of the trail, and to monitor its condition until design is completed and construction can commence.	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 consulting team is working on market analysis and programming opportunities. October 17 there is a on site visit with Steering Committee members, stakeholders, and community open houses to share the first draft of the plan.	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	Staff will come back to a future work session to discuss the Development Code	Allena Portis/Robert Miller/Brian McBroom
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 at the December 17 Council Meeting as an informational item	Paul Trombino

7-2024	Butler	Building Permit Fees	September 17, 2024 Council Meeting	Would like staff to provide information to a work session relating to building permit fees for the last few years and what they are currently	Staff will be preparing a memo for Council	Brian McBroom
8-2024	Olson	Code Compliance	Oct 1, 2024 Council Meeting	Requested staff to present at a future work session on code compliance- what is compliant and what is not and to develop a plan to assist with low-income residents specifically relating to yards and vegetation	Tentatively scheduled for a work session on January 14, 2025	Brian McBroom/Juliana
10 - 2024	Hall	Legal Research	Oct 15, 2024 Council Meeting	Asked staff to produce a report on Legal research for Home Rule Cities in response to the State Law regarding Occupancy, ADU's and Parking Minimums. Also would like included what the cost of challenging state law is.	Staff will create a report for Council and have a presentation at a future work session	Legal
11 - 2024	Butler	HP Rezone Parking	Oct 15, 2024 Council Meeting	There was a request for staff to provide a report to council on the HP Rezone area parking, traffic problems, and what has been done in the area. It was also requested that the design standards be included.	Staff will create a report and include the schematics of the area and send to council	Public Works



Council Agenda Summary

November 19, 2024

Key Staff Contact: Heidi Leatherwood, City Clerk

Title:

Motion to approve the City Council Meeting Proceedings of October 1 and October 15, 2024, and the City Council Work Session Proceedings of October 8, 2024

Summary:

A regular meeting of the City Council was held in City Council Chambers on October 1 and October 15, 2024. A work session of the City Council was held in City Council Chambers on October 8, 2024.

The draft proceedings of each meeting are 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:

Strategic Focus Area:

High-Performance Government

Decision Options:

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

Council's Recommended Action:

Approve the motion.

Attachments:

1. City Council Meeting Proceedings October 1 - Draft
2. City Council Meeting Proceedings October 15 - Draft
3. City Council Work Session Proceedings October 8 - Draft

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
October 1, 2024

1. Call to Order

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

2. Pledge of Allegiance

Mayor Gates led the Pledge of Allegiance.

3. Roll Call

Jennifer Middleton the Deputy City Clerk called the roll.

The following 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. Approval of the Agenda

5. Recognitions and Proclamation

Mayor Pro Tem Hall presented What's Great about Greeley? report at 6:01 p.m.

6. Citizen Input

1. Steve Teets spoke about a recycling plant, and he believed that funding should be focused on infrastructure and transportation.
2. Bill Gillard stated he was opposed to the food tax ballot item. He had concerns about potholes and City employees being moved to new buildings.

7. Reports from Mayor and Councilmembers

Councilmember McDonald reported that she attended Greeley Police Officer Mark Fourge's funeral service and noted that he would be missed. She attended the Water & Sewer tour with 30 community members, the Cattle Barons Ball, the groundbreaking for the University of Northern Colorado (UNC) Osteopathic Medical College, Oktoberfest, and the Citizens Fire Academy.

Councilmember Butler attended the groundbreaking at UNC for the Osteopathic Medical College and thanked the Downtown Development Authority for putting on an excellent Oktoberfest.

Councilmember Olson spoke about attending “Play It Forward” event with the Greeley Philharmonic Orchestra. He participated in an educational ride along with Code Compliance Manager, Buxton Demers.

Mayor Gates attended the groundbreaking ceremony and was excited to learn that Weld Trust was donating \$25 million. He thanked Mayor Pro Tem Hall for handling the toast at Oktoberfest. He thanked the Greeley Culture Parks and Recreation Department for a job well done with the Centennial Parks tennis courts and then asked if any councilmembers were interested in assisting with interviews for the Clearview Library District on October 19th to let him know.

8. Initiatives from Mayor and Councilmembers

Councilmember Olson requested a staff presentation on Code Compliance for yards and vegetation. The council reached consensus to move forward with the initiative.

Councilmember Butler requested a resolution be drafted from council in support of ballot initiatives 2L and 2M. Council reached consensus to move forward with the initiative.

Consent Agenda

- 9. A motion to approve the City Council Work Session Proceedings of August 27, 2024, and City Council Meeting Proceedings of September 3, 2024**
- 10. A motion to approve the 2025 Council Meeting and Work Session Schedule**
- 11. A resolution of the City Council of the City of Greeley, Colorado approving a change order with Mountain Constructors**
- 12. A resolution of the City Council of the City of Greeley, Colorado approving a change order with Wright Express Financial Services (WEX)**
- 13. A resolution finding substantial compliance with State Annexation Laws for property known as the “L&T LLC Annexation,” located generally West of State Highway 257 and North of Weld County Road 54, into the City of Greeley, the subject site is comprised of 298.988 Acres**
- 14. A resolution authorizing the Community Development Director to apply for a Local Planning Capacity Grant from the Colorado Department of Local Affairs**
- 15. A resolution authorizing the Mayor to enter into a Memorandum of Understanding (MOU) between the City of Greeley’s Police Department and the Weld County Sheriff’s Office regarding distribution of joint funding provided by the Bureau of Justice Assistance**
- 16. Introduction and first reading of an ordinance appropriating additional sums to defray the expenses and liabilities of the City of Greeley for the balance of the fiscal**

year of 2024 and for funds held in reserve for encumbrances through December 31, 2023 (pulled off the consent agenda)

17. Introduction and first reading of an ordinance adopting the Classification and Salary Plan for 2025

18. Introduction and first reading of an ordinance amending Title 2, Chapter 4 Title 6, Chapter 6, Article III of the Municipal Code of the City of Greeley (signature authority, procurement thresholds, non-competitive procurement and change orders)

End of Consent Agenda

Councilmember Butler moved to approve the Consent Agenda Items 9-15 and 17-18. Councilmember DeBoutez seconded the motion. The motion passed 7-0 at 6:25 p.m.

19. Pulled Consent Agenda Items

Councilmember Butler asked that Item 16 be pulled from the consent agenda.

Councilmember Butler asked about amending the budget to fund a year-round shelter. Mr. Weitz explained he thought that it pertained to item 20.

Councilmember Butler moved to approve Item 16. Councilmember Hall seconded the motion. The motion passed 7-0 at 6:25 p.m.

20. Public Hearing, introduction and first reading of an ordinance adopting the budget for 2025 and making appropriations for 2025

Budget and Policy Director, Caleb Weitz introduced the item with a presentation at 6:28 p.m.

Mr. Weitz presented two addendums for the Development Fund and budget highlights. He explained that expenditures for 2025 included compensation and collective bargaining increases, the Customer Experience Initiative, and revenue stabilization, as well as 16 net new positions. The anticipated revenue was \$582.4 million with expenditures of \$541.8 million, which included planned capital expenditures for parks, street infrastructure and transportation development, water, sewer, and stormwater projects.

Barry Eastman with the Citizen Budget Advisory Committee (CBAC) explained how CBAC traditionally reviews the budget and releases an official statement. He stated that the CBAC fully supports the budget stabilization plan and would like to see Council work towards supporting public safety out of the general fund without increasing taxes.

Councilmember Butler asked about amending the budget to fund a year-round shelter out of the budget stabilization funds. Mr. Weitz confirmed United Way has applied for grant funding, and it is hoped that the City will only need to contribute \$259,000 to assist with

keeping the shelter open year-round. The estimate to operate the shelter currently is \$260,000-\$750,000 depending on what grants are received.

Councilmember DeBoutez questioned how the mobility plan and bridge work would be funded. Mr. Weitz explained there were already amounts available in their respective funds for the projects. Councilmember DeBoutez complimented the staff for their work on the budget process, and stated she thought it was a conservative budget, with only 27% of the revenue coming from taxes, 9% of that was from the food tax, and that the mill levy had no increases since 1992.

Councilmember Butler asked about the addendums. Mr. Weitz said the micromobility program comes from Public Works budget, and additional grant funds helped moved the project timeline up.

Mayor Gates asked why the range of \$260,000-\$750,000 for the shelter. Mr. Weitz said grants United Way has applied for would reduce the amount down to \$259,000. Mayor Gates explained he would like more information as he does not support the highest range of \$750,000.

Councilmember DeBoutez said she did not agree with Councilmember Butler as the Mayor's Taskforce Committee had just started working. This request did not come from them, and she felt they needed to wait until the taskforce completed their assessment.

Mayor Pro Tem Hall asked if the United Way had a plan and what would happen if they didn't need the money. Assistant City Manager Juliana Kitten explained that there is a plan, and the money could be used towards a mini-rapid rehousing program. She explained they needed to look at ways to prevent homelessness as the program grows.

Councilmember Olson stated that there is so much that goes into a year-round shelter, he would like a robust discussion among council first.

Councilmember McDonald asked if this would only be for 2025. Ms. Kitten confirmed and explained that this helps alleviate unhoused people staying in front of businesses and noted that when the shelter is not open, the outreach team has no place to send them. Ms. Kitten would like to bring this topic to a work session.

Mayor Gates asked for consensus to amend the ordinance. The council reached consensus to vote on the amendment.

The public hearing opened at 6:54 p.m.

1. Steve Teets spoke in agreement with the mayor that there is not much support for the homeless, and said he was in favor of the money to support the shelter.
- With no further speakers, the public hearing closed at 6:56 p.m.

Councilmember Butler moved to amend the budget by moving an appropriation of \$295,000.00 out of the Budget Stabilization Fund to the United Way housing shelter.

Councilmember Payton seconded the motion. The amendment passed 4-3 at 6:57 p.m. with Councilmembers DeBoutez and Olson, and Mayor Pro Tem Hall voting “nay”.

Councilmember Butler moved to introduce the amended ordinance and schedule the public hearing and second reading for October 15, 2024. Councilmember Payton seconded the motion. The motion passed 7-0 at 6:58 p.m.

Councilmember Payton recused himself for items 21 and 22 and left the session at 6:59 p.m.

21. Public hearing and resolution approving the Colorado Revised Statutes Title 32 Special District Consolidated Service Plan precedent to formation of eight interrelated Metropolitan Districts known as Union Colony West Metropolitan Districts Nos. 1-8 that would provide Public Facilities financing, operations, and maintenance (Case Number MD2024-0001, Union Colony West Metropolitan District Nos. 1 – 8)

Community Development Deputy Director Don Threewitt introduced this item with a presentation at 6:59 p.m.

Mr. Threewitt explained the annexation and noted that the Planned Unit Development for this area was approved in 2022. The property was located at the northwest corner of 10th Street and 83rd Avenue. The Consolidated Service Plan (CSP) would provide for various improvements, with a maximum mill levy of sixty-five mills for up to 40 years. Improvements would include earthwork, erosion control, water and sewer mains, electric transmission line relocation, street improvements and irrigation.

Mayor Pro Tem Hall stated he had read through Title 32 and wanted further explanation of the amenities being provided. Mr. Threewitt said the service plan included a general description of amenities, but with no specificity.

Councilmember Butler asked why the 40-year term was being requested, when they have typically seen 30 years. Mr. Threewitt said 30 years is conventional, but 40 years is allowed by statute and code.

Councilmember DeBoutez asked for clarification on the district approvals. Mr. Threewitt explained this was a new service plan, but part of a Planned Unit Development (PUD) had already been approved by Council. Councilmember DeBoutez asked what changes Council could affect in the metro district. City Attorney Stacey Aurzada explained that Council could approve, deny, or impose conditions, such as more specificity or additional public improvements.

Applicant, Larry Buckendorf provided a presentation, with assistance from David O’Leary. They explained that the proposal handled the entire development in different phases, thus there were 8 total districts, one for each phase. They also explained how metro districts are quasi-judicial, only fund public infrastructure, and require local

representation through a board of directors. The project was comprised of 1200 residential units on 161 acres. They also stated they were requesting a 40-year term with an ability to refinance. Mr. Buckendorf further stated this was essential for the affordability of this housing, and would cover a park site, an easement, the relocation of a transmission line, non-potable water, and sewer system expansion.

Councilmember DeBoutez asked if once one phase is completed, does the resident continue paying for the mill levy. Mr. Buckendorf said the mill levy and taxes are based on the county assessment.

Mayor Pro Tem Hall asked if the mill levy replaced the HOA. Mr. Buckendorf said the mill levy is set at the county level and collected by the county, then distributed to the metro district. He explained it was also tax deductible to the homeowners. Mayor Pro Tem Hall asked if there were larger projects regionally that this would fund. Mr. O'Leary said there are regional projects where streets touch and benefit multiple districts.

Councilmember McDonald referred to an example in the presentation that showed the homeowner would on average pay \$80 per month for a \$400,000 home with this amendment. She asked if there was a floor and a ceiling to know what the cost would be. Mr. O'Leary said it would be based on the county assessment. The metro district does not control the two functions of taxation. He explained that the builder is required to provide disclosures during closing on the home.

Councilmember Butler was concerned about how this would reduce costs. He asked about how it worked on a multi-family unit and would it cause rent to be higher. Mr. Buckendorf explained that he could charge \$30,000 more per home up front, or the homeowner can pay less up front and pay the metro district over time. He also said the apartments would have a different mill levy.

Councilmember DeBoutez appreciated the improvements they were making but thought that amenities should incorporate the aesthetics of the community. She wanted more details of the amenities, including connectivity to the existing trail system. Mr. Buckendorf said they would be connecting trails to the extent that they could.

The public hearing opened at 8:03 p.m.

1. Steve Teets stated he was concerned that costs would be higher than what the builder proposed.
2. Bill Gillard complimented the council's questions and asked who would be accountable if the metro district failed.

With no further speakers, the public hearing closed at 8:06 p.m.

Mayor Pro Tem Hall stated that having this in place of an HOA made sense.

Mayor Gates said he was in favor of this metro district.

Councilmember Butler said he would not support this because he feels the amenities need to be more substantial.

Councilmember Olson reminded everyone that either the City pays for it, or the developer pays for it, and he felt this was balancing the ability for the City to grow and for the area to pay its way.

Mayor Pro Tem Hall moved to adopt the resolution. Councilmember DeBoutez seconded the motion. The motion passed 5-1 at 8:12 p.m. with Councilmember Butler voting “nay” and Councilmember Payton absent (recused).

22. Public hearing and second reading of an ordinance changing the official zoning map of the City of Greeley, Colorado to consider a request by Avant Civil Group to rezone 8.51 acres located north of 19th Street Road and east of 82nd Avenue from H-A (Holding Agriculture) to R-L (Residential Low Density) zone district (Case number ZON2024 0003, Mountain Vista Rezone)

Community Development Deputy Director Don Threewitt presented this item at 8:12 p.m.

Mr. Threewitt explained that the site was annexed and zoned in 1982, and previous proposals for multi-family zoning had been denied. He gave an overview of the type of zonings the property was surrounded by and explained to the council that the proposal was consistent with all the rezoning criteria. The City received one comment letter asking questions. The Planning Commission approved the rezone 6-0, and there was one speaker in support of it.

Mr. Buckendorf was available for questions.

Mayor Pro Tem Hall asked about a drainage pond and if it was part of the current HOA. Mr. Buckendorf confirmed that it was. Mayor Pro Tem Hall asked if the homes built in the rezone area would join the existing HOA. Mr. Buckendorf said they had no intention of doing so, explaining that using the drainage pond was part of an initial proposal, but was no longer valid.

Mayor Gates asked if they were not going to be part of the existing HOA, what would happen if residents let their lawns go. Mr. Buckendorf stated there would be a new HOA.

Councilmember DeBoutez asked how many houses would be built. Mr. Buckendorf replied that there would be 20-30 homes.

The public hearing opened at 8:18 p.m.

1. Shelly Remley said she was happy with the proposal as it will complete their neighborhood. She said she would like them to join their HOA and follow the same architectural requirements.

2. Marty Edbauer said he had no major objections, but wanted to make sure that new development would match the existing neighborhood. He was also concerned about 83rd Ave. infrastructure.

3. Barry Harding echoed the concerns of others.

With no further speakers, the public hearing closed at 8:26 p.m.

Councilmember Butler stated that while Council can have a discussion about zoning, they do not have the ability to force an HOA.

Councilmember McDonald said she would like to see them join the HOA since it has come before them several times and residents have expressed concerns.

Councilmember Olson moved to adopt the ordinance and publish with reference to title only. Mayor Pro Tem Hall seconded the motion. The motion passed 6-0 at 8:28 p.m. with Councilmember Payton absent (recused).

Councilmember Payton rejoined the session at 8:29 p.m.

23. Public hearing and second reading of an ordinance to establish Local Improvement District No. 346590 for the Westgate Non-Potable Pump Station under Title 18, Chapter 6 (Local Improvement Districts) of the Greeley Municipal Code

Water and Sewer Chief Engineer Adam Prior introduced this item at 8:30 p.m.

Mr. Prior explained that the Non-Potable Irrigation Code was adopted in 2022. He reminded the council that a Local Improvement District is an infrastructure financing tool that helps lower the cost of construction. As a result, tap fees are lower and users have different water sources that are more cost effective. The City is paying for some costs now and future users are paying the rest. Only undeveloped properties will be paying. This item was originally removed in July because of potential concerns from property owners. Those concerns have been addressed.

Councilmember Butler asked if the pump station required state approval. Mr. Prior said no, the state is not required.

The public hearing opened at 8:39 p.m.

1. Larry Buckendorf stated he was not opposed to this, but wanted the council to understand it was not different than a metro district, it just doesn't have a board.

With no further speakers, the public hearing closed at 8:41 p.m.

Councilmember Butler moved to adopt the ordinance and publish with reference to title only. Mayor Pro Tem Hall seconded the motion. The motion passed 7-0 at 8:41 p.m.

24. West Greeley Project Update

City Manager Raymond Lee III presented this item at 8:42 p.m.

This item was for Council information and no feedback was required.

Mr. Lee explained that Water Valley was preparing a formal proposal by the end of the month, and they anticipate returning to the council in January after staff review. There has been a tremendous amount of community engagement and feedback. He introduced Sarah Cullen with SideCar Publications, who will be the communications partner for the City. Ms. Cullen explained the plan to have transparent and collaborative communications with the City and the developer. They also plan to ask the community for feedback and will have centralized resources, such as a QR code that takes the user directly to a website for updates.

Marcus Pachner with The Pachner Company also spoke as a representative of Water Valley. He noted that progress is being made on the Memorandum of Understanding (MOU) requirements, using a concentric outreach model, and will host a community meeting in October and November.

Developer, Martin Lind spoke on his excitement concerning the project. He felt their initial efforts were not being wasted, and that if the project was successful, they would be relocating the center of gravity for Northern Colorado to West Greeley. He stated that with potential airport updates and his project, Greeley would be bookended with opportunities.

Councilmember Butler noted the anticipation and asked about a timeline. Mr. Lee said there would be a timeline presented soon, with the scope including the airport and downtown master plan 2.0.

Councilmember McDonald stated she really likes how Mr. Lind described the bookends and how the project will bring positive changes.

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

Councilmember Olson moved to approve the motion. Councilmember Butler seconded the motion. The motion passed 7-0 at 9:03 p.m.

26. Scheduling of Meetings, Other Events

None.

27. Adjournment

With no further business to come before the Council, Mayor Gates adjourned the meeting at 9:04 p.m.

Approved

X

John Gates
Mayor

Attest

X

Heidi Leatherwood
City Clerk

City of Greeley, Colorado
City Council Regular Meeting
October 15, 2024

1. Call to Order

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

2. Pledge of Allegiance

Mayor Gates led the Pledge of Allegiance.

3. Roll Call

City Clerk, Heid Leatherwood called the roll.

The following 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. Approval of the Agenda

City Manager Raymond Lee advised the Council that Item 11 was being removed from the consent agenda until a future date.

5. Recognitions and Proclamation

Councilmember Payton presented What's Great about Greeley? report at 6:01 p.m.

6. Citizen Input

None.

7. Reports from Mayor and Councilmembers

Councilmember Olson attended the Affordable Housing Summit. He thanked Deb Callies for speaking during the conference.

Councilmember McDonald spoke about Fire Prevention Week. She assisted Brian Eisen, Fire Department Outreach Officer, with educating 2nd graders on fire safety. She commented on the Citizens Fire Academy and their live fire presentation. She attended a ride along with the Homeless Outreach team and thanked the team for building trust in the community. She spoke about her experience riding the bus, attended the groundbreaking for Northern Colorado Disposal, joined the State of UNC address and

District 6 School Board meeting honoring the Greeley Police Department School Resource Officers.

Councilmember Butler attended the Frontier House Open House and invited citizens to attend upcoming office hours with him and Councilmember DeBoutez, where they will discuss the ballot initiatives.

8. Initiatives from Mayor and Councilmembers

Mayor Pro Tem Hall noted a concern about charter powers regarding Planning and Zoning as it relates to state law. He requested a work session and asked the City Attorney's office for a legal opinion on the cost of challenging the state law. The council reached consensus to move forward on the initiative.

Councilmember Butler proposed an initiative to look at traffic problems and parking issues in the HP rezone area. Mayor Pro Tem Hall noted that Public Works had reported improvements such as speed bumps and stop signs. Councilmember DeBoutez suggested a report instead and Councilmember Butler agreed. Councilmember Olson requested that a design status on those streets be included as he was concerned about the impact new state laws would have regarding reduced parking. The council reached consensus to receive a report, and no work session was requested.

9. University of Northern Colorado Fall Update

President Andy Feinstein presented the report at 6:20 p.m.

He noted that the university has seen increased enrollment in the Fall and retention rates and diversity in the student body. He also provided an update on the new College of Osteopathic Medicine, including the existing facilities that were beginning to be torn down, and what funding was being received.

Councilmember DeBoutez commented on the partnership between the city and university, Mr. Feinstein noted that programs were expanding, and considerations could include building a hotel and expanding housing. Lastly, he mentioned there were 6 new restaurants on campus and encouraged the public to engage with the Performing Arts programs.

Consent Agenda

10. A motion to approve the City Council Work Session Proceedings of September 10, 2024, and City Council Meeting Proceedings of September 17, 2024

11. Motion to call a Special Meeting for October 22, 2024

Item 11 was removed.

12. A Resolution in support of the November 5, 2024, City of Greeley Ballot Issue No. 2L concerning extension of the Sales Tax on food for the purpose of financing City Capital Improvement Projects
13. Resolution in support of the November 5, 2024, City of Greeley Ballot Issue No. 2M concerning approval of Low Interest Federal Financing
14. Resolution authorizing the City of Greeley to enter into a grant agreement between the City of Greeley and the State of Colorado, Division of Local Affairs, regarding receipt of grant funding provided by the Gray and Black Market Marijuana Enforcement Grant Program
15. Resolution authorizing the City of Greeley to enter into a grant agreement between the City of Greeley and the State of Colorado, Division of Local Affairs, regarding receipt of grant funding provided by the Peace Officer Behavioral Health Support and Community Partnership Grant Program
16. Resolution establishing the 2024 Tax Levy and directing the certificate of the same to the Board of County Commissioners
17. Resolution approving the amended 2020-2024 Citizen Participation Plan for the Community Development Block Grant Program

End of Consent Agenda

Councilmember Butler highlighted the importance of the resolutions supporting the ballot initiatives. He also disclosed he was a member of the Habitat for Humanity Board related to Item 17.

Councilmember Olson moved to approve the Consent Agenda Items 10 and 12-17. Councilmember Payton seconded the motion. The motion passed 7-0 at 6:31 p.m.

18. Pulled Consent Agenda Items

None.

19. Public hearing and second reading of an ordinance appropriating additional sums to defray the expenses and liabilities of the City of Greeley for the balance of the fiscal year of 2024 and for funds held in reserve for encumbrances through December 31, 2023

Budget and Policy Director, Caleb Weitz introduced the item at 6:31 p.m. with a presentation.

Mr. Weitz reviewed the final appropriation for 2024, with a total request of \$5.5M in expenditure, explaining that most of the items on the appropriation are the result of administrative clean-up alongside the development of the 2025 Budget. He provided a request breakout by funding source and key focus areas, as well as a breakdown of operating and capital requests.

The public hearing opened at 6:34 p.m.

With no speakers, the public hearing closed at 6:35 p.m.

Mayor Pro Tem Hall moved to adopt the ordinance and publish with reference to title only. Councilmember Olson seconded the motion. The motion passed 7-0 at 6:36 p.m.

20. Public hearing and second reading of an ordinance adopting the Fiscal Year 2025 Budget

Budget and Policy Director, Caleb Weitz introduced the item at 6:36 p.m.

Mr. Weitz reviewed the timeline of the 2025 budget process, starting from the July Council Budget Retreat through the first public hearing in October. He highlighted the \$16.7 million in approved increases, including the \$10 million in one-time expenses, \$5.6M in ongoing projects, and \$1.1M in capital projects. The 2025 Budget took into account compensation and collective bargaining increases, the new customer experience initiative, revenue stabilization, and 16 new net positions. He added that the Lincoln Park redevelopment, transportation development, future water acquisition and lead service line replacement, as well as several more water, sewer, and stormwater projects were included. Mr. Weitz provided a breakdown of expenditures by council priority and reviewed the three addendums.

The public hearing opened at 6:41 p.m.

With no speakers, the public hearing closed at 6:41 p.m.

Mayor Gates thanked Mr. Weitz and his department for doing a stellar job preparing the budget and answering many questions over the past several months.

Councilmember Butler moved to adopt the ordinance and publish with reference to title only. Councilmember DeBoutez seconded the motion. The motion passed 7-0 at 6:43 p.m.

21. Public hearing and second reading of an ordinance amending Title 2, Chapter 4 and Title 6, Chapter 6, Article III of the Municipal Code of the City of Greeley (signature authority, procurement thresholds, non-competitive procurements and change orders)

Budget and Policy Director, Caleb Weitz introduced the item at 6:44 p.m.

Mr. Weitz reviewed the proposed changes, which included better clarification and definition of the current practices. Change orders require department director approval when the amount is within the project's approved budget, but will require City Council approval if it is 25% or more and the original contract is \$100,000 or more. It will require City Manager approval if it is less than 25% and the original contract is less than \$100,000. Changes in discretionary purchase, small purchase, and formal procurements were also reviewed.

The public hearing opened at 6:49 p.m.

With no speakers, the public hearing closed at 6:50 p.m.

Mayor Pro Tem Hall moved to adopt the ordinance and publish with reference to title only. Councilmember Olson seconded the motion. The motion passed 7-0 at 6:50 p.m.

22. Public hearing and second reading of an ordinance adopting the Classification and Salary Plan for 2025

Director of Human Resources, Martha Lanaghen presented this item at 6:50 p.m.

Ms. Lanaghen explained the 2025 Pay Plan had minor updates from 2024, including cosmetic changes for improved readability, additional roles included in the 2025 Budget, elimination of roles that were no longer being utilized, as well as administrative updates that included job reclassifications, minor title changes, and mathematical mid-point corrections.

The public hearing opened at 6:54 p.m.

With no speakers, the public hearing closed at 6:54 p.m.

Mayor Pro Tem Hall moved to adopt the ordinance and publish with reference to title only. Councilmember DeBoutez seconded the motion. The motion passed 7-0 at 6:54 p.m.

23. Public Hearing and resolution approving the 2025-2029 Consolidated Plan, Citizen Participation Plan and the 2025 Annual Action Plan for the proposed Community Development Block Grant Budget for 2025, as an annual component of the Consolidated Plan

Housing Director Deb Callies and consultant Chelsea Everett with Answer Firms, presented this item at 6:55 p.m.

Ms. Callies explained that a consolidated plan is a comprehensive planning document required by the U.S. Department of Housing and Urban Development (HUD), addressing issues such as affordable housing, community development, and homelessness over a

5-year period. Ms. Everett continued the presentation with a review of the community surveys and forums that have been conducted. Her firm has concluded that the community needs affordable housing, an emergency shelter, counseling services, and childcare that target low-to-moderate income residents.

There was a total of \$900K in CBDG funds and \$1.4M in HOME funds available to grant organizations with specific criteria. Once approved by City council, there will be a comment period that closes on November 4, and they anticipate submitting the plan to HUD by November 15. The plan also included removing the delegation authority from the Greeley Urban Renewal Authority and assigning it to the City of Greeley.

Councilmember Olson asked Ms. Callies to explain the process of applying for the awards. She explained that there is a funding cycle, with applications opening in February or early March. They are advertised in the paper, and agencies can apply.

Councilmember DeBoutez asked about the Neighbor-to-Neighbor rent assistance. She wanted to know if the county had funding as well, and if there was collaboration. She was concerned about duplication. Assistant City Manager Juliana Kitten stated there would be collaboration, but duplication was not a concern, the agencies always have more needs than available funding. Councilmember DeBoutez asked if it was possible to move the funds for the deck project to the year-round shelter. Ms. Callies explained that if they had received an application from United Way, the shelter would have taken precedence.

Mayor Gates asked what percentage of items were awarded versus the requests. Ms. Callies said 100% of the requests had been granted or more, particularly for the shelter.

Mayor Pro Tem Hall asked about the housing rehab that has not been designated yet. Ms. Callies said there were a few options under consideration, such as the city creating their own rehab program, or awarding it to agencies that perform that service.

Councilmember McDonald asked about the \$50,000 in rental assistance. She was concerned that the non-profits are not centralized, and by the time people apply for these funds, it is usually too late, they are already facing eviction. She thought it should be addressed sooner, and there would be more cost savings. Ms. Callies stated the funding helps those in the most desperate of situations. Ms. Kitten agreed that they need to shift the mindset to intervene earlier.

Councilmember DeBoutez thanked Ms. Callies and her team for doing a great job. She thought it would be difficult to make decisions on allocating the funds.

Mayor Gates said he was very happy that 100% of the requests were funded.

The public hearing opened at 7:16 p.m.

1. Melanie Faure thanked the city for stepping up and approving the grant request for the Upwards Childcare Program.

With no further speakers, the public hearing closed at 7:19 p.m.

Councilmember Butler moved to adopt the resolution. Councilmember McDonald seconded the motion. The motion passed 7-0 at 7:24 p.m.

24. Public hearing and resolution approving a Colorado Revised Statutes Title 32 Special District Consolidated Service Plan Amendment, known as Poudre Heights Metropolitan Districts Nos. 1-5 Consolidated Service Plan Amendment, that would provide Public Facilities financing, operations, and maintenance (Case Number MD2024-0002, Poudre Heights Metropolitan District Nos. 1 – 5)

Director of Community Development, Brian McBroom, presented this item at 7:24 p.m.

Mr. McBroom explained this request was amending an existing Consolidated Service Plan that was approved in 2021 and the preliminary subdivision approved in July of 2024 for the property located North of 10 St., and West of 101st Ave. The applicant requested establishing Special Improvement Districts (SID) within the boundaries of the existing Metropolitan Districts to better finance improvements, providing the ability to fund public improvements through SID Assessment Bonds. All criteria and notification requirements were met.

The applicant Todd Johnson was available for questions.

Councilmember Butler asked about the types of bonds that could be used and if this increased the bond capacity or changed the type of financing. He was concerned this could affect the mill levy for those in the metro district. Mr. Johnson explained this created a lien up front on the developer or homebuilder, and the eventual homeowner would not see it. It helps defer cost over time and traditionally lowers the home price while allowing for additional improvements.

Councilmember Butler was concerned that any rentals in a metro district would have a higher price point. Mr. Johnson said there were a couple of different ways to structure the financing, and the current market does not lean itself to fund long-term costs to renters.

Councilmember DeBoutez asked why this was needed instead of the metro district and wanted some examples of districts in Northern Colorado. Mr. Johnson said the SID's were becoming a trend again. He explained that this was not increasing debt but allowed them to find financing at a lower rate, which allows for more projects and infrastructure.

Councilmember DeBoutez asked who would be on the board of the SID, and Mr. Johnson said it is still the same board as the metro district.

The public hearing opened at 7:43 p.m.
With no speakers, the public hearing closed at 7:44 p.m.

Mayor Pro Tem Hall moved to adopt the resolution. Councilmember Payton seconded the motion. The motion passed 6-1 at 7:45 p.m., with Councilmember Butler voting “nay”.

25. Public hearing and resolution approving a Colorado Revised Statutes Title 32 Special District Consolidated Service Plan Amendment, known as The Cache Development Metropolitan Districts Nos. 1-8 Consolidated Service Plan Amendment, that would provide Public Facilities financing, operations, and maintenance (Case Number MD2024-0003, The Cache Development Metropolitan District Nos. 1 – 8

Director of Community Development, Brian McBroom presented this item at 7:45 p.m.

Mr. McBroom explained this was a request to amend an existing Consolidated Service Plan (CSP) that was approved in 2020. This was a planned unit development (PUD) approved in 2021, located North of 10th St., West of 83rd Ave., and East of 95th Ave. The applicant was requested to establish special improvement districts (SID) within the boundaries of the existing metro district to better finance improvements through SID assessment bonds. They have met all approval criteria and conducted proper notifications.

Applicant, Todd Johnson was available for questions.

Councilmember Butler asked when Title 32 had changed. Mr. Johnson said it was around 2016. Councilmember Butler asked why they did not request this in the CSP in 2019, and Mr. Johnson replied the market was not conducive at that time.

Councilmember DeBoutez asked if he had any examples in Northern Colorado, and Mr. Johnson said there were none yet, but they had just done one in Arvada. Shelby Nobel, representing Mr. Johnson, explained that they have also done this in Douglas County and in Johnstown recently. She stated it would not be increasing the debt load for residents but helps speed up improvements and development.

Councilmember Olson asked about the previous SID for Poudre Heights, and why it was at 60 mills, and this one was at 70. Mr. Johnson said Poudre Heights has a lower cap, with more industrial and mixed commercial at the City's request, and so 70 made more sense. He also stated they would never impose the maximum on commercial lots.

The public hearing opened at 7:52 p.m.
With no speakers, the public hearing closed at 7:53 p.m.

Councilmember Olson moved to adopt the resolution. Mayor Pro Tem Hall seconded the motion. The motion passed 6-1 at 7:54 p.m., with Councilmember Butler voting “nay”.

26. Appointments to Boards and Commissions - Youth Commission, Parks and Recreation Advisory Board, Human Relations Commission, Museum Board, and Citizen Budget Advisory Committee

City Clerk Heidi Leatherwood announced the appointments.

- Jessi N Howell-3-year term-Commission on Disabilities
- Christen Depetro and Sean Jaehn – 3-year term-Historic Preservation Commission
- Amber M Greene-3-year term-Human Relations Commission
- William E Parish-3-year term- Parks and Recreation Board
- Eddie Mirick-3-year term-Greeley Art Commission
- Joshua Fulenwider, Kim Collins, Kenneth T Howell-3-year term-Housing for All Advisory Board
- Erika E Wall-3-year term-Judicial Review Board

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

Councilmember Payton moved to approve the motion. Councilmember Payton seconded the motion. The motion passed with a voice vote 7-0 at 7:57 p.m.

28. Scheduling of Meetings, Other Events

None.

29. A motion to go into Executive Session to discuss the potential purchase, acquisition, or lease of property for City services

Councilmember Payton moved to approve the motion. Councilmember Butler seconded the motion. The motion passed 7-0 at 7:57 p.m.

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

30. Adjournment

With no further business to come before the Council, Mayor Gates adjourned the meeting at 7:58.

29. Executive Session to discuss the potential purchase, acquisition, or lease of property for City services

The Executive Session was called to discuss the potential purchase, acquisition, or lease of property for City services.

All members of Council were present to participate in the executive session, which was convened at 8:10 p.m. in person in the Colorado Room, located at 1001 11th Avenue.

In addition, the following staff members attended:

City Manager Raymond Lee
City Attorney Stacey Aurzada
Chief Financial Officer Allena Portis
Deputy City Manager Rachel Flynn
Assistant to the City Manager Blair Snow
Economic Development Director John Hall
Public Works Director Paul Trombino

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 9:02 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

X

John Gates
Mayor

Attest

X

Heidi Leatherwood
City Clerk

City of Greeley, Colorado
City Council Work Session
October 8, 2024

1. Call to Order

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

2. Pledge of Allegiance

Mayor Gates led the Pledge of Allegiance.

3. Roll Call

City Clerk Heid Leatherwood called the roll.

The following were present:

Councilmember Tommy Butler
Councilmember Deb DeBoutez (via Zoom)
Mayor Pro Tem Dale Hall
Councilmember Brett Payton
Councilmember Melissa McDonald
Mayor John Gates

Councilmember Johnny Olson was absent. (Excused)

4. Reports from Mayor and Councilmembers

Councilmember McDonald congratulated Dominique Padilla on her appointment as Director for the Rodarte Community Center. She participated in the Citizens Fire Academy, attended the District 6 Appreciation Breakfast, and the Ashley McBryde concert at Union Colony Civic Center.

Councilmember Butler attended the Sunrise, Dream, Play, Build Event and noted that it was an enjoyable event. Mayor Gates concurred.

5. Greeley Police Department- Organizational Assessment Overview

Police Chief Adam Turk introduced the item at 6:03 p.m. and noted that this item was for council information.

Ryan Lee with AP Triton was available for questions via Zoom. Deputy Chief Mike Zeller was present in Council Chambers and available to answer questions.

Chief Turk reviewed key functions and responsibilities and the 2024 Goals and Organizational structure of the Greeley Police Department (GPD). He explained AP Triton study approach and how it was a “snapshot” in time. Chief Turk provided data on

the number of calls/incidents for service by sector, and a shared a chart showing increased call ratios from 2019-2023.

AP Triton provided 60 recommendations, 36 were considered high priority, 25 medium priority, and 9 were listed as average priority. Most of the recommendations were cost neutral, but had a cost associated with them. Several of the recommendations have already been completed or are near completion, with several in progress. All recommendations have been assigned to staff for research with due dates.

Councilmember Butler asked which high priority items were most expensive. Chief Turk explained that adding employees was the largest cost, and of course, the addition of two more traffic units would be expensive as well.

Councilmember DeBoutez said she was curious about Sector B as it was mainly in Ward II. She asked if the University of Northern Colorado would help to patrol the area. Chief Turk explained that the Greeley Police Department has a good relationship with the university police, and they are allowed to patrol within 1 mile of campus. He noted they are quick to respond and assist.

6. Mobility Development Plan Update

Mobility Manager Michelle Johnson presented this item at 6:22 p.m. Public Works Director Paul Trombino, and Transportation Planner Hannah Feldmann were available for questions.

This item was intended to provide information for the Council and no feedback was required.

Ms. Johnson explained the Greeley on the Go vision and background, provided an update on the Mobility Development Plan (MDP), and shared how they were engaging with the community to gather feedback. Several types of mobility hubs were provided for council to consider, that encompassed local neighborhoods, broader community, and eventually regional options. Short-term scenarios for existing and expanding transit routes were given, as well as long-term goals for were in the final stages of Phase 2. Public Engagement would be drafting the MDP and conducting Phase 3- Engagement, with the hopes to finalize the MDP for council adoption soon.

Councilmember Butler asked if outside shelters at the mobility hubs would provide covering and if there were plans to have a connection to the Poudre Trail. Ms. Johnson said those would be taken into consideration. Mr. Trombino stated the Poudre Trail Restoration Project would already be addressing connectivity, and there will be some focus on how best to connect the east side of Greeley.

Mayor Pro Tem Hall wanted more information on scooters and bikes, as he had concerns that they would just be scattered all over the sidewalks. Ms. Feldmann explained they

would make sure to select a vendor that would be a good partner to the community and would provide what the market dictated.

Mayor Pro Tem Hall also noted that the Poudre Trail does not allow motorized vehicles. He wanted clarification if scooters would be allowed on the trail and that pedestrian safety would be considered. Ms. Johnson said the scooters will be geo-fenced and would not be allowed on the trail for the piloting phase. Users would be allowed on the street in bike lanes.

Councilmember McDonald asked if scooters were left in an area where they quit working, could they be pushed instead of being left unattended. Mr. Feldmann replied that the user would be charged until the scooter was returned to a designated place.

Councilmember McDonald asked about the city's liability exposure, especially with potholes or sidewalks. City Attorney Stacey Aurzada explained the liability would be between the vendor and the user, not the City.

Councilmember DeBoutez asked how maintenance might work for the outside shelters during the winter for snow removal and trash pickup. Ms. Johnson replied that there was a contracted vendor to help, and the City also has employees to assist.

Lastly, Councilmember DeBoutez inquired if the micromobility plan had been included in the 2025 Budget. Mr. Trombino said it was part of the addendums.

7. City Council Policies and Protocol: Proposed Updates and Rules of Decorum Discussion

City Clerk Heidi Leatherwood introduced the item at 6:58 p.m.

Ms. Leatherwood noted proposed changes to the City Council Policy and Protocols and offered information for implementing Rules of Decorum for meetings. The policy document was adopted in 1992, and amendments made by resolution. The policies were last updated in 2021, and only minor changes were proposed due to technological advancements and updates to match current practices. She provided several examples of rules of decorum from other municipalities that included addressing public displays, phone etiquette, and how citizens should approach the dais.

Mayor Pro Tem Hall asked if they would be able to curb someone speaking online if rules were not followed. Mayor Gates was also curious about this and offered that other municipalities have had issues. City Attorney Stacey Aurzada explained they had to treat all people the same, virtually or in person, but could certainly add rules.

Mayor Gates noted that they were not having issues currently, but upon reviewing the suggestions, he liked some of the ideas and would like more research and discussion.

Councilmember Payton did not think they had any problems but thought it made sense to look at them.

Councilmember McDonald noted how the school board president reads the rules at the beginning of school board meetings and thought the rules could be included on the agenda or the mayor's script.

Councilmember Butler stated there were reasonable things to add in.

Mayor Gates said he could write a suggested dialogue and incorporate a few things.

City Manager Raymond Lee said even though meetings have gone well, it is possible they may have issues in the future, and this helps them get ahead of that.

Councilmember Payton agreed it was better to address this now and help meetings run more efficiently.

Mayor Gates asked if there was a consensus for him to meet with Ms. Leatherwood and return with the suggested rules.

Consensus was for City Clerk Leatherwood to meet with Mayor Gates and bring suggestions back to Council at a future meeting.

8. Scheduling of Meetings, Other Events

None.

9. Adjournment

With no further business to come before the Council, Mayor Gates adjourned the meeting at 7:15 p.m.

Approved

X

John Gates
Mayor

Attest

X

Heidi Leatherwood
City Clerk



Council Agenda Summary

November 19, 2024

Key Staff Contact: Blair Snow, Assistant to the City Manager

Title:

Motion for consideration of appointment of City Council members to be liaisons related to the West Greeley project

Summary:

City staff are working on the evaluation of the West Greeley project in anticipation of providing recommendations to City Council in January 2025. This is a highly complex project involving multiple departments and topic areas such as design, planning, road infrastructure, water and sewer infrastructure, financial analysis, and potential economic incentives.

Given the complexity of the analysis and limited availability on the City Council calendar, staff are requesting Council consider appointing two Councilmembers to be designated liaisons to focus on the West Greeley project. The purpose of the liaisons would be to support project analysis on an on-going basis. Liaison discussions would serve to augment regular Council briefings.

Fiscal Impact:

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

Legal Issues:

None

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:

A motion to appoint Councilmember _____ and Councilmember _____ as primary liaisons to the West Greeley project, and to appoint Councilmember _____ and Councilmember _____ as alternate liaisons to serve in the event the primary liaisons are unavailable.

Attachments:

None



Council Agenda Summary

November 19, 2024

Key Staff Contact: Paul Trombino, Public Works Director

Title:

Resolution authorizing the City Manager to execute an Intergovernmental Agreement with Weld County and the Greeley-Weld County Airport Authority

Summary:

In 1943, City of Greeley voters approved a \$100,000 bond for construction of an airport. The airport opened in 1944 and was dedicated as "Crosier Field" and named for resident F. "Red" Crosier. In 1963, the County partnered with the City in a joint venture for ownership and operation of the airport. In 1978, the City and the County created the Greeley-Weld County Airport Authority pursuant to the Colorado Public Airport Authority Law (C.R.S. §§ 14-3-1010, et seq). Since that time the Greeley-Weld County Airport Authority ("Authority") has operated and maintained the airport. The Authority is governed by a Board of Directors, which includes two City of Greeley councilmembers.

In 1996, the airport undertook a comprehensive expansion. This expansion included construction of a \$10,000 foot runway and taxiway system, a new terminal and administration building, and other infrastructure improvements. The Authority is now interested in implementing additional improvements which are part of the 2023 East Complex Development Concept. The Airport Authority is currently negotiating a lease with JBS which will allow JBS to have a hangar at the airport. Construction of the JBS hangar requires that additional improvements be made to the airport, including construction of a taxiway, taxilane, access road, and a street called "Wingway." These improvements will in turn spur additional hangar leases and other economic development opportunities at the airport.

The City and Weld County have negotiated an intergovernmental agreement with the Authority related to the improvements. The intergovernmental agreement provides that the City and Weld County will both contribute financially to the improvements to be made at the airport. Specifically, Weld County has agreed to contribute \$3,000,000 to the cost of the construction of the taxiway and taxilane. The Weld County Commissioners approved the intergovernmental agreement on October 23, 2024. If the intergovernmental agreement is approved by City Council, the City will be responsible for the design and construction of the access road and Wingway; and construction and installation of all necessary stormwater, water, sewer, and other utilities to serve the new JBS hangar.

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? Onetime
3. What is the annual impact? \$2.5 million
4. What fund of the City will provide funding? Transportation Development Fund 334
5. What is the source of revenue within the fund? Transportation Development Impact Fees
6. Is there grant funding for this item? No
7. If yes, does this grant require a match? N/A

8. Is this grant onetime or ongoing? N/A
9. Additional Comments: None

Legal Issues:

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

Other issues and Considerations:

None

Strategic Focus Area:

Business Growth
Community Vitality
Infrastructure and Mobility

Decision Options:

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

Council's Recommended Action:

A motion to adopt the resolution.

Attachments:

1. Resolution No. 52, 2024
2. IGA with Weld County and Airport Authority

**CITY OF GREELEY, COLORADO
RESOLUTION NO. 52, 2024**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN
INTERGOVERNMENTAL AGREEMENT WITH WELD COUNTY AND THE
GREELEY-WELD COUNTY AIRPORT AUTHORITY**

WHEREAS, in 1978 the City of Greeley (“City”) and Weld County (“County”) jointly formed the Greeley-Weld County Airport Authority (“Authority”) pursuant to the provisions of the Colorado Public Airport Authority Law (C.R.S. §§ 14-3-101, et seq.); and

WHEREAS, since that time, Authority has operated the Greeley-Weld County Airport (“Airport”) as a general aviation public use airport; and

WHEREAS, Authority has identified improvements needed to the Airport, which include construction of an access roadway, taxi lane, and taxiway (“Improvements”); and

WHEREAS, the Improvements will assist the Authority in implementing the East Complex Development Plan; and

WHEREAS, the Airport is an important economic driver, and the Improvements will provide important stimulation for economic growth in the community; and

WHEREAS, the City and County desire to contribute funds for the purpose of completing the Improvements; and

WHEREAS, the City Council finds that it is in the best interests of the citizens of the City to authorize execution of the Intergovernmental Agreement.

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

Section 1. The City Council hereby authorizes the City Manager to enter into the “Intergovernmental Agreement Regarding Contributions to Fund Improvements at the Greeley-Weld County Airport,” a copy of which is attached hereto and incorporated herein as Exhibit A

Section 2. This Resolution shall take effect immediately upon its passage.

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

ATTEST

THE CITY OF GREELEY, COLORADO

By: _____
City Clerk

By: _____
Mayor

**INTERGOVERNMENTAL AGREEMENT REGARDING CONTRIBUTIONS TO FUND
IMPROVEMENTS AT THE GREELEY-WELD COUNTY AIRPORT**

THIS INTERGOVERNMENTAL AGREEMENT is made and entered into this 23rd day of October, 2024, by and between the Greeley-Weld County Airport Authority (“Authority” or “the Authority”), by and through the Greeley-Weld Airport Authority Board (“the Authority Board”), whose address is 600 Airport Road #A, Greeley, Colorado 80631 and the City of Greeley (“City”) whose address is 1000 10th Street, Greeley, Colorado 80631, and Weld County (“County”) whose address is 1150 O Street, Greeley, Colorado 80631 (collectively “Parties”).

WITNESSETH

WHEREAS, in 1978 City and County jointly formed the Authority pursuant to the provisions of the Colorado Public Airport Authority Law (C.R.S. §§ 14-3-101, et seq.); and

WHEREAS, on July 11, 1978, City passed Ordinance 36, 1978 which authorized creation of the Authority, and also set forth the agreements between County and City regarding contribution of assets to the Authority and dissolution procedures; and

WHEREAS, on July 24, 1978, County approved on third reading Ordinance No. 30, 1978 (collectively with City of Greeley Ordinance 36, 1978, the “1978 Ordinances”) which authorized creation of the Authority, and also set forth the agreements between County and City regarding contribution of assets to Authority and dissolution procedures; and

WHEREAS, the 1978 Ordinances detailed the value of contributions of assets by City and by County to the Authority to enable it to begin airport operations; and

WHEREAS, since that time, Authority has operated the Greeley-Weld County Airport (“Airport”) as a general aviation public use airport; and

WHEREAS, in 1996, Authority constructed a 10,000-foot runway and taxiway system (the “Runway”), and other improvements; and

WHEREAS, hangars at the Airport are either owned by or leased by various private parties; and

WHEREAS, at present, the Authority Board is in negotiations with JBS, S.A. or one of its United States based subsidiaries (“JBS”) to lease hangar space for their construction of a hangar for their exclusive use; and

WHEREAS, several parties are in need of hangar space and there is an immediate need for the construction of an additional Taxi Lane Echo One and Taxiway Echo One (collectively

“Echo 1”) from the hangars to the runway and an access drive from Weld County Road 47 (“Wingway and Access Road”) (collectively, “Improvements” or “Project”); and

WHEREAS, Improvements are shown on the attached Exhibit “A;” and

WHEREAS, City and County desire to contribute funds for the purpose of completing the Improvements; and

WHEREAS, the Parties are authorized to enter into this Agreement by virtue of C.R.S. § 29-1-203 and C.R.S. § 41-3-101 et seq.

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

1. Design and Construction of Improvements. Authority shall design and construct Echo 1 utilizing funds contributed by County as detailed below. City shall design and construct Wingway and Access Road. Additionally, City shall install necessary water and sewer lines to serve a hangar to be constructed by JBS (extending to the edge of the hangar lease line).
2. Responsibilities of City.
 - a. City, at its sole cost, shall design and construct Wingway and Access Road, and install necessary stormwater, water and sewer, and other dry utilities to serve a hangar to be constructed by JBS. City shall keep track of such expenses and present a detailed summary to Authority Board and County to memorialize City’s contribution to the Authority.
 - b. With respect to the Wingway and Access Road portions of the Project, City hereby authorizes its consultant, Bolton & Menk, to work as Project Manager at the direction of and reporting directly to the Authority Board regarding all matters involving or relating to the Project. With respect to the Echo 1 portions of the Project, City hereby authorizes Bolton & Menk to collaborate with the Airport Authority and its Engineers, Garver, LLC, JBS, and any other stakeholders to ensure timely completion of the Project, all at the direction of and reporting directly to the Authority Board regarding all matters involving or relating to the Project. Bolton & Menk has been authorized to contact, advise, and direct any needed negotiations with any and all stakeholders, including government entities such as the Federal Aviation Administration (FAA), property owners, and local, state, and federal agencies in relation to the Project. The costs for the work performed by Bolton & Menk as Project Manager will be paid solely by City. City shall keep track of such costs and present a detailed summary to Authority Board and County to memorialize City’s contribution to the Authority.

3. Responsibilities of County. County shall contribute to the Authority funds necessary to pay all costs necessary for the for design and construction of Echo 1. Upon receiving an invoice from the Authority, County shall pay the sum of \$3,000,000 (US Dollars Three Million) to be held by and used by the Authority to complete Echo 1. This sum represents the current estimated cost of the design and construction of Echo 1. However, if additional funds are needed by the Authority to pay for the completion of Echo 1, County shall be invoiced as needed by the Authority to reimburse the actual costs incurred by the Authority to complete Echo 1, up to an additional sum of \$2,000,000 (US Dollars Two Million). All monies paid by County for the design and construction of Echo 1 shall be considered as County's contribution to Authority.
4. Responsibilities of Authority.
 - a. Authority shall grant a permanent easement to City (on a form provided by City) for Wingway and Access Road for the purpose of providing public access and installation of utilities, subject to appropriate restrictions designed to protect the security and safety of the airport and its users.
 - b. Authority shall coordinate the procurement and selection of a contractor to construct Echo 1.
 - c. Authority shall submit to County the invoice(s) mentioned in Section 3, above, in a timely manner.
 - d. Authority shall be responsible to hold all funds paid by County for the purpose of paying the costs of design and construction of Echo 1.
 - e. Authority shall allow access to the City and its contractors and private utilities as needed for the completion of the Project.
5. Compliance with Authority's Bylaws. Notwithstanding anything to the contrary in this Agreement, nothing herein will authorize the Parties to act in a manner that violates Authority's Bylaws, FAA regulations, or any FAA grant terms or conditions, and the Parties agree that all acts required by the terms of this Agreement will be done in compliance with Authority's Bylaws.
6. Contributions by City and County. City and County agree that each party's contributions to the Project shall, through this Agreement, be included in and as additions to the asset contribution list contained in the 1978 Ordinances or in any successor agreement entered into by County and City related to the Airport. Such contributions shall be subject to distribution provisions set forth in the 1978 Ordinances or in any successor agreement entered into County and City related to the Airport.

7. Miscellaneous.

- a. This Agreement shall be governed by and construed in accordance with Colorado law.
- b. This Agreement is binding upon and will inure to the benefit of the Parties and their successors.
- c. Any rule of construction to the effect that ambiguities are to be resolved against the drafting party will not apply in the interpretation of this Agreement.
- d. The provisions of this Agreement may be amended only in writing signed by the Parties.
- e. It is expressly understood and agreed that the enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, will be strictly reserved to the Parties and nothing in this Agreement will give or allow any claim or right of action whatsoever by any other person not included in this Agreement. It is the express intention of the Parties that any entity other than the Parties receiving services or benefits under this Agreement will be an incidental beneficiary only.
- f. This Agreement and obligations of the agencies hereunder are expressly contingent upon the Parties budgeting and appropriating the funds needed to fulfill the obligations hereunder. Financial obligations of the parties payable after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted, and otherwise made available.
- g. No waiver by any of the parties hereto of any of the terms and conditions of this Agreement will be deemed to be or be construed as a waiver of any other term or condition of this Agreement, nor will a waiver of any breach of this Agreement be deemed to constitute a waiver of any subsequent breach of the same provision of this Agreement.
- h. Notwithstanding anything contained herein to the contrary, it is agreed that in the event and to the extent that fire, flood, earthquake, natural catastrophe, explosion, accident, war, illegality, act of God, or any other cause beyond the control of any of the parties hereto, or strikes and labor troubles (whether or not within the power of the party affected to settle the same) prevents or delays performance by any party to this Agreement, such party will be relieved of the consequences thereof without liability, so long as and to the extent that performance is prevented by such cause; provided, however, that such party will exercise due diligence in its efforts to resume performance within a reasonable period of time.

- i. This instrument, combined with the 1978 Ordinances, embody the entire Agreement of the parties with respect to the subject matter hereof. There are no promises, terms, conditions, or obligations other than those contained herein; and this Agreement shall supersede all previous communications, representations, or agreements, either verbal or written, between the parties hereto. No modification to this Agreement shall be valid unless agreed to in writing by the parties hereto.
- j. No portion of this Agreement shall be deemed to constitute a waiver of any immunities the parties or their officers or employees may possess, nor shall any portion of this Agreement be deemed to have created a duty of care which did not previously exist with respect to any person not a party to this Agreement.
- k. If any term or condition of this Agreement shall be held to be invalid, illegal, or unenforceable, this agreement shall be construed and enforced without such a provision, to the extent this Agreement is then capable of execution within the original intent of the parties.
- l. This Agreement, and any modifications to this Agreement, may be executed with counterpart signature pages, and the document with all counterpart signatures will constitute one and the same instrument. All parties consent to the use of electronic signatures.

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

(The remainder of this page is left intentionally blank.)

GREELEY-WELD COUNTY AIRPORT AUTHORITY

ATTEST:

By: _____
John Gates, Chair

By: _____
Secretary/Treasurer

APPROVED AS TO LEGAL FORM:

By: _____
Kent Naughton

CITY OF GREELEY, COLORADO

APPROVED AS TO SUBSTANCE:

By: _____
Raymond C. Lee, III
City Manager

AS TO AVAILABILITY OF FUNDS:

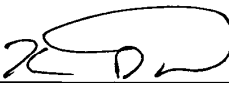
By: _____
Tyra Litzau
Director of Finance

APPROVED AS TO LEGAL FORM:

By: _____
Stacey Aurzada
City Attorney

WELD COUNTY, COLORADO

ATTEST: *Erin E. Lesick*
CLERK TO THE BOARD



Kevin D. Ross, Chair **OCT 23 2024**
Board of County Commissioners
of Weld County

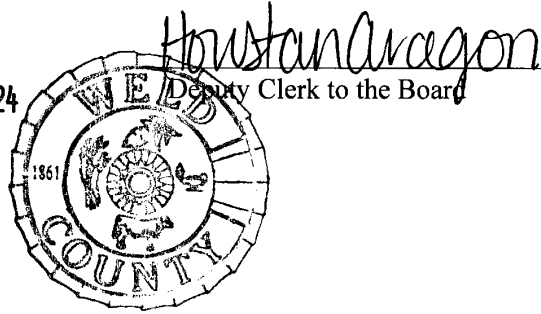


EXHIBIT A





Council Agenda Summary

November 19, 2024

Key Staff Contact: Justin Scharton, Natural Areas & Trails Manager, Diana Frick, Cultural Parks and Recreation Director

Title:

Resolution of the Greeley City Council to name the City Natural Area formerly known as the Shurview property as Arroyos Del Sol Natural Area

Summary:

In 2022, City of Greeley worked with the Trust for Public Land to acquire the 978-acre property in northwest Greeley, known as the Shurview property. At the time, Trust for Public Land purchased the property and leased it to the City, with the expectation that the property would be deeded to the City when sufficient funds were available.

In accordance with the Culture, Parks, and Recreation naming policy, City staff solicited suggested names for the property from Greeley residents. From October 2022 through June 2023, over 80 suggested names were received. After removing a few suggestions that did not comply with the naming policy, a list of 81 name suggestions, including five staff recommendations, was presented to the Parks & Recreation Advisory Board in October 2023. The board selected the name "Arroyos Del Sol" in the January 2024 regular meeting.

In accordance with the CPRD Naming Policy and pursuant to Greeley Municipal Code Chapter 2.29.060, paragraph (6), the property name recommendation is presented to City Council for consideration and adoption.

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:

Strategic Focus Area:

Quality of Life

Decision Options:

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

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

Council's Recommended Action:

A motion to adopt the resolution.

Attachments:

1. Resolution No. 45, 2024

**THE CITY OF GREELEY, COLORADO
RESOLUTION NO. 45, 2024**

**A RESOLUTION OF THE GREELEY CITY COUNCIL OFFICIALLY NAMING THE
NATURAL AREA FORMERLY KNOWN AS THE SHURVIEW PROPERTY AS
ARROYOS DEL SOL NATURAL AREA**

WHEREAS, the City of Greeley has acquired the 978-acre property formerly known as the Shurview property in partnership with Trust for Public Land; and

WHEREAS, solicitation of names for the new site was completed through an extensive community engagement process culminating in more than 80 suggestions, including suggestions to name this new natural area site “Arroyos del Sol”; and

WHEREAS, arroyos and the sun are a significant natural features of the site, and the name honors Greeley’s Hispanic and Latine communities; and

WHEREAS, the naming suggestion is in compliance with the naming criteria process and policy utilized by the Culture, Parks, and Recreation Department; and

WHEREAS, pursuant to Greeley Municipal Code Section 2-422, paragraph (6), the Parks and Recreation Advisory Board is “to recommend to the City Council the name of new parks or renaming existing parks under the jurisdiction of the Department of Culture, Parks, and Recreation;” and

WHEREAS, at the January 5, 2024, regular meeting of the Parks and Recreation Advisory Board, the Board recommended naming this new natural area as “Arroyos del Sol.”

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

Section 1. The City Council hereby officially names the Natural Area formerly known as the Shurview property be named Arroyos del Sol Natural Area.

Section 2. This Resolution shall take effect immediately upon its passage as provided by the Greeley City Charter.

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

ATTEST

THE CITY OF GREELEY, COLORADO

By: _____
City Clerk

By: _____
Mayor



Council Agenda Summary

November 19, 2024

Key Staff Contact: Justin Scharton, Natural Areas & Trails Manager, Diana Frick, Cultural Parks and Recreation Director

Title:

Resolution to support application for grant funding from the State of Colorado Department of Natural Resources State Trails program for planning and construction design for the 59th Avenue Trailhead and realignment of the Poudre River Trail in Sheep Draw Natural Area

Summary:

The City's Natural Areas & Trails (NAT) division manages approximately 11 miles of the Poudre River Trail within City limits and in unincorporated Weld County, and the trail boasts upwards of 300,000 visits per year. The Poudre River is dynamic, it moves and changes. This natural movement has caused riverbank erosion along the Poudre River in several sections. This erosion has or will affect the Poudre River Trail. A study of the corridor, completed in 2019, considered options for repairing, replacing, or re-routing the trail. Several priority projects were identified in that study. A section of the Poudre River Trail within the Sheep Draw Natural Area (west of 59th Ave) has become threatened by the natural movement of the river and needs to be realigned.

There is a need to design and construct a new trailhead and connecting trail to the Poudre River Trail within the same area of Sheep Draw Natural Area. Parking at nearby trailheads often fills up on weekends, leading to people parking dangerously on roadways. This new trailhead will also serve the Sheep Draw Trail, for which the nearest parking area is 2.5 miles away from the project location.

To leverage City funding for the planning and construction design of the trail re-route, trailhead and connecting trail, NAT staff applied for grant funds through the State Trails Program. The total project cost for the design project is estimated at \$125,000, with \$67,500 from the City, a to-be-determined contribution from Poudre River Trail Corridor, Inc., and \$45,000 from the State Trails program.

If grant funds are awarded, this project will provide design, engineering, and construction documents to realign approximately 600 linear feet of the Poudre River Trail and for a trailhead accessible from 59th Ave with a connecting trail to the Poudre River Trail.

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? The total City match is \$67,500
3. What is the annual impact?
4. What fund of the City will provide Funding? Greeley Food Tax
5. What is the source of revenue within the fund?
6. Is there grant funding for this item? The grant application has been submitted, but we have not received notice of award yet

7. If yes, does this grant require a match?
8. Is this grant onetime or ongoing? Onetime Grant
9. Additional Comments:

Legal Issues:

Consideration of this matter is a legislative process

Other issues and Considerations:

Strategic Focus Area:

Quality of Life

Decision Options:

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

Council's Recommended Action:

A motion to adopt the resolution.

Attachments:

1. Resolution No. 46, 2024

**THE CITY OF GREELEY, COLORADO
RESOLUTION No. 46, 2024**

**A RESOLUTION TO SUPPORT APPLICATION FOR GRANT FUNDING FROM THE
STATE OF COLORADO DEPARTMENT OF NATURAL RESOURCES STATE
TRAILS PROGRAM FOR PLANNING AND CONSTRUCTION DESIGN FOR THE 59th
AVENUE TRAILHEAD AND REALIGNMENT OF THE POUFRE RIVER TRAIL IN
SHEEP DRAW NATURAL AREA**

WHEREAS, the City manages approximately 11 miles of the Poudre River Trail within City limits and in unincorporated Weld County and the trail boasts upwards of 300,000 visits per year; and

WHEREAS, a section of the Poudre River Trail within the Sheep Draw Natural Area has become threatened by the natural movement of the river and needs to be realigned; and

WHEREAS, there is a need to design and construct a new trailhead and connecting trail to the Poudre River Trail within the same area of Sheep Draw Natural Area; and

WHEREAS, supplemental funding opportunities are available through grant programs with the Colorado State Trails Program; and

WHEREAS, the City will be applying for a State Trails planning grant for design and engineering of the trailhead and trails on the property; and

WHEREAS, a grant in the amount of up to \$45,000 from State Trails for the project design requires a minimum 25% match of \$11,250 and City and other sources will exceed that match requirement for the project cost estimated at \$125,000; and

WHEREAS, grant funding will be used to work with consultants for the design and engineering of the project; and

WHEREAS, the property where the project will occur will be under the control of the City of Greeley for at least 25 years and conserved for public outdoor recreation in perpetuity; and

WHEREAS, it is in the best interest of the residents of Greeley to receive this grant funding and to complete the projects.

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

1. The Greeley City Council hereby supports and authorizes a submission of a grant application to the Colorado Department of Natural Resources.

2. The City Council authorizes the Greeley Culture, Parks and Recreation Department to execute any document or submit any electronic response that is necessary to obtain the grant funding.

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

PASSED AND ADOPTED, SIGNED AND APPROVED THIS _____ day of _____, 2024.

ATTEST:

THE CITY OF GREELEY, COLORADO

By: _____
City Clerk

By: _____
Mayor



Council Agenda Summary

November 19, 2024

Key Staff Contact: Heidi Leatherwood, City Clerk

Title:

Resolution ratifying the appointment of certain nominees to the Board of Trustees of the High Plains Library District

Summary:

The High Plains Library District Board of Trustees is comprised of seven trustee seats, two of which are currently open for appointments. The Trustee Selection Committee met on October 25, 2024, to interview candidates, and upon voting, is recommending the following individuals for appointment to the High Plains Library Board of Trustees.

Region 1: Jenna Evans, representing Erie, Frederick, Firestone for a four-year term, 2025–2028;

Region 5: Lisa Taylor, representing Ault, Eaton, Pierce, and Nunn for a four-year term, 2025–2028.

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:

Strategic Focus Area:

Business Growth

Community Vitality

Decision Options:

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

Council's Recommended Action:

A motion to adopt the resolution.

Attachments:

1. Resolution No. 47, 2024

**CITY OF GREELEY, COLORADO
RESOLUTION No. 47, 2024**

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

WHEREAS, the City Council of the City of Greeley, Colorado, pursuant to the City's home rule charter is vested with the authority of administering the affairs of the City of Greeley, Colorado; and

WHEREAS, the High Plains Library District ("HPLD") has been created by action of eight "Establishing Bodies", namely, the Town of Ault, the Town of Eaton, the City of Evans, the City of Fort Lupton, the City of Greeley, the Town of Hudson, the RE-8 School District Board of Education, the Weld County Board of County Commissioners, all in the State of Colorado; and

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

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

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

WHEREAS, pursuant to that Joint Motion and Stipulation to Approve Settlement and Dismiss Remaining Claims entered into by the Establishing Bodies and ordered by the Court in Weld County District Court Case No. 2014 CV 30358, a trustee selection committee (the "Committee") met on October 25, 2024, to interview trustee candidates; and

WHEREAS, on October 25, 2024, the Committee voted by majority vote to recommend the following individuals for appointment to the High Plains Library District Board of Trustees, for the term lengths specified below:

Region 1: Region 1: Erie, Frederick, Firestone
Jenna Evans, 4-year term, 2025-2028

Region 5: Ault, Eaton, Pierce, Nunn
Lisa Taylor, 4-year term, 2025-2028

WHEREAS, the above-named individuals appear to be qualified to serve as a trustee on the High Plains Library District Board of Trustees and represent adequately the various interests within the High Plains Library District.

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

Section 1: Ratification. That the appointment of Jenna Evans to serve as Region 1 Trustee and Lisa Taylor to serve as Region 5 Trustee on the High Plains Library District Board of Trustees for a four-year term is hereby ratified.

Section 2: This Resolution shall become effective immediately.

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

ATTEST:

THE CITY OF GREELEY, COLORADO

By: _____
City Clerk

By: _____
Mayor



Council Agenda Summary

November 19, 2024

Key Staff Contact: Heidi Leatherwood, City Clerk

Title:

Resolution ratifying the appointment of certain nominees to the Board of Trustees of the Clearview Library District

Summary:

The Clearview Library District Board of Trustees is comprised of five trustee seats, one of which is currently open for appointment. The Trustee Selection Committee met on October 19, 2024 to interview candidates, and upon voting, is recommending the following individuals for appointment to the Clearview Library Board of Trustees:

Jeromey Balderrama (three-year term)

Lisa Gagliardi (three-year term).

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:

Strategic Focus Area:

Business Growth

Community Vitality

Decision Options:

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

Council's Recommended Action:

A motion to adopt the resolution.

Attachments:

1. Resolution No. 48, 2024

CITY OF GREELEY, COLORADO
RESOLUTION No. 48, 2024

**A RESOLUTION RATIFYING THE APPOINTMENT OF CERTAIN NOMINEES TO
THE BOARD OF TRUSTEES OF THE CLEARVIEW LIBRARY DISTRICT**

WHEREAS, the City Council of the City of Greeley, Colorado, pursuant to the City's home rule charter is vested with the authority of administering the affairs of the City of Greeley, Colorado; and

WHEREAS, the Clearview Library District has been created in accordance with C.R.S. § 24-90-108 by action of two "Establishing Bodies" namely, the Town of Windsor and the Weld RE-4 School District; and

WHEREAS the Clearview Library District Board of Trustees is comprised of five trustee seats, two of which are up for replacement: and

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

WHEREAS, Section 4.2. of the Bylaws of the Clearview Library District provide that the Library Board, the Windsor Town Board, the Severance Town Board, the Weld RE-4 School District Board, the Greeley City Council and the Clearview Library District Friends & Foundation shall each appoint one person to serve on the Interview Committee filling a vacancy; and;

WHEREAS, on October 19, 2024, the Interview Committee voted by majority vote to recommend the following individuals for appointment to the Clearview Library District Board of Trustees for a three-year term specified below:

- Jeromey Balderrama (three-year term)
- Lisa Gagliardi (three-year term); and

WHEREAS, the above-named individuals appear to be qualified to serve as a trustee on the Clearview Library District Board of Trustees and represent adequately the various interests within the Clearview Library District; and

WHEREAS, C.R.S. § 24-90-108(2)(c) provides that the legislative bodies of the governmental units included within the library district have authority to ratify trustees recommended for appointment to the Library Board of Trustees.

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

Section 1: That the appointments of Jeromey Balderrama and Lisa Gagliardi as Trustees on the Clearview Library District Board of Trustees for a three-year term from 2025-2027 is hereby ratified.

Section 2: This Resolution shall become effective immediately.

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

ATTEST: THE CITY OF GREELEY, COLORADO

By: _____ By: _____
City Clerk Mayor



Council Agenda Summary

November 19, 2024

Key Staff Contact: Paul Trombino, Public Works Director

Title:

Resolution of the City Council of the City of Greeley, Colorado approving a change order with Tasman-Geo Inc (Amour Hill Drainage Improvements)

Summary:

There was a Xcel Utility conflict that was not anticipated at the time of design. This caused a 2-month delay in construction which subsequently required the contractor to demobilize due to the schedule for completion of the utility relocation.

The change order is to cover costs associated with the delay in the construction schedule caused by the utility relocation. It includes costs for demobilization, remobilization, additional months of traffic control, additional labor and equipment, and refreshing survey.

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? \$75,312.35
3. What is the annual impact? N/A
4. What fund of the City will provide Funding? Fund 433 - Stormwater Capital Replacement
5. What is the source of revenue within the fund? Stormwater Rates
6. Is there grant funding for this item? No
7. If yes, does this grant require a match? N/A
8. Is this grant onetime or ongoing? N/A
9. Additional Comments: None

Legal Issues:

Consideration of this matter is a legislative process.

Other issues and Considerations:

None

Strategic Focus Area:

Infrastructure and Mobility
Quality of Life
Safe and Secure Communities

Decision Options:

1. Adopt the resolution as presented; or

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

Council's Recommended Action:

A motion to adopt the resolution.

Attachments:

1. Resolution No. 49, 2024
2. Change Order - Amour Hill Drainage Improvements

**THE CITY OF GREELEY, COLORADO
RESOLUTION No. 49, 2024**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREELEY,
COLORADO APPROVING A CHANGE ORDER WITH TASMAN-GEO INC**

WHEREAS, on September 20th, 2023, the City of Greeley contracted with a company called Tasman-Geo Inc. for Amour Hill Drive Drainage Improvements; and

WHEREAS, this is the second and third change order combined for the existing contract with Tasman-Geo Inc. to cover costs associated with the delay in construction caused by Xcel Energy and the utility relocation. Change order #2 in the amount of \$75,312.35 and Change Order #3 in the amount of \$3,777.35 combined; and

WHEREAS, at the time of design there was a utility relocation conflict with Xcel Energy that was not anticipated at the time of design this caused a two-month delay in construction that required the contractor to demobilize. Included are the costs for demobilization, remobilization, additional months of traffic control and additional labor and equipment usage and new survey requirements.; and

WHEREAS, this Change Order is made in the best interest of the Stormwater Division to accommodate the extended delay and complete the Amour Hill Drive project and

WHEREAS, Change Order #2 and #3 in the amount of \$ 75,312.35 combined which requires approval of City Council pursuant to Section 6-486 of the Greeley Municipal Code.

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

Section 1. The Change Order number 2 and 3 in the amount of \$75,312.35 combined is hereby approved.

Section 2. This Resolution shall become effective immediately upon its passage.

PASSED, AND ADOPTED, SIGNED AND APPROVED this 19th day of November 2024.

ATTEST:

THE CITY OF GREELEY, COLORADO

By: _____
City Clerk

By: _____
Mayor



CHANGE ORDER FORM

Project Information				
Change Order #:	2 & 3		Date:	October 24, 2024
Project Name:	Amour Hill Drainage Improvements			
Solicitation Number:	F23-07-061		Dept/Division:	Public Works/Stormwater
COA:	433.4501.58504		PO #:	P20233452
Project Number:	12628			
Expenditure Organization:	Public Works			
Expenditure Type:	8202			
Task Number:	1.0			
Project Manager:	Aaron Stines		Title:	Civil Engineer IV - Stormwater
Contractor/Consultant Information				
Contractor/Consultant:	Tasman-Geo Inc. /Rick Palmer		Email:	rpalmer@tasman-geo.com
The CONTRACTOR/CONSULTANT is hereby directed to perform the WORK described in the CONTRACT for design/construction as amended by this CHANGE ORDER.				
See attached		11	sheets with full explanation for the change order.	
Compensation to Contractor/Consultant				
The original contract sum was:			\$98,435.00	
The net change by previous change order was:			\$4,700.00	
The contract sum prior to this change order was:			\$103,135.00	
The contract sum will be: (See List) Increased			\$75,312.35	
The new contract sum, including this change order is:			\$178,447.35	
The contract time will be: (See List) Unchanged			N/A	
The new date for project completion:			N/A	
This CHANGE ORDER is intended to, and the OWNER agrees that it shall, fairly and adequately compensate the CONTRACTOR/CONSULTANT for the extra direct costs (time and materials, etc.) as well as all expenses and damages which may result from any delays, suspensions, stretch-outs, scheduling, inefficiencies and accelerations in the WORK associated with this CHANGE ORDER, and the CONTRACTOR/CONSULTANT releases the OWNER from any claims for such expenses and damages.				
This CHANGE ORDER is intended to, and the CONTRACTOR/CONSULTANT agrees that it does, provide the CONTRACTOR/CONSULTANT a reasonable and adequate period of time in which to complete the WORK in accordance with the CONTRACT for establishment of policies, as amended by this CHANGE ORDER, and the CONTRACTOR/CONSULTANT releases the OWNER from any claims for additional time to perform the WORK associated with this CHANGE ORDER.				
The Contract Documents may be executed in two or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same document. The Contract Documents, including all component parts set forth above, may be executed and delivered by electronic signature by any of the parties and all parties consent to the use of electronic signatures.				
Signatures for City Council				
IN WITNESS WHEREOF, the parties have caused this instrument to be executed in two (2) original counterparts as of the day and year first above written.				
Approved as to Substance		Reviewed as to Legal Form		
City Manager		City Attorney		
Certification of Contract Funds Availability		Departmental Certification		
Director of Finance		Department Director		
Purchasing Official		Project Manager		
Certification of Content by Contractor/Consultant				
Representative of Contractor/Consultant		Title		
Additional Review:				
CIP Budget				
Approval Level is at City Council based on cumulative change orders totalling \$80,012.35 for a total of 81.28%				

4/1/2023



CHANGE ORDER FORM

Project Information

Change Order #: **2 & 3**

Project Name: **Amour Hill Drainage Improvements**

Date: **10/24/2024**

Project Manager: **Aaron Stines**

Change Order Justification

Why was this not in original contract?	There was an Xcel Utility Conflict that was not anticipated at the time of design. This caused a nearly 2-month delay in construction that subsequently required the contractor to demobilize because Xcel's schedule for completion of their utility relocation took so long. In addition, site conditions required material to be transported offsite for disposal.
Budget Impact/Funding	This change order adds a total of \$75,312.35 to the contract. It covers costs associated with the delays caused by Xcel's utility relocation and the disposal of material offsite. Change Order #2 in the amount of \$71,535 and Change Order #3 in the amount of \$3,777.35. It was decided to combine the amounts to present to City Council one time.
Impact to project schedule	This change order has no impact on the project schedule. It is to accommodate the extended delay in construction caused by the relocation of Xcel's utilities.
Detailed Explanation of Change Order	This change order is to cover costs associated with the delay in construction schedule caused by Xcel's utility relocation. It includes costs for demobilization, remobilization, additional months of traffic control, additional labor and equipment, and refreshing survey.



October 17, 2024

Mr. Aaron Stines
Project Manager
City of Greeley, Colorado
1000 10th Street, Greeley, Colorado 80631

RE: Amour Hill Drive Drainage Improvements – City of Greeley Project 12628

Dear Mr. Stines :

Tasman, Inc. (Tasman) has prepared this letter to highlight some concerns related to the Amour Hill Drive Drainage Improvements Project (Site; City of Greeley Project 12628). Tasman was the successful bidder for the Amour Hill Drainage Improvement Project (“the site”) that was subject to Section 00110, Bid #F23-07-061. Tasman started the construction activities on April 8, 2024 and general construction activities were paused on/around May 15, 2024 while the City of Greeley worked to relocate utilities and deal with other obstacles that were preventing the construction from being completed.

This correspondence is being provided to highlight Tasman’s concerns with the current project budget and recent correspondence that Tasman has received from the City of Greeley’s contract engineer (ICON).

Change Orders and Project Budget

On August 5, 2024, Tasman presented Change Order 2 to the City of Greeley requesting an additional \$70,485 to cover a portion of Tasman’s costs for additional labor and equipment that was incurred during a 2 ½ week extension of the initial mobilization. Change Order 2 also included a portion of Tasman’s costs for additional scope items remaining to be completed after Tasman remobilized to complete the project, following the City of Greeley resolving utility and other conflicts that prevented project completion during the initial mobilization. Prior to the submission of Change Order 2, Tasman had been in communication with City of Greeley staff and it was common knowledge that a Change Order would be required, which would be a significant cost, due to the additional duration of the initial mobilization, the extended duration of the project, the remaining scope of work to be completed, and changes to the execution required to complete the scope of work. Change Order 2 is provided again as an attachment to this correspondence.

Acting in good faith, Tasman remobilized to the Site in early August to resume construction activities required after the City of Greeley had resolved the utility and other conflicts. Between early August 2024 and early October 2024, Tasman completed the construction activities. Tasman has made several attempts to contact you to discuss the status of the approval of Change Order 2. On October 2, 2024, Tasman received an email response to the August 5, 2024 transmittal of Change Order 2. The October 2, 2024 email requested additional information from Tasman, but the request is not explicit as to the exact information requested by the City of Greeley.

Correspondence from ICON

On October 9, 2024, Tasman received an email from ICON that discussed the progress of the construction at the Site and provided some comments. The comments from ICON are provided below along with Tasman’s responses.



Comment 1

I know you spoke with adjacent property owners about filling the gap between the rock and the proposed landscape edging with landscaping rock of their choice, however, in order to keep the project area uniform, do you think they would be open to using something similar to the existing landscape rock on the northwest side of the project, near the sidewalk.

Response 1

Tasman requests that the City of Greeley provide clear and explicit direction on additional scope and/or adjustments desired to remedy this comment. Upon receipt of this information from the City of Greeley, Tasman will determine if an adjustment to the project budget is necessary and if so, Tasman will provide the City of Greeley with a Change Order.

Comment 2

With the grouted boulders, when I was out on site I noticed some areas in which the grout possibly seems to not extend the full depth of the boulders (pictured below), and there may be areas that can be undercut during storm events, we need to make sure that the grout for the boulder wall does in fact extend all the way to the compacted subgrade, as pictured in the detail from the plan set, also pictured below.

Response 2

Tasman believes that the grouting completed meets the intent of the design given the irregular shape of the materials being grouted. Tasman requests that the City of Greeley provide clear and explicit direction on additional scope and/or adjustments desired to remedy this comment. Upon receipt of this information from the City of Greeley, Tasman will determine if an adjustment to the project budget is necessary and if so, Tasman will provide the City of Greeley with a Change Order.

Comment 3

There are some areas in which the grout looks like it is cracking at the bottom of the boulders. We need to verify that this will not jeopardize the integrity of the wall.

Response 3

Tasman completed the grouting using materials that met the mix design and placement methods specified in the design documents. Tasman requests that the City of Greeley provide clear and explicit direction on additional scope and/or adjustments desired to remedy this comment. Upon receipt of this information from the City of Greeley, Tasman will determine if an adjustment to the project budget is necessary and if so, Tasman will provide the City of Greeley with a Change Order.

Comment 4

At the upstream end of the channel, around the inlet, there seems to still be a lot of smaller material that will wash into the existing storm events when flows enter. Can you possibly relocate material that can pass through the grate opening into areas that have large voids in the void filled riprap downstream of the spillway.

Response 4

Tasman requests that the City of Greeley provide clear and explicit direction on additional scope and/or adjustments desired to remedy this comment. Upon receipt of this information from the City of Greeley, Tasman will determine if an adjustment to the project budget is necessary and if so, Tasman will provide the City of Greeley with a Change Order.



Comment 5

I have attached an exhibit of the downstream grout check structure (~STA 0+60). The cutoff wall was intended to be a short one-foot width transition between the void-filled riprap and the grouted riprap downstream. It looks like the cut off wall ended up wider than one foot and was flat across the top of the wall where we had hoped to funnel more of the water to the middle of the channel shown in the section view with a slope on the sides. We'd like to chat about what you think we can do to modify the area that is just grout without any riprap to get it closer to the design intent without compromising the integrity of the grouted riprap downstream or the cutoff wall.

Response 5

The location, depth, and configuration of the shallow existing utility in the area of the downstream grout structure (structure) limited Tasman's means and methods for digging in the area and constructing the structure. Ideally, the excavation would have been done from north to south, but the presence of the utility and concerns with the potential for compromising the utility resulted in Tasman having to conduct excavation in an east/west orientation that resulted in the structure being wider. ICON staff visited the site immediately prior to the pour of the structure and no concerns were elevated to Tasman that the pour should not proceed. Tasman requests that the City of Greeley provide clear and explicit direction on additional scope and/or adjustments desired to remedy this comment. Upon receipt of this information from the City of Greeley, Tasman will determine if an adjustment to the project budget is necessary and if so, Tasman will provide the City of Greeley with a Change Order.

Despite delays, that were outside of Tasman's control, and Site conditions that were not accurately depicted on the design documents that Tasman proposed against, Tasman has worked diligently to complete the scope of work specified. The provided "Estimate to Completion" in Change Order 2 was \$33,600. To briefly illustrate that Change Order 2 represented only a portion of Tasman's costs and to highlight Tasman's goal of being a good partner to the City of Greeley, Tasman would like the City of Greeley to be aware that Tasman's actual charges from early August 2024 to the end of September 2024 are beyond \$100,000 (600 man hours @ average rate of \$80/hour [\$48,000]; approximately \$12,500 in subcontractor costs; approximately \$7,300 in materials; approximately \$40,800 in equipment costs). These actual charges are not all inclusive and don't include amounts incurred in early October 2024.

During Tasman's second mobilization, Tasman was directed to discontinue the placement of the Type II bedding that was called for in the void-fill bill of materials and design documents. Tasman has procured this material, transported it to the Site and now has had to transport this material offsite for disposal. Tasman has created Change Order 3 to cover these costs and is providing the change order as an attachment.

When considering the original project budget, the approved Change Order 1, the value of Change Orders 2 and 3, Tasman respectfully requests that the City of Greeley approve the revised project budget of **\$178,447.35.**

Tasman has worked diligently to notify the City of Greeley of changed conditions at the Site, to conduct the work in a manner with minimal impact to stakeholders, and to maintain good relations with the residents in the subdivision. Tasman has acted in good faith proceeding with the work in anticipation that Change Orders would be approved. As iterated above, Tasman has tried to assist with lessening the financial impact the City of Greeley to complete the project. Tasman respectfully requests a meeting with the City of Greeley to reach a resolution on the project budget and to determine the City of Greeley's



desired scope of work remaining to be completed to close out the project. Please let us know when we can meet together.

Sincerely,

Rick Palmer
Construction Manager
(303) 809-4112
rpalmer@tasman-geo.com

Attachments:
Change Order 2
Change Order 3



Attachments



August 05, 2024

Mr Aaron Stines :

City of Greeley and Tasman
Change Order Agreement

1. Change Order # 02
2. Amour Hill Drainage Improvements
3. Owner City of Greeley
4. August 05, 2024
5. \$98,435 original contract amount
6. \$4,700 previous change order
7. \$71,535 increase
8. \$174,670 total contract price
9. Itemized pricing: provided within the attached
10. Increase time is captured in the change order cost.
11. _____ Signature Tasman Geo.

Tasman appreciates the opportunity to provide you this cost.

Sincerely,

Rick Palmer



August 05, 2024

Mr. Aaron Stines
Project Manager
City of Greeley, Colorado
1000 10th Street, Greeley, Colorado 80631

**RE: Amour Hill Drive Drainage Improvements – City of Greeley Project 12628
Change Order Number 2-Revised**

Dear Mr. Stines :

Tasman, Inc. (Tasman) has prepared this change order for your review and approval. Tasman was the successful bidder for the Amour Hill Drainage Improvement Project (“the site”) that was subject to Section 00110, Bid #F23-07-061. Tasman started the construction activities on April 8, 2024 and general construction activities were paused on/around May 15, 2024 while the City of Greeley worked to relocate utilities and deal with other obstacles that were preventing the construction from being completed. Tasman has recently been asked to remobilize to the site to complete the construction activities. Tasman remobilized for this effort on July 30, 2024 and construction resumed on July 31, 2024.

Tasman’s bid for the project assumed a four (4) week duration. Before demobilizing from the site in May, Tasman had conducted work over the course of nearly 6 ½ weeks. The encounter of several subgrade utilities and other features caused Tasman’s work to be delayed, less productive and drawn out and the work could not be fully completed during the first mobilization. These delays caused Tasman to incur additional labor costs, equipment costs (construction equipment, port-o-lets, construction fencing, signage), etc. The delays further caused impacts and delays to other Tasman projects, that could not be staffed while trying to honor the needs of the City of Greeley.

Tasman has prepared a summary of costs requested to cover the cost impact to Tasman resulting from the delays that were outside of Tasman’s control. Attachment 1 provides a detail of the original project budget, approved change orders, requested funds to offset Tasman’s cost impact resulting from the duration overage caused by delays beyond Tasman’s control prior to the first demobilization, the estimate to completion and the estimate at completion. Tasman respectfully requests the approval of this change order, in the amount of \$71,535, resulting in a new project budget of \$174,670.

If there are any questions, please contact Mr. Rick Palmer.

Sincerely,

Rick Palmer
Construction Manager
(303) 809-4112
rpalmer@tasman-geo.com



Attachment 1

SECTION 00130															
AMOUR HILL DRIVE DRAINAGE IMPROVEMENTS															
BID SCHEDULE															
BID #F23-07-061															
						Approved Change Order	Overages Incurred Prior to Initial De-Mobilization				Estimate to Completion				Estimate at Completion
Item	Description	Estimated	Unit	Unit	Total Cost										
Number		Quantity		Cost (\$)	(\$)	(\$)	Units	Unit Type	Unit Cost (\$)	Total (\$)	Units	Unit Type	Unit Cost (\$)	Total (\$)	
1	Mobilization	1	LS	\$ 16,500.00	\$16,500						1	LS	\$ 16,500.00	\$16,500	
2	Traffic Control	1	LS	\$ 3,780.00	\$3,780		0.5	LS	\$3,780	\$1,890	3	LS	\$ 3,780.00	\$11,340	
3	Stormwater Management/Erosion Control	1	LS	\$ 1,755.00	\$1,755									\$0	
4	Unclassified Excavation (CIP)	100	CY	\$ 20.25	\$2,025									\$0	
5	Removal of Riprap	105	CY	\$ 32.40	\$3,402									\$0	
6	Clear and Grub Existing Landscape	1	LS	\$ 3,375.00	\$3,375									\$0	
7	Removal of Trees	2	EA	\$ 1,350.00	\$2,700									\$0	
8	Concrete Landscape Border	186	LF	\$ 10.00	\$1,860									\$0	
9	Landscape and Irrigation Restoration	1	LS	\$ 3,375.00	\$3,375									\$0	
10	Grout	25	CY	\$ 270.00	\$6,750									\$0	
11	Boulder Edging - 2' Boulder	50	LF	\$ 75.00	\$3,750									\$0	
12	Boulder Edging - 3' Boulder	76	LF	\$ 103.00	\$7,828									\$0	
13	2' Landscape Boulder	6	EA	\$ 330.00	\$1,980									\$0	
14	4' Landscape Boulder	1	EA	\$ 700.00	\$700									\$0	
15	Type M Riprap	51	CY	\$ 180.00	\$9,180									\$0	
16	Type M Void Filled Riprap	129	CY	\$ 200.00	\$25,800									\$0	
17	Type H Void Filled Riprap	21	CY	\$ 175.00	\$3,675									\$0	
18	Change Order #1 (4/29/2024)					\$4,700								\$0	
19	Additional Labor (avg. rate; additional hours incurred prior to resuming construction above and beyond initial 4 week duration estimated)						265.5	HRS	\$ 100.00	\$26,550				\$26,550	
20	Additional Equipment (9 additional days prior to project delay)						9	DAY	\$ 900.00	\$8,100				\$8,100	
21	Water Buffalo (required due to irrigation system install delays)						3	DAY	\$ 165.00	\$495				\$495	
22	Pump Truck Cost Change (city required due to access and site requirements)										8	HRS	\$ 220.00	\$1,760	
23	Temporary Fence Rental (3.5 months due to project delays)						3	MONTHLY	\$300	\$900	0.5	MONTHLY	\$ 300.00	\$150	
24	Additional Survey (land owners removed staking)										1	LS	\$ 3,850.00	\$3,850	
				Totals	\$98,435.00	\$4,700.00				\$37,935.00				\$33,600.00	
														\$174,670.00	



October 17, 2024

Mr Aaron Stines :

City of Greeley and Tasman
Change Order Agreement

1. Change Order # 03
2. Amour Hill Drainage Improvements
3. Owner City of Greeley
4. October 17, 2024
5. \$98,435 original contract amount
6. \$4,700 Change Order 1
7. \$71,535 Change Order 2
8. \$3,777.35 increase (Change Order 3)
9. \$178,447.35 total contract price
10. Itemized pricing: provided within the attached
11. Increase time is captured in the change order cost.
12. _____ Signature Tasman Geo.

Tasman appreciates the opportunity to provide you this cost.

Sincerely,

Rick Palmer



October 17, 2024

Mr. Aaron Stines
Project Manager
City of Greeley, Colorado
1000 10th Street, Greeley, Colorado 80631

**RE: Amour Hill Drive Drainage Improvements – City of Greeley Project 12628
Change Order Number 3**

Dear Mr. Stines :

Tasman, Inc. (Tasman) has prepared this change order for your review and approval. Tasman was the successful bidder for the Amour Hill Drainage Improvement Project (“the Site”) that was subject to Section 00110, Bid #F23-07-061. Tasman started the construction activities on April 8, 2024 and general construction activities were paused on/around May 15, 2024 while the City of Greeley worked to relocate utilities and deal with other obstacles that were preventing the construction from being completed.

Tasman’s second mobilization, Tasman was directed to discontinue the placement of the Type II bedding that was called for in the void-fill bill of materials and design documents. Tasman procured this material, transported it to the Site and now has had to transport this material offsite for disposal. This change order has been prepared to increase the project budget to cover the purchase cost, transportation to site, and transportation away from the site of the Type II bedding material. These costs are summarized below (which include tax [where applicable] and 10% markup).

44.70 tons of Type II bedding material x \$31.35 per ton = \$1,401.35
8 hours of transportation to site x \$132 per hour = \$1,056.00
2 trips to transport material away from site x \$660 per load = \$1,320.00
Total = \$3,777.35

Tasman respectfully requests the approval of this change order, in the amount of \$3,777.35, resulting in a new project budget of \$178,447.35.

Sincerely,

Rick Palmer
Construction Manager
(303) 809-4112
rpalmer@tasman-geo.com



Council Agenda Summary

November 19, 2024

Key Staff Contact: Paul Trombino, Public Works Director

Title:

Resolution of the City Council of the City of Greeley, Colorado approving a change order with Lightfield Enterprises (2023 KGM Sidewalks and Concrete)

Summary:

Multiple design and logistical changes throughout the project have resulted in a series of overruns of project quantities. Design changes were necessary to adjust for in-the-field conditions have resulted in a series of overruns of project quantities. This includes work at the following locations:

- 38th Ave from 20th St to 16th St Rd
- 37th Ave Pl from 38th Ave to the cul-de-sac(N)
- 16th St Rd from 38th Ave to end of pavement (W)
- Homestead Rd from 38th Ave to cul-de-sac(W)
- 9th Ave and 20th St
- 6th St Rd from 51st Ave to 52nd Ave
- Balsam Ave & 20th St Rd
- 9th St & 44th Ave

Asphalt patching associated with the concrete work is also included along with traffic control and mobilization. An additional item to compensate for damages sustained during the May storm event this year is included, as well as an estimated cost for rip rap at Brentwood Middle School as part of a design change.

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? \$376,181.44
3. What is the annual impact? N/A
4. What fund of the City will provide Funding? Funds 321 - Keep Greeley Moving
5. What is the source of revenue within the fund? .65 Tax
6. Is there grant funding for this item? No
7. If yes, does this grant require a match? N/A
8. Is this grant onetime or ongoing? N/A
9. Additional Comments: None

Legal Issues:

Consideration of this matter is a legislative process

Other issues and Considerations:

None

Strategic Focus Area:

Infrastructure and Mobility

Quality of Life

Safe and Secure Communities

Decision Options:

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

Council's Recommended Action:

A motion to adopt the resolution.

Attachments:

1. Resolution No. 50, 2024
2. Change Order #7 - Lightfield - 2023 KGM Sidewalks

THE CITY OF GREELEY, COLORADO

RESOLUTION No. 50, 2024

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREELEY,
COLORADO APPROVING A CHANGE ORDER WITH LIGHTFIELD ENTERPRISES**

WHEREAS, on August 28th, 2023, the City of Greeley contracted with a company called Lightfield Enterprises for 2023 KGM Sidewalks & Concrete removal and replacement; and

WHEREAS, this is the seventh change order for the existing contract with Lightfield Enterprises to allow an increased scope of work to support the multiple design and logistical changes throughout the project which resulted in a series of overruns of project quantities, asphalt patching and traffic control and mobilization needs; and

WHEREAS, the City of Greeley approved the contractors justification for the adjustment of traffic control and additional mobilization and an additional item to compensate for damages sustained during the May storm even in 2024, as well as an additional cost of rip rap at Brentwood Middle School as part of the design change.; and

WHEREAS, this Change Order is made in the best interest of the Engineering Services Division for providing safety to the public and the repair and replacement of sidewalks; and

WHEREAS, the Change Order is in the amount of \$376,181.44 which requires approval of City Council pursuant to Section 6-486 of the Greeley Municipal Code.

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

Section 1. The Change Order number 7 in the amount of \$376,181.44 is hereby approved.

Section 2. This Resolution shall become effective immediately upon its passage.

**PASSED, AND ADOPTED, SIGNED AND APPROVED this ____ day of _____
2024.**

**ATTEST:
COLORADO**

THE CITY OF GREELEY,

By: _____
City Clerk

By: _____
Mayor



CHANGE ORDER FORM

Project Information		
Change Order #:	7	Date: October 11, 2024
Project Name:	2023 KGM Sidewalks and Concrete	
Solicitation Number:	F23-07-063	Dept/Division: Public Works
COA:	321.4101.55100 & 304.4205.40341	PO #: P20232975
Project Number:	12521/13035	
Expenditure Organization:	Public Works	
Expenditure Type:	8202 - Construction	
Task Number:	1.0	
Project Manager:	Tony Arguello	Title: Engineering Technician III
Contractor/Consultant Information		
Contractor/Consultant:	Lightfield Enterprises / Darryl Bragg	Email: dbragg@lightfieldenterprises.com
The CONTRACTOR/CONSULTANT is hereby directed to perform the WORK described in the CONTRACT for design/construction as amended by this CHANGE ORDER.		
See attached	2	sheets with full explanation for the change order.
Compensation to Contractor/Consultant		
The original contract sum was:		\$3,370,768.00
The net change by previous change order was:		\$841,924.29
The contract sum prior to this change order was:		\$4,212,692.29
The contract sum will be: (See List)	Increased	\$376,181.44
The new contract sum, including this change order is:		\$4,588,873.73
The contract time will be: (See List)	Unchanged	N/A
The new date for project completion:		N/A
This CHANGE ORDER is intended to, and the OWNER agrees that it shall, fairly and adequately compensate the CONTRACTOR/CONSULTANT for the extra direct costs (time and materials, etc.) as well as all expenses and damages which may result from any delays, suspensions, stretch-outs, scheduling, inefficiencies and accelerations in the WORK associated with this CHANGE ORDER, and the CONTRACTOR/CONSULTANT releases the OWNER from any claims for such expenses and damages.		
This CHANGE ORDER is intended to, and the CONTRACTOR/CONSULTANT agrees that it does, provide the CONTRACTOR/CONSULTANT a reasonable and adequate period of time in which to complete the WORK in accordance with the CONTRACT for establishment of policies, as amended by this CHANGE ORDER, and the CONTRACTOR/CONSULTANT releases the OWNER from any claims for additional time to perform the WORK associated with this CHANGE ORDER.		
The Contract Documents may be executed in two or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same document. The Contract Documents, including all component parts set forth above, may be executed and delivered by electronic signature by any of the parties and all parties consent to the use of electronic signatures.		
Signatures for City Council		
IN WITNESS WHEREOF, the parties have caused this instrument to be executed in two (2) original counterparts as of the day and year first above written.		
Approved as to Substance		Reviewed as to Legal Form
City Manager		City Attorney
Certification of Contract Funds Availability		Departmental Certification
Director of Finance		Department Director
Purchasing Official		Project Manager
Certification of Content by Contractor/Consultant		
Representative of Contractor/Consultant		Title
Additional Review:		
CIP	Budget	
Approval Level is at City Council based on cumulative change orders totalling \$1,218,105.73 for a total of 36.14%		

4/1/2023



CHANGE ORDER FORM

Project Information

Change Order #: **7**

Project Name: **2023 KGM Sidewalks and Concrete**

Date: **10/11/2024**

Project Manager: **Tony Arguello**

Change Order Justification

Why was this not in original contract?	Multiple design and logistical changes throughout the project have resulted in a series of overruns of project quantities. Additional funding is necessary to help reconcile the contractor's upcoming final pay application.
Budget Impact/Funding	Contract shall be increased \$376,181.44 from Project 12521 Account 8202.
Impact to project schedule	None, previous change orders for time extensions have been issued.
Detailed Explanation of Change Order	Design changes necessary to adjust for in-the-field conditions have resulted in a series of overruns of project quantities. The attached spreadsheet shows the quantities estimated to reconcile the project and includes work at the following locations: 38th Ave from 20th St to 16th St Rd, 37th Ave Pl from 38th Ave to CDS (N), 16th St Rd from 38th Ave to EOP (W), Homestead Rd from 38th Ave to CDS (W), 9th Ave and 20th St, 6th St Rd from 51st Ave to 52nd Ave, Balsam Ave & 20th St Rd, and 9th St & 44th Ave. Asphalt patching associated with the concrete work is also included along with traffic control and mobilization. Contractor's justification for adjustment of traffic control and mobilization is attached. An additional item to compensate for damages sustained during the May storm event this year is included, as well as an estimated cost for rip rap at Brentwood Middle School as part of a design change.

Change Order #7 Total					
Item #	Description	Unit	Quantity	Unit Price	Total Cost
1	Mobilization	LS		\$ 37,000.00	\$ -
2	Stormwater Protection	LS		\$ 31,600.00	\$ -
3	Traffic Control	LS		\$260,000.00	\$ -
4	Remove Curb & Gutter (0 to 2' Pan)	LF	1004.0	\$ 9.00	\$ 9,036.00
5	Remove Concrete Flatwork (Thickness Varies)	SY	874.3	\$ 17.00	\$ 14,863.10
6	Removal of Rollover C&G/Sidewalk	LF	10.0	\$ 11.00	\$ 110.00
7	Remove Asphalt (Thickness Varies)	SY	0.0	\$ 21.00	\$ -
8	Sawcut Joint	LF	0.0	\$ 5.00	\$ -
9	Concrete Sawcut Demo	LF	319.5	\$ 4.00	\$ 1,278.00
10	Saw-Cut Asphalt	LF	0.0	\$ 3.00	\$ -
11	New 6" C&G (0-2' Pan)	LF	840.0	\$ 35.00	\$ 29,400.00
12	New 8" C&G (0-2' Pan)	LF	164.0	\$ 34.00	\$ 5,576.00
13	New High Back Curb and Gutter (8" and above)	LF	0.0	\$ 44.00	\$ -
14	High Early Mix - Up Charge	CY	0.0	\$ 85.00	\$ -
15	New 4' Rollover C&G/Sidewalk	LF	0.0	\$ 59.00	\$ -
16	New 5' Rollover C&G/Sidewalk	LF	10.0	\$ 62.00	\$ 620.00
17	New 4" Concrete	SY	0.0	\$ 52.00	\$ -
18	New 6" Concrete	SY	548.9	\$ 72.00	\$ 39,520.80
19	New 8" Concrete	SY	309.4	\$ 94.00	\$ 29,083.60
20	Unclassified Excavation	CY	91.9	\$ 73.00	\$ 6,708.70
21	Class 6 Base Course	TON	112.8	\$ 39.00	\$ 4,398.81
22	Major Re-landscaping (Sprinklers, etc.)	HR	13.0	\$ 190.00	\$ 2,470.00
23	Reconstruct Inlet Top (up to 2' below grade)	EA	0.0	\$ 6,050.00	\$ -
24	Adjust Meter Pit	EA	1.0	\$ 450.00	\$ 450.00
25	Landscape Curb 0-6"	LF	395.0	\$ 12.00	\$ 4,740.00
26	Landscape Curb 7-18"	LF	0.0	\$ 83.00	\$ -
27	Landscape Curb 19-48"	LF	0.0	\$ 111.00	\$ -
28	ADA Detectable Warning Plates/Domes	SF	244.0	\$ 58.00	\$ 14,152.00
29	Chase Drain Plate	SF	12.0	\$ 265.00	\$ 3,180.00
30	Remove and Reset Mailbox	EA	0.0	\$ 260.00	\$ -
31	Tree and Root Pruning	HR	0.0	\$ 247.00	\$ -
32	Colored Concrete (4 LB Max.) (Add On)	CY	0.0	\$ 235.00	\$ -
33	Stamped Concrete (Add On)	SY	0.0	\$ 98.00	\$ -
34	4" PVC Installed Under Sidewalk	LF	0.0	\$ 12.00	\$ -
35	Notification Delivery	HR	4.0	\$ 135.00	\$ 540.00
36	Cut-Out Asphalt Patch: 6 Inch Depth	TON	403.7	\$ 205.65	\$ 83,020.91
37	Mobilization (Patching)	EA		\$ 2,285.00	\$ -
38	Traffic Control (Patching)	LS		\$ 61,200.00	\$ -
39	Installation of Culvert (Sunset Ln)	EA		\$ 27,780.00	\$ -
40	New Inlets Type 13 w/ Hood (Sunset Ln)	EA		\$ 6,875.00	\$ -
41	Traffic Control (Sunset Ln)	LS		\$ 7,500.00	\$ -
42	Additional Traffic Control (47th Ave)	LS		\$ 17,815.00	\$ -
43	Mobilization (47th Ave)	LS		\$ 1,750.00	\$ -
44	Message Boards 3 Each (47th Ave)	DAY		\$ 325.00	\$ -
45	Mobilization (HH)	EA		\$ 2,400.00	\$ -
46	Demolition (HH)	SF		\$ 8.10	\$ -
47	Erosion Control (HH)	LS		\$ 1,350.00	\$ -
48	Subgrade Excavation & Base (HH)	SF		\$ 4.10	\$ -
49	6" Concrete Main Entrance (HH)	SF		\$ 23.00	\$ -
50	5" Concrete w/ Rebar Patio (HH)	SF		\$ 16.25	\$ -
51	5" Concrete Cart Path (HH)	SF		\$ 18.05	\$ -
52	6" Landscape Curb (HH)	LF		\$ 34.20	\$ -
53	Mobilization (Rip Rap)	LS	1	\$ 1,650.00	\$ 1,650.00
54	Potholing (Rip Rap)	EA	4	\$ 305.00	\$ 1,220.00
55	Clearing, Grubbing, Grading and Export	CY	220	\$ 52.70	\$ 11,594.00
56	Placement of 1.5" Crushed Rock Bedding 4" Depth	TON	100	\$ 128.85	\$ 12,885.00
57	Placement of VTC Rip Rap (4" to 6") 1' Thick	TON	200	\$ 93.50	\$ 18,700.00
58	Traffic Control (Rip Rap)	LS	1	\$ 4,250.00	\$ 4,250.00
59	Mobilization CO7 (Patching)	LS	1	\$ 6,695.05	\$ 6,695.05
60	Traffic Control CO7 (Patching)	LS	1	\$ 35,802.00	\$ 35,802.00
61	Mobilization CO7 (General)	LS	1	\$ 3,244.90	\$ 3,244.90
62	Stormwater Protection CO7 (General)	LS	1	\$ 2,771.32	\$ 2,771.32
63	Traffic Control CO7 (General)	LS	1	\$ 22,802.00	\$ 22,802.00
64	May Storm Damage Compensation (Labor)	HR	62	\$ 58.00	\$ 3,596.00
65	May Storm Damage Compensation (Road Base)	TON	46.75	\$ 39.00	\$ 1,823.25
				Total Bid:	\$376,181.44

Paige Millen

From: Darryl Bragg <dbragg@lightfieldenterprises.com>
Sent: Wednesday, October 9, 2024 8:44 AM
To: Roch Labossiere; Paige Millen; Tony Arguello; Brenda Van Dyke
Subject: Lump Sum Increase

Follow Up Flag: Follow up
Flag Status: Flagged

Roch,

The increase on the lump sum items is due to the over run (over run was because of increased quantity) on the total contract price to include the change order scope on the work items. The amount that the lump sum items were increased was based on the same percent over 100% that the total contract price less the lump sum items was.

The total original contract increased by roughly 7%.

The change order was also increased, in particular the asphalt patching. When pricing was put together for asphalt patching it had included with it pricing for mobilization and traffic control. So the over run or increased amount is incremental to the total tons of over run of quantity from the original change order amount to the lump sum items.

Please let me know if you have any further questions.

Thank you,



Darryl Bragg
Project Manager/Estimator

(970) 484-3880 (Office)
(970) 566-5627 (Cell)

DBragg@LightfieldEnterprises.com



Council Agenda Summary

November 19, 2024

Key Staff Contact: Paul Trombino, Public Works Director

Title:

Resolution to approve an Intergovernmental Agreement with the United States Department of Transportation (USDOT) for the Safe Streets for All (SS4A) Planning and Demonstration Grant funding authorization

Summary:

This resolution authorizes the City to enter into an Intergovernmental Agreement (IGA) with the United States Department of Transportation (USDOT) to avail the funding awarded to the City by USDOT under the Safe Streets for All (SS4A) Planning and Demonstration grant program.

This grant will provide \$7,917,600 in federal assistance to design and install various safety-related elements in the City's transportation network to reduce crashes, save lives and improve system reliability by making the transportation system safe for all modes of travel. The grant also provides assistance to the Greeley Police Department to install speed radars in police vehicles and procure dynamic speed display/feedback signs.

Fiscal Impact:

1. Does this item create a fiscal impact on the City of Greeley? Yes
2. If yes, what is the onetime impact? City Match of \$2,029,400
3. What is the annual impact? None
4. What fund of the City will provide Funding? Fund 334
5. What is the source of revenue within the fund? Transportation Development Fees
6. Is there grant funding for this item? Yes \$7,917,600
7. If yes, does this grant require a match? Yes
8. Is this grant onetime or ongoing? One time
9. Additional Comments:

Legal Issues:

Consideration of this matter is a legislative process.

Other issues and Considerations:

None

Strategic Focus Area:

Infrastructure and Mobility
Quality of Life
Safe and Secure Communities

Decision Options:

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

Council's Recommended Action:

A motion to adopt the resolution.

Attachments:

1. Resolution No. 51, 2024

**CITY OF GREELEY, COLORADO
RESOLUTION NO. 51, 2024**

**A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN
INTERGOVERNMENTAL AGREEMENT WITH THE UNITED STATES
DEPARTMENT OF TRANSPORTATION FOR SAFE STREETS FOR ALL (SS4A)
PLANNING AND DEMONSTRATION GRANT**

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

WHEREAS, through a competitive SS4A grant process with the United States Department of Transportation (USDOT), the City has been awarded a SS4A Planning and Demonstration grant, in the total amount of Nine Million Nine Hundred and Forty-Seven Dollars (\$9,947,000.00); and

WHEREAS, the Federal Highway Administration (FHWA) will be responsible for the general administration and supervision of the performance of the Project, and is willing to provide Seven Million Nine Hundred Seventeen and Six Hundred Dollars (\$7,917,600.00); and

WHEREAS, the Project will require matching funding from the City in the amount of Two Million Twenty Nine Thousand And Four Hundred Dollars (\$2,029,400.00); and

WHEREAS, the City desires to comply with the applicable requirements for USDOT's general administration and supervision of the Project through this IGA, in order to obtain federal funds; and

WHEREAS, the City is adequately staffed and suitably equipped to undertake and satisfactorily complete some or all of the work on the Project; and

WHEREAS, it is in the best interest of the citizens of the City for Council to enter into this IGA, reduce crashes within the City's transportation network, thus maintaining a safe, competitive, appealing, and successful community; and

WHEREAS, this IGA with USDOT is authorized by C.R.S. §§43-2-103, and 43-2-144; and

WHEREAS, the City and USDOT have agreed to the terms and conditions of the IGA attached hereto and incorporated herein as Exhibit A.

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

Section 1. The City Council hereby authorizes the City to enter into this IGA.

Section 2. City staff is hereby authorized to make changes and modifications to the Agreement, so long as the substance of the IGA remains unchanged.

Section 3. This Resolution shall take effect immediately upon its passage.

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

ATTEST

THE CITY OF GREELEY, COLORADO

By: _____
City Clerk

By: _____
Mayor

1. Federal Award No.

693JJ32540035

4. Award To

City of Greeley
1001 10th Street
Greeley, CO 80631

Unique Entity Id.: VJG3QJJKZ1X6

TIN No.: 84-6000593

6. Period of Performance

Effective Date of Award – 09/30/2027

8. Type of Agreement

Grant

10. Procurement Request No.

HSA240698PR

12. Submit Payment Requests To

See Article 5.

14. Description of the Project

City of Greeley SS4A Supplemental Planning & Demonstration
Grant to inform development of an Action Plan. This will be a
Phased grant comprising of three phases.

2. Effective Date

See No. 16 Below

**3. Assistance
Listings No.**

20.939

5. Sponsoring Office

U.S. Department of Transportation
Federal Highway Administration
Office of Safety
1200 New Jersey Avenue, SE
HSSA-1, Mail Drop E71-117
Washington, DC 20590

7. Total Amount

Federal Share:	\$7,917,600
Recipient Share:	\$2,029,400
Other Federal Funds:	\$0
Other Funds:	\$0
Total:	\$9,947,000

9. Authority

Section 24112 of the Infrastructure Investment
and Jobs Act (Pub. L. 117–58, November 15,
2021; also referred to as the “Bipartisan
Infrastructure Law” or “BIL”)

11. Federal Funds Obligated

Base Phase (Pre/NEPA): \$ 547,200

13. Accounting and Appropriations Data

15X0174E50.0000.055SR30500.5592000000.4101
0.61006600.0000000000.0000000000.0000000000.
0000000000

RECIPIENT

15. Signature of Person Authorized to Sign

Signature

Date

Name: Raymond C. Lee, III

Title: City Manager

FEDERAL HIGHWAY ADMINISTRATION

16. Signature of Agreement Officer

Signature

Date

Name: Hector Santamaria

Title: Agreement Officer

RECIPIENT

17. Signature of Person Authorized to Sign

Signature _____ Date _____

Name: Stacey Aurzada

Title: City Attorney – City Attorney’s Office

RECIPIENT

18. Signature of Person Authorized to Sign

Signature _____ Date _____

Name: Tyra Litzau

Title: Director of Finance

U.S. DEPARTMENT OF TRANSPORTATION

GRANT AGREEMENT UNDER THE FISCAL YEAR 2024 SAFE STREETS AND ROADS FOR ALL GRANT PROGRAM

This agreement is between the United States Department of Transportation's (the "USDOT") Federal Highway Administration (the "FHWA") and the City of Greeley, Colorado (the "Recipient").

This agreement reflects the selection of the Recipient to receive a Safe Streets and Roads for All ("SS4A") Grant for the City of Greeley SS4A Supplemental Planning & Demonstration Grant.

The parties therefore agree to the following:

ARTICLE 1 GENERAL TERMS AND CONDITIONS

1.1 General Terms and Conditions.

- (a) In this agreement, "General Terms and Conditions" means the content of the document titled "General Terms and Conditions Under the Fiscal Year 2024 Safe Streets and Roads for All ("SS4A") Grant Program," which is available at <https://www.transportation.gov/grants/ss4a/grant-agreements> under "Fiscal Year 2024." Articles 7–30 are in the General Terms and Conditions. The General Terms and Conditions are part of this agreement.
- (b) The Recipient acknowledges that it has knowledge of the General Terms and Conditions. Recipient also states that it is required to comply with all applicable Federal laws and regulations including, but not limited to, the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR part 200); National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 et seq.); and Build America, Buy America Act (BIL, div. G §§ 70901-27).
- (c) The Recipient acknowledges that the General Terms and Conditions impose obligations on the Recipient and that the Recipient's non-compliance with the General Terms and Conditions may result in remedial action, termination of the SS4A Grant, disallowing costs incurred for the Project, requiring the Recipient to refund to the FHWA the SS4A Grant, and reporting the non-compliance in the Federal-government-wide integrity and performance system.

ARTICLE 2 APPLICATION, PROJECT, AND AWARD

2.1 Application.

Application Title: City of Greeley SS4A Supplemental Planning & Demonstration Grant

Application Date: 04/04/2024

2.2 Award Amount.

SS4A Grant Amount: \$7,917,600

2.3 Federal Obligation Information.

Federal Obligation Type: Multiple

Obligation Condition Table		
Phase the Project	Allocation of the SS4A Grant	Obligation Condition
Base Phase: Pre/NEPA	\$547,200	
Option Phase 1: Final Design	\$288,000	The Recipient shall not expend any funds (Federal or non-Federal) for, seek reimbursement of eligible costs, or otherwise begin any part of the final design and construction of an Implementation Project unless and until: (1) The requirements of the National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (“NEPA”), Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) (“NHPA”), and any other applicable environmental laws and regulations have been met; and (2) FHWA, or a State with applicable NEPA Assignment authority, has approved the NEPA document for the Project and provided the Recipient with a written notice that the environmental review process is complete; and (3) FHWA has obligated additional funds for this phase and notified the Recipient in writing that the Recipient may proceed to the next activity after NEPA approval, and the Recipient has acknowledged receipt in writing of FHWA’s notification. Recipient shall not proceed with any such activities until (2) and (3) as described in this section are met. Costs that are incurred before (2) and (3) as described in this section are met are not allowable costs under this agreement. Extent of activities that are permissible before NEPA is complete are those activities constituting “preliminary design” as specified in FHWA Order 6640.1A.

Obligation Condition Table		
Phase the Project	Allocation of the SS4A Grant	Obligation Condition
Option Phase 2: Construction and Closeout	\$7,082,400	The Recipient shall not expend any funds (Federal or non-Federal) for, seek reimbursement of eligible costs, or otherwise begin any part of the construction or final design and construction of an Implementation Project unless and until: (1) The requirements of the National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (“NEPA”), Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) (“NHPA”), and any other applicable environmental laws and regulations have been met; and (2) FHWA, or a State with applicable NEPA Assignment authority, has approved the NEPA document for the Project and provided the Recipient with a written notice that the environmental review process is complete; and (3) FHWA has obligated additional funds for this phase and notified the Recipient in writing that the Recipient may proceed to the next activity after NEPA approval, and the Recipient has acknowledged receipt in writing of FHWA’s notification. Recipient shall not proceed with any such activities until (2) and (3) as described in this section are met. Costs that are incurred before (2) and (3) as described in this section are met are not allowable costs under this agreement. Extent of activities that are permissible before NEPA is complete are those activities constituting “preliminary design” as specified in FHWA Order 6640.1A.

2.4 Budget Period.

Base Phase Budget Period: See Block 6 of Page 1

Option Phase 1 Budget Period: [reserved]

Option Phase 2 Budget Period: [reserved]

2.5 Grant Designation.

Designation: Planning and Demonstration

ARTICLE 3 SUMMARY PROJECT INFORMATION

3.1 Summary of Project's Statement of Work.

Planning and Demonstration Narrative:

The project will be completed in three phases.

Base Phase: Pre-NEPA: Work includes procuring a consultant, performing street safety audits and determining areas of quick build. This phase will complete preliminary design activities on identified locations, conduct public outreach and stakeholder engagement and submit documentation to FHWA for NEPA clearances. As part of the process, the consultant team will prepare a data management and collection plan, collect existing condition data as part of the pre and post demonstration reporting process.

Option Phase 1: Final Design, Right-of-Way, and Utility Relocation: Upon receiving NEPA clearances, this phase will continue the preliminary design process to prepare final design and bidding documents. The work will likely involve separate construction documents and procurements for the police in car mounted speed radars and dynamic speed display/feedback signs. All work is anticipated to be within City Right-of-Way. Utility relocation and coordination as needed will be done in this phase.

Option Phase 2: Construction and Closeout: This phase will include installing the demonstration elements, collecting post installation data in accordance with the data collection plan and submit a report to the FHWA with the results of the demonstration project and recommended changes to the action plan for future implementation projects.

3.2 Project's Estimated Schedule.

Demonstration Activity Schedule

Milestone	Schedule Date
Planned NEPA Completion Date:	06/30/2025
Planned Construction Substantial Completion and Open to Public Use Date:	12/31/2026
Planned SS4A Final Report Date:	08/31/2027

Supplemental Planning Schedule

Milestone	Schedule Date
Planned Final Plan Publicly Available Date:	06/30/2025
Planned SS4A Final Report Date:	08/31/2027

3.3 Project's Estimated Costs.

(a) Eligible Project Costs

Eligible Project Costs	
SS4A Grant Amount:	\$7,917,600
Other Federal Funds:	\$0
State Funds:	\$0
Local Funds:	\$2,029,400
In-Kind Match:	\$0
Other Funds:	\$0
Total Eligible Project Cost:	\$9,947,000

(b) Cost Classification Table – For Planning and Demonstration Grants with demonstration activities and Implementation Grants Only

Cost Classification	Total Costs	Non-SS4A Previously Incurred Costs	Eligible Costs
Architectural and engineering fees	\$800,000	\$0	\$800,000
Project inspection fees	\$400,000	\$0	\$400,000
Construction	\$7,942,000	\$0	\$7,942,000
Equipment	\$405,000	\$0	\$405,000
Contingency	\$400,000	\$0	\$400,000
Project Total	\$9,947,000	\$0	\$9,947,000

(c) Indirect Costs

Indirect costs are allowable under this Agreement in accordance with 2 CFR part 200 and the Recipient's approved Budget Application. In the event the Recipient's indirect cost rate changes, the Recipient will notify FHWA of the planned adjustment and provide supporting documentation for such adjustment. This Indirect Cost provision does not operate to waive the limitations on Federal funding provided in this document. The Recipient's indirect costs are allowable only insofar as they do not cause the Recipient to exceed the total obligated funding.

ARTICLE 4

CONTACT INFORMATION

4.1 Recipient Contact(s).

Paul Trombino III
 Director, Public Works Department
 City of Greeley
 2835 W. 10th St, Greeley, CO 80634
 970-652-3809
 Paul.Trombino@greeleygov.com

4.2 Recipient Key Personnel.

Name	Title or Position
Bhooshan Karnik	Chief Engineer, Public Works
Will Jones	Deputy Director, Public Works
Steven Younkin	Deputy Chief Engineer, Public Works
Scott Logan	City Traffic Engineer, Public Works
Wendy Bethel	Utility Finance Manager, Public Works

4.3 USDOT Project Contact(s).

Safe Streets and Roads for All Program Manager
Federal Highway Administration
Office of Safety
HSSA-1, Mail Stop: E71-117
1200 New Jersey Avenue, S.E.
Washington, DC 20590
202-366-2822
SS4A.FHWA@dot.gov

and

Agreement Officer (AO)
Federal Highway Administration
Office of Acquisition and Grants Management
HCFA-42, Mail Stop E62-310
1200 New Jersey Avenue, S.E.
Washington, DC 20590
202-493-2402
HCFASS4A@dot.gov

and

Division Administrator - Colorado
Agreement Officer's Representative (AOR)
12300 W. Dakota Avenue, Suite 180
Lakewood, CO 80228
colorado.fhwa@dot.gov

and

Ajin Hu
Colorado Division Office Lead Point of Contact
Grants Program Manager
12300 W. Dakota Avenue, Suite 180
Lakewood, CO 80228
ajin.hu@dot.gov

ARTICLE 5

USDOT ADMINISTRATIVE INFORMATION

5.1 Office for Subaward and Contract Authorization.

USDOT Office for Subaward and Contract Authorization: FHWA Office of Acquisition and Grants Management

SUBAWARDS AND CONTRACTS APPROVAL

Note: See 2 CFR § 200.331, Subrecipient and contractor determinations, for definitions of subrecipient (who is awarded a subaward) versus contractor (who is awarded a contract).

Note: Recipients with a procurement system deemed approved and accepted by the Government or by the Agreement Officer (the “AO”) are exempt from the requirements of this clause. See 2 CFR 200.317 through 200.327. Note: This clause is only applicable to grants that do not include construction.

In accordance with 2 CFR 200.308(c)(6), unless described in the application and funded in the approved award, the Recipient must obtain prior written approval from the AO for the subaward, transfer, or contracting out of any work under this award above the Simplified Acquisition Threshold. This provision does not apply to the acquisition of supplies, material, equipment, or general support services. Approval will be issued through written notification from the AO or a formal amendment to the Agreement.

The following subawards and contracts are currently approved under the Agreement by the AO. This list does not include supplies, material, equipment, or general support services which are exempt from the pre-approval requirements of this clause.

5.2 Reimbursement Requests

- (a) The Recipient may request reimbursement of costs incurred within the budget period of this agreement if those costs do not exceed the amount of funds obligated and are allowable under the applicable cost provisions of 2 C.F.R. Part 200, Subpart E. The Recipient shall not request reimbursement more frequently than monthly.
- (b) The Recipient shall use the DELPHI iSupplier System to submit requests for reimbursement to the payment office. When requesting reimbursement of costs incurred or credit for cost share incurred, the Recipient shall electronically submit supporting cost detail with the SF-270 (Request for Advance or Reimbursement) or SF-271 (Outlay Report and Request for Reimbursement for Construction Programs) to clearly document all costs incurred.
- (c) The Recipient’s supporting cost detail shall include a detailed breakout of all costs incurred, including direct labor, indirect costs, other direct costs, travel, etc., and the Recipient shall identify the Federal share and the Recipient’s share of costs. If the Recipient does not provide sufficient detail in a request for reimbursement, the Agreement Officer’s Representative (the “AOR”) may withhold processing that request until the Recipient provides sufficient detail.
- (d) The USDOT shall not reimburse costs unless the AOR reviews and approves the costs to ensure that progress on this agreement is sufficient to substantiate payment.
- (e) In the rare instance the Recipient is unable to receive electronic funds transfers (EFT), payment by EFT would impose a hardship on the Recipient because of their inability to manage an account at a

financial institution, and/or the Recipient is unable to use the DELPHI iSupplier System to submit their requests for disbursement, the FHWA may waive the requirement that the Recipient use the DELPHI iSupplier System. The Recipient shall contact the Division Office Lead Point of Contact for instructions on and requirements related to pursuing a waiver.

- (f) The requirements set forth in these terms and conditions supersede previous financial invoicing requirements for Recipients.

ARTICLE 6 SPECIAL GRANT TERMS

- 6.1** SS4A funds must be expended within five years after the grant agreement is executed and DOT obligates the funds, which is the budget period end date in section 10.3 of the Terms and Conditions and section 2.4 in this agreement.
- 6.2** The Recipient demonstrates compliance with civil rights obligations and nondiscrimination laws, including Titles VI of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), and Section 504 of the Rehabilitation Act, and accompanying regulations. Recipients of Federal transportation funding will also be required to comply fully with regulations and guidance for the ADA, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and all other civil rights requirements.
- 6.3** SS4A Funds will be allocated to the Recipient and made available to the Recipient in accordance with FHWA procedures.
- 6.4** The Recipient of a Planning and Demonstration Grant acknowledges that the Supplemental Action Plan will be made publicly available and agrees that it will publish the final [Action Plan] [Supplemental Action Plan] on a publicly available website.
- 6.5** The Recipient of a Planning and Demonstration Grant that involves a demonstration activity agrees to provide an assessment of each demonstration activity and update the existing Action Plan, which will incorporate the information gathered in the Action Plan's list of projects or strategies and/or inform another part of the existing Action Plan. The Recipient also agrees that demonstration activities are temporary in nature and must be removed and/or ended following the conclusion of the project if the assessment of the demonstration activities does not affirm that the activities provide safety benefits.
- 6.6** The Recipient acknowledges that it is required to conduct certain environmental analyses and to prepare and submit to FHWA, or State with applicable NEPA Assignment authority, documents required under NEPA, and other applicable environmental statutes and regulations before the Government will obligate funds for Option Phase 1 under this agreement and provide the Recipient with a written notice to proceed with Option Phase 1.
- 6.7** The Government's execution of this agreement does not in any way constitute pre-approval or waiver of any of the regulations imposed upon Recipient under the applicable Federal rules, regulations and laws regarding SS4A projects undertaken in accordance with the terms and conditions of this agreement. The Recipient shall comply with all applicable Federal requirements before incurring any costs under this agreement.
- 6.8** There are no other special grant requirements.

ATTACHMENT A
PERFORMANCE MEASUREMENT INFORMATION

Study Area: City of Greeley

Baseline Measurement Date: 08/29/2025

Baseline Report Date: 10/29/2025

Table 1: Performance Measure Table

Measure	Category and Description	Measurement Frequency and Reporting Deadline
Safety Performance	Fatalities: Total annual fatalities in the project location(s)	Annually and within 120 days after the end of the period of performance
Safety Performance	Serious Injuries: Total annual serious injuries in the project location(s) [if available]	Annually and within 120 days after the end of the period of performance
Safety Performance	Crashes by Road User Category: Total annual crashes in the project location(s) broken out by types of roadway users involved (e.g., pedestrians, bicyclists, motorcyclist, passenger vehicle occupant, commercial vehicle occupant)	Annually and within 120 days after the end of the period of performance
Equity	Percent of Funds to Underserved Communities: Funding amount (of total project amount) benefitting underserved communities, as defined by USDOT	Within 120 days after the end of the period of performance
Costs	Project Costs: Quantification of the cost of each eligible project carried out using the grant	Within 120 days after the end of the period of performance

Measure	Category and Description	Measurement Frequency and Reporting Deadline
Outcomes and Benefits	Quantitative Project Benefits: Quantification of evidence-based projects or strategies implemented (e.g., miles of sidewalks installed, number of pedestrian crossings upgraded, etc.)	Within 120 days after the end of the period of performance
Outcomes and Benefits	Qualitative Project Benefits: Qualitative description of evidence-based projects or strategies implemented (e.g., narrative descriptions, testimonials, high-quality before and after photos, etc.)	Within 120 days after the end of the period of performance
Outcomes and Benefits	Project Location(s): GIS/geo coordinate information identifying specific project location(s)	Within 120 days after the end of the period of performance
Lessons Learned and Recommendations	Lessons Learned and Recommendations: Description of lessons learned and any recommendations relating to future projects or strategies to prevent death and serious injury on roads and streets.	Within 120 days after the end of the period of performance

ATTACHMENT B CHANGES FROM APPLICATION

Describe all material differences between the scope, schedule, and budget described in the application and the scope, schedule, and budget described in Article 3. The purpose of Attachment B is to clearly and accurately document any differences in scope, schedule, and budget to establish the parties' knowledge and acceptance of those differences. See Article 11 for the Statement of Work, Schedule, and Budget Changes. If there are no changes, please insert "N/A" after "Scope," "Schedule," or "Budget." If there are changes to the budget, please complete the table below. Otherwise, leave the table below blank.

Scope: None

Schedule: None

Budget: None

The table below provides a summary comparison of the project budget.

Fund Source	Application		Section 3.3	
	\$	%	\$	%
Previously Incurred Costs (Non-Eligible Project Costs)				
Federal Funds				
Non-Federal Funds				
Total Previously Incurred Costs				
Future Eligible Project Costs				
SS4AFunds				
Other Federal Funds				
Non-Federal Funds				
Total Future Eligible Project Costs				
Total Project Costs				

ATTACHMENT C RACIAL EQUITY AND BARRIERS TO OPPORTUNITY

1. Efforts to Improve Racial Equity and Reduce Barriers to Opportunity.

The Recipient states that rows marked with “X” in the following table align with the application:

	A racial equity impact analysis has been completed for the Project. <i>(Identify a report on that analysis or, if no report was produced, describe the analysis and its results in the supporting narrative below.)</i>
X	The Recipient or a project partner has adopted an equity and inclusion program/plan or has otherwise instituted equity-focused policies related to project procurement, material sourcing, construction, inspection, hiring, or other activities designed to ensure racial equity in the overall delivery and implementation of the Project. <i>(Identify the relevant programs, plans, or policies in the supporting narrative below.)</i>
	The Project includes physical-barrier-mitigating land bridges, caps, lids, linear parks, and multimodal mobility investments that either redress past barriers to opportunity or that proactively create new connections and opportunities for underserved communities that are underserved by transportation. <i>(Identify the relevant investments in the supporting narrative below.)</i>
	The Project includes new or improved walking, biking, and rolling access for individuals with disabilities, especially access that reverses the disproportional impacts of crashes on people of color and mitigates neighborhood bifurcation. <i>(Identify the new or improved access in the supporting narrative below.)</i>
	The Project includes new or improved freight access to underserved communities to increase access to goods and job opportunities for those underserved communities. <i>(Identify the new or improved access in the supporting narrative below.)</i>
	The Recipient has taken other actions related to the Project to improve racial equity and reduce barriers to opportunity, as described in the supporting narrative below.
	The Recipient has not yet taken actions related to the Project to improve racial equity and reduce barriers to opportunity but intends to take relevant actions described in the supporting narrative below.
	The Recipient has not taken actions related to the Project to improve racial equity and reduce barriers to opportunity and will not take those actions under this award.

2. Supporting Narrative.

Supporting text: The City of Greeley uses the following language in procurement.

1. CIVIL RIGHTS REQUIREMENTS

(29 U.S.C. § 623, 42 U.S.C. § 2000 42 U.S.C. § 6102, 42 U.S.C. § 12112 42 U.S.C. § 12132, 49 U.S.C. § 5332 29 CFR Part 1630, 41 CFR Parts 60 et seq.)

Applicability to Contracts

The Civil Rights Requirements apply to all contracts.

Flow Down

The Civil Rights requirements flow down to all third-party contractors and their contracts at every tier.

The following clause was predicated on language contained at 49 CFR Part 19, Appendix A, but FTA has shortened the lengthy text.

Civil Rights - The following requirements apply to the underlying contract:

1. Nondiscrimination - In accordance with Title VI of the Civil Rights Act, as amended, 42 U.S.C. § 2000d, section 303 of the Age Discrimination Act of 1975, as amended, 42 U.S.C. § 6102, section 202 of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12132, and Federal transit law at 49 U.S.C. § 5332, the Contractor agrees that it will not discriminate against any employee or applicant for employment because of race, color, creed, national origin, sex, age, or disability. In addition, the Contractor agrees to comply with applicable Federal implementing regulations and other implementing requirements FTA may issue.
2. Equal Employment Opportunity - The following equal employment opportunity requirements apply to the underlying contract:
 - a) Race, Color, Creed, National Origin, Sex - In accordance with Title VII of the Civil Rights Act, as amended, 42 U.S.C. § 2000e, and Federal transit laws at 49 U.S.C. § 5332, the Contractor agrees to comply with all applicable equal employment opportunity requirements of U.S. Department of Labor (U.S. DOL) regulations, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor," 41 C.F.R. Parts 60 et seq., (which implement Executive Order No. 11246, "Equal Employment Opportunity" as amended by Executive Order No. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," 42 U.S.C. § 2000e note), and with any applicable Federal statutes, executive orders, regulations, and Federal policies that may in the future affect construction activities undertaken in the course of the Project. The Contractor agrees to take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, creed, national origin, sex, or age. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. In addition, the Contractor agrees to comply with any implementing requirements FTA may issue.
 - b) Age - In accordance with section 4 of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § § 623 and Federal transit law at 49 U.S.C. § 5332, the Contractor agrees to refrain from discrimination against present and prospective employees for reason of age. In addition, the Contractor agrees to comply with any implementing requirements FTA may issue.

ATTACHMENT D CLIMATE CHANGE AND ENVIRONMENTAL JUSTICE IMPACTS

1. Consideration of Climate Change and Environmental Justice Impacts.

The Recipient states that rows marked with “X” in the following table align with the application:

	The Project directly supports a Local/Regional/State Climate Action Plan that results in lower greenhouse gas emissions. <i>(Identify the plan in the supporting narrative below.)</i>
	The Project directly supports a Local/Regional/State Equitable Development Plan that results in lower greenhouse gas emissions. <i>(Identify the plan in the supporting narrative below.)</i>
	The Project directly supports a Local/Regional/State Energy Baseline Study that results in lower greenhouse gas emissions. <i>(Identify the plan in the supporting narrative below.)</i>
X	The Recipient or a project partner used environmental justice tools, such as the EJScreen, to minimize adverse impacts of the Project on environmental justice communities. <i>(Identify the tool(s) in the supporting narrative below.)</i>
	The Project supports a modal shift in freight or passenger movement to reduce emissions or reduce induced travel demand. <i>(Describe that shift in the supporting narrative below.)</i>
	The Project utilizes demand management strategies to reduce congestion, induced travel demand, and greenhouse gas emissions. <i>(Describe those strategies in the supporting narrative below.)</i>
	The Project incorporates electrification infrastructure, zero-emission vehicle infrastructure, or both. <i>(Describe the incorporated infrastructure in the supporting narrative below.)</i>
	The Project supports the installation of electric vehicle charging stations. <i>(Describe that support in the supporting narrative below.)</i>
	The Project promotes energy efficiency. <i>(Describe how in the supporting narrative below.)</i>
	The Project serves the renewable energy supply chain. <i>(Describe how in the supporting narrative below.)</i>
	The Project improves disaster preparedness and resiliency <i>(Describe how in the supporting narrative below.)</i>
	The Project avoids adverse environmental impacts to air or water quality, wetlands, and endangered species, such as through reduction in Clean Air Act criteria pollutants and greenhouse gases, improved stormwater management, or improved habitat connectivity. <i>(Describe how in the supporting narrative below.)</i>
	The Project repairs existing dilapidated or idle infrastructure that is currently causing environmental harm. <i>(Describe that infrastructure in the supporting narrative below.)</i>
	The Project supports or incorporates the construction of energy- and location-efficient buildings. <i>(Describe how in the supporting narrative below.)</i>
	The Project includes recycling of materials, use of materials known to reduce or reverse carbon emissions, or both. <i>(Describe the materials in the supporting narrative below.)</i>

	The Recipient has taken other actions to consider climate change and environmental justice impacts of the Project, as described in the supporting narrative below.
	The Recipient has not yet taken actions to consider climate change and environmental justice impacts of the Project but will take relevant actions described in the supporting narrative below.
	The Recipient has not taken actions to consider climate change and environmental justice impacts of the Project and will not take those actions under this award.

2. **Supporting Narrative.**

The Project goals is to improve the safety of the transportation network. The project utilized the tools such as EJ Screen and the North Front Range MPO GIS equity tool and the City of Greeley Crash data tool to determine locations for the demonstration project.

ATTACHMENT E LABOR AND WORKFORCE

1. Efforts to Support Good-Paying Jobs and Strong Labor Standards

The Recipient states that rows marked with “X” in the following table align with the application:

	The Recipient demonstrate, to the full extent possible consistent with the law, an effort to create good-paying jobs with the free and fair choice to join a union and incorporation of high labor standards. <i>(Identify the relevant agreements and describe the scope of activities they cover in the supporting narrative below.)</i>
X	The Recipient or a project partner has adopted the use of local and economic hiring preferences in the overall delivery and implementation of the Project. <i>(Describe the relevant provisions in the supporting narrative below.)</i>
	The Recipient or a project partner has adopted the use of registered apprenticeships in the overall delivery and implementation of the Project. <i>(Describe the use of registered apprenticeship in the supporting narrative below.)</i>
	The Recipient or a project partner will provide training and placement programs for underrepresented workers in the overall delivery and implementation of the Project. <i>(Describe the training programs in the supporting narrative below.)</i>
	The Recipient or a project partner will support free and fair choice to join a union in the overall delivery and implementation of the Project by investing in workforce development services offered by labor-management training partnerships or setting expectations for contractors to develop labor-management training programs. <i>(Describe the workforce development services offered by labor-management training partnerships in the supporting narrative below.)</i>
	The Recipient or a project partner will provide supportive services and cash assistance to address systemic barriers to employment to be able to participate and thrive in training and employment, including childcare, emergency cash assistance for items such as tools, work clothing, application fees and other costs of apprenticeship or required pre-employment training, transportation and travel to training and work sites, and services aimed at helping to retain underrepresented groups like mentoring, support groups, and peer networking. <i>(Describe the supportive services and/or cash assistance provided to trainees and employees in the supporting narrative below.)</i>
	The Recipient or a project partner has documented agreements or ordinances in place to hire from certain workforce programs that serve underrepresented groups. <i>(Identify the relevant agreements and describe the scope of activities they cover in the supporting narrative below.)</i>

x	The Recipient or a project partner participates in a State/Regional/Local comprehensive plan to promote equal opportunity, including removing barriers to hire and preventing harassment on work sites, and that plan demonstrates action to create an inclusive environment with a commitment to equal opportunity, including: a. affirmative efforts to remove barriers to equal employment opportunity above and beyond complying with Federal law; b. proactive partnerships with the U.S. Department of Labor's Office of Federal Contract Compliance Programs to promote compliance with EO 11246 Equal Employment Opportunity requirements and meet the requirements as outlined in the Notice of Funding Opportunity to make good faith efforts to meet the goals of 6.9 percent of construction project hours being performed by women and goals that vary based on geography for construction work hours and for work being performed by people of color; c. no discriminatory use of criminal background screens and affirmative steps to recruit and include those with former justice involvement, in accordance with the Fair Chance Act and equal opportunity requirements; d. efforts to prevent harassment based on race, color, religion, sex, sexual orientation, gender identity, and national origin; e. training on anti-harassment and third-party reporting procedures covering employees and contractors; and f. maintaining robust anti-retaliation measures covering employees and contractors. <i>(Describe the equal opportunity plan in the supporting narrative below.)</i>
	The Recipient has taken other actions related to the Project to create good-paying jobs with the free and fair choice to join a union and incorporate strong labor standards. <i>(Describe those actions in the supporting narrative below.)</i>
	The Recipient has not yet taken actions related to the Project to create good-paying jobs with the free and fair choice to join a union and incorporate strong labor standards but, before beginning construction of the project, will take relevant actions described in the supporting narrative below.
	The Recipient has not taken actions related to the Project to improving good-paying jobs and strong labor standards and will not take those actions under this award.

2. Supporting Narrative.

Please refer to Attachment C for City of Greeley Policies.

ATTACHMENT F
CRITICAL SECURITY INFRASTRUCTURE AND RESILIENCE

1. Efforts to strengthen the Security and Resilience of Critical Infrastructure against both Physical and Cyber Threats.

The Recipient states that rows marked with “X” in the following table are accurate:

X	The Recipient demonstrates, prior to the signing of this agreement, effort to consider and address physical and cyber security risks relevant to the transportation mode and type and scale of the activities.
	The Recipient appropriately considered and addressed physical and cyber security and resilience in the planning, design and oversight of the project, as determined by the Department and the Department of Homeland Security.
	For projects in floodplains: The Recipient appropriately considered whether the project was upgraded consistent with the Federal Flood Risk Management Standard, to the extent consistent with current law, in Executive Order 14030, Climate-Related Financial Risk (86 FR 27967), and Executive Order 13690, Establishing a Federal Flood Risk Management Standard and a Process for Further Solicit and Considering Stakeholder Input (80 FR 6425).

2. Supporting Narrative.

The City of Greeley continues to make strides in efforts to strengthen security and resiliency of Information Security and Critical Infrastructure. This progress includes the enrollment and implementation of Microsoft Security and Compliance across the enterprise tenant. The new features allow the adoption of Multi-Factor Authentication to all employees, a unified experience of endpoint protection and management with Defender for Endpoints and Cloud, insight of vulnerability management, enhanced email protection against zero-day threats, phishing attacks, and spoofed priority accounts. In addition new Data Loss Prevention policies will be adopted that include features for information protection, data lifecycle management, and insider threats.

The above tools will be used for the SS4A Planning and Demonstration Grant to better enforce least privilege to ensure data integrity by allowing access to only what is needed based on assigned duties. Control to traffic devices and information will be strictly enforced using Role Based Access and need-to-know. Data Loss Prevention enforcement will ensure trusted information will be encrypted with rights access to only assigned individuals to ensure confidentiality is maintained from creation to archive. Further security measures include segmented channels between the traffic and enterprise network with robust next-generation firewalls between the network, transport, and application layers.

**ATTACHMENT G
CIVIL RIGHTS AND TITLE VI**

1. Recipient Type Designation.

Recipient Type Designation: Existing

Existing Award Program: 20.939 FY2022 SAFE STREETS AND ROADS FOR ALL GRANT

2. Title VI Assessment Information.

This section is not applicable because the Recipient Type Designation is “Existing.”



Council Agenda Summary

November 19, 2024

Key Staff Contact: Heidi Leatherwood, City Clerk, Jennifer Middleton, Deputy City Clerk

Title:

Introduction and first reading of an ordinance reauthorizing the Greeley Art Commission, Union Colony Civic Center Advisory Board, the Greeley-Weld Housing Authority and the Construction Trades and Appeals Advisory Board for a period of three years

Summary:

Each year, boards/commissions are scheduled to be reviewed by the Council to determine if their primary purpose has been fulfilled and if they should be reauthorized to continue serving in this selected capacity. This option to review boards and commissions was made by charter amendment from the registered electors of the City of Greeley back in 2001. Since then, a schedule was created to review the various boards.

During the last few years, there has not been a process for reviewing selected boards and commissions. In response, the City Clerk's department created a questionnaire to be completed and a preliminary process for each board to report back on their impact on the community, meeting of their goals, and if they participated/sponsored any engagement events.

At the November 12 Work Session, Council reviewed the following boards and came to a consensus to reauthorize all the following boards.

- Greeley Art Commission,
- Union Colony Civic Center Advisory Board,
- Greeley-Weld Housing Authority, and
- Construction Trades and Appeals Advisory Board.

The City Charter §2-8 states that, "Any Board or Commission not specifically created by this Charter shall be subject to periodic review by the Council every three (3) years after the date of its creation. After review, the Council may reauthorize the Board or Commission's authority or allow the Board or Commission to lapse by a majority vote of the entire Council. In accordance with this provision and past practice, this item proposes the reauthorization of the following boards to continue for a period of three years."

In 2025, the following boards will be reviewed:

- Citizen Budget Advisory Committee
- Citizen Transportation Advisory Board
- Commission on Disabilities

- Downtown Development Authority
- Golf Course Advisory Board
- Historic Preservation Commission
- Rodarte Community Center Advisory Board
- Stormwater Board
- Youth Commission

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:

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. 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 December 3, 2024.

Attachments:

1. Ordinance No. 42, 2024

**CITY OF GREELEY, COLORADO
ORDINANCE NO. 42, 2024**

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

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

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

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

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

Section 1. The following groups are hereby re-authorized for a period of three years from January 1, 2025, to expire December 31, 2027:

1. Greeley Art Commission
2. Union Colony Civic Center Advisory Board
3. Greeley Weld Housing Authority
4. Construction Trades Advisory and Appeals Board

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

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

ATTEST

THE CITY OF GREELEY, COLORADO

By: _____
City Clerk

By: _____
Mayor



Council Agenda Summary

November 19, 2024

Key Staff Contact: Adam Turk, Police Chief

Title:

Introduction and first reading of an ordinance amending Title 8, Chapter 7 of the Greeley Municipal Code relating to Private Security Services

Summary:

The Greeley Police Department manages the processing of applications for private security licenses for both companies and individuals seeking to work as security guards within city limits. Currently, section 8-232 outlines the conditions that bar issuance of a license. The wording is vague and does not outline specific offenses that would disqualify an applicant from being granted a license. The amended ordinance will clarify what specific previous criminal convictions will bar issuance of a license. The current ordinance also prohibits issuance of a security guard license when someone has had their driver's license revoked three years prior to application. The amended ordinance reduces that to one year prior to application. Many of the security positions are non-driving and this would increase the applicant pool.

Fiscal Impact:

1. Does this item create a fiscal impact on the City of Greeley? N/A

Legal Issues:

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

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

Other issues and Considerations:

N/A

Strategic Focus Area:

High-Performance Government
Safe and Secure Communities

Decision Options:

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

Council's Recommended Action:

A motion to introduce the ordinance and schedule the public hearing and second reading for December 3, 2024.

Attachments:

1. Ordinance No. 43, 2024

**CITY OF GREELEY, COLORADO
ORDINANCE NO. 43, 2024**

**AN ORDINANCE AMENDING CHAPTER 7 OF
TITLE 8 OF THE GREELEY MUNICIPAL CODE
RELATING TO PRIVATE SECURITY SERVICES**

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

WHEREAS, City may authorize and license any person, firm or corporation to engage in the business of private security by municipal ordinance; and

WHEREAS, applicants for the license as security guard or an armed security guard shall file an application with the chief of police; and

WHEREAS, the chief of police shall issue licenses to applicants who are eligible to be licensed under the terms and conditions of the Greeley Municipal Code; and

WHEREAS, the recommended amendments to the Greeley Municipal Code would ensure compliance with the code and protect the health, safety and welfare of the city and its inhabitants, and provide more opportunities for private security guards.

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

Section 1. That Sections 8-227 and 8-232 contained in Chapter 7, Private Security Services, of Title 8, Business Taxes, Licenses and Regulations, of the Greeley Municipal Code shall be amended as shown on Appendix A, attached hereto and incorporated herein.

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

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

ATTEST:

THE CITY OF GREELEY, COLORADO

By: _____
City Clerk

By: _____
Mayor

APPENDIX A
CITY OF GREELEY, COLORADO
ORDINANCE NO. 43, 2024

**AN ORDINANCE AMENDING CHAPTER 7 OF TITLE 8
OF THE GREELEY MUNICIPAL CODE**

Section 1. That Sections 8-227 and 8-232 contained in Chapter 7, Private Security Services, of Title 8, Business Taxes, Licenses and Regulations, of the Greeley Municipal Code shall be amended as follows:

Sec. 8-227. 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: *Breach of the peace* means a violation of public tranquility and order. Crimes which are considered crimes of breach of the peace shall be determined by the chief of police and set forth in a rule, regulation or order which shall be available to the public.

Moral turpitude means conduct that is considered contrary to community standards of justice, honesty and good morals. Crimes which are considered moral turpitude shall be determined by the chief of police and set forth in a rule, regulation or order; which shall be available to the public.

Person means a natural person, a corporation, partnership or limited liability company who maintains a partner, manager, officer, director or holder of ten percent or more of the corporate stock interest.

Private security services means a person, firm or corporation, including its employees and agents, engaged in the business of providing protection to third persons, firms or corporations, and/or their property and preserving the peace and conduct of any business in the city, but does not mean persons who are employed to provide unarmed internal security for their employer's business.

(1) The definition of the term "private security services" includes, by way of example only and without limitation, all armed private security personnel; guard and patrol services and personnel for hire, investigative services and personnel for hire, vehicle escort services, and alarm services and personnel for hire.

(2) The definition of the term "private security services" does not include, by way of example only and without limitation, unarmed ATM service personnel, or any armored car or armored courier service which is regulated by the Federal Armored Car Industry Reciprocity Act of 1993, as amended.

Sec. 8-232. Conditions barring issuance.

No license for private security services, security guards, or armed guards shall be issued to the following:

(1) Any person under 18 years of age; ~~or to any corporation, partnership, or limited liability company who maintains a partner, manager, officer, director or holder of ten percent or more of the corporate stock interest, or any manager who is under 18 years of age;~~

(2) Any person who has been convicted of a felony or misdemeanor for any crime of violence, cruelty to animals, acts of domestic violence, contributing to the delinquency of a minor, offenses against public peace and order or crimes of moral turpitude (including but not limited to homicide and related offenses, felony assaults, kidnapping, sex assault, unlawful sexual behavior, internet

sexual exploitation of a child, invasion of privacy for sexual gratification, failure to register as a sex offender, possession of child pornography, human trafficking, crimes involving at-risk individuals, prostitution, and/or stalking) against persons, or violation of the laws or ordinances of any jurisdiction pertaining to moral turpitude or breach of the peace in the ten years immediately preceding the date of application; or to any corporation, partnership, or limited liability company who maintains a partner, manager, officer director or holder of ten percent or more of the corporate stock interest, or any manager who has been convicted of a felony, misdemeanor or violation of the laws or ordinances of any jurisdiction pertaining to moral turpitude or breach of the peace in the ten years immediately preceding the date of application;

(3) Any person against whom judgment or conviction for fraud, deceit or misrepresentation has been entered within ten years immediately preceding the application who has been convicted of a felony or misdemeanor or judgment entered for any crime involving property or fraud (including but not limited to arson, burglary, robbery, theft, trespass, criminal mischief, forgery, fraud, bribery, obstruction, unauthorized use of a financial transaction device, criminal possession or sale of a blank financial transaction device, criminal possession of forgery devices, unlawful manufacture of a financial transaction device or identity theft, gambling, and or weapons) or non-domestic violence misdemeanor assault, harassment, and disorderly conduct entered within ten years immediately preceding the date of the application; or to any corporation, partnership, or limited liability company who maintains a partner, manager, director or holder of ten percent or more of the corporate stock interest, or any manager against whom judgement or conviction for fraud, deceit, or misrepresentation has been entered within ten years immediately preceding the application;

(4) Any person who has been convicted of a felony relating to controlled substances or illegal drugs in the ten years immediately preceding the date of the application; or to any corporation, partnership, or limited liability company who maintains a partner, manager, director or holder of ten percent or more of the corporate stock interest, or any manager against whom judgement or conviction for fraud, deceit, or misrepresentation has been entered within ten years immediately preceding the application;

(5) Any person who currently has a suspended or revoked license or had a had driver's license suspended or revoked in the year prior three years to the date of the application;

(6) Any person who has a conviction for any violent act against persons; or to any corporation, partnership or limited liability company who maintains a partner, manager, officer, director or holder of ten percent or more of the corporate stock interest, or any manager who had a conviction for any violent acts against persons;

(6) Any person who fails to comply with all license requirements.



Council Agenda Summary

November 19, 2024

Key Staff Contact: Brian McBroom, Community Development Director, Douglas May, Planner III

Title:

Introduction and first reading of an ordinance to consider a request by LAI Design Group petitioning to annex a total of 300.672 acres of land to the City of Greeley. The properties are bounded by Weld County Road 56 to the north, State Highway 257 to the east, and County Road 54 to the south, (Case number ANX2023-0001, L&T Annexation)

Summary:

The property owner has petitioned the City to annex a total of 300.627 acres of unincorporated property, including a portion of the right of way of Weld County Road 54. The annexation consists of two parcels, each measuring about 150 acres. The annexation area contains eleven plugged and abandoned oil and gas wells. The parcels are located within the Long-Range Expected Growth Area and are designated as Suburban Residential, Rural, and Community Separator.

The applicant requests the annexation be zoned a mix of R-E (Residential Estate), R-L (Residential Low Density), and R-M (Residential Medium Density) in accordance with Section 24-214 of the Development Code. Following approval of the annexations, the establishment of zoning will be considered as a separate hearing item and must, per state statutes, take place within 90 days of the annexation.

Colorado Revised Statutes §31-12-104 and §31-12-105 establish the legal requirements for annexation, and include: (1) not less than one-sixth (1/6) of the perimeter of the area proposed to be annexed is contiguous with the City of Greeley; (2) a community of interest exists between the territory proposed to be annexed and the City of Greeley; (3) the territory sought to be annexed is urban or will be urbanized in the near future and; (4) the territory sought to be annexed is integrated or is capable of being integrated with the City of Greeley. The City Attorney's Office has determined the proposal meets the statutory requirements to be considered for annexation (see Attachment F), and City Council adopted a resolution on October 1, 2024, making a finding to this effect scheduling the introduction of the ordinance concerning the annexation for November 19, 2024, and the final reading on December 3, 2024. On October 08, 2024, Planning Commission recommended approval.

Fiscal Impact:

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

Legal Issues:

Consideration of this matter is a quasi-judicial process

Other issues and Considerations:

None

Strategic Focus Area:

Community Vitality

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 December 03, 2024

Attachments:

1. Ordinance No. 44, 2024 with Appendix A
2. PC Summary Staff Report
3. Vicinity Zoning Map
4. Petition for Annexation
5. Annexation Compliance Memo
6. Plat
7. Resolution No. 32, 2024 with Exhibit A
8. Draft Planning Commission Minutes October 08, 2024
9. Neighbor Comment
10. Milliken Comments

CITY OF GREELEY, COLORADO
ORDINANCE NO. 44, 2024
CASE NO. ANX2023-0001

AN ORDINANCE ANNEXING TO THE CITY OF GREELEY, COLORADO, CERTAIN UNINCORPORATED TERRITORY LOCATED IN WELD COUNTY, COLORADO, KNOW AS THE “L&T LLC ANNEXATION,” LOCATED GENERALLY WEST OF STATE HIGHWAY 257 AND NORTH OF WELD COUNTY ROAD 54, INTO THE CITY OF GREELEY. THE SUBJECT SITE IS COMPRISED OF 298.988 ACRES

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

Section 1. The City Council of Greeley, Colorado, hereby finds that the property, which is legally described in section 2 below, for which one hundred percent (100%) of the landowners have petitioned for annexation to the City of Greeley, is in all respects eligible for annexation and that said annexation proceedings have been conducted in compliance with the laws of the State of Colorado.

Section 2. The territories described below in this section are hereby approved for annexations and are hereby annexed to the City of Greeley. These territories referred to are described by as the legal description provided in Appendix A.

Section 3. Pursuant to §C.R.S. 31 -12 -113 of the Colorado Revised Statutes, one (1) copy of the map of the above –described territory and the original of the annexation ordinance shall be filed with the City Clerk of the City of Greeley, Colorado. Two (2) certified copies of this annexation ordinance and map of the area annexed shall be filed for recording with the Clerk and Recorder of Weld County, Colorado, within thirty (30) days after the effective date of this ordinance. The Clerk and Recorder of Weld County, Colorado, is required to file one (1) certified copy of the annexation ordinance and map with the Division of Local Government of the Colorado Department of Local Affairs, as required by section §13- 12- 113(2)(a) of the Colorado Revised Statutes.

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 ____ DAY OF _____, 2024.

ATTEST

THE CITY OF GREELEY, COLORADO

By: _____
City Clerk

By: _____
Mayor

APPENDIX A
ORDINANCE NO. 44, 2024
CASE NO. ANX2023-0001

AN ORDINANCE ANNEXING TO THE CITY OF GREELEY, COLORADO, CERTAIN UNINCORPORATED TERRITORY LOCATED IN WELD COUNTY, COLORADO, KNOW AS THE “L&T LLC ANNEXATION,” LOCATED GENERALLY WEST OF STATE HIGHWAY 257 AND NORTH OF WELD COUNTY ROAD 54, INTO THE CITY OF GREELEY. THE SUBJECT SITE IS COMPRISED OF 298.988 ACRES.

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF WELD, STATE OF COLORADO, AND IS DESCRIBED AS FOLLOWS:

THE EAST HALF (E1/2) OF SECTION TWENTY-TWO (22), IN TOWNSHIP FIVE (5) NORTH, RANGE SIXTY-SEVEN (67) WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY IN DEED RECORDED APRIL 6, 1965, IN BOOK 538, AT RECEPTION NO. 1460397.

AND EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE DEPARTMENT OF HIGHWAYS, STATE OF COLORADO IN DEED RECORDED APRIL 19, 1961 IN BOOK 1582 AT PAGE 550.

FURTHER EXCEPTING THEREFROM THAT PORTION CONVEYED TO COUNTY OF WELD, COLORADO IN DEED RECORDED OCTOBER 2, 1936 IN BOOK 999 AT PAGE 409.

PLANNING COMMISSION SUMMARY

ITEM: L&T Annexation

PROJECT: L&T Annexation

CASE NO: ANX2023-0001

LOCATION: Bounded by Weld County Road 56 to the north, State Highway 257 to the east, and County Road 54 to the south

APPLICANT: LAI Design Group

CASE PLANNER: Doug May AICP, Interim Chief Planner

PLANNING COMMISSION HEARING DATE: October 8, 2024

PLANNING COMMISSION FUNCTION: To review the proposed annexations for compliance with Section 24-214 of the Greeley Development Code and make a recommendation to the City Council.

EXECUTIVE SUMMARY

LAI Design Group petitions to annex a total of 300.672 acres of land to the City of Greeley. The properties bounded by Weld County Road 56 to the north, State Highway 257 to the east, and County Road 54 to the south.

A. REQUEST

LAI Design Group is requesting approval to annex two parcels owned by L&T LLC, known as the L&T Annexation. The annexation includes two parcels, both of which are approximately 150 acres in size. The annexation also includes the right-of-way for Weld County Road 54, along the southern boundary of the annexation. The total combined area of the annexation is 300.672 acres.

B. STAFF RECOMMENDATION

Approval

C. LOCATION

Bounded by Weld County Road 56 to the north, State Highway 257 to the east, and County Road 54 to the south.

Current Zoning:	AG (Agricultural – County)
Proposed Zoning:	R-E (Residential Estate) – 78.4 acres R-L (Residential Low Density) – 106.6 acres R-M (Residential Medium Density) – 115.7 acres
Abutting Zoning:	North: PUD (Planned Unit Development – City) South: AG (Agricultural - County) East: H-A (Holding Agriculture – City) West: AG (Agricultural – County); H-A (Holding Agriculture – City)
Site Conditions:	The site is mostly undeveloped and used for agriculture. There is an existing telecommunications tower at the northwest corner of County Road 54 and State Highway 257 on a separate parcel which is not included in the proposed annexation. There are eleven plugged and abandoned oil and gas wells scattered across the two parcels.
Lot Size:	300.672 Acres
Contiguity:	Required 16.7% Provided 62.08%
Abutting Land Uses:	North: Current: Agriculture; Approved: Mixed-use PUD South: Agriculture/Residential East: Agriculture West: Agriculture/Residential; Oil and gas operation

D. BACKGROUND

The property owner has petitioned the City to annex a total of 300.627 acres of unincorporated property, including a portion of the right of way of Weld County Road 54. The annexation consists of two parcels, each measuring about 150 acres. The annexation area contains eleven plugged and abandoned oil and gas wells. The parcels are located within the Long-Range Expected Growth Area and are designated as Suburban Residential, Rural, and Community Separator.

The applicant requests the annexation be zoned a mix of R-E (Residential Estate), R-L (Residential Low Density), and R-M (Residential Medium Density) in accordance with Section 24-214 of the Development Code. Following approval of the annexations, the establishment of

zoning will be considered as a separate hearing item and must, per state statutes, take place within 90 days of the annexation.

Colorado Revised Statutes §31-12-104 and §31-12-105 establish the legal requirements for annexation, and include: (1) not less than one-sixth (1/6) of the perimeter of the area proposed to be annexed is contiguous with the City of Greeley; (2) a community of interest exists between the territory proposed to be annexed and the City of Greeley; (3) the territory sought to be annexed is urban or will be urbanized in the near future and; (4) the territory sought to be annexed is integrated or is capable of being integrated with the City of Greeley. The City Attorney's Office has determined the proposal meets the statutory requirements to be considered for annexation (see Attachment F), and City Council adopted a resolution on October 1, 2024, making a finding to this effect, scheduling the introduction of the ordinance concerning the annexation for November 19, 2024, and the final reading on December 3, 2024.

E. APPROVAL CRITERIA

The Commission shall consider comments from review agencies and offices, the staff recommendation, citizen comments, and the following criteria (found in Section 24-214 of the Greeley Development Code) in taking action to recommend approval, denial, or to table the annexation for future consideration:

1. The proposed annexation is in conformance with the Comprehensive Plan.

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

Growth Framework – Annexation Consideration

The following will be considered when evaluating annexation proposals:

1. The proposed annexation meets state requirements for annexations.
2. The proposed annexation meets the requirements for annexations set forth in the Greeley Municipal Code.
3. The proposed annexation is in conformance with the Imagine Greeley Comprehensive Plan.
4. The proposed annexation promotes a geographic balance of land uses.
5. The proposed annexation increases the City's supply of developable employment land or other future land use requirements.
6. Adequate services are or will be available to support the development expected to result from the proposed annexation.
7. The proposed annexation provides for a continuous and rational municipal boundary, and at least one-sixth of the annexation's perimeter is contiguous with the city's current boundary.
8. The area is urban or will be urbanized in the near future. However, annexation of undeveloped land is appropriate if another community goal is achieved, such as

procurement of open land for a community separator, for open space, or for the conservation of farmland.

Comprehensive Plan Policies & Objectives:

GC-1.5 Annexations: When considering a proposed annexation, the City should find persuasive evidence that the inclusion of the property into the City’s jurisdiction meets the goals and objectives of the Comprehensive Plan, and that the property can be developed in a manner that will be a positive addition to the City, improve the quality of Greeley’s neighborhoods, and can be provided with municipal services.

Staff Comment: The subject properties are primarily agricultural and undeveloped except for a telecommunication tower in the southeast corner of the property, which is on a separate parcel and not included in this annexation. There are also eleven plugged and abandoned oil and gas wells across the annexation area. It is anticipated that this area will develop as a mix of residential densities.

The site is within the Long-Range Expected Growth Area (LREGA) and the Land Use Guidance Map identifies this area for residential and rural uses as well as a community separator. The LREGA includes those lands anticipated to accommodate the City of Greeley’s urban development typically beyond a five (5) year time frame. This typically means that full urban services are not currently available to the site. The properties can be fully serviced if needed in the future.

This request complies with this criterion.

2. The proposed annexation promotes geographical balance of the City’s land use pattern.

Staff Comment: The proposed annexations provide growth in the southwest part of Greeley and fills in a gap in city limits in this area. It provides balance to the City’s growth and land use pattern.

This request complies with this criterion.

3. Adequate services are, or will be, available to support the development expected to result from the proposed annexation.

Staff Comment: If annexed, the subject site would be served by the Greeley Fire Department and the City of Greeley Police Department. The site would be served by Johnstown-Milliken RE-5J School District.

Currently no City-level utilities are needed at the site. The extension of services is not required for this annexation.

This request complies with this criterion.

4. The proposed annexation provides for a continual and rational boundary.

Staff Comment: As proposed, the annexation would exceed the State's one-sixth contiguity requirements, with a contiguity of 62%. These properties' inclusion would also help provide a continual and rational boundary by adding an area of unincorporated land within the Long Range Expected Growth Area.

This request complies with this criterion.

5. The proposed annexation is needed to accommodate future land use requirements.

Staff Comment: There are eventual plans to develop the property into a mix of housing types. However, the property would need to be subdivided prior to development, assuming the annexation and zoning are approved. Future development would need to meet the City's Development Code, Imagine Greeley Comprehensive Plan and Adequate Public Facilities requirements.

The establishment of R-E (Residential Estate), R-L (Residential Low Density), and R-M (Residential Medium Density) zoning is being considered as a separate request following successful annexations.

This request complies with this criterion.

F. PHYSICAL SITE CHARACTERISTICS

1. SUBDIVISION HISTORY

The two parcels are currently unsubdivided.

2. HAZARDS

The properties contain multiple plugged and abandoned oil and gas wells.

3. WILDLIFE

The northeast portion of the site is in an area of high ecological significance. An ecological report will be required at the time of any proposed development.

4. FLOODPLAIN

There are no mapped floodplains on the subject property.

5. DRAINAGE AND EROSION

The site is largely undeveloped with drainage patterns expected to continue to follow the existing lay of the land. However, drainage patterns would be examined in greater detail through further development applications and the subsequent permitting processes.

6. TRANSPORTATION

The site is bounded by Weld County Road 56 to the north, State Highway 257 to the east, and County Road 54 to the south.

SERVICES

1. WATER

There is an existing 16-inch water line located in Highway 257, on the east side of the subject property. Annexation No 1, No. 2, and No. 3 are shown on the Adequate Public Facilities Map as being “near an 8” or larger water line”.

2. SANITATION

The nearest sewer line is a 15” sewer main located in W. 24th Street. According to the application documents, it is anticipated that there will be a single sanitary sewer basin within the annexation area that can gravity flow to the north into the Delantero development. From there, it will combine with Delantero’s East Basin that will gravity flow to the existing sanitary sewer system.

3. EMERGENCY SERVICES

The subject site is currently served by the Front Range Fire Protection District. With the successful annexation, the applicant would withdraw the property from those Fire

Protection Districts. The City of Greeley Fire Department would take over fire services for the site once annexed.

The closest fire station, Fire Station #6 (10603 W 20th Street), is approximately 2 miles away. The City of Greeley Police Department would also serve this area with the completion of the annexation.

4. PARKS/OPEN SPACES

The site is approximately 2.2 miles from Longview Park and approximately 4 miles from Surview Natural Area.

5. SCHOOLS

The subject site is within the Johnstown-Milliken RE-5J School District.

G. NEIGHBORHOOD IMPACTS

1. VISUAL

The annexation would not create any visual impacts on the surrounding neighborhood, which is largely agricultural. Potential impacts would be reviewed at time of development.

2. NOISE

Staff does not anticipate that the proposed annexation would create any significant increase in noise. Potential impacts would be reviewed at time of development.

H. NOTIFICATION:

Mailed notice is not required, per the Development Code effective as of October 1, 2021. However, as a courtesy a mailed notice was sent on September 6, 2024 to 22 surrounding properties within 1000 feet of the subject property. The applicant posted signs in three locations on the property on September 9, 2024. As of September 24, 2024, one comment has been received with questions regarding the timeline for development and impact on surrounding properties. Because there is no development yet proposed, there is no timeline for development and in-depth analysis of impacts to surrounding properties would occur at the time of further development applications.

During the referral process, the Town of Milliken submitted comments with concerns regarding the annexation of Weld County Road 54, along the southern boundary of the annexation area. The concerns regard the ability to establish contiguity for future annexations south of County Road 54. However, the City of Greeley's Development Code review criterion for Annexations

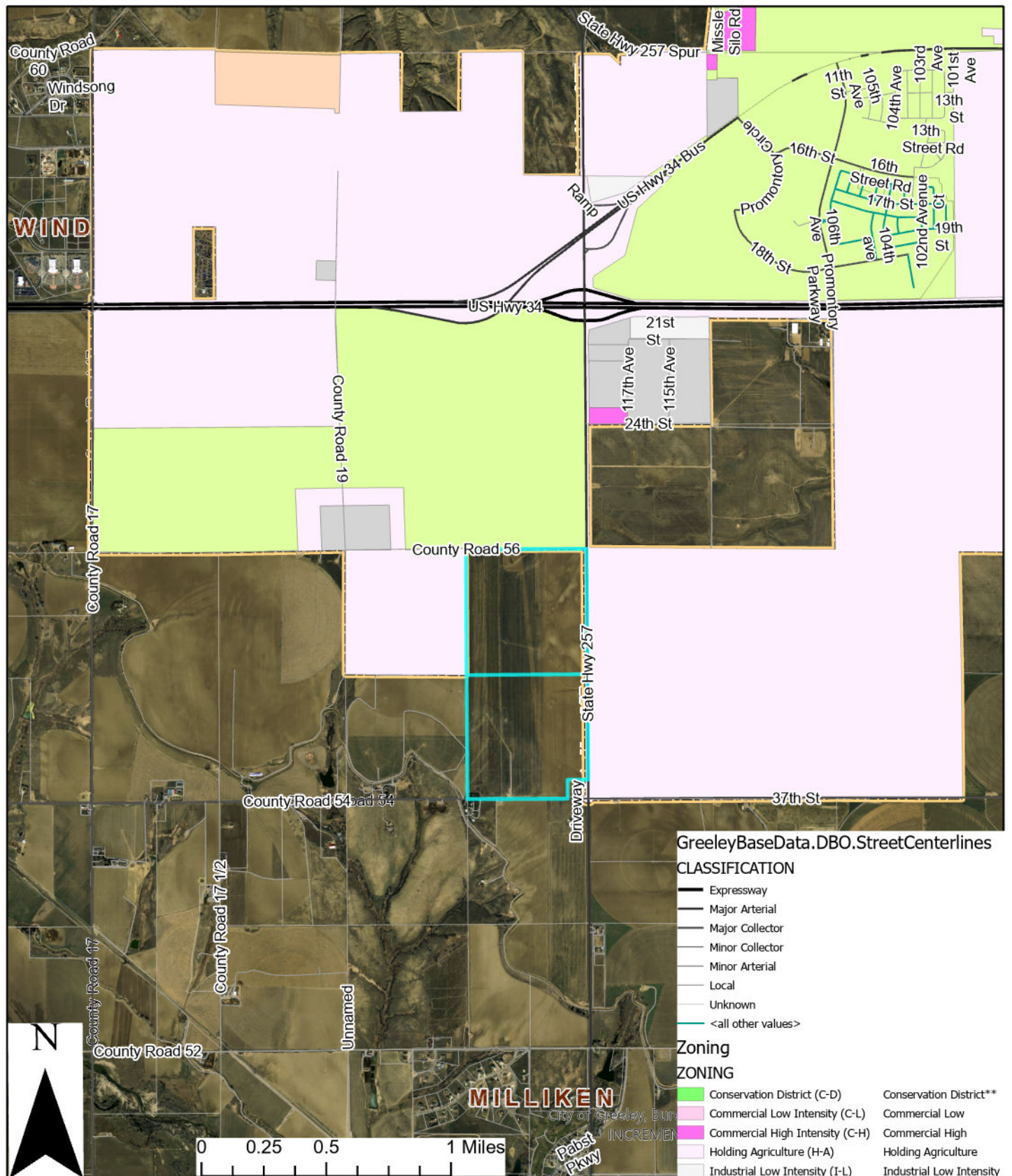
in Section 24-214.b.c. states the full width of all public rights-of-way adjacent to a proposed annexation shall be included in the annexation. This criteria also aligns with Colorado State Statute. The City of Greeley is working with the Town of Milliken to develop an access plan for development along County Road 54.

I. PLANNING COMMISSION RECOMMENDED MOTION:

1. A motion that, based on the project summary and analysis, the Planning Commission find that the request for an annexation meets approval criteria found in Section 24-204.b.2.(a-e). And, the proposed L&T Annexation, File number ANX2023-0001, meets State statutory requirements. And, therefore, recommend approval of the annexation to the City Council.

Vicinity and Zoning Map

L&T Annexation and Zoning ANX2023-0001, ZON2023-0002



PETITION FOR ANNEXATION

L & T LLC Annexation

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF GREELEY,
COLORADO:

The undersigned, in accordance with Title 31, Article 12, Chapters 101 et. seq., Colorado Revised Statutes, 1973, as amended, hereby petition the City Council of the City of Greeley for annexation to the City of Greeley of the territory described herein and described and shown on the map designated, "L & T LLC Annexation." The applicable number of said map (at least four) are submitted herewith and by this reference are incorporated herein. The description of the territory hereby petitioned for annexation to the City of Greeley is set forth in Exhibit A attached hereto and incorporated herein by reference.

In support of this petition, the Petitioner(s) allege(s) that:

1. It is desirable and necessary that the above-described territory be annexed to the City of Greeley.
2. The requirements of Section 31-12-104 and 31-12-105 of the Colorado Revised Statutes exist or have been met in that:
 - A. Not less than one-sixth (1/6) of the perimeter of the area proposed to be annexed is contiguous with the City of Greeley.
 - B. A community of interest exists between the territory proposed to be annexed and the City of Greeley.
 - C. The territory sought to be annexed is urban or will be urbanized in the near future.
 - D. The territory sought to be annexed is integrated or is capable of being integrated with the City of Greeley.
3. In establishing the boundaries of the territory proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has/have been divided into separate parts or parcels of real estate without the written consent of the land owner or land owners thereof, except and unless where such tracts or parcels are already separated by a dedicated street, road, or other public way.
4. In establishing the boundaries of the territory proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate comprising twenty (20) acres or more which, together with the buildings and improvements situated thereon have an assessed

valuation in excess of \$200,000 for ad valorem tax purposes for the year next preceding the filing of the written petition for annexation, has/have been included within the territory proposed to be annexed without the written consent of the land owner or land owners.

5. The territory proposed to be annexed does not include any area which is the same or substantially the same area in which an election for an annexation to the City of Greeley was held within the twelve months preceding the filing of this petition.
6. The territory proposed to be annexed does not include any area included in another annexation proceeding involving a city other than the City of Greeley.
7. The territory proposed to be annexed is not presently a part of any incorporated city, city and county, or town.
8. The property owned by each petitioner is described on each separate signature sheet and, when needed, described more fully in the exhibits attached hereto and incorporated herein by reference.
9. The signer(s) of this petition comprise(s) more than fifty percent (50%) of the land owners and owning more than fifty percent (50%) of the property, excluding public streets and alleys, and any land owned by the annexing municipality, and are, in fact, owners of one hundred percent (100%) of the property set forth in Exhibit A attached hereto and incorporated herein by reference.

Accompanying this petition are the original and four copies of an annexation plat map containing the following information:

- A. A written legal description of the boundaries of the area proposed to be annexed.
- B. A map showing the boundary of the area proposed to be annexed.
- C. Within the annexation boundary map, an identification of the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks. Also within the boundary map, identification of any special districts the area proposed to be annexed may be part of.
- D. Next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the annexing municipality and the contiguous boundary of any other municipality abutting the area proposed to be annexed.

- E. A surveyor's certificate prepared by a registered land surveyor that attests to the preparation of the map and certifies at least one-sixth (1/6) contiguity to the City of Greeley.
- F. Acceptance block describing the acceptance action of the City of Greeley in form and substance as provided in Appendix A of the Subdivision Regulations of the City of Greeley and providing for the effective date and City Clerk and Mayor attest signatures.
10. Except as otherwise provided, no part of the territory sought to be annexed is more than three miles from a point on the municipal boundary, as such was established more than one year before this annexation will become effective.
11. As an expressed condition of annexation, land owner(s) consent(s) to inclusion into the Northern Colorado Water Conservancy District and the municipal subdistrict pursuant to Section 37-45-136 (3.6) C.R.S. Land owner(s) acknowledge(s) that, upon inclusion into the district and subdistrict, land owner's (s') property will be subject to the same mill levies and special assessments as are levied or will be levied on other similarly situated property in the district and subdistrict at the time of inclusion of land owner's(s') lands. Land owner(s) agree(s) to waive any right to an election which may exist to require an election pursuant to Article X, Section 20, of the Colorado Constitution before the district and subdistrict can impose such mill levies and special assessments as it has the authority to impose. Land owner(s) also agree(s) to waive, upon inclusion, any right which may exist to a refund pursuant to Article X, Section 20, of the Colorado Constitution.

THEREFORE, the undersigned respectfully petition(s) and requests the City Council of the City of Greeley, to approve annexation of the territory described and referred to in Exhibit A to the City of Greeley in accordance with and pursuant to the statutes of the State of Colorado.

Land Owner(s) Name(s) and Signature(s)

Signing

Patricia Thatcher
Patricia Thatcher

Mailing Address

318 Rosemary St
Smryna TN
37667

Date of

8/21/21

Subscribed and sworn to before me this 21st day of August, 2021, by
Patricia Thatcher

Witness my hand and official seal.

My commission expires: 4/19/2022



Faith Keel
Notary Public

- E. A surveyor's certificate prepared by a registered land surveyor that attests to the preparation of the map and certifies at least one-sixth (1/6) contiguity to the City of Greeley.
- F. Acceptance block describing the acceptance action of the City of Greeley in form and substance as provided in Appendix A of the Subdivision Regulations of the City of Greeley and providing for the effective date and City Clerk and Mayor attest signatures.
10. Except as otherwise provided, no part of the territory sought to be annexed is more than three miles from a point on the municipal boundary, as such was established more than one year before this annexation will become effective.
11. As an expressed condition of annexation, land owner(s) consent(s) to inclusion into the Northern Colorado Water Conservancy District and the municipal subdistrict pursuant to Section 37-45-136 (3.6) C.R.S. Land owner(s) acknowledge(s) that, upon inclusion into the district and subdistrict, land owner's (s') property will be subject to the same mill levies and special assessments as are levied or will be levied on other similarly situated property in the district and subdistrict at the time of inclusion of land owner's(s') lands. Land owner(s) agree(s) to waive any right to an election which may exist to require an election pursuant to Article X, Section 20, of the Colorado Constitution before the district and subdistrict can impose such mill levies and special assessments as it has the authority to impose. Land owner(s) also agree(s) to waive, upon inclusion, any right which may exist to a refund pursuant to Article X, Section 20, of the Colorado Constitution.

THEREFORE, the undersigned respectfully petition(s) and requests the City Council of the City of Greeley, to approve annexation of the territory described and referred to in Exhibit A to the City of Greeley in accordance with and pursuant to the statutes of the State of Colorado.

Land Owner(s) Name(s) and Signature(s)

Mailing Address

Date of

Signing

TERRI JEAN LOVELL

40th Avenue

8/19/24

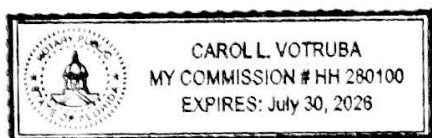
Terri Jean Lovell

Shakima, FL

Subscribed and sworn to before me this 19 day of August, 2024, by Terri Jean Lovell

Witness my hand and official seal.

My commission expires: 7/30/26



Carol L. Votruba
Notary Public

Land Owned

If necessary, attach separate sheet.

L & T LLC ANNEXATION

DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF WELD, STATE OF COLORADO, AND IS DESCRIBED AS FOLLOWS:

THE EAST HALF (E1/2) OF SECTION TWENTY-TWO (22), IN TOWNSHIP FIVE (5) NORTH, RANGE SIXTY-SEVEN (67) WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY IN DEED RECORDED APRIL 6, 1965, IN BOOK 538, AT RECEPTION NO. 1460397.

AND EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE DEPARTMENT OF HIGHWAYS, STATE OF COLORADO IN DEED RECORDED APRIL 19, 1961 IN BOOK 1582 AT PAGE 550.

FURTHER EXCEPTING THEREFROM THAT PORTION CONVEYED TO COUNTY OF WELD, COLORADO IN DEED RECORDED OCTOBER 2, 1936 IN BOOK 999 AT PAGE 409.



CITY ATTORNEY'S OFFICE MEMORANDUM

To: Heidi Leatherwood, City Clerk

cc: Doug May, Planner III

From: Michael J. Axelrad, Senior Assistant City Attorney

Subject: L&T LLC Annexation

Date: November 1, 2024

This office has reviewed the Petition for the L&T LLC Annexation into the City of Greeley and finds that the Petition for Annexation is in substantial compliance with the requirements of C.R.S. § 31-12-107. Additionally, this office has reviewed the Petition for compliance with annexation requirements contained in C.R.S. §§ 31-12-104 and 31-12-105, and finds that the Petition meets the legal requirements of those sections.

Please prepare the Resolution (a draft is attached) and schedule this matter for hearing in accordance with C.R.S. §31-12-108.

Attachment

L&T LLC ANNEXATION

Situate in the East Half of Section 22, Township 5 North, Range 67 West
of the 6th P.M., City of Greeley, County of Weld, State of Colorado

298.988 Acres
ANX2023-0001

PROPERTY DESCRIPTION

The land referred to herein below is situated in the County of Weld, State of Colorado, and is described as follows:

The East Half (E1/2) of Section Twenty-two (22), in Township Five (5) North, Range Sixty-seven (67) West of the 6th P.M., County of Weld, State of Colorado.

TOGETHER WITH the North 30.00 feet of the Northeast Quarter of Section 27, T.5N., R.67W., as described in that Road Viewers Report recorded March 30, 1907, in Book 83 at Page 206, at Reception No. 118396.

EXCEPTING THEREFROM that portion conveyed to the Mountain States Telephone and Telegraph Company in Deed recorded April 6, 1965, in Book 538, at Reception No. 1460397.

And EXCEPTING THEREFROM that portion conveyed to the Department of Highways, State of Colorado in deed recorded April 19, 1961 in Book 1582 at Page 550.

Further EXCEPTING THEREFROM that portion conveyed to County of Weld, Colorado in Deed recorded October 2, 1936 in Book 999 at Page 409.

Said described parcel of land contains 300.672 Acres, more or less (±) and is subject to any rights-of-way or other easements as granted or reserved by instruments of record or as now existing on said described parcel of land.

ACCEPTANCE

Said map was accepted by the City of Greeley, Weld County, Colorado, and the territory therein designated made a part of said City of Greeley and included within the limits and jurisdiction thereof, this the ____ day of ____ 20__.

Attest: _____ Mayor

NOTARIAL CERTIFICATE

I, _____, a notary within and for said county in the state aforesaid do hereby certify that the Mayor, personally known to me to be the person whose name as such Mayor is subscribed to the above instrument in writing, appeared before me this day in person and acknowledge that as authorized by resolution of the City Council of said City at a regular meeting on the ____ day of ____ 20__, he executed said thereof held acceptance of said map as his free and voluntary act and deed of said City of Greeley.

Witness my hand and seal this ____ day of ____ 20__.

My commission expires _____

Notary Public _____

CITY COUNCIL APPROVAL

Approved by the Greeley City Council on this ____ day of _____, 20__.

PLANNING COMMISSION RECOMMENDATION

Recommended / not Recommended by the City of Greeley Planning Commission on this ____ day of _____, 20__.

COMMUNITY DEVELOPMENT DIRECTOR

Community Development Director _____ Date _____

DEVELOPMENT REVIEW MANAGER

Development Review Manager _____ Date _____

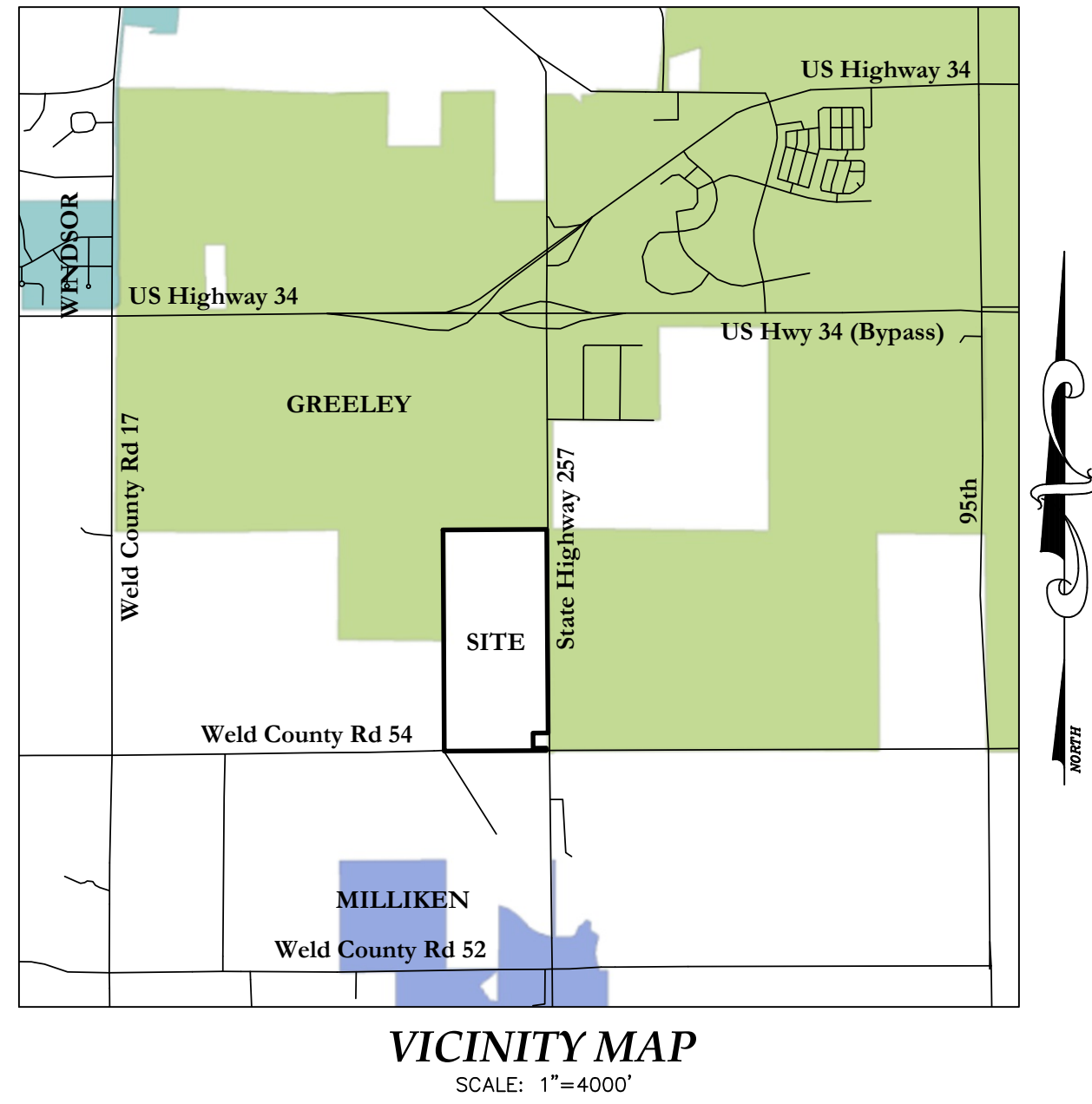
SURVEYOR'S STATEMENT

I, Paul B. Groves, a Colorado Licensed Professional Land Surveyor do hereby state that this map of land proposed to be Annexed to the City of Greeley, County of Weld, State of Colorado was prepared under my direct supervision from existing documents of record, and that the same is true and correct to the best of my knowledge, information and belief.

I further state that not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous to the boundary line of the City of Greeley, County of Weld, State of Colorado.

PRELIMINARY

Paul B. Groves - On Behalf Of King Surveyors
Colorado Licensed Professional
Land Surveyor #38209



BASIS OF BEARINGS AND LINEAL UNIT DEFINITION

Bearings are based on the East line of the Southeast one-quarter of Section 15, Township 5 North, Range 67 West of the 6th Principal Meridian, said to bear South 00°30'20" East, a distance of 2,628.83 feet, from the East one-quarter corner of Section 15 being monumented by a 3.25" aluminum cap 0.5" down in a range box with no lid, stamped "Colo. Dept. of Transportation, TSN R67W, 1/4, S15 | S14, 1998, PLS 25951" to the Southeast corner of Section 15 being monumented by a 3.25" aluminum cap, 0.3" down in a range box with a lid marked "survey", stamped "Flatirons Surveying, TSN R67W, S15 | S14, ---, S22 | S23, 1997, LS 16406".

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

NOTICE

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

NOTES FROM THE COUNTY

1) Adjacent properties may be in unincorporated Weld County and that Weld County has adopted a Right-to-Farm Statement and a Right to Extract Mineral Resources Statement.

1a) RIGHT TO EXTRACT MINERAL RESOURCES STATEMENT: Weld County has some of the most abundant mineral resources, including, but not limited to, sand and gravel, oil, natural gas, and coal. Under title 34 of the Colorado Revised Statutes, minerals are vital resources because (a) the state's commercial mineral deposits are essential to the state's economy; (b) the populous counties of the state face a critical shortage of such deposits; and (c) such deposits should be extracted according to a rational plan, calculated to avoid waste of such deposits and cause the least practicable disruption of the ecology and quality of life of the citizens of the populous counties of the state. Mineral resource locations are widespread throughout the County and persons moving into these areas must recognize the various impacts associated with this development. Often times, mineral resource sites are fixed to their geographical and geophysical locations. Moreover, these resources are protected property rights and mineral owners should be afforded the opportunity to extract the mineral resource.

1b) WELD COUNTY'S RIGHT TO FARM: Weld County is one of the most productive agricultural counties in the United States, typically ranking in the top ten counties in the country in total market value of agricultural products sold. The rural areas of Weld County may be open and spacious, but they are intensively used for agriculture. Persons moving into a rural area must recognize and accept that there are drawbacks, including conflicts with long-standing agricultural practices and a lower level of services than in town. Along with the drawbacks come the incentives which attract urban dwellers to relocate to rural areas: open views, spaciousness, wildlife, lack of city noise and congestion, and the rural atmosphere and way of life. Without neighboring farms, those features which attract urban dwellers to rural Weld County would quickly be gone forever.

Agricultural users of the land should not be expected to change their long-established agricultural practices to accommodate the intrusions of urban users into a rural area. Well-run agricultural activities will generate off-site impacts, including noise from tractors and equipment; slow-moving farm vehicles on rural roads; dust from animal pens, field work, harvest and gravel roads; odor from animal confinement, silage and manure; smoke from ditch burning; flies and mosquitoes; hunting and trapping activities; shooting sports, legal hazing of nuisance wildlife; and the use of pesticides and fertilizers in the fields, including the use of aerial spraying. It is common practice for agricultural producers to utilize an accumulation of agricultural machinery and supplies to assist in their agricultural operations. A concentration of miscellaneous agricultural materials often produces a visual disparity between rural and urban areas of the County. Section 35-3.5-102, C.R.S., provides that an agricultural operation shall not be found to be a public or private nuisance if the agricultural operation alleged to be a nuisance employs methods or practices that are commonly or reasonably associated with agricultural production.

Water has been, and continues to be, the lifeline for the agricultural community. It is unrealistic to assume that ditches and reservoirs may simply be moved "out of the way" of residential development. When moving to the County, property owners and residents must realize they cannot take water from irrigation ditches, lakes, or other structures, unless they have an adjudicated right to the water.

Weld County covers a land area of approximately four thousand (4,000) square miles in size (twice the size of the State of Delaware) with more than three thousand seven hundred (3,700) miles of state and County roads outside of municipalities. The sheer magnitude of the area to be served stretches available resources. Law enforcement is based on responses to complaints more than on patrols of the County, and the distances which must be traveled may delay all emergency responses, including law enforcement, ambulance, and fire. Fire protection is usually provided by volunteers who must leave their jobs and families to respond to emergencies. County gravel roads, no matter how often they are bladed, will not provide the same kind of surface expected from a paved road. Snow removal priorities mean that roads from subdivisions to arterials may not be cleared for several days after a major snowstorm. Services in rural areas, in many cases, will not be equivalent to municipal services. Rural dwellers must, by necessity, be more self-sufficient than urban dwellers.

People are exposed to different hazards in the County than in an urban or suburban setting. Farm equipment and oil field equipment, ponds and irrigation ditches, electrical power for pumps and center pivot operations, high speed traffic, sand burs, puncture vines, territorial farm dogs and livestock, and open burning present real threats. Controlling children's activities is important, not only for their safety, but also for the protection of the farmer's livelihood.

DATE: 6/1/2023

FILE NAME: 20230253B--ANX

SCALE: 1"=300'

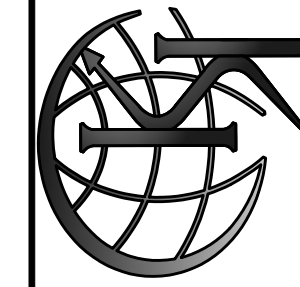
DRAWN BY: CSK

CHECKED BY: PG

KING SURVEYORS

650 E. Garden Drive | Windsor, Colorado 80550

phone: (970) 686-5011 | email: contact@KingSurveyors.com



DATE:	6/1/24
REVISED SOUTH BOUNDARY LINE	CSK 8/6/24
REVISIONS:	

L&T LLC ANNEXATION
FOR
STRATUS INVESTMENT PARTNERS, LLC

PROJECT #:
20230253

**CITY OF GREELEY, COLORADO
RESOLUTION NO. 32, 2024**

**A RESOLUTION FINDING SUBSTANTIAL COMPLIANCE WITH STATE
ANNEXATION LAWS FOR PROPERTY KNOWN AS THE “L&T LLC
ANNEXATION,” LOCATED GENERALLY WEST OF STATE HIGHWAY 257 AND
NORTH OF WELD COUNTY ROAD 54, INTO THE CITY OF GREELEY. THE
SUBJECT SITE IS COMPRISED OF 298.988 ACRES**

WHEREAS, L&T, LLC has submitted an annexation petition to the City of Greeley for annexation of property located generally west of State Highway 257 and north of Weld County Road 54, more particularly described in the attached Exhibit A;

WHEREAS, the City of Greeley staff has found the annexation petition to be in substantial compliance with C.R.S. §§ 31-12-101, *et seq.*; and

WHEREAS, City staff desires that the City Council establish a date, time, and place to hold a hearing to determine if the proposed annexation complies with C.R.S. § 31-12-106, or such parts thereof, to establish eligibility for annexation to the City of Greeley; and

WHEREAS, the City Clerk shall deliver notice and publish the date, time, and place for said hearing;

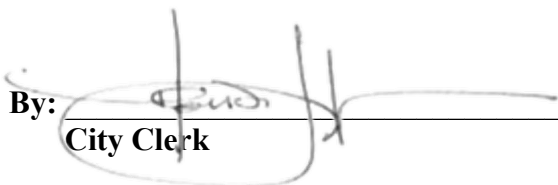
**NOW THEREFORE, BE IT RESOLVED BY THE GREELEY CITY COUNCIL OF THE
CITY OF GREELEY, COLORADO:**

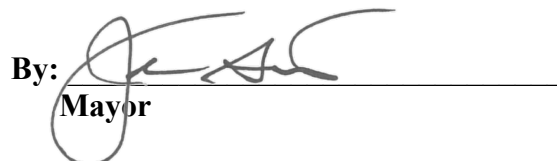
1. The annexation petition is found to substantially comply with C.R.S. § 31-12-106.
2. The public hearing for consideration of the proposed annexation petition is hereby set for December 3, 2024, at the City Council Chambers, City Center - South, 1001 11th Avenue, Greeley, Colorado, during a regular City Council meeting beginning at 6:00 p.m.
3. The City Clerk is hereby authorized to publish and notify required parties pursuant to the procedures set forth in C.R.S. §31-12-108(2).
4. This resolution shall become effective immediately upon its passage.

**PASSED, AND ADOPTED, SIGNED AND APPROVED this 1st DAY OF OCTOBER
2024.**

ATTEST:

THE CITY OF GREELEY, COLORADO

By: 
City Clerk

By: 
Mayor

L & T LLC ANNEXATION

DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF WELD, STATE OF COLORADO, AND IS DESCRIBED AS FOLLOWS:

THE EAST HALF (E1/2) OF SECTION TWENTY-TWO (22), IN TOWNSHIP FIVE (5) NORTH, RANGE SIXTY-SEVEN (67) WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY IN DEED RECORDED APRIL 6, 1965, IN BOOK 538, AT RECEPTION NO. 1460397.

AND EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE DEPARTMENT OF HIGHWAYS, STATE OF COLORADO IN DEED RECORDED APRIL 19, 1961 IN BOOK 1582 AT PAGE 550.

FURTHER EXCEPTING THEREFROM THAT PORTION CONVEYED TO COUNTY OF WELD, COLORADO IN DEED RECORDED OCTOBER 2, 1936 IN BOOK 999 AT PAGE 409.

City of Greeley, Colorado
PLANNING COMMISSION PROCEEDINGS
October 08, 2024
[Greeley Planning Commission- October 08, 2024- YouTube](#)

1. Call to Order

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

2. Roll Call

The hearing clerk called the roll.

PRESENT

Chair Justin Yeater
Commissioner Louisa Andersen
Commissioner Jeff Carlson
Commissioner Brian Franzen
Commissioner Larry Modlin
Commissioner Christian Schulte

ABSENT

Vice Chair Erik Briscoe

3. Approval of Agenda

There were no changes to the agenda.

4. Approval of the September 24, 2024, Planning Commission Meeting Minutes

Commissioner Andersen moved to approve the minutes dated September 24, 2024. Commissioner Franzen seconded the motion.

Motion carried 6-0 (Vice Chair Briscoe absent).

5. A public hearing to consider a request by LAI Design Group petitioning to annex a total of 300.672 acres of land to the City of Greeley. The properties are bounded by Weld County Road 56 to the north, State Highway 257 to the east, and County Road 54 to the south, (Case number ANX2023-0001, L&T Annexation).

Chair Yeater introduced the item as published. He asked if there was request from the Commission or anyone in the audience to see the presentation, there was, and he invited staff to begin the presentation.

Doug May (Planner III) began by sharing that items #5 and #6 would be presented in one presentation, they are separate items but are the same parcel, item #5 is an Annexation and item #6 is the zoning to go with the Annexation if approved. Chair Yeater introduced item #6 as published.

Mr. May began his presentation sharing the location of the proposed applications and the history of them, as provided in the staff report. The Annexation consists of 2 parcels totaling 300.672 acres, the City Attorney's office has determined that the proposal meets statutory requirements per Colorado State Statute. City Council adopted a resolution on October 1, 2024, accepting that the proposal meets the requirements to proceed in the annexation process. Establishment of zoning requested in

the application includes: 78.4 acres R-E (Residential Estate), 106.6 acres R-L (Residential Low Density) and 115.7 acres R-M (Residential Medium Density). State statutes does require zoning to be completed within 90 days of annexation. The parcels are located within the Long-Range Expected Growth Area (LREGA) and the H-A (Holding Agriculture) zone district is generally used to hold undeveloped and agriculture land until other zoning is established. Mr. May shared an aerial view of the location of the proposed applications and a map showing the proposed zoning for the parcels. Annexation considerations related to the Greeley Comprehensive plan showed this proposal does align with the plan.

Continuing, Mr. May shared that the proposed annexation meets the approval criteria in the Greeley Municipal Code, section 24-214.b (a-e). Proper notification was made including 22 notice letters being sent to properties within 1000 feet of the proposed annexation area, public hearing signs were posted on the property. Staff received one email with questions regarding the proposed annexation and one letter in opposition of the annexation. Community Development recommends approval of the proposed annexation.

Regarding the zoning of the parcels, staff finds that the application meets the 9 criteria in Section 24-204 of the Greeley Municipal Code. Proper notification was made including 22 notice letters being sent to properties within 1000 feet of the proposed a zoning area public hearing signs were posted on the property. Staff received one email with questions and one letter in opposition of the application. Community Development recommends approval for the establishment of zoning. That concluded Mr. May's presentation and he offered to answer any questions.

Chair Yeater confirmed with Mr. May the next steps for these applications if approved included a Plat and returning to Planning Commission for any specific use of the land and the applications today only included the Annexation and Zoning of the parcels. Mr. May confirmed this and that no development would be permitted prior to several steps being completed and future Public Hearings. Discussion continued between the Commission and Mr. May regarding right of way for the proposed annexation and the letter received from the Town of Millikan including that city staff is currently working with Millikan to address the concerns and develop agreements between them and the city regarding the concerns with the right of way and who will maintain it.

Further discussion continued regarding what would and would not be allowed in the various zoning districts if approved. Chair Yeater asked if it made sense to move forward with zoning at this time or if it made more sense to establish H-A zoning for this parcel instead of the propose and Mr. May shared that applicant may be able to provide more information on this subject and that he believed they had a user ready to proceed so it was ideal to establish zoning with the annexation in this case. Additional discussion included information on why these parcels to not have any commercial zoning included and that there does not appear to be any mixed uses, taking away from encouraging a walkable, bikeable culture and how limited sewer flow and capacity are a factor in that. The applicant did work closely with other city departments to create a zoning plan that meets the capacity limits of the infrastructure.

With no further questions of staff, Chair Yeater invited the applicant to speak if they wished.

Ken Puncerelli with LAI Design Group (116 Inverness Drive East, Suite 340 Englewood, Colorado) introduced himself and included that he was there to represent the applicant. He shared he prepared a brief presentation that he would like to share and that he would be happy to answer any questions after that. He began by sharing the vicinity map, showing the proximity to the Delentaro development and that there is some walkability with this proposal in relation to other developments nearby. He shared the proposed zoning map and provided that although this version did not show parks and open space his team does intend to have them included in their future applications that will come before the commission. He addressed a question raised about there not being commercial zoning in the

proposed plan and shared that currently the Delentaro development has an extensive amount of commercial zoning and the need for more in this area is just not forecasted at this time, but there would be connectivity and walkability between the proposed parcels and Delentaro. He gave an overview of how this plan coincides with the Greeley Comprehensive Plan and includes separators between the zone districts. That concluded the information that he wanted to share with the Commission, and he provided opportunity for the commission to ask any questions they may have.

Some discussion took place between the Commission and Mr. Puncerelli addressing why his team was pursuing zoning at this time instead of addressing it with a later application, he shared that they have been working with the city staff, attorney's and engineers for a year or longer and that the proposed zoning seems to work with the comprehensive plan and city standards. Some discussion continued regard what a rezone would require in the future and different scenarios that could trigger different processes.

With no further questions of staff or the applicant, Chair Yeater opened the public hearing at 1:40 p.m. for items 5 and 6 on the agenda.

Tyler Throstle (owns property next to these parcels), he wanted to know what processes were taking place to ensure that this proposal adds value over just growth for the sake of growth, this property could work for a variety of different users, and it seems like there is no reason for this property to be the next part of Greeley's growth plan. The traffic flow is never considered, the impact to people in the community isn't at the forefront and its only driven by growth. There is a need for more housing but there is no real plan for how this adds value or how it is improving Greeley. He knows growth is going to happen and that it is inevitable, but it seems like it could be happening in a much more planned out way. He will be impacted by it directly, they farm the land and adding hundreds of houses next door is going to impact the traffic and change the culture of where they live and every other aspect of their life moving forward. He wants to know how the Commission is taking those things into consideration and he would like to hear from the applicant why the planning for the area seems very specific to why certain things are in certain areas. He is led to believe there is already a future idea for what will be going where. He would like to know why that is not included in the presentation today, the final version should have been shared.

Mel Kalen (9952 County Road 54, Milliken, Colorado), he and his wife have owned the property to the south of this one for 30 years. He is concerned about the north/south airstrip that he has on his property. It is 2500 feet in length, approved with a Weld County Special Use Permit and it is a registered FAA air strip. He wants to see that something is done that would stop any confrontations with future property owners. He has both a landing and departure from the north, the runway is only 700 feet from the development, he doesn't know if noise could be a problem. He asks the city and developer make it well know to any property owners of the activity that takes place on his property before they purchase. He also provided a written statement to the record.

Rose Marie Einling (9476 County Road 54, Milliken, Colorado), began by stating that her concern is the plan if annexing, they need to know what the plan looks like. They live in the county because they like the rural setting. They need to see urban farms over houses with giant yards. They need to see the plan before agreeing to annexing the parcels. Where is the sewer and water coming to this area from. The roadways are already busy, what is more development going to do to the traffic. What happens in this area tells the existing property owners what to do, if they should sell or stay. It should be agricultural estates not more big houses and yards.

Andrea Throstle (owns property directly next to this one), she strongly opposes this application. They love where they live, and this is her home. They love the scenic landscape and rural lifestyle.

Development of agricultural lands into housing and commercial spaces threatens the irreversibility and alters the very fabric of our neighborhoods leading to declining property values. It diminishes the quality of life for residents in the area. Weld County has an agricultural history dating back to the area's founding. Profit is coming at the expense of our local character by transforming these lands into housing and developed lots risks severing the vital connection to the past and diminishes the qualities that make Weld County special. As development is considered we must recognize the pressures that accompany rapid urbanization, increased housing and commercial uses often lead to overcrowding and creates strains on local resources and traffic congestion. She stated that if anyone had been on 402 during any part of the day, you would realize that this is a very busy and bad road to drive on. Adding additional people is unthinkable to consider how it could work. No long-term resident would agree that adding development here would be good or desirable. Growth and sustainability need to be balanced she asked the Planning Commission to consider any plans very closely and implored them to prioritize preservation of farmland culture and quality of life.

With no further requests for comment from the public, Chair Yeater asked the applicant if they wished to comment.

Ken Puncerelli returned to the podium to address the comments from the Public Hearing. He shared his team is following the correct process that is required. They do not have a subdivision layout just yet and have provided what they have shown today. Water and sewer will be coming from Delentaro to the north as part of that development and there is also a waterline on 257. Any traffic concerns will be addressed with future applications and will be the responsibility of the development to meet city standards. When they have a more developed plan, they will be happy to meet with neighbors to share it with them and be receptive to feedback.

Commissioner Franzen asked if the airstrip that was mentioned in one of the public comments was being taken into consideration and the applicant referred to Mr. May to respond. He provided that; it would be considered when the subdivision design was submitted in future applications.

With no further discussion needed, Chair Yeater closed the public hearing at 1:43 p.m.

Commissioner Andersen motioned that, based on the project summary and analysis, the Planning Commission find that the request for an annexation meets approval criteria found in Section 24-204. b.2.(a-e). And, the proposed L&T Annexation, File number ANX2023-0001, meets State statutory requirements. And, therefore, recommend approval of the annexation to the City Council. Commissioner Carlson seconded the motion.

Motion carried 3-3 (Vice Chair Briscoe absent).

6. A public hearing to consider a request by LAI Design Group proposing establishment of zoning with annexation including a total of 300.672 acres of land to the City of Greeley. The properties bounded by Weld County Road 56 to the north, State Highway 257 to the east, and County Road 54 to the south, (Case number ZON2023-0002, L&T Zoning).

Presentation and public hearing took place with item number 5.

Commissioner Andersen moved based on the application received and the preceding analysis, the Planning Commission finds that the proposed L&T Establishment of Zoning, File number ZON2023-0002 meets the required Development Code criteria of Section 24-204. b. (1-9); and recommend approval of the L&T Establishment of Zoning to the City Council. Commissioner Franzen seconded the motion.

Commissioner Schulte recommended that the zoning be postponed at this time so that some of the

concerns brought up during public hearing can be examined.

Chair Yeater supports the zoning proposed and would like to see the future plans as well as concerns that were brought up during the public hearing addressed.

Commissioner Modlin shared he is in support with this zoning.

Commissioners Andersen and Carlson shared they agreed with Commissioner Schulte and that the zoning should be decided later with more information being provided and some of the concerns have been addressed further.

Michael Axelrad (City Attorney) clarified rules on alternative motions being recommended on the zoning. With no further discussion needed, Chair Yeater asked the Commission if there was an alternate motion.

Commissioner Schulte moved that based on the application received in the proceeding analysis the Planning Commission find that the proposed L&T Establishment of Zoning, File number ZON2023-0002 meets the required Development Code criteria of Section 24-204. b. (1-9); and recommend approval of the L&T Establishment of H-A (Holding Agriculture) Zoning with subsequent application in conjunction with a subdivision plan to the City Council. Commissioner Franzen seconded the motion.

Motion carried 6-0 (Vice Chair Briscoe absent).

7. Staff Report

Brian McBroom (Community Development Director) shared it was a great week for the planning department last week. They took part in helping organize the Colorado Chapter of the American Planning Association conference in Loveland. They assisted in two mobile tours, and it was a great opportunity for the city to shine amongst the professional planning community. He thanked Commissioners Andersen and Briscoe for attending. At the conference, the City of Greeley received a State Planning Excellence Merit award for work on 10th Street area plan showing how higher density affordable housing could occur as part of redevelopment and for work on the Housing Needs Assessment.

Additionally, staff hosted an event last Friday evening for the Sunrise neighborhood as work begins on the East Subarea plan. It had high attendance and was well received. Kudos to the planning team for organizing and facilitating a great meeting.

8. Adjournment

With no further business before the Commission, Chair Yeater adjourned the meeting at 2:11 p.m.

Erik Briscoe, Vice Chair

Brian McBroom, Community Development Director

Doug May

From: Doug May
Sent: Thursday, September 19, 2024 10:18 AM
To: Tyler Trostel
Cc: Andrea Trostel; Dylan Belanger
Subject: RE: L&T Establishment of Zoning Project
Attachments: Submittal 6_L_T LLC_Zoning-Zoning Plans 08-07-2024.pdf

Hi Tyler,

Thanks for reaching out. I have tried to answer your questions below:

1. There is a zoning plan that has been reviewed in conjunction with the annexation proposal. I have attached the zoning plat for your reference. Apart from the zoning, there are no specific plans for development at this time. If the annexation and zoning were to be approved, the applicant would be required to acquire additional approvals for subdivisions, etc. which would require additional public hearings and opportunities for additional public involvement.
2. Traffic impacts will be reviewed in greater detail with further development applications, such as subdivision applications. If traffic impacts warrant it, it could mean the improvement of infrastructure around the property.
3. There are no timelines for construction. There are still many approvals and design that needs to happen prior to any construction.
4. Impacts to surrounding properties, including visual impacts, traffic impacts, neighborhood character etc, will be reviewed in greater detail at the time of further development applications, and there will be opportunities for neighborhood input.
5. Reference Section 24-204 for the Rezoning criteria and Section 24-214 for the Annexation criteria of the [Greeley Development Code](#).

Let me know if you have additional questions.

Thank you,



Doug May, AICP
Interim Chief Planner – Long Range
Community Development | Planning
1100 10th Street
Greeley, CO 80631
970-350-9784 | doug.may@greeleygov.com
<http://greeleygov.com/>

From: Tyler Trostel <ttrostel12@yahoo.com>
Sent: Thursday, September 19, 2024 9:45 AM
To: Doug May <Doug.May@Greeleygov.com>
Cc: Andrea Trostel <andrea_trostel@hotmail.com>
Subject: L&T Establishment of Zoning Projecthe

You don't often get email from ttrostel12@yahoo.com. [Learn why this is important](#)

Hello Doug,

I received a letter regarding this project as I own the property that borders the west side of the land use that is in question.

1. Has there been any proposed drawings for the 299 acres and surrounding area that they are planning to develop? Can you please share?
2. What is the plan for handling the increased traffic on all surrounding roads due to this development?
3. Have any timelines been established for the project regarding when the intend to begin construction?
4. What consideration has been given to neighboring residents like myself and others of the area and how their property will be impacted?
5. What are the criteria/requirements for approving/denying this zoning request?

Tyler Trostel



July 10, 2024

Doug May, Planner
City of Greeley
1101 10TH Street, 2nd Floor
Greeley, CO 80631

Dear Mr. May:

This letter is to provide written comment on applications ANX2023-0001 and ZON2023-0002 pending before the City of Greeley. We only recently received notification of these two land use applications.

The Town of Milliken includes portions Weld County Road 54 within our growth area in both our recent Comprehensive Plan Update (2023) as well as the 2015 Comprehensive Plan. Milliken would be opposed to the annexation of WCR54 west of the intersection with Highway 257 that would extend the City of Greeley's municipal boundaries further to the west. We understand that the City of Greeley has already annexed the intersection at Highway 257 and WCR54, however, extending Greeley's jurisdiction along the WCR54 corridor would limit property owner's ability to annex into Milliken.

Our understanding is that Weld County is recommending that this annexation include the westerly portion of WCR54 within this annexation. We appreciate consideration of our request to exclude it as was submitted in the original annexation petition and plat.

Sincerely,

Pepper McClenahan

Pepper McClenahan, AICP
Community Development Director

Cs: Cheryl Powell, Town Administrator
Caree Rinebarger, Town Clerk
Jon Rabas, Streets and Facilities Director



Council Agenda Summary

November 19, 2024

Key Staff Contact: Brian McBroom, Community Development Director, Douglas May, Planner III

Title:

Introduction and first reading of an ordinance to consider a request by LAI Design Group proposing establishment of zoning with annexation including a total of 300.672 acres of land to the City of Greeley. The properties bounded by Weld County Road 56 to the north, State Highway 257 to the east, and County Road 54 to the south, (Case number ZON2023-0002, L&T Zoning)

Summary:

This establishment of zoning is initiated by the City of Greeley in order to place zoning on recently annexed property in a timely manner, as required by Colorado statute. The property is currently in the process of being annexed into the City of Greeley, with final reading of the annexation ordinance scheduled before City Council on December 3, 2024 (File No. ANX2023-0001). State law requires that zoning be established on all newly annexed parcels within 90 days. The final reading of the ordinance establishing the zoning for this property, as presented herein, is also scheduled before City Council on December 3, 2024. Planning Commission recommended approval on October 08, 2024.

The subject area, consisting of 300.627 acres, is composed of two parcels as well as the right-of-way for Weld County Road 54, along the southern end of the annexation area. Each parcel measures approximately 150 acres and are currently used for agriculture and largely undeveloped except for eleven plugged and abandoned oil and gas wells as well as a telecommunications tower at the southeast corner of the annexation area which is on a separate parcel and not part of the annexation or zoning request. The parcels are located within the Long-Range Expected Growth Area and are designated as Suburban Residential, Rural, and Community Separator.

The applicant is proposing to zone the land to a mix of R-E (Residential Estate), R-L (Residential Low Density), and R-M (Residential Medium Density). The R-E portion is proposed to be 78.4 acres and would consist of the southwest portion of the site. The R-L is proposed to be a total of 106.6 acres with 15 acres in the southeast corner and 91.6 acres in the west-northwest. The R-M portion is proposed to be 115.7 acres in the east-northeast portion of the site. No specific plans for the site are proposed at the time of annexation, but prior to development, a subdivision would need to occur to create developable parcels that align with the zoning boundaries. Water and/or sanitary sewer will be extended to the area to serve any development that occurs there. If the subject site develops in the future, subsequent plans will be required to comply with the City's Development Code and will be required to comply with APFA (Adequate Public Facilities Area) requirements.

Fiscal Impact:

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

Legal Issues:

Consideration of this matter is a quasi-judicial process

Other issues and Considerations:

None

Strategic Focus Area:

Community Vitality

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 December 03, 2024

Attachments:

1. Ordinance No. 45, 2024 with Appendix A
2. PC Staff Report
3. Zoning Map
4. Project Narrative
5. Draft Planning Commission Minutes October 08, 2024

CITY OF GREELEY, COLORADO
ORDINANCE NO. 45, 2024
CASE NO. ZON2023-0002

AN ORDINANCE CHANGING THE OFFICIAL ZONING MAP OF THE CITY OF GREELEY, COLORADO, TO ESTABLISH R-E (RESIDENTIAL ESTATE), R-L (RESIDENTIAL LOW DENSITY), AND R-M (RESIDENTIAL MEDIUM DENSITY) LOCATED GENERALLY WEST OF STATE HIGHWAY 257 AND NORTH OF WELD COUNTY ROAD 54, INTO THE CITY OF GREELEY. THE SUBJECT SITE IS COMPRISED OF 298.988 ACRES

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

Section 1. The zoning on the following described property located in the City of Greeley known as the L&T Annexation is hereby placed into R-E (Residential Estate), R-L (Residential Low Density), and R-M (Residential Medium Density) zoning district in the City of Greeley, County of Weld, State of Colorado:

Legal Description

See Appendix A, attached hereto, and incorporated herein.

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

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

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

ATTEST

THE CITY OF GREELEY, COLORADO

By: _____
City Clerk

By: _____
Mayor

APPENDIX A
ORDINANCE NO. 45, 2024
CASE NO. ZON2023-0002

AN ORDINANCE ANNEXING TO THE CITY OF GREELEY, COLORADO, CERTAIN UNINCORPORATED TERRITORY LOCATED IN WELD COUNTY, COLORADO, KNOW AS THE “L&T LLC ANNEXATION,” LOCATED GENERALLY WEST OF STATE HIGHWAY 257 AND NORTH OF WELD COUNTY ROAD 54, INTO THE CITY OF GREELEY. THE SUBJECT SITE IS COMPRISED OF 298.988 ACRES.

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF WELD, STATE OF COLORADO, AND IS DESCRIBED AS FOLLOWS:

THE EAST HALF (E1/2) OF SECTION TWENTY-TWO (22), IN TOWNSHIP FIVE (5) NORTH, RANGE SIXTY-SEVEN (67) WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY IN DEED RECORDED APRIL 6, 1965, IN BOOK 538, AT RECEPTION NO. 1460397.

AND EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE DEPARTMENT OF HIGHWAYS, STATE OF COLORADO IN DEED RECORDED APRIL 19, 1961 IN BOOK 1582 AT PAGE 550.

FURTHER EXCEPTING THEREFROM THAT PORTION CONVEYED TO COUNTY OF WELD, COLORADO IN DEED RECORDED OCTOBER 2, 1936 IN BOOK 999 AT PAGE 409.

PLANNING COMMISSION SUMMARY

ITEM: L&T Establishment of Zoning

PROJECT: L&T Establishment of Zoning

CASE NO: ZON2023-0002

LOCATION: Bounded by Weld County Road 56 to the north, State Highway 257 to the east, and County Road 54 to the south

APPLICANT: LAI Design Group

CASE PLANNER: Doug May AICP, Interim Chief Planner

PLANNING COMMISSION HEARING DATE: October 8, 2024

PLANNING COMMISSION FUNCTION: To review the proposed establishment of zoning for the annexation for compliance with Section 24-204 of the Greeley Development Code and make a recommendation to the City Council.

EXECUTIVE SUMMARY

Per Sec. 24-201.b.4. annexed areas shall be included in the City's zoning ordinance and map within ninety (90) days after the effective date of the annexation ordinance. As such, this application has been submitted in conjunction with two petitions to annex land to the City. The applicant proposes the establishment of R-E (Residential Estate), R-L (Residential Low Density), and R-M (Residential Medium Density) zone districts.

A. REQUEST

The applicant is seeking approval for the Establishment of Zoning R-E (Residential Estate), R-L (Residential Low Density), and R-M (Residential Medium Density) zone districts for property known as the L&T Annexation.

B. STAFF RECOMMENDATION

Approval

C. LOCATION

Bounded by Weld County Road 56 to the north, State Highway 257 to the east, and County Road 54 to the south.

Current Zoning:	AG (Agricultural – County)
Proposed Zoning:	R-E (Residential Estate) – 78.4 acres R-L (Residential Low Density) – 106.6 acres R-M (Residential Medium Density) – 115.7 acres
Abutting Zoning:	North: PUD (Planned Unit Development – City) South: AG (Agricultural - County) East: H-A (Holding Agriculture – City) West: AG (Agricultural – County); H-A (Holding Agriculture – City)
Site Conditions:	The site is mostly undeveloped and used for agriculture. There is an existing telecommunications tower at the northwest corner of County Road 54 and State Highway 257 on a separate parcel which is not included in the proposed annexation. There are eleven plugged and abandoned oil and gas wells scattered across the two parcels.
Lot Size:	300.672 Acres
Abutting Land Uses:	North: Current: Agriculture; Approved: Mixed-use PUD South: Agriculture/Residential East: Agriculture West: Agriculture/Residential; Oil and gas operation

D. BACKGROUND

This establishment of zoning is initiated by the City of Greeley in order to place zoning on recently annexed property in a timely manner, as required by Colorado statute. The property is currently in the process of being annexed into the City of Greeley, with final reading of the annexation ordinance scheduled before City Council on December 3, 2024 (File No. ANX2023-0001). State law requires that zoning be established on all newly annexed parcels within 90 days. The final reading of the ordinance establishing the zoning for this property, as presented herein, is also scheduled before City Council on December 3, 2024.

The subject area, consisting of 300.627 acres, is composed of two parcels as well as the right-of-way for Weld County Road 54, along the southern end of the annexation area. Each parcel measures approximately 150 acres and are currently used for agriculture and largely undeveloped except for eleven plugged and abandoned oil and gas wells as well as a telecommunications tower at the southeast corner of the annexation area which is on a separate parcel and not part of the annexation or zoning request. The parcels are located within the Long-Range Expected Growth Area and are designated as Suburban Residential, Rural, and Community Separator.

The applicant is proposing to zone the land to a mix of R-E (Residential Estate), R-L (Residential Low Density), and R-M (Residential Medium Density). The R-E portion is proposed to be 78.4 acres and would consist of the southwest portion of the site. The R-L is proposed to be a total of 106.6 acres with 15 acres in the southeast corner and 91.6 acres in the west-northwest. The R-M portion is proposed to be 115.7 acres in the east-northeast portion of the site. No specific plans for the site are proposed at the time of annexation, but prior to development, a subdivision would need to occur to create developable parcels that align with the zoning boundaries. Water and/or sanitary sewer will be extended to the area to serve any development that occurs there. If the subject site develops in the future, subsequent plans will be required to comply with the City's Development Code and will be required to comply with APFA (Adequate Public Facilities Area) requirements.

E. APPROVAL CRITERIA

Development Code Section 24-204 Rezoning Procedures

The review criteria found in Section 24-204(b) of the Development Code shall be used to evaluate the zoning amendment application.

- 1. The proposal is in accordance with the goals and objectives of the Comprehensive Plan and any other plan, policy or guidance adopted pursuant to that plan.**

The site is within the Long-Range Expected Growth Area (LREGA) and the Land Use Guidance Map identifies this area for suburban and rural residential uses as well as "Community Separator" in the southwest corner of the subject property. The LREGA includes those lands anticipated to accommodate the City of Greeley's urban development typically beyond a five (5) year time frame. This typically means that full urban services are not currently available to the site. The properties can be fully serviced if needed in the future.

Staff Comment: The proposed zoning districts are appropriate for this area. The Land Use Guidance Map identifies this area as "suburban" and "rural" future land use categories. The proposed zone districts of R-E (Residential Estate), R-L (Residential Low Density), and R-M (Residential Medium Density) allow for development that align with the Land Use Guidance Map.

The proposal complies with this criterion.

2. The proposal can fulfill the intent of the zoning district considering the relationship to surrounding areas.

According to the Development Code, the proposed zoning districts of R-E (Residential Estate), R-L (Residential Low Density), and R-M (Residential Medium Density) zoning districts allow for a range of residential densities from very low to more compact walkable development.

Staff Comment: There is currently no development on the subject property, apart from agricultural uses and plugged and abandoned oil and gas wells. It is anticipated that this area will develop a mix of very low to medium densities, at which time further development applications would need to be submitted for further review.

The proposal complies with this criterion.

3. Whether the area changed, or is it changing to such a degree that it is in the public interest to rezone the subject property to encourage development or redevelopment of the area.

Staff Comment: The area is changing in that it is being annexed into the City of Greeley and per State statute and Greeley Development Code requirements, zoning must be established within 90 days on newly annexed land.

The proposal complies with this criterion.

4. Whether the existing zoning been in place for a substantial time without development, and if this indicates the existing zoning is inappropriate given development trends in the vicinity.

Staff Comment: The subject area is currently AG (Agricultural) in unincorporated Weld County. However, because the property is proposed to be annexed into the City of Greeley, City zoning must be established as discussed above.

The proposal complies with this criterion.

5. The proposed zoning will enable development in character with existing or anticipated development in the area considering the design of streets, civic spaces and other open space; the pattern, scale and format of buildings and sites; and the compatibility and transitions with other complimentary uses and development.

Staff Comment: The proposed establishment of zoning is consistent with the anticipated development of the area. The Delantaro development is just north of the

annexation site, which is a large mixed-use development. The proposed zoning would allow for development that is in character with surrounding development.

The proposal complies with this criterion.

6. The City or other agencies have the ability to provide services or facilities that may be necessary for anticipated uses in the proposed district.

Staff Comment: When water and sanitary sewer service is requested for this region as part of a development proposal, offsite extensions will be required unless other development has already made the extensions. Any proposed development of the subject site would be reviewed for compliance with city standards and improvements to existing infrastructure may be required at that time.

The proposal complies with this criterion.

7. The change will serve a community need, provide an amenity or accommodate development that is not possible under the current zoning or that was not anticipated at the time of the initial zoning of the property, making the proposed zoning more appropriate than the current zoning.

Staff Comment: As stated above, the area is changing in that it is being annexed into the City of Greeley and per State statute and Greeley Development code requirements, zoning must be established within 90 days on newly annexed land.

The proposal complies with this criterion.

8. Any reasonably anticipated negative impacts on the area or adjacent property either are mitigated by sound planning, design and engineering practices or are outweighed by broader public benefits to the surrounding community.

Staff Comment: There are no anticipated negative impacts from the proposed establishment of zoning. A proposed development of the subject site would be reviewed for compliance with city standards and any potential impacts to neighboring properties would be considered at that time.

The proposal complies with this criterion.

9. The recommendations of professional staff or advisory review bodies.

Staff Comment: City staff recommends approval of this establishment of zoning request.

F. ADMINISTRATIVE REVIEW TEAM COMMENTS:

The proposal was reviewed by the Administrative Review Team and all comments have been addressed.

G. PHYSICAL SITE CHARACTERISTICS

1. SUBDIVISION HISTORY

The two parcels are currently unsubdivided.

2. HAZARDS

The properties contain multiple plugged and abandoned oil and gas wells.

3. WILDLIFE

The northeast portion of the site is in an area of high ecological significance. An ecological report will be required at the time of any proposed development.

4. FLOODPLAIN

There are no mapped floodplains on the subject property.

5. DRAINAGE AND EROSION

The site is largely undeveloped with drainage patterns expected to continue to follow the existing lay of the land. However, drainage patterns would be examined in greater detail through further development applications and the subsequent permitting processes.

6. TRANSPORTATION

The site is bounded by Weld County Road 56 to the north, State Highway 257 to the east, and County Road 54 to the south.

H. NOTIFICATION:

Mailed notice was sent on September 6, 2024 to 22 surrounding properties within 1000 feet of the subject property. The applicant posted signs in three locations on the property on September 9, 2024. As of September 24, 2024, one comment has been received with questions regarding the timeline for development and impact on surrounding properties. Because there is no development yet proposed, there is no timeline for development and in-depth analysis of impacts to surrounding properties would occur at the time of further development applications.

I. PLANNING COMMISSION RECOMMENDED MOTION:

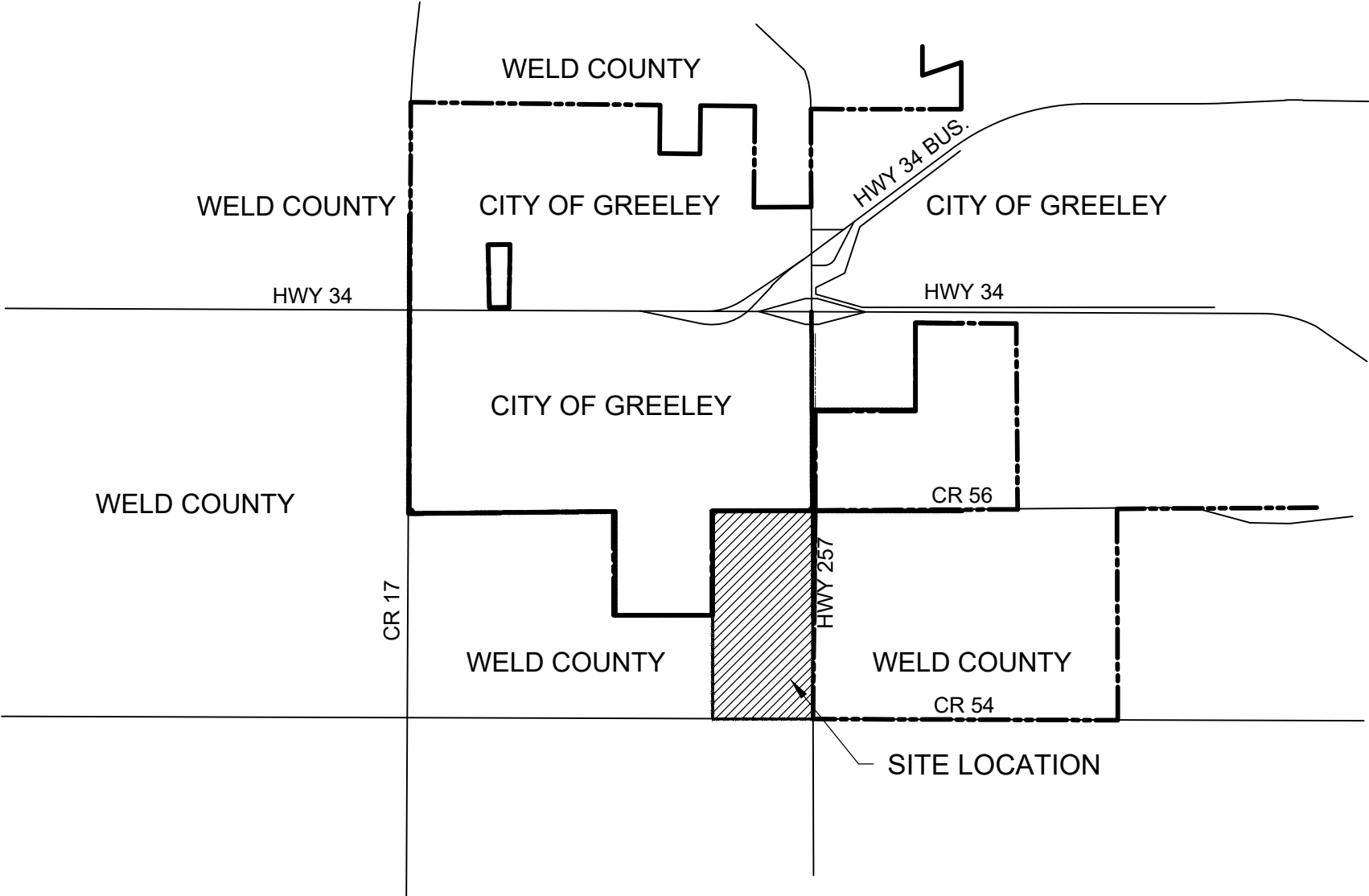
Based on the application received and the preceding analysis, the Planning Commission finds that the proposed L&T Establishment of Zoning, File number ZON2023-0002 meets the

required Development Code criteria of Section 24-204.b.(1-9); and recommend approval of the L&T Establishment of Zoning to the City Council.

L&T LLC ZONING

BEING A PART OF THE EAST ONE-HALF OF SECTION 22, TOWNSHIP 5 NORTH, RANGE 67 WEST OF THE 6TH
PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO
298.99 ACRES
ZON2023-0002

VICINITY MAP



LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF WELD, STATE OF COLORADO, AND IS DESCRIBED AS FOLLOWS:

THE EAST HALF (E1/2) OF SECTION TWENTY-TWO (22), IN TOWNSHIP FIVE (5) NORTH, RANGE SIXTY-SEVEN (67) WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY IN DEED RECORDED APRIL 6, 1965, IN BOOK 538, AT RECEPTION NO. 1460397.

AND EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE DEPARTMENT OF HIGHWAYS, STATE OF COLORADO IN DEED RECORDED APRIL 19, 1961 IN BOOK 1582 AT PAGE 550.

FURTHER EXCEPTING THAT PORTION CONVEYED TO COUNTY OF WELD, COLORADO IN DEED RECORDED OCTOBER 2, 1936 IN BOOK 999 AT PAGE 409.

SAID PARCEL CONTAINS 13,023,916 SQUARE FEET OR 298.988 ACRES MORE OR LESS.

INTENT STATEMENT

THE SUBJECT SITE IS CURRENTLY ZONED IN THE WELD COUNTY "A" DISTRICT (AGRICULTURE) AND IS PROPOSED TO BE ANNEXED TO THE CITY OF GREELEY, ESTABLISHING THREE NEW ZONES IN 4 AREAS. THERE WILL BE ONE AREA ZONED R-E (RESIDENTIAL ESTATE), TWO AREAS ZONE R-L (RESIDENTIAL-LOW) AND ONE AREA ZONED R-M (RESIDENTIAL MEDIUM). THIS WILL ALLOW THE SUBJECT PROPERTY DEVELOP WITH COMPLIMENTARY USES TO NEARBY PROPERTIES. THIS ZONING DISTRICT IS INTENDED TO OPEN THE PARCEL UP TO DEVELOPMENT FOR A VARIETY OF RESIDENTIAL LOT TYPES.

STANDARD REZONE NOTES

- APPROVAL OF SITE CONSTRUCTION PLANS BY THE CITY OF GREELEY SHALL BE REQUIRED (AS APPLICABLE) PRIOR TO ISSUANCE OF BUILDING PERMITS.
- ALL EXISTING AND PROPOSED UTILITIES SHALL BE INSTALLED UNDERGROUND.
- NO BUILDING PERMIT SHALL BE ISSUED FOR THE CONSTRUCTION OF A NEW BUILDING OR STRUCTURE UNLESS THE PROPERTY HAS BEEN PLATTED IN ACCORDANCE WITH THE CITY'S SUBDIVISION REGULATIONS (CHAPTER 3).
- ALL ELEVATIONS SHOWN ON THESE PLANS ARE TIED TO NAVD 88 DATUM.

PROJECT TEAM



OWNER:
L&T, LLC
27001 COUNTY ROAD 17
JOHNSTOWN, CO 80534-9606

DEVELOPER:
STRATUS COMPANIES
8480 E. ORCHARD RD, SUITE 1100
GREENWOOD VILLAGE, CO 80111
720.214.5000

PLANNER / ARCHITECT / LANDSCAPE ARCHITECT:
LAI DESIGN GROUP
88 INVERNESS CIRCLE EAST
BUILDING J, SUITE 101
ENGLEWOOD, CO 80112
303.734.1777

CIVIL ENGINEER/SURVEYOR:
CWC CONSULTING GROUP
9360 TEDDY LANE, SUITE 203
LONE TREE, CO 80124
303.395.2700

HYDRAULIC ENGINEER:
MSK CONSULTING, LLC
7157 S. ANDES CIRCLE
CENTENNIAL, CO 80016
303.903.0918

TRAFFIC ENGINEER:
LSC TRANSPORTATION CONSULTANTS, INC.
1889 YORK ST.
DENVER, CO 80206
303.333.1105

PLANNING COMMISSION RECOMMENDATION

RECOMMENDED / NOT RECOMMENDED BY THE CITY OF
GREELEY PLANNING COMMISSION, THIS _____ DAY OF
_____, 2024.

CITY COUNCIL APPROVAL

APPROVED BY THE GREELEY CITY COUNCIL, ON THIS
_____ DAY OF _____, 2024.

COMMUNITY DEVELOPMENT DIRECTOR

DIRECTOR OF COMMUNITY DEVELOPMENT _____ DATE _____

REZONING CERTIFICATION BLOCK

THIS REZONE HAS BEEN REVIEWED AND FOUND TO BE
COMPLETE AND IN ACCORDANCE WITH THE CITY OF
GREELEY DEVELOPMENT CODE REGULATIONS.

SIGNATURE OF OWNER _____ DATE _____

SHEET INDEX

SHEET NAME	SHEET NUMBER
COVER SHEET	L1.0
SITE ANALYSIS MAP	L2.0
ZONING SUITABILITY MAP	L3.0
PROPERTY BOUNDARY MAP	L4.0

PLANNER / ARCHITECT /
LANDSCAPE ARCHITECT
LAI DESIGN GROUP
116 INVERNESS DRIVE EAST, STE 340
ENGLEWOOD, CO 80112
PHONE: 303.734.1777



CIVIL ENGINEER



CWC CONSULTING GROUP
CIVIL ENGINEERING - LAND SURVEYING
CONSTRUCTION SERVICES
9360 TEDDY LANE, SUITE 203
LONE TREE, CO 80124
PHONE 303.395.2700 - FAX 303.395.2701

CLIENT



STRATUS COMPANIES
8480 E. ORCHARD RD, STE 1100
GREENWOOD VILLAGE, CO 80111
PHONE: (720) 214-5000

L&T LLC ZONING
GREELEY, CO
COVER SHEET

PROJECT #: 231004
DRAWN BY: AH
CHECKED BY: RH

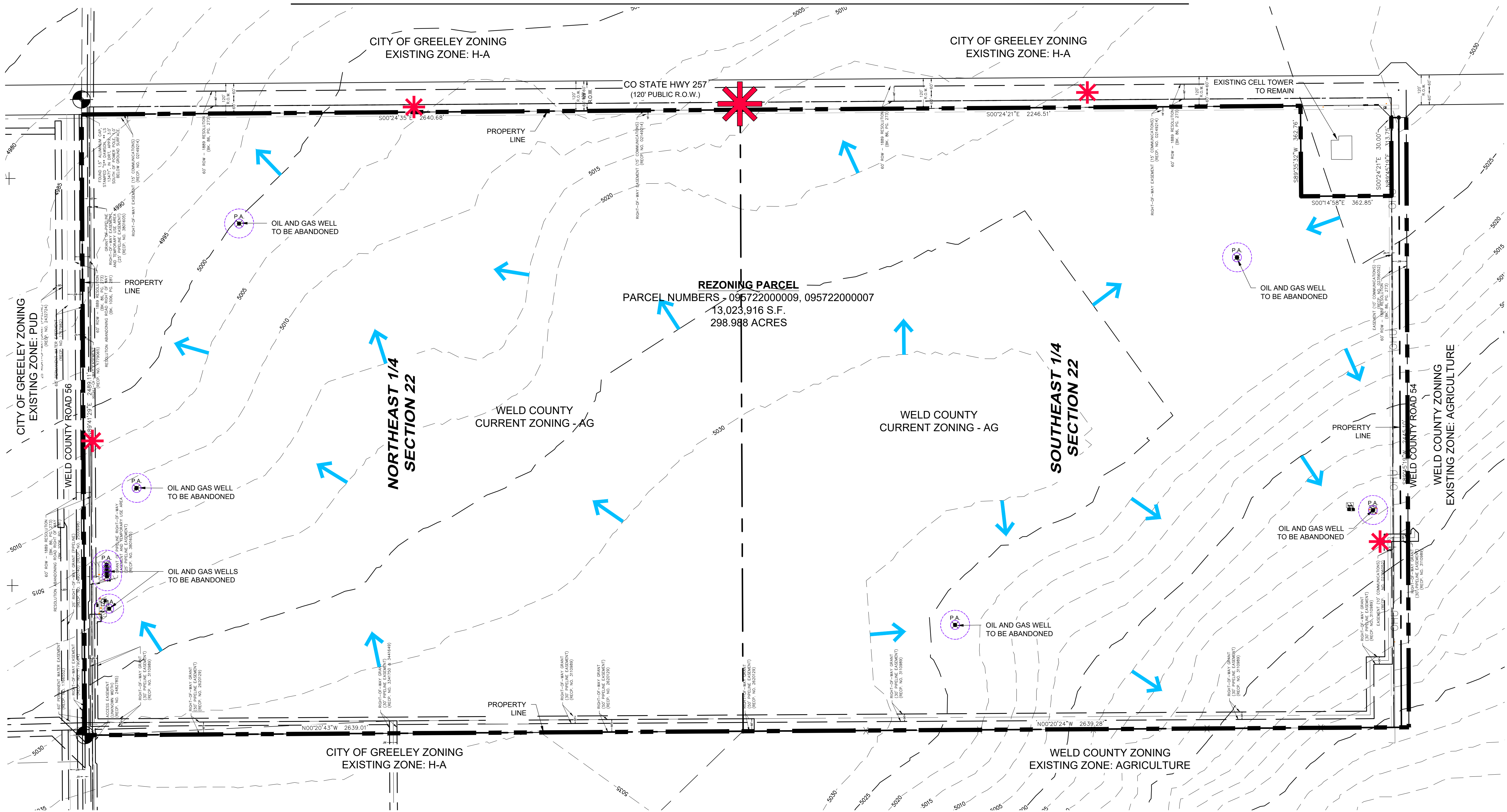
ISSUE RECORD	
2nd SUBMITTAL	09/07/23
3rd SUBMITTAL	12/19/23
4th SUBMITTAL	02/09/24
5th SUBMITTAL	06/17/24
6th SUBMITTAL	08/07/24
SHEET NUMBER	
L1.0	
SHEET 1 OF 4	

L&T LLC ZONING

BEING A PART OF THE EAST ONE-HALF OF SECTION 22, TOWNSHIP 5 NORTH, RANGE 67 WEST OF THE 6TH
PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO

298.99 ACRES

ZON2023-0002



LEGEND

H-A CITY OF GREELEY, HOLDING AGRICULTURE
AG WELD COUNTY - AGRICULTURE
PUD PLANNED UNIT DEVELOPMENT
* PRIMARY SITE ACCESS POINT
* SECONDARY SITE ACCESS POINT

EXISTING CONTOURS
MUNICIPAL BOUNDARY
PROPERTY BOUNDARY
RIGHT-OF-WAY
EASEMENT



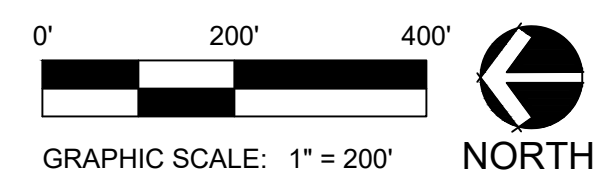
OIL & GAS TO BE ABANDONED
50' SETBACK



DRAINAGE

NOTES:

1. THERE ARE NO AREAS WITH SLOPES OVER 20% WITHIN THE PROJECT BOUNDARY.



PLANNER / ARCHITECT /
LANDSCAPE ARCHITECT
LAI DESIGN GROUP
116 INVERNESS DRIVE EAST, STE 340
ENGLEWOOD, CO 80112
PHONE: 303.734.1777



CIVIL ENGINEER



CWC CONSULTING GROUP
CIVIL ENGINEERING - LAND SURVEYING
CONSTRUCTION SERVICES
9360 TEDDY LANE, SUITE 203
LOVE TREE, CO 80124
PHONE 303.395.2700 - FAX 303.395.2701

CLIENT

STRATUS

STRATUS COMPANIES
8480 E. ORCHARD RD, STE 1100
GREENWOOD VILLAGE, CO 80111
PHONE: (720) 214-5000

L&T LLC ZONING
GREELEY, CO

EXISTING CONDITIONS MAP

PROJECT #: 231004
DRAWN BY: AH
CHECKED BY: RH

ISSUE RECORD

2nd SUBMITTAL 09/07/23
3rd SUBMITTAL 12/19/23
4th SUBMITTAL 02/09/24
5th SUBMITTAL 06/17/24
6th SUBMITTAL 08/07/24

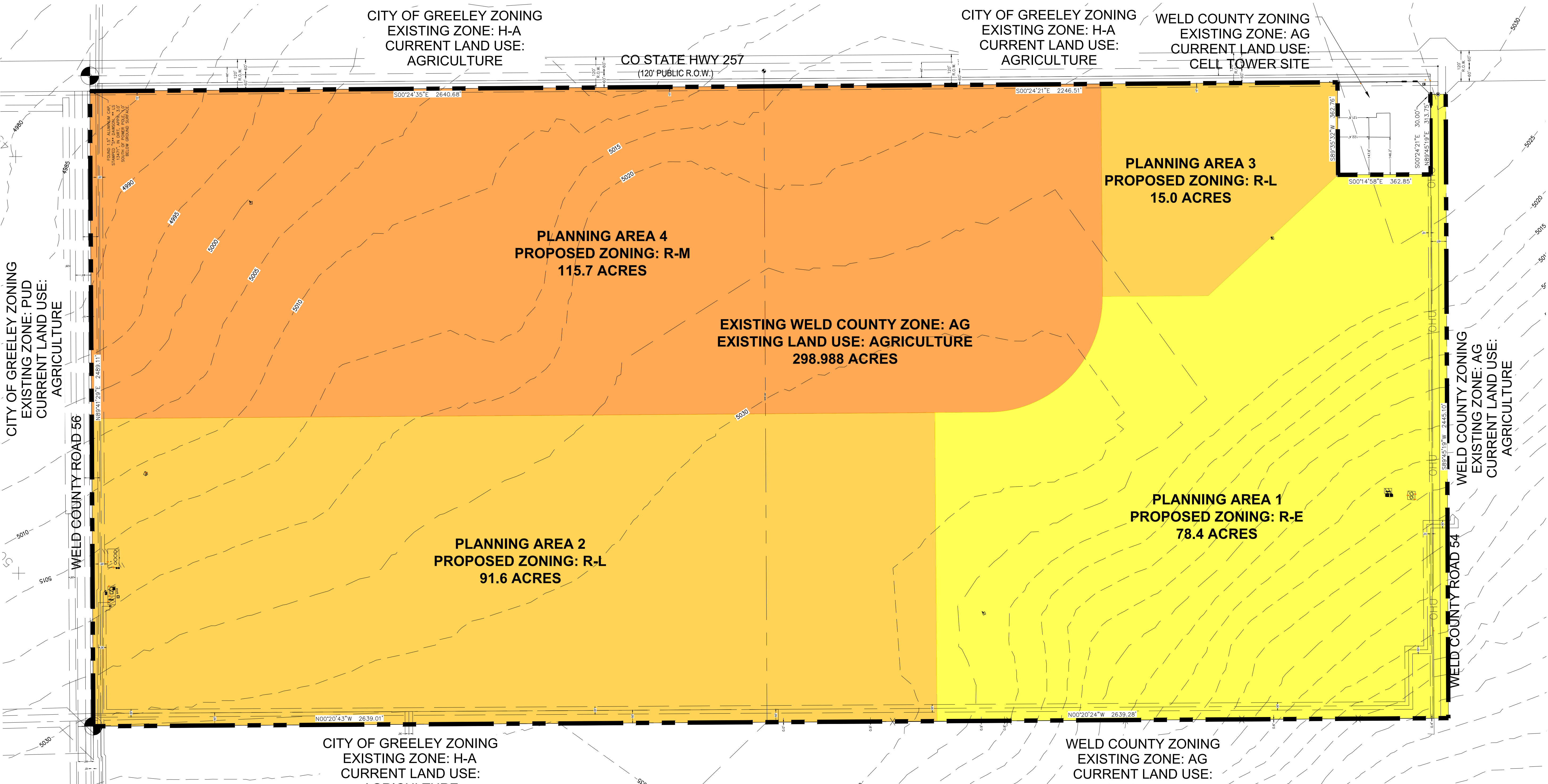
SHEET NUMBER

L2.0

SHEET 2 OF 4

L&T LLC ZONING

BEING A PART OF THE EAST ONE-HALF OF SECTION 22, TOWNSHIP 5 NORTH, RANGE 67 WEST OF THE 6TH
PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO
298.99 ACRES
ZON2023-0002



ZONING LEGEND

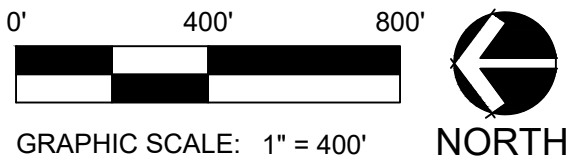
CODE	ZONE DESCRIPTION	MUNICIPALITY
AG	AGRICULTURE	WELD COUNTY
H-A	HOLDING AGRICULTURE	GREELEY
PUD	PLANNED UNIT DEVELOPMENT	GREELEY
R-E	RESIDENTIAL ESTATE	GREELEY
R-L	RESIDENTIAL LOW	GREELEY
R-M	RESIDENTIAL MEDIUM	GREELEY

ZONING SUMMARY

EXISTING ZONE:	PROPOSED ZONING:	AREA (AC.)
WELD COUNTY AG	GREELEY R-E, R-L, AND R-M	298.988 AC.
TOTAL:		100%

USE AREA	ALLOWED USES	AREA (AC.)
PLANNING AREA 1	RESIDENTIAL USES PER CITY CODE	±78.4 AC
PLANNING AREA 2	RESIDENTIAL USES PER CITY CODE	±91.6 AC
PLANNING AREA 3	RESIDENTIAL USES PER CITY CODE	±15.0 AC
PLANNING AREA 4	RESIDENTIAL USES PER CITY CODE	±115.7 AC

NOTE: PA-1 AREA INCLUDES APPROX. 1.7 ACRES OF R.O.W. IN WCR 54.



SURVEY INFORMATION TAKEN FROM THE ALTA SURVEY, PREPARED BY CWC CONSULTING, DECEMBER 2022.

PLANNER / ARCHITECT /
LANDSCAPE ARCHITECT
LAI DESIGN GROUP
116 INVERNESS DRIVE EAST, STE 340
ENGLEWOOD, CO 80112
PHONE: 303.734.1777

LAI
DESIGN GROUP

CIVIL ENGINEER


CWC CONSULTING GROUP
CIVIL ENGINEERING • LAND SURVEYING
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8960 TEDDY LANE, SUITE 203
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CLIENT


STRATUS COMPANIES
8480 E. ORCHARD RD, STE 1100
GREENWOOD VILLAGE, CO 80111
PHONE: (720) 214-5000

L&T LLC ZONING
GREELEY, CO
ZONING SUITABILITY

PROJECT #: 231004
DRAWN BY: AH
CHECKED BY: RH

ISSUE RECORD

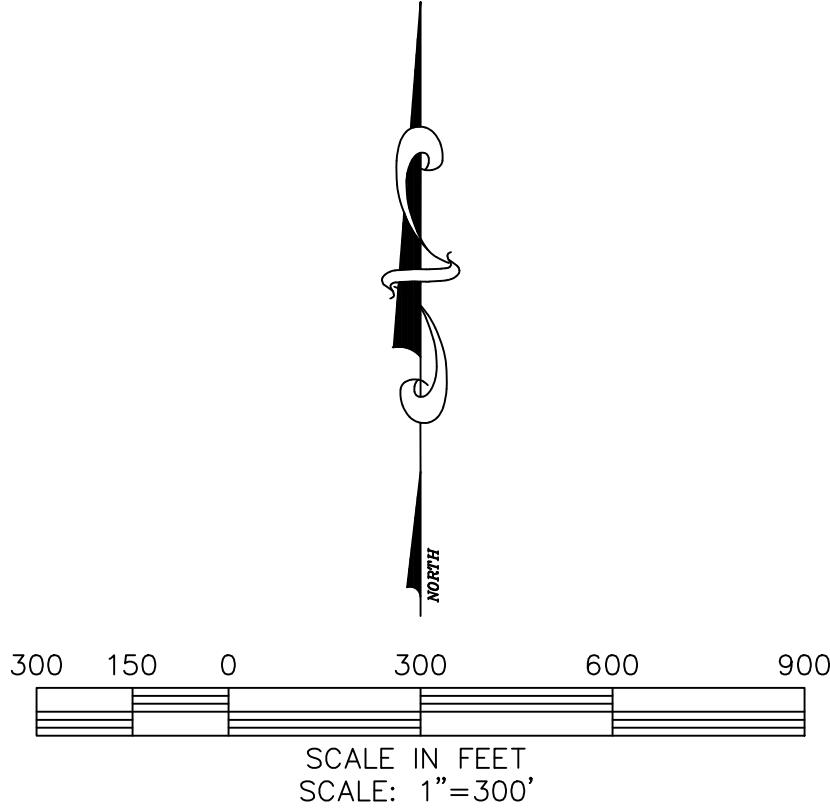
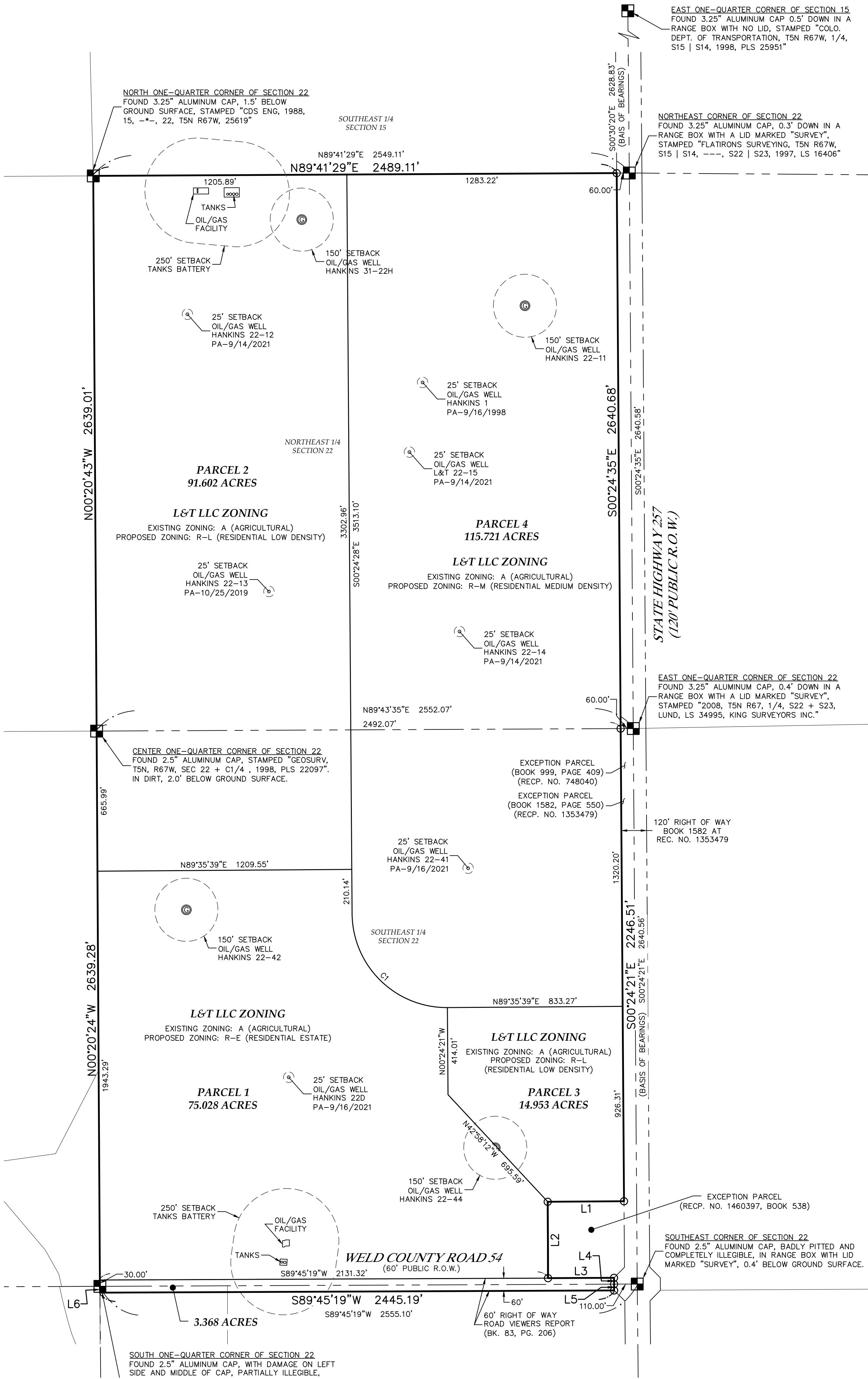
2nd SUBMITTAL	09/07/23
3rd SUBMITTAL	12/19/23
4th SUBMITTAL	02/09/24
5th SUBMITTAL	06/17/24
6th SUBMITTAL	08/07/24

SHEET NUMBER
L3.0
SHEET 3 OF 4

L&T LLC ZONING

Situate in the East Half of Section 22, Township 5 North, Range 67 West
of the 6th P.M., City of Greeley, County of Weld, State of Colorado

298.988 Acres
ZON2023-0002



LINE TABLE		
LINE	BEARING	LENGTH
L1	S89°35'32"W	362.76'
L2	S00°14'58"E	362.85'
L3	N89°45'19"E	313.75'
L4	S00°24'21"E	30.00'
L5	S00°37'21"E	30.00'
L6	N00°27'56"W	30.00'

LEGEND		
---	SECTION LINE	
---	RIGHT OF WAY LINE	
---	BOUNDARY LINE	
■	FOUND ALIQUOT CORNER AS DESCRIBED	
○	CALCULATED POSITION	

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CH BEARING
C1	706.81'	450.00'	89°59'40"	636.37'	S45°24'31"E

DATE:
6/1/2023

FILE NAME:
20230253B-ZON

SCALE:
1"=300'

DRAWN BY:
CSK

CHECKED BY:
PG

KING SURVEYORS

650 E. Garden Drive | Windsor, Colorado 80550

phone: (970) 686-5011 | email: contact@KingSurveyors.com

REVISIONS:

DATE:
8/6/24

REVISED SOUTH BOUNDARY LINE

CSK

L&T LLC ZONING

FOR

STRATUS INVESTMENT PARTNERS, LLC

PROJECT #:

20230253

4

SHEET 4 OF 4



June 17, 2023

Doug May
City of Greeley
Planning and Zoning
1100 10th Street, 2nd Floor
Greeley, CO 80631

Re: L&T LLC (Delantero South) – Annexation and Zoning Project Narrative

Mr. May,

On behalf of Stratus Companies, we respectfully submit our Annexation and Zoning applications for L&T LLC (Delantero South). We have provided the following narrative outlining the nature of the project.

Annexation

The L&T LLC property is approximately 299 acres located on the West side of Hwy 257, between Weld County Road 56 and Weld County Road 54. It is currently outside of the Greeley city limits in unincorporated Weld County.

By bringing the property into the City of Greeley, the property can be developed with a variety of residential home types in mind. Residential opportunities could include single-family dwellings, two-family dwellings, row houses and small lot homes that will appeal to many different types of homebuyers.

Primary access to the community is available at multiple locations along Highway 257, with secondary access available from Weld County Road 56 from the north. No access is anticipated for Weld County Road 54. Several oil & gas operations areas are in production on the property. Agreements are in place to plug and abandon all of these sites and move operations to the Blue Chip property to the west.

Establishment of Zoning

The L&T LLC property is currently zoned Agricultural (A) within Weld County. We are proposing to establish the property with a mix of residential zones to allow for the development of a variety of home types that will appeal to buyers at a variety of price points. This property will include R-E (Residential Estate), R-L (Residential Low), and R-M (Residential Medium) zones. This offers the city the potential for multiple income streams and

gives the developer flexibility to respond to market demands. The following table shows the breakdown for the different zone categories and a preliminary estimate of the number of homes that might be constructed within each zone. This breakdown is the basis for the utility studies and traffic impact study that are a part of this application.

Zoning	Acres	Homes
Residential Estate (R-E)	76.7	105
Residential Low (R-L)	106.6	501
Residential Medium (R-M)	115.7	944
Totals	299.0	1,550

Comprehensive Plan Compliance

Goal ED-1

L&T LLC will encourage a growing tax base that supports the well-being of the community and a high quality of life by providing a variety of residential use types and a network of open space and trails, in compliance with Objective ED-1.2.

Goal ED-3

L&T LLC can provide a diverse range of housing options to ensure that Greeley is attractive to and inclusive of a diverse workforce, in compliance with Objective ED-3.1.

Goal EH-2

L&T LLC will encourage residents to adopt active and healthy lifestyles to improve their general health and well-being, and provide amenities, such as trails and bike paths, that promote physical activity throughout the city by providing a diversity of open space amenities throughout the community, in compliance with Objective EH-2.3.

Goal GC-1

L&T LLC will manage growth to maintain or improve quality of life for Greeley's residents, minimize impacts on the natural environment, and protect or enhance natural features and other resources through planned development phasing, and through development of open space buffers and corridors, in compliance with Objective GC-1.1.

L&T LLC will ensure that new development abutting land that is intended to remain undeveloped, such as parks, open lands, environmentally sensitive areas, and agricultural land with conservation easements,

provides for transitions in uses and intensity that mitigate impacts on these adjacent areas, in compliance with Objective GC-1.6.

Goal GC-2

L&T LLC supports zoning and development patterns that expand opportunities for people who live in Greeley to also work in Greeley (or vice versa) by providing housing opportunities for the fast growing east side of Greeley, in compliance with Objective GC-2.2.

Goal GC-3

L&T LLC will work to define and identify desirable characteristics of its neighborhoods or areas of the city to create neighborhood and special area plans, and to reflect the community's character through the design of new developments, streetscapes, landscaping, and related features., in compliance with Objective GC-3.1.

L&T LLC will reinforce the community's image as a "Tree City" by promoting the establishment and maintenance of tree-lined travel corridors throughout the community, taking into consideration water use, conservation strategies, and the natural environment through street tree requirements along collector and local roads throughout the community, in compliance with Objective GC-3.4.

Goal GC-6

L&T LLC will foster the development of "Complete Neighborhoods" that fosters multi-modal connectivity (pedestrians, bicyclists, drivers) through its widespread and diverse network of roads with bike lanes, sidewalks, paths and trails, in compliance with Objective GC-6.1.

L&T LLC will promote design standards and practices that improve connectivity for all modes between neighborhoods and adjacent neighborhoods, centers, corridors, and areas through its network of roads with bike lanes, sidewalks, paths, and trails, in compliance with Objective GC-6.2.

Goal HO-1

L&T LLC will establish priorities for the types of housing, tenure types, and populations to be targeted through its implementation of a range of residential unit types (small lot, row house, single family detached, etc.) allowed within the various residential zones, in compliance with Objective HO-1.1.

Goal HO-2

L&T LLC will encourage a variety of housing types, sizes, styles, and price-points of housing units within new residential projects or subdivisions through its diverse mix of housing types allowed within the various residential zone categories, in compliance with Objective HO-2.1.

Goal IN-1



L&T LLC will provide neighborhood park facilities within a half-mile of most residences. A community park (with additional amenities) in the adjacent Delantero development will also serve the residents of L&T LLC, in compliance with Objective IN-1.4.

Goal NR-3

L&T LLC will, where possible, work to restore native prairie/grassland habitats in natural areas, in compliance with Objective NR-3.8.

L&T LLC will encourage the co-location of oil and gas facilities, where possible, to minimize the overall footprint of affected areas and impacts on adjacent land uses and the environment, by plugging and abandoning existing wells and consolidating production activities on a neighboring parcel, in compliance with Objective NR-3.11.

Goal NR-4

L&T LLC will encourage the efficient use and conservation of energy, in compliance with Objective NR-4.2.

L&T LLC will promote the use of landscaping with species appropriate to the local climate conditions, in compliance with Objective NR-4.3.

Goal PR-1

L&T LLC will develop a system of parks and trails which includes trail connections going north to the regional trail planned in Delantero, in compliance with Objective PR-1.1.

Goal PR-2

L&T LLC will ensure that new parks support best practices in water conservation and irrigation efficiency including reducing irrigated bluegrass areas unless needed for a specific activity by requiring high-efficiency automatic irrigation systems that incorporate water conservation measures and by encouraging alternative sources of irrigation for all landscaped areas, in compliance with Objective PR-2.1.

L&T LLC will incorporate native vegetation, natural grasslands, and low water-use plants and landscaping approaches into the design of parks, trails, and recreational amenities by utilizing native plants and plants appropriate for the local climatic and soil conditions, in compliance with Objective PR-2.2.

Goal TM-1

L&T LLC will ensure pedestrian movement and accessibility is considered in the design and construction of private development projects. Ample and safe sidewalks and other pedestrian pathways within and between developments should be provided, in compliance with Objective TM-1.2.



L&T LLC will develop attractive, safe, accessible, and efficient public rights-of-way, including roadways and sidewalks, in compliance with Objective TM-1.3.

L&T LLC will support the use of traffic calming methods that prevent accidents and improve safety for all users, in compliance with Objective TM-1.4.

L&T LLC will provide a roadway system that encourages the use of collector streets to channel traffic from the neighborhoods to arterial streets, and discourages the use of local streets for through-traffic by providing connected collector streets through the community that serve each part of the community, in compliance with Objective TM-1.8.

We look forward to working with city staff to kick-off the planning process in order to bring a high-quality new community to the City of Greeley.

Sincerely,

Rick Haering
Principal, LAI Design Group

City of Greeley, Colorado
PLANNING COMMISSION PROCEEDINGS
October 08, 2024
[Greeley Planning Commission- October 08, 2024- YouTube](#)

1. Call to Order

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

2. Roll Call

The hearing clerk called the roll.

PRESENT

Chair Justin Yeater
Commissioner Louisa Andersen
Commissioner Jeff Carlson
Commissioner Brian Franzen
Commissioner Larry Modlin
Commissioner Christian Schulte

ABSENT

Vice Chair Erik Briscoe

3. Approval of Agenda

There were no changes to the agenda.

4. Approval of the September 24, 2024, Planning Commission Meeting Minutes

Commissioner Andersen moved to approve the minutes dated September 24, 2024. Commissioner Franzen seconded the motion.

Motion carried 6-0 (Vice Chair Briscoe absent).

5. A public hearing to consider a request by LAI Design Group petitioning to annex a total of 300.672 acres of land to the City of Greeley. The properties are bounded by Weld County Road 56 to the north, State Highway 257 to the east, and County Road 54 to the south, (Case number ANX2023-0001, L&T Annexation).

Chair Yeater introduced the item as published. He asked if there was request from the Commission or anyone in the audience to see the presentation, there was, and he invited staff to begin the presentation.

Doug May (Planner III) began by sharing that items #5 and #6 would be presented in one presentation, they are separate items but are the same parcel, item #5 is an Annexation and item #6 is the zoning to go with the Annexation if approved. Chair Yeater introduced item #6 as published.

Mr. May began his presentation sharing the location of the proposed applications and the history of them, as provided in the staff report. The Annexation consists of 2 parcels totaling 300.672 acres, the City Attorney's office has determined that the proposal meets statutory requirements per Colorado State Statute. City Council adopted a resolution on October 1, 2024, accepting that the proposal meets the requirements to proceed in the annexation process. Establishment of zoning requested in

the application includes: 78.4 acres R-E (Residential Estate), 106.6 acres R-L (Residential Low Density) and 115.7 acres R-M (Residential Medium Density). State statutes does require zoning to be completed within 90 days of annexation. The parcels are located within the Long-Range Expected Growth Area (LREGA) and the H-A (Holding Agriculture) zone district is generally used to hold undeveloped and agriculture land until other zoning is established. Mr. May shared an aerial view of the location of the proposed applications and a map showing the proposed zoning for the parcels. Annexation considerations related to the Greeley Comprehensive plan showed this proposal does align with the plan.

Continuing, Mr. May shared that the proposed annexation meets the approval criteria in the Greeley Municipal Code, section 24-214.b (a-e). Proper notification was made including 22 notice letters being sent to properties within 1000 feet of the proposed annexation area, public hearing signs were posted on the property. Staff received one email with questions regarding the proposed annexation and one letter in opposition of the annexation. Community Development recommends approval of the proposed annexation.

Regarding the zoning of the parcels, staff finds that the application meets the 9 criteria in Section 24-204 of the Greeley Municipal Code. Proper notification was made including 22 notice letters being sent to properties within 1000 feet of the proposed a zoning area public hearing signs were posted on the property. Staff received one email with questions and one letter in opposition of the application. Community Development recommends approval for the establishment of zoning. That concluded Mr. May's presentation and he offered to answer any questions.

Chair Yeater confirmed with Mr. May the next steps for these applications if approved included a Plat and returning to Planning Commission for any specific use of the land and the applications today only included the Annexation and Zoning of the parcels. Mr. May confirmed this and that no development would be permitted prior to several steps being completed and future Public Hearings. Discussion continued between the Commission and Mr. May regarding right of way for the proposed annexation and the letter received from the Town of Millikan including that city staff is currently working with Millikan to address the concerns and develop agreements between them and the city regarding the concerns with the right of way and who will maintain it.

Further discussion continued regarding what would and would not be allowed in the various zoning districts if approved. Chair Yeater asked if it made sense to move forward with zoning at this time or if it made more sense to establish H-A zoning for this parcel instead of the propose and Mr. May shared that applicant may be able to provide more information on this subject and that he believed they had a user ready to proceed so it was ideal to establish zoning with the annexation in this case. Additional discussion included information on why these parcels to not have any commercial zoning included and that there does not appear to be any mixed uses, taking away from encouraging a walkable, bikeable culture and how limited sewer flow and capacity are a factor in that. The applicant did work closely with other city departments to create a zoning plan that meets the capacity limits of the infrastructure.

With no further questions of staff, Chair Yeater invited the applicant to speak if they wished.

Ken Puncerelli with LAI Design Group (116 Inverness Drive East, Suite 340 Englewood, Colorado) introduced himself and included that he was there to represent the applicant. He shared he prepared a brief presentation that he would like to share and that he would be happy to answer any questions after that. He began by sharing the vicinity map, showing the proximity to the Delentaro development and that there is some walkability with this proposal in relation to other developments nearby. He shared the proposed zoning map and provided that although this version did not show parks and open space his team does intend to have them included in their future applications that will come before the commission. He addressed a question raised about there not being commercial zoning in the

proposed plan and shared that currently the Delentaro development has an extensive amount of commercial zoning and the need for more in this area is just not forecasted at this time, but there would be connectivity and walkability between the proposed parcels and Delentaro. He gave an overview of how this plan coincides with the Greeley Comprehensive Plan and includes separators between the zone districts. That concluded the information that he wanted to share with the Commission, and he provided opportunity for the commission to ask any questions they may have.

Some discussion took place between the Commission and Mr. Puncerelli addressing why his team was pursuing zoning at this time instead of addressing it with a later application, he shared that they have been working with the city staff, attorney's and engineers for a year or longer and that the proposed zoning seems to work with the comprehensive plan and city standards. Some discussion continued regard what a rezone would require in the future and different scenarios that could trigger different processes.

With no further questions of staff or the applicant, Chair Yeater opened the public hearing at 1:40 p.m. for items 5 and 6 on the agenda.

Tyler Throstle (owns property next to these parcels), he wanted to know what processes were taking place to ensure that this proposal adds value over just growth for the sake of growth, this property could work for a variety of different users, and it seems like there is no reason for this property to be the next part of Greeley's growth plan. The traffic flow is never considered, the impact to people in the community isn't at the forefront and its only driven by growth. There is a need for more housing but there is no real plan for how this adds value or how it is improving Greeley. He knows growth is going to happen and that it is inevitable, but it seems like it could be happening in a much more planned out way. He will be impacted by it directly, they farm the land and adding hundreds of houses next door is going to impact the traffic and change the culture of where they live and every other aspect of their life moving forward. He wants to know how the Commission is taking those things into consideration and he would like to hear from the applicant why the planning for the area seems very specific to why certain things are in certain areas. He is led to believe there is already a future idea for what will be going where. He would like to know why that is not included in the presentation today, the final version should have been shared.

Mel Kalen (9952 County Road 54, Milliken, Colorado), he and his wife have owned the property to the south of this one for 30 years. He is concerned about the north/south airstrip that he has on his property. It is 2500 feet in length, approved with a Weld County Special Use Permit and it is a registered FAA air strip. He wants to see that something is done that would stop any confrontations with future property owners. He has both a landing and departure from the north, the runway is only 700 feet from the development, he doesn't know if noise could be a problem. He asks the city and developer make it well know to any property owners of the activity that takes place on his property before they purchase. He also provided a written statement to the record.

Rose Marie Einling (9476 County Road 54, Milliken, Colorado), began by stating that her concern is the plan if annexing, they need to know what the plan looks like. They live in the county because they like the rural setting. They need to see urban farms over houses with giant yards. They need to see the plan before agreeing to annexing the parcels. Where is the sewer and water coming to this area from. The roadways are already busy, what is more development going to do to the traffic. What happens in this area tells the existing property owners what to do, if they should sell or stay. It should be agricultural estates not more big houses and yards.

Andrea Throstle (owns property directly next to this one), she strongly opposes this application. They love where they live, and this is her home. They love the scenic landscape and rural lifestyle.

Development of agricultural lands into housing and commercial spaces threatens the irreversibility and alters the very fabric of our neighborhoods leading to declining property values. It diminishes the quality of life for residents in the area. Weld County has an agricultural history dating back to the area's founding. Profit is coming at the expense of our local character by transforming these lands into housing and developed lots risks severing the vital connection to the past and diminishes the qualities that make Weld County special. As development is considered we must recognize the pressures that accompany rapid urbanization, increased housing and commercial uses often lead to overcrowding and creates strains on local resources and traffic congestion. She stated that if anyone had been on 402 during any part of the day, you would realize that this is a very busy and bad road to drive on. Adding additional people is unthinkable to consider how it could work. No long-term resident would agree that adding development here would be good or desirable. Growth and sustainability need to be balanced she asked the Planning Commission to consider any plans very closely and implored them to prioritize preservation of farmland culture and quality of life.

With no further requests for comment from the public, Chair Yeater asked the applicant if they wished to comment.

Ken Puncerelli returned to the podium to address the comments from the Public Hearing. He shared his team is following the correct process that is required. They do not have a subdivision layout just yet and have provided what they have shown today. Water and sewer will be coming from Delentaro to the north as part of that development and there is also a waterline on 257. Any traffic concerns will be addressed with future applications and will be the responsibility of the development to meet city standards. When they have a more developed plan, they will be happy to meet with neighbors to share it with them and be receptive to feedback.

Commissioner Franzen asked if the airstrip that was mentioned in one of the public comments was being taken into consideration and the applicant referred to Mr. May to respond. He provided that; it would be considered when the subdivision design was submitted in future applications.

With no further discussion needed, Chair Yeater closed the public hearing at 1:43 p.m.

Commissioner Andersen motioned that, based on the project summary and analysis, the Planning Commission find that the request for an annexation meets approval criteria found in Section 24-204. b.2.(a-e). And, the proposed L&T Annexation, File number ANX2023-0001, meets State statutory requirements. And, therefore, recommend approval of the annexation to the City Council. Commissioner Carlson seconded the motion.

Motion carried 3-3 (Vice Chair Briscoe absent).

6. A public hearing to consider a request by LAI Design Group proposing establishment of zoning with annexation including a total of 300.672 acres of land to the City of Greeley. The properties bounded by Weld County Road 56 to the north, State Highway 257 to the east, and County Road 54 to the south, (Case number ZON2023-0002, L&T Zoning).

Presentation and public hearing took place with item number 5.

Commissioner Andersen moved based on the application received and the preceding analysis, the Planning Commission finds that the proposed L&T Establishment of Zoning, File number ZON2023-0002 meets the required Development Code criteria of Section 24-204. b. (1-9); and recommend approval of the L&T Establishment of Zoning to the City Council. Commissioner Franzen seconded the motion.

Commissioner Schulte recommended that the zoning be postponed at this time so that some of the

concerns brought up during public hearing can be examined.

Chair Yeater supports the zoning proposed and would like to see the future plans as well as concerns that were brought up during the public hearing addressed.

Commissioner Modlin shared he is in support with this zoning.

Commissioners Andersen and Carlson shared they agreed with Commissioner Schulte and that the zoning should be decided later with more information being provided and some of the concerns have been addressed further.

Michael Axelrad (City Attorney) clarified rules on alternative motions being recommended on the zoning. With no further discussion needed, Chair Yeater asked the Commission if there was an alternate motion.

Commissioner Schulte moved that based on the application received in the proceeding analysis the Planning Commission find that the proposed L&T Establishment of Zoning, File number ZON2023-0002 meets the required Development Code criteria of Section 24-204. b. (1-9); and recommend approval of the L&T Establishment of H-A (Holding Agriculture) Zoning with subsequent application in conjunction with a subdivision plan to the City Council. Commissioner Franzen seconded the motion.

Motion carried 6-0 (Vice Chair Briscoe absent).

7. Staff Report

Brian McBroom (Community Development Director) shared it was a great week for the planning department last week. They took part in helping organize the Colorado Chapter of the American Planning Association conference in Loveland. They assisted in two mobile tours, and it was a great opportunity for the city to shine amongst the professional planning community. He thanked Commissioners Andersen and Briscoe for attending. At the conference, the City of Greeley received a State Planning Excellence Merit award for work on 10th Street area plan showing how higher density affordable housing could occur as part of redevelopment and for work on the Housing Needs Assessment.

Additionally, staff hosted an event last Friday evening for the Sunrise neighborhood as work begins on the East Subarea plan. It had high attendance and was well received. Kudos to the planning team for organizing and facilitating a great meeting.

8. Adjournment

With no further business before the Commission, Chair Yeater adjourned the meeting at 2:11 p.m.

Erik Briscoe, Vice Chair

Brian McBroom, Community Development Director



Council Agenda Summary

November 19, 2024

Key Staff Contact: Rebecca Andrus, Civil Engineer IV, Sean Chambers, Water & Sewer Director

Title:

Introduction and first reading of an ordinance amending Title 20, Chapter 3, Article III of the Municipal Code of the City of Greeley

Summary:

The purpose of this ordinance is to update city code Section 20-191 to reflect recent changes by Colorado Department of Public Health and Environment (CDPHE) Code of Colorado Regulations 11.39 Backflow Prevention and Cross-Connection Rule and ensure that the City of Greeley has necessary tools for compliance and enforcement.

A backflow prevention device (backflow assembly) protects the public water supply from potential contamination due to backflow from commercial, industrial, and multi-family users. State drinking water regulations require annual testing by certified testers on behalf of the device owners to ensure proper function. To be in compliance and protect public health, the city is required to ensure that these tests are performed regularly and in accordance with state regulations.

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 December 3, 2024

Attachments:

1. Ordinance No. 46, 2024 with Appendix A

**CITY OF GREELEY, COLORADO
ORDINANCE NO. 46, 2024**

**AN ORDINANCE AMENDING TITLE 20, CHAPTER 3, ARTICLE III
OF THE MUNICIPAL CODE OF THE CITY OF GREELEY
(CONCERNING REGULATION OF CROSS CONNECTIONS IN THE PUBLIC WATER
SYSTEM)**

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 therefore, 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, Section 20-191 of the Greeley Municipal Code sets forth the requirements and regulations related to cross connections and backflow prevention in the City's public water system; and

WHEREAS, City staff and the Board have recommended amending Section 20-191 of the Greeley Municipal Code as set forth on Appendix A, attached hereto and incorporated herein, to ensure compliance with applicable state and federal regulations and for the health and safety of the general public; and

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

Section 1. That Section 20-191 be amended as set forth on Appendix A, attached hereto and incorporated herein.

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

Section 3. This Ordinance shall take effect immediately following its final publication.

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

ATTEST

CITY OF GREELEY, COLORADO

By: _____
City Clerk

By: _____
Mayor

APPENDIX A
ORDINANCE No. 46, 2024
AMENDING TITLE 20, CHAPTER 3, ARTICLE III
OF THE GREELEY MUNICIPAL CODE

Sec. 20-191. Cross connection control.

(a) *Purpose.* This section is intended to protect the city's ~~potable waterworks~~ PUBLIC WATER SYSTEM from contamination by backflow from a property owner's internal plumbing system or private water SUPPLY system through an ongoing program of cross connection control (also known as containment). Nothing in this section relieves a property owner from the cross connection control requirements of the plumbing code contained in chapter 9 of title 22 of this Code, which protects against backflow within a property owner's system (also known as isolation).

(b) *Definitions.* ~~As used in this section, unless the context otherwise requires~~ THE FOLLOWING WORDS, TERMS, AND PHRASES, WHEN USED IN THIS SECTION, SHALL HAVE THE MEANINGS ASCRIBED TO THEM BELOW, EXCEPT WHERE OTHERWISE DEFINED OR THE CONTEXT CLEARLY INDICATES A DIFFERENT MEANING:

AIR GAP MEANS A PHYSICAL SEPARATION BETWEEN THE FREE-FLOWING DISCHARGE END OF A POTABLE WATER SUPPLY PIPELINE AND AN OPEN OR NON-PRESSURE RECEIVING VESSEL INSTALLED IN ACCORDANCE WITH STANDARD ASME A112.1.2.

Backflow means THE UNDESIRABLE reversal of the normal direction of flow OF WATER OR MIXTURES OF WATER AND OTHER LIQUIDS, GASES, OR OTHER SUBSTANCES INTO in the city's ~~potable waterworks~~ PUBLIC WATER SYSTEM that can occur when pressure within a ANY UNINTENDED source connected to the city's PUBLIC WATER system is greater than the water pressure within the city's ~~potable waterworks~~ PUBLIC WATER SYSTEM.

BACKFLOW CONTAMINATION EVENT MEANS BACKFLOW INTO THE CITY'S PUBLIC WATER SYSTEM FROM AN UNCONTROLLED CROSS CONNECTION SUCH THAT THE WATER QUALITY NO LONGER MEETS THE COLORADO PRIMARY DRINKING WATER REGULATIONS OR PRESENTS AN IMMEDIATE HEALTH OR SAFETY RISK TO THE PUBLIC.

Backflow preventer means a ~~device,~~ BACKFLOW PREVENTION assembly OR BACKFLOW PREVENTION method ~~or type of construction~~ designed to prevent backflow into the city's ~~potable waterworks~~ PUBLIC WATER SYSTEM by separating the property owner's water SUPPLY system from the city's PUBLIC water system.

BACKFLOW PREVENTION ASSEMBLY MEANS ANY MECHANICAL ASSEMBLY INSTALLED AT A WATER SERVICE LINE OR AT A PLUMBING FIXTURE TO PREVENT A BACKFLOW

CONTAMINATION EVENT, PROVIDED THAT THE MECHANICAL ASSEMBLY IS APPROPRIATE FOR THE IDENTIFIED CONTAMINANT AT THE CROSS CONNECTION AND IS AN IN-LINE FIELD-TESTABLE ASSEMBLY.

BACKFLOW PREVENTION METHOD MEANS ANY METHOD AND/OR NON-TESTABLE DEVICE INSTALLED AT A WATER SERVICE LINE OR AT A PLUMBING FIXTURE TO PREVENT A BACKFLOW CONTAMINATION EVENT, PROVIDED THAT THE METHOD OR NON-TESTABLE DEVICE IS APPROPRIATE FOR THE IDENTIFIED CONTAMINANT AT THE CROSS CONNECTION.

~~Certified cross connection technician means a person who meets the requirements of article 12.2 of the Colorado Primary Drinking Water Regulations (as effective on March 30, 2004)~~ MEANS A PERSON WHO POSSESSES A CURRENT AND VALID BACKFLOW PREVENTION ASSEMBLY TESTER CERTIFICATION FROM ONE OF THE FOLLOWING APPROVED ORGANIZATIONS: AMERICAN SOCIETY OF SANITARY ENGINEERING (ASSE) OR THE AMERICAN BACKFLOW PREVENTION ASSOCIATION (ABPA).

CONTAINMENT MEANS THE INSTALLATION OF A BACKFLOW PREVENTION ASSEMBLY OR A BACKFLOW PREVENTION METHOD AT ANY CONNECTION TO THE CITY'S PUBLIC WATER SYSTEM THAT SUPPLIES AN AUXILIARY WATER SUPPLY SYSTEM, LOCATION, FACILITY, OR AREA SUCH THAT BACKFLOW FROM A CROSS CONNECTION INTO THE CITY'S PUBLIC WATER SYSTEM IS PREVENTED.

CONTAINMENT BY ISOLATION MEANS THE INSTALLATION OF BACKFLOW PREVENTION ASSEMBLIES OR BACKFLOW PREVENTION METHODS AT ALL CROSS CONNECTIONS IDENTIFIED WITHIN A CUSTOMER'S WATER SUPPLY SYSTEM SUCH THAT BACKFLOW FROM A CROSS CONNECTION INTO THE CITY'S PUBLIC WATER SYSTEM IS PREVENTED.

CONTROLLED MEANS HAVING A PROPERLY INSTALLED, MAINTAINED, AND TESTED OR INSPECTED BACKFLOW PREVENTION ASSEMBLY OR BACKFLOW PREVENTION METHOD THAT PREVENTS BACKFLOW THROUGH A CROSS CONNECTION.

~~Cross connection means a link between the city's potable waterworks and a potential source of contamination, which could allow such contamination to backflow into the city's system~~ MEANS A CONNECTION THAT COULD ALLOW ANY WATER, FLUID, GAS, OR OTHER SOURCE OF CONTAMINATION TO FLOW FROM ANY PIPE, PLUMBING FIXTURE, OR CUSTOMER WATER SUPPLY SYSTEM INTO ANY PART OF THE CITY'S PUBLIC WATER SYSTEM THROUGH BACKFLOW, SUCH THAT THE RESULTING WATER QUALITY COULD PRESENT AN UNACCEPTABLE HEALTH OR SAFETY RISK TO THE GENERAL PUBLIC.

Industrial and commercial operations means any property or account whose operations are WATER USE IS not strictly domestic residential.

PUBLIC WATER SYSTEM MEANS THE PUBLICLY OWNED TRANSMISSION AND DISTRIBUTION SYSTEM, AND ALL ASSOCIATED FACILITIES AND APPURTENANCES, THERETO THROUGH WHICH THE CITY DELIVERS WATER TO ITS CUSTOMERS FOR HUMAN CONSUMPTION.

UNCONTROLLED MEANS NOT HAVING A PROPERLY INSTALLED AND MAINTAINED AND TESTED OR INSPECTED BACKFLOW PREVENTION ASSEMBLY OR BACKFLOW PREVENTION METHOD, OR THE BACKFLOW PREVENTION ASSEMBLY OR BACKFLOW PREVENTION METHOD DOES NOT PREVENT BACKFLOW THROUGH A CROSS CONNECTION.

WATER SUPPLY SYSTEM MEANS A PRIVATELY OWNED WATER DISTRIBUTION SYSTEM, PIPING, CONNECTION FITTINGS, VALVES AND APPURTENANCES WITHIN A BUILDING, STRUCTURE, OR PREMISES.

(C) APPLICABILITY. THE PROVISIONS OF THIS SECTION APPLY TO ALL PERSONS WITH COMMERCIAL, INDUSTRIAL, AND MULTI-UNIT RESIDENTIAL SERVICE CONNECTIONS TO THE CITY'S PUBLIC WATER SYSTEM, INCLUDING, WITHOUT LIMITATION, ANY PERSONS OUTSIDE THE CITY WHO ARE USERS OF THE PUBLIC WATER SYSTEM BY AGREEMENT WITH THE CITY.

(e)-(D) ~~Illegal e~~ Cross connections AND BACKFLOW PROHIBITED. It is unlawful for any person to make, install, maintain, or permit any cross connection to the city's ~~potable waterworks~~ PUBLIC WATER SYSTEM, except in accordance with the provisions of this section, OR FOR ANY PERSON TO CAUSE OR PERMIT ANY BACKFLOW FROM THEIR WATER SUPPLY SYSTEM INTO THE CITY'S PUBLIC WATER SYSTEM.

(1) THE DIRECTOR SHALL IDENTIFY THOSE CROSS CONNECTIONS REQUIRING A BACKFLOW PREVENTER BASED UPON THE DEGREE OF HAZARD PRESENTED BY SUCH CROSS CONNECTION, AS DETERMINED BY THE DIRECTOR IN THEIR SOLE DISCRETION, AND NOTIFY THE RESPONSIBLE PROPERTY OWNER THAT A BACKFLOW PREVENTER MUST BE INSTALLED. UPON RECEIPT OF NOTICE THAT THE DIRECTOR HAS IDENTIFIED SUCH A CROSS CONNECTION, THE SUBJECT PROPERTY OWNER SHALL INSTALL A BACKFLOW PREVENTOR AT THE WATER SERVICE CONNECTION WITHIN 120 DAYS OF SUCH NOTICE.

(2) IF ANY SUBJECT PROPERTY OWNER FAILS TO INSTALL A BACKFLOW PREVENTER WITHIN 120 DAYS OF SUCH NOTICE, THE DIRECTOR SHALL (A) CONTROL THE CROSS CONNECTION, (B) REMOVE THE CROSS CONNECTION, OR (C) SUSPEND WATER SERVICE TO THE SUBJECT PROPERTY.

(3) ANY PERSON WHO BECOMES AWARE OF AN UNCONTROLLED CROSS CONNECTION THAT MAY REQUIRE INSTALLATION OF A BACKFLOW PREVENTER

PURSUANT TO THIS SECTION SHALL PROMPTLY REPORT SUCH CONNECTION TO THE DIRECTOR.

(d) *Backflow prohibited.* Any backflow into the city's potable waterworks is strictly prohibited.

(e) *Backflow preventers*; TESTING, REPORTING, AND inspection requirements.

(1) ~~The director of water and sewer shall identify those cross connections requiring a backflow preventer based on the degree of hazard presented by such cross connection, as determined by the director of water and sewer. Such cross connections shall at least include all industrial and commercial operations connected to the city's potable waterworks. All backflow preventers must be approved by and installed in accordance with the standards and specifications established or adopted by the director of water and sewer.~~ ALL BACKFLOW PREVENTERS INSTALLED PURSUANT TO THIS SECTION SHALL BE OF A TYPE, SIZE AND DESIGN THAT IS APPROVED BY THE DIRECTOR AND INSTALLED IN ACCORDANCE WITH THE STANDARDS AND SPECIFICATIONS ESTABLISHED BY THE WATER AND SEWER DEPARTMENT IN A LOCATION WITH ADEQUATE ACCESS FOR MAINTENANCE, TESTING AND REPAIRS.

(2) ~~The property owner shall install, operate, test and maintain backflow preventers at the property owner's expense to protect the city's potable waterworks. The property owner shall have the backflow preventer tested upon installation by a certified cross connection control technician, and annually thereafter, unless, due to the hazard presented by the connection, the director of water and sewer requires more frequent testing. The property owner shall immediately repair or replace any backflow preventer found to be defective.~~ ALL PERSONS REQUIRED TO INSTALL A BACKFLOW PREVENTER PURSUANT TO THIS SECTION SHALL INSTALL, OPERATE, TEST, AND MAINTAIN THE BACKFLOW PREVENTER AT THEIR SOLE EXPENSE. ANY PERSON THAT FINDS A BACKFLOW PREVENTER ON THEIR PROPERTY TO BE DEFECTIVE SHALL IMMEDIATELY REPAIR OR REPLACE THE BACKFLOW PREVENTER AT THEIR SOLE EXPENSE.

(3) ~~The property owner shall submit records of testing, maintenance and repairs to the water and sewer department within five days of completing such activities. The property owner and the water and sewer department shall retain such records for at least three years.~~ ALL PERSONS REQUIRED TO INSTALL A BACKFLOW PREVENTER PURSUANT TO THIS SECTION SHALL HAVE THE BACKFLOW PREVENTER TESTED BY A CERTIFIED CROSS CONNECTION CONTROL TECHNICIAN UPON INSTALLATION AND THEN ANNUALLY THEREAFTER, UNLESS, DUE TO THE HAZARD PRESENTED BY THE CONNECTION, THE DIRECTOR REQUIRES MORE FREQUENT TESTING.

(4) ~~The director of water and sewer retains the right to test or otherwise check the installation and operation of any backflow preventer to ensure proper installation and operation.~~ ALL PERSONS REQUIRED TO INSTALL A BACKFLOW PREVENTER PURSUANT TO

THIS SECTION SHALL SUBMIT TO THE DIRECTOR RECORDS CONCERNING THE TESTING, MAINTENANCE, AND REPAIR OF THE BACKFLOW PREVENTER WITHIN FIVE (5) DAYS OF COMPLETING SUCH ACTIVITIES AND SHALL RETAIN COPIES OF SUCH RECORDS FOR NO LESS THAN THREE (3) YEARS.

(5) RECORDS CONCERNING THE TESTING, MAINTENANCE AND REPAIR OF BACKFLOW PREVENTERS TO BE SUBMITTED TO THE DIRECTOR PURSUANT TO THIS SECTION SHALL INCLUDE, WITHOUT LIMITATION: (A) BACKFLOW PREVENTION ASSEMBLY OR METHOD TYPE AND LOCATION, (B) BACKFLOW PREVENTION ASSEMBLY OR METHOD MAKE, MODEL AND SERIAL NUMBER, (C) BACKFLOW PREVENTION ASSEMBLY OR METHOD SIZE, (D) TESTING DATES AND TESTING RESULTS, INCLUDING ALL RESULTS THAT WOULD JUSTIFY A PASS OR FAIL OUTCOME, (E) CERTIFIED CROSS-CONNECTION CONTROL TECHNICIAN CERTIFICATION AGENCY, (F) CERTIFIED CROSS-CONNECTION CONTROL TECHNICIAN'S CERTIFICATION NUMBER AND EXPIRATION DATE, (G) TEST KIT MANUFACTURER, MODEL AND SERIAL NUMBER, AND (H) TEST KIT CALIBRATION DATE.

(6) WITHOUT LIMITING ANY OTHER PROVISION OF THIS SECTION, THE DIRECTOR MAY INDEPENDENTLY TEST OR OTHERWISE INSPECT THE INSTALLATION AND OPERATION OF ANY BACKFLOW PREVENTER AT ANY TIME TO ENSURE PROPER INSTALLATION, OPERATION, AND PROTECTION OF THE CITY'S PUBLIC WATER SYSTEM.

~~(f) Survey and prevention. The director of water and sewer is authorized to conduct SUCH surveys AS ARE NECESSARY to identify hazardous cross connections AND verify the existence of backflow preventers, and to otherwise UNDERTAKE ANY OTHER NECESSARY ACTION support a program to eliminate~~ TO PROTECT THE CITY'S PUBLIC WATER SYSTEM AND ITS CUSTOMERS FROM CROSS connection hazards. THE DIRECTOR MAY CONTROL ANY SERVICE CONNECTIONS WITHIN THE PUBLIC WATER SYSTEM IN LIEU OF A SURVEY AS LONG AS THE SERVICE CONNECTION IS CONTROLLED WITH AN AIR GAP OR REDUCED PRESSURE ZONE BACKFLOW PREVENTION ASSEMBLY.

~~(g) Reporting of uncontrolled cross connections. Any person who becomes aware of an uncontrolled cross connection that may require a backflow preventer pursuant to this section shall promptly report such connection to the water and sewer department. PENALTIES. ANY PERSON THAT FAILS TO COMPLY WITH THE PROVISIONS OF THIS SECTION, OR FAILS TO COOPERATE WITH THE INSTALLATION, INSPECTION, TESTING, MAINTENANCE, OR AS NEEDED REPAIR AND REPLACEMENT OF BACKFLOW PREVENTERS, IS PUNISHABLE UNDER CHAPTER 9 OF TITLE 1 OF THIS CODE.~~

~~(h) Discontinuing water service. The director of water and sewer may discontinue water service to any premises for which the owner fails to comply with the requirements of this section, or to which~~

~~the owner denies reasonable access to the director of water and sewer as authorized by section 20-85 to determine compliance with this section. Such discontinuance of water service may be summary, immediate and without written notice whenever the director of water and sewer determines that such action is necessary to address an imminent threat to the city's waterworks or its water customers.~~

SUSPENSION OF WATER SERVICE. IN ADDITION TO ANY PENALTIES IMPOSED UNDER CHAPTER 9 OF TITLE 1 OF THIS CODE, THE DIRECTOR MAY SUSPEND WATER SERVICE TO ANY PERSON WHO FAILS TO COMPLY WITH THE PROVISIONS OF THIS SECTION, OR TO ANY PROPERTY UPON WHICH THE OWNER DENIES THE DIRECTOR REASONABLE ACCESS TO DETERMINE COMPLIANCE WITH THIS SECTION, AS AUTHORIZED BY SECTION 20-85. THE DIRECTOR MAY SUSPEND WATER SERVICE AS DESCRIBED IN THIS SECTION IMMEDIATELY AND WITHOUT NOTICE IF THE DIRECTOR DETERMINES THAT SUCH ACTION IS NECESSARY TO PROTECT THE CITY'S PUBLIC WATER SYSTEM AND ITS CUSTOMERS FROM CROSS CONNECTION HAZARDS.



Council Agenda Summary

November 19, 2024

Key Staff Contact: Brian McBroom, Community Development Director, Elizabeth Kellums, Planner III

Title:

Historic Preservation Non-Owner Nomination Informational Presentation

Summary:

The City of Greeley adopted the Historic Preservation ordinance and Commission in 1995 along with a process for nominating and designating properties on the Greeley Historic Register. It originally allowed for anyone to nominate a property to the Greeley Historic Register.

The Historic Preservation Code update in 2002, established the four non-owner entities eligible to submit non-owner nominations, stricter criteria for non-owner nominations to be submitted to protect properties that would diminish the character and sense of place in Greeley, and/or that would be the loss of a superior example of historical, architectural or geographical significance.

The 2006 Code update changed the Historic Preservation Commission to be a recommending body to the City Council on non-owner nominations and historic district nominations. This presentation will provide an overview of the Greeley Historic Register, information about what is designated, the benefits of preservation, background about the original ordinance and the changes made in 2002 and 2006 that created the non-owner nomination process, and it will outline the current process and approval criteria.

Fiscal Impact:

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

Legal Issues:

None

Other issues and Considerations:

None

Strategic Focus Area:

Community Vitality

Decision Options:

Informational

Council's Recommended Action:

Informational

Attachments:

1. Item 25 - Presentation



Greeley Historic Register Non-Owner Nomination Background & Process

Brian McBroom, Director of Community Development

Brian.McBroom@Greeleygov.com | 970-350-9786

City Council Meeting – November 19, 2024



Community Vitality

Agenda

- Overview of historic properties
- Background on non-owner nomination process
- Code details on the process
- Purpose: **Informational Only** - to provide information on the background and process of the Greeley Historic Register non-owner nomination provision in the Greeley Municipal Code

What is the Greeley Historic Register?

What is it?

- List of properties designated by the City of Greeley Historic Preservation Commission (HPC) and/or City Council as historic
- Resources include public and private sites, buildings, homes, replicas, structures, objects, properties, parks, land features, trees
- Have importance in the history, architecture, archaeology or culture of the city, state, or nation, as determined by HPC

Why do we have it?

- Designate, preserve, protect, enhance and perpetuate sites, structures, objects and districts which reflect outstanding elements of the city's cultural, artistic, social, ethnic, economic, political, architectural, historic, technological, institutional or other heritage
- Carry out the City's Comprehensive Plan
- Assist property owners in preserving their unique and historic properties

Background



- Historic Preservation ordinance originally adopted 1995
- Section 16.60.07 of 1995 ordinance allowed anyone to nominate a property, area or structure for designation

Background



- Controversy in 2000 around the non-owner nomination of the Mac House at 1324 10th Ave (under old code)
- Council gave direction to Staff to review the ordinance
- Concerns raised at the time about who should be able to nominate properties for designation

Background



- 2002 Code changes:
 - 5 HPC members must vote in favor for non-owner nominations
 - If fewer than 5 votes in favor, the application dies
 - Maintained appeal to City Council if owners object
- 2002 code change also named only 4 entities as eligible to nominate a property as a non-owner
 - Planning Commission
 - Greeley Urban Renewal Authority Board (GURA)
 - Downtown Development Authority (DDA)
 - Any historic preservation non-profit organization

Background



- In 2006, Code change made the HPC advisory to City Council for non-owner nominations
- No non-owner nominations have been submitted under the current ordinance except the one currently in process that is scheduled to come to Council in January 2025

Process Details

Approval Criteria

- Criteria for Designation, Section 24-1003(d)(2), in addition to 24-1003(d)(1)
- Must meet higher threshold of significance to be designated
- Quasi-judicial action

Notice and Procedure

- Notice sent via certified mail with return receipt, posted at property, published in Greeley Tribune
- Quorum of 5 HPC members
- Recommendation to Council requires 5 votes in favor
- Fewer than 5 votes in favor kills the application

City Council Action

- Within 30 days of Commission decision, City Council hold public hearing
- City Council vote to affirm, deny or modify the designation with vote of simple majority

Approval Criteria Per Code

Criteria for individual, owner-nominated properties

- Must meet one or more criteria in 1 or more areas of significance
- Section 24-1003(d)(1)
- A. Historical significance
- B. Architectural significance
- C. Geographical significance
- Section 24-1003(d)(4) Integrity criteria

Criteria for individual, non-owner nominated properties

- In addition to meeting criteria in 24-1003(d)(1) & (d)(4)
- Section 24-1003(d)(2)
- Higher threshold significance criteria

Criteria for district designation

- Section 24-1003(d)(3)
- Must meet at least one criteria

Questions?





Council Agenda Summary

November 19, 2024

Key Staff Contact: Martha Lanaghen, Human Resources Director

Title:

City Council and Mayor Compensation

Summary:

City of Greeley Charter §2.6 requires that (a) the compensation for the City Council (including Mayor and City Councilmembers) be set by ordinance; and (b) the compensation of any City Councilmember cannot be increased or decreased during the City Councilmember's term. In accordance with this Charter provision, City Council compensation is set by §2.04.070 which also requires a review of City Council compensation once every four years. Since the most recent review of City Council compensation was completed in 2020, the matter must be reviewed again by January 2025.

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

Figure One: Comparison of Council Compensation for nine (9) Northern Colorado cities.

City	Year Updated	Mayor	Council	Other Benefits
Arvada	2024	\$30,000	\$20,000	Unknown
Boulder	2023	\$12,695	\$12,695	Unknown NOTE: Boulder citizens voted in favor of Ballot Question 2C in 11/2024 election to tie compensation to AMI.
City of Brighton	2022	\$24,000	\$18,000	Medical, dental, and vision. 7.5% into a 457 deferred compensation plan.
City and County of Broomfield	2021	\$21,000	\$14,400	Unknown
City of Fort Collins	2024	\$62,400	\$41,600	Unknown
City of Greeley	2020	\$18,000	\$12,600	Access to City benefits
City of Loveland	2023	\$36,000	\$7,200	Monthly stipend (\$600)
Longmont	2020	\$18,000	\$14,400	Medical, dental, and vision (full cost). EAP.
Thornton	2015	\$24,000	\$18,000	Medical and dental. Life insurance. Recurring auto stipend. One time technology stipend.
Westminster	2024	\$20,904	\$14,928	Medical, dental, and vision (full cost). 457 deferred compensation plan with up to 12.5% match.
Average including Fort Collins		\$ 26,700	\$ 17,382	
Average w/o Fort Collins		\$ 22,733	\$ 14,691	

Based on this review, the Human Resources Department is recommending adjustments in City Council compensation as follows.

1. Move away from utilizing an average of local cities given the volatility and political nature of city council compensation strategies in neighboring cities.
2. Tie Council and Mayor compensation to Area Median Income (AMI) for one-person households in Weld County as determined by the US Department of Housing and Urban Development.
3. Use a calculation of 20% of AMI for City Council members and 30% of AMI for the Mayor.

Figure Two: Proposed Adjustments to City Council and Mayor Compensation Based on AMI Calculations

		\$80,188 AMI
	Council	Mayor
Current	\$ 12,600	\$ 18,000
Proposed at 20% AMI	\$ 16,038	
Proposed at 30% AMI		\$ 24,056
Increase	\$ 3,438	\$ 6,056

In accordance with the City Charter requirement that no compensation adjustments occur within the current City Councilmember's term, the following schedule reflects the implementation period based on each City Councilmember's current term. Any adjustments approved by the Council would take effect following the seating of the newly elected City Councilmember: Figure Three: Effective years for Council and Mayor Compensation Adjustments.

Figure Three: Effective years for Council and Mayor Compensation Adjustments.

Area	Year
Ward I	2027
Ward II	2025
Ward III	2025
Ward IV	2027
At Large	2025
At Large	2027
Mayor	2025

Fiscal Impact:

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

Legal Issues:

Consideration of this matter is a legislative process

Other issues and Considerations:

Strategic Focus Area:

High-Performance Government

Decision Options:

Council Consensus

Council's Recommended Action:

Obtain Council Consensus on the options provided in the presentation on slide 7.

Attachments:

1. Item 26 - Presentation



City Councilmember Pay



Martha Lanaghan, Director of Human Resources
City Council Meeting – November 19, 2024

Agenda

- Council Pay Process
- History of Greeley City Councilmember Compensation
- Study of Region and Area Median Income
- Next Steps
- **Purpose:** Obtain Council Feedback on the Options Provided

City of Greeley Council Compensation Overview

- City of Greeley Charter §2.6 requires:
 - Compensation for the City Council be set by ordinance
 - Compensation of any City Councilmember cannot be increased or decreased during the City Councilmember's term
- In accordance with this Charter provision, City Council compensation is set by §2-156 which requires a review of the City Council compensation once every four years
 - Year Last Updated: 2020
 - Mayor: \$18,000
 - Council Member: \$12,600

Evaluation was based on a nine-city comparison. Compensation was tied to the **average** of those cities.

The deadline to revisit Council Compensation is the ***end of this year.***

Comparable Colorado Communities

City	Year Updated	Mayor	Council	Other Benefits
Arvada	2024	\$30,000	\$20,000	Unknown
Boulder	2023	\$12,695	\$12,695	Unknown NOTE: Boulder citizens voted in favor of Ballot Question 2C in 11/2024 election to tie compensation to AMI.
City of Brighton	2022	\$24,000	\$18,000	Medical, dental, and vision. 7.5% into a 457 deferred compensation plan.
City and County of Broomfield	2021	\$21,000	\$14,400	Unknown
City of Fort Collins	2024	\$62,400	\$41,600	Unknown
City of Greeley	2020	\$18,000	\$12,600	Access to City benefits
City of Loveland	2023	\$36,000	\$7,200	Monthly stipend (\$600)
Longmont	2020	\$18,000	\$14,400	Medical, dental, and vision (full cost). EAP.
Thornton	2015	\$24,000	\$18,000	Medical and dental. Life insurance. Recurring auto stipend. One time technology stipend.
Westminster	2024	\$20,904	\$14,928	Medical, dental, and vision (full cost). 457 deferred compensation plan with up to 12.5% match.
Average including Fort Collins		\$ 26,700	\$ 17,382	
Average w/o Fort Collins		\$ 22,733	\$ 14,691	

Important Notes

- **City of Fort Collins Tied Council/Mayor Compensation to AMI** - In November 2022, City of Fort Collins voters passed a Charter amendment to base Council compensation on Area Median Income (AMI) for a *single-person household*, adjusted annually. Mayor is paid 75% of AMI. Mayor Pro Tem is paid 60% of AMI. Councilmembers are paid 50% of AMI.
- **City of Boulder just passed an AMI Compensation model last week (implemented December 2026)** - The City of Boulder voters decided on Ballot Question 2C Council Members will make 40% of AMI and Mayor will be paid 50% of AMI for Boulder County.

These northern Colorado cities are paying Councilmembers and their Mayor more based on two primary assertions:

- 1) On the theory that **higher pay could attract more working-class candidates**, potentially increasing the socioeconomic diversity on the council
- 2) Acknowledging the **complexity and required time** to successfully fulfill the duties of Mayor and/or City Councilmembers

Area Median Income – HUD – Greeley MSA

Housing and Urban Development (HUD) Area Median Income for the Greeley Metropolitan Statistical Area (MSA)

2024 US-HUD Income Tables - Greeley, CO MSA								
Median Family Income	Persons in Family							
	1	2	3	4	5	6	7	8
\$114,500	\$ 80,188	\$ 91,625	\$ 103,063	\$ 114,500	\$ 123,688	\$ 132,875	\$ 142,000	\$ 151,188

https://www.huduser.gov/portal/datasets/il/il2021/2021sum_haf.odn

Options to Consider

1. **No Change to Compensation** – Maintain compensation at the current level for four (4) years
2. **Adjust compensation based on the average of the nine (9) markets** –A decision will need to be made about using all nine markets or excluding Fort Collins / Boulder
3. **Move to Area Median Income Model** – Based on the Greeley MSA, single-person household

Recommendation

Move to Area Median Income Model –

based on Greeley MSA, single-person household

- ✓ Trusted outside-party calculation based on long-standing methodology through HUD, updated regularly
- ✓ Provides logical, defensible number for future councils to consider if they so choose
- ✓ Not susceptible to political developments in neighboring cities
- ✓ Based on Greeley area data and market conditions

Recommendation

The City Recommends:

- Tie compensation to AMI, single member household for Greeley MSA 2024 - \$80,188
- 20% of AMI for council members
- 30% of AMI for the Mayor

		\$80,188 AMI
	Council	Mayor
Current	\$ 12,600	\$ 18,000
Proposed at 20% AMI	\$ 16,038	
Proposed at 30% AMI		\$ 24,056
Increase	\$ 3,438	\$ 6,056

	Council	Mayor
Proposed New Comp	\$ 16,038	\$ 24,056
Average w/o FoCo	\$ 14,691	\$ 22,733
Average w/FoCo	\$ 17,382	\$ 26,700

Changes Implemented in:

- Late 2025 for Wards 2, 3, one At Large Councilmember and the Mayor
- Late 2027 for Wards 1, 4 and the other At Large Councilmember

Next Steps

- Consider Options / Recommendation
- First Reading December 3
- Second Reading December 17

Path forward approved before end of 2024

Thank you





Council Agenda Summary

November 19, 2024

Key Staff Contact: Heidi Leatherwood, City Clerk

Title:

Appointments to Boards and Commissions - Citizen Transportation Advisory Board, Greeley Urban Renewal Authority, Historic Preservation Commission, Housing For All Advisory Board and Human Relations Commission

Summary:

Council appointments are needed due to vacancies and expiring terms for the Citizen Transportation Advisory Board, Human Relations Commission, Historic Preservation Commission, Housing for All Advisory Board, and Greeley Urban Renewal Authority.

New applicants were interviewed by two councilmembers on November 7.

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. November Transmittal Page



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 *****

Citizen Transportation Advisory Board	
<i>3 Positions: 3 Year Term</i>	
☐	BART SMITH (I)
☐	(Recruit for Additional Applicants)

Human Relations Commission	
<i>1 Position: 3 Year Term</i>	
☐	LILLY MARTIN
☐	Zavin Ontiveros
☐	(Recruit for Additional Applicants)

Greeley Urban Renewal Authority	
<i>1 Position: 5 Year Term</i>	
☐	Benjamin Snow
☐	JONATHAN T MOWERY
☐	(Recruit for Additional Applicants)

Historic Preservation Commission	
<i>1 Position: 3 Year Term</i>	
☐	MARSHALL CLOUGH
☐	(Recruit for Additional Applicants)

Housing for All Advisory Board	
<i>6 Positions: 3 for 1 yr , 2 for 2 yrs, 1 for 3 yrs</i>	
☐	JESUS ALFREDO ESPARZA HERNANDEZ
☐	(Financing 1 or 2 yrs)
☐	(Recruit for Additional Applicants)

Comments: (I) = Incumbent
yr/yrs = years

Boards & Commissions Transmittal

October 22, 2024

Key Staff Contact: Jennifer Middleton 970-350-9743

Interview Date

November 7, 2024

Council Interview Team

Councilmembers McDonald and Hall

Council Appointment Date

November 19, 2024

Boards and Commissions Being Interviewed

- **Citizen Transportation Advisory Board**
- **Greeley Urban Renewal Authority**
- **Historic Preservation Commission**
- **Housing for All Advisory Board**
- **Human Relations 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: RL^{DS} Raymond Lee, City Manager HL^{Initial} Heidi Leatherwood, City Clerk



Council Agenda Summary

Title:

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

Item: 29.

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

November 17 – December 14, 2024

Tuesday, November 19, 2024

- Promotional Badge Ceremony & Recruit Badge Pinning/Swearing-In Ceremony 4 p.m.
Fire Station 1- Nusbaum Room
- Vote Yes for Greeley Appreciation Event 5 p.m. Outside Council Chambers (1001 11th Avenue Greeley CO)
- City Council Meeting 6 p.m. (1001 11th Ave Greeley CO 80631) City of Greeley Council Chambers

Wednesday, November 20, 2024

- Water & Sewer Board 2 p.m. (1001 11th Ave Greeley CO 80631) City of Greeley Council Chambers

Thursday, November 21, 2024

- Downtown Development Authority 7:30 a.m. (802 9th St #100, Greeley, CO 80631)
 - Airport Authority 3:30 p.m. Greeley-Weld Airport, (600 Airport Road Greeley, CO 80631)
 - Retirement Celebration - Don Tripp 4:30 p.m. (919 7th St, Greeley CO, 80631) Double Tree by Hilton
-

Monday, November 25, 2024

- Greeley Chamber of Commerce 11:30 a.m.

Tuesday, November 26, 2024

- City Council Work Session Meeting – No Meeting

Wednesday, November 27, 2024

- Upstate Colorado Economic Development 7 a.m. (822 7th Street Greeley CO 80631)
Upstate Colorado Conference Room

Tuesday, December 3, 2024

- City Council Meeting 6 p.m. (1001 11th Ave Greeley CO 80631) City of Greeley Council Chambers

Tuesday, December 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, December 10, 2024

- City Council Work Session Meeting 6 p.m. (1001 11th Ave Greeley CO 80631) City of Greeley Council Chambers

Thursday, December 12, 2024

- City of Greeley Holiday Party 11 a.m. Zoe's Cafe & Events (715 10th St, Greeley, CO 80631)

City Council Meeting Scheduling 2024			
	11/12/2024		
	This schedule is subject to change		
Date/Type	Description	Sponsor Presenter/Director or Project Manager	Placement/Time
November 26, 2024 Council Work Session	Cancelled due to Holiday		
December 03, 2024 Council Meeting	Minutes Nov. 19 CC; Oct. 22 & Nov. 12 WS	Heidi Leatherwood	Consent
	Resolution - Approving DDA Budget	Caleb Weitz	Consent
	Resolution - DDA Mill Levy	Caleb Weitz	Consent
	Intro & 1st Rdg Ord - Council Compensation	Martha Lanaghen	Consent
	Intro & 1st Rdg Ord - Code amendment to retention period -Administrative Hearing Officer Records	Tasha Reynolds/ Heidi Leatherwood	Consent
	PH & 2nd Rdg Ord - Reauthorizing Boards for B&C	Heidi Leatherwood/Jennifer Middleton	Regular
	PH & 2nd Rdg Ord - Amendment to GMC Security Guard Licensing	Adam Turk	Regular
	PH & 2nd Rdg Ord - L&T Annexation	Doug May/Brian McBroom	Regular
	PH & 2nd Rdg Ord - L&T Zoning	Doug May/Brian McBroom	Regular
	PH & 2nd Rdg Ord - Backflow Cross Connection Program	Rebecca Andrus/Sean Chambers	Regular
December 10, 2024 Council Work Session	Xcel Energy Update	Will Jones/Paul Trombino	WS
	Safe Streets for All City of Greeley Vision Zero Action Plan	Steven Younkin/Paul Trombino	WS
	Five Year Housing for All Strategic Plan Update	Deb Callies	WS
	Q3 Financial Report	Robert Miller/Tyra Litzau	WS
	Alquist 3D Printing Update	John Hall	WS
	Hold - West Greeley Updates/Negotiations	Blair Snow	WS
December 17, 2024 Council Meeting	Minutes - Nov 19 and Dec 3 CC; Dec 10 WS	Heidi Leatherwood	Consent
	Resolution - Council Policies and Protocol	Heidi Leatherwood	Consent
	Intro & 1st Rdg Ord - Historic Designation George's Bike Shop	Brian McBroom	Consent
	Eminent Domain Discussion	John Hall	Regular (Informational)
	Sidewalk Funding Projects	Steven Younkin/Paul Trombino	Regular (Informational)
	PH & 2nd Rdg Ord - Council Compensation	Martha Lanaghen	Regular
	PH & 2nd Rdg Ord - Code amendment to change the retention period for Administrative Hearing Records	Tasha Reynolds/ Heidi Leatherwood	Regular
	Boards & Commissions Appointments	Heidi Leatherwood	Regular
December 24, 2024 Council Work Session	Cancelled due to Holiday		
January 07, 2025 Council Meeting	Minutes	Heidi Leatherwood	Consent
	Resolution - Approval of Safe Streets for All COG Vision Zero Action Plan	Steven Younkin/Paul Trombino	Consent
	PH & 2nd Rdg Ord - Historic Designation George's Bike Shop	Brian McBroom	Regular
	Economic Development Strategic Plan Update	John Hall	Regular (Informational)



Council Agenda Summary

November 19, 2024

Key Staff Contact: Kimberly Southern-Weber, Chief Human Capital Officer

Title:

Motion to go into Executive Session for the purpose of receiving legal advice related to, and determining positions, developing strategy, and instructing negotiators all related to the passage of Ballot Measure 2N to include Police Sergeants in the 2025 Greeley Police Officers' Association collective bargaining agreement

Summary:

An executive session is needed to inform the City Council of the legal impacts Ballot Measure 2N, provide legal advice to Council, and seek Council positions, strategy, and instructions for negotiations regarding Police Sergeants inclusion in the 2025 Greeley Police Officer's Association collective bargaining Agreement. If Council concurs, a motion to adjourn into Executive Session is needed.

Fiscal Impact:

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

Legal Issues:

Consideration of this matter is a legislative process

Other issues and Considerations:

Strategic Focus Area:

Safe and Secure Communities

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:

A motion to go into an Executive Session to discuss the following matter as provided under C.R.S. Section 24-6-402(4)(b) and 24-6-402(4)(e)(I), Greeley Municipal Code Sections 2-151(a)(2) and 2-151(a)(5): To receive legal advice related to and determine positions, develop strategy, and instruct negotiators on the passage of Ballot Measure 2N to include Police Sergeants in the 2025 Greeley Police Officers' Association collective bargaining agreement.

Attachments:

None



Council Agenda Summary

November 19, 2024

Key Staff Contact: Rachel Flynn, Deputy City Manager Intentional Growth & Strategic Infrastructure

Title:

Motion to go into Executive Session to discuss the potential purchase, acquisition or lease of a property in unincorporated Weld County for a City service facility

Summary:

The Executive Session will focus on discussing potential opportunities related to the purchased, acquisition or lease of property to enhance and support City services. Additionally, staff will request instructions from Council related to negotiations for real property acquisitions and leases.

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
Infrastructure and Mobility

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:

A motion go into executive session to discuss the potential purchase, acquisition, or lease of property for City services, and to receive instructions regarding negotiations, as provided for in C.R.S §24-6-402(4)(a) and §24-6-402(4)(e)(I) and Greeley Municipal Code §2-151 (a)(1) and §2-151(a)(5); and if necessary to receive advice from the City Attorney related to these matters as provided for in C.R.S. §24-6-402(4)(b) and Greeley Municipal Code §2-151(a)(2)

Attachments:

None



Council Agenda Summary

November 19, 2024

Key Staff Contact: Paul Trombino, Public Works Director

Title:

Motion to go into Executive Session to discuss the potential purchase, acquisition or lease of real property in West Greeley

Summary:

The Executive Session will focus on discussing potential opportunities related to the purchased, acquisition or lease of real property to enhance and support economic development and City services. Additionally, staff will request instructions from Council related to negotiations for real property acquisitions and leases.

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:

A motion go into executive session to discuss the potential purchase, acquisition, or lease of property for City services, and to receive instructions regarding negotiations, as provided for in C.R.S §24-6-402(4)(a) and §24-6-402(4)(e)(I) and Greeley Municipal Code §2-151 (a)(1) and §2-151(a)(5); and if necessary to receive advice from the City Attorney related to these matters as provided for in C.R.S. §24-6-402(4)(b) and Greeley Municipal Code §2-151(a)(2)

Attachments:

None



Council Agenda Summary

November 19, 2024

Key Staff Contact: Rachel Flynn, Deputy City Manager Intentional Growth & Strategic Infrastructure

Title:

Motion to go into Executive Session to discuss the potential purchase, acquisition or lease of real property to enhance and support transportation improvements and provide for orderly development

Summary:

The Executive Session will focus on discussing potential opportunities related to the purchased, acquisition or lease of real property to enhance and support transportation improvements and orderly development. Additionally, staff will request instructions from Council related to negotiations for real property acquisitions and leases.

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:

Strategic Focus Area:

Infrastructure and Mobility

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:

A motion go into executive session to discuss the potential purchase, acquisition, or lease of property for City services, and to receive instructions regarding negotiations, as provided for in C.R.S §24-6-402(4)(a) and §24-6-402(4)(e)(I) and Greeley Municipal Code §2-151 (a)(1) and §2-151(a)(5); and if necessary to receive advice from the City Attorney related to these matters as provided for in C.R.S. §24-6-402(4)(b) and Greeley Municipal Code §2-151(a)(2)

Attachments:

None