

Greeley City Council Agenda

Regular Meeting

Tuesday, April 19, 2022 at 6:00 p.m.

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

Zoom Webinar link: <https://greeleygov.zoom.us/j/91910136877>

NOTICE:

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

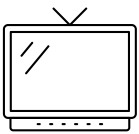
City Council members may participate in this meeting via electronic means pursuant to their adopted policies and protocol.

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

Watch Meetings:



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



Meetings are televised live on GTV8 on cable television.



Meetings are livestreamed on the City's website, greeleygov.com as well as YouTube at youtube.com/CityofGreeley

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

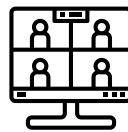
Meeting agendas, minutes, and archived videos are available on the City's meeting portal at greeley-co.municodemeetings.com/

Comment in real time:

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



In person attendees can address the Council in the Chambers.

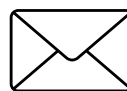


The public can join the Zoom webinar and comment from the remote meeting.

Submit written comments:



Email comments about any item on the agenda to cityclerk@greeleygov.com



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





City Council Agenda

April 19, 2022 at 6:00 PM

City Council Chambers, City Center South, 1001 11th Ave & via Zoom at <https://greeleygov.zoom.us/j/91910136877>

Mayor

John Gates

Councilmembers

Tommy Butler
Ward I

Deb DeBoutez
Ward II

Johnny Olson
Ward III

Dale Hall
Ward IV

Brett Payton
At-Large

Ed Clark
At-Large

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

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
9. Greeley Area Chamber of Commerce update

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.

10. Approval of the City Council Proceedings of April 5, 2022
11. Acceptance of the Report of the City Council Work Session of April 12, 2022
12. Consideration of a Resolution approving the name of new parkland dedicated in the Promontory Subdivision as Longview Park
13. Consideration of a Resolution approving the name of new parkland dedicated in the Westgate Subdivision as Redtail Park
14. Consideration of the City of Greeley's Consolidated Annual Performance and Evaluation Report (CAPER) for Program Year 2021 for Submission to the U. S. Department of Housing and Urban Development

[15.](#) Participation Agreement between Greeley and USFS - Cameron Peak Fire Recovery

End of Consent Agenda

- [16.](#) Pulled Consent Agenda Items
- [17.](#) PH - Update 2022 Action Plan (HUD)
- [18.](#) Public hearing to consider a request to rezone from I-M (Industrial Medium Intensity) to R-E (Residential Estate) and I-M (Industrial Medium Intensity) for 82.62 acres of property located at 15756 County Road 66 (southwest corner of AA Street and North 47th Avenue), known as the Leffler Rezone, and final reading of an ordinance changing the official zoning map to reflect the same
- [19.](#) Public Hearing and second reading of an Ordinance amending and repealing portions of the City of Greeley Municipal Code, all correcting the codification of the entire permanent code to accurately reflect the intent of ordinances passed in the City of Greeley
- [20.](#) Public hearing and final reading of an ordinance appropriating additional sums to defray the expenses and liabilities of the City of Greeley for the balance of the fiscal year of 2022 and for funds held in reserve for encumbrances at December 31, 2021
- [21.](#) Appointment of applicants to the Human Relations Commission, Citizen Transportation Advisory Board, Historic Preservation Commission, Citizen Budget Advisory Committee, Youth Commission, and the Rodarte Community Center Advisory Board
- [22.](#) Scheduling of Meetings, Other Events
- [23.](#) Consideration of a motion authorizing the City Attorney to prepare any required resolutions, agreements, and ordinances to reflect action taken by the City Council at this meeting and any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements and ordinances
24. Adjournment

Council Agenda Summary

Title

Recognitions and Proclamations

Summary

Council Member Hall will present the *What's Great about Greeley* Report.

Mayor Gates will present the proclamations

Attachments

National Youth Service Day Award Proclamation

Greeley Children's Chorale Day Proclamation

Holocaust Memorial Observances Proclamation

Arbor Day Proclamation

What's Great about Greeley Report



National Youth Service Day Awards

WHEREAS, the future of our community, our state and our nation depends upon the type of young people we raise to handle the affairs of tomorrow; and

WHEREAS, it is the duty of all parents, citizens and youth organizations to develop a proper attitude among the young people of our community, and to provide them with the right examples, environments and opportunities; and

WHEREAS, the purpose of organizing a National Youth Service Day is to reinforce in our young Americans the importance and excitement of helping others and in creating a public awareness of the positive contributions that young people make in the nation's progress, and to link their talents and resources to help the elderly and children, and to be role models to their peers; and

WHEREAS, the City of Greeley will designate April 19, 2022, as National Youth Service Day and will recognize youth for their community service.

NOW, THEREFORE, I, John Gates, by virtue of the authority vested in me as Mayor of the City of Greeley, Colorado, do hereby proclaim April 19, 2022 as *National Youth Service Day* in the city of Greeley.

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 April, 2022.

John Gates
Mayor



Greeley Children's Chorale Day

WHEREAS, the Greeley Children's Chorale, was established in 1990 by Kay (Copley) Boyd; and

WHEREAS, the Greeley Children's Chorale is a strong choral organization that provides a structured, caring environment where children gain valuable musical skills; and

WHEREAS, the Greeley Children's Chorale maintains high standards for its young participants, helping children to be their best in musical artistry as well as in personal development; and

WHEREAS, the Greeley Children's Chorale supports other organizations and events in the state through their performances, and the group has performed at many events such as Oktoberfest, UNC sporting events, Colorado Eagles games and for the Colorado Rockies; and

WHEREAS, the Greeley Children's Chorale's five directors (Pam Korth, Kris Pierce, Darlene James, Sue Davis, and Megan Nugent) are each committed to providing a positive environment to enhance the development of children in Weld County; and

WHEREAS, the Greeley Children's Chorale has proudly served the children, families and arts community of Weld County for 30 seasons; and

WHEREAS, the City Council congratulates the Greeley Children's Chorale on their 30th Anniversary, and thanks them for their work and their commitment to children and to the local community.

NOW, THEREFORE, I, John D. Gates, by virtue of the authority vested in me as Mayor of the City of Greeley, do hereby proclaim April 30, 2022 as *Greeley Children's Chorale Day* in Greeley, and encourage all Greeley citizens to support this wonderful community organization.

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 April, 2022.

John Gates
Mayor



Holocaust Memorial Observances

WHEREAS, a sound knowledge of history is a foundation for participation in self-government, and our democracy does best with thoroughly informed voters; and

WHEREAS, during the annual week of Holocaust Memorial Observances of Northern Colorado we have an opportunity to learn about the decisions, actions, and consequences of the Nazi government that intended to destroy groups of people deemed to be inferior and a danger to Nazi rule; and

WHEREAS, learning that Nazi propaganda led to World War II, we can better recognize and confront racism, bigotry, intolerance, and hatred evident in some quarters of our land today; and

WHEREAS, verified history of the Holocaust details the genocide of millions of Jews and others because of who they were and not for wrongs they did. We seek guidance from verified Holocaust history, so that members of our society might analyze carefully to determine whether or not choices that arise might imperil our Country's freedoms; and

WHEREAS, the United States is currently experiencing polarizing tensions, in part fueled by distortions of facts related to political matters, economic realities, and pandemic stress. These tensions have endangered innocent people based upon diversity of race, gender, and culture, among other factors. Internationally, peace among nations is breached by war; and

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

WHEREAS, these Holocaust Memorial Observances are recognized and supported by the city of Greeley and also by the University of Northern Colorado, Aims Community College, the High Plains Library District, high schools in Greeley and Eaton, as well as the Greeley Interfaith Association, Beth Israel Congregation, the Unitarian Universalist Church, and many other local organizations and individuals; and

WHEREAS, the city of Greeley endorses these Observances in the hope that all who attend will be better prepared to address words or deeds of hate. Whenever we are confronted with manifestations of hate, we all need to respond from a core of truth, humanity, and dignity as we act lawfully to prevent others from inciting hateful actions.

NOW, THEREFORE, I, John Gates, by virtue of the authority vested in me as Mayor of the City of Greeley, do hereby proclaim April 24-29, 2022, as **Holocaust Memorial Observances** and encourage the residents of Greeley to participate in these free activities, presented both in-person and virtually on YouTube and Zoom platforms. Links to these events can be found at www.aims.edu/holocaust.

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 April 2022.

John Gates
Mayor



ARBOR DAY

WHEREAS, Union Colony founder Nathan Meeker promised that a network of irrigation ditches would eventually transform Greeley into the “Garden Spot of the West” and in June 1870, ordered trees from Illinois which arrived by boxcar and which were “heeled in” along the banks of the Cache la Poudre river near Island Grove Park; and

WHEREAS, these original trees did not survive the first winter, Meeker encouraged Colonists to participate in “Village Improvement Campaigns” which meant - “Plant Trees!” Trees growing along the Cache la Poudre and in the foothills west of Greeley were dug up, brought to Lincoln Park by wagons, and transplanted to the park’s lawn areas adjacent to the streets. With 100-foot-wide streets, these trees had ample space to grow and provide a shaded canopy over the streets and sidewalks; and

WHEREAS, “Mr. Meeker used to say that those who took pleasure in setting out trees lived longer than those who took no interest in that direction”; and

WHEREAS, in 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees which culminated in the planting of over one million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, as leaves appear on thousands of Greeley’s trees with the arrival of spring, we are reminded again that trees are, and always will be, an integral part of Greeley’s urban and residential design; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community.

NOW THEREFORE, I, John Gates, Mayor of the City of Greeley, Colorado, do hereby proclaim April 30, 2022 as *Arbor Day* in the City of Greeley, and I urge all citizens to support efforts to protect our trees and woodlands and to plant trees to promote the well-being of present and future generations.

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 April, 2022.

John Gates
Mayor

Greeley City Council
April 19, 2022
Councilmember Dale Hall



“If you belittle what you
have...it becomes less.
If you appreciate what
you have ...
it becomes more.”

~Gelene McDonald

Daniels Fund Scholarship Awards Greeley-Evans School District 6

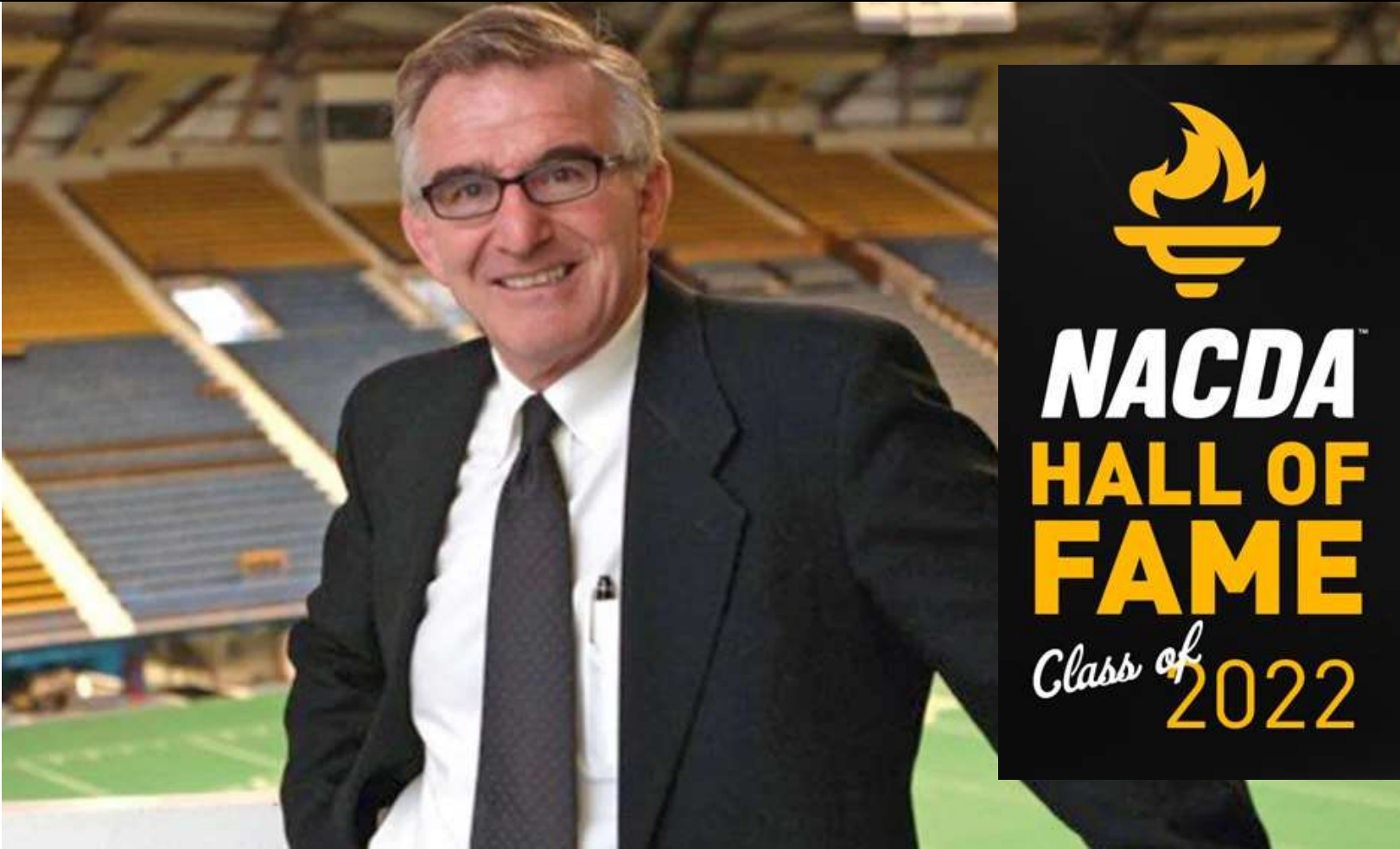


#5 Fastest-Growing High-Tech Sectors

Bureau of Labor Statistics Quarterly Census

Rank	Metro area	Change in high-tech industry employment, 2015 to 2020 (%)	Average annual high-tech industry pay, 2020 (\$)	Share of all jobs in high-tech sectors (%)
1	Bend-Redmond, OR	64.8	133,744	7.1
2	Palm Bay-Melbourne- Titusville, FL	41.6	106,139	16.4
3	Crestview-Fort Walton Beach-Destin, FL	39.4	185,011	8.1
4	Austin-Round Rock, TX	32.2	156,335	13.2
5	Greeley, CO	30.8	139,367	5.7
6	Huntsville, AL	30.6	190,484	17.6
7	Salt Lake City, UT	30.0	127,309	6.0
8	Durham-Chapel Hill, NC	28.3	206,318	8.9
9	Ogden-Clearfield, UT	28.0	142,561	5.3
10	San Jose-Sunnyvale- Santa Clara, CA	27.1	416,830	22.8

University of Northern Colorado Fallis Named to NACDA Hall of Fame



Boettcher Scholars Greeley-Evans School District 6



University of Northern Colorado #1 In Colorado



UNC is **RANKED #1 IN SOCIAL MOBILITY**
in Colorado, according to CollegeNet's 2021
Social Mobility Index.



FNBO Impact Grants Awarded

Greeley-Weld Habitat for Humanity | University of Northern Colorado



Colorado All-State Band

UNC | Colorado Bandmasters Association



GreeleyGov.com



Greeley City Council - 2022



Council Agenda Summary

Title

Citizen Input

Summary

During this 15 minute portion of the meeting, anyone may address the Council on any item of City Business appropriate for Council consideration that is not already listed as a public hearing on this evening's agenda.

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

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

Council Agenda Summary

Title

Reports from Mayor and Councilmembers

Summary

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

Council Agenda Summary

Title

Initiatives from Mayor and Councilmembers

Summary

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

Initiatives will generally fall into three categories:

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

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

Attachments

Status Report of Council Initiatives and Related Information

Greeley City Council

Status Report of Council Initiatives

Initiative No.	Council Member Initiating	Council Request	Council Meeting or Work Session Date Requested	Status or Disposition (After completion, item is shown one time as completed and then removed.)	Assigned to:
15-2021	Olson	Formation of a committee for implementation of a funding strategy for the 35 th and 47 th interchanges.	December 7, 2021 Council Meeting	Council Member Olson will be following up with Manager Lee and Director Trombino on next steps	Paul Trombino
01-2022	Butler	Cost and feasibility study of matching the Fun Plex and Greeley Recreation Center hours	February 15, 2022 Council Meeting	Kelly Snook will look into the costs and feasibility of matching the hours of the two recreation facilities	Kelly Snook
02-2022	Clark	Request update on City's graffiti removal program	March 15, 2022 Council Meeting	Requested Public Works provide an update to Council on the City's graffiti removal program	Paul Trombino
04-2022	Olson	Request update on City's involvement on LinkNoCo transit.	April 5, 2022 Council Meeting	Requested Public Works provide a report to Council on LinkNoCo Transit projects.	Paul Trombino

Council Agenda Summary

April 19, 2022

Key Staff Contact: Raymond Lee, City Manager, 970-350-9785

Title:

Greeley Area Chamber of Commerce update

Summary:

Greeley Area Chamber of Commerce President Jaime Henning will be present to provide Council with an update on the Chamber's operations and programs.

Attachments:

None

Council Agenda Summary

Title:

Approval of the City Council Proceedings of April 5, 2022

Summary:

A meeting of the City Council was held in the City Council's Chambers on April 5, 2022. The draft proceedings have been prepared and are being presented for the Council's review and approval.

Decision Options:

1. To approve the proceedings as presented; or
2. Amend the proceedings if amendments or corrections are needed, and approve as amended.

Council's Recommended Action:

A motion to approve the City Council proceedings as presented.

Attachments:

Draft Proceedings of April 5, 2022

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
April 05, 2022

1. Call to Order

Mayor John Gates called the meeting to order at 6:00 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 to the American Flag.

3. Roll Call

Charity Campfield, Deputy City Clerk, called the roll.

PRESENT

Mayor John Gates
Council Member Tommy Butler
Council Member Deb DeBoutez
Council Member Dale Hall
Council Member Johnny Olson
Council Member Ed Clark

ABSENT

Council Member Brett Payton

4. Approval of the Agenda

The agenda was approved as submitted.

5. Recognitions and Proclamations

Mayor Gates presented proclamations for Sexual Assault Awareness Month and Parkinson's Awareness Month.

Council Member Olson presented the *What's Great About Greeley* report.

6. Citizen Input

Pennie Nichol, Greeley, reported that she is representing the organization of Earth Guardians and addressed the council on the importance of native grasses at Bittersweet Park.

Emmy Adams, Greeley, reported that she is encouraging council's continued support on sustainability initiatives including the native grasses at Bittersweet Park.

Edwin Grant, Greeley, reported that in the case of the Bittersweet Park, and the Police and Veteran Memorial located there is not the place to save water, and there is a need to improve the look of the memorial.

7. Reports from Mayor and Councilmembers

Council Member Olson, asked for a LinkNoCo presentation. He requested that public works present to this organization. He reported that he met with Public Works Director Paul Trombino and the need to look into a federal grant to help improve our roadways.

Council Member Clark reported that the road closure of 47th Ave and 20th St had outstanding community messaging and getting the word out about the project.

Mayor Gates publicly commended the City Clerk's office for the outstanding Boards and Commissions reception.

8. Initiatives from Mayor and Councilmembers

Council Member Olson requested a LinkNoCo staff report.

Consent Agenda

Council Member Clark moved, seconded by Council Member Hall, to approve the recommended actions on items 9, 10, 12, 13 and 14. The motion carried 6-0 (by roll call vote).

9. Approval of the City Council Proceedings of March 15, 2022, and the Special City Council Proceedings of March 29, 2022

The Council action recommended and approved was to approve the City Council proceedings of March 15, 2022, and the Special City Council Proceedings of March 29, 2022, as presented.

Council Member Butler requested a change to the minutes from March 15, 2022 to change the vote status of item number 16.

10. Acceptance of the Report of the City Council Work Session of March 22, 2022

The Council action recommended and approved was to accept the report of March 22, 2022, as presented.

11. 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 2022 and for funds held in reserve for encumbrances at December 31, 2021.

The Council action recommended and approved was to adopt the ordinance and set a public hearing for April 19, 2022.

12. Introduction and first reading of an ordinance changing the official zoning map of the City of Greeley, Colorado, from I-M (Industrial Medium Intensity) to R-E

(Residential Estate) and I-M (Industrial Medium Intensity) for 82.62 acres of property located at 15756 County Road 66 (southwest corner of AA Street and North 47th Avenue), known as the Leffler Rezone

The Council action recommended and approved was to adopt the ordinance and set a public hearing for April 19, 2022.

- 13. Introduction and first reading of an Ordinance amending and repealing portions of the City of Greeley Municipal Code, all correcting the codification of the entire permanent code to accurately reflect the intent of ordinances passed in the City of Greeley**

The Council action recommended and approved was to adopt the ordinance and set a public hearing for April 19, 2022.

- 14. Introduction and first reading of an ordinance amending Title 20 of the Greeley Municipal Code concerning the use of non-potable water supplies for irrigation.**

The Council action recommended and approved was to adopt the ordinance and set a public hearing for May 3, 2022.

End of Consent Agenda

- 15. Pulled Consent Agenda Items**

- 11. 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 2022 and for funds held in reserve for encumbrances at December 31, 2021.**

The Council action recommended and approved was to adopt the ordinance and set a public hearing for April 19, 2022

Council Member Olson asked for clarification of the amount for the appropriation of the December 2021 reserve.

John Karner, Finance Director, clarified the new revenues along with the funds that are being moved.

Council Member Butler moved, seconded by Council Members Hall and DeBoutez, to adopt the ordinance and set for public hearing on April 19, 2022.

The motion carried 6-0 by roll call vote.

- 16. Public hearing to consider a request to rezone from PUD (Planned Unit Development – Lake Bluff) to PUD (Planned Unit Development – Poudre Heights), changing the underlying land use designations for approximately 277.6 acres of property located north of U.S. Highway 34 Business, east of Missile Park Road and west of 101st Avenue, and final reading of an ordinance changing the official zoning map to reflect the same**

Brittany Hathaway, Community Development, came forward to introduce and present the slide deck for this item.

Council Member Hall asked for clarification on the amenities that the developer is looking to service the area.

Todd Johnson, Terra Forma Solutions, reported that they are leaving flexibility for the PUD and at some point, there will be another grocery store and service orientated area.

Council Member Clark asked if this was a PUD that was approved in 2009.

Council Member Butler asked for clarification of the timeline as to when it will start development.

Council Member DeBoutez reported that she appreciates the open space that is slated in this development.

Mayor Gates opened the public hearing at 6:49 p.m.

There being no one wishing to be heard in the Chambers or as part of the virtual audience, the public hearing was closed.

Council Member Butler moved, seconded by Council Member Hall, on the application received is in compliance and approved. The motion carried 6-0 by roll call vote.

Council Member Butler moved, seconded by Council Member Hall, to adopt the ordinance and publish with reference to title only.
The motion carried 6-0 by roll call vote.

17. Public hearing to consider a request for approval of a combined Preliminary PUD Plan for Poudre Heights for approximately 277.6 acres located north of US Highway 34 Business and west of 101st Avenue

Brittany Hathaway, Community Development, came forward to introduce and present the slide deck for this item.

Mayor Gates opened the public hearing at 6:52 p.m.

There being no one wishing to be heard in the Chambers or as part of the virtual audience, the public hearing was closed.

Council Member Clark moved, seconded by Council Member Hall, to approve the combined preliminary PUD plan for Poudre Heights.
The motion carried 6-0 by roll call vote.

18. Scheduling of Meetings, Other Events

No other meetings or events were scheduled.

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

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

Council Member Hall moved, seconded by Council Member Butler, to approve the above authorizations.

The motion carried 6-0.

20. Adjournment

John D. Gates, Mayor

Charity Campfield, Deputy City Clerk

Council Agenda Summary

Title:

Acceptance of the Report of the City Council Work Session of April 12, 2022

Summary:

A City Council Work Session was held in the City Council's Chambers on April 12, 2022. The draft report of that work session has been prepared for the Council's review and acceptance.

Decision Options:

1. To accept the Report as presented; or
2. Amend the Report if amendments or corrections are needed, and accept as amended.

Council's Recommended Action:

A motion to accept the Report as presented.

Attachments:

Draft Report of April 12, 2022

City of Greeley, Colorado
CITY COUNCIL WORK SESSION REPORT
April 12, 2022

1. Call to Order

Mayor John Gates called the meeting to order at 6:00 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 to the American Flag.

3. Roll Call

Stacey Aurzada, Interim City Clerk, called the roll.

PRESENT

Mayor John Gates
Council Member Tommy Butler
Council Member Deb DeBoutez
Council Member Dale Hall
Council Member Ed Clark
Council Member Johnny Olson

EXCUSED

Councilmember Brett Payton

4. Reports from Mayor and Council Members

Councilmember Butler gave a report about the City's Spring Cleanup Day, which will be April 30, 2022. There will also be a drug take-back event on this day.

Councilmember Olson gave a report about the North Range Metropolitan Planning Organization (NFRMPO) and reported that he has been appointed as the Transit Chair for the NFRMPO.

5. Bittersweet Park Turf Strategy

Interim Culture Parks and Recreation Director Kelly Snook gave an update about the Bittersweet Park Turf Strategy presented as set forth in the PowerPoint deck in the agenda packet. Interim Director Snook provided information about a preferred option for making changes to the Bittersweet Park Turf Strategy for a cost of \$336,000. The

preferred option was developed following feedback from the community that was recently gathered. Interim Director Snook and Parks Manager Eric Bloomer answered questions from Council.

The Council's consensus was to proceed with the changes to the Bittersweet Turf Strategy that was recommended by staff in the presentation.

6. Classification and Compensation Project

Deputy City Manager Paul Fetherston introduced the Classification and Compensation project. Deputy City Manager Fetherston introduced Interim Human Resources Director Kathleen Hix, Human Resources Analyst Karla Torczon, and Hanan Wakeem from HRQ, Inc. Ms. Wakeem presented as set forth in the PowerPoint deck in the agenda packet. Deputy City Manager Fetherston and Ms. Wakeem answered questions from the Council.

7. Scheduling of Meetings, Other Events

City Manager Raymond Lee indicated that he had nothing to report at this time.

8. Adjournment

There being no further business before the Council, the meeting was adjourned at 7:00 p.m.

John D. Gates, Mayor

Stacey Aurzada, Interim City Clerk

Council Agenda Summary

April 19, 2022

Key Staff Contact: Kelly Snook, Interim Culture, Parks and Recreation Director, 970-350-9425

Title:

Consideration of a Resolution approving the name of new parkland dedicated in the Promontory Subdivision as Longview Park

Summary:

Through the Parkland Dedication Ordinance new developments within the City of Greeley must dedicate an area for a neighborhood or community park based on the number of dwelling units. The Promontory Subdivision has dedicated approximately 10 acres as required by code. After soliciting public input through social media and website platforms, the Parks and Recreation Advisory Board unanimously voted to recommend naming the new parkland being dedicated to the City of Greeley as Longview Park.

Fiscal Impact:

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

Legal Issues:

None.

Other Issues and Considerations:

None

Strategic Work Program Item or Applicable Council Priority and Goal:

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

Decision Options:

- 1) Adopt the 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:

Resolution for Longview Park naming
Map of parkland dedication

**THE CITY OF GREELEY, COLORADO
RESOLUTION __, 2022**

**A RESOLUTION OF THE GREELEY CITY COUNCIL OFFICIALLY NAMING THEPARK AT
THE PROMONTORY SUBDIVISION AS LONGVIEW PARK**

WHEREAS, dedicated park property of approximately 10 acres has been established within the "Promontory" subdivision within the City of Greeley; and

WHEREAS, solicitation of suggested park names was publicized to the general public culminating with over 80 submissions collected, including suggestions to name this park site "Longview Park": and

WHEREAS, upon site visits there are views of the Western Front Range Mountains including Longs Peak in strategic spots across the park site; and

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

WHEREAS, pursuant to Greeley Municipal Code Chapter 2.29.060, 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 March 4, 2022 regular meeting of the Parks and Recreation Board, theBoard recommended naming this new park as "Longview Park".

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

Section 1. The City Council hereby officially names the neighborhood park within the Promontory subdivision as "Longview Park".

Section 2. This Resolution shall become effective immediately upon its passage, as provided by the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS __ DAY of _____, 2022.

ATTEST:

THE CITY OF GREELEY, COLORADO

Interim City Clerk

John Gates, Mayor



Future Promontory Park Site



Legend

- City Voting Wards
- GreeleyBaseData.DBO.FIRMn
- Greeley Fire Response Areas
- Weld Subdivisions
- Colorado School Districts
- High School Attendance Areas
- Middle School Attendance Areas
- Elementary School Attendance Areas
- Greeley City Outline
- Other City Outlines
- 🚒 Fire Stations
- Origin Cache Mask
- One Way Street
 - ▶ Elbow Lane; Alles Dr; 35 Av Ct; 9th Downtown
 - ▶ 10th Street; 9th Street
- Parcels
- + Rail
- 🏠 Building
- 🌑 Building Shadow
- 🌊 Pools
- 🚶 Trailheads
- Trails
- Major Arterials
- Paved Roads
- New Roads

Notes

0.3 0 0.15 0.3 Miles

NAD_1983_HARN_StatePlane_Colorado_North_FIPS_0501_Feet
© City of Greeley GIS 1/24/2022

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION OR SURVEY PURPOSES

1:9,373



Council Agenda Summary

April 19, 2022

Key Staff Contact: Kelly Snook, Interim Culture, Parks and Recreation Director, 970-350-9425

Title:

Consideration of a Resolution approving the name of new parkland dedicated in the Westgate Subdivision as Redtail Park

Summary:

Through the Parkland Dedication Ordinance new developments within the City of Greeley must dedicate an area for a neighborhood or community park based on the number of dwelling units. The Westgate Subdivision has dedicated approximately 13 acres as required by code. After soliciting public input through social media and website platforms, the Parks and Recreation Advisory Board unanimously voted to recommend naming the new parkland being dedicated to the City of Greeley as Redtail Park.

Fiscal Impact:

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

Legal Issues:

None.

Other Issues and Considerations:

None

Strategic Work Program Item or Applicable Council Priority and Goal:

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

Decision Options:

- 1) Adopt the 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:

Resolution for Redtail Park naming
Map of parkland dedication

**THE CITY OF GREELEY, COLORADO
RESOLUTION ___, 2022**

**A RESOLUTION OF THE GREELEY CITY COUNCIL OFFICIALLY NAMING THEPARK AT
THE WESTGATE SUBDIVISION AS REDTAIL PARK**

WHEREAS, dedicated park property of approximately 13 acres has been established within the "Westgate" subdivision within the City of Greeley; and

WHEREAS, solicitation of suggested park names was publicized to the general public culminating with over 80 submissions collected, including suggestions to name a park "Redtail Park": and

WHEREAS, upon numerous visits to the site, both Redtail Hawks and Redtail Foxes have been witnessed across the new park area making the name relevant and appropriate as both species are native to Colorado; and

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

WHEREAS, pursuant to Greeley Municipal Code Chapter 2.29.060, 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 March 4, 2022 regular meeting of the Parks and Recreation Board, the Board recommended naming this new park as "Redtail Park".

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

Section 1. The City Council hereby officially names the neighborhood park within the Westgate subdivision as "Redtail Park".

Section 2. This Resolution shall become effective immediately upon its passage, as provided by the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS __ DAY of _____, 2022.

ATTEST:

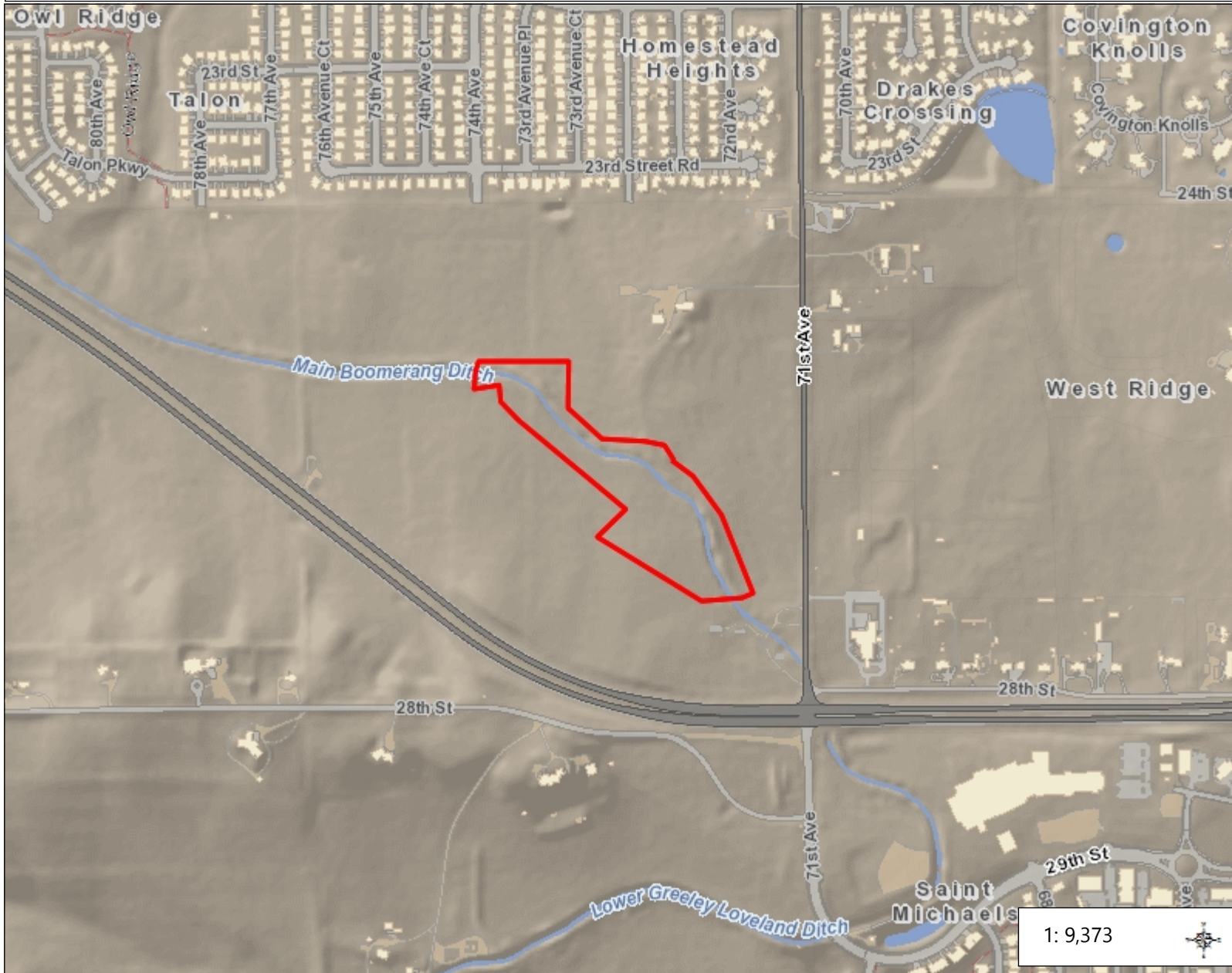
THE CITY OF GREELEY, COLORADO

Interim City Clerk

John Gates, Mayor



Future West Gate Subdivision Park Site



Legend

- City Voting Wards
- GreeleyBaseData.DBO.FIRMn
- Greeley Fire Response Areas
- Weld Subdivisions
- Colorado School Districts
- High School Attendance Areas
- Middle School Attendance Areas
- Elementary School Attendance Areas
- Greeley City Outline
- Other City Outlines
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 - ▶ 10th Street; 9th Street
- Parcels
- + Rail
- 🏠 Building
- 🌑 Building Shadow
- 🏊 Pools
- 🚶 Trailheads
- Trails
- Major Arterials
- Paved Roads
- New Roads

Notes

North West of the intersection of 71st Avenue and Highway 34

0.3 0 0.15 0.3 Miles

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Council Agenda Summary

April 19, 2022

Agenda Item Number

Key Staff Contact: Benjamin L. Snow,
Economic Health & Housing Director, 350-9384

Title

Consideration of the City of Greeley's Consolidated Annual Performance and Evaluation Report (CAPER) for Program Year 2021 for Submission to the U. S. Department of Housing and Urban Development

Summary

The City of Greeley annually receives two grants from the U. S. Department of Housing and Urban Development (HUD): The Community Development Block Grant (CDBG) and the HOME Investment Partnership Program (HOME) grant.

CDBG grants are awarded to entitlement communities (principal cities of a Metropolitan Statistical Area or with a population greater than 50,000) to carry out a wide range of community development activities directed toward revitalization of neighborhoods, economic development, improved facilities and services, and affordable housing within the community. Priority must be given to activities that benefit low-moderate-income persons (including neighborhoods). HOME grants may be used only to provide affordable housing for low-moderate-income persons.

HUD sets income levels annually for the CDBG and HOME grant programs, which are a percentage of the area median income (AMI). In 2021, HUD's AMI for the Greeley MSA, which includes all of Weld County, was \$88,500 for a family of four. The majority of CDBG funds and all HOME funds must have beneficiaries earning 80% or less of the AMI (\$70,800). Neighborhoods that have a predominantly low-income population are also available for assistance.

To receive the grants, the City must develop a Strategic Plan every five years to identify the community's needs and set goals to meet those needs through the approval of an Annual Action Plan for each of the five years. The City started its 2020-2024 Consolidated Plan on January 1, 2020. HUD requires the City to submit an Annual Action Plan setting forth the intended uses of the CDBG and HOME funds for a one-year period. Annual Plans must support the priorities and goals established in a Five-Year Consolidated Plan. The Council approved the 2021 Annual Action Plan through a public hearing process at its October 6, 2020 meeting.

At the conclusion of each action year, the City must also prepare a Consolidated Annual Performance and Evaluation Report (CAPER) that describes for the public and HUD how federal assistance was used during that action year. The attached CAPER is for the second year of the current Consolidated Plan (2021). The City's 2021 grants were as follows: CDBG-\$832,431; HOME-\$409,150. The City also received funds from Revolving Loan Funds from the Housing Rehabilitation Program and program income from a closed program (Homes Again Purchase Program). These funds were payments on loans provided with grant funds. Program income was also received.

At the GURA Board's April 13, 2022 meeting, a public hearing was held, and the GURA Board voted to accept the CAPER and recommend approval to City Council. A public comment period was held March 26, 2022 through April 12, 2022. There were no comments received, and no attendance at the public hearing.

Reporting to HUD occurs online through the Integrated Disbursal and Information System (IDIS). Specific questions are completed for each step of the process: Consolidated Plan, Action Plan, and the CAPER. Each has specific questions to which the City must respond. Terminology may not be familiar to the general public; definitions or further explanation of any information in the CAPER is available from the Greeley Urban Renewal Authority.

It is requested that the approval be by motion, as noted below under "Council's Recommended Action".

Fiscal Impact

Does this item create a fiscal impact on the City of Greeley?	No, this is a formal report concerning the use of the City's federal housing funds.
If yes, what is the initial or onetime impact?	
What is the annual impact?	
What fund of the City will provide funding?	
What is the source of revenue within the fund?	
Is there grant funding for this item?	
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	Annually reauthorized by Congress
Additional Comments:	

Legal Issues

None

Other Issues and Considerations

None

Applicable Council Goal or Objective

Neighborhood Investment, Civic Infrastructure

Decision Options

1. Approve the report as presented;
2. Amend the report and approve as amended;
3. Continue consideration of the report to a future date. (Note: CAPER must be received by HUD by April 30, 2022.)

Council's Recommended Action

A motion to accept the recommendation of the Greeley Urban Renewal Authority to approve the City of Greeley's Consolidated Annual Performance and Evaluation Report (CAPER) for Program Year 2021 for submission to the U. S. Department of Housing and Urban Development

Attachments

City of Greeley 2021 Consolidated Annual Performance and Evaluation Report (CAPER).

2021

Consolidated Annual Performance and Evaluation Report (CAPER)

2nd Year of 2020-2024 Consolidated Plan

John Gates, Mayor

Benjamin L. Snow, Economic Health & Housing Director

Sostenes L. Salas, Greeley Urban Renewal Authority Manager

Prepared by

Greeley Urban Renewal Authority

1100 10th Street, Suite 201

Greeley, CO 80631

Program Year – January 1, 2021-December 31, 2021



Introduction

Note: The introduction is not part of the Consolidated Annual Performance and Evaluation Report (CAPER) that is submitted to the U. S. Department of Housing and Urban Development (HUD). It is provided as extra information so that the public can have a better understanding of the intent and purpose of the document.

The Consolidated Annual Performance and Evaluation Report (CAPER) is a step in HUD’s Consolidated Plan process for use of the Community Development Block Grant (CDBG) and HOME Investment Partnership Program (HOME) grant funds, two federal grants received by the City annually. The Consolidated Plan provides a framework for formulation of a Five-Year Strategic Plan for the City to assess affordable housing and community development needs and market conditions, identify activities to address the needs and conditions, and then target the federal funds to the identified needs. Annual Action Plans then describe activities that will implement goals identified in the Strategic Plan. The CAPER is the annual report on accomplishments and progress made toward the just-completed-year’s Action Plan goals, in this report’s case, 2021. This CAPER is the second report on the Strategic Plan for 2020-2024. The CDBG and HOME grants may be used as follows:

- **Community Development Block Grant:** May be used for a wide range of community development needs that are to benefit low- moderate-income residents of the City through the provision of decent, affordable housing; suitable living environments; and expansion of economic opportunities; or for clearance of blight.
- **HOME Investment Partnership Program:** This grant is exclusively for the creation of affordable housing for low- moderate-income households.
- **Community Development Block Grant-Coronavirus:** Must be used to prepare for, respond to, or prevent COVID-19.

The majority of the CDBG funds and all HOME funds must have beneficiaries that earn 80% or less of the Area Median Income (AMI) for the Greeley Metropolitan Statistical Area (MSA), which encompasses all of Weld County. Income limits are based on family size, and HUD releases new income limits annually. The 80% income in 2021 for the Greeley MSA was \$70,800 for a family of four, which is defined as a “moderate” income. The “beneficiary” may be a neighborhood, an individual, or a household. By HUD definition, “moderate income” is between 51% and 80% of AMI; “low income” is 31%-50% of AMI; and “poverty level income” is 30% or less of AMI.

Grant awards from HUD in 2021 were \$844,698 (CDBG) and \$409,150 (HOME). The CDBG grant was an increase from the 2020 awards of \$838,398 (CDBG) and a reduction from the 2020 HOME grant of \$423,374. There was also program income and revolving loan fund income generated during the year. The City has received \$1,020,067 in CDBG-CV funds.

Reporting to HUD and draws against the grants are done online through the Integrated Disbursal and Information System (IDIS). (A “draw” is the City reimbursing itself for CDBG or HOME expenses by “drawing down” the grant funds from the U. S. Treasury through the IDIS system.) The City must respond to specific questions for each step of the Consolidated Planning process: Five-year Strategic Plan, Annual Action Plans, and the CAPER. Terminology may not be familiar to the public; definitions or further explanation of any information in the CAPER is available from the Greeley Urban Renewal Authority (970-350-9380) during the office hours of 9:00 a.m. to 4:00 p.m. The CAPER in a form other than written English may be provided upon request by contacting GURA.

CR-05 - Goals and Outcomes

Progress the jurisdiction has made in carrying out its strategic plan and its action plan. 91.520(a)

This could be an overview that includes major initiatives and highlights that were proposed and executed throughout the program year.

The activities noted below are those on which funds were drawn or which had significant progress in 2021. Each activity met a goal set in the 2020-2024 Consolidated Plan. Goals were set to meet priority needs identified.

Neighborhood Revitalization

- **Redevelopment District Infrastructure Phases 4, and 5-Central Greeley** – Curbs, gutters, sidewalks, and ramps issues were addressed. Phase 4 and Phase 5 (CDBG 2020 and 2021) were completed during 2021, with final draws occurring in early 2022. The targeted area for both Phases was 23rd and 11th Avenues and 11th and 13th Streets.
- **Parkway Tree Planting** –Twenty-three properties received one or more trees, with 25 trees planted during 2021.
- **Alley Reconstruction** – Seventeen blocks of gravel alleys were reconstructed using asphalt millings. Reconstruction improves the appearance of neighborhoods, reduces dust, improves safety, and improves substandard infrastructure. The activity was completed, but final drawn not made during 2021.
- **Clean-up Weekend** – The annual activity was again held in the spring in 2021.

Affordable Housing

- One low-moderate-income household received a housing rehab loan; three low-very low-income household received a housing rehab grant.
- The Greeley-Weld Habitat for Humanity sold two new construction, single-family houses in the Clover Meadows Subdivision (aka Northview Estates) to low-moderate-income buyers. A HOME grant award provided a direct subsidy to the buyers reduced the sales price.

Public Services and Facilities that Assist Persons who are Homeless, Low-Moderate-Income, Underserved, or have Special Needs

- The **Greeley Transitional House (GTH-dba Greeley Family House) and Catholic Charities (Guadalupe Community Center)**, both of which provide shelter and services to the homeless, continued to receive CDBG to support staff who worked with homeless families (GTH) and single men and women (Guadalupe) on housing issues. The services also included working with landlords and providing tenant education. The goal for all participating is to be housed and achieve self-sufficiency.
- Staff of the Guadalupe Community Center was also supported at the **Cold Weather Shelter** during January-March in 2021 (2020 CDBG) and again in November and December 2021 (2021 CDBG. United Way of Weld County was the CDBG applicant. January-March 2021 was reported on in IDIS in 2020; the activity for November-December 2021 isn't set up in IDIS, so no beneficiary numbers are reported on in this CAPER.
- **North Colorado Health Alliance** and a number of community partners continued the Community Action Collaborative, a service that helps connect 9-1-1 callers with non-emergency issues to services and housing.

- **Senior Resource Services** (dba 60+ Ride) provided transportation services for seniors. Destinations included medical appointments, grocery stores, financial and government institutions, social events, houses of worship, and personal grooming appointments. The service also included delivery of groceries and prescriptions and other medical needs to seniors' homes.
- **CDBG-CV** – There are no accomplishments to report with regard to CDBG-CV funds.

Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)

Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual outcomes/outputs, and percentage completed for each of the grantee's program year goals.

DRAFT

Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected – Strategic Plan	Actual – Strategic Plan	Percent Complete	Expected – Program Year	Actual – Program Year	Percent Complete
SF, owner-occupied housing rehab loans	Affordable Housing	CDBG: \$	Homeowner Housing Rehabilitated	Household Housing Unit	23	2	8.71%	5	1	20%
SF, owner-occupied housing rehab grants	Affordable Housing	CDBG: \$	Homeowner Housing Rehabilitated	Household Housing Unit	12	4	33.33%	4	3	75.00%
Acquisition or infrastructure support-SF housing	Affordable Housing	CDBG: \$ / HOME: \$	Homeowner Housing Added	Household Housing Unit	31	0	0.00%	8	0	0.00%
Acquisition or infrastructure support-MF housing	Affordable Housing	CDBG: \$ / HOME: \$	Rental units constructed	Household Housing Unit	75	0	0.00%	40	0	0.00%
Multi-family housing-rental rehab loans or grants	Affordable Housing	CDBG: \$	Rental units rehabilitated	Household Housing Unit	15	0	0.00%	5	0	0.00%
Assistance to housing specific public services	Affordable Housing	CDBG: \$	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	2500	84	3.36%	500	62	12.4%
Public improvements-infrastructure	Non-Housing Community Development	CDBG: \$	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	10000	4400	44.00%	2000	4400	100%
Public improvements-alley reconstruction	Non-Housing Community Development	CDBG: \$	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	250	4125	100%	50	3285	100%

Public improvements-parkway tree planting	Non-Housing Community Development	CDBG: \$	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	1500	16,861	100%	300	7760	100%
Property conditions-clean-up weekend	Non-Housing Community Development	CDBG: \$	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	6250	73,910	100%	1250	35,115	100%
Assistance to public services not housing related	Homeless Non-Homeless Special Needs	CDBG: \$	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	7500	1566	20.88%	1500	389	25.93%
HOME Program-homeownership	Affordable Housing	HOME: \$	Homeowner Housing Added	Household Housing Unit	41	6	14.63%	7	2	28.57%
HOME Program-Rental housing	Affordable Housing	HOME: \$	Rental units constructed	Household Housing Unit	75	0	0.00%	40	0	0.00
CARES Act Funding-Emergency Rent Assistance	Affordable Housing	CARES Act Funding-CDBG-CV: \$	Tenant-based rental assistance / Rapid Rehousing	Households Assisted	100	0	NA	0	0	NA
CARES Act Funding-Public services for LMI	Prepare for, prevent, respond to COVID-10	CARES Act Funding-CDBG-CV: \$	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	275	0	NA	0	0	NA
CARES Act Funding-Public services for LMI	Prepare for, prevent, respond to COVID-10	CARES Act Funding-CDBG-CV: \$	Homeless Person Overnight Shelter	Persons Assisted	125	0	NA	0	0	NA
CARES Act Funding-Public services for LMI	Prepare for, prevent, respond to COVID-10	CARES Act Funding-CDBG-CV: \$	Overnight/Emergency Shelter/Transitional Housing Beds added	Beds	0	0	NA	0	0	NA

CARES Act Funding-Public services-Urgent Need	Homeless Non-Homeless Special Needs Prepare for, prevent, respond to COVID-10	CARES Act Funding-CDBG-CV: \$	Other	Other	180	0	0.00%	0	0	NA
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Table 1 - Accomplishments – Program Year & Strategic Plan to Date

DRAFT

Assess how the jurisdiction’s use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.

The City’ addressed its high priorities in the following manner:

1. Neighborhood Revitalization (CDBG)

Several activities addressed the public improvements priority.

- a. Work on two phases of a large infrastructure project was in various stages during 2021; all work was completed. The activities included installation of sidewalks, curbs, and gutters in the Maplewood neighborhood where none existed, replacement of substandard sidewalks, and work associated with installation/replacement. Completion in IDIS will occur after draws for release of retentions and payments of Activity Delivery Costs.
- b. In the Redevelopment District (Maplewood neighborhood; north Greeley), 17 blocks of alleys were reconstructed, taking them from gravel to re-purposed asphalt. Work on activity was completed, but because there were issues with the City’s new finance system and attaching Activity Delivery Costs to each activity, final draw and completion in IDIS were not able to be done.
- c. Tree planting in the parkways of the Redevelopment District also continued. Twenty-three properties received one or more trees; 25 trees were planted.

2. Affordable housing

- a. Maintaining affordable housing was addressed with CDBG through the continuation of the Single-family Housing Rehabilitation programs (loans and grants). One loan and three grant were provided in 2021.
- b. Greeley-Weld Habitat for Humanity (HOME-homeownership) sold two houses to qualified buyers, addressing the need for additional units of affordable housing.
- c. CDBG continued to support two housing-related public services: Greeley Transitional House and Catholic Charities-Guadalupe to partially fund a housing case manager at each agency.

Priorities that the City ranked low included the following:

1. Support public facilities that serve the homeless, low-moderate-income, underserved, and/or special needs residents or neighborhoods
 - a. There were no 2021 activities under this priority.
2. Support public services that aren’t specifically tied to housing, but assist the homeless, low-moderate-income, underserved, and special needs populations.
 - a. CDBG funds supported public service activities of the North Colorado Health Alliance (callers to 911 with non-emergency needs), Catholic Charities-Guadalupe (shelter and service homeless persons), United Way Cold Weather Shelter (two activities: (1) Jan-mid-March 2021 and (2) November and December 2021); and Senior Resource Services (transportation for seniors).

The City allocated a majority percentage (approximately 90%) of its non-administrative 2021 grant for activities that included infrastructure improvements and support of affordable housing, the highest priorities of the 2020-2024 Consolidated Plan.

CR-10 - Racial and Ethnic composition of families assisted

Describe the families assisted (including the racial and ethnic status of families assisted). 91.520(a)

Direct Benefit Activities: The City tracked demographics for households directly benefiting from the CDBG and HOME grant programs, including race, ethnicity, family size, and (in most cases), which had female heads of households and/or a disability. The information is used for IDIS reporting and also (in the case of housing activities) for fair housing statistics. Direct benefit activities utilizing CDBG funds included:

- Housing activities (rehab loans and grants)
- Public services (case manager support at Greeley Transitional House and Guadalupe Community Center, Community Action Collaborative; and Senior Resource Services)

Demographic data is also collected for Habitat for Humanity-produced housing (HOME funds) and during the monitoring of developments with HOME units.

	CDBG	HOME
White	400	1
Black or African American	2	1
Asian	2	
American Indian or American Native	6	
Native Hawaiian or Other Pacific Islander	3	
Total	413	2
Hispanic	33	0
Not Hispanic	380	2

Table 2 – Table of assistance to racial and ethnic populations by source of funds

In-direct Benefit Activities: Activities with in-direct benefits are those that benefit an area, rather than an individual or household. LM Universe is total population; LM Area is population having low-moderate-income.

CDBG Indirect Benefit Activities	LM Universe	LM Area	% LMI	% Hispanic
Phase 4 Infrastructure-2020	3,610	2,200	60.94%	38.79%
Phase 5 Infrastructure-2021	3,610	2,200	60.94%	38.79%
Alley reconstruction	4,835	3,285	67.97%	64.28%
Trees in Parkways	10,700	7,760	72.52%	50.46%
Clean-up Weekend	63,610	35,115	55.20%	41.65%

Table 2b – Table of assistance to racial and ethnic populations by source of funds – CDBG area benefit activities

Narrative

To meet requirements of federal grants and assist people who are non-English speakers who want to access programs and activities, the City completed a Four-Factor Analysis and Language Assistance Plan prior to the start of the current Consolidated Plan identify languages with a high usage in Greeley.

The Hispanic ethnicity was identified as the only minority group with a large percentage of persons in Greeley.

The Analysis data is supported by the U. S. Census Bureau’s Quick Facts for Greeley (based on populations estimates on July 1, 2019), which shows the White, Non-Hispanic population in Greeley at 60.1% and the Hispanic population at 39.1%. The Black/African American race, per Quick Facts, accounts for 13.4% of Greeley population on the date noted; however, there isn’t one language or dialect associated with this race in Greeley. All other races are represented by a percentage of less than 2% per race, according to the ACS data.

CR-15 - Resources and Investments 91.520(a)

Identify the resources made available

Source of Funds	Source	Resources Made Available	Amount Expended During Program Year
CDBG	public - federal	1,010,968	539,747
HOME	public - federal	431,046	66,869

Table 3 - Resources Made Available

Narrative

Refer to table above. CDBG information was taken from the IDIS PR26 report (CDBG Financial Summary Report). The City’s Comprehensive Annual Financial Report (CAFR) has not been completed for 2021. HOME information was based on the 2021 grant plus receipted program income (resources made available) and expenditures from the IDIS PR05 report. (amount expended during program year). Because the City’s fiscal year may not be completely closed out when the CAPER is due for submittal, there may be adjustments needed. Additionally, there may be resources and draws for 2020 income/expenditures in 2021 information and not all resources and expenditures in 2021 may have been yet accounted for in IDIS information.

Identify the geographic distribution and location of investments

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation	Narrative Description
Redevelopment District- Comprehensive	85%	55%	The percentage includes only those activities that were located only in the Redevelopment District. Public service activities are available to residents and homeless without regard to location. That brings the percentage down.

Table 4 – Identify the geographic distribution and location of investments

Narrative

There are 38 census tracts within Greeley boundaries, 13 of which have a low-moderate-income percentage that exceeds 51% (1, 2, 4.02, 5.01, 5.02, 7.01, 7.03, 8, 10.3, 10.5, 2.01, 13, and 14.05), 14 if CT 6 is counted (far NE corner; very few residents). Additionally, there are block groups with more than 51% of the residents earning low-moderate-incomes (if looked at alone and not as a part of the entire census tract): Block Groups 1 and 4 in Census Tract 4.01; Block Groups 3 and 4 in Census Tract 11, and Block Group 2 in Census Tract 14.17.

Greeley’s low-moderate-income census tracts are east of 35th Avenue and are included in the Redevelopment

District. The only Census Tract west of 35th Avenue that has a greater than 51% LMI percentage is 14.05, which is predominantly commercial. Most of the residential in that Census Tract is apartments, which includes some developments specifically for LMI residents. Census Tract 14.05 is not a part of the Redevelopment District.

Leveraging

Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.

CDBG – Non-profit agencies utilizing CDBG for activities are expected to provide the majority of the activities' funding from sources other than CDBG. Those other funds are generally from agency fund raising events and include private, corporate, and foundation donations. When available, the City matches its in-house activities with City funds, including General Funds, Quality of Life funds, or Sales Tax Dollars (local programs).

HOME – By waiver, HUD reduced the matching requirement for Participating Jurisdictions in areas covered by a major disaster declaration (which included the City of Greeley) by 100 percent for FY 2020 and FY 2021. This was meant to ease the economic burden on Participating Jurisdictions and eliminate the need for them to identify other sources of match for HOME activities during the COVID-19 pandemic. The City was able to meet its normal match requirement of 25% in 2021, however, with Match coming from two homes constructed and sold by the Greeley-Weld Habitat for Humanity. Match was provided via donated goods, private funds, donations from corporations and foundations, etc. At this time, Greeley does not count volunteer hours, although they are eligible as match.

Fiscal Year Summary – HOME Match	
1. Excess match from prior Federal fiscal year	\$6,171,256
2. Match contributed during current Federal fiscal year	\$354,889
3. Total match available for current Federal fiscal year (Line 1 plus Line 2)	\$6,526,145
4. Match liability for current Federal fiscal year	\$0.00
5. Excess match carried over to next Federal fiscal year (Line 3 minus Line 4)	\$6,526,145

Table 5 – Fiscal Year Summary - HOME Match Report

Match Contribution for the Federal Fiscal Year				
Project No. or Other ID	Date of Contribution	Cash (non-Federal sources)	Site Preparation, Construction Materials, Donated labor	Total Match
1 st Clover Meadows (#32)	5/11/21	137,000	40,461	177,461
2 nd Clover Meadows (#33)	5/11/21	137,000	40,428	177,428
Total Match		274,000	80,889	354,889

Table 6 – Match Contribution for the Federal Fiscal Year

HOME MBE/WBE report

Program Income – Enter the program amounts for the reporting period				
Balance on hand at beginning of reporting period	Amount received during reporting period	Total amount expended during reporting period	Amount expended for TBRA	Balance on hand at end of reporting period
\$	\$	\$	\$	\$
\$147,936	\$5,576	\$61,292	\$0.00	\$81,068

Table 7 – Program Income

Minority Business Enterprises and Women Business Enterprises – Indicate the number and dollar value of contracts for HOME projects completed during the reporting period						
	Total	Minority Business Enterprises				White Non-Hispanic
		Alaskan Native or American Indian	Asian or Pacific Islander	Black Non-Hispanic	Hispanic	
Contracts – (based on properties closed in 2021 = 2990 C St #32 & #33)						
Number	1	0	0	0	0	0
Dollar Amount	\$61,292	0	0	0	0	0
Sub-Contracts						
Number	0	0	0	0	0	0
Dollar Amount	0	0	0	0	0	0
		Total		Women Business Enterprises	Male	
Contracts						
Number		1		0	0	
Dollar Amount		\$61,292		0	0	
Sub-Contracts						
Number		0		0	0	
Dollar Amount		0		0	0	

Table 8 - Minority Business and Women Business Enterprises

Relocation and Real Property Acquisition – Indicate the number of persons displaced, the cost of relocation payments, the number of parcels acquired, and the cost of acquisition

Parcels Acquired	0
Businesses Displaced	0
Nonprofit Organizations Displaced	0
Households Temporarily Relocated, not Displaced	0

Table 9 – Relocation and Real Property Acquisition

Minority Owners of Rental Property – Indicate the number of HOME assisted rental property owners and the total amount of HOME funds in these rental properties assisted

	Total	Minority Property Owners				White Non-Hispanic
		Alaskan Native or American Indian	Asian or Pacific Islander	Black Non-Hispanic	Hispanic	
Number	0	0	0	0	0	0
Dollar Amount	0	0	0	0	0	0

Table 10 – Minority Owners of Rental Property

Households Displaced	Total	Minority Property Enterprises				White Non-Hispanic
		Alaskan Native or American Indian	Asian or Pacific Islander	Black Non-Hispanic	Hispanic	
Number	0	0	0	0	0	0
Cost	0	0	0	0	0	0

Table 11 – Relocation and Real Property Acquisition

CR-20 - Affordable Housing 91.520(b)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served.

	1-Year Goal	Actual
Number of homeless households to be provided affordable housing units	0	0
Number of non-homeless households to be provided affordable housing units	47	2
Number of special-needs households to be provided affordable housing units	0	0
Total	47	2

Table 12 – Number of Households

	One-Year Goal	Actual
Number of households supported through rental assistance	0	0
Number of households supported through the production of new units	47	2
Number of households supported through the rehab of existing units	15	4
Number of households supported through the acquisition of existing units	0	0
Total	62	6

Table 13 – Number of Households Supported

Discuss the difference between goals and outcomes and problems encountered in meeting these goals.

The City set high goals for affordable housing with its 2020-2024 Consolidated Plan and made affordable housing a high priority for those years. Outcomes have not reached the goals set; several reasons can be identified:

- CDBG Single-family rehab numbers continued to be down. The lack of contractors willing to work on rehab jobs and with the federal requirements has diminished to the point that continuing a rehab loan program does not seem viable. Coupled with homeowners not wanting to take out a loan for rehab, the housing rehab loan program appears to have reached the end of its life. The GURA Board will discuss both the rehab loan and grant programs in early 2022 and determine the fate of both programs.
- Environmental concerns (such as lead paint, asbestos, radon, etc.) and costs for testing and/or mitigation that could exceed the limits of the Rehab Programs and what low-moderate-income homeowners can afford are a deterrent to utilizing the program.
- Habitat for Humanity, which generally constructs five or more homes in Greeley utilizing HOME as supportive funding, put a good deal of its 2021 focus on completing a large subdivision in Evans, CO (adjacent to Greeley on the south). Habitat also ran into some zoning issues at its current Greeley subdivision and spent a good portion of 2021 trying to work through those. It is expected that Habitat will be back on track with five-ten houses constructed and sold in 2022 and received a preliminary award for 10 houses to complete the current subdivision.
- No good acquisition or acquisition/rehab projects for multi-family housing has presented. CDBG and/or HOME funds are available, but have yet to be used.
- While a project that will include rehab of existing and construction of new multi-family housing is being worked on, the financing (that is predominantly Low-Income Housing Tax Credits) was still being finalized in 2021. The City still feels this is a good project and expects it to commence in 2022.

Discuss how these outcomes will impact future annual action plans.

The City expects to continue its commitment to affordable housing throughout the 2020-2024 Consolidated Plan years. While the start has been slow, there are developments close to being ready. The City will continue to be supportive of the work done by Greeley-Weld Habitat for Humanity, as even in times of escalating construction costs and sales prices, it produces homeownership units that can be affordable to the buyers who have low-moderate incomes. After completion of their current subdivision (Clover Meadows aka Northview Estates), they anticipate beginning a large development that will include more than 100 houses. It is expected that HOME funds will continue to provide assistance to this home buyer program.

Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.

Number of Households Served	CDBG Actual	HOME Actual
Extremely Low-income	3	
Low-income	1	2
Moderate-income		
Total	4	2

Table 9 – Number of Households Served

Narrative Information

The table numbers represent households served by an affordable housing activity only. The single-family rehab loan program and the Habitat for Humanity homeownership program both typically support low-income households. The single-family rehab grant program, however, is generally accessed by households with extremely-low incomes (elderly and disabled, generally

The City is strong in its commitment to increasing and improving the supply of affordable housing stock in Greeley and is looking at ways to address the housing needs of the most vulnerable as part of that commitment. In late 2021, the City contracted with a consultant to assist with gathering and evaluating housing data, examining housing-demand drivers, determining market and financial viability and feasibility, and estimating capital and operating costs for possible sheltering of homeless persons and housing alternatives. There will be opportunities for community engagement at several times during the process.

Multiple agencies in Greeley work with homeless individuals and families, including the Coordinated Housing Assessment and Placement System (CAHPS), which specifically helps people experiencing homelessness find and maintain housing. There has been no new developments of housing specifically for persons with disabilities. The City follows ADA guidelines for new construction of housing.

CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)

Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

- United Way of Weld County's Housing Navigation Center (HNC) facilitates a Lived Experience Committee for people who are experiencing homelessness and who utilize homelessness response services in Greeley, with its main objective to gather feedback from people with lived experience to 1) help inform and improve programming and services, 2) identify gaps in community resources, and 3) address neighborhood challenges around the HNC and cold weather shelter. By empowering people who receive homelessness services, the Lived Experience Committee aims to create a sense of ownership in

addressing the challenges of homelessness in the Greeley community.

- The Housing Navigation Center provides services to people experiencing homelessness or household instability, to help them survive their experience of homelessness, help people connect back to housing, and to prevent people from experiencing homelessness in the first place. The HNC provides many in-house services: lockers, mail access, computers for job and housing searchers, ID and birth certificate assistance, resource and housing navigation, hygiene and clothing donations, and a seasonal cold weather shelter. Additionally, 16 community partners hold office hours in the space to assist guests with other services. The HNC has provided services to 1,095 households, connected 179 households to permanent housing, and diverted 68 households from homelessness. The HNC services have been accessed 21,359 times, and the HNC has provided 773 community referrals and has hosted 5,529 meetings between guests and other service providers.
- During the 2020 – 2021 cold weather shelter season, there were 388 unduplicated individuals served with 7,344 nights of shelter provided. The shelter again operated at reduced capacity due to COVID-19 social distancing requirements. The vast majority of the guests served (341) were extremely-low income (below 30% of AMI - \$19,082).
- 13 agencies in Greeley work with homeless individuals and families, including the Coordinated Housing Assessment and Placement System (CAHPS also known as the Coordinated Entry System), which specifically helps people experiencing homelessness find and maintain housing.
- The annual Point-in-Time Count was held in January 2021.
- The Northern Colorado Veterans Resource Center assesses the needs of Veterans who are homeless and who approach them for assistance.

Addressing the emergency shelter and transitional housing needs of homeless persons

In addition to overnight stay, extended stay is offered at the Guadalupe Community Center, the Greeley Transitional House, and A Woman's Place. All provide significant support that focuses on self-sustainability. Shelters have stayed operational during COVID-19, but still operate at reduced capacity.

On the 2021 Point-in-Time Count night, there were 172 persons receiving emergency shelter and 43 in transitional housing.

Emergency Shelter

- The Guadalupe Community Center (Guadalupe), with 24 beds for men, six beds for women, and five separate family room provided 8,097 nights of shelter in 2021. COVID-19 presented challenges to operations, reducing capacity and requiring some motel stays for some single women and families. Providing a congregate setting with minimal COVID-19 exposure became priority, with Hospital-to-Housing patients the first to be accepted. Test results turnaround times delayed new residents entering for two months. No emergency shelter services were provided in the Community Room after April 2020. Services continued to be provided by case managers.
 - Nineteen single women received emergency short-term triage care at a local motel. Until the end of April, they sheltered at the Cold Weather Shelter.
 - A community team, the Emergency Family Coordination Team, comprised of the Greeley Transitional House, A Women's Place, Weld Department of Human Services, Hope at Miracle

House, Almost Home, Weld County School District Six, and Catholic Charities worked with case managers at the Guadalupe Community Center and families to develop housing plans and resolutions of other emergency needs. In 2021, 13 families were served at the Guadalupe Shelter with a total of 33 children.

- Seven families received emergency assistance at a motel. All were single-mom-families; a total of 12 children were served.
- The Greeley Transitional House provided emergency shelter (4,872 individual nights) and supportive services to 39 families (51 adults and 124). Supportive services included case management, housing navigation and stabilization, and management of rapid rehousing and transitional housing grants. Numbers were down significantly due to COVID-19 restrictions.
- A Woman's Place provided emergency shelter for survivors of domestic violence. In 2021, 3,743 nights of shelter were provided to 286 survivors, 129 of which were youth under 19 (45%). The average stay was 27 days.
- The Cold Weather Shelter provided shelter to 188 people January-to-mid-April 2021, and 212 in November and December 2021, including 82 women and 291 men; 188 reported having a disability of some type. Shelter information is available on the United Way 2-1-1 website in dozens of different languages.
- The Northern Colorado Veterans Resource Center's Peer Navigation Program assists homeless Veterans with a motel voucher while helping connect them to permanent housing.

Transitional Housing

- The Greeley Transitional House provided three post-shelter housing programs for families: a Rapid Rehousing (ESG-RRH) program, Camfield Corner Apartments (16 units of transitional housing), and the North Front Range Rapid RE-Housing (NFR-RRH) program, which partners with private landlords throughout Weld County. Forty-eight families were served.
- The Guadalupe Community Center operated a Transitional Living Extended Stay Shelter program focused on moving the residents to sustainability through income acquisition, employment, and affordable housing as quickly as possible.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

Since its April of 2019 opening, the Housing Navigation Center has diverted 68 households from homelessness (6% of all households served). This often means reunifying with family, friends and other support networks by providing gas vouchers, bus passes, mediation, etc. Additionally, since January 1, 2020 the HNC helped 55 people connect to employment or other cash assistance.

In 2020, Weld and Larimer Counties formed the Northern Colorado Continuum of Care, and no longer were part of the Balance of State Continuum. The Continuum's goal is for homelessness in Weld and Larimer Counties to

be rare, brief, and non-recurring.

Greeley has found a good, consistent network system the best way to help the categories of people noted in the question. City staff frequently received email blasts from the “Connections” group previously referenced stating, “I have someone who is...” or “I have someone who needs”, followed with specific requests to the large community of non-profit and governmental agencies that might be able to help.

The Hospital-to-Housing Program at the Guadalupe Center cared for 12 NCMC patients from July 1 2020-June 30, 2021. A total of 1,162 days/night of shelter and service were provided. Program intent is to avoid a return to the emergency room or hospital readmission and ultimately a program outcome of housing. Support services continue for up to six months after the patient is housed.

Other services to help individuals and families avoid homelessness are highlighted below (not all-inclusive of what is available in Greeley):

General Emergency Assistance

- In 2021, The Homeless Prevention Program administered by Catholic Charities assisted in the following ways: Rent assistance-61 households, \$51,407; utility assistance-293 households, \$180,240. Total served: 513 adults (72 of whom were over 60); 449 children under 18 years. Average assistance was approximately \$654 per assistance. More than 552 calls were recorded from people seeking utility assistance and more than 884 from people needing rent assistance.
- The Greeley Transitional House and Weld County School Districts administered a Rapid Re-Housing Grant (NS2G) to identify families via McKinney-Vento. Thirty-nine (39) months of rent and/or security deposit assistance provided.
- A number of churches and other charitable organizations provided emergency funds for rent and utility assistance. COVID funds through Weld County provided significant amounts of rent and utility assistance, as well.
- United Way of Weld County’s 2-1-1 Resource and Referral had 7,356 northeastern Colorado contacts. Rent, utility, housing, food, and shelter assistance were the top five needs.

Assistance for Persons with a Criminal Record

- Jobs of Hope provides services to men 18 and older who were released from incarceration, had gang affiliation, and struggle with substance abuse with employment and housing support. In 2021, there were 51 men enrolled; 33 Hispanic and 41 identified as homeless and living in conditions not meant for habitation. All had incomes below poverty level. In 2021, Jobs of Hope opened a 14-bed transitional housing program to provide temporary housing to homeless men enrolled in the Jobs of Hope program.
- The Guadalupe Community Center provided shelter and support services to those exiting the community correction system (excluding those on the Sexual Registry or who committed a recent violent crime).

Assistance for Veterans

- Weld County Veterans Services offer no-cost assistance to veterans and their families. The website also provides links to other non-profit agencies providing veterans' services.
- The Guadalupe Shelter contracts with the VA to serve homeless veterans and help them with healing and self-sufficiency goals.
- Through its Veteran Peer Support Navigation, Northern Colorado Veteran Resource Center assisted veterans and their families in receiving services, benefits, and resources.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

- United Way of Weld County continued to implement "Weld's Way Home" – the local strategic plan to address and prevent homelessness. Weld's Way Home involves long term strategic planning with 35+ other community partners working to end and prevent homelessness in Weld County. The Weld's Way Home work group met monthly to develop an updated of the original strategic plan which was finalized in 2016. The new Weld's Way Home 2.0 Strategic plan contains 11 priority areas, identified by community stakeholders, that focus on increasing household stability and connecting people back to permanent housing. A few of these priority areas include developing relationships with police and landlords, increasing case management and street outreach capacity, and improving community transportation.
- The City supported the costs to lease the Housing Navigation Center/Cold Westher Shelter building in 2021. The HNC/CWS will move in 2022 to a new location. The HNC works diligently to get people into housing as quickly as possible or connect them to services so that homelessness can be avoided altogether.
- Northern Colorado (Larimer and Weld counties) was formally recognized by HUD as a Continuum of Care (CO-505, Fort Collins, Loveland, Greeley/Larimer and Weld Counties) in January 2020. In 2021, CoC activities primarily focused on supporting local agencies with COVID-19 planning and response. The City of Greeley has a seat on the governing board, and all annual CoC-mandated activities (such as the Point in Time and Housing Inventory Counts) are facilitated locally by the CoC Collaborative Applicant (United Way of Weld County) and CoC HMIS Lead (Homeward Alliance).
- Part of the continued emphasis of the NoCO CoC is getting people permanently housed through the local Coordinated Entry System. As of December 31, 2021 the following number of people experiencing homelessness had been assessed/housed:
 - Veterans Assessed since 2016 – 591; Veterans Housed since 2016 – 514
 - Single Adults Assessed since 2017 – 1389; Single Adults Housed since 2017 – 451
 - Families Assessed since 2018 – 560; Families Housed since 2018 – 398
 - Youth Assessed since 2019 – 85; Youth housed since 2019 - 23
- The Northern Colorado CoC received \$2.3 million in Emergency Solutions Grant (ESG) funding for the

region. \$80,000 in annual ESG funds went to Weld County agencies for rapid rehousing and administrative expenses and \$703,619 in ESG-CV funds went to Weld County for non-congregate shelter and administrative expenses.

- Case management is provided at all shelters in Greeley, with a focus on deterring homelessness or shortening the length of shelter stay when possible. A continuing trend is for shelter residents to be employed, but not able to find affordable housing. The COVID-19 pandemic presented challenges to social distancing and in-person meetings.

CR-30 - Public Housing 91.220(h); 91.320(j)

Actions taken to address the needs of public housing

Due to COVID issues, the Greeley Housing Authority staff reported that no actions to improve the interiors of apartments were taken, so as to avoid displacing tenants. The Housing Authority was able to keep both the onsite office and main office open during the pandemic.

Actions taken to encourage public housing residents to become more involved in management and participate in homeownership

The Housing Authority has a disabled public housing tenant who serves as a Commissioner on the Housing Authority Board. Due to COVID-19, the goal of having a Tenant Advisory Board with monthly meetings was delayed. This goal will be relouked at once health conditions improve. Higher income tenants are still encouraged to consider the purchase of a home.

Actions taken to provide assistance to troubled PHAs

Not applicable. The Greeley PHA is not troubled.

CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. 91.220 (j); 91.320 (i)

The City continued to work toward implementing the action items identified in its 2019 Strategic Housing Plan. The Plan provides a blueprint for ameliorating or removing some of the negative effects of public policy. During 2021, the following occurred:

- **Amendment of the development code to promote housing choice:** In 2021, the City adopted a new development code that included significant changes to lot sizes and mixed zoning categories. These changes will encourage development at higher densities and lower per unit costs.

- **Development of financial strategies that minimize development costs:** For the past two years, the City has assigned its annual Private Activity Bond allocation to the Colorado Housing & Finance Authority to be used for as tax credit bond financing to assist with three identified affordable housing projects, which will add more than 700 units. The City was also fortunate to partner with Weld County, and they assigned their annual allocation to be used for these projects as well.
- **Impact of raw water costs:** The City continues to address the impact of raw water on housing affordability. In 2021, a transaction known as Terry Ranch was completed, which secured 1.2M acre feet of raw water for future use and will provide a cost-effective underground water storage reservoir for decades.
- **Development of manufactured housing communities:** One of the City's most visible and highest quality manufactured homes parks is expanding, with the approval of an additional 129 lots in 2021. These will be developed over the next two years.

Some of the public policies noted in the question do not affect affordable housing in Greeley:

Tax policies affecting land: There are no tax policies that create an affordable housing barrier.

Building codes: The City adopted the 2018 International Residential Codes, to which all residential construction is subject. Building codes do not inhibit the provision and/or maintenance of affordable housing, but are necessary to providing housing standards for safety and habitability (which HUD also expects).

Growth limitations: There are no policies regarding growth limitations in Greeley. Growth is restricted by jurisdictional boundaries, which directs much of the growth west.

Policies affecting the return on residential investment: There are no public policies other than those imposed on properties that received assistance from HUD (CDBG and/or HOME) that affect the return on residential investment.

Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)

See information throughout the CAPER, such as support for the Guadalupe Community Center (homeless), Greeley Transitional House (homeless families), Community Action Collaborative (persons in need that call 911 with non-emergencies), Senior Resource Services (seniors needing transportation), and Habitat for Humanity (for-sale housing to low-income households).

Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)

No new actions were taken in 2021 to reduce lead-based paint hazards; however, the City continued to address lead paint hazard issues through the following:

- GURA policy requires that testing for lead-based paint be done by a certified lead-based paint inspector on any house constructed prior to 1978. This policy is applicable when the proposed rehab includes work that would disturb any existing painted surface, such as replacement of windows or doors or exterior painting.
- GURA policy also requires that all rehab work that disturbs a painted surface be performed by an Environmental Protection Agency (EPA) certified Renovation, Repair, and Painting (RRP) Program

contractor who has been properly trained in setup, disposal, and clearance of affected areas. Safe handling of all lead-based paint is part of the rehab contract.

- The GURA Manager holds two lead-based paint certifications from the Colorado Department of Public Health and Environment, Air Pollution Control Division. The certifications are Lead-Based Paint Inspector and Lead-Based Paint Assessor. GURA's Manager attends lead-based paint training when available.
- Applicants for all housing rehab activities are provided information packets about the dangers of lead-based paint when applying for assistance. Both English and Spanish versions of the information are available.

Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)

U. S. Census Quick Facts for 2021 estimated that 15.8% of Greeley families live in poverty. The 2021 Action Plan cited several areas in which actions may reduce the number of poverty-level families:

- Increase in economic opportunities and availability of affordable housing. The Economic Development Division of the City works to attract more businesses to the City that provide livable wages. Affordable housing is a high priority of the City's 2020-2024 Consolidated plan. Support was given through Private Activity Bonds (affordable rental housing), HOME funds (Habitat for Humanity homeownership opportunities), and CDBG (funds were available to support affordable housing and were utilized housing rehab loans and grants).
- Support education. The City provided free bus passes to School District 6 students (elementary through high school).
- Support non-profits assisting poverty level families with CDBG funds in areas of food, shelter, mental and physical health services, transportation, etc.
- Social services provided through Weld County Human Services.

The disproportionate increases to housing costs vs. increases in wages is an issue for Greeley residents, as it is across the country. By working to add affordable housing units, the City hopes to help alleviate this issue. Additionally, the Economic Development Division of the City works to increase economic opportunities available and promote growth in the business community, particularly in areas that offer higher wages.

While none of the actions noted in the CAPER are specifically to reduce the number of poverty level families, the actions do provide families with assistance as they move to improve their lives. There are many social service assistance opportunities that can be accessed through Weld County Human Services and a good support system of non-profit agencies that provide help in the form of food, shelter, mental and physical health services, transportation, etc.

As reported in prior years, some of the agencies whose work may reduce the number of poverty-level families are listed below.

- Women2Women provided emergency financial assistance to women by women.
- The Immigrant and Refugee Center of Northern Colorado provides English language training and community navigation to refugees and immigrants.
- Sunrise Community Health provided health and dental care at seven locations in Greeley with payment based on the ability to pay.

- Connections for Independent Living served persons with disabilities needing to access services and programs. A number of core services are offered: information and referral, peer support, independent living skills training, and assistance in finding and retaining employment.
- North Range Behavioral Health provided a comprehensive set of programs and services for persons with mental illness; addiction; in need of counseling, peer assistance, or crisis support; etc., without regard to someone's ability to pay, and added a program to support people affected by COVID-19. North Range also provided a continuum of residential services, from staffed homes to supported housing and independent living.
- Weld Food Bank administered a number of programs to help alleviate hunger and poverty by providing food and food services to people in need. The COVID-19 pandemic substantially increased the number of persons who are food-insecure.
- The Greeley Interfaith Association and many churches within the faith community provided assistance to those in need, including clothing and meals.
- The Weld County Faith Partnership Council facilitates information sharing between the faith community and county government, with focus on foster care, veterans, housing stability, and youth development.

Actions taken to develop institutional structure. 91.220(k); 91.320(j)

The City consistently reports on its strong institutional structure, as it continues to watch for new areas of partnership opportunities. The institutional structure is evident in part through the number of agencies and representatives that participate in the Northern Colorado Continuum of Care and the Connections network; the collaboration among agencies providing shelter that work toward housing the homeless; the faith community which provide meals and clothing to those in need; and in the Community Action Collaborative, a partnership with the City and agencies serving those in need. The strong institutional structure was definitely visible in 2020 and 2021 during the COVID pandemic, as collaborations to assist residents became critical.

In 2020, regional institutional structure (Weld and Larimer Counties) specific issues of homelessness came to fruition with HUD's announcement of the fourth Continuum of Care in the State: Northern Colorado Continuum of Care (NoCOCO). The NoCOCO brings together the Cities, agencies working with homelessness, and other interested parties to identify and house people experiencing homelessness.

As noted elsewhere, the Housing Navigation Center opened to centralize efforts to get people into housing as quickly as possible and provide lockers, mailing address, computers, etc. to homeless persons. In 2021, a new location was identified which will provide one location for the Housing Navigation Center, the Cold Weather Shelter, and a day use facility. It will open early in 2022 at a location in Greeley. The City collaborated with United Way to achieve this success. The facility will initially be supported with CDBG-CV funds, as it will help identify and assist persons vulnerable to COVID-19 and thus meet the requirement to prepare for, prevent, and respond to the COVID-19 pandemic.

Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)

Coordination between public and private housing and social services agencies has been detailed in a number of places in the CAPER. Rather than restating, please refer to areas with discussions on the Community Action

Collaborative, the Connections network, Weld's Way Home, and the City's implementation of a Strategic Housing Plan. To the extent possible and appropriate, the City and the Greeley Housing Authority have staff that participate in many of the meetings/ groups and help with programs. Additionally, Weld County United Way heads the Emergency Food and Shelter Program committee; a City staff member participates in the committee.

Identify actions taken to overcome the effects of any impediments identified in the jurisdiction's analysis of impediments to fair housing choice. 91.520(a)

With each of the impediments noted below, there were goals and actions. The full Analysis of Impediments to Fair Housing for 2020-2024 is available on request.

Impediment: Housing Discrimination

- Fair housing information and sample brochures are available to CDBG and HOME subrecipients on request.
- An Analysis of Impediments to Fair Housing report was adopted in March for the 2020-2024 Consolidated Plan years.

Impediment: Language and Culture

- The City has "Limited English Four-Factor Analysis" and Americans with Disabilities Act/Section 504 Effective Communications Policies and Procedures.
- Ads associated with the Action Plan and CAPER in 2021 were published in English and Spanish.
- The City's website can be translated into multiple languages.
- The City of Greeley subscribes to a language interpretation service for employee use when communicating with customers who speak a language other than English.

Impediment: Transportation

- The City gave United Way of Weld County 2,565 adult bus passes via a Memorandum of Understanding, each providing for unlimited rides in a 24-hour period, and 7,200 two-ride passes. They also received 359 Paratransit trip tickets. Twenty-four-hour passes had a value of \$4.50; two-ride passes were each valued at \$3.00. Additionally, United Way was given 350 paratransit trip tickets. Non-profit agencies may request passes for their clientele from United Way.
- Greeley Evans Transit (GET) continued to offer a number of free/discount programs, including free rides to School District 6 students with identification (to school, activities, and back home), discounted fares for seniors and individuals with disabilities, and discount pass booklets further reduce costs for seniors and persons with disabilities.

Impediment: Lack of affordable housing units disproportionately affecting some protected classes

- There was no new construction of affordable housing units in 2021 that were specifically to address the lack of units for protected classes (race, color, religion, national origin, sex, disability, familial status).
- Single-family Housing Rehab grant program was available for elderly/disabled persons needing an accessibility ramp. This helps keep people in their home, which may be the most affordable option available to them. The Retired Seniors Volunteer Program constructs the ramps at a materials-only cost.
- Two Habitat for Humanity houses sold in 2021 in the Clover Meadows Subdivision, one to a family of the Black race, one to a family of Hispanic ethnicity. Additional units were constructed and sold in the Evans

community, which neighbors Greeley on its southern border. The City does not track beneficiaries of these units.

Impediment: Higher mortgage loan denial rates for Hispanic/Latino households

- Aggregate reports from the 2020 Housing and Mortgage Disclosure Act (HMDA) for the Greeley MSA were reviewed (the most current year). The reports showed people of non-White races had significantly higher mortgage loan denial percentages than did people of the White race. Those of Hispanic ethnicity were denied loans at a rate of 17.78% v. non-Hispanic people at 10.26%. There is no information on why loans were denied, and it could certainly be for a reason other than housing discrimination. While the City has no control over loan originations, the data will continue to be monitored.

CR-40 - Monitoring 91.220 and 91.230

Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

The City developed a CDBG monitoring plan that includes several layers of activity review; it is unchanged from last year, however, during a monitoring by the City's Community Planning and Development Representative at HUD Denver in 2019, several areas of increased monitoring needs were identified. The City is working to implement some stronger monitoring systems, particularly for in-house infrastructure projects. Briefly, the monitoring plan is as follows:

- At receipt of applications, all proposed activities are reviewed to ensure they further the priorities of the Consolidated Plan, meet a National Objective, and are eligible CDBG activities. Submitting agencies are required to certify they are in compliance with federal requirements as part of the application. The City strives to ensure applicants are informed with respect to the federal obligations by offering two optional-but-encouraged technical assistance meetings to discuss federal obligations prior to the applicant accepting CDBG funds and also makes staff available for consultation upon an applicant's request.
- Throughout the activity, GURA staff maintains close contact with the subrecipients of CDBG funds. Staff is involved in procurement, bidding language (Section 3; Minority and Women Owned Business statements), and contracting (when applicable); meets individually with the awardees to review the City agreements; and makes great effort to notify agencies that staff is available for technical assistance upon request.
- There is also a desk review at the time draw requests are received: Draw requests and invoices are reviewed, beneficiaries are counted, and it is verified that the draw is consistent with the City's agreement.

By policy, annual on-site monitoring should be conducted on a minimum of 10% of the agencies that received funding during that fiscal year, with the goal of on-site monitoring of no fewer than three subrecipients, subject to staff modification based on activities and subrecipients. No on-site monitorings were conducted during 2021 due to the COVID-19 pandemic and concerns for health and safety of staff and subrecipients; however, all other stages of monitoring (above bullet points) were done.

Minority-and Women-Owned Business Outreach

The City does not discriminate against minority or women-owned businesses during the bidding process and has awarded bids to a number of contracts to minority- and women-owned businesses over the years. Greeley is not a large community and has a small pool of contractors willing to bid on work that involves Federal funds. No bidder is discouraged.

When advertising an Invitation to Bid, both the City and GURA include a statement encouraging minority- and women-owned businesses to apply. (They also include a Section 3 statement.) A sample bid invitation by GURA follows: *“Bids are being solicited for (insert job) by Greeley Urban Renewal Authority (GURA). Bids will be accepted until (time) on (date). Bidders must meet qualifications set by GURA. Women- and minority-owned businesses are encouraged to participate. Section 3 requirements for opportunities for low- moderate-income residents and businesses may apply. For more information call (GURA office phone number).”*

Citizen Participation Plan 91.105(d); 91.115(d)

Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.

The 2021 CAPER was available for public comment as follows:

- Mailed to the Citizens Committee for Community Development with request that they provide comments between March 26, 2022 and April 12, 2022. **Add any comments.**
- Ads were posted in the Greeley Tribune in English and Spanish on March 13, 2022, notifying the public of the public hearing. The ads included notification of the public comment period March 26, 2022-April 12, 2022. The GURA Board voted to accept the CAPER and recommend its approval to the City Council. **Add any comments.**
- Available for review on City’s website. **Add any comments.**
- Made available at area libraries.
- Non-profit agency partners with the City received notice of the availability of the CAPER, were invited to attend the public hearing (both), and were encouraged to provide comments and share it with their clientele. **Add any comments.**
- The GURA Board of Commissioners’ public hearing to accept the CAPER and recommend that City Council approve the report was held April 13, 2022. There were **add # of** Board members present and **add any public in attendance and public comments received.**
- The City Council accepted the report with no further comment on April 19, 2022.

CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

The Federal code noted (24 CFR 91.520(c)) states the CAPER must evaluate the City's progress in meeting its specific objectives for reducing and ending homelessness. The questions in CR-25 mirror what is required under 24 CFR 91.520(c). To avoid duplication, please refer to CR-25 for specifics on how the City is progressing with the issue of homelessness.

There were no goals from the Strategic Plan or 2021 Annual Action Plan that were not met due to pausing, reducing, or discontinuing non-CDBG-CV-related activities.

The City made the following changes to CDBG-CV activities through the Substantial Amendment process:

- Cancelled the emergency rental assistance activity (funding is available for emergency assistance payments through Weld County)
- Cancelled the emergency shelter at Bonell activity (funded through other sources)
- Added an activity to support a Housing Navigation Center/Cold Weather Shelter/day use facility (all under one roof)
- Cancelled the urgent need public service activity (funded through other sources)

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

No

[BEDI grantees] Describe accomplishments and program outcomes during the last year.

Not applicable.

CR-50 - HOME 91.520(d)**Include the results of on-site inspections of affordable rental housing assisted under the program to determine compliance with housing codes and other applicable regulations**

Please list those projects that should have been inspected on-site this program year based upon the schedule in §92.504(d). Indicate which of these were inspected and a summary of issues that were detected during the inspection. For those that were not inspected, please indicate the reason and how you will remedy the situation.

The City has 10 multi-family developments that include HOME units. City policy is a rental monitoring schedule that follows old HOME regulations (every year for projects with 26 or more units, every other year for projects with five to 25 units, and every three years for projects with one to four units). In a typical year, monitoring is conducted annually in July/August; however, due to the COVID-19 pandemic, the City requested and received a waiver of the monitoring requirement that continued through the end of 2021. Per the waiver, the City should conduct on-site monitoring of HOME units within 180 days of the waiver's expiration on December 31, 2021. Assuming it is safe to conduct on-site monitorings in 2022, the City will abide by the terms of the waiver. The HOME units were monitored for rent compliance, as usual.

The 10 developments with HOME units are: Chinook Wind, Fox Run, Twin Rivers, Plaza del Milagro and Plaza del Sol, Stephens Farm Phases I and II, Camfield Corner, La Casa Rosa, and Camelot. All should have had an on-site monitoring in 2022, which will occur when it is safe to do so.

Provide an assessment of the jurisdiction's affirmative marketing actions for HOME units. 92.351(b)

Because there was no onsite monitoring in 2021, demographic information on monitored units is not available. The City generally sees a high percentage of minority tenants when monitoring.

Other:

- Owners of the HOME units advertise with the Fair Housing symbol
- Resident Selection Criteria and/or leases include a non-discrimination statement
- The City received no complaints of discrimination in 2021

Refer to IDIS reports to describe the amount and use of program income for projects, including the number of projects and owner and tenant characteristics

The two sold Habitat houses were funded with HOME program income: IDIS activity #334-\$30,882.82; IDIS activity #345-\$30,409.41. The activities were new construction of for-sale housing, and all houses are owner-occupied. One home sold to a family identifying as racially Black; the other to a family identifying as Hispanic ethnicity. Both had incomes 30-50% of AMI. Both were single-parent household.

Describe other actions taken to foster and maintain affordable housing. 91.220(k) (STATES ONLY: Including the coordination of LIHTC with the development of affordable housing). 91.320(j)

Discussions continue with developers interested in affordable housing construction in Greeley. Private Activity Bonds from Greeley and Weld County were assigned to the Colorado Housing and Finance Authority (CHFA), which in turn, provide them back to support several new developments in Greeley (construction in 2022-2023); HOME funds will support a project involving rehab of a multi-family dwelling and new construction of new units on the same site.

The City continued to partner with Habitat for Humanity on construction of ownership housing. (Habitat accomplishments were discussed elsewhere in the CAPER.) Ongoing conversations on a large Habitat development, expected to include a developer of multi-family units, have also continued.

To continue engaging with alternative housing providers, the City started identification of more than 70 sites city-wide as good locations for housing projects of all types. Staff will continue to have discussions with developers to promote the Greeley market for housing.

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CR-58 – Section 3

Identify the number of individuals assisted and the types of assistance provided

Total Labor Hours	CDBG	HOME
Total Number of Activities	1	0
Total Labor Hours	25	
Total Section 3 Worker Hours	2	
Total Targeted Section 3 Worker Hours	2	

Table 10 – Total Labor Hours

Qualitative Efforts - Number of Activities by Program	CDBG	HOME
Outreach efforts to generate job applicants who are Public Housing Targeted Workers		
Outreach efforts to generate job applicants who are Other Funding Targeted Workers.		
Direct, on-the job training (including apprenticeships).		
Indirect training such as arranging for, contracting for, or paying tuition for, off-site training.		
Technical assistance to help Section 3 workers compete for jobs (e.g., resume assistance, coaching).		
Outreach efforts to identify and secure bids from Section 3 business concerns.		
Technical assistance to help Section 3 business concerns understand and bid on contracts.		
Division of contracts into smaller jobs to facilitate participation by Section 3 business concerns.		
Provided or connected residents with assistance in seeking employment including: drafting resumes, preparing for interviews, finding job opportunities, connecting residents to job placement services.		
Held one or more job fairs.		
Provided or connected residents with supportive services that can provide direct services or referrals.		
Provided or connected residents with supportive services that provide one or more of the following: work readiness health screenings, interview clothing, uniforms, test fees, transportation.		
Assisted residents with finding child care.		
Assisted residents to apply for, or attend community college or a four year educational institution.		
Assisted residents to apply for, or attend vocational/technical training.		
Assisted residents to obtain financial literacy training and/or coaching.		
Bonding assistance, guaranties, or other efforts to support viable bids from Section 3 business concerns.		
Provided or connected residents with training on computer use or online technologies.		
Promoting the use of a business registry designed to create opportunities for disadvantaged and small businesses.		
Outreach, engagement, or referrals with the state one-stop system, as designed in Section 121(e)(2) of the Workforce Innovation and Opportunity Act.		
Other.- Weld County employment office that connects workers w/available positions in Weld County	X	

Table 11 – Qualitative Efforts - Number of Activities by Program

Narrative

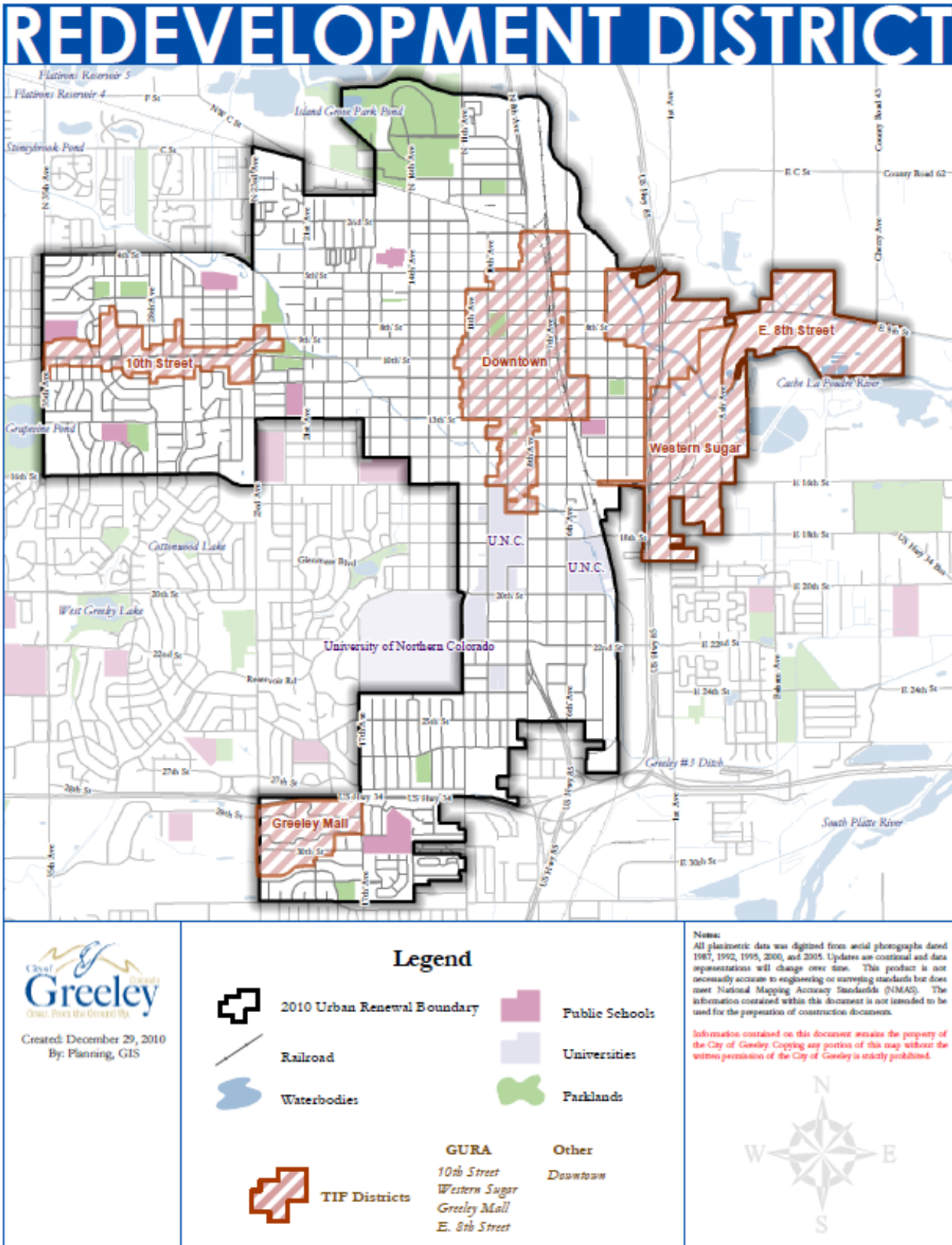
The contractor for the Section 3 activity had no new hires. The City is reviewing ways to increase outreach to Section 3 residents and businesses.

Attachments

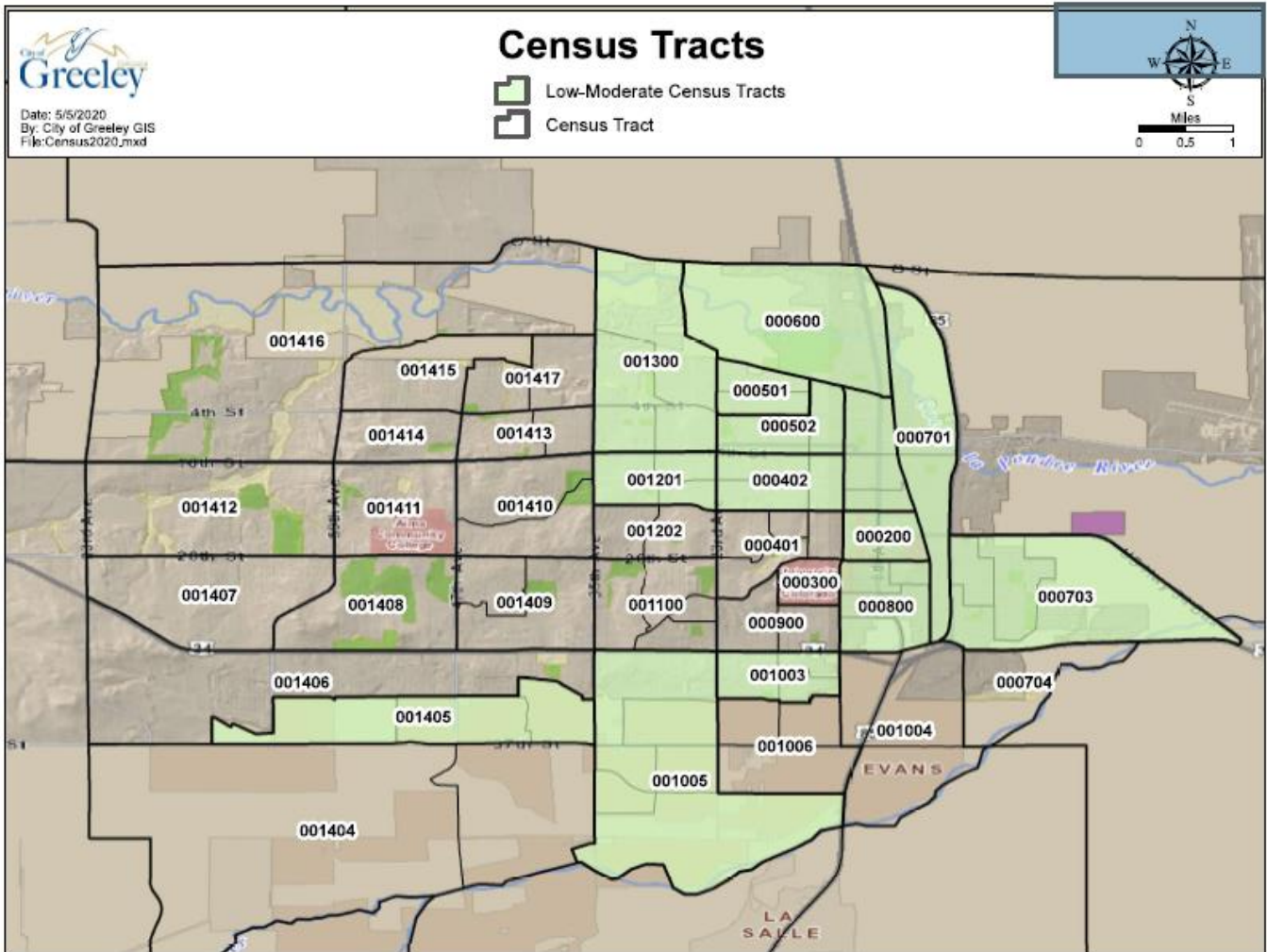
- Attachment 1 – Map – Redevelopment District
- Attachment 2 – Map – Low-Mod Census Tracts in Greeley
- Attachment 3 - HOME Affordability and Recapture Policy
- Attachment 4 – CAPER Ads – English & Spanish
- Attachment 5 – Public Notification and Comments

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Attachment 1 – Redevelopment District Map



Attachment 2 – Census Tract Map



Attachment 3 – Recapture Policy

STANDARD OPERATING POLICIES & PROCEDURES



HOME INVESTMENT PARTNERSHIP PROGRAM SUBSIDY, SALES PRICE, AFFORDABILITY, and RECAPTURE of FUNDS FOR NEW CONSTRUCTION OF OWNERSHIP UNITS

Reference HOME Investment Partnership Program (HOME) regulations at 24 CFR 92, particularly 24 CFR 92.254 (“Qualification as affordable housing: Homeownership”) and 24 CFR 92.503 (“Program income, repayments, and recaptured funds”) with respects to HOME funds assisting the development of homeownership units.

5/17/19 – These policies, as stated below, were Attachment 5 – HOME Affordability/Recapture Policy for Home-ownership for the 2019 Action Plan

These Policies and Procedures are to comply with the HOME regulations noted above and are for the Crestview Subdivision being developed by the Greeley Area Habitat for Humanity (the Developer).

POLICIES

I. Sales Price and Subsidy

- A. The Developer can submit a HOME application and request HOME funds on behalf of their buyers that is the lesser of
 1. The gap in buyer purchase financing
 2. The total of City fees for water and sewer taps plus building permit fees

The GURA Board of Commissioners has determined this is the maximum direct subsidy to be offered to buyers in the Crestview Subdivision. Buyers must meet all qualifications of the HOME and Developer’s homeownership programs.

- B. The intent of the HOME investment is to reduce the price of the home and is hereinafter called the “direct subsidy” or “HOME investment”.
- C. The sales price of the HOME to be acquired using a HOME investment cannot exceed the New Homes HOME/HTF Purchase Price Limit (also known as the HOME Affordable Homeownership Limits) as set by the U. S. Department of Housing and Urban Development (HUD) on an annual basis. Further restriction on the sales price may be determined by the Developer to comply with its own homeownership program, but at no time can the sales price exceed the amount provided by HUD.

II. Affordability

HUD expects HOME funds to be utilized for affordable housing for households earning 80% or less of the Area Median Income (AMI) and for the home to remain affordable. To keep the housing affordable, regulations impose affordability requirements that stay with the property for a time period, called the “affordability period”.

- A. **Affordability Period.** The length of the affordability period is based on the amount of the HOME investment in the home to be purchased and is the period during which the property must remain affordable or the homebuyer is

subject to the return of the HOME investment. The table below shows HUD’s minimum affordability periods by HOME investment. The City has chosen to utilize the periods defined in the table and will not impose a longer period of affordability. Subrecipients, Owners, Developers, and Community Development Housing Organizations (CHDOs) cannot opt out of applying these policies to its homebuyer program and, further, must assist the City in enforcing the City’s Affordability and Recapture policy.

HOME Funds in Project	Affordability Period
<\$15,000	5 years
\$15,000 - \$40,000	10 years
>\$40,000	15 years

- B. **Enforcement of the Affordability Period.** There are two means by which the HOME investment is protected during the period of affordability and which will restrict the way in which the home can be used and sold, as outlined in these policies and protected by recorded legal documents. The diagram below provides a visual of the enforcement means, both of which are described by policy following the diagram.

Purpose: Maintain Affordability and Protect the HOME Investment	
Repayment	Recapture
100% of the HOME investment is subject to repayment if the home does not retain affordability throughout the affordability period. Affordability is defined by regulation and is stated in the policies for repayment below.	All or part of the HOME investment is subject to recapture if the home is sold, either voluntarily or involuntarily, during the period of affordability.
See III. Section A below for policy.	See Section B below for policy.

- C. **Affordability Term.** The affordability period begins after project completion. (“Completion” is defined as the date the activity is closed in IDIS.) Legal documents will designate the affordability term as 5 years, 10 years, or 15 years depending on HOME investment plus three months to allow the City time to draw the funds and close the activity.

III. Policies to Retain Affordability

- A. **Repayment.** The HOME regulation at 24 CFR 92.503(b)(1) states, “Any HOME funds invested in housing that does not meet the **affordability** requirements for the period specified in 24 CFR 92.254 (Qualification as affordable housing: Homeownership) must be repaid by the participating jurisdiction.”

HUD defines **affordable** under the HOME program as meeting the following:

1. The housing must be single-family housing.
2. The housing must be modest, as follows:
 - a. Utilization of the HOME Affordable Homeownership Limits provided by HUD (annually) ensure this requirement.
3. The housing must be acquired by a homebuyer whose family qualifies as a low-income family, i.e. earning no more than 80% of AMI. (The Developer may further restrict income through its program policies.)
4. The housing must be the principal residence throughout the period of affordability.

To enforce the affordability regulation, the City will require prompt repayment of **all of the HOME investment** in the following instances:

1. The home is no longer the principal residence of the homebuyer. The homebuyer must occupy the home at all times and provide an annual residency certification to remain in compliance with affordability. Non-return of the annual residency certification is considered being out of compliance. Under the residency requirement, the following are not allowed:
 - a. Anything that causes the homeowner to not reside in the home, including leasing the unit to another household or transferring title to another household (for example through a Quit-Claim Deed).
2. Reconstruction of the home to accommodate multiple families (it must remain a **single-family** residence).
2. Misrepresentation of homebuyer's information (for example, it comes to light that family size or income were reported falsely).
3. The first mortgage is refinanced.

The City will secure the affordability period by a Beneficiary Use Covenant/Homeowner Agreement.

The City will exercise due diligence and make every effort, in conjunction with the Developer, to work with the homeowner to return the home to affordability compliance and avoid repayment of the HOME funds. Due diligence steps will include the following:

1. Through the Developer Agreement, the Developer shall be responsible for initially contacting the homeowner, reminding them of their obligations to Beneficiary Use Covenant/Homeowner Agreement, and will attempt to facilitate returning the unit into affordability compliance.
 - a. The Developer will send annual certification letters to the homeowners, which must be signed, dated, and return acknowledging continuation of principal residency.
2. If the homebuyer does not respond to the Developer, contact with the homeowner will be initiated by and for the City through the City Attorney's Office.
3. The Developer and City will work with the homeowner to return the property to compliance through the following:
 - a. Allowing a lease term to expire and continuing with the affordability after expiration (in the case where a home has been rented and a tenant has a lease). The affordability period will be extended past the affordability term by the length of any lease.
 - b. Providing reasonable time (determined by the City and the homeowner) to return the home to single-family status.
 - c. Allowing the homebuyer to sell the property under the recapture provisions below.

Misrepresentation or refinancing require repayment without a means to remedy.

4. **Remedy.** If the Developer and/or the City, through working with the homeowner, are not able to return the home to affordability compliance, the City will contact HUD with regard to the repayment of HOME funds to determine how they should be handled. Additionally, the City will take the following steps:
 - a. Per the terms of the Beneficiary Use Covenant/Homeowner Agreement, the City will pursue collection by whatever means are allowable under the law, the costs of which will be the responsibility of the homeowner(s).

- If the homeowner is unable to repay the any or all of the HOME funds immediately, the City will allow for the homeowner to enter into a loan agreement for repayment of the funds. In this case, the City will repay HOME from its General Fund and set up loan for repayment of the HOME investment with a term not to exceed the original term of the Beneficiary Use Covenant/Homeowner Agreement.
 - b. Per the terms of the Developer Agreement, secondary collection will be pursued by the City from the Developer in any amount uncollectable from the homeowner.
 - c. Right of Legal Remedy in Pursuing Satisfaction of Affordability Period. In the event the homeowner does not satisfy the full terms of affordability and make repayment of HOME funds, the City of Greeley reserves the right to pursue any remedy allowable under HUD regulations and the law for full payment by any legal means necessary. Payment of legal or any other fees will be the responsibility of the homeowner.
- B. **Recapture.** A homeowner cannot **sell** the home during the period of affordability without triggering requirements that some or all of the HOME investment be returned. The HOME regulations at 24 CFR 92.524-Qualification as affordable housing: Homeownership govern instances where a homeowner wants to sell the property during the period of affordability. By policy, the City has chosen the **recapture** of funds (24 CFR 92.524(a)(5)(ii)-Recapture) as the means it will use to enforce regulations in case of a sale. "Sale" includes voluntary or involuntary (foreclosure) sales. Voluntary sales include a short sale or deed-in-lieu of foreclosure.
- A short sale is a voluntary sale in a situation where the bank that holds the mortgage agrees to take less than the full payoff for the mortgage in full satisfaction of the mortgage. This is commonly sought by a homeowner who wants to sell but whose house is "upside down" or where the mortgage balance exceeds the fair market value of the property. The homeowner is voluntarily selling for less than the fair market due to the homeowner's current situation.
 - The City has further determined that foreclosed upon homeowners will follow the recapture provision outlined below. (The City will contact HUD in the case of foreclosure and any direction for HUD that deviates from this must be followed.)
1. **First Right of Refusal.** The Developer shall have a First Right of Refusal Clause in their legal documents (per the Developer Agreement). Should they Developer choose to exercise that Right, the following apply:
 - a. The Developer can resell the property to a new buyer who meets income and all other qualifications of the HOME Program.
 - b. The remaining time on the Beneficiary Use Covenant/Homeowner Agreement can be transferred to the new buyer, provided the new buyer agrees to accept that sale condition and they meet all HOME requirements.
 2. HUD offers options to enforce the recapture provisions; the City has chosen to **recapture the full amount** [(see regulation 92.254(a)(4)(ii)(A)(1)], (option one in the cited regulation). "Full amount" is defined as the net proceeds of the sale (sales price minus non-HOME loans on the property and any closing costs associated with the sale). At no time will the City attempt to recapture more funds than are available from net proceeds. The net proceeds provision includes voluntary and involuntary (foreclosure) sales.
- The following scenarios further describe how the City will recapture funds. To clarify policy, an example is provided following each situation, in red. These are examples only and do not reflect true amounts.
- a. **If there are net proceeds greater** than the loan for HOME funds, the full HOME subsidy is recaptured, and the remaining proceeds belong to the homeowner entirely and are considered to be the fair return on the homeowner's investment.

EXAMPLE: The homeowner decides to voluntarily sell the property, and it subsequently sells for \$200,000. The homeowner repays all loans and closing costs (not including the HOME direct subsidy), which total \$150,000. The homeowner thus has net proceeds of \$50,000. The HOME direct subsidy was \$30,000. From the net proceeds of \$50,000, the City will recapture the HOME \$30,000 direct subsidy and the homeowner retains \$20,000.

- b. If a sale results in **less proceeds available than are required** to meet the demands of all liens, including the HOME direct subsidy, any amount available from net proceeds up to the amount of the remaining affordability loan. That amount will be considered full payment of obligations under the affordability/recapture agreement for the homebuyer.

EXAMPLE: The homeowner decides to voluntarily sell the property, and it subsequently sells for \$200,000. The homeowner repays all loans and closing costs (not including the HOME direct subsidy), which total \$175,000. The homeowner thus has net proceeds of \$25,000. The HOME direct subsidy was \$30,000. The entire \$25,000 will be recaptured from the homeowner to satisfy the HOME requirements; the homeowner will keep none of the net proceeds.

- c. **If there are no net proceeds** from the sale, repayment will not be required from the homeowner and the affordability period will be considered satisfied for that party.

EXAMPLE: The homeowner decides to voluntarily sell the property, and it subsequently sells for \$200,000. The homeowner repays all loans and closing costs (not including the HOME direct subsidy), which total \$200,000. The homeowner thus has \$0.00 net proceeds. The HOME direct subsidy was \$30,000, of which \$0.00 will be recaptured. Likewise, there will be not be net proceeds left for the homeowner.

- d. In the case of a short sale, the City (or the Developer, as applicable) has the option of whether or not to approve the short sale. Recapture will be based on net proceeds only, and follow the applicable provisions set forth above.
- e. Foreclosure.
- When the City and/or Developer are made aware of a pending foreclosure, they will to the greatest extent feasible provide the homeowner with resources, including counseling options, the Colorado Foreclosure Hotline information, and other guidance as is available.
 - Recapture, in the case of foreclosure, is based on net proceeds alone. If there are no net proceeds, the affordability restriction is terminated and there is no further obligation to the homeowner or the City. (Subject to HUD approval, as noted above.)

3. Subject to HUD approval, the City will use any recaptured funds for other HOME-eligible activities.
4. The HOME Investment and recapture provisions will be secured through a Deed of Trust and Promissory Note. This is in addition to the Beneficiary Use Covenant/Homeowner Agreement that secures affordability and the repayment required if a homeowner is not in compliance with the affordability requirements.
- a. If the homeowner resides in the property for the full affordability period and meets all of the terms of the Deed of Trust, Promissory Note, and Beneficiary Use Covenant/Homeowner Agreement, the City will release all documents at its expense at the expiration of the legal documents.

PROCEDURES

It is recommended that the City and the Developer use the Procedures below as a checklist during the construction and subsequent sale of housing units. These procedures are only for implementing the recapture policies. Other procedures are noted in the Developer Agreement.

Applications for HOME funds are available from the City year-round, as funds are available. Procedures below begin once an application has been approved for funding by the GURA Board of Commissioners.

1. Developer – Provide a written preliminary buyer financing worksheet that identifies a gap in available financing for the homebuyer.
 - a. City –Based on numbers, provide a preliminary, written HOME funds commitment to the Developer at which time HOME funds will be committed.
2. Developer - Articulate affordability requirements (repayment of funds) and recapture provisions to potential purchasers at various stages in the process.
 - a. City - Meet with the potential buyer(s) to review the Beneficiary Use Covenant/Homeowner Agreement, Deed of Trust, and Promissory Note to provide additional assurance that the buyer is aware of the affordability period and instances by which the HOME investment may have to be returned (repayment) or recaptured (sale) and the considerations and requirements of each scenario.
3. Developer – As construction completion nears, provide the City with closing information (per the Developer Agreement).
4. Developer – Finalize the buyer financing worksheet with final figures to determine the exact amount of HOME funds to be involved in the property.
5. City – Prepare the Beneficiary Use Covenant/Homeowner Agreement, Deed of Trust, and Promissory Note to secure the affordability period. Ensure the document is recorded following closing. The expense of recordation is the City's with regard to its legal document (HOME program expense).
6. City – At its expense, release the Beneficiary Use Covenant, Deed of Trust, and Promissory Note when the affordability period expires.

Attachment 4 – Public Hearing and Public Comment Ads

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Council Agenda Summary

April 19th, 2022

Agenda Item Number

Key Staff Contact: Sean Chambers

Title:

Participating Agreement Between the City of Greeley and the USDA, Forest Service Arapahoe and Roosevelt National Forests and Pawnee National Grassland

Summary:

The 2020 Cameron Peak Fire burned over 208,000 acres in the watersheds of the Cache la Poudre and Big Thompson River basins where Greeley obtains more than 50% of its municipal water supplies. The burn area impacts are influencing snowpack, runoff timing, water quality, operational costs and supply reliability. In the most severely burned areas, the soils have are hydrophobic and prone to flooding that creates mass erosion, sedimentation of water and debris flows, and mitigation activities are proven to aide such areas in post fire revegetation and slope stabilization.

Background: The Cameron Peak wildfire is the state's largest fire on record and the severely burned areas include both public and private properties. This fire significantly affected hundreds of thousands of acres of watersheds that are of critical importance for all domestic, agricultural, and municipal water supplies for over one million people and tens of thousands of acres of productive irrigated agriculture. The damage to these watersheds continues to pose immediate and future threats to water quality and public infrastructure serving communities across Larimer and Weld Counties, including but not limited to water supply diversions and storage infrastructure.

The purpose of Greeley entering into the subject agreement with US Forest Service is to document the cooperative relationship and financial terms between the parties. The Agreement service to guide the parties in the next stage of implementing watershed recovery and restoration activities in and adjacent to lands affected by the Cameron Peak Fire and includes an initial reimbursement of \$6,000,000 to Greeley for this mitigation work, with subsequent phases of additional federal funds over the remainder of 2022, and possibly beyond.

Fiscal Impact

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial or onetime impact?	\$6,000,000 pass through dollars
What is the annual impact?	\$0
What fund of the City will provide funding?	NA
What is the source of revenue within the fund?	
Is there grant funding for this item?	Yes
If yes, does this grant require a match?	No
Is this grant onetime or ongoing?	One time
Additional Comments: USDA's US Forest Service has committed an initial \$6,000,000 of federal emergency supplemental grant funds for this post fire watershed restoration work. Greeley is the recovery sponsor for this fire mitigation work in the Cache la Poudre basin and Greeley will be acting as the pass-through fiscal agent for deploying the federal grant dollars on post fire watershed restoration projects. The City will pair these funds with grants from Colorado Water Conservation Board to mitigate impacts to the severely burned watershed and thereby manage Greeley's quality water supplies.	

Legal Issues

The City Attorney's Office has reviewed and approved the agreement as to legal form. The mitigation work facilitated pursuant to this IGA constitutes one aspect of a larger regional and national policy objective, that is, to mitigate and rehabilitate the impacts of the Cameron Peak Fire. Greeley's role in facilitating the mitigation work is for the benefit of all water users and other parties with an interest in the Cache la Poudre and Big Thompson watersheds. All grant funding received, passed through, or otherwise managed by Greeley pursuant to this IGA is for the purposes of the greater policy objective and the common benefit of the parties described, and will not result in a revenue subsidy or production of a capital asset for the Water Enterprise of the City of Greeley.

Other Issues and Considerations

N/A

Applicable Council Goal or Objective

Safety: Manage the health, safety and welfare in a way that promotes a sense of security and well-being for residents, businesses and visitors.

Decision Options

1. Introduce the resolution as presented; or
2. Amend the resolution and introduce 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

Resolution

Participating Agreement with the USFS and Exhibits

Informational Presentation

THE CITY OF GREELEY, COLORADO

RESOLUTION ___, 2022

A RESOLUTION AUTHORIZING ENTRY INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE UNITED STATES FOREST SERVICE FOR WATERSHED RECOVERY AND RESTORATION GRANT FUNDING

WHEREAS, the City of Greeley ("Greeley") is authorized by Section 3-5 of the Greeley City Charter and Section 2-461 of the Greeley Municipal Code to enter into contracts with other governmental entities for the performance of cooperative or joint activities; and

WHEREAS, Greeley has been coordinating wildfire mitigation and watershed rehabilitation activities in the Cache la Poudre and Big Thompson watersheds in response to the Cameron Peak Fire, which ignited in August of 2020, burned for over 100 days, and eventually became the largest recorded wildfire in Colorado history; and

WHEREAS, the United States Forest Service recently made available to Greeley federal emergency supplemental grant funds that may be used to continue its facilitation of such recovery and restoration work in the Cache la Poudre and Big Thompson watersheds; and

WHEREAS, the Participating Agreement between The City of Greeley and The USDA, Forest Service, Arapaho and Roosevelt National Forests and Pawnee National Grassland, attached hereto and incorporated herein as Exhibit A, sets forth the terms and conditions by which Greeley may utilize these grant funds to continue its facilitation of such recovery and restoration work in the Cache la Poudre and Big Thompson watersheds; and

WHEREAS, the mitigation work facilitated pursuant to this intergovernmental agreement constitutes one aspect of a larger regional and national policy objective, that is, to mitigate and rehabilitate the impacts of the Cameron Peak Fire, and Greeley's role in facilitating the mitigation work is for the benefit of all water users and other parties with an interest in the Cache la Poudre and Big Thompson watersheds; and

WHEREAS, all grant funding received, passed through, or otherwise managed by Greeley pursuant to this intergovernmental agreement is for the purposes of the greater policy objective and the common benefit of the parties described, and will not result in a revenue subsidy or production of a capital asset for the Water Enterprise of the City of Greeley; and

WHEREAS, it is in the best interest of the citizens of The City of Greeley for Greeley to enter into the Participating Agreement between The City of Greeley and The USDA, Forest Service, Arapaho and Roosevelt National Forests and Pawnee National Grassland.

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

Section 1. The City of Greeley, Colorado is hereby authorized to enter into the Participating Agreement between The City of Greeley and The USDA, Forest Service, Arapaho and Roosevelt National Forests and Pawnee National Grassland, in the form attached hereto and incorporated herein as Exhibit A.

Section 2. City staff and legal counsel are hereby authorized to make minor revisions to the Participating Agreement between The City of Greeley and The USDA, Forest Service, Arapaho and Roosevelt National Forests and Pawnee National Grassland, provided that the material substance of the agreement remains unchanged.

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

PASSED AND ADOPTED, SIGNED AND APPROVED THIS _____ DAY OF _____ 2022.

ATTEST:

THE CITY OF GREELEY, COLORADO

Interim City Clerk

Mayor



FS Agreement No. _____

Cooperator Agreement No. _____

PARTICIPATING AGREEMENT
Between The
CITY OF GREELEY
And The
USDA, FOREST SERVICE
ARAPAHO AND ROOSEVELT NATIONAL FORESTS AND PAWNEE NATIONAL
GRASSLAND

This PARTICIPATING AGREEMENT is hereby entered into by and between the City of Greeley, acting by and through its Water Enterprise, hereinafter referred to as “Greeley,” and the United States Department of Agriculture (USDA), Forest Service, Arapaho and Roosevelt National Forest and Pawnee National Grassland, hereinafter referred to as the “U.S. Forest Service,” under the authority: Wyden Amendment (Public Law 105-277, Section 323 as amended by Public Law 109-54, Section 434, and permanently authorized by Public Law 111-11

Background: In 2020, the Arapaho and Roosevelt National Forests experienced the two largest wildfires in the history of Colorado (Cameron Peak and East Troublesome), in addition to three other significant fires (Williams Fork, Calwood and Lefthand). These fires significantly affected hundreds of thousands of acres of watersheds that are of critical importance for the domestic, agricultural, and municipal water supplies for over one million people.

The 2020 Cameron Peak Fire burned over 200,000 acres in the watersheds of the Cache la Poudre and Big Thompson Rivers, including both public and private properties. The damage to these watersheds continues to pose immediate and future threats to public infrastructure serving Larimer and Weld Counties, including, without limitation, water supply infrastructure.

The fire impacted soils may result in flash flooding and large fluxes in sediment and debris transport. Research shows that burned areas, particularly those at moderate to high severity, are more susceptible to erosion and debris flow events until enough time has lapsed to allow suitable vegetation (grasses, shrubs, trees) to become re-established to better secure the soil in place. As part of the fire recovery effort, priority areas have been identified that are in need of emergency stabilization using wood mulch and other treatments to help limit impacts to watersheds, soil and water resources. The purpose of this management technique is to stabilize soils and promote forest recovery reducing sediment and debris transport from runoff water or precipitation events, which would in-turn protect water infrastructure and water quality. Soil stabilization is also important in facilitating long-term watershed recovery. Actions that encourage soil retention will help promote revegetation, including development of new forests which in turn provide shade for winter snows and resulting longer spring run-off periods.



In 2021 Greeley facilitated the implementation of extensive emergency watershed protection measures with funding to facilitate the mitigation and rehabilitation measures described generally above, via the federal Natural Resource Conservation Service (NRCS) Emergency Watershed Protection Program and the Colorado Department of Natural Resources Watershed Restoration Wildfire Mitigation Program, administered by the Colorado Water Conservation Board (CWCB). Nearly \$6.5 million dollars of EWP mitigation have been invested to-date. These funds were primarily used on private lands with a portion used to stabilize approximately 1,300 acres of heavily impacted soils on the National Forest.

It is critically important to protect these investments by continuing the watershed restoration on all lands affected by the fire, including U.S. Forest Service lands, upstream of the private lands.

Title: Cameron Peak Post-Fire Mitigation and Recovery Project

I. PURPOSE:

The purpose of this agreement is to document the cooperation between the parties to implement watershed recovery and restoration in and adjacent to lands affected by the Cameron Peak Fire in accordance with the following provisions and the hereby incorporated Financial Plan, attached as Exhibit A and Scope of Work attached as Exhibit B. Collaborations within the Scope of Work of this agreement include a wide-variety of watershed restoration actions as described in part, in the “2022 Cameron Peak Fire Recovery Work Plan – Aerial Mulching & Point Mitigation” included as Exhibit C. These types of actions, as well as other related restoration efforts which could include reforestation, road work and similar are expected to continue to be refined as additional information is gathered. This restoration plan will be refined as additional information and site visits occur.

II. STATEMENT OF MUTUAL BENEFIT AND INTERESTS:

The U.S. Forest Service and Greeley enter into this agreement with the mutual goal of watershed protection and restoration. Water is one of the most important natural resources flowing from forests. The U.S. Forest Service manages the largest single source of water in the U.S. with about 18% originating from 193 million acres of land. A network of water and watershed resource specialists support stewardship efforts at all levels of the organization to promote healthy, sustainable watersheds fundamental to ecosystems and people. In order to provide water, stable watersheds are essential. Greeley seeks to partner with the U.S. Forest Service to help improve watersheds located on U.S. Forest Service lands, stabilizing the effects of the Cameron Peak Fire, which benefits the local water providers ability to deliver water to its contract allottees as well as the U.S. Forest Service goal of a healthy ecosystem, and protects investments already made in watershed restoration downstream of U.S. Forest Service lands.



The U.S. Forest Service and Greeley acknowledge that the wildfire mitigation and rehabilitation measures facilitated by Greeley pursuant to this agreement constitute one aspect of a larger regional and national policy objective, that is, to mitigate and rehabilitate the impacts of the Cameron Peak Fire, and that Greeley is facilitating these measures for the benefit of all water users and other parties with an interest in the Cache la Poudre and Big Thompson watersheds. Any grant funding received, passed through, or otherwise managed by Greeley pursuant to this agreement is for the purposes of the greater policy objective and the common benefit of the parties described, and will not result in a revenue subsidy or production of a capital asset for the Water Enterprise of the City of Greeley.

In consideration of the above premises, the parties agree as follows:

III. GREELEY SHALL:

- A. LEGAL AUTHORITY. Greeley shall have the legal authority to enter into this agreement, and the institutional, managerial, and financial capability to ensure proper planning, management, and completion of the project, which includes funds sufficient to pay the non-Federal share of project costs, when applicable.
- B. USE OF GOVERNMENT OWNED VEHICLES. U.S. Forest Service vehicles may be used for official U.S. Forest Service business only accordance with FSH 7109.19, Chapter 60, the requirements established by the region in which performance of this agreement takes place, and the terms of this agreement.
- C. WORK SCOPE. Greeley will implement watershed recovery measures identified in the attached Financial Plan and Scope of Work in coordination with the U.S. Forest Service and other partners.
- D. CONTRACT OVERSIGHT.
 - 1. Greeley will use its procurement process and award contracts with independent contractors to perform the work identified in the Financial Plan and Scope of Work.
 - 2. Greeley will designate Project Managers to administer and oversee the work in accordance with terms and conditions of the contracts.
 - 3. In accordance with its policies and procedures, Greeley will require the independent contractors to: (a) provide a certificate of insurance, evidencing Commercial General Liability and (b) assume responsibility and liability for damages, loss or injury of any kind or nature whatever to persons or property omission, or failure to act when under a duty to act on the part of the independent contractors or any of their officers, agents, employees, or subcontractors in their performance of the work.

IV. THE U.S. FOREST SERVICE SHALL:



- A. PAYMENT/REIMBURSEMENT. The U.S. Forest Service shall reimburse Greeley for the U.S. Forest Service's share of actual expenses incurred, not to exceed \$6,000,000, as shown in the Financial Plan. In order to approve a Request for Reimbursement, the U.S. Forest Service shall review such requests to ensure payments for reimbursement are in compliance and otherwise consistent with the terms of the agreement. The U.S. Forest Service shall make payment upon receipt of Greeley's monthly invoice. Each invoice from Greeley shall display the total project costs for the billing period, separated by U.S. Forest Service and Greeley's share. In-kind contributions must be displayed as a separate line item and must not be included in the total project costs available for reimbursement. The final invoice must display Greeley's full match towards the project, as shown in the financial plan, and be submitted no later than 120 days from the expiration date.

Each invoice must include, at a minimum:

1. Greeley's name, address, and telephone number.
2. U.S. Forest Service agreement number.
3. Invoice date.
4. Performance dates of the work completed (start & end).
5. Total invoice amount for the billing period, separated by the U.S. Forest Service and Greeley share with in-kind contributions displayed as a separate line item.
6. Display all costs, both cumulative and for the billing period, by separate cost element as shown on the financial plan.
7. Cumulative amount of U.S. Forest Service payments to date.
8. Statement that the invoice is a request for payment by "reimbursement".
9. If using SF-270, a signature is required.
10. Invoice Number, if applicable.

The invoice must be forwarded to:

EMAIL: SM.FS.ASC_GA@USDA.GOV

FAX: 877-687-4894

POSTAL: USDA Forest Service
Albuquerque Service Center
Payments – Grants & Agreements
101B Sun Ave NE
Albuquerque, NM 87109



- B. TREATMENT APPROVAL. The U.S. Forest Service will participate with Greeley in the strategic planning of watershed restoration efforts, the selection of treatments at specific sites, and will approve all treatments prior to application on U.S. Forest Service lands.
- C. AREA CLOSURES. The U.S. Forest Service will close treatment areas for safety reasons at the reasonable request of Greeley.
- D. TECHINICAL COORDINATOR. The U.S. Forest Service will select an employee to act as the U.S. Forest Service Technical Coordinator for the project.

V. IT IS MUTUALLY UNDERSTOOD AND AGREED BY AND BETWEEN THE PARTIES THAT:

- A. PRINCIPAL CONTACTS. Individuals listed below are authorized to act in their respective areas for matters related to this agreement.

Principal Cooperator Contacts:

Cooperator Project Contact	Cooperator Financial Contact
Name: Sean Chambers Address: 1001 11 th Avenue, 2 nd floor City, State, Zip: Greeley, CO 80631 Telephone: 970-350-9815 FAX: Email: sean.chambers@greeleygov.com	Name: Erik Dial Address: 1001 11 th Avenue, 2 nd floor City, State, Zip: Greeley, CO 80631 Telephone: 970-350-9893 FAX: Email: erik.dial@greeleygov.com

Principal U.S. Forest Service Contacts:

U.S. Forest Service Program Manager Contact	U.S. Forest Service Administrative Contact
Name: Robert Skorkowsky Address: 2150 Centre Avenue Building E City, State, Zip: Fort Collins, CO, 80526 Telephone: 970-819-8980 FAX: Email: Robert.Skorkowsky@USDA.Gov	Name: Sara Wolff Address: 2840 Kachina Drive City, State, Zip: Pueblo CO, 81008 Telephone: 719-553-1432 FAX: Email: Sara.Wolf@USDA.Gov

- B. ASSURANCE REGARDING FELONY CONVICTION OR TAX DELINQUENT STATUS FOR CORPORATE ENTITIES. This agreement is subject to the provisions contained in the Department of Interior, Environment, and Related Agencies Appropriations Act, 2012, P.L. No. 112-74, Division E, Section 433 and



434 as continued by Consolidated and Further Continuing Appropriations Act, 2013, P.L. No. 113-6, Division F, Title I Section 1101(a)(3) regarding corporate felony convictions and corporate federal tax delinquencies. Accordingly, by entering into this agreement Greeley acknowledges that it: 1) does not have a tax delinquency, meaning that it is not subject to any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, and (2) has not been convicted (or had an officer or agent acting on its behalf convicted) of a felony criminal violation under any Federal law within 24 months preceding the agreement, unless a suspending and debarring official of the United States Department of Agriculture has considered suspension or debarment is not necessary to protect the interests of the Government. If Greeley fails to comply with these provisions, the U.S. Forest Service will annul this agreement and may recover any funds Greeley has expended in violation of sections 433 and 434.

- C. NOTICES. Any communications affecting the operations covered by this agreement given by the U.S. Forest Service or Greeley are sufficient only if in writing and delivered in person, mailed, or transmitted electronically by e-mail or fax, as follows:

To the U.S. Forest Service Program Manager, at the address specified in the agreement.

To Greeley, at the address shown in the agreement or such other address designated within the agreement.

Notices are effective when delivered in accordance with this provision, or on the effective date of the notice, whichever is later.

- D. PARTICIPATION IN SIMILAR ACTIVITIES. This agreement in no way restricts the U.S. Forest Service or Greeley from participating in similar activities with other public or private agencies, organizations, and individuals.
- E. ENDORSEMENT. Any of Greeley's contributions made under this agreement do not by direct reference or implication convey U.S. Forest Service endorsement of Greeley's products or activities.
- F. USE OF U.S. FOREST SERVICE INSIGNIA. In order for Greeley to use the U.S. Forest Service Insignia on any published media, such as a Web page, printed publication, or audiovisual production, permission must be granted from the U.S. Forest Service's Office of Communications (Washington Office). A written request will be submitted by the U.S. Forest Service to the Office of Communications Assistant Director, Visual Information and Publishing Services, prior to use of the insignia. The U.S. Forest Service will notify the Greeley when permission is granted.



- G. NON-FEDERAL STATUS FOR COOPERATOR PARTICIPANTS. Greeley agree(s) that any of Greeley's employees, volunteers, and program participants shall not be deemed to be Federal employees for any purposes including Chapter 171 of Title 28, United States Code (Federal Tort Claims Act) and Chapter 81 of Title 5, United States Code (OWCP), as Greeley has hereby willingly agreed to assume these responsibilities.

Further, Greeley shall provide any necessary training to Greeley's employees, volunteers, and program participants to ensure that such personnel are capable of performing tasks to be completed. Greeley shall also supervise and direct the work of its employees, volunteers, and participants performing under this agreement.

- H. NON-FEDERAL STATUS FOR COOPERATOR LIABILITY. Greeley agree(s) that any of Greeley's employees and program participants shall not be deemed to be Federal employees for any purposes including Chapter 171 of Title 28, United States Code (Federal Tort Claims Act) and Chapter 81 of Title 5, United States Code (OWCP), and Greeley hereby willingly agree(s) to assume these responsibilities.

Greeley agree(s) that, except as otherwise provided in this provision below, of Greeley's volunteers shall not be deemed to be Federal employees and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits. When Greeley's volunteers are performing approved tasks identified under this agreement, the following applies:

1. For the purpose of the tort claim provisions of Title 28 of the United States Code, any of Greeley's volunteers shall be considered a federal employee.
2. For the purpose of subchapter I of Chapter 81 of Title 5 of the United States Code, relating to compensation to Federal employees for work injuries, Greeley's volunteers shall be deemed civil employees of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply.
3. For the purposes of claims relating to damage to, or loss of, personal property of Greeley's volunteer incident to volunteer service, a volunteer shall be considered a Federal employee, and the provisions of 31 U.S.C 3721 shall apply.

Further, Greeley shall provide any necessary training and support to Greeley's employees, volunteers, and program participants, to ensure that such personnel are capable of performing tasks to be completed. Greeley shall also supervise and direct the work of its employees, volunteers, and program participants performing under this Agreement.

- I. MEMBERS OF CONGRESS. Pursuant to 41 U.S.C. 22, no member of, or delegate to, Congress shall be admitted to any share or part of this agreement, or benefits that may arise therefrom, either directly or indirectly.



- J. NONDISCRIMINATION. The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, and so forth.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.
- K. ELIGIBLE WORKERS. Greeley shall ensure that all employees complete the I-9 form to certify that they are eligible for lawful employment under the Immigration and Nationality Act (8 USC 1324a). Greeley shall comply with regulations regarding certification and retention of the completed forms. These requirements also apply to any contract awarded under this agreement.
- L. SYSTEM FOR AWARD MANAGEMENT REGISTRATION REQUIREMENT (SAM). Greeley shall maintain current information in the System for Award Management (SAM) until receipt of final payment. This requires review and update to the information at least annually after the initial registration, and more frequently if required by changes in information or agreement term(s). For purposes of this agreement, System for Award Management (SAM) means the Federal repository into which an entity must provide information required for the conduct of business as a Cooperative. Additional information about registration procedures may be found at the SAM Internet site at www.sam.gov.
- M. STANDARDS FOR FINANCIAL MANAGEMENT.

1. Financial Reporting

Greeley shall provide complete, accurate, and current financial disclosures of the project or program in accordance with any financial reporting requirements, as set forth in the financial provisions.

2. Accounting Records

Greeley shall continuously maintain and update records identifying the source and use of funds. The records shall contain information pertaining to the agreement, authorizations, obligations, unobligated balances, assets, outlays, and income.

3. Internal Control



Greeley shall maintain effective control over and accountability for all U.S. Forest Service funds, real property, and personal property assets. Greeley shall keep effective internal controls to ensure that all United States Federal funds received are separately and properly allocated to the activities described in the agreement and used solely for authorized purposes.

4. Source Documentation

Greeley shall support all accounting records with source documentation. These documentations include, but are not limited to, cancelled checks, paid bills, payrolls, contract and contract documents. These documents must be made available to the U.S. Forest Service upon request.

- N. LIMITATION OF FUNDS. U.S. Forest Service funds in the amount of \$ 6,000,000 are currently available for performance of this agreement through 5/1/2027. The U.S. Forest Service's obligation for performance of this agreement beyond this date is contingent upon the availability of appropriated funds from which payment can be made. There is no legal liability on the part of the U.S. Forest Service for any payment may arise for performance under this agreement beyond this amount until Greeley receive(s) notice of availability to be confirmed in a written modification by the U.S. Forest Service.
- O. INDIRECT COST RATES- PARTNERSHIP. Indirect costs are approved for reimbursement or as a cost-share requirement and have an effective period applicable to the term of this agreement.
1. If Greeley has never received or does not currently have a negotiated indirect cost rate, they are eligible for a de minimis indirect cost rate up to 10 percent of modified total direct costs (MTDC). MTDC is defined as all salaries and wages, fringe benefits, materials and supplies, services, travel, and contracts up to the first \$25,000 of each contract.
 2. For rates greater than 10 percent and less than 25 percent, Greeley shall maintain documentation to support the rate. Documentation may include, but is not limited to, accounting records, audit results, cost allocation plan, letter of indirect cost rate approval from an independent accounting firm, or other Federal agency approved rate notice applicable to agreements.
 3. For a rate greater than 25 percent, the U.S. Forest Service may require that request a federally approved rate from Greeley's cognizant audit agency no later than 3 months after the effective date of the agreement. Greeley will be reimbursed for indirect costs or allowed to cost-share at the rate reflected in the agreement until the rate is formalized in the negotiated indirect cost rate (NICRA) at which time, reimbursements for prior indirect costs or cost-sharing may be subject to adjustment.



4. Failure to provide adequate documentation supporting the indirect cost rate, if requested, could result in disallowed costs and repayment to the U.S. Forest Service.

P. OVERPAYMENT. Any funds paid to Greeley in excess of the amount entitled under the terms and conditions of this agreement constitute a debt to the Federal Government. The following must also be considered as a debt or debts owed by Greeley to the U.S. Forest Service:

- Any interest or other investment income earned on advances of agreement funds; or
- Any royalties or other special classes of program income which, under the provisions of the agreement, are required to be returned;

If this debt is not paid according to the terms of the bill for collection issued for the overpayment, the U.S. Forest Service may reduce the debt by:

1. Making an administrative offset against other requests for reimbursement.
2. Withholding advance payments otherwise due to Greeley.
3. Taking other action permitted by statute (31 U.S.C. 3716 and 7 CFR, Part 3, Subpart B).

Except as otherwise provided by law, the U.S. Forest Service may charge interest on an overdue debt.

Q. AGREEMENT CLOSE-OUT. Within 120 days after expiration or notice of termination Greeley shall close out the agreement.

Any unobligated balance of cash advanced to Greeley must be immediately refunded to the U.S. Forest Service, including any interest earned in accordance with 7CFR3016.21/2CFR 215.22.

Within a maximum of 120 days following the date of expiration or termination of this agreement, all financial performance and related reports required by the terms of the agreement must be submitted to the U.S. Forest Service by Greeley.

If this agreement is closed out without audit, the U.S. Forest Service reserves the right to disallow and recover an appropriate amount after fully considering any recommended disallowances resulting from an audit which may be conducted later.

R. PROGRAM MONITORING AND PROGRAM PERFORMANCE REPORTS. The parties to this agreement shall monitor the performance of the agreement activities to ensure that performance goals are being achieved.

Performance reports must contain information on the following:



- A comparison of actual accomplishments to the goals established for the period. Wherever the output of the project can be readily expressed in numbers, a computation of the cost per unit of output, if applicable.
- Reason(s) for delay if established goals were not met.
- Additional pertinent information.

Greeley shall submit annual performance reports to the U.S. Forest Service Program Manager. These reports are due 90 days after the reporting period. The final performance report must be submitted either with Greeley's final payment request, or separately, but not later than 120 days from the expiration date of the agreement.

- S. RETENTION AND ACCESS REQUIREMENTS FOR RECORDS. Greeley shall retain all records pertinent to this agreement for a period of no less than 3 years from the expiration or termination date. As used in this provision, records includes books, documents, accounting procedures and practice, and other data, regardless of the type or format. Greeley shall provide access and the right to examine all records related to this agreement to the U.S. Forest Service, Inspector General, or Comptroller General or their authorized representative. The rights of access in this section must not be limited to the required retention period but must last as long as the records are kept.

If any litigation, claim, negotiation, audit, or other action involving the records has been started before the end of the 3-year period, the records must be kept until all issues are resolved, or until the end of the regular 3-year period, whichever is later.

Records for nonexpendable property acquired in whole or in part, with Federal funds must be retained for 3 years after its final disposition.

- T. FREEDOM OF INFORMATION ACT (FOIA). Public access to grant or agreement records must not be limited, except when such records must be kept confidential and would have been exempted from disclosure pursuant to Freedom of Information regulations (5 U.S.C. 552). Requests for research data are subject to 2 CFR 215.36.

Public access to culturally sensitive data and information of Federally-recognized Tribes may also be explicitly limited by P.L. 110-234, Title VIII Subtitle B §8106 (2008 Farm Bill).

- U. TEXT MESSAGING WHILE DRIVING. In accordance with Executive Order (EO) 13513, "Federal Leadership on Reducing Text Messaging While Driving," any and all text messaging by Federal employees is banned: a) while driving a Government owned vehicle (GOV) or driving a privately owned vehicle (POV) while on official Government business; or b) using any electronic equipment supplied by the Government when driving any vehicle at any time. All Cooperators, their Employees, Volunteers, and Contractors are encouraged to adopt and enforce policies that ban text messaging when driving company owned, leased or rented vehicles,



POVs or GOVs when driving while on official Government business or when performing any work for or on behalf of the Government.

- V. PUBLIC NOTICES. It is The U.S. Forest Service's policy to inform the public as fully as possible of its programs and activities. Greeley is/are encouraged to give public notice of the receipt of this agreement and, from time to time, to announce progress and accomplishments. Press releases or other public notices should reference the Agency as follows:

“Arapaho and Roosevelt National Forests and Pawnee National Grassland of the U.S. Forest Service, U.S. Department of Agriculture”

Greeley may call on The U.S. Forest Service's Office of Communication for advice regarding public notices. Greeley is/are requested to provide copies of notices or announcements to the U.S. Forest Service Program Manager and to The U.S. Forest Service's Office of Communications as far in advance of release as possible.

- W. FUNDING EQUIPMENT. Federal funding under this agreement is not available for reimbursement of Greeley's purchase of equipment. Equipment is defined as having a fair market value of \$5,000 or more per unit and a useful life of over one year.
- X. PROPERTY IMPROVEMENTS. Improvements placed by Greeley on National Forest System land at the direction or with the approval of the U.S. Forest Service becomes property of the United States. These improvements are subject to the same regulations and administration of the U.S. Forest Service as would other national forest improvements of a similar nature. No part of this agreement entitles Greeley to any interest in the improvements, other than the right to use them under applicable U.S. Forest Service Regulations.
- Y. CONTRACT REQUIREMENTS. Any contract under this agreement must be awarded following the Greeley's established procurement procedures, to ensure free and open competition, and avoid any conflict of interest (or appearance of conflict). Greeley shall maintain cost and price analysis documentation for potential U.S. Forest Service review. Greeley is/are encouraged to utilize small businesses, minority-owned firms, and women's business enterprises.
- Z. TRAINING, EVALUATION, AND CERTIFICATION OF SAWYERS. Any of the cooperator's employees, and any participants and volunteers engaged on behalf of the cooperator and U.S. Forest Service, who will use chain saws or crosscut saws on National Forest System lands to conduct the program of work contained in this agreement must be trained, evaluated, and certified in accordance with U.S. Forest Service Manual 2358 and U.S. Forest Service Handbook 6709.11, section 22.48b. The cooperator is responsible for providing this training, evaluation, and certification, unless the U.S. Forest Service and the cooperator determine it is not in the best interest of the partnership. In these circumstances, the U.S. Forest Service, upon request and based on availability of Agency funding and personnel, may assist with



developing and conducting training, evaluation, and certification of the cooperator's employees, and any volunteers and participants engaged on behalf of the cooperator and the U.S. Forest Service, who will use chain saws or cross cut saws on National Forest System lands.

- AA. U.S. FOREST SERVICE ACKNOWLEDGED IN PUBLICATIONS, AUDIOVISUALS AND ELECTRONIC MEDIA. Greeley shall acknowledge U.S. Forest Service support in any publications, audiovisuals, and electronic media developed as a result of this agreement.
- BB. NONDISCRIMINATION STATEMENT – PRINTED, ELECTRONIC, OR AUDIOVISUAL MATERIAL. Greeley shall include the following statement, in full, in any printed, audiovisual material, or electronic media for public distribution developed or printed with any Federal funding.

In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs.)

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free voice (866) 632-9992, TDD (800) 877-8339, or voice relay (866) 377-8642.
USDA is an equal opportunity provider and employer.

If the material is too small to permit the full statement to be included, the material must, at minimum, include the following statement, in print size no smaller than the text:

"This institution is an equal opportunity provider."

- CC. REMEDIES FOR COMPLIANCE RELATED ISSUES. If Greeley materially fail(s) to comply with any term of the agreement, whether stated in a Federal statute or regulation, an assurance, or the agreement, the U.S. Forest Service may take one or more of the following actions:
1. Temporarily withhold cash payments pending correction of the deficiency by Greeley or more severe enforcement action by the U.S. Forest Service;
 2. Disallow (that is, deny both use of funds and matching credit for) all or part of the cost of the activity or action not in compliance;
 3. Wholly or partly suspend or terminate the current agreement for Greeley's program;
 4. Withhold further awards for the program, or



5. Take other remedies that may be legally available, including debarment procedures under 2 CFR part 417.

DD. TERMINATION BY MUTUAL AGREEMENT. This agreement may be terminated, in whole or part, as follows:

1. When the U.S. Forest Service and Greeley agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated.
2. By 30 days written notification by Greeley to the U.S. Forest Service setting forth the reasons for termination, effective date, and in the case of partial termination, the portion to be terminated. If the U.S. Forest Service decides that the remaining portion of the agreement will not accomplish the purposes for which the agreement was made, the U.S. Forest Service may terminate the agreement in its entirety.

Upon termination of an agreement, Greeley shall not incur any new obligations for the terminated portion of the agreement after the effective date, and shall cancel as many outstanding obligations as possible. The U.S. Forest Service shall allow full credit to Greeley for the U.S. Forest Service share of obligations that cannot be cancelled and were properly incurred by Greeley up to the effective date of the termination. Excess funds must be refunded within 60 days after the effective date of termination.

EE. ALTERNATE DISPUTE RESOLUTION – PARTNERSHIP AGREEMENT. In the event of any issue of controversy under this agreement, the parties may pursue Alternate Dispute Resolution procedures to voluntarily resolve those issues. These procedures may include, but are not limited to conciliation, facilitation, mediation, and fact finding.

FF. DEBARMENT AND SUSPENSION. Greeley shall immediately inform the U.S. Forest Service if they or any of their principals are presently excluded, debarred, or suspended from entering into covered transactions with the Federal Government according to the terms of 2 CFR Part 180. Additionally, should Greeley or any of their principals receive a transmittal letter or other official Federal notice of debarment or suspension, then they shall notify the U.S. Forest Service without undue delay. This applies whether the exclusion, debarment, or suspension is voluntary or involuntary.

GG. PROHIBITION AGAINST INTERNAL CONFIDENTIAL AGREEMENTS. All non federal government entities working on this agreement will adhere to the below provisions found in the Consolidated Appropriations Act, 2016, Pub. L. 114-113, relating to reporting fraud, waste and abuse to authorities:



- (a) The recipient may not require its employees, contractors, or subrecipients seeking to report fraud, waste, or abuse to sign or comply with internal confidentiality agreements or statements prohibiting or otherwise restricting them from lawfully reporting that waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information.
- (b) The recipient must notify its employees, contractors, or subrecipients that the prohibitions and restrictions of any internal confidentiality agreements inconsistent with paragraph (a) of this award provision are no longer in effect.
- (c) The prohibition in paragraph (a) of this award provision does not contravene requirements applicable to any other form issued by a Federal department or agency governing the nondisclosure of classified information.
- (d) If the Government determines that the recipient is not in compliance with this award provision, it:
 - (1) Will prohibit the recipient's use of funds under this award, in accordance with sections 743, 744 of Division E of the Consolidated Appropriations Act, 2016, (Pub. L. 114-113) or any successor provision of law; and
 - (2) May pursue other remedies available for the recipient's material failure to comply with award terms and conditions.

- HH. MODIFICATIONS. Modifications within the scope of this agreement must be made by mutual consent of the parties, by the issuance of a written modification signed and dated by all properly authorized, signatory officials, prior to any changes being performed. Requests for modification should be made, in writing, at least 30 days prior to implementation of the requested change. The U.S. Forest Service is not obligated to fund any changes not properly approved in advance.
- II. COMMENCEMENT/EXPIRATION DATE. This agreement is executed as of the date of the last signature and is effective through May 1, 2027 at which time it will expire. The expiration date is the final date for completion of all work activities under this agreement.
- JJ. AUTHORIZED REPRESENTATIVES. By signature below, each party certifies that the individuals listed in this document as representatives of the individual parties are authorized to act in their respective areas for matters related to this agreement. In Witness Whereof, the parties hereto have executed this agreement as of the last date written below.



Raymond C. Lee III, City Manager
City of Greeley

Date

As to Availability of Funds:

John Karner, Director of Finance
City of Greeley

As to Legal Form:

Doug Marek, City Attorney
City of Greeley

Monte L. Williams, Forest Supervisor
U.S. Forest Service, Arapaho and Roosevelt National
Forests and Pawnee National Grassland

Date

The authority and format of this agreement have been reviewed and approved for signature.

SARA WOLF
U.S. Forest Service Grants Management Specialist

Date

Burden Statement

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0217. The time required to complete this information collection is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.

Instructions: Use this form in conjunction with Forest Service Handbook (FSH) 1509.11, Ch. 70, Financial Planning Requirements, for participating, challenge cost-share, joint venture, and cost-reimbursable agreements. This form may be used for other types of Forest Service Manual 1580 agreements, when useful. Choose one of the two (2) financial plan versions and complete. Use Version 1 (Financial Plan - Cash to Coop) when you will have Cash to the Cooperator. Use Version 2 (Financial Plan - Cash to FS) when you have cash to the Forest Service. Users do not have to use or print versions/sheets that are not applicable to their agreement.

The purpose of this form is to capture the total estimated value of the proposed agreement. Once the agreement is approved, in writing, by the parties, then this financial plan becomes the financial estimates for the agreement. This financial plan must display the parties' expected contributions to the agreement. These contributions should be broken down by party contribution type (e.g., non-cash, in-kind, cash to cooperator), see below for definitions, and cost elements (e.g., salaries, supplies, travel). Cost element values should be the result of documented cost analysis on this form. Each financial plan version provides samples of cost analysis calculations, see associated Excel comment balloons. Additional instructions are located on version 1 and 2 cost analysis tabs.

Definitions for the Matrix Column Headings:

(a) **Forest Service Noncash Contribution:** Forest Service noncash contributions may consist of employee salaries, overhead (indirect), travel provided, and/or equipment and supplies purchased and provided to the Cooperator for use in the project. These costs are an expense to the Forest Service, but do not include funding for reimbursement of Cooperator expenses.

(b) **Forest Service Volunteer Labor (In-Kind) Contribution:** This is the value of volunteer labor donated for completion of the project by the Forest Service for which the Forest Service has incurred no expense. Forest Service volunteer agreements (either sponsored or individual) should be used to document the donated services. The value of volunteer labor should be commensurate with local labor rates for similar work.

(c) **Forest Service Cash to the Cooperator:** This is the maximum amount of funding that will be reimbursed or advanced to the Cooperator. This is an expense to the Forest Service.

(d) **Cooperator Noncash Contribution:** These are expenses the Cooperator incurs that are contributed to the project in lieu of cash, but for which costs are incurred, such as employee salaries, overhead (indirect costs), travel, equipment, supplies, and so forth. These do not include in-kind contributions from third parties, such as donations from other entities or volunteer labor.

(e) **Cooperator, In-Kind Contribution:** In-kind contribution provided to the Cooperator from a third party organization(s) for use in the project for which the Cooperator has incurred no expense. Value assessed for volunteer labor and donated materials, equipment and supplies should be valued based on FSH 1509.11, Ch. 70. These values are not reimbursable and can only be used to satisfy the Cooperator's matching requirement. Display these contributions by Cost Element Expenditures.

(f) **Cooperator Cash to the Forest Service:** These are Cooperator cash contributions actually transferred to the Forest Service for use in completing the project. This is an expense to the Cooperator and does not include in-kind contributions made to the Cooperator from other organizations. Display by Cost Element where these funds will be expended. Be sure to cite a collection authority in the Agreement if this column is used.

Include cash the Cooperator is transferring to the Forest Service for the project, that has been received as a grant(s) from a non-Federal entity(ies).

(g) **Cooperator, Other Federal Contribution:** Contribution provided to the Cooperator from Federal agency(ies) for use in the project. Display these contributions by Cost Element Expenditures.

(h) **Total Project Value:** The sum of all the values provided toward the project. This figure reflects the true estimated cost of the project.

Definitions for Cost Allowability

(a) **Allowable Cost:** A cost, as recorded on the Agreements Financial Plan (Long, Medium, and Short) forms, associated with an agreement, which meets the criteria for authorized expenditures specific in a cost principle methodology. Generally, it meets the cost principle methodology, and is a cost the parties to an agreement intend to charge, and must be: Reasonable for the performance of the award; Necessary and reasonable for proper and efficient performance and administration of the agreement; Consistently treated as either a direct or indirect cost; Generally, determined in accordance with generally accepted accounting principles (GAAP);

Net of all applicable credits (that is, less any future rebates from the purchase of goods or services); Separate from a cost or from a cost-sharing/matching requirement of another Federal award or agreement, unless otherwise permitted by Federal law or regulation; Adequately documented; Authorized or not prohibited by Federal, State, or local laws and regulations; Compliant with limits or exclusions on types or amounts of costs, as set forth in relevant Federal laws, agreement terms and conditions, or other governing regulations (examples of such costs include: entertainment, alcohol, and taxes); and, Consistent with the agency's and cooperator's internal policies, regulations, and procedures that apply to both Federal

(b) **Allocable Cost:** A cost, as recorded on the Agreements Financial Plan (Long, Medium, and Short) forms, associated with an agreement, which in accordance with the relative benefit received by either party for the award, is treated consistently with other costs incurred for the same purpose and in like circumstances, and if it: Is incurred specifically for the award; Benefits both the award and other ancillary work, and the cost may be distributed in reasonable proportion to the benefits received (an example of this type of cost is a piece of equipment that is used for multiple projects); or Necessary to the overall operation of the organization, although a direct relationship to any particular cost objective may not be shown.

(c) **Reasonable Cost:** A cost, as recorded on the Agreements Financial Plan (Long, Medium, and Short) forms, associated with an agreement, that, in its nature and amount, does not exceed an amount that a prudent person, under the circumstances prevailing at the time the decision was made, would incur. Other factors to consider are: Whether the cost is of a type generally recognized as ordinary and necessary for the entity's operation or agreement performance; The restraints or requirements imposed by factors such as generally accepted, sound, business practices; arms-length bargaining; Federal and State laws and regulations; and the terms and conditions of the agreement; Market prices or industry standard costs for similar goods and services (that is, is the cooperator offering goods or services for an amount that exceeds what is readily available in the marketplace); Whether individuals concerned acted with prudence under the circumstances, considering their responsibilities to the entity; its members, employees, and clients; the public; and the government; and Significant deviations from established practices of the governmental entity that might unjustifiably increase costs charged to the agreement.

Burden Statement

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0217. The time required to complete this information collection is estimated to average 45 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotope, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 577-8642 (relay voice). USDA is an equal opportunity provider and employer.

Attachment

USFS Agreement No.:
 Cooperator Agreement No.:

Mod No.

This Financial Plan may not be used to collect funds AND disburse funds on the same agreement. Separate agreements must be used in this situation.

Agreements Financial Plan (Medium Form)

1. Financial Plan Matrix:

Note: All columns may not be used. Use depends on source and type of contribution(s).

COST ELEMENTS (Direct Costs)	FOREST SERVICE CONTRIBUTIONS			COOPERATOR CONTRIBUTIONS			(g) TOTAL
	(a) Noncash	(b) Volunteer Labor (In-Kind)	(c) Cash to Cooperator	(d) Noncash	(e) In-Kind	(f) Other Federal	
Salaries/Labor	\$18,750.00	\$0.00	\$0.00	\$6,320.00	\$0.00	\$0.00	\$25,070.00
Travel	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Equipment	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Supplies/Materials	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Printing	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Other	\$0.00	\$0.00	\$6,000,000.00	\$200,000.00	\$0.00	\$30,000.00	\$6,230,000.00
Other	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Subtotal	\$18,750.00	\$0.00	\$6,000,000.00	\$206,320.00	\$0.00	\$30,000.00	\$6,255,070.00
Cooperator Indirect Costs			\$0.00	\$0.00			\$0.00
FS Overhead Assessment	\$0.00						\$0.00
Gross Total	\$18,750.00	\$0.00	\$6,000,000.00	\$206,320.00	\$0.00	\$30,000.00	\$6,255,070.00

Matching Costs Determination	
Total Forest Service Share = (a+b+c)/(g) = (h)	(h) 96.22%
Other Federal Contribution = (f)/(g) = (i)	(i) 0.48%
Total Federal Share = (h+i) = (j)	(j) 96.70%
Total Cooperator Share (d+e)/(g) = (k)	(k) 3.30%
Total (j+k) = (l)	(l) 100.00%

Item No. 15.

U.S. Forest Service

**OMB 0596-0217
FS-1500-17C**

WORKSHEET FOR

FS Non-Cash Contribution Cost Analysis Column

Use this worksheet to perform the cost analysis that supports the lump sum figures provided in the matrix. NOTE: This worksheet auto populates the relevant and applicable matrix cells.

Cost element sections may be deleted or lines may be hidden, if not applicable. Line items may be added or deleted as needed. The Standard Calculation sections provide a standardized formula for determining a line item's cost, e.g. cost/day x # of days=total, where the total is calculated automatically. The Non-Standard Calculation sections provide a write-in area for line items that require a calculation formula that is other than the standardized formulas, e.g. instead of salaries being calculated by cost/day x # of days, costs may be calculated simply by a contracted value that is not dependent on days worked, such as 1 employee x \$1,200/contract= \$1,200. Be sure to review your calculations when entering in a Non-Standard Calculation, and provide a brief explanation of units used to make calculation, e.g. '1 month contract,' on a line below the figures.

Salaries/Labor

Standard Calculation

Job Description	Cost/Day	# of Days		Total
Fire Recovery Coordinator	\$450.00	25.00		\$11,250.00
Hydrologist	\$350.00	10.00		\$3,500.00
Forester	\$400.00	10.00		\$4,000.00
				\$0.00
				\$0.00

Non-Standard Calculation

Total Salaries/Labor

\$18,750.00

Travel

Standard Calculation

Travel Expense	Employees	Cost/Trip	# of Trips		Total
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00

Non-Standard Calculation

Total Travel

\$0.00

Equipment

Standard Calculation

Piece of Equipment	# of Units	Cost/Day	# of Days		Total
					\$0.00
					\$0.00
					\$0.00
					\$0.00

Non-Standard Calculation

Total Equipment	\$0.00
------------------------	---------------

Supplies/Materials

Standard Calculation				
Supplies/Materials		# of Items	Cost/Item	Total
				\$0.00
				\$0.00
				\$0.00
				\$0.00

Non-Standard Calculation

Total Supplies/Materials	\$0.00
---------------------------------	---------------

Printing

Standard Calculation				
Paper Material		# of Units	Cost/Unit	Total
				\$0.00

Non-Standard Calculation

Total Printing	\$0.00
-----------------------	---------------

Other Expenses

Standard Calculation				
Item		# of Units	Cost/Unit	Total
				\$0.00
				\$0.00
				\$0.00
				\$0.00

Non-Standard Calculation

Total Other	\$0.00
--------------------	---------------

Subtotal Direct Costs	\$18,750.00
------------------------------	--------------------

Forest Service Overhead Costs

Current Overhead Rate	Subtotal Direct Costs			Total
	\$18,750.00			\$0.00

Total FS Overhead Costs	\$0.00
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TOTAL COST	\$18,750.00
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WORKSHEET FOR

Volunteer Labor (In-Kind) Cost Analysis Column

Use this worksheet to perform the cost analysis that supports the lump sum figures provided in the matrix. NOTE: This worksheet auto populates the relevant and applicable matrix cells.

Cost element sections may be deleted or lines may be hidden, if not applicable. Line items may be added or deleted as needed. The Standard Calculation sections provide a standardized formula for determining a line item's cost, e.g. cost/day x # of days=total, where the total is calculated automatically. The Non-Standard Calculation sections provide a write-in area for line items that require a calculation formula that is other than the standardized formulas, e.g. instead of salaries being calculated by cost/day x # of days, costs may be calculated simply by a contracted value that is not dependent on days worked, such as 1 employee x \$1,200/contract= \$1,200. Be sure to review your calculations when entering in a Non-Standard Calculation, and provide a brief explanation of units used to make calculation, e.g. '1 month contract,' on a line below the figures.

Salaries/Labor					
Standard Calculation					
Job Description		Cost/Day	# of Days		Total
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
Non-Standard Calculation					

Total Salaries/Labor					\$0.00
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Travel					
Standard Calculation					
Travel Expense	Employees	Cost/Trip	# of Trips		Total
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
Non-Standard Calculation					

Total Travel					\$0.00
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Equipment					
Standard Calculation					
Piece of Equipment	# of Units	Cost/Day	# of Days		Total
					\$0.00
					\$0.00
					\$0.00
					\$0.00
Non-Standard Calculation					

Total Equipment	\$0.00
------------------------	---------------

Supplies/Materials				
Standard Calculation				
Supplies/Materials		# of Items	Cost/Item	
				\$0.00
				\$0.00
				\$0.00
				\$0.00

Non-Standard Calculation

Total Supplies/Materials	\$0.00
---------------------------------	---------------

Printing				
Standard Calculation				
Paper Material		# of Units	Cost/Unit	
				\$0.00

Non-Standard Calculation

Total Printing	\$0.00
-----------------------	---------------

Other Expenses				
Standard Calculation				
Item		# of Units	Cost/Unit	
				\$0.00
				\$0.00
				\$0.00
				\$0.00

Non-Standard Calculation

Total Other	\$0.00
--------------------	---------------

Subtotal Direct Costs	\$0.00
------------------------------	---------------

TOTAL COST	\$0.00
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WORKSHEET FOR

FS Cash to the Cooperator Cost Analysis Column

Use this worksheet to perform the cost analysis that supports the lump sum figures provided in the matrix. NOTE: This worksheet auto populates the relevant and applicable matrix cells.

Cost element sections may be deleted or lines may be hidden, if not applicable. Line items may be added or deleted as needed. The Standard Calculation sections provide a standardized formula for determining a line item's cost, e.g. $\text{cost/day} \times \# \text{ of days} = \text{total}$, where the total is calculated automatically. The Non-Standard Calculation sections provide a write-in area for line items that require a calculation formula that is other than the standardized formulas, e.g. instead of salaries being calculated by $\text{cost/day} \times \# \text{ of days}$, costs may be calculated simply by a contracted value that is not dependent on days worked, such as $1 \text{ employee} \times \$1,200/\text{contract} = \$1,200$. Be sure to review your calculations when entering in a Non-Standard Calculation, and provide a brief explanation of units used to make calculation, e.g. '1 month contract,' on a line below the figures.

Salaries/Labor				
Standard Calculation				
Job Description		Cost/Day	# of Days	Total
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
Non-Standard Calculation				
Total Salaries/Labor				\$0.00

Travel				
Standard Calculation				
Travel Expense	Employees	Cost/Trip	# of Trips	Total
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
Non-Standard Calculation				
Total Travel				\$0.00

Equipment				
Standard Calculation				
Piece of Equipment	# of Units	Cost/Day	# of Days	Total

Item No. 15.

\$0.00
 \$0.00
 \$0.00
 \$0.00
 \$0.00

Non-Standard Calculation

Total Equipment **\$0.00**

Supplies/Materials

Standard Calculation

Supplies/Materials	# of Items	Cost/Item	Total
			\$0.00
			\$0.00
			\$0.00
			\$0.00

Non-Standard Calculation

Total Supplies/Materials **\$0.00**

Printing

Standard Calculation

Paper Material	# of Units	Cost/Unit	Total
			\$0.00

Non-Standard Calculation

Total Printing **\$0.00**

Other Expenses

Standard Calculation

Item	# of Units	Cost/Unit	Total
Helicopter Mulching - estimated per-acre cost	2939.00	\$2,000.00	\$5,878,000.00
Point mitigation planning- Contract geomorphology, hydrology and design consultant to attend planning and coordination meetings, as well as work on design guidelines for different proposed structures			\$50,000.00
Mulching planning-prioritization, mapping, reporting, inspection and verification of mulch polygons			\$72,000.00

Non-Standard Calculation

Total Other **\$6,000,000.00**

Subtotal Direct Costs **\$6,000,000.00**

Cooperator Indirect Costs

Item No. 15.

Current Overhead Rate	Subtotal Direct Costs		Total
	\$6,000,000.00		\$0.00
Total Coop. Indirect Costs			\$0.00

TOTAL COST	\$6,000,000.00
-------------------	-----------------------

WORKSHEET FOR

Cooperator Non-Cash Contribution Cost Analysis Column

Use this worksheet to perform the cost analysis that supports the lump sum figures provided in the matrix. NOTE: This worksheet auto populates the relevant and applicable matrix cells.

Cost element sections may be deleted or lines may be hidden, if not applicable. Line items may be added or deleted as needed. The Standard Calculation sections provide a standardized formula for determining a line item's cost, e.g. cost/day x # of days=total, where the total is calculated automatically. The Non-Standard Calculation sections provide a write-in area for line items that require a calculation formula that is other than the standardized formulas, e.g. instead of salaries being calculated by cost/day x # of days, costs may be calculated simply by a contracted value that is not dependent on days worked, such as 1 employee x \$1,200/contract= \$1,200. Be sure to review your calculations when entering in a Non-Standard Calculation, and provide a brief explanation of units used to make calculation, e.g. '1 month contract,' on a line below the figures.

Salaries/Labor				
Standard Calculation				
Job Description		Cost/Hr	# of hours	Total
Water Resources Operations Manager		\$60.00	32.00	\$1,920.00
Water Source Supply Manager		\$50.00	60.00	\$3,000.00
Deputy Director of Water Resources		\$70.00	20.00	\$1,400.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00

Non-Standard Calculation

Total Salaries/Labor	\$6,320.00
-----------------------------	-------------------

Travel				
Standard Calculation				
Travel Expense	Employees	Cost/Trip	# of Trips	Total
				\$0.00
				\$0.00
				\$0.00

\$0.00

\$0.00

Non-Standard Calculation

Total Travel **\$0.00**

Equipment

Standard Calculation

Piece of Equipment	# of Units	Cost/Day	# of Days		Total
--------------------	------------	----------	-----------	--	-------

\$0.00

\$0.00

\$0.00

\$0.00

\$0.00

Non-Standard Calculation

Total Equipment **\$0.00**

Supplies/Materials

Standard Calculation

Supplies/Materials		# of Items	Cost/Item		Total
--------------------	--	------------	-----------	--	-------

\$0.00

\$0.00

\$0.00

\$0.00

Non-Standard Calculation

Total Supplies/Materials **\$0.00**

Printing

Standard Calculation

Paper Material		# of Units	Cost/Unit		Total
----------------	--	------------	-----------	--	-------

\$0.00

Non-Standard Calculation

Item No. 15.

					\$0.00
Total Printing					\$0.00

Other Expenses					
Standard Calculation					
Item		# of Units	Cost/Unit		Total
CWCB Grant pvt mulching		100.00	\$2,000.00		\$200,000.00
					\$0.00
					\$0.00
					\$0.00

Non-Standard Calculation					
--------------------------	--	--	--	--	--

Total Other					\$200,000.00
--------------------	--	--	--	--	---------------------

Subtotal Direct Costs					\$206,320.00
------------------------------	--	--	--	--	---------------------

Cooperator Indirect Costs					
---------------------------	--	--	--	--	--

Current Overhead Rate	Subtotal Direct Costs				Total
	\$206,320.00				\$0.00
Total Coop. Indirect Costs					\$0.00

TOTAL COST					\$206,320.00
-------------------	--	--	--	--	---------------------

WORKSHEET FOR

Cooperator In-Kind Cost Analysis Column

Use this worksheet to perform the cost analysis that supports the lump sum figures provided in the matrix.
 NOTE: This worksheet auto populates the relevant and applicable matrix cells.

Cost element sections may be deleted or lines may be hidden, if not applicable. Line items may be added or deleted as needed. The Standard Calculation sections provide a standardized formula for determining a line item's cost, e.g. cost/day x # of days=total, where the total is calculated automatically. The Non-Standard Calculation sections provide a write-in area for line items that require a calculation formula that is other than the standardized formules, e.g. instead of salaries being calculated by cost/day x # of days, costs may be calculated simply by a contracted value that is not dependent on days worked, such as 1 employee x \$1,200/contract= \$1,200. Be sure to review your calculations when entering in a Non-Standard Calculation, and provide a brief explanation of units used to make calculation, e.g. '1 month contract,' on a line below the figures.

Salaries/Labor

Standard Calculation					
Job Description		Cost/Day	# of Days		Total
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00

Non-Standard Calculation

Total Salaries/Labor	\$0.00
----------------------	--------

Travel

Standard Calculation					
Travel Expense	Employees	Cost/Trip	# of Trips		Total
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00

Non-Standard Calculation

Total Travel	\$0.00
--------------	--------

Equipment

Standard Calculation					
Piece of Equipment	# of Units	Cost/Day	# of Days		Total
					\$0.00
					\$0.00
					\$0.00
					\$0.00

Non-Standard Calculation

Total Equipment		\$0.00
-----------------	--	--------

Supplies/Materials				
Standard Calculation				
Supplies/Materials		# of Items	Cost/Item	Total
				\$0.00
				\$0.00
				\$0.00
				\$0.00

Non-Standard Calculation				
--------------------------	--	--	--	--

Total Supplies/Materials		\$0.00
--------------------------	--	--------

Printing				
Standard Calculation				
Paper Material		# of Units	Cost/Unit	Total
				\$0.00

Non-Standard Calculation				
--------------------------	--	--	--	--

Total Printing		\$0.00
----------------	--	--------

Other Expenses				
Standard Calculation				
Item		# of Units	Cost/Unit	Total
				\$0.00
				\$0.00
				\$0.00
				\$0.00

Non-Standard Calculation				
--------------------------	--	--	--	--

Total Other		\$0.00
-------------	--	--------

Subtotal Direct Costs	\$0.00
------------------------------	---------------

TOTAL COST	\$0.00
-------------------	---------------

WORKSHEET FOR

Cash to FS Cost Analysis Column

Use this worksheet to perform the cost analysis that supports the lump sum figures provided in the matrix. NOTE: This worksheet auto populates the relevant and applicable matrix cells.

Cost element sections may be deleted or lines may be hidden, if not applicable. Line items may be added or deleted as needed. The Standard Calculation sections provide a standardized formula for determining a line item's cost, e.g. $\text{cost/day} \times \text{\# of days} = \text{total}$, where the total is calculated automatically. The Non-Standard Calculation sections provide a write-in area for line items that require a calculation formula that is other than the standardized formulas, e.g. instead of salaries being calculated by $\text{cost/day} \times \text{\# of days}$, costs may be calculated simply by a contracted value that is not dependent on days worked, such as $1 \text{ employee} \times \$1,200/\text{contract} = \$1,200$. Be sure to review your calculations when entering in a Non-Standard Calculation, and provide a brief explanation of units used to make calculation, e.g. '1 month contract,' on a line below the figures.

Salaries/Labor				
Standard Calculation				
Job Description		Cost/Day	# of Days	Total
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00

Non-Standard Calculation

Total Salaries/Labor	\$0.00
-----------------------------	---------------

Travel				
Standard Calculation				
Travel Expense	Employee	Cost/Trip	# of Trips	Total
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00

Non-Standard Calculation

Total Travel	\$0.00
---------------------	---------------

Equipment				
Standard Calculation				
Piece of Equipment	# of Units	Cost/Day	# of Days	Total
				\$0.00
				\$0.00
				\$0.00
				\$0.00

Non-Standard Calculation

Total Equipment **\$0.00**

Supplies/Materials

Standard Calculation

Supplies/Materials	# of Items	Cost/Item	Total
			\$0.00
			\$0.00
			\$0.00
			\$0.00

Non-Standard Calculation

Total Supplies/Materials **\$0.00**

Printing

Standard Calculation

Paper Material	# of Units	Cost/Unit	Total
			\$0.00

Non-Standard Calculation

Total Printing **\$0.00**

Other Expenses

Standard Calculation

Item	# of Units	Cost/Unit	Total
			\$0.00
			\$0.00
			\$0.00
			\$0.00

Non-Standard Calculation

Total Other **\$0.00**

Subtotal Direct Costs	\$0.00
------------------------------	---------------

Forest Service Overhead Costs

Current Overhead Rate	Subtotal Direct Costs	Total
	\$0.00	\$0.00

Total FS Overhead Costs **\$0.00**

TOTAL COST	\$0.00
-------------------	---------------

WORKSHEET FOR

Other Federal Cost Analysis Column

Use this worksheet to perform the cost analysis that supports the lump sum figures provided in the matrix. NOTE: This worksheet auto populates the relevant and applicable matrix cells.

Cost element sections may be deleted or lines may be hidden, if not applicable. Line items may be added or deleted as needed. The Standard Calculation sections provide a standardized formula for determining a line item's cost, e.g. cost/day x # of days=total, where the total is calculated automatically. The Non-Standard Calculation sections provide a write-in area for line items that require a calculation formula that is other than the standardized formulas, e.g. instead of salaries being calculated by cost/day x # of days, costs may be calculated simply by a contracted value that is not dependent on days worked, such as 1 employee x \$1,200/contract= \$1,200. Be sure to review your calculations when entering in a Non-Standard Calculation, and provide a brief explanation of units used to make calculation, e.g. '1 month contract,' on a line below the figures.

Salaries/Labor					
Standard Calculation					
Job Description		Cost/Day	# of Days		Total
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
Non-Standard Calculation					

Total Salaries/Labor	\$0.00
-----------------------------	---------------

Travel					
Standard Calculation					
Travel Expense	Employees	Cost/Trip	# of Trips		Total
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
Non-Standard Calculation					

Total Travel	\$0.00
---------------------	---------------

Equipment					
Standard Calculation					
Piece of Equipment	# of Units	Cost/Day	# of Days		Total
					\$0.00
					\$0.00
					\$0.00
					\$0.00
Non-Standard Calculation					

Total Equipment	\$0.00
------------------------	---------------

Supplies/Materials				
Standard Calculation				
Supplies/Materials	# of Items	Cost/Item	Total	
				\$0.00
				\$0.00
				\$0.00
				\$0.00

Non-Standard Calculation

Total Supplies/Materials	\$0.00
---------------------------------	---------------

Printing				
Standard Calculation				
Paper Material	# of Units	Cost/Unit	Total	
				\$0.00

Non-Standard Calculation

Total Printing	\$0.00
-----------------------	---------------

Other Expenses				
Standard Calculation				
Item	# of Units	Cost/Unit	Total	
EWP Funding for Contractor Planning			\$30,000.00	
			\$0.00	
			\$0.00	
			\$0.00	

Non-Standard Calculation

Total Other	\$30,000.00
--------------------	--------------------

Subtotal Direct Costs	\$30,000.00
------------------------------	--------------------

Forest Service Overhead Costs				
Current Overhead Rate	Subtotal Direct Costs		Total	
	\$30,000.00		\$0.00	
Total FS Overhead Costs			\$0.00	

TOTAL COST	\$30,000.00
-------------------	--------------------

Attachment:

USFS Agreement No.:
 Cooperator Agreement No.:

Mod. No.

This Financial Plan may not be used to collect funds AND disburse funds on the same agreement. Separate agreements must be used in this situation.

Agreements Financial Plan (Medium Form) with Program Income

1. Financial Plan Matrix:

Note: All columns may not be used. Use depends on source and type of contribution(s).

COST ELEMENTS (Direct Costs)	FOREST SERVICE CONTRIBUTIONS		COOPERATOR CONTRIBUTIONS				(g) GROSS TOTAL BY LINE
	(a) Noncash	(b) Volunteer Labor (In-Kind)	(c) Noncash	(d) In-Kind	(e) Cash to FS	(f) Other Federal	
Salaries/Labor	\$18,750.00	\$0.00	\$6,320.00	\$0.00	\$0.00	\$0.00	\$25,070.00
Travel	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Equipment	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Supplies/Materials	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Printing	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Other	\$0.00	\$0.00	\$200,000.00	\$0.00	\$0.00	\$30,000.00	\$230,000.00
Other	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Subtotal	\$18,750.00	\$0.00	\$206,320.00	\$0.00	\$0.00	\$30,000.00	\$255,070.00
Cooperator Indirect Costs			\$0.00				\$0.00
FS Overhead Assessment	\$0.00				\$0.00		\$0.00
Gross Total	\$18,750.00	\$0.00	\$206,320.00	\$0.00	\$0.00	\$30,000.00	\$255,070.00

Matching Costs Determination	
Total Forest Service Share =	(h)
(a+b)/(g) = (h)	0.07350923
Other Federal Contribution =	(i)
(f)/(g) = (i)	11.76%
Total Federal Share =	(j)
(h+i) = (j)	19.11%
Total Cooperator Share	(k)
[(c+d+e) = (k)	80.89%
Total	(l)
(j+k) = (l)	100.00%



Forest Service
U.S. DEPARTMENT OF AGRICULTURE

CAMERON PEAK FIRE

WATERSHED RESTORATION PROJECT

STATEMENT OF WORK

ARAPAHO AND ROOSEVELT NATIONAL FORESTS AND PAWNEE NATIONAL GRASSLAND

&

GREELEY WATER

OVERVIEW

This document provides a description of the preliminary work to be accomplished through the partnership with the Forest Service and Greeley related to the watershed restoration in the Poudre River Watershed.

TASK 1: DATA ANALYSIS, DATA COLLECTION, ANALYSIS AND PLANNING: \$122,000

Contract expert consultant(s) to complete the following tasks:

- 1) Analyze existing data, including but not limited to Soil Burn Severity Mapping, US Geologic Survey Debris Flow Study, Colorado Forest Restoration Institute Sediment Loading Study, Colorado Water Conservation Board Hydrologic Analysis, Composite Hazard Ranking, Disaster Survey Report, other USFS data sets, water quality, and precipitation data analysis. Identify data gaps. Conduct supplemental data collection to fill the gaps.
- 2) Identify watersheds (HUC 14) and stream reaches that are currently or likely to become unstable in post-fire hydrology and contribute sediment transport that would degrade water quality and/or damage infrastructure in Greeley's water supply system (also known as 'zones of concern').
- 3) Field verify mulch polygons that were identified as high priority and adjust prioritization based on findings. Inspect polygons after mulch has been distributed.
- 4) Coordinate and cooperatively plan projects that will prevent or mitigate instream and hillslope erosion and sediment transport that would degrade water quality and/or damage infrastructure in Greeley's water supply system to create the most effective and beneficial approach for all parties involved. Collaborate to develop common goals for point mitigation projects, as well as develop clear guidelines for the different mitigation features that are being proposed for future point mitigation projects and complete design of these features. Identify several point mitigation projects to evaluate for approval and start preliminary design for this season.



IMPLEMENTATION CRITERIA FOR AERIAL MULCHING

Wood Shreds/Wood Strands for Mulching

Description: Wood shreds serve to disperse rain drop energy and hold burned soil in place on moderate slopes. Wood shreds are created by mechanically grinding logs and limbs, using equipment such as a horizontal grinder and a chipper. See Figures 1 and 2 at end of this document.

Discussion: Research has shown wood shreds to be moderately effective in reducing hillslope erosion in the post-fire environment when applied as prescribed below (Robichaud 2013, 2010). Wood shred mulch also tends to increase soil moisture (Jonas et al. 2019). Aerial mulching is logistically demanding and expensive. See Figure 3.

Guidelines/Protocols:

- Wood shred mulch shall only be applied to slopes in the range of 20 to 60 percent.
- Wood shred mulch shall only be applied to areas that experienced moderate to high soil burn severity based on the most recently published fire soil burn severity map. Areas of lesser burn severity will recover quickly naturally.
- Wood shred mulch shall be applied to a depth of 1-3 inches. Deeper layers of material will hinder natural revegetation, and lighter layers are ineffective at holding soil.
- The most effective wood shreds are ground to create an average piece size of 4 inches.
- Aerial treatments are feasible on polygons greater than ten acres. Hand application may occur on smaller parcels.
- Aerial treatments must be coordinated directly with the Forest Service and will require safety documentation. The Permittee must submit a project map with times and locations of planned flights to Fort Collins Dispatch (FTC), and provide aircraft identification (make, model, color, tail number). Provide a ground contact for dispatch if airspace deconfliction is needed.
- The Permittee must call FTC at 970-295-6800 prior to flight and close out with FTC and the end of flight operations that day.
- The helicopter flight path from staging area to aerial application area must not cross a road open to the public. Landing areas must be approved by the Forest Service.
- Avoid visible raptor nests while dropping mulch loads.
- Avoid aerial application of mulch directly into or immediately adjacent to perennial or intermittent streams
- Staging areas shall be no larger than ten acres and must undergo soil rehabilitation when operations are completed. Allowable staging areas for use in wood shred creation shall be determined on a case-by case basis.
- Staging areas and mastication units shall be at least 150 feet from perennial streams, wetlands or fens.
- Burned trees may be used for the creation of wood shreds **if the product does not leave NFS lands**. Stands of dead trees to be used in the creation of mulch shall be designated solely by the Forest Service.



Forest Service
U.S. DEPARTMENT OF AGRICULTURE

- Skid trail locations shall be identified by FS personnel to ensure no more than 15 percent detrimental soil disturbance in the activity unit. Dedicated skid trails will be no less than 100 feet apart.
- Skid trails shall be rehabilitated by placing woody debris on the trail.

ACTIONS NOT ALLOWED

Application of agricultural products and seed is not permitted authorized

Agricultural straw is not allowed to be applied as mulch, wattles, or bales for checkdams due to the likelihood of introducing invasive and/or non-native species. Further, straw mulch has a much lower efficacy rate than wood shred mulch and is easily displaced by wind (Robichaud 2021).

REFERENCES

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Robichaud, Peter R.; Ashmun, Louise E.; Foltz, Randy B.; Showers, Charles G.; Groenier, J. Scott; Kesler, Jennifer; DeLeo, Claire; Moore, Mary. 2013. **Production and aerial application of wood shreds as a post-fire hillslope erosion mitigation treatment.** Gen. Tech. Rep. RMRS-GTR-307. Fort Collins, CO: U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station. 31 p.

Stella, K.A., Sieg, C.H., and Fule' P.Z. 2010. Minimal effectiveness of native and non-native seeding following three high-severity wildfires. *International Journal of Wildland Fire* volume 19, 746–758

FIGURES



Figure 1. Mulch created by wood shredder



Figure 2. Wood shreds mulch



Figure 3. Mulch being applied by helicopter.



USDA is an equal opportunity provider, employer, and lender.

2022 Cameron Peak Fire Recovery Work Plan – Aerial Mulching & Point Mitigation



Submitted in Partnership with:



Contents

	<u>Page No.</u>
Introduction	1
Cameron Peak Fire.....	1
Post-Fire Stream & Water Quality Impacts.....	1
Cameron Peak Fire Mitigation Strategy.....	5
Watershed Prioritization.....	5
Area Treatments – Post-Fire Mulch Mitigation	8
Post-Fire Point Mitigation.....	8
Point Mitigation Concepts & Features	9
2021 Funding & Mitigation Projects	12
2021 Aerial Mulching	13
2021 Point Mitigation	13
Cache La Poudre River Watershed.....	13
Big Thompson Watershed.....	16
Need, Quantities, and Costs By Subwatershed	17
Implementation Quantities & Costs	17
Northern CLP	18
Regional Values At Risk:.....	18
Western CLP	19
Regional Values At Risk:.....	19
Southern CLP	20
Regional Values At Risk:.....	21
Big Thompson.....	22
Regional Values At Risk:.....	22
Summary Cost Estimates by Region	25
Other Funding Needs.....	25
Conclusion	27
References.....	27

List of Appendices

- Appendix A 2022 Cameron Peak Fire Mitigation Design Concepts
- Appendix B 2022 CPRW Cache La Poudre Larimer County LiDAR
- Appendix C 2022 Mulching Specifications and Scope - Cameron Peak Fire

List of Figures

Page No.

Figure 1: Cameron Peak Fire BEAR Soil Burn Severity (SBS) Map..... 3

Figure 2: Hillslope riling and erosion has caused local deposition in riparian environment in the Black Hollow watershed..... 4

Figure 3: An example of headcutting and resulting incision in a post-fire watershed. 4

Figure 4: Road damage resulting from increased runoff generate in a post-fire watershed during a 2021 summer storm event..... 5

Figure 5: Cameron Peak Fire Post-fire Hazard Composite Ranking Map.. 6

Figure 6: Structure & Road Overtopping Protection at Dry Creek. The area will be stabilized with native vegetation Fall 2021..... 14

Figure 7: Structure & Road Overtopping Protection at Dry Creek. The area will be stabilized with native vegetation Fall 2021..... 8

Figure 8: Black Hollow Fan following the 7/20/21 debris flow caused by a summer thunderstorm on fire affected watershed..... 9

Figure 9: An Armored Drainage Crossing completed at Sheep Creek. 10

Figure 10: LWM Stabilization installation constructed in the Fall of 2021 in the CLP watershed..... 9

Figure 11: Rock Stabilization downstream of a fire-impact watershed. Installed during 2021 mitigation efforts... 10

Figure 12: A log jam installed and enhanced with a wattle during Fall 2021 mitigation..... 11

Figure 13: Hillslope wattles creating significant deposition and storage on vulnerable hillslopes just upstream of Chambers Lake. 12

List of Tables

Page No.

Table 1: A table showing the benefits of each mitigation strategy compared with the typical issues in post-fire watersheds. 12

Table 2: Priority Watersheds Treated with Wood Mulch in 2021 13

Table 3: Northern CLP Region proposed aerial mulching acres in non-wilderness & wilderness areas according to subwatershed, including percent burn area treatment, cost, and combination with Point Mitigation. 18

Table 4: Proposed Point Mitigation Features in subwatersheds within the Northern Region of the CLP including cost and quantity. The unit prices reflect 2021 data. 19

Table 5: Western CLP Region proposed aerial mulching acres in non-wilderness & wilderness areas according to subwatershed, including percent burn area treatment, cost, and combination with Point Mitigation. 20

Table 6: Proposed Point Mitigation Features by subwatersheds within the Northern Region of the CLP including cost and quantity. The unit prices reflect 2021 data..... 20

Table 7: Southern CLP Region proposed aerial mulching acres in non-wilderness & wilderness areas according to subwatershed, including percent burn area treatment, cost, and combination with Point Mitigation. 21

Table 8: Proposed Point Mitigation features by subwatersheds within the Southern Region of the CLP including cost and quantity. The unit prices reflect 2021 data..... 22

Table 9: Table 7: Southern CLP Region proposed aerial mulching acres in non-wilderness & wilderness areas according to subwatershed, including percent burn area treatment, cost, and combination with Point Mitigation. 23

Table 10: Proposed Point Mitigation Features by subwatersheds within the Northern Region of the CLP including cost and quantity. The unit prices reflect 2021 data..... 24

Table 11: Sumamry of costs by subwatershed priorities. This does not include funding for road improvments which is included in Table 13. 24

Table 12: A costs summary of proposed aerial mulching by region. The total aerial mulching costs for the Cache La Poudre is \$21,695,000 in non-wilderness areas and \$21,332,500 in wilderness areas. The total mulching need for the Cameron Peak Fire is \$69,192,500. 25

Table 13: A costs summary of proposed point mitigation construction and design by feature and region. Total Construction Costs by Region are: Northern CLP- \$1,649,724, Southern CLP- \$3,596,862, Western CLP- \$1,545,089, Big Thompson- \$2,604,383. 25

Introduction

This work plan relies heavily on geospatial data to convey mitigation needs resulting from the Cameron Peak Fire. An online map with relevant layers has been generated to support this report. It can be accessed and viewed using the following link: [2022 Cameron Peak Fire Work Plan Map Series](#)

Cameron Peak Fire

During the summer and fall of 2020, the Cameron Peak Fire burned approximately 210,000 acres of alpine forest in the Poudre River and Big Thompson watersheds (Figure 1). Exigent recovery for community needs, such as utilities, debris removal, and initial stabilization and protection, have dominated the recovery efforts during 2021 and have largely been addressed. This report focuses on a more distributed approach which leverages small improvements used in upper watershed at a variety of sites.

Wildfires affect almost all runoff processes within a watershed including infiltration, evapotranspiration, and landscape roughness, generally resulting in more rapid runoff and larger runoff volumes. This increase in runoff volumes and velocities substantially increases sediment yields (USDA, 2016). Typically, a fire-affected watershed requires 10 years to recover hydrologically from the wildfire. Because these effects are most pronounced in the first few years of watershed recovery, emergency mitigation efforts are essential to protect life, property, and valuable resources from debris flows and debris floods (Robichaud et. al., 2010).

The bulk of the Cameron Peak Fire burned on National Forest System lands (83%). Private property is typically located along the Poudre River at the outlet of burnt tributary watersheds. Because initial Federal funding efforts for mitigation were limited to private property, the implementation was focused on the downstream portions of watersheds, typically well downstream of where debris flows and floods initiate. For example, the Black Hollow debris flow, which occurred on 7/20/21, was initiated by hillslope erosion within National Forest System lands in the upper watersheds rather than slope failures (CGS, 2021). Eroded material cascaded downstream until reaching the Poudre River, killing four people and damaging adjacent infrastructure, including private property, private homes, and Colorado State Highway 14. No traditional point mitigation on downstream private property can protect these assets once the debris flow is initiated in the upper watershed.

The 2022 Work Plan utilizes two different mitigation approaches, area treatments and point mitigation, to maximize mitigation potential and watershed resiliency to high-intensity storm events. Area treatments within this report and effort will be focused on aerial wood mulch applications. Areas of high burn severity and moderate slopes provide the largest mitigation potential for aerial mulching and are the focus of this effort. Point mitigation is designed to be implemented at discrete locations along a stream or within a watershed. It is most effective when implemented in a distributed approach across small tributaries higher in contributing watersheds. The ability to implement mitigation on National Forest System lands will allow for these types of approaches to be implemented more consistently and in combination. Pairing these two mitigation strategies is likely to lead to additive benefits and improved outcomes.

Post-Fire Stream & Water Quality Impacts

The primary objective of post-fire recovery is to reduce flood risk to life, property, and other valuable assets at risk (VAR) during the 10-year period following the Cameron Peak Fire. VARs include emergency access roads, private structures, and corresponding private utilities or infrastructure. While protection against watershed disturbances on private property can reduce the risk and impacts, area treatment and distributed point mitigation features in the upper tributary channels, mostly on National Forest System lands, will have a larger impact. This is particularly true when mitigating against debris flows initiated by hillslope erosion. These events generally occur within 2-3 years post-fire and can initiate during as little as a 2-year recurrence interval storm event (Parise & Cannon, 2011). Because these types

of debris flows initiate across an entire watershed, the approach outlined in this Work Plan is the most applicable mitigation tactic. Roadway infrastructure is the most vulnerable and proximal infrastructure being addressed with this Work Plan and mitigation effort. However, mitigation activities will support all downstream users and VARs as described later in this report.

The main secondary objective is to mitigate water quality impacts resulting from the increased sediment influx from fire-affected basins tributary to the Poudre River and Big Thompson River. Several communities, including City of Fort Collins, City of Greeley, and City of Loveland, rely on the Poudre and Big Thompson Rivers for municipal water supply. Increased sediment inputs will likely result in additional intake shutoffs, increased treatment costs, and degraded water quality for communities across northern Colorado, as seen during 2021. During 2021, all water providers were unable to treat water from post-fire watersheds for prolonged periods due to degraded water quality. In addition, increases in sediment yield can harm local fish habitat and species (Short et al., 2015). Proposed point mitigation and aerial mulch would increase sediment and debris deposition and storage within the tributaries systems to reduce these impacts to downstream systems.

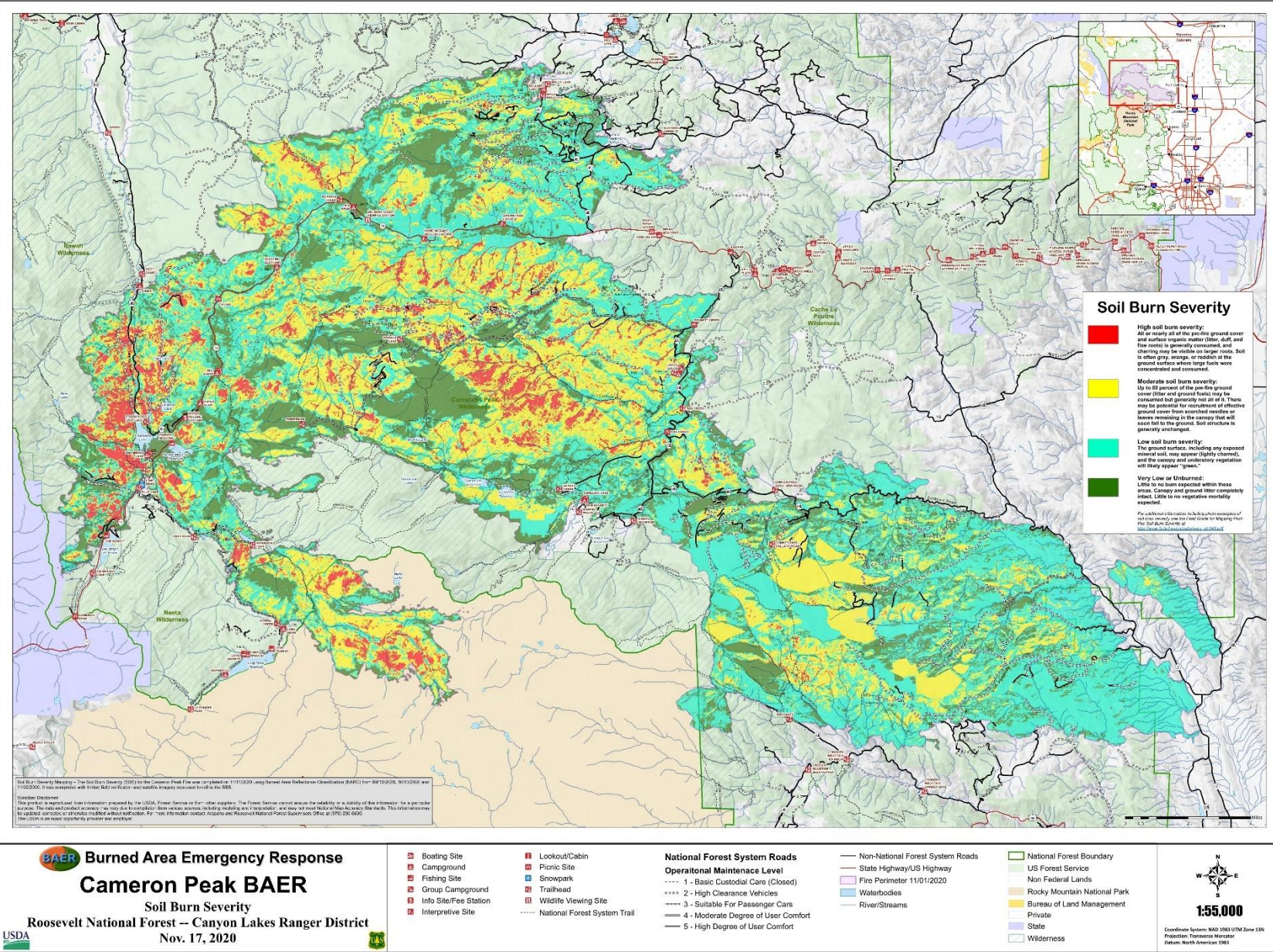


Figure 1: Cameron Peak Fire BEAR Soil Burn Severity (SBS) Map. The USFS has updated portions of the SBS mapping since the initial release. We will use the updated mapping in addition to recent aerial imagery and field verification efforts to prioritize watersheds for treatment.

The three main localized drivers of increased sediment yield to streams and large river systems post-fire are:

Hillslope Erosion to Streams – The removal of protective vegetation due to forest fires results in the destabilization of soils and soil structures (USDA, 2016). Hillslopes are stabilized and protected by a combination of forest canopies, intercepting rain drop impacts, root structures, holding soil particles in place, and forest litter, dampening sheet flow velocities. Destabilized soils are more vulnerable to increase runoff volumes caused by reduced evapotranspiration, raindrop interception, and infiltration. This increased vulnerability and runoff volume combine to create massive rilling on burnt hillslopes which mobilizes sand, silt, and ash into adjacent river systems to be transported downstream. An example of hillslope erosion is shown in **Figure 2**.



Figure 2: Hillslope rilling and erosion has caused local deposition in riparian environment in the Black Hollow watershed.

As mentioned previously, upland (hillslope) erosion is a common trigger for debris flows and in-channel erosion in post-fire watersheds immediately after a burn event (Parise & Cannon, 2011). Hillslope erosion of disturbed sediments creates a positive feedback loop that can build immensely powerful and destructive debris flows. During a rainfall event, fine-grained sediment is entrained in overland sheet flow. This sediment increases the density of the runoff, increasing its ability to entrain larger sediment and bulking the flows. In steep mountain watersheds, hillslope sheet flow consolidates in channels, initiating in-channel erosion and entrainment of debris. These processes continue until a debris flow threshold is crossed, at which the debris flow will continue downstream until a reduction in slope causes most of the material to fall out of suspension (Parise & Cannon, 2011). At this point, the debris flow will likely transition to a mudflow and traditional flood event that can still damage and negatively impact communities far downstream.

Stream Incision and Headcutting – As discussed previously, wildfires result in more discharge and peak flows in stream systems. Increases in flow is more pronounced in smaller systems where high-severity burn can dominate contributing areas. In addition, runoff generating events are more common after a fire causing channel heads, topographic inflection points that mark the transition from hillslope to channel flow, to migrate upstream through incision and downcutting. Downcutting can degrade and destroy valuable riparian and wetland habitat. Headcuts occur when hydraulic forces overcome surface resistance which is



Figure 3: An example of headcutting and resulting incision in a post-fire watershed.

influenced by sediment size and vegetation stabilization (Wohl, 2014). Since vegetation resistance is lost during a wildfire, headcuts are more likely to trigger and less likely to stabilize in a post-fire watershed. Headcuts result in significant sediment pulses transported downstream and may impact vulnerable habitat and infrastructure. An example of headcutting in a fire affected watershed can be seen in **Figure 3**.

Roadway Drainage – The increase in runoff associated with post-fire hydrology is likely to overwhelm existing road drainage infrastructure leading to instability and increased sedimentation to creeks and riparian environments. This indirect impact is even more pronounced on National Forest System lands where lower standard roads on steeper slopes can contribute erosion into drainages. This funding will also focus on improving roads that are desired and planned for access into non-wilderness areas and stabilizing legacy roads that can increase sedimentation. An example of a washed-out road is depicted in **Figure 4**.



Figure 4: Road damage resulting from increased runoff generate in a post-fire watershed during a 2021 summer storm event.

Impacts to Downstream Communities - These localized processes initiate significant flood events with debris and sediment that increases the destructive potential of these flows and degrades water quality for all downstream users and communities. City of Greeley could not use a total of 980 acre-feet of diverted degraded water from the Poudre River over a total of 40 days during 2021. City of Greeley Water Resources estimates \$134 million dollars in additional costs associated with post-fire water quality impacts over the 10-year recovery if no mitigation is implemented in burned watersheds. Other impacted municipalities include City of Fort Collins, City of Loveland, Town of Windsor, and City of Laramie. Post-fire water quality degradation will likely lead to high maintenance costs, interrupted operations, lost revenue, higher treatment costs, and uncertainty in water resource supplies and needs.

While the most dramatic impacts to infrastructure occur directly downstream of small high burn tributary channels during high-intensity rain events, large-scale flood events are also influenced by post-burn hydrologic adjustments. In 2013, regional flooding along the Front Range was worsened along the Poudre River due to the recent High Park Fire (2012) and its impacts to the watershed. Large rain events in post-fire watersheds lead to increased peak flows which can overwhelm populations centers along the Front Range, leading to costly. Mitigation aimed at dampening the impacts and enhancing recovery are invaluable to the long-term management of burned forest and Front Range communities.

Cameron Peak Fire Mitigation Strategy

Watershed Prioritization

Small watersheds (Seventh-level or HUC14) were delineated by JW Associates with the goal of identifying and prioritizing hazards that would be targets of post-fire mitigation actions. These watersheds were analyzed and ranked based upon the following hazard components;

1. Soil Burn Severity (SBS)
2. Hillslope Erosion
3. Debris Flow
4. Road Composite

The Post-fire Composite Hazard Ranking combines the first four components by combining their rankings for each small watershed and then re-categorizing the results. The Post-fire Composite Hazard Ranking is being used as a basis for prioritizing and targeting small watersheds for post-fire treatments. The results of this calculation were ranked from 1 (lowest Post-fire Composite Hazard) to 5 (highest Post-fire Composite Hazard) to create the Post-fire Composite Hazard Ranking. Based upon this analysis, there are 34 small watersheds that received a Post-fire Composite Hazard Rank of Highest (**Figure 5**).

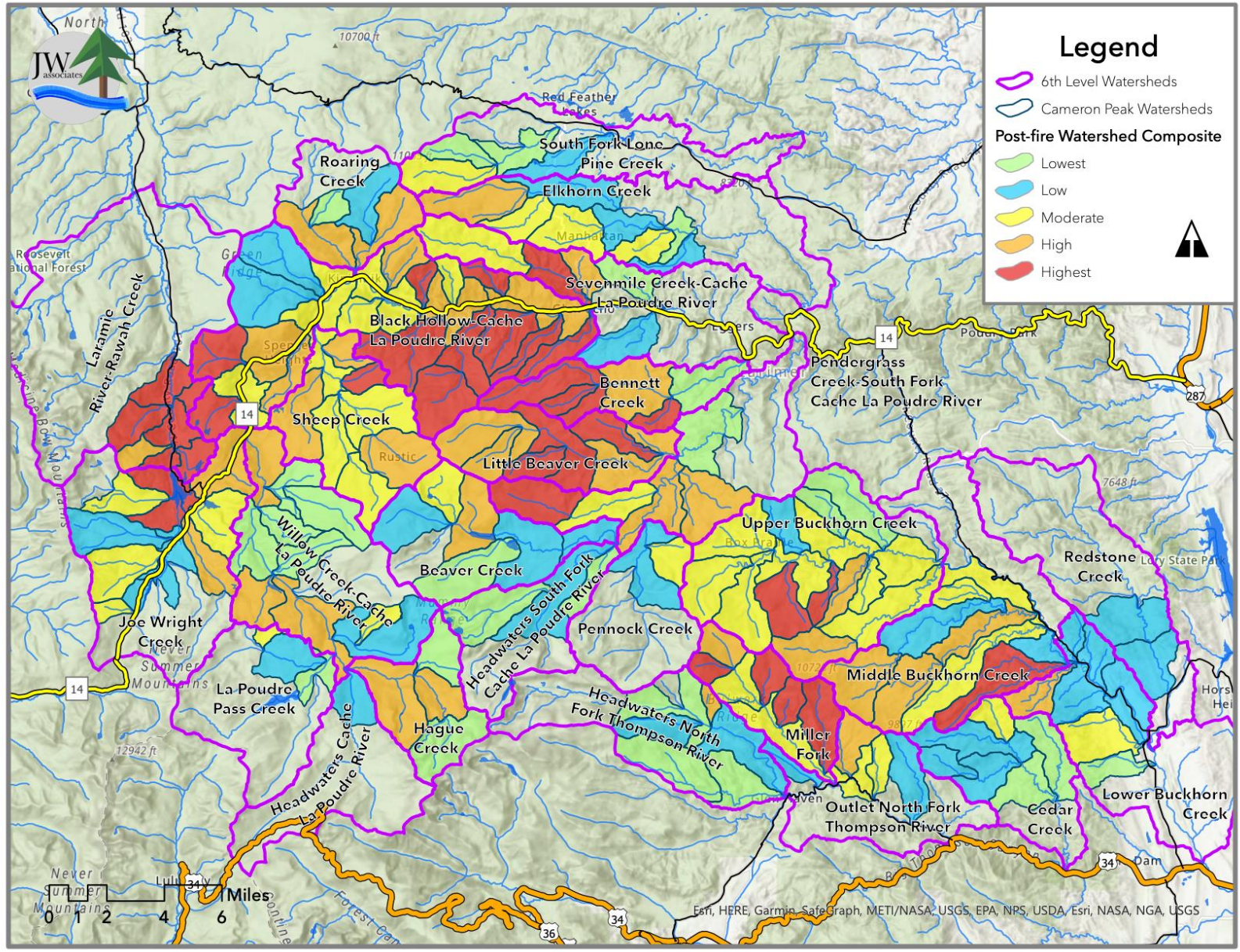


Figure 5: Cameron Peak Fire Post-fire Hazard Composite Ranking Map.

Area Treatments - Post-Fire Mulch Mitigation

Mulching is one of the most effective post-fire treatments (Robichaud et al. 2010 and Robichaud et al. 2013) and is primarily effective at reducing hillslope erosion. It has been shown to reduce rainfall splash and surface runoff, increase soil moisture and, consequently, improve revegetation. Wood mulch has been increasingly used in as a post-fire treatment in Colorado, including after the High Park Fire (2012). Unlike agricultural straw mulch, which can bring invasive weeds and can be moved off site by wind during dry weather, wood mulch can be made from trees burned in the fire, thereby minimizing the risk of introducing any noxious plants or foreign materials. It is also less prone to being blown off-site during windy periods. Wood mulch applied in burned areas following the High Park Fire survived the 2013 Flood, where 12 inches of rain fell in two days. Wood mulch also helps promote plant and tree recovery and can enhance soil protection for several years post-fire (Jonas et al. 2019).

Mulching, shown in **Figure 6**, also reduces rapid overland flow on moderate and high burn severity soils, thereby reducing post-fire peak flows from rainfall events. Mulch used in combination with other treatments in channels or further downstream, the strategy laid out in this Work Plan, can increase the effectiveness of the combined treatments. In general, mulch is recommended to be used when there is a large percentage of a watershed that contains moderate and/or high burn severity and there is a value at risk downstream.

Initial estimates of the amount and locations for mulch treatments were completed for the Cameron Peak Fire burned area. These treatments are directed at minimizing the post-fire effects on downstream VARs and water suppliers downstream of the burned watersheds. The estimates were made using the following criteria;

1. Slopes between 20-60 percent were identified in the burned area.
2. Areas identified as moderate and high soil burn severity were delineated within those slopes.
3. Polygons were created from contiguous areas from steps 1 and 2 above to identify the potential mulching areas.

Polygons were accumulated within watersheds (HUC14) that were identified as high and highest post-fire hazard.



Figure 6: Wood Mulch Application in High Park Burned Watershed

Post-Fire Point Mitigation

As mentioned previously, point mitigation is intended to be placed at a discrete location in a stream or watershed. The location is determined by upstream burn and watershed characteristics as well as equipment access. Typically, point mitigation is proposed at locations in which the contributing watershed has been identified during prioritization efforts and the impacts are expected to threaten VARs and degrade stream habitat and water quality. Additionally, point mitigation should be employed in areas that are at risk of encroachment from downstream stream instability that will migrate upstream and degrade stream habitat, threaten VARs, or degrade water quality with mass erosion.

The prioritization between individual sites included in this Work Plan will need to be completed once site evaluations are conducted and the scope of the total funding is in place. Because the limiting factor to

work is likely to be access, this will play a large role in the final selection of mitigation sites. Other factors to be included in the next phase of prioritization will be downstream VARs, upstream valuable habitat, stream vulnerability, and stream degradation.

While this Work Plan highlights areas with potentially appropriate access and need, it is important to understand that the mitigation proposed in this report will be altered to fit each site specifically based on the geomorphic controls, upstream fire-impact, available on-site material, stakeholder inputs, and access. The concepts and mitigation techniques described below have been applied to a wide range of post-fire environments and are designed to provide decadal stability during large thunderstorm events in post-fire watersheds. The intention is to use on-site and native materials when possible and to create subtle and hidden features that function during storm events while enhancing the natural recovery.

These concepts will likely go through several phases of adjustment to satisfy the needs of the US Forest Service and private property owners impacted. Adjustments will be made based on site visits with the project team to meet the design intent and limit the impact to alpine, riparian, and forest habitat. While the planning and prioritization of these projects will take place in 2022, it is also likely that construction efforts may extend in to 2023. However, because the impact of wildfire is most pronounced in the first few years of recovery, the goal will be to complete high priority areas as soon as possible.

Point Mitigation Concepts & Features

The conceptual design for each of the features described below can be found in **Appendix A** of the submittal package. Again, these designs are likely to alter with stakeholder input and site evaluations, but the processes, goals, and intentions will remain the same.

Armored Drainage Crossing – This feature is designed to convert an existing culvert crossing to an armored ford that will also act as stabilization features for the stream system. The lack of a culvert adds resiliency to the system while offering opportunities for upstream sediment storage. A large upstream and downstream apron of rock allows for flows to overtop the feature without causing total failure to the embankment. These structures rely on imported riprap and smaller rock to limit the disturbance and impacts. Fish passage will need to be examined at each site to limit impacts to aquatic species.

Large Wood Material (LWM) Stabilization - This feature is ideal for stream stabilization in smaller tributaries or ephemeral streams. Burnt wood material that remains structurally sound will be sourced on-site during clearing. This wood is pinned together and buried several feet into the channel to slightly above existing grade to facilitate deposition. The LWM will be ballasted with boulder material sourced on-site. An example of those installed in 2021 in series is shown in **Figure 7**.



Figure 7: LWM Stabilization installation constructed in the Fall of 2021 in the CLP watershed.

Rock Stabilization – These features are intended to stabilize larger, wider tributary creeks affected by post-burn impacts such as headcutting and incision. Typically, native rock is harvested during the excavation and construction of adjacent features, including LWM stabilization or Armor Drainage Crossings. The larger boulders, if available, are to be used for the apex rocks which are subjected to the bulk of the hydraulic forces, while 9- to 24-inch material is used in the wings and splash rock of the structure. The wings of the structure slope down towards the center, consolidating flows and mitigating channel widening. A complete rock stabilization structure can be seen in **Figure 8**.



Figure 8: Rock Stabilization downstream of a fire-impact watershed. Installed during 2021 mitigation efforts.

Log Jams – Jams will be installed far upstream of most project areas to create depositional opportunities while intercepting debris. These jams will be stabilized with large rock, buried into the banks, or anchored to other standing and stable trees. They are intended to provide a key log that will initiate and enhance wood recruitment at the location of installation. These features require time to fully develop but should provide long-term habitat and channel heterogeneity. **Figure 9** shows a Log Jam installation enhanced with a temporary wattle.

Riparian Revegetation – Recovery of riparian areas is vital to the recovery of water quality. Revegetation will increase sediment accumulation and storage in fluvial systems and will accelerate watershed recovery while improving water quality (Pollock et al., 2014). Primarily, this will be accomplished through native willow harvesting and staking. In wetland areas, willow wattles or willow fences will also be installed to reverse the effects to downcutting and incision.



Figure 9: A log jam installed and enhanced with a wattle during Fall 2021 mitigation.

Road Drainage Improvements – As mentioned previously, poorly maintained roadways can increase sedimentation inputs and erosion concerns in tributary streams. Removing abandoned roads and improving desired roads can limit their impact on water quality. Armored drainage crossings and roadside swales are a part of this work. However, the main concept to be deployed in this effort are water bars. This feature consolidates on road sheet flow and conveys it across the road down slope to an armored location to reduce riling and erosion.

Hillslope Wattles – Laying approved biodegradable wattles parallel to contours is an effective way to generate several cubic feet of deposition space on vulnerable hillslopes. This concept will be used in small areas where aerial mulching is impractical. It was deployed during the Fall of 2020 in the areas surrounding Chamber Lake with success (**Figure 10**).



Figure 10: Hillslope wattles creating significant deposition and storage on vulnerable hillslopes just upstream of Chambers Lake.

Mitigation Technique	Hillslope Erosion	Stream Incision	Road & Crossing Damage
Armored Drainage Crossing		X	X
LWM Stabilization		X	X
Rock Stabilization		X	X
Log Jams		X	X
Riparian Revegetation	X	X	X
Hillslope Wattles	X		X
Road Drainage Improvements	X	X	X

Table 1: A table showing the benefits of each mitigation strategy compared with the hazards in post-fire watersheds.

2021 Funding & Mitigation Projects

The mitigation strategy described previously was deployed during the initial mitigation efforts and activities that took place immediately after the Cameron Peak Fire. Initial funding for post-fire recovery was provided from an assortment of governments including local municipalities, Colorado Water Conservation Board (CWCB), and the Natural Resources Conservation Service (NRCS). This mitigation effort focused on aerial mulching and point-based mitigation to reduce and protect against the post-fire impact to water users and private properties within or downstream of the burn area. The goals of the aerial mulching and point migration funded and completed was to reduce hillslope erosion, enhance sediment deposition, and protect VARs from flood and debris damage. Approximate total funding for the aerial mulching is \$14.5 million and was completed in 2021. The total funding for the point mitigation effort

is roughly \$3 million to be completed in Spring 2022. Each watershed of focus during the 2021 Mitigation is outlined in the Online Map Series ([2022 Cameron Peak Fire Work Plan Map Series](#)).

2021 Aerial Mulching

A number of targeted watersheds were partly or fully treated with aerial wood mulch in 2021. A total of 5,805 acres in 10 priority watersheds were mulched in 2021 (**Table 2**). These treatments addressed some of the top priorities for watershed protection, but substantial watershed protection needs remain unaddressed. The Poudre River Watershed was the focus on 2021 Post-Fire Mitigation because the bulk of the burn was in this watershed, and there are more water supply users impacted within the Poudre River. However, the Big Thompson also had work completed as described below:

Table 2: Priority Watersheds Treated with Wood Mulch in 2021

Watershed	Acres
Peterson Lake	219
Barnes Meadow Reservoir	226
Crown Point Gulch	426
Mineral Gulch	460
Sheep Creek	699
Bennett Creek	848
Black Hollow	1,371
Roaring Creek	802
Miller Fork – Big Thompson	406
Black Creek – Big Thompson	348
Total	5,805

2021 Point Mitigation

Cache La Poudre River Watershed

The 2021 point mitigation efforts were successful in repairing flood damage that occurred during the 2021 monsoon season. However, these projects have yet to be tested during large flow events. The projects have successfully enhanced deposition of baseflow sedimentation and rely on mitigation techniques that have proven successful in past EWP efforts including the 2018 Spring Creek Fire Recovery and the 2013 Front-Range Flood Recovery. Additional revegetation work is planned for all the project during the Spring of 2022 to further enhance the resilience of the structures and overall recovery of the riparian areas.

The point mitigation sites complete or funded during the 2021 mitigation effort are listed below with a brief description of the work. For more information, please request and refer to the Design Report and Deliverables package prepared for the NRCS at each site and subwatershed.

- **Dry Creek (Complete 2021)** – Structure protection (**Figure 11**) and stream stabilization features were installed on private property just north of CO14 at Dry Creek. Features include log jams, flood diversion barriers, channel grading, willow staking, and woody vegetation clearing.



Figure 11: Structure & Road Overtopping Protection at Dry Creek. The area will be stabilized with native vegetation Fall 2021.

Black Hollow (In Progress 2021 & 2022) – On July 20, 2021, a debris flow occurred in this watershed because of a high-intensity rain event. The resulting deposition and damage is shown in **Figure 12**. More than half of the 13 structures were destroyed and four people were killed during this event. Large-scale stabilization and protection efforts will be implemented in late Fall of 2021 and early Spring 2022. Efforts focus on mitigating the impact of the July 2021 event and facilitating conveyance of flood flows and sediment to the Poudre River. Features included in this stabilization effort are rock stabilization, LWM stabilization, grading, and riparian revegetation. Additionally, the lower portion of the Black Hollow channel realigned during the July 2021 event and cause adverse impacts to a structure upstream of the confluence with the Poudre River. Grading and diversion barriers were used to protect this structure.



Figure 12: Black Hollow Fan following the 7/20/21 debris flow caused by a summer thunderstorm on fire affected watershed.

- **UT3 (Complete 2021)** - Structure protection, stream stabilization, roadway access protection, and diversion features were installed on private property just south of CO14 near the Fish Hatchery. Features include LWM stabilization, flood diversion barriers, diversion channels, armored crossing, willow staking, and woody vegetation clearing.
- **Sheep Creek (Norman Fry Road) (Complete 2021)** - Structure protection, stream stabilization, roadway access protection, and diversion features were installed on private property just south of CO14 near Poudre Fire House #2. Features include LWM stabilization, flood diversion barriers, diversion channels, armored crossings (**Figure 13**), willow staking, road drainage improvements, and woody vegetation clearing.



Figure 13: An Armored Drainage Crossing completed at Sheep Creek.

- **MM87 (Complete 2021)** – A small drainage just west of Black Hollow and north of CO14 has had several mudflows this year that has blocked CO14 and threatened private property. Structure protection, stream stabilization, diversion channels, and diversion features were installed on private property. Features include rock stabilization, flood diversion barriers, and diversion channels.
- **Crown Point Gulch (Construction 2022)** - Structure protection, stream stabilization, roadway access protection, and diversion features will be installed on private property just south of CO14 and west of Rustic. Features include LWM stabilization, flood diversion barriers, diversion channels, armored drainage crossing, willow staking, road drainage improvements, and woody vegetation clearing.
- **Roaring Creek (Construction 2022)** - This large drainage is home to a community of private property adjacent to its confluence with the Poudre River. Structure protection, stream stabilization, diversion channels, and diversion features are to be installed on private property. Features will include rock stabilization, flood diversion barriers, bank stabilization, and diversion channels.
- **Boston Peak Creek (Construction 2022)** – On August 1, 2021, a debris flow occurred in this watershed because of a high-intensity rain event. No structures were destroyed. However, a

large amount of material was deposited on private property and adjacent to structures. Structure protection, stream stabilization, diversion channels, and diversion features are to be installed on private property. Features implemented will include LWM stabilization, flood diversion barriers, diversion channels, road drainage improvements, and riparian revegetation.

- **Little Beaver (Construction 2022)** – A historic structure owned by City of Greeley will be protected at this site just west of Pingree Park Road. Features include flood diversion barriers and diversion channels. Additionally, wetland rehabilitation was completed in 2021 with the Coalition for the Poudre River Watershed (CPRW) to valuable wetland habitat along Jacks Gulch, a tributary to Little Beaver.
- **Fish Creek (Construction 2022)** - A large drainage with two structures in need of protection, this watershed was severely burned. Structure protection, stream stabilization, and crossing improvements will be implemented on the site. Features include LWM stabilization, flood diversion barriers, and riparian revegetation. Additionally, hand-crew mitigation was completed with CPRW along ephemeral channels in 2021.
- **Peterson Lake Road (Construction 2022)** – Crossing improvements including a trash rack and road armoring are to be constructed in the Spring of 2022 to maintain access to Peterson Lake.
- **Mainstem Poudre (Construction 2022)** – During the spring of 2022, outreach and modeling will be used to determine additional structure protection that is required to protect from potential post-fire flooding on the Poudre River. Flood diversion barriers will be primarily used to achieve the required protection. This effort will include specific areas such as Spencer Heights, Poudre Park, and other larger community in the Poudre River Canyon.

Big Thompson Watershed

The Big Thompson portions of the Cameron Peak Fire are smaller, but more densely populated with county roads. Point mitigation efforts in 2021 have focused on county road improvements, specifically in Black Creek and Miller Fork. The Retreat is a community of private homeowners that resides on Black Creek and Miller Fork which are tributaries to the North Fork Big Thompson River. Both watersheds were severely burned from the Cameron Peak Wildfire and have since seen a lot of damage resulting from post-fire increases in runoff and sediment loads. During the first year of recovery efforts, Larimer County and the Big Thompson Watershed Coalition have funded work to achieve the following goals:

- Restore access to residents along Black Creek
- Culvert upsizing and road repairs along Buckhorn Creek and Buckhorn Rd.
- Replace three major culvert crossings with larger culverts for increased capacity and adding overtopping protection to prevent future failure
- Remove minor culvert crossings along Black Creek and replace them with armored drainage crossings
- Installing debris racks at strategic locations to help protect against debris jams inside the remaining culverts.
- Installing flood barrier bags and diversion berms to help protect properties from future events
- Installing sediment catchment areas

The constructed projects have primarily focused on repairing damaged roads, culverts, and crossing along county roads and private roads maintained by the Larimer County.

Aerial mulching has also been completed in portions of the watershed to mitigate runoff and improve water quality. The combination aerial mulching on hillslopes and point mitigation in the channel will allow for a more complete recovery effort. These two mitigation approaches will likely function with additive benefits enhancing the overall function and recovery. More mulching is proposed as a large part of the

mitigation efforts for 2022 and can be reviewed in *Cameron Peak Fire 2022 Mulch Treatment Areas & Priorities*.

Need, Quantities, and Costs By Subwatershed

Initial estimates of the amount and locations for mulch treatments were completed for the Cameron Peak Fire burned area by JW Associates in 2021. These values and prioritizations will be updated along with the updates to the Soil Burn Severity (SBS) data which are occurring now in collaboration with the U.S. Forest Service. The same criteria listed earlier was used to generate the proposed 2022 aerial mulching. These treatments are directed at minimizing the post-fire effects on downstream VARs and water suppliers downstream of the burned watersheds.

For the 2022 Point Mitigation Work Plan, areas within the Cameron Peak Fire were analyzed and conceptual designs were drafted based on experience in the area and desktop analysis. Support data sets included topographic information, soil burn severity, existing road data, and hydrology information developed by Colorado Water Conservation Board (CWCB) for the Cameron Peak Fire. The two largest hurdles for point mitigation practicality at any given site are the existing access to the location and the severity of the burn in the contributing watershed.

These areas will all need initial site investigations before a determination can be made on the exact point mitigation strategy, cost, and priority. Based on experiences in other Colorado Front Range fire mitigation, the need is likely more extensive in these areas than determinable from desktop analysis. Additionally, more sites will likely be added during investigations as needs are better characterized and prioritized in the field.

For this proposal, the areas of interest have been broken into four main regions within the Cache La Poudre and Big Thompson Watershed. These can be viewed using the [2022 Cameron Peak Fire Work Plan Map Series](#). These areas are each made up of several tributary watersheds that have experienced varying burn severities but are likely to need further rehabilitation and stabilization during the post-wildfire hydrologic recovery period.

Implementation Quantities & Costs

The supporting Online Map ([2022 Cameron Peak Fire Work Plan Map Series](#)) shows the exact locations of the area treatment polygons and point mitigation features, including log jams, LWM stabilization, rock stabilization, and armored drainage crossings. It also highlights areas for riparian revegetation and hillslope wattle installation. Road improvements were estimated using the total mileage of existing Forest Service Roads assuming approximately a water bar installation every ¼ mile (\$14,000/mi). While these are not broken down by specifically and likely won't until detail conversation with the Forest Service, estimates by region are shown in **Table 12**.

Costs used in the 2022 Work Plan were sourced from unit pricing approved during the construction phase of the 2021 Western Cameron Peak Fire EWP – City of Greeley project and the 2021 Aerial Mulching effort. Willow staking was assumed to be one stake approximately every 4 SY throughout the specified areas. Hillslope wattles were assumed to be installed at a rate of 1210 LF/acre and installations should be focused on lower portion of burnt hillslopes. Road Drainage Improvements were assumed to be \$14,000 per mile of Forest Service Roads based on available GIS data. A large focus of the planning will be working with stakeholders to determine the exact condition of roadways as well as the desire to provide long-term maintenance on existing roads. The aerial mulching costs, \$2,500/acre, were determined based on 2021 wood mulching operation and implementation costs.

Tables 3 through 10 provide both the quantities and costs of mulching and point mitigation in each region by subwatershed. The subwatersheds are color coded according to the prioritization rank and consistent with the Online Map Series and are:

- Lowest – Green
- Low – Blue
- Moderate – Yellow
- High – Orange
- Highest – Red

Northern CLP

The northern portion of the Cache La Poudre Watershed experienced large swaths of low and moderate burn areas with pockets of high severity burn. The major tributaries systems are Sevenmile Creek, Manhattan Creek, Washout Gulch, Swamp Creek, and Elkhorn Creek. Several subwatershed within each of these areas have been identified for mitigation. Proposed mulching locations and areas with a combination of point mitigation and aerial mulching are shown in **Table 3**. Point Mitigation features and proposed quantities by watershed are shown in **Table 4**.

Regional Values At Risk:

- **Roadways:** CO-14; CR-69; CR-68C; NF-225; NF-517.
- **Private Property:** Shambhala Mountain Center; Manhattan Community (13 structures); Elkhorn Creek Property Owners (11 structures).
- **Drinking Supplies:** City of Fort Collins, City of Greeley, Tri-Districts (North Weld, Eastern Larimer County, Fort Collins – Loveland Water District), Northern Water, Irrigation Companies, and Private Users.

Table 3: Northern CLP Region proposed aerial mulching acres in non-wilderness & wilderness areas by subwatershed, including percent burn area treatment, cost, and combination with Point Mitigation.

Northern CLP Region Watersheds	Total Mulch Non-Wilderness (acres)	Total Mulch Wilderness (acres)	Moderate & High Soil Burn Severity (acres)	Burned Area Treated (%)	Estimated Cost (\$)	Point Mitigation in Combination?
Boston Peak Creek	567	0	1,012	56%	\$1,417,500	Yes (2021)
Lower Upper BH - CLP	585	0	1,180	50%	\$1,462,500	No
Dry Creek	235	0	481	49%	\$587,500	Yes (2021)
Upper Sevenmile Creek	314	0	1,647	19%	\$785,000	Yes
UT2 to BH - CLP	159	0	486	33%	\$397,500	No
Totals	1,860	0	4,806	39%	\$4,577,500	

Table 4: Proposed Point Mitigation Features in subwatersheds within the Northern Region of the CLP including cost and quantity. The unit prices reflect 2021 data.

Northern CLP Region Watersheds	Armored Crossing (EA)	LWM Stabilization (EA)	Rock Stabilization (EA)	Log Jams (EA)	Willow Staking (AC)	Hillslope Wattles (AC)	Total Cost by Subwatershed (No Road Improvements)
2021 Unit Prices	\$30,000	\$3,112	\$6,000	\$1,200	\$10,285	\$5,445	
Headwaters Elkhorn Creek	1 (\$30,000)	2 (\$6,224)	3 (\$18,000)	5 (\$6,000)	0 (\$0)	0 (\$0)	\$60,224
Lower Manhattan Creek	0 (\$0)	0 (\$0)	3 (\$18,000)	1 (\$1,200)	4 (\$41,140)	0 (\$0)	\$60,340
Lower Sevenmile Creek	5 (\$150,000)	6 (\$18,672)	5 (\$30,000)	4 (\$4,800)	4 (\$41,140)	0 (\$0)	\$244,612
Swamp Creek	0 (\$0)	0 (\$0)	0 (\$0)	0 (\$0)	6 (\$61,710)	0 (\$0)	\$61,710
Upper Elkhorn Creek	0 (\$0)	3 (\$9,336)	3 (\$18,000)	1 (\$1,200)	0 (\$0)	5 (\$27,225)	\$55,761
Upper Sevenmile Creek	1 (\$30,000)	1 (\$3,112)	4 (\$24,000)	3 (\$3,600)	0 (\$0)	0 (\$0)	\$60,712
UT5 to Elkhorn Creek	2 (\$60,000)	0 (\$0)	3 (\$18,000)	1 (\$1,200)	0 (\$0)	0 (\$0)	\$79,200
Washout Gulch	0 (\$0)	0 (\$0)	0 (\$0)	2 (\$2,400)	0 (\$0)	0 (\$0)	\$2,400
Totals & Feature Construction Costs	9 (\$270,000)	12 (\$37,344)	21 (\$126,000)	17 (\$20,400)	14 (\$141,550)	5 (\$27,225)	

Western CLP

The Cameron Peak Fire was initiated in the western portion of the Cache La Poudre Watershed. While this area of access in this region is smaller in size, it experienced large swaths of high severity burn primarily in the area surrounding Chambers Lake, including Sawmill Creek and Joe Wright Creek, the Laramie River Headwaters, Trapp Creek, and Peterson Lake.

Mulching is proposed along the Mainstem of the Poudre River, Joe Wright Creek, Tunnel Creek, Tributaries to Sheep Creek, and Twin Lakes (**Table 5**). No areas are conducive to the combination of point mitigation and aerial mulching due to the steep terrain, limited access points, and expansive wilderness areas. Several of the tributaries in the Laramie River Valley have been prioritized for point mitigation and rehabilitation using the access along Skyline Ditch and County Road 103 (**Table 6**).

Regional Values At Risk:

- **Roadways:** CO-14; Long Draw Rd.; NF-159.; CR-103;
- **Water Resource Infrastructure:** Skyline Ditch; Chambers Lake; Peterson Lake; Rawah and Lower Supply Ditch; Laramie-Poudre Tunnel
- **Drinking Supplies:** City of Fort Collins, City of Greeley, City of Laramie, Tri-Districts (North Weld, Eastern Larimer County, Fort Collins – Loveland Water District), Northern Water, Irrigation Companies, and Private Users.

Table 5: Western CLP Region proposed aerial mulching acres in non-wilderness & wilderness areas by subwatershed, including percent burn area treatment, cost, and combination with Point Mitigation.

Western CLP Region Watersheds	Total Mulch Non-Wilderness (acres)	Total Mulch Wilderness (acres)	Moderate & High Soil Burn Severity (acres)	Burned Area Treated (%)	Estimated Cost (\$)	Point Mitigation in Combination?
Upper Upper BH - CLP	678	0	1,012	56%	\$1,695,000	No
Twin Lakes	396	0	1,180	50%	\$990,000	No
Tunnel Creek	501	0	481	49%	\$1,252,500	No
Lower Joe Wright Creek	803	0	1,647	19%	\$2,007,500	No
Headwaters BH - CLP	622	0	486	33%	\$1,555,000	No
UT2 to Sheep Creek	0	847	1,175	47%	\$2,117,500	No
Totals	3,000	847	5,980	42%	\$7,500,000	
					\$2,117,500	

Table 6: Proposed Point Mitigation Features by subwatersheds within the Northern Region of the CLP including cost and quantity. The unit prices reflect 2021 data.

Western CLP Region Watersheds	Armored Crossing (EA)	LWM Stabilization (EA)	Rock Stabilization (EA)	Log Jams (EA)	Willow Staking (AC)	Hillslope Wattles (AC)	Total Cost by Subwatershed (No Road Improvements)
2021 Unit Prices	\$30,000	\$3,112	\$6,000	\$1,200	\$10,285	\$5,445	
Laramie Lake	0 (\$0)	3 (\$9,336)	0 (\$0)	1 (\$1,200)	0 (\$0)	0 (\$0)	\$10,536
Lower Laramie River-Rawah Creek	0 (\$0)	0 (\$0)	2 (\$12,000)	6 (\$7,200)	0 (\$0)	0 (\$0)	\$19,200
Lower Trap Creek	1 (\$30,000)	0 (\$0)	0 (\$0)	0 (\$0)	3 (\$30,638)	0 (\$0)	\$60,638
Middle Joe Wright Creek	0 (\$0)	0 (\$0)	0 (\$0)	0 (\$0)	0 (\$0)	20 (\$108,900)	\$108,900
Middle Laramie River-Rawah Creek	0 (\$0)	12 (\$37,344)	0 (\$0)	5 (\$6,000)	0 (\$0)	0 (\$0)	\$43,344
Peterson Lake	0 (\$0)	0 (\$0)	0 (\$0)	2 (\$2,400)	1 (\$10,285)	32 (\$174,240)	\$186,925
Sawmill Creek	0 (\$0)	0 (\$0)	0 (\$0)	2 (\$2,400)	0 (\$0)	0 (\$0)	\$2,400
Two and One Half Creek	1 (\$30,000)	2 (\$6,224)	2 (\$12,000)	1 (\$1,200)	0 (\$0)	0 (\$0)	\$49,424
Upper Laramie River-Rawah Creek	0 (\$0)	0 (\$0)	2 (\$12,000)	2 (\$2,400)	34 (\$347,916)	0 (\$0)	\$362,316
UT1 to Laramie River-Rawah Creek	0 (\$0)	2 (\$6,224)	0 (\$0)	1 (\$1,200)	0 (\$0)	0 (\$0)	\$7,424
Totals & Feature Construction Costs	2 (\$60,000)	19 (\$59,128)	6 (\$36,000)	20 (\$24,000)	37 (\$391,143)	52 (\$283,140)	

Southern CLP

This is the largest area of proposed mitigation within this request for funding. Tributary watersheds within US Forest Service lands include Fish Creek, Jacks Gulch, Little Beaver, Upper Sheep Creek, Bennet Creek, Dadd Gulch, and Black Hollow Creek. There are some private land areas on the eastern portion of this region including Ratville and Monument Gulch. Mulching is proposed within the Jacks Gulch, Black Hollow, Sheep Creek, Little Beaver, and Ratville (**Table 7**). Point mitigation by subwatershed is shown in **Table 8**.

Regional Values At Risk:

- **Roadways:** CO-14; Crown Point Rd.; Pingree Park Rd.; NF-259; NF-263; NF-259; NF-268; NF-139A; NF-142; NF-135; NF-350.
- **Private Property:** Ratville Community (1 structure); Monument Gulch Community (4 structures); Black Hollow Community (4 structures); Mineral Gulch Community (7 structures).
- **Drinking Supplies:** City of Fort Collins, City of Greeley, Tri-Districts (North Weld, Eastern Larimer County, Fort Collins – Loveland Water District), Northern Water, Irrigation Companies, and Private Users.

Table 7: Southern CLP Region proposed aerial mulching acres in non-wilderness & wilderness areas by subwatershed, including percent burn area treatment, cost, and combination with Point Mitigation. The green totals are indicating mulching in Wilderness areas.

Southern CLP Region Watersheds	Total Mulch Non-Wilderness (acres)	Total Mulch Wilderness (acres)	Moderate & High Soil Burn Severity (acres)	Burned Area Treated (%)	Estimated Cost (\$) Non-Wilderness & Wilderness	Point Mitigation in Combination?
Lower East Fork Sheep Creek	273	0	1,484	18%	\$682,500	Yes
Upper East Fork Sheep Creek	541	72	1,606	38%	\$1,352,500 \$180,000	Yes
Upper West Fork Sheep Creek	164	0	880	19%	\$410,000	Yes
UT3 to Sheep Creek	109	26	642	21%	\$272,500 \$65,000	No
UT1 to Headwaters CLP	162	1,217	2,915	47%	\$405,000 \$3,042,500	Yes
Upper South Fork CLP River	643	28	1,562	43%	\$1,607,500 \$70,000	Yes
Ratville	454	0	1,006	45%	\$1,135,000	Yes
Upper Bennett Creek	356	61	2,165	31% 51%	\$890,000 \$152,500	Yes
Middle Little Beaver Creek	161	1,194	2,233	63% 51%	\$402,500 \$2,985,000	No
Lower Little Beaver Creek	72	547	2,180	57%	\$180,000 \$1,367,500	Yes (2021)
Lower Fish Creek - Pendergrass	103	490	1,335	38%	\$257,500 \$1,225,000	No
Jacks Gulch	0	299	1,302	19%	\$747,500	Yes
Comanche Reservoir	0	462	1,504	21%	\$1,155,000	Yes (2021)
UT to Upper Little Beaver Creek	0	398	780	47%	\$995,000	No
UT to Little Beaver Creek	0	683	1,080	43%	\$1,707,500	No
Upper Little Beaver	0	988	1,948	45%	\$2,470,000	No
Upper Fish Creek - Pendergrass	0	1,140	1,987	19%	\$2,850,000	No
Lower Black Hollow	771	81	1,632	61%	\$1,927,500 \$202,500	Yes (2021)
Totals	3,809	7,686	28,241	40%	\$9,617,500 \$19,215,000	

Table 8: Proposed Point Mitigation features by subwatersheds within the Southern Region of the CLP including cost and quantity. The unit prices reflect 2021 data.

Southern CLP Region Watersheds	Armored Crossing (EA)	LWM Stabilization (EA)	Rock Stabilization (EA)	Log Jams (EA)	Willow Staking (AC)	Hillslope Wattles (AC)	Total Cost by Subwatershed (No Road Improvements)
2021 Unit Prices	\$30,000	\$3,112	\$6,000	\$1,200	\$10,285	\$5,445	
Dadd Gulch	0 (\$0)	2 (\$6,224)	1 (\$6,000)	0 (\$0)	0 (\$0)	0 (\$0)	\$12,224
Jacks Gulch	0 (\$0)	0 (\$0)	0 (\$0)	6 (\$7,200)	1 (\$10,285)	0 (\$0)	\$17,485
Kyle Gulch	0 (\$0)	0 (\$0)	1 (\$6,000)	4 (\$4,800)	0 (\$0)	0 (\$0)	\$10,800
Lower Bennett Creek	0 (\$0)	0 (\$0)	1 (\$6,000)	5 (\$6,000)	11 (\$113,135)	0 (\$0)	\$125,135
Lower East Fork Sheep Creek	1 (\$30,000)	2 (\$6,224)	0 (\$0)	1 (\$1,200)	0 (\$0)	40 (\$217,800)	\$255,224
Middle Bennett Creek	3 (\$90,000)	16 (\$49,792)	13 (\$78,000)	10 (\$12,000)	1 (\$10,285)	23 (\$125,235)	\$365,312
Mineral Springs Gulch	1 (\$30,000)	2 (\$6,224)	0 (\$0)	0 (\$0)	0 (\$0)	0 (\$0)	\$36,224
Ratville	6 (\$180,000)	5 (\$15,560)	12 (\$72,000)	5 (\$6,000)	0 (\$0)	0 (\$0)	\$273,560
Upper Bennett Creek	2 (\$60,000)	5 (\$15,560)	15 (\$90,000)	11 (\$13,200)	3 (\$30,855)	6 (\$32,670)	\$242,285
Upper Black Hollow Creek	6 (\$180,000)	10 (\$31,120)	2 (\$12,000)	3 (\$3,600)	0 (\$0)	0 (\$0)	\$226,720
Upper East Fork Sheep Creek	2 (\$60,000)	2 (\$6,224)	2 (\$12,000)	2 (\$2,400)	17 (\$174,845)	0 (\$0)	\$255,469
Upper South Fork CLP River	0 (\$0)	0 (\$0)	0 (\$0)	5 (\$6,000)	0 (\$0)	0 (\$0)	\$6,000
Upper West Fork Sheep Creek	1 (\$30,000)	1 (\$3,112)	2 (\$12,000)	0 (\$0)	3 (\$30,855)	8 (\$43,560)	\$119,527
UT1 to Bennett Creek	0 (\$0)	7 (\$21,784)	8 (\$48,000)	4 (\$4,800)	0 (\$0)	0 (\$0)	\$74,584
UT1 to Headwaters CLP	1 (\$30,000)	1 (\$3,112)	1 (\$6,000)	1 (\$1,200)	0 (\$0)	0 (\$0)	\$40,312
Totals & Feature Construction Costs	23 (\$690,000)	53 (\$164,936)	58 (\$348,000)	57 (\$68,400)	36 (\$373,742)	77 (\$419,264)	

Big Thompson

The Big Thompson was not divided additionally due to the size of the burn area and relatively limited number of fire-affected tributary watersheds. The most heavily impacted areas during the 2021 monsoon season were the private properties adjacent to Miller Fork and Black Creek. Because these areas received some funding during 2021 efforts, additional proposed sites are more limited. However, there are opportunities for mitigation implementation in Big Bear Gulch, Cascade Gulch, Fish Creek (Big T), and Sheep Creek (Big T). Additionally, teams have noticed that the burn severity in the Big Thompson may be higher than catalogued in the Soil Burn Severity map due to snow cover and difficult conditions during the analysis. This will be evaluated during site visits and may result in greater need than currently anticipated.

Mulching is proposed in many different highly impacted subwatersheds (**Table 9**). Point mitigation is proposed where access allows and is intended to mitigate downstream issues (**Table 10**).

Regional Values At Risk:

- **Roadways:** Crystal Mountain Rd.; Stringtown Gulch Rd.; Big Bear Rd.; Buckhorn Rd.; Deer Path St.; Windsong Rd.; Granite Rd.; Foogy Park Rd.; Ballard Rd.; Pack Trail; Streamside Dr.; Fishermans Ln.; Miller Fork Rd.; NF-345A
- **Private Property:** Miller Fork Community (>10 structures); Drake Community (>10 structures); Buckhorn Community (>50 structures); Big Bear Community (6 structures);

Stringtown Gulch Community (4 structures); Owl Hollow Community (2 structures); Crystal Mountain Community (4 structures).

- **Drinking Supplies:** City of Fort Collins, City of Greeley, City of Loveland, Tri-Districts (North Weld, Eastern Larimer County, Fort Collins – Loveland Water District), Northern Water, Irrigation Companies, and Private Users.

Table 9: Big Thompson Region proposed aerial mulching acres in non-wilderness & wilderness areas by subwatershed, including percent burn area treatment, cost, and combination with Point Mitigation.

Big Thompson Region Watersheds	Total Mulch Non-Wilderness (acres)	Total Mulch Wilderness (acres)	Moderate & High Soil Burn Severity (acres)	Burned Area Treated (%)	Estimated Cost (\$)	Point Mitigation in Combination?
Middle Miller Fork	270	0	1,218	22%	\$675,000	Yes (2021)
Upper Miller Fork	521	0	1,044	50%	\$1,302,500	Yes (2021)
UT1 to Miller Fork	252	0	840	30%	\$630,000	No
UT2 to Miller Fork	48	0	1,041	5%	\$120,000	No
UT3 to Miller Fork	258	0	553	47%	\$645,000	Yes
Elk Creek	1,286	0	2,096	61%	\$3,215,000	No
Headwaters Buckhorn Creek	1,507	0	2,274	66%	\$3,767,500	No
Cascade Creek	1,291	0	1,818	71%	\$3,227,500	Yes
UT2 to Upper Buckhorn Creek	326	0	555	59%	\$815,000	No
UT4 to Upper Buckhorn Creek	391	0	852	46%	\$977,500	Yes
Upper Sheep Creek	1,097	0	2,030	54%	\$2,742,500	Yes
Upper Fish Creek - Buckhorn	531	0	1,723	31%	\$1,327,500	Yes
Lower Fish Creek - Buckhorn	638	0	1,252	51%	\$1,595,000	No
Stringtown Gulch	939	0	2,146	44%	\$2,347,500	Yes
Big Bear Gulch	1,111	0	2,346	47%	\$2,777,500	Yes
Totals	10,466	0	21,788	46%	\$26,165,000	

Table 10: Proposed Point Mitigation Features by subwatersheds within the Northern Region of the CLP including cost and quantity. The unit prices reflect 2021 data.

Big Thompson Region Watersheds	Armored Crossing (EA)	LWM Stabilization (EA)	Rock Stabilization (EA)	Log Jams (EA)	Willow Staking (AC)	Hillslope Wattles (AC)	Total Cost by Subwatershed (No Road Improvements)
2021 Unit Prices	\$30,000	\$3,112	\$6,000	\$1,200	\$10,285	\$5,445	
Big Bear Gulch	1 (\$30,000)	6 (\$18,672)	6 (\$36,000)	11 (\$13,200)	0 (\$0)	0 (\$0)	\$97,872
Cascade Creek	1 (\$30,000)	2 (\$6,224)	2 (\$12,000)	2 (\$2,400)	0 (\$0)	0 (\$0)	\$50,624
Galuchie Gulch	1 (\$30,000)	0 (\$0)	2 (\$12,000)	1 (\$1,200)	0 (\$0)	0 (\$0)	\$43,200
Lower Miller Fork	0 (\$0)	2 (\$6,224)	1 (\$6,000)	2 (\$2,400)	0 (\$0)	0 (\$0)	\$14,624
Lower North Fork Fish Creek	1 (\$30,000)	2 (\$6,224)	5 (\$30,000)	4 (\$4,800)	0 (\$0)	0 (\$0)	\$71,024
Spruce Gulch - Cedar Creek	0 (\$0)	2 (\$6,224)	2 (\$12,000)	1 (\$1,200)	0 (\$0)	0 (\$0)	\$19,424
Stringtown Gulch	2 (\$60,000)	4 (\$12,448)	3 (\$18,000)	2 (\$2,400)	0 (\$0)	0 (\$0)	\$92,848
Upper Fish Creek	3 (\$90,000)	8 (\$24,896)	5 (\$30,000)	8 (\$9,600)	0 (\$0)	0 (\$0)	\$154,496
Upper North Fork Fish Creek	1 (\$30,000)	0 (\$0)	0 (\$0)	0 (\$0)	8 (\$63,525)	0 (\$0)	\$93,525
Upper Sheep Creek	1 (\$30,000)	2 (\$6,224)	2 (\$12,000)	2 (\$2,400)	0 (\$0)	0 (\$0)	\$50,624
UT to North Fork Fish Creek	0 (\$0)	4 (\$12,448)	1 (\$6,000)	0 (\$0)	2 (\$20,328)	0 (\$0)	\$38,776
UT1 to Miller Fork	0 (\$0)	1 (\$3,112)	2 (\$12,000)	2 (\$2,400)	0 (\$0)	0 (\$0)	\$17,512
UT4 to Upper Buckhorn Creek	1 (\$30,000)	2 (\$6,224)	2 (\$12,000)	2 (\$2,400)	0 (\$0)	0 (\$0)	\$50,624
Totals & Feature Construction Costs	12 (\$360,000)	35 (\$108,920)	33 (\$198,000)	37 (\$44,400)	10 (\$83,853)	0 (\$0)	

Summary by Subwatershed

Table 11 shows the summary of mulching and point mitigation costs by subwatershed priority. These will likely fluctuate slightly as the Soil Burn Severity (SBS) updates are analyzed.

Table 11: Summary of costs by subwatershed priorities. This does not include funding for road improvements which is included in Table 13

Priority Watershed Type	Total Mulch (acres)	Total Mulching Costs	Total Point Mitigation Costs (No Road Improvements)	Total Subwatershed Costs
Highest Priority Subwatersheds	11,684	\$29,210,000	\$1,543,850	\$30,753,850
High Priority Subwatersheds	8,802	\$22,005,000	\$1,564,821	\$23,569,821
Moderate Priority Subwatersheds	5,968	\$14,920,000	\$725,021	\$15,645,021
Low Priority Subwatersheds	567	\$1,417,500	\$373,273	\$1,790,773
Lowest Priority Subwatersheds	0	\$0	\$125,135	\$125,135

Summary Cost Estimates by Region

Table 12 and **13** present the summarized costs totals for each of the regions and treatment types. The total needs for aerial mulching in the Cache La Poudre Watershed is \$21,695,000 in non-wilderness areas and \$21,332,500 in wilderness areas. The combined total is for the Cache La Poudre is \$43,027,500. The total need for the Big Thompson Watershed is \$26,165,000. The total need for point mitigation in the Cache La Poudre Watershed is \$6,791,675 while the need for the Big Thompson is \$2,604,383. Additional related projects and needs for recovery that do not fit directly into watershed treatments are listed below.

Table 12: A costs summary of proposed aerial mulching by region. The total aerial mulching costs for the Cache La Poudre is \$21,695,000 in non-wilderness areas and \$21,332,500 in wilderness areas. The total mulching need for the Cameron Peak Fire is \$69,192,500.

Regions within the Cache La Poudre and Big Thompson Watersheds	Total Mulch Non-Wilderness (acres)	Total Mulch Wilderness (acres)	Moderate & High Soil Burn Severity (acres)	Burned Area Treated (%)	Estimated Cost in Non-Wilderness Areas (\$)	Estimated Cost in Wilderness Areas (\$)
Northern CLP	1,860	0	4,806	39%	\$4,577,500	\$0
Western CLP	3,000	847	5,980	42%	\$7,500,000	\$2,117,500
Southern CLP	3,809	7,686	28,241	40%	\$9,617,500	\$19,215,000
Big Thompson	10,466	0	21,788	46%	\$26,165,000	\$0
Totals	19,106	8,533	56,695	34%	\$47,860,000	\$21,332,500

Table 13: A costs summary of proposed point mitigation construction and design by feature and region. Total Construction Costs by Region are: Northern CLP- \$1,649,724, Southern CLP- \$3,596,862, Western CLP- \$1,692,105, Big Thompson- \$2,604,383.

	Armored Crossing	LWM Stabilization	Rock Stabilization	Log Jams	Willow Staking	Road Drainage Improvements	Hillslope Wattles
2021 Unit Prices	\$30,000	\$3,112	\$6,000	\$1,200	\$10,285	\$14,000	\$5,445
Northern CLP Region	\$270,000	\$37,344	\$126,000	\$20,400	\$141,550	\$599,500	\$27,225
Southern CLP Region	\$690,000	\$164,936	\$348,000	\$68,400	\$373,742	\$600,000	\$419,264
Western CLP Region	\$60,000	\$59,128	\$36,000	\$24,000	\$391,143	\$400,000	\$283,140
Big Thompson Region	\$360,000	\$108,920	\$198,000	\$44,400	\$83,853	\$1,134,000	\$0
Total Cameron Peak Fire Construction Costs by Feature	\$1,380,000	\$370,328	\$708,000	\$157,200	\$990,287	\$2,733,500	\$729,629
Contractor Mobilization (10%)	\$138,000	\$37,033	\$70,800	\$15,720	\$99,029	\$273,350	\$72,963
Engineering Design (10%)	\$138,000	\$37,033	\$70,800	\$15,720	\$99,029	\$273,350	\$72,963
Permitting (5%)	\$69,000	\$18,516	\$35,400	\$7,860	\$49,515	\$136,675	\$36,482
Construction Oversight (10%)	\$138,000	\$37,033	\$70,800	\$15,720	\$99,029	\$273,350	\$72,963
Total Costs By Feature	\$1,863,000	\$499,943	\$955,800	\$212,220	\$1,336,888	\$3,690,225	\$985,000
Total Cameron Peak Fire Point Mitigation Costs							\$9,543,076

Other Funding Needs

While the general principles of mitigating post-fire impacts are generally well known, there is a large amount of information still missing due to the remoteness of the areas these large wildfires typical impact. Data collection to assess the impact of the fire and large flood events is extremely important in

understand and mitigating the overall strain on infrastructure. Three data needs with rough costs are detailed below.

Updated Topographic/Imagery Data in Support of Design – Following disasters like fire or flood, it is important to have accurate topographic data to plan and design recovery efforts and improvements. The Black Hollow flood event on July 20, 2021 completely transformed the watershed, lower fan, and Poudre River. It was vital that funding was available and budgeted to collect data soon after this event. However, it is more effective and equally important to have accurate topography for area prior to large landscape alterations. The Geospatial Group at Ayres has compiled a proposal for a large-scale data collection effort for the entire Cache La Poudre Watershed and Larimer County. This data will be invaluable to design, future mitigation, forest management, development, and economic growth in the area of interest. The full proposal is in **Appendix B**.

Cost Estimates of Collection: \$566,000-\$700,000 (Price varies based on deliverables)

Tree Planting Support & Materials – Post-fire forest vegetation recovery is key to reducing the short and long-term impacts of the Cameron Peak Fire on water quality. Tree planting is a long-term restoration action that can have multiple benefits in re-establishing forest on areas that would not return to forest for a long time. Areas targeted for tree planting would be identified high hazard watersheds and locations that are far enough from live trees that they would not re-seed for decades or longer. The basic criteria for tree planting include;

1. Moderate to high soil burn severity
2. North to northeast aspects
3. More than 200 meters from live trees (seed sources)
4. Relatively gentle slopes (< 20%)

The scale of tree planting needed far exceeds the capability of growing seedlings and planting them. The costs of planting seedlings includes; collecting seeds, growing seedlings (1-2 years depending on species), transport of seedlings to the site, seedling storage pre-planting, layout of units, crews to plant, and monitoring. The expected budget for these activities is \$6/seedling. That cost would cover the listed actions.

The targeted areas would be on National Forest lands, because there are current efforts underway to plant trees on private lands. It is assumed that seedlings would be planted at about 150 per acre. **Table 9** displays the expected amounts of tree planting and costs.

Year	Planting Area (acres)	Seedlings per acre	Cost per Seedling	Planting cost per year
2022	500	150	\$6	\$450,000
2023	1,000	150	\$6	\$900,000
Totals	1,500			\$1,350,000

LiDAR & Bathymetry of Existing Reservoir Infrastructure – Several reservoirs in the burn area are vulnerable to sedimentation impact from post-fire watersheds. While this plan assesses mitigation of those impacts, repeat topographic data collection is likely the best tool to quantify the impacts to these basins of the hydrologic recovery of the burn area.

Several of these reservoirs are emptied on a yearly basis, allowing for the use of aerial LiDAR collection on an at least biyearly schedule to provide information on the magnitude of the impact, areas of specific concern, and potential mitigation options. These LiDAR reservoirs include Peterson Lake, Comanche Reservoir, and Hourglass Reservoir.

Additionally, two reservoirs in the burn area, Chambers Lake and Barnes Meadow Reservoir, require the collection of bathymetry data to provide a clear picture of sedimentation and potential storage loss. This data should be collected at least three times during the 10-year recovery.

Cost Estimates of Collection over 10-yr Recovery: \$400,000

Cache La Poudre River Floodplain Mapping Update – The floodplain mapping and modeling along the Cache La Poudre River Canyon from just west of Laporte to the headwaters remains a Zone A with no detailed modeling or analysis. In many areas of the canyon, this model is inaccurate and does not adequately convey riverine flooding risk to property owners. This is especially true following the Cameron Peak Fire and resulting debris flows at Black Hollow and other areas that have altered the topography or realigned the river. Updating the Poudre River Floodplain Mapping should be prioritized to help planning and communication to the effected property owners.

Cost Estimates of Floodplain Mapping and Modeling Update: \$1.5 million

Conclusion

The Cameron Peak Fire led to degradation of the Poudre River and Big Thompson watersheds; post-fire flooding may exacerbate these issues for the next decade. While various efforts during 2021 served to protect private property and access within the Poudre River and Big Thompson watersheds, more needs exist on National Forest System lands to provide additional protection to VARs and water quality improvements. Four regions have been identified for mitigation for 2022 within the Poudre and Big Thompson watersheds. Nearly \$9.4 million is estimated to design and construct the point mitigation features discussed in this report to reduce hillslope erosion, stream incision, and headcutting, and improve roadway drainage on National Forest System lands. Many of these feature types have already been installed in the efforts in 2021 and proven successful during post-fire storm events. The total mulching need for the Cameron Peak Fire is \$69,192,500; however, areas will be prioritized for mulch treatment so that the most impacted areas with VARs are treated first and in combination with point mitigation efforts. The specific implementation locations and conditions can be viewed using the [2022 Cameron Peak Fire Work Plan Map Series](#). These improvements will ultimately protect VARs and improve water quality for municipal, recreational, and ecological purposes. There is also the need to continue collecting data and monitoring valuable water resource infrastructure that will likely continue to degrade through each year of watershed recovery. The data collection needs are estimated to cost between roughly \$600,000 and \$1.2 million, but would provide research, management, and recovery benefits for an increasingly post-fire burdened US Forest Service.

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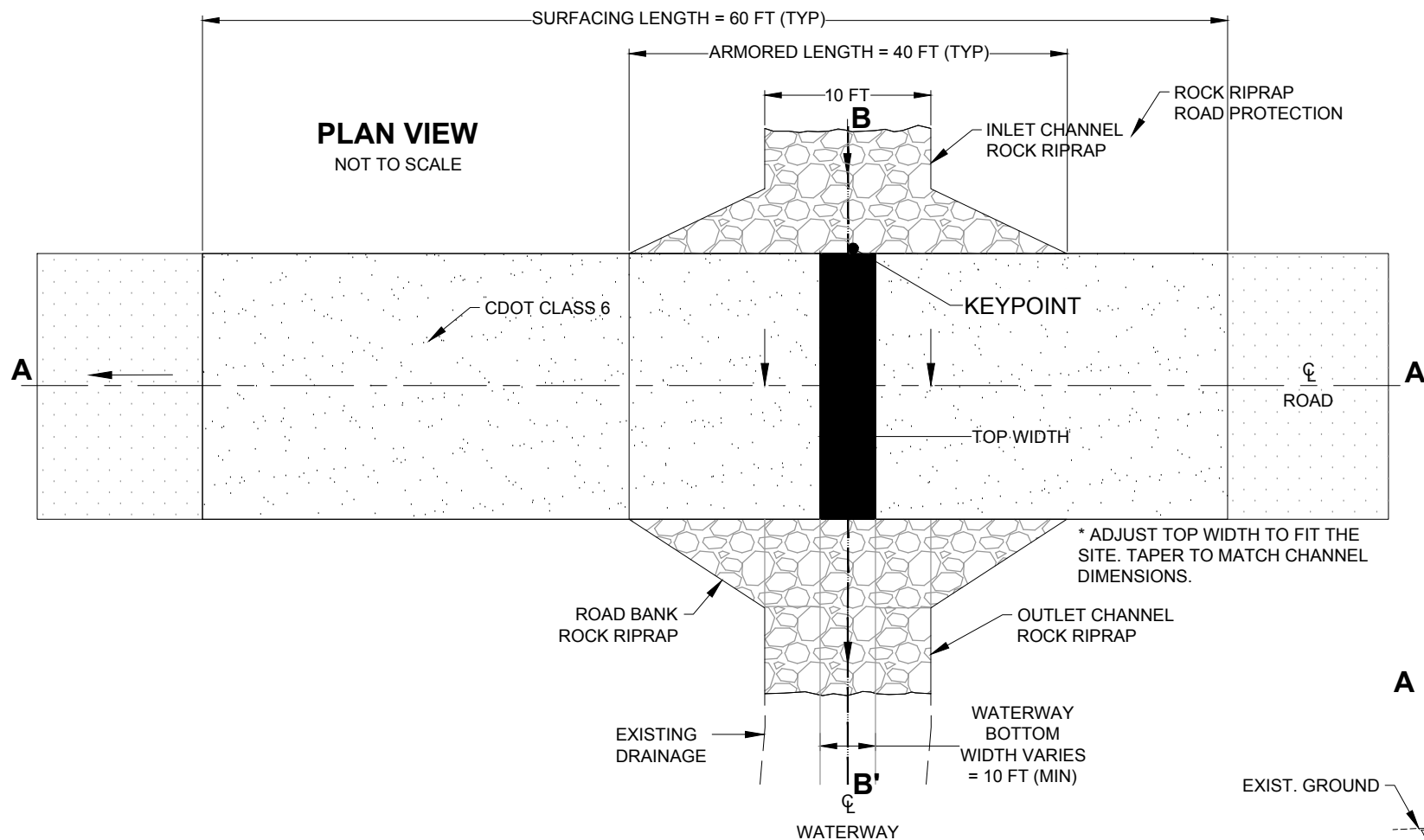
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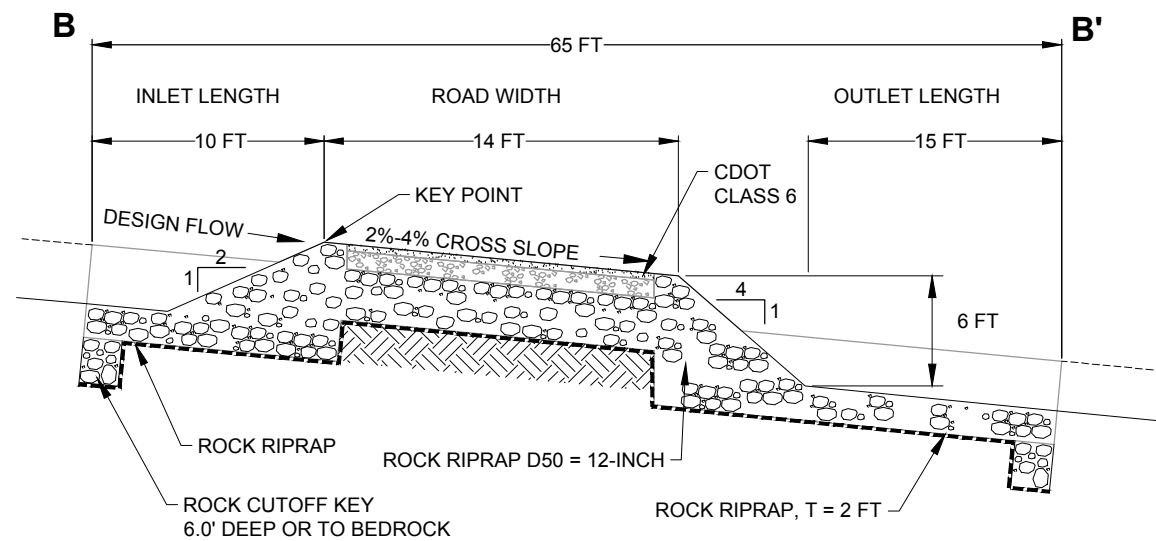
Parise, M. & Cannon, S.H., 2011, *Wildfire impacts on the processes that generate debris flows in burned watersheds*. National Hazards. March, 2011.

Appendix A
2022 Cameron Peak Fire Mitigation Design
Concepts

Drawing Name: I:\36\01_PROPOSALS AND MARKETING\Greeley Water Resources 2022\POST-FIRE MITIGATION\DWGS\36-4705.03 SHEEP CREEK DETAILS.DWG Wednesday, October 27, 2021 11:53 AM By: BARRY, COLIN



ARMORED DRAINAGE CROSSING DETAIL
NOT TO SCALE



DRAINAGE CENTERLINE CROSS-SECTION (B - B')



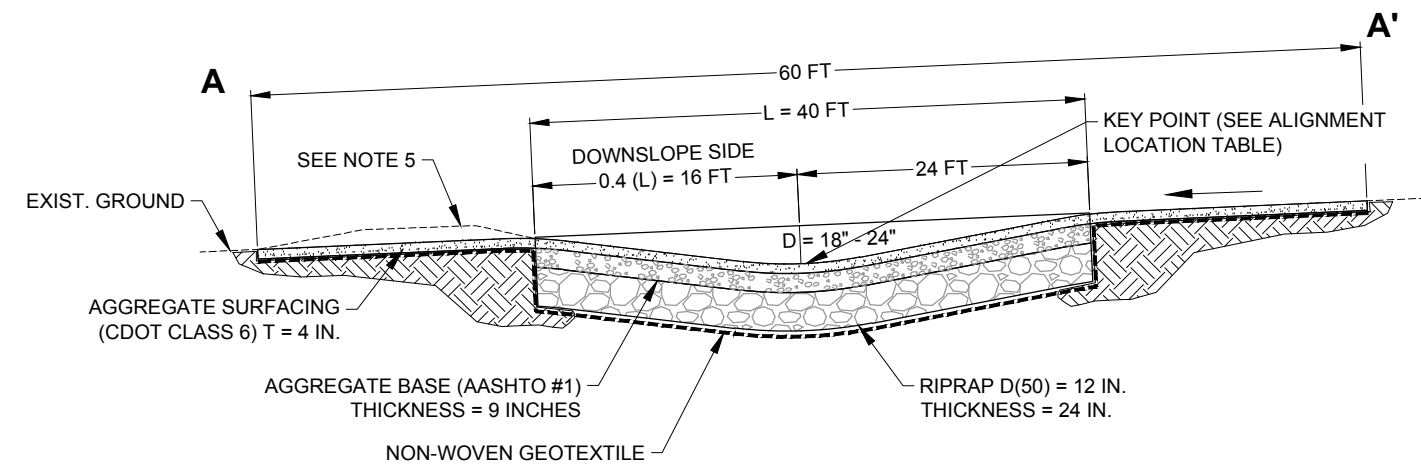
TYPICAL ROLLING DIP ROCK FORD



TYPICAL AT-GRADE ROCK FORD

CONSTRUCTION NOTES:

1. THIS DETAIL CAN BE USED WITH OR WITHOUT A CULVERT.
2. COORDINATE FIELD ADJUSTMENTS WITH THE ENGINEER.
3. THE DOWNHILL SIDE OF ROAD MAY NEED BUILT UP TO PREVENT WATER FROM FLOWING DOWN THE ROAD.
4. DIMENSIONS MAY VARY BASED ON SITE CONDITIONS. FIELD ADJUSTMENTS MUST BE APPROVED BY ENGINEER.



ROLLING DIP ON CONSTANT GRADE ROAD - PROFILE (A - A')

ONE INCH - IF NOT, SCALE ACCORDINGLY

Revisions	Date

WEST CAMERON PEAK FIRE
(GREELEY) EWP
SHEEP CREEK SITE
CITY OF GREELEY, COLORADO

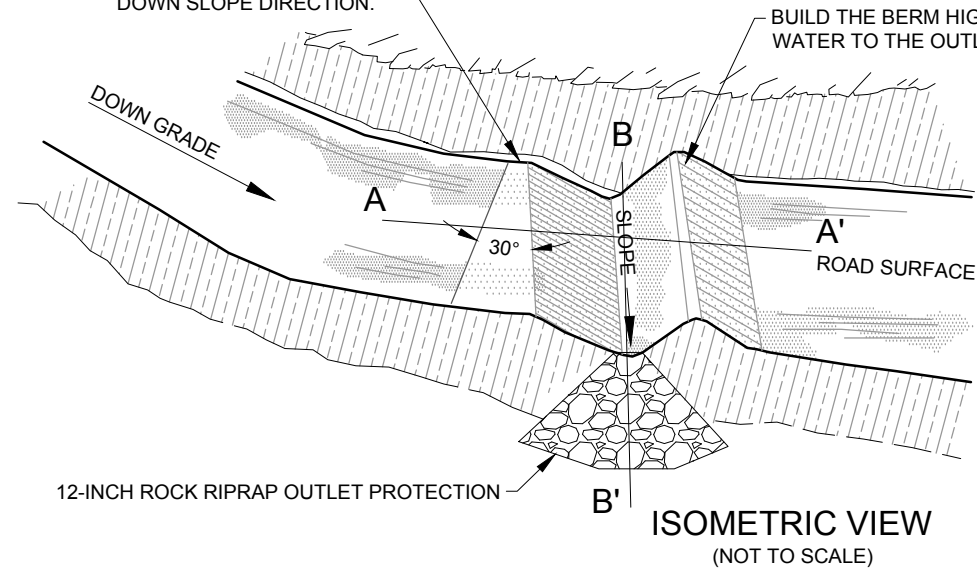
ARMORED DRAINAGE
CROSSING

Project Mgr. ABA
Designed By: CHB
Drawn By: RBR
Approved By: WDR
Date: 06/08/2021

PROJECT NO.
36-4705.03
DRAWING NO.

ORIENT THE WATERBAR AT AN ANGLE OF 30 DEGREES PERPENDICULAR TO ROAD CENTERLINE, POINTED IN DOWN SLOPE DIRECTION.

BUILD THE BERM HIGH ENOUGH TO DIVERT WATER TO THE OUTLET (12" HIGH).



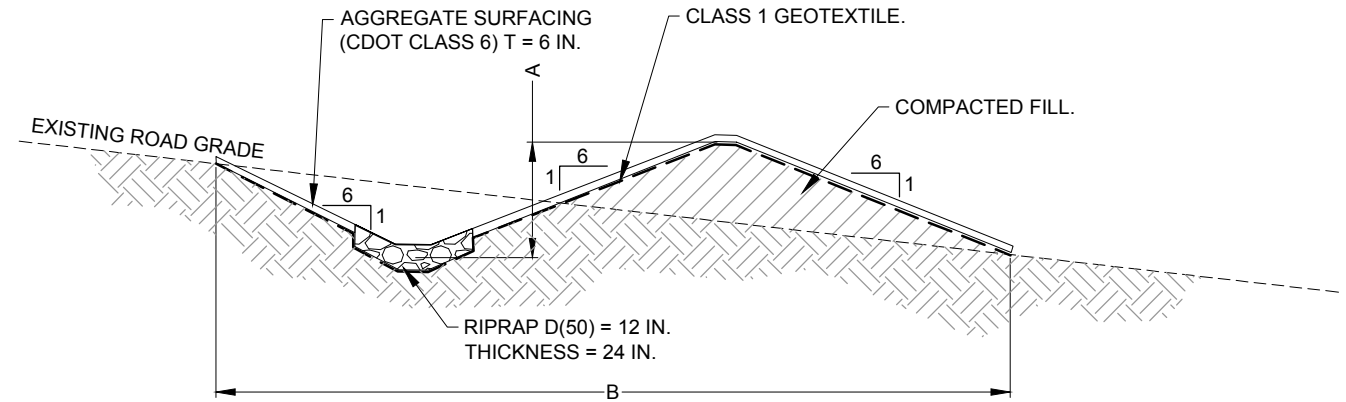
Note to Engineer: Armor the bottom of dip with rock and Class I Drainage Geotextile fabric.

TABLE 2. WATERBAR DIMENSIONS

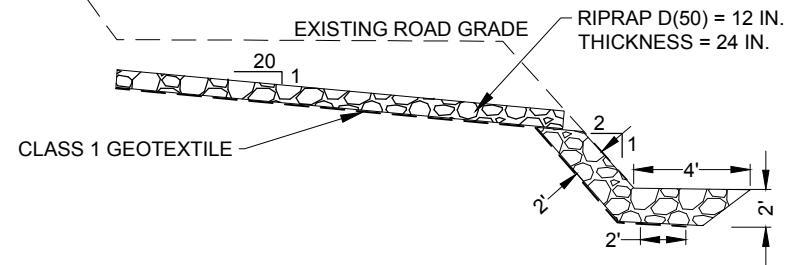
	A	B
TYPE I	1 FT	12 FT
TYPE II	2 FT	24 FT
TYPE III	3 FT	36 FT

NOTES:

1. IF THE ROAD HAS A DRAINAGE DITCH, EXTEND THE WATERBAR TO INTERCEPT THE RUNOFF.
2. WATERBARS MUST BE INSPECTED AFTER ANY PRECIPITATION EVENT THAT MAY CAUSE EROSION.
3. START WATERBARS AT THE INTERSECTION OF THE ROADBED AND CUT SLOPE. EXTEND THE WATERBARS THE ENTIRE WIDTH OF THE ROADBED.
4. WATERBARS MUST HAVE FREE-FLOWING ARMORED LAYOUTS
5. COMPACTED FILL MUST BE NATIVE MATERIAL COMPACTED TO 95% PER AASHTO T 99 OR SAND, SANDY-GRAVEL, AS APPROVED BY THE ENGINEER



A-A' PROFILE VIEW
(NOT TO SCALE)



B-B' PROFILE VIEW
(NOT TO SCALE)

ONE INCH - IF NOT, SCALE ACCORDINGLY

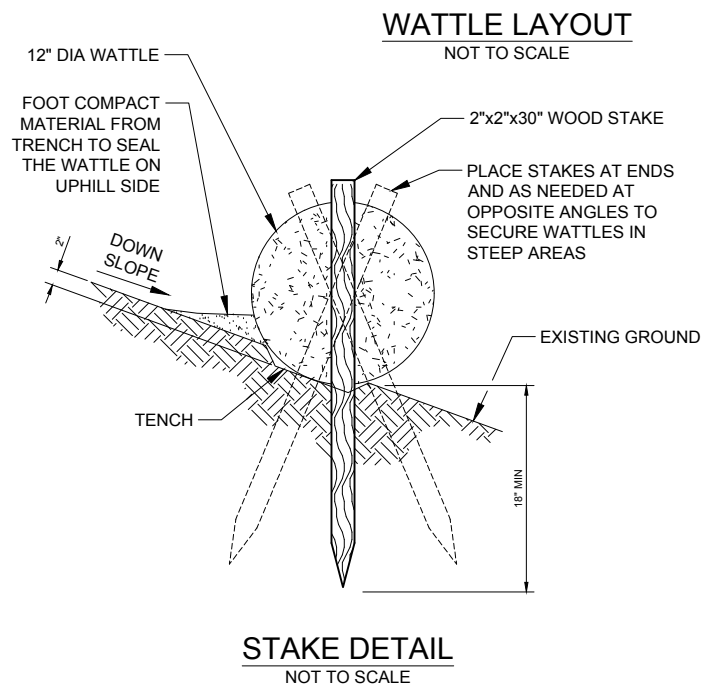
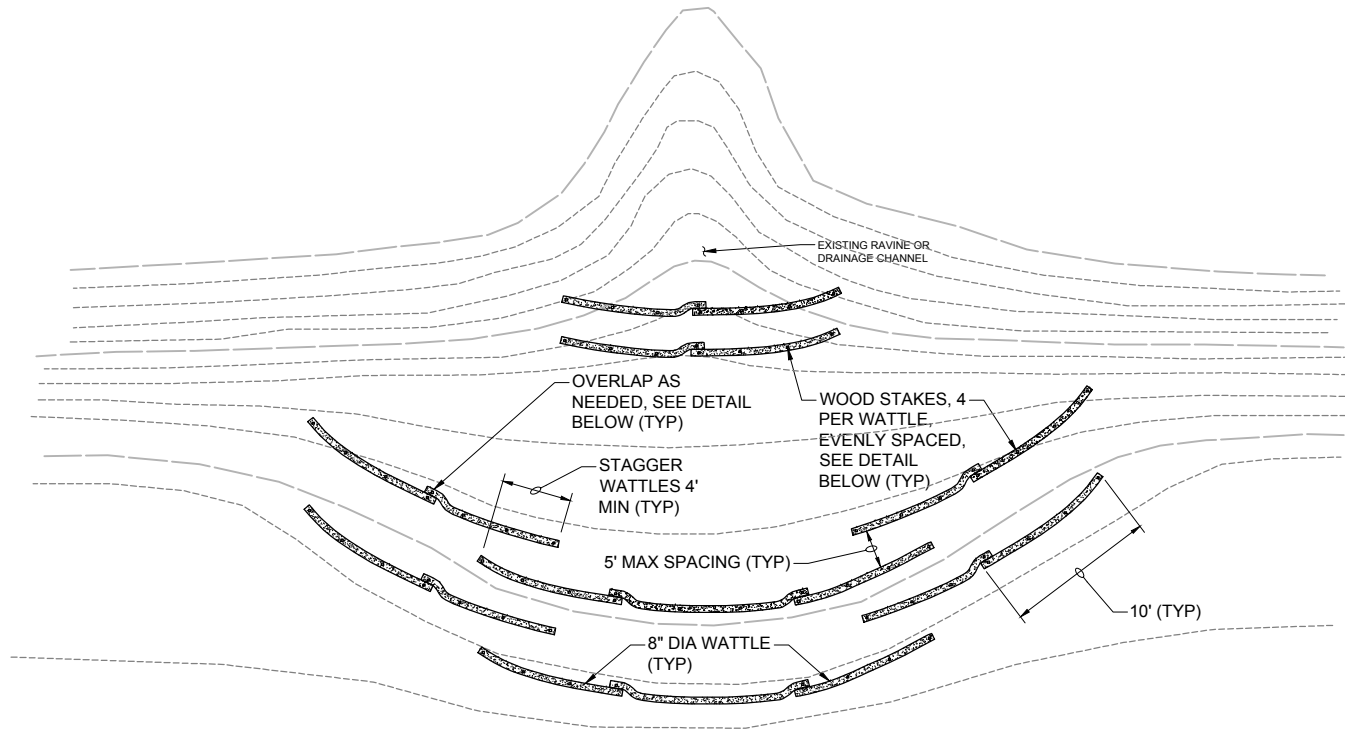
Date

WEST CAMERON PEAK FIRE
(GREELEY) EWP
SHEEP CREEK SITE
CITY OF GREELEY, COLORADO

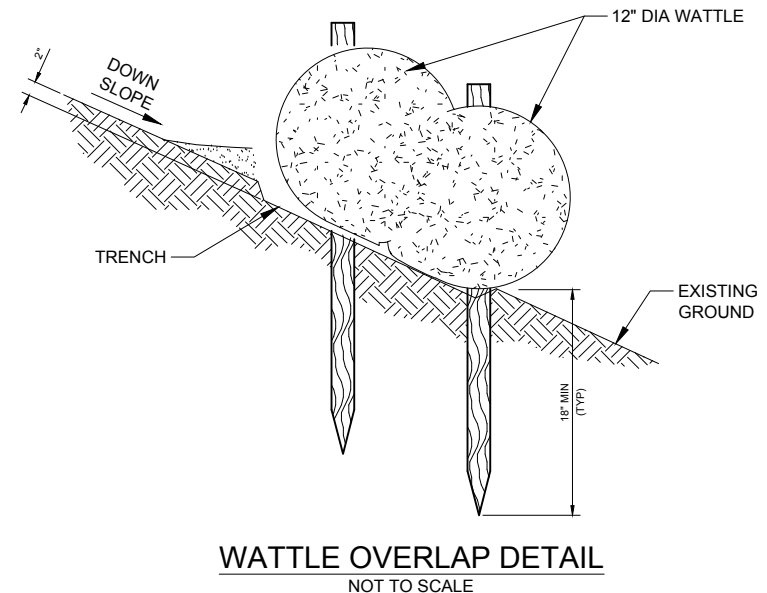
WATER BAR

Project Mgr. ABA
Designed By: CHB
Drawn By: RBR
Approved By: WDR
Date: 06/08/2021

PROJECT NO.
36-4705.03
DRAWING NO.



STAKE DETAIL
NOT TO SCALE



WATTLE OVERLAP DETAIL
NOT TO SCALE

ONE INCH - IF NOT,
SCALE ACCORDINGLY

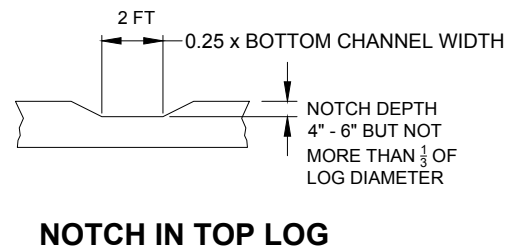
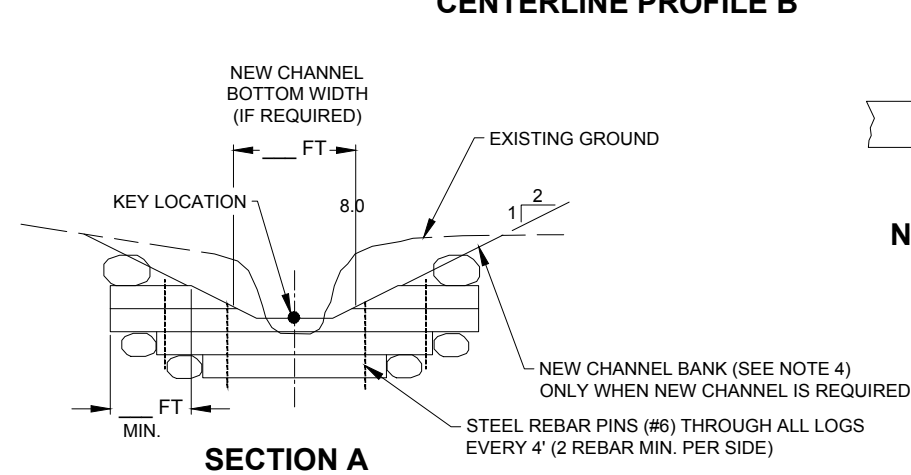
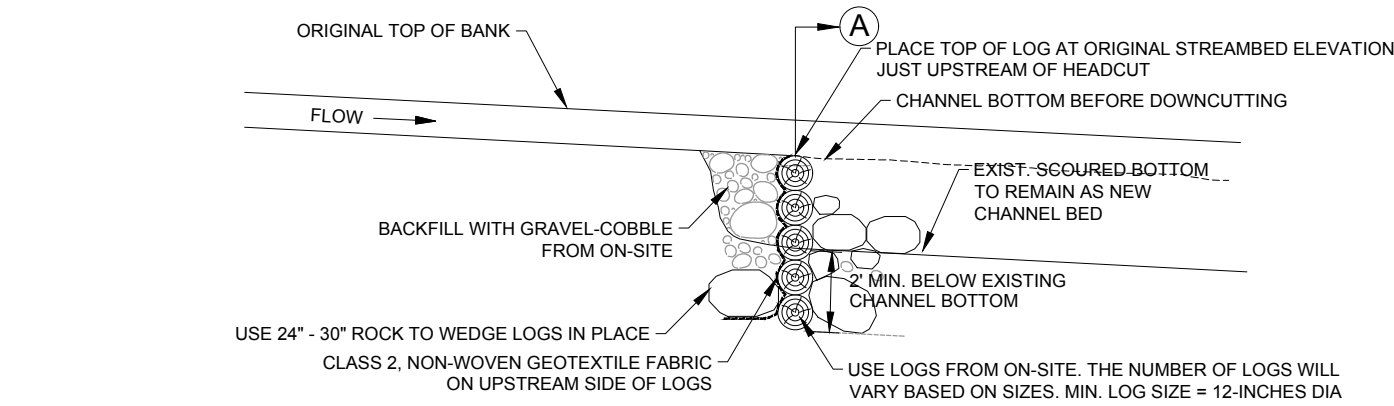
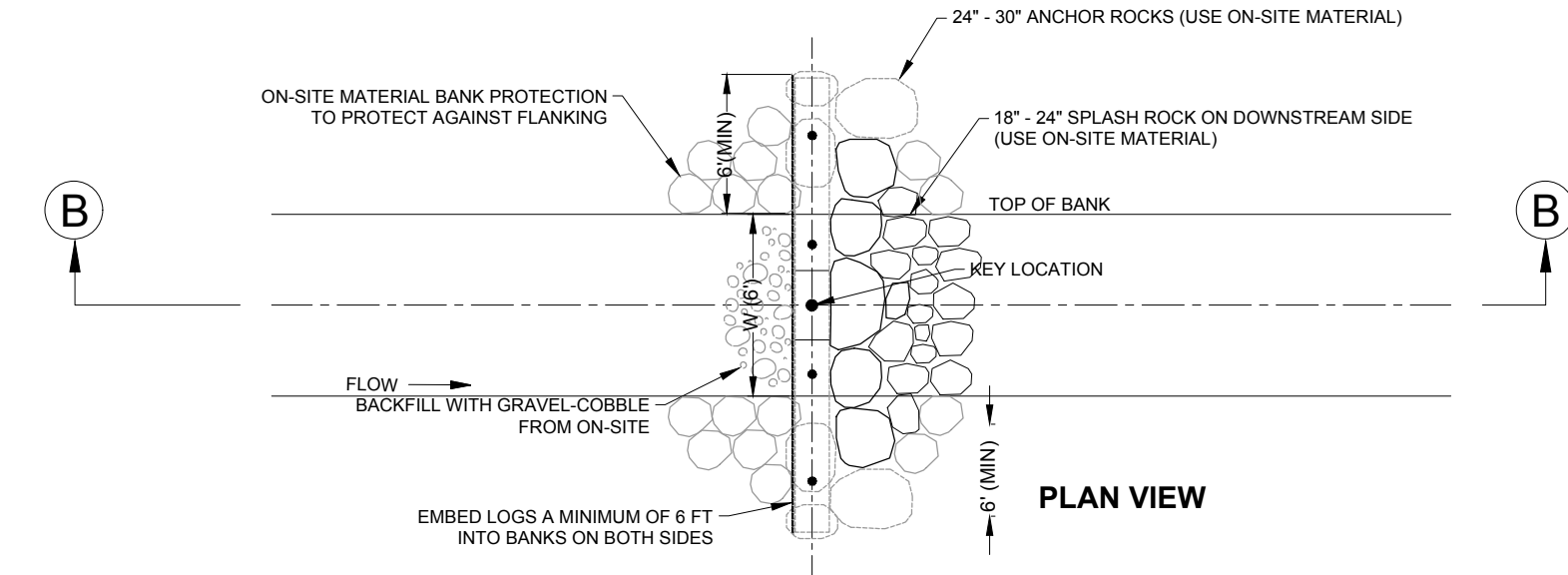
Revisions	Date

WEST CAMERON PEAK FIRE
(GREELEY) EWP
SHEEP CREEK SITE
CITY OF GREELEY, COLORADO

**HILLSLOPE WATTLE
INSTALLATION & LAYOUT**

Project Mgr. - ABA
Designed By: CHB
Drawn By: RBR
Approved By: WDR
Date: 06/08/2021

PROJECT NO.
36-4705.03
DRAWING NO.



NOTES:

1. ALL ROCK WILL BE SOURCED ON-SITE USING NATIVE BOULDERS AND COBBLE.
2. MINIMUM LOG DIAMETER IS 16 INCHES. MAY USE FEWER LOGS WHEN LARGER DIAMETER LOGS ARE AVAILABLE. THE REQUIRED NUMBER OF LOGS IS AS REQUIRED TO MEET TOP ELEVATION AND MINIMUM EMBEDMENT INTO STREAMBED.
3. USE STRAIGHT LOGS, UNIFORM DIAMETER, FREE OF ROT, DISEASE OR INSECT DAMAGE. USE LOGS FROM ON-SITE WHEN AVAILABLE.
4. FIELD ADJUST BASED ON ENGINEER APPROVAL TO MEET SITE-SPECIFIC CONDITIONS.
5. WHEN NEW CHANNEL BANKS ARE CONSTRUCTED, PROTECT THE DISTURBED SLOPE WITH EROSION CONTROL FABRIC, SEED, & MULCH. SEE SEPARATE DETAIL FOR EROSION CONTROL FABRIC.

LARGE WOODY MATERIAL (LWM) STABILIZATION
NOT TO SCALE



ONE INCH - IF NOT, SCALE ACCORDINGLY

Revisions	Date

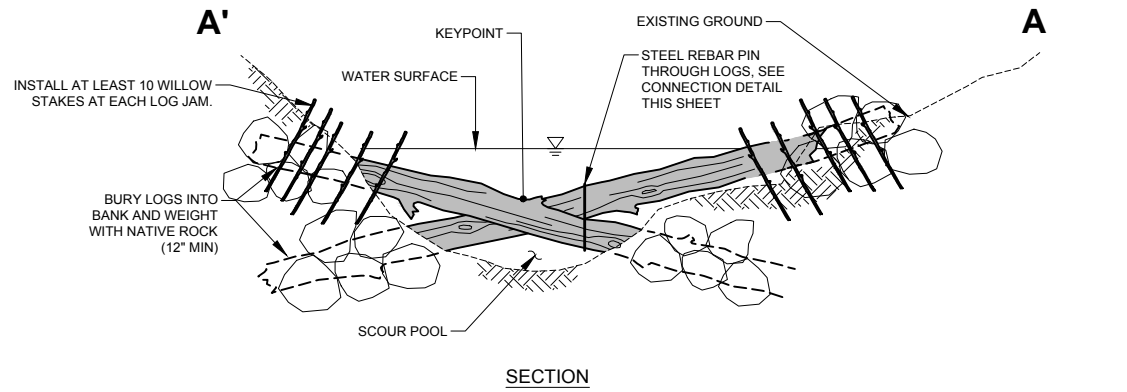
WEST CAMERON PEAK FIRE
(GREELEY) EWP
SHEEP CREEK SITE
CITY OF GREELEY, COLORADO

LARGE WOOD MATERIAL (LWM)
STABILIZATION

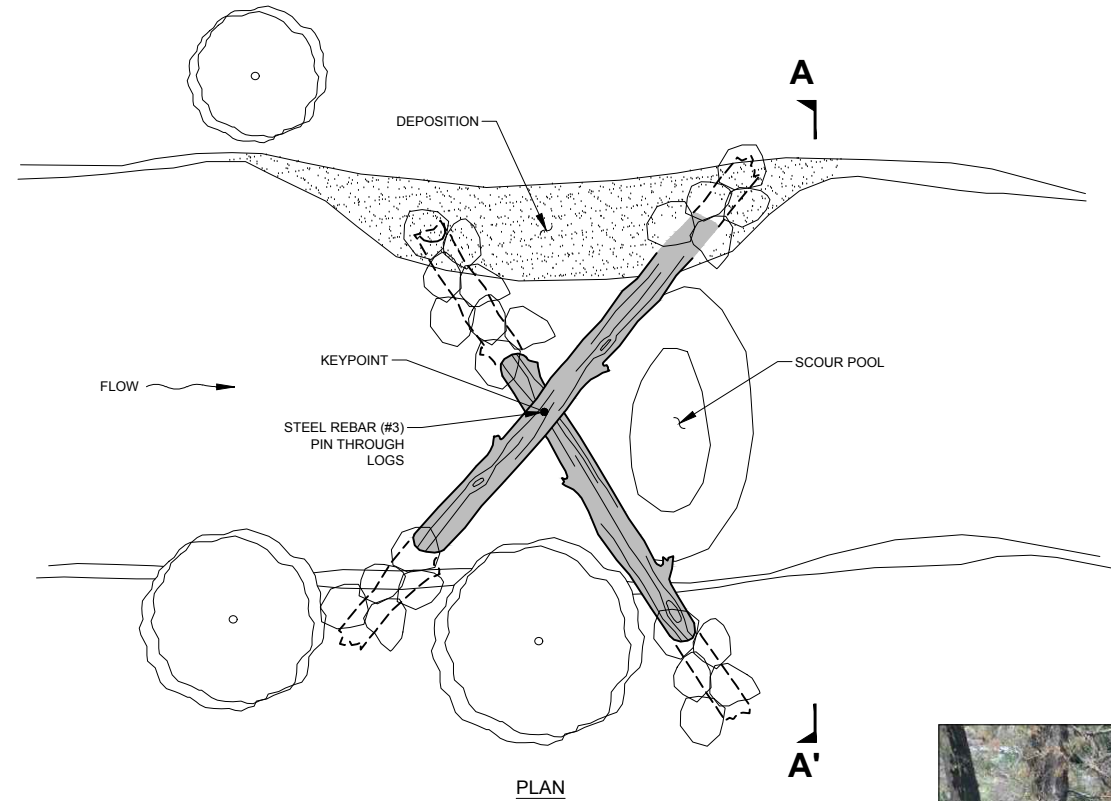
Project Mgr. ABA	Designed By: CHB
Drawn By: RBR	Approved By: WDR
Date: 06/08/2021	

PROJECT NO.
36-4705.03
DRAWING NO.

Drawing Name: I:\36\01_PROPOSALS AND MARKETING\Greeley Water Resources 2022 Post-Fire Mitigation\DWGS\36-4705.03 SHEEP CREEK DETAILS.DWG Wednesday, October 27, 2021 11:53 AM By: BARRY, COLIN

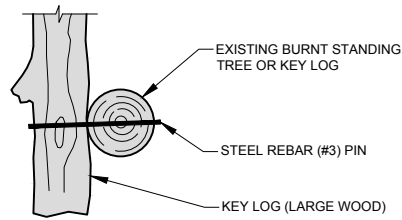


SECTION



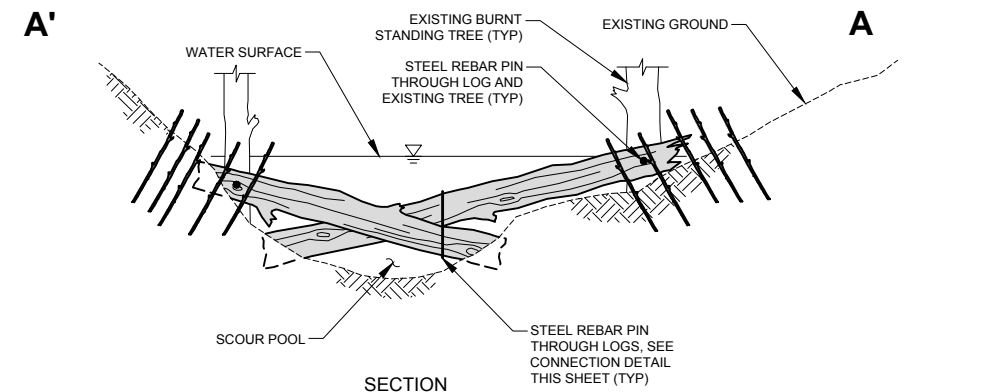
PLAN

LOG JAM - BANK TIE-INS DETAIL OPTION 1
NOT TO SCALE

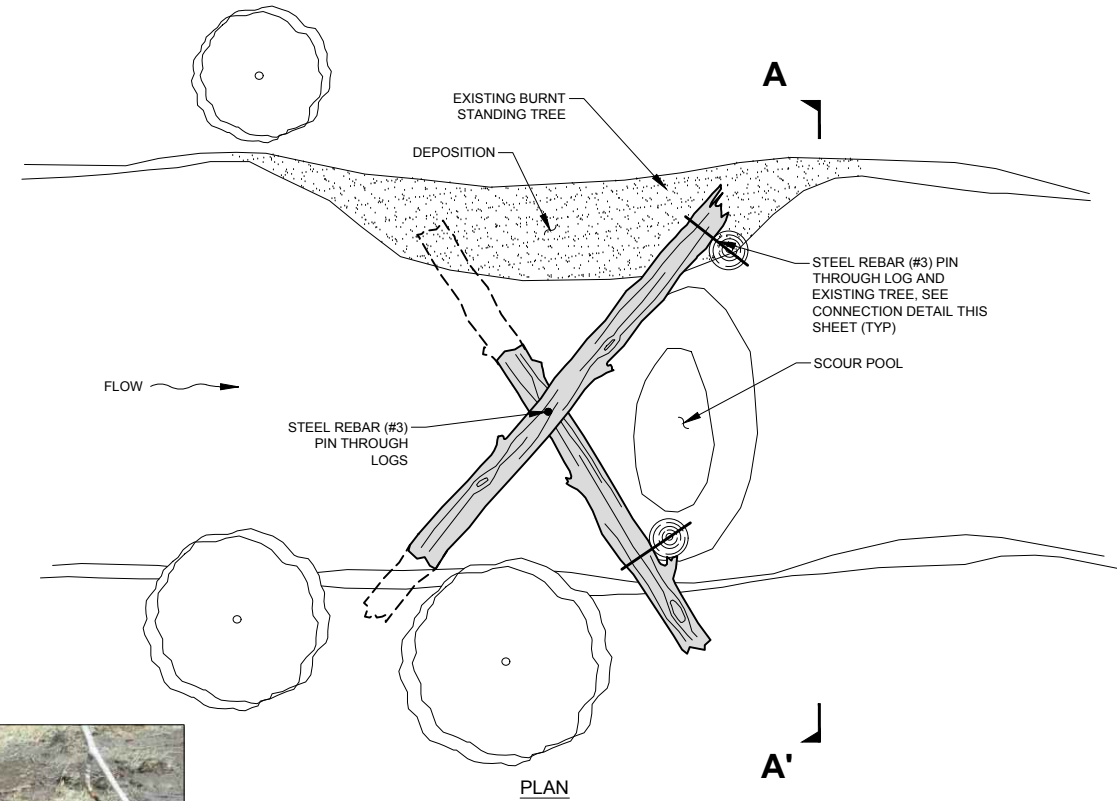


CONNECTION DETAIL
NOT TO SCALE

MIN LOG DIAMETER (IN)	BANKFULL WIDTH	
	0 TO 15FT	15FT TO 30FT
	MIN LOG LENGTH (FT)	
16	20	43
18	16	36
20	13	30
22	10	26
24	10	23
26	10	20



SECTION



PLAN

LOG JAM - BANK TIE-INS DETAIL OPTION 2
NOT TO SCALE

NOTES:

1. PLACE CUTTINGS UPRIGHT WITHIN THE LOG JAM/ROCKS ON THE BANKS PRIOR TO BACKFILL SUCH THAT AT LEAST 2/3 OF THE CUTTING IS BELOW THE GROUND SURFACE AND AT LEAST A PORTION BELOW THE GROUND SURFACE AND AT LEAST A PORTION OF THE CUTTING IS BELOW THE WATER TABLE. BACK FILL OVER AND AROUND CUTTINGS AS CAREFULLY AS POSSIBLE.
2. IF INCISION IS EVIDENT IN THE AREA, PLACE NATIVE ROCK ON THE UPSTREAM SIDE IN THE CHANNEL TO MITIGATE.

ONE INCH - IF NOT, SCALE ACCORDINGLY

Date

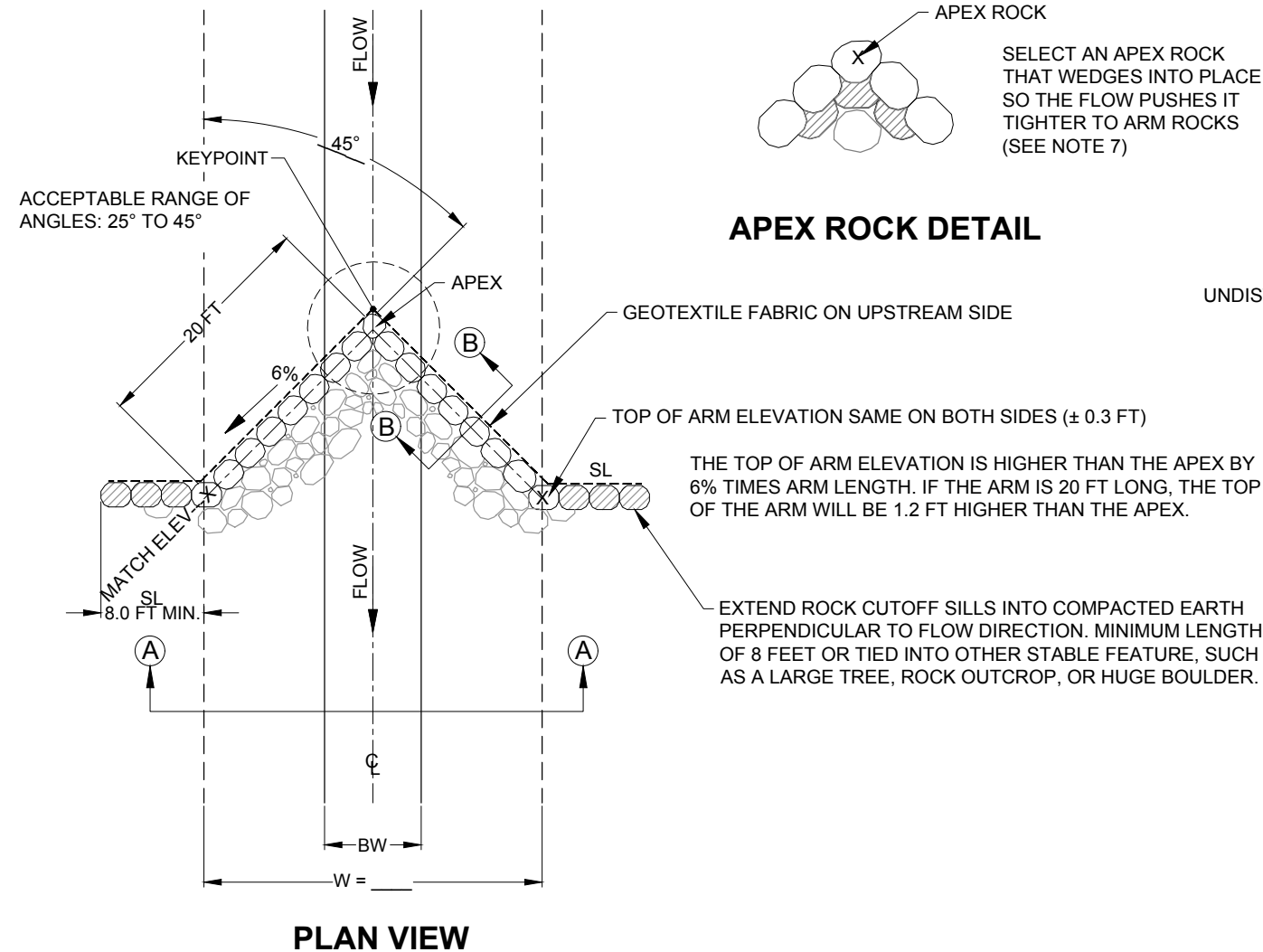
Revisions

WEST CAMERON PEAK FIRE
(GREELEY) EWP
SHEEP CREEK SITE
CITY OF GREELEY, COLORADO

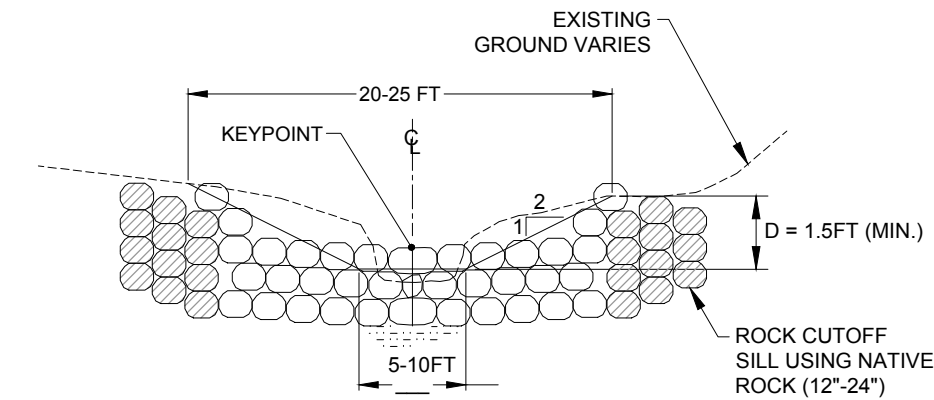
LOG JAM - KEY LOG
INSTALLATION

Project Mgr. ABA
Designed By: CHB
Drawn By: RBR
Approved By: WDR
Date: 06/08/2021

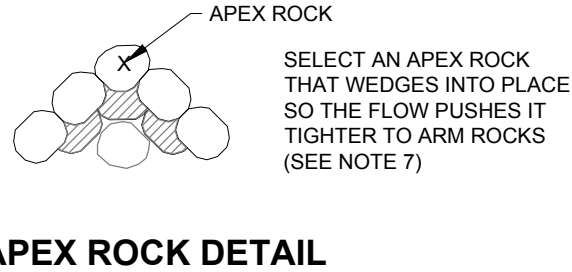
PROJECT NO.
36-4705.03
DRAWING NO.



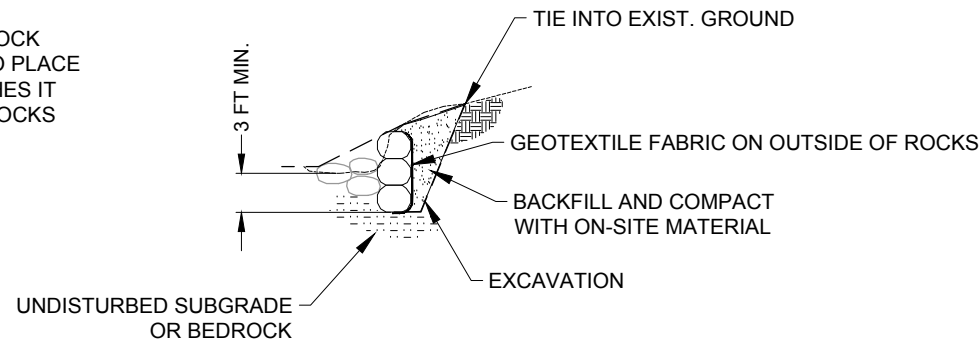
PLAN VIEW



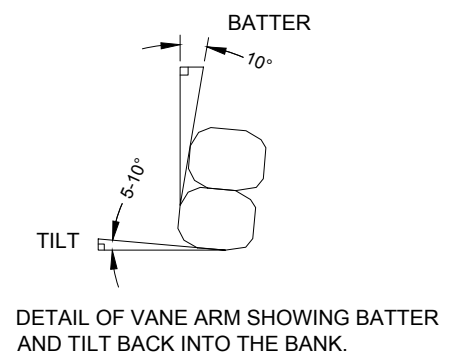
**SECTION A-A
(VIEW UPSTREAM)**



APEX ROCK DETAIL

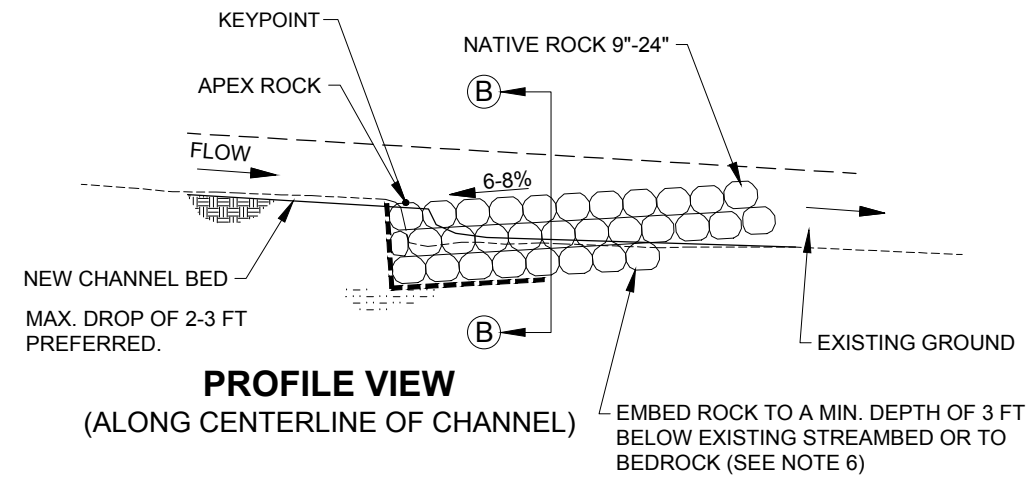


SECTION B-B



DETAIL OF VANE ARM SHOWING BATTER AND TILT BACK INTO THE BANK.

ROCK STABILIZATION STRUCTURE
(NOT TO SCALE)



**PROFILE VIEW
(ALONG CENTERLINE OF CHANNEL)**

NOTES:

1. THIS STRUCTURE IS USED AS A SEDIMENT TRAP AND STABILIZATION AGAINST INCISION ON EPHEMERAL & PERENNIAL STREAMS
2. THE SPLASH ROCK DISSIPATES ENERGY TO REDUCE EROSION ON THE CHANNEL BED. USE SCRAP ROCK SALVAGED ON-SITE ROCK FOR SPLASH ROCK.
3. THE MINIMUM EMBEDMENT DEPTH SHALL BE INTO CONSOLIDATED, UNDISTURBED SUBGRADE, NOT LOOSE SEDIMENT DEPOSITION. IF BEDROCK IS ENCOUNTERED MIN. EMBEDMENT DEPTH CAN BE REDUCED WITH APPROVAL FROM ENGINEER.
4. THE ENGINEER MAY ADJUST THE ARM LENGTHS AND SLOPES TO MATCH THE ACTUAL SITE CONDITIONS. THE RECOMMENDED SLOPE ON THE ARMS IS 4% TO 8%.
5. USE GEOTEXTILE FABRIC AS DESCRIBED IN THE SPECIFICATIONS AND BY DETAIL. PLACE GEOTEXTILE BEHIND THE ARM (UPSTREAM SIDE), DRAPED FROM TOP OF ROCK STRUCTURE TO BOTTOM OF FOOTER ROCK AND EXTEND A MINIMUM OF HALF THE TRENCH BOTTOM WIDTH. TRIM EXCESS OR VISIBLE FABRIC.
6. THE APEX BOULDER IS THE EQUIVALENT OF A KEYSTONE IN AN ARCH STRUCTURE. PLACE IT SO IT IS WEDGED IN PLACE BY THE FORCE OF THE WATER. IT SHOULD BE THE LOWEST BOULDER.
7. PLACE THE ROCKS TO INTERLOCK TOGETHER AND HAND CHINK ANY LARGE VOIDS WITH ROCK THAT WILL NOT DISLodge DURING HIGH FLOWS.
8. USE THE EXCAVATOR BUCKET TO DUMP ("WASH") WATER ACROSS THE BACKFILL TO CONSOLIDATE IT.

Xref ..\Images\WdR_Stamp_08-06-21.dwg

ONE INCH - IF NOT,
SCALE ACCORDINGLY

Revisions	Date

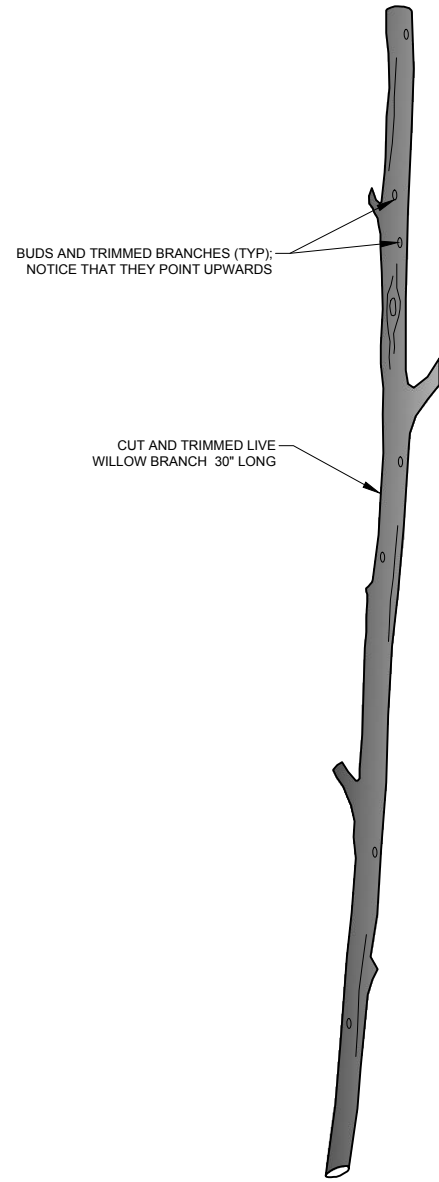
WEST CAMERON PEAK FIRE
(GREELEY) EWP
SHEEP CREEK SITE
CITY OF GREELEY, COLORADO

ROCK STABILIZATION

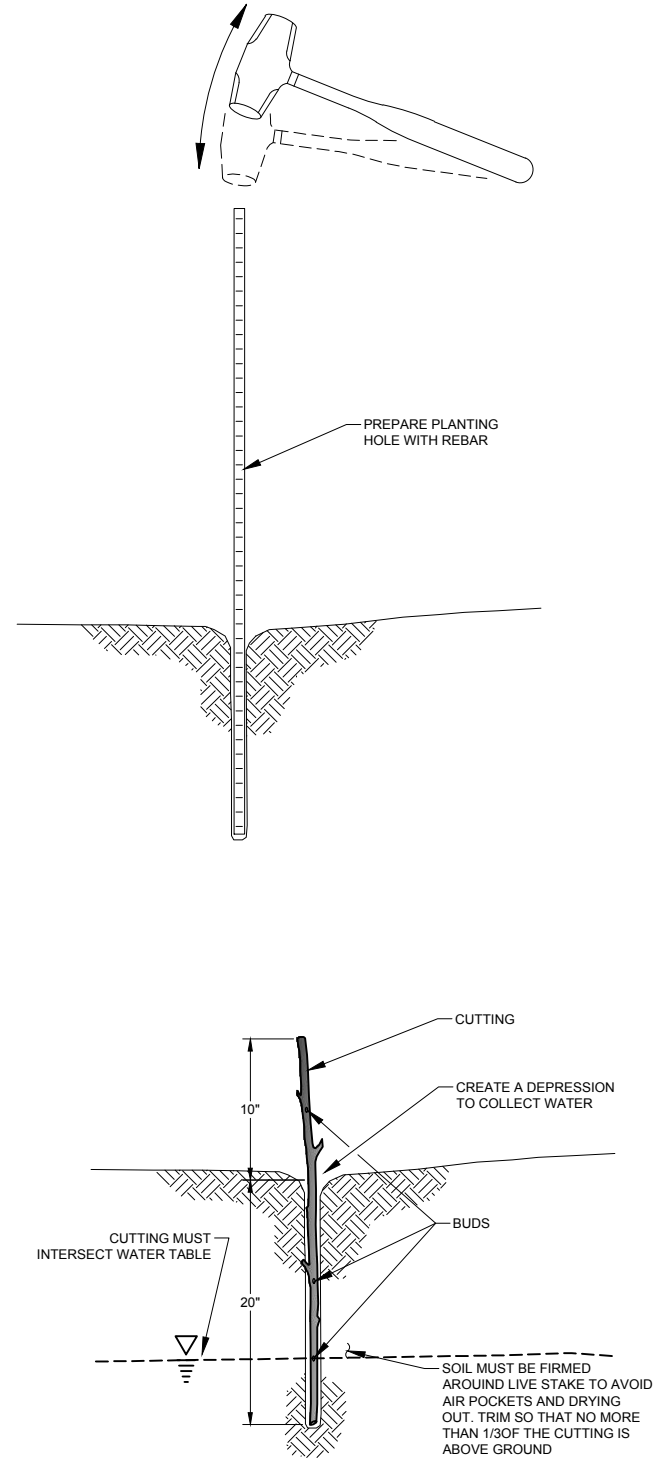
Project Mgr. ABA	Designed By: CHB	Drawn By: RBR	Approved By: WDR	Date: 06/08/2021
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PROJECT NO.
36-4705.03
DRAWING NO.

Item No. 15.



- NOTES:
1. SPACE EACH STAKE 2' TO 4' APART



ONE INCH - IF NOT, SCALE ACCORDINGLY

Date

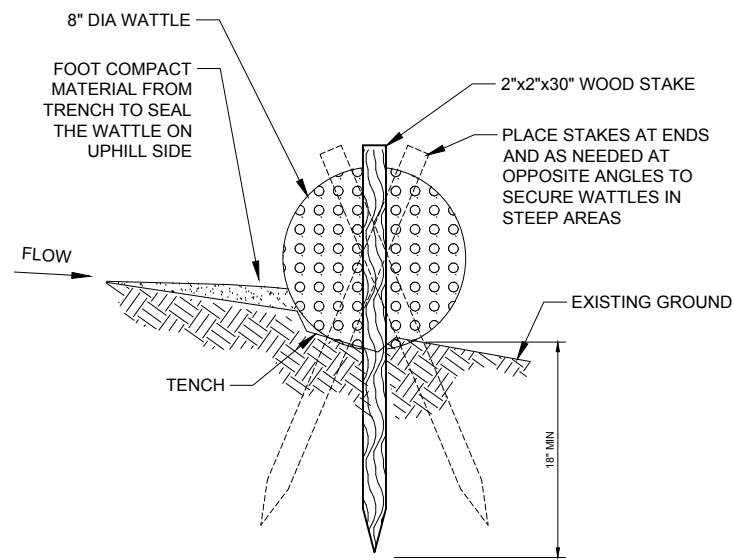
Revisions

WEST CAMERON PEAK FIRE
 (GREELEY) EWP
 SHEEP CREEK SITE
 CITY OF GREELEY, COLORADO

WILLOW STAKE
 INSTALLATION

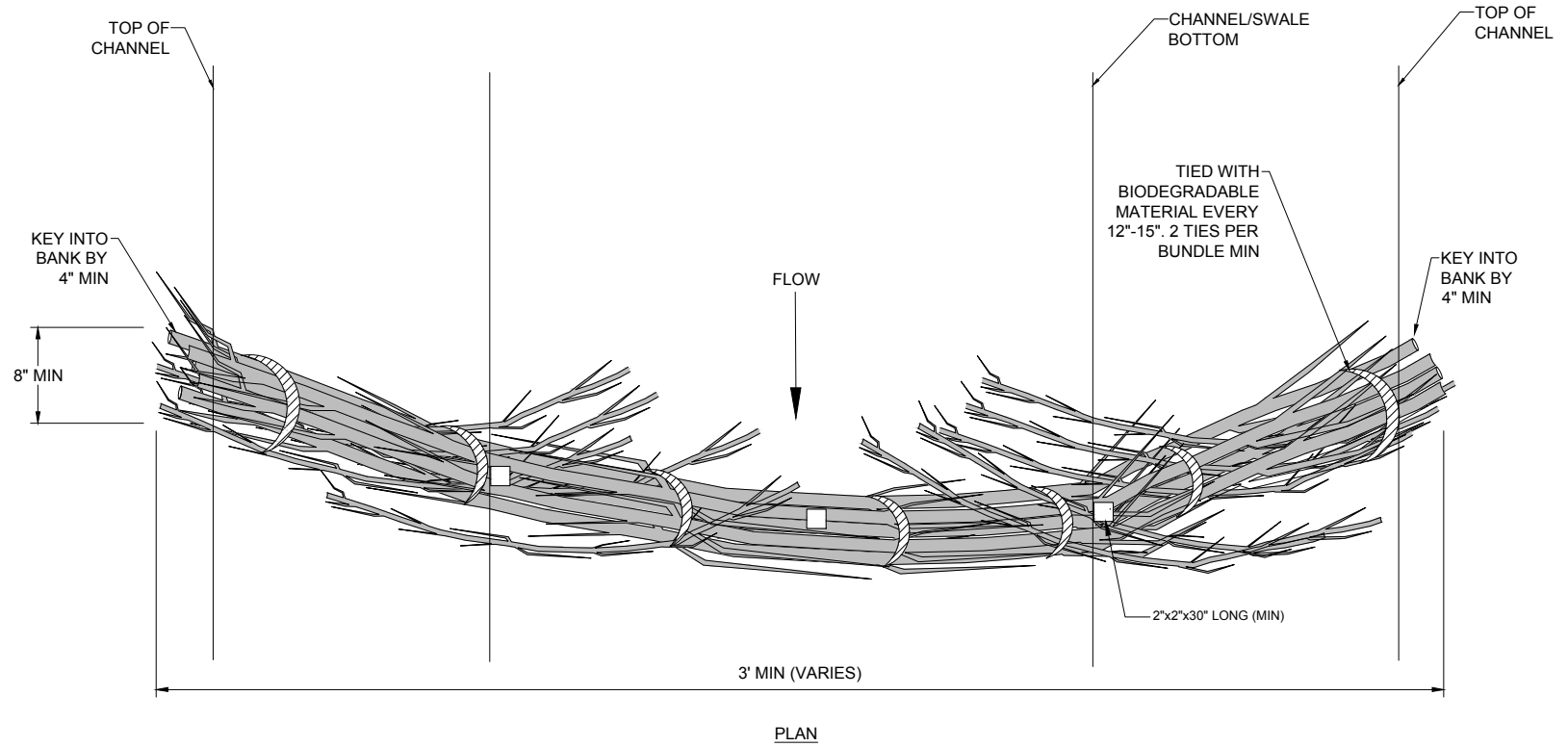
Project Mgr.: ABA
 Designed By: CHB
 Drawn By: RBR
 Approved By: WDR
 Date: 06/08/2021

PROJECT NO.
 36-4705.03
 DRAWING NO.

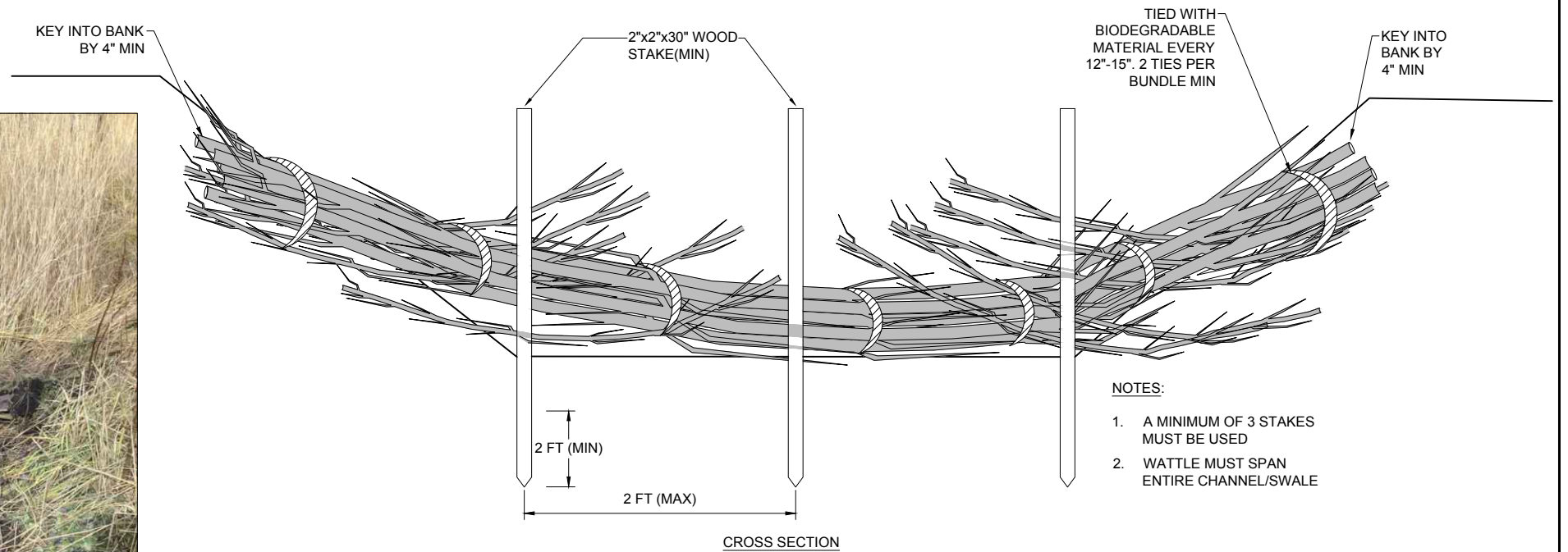


STAKE DETAIL
NOT TO SCALE

WILLOW WATTLE INSTALLATION
NOT TO SCALE



PLAN



CROSS SECTION

- NOTES:**
1. A MINIMUM OF 3 STAKES MUST BE USED
 2. WATTLE MUST SPAN ENTIRE CHANNEL/SWALE

ONE INCH - IF NOT,
SCALE ACCORDINGLY

Revisions	Date

**WEST CAMERON PEAK FIRE
(GREELEY) EWP
SHEEP CREEK SITE
CITY OF GREELEY, COLORADO**

**WILLOW WATTLE - FASCINE
BUNDLE**

Project Mgr. ABA	Designed By: CHB
Drawn By: RBR	Approved By: WDR
Date: 06/08/2021	

PROJECT NO.
36-4705.03
DRAWING NO.

Appendix B
CPRW LiDAR Collection Proposal - Larimer Co &
Cache La Poudre Watershed

January 6th, 2022

Shayna Jones
 Post-fire Mitigation & Recovery Program Manager
 Coalition for the Poudre River Watershed
 320 E. Vine Drive, suite 317
 Fort Collins, CO 80524 USA

Re: CPRW Lidar Collection and Processing

Dear Ms. Jones:

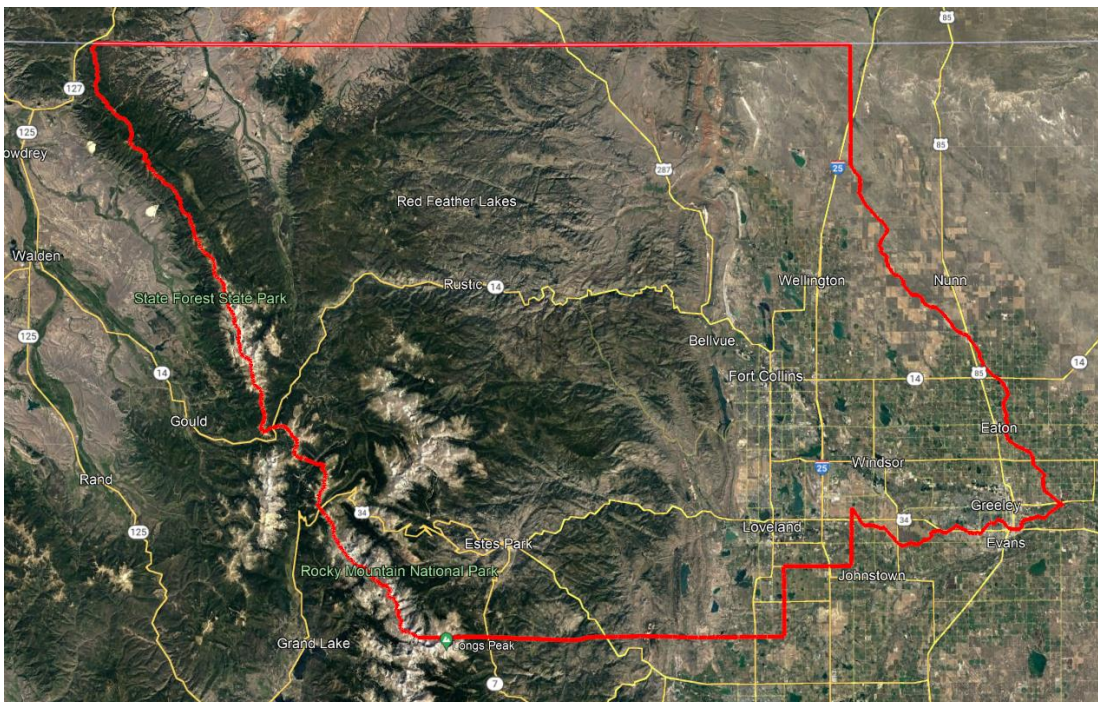
Thank you for the opportunity to submit a proposal for mapping services for the CRPW Lidar project in Larimer and Weld Counties, Colorado. This letter describes our proposed approach and fees for collecting and processing high density Lidar across project area. Ayres Associates appreciates the necessity for accuracy and expedited schedules for your project, and we present this proposal with a commitment to give your project high priority in our production schedule.

Proposed Scope of Service

For this project, we propose to utilize high density aerial Lidar to derive a project wide digital elevation model and classified point cloud. As a general overview of the project, Ayres will acquire Lidar in the Spring and Summer of 2022 using a calibrated Lidar sensor to support a detailed terrain model over approximately 2,925 square miles covering the Poudre River Watershed.

Project Area

Aerial Lidar will be captured for the project area shown below. Lidar will be collected and processed for a total of 2,925 square miles



Lidar Acquisition and Processing

Ayres understands that the proposed Lidar project calls for the development of high accuracy topographic mapping and above ground modeling across the project area. The Lidar data collection will be done using a low altitude fixed wing aircraft equipped with an advanced Lidar sensor and with airborne GNSS/IMU system for accurate georeferencing. The Lidar point cloud will be captured in the Spring - Summer of 2022 during leaf-off state, and when clouds or haze are not present between the aircraft and the ground, and when snow levels have melted to an acceptable level.

For the Lidar acquisition, QL1 Lidar will be collected at 8 points per square meter and will achieve QL1 vertical accuracy Lidar Base Specifications, which equates to 10 cm RMSEz on level or uniformly sloped non-vegetated ground.

The raw lidar point cloud will be calibrated and classified according to the base classification scheme listed below. All collected Lidar points will be retained in the point cloud according to these classifications. High vegetation and building classifications will also be included using automated routines. The point cloud will be in LAS v1.4 format.

Lidar Base Classification Scheme:

- Class 1: Processed, but unclassified
- Class 2: Bare-earth ground
- Class 5: High Vegetation
- Class 6: Buildings
- Class 7: Low Noise
- Class 9: Water
- Class 17: Bridge Decks
- Class 18: High Noise
- Class 20: Ignored ground (breakline proximity)

Breaklines will be collected to constrain the hydro features, a process called hydro-flattening. Ayres will collect additional hydro breaklines to be used in creation of bare earth Digital Elevation Model (DEM) and contours. Hydro-flattened breaklines will be compiled for ponded water that is 2 acre or greater and double line streams that 20 feet in width or greater. A bare earth digital elevation model (DEM) for the project area will be generated from the processed lidar data at a 1-ft pixel resolution and will support the generation of contours at 1-foot contour intervals.

Lidar Ground Control

Ayres will use the airborne GNSS/IMU data collected at the time of flight. We also will use COCORS data collected during the flight from nearby permanent base stations to calibrate the raw lidar data. Additionally, Ayres will perform all ground control survey necessary across the project area that will be used to validate and calibrate of the raw lidar data. The ground control calibration survey does not include any independent testing on various landcover types.

Deliverables

In summary, final deliverable products will include:

- Classified point cloud, LAS v1.4 format
- Automated classification of high vegetation and buildings (classes 5 and 6)
- Hydro flattening breaklines (20-ft streams and 2-acre ponds), ESRI shapefile format
- Bare earth DEM (1-ft pixel)
- 1-ft contour dataset (topologically cleaned)
- Intensity imagery, GeoTIFF format
- Digital Surface Model (DSM) of first returns
- Tile schematic, ESRI shapefile format

Additional lidar derivative datasets for consideration (not included in Proposed Fees):

- Bare earth point cloud – class 2 points only
 - Bare earth point clouds in .las format version 1.4 will be created from the Lidar class 2 points.
- 2D building outlines generated from building points
 - Once the Building Classification is performed, Ayres can extract two-dimensional building outlines from the Lidar data. Compiling building outlines from Lidar utilizes points collected from roof surfaces and classified as buildings. These points are then processed through modeling software which employs edge-detection macros to determine the outside extents of buildings. The result is that the building edges are compiled without horizontal displacement.
 - A degree of manual and automated editing will be necessary to help clean up areas where dense vegetation partially obscures buildings. However, limited editing will be applied elsewhere. In order to take advantage of the economic benefits of this approach, the output will be primarily the result of a semi-automated process and constrained to the ability of the Lidar data's ability to detect and geometrically define building detail.
- Tree canopy polygons from high vegetation points
 - Once the Vegetation Classification is performed on the Lidar, extraction of two-dimensional contiguous high vegetation polygons can be performed on the data. Using a series of algorithms and semi-automated extraction techniques, we are able to identify contiguous stands of trees to extract vegetation polygons from the Lidar. This method can be more efficient and cost effective than traditional photogrammetric compilation.
 - Ayres will use the Lidar point clouds to produce a representative 2D layer for a project-wide forest canopy. In order to take advantage of the economic benefits of this approach, the output will be primarily the result of a semi-automated process and constrained to the ability of our algorithms to detect and geometrically define the canopy detail from the Lidar classified data.
- Culvert collection and hydro-enforced DEM
 - The Base Project Lidar DEM will be hydro flattened but not hydro-enforced. To hydro enforce the DEM, Ayres will collect culvert locations using the Lidar. The culvert lines will then be draped to the Lidar point cloud, and the lowest elevation will be applied to the line to create a 3D breakline. We will use the 3D breaklines to reclassify the ground points and cut the DEM, allowing modeled water to flow through the culverts, rather than dam against road banks and other digital dams.
 - The hydro-DEM useful for hydrography modeling and land conservation planning across the project area. The deliverables include a hydro-enforced project-wide DEM in grid or Geotiff format and culvert locations in shapefile format.
- Cloud hosting (Amazon S3) and account management
 - Ayres can provide a cloud-hosting solution for the Lidar point cloud files. This solution helps solve the challenge of making a large amount of geospatial data readily available for project partners to download. The cloud-hosting service will maximize the datasets usage and value to the project partners and ease the burden of data requests on you and your staff.
 - Ayres will streamline the efficient uploading of data into the cloud. We will use Amazon S3 services for storing and hosting your geospatial datasets through our corporate account. Under the cloud hosting services, Ayres will:
 - Create CPRW specific buckets for holding data in Amazon S3 cloud
 - Upload the requested Lidar datasets directly into the proper buckets
 - Properly name and format data files for easy understanding of downloads

- Provide CPRW and project partners with a spreadsheet that has unique URL's for each data tile
 - This is used to point at the data tiles from the public facing map application
 - Manage Amazon S3 account and pay monthly invoices on behalf of CPRW
 - Track usage and inform the project partners when downloads are approaching their limit for the year
 - The proposed fees are not-to-exceed lump sum amounts that are estimated for one year of service. The cloud-hosting services are contracted annually via an amendment to our existing geospatial services Contract. A new amendment will be required to maintain the links once the original amount has been expended. Ayres will work with CPRW to determine a contracting period for cloud-hosting and may contract for more than one year at a time if need be.

Cloud-hosting of 2022 Lidar datasets:

Cloud storage up to 2 TB and 500 GB/month download:	\$ 2,500.00
Initial data set-up and account management (Year 1):	\$ 7,300.00
2022 Annual Cloud-Hosting Budget Total:	\$ 9,800.00

2 TB cloud storage and 500 GB/month download capacity:	\$ 2,900.00
Annual account management:	\$ 2,000.00
2023 Annual Cloud-Hosting Budget Total:	\$ 4,900.00

2 TB cloud storage and 500 GB/month download capacity:	\$ 3,300.00
Annual account management:	\$ 2,200.00
2024 Annual Cloud-Hosting Budget Total:	\$ 5,500.00

- Interactive Lidar Online Viewer
 - Ayres will utilize the 2022 Lidar to develop an online interactive webmap service by optimizing, hosting and storing Lidar derived data layers in ArcGIS Online. We will create a customized web application and provide you with a link to access the online interactive viewer. The interactive webmap will have tools for measuring, basemap selection, and toggling data on and off. The interactive Lidar online viewer is a web browser-based application which will run in current versions of Microsoft Edge, Google Chrome, Mozilla Firefox, and Safari 11 and later.
 - According to ESRI's current guidance, we recommend using the latest versions of Google Chrome or Mozilla Firefox. Microsoft Edge and Safari 11 and later work, however these two do not have WebGL implementation and may not operate as well.
 - Ayres will process the 2022 project area Lidar to into formats compatible with ArcGIS Online. Data layers will be uploaded and hosted in the Ayres' ArcGIS Online account. Ayres will create a customized 3D web application for the project area. When the service is completed, all items will be set for public sharing.
 - Potential Viewing Layers:
 - Slope shade bare earth layer
 - Shaded relief bare earth layer
 - Hillshade bare earth layer
 - Elevation surface layer from Lidar DEM
 - Hydro-enforced DEM
 - Ground lidar point cloud
 - High vegetation lidar point cloud layer
 - Building lidar point cloud layer
 - 1-foot topographic contour layer

- Ayres will provide technical maintenance services for hosted data layers, web scenes and web applications needed for the Ayres Lidar Online service. Data storage fees from ArcGIS Online will be administered by Ayres and are included in the maintenance program. This service is based on ESRI technology and architecture. Ayres is not responsible for changes that ESRI makes to its ArcGIS Online functionality or tools.
- The proposed fees are not-to-exceed lump sum amounts that are estimated for one year of service. The Interactive Lidar Online Viewer services are contracted annually via an amendment to our existing geospatial services Contract. A new amendment will be required to maintain the Online Viewer once the original amount has been expended. Ayres will work with CPRW to determine a contracting period for cloud-hosting and may contract for more than one year at a time if need be.

Interactive Lidar Online Viewer:

Initial web application set-up and account management:	\$ 34,500.00
2023 Annual account maintenance and management:	\$ 12,500.00
2024 Annual account maintenance and management:	\$ 13,200.00

Proposed Schedule

Ayres will perform the proposed services according to the following schedule:

- Lidar acquisition: will occur in Spring-Summer of 2022, as weather and ground conditions permit.
 - The Eastern Front-Range portion of the project area would be collected earlier in the Spring, as ground conditions permit.
 - The Western Mountains portion of the project area would be collected as ground conditions permit and when snow levels have melted to an acceptable level as determined by CPRW staff and Ayres.
- Lidar Processing: final deliverables will be delivered within 3 months of completion of Aerial Lidar Collection and Survey Ground Control Collection.

Proposed Fees

We will perform the above services for the following **lump sum** fees:

Aerial Lidar Collection, Processing, Survey (2,925 sq miles):	\$ 506,000.00
Hydro Breaklines (20-ft streams and 2-acre ponds):	\$ 38,000.00
1-ft contour dataset (topologically cleaned):	\$ 22,000.00
Classification of High Vegetation, Buildings (class 5 and 6):	\$ 13,500.00
*Included at no cost with base project	\$ 0.00
Intensity Imagery from Lidar (GeoTIFF):	\$ 4,000.00
*Included at no cost with base project	\$ 0.00
Digital Surface Model (DSM) of first returns:	\$ 15,500.00
*Included at no cost with base project	\$ 0.00

Total Lump Sum Fees: \$ 566,000.00

Additional Lidar derivatives **lump sum** fees:

Bare Earth Point Cloud- Class 2 points only:	\$ 5,000.00
2D building outlines generated from building points	\$ 49,000.00
Tree canopy polygons from high vegetation points	\$ 42,000.00
Culvert collection and hydro-enforced DEM	\$ 108,000.00
Cloud hosting (Amazon S3) and account management (Year 1)	\$ 9,800.00
Year 2	\$ 4,900.00
Year 3	\$ 5,500.00
Interactive Lidar Online Viewer	\$ 34,500.00
Year 2	\$ 12,500.00
Year 3	\$ 13,200.00

Total Lump Sum Fees for Additional Lidar derivatives: \$ 284,400.00

I hope that we have provided the information you require to proceed with your project. In the event that you require additional information or clarification of any issue, please feel free to contact me at 414-467-8891.

Sincerely,

Ayres Associates Inc



Tyler Kaebisch
 Project Manager – Geospatial Services
 Direct: 414-467-8891
KaebischT@AyresAssociates.com

Appendix C
Aerial Mulching Specifications

Wood Mulch Technical Specifications

Using the soil burn severity assessment and other data treatment polygons were identified that are located in areas that are in “high” and “moderate” burn severity classes with slopes that range from 20 to 50 percent. The purpose of these post-fire treatments are to provide adequate cover on treatment areas within the Cameron Peak Fire to reduce erosion and sedimentation that may affect water quality, infrastructure and lives of the citizenry located within, adjacent, or down slope of the fire perimeter.

Aerial Mulch Specifications

Cover Purpose: The mulch material shall vary in size to allow interlocking to provide the most resistance to water runoff, soil erosion and wind removal.

Wood Shred Size and Composition: The size shall consist of a relatively even composition of smaller and larger length strands. At least 70% of the total wood shred volume will have stubble lengths of 4-8 inches typical, have less than 1” diameter and have minimal fines. It is recommended that a horizontal grinder be used on trees and a tub grinder be used for the resulting slash. A screen of 2-4” will be used to meet the desired specifications. Wood shred shall be covered during transportation and when staged to prevent material from blowing around on site.

Source Material: Burned trees from within the burned area would be preferred for generating wood mulch material. There are limited private lands in the burned area and use of burned trees from National Forest Lands is not currently permitted. However, there are some log decks from fire suppression actions that have the potential to be used. The project sponsors will also continue to work on permitting the use of trees from National Forest Lands.

Aerial Mulch Application Specification:

Targeted Areas: The contractor will mulch 100% of the targeted acres (See additional notes on aerial and broadcast application). Targeted areas are delineated on the treatment map. These polygons have not been field verified and will likely change somewhat after that verification work has been completed. The field verified polygons will be available before the project implementation begins.

Wood Shred Cover: Application rate is anticipated to be about 4 tons/acre. The objective is to attain a coverage rate of at least 70% of the soil surface with an evenly distributed interlocking wood shred, within each delineated polygon identified on the treatment map. Because wood shred moisture content may vary (e.g. live versus dead trees) application rate (tons/acre) may vary to achieve the desired cover of 70%. The helicopter netting will be small enough such that the vast majority of the mulch will not fall through and be lost in flight.

Additional Notes on Aerial and Broadcast Application: Maintain consistent contact with mulching vendor project manager and the pilot to ensure that targeted areas are being met efficiently. Avoid dropping mulch in drainages and over areas covered with substantial rock cover (greater than about 50%) since large rock cover adequately protects the soil from accelerated water erosion. A certain amount of pilot

discretion is recognized to be necessary while in the air to determine appropriate application within the treatment areas. Field inspectors will be made aware of this pilot discretion.

Aerial Mulch Cover Material Assessment Protocol:

Wood Shred Size and Composition: The material will be screened through an appropriately sized sampling screen (1/2" – 1" opening) needed to meet the size specifications with no more than 30% of any sample comprised of fines less than 1" diameter by volume. All samples with a proportion of "fines" greater than 30% will be considered not acceptable per the material specification. See Additional Notes on Material Specification and Quality Assurance below.

Methodology: The methodology described below will be used to assess the adequacy of the cover material.

1. Draw two lines inside a five gallon bucket with a permanent marker: The first line is drawn 2/3 up from the bottom of the bucket which represents 3.3 gallons; this is the sample volume. Draw the second line at the 1.0 gallon level to demarcate the 30% "fines" sample threshold.
2. With the bucket, collect mulch (material specification sample) to the upper (3.3 gallon) line, noting where the sample was taken from: site/pile identifier, horizontal (i.e. northwest corner, center, etc.) and vertical (i.e. Top, middle or bottom) locations within the pile.
3. In a continuous motion pour and shake the collected material on to the 1/2" - 1" sieve, which is 3 feet above a tarp (or something that effectively catches the material). Agitate the sieve. Material that falls through the sieve is a fine that does not meet the specification. When done, set the wood shred that did not fall through the sieve aside for further assessment if necessary.
4. Pour the sieved "fines" back into the bucket, and level the contents to make an even plane of fines at the bottom of the bucket. If the "fines" exceed the 30% mark (1.0 gallons, lower line) of the bucket after being leveled, then the sample does not pass.

Additional Notes on Material Specification and Quality Assurance:

Note where all the material specification samples are taken from, e.g. bottom or top, front or back. In the event that material samples fail for wood shred, consider several alternatives before the entire lot or individual pile is rejected.

If material is consistently just below the minimum specification from any given sample location, consider mixing the pile prior to testing additional specification samples. Eventually, either repeat or rescreen and discard enough "fines" from the pile so the specification is met.

If material still does not meet the minimum specification, consider mixing in new additional material that meets the minimum specification and retest.

For wood shred, ensure that the setting in the grinder is consistently producing the specified material. If the out feed conveyor is able to articulate and it is feasible, consider aiming the conveyor out feed into the wind to further separate fines from the specified material.

Application Assessment Protocol (Cover Assessment Considerations)

Due to the difficulty of the terrain, the time and effort required to gain access to the areas will be intensive. As a result more time will likely be taken to gain the sample points than to actually collect the data. Therefore, it will be advantageous to collect enough data to safely infer the variation of cover within a single treatment polygon. The confidence in data results should constitute no more than “a preponderance of evidence” that the coverage was applied to specification.

All treatment polygons will be given a generalized total cover estimate from afar, either from vantage points or aerial imagery. Additionally, at a minimum, a random sample of a subset of treatment polygons will be selected for a quantitative assessment using line point transects. The NRCS reserves the right to inspect every treatment polygon.

Cover will be estimated and documented utilizing a 100 point step transect. A cover point will be assessed every other step by the inspector to estimate post treatment percent cover of wood shred mulch. A mark on the inspector’s boot will insure consistency. The only time the inspector looks down at the boot is when recording the hit. Transects will be randomly located within treatment polygons via randomly selected transect starting points (identified by a GPS waypoint or mark on a treatment map). Transects will be paced on a random bearing in a straight line. The minimum sampling density will be 1 transect per 100 acres or polygon. The inspector, at their discretion, can do 2 more transects from the same starting point within the polygon if it is not clear that the application has met the 70% criteria. Pictures of the transect will be taken at the time of cover measurement. All transect information will be recorded on the approved inspection form and signed and dated by the inspector. If the 70% criterion is not met, the inspector will notify the vendor representative of the deficiency. The vendor representative will notify the contractor and the contractor will take corrective action as soon as flight and ground operations permit. A timely follow up inspection will occur on the deficient treatment area to insure mulching operations are not unduly impeded.

For sites that cannot be accessed due to landowner permissions or terrain limitations, a visual estimate will have to be employed. This may be from a vantage point or via flights on a helicopter. Please note though, color of wood shred can vary greatly depending on species and whether it is dead/heavily charred, resulting in mistaken “low” estimations of cover across the treatment polygon. Visual inspections from the air or vantage points will also be noted on the approved inspection form. Therefore, all effort will be made to access the polygons on the ground to perform the step point transect method of determining percent cover. The vendor representative will attain load tickets for every treatment polygon to verify that sufficient mulch material has been applied. Vendor representative will provide load tickets to the inspectors on a daily basis. Load tickets will be compared to documented, and attached to the inspection form. NRCS will do a second level review of the inspection form and sign off on the form to insure that the objectives of the mulching have been met per polygon.

Prior to the closing of a staging area and movement to a new staging area all treatment polygons will be signed off by NRCS as being adequate through the second level review process.

The inspectors will consist of trained NRCS, City of Greeley, City of Fort Collins, Coalition for the Poudre River Watershed, JW Associates, and other qualified personnel.

Wood Mulch Source Material

Wood to be mulched for this project can be transported into the sites. However, there will likely be some opportunity to use burned trees (see below) as mulch source materials. These trees would need to be removed before or during the mulching operations. The amount of material available has not been determined.

Participating Agreement with U.S. Forest Service for Post-fire Recovery Work on the Cameron Peak Fire



Background

- The Poudre River Watershed experienced a large % of medium to high burn severity from the Cameron Peak Fire
- Aerial Mulching has been implemented on ~6,000 acres for mitigation purposes
- An additional ~8,000 acres of mulching need has been identified



Background

- The Forest Service received funding they would like to provide to Greeley for mulching and other post-fire mitigation work
- Initial commitment is \$6,000,000
- Greeley is not funding this work-it is a pass through agreement
- No cost match is required



Terms of Agreement

- Forest Service and Greeley will cooperate on the mutual goal of watershed protection and restoration
- Forest Service will reimburse Greeley for agreed upon mitigation work as identified in the Financial and Operating Plans
- Agreement will terminate May 1st 2027



Questions?



Council Agenda Summary

Title:

Pulled Consent Agenda Items

Summary:

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

Council Agenda Summary

April 19, 2022

Agenda Item Number

Key Staff Contact: Benjamin L. Snow,
Economic Health & Housing Director, 350-9384

Title

Public hearing to consider proposed changes to the Annual Action Plan Activities and Budget for Program Year 2022 for the Community Development Block Grant

Summary

Background

In October 2021, City Council approved activities and budgets within the 2022 Annual Action Plan, which sets forth a one-year plan for use of the Community Development Block Grant (CDBG) and HOME Investment Partnership Program grant (HOME). The City is entitled to receive these grants from the U. S. Department of Housing and Urban Development (HUD). [HUD requires that recipients implement a new strategic plan every five years that details how they will prioritize federal grants during those five years and then an Annual Action Plan to implement the priorities of the strategic plan. The strategic plan is part of the consolidated planning process, which serves as the framework for a community-wide dialogue that aligns housing and community development priorities with the noted federal formula grant programs. The 2022 Annual Action Plan is the third year of the City's current Strategic Plan (2020-2024).

A number of conditions resulted in staff proposing, and the GURA Board of Commissioners endorsing, modifications to the approved 2022 CDBG activities and budget. A public comment period for the proposed changes was open from March 15, 2022 through April 14, 2022, during which the GURA Board held the first Public Hearing (April 13, 2022). City Council's consideration of the proposed changes must also include a public hearing.

Changes proposed

The reasons for the proposed changes are noted below, along with the impact to the 2022 CDBG budget. HUD has not sent notice of the actual 2022 CDBG (or HOME) grant awards to the City yet; the final CDBG budget will reflect any changes needed to accommodate the actual grant amounts or final funds available after the City's audit is completed. To accommodate any further small budget changes (10% or less of the 2022 CDBG award), the

GURA Board continues to recommend the 5th Street Infrastructure activity budget to accommodate any such budget adjustment.

Change 1: Ineligible activity –Denver HUD staff deemed the use of certain funds attributed to acquisition to be an ineligible use of funds, specifically the use of CDBG funds to maintain the acquired properties for an extended period. Rather than reimburse HUD for the use of these funds HUD is allowing the funds to be redirected to another eligible activity:

Proposed change to activities/budget – Allocate \$110,023.16 from the ineligible activity to the 2022 5th Street Infrastructure activity.

Change 2: 2022-2023 Cold Weather Shelter award – United Way was awarded \$20,000 in 2022 CDBG funds to help staff the Cold Weather Shelter. It was later was awarded \$360,000 in CDBG-Coronavirus funds to support the Housing Navigation Center/Cold Weather Shelter and day use facility, at its new location. After sorting out the funds used for sheltering during the pandemic it was determined that the original allocation of \$20,000 was not needed as first anticipated.

Proposed change to activities/budget – Rescind the \$20,000 award to United Way for the Cold Weather Shelter support and add those funds to the 2022 5th Street Infrastructure activity.

Change 3: 2022 Connections for Independent Living award – The environmental review (required of all expenditures of HUD grants) conducted for the activity approved for 2022 CDBG funding at Connections for Independent Living revealed an environmental concern, conflicting with the use of the funds.

Proposed change to activities/budget – Rescind the \$11,200 award to Connections for Independent Living for the public facility support and add the funds to the 2022 5th Street Infrastructure activity.

Change 4: Close the Single-family Housing Rehab Loan Program – This long-standing CDBG program appears to have run its course: applications for rehab loans are extremely infrequent, leaving unexpended funds and revolving loan income to accumulate in this account and affecting the City's ability to fully expend its grant timely. Secondly, the substantial federal requirements placed on contractors for such work have severely reduced the pool of eligibly contractors willing to bid these relatively small jobs. The GURA Board concluded that it was time to discontinue this program.

Proposed change to activities/budget – Close the Single-family Housing Rehab Program. Move the \$275,000 in revolving loan funds to the 2022 5th Street Infrastructure activity. Future revolving loan funds received will be incorporated into another year's CDBG budget.

Change 5: Available program income – Program income received during 2021 had not been allocated to a 2022 activity.

Proposed change to activities/budget – Allocate available program income of approximately \$130,000 to the 2022 5th Street Infrastructure activity,

Change 6: Unallocated grant funds – From time-to-time, activities will come in under budget or agencies will decide to decline awards, leaving those grant funds available to other activities.

The amount is currently estimated at approximately \$21,100 +/-, to be determined with final audit of CDBG funds.

Proposed change to activities/budget – Allocate any available grant funds to the 2022 5th Street Infrastructure activity.

Comments received

Three non-profit representatives requested and were provided with additional information on the 5th Street Infrastructure activity. One requested and was provided additional information on the single-family housing rehab program. One commenter stated support for the budget changes.

Any of the proposed changes accepted by City Council will be incorporated into the 2022 Annual Action Plan prior to its submittal to HUD. It is requested that the approval be by motion, as noted below under “Council’s Recommended Action”.

Fiscal Impact

Does this item create a fiscal impact on the City of Greeley?	Yes; CDBG is annual entitlement grants available to the City.
If yes, what is the initial or onetime impact?	Estimated at \$840,000 CDBG and \$300,000 HOME
What is the annual impact?	N/A
What fund of the City will provide funding?	N/A
What is the source of revenue within the fund?	U. S. Dept. of Housing & Urban Development
Is there grant funding for this item?	Yes, this is a HUD grant
If yes, does this grant require a match?	No
Is this grant onetime or ongoing?	Ongoing
Additional Comments: NA	

Legal Issues

None.

Other Issues and Considerations

None.

Applicable Council Goal or Objective

Infrastructure & Growth: Public facilities & equipment; social infrastructure support

Decision Options

1. Approve the proposed changes to 2022 Action Plan activities and budgets, as presented; or
2. Request changes to the proposed changes recommended to the 2022 Action Plan activities and budgets, and then adopt with changes; or
3. Continue consideration of the items to the next regular Council meeting in order to utilize the 2020 CDBG grant and other funds timely.

Council's Recommended Action

A motion to accept the proposed changes to the 2022 Annual Action Plan activities and budget as presented and recommended by the Greeley Urban Renewal Authority with any further budget changes that are less than 10% of the annual grant to be applied to the 5th Street Infrastructure activity.

Attachments

- Updated budget

Community Development Block Grant

Program Year 2022 - Updated for Additional Funds

	Approved 10/2021	Updated
1. Administration	\$168,000	
A. General Administration	\$168,000	168,000
2. Support Efforts to Preserve, Maintain, and Provide Affordable Housing	\$255,000	
A. TBD Affordable Housing Project	235,000	235,000
B. Housing Rehabilitation Loan Program	allocated	
C. Housing Rehabilitation Grant Program	allocated	
D. Catholic Charities-Guadalupe Housing Navigator	10,000 #	10,000
E. Greeley Transitional House-Housing Case Manager	10,000 #	10,000
2. Support Efforts to Revitalize Neighborhoods of the Redevelopment District	\$625,800	
A. Redevelopment District infrastructure improvements	468,500 *	781,714
B. Redevelopment District alley reconstruction	126,500 *	126,500
C. Redevelopment District parkways tree plantings	15,800 *	15,800
D. Clean-up Weekend	15,000 #	15,000
3. Support Public Facilities	\$11,200	
A. Connections for Independent Living-Reha for ADA	11,200	0
3. Support Public Services that Assist Homeless, LMI, Underserved, & Special Needs	\$40,000	
A. Cold Weather Shelter (United Way)	20,000 #	0
B. Senior Resource Services	10,000 #	10,000
C. Northern Colorado Veterans Service Center	10,000 #	10,000
TOTAL PROJECTED EXPENDITURES	\$1,100,000	1,382,014
REVENUE EXPECTED		
2022 grant projected	\$840,000	840,000
Rehab Revolving Loan Funds (existing and to year-end projection)	\$136,765	280,861
Program income estimate	\$123,235	130,030
Funds returned to City account for ineligible activity		110,023
Other available grant funds		21,100 ^
TO	\$1,100,000	1,382,014

TES:

* Activities include project management costs

Public services = approximately 6.5% if grant is 840,000

Budget will finalize in 2022 when actual grants and available program income are known

Funds +/- are adjusted within the infrastructure budget; over 10% change goes through citizens, GURA Board, and City Council

Nee

Council Agenda Summary

April 19, 2022

Key Staff Contact: Darrell Gesick, Planner III, 970-350-9822

Becky Safarik, Assistant City Manager, 970-350-9785

Title:

Public hearing to consider a request to rezone from I-M (Industrial Medium Intensity) to R-E (Residential Estate) and I-M (Industrial Medium Intensity) for 82.62 acres of property located at 15756 County Road 66 (southwest corner of AA Street and North 47th Avenue), known as the Leffler Rezone, and final reading of an ordinance changing the official zoning map to reflect the same

Summary:

The City of Greeley is considering a request by Richard Leffler, Lois Leffler and Phillip Leffler to rezone approximately 82.62 acres of land from I-M (Industrial Medium Intensity) to R-E (Residential Estate) and I-M. The applicants are proposing three residential lots for the proposed R-E zone district, two of which already have residential homes, and one lot for a future residential home for the family farm. The industrial zoned land would remain as a farm.

The subject site was annexed as part of the North Poudre Annexation and zoned I-2 (Medium Industrial) in 1982. The zoning classifications were changed in 1998, when the Development Code was revised. The existing zoning of I-M is the modern equivalent to I-2.

The annexation and zoning of the subject site was part of a larger annexation and zoning with the intent of several property owners to entice a large industrial user. That industrial user decided to locate in another jurisdiction, and this property, as well as several others, have remained in the same zoning district since the early 1980's. The subject site has been used as a family farm for decades, and has several homes and accessory structures associated with the farming practice. With this application, the property owner is proposing to rezone 82.62 acres of land for the purpose of creating three residential lots for two existing homes, and one new residential lot for a future home, while leaving the balance of the land as industrial. Under the current Code, residential uses are not allowed in the Industrial zone district. For the applicant to build a future home, the areas requested for R-E (Residential Estate) would need to be rezoned. The rezone does include adjacent right-of-way.

The applicant is proposing to subdivide the land through the minor subdivision process. An application has been submitted, and is being reviewed concurrently with this rezone application. Minor subdivisions are reviewed and approved administratively.

The Planning Commission considered this request on March 22, 2022, and recommended approval by a vote of 6-0.

Fiscal Impact:

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

Legal Issues:

Consideration of this matter is a quasi-judicial process.

Other Issues and Considerations:

None noted.

Strategic Work Program Item or Applicable Council Priority and Goal:

Consistency with Comprehensive Plan and Development Code standards.

Decision Options:

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

Council's Recommended Action:

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

Attachments:

Ordinance
 Planning Commission Summary (Staff Report) (March 22, 2022)
 Draft Planning Commission Minutes (March 22, 2022)
 PowerPoint Presentation

CITY OF GREELEY, COLORADO

ORDINANCE NO. _____, 2022

CASE NO. ZON2021-0015

AN ORDINANCE CHANGING THE OFFICIAL ZONING MAP OF THE CITY OF GREELEY, COLORADO, FROM I-M (INDUSTRIAL MEDIUM INTENSITY) TO R-E (RESIDENTIAL ESTATE) AND I-M (INDUSTRIAL MEDIUM INTENSITY) FOR APPROXIMATELY 82.62 ACRES OF PROPERTY LOCATED AT 15756 COUNTY ROAD 66 (SOUTHWEST CORNER OF AA STREET AND NORTH 47TH AVENUE), KNOWN AS THE LEFFLER REZONE

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

Section 1. The following described property located in the City of Greeley is hereby changed from the zoning district referred to as I-M (Industrial Medium Intensity) to R-E (Residential Estate) and I-M (Industrial Medium Intensity) for approximately 82.62 acres of property in the City of Greeley, County of Weld, State of Colorado:

See attached legal description

Section 2. The boundaries 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 become effective five (5) days after its final publication as provided by the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED, THIS _____ DAY OF _____, 2022.

ATTEST:

THE CITY OF GREELEY

Interim City Clerk

Mayor

Legal Description

All that part of the east 30 acres of the West Half of the Northeast Quarter and all that part of the East Half of the Northeast Quarter of Section 27, Township 6 North, Range 66 West of the Sixth Principal Meridian, lying east of the right of way of the La Grange Lateral as the same is now built and constructed, Weld County, Colorado.

PLANNING COMMISSION SUMMARY

ITEMS: Rezone from I-M (Industrial Medium Intensity) Zone District to R-E (Residential Estate) and I-M (Industrial Medium Intensity) Zone Districts

FILE NUMBER: ZON2021-0015

PROJECT: Leffler Rezone

LOCATION: 15756 CR 66 (Southwest Corner of CR 66 (AA Street) and N. 47th Avenue)

APPLICANT: Richard Leffler, Lois Leffler, Phillip Leffler

CASE PLANNER: Darrell Gesick, Planner III

PLANNING COMMISSION HEARING DATE: March 22, 2022

PLANNING COMMISSION FUNCTION:

The Planning Commission shall consider the staff report, along with testimony and comments made by the applicant and the public and shall then make a recommendation to the City Council regarding the application in the form of a finding based on the review criteria in Section 24-625(c)(3) of the Development Code.

EXECUTIVE SUMMARY

The City of Greeley is considering a request from Richard Leffler, Lois Leffler and Phillip Leffler to rezone approximately 82.62 acres of land from I-M (Industrial Medium Intensity) to R-E (Residential Estate) and I-M (Industrial Medium Intensity) Zone District. The applicants are proposing three residential lots for the proposed R-E Zone District, two of which already have residential homes, and one lot for a future residential home for the family farm. The industrial zoned land would remain as a farm at this time (see Attachments A, B, and C).

A. REQUEST

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

B. STAFF RECOMMENDATION

Approval

C. LOCATION

The subject site is located at 15756 CR 66 (Southwest Corner of CR 66 (AA Street) and N. 47th Avenue) (see Attachment A).

Abutting Zoning:

North: R-L (Residential Low Density) and R-M (Residential Medium Density)

South: I-M

East: I-M and R-E (Residential Estate)

West: I-M

Surrounding Land Uses:

North: Agricultural

South: Agricultural/Single-Family Dwelling

East: Agricultural/Single-Family Dwelling

West: Agricultural

Site Characteristics:

The site is currently a family farm. There are two existing single-family dwellings on the subject farm. The farm also has several accessory structures associated with the farming operations. The land is generally flat, with a majority of the parcel being used in crop production (see Attachments E and F).

D. BACKGROUND

The subject site was annexed as part of the North Poudre Annexation and zoned I-2 (Medium Industrial) in 1982, (File No. Z 7:82) (Reception No. 1893288). The zoning classifications were changed in 1998, when the Development Code was revised. The existing zoning of I-M is the modern equivalent to I-2.

The annexation and zoning of the subject site was part of a larger annexation and zoning with the intent of several property owners to entice a large industrial user. That industrial user decided to locate in another jurisdiction, and this property, as well as several others, have remained in the same zoning district since the early 1980's. The subject site has been used as a family farm for decades, and has several homes and accessory structures associated with the farming practice. With this application, the property owner is proposing to rezone 82.62 acres of land for the purpose of creating three residential lots for two existing homes, and one new residential lot for a future home, while leaving the balance of the land as industrial. Under the current Code, residential uses are not allowed in the Industrial zone district. For the applicant to build a future home, the areas requested for R-E (Residential Estate) would need to be rezoned. The rezone does include adjacent right-of-way.

The applicant is proposing to subdivide the land through the minor subdivision process. An application has been submitted, and is being reviewed concurrently with this rezone application (File No. SUB2021-0024). Minor subdivisions are reviewed and approved administratively.

APPROVAL CRITERIA

Development Code Section 24-625(c)(3) Rezoning Procedures

For the purpose of establishing and maintaining sound, stable and desirable development within the City, the rezoning of land is to be discouraged and allowed only under circumstances provided for in this Section [of the Code]. This policy is based on the opinion of the City Council that the City's zoning map is a result of a detailed and comprehensive appraisal of the City's present and future needs regarding land use allocation and other zoning considerations, and, as such, should not be amended unless to correct manifest errors or because of changed or changing conditions in a particular area of the City in general.

The review criteria found in Section 24-625(c)(3)a-h of the 1998 Development Code shall be used to evaluate the zoning amendment application.

- a) **Has the area changed, or is it changing to such a degree that it is in the public interest to rezone the subject property to encourage development or redevelopment of the area?**

Staff Comment: The surrounding area has not changed substantially over the last several years. The subject site was part of a larger annexation and zoning process with the intent of enticing a large industrial user to the area. That industrial user located in another jurisdiction, and the site has remained in the current zoning since that time, which was the early 1980's. The land has been a farm, and owned by the same family for many decades. The intent of the rezone is to zone two of the existing homes and a future lot as residential. Residential uses are not allowed in the industrial zone. For the applicant to accomplish a future home, some of the land would need to be rezoned.

This request complies with this criterion.

- b) **Has the existing zoning been in place for at least fifteen (15) years without substantial development resulting and does the existing zoning appear to be obsolete, given development trends?**

Staff Comment: The industrial zone district has been in place for over 40 years. As stated above, the subject site was part of a larger annexation and zoning process with the intent of enticing a large industrial user to the area. The areas requested for residential zoning could be considered obsolete, considering that residential uses are not allowed in the industrial zone. The applicant would like to build another home on the farm, and to do that, those areas would need to be rezoned to a residential zone district. The balance of the farm would remain in the current Industrial zone.

This request complies with this criterion.

c) Are there clerical or technical errors to correct?

Staff Comment: There are no clerical or technical errors to correct. This criterion is not applicable to this request.

d) Are there detrimental environmental impacts, such as flood plains, inadequate drainage, slopes, unstable soils, etc., that may affect future development of this site and which may not have been considered during the original zoning of the property?

Staff Comment: There are no known detrimental environmental conditions existing on the site. This criterion is not applicable to this request.

e) Is the proposed rezoning necessary in order to provide land for a community related use which was not anticipated at the time of adoption of the City's Comprehensive Plan; or have the policies of the City changed to the extent that a rezoning is warranted?

Staff Comment: The proposed rezoning is not necessary in order to provide land for a community related use. This criterion is not applicable to this request.

f) What is the potential impact of the proposed rezoning upon the immediate neighborhood and the city as a whole (including potential noise and environmental impacts, visual impacts, the provision of City services such as police, fire, water, sewer, and pedestrian systems and parks and recreational facilities)?

Staff Comment: It is not anticipated that the proposed rezoning would create significant impacts on the property or adjacent land uses. The site is already being used as a farm

Any potential noise created by future development will be regulated by the Municipal Code. During any site plan process, the appropriate buffering would be required to be provided, which lessens any potential visual impacts. City services should not be impacted, the residential lots would be served by North Weld County Water District for water and the proposed residential home would be allowed to be on septic, which is the current situation for the existing homes on the farm as well as several homes in the area. Police and Fire are already serving this area, since it is within the City of Greeley.

The proposal complies with this criterion.

- g) Is there clear and convincing evidence that the proposed rezoning will be consistent with the policies and goals of the City’s Comprehensive Plan and comply with the applicable zoning overlay requirements?**

There is one zoning overlay requirement for the subject property (see Section E). The following City of Greeley Imagine Greeley Comprehensive Plan policies apply to this request.

Comprehensive Plan Policy Objective GC-6.3, Neighborhood Character

Maintain, enhance, and protect the character of established neighborhoods while recognizing the need to established neighborhoods to evolve to meet community needs.

Objective GC-2.2 Jobs/Housing Balance

Support zoning and development patterns that expand opportunities for people who live in Greeley to also work in Greeley (or vice versa).

Staff Comment: Approving the rezone would continue the rural character already established the area. It is typical to have family members live on the farm that they work on. If the rezone is not approved, the current homes may have problems getting loans for home improvements or additions, since residential uses are not allowed in the Industrial zone.

This request complies with these Comprehensive Plan policies.

- h) What is the potential impact of the proposed rezoning upon an approved Zoning Suitability Plan for the property?**

Staff Comment: Currently, there is not an approved Zoning Suitability Plan for the subject property. The proposed Zoning Suitability Plan submitted with this application demonstrates, on a conceptual level, that the site should be able to develop or be redeveloped in accordance with the Development Code (see Attachment F).

This request complies with this criterion.

F. PHYSICAL SITE CHARACTERISTICS

1. SUBDIVISION HISTORY

The property is not part of a subdivision at this time. Currently, the applicant is proposing to formally plat the property into three lots for the two existing residential dwellings, a lot for a future residential home, and create a tract for the larger industrial piece that is being used as farmland. The applicant has submitted a Minor Subdivision application, which is being reviewed concurrently with this rezone. Minor Subdivisions are reviewed and approved administratively.

2. HAZARDS

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

3. WILDLIFE

The subject site is not located in an area identified for moderate or high wildlife impacts. There are no known impacts that would occur to wildlife if the site is rezoned.

4. FLOODPLAIN

The proposed rezone boundary is not located within the 100-year floodplain or floodway, according to the adopted Federal Emergency Management Administration (FEMA) flood data.

5. DRAINAGE AND EROSION

This rezone application did not require a drainage report to be submitted. The current drainage patterns would not change as a result of the rezone. Any future development or redevelopment would require a drainage report to be completed and submitted to the City of Greeley for review and approval, as part of the administrative Site Plan Review process.

6. TRANSPORTATION

As part of the minor subdivision process, 20 feet of additional right-of-way, for a total of 50 feet half right-of-way, would be dedicated on the CR 66 (AA Street) frontage and the N. 47th Avenue frontage. A reservation for an additional 10 feet of future right-of-way, for a total of 60 feet of half right-of-way would be provided on the CR 66 (AA Street) frontage.

A conceptual traffic report was not required to be submitted with the rezone. If the rezone is approved, a traffic memo or study will be required to be submitted with the administrative Site Plan Review process. The Public Works Department would review the traffic memo to determine if any modifications to the existing roadways would be warranted.

G. SERVICES

1. WATER

Water service is provided by North Weld county Water District. No water infrastructure is required to be constructed for service.

2. SANITATION

Sew service would be provided by the use of septic systems. Septic System Permits are managed by Weld County.

3. EMERGENCY SERVICES

The subject site is currently, and will continue to be, served by the City of Greeley Police Department and the City of Greeley Fire Department. Fire Station #3, is located approximately four miles to the southeast of the subject site.

4. PARKS / OPEN SPACES

No public parks or public open space areas are proposed with this request and the request would not be creating any private parks or open space. The proposed rezone should have little to no impact on parks or open space in the community.

5. SCHOOLS

No schools are proposed or located within the site.

H. NEIGHBORHOOD IMPACTS

1. VISUAL

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

2. NOISE

No noise impacts are anticipated with the rezone request. Any potential noise created by future development will be regulated by the Municipal Code.

I. PUBLIC NOTICE AND COMMENT

Neighborhood notices were mailed to a total of 14 surrounding property owners on March 1, 2022, per Development Code requirements (see Attachment G). A sign was posted on the site on March 2, 2022. To date, no comments have been received.

J. MINERAL ESTATE OWNER NOTIFICATION

Mineral notice is not required for a rezone request.

K. PLANNING COMMISSION RECOMMENDED MOTION

Approval -

Based on the application received and the preceding analysis, the Planning Commission finds that the proposed rezoning from the I-M (Industrial Medium Intensity) Zone District to the R-E (Residential Estate) and I-M (Industrial Medium Intensity) Zone District meets 1998 Development Code Section 24-625(c)(3) a, b, f, g, and h; and therefore, recommend approval of the rezone to the City Council.

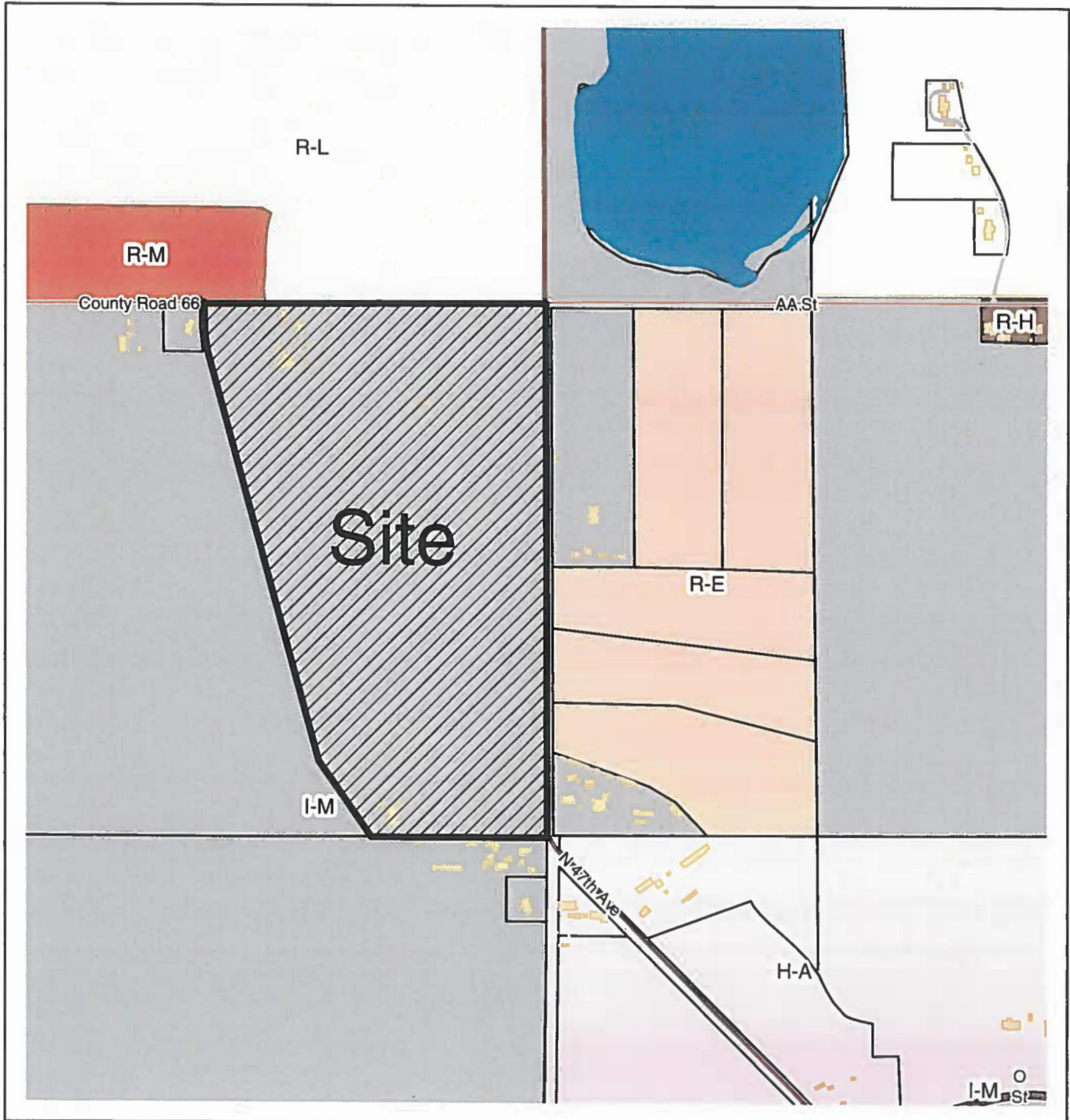
Denial -

Based on the application received and the preceding analysis, the Planning Commission finds that the proposed rezoning from the I-M (Industrial Medium Intensity) Zone District to the R-E (Residential Estate) and I-M (Industrial Medium Intensity) Zone District does not meet 1998 Development Code Section 24-625(c)(3) a, b, f, g, and h; and therefore, recommend denial of the rezone to the City Council.

ATTACHMENTS

- Attachment A - Zoning/Vicinity Map
- Attachment B - Photo Aerial Map
- Attachment C - Project Narrative
- Attachment D - Rezone Boundary Map
- Attachment E - Site Analysis Map
- Attachment F - Zoning Suitability Map
- Attachment G - Neighborhood Notification Boundary Map

Zoning/Vicinity Map Leffler Rezone



ZON2021-0015

Legend

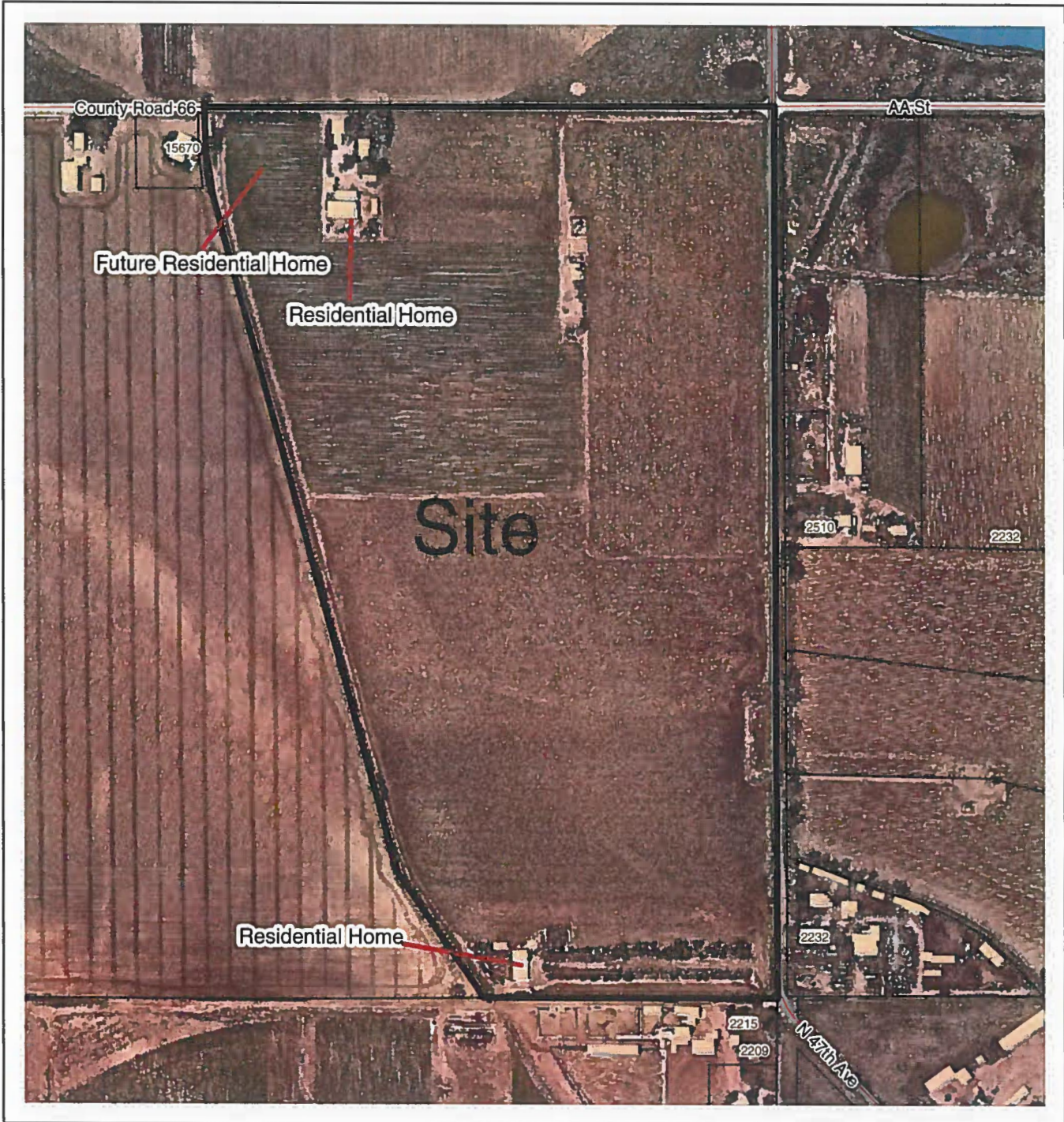
- Structure
- FEATURE_SUBTYPE**
- Water Body
- Weld Parcels
- Road Centerline
- Roads



Page 205







Item No. 18.

Photo Aerial Leffler Rezone



ZON2021-0015

Legend

-  Structure
- FEATURE_SUBTYPE**
-  Water Body
-  Weld Parcels
-  Road Centerline
-  Roads
-  Origin Cache Mask




Page 206

LEFFLER MINOR SUBDIVISION AND REZONING PROJECT NARRATIVE – PAM 2020-0013 August 6, 2021

This proposal is for a Minor Subdivision to split off 3 residential lots from an 82.62-acre parcel located in the NE ¼ of Sec 27, T6N, R66W of the Sixth Principal Meridian, and Rezoning the 3 lots from I-M to R-E. The proposed Leffler Minor Subdivision is shown on the accompanying Plat along with the Site Analysis Map, the Property Boundary Map, and the Zoning Suitability Map for the Rezoning. The existing parcel is zoned I-M and was annexed into the City of Greeley in 1982. The parcel continues to be farmed and this minor subdivision is not proposed to change the current farming operations.

The owners of the parcel are Phillip Leffler and Richard & Lois Leffler. There are two sets of existing improvements with residences occupied by the owners that will become Lot 2 and Lot 3 of the proposed subdivision. The Building Table on the Site Analysis Map provides a description of structures that now exist on the property. The residence (B) and the cellar/wood garage (A) on Lot 2 have significant structural and functional issues and the current plan is that they will be demolished. It is Phillip's plan to build a new residence on Lot 1. Lot 1 at the northwest corner of the farm cannot be irrigated with the center pivot sprinkler that was installed in 2020. Constructing a residence would be the best use of this corner. Placing a residence on the corner of a farm created by the addition of a center pivot sprinkler is a common practice throughout Weld County and other agricultural areas of the country. This proposed minor subdivision would be very compatible with recent subdivisions that have been approved on the farms directly east and north of the Leffler farm. (See the Zoning Suitability Map) A new home was constructed on the farm to the north in recent years and lots are now being developed and are for sale in the Svetlov Minor Replat development east of the Leffler farm. There is also a house located on a lot that was split from the farm just to the west of proposed Lot 1 of the Leffler Minor Subdivision.

Several meetings with City of Greeley staff in the Planning and Engineering departments were very helpful for providing guidance related to current City policies and procedures that would be most appropriate to meet the owners proposed plans for the Leffler Farm. The proposed Leffler Minor Subdivision would have minimal impact on the current and future residents of the properties adjacent to the Proposed Leffler Minor Subdivision. Phillip will continue to farm Lot 4, raising feed for dairies in the area. Richard & Lois will continue to raise vegetables and a few animals on Lot 3 as they have for many years. There has been interest expressed by parties looking for light industrial land to develop in the vicinity of the Leffler farm and the owners are willing to consider this option at some point in the future. The owners have also been approached by parties interested in placing conservation easements on the property in order to preserve the opportunity to make use of the existing water rights attached to the property. Creating the proposed three residential lots on this property would not preclude future light industrial development or placing a conservation easement on the property and the owners are open to either option.

Both of the existing residences are served potable water by the North Weld County Water District. The ¾" tap serving Lot 2 has a credit of 2.0 acre-feet of water because it had served a small dairy barn and feed lot in the past. The ¾" tap serving Lot 3 has a credit of 0.5 acre-feet of water. The average use for each of these taps has been less than 3,000 gallons per month since there is raw water irrigation available for landscape needs. Since Phill is proposing to build a new house on Lot 1, we would want to move the existing tap from Lot 2 to Lot 1.

We are proposing to create 3 residential lots as shown on the attached map. As discussed with Mr. Derek Hannon in the Water & Sewer Department and his indication that this was acceptable, we would propose to allocate the available water credits as follows:

- 1 acre-foot to Lot 1
- 0.5 acre-feet to Lot 2
- 1 acre-foot to Lot 3

As provided for in Section 14.06.080 - Exception for large parcel single-family residential - of the recently adopted standards for water dedications, we would place a note on the plat indicating that the domestic taps for Lots 1, 2 and 3 would serve only the residence and limited area adjacent to the house and would specify the allowable water usage would be less than 1 acre-foot per lot. With these limitations the water credits for Lots 1 and 3 would be satisfied. If and when there is a request to activate a tap on Lot 2, that owner would have to dedicate an additional 0.5 acre-foot or amend the plat to restrict the usage for that lot to no more than 0.5 acre-foot.

The existing residences on Lots 2 and 3 are served by adequately functioning septic systems. The proposed lots in the Leffler Minor Subdivision will have a minimum gross area of 2.5 acres. This would allow adequate room for a replacement septic system and leach field on each lot if it were ever required.

The only impact to the existing transportation system that would result from the approval of this proposed minor subdivision would be the possibility of a few added small vehicle trips if a third residence was added to the property. There are currently well over 1,000 trips per day going through the intersection of AA Street (CR 66) and N 47th Ave (CR 33) according to traffic counts obtained from Weld County Public Works. The addition of approximately 10 trips per day generated by a typical residence would be insignificant considering the current number of vehicle trips on the streets adjacent to this property. The access points are all existing accesses and are shown on the Zoning Suitability Map.

There would be no noticeable adverse storm water runoff impacts to any adjacent properties resulting from the approval and development of this proposed Leffler Minor Subdivision. The western boundary of the property is the LaGrange Lateral that runs along a ridge that prevents any off-site runoff from entering the property from the west. Drainage ditches and AA Street along the northern boundary prevent runoff from the north from entering the property, except for occasional flows that have occurred when the drainage culvert at the north side of AA Street plugs and prevents that runoff from continuing east across WCR33 where it normally would run. The property to the east of N 47th Ave slopes generally to the south and east with no water backing up across N 47th Ave. The property to the south also slopes generally to the south and east except for part of the yard at the northeast corner that drains east to N 47th Ave. The Leffler farm slopes generally to the south and east and drains into a tailwater pond located near the southern end of the farm and adjacent to N 47th Ave. There has been no gravity discharge point for runoff from this farm during the more than 30 years we have owned it, and, from conversations with the two farmers who farmed the land for at least 20 years prior to that, no discharge they knew of. We were told that before N 47th Ave (WCR33) was raised and paved, runoff would sometimes cross the road and flow southeast towards the Poudre River. We have never seen runoff overtop N 47th Ave even while irrigation has been taking place during the heaviest rains. At 6:15

PM on July 2, 2021, following the heavy downpour, I took the following photo of the tailwater pond, looking north along the west side of N 47th Ave. Nearby rain gauges had recorded more than 2" of rain that afternoon. Other reports in the Greeley area that day were for considerably more than 2". The fields were well irrigated by the sprinkler running regularly for several weeks before this rain, so the soil was moist before this event.



As you can see by the high-water level mark around the power pole along N 47th Ave following this intense rainfall event was well below the shoulder of the road. Before runoff would overtop the road, it would back up and pond in the field to the west of the pond. Two of the three residential lots proposed to be created by this proposed minor subdivision are already developed and used as part of the farming operations. The impact on runoff that the addition of one residence in the 82 plus acres in this drainage basin would be insignificant.

As shown on the Zoning Suitability Map, and as described in the preceding paragraphs, the proposed Leffler Minor Subdivision and Rezoning is very compatible with existing and proposed land uses for the area. It is consistent with the Vision Statement and applicable Core Values contained in the City of Greeley Comprehensive Plan adopted earlier this year. As encouraged in Objective GC-1.2, this development is located within the boundaries of previously approved residential development in an area annexed in 1982 and is not leap-frog development. Objective GC-1.4 states that development north of the Cache la Poudre River is desirable. This plan promotes ongoing agricultural uses as proposed in

Objective NR-2.8. It fits well with the description of a Rural Neighborhood in the North Annexation Area with the transition to agricultural lands while allowing for future commercial or light industrial uses as noted in Goal IMP GC-1.2. There is also the opportunity for a conservation easement to maintain open space and encourage cooperative use of valuable water resources. This would include non-potable water use as mentioned in Goal IMP NR 1.5. In summary, this proposed Leffler Minor Subdivision and Rezoning allows long-time residents of Greeley to make reasonable improvements and productive use of their property and natural resources while complying with the City of Greeley's plans for future development in the North Greeley Annexation Area.

The owners of this property are proposing that conditions placed on the approval of the Leffler Minor Subdivision and/or Rezoning would include an agreement that the existing center pivot sprinkler would not have to be relocated unless and until the physical widening of N 47th Ave, centered on the section line, would require it to be moved. The owners would also agree to a condition that any residential lots within this property would be a minimum of 2.5 gross acres in size. The City of Greeley's consideration of this proposal is much appreciated.

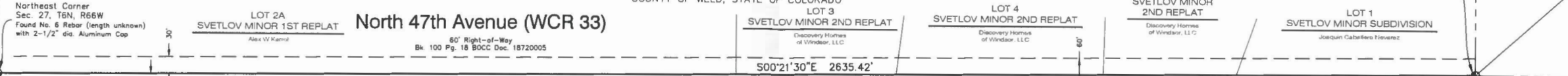
Submitted by: Richard L Leffler, Colorado P.E. #13642

LEFFLER REZONE - PROPERTY BOUNDARY MAP

SUBDIVIDER / OWNER:
Philip Leffler
Richard & Lois Leffler
15756 County Road 66
Greely, Colorado 80631

SURVEYOR:
Intermill Land Surveying, Inc.
Steven J. Stancel, PLS
1301 North Cleveland Avenue
Loveland, Colorado 80537

PART OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 6 NORTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
COUNTY OF WELD, STATE OF COLORADO



ABBREVIATION LEGEND

N: North	RA: Residential Access	WV: Water Valve	LS: Land Surveyor
S: South	RCP: Reinforced Concrete Pipe	IRR: Irrigation	DOC: Document
E: East	SLP: Steel Pipe	PEG: Pivot End Gun	BOCC: Board of County Commissioners
W: West	PVC: Polyvinyl Chloride Pipe	BOV: Air Valve	
C: Center	DIA: Diameter	±: Plus or Minus	Sec. T N R W
⊕: Centerline	BK: Book	REC: Reception	Section Township Range
PG: Page		NO: Number	

ZONING AREA DESCRIPTIONS:

Existing Zoning is City of Greely I-M (Industrial Medium Intensity) for the entire property being that part of the Northeast Quarter of Section 27, Township 6 North, Range 66 West of the Sixth Principal Meridian lying East of LaGrange Lateral.

Proposed Zoning for Lots 1, 2 and 3 of the Leffler Minor Subdivision is City of Greely R-E (Residential Estate). [shaded area]
Total area being rezoned is 347,878 square feet or 7.99 acres, ±

Proposed Zoning for Tract A of Leffler Minor Subdivision is to remain as City of Greely I-M (Industrial Medium Intensity).

SUBJECT PROPERTY

ROW Included
3,598,893 Square Feet or 82.62 Acres, ±

ROW Not Included
3,386,105 Square Feet or 77.73 Acres, ±

TRACT A

Existing Zoning:
City of Greely I-M
Proposed Zoning:
City of Greely I-M

ROW Included
3,218,157 Square Feet
or 73.83 Acres, ±

ROW Not Included
3,038,257 Square Feet
or 69.75 Acres, ±

LINE TABLE

Line	Direction	Length
L1	N241°4'01\"/>	

LINE LEGEND

- Adjoining Property Line
- Boundary Line
- Centerline
- Easement Line
- Lot Line
- Right-of-Way Line (existing)
- Right-of-Way Line (future)
- Section Line

LEGEND

- = Set No. 4 Rebar (18\"/>

SURVEYOR'S CERTIFICATE:

I, Steven John Stancel, a Registered Professional Land Surveyor in the State of Colorado, do hereby certify that the survey represented by this plat was made under my personal supervision, and that this plat is an accurate representation thereof. I further certify that the Professional Engineers and Professional Land Surveyors, and Weld County.

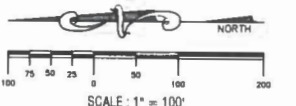
FOR AND ON BEHALF OF:
INTERMILL LAND SURVEYING, INC.
1301 N. Cleveland Ave.
Loveland, CO 80537
970-669-0516

Steven John Stancel
C.O. LS 30462
Date:



HORIZONTAL CONTROL:

Horizontal control was based upon GPS observations at the North Quarter Corner of Sec. 27, T6N, R66W as having an assumed coordinate of 10000, 10000.



STATEMENT OF BEARINGS: Bearings are based on the North line of the Northeast Quarter of Section 27, Township 6 North, Range 66 West of the Sixth Principal Meridian being monumented at the North Quarter corner by a No. 6 Rebar with a 2-1/2\"/>

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 herein.

REVISIONS:

NO.	DATE	BY
1	09.13.2021	LHB
2	11.09.2021	LHB
3	09.13.2021	LHB

Address: Road 3, Comments: LHB
Address: Road 7, Comments: LHB
Address: Road 1, Comments: LHB

INTERMILL LAND SURVEYING, INC.
1301 NORTH CLEVELAND AVENUE
LOVELAND, COLORADO 80537
BUS: (970) 669-0516

CLIENT: Philip Leffler & Richard Leffler
15756 County Road 66
Greely, Colorado 80631

Leffler Rezone Case ZON2021-0015
Part of the Northeast Quarter, Sec. 27, T6N, R66W, 6th P.M.
Weld County, Colorado

DRAWN BY: LHB
CHECKED BY: SJS
APPROVED BY: SJS

DATE: 09.13.2021
SCALE: 1" = 100'

PROJECT NO: P-21-9084

SHEET	OF
1	1

LEFFLER REZONE - SITE ANALYSIS MAP

SUBDIVIDER / OWNER:
Philip Leffler
Richard & Lois Leffler
15756 County Road 66
Greeley, Colorado 80631

SURVEYOR:
Intermill Land Surveying, Inc.
Steven J. Stencel, P.L.S.
1301 North Cleveland Avenue
Loveland, Colorado 80537

CONTOUR NOTE:

2' contours scaled from City of Greeley
2013 topographic data available on the
City's Geographic Information Systems
web page.

PART OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 6 NORTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
COUNTY OF WELD, STATE OF COLORADO

North 47th Avenue (WCR 33)

LINE LEGEND:

- Adjoining Property Line
- Boundary Line
- Centerline
- Easement Line
- Lot Line
- Right-of-Way Line (existing)
- Section Line
- Overhead Utility Line
- Pivot End Gun Circle
- Buried Electric Line
- Telephone Line
- Chevron Oil Pipeline
- DCP Midstream Oil Pipeline
- PDC Oil Pipeline, Removed
- Buried Pivot Supply Line
- Contour Major
- Contour Minor
- 4" Plastic Natural Gas Line
- 1.25" Natural Gas Service Line
- 6" Water Line
- 4" Water Line
- 1" Water Service Line
- Vegetation Area

LEGEND:

- Set No. 4 Rebar (18" in length) with 1" diameter Red Plastic Cap stamped LS 30462
- Calculated corner
- Telephone Riser
- Power Pole
- Electric Meter
- Telephone Vault
- Water Meter
- Overhead Transformer
- Power Pole with Electric Meter
- 1.42% Drainage Slope

SUBJECT PROPERTY

ROW Included
3,598,893 Square Feet or 82.62 Acres, ±

ROW Not Included
3,386,105 Square Feet or 77.73 Acres, ±

Building Table

ID	Building Information	ID	Building Information
A	Wood Garage	G	16 2'x21.1' Garage
B	28 2'x46.7' House	H	14 3'x24.2' Garage
C	11.7'x22.1' Chicken Coop	J	36 2'x80 2' Two-Story House and Metal Shop with Basement
D	8.4'x16.3' Shed	K	10'x16' Shed
E	19 2'x59.9' Wood Garage	L	9 9'x35.3' Lean-To
F	40 2'x80.4' Steel Shop		

LINE TABLE

Line	Direction	Length
L1	N24°4'01"W	25.52'
L2	N00°43'49"W	27.46'

UTILITY NOTE:

Intermill Land Surveying relied upon field survey information and maps provided through both public and private utilities as a result of 811 Ticket A108500428-00A. The surveyor makes no guarantee that the utilities shown comprise all such utilities in the area, either in-service or abandoned. The surveyor further does not warrant that the utilities shown are in the exact location indicated, although the surveyor does certify that they are located as accurately as possible from information available. The surveyor has not physically located the underground utilities. Field locate of all utilities is recommended prior to any construction activity.

TRACT A

Existing Zoning: City of Greeley I-M
Proposed Zoning: City of Greeley I-M

ROW Included
3,218,157 Square Feet or 73.83 Acres, ±

ROW Not Included
3,038,257 Square Feet or 69.75 Acres, ±

SURVEYOR'S CERTIFICATE:

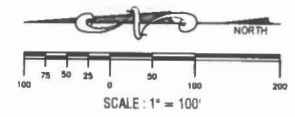
I, Steven John Stencel, a Registered Professional Land Surveyor in the State of Colorado, do hereby certify that the survey represented by this plot was made under my personal supervision, and that this plot is an accurate representation thereof. I further certify that the survey and this plot complies with all applicable rules, regulations and laws of the State of Colorado, State Board of Registration for Professional Engineers and Professional Land Surveyors, and Weld County.

FOR AND ON BEHALF OF
INTERMILL LAND SURVEYING, INC.
1301 N. Cleveland Ave.
Loveland, CO 80537
970-669-0516

Steven John Stencel
Case: LS 30462
Date:



BASIS OF BEARINGS STATEMENT: Bearings are based on the North line of the Northeast Quarter of Section 27, Township 6 North, Range 66 West of the Sixth Principal Meridian being monumented at the North Quarter corner by a No. 6 Rebar with a 2-1/2" diameter Aluminum Cap stamped LS 30462 and at the northeast corner of Section 27 by a No. 6 Rebar with a 2-1/2" diameter Aluminum Cap stamped PLS 38230 as having an assumed bearing of N89°55'11"E a distance of 2679.56' with all bearings contained herein relative thereto.



STATEMENT OF LINEAR UNITS USED:
Linear Units Used for this survey - U.S. Survey Feet

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.

DATE: 11.19.2021

BY: LHB

REVISIONS:

NO.	DATE	DESCRIPTION
1	11.19.2021	Initial Survey
2	11.19.2021	Finalized
3	11.19.2021	Finalized

INTERMILL LAND SURVEYING, INC.
1301 NORTH CLEVELAND AVENUE
LOVELAND, COLORADO 80537
BUS: (970) 669-0516

CLIENT:
Leffler Rezone Case ZON2021-0015
Part of the Northeast Quarter, Sec. 27, T6N, R66W, 6th P.M.,
Weld County, Colorado

CLIENT:
Phillip Leffler & Richard Leffler
15756 County Road 66
Greeley, Colorado 80631

TITLE:
Leffler Rezone Case ZON2021-0015
Part of the Northeast Quarter, Sec. 27, T6N, R66W, 6th P.M.,
Weld County, Colorado

DRAWN BY: LHB

CHECKED BY: SJS

APPROVED BY: SJS

DATE: 11.19.2021

SCALE: 1" = 100'

PROJECT NO: P-21-9084

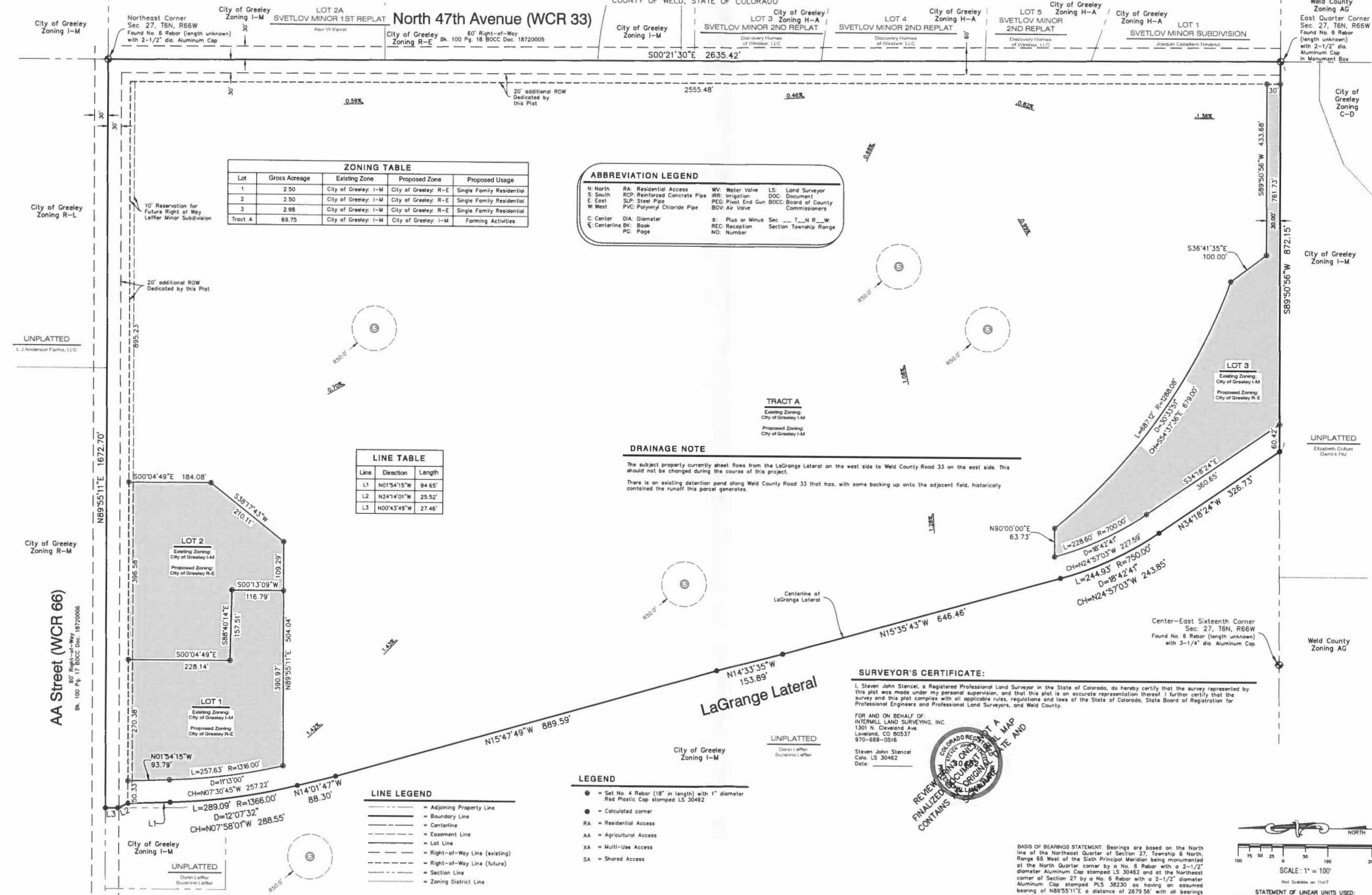
SHEET	OF
1	1

SUBDIVIDER / OWNER: Philip Leffler, Richard & Lois Leffler, 15756 County Road 66, Greeley, Colorado 80631

SURVEYOR: Intermill Land Surveying, Inc., Steven J. Stencel, PLS, 1301 North Cleveland Avenue, Loveland, Colorado 80537

LEFFLER REZONE - ZONING SUITABILITY MAP

PART OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 6 NORTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO



Lot	Gross Acreage	Existing Zone	Proposed Zone	Proposed Usage
1	2.50	City of Greeley: I-M	City of Greeley: R-E	Single Family Residential
2	2.50	City of Greeley: I-M	City of Greeley: R-E	Single Family Residential
3	2.98	City of Greeley: I-M	City of Greeley: R-E	Single Family Residential
Tract A	69.75	City of Greeley: I-M	City of Greeley: I-M	Farming Activities

ABBREVIATION LEGEND			
N: North	RA: Residential Access	WV: Water Valve	LS: Land Surveyor
S: South	RCP: Reinforced Concrete Pipe	IRR: Irrigation	DOC: Document
E: East	SP: Steel Pipe	PEG: Point, End Gun	BOCC: Board of County Commissioners
W: West	PVC: Polyvinyl Chloride Pipe	BDV: Air Valve	
C: Center	DIA: Diameter	±: Plus or Minus	Sec: Section
E: Centerline	BK: Book	REC: Reception	T, N, R, W: Township, Range, West
PG: Page		NO: Number	

Line	Direction	Length
L1	N01°54'15"W	94.65'
L2	N24°14'01"W	25.52'
L3	N00°43'49"W	27.46'

DRAINAGE NOTE

The subject property currently sheet flows from the LaGrange Lateral on the west side to Weld County Road 33 on the east side. This should not be changed during the course of this project.

There is an existing detention pond along Weld County Road 33 that has, with some backing up onto the adjacent field, historically contained the runoff this parcel generates.

LINE LEGEND	
—	Adjoining Property Line
—	Boundary Line
—	Centerline
—	Easement Line
—	Lot Line
—	Right-of-Way Line (existing)
—	Right-of-Way Line (future)
—	Section Line
—	Zoning District Line

- LEGEND**
- = Set No. 4 Rebar (18" in length) with 1" diameter Red Plastic Cap stamped LS 30462
 - = Calculated corner
 - RA = Residential Access
 - AA = Agricultural Access
 - XA = Multi-Use Access
 - SA = Shared Access

SURVEYOR'S CERTIFICATE:

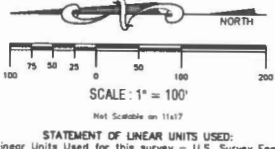
I, Steven John Stencel, a Registered Professional Land Surveyor in the State of Colorado, do hereby certify that the survey represented by this plat was made under my personal supervision, and that this plat is an accurate representation thereof. I further certify that the survey and this plat comply with all applicable rules, regulations and laws of the State of Colorado, State Board of Registration for Professional Engineers and Professional Land Surveyors, and Weld County.

FOR AND ON BEHALF OF:
INTERMILL LAND SURVEYING, INC.
1301 N. Cleveland Ave.
Loveland, CO 80537
970-689-0516

Steven John Stencel
Colo. LS 30462
Date:



BASIS OF BEARINGS STATEMENT: Bearings are based on the North line of the Northeast Quarter of Section 27, Township 6 North, Range 66 West of the Sixth Principal Meridian being monumented at the North Quarter corner by a No. 6 Rebar with a 2-1/2" diameter Aluminum Cap stamped LS 30462 and at the Northeast corner of Section 27 by a No. 6 Rebar with a 2-1/2" diameter Aluminum Cap stamped PLS 38230 as having an assumed bearing of N89°55'11"E a distance of 2679.56' with all bearings contained herein relative thereto.



DATE:	BY:	REVISIONS:
12.27.2021	LHB	
11.09.2021	LHB	
09.13.2021	LHB	

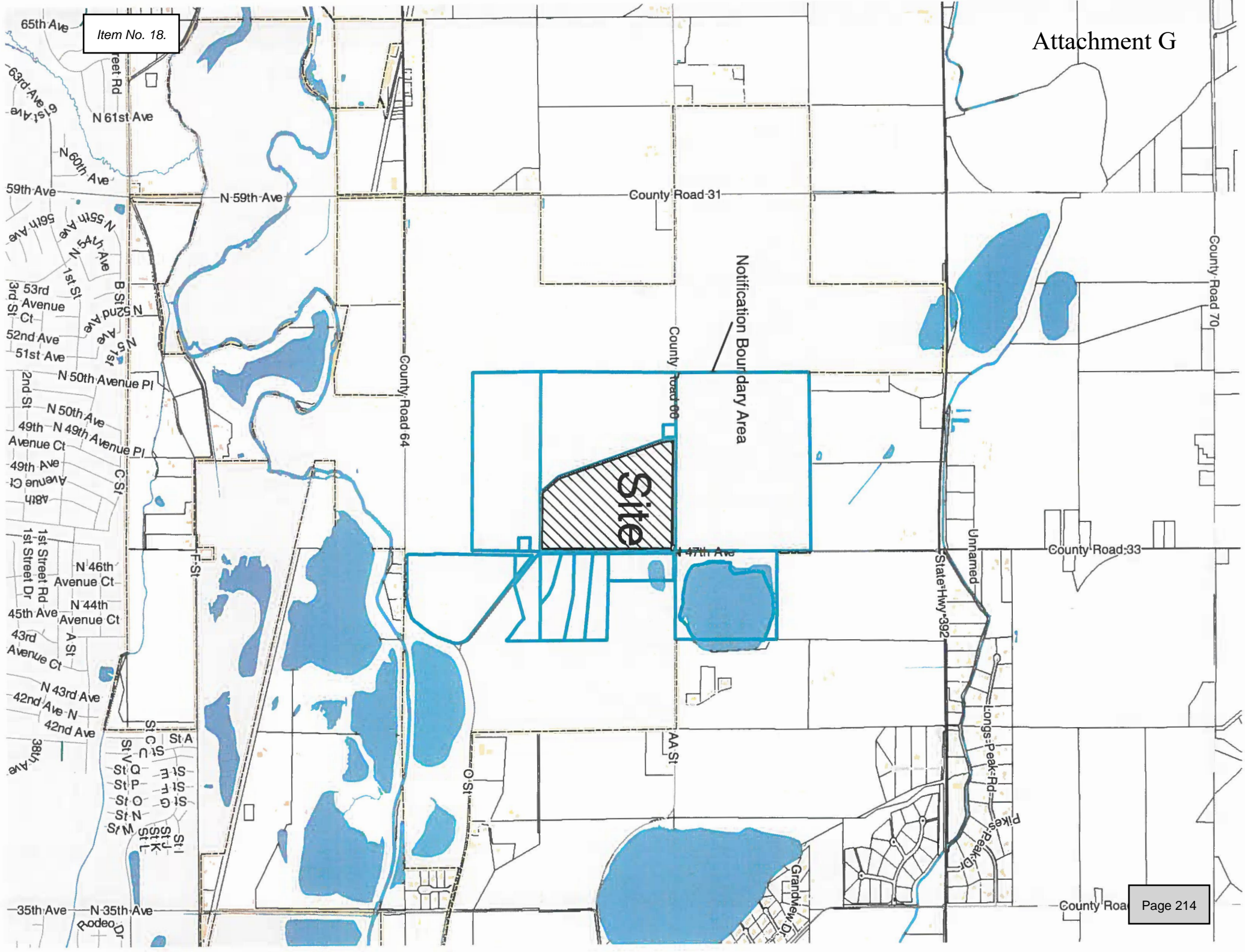
INTERMILL LAND SURVEYING, INC.
1301 NORTH CLEVELAND AVENUE, LOVELAND, COLORADO 80537
BUS: (970) 689-0516

CLIENT: Phillip Leffler & Richard Leffler
15756 County Road 66
Greeley, Colorado 80631

TITLE: Leffler Rezone Case ZON2021-0015
Part of the Northeast Quarter, Sec. 27, T6N, R66W, 6th P.M., Weld County, Colorado

DRAWN BY:		CHECKED BY:		APPROVED BY:	
LHB		SJS		SJS	
DATE: 11.19.2021		SCALE: 1" = 100'		PROJECT NO: P-21-9084	
SHEET 1		OF 1			

Item No. 18.



City of Greeley, Colorado
PLANNING COMMISSION PROCEEDINGS

March 22, 2022

1. Call to Order

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

2. Roll Call

The hearing clerk called the roll.

PRESENT

Chair Justin Yeater
Commissioner Erik Briscoe
Commissioner Jeff Carlson
Commissioner Brian Franzen
Commissioner Larry Modlin
Commissioner Christian Schulte

ABSENT

Commissioner Chelsie Romulo

3. Approval of Agenda

Becky Safarik, Interim Community Development Director, pointed out a minor correction to the address for Item 6 on the agenda. Commissioner Franzen moved to accept the agenda as corrected. Commissioner Schulte seconded the motion. Motion carried 6-0. (Commissioner Romulo was absent.)

4. Approval of March 8, 2022 Minutes

Commissioner Franzen moved to approve the minutes dated March 8, 2022. Commissioner Briscoe seconded the motion. Motion carried 6-0. (Commissioner Romulo was absent.)

5. Appointment of Liaison to Arts Commission

Ms. Safarik described the purpose and function of the Arts Commission. She advised that two other City boards each have a member who serves on the Arts Commission. Commissioner Carlson advised that he could attend most meetings but would sometimes have a conflict and asked whether that would create a problem. There was discussion about the possibility of appointing an alternate and Commissioner Modlin agreed to serve in that capacity. Commissioner Franzen moved to appoint Commissioner Carlson to serve as the primary Planning Commission liaison to the Arts Commission with Commissioner Modlin as an alternate. Commissioner Schulte seconded the motion. Motion carried 6-0. (Commissioner Romulo was absent.)

6. Public hearing to consider a request to rezone approximately 82.62 acres of land located at 15756 County Road 66 from I-M (Industrial Medium Intensity) to R-E (Residential Estate) and I-M (Project No. ZON2021-0015)

Darrell Gesick addressed the Commission. The item was on the expedited agenda and a full presentation was not provided. Mr. Gesick offered to answer questions. Commissioner Schulte noted that the proposal includes residential zoning next to industrial and asked about the long-term plan in the event a different industrial user acquires the adjacent parcel in the future. Mr. Gesick advised that for planning purposes, if an application for another use is submitted, appropriate buffering would be required as part of the application and review process. He provided a brief history of zoning in the area. Upon question by Commissioner Franzen, Mr. Gesick reported that there is a one-year period before any future rezone could be considered. Upon question by Commissioner Modlin, Mr. Gesick confirmed that a nearby parcel is zoned Residential Estate, adding that there is also Residential Low Density and Residential Medium Density to the north.

The applicant did not address the Commission.

Chair Yeater opened the public hearing at 1:24 p.m. There being no comments, the public hearing was closed at 1:24 p.m.

Commissioner Schulte moved that, based on the application received and the preceding analysis, the Planning Commission find that the proposed rezoning from I-M (Industrial Medium Intensity) zone district to the R-E (Residential Estate) and I-M (Industrial Medium Intensity) zone district meets 1998 Development Code Section 24-625(c)(3) a, b, f, g and h; and, therefore, recommend approval of the rezone to City Council. Commissioner Franzen seconded the motion.

Commissioner Franzen stated that the rezone request makes sense. Commissioner Schulte agreed and added that it seems to be part of a larger trend in the area.

Motion carried 6-0. (Commissioner Romulo was absent.)

7. Staff Report

Mike Garrott, Planning Manager, pointed out the Commercial & Residential Construction Activity Reports in the packet and briefly described the projects going through various stages of the process. He added that a building construction report with permit and construction information will also be provided in future packets. Mr. Garrott responded to questions by commissioners.

Ms. Safarik shared that the annual Boards and Commissions Reception would take place next Thursday and invited interested commissioners to attend.

8. Adjournment

With no further business before the Commission, Chair Yeater adjourned the meeting at 1:34 p.m.

9. Workshop – Annual Growth and Projection Report

Justin Yeater, Chair

Becky Safarik, Secretary

DRAFT

Leffler Rezone ZON2021-0015

City Council
April 19, 2022
Darrell Gesick, Planner III

Request & Site Background

- **Request:**

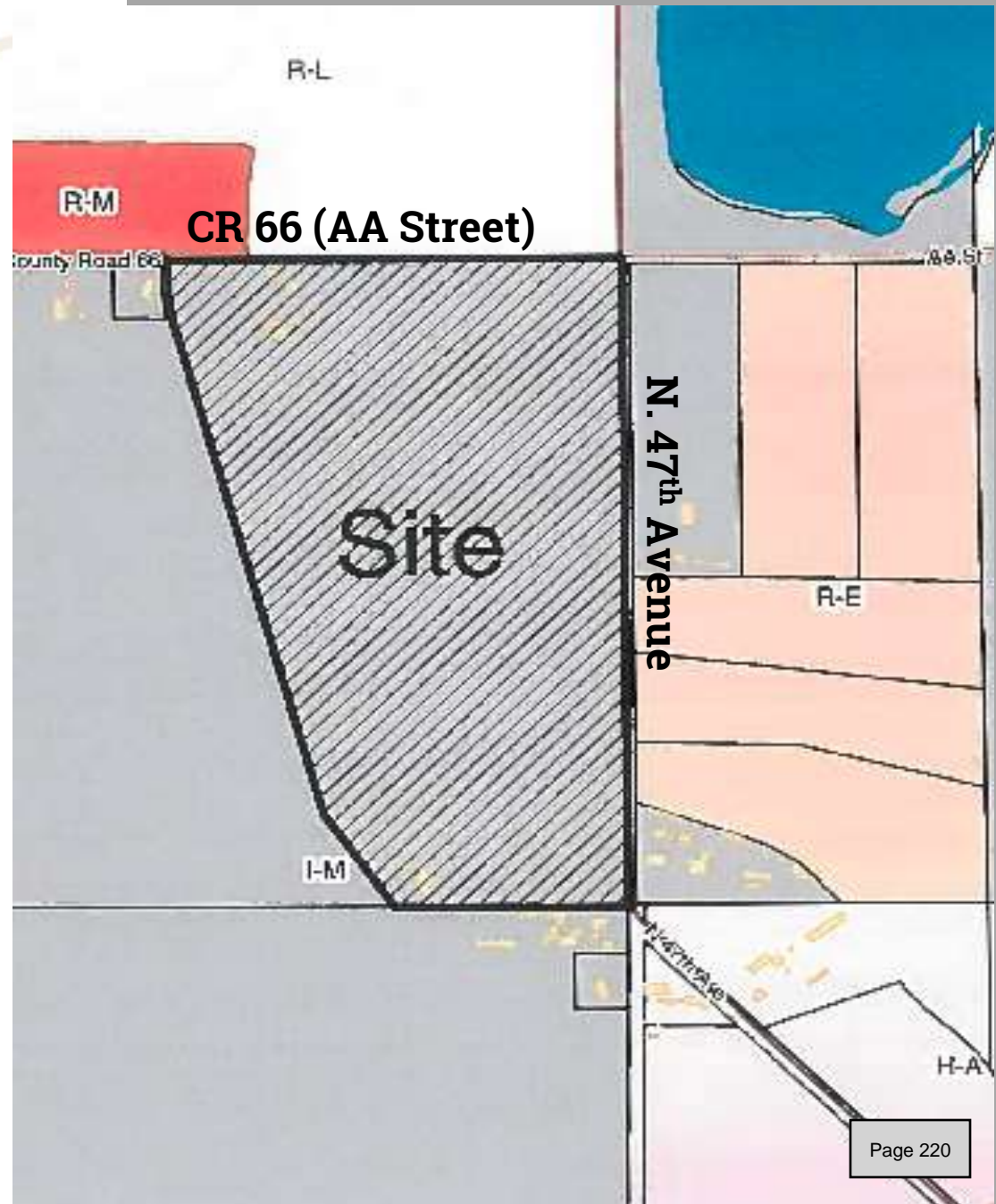
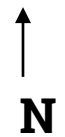
- **Rezone 82.62 acres to R-E (Residential Estate) and I-M (Industrial Medium Intensity)**
- **Parcels are currently developed with two homes and accessory structures associated with a family farm**

- **Background:**

- **In 1982, the property was annexed and zoned industrial**
- **Intent was to get a large industrial user to develop in the area. That user located in a different jurisdiction**
- **Site currently used as a family farm**

Location

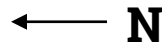
- **South of CR 66, also known as AA Street, and West of N. 47th Avenue**
- **Surrounding Zoning and Land Uses:**
 - **North: R-M (Residential Medium) and R-L (Residential Low) – Agricultural Use**
 - **East: I-M (Industrial Medium) and R-E (Residential Estate) – Single-Family Dwelling/Agricultural Use (Future Large Lot Development)**
 - **South: I-M – Single-Family Use/Agricultural Use**
 - **West: I-M – Single-Family/Agricultural**



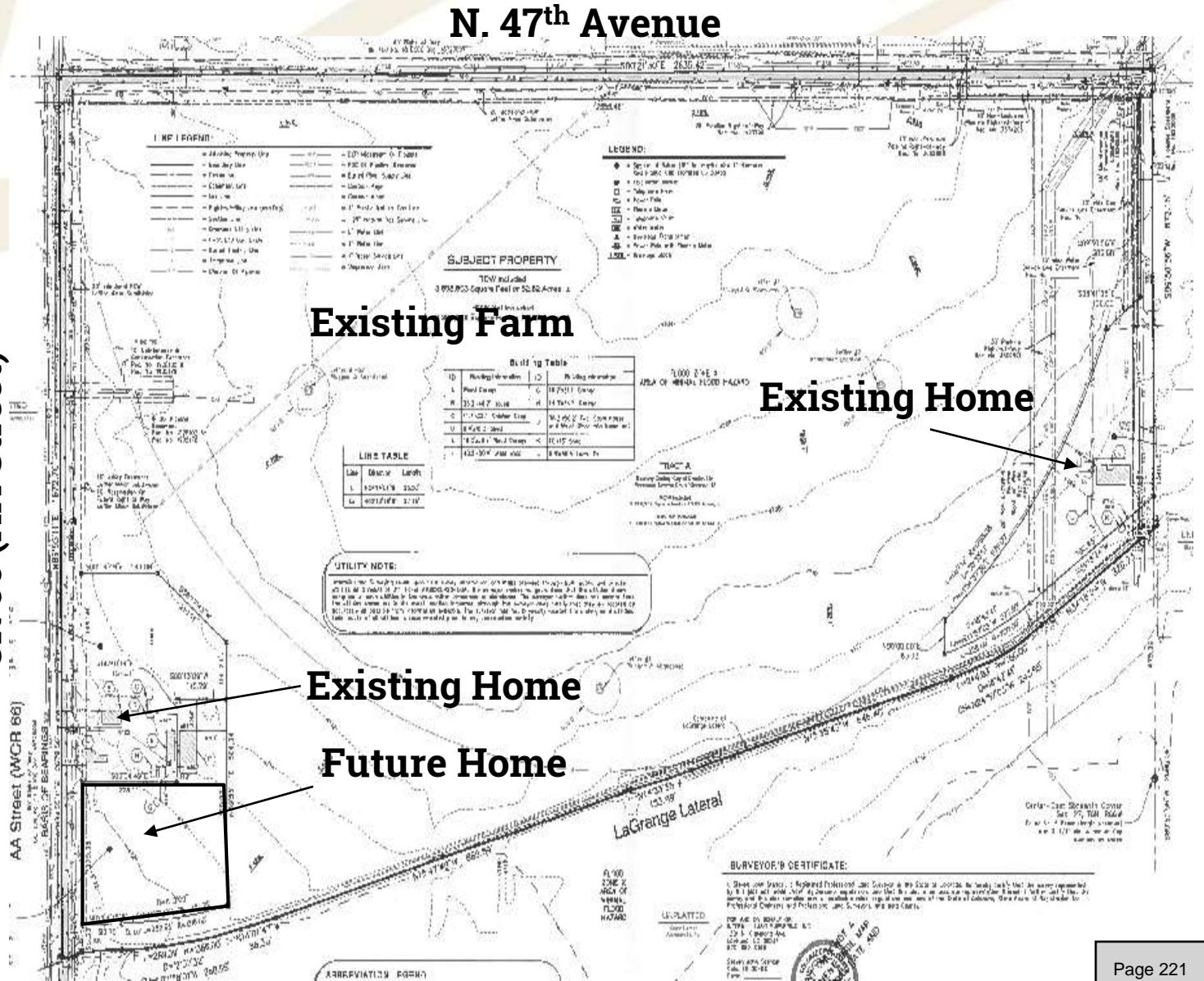
Site Analysis and Zoning Suitability Map

Existing Conditions:

- Several existing structures on the parcels
- Farmland



CR 66 (AA Street)



Approval Criteria

Item No. 18.

Rezone Criteria – 24-625(C)(3) – Eight Criteria Used to Evaluate Rezone applications

- **The proposed Rezone is consistent with the criteria as outlined in the staff report**

Notification

- **A total of 14 notice letters were mailed to property owners within 500 feet**
- **Signs posted on the property**

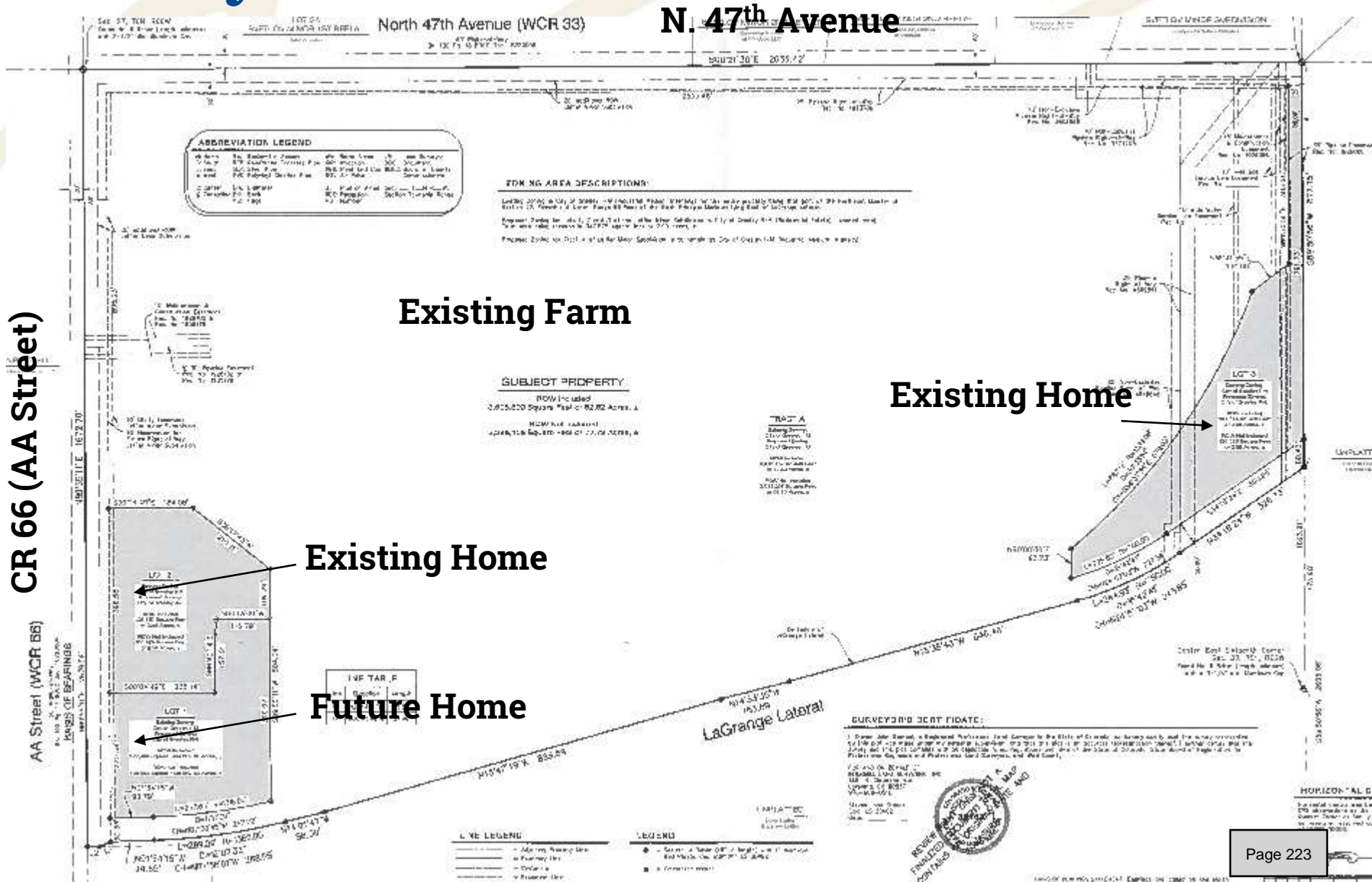
Recommendation

- **Complies with Section 24-625(c)(3) a, b, f, g, and h**
- **Planning Commission reviewed request and conducted a public hearing on March 22, 2022 and voted unanimously to recommend approval**



Item No. 18. Rezone Boundary Map

- Rezone 82.62 acres



Approval Criteria

Rezone Criteria – Section 24-625(c)(3) – Eight Criteria Used to Evaluate Rezones

- | | |
|----|---|
| A) | <p>Has the area <u>changed</u> to such a degree that it is in the public interest to rezone to <u>encourage development/redevelopment</u>?</p> |
| | <ul style="list-style-type: none"> • <i>Original zoning was part of a larger annexation and zoning to entice a large industrial user</i> • <i>Industrial user located in a different location</i> • <i>Family farm for many decades</i> • <i>Zoning needed to allow for a home to be built. Current zoning does not allow for residential</i> |
| B) | <p>Has the existing zoning been in place for at least <u>15 years</u> without substantial development resulting and does the existing zoning appear to be obsolete?</p> |
| | <ul style="list-style-type: none"> • <i>Industrial zoning in place for over 40 years</i> • <i>Original zoning was part of a larger annexation and zoning to entice a large industrial user</i> |
| F) | <p>What is the <u>potential impact</u> on the <u>immediate neighborhood</u> and the <u>city</u> as a whole?</p> |
| | <ul style="list-style-type: none"> • <i>Minimal impacts</i> • <i>Severed by North Weld County Water District</i> • <i>Septic would be used</i> • <i>Noise regulated by the Municipal Code</i> |

Approval Criteria

Rezone Criteria – Section 24-625(c)(3)

G) Is the rezone consistent with the policies and goals of the City's Comprehensive Plan?

- *GC-6.3 – Protect the character of established neighborhoods*
- *GC-2.2– Support zoning for people who live in the Greeley to also work in Greeley*
- *Rezone would allow for family member to live on the farm that they work on. It is typical for this to occur on family farms*

H) What is the impact on the Zoning Suitability Plan?

- *The proposed Zoning Suitability Plan demonstrates on a conceptual level that the site should be able to develop/redeveloped in accordance with the Development Code*

Council Agenda Summary

April 19, 2022

Key Staff Contact: Stacey Aurzada, Interim City Clerk, 970-350-9742

Title:

Public Hearing and final reading of an Ordinance amending and repealing portions of the City of Greeley Municipal Code, all correcting the codification of the entire permanent code to accurately reflect the intent of ordinances passed in the City of Greeley

Summary:

The City contracts with a specialized publisher, MuniCode Corporation ("MuniCode"), to consolidate the City's general legislation and organize it by topics into a Code of Ordinances – also referred to as the Code or Greeley Municipal Code. This process, called codification, also includes the addition of frequent changes, or supplementation, as changes are made to the Code through Council's adoption of new ordinances.

Recodification of the Municipal Code is completed periodically. In 2018, the City contracted with MuniCode to review and recodify the Municipal Code. Pursuant to this contract, MuniCode was to review and identify:

1. conflicts, inconsistencies, and obsolete provisions in the Municipal Code in connection with Colorado state statutes;
2. conflicts and redundancies with the Charter;
3. internally conflicting provisions and redundancies; and
4. potentially unconstitutional provisions.

In addition, MuniCode was to recommend and implement organizational improvements of sections and chapters.

The recodification was completed by MuniCode in early 2021. The City Council adopted the recodified Municipal Code on April 6, 2021. Shortly after the recodified Municipal Code was adopted, City staff members began to identify errors in the Code. Examples of the errors are erroneous omission of previously adopted ordinances, scrivener's errors, inappropriate Code language, duplicating Code sections when not necessary, and erroneous inclusion of repealed Code sections.

The City Attorney's Office compiled a log of the identified errors and conducted a review of ordinances from 2018 to 2021 to ensure all adopted ordinances were contained within the Municipal Code. The ordinance before Council is intended to correct the errors that have been discovered to date. Additional corrections may be necessary in the future and may require adoption of additional corrective ordinances by the City Council.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	No
If yes, what is the initial, or, onetime impact?	
What is the annual impact?	
What fund of the City will provide Funding?	
What is the source of revenue within the fund?	
Is there grant funding for this item?	N/A
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	The City Clerk's office budgets funds to codify ordinances that Council passes every year, so there are funds available to codify this ordinance. However, the City Clerk's office and the City Attorney's Office have been negotiating with MuniCode to identify and correct errors from the recodification. MuniCode has indicated that they will fix errors without charging typical supplementation costs, and a formal agreement is forthcoming

Legal Issues:

Consideration of this matter is a legislative process.

Negotiations with MuniCode related to supplementation costs and editorial review are on-going.

Other Issues and Considerations:

None.

Strategic Work Program Item or Applicable Council Priority and Goal:

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

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

Decision Options:

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

Council's Recommended Action:

A motion to introduce the ordinance and schedule the public hearing and second reading for April 19, 2022.

Attachments:

Ordinance
Appendix A

**CITY OF GREELEY, COLORADO
ORDINANCE NO. ____, 2022**

**AN ORDINANCE AMENDING AND REPEALING PORTIONS OF THE
CITY OF GREELEY MUNICIPAL CODE, ALL CORRECTING THE CODIFICATION
OF THE ENTIRE PERMANENT CODE TO ACCURATELY REFLECT THE INTENT OF
ORDINANCES PASSED IN THE CITY OF GREELEY**

WHEREAS, the City of Greeley, Colorado, (the "City"), pursuant to Article XX, Section 6 of the Colorado Constitution, has the right to enact, administer and enforce ordinances pursuant to the constitutional grant of power to the City; and

WHEREAS, the City adopted Ordinance No. 12, 2021 on April 6, 2021, pursuant to Charter section 3-20, and codified the entire body of permanent ordinances; and

WHEREAS, during the codification process of the Greeley Municipal Code, errors were made and sections of the code do not accurately reflect the intent of City Council when enacting individual ordinances in the past.

WHEREAS, more specifically, the errors included omitting the language of several ordinances adopted in 2019, scrivener's errors, adjustments to the language that affected the intended meaning of the code, duplicating code sections when not necessary, and inserting code sections that had been previously repealed.

WHEREAS, the corrections contained herein accurately reflect the Greeley Municipal Code as intended by City Council.

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

Section 1: Chapter 6, Ordinances, of Title 1, General Provisions, shall be amended as shown in Appendix A.

Section 2: Section 1-176 of Chapter 7, Arrest, Prosecution and Sentences, of Title 1, General Provisions, shall be amended as shown in Appendix A.

Section 3: Section 2-186 of Chapter 4, Contracts, of Title 2, Administration and General Government, shall be amended as shown in Appendix A.

Section 4: Section 1-229 of Chapter 9, General Penalty, of Title 1, General Provisions, shall be amended as shown in Appendix A.

Section 5: Section 2-149 of Chapter 3, City Council, of Title 2, Administration and General Government, shall be amended as shown in Appendix A.

Section 6: Section 2-461, Chapter 6, Contracts with Other Governmental Bodies, of Title 2, Administration and General Government, is hereby repealed.

Section 7: Section 2-481, Chapter 7, Administrative Hearing Officer and Parking Referee, of Title 2, Administration and General Government, is hereby repealed.

Section 8: Section 2-916 of Article I, Generally of Chapter 11, Municipal Court, of Title 2, Administration and General Government, shall be amended as shown in Appendix A.

Section 9: Section 2-947, Article II, Municipal Judge and Staff of Chapter 11, Municipal Court, of Title 2, Administration and General Government, shall be amended as shown in Appendix A.

Section 10: Section 2-1026 of Chapter 12, Administrative Hearing Officers, of Title 2, Administration and General Government, shall be amended as shown in Appendix A.

Section 11: Section 6-486 of Article III, Source Selection and Contract Information, Chapter 6, Purchasing, of Title 6, Revenue and Finance, shall be amended as shown in Appendix A.

Section 12: Section 8-435 of Article I, Local Licensing Authority, Chapter 13, Alcohol Beverages, of Title 8, Business Taxes, Licenses and Regulations, shall be amended as shown in Appendix A.

Section 13: Section 8-469 of Article II, Licenses, Chapter 13, Alcohol Beverages, of Title 8, Business Taxes, Licenses and Regulations, shall be amended as shown in Appendix A.

Section 14: Section 8-498 of Article III, General Provisions; Unlawful Acts, Chapter 13, Alcohol Beverages, of Title 8, Business Taxes, Licenses and Regulations, is hereby repealed.

Section 15: Section 8-554 and 8-55 of Article V, Beer, Wine and Spirituous Liquor Tastings, Chapter 13, Alcohol Beverages, of Title 8, Business Taxes, Licenses and Regulations, shall be amended as shown in Appendix A.

Section 16: Sections 10-53 and 10-54 of Chapter 3, Violations, of Title 10, Animals, shall be amended as shown in Appendix A.

Section 17: Sections 12-190, 12-191 and 12-207 of Chapter 3, Grading and Soil Erosion Control, of Title 12, Public Health and Environmental Control, shall be amended as shown in Appendix A.

Section 18: 12-207 of Chapter 3, Grading and Soil Erosion Control, of Title 12, Public Health and Environmental Control, is hereby repealed.

Section 19: Section 14-293 of Chapter 9, Offenses Against Property, of Title 14, Criminal Conduct and Offenses, shall be amended as shown in Appendix A.

Section 20: Section 16-262 of Article VIII, Pedestrians, Chapter 1, Traffic Code, of Title 16, Vehicles and Traffic, is hereby repealed.

Section 21: Section 16-391 of Article XII, Traffic Infractions Related to Parking, Chapter 1, Traffic Code, of Title 16, Vehicles and Traffic, shall be amended as shown in Appendix A.

Section 22: Section 16-476 of Article XIV, Other Offenses, Chapter 1, Traffic Code, of Title 16, Vehicles and Traffic, shall be amended as shown in Appendix A.

Section 23: Sections 16-601, 16-604 and 16-610 of Article XVIII, Towing and Storage, Chapter 1, Traffic Code, of Title 16, Vehicles and Traffic, shall be amended as shown in Appendix A.

Section 24: Sections 16-670, 16-671, 16-678, 16-679 and 16-683 of Chapter 2, Parking Infractions, of Title 16, Vehicles and Traffic, shall be amended as shown in Appendix A.

Section 25: Sections 18-305, 18-306 and 18-310 of Chapter 4, Parks, of Title 18, Streets, Sidewalks and Public Places, shall be amended as shown in Appendix A.

Section 26: Section 20-29 of Chapter 2, Water and Sewer Administration, of Title 20, Public Works and Utilities, is hereby repealed.

Section 27: Section 20-123 of Division 1, In General, Article III, Water, Chapter 3, Water and Sanitary Sewer Service, of Title 20, Public Works and Utilities, shall be amended as shown in Appendix A.

Section 28: Sections 20-152 and 20-153 of Division 2, Fees, Costs and Collection, Article III, Water, Chapter 3, Water and Sanitary Sewer Service, of Title 20, Public Works and Utilities, shall be amended as shown in Appendix A.

Section 29: Section 20-327 of Division 2, Fees, Costs and Collection, Article IV, Sanitary Sewers, Chapter 3, Water and Sanitary Sewer Service, of Title 20, Public Works and Utilities, shall be amended as shown in Appendix A.

Section 30: Title of Article VII and sections 20-563 and 20-567 of Division 1, In General, Article VII, Storm Sewers, Chapter 3, Water and Sanitary Sewer Service, of Title 20, Public Works and Utilities, shall be amended as shown in Appendix A.

Section 31: Title of Article VII and Sections 20-588, 20-589 and 20-592 of Division 2, Fees, Costs and Collection, Article IV, Sanitary Sewers, Chapter 3, Water and Sanitary Sewer Service, of Title 20, Public Works and Utilities, shall be amended as shown in Appendix A.

Section 32: Sections 20-621, 20-626, 20-633, 20-637 and 20-639 of Chapter 4, Stormwater Management Program, of Title 20, Public Works and Utilities, shall be amended as shown in Appendix A.

Section 33: Sections 22-44 of Chapter 2, Building Code, of Title 22, Buildings and Construction, shall be amended as shown in Appendix A.

Section 34: Sections 22-47 and 22-48 of Chapter 2, Building Code, of Title 22, Buildings and Construction, is hereby repealed.

Section 35: Sections 22-95, 22-96 of Chapter 3, Residential Code, of Title 22, Buildings and Construction, shall be amended as shown in Appendix A.

Section 36: Sections 22-241 of Chapter 6, Existing Building Code, of Title 22, Buildings and Construction, is hereby repealed.

Section 37: Sections 22-314, 22-316, 22-317 and 22-318 of Chapter 9, Plumbing Code, of Title 22, Buildings and Construction, shall be amended as shown in Appendix A.

Section 38: Sections 22-463 and 22-464 of Chapter 12, Fire Code, of Title 22, Buildings and Construction, shall be amended as shown in Appendix A.

Section 39: This ordinance shall become effective on the fifth day following its final publication as provided by Section 3-16 of the Greeley City Charter. Upon its effective date, the ordinance shall retroactively be in full force and effect from the date of May 11, 2021, which is the date Ordinance No. 12, 2021 became effective.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS ___ DAY OF _____, 2022.

ATTEST

CITY OF GREELEY, COLORADO

Interim City Clerk

Mayor

APPENDIX A

AN ORDINANCE AMENDING AND REPEALING PORTIONS OF THE CITY OF GREELEY MUNICIPAL CODE, ALL CORRECTING THE CODIFICATION OF THE ENTIRE PERMANENT CODE TO ACCURATELY REFLECT THE INTENT OF ORDINANCES PASSED IN THE CITY OF GREELEY

Section 1: Chapter 6, Ordinances, of Title 1, General Provisions, shall be amended to read as follows:

Sec. 1-145. Adoption of codes by reference.

The following shall be the only requirements necessary to adopt any code by reference by the city:

(1) The title of the adopting ordinance shall specify the general name of the primary code and every secondary code adopted.

(2) Not less than three copies of the primary code and of each secondary code shall be on file with the City Clerk from the date the proposed ordinance is passed on first reading. Following the adoption of such codes, copies shall be available at the City Clerk's office, to be purchased by the public at a cost as set in accordance with section 1-38 of this title.

(3) The adopting ordinance shall be adopted and published as other ordinances of the city, except that the provisions of the codes need not be published or read at the city council meeting. At least three copies of such codes shall be available for inspection or reading at the city council meetings when the adopting ordinance is voted upon.

(34) The adopting ordinance shall specify when it will be on the city council agenda for passage the second time and this shall be considered the public hearing concerning the code or codes to be adopted.

(45) Amendments to such codes shall be made in the same manner as the adoption of such codes.

Sec. 1-146. Procedure for passage.

The following procedure for enactment of ordinances shall be followed:

(1) The ordinance shall be introduced at any regular or special meeting of the City Council by any member thereof.

(2) The reading of an ordinance shall consist only of reading the title thereof; provided, that copies of the full ordinance proposed shall have been available in the office of the City Clerk at least forty-eight (48) hours prior to the time such ordinance is introduced for each member of the City Council, and for inspection and copying by the general public; and provided further that a majority of the City Council may request that an ordinance be read in full at any reading of the same, in which case such ordinance shall be read in full at such reading.

(3) After the introduction of the ordinance and any amendments thereof, the same shall be approved or rejected by the vote of the City Council.

(4) If the ordinance is approved on first introduction, it shall be published in full unless otherwise provided herein. The City Council shall set a date, hour and place at which

the City Council shall hold a public hearing on the ordinance, and notice of said day, hour and place shall be included in first publication.

(5) The ordinance shall be introduced at City Council the second time at a meeting not earlier than ten days after first publication for final approval, rejection or other action as may be taken by vote of the City Council. This meeting may be the same meeting at which the public hearing on the ordinance is held. The ordinance may be amended before the final approval by the vote of the City Council.

(6) Except as otherwise provided in this Chapter, an ordinance, if amended in substance, shall be published in full after final passage. But if not amended in substance, it shall be published either by title or in full as the City Council may determine.

(7) Whenever an ordinance shall be published by reference or by title, the publication shall contain a summary of the subject matter of said ordinance and shall contain a notice to the public that copies of the proposed ordinance are available at the office of the City Clerk.

(8) Standard codes promulgated by the federal government, the State of Colorado or by any agency of either of them, or by recognized trade or professional organizations or amendments or revisions thereof, may be adopted by reference following a public hearing, provided that the publication of the bill or ordinance adopting any said code shall advise that copies thereof are available for inspection at the office of the City Clerk, and provided that any penalty clause in said codes may be adopted only if set forth in full and published in the adopting ordinance. Primary codes thus adopted may in turn adopt secondary codes

Sec. 1-147. Repeal or modification; effect.

No suit, proceeding, right, fine or penalty instituted, created, given, secured or accrued under any ordinance previous to its repeal shall in any wise be affected, released or discharged by such repeal or modification.

Section 2: Section 1-176 of Chapter 7, Arrest, Prosecution and Sentences, of Title 1, General Provisions, shall be amended to read as follows:

Sec. 1-176. Offenses covered by multiple provisions.

In cases where the same violation is punishable or created by different clauses or sections of this Code, the prosecuting officer may select under which to proceed, but a person may not be convicted for more than one violation for the same conduct. no more than one recovery shall be had against the same person for the same offense.

Section 3: Section 2-186 of Chapter 4, Contracts, of Title 2, Administration and General Government, shall be amended to read as follows:

2-186. Intergovernmental agreements.

The city may enter into contracts with other governmental bodies to furnish governmental services and make charges for such services or enter into cooperative or joint activities with other governmental bodies. Approval of such agreements will be approved by city council resolution or ordinance authorizing the city manager or his designee to sign the agreement. Such agreements will be approved as to substance by the city manager or designee, as to legal form by the city attorney or designee, and

as to availability of funds by the director of finance or designee, except such agreements will be approved by city council resolution or ordinance:

(1) When the approval of the proposed agreement involves the direct, monetary payment of more than \$100,000.00;

(2) In the judgment of the city manager, the proposed agreement entails significant policy considerations; or

(3) The approval by city council is required by state or federal law.

Section 4: Section 1-229 of Chapter 9, General Penalty, of Title 1, General Provisions, shall be amended to read as follows:

Sec. 1-229. Penalties designated.

(a) No person shall violate any of the provisions of this Code. Such violations shall be subject to the punishment listed in this section.

(b) Misdemeanor offenses.

(1) Unless otherwise designated, any alleged criminal, non-administrative violation of this Code shall be classified as a misdemeanor offense and heard by the municipal court pursuant to chapter ~~10~~ 11 of title 2 of this Code.

(2) A person who commits a misdemeanor offense, which includes traffic offenses, shall be subject to punishment by a fine of not more than \$1,000.00 or by imprisonment not to exceed one year, or by both such fine and imprisonment.

(c) Misdemeanor infractions.

(1) A person who violates any ordinance designated by this Code as a misdemeanor infraction, which includes traffic infractions ~~and parking infractions~~, shall be heard by the municipal court and subject to punishment by a fine of not more than \$500.00.

(2) A person cited for a misdemeanor infraction shall be eligible to submit a plea and payment to the municipal court pursuant to procedures established in section 2-991.

~~(d) Upon conviction, a person may be sentenced to perform a certain number of hours of community or useful public service, in addition to any other penalty imposed, and the municipal court may assess a fee to cover the cost of participation in the community or useful public service.~~ Community or useful public service. A defendant, upon conviction, may be sentenced to perform a certain number of hours of community or useful public service, in addition to any other penalty of this Section. If a person is convicted of more than one violation, community or useful public service may be imposed on any or each and every violation; any such community or useful public service penalties in excess of one arising out of multiple violations within one case may run and be satisfied concurrently or consecutively, in the discretion of this Court.

(1) For the purposes of this subsection, community or useful public service means any work which is beneficial to the public, any governmental entity or any bona fide nonprofit private or public organization and which work would not, with the exercise of reasonable care, endanger the health or safety of the person required to work.

(2) Any community or useful public service penalty imposed pursuant to this Section shall be suitable to the age and abilities of the defendant, and the amount of community or useful public service work ordered shall be reasonably related to the seriousness of the violation.

(3) The Court may assess a fee to cover the costs of the defendant participating in the useful public service program, upon every person required to perform community or

useful public service pursuant to this Section. The Court may waive all or a portion of this fee if the Court determines the defendant to be indigent.

(e) The municipal court may find a person to be indigent upon a showing of credible written evidence of indigency.

Section 5: Section 2-149 of Chapter 3, City Council, of Title 2, Administration and General Government, shall be amended to read as follows:

Sec. 2-149. Council terms of office.

~~In addition to article II of the city Charter, concerning elections of councilmembers, in any election at which both at-large council positions are available, there shall be one list of candidates on the ballot for the at-large positions with instructions to vote for two. The candidate receiving the highest vote total shall be awarded the term of four years and the candidate receiving the next highest vote total shall be awarded the term of two years.~~

(a) Except for the filling of vacancies, pursuant to section 2-3 of the Charter, the mayor shall be elected for a term of two years and all councilmembers for a term of four years. The mayor, two of the four council ward seats and one of the two council at-large seats shall be elected at every general municipal election. Vacancies, pursuant to section 2-5 of the Charter, are to be filled until the next general municipal election.

(b) For any election at which both at-large council positions are available, there shall be one list of candidates on the ballot for the at-large positions with instructions to vote for two. The candidate receiving the highest vote total shall be awarded the term of four years and the candidate receiving the next highest vote total shall be awarded the term of two years.

Section 6: Section 2-461 of Chapter 6, Contracts with Other Governmental Bodies, of Title 2, Administration and General Government, is hereby repealed.

~~CHAPTER 6. CONTRACTS WITH OTHER GOVERNMENTAL BODIES~~

~~2-461. Intergovernmental agreements.~~

~~The city may enter into contracts with other governmental bodies to furnish governmental services and make charges for such services or enter into cooperative or joint activities with other governmental bodies. Such agreements will be approved as to substance by the city manager or designee, as to legal form by the city attorney or designee, and as to availability of funds by the director of finance or designee, except such agreements will be approved by city council resolution or ordinance:~~

- ~~(1) When the approval of the proposed agreement involves the direct, monetary payment of more than \$100,000.00;~~
- ~~(2) In the judgment of the city manager, the proposed agreement entails significant policy considerations; or~~
- ~~(3) The approval by city council is required by state or federal law.~~

Chapter 6. Secs. 2-461-2.480. Reserved.

Section 7: Section 2-481 of Chapter 7, Administrative Hearing Officer and Parking Referee, of Title 2, Administration and General Government, is hereby repealed.

CHAPTER 7.— ADMINISTRATIVE HEARING OFFICER AND PARKING REFEREE

~~2-481. Appointed by city manager; qualification and support.~~

~~(a) The city manager is authorized and empowered to appoint one or more administrative hearing officers to hear certain municipal ordinance violations designated as code infractions and to act as an administrative hearing officer in any other situation as provided for in this Code and as directed by the city manager. The administrative hearing officer shall be an attorney licensed to practice law in the state.~~

~~(b) The city manager is authorized and empowered to appoint one or more parking referees to hear certain municipal ordinance violations designated as parking infractions. The parking referee shall be an attorney licensed to practice law in the state.~~

~~(c) Administrative support shall be provided to the administrative hearing officer and the parking referee by the appropriate city personnel as determined by the city manager.~~

Chapter 7. Secs. 2-481-2-501. Reserved.

Section 8: Section 2-916 of Article I, Generally of Chapter 11, Municipal Court, of Title 2, Administration and General Government, shall be amended to read as follows:

Sec. 2-916. Juvenile jurisdiction.

The municipal court shall have the authority to try juvenile defendants under the age of 18 for traffic violations under title 16, curfew violations under chapter 7 of title 14 of this Code, noise violations under section ~~12-239~~ 12-329, and violations of section ~~14-294~~ 14-293 related to littering.

Section 9: Section 2-947, Article II, Municipal Judge and Staff of Chapter 11, Municipal Court, of Title 2, Administration and General Government, shall be amended to read as follows:

Sec. 2-947. Appointment and supervision.

The clerk of the municipal court shall be appointed and supervised by the city manager or the presiding municipal judge as determined by city council by resolution. ~~The duties of the clerk of the municipal court shall be prescribed by the city manager.~~ If appointed and supervised by the city manager, the city manager shall consider any advice the presiding municipal judge has regarding the duties of the clerk of the municipal court but shall not be bound to accept such advice.

Section 10: Section 2-1026 of Chapter 12, Administrative Hearing Officers, of Title 2, Administration and General Government, shall be amended to read as follows:

2-1026. - Administrative hearing officers.

(a) The city manager is authorized and empowered to appoint one or more administrative hearing officers to hear certain ~~noncriminal, administrative Code violations~~ municipal ordinance violations designated as code infractions and to act as an administrative hearing officer in any other situation as provided for in this Code and as directed by the city manager. The administrative hearing officer shall be an attorney licensed to practice in the state.

(b) The city manager is authorized and empowered to appoint one or more parking referees to hear certain municipal ordinance violations designated as parking infractions. The parking referee shall be an attorney licensed to practice law in the state.

(b)c Administrative support shall be provided to the administrative hearing officer by the appropriate city personnel as determined by the city manager.

Section 11: Section 6-486 of Article III, Source Selection and Contract Information, Chapter 6, Purchasing, of Title 6, Revenue and Finance, shall be amended to read as follows:

6-486. - Change orders.

All change orders are processed on a form with the need and source of funds. The description shall include what impacts this change order will have on the future of the project's availability of monies. Department directors may approve any and all change orders within the budgeted contingency. The budgeted contingency shall be included in all original project budgets as adopted with the city's adopted budget. eCity council consideration is required for cumulative change orders that would add 25 percent or more to the original contract cost of \$100,000.00 or greater. If the original contract cost is less than \$100,000.00 and the cumulative value of change orders are greater than 25 percent of the original contract price, then the city manager's signature is required.

Section 12: Section 8-435 of Article I, Local Licensing Authority, Chapter 13, Alcohol Beverages, of Title 8, Business Taxes, Licenses and Regulations, shall be amended to read as follows:

Sec. 8-435. Definitions.

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

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

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

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

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

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

Hearing officer means the individual, licensed to practice law in the state, appointed by the city council, to carry out the duties as described in section ~~8-343~~ 8-434 and other rules, regulations, policies and procedures as may be established.

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

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

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

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

Section 13: Section 8-469 of Article II, Licenses, Chapter 13, Alcohol Beverages, of Title 8, Business Taxes, Licenses and Regulations, shall be amended to read as follows:

8-469. Promotional associations and common consumption areas.

(a) The licensing authority is hereby authorized to certify and decertify promotional associations; designate the location, size, security and hours of operation of common consumption areas; and allow attachment of licensed premises to common consumption areas consistent with this chapter and the provisions included herein.

(b) The following standards related to promotional associations and common consumption areas are hereby adopted pursuant to the provisions of C.R.S. § 44-3-910, as may be amended from time to time, and the entertainment district regulations found in ~~division 8 of article III of chapter 8 of title 24~~ of this Code. The standards adopted herein shall be considered in addition to all other standards applicable to the issuance of licenses under this chapter.

(c) Certification of a promotional association shall be applied for in a manner consistent with this section as determined by the licensing authority and include the following minimum information: ~~a copy of the articles of incorporation and bylaws and a list of all directors and officers of the promotional association.~~

(1) A copy of the articles of incorporation and bylaws and a list of all directors and officers of the promotional association.

~~(d) a.~~ The promotional association shall have at least two licensed premises attached to the common consumption area.

~~(e) b.~~ A member of each of the licensed premises attached to the promotional association shall serve on the board of directors of the promotional association.

~~(+2)~~ A detailed map of the proposed common consumption area, including: location of physical barriers, entrances and exits, location of attached licensed premises, and identification of licensed premises that are adjacent but not to be attached to the common consumption area. The size of the common consumption area shall not exceed the area approved as the entertainment district within which the common consumption area is located, but may be a smaller area within the entertainment district, provided that the new area is clearly delineated using physical barriers to close the area to motor vehicle traffic and to limit pedestrian access.

~~(23)~~ A security plan, including evidence of training and approval of personnel as required under the Entertainment District regulations in Title 24 at section 24-918, a detailed description of security arrangements and the approximate location of security personnel within the common consumption area during operating hours.

~~(34)~~ A list of dates and beginning and ending hours of operation of the common consumption area.

(45) Documentation showing possession of the common consumption area by the promotional association.

(56) A list of the attached licensees listing the following information: alcohol license number, any past violations of this Code or state law, and a copy of any operational agreements.

(67) An insurance certificate of general liability and liquor liability insurance naming the city as an additional insured in a minimum amount of \$1,000,000.00.

(78) Documentation of how the application addresses the reasonable requirements of the neighborhood and the desires of the adult inhabitants as evidenced by petitions, written testimony or otherwise.

(89) Application fee.

(910) Upon approval of a certification by the licensing authority, the terms and conditions of the approval shall remain effective until and unless a revised or amended application is submitted to the licensing authority and approved using the same procedures under which the original application was approved.

(fd) Application for recertification of a promotional association must be made by January 31 of each year in a manner consistent with the provisions of this section and include, but not be limited to:

(1) A copy of any changes to the articles of incorporation, bylaws and/or the directors and officers of the promotional association.

(2) All items noted under subsection (c)(2) through (c)(9) of this section.

(ge) Once certified by the licensing authority as a promotional association, the association may operate a common consumption area within an entertainment district and authorize the attachment of a licensed premises to the common consumption area, subject to approval by the licensing authority. Application for attachment of a licensed premises to the common consumption area by a certified promotional association shall be made in a manner consistent with the provisions of this section and include, but not be limited to, the following information:

(1) Authorization for attachment from the certified promotional association.

(2) Name of the representative from the licensed premises proposed for attachment who would serve as an additional director on the board of the certified promotional association.

(3) A detailed map of the common consumption area, including location of physical barriers, entrances and exits, location of attached licensed premises, identification of licensed premises that are adjacent but not to be attached to the common consumption area and approximate location of security personnel.

(hf) The licensing authority shall consider the merits of the application for a promotional association of a common consumption area and may refuse to certify or may decertify a promotional association if the association:

(1) Fails to submit the annual report as required under subsection (d) of this section by January 31 of each year;

(2) Fails to establish that the licensed premises and common consumption area can be operated without violating this article or creating a safety risk to the neighborhood;

(3) Fails to have at least two licensed premises attached to the common consumption area;

(4) Fails to obtain or maintain a properly endorsed general liability and liquor liability insurance policy that is reasonably acceptable to the local licensing authority and names the city as an additional insured;

- (5) Fails to demonstrate that the use is compatible with the reasonable requirements of the neighborhood or the desires of the adult inhabitants; or
- (6) Is in violation of C.R.S. § 44-3-909, as may be amended from time to time, related to common consumption area operations.

Section 14: Section 8-498 of Article III, General Provisions; Unlawful Acts, Chapter 13, Alcohol Beverages, of Title 8, Business Taxes, Licenses and Regulations, is hereby repealed.

~~Sec. 8-498. Authorizing open containers of alcohol in certain areas.~~

~~(a) For the purposes of this section, the term "downtown open consumption area" means that area beginning at and including the sidewalk right-of-way extending from the west curb line of 8th Avenue to and including the sidewalk right-of-way to the east curb line of 9th Avenue, and between and including the sidewalk right-of-way and from the north edge of the sidewalk right-of-way of 8th Street to and including the sidewalk right-of-way to the south edge of the sidewalk right-of-way on 9th Street, also including the area known as the Chase Plaza, and including that portion of sidewalk on the west side of 8th Avenue from the 9th Street Plaza south 200 feet.~~

~~(b) During the hours of 7:00 a.m. to 12:00 a.m., it is not unlawful to possess or consume an open container of alcohol in or upon the sidewalks, parking lots, or other public property or place located in the downtown open consumption area, to the extent authorized by state law.~~

~~(1) If a special event permit for the sale of liquor or fermented malt beverages has been issued for all or a portion of the property located in the downtown open consumption area pursuant to C.R.S. § 44-5-101 et seq., then no person shall take or consume any malt, vinous, or spirituous liquor or fermented malt beverage onto or in the area designated in such permit except in accordance with such permit if a sign has been posted giving notice of the time and location of the area so restricted.~~

~~(2) Open containers of alcohol shall not be permitted in the downtown open consumption area on any date and during any time when the downtown entertainment district has been designated by a promotional association and certified by the liquor licensing authority as a common consumption area.~~

~~(c) It is unlawful for a person to bring, or have in his possession, any glass beverage container in the downtown open consumption area.~~

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

~~(e) This section shall be automatically repealed on September 12, 2020, unless otherwise extended by the city council.~~

Section 15: Section 8-554 and 8-55 of Article V, Beer, Wine and Spirituous Liquor Tastings, Chapter 13, Alcohol Beverages, of Title 8, Business Taxes, Licenses and Regulations, shall be amended to read as follows:

Article V. ~~Beer, wine, and spirituous liquor~~ Alcohol tasting

Sec. 8-554. ~~Beer, wine, and spirituous liquor~~ Alcohol tasting authorized; permit required.

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

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

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

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

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

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

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

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

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

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

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

Sec. 8-555. Limitations on ~~beer, wine, and spirituous liquor~~ alcohol tastings.

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

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

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

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

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

(5) Alcohol tastings shall not exceed a total of five hours in duration per day, which need not be consecutive;

(6) Alcohol tastings shall be conducted only during the operating hours in which the licensee on whose premises the alcohol tastings occur is permitted to sell alcohol, and in no case earlier than 11:00 a.m. or later than 9:00 p.m.;

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

Section 16: Sections 10-53 and 10-54 of Chapter 3, Violations, of Title 10, Animals, shall be amended to read as follows:

Sec. 10-53. Mistreatment.

(a) Mistreatment of an animal by a person is prohibited. The following conduct constitutes mistreatment:

~~(1)~~ ~~f~~ Failing to provide or depriving the animal of:

~~(1)~~ ~~a.~~ Sufficient food and sufficient water;

~~(2)~~ ~~b.~~ Proper veterinary care consistent with the species, type of animal and acceptable agricultural animal husbandry practices; or

~~(3)~~ ~~2~~ Overdriving, overloading, overworking, tormenting, torturing, beating, mutilating or killing an animal.

(b) Any finding of violation of this section shall be punishable as a misdemeanor offense. Mistreated animals are subject to impoundment prior to a finding of violation.

Sec. 10-54. Failing to provide adequate shelter and containment.

(a) Failing to provide adequate shelter and containment for an animal is prohibited.

(1) To be adequate, a shelter must include:

~~(1)~~ ~~a.~~ A roof, at least three enclosed sides, a doorway and a solid and level floor;

~~(2)~~ ~~b.~~ Dry bedding in sufficient quantity for insulation against cold and damp conditions; and

~~(3)~~ ~~c.~~ Protection from weather and environmental conditions, including cold, heat, sun exposure, wind and precipitation.

(~~b~~2) To be adequate, containment must include enough space to meet the physical condition and exercise requirements of the species, type of animal and accepted agricultural animal husbandry practices, and be suitable to prevent the animal from escaping.

(~~e~~3) Adequate containment may consist of tethering the animal on the owner or keeper's premises by means of a trolley system or attached to a pulley on a cable run, or by using a stake in the ground that is attached to a freely rotating ring device. However, tethering an animal so as to create a danger to the well-being of the animal is prohibited. (~~d~~) Danger to the well-being of the animal is created when:

- (~~1~~) a. The animal is tethered in excess of ten consecutive hours in a 24-hour period;
- ~~a~~-b. The animal is tethered in a manner that is reasonably likely to become entangled with objects or other animals so as to cause injury to the animal;
- ~~b~~-c. The tether is not attached to a properly fitted collar or harness worn by the animal or is attached to a choke or pinch collar worn by the animal, choke and pinch collars being prohibited for the purposes of tethering;
- ~~c~~-d. There is no swivel attached to both ends of the tether to minimize tangling;
- ~~d~~-e. The tether weighs more than one-eighth of the animal's body weight;
- (~~2~~) f. The trolley system or cable run is less than ten feet in length and mounted less than four feet and more than seven feet above ground level; or
- (~~3~~) g. The animal is not provided with a sufficient area to exercise and does not have access to adequate shelter, sufficient food and sufficient water.

(~~e~~4) To be adequate, the shelter and containment must be clean and free of filth, including feces.

(~~f~~5) Violations.

- (1) A first finding of violation this section shall be punishable as a misdemeanor infraction.
- (2) A subsequent finding of violation within one calendar year of a first finding shall be punishable as a misdemeanor offense.
- (3) Animals without adequate shelter and containment are subject to impoundment prior to a finding of violation.

Section 17: Sections 12-190 and 12-191 of Chapter 3, Grading and Soil Erosion Control, of Title 12, Public Health and Environmental Control, shall be amended to read as follows:

Sec. 12-190. Purpose.

(a) The purpose of this chapter is to prevent soil erosion and sedimentation from leaving areas that occur from nonagricultural development and construction within the city, by requiring proper provisions for water disposal and the protection of soil surfaces during and after construction, in order to promote the safety, public health, convenience and general welfare of the community.

(b) Any person who undertakes, develops or is responsible for an undertaking or development that involves land disturbing activity described in section ~~12-691(a)~~ 12-194(a) is responsible to see that soil erosion and sedimentation, as well as resulting changed water flow characteristics, are controlled to avoid damage to property and pollution of receiving waters. Nothing in this chapter shall be taken or construed as lessening or modifying the ultimate responsibility of such persons. The requirements of this chapter do not imply the assumption of responsibility on the part of the city. The

standards, criteria and requirements of this chapter are to be seen as minimum standards which are not necessarily adequate to meet the highly variable conditions which must be covered by effective control measures. Compliance with the requirements of this chapter may not, therefore, of itself discharge a person's responsibility to provide effective control measures.

Sec. 12-191. 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:

~~Best management practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the pollution of state waters. Best management practices (BMPs) also include treatment requirements, operating procedures and practices to control construction site runoff.~~

~~City inspector means the person authorized by the city engineer, or the city engineer's designee, to inspect a site for the purpose of determining compliance with the provisions of this chapter.~~

Common plan of development or sale means contiguous (within one-quarter mile of each other) multiple, separate and distinct construction activities that may be taking place at different times on different schedules, but remain related because they share the same builder, contractor, equipment or storage areas.

Construction activities means clearing, grading, excavation, installing or improving roads, creating staging areas, stockpiling fill materials, borrow areas and compacting associated with stabilization of structures, but does not include routine maintenance performed by public agencies or their agents to maintain original line grade, hydraulic capacity or the original purpose of a facility.

Construction site erosion and sediment control plan or *CSESCP* means a plan submitted to the city that addresses erosion, sediment and waste control and water quality issues pertaining to the site. ~~This plan shall~~ containing such information as site description, location and description of appropriate ~~temporary and/or permanent BMPs, best management practices, as that term is defined in Title 20,~~ maintenance procedures and all other matters necessary or appropriate to comply with the provisions of this chapter and the City of Greeley Storm Drainage ~~Criteria Manual, Volume II~~ Design Criteria and Construction Specifications Manual.

~~Developer~~ a person who undertakes land development activities.

~~Development~~ means any activity, excavation or fill, alteration, subdivision, change in land use or practice, undertaken by private or public entities, that may affect the discharge of stormwater runoff. The term "development" does not include the maintenance of stormwater runoff facilities.

~~Disturbed area~~ means that area of the land's surface disturbed by any work activity upon the property by means, including, but not limited to, grading; excavating; stockpiling soil, fill or other materials; clearing; vegetation removal; removal or deposit of any rock, soil or other materials; or other activities which expose soil. The term "disturbed area" does not include the tillage of land that is zoned agricultural.

Final stabilization means the condition reached when all land disturbing activities at a development site have been completed, and a uniform vegetative cover has been established with an individual plant density of at least 70 percent of pre-disturbance

levels or equivalent permanent physical erosion reduction methods have been employed.

Land-disturbing activity means an activity that results in a change in the existing surface, including, but not limited to, construction activities, but does not include tilling agricultural land.

Owner means any individual, partnership, limited liability company, corporation or other legal entity that has any legal title or equitable ownership interest in the real property.

Permanent BMPs means those permanent stormwater quality BMPs that are properly installed and regularly maintained in order to treat stormwater runoff and ensure long-term water quality enhancements.

Person means anyone that has legal or contractual rights and obligations with the construction activities, including, but not limited to, the developer, landowner, contractor or homeowners.

Plan means a document, approved at the site design phase, that outlines the measures and practices used to control stormwater runoff at a site.

State waters means as the term is defined by the Colorado Water Quality Control Act (CWQCA), and includes any and all surface and subsurface waters which are contained in or flow in or through the state, but does not include waters in sewage systems, waters in treatment works of disposal systems, waters in potable water distribution systems and all water withdrawn for use until use and treatment have been completed.

Stop work order means an order issued by the city which requires that all construction activity on a development, or part thereof, be stopped.

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

Stormwater discharge permit means a permit issued to a developer or other person that will be disturbing one acre or more of soil or less than one acre when part of a larger common plan of development, by the state department of public health and environment, water quality control division, to discharge stormwater runoff from construction site activities.

Stormwater drainage system means any manmade improvement or conveyance intended for stormwater runoff from real property, including, but not limited to, open channels, streets, gutters, catch basins, underground pipes, ditches, swales, detention ponds, retention ponds and lakes.

SWMP (stormwater management plan) means a plan for receiving, handling and transporting stormwater within the city's stormwater drainage system.

Section 18: 12-207 of Chapter 3, Grading and Soil Erosion Control, of Title 12, Public Health and Environmental Control, is hereby repealed.

Sec. 12-207. — Penalties and enforcement.

(a) Whenever any person is in noncompliance with the provisions of this chapter, the administrative hearing officer may impose penalty fines up to the amount of \$1,000.00 per day per violation and pursue sanctions defined in chapter 10 of title 1 of this Code and any other sanctions permitted under law. Each repeat violation must be set forth on a notice of violation form and served as set forth in chapter 12 of title 2 of this Code.

(b) Whenever the city manager or designee determines a person is violating or failing to comply with any provision of this chapter, the city manager or designee may

~~immediately issue a cessation order causing the person to immediately cease all operations which violate and fail to comply with this chapter until such person has complied with the provisions of this chapter. This order of cessation of activities is additional to any other penalties, sanctions or remedies contained in this chapter or otherwise allowed by law.~~

~~(c) The city may seek and obtain remedies, including, but not limited to, civil and administrative sanctions and temporary or permanent injunctive relief against persons for noncompliance with the provisions, standards and requirements of this chapter.~~

~~(d) Any fee which shall not be paid when due may be recovered in an action at law by the city. In addition to any other remedies or penalties provided by this chapter or any ordinance of the city, the administrative hearing officer is hereby empowered and directed to enforce this provision as to any and all delinquent users. The employees of the city shall, at all reasonable times, have access to any premises served by the city for inspection, repair or the enforcement of the provisions of this chapter.~~

Section 19: Section 14-293 of Chapter 9, Offenses Against Property, of Title 14, Criminal Conduct and Offenses, shall be amended to read as follows:

Sec. 14-293. ~~Drivers presumed responsible~~ Littering.

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

Litter means all rubbish, waste material, refuse, garbage, trash, debris or other foreign substances, solid or liquid, of every form, size, kind and description.

Public or private property includes but is not limited to the right-of-way of any street or highway; and any body of water, ditch or watercourse, including frozen areas thereof, or the shores or beaches thereof; any park, playground or building; any refuge, conservation or recreation area; and any residential or business property.

(b) Any person who deposits, throws or leaves any litter on any public or private property, or in any waters, commits a misdemeanor infraction and shall be punished as provided in chapter 9 of title 1 of this Code, unless:

(1) Such property is an area designated by law for the disposal of such material and such person is authorized by the proper public authority to so use such property;

(2) The litter is placed in a receptacle or container installed on such property for such purpose; or

(3) Such person is the owner or tenant in lawful possession of such property or has first obtained written consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of such owner or tenant.

(c) Subsection (b)(3) does not authorize any conduct prohibited by other provisions of this Code, including those found in this Title.

(d) Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle, the operator of the motor vehicle is presumed to have caused or permitted such litter to have been so thrown, deposited, dropped or dumped therefrom.

Section 20: Section 16-262 of Article VIII, Pedestrians, Chapter 1, Traffic Code, of Title 16, Vehicles and Traffic, is hereby repealed.

~~16-262. Pedestrians not to remain on medians.~~

~~(a) No pedestrian may remain upon a median for longer than is reasonably necessary to cross the street.~~

~~(b) This section does not apply to persons maintaining or working on the median for the government which owns the underlying road or public right of way or for a public utility.~~

~~(c) This section does not apply to a street closed to vehicular traffic for the purposes of permitted activity on the street or roadway.~~

~~(d) A violation of this section is a traffic infraction and shall be punishable under chapter 9 of title 1 of this Code.~~

Sec. 16-262. Reserved.

Section 21: Section 16-391 of Article XII, Traffic Infractions Related to Parking, Chapter 1, Traffic Code, of Title 16, Vehicles and Traffic, shall be amended to read as follows:

Sec. 16-391. Authority to impound vehicles.

(a) The city shall have the authority to impound vehicles as provided in article 18 of this title. In addition to circumstances set forth in article 18 of this title, the city may impound any vehicle and order the vehicle towed to an impound lot or the item, article or object removed when:

(1) Any vehicle is found parked upon any public street or public right-of-way in violation of the parking restrictions or prohibitions contained on any official sign or signs;

(2) When any vehicle obstructs or interferes with the free flow of traffic, street maintenance, or access of emergency vehicles or equipment;

(3) When any item, article, object or vehicle ~~which~~ causes or tends to obstruct the free movement of pedestrians or other traffic upon a sidewalk; or

(4) When a motor vehicle is determined to be abandoned as that term is defined in section ~~16-699~~ 16-669.

(b) Nothing in this section shall prohibit the towing of a vehicle to an impound lot pursuant to another section of this Code.

Section 22: Section 16-476 of Article XIV, Other Offenses, Chapter 1, Traffic Code, of Title 16, Vehicles and Traffic, shall be amended to read as follows:

16-476. Misuse of a wireless telephone.

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

Emergency means a situation in which a person:

(1) Has reason to fear for such person's life or safety, or believes that a criminal act may be perpetrated against ~~such the~~ person or another person, requiring the use of a ~~wireless telephone~~ mobile electronic device while the car is moving; or

(2) Reports a fire, a traffic accident in which one or more injuries are apparent, a serious road hazard, a medical or hazardous materials emergency or a person who is driving in a reckless, careless or otherwise unsafe manner.

First responder means:

(1) A peace officer, as described in section 16-2.5-101;

(2) A firefighter, as defined in section 29-5-203;

(3) A voluntary firefighter, as defined in section 31-30-1102; or

(4) Any other person who responds in a professional capacity 1 to a public safety emergency.

Hands-free accessory means an accessory that enables a person to use a mobile electronic device without using either hand, although the use of either hand may be necessary to activate, deactivate, or initiate a function of the mobile electronic device.

Mobile electronic device means a handheld or portable electronic device capable of providing amusement, wireless data, or voice communication between two or more persons, including:

(1) A cellular telephone;

(2) A broadband personal communication device;

(3) A two-way messaging device;

(4) A text-messaging device;

(5) A pager;

(6) An electronic device that can receive or transmit text or character-based images, access or store data, or connect to the internet;

(7) A personal digital assistant;

(8) A laptop computer;

(9) A computer tablet;

(10) A stand-alone computer;

(11) A portable computing device;

(12) A mobile device with a touchscreen display that is designed to be worn on the body;

(13) An electronic game;

(14) Equipment that is capable of playing a video, taking photographs, capturing images, or recording or transmitting video; and

(15) Any similar device that is readily removable from a motor vehicle and is used to write, send, or read text or data or capture images or video through manual input.

Mobile electronic device does not include an approved ignition interlock device, as defined in section 42-2-132.5.

Operating a motor vehicle means driving a motor vehicle on a public highway, but the term "operating a motor vehicle" shall does not mean maintaining the instruments of control while the motor vehicle is at rest in a shoulder lane or lawfully parked.

Use means talking on or listening to a ~~wireless telephone~~ mobile electronic device or engaging the ~~wireless telephone~~ mobile electronic device for text messaging, game play, taking photos or videos, or other similar forms of manual data entry or transmission.

Wireless telephone means a telephone that operates without a physical, wireline connection to the provider's equipment. The term "wireless telephone" includes, without limitation, cellular and mobile telephones.

(b) Except as specified in subsection (c) and (g) of this section:

(1) ~~No A~~ person under the age of 18 years of age shall use a wireless telephone while operating a motor vehicle not operate a motor vehicle while using a mobile electronic device;

(~~e~~2) ~~No A~~ person 18 years of age or older shall use a wireless telephone for the purpose of engaging in text messaging or other similar forms of manual data entry or transmission while operating a motor vehicle not operate a motor vehicle while using a mobile electronic device unless the use is through a hands-free accessory.

(d) Subsection (b) or (c) of this section shall not apply to a person who is using the wireless telephone:

(c) It is not a violation of this section to use a mobile electronic device while driving if the use is:

(1) To contact a public safety entity; or

(2) During an emergency.

~~(e)~~ (1) Except as provided in subsection (d)(2) of this section, a person who violates person who operates a motor vehicle in violation of subsection (b) or (c) of this section commits a traffic infraction pursuant to section 1-229(e). Upon conviction:

~~(2)~~ a. The court may assess a fine up to fifty dollars for a first offense;

b. The court shall assess a fine of one hundred fifty dollars for a second offense; and

c. The court shall assess a fine of three hundred dollars for a third or subsequent conviction. A second or subsequent violation of subsection (b) or (c) of this section shall be considered a traffic offense pursuant to section 1-229(d).

~~(f)~~ (1) An operator of a motor vehicle shall not be cited for a violation of subsection (b) of this section unless the operator was under 18 years of age and a law enforcement officer saw the operator use a wireless telephone.

(2) A person who violates subsection (b) of this section to engage in text messaging commits a traffic offense and, upon conviction, the court shall assess a fine of three hundred dollars.

~~(2e)~~ A law enforcement officer shall not cite an operator of a motor vehicle shall not be cited for a violation of subsection (c) of this section unless the operator was 18 years of age or older and a law enforcement officer saw the operator use a wireless telephone hold a mobile electronic device. A law enforcement officer shall not cite an operator for the enhanced penalty for using a mobile electronic device to engage in for the purpose of engaging in text messaging or other similar forms of manual data entry or transmission unless the law enforcement office saw the operator engaging in text messaging on a mobile electronic device.

~~(g)~~ The provisions of this section shall does not be construed to authorize the seizure and forfeiture of a wireless telephone mobile electronic device, unless otherwise provided by law.

~~(h)~~ This section does not prohibit:

(1) restrict eOperation of an amateur radio station by a person who holds a valid amateur radio operator license issued by the Federal Communications Commission;

(2) The use of a mobile electronic device by a first responder when acting within the scope of the first responder's duties.

(3) The use of a mobile electronic device by a professional acting within the scope of the professional's employment if the use is required by the professional's employer and necessary for the performance of the professional's duties;

(4) The use of a mobile electronic device to interact with a medical device; or

(5) The use of a mobile electronic device in a motor vehicle that is at rest in a shoulder lane or lawfully parked.

(h) A law enforcement officer shall not cite a commercial driver for a violation of this section if the commercial driver is cited for a violation of 49 CFR 392.82.

Section 23: Sections 16-601, 16-604 and 16-610 of Article XVIII, Towing and Storage, Chapter 1, Traffic Code, of Title 16, Vehicles and Traffic, shall be amended to read as follows:

Sec. 16-601. Implied grant of authority; authority to store vehicles.

(a) In the circumstances specified in this section, owners and drivers of motor vehicles in the city will be deemed to have authorized the police department and all members thereof, to arrange for the removal, towing and storage of motor vehicles of the drivers and owners. This implied grant of authority shall exist:

(1) If the traffic code provides for removal, towing or impounding of motor vehicles which are illegally parked or abandoned.

(2) If the driver of the motor vehicle has been or is about to be taken into custody of a law enforcement agency or if the driver, in the judgment of the police officer, is unable to drive safely because of being under the influence of alcohol or other drugs.

(3) If the motor vehicle is physically disabled and the driver or owner is unable or unwilling for any reason to arrange for removal, towing and storage of the vehicle.

(4) If the motor vehicle has been or is about to be seized by the police department or by any law enforcement agency to be held as evidence in a criminal proceeding.

(b) Whenever any police officer finds a vehicle, attended or unattended, standing upon any portion of a street or highway right-of-way within the city in such a manner as to constitute a violation of this ~~chapter title~~, or left unattended upon any portion of a street or highway right-of-way within the city for a period of 24 hours or more and presumed to be abandoned under the conditions prescribed by section 14-283, such officer shall require such vehicle to be removed or cause the same to be removed and placed in storage in the nearest garage or other place of safety designated or maintained by the city.

(c) In the event of abandonment of a vehicle on property within the city other than public rights-of-way, the owner of such property may, after a period of 24 hours following the property owner's or agent's placement of notice of removal on the vehicle, cause the abandoned vehicle to be removed and placed in storage in the nearest garage or other place of safety designated or maintained by the city.

(d) If any vehicle is left on private property with the prior consent of the owner of the private property or other person in possession thereof, and following the property owner's or possessor's or agent's compliance with the notice requirements of this chapter, and if the vehicle owner fails to remove the vehicle following such notice, the owner or possessor of the private property or owner's or possessor's agent may cause the removal and placement of the vehicle as described in subsection (c) of this section.

Sec. 16-604. Loss of towing privileges.

A towing operator shall be dropped from the rotating list if:

(1) The chief of police determines that any of the five eligibility requirements set forth in section 16-602 is no longer being met by the operator;

(2) The chief of police determines that the towing operator has failed to take any action required by section ~~16-605~~ 16-603 or has done any act forbidden by said section or has attempted to do so;

(3) The foregoing grounds for termination of the privileges of a towing operator are in addition to the grounds set forth in section ~~16-605~~ 16-603.

A towing operator who has been dropped from the rotating list under subsection (1) of this section shall be reinstated on the list when and if he again satisfies the eligibility requirements. Towing operators dropped from the rotating list for any other reason shall not be reinstated for five years unless the advisory arbitration board, provided for by section ~~16-605~~ 16-603, approves an earlier reinstatement for good cause.

Sec. 16-610. Abandonment of motor vehicles and trailers; private tow.

(a) For purposes of this section, the terms "motor vehicle" and "vehicle" shall include trailers.

(b) No person shall abandon any motor vehicle upon private property in violation of section 14-283. Any owner or lessee of such private property, or his authorized agent, may have an abandoned motor vehicle removed from his property by having it towed and stored by a towing operator, subject to compliance with the terms of this article.

(c) Any towing operator having in his possession any abandoned motor vehicle from a private tow shall immediately notify the police department as to the name of the operator and the location of the storage lot where the vehicle is located and a description of the abandoned motor vehicle, including the make, model, color and year, the number, issuing state and expiration date of the license plate and the vehicle identification number. Upon such notification the police department shall ascertain, if possible, whether or not the vehicle has been reported stolen and, if so reported, the police department shall ascertain and notify its rightful owner and cause termination of any abandonment proceedings. The police department shall have the right to recover from the owner its reasonable costs therefor.

(d) Any towing operator shall, as soon as possible but in no event later than 72 hours after receipt of determination that such motor vehicle has not been reported stolen, report the same to the department of revenue as required by C.R.S. title 42, art. 4 (C.R.S. § 42-4-101 et seq.), as amended from time to time. The towing operator shall further comply with all notice requirements of C.R.S. title 42, art. 4 (C.R.S. § 42-4-101 et seq.), as amended.

(e) The city shall provide notification stickers to private property owners, upon request and free of charge, for placement on apparently abandoned vehicles. The notification stickers shall be similar to those used by the police department for vehicles abandoned on public rights-of-way, notifying a vehicle owner of abandoned status, except that the private property notice shall include an affidavit for signature by the person placing the notice. No vehicle shall be towed from private property unless the notification form has been completed in full by the person placing the notice at least 24 hours prior to removal.

Section 24: Sections 16-670, 16-671, 16-678, 16-679 and 16-683 of Chapter 2, Parking Infractions, of Title 16, Vehicles and Traffic, shall be amended to read as follows:

Sec. 16-670. Violations.

Unless otherwise specified, all violations of this chapter shall be designated parking infractions and shall be punished pursuant to chapter ~~12~~ 11 of title 1. Those violations designated as traffic infractions shall be punished pursuant to chapter 9 of title 1.

Sec. 16-671. Stopping, standing or parking prohibited in specified places.

(a) Except as otherwise provided in subsection ~~(d)~~ (c) of this section, no person shall stop, stand or park a vehicle or trailer, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or an official traffic control device, in any of the following places:

- (1) On a sidewalk;
- (2) Within an intersection;
- (3) On a crosswalk;
- (4) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the traffic authority indicates a different length by signs or markings;
- (5) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- (6) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (7) Upon any bridge or other elevated structure or within a tunnel;
- (8) On any railroad tracks;
- (9) On any controlled-access highway;
- (10) In the area between roadways of a divided highway, including crossovers;
- (11) At any other place where official signs or markings prohibit or limit standing or parking;
- (12) Along any officially designated and posted snow removal route during a snow emergency;
- (13) In any alleyway, except as necessary during the expeditious loading and unloading of merchandise and freight;
- (14) On any parkway;
- (15) Along any roadway signed for roadway improvements on an identified date such that it states no parking on a specified date or time
- (16) On any public right-of-way with a vehicle or trailer with expired, missing or fictitious plates.

(b) Except as otherwise provided in subsection (c) of this section, in addition to the restrictions specified in subsection (a) of this section, no person shall stand or park a vehicle or trailer, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or an official traffic control device, in any of the following places:

- (1) Within five feet of a public or private driveway;
- (2) Within five feet from the curb line directly in front of a fire hydrant;
- (3) Within 20 feet of a crosswalk at an intersection;
- (4) Within 30 feet upon the approach to any flashing beacon or signal, stop sign, yield sign or traffic control signal located at the side of a roadway, measured from the curb line directly in front of the beacon, signal or sign;
- (5) Within 20 feet of the driveway entrance to any fire station or on the side of a street opposite the entrance to any fire station, within 75 feet of said entrance when properly signposted;
- (6) At any other place where official signs or markings prohibit standing or parking.
- (7) Within a marked fire lane.

(c) In addition to the restrictions specified in subsections (a) and (b) of this section, no person shall park a vehicle or trailer, except when necessary to avoid conflict with other

traffic or in compliance with the directions of a police officer or official traffic control device, when and where any of the following conditions exist:

- (1) Within 50 feet of the nearest rail of a railroad crossing;
- (2) At any place where official signs and or markings prohibit parking.

Sec. 16-678. Parking restrictions.

(a) The designee may designate certain areas that are subject to parking restrictions based upon factors to include, but not be limited to:

- (1) Proximity to special generators; availability of both on- and off-street parking;
- (2) Vehicular and parking capacity, including the width, grade and curve of the area's streets;
- (3) Existing traffic control measures;
- (4) Traffic volume; and
- (5) Utility and emergency service access.

(b) The designee shall establish the boundaries of each area that is subject to parking restrictions and each area shall be identified through appropriate postings and signage.

(c) Parking restrictions may include:

- (1) Areas where parking is authorized by permit only pursuant to section 16-680;
- (2) Areas where parking is limited by posting of appropriate signage; and
- (3) Restricted parking zones as authorized in section ~~16-704~~ 16-674.

Sec. 16-679. Overtime parking violations.

(a) Where any section of this chapter, or any sign posted pursuant to the provisions of this chapter, prohibits parking in excess of any stated period of time in any given parking space or other designated area, a vehicle shall be considered in violation of that restriction if it does not comply with instructions outlined on the signage.

(b) This section shall not apply if a payment has been made for overtime parking in a restricted parking zone as authorized in section ~~16-690~~ 16-681.

Sec. 16-683. Parking privileges for persons with disabilities.

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

License plate or placard means a license plate or placard issued pursuant to state law.

Person with a disability has the meaning provided for such term pursuant to state law.

(b) A vehicle with a license plate or a placard obtained pursuant to C.R.S. § 42-3-204, or as otherwise authorized by subsection (d) of this section, may be parked in public parking areas along public streets but are held to the same time limitations as all others.

(c) Reserved parking spaces.

(1) A person with a disability may park in a parking space identified as being reserved for use by persons with disabilities, whether on public property or private property available for public use. A placard or license plate obtained pursuant to C.R.S. § 42-3-204, or as otherwise authorized by subsection (d) of this section, shall be clearly displayed at all times on the vehicle while parked in such space.

(2) The owner of private property available for public use may post signs or markings identifying parking spaces reserved for use by persons with disabilities. Such posting shall be a waiver of any objection the owner may assert concerning enforcement of this

section by parking enforcement officers or peace officers of any political subdivision of this state, and such officers are hereby authorized and empowered to so enforce this section, provisions of law to the contrary notwithstanding.

(3) Each parking space reserved for use by persons with disabilities, whether on public property or private property, shall be marked with an official upright sign or official markings on the pavement, which sign may be stationary or portable, identifying such parking space as reserved for use by persons with disabilities.

(d) Persons with disabilities from states other than Colorado shall be allowed to use parking spaces for persons with disabilities in Colorado so long as such persons have valid license plates or placards from their home state that are also valid pursuant to 23 CFR 1235.

(e) It is unlawful for any person other than a person with a disability to park in a parking space on public or private property that is clearly identified by an official sign or pavement markings as being reserved for use by persons with disabilities unless:

(1) Such person is parking the vehicle for the direct benefit of a person with a disability to enter or exit the vehicle while it is parked in the space reserved for use by persons with disabilities; and

(2) A license plate or placard obtained pursuant to C.R.S. § 42-3-204, or as otherwise authorized by subsection (d) of this section, is displayed in such vehicle.

(f) Any person who is not a person with a disability and who exercises the privilege defined in subsection (b) of this section or who violates the provisions of subsection (e) or ~~(f)~~ (i) of this section commits a traffic offense.

(g) Any person who is not a person with a disability and who uses a license plate or placard issued to a person with a disability pursuant to C.R.S. § 42-3-204, in order to receive the benefits or privileges available to a person with a disability under this section, commits a traffic offense.

(h) Any law enforcement officer, public safety technician or authorized parking enforcement official may check the identification of any person using a license plate or placard for persons with disabilities in order to determine whether such use is authorized.

(i) It is unlawful for any person to park a vehicle so as to block reasonable access to curb ramps or passenger loading zones, as identified in 28 CFR 36 (Appendix A), that are clearly identified and are adjacent to a parking space reserved for use by persons with disabilities unless such person is loading or unloading a person with a disability.

(j) It shall be the duty of the traffic engineer to provide for adequate handicapped parking zones on public property as authorized by law. Handicapped parking zones on private property that are available for public use shall be posted with a sign meeting the requirements of sign R7-8 as provided for in Section 2B-31 of the United States Department of Transportation, Federal Highway Administration Manual on Uniform Traffic Control Devices.

Section 25: Sections 18-305, 18-306 and 18-310 of Chapter 4, Parks, of Title 18, Streets, Sidewalks and Public Places, shall be amended to read as follows:

Sec. 18-305. - Posting notices of closed hours.

The director of culture, parks and recreation shall post notices in conspicuous places in city parks, sufficient to inform the public of the closing hours of the parks.

Sec. 18-306. - Violation of closed hours unlawful; exceptions.

It is unlawful for any person to be within a city park at a time when the park is closed to the public unless travel on streets therein is necessary for through traffic and for those residing in areas adjoining the parks or during events of a public nature for which a permit has been previously granted. This prohibition shall not extend to persons employed within the parks or to persons who have obtained written permission from the director of culture, parks and recreation for entry into the parks during closed hours.

Sec. 18-310. – Authority, posting.

(a) The director of culture, parks and recreation shall have authority to enforce rules and regulations promulgated for the proper management, operation and control of city parks, parkways and other recreational facilities within the city, as well as rules and regulations adopted by the city council which affect city parks.

(b) Notices of applicable rules and regulations shall be posted in conspicuous places in city parks, parkways and other recreational facilities giving notice of the proscribed behavior.

(c) It is unlawful to engage in posted, proscribed behavior and violation of this section shall be treated as a misdemeanor infraction.

Section 26: Section 20-29 of Chapter 2, Water and Sewer Administration, of Title 20, Public Works and Utilities, is hereby repealed.

~~20-29. – Budget setting process:~~

~~(a) Preparation for draft budgets. In order to prepare the annual water and sanitary sewer budgets for recommendation to the city manager, the water and sewer board will meet with water and sewer department staff and the city finance director to review and discuss information that may impact the water and sanitary sewer budgets. The information may include, but is not limited to, the following:~~

~~(1) Current estimates of debt service requirements and depreciation costs;~~

~~(2) Actual budget figures from previous years, current year's actual/estimated expenses and revenues, and recommended and estimated revenues and expenses for future years; and~~

~~(3)~~

~~a. Relevant factors affecting maintenance of current operational service levels;~~

~~b. Large rehabilitation projects that may require bonding;~~

~~c. Capital improvement projects required to meet federal or state regulations;~~

~~d. Capital improvement projects to meet court decrees;~~

~~e. New capital improvement projects to meet city council's approved long range (minimum five-year) plan and adopted comprehensive plan;~~

~~f. Adjustments in operational service levels and capital projects required to maintain operational service levels; and~~

~~g. Acquisition of additional water rights. The water and sewer board will also review and consider any other information presented by water and sewer department staff that may materially affect preparation of the budgets, including, but not limited to, growth projections; projected and actual city personnel salary adjustments and other items which may affect the operations of the water and sewer department and/or approved long range (minimum five-year) plan and adopted comprehensive plan. To the extent possible or practicable, the foregoing will be presented to the water and sewer board~~

on or before the annual April water and sewer board meeting. After presentation to the water and sewer board, the same information shall be presented to city council, together with any recommendations by the water and sewer board for city council's consideration. To the extent possible or practicable, the foregoing will be presented to city council on or before the annual June water and sewer board meeting.

(b) Recommended budgets. Water and sewer department staff and the finance director will prepare draft budgets and a long-range plan that considers comments or direction received from the water and sewer board or city council. The draft budgets will be presented to the water and sewer board for its review, approval, and recommendation to the city manager, as well as a draft long range (minimum five-year) plan for water and sewer capital improvement projects for the water and sewer board's review and submittal to city council. The recommended budgets will estimate the water and sewer rates necessary for all expenditures for all operation and maintenance of the water and sewer systems; all debt service requirements; and additions to a reserve account in sufficient amounts to offset depreciation to the water or sewer systems. The water and sewer recommended budgets and long range plans will also separately estimate the rates necessary for all expenditures for new water and sewer capital improvement projects and for which funds are recommended to be appropriated from the Sewer Construction Fund, Water Construction Fund, Water Rights Acquisition Fund, or other identified fund, in order to meet city council's approved long range (minimum five-year) plan and adopted comprehensive plan. city council reviews and approves the long range plan as it deems appropriate during city council's budget setting process. To the extent possible or practicable, the foregoing will be presented to the water and sewer board on or before the annual July water and sewer board meeting.

(c) Presentation to city council. When the city manager presents his proposed budget to city council, any changes to the water and sewer board's recommended budgets that are not supported by both the water and sewer board and the city manager will be documented and presented to city council with supporting explanation for and against the changes. The water and sewer board will receive notice of any such changes prior to the city council budget work session scheduled to review the water and sewer budgets. The water and sewer board may then meet with city council at the city council budget work session to discuss any changes in the recommended budget, subject to all applicable open meeting laws.

(d) Setting the rates for water and sewer. As soon as practicable after the city council adopts the city budget, but before December 31, the board shall approve minimum water and sewer rates in accordance with section 17-4 of the city Charter. The rates adopted by the board may also include funding in order to meet city council's long-range plan and adopted comprehensive plan, and any other expenditure included in the adopted city budget as approved by city council.

Sec. 20-29. Reserved.

Section 27: Section 20-123 of Division 1, In General, Article III, Water, Chapter 3, Water and Sanitary Sewer Service, of Title 20, Public Works and Utilities, shall be amended to read as follows:

20-123. Failure to maintain; unlawful; notice; turnoff.

It is unlawful for any owner or user of water to fail to comply with the provisions of section ~~20-153~~ 20-122 and, until his pipes and fixtures are placed in good repair, the director of water and sewer shall turn off all water from such premises. If the director of water and sewer discovers, on inspection, that any plumbing or fixtures of any premises are so defective as to waste any water, he shall notify the owner or user of water to repair the same immediately and, if not repaired within 24 hours, he shall turn off the water from such premises, and the same shall remain turned off until such plumbing and fixtures are repaired.

Section 28: Sections 20-152 and 20-153 of Division 2, Fees, Costs and Collection, Article III, Water, Chapter 3, Water and Sanitary Sewer Service, of Title 20, Public Works and Utilities, shall be amended to read as follows:

20-152. Payment of charges.

All rates for the use of water as provided in this title shall be due and payable to the director of finance at his office in the city hall. In case any water user fails to pay all charges within 30 days after the same become due, the same are delinquent and the city may disconnect water service from every premises, building, house or lot in default until the delinquent charges are paid, including payment of reconnection charges as provided in sections ~~20-122 and 20-223~~ 20-158.

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

The director of finance may, but shall not be required to, give notice to users of water of the amount of their water rates and when due, and he may include in such notice and shall collect with the water rates the sewer rates and any associated fees and charges due pursuant to this title ~~20 assessment provided for in section 18-388 et seq., prorating such assessment with the water rates~~. Any customer that believes its water and sewer bill contains improper charges may submit a bill dispute in writing to the director of water and sewer.

Section 29: Section 20-327 of Division 2, Fees, Costs and Collection, Article IV, Sanitary Sewers, Chapter 3, Water and Sanitary Sewer Service, of Title 20, Public Works and Utilities, shall be amended to read as follows:

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

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

Section 30: Title of Article VII and sections 20-563 and 20-567 of Division 1, In General, Article VII, Storm Sewers, Chapter 3, Water and Sanitary Sewer Service, of Title 20, Public Works and Utilities, shall be amended to read as follows:

Article VII. ~~Storm Sewers~~ Stormwater drainage system

Sec. 20-563. ~~Discharge prohibitions.~~ Illicit discharges; allowed discharges; nonconforming taps.

(a) Illicit discharges are discharges to the city's stormwater drainage system that are not composed entirely of stormwater and are not allowed discharges as described in subsection (b) of this section. Illicit discharges to the city's stormwater drainage system are prohibited.

(b) The following are allowed discharges into the city's stormwater drainage system and are exempted from classification as an illicit discharge: uncontaminated runoff from rain or snow melt; landscape irrigation; diverted stream flows; irrigation return flow; rising groundwater; uncontaminated groundwater infiltration as defined at 40 CFR 35.3005(20); uncontaminated pumped groundwater; springs; flows from riparian habitat and wetlands; discharges in accordance with the state department of public health and environment: water quality control division low risk policy discharge guidance documents; foundation drains; air conditioning condensation; water from crawlspace pumps; footing drains; individual residential car washing; charity car washes; water incidental to city sweeping that is not associated with construction; flows from emergency firefighting activities; water dyed for testing processes in accordance with manufacturer recommendations; and other discharges specifically authorized by the city's state discharge permit system permit or National Pollution Discharge Elimination System permit.

(c) Any tap into a stormwater line made prior to 1999 that is discharging only allowable discharges described in subsection (b) of this section will be considered a legal non-conforming tap until one of the following occurs; at which time the time the tap must be removed and connected to the sanitary sewer system (not the stormwater drainage system): improvement to the property, change in ownership, or change in use.

Sec. 20-567. - Code ~~infraction~~ violation and administrative hearing procedures.

A notice of violation issued under section 20-566 is a misdemeanor infraction and shall proceed in accordance with section 2-1032 and shall be subject to the provisions of this chapter and penalties as set forth in chapter 10 of title 1 of this Code.

Section 31: Sections 20-588, 20-589 and 20-592 of Division 2, Fees, Costs and Collection, Article IV, Sanitary Sewers, Chapter 3, Water and Sanitary Sewer Service, of Title 20, Public Works and Utilities, shall be amended to read as follows:

Sec. 20-588. Installations; ~~city engineer to direct~~ Director of Public Works.

All installations of taps or connections to the stormwater drainage system shall be under the direction of the director of public works ~~or designee.~~

Sec. 20-589. Service connections; ~~required before streets paved;~~ specifications; ~~business district~~ requirements.

Before any impervious areas, as defined in section 20-621, are created in any of the streets or alleys within the city, a property owner shall lay service connections with the stormwater drainage system extending from the sewer line to the property line, which connections shall be of adequate size to provide drainage for present and future buildings upon the property in accordance with the schedule of sizes designated in section 20-590. All downspouts, water drains, or conductor pipes from the roofs of buildings in commercially-zoned areas of the city shall be placed beneath the surface of the street or alley adjoining the property and be connected with the stormwater drainage system located within the public right-of-way in conformity with this Code and with the approval of the director of public works or designee.

Sec. 20-592. Application to remodeled buildings, living units and redevelopment districts.

The stormwater drainage development impact fees provided for in section ~~6-998~~ 6-1008 shall also be imposed with respect to existing development if existing buildings or other physical improvements on the property are remodeled or added to or if structures or other living units, such as mobile homes, are moved onto the property.

Section 32: Sections 20-621, 20-626, 20-633, 20-637 and 20-639 of Chapter 4, Stormwater Management Program, of Title 20, Public Works and Utilities, shall be amended to read as follows:

Sec. 20-621. 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:

Control measures means BMPs (best management practices) or other operating procedures of methods used to prevent or reduce the discharge of pollutants to the city's stormwater drainage system from construction site runoff, spillage, and leaks, and can include the installation, operation, and maintenance of structural controls and treatment devices, such as landscape buffers and swales, modular block porous pavement, and detention basins.

Impervious area means areas covered in a way that prevents the land's natural ability to absorb and infiltrate typical precipitation and irrigation events, like roofs, walkways, patios, driveways, parking lots, storage areas, concrete and asphalt, and any other continuous watertight pavement or covering.

MS4 permit means the state discharging permitting system's general permit stormwater discharges associated with municipal separate storm sewer system issued by the state department of public health and environment under which the stormwater drainage system operates.

Stormwater drainage system means any manmade improvement or conveyance intended for stormwater runoff from real property, including, but not limited to, open channels, streets, gutters, catch basins, underground pipes, ditches, swales, detention or retention ponds, surface waters and lakes.

Sec. 20-626. Duties of stormwater board.

(a) The stormwater board shall make recommendations to the city council on all matters concerning stormwater management, priorities, policies, fees, and procedures.

(b) The board shall also review and make recommendations to the city council on the stormwater management plan.

(c) The board shall recommend the facilities needed to provide an adequate stormwater drainage system. Such recommendations shall include the following:

- (1) The facilities to be constructed.
- (2) The prioritization and schedule for construction of facilities.
- (3) The method of assessing fees against property.
- (4) Apportionment of the cost of new facilities to be assessed against property and the portion, if any, of such cost which should be paid by the city.
- (5) Long-range plans.

Before making recommendation for any project, the board shall analyze the project and compare the benefits to be achieved with the anticipated cost of the project.

(d) The board shall annually recommend stormwater rates, including the stormwater drainage development impact fees imposed pursuant to chapter 15 of title 6 of this Code, which need not be uniform for all classes of users. Rates shall include all costs for the construction, reconstruction, replacement, rehabilitation, and improvement of the stormwater drainage system.

(e) The board shall make recommendations to the city manager for expenditures for the stormwater drainage system annual budget.

(f) The board shall also hear the appeal of any owner of property in the city who disputes the amount of the stormwater management program fee made against property or who disputes any determination made by or on behalf of the city pursuant to and by authority of this chapter. After hearing, the board may make such revision or modification of such fee or determination as it shall deem appropriate.

Sec. 20-633. Requirement for permanent stormwater water quality control measures.

(a) The owner or developer of any new or existing development that involves land disturbing activity as defined in section ~~12-189~~ 12-191 that is:

- (1) Equal to or greater than one acre; or
- (2) Less than one acre if the construction activities are part of a common plan of development or sale, as defined in section ~~12-189~~ 12-191, must design, construct, install, perform inspections on, and maintain in perpetuity control measures that prevent or minimize water quality impacts and address stormwater runoff quality.

(b) The control measures must be designed, installed, and maintained, in accordance with the following:

- (1) The city's storm drainage design criteria and construction specifications manual and urban drainage;
- (2) The flood control district's urban storm drainage criteria manual; and
- (3) The design standards required by the city's MS4 permit.

Such control measures, including their attainment of design standards in conformance with the city's MS4 permit requirements, must be reviewed and approved by the director of public works or designee. The obligation to maintain the control measures in perpetuity shall be memorialized on a subdivision plat, annexation plat, development agreement, or other instrument recorded in the office of the county clerk and recorder.

(c) Should the owner or developer fail to adequately maintain the control measures, the city shall have the right to enter the property for the purposes of performing operation and maintenance. All associated costs, including administrative costs, shall be assessed pursuant to section 20-632(b).

(d) In addition to the above section, failing to adequately maintain control measures shall be a violation of this chapter.

Sec. 20-634. Excluded projects.

(a) The following new or existing development is not required to comply with section 20-633:

(1) Paving that does not result in a substantial increase of impervious area and infrastructure, like routine maintenance, rehabilitation, replacement, and reconstruction.

(2) Redevelopment of existing roads when:

a. Less than one acre of paved area per mile of road is added; or

b. Less than 8.25 feet of paved width at any location is added.

~~(3)~~ (3) Installation or maintenance of underground utilities or infrastructure that does not permanently alter existing terrain, ground cover, or drainage patterns.

~~(4)~~ (4) Single-family residential or agricultural zoned property equal to or greater than 2.5 acres per dwelling, having a total impervious area of less than ten percent.

~~(5)~~ (5) Any development that submits to the director of public works a site-specific study detailing rainfall and soil conditions demonstrating that post-development surface infiltration will not result in the discharge of concentrated stormwater flow during an 80th percentile runoff event. The site-specific study must be approved by the director of public works or his designee.

~~(6)~~ (6) Undeveloped property on which land disturbing activity occurs but results in no added structures or impervious area.

~~(7)~~ (7) Stream stabilization sites.

~~(8)~~ (8) Bike and pedestrian trails that are not attached to roads.

~~(9)~~ (9) Oil and gas exploration.

Sec. 20-637. City to maintain public stormwater facilities.

The city shall maintain all public stormwater facilities accepted by the city, located on city-owned property, and additional stormwater facilities dedicated to the city.

Sec. 20-639. Enforcement.

(a) Any fee which has not be paid when due may be recovered in an action at law by the city in addition to any other remedies or penalties provided by this chapter or this Code.

(b) Authorized employees of the city shall, at all reasonable times, have access to any premises served by the city for inspection, repair, or the enforcement of the provisions of this chapter.

(c) The director of public works ~~or designee~~ may issue a notice of violation to any property owner and/or developer who has not installed and maintained permanent stormwater control measures in accordance with this chapter.

(d) A violation noticed under this chapter shall be deemed a misdemeanor infraction, shall proceed in accordance with section 2-1032, and shall be subject to penalties set forth in chapter 10 of title 1 of this Code.

Section 33: Sections 22-44 of Chapter 2, Building Code, of Title 22, Buildings and Construction, shall be amended to read as follows:

Sec. 22-44. Section ~~406.3.4(1)~~ 406.3.2.1 amended; dwelling unit separation.

Sec. 406.3.2.1 of the building code is amended to read as follows:

The private garage shall be separated from the dwelling unit and its attic area by means of a minimum five-eighths inch (15.9 mm) Type X gypsum board or equivalent applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms above by not less than five-eighths inch (15.9 mm) Type X gypsum board or equivalent. Where the separation is a floor-ceiling assembly, or the ceiling is providing separation, the structure supporting the separation shall also be protected by not less than five-eighths inch (15.9 mm) Type X gypsum board or equivalent. Door openings between a private garage and the dwelling unit shall be equipped with either solid wood doors or solid or honeycomb core steel doors not less than 1 $\frac{3}{8}$ inches (34.9 mm) thick, or doors in compliance with section 716.5.3 with a fire protection rating of not less than 20 minutes. Doors shall be self-closing and self-latching.

Section 34: Sections 22-47 and 22-48 of Chapter 2, Building Code, of Title 22, Buildings and Construction, is hereby repealed.

~~Sec. 22-47. Section 1507.2.9.4 added; sidewall flashing.~~

~~Sec. 1507.2.9.4 of the building code is added to read as follows:~~

~~1507.2.9.4 Sidewall flashing. Flashing against a vertical sidewall shall be by the step-flashing method. The flashing shall be a minimum of 4 inches (102 mm) high and 4 inches (102 mm) wide. At the end of the vertical sidewall the step flashing shall be turned out in a manner that directs water away from the wall and onto the roof and/or gutter.~~

~~Sec. 22-48. Section 1507.2.9.5 added; other flashing.~~

~~Sec. 1507.2.9.5 of the building code is added to read as follows:~~

~~1507.2.9.5 Other flashing. Flashing against a vertical front wall, as well as soil stack, vent pipe and chimney flashing, shall be applied according to the asphalt shingle manufacturer's printed instructions.~~

Section 35: Sections 22-95, 22-96 of Chapter 3, Residential Code, of Title 22, Buildings and Construction, shall be amended to read as follows:

Sec. 22-95. Section R313.2 deleted; one- and two-family dwellings automatic fire sprinkler systems.

Sec. R313.2 of the residential code, adopted at section 22-76 is deleted in its entirety. ~~automatic residential fire sprinkler system shall be installed in one- and two-family~~

Sec. 22-96. Section ~~R327~~ R328 added; electric fences.

Sec. R328 of the residential code is added in its entirety to read as follows:

Sec. R328 Electric fences.

R328.1 Definition. For the purposes of this section, any fence using, carrying or transmitting an electrical current for any purpose is considered an electric fence.

R328.2 Permit required. In all cases, electric fences will require approval, and a building permit. All electrical components must be listed and labeled, by a nationally recognized independent testing agency, and installations must be made per the manufacturer's specifications, and the listing requirements.

R328.3 Signs. Permanent signs stating "DANGER, ELECTRIC FENCE" must be installed on or around the fence, as deemed necessary by the building inspection division.

R328.4 Location. All electric fences must be installed inside a non-electric fence, placed so as to prevent accidental contact from the outside. This subsection does not apply to approved agricultural uses.

R328.5 Existing fences. Any existing electric fence identified after the adoption of this code that does not conform to these requirements, shall have 60 days from the date of identification of the fence to come into compliance with these requirements, or the electric fence shall be removed.

Section 36: Sections 22-241 of Chapter 6, Existing Building Code, of Title 22, Buildings and Construction, is hereby repealed.

~~Sec. 22-241. Section 1401.2 amended; applicability.~~

~~Sec. 1401.2 of the existing building code is amended to read as follows:~~

~~1401.2 Applicability. Structures existing at the time of adoption of this code in which there is work involving additions, alterations or changes of occupancy shall be made to conform to the requirements of this chapter or the provisions of chapters 5 through 13. The provisions of sections 1401.2.1 through 1401.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R and S. These provisions shall not apply to buildings with occupancies in Group H or Group I.~~

Section 37: Sections 22-314, 22-316, 22-317 and 22-318 of Chapter 9, Plumbing Code, of Title 22, Buildings and Construction, shall be amended to read as follows:

Sec. 22-314. Section ~~405.5~~ 405.6 amended; water-tight joints.

Sec. 405.6 of the plumbing code is amended to read as follows:

405.6 Water-tight joints. In facilities designed for public use, joints formed where fixtures come in contact with walls or floors shall be sealed.

Sec. 22-316. Section ~~414.2~~ 417.2 amended; waste connection.

Sec. 417.2 of the plumbing code is amended to read as follows:

417.2 Waste connection. Garbage can washers shall be located only in weather-tight enclosures and shall be trapped separately. The receptacle receiving the waste from the washer shall have a removable basket or strainer to prevent the discharge of large particles into the drainage system.

Sec. 22-317. Section ~~417.4~~ 421.4 amended; shower compartments.

Sec. 421.4 of the plumbing code is amended to read as follows:

421.4 Shower compartments. All shower compartments shall have a minimum of 1,024 square inches (0.66 m²) of interior cross-sectional area. Shower compartments shall not be less than 32 inches (813 mm) in minimum dimension measured from the finished interior dimension of the compartment, exclusive of fixture valves, showerheads, soap dishes, and safety grab bars or rails. Except as required in section 404, the minimum

required area and dimension shall be measured from the finished interior dimension at a height equal to the top of the threshold and at a point tangent to its centerline and shall be continued to a height not less than 70 inches (1,778 mm) of this section the shower drain outlet.

Sec. 22-318. Section ~~417.4~~ 421.4 deleted; exception, shower compartments.
Sec. 421.4, Exception, of the plumbing code is deleted in its entirety.

Section 38: Sections 22-463 and 22-464 of Chapter 12, Fire Code, of Title 22, Buildings and Construction, shall be amended to read as follows:

22-463. Section 110.4 amended; violation penalties.

Sec. 110.4 of the fire code is amended to read as follows:

110.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor infraction, and punishable pursuant to chapter 9 of title 1 of this Code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

22-464. Section ~~111.4~~ 112.4 amended; failure to comply.

Sec. ~~111.4~~ 112.4 of the fire code is amended to read as follows:

~~111.4~~ 112.4 Failure to comply. Any person who shall continue any work after having been served with a stop-work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor infraction, and punishable pursuant to chapter 9 of title 1 of this Code.

Code Corrections

April 19, 2022



Background

- **April, 2021- Council adopted recodified municipal code**
- **After the Code was adopted, City staff began to find errors in the final Code**
- **City Attorney's Office began tracking errors and contacted all supervisors requesting assistance identifying errors**

Types of Errors

- **Incorrect Cross-References- 15**
- **Failure to include ordinances passed during recodification process- 17**
- **Errors in Titles- 7**
- **Numbering and lettering off- 4**
- **Typos- 3**
- **Duplicative section- 2**
- **Removed sections of the code- 4**
- **Inappropriate amendments- 2**
- **Incorrect citation to state statute - 1**

Example

Old language that was changed by Ord 27, 2019



Sec. 2-186. - Intergovernmental agreements.

The city may enter into contracts with other governmental bodies to furnish governmental services and make charges for such services or enter into cooperative or joint activities with other governmental bodies. Approval of such agreements will be approved by city council resolution or ordinance authorizing the city manager or his designee to sign the agreement.

(Code 1994, § 2.07.040; Ord. No. 78, 1992, § 1(part), 8-18-1992; Ord. No. 13, 2011, § 1, 4-19-2011; Ord. No. 23, 2013, § 2, 8-20-2013; Ord. No. [18, 2018](#), § 1(exh. A), 4-3-2018)

Language from Ord 27, 2019



CHAPTER 6. - CONTRACTS WITH OTHER GOVERNMENTAL BODIES

Sec. 2-461. - Intergovernmental agreements.

The city may enter into contracts with other governmental bodies to furnish governmental services and make charges for such services or enter into cooperative or joint activities with other governmental bodies. Such agreements will be approved as to substance by the city manager or designee, as to legal form by the city attorney or designee, and as to availability of funds by the director of finance or designee, except such agreements will be approved by city council resolution or ordinance:

- (1) When the approval of the proposed agreement involves the direct, monetary payment of more than \$100,000.00;
- (2) In the judgment of the city manager, the proposed agreement entails significant policy considerations; or
- (3) The approval by city council is required by state or federal law.

(Code 1994, § 2.07.040; [Ord. No. 27, 2019](#), exh. § 2.07.040, 7-2-2019)

Examples

This language was repealed by Ordinance 47-2019, but was inadvertently included in the Code

Sec. 16-262. - Pedestrians not to remain on medians.

- (a) No pedestrian may remain upon a median for longer than is reasonably necessary to cross the street.
- (b) This section does not apply to persons maintaining or working on the median for the government which owns the underlying road or public right-of-way or for a public utility.
- (c) This section does not apply to a street closed to vehicular traffic for the purposes of permitted activity on the street or roadway.
- (d) A violation of this section is a traffic infraction and shall be punishable under chapter 9 of [title 1](#) of this Code.

(Code 1994, § 11.01.809; Ord. No. [24, 2015](#), § 2(exh. A), 7-7-2015)

Example

Sec. 10-53. Mistreatment.

- (a) Mistreatment of an animal by a person is prohibited. The following conduct constitutes mistreatment **failing to provide or depriving the animal of:**
- (1) Sufficient food and sufficient water;
 - (2) Proper veterinary care consistent with the species, type of animal and acceptable agricultural animal husbandry practices; or
 - (3) Overdriving, overloading, overworking, tormenting, torturing, beating, mutilating or killing an animal.
- (b) Any finding of violation of this section shall be punishable as a misdemeanor offense. Mistreated animals are subject to impoundment prior to a finding of violation.

(Code 1994, § 7.08.020; Ord. No. 33, 2019 , exh. A, § 7.08.020, 8-6-2019)

Sec. 10-53. Mistreatment.

(a) Mistreatment of an animal by a person is prohibited. The following conduct constitutes mistreatment:

(1) Failing to provide or depriving the animal of:

a. Sufficient food and sufficient water;

b. Proper veterinary care consistent with the species, type of animal and acceptable agricultural animal husbandry practices; or

(2) Overdriving, overloading, overworking, tormenting, torturing, beating, mutilating or killing an animal.

(b) Any finding of violation of this section shall be punishable as a misdemeanor offense. Mistreated animals are subject to impoundment prior to a finding of violation.

Next steps

- **Several substantive changes to the Code were adopted without proper notice as part of the recodification. These will be addressed through subsequent ordinances as necessary.**
- **Further review of the Code, including the penalty provisions, may result in additional changes to the Code.**

Thank you.

Any questions?



Council Agenda Summary

April 19, 2022

Agenda Item Number

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

Title:

Public hearing and final reading of an ordinance appropriating additional sums to defray the expenses and liabilities of the City of Greeley for the balance of the fiscal year of 2022 and for funds held in reserve for encumbrances at December 31, 2021.

Summary:

This is the second supplemental appropriation ordinance modifying the 2022 budget. This appropriation ensures that existing commitments in progress at 2021 year end can be completed in 2022, designates funds for additional commitments, and appropriates new grants that have been awarded.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes														
If yes, what is the initial, or, onetime impact?	\$ 37,614,474														
What is the annual impact?	\$ 37,614,474														
What fund of the City will provide Funding?	See Ordinance														
What is the source of revenue within the fund?	Fund Balance, Grant, Expense Reimbursement, Intergovernmental Agreement, Operating Transfer														
Is there grant funding for this item?	Yes, Item 1, 2, 27, 38, 46														
If yes, does this grant require a match?	Yes, Item 1, 2, 27, 38, 46														
Is this grant onetime or ongoing?	Onetime														
Additional Comments:	<p>Total appropriations made by this ordinance, excluding transfers, are \$37,614,474. The following funding sources will be used to cover the appropriations made by this ordinance.</p> <table border="1"> <thead> <tr> <th></th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Fund Balance: Operating</td> <td>\$ 4,650,244</td> </tr> <tr> <td>Fund Balance: Capital</td> <td>6,276,989</td> </tr> <tr> <td>Capital Projects:</td> <td>6,523,119</td> </tr> <tr> <td>Exceeding 3-Year Appropriation Limit</td> <td></td> </tr> <tr> <td>New Resources</td> <td>20,164,122</td> </tr> <tr> <td>Total (Excluding Transfers)</td> <td>\$ 37,614,474</td> </tr> </tbody> </table>		Total	Fund Balance: Operating	\$ 4,650,244	Fund Balance: Capital	6,276,989	Capital Projects:	6,523,119	Exceeding 3-Year Appropriation Limit		New Resources	20,164,122	Total (Excluding Transfers)	\$ 37,614,474
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Fund Balance: Operating	\$ 4,650,244														
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Capital Projects:	6,523,119														
Exceeding 3-Year Appropriation Limit															
New Resources	20,164,122														
Total (Excluding Transfers)	\$ 37,614,474														

Legal Issues:

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

Other Issues and Considerations:

Applicable Council Priority and Goal:

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

Decision Options:

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

Council's Recommended Action:

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

Attachments:

Ordinance
Detail Supporting Schedule
PowerPoint Presentation

**THE CITY OF GREELEY
ORDINANCE NO. _____, 2022**

AN ORDINANCE APPROPRIATING ADDITIONAL SUMS TO DEFRAY THE EXPENSES AND LIABILITIES OF THE CITY OF GREELEY FOR THE BALANCE OF THE FISCAL YEAR OF 2022 AND FOR FUNDS HELD IN RESERVE FOR ENCUMBRANCES AT DECEMBER 31, 2021.

WHEREAS, the City of Greeley has or will incur expenses for certain activities described below during the 2022 fiscal year, and

WHEREAS, the revenues received in the City of Greeley in 2021, exceeded the amount of revenues estimated in the 2021 Budget by more than the total amount of the expenditures in the same year;

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

Section 1. In accordance with section 5-17 of the Greeley Charter, from actual and anticipated revenues which exceed the revenue estimates in the 2022 budget and amounts held in fund balance reserves from 2021, there is hereby appropriated the following designated sums to be allocated for use during the remainder of 2022:

Fund	Amount	Transfers	Total
100 GENERAL FUND	\$ 2,308,096	\$ 9,582,800	\$ 11,890,896
102 CONVENTION AND VISITORS FUND	-	61,100	61,100
171 ARPA	2,000,000	-	2,000,000
301 PUBLIC IMPROVEMENT	2,977,746	-	2,977,746
303 PUBLIC ART	-	-	-
304 FOOD TAX	316,595	-	316,595
318 QUALITY OF LIFE	25,167	-	25,167
321 STREET INFRASTRUCTURE IMPROVEMENTS	2,000,000	-	2,000,000
334 ROAD DEVELOPMENT	520,197	500,000	1,020,197
400 CEMETERY	59,915	-	59,915
412 SEWER CONSTRUCTION	3,929,843	-	3,929,843
413 SEWER CAPITAL REPLACEMENT	800,000	-	800,000
421 WATER OPERATIONS	16,877,500	-	16,877,500
423 WATER CAPITAL REPLACEMENT	4,484,965	-	4,484,965
424 WATER RIGHTS ACQUISITION	728,700	-	728,700
431 STORMWATER OPERATIONS	870	-	870
432 STORMWATER CONSTRUCTION	250,000	-	250,000
521 IT OPERATIONS	334,880	-	334,880
Grand Total	37,614,474	10,143,900	47,758,374

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

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

**PASSED AND ADOPTED, SIGNED AND APPROVED THIS _____ DAY OF _____,
2022.**

ATTEST:

THE CITY OF GREELEY

Interim City Clerk

BY

Mayor



City of Greeley 2022 Appropriation - April City Council Meetings: April 5th & 19th

Fund	Funding Source	Description	Fund Balance	Revenue	Expenditures	Net Impact
100 - GENERAL FUND						
1	Grant	The Natural Areas & Trails (NAT) division within CPRD applied to Great Outdoors Colorado (GOCO) for a two-year fellowship contracted benefited position to assist with several priority initiatives within NAT's recently adopted strategic plan. The GOCO grant provides \$71,500 for 2022 and 2023, for a total of \$143,000 over the two-year term.	-	71,500	71,500	-
2	Grant	The Greeley Fire Department received grant funding from the Federal Emergency Management Agency (FEMA) for improving the Code Red emergency communications project. These funds will be used to improve participation in these important emergency communication tools.	-	5,000	5,000	-
3	Expense Reimbursement	Funding is being requested for new Firefighting foam as part of the new United States Environmental Protection Agency (EPA) restrictions. The Greeley Fire Department had two large totes of foam that are no longer allowed under current regulations. As part of the State of Colorado buy-back program, the City is being reimbursed for the replacement of foam.	-	21,200	21,200	-
4	Expense Reimbursement	The Fire Departments' new partnership with UCHealth ambulance requires UCHealth personnel and computers to have access to the Computer-Aided-dispatch (CAD) for emergency response. Until UCHealth has access to these services, this is a reimbursement for unexpected expenses to cover these items in the interim.	-	2,565	2,565	-
5	Expense Reimbursement	The Greeley Fire Department responded to a hazmat incident that included carbon-based product release into the Poudre River. Funding is being appropriated from the US Coast Guard for reimbursement of unexpected expenses associated with the call.	-	3,251	3,251	-
6	Expense Reimbursement	The Greeley Fire Department deployed apparatus and personnel to the Marshall fire in Superior. Funding is being appropriated for the reimbursement of these expenditures from the State of Colorado.	-	11,784	11,784	-
7	Expense Reimbursement	Funding is being appropriated for the Greeley Fire Departments' Hazmat response to the University of Northern Colorado (UNC) which required one-time use and disposal of supplies and equipment. These services will be reimbursed by UNC.	-	1,188	1,188	-
8	Expense Reimbursement	Funding is being appropriated for the purchase and installation of six Transit Bus Shelters. These expenses will be reimbursed by the 10th Street Tax Increment Financing (TIF). The installation of these six shelters will be along the 10th Street corridor between 23rd Avenue and 35th Avenue. These shelters will not only improve shelter from the elements for riders but also increase safety through shelter lighting. Additionally, as these shelters will be facilitate advertising opportunities, they will increase revenue received by the city through an established advertising contract for our bus benches and shelters.	-	153,659	153,659	-
9	Operating Transfer: CONVENTION AND VISITORS FUND	Funding is requested to support the Image Campaign. After evaluating the tactics at the end of what was essentially year one of the Image Campaign due to COVID, funds are being requested to increase the inclusive audience reach of campaign messaging through the production of commercials that will be broadcast with various inclusive networks and digitally connected devices (streaming). Additionally, funds are needed for two interns to provide support of campaign content and department assistance due to limited internal staff.	-	61,100	61,100	-
10	Fund Balance	Funding is requested for the continued staffing development and infrastructure of the Communications & Engagement department. Originally intended to conclude this work in 2020 efforts were sidelined as the pandemic set in and work shifted to urgent, critical needs. Contracting funds will be used for leadership support allowing organizational flexibility and execution.	50,000	-	50,000	-
11	Fund Balance	Funding is being appropriated to support the Bright Futures program. A program focused on creating a strong and sustainable Weld County workforce.	50,000	-	50,000	-
12	Fund Balance	Funding is being appropriated to cover associated costs regarding the City Council retreat.	35,760	-	35,760	-
13	Fund Balance	Funding is being appropriated to support the Downtown Development Authority (DDA) fostering economic development and revitalization within the Greeley downtown area.	15,000	-	15,000	-
14	Fund Balance	In response to strong population growth funding is being appropriated to support the Downtown Master Plan which is focused on the revitalization of the downtown.	150,000	-	150,000	-
15	Fund Balance	Funding is requested for developing and maintaining a market-based compensation system. Additionally, funding will support the implementation of an organizational development strategy to drive organizational change. This will provide a focus on supporting the management of the compensation and classification plan per the Colorado Pay Equity Law and the governmental performance of the organization.	410,928	-	410,928	-

Fund	Item No. 20.	Description	Fund Balance	Revenue	Expenditures	Net Impact
16	Fund Balance	This request is to fund the following positions and contracted services, including additional legal council and associated costs, to meet desired service levels and as identified in assessments for the following departments: City Attorney's Office, City Clerk's Office, City Manager's Office, Communications & Engagement, Finance, Human Resources, and Municipal Court.	874,000	-	874,000	-
17	Fund Balance	Funding is being appropriated for executive search services.	150,000	-	150,000	-
18	Fund Balance	Funding requested for the Greeley Home Ownership Incentive Program.	121,161	-	121,161	-
19	Fund Balance	Funding is being appropriated for a Municipal Court assessment. As part of the 2022 Budget Municipal Court was provided funding for one Court Marshal with the caveat that additional staffing would be dependent on the outcome of a department assessment.	30,000	-	30,000	-
20	Fund Balance	The remaining funding received from JBS in 2020 for COVID-related expenditures is being appropriated for truck equipment, Western Hills shelter shelving/supplies, and other related expenditures.	90,000	-	90,000	-
100 - GENERAL FUND			1,976,849	331,247	2,308,096	-
171 - ARPA						
21	American Rescue Plan Act (ARPA)	Funds received as part of the American Rescue Plan Act (ARPA) are being appropriated for City incentives and administrative support.	2,000,000	-	2,000,000	-
171 - ARPA			2,000,000	-	2,000,000	-
301 - PUBLIC IMPROVEMENT						
22	Fund Balance / Expense Reimbursement	Additional Funding from Greeley Urban Renewal Authority (GURA) is being appropriated to support New Sidewalk Installation. City contribution covers reimbursement of ineligible GURA expenditures of \$110,024.	110,024	217,722	327,746	-
23	Intergovernmental Agreement / Operating Transfer: ROAD DEVELOPMENT	Funding is being requested for the 16th Street Enhancement Project. Funding is needed to complete the final design of the project. The project will improve the safety and aesthetics on 16th St with traffic calming measures and streetscape design. Funding in the amount of \$2,000,000 is derived from an intergovernmental agreement with the Colorado Department of Transportation (CDOT). An additional \$500,000 in funding is being transferred from the Road Development Fund (334).	-	2,500,000	2,500,000	-
24	Fund Balance	Funding is being reappropriated, as part of the three-year appropriation limit, for the remodel of Firestation 7 regarding the conversion of the current training room into a dorm and office area, complete with ADA compliant bathroom and shower.	150,000	-	150,000	-
301 - PUBLIC IMPROVEMENT			260,024	2,717,722	2,977,746	-
304 - FOOD TAX						
25	Intergovernmental Agreement	Funding is requested to assist the Natural Areas & Trails division with maintenance and repair to sections of the Poudre River Trail in unincorporated Weld County. This maintenance is part of an intergovernmental agreement between the City of Greeley, Town of Windsor, Weld County, and the Poudre River Trail Corridor, Inc. non-profit.	-	200,000	200,000	-
26	Fund Balance	Funding is being reappropriated, as part of the three-year appropriation limit, for the Irrigation Redesign & Replacement at Bittersweet Park project. The funding, per City Council's recommendation, will be used towards community engagement, and to finalize the project based upon further analysis and research.	116,595	-	116,595	-
304 - FOOD TAX			116,595	200,000	316,595	-
318 - QUALITY OF LIFE						
27	Grant	Funding is being reappropriated, as part of the three-year appropriation limit, for the McCloskey Natural Area Trailhead Improvements project. The Natural Areas & Trails (NAT) division received a State Trails grant in 2019 to construct improvements to the McCloskey Natural Area trailhead. Due to the pandemic, the project paused these funds will allow the project to come to completion.	14,583	-	14,583	-
28	Fund Balance	Funding is being reappropriated, as part of the three-year appropriation limit, for the Trails at Sheep Draw Neighborhood Park project. The final component of the park is a new trail connection from the playground to a new pedestrian bridge connecting the park to the Sheep Draw Trail. Delays in Federal Emergency Management Agency's (FEMA) floodplain analysis caused a change in the original design from a low-water crossing to a pedestrian bridge in a new location.	10,584	-	10,584	-
318 - QUALITY OF LIFE			25,167	-	25,167	-

Fund	Item No. 20.	Description	Fund Balance	Revenue	Expenditures	Net Impact
321 - STREET INFRASTRUCTURE IMPROVEMENTS						
29	Fund Balance	This is being appropriated to address the additional Overlay needs for the 2022 Keep Greeley Moving Program.	2,000,000	-	2,000,000	-
321 - STREET INFRASTRUCTURE IMPROVEMENTS			2,000,000	-	2,000,000	-
334 - ROAD DEVELOPMENT						
30	Intergovernmental Agreement	Grant funding from the Highway Safety Improvement Project (HSIP) is being appropriated for an intergovernmental agreement (IGA) with the Colorado Department of Transportation (CDOT) that was approved for the installation of the dynamic advance warning flashers on Highway 34 Bypass at the County Road 17 intersection. This project will alert motorists of the impending traffic signal changes mitigating the number of rear-end crashes at this intersection.	-	125,800	125,800	-
31	Fund Balance	Funding is being appropriated for the improvement of 71st Avenue between 12th and 22nd Streets to align with arterial street standards. The native grass seeding of areas behind the sidewalks was not successful. Approximately three acres will need to be reseeded. A more detailed soil analysis will be made to determine the needed soil amendment. Temporary irrigation for some areas is proposed to assure successful germination and the establishment of grasses.	200,000	-	200,000	-
32	Fund Balance	Funding is being reappropriated, as part of the three-year appropriation limit, for the Sidewalk 10th Street Sheepdraw project. The project consists of a new sidewalk connection and a pedestrian bridge crossing. Additionally, the project will require a floodplain map revision according to Federal Emergency Management Agency (FEMA).	194,397	-	194,397	-
334 - ROAD DEVELOPMENT			394,397	125,800	520,197	-
400 - CEMETERY						
33	Fund Balance	This request is for a Linn Grove Cemetery Technician Position and related supplies as a result of the increase in services being provided at the Cemetery.	59,915	-	59,915	-
400 - CEMETERY			59,915	-	59,915	-
412 - SEWER CONSTRUCTION						
34	Fund Balance	Funding is being reappropriated, as part of the three-year appropriation limit, for the Ashcroft Draw Basin Lift Station project. The project is approximately fifty percent complete, with construction expected to end in July 2022. Easement negotiations and acquisitions are not complete with one property owner, and a final cost for permanent easements is not yet established. The project has experienced delays and cost escalations due to material supply chain and procurement problems, which have significantly increased the costs and time to finish construction.	3,564,843	-	3,564,843	-
35	Fund Balance	Funding is being reappropriated, as part of the three-year appropriation limit, for the Collection Line Extension & Oversizing project. Due to the pandemic and staff shortages, only a portion of the most challenging sewer pipeline was completed during 2021. All supplies are purchased and procured, however, construction of the remaining sewer pipeline will be completed in 2022. Completion of the project will provide critical infrastructure to the Johnson subdivision by providing a means to connect to the City's sewer system and abandon the existing septic and leach fields that currently serve these homes.	365,000	-	365,000	-
412 - SEWER CONSTRUCTION			3,929,843	-	3,929,843	-
413 - SEWER CAPITAL REPLACEMENT						
36	Fund Balance	Funding is being reappropriated, as part of the three-year appropriation limit, for the Trenchless Main and Collector Rehabilitation project. Due to the pandemic and staff shortages in both the Water & Sewer engineering and operations divisions the associated projects were not completed in 2021.	550,000	-	550,000	-
37	Fund Balance	Funding is being reappropriated, as part of the three-year appropriation limit, for the Sewer Collection System Rehabilitation project. Due to the pandemic and staff shortages, a majority of the funding allocated for the sewer collection system rehabilitation was not spent. Funding will be used for the disconnection of the existing storm drains from the sanitary sewer system, sewer rehabilitation work done in correlation with potable water system upgrades.	250,000	-	250,000	-
413 - SEWER CAPITAL REPLACEMENT			800,000	-	800,000	-

Fund	Item No. 20.	Description	Fund Balance	Revenue	Expenditures	Net Impact
421 - WATER OPERATIONS						
38	Fund Balance / Grant	Funding is requested for the mitigation of damages from the Cameron Peak Fire. Watershed mitigation activities will include installation of sediment basins at Chambers, Barnes, Comanche, Hourglass, and Peterson reservoirs, as well as wattles and log jam debris prevention structures on several slopes throughout the burn area to minimize erosion. Additionally, aerial mulching will be required on as many acres as possible to minimize erosion and sedimentation impacts. Funding is being reappropriated from 2021 along with the appropriation of additional grant funding received from the Colorado Water Conservation Board (CWCB).	540,000	14,660,000	15,200,000	-
39	Fund Balance	Funding is being appropriated for the Windy Gap Firming project; a project that will make more reliable Greeley's Windy Gap water supply. The Firming project involves the Chimney Hollow Reservoir near Carter Lake and will allow the twelve firming participants the ability to store Windy Gap water on the East Slope when it is available. Greeley is responsible for our portion of the pooled resources required for the debt service payments surrounding this project.	1,677,500	-	1,677,500	-
421 - WATER OPERATIONS			2,217,500	14,660,000	16,877,500	-
423 - WATER CAPITAL REPLACEMENT						
40	Fund Balance	Funding is being appropriated to support the advanced metering project. Due to the consistent and ongoing meter communication failures, this project has reached an emergency or critical status. It is prudent to accelerate the schedule and have the contractor return to water meter installations in the fall of 2022 as discussed with City Council and Water & Sewer Board.	2,895,000	-	2,895,000	-
41	Fund Balance	Funding is being appropriated for the emergency replacement of the filter effluent pipe at the Bellvue water treatment plant due to ground water intrusion. The repair needs to be completed soon to support peak season the potable water demand.	516,965	-	516,965	-
42	Fund Balance	This request is for additional funding to meet Greeley's obligations for a Customer Transfer and Interconnect Operations Intergovernmental Agreement (IGA). Historically, Greeley allowed customers to connect to nearby pipelines located between the Bellvue and Boyd Treatment plants. This was done on a hardship basis as there were no other options for treated water supply. A majority of customers are in other water districts and can be transferred to the more appropriate water service provider. Greeley has the opportunity in partnership with West Fort Collins (WFCWD) to transfer services by providing an interconnection between the two water providers.	480,000	-	480,000	-
43	Fund Balance	Funding is being reappropriated, as part of the three-year appropriation limit, for the Treated Water Reservoir Rehabilitation project. Funds are required due to a pump failure that prevented the investigation and design necessary to complete a construction plan. The pump failure and the inability for timely pump replacement prevented the plan to drain the supporting zone. Funding will allow for the proper investigation into the coating problem and design for repairs.	593,000	-	593,000	-
423 - WATER CAPITAL REPLACEMENT			4,484,965	-	4,484,965	-
424 - WATER RIGHTS ACQUISITION						
44	Fund Balance	Funding is being reappropriated, as part of the three-year appropriation limit, for the Development of Parcel B, Poudre Ponds project. The Poudre Ponds site is an important non-potable water storage facility that enables Greeley to meet return flow obligations to the Poudre River and supplies non-potable water for irrigation needs. Funding will be used to complete construction and provide funding for professional services.	728,700	-	728,700	-
424 - WATER RIGHTS ACQUISITION			728,700	-	728,700	-
431 - STORMWATER OPERATIONS						
45	Expense Reimbursement	The Greeley Fire Department responded to a hazmat incident that included carbon-based product release into the Poudre River. Funding is being appropriated from the US Coast Guard for reimbursement of unexpected expenses associated with the call.	-	870	870	-
431 - STORMWATER OPERATIONS			-	870	870	-

Fund	Item No. 20.	Description	Fund Balance	Revenue	Expenditures	Net Impact
432 - STORMWATER CONSTRUCTION						
46	Fund Balance / Grant	Funding was awarded in the amount of \$175,000 from the Federal Emergency Management Agency (FEMA) Building Resilient Infrastructure in Communities (BRIC) program through the Capacity and Capability Building (C- and CB) scoping and planning activity. These funds will be utilized to fund preliminary design activities for the 12th Street Storm Trunk Line project, Phase 1B. A \$75,000 match is required by the City.	75,000	175,000	250,000	-
432 - STORMWATER CONSTRUCTION			75,000	175,000	250,000	-
521 - IT OPERATIONS						
47	Fund Balance	A Deputy Information Technology Director is being requested to provide leadership and guidance in critical areas of technology implementation, product evaluation, service delivery, budgeting, staff development, resource allocation, policy formation, and service deployment. Additionally an Enterprise Resource Planning Analyst is being created to support the ongoing Oracle software implementation and long-term maintenance. This position will help centralize related functions, along with ensuring upgrades, maintenance, and service tickets are monitored, scheduled, and resolved in a timely manner.	334,880	-	334,880	-
521 - IT OPERATIONS			334,880	-	334,880	-
TOTAL (Less Additional Operating Expenditures Between Funds)			19,403,835	18,210,639	37,614,474	-
OPERATING TRANSFERS						
9	Fund Balance	Image Campaign Operating Transfer of Fund Balance CONVENTION AND VISITORS FUND to GENERAL FUND	61,100	-	61,100	-
21	Fund Balance	American Rescue Plan Act (ARPA) Operating Transfer of Fund Balance General Fund to ARPA	-	9,582,800	9,582,800	-
23	Fund Balance	16th Street Enhancement Project Operating Transfer of Fund Balance ROAD DEVELOPMENT to PUBLIC IMPROVEMENT	500,000	-	500,000	-
31	Operating Transfer	71st Avenue, 12th to 22nd Street Re-seeding Operating Transfer ROAD DEVELOPMENT to PUBLIC ART	-	1,730	-	1,730
34	Operating Transfer	Ashcroft Draw Basin Lift Station Operating Transfer SEWER CONSTRUCTION to PUBLIC ART	-	10,000	-	10,000
TOTAL ADDITIONAL OPERATING EXPENDITURES BETWEEN FUNDS			561,100	9,594,530	10,143,900	11,730
GRAND TOTAL			19,964,935	27,805,169	47,758,374	11,730

City Council Meetings
April 5th & 19th

2022
2nd Appropriation



Second Appropriation - 2022

- Allocation of Revenues and Expenditures
- Ensures Completion of Projects & Commitments
- Records Grants & Received Revenues
- Amount: \$37,614,474 (Including Transfers: \$47,758,374)



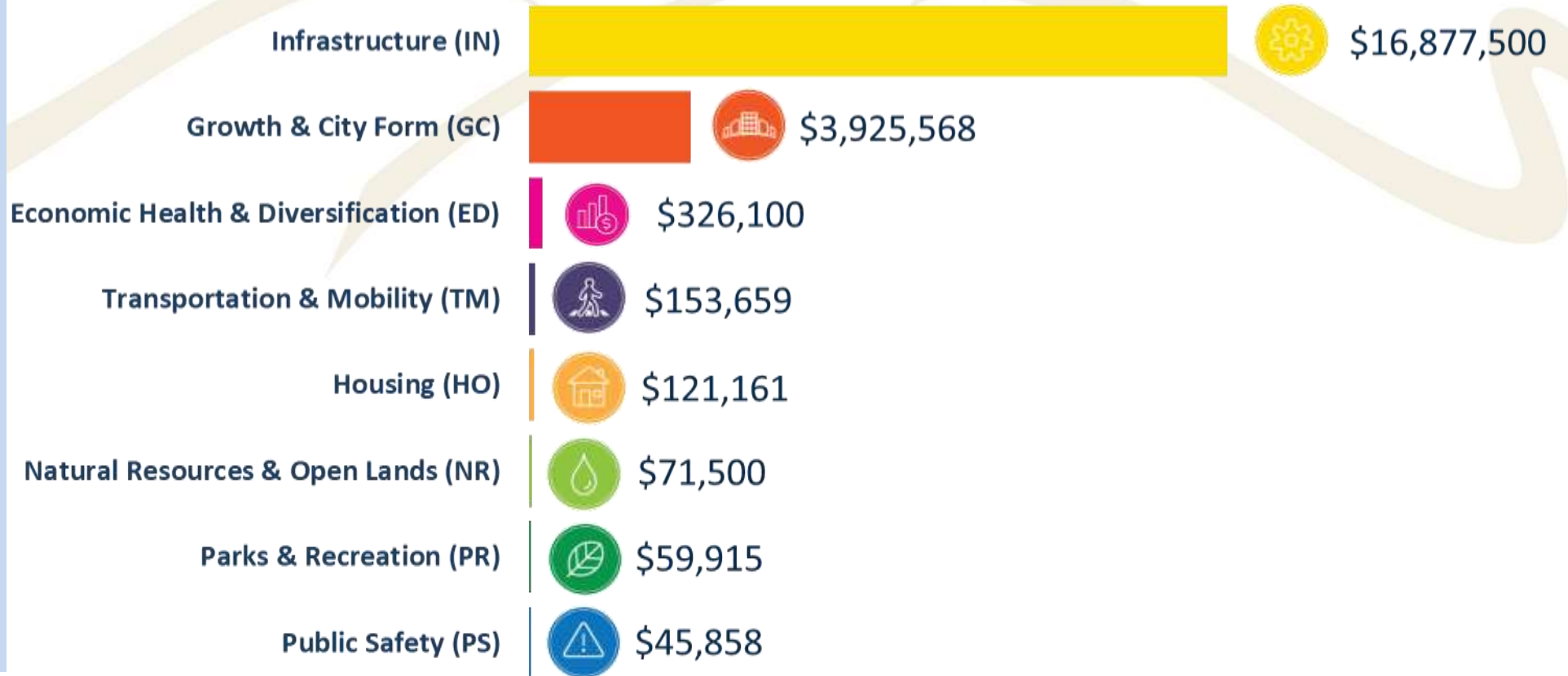
Comprehensive Plan Categories

- **Economic Health & Diversification (ED)**
- **Education, Health, and Human Services (EH)**
- **Growth & City Form (GC)**
- **Historic & Cultural Resources (HC)**
- **Housing (HO)**
- **Infrastructure (IN)**
- **Natural Resources & Open Lands (NR)**
- **Parks & Recreation (PR)**
- **Public Safety (PS)**
- **Transportation & Mobility (TM)**

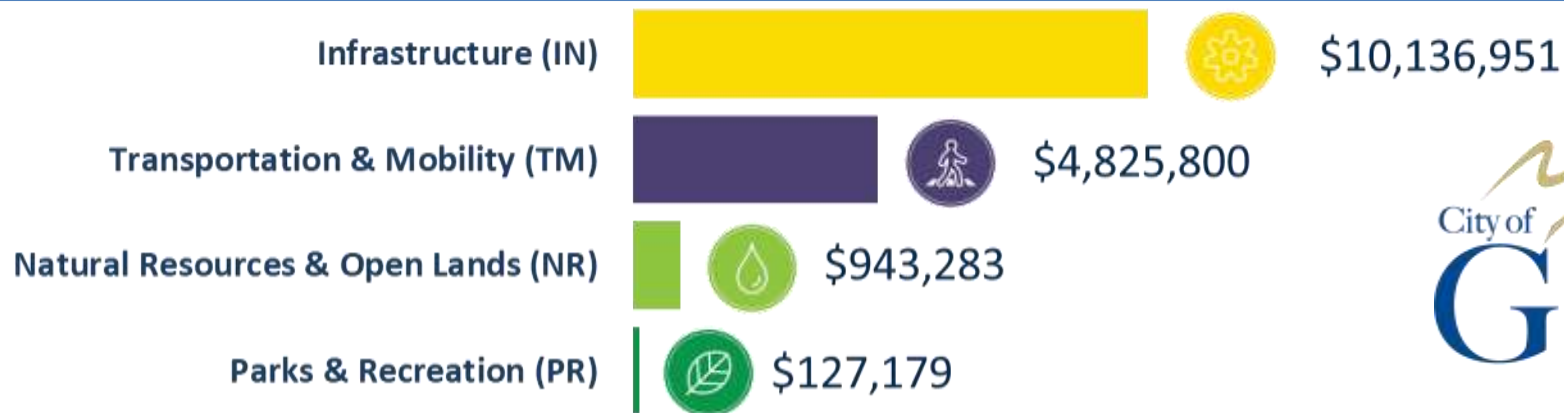


Comprehensive Plan Allocation

OPERATING



CAPITAL



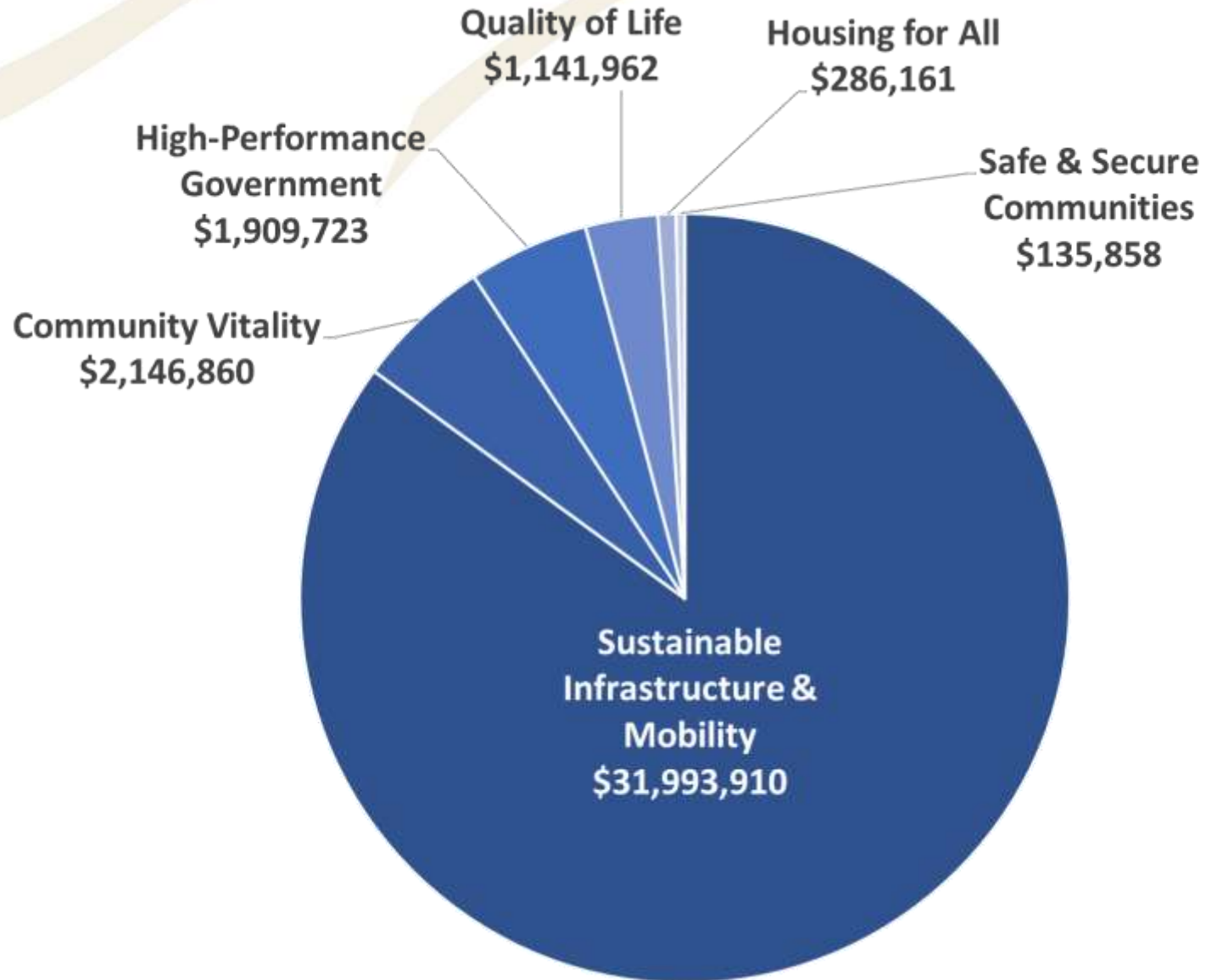
Excludes Transfers



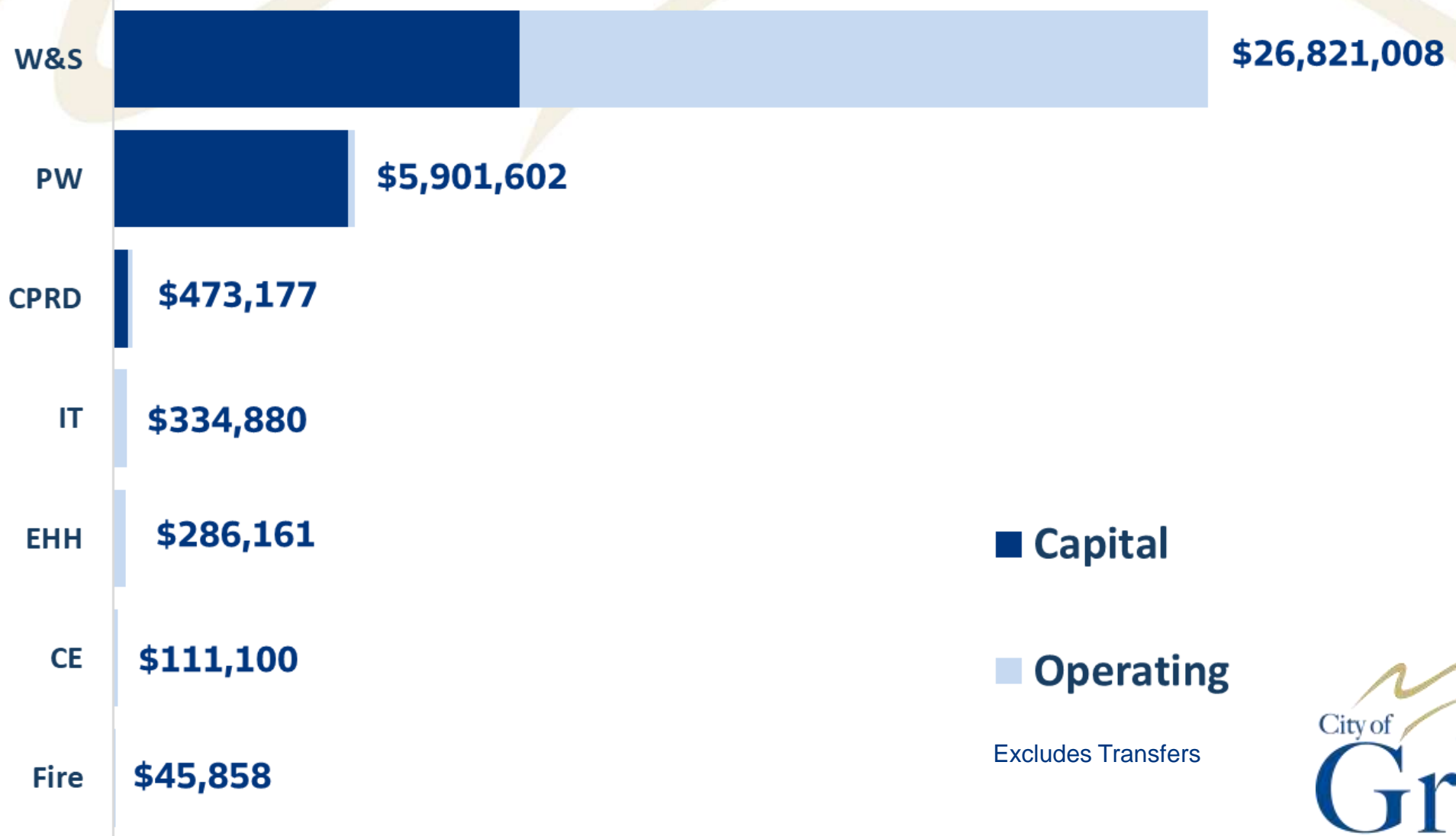


2022 City Council Retreat Priorities

2022 City Council Priorities Highlights



Department Allocation

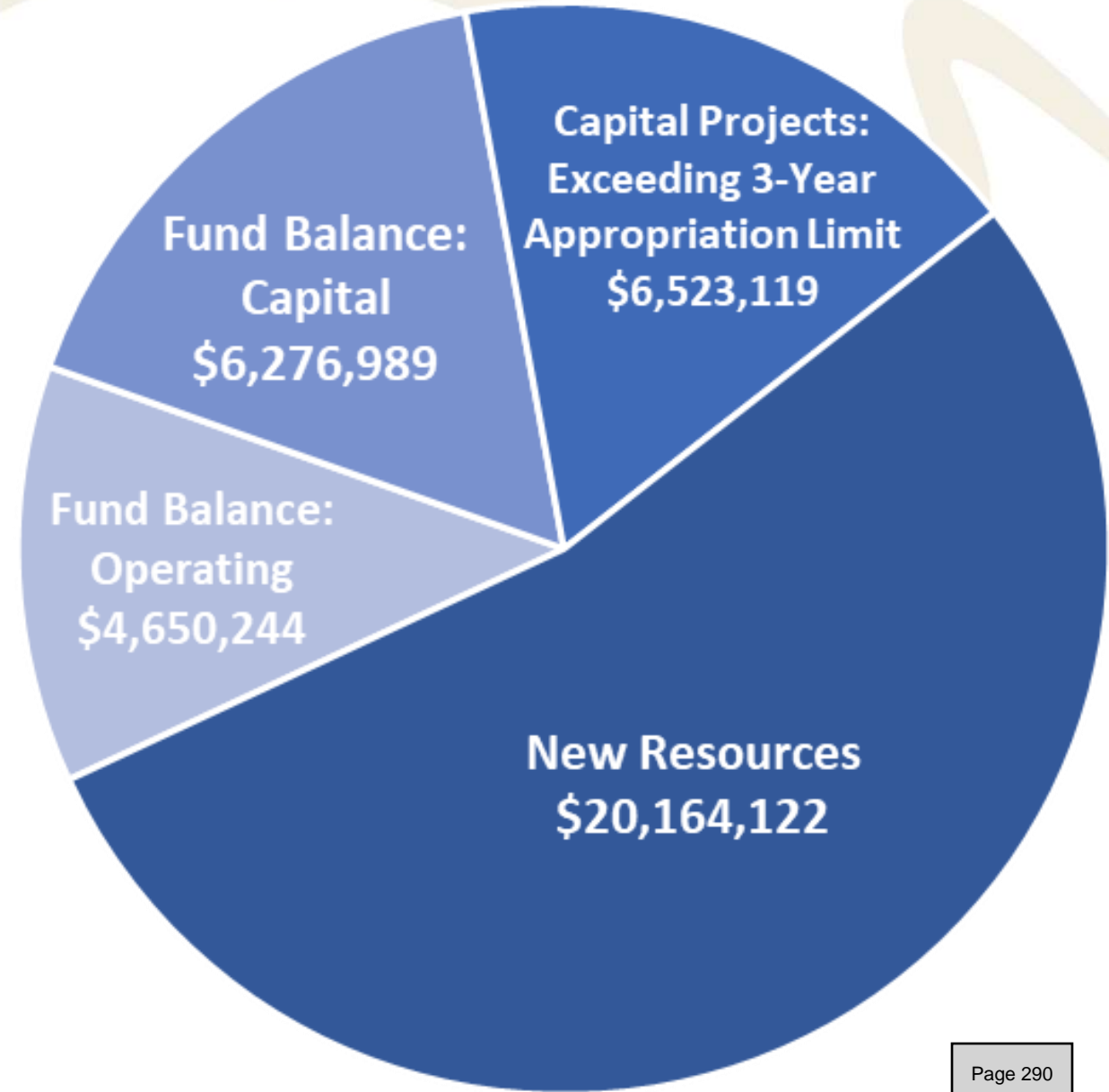


■ Capital
■ Operating
Excludes Transfers













Funding Source

	Total
Fund Balance: Operating	\$ 4,650,244
Fund Balance: Capital	6,276,989
Capital Projects: Exceeding 3-Year Appropriation Limit	6,523,119
New Resources	20,164,122
Total (Excluding Transfers)	\$ 37,614,474
Operating Transfers	10,143,900
Total Appropriation	\$ 47,758,374








Operating: Highlights






Additional Operating Request (s)	Amount
 Windy Gap Debt Service [421 - WATER OPERATIONS]	1,677,500
 Assessment Positions, Contracted Services, & Legal Council [100 - GENERAL FUND]	874,000
 Cameron Peak Fire Mitigation - City Portion [421 - WATER OPERATIONS]	540,000
 High Performance Government, Market Based Compensation, Organizational Development Strategy, & Colorado Pay Equality Alignment [100 - GENERAL FUND]	410,928
 Information Technology Positions: Deputy Information Technology Director, & Enterprise Resource Planning Analyst [521 - IT OPERATIONS]	334,880
 Downtown Master Plan & Downtown Development Authority (DDA) [100 - GENERAL FUND]	165,000
 Executive Search Services [100 - GENERAL FUND]	150,000
 Greeley Home Ownership Incentive [100 - GENERAL FUND]	121,161
 Image Campaign [100 - GENERAL FUND]	61,100
 Bright Futures [100 - GENERAL FUND]	0





Capital Project: Highlights

Additional Capital Request(s)	Amount
 Advanced Metering Infrastructure Project [423 - WATER CAPITAL REPLACEMENT]	2,895,000
 Keep Greeley Moving Overlay Projects [321 - STREET INFRASTRUCTURE IMPROVEMENTS]	2,000,000
 Bellvue Filter Effluent Pipe Replacement [423 - WATER CAPITAL REPLACEMENT]	516,965
 Water District Emergency Service [423 - WATER CAPITAL REPLACEMENT]	480,000
 71st Avenue, 12th to 22nd Street Re-seeding [334 - ROAD DEVELOPMENT]	200,000








New Resources/Revenue: Highlights

New Resources		Amount
Additional Operating Request (s)		
	Cameron Peak Fire Mitigation [421 - WATER OPERATIONS GRANT]	14,660,000
	American Rescue Plan Act (ARPA) Commitments [171 - ARPA AMERICAN RESCUE PLAN ACT GRANT]	2,000,000
	Transit Bus Shelters [100 - GENERAL FUND EXPENSE REIMBURSEMENT]	153,659

New Resources		Amount
Additional Capital Request (s)		
	16th Street Enhancement Project [301 - PUBLICIMPROVEMENT]	2,500,000
	New Sidewalk Installation [301 - PUBLICIMPROVEMENT EXPENSE REIMBURSEMENT]	217,722
	Poudre River Trail Capital Maintenance [304 - FOOD TAX INTERGOVERNMENTAL AGREEMENT]	200,000
	12th Street Storm Outfall [432 - STORMWATER CONSTRUCTION GRANT]	175,000



Capital Projects: Highlights Exceeding 3-Year Appropriation Limit

Additional Capital Request(s)	Amount
 Ashcroft Draw Basin Lift Station [412 - SEWER CONSTRUCTION]	3,564,843
 Poudre Ponds Development [424 - WATER RIGHTS ACQUISITION]	728,700
 Treated Water Reservoir Rehabilitation [423 - WATER CAPITAL REPLACEMENT]	593,000
 Sanitary Sewer Mains [413 - SEWER CAPITAL REPLACEMENT]	550,000
 Sewer Collection System Extension & Oversizing [412 - SEWER CONSTRUCTION]	365,000



Excludes Transfers



Item No. 20.



Questions



Fund Summary

Fund	2022 Budget	Ordinance	2022 Revised Budget
100 GENERAL FUND	\$ 126,875,443	\$ 11,890,896	\$ 138,766,339
102 CONVENTION AND VISITORS FUND	721,950	61,100	783,050
171 ARPA	-	2,000,000	2,000,000
301 PUBLIC IMPROVEMENT	844,291	2,977,746	3,822,037
304 FOOD TAX	9,851,489	316,595	10,168,084
318 QUALITY OF LIFE	9,547,311	25,167	9,572,478
321 STREET INFRASTRUCTURE IMPROVEMENTS	17,168,466	2,000,000	19,168,466
334 ROAD DEVELOPMENT	11,144,560	1,020,197	12,164,757
400 CEMETERY	683,463	59,915	743,378
412 SEWER CONSTRUCTION	2,082,604	3,929,843	6,012,447
413 SEWER CAPITAL REPLACEMENT	6,528,973	800,000	7,328,973
421 WATER OPERATIONS	24,513,317	16,877,500	41,390,817
423 WATER CAPITAL REPLACEMENT	24,647,011	4,484,965	29,131,976
424 WATER RIGHTS ACQUISITION	8,640,432	728,700	9,369,132
431 STORMWATER OPERATIONS	3,445,598	870	3,446,468
432 STORMWATER CONSTRUCTION	16,919,573	250,000	17,169,573
521 IT OPERATIONS	6,391,737	334,880	6,726,617
Total	\$ 270,006,218	\$ 47,758,374	\$ 317,764,592
All Funds	\$ 492,302,286	\$ 47,758,374	\$ 540,060,660

Operating Transfers

#	Item	Current Fund	Receiving Fund	Total
9	Image Campaign	CONVENTION AND VISITORS FUND	GENERAL FUND	\$ 61,100
21	American Rescue Plan Act (ARPA)	GENERAL FUND	AMERICAN RESCUE PLAN ACT FUND	9,582,800
23	16th Street Enhancement Project	ROAD DEVELOPMENT	PUBLIC IMPROVEMENT	500,000
31	71st Avenue, 12th to 22nd Street Re-seeding	ROAD DEVELOPMENT	PUBLIC ART	-
34	Ashcroft Draw Basin Lift Station	SEWER CONSTRUCTION	PUBLIC ART	-
Total Operating Transfers				\$ 10,143,900

Council Agenda Summary

April 19, 2022

Key Staff Contact: Stacey Aurzada, Interim City Clerk, 970-350-9742

Title:

Appointment of applicants to the Human Relations Commission, Citizen Transportation Advisory Board, Historic Preservation Commission, Citizen Budget Advisory Committee, Youth Commission, and the Rodarte Community Center Advisory Board.

Summary:

Council appointment is needed to the above-mentioned Boards and Commissions due to vacancies and term expirations. City staff continues to actively recruit to fill all other vacant positions

Fiscal Impact:

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

Legal Issues:

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 excuses themselves from that particular item but such a potential conflict does not preclude anyone from servicing on a Board or Commission in general, just that particular agenda item.

Other Issues and Considerations:

Not applicable

Strategic Work Program Item or Applicable Council Priority and Goal:

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

Decision Options:

- 1) Appoint or reappoint the individuals to serve on applicable board or commission;
or
- 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:

April 2022 Boards and Commissions Transmittal Summary
Ballot

Boards & Commissions Transmittal

April 8, 2022

Key Staff Contact: Charity Campfield, Deputy City Clerk, 350-9743

Interview Date

April 13, 2022

Council Interview Team

Councilmembers Butler and Clark

Council Appointment Date

April 19, 2022

Boards and Commissions Being Interviewed

- **Citizen Transportation Advisory Board**
- **Human Relations Commission**
- **Youth Commission**
- **Historic Preservation Commission**
- **Citizen Budget Advisory Committee**
- **Rodarte Community Center Advisory Board**

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 & Input from above mentioned Boards and Commissions
5. Applications of those being considered for interview and/or considered for appointment

Transmittal reviewed by:  Raymond Lee, City Manager  Stacey Aurzada, Interim City Clerk

Boards & Commissions

Appointment Ballot

April 19, 2022



Applicants for the boards and/or commissions listed below are in alphabetical order and recommendations from the interview team are shown in bold.

***** BALLOT *****

Citizen Transportation Advisory Board
<i>1 Position</i>
<input type="checkbox"/> Wendi Young <input type="checkbox"/> (Recruit For Additional Applicants)

Human Relations Commission
<i>1 Position</i>
<input type="checkbox"/> Jeanne Lipman <input type="checkbox"/> Chelsea Cramer <input type="checkbox"/> (Recruit For Additional Applicants)

Historic Preservation Commission
<i>1 Position</i>
<input type="checkbox"/> Melissa Sizemore <input type="checkbox"/> (Recruit For Additional Applicants)

Citizen Budget Advisory Committee
<i>1 Position</i>
<input type="checkbox"/> Jamie Wood <input type="checkbox"/> (Recruit For Additional Applicants)

Rodarte Community Center Advisory Board
<i>2 Positions</i>
<input type="checkbox"/> Darren Dunn (I) <input type="checkbox"/> Daniel Reyez (I) <input type="checkbox"/> (Recruit For Additional Applicants)

Youth Commission
<i>2 Positions</i>
<input type="checkbox"/> Isaac Bearden <input type="checkbox"/> Mackenzie Franks <input type="checkbox"/> (Recruit For Additional Applicants)

(I) = Incumbent

Council Agenda Summary

Title:

Scheduling of Meetings, Other Events

Summary:

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

Attachments:

Council Meetings and Other Events Calendars

Council Meeting and Work Session Schedule/Planning Calendar

April 18, 2022 - April 24, 2022

April 2022							May 2022						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
					1	2	1	2	3	4	5	6	7
3	4	5	6	7	8	9	8	9	10	11	12	13	14
10	11	12	13	14	15	16	15	16	17	18	19	20	21
17	18	19	20	21	22	23	22	23	24	25	26	27	28
24	25	26	27	28	29	30	29	30	31				

Monday, April 18

Tuesday, April 19

- 5:15pm - 6:00pm **National Youth Service Day Awards Reception**
(City Council Chambers Overflow room, 1001 11th Avenue, Greeley) - Council Master Calendar
- 6:00pm - **City Council Meeting** - Council Master Calendar ↻

Wednesday, April 20

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

Thursday, April 21

- 7:30am - 8:30am **DDA (DeBoutez/Butler)** ↻
- 3:30pm - 4:30pm **Airport Authority (Clark/Payton)** ↻

Friday, April 22

- 11:30am - 1:00pm **Community Grief Center- Sustaining our Future luncheon (Gates)** (Community Grief Center, 4650 W. 20th Street Greeley) - Council Master Calendar

Saturday, April 23

Sunday, April 24

April 25, 2022 - May 1, 2022

April 2022							May 2022						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
					1	2	1	2	3	4	5	6	7
3	4	5	6	7	8	9	8	9	10	11	12	13	14
10	11	12	13	14	15	16	15	16	17	18	19	20	21
17	18	19	20	21	22	23	22	23	24	25	26	27	28
24	25	26	27	28	29	30	29	30	31				

Monday, April 25

- 11:30am - 12:30pm Greeley Chamber of Commerce (Hall)
- 6:00pm - 7:00pm Youth Commission (Clark)

Tuesday, April 26

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

Wednesday, April 27

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

Thursday, April 28

- 7:30am - Poudre River Trail (Hall)

Friday, April 29

Saturday, April 30

- 9:00am - 10:00am Arbor Day Celebration (Gates) (Broadview Park-6th Street and 28th Avenue) - Council Master Calendar

Sunday, May 1

May 2, 2022 - May 8, 2022

May 2022							June 2022						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7				1	2	3	4
8	9	10	11	12	13	14	5	6	7	8	9	10	11
15	16	17	18	19	20	21	12	13	14	15	16	17	18
22	23	24	25	26	27	28	19	20	21	22	23	24	25
29	30	31					26	27	28	29	30		

Monday, May 2

Tuesday, May 3

- 6:00pm - 7:00pm Chamber of Commerce Update at Greeley City Council meeting (City Center South, 1001 11th Avenue, Greeley, CO) - Council Master Calendar
- 6:00pm - City Council Meeting (Council Chambers and via Zoom) - Council Master Calendar ↻

Wednesday, May 4

Thursday, May 5

- 3:30pm - IG Adv. Board (Butler) ↻
- 4:30pm - 8:00pm Community Foundation of Northern Colorado Celebration of Philanthropy (Gates) (Embassy Suites Loveland) - Council Master Calendar
- 6:00pm - MPO (Olson/Payton) ↻

Friday, May 6

Saturday, May 7

Sunday, May 8

May 9, 2022 - May 15, 2022

May 2022

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

June 2022

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

Monday, May 9

Tuesday, May 10

6:00pm - City Council Worksession Meeting (Council Chambers and via Zoom) - Council Master Calendar ↻

Wednesday, May 11

Thursday, May 12

7:30am - Poudre River Trail (Hall) ↻

Friday, May 13

Saturday, May 14

Sunday, May 15

City Council Meeting Scheduling 2022			
	4/12/2022		
	This schedule is subject to change		
Date	Description	Sponsor	Placement/Time
April 26, 2022	Worksession Meeting	COVID 19 Update	Brian Kuznik
		EMS Transport update	Brian Kuznik
		Xcel Energy Update	Paul Trombino
May 3, 2022	Council Meeting	Historic Preservation Month Proclamation	Betsy Kellums
		National Police Week Proclamation	Adam Turk
		Chamber of Commerce update	
		Resolution- W&S IGA with West Fort Collins Water District for emergency interconnection and tap transfer	Sean Chambers
		Intro-Ordinance - Conveyance of Easement to City of Loveland - Centerra Trail Project (Tentative Date)	Sean Chambers
		Ordinance - PH and Second Reading - GMC Non-potable irrigation code clean up for privatized systems	Sean Chambers
May 10, 2022	Worksession Meeting	Update on metro district standards	Becky Safarik
		Briefing on Regional Water Group Formation	Sean Chambers
		Mobility Hub discussion	Paul Trombino
May 17, 2022	Council Meeting	Intro – Ordinance – Update W&S Dept. Design Criteria and Standards	Sean Chambers
		Intro - Ordinance - Disposition of City Property Located at 28th St at Hillside Subdivision, 2nd Addition	Lindsay Kuntz
		Intro - Ordinance - Disposition of City Property Located at 65th Ave and 32nd St Road	Lindsay Kuntz
		Intro Ordinance- Disposition of Water and Sewer Balmer farm property (tentative pending contract)	Sean Chambers
		Ordinance - PH and Second Reading Conveyance of Easement to City of Loveland - Centerra Trail Project (Tentat	Sean Chambers

Council Agenda Summary

Title:

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

Council's Recommended Action:

A motion to approve the above authorizations.