



Remote Meeting Instructions for the April 20, 2021, City Council Meeting:

In order to comply with all health orders and State guidelines to stop the spread of the COVID-19 Coronavirus, **no physical location, including the City Council Chambers, will be set up for viewing or participating in this Council Meeting.**

You can view this Council Meeting by following the instructions below to watch the YouTube live stream. By utilizing this option to view the meeting, you will not be able to provide live input during the meeting. To provide live input, see the "In real time" instructions near the bottom of this page.

- From your laptop or computer, click the following link or enter it manually into your Web Browser: (www.youtube.com/CityofGreeley)
- Clicking the link above will take you to the City of Greeley's YouTube Channel.
- Once there, you will be able to view the meeting!

Citizen input and public comment for items appearing on this agenda as public hearings are valuable and welcome!

Anyone interested in participating and sharing public comments has a few of options:

Via email? – Submit to cityclerks@greeleygov.com

All comments submitted this way will be read into the record at the appropriate points during this meeting in real time. Comments can be submitted up to and throughout this meeting.

Via traditional Mail? - Address to the Greeley City Clerk's Office, 1000 10th Street, Greeley, CO 80631

All written comments must be received no later than the day of the meeting. Again, written comments received by mail will also be read into the record in real time.

In real time? - <https://greeleygov.zoom.us/j/91910136877>

Clicking the link above will give you access to the live meeting where you will become a virtual audience member and be able to speak under Citizen Input on items not already on the agenda or during a scheduled public hearing.

Please visit the City's website at <https://greeleygov.com/government/council> to view and download the contents of the April 20, 2021, City Council Meeting. You are also welcome to call the City Clerk's Office at 970-350-9740 with any special needs or questions that you may have.



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

April 20, 2021 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. Approval of the Agenda
5. Recognitions and Proclamations
6. Citizen Input
7. Reports from Mayor and Councilmembers
8. Initiatives from Mayor and Councilmembers

Consent Agenda

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

Council 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. Approval of the City Council Proceedings of April 6, 2021
10. Introduction and first reading of an Ordinance authorizing the sale of an easement over approximately 11.56 acres of City-owned property, located in Section 4, Township 7 North, Range 66 West of the 6th P.M. in Weld County ("Balmer Farm")
11. Introduction and first reading of an ordinance changing the official zoning map of the City of Greeley, Colorado, from R-E (Residential Estate) and H-A (Holding Agriculture) to C-H (Commercial High Intensity) zoning with a Development Concept Master Plan for approximately 12.98 acres of property, located at 7001 28th Street, known as the 7001 28th Street Rezone
12. Consideration of a resolution for an Intergovernmental Agreement regarding rehabilitation work for the Cameron Peak Fire

End of Consent Agenda

13. Pulled Consent Agenda Items
14. COVID-19 Update
15. Appointment of applicants to the Citizen Transportation Advisory Board, Greeley Urban Renewal Authority, Museum Board, and the Rodarte Community Center Advisory Board
16. Scheduling of Meetings, Other Events
17. 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
18. Consideration of an Executive Session to determine positions, develop strategy and instruct negotiators regarding collective bargaining with the Greeley Fire Fighters Union Local 888
19. Adjournment

Council Agenda Summary

April 20, 2021

Title

Call to Order

Council Agenda Summary

April 20, 2021

Title

Pledge of Allegiance

Council Agenda Summary

April 20, 2021

Title

Roll Call

Summary

Mayor Gates

Councilmember Butler

Councilmember Payton

Councilmember Hall

Councilmember Fitzsimmons

Councilmember Clark

Councilmember Zasada

Council Agenda Summary

April 20, 2021

Title

Approval of the Agenda

Council Agenda Summary

April 20, 2021

Title

Recognitions and Proclamations

Summary

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

Mayor Gates will present a proclamation recognizing National Youth Service Day (April 20) and will present the awards for the National Youth Service.

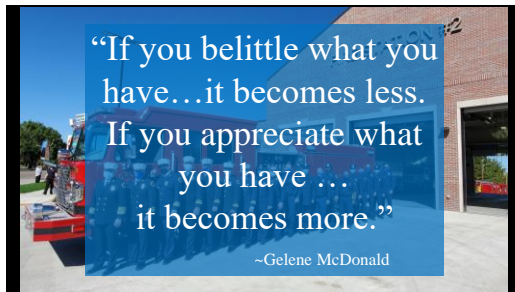
Attachments

What's Great about Greeley Report
National Youth Service Day Awards Proclamation

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



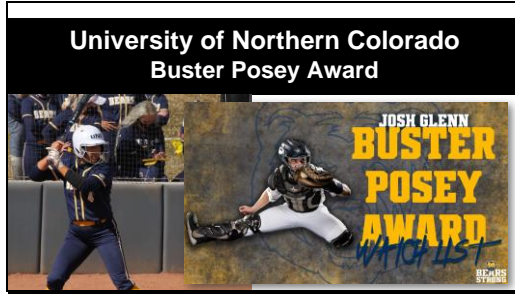
The University of Northern Colorado College of Performing and Visual Arts has been designated as an All-Steinway School after receiving 96 new Steinway & Sons pianos as part of a \$1.26 million project to replace UNC's old piano fleet. UNC is Colorado's first publicly funded institution of higher education to receive the designation. Fewer than 200 institutions worldwide have been named All-Steinway schools.

Slide 4



Aims Community College and the Aims Foundation are the recipients of nearly \$600,000 in grant funding. The grants support COSI scholarships created for first-generation and students with disabilities, the Student Emergency Fund which has been increasingly important due to COVID, fund skill development for academic advisors in the Pathway Advising program, support scholarships for students enrolled in the paramedic program, and federal funding to purchase equipment for student learning in career and technical education.

Slide 5



University of Northern Colorado baseball junior Josh Glenn was recently named to the Buster Posey award watch list, which is given to the top Division I catcher, and junior softball player Dani Young received the Big Sky Player of the Week Award.

Slide 6



University of Northern Colorado senior Emmy Scott has been awarded a \$5,000 scholarship after taking first place in the Clearway Community Solar's 2020 Essay Contest. Emmy's essay "Crisis! The Relationship between COVID-19 and Climate Change" looked at how the ongoing COVID-19 pandemic has impacted climate-change efforts.

Slide 7



And that's What's Great about Greeley.



National Youth Service Day Awards

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

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

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

WHEREAS, the City of Greeley will designate April 20, 2021, as National Youth Service Day and will recognize youth for their community service.

NOW, THEREFORE, I, John Gates, by virtue of the authority vested in me as Mayor of the City of Greeley, Colorado, do hereby proclaim April 20, 2021 as *National Youth Service Day* in the city of Greeley.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official seal of the City of Greeley, this 20th day of April, 2021.

John Gates
Mayor

Council Agenda Summary

April 20, 2021

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 evening's agenda. Individual comments read into the record 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

April 20, 2021

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

April 20, 2021

Title

Initiatives from Mayor and Councilmembers

Summary

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

Initiatives will generally fall into three categories:

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

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

Attachments

Status Report of Council Initiatives and Related Information

Greeley City Council

Status Report of Council Initiatives

Initiative No.	Council 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:
	None pending.			

Consent Agenda

April 20, 2021

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 12 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

April 20, 2021

Key Staff Contact: Anissa Hollingshead, City Clerk, 350-9742

Title:

Approval of the City Council Proceedings of April 6, 2021

Summary:

A meeting of the City Council was held on April 6, 2021, virtually utilizing the Zoom Platform.

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:

April 6, 2021 Proceedings

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
April 06, 2021

1. Call to Order

Mayor John Gates called the remote meeting to order at 6:00 p.m. via the City's Zoom platform.

2. Pledge of Allegiance

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

3. Roll Call

Anissa Hollingshead, City Clerk, called the roll.

PRESENT

Mayor John Gates
Council Member Tommy Butler
Council Member Brett Payton
Council Member Michael Fitzsimmons
Council Member Ed Clark
Council Member Kristin Zasada

EXCUSED

Council Member Dale Hall

4. Approval of the Agenda

The agenda was approved as presented.

5. Recognitions and Proclamations

Mayor Gates presented a proclamation recognizing April as Parkinson's Awareness Month. Bill Sterling accepted the proclamation and offered remarks.

Mayor Gates also read a proclamation for Holocaust Memorial Observances.

Council Member Payton presented the *What's Great About Greeley* Report.

6. Citizen Input

No written comments were received.

W.D. Bill Gilliard, Evans resident, addressed the Council from the meeting's virtual audience and offered comments about the efforts of Save Greeley's Water, and the work that will continue after the end of the referendum process.

7. Reports from Mayor and Councilmembers

There were no reports.

8. Initiatives from Mayor and Councilmembers

Council Member Clark asked about the degree with which the City is opening, and requested a report from time to time regarding how many employees are coming back to work, as well as any information regarding public perception of levels of service. It was noted this would be discussed during the COVID-19 Report later in the agenda.

Consent Agenda

Council Member Butler moved, seconded by Council Member Clark, to approve items 9-11 on the consent agenda as presented.

The motion carried 6-0.

Excused: Council Member Hall.

9. Acceptance of the Report of the March 9, 2021, City Council Worksession

The Council action recommended and approved was to accept the report as presented.

10. Approval of the City Council Proceedings of March 16, 2021

The Council action recommended and approved was to approve the City Council proceedings as presented.

11. Acceptance of the Report of the March 23, 2021, City Council Worksession

The Council action recommended and approved was to accept the report as presented.

End of Consent Agenda

12. Pulled Consent Agenda Items

No items were pulled from the consent agenda.

13. Public hearing and final reading of an ordinance appropriating additional sums to defray the expenses and liabilities of the City of Greeley for the balance of the fiscal year of 2021 and for funds held in reserve for encumbrances at December 31, 2020

John Karner, Finance Director, presented as set forth in the PowerPoint presentation in the agenda packet.

Mayor Gates opened the public hearing at 6:31 p.m. There being no written comments submitted and no one wishing to speak in the virtual audience, the public hearing was closed.

Council Member Fitzsimmons moved, seconded by Council Member Zasada, to adopt the ordinance and publish with reference to title only.

The motion carried 6-0.

Excused: Council Member Hall.

Ordinance No. 11, 2021, appropriating additional sums to defray the expenses and liabilities of the City of Greeley for the balance of the fiscal year of 2021 and for funds held in reserve for encumbrances at December 31, 2020, was adopted.

14. Public hearing and final reading of an ordinance adopting a new municipal code for the City of Greeley, Colorado

Anissa Hollingshead, City Clerk, presented as set forth in the PowerPoint in the agenda packet. Also available as part of the presentation and for questions was Susan Henderson, Senior City Attorney.

Mayor Gates opened the public hearing at 6:41 p.m. There being no written comments submitted and no one wishing to speak in the virtual audience, the public hearing was closed.

Council Member Payton moved, seconded by Council Member Fitzsimmons, to adopt the ordinance and publish with reference to title only.

The motion carried 6-0.

Excused: Council Member Hall.

Ordinance No. 12, 2021, adopting by reference and enacting a new municipal code for the City of Greeley, Colorado, was adopted.

15. University of Northern Colorado Update

Dr. Andy Feinstein, President of the University of Northern Colorado (UNC), provided a verbal update regarding happenings at UNC.

16. COVID-19 Update

Dan Frazen, Emergency Manager, presented a verbal report to the Council updating current trends associated with COVID-19.

There were comments and discussion amongst the Council regarding a return to the office for City employees and work towards in person Council meetings and work sessions.

17. Scheduling of Meetings, Other Events

No other meetings or events were scheduled.

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

The motion carried 6-0.

Excused: Council Member Hall.

19. Adjournment

With no further business before the Council, Mayor Gates adjourned the meeting at 7:02 p.m.

John Gates, Mayor

Anissa N. Hollingshead, City Clerk

Council Agenda Summary

April 20, 2021

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

Title:

Introduction and first reading of an Ordinance authorizing the sale of an easement over approximately 11.56 acres of City-owned property, located in Section 4, Township 7 North, Range 66 West of the 6th P.M. in Weld County ("Balmer Farm")

Summary:

The City owns a property located at Section 4, Township 7 North, Range 66 West of the 6th P.M. in Weld County known as the Balmer Farm, which was purchased by the Water and Sewer Department for certain water rights attached to the farm. The property is currently leased for farming operations that supports the value of the water rights in advance of their district court case to change the decreed use from agricultural to municipal uses

In February of 2021, the City received a request for an easement on the Balmer Farm from the Public Service Company of Colorado. The proposed easement is for a power line and would be along the Northern border of the property, taking up approximately 11.56 acres. Impacts to the farming operation would be minimal and have been reviewed with and by the City's tenant farmer. Public Service Company of Colorado has agreed to address any damages to city property, to complete land and vegetation restoration in the disturbed areas, and to compensate the tenant farmer for any crop losses. They will pay \$28,900 for an option agreement and then another \$260,100 for the easement purchase price. The total proposed offer amount of \$289,000 was found to be in alignment with recent available valuation data.

The Water and Sewer Board will consider a resolution for approval of the proposed easement at its April 21, 2021 regular Board meeting.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	\$289,000 revenue received
What is the annual impact?	None
What fund of the City will provide Funding?	424 - Water Acquisition (revenue received)
What is the source of revenue within the fund?	Cash-In-Lieu of Raw Water
Is there grant funding for this item?	No
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	N/A
Additional Comments:	

Legal Issues:

Section 17-4(c) of the City Charter requires any sale of real property, including real property acquired by the Water and Sewer Department with enterprise funds, be approved by City Council. Section 31-15-713(b) of the Colorado Revised Statutes authorizes the City Council to sell and dispose of, by ordinance, any real property that is not being used or held for a governmental purpose.

Water & Sewer Dept. staff have worked with the City Attorney's Office and the City's Real Estate Division in preparation of the documents and materials related to the proposed easement.

Other Issues and Considerations:

None

Strategic Work Program Item or Applicable Council Priority and Goal:

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

Decision Options:

- 1) 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 May 4, 2021.

Attachments:

- Ordinance
- Exhibit A ("Option Agreement")
- Exhibit B ("Easement Grant")

CITY OF GREELEY, COLORADO
ORDINANCE NO. _____, 2021

AN ORDINANCE AUTHORIZING THE SALE OF AN EASEMENT OVER APPROXIMATELY 11.56 ACRES OF CITY-OWNED PROPERTY, LOCATED IN SECTION 4, TOWNSHIP 7 NORTH, RANGE 66 WEST OF THE 6TH P.M. IN WELD COUNTY, COLORADO.

WHEREAS, the City of Greeley, acting by and through its Water and Sewer Board, purchased certain real property in December 2016, consisting of approximately 138.459 acres and located in Section 4, Township 7 North, Range 66 West of the 6th P.M. in Weld County ("Balmer Farm"); and

WHEREAS, the City has leased the Balmer Farm back to a tenant farmer since its acquisition to keep it in agricultural production; and

WHEREAS, the City received an offer from Public Service Company of Colorado to purchase an electrical transmission line easement over approximately 11.56 acres of the Balmer Farm ("Easement"), and said offer was determined to be fair market value; and

WHEREAS, the City of Greeley Water and Sewer Board authorized the anticipated sale of the Easement at its April 21, 2021 regular board meeting, and recommended City Council authorize the same; and

WHEREAS, Section 17-4(c) of the City Charter requires that any sale of real property, including the sale of real property acquired by the Water and Sewer Department with enterprise funds, be approved by City Council; and

WHEREAS, Section 31-15-713(b) of the Colorado Revised Statutes authorizes City Council to sell and dispose of, by ordinance, any real property that is not being used or held for a governmental purpose.

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

Section 1. City Council determines that the Balmer Farm and the proposed Easement thereupon are not being used nor held for a governmental purpose, and that the Easement is surplus property unnecessary to retain for any governmental purpose.

Section 2. The City Council authorizes the sale of the proposed Easement across the Balmer Farm, in accordance with the terms and conditions of the Option Agreement for Easement, attached hereto and incorporated herein as Exhibit A ("Option Agreement").

Section 3. City Council authorizes the Director of Water and Sewer, or his designee, to negotiate non-substantive, minor changes to the Option Agreement prior to execution, and to make minor amendments to the Option Agreement after execution, including corrections to property descriptions and contract extensions.

Section 4. City Council authorizes the Director of Water and Sewer, or his designee, to undertake all necessary action to close upon the sale if the option in the Option Agreement is exercised.

Section 5. Upon satisfaction of all Option Agreement terms, including any amendments thereto, the City Council authorizes the Mayor and City Clerk to execute an easement grant, in the form of the Electric Transmission Line Easement attached hereto and incorporated herein as Exhibit B ("Easement Grant"), conveying the Easement to Public Service Company of Colorado.

Section 6. This Ordinance shall become effective immediately after its final publication.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS ____ DAY OF _____, 2021.

ATTEST

CITY OF GREELEY, COLORADO

City Clerk

Mayor

After recording, return to:
Public Service Company of Colorado
Siting and Land Rights
1800 Larimer Street, 4th Floor
Denver, CO 80202
Attn: Manager

PSCO DOC. NO. _____
ROW AGENT: David W. Allen

OPTION AGREEMENT FOR EASEMENT (“Option Agreement”)

The undersigned, **City of Greeley**, whose address is 1000 10th Street, Greeley, Colorado 80631, herein called “**Grantor(s)**”, for and on behalf of Grantor and Grantor’s heirs, successors and assigns, in consideration of the payment of the Option Price and other good and valuable consideration, the adequacy of which is hereby acknowledged, does hereby grant to Public Service Company of Colorado, a Colorado corporation, herein called “**Company**”, the sole and exclusive right and option (the “**Option**”) to purchase an easement for the construction, operation, and maintenance of an electric transmission line, as further described below, said easement to be substantially in the form attached hereto as Exhibit B (the “**Easement**”), on the following terms and conditions:

TERMS OF OPTION

1. Grant of Option; Option Consideration; Terms and Option. Grantor hereby grants to Company the Option, from the date of signature until **February 5, 2022** (the “**Option Term**”). No later than thirty (30) business days after Grantor executes and delivers this Option Agreement, the Company shall pay to Grantor the Option Price, as set forth in Exhibit C, which Exhibit C may be removed prior to recording. The Option Price shall be non-refundable to the Company.

This Option is for an easement approximately one hundred and fifty (150) feet in width for an electric transmission line and related purposes on, over, under and across the real property owned by Grantor and located in Weld County, Colorado, as more particularly described in Exhibit A attached hereto and incorporated herein (the “**Property**”) in accordance with the terms and conditions set forth in the Electric Transmission Line Easement attached hereto as Exhibit B (the “**Easement**”). The location of the Easement shall be determined by Company at the time the Option is exercised.

2. Exercise of Option; Easement Consideration. The Company may exercise this Option any time during the Option Term by written notice to Grantor (the “**Notice**”), which notice shall include a description of the location of the Easement (the “**Easement Area**”). Following such notice, Grantor shall, within thirty (30) days after the Company’s exercise of the Option, execute and deliver to the Company the Easement Agreement in the form of Exhibit B, free and clear of all monetary liens and encumbrances covering the interests described therein, but otherwise subject to all matters of public record. Within thirty (30) business days after Grantor delivers the executed Easement Agreement, the Company shall pay to Grantor the Easement Purchase Price set forth in Exhibit C.
3. Right of Entry. During the Option Term and prior to the Notice of exercise of this Option, Company, its employees, agents, contractors and representatives shall have the right and license to enter upon the Property for the purpose of doing all those things which the Company deems

necessary to study, survey, inspect, test and plan for the Company's proposed use of the Property, including but not limited to, soil borings, conducting a hazardous substances investigation and conducting a feasibility study which may cover such subjects as soil conditions, geological tests, engineering reports, topographic studies, flood protection, environmental impact reports, zoning and planning regulations, and any other tests and studies which the Company may elect to perform on the Property, all at the sole cost and expense of the Company.

4. Damage. In the event entry upon the Property by the Company pursuant to paragraph 3 hereof causes any damage to the Property, including to road improvements and fences from time to time existing thereon, the Company shall, at its option, either restore such damaged portion of the Property to substantially the same condition as existed prior to entry by the Company, or compensate Grantor for the damage.
5. Encumbrances and Leases. During the Option Term, Grantor will not sell, contract to sell, assign, lease, or otherwise transfer or encumber the Property, except subject to the Company's rights under this Option Agreement. In no event during the Term, will Grantor grant a license, easement, option, leasehold, or other right to the Property which could interfere with the rights of the Company under this Option Agreement or the Easement Agreement.
6. Cooperation. Grantor shall assist and cooperate with Company, in complying with or obtaining any land use permits, approvals or similar requirements Company deems necessary or desirable to install and operate facilities under the Easement Agreement, pursuant to any governmental, quasi-governmental or private requirements, covenants or restrictions. Grantor's cooperation includes the execution of applications and other necessary documentation, and appearance at community meetings and/or public hearings at the request of Company to voice support for any application at issue. Grantor grants Company the right to act as Grantor's agent in making applications for permits or approvals in Grantor's name in those instances where only the owner of record of the Property can apply for the same. Grantor's assistance and cooperation under this paragraph will be without charge to the Company, provided Grantor will not be obligated to incur any out-of-pocket costs in connection therewith.
7. Default. If Grantor fails to execute and deliver the Easement Agreement following exercise of the Option by the Company, Grantor will be in default, and in addition to any other remedy available to Company, Grantor will be liable to Company for attorney fees and costs incurred by the Company in enforcing this Option Agreement.
8. Recording of Option. Grantor will not file or record this Option Agreement in the Clerk and Recorder's office of the County in which the Property is located or any other public records (collectively "**Official Records**"). This Option Agreement may be recorded by the Company in the Official Records, it being agreed that the Company may remove Exhibit C from the Option Agreement prior to recording. Although removed, Exhibit "C" shall remain part of this Option Agreement and such removal shall not affect the validity hereof. In the event the Option is exercised, Company shall have the right to record a Notice of Exercise of Option in the Official Records stating that the Option has been exercised and including the terms of the Easement Agreement.
9. Notices. All notices, demands and requests required or permitted to be delivered under this Option Agreement (collectively "**Notices**") to a party pursuant to this Option Agreement must be in writing and shall be sent by United States certified mail, prepaid, return receipt requested;

personal delivery; or overnight courier service. For purposes of giving Notices hereunder, the addresses of the parties, until changed as hereinafter provided, are the following:

Grantor(s):	Company:
City of Greeley	Public Service Company of Colorado
Lindsay Kuntz	1800 Larimer Street, 4 th Floor
1000 10 th Street	Denver, CO 80202
Greeley, Colorado 80631	Attn: Manager, Siting and Land Rights

Notices shall be deemed to have been given (a) on the date personally delivered to the party intended, (b) the third business day after being sent by United States certified mail, prepaid, return receipt requested, or (c) the next business day after being sent by overnight courier.

10. Binding Effect and Covenants of Grantor. This Option Agreement shall be binding upon and inure to the benefit of the respective assignees, heirs, successors, and legal representatives of each party. Grantor represents and warrants to the Company that Grantor is the sole owner of the Property and has the unrestricted right and authority to execute this Option Agreement and to grant to the Company the rights granted hereunder, subject to no liens or encumbrances except as disclosed in writing to the Company prior to the execution of this Option Agreement.
11. Cancellation. Company shall have the right to cancel this Option at any time by providing written Notice to Grantor. In the event this Option is cancelled, Company shall record a notice of such termination in the real estate records of Weld County, Colorado if the Company has previously recorded a copy of this Agreement.
12. Miscellaneous. The Option and all rights, title and privileges herein granted shall be assignable by the Company in whole or in part; the provisions of this Option Agreement shall run with, be binding on and burden the Property and shall be binding on and shall inure to the benefit of the heirs, executors, administrators, personal representatives, successors, and assigns of Grantor and Company. "Grantor" shall include the singular, plural, feminine, masculine, and neuter. The title of this document and paragraph headings are inserted for convenience only and do not define or limit the rights granted pursuant to this Option Agreement.
13. Time Calculation. In computing any period of time described in this Option Agreement, the day of the act or event after which the designated period of time begins to run is not to be included and the last day of the period so computed is to be included, unless such last day is not a Business Day, in which event the period shall run until the end of the next day which is a Business Day. As used herein, the term "**Business Day**" means any day that is not a Saturday, Sunday, or legal holiday for national banks in Denver, Colorado.
14. Modification. No change or modification of this Option Agreement shall be valid unless it is in writing and signed by Grantor and an authorized representative of the Company. This Option Agreement may be executed in counterparts, each of which shall be deemed an original, and which together will constitute one instrument.

My commission expires: _____
Notary Public

Company:

Public Service Company of Colorado, a Colorado corporation

By: _____

Name: _____

Its: _____

Date: _____

STATE OF COLORADO)
)
COUNTY OF DENVER)

The foregoing instrument was acknowledged before me this _____ day of _____, 2021, by _____ as _____ of Public Service Company of Colorado, a Colorado corporation.

Witness my hand and seal.

My commission expires: _____
Notary Public

**EXHIBIT A
THE PROPERTY**

(See attached)

EXHIBIT "A"

NE1/4 SECTION 4
T7N, R66W, 6TH P.M.

LOT B
RECORDED EXEMPTION NO.
0707-04-01-RECX16-0009
OWNER
CITY OF THORNTON

50' COLORADO
INTERSTATE GAS CO.,
ESMT REC.
NO. 2852196

E1/4 COR.
SEC. 4
FOUND 2.50"
ALUM. CAP
L.S. #25619

30' OUTRIGGER DJ OPERATING
LLC, ESMT REC. NO. 4543899

W'LY R.O.W.
C.R. 31

POINT OF
BEGINNING
PARCEL 'B'

N. LINE SE1/4 SEC. 4
BASIS OF BEARING
N88°44'49"E 2657.17'

C1/4 COR. SEC. 4
FOUND 3.25" ALUM.
CAP L.S. #38480

NE'LY LINE
LOT B

LOT B
RECORDED EXEMPTION NO. 0707-4-4-RE-582
RECEPTION NO. 01919108

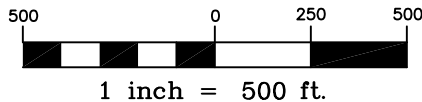
OWNER
CITY OF GREELEY

PARCEL 'B'
TRANSMISSION
LINE EASEMENT
AREA=500,837 S.F.±
OR 11.50 ACRES±

E. LINE SE1/4 SEC. 4
S01°32'42"W 2572.20'

C.R. 31 (60' R/W)

SE1/4 SECTION 4
T7N, R66W, 6TH P.M.



N01°47'58"E 2568.46'
W. LINE SE1/4 SEC. 4

SW1/4 SECTION 4
T7N, R66W, 6TH P.M.

S1/4 COR. SEC. 4
FOUND 3.25" ALUM.
CAP L.S. #38213

S. LINE SE1/4 SEC. 4
S80°50'22"W 2668.39'

L8

SE COR. SEC. 4
FOUND 3.25"
ALUM. CAP L.S.
#38213

C.R. 84 (60' R/W)

OWNER
PUBLIC SERVICE CO.
OF COLORADO
REC. NO. 1554651

- 1.) PARCEL OWNERSHIP IS BASED ON THE RECORDS OF THE COUNTY ASSESSOR.
- 2.) ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS AFTER THE DATE OF THE CERTIFICATION SHOWN HEREON.
- 3.) THE ONLY PURPOSE OF THIS EXHIBIT IS TO SHOW THE LOCATION OF THE EASEMENT(S).
- 4.) THIS DOCUMENT SHALL BE CONSIDERED NULL AND VOID IF IT DOES NOT BEAR THE ORIGINAL SIGNATURE AND SEAL OF THE PROFESSIONAL LAND SURVEYOR OR IF ALTERED IN ANY WAY.



9025 E. Kenyon Ave., Suite 150, Denver, CO 80237
Tel:(303) 753-9799 Fax:(303) 753-4044

DRN. BY: J.L.

CHKD. BY: C.J.

DATE: 02/05/21

SCALE: 1" = 500'

FILE: R13090

SHEET: 1 OF 4

W/O #:

UTILITY EASEMENT

LINE/CURVE TABLES

LINE TABLE		
NO.	BEARING	DISTANCE
L1	S60°48'57"E	47.84'
L2	N87°11'01"W	138.48'
L3	N40°41'54"E	31.72'
L4	S65°08'50"E	22.94'
L5	S58°33'46"E	82.27'
L6	S53°24'51"E	30.04'
L7	S41°58'33"E	2656.46'
L8	S01°32'42"W	931.49'
L9	N71°26'29"W	104.58'
L10	N01°32'42"E	788.37'
L11	N41°58'33"W	2773.51'

CURVE TABLE					
NO.	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	105.90'	78.00'	77°47'26"	N80°17'19"E	97.95'
C2	12.32'	222.00'	3°10'45"	N42°17'16"E	12.32'
C3	70.93'	227.20'	17°53'15"	N31°45'16"E	70.64'

LEGAL DESCRIPTION

TWO PARCELS OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 7 NORTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO, ALSO BEING A PORTION OF LOT B, RECORDED EXEMPTION NO. 0707-4-4-RE-582, FOUND AT RECEPTION NO. 01919108, FILED IN THE WELD COUNTY CLERK AND RECORDER'S OFFICE, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARING OF THIS DESCRIPTION IS ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4 AND ASSUMED TO BEAR N88°44'49"E A DISTANCE OF 2657.17 FEET FROM A 3.25" ALUMINUM CAP STAMPED L.S. #38480 FOUND AT THE CENTER QUARTER CORNER OF SAID SECTION 6 TO A 2.50" ALUMINUM CAP L.S. #25619 FOUND AT THE EAST QUARTER CORNER OF SAID SECTION 4;

PARCEL 'A'

BEGINNING AT A POINT WHICH BEARS N03°52'10"E A DISTANCE OF 582.63 FEET FROM SAID CENTER QUARTER CORNER OF SECTION 4;

THENCE ALONG THE NORTHERLY LINE OF SAID LOT B THE FOLLOWING TWO COURSES:

- 1.) ALONG A NON-TANGENT CURVE TO THE RIGHT AN ARC LENGTH OF 105.90 FEET, HAVING A RADIUS OF 78.00 FEET, THROUGH A CENTRAL ANGLE OF 77°47'26" AND A CHORD WHICH BEARS N80°17'19"E A DISTANCE OF 97.95 FEET;
- 2.) THENCE S60°48'57"E A DISTANCE OF 47.84 FEET; THENCE N87°11'01"W A DISTANCE OF 138.48 FEET TO THE POINT OF BEGINNING; WHENCE SAID EAST QUARTER CORNER OF SECTION 4 BEARS S78°41'43"E A DISTANCE OF 2669.00 FEET.

PARCEL CONTAINS 2,628 SQUARE FEET OR 0.06 ACRES OF LAND, MORE OR LESS.

PARCEL 'B'

BEGINNING AT A POINT WHICH BEARS N49°27'35"E A DISTANCE OF 827.48 FEET FROM SAID CENTER QUARTER CORNER OF SECTION 4;

THENCE ALONG THE NORTHERLY AND NORTHEASTERLY SIDES OF SAID LOT B THE FOLLOWING SEVEN (7) COURSES:

- 1.) ALONG A CURVE TO THE LEFT AN ARC LENGTH OF 12.32 FEET, HAVING A RADIUS OF 222.00 FEET, THROUGH A CENTRAL ANGLE OF 03°10'45" AND A CHORD WHICH BEARS N42°17'16"E A DISTANCE OF 12.32 FEET;
- 2.) THENCE N40°41'54"E A DISTANCE OF 31.72 FEET;
- 3.) THENCE ALONG A CURVE TO THE LEFT AN ARC LENGTH OF 70.93 FEET, HAVING A RADIUS OF 227.20 FEET, THROUGH A CENTRAL ANGLE OF 17°53'15" AND A CHORD WHICH BEARS N31°45'16"E A DISTANCE OF 70.64 FEET;
- 4.) THENCE S65°08'50"E A DISTANCE OF 22.94 FEET;
- 5.) THENCE S58°33'46"E A DISTANCE OF 82.27 FEET;



9025 E. Kenyon Ave., Suite 150, Denver, CO 80237
Tel:(303) 753-9799 Fax:(303) 753-4044

DRN. BY: J.L.
CHKD. BY: C.J.
DATE: 02/05/21
SCALE: 1" = 500'

FILE: R13090
SHEET: 3 OF 4
W/O #: _____

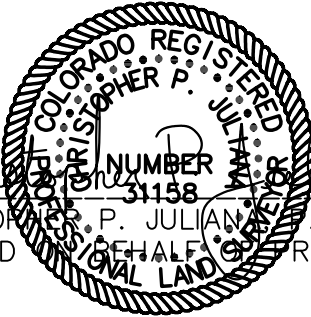
**UTILITY
EASEMENT**

LEGAL DESCRIPTION

6.) THENCE S53°24'51"E A DISTANCE OF 30.04 FEET;
 7.) THENCE S41°58'33"E A DISTANCE OF 2,656.46 FEET TO THE WESTERLY
 RIGHT-OF-WAY OF COUNTY ROAD 31;
 THENCE S01°32'42"W ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 931.49 FEET; THENCE
 N71°26'29"W A DISTANCE OF 104.58 FEET; THENCE N01°32'42"E A DISTANCE OF 788.37
 FEET; THENCE N41°58'33"W A DISTANCE OF 2,773.51 FEET TO THE POINT OF BEGINNING;
 WHENCE SAID EAST QUARTER CORNER OF SECTION 4 BEARS S76°41'20"E A DISTANCE OF
 2083.67 FEET.

PARCEL CONTAINS 500,837 SQUARE FEET OR 11.50 ACRES OF LAND, MORE OR LESS.

I, THE UNDERSIGNED, A REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, DO
 HEREBY STATE THAT THIS EXHIBIT WAS PREPARED BY ME OR UNDER MY SUPERVISION
 AND IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.



Christopher P. Julian _____ 02/05/21
 CHRISTOPHER P. JULIAN, L.S. 31158 DATE
 FOR AND BEHALF OF PRECISION SURVEY & MAPPING, INC.

**EXHIBIT B
THE EASEMENT**

(See attached)

After recording, return to:
Public Service Company of Colorado
Siting and Land Rights
1800 Larimer Street, 4th Floor
Denver, CO 80202
Attn: Manager

PSCO DOC. NO: _____
ROW AGENT: David W. Allen

ELECTRIC TRANSMISSION LINE EASEMENT

The undersigned, **City of Greeley**, whose address is 1000 10th Street, Greeley, Colorado 80631 (“Grantors”), for good and valuable consideration the receipt and adequacy of which is acknowledged, hereby grants, sells, and conveys to PUBLIC SERVICE COMPANY OF COLORADO, a Colorado corporation, with an address of 1800 Larimer Street, Suite 400, Denver, Colorado 80202 (the “Company”), an electric transmission line easement more particularly described as follows:

A perpetual non-exclusive easement for the transmission and distribution of electricity and related communication signals on, over, under, and across the following described premises:

SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED
HEREIN BY THIS REFERENCE (the “Easement Area”),

Together with the full right and authority in the Company and its agents, employees and contractors to enter the Easement Area at all times to: (1) survey, mark and sign the Easement Area or the Facilities (as defined below); (2) construct, install, operate, repair, remove, replace, reconstruct, alter, relocate, patrol, inspect, improve, enlarge, and maintain electric transmission and distribution lines and related communication facilities, including towers, poles, and other supports; together with braces, guys, anchors, cross-arms, cables, conduits, wires, conductors, manholes, transformers, and other fixtures, devices, and appurtenances used or useful in connection therewith (collectively the “Facilities”); (3) cut, fell, prune or otherwise control, all trees, brush, and other vegetation on or overhanging the Easement Area; and (4) use the Easement Area for reasonable ingress and egress for personnel, equipment and vehicles.

No temporary or permanent wells, buildings, or structures (including without limitation mobile homes or trailers) shall be placed or permitted to remain on, under, or over the Easement Area by Grantor. No other objects shall be erected, placed, or permitted to remain on, under, or over the Easement Area by Grantor, including trees, shrubs and fences, that may interfere with the Facilities or interfere with the exercise of any of the rights granted pursuant to this Electric Transmission Line Easement (this “Easement”).

Subject to the restrictions and limitations set forth herein, Grantor reserves the right to use the Easement Area for any purpose which does not interfere with or endanger the Facilities or interfere with the Company’s use of the Easement Area as provided for herein. Grantor shall expressly have the right to cultivate crops within the Easement in any manner which does not interfere with Grantor’s exercise of its rights granted in this Easement and to cross the Easement Area with roads and utilities, provided that such roads and utilities do not materially interfere with the rights granted to Company in this Easement.

Non-use or a limited use of the Easement Area shall not prevent the Company from thereafter making use of the Easement Area to the full extent authorized. Following completion of construction or renovation of its Facilities on the Easement Area, the Company shall restore the surface of the Easement Area to as near a condition as existed prior to such work as is reasonably practicable, taking into account, among other things, the existence of the Facilities and the restrictions stated herein, including prohibitions or limitations on structures, trees, shrubs, and other objects. Notwithstanding the foregoing, Company's failure to use the Easement for a period of three (3) consecutive years shall be deemed an abandonment of the Easement, and this Easement shall terminate except for those provisions which expressly survive termination. Non-use of the Easement shall not constitute abandonment if such non-use is a result of Acts of God (including fire, flood, earthquake, storm, or other natural disaster), war, invasion, act of foreign enemies, insurrection, acts of terrorism, rules or regulations promulgated by any governmental body, or any other event over which the Company has no control. Company's work in actively seeking regulatory approval or permits related to its Facilities will not be deemed abandonment.

No amendment, modification or supplement of this Easement shall be binding on the Company unless made in writing and executed by an authorized representative of the Company. No waiver by the Company of any provision hereof shall be deemed to have been made unless made in writing and signed by an authorized representative of the Company. No delay or omission in the exercise of any right or remedy accruing to the Company upon any breach shall impair such right or remedy or be construed as a waiver of any such breach or of a subsequent breach of the same or any other term, covenant or condition herein contained.

The provisions of this Easement shall run with the land and shall be binding on and burden the Easement Area and shall be binding upon and shall inure to the benefit of all persons claiming an interest in the Easement Area, or any portion thereof, through the parties hereto, including the heirs, executors, personal representatives, successors, and assigns of the parties. "Grantor" shall include the singular, plural, feminine, masculine and neuter.

Grantor represents that it has the right to grant the easement and rights contained herein. This grant is binding on Grantor, is not conditioned upon obtaining consent from any third parties, and is not subject to any mortgages or liens, except those for which Grantor has provided the Company with a consent and subordination agreement.

The Company shall indemnify and hold Grantor harmless from and against all claims, demands, causes of action and damages, including reasonable attorney's fees and litigation costs ("Claims"), arising out of Company negligence or willful misconduct in its exercise of its rights granted to Company under this Easement., Company shall have no duty to indemnify or hold Grantor harmless for and to the extent of Claims arising out of the negligence or willful misconduct of Grantor. The foregoing obligations shall survive termination of this Agreement.

This Easement incorporates all agreements between the parties as to the subject matter of this Easement and no prior representations or statements, verbal or written, shall modify or supplement the terms of this Easement. This Easement consists of the document entitled "Electric Transmission Line Easement" and an Exhibit containing a legal description and a sketch depicting the legal description if referenced above or attached hereto. No other exhibit, addendum, schedule, or other attachment (collectively "Addendum") is authorized by the Company, and no Addendum shall be effective and binding upon the Company unless executed by an authorized representative of the Company.

Executed and delivered this _____ day of _____, 202__.

CITY OF GREELEY, COLORADO
a Colorado home rule municipal corporation

ATTEST:

By: _____
Mayor

By: _____
City Clerk

STATE OF COLORADO)
)ss.
COUNTY OF WELD)

The foregoing instrument was acknowledged before me this _____ day of _____, 202__ by
_____, as _____ for the City of
Greeley, Colorado.

Witness my hand and official seal:

My Commission Expires: _____

Notary Public

**EXHIBIT C
COMPENSATION**

[TO BE REMOVED PRIOR TO RECORDING]

This Exhibit C is a part of the Option Agreement between Company and Grantor, notwithstanding that it is to be detached from the Option Agreement prior to recording.

Company and Grantor(s) agree as follows:

1. The “**Option Price**” shall be a one-time payment in the amount of **\$28,900.00**, payable within thirty (30) business days following execution of the Option Agreement by Grantor.
2. The Option Price is exclusive of the “Easement Purchase Price.”
3. The “**Easement Purchase Price**” shall be a one-time payment in an amount equal to **\$25,000.00** per acre of the Easement Area (prorated for partial acres), based on the acreage set forth in the legal description prepared by Company and delivered to Grantor(s) at the time of the exercise of the Option, along with compensation for temporary use of pull pockets, as required by construction, in the amount of **\$260,100.00**.
4. Grantor agrees to keep the terms of this Exhibit C confidential, and not to disclose such terms to any third party except to the extent required by applicable law, or to the extent necessary to obtain legal or tax advice, or to a mortgagee or purchaser of the Property.
5. Grantor and Company have separately initialed the provisions contained in this Exhibit C in the spaces provided below.

City of Greeley

Public Service Company of Colorado
A Colorado Corporation

By: _____

By: _____

Name: _____

Name: _____

Its: _____

Its: _____

Date: _____

Date: _____

After recording, return to:
Public Service Company of Colorado
Siting and Land Rights
1800 Larimer Street, 4th Floor
Denver, CO 80202
Attn: Manager

PSCO DOC. NO: _____
ROW AGENT: David W. Allen

ELECTRIC TRANSMISSION LINE EASEMENT

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SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED
HEREIN BY THIS REFERENCE (the “Easement Area”),

Together with the full right and authority in the Company and its agents, employees and contractors to enter the Easement Area at all times to: (1) survey, mark and sign the Easement Area or the Facilities (as defined below); (2) construct, install, operate, repair, remove, replace, reconstruct, alter, relocate, patrol, inspect, improve, enlarge, and maintain electric transmission and distribution lines and related communication facilities, including towers, poles, and other supports; together with braces, guys, anchors, cross-arms, cables, conduits, wires, conductors, manholes, transformers, and other fixtures, devices, and appurtenances used or useful in connection therewith (collectively the “Facilities”); (3) cut, fell, prune or otherwise control, all trees, brush, and other vegetation on or overhanging the Easement Area; and (4) use the Easement Area for reasonable ingress and egress for personnel, equipment and vehicles.

No temporary or permanent wells, buildings, or structures (including without limitation mobile homes or trailers) shall be placed or permitted to remain on, under, or over the Easement Area by Grantor. No other objects shall be erected, placed, or permitted to remain on, under, or over the Easement Area by Grantor, including trees, shrubs and fences, that may interfere with the Facilities or interfere with the exercise of any of the rights granted pursuant to this Electric Transmission Line Easement (this “Easement”).

Subject to the restrictions and limitations set forth herein, Grantor reserves the right to use the Easement Area for any purpose which does not interfere with or endanger the Facilities or interfere with the Company’s use of the Easement Area as provided for herein. Grantor shall expressly have the right to cultivate crops within the Easement in any manner which does not interfere with Grantor’s exercise of its rights granted in this Easement and to cross the Easement Area with roads and utilities, provided that such roads and utilities do not materially interfere with the rights granted to Company in this Easement.

Non-use or a limited use of the Easement Area shall not prevent the Company from thereafter making use of the Easement Area to the full extent authorized. Following completion of construction or renovation of its Facilities on the Easement Area, the Company shall restore the surface of the Easement Area to as near a condition as existed prior to such work as is reasonably practicable, taking into account, among other things, the existence of the Facilities and the restrictions stated herein, including prohibitions or limitations on structures, trees, shrubs, and other objects. Notwithstanding the foregoing, Company's failure to use the Easement for a period of three (3) consecutive years shall be deemed an abandonment of the Easement, and this Easement shall terminate except for those provisions which expressly survive termination. Non-use of the Easement shall not constitute abandonment if such non-use is a result of Acts of God (including fire, flood, earthquake, storm, or other natural disaster), war, invasion, act of foreign enemies, insurrection, acts of terrorism, rules or regulations promulgated by any governmental body, or any other event over which the Company has no control. Company's work in actively seeking regulatory approval or permits related to its Facilities will not be deemed abandonment.

No amendment, modification or supplement of this Easement shall be binding on the Company unless made in writing and executed by an authorized representative of the Company. No waiver by the Company of any provision hereof shall be deemed to have been made unless made in writing and signed by an authorized representative of the Company. No delay or omission in the exercise of any right or remedy accruing to the Company upon any breach shall impair such right or remedy or be construed as a waiver of any such breach or of a subsequent breach of the same or any other term, covenant or condition herein contained.

The provisions of this Easement shall run with the land and shall be binding on and burden the Easement Area and shall be binding upon and shall inure to the benefit of all persons claiming an interest in the Easement Area, or any portion thereof, through the parties hereto, including the heirs, executors, personal representatives, successors, and assigns of the parties. "Grantor" shall include the singular, plural, feminine, masculine and neuter.

Grantor represents that it has the right to grant the easement and rights contained herein. This grant is binding on Grantor, is not conditioned upon obtaining consent from any third parties, and is not subject to any mortgages or liens, except those for which Grantor has provided the Company with a consent and subordination agreement.

The Company shall indemnify and hold Grantor harmless from and against all claims, demands, causes of action and damages, including reasonable attorney's fees and litigation costs ("Claims"), arising out of Company negligence or willful misconduct in its exercise of its rights granted to Company under this Easement., Company shall have no duty to indemnify or hold Grantor harmless for and to the extent of Claims arising out of the negligence or willful misconduct of Grantor. The foregoing obligations shall survive termination of this Agreement.

This Easement incorporates all agreements between the parties as to the subject matter of this Easement and no prior representations or statements, verbal or written, shall modify or supplement the terms of this Easement. This Easement consists of the document entitled "Electric Transmission Line Easement" and an Exhibit containing a legal description and a sketch depicting the legal description if referenced above or attached hereto. No other exhibit, addendum, schedule, or other attachment (collectively "Addendum") is authorized by the Company, and no Addendum shall be effective and binding upon the Company unless executed by an authorized representative of the Company.

Executed and delivered this _____ day of _____, 202__.

CITY OF GREELEY, COLORADO
a Colorado home rule municipal corporation

ATTEST:

By: _____
Mayor

By: _____
City Clerk

STATE OF COLORADO)
)ss.
COUNTY OF WELD)

The foregoing instrument was acknowledged before me this _____ day of _____, 202__ by
_____, as _____ for the City of
Greeley, Colorado.

Witness my hand and official seal:

My Commission Expires: _____

Notary Public

EXHIBIT "A"

CONSENT AND SUBORDINATION

This Consent and Subordination is executed by _____, a _____ (“Lender”), for the benefit of Public Service Company of Colorado, a Colorado corporation (“Grantee”).

- A. Lender is the current beneficiary of, and owner of the evidence of debt secured by, that certain deed of trust or mortgage recorded in the real estate records in the office of the Clerk and Recorder of _____ County, Colorado on _____ at _____ (Book and Page or Reception Number as Applicable) (the “Mortgage”).
B. The real property encumbered by the Mortgage includes the Easement Area as described in the foregoing Electric Transmission Line Easement.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is acknowledged, the Lender agrees as follows:

Lender consents to the foregoing Electric Transmission Line Easement and agrees and confirms for itself and its successors and assigns that the lien of the Mortgage and other rights and interests of the Lender in the Easement Area are subject and subordinate to the Electric Transmission Line Easement. In the event of a foreclosure of the Mortgage and a sale of the property that is subject to the Mortgage pursuant to such foreclosure, the rights of Grantee acquired by virtue of the Electric Transmission Line Easement shall not be affected thereby.

By: _____
Name: _____
Its: _____

STATE OF _____)
) ss
COUNTY OF _____)

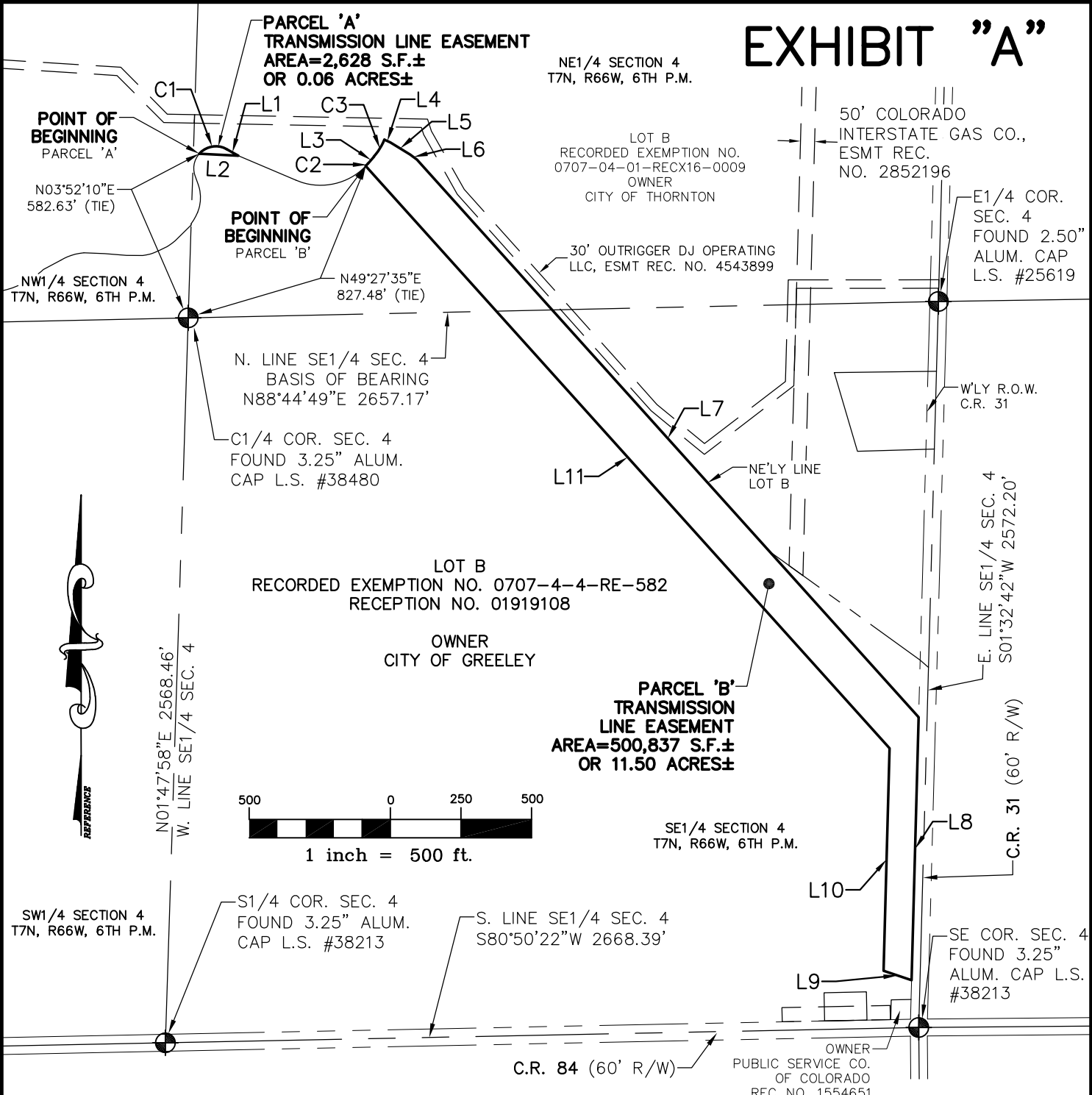
The foregoing instrument was acknowledged before me this ___ day of _____ 20___ by _____ as _____ of _____, a _____ corporation.

WITNESS my hand and official seal.

My Commission expires: _____

Notary Public

EXHIBIT "A"



1.) PARCEL OWNERSHIP IS BASED ON THE RECORDS OF THE COUNTY ASSESSOR.
 2.) ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS AFTER THE DATE OF THE CERTIFICATION SHOWN HEREON.
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 4.) THIS DOCUMENT SHALL BE CONSIDERED NULL AND VOID IF IT DOES NOT BEAR THE ORIGINAL SIGNATURE AND SEAL OF THE PROFESSIONAL LAND SURVEYOR OR IF ALTERED IN ANY WAY.

PRECISION SURVEY & MAPPING
PROFESSIONAL LAND SURVEYING CONSULTANTS

9025 E. Kenyon Ave., Suite 150, Denver, CO 80237
Tel:(303) 753-9799 Fax:(303) 753-4044

DRN. BY: J.L.
 CHKD. BY: C.J.
 DATE: 02/05/21
 SCALE: 1" = 500'

FILE: R13090
 SHEET: 1 OF 4
 W/O #: _____

UTILITY EASEMENT

Page 46

LINE/CURVE TABLES

LINE TABLE		
NO.	BEARING	DISTANCE
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C3	70.93'	227.20'	17°53'15"	N31°45'16"E	70.64'

LEGAL DESCRIPTION

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BASIS OF BEARING OF THIS DESCRIPTION IS ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4 AND ASSUMED TO BEAR N88°44'49"E A DISTANCE OF 2657.17 FEET FROM A 3.25" ALUMINUM CAP STAMPED L.S. #38480 FOUND AT THE CENTER QUARTER CORNER OF SAID SECTION 6 TO A 2.50" ALUMINUM CAP L.S. #25619 FOUND AT THE EAST QUARTER CORNER OF SAID SECTION 4;

PARCEL 'A'

BEGINNING AT A POINT WHICH BEARS N03°52'10"E A DISTANCE OF 582.63 FEET FROM SAID CENTER QUARTER CORNER OF SECTION 4;

THENCE ALONG THE NORTHERLY LINE OF SAID LOT B THE FOLLOWING TWO COURSES:

- 1.) ALONG A NON-TANGENT CURVE TO THE RIGHT AN ARC LENGTH OF 105.90 FEET, HAVING A RADIUS OF 78.00 FEET, THROUGH A CENTRAL ANGLE OF 77°47'26" AND A CHORD WHICH BEARS N80°17'19"E A DISTANCE OF 97.95 FEET;
- 2.) THENCE S60°48'57"E A DISTANCE OF 47.84 FEET; THENCE N87°11'01"W A DISTANCE OF 138.48 FEET TO THE POINT OF BEGINNING; WHENCE SAID EAST QUARTER CORNER OF SECTION 4 BEARS S78°41'43"E A DISTANCE OF 2669.00 FEET.

PARCEL CONTAINS 2,628 SQUARE FEET OR 0.06 ACRES OF LAND, MORE OR LESS.

PARCEL 'B'

BEGINNING AT A POINT WHICH BEARS N49°27'35"E A DISTANCE OF 827.48 FEET FROM SAID CENTER QUARTER CORNER OF SECTION 4;

THENCE ALONG THE NORTHERLY AND NORTHEASTERLY SIDES OF SAID LOT B THE FOLLOWING SEVEN (7) COURSES:

- 1.) ALONG A CURVE TO THE LEFT AN ARC LENGTH OF 12.32 FEET, HAVING A RADIUS OF 222.00 FEET, THROUGH A CENTRAL ANGLE OF 03°10'45" AND A CHORD WHICH BEARS N42°17'16"E A DISTANCE OF 12.32 FEET;
- 2.) THENCE N40°41'54"E A DISTANCE OF 31.72 FEET;
- 3.) THENCE ALONG A CURVE TO THE LEFT AN ARC LENGTH OF 70.93 FEET, HAVING A RADIUS OF 227.20 FEET, THROUGH A CENTRAL ANGLE OF 17°53'15" AND A CHORD WHICH BEARS N31°45'16"E A DISTANCE OF 70.64 FEET;
- 4.) THENCE S65°08'50"E A DISTANCE OF 22.94 FEET;
- 5.) THENCE S58°33'46"E A DISTANCE OF 82.27 FEET;



9025 E. Kenyon Ave., Suite 150, Denver, CO 80237
Tel:(303) 753-9799 Fax:(303) 753-4044

DRN. BY: J.L.
CHKD. BY: C.J.
DATE: 02/05/21
SCALE: 1" = 500'

FILE: R13090
SHEET: 3 OF 4
W/O #: _____

**UTILITY
EASEMENT**

LEGAL DESCRIPTION

6.) THENCE S53°24'51"E A DISTANCE OF 30.04 FEET;
 7.) THENCE S41°58'33"E A DISTANCE OF 2,656.46 FEET TO THE WESTERLY
 RIGHT-OF-WAY OF COUNTY ROAD 31;
 THENCE S01°32'42"W ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 931.49 FEET; THENCE
 N71°26'29"W A DISTANCE OF 104.58 FEET; THENCE N01°32'42"E A DISTANCE OF 788.37
 FEET; THENCE N41°58'33"W A DISTANCE OF 2,773.51 FEET TO THE POINT OF BEGINNING;
 WHENCE SAID EAST QUARTER CORNER OF SECTION 4 BEARS S76°41'20"E A DISTANCE OF
 2083.67 FEET.

PARCEL CONTAINS 500,837 SQUARE FEET OR 11.50 ACRES OF LAND, MORE OR LESS.

I, THE UNDERSIGNED, A REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, DO
 HEREBY STATE THAT THIS EXHIBIT WAS PREPARED BY ME OR UNDER MY SUPERVISION
 AND IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.



Christopher P. Julian _____ 02/05/21
 CHRISTOPHER P. JULIAN, L.S. 31158 DATE
 FOR AND BEHALF OF PRECISION SURVEY & MAPPING, INC.

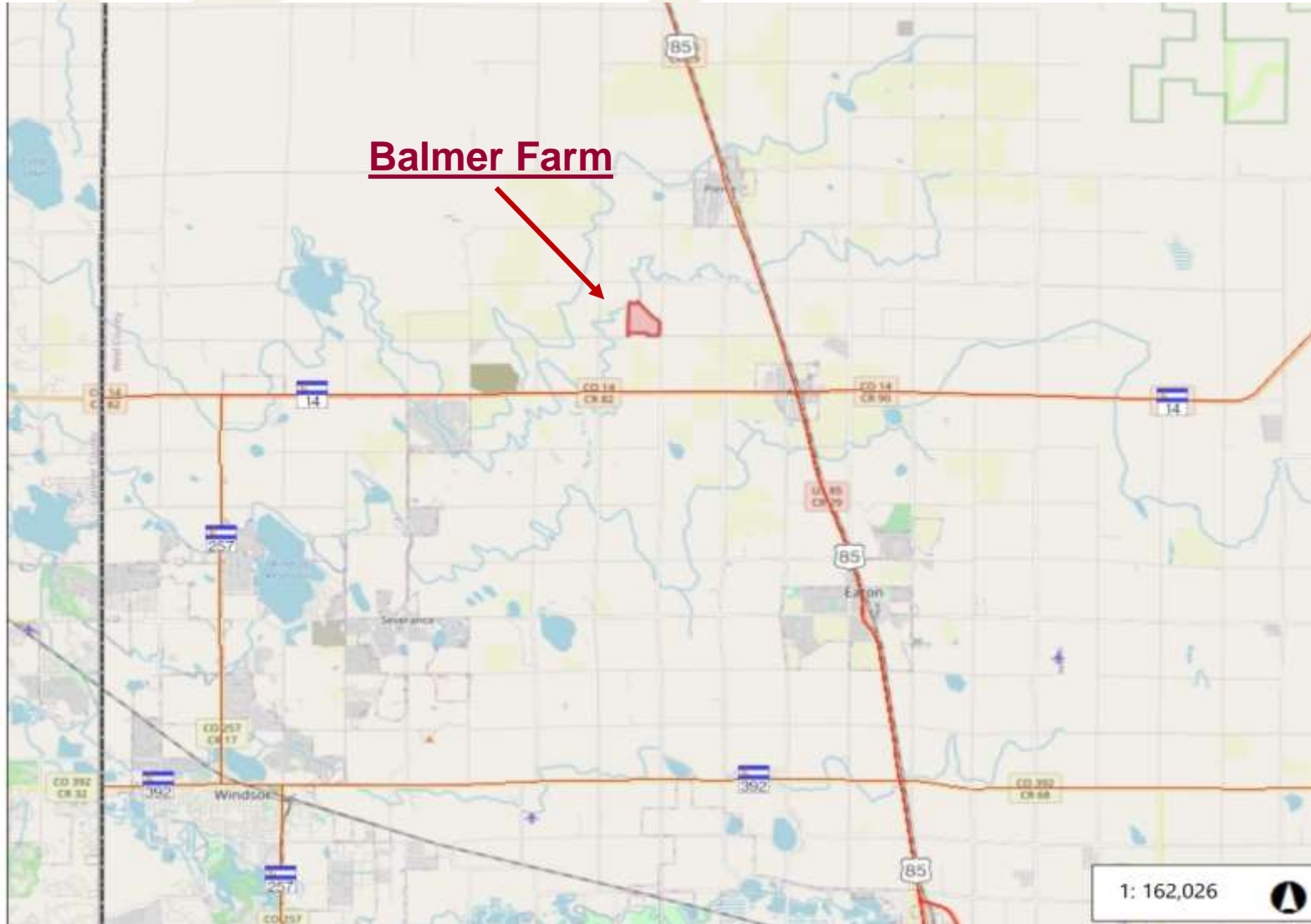
Request for an Easement on Balmer Farm Property

Presented to Greeley City Council

By Greeley Water & Sewer Dept.

April 20, 2021

Balmer Farm Property Location



Balmer Farm Property Easement

- Public Service Company of Colorado requests an easement for an above ground electric transmission line through the City of Greeley property known as the Balmer Farm
- Easement would be 150 feet in width along the northern board of the farm and cover approximately 11.56 acres
- Grantee will compensate the city for land damages and the tenant farmer for impacts to crops

Balmer Farm Easement



Balmer Farm Easement

- Compensation
 - Option price: \$28,900
 - Easement purchase price: \$260,100
 - Total compensation: \$289,000
- Benefits:
 - Sale of easement will offset Water and Sewer cost of service and could be re-appropriated for additional investments in water rights

Questions?



Council Agenda Summary

April 20, 2021

Key Staff Contact: Brad Mueller, Community Development Director, 970-350-9786

Caleb Jackson, Planner, 970-350-9876

Title:

Introduction and first reading of an ordinance changing the official zoning map of the City of Greeley, Colorado, from R-E (Residential Estate) and H-A (Holding Agriculture) to C-H (Commercial High Intensity) zoning with a Development Concept Master Plan for approximately 12.98 acres of property, located at 7001 28th Street, known as the 7001 28th Street Rezone

Summary:

The subject site is zoned R-E (Residential Estate) zone district and is developed with a church and manufactured home. Some right-of-way adjacent to the church property is zoned H-A (Holding Agriculture), and is also within the proposed rezone boundary. The site was developed in 2001, prior to annexation. The site was annexed in the 2002 and was zoned R-E at that time. The applicant is requesting to rezone to C-H (Commercial High Intensity) with a Development Concept Master Plan (DCMP) that restricts most land uses from the site because the applicant intends to continue using the site as a church. Other uses not restricted by the DCMP include telecommunication uses, utility uses, oil and gas extraction, and uses commonly associated with churches such as childcare, preschools, and schools. Any additional uses would require an amendment to the DCMP.

The Planning Commission considered this request on March 23, 2021 and unanimously recommended approval to City Council.

Fiscal Impact:

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

Legal Issues:

Consideration of this matter is a quasi-judicial process.

Other Issues and Considerations:

None noted.

Strategic Work Program Item or Applicable Council Priority and Goal:

Consistency with Comprehensive Plan and Development Code standards.

Decision Options:

- 1) 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 May 4, 2021.

Attachments:

Ordinance

Vicinity Map

Planning Commission Minutes-Draft (March 23, 2021)

Planning Commission Summary (Staff Report) (March 23, 2021)

**CITY OF GREELEY, COLORADO
ORDINANCE NO. _____, 2021
CASE NO. ZON2020-0010**

AN ORDINANCE CHANGING THE OFFICIAL ZONING MAP OF THE CITY OF GREELEY, COLORADO, FROM R-E (RESIDENTIAL ESTATE) AND H-A (HOLDING AGRICULTURE) TO C-H (COMMERCIAL HIGH INTENSITY) ZONING WITH A DEVELOPMENT CONCEPT MASTER PLAN FOR APPROXIMATELY 12.98 ACRES OF PROPERTY LOCATED AT 7001 28TH STREET, KNOWN AS THE 7001 28TH STREET REZONE

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

Section 1. The following described property located in the City of Greeley is needed for a Development Concept Master Plan. The change in zone would be from the zoning district referred to as R-E (Residential Estate) and H-A (Holding Agriculture) to C-H (Commercial High Intensity) for approximately 12.98 acres of property in the City of Greeley, County of Weld, State of Colorado:

See attached legal description (Exhibit A)

Section 2. The boundaries of the pertinent zoning districts as shown on the official zoning map require a change to accomplish the above-described zoning changes.

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 _____, 2021.

ATTEST

CITY OF GREELEY, COLORADO

City Clerk

Mayor

Exhibit A
Legal Description

A parcel of land being Amended Lot 2 of the Resubdivision of Lots 2, 3, 4, 5, 6, and 7, Block 1, Peterson Alexander Subdivision S-518, recorded on January 30, 2001 at Reception No. 2822174 within the Records of the Weld County Clerk and Recorder together with adjacent road rights-of-way for 71st Avenue, 28th Street and U.S. Highway 34 Bypass as shown on the Faith Tabernacle Annexation, recorded July 08, 2002 at Reception No. 2966960 within the Records of the Weld County Clerk and Recorder, situate in the Southwest Quarter of the Southwest Quarter (SW1/4SW1/4) of Section Sixteen (16), and the Northwest Quarter of the Northwest Quarter (NW1/4NW1/4) of Section Twenty-one (21), both of Township Five North (T.5N), Range Sixty-six West (R.66W) of the 6th P.M., City of Greeley, County of Weld, State of Colorado, being more particularly described as follows:

BEGINNING at the Southwest Corner of said section 16 as monumented by a 3.25" Brass Cap LS illegible and assuming the West line of the Southwest Quarter of said section 16 as monumented by a #6 rebar with 3.25" Aluminum Cap LS 28259 at the North end, to bear North 00° 31' 34" West being a grid bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983, a distance of 2655.57 feet with all other bearings contained hereon relative thereto:

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

Thence along said Westerly extension of the North line and along the North and East line of said Amended Lot 2 and along the Southerly extension of the East line of said Amended Lot 2 the following Six (6) courses and distances;

THENCE North 00°31'34" West along said West line of the Southwest Quarter a distance of 980.63 feet to the Westerly extension of the North line of said Amended Lot 2;
 THENCE North 89°27'01" East a distance of 289.80 feet;
 THENCE South 81°02'53" East a distance of 60.80 feet;
 THENCE North 89°26'36" East a distance of 228.69 feet;
 THENCE South 00°30'20" East a distance of 428.18 feet;
 THENCE South 89°30'47" West a distance of 139.92 feet;
 THENCE South 00°26'30" East a distance of 713.18 feet to the approximate Southerly Right-Of-Way line of Highway 34 as delineated within said Faith Tabernacle Annexation;

Thence along said approximate Southerly Right-Of-Way line of the Highway 34 the following Three (3) courses and distances;

THENCE South 89°31'36" West a distance of 354.21 feet;
 THENCE South 44°32'10" West a distance of 70.69 feet;
 THENCE South 89°31'36" West a distance of 30.00 feet to the West line of the Northwest Quarter of the Northwest Quarter of said Section 21;
 THENCE North 01°19'46" West along said West line of the Northwest Quarter of the Northwest Quarter a distance of 220.00 feet to the POINT OF BEGINNING;

Said described parcel of land contains 12.98 acres, more or less (+/-), and is subject to any rights-of-way or other easements of record as now existing on said described parcel of land.

VICINITY MAP





PLANNING COMMISSION Proceedings

**March 23, 2021
1:15 p.m.**

(Zoom Webinar and viewable on City of Greeley YouTube)

I. Call to Order

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

II. Roll Call

Chair Yeater, Commissioners Andersen, Briscoe, Franzen, Modlin, Romulo and Schulte were present.

Chair Yeater informed those attending that Item V on the agenda, public hearing regarding household occupancy standards, would be continued to April 27, 2021 and requested a motion.

Commissioner Andersen moved that the Planning Commission continue Item V for consideration of a code update regarding household occupancy standards, case Number CU2021-0001, to the regular Planning Commission meeting on April 27, 2021. Commissioner Schulte seconded. The motion carried 7-0.

III. Approval of March 9, 2021 Minutes

Commissioner Andersen moved to approve the minutes dated March 9, 2021. Commissioner Romulo seconded. The motion carried 7-0.

IV. A public hearing to consider a request to rezone approximately 12.98 acres from R-E (Residential Estate) and H-A (Holding Agriculture) zoning districts to C-H (Commercial High Intensity) zoning district with a DCMP (Development Concept Master Plan) restricting certain land uses from the site

Project Name: 7001 28th Street Rezone
 Case No.: ZON2020-0010
 Applicant: Faith Tabernacle Church Inc.
 Location: 7001 28th Street
 Presenter: Caleb Jackson, Planner II

Caleb Jackson addressed the Commission and introduced the rezone request. He presented a map showing the location of the site as well as photographs of the site and surrounding area. Mr. Jackson provided a brief history of the site, including development of the church in Weld County in 2001, annexation to Greeley in 2002 with concurrent rezoning to Residential Estate. He explained that the request before the Commission today is to rezone approximately 12.98 acres to Commercial High Intensity with a Development Concept Master Plan (DCMP) that restricts certain uses from the site.

Mr. Jackson advised that the proposed rezone would include the site and an adjacent right-of-way that is currently zoned Holding Agriculture. He added that the DCMP would serve to restrict uses except for a church, school, child care, telecommunications, utility, or oil and gas. Any other uses would require revising the DCMP and bringing the matter before the Commission

Mr. Jackson briefly explained the overall recodification process and rationale for changing the section numbers associated with a rezone. He described the rezone criteria, adding that staff determined the request meets applicable criteria. Mr. Jackson reported that notices were mailed to property owners within 500 feet, signs were posted on the site, and notice was placed in the newspaper with no inquiries being received. He added that all comments had been addressed and that staff recommended approval.

Rick Baldwin from Faith Tabernacle addressed the Commission and stated that the new zoning would align with surrounding zoning.

Chair Yeater opened the public hearing at 1:24 p.m. There being no communication by U.S. mail, email or Zoom Chat or Q&A, the public hearing was closed at 1:24 p.m.

Commissioner Andersen moved that, based on the application received and the project summary and accompanying analysis, the Planning Commission finds that the proposed rezone from R-E (Residential Estate) and H-A (Holding Agriculture) to C-H (Commercial High Intensity) with a Development Concept Master Plan (DCMP) meets the applicable Development Code criteria, Section 18.30.050(c)(3) a, b, f, g and h [to be re-codified as Section 24-625(c)(3) a, b, f, g and h]; and, therefore, recommends approval of the rezone to the City Council. Commissioner Schulte seconded.

Commissioner Andersen expressed favor of adding a DCMP to restrict uses on the site. The motion carried 7-0.

V. Worksession: Development Code Update – Chapters 1 and 2 Discussion

Presenter: Carol Kuhn, Chief Planner

Carol Kuhn addressed the Commission and briefly reviewed the topical discussions held to date as well as discussions for upcoming worksessions and presented a schedule of upcoming Planning Commission and City Council worksessions and public hearings.

Ms. Kuhn presented a section map and described its purpose. She highlighted the key elements of Chapter 1, including tying it to the Comprehensive Plan as well as promoting the physical, social and economic well-being of residents and businesses. Ms. Kuhn explained that various resources, guides and industry standards were being considered to help address the Code changes.

After briefly summarizing Chapter 1, Ms. Kuhn invited the Commissioners to respond with any thoughts or questions. Commissioner Briscoe suggested that a redline might be helpful to track changes and put them into context. Ms. Kuhn explained that Chapter 1 is mostly new material and it would be difficult to create a redline. She added that most of the other chapters would also contain new information that is pulled from various parts of the Code. Ms. Kuhn stressed the importance and usefulness of the section map.

Commissioner Romulo commented that it was helpful to hear actual examples of issues in various neighborhoods. She asked Ms. Kuhn to provide an example of a benign non-conformity and where it may have been identified in Greeley. Ms. Kuhn explained that in the Sunrise neighborhood, many properties are zoned light industrial, but are single-family homes with residential uses. She added that while this was previously allowed, it was changed in the 1980s and residential uses are no longer allowed in light industrial zone districts. Ms. Kuhn advised that this has created a situation where owners must seek a variance or rezone in order to make changes such as adding a bedroom or a garage. She explained that the intent of the benign non-conformity provision is to allow owners to make minor changes without the necessity of going to a hearing.

Referring to language in Section D (Nonconforming Site Conditions), paragraph 4, regarding “any investment greater than 50%,” Chair Yeater asked for clarification as to what is being required by this provision and how the value would be derived. Ms. Kuhn advised that if an owner wanted to do something on a property, they would not be required to bring the entire site into conformance.

Commissioner Andersen identified Section F (Transition Provisions), paragraph 4 (Plats) and the requirement that a new preliminary plat would be required for several reasons including if a final plat proposes a substantial change to the preliminary plat. She asked whether “substantial change” had been defined or would be left up to staff to determine. Ms. Kuhn thanked Commissioner Andersen, agreed that a definition would be appropriate, and made a note to discuss with the consultant. Community Development Director, Brad Mueller, added that defining criteria exist in the current Code under the “subdivision” section.

Commissioner Andersen expressed appreciation for direction being taken with regard to building design as she felt a focus on style-neutral form would encourage more creativity.

Ms. Kuhn transitioned to an overview of Chapter 2 and described the process and dates for worksessions and public hearings before Planning Commission and City Council. She presented a procedures summary table that will clearly spell out the required procedures, making it simpler for applicants to become familiar with the process and requirements. Ms. Kuhn added that Chapter 2 also addresses concurrent applications, when a project requires approvals under more than one type of application. Other proposed changes include providing notice of hearings on the website instead of in the newspaper, creating more visible informational signs to be posted on sites, and revising the mailed notice requirements for specific types of projects.

Ms. Kuhn advised that the subdivision process was being clarified to clearly define minor subdivisions and the criteria for preliminary and final plats. She noted one major change is to separate platting from the planned unit development (PUD) process and consider PUDs in the same manner as other zone districts. The minor amendment and major amendment processes will also be clarified.

Staff is also looking at alternative compliance and the benefits to the community, including aesthetic considerations and improved environmental performance. With regard to variance requests, Ms. Kuhn acknowledged previous concerns expressed by Commissioners and explained that variances will be reviewed and approved by the Zoning Board of Appeals (ZBA) only if specific criteria are met and the ZBA has adequate information to make a decision and recommendation.

Ms. Kuhn reported that a special meeting will be held on March 30 for a worksession on Placemaking and Urban Design, with a public hearing on Chapter 1 and a worksession on Chapter 2 to take place on April 13.

Chair Yeater expressed that it was commendable to move away from advertising in the newspaper and move toward the website. Commissioner Franzen agreed that it was a good idea, adding that staff might consider a phased approach to allow a smooth transition for citizens. Ms. Kuhn added that the revised signage will also be helpful in providing direction for citizens to locate notices. Commissioner Briscoe shared Ms. Kuhn's excitement about the revisions to the PUD process. Upon question by Commissioner Modlin, Ms. Kuhn advised that the proposed revisions do not include any additional administrative items for staff review and she hoped the table would be helpful to applicants.

Ms. Kuhn invited Commissioners to view the web page created for the Code update – developmentcodeupdate@greeleygov.com – and presented a couple of short videos about the “Missing Middle” and “Placemaking & Urban Design” that may be viewed from the web page.

VI. Staff Report

Mr. Mueller thanked the Commissioners for time spent working with staff on the Code update and invited members to reach out to staff at any time with comments or questions.

VII. Adjournment

The meeting adjourned at 2:12 p.m.

Justin Yeater, Chair

Brad Mueller, Secretary

DRAFT

PLANNING COMMISSION SUMMARY

ITEM: Rezone from R-E (Residential Estate) and H-A (Holding Agriculture) to C-H (Commercial High Intensity) with a Development Concept Master Plan (DCMP)

FILE NUMBER: ZON2020-0010

PROJECT: 7001 28th Street Rezone

LOCATION: 7001 28th Street

APPLICANT: Faith Tabernacle Church Inc.

CASE PLANNER: Caleb Jackson, AICP | Planner II

PLANNING COMMISSION HEARING DATE: March 23, 2021

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) [to be re-codified as Section 24-625(c)(3)].

EXECUTIVE SUMMARY

The City of Greeley is considering a request by Faith Tabernacle Church Inc. to rezone the property located at 7001 28th Street, plus adjacent right-of-way, from R-E (Residential Estate) and H-A (Holding Agriculture) to C-H (Commercial High Intensity) with a Development Concept Master Plan (DCMP) (see Attachments A, B, and C).

A. REQUEST

The applicant is requesting approval of a rezone application.

B. STAFF RECOMMENDATION

Approval.

C. LOCATION

Abutting Zoning:

North: H-A (Holding Agriculture)

South: C-H (Commercial High Intensity)

East: H-A (Holding Agriculture)

West: PUD (Planned Unit Development)

Surrounding Land Uses:

North: Undeveloped

South: Hospital

East: Single-Family Dwelling & Undeveloped

West: Undeveloped

Site Characteristics:

The site is situated at the northeast corner of 71st Avenue at 28th Street, near Highway 34 Bypass. The site is developed with a church and manufactured home. The site generally slopes from a high point on the southwest side of the site towards the northeast.

D. BACKGROUND

The subject site is zoned R-E (Residential Estate) Zone District and is developed with a church and manufactured home. Some right-of-way adjacent to the church property is zoned H-A (Holding Agriculture), and is also within the proposed rezone boundary. The site was developed in 2001, prior to annexation. The site was annexed in the 2002 Faith Tabernacle Annexation (ORD 42, 2002) and was zoned R-E at that time (ORD 53, 2002). The applicant is requesting to rezone to C-H (Commercial High Intensity) with a Development Concept Master Plan (DCMP) that restricts most land uses from the site because the applicant intends to continue using the site as a church. Other uses not restricted by the DCMP include telecommunication uses, utility uses, oil and gas extraction, and uses commonly associated with churches such as childcare, preschools, and schools. Any additional uses would require an amendment to the DCMP.

APPROVAL CRITERIA**Development Code Section 18.30.050 [to be re-codified as Section 24-625] 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 [to be re-codified as Section 24-625(c)(3)] shall be used to evaluate the zoning amendment application.

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

Staff Comment: The subject area has historically been developed with a mixture of mostly large lot residences and undeveloped parcels. However, the area is steadily developing with commercial uses at nodes along the Highway 34 Bypass, including the new hospital to the south of the subject site. Recently, City Council approved a preliminary planned unit development (Westgate – PUD2019-0014), which includes a commercial area located directly west of the subject site. Rezoning the subject site to C-H is consistent with the developing commercial node around the intersection of Highway 34 Bypass and 71st Avenue.

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 site has been zoned R-E since 2002. Given the development trends, the R-E zoning appears obsolete since the area is changing to more commercial in nature.

This request complies with this criterion.

c) Are there clerical or technical errors to correct?

Staff Comment: The request is not regarding the correction of clerical or technical errors.

This criterion is not applicable to this request.

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

Staff Comment: There are no known detrimental environmental conditions existing on site.

This criterion is not applicable to this request.

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

Staff Comment: The proposed rezoning is not related to a community 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 land use of the subject site is not intended to change, resulting in neither additional noise or environmental impacts nor impacts to City services, pedestrian systems, parks, or recreational facilities. With this rezoning request, there is no anticipated change in use, as the existing church use would continue. The proposed DCMP limits the allowed uses, and any additional uses would require an amendment to the DCMP with analysis of further possible impacts.

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:

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.

Staff Comment: The proposed rezone supports the emerging commercial node at the intersection of Highway 34 Bypass and 71st Avenue, supporting mixed use in this area.

The proposal complies with this criterion.

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

Staff Summary: The site is developed suitably for the proposed zoning.

The proposal complies with this criterion.

E. PHYSICAL SITE CHARACTERISTICS

1. HAZARDS

Staff is unaware of any potential hazards that presently exist on the site.

2. WILDLIFE

The subject site is not located in an area identified for moderate or high wildlife impacts. There are no known impacts that would occur to wildlife if the site is rezoned.

3. 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.

4. DRAINAGE AND EROSION

The drainage pattern is expected to largely follow historical patterns. The existing church use would continue. Drainage patterns would be examined in greater detail through any future land use requests.

5. TRANSPORTATION

The subject property is developed with access to 71st Avenue and 28th Street. The site has adequate transportation infrastructure to serve the current use and this would be reevaluated if further development were proposed in the future.

F. SERVICES

1. WATER

Water mains are present in adjacent streets and would be reviewed for adequacy if redevelopment were proposed in the future.

2. SANITATION

Sewer infrastructure is installed along 71st Avenue and would be reviewed for adequacy if redevelopment were proposed in the future or if the existing septic failed.

3. EMERGENCY SERVICES

The subject site is serviced by the City of Greeley Fire and Police. Fire Station #5 is located approximately two miles east of the site and Fire Station #7 is located approximately two miles north of the site.

4. PARKS/OPEN SPACES

No parks or regional open space areas are proposed with this rezone request. Additional parks and open spaces are anticipated with future development of undeveloped parcels in the area.

5. SCHOOLS

The proposed rezone is within Greeley-Evans School District 6. The proposed rezone is not expected to impact the school district.

G. NEIGHBORHOOD IMPACTS

1. VISUAL

The land use on the current site is not expected to change as a result of this rezone. A separate sign permit is being processed for this property which could result in some visual impacts; however, the sign is consistent with commercial signage commonly located in commercial nodes along arterials and highways.

2. NOISE

No noise impacts are anticipated with the rezone request. Any potential noise is regulated by the Municipal Code.

H. PUBLIC NOTICE AND COMMENT

Neighborhood notices were mailed to surrounding property owners on March 5, 2021, per Development Code requirements. Two signs were posted on the site on March 11, 2021. No public comments have been received.

I. 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 R-E (Residential Estate) and H-A (Holding Agriculture) to C-H (Commercial High Intensity) with a Development Concept Master Plan (DCMP) meets the applicable Development Code criteria, Section 18.30.050(c)(3) a, b, f, g and h [to be re-codified as Section 24-625(c)(3) a, b, f, g, and h]; and therefore, recommends approval of the rezone to the City Council.

ATTACHMENTS

Attachment A – Vicinity Map

Attachment B – Property Boundary Map

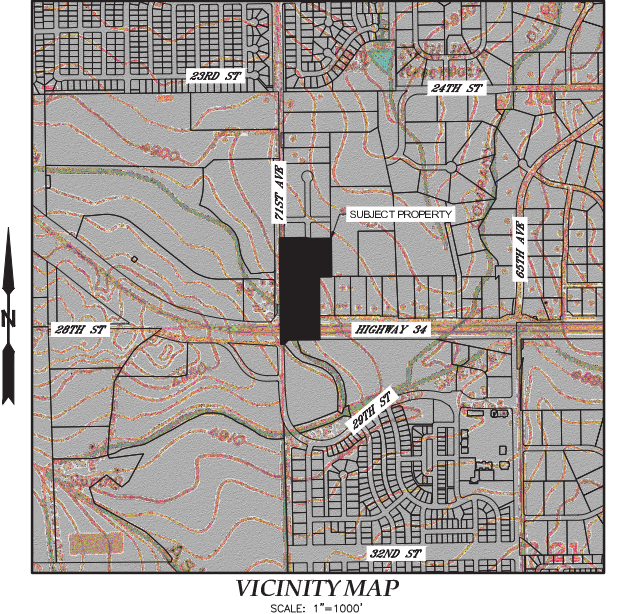
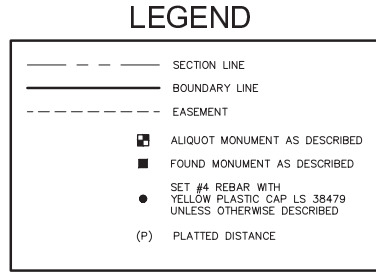
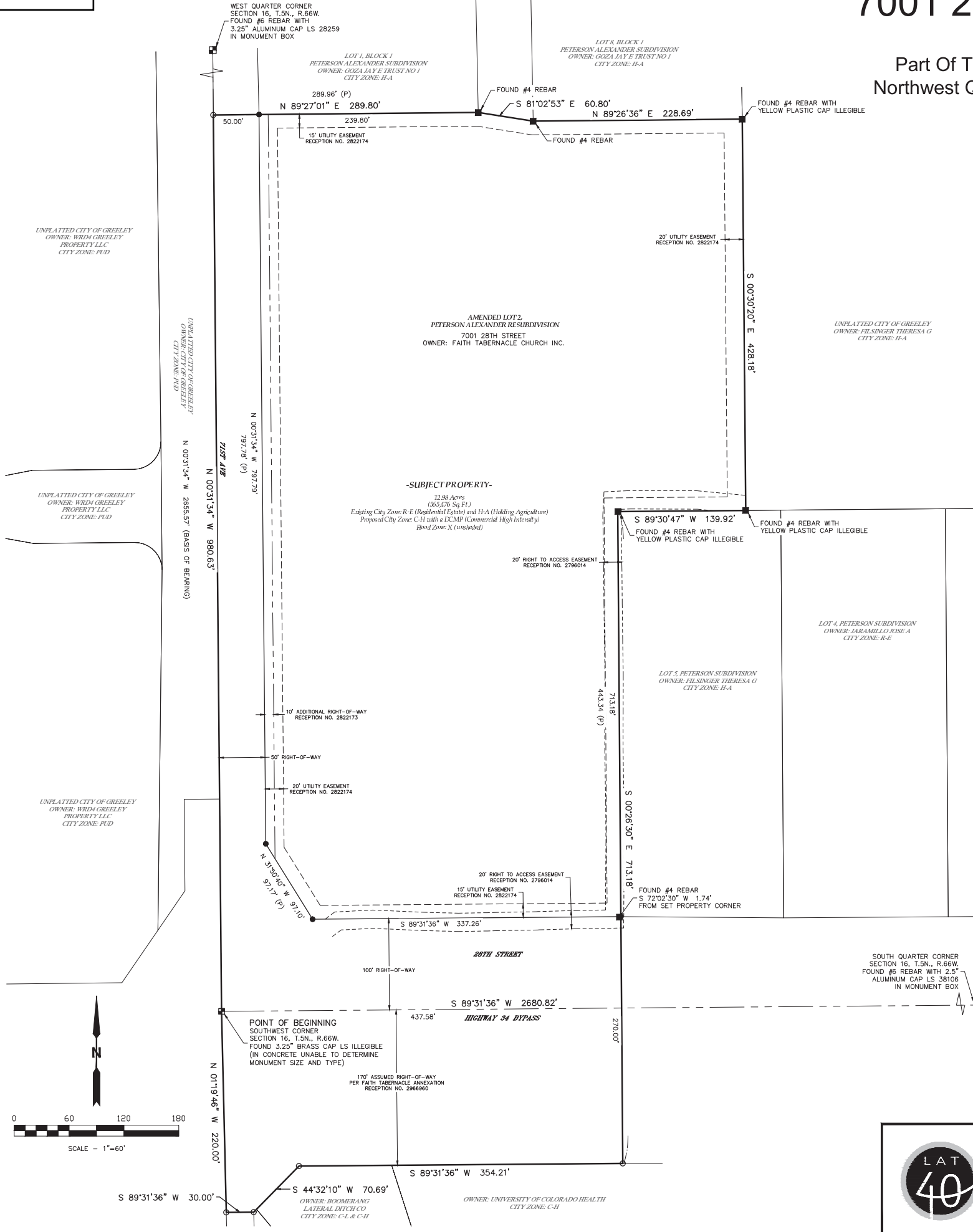
Attachment C – Development Concept Master Plan

VICINITY MAP



7001 28TH STREET REZONE: ZON2020-0010

PROPERTY BOUNDARY MAP Part Of The Southwest Quarter Of The Southwest Quarter Of Section 16, and The Northwest Quarter Of The Northwest Quarter Of Section 21, Both Of Township 5 North, Range 66 West Of The 6th P.M., City Of Greeley, County Of Weld, State Of Colorado



TITLE COMMITMENT NOTE
This survey does not constitute a title search by Lat40, Inc. to determine ownership or easements of record. For all information regarding easements, rights-of-way and title of records, Lat40, Inc. relied upon Title Commitment Number 20669UTG, dated September 18, 2020 as prepared by Unified Title Company of Northern Colorado LLC was relied upon to delineate the aforesaid information.

BASIS OF BEARINGS AND LINEAL UNIT DEFINITION
Assuming the West line of the Southwest Quarter Of Section 16, T.5N., R.66W., as monumented on the South end by a 3.25" brass cap in concrete LS illegible and by a #6 rebar with 3.25" aluminum cap LS 28259 on the North end, as bearing North 00°31'34" West being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983, a distance of 2655.57 feet with all other bearings contained herein relative thereto.
The lineal dimensions as contained herein are based upon the "U.S. Survey Foot."

PROPERTY DESCRIPTION
A parcel of land being Amended Lot 2 of the Resubdivision of Lots 2, 3, 4, 5, 6, and 7, Block 1, Peterson Alexander Subdivision S-518, recorded on January 30, 2001 at Reception No. 2822174 within the Records of the Weld County Clerk and Recorder together with adjacent road rights-of-way for 71st Avenue, 28th Street and U.S. Highway 34 Bypass as shown on the Faith Tabernacle Annexation, recorded July 08, 2002 at Reception No. 2966960 within the Records of the Weld County Clerk and Recorder, situate in the Southwest Quarter of the Southwest Quarter (SW1/4SW1/4) of Section Sixteen (16), and the Northwest Quarter of the Northwest Quarter (NW1/4NW1/4) of Section Twenty-one (21), both of Township Five North (T.5N.), Range Sixty-six West (R.66W) of the 6th P.M., City of Greeley, County of Weld, State of Colorado, being more particularly described as follows:

BEGINNING at the Southwest Corner of said section 16 as monumented by a 3.25" Brass Cap LS illegible and assuming the West line of the Southwest Quarter of said section 16 as monumented by a #6 rebar with 3.25" Aluminum Cap LS 28259 at the North end, to bear North 00° 31' 34" West being a grid bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983, a distance of 2655.57 feet with all other bearings contained hereon relative thereto:
The lineal dimensions as contained herein are based upon the U.S. Survey Foot.
Thence along said Westerly extension of the North line and along the North and East line of said Amended Lot 2 and along the Southerly extension of the East line of said Amended Lot 2 the following Six (6) courses and distances;
THENCE North 00°31'34" West along said West line of the Southwest Quarter a distance of 980.63 feet to the Westerly extension of the North line of said Amended Lot 2;
THENCE North 89°27'01" East a distance of 289.80 feet;
THENCE South 81°02'53" East a distance of 60.80 feet;
THENCE North 89°26'36" East a distance of 228.69 feet;
THENCE South 00°30'20" East a distance of 428.18 feet;
THENCE South 89°30'47" West a distance of 139.92 feet;
THENCE South 00°26'30" East a distance of 713.18 feet to the approximate Southerly Right-Of-Way line of Highway 34 as delineated within said Faith Tabernacle Annexation;
Thence along said approximate Southerly Right-Of-Way line of the Highway 34 the following Three (3) courses and distances;
THENCE South 89°31'36" West a distance of 354.21 feet;
THENCE South 44°32'10" West a distance of 70.69 feet;
THENCE South 89°31'36" West a distance of 30.00 feet to the West line of the Northwest Quarter of the Northwest Quarter of said Section 21;
THENCE North 01°19'46" West along said West line of the Northwest Quarter of the Northwest Quarter a distance of 220.00 feet to the POINT OF BEGINNING;

Said described parcel of land contains 12.98 acres, more or less (+/-), and is subject to any rights-of-way or other easements of record as now existing on said described parcel of land.

SURVEYOR'S STATEMENT
I, Jason S. Allee, a Colorado Licensed Professional Land Surveyor, do hereby state that this Plat of ZON2020-0010 7001 28th street rezone, PROPERTY BOUNDARY MAP was prepared from an actual survey under my personal supervision, that the monumentation as indicated hereon was found or set as shown, and that the foregoing plat is an accurate representation thereof, all this to the best of my knowledge, information and belief.

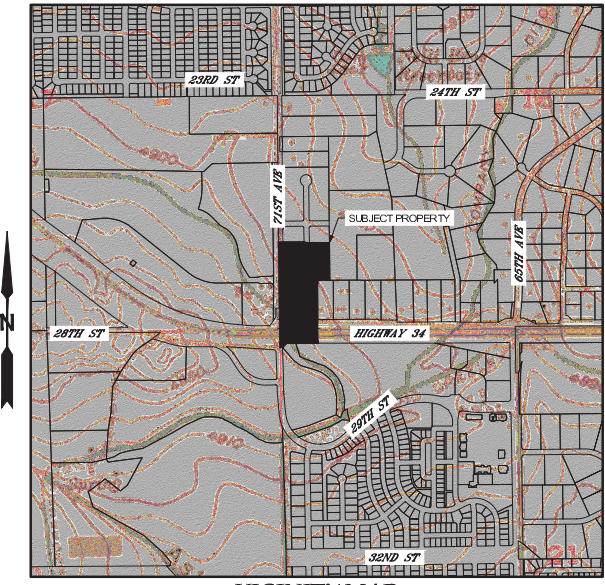
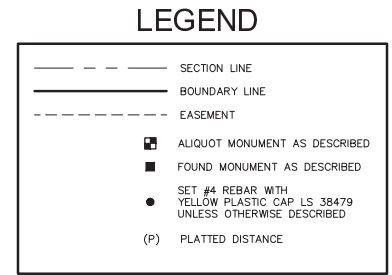
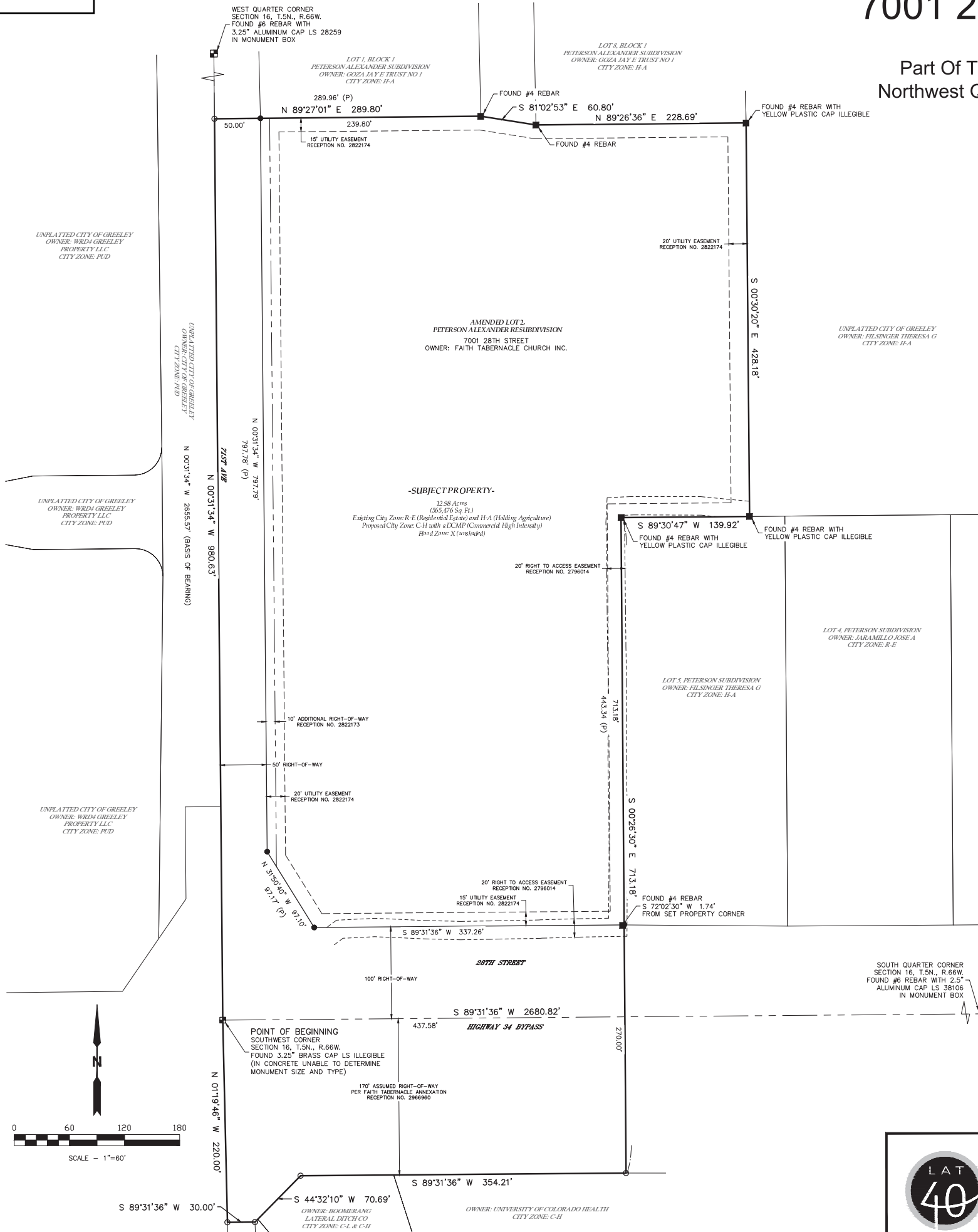
PRELIMINARY
Jason S. Allee-On behalf of Lat40, Inc.
Colorado Licensed Professional
Land Surveyor No. 38479

	Lat40, Inc. Professional Land Surveyors 6250 W. 10th Street, Unit 2 Greeley, CO 80634 O: 970-515-5294	DATE: 2/15/2021 FILE NAME: 2020299REZ DRAWN BY: MJW CHECKED BY: JA SCALE: 1"=60' PROJECT #: 2020299	REVISIONS: CITY COMMENTS FROM 2/18/2021 CITY COMMENTS FROM 2/12/2021 CITY COMMENTS FROM 1/19/2021	DATE: 2/24/2021 2/15/2021 2/12/2021	PROPERTY BOUNDARY MAP FOR JAZK ENTERPRISES INC	SHEET 1 OF 1 Page 74
	SHEET 1 OF 1					

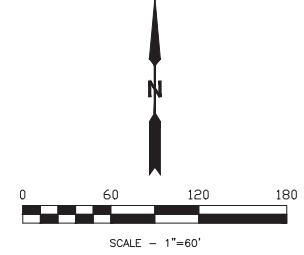
7001 28TH STREET REZONE: ZON2020-0010

DEVELOPMENT CONCEPT MASTER PLAN

Part Of The Southwest Quarter Of The Southwest Quarter Of Section 16, and The Northwest Quarter Of The Northwest Quarter Of Section 21, Both Of Township 5 North, Range 66 West Of The 6th P.M., City Of Greeley, County Of Weld, State Of Colorado



- ### DEVELOPMENT CONCEPT MASTER PLAN
- C-H ZONE DISTRICT USES RESTRICTED FROM THIS SITE:
- | | |
|--|---|
| <p>Land Uses</p> <p><u>Residential</u></p> <ul style="list-style-type: none"> • Farming • Mixed-use (must include residential) • Secondary Dwellings • Single-family Dwellings • Two-family Dwellings • Multi-family Dwellings • Townhouse Dwellings • Boarding & Rooming Houses, Dormitories, Fraternities, Sororities, Group Quarters, SRO's • Group Homes (8 or less residents) • Group Home, Elderly (No More Than 8 Residents) <p><u>Institutional</u></p> <ul style="list-style-type: none"> • Cemeteries, Columbarium • Emergency Shelters, Missions • Hospitals • Libraries, Museums, Public or Quasi-public • Intermediate and Long-Term Care, Assisted Living Units • Police/Fire Stations, Ambulance Dispatch and Storage • Schools - Adult (Business, Trade) • Group Homes (more than 8 residents) • Universities/Colleges <p><u>Commercial</u></p> <ul style="list-style-type: none"> • Kernels • Pet Stores • Pet grooming shops • Veterinary Clinic • Art, Dance, Photo Studios, Galleries • Auto Rental • Car & Truck Wash • Towing Services • Banks, Savings & Loans, Financial Institutions, ATM's, Drive-up Windows • Bars, Taverns, Nightclubs, Lounges • Bingo Halls & Parlors • Brew Pubs • Food and beverage processing facility (minor) • Builders/Contractors Supply Offices & Yards • Cleaning & Janitorial Services • Dry Cleaning • Emission Testing Centers • Exterminating Shops • Auto Repair, Sales • Convenience Stores with Gas Sales • Gas Stations • Gas Stations with Repair, Lube & Tire Shops - including underground fuel storage • RV and Travel Trailer Parks • Recreation vehicle/equipment, boat and personal vehicle storage • Golf Courses, Country Clubs, Driving Ranges • Miniature Golf | <ul style="list-style-type: none"> • Landscromats • Hotels, Motels • Medical/Dental Offices & Clinics, Massage Therapists, Medical Supply Sales & Rental • Mortuaries, Funeral Homes • Nurseries, Greenhouses, Garden Shops • Offices • Parking Lots & Structures • Pawn Shops • Personal Service Shops (Beauty, Barber, Tanning & Nail Salons, Shoe Repair) • Printing, Copying Shops, Mail Centers • Radio/TV Stations • Bed and Breakfast • Community Recreation Buildings • Indoor/Outdoor Extensive (Skating Rink, Bowling Alleys, Video Arcades, Riding Clubs, Tennis Courts, etc.) • Outdoor Intensive (Go Cart Tracks, Bumper Cars, etc.) • Membership Clubs, Health Clubs, Martial Arts Studios • Open Space • Park (pocket) • Park (neigh) • Park (comm/reg) • Rental Service (Equipment, Small Tools, Supplies, Appliances, Home Furnishings) • Repair Shops • Restaurants, Cafes & Other Eating Establishments (including Outdoor Seating/Eating Areas/Drive-In/Drive-Thru/Driveup) • Retail Sales • Theater (Indoor/Drive-in) • Train, Shuttle, Bus Depots • Upholstery Shops • Outdoor - Auditoriums, Sports Arenas, Stadiums • Theme or Amusement Parks, Zoos, Aquariums • Self Serve Storage Units • Entertainment Establishment <p><u>Industrial</u></p> <ul style="list-style-type: none"> • Newspaper & Publishing Plants, Binderies • Research & Testing Labs • Recycling Centers |
|--|---|



LAT 40
 Lat40°, Inc.
 Professional Land Surveyors
 6250 W. 10th Street, Unit 2
 Greeley, CO 80634
 O: 970-515-5294

DATE: 2/15/2021	FILE NAME: 2020299REZ	DRAWN BY: MJW	CHECKED BY: JA	SCALE: 1"=60'	PROJECT #: 2020299
REVISIONS:		DATE:		DCMP FOR JAZK ENTERPRISES INC	
CITY COMMENTS FROM 2/18/2021		2/24/2021			
CITY COMMENTS FROM 2/12/2021		2/15/2021			
CITY COMMENTS FROM 1/19/2021		2/12/2021		<div style="font-size: 2em; font-weight: bold; display: inline-block;">1</div> Page 75 SHEET 1 OF 1	

Council Agenda Summary

April 20, 2021

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

Title:

Consideration of a resolution for an Intergovernmental Agreement regarding rehabilitation work for the Cameron Peak Fire

Summary:

The Cameron Peak Fire was the largest wildfire in CO history burning over 200,000 acres. The estimated costs to mitigate impacts due to erosion, sedimentation, flooding and infrastructure protection is over \$30 million. An intergovernmental agreement to coordinate recovery efforts and costs is needed to effectively complete fire mitigation efforts. This IGA between Greeley, Fort Collins, and Larimer County is intended to meet that need.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	NA
What is the annual impact?	unknown
What fund of the City will provide Funding?	Water Operating Fund
What is the source of revenue within the fund?	Water Rates
Is there grant funding for this item?	Yes
If yes, does this grant require a match?	Yes
Is this grant onetime or ongoing?	unknown
Additional Comments:	The Emergency Watershed Protection (EWP) grant is for \$575,000 of which \$475,000 is reimbursable. This IGA permits parties to contribute to help pay the cost share for EWP projects as well as projects that are outside of the EWP grant eligibility.

Legal Issues:

Section 3-5 of the Greeley City Charter and Section 02.07.040 of the Greeley Municipal Code authorize the City to enter into contracts with other governmental entities for the performance of cooperative or joint activities. The City Attorney's Office has reviewed and approved the IGA as to form.

Other Issues and Considerations:

Strategic Work Program Item or Applicable Council Priority and Goal:

Image: Reinforce Greeley's vision as an attractive and vibrant community in which to live, learn, work and play.

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

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

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

Decision Options:

- 1) Adopt the 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
Intergovernmental Agreement

**CITY OF GREELEY, COLORADO
RESOLUTION _____, 2021**

**A RESOLUTION OF THE CITY OF GREELEY CITY COUNCIL AUTHORIZING ENTRY INTO AN
INTERGOVERNMENTAL AGREEMENT WITH FORT COLLINS AND LARIMER COUNTY FOR CAMERON
PEAK FIRE REHABILITATION WORK**

WHEREAS, the Cameron Peak Fire has severely burned over 200,000 acres of public and private property in the Larimer County watersheds of the Cache la Poudre and Big Thompson Rivers; and

WHEREAS, emergency watershed protection measures and rehabilitation work must be undertaken immediately to mitigate ongoing threats to City of Greeley municipal water supply and infrastructure; and

WHEREAS, the City of Greeley and Larimer County have obtained financial and technical assistance funding from the Natural Resources Conservation Service via its Emergency Watershed Protection Program for such mitigation and rehabilitation efforts; and

WHEREAS, the City of Greeley desires to collaborate with its partners in Larimer County on such mitigation and rehabilitation efforts in accordance with the terms of the Intergovernmental Agreement regarding Rehabilitation Work for the Cameron Peak Fire attached hereto as Exhibit A ("Cameron Peak Fire Rehabilitation IGA"), in order to maximize the efficiency and efficacy of such efforts; and

WHEREAS, the City of Greeley is authorized by Section 3-5 of the Greeley City Charter and Section 02.07.040 of the Greeley Municipal Code to enter into contracts with other governmental entities for the performance of cooperative or joint activities, such as those contemplated by the Cameron Peak Fire Rehabilitation IGA; and

WHEREAS, it is in the best interest of the citizens of the City of Greeley for the City to enter into the Cameron Peak Fire Rehabilitation IGA.

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

Section 1. The City of Greeley, Colorado is hereby authorized to enter into the Intergovernmental Agreement regarding Rehabilitation Work for the Cameron Peak Fire, in the form attached hereto and incorporated herein as Exhibit A.

Section 2. City staff and legal counsel are hereby authorized to make modifications to the agreement, including amendments to and extensions of the agreement as appropriate to facilitate additional funding and partners, provided that the material substance of the agreement remains unchanged.

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

PASSED AND ADOPTED, SIGNED AND APPROVED THIS _____ DAY OF _____ 2021.

ATTEST:

THE CITY OF GREELEY, COLORADO

City Clerk

Mayor

Cameron Peak Fire Recovery IGA



Major Impacts

All 4 municipal water supply basins impacted

- Sediment, ash, trees and other debris delivery to reservoirs
 - 10-25 times more sediment
 - Loss of storage capacity
 - Inability to operate outlet works
 - Debris limiting operability could lead to limits on storage for safety reasons
- Water quality impacts
 - Erosion increases turbidity and treatment requirements and cost of removal
 - May be unable to divert from River at times
- Flooding hazards



Cameron Peak Fire IGA

- IGA is needed between coordinate and cost share fire mitigation work
 - Greeley, Fort Collins, and Larimer County
 - Option for other parties to join
- 6,000-10,000 acres need urgent mitigation
- \$25M - \$40M in mitigation costs
- Seeking funding options but will likely need to pay a portion



2013 High Park Fire Impacts at Greeley's Poudre Diversion

IGA Terms

- Greeley and Larimer County will contract and manage Emergency Water Protection (EWP) program funding
 - Greeley is lead for watershed needs
- Non-EWP sponsors agree to reimburse Greeley cost share expenses
- All parties agree to seek and contribute additional funds (state, private, federal)



IGA Terms

- Work includes watershed, property, and infrastructure work
- Project costs will be determined based on consensus for mutually beneficial projects
- Will fund project management through Coalition for Poudre River Watershed (CPRW)
 - Established for collaborative approach to mitigating 2013 High Park Fire



Recommendation

Staff recommends Council approve the Intergovernmental Agreement (IGA) Regarding Rehabilitation Work for the Cameron Peak Wildfire



Questions



Council Agenda Summary

April 20, 2021

Title

Pulled Consent Agenda Items

Council Agenda Summary

April 20, 2021

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 via the City's Dashboard:
<https://arcg.is/0zD8Pr>.

Council Agenda Summary

April 20, 2021

Key Staff Contact: Anissa Hollingshead, City Clerk, 970-350-9742

Title:

Appointment of applicants to the Citizen Transportation Advisory Board, Greeley Urban Renewal Authority, Museum Board, and the Rodarte Community Center Advisory Board

Summary:

Council appointment is needed to the above-mentioned boards and commissions due to vacancies and term expirations. 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

April 2021 Boards and Commissions Transmittal Summary

Boards & Commissions

Appointment Ballot

April 20, 2021



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

***** BALLOT *****

Citizen Transportation Advisory Board
<i>3 Positions</i>
<input type="checkbox"/> Lori Cheuvront <input type="checkbox"/> (RECRUIT FOR ADDITIONAL APPLICANTS)

Museum Board
<i>1 Position</i>
<input type="checkbox"/> EMMA PENA-MCCLEAVE <input type="checkbox"/> (Recruit For Additional Applicants)

Greeley Urban Renewal Authority
<i>1 Position</i>
<input type="checkbox"/> Jeff Dyke <input type="checkbox"/> MICHAEL SILVA <input type="checkbox"/> (Recruit For Additional Applicants)

Rodarte Community Center Advisory Board
<i>1 Position</i>
<input type="checkbox"/> Ilse Flores <input type="checkbox"/> JULIE JENSEN (I) <input type="checkbox"/> Angie McDowell <input type="checkbox"/> (Recruit For Additional Applicants)

Incumbent = (I)

Boards & Commissions Transmittal

April 9, 2021

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

Interview Date

April 14, 2021

Council Interview Team

Council Members Butler and Fitzsimmons

Council Appointment Date

April 20, 2021

Boards and Commissions Being Interviewed

- Citizen Transportation Advisory Board
- Greeley Urban Renewal Authority
- Museum Board
- Rodarte Community Center Advisory Board

Council's Recruitment and Qualifications Policy

General recruitment efforts shall be made with special measures being taken to balance ward representation and attract minority and special population applicants. Generally, volunteers will be limited to serving on one board or commission at a time. (14.2. (c)(2) City Council, Policies and Protocol)

Demographic information of existing board members and any specialty requirements are contained within the attached Membership Rosters.

Legal Issues

The City Attorney's Office reviewed the applications and the attached memorandum addresses any potential conflicts of interest.

It should be noted that there is a possibility that the applicants currently serve as a volunteer on a board or commission besides the one they are applying to. It is also important to point out to the applicants that there are always potential conflicts that exist with business and investments, current jobs or relatives and family members coming before the Board or Commission.

Should such conflicts arise, the Board or Commission member simply excuses themselves from that particular item but such a potential conflict does not preclude anyone from serving on a Board or Commission in general, just that particular agenda item.

Applicable Council Goal or Objective

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

Decision Options

1. Recommend candidates for appointment; or
2. Direct staff to re-advertise applicable vacancy.

Attachments

1. Interview Schedule
2. Conflict Memorandum from City Attorney's Office
3. Sample Ballot
4. Membership Rosters & Input from above mentioned Boards and Commissions
5. Applications of those being considered for interview and/or considered for appointment

Transmittal reviewed by:

^{DS}
RHO

Roy Otto, City Manager

^{DS}
AH

Anissa Hollingshead, City Clerk

Council Agenda Summary

April 20, 2021

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

April 19, 2021 - April 25, 2021

April 2021							May 2021						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3							1
4	5	6	7	8	9	10	2	3	4	5	6	7	8
11	12	13	14	15	16	17	9	10	11	12	13	14	15
18	19	20	21	22	23	24	16	17	18	19	20	21	22
25	26	27	28	29	30		23	24	25	26	27	28	29
							30	31					

Monday, April 19

Tuesday, April 20

6:00pm - City Council Meeting - Council Master Calendar

Wednesday, April 21

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

Thursday, April 22

7:30am - Poudre River Trail (Hall)

Friday, April 23

Saturday, April 24

Sunday, April 25

April 26, 2021 - May 2, 2021

April 2021						May 2021							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
													1
4	5	6	7	8	9	10	2	3	4	5	6	7	8
11	12	13	14	15	16	17	9	10	11	12	13	14	15
18	19	20	21	22	23	24	16	17	18	19	20	21	22
25	26	27	28	29	30		23	24	25	26	27	28	29
							30	31					

Monday, April 26

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

Tuesday, April 27

- 6:00pm - City Council Worksession Meeting - Council Master Calendar ↻

Wednesday, April 28

- 7:00am - 8:00am Upstate Colorado Economic Development (Gates/Hall) (Upstate Colorado Conference Room) - Council Master Calendar ↻

Thursday, April 29

Friday, April 30

Saturday, May 1

Sunday, May 2

May 3, 2021 - May 9, 2021

May 2021							June 2021						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
						1			1	2	3	4	5
2	3	4	5	6	7	8	6	7	8	9	10	11	12
9	10	11	12	13	14	15	13	14	15	16	17	18	19
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, May 3

Tuesday, May 4

6:00pm - City Council Meeting - Council Master Calendar

Wednesday, May 5

7:30am - 9:00am Frontier House 10th Annual Breakfast (DoubleTree by Hilton at Lincoln Park, 919 7th Street) - Council Master Calendar

Thursday, May 6

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

6:00pm - MPO (Gates/Payton)

Friday, May 7

Saturday, May 8

Sunday, May 9

May 10, 2021 - May 16, 2021

May 2021							June 2021						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
						1			1	2	3	4	5
2	3	4	5	6	7	8	6	7	8	9	10	11	12
9	10	11	12	13	14	15	13	14	15	16	17	18	19
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, May 10

Tuesday, May 11

6:00pm - City Council Worksession Meeting - Council Master Calendar

Wednesday, May 12

Thursday, May 13

7:30am - Poudre River Trail (Hall)

Friday, May 14

Saturday, May 15

Sunday, May 16

May 17, 2021 - May 23, 2021

May 2021							June 2021						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
						1			1	2	3	4	5
2	3	4	5	6	7	8	6	7	8	9	10	11	12
9	10	11	12	13	14	15	13	14	15	16	17	18	19
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, May 17

Tuesday, May 18

6:00pm - City Council Meeting - Council Master Calendar

Wednesday, May 19

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

Thursday, May 20

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

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

Friday, May 21

Saturday, May 22

Sunday, May 23

City Council Meeting Scheduling

Current as of 04/16/2021

This schedule is subject to change

Date	Description	Sponsor	Placement/Time
April 27, 2021 Worksession Meeting	COVID-19 Update	Roy Otto	0.25
	Sustainability Commission Update	Raymond Lee	0.50
	Discussion on Liquor Provisions Downtown for Summer 2021	Anissa Hollingshead	0.50
	Executive Session: Opioid Litigation		
	Executive Session: City Manager Quarterly Check-in		
May 4, 2021 Council Meeting	Mental Health Month Proclamation	Anissa Hollingshead	Recognitions
	Historic Preservation Month Proclamation	Anissa Hollingshead	Recognitions
	Resolution - Termination of the Industrial Water Bank (Joint Resolution with W&S Board) - <i>Water1; Water2</i>	Sean Chambers	Consent
	Resolution - Amended Restated Windsor Water Service IGA	Sean Chambers	Consent
	Ordinance - Intro - Open Containers	Anissa Hollingshead	Consent
	COVID-19 Update	Roy Otto	Regular
	Ordinance - Final - 7001 28th Street Rezone	Brad Mueller	Regular
Executive Session: Collective Bargaining Agreement (Police)	Paul Fetherston	Regular	
May 11, 2021 Worksession Meeting	COVID-19 Update	Roy Otto	0.25
	Culture, Parks and Recreation Cost Recovery Policy	Andy McRoberts	0.50
	Development Code - Chapters 7, 8, 9, and 10 - Access & Parking, Landscaping Standards, Signs, Supplemental Standards	Brad Mueller	0.50
	Development Code Updates: Placemaking & Urban Design - Other Centers & Nodes	Brad Mueller	0.75
May 18, 2021 Council Meeting	Ordinance - Intro - Local Improvement District (LIC); Ashcroft Draw Regional Lift Station	Sean Chambers	Consent
	Ordinance - Intro - Local Improvement District (LIC); Large Sewer Trunk Main Extension into Poudre Bluffs	Sean Chambers	Consent
	COVID-19 Update	Roy Otto	Regular
	Ordinance - Final - Open Container	Anissa Hollingshead	Regular
	Boards & Commissions Appointments	Anissa Hollingshead	Regular
May 25, 2021 Worksession Meeting	COVID-19 Update	Roy Otto	0.25
	Keep Greeley Moving Presentation	Paul Fetherston	0.50
	Transportation Master Plan	Joel Hemesath	0.75

Council Agenda Summary

March 16, 2021

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.

Worksession Agenda Summary

April 20, 2021

Maria Gonzalez Estevez, Human Resources Director, 970-350-9714

Title:

Consideration of an Executive Session to determine positions, develop strategy and instruct negotiators regarding collective bargaining with the Greeley Fire Fighters Union Local 888

Decision Options:

If this item is considered favorably by City Council, the following suggested motion is needed:

I move that the City Council go into an Executive Session to discuss the following matter as provided under C.R.S. 24-6-402(4) (e)(I) and Greeley Municipal Code 2.04.020(5): to determine positions, develop strategy and instruct negotiators regarding collective bargaining with the Greeley Fire Fighters Union Local 888.

Attachments:

None

Council Agenda Summary

April 20, 2021

Title

Adjournment