

Greeley City Council Agenda

Regular Meeting

Tuesday, August 16, 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.

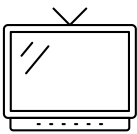
City Council members may participate in this meeting via electronic means pursuant to their adopted policies and protocol.

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.

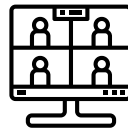
Meeting agendas, minutes, and archived videos are available on the City's meeting portal at greeley-co.municodemeetings.com/

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

August 16, 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

Consent Agenda

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

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

9. Acceptance of the report of the City Council Work Session for July 26, 2022
10. Approval of the City Council Proceedings of July 19, 2022
11. Introduction and first reading of an Ordinance amending Title 16, Chapter 1, Article XVIII of the Greeley Municipal Code related to towing
12. Introduction and first reading of an Ordinance amending Section 20-62 (Standards for Design and Construction) and adopting Section 20-64 (Adoption of Design Criteria and Construction Specifications), Title 20 of the Greeley Municipal Code for the City of Greeley
13. Introduction and first reading of an Ordinance amending Title 1, Chapter 10, Chapter 11 and Chapter 12; Title 2, Chapter 12, Chapter 8; and Title 16, Chapter 2 of the Greeley Municipal Code related to Code Compliance

End of Consent Agenda

14. Pulled Consent Agenda Items
- [15.](#) Public hearing and second reading of an Ordinance authorizing the disposition of City property located at 28th Street and 19th Avenue
- [16.](#) Public hearing and second reading of an Ordinance appropriating additional sums to defray the expenses and liabilities of the City of Greeley for the balance of the fiscal year of 2022 and for funds held in reserve for encumbrances through December 31, 2021
- [17.](#) Public hearing and second reading to consider an Ordinance to rezone from C-L (Commercial Low Intensity) to C-H (Commercial High Intensity) zone district for 2.11 acres of property located at 3115 35th Avenue (ZON2021-0017) and changing the official zoning map to reflect the same
- [18.](#) Appointment of applicants to the Youth Commission.
- [19.](#) Scheduling of Meetings, Other Events
- [20.](#) 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
21. Adjournment

Council Agenda Summary

Title

Recognitions and Proclamations

Summary

Council Member Hall will present the *What's Great about Greeley* Report. The Mayor will present a proclamation.

Attachments

What's Great about Greeley Report
National Safe Digging Day Proclamation



City Council Meeting
August 16, 2022

A Story Best Lived In.

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

- Athenian Oath

Alison Reed Earns Scholarship at Distinguished Young Women National Finals

- 2021 Frontier Academy graduate
- 2021 Distinguished Young Woman of Colorado Winner

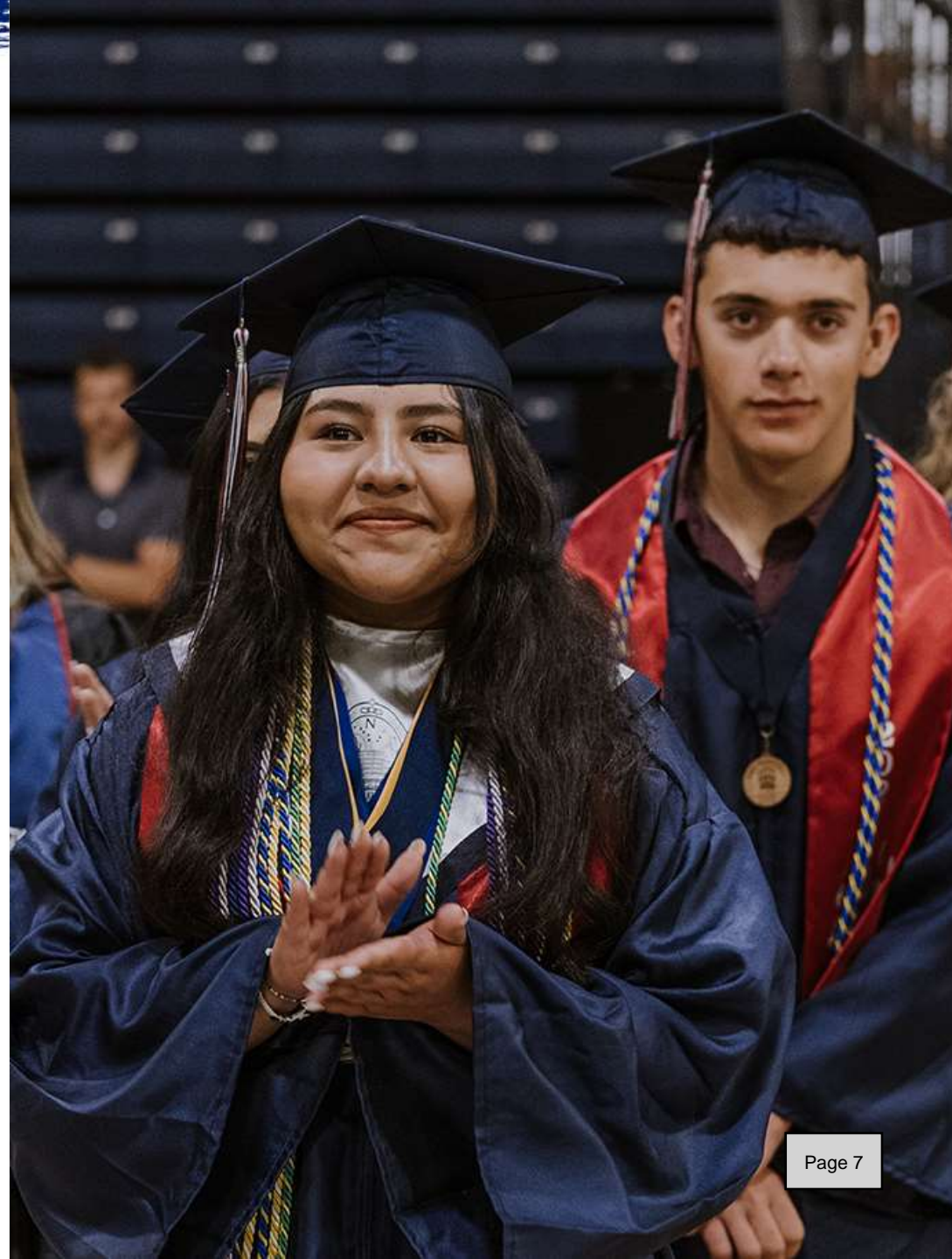
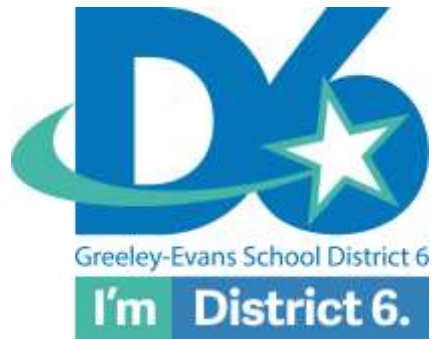


Alison Reed



109 District 6 Students Earn Advanced Placement (AP) Scholars Awards For 2021-22 School Year

- AP Program offers college-level courses and exams while in high school.
- District 6 offers more than 20 AP courses
- Participating students from Greeley Central, West, Northridge, Frontier, and University Schools.



Connecting Point Ranked on Channel Future 2022 MSP 501

- Technology industry top-performing managed services provider (MSP)
- Connecting Point's 10th year selected to the MSP 501



Greeley-Evans School District 6 Earns ‘Leading the Way’ Platinum Award from Aetna

- Part of the Aetna Workplace Well-being Award program.
- District 6 program focuses on creating and maintain an active lifestyle, mental health awareness, exercise programs, and more.





A Story Best Lived In.



National Safe Digging Day

WHEREAS, every few minutes an underground utility line is damaged by a poorly planned digging or excavation project. Fortunately, there is a free, safe and easy way to avoid those damages – Call 811 before you dig. August 11 (8/11) serves as an annual reminder for residents and professional excavators to contact 811 and have underground utility-owned lines marked before beginning any digging project. When calling 811, homeowners and contractors are connected to a local call center that notifies utility companies of the intent to dig. Professional locators then arrive at the digging site to mark the approximate locations of underground utility-owned lines with flags, spray paint, or both; and

WHEREAS, by calling 811 you protect yourself, your family and your community. Striking a single natural gas pipeline line can lead to injury, repair costs, inconvenient outages, and fines. Every digging project, no matter how large or small, warrants contacting 811 by phone or online. It's free. It's safe. And it's required by law; and

WHEREAS, on Aug. 11 and throughout the year, Atmos Energy reminds homeowners and professional contractors to use the free 811 service before digging to reduce the risk of striking an underground utility line. Installing a mailbox, building a deck, planting a tree, and laying a patio are just some examples of digging projects that require a free 811 request at least a few days before breaking ground; and

WHEREAS, the depth of utility lines can vary for a number of reasons, such as erosion, previous digging projects, and uneven surfaces. Utility lines need to be properly marked, because even when digging only a few inches or digging in a location that's previously been marked, the risk of striking an underground utility line still exists; and

WHEREAS, all parties agree that safe digging is a shared responsibility. To know what's below, call 811 before you dig.

NOW, THEREFORE, I, John Gates, by virtue of the authority vested in me as Mayor of the City of Greeley, do hereby proclaim August 11, 2022, as National Safe Digging 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, Colorado, this 16th day of August 2022.

John Gates
Mayor

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
07-2022	DeBoutez	Compile and update list of existing projects, programs and facilities that fit within the sustainability model. .	May 17, 2022 Council Meeting	Identify areas to update and improve the sustainability model and explore securing resources to grow this effort.	Lindsay Kuntz
08-2022	Olson	Front Range Passenger Rail District – Council needs to ask the question whether we should be paying into a transportation district that is in Loveland and Fort Collins and doesn't come to the Greeley area.	June 7, 2022 Council Meeting	Would like a presentation on how the rail aligns with the City of Greeley.	Paul Trombino
09-2022	Butler	Review traffic and safety surrounding 15 acre open area between 71 st Avenue and 8 th Street	June 7, 2022 Council Meeting	Requested that Public Works review the traffic and to improve safety in this congested area.	Paul Trombino
10-2022	Butler	Review costs and strategies to live stream Planning Commission and Water Board meetings for public and Council members	June 7, 2022 Council Meeting	Asked staff to investigate the cost of live streaming Planning Commission and Water and Sewer Board meetings and return to Council with findings	Kelli Johnson

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:
11-2022	Dale Hall	Vendors on City sidewalks – provide update on permit process and code enforcement provisions.	August 2, 2022 Council Meeting	Asked staff to compile a report for Council on vendors we have identified, what the permitting process is (if any) and what enforcement measures the City takes for violations.	Adam Turk/John Karner

Council Agenda Summary

Title:

Acceptance of the report of the City Council Work Session for July 26, 2022

Summary:

A City Council Work Session was held in the City Council's Chambers on July 26, 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:

July 26, 2022 Draft Report

City of Greeley, Colorado
CITY COUNCIL WORK SESSION REPORT
July 26, 2022

1. Call to Order

Mayor Pro Tem Brett Payton 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 Pro Tem Payton led the Pledge of Allegiance.

3. Roll Call

City Clerk Heidi Leatherwood called the roll.

Present:

Council Member Tommy Butler
Council Member Deb DeBoutez
Councilmember Brett Payton
Council Member Johnny Olson
Council Member Dale Hall

Mayor John Gate and Council Member Ed Clark were absent.

Mayor Pro Tem Payton announced that Item 8- Executive Session for Mid-Year Check-in with City Attorney will be rescheduled to the September 13 City Council meeting.

4. Reports from Mayor and Council Members

Councilmember Butler announced the Weld Project Connect at Island Grove, Thursday, August 20, 2022, from 12 to 5:30 p.m. to offer onsite services to individuals and households in need.

5. Housing Market and G-HOPE Program Updates

Economic Health and Housing Director Ben Snow shared a presentation at 6:03 p.m. The presentation included a quick review on the local and national market, market projections, future population growth and upcoming Greeley projects to meet future needs.

6. Water and Sewer Board Interviews

Mayor Pro Tem Payton introduced the item at 6:40 p.m.

Councilmembers interviewed the two candidates, Harold Evans and Emily Royse, for the available seat on the Water and Sewer Board in a group setting. Council asked a series of six questions and alternated between the candidates on who would answer the question first.

7. Scheduling of Meetings, Other Events

The August 9, 2022, City Council Work Session was cancelled.

8. Executive Session for Mid-Year Check-in with City Attorney

This item was moved to September 13, 2022.

9. Adjournment

Mayor Pro Tem Payton adjourned the meeting at 6:53 p.m.

John D. Gates, Mayor

Heidi Leatherwood, City Clerk

Council Agenda Summary

Title:

Approval of the City Council Proceedings of July 19, 2022

Summary:

A meeting of the City Council was held in the City Council's Chambers on July 19, 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:

July 19, 2022 Draft Proceedings

City of Greeley, Colorado

CITY COUNCIL PROCEEDINGS

July 19, 2022

1. Call to Order

Mayor 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.

3. Roll Call

City Clerk Heidi Leatherwood called the roll.

Present:

**Mayor Pro Tem Payton
Councilmember Tommy Butler
Councilmember Deb DeBoutez
Councilmember Dale Hall
Councilmember Ed Clark
Councilmember Johnny Olson
Mayor John Gates**

4. Approval of the Agenda

None.

5. Recognitions and Proclamations

Council member Clark shared "What's Great About Greeley?"

Harold Evans spoke at 6:04 p.m. to honor Norman Murdock Dean who recently passed away.

6. Citizen Input

1. Harold Landsford spoke about flooding damage done to his home and improvements needed behind his house.

7. Reports from Mayor and Councilmembers

Council member DeBoutez spoke about the Promotion Ceremony at the Greeley Police Department announcing the appointments of Sergeant Samantha Brown, Commander Mike Heck, Deputy Police Chief Rafael Gutierrez, and Police Chief Adam Turk. Council member Butler spoke about the start of the infrastructure project on the 5th Street Sidewalk.

8. Initiatives from Mayor and Councilmembers

None.

Consent Agenda

City Clerk Leatherwood read the titles into the record and announced the recommended action.

9. Approval of the City Council Proceedings of June 7, 2022

The recommended action is to approve the proceedings as presented.

10. Acceptance of the Reports of the City Council Work Sessions of June 14, 2022, and June 28, 2022

The recommended action is to accept the reports as presented.

11. Approve a Resolution Authorizing Approval of a Grant Agreement and Offer of Funding for Airport Improvement Project Runway Rehabilitation Design at the Greeley-Weld County Airport

The recommended action is to approve the Resolution for Grant Agreement.

12. Introduction and First Reading of an Ordinance Amending Title 22, Buildings and Construction, Relating to the Adoption of the 2021 International Codes

The recommended action is to introduce the ordinance and schedule the public hearing for August 2, 2022.

13. Introduction and First Reading of an Ordinance Changing the Official Zoning Map of the City of Greeley, Colorado, from R-H (Residential High Density), C-H (Commercial High Intensity) and C-L (Commercial Low Intensity) to PUD (Planned Unit Development) for Approximately 43.42 Acres of Property Located at the Northeast Corner of 32nd Street and 29th Avenue, known as the Hope Springs PUD

The recommended action is to introduce the ordinance and schedule the public hearing for August 2, 2022.

14. Introduction and First Reading of an Ordinance authorizing Entry into an Intergovernmental Agreement Regarding Bellvue Water Transmission Line Tap Transfers and Emergency Water Interconnect Operations with West Fort Collins

Water District and Divestment of City-Owned Water Rights represented by Shares of Capital Stock in the North Poudre Irrigation Company

The recommended action is to introduce the ordinance and schedule the public hearing for August 2, 2022.

15. Introduction and First Reading of an Ordinance Authorizing the Sale of City-Owned Property Located in SE¼ of Section 18, Township 6 North, Range 66 West of the 6th P.M. in Weld County, Colorado (Thayer)

The recommended action is to introduce the ordinance and schedule the public hearing for August 2, 2022.

Council member Butler disclosed that he is currently on the Board of Directors for Habitat for Humanity. He has spoken with the City Attorney's Office and does not need to be recused.

Mayor Pro Tem Payton moved to approve the Consent Agenda. Council member Butler seconded the motion. The motion passed 7-0 at 6:18 p.m.

End of Consent Agenda

16. Pulled Consent Agenda Items

None.

17. Public Hearing and Second Reading of an Ordinance for Conveyance of Easements for the Loveland Centerra Trail at Boyd Lake Water Treatment Plant

Water and Sewer Director Sean Chambers introduced the item at 6:19 p.m. with a slide presentation.

Signs will be placed along the trail to include Safety and Security Warnings and Disclosures, Interpretive signage to educate trail users with history and photos.

Mayor Gates opened the Public Hearing at 6:23 p.m.

With no speakers, the Public Hearing closed at 6:23 p.m.

Councilmember Hall moved to adopt the Ordinance for Conveyance of Easements for the Loveland Centerra Trail at Boyd Lake Water Treatment Plant. Council member Butler seconded the motion. The motion passed 7-0 at 6:25 p.m.

18. Consideration of a Request to Rezone from I-L (Industrial Low Intensity) to R-H (Residential High Density), Changing the Underlying Land Use Designations for Approximately 15.433 Acres of Property Located East of 71st Avenue, North of 8th Street and Northeast of 69th Avenue (712 71st Avenue) and Final Reading of an Ordinance Changing the Official Zoning Map to Reflect the Same (HP Rezone), Continued from June 7, 2022

Mayor Gates recused himself at 6:25 p.m. since he was not present at the June 7, 2022, meeting.

Mayor Pro Tem Payton presided and noted that the Public Hearing was opened and closed during the June 7, 2022, City Council Meeting. Since that time, some written communication was received but Council would need to decide if it was appropriate to enter the new communication into the record.

There was no additional information from staff.

Councilmember Butler moved to reopen the Public Hearing to receive the additional written communication and any additional oral testimony from persons who did not speak at the June 7, 2022, Public Hearing. Councilmember Hall seconded the motion. The motion passed 6-0 at 6:28 p.m. with Mayor Gates recused.

City Clerk Leatherwood distributed packets containing the written communication to Council members and Applicant, Brian Bartel for review.

Mayor Pro Tem Payton reopened the Public Hearing at 6:32 p.m.

1. Jeff Richardson spoke in opposition.
2. James Powers spoke in opposition.
3. Taylor Myers read a letter that spoke in opposition.
4. Applicant Brian Bartels, spoke that he will work with either the I-L or R-H Zoning.

The Public Hearing closed at 6:43 p.m.

Council deliberated. Council members spoke about confirmed uses under the I-L Zoning and how the uses were incompatible with the surrounding neighborhoods. Council asked about the traffic study model and if traffic would increase with a potential R-H Zoning. Brittany Hathaway, Planner II, answered that this was a broad traffic analysis from 2018.

Council members were concerned about the neighborhood and the zoning of both I-L and R-H.

Councilmember Butler moved to approve the Request to Rezone from I-L (Industrial Low Intensity) to R-H (Residential High Density), Changing the Underlying Land Use Designations for Approximately 15.433 Acres of Property Located East of 71st Avenue, North of 8th Street and Northeast of 69th Avenue (712 71st Avenue) and Final Reading of an Ordinance Changing the Official Zoning Map to Reflect the Same (HP Rezone), Continued from June 7, 2022. Councilmember DeBoutez seconded the motion. The motion failed 3-3 at 6:56 p.m. with Council members Hall, Clark and Olson voting nay and Mayor Gates recused.

Mayor Gates returned to the meeting to preside at 6:56 p.m.

19. Appointment of applicants to the Downtown Development Authority, Historic Preservation Commission, Island Grove Park Advisory Board, Construction Trades Advisory & Appeals Board, and Youth Commission

City Clerk Leatherwood tallied the ballots and announced the names of the newly appointed board and commission members.

- Downtown Development Authority- **Brian Seifried, Matthew Estrin, Matthew Hortt**
- Historic Preservation Commission- None. (Applicant withdrew.)
- Youth Commission- **Peyton Shepherd**
- Construction Trades Advisory & Appeals Board-**Brian Persons, Jim Morris, Webdell Heyen**
- Island Grove Park Advisory Board-**Justin Watada**
- Youth Commission (Ex-Officio)- **Pedro Lopez**

20. Scheduling of Meetings, Other Events

No other meetings or events were scheduled.

21. 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

Mayor Pro Tem Payton moved to authorize 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 seconded the motion. The motion passed 7-0 at 6:58 p.m.

22. Adjournment

Mayor Gates adjourned the meeting at 6:59 p.m.

John D. Gates, Mayor

Heidi Leatherwood, City Clerk

Council Agenda Summary

August 16, 2022

Key Staff Contact: Adam Turk, Police Chief
Will Jones, Deputy Director, Public Works

Title:

Introduction and First Reading of an Ordinance amending Title 16, Chapter 1, Article XVIII of the Greeley Municipal Code related to towing

Summary:

Several months ago, staff identified the need to update the City of Greeley's tow rotation program. This program, which is utilized to remove vehicles from crashes and abandoned vehicles from the public right-of-way, plays a critical role in not only the mobility and safety of the traveling public, but also how the city looks and feels.

As a result of these changes, minor code changes have been recommended that are reflected in the proposed ordinance.

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 legislative process.

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.

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) 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 introduce the ordinance and schedule the public hearing and second reading for September 6, 2022.

Attachments:

Ordinance
Appendix A

**CITY OF GREELEY, COLORADO
ORDINANCE NO. 33, 2022**

**AN ORDINANCE AMENDING TITLE 16, CHAPTER 1, ARTICLE XVIII OF THE GREELEY
MUNICIPAL CODE RELATING TO TOWING**

WHEREAS, the City of Greeley has the authority to tow and store vehicles for various traffic safety and parking violations; and

WHEREAS, the City of Greeley maintains a rotating tow list to facilitate the removal and storage of vehicles; and

WHEREAS, the City of Greeley staff have worked to improve the tow rotation agreement managed by the Greeley Police Department; and

WHEREAS, to facilitate the updated agreement, the Greeley Municipal Code needs to be amended; and

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

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

Section 1. Sections 16-601, 16-602, 16-603 and 16-604 of Article XVIII, Towing and Storage, of Chapter 1, Traffic Code, of Title 16, Vehicles and Traffic, shall be amended as shown in Appendix A.

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

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

ATTEST:

THE CITY OF GREELEY, COLORADO

City Clerk

Mayor

Appendix A

Section 1. Sections 16-601, 16-602, 16-603 and 16-604 of Article XVIII, Towing and Storage, of 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 all sworn police officers and community service officers from the police department ~~and all members thereof and parking enforcement officers~~, 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, or~~ combination of both.

(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.

(5) If the motor vehicle has been immobilized pursuant to chapter 11 of title 1 of this Code.

(b) Whenever any police officer, community service officer, or parking enforcement 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 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 or section 16-684, such police officer, community service officer, or parking enforcement 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~~ by a towing operator.

(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~~ by a towing operator. If a vehicle is blocking access or creating a physical safety hazard, the vehicle may be towed without notice; however, it is the responsibility of the property owner or agent to demonstrate the immediate need for removal of the vehicle.

(d) If any vehicle is left on private property with or without 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 the property owner or agent must attempt to make contact and provide notice on the vehicle for a period of 24 hours before removal.~~

Sec. 16-602. Selection of towing operators.

~~(a) If by reason of section 16-601, the police department and its members officers, community service officers, and parking enforcement officers are impliedly authorized to arrange for the removal, towing and storage of motor vehicles, or if the police department or any of its members is expressly authorized to do so, the arrangements will be carried out as provided in this chapter. Such towing and storage shall be known as city towing and storage. If the removal, towing or storage is required because the motor vehicle is abandoned or if the vehicle is being seized as evidence in a criminal proceeding, and if a towing agreement is in force between the city and another party, then the other party to the agreement shall be designated to perform the removal, towing and storage. In all other cases, the police officer, community service officer or parking enforcement officer involved shall make the arrangements by directing the police department's dispatcher to select the towing operator next in line on a rotating list.~~

~~(b) The rotating list shall consist of a list of names of towing operators who have agreed to be bound by the requirements, obligations and conditions set forth in section 16-603 and by the rules and regulations adopted by the chief of police. All towing operators who are eligible, as hereinafter provided, to be on the rotating list and who sign an appropriate form agreeing to agreement to be so bound by the rules and regulations adopted by the chief of police, shall be placed on the rotating list if they meet the following requirements of eligibility: Any towing operator shall be eligible to be on the rotating list if the operator:~~

- ~~(1) Holds a permit issued under C.R.S. title 40, article 10.1;~~
- ~~(2) Holds all licenses and permits required by the city;~~
- ~~(3) Maintains his principal place of business in the city;~~
- ~~(4) Has available for use business storage facilities in the city which, in the opinion of the chief of police are adequate to safeguard stored vehicles from weather, theft, vandalism and other hazards; and~~
- ~~(5) Is available on a 24-hour basis to provide towing services and to open his place of business so that motor vehicle owners can take custody of their vehicles.~~

Sec. 16-603. Towing operator requirements, obligations and conditions.

~~Each towing operator on the rotating list shall comply with, be bound by and be subject to the following requirements, obligations and conditions insofar the rules and regulations adopted by the chief of police as city towing and storage is concerned:~~

- ~~(1) He The towing operator shall file with the police department comply with his the schedule of charges for towing and storage services as outlined in the agreement.~~
- ~~(2) He not make excessive charges for his services, and in no case will his charges exceed those set forth in his schedule of charges filed with the police department.~~
- ~~(3) In no case will he a towing operator be entitled to seek payment of his charges from the city, unless the city manager has agreed in writing prior to the rendition of towing and storage services that the city would pay those charges, or unless the vehicle towed is owned by the city.~~

~~(4) He shall comply with the reasonable instructions of police officers at accident scenes regarding the details of removing motor vehicles and cleaning up debris.~~

~~(5) He shall not attempt collection of disputed charges without first submitting the dispute to advisory arbitration by an advisory arbitration board consisting of a towing operator on the rotating list other than the towing operator whose charges are disputed, the police chief, and the city manager or his appointee; the towing operator who is to serve on the advisory board shall be selected by the city at random. If the towing operator whose charges are disputed declines the recommendation of the advisory arbitration board, and if a majority of that board is of the opinion that the charges are excessive, then the city manager shall eliminate the name of the involved towing operator from the rotating list. In determining whether, in its judgment, towing charges are excessive, the advisory board shall consider charges made by other towing operators for similar services and shall consider charges made by the towing operator in question for similar services rendered to the public when city towing and storage is not involved.~~

~~(63) It is understood that the towing operators, by providing services pursuant to this chapter, shall be deemed independent contractors solely responsible for their negligent acts.~~

Sec. 16-604. Loss of towing privileges.

(a) 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 16-603 ~~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 16-603. The chief of police determines that the towing operator has done any egregious act or has been suspended from the tow list three times in a two-year period.~~

(b) A towing operator who has been dropped from the rotating list under subsection (a)(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~~ subsection (a)(2) or (a)(3) shall not be reinstated for up to five years unless the advisory arbitration board, provided for by section 16-603, approves an earlier reinstatement for good cause.

Council Agenda Summary

August 16, 2022

Key Staff Contact: Sean Chambers, Water & Sewer Director, 970-350-9815

Title:

Introduction and first reading of an ordinance amending Section 20-62 (Standards for Design and Construction) and adopting Section 20-64 (Adoption of Design Criteria and Construction Specifications), Title 20 of The Greeley Municipal Code for the City of Greeley

Summary:

The City of Greeley Water and Sewer Department is updating the current design criteria and construction specifications from 2008 with new standards to accommodate new technologies, techniques, and materials. The City of Greeley is growing, and design standards will assist in development and ensure quality utility infrastructure into the future. These updates will also facilitate recent non-potable system requirements adopted by City Council in February of 2022, incorporate the Non-Potable Water, Sanitary Sewer, Transmission & Distributions Master Plans that were completed in 2021, and align with the updated development code completed in 2021. Updates will help provide long term infrastructural needs,

The updated design criteria for the potable water distribution, sanitary sewer collection, non-potable irrigation system, and landscape & irrigation will guide developers and engineers in expanding and connecting to the City's utilities. The larger changes include added lift station criteria, changes to the non-potable system criteria, updated criteria to incorporate the new development code changes, compliance with Subsurface Utility Engineering (SUE) law requirements, and the addition of landscape & irrigation design criteria along with many other smaller changes.

The Water and Sewer Department has worked to coordinate with other departments and Engineering Development Review (EDR) staff for clarity and consistency. Staff engaged with the Builders, Realtors, & Developer group in July of 2021, provided an overview and collected input from the Planning Commission in March of 2022, and worked with the developer, builder and engineering community for reviews and comments. The final push for stakeholder engagement resulted in 155 comments that were addressed by the team to enhance the design criteria and construction specifications. Staff has tracked these comments and feedback.

This ordinance will adopt the updated Design Criteria and Construction Specifications, Volume III by reference in Title 20 of the Greeley Municipal Code.

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?	N/A
What is the source of revenue within the fund?	N/A
Is there grant funding for this item?	No
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	The public engagement and comment process provided external stakeholders an opportunity to evaluate the financial impacts, and engineering tracked the incorporation of feedback into the updated design criteria and construction specifications.

Legal Issues:

Consideration of this matter is a legislative process. The City Attorney's Office drafted the proposed ordinance to adopt the enclosed Water & Sewer Department June 2022 Design Criteria and Construction Specifications, Volume III by reference.

Other Issues and Considerations:

The recommended action is consistent with the integration of the 2021 Non-Potable, Water, and Sanitary Sewer Collections Master Plan and City Council strategic priority for infrastructure & Growth.

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 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 introduce the ordinance and schedule the public hearing and second reading for September 6, 2022.

Attachments:

Ordinance

Appendix A

URL for Design Criteria and Construction Specifications:

<https://greeleygov.com/services/pw/design-criteria-and-construction-specifications>

Presentation

**CITY OF GREELEY, COLORADO
ORDINANCE NO. 34, 2022**

AN ORDINANCE AMENDING SECTION 20-62 (STANDARDS FOR DESIGN AND CONSTRUCTION) AND ADOPTING SECTION 20-64 (ADOPTION OF DESIGN CRITERIA AND CONSTRUCTION SPECIFICATIONS), TITLE 20 OF THE GREELEY MUNICIPAL CODE FOR THE CITY OF GREELEY

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

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

WHEREAS, the City of Greeley Water and Sewer Department has recently developed design criteria and construction specifications for and placed them into a manual entitled "Design Criteria and Construction Specifications, Volume III, Potable Water Distribution, Sanitary Sewer Collection, Non-Potable Irrigation Systems, and Landscape & Irrigation," dated June, 2022; and

WHEREAS, the manual requires all design and construction of water, sanitary sewer, non-potable, and landscape and irrigation facilities within the City to comply with the design criteria and construction specifications set forth therein; and

WHEREAS, Section 20-88 provides a penalty for violating the manual.

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

Section 1. That Section 20-62 be amended to read as shown on Appendix A, attached hereto and incorporated herein.

Section 2. That Section 20-64 be adopted to read as shown on Appendix A.

Section 3. That the Director of Water & Sewer has the authority to make corrections to any typographical errors and other non-substantive corrections, additions, or deletions to the "Design Criteria and Construction Specifications, Volume III, Potable Water Distribution, Sanitary Sewer Collection, Non-Potable Irrigation Systems, and Landscape & Irrigation," dated June, 2022.

Section 4. Except as explicitly modified on Exhibit A, all other provisions of Title 20 of the Greeley Municipal Code shall remain in full force and effect.

Section 5. This Ordinance shall take effect on the fifth day following its final publication, as provided by Section 3-16 of the Greeley City Charter.

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

ATTEST

CITY OF GREELEY, COLORADO

City Clerk

Mayor

APPENDIX A
ORDINANCE AMENDING TITLE 20
GREELEY MUNICIPAL CODE

Section 1. Section 20-62 shall be amended to read as follows:

Sec. 20-62. Standards for design and construction.

The director of water and sewer shall adopt and publish design and construction standards for water, ~~and sanitary sewer, non-potable, and landscape and irrigation~~ facilities to be connected to the city system or installed within its jurisdiction. The design and construction of water and sanitary sewer mains and appurtenances shall conform to the published standards, unless deviations from those standards are approved in writing by the director of water and sewer, or their designee. The city may refuse to accept facilities inadequately constructed or constructed in variance with city requirements. the city shall be held harmless for the engineer's or installer's failure to conform to city standards and specifications. The design criteria and construction specifications for water, sanitary sewer, non-potable, and landscape and irrigation facilities are adopted by reference in section 20-64.

Section 2. Section 20-64 shall be amended to read as follows:

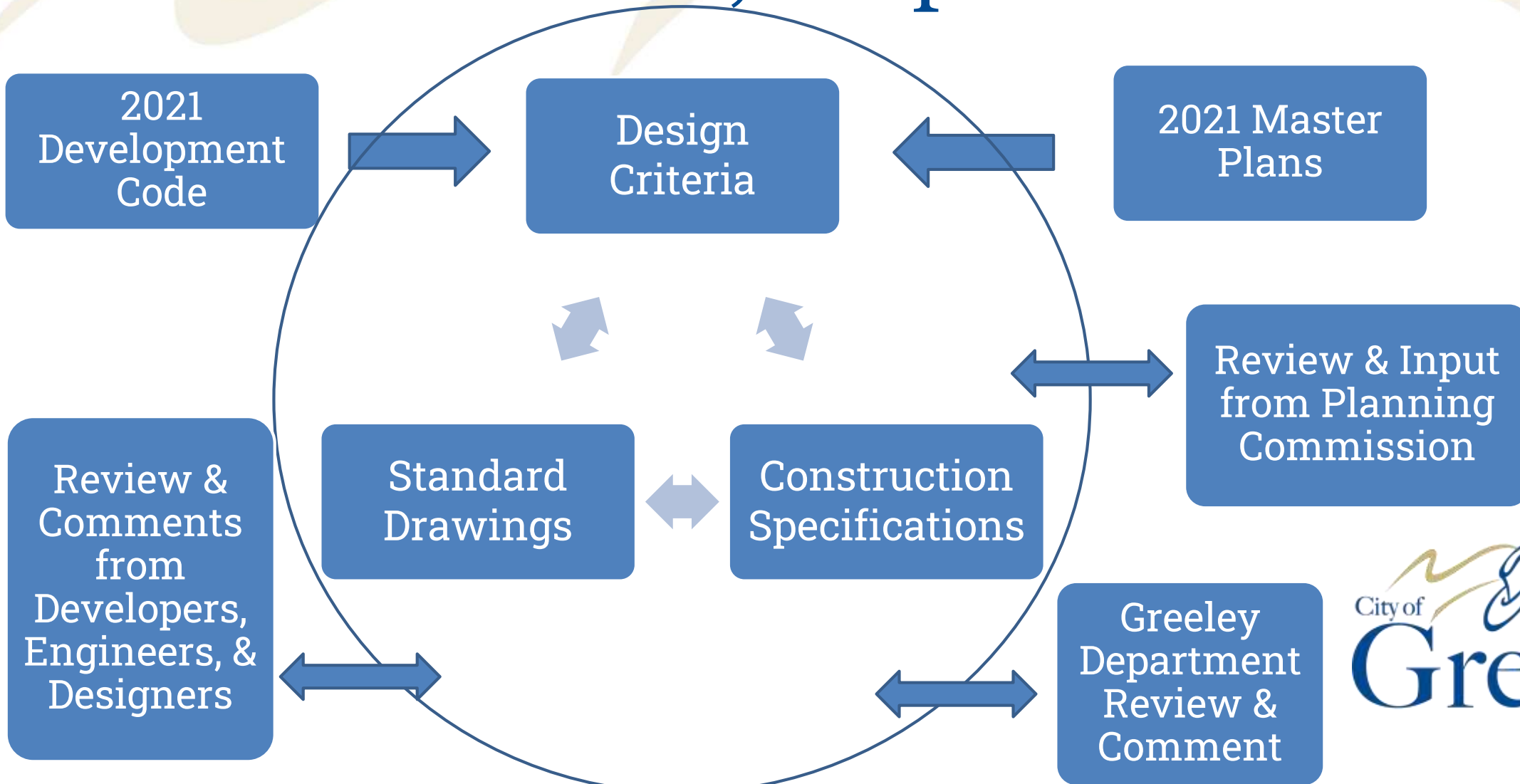
Sec. 20-64 - Adoption of standards.

All water, sanitary sewer, non-potable, and landscape and irrigation facilities within the city shall be constructed to the minimum standards established by the Design Criteria and Construction Specifications, Volume III, Potable Water Distribution, Sanitary Sewer Collection, Non-Potable Irrigation Systems, and Landscape & Irrigation, dated June 2022, in order to safeguard the public health, safety and welfare of the citizens of the city. Copies of the design criteria and construction specifications shall be kept and maintained by the city clerk and department of water and sewer and shall be available for inspection at those locations during all business hours. An electronic version of the design criteria and construction specifications can be located at <https://greeleygov.com/services/pw/design-criteria-and-construction-specifications>. Any person or entity convicted of violating these adopted design criteria and construction specification shall be punishable as provided in chapter 9 of title 1 of this Code as provided under Sec. 20-88.

Update Water & Sewer Design Criteria, Standards Details, & Construction Specifications

**Presented to
City Council
August 16, 2022**

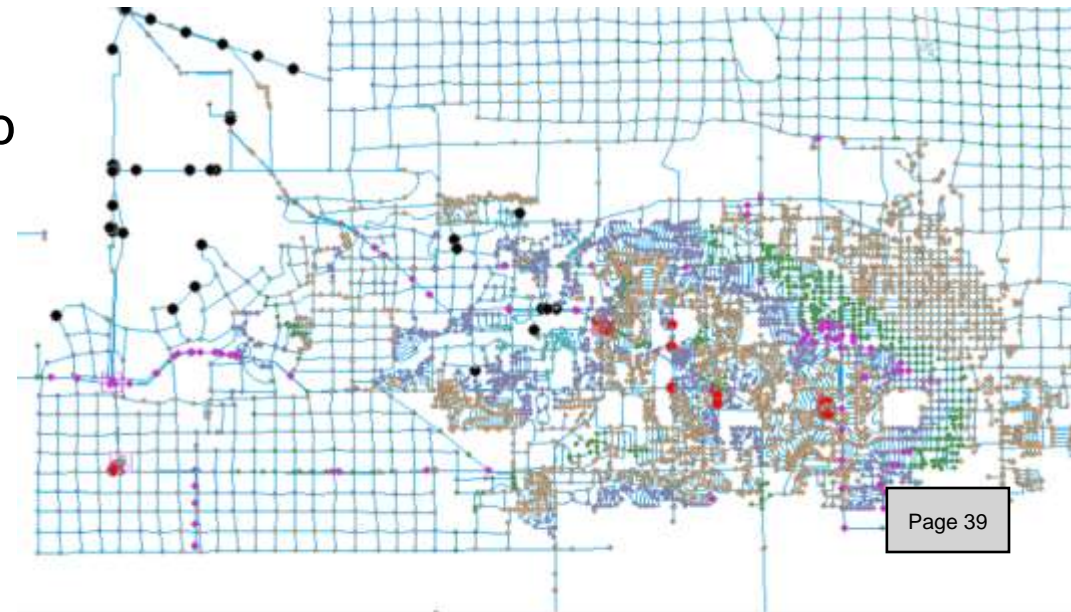
Process for Updating Design Criteria, Standards Details, & Specifications



Design Criteria

Goals

- **Alignment with W&S master plans published 2021.**
- Align criteria with current W&S standards
(Updated technology and equipment)
- Consistency across standards
- Coordination with other departments
- Potential for cost savings and reduced frequency of project RFI's
- **Conformance to the new statewide Subsurface Utility Engineering (SUE) Laws**



Design Criteria: Section 1

General Requirements of Development

- There were no substantive changes to this section
- Alignment with Engineering Development Review

Design Criteria: Section 2

Submittal Requirements

- Hydraulic models in a format that can be integrated with the City's overall models – InfoWater & InfoSWMM
- Updated reimbursement of oversized public infrastructure, particularly sanitary sewer lift stations and non-potable ponds and pump stations.

Design Criteria: Section 3

Potable Water

- Provides guidance for development when assumptions are made on future customers
- Updated future flows more accurately using zoning, acreages, and building footprints
- Provides new criteria to model water flows for:
 - Commercial parcels based on zoning and acreage
 - Industrial parcels based on zoning and acreage
 - Commercial buildings based on use and area.

Residential			
Zoning based on <i>City of Greeley Charter and Code, Chapter 24.401, Zoning District Development Standards.</i>			
Use	Units Per Acre*	Occupancy	Peak Hour Demand
R-E	3	3.1 persons	1.9 gpm/unit
R-L	5	3.1 persons	1.9 gpm/unit
R-M	10	2.7 persons	1.7 gpm/unit
R-H	20	1.7 persons	1.1 gpm/unit
R-MH	15	1.7 persons	1.1 gpm/unit
*Use these unit per acre values unless specific unit counts are known			
Commercial			
Where uses are known, use the specific demand values. Commercial demands based on 1000 ft ² of building area unless noted otherwise. Otherwise use the appropriate zoning demand values.			
Use	Average Day Demand without Irrigation		
C-L	1500 gpd per acre		
C-H	3000 gpd per acre		
I-L & I-M	1500 gpd per acre		
I-H	3000 gpd per acre		
Use	Average Day Demand		
Restaurant	500 gpd		
Retail/Offices	200 gpd		
Grocery Store	430 gpd		
Laundry, Dry Cleaning	1000 gpd		
Auto Dealer, Repair/Service	115 gpd		
Car Wash with Water Reuse	1500 gpd		
Hospital	380 gpd		
Hotel/Motel	350 gpd		
Retirement & Nursing Home	350 gpd		
School	12 gpd/student without showers 36 gpd/student with showers		
Religious Building	300 gpd		
Warehouse (Non-industrial)	25 gpd		
Irrigation	25 gpm per acre		

Design Criteria: Section 4

Sanitary Sewer

- Defines wastewater flows for:
 - Commercial & Industrial customers based on zoning
- Provides guidance for development when assumptions are made on future customers
- Calculates future wastewater flows more accurately using zoning, acreages and building footprints
- Detailed Lift station criteria

Residential			
<i>Zoning based on City of Greeley Charter and Code, Chapter 24.401, Zoning District Development Standards</i>			
Use	Units Per Acre	Occupancy	Average Day Wastewater Flows*
R-E	3	3.1 persons	0.22 gpm/unit
R-L	5	3.1 persons	0.22 gpm/unit
R-M	10	2.7 persons	0.19 gpm/unit
R-H	20	1.7 persons	0.12 gpm/unit
Commercial			
Use	Average Day Wastewater Flows*		
C-L (not specified)	1,500 gpd/acre (minimum)		
C-H (not specified)	3,000 gpd/acre (minimum)		
Retail/Offices	200 gpd/1,000 SF		
Hotels/Motels	350 gpd/1,000 SF		
Restaurants	500 gpd/1,000 SF		
Bars and Lounges	300 gpd/1,000 SF		
Neighborhood Stores	200 gpd/1,000 SF		
Department Stores	200 gpd/1,000 SF		
Laundry and Dry Cleaning	1,000 gpd/1,000 SF		
Banks	300 gpd/1,000 SF		
Nursing Homes	350 gpd/1,000 SF		
Warehouses	25 gpd/1,000 SF		
Car Washes	1,500 gpd/1,000 SF		
Auto Dealer/Repair/Service	115 gpd/1,000 SF		
Grocery Store	430 gpd/1,000 SF		
Religious Buildings	300 gpd/1,000 SF		
Factories	800 gpd/1,000 SF		
Hospitals	380 gpd/1,000 SF		
Schools (without showers)	12 gpd/student		
Schools (with showers)	36 gpd/student		
Industrial			
Use	Average Day Wastewater Flows*		
I-L (not specified)	1,500 gpd/acre		
I-M (not specified)	1,500 gpd/acre		
I-H (not specified)	3,000 gpd/acre		

*Icfs = 448.33 gpm
Average day wastewater flow per capita = 60 gpcd

Non-Potable Water Design Criteria

- Comprehensive
 - Covers every aspect of non-pot system design.
 - Updated Standards and References.
- Aligns with NP Master Plan
- Regional Systems/Oversizing



Design Criteria: Section 6 Landscape and Irrigation

New Criteria:

- Promotes water conservation
- Support attractive and sustainable landscapes

Applicable to:

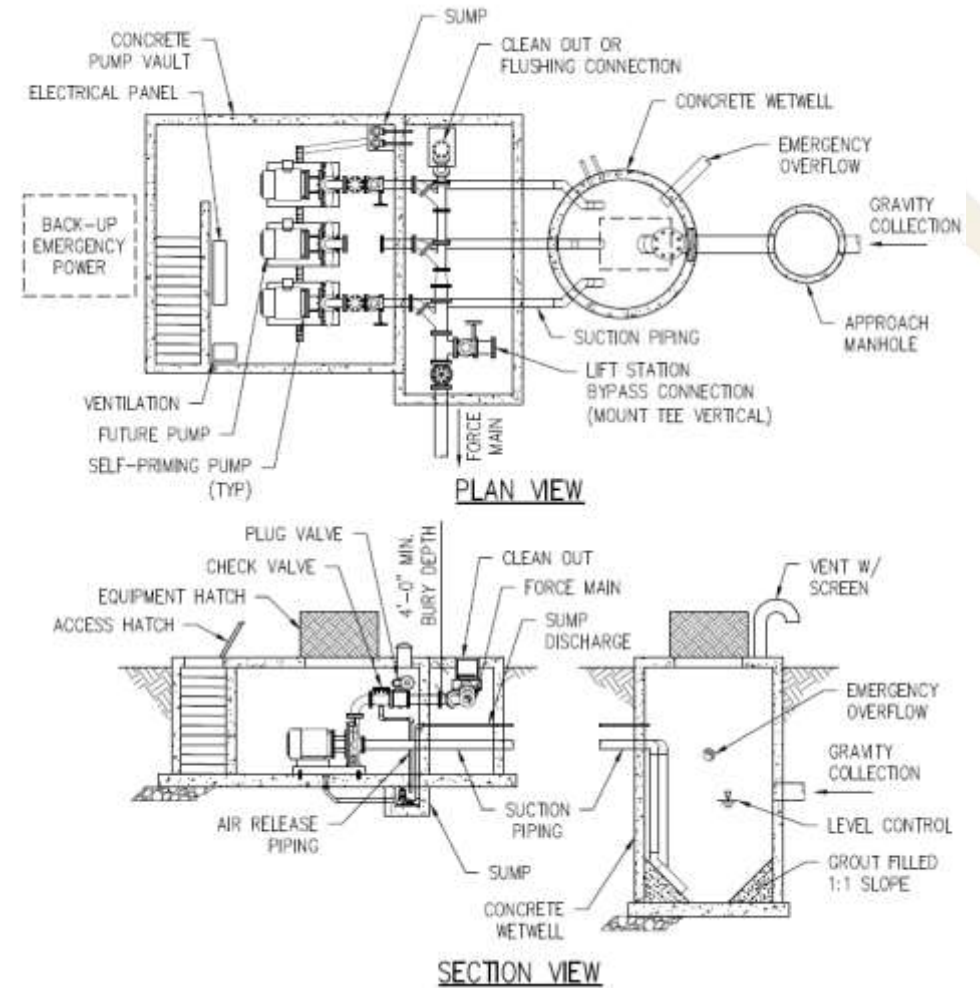
- Common areas
- Right-of-ways
- Municipal buildings
- Non-residential (commercial/industrial)
- Multi-family residential



Standard Drawings & Specifications

Key Updates

- Consistency across all standards
- Added standard lift station drawings to the sanitary sewer drawings
- Added utility locating details in accordance with the new SUE law in Colorado (SB 18-167)



Engagement & Review

- **Introduced to Builders, Realtors, Developers - July 19, 2021**
- **Reviewed and Coordinated with other City Departments throughout process**
- **Reviewed by Engineering Development Review & Civil Inspections Staff**
- **Presented to Planning Commission to get Input and Feedback - March 8th, 2022**
- **Meetings & Review Comments from Engineers, Developers, Landscape designers, & Community members - March to June, 2022**
 - **155 comments and questions tracked and addressed**

Staff Recommendation

- Water & Sewer Board approved and recommended to City Council on July 20, 2022
- Planning Commission approved and recommended to City Council on August 9th, 2022
- Adopt the ordinance to amend Title 20 of the Greeley Municipal Code concerning the adoption of the Water & Sewer Department Design Criteria and Construction Specification

Questions?



Council Agenda Summary

August 16, 2022

Key Staff Contact: Becky Safarik, Interim Community Development Director/Deputy City Manager, 350-9786; Bobbier Cranston, Assistant City Attorney

Title

Introduction and first reading of an Ordinance amending Title 1, Chapter 10, Chapter 11 and Chapter 12; Title 2, Chapter 12, Chapter 8; and Title 16, Chapter 2 of the Greeley Municipal Code related to Code Compliance

Summary

Earlier this year staff presented Council with several options to improve the consistent enforcement and compliance of the City's property management codes, particularly as it relates to chronic nuisance situations. These code provisions are non-criminal so are handled through an Administrative Hearing Officer and process. Council endorsed the proposed code modifications which have now been drafted and integrated into the City Code for formal adoption.

Overall, the proposed language was simplified and reordered for easier reference, application, and consistency with other portions of the municipal code and to improve enforcement response to violations. Adopting these provisions independently from the previous recodification action in which many of these provisions were provided also adheres to the regulatory standards for clearly identifying proposed changes to the municipal code by the title of the ordinance. The changes noted herein refer to the provisions of the current recodified version of the municipal code. Key amendments include:

Chapter 10: Administrative Sanctions: this section greatly simplifies, reorders, and streamlines the description of penalties and the provisions for minimum fines. It also slightly reduces the fine for a second violation for a more logical fine escalation with repeat violators. These fines are applied in addition to payment of any costs the City incurred to abate the violation due to inaction by the respondent. While the administrative hearing officer may fine up to \$1000 for each violation, the minimum fines continue as follows:

1st violation: not less than \$100

2nd violation within 24 months, not less than \$250

3rd or subsequent violation within 24 months: not less than \$500

The amendments also allow the administrative hearing officer to add community or useful public service, participate in a restorative justice program, or participate in other relevant classes to the penalty imposed.

Notes: This is consistent with the manner in which similar violations are managed in other jurisdictions; financial indigency considerations are unchanged and may be considered by the Administrative Hearing Officer; a violation (depending on severity of case or if it is a repeat offense) is typically preceded by a Courtesy Warning and/or notice with sufficient time and opportunity extended to show progress in addressing the violation.

Chapter 11, Parking Infractions: changes to this section reduced the number of unaddressed citations to a total of 5 at which time the vehicle may be immobilized. Upon immobilization the owner of the vehicle would be provided notice within 72 hours if the citations are not addressed satisfactorily before the vehicle is impounded.

Notes: These changes are proposed to address persistent violators with progressive levels of enforcement when multiple parking citations alone do not result in compliance.

Chapter 12, Public Nuisance Violations: the amended language in this section lowers the number of convictions or finding of liability or property to a level standard in other similar communities, making problem properties more likely to get focused attention timely:

Two violations within a 12-month period or

Three violations within an 18-month period

(multiple violations occurring on the same day are counted as one violation; if there are multiple units within a complex and the violations are distinctly isolated from one another, they may be counted separately).

Notes: the designation of a property as a Chronic public nuisance is not an automatic action but one which the Administrative Hearing Officer may determine after consideration of all the evidence. This amended standard allows for more substantial penalties for persistent violation occur on a property when not corrected with standard tickets or citations. For neighborhoods that experience a chronic violator, this offers a timelier period within which progressive penalties may occur. The violations that contribute to such a designation include both administrative and criminal citations that are issued by Code Compliance and the Police, respectively, the latter which progress more slowly through the municipal court process.

Chapter 12, Administrative Hearing Officers: at present parking tickets can be appealed to the administrative parking office and, thereafter, to a parking referee. This amendment specifically adds parking referees to the section which describes the qualifications and appointment process for such officers and referees

Note: This structure adds important definition to the parties that can consider an appeal of a citation, adding consistency to the process and more independent review of appeals, similar to code compliance procedures.

Chapter 8, Removal of Inoperable Vehicles: this amendment shifts the notice to an owner of an inoperable or unlicensed vehicle from the issuance of a summons (a Municipal Court process) to a notice of violation (administrative hearing process).

Note: this offers a more expedient manner in which to process such violations consistent with other similar nuisance violations

Chapter 7, (formally Junk and Abandoned Vehicles) replaced as Vacant and Abandoned Buildings: This section establishes that vacant and abandoned buildings are not properly boarded, secured and maintained with basic property maintenance can create unsafe and unsanitary conditions, including fire hazard, and can, if not so maintained, be declared a public nuisance. The definition of a vacant or abandoned building is provided along with minimum property maintenance requirements, and consequences for violations of those requirements.

Note: vacant and abandoned buildings are a magnet for nuisance and criminal activity ranging from graffiti and vandalism to breaking and entering and arson. Such properties impact adjacent lots and diminish the overall appearance and safety of an area. This provision requires minimum property maintenance to lessen the impacts of vacancy.

Chapter 2 Parking Infractions: this section simply adds 'trailer' to the definition motor vehicle for the purpose of enforcing parking violations.

Note: this will help close a loophole that limited enforcement of parking violations of trailers located on street for extended periods.

As noted in earlier worksessions at which these recommended code changes were discussed, these amendments are intended to provide consistent, clear, reasonable and responsive code compliance that help maintain the community in a healthy, safe and attractive manner. As with other municipal codes these measures will focus on a minority of the community's landowners and individuals who are resistant and persistent in the care of property conditions.

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

The City Attorney's office drafted the code amendments relative to Council direction and to assure an integrated and cohesive integration with other municipal code standards

Other Issues and Considerations

None.

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

Council's Recommended Action

A motion to introduce the ordinance and schedule the public hearing and second reading for September 6, 2022.

Attachments

Ordinance

**CITY OF GREELEY, COLORADO
ORDINANCE NO. 32, 2022**

**AN ORDINANCE AMENDING TITLE 1, CHAPTER 10, CHAPTER 11 and CHAPTER 12, TITLE 2,
CHAPTER 12; TITLE 12, CHAPTER 8; and TITLE 16, CHAPTER 2 OF THE GREELEY
MUNICIPAL CODE RELATING TO CODE COMPLIANCE**

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

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

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

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

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

Section 1. Chapter 10, Administrative Sanctions, of Title 1, General Provisions, and Chapter 1.33, Code Infraction Sanctions of Title 1, General Provisions as shown in Appendix B, shall be repealed and replaced by a new Chapter 10, Administrative Code Violation Sanctions as shown in Appendix A.

Section 2. Chapter 11, Parking Infraction Sanctions, of Title 1, General Provisions, as shown in Appendix B, shall be repealed and replaced by a new Chapter 11, Parking Infraction Sanctions as shown in Appendix A.

Section 3. Chapter 12, Public Nuisance Violations, of Title 1, General Provisions, and Chapter 1.35, Good Neighbor Ordinance of Title 1, General Provisions, as shown in Appendix B, shall be repealed and replaced by a new Chapter 12, Chronic Public Nuisance Violations as shown in Appendix A.

Section 4. Chapter 12, Administrative Hearing Officers, of Title 2, Administrative and General Government, as shown in Appendix B, shall be repealed and replaced by a new Chapter 12, Administrative Hearing Process as shown in Appendix A.

Section 5. Sections 12-414 of Chapter 8, Inoperable Vehicles, of Title 12, Public Health and Environmental Control, shall be amended as shown in Appendix A.

Section 6. Chapter 7, Junk and Abandoned Vehicles, of Title 12, Public Health and Environmental Control, shall be repealed and replaced by a new Chapter 7, Vacant

and Abandoned Buildings, as shown in Appendix A.

Section 7. Sections 16-669, 16-684 and 16-685 of Chapter 2, Parking Infractions, of Title 16, Vehicles and Traffic, shall be amended as shown in Appendix A.

Section 8. This ordinance shall become effective five (5) days following its final publication as provided by Section 3-16 of the Greeley City Charter.

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

ATTEST:

THE CITY OF GREELEY, COLORADO

City Clerk

Mayor

Appendix A

Section 1. Chapter 10, Administrative Sanctions, of Title 1, General Provisions, and Chapter 1.33, Code Infraction Sanctions of Title 1, General Provisions as shown in Appendix B, shall be repealed and replaced by a new Chapter 10, Administrative Code Violation Sanctions to read as follows:

CHAPTER 10. ADMINISTRATIVE CODE VIOLATION SANCTIONS

Sec. 1-261. Penalties.

(a) In addition to fees and costs assessed by the administrative hearing officer, a respondent found liable for each violation of this Code shall pay a fine of not more than \$1,000.00, pursuant to the fine schedule below.

(1) Administrative code violations other than for chronic public nuisance violations.

a. The fine for a first violation shall be not less than \$100.00.

b. The fine for a second violation within 24 months shall be not less than \$250.00.

c. The fine for a third or subsequent violation within 24 months shall be not less than \$500.00.

(2) Any repeat violation that occurs less than 12 months from the date of a finding of liability shall cause the full amount of the fine that may have been suspended under subsection (a) of this section to be automatically reinstated in full, at the request of the city.

(b) In addition to fees and costs assessed by the administrative hearing officer and a fine, a respondent found liable for a violation of this Code shall pay the costs of any abatement action performed by the city ordered by the administrative hearing officer pursuant to section 2-1035.

(c) Costs may include all reasonable costs, direct or indirect, which the city has proved were incurred in connection with code violations.

(d) For the purposes of assessing sanctions for repeated or chronic violations pursuant to this chapter or chapter 11 of this title, the term "violation" includes each violation at a property or by the same owner, agent, contractor, or tenant regardless of property location within the city.

(e) The administrative hearing officer may require respondent to perform a certain number of hours of community or useful public service, participate in a restorative justice program, or participate in relevant classes, in addition to any other penalty authorized by this Code.

Sec. 1-262. Each day of administrative code violation is separate violation.

Each respondent is liable for a separate administrative code violation for each and every day during any portion of which any violation of any provision of this Code is committed, continued or permitted by a respondent, and shall be penalized accordingly at the request of the city.

Secs. 1-263—1-276. Reserved.

Section 2. Chapter 11, Parking Infraction Sanctions, of Title 1, General Provisions, as shown in Appendix B, shall be repealed and replaced by a new Chapter 11, Parking Infraction Sanctions to read as follows:

CHAPTER 11. Parking Infraction Sanctions.

Sec. 1-277. Enforcement and sanctions.

(a) The city manager shall by administrative rule designate those employees who are authorized to issue citations for parking infractions pursuant to this Code. These employees shall be designated as parking enforcement officers. All employees of the police department are designated parking enforcement officers.

(b) Any person who violates any ordinance designated as a parking infraction shall be penalized by a fine of not more than \$500.00 per violation and shall be required to pay all assessed costs and fees.

(c) The city manager shall by administrative rule designate those employees who shall specify by suitable schedules, the fees, costs and fees for violations of title 16, chapter 2, including any costs and fees for failing to respond in a timely manner. The designee may adopt schedules or procedures which authorize a reduction in fines for violations of title 16, chapter 2. The notice and procedures for parking infractions shall be as set forth in chapter 10 or title 2 of this code.

Sec. 1-278. Immobilization authority.

(a) Pursuant to section 16-601, the city has the authority to arrange for the removal, towing and storage of motor vehicles illegally parked or abandoned.

(b) When a driver, owner or person in charge of a vehicle has failed to respond to a citation issued pursuant to this Code, and has also failed to respond to an additional notice sent to the registered owner, parking enforcement officers are authorized to immobilize such vehicle for a period of 72 hours by installing on, or attaching to such vehicle, a device designed to restrict the normal movement of such vehicle.

(c) When a driver, owner or person in charge of vehicle has five or more unpaid citations issued pursuant to this Code, parking enforcement officers are authorized to immobilize such vehicle for a period of 72 hours by installing on, or attaching to such vehicle, a device designed to restrict the normal movement of such vehicle.

(d) Following immobilization of the vehicle, the parking enforcement officer shall conspicuously affix to such vehicle a notice, in writing, on a form provided by the parking services office, advising the owner, driver or person in charge of such vehicle, that such vehicle has been immobilized by the city for violation of one or more of the provisions of this Code, and that release from such immobilization may be obtained in a designated manner; that unless arrangements are made for the release of such vehicle within 72 hours the vehicle will be impounded at the direction of the parking enforcement officer, and that removing or attempting to remove the device before a release is obtained is unlawful.

(e) If the vehicle has remained immobilized for a period of 72 hours and release has not been obtained, the parking enforcement officer shall have the vehicle impounded pursuant to the provisions outlined in this Code.

(f) Parking restrictions that are otherwise applicable shall not apply while a vehicle is immobilized.

Secs. 1-279 – 1-290. Reserved.

Section 3. Chapter 12, Public Nuisance Violations, of Title 1, General Provisions, and Chapter 1.35, Good Neighbor Ordinance of Title 1, General Provisions, as shown in Appendix B, shall be repealed and replaced by a new Chapter 12, Chronic Public Nuisance Violations to read as follows:

Chapter 12. Chronic Public Nuisance Violations.

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

The purpose of this chapter is to promote the health, safety and welfare of the residents of the city by encouraging and promoting compliance with this Code. In furtherance of this policy, the city shall provide enforcement mechanisms to reduce chronic violations of the Code as further outlined in this chapter.

Sec. 1-292. Definitions.

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

Chronic public nuisance property means a parcel of real property or a unit within a complex for which activities have resulted in a conviction or finding of liability for public nuisance violations, against a person or business owning or occupying the property two times within a 12 month period, or three times within an 18 month period. For the purposes of counting only, multiple violations occurring on the same day count as one violation.

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

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

Sec. 1-293. Penalties.

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

Sec. 1-294. Chronic public nuisance databases.

(a) Chronic public nuisance violator database.

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

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

(b) Chronic public nuisance property database.

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

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

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

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

Sec. 1-295. Action against chronic public nuisance violator/chronic public nuisance property.

An action against a chronic violator or chronic violation property shall be in the nature of an administrative proceeding. All issues of fact and law in such actions shall be heard by the Administrative Hearing Officer pursuant to procedures set forth in chapter 12 of title 2 of this Code. Because such actions may affect the marketability of real property, the city may record with the county clerk and recorder a notice of lis pendens against the real property involved to fully inform and protect the interests of any bona fide innocent third-party purchaser.

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

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

Section 4. Chapter 12, Administrative Hearing Officers, of Title 2, Administrative and General Government, as shown in Appendix B, be repealed and replaced by a new Chapter 12, Administrative Hearing Process to read as follows:

Chapter 12. Administrative Hearing Process

Article I. Generally.

Sec. 1-1026. Administrative process.

Where authorized in specific chapters within this Code, certain violations may be sanctioned administratively. The hearing on those violations shall be in the nature of an administrative proceeding as set forth in this chapter.

Sec. 2-1027. 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:

Abate means to bring to a halt, eliminate or, where that is not possible or feasible, to suppress, reduce, and minimize.

Administrative hearing officer means a person appointed by the city manager, who acts pursuant to this chapter, and who is authorized to hear administrative code violations, including public nuisance cases brought pursuant to chapter 11 of title 1.

Default judgment means an order made by the administrative hearing officer finding liability for a Code violation because respondent failed to appear at a hearing, stipulate to a finding of liability, or otherwise defend against a notice of violation.

Indigent means one of the following, either of which must be proven by credible written evidence, including tax returns, W-2 statements, or eligibility statements from a social service agency:

(1) Total household income is at or below 135 percent of the poverty level as determined by the U.S. Department of Health and Human Services; and liquid assets are equal to or less than \$1,500.00; or

(2) Total household income is up to 25 percent above the current federal poverty guidelines as published in the Federal Register; liquid assets are equal to or less than \$1,500.00; and reasonable monthly expenses equal or exceed monthly income.

Motor vehicle or vehicle means any self-propelled vehicle that is designed primarily for travel on the public highways and that is generally and commonly used to transport persons and property over the public highways or a low-speed electric vehicle; except that the term "motor vehicle" or "vehicle" does not include electrical assisted bicycles, low-power scooters, wheelchairs, or vehicles moved solely by human power. For the purposes of this chapter, the terms "motor vehicle" and "vehicle" shall include a trailer.

Respondent means a person or legal entity receiving a notice of an administrative code violation.

Restorative justice means practices that emphasize repairing the harm caused to the community by public nuisances and other Code violations. Restorative justice practices include neighbor or community conferences, and other similar practices.

Trailer means any wheeled vehicle, without motive power, which is designed to be drawn by a motor vehicle and to carry its cargo load wholly upon its own structure and which is generally and commonly used to carry and transport property over the public roadways.

Useful Public Service means any work that is beneficial to the public and involves a minimum of direct supervision or other public cost.

Article II. Administrative Hearing Officers

Sec. 2-1028 Administrative hearing officers and parking referees.

(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.

Article III. Procedures for Administrative Code Violations

Sec. 2-1029. General procedures for hearings before administrative hearing officer.

(a) The administrative hearing officer is authorized to adopt rules and procedures governing conduct of hearings in accordance with the provisions of this chapter. The city council manager shall approve all such rules and procedures prior to their adoption by the administrative hearing officer. A copy of the rules and procedures shall be maintained by the city clerk.

(b) Hearings held before the administrative hearing officer shall be informal, but in the administrative hearing officer's discretion may be conducted in the manner provided for the hearing of cases by the municipal court. There shall be no right to a trial by jury. The burden of proof in hearings shall be on the city, by a preponderance of the evidence.

(c) There shall be no discovery in Code violation cases and other administrative matters, except that, upon request, prior to the hearing, each party will be allowed to examine any documents, photos, videos and other evidence the other party intends to present at the hearing. Each party will be entitled to receive a list of witnesses the other party intends to present at the hearing.

(d) All proceedings under this section shall be governed by the Colorado Rules of Civil Procedure and the State Administrative Procedure Act, except that where the Rules or the Act conflicts with the provisions of this Code, the Code shall control.

(e) Code violations may include actions affecting the use, possession, and enjoyment of real property. Accordingly, the city may file and record with the county clerk and recorder a notice of lis pendens against the real property involved to fully inform and protect the interests of any bona fide innocent third-party purchaser.

(f) Respondents in a Code violation case may include the property itself, any person owning or claiming any legal or equitable interest or right of possession in the property, tenants and occupants at the property, and managers and agents for any person claiming a legal or equitable interest in the property. Any person holding any legal or equitable interest or right of possession in the property who has not been named as a party respondent may intervene. No other parties may intervene. None of these parties shall be deemed necessary or indispensable parties under the Colorado Rules of Civil Procedure.

(g) Code violation cases shall be commenced by providing respondent with a notice of violation.

(h) In all Code violation cases, personal service upon respondent is preferred. Personal service may be made by city personnel. In the event that personal service cannot be made at the location of the violation, the notice of violation may be served upon a respondent by posting a copy of the same in some prominent place on the real property location of the violation, and sending a copy to the owner, tenant, agent, and/or all other persons known to have an interest in the real property by first class mail, at the address shown on the county property portal, at the last-known address given by said person, or at the address listed upon any government-issued identification document bearing the photograph of said person presented to any law enforcement officer or code compliance inspector. Service shall be deemed completed seven calendar days after the copy of the notice of violation is mailed, whether or not the notice is actually received.

(i) No party must, but any party may be represented by an attorney. The city may be represented by the city attorney's office or by those other city personnel authorized to do so by the director of community development. The director of community development shall ensure that any such other personnel authorized to represent the city have received appropriate training.

(j) If respondent appears at the hearing and all elements of an alleged Code violation are proven by a preponderance of the evidence, the administrative hearing officer shall find respondent liable, and enter an appropriate order. If the respondent is found liable, the administrative hearing officer shall assess the appropriate fines, fees, or costs.

(k) If respondent appears at the hearing and any element of an alleged Code violation is not proven by a preponderance of the evidence, the administrative hearing officer shall dismiss the case.

(l) The city may voluntarily stipulate to any remedy deemed appropriate by the parties. Approval of the administrative hearing officer to all stipulations is required.

(m) If respondent fails to appear at the hearing, all elements of a Code violation are deemed proven, the administrative hearing officer shall find respondent liable, and enter a default judgment, including the assessment of appropriate fines, fees, or costs.

Sec. 2-1030. Filing of action or notice of violation.

Any action before the administrative hearing officer shall run in the name of the city against a respondent.

Sec. 2-1031. Execution of process.

Service of any paper, including a notice of violation or subpoena, may be executed as provided in this chapter or, if no provision is made, as provided in the Colorado Rules of Civil Procedure.

Sec. 2-1032. Motions.

(a) The administrative hearing officer may accept motions in his discretion.

(b) Motions must generally comply with the Colorado Rules of Civil Procedure.

(c) Motions for post-hearing relief or relief from an order of the administrative hearing officer must generally comply with the Colorado Rules of Civil Procedure.

(d) All motions for post-hearing relief or relief from an order must be filed with the administrative hearing officer no later than 15 calendar days following the entry date of the order.

Sec. 2-1033. Order of administrative hearing officer.

(a) At the completion of any hearing held under the provisions of this chapter, or upon presentation of a stipulation, the administrative hearing officer shall enter an order either:

(1) Dismissing the case; or

(2) Making a finding of liability, based upon:

a. A stipulation entered into by the parties;

b. A default judgment; or

c. The evidence presented at the hearing.

(b) The order shall also assess:

(1) Fines as established in chapter 10 of title 1 of this Code; and/or

(2) Other legal and equitable relief deemed just and proper by the administrative hearing officer, including abatement pursuant to chapter 10 of title 1 of this Code and/or injunction.

(c) A finding of liability entered by the administrative hearing officer shall constitute a final action that will only be stayed pending a motion for reconsideration.

Sec. 2-1034 Stipulations.

(1) If a property is brought into compliance by the compliance date set forth on the notice of violation, respondent's appearance at the hearing may be waived, the fine may be waived, and only fees and costs assessed in an amount set in accordance with chapter 2 of this title, if the following conditions are met:

a. Respondent agrees to plead liable for the Code violation, and signs a stipulation setting forth the liable plea, which stipulation shall be filed with the administrative hearing officer prior to or at the time set for the hearing;

b. Respondent pays the fine and all fees and costs assessed as directed by 5:00 p.m. two business days before the hearing unless agreed upon in writing by the city; and

c. The city may agree to continue the hearing on one or all violations and may agree to enter into one or more stipulations for each case number. A fee is assessed per stipulation in an amount set in accordance with chapter 2 of title 1.

(2) If respondent signs a stipulation but fails to meet either of the conditions set forth under subsection (1)(c) of this section, respondent must appear at the scheduled hearing or be subject to entry of default judgment. In that event, the stipulation may be admitted into evidence at the hearing at the discretion of the administrative hearing officer.

Sec. 2-1035. Abatement; emergency abatement.

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

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

(1) The abatement action has taken place;

(2) The owner has been charged a reasonable amount for the abatement, together with an administrative fee set in accordance with chapter 2 of Title 1, plus 20 percent of the costs for abating the violation, inspections, and other expenses, to cover the city's costs for performing the abatement and to encourage citizen compliance with the Code; and

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

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

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

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

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

(2) An emergency abatement request by the city shall be reviewed by the administrative hearing officer within 2 business days.

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

Sec. 2-1036. Self-referral.

Any property owner who leases property for rent within the city may register a complaint with the code compliance office regarding conditions on the tenant-occupied property which are not in compliance with this Code. Any property owner who self-refers in this manner will not receive a notice of violation for that property for a 30-day period, provided that the property owner has provided the city with a copy of a valid lease which states that the tenant and property owner have agreed that property maintenance is the obligation of the tenant. In addition, the property owner shall provide written evidence to the code compliance office demonstrating that the property owner has previously made the tenant aware of the violation and of the tenant's obligation to correct the violation. A property owner may only self-refer once per violation per property per lease period.

Sec. 2-1037. Fees and costs designated.

(a) In the administrative hearing officer's discretion, a docket fee may be assessed against any respondent who pleads liable, who enters into a stipulation or settlement agreement or who, after a hearing, is found liable of a code violation. Docket fees shall be set in accordance with section chapter 2 of title 1 of this Code.

(b) Docket fees shall be in addition to any other reasonable hearing costs or other fees designated by the administrative hearing officer, this Code, or other applicable law.

(c) The costs assessed pursuant to this section may include:

(1) Costs for copies of papers, photos, videos, or other evidence reasonably obtained for use in the case.

(2) Witness fees, mileage for witnesses, and fees for the service of process.

(3) Any item specifically authorized by this Code to be included as part of the costs.

(4) On proper motion of the city and at the discretion of the administrative hearing officer, any other reasonable and necessary costs incurred by the city which are directly the result of the code violations or the prosecution of the action.

Sec. 2-1038. Payment of fines, fees and costs.

In any case where a respondent is found liable of a code violation, the administrative hearing officer shall order that respondent pay fines, fees and costs within the limits declared by this chapter, and:

(1) If any amount ordered paid by the administrative hearing officer is not paid on or before the due date for payment, a late payment fee shall be added to the amount owed. A late payment fee may only be assessed once per case.

(2) If the respondent cannot pay the full amount, the respondent shall pay an additional time payment fee and set a payment plan. In addition, there may be assessed against a respondent a late payment fee each time a payment is not received on or before the due date. If the respondent does not have the financial resources to pay an additional time payment fee or a late penalty fee, the administrative hearing officer may waive or suspend an additional time payment fee or late payment fee.

(3) If any amount ordered paid by the administrative hearing officer, including a late payment fee, is not paid on or before the due date for payment, interest on such amount, excluding the late payment fee, shall accrue at the rate established by C.R.S. § 39-21-110.5.

(4) All amounts due and unpaid, including accrued interest and any late payment fee, shall be paid upon notice and demand and may be collected by the city by any legal means. Where the Code violation involves property and the owner of the property is the respondent, the city may obtain a lien against the property. The lien shall have priority over all liens, except general taxes and prior special assessments. If respondent fails to pay the lien for 30 calendar days, the lien may be certified by the director of finance to the county treasurer to be placed upon the tax list for the current year, to be collected in the same manner as other taxes are collected, with a ten percent penalty to defray the cost of collection, as provided by state law.

(5) The administrative hearing officer may waive all or a portion of the fines, fees, or costs if the administrative hearing officer determines respondent to be indigent.

(6) All fines, fees, and costs ordered paid by the administrative hearing officer shall be collected by the director of finance and deposited in the general fund of the city.

Sec. 2-1039. Record of administrative proceedings.

A record of hearing or other administrative proceedings shall be made by recording and shall be maintained by the administrative hearing officer. The record shall contain the name of the respondent, the date of the appearance before the administrative hearing officer, the case number, the date, place and type of alleged Code violation and the findings, rulings and orders of the administrative hearing officer. The records and recordings regarding proceedings before the administrative hearing officer shall be maintained by the city clerk's office and shall be retained for 35 calendar days following the final order of the administrative hearing officer if no appeal is filed. In the event an appeal is filed, the records and recordings shall be maintained until final resolution of the matter.

Sec. 2-1040. Default Judgment

If respondent fails to respond to a notice of violation or fails to appear at the hearing on the violation, a default judgment may be entered without proceeding with the hearing in the amount of the maximum administrative fine, plus any costs and fees assessed by

the administrative hearing officer. The administrative hearing officer may issue any other order authorized by this chapter.

Sec. 2-1041. Judicial review of administrative hearing officer's decisions.

(a) The order or action of the administrative hearing officer shall be considered the city's final action and may only be judicially reviewed pursuant to Rule 106 of the Colorado Rules of Civil Procedure.

(b) When an appellant desires to stay an order or judgment of the administrative hearing officer, a bond to the city must be executed in the amount of the fine, fee, and/or costs ordered by the administrative hearing officer in such form and with sureties qualified as may be designated by the administrative hearing officer.

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

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

Article IV. Procedure for Parking Infractions

Sec. 2-1043. Notice and procedure for parking violations.

(a) If any motor vehicle is found parked, standing, or stopped in violation of the parking ordinances or rules promulgated by the city, the vehicle may be affixed with a penalty assessment citation ("citation").

(1) The citing parking enforcement officer shall note the vehicle license plate number and any other information concerning the motor vehicle that will identify it and, if the driver is not present, shall conspicuously affix the citation to the motor vehicle.

(2) The citation shall include information about the particular parking, standing or stopping violation that has occurred at that time and place, set forth the amount of the penalty assessment, state the procedure for payment of the penalty assessment, the method by which the alleged violation may be protested, and notice of procedures to collect delinquent assessments.

(b) Any person charged with a parking infraction for which a citation may be issued and for which payment of a fine may be made to the parking services office shall have the option of paying such fine within the date, time and at a place specified in the citation.

(1) Payment of a citation by the person to whom the citation is served shall constitute an acknowledgment by such person of his violation of the Code as stated in such citation.

(2) Payment of the prescribed fine shall be deemed a complete satisfaction for the violation, and the city, upon accepting the prescribed fine, shall upon request issue a receipt acknowledging payment thereof. Checks tendered and accepted, and on which payment is received, shall be deemed sufficient receipt.

(3) Parking citations may be paid or appealed electronically, via mail or in person at the location identified on the citation.

(c) If the driver or owner of a motor vehicle charged with a violation of any parking, standing or stopping provision of this Code fails to respond to a citation affixed to the vehicle, the city shall send, at the cost of the owner, another notice 30 days from the

infraction date by mail to the registered owner of the vehicle to which the original notice was affixed, warning him that payment of the citation is past due and, in addition, in the event such notice is disregarded for a period of 30 days from the date of mailing, the vehicle is subject to immobilization and the procedures described in this chapter.

(d) The parking services office shall adopt procedures for the collection of delinquent parking violations, which may include the engagement of collection services. The owner shall additionally pay any associated collection costs, fees and/or commissions for these collection services.

(e) Any person cited for a violation of a parking infraction who believes that such citation has been issued in error shall have the right to contest the validity of the citation.

(1) The first appeal of a citation must occur within 15 days of the citation to the parking services office. Where the parking services office finds that the violation has not been established, the citation shall be dismissed. Where the parking services office finds that the violation has been established, the parking services office shall uphold the citation and order the registered owner of the vehicle to pay the applicable fines, penalty and costs within seven days of the date of the decision of the parking services office.

(2) The decision of the parking services office may be appealed to the parking referee within seven days of parking services decision to uphold the citation. Where it has been established that a violation was committed by a preponderance of the evidence, the parking referee shall uphold the citation and order the registered owner of the vehicle to pay the applicable fines, penalties and costs as ordered by parking referee within 45 days. Such costs may include administrative costs as determined by the city manager. A copy of such order shall be issued to the registered owner of the vehicle.

Sec. 2-1044. Responsibilities of person who receives citation; liability of vehicle owner.

(a) Person receiving citation. Any person who receives a citation shall respond to such citation within the date, time and at a place specified in the citation by either paying the fine set forth in the citation or exercising the dispute options set forth in the citation.

(b) Vehicle owner. If the owner of a vehicle subject to a citation has not responded to the citation within the date, time and at a place specified in the citation, the owner shall be subject to the fines and fees established in accordance with this Code.

(c) Owner liable. The registered owner of a vehicle at the time the violation occurred shall be liable for all unpaid fines and fees.

Article V. Procedure for Chronic Public Nuisance Violations

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

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

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

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

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

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

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

(2) Payment of fines, fees and costs unless the city and the owner, business, agent, or tenant stipulates to orders and remedies, emergency or permanent, that are different from those provided in this chapter or chapter 10 and chapter 12 of title 1.

Sec. 2-1046. Affirmative defenses.

If the subject parcel of real property or unit within a complex is leased and the public nuisance violations were committed by tenants or occupants of the parcel or unit, it shall be a defense to an action described in section 1-295, that the owner or agent of the subject parcel or unit has:

(1) Evicted, or attempted to evict by commencing and pursuing with due diligence appropriate court proceedings, all of the tenants or occupants who committed the public nuisance violations;

(2) Considering the nature and extent of the public nuisance violations, undertaken and pursued with due diligence reasonable means to avoid a recurrence of similar violations on the subject parcel or unit; or

(3) Self-referred pursuant to this chapter; however, self-referral is only an affirmative defense if the violation reported is the same violation as the public nuisance violation.

Sec. 2-1047. Limitation of actions.

Actions under this chapter shall be filed no later than 365 days after the last in the series of public nuisance violations occurs. However, this limitation shall not be construed to prevent the introduction of evidence of any public nuisance violations regardless of the date of occurrence at a hearing for the purpose of showing a pattern of conduct or for any other purpose.

Sec. 2-1048. Effect of property conveyance.

When title to a parcel of real property or a unit within a complex is conveyed, any public nuisance violation existing at the time of the conveyance that could be used under this chapter to prove that the parcel or unit is a chronic violation property shall not be so used unless a reason for the conveyance was to avoid such declaration. Further, if a parcel or unit had been declared a chronic violation property prior to the time of the conveyance, it shall be removed from the database unless a reason for the conveyance was to obtain removal from the database. It shall be a rebuttable presumption that a reason for the conveyance was to avoid such declaration or obtain removal from the database if:

(1) The parcel or unit was conveyed for less than fair market value;

(2) The parcel or unit was conveyed to an entity controlled directly or indirectly by the person or entity conveying the parcel or unit; or

(3) The parcel or unit was conveyed to a relative of the person conveying the parcel or unit.

Secs. 2-1049—2-1057. Reserved.

Section 5. Sections 12-414 of Chapter 8, Inoperable Vehicles, of Title 12, Public Health and Environmental Control, shall be amended to read as follows:

Sec. 12-414. Removal of inoperable vehicles.

If an inoperable vehicle or unlicensed vehicle is not removed or properly stored following the ~~issuance of a summons~~ notice of violation by the city manager or designee, the city manager or designee may arrange for summary removal of the inoperable vehicle as provided in ~~the title 14 title 16~~ of this Code.

Section 6. Chapter 7, Junk and Abandoned Vehicles, of Title 12, Public Health and Environmental Control, shall be repealed and replaced by a new Chapter 7, Vacant and Abandoned Buildings, to read as follows:

~~Chapter 7. Junk and Abandoned Vehicles.~~

Chapter 7. Vacant and Abandoned Buildings.

Sec. 12-383. Legislative Intent.

The City Council finds and determines that the existence of dilapidated buildings and properties within the City present significant hazards to the health, safety and welfare of the citizens of the City. When vacant and abandoned properties appear to be dilapidated, it has a negative impact on the community and creates areas of blight in the City. Vacant and abandoned buildings that are not properly boarded, secured and kept with a basic level of property maintenance can create unsafe and unsanitary conditions and be a fire hazard.

Sec. 12-384. 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:

Basic level of property maintenance requires that the building is secure, that the use of materials to properly board a building and to minimize the appearance of abandonment, including painting or treatment of any window and door coverings to match the building, that care of vegetation on the property is maintained and that the property is in compliance with all other requirements in this Code.

Building means a structure that is used or intended for use as a residence or for commercial, industrial or business purposes.

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

Sec. 12-385. Declaration of Public Nuisance.

A vacant and abandoned building that does not meet the basic level of property maintenance is declared to be a public nuisance.

Sec. 12-386. Duty of property owners and agents.

It is the duty of every person, whether owner or agent of a vacant or abandoned building, including, but not limited to, any place of business, hotel, restaurant, residence or any other establishment, to secure the building and maintain a basic level of property maintenance, so that it appears to be in a clean and orderly condition.

Sec. 12-387. Violations.

A violation of this chapter shall be punishable as administrative code violation pursuant to chapter 10 or title 1 of this Code.

Secs. 12-388 – 12-407. Reserved.

Section 7. Sections 16-669, 16-684 and 16-685 of Chapter 2, Parking Infractions, of Title 16, Vehicles and Traffic, shall be amended to read as follows:

Sec. 16-669. 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:

Abandoned vehicle means:

- (1) Any vehicle left unattended on private property for a period of 24 hours or longer without the consent of the owner or lessee of such property or owner's or lessee's legally authorized agent;
- (2) Any vehicle left unattended on public property, including any portion of a street or highway right-of-way, within the city for a period of 72 hours or longer;
- (3) Any vehicle left unattended on public property, including any portion of a street or highway right-of-way, within the city that is not registered or does not have a license plate with a current registration sticker attached thereto in violation of C.R.S. §§ 42-3-121 and 42-3-114, except as provided for in C.R.S. § 42-3-103;
- (4) Any vehicle left unattended on public property, including any portion of a street or highway right-of-way, within the city that is in a disabled or inoperable condition. A vehicle shall be deemed to be in a disabled or inoperable condition if it is junked; wrecked; wholly or partially dismantled; missing essential parts; unable to perform the functions or purposes for which it was originally manufactured; or which, due to any mechanical failure or any damage, is inoperable under its own power; or
- (5) A motor vehicle fitted with an immobilization device that is on public property for a period of 72 hours or longer.

Designee means the employees designated by the city manager through administrative rule.

Motor vehicle or *vehicle* means any self-propelled vehicle that is designed primarily for travel on the public highways and that is generally and commonly used to transport persons and property over the public highways or a low-speed electric vehicle; except that the term does not include electrical assisted bicycles, low-power scooters, wheelchairs, or vehicles moved solely by human power. For the purposes of this chapter, the term motor vehicle and vehicle shall include trailer.

Parking enforcement officers means any city employee who has been authorized by the city manager to enforce any of the parking violations set forth in this Code. All employees of the city police department are designated parking enforcement officers.

Pickup camper means a camper body capable of being loaded or unloaded from or to the bed of a pickup truck.

Trailer means any wheeled vehicle, without motive power, which is designed to be drawn by a motor vehicle and to carry its cargo load wholly upon its own structure and

which is generally and commonly used to carry and transport property over the public highways.

Sec. 16-684. Abandoned and unattended vehicles unlawful.

(a) It is unlawful for any person to abandon any vehicle upon public property or upon private property other than his own.

(b) It is unlawful for any person to leave any vehicle which he owns or controls unattended within any portion of a street or highway right-of-way within the city for a period of 72 hours or more.

(c) Nothing in this chapter shall limit the authority of a parking enforcement officer to ~~move~~ remove, tow or impound a vehicle as authorized in this title.

Sec. 16-685. Authority to remove, tow or impound vehicles.

(a) Any 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 hazard or obstruction to traffic or to roadway maintenance shall be ~~impounded~~ removed, towed or impounded as authorized in article XVIII of chapter 1 of this title.

(b) Any vehicle that is abandoned vehicle, inoperable, illegally or improperly stored, unlawful, commercial or oversized parked in an area zoned residential and pursuant to this Code may be removed, towed or impounded as authorized in article XVIII of chapter 1 of this title after notice to the owner by a police officer or parking enforcement officer as follows:

(1) Notice shall be conspicuously affixed to the vehicle by leaving it under the windshield wiper or otherwise attached to such vehicle.

(2) The notice shall state the date and time the notice was attached to the vehicle.

(3) The notice shall order the removal of the vehicle from the location after 72 hours of notice.

(4) The notice shall indicate that if the vehicle is still parked in violation of this Code, that it may be removed, towed or impounded after 72 hours from the date of the notice and the vehicle owner will be liable for the expenses.

(c) During or after a snow ~~emergency~~ storm or roadway improvement or maintenance project, the director of public works, or his designee, may direct that any vehicle illegally parked upon a properly signed and posted snow removal or sweeping route or within a roadway improvement or maintenance project area, may be towed to either the nearest legal parking area or be impounded in the same manner as prescribed for an abandoned vehicle in article XVIII of chapter 1 of this title.

Appendix B

Section 1. That Chapter 10, Administrative Sanctions, of Title 1, General Provisions, and Chapter 1.33, Code Infraction Sanctions, of Title 1, General Provisions, is repealed.

~~Chapter 10, Administrative Sanctions~~

~~Sec. 1-260. Administrative process.~~

~~Where authorized in specific chapters within this Code, certain violations may be sanctioned administratively. The hearing on those violations shall be in the nature of an administrative proceeding as set forth in chapter 12 of title 2 of this Code.~~

~~Sec. 1-261. 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:~~

~~*Abate* means to bring to a halt, eliminate or, where that is not possible or feasible, to suppress, reduce, and minimize.~~

~~*Administrative hearing officer* means a person appointed by the city manager, who acts pursuant to chapter 12 of title 2 of this Code, and who is authorized to hear administrative code violations, including public nuisance cases brought pursuant to chapter 11 of this title.~~

~~*Respondent* means a person or entity receiving a notice of an alleged Code violation.~~

~~*Restorative justice* means practices that emphasize repairing the harm caused to the community by public nuisances and other Code violations. Restorative justice practices include neighbor or community conferences, and other similar practices.~~

~~Sec. 1-262. Each day of a Code violation is separate violation.~~

~~Each respondent is liable for a separate Code violation for each and every day during any portion of which any violation of any provision of this Code is committed, continued or permitted by a respondent, and shall be penalized accordingly. Each violation or public nuisance must be set forth on a notice form and served as set forth in chapter 12 of title 2 of this Code.~~

~~Sec. 1-263. Minimum sanctions.~~

~~(a) In addition to fees and costs assessed by the administrative hearing officer, a respondent found liable for a violation of this Code shall pay a fine of not more than \$1,000.00, pursuant to the fine schedule below.~~

~~(1) Code violations other than for public nuisance.~~

~~a. The fine for a first violation shall be not less than \$600.00. The administrative hearing officer may suspend up to \$500.00 of the fine;~~

~~b. The fine for a second violation shall be not less than \$800.00. The administrative hearing officer may suspend up to \$300.00 of the fine;~~

~~c. The fine for a third or subsequent violation shall be not less than \$1,000.00. The administrative hearing officer may suspend up to \$500.00 of the fine.~~

~~(2) Public nuisance violations. Public nuisance violations, pursuant to chapter 11 of this title, shall be subject to a fine of not less than \$1,000.00.~~

~~(3) Any repeat violation that occurs less than 12 months from the date of a finding of liability shall cause the full amount of the fine that may have been suspended under subsection (a) of this section to be automatically reinstated in full, without a hearing.~~

~~(b) In addition to fees and costs assessed by the administrative hearing officer and a fine, a respondent found liable for a violation of this Code shall pay the costs of any abatement action performed by the city ordered by the administrative hearing officer pursuant to section 1-264.~~

~~(c) Stipulations:~~

~~(1) If a property is brought into compliance by the compliance date set forth on the notice of violation, respondent's appearance at the hearing may be waived, the fine may be waived, and only fees and costs assessed in an amount set in accordance with chapter 2 of this title, if the following conditions are met:~~

~~a. Respondent agrees to plead liable for the Code violation, and signs a stipulation setting forth the liable plea, which stipulation shall be filed with the administrative hearing officer prior to or at the time set for the hearing;~~

~~b. Respondent pays the fine and all fees and costs assessed at the finance department by 5:00 p.m. two business days before the hearing; and~~

~~c. The city may agree to continue the hearing on one or all violations and may agree to enter into one or more stipulations for each case number.~~

~~(2) After a second or subsequent violation, if the property is brought into compliance by the compliance date set forth on the notice of violation, respondent's appearance at the hearing may be waived if the following conditions are met:~~

~~a. Respondent agrees to plead liable for the Code violation, signs a stipulation setting forth the liable plea, which stipulation shall be filed with the administrative hearing officer prior to or at the time set for the hearing; and~~

~~b. Respondent pays the fine and all fees and costs assessed at the finance department by 5:00 p.m. two business days before the hearing.~~

~~(3) If respondent signs a stipulation but fails to meet either of the conditions set forth under subsection (c)(1) or (2) of this section, respondent must appear at the scheduled hearing or be subject to entry of default judgment, as defined in chapter 12 of title 2 of this Code. In that event, the stipulation may be admitted into evidence at the hearing at the discretion of the administrative hearing officer.~~

~~(d) For the purposes of assessing sanctions for repeated or chronic violations pursuant to this chapter or chapter 11 of this title, the term "violation" includes each violation of the same Code section at any property or by the same owner, agent, contractor, or tenant regardless of property location within the city.~~

~~(e) A respondent found liable at a hearing by the administrative hearing officer for any violation of this Code shall pay the fine, fees, and costs assessed at the finance department by 5:00 p.m. two business days after the hearing.~~

~~(f) The administrative hearing officer may require respondent to perform a certain number of hours of community or useful public service, participate in a restorative justice program, or participate in relevant classes in addition to any other penalty authorized by this Code.~~

~~(g) If respondent fails to respond to a notice of Code violation or fails to appear at the hearing on the violation, a default judgment defined in chapter 12 of title 2 of this Code may be entered without proceeding with the hearing in the amount of the maximum administrative fine, plus any costs and fees assessed by the administrative hearing~~

officer. The administrative hearing officer may issue any other order authorized by chapter 12 of title 2 of this Code.

~~Sec. 1-264. Abatement; emergency abatement.~~

~~(a) If the administrative hearing officer determines that the Code violation should be abated by the city, the administrative hearing officer shall issue an order for abatement by the city of the violation, charged to the owner of the property. A copy of such order shall be served on the owner of the property pursuant to chapter 12 of title 2 of this Code.~~

~~(b) Within 45 calendar days of the date that the property is abated pursuant to an abatement order, the city shall serve notice to the owner of the property pursuant to chapter 12 of title 2 of this Code of the following:~~

~~(1) The abatement action has taken place;~~

~~(2) The owner has been charged a reasonable amount for the abatement, together with an administrative fee set in accordance with chapter 2 of this title, plus 20 percent of the costs for abating the violation, inspections, and other expenses, to cover the city's costs for performing the abatement and to encourage citizen compliance with the Code; and~~

~~(3) That the owner has the right to move the administrative hearing officer for reconsideration of the abatement charges pursuant to chapter 12 of title 2 of this Code.~~

~~(c) If the owner does not move for reconsideration of the abatement charges, the costs of abatement shall become final and shall be collected in accordance with chapter 12 of title 2 of this Code.~~

~~(d) If the owner moves for reconsideration, and the abatement charges are upheld by the administrative hearing officer, the costs of abatement shall become final and shall be collected in accordance with chapter 12 of title 2 of this Code.~~

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

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

~~(2) The purpose of an emergency abatement order shall be to temporarily abate an alleged repeated or chronic violation pending the final determination of the violation at a hearing. An emergency abatement order may be issued by the administrative hearing officer pursuant to the provisions of this section even if the effect of such order is to change, rather than preserve, the status quo.~~

~~Sec. 1-265. Self-referral.~~

~~Any property owner who leases property for rent within the city may register a complaint with the code compliance office regarding conditions on the tenant-occupied property which are not in compliance with this Code. Any property owner who self-refers in this manner will not receive a notice of violation for that property for a 30-day period, provided that the property owner has provided the city with a copy of a valid lease which states that the tenant and property owner have agreed that property~~

~~maintenance is the obligation of the tenant. In addition, the property owner shall provide written evidence to the code compliance office demonstrating that the property owner has previously made the tenant aware of the violation and of the tenant's obligation to correct the violation. A property owner may only self refer once per violation per property per lease period.~~

~~Secs. 1-266—1-276. Reserved.~~

~~Chapter 1.33 Code Infraction Sanctions~~

~~1.33.010 – Code infractions.~~

~~Where authorized in specific Chapters within this Code, certain violations may be sanctioned administratively as a code infraction. All actions designated as code infractions shall be administrative and remedial in nature. The code infraction shall be in the nature of an administrative proceeding and shall proceed as set forth in Chapter 2.09 of this Code~~

~~1.33.015 - Definitions.~~

~~Violator or respondent shall mean any individual or legal entity receiving a notice of violation for a code infraction violation~~

~~1.33.020 – Each day of code infraction violation is separate violation.~~

~~Each person is liable of a separate code infraction violation for each and every day during any portion of which any violation of any provision of the ordinances of the City designated as a code infraction is committed, continued or permitted by any such person, and he or she shall be penalized accordingly. Each violation must be set forth on a notice of violation form and served as set forth in Subsection 2.09.120(d) of this Code~~

~~1.33.030 – Minimum sanctions.~~

~~(a) Any person found responsible for a violation of this Code authorized to be sanctioned as a code infraction shall pay an administrative fine of not more than one thousand dollars (\$1,000.00) plus costs and expenses.~~

~~(b) Stipulations.~~

~~(1) In the event that the property is brought into compliance at least five (5) business days prior to the violator's first administrative hearing appearance, the fine shall be waived and administrative costs assessed, in an amount set in accordance with Section 1.05.010 of this Chapter, if the following conditions are met:~~

~~a. The violator agrees to plead liable for the code infraction, and the violator and a representative of the City division that issued the Notice of Violation sign a written stipulation setting forth the liable plea, which stipulation shall be filed with the Administrative Hearing Officer prior to or at the time set for the hearing.~~

~~b. The violator pays the administrative costs at the Building Inspection Division or the Finance Department by 5:00 p.m. two (2) business days before the hearing.~~

~~c. The violator has not been found liable for any code infraction violations in the three-hundred sixty five calendar day period prior to the date of the current violation.~~

- d. The parties may agree to continue the hearing on one (1) or all violations and may agree to enter into one (1) or more stipulations for each case number. A fee is assessed per stipulation in an amount set in accordance with Section 1.05.010 of this Chapter.
- (2) In the event that a property is brought into compliance at least five (5) business days prior to the violator's administrative hearing on a second violation, the violator's appearance may be waived, provided that the violator pays the fine and all administrative costs at the Building Inspection Division or the Finance Department by 5:00 p.m. two (2) business days before the hearing.
- (3) In the event the violator signs a written stipulation but fails to meet one (1) or more of the conditions set forth under Paragraph (1) or (2) above, the violator will be required to appear at the scheduled hearing. In this event, the stipulation may be admitted into evidence at the administrative hearing at the discretion of the Administrative Hearing Officer.
- (c) For purposes of assessing sanctions for repeated violations pursuant to this Section, violation includes each violation at any property or for an owner, agent, contractor or tenant, regardless of property location within the City; and violation is limited to a violation of the same Code section.
- (d) A person found liable by the Administrative Hearing Officer for any violation of this Code charged as a code infraction shall pay the fine and costs assessed, which may include all reasonable costs, direct and indirect, which the City has proved were incurred in connection with the code infraction. All such fines and costs shall be paid at the Finance Department during business hours immediately following such a finding.
- (e) The Administrative Hearing Officer may require the violator to perform a certain number of hours of community or useful public service, require the violator to participate in a restorative justice program or require the violator to participate in good neighbor or other classes in addition to any other penalty authorized by this Chapter.
- (f) The Administrative Hearing Officer may enter an order for injunctive relief and/or any other remedies authorized by law.
- (g) The Administrative Hearing Officer may issue any orders necessary to abate the infraction, which abatement order shall provide that a Code Enforcement Officer, building official, police officer or his or her designee may, without a court order, take reasonable steps to abate a code infraction and prevent it from recurring as long as the same may be accomplished without entering any building upon the parcel.
- (h) If a violator fails to answer a notice of violation for a code infraction or fails to appear before the Administrative Hearing Officer for such infraction, a default judgment may be entered in the amount of the maximum administrative penalty, plus all costs, expenses, fees and damages. The Administrative Hearing Officer may issue any other order authorized by this Chapter; however, if there are multiple violations within one (1) case, the Administrative Hearing Officer may impose the maximum administrative penalty either once per case or per violation, at the discretion of the Administrative Hearing Officer.
- (i) In the event a violator fails to pay a code infraction penalty, costs, damages or expenses within thirty (30) calendar days after the payment is due, the City may pursue any legal means for collection. Where the code infraction involves property and the owner of the property is the violator, the City may obtain a lien against the property. The lien shall have priority over all liens, except general taxes and prior special assessments. If the violator fails to pay the lien for thirty (30) calendar days, the lien may be certified by the Director of Finance to the County Treasurer to be placed upon the

tax list for the current year, to be collected in the same manner as other taxes are collected, with a ten percent penalty to defray the cost of collection, as provided by state law.

~~(j) The Administrative Hearing Officer may waive all or a portion of the code infraction penalty and costs if the Hearing Officer determines the violator to be indigent upon the violator's presentation of written credible evidence of indigency.~~

~~(1) Credible evidence of indigency may include, but is not limited to, tax returns, W-2 statements and eligibility statements from any county social service agency.~~

~~(2) Indigency, for purposes of this Chapter, means the violator meets one (1) of the following:~~

~~a. Total household income is at or below one hundred thirty-five percent (135%) of the poverty level as determined by the United States Department of Health and Human Services; and liquid assets are equal to or less than one thousand five hundred dollars (\$1,500.00).~~

~~b. Total household income is up to twenty-five percent (25%) above the current federal poverty guidelines as published in the federal register; and liquid assets are equal to or less than one thousand five hundred dollars (\$1,500.00); and reasonable monthly expenses equal or exceed monthly income.~~
~~(3) The Administrative Hearing Officer will adopt procedures to institute this Section, including a determination of what constitutes reasonable monthly expenses~~

~~1.33.035 – Self referral.~~

~~Any property owner who leases his or her property or unit for rent within the City may register a complaint with the Code Enforcement division regarding conditions on his or her tenant-occupied property or unit which are not in compliance with this Code. Any property owner who self-refers in this manner will not receive a notice of violation for that property for a thirty-day period, provided that the property owner has provided the City with a copy of a valid lease which states that the tenant and property owner have agreed that property maintenance is the obligation of the tenant. In addition, the property owner shall provide written evidence to Code Enforcement personnel demonstrating that the property owner has previously made the tenant aware of the violation and of the tenant's obligation to correct the violation. A property owner may only self-refer once per code violation per unit or property per lease period~~

~~1.33.040 – Failure to comply with orders of Administrative Hearing Officer.~~

~~Failure to comply with any order issued by the Administrative Hearing Officer shall constitute a criminal violation of this Code and violators may be subject to prosecution in front of the Municipal Judge and be penalized pursuant to Chapter 1.32 of this Title.~~

Section 2. Chapter 11, Parking Infraction Sanctions, of Title 1, General Provisions is repealed.

Chapter 11, Parking Infraction Sanctions.

Sec. 1-277. Enforcement and sanctions.

(a) The city manager shall by administrative rule designate those employees who are authorized to issue citations for parking infractions pursuant to this Code. These

~~employees shall be designated as parking enforcement officers. All employees of the police department are designated parking enforcement officers.~~

~~(b) Any person who violates any ordinance designated as a parking infraction shall be penalized by a fine of not more than \$500.00 per violation and shall be required to pay all assessed costs and fees.~~

~~(c) The city manager shall by administrative rule designate those employees who shall specify by suitable schedules, the fees, costs and fees for violations of title 16, chapter 2, including any costs and fees for failing to respond in a timely manner. The designee may adopt schedules or procedures which authorize a reduction in fines for violations of title 16, chapter 2.~~

~~Sec. 1-278. 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:~~

~~Motor vehicle or vehicle means any self-propelled vehicle that is designed primarily for travel on the public highways and that is generally and commonly used to transport persons and property over the public highways or a low-speed electric vehicle; except that the term "motor vehicle" or "vehicle" does not include electrical assisted bicycles, low power scooters, wheelchairs, or vehicles moved solely by human power. For the purposes of this chapter, the terms "motor vehicle" and "vehicle" shall include a trailer.~~

~~Trailer means any wheeled vehicle, without motive power, which is designed to be drawn by a motor vehicle and to carry its cargo load wholly upon its own structure and which is generally and commonly used to carry and transport property over the public roadways.~~

~~Sec. 1-279. Notice and procedure for parking violations.~~

~~(a) If any motor vehicle is found parked, standing, or stopped in violation of the parking ordinances or rules promulgated by the city, the vehicle may be affixed with a penalty assessment citation ("citation").~~

~~(1) The citing parking enforcement officer shall note the vehicle license plate number and any other information concerning the motor vehicle that will identify it and, if the driver is not present, shall conspicuously affix the citation to the motor vehicle.~~

~~(2) The citation shall include information about the particular parking, standing or stopping violation that has occurred at that time and place, set forth the amount of the penalty assessment, state the procedure for payment of the penalty assessment, the method by which the alleged violation may be protested, and notice of procedures to collect delinquent assessments.~~

~~(b) Any person charged with a parking infraction for which a citation may be issued and for which payment of a fine may be made to the parking services office shall have the option of paying such fine within the date, time and at a place specified in the citation.~~

~~(1) Payment of a citation by the person to whom the citation is served shall constitute an acknowledgment by such person of his violation of the Code as stated in such citation.~~

~~(2) Payment of the prescribed fine shall be deemed a complete satisfaction for the violation, and the city, upon accepting the prescribed fine, shall upon request issue a~~

receipt acknowledging payment thereof. Checks tendered and accepted, and on which payment is received, shall be deemed sufficient receipt.

(3) Parking citations may be paid or appealed electronically, via mail or in person at the location identified on the citation.

(c) If the driver or owner of a motor vehicle charged with a violation of any parking, standing or stopping provision of this Code fails to respond to a citation affixed to the vehicle, the city shall send, at the cost of the owner, another notice 30 days from the infraction date by mail to the registered owner of the vehicle to which the original notice was affixed, warning him that payment of the citation is past due and, in addition, in the event such notice is disregarded for a period of 30 days from the date of mailing, the vehicle is subject to immobilization and the procedures described in this chapter.

(d) The parking services office shall adopt procedures for the collection of delinquent parking violations, which may include the engaging of collection services. The owner shall additionally pay any associated collection costs, fees and/or commissions for these collection services.

(e) Any person cited for a violation of a parking infraction who believes that such citation has been issued in error shall have the right to contest the validity of the citation.

(1) The first appeal of a citation must occur within 15 days of the citation to the parking services office. Where the parking services office finds that the violation has not been established, the citation shall be dismissed. Where the parking services office finds that the violation has been established, the parking services office shall uphold the citation and order the registered owner of the vehicle to pay the applicable fines, penalty and costs within seven days of the date of the decision of the parking services office.

(2) The decision of the parking services office may be appealed to the parking referee within seven days of parking services decision to uphold the citation. Where it has been established that a violation was committed by a preponderance of the evidence, the parking referee shall uphold the citation and order the registered owner of the vehicle to pay the applicable fines, penalties and costs as ordered by parking referee within 45 days. Such costs may include administrative costs as determined by the city manager. A copy of such order shall be issued to the registered owner of the vehicle.

Sec. 1-280. Responsibilities of person who receives citation; liability of vehicle owner.

(a) Person receiving citation. Any person who receives a citation shall respond to such citation within the date, time and at a place specified in the citation by either paying the fine set forth in the citation or exercising the dispute options set forth in the citation.

(b) Vehicle owner. If the owner of a vehicle subject to a citation has not responded to the citation within the date, time and at a place specified in the citation, the owner shall be subject to the fines and fees established in accordance with this Code.

(c) Owner liable. The registered owner of a vehicle at the time the violation occurred shall be liable for all unpaid fines and fees.

Sec. 1-281. Immobilization authority.

(a) Pursuant to section 16-601, the city has the authority to arrange for the removal, towing and storage of motor vehicles illegally parked or abandoned.

(b) When a driver, owner or person in charge of a vehicle has failed to respond to a citation issued pursuant to this Code, and has also failed to respond to an additional

~~notice sent to the registered owner, parking enforcement officers are authorized to immobilize such vehicle for a period of 72 hours by installing on, or attaching to such vehicle, a device designed to restrict the normal movement of such vehicle.~~

~~(c) Following immobilization of the vehicle, the parking enforcement officer shall conspicuously affix to such vehicle a notice, in writing, on a form provided by the parking services office, advising the owner, driver or person in charge of such vehicle, that such vehicle has been immobilized by the city for violation of one or more of the provisions of this Code, and that release from such immobilization may be obtained in a designated manner; that unless arrangements are made for the release of such vehicle within 72 hours the vehicle will be impounded at the direction of the parking enforcement officer, and that removing or attempting to remove the device before a release is obtained is unlawful.~~

~~(d) If the vehicle has remained immobilized for a period of 72 hours and release has not been obtained, the parking enforcement officer shall have the vehicle impounded pursuant to the provisions outlined in this Code.~~

~~(e) Parking restrictions that are otherwise applicable shall not apply while a vehicle is immobilized.~~

~~Secs. 1-282—1-290. Reserved.~~

Section 3. Chapter 12, Public Nuisance Violations, of Title 1, General Provisions, and Chapter 1.35, Good Neighbor Ordinance of Title 1, General Provisions, is repealed.

~~CHAPTER 12. PUBLIC NUISANCE VIOLATIONS~~

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

~~The purpose of this chapter is to promote the health, safety and welfare of the residents of the city by encouraging and promoting compliance with this Code. In furtherance of this policy, the city shall provide enforcement mechanisms to reduce chronic violations of the Code as further outlined in this chapter.~~

~~Sec. 1-292. Definitions.~~

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

~~*Chronic violation property* means a parcel of real property or a unit within a complex for which activities have resulted in a conviction of or finding of liability for public nuisance violations, as defined in this chapter, against a person or business owning or occupying the property:~~

~~(1) Three times within a 12-month period, or five times within an 18-month period if the property contains only one dwelling unit or business;~~

~~(2) Four times within a 12-month period, or six times within an 18-month period for a complex consisting of four or fewer dwelling units and/or businesses;~~

~~(3) Five times within a 12-month period, or seven times within an 18-month period for a complex consisting of more than four but fewer than nine dwelling units and/or businesses;~~

~~(4) Six times within a 12-month period, or eight times within an 18-month period for a complex consisting of nine or more dwelling units and/or businesses;~~

~~(5) For the purposes of counting only, multiple violations occurring on the same day count as one violation.~~

~~Chronic violator means a person or business who or which has been convicted of or found liable for three public nuisance violations, as defined in this chapter, within a 12-month period, or five public nuisance violations within an 18-month period. For the purposes of counting only, multiple violations occurring on the same day shall be counted as one violation. A chronic violator can be a property owner, agent, or tenant. Public nuisance violation means a conviction or finding of liability under any nontraffic laws of the city, county, or the state, that harms the health, safety, or welfare of the residents of the city.~~

~~Sec. 1-293. Chronic violator databases; chronic violation property database.~~

~~(a) Chronic violator database.~~

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

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

~~(b) Chronic violation property database.~~

~~(1) Maintenance of database. The city shall maintain a database of the addresses of each property parcel or unit within complexes that has been declared to be a chronic violation property pursuant to section 1-295. The database shall be available to the general public.~~

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

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

~~or~~

~~b. That the parcel or unit has been transferred in a documented transaction, subject to the requirements outlined in section 1-298.~~

~~Sec. 1-294. Action against chronic violator/chronic violation property; procedures in general.~~

~~An action against a chronic violator or chronic violation property shall be in the nature of an administrative hearing process generally governed by chapter 10 of this title and chapter 12 of title 2 of this Code. Because such actions may affect the marketability of real property, the city may record with the county clerk and recorder a notice of lis pendens against the real property involved to fully inform and protect the interests of any bona fide innocent third party purchaser.~~

~~Sec. 1-295. Declaration of chronic violator/chronic violation property; remedies.~~

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

~~(1) At hearing, the city establishes the number and time period of public nuisance violations required by this chapter;~~

~~(2) The property owner, agent, or tenant fails to appear at a hearing, notice of which was served pursuant to chapter 12 of title 2 of this Code;~~

~~(3) The property owner, agent, or tenant stipulates, in accordance with chapter 10 of this title, to the declaration; and~~

~~(4) The administrative hearing officer shall order:~~

~~a. Placement on the database described in section 1-293(a); and~~

~~b. Payment of fees and costs as set forth in chapter 12 of title 2 of this Code, unless the city and the owner, agent, or tenant stipulates to orders and remedies, emergency or permanent, that are different from those provided in this chapter or chapter 10 of this title.~~

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

~~(b) The administrative hearing officer shall declare a parcel of real property or a unit within a complex a chronic violation property if:~~

~~(1) At hearing, the city establishes the number and time period of public nuisance violations required by this chapter;~~

~~(2) The person or business owning or occupying the parcel or unit fails to appear at a hearing, notice of which was served pursuant to chapter 12 of title 2 of this Code;~~

~~(3) The person or business stipulates, in accordance with chapter 10 of this title, to the declaration; and~~

~~(4) The administrative hearing officer shall order:~~

~~a. Placement of the address on the database described in section 1-293(a); and~~

~~b. Payment of fees and costs as set forth in 2-1030; and~~

~~The city conduct periodic inspections of the address to check for violations of this Code. The frequency of such inspections and the duration of the increased inspection period shall be determined solely by the city; unless the city and the person or business stipulate to orders and remedies, emergency or permanent, that are different from those provided in this chapter or chapter 10 of this title. Nothing in this chapter shall be construed as limiting the city from pursuing any other remedies available at law or in equity, including referral to the county district attorney for consideration of charges pursuant to C.R.S. § 16-13-301 et seq.~~

~~Sec. 1-296. Affirmative defenses:~~

~~If the subject parcel of real property or unit within a complex is leased and the public nuisance violations were committed by tenants or occupants of the parcel or unit, it shall be a defense to an action described in section 1-294, that the owner or agent of the subject parcel or unit has:~~

~~(1) Evicted, or attempted to evict by commencing and pursuing with due diligence appropriate court proceedings, all of the tenants or occupants who committed the public nuisance violations;~~

~~(2) Considering the nature and extent of the public nuisance violations, undertaken and pursued with due diligence reasonable means to avoid a recurrence of similar violations on the subject parcel or unit; or~~

~~(3) Self-referred pursuant to chapter 10 of this title; however, self-referral is only an affirmative defense if the violation reported is the same violation as the public nuisance violation.~~

~~Sec. 1-297. Limitation of actions.~~

~~Actions under this chapter shall be filed no later than 365 days after the last in the series of public nuisance violations occurs. However, this limitation shall not be construed to prevent the introduction of evidence of any public nuisance violations regardless of the date of occurrence at a hearing for the purpose of showing a pattern of conduct or for any other purpose.~~

~~Sec. 1-298. Effect of property conveyance.~~

~~When title to a parcel of real property or a unit within a complex is conveyed, any public nuisance violation existing at the time of the conveyance that could be used under this chapter to prove that the parcel or unit is a chronic violation property shall not be so used unless a reason for the conveyance was to avoid such declaration. Further, if a parcel or unit had been declared a chronic violation property prior to the time of the conveyance, it shall be removed from the database unless a reason for the conveyance was to obtain removal from the database. It shall be a rebuttable presumption that a reason for the conveyance was to avoid such declaration or obtain removal from the database if:~~

- ~~(1) The parcel or unit was conveyed for less than fair market value;~~
- ~~(2) The parcel or unit was conveyed to an entity controlled directly or indirectly by the person or entity conveying the parcel or unit; or~~
- ~~(3) The parcel or unit was conveyed to a relative of the person conveying the parcel or unit.~~

~~Chapter 1.35 – Good Neighbor Ordinance~~~~1.35.010 – Purpose; cooperative compliance efforts.~~

~~The purpose of this Chapter is to promote the health, safety and welfare of the residents of the City by encouraging good neighbor relations and to promote compliance with this Code. In furtherance of this policy, the City shall provide enforcement mechanisms to prosecute chronic offenders of this Code or otherwise abate chronic offenses as further outlined in this Chapter~~

~~1.35.020 – Definitions.~~

~~Abate means to bring to a halt, eliminate or, where that is not possible or feasible, to suppress, reduce and minimize.~~

~~Action plan means any agreement entered into by the City and a violator designed to eliminate nuisances from a property or properties.~~

~~Administrative Hearing Officer means those individuals appointed by the City Manager and who act pursuant to Chapter 2.09 of this Code who are authorized to hear code infraction and/or chronic offender cases.~~

~~Affirmative defense means a situation or condition that is raised by a violator in response to an alleged violation which, if proven to be true, relieves the respondent from responsibility for the violation.~~

~~Arm's length transaction means a transaction between two (2) otherwise unrelated or unaffiliated parties.~~

~~Building means a structure which has the capacity to contain and is designed for the shelter of humans, animals or property. Building shall include any house, office building, store, warehouse or structure of any kind, whether or not such structure is permanently~~

affixed to the ground upon which it is situated, and any trailer, semi-trailer, trailer coach, mobile home or other vehicle designed or used for occupancy by persons for any purpose.

~~Business means any organization or entity that operates on a property, including but not limited to sole proprietorships, corporations, partnerships, limited liability corporations and nonprofit corporations. A business for purposes of this Chapter shall be deemed to be the same entity, regardless of changes in its legal formation, if changes are done in a transaction that has not been done at arm's length.~~

~~Chronic offender means an individual or business who or which has been convicted of three (3) nuisance violations of this Code within a twelve-month period, or five (5) nuisance violations of this Code within an eighteen-month period. For purposes of this Chapter, the convictions required must have occurred as the result of nuisance violations that did not occur on the same day. A chronic offender can be a property owner, agent or tenant.~~

~~Chronic offense complaint means the document which the City files to begin the process of declaring an individual or business a chronic offender, or declaring a property a chronic offense property.~~

~~Chronic offense property means a parcel of real property on which activities have resulted in three (3) nuisance convictions against any individual or business within a twelve-month period, or five (5) nuisance convictions against any individual or business within an eighteen-month period. A chronic offense property is also a parcel of real estate consisting of a complex of multiple individual residences or dwelling units and/or businesses, on which activities have resulted in four (4) nuisance convictions against any individual or business within a twelve-month period or six (6) nuisance convictions against any individual or business within an eighteen-month period for a complex of four (4) or less dwelling units and/or businesses; or five (5) nuisance convictions against any individual or business within a twelve-month period or seven (7) nuisance convictions against any individual or business within an eighteen-month period for a complex of more than four (4) but less than nine (9) dwelling units and/or businesses; or six (6) nuisance convictions against any individual or business within a twelve-month period or eight (8) nuisance convictions against any individual or business within an eighteen-month period for a complex of nine (9) or more dwelling units and/or businesses. For purposes of this Chapter, the required convictions must have occurred as the result of violations that did not occur on the same day.~~

~~Leasehold interest means a lessor's or lessee's interest in real property under a verbal or written lease agreement.~~

~~Legal or equitable interest means and includes every legal and equitable interest, title, estate, tenancy and right of possession recognized by law or equity, including but not limited to freeholds, life estates, future interests, condominium rights, time-share rights, leaseholds, easements, licenses, liens, deeds of trust, contractual rights, mortgages, security interests and any right or obligation to manage or act as agent or trustee for any person holding any of the property interests set forth above.~~

~~Municipal Court or Court means the Municipal Court of the City as established in the City Charter and Chapter 2.08 of this Code.~~

~~Nuisance violation means any nontraffic conviction of the laws of, respectively, the City, County or State, which disturbs the peace of the neighborhood or otherwise harms~~

the health, safety or welfare of the residents of the City, to specifically include any and all convictions pursuant to Titles 6, 7, 9, 10, 13 and 18 of this Code.

~~Real property or property~~ means land and all improvements, buildings and structures, and all estates, rights and interests, legal or equitable, in the same, including but not limited to all forms of ownership and title, future interests, condominium rights, time-share rights, easements, water rights, mineral rights, oil and gas rights, space rights and air rights.

~~Respondent~~ means the property itself, any person owning or claiming any legal or equitable interest or right of possession in the property, all tenants and occupants at the property, all managers and agents for any person claiming a legal or equitable interest in the property, any person committing, conducting, promoting, facilitating or aiding the commission of or flight from a code infraction and any other person whose involvement may be necessary to carry into effect the Administrative Hearing Officer's orders.

~~Unit~~ means each individual dwelling space within a multi-unit dwelling which is capable of legally being occupied as a separate dwelling space.

~~1.35.030 - Chronic offender databases; chronic offense property database.~~

~~(a) Chronic offender tenant database.~~

~~(1) Maintenance of database.~~ The City shall maintain a database of the name of any tenant who has been found to be a chronic offender pursuant to this Chapter. The database shall be available to the general public.

~~(2) Removal from database.~~ The City shall remove the names of tenants from the database when the City learns or is notified that the tenant has not been cited or convicted of any nuisance violations within twelve (12) months of the tenant's placement on the chronic offender tenant database.

~~(b) Chronic offender owner/agent database.~~

~~(1) Maintenance of database.~~ The City shall maintain a database of the name of any property owner or agent who has been found to be a chronic offender pursuant to this Chapter. The database shall be available to the general public.

~~(2) Removal from database.~~ The City shall remove the names of property owners or agents from the database when the City is notified that the property owner has not been cited or convicted of any nuisance violations within twelve (12) months of the property owner's placement on the chronic offender owner database.

~~(c) Chronic offense property database.~~

~~(1) Maintenance of database.~~ The City shall maintain a database of the addresses of all properties or units which have been declared to be a chronic offense property pursuant to this Chapter. The database shall be available to the general public.

~~(2) Removal from database.~~ The City shall remove the address of a property from the database when the City learns or is notified of one (1) of the following events:

~~a. That the property has not been the location for a cited nuisance violation within twelve (12) months of the placement of the property address on the chronic offense property database;~~

~~b. That the property has been transferred in an arm's-length transaction to an individual who has no relationship to the prior property owner.~~

~~1.35.040 - Chronic offense property/chronic offender complaint; procedures in general.~~

~~(a) Any chronic offender or chronic offense property action commenced shall be in the nature of an administrative proceeding. All issues of fact and law in such actions shall~~

be tried to the Administrative Hearing Officer. No equitable or affirmative defenses may be set up or maintained in any such action except as provided in Section 1.35.100 below. Injunctive remedies under this Chapter may be directed toward the real property or toward a particular person.

(b) An action under this Chapter shall be commenced by the serving of a chronic offense property/chronic offender complaint with the Administrative Hearing Officer, which may be accompanied by a motion for an emergency abatement order. The complaint shall be signed by an agent of the City, which may include, but is not limited to, employees of the Community Development Department or the City Attorney's Office on behalf of the City.

(c) Chronic offense property/chronic offender violations under the provisions of this Chapter shall be strict liability violations. No culpable mental state of any type or degree shall be required to establish a chronic offense property/chronic offender violation under this Chapter or to obtain approval for the remedies provided under this Chapter. Proceedings under this Chapter shall generally be governed by Section 2.09.110 of this Code.

(d) In the event that the City pursues any criminal penalties provided in any other section of this Code, any other civil remedies or the remedies of any administrative action, the remedies in this Chapter shall not be delayed or held in abeyance pending the outcome of any proceedings in the criminal, civil or administrative action or any action filed by any other person, unless all parties to the action under this Chapter so stipulate.

(e) Actions under this Chapter may be consolidated with another civil action under this Chapter involving the same individual or business, or the same parcel of real property. Actions under this Chapter shall not be consolidated with any other civil or criminal action. No party may file any counterclaim, cross-claim, third party claim or set-off of any kind in any action under this Chapter.

(f) Chronic offense property/chronic offender violations may include actions affecting the use, possession and enjoyment of real property. Accordingly, the City may file and record with the County Clerk and Recorder a notice of lis pendens against the real property involved to fully inform and protect the interests of any bona fide innocent third party purchaser.

(g) Neither party must, but either party may, be represented by an attorney. Chronic offense property/chronic offender violations may be administratively presented by the City Attorney's Office or by those Code Enforcement personnel authorized to do so by the Director of Community Development. The Director of Community Development shall ensure that any Code Enforcement personnel authorized to administratively present these violations have received appropriate training.

(h) Neither party shall have the right to cross-examination. The Administrative Hearing Officer may, in his or her discretion, allow either party to ask questions of any witnesses, or may himself or herself ask questions of any witnesses.

(i) If the chronic offense property/chronic offender violation is proven by a preponderance of the evidence, the Administrative Hearing Officer shall enter the appropriate findings and shall assess the appropriate sanction and costs as set forth in this Code. Minimum sanctions shall be as set forth in Chapter 1.33 of this Title.

(j) The parties to an action under this Chapter may voluntarily stipulate to any remedy deemed appropriate by the parties. Approval of the Administrative Hearing Officer to all stipulations is required.

~~1.35.050 – Parties to action; intervention.~~

~~(a) The parties to a chronic offense property/chronic offender violation action include the City and the respondent(s). No respondent shall be deemed a necessary or indispensable party.~~

~~(b) Any person holding any legal or equitable interest or right of possession in the property who has not been named as a respondent may intervene as respondent. No other parties may intervene~~

~~1.35.060 – Service of chronic offense property/chronic offender violation complaint.~~

~~(a) Personal service upon the respondent is preferred and may be made by City personnel.~~

~~(b) In the event that personal service cannot be made at the location of the chronic offense, service of the complaint upon the respondent shall be deemed sufficient if a copy of the same is posted in some prominent place on the real property and sent by first-class mail to the respondent at the last known address given by said person, at the address shown by public records or at the address listed upon any government issued identification document bearing the photograph of said person presented to or found by any law enforcement officer or code enforcement officer. Service shall be deemed sufficient whether or not the complaint is actually received. Service shall be deemed completed seven (7) calendar days after the letter is mailed.~~

~~(c) Service by publication. Respondents and unknown persons who may claim an interest in the property who cannot be served by mail as provided above and cannot be served after a good faith and diligent effort to do so may be served by publishing a copy of the notice of violation twice in a newspaper of general circulation within the City. The notice of violation shall describe the property at issue and the place where a copy of the notice of violation and attendant documents can be obtained. A party served by publication shall have thirty (30) calendar days from the date of the last publication to respond.~~

~~(d) Agents of the City are authorized to enter upon the parcel for the purpose of posting these notices and to affix the notice in any reasonable manner to buildings and structures~~

~~1.35.070 – Declaration of chronic offender/chronic offense property; remedies.~~

~~(a) Declaration of chronic offense property.~~

~~(1) Whenever a chronic offense property complaint is filed by the City, the Administrative Hearing Officer shall order a hearing which shall be held within sixty (60) days of the filing of the complaint. The respondent may file an answer, which answer must be filed not less than ten (10) days prior to the hearing. The respondent's answer must be filed with the Administrative Hearing Officer and a copy sent to the Community Development Department.~~

~~(2) The City shall have the burden of proof as to the record of nuisance convictions. Upon proof by a preponderance of the evidence that a chronic offense property exists, the Administrative Hearing Officer shall declare the property a chronic offense property, and the respondent shall be liable for fines resulting therefrom. The Administrative Hearing Officer may also order such other equitable relief as deemed just and proper, including but not limited to injunctions and/or abatement.~~

~~(3) Once a property has been declared a chronic offense property, the City shall require more frequent periodic inspections of the property to check for violations of this Code. The frequency of such inspections and the duration of the increased inspection period shall be determined solely by the City. In making such a determination, the City shall evaluate the nature of the prior offenses, the number of complaints about the property and other factors determined to be relevant by the City.~~

~~(4) Once a property has been declared a chronic offense property, the respondent shall not be eligible for courtesy warnings in regard to future alleged nuisance violations.~~

~~(5) Once a property has been declared a chronic offense property, the matter may be referred by the City to the District Attorney for consideration of charges pursuant to Section 16-13-301, et seq., C.R.S.~~

~~(b) Declaration of chronic offender.~~

~~(1) Whenever a chronic offender complaint is filed by the City, the Administrative Hearing Officer shall order a hearing which shall be held within sixty (60) days of the filing of the complaint. The respondent may file an answer, which answer must be filed not less than ten (10) days prior to the hearing. The respondent's answer must be filed with the Administrative Hearing Officer and a copy sent to the Community Development Department.~~

~~(2) The City shall have the burden of proof as to the record of nuisance convictions. Upon proof by a preponderance of the evidence that the individual is a chronic offender, the Administrative Hearing Officer shall declare the respondent a chronic offender and the respondent shall be liable for fines resulting therefrom. The Administrative Hearing Officer may also order such other equitable relief as deemed just and proper, including but not limited to injunctions, educational classes and/or abatement.~~

~~(3) Once an individual or business has been declared a chronic offender, that individual or business shall not be eligible for a deferred sentence or deferred prosecution in regard to future nuisance violations~~

~~1.35.080 – Abatement orders.~~

~~(a) The issuance of emergency or permanent abatement orders under this Chapter shall be governed by the provisions of Rule 65 of the Colorado Rules of Civil Procedure, pertaining to emergency restraining orders, preliminary injunctions and permanent injunctions, except to the extent of any inconsistency with the provisions of this Chapter, in which event the provisions of this Chapter shall prevail. Emergency abatement orders provided for in this Chapter shall go into effect immediately when served upon the property or party against whom they are directed. Permanent abatement orders shall go into effect as determined by the Administrative Hearing Officer. No bond or other security shall be required of the City upon the issuance of any emergency abatement order.~~

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

~~(c) Emergency or permanent abatement orders entered under this Chapter shall be narrowly tailored so as to address the particular kinds of separate violations that form the basis of the alleged chronic offense. Such orders may include: (1) Orders requiring any party respondent to take steps to abate the chronic offense;~~
~~(2) Orders authorizing the nuisance abatement officer or any other Code Enforcement Officer or police officer to take reasonable steps to abate the chronic offense activity and prevent it from recurring, considering the nature and extent of the separate violations;~~
~~(3) Orders requiring certain named individuals to stay away from the parcel at all times;~~
~~(4) Orders reasonably necessary to access, maintain or safeguard the parcel;~~
~~(5) Orders reasonably necessary for the purposes of abating the chronic offense or preventing the chronic offense from occurring or recurring; provided, however, that no such order shall require the seizure of, the forfeiture of title to or the emergency or permanent closure of a parcel, or the appointment of a special receiver to protect, possess, maintain or operate a parcel; and/or~~
~~(6) Orders authorizing access to a building, including the interior of the building if demonstrated to be necessary in order to finally abate the nuisance.~~

~~(d) Emergency abatement orders.~~

~~(1) The purpose of an emergency abatement order shall be to temporarily abate an alleged chronic offense pending the final determination of a chronic offender or chronic offense property. An emergency abatement order may be issued by the Administrative Hearing Officer pursuant to the provisions of this Section even if the effect of such order is to change, rather than preserve, the status quo.~~

~~(2) At any hearing on a motion for an emergency abatement order, the City shall have the burden of proving that there are reasonable grounds to believe that a chronic offense occurred in or on the parcel and, in the case of an emergency order granted without notice to the party respondent, that such order is reasonably necessary to avoid some immediate, irreparable loss, damage or injury. In determining whether there are such reasonable grounds, the Administrative Hearing Officer may consider whether an affirmative defense may exist under Section 1.35.100 below.~~

~~(3) At any hearing on a motion for an emergency abatement order or a motion to vacate or modify an emergency abatement order, the Administrative Hearing Officer shall temper the rules of evidence and admit hearsay evidence unless the Administrative Hearing Officer finds that such evidence is not reasonably reliable and trustworthy. The Administrative Hearing Officer may also consider the facts alleged in the verified complaint or in any affidavit submitted in support of the complaint or motion for an emergency abatement order.~~

~~(e) Permanent abatement orders. Where the existence of a chronic offense is established in a civil action under this Chapter after a final hearing on the merits, the Administrative Hearing Officer shall enter a permanent abatement order requiring the party respondent to abate the chronic offense and take specific steps to prevent the same and other chronic offenses from occurring or recurring on the parcel or in using the parcel~~

~~1.35.090 - Motion to vacate or modify emergency abatement orders.~~

~~(a) At any time an emergency abatement order is in effect, any party respondent or any person holding any legal or equitable interest in any parcel governed by such an order may file a motion to vacate or modify said order. Any motion filed under this~~

~~Subsection shall state specifically the factual and legal grounds upon which it is based, and only these grounds may be considered at the hearing. The Administrative Hearing Officer shall vacate the order if he or she finds by a preponderance of the evidence that there are no reasonable grounds to believe that a chronic offense was committed in or on the parcel or if the Administrative Hearing Officer believes that the conditions required by Paragraph 1.35.080(d)(2) no longer exist. The Administrative Hearing Officer may modify the order if he or she finds by a preponderance of the evidence that such modification will not be detrimental to the public interest and is appropriate, considering the nature and extent of the separate violations.~~

~~(b) The Administrative Hearing Officer shall not grant a continuance of any hearing set under this Section unless all the parties so stipulate.~~

~~(c) If all parties so stipulate, the Administrative Hearing Officer may order the trial on the merits to be advanced and tried with the hearing on these motions~~

~~1.35.100—Affirmative defenses:~~

~~If a person named as a party respondent is the owner of a parcel of real property and is leasing the parcel to one (1) or more tenants, or the person named has been hired by the owner of the parcel to manage and lease the parcel, and the separate violations which constitute the alleged chronic offense were committed by one (1) or more of the tenants or occupants of the parcel, it shall be a defense to an action under this Article that said person has:~~

~~(1) Evicted, or attempted to evict by commencing and pursuing with due diligence appropriate court proceedings, all of the tenants and occupants of the parcel that committed each of the separate violations that constitute the alleged chronic offense;~~

~~(2) Considering the nature and extent of the separate violations, undertaken and pursued with due diligence reasonable means to avoid a recurrence of similar violations on the parcel by the present and future tenants or occupants of the parcel upon receiving written notice or otherwise becoming aware of the citations which led to convictions or liability concerning the tenant's behavior or condition of the property;~~

~~(3) Not received notice or otherwise become aware of one (1) of the chronic offense citations or convictions leading to the issuance of a chronic offense complaint under this Chapter (notice under this Paragraph shall mean written or verbal notice of any kind); or~~

~~(4) Self-reported a violation pursuant to Section 1.33.035 of this Title; however, such affirmative defense shall only be applicable to the particular violation that was self-reported~~

~~1.35.110—Supplementary remedies for chronic offenses:~~

~~In any action filed under the provisions of this Chapter, in the event that any one (1) of the parties fails, neglects or refuses to comply with an order of the Administrative Hearing Officer, the Administrative Hearing Officer may, upon the motion of the City, in addition to or in the alternative to the remedy set forth in Section 1.35.170 of this Chapter and the possibility of criminal prosecution, permit the City to enter upon the parcel of real property and abate the nuisance, take steps to prevent chronic offenses from occurring or perform other acts required of the respondent in the Administrative Hearing Officer's orders~~

~~1.35.120—Stipulated alternative remedies:~~

~~(a)The City and any party respondent to an action under this Chapter may voluntarily stipulate to orders and remedies, emergency or permanent, that are different from those provided in this Chapter.(b)The Administrative Hearing Officer may accept such stipulations for alternative remedies and may order compliance therewith only when the responding parties admit some or all of the allegations set forth in the chronic offense property/chronic offender complaint~~

~~1.35.130— Remedies under other laws unaffected.~~

~~Nothing in this Chapter shall be construed as:~~

~~(1) Limiting or forbidding the City or any other person from pursuing any other remedies available at law or in equity; or~~

~~(2) Requiring that evidence or property seized, confiscated, closed, forfeited or destroyed under other provisions of law be subjected to the special remedies and procedures provided in this Chapter.~~

~~1.35.140— Limitation of actions.~~

~~Actions under this Chapter shall be filed no later than three hundred sixty five (365) days after the last in the series of acts constituting the chronic offense occurs. This limitation shall not be construed to limit the introduction of evidence of separate violations that occurred more than three hundred sixty five (365) days before the filing of the complaint for the purpose of establishing the existence of a chronic offense or when relevant to show a pattern of conduct or for any other purpose~~

~~1.35.150— Effect of property conveyance.~~

~~When title to a parcel is conveyed from one (1) person to another, any separate violation existing at the time of the conveyance which could be used under this Chapter to prove that a chronic offense exists with respect to such parcel, shall not be so used unless a reason for the conveyance was to avoid the parcel being declared a chronic offense under this Chapter. It shall be a rebuttable presumption that a reason for the conveyance of the parcel was to avoid the parcel from being declared a chronic offense under this Chapter if:~~

~~(1) The parcel was conveyed for less than fair market value;~~

~~(2) The parcel was conveyed to an entity controlled directly or indirectly by the person conveying the parcel; or~~

~~(3) The parcel was conveyed to a relative of the person conveying the parcel~~

~~1.35.160— Severability.~~

~~In the event that any provision of this Chapter is declared to be unconstitutional or invalid for any reason, the remaining provisions of this Chapter shall be upheld and enforced unless the remaining provisions would create an unreasonable or unjust result~~

~~1.35.170— Failure to comply with orders of Administrative Hearing Officer.~~

~~Failure to comply with any order issued by the Administrative Hearing Officer shall constitute a criminal violation of this Code, and violators may be subject to prosecution in front of the Municipal Judge and be penalized pursuant to Chapter 1.32 of this Title~~

Section 4. Chapter 12, Administrative Hearing Officers, of Title 2, Administrative and General Government, is repealed.

CHAPTER 12. ADMINISTRATIVE HEARING OFFICERS

Sec. 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 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) Administrative support shall be provided to the administrative hearing officer by the appropriate city personnel as determined by the city manager.~~

~~(Code 1994, § 2.09.010; Ord. No. 47, 2006, § 1, 10-17-2006)~~

Sec. 2-1027. 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:~~

~~Default judgment means an order made by the administrative hearing officer finding liability for a Code violation because respondent failed to appear at a hearing, stipulate to a finding of liability, or otherwise defend against a notice of violation.~~

~~Indigent means one of the following, either of which must be proven by credible written evidence, including tax returns, W-2 statements, or eligibility statements from a social service agency:~~

~~(1) Total household income is at or below 135 percent of the poverty level as determined by the U.S. Department of Health and Human Services; and liquid assets are equal to or less than \$1,500.00; or~~

~~(2) Total household income is up to 25 percent above the current federal poverty guidelines as published in the Federal Register; liquid assets are equal to or less than \$1,500.00; and reasonable monthly expenses equal or exceed monthly income.~~

~~Respondent means a person or entity receiving a notice of Code violation.~~

Sec. 2-1028. Filing of action or notice of violation.

~~Any action before the administrative hearing officer shall run in the name of the city against a respondent.~~

Sec. 2-1029. Execution of process.

~~Service of any paper, including a notice of violation or subpoena, may be executed as provided in this chapter or, if no provision is made, as provided in the Colorado Rules of Civil Procedure.~~

Sec. 2-1030. Fees and costs designated.

~~(a) In the administrative hearing officer's discretion, a docket fee may be assessed against any respondent who pleads liable, who enters into a stipulation or settlement agreement or who, after a hearing, is found liable of a code violation. Docket fees shall be set in accordance with section chapter 2 of title 1 of this Code.~~

~~(b) Docket fees shall be in addition to any other reasonable hearing costs or other fees designated by the administrative hearing officer, this Code, or other applicable law.~~

~~(c) The costs assessed pursuant to this section may include:~~

- ~~(1) Costs for copies of papers, photos, videos, or other evidence reasonably obtained for use in the case.~~
- ~~(2) Witness fees, mileage for witnesses, and fees for the service of process.~~
- ~~(3) Any item specifically authorized by this Code to be included as part of the costs.~~
- ~~(4) On proper motion of the city and at the discretion of the administrative hearing officer, any other reasonable and necessary costs incurred by the city which are directly the result of the prosecution of the action.~~

~~Sec. 2-1031. Payment of fees and costs.~~

~~In any case where a respondent is found liable of a code violation, the administrative hearing officer shall that respondent pay costs within the limits declared by this chapter, and:~~

- ~~(1) If any amount ordered paid by the administrative hearing officer is not paid on or before the due date for payment, a late payment fee shall be added to the amount owed. A late payment fee may only be assessed once per case.~~
- ~~(2) If any amount ordered paid by the administrative hearing officer, including a late payment fee, is not paid on or before the due date for payment, interest on such amount, excluding the late payment fee, shall accrue at the rate established by C.R.S. § 39-21-110.5.~~
- ~~(3) All amounts due and unpaid, including accrued interest and any late payment fee, shall be paid upon notice and demand and may be collected by the city by any legal means. Where the Code violation involves property and the owner of the property is the respondent, the city may obtain a lien against the property. The lien shall have priority over all liens, except general taxes and prior special assessments. If respondent fails to pay the lien for 30 calendar days, the lien may be certified by the director of finance to the county treasurer to be placed upon the tax list for the current year, to be collected in the same manner as other taxes are collected, with a ten percent penalty to defray the cost of collection, as provided by state law.~~
- ~~(4) The administrative hearing officer may waive all or a portion of the fines, fees, or costs if the administrative hearing officer determines respondent to be indigent.~~
- ~~(5) All fines, fees, and costs ordered paid by the administrative hearing officer shall be collected by the director of finance and deposited in the general fund of the city.~~

~~Sec. 2-1032. General procedures for hearings before administrative hearing officer.~~

- ~~(a) The administrative hearing officer is authorized to adopt rules and procedures governing conduct of hearings in accordance with the provisions of this chapter. The city council manager shall approve all such rules and procedures prior to their adoption by the administrative hearing officer. A copy of the rules and procedures shall be maintained by the city clerk.~~
- ~~(b) Hearings held before the administrative hearing officer shall be informal, but in the administrative hearing officer's discretion may be conducted in the manner provided for the hearing of cases by the municipal court. There shall be no right to a trial by jury. The burden of proof in hearings shall be on the city, by a preponderance of the evidence.~~
- ~~(c) There shall be no discovery in Code violation cases and other administrative matters, except that, upon request, prior to the hearing, each party will be allowed to examine any documents, photos, videos and other evidence the other party intends to~~

present at the hearing. Each party will be entitled to receive a list of witnesses the other party intends to present at the hearing.

~~(d) All proceedings under this section shall be governed by the Colorado Rules of Civil Procedure and the State Administrative Procedure Act, except that where the Rules or the Act conflicts with the provisions of this Code, the Code shall control.~~

~~(e) Code violations may include actions affecting the use, possession, and enjoyment of real property. Accordingly, the city may file and record with the county clerk and recorder a notice of lis pendens against the real property involved to fully inform and protect the interests of any bona fide innocent third-party purchaser.~~

~~(f) Respondents in a Code violation case may include the property itself, any person owning or claiming any legal or equitable interest or right of possession in the property, tenants and occupants at the property, and managers and agents for any person claiming a legal or equitable interest in the property. Any person holding any legal or equitable interest or right of possession in the property who has not been named as a party respondent may intervene. No other parties may intervene. None of these parties shall be deemed necessary or indispensable parties under the Colorado Rules of Civil Procedure.~~

~~(g) Code violation cases shall be commenced by providing respondent with a notice of violation.~~

~~(h) In all Code violation cases, personal service upon respondent is preferred. Personal service may be made by city personnel. In the event that personal service cannot be made at the location of the violation, the notice of violation may be served upon a respondent by posting a copy of the same in some prominent place on the real property location of the violation, and sending a copy to the owner, tenant, agent, and/or all other persons known to have an interest in the real property by first class mail, at the address shown on the county property portal, at the last known address given by said person, or at the address listed upon any government-issued identification document bearing the photograph of said person presented to any law enforcement officer or code compliance inspector. Service shall be deemed completed seven calendar days after the copy of the notice of violation is mailed, whether or not the notice is actually received.~~

~~(i) No party must, but any party may be represented by an attorney. The city may be represented by the city attorney's office or by those other city personnel authorized to do so by the director of community development. The director of community development shall ensure that any such other personnel authorized to represent the city have received appropriate training.~~

~~(j) If respondent appears at the hearing and all elements of an alleged Code violation are proven by a preponderance of the evidence, the administrative hearing officer shall find respondent liable, and enter an appropriate order. If the respondent is found liable, the administrative hearing officer shall assess the appropriate fines, fees, or costs.~~

~~(k) If respondent appears at the hearing and any element of an alleged Code violation is not proven by a preponderance of the evidence, the administrative hearing officer shall dismiss the case.~~

~~(l) The city may voluntarily stipulate to any remedy deemed appropriate by the parties. Approval of the administrative hearing officer to all stipulations is required.~~

~~(m) If respondent fails to appear at the hearing, all elements of a Code violation are deemed proven, the administrative hearing officer shall find respondent liable, and enter a default judgment, including the assessment of appropriate fines, fees, or costs.~~

~~Sec. 2-1033. Motions.~~

- ~~(a) The administrative hearing officer may accept motions in his discretion.~~
- ~~(b) Motions must generally comply with the Colorado Rules of Civil Procedure.~~
- ~~(c) Motions for post-hearing relief or relief from an order of the administrative hearing officer must generally comply with the Colorado Rules of Civil Procedure.~~
- ~~(d) All motions for post-hearing relief or relief from an order must be filed with the administrative hearing officer no later than 15 calendar days following the entry date of the order.~~

~~Sec. 2-1034. Order of administrative hearing officer.~~

- ~~(a) At the completion of any hearing held under the provisions of this chapter, or upon presentation of a stipulation, the administrative hearing officer shall enter an order either:
 - ~~(1) Dismissing the case; or~~
 - ~~(2) Making a finding of liability, based upon:
 - ~~a. A stipulation entered into by the parties;~~
 - ~~b. A default judgment; or~~
 - ~~c. The evidence presented at the hearing.~~~~~~
- ~~(b) The order shall also assess:
 - ~~(1) Fines as established in chapter 10 of title 1 of this Code; and/or~~
 - ~~(2) Other legal and equitable relief deemed just and proper by the administrative hearing officer, including abatement pursuant to chapter 10 of title 1 of this Code and/or injunction.~~~~
- ~~(c) A finding of liability entered by the administrative hearing officer shall constitute a final action that will only be stayed pending a motion for reconsideration.~~

~~Sec. 2-1035. Failure to comply with orders of administrative hearing officer.~~

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

~~Sec. 2-1036. Record of administrative proceedings.~~

~~A record of hearing or other administrative proceedings shall be made by recording and shall be maintained by the administrative hearing officer. The record shall contain the name of the respondent, the date of the appearance before the administrative hearing officer, the case number, the date, place and type of alleged Code violation and the findings, rulings and orders of the administrative hearing officer. The records and recordings regarding proceedings before the administrative hearing officer shall be maintained by the city clerk's office and shall be retained for 35 calendar days following the final order of the administrative hearing officer if no appeal is filed. In the event an appeal is filed, the records and recordings shall be maintained until final resolution of the matter.~~

~~Sec. 2-1037. Judicial review of administrative hearing officer's decisions.~~

~~(a) The order or action of the administrative hearing officer shall be considered the city's final action and may only be judicially reviewed pursuant to Rule 106 of the Colorado Rules of Civil Procedure.~~

~~(b) When an appellant desires to stay an order or judgment of the administrative hearing officer, a bond to the city must be executed in the amount of the fine, fee, and/or costs ordered by the administrative hearing officer in such form and with sureties qualified as may be designated by the administrative hearing officer.~~

~~Secs. 2-1038—2-1057. Reserved.~~

Council Agenda Summary

August 16, 2022

Key Staff Contact: Lindsay Kuntz, Assistant to the City Manager, 970-590-9350

Title:

Public hearing and second reading of an Ordinance authorizing the disposition of City property Located at 28th Street and 19th Avenue.

Summary:

The City owns a vacant .38-acre parcel of real property generally located west of 19th Avenue on 28th Street ("Property"). In 1962, the Property was dedicated to the City on the Hillside 2nd Addition Subdivision plat which identified the Property as "park." Nevertheless, since the dedication, the Property has been maintained by the owners of the apartment complex located on either side of the Property. This Ordinance will allow the City to convey the Property to them.

The owners of the apartment complex properties contacted the City to express interest in acquiring the Property. The Real Estate Management Division, in consultation with the City Attorney's Office, conducted a disposition analysis to ascertain whether the Property could be deemed as surplus and determine the requirements for disposition. The disposition analysis included evaluating historic, current, and future uses of the Property by the City. It was concluded that the Property should be deemed surplus and be conveyed to a logical buyer(s) by Quit Claim Deed.

The property will be re-platted and designated for park common area only which is consistent with its historic use. Due to its limitations (for example, size, shape, location, and use), the value of the property is estimated to be \$4,650 based on comparable appraisal information. The owners of the apartment complex properties are the only logical buyers of the Property and will compensate the City the value of the property, minus all costs/expenses they will pay associated with the platting and conveyance. The City's CPRD Department estimates that the City will realize approximately \$2500 per year in potential maintenance costs with the conveyance. The City will retain its water and sewer easement that runs along the north boundary of the Property.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	No
If yes, what is the initial, or, onetime impact?	N/A
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?	N/A
Is there grant funding for this item?	No
If yes, does this grant require a match?	N/A
Is this grant onetime or ongoing?	N/A

Additional Comments:	
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Legal Issues:

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

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

Other Issues and Considerations:

None.

Strategic 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 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:

City Property Location Map

**THE CITY OF GREELEY, COLORADO
ORDINANCE NO. 30, 2022**

**AN ORDINANCE AUTHORIZING THE DISPOSITION OF CITY PROPERTY
LOCATED AT 28th STREET**

WHEREAS, the City of Greeley ("City") owns a vacant parcel of land located west of 19th Avenue on 28th Street (the "Property") as depicted on Exhibit A; and,

WHEREAS, the Property was dedicated to the City by means of the Hillside 2nd Addition Subdivision plat in 1962 which identified the parcel as "Park"; and

WHEREAS, the parcel had historically been maintained by adjacent property owners as part of the neighboring apartment complex; and

WHEREAS, since the time of dedication, the City has not maintained or used the Property as a public park, nor included the Property as part of any current or future public park plans; and

WHEREAS, the City has determined that the Property is not needed for any current or future governmental purpose, wishes to dispose of it, and has determined that the only logical buyer would be the adjacent property owners; and

WHEREAS, the adjacent property owners have expressed interest in acquiring the Property from the City.

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

Section 1. The Greeley City Council hereby finds and determines that the Property is not a public park, nor is it being held or used for governmental purposes.

Section 2. The Greeley City Council authorizes the conveyance of the Property, in accordance with the terms and conditions of the attached Quit Claim Deed and authorizes the Mayor to execute the same pursuant to Greeley Municipal Charter 2.07.020(b).

Section 3. The Greeley City Council hereby ratifies all actions heretofore taken (not inconsistent with the provisions of this ordinance) by the officers, agents, and employees of the City in connection with the actions described above.

Section 4. This ordinance shall take effect five (5) days after its final publication as provided by Greeley Municipal Charter 3-16.

PASSED AND ADOPTED, SIGNED AND APPROVED this _____ day of _____, 2022.

ATTEST:

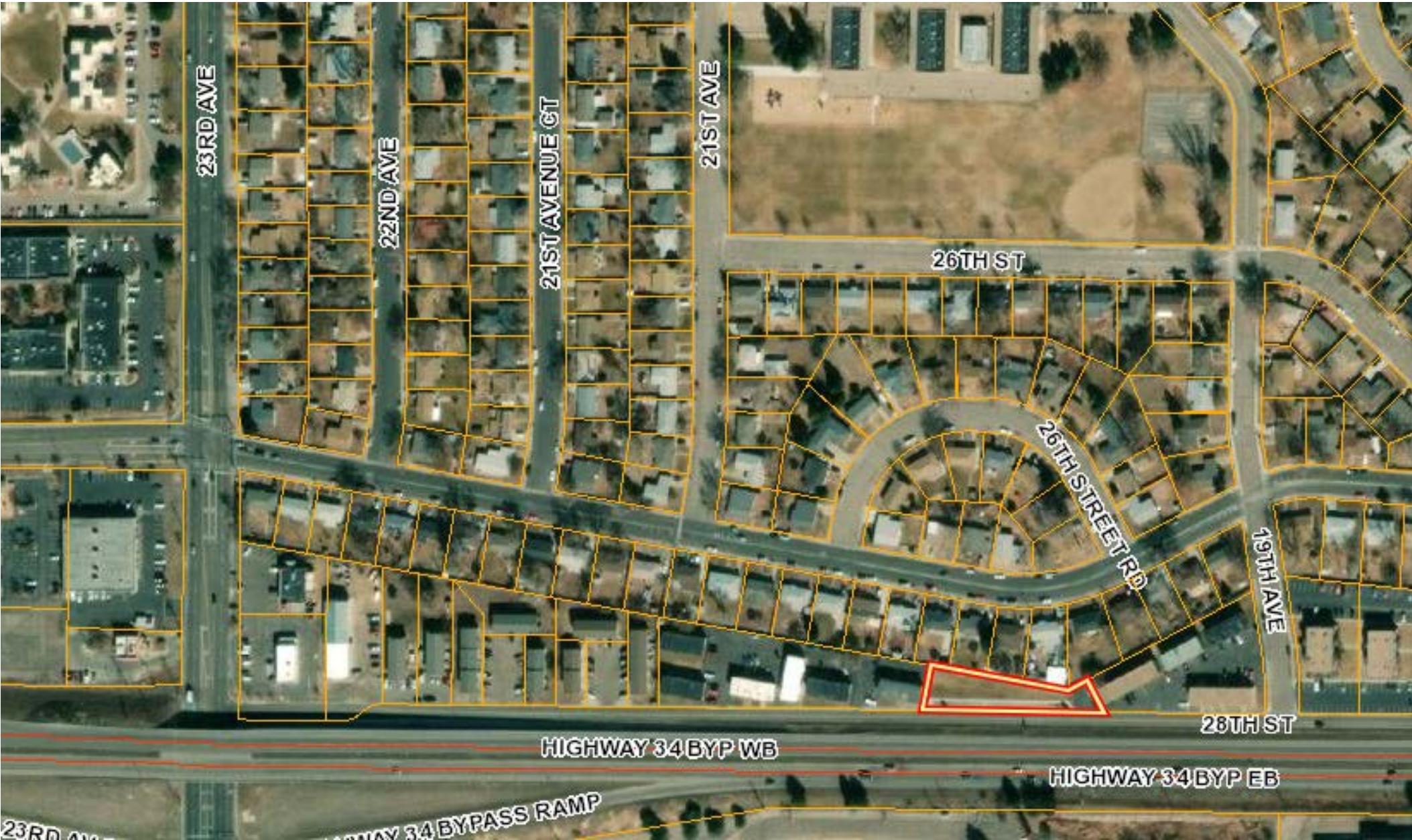
THE CITY OF GREELEY, COLORADO

City Clerk

Mayor

Attachment: Exhibit A – Property Location Map
Exhibit B – Quit Claim Deed

28th Street Property Disposition Property Location Map



28th Street Property Disposition Property Location Map



28th Street Property Disposition Property Location Map



28th Street Disposition

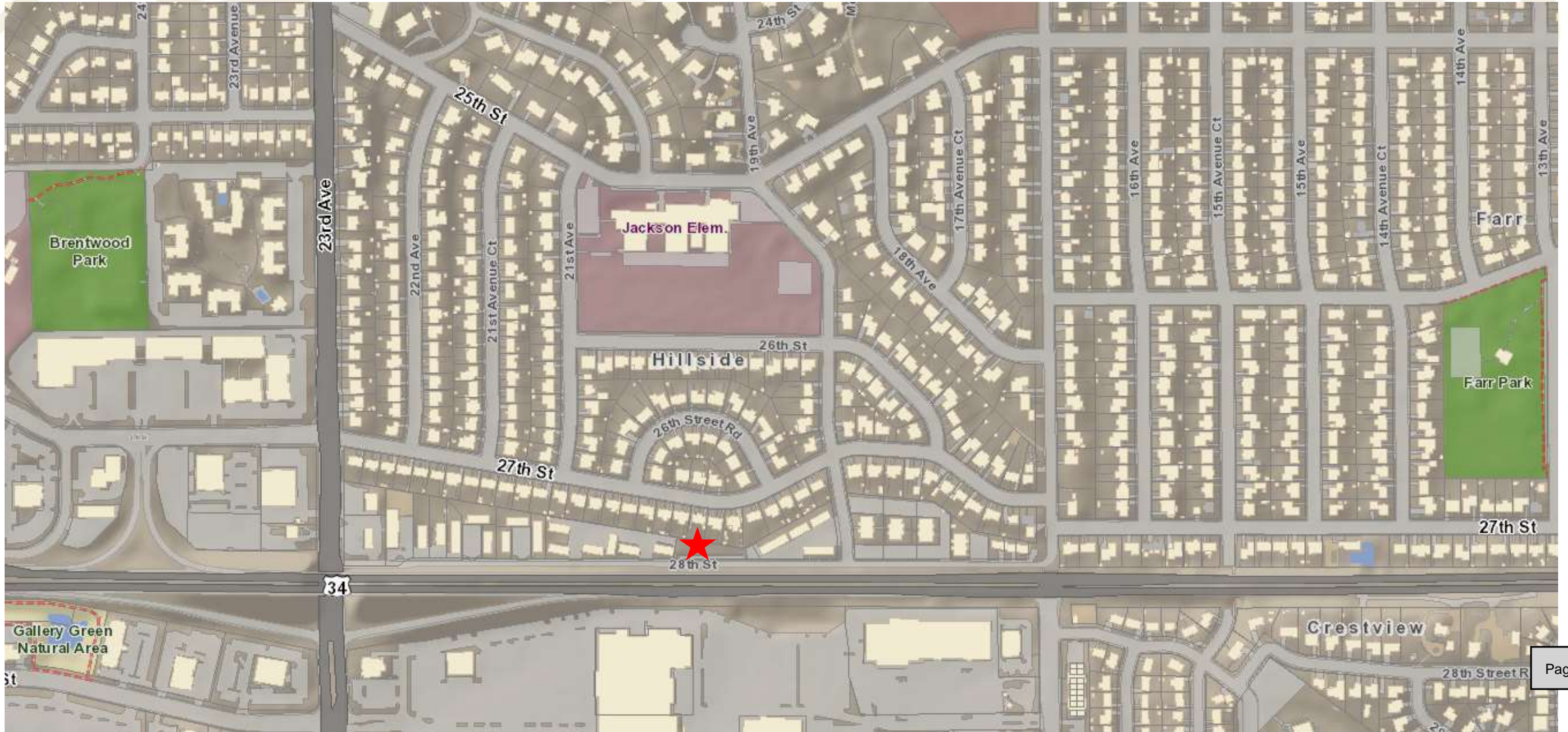
Authorization to Dispose of Surplus Real Property



Background

- **Vacant 0.38-acre parcel dedicated to the City in 1962 via Hillside 2nd Addition Subdivision Plat.**
- **Since 1962, the property has been maintained by adjacent property owners (apartment complex).**
- **Owners of the apartment complex have expressed an interest in acquiring the parcel.**

Property Location



Property Photo



Disposition Due Diligence

- **REM, in consultation with the City Attorneys Office**
 - **Conducted disposition analysis**
 - **Determined property could be deemed surplus**

- **City to Retain**
 - **Existing water and sewer easement across property.**

Disposition Plan

- **Obligations of the disposition agreement:**
 - **The adjacent owners will compensate the City for the value of the property, minus all costs/expenses associated with:**
 - **Surveying**
 - **Platting and associated fees and approvals**
 - **Closing costs**
 - **Parcel will be re-platted into two parcels, with half being conveyed to each adjacent property owner.**
 - **The parcels will be designated for park common area only which is consistent with its historic use.**

Recommended Action

- **Approval of this Ordinance will authorize staff to proceed with the disposition process for the property in coordination with the City Attorney's Office.**

Questions?



Council Agenda Summary

August 16, 2022

Key Staff Contact: John Karner, Finance Director, 350-9732

Title:

Public hearing and second reading of an Ordinance appropriating additional sums to defray the expenses and liabilities of the City of Greeley for the balance of the fiscal year of 2022 and for funds held in reserve for encumbrances through December 31, 2021

Summary:

This is the third 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?	\$2,901,905										
What is the annual impact?	\$2,901,405										
What fund of the City will provide Funding?	See Ordinance										
What is the source of revenue within the fund?	Fund Balance, Grants, Expense Reimbursement, Registration Fees, & Franchise Fees.										
Is there grant funding for this item?	Yes										
If yes, does this grant require a match?	Yes, Items 1 & 12										
Is this grant onetime or ongoing?	Onetime										
Additional Comments:	<p>Total appropriations made by this ordinance, excluding transfers, are \$2,901,905. The following funding sources will be used to cover the appropriations made by this ordinance.</p> <table border="1"> <thead> <tr> <th></th> <th style="text-align: right;">Total</th> </tr> </thead> <tbody> <tr> <td>Fund Balance: Operating</td> <td style="text-align: right;">\$ 1,147,221</td> </tr> <tr> <td>Fund Balance: Capital</td> <td style="text-align: right;">623,193</td> </tr> <tr> <td>New Resources</td> <td style="text-align: right;">1,131,491</td> </tr> <tr> <td>Total (Excluding Transfers)</td> <td style="text-align: right;">\$ 2,901,905</td> </tr> </tbody> </table>		Total	Fund Balance: Operating	\$ 1,147,221	Fund Balance: Capital	623,193	New Resources	1,131,491	Total (Excluding Transfers)	\$ 2,901,905
	Total										
Fund Balance: Operating	\$ 1,147,221										
Fund Balance: Capital	623,193										
New Resources	1,131,491										
Total (Excluding Transfers)	\$ 2,901,905										

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:

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.

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

Economic Health & Development: Foster and maintain public and private investment in business development.

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

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.29, 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	\$ 522,500	\$ 1,100,000	\$ 1,622,500
105 CONSERVATION TRUST FUND	-	25,000	25,000
113 EQUITABLE SHARING FUND	-	37,500	37,500
122 CABLE FRANCHISE PEG FUNDS	12,221	-	12,221
301 PUBLIC IMPROVEMENT	203,190	-	203,190
303 PUBLIC ART	70,000	-	70,000
304 FOOD TAX	300,000	-	300,000
305 SOFTBALL IMPROVEMENT	52,061	-	52,061
320 FASTER	160,000	-	160,000
413 SEWER CAPITAL REPLACEMENT	300,000	-	300,000
421 WATER OPERATIONS	481,933	-	481,933
511 EQUIPMENT MAINTENANCE OPERATIONS	800,000	-	800,000
Grand Total	2,901,905	1,162,500	4,064,405

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

City Clerk

BY _____

Mayor



City of Greeley 2022 Appropriation - 3 City Council Meetings: August 2nd & 16th

Fund	Funding Source	Description	Fund Balance	Revenue	Expenditures	Net Impact
100 - GENERAL FUND						
1	Grant / Fund Balance	In January, the Department of Local Affairs awarded the City of Greeley a grant for \$187,500 to promote the development of innovative affordable housing. City officials will use the grant to conduct a city-wide housing needs assessment and develop a sub-area plan. The sub-area plan will provide potential affordable housing development options for a small, localized area in the community. The goal of the assessment is to increase affordable housing. Following the sub-area plan will allow affordable housing contractors and developers to receive expedited development review and reduced development review fees. The city's Long-Range Planning and Neighborhood Services Team will manage the project. The City's matching portion totals \$62,500.	62,500	187,500	250,000	-
2	Operating Transfer: CONSERVATION TRUST FUND	Since 2019, the City has had a contract with the statewide non-profit Volunteers for Outdoor Colorado (VOC) to host the Volunteer Partnership Coordinator (VPC) position within the City. This partnership has been a great success over the past three years for both the City and the Weld County region. The VPC leads all-volunteer management responsibilities for the Natural Areas & Trails (NAT) division of CPRD. The VPC, housed in the NAT office, also serves as a countywide resource to provide volunteer management support for several regional entities for outdoor volunteer management projects and events.	-	25,000	25,000	-
3	Fund Balance	The City of Greeley Police Department set aside \$400,000 for the replacement of the Spillman software that is used by Weld County dispatch in 2021. This request is to move the remaining funds from 2021 to 2022 to complete the transition to the Central Square software.	210,000	-	210,000	-
4	Operating Transfer: EQUITABLE SHARING FUND	The Police Department would like to initiate a less-lethal program in our Patrol Division as an additional tool for our officers when attempting to deescalate situations in which suspects are armed and resisting arrest. This equipment provides our officers with another less-lethal option to resolve incidents that present a threat to community members. Funding of this request allows for greater assessment and decision-making, which ultimately provides greater safety for citizens and a reduced chance of serious injury.	-	37,500	37,500	-
100 - GENERAL FUND			272,500	250,000	522,500	-
122 - CABLE FRANCHISE PEG FUNDS						
5	Fund Balance	As the demand for video content continues to grow, portable, durable, and flexible photography and video equipment are required. This equipment will allow us to film a wide variety of activities and subjects on the go and produce more videos that align with brand image. Funding will be used for items such as an on-site portable teleprompter along with allowing for modifications to the council hybrid setup. These funds will cover the purchase, programming, and installation of AV equipment needed in Council Chambers Overflow. Funding for this expenditure is available through Cable Franchise Public, Educational, and Governmental (PEG) Fees.	12,221	-	12,221	-
122 - CABLE FRANCHISE PEG FUNDS			12,221	-	12,221	-
301 - PUBLIC IMPROVEMENT						
6	Refund of Expenditures	This request is to appropriate additional funding received from the Greeley Urban Renewal Authority (GURA) for New Sidewalk Installation.	-	203,190	203,190	-
301 - PUBLIC IMPROVEMENT			-	203,190	203,190	-
303 - PUBLIC ART						
7	Fund Balance	As part of the 100th anniversary of the Greeley Stampede, the City of Greeley's Public Art program created murals for the Island Grove Arena. This request is to provide funding that currently exists within the Public Art Fund to cover these expenditures.	70,000	-	70,000	-
303 - PUBLIC ART			70,000	-	70,000	-
304 - FOOD TAX						
8	Operating Transfer: GENERAL FUND	Following feedback and community input about the Bittersweet Park irrigation and landscape updates, Greeley City Council came to a consensus to make additional modifications. Council directed City staff to convert the areas surrounding the Weld County Veterans and Fallen Officers memorials, approximately 5.6 acres, back to bluegrass. The conversion will allow better access to the sites for annual events and improve aesthetics along 35th Avenue.	-	300,000	300,000	-
304 - FOOD TAX			-	300,000	300,000	-

Fund	Description	Fund Balance	Revenue	Expenditures	Net Impact
Item No. 16.					
305 - SOFTBALL IMPROVEMENT					
9	Registration Fees / Fund Balance This request is to cover expenses incurred to enhance the gates for eight dugouts to support player and spectator safety. Additional funding is requested to purchase replacement field amenities for both player safety and field aesthetics. This includes five sets of new bases, four new home plates, and four new pitching rubbers. Tournament fees generated from Twin Rivers Softball Complex rentals will be used to support this request. Additionally, four scoreboards will be replaced at Twin Rivers Softball Complex. The current scoreboards were installed when the complex was constructed in 2005. They are no longer functioning properly and require replacement.	45,000	7,061	52,061	-
305 - SOFTBALL IMPROVEMENT		45,000	7,061	52,061	-
320 - FASTER					
10	Fund Balance The approval of this funding will facilitate the construction of a new fence in key locations along the Union Pacific Rail Line that will meet the improved safety components outlined during the Council Worksession presentation on March 8th, 2022. Additionally, fencing will be added in a key location along Highway 34 and 17th Avenue to fill a fencing gap that currently exists and will improve pedestrian safety.	160,000	-	160,000	-
320 - FASTER		160,000	-	160,000	-
413 - SEWER CAPITAL REPLACEMENT					
11	Fund Balance This request is to accelerate the replacement of the video inspection van for the wastewater collection team. Due to excessive maintenance needs for this unit replacement is necessary. This unit is critical to the maintenance and inspection of the wastewater collection system. This request will also fund equipment associated with the vehicle including the generator, the computer system, the cameras and controllers, the A/C unit for the office space, and the winch for the video cable.	300,000	-	300,000	-
413 - SEWER CAPITAL REPLACEMENT		300,000	-	300,000	-
421 - WATER OPERATIONS					
12	Grant / Fund Balance The Cameron Peak Fire, which began on August 13th, 2020, and was not fully contained until December 2020, is a natural disaster that was not anticipated. The fire burned over 208,000 acres of Greeley's Poudre River watershed where half of Greeley's water supplies are diverted. Watershed mitigation activities will include the 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. In June 2022 another \$385,547 was provided by the Natural Resources Conservation Services Emergency Watershed Protection Program (NRCS EWP) requiring a 20% cost match for point mitigation which will be used to protect Greeley's water supply as well as life and property in high flood risk areas of the Poudre Canyon. The 20% local match will be paid 50% by the City of Greeley, and the rest funded by local partners.	48,193	433,740	481,933	-
421 - WATER OPERATIONS		48,193	433,740	481,933	-
511 - EQUIPMENT MAINTENANCE OPERATIONS					
13	Operating Transfer: GENERAL FUND Funding is being appropriated in the current fiscal year to cover significant increases in fuel costs for City vehicles.	-	800,000	800,000	-
511 - EQUIPMENT MAINTENANCE OPERATIONS		-	800,000	800,000	-
TOTAL (Less Additional Operating Expenditures Between Funds)		907,914	1,993,991	2,901,905	-
OPERATING TRANSFERS					
2	Fund Balance Volunteers for Outdoor Colorado Partnership Support Operating Transfer of Fund Balance CONSERVATION TRUST FUND to GENERAL FUND	25,000	-	25,000	-
4	Fund Balance Police Equipment Operating Transfer of Fund Balance EQUITABLE SHARING FUND to GENERAL FUND	37,500	-	37,500	-
8	Fund Balance Bittersweet Park Operating Transfer of Fund Balance GENERAL FUND to FOOD TAX	300,000	-	300,000	-
13	Fund Balance City Fleet Fuel Operating Transfer of Fund Balance GENERAL FUND to EQUIPMENT MAINTENANCE OPERATIONS	800,000	-	800,000	-
TOTAL ADDITIONAL OPERATING EXPENDITURES BETWEEN FUNDS		1,162,500	-	1,162,500	-
GRAND TOTAL		2,070,414	1,993,991	4,064,400	-

City Council Meetings
August 2nd & 16th

2022
3rd Appropriation



Third Appropriation - 2022

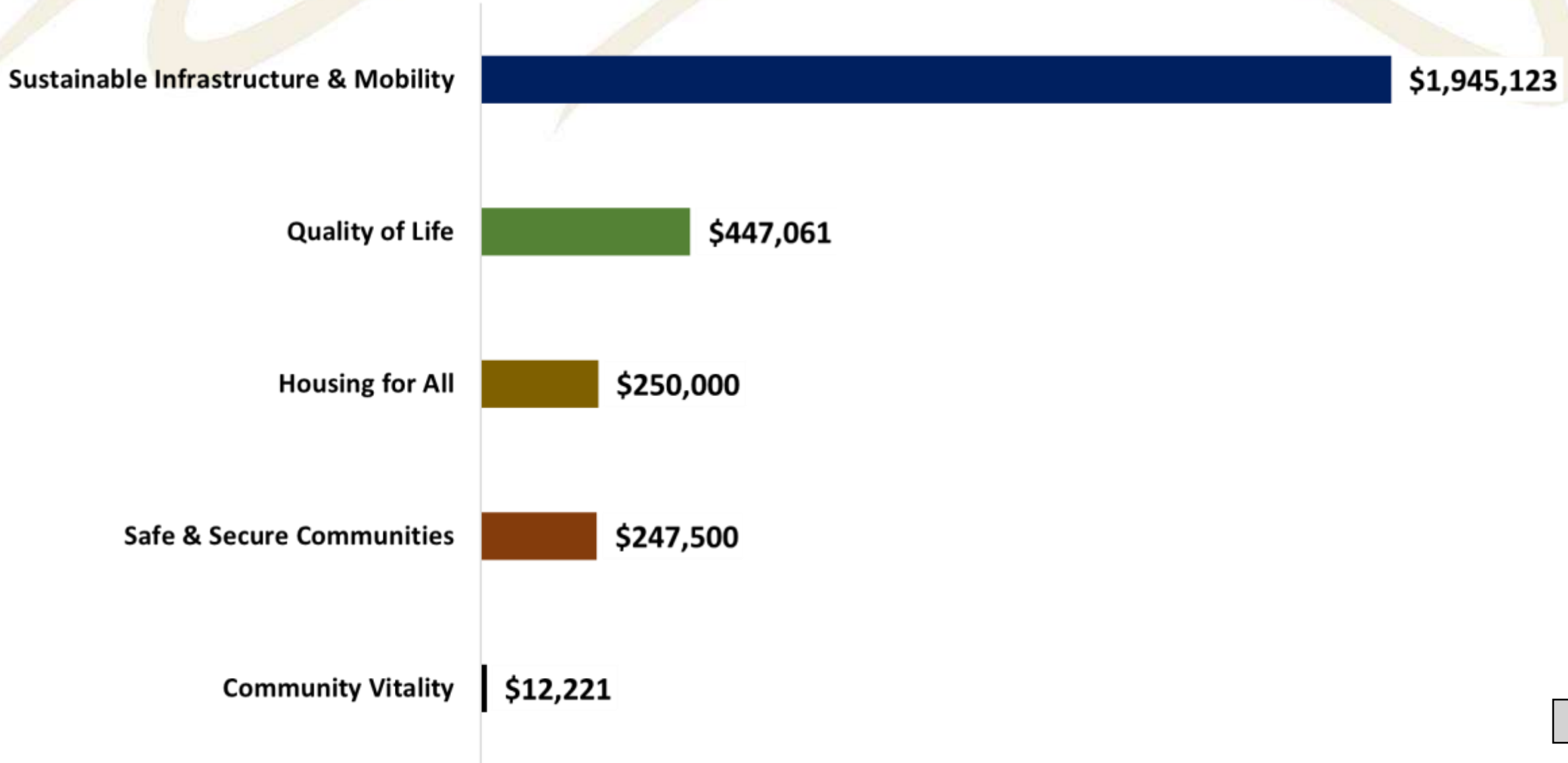
- Allocation of Revenues and Expenditures
- Ensures Completion of Projects & Commitments
- Records Grants & Received Revenues
- Amount: \$2,901,905 Expenditures
 - (+ \$1,162,500 in Transfers Across Funds)



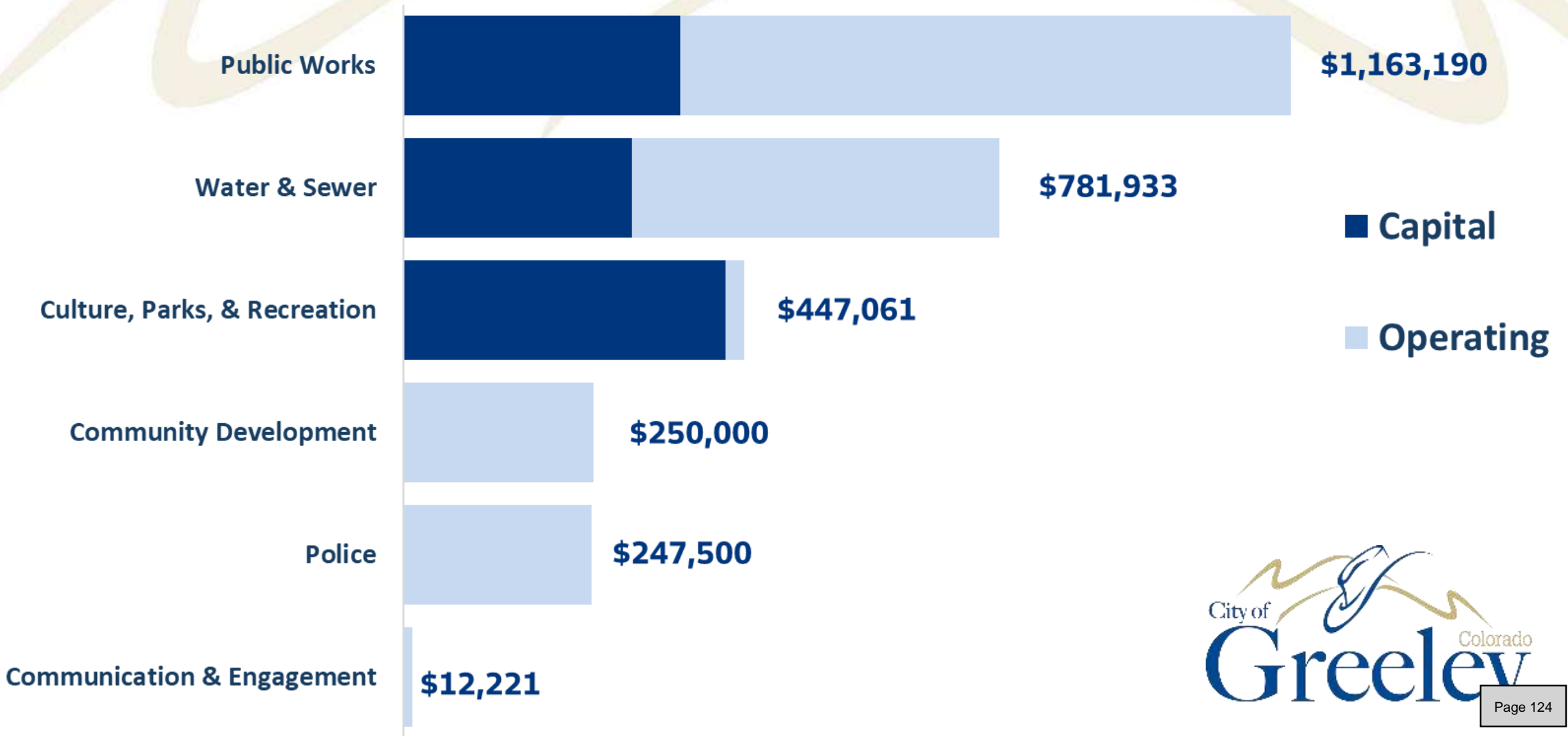
City Council Priorities



City Council Priorities



Department Allocation



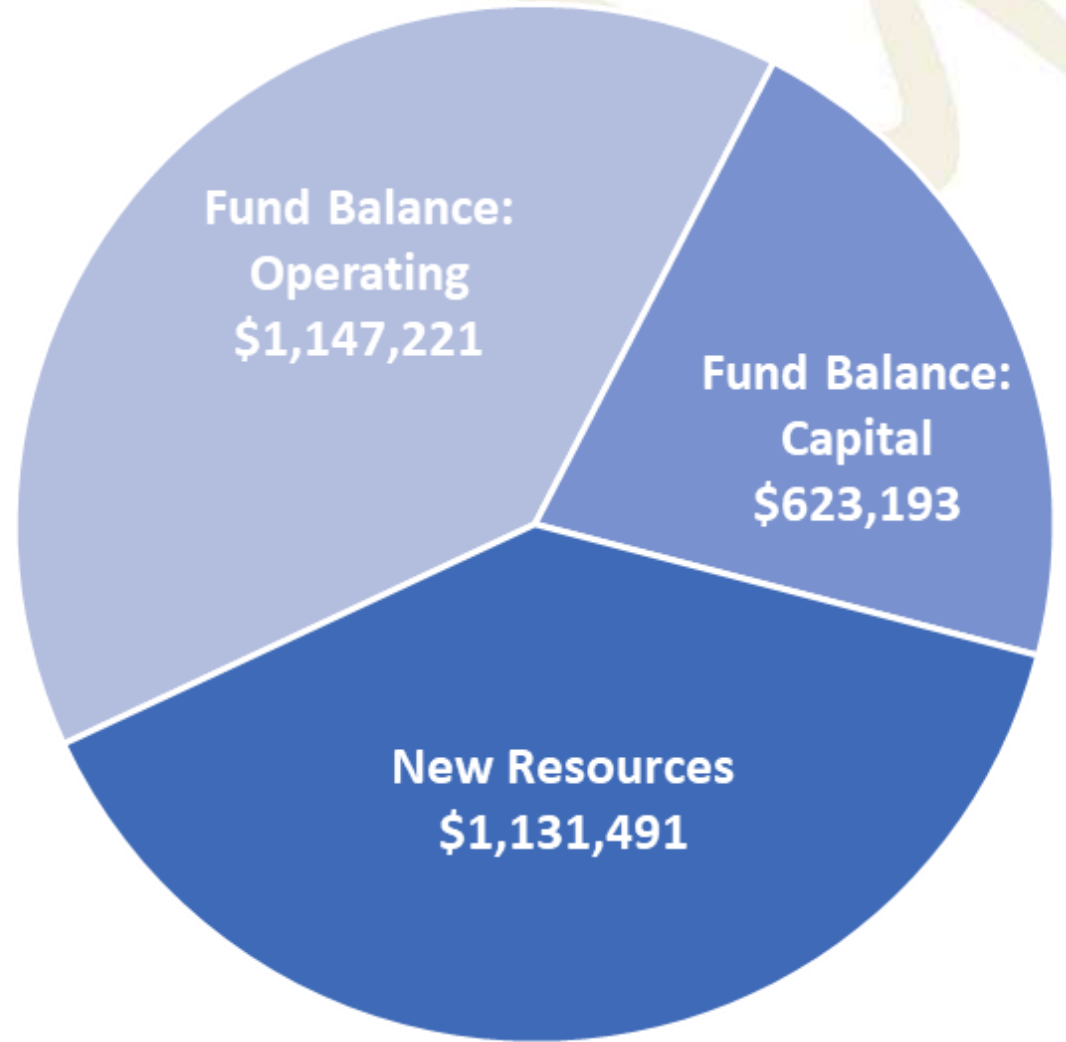
■ Capital

■ Operating





Funding Source


	Total
Fund Balance: Operating	\$ 1,147,221
Fund Balance: Capital	623,193
New Resources	1,131,491
Total (Excluding Transfers)	\$ 2,901,905
Operating Transfers	1,162,500
Total Appropriation	\$ 4,064,405



New Resources Highlights





NEW REVENUES		Amount
Additional Operating Request(s)		
	Cameron Peak Fire [421 - WATER OPERATIONS]	\$433,740
	Housing Needs Assessment [100 - GENERAL FUND]	187,500



NEW REVENUES		Amount
Additional Capital Request(s)		
	Sidewalks [301 - PUBLIC IMPROVEMENT]	\$203,190



Operating Highlights



Fund Balance	Amount
Additional Operating Request(s)	
 City Fleet Fuel [511 - EQUIPMENT MAINTENANCE OPERATIONS]	\$800,000
 Dispatch Software Implementation [100 - GENERAL FUND]	210,000
 Cameron Peak Fire [421 - WATER OPERATIONS]	48,193
 Department of Local Affairs (DOLA) - Housing Needs Assessment [100 - GENERAL FUND]	62,500



COLORADO
Department of Local Affairs









Capital Highlights

Fund Balance	Amount
Additional Capital Request(s)	
 Bittersweet Park [304 - FOOD TAX]	\$300,000
 Union Pacific Railroad Line Fencing [320 - FASTER]	160,000



Other Funding Request

Fund Balance		Amount
Additional Operating Request(s)		
 Police Equipment [113 - EQUITABLE SHARING FUND]		\$37,500
 Volunteers for Outdoor Colorado Partnership Support [105 - CONSERVATION TRUST FUND]		25,000
 GTV8 Specialized Equipment [122 - CABLE FRANCHISE PEG FUNDS]		12,221

Fund Balance		Amount
Additional Capital Request(s)		
 Sewer Collection Van [413 - SEWER CAPITAL REPLACEMENT]		\$300,000
 Island Grove Arena Murals [303 - PUBLIC ART]		70,000
 Softball Field Dugout Gates & Supplies [305 - SOFTBALL IMPROVEMENT]		45,000

NEW REVENUES		Amount
Additional Capital Request(s)		
 Softball Field Dugout Gates & Supplies [305 - SOFTBALL IMPROVEMENT]		\$7,061



Item No. 16.



Questions



Council Agenda Summary

August 16, 2022

Key Staff Contact: Darrell Gesick, Planner III, 970-350-9822

Becky Safarik, Interim Community Development Director, 970-350-9786

Title:

Public hearing and second reading to consider an Ordinance to rezone from C-L (Commercial Low Intensity) to C-H (Commercial High Intensity) zone district for 2.11 acres of property located at 3115 35th Avenue (ZON2021-0017) and changing the official zoning map to reflect the same

Summary:

This request from Rob Stanley, Robert Stanley Properties LLC, is to rezone approximately 2.11 acres from C-L (Commercial Low Intensity) to C-H (Commercial High Intensity) zone district. The subject site is located at 3115 35th Avenue. The subject site contains a two-story building with several small sheds. There are three radio towers that are located on the subject site as well. The purpose of the rezone is to allow for more development opportunities for the subject site.

The Planning Commission considered this request at its July 26, 2022 meeting and voted unanimously to recommend the rezoning (5-0). City Council introduced this ordinance at its August 2, 2022 meeting.

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:

Two motions are necessary to approve this request:

1. A motion, that based on the application received and the preceding analysis, to accept the recommendation of the Planning Commission finding that the proposed rezoning from C-L (Commercial Low Intensity) to C-H (Commercial High Intensity) zone district for the property located at 3115 35th Avenue is in compliance with the Development Code criteria, Section 24-204, and therefore, approve the request.
2. A motion to adopt the ordinance and publish with reference to title only.

Attachments:

Planning Commission Minutes (draft, July 26, 2022)

Planning Commission Summary (Staff Report) (July 26, 2022)

PowerPoint presentation

CITY OF GREELEY, COLORADO
ORDINANCE NO. 31, 2022
CASE NO. ZON2022-0017

**AN ORDINANCE CHANGING THE OFFICIAL ZONING MAP OF THE CITY OF GREELEY,
COLORADO, FROM C-L (COMMERCIAL LOW INTENSITY) TO C-H (COMMERCIAL HIGH
INTENSITY) FOR APPROXIMATELY 2.11 ACRES OF PROPERTY LOCATED AT 3115 35TH
AVENUE, KNOWN AS THE 3115 35TH AVENUE**

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 C-L (Commercial Low Intensity) to C-H (Commercial High Intensity) for approximately 2.11 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

City Clerk

Mayor

Northeast Quarter of the Southeast Quarter (NE ¼ SE ¼) of Section 23, Township 5 North, Range 66 West of the 6th Principal Meridian, City of Greeley, County of Weld, State of Colorado, being more particularly described as follows:

Considering the East line of the Northeast Quarter (E line, NE ¼) of said Section 23 as having an assumed bearing of South 00°45'52" East, and with all bearings contained herein lying relative thereto:

Commencing at the Northeast Corner of said Section 23;

THENCE South 00°45'52" East, along the East line of the Northeast Quarter (E line, NE ¼) of said Section 23, a distance of 2506.89 feet, more or less, to the Northeast Corner of that certain parcel of land identified as Parcel 1 in document recorded December 27, 2005 under Reception Number 3350141 in the Office of the Clerk and Recorder of Weld County, Colorado;

THENCE departing the East line of said Northeast Quarter (E line, NE ¼), and proceeding South 89°26'55" West, along the North line of said Parcel 1 if said Reception Number 3350141, a distance of 50.00 feet, more or less, to a point on the apparent centerline of 35th Avenue and the POINT OF BEGINNING;

THENCE departing the North line of said Parcel 1 of said Reception Number 3350141, and proceeding along said apparent centerline, running parallel with and 50.00' Westerly of (as measured at right angles) the East line of said Parcel 1 of said Reception Number 3350141, the following 2 (two) courses and distances: 1) South 00°45'52" East, a distance of 142.49 feet; 2) South 00°46'59" East, a distance of 37.62 feet, more or less, to a point on the South line of said Parcel 1 of said Reception No. 3350141;

THENCE departing said apparent centerline and proceeding along the South, West and North lines of said Parcel 1 of said Reception Number 3350141, as monumented, the following 4 (four) courses and distances: 1) South 89°19'44" West, a distance of 506.36 feet; 2) North 00°42'30" West, a distance of 203.04 feet; 3) South 55°24'30" East, a distance of 38.00 feet; 4) North 89°26'55" East, a distance of 475.15 feet, more or less, to a point on the apparent centerline of 35th Avenue and the POINT OF BEGINNING;

Containing 91,788 square feet (2.11 acres), more or less, and being subject to all existing easements and/or rights-of-way of record, as of the date shown hereon.

Prepared for and on behalf of:
Coffey Engineering & Surveying
3855 Precision Drive #140
Loveland, Colorado 80538
Chase J. Corbridge
Colorado PLS 38405



City of Greeley, Colorado
PLANNING COMMISSION PROCEEDINGS

JULY 26, 2022

1. Call to Order

Vice Chair Briscoe called the meeting to order at 1:15 p.m.

2. Roll Call

The hearing clerk called the roll.

PRESENT

Vice Chair Erik Briscoe
Commissioner Larry Modlin
Commissioner Christian Schulte
Commissioner Brian Franzen
Commissioner Jeff Carlson

ABSENT

Chair Justin Yeater
Commissioner Chelsie Romulo

3. Approval of Agenda

There were no corrections or additions to the agenda. Commissioner Franzen moved to approve the agenda. Commissioner Modlin seconded the motion. Motion carried 5-0. (Chair Yeater and Commissioner Romulo were absent.)

EXPEDITED AGENDA

4. Approval of June 28, 2022 Minutes

Commissioner Franzen moved to approve the minutes dated June 28, 2022. Commissioner Schulte seconded the motion. Motion carried 5-0. (Chair Yeater and Commissioner Romulo were absent.)

5. Public hearing to consider a request to rezone C-L (Commercial Low Intensity) to C-H (Commercial High Intensity) for approximately 2.11 acres of land located at 3115 35th Avenue (ZON2021-0017)

Vice Chair Briscoe opened the public hearing at 1:17 p.m. There being no comments, the public hearing was closed at 1:17 p.m.

Commissioner Schulte asked if there had been any other public comments received regarding this agenda item. Darrell Gesick, Planner III, stated that there was one phone call inquiring if there would be residential zoning on the property.

Vice Chair Briscoe asked if there was a development proposal for the site. Mr. Gesick stated that the property owner wanted to expand the viability of the property, which was limited by the commercial low zoning. Even though nothing is being proposed at this time, they have had a lot of public interest in the property regarding uses and zoning.

Commissioner Schulte moved that, based on the application received and the preceding analysis, the Planning Commission finds that the proposed rezoning from C-L (Commercial Low Intensity) to C-H (Commercial High Intensity) zone district meets the Development Code criteria Section 24-204(b) (1-9); and, therefore, recommends approval of the rezone to City Council. Commissioner Franzen seconded the motion.

Motion carried 5-0. (Chair Yeater and Commissioner Romulo absent.)

6. Public Hearing to consider a request by Tripoint Acquisition Group to subdivide Tract A, Excelsior Planned Unit Development Filing Plat and Lot 6, and a Portion of Tract A, Promontory 1st Replat. The intent of the proposed replat is to establish a realignment of portions of existing rights-of-way ("ROW") established by the prior plat (SUB2022-0009)

Commissioner Schulte asked if there had been any other public comments received regarding this agenda item. Kristin Cote, Planner II, stated that staff had received a question in regard to the intent of the subdivision. She explained that the subdivision is establishing tracts and the intent was to realign the rights-of-way.

Vice Chair Briscoe asked Ms. Cote to clarify the need to relocate the existing rights-of-way from what had been previously platted. She explained the reconfiguration of the tract sizes and configurations created the need for the replat.

Vice Chair Briscoe opened the public hearing at 1:23 p.m. There being no comments, the public hearing was closed at 1:23 p.m.

Commissioner Franzen moved that, based on the application received and the preceding analysis, the Planning Commission finds that the Promontory resubdivision is in compliance with provisions and regulations involving code criteria outlined in sections 24-203; and, therefore, approves the preliminary plat as is presented. Commissioner Carlson seconded the motion. Motion carried 5-0. (Chair Yeater and Commissioner Romulo absent.)

END OF EXPEDITED AGENDA

7. Public hearing to consider a request by Vector Development, LLC to subdivide a property with the intent of developing 30 single-family attached townhome units and 5 outlots for drainage, guest parking, access, utility, and open space (SUB2022-0001)

Ms. Cote stated that the property was annexed in 1981 and is currently vacant. In 2017, a rezone was requested for the 3.2-acre property to be converted to a Residential High designation. The request was denied by the City Council. In 2020, the Greeley West multi-family PUD was established allowing a mix of residential, commercial, and industrial uses. She then described the location and displayed a graphic of the proposed replat, which consists of a 30-unit townhome development. Ms. Cote noted that a total of 49 notification letters were sent to the surrounding properties. One letter was received which described concerns with regard to traffic in the general vicinity of the site. Staff concluded the presentation noting their conclusion that the request appears to meet the City's rezone criteria and therefore is recommended for approval.

Mark Bowman with Vector Development explained that this project would be very similar to their company's recent project located west of 47th Avenue, north of 25th Street and south of 24th Street, which was completed two years ago. Mr. Bowman explained that the project was very successful and they would like to develop a similar project at this location.

Vice Chair Briscoe opened the public hearing at 1:29 p.m.

Bonnie Smith, 4355 24th Street Road, Unit 1003, Greeley stated her concerns regarding traffic. She noted that she had already worked with several departments within the City of Greeley to place stop signs and speed limit signs around the problem areas. She has also requested that the City conduct traffic counts and speed assessments in front of her home to determine the actual amount of traffic in her area. Ms. Smith explained that she would like the developer to add an additional stop sign and would like to see additional traffic control with this development. Lastly, she was hoping that the construction employees could be informed about and honor the posted speed limits.

The public hearing was closed at 1:35.

Vice Chair Briscoe asked Ms. Cote to explain if there are current traffic control devices being used. She referred the question to staff member Thomas Gilbert, with Engineering Development Review, to answer his question in better detail.

Thomas Gilbert, Engineer III, was the reviewing engineer on behalf of the City. He stated that a traffic memo was required for both the application for the subdivision and the site plan. The applicant's traffic report estimated that the development would generate an additional 220 daily trips from the site with 14 peak hour trips in the morning and 17 peak hour trips in the evening. The City's Transportation Planner and Engineering Development Review Staff determined that the traffic report was in general compliance with the Greeley Municipal Code standards. Even though 24th Street Road functions as a local commercial roadway section which would allow up to 3,500 trips a day, the road at full buildout of the proposal is estimated to see less than 1,500 daily trips, which would be within the allowable threshold for an even smaller road such as a residential road. Thomas provided more background about the existing roadway conditions, noting that 42nd Avenue is currently stop sign controlled and 24th Street Road would be extended to 38th Avenue. As part of a subsequent site plan review, staff will be working with the developer and Public Works to review traffic calming measures. Mr. Gilbert noted that he has been in

touch with the Deputy Public Works Director and was assured that traffic related issues will be addressed by the applicant and Public Works.

Vice Chair Briscoe said that he appreciated Mr. Gilbert's review and the data provided. Mr. Briscoe stated that it helps everyone to understand the intent of the road and traffic safety. However, he wanted to note that we all need to keep in mind the bigger picture of the impact to development in the area.

Commissioner Schulte empathized with the residents in the area who have been dealing with the traffic issues, but he thinks that in the long run, completing this project will help smooth the rough edges regarding the usage of this area. He then stated that the subdivision is an appropriate use of the property and thinks it should be approved. However, he hopes that moving forward, the developer stays on top of their contractors to make sure everyone is safe as growth of this area continues to expand.

Becky Safarik, Interim Community Development Director, commented that the driver behavioral issues are something that might need to be managed through traffic enforcement and additional neighborhood efforts. She emphasized that the citizen's testimony is valuable and will be followed up on by the City.

Commissioner Franzen moved that, based on the application received and the preceding analysis, the Planning Commission finds that the Centerplace North Subdivision 6th Filing Preliminary Plat is in compliance with the provisions of the subdivision regulations and Development Code criteria outlined in Section 24-203; and, therefore, approves the preliminary plat as presented. Commissioner Schulte seconded the motion.

Motion carried 5-0. (Chair Yeater and Commissioner Romulo absent.)

8. Public hearing to consider a request by Northern Engineering to subdivide Tract B1 and Tract B2, Tract B, Promontory Imagine School Second Filing, First Replat to create 1 Lot, 1 Tract and 1 Parcel for Public Right of Way Dedication (SUB2021-0031)

Kristin Cote explained that the applicant is requesting to subdivide a 30.46-acre property into one lot and one tract with 1.01 acres of right away for the purpose of creating a multifamily residential development. Ms. Cote stated that the site was annexed in 1985 and the land is currently vacant. The existing PUD on the site allows for mixed-use development, including open space, residential, commercial industrial, and recreational uses. Ms. Cote provided an overview of the site and showed a depiction of the proposed replat. She further explained that the lot is approximately 21.761 acres, and the tract is approximately 7.61 acres with 1.01 acres of right away on the eastern portion of the subdivision. A total of 106 notice letters were sent to surrounding property owners. One letter was received which discussed potential traffic concerns and some perceived negative impacts on property value. Staff is recommending approval of the preliminary subdivision.

Larry Buckendorf, Promontory Holdings, LLC at 7251 W 20th Street, Greeley stated that the property is currently owned by two separate entities. He noted this is a continuation and final step of platting the property into a tract, a lot, and a right-of-way. Mr. Buckendorf also stated that this project has been ongoing for several

months and has been reviewed at length by city staff. He then noted that the project has been found to be in compliance with the Greeley Municipal Code. Mr. Buckendorf explained that the zoning had been in place prior to any single-family residential homes being constructed and that any potential buyer would have been made aware of the intentions for future multifamily units. Mr. Buckendorf stated that a traffic memo had been provided to staff, which included these properties, which was found to be consistent with the original traffic report for this area. Mr. Buckendorf acknowledged that there are always some inconveniences associated with construction and development, but they do their best to minimize those to the greatest extent possible. Lastly, he said they are dedicating enough right-of-way for 103rd Avenue, so that there would be adequate access onto the properties on the western boundary and with the future school site on the east.

Commissioner Modlin discussed the citizen's letter that stated how they were told on multiple occasions that their property would never be adjacent to multifamily homes. Yet, the application for multifamily was already on file. He questioned how these things might happen. Mr. Buckendorf explained that there are many people involved in any transaction, so it is difficult to say. However, he was certain that nobody with Journey Homes (his company) would have misrepresented adjacent development information to prospective buyers.

Commissioner Franzen inquired if the area had been rezoned to multi-family prior to the homes being built. Mike Garrott, Planning Manager, stated that area was rezoned in 2018 or 2019, so it was before the current development. Mr. Buckendorf followed up by stating the use would have been consistent with the overall plan of the area for years prior.

Commissioner Modlin stated that the letter references October of 2021 and the application was into the city before then. Mr. Buckendorf stated that he was correct.

Vice Chair Briscoe opened the public hearing at 1:29 p.m.

Patty Swiker, 1142 Juliana Drive, Loveland came to represent her family who live in the Promontory Subdivision. She stated that when they were looking at buying a home in that area, they were assured by several people with Journey Homes that there would never be multi-family development nearby. She also said that they would have never purchased a home if they knew it would be multi-family uses were planned for in the future. Ms. Swiker touched on their concerns regarding traffic and resources in the area. She explained that there are also already drainage problems they are wanting the city to rectify. She stated they are depending on the City to help with all of these issues, since they had lost trust with Journey Homes.

Brianne Lovitt, 1915 104th Ave, Greeley said she is also mistrustful of Journey Homes because they too had been reassured many times over that there would be no multi-family in the area. They also believe that the high-density apartments being built by Journey Homes and the affiliate companies will have a negative impact on the surrounding area. Ms. Lovitt requested that the City look further into their concerns.

Vice Chair Briscoe closed the public hearing at 2:05 PM.

Commissioner Franzen pointed out that because this area has been zoned this way since 2018, they may have no other choice but to approve the proposed development.

Commissioner Schulte reiterated that the zoning has been there all along and the realtors should have helped buyers navigate that appropriately. He stated that the project does fit the zoning and doesn't think they can say no, if it otherwise meets the criteria, even if the allegation of misrepresentation by previous salespeople involved. He said that although it is unfortunate to hear about the background information, we have to keep that separate from the merits of this project.

Commissioner Franzen Stated that he agreed and recommended any home buyer in the future to get in writing what they hear from the developers or builders.

Commissioner Modlin stated that he thinks any company has a duty to perspective buyers to be very transparent about the whole development of a community. Therefore, everyone coming in can look and judge for themselves as to whether the area is right for them.

Commissioner Carlson resonated with the other commissioners and stated that the existing zoning fits the proposal. He also thinks that if you look at the bigger picture it is important for the city to have a good mix of affordable housing types.

Commissioner Franzen moved that, based on the application received and the preceding analysis, the Planning Commission finds that the Promontory Imagine School 2nd Replat Preliminary Filing is in compliance with Development Code Section 24-203; and, therefore, recommend approval. Commissioner Schulte seconded the motion.

Motion carries 3-2. (Chair Yeater and Commissioner Romulo absent.)

Commissioner Schulte questioned whether the vote should carry with just three votes. Ms. Safarik indicated her understanding that the approval only requires a majority of the Commissioners present. Commissioner Schulte reflected on earlier advice from previous staff suggesting four votes were needed. Ms. Safarik noted that four votes are required by Council to adopt an ordinance and deferred the issue to Michael Axelrad, Senior Attorney, for legal advice. Upon additional examination, Planning staff was able to locate the precise language in the Development Code confirming a majority vote of the Commission is sufficient to approve such a motion.

9. Staff Report

Becky Safarik stated that the annual process for members to be appointed to the Planning Commission will take place on August 23rd during the work session. A couple of members have indicated their interest in returning, which would leave one opening. Appointments would need to be formally made on September 6th, so the new board members can be seated by the September 13th Planning Commission hearing. Ms. Safarik suggested the staff provide a presentation at that time about the quasi-judicial process as a reminder of the parameters around such

case to blend with the usual orientation of new members that occurs through the city attorney's office for new members of the Planning Commission.

Mike Garrott said that, in addition to the hearing process presentation, they staff would like to discuss "Land Development 101" during an upcoming work session. He stated that it would be helpful to give a couple different perspectives and have an actual developer walk through their behind-the-scenes process. Mr. Garrott also spoke about discussing site development design standards to see if those are adequate or if more needs to be done. He suggested that the Oil and Gas process could also be a timely subject to review. Lastly, Mr. Garrott invited the Commission to contribute any ideas they may have towards Council presentations.

Commissioner Modlin asked about the status of the Master Transportation Plan. Mr. Garrott explained the additional work is being done at the staff level regarding the proposed update to that Plan, but it's been some time since the Commission has seen an update. He stated he will work with the Public Works Department and have another work session with the Commission in the near future.

Ms. Safarik said they had discussed the time frame with the Public Works Director who indicated this is a high interest topic that's still a work in progress but will come back before it goes to the Commission and Council. She also stated that regarding the comments from citizens, staff may be able to hold neighborhood meetings to discuss general issues, including traffic concerns in the Centerplace North area. Ms. Safarik explained that the City's Neighborhood Building Blocks team can host a meeting with relevant departments to help them gain insight and resources. She reiterated that the city would follow up with the citizens regarding drainage or other issues.

10. Adjournment

With no further business, Vice Chair Briscoe adjourned the meeting at 2:19 pm.

Erik Briscoe, Vice Chair

Becky Safarik, Secretary

PLANNING COMMISSION SUMMARY

ITEM: Rezone from C-L (Commercial Low Intensity) to C-H (Commercial High Intensity) Zone District

FILE NUMBER: ZON2021-0017

PROJECT: 3115 35th Avenue Rezone

LOCATION: 3115 35th Avenue

APPLICANT: Robert Stanley Properties, LLC

CASE PLANNER: Darrell Gesick, Planner III

PLANNING COMMISSION HEARING DATE: July 26, 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 24-204.

EXECUTIVE SUMMARY

The City of Greeley is considering a request from Robert Stanley Properties LLC to rezone 2.11 acres from C-L (Commercial Low Intensity) to C-H (Commercial High Intensity) zone district (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 3115 35th Avenue.

Abutting Zoning:

North: C-L (Commercial Low Intensity)

South: C-2 (City of Evans – Commercial Medium Intensity)

East: R-L (Residential Low Density) and R-1 (Weld County Low Density Residential)

West: R-3 (City of Evans – Multi-Family Residential)

Surrounding Land Uses:

North: Commercial Units
 South: Storage Units
 East: Large Lot Residential
 West: Multi-Family

Site Characteristics:

The site currently consists of a 10,400-square-foot, two-story building, which housed a wireless internet service provider. Currently the building is vacant and is for sale. The west end of the property has several radio towers with small accessory structures associated with the towers. The western end of the property is gravel with paved parking adjacent to the south end of the two-story building. There is one access point is off of 35th Avenue.

D. BACKGROUND

The subject site was annexed as part of the RCC Annexation and zoned C-1 (Commercial Low) in 1987, (File No. Z 7:82) (Recording No. 2084959). The zoning classifications were changed in 1998, when the Development Code was revised. The existing zoning of C-L is the modern equivalent to C-1.

The subject site has been used as a commercial office building, specifically as a wireless internet service provider, with a portion of the building used as a warehouse for decades. Over the years, several radio towers were installed on the western portion of the site. With this application, the property owner is proposing to rezone 2.11 acres of land for the purpose of creating more development options for the subject site. The rezone does include the adjacent right-of-way.

E. APPROVAL CRITERIA**Development Code Section 24-204 Rezoning Procedures**

The review criteria found in Section 24-204 (b) of the Development Code shall be used to evaluate the zoning amendment application.

- 1. The proposal is in accordance with the goals and objectives of the Comprehensive Plan and any other plan, policy or guidance adopted pursuant to that plan.**

Goal 4 – Prioritize Infill and Redevelopment

Objective GC-4.2 Reinvestment/Adaptive Reuse - Encourage reinvestment in established areas of Greeley to maximize the use of existing public infrastructure. Support the use of creative strategies to revitalize vacant, blighted, or otherwise underutilized structures and buildings through adaptive reuse.

Objective GC-4.3 Infill Compatibility - Promote the use of site design and building architecture that is sympathetic to the surrounding area and enhances the desirable character and form of the neighborhood or area.

Staff Comment: This proposal is in accordance with Goal 4, Prioritize Infill and Redevelopment, of the Imagine Greeley Comprehensive Land Use Plan. The rezoning request for this site, would encourage reinvestment of an existing structure that is using existing public infrastructure.

The proposal complies with this criterion.

2. The proposal can fulfill the intent of the zoning district considering the relationship to surrounding areas.

Staff Comment: The proposed rezone would allow for more development options, which fulfills the intent of the proposed zoning district of C-H and is consistent with other uses in the surrounding area. With more development options, there is more potential to provide services to the surrounding area.

The proposal complies with this criterion.

3. 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 majority of this area has been developed out for many years, which includes commercial units to the north and storage units to the south of the subject site. The large lot residential to the east also developed many years ago within Weld County's jurisdiction. Recently, a multi-family project developed to the west of the subject site. There is one small lot to the north that has not been developed but is available for commercial use.

Keeping the subject property under the current zoning district, which limits uses to low intensity commercial uses, would limit redevelopment opportunities. With the proposed C-H zone district, a variety of commercial uses would be allowed, which would allow for more flexibility in development options. Planning staff concludes that it is in the public's interest to rezone the subject site to allow for more options.

The proposal complies with this criterion.

4. The existing zoning been in place for a substantial time without development, and if this indicates the existing zoning is inappropriate given development trends in the vicinity.

Staff Comment: The current C-L zone district has been in place since 1987 and was developed the same year. There was a small addition to the western side of the building in 2011. The existing zoning is not necessarily inappropriate, however, most of the uses the applicant has proposed for the site tend to be allowed in the C-H zone. Rezoning to the C-H zone would provide more development opportunities. In addition, the site is along a major arterial roadway, which encourage high commercial uses.

The proposal complies with this criterion.

5. The proposed zoning will enable development in character with existing or anticipated development in the area considering the design of streets, civic spaces, and other open space; the pattern, scale and format of buildings and sites; and the compatibility and transitions with other complimentary uses and development.

Staff Comment: The subject site is currently developed with a two story, 10,400-square-foot building. The building is consistent with other buildings and development in the area. To the north of the subject site there is a commercial office building and some vacant land, to the east there is large lot residential uses, to the south there are storage units, and to the west there is a multi-family development. Any development plan application for the property would be reviewed for compliance with the City's Development Code requirements.

The proposal complies with this criterion.

6. The city or other agencies have the ability to provide services or facilities that may be necessary for anticipated uses in the proposed district.

Staff Comment: The City of Greeley currently provides water and the City of Evans currently provides sewer services to the subject site. Any proposed development or redevelopment of the subject site would be reviewed for compliance with City standards and improvement to infrastructure may be required at that time. Additional information regarding City services can be found in this report in Sections F, G, and H.

The proposal complies with this criterion.

7. **The change will serve a community need, provide an amenity, or accommodate development that is not possible under the current zoning or that was not anticipated at the time of the initial zoning of the property, making the proposed zoning more appropriate than the current zoning.**

Staff Comment: The proposed rezoning would allow more development options if the site were rezoned to C-H, allowing for more potential services for the community, making the rezone more appropriate than the current zoning district.

The proposal complies with this criterion

8. **Any reasonably anticipated negative impacts on the area or adjacent property either are mitigated by sound planning, design and engineering practices or are outweighed by broader public benefits to the surrounding community.**

Staff Comment: Any reasonably anticipated negative impacts on this area resulting from this rezoning would be mitigated as part of the development review process by the consistent enforcement of Municipal Code requirements regarding landscaping buffers, architectural features, setbacks, and other relevant codes and policies. A conceptual traffic study and drainage report were provided with this application, and the final drainage and traffic needs would be further evaluated at the time of site plan or plat, as necessary.

The proposal complies with this criterion.

9. **The recommendations of professional staff or advisory review bodies.**

Staff Comment: Staff recommends approval of this rezoning request.

F. PHYSICAL SITE CHARACTERISTICS

1. SUBDIVISION HISTORY

The subject site is not part of a subdivision at this time, and there is not a plan to subdivide the property in the future.

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 were rezoned.

4. FLOODPLAIN

The proposed rezone 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 will not affect the existing drainage for the site. Any proposed development of the site will require the documentation of all drainage, detention, water quality, and erosion mitigation as a condition of the development of the site.

6. TRANSPORTATION

The City’s Transportation Planner and Engineering Development Review staff have reviewed the traffic compliance letter submitted with this application and found that additional traffic would not create a significant impact on the existing roadway systems.

No additional improvements were warranted based on projected traffic. Further analysis would be conducted at the time of the site plan review once exact layouts are confirmed.

G. SERVICES

1. WATER

Water services are available in the area and can adequately serve the subject site.

2. SANITARY SEWER

Sanitation services are currently provided for this site by the City of Evans. Due to the limitations of the City of Greeley’s sanitary sewer system, any additional future services will be provided by the City of Evans. The developer and the City of Evans have had discussions on this topic, adequate service is available in the City of Evans system, and the property owner understands that approval for such services will require continued coordination with the City of Evans.

3. EMERGENCY SERVICES

Emergency services are available and can adequately serve the subject property. The subject site is within the City of Greeley’s Fire Protection area and would be served by Fire Station #2, which is located approximately one mile from the subject the site.

4. PARKS/OPEN SPACES

No public parks or public open space areas are proposed with this request and the request would not create 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 27 surrounding property owners on July 7, 2022, per Development Code requirements. A sign was posted on the subject site on July 7, 2022. Notice was provided via the Greeley website on July 6, 2022.

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 C-L (Commercial Low Intensity) Zone District to the C-H (Commercial High Intensity) Zone District meets the Development Code criteria, Section 24-204(b) 1-9; and therefore, recommends 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 C-L (Commercial Low Intensity) Zone District to the C-H (Commercial High Intensity) Zone District does not meet the Development Code criteria, Section 24-204(b) 1-9; and therefore, recommends denial of the rezone to the City Council.

ATTACHMENTS

Attachment A – Vicinity Map

Attachment B – Photo Aerial Map

Attachment C – Project Narrative

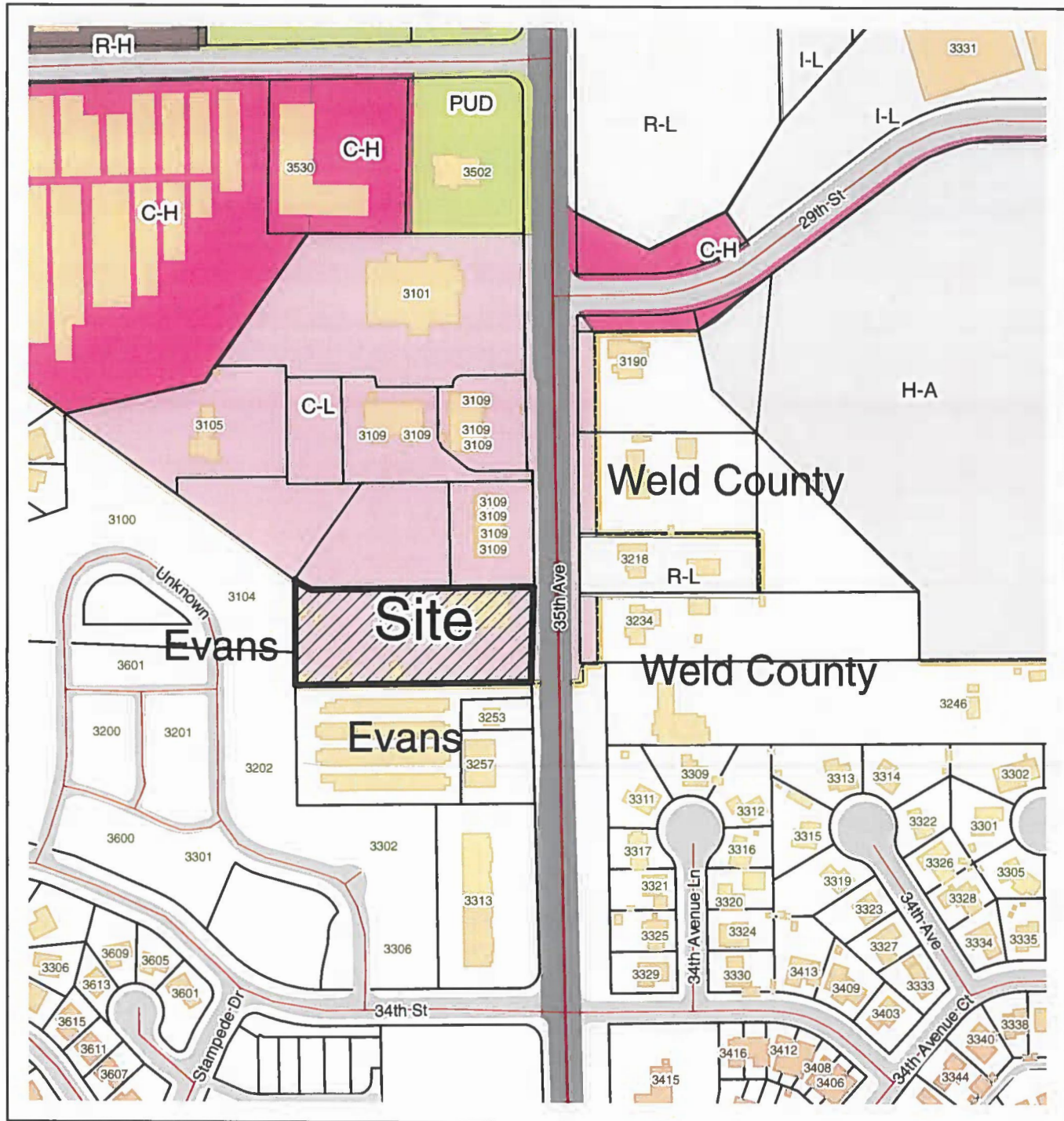
Attachment D – Rezone Boundary Map

Attachment E – Site Analysis Map

Attachment F – Zoning Suitability Map

Attachment G – Neighborhood Notification Boundary Map

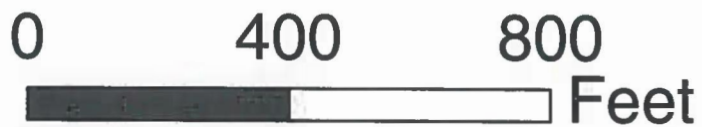
Zoning/Vicinity Map 3115 35th Avenue Rezone



ZON2021-0017

Legend

- Structure
- FEATURE_SUBTYPE**
- Water Body
- Weld Parcels
- Road Centerline
- Roads



Page 149

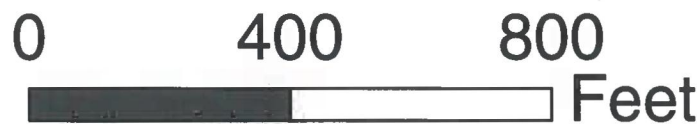
Photo Aerial Map 3115 35th Avenue Rezone



ZON2021-0017

Legend

-  Structure
- FEATURE_SUBTYPE**
-  Water Body
-  Weld Parcels
-  Road Centerline
-  Roads
-  Origin Cache Mask



Robert Stanley Properties LLC
3115 35th Avenue
Greeley, CO 80634

Project Narrative for CH Rezone

I hope that Darrell Gesick is selected as our planner, as he was the planner working with a previous potential property buyer, and he has history with the rezone application (Case# ZON2020-0011). Darrell was the planner for our Pre-Application Meeting, and he would provide continuity to the rezoning process.

Application Submittal Requirements

The completed application form for a rezone from CL to CH has been submitted via eTRAKiT along with the application fee. The property at 3115 35th Avenue, Greeley, CO 80634 is owned by Robert Stanley Properties LLC, see Special Warranty Deed as proof. Attached are the following supporting documents:

- Special Warranty Deed, proof of ownership
- Property Boundary Map
- Site Analysis Map
- Zoning Suitability Map
- Conceptual Traffic Impact Study document
- Conceptual Drainage Report & Plan document
- Legal Description
- Deed Restrictions/Covenants (105 pages)

The property consists of a two-story office building, a back lot (acreage with three radio towers, three sheds), parking lot on the south side of building with full access to 35th Avenue. The two-story office building was constructed in 1987 with an addition in 2011, garage added. There are three metal sheds, irrigated lawn, trees, shrubs, chain link fencing, concrete sidewalk, asphalt parking lot and gravel/rock ground cover in the back lot. Vehicle access to the back lot is through a gate from the parking lot. Currently there are no tenants in the office building with no plans to modify the building or grounds.

There are no plans to change how pedestrians can access the property. Pedestrians have accessed the office from their parked vehicle, walk from the parking lot to the front or side office door via a sidewalk. A pedestrian can also access the property via the 35th Avenue sidewalk.

The current zoning is Commercial Low (CL), we propose changing the zoning to Commercial High (CH) to expand commercial uses. CH will allow limited company vehicles and/or equipment to park behind the

Robert Stanley Properties LLC
3115 35th Avenue
Greeley, CO 80634

two-story office building—similar to the parked commercial trucks to the north. From 35th Avenue, the two-story office building, and trees block or screen the view of the back lot. To the south of the property is a self-storage facility (if located in Greeley would be zoned CH), further south is a strip mall, to the north of the property are multiple office buildings with parking lots. To the northwest of the property is a self-storage facility and hotel zoned CH. There should be no potential impact upon the immediate neighborhood with respect to noise, environmental, visual or the provision of city services such as police, fire, water, sewer, street, and pedestrian systems.

With the current office building setback providing green areas and screening; the future commercial use will have a low/no impact to traffic, rezoning from CL to CH is in accordance with the goals and policies of the comprehensive plan elements. The rezoning will positively impact the economic health and diversification for the City of Greeley providing additional tax revenues, jobs, mix of businesses and the needed services for Greeley/Evans citizens. The rezoning will support the comprehensive plan with Objective ED-1.5 Support for Entrepreneurs Encourage the start-up and growth of small businesses. The rezoning will not impact infrastructure.

If I can be of any assistance, please contact me.

Thank you.

Regards,

Rob Stanley
Robert Stanley Properties

PROPERTY BOUNDARY MAP 3115 35TH AVENUE

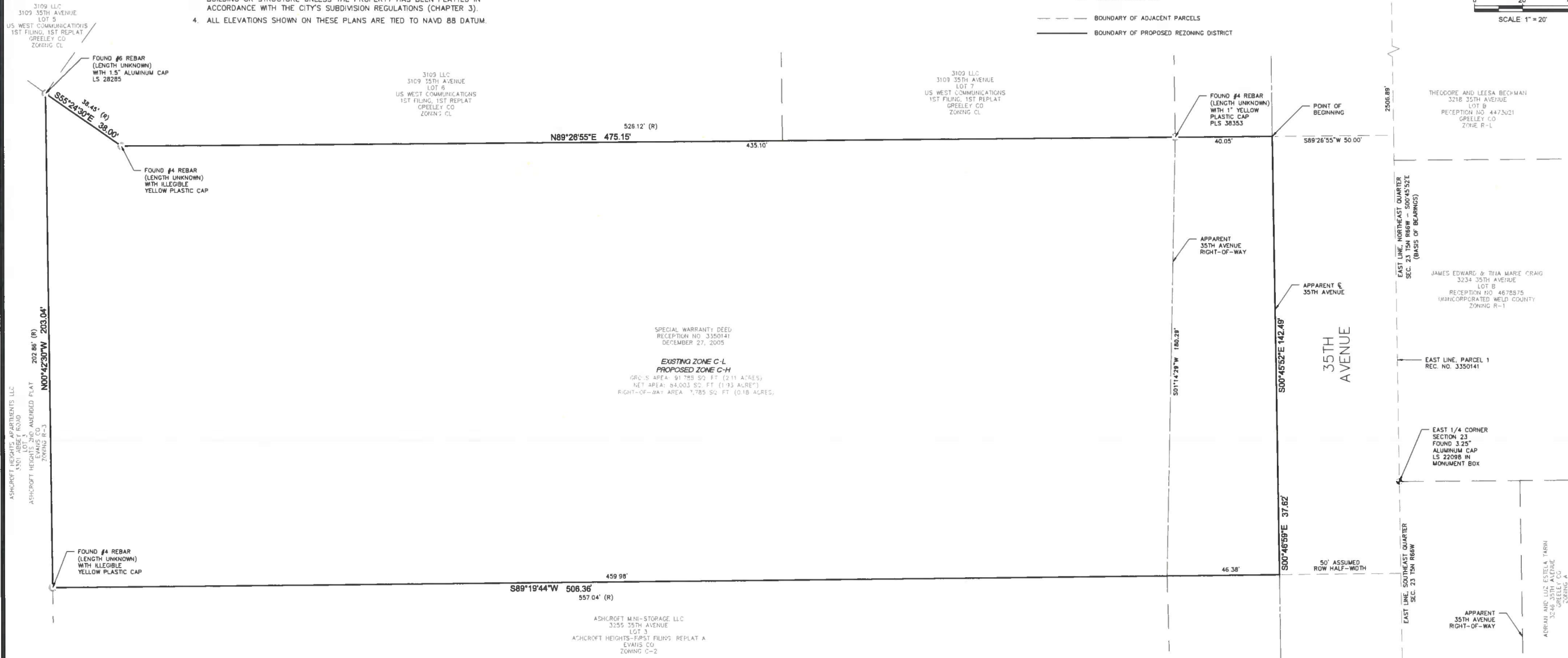
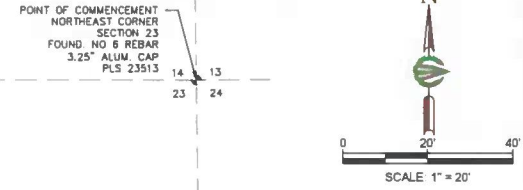
CASE # ZON2021-0017
LOCATED IN SOUTHEAST QUARTER OF NORTHEAST QUARTER & NORTHEAST QUARTER OF SOUTHEAST QUARTER
OF SECTION 23, T5N, R66W, 6TH P.M., CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO

NOTES:

- APPROVAL OF SITE CONSTRUCTION PLANS BY THE CITY OF GREELEY SHALL BE REQUIRED (AS APPLICABLE) PRIOR TO ISSUANCE OF BUILDING PERMITS.
- ALL EXISTING AND PROPOSED UTILITIES SHALL BE INSTALLED UNDERGROUND.
- NO BUILDING PERMIT SHALL BE ISSUED FOR THE CONSTRUCTION OF A NEW BUILDING OR STRUCTURE UNLESS THE PROPERTY HAS BEEN PLATTED IN ACCORDANCE WITH THE CITY'S SUBDIVISION REGULATIONS (CHAPTER 3).
- ALL ELEVATIONS SHOWN ON THESE PLANS ARE TIED TO NAVD 88 DATUM.

LEGEND:

- (R) RECORD INFORMATION
- AC ALUMINUM CAP
- YPC YELLOW PLASTIC CAP
- BOUNDARY OF ADJACENT PARCELS
- BOUNDARY OF PROPOSED REZONING DISTRICT



REZONE LEGAL DESCRIPTION:

A PARCEL OF LAND SITUATE IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE 1/4 NE 1/4) AND THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (NE 1/4 SE 1/4) OF SECTION 23, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE EAST LINE OF THE NORTHEAST QUARTER (E LINE, NE 1/4) OF SAID SECTION 23 AS HAVING AN ASSUMED BEARING OF SOUTH 00°45'52" EAST, AND WITH ALL BEARINGS CONTAINED HEREIN LYING RELATIVE THERETO:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 23;

THENCE SOUTH 00°45'52" EAST, ALONG THE EAST LINE OF THE NORTHEAST QUARTER (E LINE, NE 1/4) OF SAID SECTION 23, A DISTANCE OF 2506.89 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND IDENTIFIED AS PARCEL 1 IN DOCUMENT RECORDED DECEMBER 27, 2005 UNDER RECEPTION NUMBER 3350141 IN THE OFFICE OF THE CLERK AND RECORDER OF WELD COUNTY, COLORADO;

THENCE DEPARTING THE EAST LINE OF SAID NORTHEAST QUARTER (E LINE, NE 1/4), AND PROCEEDING SOUTH 89°26'55" WEST, ALONG THE NORTH LINE OF SAID PARCEL 1 OF SAID RECEPTION NUMBER 3350141, A DISTANCE OF 50.00 FEET, MORE OR LESS, TO A POINT ON THE APPARENT CENTERLINE OF 35TH AVENUE AND THE POINT OF BEGINNING;

THENCE DEPARTING THE NORTH LINE OF SAID PARCEL 1 OF SAID RECEPTION NUMBER 3350141 AND PROCEEDING ALONG SAID APPARENT CENTERLINE, RUNNING PARALLEL WITH AND 50.00 FEET WESTERLY OF (AS MEASURED AT RIGHT ANGLES) THE EAST LINE OF SAID PARCEL 1 OF SAID RECEPTION NUMBER 3350141, THE FOLLOWING 2 (TWO) COURSES AND DISTANCES: 1) SOUTH 00°45'52" EAST, A DISTANCE OF 142.49 FEET; 2) SOUTH 00°46'59" EAST, A DISTANCE OF 37.62 FEET, MORE OR LESS, TO A POINT ON THE SOUTH LINE OF SAID PARCEL 1 OF SAID RECEPTION NUMBER 3350141;

THENCE DEPARTING SAID APPARENT CENTERLINE AND PROCEEDING ALONG THE SOUTH, WEST AND NORTH LINES OF SAID PARCEL 1 OF SAID RECEPTION NUMBER 3350141, AS MONUMENTED, THE FOLLOWING 4 (FOUR) COURSES AND DISTANCES: 1) SOUTH 89°19'44" WEST, A DISTANCE OF 506.36 FEET; 2) NORTH 00°42'30" WEST, A DISTANCE OF 203.04 FEET; 3) SOUTH 55°24'30" EAST, A DISTANCE OF 38.00 FEET; 4) NORTH 89°26'55" EAST, A DISTANCE OF 475.15 FEET, MORE OR LESS, TO A POINT ON THE APPARENT CENTERLINE OF 35TH AVENUE AND THE POINT OF BEGINNING;

CONTAINING 91,788 SQUARE FEET (2.11 ACRES), MORE OR LESS, AND BEING SUBJECT TO ALL EXISTING EASEMENTS AND/OR RIGHTS-OF-WAY OF RECORD, AS OF THE DATE OF CERTIFICATION SHOWN HEREON.

BASIS OF BEARINGS:

THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 23 AS HAVING AN ASSUMED BEARING OF SOUTH 00°45'52" EAST, BEING MONUMENTED AS SHOWN, WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO.

SURVEY NOTES:

- COFFEY ENGINEERING AND SURVEYING DOES NOT HAVE THE EXPERTISE TO ADDRESS MINERAL RIGHTS, AND RECOMMENDS THE OWNER RETAIN AN EXPERT TO ADDRESS THESE MATTERS. COFFEY ENGINEERING AND SURVEYING ASSUMES NO RESPONSIBILITY FOR THE MINERAL RIGHTS UPON THIS TRACT OF LAND.
- THIS MAP WAS PREPARED FOR THE EXCLUSIVE USE OF REZONING THE LANDS AND AREA SHOWN HEREON.
- THE LINEAL UNIT USED IN THE PREPARATION OF THIS SURVEY IS THE US SURVEY FOOT AS DEFINED BY THE UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.
- ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED 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 CERTIFICATION SHOWN HEREON.

REFERENCES:

- SPECIAL WARRANTY DEED, BUSINESS RADIO COMMUNICATIONS, LLC TO ROBERT STANLEY PROPERTIES, LLC, WELD COUNTY RECORDS, RECEPTION 3350141, DATED DECEMBER 27, 2005
- US WEST COMMUNICATIONS 1ST FILING 1ST REPLAT, WELD COUNTY RECORDS, RECEPTION 4321279, DATED JULY 26, 2017.
- ASHCROFT HEIGHTS- FIRST FILING, REPLAT A, WELD COUNTY RECORDS, RECEPTION 2738708, DATED DECEMBER 15, 1999.
- ASHCROFT HEIGHTS- SECOND AMENDED PLAT, WELD COUNTY RECORDS, RECEPTION 3923135, DATED APRIL 8, 2013.



VICINITY MAP
SCALE 1"=1000'

OWNER:

ROBERT STANLEY PROPERTIES LLC
3115 35TH AVE GREELEY, CO 80634-9415
PHONE# 970-576-6189

SURVEYOR'S STATEMENT:

I, CHASE J. CORBRIDGE, A DULY REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PROPERTY BOUNDARY MAP WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, AND IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

FOR AND ON BEHALF OF:
COFFEY ENGINEERING & SURVEYING
3855 PRECISION DRIVE, #140
LOVELAND, CO 80538
CHASE J. CORBRIDGE
COLORADO PLS 38405



3115 35TH AVENUE PROPERTY BOUNDARY MAP

CASE # ZON2021-0017
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 23, T5N, R66W, 6TH P.M., CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO

DATE	REQUEST BY	REVISION	CHECK BY	DATE	REQUEST BY	REVISION	CHECK BY
07/25/21	CITY OF GREELEY COMMENTS		CJC				
09/02/21	CLIENT/CITY COMMENTS		CJC				
12/16/21	CITY OF GREELEY COMMENTS		CJC				
01/26/22	CITY OF GREELEY COMMENTS		CJC				
02/22/22	CITY OF GREELEY COMMENTS		CJC				

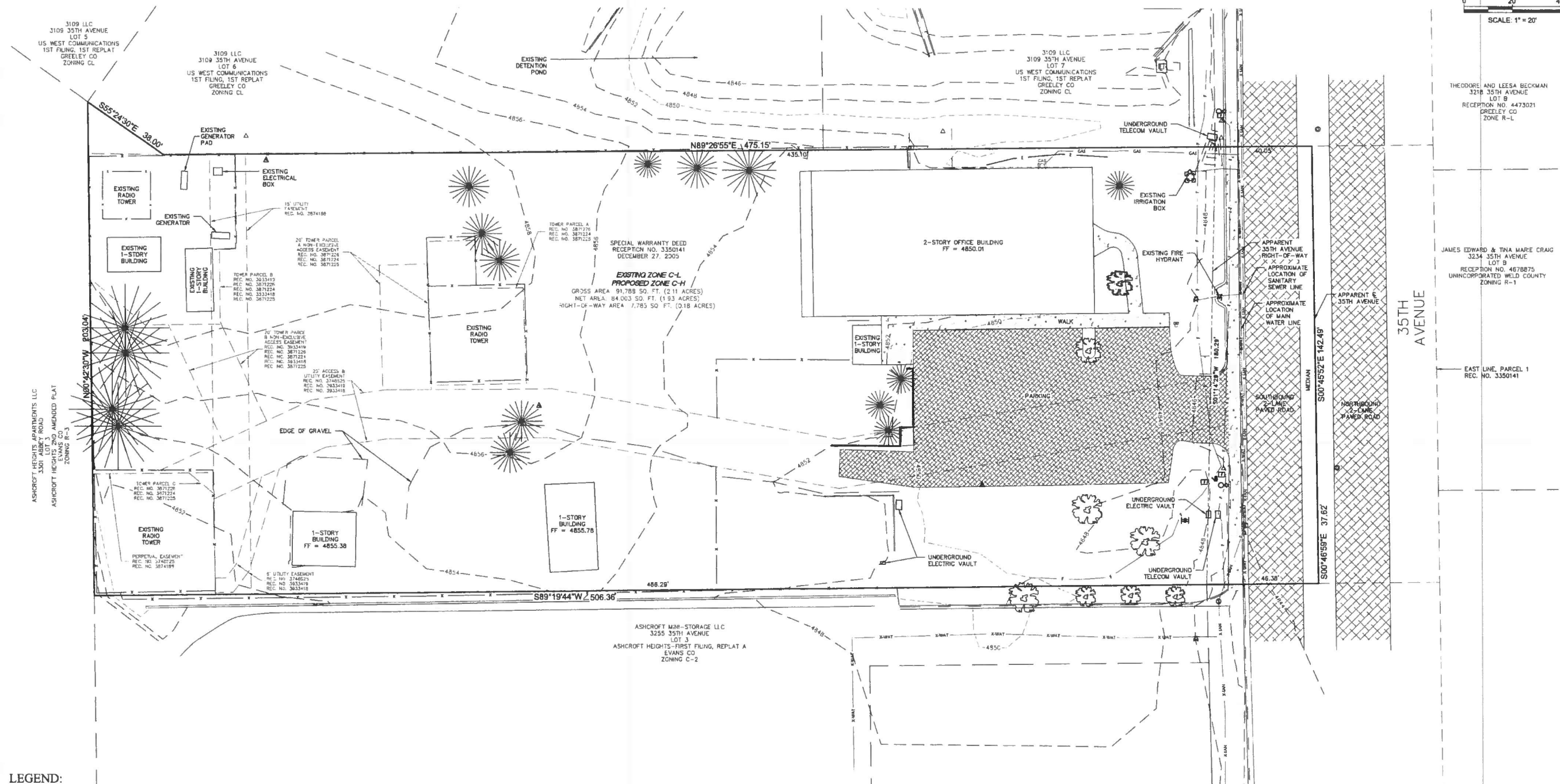
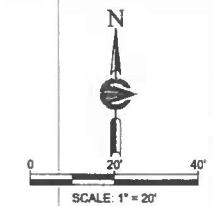
Project: 28410
Drawn By: HK/DA
Date: 01/27/2022
Rev. Date: 01/20/2022
Check By: CJC

SURVEY CONTROL NOTES

BASIS OF BEARING:
THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 23 AS HAVING AN ASSUMED BEARING OF SOUTH 00°45'52" EAST, WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO.

**SITE ANALYSIS MAP
3115 35TH AVENUE**

CASE #: ZON2021-0017
LOCATED IN SOUTHEAST QUARTER OF NORTHEAST QUARTER & NORTHEAST QUARTER OF SOUTHEAST QUARTER OF SECTION 23, T5N, R66W, 6TH P.M., CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO



DATE	REQUEST BY	REVISION	DATE	REQUEST BY	CHECK
07/25/21	CITY OF GREELEY COMMENTS				C/C
07/29/21	CITY OF GREELEY COMMENTS				C/C
07/29/21	CITY OF GREELEY COMMENTS				C/C
07/29/21	CITY OF GREELEY COMMENTS				C/C
07/29/21	CITY OF GREELEY COMMENTS				C/C

Project: 3848.00
 Drawing: SAA-3
 Drawn By: PJK/PA
 Date: 07/27/2021
 Rev. Date: 07/20/2022
 Check By: CIC

**3115 35TH AVENUE
SITE ANALYSIS MAP**
 CASE #: ZON2021-0017
 SE 1/4 OF NE 1/4 & NE 1/4 OF SE 1/4 SECTION 23, T5N, R66W, 6TH P.M.,
 CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO

LEGEND:

- SIGN (SINGLE POST)
- GAS VALVE
- ELECTRIC JUNCTION/TRANSFORMER BOX
- FINISHED FLOOR ELEVATION
- IRRIGATION CONTROL VALVE
- LIGHT POLE
- MAILBOX
- TELEPHONE PEDESTAL
- CORP STOP
- EXISTING FIRE HYDRANT
- EXISTING WATER VALVE
- DIRECT FLOW
- OVERLAND FLOW
- WATER METER BOX
- EXISTING SANITARY SEWER MANHOLE
- EXISTING STORM WATER MANHOLE
- EXISTING CATCH BASIN INLET
- EXISTING SANITARY SEWER CLEAN OUT
- CONCRETE
- ASPHALT
- DECIDUOUS TREE W/CALIPER
- CONIFEROUS TREE W/CALIPER
- FENCE
- 4850 — EXISTING CONTOUR
- X-WAT — EXISTING WATER LINE (SEE NOTE 5)
- X-SAN — EXISTING SANITARY LINE (SEE NOTE 5)
- F — EXISTING FIBER OPTIC LINE (SEE NOTE 5)
- GAS — EXISTING GAS LINE (SEE NOTE 5)
- E — EXISTING ELECTRIC LINE (SEE NOTE 5)
- PROPERTY BOUNDARY
- EXISTING CURB & GUTTER

GENERAL NOTES

1. THIS MAP WAS PREPARED FOR THE EXCLUSIVE USE OF REZONING THE LANDS AND AREA SHOWN HEREON.
2. ALL EXISTING STRUCTURES, AS SHOWN HEREON, ARE TO REMAIN. NO DEMOLITION OR REMOVAL(S) IS/ARE EXPECTED AT THIS TIME.
3. ONLY THOSE EASEMENTS AND/OR ENCUMBRANCES THAT ARE GEOMETRICALLY INDEPENDENT/INCONGRUOUS WITH THE EXTERIOR BOUNDARY OF THE PROPERTY ARE SHOWN.
4. NO OVERHEAD UTILITY LINES, AS MAY BE IMMEDIATELY OBVIOUS /APPARENT ARE SHOWN ON THIS DOCUMENT. ALL "EXISTING RADIO TOWERS", ARE STAND-ALONE STRUCTURES AND ARE NOT INTERCONNECTED.
5. ONLY THOSE SUB-SURFACE UTILITIES (AND/OR APPURTENANCES THERETO) AS IMMEDIATELY OBVIOUS/APPARENT, BEING LOCATED BY ASSORTED 811 PUBLIC/PRIVATE SERVICES ON OR AROUND MARCH 31, 2022 ARE SHOWN ON THIS DOCUMENT. NO OTHER SUCH STRUCTURES OR FACILITIES ARE BELIEVED TO IMPACT THE PROPERTY.

SURVEYOR'S STATEMENT:

I, CHASE J. CORBRIDGE, A DULY REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PROPERTY BOUNDARY MAP WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, AND IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

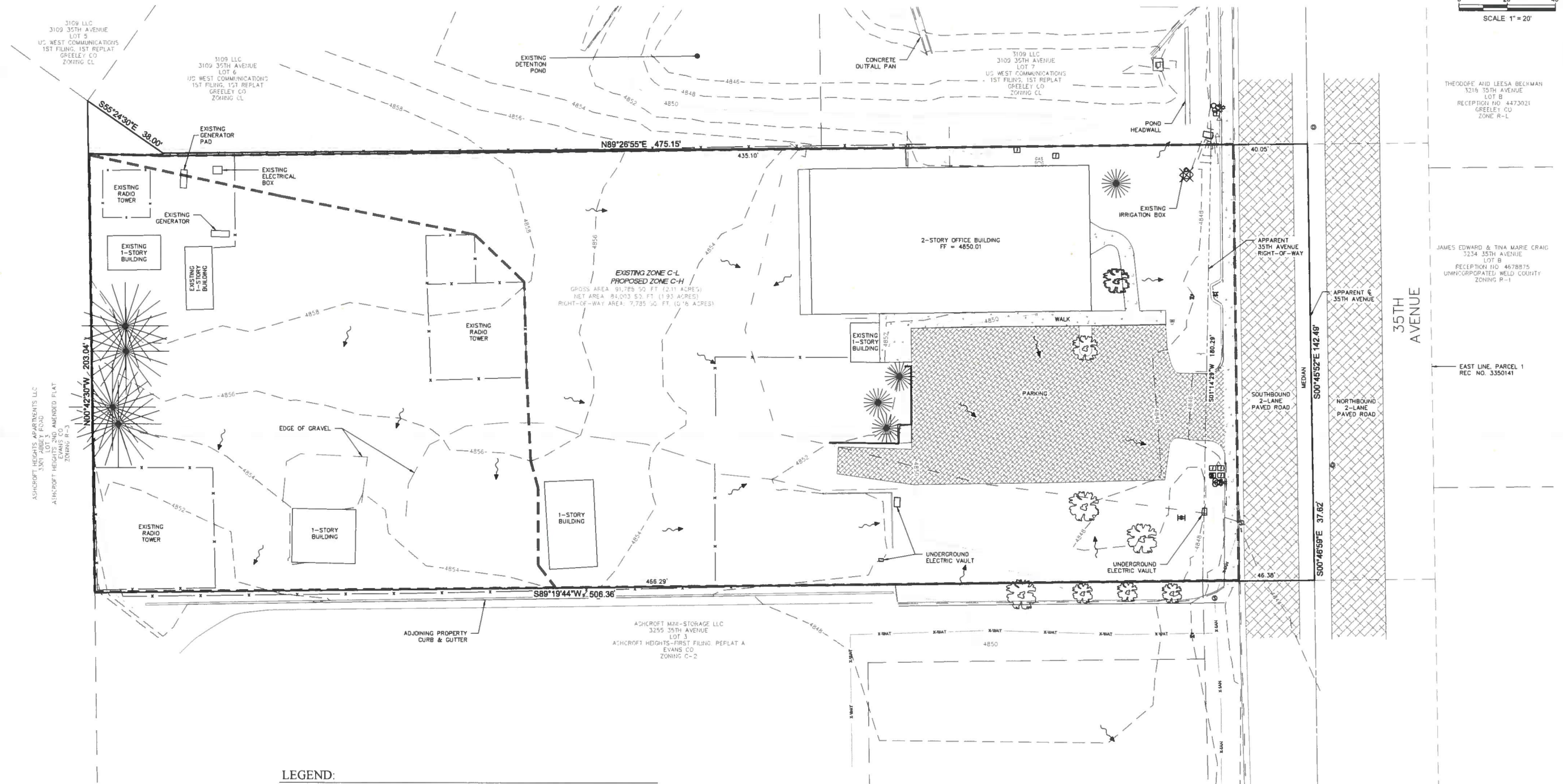
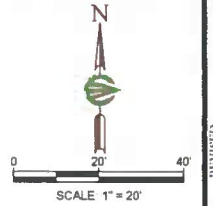
FOR AND ON BEHALF OF:
 COFFEY ENGINEERING & SURVEYING
 3855 PRECISION DRIVE, #140
 LOVELAND, CO 80538
 CHASE J. CORBRIDGE
 COLORADO PLS 38405



Sheet:
 1 / 1

ZONING SUITABILITY MAP 3115 35TH AVENUE

CASE # ZON2021-0017
LOCATED IN SOUTHEAST QUARTER OF NORTHEAST QUARTER & NORTHEAST QUARTER OF SOUTHEAST QUARTER
OF SECTION 23, T5N, R66W, 6TH P.M., CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO



DATE	REQUEST BY	REVISION	CHECK
07/25/21	CITY OF GREELEY COMMENTS		C/C
09/09/21	CITY OF GREELEY COMMENTS		C/C
07/20/22	CITY OF GREELEY COMMENTS		C/C
07/20/22	CITY OF GREELEY COMMENTS		C/C
07/20/22	CITY OF GREELEY COMMENTS		C/C

3115 35TH AVENUE
ZONING SUITABILITY MAP
CASE # ZON2021-0017
SECTION 23, T5N, R66W, 6TH P.M.
CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO

LEGEND:

- | | |
|-------------------------------------|--|
| — T — SIGN (SINGLE POST) | ◇ WATER METER BOX |
| ⊕ GAS VALVE | ⊙ EXISTING SANITARY SEWER MANHOLE |
| ⊞ ELECTRIC JUNCTION/TRANSFORMER BOX | ⊙ EXISTING STORM WATER MANHOLE |
| FF FINISHED FLOOR ELEVATION | ⊙ EXISTING CATCH BASIN INLET |
| ⊞ IRRIGATION CONTROL VALVE | ⊙ EXISTING SANITARY SEWER CLEAN OUT |
| ⊙ LIGHT POLE | CONCRETE |
| ⊞ MAILBOX | ASPHALT |
| ⊞ TELEPHONE PEDESTAL | DECIDUOUS TREE |
| ⊞ CORP STOP | CONIFEROUS TREE |
| ⊞ EXISTING FIRE HYDRANT | — X — FENCE |
| ⊞ EXISTING WATER VALVE | — 4850 — EXISTING CONTOUR |
| ⊞ OVERLAND FLOW | — X-WAT — EXISTING WATER LINE LOCATED BY OTHERS |
| | — X-SAN — EXISTING SANITARY LINE LOCATED BY OTHERS |
| | — — — PROPERTY BOUNDARY |
| | — — — EXISTING CURB & GUTTER |

SURVEY CONTROL NOTES

BASIS OF BEARING:
THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 23 AS HAVING AN ASSUMED BEARING OF SOUTH 00°45'52" EAST, BEING MONUMENTED AS SHOWN ON PROPERTY BOUNDARY MAP, AND WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO.

GENERAL NOTES

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- ALL EXISTING STRUCTURES, AS SHOWN HEREON, ARE TO REMAIN. NO DEMOLITION OR REMOVAL(S) IS/ARE EXPECTED AT THIS TIME.
- ONLY THOSE EASEMENTS AND/OR ENCUMBRANCES THAT ARE GEOMETRICALLY INDEPENDENT/INCONGRUOUS WITH THE EXTERIOR BOUNDARY OF THE PROPERTY ARE SHOWN.
- NO OVERHEAD UTILITY LINES, AS MAY BE IMMEDIATELY OBVIOUS/APPERTENT, ARE SHOWN ON THIS DOCUMENT. ALL "EXISTING RADIO TOWERS", ARE STAND-ALONE STRUCTURES AND ARE NOT INTERCONNECTED.
- ONLY THOSE SUB-SURFACE UTILITIES (AND/OR APPURTENANCES THERETO), AS MAY BE IMMEDIATELY OBVIOUS/APPERTENT, ARE SHOWN ON THIS DOCUMENT. NO OTHER SUCH STRUCTURES OR FACILITIES ARE BELIEVED TO IMPACT THE PROPERTY.

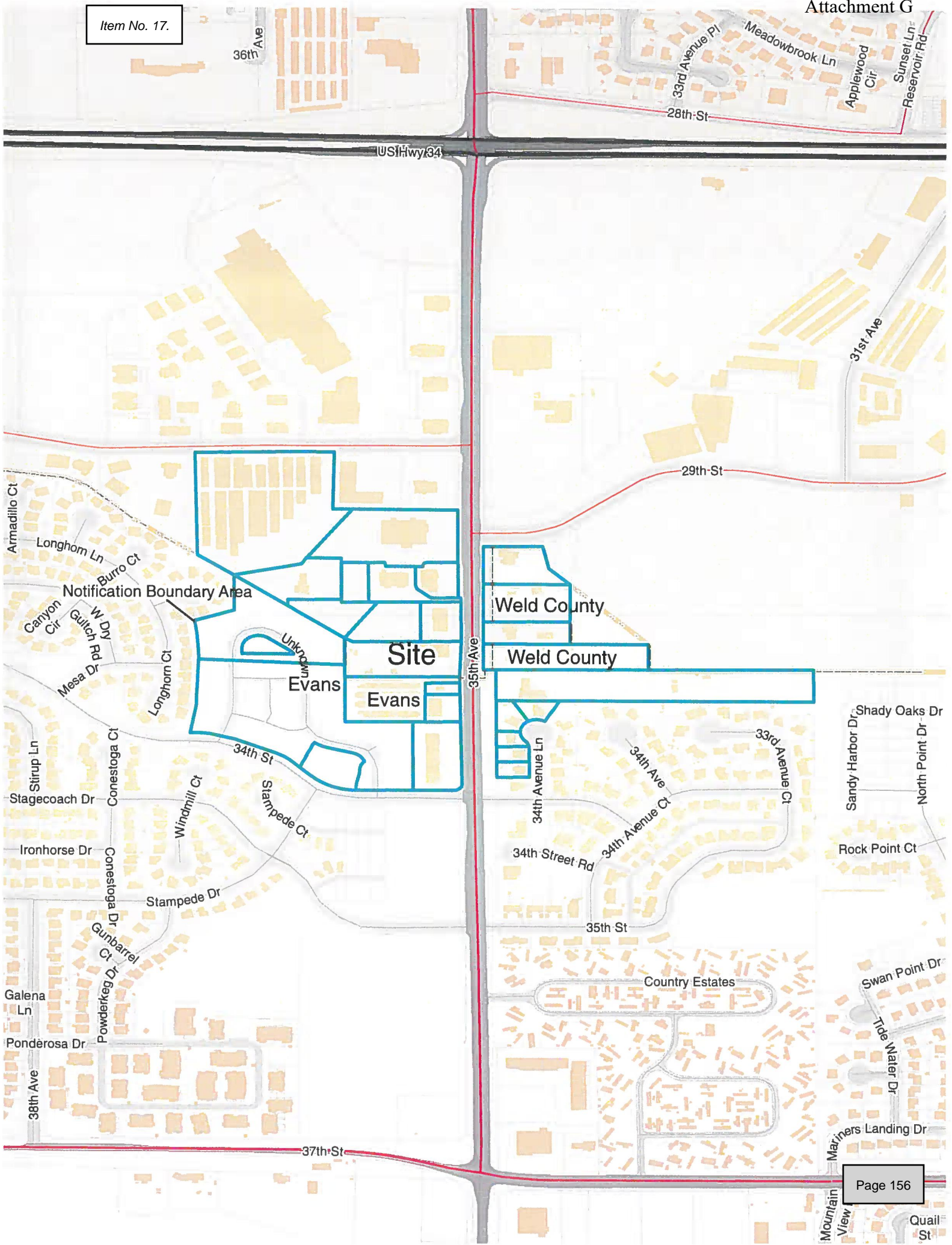
SURVEYOR'S STATEMENT:

I, CHASE J. CORBRIDGE, A DULY REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PROPERTY BOUNDARY MAP WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, AND IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

FOR AND ON BEHALF OF:
COFFEY ENGINEERING & SURVEYING
3855 PRECISION DRIVE, #140
LOVELAND, CO 80538
CHASE J. CORBRIDGE
COLORADO PLS 38405



Item No. 17.



3115 35th Avenue

ZON2021-0017

City Council
August 16, 2022
Darrell Gesick, Planner III

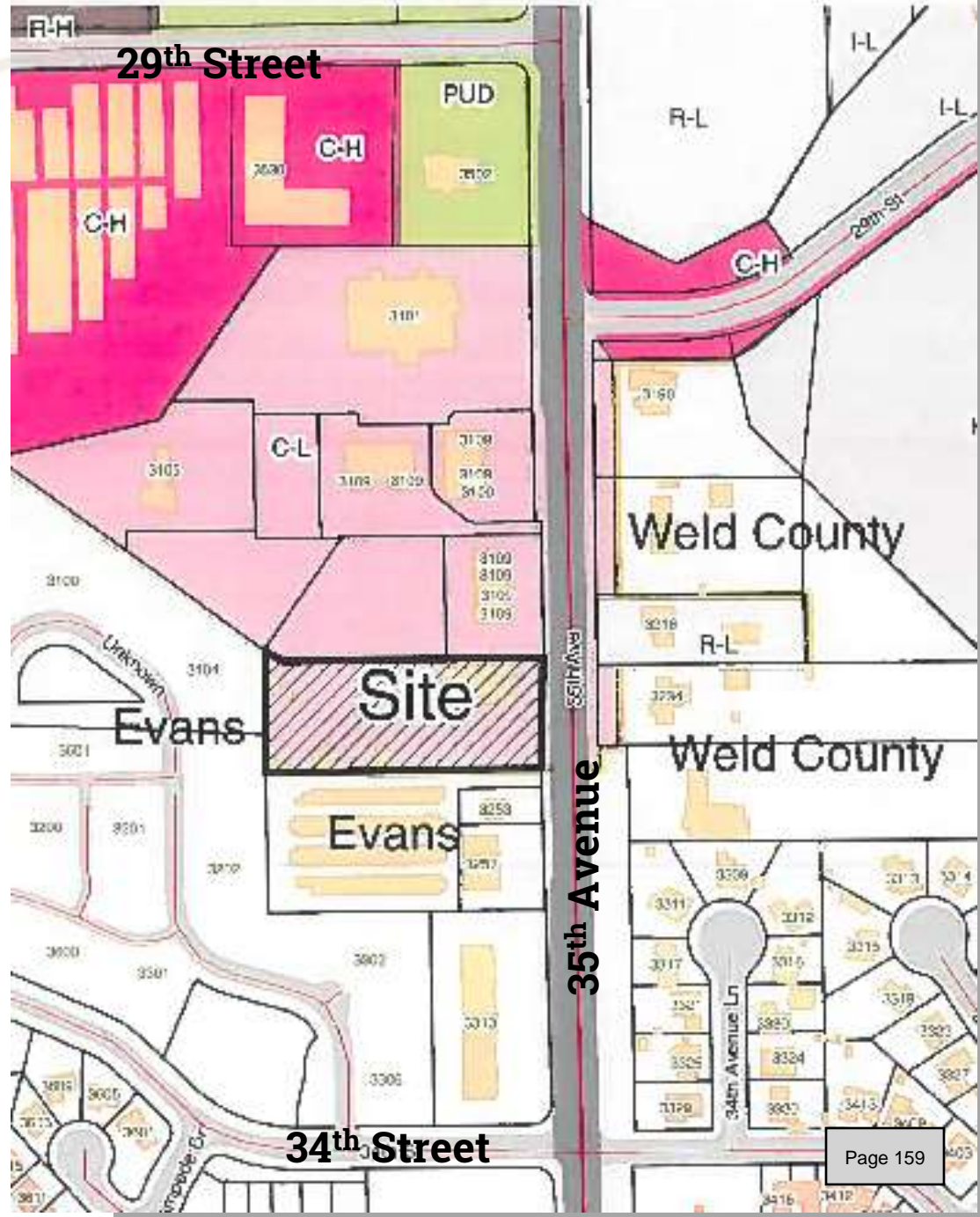
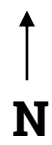


Request & Site Background

- **Request:**
 - **Rezone 2.11 acres from C-L (Commercial Low Intensity) to C-H (Commercial High Intensity)**
- **Background:**
 - **In 1987, the property was annexed and zoned C-1. Development Code was revised, and the C-L is the modern-day equivalent to C-1**
 - **Parcel currently developed with a 10,400-square-foot building**
 - **Past use was for a wireless internet service provider, with a portion of the building used as a warehouse**

Location

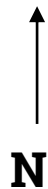
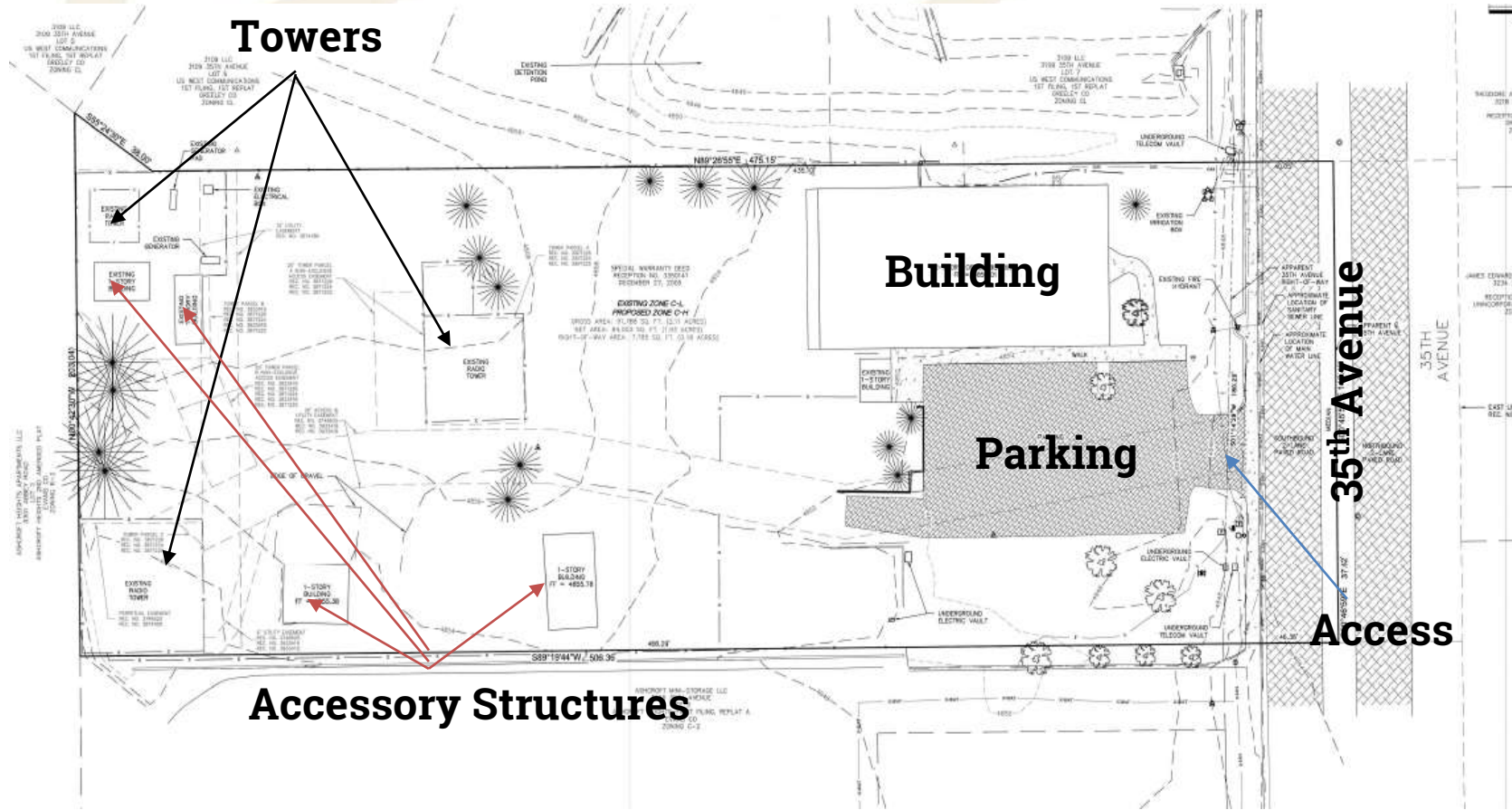
- **3115 35th Avenue - South of 29th Street, North of 34th Street, and West of 35th Avenue**
- **Surrounding Zoning and Land Uses:**
 - **North: C-L – Commercial/Undeveloped**
 - **East: R-L and R-1 (Weld County) – Large Lot Residential**
 - **South: C-2 (Evans) – Storage Units**
 - **West: R-3 (Evans) – Multi-Family Units**



Site Analysis Map and Zoning Suitability Map

Existing Conditions:

- Two-Story Building
- Several existing structures on the parcel
- Radio Towers
- Paved Parking
- Landscaping



Approval Criteria

Item No. 17.

Rezone Criteria – 24-204 – Nine Criteria Used to Evaluate Rezone applications

- The proposed Rezone is consistent with the criteria as outlined in your Summary

Notification

- A total of 27 notice letters were mailed to property owners within the general vicinity
- Signs posted on the property
- Received one phone call – General questions about the intent of the rezone

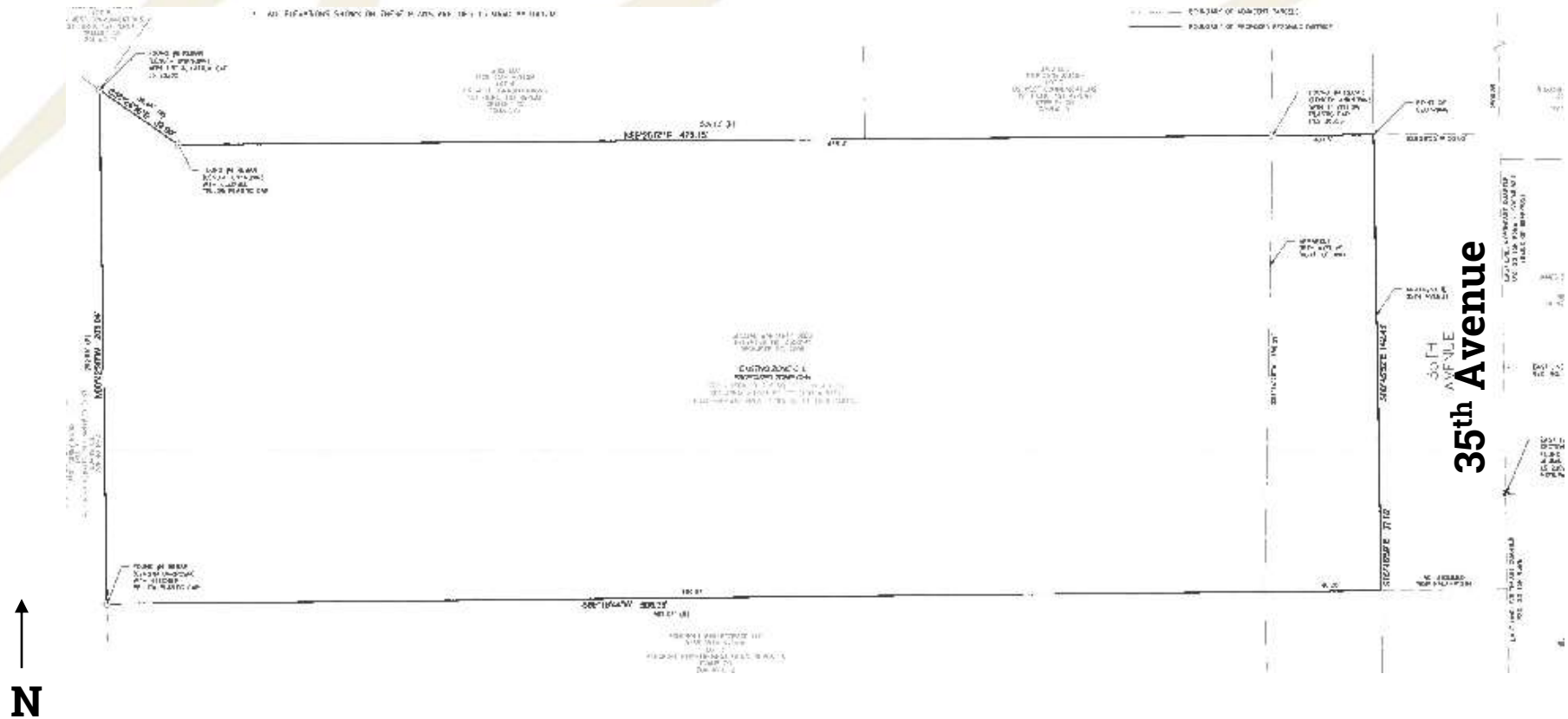
Recommendation

- Complies with Section 24-204(b) 1-9
- Planning Commission reviewed the request and conducted a public hearing on July 26, 2022, and voted unanimously to recommend approval



Item No. 17. Rezone Boundary Map

- Rezone 2.11 acres



Approval Criteria

Rezone Criteria – Section 24-204(b) – Nine Criteria Used to Evaluate Rezones

- | |
|--|
| <p>1) The proposal is in accordance with the goals and objectives of the Comprehensive Plan and any other plan, policy, or guidance adopted pursuant to that plan</p> |
| <ul style="list-style-type: none"> • <i>Comprehensive Plan GC-4.2 (Reinvestment/Adaptive Reuse)</i> • <i>Comprehensive Plan GC- 4.3 (Infill Compatibility)</i> • <i>Rezoning would encourage reinvestment of an existing structure</i> |
| <p>2) The proposal can fulfill the intent of the zoning district considering the relationship to the surrounding areas</p> |
| <ul style="list-style-type: none"> • <i>Rezoning would allow for more development options</i> |
| <p>3) 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?</p> |
| <ul style="list-style-type: none"> • <i>Surrounding area has been developed out for many years</i> • <i>Current zoning limits development options</i> • <i>Rezoning allows for more development options</i> • <i>It is in the public interest to rezone the site</i> |

Approval Criteria

Item No. 17.

Rezone Criteria – Section 24-625(c)(3)

- | | |
|----|---|
| 4) | <p>The existing zoning has been in place for a substantial time without development, and if this indicates the existing zoning is inappropriate given development trends in the vicinity</p> |
| | <ul style="list-style-type: none">• <i>Current zoning has been in place since 1987</i>• <i>Small addition to the western side of the building in 2011</i>• <i>Current zoning not necessarily inappropriate, but the uses proposed for the site would only be allowed in C-H zone</i>• <i>Rezoning would allow for more development options</i> |
| 5) | <p>The proposed zoning will enable development in character with existing or anticipated development in the area considering the design of streets, civic spaces, and other open space; the pattern, scale and format of buildings and site; and the compatibility and transitions with other complimentary uses and development</p> <p>What is the impact on the <u>Zoning Suitability Plan</u>?</p> |
| | <ul style="list-style-type: none">• <i>Currently developed with a two story, 10,400-square foot building</i>• <i>The building is consistent with other buildings and development in the area</i>• <i>Any new development application would be reviewed for compliance with the City's Development Code.</i> |

Approval Criteria

Item No. 17.

Rezone Criteria – Section 24-204(b) – Nine Criteria Used to Evaluate Rezones

- | | |
|----|---|
| 6) | The City or other agencies have the ability to provide services or facilities that may be necessary for anticipated uses in the proposed district |
| | <ul style="list-style-type: none">• <i>Greeley provides water services to the site</i>• <i>Evans provides sewer services to the site</i> |
| 7) | The change will serve a community need, provide an amenity, or accommodate development that is not possible under the current zoning or that was not anticipated at the time of the initial zoning or the property, making the proposed zoning more appropriate than the current zoning. |
| | <ul style="list-style-type: none">• <i>The proposed zoning would allow for more development options</i>• <i>Allows for more potential services for the community</i> |
| 8) | Any reasonable anticipated negative impacts on the area or adjacent property either are mitigated by sound planning, design and engineering practices or are outweighed by broader public benefits to the surrounding community |
| | <ul style="list-style-type: none">• <i>Any impacts resulting from the rezone would be mitigated as part of the development review process</i>• <i>Traffic and drainage would be further evaluated at the time of a site plan application</i> |

Approval Criteria

Rezone Criteria – Section 24-204(b) – Nine Criteria Used to Evaluate Rezones

9) **The recommendations of professional staff or advisory review bodies**

- *Staff recommends approval of this rezoning request*

Council Agenda Summary

August 16, 2022

Key Staff Contact: Heidi Leatherwood, City Clerk, 970-350-9742

Title:

Appointment of applicants to the Youth Commission.

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:

August 2022 Boards and Commissions Transmittal Summary
Ballot

Boards & Commissions Transmittal

August 8, 2022

Key Staff Contact: Allie Powell, Senior Assistant City Clerk, 350-9746

Interview Date

August 10, 2022

Council Interview Team

Councilmembers Payton and Butler

Council Appointment Date

August 16, 2022

Boards and Commissions Being Interviewed

- **Youth Commission**

Council's Recruitment and Qualifications Policy

General recruitment efforts shall be made with special measures being taken to balance ward representation and attract minority and special population applicants. Generally, volunteers will be limited to serving on one board or commission at a time. (14.2. (c)(2) City Council, Policies and Protocol)

Demographic information of existing board members and any specialty requirements are contained within the attached Membership Rosters.

Legal Issues

The City Attorney's Office reviewed the applications and the attached memorandum addresses any potential conflicts of interest.

It should be noted that there is a possibility that the applicants currently serve as a volunteer on a board or commission besides the one they are applying to. It is also important to point out to the applicants that there are always potential conflicts that exist with business and investments, current jobs or relatives and family members coming before the Board or Commission.

Should such conflicts arise, the Board or Commission member simply excuses themselves from that particular item but such a potential conflict does not preclude anyone from serving on a Board or Commission in general, just that particular agenda item.

Applicable Council Goal or Objective

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

Decision Options

1. Recommend candidates for appointment; or
2. Direct staff to re-advertise applicable vacancy.

Attachments

1. Interview Schedule
2. Conflict Memorandum from City Attorney's Office
3. Sample Ballot
4. Membership Rosters & 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  Heidi Leatherwood, City Clerk



Applicants for the boards and/or commissions listed below are in alphabetical order and recommendations from the interview team are shown in bold.

***** BALLOT *****

Youth Commission	
<i>4 Positions</i>	
<input type="checkbox"/>	Alyssa Silva
<input type="checkbox"/>	Maddie Zeller (I)
<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

August 15, 2022 - August 21, 2022

August 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			

September 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, August 15

Tuesday, August 16

6:00pm - City Council Meeting - Council Master Calendar ↻

Wednesday, August 17

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

Thursday, August 18

7:30am - 8:30am DDA (DeBoutez/Butler) ↻

10:00am - 11:00am Northern Colorado Refugee Quarterly Community Consultation

1:00pm - 2:00pm Meeting for Councilmember DeBoutez (R_CH_Second Floor Room 2103 - WiFi Ready) - Council Master Calendar

3:30pm - 4:30pm Airport Authority (Clark/Payton) ↻

Friday, August 19

Saturday, August 20

Sunday, August 21

August 22, 2022 - August 28, 2022

August 2022							September 2022							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	
		1	2	3	4	5	6					1	2	3
7	8	9	10	11	12	13	4	5	6	7	8	9	10	
14	15	16	17	18	19	20	11	12	13	14	15	16	17	
21	22	23	24	25	26	27	18	19	20	21	22	23	24	
28	29	30	31				25	26	27	28	29	30		

Monday, August 22

- 11:30am - 12:30pm Greeley Chamber of Commerce (Hall) ↻
- 6:00pm - 7:00pm Youth Commission (Clark) ↻

Tuesday, August 23

- 6:00pm - 7:30pm Council mid-year check in with City Manager (Executive Session) - Council Master Calendar
- 6:00pm - City Council Worksession Meeting - Council Master Calendar ↻

Wednesday, August 24

Thursday, August 25

Friday, August 26

Saturday, August 27

Sunday, August 28

August 29, 2022 - September 4, 2022

August 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			

September 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, August 29

Tuesday, August 30

Wednesday, August 31

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

Thursday, September 1

7:30am - Poudre River Trail (Hall)

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

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

Friday, September 2

Saturday, September 3

Sunday, September 4

September 5, 2022 - September 11, 2022

September 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	

October 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					

Monday, September 5

Tuesday, September 6

 **6:00pm - City Council Meeting** (Council Chambers and via Zoom) - Council Master Calendar 

Wednesday, September 7

Thursday, September 8

Friday, September 9

Saturday, September 10

Sunday, September 11

City Council Meeting Scheduling 2022

as of 8/12/2022			
This schedule is subject to change			
Date	Description	Sponsor	Placement/Time
August 23, 2022 Worksession Meeting	Mid-Year Growth Projections and Code Enforcement Report	Becky Safarik	0.5
	Planning Commission Board Interviews	City Clerk	0.5
	Executive Session- Council mid-year check in with Municipal Judge	Doug Marek	Executive Session
September 6, 2022 Council Meeting	Proclamation- Hispanic Heritage Month- Betzy Valdez; President of Hispanic Women of Weld County		Intro
	Proclamation - Suicide Awareness and Prevention Month - Minutes	Heidi Leatherwood	Intro Consent
	Intro & 1st Rdg Ord -Setting Ward Boundaries	Becky Safarik	Consent
	Intro & 1st Rdg Ord - Cobblestone Rezone	Becky Safarik	Consent
	Intro & 1st Rdg Ord Appropriation and Compensation Plan	Paul Fetherston	Consent
	Resolution - Assignment of 2022 Private Activity Bond Allocation to Colorado Housing and Finance Authority	Ben Snow	Consent
	Resolution & PH to consider Ash Parks & Recreation District	Becky Safarik	Regular
	Resolution - Approving Settlement Agmt & Release in the Matter of XXXXX (tentative)	Doug Marek	Regular
	2nd Rdg Ord & PH - Amending Title 1, Chptr 10, 11, 12 and Title 2, Chptr 12 - GMC re Code Compliance	Becky Safarik	Regular
	2nd Rdg Ord & PH - Amending Title 16, Chptr 1, Art XVIII GMC re Towing	Will Jones	Regular
	2nd Rdg Ord & PH - Update W&S Dept. Design Criteria and Standards	Sean Chambers	Regular
	Board & Commission Appointments for Planning Commission	City Clerk	Regular
	Executive Session- Council mid-year check in with City Manager	Doug Marek	Executive Session
September 13, 2022 Worksession Meeting	2023 Budget overview - Part 1	John Karner	
	Update on the COG Image Campaign	Jaqueline Villegas	
	Executive Session- Council mid-year check in with City Attorney	Doug Marek	Executive Session
September 20, 2022 Council Meeting	Minutes	Heidi Leatherwood	Consent
	Resolution - Approving IGA with CDOT for 16th Street Enhancement Grant for \$2 Million	Paul Trombino	Consent
	Intro & 1st Rdg Ord - Amending Title 18 regarding Event and Assembly Permits	Stacey Aurzada	Consent
	Intro & 1st Rdg Ord - Boomerang Ranch Rezone	Becky Safarik	Consent
	Intro & 1st Rdg Ord - Amending Title 12 regarding Greeley's Municipal Separate Storm Sewer System	Paul Trombino/Brian Hathaway	Consent
	2nd Rdg Ord & PH - Appropriation and Compensation Plan	Paul Fetherston	Regular
	2nd Rdg Ord & PH- Setting Ward Boundaries	Becky Safarik	Regular
	2nd Rdg Ord & PH - Cobblestone Rezone	Becky Safarik	Regular
	Resolution & PH to consider Delanero Metropolitan District	Becky Safarik	Regular
	Resolution & PH to consider the Two Rivers Marketplace Metropolitan District	Becky Safarik	Regular
	Board & Commission Appointments	City Clerk	Regular

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.