



Mayor
John Gates

Councilmembers

Tommy Butler
Ward I

Brett Payton
Ward II

Michael Fitzsimmons
Ward III

Dale Hall
Ward IV

Kristin Zasada
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.

City Council Agenda

August 18, 2020 at 6:00 PM

This meeting will be conducted remotely. (See previous page for participation instructions and/or to view the YouTube live stream.)

- [1.](#) Call to Order
- [2.](#) Pledge of Allegiance
- [3.](#) Roll Call
- [4.](#) Recognitions and Proclamations
- [5.](#) Citizen Input
- [6.](#) Approval of the Agenda
- [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 or staff 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 July 28, 2020, City Council Worksession
- [10.](#) Approval of the City Council Proceedings of August 4, 2020
- [11.](#) Consideration of a resolution to assign the 2020 City of Greeley Private Activity Bond (PAB) Allocation to Colorado Housing and Finance Authority (CHFA)
- [12.](#) Introduction and first reading of an ordinance submitting to the registered electors of the City of Greeley, at the coordinated election to be held November 3, 2020, the question of authorizing the City Council to extend the current sales tax on food from December 31, 2021 to December 31, 2026, for capital projects
- [13.](#) Introduction and first reading of an ordinance submitting to the registered electors of the City of Greeley, at the coordinated election to be held November 3, 2020, the

question of authorizing the City Council to extend the .65% component of retail sales and use tax currently scheduled to expire on December 31, 2022 to December 31, 2029, for to fund capital projects for street-related infrastructure improvements and repairs

- [14.](#) Consideration to approve a change order in the amount of \$94,058.62 to the contract with Yeh & Associates for the 10th Street Access Improvements Phase II Project bringing the revised contract amount from \$262,105.03 to \$356,163.65
- [15.](#) Consideration of a change order in the amount of \$52,405.00 to the contract with Alterra Underground Solutions LLC for the Promontory Traffic Conduit Project bringing the revised contract amount from \$147,475.00 to \$199,880.00

End of Consent Agenda

- [16.](#) Pulled Consent Agenda Items
- [17.](#) Public hearing and final reading of an ordinance to consider a change of zone from PUD (Planned Unit Development) to C-H (Commercial High Intensity) zoning for 38.811 acres of property located south of 10th Street, west of 83rd Avenue, and north of 12th Street, known as the Two Rivers Marketplace Rezone, and changing the official zoning map to reflect the same
- [18.](#) Consideration of a resolution appointing a City Council Subcommittee to examine and make recommendations on the annual performance review process for City Council Appointed Employees
- [19.](#) COVID-19 Update
- [20.](#) Appointment of applicants to the Citizen Transportation Advisory Board, Civil Service Commission, Planning Commission, and Youth Commission
- [21.](#) Scheduling of Meetings, Other Events
- [22.](#) 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 at any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements and ordinances
- [23.](#) Adjournment

Council Agenda Summary

August 18, 2020

Agenda Item Number 1

Title

Call to Order

Council Agenda Summary

August 18, 2020

Agenda Item Number 2

Title

Pledge of Allegiance

Council Agenda Summary

August 18, 2020

Agenda Item Number 3

Title

Roll Call

Summary

Mayor Gates

Councilmember Butler

Councilmember Payton

Councilmember Hall

Councilmember Fitzsimmons

Councilmember Clark

Councilmember Zasada

Council Agenda Summary

August 18, 2020

Agenda Item Number 4

Title

Recognitions and Proclamations

Summary

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

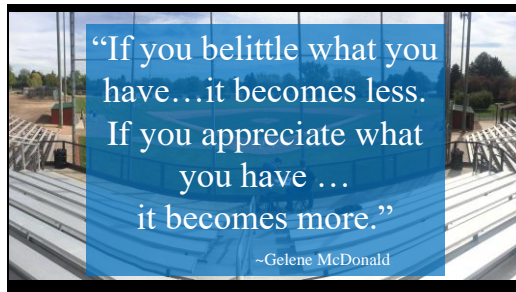
Attachments

August 18, 2020 What's Great about Greeley Report

Slide 1



Slide 2



At each Council Meeting, we recognize the people, organizations and businesses that make Greeley Great.

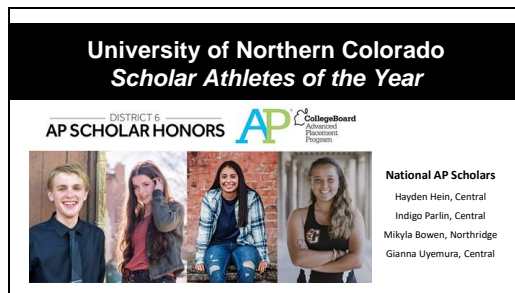
Tonight it's my turn to announce the recognitions. I'll start with a quote, "If you belittle what you have, it becomes less. If you appreciate what you have, it becomes more." With these announcements we are appreciating the good work of our residents, showing support for their efforts, and encouraging everyone to share the word that Greeley is Great.

Slide 3



Smart Asset has ranked Greeley #35 on their list of fifty top rising housing markets in the United States based on data from 2014 through 2018. The ratings are based on housing demand, five-year change in median home value and five-year change in median household income. Greeley experienced a more than five percent increase in housing units, more than a sixteen percent rise in median incomes and more than a thirty-one percent rise in median home values.

Slide 4



Despite COVID-19 impacting our schools, 119 Greeley-Evans School District 6 students earned the prestigious AP Scholars award for their outstanding performance on the 2020 Advanced Placements tests. In addition, four students earned the highest distinction of National AP Scholar. Students who score well on AP exams are eligible to receive college credit, advanced placement in college, or both at more than 3,200 colleges and universities across the United States.

Slide 5



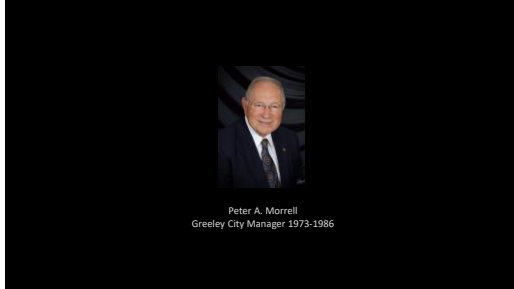
Greeley's all-inclusive playground, Aven's Village, has been featured on Slides & Sunshine's list of the Top 10 favorite themed playgrounds in Colorado. The article mentioned the wheelchair accessible ramps, sensory play features, the nearby splash park and the "Old West" theme throughout.

Slide 6



And that's What's Great about Greeley.

Slide 7



Tonight we would like to honor and remember former City Manager Peter A. Morrell (Pete) Pete served as Greeley's city manager for 14 years before establishing his leadership and development firm, Morrell and Associates. During his tenure as City Manager he was one of the instrumental leaders in promoting the building of Centennial Village, the Senior Center, Recreation Center, Union Colony Civic Center and the rebuilding of the Island Grove arena after it burned in 1977. He was a strong community and city advocate serving as president of the Greeley Rotary Club, the Philharmonic Orchestra, Boy Scouts of America, Greeley Transitional House, the Chamber of Commerce and United Way of Weld County.

Pete was a great leader and mentor and will be missed by many in our community.

Council Agenda Summary

August 18, 2020

Agenda Item Number 5

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 on this evenings agenda. Citizen input will be received from comments submitted to the City Clerk's Office via email or mail as well as from members of our virtual webinar audience. All comments will be limited to 3 minutes and must include the name and address of the person submitting the comments for the record.

Council Agenda Summary

August 18, 2020

Agenda Item Number 6

Title

Approval of the Agenda

Council Agenda Summary

August 18, 2020

Agenda Item Number 7

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

August 18, 2020

Agenda Item Number 8

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

Council Request	Council Meeting, Worksession, or Committee Meeting Date Requested	Status or Disposition (After completion, item is shown one time as completed and then removed.)	Assigned to:
Councilmember Zasada requested that the issue of short-term rentals be brought back by having staff incorporate comments from Council at the July 14th Worksession and present the recommendations to the Planning Commission for formal comment and public hearing and then submit to City Council for final public hearing.	August 4, 2020	This item is currently be scheduled both for Planning Commission and consideration by Council.	Brad Mueller

Consent Agenda

August 18, 2020

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

Once the Clerk has read each Consent Agenda item into the record, along with Council's recommended action, Council or staff may request the item be "pulled" off the Consent Agenda and considered separately under the next agenda item in the order they were listed.

The Consent Agenda includes Items No. 9 through 15 and their recommended actions.

Council's Recommended Action

To approve Items No. ____ through ____ or

To approve Items No. ____ through ____ with the exceptions of No.(s) ____

Council Agenda Summary

August 18, 2020

Agenda Item Number 9

Key Staff Contact: Cheryl Aragon, Interim City Clerk, 970-350-9743

Title:

Acceptance of the Report of the July 28, 2020, City Council Worksession

Summary:

A City Council Worksession was held on July 28, 2020, in Council's Chambers located at 1001 11th Avenue.

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 28, 2020 Report

City of Greeley, Colorado
COUNCIL WORKSESSION REPORT
July 28, 2020

1. CALL TO ORDER

The virtual meeting was called to order at 5:00 p.m. by Mayor Gates via the City's Zoom platform.

2. PLEDGE OF ALLEGIANCE

Mayor Gates led the Pledge of Allegiance to the American Flag.

3. ROLL CALL

Cheryl Aragon, Interim City Clerk, called the roll. Those present were Mayor John Gates and Councilmembers Tommy Butler, Ed Clark, Michael Fitzsimmons, Dale Hall, Brett Payton and Kristin Zasada.

4. REPORTS FROM MAYOR AND COUNCILMEMBERS

Councilmember Clark inquired about the status of his Council Initiatives regarding some Colorado Open Records Act training and the role of the City Attorney advising Council in certain matters.

Roy Otto, City Manager, stated that he would talk with staff about getting a response scheduled on these Council Initiatives.

Councilmember Butler reported that he recently attended a virtual Youth Commission Meeting, which included some newly appointment Youth Commissioners and noted the he is excited to hear some new perspectives on this board.

5. COVID-19 PANDEMIC UPDATE

Mr. Otto introduced the City's Emergency Manager Dan Frazen who provided a COVID-19 update by reviewing cases in the State and Weld County, including hospital cases. He referenced the Safer at Home and Vast Great Outdoors Order the State is currently under. The Bonell personal isolation facility and The Ranch locations are available as needed. He noted that the testing facility at Aims is at about 5 percent, while Wal-Mart numbers are coming in a bit lower than that, and County-wide about 7 percent.

With regard to variances to the Safer at Home order, Mr. Frazen indicated that low case counts are key and reviewed what that means. He also reviewed some of the variances that have been approved in Larimer County and Adams County. He also reported that the Colorado Department of Public Health and Environment Variance Committee will be working through a variance solution for the City when Greeley is ready. This would legally allow for larger events and less restrictions on local businesses as we move forward.

He went on to review the 8 Protect Our Neighbors Criteria, which local hospitals are doing fairly well with.

Mr. Frazen indicated that a formal request was made to Weld County about County Testing and Positivity Data, information on Contact Tracing capabilities, copies of outbreak response and other plans and the letter from Weld County with assurances of continued collaboration and communication in the COVID-19 Pandemic Response. He noted that communications about these requests will continue.

Councilmember Butler inquired about why the County is not handling some of these things and leaving it to the City, and Mr. Frazen indicated that it is his understanding that the County does not recognize those State Orders.

Ben Snow, Economic Development Director, reported on the Greeley Area Recovery Fund by stating that the total number of applications to date is 183 and noted that the Committee is considering a potential next round.

He referenced the County Relief Fund being developed. He referenced some communication between the Chamber, the City and the County about the City's pro-rata funds from the funding and turned the conversation over to the City Manager for additional details.

Mr. Otto stated that the County turned down the City's suggestions for how to run the Weld Relief Fund. He refuted that the City agreed to how the County will run this fund. He stated that how the County is running this fund is not as agreed to. He suggested continuing to work with the Chamber. He noted that the City will not lose any of its allocation by not participating with the County Fund.

6. OVERVIEW OF DIVERSITY, INCLUSION, AND EQUITY TRAINING OPPORTUNITY

Becky Safarik, Assistant City Manager, reported that as a component of the City Council visioning and work plan retreat completed in February 2020, the City Council identified a theme of "Connected Community" and recognizing a "We are One" vision by 2040 that included celebrating cultural differences by continuing to support and celebrate diversity in the community.

She added that the City Manager had a goal about this same time, as part of his Work Program, of the City of Greeley becoming an Employer of Choice.

She referenced the community going from a pandemic to protests and cited recent deaths in the Country followed by protests and calls for social reform across the nation and internationally, and then local requests to focus on injustice in the community.

Ms. Safarik spoke of the Human Relations Commission's desire, in response to these occurrences, to place a focus on race and ultimately hosted a webinar surrounding this issue. It was well attended and there seems to be a desire to continue these conversations.

In response to a Council Initiative for leadership training for the City Council and members of the City's Executive Team, Ms. Safarik stated that she reached out to a trainer at the University of Virginia, an association of Tyler St. Clair who facilitated Council's February Retreat to facilitate a two-day, in-person training that would be a deeper look at race and resilience.

She reviewed the five-step process proposed for this training, noting the major theme areas that the facilitator has proposed.

She confirmed that the proposal includes two, two-day sessions, one for the Council and one for the Executive Team.

Ms. Safarik advised that a timeline before school starts seems appropriate and suggested some days between August 10th and August 22nd. Again, she noted that this would be in-person in a place that would allow for social distancing.

Councilmember Zasada inquired about funding for this, and Ms. Safarik indicated that it would be \$26,000 which would be funded from the Human Resources training budget.

Councilmember Clark expressed that he would like to have more of a get together to talk about what the Council thinks it needs in terms of this type of training. He shared that he's got some ideas for trainers, and expressed a desire to have some input into what type of training they are getting and from whom. He also wants some time to think about what is taught before developing policy around it.

Councilmember Payton agreed, and asked to look at other options. He noted that two days is a lot of time and is a big impact to the staff and the budget as well.

Mr. Otto noted that Council's priorities are the Staff's priorities. He noted that this is something that was planned at some point anyway. He stated that this is something that Council should take pride in and reminded them that they wanted to do this in February anyway, but agreed that timing is a challenge.

Mayor Gates shared that the trainer's training schedule is aggressive at this time, and wondered about sometime in the next couple of months.

Ms. Safarik indicated that some other dates could be looked at with the trainer in response to Council's timeline concerns.

Councilmember Butler shared that this is just what he was hoping for and noted that he would like to do it sooner rather than later.

Councilmember Zasada wondered if it wouldn't be more constructive to meet with local leaders and try to be more intentional about these social conversations and leadership discussions related to Greeley. She emphasized that \$26,000 is a lot of money to spend right now and she does not want to just check a box to say they did it.

Councilmember Fitzsimmons expressed agreement that he would like to work more locally on this issue and training.

Councilmember Butler suggested facilitators from the University of Northern Colorado.

Mayor Gates asked that Ms. Safarik bring back three options, including the one presented at this meeting, so that Council can make a decision on this Initiative.

7. SCHEDULING OF MEETINGS, OTHER EVENTS

No additional meetings or events were scheduled.

8. ADJOURNMENT

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

Cheryl Aragon, Interim City Clerk

Council Agenda Summary

August 18, 2020

Agenda Item Number 10

Key Staff Contact: Cheryl Aragon, Interim City Clerk, 350-9743

Title:

Approval of the City Council Proceedings of August 4, 2020

Summary:

A meeting of the City Council was held on August 4, 2020, in Council's Chambers located at 1001 11th Avenue.

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:

August 4, 2020 Proceedings

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
August 4, 2020

1. Call to Order

Mayor John Gates called the remote meeting to order at 6:00 p.m. via Zoom Meetings.

2. Pledge of Allegiance

Mayor Gates led the Pledge of Allegiance to the American Flag.

3. Roll Call

Jerry Harvey, Assistant City Clerk, called the roll. Those present were Mayor John Gates and Councilmembers Tommy Butler, Ed Clark, Michael Fitzsimmons, Dale Hall, Brett Payton and Kristin Zasada.

4. Recognitions and Proclamations

Councilmember Fitzsimmons presented the What's Great About Greeley Report.

5. Citizen Input

Mr. Harvey read 3 emails received by the City Clerk's email account into the record regarding potential racial sensitivity training for the City Council. Carmen Whitehead wrote specifically about the Black Lives Matter movement, the "defend the police" and "defund the police" movements, as well as her support for moving funding from the police to other areas like mental health support. Gabrielle Llanas wrote about the need for diversity training, the importance of the Human Relations Commission diversity and inclusion webinar, and bringing the community together. Ms. Llanas went on to write about specific issues she had related to Councilmembers Zasada and Clark regarding their comments toward diversity training, and she concluded by noting her concern that Council are not acting like leaders. Rhonda Solis wrote urging Council to invest time and money in diversity training because of its importance.

Councilmember Butler asked about a timeline regarding racial sensitivity training. Becky Safarik, Assistant City Manager, explained that she will be compiling three choices and will bring those three choices to Council for their decision by the end of the month.

6. Approval of Agenda

The agenda was approved as presented.

7. Reports from Mayor and Councilmembers

Councilmember Hall spoke about his attendance at the annual Water & Sewer tour noting that it was very enlightening.

8. Initiatives from Mayor and Councilmembers

Councilmember Zasada requested that the issue of short-term rentals be brought back by having staff incorporate comments from Council at the July 14th Worksession and present the recommendations to the Planning Commission for formal comment and public hearing and then submit to City Council for final public hearing.

Consensus was reached by Council on this initiative.

***** Consent Agenda *****

9. Approval of the City Council Proceedings of July 21, 2020

The Council action recommended was to approve the Proceedings.

10. Acceptance of the Report of the July 14, 2020, City Council Worksession

The Council action recommended was to accept the Report.

11. Introduction and first reading of an ordinance changing the official zoning map of the City of Greeley, Colorado from PUD (Planned Unit Development) to C-H (Commercial High Intensity) zoning for 38.811 acres of property located south of 10th Street, west of 83rd Avenue, and north of 12th Street, known as the Two Rivers Marketplace Rezone

This item was pulled from the Consent Agenda.

12. Consideration of a Resolution to approve a Donation Agreement for a new East Arena Expansion Project and Stage at Island Grove Regional Park

This item was pulled from the Consent Agenda.

13. Consideration of a Resolution authorizing an Intergovernmental Agreement with Weld County to participate in Weld County's November 3, 2020, General Election

The Council action recommended was to adopt the resolution. **(Resolution No. 40, 2020)**

***** End of Consent Agenda *****

Councilmember Payton moved, seconded by Councilmember Hall to approve items 9, 10, and 13 on the Consent Agenda and their recommended actions. The motion carried: 7-0

14. Pulled consent agenda items

11. Introduction and first reading of an ordinance changing the official zoning map of the City of Greeley, Colorado from PUD (Planned Unit Development) to C-H (Commercial High Intensity) zoning for 38.811 acres of property located south of 10th Street, west of 83rd Avenue, and north of 12th Street, known as the Two Rivers Marketplace Rezone

Councilmember Zasada noted input she had received from residence in the area of the proposed rezone regarding potential dangers due to future oil and gas drilling/development in that area. She continued by voicing her support for the rezone.

Councilmember Zasada moved, seconded by Councilmember Clark to introduce the ordinance and schedule the public hearing and final reading for August 18, 2020. The motion carried: 7-0

12. Consideration of a Resolution to approve a Donation Agreement for a new East Arena Expansion Project and Stage at Island Grove Regional Park

Councilmember Butler voiced his concern about where the donation for this item is coming from and added that he cannot vote to support the resolution because of it.

Councilmember Hall moved, seconded by Councilmember Zasada to adopt the resolution. The motion carried: 6-1 (Councilmember Butler dissenting) **(Resolution No. 39, 2020)**

15. Public hearing to consider a change of zone from R-H (Residential High Density) to PUD (Planned Unit Development) for 20.662 acres of property located west of north 35th Avenue and south of C Street, known as the Stoneybrook Subdivision Filing No. 1 Block 1, Lot 4 Rezone, and public hearing and final reading of an ordinance changing the official zoning map to reflect the same

Caleb Jackson, Planner, presented items 15 and 16 together. He discussed the request for the rezone, the surrounding zoning and land uses, and the site history. He continued by describing site photos, discussing the proposed rezone and proposed preliminary PUD, and describing all of the points that the Administrative Review Team looked at in making their recommendation. Mr. Jackson concluded by highlighting the rezone and PUD criteria, describing the notice that took place, and the recommendation from the Planning Commission.

Will Wagenlander, the representative of the applicant, discussed how this rezone and the proposed manufactured home community meets parts of the City of Greeley Strategic Housing Plan; discussed the different land dedications they are going to pay for; described the school district impact fees they will be paying; and concluded by explaining the additional benefits the creation of this new mobile home community would create.

Mayor Gates opened the public hearing at 6:37 p.m., and no comments were received in the City Clerk email account nor were they offered from the virtual webinar audience.

Councilmember Clark moved, seconded by Councilmember Payton to find that, based on the application received and the preceding analysis, the proposed rezone from R-H (Residential High Density) to PUD (Planned Unit Development) for a 20.662-acre tract meets Development Code Section 18.30.050(c)(3) a, b, e, f, h and g; and, therefore, the rezone is approved. The motion carried: 7-0

Councilmember Clark moved, seconded by Councilmember Butler to adopt the ordinance and publish with reference to title only. The motion carried: 7-0 **(Ordinance No. 16, 2020)**

16. A public hearing to consider establishment of a Preliminary PUD (Planned Unit Development) that would allow a mobile home community on a 20.662-acre parcel located west of north 35th Avenue and south of C Street

Mayor Gates opened the public hearing at 6:40 p.m., and no comments were received in the City Clerk email account nor were they offered from the virtual webinar audience.

Councilmember Fitzsimmons moved, seconded by Councilmember Butler to approve the Stoneybrook Subdivision Filing No. 1, Block 1, Lot 4 Preliminary PUD to allow for a mobile home community on a 20.662-acre parcel located west of north 35th Avenue and south of C Street. The motion carried: 7-0

17. COVID-19 Update

Dan Frazen, Emergency Manager, highlighted the current state positive numbers, total fatalities, and total hospitalizations; highlighted the confirmed positive cases in Weld County, fatalities in Weld County, quarantined first responders in Greeley, and Greeley hospitalizations; and he noted that the State seems to be plateauing. Mr. Frazen also provided an update on the alternative care facilities noting that both currently are not in service, but the City has the ability to open them when necessary. He also provided a brief update on the Greeley testing sites.

Mr. Frazen continued by explaining that the State has Weld County at a 5.8% positivity rate adding that Greeley is at a 4.2% positivity rate based on the Weld County data. He also explained that he continues to ask Weld County to create a public facing dashboard on their website so their data can be easily accessed. He then went on to describe the overall State positivity rate, the daily COVID-19 positive cases/weekly averages, the hospital and first responder quarantine totals, and the COVID-19 related calls to the Fire Department.

He concluded by describing the “Protect our Neighbors Certification” criteria and where Greeley is with regard to these qualifications.

In response to a question from Councilmember Zasada related to positivity rates from other Counties, Mr. Frazen explained what that we do not currently have access to that data. He noted that he would attempt to find relevant data and relay it back to Council.

Ben Snow, Economic Health & Housing Director, highlighted the Greeley Area Recovery Fund (GARF) dashboard. He explained that 188 applications have been received so far noting that those who applied for the original grants could apply for the new marketing grants adding that many already have. He also highlighted that \$51,000 has already been paid out in marketing grants. He added that at current average of \$3,000 per grant, if all pending applications were approved, about 60% of the fund total would be paid out. He concluded by explaining that he is starting conversations with the Greeley Chamber of Commerce regarding getting more assistance out there.

Mayor Gates asked about what the requirements are for the marketing grants, and Mr. Snow explained that they are much lower than the original grants. He added that they are just asking how they would use the funds.

Councilmember Butler inquired about businesses who got original grants and whether they can apply for marketing grant, and Mr. Snow confirmed that is correct.

18. Scheduling of meetings, other events

There were no additional meetings or events scheduled.

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

Councilmember Hall moved, seconded by Councilmember Clark to approve the above authorizations, and the motion carried: 7-0

20. Adjournment

There being no further business to come before the Council, Mayor Gates adjourned the meeting at 7:00 p.m.

John Gates, Mayor

Jerry Harvey, Assistant City Clerk

Council Agenda Summary

August 18, 2020

Agenda Item Number 11

Key Staff Contact: Benjamin Snow, Economic Health & Housing Director, 970-350-9384

Title:

Consideration of a resolution to assign the 2020 City of Greeley Private Activity Bond (PAB) Allocation to Colorado Housing and Finance Authority (CHFA)

Summary:

Every year, Greeley receives an allocation of Private Activity Bonds (PABs), which can be used as a tool to provide housing to low- moderate-income residents. In 2019, the City assigned its allocation to the Colorado Housing and Finance Authority (CHFA) to be used for their FirstStep and FirstStep Plus programs, which provide down payment and mortgage assistance to first time home buyers. This program provided help to 70 low- and moderate income families over the past year.

For this year's allocation, staff recommends we assign our 2020 allocation, totaling \$5,682,437 to CHFA to be used for an affordable housing development being planned east of the Greeley Mall known as Copper Steppe. It is currently planned to be a total of 240 rental units that would dedicated to families making no more than 60% of AMI (Area Median Income) per HUD standards. Weld County is a partner on this project and they are also planning to assign their 2020 allocation in the amount of \$7,930,661 to this same project.

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:

Passage of the resolution binds the City to commit its 2020 PAB allocation to CHFA.

Other Issues and Considerations:

By assigning our allocation to CHFA, we have the flexibility of using the dollars toward this specific project, or if this project is not initiated, the allocation can still be directed toward another project in Greeley, or another program like the FirstStep. If we do not proactively assign our allocation to an entity or project, our allocation reverts to the state, where they can be used anywhere in the state.

Applicable Council Priority and Goal:

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

Council's Recommended Action:

A motion to adopt the Resolution.

Attachments:

2020 Assignment Resolution

2020 Assignment of Allocation from the City of Greeley

RESOLUTION _____

AUTHORIZING ASSIGNMENT TO THE
COLORADO HOUSING AND FINANCE
AUTHORITY OF A PRIVATE ACTIVITY
BOND ALLOCATION OF THE CITY OF GREELEY
PURSUANT TO THE COLORADO PRIVATE ACTIVITY
BOND CEILING ALLOCATION ACT

WHEREAS, the City of Greeley is authorized and empowered under the laws of the State of Colorado (the "State") to issue revenue bonds for the purpose of financing qualified residential rental projects for low- and moderate-income persons and families; and

WHEREAS, the City of Greeley is authorized and empowered under the laws of the State of Colorado (the "State") to issue revenue bonds for the purpose of providing single-family mortgage loans to low- and moderate-income persons and families; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), restricts the amount of tax-exempt bonds ("Private Activity Bonds") which may be issued in the State to provide such mort

RESOLUTION _____

AUTHORIZING ASSIGNMENT TO THE
COLORADO HOUSING AND FINANCE
AUTHORITY OF A PRIVATE ACTIVITY
BOND ALLOCATION OF THE CITY OF GREELEY
PURSUANT TO THE COLORADO PRIVATE ACTIVITY
BOND CEILING ALLOCATION ACT

WHEREAS, the City of Greeley is authorized and empowered under the laws of the State of Colorado (the "State") to issue revenue bonds for the purpose of financing qualified residential rental projects for low- and moderate-income persons and families; and

WHEREAS, the City of Greeley is authorized and empowered under the laws of the State of Colorado (the "State") to issue revenue bonds for the purpose of providing single-family mortgage loans to low- and moderate-income persons and families; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), restricts the amount of tax-exempt bonds ("Private Activity Bonds") which may be issued in the State to provide such mortgage loans and for certain other purposes; and

WHEREAS, pursuant to the Code, the Colorado legislature adopted the Colorado Private Activity Bond Ceiling Allocation Act, Part 17 of Article 32 of Title 24, Colorado Revised Statutes (the "Allocation Act"), providing for the allocation of the State Ceiling among the Colorado Housing and Finance Authority (the "Authority") and other governmental units in the State, and further providing for the assignment of such allocations from such other governmental units to the Authority; and

WHEREAS, pursuant to an allocation under Section 24-32-1706 of the Allocation Act, the City of Greeley has an allocation of the 2020 State Ceiling for the issuance of a specified principal amount of Private Activity Bonds prior to **September 15, 2020** (the "2020 Allocation"); and

WHEREAS, the City of Greeley has determined that, in order to increase the availability of adequate affordable housing for low- and moderate-income persons and families within the City of Greeley and elsewhere in the State, it is necessary or desirable to provide for the utilization of all or a portion of the 2020 Allocation; and

WHEREAS, the City of Greeley has determined that the 2020 Allocation, or a portion thereof, can be utilized most efficiently by assigning it to the Authority to issue Private Activity Bonds for the purpose of financing one or more multi-family rental housing projects for low- and moderate-income persons and families or to issue Private mortgage loans and for certain other purposes; and

WHEREAS, pursuant to the Code, the Colorado legislature adopted the Colorado Private Activity Bond Ceiling Allocation Act, Part 17 of Article 32 of Title 24, Colorado Revised Statutes (the "Allocation Act"), providing for the allocation of the State Ceiling among the Colorado Housing and Finance Authority (the "Authority") and other governmental units in the State, and further providing for the assignment of such allocations from such other governmental units to the Authority; and

WHEREAS, pursuant to an allocation under Section 24-32-1706 of the Allocation Act, the City of Greeley has an allocation of the 2020 State Ceiling for the issuance of a specified principal amount of Private Activity Bonds prior to **September 15, 2020** (the "2020 Allocation"); and

WHEREAS, the City of Greeley has determined that, in order to increase the availability of adequate affordable housing for low- and moderate-income persons and families within the City of Greeley and elsewhere in the State, it is necessary or desirable to provide for the utilization of all or a portion of the 2020 Allocation; and

WHEREAS, the City of Greeley has determined that the 2020 Allocation, or a portion thereof, can be utilized most efficiently by assigning it to the Authority to issue Private Activity Bonds for the purpose of financing one or more multi-family rental housing projects for low- and moderate-income persons and families or to issue Private Activity Bonds for the purpose of providing single-family mortgage loans to low- and moderate-income persons and families ("Revenue Bonds") or for the issuance of mortgage credit certificates; and

WHEREAS, the City Council of the City of Greeley has determined to assign \$5,682,437 of its 2020 Allocation to the Authority, which assignment is to be evidenced by an Assignment of Allocation between the \$5,682,437 and the Authority (the "Assignment of Allocation").

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greeley as follows:

1. The assignment to the Authority of \$5,682,437 of the City of Greeley's 2020 Allocation be and hereby is approved.

2. The form and substance of the Assignment of Allocation be and hereby are approved; provided, however, that the Mayor be and hereby is authorized to make such technical variations, additions or deletions in or to such Assignment of Allocation as they shall deem necessary or appropriate and not inconsistent with the approval thereof by this resolution.

3. The Director of Economic Health & Housing of the City of Greeley be and hereby is authorized to execute and deliver the Assignment of Allocation on behalf of the City of Greeley and to take such other steps or actions as may be necessary, useful or

convenient to effect the aforesaid assignment in accordance with the intent of this resolution.

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

5. This resolution shall be in full force and effect upon its passage and approval.

PASSED, ADOPTED AND APPROVED this ____ day of _____, 2020.

Assignor:

Name: _____
Title: _____

ATTEST:

Name: _____
Title: _____



assignment of allocation - city

Multifamily Housing Facility Bonds/Single Family Mortgage Revenue Bonds

This Assignment of Allocation (the "Assignment"), dated this 18th day of August, 2020, is between the City of Greeley, Colorado (the "Assignor" or the "Jurisdiction") and Colorado Housing and Finance Authority (the "Assignee").

WITNESSETH:

WHEREAS, the Assignor and the Assignee are authorized and empowered under the laws of the State of Colorado (the "State") to issue revenue bonds for the purpose of providing single-family mortgage loans to low- and moderate-income persons and families; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), restricts the amount of tax-exempt bonds ("Private Activity Bonds") which may be issued in the State to finance such projects and for certain other purposes (the "State Ceiling"); and

WHEREAS, pursuant to the Code, the Colorado legislature adopted the Colorado Private Activity Bond Ceiling Allocation Act, Part 17 of Article 32 of Title 24, Colorado Revised Statutes (the "Allocation Act"), providing for the allocation of the State Ceiling among the Assignee and other governmental units in the State, and further providing for the assignment of allocations from such other governmental units to the Assignee; and

WHEREAS, pursuant to an allocation under Section 24-32-1706 of the Allocation Act, the Assignor has an allocation of the 2020 State Ceiling for the issuance of a specified principal amount of Private Activity Bonds prior to September 15, 2020, (the "2020 Allocation"); and

WHEREAS, the Assignor has determined that, in order to increase the availability of adequate affordable rental housing for low- and moderate-income persons and families within the Jurisdiction, Colorado and elsewhere in the State, it is necessary or desirable to provide for the utilization of all or a portion of the 2020 Allocation; and

WHEREAS, the Assignor has determined that the 2020 Allocation, or a portion thereof, can be utilized most efficiently by assigning it to the Assignee to issue Private Activity Bonds for the purpose of financing one or more multifamily rental housing projects for low- and moderate-income persons and families or to issue Private Activity Bonds for the purpose of providing single-family mortgage loans to low- and moderate-income persons and families ("Revenue Bonds"), and the Assignee has expressed its willingness to attempt to issue Revenue Bonds with respect to the 2020 Allocation assigned herein; and

WHEREAS, the City Council of the Assignor has determined to assign to the Assignee all or a portion of its 2020 Allocation, and the Assignee has agreed to accept such assignment, which is to be evidenced by this Assignment.

NOW, THEREFORE, in consideration of the premises and the mutual promises hereinafter set forth, the parties hereto agree as follows:

1. The Assignor hereby assigns to the Assignee \$5,682,437 of its 2020 Allocation [the "Assigned Allocation"], subject to the terms and conditions contained herein. The Assignor represents that it has received no monetary consideration for said assignment.

2. The Assignee hereby accepts the assignment to it by the Assignor of the Assigned Allocation, subject to the terms and conditions contained herein. The Assignee agrees to use its best efforts to issue and sell Revenue Bonds in an aggregate principal amount equal to or greater than the Assigned Allocation, in one or more series, and to make proceeds of such Revenue Bonds available from time to time for a period of one (1) year from the date of this Assignment to finance multi-family rental housing projects located in the Jurisdiction, or to issue Revenue Bonds for the purpose of providing single-family mortgage loans to low- and moderate income persons and families in the Jurisdiction.

3. The Assignor hereby consents to the election by the Assignee, if the Assignee in its discretion so decides, to treat all or any portion of the Assigned Allocation as an allocation for a project with a carryforward purpose or to make a mortgage credit certificate election, in lieu of issuing Revenue Bonds.

4. The Assignor and Assignee each agree that it will take such further action and adopt such further proceedings as may be required to implement the terms of this Assignment.

5. Nothing contained in this Assignment shall obligate the Assignee to finance any particular multi-family rental housing project located in the Jurisdiction or elsewhere or to finance single-family mortgage loans in any particular amount or at any particular interest rate or to use any particular percentage of the proceeds of its Revenue Bonds to provide mortgage loans or mortgage credit certificates to finance single-family housing facilities in the Jurisdiction, provided that any Revenue Bond proceeds attributable to the Assigned Allocation shall be subject to paragraph 2 above.

6. This Assignment is effective upon execution and is irrevocable.

IN WITNESS WHEREOF, the parties hereto have duly executed this Assignment on the date first written above.

City of Greeley _____, Colorado

By: _____

Name: _____

Title: _____

COLORADO HOUSING AND FINANCE
AUTHORITY

By: _____

Name: _____

Title: _____

Council Agenda Summary

August 18, 2020

Agenda Item Number 12

Paul Fetherston, Assistant City Manager
Robert Miller, Interim Finance Director
Joel Hemesath, Director - Public Works Department
Andy McRoberts, Director - Culture Parks and Recreation Department
Will Jones, Deputy Director - Public Works Department

Title:

Introduction and first reading of an ordinance submitting to the registered electors of the City of Greeley, at the coordinated election to be held November 3, 2020, the question of authorizing the City Council to extend the current sales tax on food from December 31, 2021 to December 31, 2026, for capital projects

Summary:

During its March 10 Work Session, the City Council received a presentation outlining the renewal of the Food Tax and Keep Greeley Moving (KGM) taxes pending over the next two years along with a recommendation from the Citizen's Budget Advisory Committee (CBAC). At the time, prior to the onset of the COVID-19 pandemic, the recommendation was to place both the Food Tax and Keep Greeley Moving taxes on the November 2020 ballot. The consensus of the City Council at that time was to move towards a placement of both taxes on the November 2020 ballot for renewal.

Following a Request for Proposal process, staff worked with Strategies 360 to develop and conduct a survey/ poll of registered voters in late May to determine support for either and both taxes and to help inform a communications strategy leading up to the ballot. During its June 23, 2020 Work Session, City Council was presented with the survey/ polling results conducted by Strategies 360. Following that presentation, it was the consensus of the City Council to have staff continue to move forward with steps that would bring both tax renewals to Council for possible placement on the November 2020 ballot.

In an effort to provide the City Council with the most up to date information regarding voter sentiment on both tax renewals, staff is working with Strategies 360 to conduct a second more focused survey/ poll during the week of August 17. Results of the second survey/ poll will be presented to City Council during its August 25 Work Session to help inform its action on the second reading of this item on September 1.

The CBAC is scheduled to review the second survey/ polling results with Strategies 360 during an August 26 Special Meeting to determine if it has a recommendation or feedback to provide City Council in advance of the September 2, 2020 second reading.

Food Tax

The Food Tax, which is a sales tax of 3.0% on groceries only, was originally approved by voters in 1990 and has remained at the same rate for each five-year renewal since that time. The purpose of the Food Tax has been and remains focused largely on the repair and/ or replacement of public buildings, recreational facilities and streets. The Food Tax, which is set to expire in December 2021 if not renewed, is the major funding source for projects of this nature. It is the common practice in Colorado for communities to seek renewal of a tax one year in advance of its expiration date to provide for a second renewal effort before expiration if required. The Food Tax has generated revenue which has been invested in the following amounts and areas during the period of 2014-2018:

AREA	AMOUNT	SUPPORTING AREAS WITH
Parks Maintenance	\$5.7 Million	1,738 acres of parks and open space
Building Maintenance	\$6.9 Million	Over 1 Million square feet of facility space
Traffic Signal Maintenance	\$500,000	68 traffic signals
Street Maintenance	\$29.7 Million	375 Road Miles, 700 miles of Curb, Gutter and Sidewalk
ADA accessibility	\$1.8 Million	Over 6.600 ADA curb cuts

Based on the current Food Tax collection and annual transfer to Keep Greeley Moving, an average of \$4.7 million is available each year for investment in infrastructure maintenance. When compared to an annual infrastructure maintenance need of \$10.6 million (based on the industry standard useful life of assets), there is an annual shortfall of \$5.9 Million.

If renewed as recommended, the Food Tax is estimated to generate approximately \$45 Million in revenue to maintain community amenities. This will enable staff to start developing master plans that will identify the prioritized capital needs within the areas of facilities, transportation, parks, recreation, open space and natural lands over a five to ten year period. This information will be critical to informing a community-wide discussion by 2025 of what changes to the existing sales tax structure may be needed to support the community's infrastructure.

Citizen Budget Advisory Committee (CBAC) Recommendation

Over the period of November 2019 through February 2020, the CBAC engaged in discussions regarding staff presentations and recommendations pertaining to both the Food Tax and KGM. A summary of its recommendations pertaining to the Food Tax at that time is provided below.

Consideration	Food Tax
Rate	Remain same: 3.0%

Term of the Tax	Remain same: 5 years
Ballot Timing	2020
Purpose	Remain same
Citizen Oversight Board	CBAC

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	\$45 million in revenue over 5 year period
What is the annual impact?	
What fund of the City will provide Funding?	
What is the source of revenue within the fund?	N/A
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:	

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 final reading for September 1, 2020.

Attachments:

Ordinance

**CITY OF GREELEY, COLORADO
ORDINANCE NO. _____, 2020**

**AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF
THE CITY OF GREELEY, AT THE COORDINATED ELECTION TO BE HELD
NOVEMBER 3, 2020, THE QUESTION OF AUTHORIZING THE CITY COUNCIL
TO EXTEND THE CURRENT SALES TAX ON FOOD FROM DECEMBER 31, 2021
TO DECEMBER 31, 2026, FOR CAPITAL PROJECTS.**

WHEREAS, at the November 1992 general election, the citizens of Colorado adopted, as an amendment to the Colorado Constitution, the provisions of Article X, Section 20 of the Colorado Constitution ("TABOR"), which, among other things, require voter approval for certain exercises of state and local government powers relating to taxation, revenue-raising, spending and the incurrence of debt and other multiple-fiscal year financial obligations; and

WHEREAS, the City currently imposes a sales tax on the purchase of food pursuant to Chapter 4.04 of the Greeley City Code; and

WHEREAS, the Council has determined, and hereby determines, that it is in the best interests of the health, safety and welfare of the people of the City that the registered electors of the City be given an opportunity at the November 3, 2020, coordinated election to vote "yes" or "no" with respect to the question of authorizing the Council to extend the sales tax on food from December 31, 2021 to December 31, 2026, for the purpose of financing capital projects as described in the ballot title set forth below; and

WHEREAS, it is the intent of the City to comply with Article X, Section 20 of the Colorado Constitution in submitting such sales tax extension question to the registered electors of the City.

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

Section 1. All actions heretofore taken (not inconsistent with the provisions of this ordinance) by the Council or the officers of the City directed toward the submission of such sales tax extension question to the registered electors of the City, are hereby ratified, approved and confirmed.

Section 2. The City Clerk is hereby authorized and directed to take all action necessary or appropriate to submit the sales tax extension question to the registered electors of the City as a ballot issue at the November 3, 2020 coordinated election, the ballot title for which shall be in substantially the following form:

**CITY OF GREELEY SALES TAX ON FOOD EXTENSION FROM
DECEMBER 31, 2021 TO DECEMBER 31, 2026.**

**WITHOUT RAISING TAXES, SHALL THE EXISTING VOTER-APPROVED
SALES TAX RATE ON FOOD CURRENTLY IN EFFECT BE EXTENDED**

THROUGH DECEMBER 31, 2026 FOR THE PURPOSE OF CONTINUING TO FUND CAPITAL CONSTRUCTION PROJECTS, IMPROVEMENTS, MAINTENANCE, AND REPAIRS, INCLUDING WITHOUT LIMITATION THE CONSTRUCTION, IMPROVEMENT, MAINTENANCE AND REPAIR OF

- **PUBLIC BUILDINGS,**
- **PARKS,**
- **STREETS, AND**
- **RECREATIONAL FACILITIES.**

WITH SUCH EXPENDITURES TO BE SUBJECT TO INDEPENDENT AUDIT OVERSEEN BY A CITIZENS COMMITTEE APPOINTED BY THE GREELEY CITY COUNCIL, AND SHALL THE PROCEEDS OF SUCH TAX AND THE INCOME FROM THEIR INVESTMENT, BE COLLECTED, KEPT AND SPENT AS A VOTER APPROVED REVENUE CHANGE AND AN EXCEPTION TO ANY REVENUE OR EXPENDITURE LIMITS THAT WOULD OTHERWISE APPLY?

YES _____ NO _____

The Council hereby authorizes and directs the City Clerk to certify such ballot issue to the Weld County Clerk and Recorder and hereby sets and fixes the foregoing as the ballot title by which such ballot issue is to be submitted. Any protests or contests concerning the ballot title set forth above shall be initiated and conducted in the time and manner set forth in Section 1-11-203.5, Colorado Revised Statutes. The City Clerk, or the Council by resolution, may make such changes in the ballot title set forth above as may be necessary or appropriate to conform to applicable law. Notice of the election, including submission of the ballot issue, shall be given, and the election shall be held and conducted and the results thereof shall be determined, in conformity with the Uniform Election Code of 1992, the Charter and ordinances of the City, and other applicable provisions of the Constitution (including, without limitation, Article X, Section 20 thereof) and the laws of the State of Colorado. Nothing in this ordinance or the ballot issue shall preclude application of such revenues to the continuation (with such changes as the Council may provide) of the City's rebate program for low-income City residents, presently provided for in Ordinance No. 39, 2015.

Section 3. If the ballot issue is approved, the Council shall be authorized to continue presently existing provisions or to make other provisions (not inconsistent herewith) for the application of revenues derived from such extended food sales tax to the funding of capital projects as described in such ballot title, including capital construction, capital maintenance, capital improvements and capital repairs, including, without limitation, the application and pledge of such revenues for principal, interest and other payments and as security for presently outstanding and future bonds and other capital financing. Nothing in this ordinance or the ballot issue shall preclude application of such revenues to the continuation (with such changes as the Council may provide) of the City's rebate program for low-income City residents, presently provided for in Ordinance No. 39, 2015.

Section 4. The City hereby exercises its power as a home rule municipality, pursuant to Article XX of the Colorado Constitution, to supersede any and all laws of the State of Colorado which may be in conflict herewith.

Section 5. The invalidity or unenforceability of any provision of this ordinance shall in no way affect the validity or enforceability of the remainder of this ordinance.

Section 6. Following passage of this ordinance on first reading, it shall be published in full in the Greeley Tribune. Immediately upon its final passage, this ordinance shall be recorded in the City book of ordinances kept for that purpose, shall be authenticated by the signatures of the Mayor and the City Clerk, and shall be published in full in the Greeley Daily Tribune, a legal newspaper of general circulation of the City. The City Clerk is authorized to include in such publications any additional information that the City Clerk may deem necessary or appropriate.

INTRODUCED, READ AND ORDERED PUBLISHED THIS _____ DAY OF _____, 2020.

PASSED AND ORDERED PUBLISHED BY REFERENCE THIS _____ DAY OF _____, 2020.

CITY OF GREELEY, COLORADO

BY: _____
Mayor John Gates

[SEAL]
Attest:

By: _____
City Clerk

Council Agenda Summary

August 18, 2020

Agenda Item Number 13

Paul Fetherston, Assistant City Manager
Robert Miller, Interim Finance Director
Joel Hemesath, Director - Public Works Department
Andy McRoberts, Director - Culture Parks and Recreation Department
Will Jones, Deputy Director - Public Works Department

Title:

Introduction and first reading of an ordinance submitting to the registered electors of the City of Greeley, at the coordinated election to be held November 3, 2020, the question of authorizing the City Council to extend the .65% component of retail sales and use tax currently scheduled to expire on December 31, 2022 to December 31, 2029, for to fund capital projects for street-related infrastructure improvements and repairs

Summary:

During its March 10 Work Session, the City Council received a presentation outlining the renewal of the Food Tax and Keep Greeley Moving taxes pending over the next two years along with a recommendation from the Citizen's Budget Advisory Committee (CBAC). At the time, prior to the onset of the COVID-19 pandemic, the recommendation was to place both the Food Tax and Keep Greeley Moving taxes on the November 2020 ballot. The consensus of the City Council at that time was to move towards a placement of both taxes on the November 2020 ballot for renewal.

Following a Request for Proposal process, staff worked with Strategies 360 to develop and conduct a survey/ poll of registered voters in late May to determine support for either and both taxes and to help inform a communications strategy leading up to the ballot. During its June 23, 2020 Work Session, City Council was presented with the survey/ polling results conducted by Strategies 360. Following that presentation, it was the consensus of the City Council to have staff continue to move forward with steps that would bring both tax renewals to Council for possible placement on the November 2020 ballot.

In an effort to provide the City Council with the most up to date information regarding voter sentiment on both tax renewals, staff is working with Strategies 360 to conduct a second more focused survey/ poll during the week of August 17. Results of the second survey/ poll will be presented to City Council during its August 25 Work Session to help inform its action on the second reading of this item on September 1.

The CBAC is scheduled to review the second survey/ polling results with Strategies 360 during an August 26 Special Meeting to determine if it has

a recommendation or feedback to provide City Council in advance of the September 2, 2020 second reading.

Keep Greeley Moving

Greeley voters first approved the Keep Greeley Moving (KGM) tax in 2015 for a period of a seven-year 0.65% sales (food exempt) focused on street related improvements and repairs. Currently set to expire in 2022, over the last three years, the KGM tax has resulted in the following investments:

AREA	AMOUNT
Concrete repairs (including 38,631 linear feet of sidewalks)	\$3.2 Million
Seal coat 49.63 miles of roadway	\$3.3 Million
Patching of 54,298 square yards of roadway	\$3.4 Million
Overlay of 29.76 miles of roadway	\$16.9 Million
Applied 794,296 pounds of crack seal	\$1.3 Million
Roadway expansion work (including 20 th Street and 71 st Avenue)	\$13 Million
Total Revenue Invested	\$41.1 Million

The funding and support of the taxpayers of Keep Greeley Moving was a significant step in making progress in the City's ability to enhance its street improvements and repairs. Without this voter approved funding, the investments highlighted above would not have been possible. At the same time, the funding is in a catch up position building upon a backlog of improvements and repairs - impacted by cost inflation and annual asset growth similar to the Food Tax. With an annual average growth of 3.0%, netted out by an annual average asset growth of 3.0%, and further impacted by an annual average construction cost inflation factor of 2.9%, the City is losing ground every year – compounding on the existing deficit.

Based on the current Keep Greeley Moving revenue collection and annual transfer from the Food Tax, an average of \$11.5 million is available each year for investment in street improvements and repair. When compared to an annual need of \$14.0 million, there is an annual shortfall of \$2.85 Million.

Following its analysis of the respective taxes and potential renewal timelines from November 2019 through February 2020, the staff and CBAC recommended that City Council seek a renewal of the existing KGM in November 2020 for a seven-year period with no changes. Both the Food Tax and KGM appeared on the same ballot in 2015. If renewed, KGM is estimated to generate approximately \$80.5 Million in revenue over seven-years for street improvements and repair.

Colorado communities generally seek voter approval of a tax renewal one year in advance of its expiration date. This strategy allows elected

officials, staff and citizen committees the opportunity to have one additional renewal effort in the event the initial measure fails.

The original recommendation to seek voter approval of the KGM's renewal two years in advance of its expiration was based on the following rationale:

- a. Tax renewals take a significant amount of staff time for important functions associated with such efforts including but not limited to the preparation of research, data and recommendations; presenting to and processing through committees such as the CBAC; and making informational presentations to citizen groups in advance of the election. Seeking renewal of the existing KGM tax, with no change, at the same time as the Food Tax will enable the staff to not have to utilize staff resources next year thereby allowing such resources to be refocused.
- b. The ability to refocus staff resources over the next four years – without an additional tax renewal effort - will enable staff resources to be focused on starting the development of master plans that will identify the capital needs and priorities within the areas of facilities, transportation, parks, recreation, open space and natural lands over a five to ten year horizon. This information will be critical to informing a community-wide discussion by 2025 of what changes to the existing sales tax structure may be needed to support the community's infrastructure – including street improvement and repair.

Citizen Budget Advisory Committee (CBAC) Recommendation

Over the period of November 2019 through February 2020, the CBAC engaged in discussions regarding staff presentations and recommendations pertaining to both the Food Tax and KGM. A summary of its recommendation pertaining to KGM are provided below.

Consideration	KGM
Rate	Remain same: 0.65%
Term of the Tax	Remain same: 7 years
Ballot Timing	2020
Purpose	Remain same
Citizen Oversight Board	CBAC

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	\$80.5 million in revenue over 7 year period
What is the annual impact?	
What fund of the City will provide Funding?	
What is the source of revenue within the fund?	N/A

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:	

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 final reading for September 1, 2020.

Attachments:

Ordinance

**CITY OF GREELEY, COLORADO
ORDINANCE NO. ___, 2020**

**AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF
THE CITY OF GREELEY, AT THE COORDINATED ELECTION TO
BE HELD NOVEMBER 3, 2020, THE QUESTION OF AUTHORIZING
THE CITY COUNCIL TO EXTEND THE .65% COMPONENT OF RETAIL
SALES AND USE TAX CURRENTLY SCHEDULED TO EXPIRE ON DECEMBER
31, 2022 TO DECEMBER 31, 2029, FOR TO FUND CAPITAL PROJECTS FOR
STREET-RELATED INFRASTRUCTURE IMPROVEMENTS AND REPAIRS.**

WHEREAS, at the November 1992 general election, the citizens of Colorado adopted, as an amendment to the Colorado Constitution, the provisions of Article X, Section 20 of the Colorado Constitution (“TABOR”), which, among other things, require voter approval for certain exercises of state and local government powers relating to taxation, revenue-raising, spending and the incurrence of debt and other multiple-fiscal year financial obligations; and

WHEREAS, the City currently imposes a retail sales and use tax pursuant to Chapter 4.04 of the Greeley City Code; and

WHEREAS, the Council has determined, and hereby determines, that it is in the best interests of the health, safety and welfare of the people of the City that the registered electors of the City be given an opportunity at the November 3, 2020, coordinated election to vote “yes” or “no” with respect to the question of extending the rate of the City sales and use tax for the purpose of financing street related infrastructure improvements and repairs as described in the form of ballot title set forth below; and

WHEREAS, it is the intent of the City to comply with Article X, Section 20 of the Colorado Constitution in submitting such sales tax increase question to the registered electors of the City.

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

Section 1. All actions heretofore taken (not inconsistent with the provisions of this ordinance) by the Council or the officers of the City directed toward the submission of such sales and use tax increase question to the registered electors of the City, are hereby ratified, approved and confirmed.

Section 2. The City Clerk is hereby authorized and directed to take all action necessary or appropriate to submit the sales and use tax increase question to the registered electors of the City as a ballot issue at the November 3, 2020 coordinated election, the ballot title for which shall be in substantially the following form:

CITY OF GREELEY SALES AND USE TAX RATE EXTENSION

WITHOUT RAISING TAXES, SHALL THE EXISTING VOTER-APPROVED .65 % OF THE CITY SALES TAX RATE (WHICH DOES NOT APPLY TO FOOD) BE EXTENDED UNTIL DECEMBER 31, 2029 FOR THE PURPOSE OF CONTINUING TO FUND:

- **STREET-RELATED INFRASTRUCTURE IMPROVEMENTS AND REPAIRS, INCLUDING SAFETY IMPROVEMENTS,**
- **PEDESTRIAN SAFETY IMPROVEMENTS INCLUDING SIDEWALKS, CROSSWALKS AND INTERSECTIONS, AND**
- **SAFETY, TRAFFIC FLOW, AND CONGESTION IMPROVEMENTS TO MAJOR STREETS,**

WITH SUCH EXPENDITURES TO BE SUBJECT TO INDEPENDENT AUDIT OVERSEEN BY A CITIZENS COMMITTEE APPOINTED BY THE GREELEY CITY COUNCIL, AND PROHIBITING ANY PAYMENT OF ADMINISTRATIVE COSTS TO BE MADE FROM SUCH TAX REVENUE, AND SHALL THE PROCEEDS OF SUCH TAX AND THE INCOME FROM THEIR INVESTMENT, BE COLLECTED, KEPT AND SPENT AS A VOTER APPROVED REVENUE CHANGE AND AN EXCEPTION TO ANY REVENUE OR EXPENDITURE LIMITS THAT WOULD OTHERWISE APPLY?

YES _____ NO _____

The Council hereby authorizes and directs the City Clerk to certify such ballot issue to the Weld County Clerk and Recorder and hereby sets and fixes the foregoing as the ballot title by which such ballot issue is to be submitted. Any protests or contests concerning the ballot title set forth above shall be initiated and conducted in the time and manner set forth in Section 1-11-203.5, Colorado Revised Statutes. The City Clerk, or the Council by resolution, may make such changes in the ballot title set forth above as may be necessary or appropriate to conform to applicable law. Notice of the election, including submission of the ballot issue, shall be given, and the election shall be held and conducted and the results thereof shall be determined, in conformity with the Uniform Election Code of 1992, the Charter and ordinances of the City, and other applicable provisions of the Constitution (including, without limitation, Article X, Section 20 thereof) and laws of the State of Colorado.

Section 3. If the ballot issue is approved, the Council shall be authorized to continue presently existing provisions or to make other provisions (not inconsistent herewith) for the application of revenues derived from such extended retail sales and use tax to the funding of street-related infrastructure improvements and repairs, including safety improvements on streets rated as poor by national standards, pedestrian safety improvements including sidewalks, crosswalks and intersections and safety and traffic flow improvements to major streets, as described in such ballot title, including, without limitation, the application and pledge of such revenues for principal,

interest and other payments and as security for presently outstanding and future bonds and other capital financing.

Section 4. The City hereby exercises its power as a home rule municipality, pursuant to Article XX of the Colorado Constitution, to supersede any and all laws of the State of Colorado which may be in conflict herewith.

Section 5. The invalidity or unenforceability of any provision of this ordinance shall in no way affect the validity or enforceability of the remainder of this ordinance.

Section 6. Following passage of this ordinance on first reading, it shall be published in full in the Greeley Tribune. Immediately upon its final passage, this ordinance shall be recorded in the City book of ordinances kept for that purpose, shall be authenticated by the signatures of the Mayor and the City Clerk, and shall be published in full in the Greeley Daily Tribune, a legal newspaper of general circulation of the City. The City Clerk is authorized to include in such publications any additional information that the City Clerk may deem necessary or appropriate.

INTRODUCED, READ AND ORDERED PUBLISHED THIS _____ DAY OF _____, 2020.

PASSED AND ORDERED PUBLISHED BY REFERENCE THIS _____ DAY OF _____, 2020.

CITY OF GREELEY, COLORADO

By _____
Mayor

[SEAL]
Attest:

By _____
City Clerk

Council Agenda Summary

August 18, 2020

Agenda Item Number 14

Key Staff Contact: Joel Hemesath, Public Works Director, 970-350-9795

Title:

Consideration to approve a change order in the amount of \$94,058.62 to the contract with Yeh & Associates for the 10th Street Access Improvements Phase II Project bringing the revised contract amount from \$262,105.03 to \$356,163.65.

Summary:

Change Order #3 with Yeh & Associates involves ongoing construction inspection and compiling of project records for the 10th Street Access Improvement Project – Phase II, in conformance with CDOT Standards. This revision to the contract results from a combination of design issues and a delay on the project due to the necessity of relocating two Atmos gas mains .

Change Order #3 for \$94,058.62 will increase the contract total from \$262,105.03 to \$356,163.65, an increase of 36% from Change Order #2.

Change order #1 was for \$32,769.46 for Yeh & Associates to continue with processing the CDOT required documentation while construction was stopped during the winter. Change Order #2 covered the initial construction work beginning in March of 2020 until early summer. Change Order #3 is for the remainder of the project and is a not to exceed amount.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	\$94,058.62
What is the annual impact?	One time
What fund of the City will provide Funding?	General Fund/Road Development
What is the source of revenue within the fund?	Sales Tax/ Road Impact Fee
Is there grant funding for this item?	Yes
If yes, does this grant require a match?	Yes
Is this grant onetime or ongoing?	onetime
Additional Comments:	Additional funding was received from CDOT through the NFRMPO in May. City Attorney’s office is also discussing reimbursement from the design engineering firm for the additional costs for construction delays.

Legal Issues:

Greeley Municipal Code 4.20.160 requires that change orders over 25% of the contract amount be referred to City Council for approval.

Other Issues and Considerations:

None

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. Approve change order as recommended,
2. Amend the change order and approve as amended,
3. Deny the change order, or
4. Continue item to a date certain.

Council's Recommended Action:

A motion to approve Change Order #3.

Attachments:

Change Order #3

Change Order #3 backup detail



CHANGE ORDER FORM

Project Information

Change Order #:	3	Date:	August 5, 2020
Project Name:	10th Street Access Improvements Phase 2		
Bid Number:	FA19-01-014	Dept/Division:	PW/Engineering
Original Budget Unit #:	3010006008260000 - 8202	PO #:	19000559
New Budget Unit Number Added:			
Project Manager:	Tom Hellen	Title:	City Engineer

Contractor/Consultant Information

Contractor/Consultant:	Yeh & Associates	Phone /Extension:	970-451-5026
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The CONTRACTOR/CONSULTANT is hereby directed to perform the WORK described in the CONTRACT for design/construction as amended by this CHANGE ORDER.

See attached **2** sheets with full explanation for the change order.

Compensation to Contractor/Consultant

The original contract sum was:	\$169,141.69
The net change by previous change order was:	\$92,963.34
The contract sum prior to this change order was:	\$262,105.03
The contract sum will be: (See List) Increased	\$94,058.62
The new contract sum, including this change order is:	\$356,163.65
The contract time will be: (See List) Increased	
The new date for project completion is:	September 30, 2020

This CHANGE ORDER is intended to, and the OWNER agrees that it shall, fairly and adequately compensate the CONTRACTOR/CONSULTANT for the extra direct costs (time and materials, etc.) as well as all expenses and damages which may result from any delays, suspensions, stretch-outs, scheduling, inefficiencies and accelerations in the WORK associated with this CHANGE ORDER, and the CONTRACTOR/CONSULTANT releases the OWNER from any claims for such expenses and damages.

This CHANGE ORDER is intended to, and the CONTRACTOR/CONSULTANT agrees that it does, provide the CONTRACTOR/CONSULTANT a reasonable and adequate period of time in which to complete the WORK in accordance with the CONTRACT for establishment of policies, as amended by this CHANGE ORDER, and the CONTRACTOR/CONSULTANT releases the OWNER from any claims for additional time to perform the WORK associated with this CHANGE ORDER.

The Contract Documents may be executed in two or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same document. The Contract Documents, including all component parts set forth above, may be executed and delivered by electronic signature by any of the parties and all parties consent to the use of electronic signatures.

Signatures for Council (Council minutes need to be attached)

IN WITNESS WHEREOF, the parties have caused this instrument to be executed in two (2) original counterparts as of the day and year first above written.

Approved as to Substance	Reviewed as to Legal Form
City Manager	City Attorney
Certification of Contract Funds Availability	Departmental Certification
Director of Finance	Department Director
Purchasing Official	Project Manager

Certification of Content by Contractor/Consultant

Representative of Contractor/Consultant	Title
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Additional Approval:

Budget Supervisor CPC Finance

CHANGE ORDER FORM



Project Information

Change Order #:	3
Project Name:	10th Street Access Improvements Phase 2
Date:	8/5/2020
Project Manager:	Tom Hellen

Change Order Justification

Location	10th Street - 23rd to 35th Avenues
Summary of Change Order	Revise the contract with Yeh & Associates for construction inspection and project record management in conformance with CDOT standards to cover additional expenses due to project construction delays related to design issues
Why was this not in original contract?	The contract did include all these activities but design error delays and impact from a delay with an Atmos gas main were not anticipated
Budget Impact/Funding	Two previous Change Orders had to be limited in scope and schedule due to budgeting issues with delays in receiving additional funding from CDOT. The IGA with CDOT was recently approved providing the funding for this change order. In addition, we are in discussions with the design firm for the additional expenses we are incurring.
Impact to project schedule	The delay due to design issues previously delayed the completion of the project from November, 2019 to July, 2020. Additional delays due to the relocation of an Atmos gas main delayed project completion again to August 31, 2020. This Change Order will be in place through September, 2020 to allow for final project record completion to CDOT standards
Detailed Explanation	Yeh & Associates was contracted to provide Construction inspection and project record keeping services in accordance with CDOT standards. Delays in the project schedule due to design errors resulted in slow progress on construction activities resulting in full use of the initially proposed contract hours. Yeh & Associates continued with project record keeping activities through the various delays of the project.

PROJECT COST WORKSHEET (SPECIFIC RATE OF PAY)

Project Number: TBD
 Location: City of Greeley
 Firm Name: Yeh and Associates, Inc.
 Name of Preparer: S. Hieber 7/20/20
 Scope of Work Date: June 24, 2020
 Type of Proposal: Specific Rate of Pay

Contract # _____
 Task order # _____
 Email: TBD
 Firm Phone No: (303) 781-9590

1A. LABOR RATES

EMPLOYEE NAME		EMPLOYEE CLASSIFICATION	DIRECT SALARY COST/HOUR (a)	INDIRECT COST (%) (b)	Fee (%) (c)	MULTIPLIER (d)	SPECIFIC RATE \$/HOUR (e)
LAST	FIRST						
Book	Kip	Construction Observer 2	\$ 37.00	160.15	10.00	2.8617	\$ 105.88
Buck	Tammera	Technician Leader	\$ 46.50	160.15	10.00	2.8617	\$ 133.07
Chapman	Rick	Project Manager	\$ 52.50	160.15	10.00	2.8617	\$ 150.24
Hieber	Steven	Senior Project Manager	\$ 63.00	160.15	10.00	2.8617	\$ 180.28
Hull	Philip	Senior Project Manager	\$ 72.00	160.15	10.00	2.8617	\$ 206.04
Kaup	Matthew	Construction Observer 3	\$ 46.00	160.15	10.00	2.8617	\$ 131.64
McGuire	Megan	Technician 1	\$ 18.00	160.15	10.00	2.8617	\$ 51.51
Ravnsborg	Rand	Technician 3	\$ 28.00	160.15	10.00	2.8617	\$ 80.13
Sherwood	Carson	Intern	\$ 12.00	160.15	10.00	2.8617	\$ 34.34
Sherwood	Samantha	Project Manager	\$ 50.00	160.15	10.00	2.8617	\$ 143.08
Walz	Michael	CAD Designer	\$ 44.00	160.15	10.00	2.8617	\$ 125.91

1B. LABOR COSTS

EMPLOYEE NAME		EMPLOYEE CLASSIFICATION	DIRECT SALARY COST/HOUR (a)	ESTIMATED NUMBER OF WORK HOURS (f)	DIRECT LABOR AMOUNT (g)	SPECIFIC RATE \$/Hour ((e) from 1A)	ESTIMATED COST PER EMPLOYEE (h)
Last	First						
Book	Kip	Construction Observer 2	\$ 37.00	560.00	\$ 20,720.00	\$ 105.88	\$ 59,292.80
Buck	Tammera	Technician Leader	\$ 46.50	0.00	\$ -	\$ 133.07	\$ -
Chapman	Rick	Project Manager	\$ 52.50	24.00	\$ 1,260.00	\$ 150.24	\$ 3,605.76
Hieber	Steven	Senior Project Manager	\$ 63.00	0.00	\$ -	\$ 180.28	\$ -
Hull	Philip	Senior Project Manager	\$ 72.00	0.00	\$ -	\$ 206.04	\$ -
Kaup	Matthew	Construction Observer 3	\$ 46.00	90.00	\$ 4,140.00	\$ 131.64	\$ 11,847.60
McGuire	Megan	Technician 1	\$ 18.00	180.00	\$ 3,240.00	\$ 51.51	\$ 9,271.80
Ravnsborg	Rand	Technician 3	\$ 28.00	0.00	\$ -	\$ 80.13	\$ -
Sherwood	Carson	Intern	\$ 12.00	240.00	\$ 2,880.00	\$ 34.34	\$ 8,241.60
Sherwood	Samantha	Project Manager	\$ 50.00	12.00	\$ 600.00	\$ 143.08	\$ 1,716.96
Walz	Michael	CAD Designer	\$ 44.00	0.00	\$ -	\$ 125.91	\$ -
Totals:				1106.00	\$ 32,840.00		\$ 93,976.52

2A. OTHER DIRECT COSTS (In-house)*:

ITEM	ESTIMATED UNITS	UNIT RATE	UNITS	ESTIMATED COST
Vehicle Mileage ^[1]	0	\$ 0.55	mile	\$ -
				SUBTOTAL \$ -

^[1] At current State Rate
 * Prior Approval from CDOT Project Manager

2B. OTHER DIRECT COSTS (OUTSIDE)*:

ITEM	ESTIMATED UNITS	UNIT RATE	UNITS	ESTIMATED COST
Lodging ^[2]	Actual Cost (see footnote)	0	- Per Day	\$ -
Per Diem Meals ^[3]	Allowable Cost (see footnote)	0	- Per Day	\$ -
Miscellaneous ^[4]	Actual Cost (see footnote)	0	- Each	\$ -
Express mail/courier services	At actual reasonable cost	0	- Each	\$ -
Postage for major mailings	At actual reasonable cost	0	- Each	\$ -
Major Reproduction	At actual reasonable cost	0	- Each	\$ -
Parking/Tolls	At actual reasonable cost	0	- Each	\$ -
				SUBTOTAL \$ -

^[2] At actual cost, not to exceed the allowable conus rates by county, per State Fiscal Rules.
^[3] Colorado State Fiscal Rules applying the allowable Conus rate for meals and incidentals applicable county. (No receipt necessary)
^[4] At actual reasonable cost subject to approval of the CDOT Project Manager

* Prior Approval from CDOT Project Manager required

OTHER DIRECT COST TOTAL \$ -

2C. FCCM: **0.25%** TOTAL FCCM \$ 82.10

3A. OUTSIDE SERVICES RATES (SUBCONSULTANTS):

FIRM NAME	ESTIMATED COST
	\$ -

	\$	-
	\$	-
SUBTOTAL		\$ -

3B. OUTSIDE SERVICES RATES (VENDORS)*:

FIRM NAME	ESTIMATED COST	
_____	\$ -	
_____	\$ -	
_____	\$ -	
SUBTOTAL		\$ -

* Prior Approval from CDOT Project Manager required

TOTAL OUTSIDE SERVICES		\$ -
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4.

TOTAL ESTIMATED COST		\$ 94,058.62
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I am a representative of Yeh and Associates, Inc., duly authorized to contractually bind the firm. My signature below constitutes formal agreement (without further signature) to a Task Order, which is issued by the State pursuant to the terms of this Task Order Proposal, without substantive change. I also declare that to the best of my knowledge the wage rates and other factual unit rates supporting the compensation to be paid by CDOT for the professional services on this document are accurate, complete, and current at the time of contracting, and include no unallowable or duplicate costs.

Philip Hull PE, Principal Engineer

 (Typed Name and Title)



 (SIGNATURE)

July 24, 2020

 (DATE SIGNED)

Council Agenda Summary

August 18, 2020

Agenda Item Number 15

Key Staff Contact: Joel Hemesath, Public Works Director, 970-350-9795

Title:

Consideration of a change order in the amount of \$52,405.00 to the contract with Alterra Underground Solutions LLC for the Promontory Traffic Conduit Project bringing the revised contract amount from \$147,475.00 to \$199,880.00

Summary:

Change Order #1 with Alterra Underground Solutions LLC addresses extra fiber cabling that was omitted from the original design, and for additional work associated with rock encountered during the boring of the project. It was thought that the total fiber cabling was included in the original linear footage of the project but upon review the project was 610 linear feet short for extra fiber slack in the junction boxes. Additionally, the actual amount of rock boring could not be ascertained during the design of the project. A geotech report was completed ahead of the work and assumptions of 50% bedrock were assumed, but considerably more bedrock was encountered thus increasing the time and costs to bore the conduit.

The City Manager approved the work to continue prior to Council approval of the Change Order, and he notified City Council of this decision in his July 10 Weekly Snapshot. In this message it explained the item would have to come back to Council to be approved once the final quantity of rock was determined. This change order needed to be done in this manor or the contractor would have pulled off the job until Council could consider this item, and then would reschedule to finish the work. If that delay had happened it would have created a cascade of events that would have left the new Fire Station 6 without fiber and computer support when it opens.

This fiber supports the new Promontory Parkway and Highway 34 Bypass traffic signal as well as the new Fire Station 6 building.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	\$52,405.00
What is the annual impact?	One Time
What fund of the City will provide Funding?	Road Development
What is the source of revenue within the fund?	Road Development
Is there grant funding for this item?	No
If yes, does this grant require a match?	No
Is this grant onetime or ongoing?	N/A

Additional Comments:	None
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Legal Issues:

Greeley Municipal Code 4.20.160 requires that change orders over 25% of the contract amount be referred to City Council for approval.

Other Issues and Considerations:

None

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 change order as presented; or
- 2) Amend the change order and adopt as amended; or
- 3) Deny the change order; or
- 4) Continue consideration of the change order to a date certain.

Council's Recommended Action:

A motion to adopt the change order.

Attachments:

- Change Order #1
- Change Order #1 backup



CHANGE ORDER FORM

Project Information

Change Order #:	1	Date:	August 4, 2020
Project Name:	Fire Station 6		
Bid Number:	FD20-03-060	Dept/Division:	Public Works / Engineering
Original Budget Unit #:	3125006009340000 - 8202	PO #:	20000743
New Budget Unit Number Added:	312 00 060 8908 0000 - 8202		
Project Manager:	Brian Ward	Title:	Project Manager

Contractor/Consultant Information

Contractor/Consultant:	Alterra Underground Solutions LLC	Phone /Extension:	720-660-7767
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The CONTRACTOR/CONSULTANT is hereby directed to perform the WORK described in the CONTRACT for design/construction as amended by this CHANGE ORDER.

See attached **2** sheets with full explanation for the change order.

Compensation to Contractor/Consultant

The original contract sum was:	\$147,475.00
The net change by previous change order was:	\$0.00
The contract sum prior to this change order was:	\$147,475.00
The contract sum will be: (See List) Increased	\$52,405.00
The new contract sum, including this change order is:	\$199,880.00
The contract time will be: (See List) Unchanged	
The new date for project completion is:	

This CHANGE ORDER is intended to, and the OWNER agrees that it shall, fairly and adequately compensate the CONTRACTOR/CONSULTANT for the extra direct costs (time and materials, etc.) as well as all expenses and damages which may result from any delays, suspensions, stretch-outs, scheduling, inefficiencies and accelerations in the WORK associated with this CHANGE ORDER, and the CONTRACTOR/CONSULTANT releases the OWNER from any claims for such expenses and damages.

This CHANGE ORDER is intended to, and the CONTRACTOR/CONSULTANT agrees that it does, provide the CONTRACTOR/CONSULTANT a reasonable and adequate period of time in which to complete the WORK in accordance with the CONTRACT for establishment of policies, as amended by this CHANGE ORDER, and the CONTRACTOR/CONSULTANT releases the OWNER from any claims for additional time to perform the WORK associated with this CHANGE ORDER.

The Contract Documents may be executed in two or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same document. The Contract Documents, including all component parts set forth above, may be executed and delivered by electronic signature by any of the parties and all parties consent to the use of electronic signatures.

Signatures for City Manager

IN WITNESS WHEREOF, the parties have caused this instrument to be executed in two (2) original counterparts as of the day and year first above written.

Approved as to Substance	Reviewed as to Legal Form
City Manager	City Attorney
Certification of Contract Funds Availability	Departmental Certification
Director of Finance	Department Director
Purchasing Official	Project Manager

Certification of Content by Contractor/Consultant

Representative of Contractor/Consultant	Title
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Additional Approval:

Budget Supervisor CPC Finance

City Council approval is required for Original contract sum >\$100000. Council Minutes must be attached.

Approval Level is City Council based on cumulative change orders totalling \$52,405 for a total of 35.5%.

CHANGE ORDER FORM



Project Information

Change Order #: **1**

Project Name: **Fire Station 6**

Date: **8/4/2020**

Project Manager: **Brian Ward**

Change Order Justification

Location: 10603 20th St

Summary of Change Order: This change order addresses extra fiber cabling that was omitted from the original design documents and compensating Alterra for additional work associated with rock encountered during the boring of the project.

Why was this not in original contract?: It was thought that the total fiber cabling was included in the original linear footage of the project but upon review the project was 610 linear feet short. The actual amount of rock boring could not be ascertained during the design of the project.

Budget Impact/Funding: The additional fiber cabling increase the project budget by \$1,525.00.
The rock boring will increase the project budget by \$50,880.00
This change order will increase the project budget \$52,405.00.
This change order will be funded from BUN 312 00 060 8908 0000 - 8202.

Impact to project schedule: This change order will have no impact to the schedule of the project.

Detailed Explanation: Prior to placing the order for the fiber cabling the contractor verified the amount of cabling to be rolled up inside each box. Upon adding up these amounts and comparing this to the linear footage of cabling included in the project it was discovered that the cabling amount included in the design documents was 610 linear feet short. The 610 linear feet will be added to the project at the contract price of \$2.50 / lf for \$1,525.00 total. During the boring operations of the project 3,180 lf of rock boring was encountered. The actual amount of

Brian Ward

From: Steven Schlamp <steven@alterraunderground.com>
Sent: Monday, August 3, 2020 9:42 AM
To: Tom Hellen; Brian Ward; Cassie Slade; balmirall@interwestgrp.com; Luis; Leroy Baca
Subject: [EXTERNAL] Promontory Conduit Substantial Completion

Good Morning,

Production - Fiber was installed last week and we used every last inch of the 6000' we ordered. Total for the Fiber footage will be 6000ft, which is an overage of 610.00ft (x2.50/ft = 1525.00).

Punch List Items - Crews coordinated with City of Greeley about the landscaping and addressed the concerned areas, please let me know if there are any outstanding issues.

As-Builts - working on them now, information has been gathered and I will distribute to the group when they're available.

Mr. Ward, please provide notice of substantial completion as required.

Change Order for Fiber - 2.50/ft x 610ft = 1525.00
Change Order for Rock - 16.00/ft x 3180ft = 50880.00

Total for Change Order Due to Alterra = 52405.00

Safety - No safety incidents, No traffic control incidents, No utility strikes.

Great job out there team!

Thank You,

Steven Schlamp

General Manager
(720) 660-7767



HDD - Hydrovac - Excavating

www.alterraunderground.com

Council Agenda Summary

August 18, 2020

Agenda Item Number 16

Title

Pulled Consent Agenda Items

Council Agenda Summary

August 18, 2020

Agenda Item Number 17

Key Staff Contact: Brad Mueller, Community Development Director, 970-350-9786
Darrell Gesick, Planner, 970-350-9822

Title:

Public hearing and final reading of an ordinance to consider a change of zone from PUD (Planned Unit Development) to C-H (Commercial High Intensity) zoning for 38.811 acres of property located south of 10th Street, west of 83rd Avenue, and north of 12th Street, known as the Two Rivers Marketplace Rezone, and changing the official zoning map to reflect the same

Summary:

The City of Greeley is considering a request to rezone a 38.811-acre tract from PUD (Planned Unit Development) to C-H (Commercial High Intensity) zoning. The subject site is located south of 10th Street, west of 83rd Avenue, and north of 12th Street. If the rezoning request is approved, the applicant intends to develop the site with commercial uses.

The Planning Commission considered this request on July 28, 2020 and unanimously recommended approval to City Council. This item was introduced at the August 4, 2020 Council 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:	The existing PUD zoning and proposed C-H zoning have roughly the same potential impacts to city services.

Legal Issues:

Consideration of this matter is a quasi-judicial process which includes the following public hearing steps:

- 1) City staff presentation
- 2) Council questions of staff
- 3) Applicant presentation
- 4) Council questions of applicant

- 5) Public input (hearing opened, testimony - up to three minutes per person, hearing closed)
- 6) Rebuttal, if requested
- 7) Council discussion
- 8) Council decision

Other Issues and Considerations:

None noted.

Applicable Council Priority and Goal:

Consistency with Comprehensive Plan and Development Code standards.

Decision Options:

- 1) Adopt the motion and/or ordinance as presented; or
- 2) Amend the motion and/or ordinance and adopt as amended; or
- 3) Deny the motion or ordinance; or
- 4) Continue consideration of the motion and ordinance to a date certain.

Council's Recommended Action:

Two motions are recommended:

- A) A motion that, based on the application received and the preceding analysis, the proposed rezone from PUD (Planned Unit Development) to C-H (Commercial High Intensity) meets Development Code Sections 18.30.050(c)(3) a, b, d, f, g and h; and, therefore, the rezoning is approved.
- B) A motion to adopt the ordinance and publish with reference to title only.

Attachments:

Ordinance

Draft Planning Commission Minutes (July 28, 2020)

Planning Commission Summary (Staff Report) (July 28, 2020)

PowerPoint Presentation

CITY OF GREELEY, COLORADO

ORDINANCE NO. _____, 2020

CASE NO. ZON2019-0009

AN ORDINANCE CHANGING THE OFFICIAL ZONING MAP OF THE CITY OF GREELEY, COLORADO, FROM PUD (PLANNED UNIT DEVELOPMENT) TO C-H (COMMERCIAL HIGH INTENSITY) ZONING FOR 38.811 ACRES OF PROPERTY LOCATED SOUTH OF 10TH STREET, WEST OF 83RD AVENUE, AND NORTH OF 12TH STREET, KNOWN AS THE TWO RIVERS MARKETPLACE REZONE

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

Section 1. The following described property located in the City of Greeley is hereby changed from the zoning district referred to as PUD (Planned Unit Development) to C-H (Commercial High Intensity) zoning for 38.811 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 _____, 2020.

ATTEST:

THE CITY OF GREELEY

City Clerk

Mayor

Legal Description

A parcel of land, being a part of Tracts 1, 2, 4 and Right-of-Way of Highway 34 and the Right of Way of 83rd Avenue as dedicated on the plat of Stephens Fam Minor Subdivision as recorded September 28, 2017 as Reception No. 4339799 of the Records of the Weld County Clerk and Recorder (WCCR), and a portion of the Right-of-Way of 86th Avenue and 12th Street as dedicated in the plat of The Trails at Sheep Draw Subdivision as recorded March 7, 2018 as Reception No. 4380737 of the Records of the WCCR, all situate in the Northeast Quarter (NE1/4) of Section Seven (7) and the Southeast Quarter (SE1/4) of Section Six (6), Township Five North (T.5N.), Range Sixty-six West (R.66W.) of the Sixth Principal Meridian (6th P.M.), City of Greeley, County of Weld, State of Colorado and being more particularly described as follows:

BEGINNING at the Northeast corner of said Section 7 and assuming the North line of said NE1/4 as bearing South 89°22'50" East, as platted per said Reception No. 4339799, a distance of 2650.71 feet and with all other bearings contained herein relative thereto;

THENCE South 01°02'57" East along the East line of said NE1/4 a distance of 1464.31 feet to an extension of the centerline of said 12th Street;

Thence along the centerline of 12th Street and an extension thereof the following four courses:

THENCE South 88°57'03" West a distance of 353.61 feet to a Point of Curvature (PC);

THENCE along the arc of a curve concave to the Northeast a distance of 366.99 feet, having a Radius of 450.00 feet, a Delta of 46°43'38" and is subtended by a Chord that bears North 67°41'08" West a distance of 356.91 feet to a Point of Tangency (PT);

THENCE North 44°19'19" West a distance of 271.08 feet to a PC;

THENCE along the arc of a curve concave to the Southwest a distance of 288.77 feet, having a Radius of 450.00 feet, a Delta of 36°46'02" and is subtended by a Chord that bears North 62°42'20" West a distance of 283.84 feet to the centerline of said 86th Avenue;

Thence along the centerline of 86th Avenue the following five courses:

THENCE North 08°54'39" East along a line non-tangent to the aforesaid curve a distance of 194.77 feet to a PC;

THENCE along the arc of a curve concave to the Southwest a distance of 210.89 feet, having a Radius of 375.00 feet, a Delta of 32°13'20" and is subtended by a Chord that bears North 7°12'01" West a distance of 208.13 feet to a PT;

THENCE North 23°18'34" West a distance of 178.52 feet to a PC;

THENCE along the arc of a curve concave to the Northeast a distance of 156.61 feet, having a Radius of 375.00 feet, a Delta of 23°55'44" and is subtended by a Chord that bears North 11°20'42" West a distance of 155.48 feet to a PT;

THENCE North 00°37'10" East a distance of 8.55 feet to an extension of the South line of said Tract 1;

THENCE North 89°22'50" West along said South line and an extension thereof a distance of 321.27 feet to the West line of Tract 1;

THENCE North 00°37'10" East along said West line and an extension thereof a distance of 350.00 feet to a line parallel with and 50.00 feet North of, as measured at a right angle, said North line of the NW1/4 of Section 7;

THENCE South 89°22'50" East along said parallel line a distance of 1512.25 feet more or less to the East line of said SE1/4 of Section 6;

THENCE South 01°02'57" East along said extension line a distance of 50.02 feet to the POINT OF BEGINNING.

Said described parcel of land contains 38.811 Acres, more or less (±).



PLANNING COMMISSION

Proceedings

July 28, 2020

**Council Chambers – City Center South
1001 11th Avenue
1:15 p.m.**

I. Call to Order and Roll Call

Chair Yeater called the meeting to order at 1:15 p.m. Commissioners Schulte, Franzen, and Modlin were present. (Commissioners Andersen, Briscoe and Romulo were absent.)

II. Approval of minutes for meeting held on July 14, 2020

Commissioner Franzen moved to approve the minutes dated July 14, 2020. Commissioner Modlin seconded. The motion carried 4-0. (Commissioners Andersen, Briscoe and Romulo were absent.)

III. A public hearing to consider a rezone of approximately 38.811 acres of land, including adjacent right-of-way, from PUD (Planned Unit Development) to C-H (Commercial High Intensity) zone district

Project Name: Two Rivers Marketplace Rezone
Case No.: ZON2019-0009
Applicant: Dan Hull, LandOne Engineering, LLC on behalf of Martha, Tom, Doug and John Stephens
Location: South of 10th Street, west of 83rd Avenue, north of 12th Street
Presenter: Darrell Gesick, Planner III

Darrell Gesick addressed the Commission and introduced item as request to rezone a parcel of property from Planned Unit Development (PUD) to Commercial-High Intensity (C-H) zoning. Mr. Gesick provided a brief history of the property, noting that it was annexed in 1985 and zoned PUD. He added that in 2017, the land to west and south was rezoned to allow for multi-family and single-family uses.

Mr. Gesick presented a map and pointed out some of the surrounding zoning and land uses. He presented several photographs of the site as well as a rezone boundary map showing the area to be rezoned and a site analysis map showing the existing conditions. Mr. Gesick pointed out an easement in place for a natural gas line, an oil and gas well on the site, and

the Boomerang ditch. Referring to the zoning suitability map, Mr. Gesick reported that the site can be developed as a commercial use like what is being proposed. He added that the information on the map was for illustrative purposes only and could change. Mr. Gesick stated that when the site is ready for development, a subdivision application will be required that includes a site plan review.

Mr. Gesick described the approval criteria for a rezone and briefly discussed each one, stating that the proposal is consistent with the Comprehensive Plan. He also described some of the existing infrastructure in the area. Notices were mailed to property owners within 500 feet of the site, with one response from a citizen regarding health concerns that might come from a commercial development. Staff recommended approval.

Commissioner Modlin noted the two entrances to the site and asked whether a rezone to C-H might create an issue if a higher amount of traffic is generated. Mr. Gesick invited staff from Engineering Development Review to discuss the potential traffic impacts.

April Tamburelli, Engineering Development Review, 1100 10th Street, addressed the Commission and stated that, while she is not a traffic engineer, part of her review included the traffic impacts. She stated that comments about traffic impacts were sent to the developer, including recommendations for widening 12th Street and adding a signal at 83rd Avenue. Upon question by Chair Yeater, Ms. Tamburelli stated that the applicant accepted those recommendations. Commissioner Schulte asked whether that would be addressed as part of the development process and Ms. Tamburelli reported that it would.

Applicant: Dan Hull, LandOne Engineering 361 71st Street, addressed the Commission and stated that this rezone stage, traffic mitigation is conceptual. He added that the existing oil and gas well has been abandoned and that the potential for future oil and gas drilling is minimal.

Chair Yeater opened the public hearing at 1:27 p.m. There being no public input or e-mail communication, the public hearing was closed at 1:27 p.m.

Commissioner Franzen moved that, based on the application received and the project summary and accompanying analysis, the Planning Commission finds that the proposed rezone from PUD (Planned Unit Development) to C-H (Commercial High Intensity) meets the applicable Development Code criteria, Sections 18.30.050(c)(3) a, b, d, f, g and h; and, therefore, recommends approval of the rezone to the City Council. Commissioner Schulte seconded the motion.

Commissioner Schulte commented on the e-mail received and speculated on the health concerns referenced, asking whether the citizen might have confused industrial development with commercial development. He expressed no reason to deny the applicant's request.

The motion carried 4-0. (Commissioners Andersen, Briscoe and Romulo were absent.)

PLANNING COMMISSION SUMMARY

ITEM: Rezone property from PUD (Planned Unit Development) to C-H (Commercial High Intensity) Zone District

FILE NUMBER: ZON2019-0009

PROJECT: Two Rivers Marketplace Rezone

LOCATION: South of 10th Street, West of 83rd Avenue, and North of 12th Street

APPLICANT: Dan Hull, LandOne Engineering, LLC, on behalf of Martha, Tom, Doug, and John Stephens

CASE PLANNER: Darrell Gesick, Planner III

PLANNING COMMISSION HEARING DATE: July 28, 2020

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 18.30.050(c)(3).

EXECUTIVE SUMMARY

The City of Greeley is considering a request to rezone approximately 38.811 acres of land, including adjacent right-of-way, from PUD (Planned Unit Development) to C-H (Commercial High Intensity) zone district. The subject site is located south of 10th Street, west of 83rd Avenue, and north of 12th Street (see Attachments A, B, C, and D).

A. REQUEST

The applicant is requesting approval to rezone 38.811 acres of land from PUD to C-H zone district (see Attachment C). The applicant intends to develop the subject, or market the site for commercial uses.

B. STAFF RECOMMENDATION

Approval.

C. LOCATION

Abutting Zoning:

North: Weld County Agricultural

South: R-M (Residential Medium Density) and R-L (Residential Low Density)

East: C-L (Commercial Low Intensity) and C-H (Commercial High Intensity)

West: R-H (Residential High Intensity)

Surrounding Land Uses:

North: 10th Street and Agricultural with One Single-Family Use

South: 12th Street and Single-Family

East: 83rd Avenue, Undeveloped Land, Multi-Family, and Oil and Gas

West: 86th Avenue and Multi-Family

Site Characteristics:

The northeast portion of the subject site currently has the last remaining remnants of the farm homestead. The property slopes down from the north to the south. The North Boomerang Ditch is located in the southeast part of the site and runs from the south to the northeast and there is a natural gas line that runs from the north to the south of the subject site. The remainder of the site is undeveloped and is no longer being farmed. Infrastructure, such as, streets, curb and gutter, sidewalks, and utilities were installed in 12th Street and 86th Avenue when the Trails at Sheep Draw Subdivision began development to the south and west in the 2017 (see Attachment E).

D. BACKGROUND

The PUD zoned area was annexed and zoned as part of the Golden Triangle Second Annexation in 1985 (File No. Z 2:85) (see Attachment A). At that time, a conceptual plan was established which allows for residential uses at four (4) dwelling units per acre. The PUD was amended in 1997 (PUD File No. 11:97) to separate the larger Golden Triangle PUD that involved land, including this site, and land further to the west, into smaller, more manageable PUD's. None of the land uses allowed changed within the 1985 Golden Triangle PUD as a result of the amendment. In 2017, a portion of the PUD to the west and south of the subject site was rezoned to a residential development known as The Trails at Sheep Draw (File No. Z 11:16). The remaining PUD is what is left of the overall PUD in this area.

With this application, the property owner is proposing to rezone 38.811 acres from PUD to C-H for the purpose of developing the site with commercial uses. At this time, no particular use has been proposed and it is the applicant's intent to have the site available for commercial development in the future. The applicant would be required to submit an application for a subdivision to create the lots in order to develop the subject site.

APPROVAL CRITERIA

Development Code Section 18.30.050 Rezoning Procedures

For the purpose of establishing and maintaining sound, stable, and desirable development within the City, the rezoning of land is to be discouraged and allowed only under circumstances provided for in this Section [of the Code]. This policy is based on the opinion of the City Council that the City's zoning map is a result of a detailed and comprehensive appraisal of the City's present and future needs regarding land use allocation and other zoning considerations, and, as such, should not be amended unless to correct manifest errors or because of changed or changing conditions in a particular area of the City in general.

The review criteria found in Section 18.30.050(c)(3) of the Development Code shall be used to evaluate the zoning amendment application.

a) Has the area changed, or is it changing to such a degree that it is in the public interest to rezone the subject property to encourage development or redevelopment of the area?

Staff Comment: Originally, the subject site was annexed and zoned PUD, in 1985. The subject site has been utilized for agricultural purposes for many years.

The most notable development in the area has been the Trials at Sheep Draw single-family and multi-family uses to the south and west of the subject site. In addition, other notable development in the area would be Boomerang single-family and multi-family residential uses located east of the subject site, east of 83rd Avenue. Mountain Shadows and Pebble Brook single-family developments, located south and west of the subject site, have been developing out since the early 2000's.

The stated need for the rezone is to accommodate a commercial development, which the applicant intends to either develop or market for a variety of commercial uses.

Keeping the subject property under the current zoning district, which is only limited to residential uses, would limit opportunities. With the proposed C-H zone district, a variety of commercial uses would be allowed, included residential, allowing for more flexibility in development options. Planning staff concludes that it is in the public's interest to rezone the subject property to encourage development.

This request complies with this criterion.

b) Has the existing zoning been in place for at least fifteen (15) years without substantial development resulting and does the existing zoning appear to be obsolete, given development trends?

Staff Comment: The PUD zoning has been in place for more than fifteen (15) years without development resulting.

Development trends in Greeley have shown that development is continuing to move from east to west. The rezone request would allow for commercial uses to support the proposed and existing residential development in the area.

Although the current PUD zoning district is not obsolete, the proposed zoning would allow more flexibility in regards to development potential in the future. This request complies with this criterion.

c) Are there clerical or technical errors to correct?

Staff Comment: There are no clerical or technical errors to correct.

This criterion is not applicable to this request.

d) Are there detrimental environmental impacts, such as flood plains, inadequate drainage, slopes, unstable soils, etc., that may affect future development of this site and which may not have been considered during the original zoning of the property?

Staff Comment: There is an irrigation ditch, a 60-foot natural gas line that runs north/south on the property, and plugged and abandoned oil and gas facilities on the subject site. Those impediments will be taken into account at the time of subdivision and should not impact the rezone request.

This request complies with this criterion.

e) Is the proposed rezoning necessary in order to provide land for a community related use which was not anticipated at the time of adoption of the City's Comprehensive Plan; or have the policies of the City changed to the extent that a rezoning is warranted?

Staff Comment: The proposed rezoning is not necessary in order to provide land for a community related use.

This criterion is not applicable to this request.

f) What is the potential impact of the proposed rezoning upon the immediate neighborhood and the city as a whole (including potential noise and environmental impacts, visual impacts, the provision of City services such as police, fire, water, sewer, and pedestrian systems and parks and recreational facilities)?

Staff Comment: The area to the north of the subject site is primarily rural in character. The area to the west and south of the subject site is residential in nature, and the area to the east is undeveloped, commercial zoned land, with residential beyond that.

The impacts on the immediate neighborhood and city as a whole should be minimal. Any potential noise created by future development would be regulated by the Municipal Code. The appropriate buffering and perimeter treatment would be evaluated as part of the subdivision process, which would lessen any potential visual impacts. City services, such as water and sewer lines, are adjacent to the subject site. Services that would be considered inadequate through the Adequate Public Facilities and Service

Standards analysis would be addressed with the future subdivision. The City would evaluate those services for adequacy as part of the subdivision. This would include fire, parks, police, sanitary sewer, water, stormwater, and transportation. Additional information regarding City services can be found further in this report in Sections E, F, and G.

The proposal complies with this criterion.

g) Is there clear and convincing evidence that the proposed rezoning will be consistent with the policies and goals of the City’s Comprehensive Plan and comply with the applicable zoning overlay requirements?

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

Comprehensive Plan Policy Objective ED-2.4, Business Attraction

Attract and retain business and industry that align with the City’s target industries and support economic diversity.

Staff Comment: Approving the rezone would attract commercial business to the western part of town that should support local residential users in the area.

This request complies with this Comprehensive Plan policy.

Comprehensive Plan Policy Objective GC-2.5, Neighborhood Centers

Promote neighborhood centers – small scale retail areas providing basic commercial goods and services – to locate within a walkable distance of residences, usually a quarter-mile or less.

Staff Comment: The proposed rezone has the potential to provide goods and services at a small-scale neighborhood level. Although not a true neighborhood center, the subject site is within a walkable distance to a newly developed single-family and multi-family development. The rezone would allow for commercial development that would have the potential for providing goods and services to the area.

This request complies with this Comprehensive Plan policy.

h) What is the potential impact of the proposed rezoning upon an approved Zoning Suitability Plan for the property?

Staff Summary: The proposed Zoning Suitability Plan submitted with this application demonstrates, on a conceptual level, that the site should be able to develop in accordance with the Development Code (see Attachment F).

E. PHYSICAL SITE CHARACTERISTICS

1. SUBDIVISION HISTORY

The subject property is known as Tract 1 and 2, Stephens Farm Minor Subdivision (Rec. No. 4339799, File No. S 34:16). A subdivision application would be necessary to create the lots that the applicant proposes to develop.

2. HAZARDS

The North Boomerang Ditch is located in the southeast portion of the site and runs from the south to the northeast. In addition to the ditch, a 60-foot natural gas line runs north/south on the property and plugged and abandoned oil and gas facilities are on the subject site. Those impediments would be taken into account at the time of subdivision and should not impact the rezone request. Staff is unaware of any other potential hazards that presently exist on the site.

3. WILDLIFE

A small portion of the subject site is located within an area identified for moderate impact according to the City's Areas of Ecological Significance Map. Section 18.48.050 of the Development Code would require a biologist report to be provided to the City for review when a subdivision is submitted. The City of Greeley Natural Lands Coordinator and/or other appropriate reviewers would determine at the time of subdivision submittal if there are any significant impacts to wildlife or plants. The rezoning request should not impact wildlife in the area.

4. FLOODPLAIN

The proposed rezone boundary is not located within the 100-year floodplain or floodway, according to the adopted Federal Emergency Management Administration (FEMA) flood data.

5. DRAINAGE AND EROSION

When Tract 3 of Stephens Farm Minor Subdivision was developed as The Trails at Sheep Draw, a final drainage report was reviewed and evaluated by the City of Greeley Engineering Development Review Division in September 2017, and included analysis for the area within the Two Rivers Marketplace property boundary. Tract 1, is included in the analysis for Basin MF and Tract 2 is included in the analysis for Basin O-PUD. The intent of the drainage design within the report was to provide regional detention as part of the Trails at Sheep Draw Subdivision. The report includes analysis of Two Rivers Marketplace (Basins MF and O-PUD) and provides guidance for stormwater runoff when it is developed. At the time the report was created and accepted by the City, the proposed site was zoned PUD. References to the PUD zoning within the report is interchangeable with the proposed zoning of C-H.

The Boomerang Ditch Company has a buried water pipeline on the north side of 12th Street from 86th Avenue that flows east to the open ditch, which then flows northeast to 83rd Avenue. The Ditch Company would be included in the review of future land use development and supporting construction drawings.

6. TRANSPORTATION

The proposed land use project would be developed in two phases: Phase 1 would be located on Tract 1 of Stephens Farm Minor Subdivision and could be developed with a convenience store and gas pumps. Phase 2 would be located on Tract 2 of Stephens Farm Minor Subdivision and referenced as full build-out. The full project build-out of the Two Rivers Marketplace rezone would impact the traffic flow in the area. The proposed land use project is anticipated to generate approximately 17,146 average daily trips, 1,076 a.m. peak hour trips, and 1,581 p.m. peak hour trips. A development agreement would need to be drafted with future land development or subdivision application, and the following minimum improvements would be required to be constructed upon development, to mitigate impacts:

- a. Dual westbound and eastbound left-turn lanes located at 10th Street/83rd Avenue with dual northbound and southbound receiving lanes at the intersection.
- b. Southbound right-turn lane at the 83rd Avenue/Site Access intersection.
- c. Traffic signal located at 83rd Avenue and 12th Street.
- d. Dual eastbound left-turn lane located at 83rd Avenue/12th Street intersection.
- e. Left turn lanes as needed into site accesses along 12th Street.
- f. Other improvements as may be required by CDOT.

The submitted Traffic Impact Memo was reviewed and evaluated by the City of Greeley Engineering Development Review Division and is significant to the rezone process. A Full Traffic Impact Study may be required for land use development in the future.

F. SERVICES

1. WATER

Current public infrastructure includes an existing 16-inch water main located in 86th Avenue and a 16-inch water main located in 12th Street from 83rd to 85th Avenue.

2. SANITATION

Current public infrastructure includes an existing 8-inch sanitary sewer main located in both 84th Avenue and 86th Avenue.

3. EMERGENCY SERVICES

The subject site is serviced by the City of Greeley Fire and Police. The closest fire station, Fire Station #7, is located approximately one (1) mile to the east of the subject site. In addition, Fire Station #6 is currently under construction and is approximately two (2) miles to the west of the subject site.

4. PARKS/OPEN SPACES

No public parks or additional public open space areas are proposed with this request and the request would not be creating any private parks or open space. The proposed rezone should have little to no impact on parks or open space in the community.

5. SCHOOLS

No schools are proposed or located within the site. However, the nearest school, Northridge High School, is located approximately two (2) miles to northwest of the subject site, and University, Frontier Academy, and West Ridge Academy, which are charter schools, are located a little over one (1) mile to the east of the subject site. It should be noted that the subject site is located within the Windsor School District.

G. NEIGHBORHOOD IMPACTS

1. VISUAL

No visual impacts are anticipated with this 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 would be regulated by the Municipal Code.

H. PUBLIC NOTICE AND COMMENT

Neighborhood notices were mailed to surrounding property owners on July 9, 2020, per Development Code requirements. Four (4) signs were posted on the site on July 10, 2020.

Planning staff received one email regarding the proposed rezone. The citizen, who lives south of the proposed rezone, is concerned about health concerns that the proposed C-H zone district would have on the residential uses in the area (see Attachment H). No additional comments have been received.

I. MINERAL ESTATE OWNER NOTIFICATION

Mineral notice is not required for a rezone request.

J. PLANNING COMMISSION RECOMMENDED MOTION

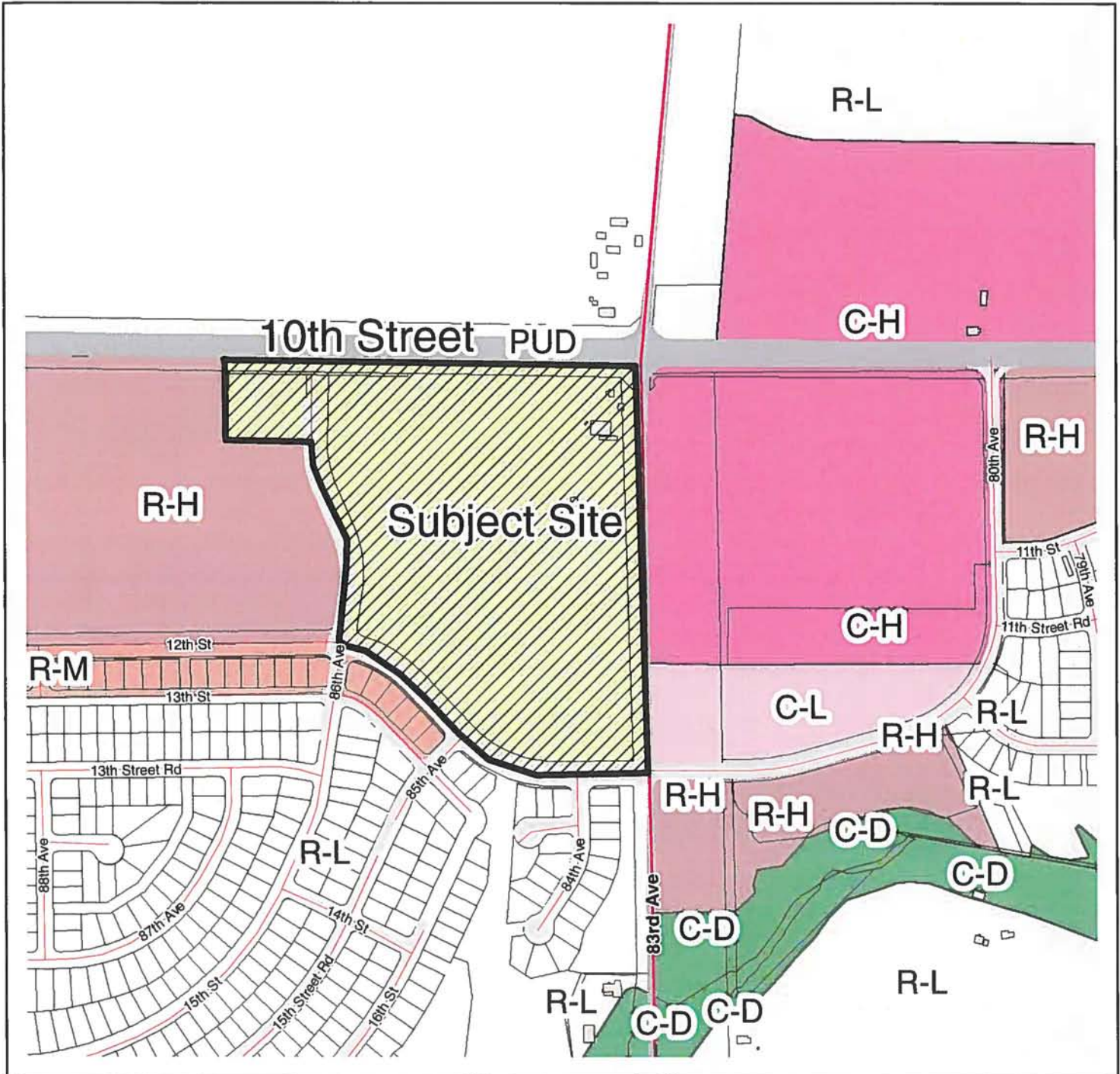
Based on the application received and the Project Summary and accompanying analysis, the Planning Commission finds that the proposed rezone from PUD (Planned Unit Development) to C-H (Commercial High Intensity) meets the applicable Development Code criteria, Sections 18.30.050(c)(3) a, b, d, f, g, and h; and, therefore, recommends approval of the rezone to the City Council.

ATTACHMENTS

- Attachment A – Zoning/Vicinity Map
- Attachment B – Photo Aerial
- Attachment C – Narrative
- Attachment D – Property Rezone Boundary Map
- Attachment E – Site Analysis Map
- Attachment F – Zoning Suitability Map
- Attachment G – Notification Boundary Map
- Attachment H – Neighborhood Comments





Zoning/Vicinity Map

Two Rivers Marketplace Rezone



USR2019-0009

Legend

-  Structures
-  Weld Parcels
-  Road Centerline
-  Roads

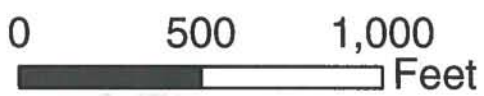


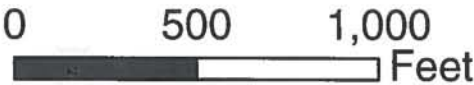
Photo Aerial Two Rivers Marketplace Rezone



USR2019-0009

Legend

- Structures
- Weld Parcels
- Road Centerline
- Roads



Project Narrative

1.0 INTRODUCTION

This document has been prepared in accordance with the requirements of Section 18.30.050 of the City of Greeley Development Code and represents the rezoning request for the referenced property.

The proposed rezoning request is being sought to change the current zoning of the properties from Planned Unit Development (PUD) to Commercial High Density for the purpose of allowing commercial development.

2.0 ZONING SUITABILITY

2.1 Property Boundary Map

A Property Boundary Map has been submitted with this rezone request.

2.2 Site Analysis Map

A Site Analysis Map has been submitted with this rezone request.

2.3 Zoning Suitability Plan

A Zoning Suitability Plan has been submitted with this rezone request.

2.4 Conceptual Traffic Impact Study

A conceptual traffic impact letter has been provided with this rezone request.

2.5 Legal Description

An exhibit with the legal description has been submitted with this rezone request.

2.6 Pedestrian Access, Circulation & Connectivity

Vehicular access points will be provided in accordance with City of Greeley standards to provide adequate circulation and emergency access. The internal drives and sidewalks will provide connectivity for the end users to the open spaces and sidewalks along the adjacent streets.

2.7 Deed Restriction and Covenants

A title report has been submitted with this rezone request showing any existing deed restrictions or covenants. There are no proposed deed restrictions or Covenants currently being proposed.



2.8 Conceptual Drainage Report

The final drainage report for The Trails at Sheep Draw has been submitted with this rezone request.

2.9 Compatibility with Adjacent Uses

The Project is surrounded by high-density residential to the east, medium- and low-density residential to the south. There is high- and low-density commercial to the east. The proposed request to rezone the property to high-density commercial is a natural transition between the surrounding mixes of residential and commercial development. Compatibility of the future buildings with the surrounding residential and commercial neighborhood will be controlled and approved at site plan approval. All required buffering and landscaping requirements will also be incorporated into the future development and approved at site plan. There are no special districts within the

2.10 Relationship to City's Comprehensive Plan

See Section 3.0 – Rezoning Criteria Evaluation.

3.0 REZONING CRITERIA EVALUATION

The following criteria were used to evaluate the rezoning request:

3.1 Has the area changed, or is it changing to such a degree that it is in the public interest to rezone the subject property to encourage development or redevelopment of the area?

The property is currently zoned Planned Unit Development (PUD). From information provided by the City staff, the original PUD was created with the Golden Triangle Annexation and was general in nature. No specific development concept was included with the PUD. No future land use was proposed at the time of annexation. The property is in a transitional stage with regard to the ultimate development. The proposed rezone addressed the transition.

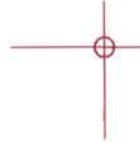
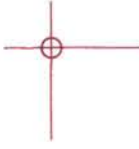
3.2 Has the existing zoning been in place for at least fifteen (15) years without substantial development resulting and does the existing zoning appear to be obsolete, given development trends?

The existing zoning has been in place for 15 years.

3.3 Are there clerical or technical errors to correct?

There are no technical or clerical errors to correct.

3.4 Are there detrimental environmental conditions, such as floodplains, presence of irrigation ditches, inadequate drainage, slopes, unstable soils, etc., that may affect future development of this site and which may not have been considered during the original zoning of the property?



Based on current information provided with the submittal, there are no known detrimental environmental impacts that may affect future development.

3.5 Is the proposed rezoning necessary in order to provide land for a community-related use which was not anticipated at the time of adoption of the City's Comprehensive Plan; or have the policies of the City changed to the extent that a rezoning is warranted?

The proposed rezoning is not necessary in order to provide land for a community-related use which was not anticipated at the time of adoption of the City's Comprehensive Plan.

3.6 What is the potential impact of the proposed rezoning upon the immediate neighborhood and the City as a whole (including potential noise and environmental impacts, visual impacts, the provision of City services such as police, fire, water, sewer, street and pedestrian systems and parks and recreation facilities)?

The proposed zoning is suitable with the current neighborhood. The potential impact of the proposed rezoning to both the neighborhood and the city is analyzed below:

- **Noise:** No impact anticipated as all required buffering and landscaping requirements will be incorporated into the development.
- **Environmental:** No impact anticipated. It is assumed a biologist's report will be completed and provided at subdivision or site plan approval. If wetlands are present, they will be delineated prior to the subdivision submittal.
- **Visual:** No variances to the zoning regulations are anticipated.
- **Police:** No impacts beyond the ordinary is anticipated.
- **Fire:** As part of the proposed development, water modeling will be conducted to ensure that fire flow requirements are met.
- **Water:** As part of the proposed development, potable water infrastructure will be installed to accommodate the anticipated demands.
- **Sewer:** As part of the proposed development, sanitary sewer infrastructure will be installed to accommodate the new development.
- **Streets and pedestrian systems:** Internal traffic patterns are not identified. Tenth Street and 83rd Avenue are well defined in the City's master plan. A traffic impact study will be completed at subdivision or site plan approval to identify any improvements needed to surrounding streets. It is assumed 10th Street is at full build-out and will not require additional improvements. Eighty-Sixth is a right-in/right-out at 10th Street. See attached conceptual traffic impact letter for more information. See Section 2.6 for pedestrian access, circulation and connectivity.
- **Parks and recreational facilities:** As part of the site plan design, open spaces will be planned. The internal streets and sidewalks will provide connectivity for the end users to the open spaces. The Trails at Sheep Draw will provide a connection to the Sheep Draw Regional Trail system.

3.7 Is there clear and convincing evidence that the proposed rezoning will be consistent with



the policies and goals of the City's Comprehensive Plan and comply with applicable zoning overlay requirements?

The proposed rezoning is consistent with the policies and goals of the City's Comprehensive Plan. The following evidence relative to a specific goal is listed below:

- *Objective GC-2.1 Land Use Guidance Map "Maintain a land use guidance map as a guide for land use, zoning, and development within the City of Greeley and its Long Range Expected Growth Area (LREGA)."*

The Land Use Guidance Map indicates the area at the intersection of 83rd Avenue and State Highway 34 Business to be a "neighborhood center" which support the rezone.

- *Objective GC-2.2 Jobs/Housing Balance "Support zoning and development patterns that expand opportunities for people who live in Greeley to also work in Greeley (or vice versa)."*

The Project will expand opportunities for the adjacent neighborhood.

- *Objective GC-2.3 Pedestrian and Bicycle-Oriented Development "Encourage a development pattern that encourages walking and bicycling whenever possible—by locating employment, shopping, recreation, entertainment, transit, and other services within a quarter-mile of residential areas."*

The Project is within a quarter-mile of residential areas.

- *The Objective GC-2.4 Mixed-Use and Transit-Supportive Development "Promote horizontal and vertical mixed-use development that integrates a variety of housing, commercial, employment, and recreational uses particularly in centers and along corridors identified on the Land Use Guidance map."*

It is assumed the Project will provide a mix of uses with the zoning requested to support mixed use development.

- *Objective GC-2.5 Neighborhood Centers "Promote neighborhood centers—small-scale retail areas providing basic commercial goods and services—to locate within a walkable distance of residences, usually a quarter-mile or less."*

The Project is adjacent to an existing neighborhood. It is assumed the Project will provide goods and services within a walkable distance.

3.8 What is the potential impact of the proposed rezoning upon an approved zoning suitability plan for the property?

There is currently not an approved zoning suitability plan. A zoning suitability plan is submitted with this request.

3.9 If the proposed rezoning is for placing property within the H-A, holding agricultural district, the following criteria shall be considered in the evaluation of the proposed zoning amendment.



Not applicable.

3.10 If the proposed rezoning is for placing property within the C-D, conservation district, the following criteria shall be considered in the evaluation of the proposed zoning amendment.

Not applicable.

Two Rivers Marketplace Rezone Property Boundary Map

Rezone of Tract 1 and 2 of Stephens Farm Minor Subdivision, Section 7,
Township 5 North, Range 66 West of the Sixth P.M.
City of Greeley, County of Weld, State of Colorado

West 10th Street (Hwy 34 Business)
Arterial
(Variable Width ROW)



LANDONE engineering
361 71st Avenue, Suite 100
Greeley, CO 80634

PRELIMINARY
NOT FOR
CONSTRUCTION

Job Number: 19-017
Checked By: Dan Hull
Date: 5/15/2020

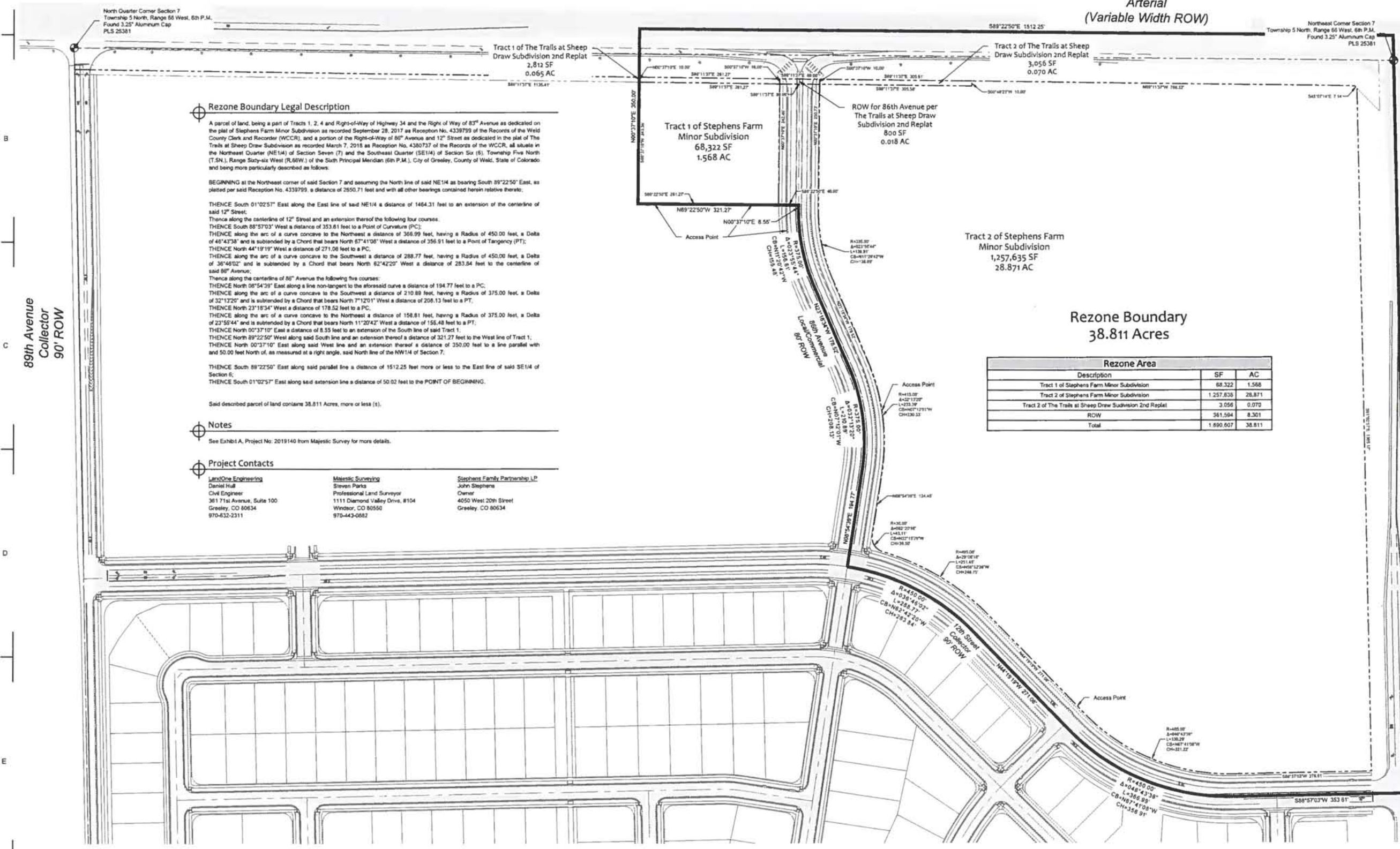
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Rev. No.	Date	Revision Description
1	5/15/2020	1st Rezone Submittal
2	7/10/2019	2nd Rezone Submittal
3	3/2/2020	3rd Rezone Submittal
4	2/12/2020	4th Rezone Submittal

Two Rivers Marketplace
Rezone
Property Boundary Map

Sheet
C1.1



Rezone Boundary Legal Description

A parcel of land, being a part of Tracts 1, 2, 4 and Right-of-Way of Highway 34 and the Right of Way of 83rd Avenue as dedicated on the plat of Stephens Farm Minor Subdivision as recorded September 28, 2017 as Reception No. 4339799 of the Records of the Weld County Clerk and Recorder (WCCR), and a portion of the Right-of-Way of 86th Avenue and 12th Street as dedicated in the plat of The Trails at Sheep Draw Subdivision as recorded March 7, 2018 as Reception No. 4380737 of the Records of the WCCR, all situate in the Northeast Quarter (NE1/4) of Section Seven (7) and the Southeast Quarter (SE1/4) of Section Six (6), Township Five North (T.5N.), Range Sixty-six West (R.66W.) of the Sixth Principal Meridian (6th P.M.), City of Greeley, County of Weld, State of Colorado and being more particularly described as follows:

BEGINNING at the Northeast corner of said Section 7 and assuming the North line of said NE1/4 as bearing South 89°22'50" East, as plotted per said Reception No. 4339799, a distance of 2550.71 feet and with all other bearings contained herein relative thereto;

THENCE South 01°02'57" East along the East line of said NE1/4 a distance of 1464.31 feet to an extension of the centerline of said 12th Street;

Thence along the centerline of 12th Street and an extension thereof the following four courses:

THENCE South 89°57'03" West a distance of 233.81 feet to a Point of Curvature (PC);

THENCE along the arc of a curve concave to the Northeast a distance of 368.99 feet, having a Radius of 450.00 feet, a Delta of 46°43'38" and is subtended by a Chord that bears North 67°41'06" West a distance of 356.91 feet to a Point of Tangency (PT);

THENCE North 44°19'19" West a distance of 271.08 feet to a PC;

THENCE along the arc of a curve concave to the Southwest a distance of 288.77 feet, having a Radius of 450.00 feet, a Delta of 36°46'02" and is subtended by a Chord that bears North 62°42'20" West a distance of 283.84 feet to the centerline of said 86th Avenue;

Thence along the centerline of 86th Avenue the following five courses:

THENCE North 06°54'39" East along a line non-tangent to the aforesaid curve a distance of 194.77 feet to a PC;

THENCE along the arc of a curve concave to the Southwest a distance of 210.89 feet, having a Radius of 375.00 feet, a Delta of 32°13'20" and is subtended by a Chord that bears North 71°12'01" West a distance of 208.13 feet to a PT;

THENCE North 23°18'34" West a distance of 178.52 feet to a PC;

THENCE along the arc of a curve concave to the Northeast a distance of 158.81 feet, having a Radius of 375.00 feet, a Delta of 23°58'44" and is subtended by a Chord that bears North 11°20'42" West a distance of 156.48 feet to a PT;

THENCE North 00°37'10" East a distance of 8.55 feet to an extension of the South line of said Tract 1;

THENCE North 89°22'50" West along said South line and an extension thereof a distance of 321.27 feet to the West line of Tract 1;

THENCE North 00°37'10" East along said West line and an extension thereof a distance of 350.00 feet to a line parallel with said 50.00 feet North of, as measured at a right angle, said North line of the NW1/4 of Section 7;

THENCE South 89°22'50" East along said parallel line a distance of 1512.25 feet more or less to the East line of said SE1/4 of Section 6;

THENCE South 01°02'57" East along said extension line a distance of 50.02 feet to the POINT OF BEGINNING.

Said described parcel of land contains 38.811 Acres, more or less (±).

Notes

See Exhibit A, Project No. 2019140 from Majestic Survey for more details.

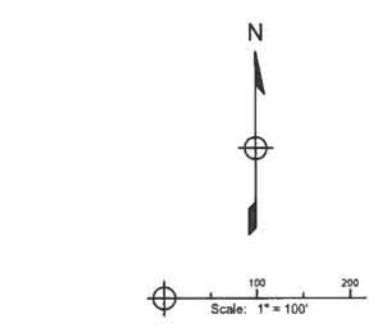
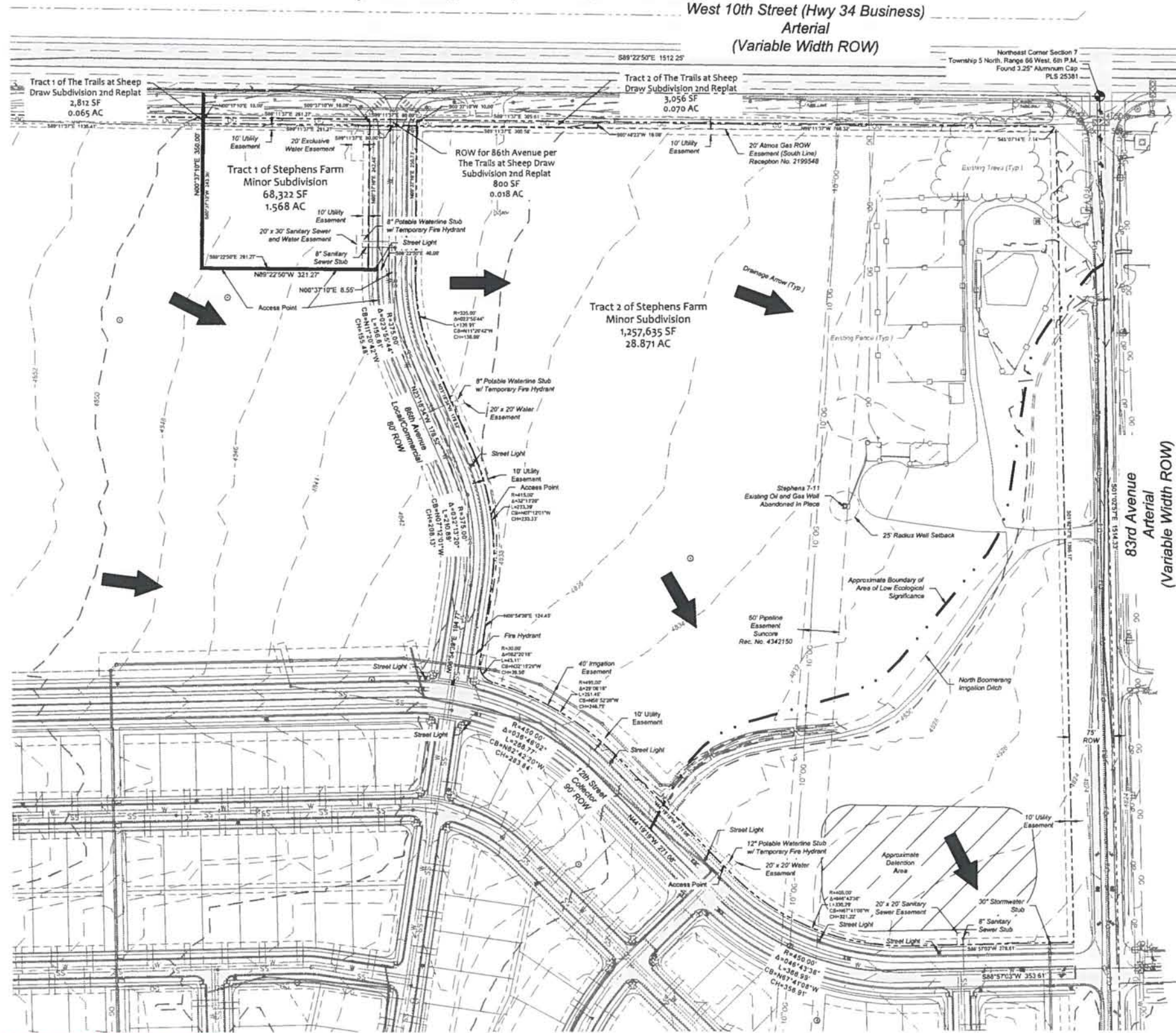
Project Contacts

LandOne Engineering Daniel Hull Civil Engineer 361 71st Avenue, Suite 100 Greeley, CO 80634 970-632-2311	Majestic Surveying Steven Parks Professional Land Surveyor 1111 Diamond Valley Drive, #104 Windsor, CO 80550 970-443-0682	Stephens Family Partnership LP John Stephens Owner 4650 West 20th Street Greeley, CO 80634
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Rezone Area		
Description	SF	AC
Tract 1 of Stephens Farm Minor Subdivision	68,322	1.568
Tract 2 of Stephens Farm Minor Subdivision	1,257,635	28.871
Tract 2 of The Trails at Sheep Draw Subdivision 2nd Replat	3,056	0.070
ROW	361,594	8.301
Total	1,690,607	38.811

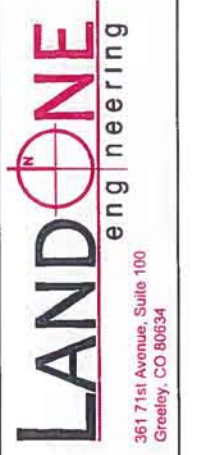
Two Rivers Marketplace Rezone Site Analysis Map

Rezone of Tract 1 and 2 of Stephens Farm Minor Subdivision, Section 7,
Township 5 North, Range 66 West of the Sixth P.M.
City of Greeley, County of Weld, State of Colorado



Legend

	Drainage Arrow
	Existing Fence
	Existing Trees
	Rezone Boundary
	Existing Major Contour
	Existing Minor Contour
	Existing Fiber Optic
	Existing Oil & Gas
	Existing Overhead Power



PRELIMINARY
NOT FOR
CONSTRUCTION

Job Number: 19-017
Checked By: Dan Hull
Date: 3/5/2020

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B	7/9/2019	2nd Rezone Submittal
C	3/5/2020	3rd Rezone Submittal

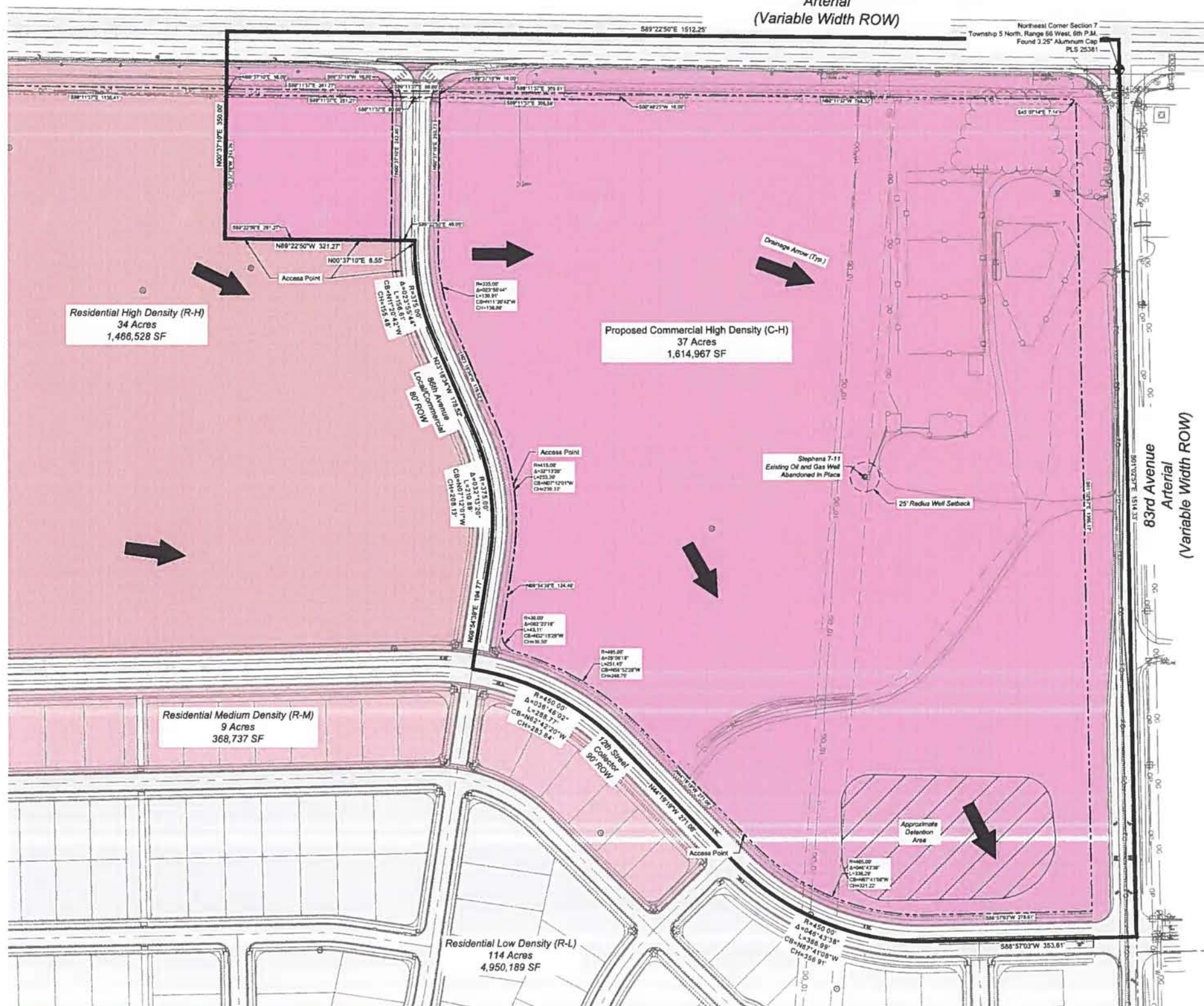
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Two Rivers Marketplace
Rezone
Site Analysis Map

Greeley, Colorado
Sheet: C1.2

Two Rivers Marketplace Rezone Zoning Suitability Map

Rezone of Tract 1 and 2 of Stephens Farm Minor Subdivision, Section 7,
Township 5 North, Range 66 West of the Sixth P.M.
City of Greeley, County of Weld, State of Colorado
West 10th Street (Hwy 34 Business)
Arterial
(Variable Width ROW)



- Notes**
1. Future access points will be located in accordance with City of Greeley standards.
 2. The Trails at Sheep Draw detention system serves this project. The detention system is south of the site. On site detention will be required and should be released meeting the requirements of the existing system.
 3. Open space will be provided in accordance with City of Greeley standards. The internal drives and sidewalks will provide connectivity for the end users to the open spaces, existing sidewalks, and trail system.

- Legend**
- Drainage Arrow
 - Existing Fence
 - Existing Trees
 - Rezone Boundary
 - Existing Major Contour
 - Existing Minor Contour
 - Existing Fiber Optic
 - Existing Oil & Gas
 - Existing Overhead Power



PRELIMINARY
NOT FOR
CONSTRUCTION

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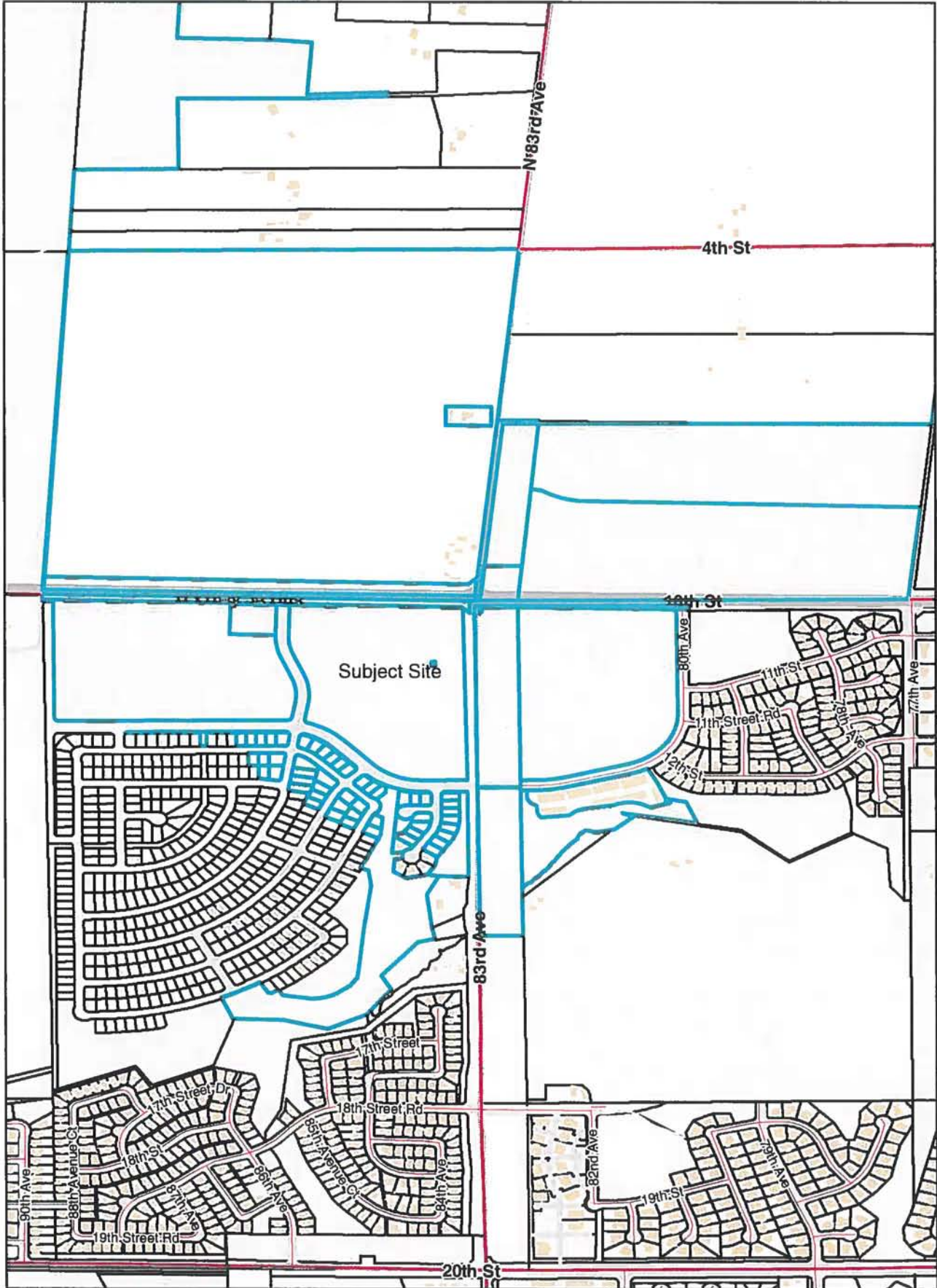
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Two Rivers Marketplace
Rezone
Zoning Suitability Map
Greeley, Colorado

Sheet
C1.3



Attachment H

July 20, 2020
84th Street
Sheep Draw Trails

Dear Planning Division,

We very strongly object to the proposed rezoning request by Two Rivers Marketplace Rezone. Do you not care about the health of the hundreds of children who live in this new neighborhood? There is a reason this area is zoned as residential, and I urge you to reconsider its original purpose. We do not object to C-H zoning, we are only **opposed to the location** because of the potential long-range danger it poses to the health of thousands of Colorado citizens who live right next to it.

We already have a multi-fracking operation on the west side of Sheep Draw Trails. Also, 10th Street is a major entry/exit thoroughfare for Greeley, and we do not want to give the impression of being another Commerce City. There are still many new homes and apartments being built in this new family neighborhood. Please do not jeopardize the health of its residents, **especially the children**, by allowing this disastrous zone change. Thank you for your consideration.

Cordially yours,

Tim Barc

1308 84th Street

Greeley, CO 80634

and all of the 84th Street residents

Two Rivers Marketplace Rezone ZON2019-0009

City Council

August 18, 2020

Darrell Gesick, Planner III



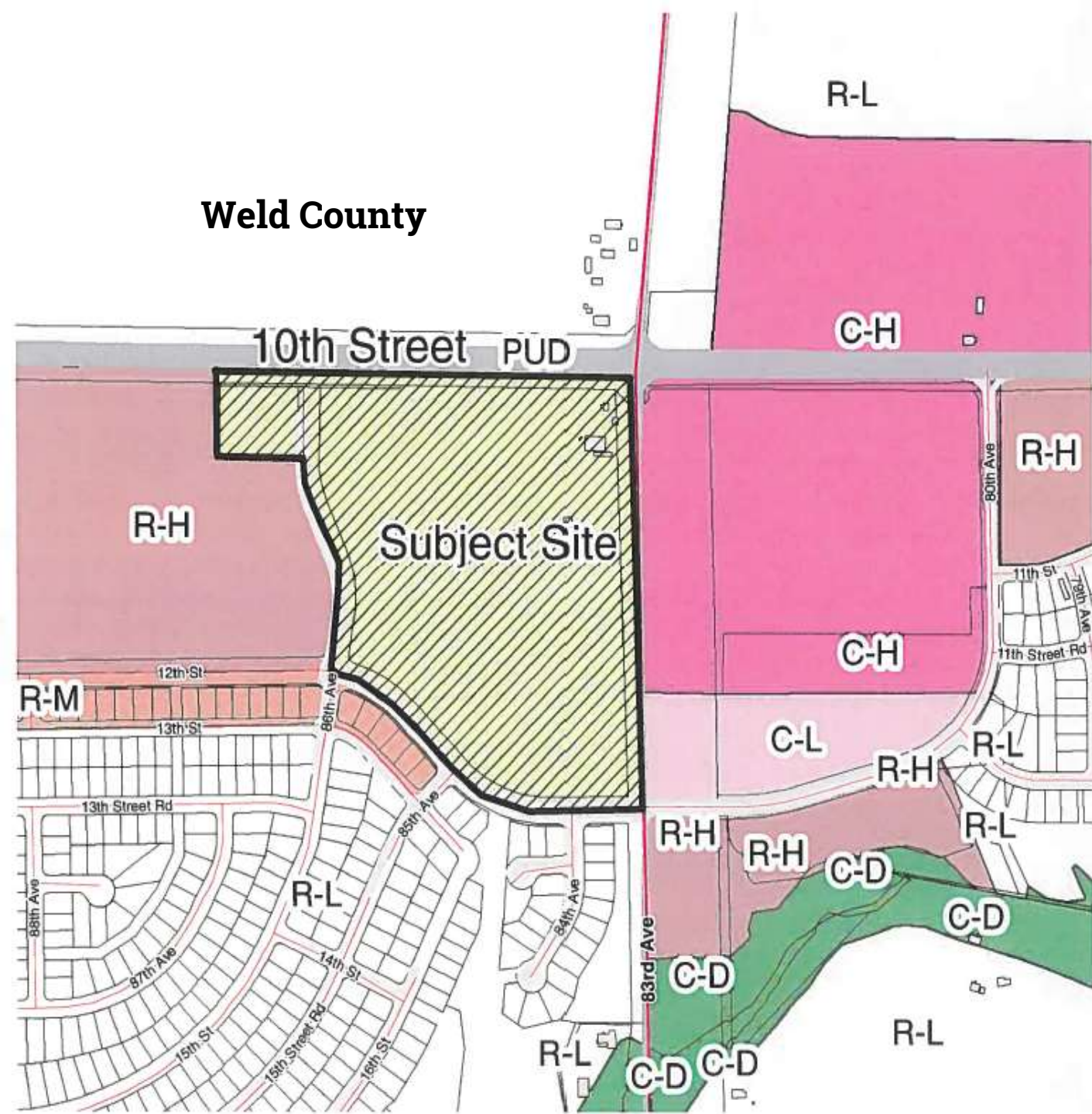
Request & Site Background

- **Request:**
 - **Rezone 38.811 acres of land, including right-of-way, from PUD (Planned Unit Development) to C-H (Commercial High Intensity).**
 - **Intent is to develop the site with commercial uses.**
- **Background:**
 - **Subject area was annexed in 1985. Was originally zoned PUD, which allows for residential uses at four (4) dwelling units pre acre.**
 - **A rezone occurred, in 2017, that reduced the size of the PUD. The area to the west and south has developed with Multi-Family and Single-Family uses.**



Location

- South of 10th Street, West of 83rd Avenue, and North of 12th Street.
- Surrounding Zoning and Land Uses:
 - North: Weld County Ag – 10th Street/Single-Family/Agricultural.
 - East: C-L/C-H – Undeveloped/Multi-Family/Oil and Gas.
 - South: R-M/R-L – 12th Street/Single-Family.
 - West: R-H – 86th Avenue/Multi-Family.



Site Photos



Northwest looking to the Southeast



Southeast looking to the Northwest

Approval Criteria

Rezone Criteria – Section 18.30.050(c)(3) – Eight Criteria Used to Evaluate Rezones

A) Has the area changed to such a degree that it is in the public interest to rezone to encourage development/redevelopment?

- *Trails at Sheep Draw Single-Family and Multi-Family to the south and west developing since 2017.*
- *Boomerang Single-Family and Multi-Family to the east of 83rd Avenue developing out for many years.*
- *Mountain Shadows and Pebble Brook Single-Family to the south. Developing out since the early 2000"s.*
- *The area is in need of commercial uses to serve current and future residential uses.*
- *Rezone would encourage development.*

B) Has the existing zoning been in place for at least 15 years without substantial development resulting and does the existing zoning appear to be obsolete?

- *Property has been zoned PUD for 35 years without development resulting.*
- *Zoning not necessarily obsolete, but majority PUD has been rezoned and is no longer relevant.*
- *Commercial would support the residential uses in the area.*

Approval Criteria

D)

Are there detrimental environmental impacts that may affect future development?

- *60-foot natural gas line that runs north/south on the property.*
- *Plugged and abandoned oil and gas well on the site.*
- *Irrigation ditch on the site.*
- *These impediments would be taken into account at the time of subdivision.*
- *Site is over 38 acres in size and commercial uses can be built around these impediments.*

Approval Criteria

F)	What is the <u>potential impact</u> on the <u>immediate neighborhood</u> and the <u>city</u> as a whole?
	<ul style="list-style-type: none">• <i>Area to the north of 10th Street is primarily rural in character at this time.</i>• <i>The areas to the west and south are residential in nature, and the area to the east is undeveloped commercial land with residential just to the east and south of that.</i>• <i>Noise regulated by the Municipal Code.</i>• <i>Visual impacts would be reviewed during the subdivision and site plan review process.</i>• <i>Water and sewer services already exist in the area.</i>• <i>Services that would be considered inadequate through the Adequate Public Facilities and Service Standards would be addressed through the future subdivision process.</i>• <i>Traffic would increase in the area. Road improvements would be determined at the time of subdivision.</i>• <i>Impacts would be minimal.</i>

Approval Criteria

Rezone Criteria – Section 18.30.050(c)(3)

G) Is the rezone consistent with the policies and goals of the City's Comprehensive Plan?

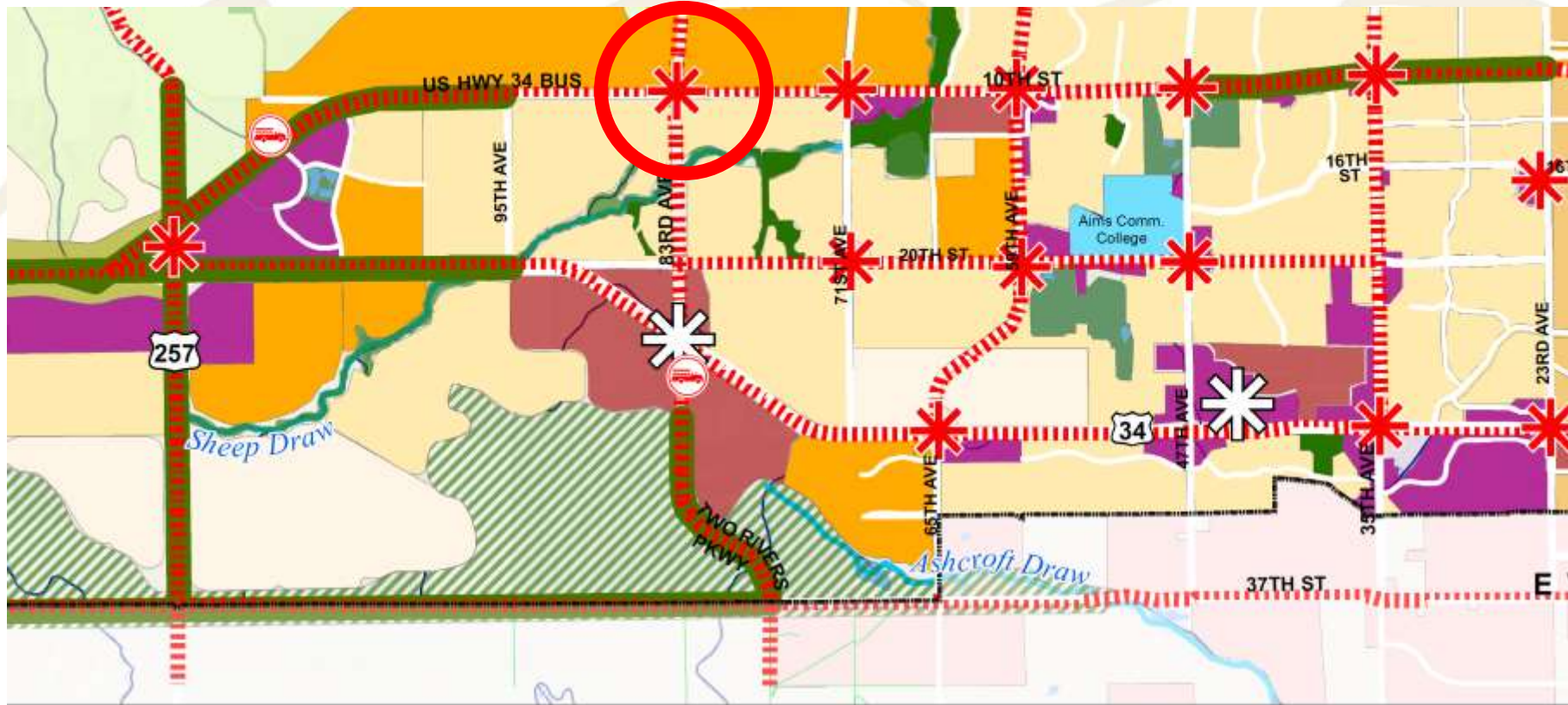
- *ED-2.4 – Business Attraction*
- *GC-2.5 – Neighborhood Centers*
- *The rezone would attract commercial business to the western part of the community.*
- *The rezone would allow for the potential to provide goods and services to the surrounding neighborhood .*

H) What is the impact on the Zoning Suitability Plan?

- *The proposed Zoning Suitability Plan demonstrates on a conceptual level that the site should be able to develop in accordance with the Development Code.*



Land Use Guidance Map

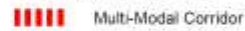


LEGEND

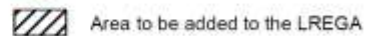
CENTERS



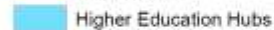
CORRIDORS



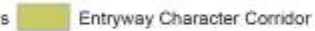
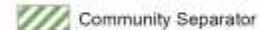
SPECIAL RECOMENDATIONS



AREAS



OPEN LANDS & NAT



Notification

- **Notice letters were mailed to property owners within 500 feet.**
- **Four signs posted on the property.**
- **Planning staff received one email regarding the proposed rezone expressing concern about health issues that may come from commercial development.**
- **No other comments received regarding the request.**



Recommendation

Planning Commission

- **July 28, 2020**
- **Approval (Unanimous)**





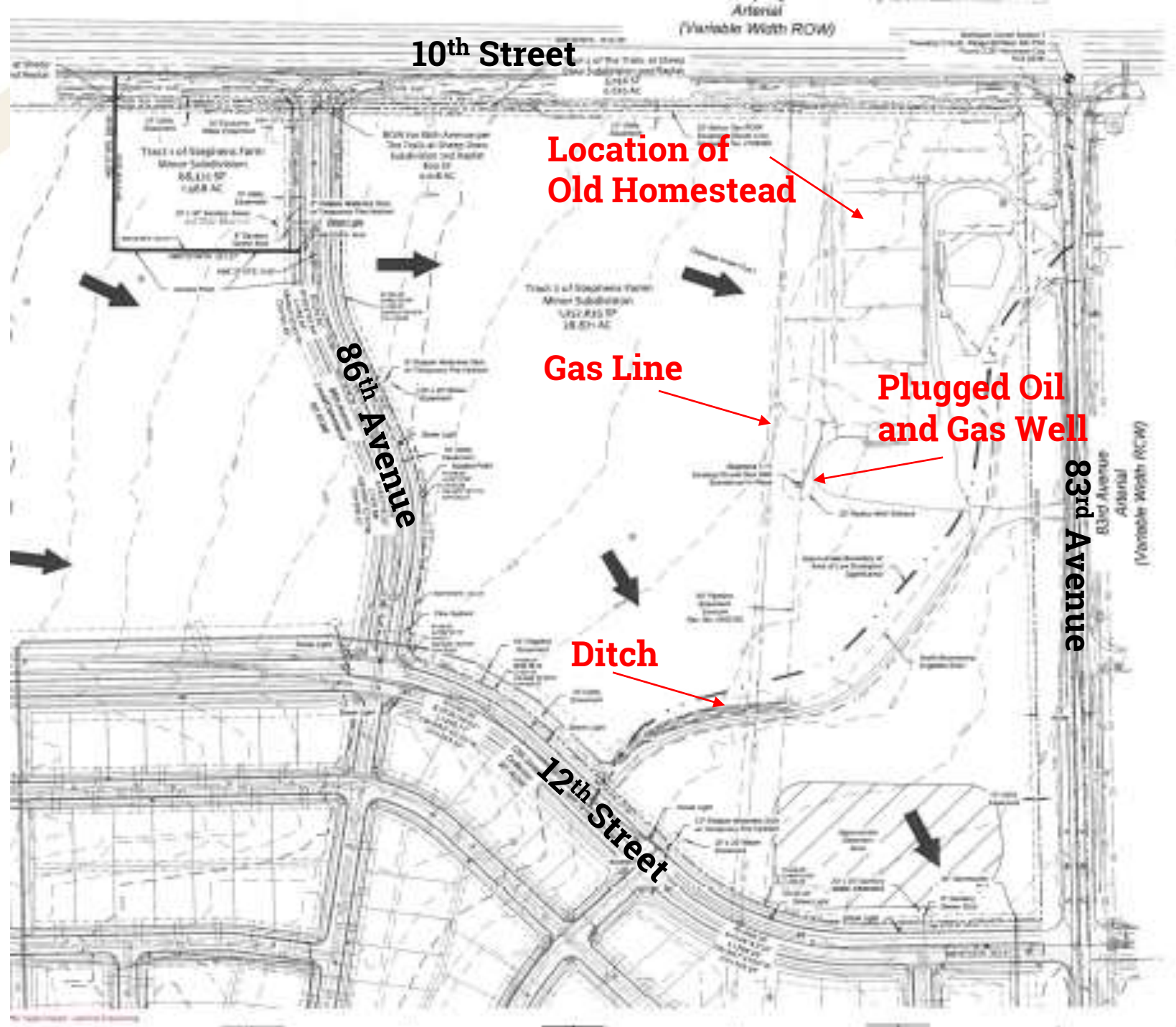
Questions?



Site Analysis Map

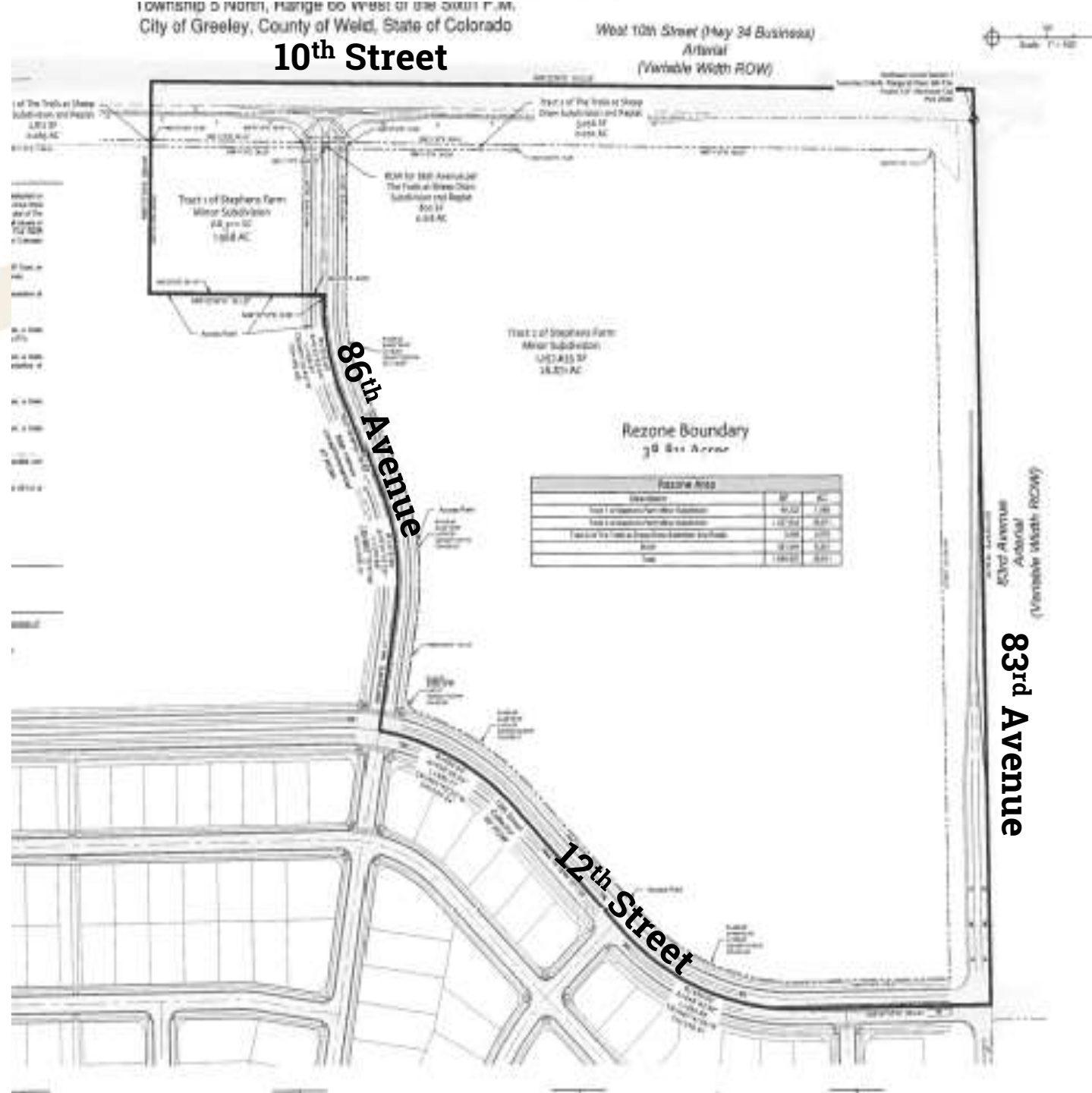
Existing Conditions:

- Basic infrastructure installed-sidewalks, curb and gutter.
- Property slopes from the north to the south.
- North Boomerang Ditch.
- Natural Gas Line.



Rezone Boundary Map

- Rezone 38.811 acres, including adjacent right-of-way.



Zoning Suitability Map

Proposed Plan:

(for illustrative purposes only)

- Proposed commercial development.
- A Subdivision will need to be processed to create the lots.



Council Agenda Summary

August 18, 2020

Agenda Item Number 18

Staff Contact: Maria Gonzalez, Director of Human Resources, 350-9714

Title:

Consideration of a resolution appointing a City Council Subcommittee to examine and make recommendations on the annual performance review process for City Council Appointed Employees

Summary:

In accordance with provisions of the Charter for the City of Greeley, the City Council has the authority to appoint three employees: the City Manager (§4.1), City Attorney (§6.1) and Municipal Court Judge(s) (§7.1).

For general employees outside the appointment authority of the City Council, performance reviews are conducted in a timeline that implements any merit and/ or market increases on or before March 1. In an effort to implement any merit and/ or market increases for the three City Council employees in a timeline that mirrors that for general employees, City Council has historically conducted an annual performance review in the January to late February timeframe. The City Council formalized the process for conducting these annual reviews in 2011 and has followed a similar process since that time.

During the January 14, 2020 Work Session during which City Council considered the annual performance review process and timeline for City Council appointed employees, it was the consensus of the City Council to establish a subcommittee to examine the current process and make recommendations on the annual review process for City Council appointed employees.

Upon appointment of a subcommittee, the Human Resources Department will work to provide options pertaining to meeting schedule and annual review processes for the subcommittee with the intention of presenting City Council with its findings and recommendations in November 2020.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	N/A
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?	N/A
If yes, does this grant require a match?	

Is this grant onetime or ongoing?	
Additional Comments:	

Decision Options:

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

Council's Recommended Action:

A motion to adopt the Resolution.

Attachments:

Resolution

**CITY OF GREELEY, COLORADO
RESOLUTION _____, 2020**

A RESOLUTION ESTABLISHING A CITY COUNCIL SUBCOMMITTEE TO EXAMINE AND MAKE RECOMMENDATIONS ON THE ANNUAL REVIEW PROCESS FOR CITY COUNCIL EMPLOYEES

Whereas, in accordance with provisions of the Charter for the City of Greeley, the City Council has the authority to appoint three employees: the City Manager (§4.1), City Attorney (§6.1) and Municipal Court Judge(s) (§7.1);

Whereas, the City Council has historically conducted an annual review for these employees in the January to late February timeframe through a process formalized and followed since 2011;

Whereas, during the January 14, 2020 Work Session in which City Council considered the annual performance review process and timeline for City Council appointed employees, it was the consensus of the City Council to establish a subcommittee to examine the current process and make recommendations on the annual review process for City Council appointed employees; and

Whereas, upon appointment of a subcommittee, the Human Resources Department will work to provide options pertaining to meeting schedule and annual review processes for the subcommittee with the intention of presenting City Council with its findings and recommendations in November 2020 for purposes of identifying the process informing the annual review process that commences in January 2021.

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

1. The City Council hereby creates a Subcommittee consisting of three City Council members to examine and make recommendations on the annual review process for City Council appointed employees;
2. The Subcommittee shall consist of Council Members _____ ;
3. The Subcommittee, which shall be ad hoc in nature, will conduct its work in a fashion that is completed by a presentation of findings and recommendations to the Council by November 30, 2020 for purposes of informing the annual review process that commences in January 2021;
4. The Subcommittee staff support will be provided primarily by the Human Resources Director; and
5. The Subcommittee will be ad hoc in nature and shall cease to exist upon the conclusion and acceptance of its work by the City Council

PASSED AND ADOPTED, SIGNED, APPROVED AND IN EFFECT THIS _____ day of August, 2020.

ATTEST:

GREELEY, COLORADO

City Clerk

By: _____
Mayor

Council Agenda Summary

August 18, 2020

Agenda Item Number 19

Key Staff Contact: Roy Otto, City Manager, 970-350-9750

Title:

COVID-19 Update

Summary:

There will be a brief update to Council regarding COVID-19.

Council Agenda Summary

August 18, 2020

Agenda Item Number 20

Key Staff Contact: Cheryl Aragon, Interim City Clerk, 970-350-9742

Title:

Appointment of applicants to the Citizen Transportation Advisory Board, Civil Service Commission, Planning Commission, and Youth Commission

Summary:

Council appointment is needed to the above-mentioned boards and commissions due to vacancies and term expirations. Staff continues to actively recruit to fill all 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 serving on a Board or Commission in general, just that particular agenda item.

Other Issues and Considerations:

Not applicable.

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:

Ballot

August 2020 Boards and Commissions Transmittal Summary



Applicants for the boards and/or commission listed below are in alphabetical order and recommendations from the interviewing team are shown in bold.

***** BALLOT *****

Citizen Transportation Advisory Board	
<i>1 Vacancy</i>	
<input type="checkbox"/>	JAMES SMITH
<input type="checkbox"/>	(Recruit For Additional Applicant)

Planning Commission	
<i>2 Vacancies</i>	
<input type="checkbox"/>	Louisa Andersen (I)
<input type="checkbox"/>	Justin Yeater (I)
<input type="checkbox"/>	(Recruit For Additional Applicants)

Civil Service Commission	
<i>1 Vacancy</i>	
<input type="checkbox"/>	LUIS GARCIA
<input type="checkbox"/>	James Smith
<input type="checkbox"/>	(Recruit For Additional Applicant)

Youth Commission	
<i>1 Vacancy</i>	
<input type="checkbox"/>	MADISON ZELLER
<input type="checkbox"/>	(Recruit For Additional Applicants)

Incumbent = (I)

Boards & Commissions Transmittal

August 7, 2020

Key Staff Contact: Jerry Harvey, Assistant City Clerk, 350-9746

Interview Date

August 10, 2020

Council Interview Team

Councilmembers Hall and Fitzsimmons

Council Appointment Date

August 18, 2020

Boards and Commissions Being Interviewed

- **Citizen Transportation Advisory Board**
- **Civil Service Commission**
- **Youth Commission**
- **Planning Commission will not be interviewed because only incumbents applied.**

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:

 ^{DS}

Roy Otto, City Manager

 ^{DS}

Cheryl Aragon, Interim City Clerk

Council Agenda Summary

August 18, 2020

Agenda Item Number 21

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 Worksession Schedule regarding any upcoming meetings or events.

Attachments

Council Meeting/Worksession Schedule
Council Meetings/Other Events Calendar

City Council Meeting Scheduling

Current as of 08/14/2020

This schedule is subject to change

Date	Description	Sponsor	Placement/Time
August 25, 2020 Worksession Meeting	COVID-19 Update	Roy Otto	0.25
	Diversity & Inclusivity Option Presentation	Becky Safarik	0.5
	Resource Overview for the 2021 Budget & 2021-2025 Capital Improvement Program	Robert Miller	1.00
	Tax Initiative Survey/Polling Results Review	Paul Fetherston	0.50
	Municipal Code Recodification - Review of Changes	Cheryl Aragon	0.50
September 1, 2020 Council Meeting	Resolution - Ballot Ratification	Cheryl Aragon	Consent
	Ordinance - Intro - Short-term Rentals	Brad Mueller	Consent
	Ordinance - Intro - Development Impact Fees	Robert Miller	Consent
	Ordinance - Intro - Third Additional Appropriation	Robert Miller	Consent
	Ordinance - Intro - Municipal Code Recodification	Cheryl Aragon	Consent
	Resolution - Ratification of the Fire Collective Bargaining Agreement	Maria Gonzales-Estevez	Consent
	Resolution & Presentation - Windy Gap Firing Resolution	Sean Chambers	Regular
	COVID-19 Update (non-action)	Roy Otto	Regular
September 8, 2020 Worksession Meeting	Ordinance - Final - Ballot Measures for Tax Renewals	Robert Miller	Regular
	COVID-19 Update	Roy Otto	0.25
	Budget Operation	Robert Miller	1.50
	Discussion of Development Impact Fees Pt. 2	Robert Miller	0.50
September 15, 2020 Council Meeting	Economic Development Talent Development	Ben Snow	0.25
	Resolution - Appointing Finance Director (Tentative)	Roy Otto	Consent
	COVID-19 Update (non-action)	Roy Otto	Regular
	Ordinance - Final - Short-term Rentals	Brad Mueller	Regular
	Ordinance - Final - Development Impact Fees	Robert Miller	Regular
	Ordinance - Final - Third Additional Appropriation	Robert Miller	Regular
	Ordinance - Final - Municipal Code Recodification	Cheryl Aragon	Regular
September 22, 2020 Worksession Meeting	Boards & Commissions Appointments	Cheryl Aragon	Regular
	Business Attraction/Target Industries	Ben Snow	0.50
	EMS Task Force Ambulance Report (Tentative)	Dale Lyman	1.00
	Budget	Robert Miller	1.50

August 17, 2020 - August 23, 2020

August 2020

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 2020

Su	Mo	Tu	We	Th	Fr	Sa
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13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

Monday, August 17

Tuesday, August 18

6:00pm - City Council Meeting

Wednesday, August 19

2:00pm - 5:00pm Water & Sewer Board (Gates)

Thursday, August 20

7:30am - 8:30am DDA (Zasada/Butler)

3:30pm - 4:30pm Airport Authority (Clark/Payton)

Friday, August 21

Saturday, August 22

Sunday, August 23

August 24, 2020 - August 30, 2020

August 2020							September 2020						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
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16	17	18	19	20	21	22	20	21	22	23	24	25	26
23	24	25	26	27	28	29	27	28	29	30			
30	31												

Monday, August 24

- 11:30am - 12:30pm Greeley Chamber of Commerce (Hall) ↻
- 6:00pm - 7:00pm Youth Commission (Butler) ↻

Tuesday, August 25

- 9:00am CML Virtual Conference (Anywhere!) - Council Master Calendar →

Wednesday, August 26

- ← CML Virtual Conference (Anywhere!) - Council Master Calendar →
- 7:00am - 8:00am Upstate Colorado Economic Development (Gates/Hall) (Upstate Colorado Conference Room) - Council Master Calendar ↻

Thursday, August 27

- ← 1:00pm CML Virtual Conference (Anywhere!) - Council Master Calendar

Friday, August 28

Saturday, August 29

Sunday, August 30

August 31, 2020 - September 6, 2020

August 2020

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 2020

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 31

Tuesday, September 1

6:00pm - City Council Meeting

Wednesday, September 2

Thursday, September 3

7:00am - Poudre River Trail (Hall)

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

6:00pm - MPO (Gates/Payton)

Friday, September 4

Saturday, September 5

Sunday, September 6

September 7, 2020 - September 13, 2020

September 2020

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 2020

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 7

Tuesday, September 8

6:00pm - City Council Worksession Meeting 

Wednesday, September 9

Thursday, September 10

Friday, September 11

Saturday, September 12

Sunday, September 13

September 14, 2020 - September 20, 2020

September 2020

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 2020

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 14

Tuesday, September 15

6:00pm - City Council Meeting

Wednesday, September 16

2:00pm - 5:00pm Water & Sewer Board (Gates)

Thursday, September 17

7:30am - 8:30am DDA (Zasada/Butler)

3:30pm - 4:30pm Airport Authority (Clark/Payton)

Friday, September 18

Saturday, September 19

Sunday, September 20

Council Agenda Summary

August 18, 2020

Agenda Item Number 22

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 at 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.

Council Agenda Summary

August 18, 2020

Agenda Item Number 23

Title

Adjournment