



**Meeting Instructions for the June 16, 2020, City Council Meeting:**

This meeting will be held in Council Chambers, 1001 11<sup>th</sup> Avenue, and it is open to the public. Residents are welcome to join us in Council Chambers to view or participate in the meeting, during Citizen Input or Public Hearings. Council Chambers are set up to meet social distancing requirements, and everyone is required to wear a mask when inside except when addressing Council.

You can also view this Council Meeting by following the instructions below.

- From your laptop or computer, click the following link or enter it manually into your Web Browser: (<http://greeleygov.com/government/council>)
- Clicking the link above will take you to the City Council webpage.
- Once there, you will find a couple of link to the GTV8 livestream.

**Citizen input and public comment for items appearing on this agenda as public hearings/quasi-judicial are valuable and welcome!**

**If you choose to view the meeting using the live stream, you can still participate in the Citizen Input and Public Hearing portions of the meeting my utilizing any of the follow:**

***Via email? – Submit to [cityclerks@greeleygov.com](mailto: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 10<sup>th</sup> 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 person in real time?***

*As mentioned above, you are welcome to join us in Council Chambers to provide Citizen Input or participate in the Public Hearing during this meeting.*

**The three options above are the only way for the public to submit comments or participate in the Citizen Input/Public Hearing Portions of the meeting.**

Please visit the City's website at <https://greeleygov.com/government/council> to view and download the contents of the June 16, 2020, 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.



# City Council Agenda

June 16, 2020 at 6:00 PM

1001 11th Avenue, City Center South, Greeley, CO 80631

**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.

- [1.](#) Call to Order
- [2.](#) Pledge of Allegiance
- [3.](#) Roll Call
- [4.](#) Recognitions and Proclamations
- [5.](#) Citizen Input
- [6.](#) Approval of the Agenda
- [7.](#) Reports from Mayor and Councilmembers
- [8.](#) Initiatives from Mayor and Councilmembers

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**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.

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- [9.](#) Acceptance of the Report of the May 22, 2020, Council Briefing: COVID-19 Update
- [10.](#) Acceptance of the Report of the May 26, 2020, City Council Worksession
- [11.](#) Acceptance of the Report of the May 29, 2020, Council Briefing: COVID-19 Update
- [12.](#) Approval of the City Council Proceedings of June 2, 2020
- [13.](#) Consideration of a change order in the amount of \$173,000.00 to a design contract with Matrix Design Group for the East Memorial Design Services project and bring the revised contract amount from \$265,000.00 to \$438,000.00
- [14.](#) Consideration of a resolution increasing membership of the Greeley Housing Authority to nine (9) Commissioners
- [15.](#) Consideration of three (3) resolutions authorizing the Mayor to enter into an Intergovernmental Agreement Concerning Land Dedications or Payments In-Lieu For

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**End of Consent Agenda**

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- [16.](#) Pulled Consent Agenda Items
- [17.](#) 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 2020 and for funds held in reserve for encumbrances at December 31, 2019.
- [18.](#) Public hearing and final reading of an ordinance to consider a change of zone from PUD (Planned Unit Development) to R-M (Residential Medium Density) zoning for 12.12 acres of property located north of 4<sup>th</sup> Street, east of 59<sup>th</sup> Avenue, and west of 57<sup>th</sup> Avenue, known as the Cottages at Kelly Farm Crosier's Corner Rezone, changing the official zoning map to reflect the same
- [19.](#) Public hearing to consider a motion to amend Tract D, Weld County Business Park Final PUD to allow for construction of a new 10,266 square foot building at 1399 North 17th Avenue
- [20.](#) COVID-19 Update
- [21.](#) Appointment of applicants to the Citizen Budget Advisory Committee, Citizen Transportation Advisory Board, Commission on Disabilities, Construction Trades Advisory & Appeals Board, Downtown Development Authority, Human Relations Commission, Judicial Review Board, Museum Board, Rodarte Community Center Advisory Board, Water & Sewer Board, and Youth Commission
- [22.](#) Scheduling of Meetings, Other Events
- [23.](#) Consideration of a motion authorizing the City Attorney to prepare any required resolutions, agreements, and ordinances to reflect action taken by the City Council at this meeting and at any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements and ordinances
- [24.](#) Adjournment

# Council Agenda Summary

June 16, 2020

## **Agenda Item Number 1**

### Title

Call to Order

# Council Agenda Summary

June 16, 2020

## **Agenda Item Number 2**

### Title

Pledge of Allegiance

# Council Agenda Summary

June 16, 2020

## **Agenda Item Number 3**

### Title

Roll Call

### Summary

Mayor Gates

Councilmember Butler

Councilmember Payton

Councilmember Hall

Councilmember Fitzsimmons

Councilmember Clark

Councilmember Zasada

# Council Agenda Summary

June 16, 2020

## **Agenda Item Number 4**

### Title

Recognitions and Proclamations

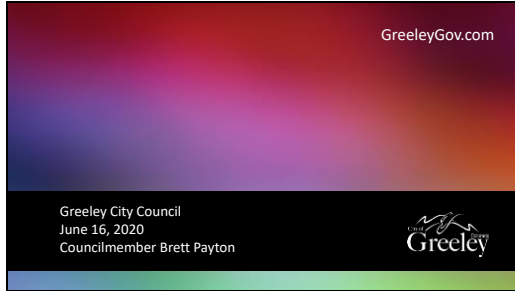
### Summary

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

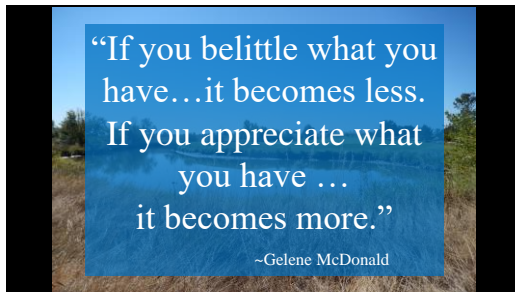
### Attachments

June 16, 2020 What's Great about Greeley Report

Slide 1



Slide 2



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

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



Slide 3



Congratulations to Professor of Piano Dr. Lei Weng on winning the 2019-20 American Prize for Piano Performance. The American Prize National Nonprofit Competitions in the Performing Arts is the nation's most comprehensive series of contests in the classical arts.

Slide 4



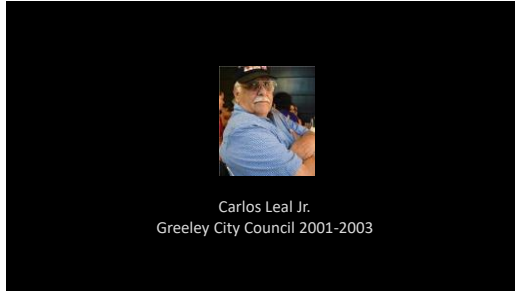
University of Northern Colorado president Andy Feinstein has been unanimously selected Chairman for the Big Sky Conference Presidents' Council. The Presidents' Council provides guidance for Big Sky leadership addressing concerns and recommendations about practice or game schedules.

Slide 5



And that's What's Great about Greeley.

Slide 6



Recently we lost Carlos Leal Jr.. Some of you may remember him as our Ward I City Council member from November 2001 to November 2003.

It's obvious he had a heart for the city and its residents through his work on the City's GURA Board, Finance Committee, Jesus Rodarte Cultural Center Advisory Board, the Convention & Visitor's Bureau, the Downtown Development Authority, as a former UNC professor, a District 6 School Board member and president, and was a founding member of Sunrise Health Center. He established UNC's first Mexican-American Studies program major and worked tirelessly to support first-generation college students, instituting students exchange programs and creating UNC's CUMBRES program.

Mr. Leal will be missed by this city, but his community spirit will always be remembered. Thank you, Carlos, for your contributions to you city.

# Council Agenda Summary

June 16, 2020

## **Agenda Item Number 5**

### Title

Citizen Input

### Summary

During this 15 minute portion of the meeting, anyone may address the Council on any item of City Business appropriate for Council consideration that is not already listed on this 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

June 16, 2020

## **Agenda Item Number 6**

### Title

Approval of the Agenda

# Council Agenda Summary

June 16, 2020

## **Agenda Item Number 7**

### Title

Reports from Mayor and Councilmembers

### Summary

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

# Council Agenda Summary

June 16, 2020

## Agenda Item Number 8

### Title

Initiatives from Mayor and Councilmembers

### Summary

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

Initiatives will generally fall into three categories:

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

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

### Attachments

Status Report of Council Initiatives and Related Information

**Greeley City Council**

**Status Report of Council Initiatives**

<b>Council Request</b>	<b>Council Meeting, Worksession, or Committee Meeting Date Requested</b>	<b>Status or Disposition</b> (After completion, item is shown one time as completed and then removed.)	<b>Assigned to:</b>
None			

# Consent Agenda

June 16, 2020

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

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

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

### *Council's Recommended Action*

To approve Items No. \_\_\_\_ through \_\_\_\_ or

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



# Council Agenda Summary

June 16, 2020

## **Agenda Item Number 9**

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

### Title:

Acceptance of the Report of the May 22, 2020, Council Briefing: COVID-19 Update

### Summary:

A virtual meeting of the City Council Briefing was held on May 22, 2020, via Zoom Meetings.

### Decision Options:

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

### Council's Recommended Action:

A motion to accept the Report as presented.

### Attachments:

May 22, 2020 Report

City of Greeley, Colorado  
**COUNCIL COVID-19 BRIEFING**  
 May 22, 2020

The Council Briefing began at 4:00 p.m. via a remote Zoom Meeting between City Staff and the City Council. It was live-streamed on the City of Greeley's YouTube Channel.

**1. CALL TO ORDER**

Mayor Gates called the Zoom Meeting to Order.

**2. PLEDGE OF ALLEGIANCE**

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

**3. ROLL CALL**

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

**4. COVID-19 (CORONAVIRUS) PANDEMIC UPDATE**

*Pandemic Response Activities*

It was noted that a handout was provided and made part of the record.

Dan Frazen, Emergency Manager, reported that no numbers were available from the County for the day but relayed data from the day before. He provided State-wide numbers as well as numbers hospitalized and numbers at both North Colorado Medical Center and University of Colorado Health.

He spoke of the push to get out information on all of the testing sites in Greeley and Weld County.

He shared that the State order allows churches and houses of worship to have services with ten or less people with social distancing and masks but still encouraging remote attendance.

With regard to Johns Hopkins University, he stated that some work has gone in to find out where they are getting their data and how they are reporting it. He added that the data is coming from individual hospitals, then to a consultant and then to the University.

He went on to review slides and charts showing COVID-19 cases by age and gender; daily current trends; fatalities; and positive cases.

*Greeley Area Recovery Fund*

Ben Snow, Economic Health and Housing Director, reported that there are currently 153 applications filed with 67 grants awarded totaling \$209,228. Of the 153, 131 are Greeley businesses.

He went on to state that the marketing of this program continues.

Threshold Indicators of Community COVID-19 Stability

Becky Safarik, Assistant City Manager, reviewed the various community healthy indicators, measurement levels, and rationale continuing to be looked at to help determine phases of increased service levels and increased staffing and public facilities.

Councilmember Clark expressed his opinion that all categories are looking good and numbers are coming down. No one is using the personal isolation facility or the site and The Ranch. He stated that the City should get opened.

Ms. Safarik agreed, and wanted to stress that the City needs to be very measured with it. She added that staff is looking at creative ways to serve the public and plans are being set to ramp up, although numbers do look encouraging.

Outdoor Restaurant Seating Opportunities

Cheryl Aragon, Interim City Clerk, provided a summary of recent Emergency Regulations adopted by the State Liquor Enforcement Division to allow for Temporary Modifications of liquor licensed premises as they are allowed to slowly re-open for on-site dining.

Clarification was made about a separate application for businesses that do not have a liquor license.

She reviewed the guidelines and checklist that have been developed for businesses wanting to apply to help guide them through the process.

In response to a question from Councilmember Butler, Ms. Safarik advised that there seems to be some businesses in Downtown that are not wanting to close down 8<sup>th</sup> and 9<sup>th</sup> Streets because of loss of parking spaces, access to their businesses, etc.

Councilmember Clark expressed concern about the laborious process involved, and Ms. Aragon advised that the typical process has been cut in half.

Roy Otto, City Manager, advised that the process has been designed so that all who want to apply can do so immediately to get the clock ticking on the processing time.

The Council Briefing adjourned at 4:57 p.m.

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Cheryl Aragon, Interim City Clerk

# Council Agenda Summary

June 16, 2020

## **Agenda Item Number 10**

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

### Title:

Acceptance of the Report of the May 29, 2020, Council Briefing: COVID-19 Update

### Summary:

A virtual meeting of the City Council Briefing was held on May 29, 2020, via Zoom Meetings.

### Decision Options:

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

### Council's Recommended Action:

A motion to accept the Report as presented.

### Attachments:

May 29, 2020 Report

City of Greeley, Colorado  
**COUNCIL WORKSESSION REPORT**  
 May 26, 2020

The Worksession began at 6:00 p.m. via a remote Zoom Meeting between City Staff and the City Council. It was live-streamed on the City of Greeley's YouTube Channel.

**1. CALL TO ORDER**

Mayor Gates called the Zoom Meeting to Order.

**2. PLEDGE OF ALLEGIANCE**

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

**3. ROLL CALL**

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

**4. REPORTS FROM MAYOR AND COUNCILMEMBERS**

Councilmember Hall reported that he participated in a Colorado Municipal League meeting and shared that while the annual conference has been cancelled, there is still a requirement for a business meeting to elect new board members for the coming year, and asked for Councils' consensus to participate in this virtual meeting and vote on behalf of Greeley.

Councilmembers reached consensus on Councilmember Halls' representation of Greeley at this business meeting.

Councilmember Clark reported that he received several emails over the weekend from Downtown business owners who want to close 8<sup>th</sup> and 9<sup>th</sup> Streets for outdoor seating and alcohol consumption.

Mayor Gates stated that he wants to be able to assist businesses expanding their outdoor seating areas, and also wants to consider the input from businesses and residents most impacted.

Councilmember Hall emphasized the importance of being sensitive to non-restaurants as well.

Councilmember Payton asked that a fee waiver be pursued at the State level, and also expressed a desire to see the posting requirement waived.

Councilmember Zasada expressed a desire to see streets open only after 5 p.m., not for lunch, and shared that this is a great opportunity to be creative and design a fun atmosphere downtown.

In response to a question from Councilmember Butler, Ms. Aragon clarified that the City's Liquor Licensing Authority would be approving temporary modifications for outdoor alcohol consumption and not the City Council.

## 5. COVID-19 UPDATE

### Pandemic Response Activities

Roy Otto, City Manager, stated that staff is looking to reduce the daily Situation Reports to Tuesdays and Thursdays.

Mayor Gates indicated that he would be fine with that as long as the data does not get away from Council between reports.

Dan Frazen, Emergency Manager, stated that if there is a surge in the hospital data, a structure will be put into place to return to daily reports.

Consensus was reached by Council to move to Tuesday/Thursday Situation Reports.

Mr. Frazen clarified that Friday and Tuesday Briefings would continue, and then Tuesday and Thursdays would be the emailed. He went on to provide the days' data and State/County COVID-19 numbers.

## 6. BUSINESS RETENTION & EXPANSION

Ben Snow, Economic Health & Housing Director, reported that part of any successful economic development strategy is conducting frequent, consistent outreach to companies. He added that having strong working relationships with existing businesses can be the difference between that investment happening here in Greeley or somewhere else.

He stated that the methods of conducting Business Retention & Expansion (BR&E) visits have evolved over the years, but the most important element of a successful BR&E program is nurturing high-quality relationships with the local business base.

Mr. Snow advised that last winter, his office conducted targeted outreach to Greeley's top 100 employers, by industry sector. He noted that the top 5 industry sectors are manufacturing, health care, education, construction and energy. He proceeded to review reports highlighting the results of those visits.

He went on to review the survey that was conducted amongst the businesses hardest hit by the crisis and made mention of the Greeley Area Recovery Fund that was established to address many of the concerns expressed in the survey.

## 7. APRIL FINANCIAL REPORT

Robert Miller, Interim Finance Director, reported on the April Monthly Financial Report, which provides the revenue and expenditure for the first four months of 2020, and contains details on major revenue streams and expenditures by fund and overall City performance.

He stated that in April, the City Council was presented with the possible General Fund revenue reduction scenarios relative to the potential financial impact of the COVID-19 virus on City revenues.

With the collection and analysis of tax revenue generated during the month of March, he stated that it represents the first month of data pertaining to direct impacts from the current COVID-19 related economic conditions. When compared to the revised projections and scenarios, the overall April results (March generated) are consistent with Scenario A – the most favorable revenue reduction scenario with the lowest financial impact to the City (approximately \$10 million loss). While the revenue data for revenue generated in March is positive, the revenue data for revenue generated in April will provide a better measure of the City’s current and future financial condition. He stated that it is important to note that the scenarios involve a best case scenario of an economic recovery period of three to five years to generate revenues equal to a pre-COVID-19 level.

Mr. Miller went on to advise that the City’s reserves remain sufficient to meet reserve requirements and has the ability to adjust for unforeseen circumstances and may be an influence in service level reset discussions scheduled with the Council in June.

Paul Fetherston, Assistant City Manager, stated that this financial information is critical and is interconnected with so many other things including COVID-19. He stated that all components are being looked at and that service levels are being looked at versus an across-the-board cut.

In response to a question from Councilmember Payton, Mr. Fetherston advised that when he says COVID-19 is being considered, he means that staff is looking at triggers and watching how the virus shows itself and how it impacts the City of Greeley.

## **8. SCHEDULING OF MEETINGS, OTHER EVENTS**

No additional meetings or events scheduled.

Mr. Otto stated that he is conducting an all-employee Zoom Webinar to discuss employee survey results.

## **9. ADJOURNMENT**

There being no further business to come before the Council, Mayor Gates adjourned the meeting at 7:17 p.m.

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Cheryl Aragon Interim City Clerk

# Council Agenda Summary

June 16, 2020

## **Agenda Item Number 11**

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

### **Title:**

Acceptance of the Report of the May 29, 2020, Council Briefing: COVID-19 Update

### **Summary:**

A virtual meeting of the City Council Briefing was held on May 29, 2020, via Zoom Meetings.

### **Decision Options:**

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

### **Council's Recommended Action:**

A motion to accept the Report as presented.

### **Attachments:**

May 29, 2020 Report



City of Greeley, Colorado  
**COVID-19 City Council Briefing**  
 May 29, 2020

The Briefing began at 4:00 p.m. via a remote Zoom Meeting between City Staff and the City Council. It was live-streamed on the City of Greeley's YouTube Channel.

**1. CALL TO ORDER**

Mayor Gates called the Zoom Meeting to Order.

**2. PLEDGE OF ALLEGIANCE**

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

**3. ROLL CALL**

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

**4. COVID-19 UPDATE**

*Pandemic Response Activities*

Dan Frazen, Emergency Manager, provided stats for the State and County, as well as numbers hospitalized locally.

He stated that the Ranch will only operate if needed and added that there have been zero guests at the Bonell personal isolation facility.

Mr. Frazen advised that the Emergency Operations Center is closing, but will be working remotely. He stated that it can get back up and running quickly if needed in case of a surge.

He also reviewed Weld County Public Health Data including cases by age and gender, death data by County and State, calls for service, and the number of first responders in quarantine, which is looking good at this point.

Mr. Frazen went on to review new city of Greeley daily COVID-19 case data. He thinks that this is the most consistent and current data.

*Greeley Area Recovery Fund Dashboard Update*

Ben Snow, Economic Health and Housing Director, reported that this has been an exciting week as businesses began opening. He stated that he has been very proud of City staff for coming alongside businesses in a quick, creative and responsive way.

Mr. Snow reported that there have been 157 applications with 134 coming from Greeley. He stated that the Small Business Development Center is hearing from businesses that they are so grateful for this lifeline.

Mr. Snow stated that applications have slowed down a bit, but the fund will be monitored and will remain open for applications.

City Service Review

Becky Safarik, Assistant City Manager, reported on the City of Greeley threshold indicators of community COVID-19 stability.

She went on to review various thresholds noting that the number of first responders in quarantine is looking good. She reviewed the change in positive cases in relation to Greeley's percentage of the state total; the 9 days of consistently lowering COVID-19 beds at hospitals based on Greeley hospital checks; and noted that the green indicators are looking good.

With regard to zip code data, Ms. Safarik advised that this data is temporarily unavailable, but expecting a more reliable format for that from the County.

Downtown Restaurant Expansion

Ms. Safarik reported that a Zoom Webinar was held earlier in the day with Downtown businesses and restaurants. She provided an overview of the webinar and of the options shared with them about temporary outdoor dining and alcohol consumption areas.

She stated that businesses can apply for temporary modifications now.

**8. SCHEDULING OF MEETINGS, OTHER EVENTS**

No additional meetings or events scheduled.

**9. ADJOURNMENT**

There being no further business to come before the Council, Mayor Gates adjourned the meeting at 5:01 p.m.

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Cheryl Aragon Interim City Clerk

# Council Agenda Summary

June 16, 2020

## **Agenda Item Number 12**

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

### Title:

Approval of the City Council Proceedings of June 2, 2020

### Summary:

A virtual meeting of the City Council was held on June 2, 2020, via Zoom Meetings.

### 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:

June 2, 2020 Proceedings

City of Greeley, Colorado  
**CITY COUNCIL PROCEEDINGS**  
June 2, 2020

**1. Call to Order**

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

**2. Pledge of Allegiance**

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

**3. Roll Call**

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

**4. Recognitions and Proclamations**

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

**5. Citizen Input**

There was no Citizen Input offered.

**6. Approval of Agenda**

The agenda was approved as presented upon noting a corrected Item #15

**7. Reports from Mayor and Councilmembers**

Councilmember Butler reported that he has been very reflective about George Floyd's death and noted that he stands with peaceful protests and the Black Lives Matter movement. He encouraged members of the public to talk with Police Chief Mark Jones in order to open all lines of communication.

Mayor Gates read a statement into the record about peaceful protests and the condemnation by the City Council of police brutality. He expressed pride in local law enforcement and grief for George Floyd's family. He asked for consensus from Council to post this statement on the City's website.

Councilmember Butler asked that he would like to see a statement added that black lives matter.

Consensus was reached to post this statement on the City's website.

**8. Initiatives from Mayor and Councilmembers**

No Initiatives were offered from Council.

**\*\*\* Consent Agenda \*\*\***

**9. Acceptance of the Report of the May 12, 2020, Council Worksession**

The Council action recommended was to accept the Report.

**10. Acceptance of the Report of the May 15, 2020, Council Briefing: COVID-19 Update**

The Council action recommended was to accept the Report.

**11. Approval of the City Council Proceedings of May 19, 2020**

The Council action recommended was to approve the Proceedings.

**12. Introduction and first reading of an ordinance appropriating additional sums to defray the expenses and liabilities of the City of Greeley for the balance of the fiscal year of 2020 and for funds held in reserve for encumbrances at December 31, 2019**

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading for June 16, 2020.

**13. Introduction and first reading of an ordinance changing the official zoning map of the City of Greeley, Colorado, from PUD (Planned Unit Development) to R-M (Residential Medium Density) zoning for 12.12 acres of property located north of 4th Street, east of 59th Avenue, and west of 57th Avenue, known as the Cottages at Kelly Farm Crosier's Corner Rezone**

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading for June 16, 2020.

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

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

**14. Pulled consent agenda items**

No items were pulled from the Consent Agenda.

**15. COVID-19 Update**

Dan Frazen, Emergency Manager, provided an update on Colorado and Weld County numbers, and noted that the models are showing a downward pattern of cases.

He stated that he is unsure when the facility at the Ranch will open.

As far as testing, he stated that 390 people were tested at the University of Northern Colorado over the past weekend.

He shared that the C.A.R.E.S. Act is being researched and staff is preparing the online FEMA public assistance application.

He went on to review trends and data relative to cases reported by Weld County Public Health.

In response to a question from Councilmember Zasada, Mr. Frazen advised that staff is keeping a close eye on the personal isolation facility at Bonell since it is not being utilized. He said if it were to be closed, it would be fairly easy to get it back up and operating if needed.

Roy Otto, City Manager, added that there is no general fund money supporting that facility, so having it open is not an operating fund issue right now for the City.

It was confirmed that the lease runs through August 7<sup>th</sup>.

Mr. Otto went on to state that re-opening some of the City's facilities is a moving target with a number of issues to consider including the Governor's Orders, revenue projections, and the public's health. A lot of work is going into what service level resets might look like for the City.

He shared what services will be offered beginning June 3<sup>rd</sup>.

Councilmember Clark inquired about the length of time it would take to get baseball and the pool open for the youth and how many staff members would be needed to do that.

Andy McRoberts, Culture, Parks & Recreation Director, stated that anything is doable, and that it will depend on what the City decides to allow and how many staff would be needed. He stated that some seasonal staff would need to be brought back to get the fields ready and to staff games at the Youth Sports Complex. He added that he would not support tournaments or outside teams coming in to play.

With regard to opening Centennial Pool, Mr. McRoberts stated that staff is looking at reservation software. He also stated that staff is considering reopening the splash parks.

Councilmember Zasada asked for some costs and numbers of staff needed to get these outdoor activities up and running.

With regard to playgrounds, Mr. McRoberts stated that visitors to the playgrounds do their part by using their own sanitizer and wipes, etc. The virus will not be able to survive because of rays of sunshine, but the City would probably clean these areas. It will not include wiping surfacing and wiping anything down.

Mr. Otto advised that it will take a bit of time to get everyone needed back on staff and that some costs will be developed for Council by Fridays' Briefing.

He went on to recommend that City Council return to in-person meetings at Councils' Chambers on June 16<sup>th</sup> and continue conducting Worksessions remotely via the Zoom Meetings tool.

Becky Safarik, Assistant City Manager, reported that a change to the City's open container law has been requested and that it could be brought to Council at a special meeting, if set, for June 9<sup>th</sup>. It could then be set for final reading at another special meeting, if set, on June 23<sup>rd</sup>.

She stated that work is being done already on the language of the ordinance, so it could certainly be ready to introduce on June 9<sup>th</sup>.

Councilmember Payton moved, seconded by Councilmember Clark to set special meeting for June 9<sup>th</sup>, preceding the Council Worksession, for the purpose of discussing and introducing an open container ordinance. The motion carried: 7-0

Councilmember Clark asked if alcohol could then be brought to this area from anywhere, and Ms. Safarik confirmed that it could. He then asked if the common consumption option would be better.

Ms. Safarik advised that activating a common consumption area is not the right mechanism for what the Downtown businesses want to do, and would meet the State's guidelines for discouraging large crowds and social distancing.

Councilmember Hall stated that all residents and retail businesses in this area need to be weighing in on this proposal and encouraged a public notification effort.

Mayor Gates shared that this is seasonal and that when things get to 100 percent capacity again, this may not be desired.

With regard to an end date, Ms. Safarik advised that it could have a sunset that coincides with the 120 days currently set in emergency regulations for temporary outdoor seating areas.

Councilmember Payton agreed with a sunset in that it drives home that we are trying to address a current economic situation that only exists right now.

**16. Consideration of a resolution of the City Council of the City of Greeley, Colorado, extending the City of Greeley Local Disaster Declaration of March 16, 2020 (updated on April 21, 2020) related to COVID-19**

Councilmember Payton expressed the importance of this given that it gives the City better access to FEMA dollars.

Councilmember Hall stressed that this is funding for the emergency not for opening or closing facilities.

Councilmember Zasada asked about the Bonell facility and if this would affect that, and Fire Chief Lyman stated that it will not have any effect on other funding from FEMA.

Councilmember Fitzsimmons moved, seconded by Councilmember Zasada to adopt the resolution. **(Resolution No. 26, 2020)** The motion carried: 7-0

**17. Consideration of a Substantial Amendment to the 2020-2024 Consolidated Plan and 2020 Action Plan, including Amendment 1 to the Citizen Participation Plan, specific to CARES Act Funding**

Ben Snow, Economic Health and Housing Director reported that back on April 2, 2020, Mayor John Gates was notified that the City of Greeley would receive \$493,277 in CARES Act funding through Community Development Block Grant-Coronavirus (CDBG-CV) funds. The grant is specifically to prepare for, prevent, and respond to the COVID-19 pandemic.

He stated that while the Federal Register and regulation guidance have not been finalized by HUD, the CARES Act included the following, which are changes to what is normally required with CDBG funds. Amendment 1 to the Citizen Participation Plan and the Substantial Amendment to the 2020-2024 Consolidated Plan and 2020 Action Plan incorporate the following: Allow for virtual public hearings to comply with national and local social gathering and stay-at-home orders, as long as the public is notified of how to make comment during the hearing.

He noted that the Substantial Amendment adds three priorities to utilize the CDBG-CV funds - a. Support public services that exist specifically for or that are experiencing higher costs specifically attributable to COVID-19 as a response to the COVID-19 pandemic, particularly those that provide a service(s) for homeless, low-moderate-income, underserved, and special needs residents. These activities will meet the Benefit to Low-Moderate-Income National Objective; b. Provide support to public services meeting the Urgent Need National Objective. When implementing a public service activity where income verification is not feasible, it will be conducted as an Urgent Need activity, subject to the HUD-required cap on Urgent Need activities; c. Provide emergency rental assistance as a response to the COVID-19 pandemic.

It also adds the CDBG-CV funds as a resource available in 2020, identifies activities that will/could occur under each priority, and adds goals associated with those activities. While not all of the specific activities that are expected to utilize the funds are identified, three are. Approval of the Substantial Amendment includes approval of those three activities: The Personal Isolation Facility at 622 23rd Street, Greeley, the move and time extension for the Cold Weather Shelter, and an emergency rent assistance activity. Other activities will be identified and approved for funding at a later date.

Mr. Snow went on to state that if the Federal Register and regulatory guidance from HUD is different than what has been provided to date, there may need to be changes to the Substantial Amendment. The decision was made to move forward with the guidance received to date. Approval of the Substantial Amendment will allow the City to formally apply to HUD for the CDBG-CV funds.

Councilmember Payton moved, seconded by Councilmember Hall to accept the Substantial Amendment, including the three specific activities identified and the Amended Citizen Participation Plan. The motion carried: 7-0

## **18. Strategic Housing Plan Progress/Update**

This item was continued to a future meeting.

## **19. Presentation of Water History Book; Confluence, The Story of Greeley Water**

Harold Evans, Water & Sewer Board Chairman, stated that Council had been formally presented with the most recently completed book on the City's 150 year water history. He expressed appreciation for Council's support of this effort, as well as authors and staff.

Councilmember Clark pointed out that Mr. Evans wrote Chapter 12.



**20. Scheduling of meetings, other events**

No additional meetings or events were scheduled, aside from the Special Meeting for June 9<sup>th</sup>.

**21. Executive Session for the purposes of providing advice to negotiators and to receive advice from Legal Counsel regarding a matter related to potential acquisition of water storage**

Councilmember Clark moved, seconded by Councilmember Fitzsimmons to go into an Executive Session to discuss the following matter as provided under C.R.S. 24-6-402(4) (e)(1) and C.R.S. 24-6-402(4)(b); and Greeley Municipal Code 2.04.020(a)(5) and Greeley Municipal Code 2.04.020(a)(2): giving instructions to negotiators and to receive legal advice from the City Attorney regarding potential acquisition of water storage. The motion carried: 7-0

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

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

**23. Adjournment**

There being no further business to come before the Council, Mayor Gates adjourned the meeting at 7:32 p.m. and moved into Executive Session. The Executive Session adjourned at p.m.

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John Gates, Mayor

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Cheryl Aragon, Interim City Clerk

# Council Agenda Summary

June 16, 2020

**Agenda Item Number 13**

Key Staff Contact: Andy McRoberts, Culture, Parks and Recreation Director, 970-350-9425

**Title:**

Consideration of a change order in the amount of \$173,000.00 to a design contract with Matrix Design Group for the East Memorial Design Services project and bring the revised contract amount from \$265,000.00 to \$438,000.00

**Summary:**

The City was previously awarded a grant from the Colorado Health Foundation for \$1.1 million for work to improve outdoor amenities promoting healthy lifestyles in east Greeley. The grant was broken down over the course of three years - 2019, 2020, and 2021. The City hired Matrix Design Group through a competitive RFP process in 2019 to provide design services, manage community engagement efforts, and to provide consolidated master plans for several park sites in east Greeley. The original RFP for design services was based on a report provided by the Urban Land Institute, who visited east Greeley in 2018.

Upon the gathering of community input, and working with a core team of City of Greeley staff, it became evident that the design services required would be greater in scope than what was initially identified. Additionally, because of unforeseen challenges with neighborhood engagement as well as shifts in particular project needs towards design, the work outgrew the original scope for design services and responsibilities proposed by Matrix.

Due to the nature of the work needed and Matrix's project specific experience, it is in the City's best interest to retain Matrix for the remainder of the project. A revised project engineering scope was negotiated and is proposed to cost an additional \$173,000 (original contract is \$265,000 – a 65.3% increase), and a Bid Exception and Change Order is necessary.

Adequate funding exists within the project to fund the requested change.

**Fiscal Impact:**

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	\$173,000 – one time
What is the annual impact?	n/a
What fund of the City will provide Funding?	Quality of Life
What is the source of revenue within the fund?	Sales & Use Tax
Is there grant funding for this item?	Yes

If yes, does this grant require a match?	No
Is this grant onetime or ongoing?	3 year grant, 2019, 2020, 2021
Additional Comments:	At this time, funding exists to complete full site master plans for three sites and implement partial improvements at two sites within the East Greeley area.

**Legal Issues:**

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

**Other Issues and Considerations:**

Staff are prepared to complete final design and construction documents to be bid out for construction improvements in late summer/early fall of 2020 if the Change Order is approved to keep on schedule. If final design is put out for an additional Request for Proposal process, construction will be delayed in to 2021 and may jeopardize grant funding.

**Applicable Council Priority and Goal:**

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

**Decision Options:**

1. Approve change order as recommended,
2. Deny Change Order and advertise a Request for Proposal for an alternate firm to perform the work, or
3. Continue item to a date specific.

**Council's Recommended Action:**

A motion to approve the Change Order.

**Attachments:**

Bid Exception Form  
Change Order #1

# BID EXCEPTIONS QUALIFICATION FORM

SPECIAL CIRCUMSTANCES FOR A NEGOTIATED PURCHASE WITHOUT A BID	
<input type="checkbox"/>	Only one source for the supply, service, or construction
<input checked="" type="checkbox"/>	Extension of existing contract with same vendor and same price and in the best interest of the City.
<input type="checkbox"/>	Service on existing City equipment for parts, repair or service, supplies or software from a factory authorized dealer or manufacturer.
<input type="checkbox"/>	Reduced total cost due to, among other things, closer location, more advantageous time allowances or similar variable factors that can reduce the total cost of the product or service.
<input type="checkbox"/>	A particular material or service is required to maintain interchangeability or compatibility as a part of an existing integrated system
<input type="checkbox"/>	Cooperative Bid. Bid Name: _____ Bid No.: _____
<input type="checkbox"/>	The material is perishable.
<input type="checkbox"/>	The material qualifies as fine art.
<input type="checkbox"/>	The particular material is required to match materials in use, so as to produce visual harmony.
<input type="checkbox"/>	Competitive solicitation procedures have failed to provide sufficient responsive and responsible bidders.
<input type="checkbox"/>	Emergency

DEPARTMENTAL INFORMATION	
Department:	Culture, Parks, and Recreation
Division:	Parks
Contact:	Eric Bloomer
Phone/Extension:	970-350-9394

ITEM AND VENDOR INFORMATION	
Proposed Purchase:	Engineering Design Services
Company Name:	Matrix Design Group, Inc.
Address:	1601 Blake Street, Denver, CO, 80202
Contact:	Bob Eck
Phone/Extension:	303-572-0200
Fax:	303-572-0202
Email:	Bob_Eck@matricdesigngroup.com

**Amount of this order: \$173,000.00**

***Provide an explanation of the item marked above and explain vendor selection.***

The City was previously awarded a grant from the Colorado Health Foundation for \$1.1 million for work to improve outdoor amenities promoting healthy lifestyles. The grant was broken down over the course of three years - 2019, 2020, and 2021. The City hired Matrix Design Group through a competitive RFP process in 2019 to provide design services, manage community engagement efforts, and to provide consolidated master plans for four park sites in east Greeley. The original RFP for design services was based on a report provided by the Urban Land Institute, who visited east Greeley in 2018. Upon the gathering of community input, and working with a core team of City of Greeley staff, it became evident that the design services required would be greater in scope than what was initially identified. Additionally, because of unforeseen challenges with neighborhood engagement as well as shifts in particular project needs towards design, the work outgrew the original scope for design services and responsibilities proposed by Matrix.

Due to the nature of the work needed and Matrix's project specific experience, it is in the City's best interest to retain Matrix for the remainder of the project. The revised project engineering scope was negotiated and is proposed to cost an additional \$173,000 (original contract is \$265,000 – a 65.3% increase), and a Bid Exception is necessary. As this change exceeds a 25% increase, City Council must approve the contract extension accordingly.

**THE PROPOSED PURCHASE DESCRIBED HEREIN IS BEING PROCESSED PURSUANT TO THE CITY OF GREELEY PURCHASING ORDINANCE SECTION 4.20 NON-COMPETITIVE NEGOTIATION**

Departmental Approval: 

Date: 5-29-20  
Form Revised 07/10/19



# CHANGE ORDER FORM

### Project Information

Change Order #:	<b>1</b>	Date:	<b>May 28, 2020</b>
Project Name:	<b>East Memorial Park Design</b>		
Bid Number:	<b>FA18-11-074</b>	Dept/Division:	<b>CPRD / Parks</b>
Original Budget Unit #:	<b>318 00 060 06687059</b>	PO #:	<b>19000327</b>
<b>New Budget Unit Number Added:</b>			
Project Manager:	<b>Brian Ward</b>	Title:	<b>Project Manager</b>

### Contractor/Consultant Information

Contractor/Consultant:	<b>Matrix Design Group, Inc</b>	Phone /Extension:	<b>303-572-0200</b>
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The CONTRACTOR/CONSULTANT is hereby directed to perform the WORK described in the CONTRACT for design/construction as amended by this CHANGE ORDER.

See attached **9** sheets with full explanation for the change order.

### Compensation to Contractor/Consultant

The original contract sum was:	<b>\$265,000.00</b>
The net change by previous change order was:	<b>\$0.00</b>
The contract sum prior to this change order was:	<b>\$265,000.00</b>
The contract sum will be: <b>(See List) Increased</b>	<b>\$173,000.00</b>
The new contract sum, including this change order is:	<b>\$438,000.00</b>
The contract time will be: <b>(See List) Increased</b>	<b>460</b>
The new date for project completion is:	<b>August 21, 2021</b>

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

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

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

### Signatures for Council (Council minutes need to be attached)

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

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

### Certification of Content by Contractor/Consultant

<b>Representative of Contractor/Consultant</b>	<b>Title</b>
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Additional Approval:

**Budget      Supervisor      CPC      Finance**

**Council approval is required for cumulative change orders >\$100000. Council minutes need to be attached.**



# CHANGE ORDER FORM



## Project Information

Change Order #:	<b>1</b>
Project Name:	<b>East Memorial Park Design</b>
Date:	<b>5/28/2020</b>
Project Manager:	<b>Brian Ward</b>

## Change Order Justification

Location	East Memorial Park
Summary of Change Order	Matrix will perform the final design work and provide construction administration services for the project.
Why was this not in original contract?	The City was awarded a grant from the Colorado Health Foundation for \$1.1 million for work to improve outdoor activities promoting healthy lifestyles. The award is broke down over the course of three years, 2019, 2020, and 2021. The City awarded a design services contract to Matrix Design Group in 2019 to provide design services, manage community engagement efforts and to provide consolidated master plans for four park sites in east Greeley. The RFP for this contract was based on a report provided by the Urban Land Institute. After gathering community input, and working with a core team of City of Greeley staff, it became evident that the design services required would be greater in scope than what was initially identified. Additionally, because of unforeseen challenges with community engagement as well as shifts in project needs, the work outgrew the original scope for design services and responsibilities for Matrix to provide.
Budget Impact/Funding	This change order will increase the project budget by \$173,000.00.
Impact to project schedule	This change order will increase the project schedule by 460 days which will now include the final design and construction of the project.
Detailed Explanation	Due to the nature of the work and Matrix's project specific experience it is to the City's best interest to retain Matrix for the remainder of the project. Since the remainder of the project engineering scope is estimated to cost an additional \$173,000, a Bid Exception was created and Andy McRoberts has approved the Bid Exception accordingly. Due to the size of the final design services contract in comparison to the original contract value Council must approve the contract extension accordingly. This change order will include Matrix creating the remainder of the design documents for construction of the project as well as Matrix performing construction administration duties for the construction phase of the project. The full matrix scope of work is included with this change order as well as the bid exception form.



Council has increased the limits for signature authority. Below are the new limits based on CUMMULATIVE change orders:  
[https://library.municode.com/co/greeley/codes/municipal\\_code?nodeId=TIT2AD\\_CH2.07CO\\_2.07.020APSI](https://library.municode.com/co/greeley/codes/municipal_code?nodeId=TIT2AD_CH2.07CO_2.07.020APSI)

Dollars related to original contract.	<=25%			>25%		
	\$50,000.01-			\$50,000.01-		
	<\$50,000	\$100,000	>\$100,000	<\$50,000	\$100,000	>\$100,000
Council						X
City Manager			X		X	X
City Attorney			X		X	X
Director of Finance			X		X	X
Purchasing Official		X	X		X	X
Department Director	X	X	X	X	X	X
Project Manager	X	X	X	X	X	X



# Council Agenda Summary

June 16, 2020

**Agenda Item Number 14**

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

**Title:**

Consideration of a resolution increasing membership of the Greeley Housing Authority to nine (9) Commissioners.

**Summary:**

Weld County has proposed a change to the structure of the Greeley Housing Authority that would increase the number of members from the current seven (7) to nine (9), with 5 from Greeley and four (4) from Weld. Currently, there are five (5) from Greeley and two (2) from Weld. The 5:4 ratio would be the same ratio as the current Section 8 voucher distribution. Based on the most recent voucher numbers, where Greeley has 468 and Weld has 373 the 5:4 board ratio would match the voucher distribution. Greeley receives 55.65% (equating to 5.008 board members) and Weld receives 44.35% (equating to 3.992 board members).

**Fiscal Impact:**

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

**Legal Issues:**

None.

**Other Issues and Considerations:**

None.

**Applicable Council Priority and Goal:**

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

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

**Decision Options:**

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

**Council's Recommended Action:**

A motion to adopt the Resolution.

**Attachments:**

Resolution

Resolution 1, 2000

Current Membership Roster

**CITY OF GREELEY, COLORADO  
RESOLUTION NO. \_\_, 2020**

A RESOLUTION INCREASING MEMBERSHIP OF THE GREELEY HOUSING AUTHORITY TO NINE (9) COMMISSIONERS.

WHEREAS, by Resolution 73-23, dated July 17, 1973, the Greeley City Council established membership of the local housing authority to be comprised of five (5) commissioners to be appointed by the Mayor pursuant to State statute; and

WHEREAS, Colorado House Bill 99-1067 amended §29-4-205(3), C.R.S., effective June 3, 1999, allowing the Mayor's appointment of up to nine (9) members to the housing Authority; and

WHEREAS, by Resolution No. 1, 2000, the Greeley City Council authorized that the local housing authority shall be composed of seven (7) commissioners appointed by the Mayor pursuant to the newly enacted provisions of § 29-4-205, C.R.S., with two (2) of the commissioners to be recommended by the Board of County Commissioners of Weld County for appointment by the Mayor, and not more than one (1) commissioner an official of the City of Greeley; and

WHEREAS, an increase in membership for the Greeley Housing Authority is desired in order to maintain and continue smooth and efficient operations of the Authority, providing maximum benefit of services for the community and citizens;

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

1. The City Council authorizes that local housing authority shall be composed of nine (9) commissions appointed by the Mayor pursuant to § 29-4-205, C.R.S. Four (4) of the commissioners shall be recommended by the Board of County Commissioners of Weld County for appointment by the Mayor.

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

PASSED AND ADOPTED, SIGNED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2020.

**ATTEST:**

**THE CITY OF GREELEY, COLORADO**

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

CITY OF GREELEY, COLORADO

RESOLUTION NO. 1, 2000

A RESOLUTION INCREASING MEMBERSHIP OF THE GREELEY HOUSING AUTHORITY TO SEVEN (7) COMMISSIONERS.

WHEREAS, by Resolution 73-23, dated July 17, 1973, the Greeley City Council established membership of the local housing authority to be comprised of five (5) commissioners to be appointed by the Mayor pursuant to State statute; and

WHEREAS, Colorado House Bill 99-1067 has amended §29-4-205(3), C.R.S., effective June 3, 1999, now allowing the Mayor's appointment of up to nine (9) members to the housing authority (copy of HB99-1067 is attached hereto and incorporated herein by reference); and

WHEREAS, an increase in membership for the Greeley Housing Authority is desired in order to maintain and continue smooth and efficient operations of the Authority, providing maximum benefit of services for the community and citizens; and

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

1. The City Council authorizes that the local housing authority shall be composed of seven (7) commissioners appointed by the Mayor pursuant to the newly enacted Sections of C.R.S. 29-4-205. Two (2) of the commissioners shall be recommended by the Board of County Commissioners of Weld County for appointment by the Mayor. Not more than one (1) commissioner shall be an official of the City of Greeley.

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

PASSED AND ADOPTED, SIGNED AND APPROVED this 1st day of February, 2000.

ATTEST:

Betsy D. Felder  
City Clerk

THE CITY OF GREELEY, COLORADO

By: J. Wares  
Mayor

# MEMBERSHIP ROSTER

## Housing Authority

Contact: Tom Texeira / 353-7437 x1003; tom@greeley-weldha.org  
 Staff Support Contact: n/a



**Provides safe and decent housing to Greeley residents.**

- *Qualifications: Greeley Resident (for Greeley positions)*
- *Structure: 7 members. 5 appointed by the Greeley City Council (1 can be a city official). 2 recommended by Weld County Commissioners.*
- *Terms: 5 year terms, 2 consecutive term limit*
- *Meetings: Monthly, 4th Wednesday of each month at 4:30pm at 903 6th Street*
- *Average Commitment: 2 hours per month*

Member	Diversity Factors			Date Appointed	Term Expires	Status	Occupation & Employer
	Ward & Speciality	Gender	Minority Yes/No				
Andrew Trevino 4750 W. 29th Street, Apt. 1503 Greeley, CO 80634 (H) 970-396-7049 (W) n/a andrew@thetrevinolawfirmllc.com	III	M	Y	9/19	9/24	Active	Law Clerk The Trevino Law Firm, LLC
Havilah Lilly 10160 Falcon Street Firestone, CO 80520 (H) 720-341-3730 (W) 970-356-4010 havilah.lilly@gmail.com	Weld County Representative	F	Y	11/16	9/21	Active	Unknown Unknown
Holly Darby 7121 W. Canberra Street Greeley, CO 80634 (H) 970-397-1585 (W) 346-6950 X6117 hdarby@weldgov.com	IV	F	N	4/13, 9/14, 2/16, 9/19	9/24	Active	Community Outreach Manager Weld County Government
Jeff Sloan 5115 Kiowa Dr Greeley, CO 80634 (H) 970-324-0552 (W) n/a jeff.sloan@cbauto.net	0	M	N	8/18	9/22	Active	Business Owner Christian Brothers Automotive
Karin Crandall 202 Mariposa Lane Evans, CO 80620 (H) 970-515-2558 (W) n/a crandakk@weldgov.com	Weld County Representative	F	N	4/20	9/23	Active	Human Services Weld County Government
Mark Reichert 2204 5th Street Greeley, CO 80631 (H) 303-304-4550 (W) n/a mrksrcht@gmail.com	I	M	N	9/19	9/23	Active	Retired Retired

Thomas "Tom" Muniz 2811 28th St Unit A Greeley, CO 80634 (H) 303-906-3730 (W) n/a muchfruitmsgs@gmail.com	III	M	Y	11/12, 9/17	9/22	Active	Employment Specialist City and County of Denver
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**Additional Notes:**

# Council Agenda Summary

June 16, 2020

**Agenda Item Number 15**

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

Title:

Consideration of three (3) resolutions authorizing the Mayor to enter into an Intergovernmental Agreement Concerning Land Dedications or Payments In-Lieu For School Purposes with Eaton School District RE-2, Weld RE-4 School District, and the Weld County School District 6

Summary:

Three school districts serve within the City limits of Greeley and within the city's Long-Range Expected Growth Area -- Eaton School District RE-2, Weld RE-4 School District, and the Weld County School District 6. The school districts are requesting adoption of an Intergovernmental Agreement ("IGA") concerning land dedications or payments In-lieu for school site and school site improvements. (See attached letters of request.)

These districts already have similar agreements in place with Weld County, Windsor, Eaton, and Severance governments. The City of Evans is working to adopt a similar IGA.

**Analysis**

New residential development brings new students to the city, creating new demand for school land. Currently there is no mechanism in place in the City of Greeley to create a new supply of school land that would keep up with this new demand.

Policies to address this circumstance have been in place in surrounding communities and in most metropolitan areas in the state for several years. Adopting a cash-in-lieu or land dedication agreement creates a mechanism for acquiring land for schools. Currently there is no way to create new supply of school sites when new demand is created in the form of new housing.

The IGAs that are proposed between the City and each of the three school districts are substantively the same and are modeled on ones currently in place between the Town of Eaton and the Eaton School District, the Town of Windsor and School District RE-4, and in place with many jurisdictions in Colorado. Greeley's current land use policies do not recover any impacts to the school districts from the addition of new housing units; as such, no new school land is acquired, even though new residences are being approved.

The IGA is the legal tool available to provide adequate school land, and the process is similar to the existing process adopted by the City for the dedication of land (or a fee-in-lieu) for parks. The school IGAs require a flat fee-in-lieu of land dedication on a per-unit basis and would differ by housing type (e.g., single-family vs. multi-family), since student generation rates are different for each type of land use. By law, fees collected can only be used by the school district for land acquisition or land development (e.g. grading, access, etc.), but not for facility construction.

Although the methodology used for the three districts is the same, the fee-in-lieu amount is not be the same, because each district has different school site size standards and different student generation rates. The calculations creating the fees differ, then, because of these variables. It is to be expected that each of the school boards would use their adopted service standards; this is because the school districts cross jurisdictional boundaries, and they need to have consistency within the school district boundaries. The three school districts are not concerned by this fee variations between them.

### **Process**

School district and city staff have met several times over the last year to confirm their interest and the benefit to all districts. We also reviewed the mechanisms that are already in place in two of the districts to understand how they work, and how well they work. In short, the districts find it an important tool for successful capital planning.

Staff hosted a developer, realtor, and builder roundtable on May 20 and discussed the proposed IGAs. No objections were raised at this meeting. A request was made that fees be collected at the time of building permit. Because land dedication is an option in the agreement, and because land cannot be collected on a per-house basis, the IGAs must include dedication at the time of plat. However, there is also the option, when in-lieu fees are implemented instead of land, for the fee to then be collected at building permit, and this can be achieved through a Development Agreement. It would be staff's intent to have these collected at the time of building permit whenever possible.

City staff's experience is that school land dedication IGAs are understood by developers to be a common practice, and that having adequate school facilities supports strong neighborhoods. For the last six months, city staff has been referring developers to the districts on a voluntary basis, and two large-lot developers north of the Poudre in the City of Greeley have already voluntarily agreed to pay the fees requested by Eaton School District.

Council reviewed this proposal on February 4, 2020, at a worksession that included presentations from the school districts and their consultant, Shannon Bingham, a practitioner in the field of school siting. Mr. Bingham provided information regarding methodology and the prevalence of this practice along the Front Range and throughout the state.



**Fiscal Impact:**

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

**Legal Issues:**

Intergovernmental Agreements (IGA) are a legal tool through which jurisdictions can formally adopt policies related to one another. The City has other existing land use IGAs with Evans, Windsor, and Severance.

**Other Issues and Considerations:**

None.

**Applicable Council Priority and Goal:**

Consistency with the following Council goals:

- A Dynamic and Resilient Economy (attract national industries, workforce)
- Your Home Is Here (neighborhood character, village concept, walkability)
- Leadership In Educational Excellence (promote school success)
- We are Greeley Proud (overlap with educational excellence)

and with the following elements of the Imagine Greeley Comprehensive Plan:

- Goal EH-4: Support and collaborate with the city's school districts
- Objective EH-4.1: [W]ork with the school districts and developers of residential projects to set aside sites for schools needed to serve their developments

**Decision Options:**

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

**Council's Recommended Action:**

Three separate motions will need to be considered by Council:

- 1) A motion to adopt the Resolution for an Intergovernmental Agreement with Eaton School District RE-2

- 2) A motion to adopt the Resolution for an Intergovernmental Agreement with Weld RE-4 School District
  
- 3) A motion to adopt the Resolution for an Intergovernmental Agreement with Weld County School District 6

**Attachments:**

Letters of Request

Draft Resolution & IGA: Eaton School District RE-2

Draft Resolution & IGA: Weld RE-4 School District

Draft Resolution & IGA: Weld County School District 6

PowerPoint presentation

CITY OF GREELEY, COLORADO  
RESOLUTION NO. \_\_ , 2020

A RESOLUTION OF THE CITY OF GREELEY COUNCIL AUTHORIZING THE CITY TO  
ENTER INTO AN INTERGOVERNMENTAL AGREEMENT CONCERNING LAND  
DEDICATIONS OR PAYMENTS IN-LIEU FOR SCHOOL PURPOSES WITH  
EATON SCHOOL DISTRICT RE-2

WHEREAS, local governments are encouraged and authorized to cooperate or contract with other units of government, pursuant to section 29-20-105, C.R.S., for the purpose of planning or regulating the development of land, including, but not limited to, the joint exercise of planning, zoning, subdivision, building, and related regulations; and

WHEREAS, Section 22-54-102(3)(a), C.R.S., authorizes local governments to cooperate with school districts through intergovernmental agreements to fund, construct, maintain, or manage capital construction projects, provided that funding is provided by a source of local government revenue that is otherwise authorized by law; and

WHEREAS, pursuant to section 31-23-206, C.R.S., the City of Greeley (“the City”) has adopted through the City of Greeley Comprehensive Plan various goals, policies, and supporting data in order to plan for the orderly growth of the City; and

WHEREAS, pursuant to sections 31-23-301 and -303, C.R.S., the City is furthermore authorized to regulate and restrict the density of population of the City for the purpose of promoting health, safety, morals, and general welfare of the community; and to adopt regulations in accordance with the comprehensive plan to facilitate the adequate provision of schools; and

WHEREAS, the growth in residential land development in the City necessitates the building of additional school facilities and making improvements to existing school facilities in order to accommodate the corresponding increases in the student population. The dedication of sites and land areas for schools, or payments in lieu thereof ("in-lieu payments"), made in connection with new residential construction within the City, will help to meet such demand; and

WHEREAS, the Eaton School District RE-2 (“the School District”) has adopted certain planning standards and a methodology for calculating the nature and extent of the impact any proposed land-use approval by the City will have on the adequacy of school sites for the School District and the future residents thereof; and

WHEREAS, the City is authorized by state and local law to adopt appropriate ordinances and regulations for the purpose of promoting and preserving the public health, safety, and welfare of the citizens of the City; and,

WHEREAS, there is an essential nexus between the need for the dedication of school sites or in-lieu payments and the legitimate local governmental interest of promoting and preserving the public health, safety, and welfare of the citizens of the City and the School District; and

WHEREAS, in order to provide adequate school facilities to serve new residential land developments, it is imperative that the School District be consulted regarding land dedication or in-

lieu payments for school sites in order to achieve rational and cost-effective planning and to assure that the dedication or in-lieu payment requirements are roughly proportional to the impact of the proposed use on the City and School District, and

WHEREAS, school land dedication or in-lieu payments serve to implement the City's Comprehensive Plan, by making provisions for public improvements in a manner appropriate for a modern, efficiently functioning City; and by implementing those provisions of the Plan that are intended to ensure that new development does not negatively impact the provision of municipal services. Such dedication or in-lieu payments specifically promote Council's Goal EH-4: "Support and collaborate with the city's school districts" and Objective EH-4.1: "[W]ork with the school districts and developers of residential projects to set aside sites for schools needed to serve their developments;" and

WHEREAS, in cases where annexation is proposed, resulting in future zoning and subdivision, the City has an affirmative requirement, per section 31-12-108.5(1), C.R.S., to prepare a report prior to annexation addressing the effect of the proposed annexation upon the School District "including the estimated number of students generated and the capital construction required to educate such students." Upon completion of a statutorily required public hearing, the City must determine whether the state statutory requirements for annexation are met, and whether additional terms and conditions should be imposed; and

WHEREAS, the City, upon consideration of the effect of residential land developments and the ability of the School District to provide school facilities in the City, has determined that it is in the best interests of the citizens of the City to enter into an Intergovernmental Agreement with the School District for the purpose of providing for the dedication of land for school sites or payments in lieu thereof as provided in this Agreement; and

WHEREAS, the City and School District desire to define their respective rights and obligations with respect to the planning, collection, and use of such land dedications and in-lieu payments.

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

Section 1. City Council hereby authorizes the mayor to enter into that Intergovernmental Agreement, attached hereto as Exhibit A, and incorporated herein by reference.

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

Section 3. This Ordinance shall become effective five (5) days following its final publication, as provided by the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020.

ATTEST:

THE CITY OF GREELEY,  
COLORADO

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

**INTERGOVERNMENTAL AGREEMENT CONCERNING LAND DEDICATIONS OR PAYMENTS IN-LIEU FOR SCHOOL PURPOSES**

THIS AGREEMENT is entered into by and between the Weld County School District RE-2 ("School District"), a political subdivision of the State of Colorado, and the City of Greeley, Colorado ("City"), a municipal corporation of the State of Colorado, to be effective as of the \_\_\_\_\_ day of \_\_\_\_\_, 2020 ("Effective Date").

**RECITALS**

A. Local governments are encouraged and authorized to cooperate or contract with other units of government, pursuant to section 29-20-105, C.R.S., for the purpose of planning or regulating the development of land, including, but not limited to, the joint exercise of planning, zoning, subdivision, building, and related regulations.

B. Section 22-54-102(3)(a), C.R.S., authorizes local governments to cooperate with school districts through intergovernmental agreements to fund, construct, maintain, or manage capital construction projects, provided that funding is provided by a source of local government revenue that is otherwise authorized by law.

C. Pursuant to section 31-23-206, C.R.S., the City has adopted through the City of Greeley Comprehensive Plan various goals, policies, and supporting data in order to plan for the orderly growth of the City.

D. Pursuant to sections 31-23-301 and -303, C.R.S., the City is furthermore authorized to regulate and restrict the density of population of the City for the purpose of promoting health, safety, morals, and general welfare of the community; and to adopt regulations in accordance with the comprehensive plan to facilitate the adequate provision of schools.

E. The growth in residential land development in the City necessitates the building of additional school facilities and making improvements to existing school facilities in order to accommodate the corresponding increases in the student population. The dedication of sites and land areas for schools, or payments in lieu thereof ("in-lieu payments"), made in connection with new residential construction within the City, will help to meet such demand.

F. The School District has adopted certain planning standards and a methodology for calculating the nature and extent of the impact any proposed land-use approval by the City will have on the adequacy of school sites for the School District and the future residents thereof.

G. The City is authorized by state and local law to adopt appropriate ordinances and regulations for the purpose of promoting and preserving the public health, safety, and welfare of the citizens of the City.

H. There is an essential nexus between the need for the dedication of school sites or

in-lieu payments and the legitimate local governmental interest of promoting and preserving the public health, safety, and welfare of the citizens of the City and the School District.

I. In order to provide adequate school facilities to serve new residential land developments, it is imperative that the School District be consulted regarding land dedication or in-lieu payments for school sites in order to achieve rational and cost-effective planning and to assure that the dedication or in-lieu payment requirements are roughly proportional to the impact of the proposed use on the City and School District.

J. School land dedication or in-lieu payments serve to implement the City's Comprehensive Plan, by making provisions for public improvements in a manner appropriate for a modern, efficiently functioning City; and by implementing those provisions of the Plan that are intended to ensure that new development does not negatively impact the provision of municipal services. Such dedication or in-lieu payments specifically promote Council's Goal EH-4: "Support and collaborate with the city's school districts" and Objective EH-4.1: "[W]ork with the school districts and developers of residential projects to set aside sites for schools needed to serve their developments."

K. In cases where annexation is proposed, resulting in future zoning and subdivision, the City has an affirmative requirement, per section 31-12-108.5(1), C.R.S., to prepare a report prior to annexation addressing the effect of the proposed annexation upon the School District "including the estimated number of students generated and the capital construction required to educate such students." Upon completion of a statutorily required public hearing, the City must determine whether the state statutory requirements for annexation are met, and whether additional terms and conditions should be imposed.

L. The City, upon consideration of the effect of residential land developments and the ability of the School District to provide school facilities in the City, has determined that it is in the best interests of the citizens of the City to enter into an Intergovernmental Agreement with the School District for the purpose of providing for the dedication of land for school sites or payments in lieu thereof as provided in this Agreement.

M. The City and School District desire to define their respective rights and obligations with respect to the planning, collection, and use of such land dedications and in-lieu payments.

## **AGREEMENT**

NOW, THEREFORE, in consideration of the objectives, policies, and findings expressed in the Recitals to this Agreement, incorporated by this reference, and the mutual promises contained in this Agreement, the City and School District agree as follows:

1. Definitions. Capitalized terms used herein and not otherwise defined have the meanings specified below:

"Developer" means the person or entity seeking land-use approval from the City and the party responsible for land dedication or in-lieu payments hereunder.

" Dwelling Unit " means a housekeeping unit designed and used for occupancy by a single individual or a family, containing cooking, living, sleeping, and sanitary facilities and having a separate entrance.

" Land Development Project " or " Project " means any proposed annexation, subdivision approval or any subsequent amendment to a previously approved development proposal that will result in new or additional Dwelling Units or a population density or population greater than that contemplated by the previously approved development proposal.

" Methodology " means the formulas, based upon the School Planning Standards, for calculating land dedication requirements and in-lieu payments, as shown on Exhibit B, attached hereto and incorporated by this reference, as amended from time to time as provided herein.

" School Planning Standards " or " Standards " means the adopted School District land use standards set forth on Exhibit A, attached hereto and incorporated by this reference, as amended from time to time as provided herein, that include student yields per dwelling unit for separate school levels, school facility enrollment capacities, school site acreage requirements, and the fair market value of real property that is located within the boundaries of both the City and the School District.

2. Determination of Land Dedication or In-Lieu Payment Requirements.

a. The City and School District find and agree that the current School Planning Standards in Exhibit A are reasonable, that there is an essential nexus between the dedication or payment contemplated and a legitimate local government interest, and that the dedication or payment is roughly proportional both in nature and extent to the impact of the proposed Land Development Project. The City and School District furthermore agree that the current School Planning Standards in Exhibit A will be administratively reviewed annually by both the School District and the City no later than April 1 of each calendar year and adjusted by mutual agreement as needed so that the then-current Standards will apply to any proposed Land Development Project thereafter.

b. Prior to or at the time that any proposed plans are submitted to the City for any Land Development Project, the Superintendent of the School District or a designee will meet with the Developer, for the purpose of determining whether the School District desires the dedication of any land for schools within the Project, consistent with the School Planning Standards. In the event the School District requests a dedication of land that, based upon the application of the Standards and Methodology, results in a parcel that in itself would be of insufficient size for a school site, the School District agrees to discuss with the Developer:

i. the potential reservation by the Developer or acquisition by the School District of the balance of the property needed to provide an adequate site; or

ii. an in-lieu payment as provided in this Agreement in the event the dedication of sites and land areas is not deemed feasible or in the best interests of the School District.



c. Upon formal submission of an application for any proposed Land Development Project to the City, the City will submit the Developer's proposal to the School District for its review, comments, and recommendations concerning the adequacy of school sites and facilities within the context of the proposed Land Development Project. The School District will promptly review the proposal and submit its comments and recommendations to the City.

d. The School District will make a determination concerning the impact of the Project upon the adequacy of school sites and facilities based upon the School Planning Standards which are in effect at the time the Developer's proposal is submitted by the City to the School District for its review.

e. Upon receipt of the School District's determination as to whether land should be dedicated, the City will, to the extent permitted by law, implement said determination as provided in subsection (f) below.

f. The City agrees that as a condition of final approval of a subdivision plat for a Land Development Project, it will: (i) require proof of the dedication of land or the appropriate reservation of land for future dedication to the School District in accordance with Section 3 below, or (ii) require proof that the cash-in-lieu payment, as described in Section 4 below, has been paid to and received by the School District. The Superintendent of the School District, or the Superintendent's designee, will provide such proof in a timely manner to the Community Development Department of the City. This requirement will apply to each Land Development Project for which application is made on or after the effective date of this Agreement, subject only to the exemptions contained in Section 7 below.

### 3. Conveyance of Dedicated Land.

a. If land is to be dedicated to the School District as part of the approval of any Land Development Project, the School District will notify the City in writing. Upon receipt of such notification, the City will thereafter accept the final plat for the Land Development Project, or any portion of it, for recording only if such plat provides for the contemporaneous dedication and conveyance of such land to the School District.

b. If land is to be reserved for future dedication to the School District as part of the approval of any Land Development Project, the School District will so notify the City in writing. Upon receipt of such notification, the City will thereafter accept the final plat for the Land Development Project, or any portion of it, for recording only if such plat shows the reservation of such land for such future dedication to the School District. Dedication of the reserved site shall occur no later than the date of final approval of the Land Development Project that includes the reserved site. The School District will promptly certify to the City in writing that the dedication has been made. In the event that the School District determines, in its sole discretion, that the dedication of a reserved site is necessary prior to the issuance of any building permit for the Project within which such site is located, the School District will so notify the person(s) shown by the records of the Weld County Assessor as being the then-current owner(s) of such site. Said notice will be sent by certified mail, return receipt requested. Within 60 days of the mailing of

said notice, the reserved property that is the subject of the mailing shall be dedicated to the School District by the owner(s) thereof, as a condition of the City's final approval of the Land Development Project.

c. Prior to the issuance of the first residential building permit for the Land Development Project, the dedicated site shall have raw water dedicated, overlot grading, direct access to a publicly dedicated street improved to City standards, and utilities stubbed to the site.

d. Title to the dedicated site shall be conveyed to the School District by general warranty deed, free and clear of all liens, encumbrances, and exceptions (except those approved in writing by the School District), including, without limitation, real property taxes, which will be prorated, and paid as of, the date of conveyance. The Developer will provide a title insurance commitment and policy in an amount equal to the fair market value of the dedicated property, as a condition of the City's final approval of the Land Development Project.

e. The City and the School District agree that the substance of the preceding Subsections 3(a) through 3(d) will be required to be set forth in any preliminary, final, or annexation plats before any such plat will be approved by the City.

4. Assessment and Amount of In-Lieu Payment.

In the event that the School District determines, under Section 2 above, that the dedication of land with respect to a particular Land Development Project would not further the planning objectives of the School District, either because the parcel that could be required to be dedicated would be of insufficient size for a school site or because the location of the dedicated site would be inappropriate, then the amount of the in-lieu payment will be determined and paid to the School District, according to the Methodology then in effect, prior to approval and recording of the final plat for the Land Development Project. In the event the Developer obtains approval from the City for the phasing of the Land Development Project that results in separate filings and final plats for each phase, the Developer may defer the payment of the in-lieu payment until the recording of the final plat for each phase; provided, however, that in such case the amount of the payment will be based upon the School Planning Standards and Methodology in effect at the time of the approval of each phase.

5. Methodology for Assessing In-Lieu Payments

a. The parties agree that the Methodology has been developed in a manner so as to fairly apportion the cost of acquiring school sites made necessary by residential development, and to ensure that any in-lieu payments will be used for the purposes of school site acquisition and development and capital facilities planning within the School District boundaries senior high school feeder attendance area boundaries that include the Land Development Project for which the payment is being made, unless mutually agreed in writing by the Developer, School District, and City. All dedication requirements and in-lieu payments will be based upon the School Planning Standards and the Methodology, as the same may be amended from time to time in accordance with subparagraph (b) below and Section 2(a), which are in effect at the time the Developer applies for land-use approval.

b. The Methodology adopted pursuant to the provisions of this Agreement will be updated annually from the date of its submission to the City, or less often, as determined by the School District. The updated version of Exhibit B, reflecting such changes, will be furnished to the City within thirty (30) days after their adoption by the School District.

6. Collection, Deposit, and Expenditure of In-Lieu Payments.

a. All in-lieu payments paid to the School District shall be properly identified and promptly deposited into a separate interest-bearing account in the name of the School District authorized by sections 24-75-601 to -605, C.R.S. The School District will be the owner of the funds in the account.

b. The funds deposited into the account will be earmarked and expended solely for the purposes of school site acquisition and development and capital facilities planning within the senior high school feeder attendance area boundaries that include the Land Development Project for which the payment was made. The time for, nature, method, and extent of such planning or development will be within the sole discretion of the School District.

7. Exemptions.

a. The following will be exempted from land dedication or in-lieu payment requirements:

- i. Alteration or expansion of a Dwelling Unit.
- ii. Replacement of a Dwelling Unit.
- iii. Construction of an accessory building, or structure.
- iv. Long-term care facilities or group homes as defined in the City's municipal code.
- v. Commercial and industrial developments.

b. Any claim of exemption as provided in this Section 7 shall be made no later than the time of submission of the Project for approval. Any claim not so made may be deemed by the School District and the City to have been waived by the Developer.

8. Annual Report, Accounting, and Audit.

a. The School District will establish and maintain an accounting system to ensure that all in-lieu payments are expended in accordance with Section 6(b) above.

b. The School District and the City will cause an audit to be performed annually of the in-lieu payments collected and expended in accordance with this Agreement. The audit will be conducted in accordance with generally accepted accounting principles for governmental

entities and may be part of any general audit annually conducted by the School District. A copy of said audit will be furnished to the City. The cost of the audit will be paid from the School District's general fund.

c. At any time deemed necessary, the City may request an accounting from the Superintendent of the School District concerning the expenditure of the in-lieu payments made to the School District.

9. Term.

The term of this Agreement will commence on the Effective Date hereof and continue for a period of ten (10) years thereafter unless the City repeals the implementing ordinance adopted by the City concurrent with this Agreement. This Agreement will automatically renew for additional ten (10) year periods unless one party notifies the other of intent to non-renew at least 30 days prior to expiration of the then current term.

10. Miscellaneous.

a. Faith and Credit. Neither party will extend the faith or credit of the other to any third person or entity.

b. Amendments. This Agreement may be amended only by mutual agreement of the parties, evidenced by a written instrument authorized and executed with the same formality as accorded this Agreement.

c. Notice. Any notice required by this Agreement shall be in writing. If such notice is hand delivered or personally served, it will be effective immediately upon such delivery or service. If given by mail, it will be by certified mail, return receipt requested, and addressed to the following addresses:

City of Greeley  
1000 10<sup>th</sup> Street  
Greeley, CO 80631  
Attention: City Manager

Weld County School District RE-2  
Attention: Superintendent of Schools  
211 1st Street  
Eaton, Colorado 80615

Notice given by mail will be effective three days after it is deposited in the United States mail depository correctly addressed and with sufficient postage for delivery.

d. Governing Law. This Agreement and the rights and obligations of the parties hereto will be interpreted and construed in accordance with the laws of the State of Colorado.

e. Severability. If this Agreement, or any portion of it, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, the Parties will deem that portion to be a separate, distinct, and independent provision, and such holding will not affect the validity of the remaining portions of the Agreement.

f. Indemnification. The City agrees to cooperate in the defense of any legal action that may be brought contesting the validity of this Agreement or the implementing ordinances. The School District will be responsible for defending such claim (whether filed against the City, the School District, or both) and for the payment of any final monetary judgment entered against the City in any such action. Nothing contained in this Agreement constitutes any waiver for the City or the School District of the provisions of the Colorado Governmental Immunity Act or other applicable immunity defense. This provision will survive termination of the Agreement, and be enforceable until all claims are precluded by statutes of limitation.

g. Survival. Any provision or obligation of this Agreement, for the benefit of either party, that has not been fully performed or discharged at the time of termination will survive such termination and continue to bind the party until the expiration of any applicable legal or equitable period of limitation.

h. Financial Obligations. This Agreement is not a pledge of the credit of the City or the School District, or a collection or payment guarantee by the City to the School District. Nothing in this Agreement may be construed to create a multiple-fiscal year direct or indirect municipal or district debt or financial obligation.

i. No Third Party Beneficiaries. None of the terms, conditions, or covenants in this Agreement gives or allows any claim, benefit, or right of action by any third person not a party hereto. Any person other than the City or the School District receiving services or benefits under this Agreement is only an incidental beneficiary.

j. Recording of Agreement. This Agreement will be recorded by the School District with the Weld County Clerk and Recorder.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, which is in full force and effect the day and year first above written.

**[Signature Page Is Next Page.]**

CITY OF GREELEY, COLORADO

By: \_\_\_\_\_  
Mayor

Date: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_  
City Clerk

APPROVED AS TO LEGAL FORM:

By: \_\_\_\_\_  
City Attorney

APPROVED AS TO CONTENT:

By: \_\_\_\_\_  
City Manager

WELD COUNTY SCHOOL DISTRICT RE-2

By: \_\_\_\_\_  
President, Board of Education

Date: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_  
Secretary, Board of Education

APPROVED AS TO LEGAL FORM:

By: \_\_\_\_\_  
School District Attorney

**EXHIBIT A**

**SCHOOL PLANNING STANDARDS**

I. Student Yields (per dwelling unit)

	Single Family Detached	Single Family Attached	Multifamily Development	Manufactured Home
Elementary School	0.26	0.14	0.07	0.27
Middle School	0.12	0.06	0.03	0.13
High School	0.14	0.07	0.04	0.14

II. School Facility Enrollment Capacities

Elementary School	600
Middle School	675
High School	900

III. School Site Acreage Requirements

Elementary School	10
Middle School	25
High School	50

IV. Developed Land Value

The district uses a fixed \$136,076 value per acre.



**EXHIBIT B**

**METHODOLOGY**

Based on the School District Planning Standards contained in Exhibit A and the presumption of developed land value of \$136,076/acre, calculation of land dedication or in-lieu payments uses the following procedures:

**Single Family Detached Housing**

*Elementary School Procedure*

(10 acres ÷ 600 students = 0.017 acres/student)

1.  $0.26 \times 0.017 = 0.0044 \times \$136,076 = \$590$

*Middle School Procedure*

(25 acres ÷ 675 students = 0.037 acres/student)

1.  $0.12 \times 0.037 = 0.0044 \times \$136,076 = \$605$

*High School Procedure*

(50 acres ÷ 900 students = 0.056 acres/student)

1.  $0.14 \times 0.056 = 0.0078 \times \$136,076 = \$1,058$

*Summary*

The total land dedication or in-lieu payment per dwelling unit is:

	Land	In-Lieu Payment
Elementary School	0.0044 acres	\$590
Middle School	0.0044 acres	\$605
High School	0.0078 acres	\$1,058
<b>TOTAL</b>	<b>0.0166 acres</b>	<b>\$2,253</b>

## Single Family Attached Housing

### *Elementary School Procedure*

(10 acres ÷ 600 students = 0.017 acres/student)

2.  $0.14 \times 0.017 = 0.0023 \times \$136,076 = \$318$

### *Middle School Procedure*

(25 acres ÷ 675 students = 0.037 acres/student)

2.  $0.060 \times 0.037 = 0.0022 \times \$136,076 = \$302$

### *High School Procedure*

(50 acres ÷ 900 students = 0.056 acres/student)

2.  $0.070 \times 0.056 = 0.0039 \times \$136,076 = \$529$

### *Summary*

The total land dedication or in-lieu payment per dwelling unit is:

	Land	In-Lieu Payment
Elementary School	0.0023 acres	\$318
Middle School	0.0022 acres	\$302
High School	0.0039 acres	\$529
<b>TOTAL</b>	<b>0.0084 acres</b>	<b>\$1,149</b>

## **Multifamily Development**

### *Elementary School Procedure*

(10 acres ÷ 600 students = 0.017 acres/student)

3.  $0.070 \times 0.017 = 0.0012 \times \$136,076 = \$159$

### *Middle School Procedure*

(25 acres ÷ 675 students = 0.037 acres/student)

3.  $0.030 \times 0.037 = 0.0011 \times \$136,076 = \$151$

### *High School Procedure*

(50 acres ÷ 900 students = 0.056 acres/student)

3.  $0.040 \times 0.056 = 0.0022 \times \$136,076 = \$302$

### *Summary*

The total land dedication or in-lieu payment per dwelling unit is:

	Land	In-Lieu Payment
Elementary School	0.0012 acres	\$159
Middle School	0.0011 acres	\$151
High School	0.0022 acres	\$302
<b>TOTAL</b>	<b>0.0045 acres</b>	<b>\$612</b>

## Manufactured Home Dwelling

### *Elementary School Procedure*

(10 acres ÷ 600 students = 0.017 acres/student)

4.  $0.270 \times 0.017 = 0.0045 \times \$136,076 = \$612$

### *Middle School Procedure*

(25 acres ÷ 675 students = 0.037 acres/student)

4.  $0.130 \times 0.037 = 0.0048 \times \$136,076 = \$655$

### *High School Procedure*

(50 acres ÷ 900 students = 0.056 acres/student)

4.  $0.140 \times 0.056 = 0.0078 \times \$136,076 = \$1,058$

### *Summary*

The total land dedication or in-lieu payment per dwelling unit is:

	Land	In-Lieu Payment
Elementary School	0.0045 acres	\$612
Middle School	0.0048 acres	\$655
High School	0.0078 acres	\$1,059
<b>TOTAL</b>	<b>0.0171 acres</b>	<b>\$2,326</b>

CITY OF GREELEY, COLORADO  
RESOLUTION NO. \_\_ , 2020

A RESOLUTION OF THE CITY OF GREELEY COUNCIL AUTHORIZING THE  
CITY TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT  
CONCERNING LAND DEDICATIONS OR PAYMENTS IN-LIEU FOR SCHOOL  
PURPOSES WITH THE WELD RE-4 SCHOOL DISTRICT

WHEREAS, local governments are encouraged and authorized to cooperate or contract with other units of government, pursuant to section 29-20-105, C.R.S., for the purpose of planning or regulating the development of land, including, but not limited to, the joint exercise of planning, zoning, subdivision, building, and related regulations; and

WHEREAS, Section 22-54-102(3)(a), C.R.S., authorizes local governments to cooperate with school districts through intergovernmental agreements to fund, construct, maintain, or manage capital construction projects, provided that funding is provided by a source of local government revenue that is otherwise authorized by law; and

WHEREAS, pursuant to section 31-23-206, C.R.S., the City of Greeley (“the City”) has adopted through the City of Greeley Comprehensive Plan various goals, policies, and supporting data in order to plan for the orderly growth of the City; and

WHEREAS, pursuant to sections 31-23-301 and -303, C.R.S., the City is furthermore authorized to regulate and restrict the density of population of the City for the purpose of promoting health, safety, morals, and general welfare of the community; and to adopt regulations in accordance with the comprehensive plan to facilitate the adequate provision of schools; and

WHEREAS, the growth in residential land development in the City necessitates the building of additional school facilities and making improvements to existing school facilities in order to accommodate the corresponding increases in the student population. The dedication of sites and land areas for schools, or payments in lieu thereof (“in-lieu payments”), made in connection with new residential construction within the City, will help to meet such demand; and

WHEREAS, the Weld RE-4 School District (“the School District”) has adopted certain planning standards and a methodology for calculating the nature and extent of the impact any proposed land-use approval by the City will have on the adequacy of school sites for the School District and the future residents thereof; and

WHEREAS, the City is authorized by state and local law to adopt appropriate ordinances and regulations for the purpose of promoting and preserving the public health, safety, and welfare of the citizens of the City; and,

WHEREAS, there is an essential nexus between the need for the dedication of school sites or in-lieu payments and the legitimate local governmental interest of promoting and preserving the public health, safety, and welfare of the citizens of the City and the School District; and

WHEREAS, in order to provide adequate school facilities to serve new residential land developments, it is imperative that the School District be consulted regarding land dedication or in-

lieu payments for school sites in order to achieve rational and cost-effective planning and to assure that the dedication or in-lieu payment requirements are roughly proportional to the impact of the proposed use on the City and School District, and

WHEREAS, school land dedication or in-lieu payments serve to implement the City's Comprehensive Plan, by making provisions for public improvements in a manner appropriate for a modern, efficiently functioning City; and by implementing those provisions of the Plan that are intended to ensure that new development does not negatively impact the provision of municipal services. Such dedication or in-lieu payments specifically promote Council's Goal EH-4: "Support and collaborate with the city's school districts" and Objective EH-4.1: "[W]ork with the school districts and developers of residential projects to set aside sites for schools needed to serve their developments;" and

WHEREAS, in cases where annexation is proposed, resulting in future zoning and subdivision, the City has an affirmative requirement, per section 31-12-108.5(1), C.R.S., to prepare a report prior to annexation addressing the effect of the proposed annexation upon the School District "including the estimated number of students generated and the capital construction required to educate such students." Upon completion of a statutorily required public hearing, the City must determine whether the state statutory requirements for annexation are met, and whether additional terms and conditions should be imposed; and

WHEREAS, the City, upon consideration of the effect of residential land developments and the ability of the School District to provide school facilities in the City, has determined that it is in the best interests of the citizens of the City to enter into an Intergovernmental Agreement with the School District for the purpose of providing for the dedication of land for school sites or payments in lieu thereof as provided in this Agreement; and

WHEREAS, the City and School District desire to define their respective rights and obligations with respect to the planning, collection, and use of such land dedications and in-lieu payments.

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

Section 1. City Council hereby authorizes the mayor to enter into that Intergovernmental Agreement, attached hereto as Exhibit A, and incorporated herein by reference.

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

Section 3. This Ordinance shall become effective five (5) days following its final publication, as provided by the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020.

ATTEST:

THE CITY OF GREELEY,  
COLORADO

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

**INTERGOVERNMENTAL AGREEMENT CONCERNING LAND DEDICATIONS OR PAYMENTS IN-LIEU FOR SCHOOL PURPOSES**

THIS AGREEMENT is entered into by and between the Weld County School District RE-4 ("School District"), a political subdivision of the State of Colorado, and the City of Greeley, Colorado ("City"), a municipal corporation of the State of Colorado, to be effective as of the \_\_\_\_\_ day of \_\_\_\_\_, 2020 ("Effective Date").

**RECITALS**

A. Local governments are encouraged and authorized to cooperate or contract with other units of government, pursuant to section 29-20-105, C.R.S., for the purpose of planning or regulating the development of land, including, but not limited to, the joint exercise of planning, zoning, subdivision, building, and related regulations.

B. Section 22-54-102(3)(a), C.R.S., authorizes local governments to cooperate with school districts through intergovernmental agreements to fund, construct, maintain, or manage capital construction projects, provided that funding is provided by a source of local government revenue that is otherwise authorized by law.

C. Pursuant to section 31-23-206, C.R.S., the City has adopted through the City of Greeley Comprehensive Plan various goals, policies, and supporting data in order to plan for the orderly growth of the City.

D. Pursuant to sections 31-23-301 and -303, C.R.S., the City is furthermore authorized to regulate and restrict the density of population of the City for the purpose of promoting health, safety, morals, and general welfare of the community; and to adopt regulations in accordance with the comprehensive plan to facilitate the adequate provision of schools.

E. The growth in residential land development in the City necessitates the building of additional school facilities and making improvements to existing school facilities in order to accommodate the corresponding increases in the student population. The dedication of sites and land areas for schools, or payments in lieu thereof ("in-lieu payments"), made in connection with new residential construction within the City, will help to meet such demand.

F. The School District has adopted certain planning standards and a methodology for calculating the nature and extent of the impact any proposed land-use approval by the City will have on the adequacy of school sites for the School District and the future residents thereof.

G. The City is authorized by state and local law to adopt appropriate ordinances and regulations for the purpose of promoting and preserving the public health, safety, and welfare of the citizens of the City.

H. There is an essential nexus between the need for the dedication of school sites or



in-lieu payments and the legitimate local governmental interest of promoting and preserving the public health, safety, and welfare of the citizens of the City and the School District.

I. In order to provide adequate school facilities to serve new residential land developments, it is imperative that the School District be consulted regarding land dedication or in-lieu payments for school sites in order to achieve rational and cost-effective planning and to assure that the dedication or in-lieu payment requirements are roughly proportional to the impact of the proposed use on the City and School District.

J. School land dedication or in-lieu payments serve to implement the City's Comprehensive Plan, by making provisions for public improvements in a manner appropriate for a modern, efficiently functioning City; and by implementing those provisions of the Plan that are intended to ensure that new development does not negatively impact the provision of municipal services. Such dedication or in-lieu payments specifically promote Council's Goal EH-4: "Support and collaborate with the city's school districts" and Objective EH-4.1: "[W]ork with the school districts and developers of residential projects to set aside sites for schools needed to serve their developments."

K. In cases where annexation is proposed, resulting in future zoning and subdivision, the City has an affirmative requirement, per section 31-12-108.5(1), C.R.S., to prepare a report prior to annexation addressing the effect of the proposed annexation upon the School District "including the estimated number of students generated and the capital construction required to educate such students." Upon completion of a statutorily required public hearing, the City must determine whether the state statutory requirements for annexation are met, and whether additional terms and conditions should be imposed.

L. The City, upon consideration of the effect of residential land developments and the ability of the School District to provide school facilities in the City, has determined that it is in the best interests of the citizens of the City to enter into an Intergovernmental Agreement with the School District for the purpose of providing for the dedication of land for school sites or payments in lieu thereof as provided in this Agreement.

M. The City and School District desire to define their respective rights and obligations with respect to the planning, collection, and use of such land dedications and in-lieu payments.

## **AGREEMENT**

NOW, THEREFORE, in consideration of the objectives, policies, and findings expressed in the Recitals to this Agreement, incorporated by this reference, and the mutual promises contained in this Agreement, the City and School District agree as follows:

1. Definitions. Capitalized terms used herein and not otherwise defined have the meanings specified below:

"Developer" means the person or entity seeking land-use approval from the City and the party responsible for land dedication or in-lieu payments hereunder.

" Dwelling Unit " means a housekeeping unit designed and used for occupancy by a single individual or a family, containing cooking, living, sleeping, and sanitary facilities and having a separate entrance.

" Land Development Project " or " Project " means any proposed annexation, subdivision approval or any subsequent amendment to a previously approved development proposal that will result in new or additional Dwelling Units or a population density or population greater than that contemplated by the previously approved development proposal.

" Methodology " means the formulas, based upon the School Planning Standards, for calculating land dedication requirements and in-lieu payments, as shown on Exhibit B, attached hereto and incorporated by this reference, as amended from time to time as provided herein.

" School Planning Standards " or " Standards " means the adopted School District land use standards set forth on Exhibit A, attached hereto and incorporated by this reference, as amended from time to time as provided herein, that include student yields per dwelling unit for separate school levels, school facility enrollment capacities, school site acreage requirements, and the fair market value of real property that is located within the boundaries of both the City and the School District.

2. Determination of Land Dedication or In-Lieu Payment Requirements.

a. The City and School District find and agree that the current School Planning Standards in Exhibit A are reasonable, that there is an essential nexus between the dedication or payment contemplated and a legitimate local government interest, and that the dedication or payment is roughly proportional both in nature and extent to the impact of the proposed Land Development Project. The City and School District furthermore agree that the current School Planning Standards in Exhibit A will be administratively reviewed annually by both the School District and the City no later than April 1 of each calendar year and adjusted by mutual agreement as needed so that the then-current Standards will apply to any proposed Land Development Project thereafter.

b. Prior to or at the time that any proposed plans are submitted to the City for any Land Development Project, the Superintendent of the School District or a designee will meet with the Developer, for the purpose of determining whether the School District desires the dedication of any land for schools within the Project, consistent with the School Planning Standards. In the event the School District requests a dedication of land that, based upon the application of the Standards and Methodology, results in a parcel that in itself would be of insufficient size for a school site, the School District agrees to discuss with the Developer:

- i. the potential reservation by the Developer or acquisition by the School District of the balance of the property needed to provide an adequate site; or
- ii. an in-lieu payment as provided in this Agreement in the event the dedication of sites and land areas is not deemed feasible or in the best interests of the School District.

c. Upon formal submission of an application for any proposed Land Development Project to the City, the City will submit the Developer's proposal to the School District for its review, comments, and recommendations concerning the adequacy of school sites and facilities within the context of the proposed Land Development Project. The School District will promptly review the proposal and submit its comments and recommendations to the City.

d. The School District will make a determination concerning the impact of the Project upon the adequacy of school sites and facilities based upon the School Planning Standards which are in effect at the time the Developer's proposal is submitted by the City to the School District for its review.

e. Upon receipt of the School District's determination as to whether land should be dedicated, the City will, to the extent permitted by law, implement said determination as provided in subsection (f) below.

f. The City agrees that as a condition of final approval of a subdivision plat for a Land Development Project, it will: (i) require proof of the dedication of land or the appropriate reservation of land for future dedication to the School District in accordance with Section 3 below, or (ii) require proof that the cash-in-lieu payment, as described in Section 4 below, has been paid to and received by the School District. The Superintendent of the School District, or the Superintendent's designee, will provide such proof in a timely manner to the Community Development Department of the City. This requirement will apply to each Land Development Project for which application is made on or after the effective date of this Agreement, subject only to the exemptions contained in Section 7 below.

### 3. Conveyance of Dedicated Land.

a. If land is to be dedicated to the School District as part of the approval of any Land Development Project, the School District will notify the City in writing. Upon receipt of such notification, the City will thereafter accept the final plat for the Land Development Project, or any portion of it, for recording only if such plat provides for the contemporaneous dedication and conveyance of such land to the School District.

b. If land is to be reserved for future dedication to the School District as part of the approval of any Land Development Project, the School District will so notify the City in writing. Upon receipt of such notification, the City will thereafter accept the final plat for the Land Development Project, or any portion of it, for recording only if such plat shows the reservation of such land for such future dedication to the School District. Dedication of the reserved site shall occur no later than the date of final approval of the Land Development Project that includes the reserved site. The School District will promptly certify to the City in writing that the dedication has been made. In the event that the School District determines, in its sole discretion, that the dedication of a reserved site is necessary prior to the issuance of any building permit for the Project within which such site is located, the School District will so notify the person(s) shown by the records of the Weld County Assessor as being the then-current owner(s) of such site. Said notice will be sent by certified mail, return receipt requested. Within 60 days of the mailing of

said notice, the reserved property that is the subject of the mailing shall be dedicated to the School District by the owner(s) thereof, as a condition of the City's final approval of the Land Development Project.

c. Prior to the issuance of the first residential building permit for the Land Development Project, the dedicated site shall have raw water dedicated, overlot grading, direct access to a publicly dedicated street improved to City standards, and utilities stubbed to the site.

d. Title to the dedicated site shall be conveyed to the School District by general warranty deed, free and clear of all liens, encumbrances, and exceptions (except those approved in writing by the School District), including, without limitation, real property taxes, which will be prorated, and paid as of, the date of conveyance. The Developer will provide a title insurance commitment and policy in an amount equal to the fair market value of the dedicated property, as a condition of the City's final approval of the Land Development Project.

e. The City and the School District agree that the substance of the preceding Subsections 3(a) through 3(d) will be required to be set forth in any preliminary, final, or annexation plats before any such plat will be approved by the City.

4. Assessment and Amount of In-Lieu Payment.

In the event that the School District determines, under Section 2 above, that the dedication of land with respect to a particular Land Development Project would not further the planning objectives of the School District, either because the parcel that could be required to be dedicated would be of insufficient size for a school site or because the location of the dedicated site would be inappropriate, then the amount of the in-lieu payment will be determined and paid to the School District, according to the Methodology then in effect, prior to approval and recording of the final plat for the Land Development Project. In the event the Developer obtains approval from the City for the phasing of the Land Development Project that results in separate filings and final plats for each phase, the Developer may defer the payment of the in-lieu payment until the recording of the final plat for each phase; provided, however, that in such case the amount of the payment will be based upon the School Planning Standards and Methodology in effect at the time of the approval of each phase.

5. Methodology for Assessing In-Lieu Payments

a. The parties agree that the Methodology has been developed in a manner so as to fairly apportion the cost of acquiring school sites made necessary by residential development, and to ensure that any in-lieu payments will be used for the purposes of school site acquisition and development and capital facilities planning within the School District boundaries senior high school feeder attendance area boundaries that include the Land Development Project for which the payment is being made, unless mutually agreed in writing by the Developer, School District, and City. All dedication requirements and in-lieu payments will be based upon the School Planning Standards and the Methodology, as the same may be amended from time to time in accordance with subparagraph (b) below and Section 2(a), which are in effect at the time the Developer applies for land-use approval.

b. The Methodology adopted pursuant to the provisions of this Agreement will be updated annually from the date of its submission to the City, or less often, as determined by the School District. The updated version of Exhibit B, reflecting such changes, will be furnished to the City within thirty (30) days after their adoption by the School District.

6. Collection, Deposit, and Expenditure of In-Lieu Payments.

a. All in-lieu payments paid to the School District shall be properly identified and promptly deposited into a separate interest-bearing account in the name of the School District authorized by sections 24-75-601 to -605, C.R.S. The School District will be the owner of the funds in the account.

b. The funds deposited into the account will be earmarked and expended solely for the purposes of school site acquisition and development and capital facilities planning within the senior high school feeder attendance area boundaries that include the Land Development Project for which the payment was made. The time for, nature, method, and extent of such planning or development will be within the sole discretion of the School District.

7. Exemptions.

a. The following will be exempted from land dedication or in-lieu payment requirements:

- i. Alteration or expansion of a Dwelling Unit.
- ii. Replacement of a Dwelling Unit.
- iii. Construction of an accessory building, or structure.
- iv. Long-term care facilities or group homes as defined in the City's municipal code.
- v. Commercial and industrial developments.

b. Any claim of exemption as provided in this Section 7 shall be made no later than the time of submission of the Project for approval. Any claim not so made may be deemed by the School District and the City to have been waived by the Developer.

8. Annual Report, Accounting, and Audit.

a. The School District will establish and maintain an accounting system to ensure that all in-lieu payments are expended in accordance with Section 6(b) above.

b. The School District and the City will cause an audit to be performed annually of the in-lieu payments collected and expended in accordance with this Agreement. The audit will be conducted in accordance with generally accepted accounting principles for governmental

entities and may be part of any general audit annually conducted by the School District. A copy of said audit will be furnished to the City. The cost of the audit will be paid from the School District's general fund.

c. At any time deemed necessary, the City may request an accounting from the Superintendent of the School District concerning the expenditure of the in-lieu payments made to the School District.

9. Term.

The term of this Agreement will commence on the Effective Date hereof and continue for a period of ten (10) years thereafter unless the City repeals the implementing ordinance adopted by the City concurrent with this Agreement. This Agreement will automatically renew for additional ten (10) year periods unless one party notifies the other of intent to non-renew at least 30 days prior to expiration of the then current term.

10. Miscellaneous.

a. Faith and Credit. Neither party will extend the faith or credit of the other to any third person or entity.

b. Amendments. This Agreement may be amended only by mutual agreement of the parties, evidenced by a written instrument authorized and executed with the same formality as accorded this Agreement.

c. Notice. Any notice required by this Agreement shall be in writing. If such notice is hand delivered or personally served, it will be effective immediately upon such delivery or service. If given by mail, it will be by certified mail, return receipt requested, and addressed to the following addresses:

City of Greeley  
1000 10<sup>th</sup> Street  
Greeley, CO 80631  
Attention: City Manager

Weld County School District RE-4  
1020 Main Street  
Windsor, CO 80550  
Attention: Superintendent of Schools

Notice given by mail will be effective three days after it is deposited in the United States mail depository correctly addressed and with sufficient postage for delivery.

d. Governing Law. This Agreement and the rights and obligations of the parties hereto will be interpreted and construed in accordance with the laws of the State of Colorado.

e. Severability. If this Agreement, or any portion of it, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, the Parties will deem that portion to be a separate, distinct, and independent provision, and such holding will not affect the validity of the remaining portions of the Agreement.

f. Indemnification. The City agrees to cooperate in the defense of any legal action that may be brought contesting the validity of this Agreement or the implementing ordinances. The School District will be responsible for defending such claim (whether filed against the City, the School District, or both) and for the payment of any final monetary judgment entered against the City in any such action. Nothing contained in this Agreement constitutes any waiver for the City or the School District of the provisions of the Colorado Governmental Immunity Act or other applicable immunity defense. This provision will survive termination of the Agreement, and be enforceable until all claims are precluded by statutes of limitation.

g. Survival. Any provision or obligation of this Agreement, for the benefit of either party, that has not been fully performed or discharged at the time of termination will survive such termination and continue to bind the party until the expiration of any applicable legal or equitable period of limitation.

h. Financial Obligations. This Agreement is not a pledge of the credit of the City or the School District, or a collection or payment guarantee by the City to the School District. Nothing in this Agreement may be construed to create a multiple-fiscal year direct or indirect municipal or district debt or financial obligation.

i. No Third Party Beneficiaries. None of the terms, conditions, or covenants in this Agreement gives or allows any claim, benefit, or right of action by any third person not a party hereto. Any person other than the City or the School District receiving services or benefits under this Agreement is only an incidental beneficiary.

j. Recording of Agreement. This Agreement will be recorded by the School District with the Weld County Clerk and Recorder.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, which is in full force and effect the day and year first above written.

**[Signature Page Is Next Page.]**

CITY OF GREELEY, COLORADO

By: \_\_\_\_\_  
Mayor

Date: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_  
City Clerk

APPROVED AS TO LEGAL FORM:

By: \_\_\_\_\_  
City Attorney

APPROVED AS TO CONTENT:

By: \_\_\_\_\_  
City Manager



WELD COUNTY SCHOOL DISTRICT RE-4

By: \_\_\_\_\_  
President, Board of Education

Date: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_  
Secretary, Board of Education

APPROVED AS TO LEGAL FORM:

By: \_\_\_\_\_  
School District Attorney

## Exhibit A: School District Planning Standards

### Student Yields

Elementary	0.330
Middle School	0.160
High School	0.210
Total	0.700

### Capacity

Elementary	600
Middle School	900
High School	1200

### Site Requirements

Elementary	10 acres
Middle School	25 acres
High School	50 acres

**Developed Land Value**     \$ 156,000

## Exhibit B: Methodology for Calculating Land Dedication and In-lieu Payments

	Student Yield	Site Requirement Acres	Capacity	Acres Per Student	Acres Per Unit	Land Value	Cash In Lieu
<b>Single Family - d</b>							
Elementary	0.330	10	600	0.017	0.00550	\$ 156,000	\$ 858
Middle School	0.160	25	900	0.028	0.00444	\$ 156,000	\$ 693
High School	0.210	50	1200	0.042	0.00875	\$ 156,000	\$ 1,365
Total	0.700	85		0.086	0.01869		\$ 2,916
<b>Single Family - a</b>							
Elementary	0.150	10	600	0.017	0.00250	\$ 156,000	\$ 390
Middle School	0.070	25	900	0.028	0.00194	\$ 156,000	\$ 303
High School	0.080	50	1200	0.042	0.00333	\$ 156,000	\$ 520
Total	0.300	85		0.086	0.00778		\$ 1,213
<b>Multi Family</b>							
Elementary	0.210	10	600	0.017	0.00350	\$ 156,000	\$ 546
Middle School	0.100	25	900	0.028	0.00278	\$ 156,000	\$ 433
High School	0.050	50	1200	0.042	0.00208	\$ 156,000	\$ 325
Total	0.360	85		0.086	0.00836		\$ 1,304
<b>Mobile Homes</b>							
Elementary	0.289	10	600	0.017	0.00482	\$ 156,000	\$ 751
Middle School	0.146	25	900	0.028	0.00406	\$ 156,000	\$ 633
High School	0.165	50	1200	0.042	0.00688	\$ 156,000	\$ 1,073
Total	0.600	85		0.086	0.01575		\$ 2,457

CITY OF GREELEY, COLORADO  
RESOLUTION NO. \_\_ , 2020

A RESOLUTION OF THE CITY OF GREELEY COUNCIL AUTHORIZING THE  
CITY TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT  
CONCERNING LAND DEDICATIONS OR PAYMENTS IN-LIEU FOR SCHOOL  
PURPOSES WITH WELD COUNTY SCHOOL DISTRICT 6

WHEREAS, local governments are encouraged and authorized to cooperate or contract with other units of government, pursuant to section 29-20-105, C.R.S., for the purpose of planning or regulating the development of land, including, but not limited to, the joint exercise of planning, zoning, subdivision, building, and related regulations; and

WHEREAS, Section 22-54-102(3)(a), C.R.S., authorizes local governments to cooperate with school districts through intergovernmental agreements to fund, construct, maintain, or manage capital construction projects, provided that funding is provided by a source of local government revenue that is otherwise authorized by law; and

WHEREAS, pursuant to section 31-23-206, C.R.S., the City of Greeley (“the City”) has adopted through the City of Greeley Comprehensive Plan various goals, policies, and supporting data in order to plan for the orderly growth of the City; and

WHEREAS, pursuant to sections 31-23-301 and -303, C.R.S., the City is furthermore authorized to regulate and restrict the density of population of the City for the purpose of promoting health, safety, morals, and general welfare of the community; and to adopt regulations in accordance with the comprehensive plan to facilitate the adequate provision of schools; and

WHEREAS, the growth in residential land development in the City necessitates the building of additional school facilities and making improvements to existing school facilities in order to accommodate the corresponding increases in the student population. The dedication of sites and land areas for schools, or payments in lieu thereof (“in-lieu payments”), made in connection with new residential construction within the City, will help to meet such demand; and

WHEREAS, the Weld County School District 6 (“the School District”) has adopted certain planning standards and a methodology for calculating the nature and extent of the impact any proposed land-use approval by the City will have on the adequacy of school sites for the School District and the future residents thereof; and

WHEREAS, the City is authorized by state and local law to adopt appropriate ordinances and regulations for the purpose of promoting and preserving the public health, safety, and welfare of the citizens of the City; and,

WHEREAS, there is an essential nexus between the need for the dedication of school sites or in-lieu payments and the legitimate local governmental interest of promoting and preserving the public health, safety, and welfare of the citizens of the City and the School District; and

WHEREAS, in order to provide adequate school facilities to serve new residential land developments, it is imperative that the School District be consulted regarding land dedication or in-

lieu payments for school sites in order to achieve rational and cost-effective planning and to assure that the dedication or in-lieu payment requirements are roughly proportional to the impact of the proposed use on the City and School District, and

WHEREAS, school land dedication or in-lieu payments serve to implement the City's Comprehensive Plan, by making provisions for public improvements in a manner appropriate for a modern, efficiently functioning City; and by implementing those provisions of the Plan that are intended to ensure that new development does not negatively impact the provision of municipal services. Such dedication or in-lieu payments specifically promote Council's Goal EH-4: "Support and collaborate with the city's school districts" and Objective EH-4.1: "[W]ork with the school districts and developers of residential projects to set aside sites for schools needed to serve their developments;" and

WHEREAS, in cases where annexation is proposed, resulting in future zoning and subdivision, the City has an affirmative requirement, per section 31-12-108.5(1), C.R.S., to prepare a report prior to annexation addressing the effect of the proposed annexation upon the School District "including the estimated number of students generated and the capital construction required to educate such students." Upon completion of a statutorily required public hearing, the City must determine whether the state statutory requirements for annexation are met, and whether additional terms and conditions should be imposed; and

WHEREAS, the City, upon consideration of the effect of residential land developments and the ability of the School District to provide school facilities in the City, has determined that it is in the best interests of the citizens of the City to enter into an Intergovernmental Agreement with the School District for the purpose of providing for the dedication of land for school sites or payments in lieu thereof as provided in this Agreement; and

WHEREAS, the City and School District desire to define their respective rights and obligations with respect to the planning, collection, and use of such land dedications and in-lieu payments.

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

Section 1. City Council hereby authorizes the mayor to enter into that Intergovernmental Agreement, attached hereto as Exhibit A, and incorporated herein by reference.

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

Section 3. This Ordinance shall become effective five (5) days following its final publication, as provided by the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020.

ATTEST:

THE CITY OF GREELEY,  
COLORADO

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

**INTERGOVERNMENTAL AGREEMENT CONCERNING LAND DEDICATIONS OR PAYMENTS IN-LIEU FOR SCHOOL PURPOSES**

THIS AGREEMENT is entered into by and between the Weld County School District 6 ("School District"), a political subdivision of the State of Colorado, and the City of Greeley, Colorado ("City"), a municipal corporation of the State of Colorado, to be effective as of the \_\_\_\_\_ day of \_\_\_\_\_, 2020 ("Effective Date").

**RECITALS**

A. Local governments are encouraged and authorized to cooperate or contract with other units of government, pursuant to section 29-20-105, C.R.S., for the purpose of planning or regulating the development of land, including, but not limited to, the joint exercise of planning, zoning, subdivision, building, and related regulations.

B. Section 22-54-102(3)(a), C.R.S., authorizes local governments to cooperate with school districts through intergovernmental agreements to fund, construct, maintain, or manage capital construction projects, provided that funding is provided by a source of local government revenue that is otherwise authorized by law.

C. Pursuant to section 31-23-206, C.R.S., the City has adopted through the City of Greeley Comprehensive Plan various goals, policies, and supporting data in order to plan for the orderly growth of the City.

D. Pursuant to sections 31-23-301 and -303, C.R.S., the City is furthermore authorized to regulate and restrict the density of population of the City for the purpose of promoting health, safety, morals, and general welfare of the community; and to adopt regulations in accordance with the comprehensive plan to facilitate the adequate provision of schools.

E. The growth in residential land development in the City necessitates the building of additional school facilities and making improvements to existing school facilities in order to accommodate the corresponding increases in the student population. The dedication of sites and land areas for schools, or payments in lieu thereof ("in-lieu payments"), made in connection with new residential construction within the City, will help to meet such demand.

F. The School District has adopted certain planning standards and a methodology for calculating the nature and extent of the impact any proposed land-use approval by the City will have on the adequacy of school sites for the School District and the future residents thereof.

G. The City is authorized by state and local law to adopt appropriate ordinances and regulations for the purpose of promoting and preserving the public health, safety, and welfare of the citizens of the City.

H. There is an essential nexus between the need for the dedication of school sites or

in-lieu payments and the legitimate local governmental interest of promoting and preserving the public health, safety, and welfare of the citizens of the City and the School District.

I. In order to provide adequate school facilities to serve new residential land developments, it is imperative that the School District be consulted regarding land dedication or in-lieu payments for school sites in order to achieve rational and cost-effective planning and to assure that the dedication or in-lieu payment requirements are roughly proportional to the impact of the proposed use on the City and School District.

J. School land dedication or in-lieu payments serve to implement the City's Comprehensive Plan, by making provisions for public improvements in a manner appropriate for a modern, efficiently functioning City; and by implementing those provisions of the Plan that are intended to ensure that new development does not negatively impact the provision of municipal services. Such dedication or in-lieu payments specifically promote Council's Goal EH-4: "Support and collaborate with the city's school districts" and Objective EH-4.1: "[W]ork with the school districts and developers of residential projects to set aside sites for schools needed to serve their developments."

K. In cases where annexation is proposed, resulting in future zoning and subdivision, the City has an affirmative requirement, per section 31-12-108.5(1), C.R.S., to prepare a report prior to annexation addressing the effect of the proposed annexation upon the School District "including the estimated number of students generated and the capital construction required to educate such students." Upon completion of a statutorily required public hearing, the City must determine whether the state statutory requirements for annexation are met, and whether additional terms and conditions should be imposed.

L. The City, upon consideration of the effect of residential land developments and the ability of the School District to provide school facilities in the City, has determined that it is in the best interests of the citizens of the City to enter into an Intergovernmental Agreement with the School District for the purpose of providing for the dedication of land for school sites or payments in lieu thereof as provided in this Agreement.

M. The City and School District desire to define their respective rights and obligations with respect to the planning, collection, and use of such land dedications and in-lieu payments.

## **AGREEMENT**

NOW, THEREFORE, in consideration of the objectives, policies, and findings expressed in the Recitals to this Agreement, incorporated by this reference, and the mutual promises contained in this Agreement, the City and School District agree as follows:

1. Definitions. Capitalized terms used herein and not otherwise defined have the meanings specified below:

"Developer" means the person or entity seeking land-use approval from the City and the party responsible for land dedication or in-lieu payments hereunder.

"Dwelling Unit" means a housekeeping unit designed and used for occupancy by a single individual or a family, containing cooking, living, sleeping, and sanitary facilities and having a separate entrance.

"Land Development Project" or "Project" means any proposed annexation, subdivision approval or any subsequent amendment to a previously approved development proposal that will result in new or additional Dwelling Units or a population density or population greater than that contemplated by the previously approved development proposal.

"Methodology" means the formulas, based upon the School Planning Standards, for calculating land dedication requirements and in-lieu payments, as shown on Exhibit B, attached hereto and incorporated by this reference, as amended from time to time as provided herein.

"School Planning Standards" or "Standards" means the adopted School District land use standards set forth on Exhibit A, attached hereto and incorporated by this reference, as amended from time to time as provided herein, that include student yields per dwelling unit for separate school levels, school facility enrollment capacities, school site acreage requirements, and the fair market value of real property that is located within the boundaries of both the City and the School District.

2. Determination of Land Dedication or In-Lieu Payment Requirements.

a. The City and School District find and agree that the current School Planning Standards in Exhibit A are reasonable, that there is an essential nexus between the dedication or payment contemplated and a legitimate local government interest, and that the dedication or payment is roughly proportional both in nature and extent to the impact of the proposed Land Development Project. The City and School District furthermore agree that the current School Planning Standards in Exhibit A will be administratively reviewed annually by both the School District and the City no later than April 1 of each calendar year and adjusted by mutual agreement as needed so that the then-current Standards will apply to any proposed Land Development Project thereafter.

b. Prior to or at the time that any proposed plans are submitted to the City for any Land Development Project, the Superintendent of the School District or a designee will meet with the Developer, for the purpose of determining whether the School District desires the dedication of any land for schools within the Project, consistent with the School Planning Standards. In the event the School District requests a dedication of land that, based upon the application of the Standards and Methodology, results in a parcel that in itself would be of insufficient size for a school site, the School District agrees to discuss with the Developer:

- i. the potential reservation by the Developer or acquisition by the School District of the balance of the property needed to provide an adequate site; or
- ii. an in-lieu payment as provided in this Agreement in the event the dedication of sites and land areas is not deemed feasible or in the best interests of the School District.



c. Upon formal submission of an application for any proposed Land Development Project to the City, the City will submit the Developer's proposal to the School District for its review, comments, and recommendations concerning the adequacy of school sites and facilities within the context of the proposed Land Development Project. The School District will promptly review the proposal and submit its comments and recommendations to the City.

d. The School District will make a determination concerning the impact of the Project upon the adequacy of school sites and facilities based upon the School Planning Standards which are in effect at the time the Developer's proposal is submitted by the City to the School District for its review.

e. Upon receipt of the School District's determination as to whether land should be dedicated, the City will, to the extent permitted by law, implement said determination as provided in subsection (f) below.

f. The City agrees that as a condition of final approval of a subdivision plat for a Land Development Project, it will: (i) require proof of the dedication of land or the appropriate reservation of land for future dedication to the School District in accordance with Section 3 below, or (ii) require proof that the cash-in-lieu payment, as described in Section 4 below, has been paid to and received by the School District. The Superintendent of the School District, or the Superintendent's designee, will provide such proof in a timely manner to the Community Development Department of the City. This requirement will apply to each Land Development Project for which application is made on or after the effective date of this Agreement, subject only to the exemptions contained in Section 7 below.

### 3. Conveyance of Dedicated Land.

a. If land is to be dedicated to the School District as part of the approval of any Land Development Project, the School District will notify the City in writing. Upon receipt of such notification, the City will thereafter accept the final plat for the Land Development Project, or any portion of it, for recording only if such plat provides for the contemporaneous dedication and conveyance of such land to the School District.

b. If land is to be reserved for future dedication to the School District as part of the approval of any Land Development Project, the School District will so notify the City in writing. Upon receipt of such notification, the City will thereafter accept the final plat for the Land Development Project, or any portion of it, for recording only if such plat shows the reservation of such land for such future dedication to the School District. Dedication of the reserved site shall occur no later than the date of final approval of the Land Development Project that includes the reserved site. The School District will promptly certify to the City in writing that the dedication has been made. In the event that the School District determines, in its sole discretion, that the dedication of a reserved site is necessary prior to the issuance of any building permit for the Project within which such site is located, the School District will so notify the person(s) shown by the records of the Weld County Assessor as being the then-current owner(s) of such site. Said notice will be sent by certified mail, return receipt requested. Within 60 days of the mailing of

said notice, the reserved property that is the subject of the mailing shall be dedicated to the School District by the owner(s) thereof, as a condition of the City's final approval of the Land Development Project.

c. Prior to the issuance of the first residential building permit for the Land Development Project, the dedicated site shall have raw water dedicated, overlot grading, direct access to a publicly dedicated street improved to City standards, and utilities stubbed to the site.

d. Title to the dedicated site shall be conveyed to the School District by general warranty deed, free and clear of all liens, encumbrances, and exceptions (except those approved in writing by the School District), including, without limitation, real property taxes, which will be prorated, and paid as of, the date of conveyance. The Developer will provide a title insurance commitment and policy in an amount equal to the fair market value of the dedicated property, as a condition of the City's final approval of the Land Development Project.

e. The City and the School District agree that the substance of the preceding Subsections 3(a) through 3(d) will be required to be set forth in any preliminary, final, or annexation plats before any such plat will be approved by the City.

4. Assessment and Amount of In-Lieu Payment.

In the event that the School District determines, under Section 2 above, that the dedication of land with respect to a particular Land Development Project would not further the planning objectives of the School District, either because the parcel that could be required to be dedicated would be of insufficient size for a school site or because the location of the dedicated site would be inappropriate, then the amount of the in-lieu payment will be determined and paid to the School District, according to the Methodology then in effect, prior to approval and recording of the final plat for the Land Development Project. In the event the Developer obtains approval from the City for the phasing of the Land Development Project that results in separate filings and final plats for each phase, the Developer may defer the payment of the in-lieu payment until the recording of the final plat for each phase; provided, however, that in such case the amount of the payment will be based upon the School Planning Standards and Methodology in effect at the time of the approval of each phase.

5. Methodology for Assessing In-Lieu Payments

a. The parties agree that the Methodology has been developed in a manner so as to fairly apportion the cost of acquiring school sites made necessary by residential development, and to ensure that any in-lieu payments will be used for the purposes of school site acquisition and development and capital facilities planning within the School District boundaries senior high school feeder attendance area boundaries that include the Land Development Project for which the payment is being made, unless mutually agreed in writing by the Developer, School District, and City. All dedication requirements and in-lieu payments will be based upon the School Planning Standards and the Methodology, as the same may be amended from time to time in accordance with subparagraph (b) below and Section 2(a), which are in effect at the time the Developer applies for land-use approval.

b. The Methodology adopted pursuant to the provisions of this Agreement will be updated annually from the date of its submission to the City, or less often, as determined by the School District. The updated version of Exhibit B, reflecting such changes, will be furnished to the City within thirty (30) days after their adoption by the School District.

6. Collection, Deposit, and Expenditure of In-Lieu Payments.

a. All in-lieu payments paid to the School District shall be properly identified and promptly deposited into a separate interest-bearing account in the name of the School District authorized by sections 24-75-601 to -605, C.R.S. The School District will be the owner of the funds in the account.

b. The funds deposited into the account will be earmarked and expended solely for the purposes of school site acquisition and development and capital facilities planning within the senior high school feeder attendance area boundaries that include the Land Development Project for which the payment was made. The time for, nature, method, and extent of such planning or development will be within the sole discretion of the School District.

7. Exemptions.

a. The following will be exempted from land dedication or in-lieu payment requirements:

- i. Alteration or expansion of a Dwelling Unit.
- ii. Replacement of a Dwelling Unit.
- iii. Construction of an accessory building, or structure.
- iv. Long-term care facilities or group homes as defined in the City's municipal code.
- v. Commercial and industrial developments.

b. Any claim of exemption as provided in this Section 7 shall be made no later than the time of submission of the Project for approval. Any claim not so made may be deemed by the School District and the City to have been waived by the Developer.

8. Annual Report, Accounting, and Audit.

a. The School District will establish and maintain an accounting system to ensure that all in-lieu payments are expended in accordance with Section 6(b) above.

b. The School District and the City will cause an audit to be performed annually of the in-lieu payments collected and expended in accordance with this Agreement. The audit will be conducted in accordance with generally accepted accounting principles for governmental

entities and may be part of any general audit annually conducted by the School District. A copy of said audit will be furnished to the City. The cost of the audit will be paid from the School District's general fund.

c. At any time deemed necessary, the City may request an accounting from the Superintendent of the School District concerning the expenditure of the in-lieu payments made to the School District.

9. Term.

The term of this Agreement will commence on the Effective Date hereof and continue for a period of ten (10) years thereafter unless the City repeals the implementing ordinance adopted by the City concurrent with this Agreement. This Agreement will automatically renew for additional ten (10) year periods unless one party notifies the other of intent to non-renew at least 30 days prior to expiration of the then current term.

10. Miscellaneous.

a. Faith and Credit. Neither party will extend the faith or credit of the other to any third person or entity.

b. Amendments. This Agreement may be amended only by mutual agreement of the parties, evidenced by a written instrument authorized and executed with the same formality as accorded this Agreement.

c. Notice. Any notice required by this Agreement shall be in writing. If such notice is hand delivered or personally served, it will be effective immediately upon such delivery or service. If given by mail, it will be by certified mail, return receipt requested, and addressed to the following addresses:

City of Greeley  
1000 10<sup>th</sup> Street  
Greeley, CO 80631  
Attention: City Manager

Weld County School District 6  
Attention: Superintendent of Schools  
1025 9th Avenue  
Greeley, CO 80631

Notice given by mail will be effective three days after it is deposited in the United States mail depository correctly addressed and with sufficient postage for delivery.

d. Governing Law. This Agreement and the rights and obligations of the parties hereto will be interpreted and construed in accordance with the laws of the State of Colorado.

e. Severability. If this Agreement, or any portion of it, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, the Parties will deem that portion to be a separate, distinct, and independent provision, and such holding will not affect the validity of the remaining portions of the Agreement.

f. Indemnification. The City agrees to cooperate in the defense of any legal action that may be brought contesting the validity of this Agreement or the implementing ordinances. The School District will be responsible for defending such claim (whether filed against the City, the School District, or both) and for the payment of any final monetary judgment entered against the City in any such action. Nothing contained in this Agreement constitutes any waiver for the City or the School District of the provisions of the Colorado Governmental Immunity Act or other applicable immunity defense. This provision will survive termination of the Agreement, and be enforceable until all claims are precluded by statutes of limitation.

g. Survival. Any provision or obligation of this Agreement, for the benefit of either party, that has not been fully performed or discharged at the time of termination will survive such termination and continue to bind the party until the expiration of any applicable legal or equitable period of limitation.

h. Financial Obligations. This Agreement is not a pledge of the credit of the City or the School District, or a collection or payment guarantee by the City to the School District. Nothing in this Agreement may be construed to create a multiple-fiscal year direct or indirect municipal or district debt or financial obligation.

i. No Third Party Beneficiaries. None of the terms, conditions, or covenants in this Agreement gives or allows any claim, benefit, or right of action by any third person not a party hereto. Any person other than the City or the School District receiving services or benefits under this Agreement is only an incidental beneficiary.

j. Recording of Agreement. This Agreement will be recorded by the School District with the Weld County Clerk and Recorder.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, which is in full force and effect the day and year first above written.

**[Signature Page Is Next Page.]**

CITY OF GREELEY, COLORADO

By: \_\_\_\_\_  
Mayor

Date: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_  
City Clerk

APPROVED AS TO LEGAL FORM:

By: \_\_\_\_\_  
City Attorney

APPROVED AS TO CONTENT:

By: \_\_\_\_\_  
City Manager

WELD COUNTY SCHOOL DISTRICT 6

By: \_\_\_\_\_  
President, Board of Education

Date: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_  
Secretary, Board of Education

APPROVED AS TO LEGAL FORM:

By: \_\_\_\_\_  
School District Attorney

**EXHIBIT A**

**SCHOOL PLANNING STANDARDS**

**I. Student Yields (per dwelling unit)**

	Single Family Detached	Single Family Attached	Multifamily Development	Manufactured Home
Elementary School	0.33	0.17	0.07	0.30
Middle School	0.13	0.07	0.03	0.15
High School	0.18	0.07	0.04	0.17

**II. School Facility Enrollment Capacities**

Elementary School	700
Middle School	900
High School	1800

**III. School Site Acreage Requirements**

Elementary School	15.5
Middle School	27.5
High School	46

**IV. Developed Land Value**

The district uses a fixed \$157,312 value per acre.



**EXHIBIT B**

**METHODOLOGY**

Based on the School District Planning Standards contained in Exhibit A and the presumption of developed land value of \$157,312/acre, calculation of land dedication or in-lieu payments uses the following procedures:

**Single Family Detached Housing**

*Elementary School Procedure*

(15.5 acres ÷ 700 students = 0.022 acres/student)

1.  $0.33 \times 0.022 = 0.0073 \times \$157,312 = \$1,149$

*Middle School Procedure*

(27.5 acres ÷ 900 students = 0.031 acres/student)

1.  $0.13 \times 0.031 = 0.0040 \times \$157,312 = \$625$

*High School Procedure*

(46 acres ÷ 1800 students = 0.026 acres/student)

1.  $0.18 \times 0.026 = 0.0046 \times \$157,312 = \$724$

*Summary*

The total land dedication or in-lieu payment per dwelling unit is:

	Land	In-Lieu Payment
Elementary School	0.0073 acres	\$1,149
Middle School	0.0040 acres	\$625
High School	0.0046 acres	\$724
TOTAL	0.0159 acres	\$2,498

## Single Family Attached Housing

### *Elementary School Procedure*

(15.5 acres ÷ 700 students = 0.022 acres/student)

2.  $0.17 \times 0.022 = 0.0038 \times \$157,312 = \$592$

### *Middle School Procedure*

(27.5 acres ÷ 900 students = 0.031 acres/student)

2.  $0.070 \times 0.031 = 0.0021 \times \$157,312 = \$336$

### *High School Procedure*

(46 acres ÷ 1800 students = 0.026 acres/student)

2.  $0.070 \times 0.026 = 0.0018 \times \$157,312 = \$281$

### *Summary*

The total land dedication or in-lieu payment per dwelling unit is:

	Land	In-Lieu Payment
Elementary School	0.0038 acres	\$592
Middle School	0.0021 acres	\$336
High School	0.0018 acres	\$281
<b>TOTAL</b>	<b>0.0077 acres</b>	<b>\$1,210</b>

## Multifamily Development

### *Elementary School Procedure*

(15.5 acres ÷ 700 students = 0.022 acres/student)

3.  $0.070 \times 0.022 = 0.0016 \times \$157,312 = \$244$

### *Middle School Procedure*

(27.5 acres ÷ 900 students = 0.031 acres/student)

3.  $0.030 \times 0.031 = 0.0009 \times \$157,312 = \$144$

### *High School Procedure*

(46 acres ÷ 1800 students = 0.026 acres/student)

3.  $0.040 \times 0.026 = 0.0010 \times \$157,312 = \$161$

### *Summary*

The total land dedication or in-lieu payment per dwelling unit is:

	Land	In-Lieu Payment
Elementary School	0.0016 acres	\$244
Middle School	0.0009 acres	\$144
High School	0.0010 acres	\$161
TOTAL	0.0035 acres	\$549

## Manufactured Home Dwelling

### *Elementary School Procedure*

(15.5 acres ÷ 700 students = 0.022 acres/student)

4.  $0.300 \times 0.022 = 0.0066 \times \$157,312 = \$1,045$

### *Middle School Procedure*

(27.5 acres ÷ 900 students = 0.031 acres/student)

4.  $0.150 \times 0.031 = 0.0046 \times \$157,312 = \$721$

### *High School Procedure*

(46 acres ÷ 1800 students = 0.026 acres/student)

4.  $0.170 \times 0.026 = 0.0043 \times \$157,312 = \$683$

### *Summary*

The total land dedication or in-lieu payment per dwelling unit is:

	Land	In-Lieu Payment
Elementary School	0.0066 acres	\$1,045
Middle School	0.0046 acres	\$721
High School	0.0043 acres	\$683
<b>TOTAL</b>	<b>0.0155 acres</b>	<b>\$2,449</b>



May 6, 2020

Dear Greeley City Council:

First, I want to thank you for your service to the community during these challenging times. This letter represents the work of a large group of people cooperating across multiple agencies for the benefit of our shared investment in the Greeley area students. I want to thank the City of Greeley for working with our school districts to achieve our mutual goal of maintaining a thriving community.

Eaton School District RE2 is jointly requesting with Greeley District 6 and Weld Re4 that you entertain adopting in-lieu land dedication fees as part of the approval process for new residential development. In-lieu land fees have been a successful tool for school districts across the state to offset the demand for additional school facilities that are created whenever a new residential development is approved. These fees exist in nearly every other city and school district in the state.

In Eaton RE2, we have agreements in place with the Town of Eaton, the Town of Severance, and Weld County. The fee does not cost the government agency anything; it is a pass-through fee paid by the developer or homeowner. Existing homeowners in our school district support the fee because they feel that the developer should be held responsible for impacting the school district's ability to deliver the same quality of instruction to more students. Developers see the fee as an investment in their project because high-quality schools help sell houses. Cities and counties have adopted the fee because they know that having inadequate facilities and schools puts them at a disadvantage when trying to attract businesses to the area.

As a life-long resident of Weld County, I have had a front-row seat to the transformation of Greeley, and the implementation of the "Imagine Greeley" comprehensive plan. The core value of a "premier educational system and commitment to life-long learning" shows your foresight that partnerships with K-12 and post-secondary institutions will help the community thrive. As Greeley grows, I invite you to embrace all three school districts that operate within your boundaries as part of the plan and consider approving the in-lieu land fees as part of our mutual investment in the future success of our community. Eaton RE2 is ready to contribute to the "Imagine Greeley" mission and vision.

Thank you again for reviewing our proposal. Please contact me if you have any questions.

Sincerely,

Bridgette Muse,  
Superintendent



May 13, 2020

Dear Greeley City Council:

Thank you for the time and hours put into serving the citizens of Greeley. To lead during such a difficult time is critical to how we weather the storm, as well as our efforts to rebound and rebuild. Thank you for your leadership.

Over the last few months, the Weld RE-4 School District has worked closely with the Eaton RE-2 and Greeley 6 school districts, in conjunction with the City of Greeley to create an adequate proposal for a cash-in-lieu Intergovernmental Agreement (IGA). The rapid growth of the communities within our district boundaries, which encompasses portions of Greeley, Windsor, Severance and unincorporated Weld County, provides a unique challenge in meeting the needs of all our students. Of significant concern is having school buildings that are ready and available to provide meaningful education. In our efforts to provide facilities we have valued the partnerships we have through cash-in-lieu IGAs with the Towns of Windsor, Severance and unincorporated Weld County.

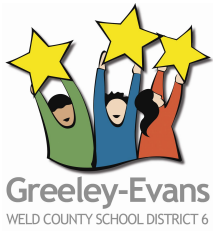
The cash-in-lieu IGAs we have in place have been vital in our Master Planning process. The fees collected over the last twenty years have allowed our district to continue to move forward with a strong, long-term facility master plan. A key aspect of this master plan is the ability to plan for future school sites. A similar IGA with the City of Greeley will greatly help the Weld RE-4 District move forward in continuing to master plan for the future and meet the needs of the community members we both serve. In the long term, the joint IGA will benefit the constituents of our communities by lowering bond tax impacts for voters as land for school sites will already have been secured.

Education is a foundational part of society and schools are a center point of any community. Thank you for considering the proposed Intergovernmental Agreement in continuing to move the City of Greeley, Weld RE-4 School District, Eaton RE-2 School District, and Greeley District 6 forward.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dan R. Seegmiller", is written over a faint circular stamp.

Dan Seegmiller  
Superintendent, Weld RE-4



DEIRDRE PILCH, Ed.D.

SUPERINTENDENT

1025 Ninth Avenue  
Greeley, Colorado 80631  
970-348-6012  
dpilch@greeleyschools.org

May 15, 2020

Dear Greeley City Council,

On behalf of the Greeley-Evens School District 6 community, I would like to thank you for including the city's public schools in the Greeley City Council 3-Year Priorities to Accomplish 2040 Vision Plan. The successes and achievements of our schools, students, and city go hand-in-hand.

Greeley-Evens School District 6 is jointly requesting with Weld Re4 and Eaton School District RE2 that you consider adopting in-lieu land dedication fees as a part of the approval process for new residential developments. In-lieu land fees have been a successful tool for school districts to use across the state to offset the demand for additional school facilities that are created whenever a new residential development is approved.

The 2020 Annual Growth and Development Projections Report, published by the City of Greeley, shows that 24 residential projects of 15 units or higher were processed between 2017-2019. The 24 projects listed combined have approximately 5,200 residential units. As these new housing units are filled, it will impact already over-capacity school buildings in District 6. These pass-through fees paid for by developers allow school districts to purchase land for new school sites to accommodate growth.

Cash in-lieu fees exist in nearly every other city and school district in the State of Colorado. Approval of these fees will provide school districts within the City of Greeley boundaries to offer competitive facilities that can help attract businesses to the area. Greeley-Evens School District 6 appreciates your support for this proposal. Thank you for your review and consideration.

Sincerely,

Deirdre Pilch, EdD  
Superintendent of Schools



May 12, 2020

The Honorable Mayor John Gates and  
The City Council of Greeley Colorado  
City of Greeley, 1000 10th Street  
Greeley, Colorado 80631

Mayor Gates and Council Members:

I am writing in support of the Greeley 6 School District request for a land dedication and fee-in-lieu of land dedication system to be applied within the City of Greeley. Although it may be difficult to imagine housing growth and future needs given the current pandemic atmosphere, I believe that the City of Greeley’s growth potential remains robust and well-planned community facilities are as important as ever. My perspective as someone who works all over the Western U. S. reinforces how successful Greeley has been in providing an affordable, service-driven environment for young families. The majority of Front Range school districts have had land dedication or fee-in-lieu of land dedication systems for decades. Site dedication and fee systems have helped districts locate schools in the best, long-term locations. This tool is already in place for the surrounding towns of Eaton, Windsor, Severance and others. Having a fee system would allow Greeley to remain competitive during the coming decade both in housing product marketability and in quality of community facilities.

As you know, most of our area school districts are fragmented between multiple municipal jurisdictions. This has led to confusion on the part of the developer / builder community as various subdivisions may or may not have fees in certain areas. This has created odd competitive situations and school logistics challenges given the development pattern. Therefore, Greeley 6 is jointly requesting the creation of a site ordinance along with the other school districts that are located within the municipal limits of Greeley. We believe that a consistent school site approach for Greeley will make the City more competitive as a community and add value to new home projects as they arise during the coming decades.

Given the typical smaller size of most land developments along the Front Range, the majority of the school districts are collecting fee-in-lieu instead of receiving school land dedication of smaller acreages. This revenue is consolidated so that appropriate sites may be purchased in the best locations to serve student growth needs. Accordingly, most fees are a “pass-through fee” for the City and the majority of developers and builders are expecting fees and seek a uniform competitive environment. Most homebuilders have experienced fees elsewhere and only ask the dedication and fee requirements be fair, reasonable and regionally consistent. The combined effect of currently approved residential projects and vacant land in Greeley and Evans will produce significant student impacts. If a land dedication and fee-in-lieu system were implemented, the currently proposed developments and others in the future would contribute to a funding base that would allow Greeley 6 to purchase appropriate school sites in smart locations.

The Greeley / Evans area has emerged as a prime address for young families seeking affordable housing and employment opportunities. The high level of community services, high density of human service providers and educational opportunities in the City of Greeley make the community very attractive for the family demographic. I believe that smart school sites will reinforce this service-driven model and contribute to Greeley’s reputation as a supportive environment for families. Even in difficult economic times, schools are a positive investment for developers, realtors, and others promoting homeownership, strong neighborhoods, and quality of life.

Thank you for consideration of our request of a land dedication and fee-in-lieu system for school sites. Please let me know if you have questions.



Sincerely,  
**Shannon Bingham**, President, Western Demographics, Inc.



**IGAs Concerning Land Dedications or  
Payments In-Lieu for School Purposes:  
Eaton School District RE-2, Weld RE-4 School District,  
and the Weld County School District 6**

**City Council Hearing  
June 16, 2020**

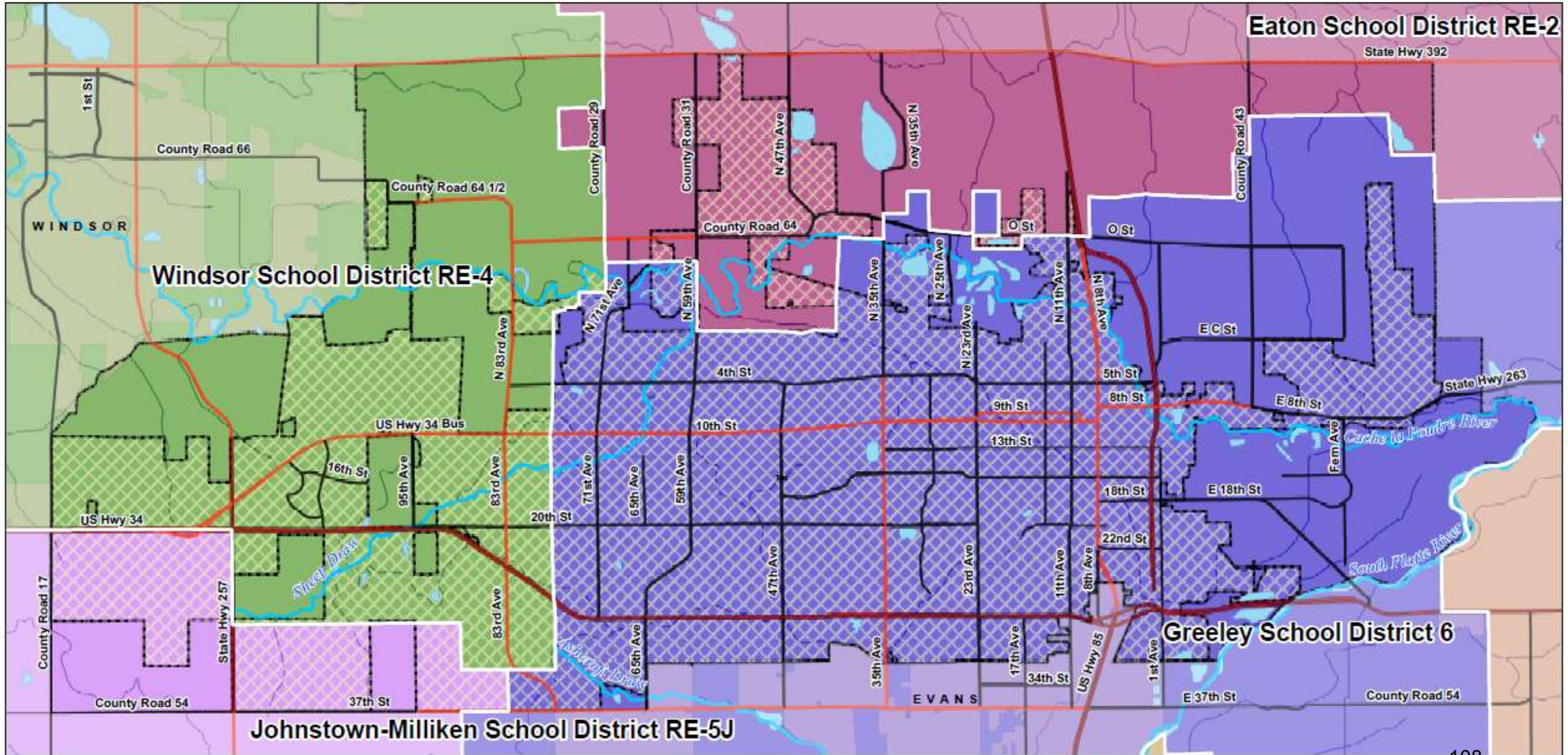
# Highlights from February Council Worksession

- **New residential subdivisions create new students and, with them, new demand for school sites**
- **There is no current mechanism for ensuring new school sites concurrent with residential growth**
- **There are three school districts in Greeley's Long-Range Expected Growth Area: D6, RE-2, and RE-4**
- **RE-2 & RE-4 have had existing IGAs with Weld County, Windsor, Severance and Eaton for several years**

# Background

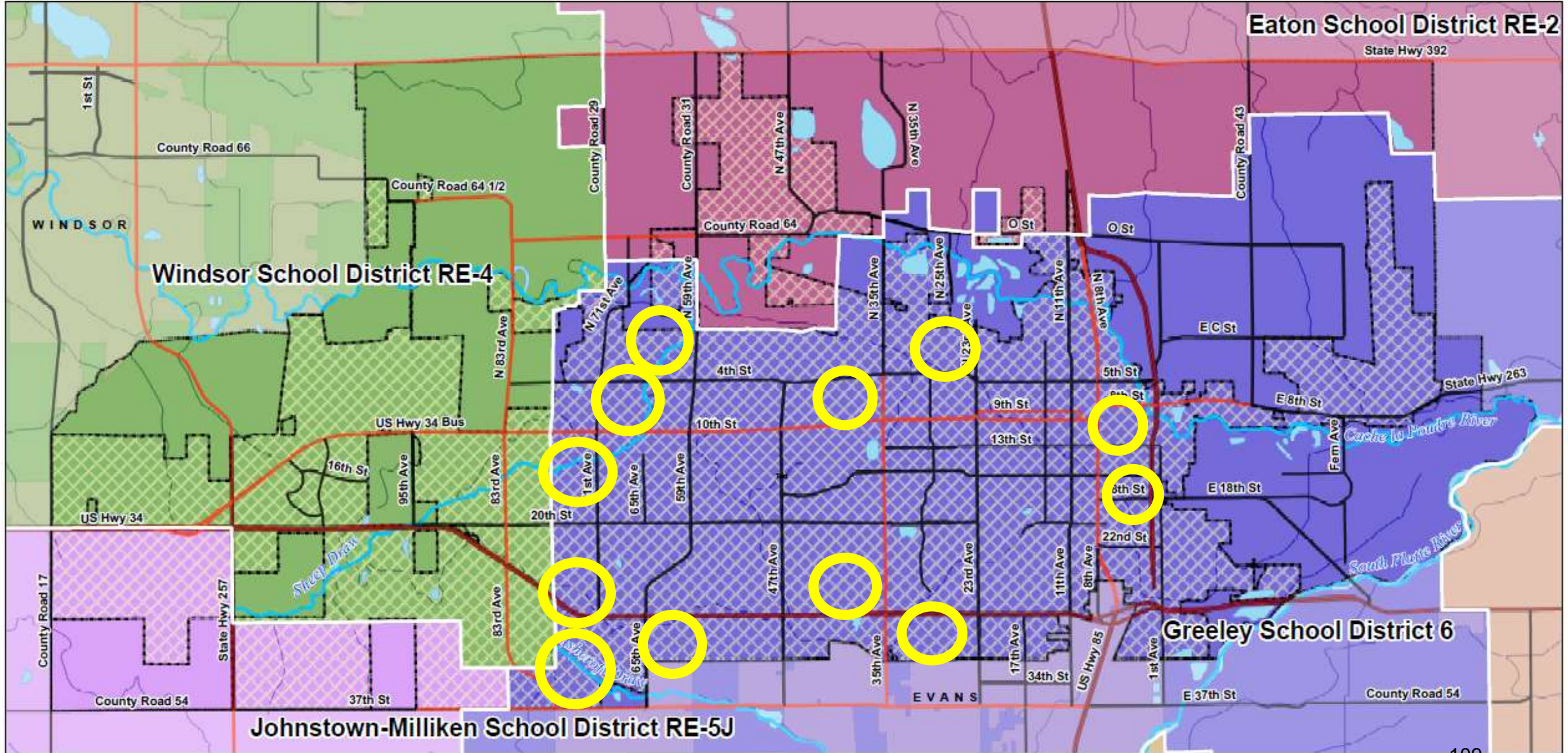
- **Through the IGAs, Greeley will ensure that new development provides a fee-in-lieu of land dedication to offset the new demand for school sites**
- **In some instances, land is dedicated instead of in-lieu fees**
- **This is a common practice, adopted by most larger jurisdictions in the state. Developers are familiar with this practice.**
- **RE-2 & RE-4 have had this resource for growth for years**
- **All three school districts would benefit from the proposal**
- **The same is proposed with the City of Evans**

# SCHOOL DISTRICTS IN GREELEY



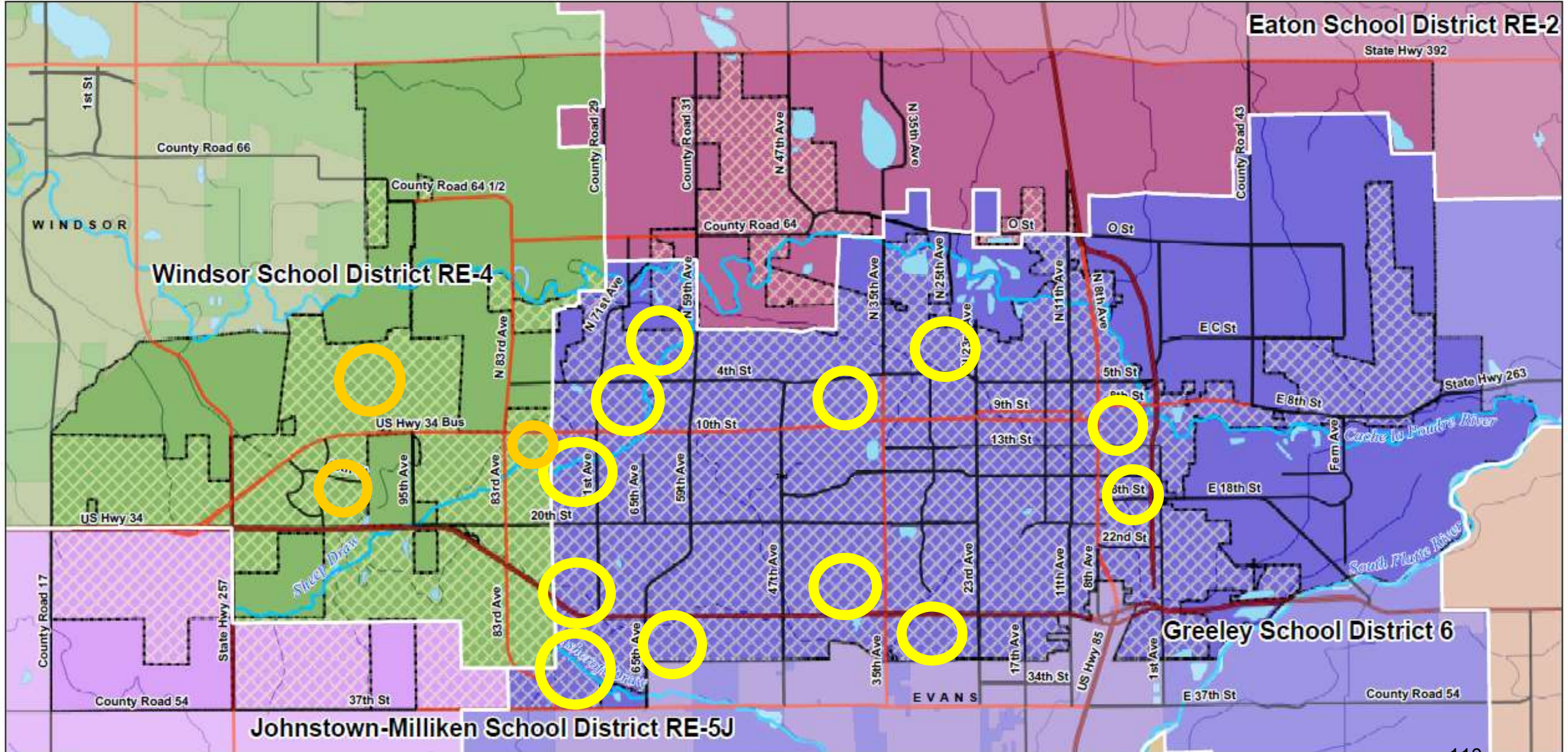
# Likely Residential Development Next 1 – 3 Years, District 6

## SCHOOL DISTRICTS IN GREELEY



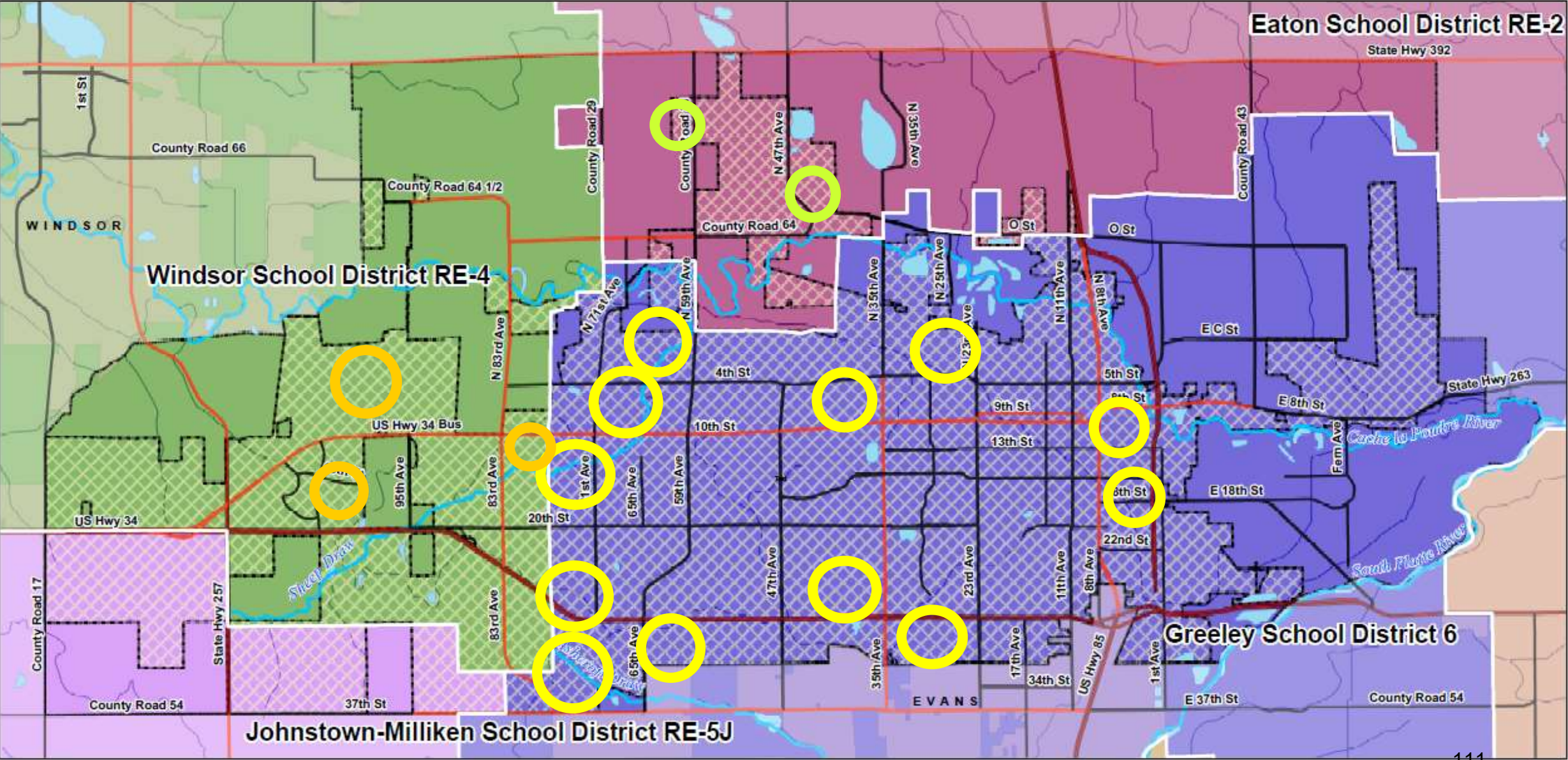
# Likely Residential Development Next 1 – 3 Years, RE-4 Added

## SCHOOL DISTRICTS IN GREELEY



# Likely Residential Development Next 1 – 3 Years, RE-2 Added

## SCHOOL DISTRICTS IN GREELEY



# IGA Process

- **Substantively the same IGA with each of the three school districts**
- **Format and process is the same as those in place in surrounding jurisdictions (Weld, Eaton, Windsor, etc.)**
- **Fees differ based on each districts' student generation rates and adopted school site sizes**
- **Fees differ by housing types (because of different average student generation rates)**



# IGA Process

- **Letters of request from each of the district leadership**
- **Developer forum discussion in May**
- **Update on school board actions**

## **Recommendation:**

- **Approval**
- **Adoption requires three separate motions**

# Council Agenda Summary

June 16, 2020

## **Agenda Item Number 16**

### Title

Pulled Consent Agenda Items

# Council Agenda Summary

June 16, 2020

**Agenda Item Number 17**

Key Staff Contact: Robert Miller, Interim Finance Director, 350-9735

**Title:**

Public hearing and final reading of an ordinance appropriating additional sums to defray the expenses and liabilities of the City of Greeley for the balance of the fiscal year of 2020 and for funds held in reserve for encumbrances at December 31, 2019.

**Summary:**

This is the second additional appropriation ordinance modifying the 2020 budget. This appropriation ensures that existing commitments in progress at 2019 year end can be completed in 2020, designates funds for additional commitments, and appropriates new grants that have been awarded. This ordinance was introduced at the June 2, 2020 Council 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?	\$ 19,383,732
What is the annual impact?	\$ 19,383,732
What fund of the City will provide Funding?	See Ordinance
What is the source of revenue within the fund?	Fund Balance, Operating Transfers, Grants, Expense Reimbursement, Insurance Recoveries, Sale of Assets, and Private Contributions.
Is there grant funding for this item?	Yes, Items 5, 6, 12, & 14
If yes, does this grant require a match?	Yes, Items 6, 12, & 14
Is this grant onetime or ongoing?	Onetime

Additional Comments:	Total appropriations made by this ordinance are \$19,383,732. The following funding sources will be used to cover the appropriations made by this ordinance.	
	<b>Funding Sources</b>	<b>Amount</b>
	Fund Balance	\$ 15,459,353
	Grant	1,706,412
	Sale of Assets	1,203,000
	Operating Transfer	946,212
	Expense Reimbursement	53,824
	Insurance Recoveries	8,086
	Private Contributions	6,845
<b>Grand Total</b>	<b>\$ 19,383,732</b>	

**Legal Issues:**

City Charter prohibits actual expenditures from exceeding appropriations at the fund level. This ordinance will ensure that this does not occur.

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

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

**Other Issues and Considerations:**

None.

**Applicable Council Priority and Goal:**

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

**Decision Options:**

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

**Council's Recommended Action:**

A motion to adopt the ordinance and publish with reference to title only.

**Attachments:**

Ordinance  
Detail Supporting Schedule  
PowerPoint Presentation

**THE CITY OF GREELEY**  
**ORDINANCE NO. \_\_\_\_\_, 2020**

AN ORDINANCE APPROPRIATING ADDITIONAL SUMS TO DEFRAY THE EXPENSES AND LIABILITIES OF THE CITY OF GREELEY FOR THE BALANCE OF THE FISCAL YEAR OF 2020 AND FOR FUNDS HELD IN RESERVE FOR ENCUMBRANCES AT DECEMBER 31, 2019.

**WHEREAS**, the City of Greeley has or will incur expenses for certain activities described below during the 2020 fiscal year, and

**WHEREAS**, the revenues received in the City of Greeley in 2019, exceeded the amount of revenues estimated in the 2019 Budget by more than the total amount of the expenditures in the same year;

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

**Section 1.** In accordance with section 5-17 of the Greeley Charter, from actual and anticipated revenues which exceed the revenue estimates in the 2020 budget and amounts held in fund balance reserves from 2019, there is hereby appropriated the following designated sums to be allocated for use during the remainder of 2020:

<b>Fund</b>	<b>Total</b>
001 General Fund	\$ 425,143
103 Community Development	493,277
105 Conservation Trust	161,000
301 Public Improvement	2,657,128
303 Public Art	56,915
304 Food Tax	605,428
312 Transportation Development	3,964,059
316 Trails Development	389,000
318 Quality of Life	1,230,936
320 FASTER	298,642
321 Keep Greeley Moving	700,000
322 2016 City Center	4,612
404 Water	50,000
406 Water Capital Replacement	2,100,000
407 Water Rights Acquisition	5,773,000
409 Municipal Golf Courses	7,000
412 Stormwater Construction	457,380
507 Liability	10,212
<b>Grand Total</b>	<b>\$ 19,383,732</b>

**Section 2.** All actions heretofore taken (not inconsistent with the provisions of this ordinance) by the officers, agents and employees of the City in connection with this appropriation are hereby ratified, approved and confirmed.

**Section 3.** This Ordinance shall become effective five (5) days after its final publication as is provided by Section 3-16 of the Greeley Charter,

PASSED AND ADOPTED, SIGNED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

ATTEST:

THE CITY OF GREELEY

\_\_\_\_\_  
City Clerk

BY \_\_\_\_\_  
Mayor



**City of Greeley**  
**2020 Appropriation No. 2**  
**City Council Meetings: June 2nd & 16th**

Fund	Funding Source	Description	Fund Balance	Revenue	Expenditures	Net Impact
<b>001 General Fund</b>						
1	Operating Transfer: Liability	Damages occurred on January 30th, 2020 at Bittersweet Park that the need to be repaired. This request is to allow for the repairs to be completed in a timely manner. Designated fund balance from the Liability funds are being requested in advance of the pending reimbursement and restitution. In the event that funds are not able to be recovered, the existing fund balance in the Liability Fund will be used to cover these repairs.	-	10,212	10,212	-
2	Private Contributions	A radio antenna is needed for back up communication in the Emergency Operations Center (EOC). The cost of the antenna and installation was not expected. JBS granted the EOC \$800 to help with the installation of the antenna. Additionally, Atmos Energy has contributed to the purchase of paratech® gear for the Specialized Rescue team. This type of equipment is used to lower firefighters down to the individual and bring them back to safety.	-	6,845	6,845	-
3	Fund Balance	This request is to use existing carry over fund balance to support the executive search for a new Finance Director.	25,000	-	25,000	-
4	Insurance Recoveries	Insurance recoveries are necessary regarding the repair costs for an accident with the City of Greeley's tiller [CG858]. Claims from the insurance company have been received allowing the city to be reimbursed for repairing the Fire Department's tiller truck.	-	8,086	8,086	-
<b>001 General Fund</b>			<b>25,000</b>	<b>25,143</b>	<b>50,143</b>	<b>-</b>
<b>103 Community Development</b>						
5	Grant	The City of Greeley will receive \$493,277 in Community Development Block Grant-Coronavirus (CDBG-CV) funding. A Substantial Amendment to a City Consolidated Plan and Annual Action Plan is required for the new CARES ACT Grant. The 2020-2024 Consolidated Plan and 2020 Action Plan are being amended here to satisfy that requirement. A general breakdown of CDBG-CV uses is as follows: administration charges [\$89,777], extension of the cold weather shelter [\$165,660], personal isolation facility services [\$37,840] and emergency rental assistance [\$200,000].	-	493,277	493,277	-
<b>103 Community Development</b>			<b>-</b>	<b>493,277</b>	<b>493,277</b>	<b>-</b>
<b>301 Public Improvement</b>						
6	Fund Balance / Grant	Funding is requested for continued work on the Access Control Plan for 10th Street, with an additional grant of \$538,135 funded through the Colorado Department of Transportation [CDOT]. This project was not completed in 2019 due to a faulty design. Hence, construction has been delayed, extending the project beyond the three-year timeframe for rebudget.	2,118,993	538,135	2,657,128	-
<b>301 Public Improvement</b>			<b>2,118,993</b>	<b>538,135</b>	<b>2,657,128</b>	<b>-</b>
<b>303 Public Art</b>						
7	Fund Balance	Funding is requested for the completion of the "In Stall Art" restroom wrap project at the Union Colony Civic Center. Funds were remaining in the "Pain the Town" ongoing project, but it surpassed three-year timeframe for rebudget and needed to be re-appropriated. Vinyl wraps will be installed on each of the aging restroom partitions within the Union Colony Civic Center restrooms. The project will remedy the deficiency in the failing paint in aging stall panels at a significantly reduced cost to taxpayers.	56,915	-	56,915	-
<b>303 Public Art</b>			<b>56,915</b>	<b>-</b>	<b>56,915</b>	<b>-</b>

Fund	Funding Source	Description	Fund Balance	Revenue	Expenditures	Net Impact
<b>304 Food Tax</b>						
8	Operating Transfer: Conservation Trust	This request is to improve the Active Adult Center parking lot. This includes improving parking lot lighting, new and relocated landscape islands, replacement of irrigation to parking lot landscape, and realignment of parking spaces. Improved accessible parking will require the demolition of the west side berm and new brickwork on the facility façade. Funding will come from transferring existing designated fund balance in the Conservation Trust Fund.	-	120,000	120,000	-
9	Fund Balance	During 2019, significant progress was made on Americans with Disabilities Act (ADA) projects at Natural Area & Trail's trailheads. Primarily, progress included the Signature Bluffs natural area. With the transition to a stand-alone division in the same year, the remaining funds weren't able to be spent due to staff capacity. These funds also have exceeded the three year rebudget provision and are requested to be reappropriated. Remaining funds will be spent on improvements such as ADA parking spaces, ADA pads for restrooms, lighting, signage, and other improvements to make trailheads more accessible.	59,367	-	59,367	-
10	Fund Balance	The City of Greeley has over 30 miles of trails. Regular maintenance and repair is required to maintain a safe and desirable public amenity. These funds have exceeded the three year rebudget period and are being requested to be reappropriated. Capital Maintenance Projects in 2020 will include the completion of two critical projects on the Poudre River Trail where riverbanks and the trail have been undermined during past floods. In addition, design for future repair projects will be completed, with funding dependent upon completion of the 2020 repair projects.	385,061	-	385,061	-
11	Operating Transfer: Conservation Trust	Funds are requested to complete some renovations of the Paddock House at Island Grove Regional Park. Some renovations could not be completed at this house with the initial funding appropriated in 2019. This additional funding request is for window replacement (currently single-pane windows and asbestos abatement) (\$21,000); basement garage door conversion to the pedestrian entrance (\$5000); radon treatment (\$5000); and ceiling insulation (\$7000). Funding will come from transferring existing designated fund balance in the Conservation Trust Fund.	-	41,000	41,000	-
<b>304 Food Tax</b>			<b>444,428</b>	<b>161,000</b>	<b>605,428</b>	<b>-</b>
<b>312 Transportation Development</b>						
12	Grant, Operating Transfer: General Fund	This request is for matching funds to a successful grant to update the 2011 Transportation Master Plan. The city was successful in receiving a \$325,000 grant to update the transportation plan through a competitive grant process. This project will update the current transportation plan, as well as combine the transit and bicycle masterplans into one, making them more cohesive. The plan will include data collection and analysis that will better guide project needs. The remaining grant match of \$325,000 will come from a transfer of existing General Fund carry over fund balance.	-	650,000	650,000	-
13	Fund Balance, Operating Transfer: Keep Greeley Moving	This request will upgrade 20th Street, 83rd to 86th Avenue to a two-lane arterial roadway with medians and turn lanes. This is a reappropriation of fund balance of \$2,914,059 for the project beyond the three-year timeframe that is allowed for rebudget. An additional requests of a transfer of supplemental funds of \$400,000 from existing Keep Greeley Moving fund balance to cover additional construction costs.	2,914,059	400,000	3,314,059	-
<b>312 Transportation Development</b>			<b>2,914,059</b>	<b>1,050,000</b>	<b>3,964,059</b>	<b>-</b>
<b>316 Trails Development</b>						
14	Grant, Expense Reimbursement	Appropriation of a grant award for construction of Phases 2 and 3 of the Greeley #3 Canal Trail (Broadview Acres Trail). This is a grant award from the North Front Range Metropolitan Planning Organization and Multi-Modal Opportunity Fund. The Multi-Modal Options Grant Fund was awarded on April 2, 2020 from the North Range Metropolitan Planning Organization in the amount of \$350,000. The reimbursement grant mentioned above will be administered through the Colorado Department of Transportation (CDOT). Additional funds include commitments from Poudre River Trail Corridor Inc. (\$25,000) and School District 6 (\$14,000). This request of \$389,000 will be added to the current budget of \$357,023 for a total 2020 project cost of \$746,023.	-	389,000	389,000	-
<b>316 Trails Development</b>			<b>-</b>	<b>389,000</b>	<b>389,000</b>	<b>-</b>



Fund	Funding Source	Description	Fund Balance	Revenue	Expenditures	Net Impact
<b>318 Quality of Life</b>						
15	Fund Balance	The East Greeley Fishing Pond project has extended beyond the three-year timeframe allowed for rebudget and needs to be appropriated. The original project consisted of both cleanup and a trail project. The discovery of asbestos required a formal engineering design and the Department of Public Health and Environment (CDPHE) permitting.	1,030,936	-	1,030,936	-
16	Fund Balance	This request is to use \$200,000 in savings from the East Greeley Fishing Pond project for improvements to Centennial Park to improve traffic flow and usability. This request is to supplement funding for the final design and construction documents for Centennial Park based on a site master plan in 2016. Improvements will consist of parking improvements, traffic flow within the park, vegetation conversion, new irrigation, and site amenities (playground, picnic tables, and shade shelters). Funding will be used to address design fee proposals, project management, construction management, and design contingency.	200,000	-	200,000	-
<b>318 Quality of Life</b>			<b>1,230,936</b>	<b>-</b>	<b>1,230,936</b>	<b>-</b>
<b>320 FASTER</b>						
17	Fund Balance	Funds for the improvement of 20th Street with the addition of turn lanes are requested. Design delays have pushed the project beyond the three-year timeframe allowed for rebudget. Appropriation is for an encumbrance for the 20th Street Turn Lane Project from Clubhouse Drive to 59th Avenue. Project scope and costs have increased which made funding inadequate. Preliminary design is complete, the final design is being worked on and will be complete in 2020, and construction will continue in 2021.	36,523	-	36,523	-
18	Fund Balance	Centerplace Drive Turn Lane Project lapsed beyond the three-year timeframe allowed for rebudget. The original project had a high estimate once designed, so additional funding had to be secured in 2019 as part of the budget process. An appropriation is needed to complete the project.	262,119	-	262,119	-
<b>320 FASTER</b>			<b>298,642</b>	<b>-</b>	<b>298,642</b>	<b>-</b>
<b>321 Keep Greeley Moving</b>						
19	Fund Balance	This request will further improve several roads needing to be maintained, overlaid, and patched. In addition, this request will also fund the widening of 20th Street, 83rd Avenue to 90th Avenue, helping with additional costs encountered on the project including contaminated soil that had to be mitigated. Additional overlay roads are being added and include Clubhouse Drive: south of 20th Street; 20th Street: 90th to 95th Avenue; and 4th Street: 23rd to 35th Avenue (additional left turn lane paving at 26th & 28th Avenue). Funds are from existing 2019 carry over fund balance in the Keep Greeley Moving Fund.	300,000	-	300,000	-
<b>321 Keep Greeley Moving</b>			<b>300,000</b>	<b>-</b>	<b>300,000</b>	<b>-</b>
<b>322 2016 City Center</b>						
20	Expense Reimbursement	Funding requested for the replacement of heat vent covers for the City Hall building. During the abatement process, the contractor threw away four heat vent covers. The contractor reimbursed the City for the expenditures required to replace the whole area.	-	4,612	4,612	-
<b>322 2016 City Center</b>			<b>-</b>	<b>4,612</b>	<b>4,612</b>	<b>-</b>
<b>404 Water</b>						
21	Operating Transfer: General Fund	Funding is being requested in support of the City's Strategic Plan for Open Space & Natural Areas by transferring existing General Fund carry over fund balance.	-	50,000	50,000	-
<b>404 Water</b>			<b>-</b>	<b>50,000</b>	<b>50,000</b>	<b>-</b>
<b>406 Water Capital Replacement</b>						
22	Fund Balance	Funding for the Bellvue Need Assessment project needs to be reappropriated since the project has extended beyond the three-year timeframe allowed for rebudget. The project includes a required backwash system upgrade as necessary for the new treatment train. Asphalt roads throughout the plant will also be repaired.	2,100,000	-	2,100,000	-
<b>406 Water Capital Replacement</b>			<b>2,100,000</b>	<b>-</b>	<b>2,100,000</b>	<b>-</b>

Fund	Funding Source	Description	Fund Balance	Revenue	Expenditures	Net Impact
<b>407 Water Rights Acquisition</b>						
23	Fund Balance/ Sale of Assets	This request will appropriate funds for water acquisitions in 2020 with partial funding from the sale of Water & Sewer owned property. A portion of the funding will also come from carryover funds for purchases made in 2019 but not expended until 2020. Currently, the water market in Northern Colorado has softened, potentially presenting Greeley with opportunities to purchase water on favorable terms. The requested appropriation adds the proceeds of \$1,203,000 from the sale of a Water & Sewer owned farm in 2020, unspent funds from 2019 relating to a delayed 2019 water purchase, and additional funding for two new water purchases. One of the new water purchases includes land appraised that will be sold in the future.	4,570,000	1,203,000	5,773,000	-
407 Water Rights Acquisition			4,570,000	1,203,000	5,773,000	-
<b>409 Municipal Golf Courses</b>						
24	Fund Balance	Funding for a new point of sale system will provide our customers with an opportunity to purchase yearly memberships or annual passes on monthly payments is essential to building the core golfers to Greeley public golf. Golf is not currently budgeted to upgrade current credit card terminals to improve the customer service experience. Golf staff asserts that changing out the credit card terminals at Highland Hills GC and Boomerang Links Golf Course and offering recurring and annual billing to our customers is beneficial. The point of sale systems are GolfTrac by Vermont Systems, this package includes add-ons, credit card setup, and installment billing and training by Vermont systems. The credit card terminals are model IS250 through CardConnect. A gateway is required at each golf course along with a monthly fee. Existing designated Golf Fund balance will be used to cover this request.	7,000	-	7,000	-
409 Municipal Golf Courses			7,000	-	7,000	-
<b>412 Stormwater Construction</b>						
25	Fund Balance	This is a re-appropriation of funds since the project extended beyond the three-year timeframe allowed for rebudget. Construction is needed to upsize inlets at 12th Street and 51st Avenue. The project will increase the flood-carrying capacity of the storm and sewer system in the area by replacing a portion of the system from Country Club West Detention Pond. This is intended to reduce impacts to insurable structures and increase safety to residents, business owners, patrons, and motorists. This project was not completed due to a change in management and staff turnover. The design could not be completed in house and an outside consultant needed to be hired.	457,380	-	457,380	-
412 Stormwater Construction			457,380	-	457,380	-
<b>Total (Less Additional Operating Expenditures Between Funds)</b>			<b>14,523,353</b>	<b>3,914,167</b>	<b>18,437,520</b>	<b>-</b>

Fund	Funding Source	Description	Fund Balance	Revenue	Expenditures	Net Impact
<b>Operating Transfers</b>						
1	Expense Reimbursement	Bittersweet Park Repairs - Operating Transfer of Damage Recoveries: Liability to General Fund	-	10,212	10,212	-
8	Fund Balance	Active Adult Center Parking Lot Maintenance and Improvements - Operating Transfer of Fund Balance: Conservation Trust to Food Tax	120,000	-	120,000	-
11	Fund Balance	Paddock House at Island Grove Renovations - Operating Transfer of Fund Balance: Conservation Trust to Food Tax	41,000	-	41,000	-
12	Fund Balance	Transportation Master Plan - Operating Transfer of Carry Over Fund Balance: General Fund to Transportation Development	325,000	-	325,000	-
13	Fund Balance	20th Street, 83rd - 86th Avenue Addition of Median & Turn Lanes - Operating Transfer of Fund Balance: Keep Greeley Moving to Transportation Development	400,000	-	400,000	-
15	Operating Transfer: Quality of Life	East Greeley Fishing Pond - Operating Transfer of Fund Balance: Quality of Life to Public Art	-	10,250	-	10,250
21	Fund Balance	Strategic Plan for Open Space & Natural Areas - Operating Transfer of Carry Over Fund Balance: General Fund to Water	50,000	-	50,000	-
<b>Total Additional Operating Expenditures Between Funds</b>			<b>936,000</b>	<b>20,462</b>	<b>946,212</b>	<b>10,250</b>
<b>Grand Total</b>			<b>15,459,353</b>	<b>3,934,629</b>	<b>19,383,732</b>	<b>10,250</b>

**June 16<sup>th</sup> 2020**

Robert Miller | Interim Finance Director

**2020  
2<sup>nd</sup> Additional  
Appropriation**



# Second Appropriation - 2020

- Allocation of Fund Balances
- Ensures Completion of Projects & Commitments
- Records Grants & Received Revenues

# Appropriation Funding Sources

Fund	Current 2020 Budget	Ordinance	2020 Proposed Budget
001 General Fund	\$ 121,967,262	\$ 425,143	\$ 122,392,405
103 Community Development	1,347,142	493,277	1,840,419
105 Conservation Trust	1,073,619	161,000	1,234,619
301 Public Improvement	27,924,913	2,657,128	30,582,041
303 Public Art	901,423	56,915	958,338
304 Food Tax	12,378,000	605,428	12,983,428
312 Transportation Development	17,087,934	3,964,059	21,051,993
316 Trails Development	604,383	389,000	993,383
318 Quality of Life	12,605,763	1,230,936	13,836,699
320 FASTER	1,015,190	298,642	1,313,832
321 Keep Greeley Moving	17,478,776	700,000	18,178,776
322 2016 City Center	5,122,928	4,612	5,127,540
404 Water	21,391,383	50,000	21,441,383
406 Water Capital Replacement	28,669,825	2,100,000	30,769,825
407 Water Rights Acquisition	17,936,633	5,773,000	23,709,633
409 Municipal Golf Courses	2,247,601	7,000	2,254,601
412 Stormwater Construction	2,234,898	457,380	2,692,278
507 Liability	1,640,832	10,212	1,651,044
<b>Grand Total</b>	<b>\$ 293,628,505</b>	<b>\$ 19,383,732</b>	<b>\$ 313,012,237</b>
<b>All Funds</b>	<b>\$ 577,117,165</b>	<b>\$ 19,383,732</b>	<b>\$ 596,500,897</b>

# Appropriation Funding Sources

<b>Funding Sources</b>	<b>Ordinance</b>
Fund Balance	\$ 15,459,353
Grants	1,706,412
Sale of Assets	1,203,000
Operating Transfers	946,212
Expense Reimbursement	53,824
Insurance Recoveries	8,086
Private Contributions	6,845
<b>Grand Total</b>	<b>\$ 19,383,732</b>

# Appropriation Categories

Category	Ordinance
Reappropriations	\$ 10,302,573
Water Additional Requests	5,823,000
Capital Projects: Food Tax, Keep Greeley Moving, Quality of Life, Transportation Development, Trails Development & City Hall	1,761,527
CDBG Grant: COVID - Shelter, Isolation Facility & Rental Assistance	493,277
Executive Search, Insurance Recoveries, Private Contributions, Expense Reimbursement, & Golf Point of Sale System	57,143
<b>Total</b>	<b>\$ 18,437,520</b>
Transfers	946,212
<b>Grand Total</b>	<b>\$ 19,383,732</b>



# Reappropriations

Request	Ordinance
20th Street, 83rd - 86th Avenue Addition of Median & Turn Lanes	\$ 3,314,059
10th Street Access Phase II	2,657,128
New Treatment Train - Bellvue Water Treatment Plant	2,100,000
East Greeley Fishing Pond	1,030,936
13th Street Improvements - Country Club Detention Pond	457,380
Capital Trail Maintenance	385,061
Centerplace Drive Turn Lanes - Design Completion	262,119
Americans with Disabilities Act (ADA) Improvements for Natural Area & Trails, Trailheads	59,367
20th Street Improvements: Addition of Turn Lanes	36,523
<b>Total</b>	<b>\$ 10,302,573</b>

# Water Additional Requests

<b>Request</b>	<b>Ordinance</b>
Essential Water Right Acquisitions: Sale of Assets & Fund Balance	\$ 5,773,000
Strategic Plan for Open Space & Natural Areas: General Fund Carry Over Fund Balance	50,000
<b>Total</b>	<b>\$ 5,823,000</b>

# Capital Projects

Request	Ordinance
Transportation Master Plan: Grant & General Fund Carry Over	\$ 650,000
#3 Canal Trail Construction: Grant & Expense Reimbursements	389,000
Street Maintenance, Overlay & 20th Street Widening: KGM	300,000
Centennial Park Design Improvements: Quality of Life Fund Balance	200,000
Active Adult Center Parking Lot Maintenance and Improvements: CT	120,000
Union Colony Civic Center - Restroom Art: Art Fund Balance	56,915
Paddock House at Island Grove Renovations: Conservation Trust (CT)	41,000
City Hall Heat Vent Cover Replacement: Expense Reimbursement	4,612
<b>Total</b>	<b>\$ 1,761,527</b>

# Summary

- Total Appropriated Amount: \$19,383,732
- Affirmation of Prior Commitments
- Maintain Transparency & Accounting Standards
- Demonstrates Transparency of Restricted Funds

# Council Agenda Summary

June 16, 2020

**Agenda Item Number 18**

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

Darrell Gesick, Planner, 970-350-9822

Title:

Public hearing and final reading of an ordinance to consider a change of zone from PUD (Planned Unit Development) to R-M (Residential Medium Density) zoning for 12.12 acres of property located north of 4<sup>th</sup> Street, east of 59<sup>th</sup> Avenue, and west of 57<sup>th</sup> Avenue, known as the Cottages at Kelly Farm Crosier's Corner Rezone, changing the official zoning map to reflect the same

Summary:

The applicant, Melanie Foslien, on behalf of Benchmark Custom Homes, is requesting a rezone of 12.12 acres of land from Planned Unit Development to Residential Medium Density, with the intention of creating lots (or building envelopes) that would be developed with residential single-family, two-family, and/or townhomes, though the attached layout is conceptual and may not necessarily be the actual proposed subdivision design.

The current PUD zoning allows commercial uses and a small amount of residential.

The Planning Commission considered this request on May 26, 2020 and unanimously recommended approval to City Council. This ordinance was introduced at the June 2, 2020 Council meeting.

Fiscal Impact:

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

Legal Issues:

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

- 1) City staff presentation
- 2) Council questions of staff

- 3) Applicant presentation
- 4) Council questions of applicant
- 5) Public input (hearing opened, testimony - up to three minutes per person, hearing closed)
- 6) Rebuttal, if requested
- 7) Council discussion
- 8) Council decision

**Other Issues and Considerations:**

None noted.

**Applicable Council Priority and Goal:**

Consistency with Comprehensive Plan and Development Code standards.

**Decision Options:**

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

**Council's Recommended Action:**

- A) A motion that, based on the application received and the preceding analysis, the proposed rezone of a 12.12-acre tract from PUD (Planned Unit Development) to R-M (Residential Medium Density) zoning meets the criteria of Development Code Section 18.30.050(c)(3) a, b, f, g and h; and, therefore, the rezone is approved.
- B) A motion to adopt the ordinance and publish with reference to title only.

**Attachments:**

Ordinance

Planning Commission Minutes-Draft (February 26, 2020)

Planning Commission Summary (Staff Report) (February 26, 2020)

PowerPoint Presentation

CITY OF GREELEY, COLORADO

ORDINANCE NO. \_\_\_\_\_, 2020

CASE NO. ZON2020-0002

AN ORDINANCE CHANGING THE OFFICIAL ZONING MAP OF THE CITY OF GREELEY, COLORADO, FROM PUD (PLANNED UNIT DEVELOPMENT TO R-M (RESIDENTIAL MEDIUM DENSITY) ZONING FOR 12.12 ACRES OF PROPERTY LOCATED NORTH OF 4<sup>TH</sup> STREET, EAST OF 59<sup>TH</sup> AVENUE, AND WEST OF 57<sup>TH</sup> AVENUE, KNOWN AS THE COTTAGES AT KELLY FARM CROSIER’S CORNER REZONE

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

Section 1. The following described property located in the City of Greeley is hereby changed from the zoning district referred to as PUD (Planned Unit Development) to R-M (Residential Medium Density) zoning for 12.12 acres of property in the City of Greeley, County of Weld, State of Colorado:

See attached legal description

Section 2. The boundaries of the pertinent zoning districts as shown on the official zoning map are hereby changed so as to accomplish the above-described zoning changes, and the Mayor and City Clerk are hereby authorized and directed to sign and attest an entry which shall be made on the official zoning map to reflect this change.

Section 3. This ordinance shall become effective five (5) days after its final publication as provided by the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

ATTEST:

THE CITY OF GREELEY

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

### Legal Description

A parcel of land being Tract 1 and Tract 2 of Crosier's Corner at Kelly Farm Subdivision recorded January 18, 2000 as Reception No. 2744996 of the Records of Weld County, and those portions of 57th Avenue, 59th Avenue, 2nd Street Road, 3rd Street and 4th Street adjoining to said Tract 1 and Tract 2, all situate in the Northwest Quarter (NW1/4) of Section Three (3), Township Five North (T.5N.), Range Sixty-six West (R.66W.), Sixth Principal Meridian (6th P.M.), City of Greeley, County of Weld, State of Colorado, more particularly described as follows:

BEGINNING at the West Quarter Corner of said Section 3 and assuming the West line of the Northwest Quarter of said Section 3 to bear North 03°04'59" East a distance of 2977.14 feet with all other bearings contained herein relative thereto:

THENCE North 03° 04' 59" East along the West line of said Northwest Quarter and along the West line of said Crosier's Corner at Kelly Farm Subdivision a distance of 1049.01 feet to the Westerly prolongation of the Northerly line of Tract 1;

THENCE South 86° 55' 01" East along said prolongation of the Northerly line of Tract 1 a distance of 197.66 feet to the centerline of 57th Avenue;

The following Four (4) courses are along the centerline of said 57th Avenue.

THENCE North 62° 11' 55" East a distance of 20.00 feet;

THENCE South 27° 48' 05" East a distance of 881.27 feet;

THENCE along the arc of a curve concave to the Southwest a distance of 141.62 feet, said curve has a Radius of 300.00 feet, a Delta of 27° 02' 54" and is subtended by a Chord bearing South 14° 16' 38" East a distance of 140.31 feet;

THENCE South 00° 45' 11" East a distance of 121.23 feet to the Southerly line of said Crosier's Corner at Kelly Farm Subdivision and the South line of the Northwest Quarter of said Section 3;

THENCE South 89° 14' 49" West along said South line of the Northwest Quarter of Section 3 a distance of 718.78 feet to the POINT OF BEGINNING.

Said described parcel of land contains 12.12 acres, more or less.





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## PLANNING COMMISSION

### Proceedings

May 26, 2020

### Remote Hearing

(Via YouTube)

1:15 p.m.

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#### I. Call to Order

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

#### II. Approval of minutes for meeting held on February 25, 2020.

Commissioner Andersen moved to approve minutes of the meeting held on February 25, 2020. Commissioner Franzen seconded the motion. Motion carried 6-0. (Commissioner Modlin was absent.)

#### III. A public hearing to consider a Final PUD (Planned Unit Development) amendment to allow for a new car and truck wash building with six bays

Case No.: PUD2019-0020  
Project Name: Weld County Fleet Services Final PUD  
Applicant: Eric Wernsman, on behalf of Weld County  
Location: 1399 N. 17<sup>th</sup> Avenue  
Presenter: Kira Stoller, Planner II

Kira Stoller addressed the Commission and noted that the title had been revised after publication of the agenda, adding that the correct project title should be "Tract D, Weld County Business Park PUD, 1<sup>st</sup> Amendment." Ms. Stoller introduced the project as a request for a Final PUD Amendment to allow for construction of a six-bay building for washing cars and trucks. She added that the building is to be located within the Weld County Business Park Planned Unit Development that was adopted in June of 1988 allowing for county operational activities.

Ms. Stoller presented a map showing the location Tract D of the Weld County Business Park, as well as a slide highlighting the location of the subject area. She described the surrounding areas and land uses, indicating that they are largely county offices, including

**IV. A public hearing to consider a request to rezone approximately 12.12 acres, including adjacent right-of-way, from PUD (Planned Unit Development) to R-M (Residential Medium Density) for the purpose of creating lots or building envelopes to be developed with single-family, two-family, and townhomes**

Case No.: ZON2020-0002  
Project Name: Cottages at Kelly Farm Crosier's Corner Rezone  
Applicant: Melanie Foslien, on behalf of Benchmark Custom Homes  
Location: North of 4<sup>th</sup> Street, east of 59<sup>th</sup> Avenue and west of 57<sup>th</sup> Avenue  
Presenter: Darrell Gesick, Planner III

Darrell Gesick addressed the Commission and introduced the item as a rezone of approximately 12.12 acres of land including adjacent rights-of-way. Mr. Gesick provided a brief history, stating that the area was annexed in 1980 and originally zoned R-1, which is the equivalent of R-L or Residential Low Density today. He added that the Planned Unit Development (PUD) was established in 1998. A Final PUD was submitted in 2000, but closed in 2006 due to inactivity.

Mr. Gesick presented a map showing the location of the site, stating that it is currently undeveloped land, and described the surrounding zoning and uses. He also presented a map showing the official boundary in the event the request to rezone is approved. Mr. Gesick described some of the existing conditions on the site, including curb and gutter, an eight-inch water line and sewer line, and trees along the existing ditch. He stated that the proposal is to develop the site with single-family and two-family dwellings as well as townhomes. Mr. Gesick advised that the slide showing approximately 31 lots is for illustrative purposes only and was subject to change when final plans are submitted for review.

Mr. Gesick presented photographs of the site. He describe the approval criteria used to evaluate a request to rezone. Mr. Gesick reported that there would be little impact to the neighborhood or City and that there are no environmental impacts of which staff is aware. Mr. Gesick stated that the existing PUD allows for up to 2000 vehicle trips per day, adding that after the proposed rezone, it was anticipated that there will be approximately 300 daily trips, creating minimal impact. Finally, Mr. Gesick reported that the proposal is consistent with the Comprehensive Plan and can be developed in accordance with the Development Code.

Notice letters were sent to property owners within 500 feet of the site and staff received seven e-mails and one phone inquiry. Mr. Gesick reported that the inquiries were primarily from residents of the duplexes located to the east of the site, adding that none seemed to be in opposition. Some of the questions included what was being proposed and planned, building heights, concerns about loss of views, when development would begin and end, excessive trash on the site during development, whether there would be a homeowners' association, whether there would be future improvements to 59<sup>th</sup> Avenue, and questions about fencing and landscape standards. Mr. Gesick advised that building heights would be limited to 30 feet. He advised that it is difficult to state when development will begin and end, adding that staff will work with the developer on any trash and refuse issues. Mr. Gesick reported that a separate homeowners' association will be established. He

reported that there will be road improvements at some point in the future and stated that fencing and landscaping standards will be addressed during preliminary subdivision review. Staff recommended approval.

Commission Andersen suggested that the rezone would encourage development that had not occurred in 22 years and asked whether recent interest to develop the site would be accommodated by the rezone. Mr. Gesick confirmed that to be the case.

Melanie Foslien from Northern Engineering, 820 8<sup>th</sup> Street addressed the Commission on behalf of the applicant and indicated that she had nothing further to add, but offered to answer any questions. There were no questions for Ms. Foslien.

Chair Yeater opened the public hearing opened at 1:43 p.m. and allowed a few minutes for citizen input via e-mail. The clerk on duty monitoring e-mail traffic reported that no e-mails had been received. Chair Yeater also invited any member of the public who wished to participate by Zoom and there were none. There being no public input, the public hearing closed at 1:45 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 PUD (Planned Unit Development) to R-M (Residential Medium Density) meets the applicable Development Code criteria, Sections 18.30.050(c)(3) a, b, f, g and h; and, therefore, recommends approval of the rezone to the City Council. Commissioner Schulte seconded the motion.

Commissioner Andersen expressed her opinion that this needs to happen on this corner and will provide a nice transition. Commissioner Franzen echoed her statement and indicated that he was excited to see what the developer has proposed for this corner and what the future holds.

The motion carried 6-0. (Commissioner Modlin was absent.)

**V. A public hearing to consider a preliminary subdivision of approximately 6.14 acres of land to create 64 lots and 8 outlots**

Case No.: SUB2019-0021  
Project Name: Grapevine Preliminary Subdivision, 2<sup>nd</sup> Replat  
Applicant: Todd Rand of Coffey Engineering, on behalf of Colson Development  
Location: Northeast corner of 25<sup>th</sup> Street and 49<sup>th</sup> Avenue Court  
Presenter: Brittany Hathaway, Planner III

Brittany Hathaway addressed the Commission and introduced the case as a request for a preliminary subdivision. She presented an overview of the plat with 6.14 acres of land and eight outlots for parking, utility access and open space. Ms. Hathaway presented a map showing the surrounding area and zoning as well as photographs of the site.

**PLANNING COMMISSION SUMMARY**

**ITEM:** Rezone property from PUD (Planned Unit Development) to R-M (Residential Medium Density)

**FILE NUMBER:** ZON2020-0002

**PROJECT:** Cottages at Kelly Farm Crosier’s Corner

**LOCATION:** North of 4<sup>th</sup> Street, East of 59<sup>th</sup> Avenue, and West of 57<sup>th</sup> Avenue

**APPLICANT:** Melanie Foslien, on behalf of Benchmark Custom Homes

**CASE PLANNER:** Darrell Gesick, Planner III

**PLANNING COMMISSION HEARING DATE:** May 26, 2020

**PLANNING COMMISSION FUNCTION:**

The Planning Commission shall consider the staff report, along with testimony and comments made by the applicant and the public and shall then make a recommendation to the City Council regarding the application in the form of a finding based on the review criteria in Section 18.30.050(c)(3).

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**EXECUTIVE SUMMARY**

The City of Greeley is considering a request to rezone approximately 12.12 acres of land, including adjacent right-of-way, from PUD (Planned Unit Development) to R-M (Residential Medium Density) zone district. The subject site is located north of 4<sup>th</sup> Street, east of 59<sup>th</sup> Avenue, and west of 57<sup>th</sup> Avenue (see Attachments A, B, C, and D).

**A. REQUEST**

The applicant is requesting approval to rezone 12.12 acres of land from PUD to R-M zone district (see Attachment C). The applicant would like to create approximately 31 lots or building envelopes that would be developed with single-family, two-family, and three attached townhome units for residential use (see Attachment F).

**B. STAFF RECOMMENDATION**

Approval.

**C. LOCATION**

**Abutting Zoning:**

North: PUD (Planned Unit Development)  
South: R-L (Residential Low Density)  
East: PUD  
West: R-L

**Surrounding Land Uses:**

North: Outlot (for Open Space) and Two-Family Residential

South: Fourth Street and Single-Family Residential

East: Two-Family and Multi-Family Residential

West: 59<sup>th</sup> Avenue, Two Large Lot Single-Family Residential Uses, and One Large Undeveloped Lot

**Site Characteristics:**

The subject site is currently undeveloped and consists of two large tracts of land with a combined acreage of 12.12 acres. The site is bordered by 4<sup>th</sup> Street to the south, 59<sup>th</sup> Avenue to the west, and 57<sup>th</sup> Avenue to the east. Other improved roadways within the rezone request are 2<sup>nd</sup> Street, which connects 59<sup>th</sup> Avenue to 57<sup>th</sup> Avenue, and 3<sup>rd</sup> Street. The site generally slopes from the south to the north. Infrastructure, such as, streets, curb and gutter, sidewalks, and utilities were installed in the early 2000's. Please see Section F for more information. (see Attachment E).

**D. BACKGROUND**

The subject site was annexed into the City of Greeley in 1980, as part of the North Sheep Draw Annexation (Rec. No. 1844666). An annexation correction plat was recorded in 1981 (Rec. No. 1863880). Following the Annexation, the subject site was zoned R-1 in 1981 (File No. Z 14:80). The zoning classifications were changed in 1998, when the Development Code was revised. The existing zoning of R-L (Residential Low Density) is the modern equivalent to the R-1 zone district. In 1998, the subject site was rezoned from R-L to PUD (Planned Unit Development) (Z 9:98). After the rezone was approved, a Conceptual PUD known as Crosier's Corner was approved and allowed for commercial with 25% of the area to be residential (PUD 5:98). A Final PUD was submitted in 2000, but was never completed (PUD 8:00). The Final PUD was closed out in 2006, due to inactivity.

With this application, the property owner is proposing to rezone 12.12 acres from PUD to R-M for the purpose of developing the site with single-family, two-family, and townhome lots. If the rezone is approved, it is anticipated that 31 lots or building envelopes would be created through a subdivision process that would accommodate the development the applicant desires to build. The applicant would be required to submit an application for a preliminary and final subdivision to create the lots in order to develop the subject site as shown in the Zoning Suitability Plan (see Attachment F).

**APPROVAL CRITERIA**

**Development Code Section 18.30.050 Rezoning Procedures**

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

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

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

Staff Comment: The area surrounding the subject site has not changed substantially in the recent past. The surrounding area was built out in the late 1990's and early 2000's. The surrounding development included single-family, two-family, and multi-family development.

The subject site was annexed and zoned low residential in the early 1980's. The subject site was rezoned in 1998, with a proposed development of commercial, with a mix of residential, in the early 2000's. Due to inactivity, the project was closed out by the City of Greeley in 2006. The site has had little to no interest of development since the early 2000's, and has remained undeveloped since annexation in 1980, despite growth in the surrounding area and housing demands in the City.

Considering the low interest of development on the subject site, and recent demands for diversity in housing, staff concludes that rezoning the property would encourage development.

This request complies with this criterion.

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

Staff Comment: The subject property has been zoned PUD since 1998, a total of 22 years without development resulting. Although the existing zoning is not necessarily obsolete, the proposed PUD has resulted in little to no interest in development. The proposed R-M zone district would allow for more flexibility in regard to different housing types, which is supported by The City of Greeley's "Strategic Housing Plan," and The Imagine Greeley Comprehensive Plan.

This request complies with this criterion.

**c) Are there clerical or technical errors to correct?**

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

This criterion is not applicable to this request.

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

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

This criterion is not applicable to this request.

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

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

This criterion is not applicable to this request.

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

Staff Comment: It is not anticipated that the proposed R-M zoning would create significant impacts on the subject property, adjacent land uses, or the City as a whole. The surrounding area is already in primarily residential use. To the east is duplex and multi-family development, and to the south of 4<sup>th</sup> Street is single-family residential. The applicant is proposing a mix of single-family, two-family, and townhouse lots.

Any potential noise created by future development would be regulated by the Municipal Code. There should not be any environmental impacts associated with this request. The appropriate buffering would be required to be provided, which lessens any potential visual impacts to adjacent uses. City services such as water, sewer, police, and fire are already available to the site. Sidewalks exist along the roads already platted within this subdivision. Sidewalks also exist on 4<sup>th</sup> Street. Sidewalks would be provided on 59<sup>th</sup> Avenue once it is built to the full street width. The

applicant's proposed plans for the property should not negatively impact the neighborhood. Additional information regarding City services can be found further in this report in Sections E, F, and G.

The proposal complies with this criterion.

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

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

Objective GC-1.2 Form of Growth

*Encourage a compact urban form over sprawl or leap-frog development.*

Objective GC-2.2 Jobs/Housing Balance

*Support zoning and development patterns that expand opportunities for people who live in Greeley to also work in Greeley (or vice versa).*

Objective EH-2.5 Walkability & Bikability

*Plan and design neighborhoods so that employment, schools, shopping, parks, transit stops, and other facilities are within a 10 minute safe walk of housing wherever feasible.*

Objective EH-4.1 Impacts of New Developments

*Continue to refer proposed residential developments to the school districts for their review and encourage them to comment on the development's expected impacts on area schools. When necessary, work with the school districts and developers of residential projects to set aside sites for schools needed to serve their developments.*

Staff Comment: The proposed rezone would allow residential development in an area that has been leaped-frogged by development. The rezone would also allow residential opportunities within walking and biking distance to local schools, public transit, and commercial areas. The proposal also fulfills policies adopted within the 2019 City of Greeley Strategic Housing Plan, which is an implementation component of the Comprehensive Plan.

The Greeley Evans School District 6 was part of the referral process. The School District did indicate that the proposed development would add additional students to the school system, which is over capacity. The City of Greeley would continue to work with the District to find ways to mitigate the impacts that new residential has on the District.



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

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

This criterion is not applicable to this request.

**E. PHYSICAL SITE CHARACTERISTICS**

**1. SUBDIVISION HISTORY**

The subject property is known as Tract 1 and 2, Crosier's Corner at Kelly Farm Subdivision (Rec. No. 2744996, File No. S 23:99). A preliminary and final subdivision application would be necessary to create the proposed lots that the applicant proposes to develop.

**2. HAZARDS**

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

**3. WILDLIFE**

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

**4. FLOODPLAIN**

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

**5. DRAINAGE AND EROSION**

It is anticipated that stormwater would follow the current drainage patterns using a system of swales, curb and gutter, storm drain inlets, culverts, and storm pipe collection system. For this property, the stormwater flows to the existing Kelly Farm detention pond in the northwest corner of the Kelly Farm Subdivision. The existing drainage infrastructure, including the detention pond, was originally designed and constructed based on a higher impervious value for commercial property, and would be able accommodate the anticipated flows of proposed residential development.

**6. TRANSPORTATION**

The proposed rezone would not negatively impact the traffic flow in the area. The former land use anticipated 2,008 daily trips, 140 morning peak hour trips, and 153 afternoon trips. The calculated trip generation for this proposal is 292 daily trips, 23 morning hour trips, and 31 afternoon peak hour trips, which is a significant reduction from the previous use.

A Traffic Impact Memo was submitted, reviewed, and evaluated by the City of Greeley Engineering Development Review Division, and no additional impacts are anticipated to be generated by the proposed rezone.

## **F. SERVICES**

### **1. WATER**

There is an existing 8-inch waterline located in 57<sup>th</sup> Avenue, 3<sup>rd</sup> Street, and along the eastern side of 59<sup>th</sup> Avenue. No additional improvements to the water service is required as part of the rezone request.

### **2. SANITATION**

There is an existing 8-inch sanitary sewer line located in 57<sup>th</sup> Avenue, 3<sup>rd</sup> Street, and along the eastern side of 59<sup>th</sup> Avenue. No additional improvements to the sanitary sewer service are required as part of the rezone request.

### **3. EMERGENCY SERVICES**

The subject site is serviced by the City of Greeley Fire and Police. The closest fire station, Fire Station #7, is located approximately one mile to the southwest of the subject site.

### **4. PARKS/OPEN SPACES**

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

### **5. SCHOOLS**

No schools are proposed or located within the site. However, the nearest school, Northridge High School, is located approximately one mile to northwest of the subject site, and S. Christa McAuliffe S.T.E.M. Academy, which is a K-8 school, is located one-half mile to the east of the subject site.

## **G. NEIGHBORHOOD IMPACTS**

### **1. VISUAL**

No visual impacts are anticipated with this rezone request. Any development plan application for the property would be reviewed for compliance with the City's Development Code requirements regarding visual impacts.

### **2. NOISE**

No noise impacts are anticipated with the rezone request. Any potential noise created by future development would be regulated by the Municipal Code.

## **H. PUBLIC NOTICE AND COMMENT**

Neighborhood notices were mailed to surrounding property owners on May 7, 2020, per Development Code requirements. A sign was posted on the site on March 11, 2020.

Planning staff received seven emails and one phone call regarding the proposed rezone. They were from surrounding property owners and they were interested in what the developer was proposing, timing of the development, views being blocked, landscaping, cost of the homes, notice letter clarification, and building heights. None of the interested citizens objected to the request. No additional comments have been received.

**I. MINERAL ESTATE OWNER NOTIFICATION**

Mineral notice is not required for a rezone request.

**J. PLANNING COMMISSION RECOMMENDED MOTION**

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

**ATTACHMENTS**

Attachment A – Zoning/Vicinity Map

Attachment B – Photo Aerial

Attachment C – Narrative

Attachment D – Property Rezone Boundary Map

Attachment E – Site Analysis Map

Attachment F – Zoning Suitability Map

Attachment G – Notification Boundary Map

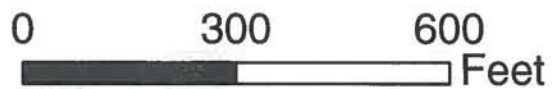
# Zoning/Vicinity Map Crosier's Corner



**ZON2020-0002**

**Legend**

- Structures
- Weld Parcels
- Road Centerline
- Roads





This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
**THIS MAP IS NOT TO BE USED FOR NAVIGATION OR SURVEY PURPOSES**

**Legend**

- House Numbers
- Fire Stations
- Landmarks
- Street Labels
- Trails
- Neighborhoods
- College Bldgs
- Airport
- Ditches
- Drainages
- GreeleySchoolLocations
- ParkPoints
- ParksEvans
- COG Golf Courses
- Hospital
- Cities
- House Numbers
- Fire Stations
- Landmarks
- Street Labels
- Trails
- Neighborhoods
- College Bldgs
- Airport
- Ditches
- Drainage

**Notes**

COTTAGES AT KELLY FARM REZONE  
REZONE PROJECT NARRATIVE  
APRIL 3, 2020

**INTRODUCTION**

The Cottages at Kelly Farm Rezone project is located on Tracts 1 and 2 of Crosier's Corner at Kelly Farm Subdivision, near the northeast corner of 59<sup>th</sup> Avenue and 4<sup>th</sup> Street in part of the Northwest Quarter of Section 3, Township 5 North, Range 66 West of the 6<sup>th</sup> P.M, City of Greeley, County of Weld, State of Colorado. The current zoning for these parcels is Planned Unit Development (PUD).

**EXISTING DEVELOPMENT**

The site is bordered by 4<sup>th</sup> Street to the south, 59<sup>th</sup> Avenue to the west, 57<sup>th</sup> Avenue and existing duplex and townhomes to the east, and open space and existing single-family residential homes on the north. The combined acreage of Tracts 1 and 2 is 12.12 acres. The tracts are currently vacant. Tract 2 generally slopes from southeast to northwest at an approximate slope of 5.2%. Tract 1 generally slopes from east to west at an approximate slope of 7.2%.

The existing improvements constructed with the Kelly Farm Subdivision include 2<sup>nd</sup> Street Road, 3<sup>rd</sup> Street and 57<sup>th</sup> Avenue, which are classified as local roadways. Existing utilities include sanitary sewer, potable water and storm drain improvements.

4<sup>th</sup> Street is classified as a 4-lane minor arterial roadway. Currently, 59<sup>th</sup> Avenue is a 2-lane major arterial roadway but is expected to expand to 4 lanes in the future.

**PROPOSED DEVELOPMENT**

The proposed project will change the zoning from PUD, with commercial uses and townhome units, to Residential Medium Density (R-M) containing a combination of 31 single-family, duplex and townhome units.

Stormwater runoff will follow the current drainage patterns and utilize the existing storm drain collection system of curb and gutter, swales, inlets and pipe. Runoff will be directed to the existing detention pond in the northwest corner of Kelly Farm Subdivision that was sized to include the Crosier's Corner PUD property.

**ACCESS POINTS AND ROADWAYS**

The project has existing access from 4<sup>th</sup> Street, 59<sup>th</sup> Avenue and 3<sup>rd</sup> Street within the Kelly Farm Subdivision. The proposed residential units will have the ability to access the lots from 2<sup>nd</sup> Street Road, 3<sup>rd</sup> Street and 57<sup>th</sup> Avenue.

**PEDESTRIAN ACCESS AND CIRCULATION**

The existing 5' wide attached sidewalks adjacent to 2<sup>nd</sup> Street Road, 3<sup>rd</sup> Street and 57<sup>th</sup> Avenue were constructed as part of the Kelly Farm Subdivision. There is an existing 6' wide detached sidewalk along 4<sup>th</sup> Street. Currently, 59<sup>th</sup> Avenue only has a bike lane. A sidewalk adjacent to 59<sup>th</sup> Avenue will be constructed with future roadway improvements.

**UTILITIES**

There are existing 8" water mains in 3<sup>rd</sup> Street, 57<sup>th</sup> Avenue and along the east side of 59<sup>th</sup> Avenue, with existing fire hydrants on 57<sup>th</sup> Avenue and 3<sup>rd</sup> Street. The locations of the fire hydrants were approved through the Kelly Farm Subdivision application and review process.

There are existing 8" sanitary sewer mains in 3<sup>rd</sup> Street, 57<sup>th</sup> Avenue, and the east side of 59<sup>th</sup> Avenue. Calculations were run to verify the wastewater flows produced by the proposed medium-density residential project are less than flows anticipated with the PUD uses.

A 30' wide exclusive water and sanitary sewer easement will be created during the subdivision application process between 2<sup>nd</sup> Street Road and 3<sup>rd</sup> Street to serve the units fronting 2<sup>nd</sup> Street Road.

Existing dry utility services near the site include Xcel Energy, Atmos Energy, CenturyLink and Comcast.

### **STORMWATER COLLECTION**

Stormwater runoff will follow the current drainage patterns using a system of swales, curb and gutter, storm drain inlets, culverts, and storm pipe collection system. The stormwater flows to the existing Kelly Farm detention pond in the northwest corner of the subdivision that was designed and constructed based on a higher impervious value for commercial property.

### **PARKING**

It is anticipated that each residential unit will have a 2-car garage and driveway for each unit. It is also anticipated that parking will be allowed on the existing local streets.

### **PHASING**

No phasing is anticipated with this project.

### **TRAFFIC IMPACT STUDY**

A traffic memorandum was prepared comparing the anticipated uses of the existing PUD and the proposed medium-density residential use. The memo found that proposed residential land use will generate less traffic than the existing PUD use. The traffic generated by the proposed residential land use can be accommodated on the current street system.

### **FLOODWAY**

According to the Federal Emergency Management Agency's Flood Insurance Rate Map (FIRM) Community Panel Number 08123C1517E, effective date January 20, 2016, the parcel is not located within any mapped floodplain, and is in Zone X, an area of minimal flood hazard.

### **OIL & GAS FACILITIES**

According to the Colorado Oil and Gas Conservation Commission maps, there are no oil and gas facilities location on the subject property.

### **RECOVERABLE GRAVEL RESOURCES**

According to "Special Publication 5-B, Atlas of Sand, Gravel, and Quarry Aggregate Resources, Colorado Front Range Counties" for Colorado Geological Survey, Department of Natural Resources, State of Colorado, published in 1974, Revised 1975, there are no recoverable aggregate resources on this property.

**COTTAGES AT KELLY FARM REZONE**  
**PROPOSED ZONING COMPATIBILITY AND RELATIONSHIP TO COMPREHENSIVE PLAN**  
**APRIL 3, 2020**

**INTRODUCTION**

The Cottages at Kelly Farm Rezone project is located on Tracts 1 and 2 of Crosier's Corner at Kelly Farm Subdivision, near the northeast corner of 59<sup>th</sup> Avenue and 4<sup>th</sup> Street in part of the Northwest Quarter of Section 3, Township 5 North, Range 66 West of the 6<sup>th</sup> P.M, City of Greeley, County of Weld, State of Colorado. The current zoning for these parcels is Planned Unit Development (PUD).

**EXISTING DEVELOPMENT**

The combined acreage of Tracts 1 and 2 is 12.12 acres. The tracts are currently vacant. The site is bordered by 4<sup>th</sup> Street to the south, 59<sup>th</sup> Avenue to the west, 57<sup>th</sup> Avenue to the east, and open space and existing single-family residential homes to the north of the subject property.

**PROPOSED DEVELOPMENT**

The proposed project will change the zoning from PUD, with commercial uses and townhome units, to Residential Medium Density (R-M) containing a combination of 31 single-family, duplex and townhome units.

This proposed zoning is compatible with the surrounding area. There are existing duplex units on the east side of 57<sup>th</sup> Avenue north of 3<sup>rd</sup> Street, existing townhomes on the east side of 57<sup>th</sup> Avenue south of 3<sup>rd</sup> Street, and existing single-family homes on the south side of 4<sup>th</sup> Street and north of the subject property.

Rezoning the property will remove the commercial uses currently allowed and reduce the zoning to medium-density residential use on the subject property.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN GOALS AND POLICIES**

Goal GC-2: Promote a balanced mix and distribution of land uses.

- Implementation GC-2.1: Update the Development Code and/or amend the zoning map so that zoning districts are consistent with the Land Use Guidance Map.
  - The Land Use Guidance Map shows the subject parcel as "Suburban" rather than the current existing PUD/Mixed Use zoning.

Goal GC-4: Prioritize infill and redevelopment.

- Implementation of GC-4.1: Assess and amend as needed the Development Code and other City regulations related to infill development and redevelopment to protect the existing neighborhood areas.
  - Site design and building massings and forms that are compatible with or complimentary of the surrounding neighborhood
    - The proposed duplex and townhome units are compatible with the duplex and townhome units east of 57<sup>th</sup> Avenue.
  - The development of a diverse range of higher-density housing types, not just multi-family apartment buildings.
    - The proposed duplex and townhome units are multi-family but not as high-density as apartment buildings
- This property has been zoned PUD for the past 15 years but hasn't been developed



# COTTAGES AT KELLY FARM REZONE MAP

TRACT 1 AND TRACT 2, CROSIER'S CORNER AT KELLY FARM SUBDIVISION  
AND ADJACENT HALF-WIDTH OF RIGHT OF WAY  
LOCATED IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 5 NORTH,  
RANGE 66 WEST OF THE 6TH P.M., CITY OF GREELEY,  
COUNTY OF WELD, STATE OF COLORADO



**VICINITY MAP**  
1" = 2000'

**SYMBOL LEGEND**

	FOUND PROPERTY MONUMENT
	SECTION CORNER
	CALCULATED POSITION

**LINE LEGEND**

	SECTION LINE
	RIGHT OF WAY LINE
	BOUNDARY LINE
	PROPERTY LINE
	ROAD CENTERLINE
	EASEMENT LINE

**PROPERTY DESCRIPTION**

A parcel of land being Tract 1 and Tract 2 of Crosier's Corner at Kelly Farm Subdivision recorded January 18, 2000 as Reception No. 2744996 of the Records of Weld County, and those portions of 57th Avenue, 59th Avenue, 2nd Street Road, 3rd Street and 4th Street adjoining to said Tract 1 and Tract 2, all situate in the Northwest Quarter (NW1/4) of Section Three (3), Township Five North (T.5N.), Range Sixty-six West (R.66W.), Sixth Principal Meridian (6th P.M.), City of Greeley, County of Weld, State of Colorado, more particularly described as follows:

BEGINNING at the West Quarter Corner of said Section 3 and assuming the West line of the Northwest Quarter of said Section 3 to bear North 03°04'59" East a distance of 2977.14 feet with all other bearings contained herein relative thereto:

- THENCE North 03° 04' 59" East along the West line of said Northwest Quarter and along the West line of said Crosier's Corner at Kelly Farm Subdivision a distance of 1049.01 feet to the Westerly prolongation of the Northerly line of Tract 1.
- THENCE South 86° 55' 01" East along said prolongation of the Northerly line of Tract 1 a distance of 197.66 feet to the centerline of 57th Avenue.
- The following Four (4) courses are along the centerline of said 57th Avenue:
- THENCE North 62° 11' 55" East a distance of 20.00 feet;
- THENCE South 27° 48' 05" East a distance of 881.27 feet;
- THENCE along the arc of a curve concave to the Southwest a distance of 141.62 feet, said curve has a Radius of 300.00 feet, a Delta of 27° 02' 54" and is subtended by a Chord bearing South 14° 16' 38" East a distance of 140.31 feet;
- THENCE South 00° 45' 11" East a distance of 121.23 feet to the Southerly line of said Crosier's Corner at Kelly Farm Subdivision and the South line of the Northwest Quarter of said Section 3.
- THENCE South 89° 14' 49" West along said South line of the Northwest Quarter of Section 3 a distance of 718.78 feet to the POINT OF BEGINNING.

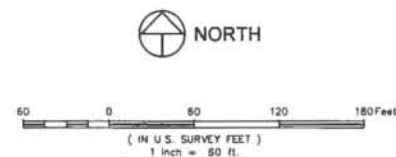
Said described parcel of land contains 12.12 acres, more or less.

**NOTES:**

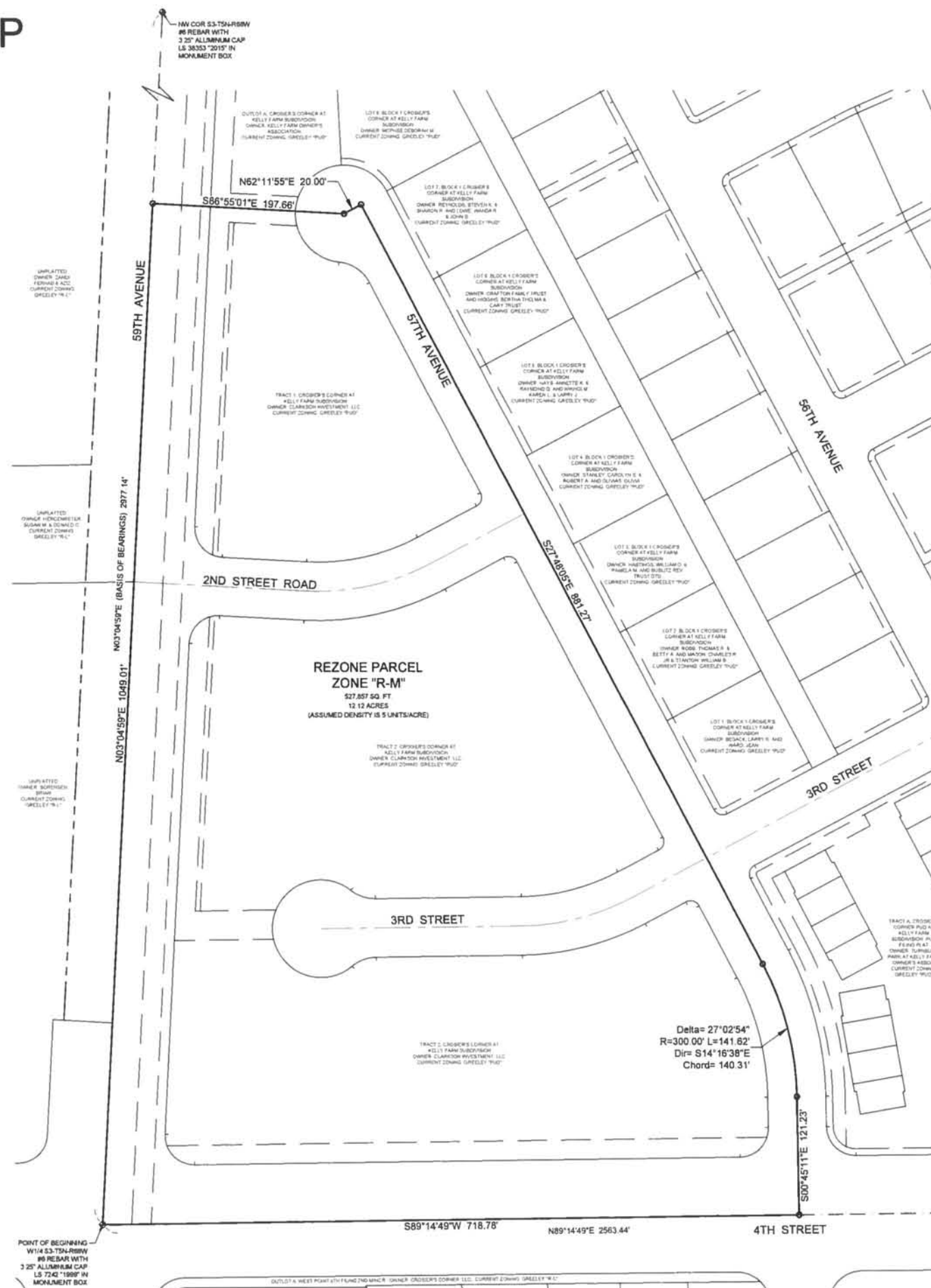
- The lineal unit of measurement for this survey is U.S. Survey Feet.
- The Basis of Bearings is the West line of the Northwest Quarter of Section 3 as bearing North 03°04'59" East, and monumented as shown on drawing.

**SURVEYING CERTIFICATE**

I, Steven A. Lund, a Registered Professional Land Surveyor in the State of Colorado, do hereby state that this REZONE MAP was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief.



For and on behalf of Northern Engineering Services, Inc.  
Steven A. Lund  
Registered Professional Land Surveyor LS 34995



**NOTICE:**  
According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you 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 certificate shown herein.

SECTION: 3  
TOWNSHIP: 5 N  
RANGE: 66 W of the 6th PM

**NORTHERN ENGINEERING**  
NE  
FOFF COLLINS 301 North Nevada Street, Suite 100, Greeley, CO 80633  
970.271.4148  
www.northerneng.com

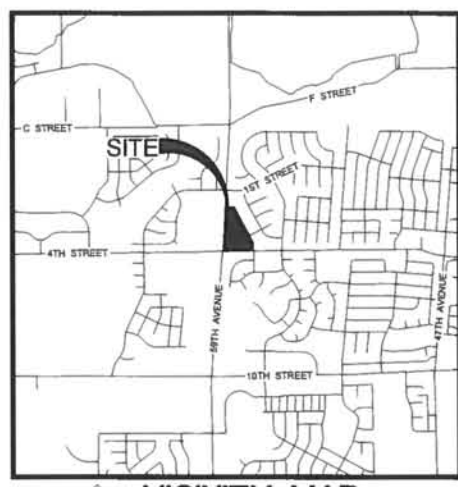
DATE: 05/22/2019  
SCALE: 1" = 80'  
PROJECT: 1643-001  
CLIENT:  
DRAWN BY: A. Lund  
REVISIONS BY:

COTTAGES AT KELLY FARM REZONE MAP  
TRACT 1 & 2, CROSIER'S CORNER AT  
KELLY FARM SUB, GREELEY, COLORADO

Sheet  
1

# COTTAGES AT KELLY FARM SITE ANALYSIS MAP

TRACT 1 AND TRACT 2, CROSIER'S CORNER AT KELLY FARM SUBDIVISION  
AND ADJACENT HALF-WIDTH OF RIGHT OF WAY  
LOCATED IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 5 NORTH,  
RANGE 66 WEST OF THE 6TH P.M., CITY OF GREELEY,  
COUNTY OF WELD, STATE OF COLORADO



VICINITY MAP  
1" = 2000'

**SYMBOL LEGEND**

	FOUND PROPERTY MONUMENT
	SECTION CORNER
	CALCULATED POSITION

**LINE LEGEND**

	SECTION LINE
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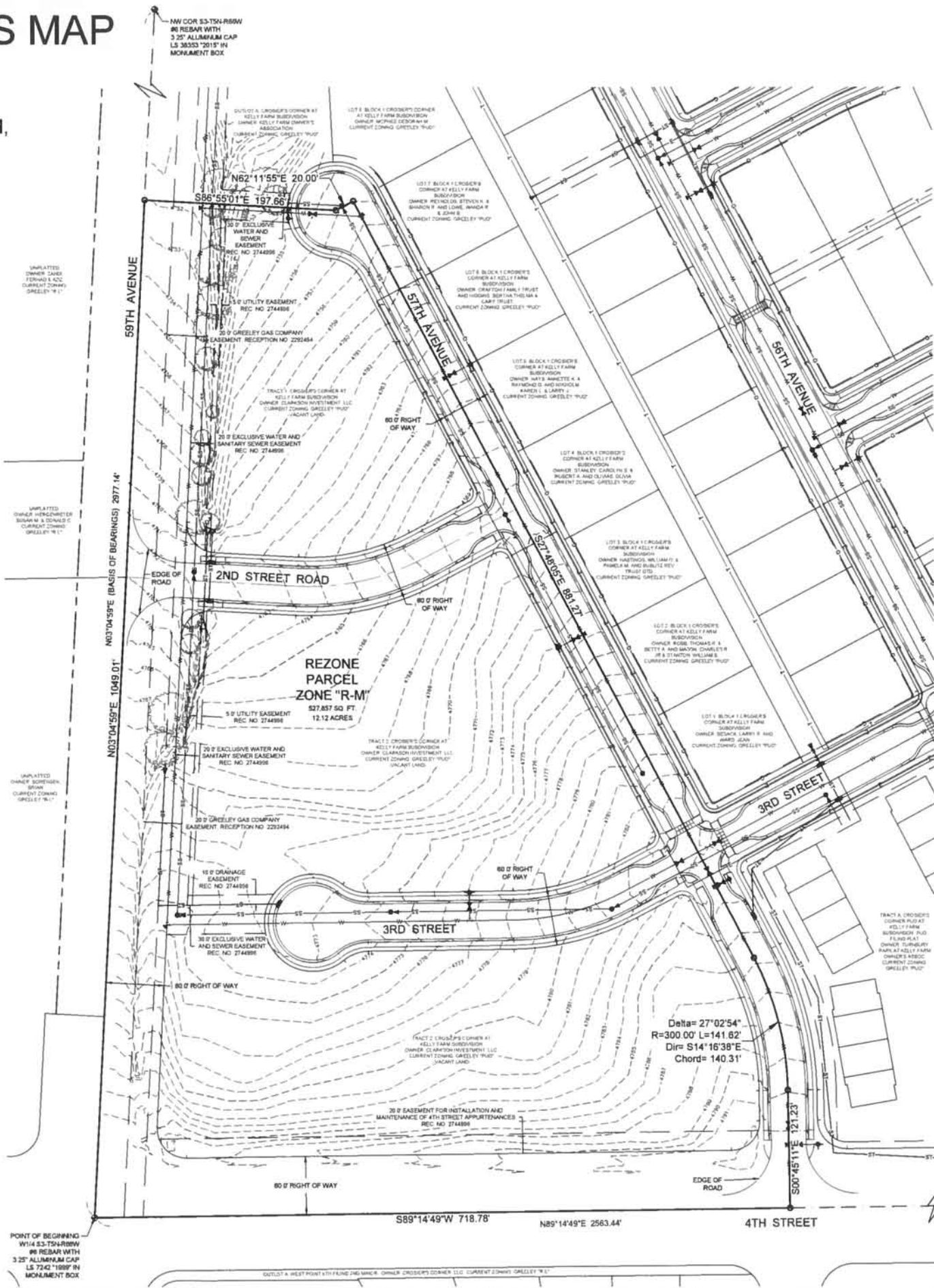
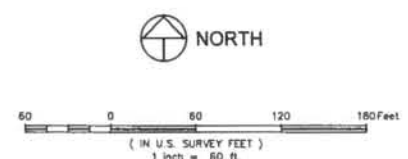
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Said described parcel of land contains 12.12 acres, more or less

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SECTION: 3  
TOWNSHIP: 5 N  
RANGE: 66 W of the 6th PM

**NORTHERN ENGINEERING**  
N E  
1072214188  
1000 10th Street, Suite 1000, BOULDER, CO 80501  
PROJECT: 1843-001  
CLIENT: A. LUND  
DATE: 05/28/2019  
SCALE: 1" = 60'  
DRAWN BY: A. LUND  
REVIEWED BY: S. LUND

COTTAGES AT KELLY FARM SITE ANALYSIS MAP  
TRACT 1 & 2, CROSIER'S CORNER AT  
KELLY FARM SUB, GREELEY, COLORADO

Sheet  
1  
Of 154

# COTTAGES AT KELLY FARM ZONING SUITABILITY MAP

TRACT 1 AND TRACT 2, CROSIER'S CORNER AT KELLY FARM SUBDIVISION  
AND ADJACENT HALF-WIDTH OF RIGHT OF WAY  
LOCATED IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 5 NORTH,  
RANGE 66 WEST OF THE 6TH P.M., CITY OF GREELEY,  
COUNTY OF WELD, STATE OF COLORADO



VICINITY MAP  
1" = 2000'

SYMBOL LEGEND	
(Symbol)	FOUND PROPERTY MONUMENT
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(Symbol)	CALCULATED POSITION

LINE LEGEND	
(Line Style)	SECTION LINE
(Line Style)	RIGHT OF WAY LINE
(Line Style)	BOUNDARY LINE
(Line Style)	PROPERTY LINE
(Line Style)	ROAD CENTERLINE
(Line Style)	EASEMENT LINE
(Line Style)	PROPOSED BUILDING ENVELOPE
(Line Style)	DRAINAGE PATTERN ARROW

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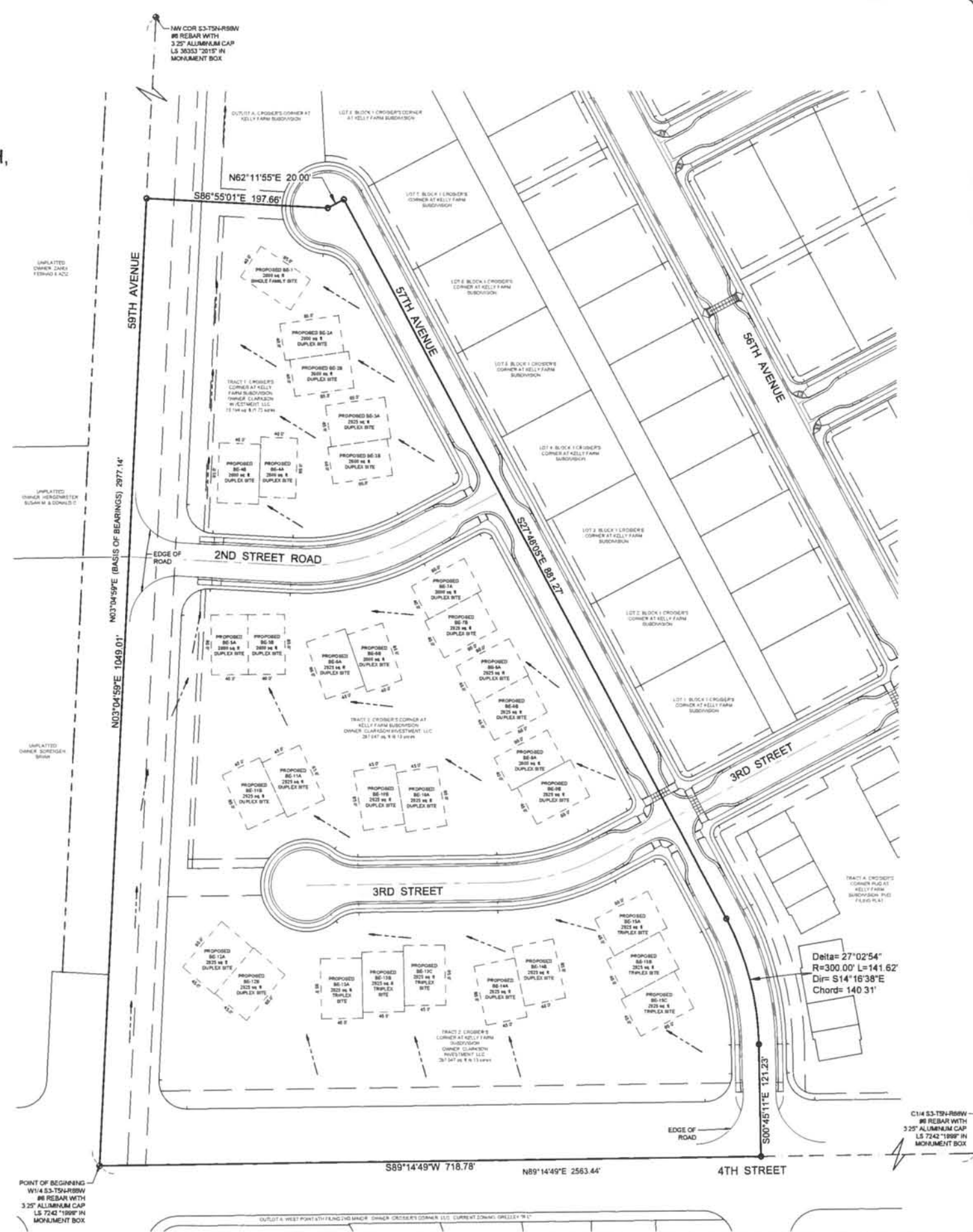
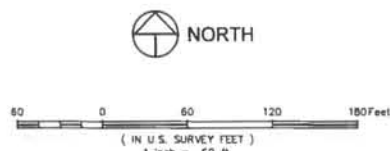
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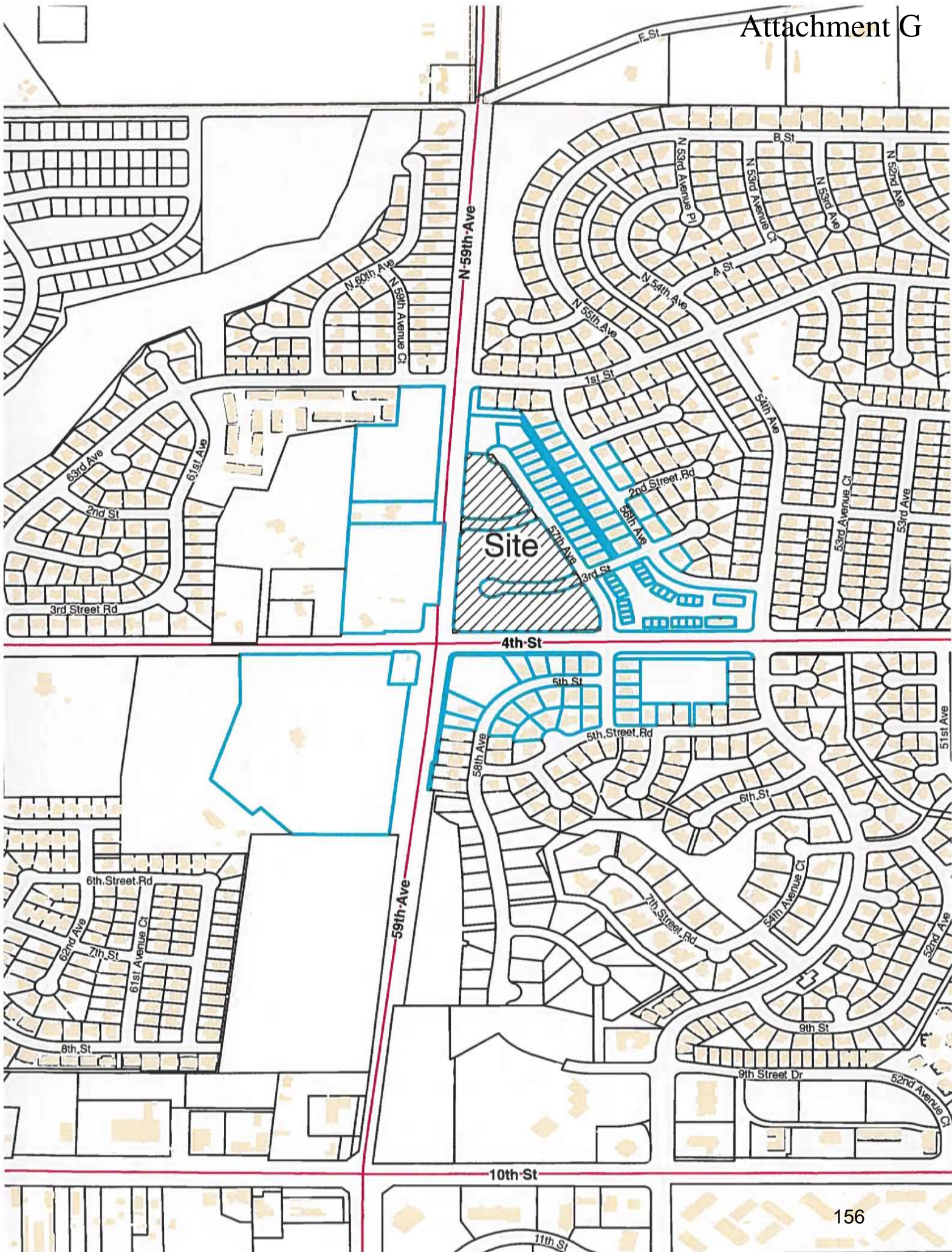
SECTION: 3  
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**NORTHERN ENGINEERING**  
NE ENGINEERING  
1922 S. 14th St., Suite 100, Greeley, CO 80639  
Phone: 970.344.1414  
Fax: 970.344.1415  
www.northerneng.com

DATE: 05/28/2018  
SCALE: 1" = 60'  
PROJECT: 1643-001  
CLIENT: A. Land  
DRAWN BY: S. LUND  
CHECKED BY: S. LUND

ZONING SUITABILITY MAP  
TRACT 1 & 2, CROSIER'S CORNER AT  
KELLY FARM SUB, GREELEY, COLORADO

Sheet  
1  
Of 1 Sheets



# Cottages at Kelly Farm Crosier's Corner Rezone ZON2020-0002

**City Council**

**June 16, 2020**

**Darrell Gesick, Planner III**

# Request & Site Background

- **Request:**
  - **Rezone 12.12 acres of land, including right-of-way, from PUD (Planned Unit Development) to R-M (Residential Medium Density).**
  - **Single-Family, Two-Family, and Townhouse development proposed.**
- **Background:**
  - **Subject Area was annexed in 1980. Was originally zoned R-1 in 1981 and rezoned to PUD in 1998.**
  - **Conceptual PUD approved in 1998, which allowed for commercial uses, with 25% of the area to be in residential.**
  - **A Final PUD was submitted in 2000 and was closed out in 2006 due to inactivity.**

# Location

- **North of 4<sup>th</sup> Street, East of 59<sup>th</sup> Avenue, and West of 57<sup>th</sup> Avenue.**
- **Surrounding Zoning and Land Uses:**
  - **North: PUD – Open Space & Two-Family.**
  - **East: PUD – Two-Family & Multi-Family.**
  - **South: R-L – 4<sup>th</sup> Street & Single-Family.**
  - **West: R-L – Two Single-Family Large Lot Single-Family Uses and One Large Undeveloped Lot.**





Looking from the Northwest to the southeast



Looking from the Northeast to the southwest

Site Photos





# Approval Criteria

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

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

- *Surrounding area was built out in late 1990's and early 2000's and is similar development to what is proposed with this rezone.*
- *Very low interest in the subject site since annexed in 1980's. Most recent interest was in 2000.*
- *Current demands for housing support rezone request.*
- *Rezone would encourage development.*

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

- *Property has been zoned PUD for 22 years without development resulting.*
- *Zoning not necessarily obsolete, but very little interest in the site over the years.*
- *Proposed zone allows for more flexibility in regards to housing types.*
- *Supports Strategic Housing Plan and Comprehensive Plan.*

**F) What is the potential impact on the immediate neighborhood and the city as a whole?**

- *Supports objectives of the City's 2019 Strategic Housing Plan.*
- *Noise regulated by the Municipal Code.*
- *No environmental impacts.*
- *Visual impacts would be reviewed during the subdivision process.*
- *Water and sewer services already exist.*
- *Low traffic demand. PUD could have over 2,000 daily trips, versus 300 daily trips for proposed use.*
- *Impacts would be minimal.*

# Approval Criteria

## Rezone Criteria – Section 18.30.050(c)(3)

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

- *GC-1.2: Encourages a compact urban form over sprawl of leap-frog development.*
- *GC-2.2: Supports jobs/housing balance.*
- *EH-2.5: Supports Walkability and Bikability.*
- *EH-4.1: Was referred to the School District . Will add students to the school system, which is over capacity. The City will continue to work with the School District to mitigate the impacts.*

### What is the impact on the Zoning Suitability Plan?

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

# Notification

- **Notice letters mailed to property owners within 500 feet.**
- **Three signs posted on the property.**
- **Planning staff received seven emails and one phone call regarding the proposed rezone. Surrounding property owners were interested in what the developer was proposing. No citizens formally objected to the request.**

# Recommendation

## Planning Commission

- **May 26, 2020**
- **APPROVAL (unanimous)**



Questions?

# Rezone Boundary Map

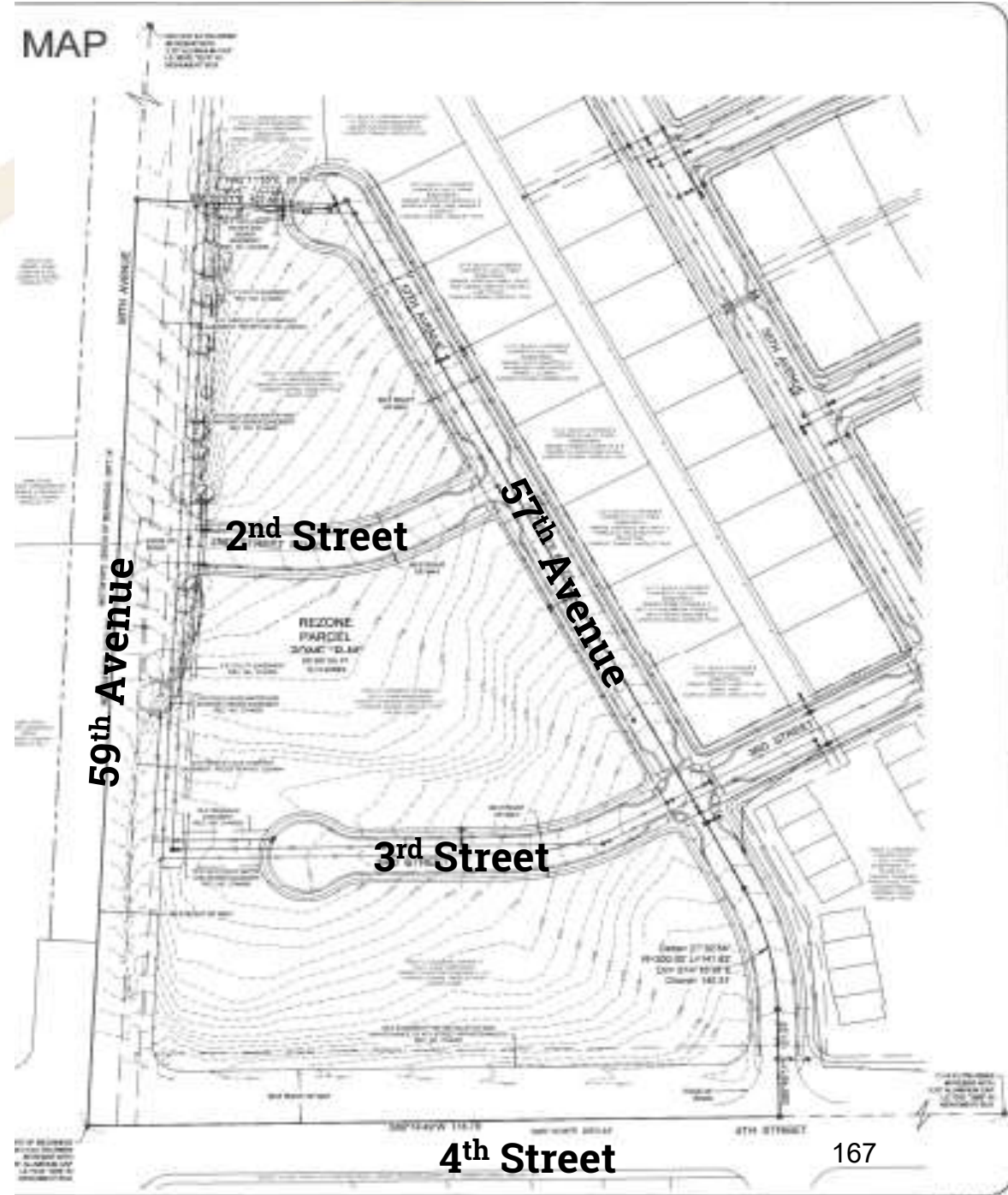
- Rezone 12.12 acres, including adjacent right-of-way.



# Site Analysis Map

## Existing Conditions:

- Basic infrastructure installed-Sidewalks, curb and gutter.
- Property slopes from the south to the north.
- Eight inch waterline and sewer line exists.
- Trees along existing ditch.



# Zoning Suitability Map

## Proposed Plan:

(for illustrative purposes only)

- Creating 31 lots or building envelopes for Single-Family, Two-Family, and Townhouses.
- A Preliminary and Final Subdivision will need to be processed to create the lots or envelopes.





# Council Agenda Summary

June 16, 2020

**Agenda Item Number 19**

Key Staff Contact: Brad Mueller, Community Development Director, 970-350-9786  
 Kira Stoller, Planner, 970-336-4050

Title:

A public hearing to consider a motion to amend Tract D, Weld County Business Park Final PUD to allow for construction of a new 10,266 square foot building at 1399 North 17th Avenue

Summary:

Weld County is requesting to amend the existing Weld County Business Park Final PUD (Planned Unit Development) to allow for the construction of a new 10,266 square foot car and truck wash building with six bays at 1399 N 17th Avenue. Because the existing PUD was initially reviewed and approved by City Council, any proposed amendments also require Council approval.

The Planning Commission considered this request on May 26, 2020 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 which includes the following public hearing steps:

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

8) Council decision

**Other Issues and Considerations:**

None noted.

**Applicable Council Priority and Goal:**

Consistency with Comprehensive Plan and Development Code standards.

**Decision Options:**

- 1) Approve the amended Final PUD as presented; or
- 2) Amend the Final PUD and approve as amended; or
- 3) Deny the amended Final PUD; or
- 4) Continue consideration of the Final PUD amendment to a date certain.

**Council's Recommended Action:**

A motion to approve amendment to the Weld County Business Park Final PUD to allow for construction of a new 10,266 square foot building at 1399 North 17th Avenue.

**Attachments:**

Planning Commission Minutes-Draft (May 26, 2020)  
Planning Commission Summary (Staff Report) (May 26, 2020)  
PowerPoint Presentation



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## **PLANNING COMMISSION**

### **Proceedings**

**May 26, 2020**

### **Remote Hearing**

**(Via YouTube)**

**1:15 p.m.**

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#### **I. Call to Order**

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

#### **II. Approval of minutes for meeting held on February 25, 2020.**

Commissioner Andersen moved to approve minutes of the meeting held on February 25, 2020. Commissioner Franzen seconded the motion. Motion carried 6-0. (Commissioner Modlin was absent.)

#### **III. A public hearing to consider a Final PUD (Planned Unit Development) amendment to allow for a new car and truck wash building with six bays**

Case No.: PUD2019-0020  
Project Name: Weld County Fleet Services Final PUD  
Applicant: Eric Wernsman, on behalf of Weld County  
Location: 1399 N. 17<sup>th</sup> Avenue  
Presenter: Kira Stoller, Planner II

Kira Stoller addressed the Commission and noted that the title had been revised after publication of the agenda, adding that the correct project title should be "Tract D, Weld County Business Park PUD, 1<sup>st</sup> Amendment." Ms. Stoller introduced the project as a request for a Final PUD Amendment to allow for construction of a six-bay building for washing cars and trucks. She added that the building is to be located within the Weld County Business Park Planned Unit Development that was adopted in June of 1988 allowing for county operational activities.

Ms. Stoller presented a map showing the location Tract D of the Weld County Business Park, as well as a slide highlighting the location of the subject area. She described the surrounding areas and land uses, indicating that they are largely county offices, including

the office of the Treasurer, Public Works, Assessor, GIS, and medical offices occupied by North Range Behavioral Health. Ms. Stoller then presented an overview of the site plan, pointing out three existing structures on 17<sup>th</sup> Avenue. She stated that the proposed six-bay car wash will be located on the southwest portion of the site.

Ms. Stoller presented building elevations and pointed out the six washing bays. She described the materials, architecture and design of the building and added that it would be consistent with other County buildings in the business park. Ms. Stoller also presented photographs of the site as it currently exists. She pointed out the existing buildings that include the current motor pool building as well as the household hazardous waste building, adding that the car wash would be aligned with the back sides of these buildings.

Ms. Stoller described the approval criteria reviewed by staff to evaluate the proposal. She highlighted five standard criteria as well as five criteria specific to car and truck washes, stating that all ten criteria had been met. Ms. Stoller reported the hours of operation as being Monday-Friday, 7:00 am to 6:00 p.m. which aligns with the surrounding area. She added that no auto repair or truck maintenance will take place within the new building and that all City storm and drainage requirements will be met with the proposal.

Notice was sent to property owners within 500 feet of the site and no inquiries were received. Staff recommended approval. There were no questions for staff.

Derek Glosson, 565 Ash Avenue, Akron, Colorado, addressed the Commission on behalf of the applicant, Eric Wernsman. Mr. Glosson thanked Ms. Stoller for her presentation and indicated that Weld County representatives were excited to get started as this will add flexibility to the County's fleet services operation. Mr. Glosson offered to answer any further questions. There were no questions for Mr. Glosson.

Chair Yeater opened the public hearing opened at 1:28 p.m. and allowed a few minutes for citizen input via e-mail. The clerk on duty monitoring e-mail traffic reported that no e-mails had been received. Chair Yeater invited any member of the public who wished to participate by Zoom and there were none. There being no public input, the public hearing closed at 1:31 p.m.

Commissioner Andersen moved that, based on the application received and the preceding analysis, the Planning Commission finds that Tract D, Weld County Business Park PUD, 1<sup>st</sup> Amendment, meets Development Code Section 18.32 and is consistent with the Weld County Business Park Final PUD; and, therefore, recommends approval of the Final PUD Amendment to the City Council. Commissioner Schulte seconded the motion.

Upon question by Commissioner Briscoe, Ms. Stoller advised that the proposed motion accurately reflected the correct title.

The motion carried 6-0. (Commissioner Modlin was absent.)

## PLANNING COMMISSION SUMMARY

**ITEM:** An amendment to the Weld County Business Park Final PUD (Planned Unit Development) for a new car & truck wash building

**FILE NUMBER:** PUD2019-0020

**PROJECT:** Tract D Weld County Business Park PUD, 1<sup>st</sup> Amendment

**LOCATION:** 1399 N 17<sup>th</sup> Avenue

**APPLICANT:** Eric Wernsman, on behalf of Weld County

**CITY PLANNER:** Kira Stoller, Planner II

**PLANNING COMMISSION HEARING DATE:** May 26, 2020

**PLANNING COMMISSION FUNCTION:**

The Planning Commission shall consider the staff report, along with testimony and comments made by the applicant and the public and shall then make a recommendation to the City Council regarding the application in the form of a finding based on the review criteria in Chapter 18.32.

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**EXECUTIVE SUMMARY**

The City of Greeley is considering a request by Eric Wernsman, on behalf of Weld County, for a major amendment to the Weld County Business Park Final PUD located at 1399 N 17<sup>th</sup> Avenue. The request would allow for the construction of a new wash building, with a gross floor area of 10,266 square feet, and six wash bays.

**A. REQUEST**

The applicant is seeking approval to amend the Weld County Business Park Final PUD to build a new 10,266 square foot car and truck wash building with six bays.

**B. STAFF RECOMMENDATION**

Approval

**C. LOCATION**

The subject property is located south of N 17<sup>th</sup> Avenue, west of M Street and northeast of a private drive that is owned and maintained by Weld County (*see Attachment A – Vicinity Map*).

**Current Zoning:** PUD (Weld County Business Park)

**Abutting Zoning:** North: PUD  
 South: I-M (Industrial Medium Intensity) & outside city limits  
 (Weld County AG zoning)  
 East: PUD  
 West: PUD

**Abutting Land Uses:** North: Office (Weld County Assessor, Clerk & Recorder and  
 Treasurer)  
 South: Weld County Public Works Complex  
 East: Medical office (North Range Behavioral Health)  
 West: Office (Weld County GIS)

**Lot Size:** 12.76 acres or 555,854 square feet

**Existing Lot Coverage:**

Building Area:	53,371 square feet	(9.6%)
Parking/Drives (Paved):	120,317 square feet	(21.7%)
Parking/Drives (Gravel):	285,277 square feet	(51.3%)
<u>Landscaping:</u>	<u>96,889 square feet</u>	<u>(17.4%)</u>
<b>Total</b>	<b>555,854 square feet</b>	<b>(100%)</b>

**Proposed Lot Coverage:**

Building Area:	76,266 square feet	(13.7%)
Parking/Drives (Paved):	131,599 square feet	(23.7%)
Parking/Drives (Gravel):	211,418 square feet	(38.0%)
<u>Landscaping:</u>	<u>136,571 square feet</u>	<u>(24.6%)</u>
<b>Total</b>	<b>555,854 square feet</b>	<b>(100%)</b>

**Proposed Uses:** No change.

**D. BACKGROUND:**

The Weld County Business Park Final PUD was adopted on June 7, 1988, and allowed for the following county operational activities: human resources building and motor pool and service facility. The subject site encompasses two existing parcels, which are both owned by Weld County and are proposed to be combined into one lot as part of this Final PUD Amendment. The northern parcel houses two structures, the existing motor pool service building and the county's hazardous waste building. The southern parcel is home to the Weld County Oil and Gas Energy Department, which was formerly utilized by the Rubadue Wire Company.

The Rubadue Wire site was approved via a PUD amendment (PUD 7:94) on May 3, 1994 (rec # 2388505). The original approval allowed for a 14,591 square foot manufacturing and warehousing

building, without any outdoor storage. In 2011, a second PUD amendment (PUD 6:11) was submitted for the purpose of constructing two additions on the building and to allow for outdoor storage. The first proposed expansion phase was for a 6,373 square foot office addition on the east end of the existing structure. The second expansion phase was for a 19,179 square foot warehouse/manufacturing addition on the west end of the building and a 4,355 square foot shipping and receiving dock. This amendment was approved on February 21, 2012 (rec # 3969148), however, only the office space and a portion of the warehouse addition have been built to date.

The applicant is requesting a Final PUD Amendment to build a new car and truck wash building, on the southwest corner of the existing northern parcel (*see Attachment B – Applicant Narrative and Attachment C – Site Plan & Landscape Plan*). The new wash building would be 10,266 square feet in size, contain six wash bays and have a maximum height of 28 feet. Weld County plans to remove the car and truck wash from the existing motor pool service building and intends to use the vacated space for an additional maintenance bay. Additionally, the County plans to construct the remainder of the previously approved Rubadue Wire warehouse addition on the existing southern parcel. The Weld County Public Works Department would utilize the rear portion of this building for sign fabrication. There are no plans to construct the shipping and receiving dock at this point in time.

The Weld County Business Park Final PUD was established prior to the adoption of the current Development Code. Because it was initially reviewed and approved by City Council, rather than the Planning Commission, any amendments to the PUD, also require City Council approval.

## **E. APPROVAL CRITERIA**

*DEVELOPMENT CODE COMPLIANCE SECTION 18.32.010 – Purpose and intent.*

*The purpose of this Chapter is to designate areas for the achievement of site design which provides a development of mixed land uses, or for uses and site designs which cannot otherwise be accommodated without PUD approval, through flexibility and creativity and to produce planned unit developments which are in keeping with the overall goals and objectives of the City's Comprehensive Plan. The intent is to permit such flexibility and provide performance criteria which:*

- (1) Allow a diversity of uses, structures, facilities, housing types, open space and buffers in a manner compatible with existing and planned uses on adjacent properties;*
- (2) Encourage and allow for greater innovative designs that promote more efficient and environmentally sensitive use of the land than generally achievable through conventional zoning and development regulations;*

- (3) *Protect the environment by affording opportunities and incentives for the preservation of environmentally sensitive and important natural or historic areas;*
- (4) *Promote the meaningful integration of common open area networks and developed recreation areas;*
- (5) *Promote further creativity in development layout, design and construction;*
- (6) *Encourage development to occur in accordance with the coordinated and planned extension of existing and programmed community facilities and infrastructure; and*
- (7) *While the PUD may permit development of land in a way which might not be permitted under traditional zoning regulations, the PUD is not intended to modify or in any way alter or reduce the requirements of any building and/or zoning code requirements, unless commensurate benefits to the community are provided as part of the PUD plan and alternative protections are provided. (Ord. 65, 2002 §1; Ord. 27, 1998 §1)*

**A. The review criteria found in Section 18.32.140(c) of the Greeley Development Code shall be used when considering a Final PUD approval request.**

**1. Is the Final PUD Plan substantially in compliance with the approved Preliminary PUD Plan?**

Staff Comment: The Final PUD Amendment is in accordance with the Preliminary PUD, as amended, and the applicable Development Code as noted below:

Building Elevations – The proposed elevations for the new wash building align with the design of the existing motor pool service building and other surrounding structures within the Weld County Business Park PUD (*see Attachment D – Building Elevations*). The original PUD, as approved, indicated that the motor pool facility would be constructed of vertically ribbed, neutral colored and textured concrete. This Final PUD Amendment proposes to use smooth and split face gray concrete masonry unit (CMU) blocks to match the existing fleet services building. The addition to the former Rubadue Wire building would be constructed in accordance with the previously approved PUD amendment.

Landscaping – The Weld County Business Park Final PUD called for 41,000 square feet or 20.5% open space on the existing motor pool site and the approved landscape plan included a total of 78 trees and shrubs on the site. Based on staff’s analysis of comparative aerial imagery of the subject site, some of the site landscaping has died or been removed over time. Thirteen (13) new trees are proposed on the southwest corner of the site and six (6) additional trees would be installed along the north and west property lines to replace some of the deficient plantings that were previously located on the site. In total,



the amended site plan would have 136,571 square feet of landscaping (24.6% of the property) and a total of 66 plantings (*see Attachment C – Site Plan & Landscape Plan*).

Signage – There are three existing monument signs on the subject site, designating the location of the motor pool service center and the household hazardous waste building. Additionally, the existing buildings include wall signs identifying their uses. The Weld County Business Park Final PUD required the monument signs to be approximately 40 inches tall by 120 inches wide and to be constructed of colored and vertically ribbed concrete block, with four (4) inch metal lettering. The wall signs were permitted to utilize ten (10) inch metal lettering. Any future site signage would be required to meet these same standards.

Photometric – No changes to the site lighting are proposed as part of this project.

Parking – The existing motor pool facility was required to provide 21 paved employee and visitor parking spaces, as well as 31 gravel stalls. There are currently 24 paved parking stalls in front of the motor pool building and 19 paved stalls in front of the hazardous waste disposal building. There is adequate space to accommodate the required gravel parking. The former Rubadue Wire site currently contains 26 parking stalls, which aligns with the phase 1 approval for the property. No new designated parking spaces are proposed to be constructed with this PUD amendment, since the site changes do not anticipate any significant increase in traffic. Although phase 2 of the Rubadue Wire addition proposed an additional 21 parking stalls, this was based on the calculation of needing two (2) spaces for every three (3) employees. The Weld County Oil and Gas Energy Department, which now occupies the building, only has about 13 employees and therefore, the existing 26 parking stalls are more than sufficient.

**B. In addition to the above criteria, Section 18.46.080 of the Development Code states that the following provisions apply to car and truck washes.**

- 1. Bays shall be located so that they are perpendicular to the public right-of-way, or screened from view if on a corner site.**

Staff Comment: The overhead doors of the wash bays would be located on the northwest and southeast sides of the building. The structure should not be visible from any public rights-of-way, due to the fact that the site would be accessed from a private drive that is maintained by Weld County. Additionally, the applicant has proposed some landscaping along the southwest corner of the property to screen the wash building.

*The proposal complies with this criterion.*

**2. No auto repair shall be conducted within a car or truck wash bay.**

Staff Comment: The new wash building would be constructed so that an additional maintenance bay could be added to the existing motor pool service building. Therefore, any fleet repair work would not take place within the new proposed car and truck wash structure.

*The proposal complies with this criterion.*

**3. All-over spray shall be contained on-site.**

Staff Comment: The wash bays would be enclosed by overhead doors for entering and exiting the building. The overhead doors would remain closed on windy days to ensure that all-over spray is contained on site.

*The proposal complies with this criterion.*

**4. Operating characteristics of car and truck washes, such as hours of operation and the use of lighting, shall be conducted in such a manner that is compatible with surrounding land uses.**

Staff Comment: No new site lighting is proposed with this project and the hours of operation for the wash building would be compatible with the surrounding land uses. The expected hours of operation would be Monday to Friday from 7 a.m. to 6 p.m.

*The proposal complies with this criterion.*

**5. Other applicable requirements for car and truck washes may be found in the City's Storm Drainage and Water Department standards and criteria.**

Staff Comment: Prior to being discharged to the sanitary sewer system, the waste water from the wash bays will be conveyed to a sand/oil interceptor.

*The proposal complies with this criterion.*

**F. ADMINISTRATIVE REVIEW TEAM COMMENTS:**

The Administrative Review Team reviewed this proposal, and there are no outstanding comments pertaining to this Final PUD Amendment request.

## **G. PHYSICAL SITE CHARACTERISTICS**

### **1. SUBDIVISION HISTORY**

The subject site is comprised of two parcels, which are both part of Tract D of the Weld County Business Park PUD (Rec No. 2158271). Weld County owns both parcels and proposes to combine them into one lot as part of this Final PUD Amendment.

### **2. HAZARDS**

There are no known hazards associated with this proposal.

### **3. WILDLIFE**

There are no anticipated impacts to wildlife with this proposal.

### **4. FLOODPLAIN**

The property does not lie within any flood zones.

### **5. DRAINAGE AND EROSION**

The existing site has historically sloped to the south and east. A new detention pond is proposed on the southwest corner of the southern parcel to provide stormwater detention and water quality capture volume for the development. The detention pond would be constructed to detain 100-year storm drainage flows from the site and release them at a reduced rate. Water quality control volume has also been included with a 40 hour drain time.

### **6. TRANSPORTATION**

The proposal should have no significant impacts on area traffic because the use of the site is not changing.

### **7. SERVICES**

Water for the new wash building would be provided by the existing three-inch service line that the motor pool building currently utilizes. The project would require a new eight-inch sewer main to be constructed to service the proposed structure.

## **H. NEIGHBORHOOD NOTIFICATION:**

Notification letters regarding the Final PUD request were mailed to property owners within 500 feet of the site on May 7, 2020, pursuant to Development Code requirements. Three signs were posted on the site on May 13, 2020. No comments have been received to date, May 19, 2020.

## **I. PLANNING COMMISSION RECOMMENDED MOTION:**

Based on the application received and the preceding analysis, the Planning Commission finds that the Tract D Weld County Business Park PUD, 1<sup>st</sup> Amendment, meets Development Code Section 18.32, and is consistent with the Weld County Business Park Final PUD, and therefore, recommends approval of the Final PUD Amendment to the City Council, as submitted.

**J. ATTACHMENTS:**

Attachment A – Vicinity Map

Attachment B – Applicant Narrative





Attachment C – Site & Landscape Plan

Attachment D – Building Elevations

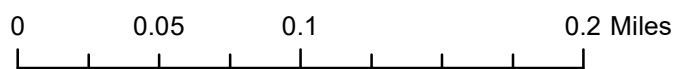
# Vicinity Map



## Legend

-  Subject Site
-  Approximate Building Location
-  Parcels
-  City Limits

## Weld County Fleet Services PUD PUD2019-0020



## Narrative for Weld County Fleet Services Building.

This project is located on part of Tract "D" Weld County Business Park. Weld County is requesting to remove the lot line between parcels 080331100054 and 080331000042. Weld County owns both parcels and the removal of the lot line will assist them in using and developing the site without creating additional easements and agreements.

On Parcel #080331100054, the north parcel, Weld County is planning on removing the car and truck wash from the existing Motor Pool Service building at 1399 N. 17<sup>th</sup> Ave. This existing space is expected to be utilized as an additional maintenance bay. A new wash building will be constructed to the south of the existing Motor Pool building and the existing Hazardous Waste building (1311 N. 17<sup>th</sup> Ave – Parcel #080331100054). The new wash building will have a gross floor area of 10,266 SF, a max height of 28', and will contain six wash bays.

On Parcel #080331000042, the south parcel, Weld County is planning to modify the interior of the southwest portion of the existing building (1301 N. 17<sup>th</sup> Ave) and will eventually construct the remainder of the previously approved 19,179 SF addition onto the current building. With the future addition, the total building area will be 40,445 SF. The existing building at 1301 N. 17<sup>th</sup> Avenue primarily houses the newly created Weld County Oil and Gas Energy Department. The department is currently staffed with 12 employees. The rear portion of the existing building will be utilized by the Weld County Public Works Department, primarily for sign fabrication. Only 1 person works in the sign fabrication portion of the building. In total, it's estimated that 13 employees will occupy the existing 1301 N. 17<sup>th</sup> Avenue building. Currently, 26 parking spaces exist to the southeast of this building. The previously approved Amended Rubadue Wire PUD requires 2 spaces per 3 employees. Using this previously approved parking/employee ratio, the existing 26 parking spaces will allow for a maximum of 39 employees to work in the existing building and future addition.

A temporary use is also proposed for 1301 N. 17<sup>th</sup> Avenue. The current Weld County Jail is being remodeled and temporary kitchen trailers are planned to be placed southwest of the current building. This temporary use is expected to occur in 2020. An exhibit showing the location of the temporary kitchen trailers has been attached to this narrative for your reference.

It is not anticipated that an increase in traffic will occur due to the new building or lot line abandonment. The vehicle washing activity will simply be moved from the existing Motor Pool Service building to the proposed wash building.

A new detention pond is planned on the southwest corner of the south parcel. The pond will provide stormwater detention and water quality capture volume for the developing property, including a portion of the existing site that isn't being improved. A drainage report has been included with this application.

Water service for the proposed wash building will be provided by the existing 3" water service that serves the existing Motor Pool building. A new 8" sewer main will be constructed to provide sewer for the new wash building and the temporary kitchen. Grease traps and sand/oil separators will be provided as necessary.

Trees will be planted, primarily around the detention pond, in an effort to account for those trees that were not installed per the original Weld County Business Park Final PUD. The detention pond will consist of native seed.

The use of the property is not changing with the proposed application.

## WELD COUNTY FLEET SERVICES AMENDED PUD

Weld County Business Park Part of Tract D  
1399 N 17th Ave, Greeley, Colorado

Construction must be in accordance with applicable City of Greeley Construction Standards. The City's acceptance allows for plan distribution and permit application. The City's acceptance shall not relieve the design engineer's responsibility for errors, omissions, or design deficiencies for which the City is held harmless.

Accepted by: \_\_\_\_\_ Date \_\_\_\_\_  
Engineering Development Review  
and Civil Inspections Manager

Accepted by: \_\_\_\_\_ Date \_\_\_\_\_  
CITY OF GREELEY FIRE MARSHAL

Accepted by: \_\_\_\_\_ Date \_\_\_\_\_  
Community Development Director

### PUD APPROVAL HISTORY

1399 N. 17th Avenue (Motor Pool Service Center)  
• APPROVAL DOCUMENT FOR WELD COUNTY BUSINESS PARK - PLANNED UNIT DEVELOPMENT (Z 3:88)


1311 N. 17th Avenue (Hazardous Waste Disposal)  
• APPROVAL DOCUMENT FOR WELD COUNTY BUSINESS PARK - PLANNED UNIT DEVELOPMENT (Z 3:88)

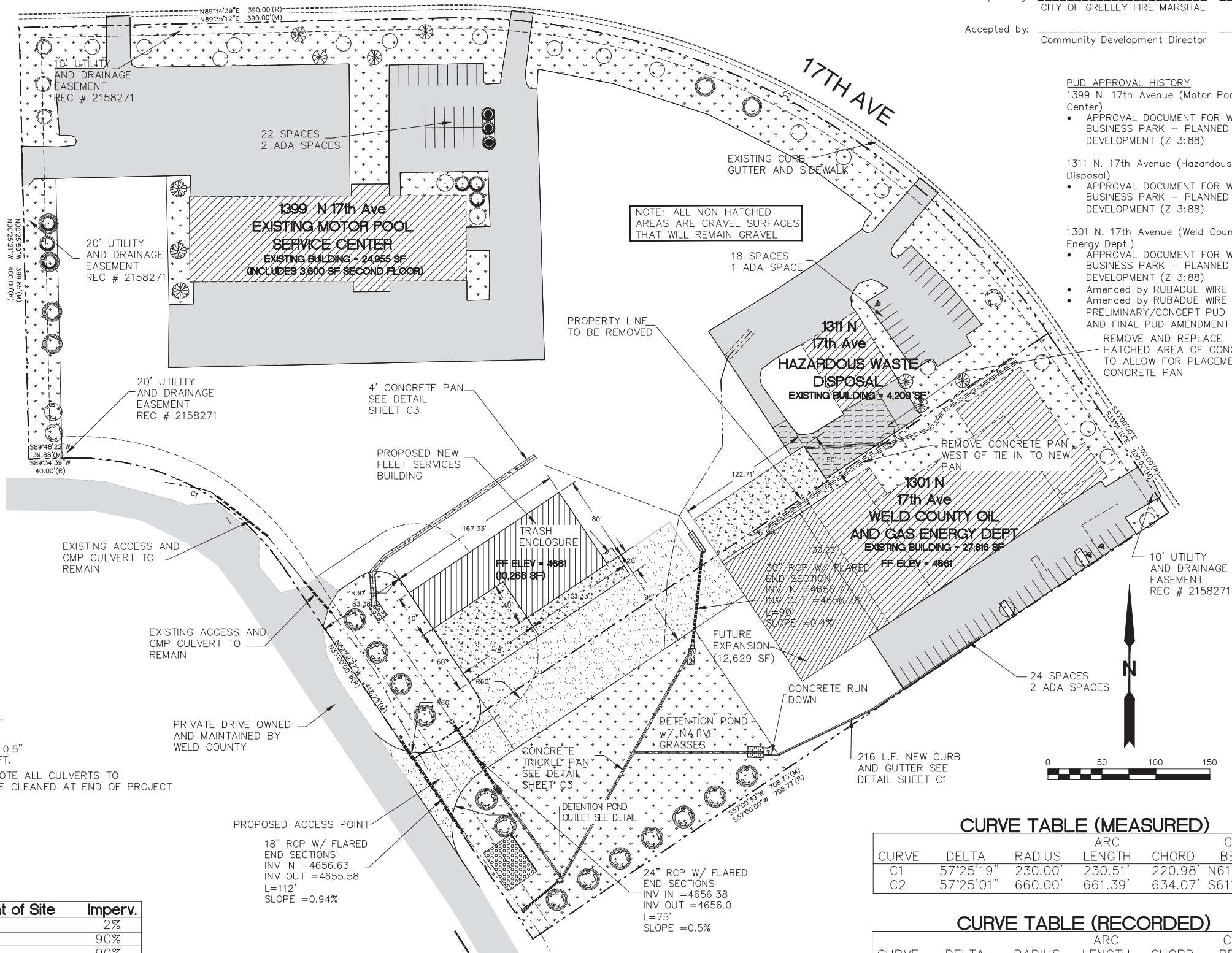
1301 N. 17th Avenue (Weld County Oil and Gas Energy Dept.)  
• APPROVAL DOCUMENT FOR WELD COUNTY BUSINESS PARK - PLANNED UNIT DEVELOPMENT (Z 3:88)

• Amended by RUBADUE WIRE (PUD 7:94)  
• Amended by RUBADUE WIRE COMPANY INC. PRELIMINARY/CONCEPT PUD AMENDMENT AND FINAL PUD AMENDMENT (PUD 6:11)

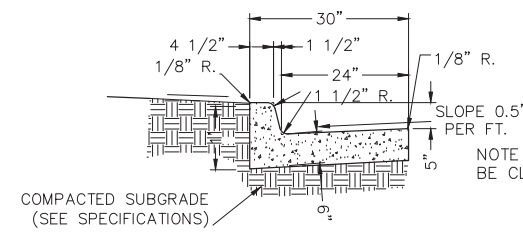
REMOVE AND REPLACE HATCHED AREA OF CONCRETE TO ALLOW FOR PLACEMENT OF CONCRETE PAN

### LEGEND

- SWALE \_\_\_\_\_
- PROPERTY LINE \_\_\_\_\_
- EASEMENT \_\_\_\_\_
- CULVERT \_\_\_\_\_
- LANDSCAPE SURFACE 
- EXISTING PAVED SURFACE 
- BUILDING 
- NEW CONCRETE 
- NEW GRAVEL SURFACE 
- PROPOSED HIGHLAND COTTONLESS COTTONWOOD (2 1/2") 
- EXISTING HIGHLAND COTTONLESS COTTONWOOD 
- PROPOSED SKYLINE LOCUST (2") 
- EXISTING SKYLINE LOCUST 
- EXISTING AUSTRIAN PINE 
- PROPOSED PATMORE ASH (2") 
- EXISTING PATMORE ASH 
- PROPOSED COLORADO BLUE SPRUCE (7') 
- EXISTING COLORADO BLUE SPRUCE 
- EXISTING FLOWERING CRAB "SPRING SNOW" 
- EXISTING PRUNUS SCHUBERT CHOKECHERRY 
- EXISTING SUMMIT ASH 



NOTE: ALL NON HATCHED AREAS ARE GRAVEL SURFACES THAT WILL REMAIN GRAVEL



### CATCH CURB

Site Areas	Area(s.f.)	Percent of Site	Imperv.
Landscape	136,571	24.6%	2%
Proposed Building	10,266	1.8%	90%
Future Building	12,629	2.3%	90%
Existing Building	53,371	9.6%	90%
Pavement	131,599	23.7%	100%
Gravel/Riprap	211,418	38.0%	40%
Total	555,854	100.0%	51.7%

### SITE PLAN SCALE 1" = 50'

### CURVE TABLE (MEASURED)

CURVE	DELTA	RADIUS	ARC		CHORD BEARING
			LENGTH	CHORD	
C1	57°25'19"	230.00'	230.51'	220.98'	N61°42'08"W
C2	57°25'01"	660.00'	661.39'	634.07'	S61°41'29"E

### CURVE TABLE (RECORDED)

CURVE	DELTA	RADIUS	ARC		CHORD BEARING
			LENGTH	CHORD	
C1	57°25'21"	230.00'	230.51'	220.98'	N61°42'41"W
C2	57°25'21"	660.00'	661.46'	634.12'	S61°42'41"E

DRAWN FOR  
RSAP INC  
801 8TH ST. UNIT #120  
GREELEY CO 80631

WELD COUNTY FLEET SERVICES  
AMENDED PUD  
1399 N 17th Ave  
GREELEY CO 80631

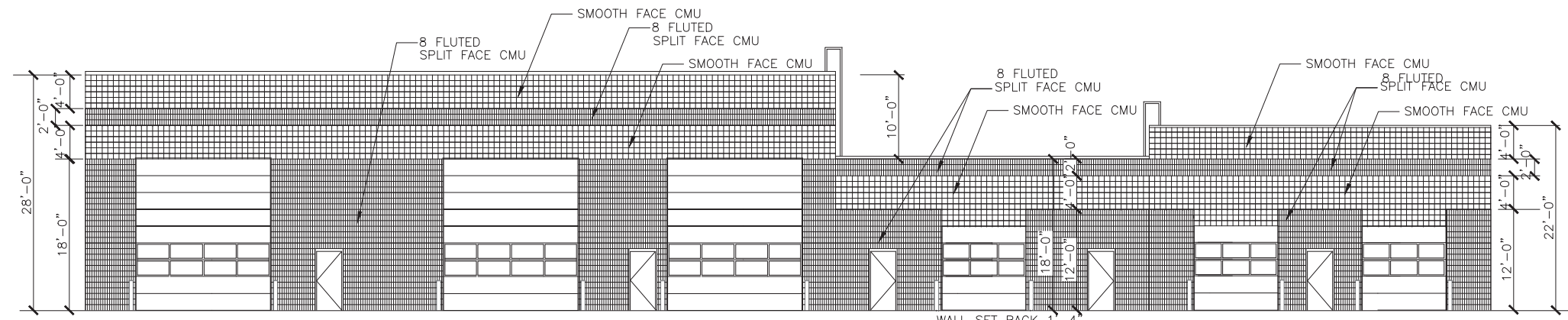
WERNISMAN ENGINEERING  
AND LAND DEVELOPMENT LLC  
16483 ESSEX RD S  
PLATTEVILLE CO 80651  
(970) 539-2656  
eric@wernismanengineer.com

DRAWN  
EJW  
CHECKED

DATE  
5/6/2020  
SCALE  
1" = 50'  
PROJECT #

SHEET

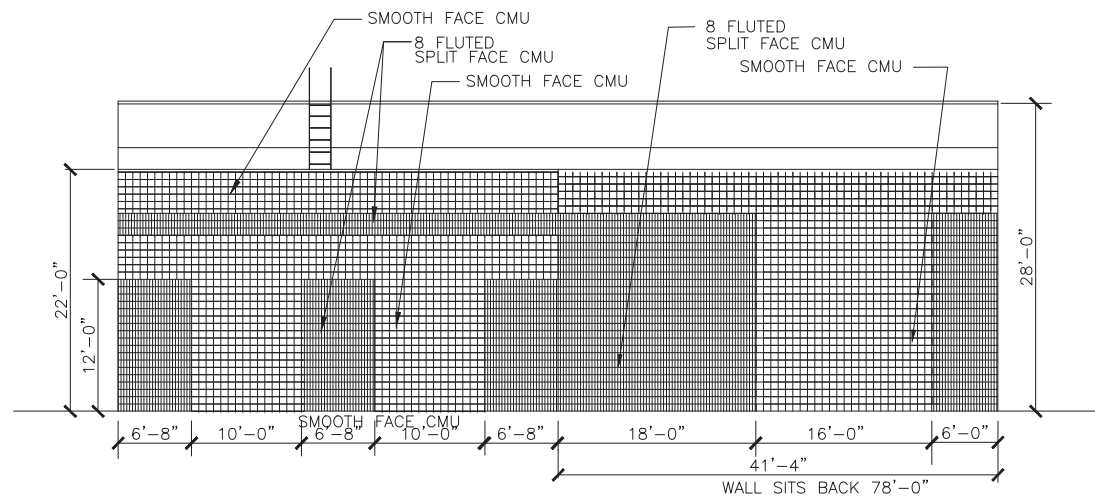
C1



NOTE:  
 SINGLE MOTOR GROVE CMU—GRAY TO MATCH EXISTING FLEET SERVICES BUILDING  
 8 FLUTED SPLIT FACE CMU—GRAY TO MATCH EXISTING FLEET SERVICES BUILDING

SINGLE MOTOR GROVE CMU	1238 SQ. FT.	31%
8 FLUTED SPLIT FACE CMU	1547 SQ. FT.	38%
DOORS	1269 SQ. FT.	31%
TOTAL SURFACE AREA	4054 SQ. FT.	100%

NORTHWEST ELEVATION  
 SCALE: 1/8"=1'-0"

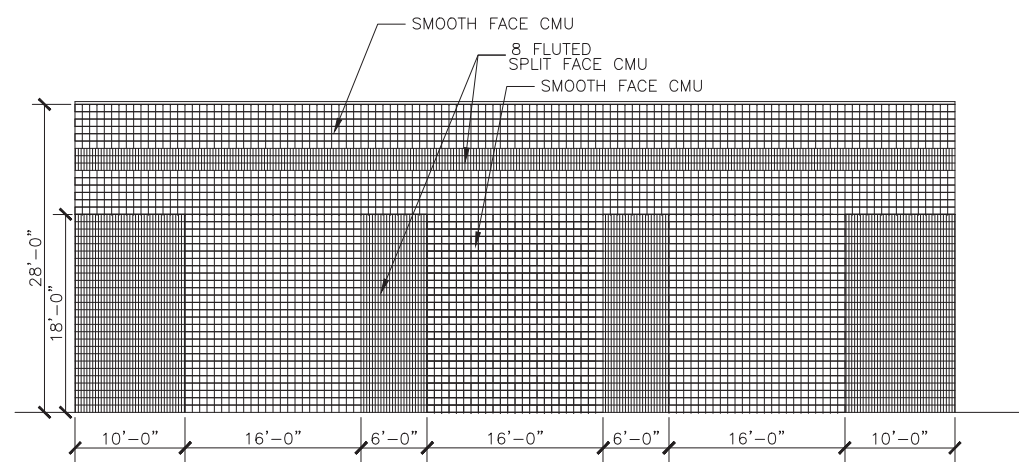


SOUTHWEST ELEVATION  
 SCALE: 1/8"=1'-0"

SINGLE MOTOR GROVE CMU	550 SQ. FT.
8 FLUTED SPLIT FACE CMU	320 SQ. FT.
CLOSE SURFACE AREA	870 SQ. FT.

SINGLE MOTOR GROVE CMU	436 SQ. FT.
8 FLUTED SPLIT FACE CMU	432 SQ. FT.
FAR SURFACE AREA	868 SQ. FT.

SINGLE MOTOR GROVE CMU	986 SQ. FT.	57%
8 FLUTED SPLIT FACE CMU	752 SQ. FT.	43%
TOTAL SURFACE AREA	1738 SQ. FT.	100%



SINGLE MOTOR GROVE CMU	1504 SQ. FT.	67%
8 FLUTED SPLIT FACE CMU	736 SQ. FT.	33%
TOTAL SURFACE AREA	2240 SQ. FT.	100%

NORTHEAST ELEVATION  
 SCALE: 1/8"=1'-0"

CONSTRUCTION MUST BE IN ACCORDANCE WITH APPLICABLE CITY OF GREELEY CONSTRUCTION STANDARDS. THE CITY ACCEPTANCE ALLOWS FOR PLAN DISTRIBUTION AND PERMIT APPLICATION. THE CITY'S ACCEPTANCE SHALL NOT RELIEVE THE DESIGN ENGINEER'S RESPONSIBILITY FOR ERRORS, OMISSIONS, OR DESIGN DEFICIENCIES FROM WITH THE CITY IS HELD HARMLESS.

ACCEPTED BY: \_\_\_\_\_ DATE \_\_\_\_\_  
 COMMUNITY DEVELOPMENT DIRECTOR

**RS&P**  
 ROBERT SHREVE ARCHITECTS & PLANNERS  
 MADISON & MAIN BUILDING  
 801 8TH STREET SUITE 130  
 GREELEY, COLORADO 80631  
 970-346-0151 FAX 970-352-8761

REVISIONS	ADDED SQ. FT. & SIGNATURE BLOCK	DATES
		3/2/2020
		4/14/2020
		5/5/2020

R/S	DATE	BY	CHKD	APP

3/2/2020 DATE DRAWING NO. A3

WELD COUNTY MAINTENANCE & WELDING BUILDING  
 1111 H STREET GREELEY, CO.  
 EXTERIOR ELEVATIONS





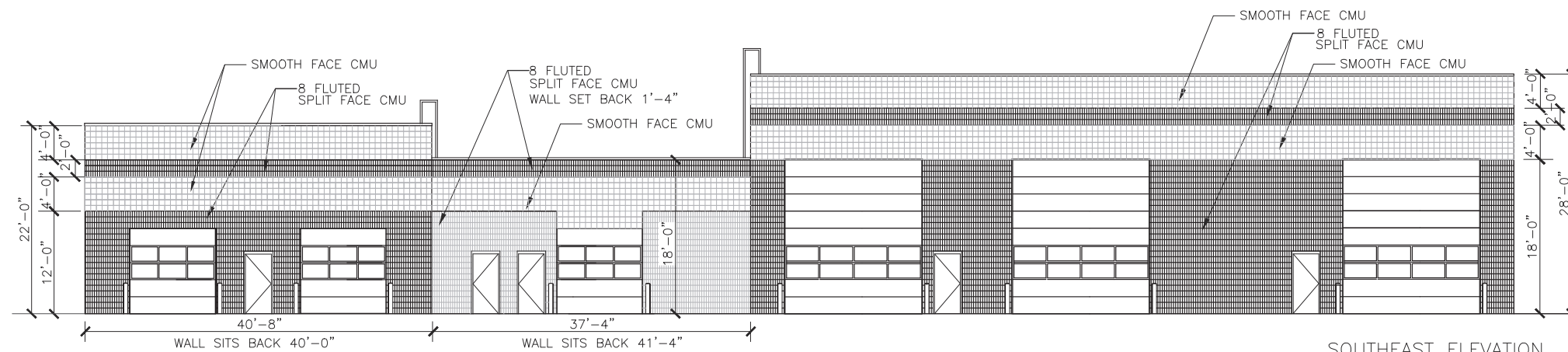
WELD COUNTY  
HOUSEHOLD HAZARD WASTE



WELD COUNTY  
MOTOR SERVICE CENTER



WELD COUNTY  
MOTOR SERVICE CENTER



SOUTHEAST ELEVATION  
SCALE: 1/8"=1'-0"

SINGLE MOTOR GROVE CMU	494 SQ. FT.
8 FLUTED SPLIT FACE CMU	698 SQ. FT.
DOORS	375 SQ. FT.
FAR SURFACE AREA	1566 SQ. FT.

SINGLE MOTOR GROVE CMU	698 SQ. FT.
8 FLUTED SPLIT FACE CMU	875 SQ. FT.
DOORS	914 SQ. FT.
CLOSE SURFACE AREA	2487 SQ. FT.

SINGLE MOTOR GROVE CMU	1192 SQ. FT.	30%
8 FLUTED SPLIT FACE CMU	1573 SQ. FT.	39%
DOORS	1289 SQ. FT.	31%
TOTAL SURFACE AREA	4054 SQ. FT.	100%

CONSTRUCTION MUST BE IN ACCORDANCE WITH APPLICABLE CITY OF GREELEY CONSTRUCTION STANDARDS. THE CITY ACCEPTANCE ALLOWS FOR PLAN DISTRIBUTION AND PERMIT APPLICATION. THE CITY'S ACCEPTANCE SHALL NOT RELIEVE THE DESIGN ENGINEER'S RESPONSIBILITY FOR ERRORS, OMISSIONS, OR DESIGN DEFICIENCIES FRO WITH THE CITY IS HELD HARMLESS.

ACCEPTED BY: \_\_\_\_\_  
COMMUNITY DEVELOPMENT DIRECTOR DATE

**RS&P**  
ROBERT SHREVE ARCHITECTS & PLANNERS  
MADISON & MAIN BUILDING  
801 8TH STREET SUITE 130  
GREELEY, COLORADO 80631  
970-346-0151 FAX 970-352-8761

REVISIONS  
DATES  
4/14/2020

ADDED SHEET PER CITY COMMENTS

R/S  
DESIGNED  
DRAWN  
CHECKED  
R/S  
APPROVED

3/2/2020  
DATE  
DRAWING NO.  
A3A

WELD COUNTY MAINTENANCE &  
WELDING BUILDING  
1111 H STREET  
GREELEY, CO.  
EXTERIOR ELEVATIONS

# Tract D Weld County Business Park PUD, 1st Amendment (PUD2019-0020)

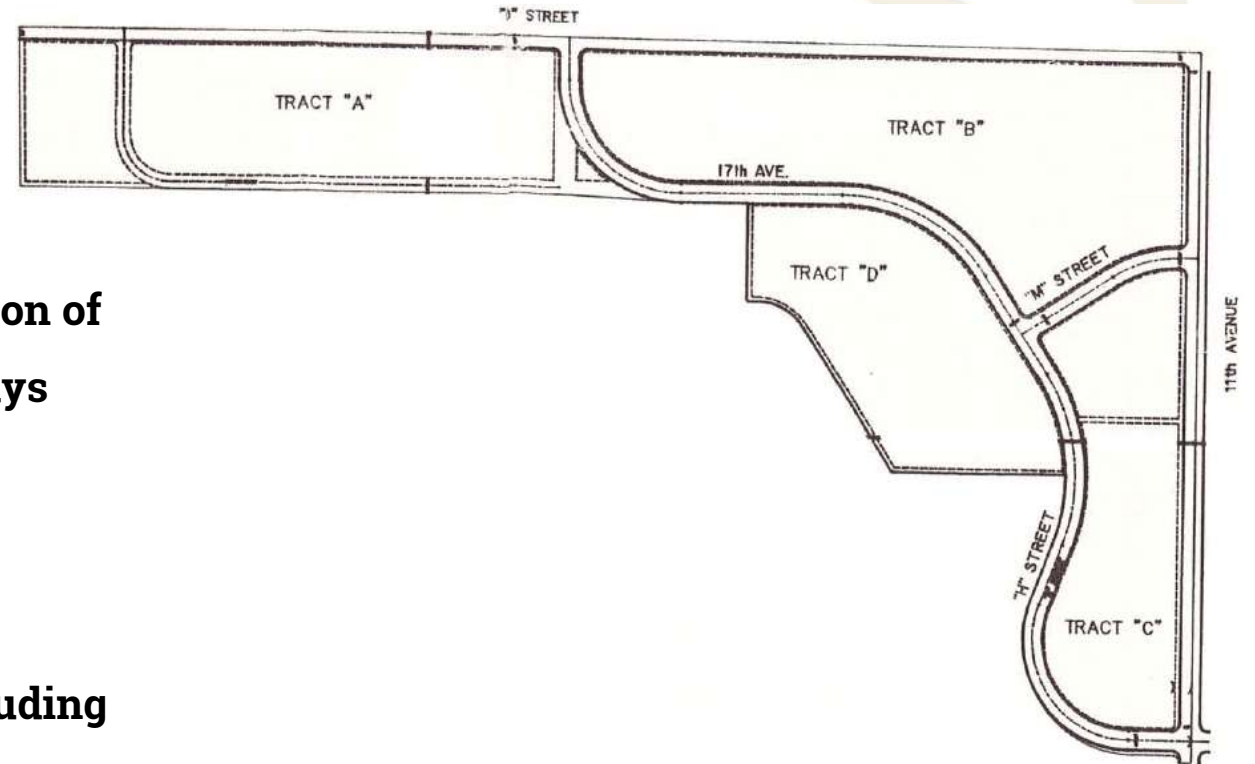
**City Council**

**June 16<sup>th</sup>, 2020**

**Kira Stoller, Planner II**

# Background

- **Request:**
  - **Final PUD Amendment to allow for construction of new car & truck wash building with 6 wash bays**
- **Weld County Business Park PUD:**
  - **Adopted in June 1988**
  - **Allowed for county operational activities including human resources & motor pool/service facility**



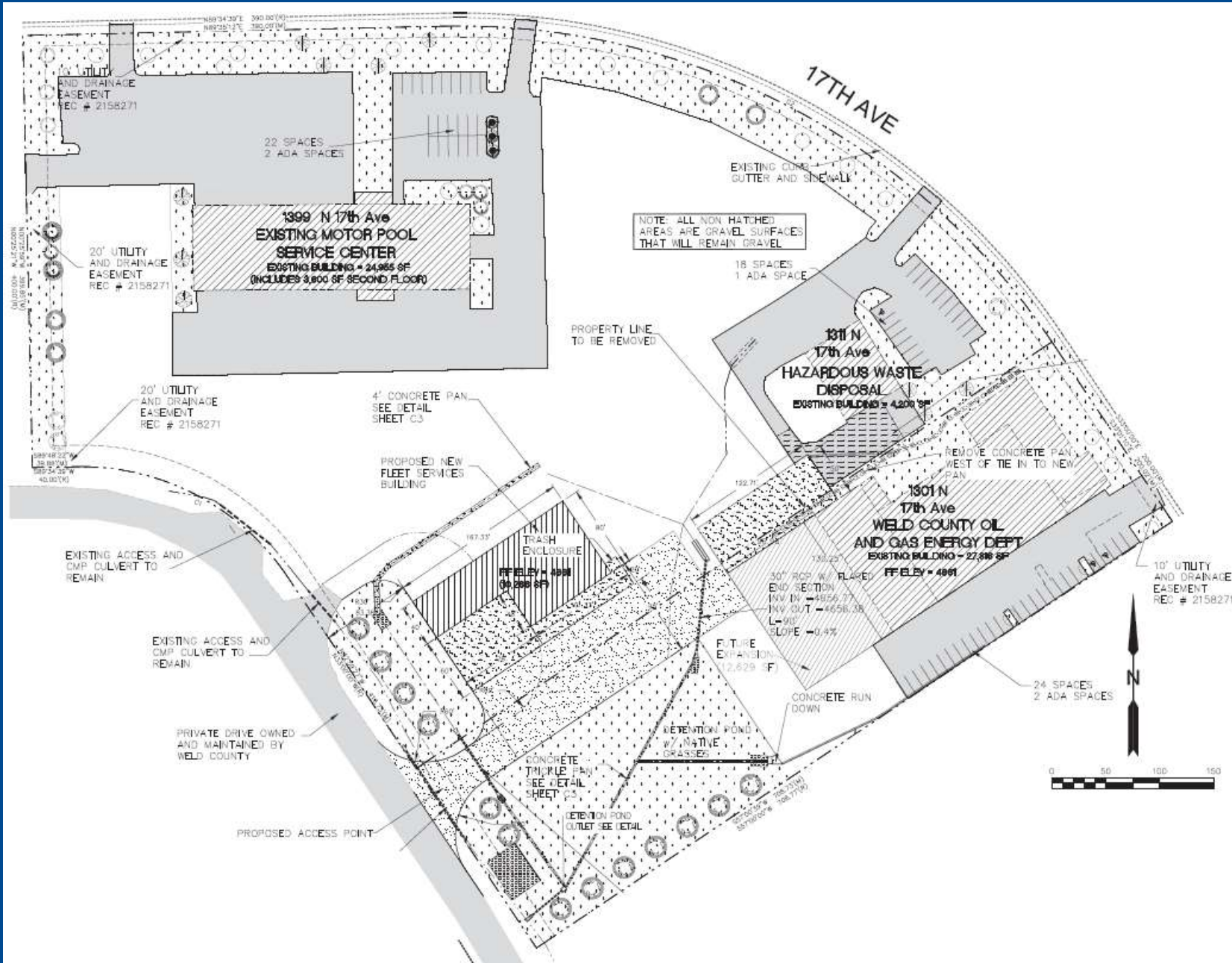
# Location

- **South of N 17<sup>th</sup> Avenue, west of M Street and northeast of private drive owned & maintained by Weld County**
- **Surrounding Land Uses**
  - **North: Office (Weld County Assessor, Clerk & Recorder and Treasurer)**
  - **South: Weld County Public Works Complex**
  - **East: Medical office (North Range Behavioral Health)**
  - **West: Office (Weld County GIS)**

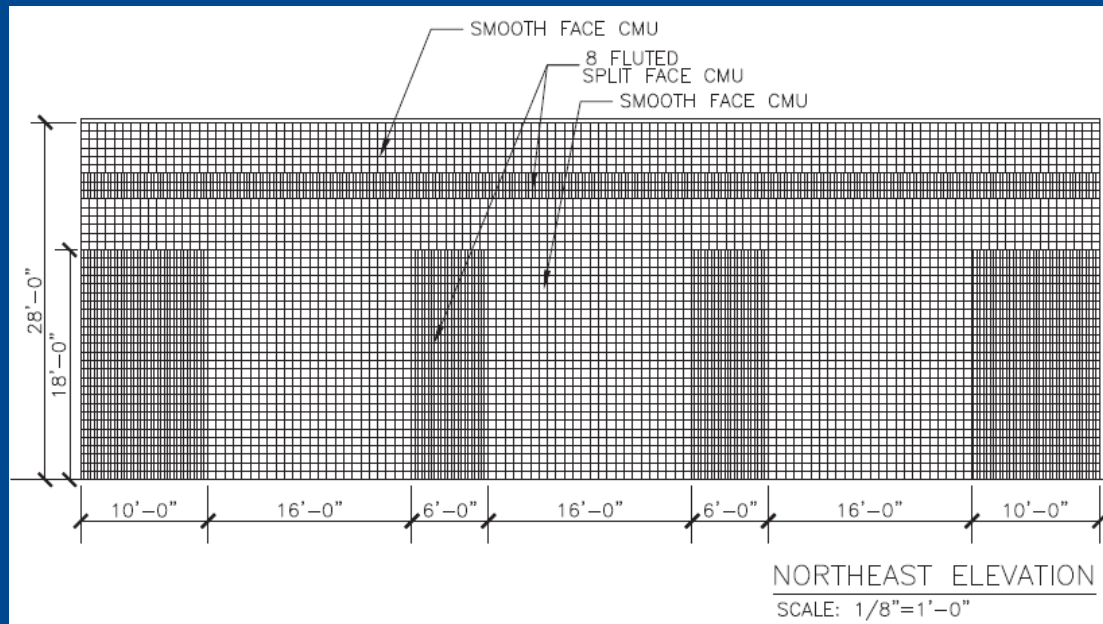
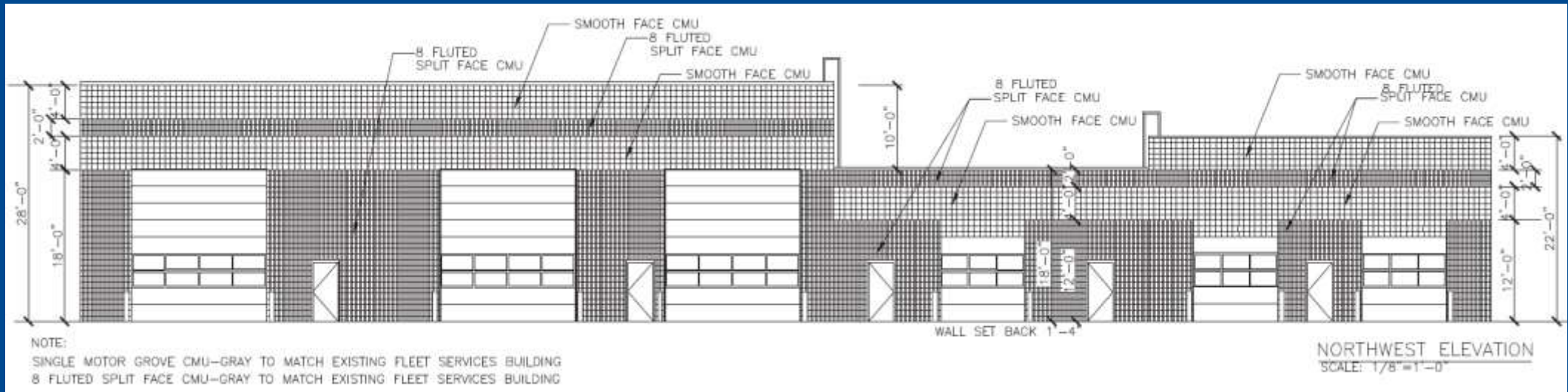


# Site Data

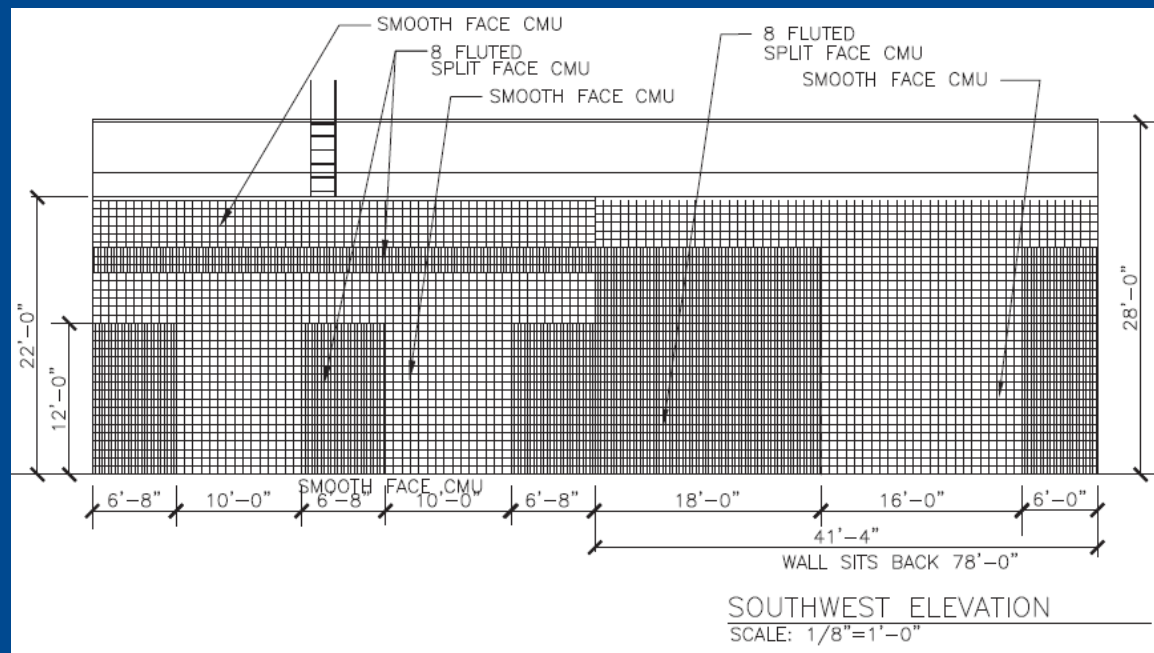
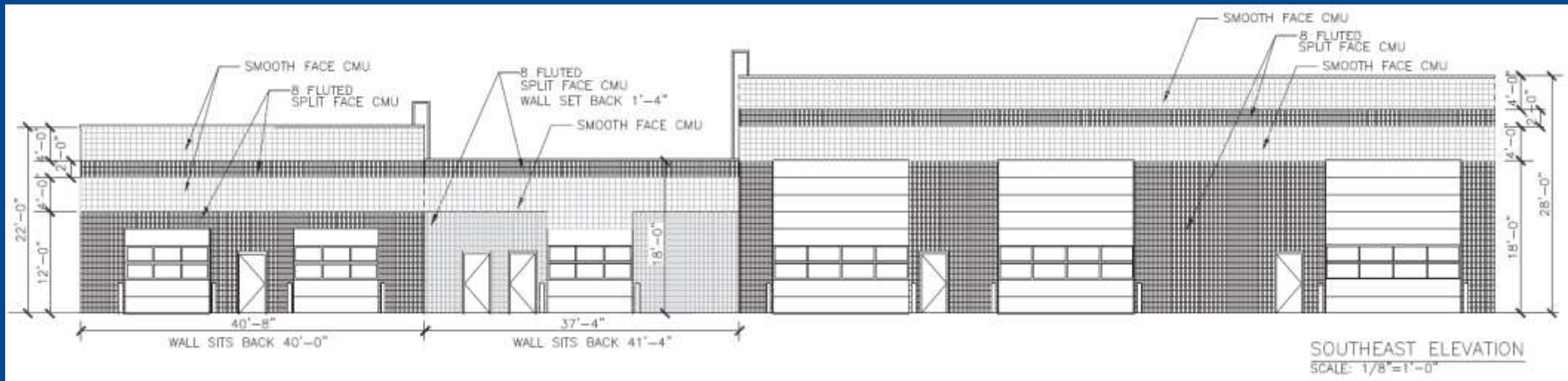
- Subject site encompasses 2 existing parcels which are proposed to be combined into 1 lot
- Contains 3 existing structures:
  - Motor pool service building
  - Hazardous waste building
  - Oil & Gas Energy Department (formerly Rubadue Wire)



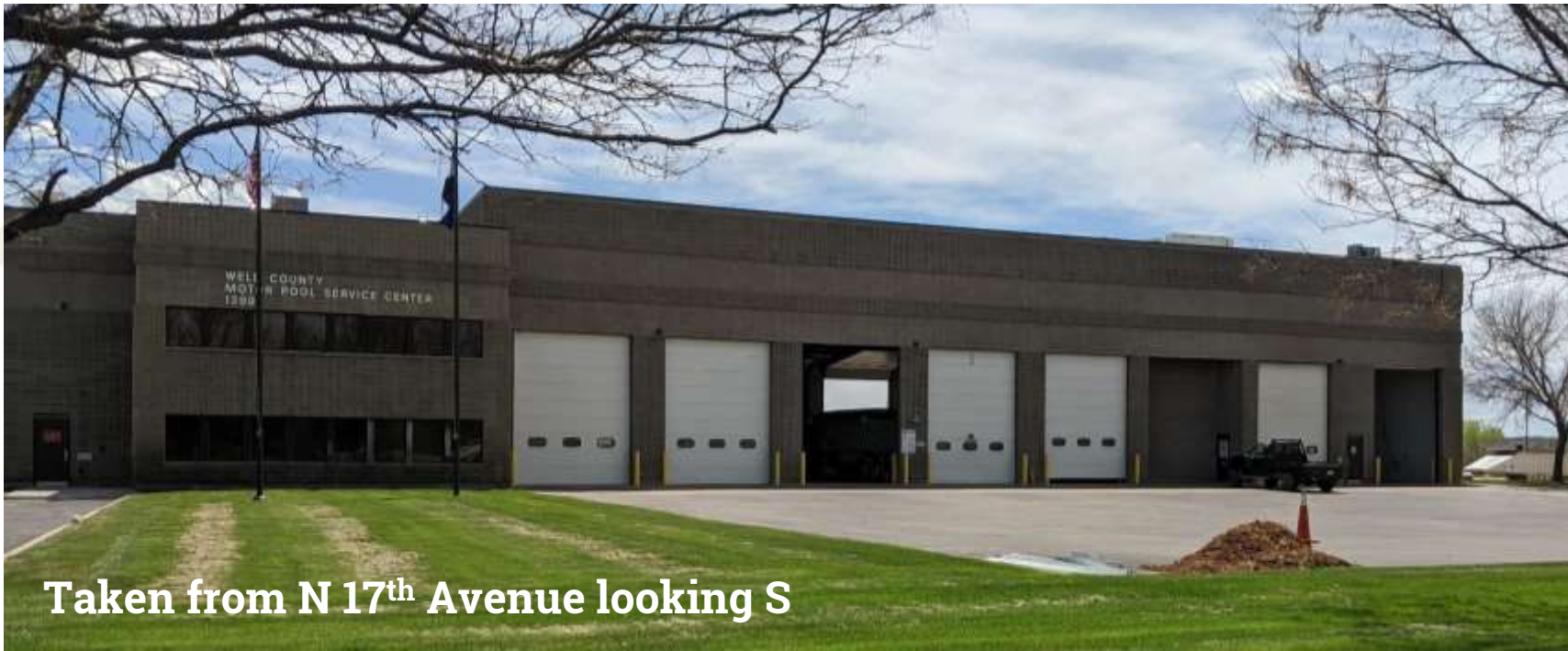
# Elevations



# Elevations



# Site Photos



Taken from N 17<sup>th</sup> Avenue looking S



Taken from N 17<sup>th</sup> Avenue looking SW



# Site Photos



Taken from private road looking N



Taken from private road looking NE

# Approval Criteria

<b>Section 18.32.140(c) Substantial Conformance with Final PUD</b>	
<b>YES</b>	<b>1. Building Elevations</b> <i>Align with material &amp; design of surrounding structures.</i>
<b>YES</b>	<b>2. Landscaping</b> <i>Increased lot coverage (20.5% previously required &amp; 24.6% proposed).</i>
<b>YES</b>	<b>3. Signage</b> <i>Any future signs are required to meet existing standards for size &amp; design.</i>
<b>YES</b>	<b>4. Photometric Plan</b> <i>No changes proposed to site lighting.</i>
<b>YES</b>	<b>5. Parking</b> <i>Existing stall count meets requirements for proposed use.</i>

# Approval Criteria

## Section 18.46.080

### Design Review Criteria for Car & Truck Washes

<b>YES</b>	<b>1. Bays shall be located so that they are perpendicular to the public right-of-way, or screened from view if on a corner site.</b>
<b>YES</b>	<b>2. No auto repair shall be conducted within a car or truck wash bay.</b>
<b>YES</b>	<b>3. All-over spray shall be contained on-site.</b>
<b>YES</b>	<b>4. Operating characteristics, such as hours of operation &amp; use of lighting, shall be compatible with surrounding land uses.</b>
<b>YES</b>	<b>5. Other applicable Storm Drainage and Water Department standards &amp; criteria.</b>

# Recommendation

## **Planning Commission**

- **May 26, 2020**
- **APPROVAL (unanimous)**



Questions?

# Council Agenda Summary

June 16, 2020

## **Agenda Item Number 20**

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

### Title:

COVID-19 Update

### Summary:

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

# Council Agenda Summary

June 16, 2020

**Agenda Item Number 21**

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

**Title:**

Appointment of applicants to the Citizen Budget Advisory Committee, Citizen Transportation Advisory Board, Commission on Disabilities, Construction Trades Advisory & Appeals Board, Downtown Development Authority, Human Relations Commission, Judicial Review Board, Museum Board, Rodarte Community Center Advisory Board, Water & Sewer Board, and Youth Commission

**Summary:**

Council appointment is needed to the above-mentioned boards and commissions due to vacancies and term expirations. Staff continues to actively recruit to fill all vacant positions.

**Fiscal Impact:**

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

**Legal Issues:**

The City Attorney's Office reviewed the applications and advised of potential conflicts of interest.

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

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

**Other Issues and Considerations:**

Not applicable.

**Applicable Council Priority and Goal:**

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

**Decision Options:**

- 1) Appoint or reappoint the individuals to serve on applicable board or commission;  
or
- 2) Direct staff to re-advertise applicable vacancy.

**Council's Recommended Action:**

No motion is necessary. The City Council's Policies and Protocol authorize appointment of Board and Commission members by written ballot, which can be used in lieu of a motion or voice vote for individual or multiple appointments. This policy was adopted by Council as a time-savings measure. Accordingly, a ballot is attached for Council's use in making appointments. Candidates receiving a majority vote (at least 4 votes) are appointed with no further action needed by Council.

**Attachments:**

Ballot

June 2020 Boards and Commissions Transmittal Summary





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

\*\*\*\*\* BALLOT \*\*\*\*\*

Citizen Budget Advisory Committee	
<i>1 Vacancy</i>	
<input type="checkbox"/>	<b>NICK KENNY</b>
<input type="checkbox"/>	Nicholas Nakamura
<input type="checkbox"/>	Kenneth Perry
<input type="checkbox"/>	Michael Shreiner
<input type="checkbox"/>	(Recruit For Additional Applicants)

Judicial Review Board	
<i>1 Vacancy</i>	
<input type="checkbox"/>	<b>NICHOLAS NAKAMURA</b>
<input type="checkbox"/>	(Recruit For Additional Applicants)

Citizen Transportation Advisory Board	
<i>1 Vacancy</i>	
<input type="checkbox"/>	Robert Baker
<input type="checkbox"/>	<b>KATHLEEN DAVIS (I)</b>
<input type="checkbox"/>	(Recruit For Additional Applicants)

Museum Board	
<i>3 Vacancies</i>	
<input type="checkbox"/>	<b>DANIEL MURPHY</b>
<input type="checkbox"/>	<b>MICHAEL WIELAND</b>
<input type="checkbox"/>	<b>(RECRUIT FOR ADDITIONAL APPLICANTS)</b>

Commission on Disabilities	
<i>2 Vacancies</i>	
<input type="checkbox"/>	<b>SUE ZAMORA (I)</b>
<input type="checkbox"/>	<b>(RECRUIT FOR ADDITIONAL APPLICANTS)</b>

Rodarte Community Center Advisory Board	
<i>3 Vacancies</i>	
<input type="checkbox"/>	<b>DEREK ANDERSEN (I)</b>
<input type="checkbox"/>	<b>SAMANTHA DUVALL</b>
<input type="checkbox"/>	<b>EMMA PENA-MCCLEAVE (I)</b>
<input type="checkbox"/>	Susan Schwartz
<input type="checkbox"/>	(Recruit For Additional Applicants)

Construction Trades Advisory & Appeals Board	
<i>3 Vacancies</i>	
<input type="checkbox"/>	<b>ANDY PHELPS (I)</b>
<input type="checkbox"/>	<b>DAVID POWELL (I)</b>
<input type="checkbox"/>	<b>(RECRUIT FOR ADDITIONAL APPLICANTS)</b>

Water & Sewer Board	
<i>1 Vacancy</i>	
<input type="checkbox"/>	Andrew Clark
<input type="checkbox"/>	Joseph Murphy (I)
<input type="checkbox"/>	Sean Short
<input type="checkbox"/>	(Recruit For Additional Applicants)

Downtown Development Authority	
<i>2 Vacancies</i>	
<input type="checkbox"/>	Cooper Anderson
<input type="checkbox"/>	Matt Estrin
<input type="checkbox"/>	<b>LOGAN RICHARDSON (I)</b>
<input type="checkbox"/>	Michael Smith
<input type="checkbox"/>	<b>LINDA WINTER (I)</b>
<input type="checkbox"/>	(Recruit For Additional Applicants)

Youth Commission	
<i>5 Vacancies</i>	
<input type="checkbox"/>	<b>ABBY AURZADA (I)</b>
<input type="checkbox"/>	<b>RACHEL FEINSTEIN</b>
<input type="checkbox"/>	Alex Quiej
<input type="checkbox"/>	<b>ANALISE RODRIGUEZ</b>
<input type="checkbox"/>	Myrna Weis-Calderon
<input type="checkbox"/>	<b>(RECRUIT FOR ADDITIONAL APPLICANTS)</b>

Human Relations Commission	
<i>2 Vacancies</i>	
<input type="checkbox"/>	<b>KENDALL ALEXANDER (I)</b>
<input type="checkbox"/>	<b>DEB SUNIGA (I)</b>
<input type="checkbox"/>	(Recruit For Additional Applicants)

Incumbent = (I)

# Boards & Commissions Transmittal

June 5, 2020

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

Interview Date

June 10, 2020

Council Interview Team

Councilmembers Butler and Zasada

Council Appointment Date

June 16, 2020

Boards and Commissions Being Interviewed

- **Citizen Budget Advisory Committee**
- **Citizen Transportation Advisory Board**
- **Commission on Disabilities**
- **Construction Trades Advisory Board**
- **Downtown Development Authority**
- **Human Relations Commission**
- **Judicial Review Board**
- **Museum Board**
- **Rodarte Community Center Board**
- **Water & Sewer Board**
- **Youth Commission**

Council's Recruitment and Qualifications Policy

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

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

Legal Issues

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

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

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

Applicable Council Goal or Objective

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

Decision Options

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

Attachments

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

**Transmittal reviewed by:**

 <sup>DS</sup>

Roy Otto, City Manager

 <sup>DS</sup>

Cheryl Aragon, Interim City Clerk

# Council Agenda Summary

June 16, 2020

## **Agenda Item Number 22**

### Title

Scheduling of Meetings, Other Events

### Summary

During this portion of the meeting the City Manager or City Council may review the attached Council Calendar or Worksession Schedule regarding any upcoming meetings or events.

### Attachments

Council Meeting/Worksession Schedule  
Council Meetings/Other Events Calendar

## City Council Meeting Scheduling

Current as of 6/12/2020

This schedule is subject to change

Date	Description	Sponsor	Placement/Time
June 23, 2020 Special Meeting	Ordinance - Final - Open Consumption on Downtown Plazas	Becky Safarik	Regular
June 23, 2020 Worksession Meeting	COVID-19 Update	Roy Otto	0.25
	Municipal Code Recodification - Review of Changes	Cheryl Aragon	0.75
	CPRD Cost Recovery Study Overview	Andy McRoberts	0.50
	Tax Renewal Polling Results	Paul Fetherston	1.00
July 7, 2020 Council Meeting	Ordinance - Intro - Municipal Code Recodification	Cheryl Aragon	Consent
	Resolution - IGA with CDOT for 35th Ave & Hwy 34 Interchange	Joel Hemesath	Consent
	Resolution - IGA with CDOT for 47th Ave & Hwy 34 Interchange	Joel Hemesath	Consent
July 14, 2020 Worksession Meeting	Review Proposed Changes to Election Section of the Code	Cheryl Aragon	0.50
	Short-Term Rentals Discussion	Brad Mueller	0.50
	CAFR Presentation	Robert Miller	0.50
July 21, 2020 Council Meeting	Ordinance - Intro - Election Code Changes	Cheryl Aragon	Consent
	Ordinance - Final - Municipal Code Recodification	Cheryl Aragon	Regular
July 28, 2020 Worksession Meeting	Quarterly Financial Report	Robert Miller	0.50
	Discussion of Development Impact Fees	Robert Miller	1.00
	Strategic Housing Plan Progress/Update (non-action)	Ben Snow	0.50

# June 15, 2020 - June 21, 2020

June 2020							July 2020						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6			1	2	3	4	
7	8	9	10	11	12	13	5	6	7	8	9	10	11
14	15	16	17	18	19	20	12	13	14	15	16	17	18
21	22	23	24	25	26	27	19	20	21	22	23	24	25
28	29	30					26	27	28	29	30	31	

## Monday, June 15

## Tuesday, June 16

**6:00pm - City Council Meeting** (Council's Chambers, 1001 11th Avenue)

## Wednesday, June 17

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

## Thursday, June 18

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

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

## Friday, June 19

**4:00pm - 5:30pm COVID-19 Update**  
(<https://greeleygov.zoom.us/j/588773488>) - Jessica Diagona

## Saturday, June 20

## Sunday, June 21

# June 22, 2020 - June 28, 2020

June 2020							July 2020						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6			1	2	3	4	
7	8	9	10	11	12	13	5	6	7	8	9	10	11
14	15	16	17	18	19	20	12	13	14	15	16	17	18
21	22	23	24	25	26	27	19	20	21	22	23	24	25
28	29	30					26	27	28	29	30	31	

## Monday, June 22

**11:30am - 12:30pm Greeley Chamber of Commerce (Hall)**

**6:00pm - 7:00pm Youth Commission (Butler)**

## Tuesday, June 23

**12:00am RSVP Required: 98th Colorado Municipal League Annual Virtual Conference** (Westminster) - Council Master Calendar

**6:00pm - 9:00pm City Council Worksession**  
(<https://zoom.us/j/508162666>) - Jessica Diagana

## Wednesday, June 24

**← RSVP Required: 98th Colorado Municipal League Annual Virtual Conference** (Westminster) - Council Master Calendar

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

## Thursday, June 25

**← RSVP Required: 98th Colorado Municipal League Annual Virtual Conference** (Westminster) - Council Master Calendar

## Friday, June 26

**← 12:00am RSVP Required: 98th Colorado Municipal League Annual Virtual Conference** (Westminster) - Council Master Calendar

**4:00pm - 5:30pm COVID-19 Update**  
(<https://greeleygov.zoom.us/j/588773488>) - Jessica Diagana

## Saturday, June 27

## Sunday, June 28

# June 29, 2020 - July 5, 2020

June 2020							July 2020						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6			1	2	3	4	
7	8	9	10	11	12	13	5	6	7	8	9	10	11
14	15	16	17	18	19	20	12	13	14	15	16	17	18
21	22	23	24	25	26	27	19	20	21	22	23	24	25
28	29	30					26	27	28	29	30	31	

**Monday, June 29**

**Tuesday, June 30**

**Wednesday, July 1**

**Thursday, July 2**

- 7:00am - Poudre River Trail (Hall)
- 3:30pm - IG Adv. Board (Butler)
- 6:00pm - MPO (Gates/Payton)

**Friday, July 3**

- 4:00pm - 5:30pm COVID-19 Update  
(<https://greeleygov.zoom.us/j/588773488>) - Jessica Diagona

**Saturday, July 4**


**Sunday, July 5**

# July 6, 2020 - July 12, 2020

July 2020							August 2020						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3	4						1
5	6	7	8	9	10	11	2	3	4	5	6	7	8
12	13	14	15	16	17	18	9	10	11	12	13	14	15
19	20	21	22	23	24	25	16	17	18	19	20	21	22
26	27	28	29	30	31		23	24	25	26	27	28	29
							30	31					

**Monday, July 6**


**Tuesday, July 7**

**6:00pm - City Council Meeting** (Council's Chambers, 1001 11th Avenue) 

**Wednesday, July 8**

**Thursday, July 9**

**Friday, July 10**

**4:00pm - 5:30pm COVID-19 Update**  
(<https://greeleygov.zoom.us/j/588773488>) - Jessica Diagana 

**Saturday, July 11**

**Sunday, July 12**



# July 13, 2020 - July 19, 2020

July 2020							August 2020						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3	4						1
5	6	7	8	9	10	11	2	3	4	5	6	7	8
12	13	14	15	16	17	18	9	10	11	12	13	14	15
19	20	21	22	23	24	25	16	17	18	19	20	21	22
26	27	28	29	30	31		23	24	25	26	27	28	29
							30	31					

## Monday, July 13

## Tuesday, July 14

**6:00pm - 9:00pm City Council Worksession**  
<https://zoom.us/j/332065143> - Jessica Diagana

## Wednesday, July 15

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

## Thursday, July 16

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

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

## Friday, July 17

**4:00pm - 5:30pm COVID-19 Update**  
<https://greeleygov.zoom.us/j/588773488> - Jessica Diagana

## Saturday, July 18

## Sunday, July 19

# Council Agenda Summary

June 16, 2020

## **Agenda Item Number 23**

### **Title**

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

### **Council's Recommended Action**

A motion to approve the above authorizations.

# Council Agenda Summary

June 16, 2020

## **Agenda Item Number 24**

### Title

Adjournment