



City Council Agenda

February 05, 2019 at 6:30 PM

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

Mayor

John Gates

Councilmembers

Jonathan Smail
Ward I

Brett Payton
Ward II

Michael Fitzsimmons
Ward III

Dale Hall
Ward IV

Stacy Suniga
At-Large

Robb Casseday
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.](#) Petitions from Mayor and Councilmembers

Consent Agenda

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

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

- [9.](#) Approval of the City Council Proceedings of January 15, 2019
- [10.](#) Acceptance of the Report of the January 22, 2019 City Council Worksession
- [11.](#) Consideration of a resolution authorizing the Mayor to enter into an Intergovernmental Agreement between the City of Greeley Police Department and the Weld County Sherriff’s Office concerning the use of the Wilber B. Ross Memorial Police Training Center (Firing Range)
- [12.](#) Consideration of a resolution authorizing the Mayor to enter into a Memorandum of Agreement between the City of Greeley Police Department and the US Marshall Service to Participate in a violent offender task force
- [13.](#) Consideration of a resolution of the City of Greeley authorizing the Mayor to execute an intergovernmental agreement with the Colorado Department of Transportation for

contributions to the improvement of I-25

- [14.](#) Introduction and first reading of an Ordinance changing the official zoning map of the City of Greeley, Colorado from the PUD (Planned Unit Development – Oil and Gas, and Neighborhood Center) to the PUD (Planned Unit Development – Residential) zone district for approximately 7.11 acres located north of 25th Street (a.k.a., Centerplace Drive) and west of 35th Avenue Court
- [15.](#) Introduction and first reading of an ordinance adopting the City of Greeley Strategic Housing Plan, an Element of the Imagine Greeley Comprehensive Plan
- [16.](#) Introduction and first reading of an Ordinance for a 2nd Amendment to the Centerplace North Development Concept Master Plan
- [17.](#) Introduction and first reading of an Ordinance amending Section 6.16 of Greeley's Municipal Code regarding Alcohol Beverages
- [18.](#) Introduction and first reading of an Ordinance amending Chapter 13.40 of the Greeley Municipal Code to update certain park regulations

End of Consent Agenda

- [19.](#) Pulled Consent Agenda Items
- [20.](#) Public hearing and final reading of an Ordinance appropriating additional sums to defray the expenses and liabilities of the City of Greeley for the balance of the fiscal year of 2019 and for funds held in reserve for encumbrances at December 31, 2018
- [21.](#) Scheduling of Meetings, Other Events
- [22.](#) Adjournment

Council Agenda Summary

February 5, 2019

Agenda Item Number 1

Title

Call to Order

Council Agenda Summary

February 5, 2019

Agenda Item Number 2

Title

Pledge of Allegiance

Council Agenda Summary

February 5, 2019

Agenda Item Number 3

Title

Roll Call

Summary

Mayor Gates

Councilmember Smail

Councilmember Payton

Councilmember Casseday

Councilmember Fitzsimmons

Councilmember Suniga

Councilmember Hall

Council Agenda Summary

February 5, 2019

Agenda Item Number 4

Title

Recognitions and Proclamations

Summary

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

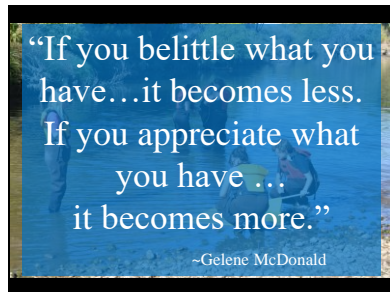
Attachments

February 5, 2019 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



A big shout out to the Greeley Stampede for winning “Event of the Year” at the 3rd annual Rocky Mountain Country Music Awards held at the Union Colony Civic Center. The Greeley Stampede has been nominated all three years the awards show has been around and was the only Colorado event of the seven nominees in its category. The Rocky Mountain Country Music Awards honors the best of country across Colorado, Wyoming, Nebraska, Kansas, South Dakota, Utah and new this year, New Mexico.

Slide 4



Congratulations to Greeley West swimmer Josie Carpenter for qualifying for the state meet in all 8 individual events. Due to state rules, she will only compete in two events – the 200 and 500-freestyle races, of which Josie holds two city records. We look forward to hearing how Josie does at the state meet.

Slide 5



Young musicians from Salida del Sol Academy were invited to perform at Gov. Jared Polis' inauguration ball. The Greeley students performed after being selected by the Colorado Director of Programs for Little Kids Rock. Little Kids Rock is a partner of Take Note Colorado, former Gov. John Hickenlooper's initiative to give every child in the state access to instruments and music instruction. A dozen students played ukuleles and the cajón and sang "Best Days of Our Lives" by The American Authors.

Slide 6



Northern Colorado women's basketball guard Savannah Smith has been named the Big Sky Player of the week for the second time in her career. Against BSC opponents, Savannah is the second leading scorer in the conference and was last season's Big Sky Conference MVP. And, just last week she was named the 2018 Colorado Sportswoman of the Year.

Slide 7



Greeley Central wrestler Andrew Alirez continues to receive recognition for his talents on the mat. He has been named the Adidas High School Wrestler of the Week and is currently ranked #1 in the country at 152 pounds and is undefeated in high school competition.

Slide 8



Council Agenda Summary

February 5, 2019

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's consideration that is not already listed on this evening's agenda.

Individual speakers will be limited to 3 minutes each. Council and staff will respond tonight, if possible, to questions or requests. If further time or discussion is needed, a staff member will contact you within the next couple of days. Some items may need to be scheduled for a future meeting.

Council Agenda Summary

February 5, 2019

Agenda Item Number 6

Title

Approval of the Agenda

Council Agenda Summary

February 5, 2019

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.

Board/Commission	Meeting Day/Time	Assignment
--Team of 2-- Board/Commission Interviews	Monthly as Needed	Council Rotation
Water & Sewer Board	3 rd Wed, 2:00 pm	Gates
Youth Commission Liaison	4 th Mon, 6:00 pm	Smail
Historic Preservation Loan	As Needed	Suniga
Police Pension Board	Quarterly	Suniga
Employee Health Board	As Needed	Suniga
Human Relations Commission Liaison	2 nd Monday, 12:30 P.M.	Suniga
Airport Authority	3 rd Thur, 3:30 pm	Casseday/Payton
Visit Greeley	3 rd Wed, 7:30 am	Fitzsimmons
Upstate Colorado Economic Development	Last Wed, 7:00 am	Gates/Hall
Greeley Chamber of Commerce	4 th Mon, 11:30 am	Gates
Island Grove Advisory Board	1 st Thur, 3:30 pm	Smail
Weld Project Connect Committee (United Way)	As Needed	Fitzsimmons
Downtown Development Authority	3 rd Thur, 7:30 am	Casseday/Smail
Transportation/Air Quality MPO	1 st Thur, 6:00 pm	Casseday/Gates
Poudre River Trail	1 st Thur, 7:00 am	Hall
Interstate 25 Coalition	As Needed	Gates
Highway 85 Coalition	As Needed	Payton
Highway 34 Coalition	As Needed	Payton
CML Policy Committee (Council or Staff)	As Needed	Payton and City Manager Roy Otto/Fitzsimmons alternate
CML Executive Board opportunity	As Needed	
CML - Other opportunities	As Available/Desired	

Council Agenda Summary

February 5, 2019

Agenda Item Number 8

Title

Petitions 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.

Petitions 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 Petitions and Related Information

Greeley City Council

Status Report of Council Petitions

Council Request		Council Meeting, Worksession, or Committee Meeting Date Requested	Status or Disposition (After completion, item is shown one time as completed and then removed.)	Assigned to:
02-2018	Councilmember Hall requested that staff begin exploring options in regards to refuse around the University of Northern Colorado to manage the problem	June 5, 2018 Council Meeting	This item is scheduled to be discussed at the February 12, 2019 Worksession.	Brad Mueller

Council Agenda Summary

February 5, 2019

Agenda Item Number 9

Key Staff Contact: Betsy Holder, City Clerk, 970-350-9742

Title:

Approval of the City Council Proceedings of January 15, 2019

Summary:

A meeting of the City Council was held on January 15, 2019, in Council's Chambers at the City Center South Campus, 1001 11th Avenue, Greeley, Colorado.

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:

January 15, 2019 Proceedings

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
 January 15, 2019

1. Call to Order

Mayor John Gates called the meeting to order at 6:30 p.m., in the City Council Chambers at City Center South, 1001 11th Avenue.

2. Pledge of Allegiance

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

3. Roll Call

Jessica Diagana, Assistant City Clerk, called the roll. Those present were Mayor Gates and Councilmembers Robb Casseday, Michael Fitzsimmons, Dale Hall, Brett Payton, Jon Smail and Stacy Suniga.

4. Recognitions and Proclamations

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

Mayor Gates presented Proclamations recognizing School Board Recognition Month and Black History Month.

5. Citizen Input

Bob Stack, Greeley resident, was present and noted that he is a member of the Weld County Suicide Coalition which is made up of local non-profit organizations, individuals, and other community groups. He stated that there will be a meeting on February 12, 2019, from 9:00 – 11:00 a.m. at 1150 O Street and encouraged the Council's and the community's involvement in such an important conversation as suicide has become a national crisis and has local impacts.

Steve Teets, Greeley resident, was present and spoke of the importance of and need for transit services and connectivity to Loveland for jobs, medical care, and mental health access.

Todd Loschen, Greeley resident, inquired about what is being done at the intersection near his house that he has spoken to Council about on numerous previous occasions. He stated that he still sees people running the stop sign and wonders why the City says that a major traffic accident has to happen there before anything can be done.

Aiden, representative of Up with People, was present and shared that they will be in the Greeley community doing various public service projects trying to make a positive impact here and benefitting the Boys and Girls Club. He also noted the need for hosts for these individuals who will be here.

6. Approval of Agenda

The agenda was approved as presented.

7. Reports from Mayor and Councilmembers

Councilmember Suniga spoke of Mr. Stack's comments and expressed support for the efforts of North Range Behavioral Health to educate our citizens about suicide. She shared some figures particular to Greeley relative to suicide. She went on to note that SESS (suicide education coalition) and University High School are teaming up to host a movie, *The Ripple Effect of Suicide*, on February 19th & 26th at the Kress. She also spoke of the upcoming MLK Event on January 21st and the Women's March on January 19th.

Councilmember Fitzsimmons stated that he attended the Greeley Police Department Award Ceremony and expressed appreciation for the men and women of the Greeley PD.

Councilmember Casseday reported that at the most recent Downtown Development Authority meeting, Pam Bricker said her farewell to the Board and the DDA as it was her last meeting in the role of Executive Director. He stated that Bianca Fisher has taken over in that role. He added there are currently three letters of intent with regard to occupancy of the Woody's News Stand space at 10th Street and 9th Avenue.

Mayor Gates added that there will be a kick-off event at UNC on February 20th and thanked Aiden and Up with People for being in Greeley.

8. Petitions from Mayor and Councilmembers

There were no petitions offered from Mayor and Councilmembers.

**** Consent Agenda ****

9. Approval of the City Council Proceedings of December 18, 2018

The Council action recommended as to approve the Proceedings.

10. Acceptance of the Report of the January 8, 2019 City Council Worksession

The Council action recommended was to accept the Report.

11. Consideration of a resolution approving an Intergovernmental Agreement between the City of Greeley and the Greeley Downtown Development Authority for economic development services

The Council action recommended was to adopt the Resolution. (Resolution No. 01, 2019)

12. Consideration of a resolution approving an Intergovernmental Agreement between the City of Greeley and The State of Colorado acting for and on behalf of the Board of Trustees of the University of Northern Colorado for the use and benefit of the Small Business Development Center and the BizHub Collaborative for economic development services

The Council action recommended was to adopt the Resolution. (Resolution No. 02, 2019)

13. Consideration of a resolution of the City of Greeley Council Authorizing Dissolution of the Greeley Building Authority effective December 31, 2018

The Council action recommended was to adopt the Resolution. (Resolution No. 03, 2019)

14. Consideration of a resolution of the Greeley City Council declaring its official intent to reimburse itself with the proceeds of one or more tax-exempt financings for certain capital construction and equipment expenditures

The Council action recommended was to adopt the Resolution. (Resolution No. 04, 2019)

15. Consideration of a resolution authorizing the Mayor to enter into a Memorandum of Understanding between the City of Greeley and the Board of County Commissioners of Weld County regarding wireless radio services

The Council action recommended was to adopt the Resolution. (Resolution No. 05, 2019)

16. Consideration to approve a change order in the amount of \$150,000 to the contract with All Pro Paving for concrete infrastructure repair within several City of Greeley Parks and Keep Greeley Moving Neighborhoods, and bringing the revised contract amount from \$1,184,935.16 to \$1,334,935.16

The Council action recommended was to approve the Change Order. (Change Order No. 2)

17. 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 2019 and for funds held in reserve for encumbrances at December 31, 2018

The Council action recommended was to introduce the Ordinance and schedule the Public Hearing and final reading for February 5, 2019.

18. Designation of posting sites for notices of City Council meetings

The Council action recommended was to designate the existing bulletin boards in both entrances to City Hall as the official posting sites for agendas of City Council Meetings and Worksessions for the year of 2019.

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

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

19. Pulled consent agenda items

No items were pulled from the Consent Agenda.

20. Public hearing and final reading of an ordinance amending Chapter 9.44 of the Greeley Municipal Code to expand the Ban On Smoking in Public Places and Common Areas

Andy McRoberts, Culture, Parks and Recreation Director, reported that this is an ordinance to ban smoking in public places and common areas. He provided a review of what has been done thus far including work with the Parks and Recreation Advisory Board and the Youth Commission. He noted that in June of 2018 the City Council expressed that they would like the Code to be looked at further before implementing this ordinance. They had also asked for the accommodation of signage and marketing materials on this change.

Councilmember Smail inquired as to whether or not the Gazebo in Lincoln Park is included, and Mr. McRoberts confirmed that it is.

Councilmember Suniga inquired about the verbiage “parks shelters”, and Mr. McRoberts confirmed that it is found that it is defined under public places.

Mayor Gates opened the public hearing at 7:20 p.m.

Steve Teets, Greeley resident, reported that this could come across to some as taking away Constitutional rights. He added that this smoking ban on bus shelters is not being adhered to by some people.

Brooklyn Johnson, Youth Commission Chair, was present and reported that she worked on this for more than a year and that it is very important to those on the Youth Commission for the health of the community. She added that these types of bans will affect peoples’ use of tobacco products.

Rick Rieser, Parks & Recreation Advisory Board Chair, was present and stated that the Board has expressed unanimous consensus to support this ordinance. He stated that this is a good first step and expressed hope that the Council will add trails and open lands in the future.

There being no further public comments offered Mayor Gates closed the public hearing at 7:25 p.m.

Councilmember Suniga commended the Youth Commission for all of their time to help them make the decision to adopt this Ordinance.

Councilmember Casseday thanked the Youth Commission and made note of the effort and for coming before the Council one year ago at the Poudre Learning Center. He noted that a lot of progress has been made since then.

Mayor Gates thanked the staff and the the Boards involved in this ordinance for their time and acknowledged how time consuming this has been for all involved.

Councilmember Fitzsimmons moved, seconded by Councilmember Casseday to adopt the ordinance and publish it by reference to title only. The motion carried: 7-0 (**Ordinance No. 01, 2019**)

21. **Public hearing and final reading of an ordinance authorizing the acquisition of interests in real property located in the City of Greeley for road improvements by purchase or exercise of power of eminent domain pursuant to Section 7 of Article XVI, Section 15 of article II, and Sections 1 and 6 of Article XX of the Colorado Constitution and Colorado Revised Statute § 38-1-101, et seq. (47th Avenue Turn Lane and Centerplace Drive Turn Lane Projects)**

Joel Hemesath, Public Works Director, reported that this ordinance authorizes the acquisition of property interests by purchase or by exercise of power of eminent domain for improvements along 47th Avenue and Centerplace Drive entering into the Centerplace Shopping Center. He noted that these improvements were identified as a way to increase safety, reduce delays, and improve traffic flow along 47th Avenue and Centerplace Drive, and additionally will reduce congestion along the corridors.

He stated that this ordinance was introduced at the December 18th Council meeting.

Councilmember Hall made note of the benefits of creating this turn lane now rather than waiting.

Mayor Gates opened the public hearing at 7:32 p.m., and no comments were offered.

Councilmember Suniga moved, seconded by Councilmember Hall to adopt the ordinance and publish it by reference to title only. The motion carried: 7-0 (**Ordinance No. 02, 2019**)

22. Appointment of applicants to the Commission on Disabilities

Council voting resulted in the following appointments:

Commission on Disabilities - Phil Brewer and Patrick Kelly

23. Scheduling of meetings, other events

No other meetings or events were scheduled.

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

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

25. Adjournment

There being no further business to come before the Council, Mayor Gates adjourned the meeting at 7:33 p.m.

John Gates, Mayor

Jessica Diagana, Assistant City Clerk

Council Agenda Summary

February 5, 2019

Agenda Item Number 10

Key Staff Contact: Betsy Holder, City Clerk, 970-350-9742

Title:

Acceptance of the Report of the January 22, 2019 City Council Worksession

Summary:

A City Council Worksession was held on January 22, 2019, in Council's Chambers at the City Center South Campus, 1001 11th Avenue, Greeley, Colorado.

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:

January 22, 2019 Report

City of Greeley, Colorado
COUNCIL WORKSESSION REPORT
 January 22, 2019

The meeting was called to order at 5:00 p.m. by Mayor Gates, in Council's Chambers at City Center South, 1001 11th Avenue.

Those present were Mayor John Gates and Councilmembers Robb Casseday, Dale Hall, Brett Payton, Jon Smail, and Stacy Suniga. Councilmember Michael Fitzsimmons arrived late.

1. BROADBAND UPDATE

Brian Sullivan, Geographic Information Systems (GIS) Manager, reported that in an effort to compete in today's economy, communities across the State have become increasingly dependent on internet access, especially high-capacity, broadband, access. He noted that it is becoming a critical component for most cities to improve population retention and as a means of offering business incentives, and residents have multiple devices that need the significant capacity for video and other capabilities.

He stated that the availability of broadband has also become a necessity for quality of life and desirability of a community, providing residents access to things like online education and distance learning opportunities, telemedicine, and entertainment. In the 21st-century economy, it is critical everyone have broadband access. In fact, it is beginning to be a dialogue that broadband access is as important as our roads and utilities to be economically competitive as noted by the Colorado Municipal League.

Councilmember Fitzsimmons arrived at 5:05 p.m.

Mr. Sullivan went on to offer a timeline of the work that has been done by the City regarding broadband investigation noting that in 2016 the City began the initiative to examine Broadband generally; in 2017 the City initiated 1) a feasibility study with NEO Connect to look broadly at the issues and options related to Broadband; 2) a ballot initiative in which the voters opted out of the prohibitions of SB 17-152 which prohibited most uses of municipal funds for infrastructure to improve local broadband service or from providing those services should the City desire to do so at some point; and in 2018 a feasibility study was completed and next steps were identified; and in May 2018 City staff and a consultant provided the Council with a strategic direction concerning broadband. He noted that the study had many components, including a survey of providers and "download" speeds, discussion of the future options (4G and 5G cellular wireless, as examples), price comparisons, existing infrastructure assets, a survey of providers, best practices analysis, and recommendations.

From this report, Mr. Sullivan advised that the Council appropriated an additional \$250,000 to continue to study and analyze the next steps for the City of Greeley to ensure Greeley remains a technologically competitive City in Northern Colorado.

He went on to review the work plan elements and next steps and noted that staff's plans are to establish an Advisory Citizen Committee sometime between March 2019 and June 2020 that would be a mix of businesses and residents. The Committee's task will be to analyze any information gathered and review any and all future recommendations. Next would be a survey and focus groups between February 2019 and June 2019 through a consulting firm that would conduct statistically valid outreach to residents and businesses. He added that there will be a deliberate effort to solicit feedback from underserved populations in our community with bilingual options available. Third, staff plans strategic discussions with various broadband providers to discuss Phase 3 interest between February 2019 and May 2019 since there are

many alternatives to providing fast internet service. Next would come adoption of a “Fiber Conduit Connectivity and Co-locate” Ordinance sometime between February and March 2019, and continued discussions with other agencies such as CDOT, Northern Colorado cities, and the Chamber of Commerce; and then finally, appropriate monies to continue the effort, \$250,000 annually for 2019 and 2020, and set aside \$500,000 for fiber optic cable expansion efforts, and set aside \$600,000 for further development of broadband model and design.

Mr. Sullivan advised that the plan is to return to City Council in July 2019 with an update and action plans for the remainder of 2019 and 2020.

Roy Otto, City Manager, reported that the single most important thing going forward is the regional water issue, but emphasized that broadband is close behind that. He stated that it is critically important for the City’s future and that it will be a city-wide initiative in the 2019 City Manager Work Program.

In response to a question from Councilmember Suniga, Mr. Sullivan advised that there are several partners out there as well as communities where Greeley can learn from.

Councilmember Casseday stated that this must move forward, and what he is seeing here is setting the backbone for it. He expressed that the development community taking the lead with neighborhoods is the right approach.

Councilmember Smail inquired about the stage at which we just start putting in conduit without waiting for that middle section, and Mr. Sullivan stated that that’s what we are doing now where it makes sense and budgeting for it which will allow it to happen at an even quicker pace.

Councilmember Fitzsimmons reported that the ordinance ensures several outcomes – that the City will begin looking at high areas where this will start, but the challenge will be building enough money in.

Mayor Gates reported that he recently attended a Regional Mayors meeting and was surprised that only two there had opted out of SB 17-152. He noted that we seem to be right on track at the right pace. It was noted that some elected officials in some communities are split on this issue, so some may not be at the stage we are at.

Vik Runkle, Assistant City Manager, emphasized the need for some names of people in the community that staff can reach out to for input and inclusion into these conversations, especially those residents and businesses with language or cultural barriers, but who may have important and diverse input to offer on this issue. She noted that she would like to have names within the next couple of weeks.

2. MONTHLY FINANCIAL REPORT

Robert Miller, Budget Manager, provided the December 2018 monthly financial report. He noted that an end-of-the-year report will be provided in early February. He stated that overall, staff is seeing significant increases in revenues.

Mr. Miller went on to provide a General Fund revenue and expenditure overview and then reviewed sales tax by major categories, which is seeing significant growth; retail sales tax by location; property tax; franchise fees and telephone tax; general use tax; auto use tax; building use tax; building permit revenue; water funds; sewer funds; and lodging tax revenue.

Council thanked Mr. Miller for the report and the great news it provided.

3. SCHEDULING OF MEETINGS, OTHER EVENTS

Mr. Otto reminded Council of the annual Board and Commission Reception set for Thursday, January 24th beginning at 5:30 p.m. on the Monfort Concert Hall Stage.

No additional meetings or other events were scheduled.

Councilmember Payton moved, seconded by Councilmember Casseday to move into Executive Session for purposes discussing personnel who report to the City Council, the City Manager's Annual Performance Review, as provided for under C.R.S. 24-6-402(4)(f) and Greeley Municipal Code Section 2.04.020(6)a. The motion carried: 7-0

There being no further business to come before the Council, Mayor Gates adjourned the meeting and moved into Executive Session at 5:59 p.m. The Executive Session adjourned at 8:13 p.m.

Cheryl Aragon, Deputy City Clerk

Council Agenda Summary

February 5, 2019

Agenda Item Number 11

Key Staff Contact: Mark Jones, Police Chief, 970-350-9665

Title:

Consideration of a resolution authorizing the Mayor to enter into an Intergovernmental Agreement between the City of Greeley Police Department and the Weld County Sheriff's Office concerning the use of the Wilber B. Ross Memorial Police Training Center (Firing Range)

Summary:

The City of Greeley Police Department and the Weld County Sheriff's Office (WCSO) have long maintained an Intergovernmental Agreement regarding use of the firing range. However, the last agreement is dated 2009, and both parties have agreed to changes regarding hourly price and tracking use of the firing range. The purpose of this resolution is to approve an updated agreement to continue the mutually beneficial relationship.

In the past WCSO has paid a flat yearly amount:

2015	2016	2017	2018
\$20,000.00	\$31,771.00	\$31,771.00	\$5,000.00

***The price difference is due to an estimation of lead abatement \$100k in 2015 that only cost \$45K which is what the \$31k per year agreement was partially based on.*

The new agreement is \$55.00 per hour.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	N/A
What is the annual impact?	N/A
What fund of the City will provide Funding?	001-20-210-2160-2161
What is the source of revenue within the fund?	Hourly usage of the range at the rate of \$55.00 per hour
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:	The current IGA with the WCSO is dated 2009

Legal Issues:

None

Other Issues and Considerations:

None

Applicable Council Goal or Objective:

Public Safety

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:

- 1) Resolution for Firing Range IGA w-WCSO
- 2) Firing Range IGA

**THE CITY OF GREELEY, COLORADO
RESOLUTION NO. _____, 2019**

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF GREELEY POLICE DEPARTMENT AND THE WELD COUNTY SHERIFF’S OFFICE CONCERNING THE WILBER B. ROSS MEMORIAL POLICE TRAINING CENTER.

WHEREAS, cooperation and mutual assistance between the City of Greeley Police Department and the Weld County Sheriff’s Office increases the efficiency and effectiveness of both agencies and contributes to the safety of citizens in both jurisdictions; and

WHEREAS, the two agencies have in the past had similar Intergovernmental Agreements in place; and;

WHEREAS, City Council believes it is in the best interest of the public health, safety, and welfare of the citizens of the City of Greeley to enter into this agreement.

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

Section 1. The City Council authorizes the Mayor, pursuant to Section 2.07.040(b) of the City of Greeley Municipal Code, to enter into an Intergovernmental Agreement attached hereto and incorporated herein as Exhibit A.

Section 2. This resolution shall become effective immediately upon its passage and signature.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS _____ DAY OF _____, 2019.

ATTEST:

THE CITY OF GREELEY

Betsy Holder
City Clerk

BY _____
John Gates
Mayor

**INTERGOVERNMENTAL AGREEMENT
FOR USE OF THE
WILBER B. ROSS MEMORIAL POLICE TRAINING CENTER**

THIS INTERGOVERNMENTAL AGREEMENT is made this ____ day of _____, 20____, by and between the CITY OF GREELEY, COLORADO, a Colorado Home Rule Municipality, by and through its City Council with offices located at 1000 10th Street, Greeley, Colorado 80631 (hereinafter referred to as “City”) and COUNTY OF WELD, COLORADO, a Colorado Home rule County, by and through the Board of County Commissioners for Weld County, with offices located at 915 10th Street, Greeley, Colorado 80632 (hereinafter referred to as “County”) for use of the Wilber B. Ross Memorial Police Firing Range (hereinafter referred to as “Firing Range”).

WHEREAS, City currently leases land from the Greeley-Weld Airport Authority where City has built the Firing Range;

WHEREAS, City owns and operates the Firing Range;

WHEREAS, City and County have for many years shared the use of the Firing Range, and have shared the cost of operation of the Firing Range;

WHEREAS, City has over time expended resources to upgrade and expand the Firing Range;

WHEREAS, City and County entered into an Intergovernmental Agreement for use of the Firing Range on March 4, 2009;

WHEREAS, City and County wish to continue sharing the use of the Firing Range;

WHEREAS, City and County would like to now update the 2009 agreement;

WHEREAS, this Agreement is authorized by Section 30-11-101(1)(d) C.R.S., the Weld County Home Rule Charter, Section 3-8 (4)(m) and the Greeley Municipal Charter Section 3-5.

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein, the adequacy of which is acknowledge by and between the parties, the parties agrees as follows:

1. **Effect of Prior Agreements.** This agreement shall supersede the 2009 Intergovernmental Agreement regarding use of the Firing Range between the parties.

2. **Effective Date and Term.** The term of this Agreement shall begin upon the date of final execution by all the parties to this Agreement, and shall continue until December 31, 2021, after which time this Agreement shall automatically renew from year to year, unless terminated sooner pursuant to the terms and conditions set forth in this Agreement.

3. Quarterly Payment by County. County agrees to pay to City for County's use of the Firing Range at the rate of \$55.00 per hour. This amount will be paid in arrears by County, so that County will pay City on the first day of each quarter (January 1st, April 1st, July 1st, October 1st) for the Firing Range usage. This amount is intended to compensate City for costs such as depreciation, maintenance, equipment replacement, range administration, and improvements to the Firing Range. County will not be charged when their employees are at the range solely for the purpose of performing equipment maintenance or administrative tasks.

4. Accounting. The parties agree to use an online scheduling calendar or program. Such calendar or program will be used by County to track actual usage of the Firing Range on an hourly basis. County shall ensure the calendar accurately reflects the actual usage of the Firing Range and shall report the usage to the City. The City shall use the County's report to invoice the County for accounting purposes. If there is a disagreement between the numbers provided by the County and those tracked internally by the City the Sheriff and Chief of Police or their designees will meet to resolve the difference.

5. Scheduled County Uses. The parties agree that so long as the Quarterly Payment is timely paid, County shall be entitled to use the Firing Range when not being used by City or other previously scheduled users. The parties will meet during December to schedule the minimum uses by County for the upcoming year. If County should determine that it does not require previously scheduled use time, County will notify City of County's intent to cancel such scheduled time as soon as possible prior to the scheduled use date.

6. Third Party Use.

a. No Third Party individual, group, association, or entity, shall be entitled to use the Firing Range unless said person, agency, or entity has been permitted by City to use the Firing Range after executing a "Contract User Agreement" with the City and paying the Contract User Fee to City. The Contract User Fee shall be established by City.

b. Third parties using the Training Center for County purposes pursuant to this Agreement are not considered to be invitees of City.

7. Agreement Subject to Lease. The Parties specifically agree and understand that this Agreement is subject to terms and conditions of the lease agreement between the Greeley-Weld County Airport Authority ("Airport Lease Agreement") and City executed on December 17, 2004. All terms of this Agreement that are in contradiction to the airport lease agreement are hereby subordinated to the terms of the Airport Lease Agreement. Specifically, the Parties agree and understand to abide by the terms of paragraph 16 of the Airport Lease Agreement regarding Federal Aviation Administration lease requirements.

8. Termination. This Agreement may be unilaterally terminated by any party with or without cause by providing sixty (60) days' written notice to the other party. Additionally, County shall be entitled to remove any equipment titled to County and located at the Firing Range within sixty (60) days after the termination date. Any equipment remaining at the Firing Range more than sixty (60) days after the actual termination date shall become property of City.

9. City to Maintain Facility and City's Equipment. In exchange for payment by County for the hourly fee stated herein, or as revised by agreement of the Parties in subsequent years if this agreement is renewed, City assumes all costs for usual and ordinary future repairs, replacement, modifications, enhancements, and reconstruction of the facilities and/or equipment owned by City on the Firing Range premises. County shall not have use of the City's decisional shooting equipment.

10. County to Maintain County's Equipment. County agrees to be responsible for the ordinary future repairs, replacement modifications, and enhancements of the equipment owned by County and located on the Firing Range premises.

11. Each Party Responsible for its own Negligence. The Parties specifically agree that each Party shall be responsible for the costs to repair damage caused by their employees' or agents' negligent use of the Firing Range or any equipment located at the Firing Range, or both. City shall have approval rights over the range protocol in use by County.

12. Parties Relationship. The Parties to this Agreement intend that the relationship between them contemplated by this Agreement is that of independent entities working in mutual cooperation. Employees, staff, and agents of any one party hereto are not to be considered employees, staff or agents of any other party hereto for any purposes and said persons may not hold themselves out as employees or agents of any other party hereto or otherwise make any representation or commitment on behalf of any other party hereto. No party shall be in any way required to provide any pecuniary benefits, salaries, wages, or fringe benefits to employees, staff or agents of the other party.

13. Notices. Any noticed provided for in this Agreement shall be in writing and shall be served by personal delivery or certified mail, return receipt requested, postage prepaid at the addresses as follows:

TO CITY: City of Greeley
 1000 10th Street
 Greeley, Colorado 80631
 Attn: City Manager

Greeley Police Department
2875 10th Street
Greeley, Colorado 80634
Attn: Chief Mark Jones

TO COUNTY: Weld County, Colorado
 Board of County Commissioners
 P.O. Box 758
 Greeley, Colorado 80632

Weld County Sheriff
1950 O Street
Greeley, Colorado 80631
Attn: Sheriff Steve Reams

Any notice so mailed and any notice served by personal delivery shall be deemed delivered and effective upon receipt. This method of notification will be used in all instances, except for emergency situation, when immediate notification may be provided to the Greeley Police Chief or the Weld County Sheriff, whichever is applicable.

14. Responsibility for Legal Proceedings/Liability. County shall be responsible for defending itself and its officers, agents, and employees in any civil action brought against the County and its officers, agents, or employees by any person claiming injury or damages or both as a result of the performance of this Agreement. Likewise, City shall be responsible for defending itself and its officers, agents, and employees in any civil action brought against the City, its officers, agents, or employees by any person claiming injury and damages as a result of the performance of this Agreement. County and its officers, agents and employees shall not be deemed to assume any liability for intentional or negligent acts, errors, or omissions of City, or any officers, agents, or employees thereof, arising out of the performance of this Agreement. Likewise, City and its officers, agents and employees shall not be deemed to assume any liability for intentional or negligent acts, errors, or omissions of County or any officers, agents, or employees thereof, arising out of the performance of the terms of this Agreement.

15. Liability Insurance.

a. Each Party shall maintain adequate liability insurance coverage or financial responsibility as assurance of its accountability for any losses, claims, liabilities, or expenses for which it may be responsible. This insurance requirement may be met through a party's self-insurance.

b. Upon request, each party shall provide to the other party information regarding relevant insurance and/or financial responsibility pursuant to this Agreement. In the event that the insurance coverage for one party is canceled in whole or in part or is no longer available, the other party may elect to immediately terminate this Agreement in whole or in part by giving notice of such termination to the non-terminating party within three (3) days of termination.

16. Responsibility for Illness or Injury. County shall be responsible for employees or agents of the County attending or participating in any way in the use of the Firing Range and County acknowledges that City shall not be responsible for payment of any medical bills for any County employees' or agents' injuries or illness which may occur during, or as a result of, the use of the Firing Range.

17. Workers' Compensation. Each Party shall maintain workers' compensation insurance coverage, to the extent such coverage is required, for all employees or agents who may be present in any capacity during the Party's use of the Training Center.

18. Modification and Breach. This Agreement contains the entire Agreement and understanding between the Parties and hereby supersedes any other agreements concerning the subject matter of this transaction, whether oral or written. No modification, amendment, novation, renewal or other alteration of or to this Agreement shall be deemed valid or of any force or effect whatsoever, unless mutually agreed upon in writing by the Parties. No breach of any term, provision or clause of this Agreement shall be deemed waived or excused, unless such waiver of consent shall be in writing and signed by the party claimed to have so waived or consented. Any consent by any Party to, or waiver of, a breach by the other, whether express or implied, shall not constitute a consent, waiver of, or excuse for any other different or subsequent breach.

19. Assignment. No Party may assign this Agreement without prior written consent from the other Party.

20. Severability. If any term or condition of this Agreement shall be held to be invalid, illegal, or unenforceable, this Agreement shall be construed and enforced without such a provision, to the extent this Agreement is then capable of execution within the original intent of the Parties.

21. Choice of Law. This Agreement shall be construed in accordance with the laws of the State of Colorado. It is agreed by the Parties that any causes of action arising out of this Agreement shall be venued in the courts of Weld County, Colorado, to the extent that those courts are reposed with subject matter jurisdiction, or in Denver, Colorado, if the case must be held in federal court. All Parties agree to subject themselves to the personal jurisdiction of those courts.

22. Appropriations. Nothing in this Agreement shall be construed to require any party to provide funding for any purpose under this agreement that has not previously been budgeted. This Agreement is subject to adequate appropriation in any given fiscal year. Should adequate funds not be appropriated in any fiscal year to maintain payments under the terms and conditions of this Agreement, the parties agree that the contract shall immediately terminate.

23. No Third Party Enforcement. It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to the undersigned Parties and nothing in this Agreement shall give or allow any claim or right of claim whatsoever by any other person not included in this Agreement. It is the express intention of the undersigned parties that any entity, other than the undersigned parties, receiving services or benefits under this Agreement shall be deemed an incidental beneficiary only.

24. Governmental Immunity. Nothing in this Agreement shall be construed as a waiver of immunity provided by common law or by state statute, including the Colorado Governmental Immunity Act, Section 24-10-101, et. seq., C.R.S.; and further shall not be deemed as an assumption of any duty with respect to any non-party to this Agreement. The

Parties hereto expressly reserve all protections, immunities, rights, and defenses of the Colorado Governmental Immunity Act.

25. **Counterpart and Electronic Signatures.** This Agreement 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. This Agreement may be executed and delivered by electronic signature by any of the parties and all parties consent to the use of electronic signatures.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement the day and year first written.

CITY OF GREELEY, COLORADO

ATTEST:

By: _____
Mayor

By: _____
City Clerk

APPROVED AS TO SUBSTANCE:

By: _____

Roy Otto, City Manager

APPROVED AS TO LEGAL FORM:

By: _____
Doug Marek, City Attorney

AVAILABILITY OF FUNDS

By: _____
Victoria Runkle, Director of Finance

GREELEY POLICE DEPARTMENT

By: _____
Mark Jones, Police Chief

**BOARD OF COUNTY COMMISSIONERS
FOR WELD COUNTY, COLORADO**

ATTEST:

By: _____
Barbara Kirkmeyer, Chair

By: _____
Clerk to the Board

WELD COUNTY SHERIFF'S OFFICE

By: _____
Steven Reams, Sheriff

Council Agenda Summary

February 5, 2019

Agenda Item Number 12

Key Staff Contact: Mark Jones, Police Chief, 970-350-9665

Title:

Consideration of a resolution authorizing the Mayor to enter into a Memorandum of Agreement between the City of Greeley Police Department and the US Marshall Service to Participate in a violent offender task force

Summary:

The City of Greeley Police Department and the US Marshall Service intend to work together in a joint effort to improve public safety by reducing violent crime through the location and apprehension of fugitives, persons failing to register as sex offender, and felony drug offenders to name a few. This agreement will be mutually beneficial to all involved.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	N/A
If yes, what is the initial, or, onetime impact?	N/A
What is the annual impact?	N/A
What fund of the City will provide Funding?	N/A
What is the source of revenue within the fund?	N/A
Is there grant funding for this item?	N/A
If yes, does this grant require a match?	N/A
Is this grant onetime or ongoing?	N/A
Additional Comments:	

Legal Issues:

The MOU has been reviewed by the City Attorney's Office.

Other Issues and Considerations:

None

Applicable Council Priority and Goal:

Public Safety

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:

- 1) Resolution for MOU with U.S. Marshall Service
- 2) VOTF MOU 2019

THE CITY OF GREELEY, COLORADO

RESOLUTION _____, 2019

A RESOLUTION OF THE GREELEY CITY COUNCIL AUTHORIZING THE CITY TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE UNITED STATES MARSHALS SERVICE TO PARTICIPATE IN A VIOLENT OFFENDER TASK FORCE

WHEREAS, in accordance with C.R.S. § 29-1-203, the City of Greeley may cooperate or contract with other governmental entities to provide any function, service, or facility lawfully authorized to each of the cooperating or contracting units of government; and

WHEREAS, the United States Marshals Service (“USMS”), pursuant to 28 U.S.C. § 566(e)(1)(B), has been granted authority to direct and coordinate permanent USMS Violent Offender Task Forces consisting of Federal, state, and local law enforcement authorities for the purpose of locating and apprehending fugitives; and

WHEREAS, the primary mission of the Violent Offender Task Force (“VOTF”) is to investigate and arrest, as part of joint law enforcement operations, persons who have active state and federal warrants for their arrest, thereby improving public safety and reducing violent crime; and

WHEREAS, the Greeley Police Department (“GPD”) desires to participate in the VOTF by agreeing to refer cases for investigation to include violent crimes against persons, weapons offenses, felony drug offenses, failure to register as a sex offender, and crimes committed by subjects who have a criminal history involving violent crimes, felony drug offenses, and/or weapons offenses; and

WHEREAS, the parties desire to memorialize their understanding of this Memorandum of Understanding (“MOU”) establishing the procedures and responsibilities of both the GPD and the USMS; and

WHEREAS, it is in the best interest of the citizens of the City of Greeley for Council to enter into this Memorandum of Understanding.

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

Section 1. The City Council hereby authorizes the City to enter into a Memorandum of Understanding between the Greeley Police Department and the United States Marshals Service, a copy of which is attached hereto and incorporated herein as Exhibit A.

Section 2. As authorized by Section 2.07.040(b) of the Greeley Municipal Code, City Council authorizes the Greeley Police Chief to execute the Memorandum of Understanding on behalf of the City of Greeley.

Section 3. City staff is hereby authorized to make changes and modifications to the Agreement, so long as the substance of the Agreement remains unchanged.

Section 4. This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS _____ day of _____, 2019.

ATTEST:

THE CITY OF GREELEY, COLORADO

City Clerk

Mayor

United States Marshals Service
Violent Offender Task Force - Memorandum of Understanding

Rev. 10/2018

PARTIES AND AUTHORITY:

This Memorandum of Understanding (MOU) is entered into by the
City of Greeley, Colorado Police Department

and the United States Marshals Service (USMS) pursuant to 28 U.S.C. § 566(e)(1)(B). As set forth in the Presidential Threat Protection Act of 2000 and directed by the Attorney General, the USMS has been granted authority to direct and coordinate permanent USMS Violent Offender Task Forces consisting of Federal, state, and local law enforcement authorities for the purpose of locating and apprehending fugitives. The authority of the USMS to investigate fugitive matters as directed by the Attorney General is set forth in 28 USC § 566. The Director's authority to direct and supervise all activities of the USMS is set forth in 28 USC § 561(g) and 28 CFR 0.111. The authority of United States Marshals and Deputy U.S. Marshals, "in executing the laws of the United States within a State . . . [to] exercise the same powers which a sheriff of the State may exercise in executing the laws thereof" is set forth in 28 USC § 564. Additional authority is derived from 18 USC § 3053 and Office of Investigative Agency Policies Resolutions 2 & 15. (See also) "Memorandum for Howard M. Shapiro, General Counsel, Federal Bureau of Investigation" concerning the "Authority to Pursue Non-Federal Fugitives", issued by the U.S. Department of Justice, Office of Legal Counsel, dated February 21, 1995. (See also) Memorandum concerning the Authority to Pursue Non-Federal Fugitives, issued by the USMS Office of General Counsel, dated May, 1, 1995. (See also) 42 U.S.C. § 16941(a)(the Attorney General shall use the resources of federal law enforcement, including the United States Marshals Service, to assist jurisdictions in locating and apprehending sex offenders who violate sex offender registration requirements).

MISSION:

The primary mission of the task force is to investigate and arrest, as part of joint law enforcement operations, persons who have active state and federal warrants for their arrest. The intent of the joint effort is to investigate and apprehend local, state and federal fugitives, thereby improving public safety and reducing violent crime.

Each participating agency agrees to refer cases for investigation by the VOTF (Violent Offender Task Force). Cases will be adopted by the VOTF at the discretion of the District Chief Deputy. Targeted crimes will primarily include violent crimes against persons, weapons offenses, felony drug offenses, failure to register as a sex offender, and crimes committed by subjects who have a criminal history involving violent crimes, felony drug offenses, and/or weapons offenses. Upon receipt of a written request, the VOTF may also assist non-participating law enforcement agencies in investigating, locating and arresting their fugitives. Task force personnel will be assigned federal, state, and local fugitive cases for investigation. Investigative teams will consist of personnel from different agencies whenever possible. Participating agencies retain responsibility for the cases they refer to the VOTF.

Federal fugitive cases referred to the task force for investigation by any participating agency will be entered into the National Crime Information Center (NCIC) by the USMS or originating agency, as appropriate. State or local fugitive cases will be entered into NCIC (and other applicable state or local lookout systems) as appropriate by the concerned state or local agency.

SUPERVISION:

The VOTF will consist of law enforcement and administrative personnel from federal, state, and local law enforcement agencies. Agency personnel must be approved by the District Chief Deputy prior to assignment to the VOTF. Agency personnel may be removed at any time at the discretion of the District Chief Deputy.

Direction and coordination of the VOTF shall be the responsibility of the USMS District Chief Deputy. Administrative matters which are internal to the participating agencies remain the responsibility of the respective agencies. Furthermore, each agency retains responsibility for the conduct of its personnel.

A Task Force Advisory Committee, consisting of representatives of participating agencies and USMS district personnel, may be established at the discretion of the District Chief Deputy and will meet and confer as necessary to review and address issues concerning operational matters within the VOTF.

PERSONNEL:

In accordance with Homeland Security Presidential Directive 12, personnel assigned to the task force are required to undergo background investigations in order to be provided unescorted access to USMS offices, records, and computer systems. The USMS shall bear the costs associated with those investigations. Non-USMS law enforcement officers assigned to the task force will be deputized as Special Deputy U.S. Marshals.

Task force personnel may be required to travel outside of the jurisdiction to which they are normally assigned in furtherance of task force operations. State or local task force officers (TFOs) traveling on official business at the direction of the USMS shall be reimbursed directly by the USMS for their travel expenses in accordance with applicable federal laws, rules, and regulations.

REIMBURSEMENT:

If the Marshals Service receives Asset Forfeiture funding for either 1) overtime incurred by state and local investigators who provide full time support to USMS VOTF joint law enforcement task forces; or 2) travel, training, purchase or lease of police vehicles, fuel, supplies or equipment for state and local investigators in direct support of state and local investigators, the USMS shall, pending availability of funds, reimburse your organization for expenses incurred, depending on which category of funding is provided.

Reimbursement of overtime work shall be consistent with the Fair Labor Standards Act. Annual overtime for each state or local law enforcement officer is capped at the equivalent of 25% of a GS-1811-12, Step 1, of the general pay scale for the Rest of United States. Reimbursement for all types of qualified expenses shall be contingent upon availability of funds and the submission of a proper request for reimbursement which shall be submitted quarterly on a fiscal year basis, and which provides the names of the investigators who incurred overtime for the VOTF during the quarter; the number of overtime hours incurred, the hourly regular and overtime rates in effect for each investigator, and the total quarterly cost.

The request for reimbursement must be submitted to the District Chief Deputy, who will review the request for reimbursement, stamp and sign indicating that services were received and that the request for reimbursement is approved for payment. Supporting documentation must accompany requests for reimbursement for equipment, supplies, training, fuel, and vehicle leases.

VEHICLES:

Pending the availability of asset forfeiture funding, the USMS may acquire vehicles to be utilized by state and local investigators assigned to the VOTF. Vehicles provided by the USMS remain in the control of the USMS and must be used solely in support of VOTF operations. The vehicles must be available for exclusive use of the TFOs assigned to the VOTF by the undersigned participant agency for the duration of the agency's participation on the task force. If the agency is no longer a participating member of the VOTF, any USMS vehicle provided to the agency for use by TFO(s) must be returned to the USMS. Operators of USMS-provided vehicles must adhere to USMS policy regarding the use of government owned vehicles. Any violation of the USMS vehicle policy may result in the vehicle being repossessed by the USMS and the operator and/or agency forfeiting the opportunity to utilize a USMS-provided vehicle in the future. Vehicles provided to state and local investigators may be subject to additional regulations or restrictions pursuant to USMS lease agreements. Replacement or removal of any vehicle provided by the USMS will be at the discretion of the USMS and/or subject to lease agreement terms.

EQUIPMENT:

Pending the availability of Asset Forfeiture funding, the USMS may purchase equipment for state and local investigators assigned to the VOTF. Equipment purchased by the USMS using Asset Forfeiture funding must be used solely in support of VOTF operations. The equipment must be available for exclusive use of the TFOs assigned to the VOTF by the undersigned participant agency for the duration of the agency's participation on the task force. If the agency is no longer a participating member of the VOTF, any equipment purchased with Asset Forfeiture and provided to TFOs from the agency may be retained by the agency.

Equipment provided by the USMS that is not purchased using Asset Forfeiture funding remains the property of the USMS and will be issued to state and local investigators for exclusive use in support of the VOTF. If the investigator or agency is no longer a participating member of the VOTF, any equipment issued that was not purchased with Asset Forfeiture funding will be returned to the USMS.

RECORDS AND REPORTS:

Original reports of investigation, evidence, and other investigative materials generated, seized, or collected by the VOTF shall be retained by the agency in the VOTF responsible for the case. However, evidence may be turned over to other law enforcement agencies as appropriate. Copies of investigative reports and other materials may be provided to other agencies in accordance with applicable laws, rules, and regulations. Task force statistics will be maintained in the USMS Mission System. Statistics will be made available to any participating agency upon request.

CONFIDENTIAL SOURCES / CONFIDENTIAL INFORMANTS:

Pending the availability of funds, the USMS may provide funding for payment of Confidential Sources (CS) or Confidential Informants (CI). The use of CS/CIs, registration of CS/CIs and all payments to CS/CIs shall comply with USMS policy. USMS payment to an individual providing information or “tip” related to a USMS offered reward on an active Fugitive case shall be accomplished by registering the individual or “tipster” through the established USMS CS payment process.

USE OF FORCE:

All members of the VOTF will comply with their agencies' guidelines concerning the use of firearms, deadly force, and less-than lethal devices, to include completing all necessary training and certification requirements. All members of the VOTF and their parent agencies will read and adhere to the DOJ Policy Statement on the Use of Less-Than-Lethal Devices, dated May 16, 2011. Copies of all applicable firearms, deadly force, and less-than-lethal policies shall be provided to the District Chief Deputy and each concerned TFO. In the event of a shooting involving task force personnel, the incident will be investigated by the appropriate agency(s).

Additionally, in the event of a shooting, the required reporting for the FBI National Use of Force Data Collection (NUOFDC) should be accomplished by the involved task force personnel's employing agency when the TFO is inside their primary/physical jurisdiction and by the USMS when the TFO is outside their employing agency's primary/physical jurisdiction. If the employing agency wishes to submit such NUOFDC entries regardless of the physical location of the event, that is allowed under this MOU with prior written notice to the USMS.

NEWS MEDIA:

Media inquires will be referred to the District Chief Deputy. A press release may be issued and press conference held, upon agreement and through coordination with participant agencies’ representatives. All press releases will exclusively make reference to the task force.

RELEASE OF LIABILITY:

Each agency shall be responsible for the acts or omissions of its employees. Participating agencies or their employees shall not be considered as the agents of any other participating agency. Nothing herein waives or limits sovereign immunity under federal or state statutory or constitutional law.

EFFECTIVE DATE AND TERMINATION:

This MOU is in effect once signed by a law enforcement participant agency. Participating agencies may withdraw their participation after providing 30 days advanced written notice to the District Chief Deputy U.S. Marshal.

District:

District of Colorado

United States Marshal:

Print Name:

Signature:

Date:

Participant Agency:

Name:

City of Greeley Police Department

Phone:

970-350-9665

Location (City and State):

Greeley, Colorado

Participant Agency Representative(s):

Print Name and Title:

Mark Jones, Chief of Police

Signature:

Date:

[+ AddRepresentative](#)

Assistant Director, Investigative Operations Division:

Print Name:

Jeff Tyler

Signature:

Date:

Council Agenda Summary

February 5, 2019

Agenda Item Number 13

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

Title:

Consideration of a resolution of the City of Greeley authorizing the Mayor to execute an intergovernmental agreement with the Colorado Department of Transportation for contributions to the improvement of I-25

Summary:

Numerous efforts, initiatives, and actions have been taken or are underway to accelerate improvements to Interstate 25 (I-25) in Northern Colorado. I-25 is the key interstate linkage in Northern Colorado, and serves as a major freight route as well as traveler connection between the Denver metro area. Current infrastructure deficiencies, combined with increasing travel demand on the corridor result in safety and congestion issues along the Northern Colorado I-25 Corridor. The Colorado Department of Transportation (CDOT) estimates improvements to I-25 between State Highway (SH)-14 (Mulberry) and SH-402 to cost \$237 million. Local communities contributed over \$20 million towards this segment to help get it prioritized and ultimately funded.

The next segments being considered are Segments 5 and 6 and the project is located on I-25 approximately from SH 66 to just south of SH 402 and Greeley would like to contribute to this work as it feeds traffic into the Highway 34 interchange and also connects to SH 402. SH 402 travels east and turns into 37th Street (Freedom Parkway) that is located in Greeley and is an important future transportation corridor connecting our community to I-25 as well as Highway 34.

This next segment of I-25 currently has two general purpose lanes in each direction. The project adds a third travel lane in both directions to be operated as a tolled express lane which will accommodate high occupancy vehicles.

Elements of the project include:

- Increase capacity by adding an express lane in both directions
- Provide a painted buffer to separate the express lane from general purpose travel
- Construct wider shoulders
- Replace or rehabilitate aging bridges, and widen additional structures
- Improve multi-modal access to regional transit to promote mode shift
- Improve bus service performance and reduce each total trip time by adding new bus slip ramps to access a new Park-n-Ride
- Reconfigure the SH 56 interchange, including straightening mainline I-25 and optimizing the interchange

All of these improvements will support traffic and the movement of goods and services to and from Northern Colorado and Greeley. The City of Greeley's \$500,000 contribution amount was discussed by City Council in early 2018. That amount has been set aside for the purpose of contributing to the I-25 work since these updates will provide a benefit to Greeley and its citizens.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	Onetime: \$500,000
What is the annual impact?	N/A
What fund of the City will provide Funding?	General Fund
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:	This money was previously set aside for this purpose of contributing to CDOT from the 2017 General Fund carryover.

Legal Issues:

None.

Other Issues and Considerations:

None

Applicable Council Priority and Goal:

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

Decision Options:

- 1) Adopt the 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
IGA

THE CITY OF GREELEY, COLORADO
RESOLUTION _____, 2019

A RESOLUTION OF THE CITY OF GREELEY AUTHORIZING THE MAYOR TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH THE COLORADO DEPARTMENT OF TRANSPORTATION FOR CONTRIBUTIONS FOR THE IMPROVEMENT OF I-25

WHEREAS, Interstate 25 (I-25) serves as a vital connection for the communities of Northern Colorado, including Greeley; and

WHEREAS, I-25 is the primary route for regional connectivity to commerce, freight, economic health, and employment for the region; and

WHEREAS, I-25 is designated as a part of the federal Primary Highway Freight System; and

WHEREAS, I-25 in Northern Colorado is considered significantly congested such that traffic flow is impaired and quality of life is adversely affected; and

WHEREAS, the Colorado Department of Transportation (CDOT) completed an Environmental Impact Statement in August of 2011 that identified and evaluated multi-modal transportation improvements along approximately 60 miles of the I-25 corridor from Fort Collins to Denver and identified areas of I-25 and structures such as bridges and interchanges that need to be expanded and/or improved; and

WHEREAS, CDOT is expanding a segment of I-25 that currently has two general purpose lanes in each direction. The project adds a third travel lane in both directions to be operated as a tolled express lane which will accommodate high occupancy vehicles; and

WHEREAS, Greeley has made funds available and desires to contribute those funds for Project SEGMENTS 5 & 6 (18319), consisting of improvements to I-25, from SH 66 to south of SH 402, between Longmont and Loveland; and

WHEREAS, Greeley's contribution to the roadway improvements will serve a public purpose by providing economic benefits to the citizens of Greeley by improving transportation facilities connecting Greeley and its citizens to commerce, economic health, employment and an improved quality of life in the Northern Colorado region.

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

Section 1. The City Council authorizes the Mayor to execute the attached Intergovernmental Agreement with CDOT.

Section 2. Greeley will contribute \$500,000 to CDOT for Project SEGMENTS 5 & 6

(18319) for the purpose of expanding and improving I-25 approximately from SH 66 to just south of SH 402.

Section 3. This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS _____ day of _____, 2019.

ATTEST:

THE CITY OF GREELEY, COLORADO

City Clerk

John Gates, Mayor

(Local \$CDOTWRK)
PROJECT: I-25 North: SEGMENTS 5 & 6 (18319)
REGION 4 (dz)

Routing # 18-HA4-XC-00056
SAP # 331001799
FOR CDOT TRACKING PURPOSES
(subject to change).

CONTRACT

THIS CONTRACT made this ___ day of _____ 20___, (the “Contract”) by and between the State of Colorado for the use and benefit of the Colorado Department of Transportation (the “State”) and the City of Greeley (the “Local Agency”), the State and the Local Agency together shall be referred to as the “Parties” and individually as “Party.”

RECITALS

1. The Local Agency has made funds available for Project SEGMENTS 5 & 6 (18319), which shall consist of improvements to I-25, from SH 66 to south of SH 402, between Longmont and Loveland. (the “Project” or “Work”) and desires to contribute funds for the Project, as evidenced by an appropriate ordinance or resolution duly passed and adopted by the authorized representatives of the Local Agency, which expressly authorizes the Local Agency to enter into this Contract and to expend its funds for the Project. A copy of this ordinance or resolutions is attached hereto and incorporated herein as **Exhibit B**.
2. Required approval, clearance, and coordination have been accomplished from and with appropriate agencies.
3. This Contract is executed under the authority of CRS §§ 29-1-203, 43-1-110, 43-1-116, 43-2-101(4)(c), 43-2-144, and **Exhibit B**.
4. The Local Agency has funds available and desires to provide the funding for the improvements, as described in Section 4.
5. Pursuant to CRS § 43-2-104.5, as amended, the State may contract with Local Agencies to provide maintenance and construction of highways that are part of the State or Local Agency highway system.
6. The Local Agency anticipates design and construction improvements to I-25, from SH 66 to south of SH 402, between Longmont and Loveland. The State has completed and submitted a preliminary Scope of Work describing the general nature of the Work. The Local Agency understands that before the Work begins, the Scope of Work may be revised as a result of design changes made by the State, in coordination with the Local Agency, in its internal review process.
7. The Parties hereto desire to agree upon the division of responsibilities with regard to the Project.

THE PARTIES NOW AGREE THAT:

Section 1. Scope of Work

The Work under this Contract shall consist of improvements to I-25, from SH 66 to south of SH 402, between Longmont and Loveland, for which the Local Agency shall provide funding and the State shall be responsible for the design and construction of the improvements. The Project will take place from SH 66 to south of SH 402, between Longmont and Loveland, Colorado. The Work includes improvements, constructions and replacements, as described in **Exhibit A**.

Section 2. Order of Precedence

In the event of conflicts or inconsistencies between this Contract and its exhibits, such conflicts or inconsistencies shall be resolved by reference to the documents in the following order of priority:

1. This Contract
2. **Exhibit A** (Scope of Work)
3. Other Exhibits in descending order of their attachment.

Section 3. Term

This Contract shall be effective upon approval of the State Controller or designee. The term of this Contract shall continue through the completion and final acceptance of the Project by the State, the Federal Highway Administration (“FHWA”), and the Local Agency.

Section 4. Project Funding Provisions

A. The Local Agency is prepared to provide their portion of the funding for the Work, as provided in §4.B and as evidenced by an appropriate ordinance or resolution duly passed and adopted by the authorized representatives of the Local Agency, which expressly authorizes the Local Agency to enter into this Contract and to expend its funds for the Project. A copy of this ordinance or resolution is attached hereto and incorporated herein as **Exhibit B**.

B. The maximum amount payable by the Local Agency under this Contract shall be \$500,000.00, unless such amount is increased by an appropriate written modification to this Contract executed before any increased cost is incurred. It is understood and agreed by the Parties that the total cost of the Work stated herein is the best estimate available, based on the design data as approved at the time of execution of this Contract, and that such cost is subject to revisions (in accord with the procedure in the previous sentence) agreeable to the Parties prior to bid and award.

C. The Parties agree that this Contract is contingent upon all funds designated for the Project herein being made available from State sources, as applicable. Should these sources fail to provide necessary funds as agreed upon herein, the Contract may be terminated by either Party, provided that any Party terminating its interest and obligations herein shall not be relieved of any obligations

which existed prior to the effective date of such termination or which may occur as a result of such termination. After all invoices have been paid in full, any unexpended Local Agency funds will be returned to the City upon such termination.

Section 5. Project Payment Provisions

A. The Local Agency shall reimburse the State for incurred costs relative to the Project following the Local Agency's review and approval of such charges, subject to the terms and conditions of this Contract.

1. The Local Agency will not be billed for CDOT-incurred costs. The Local Agency shall make the payments set forth on Exhibit A. The parties understand that such payments are expressly conditioned upon annual appropriations by the Greeley City Council.
2. If the costs for the project are less than the total funds allocated to the project, unexpended funds will be refunded in proportion to the City's contributions.

B. If the Local Agency is to be billed for CDOT incurred costs, the billing procedure shall be as follows:

1. Upon receipt of each bill from the State, the Local Agency shall remit to the State the amount billed no later than 60 days after receipt of each bill. Should the Local Agency fail to pay moneys due the State within 60 days of demand or within such other period as may be agreed between the Parties hereto, the Local Agency agrees that, at the request of the State, the State Treasurer may withhold an equal amount from future apportionment due the Local Agency from the Highway Users Tax Fund and to pay such funds directly to the State. Interim funds, until the State is reimbursed, shall be payable from the State Highway Supplementary Fund (400).
2. If the Local Agency fails to make timely payment to the State as required by this section (within 60 days after the date of each bill), the Local Agency shall pay interest to the State at a rate of one percent per month on the amount of the payment which was not made in a timely manner, until the billing is paid in full. The interest shall accrue for the period from the required payment date to the date on which payment is made.

C. The State shall prepare and submit to the Local Agency, no more than monthly, charges for costs incurred relative to the Project. The State's invoices shall include a description of the amounts of services performed, the dates of performance and the amounts and description of reimbursable expenses. The invoices shall be prepared in accordance with the State's standard policies, procedures and standardized billing format.

Section 6. State and Local Agency Commitments

A. Design [if applicable]

1. If the Work includes preliminary design or final design (the “Construction Plans”), or design work sheets, or special provisions and estimates (collectively referred to as the “Plans”), CDOT shall comply with the following requirements, as applicable:
 - a. perform or provide the Plans, to the extent required by the nature of the Work.
 - b. prepare final design (Construction Plans) in accord with the requirements of the latest edition of the American Association of State Highway Transportation Officials (“AASHTO”) manual or other standard, such as the Uniform Building Code, as approved by CDOT.
 - c. prepare special provisions and estimates in accord with the State’s Roadway and Bridge Design Manuals and Standard Specifications for Road and Bridge Construction.
 - d. include details of any required detours in the Plans, in order to prevent any interference of the construction work and to protect the traveling public.
 - e. stamp the Plans produced by a Colorado Registered Professional Engineer.
 - f. provide final assembly of Plans and Contract documents.
 - g. be responsible for the Plans being accurate and complete.
 - h. make no further changes in the Plans following the award of the construction contract except by agreement in writing between the Parties. The Plans shall be considered final when approved and accepted by the Parties hereto, and when final they shall be deemed incorporated herein.

B. Construction [if applicable]

1. If the Work includes construction, CDOT shall perform the construction in accordance with the approved design plans. Such administration shall include project inspection and testing; approving sources of materials; performing required plant and shop inspections; documentation of contract payments, testing and inspection activities; preparing and approving pay estimates; preparing, approving and securing the funding for contract modification orders and minor contract revisions; processing contractor claims; construction supervision; and meeting the Quality Control requirements of the FHWA/CDOT Stewardship Agreement.
2. If the State is the responsible Party:
 - a. it shall appoint a qualified professional engineer, licensed in the State of Colorado, as the State Agency Project Engineer (“SAPE”), to perform that administration. The SAPE shall administer the Project in accordance with this Contract, the requirements of the construction contract and applicable State procedures.
 - b. if bids are to be let for the construction of the Project, the State shall, in conjunction with the Local Agency, advertise the call for bids and upon concurrence by the Local Agency will award the construction contract(s) to the low responsive, responsible bidder(s).

- (1) in advertising and awarding the bid for the construction of a federal-aid project, the State shall comply with applicable requirements of 23 USC § 112, 23 CFR 633 and 635, and CRS § 24-92-101 *et seq.* Those requirements include, without limitation, that the State and Local Agency shall incorporate Form 1273 in its entirety verbatim into any subcontract(s) for those services as terms and conditions therefore, as required by 23 CFR 633.102(e).
 - (2) the Local Agency has the option to concur or not concur in the proposal of the apparent low bidder for work on which competitive bids have been received. The Local Agency must declare its concurrence or non-concurrence within 3 working days after said bids are publicly opened.
 - (3) by indicating its concurrence in such award, the Local Agency, acting by or through its duly authorized representatives, agrees to provide additional funds, subject to their availability and appropriation for that purpose, if required to complete the Work under this Project if no additional federal-aid funds will be made available for the Project.
- c. If all or part of the construction work is to be accomplished by State personnel (i.e. by force account), rather than by a competitive bidding process, the State will ensure that all such force account work is accomplished in accordance with the pertinent State specifications and requirements with 23 CFR 635 (B), Force Account Construction.

Section 7. ROW Acquisition and Relocation [if applicable]

If the Project includes a right of way, prior to this project being advertised for bids, the State will certify in writing that all right of way has been acquired in accordance with the applicable state and federal regulations, or that no additional right of way is required. The Work to be designed and constructed by CDOT under the Project shall be on CDOT right of way (“ROW”).

Any acquisition/relocation activities must comply with: all applicable federal and State statutes and regulations, including but not limited to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended (P.L. 91-646) and the Uniform Relocation Assistance and Real Property Acquisition Policies for Federal and Federally Assisted Programs as amended (49 CFR P24); CDOT’s Right of Way Manual; and CDOT’s Policy and Procedural Directives.

Allocation of Responsibilities are as follows:

- Federal participation in right of way acquisition (3111 charges), relocation (3109 charges) activities, if any, and ROW incidentals (expenses incidental to acquisition/relocation of right of way – 3114 charges);
- Federal participation in ROW acquisition (3111 charges), relocation (3109 charges) but no participation in incidental expenses (3114 charges); or

- No federal participation in ROW acquisition (3111 charges) and relocation activities (3109 expenses).

Regardless of the option selected above, the State retains oversight responsibilities. The Local Agency's and the State's responsibilities for each option is specifically set forth in CDOT's Right of Way Manual. The manual is located at http://www.dot.state.co.us/ROW_Manual/.

If ROW is purchased for a State highway, including areas of influence of the State highway, the Local Agency shall immediately convey title to such right of way to CDOT after the Local Agency obtains title.

Section 8. Utilities

If necessary, the responsible Party shall be responsible for obtaining the proper clearance or approval from any utility company, which may become involved in this Project. Prior to this Project being advertised for bids, the responsible Party shall certify in writing that all such clearances have been obtained.

Section 9. Railroads

Reserved.

Section 10. Environmental Obligations

The State shall perform all Work in accordance with the requirements of the current federal and state environmental regulations including the National Environmental Policy Act of 1969 ("NEPA") as applicable.

Section 11. Maintenance Obligations

The State shall maintain and operate the improvements constructed under this Contract at its own cost and expense during their useful life, in a manner satisfactory to the State and FHWA. The State will make proper provisions for such maintenance obligations each year. Such maintenance and operations shall be conducted in accordance with all applicable statutes, ordinances, and regulations. The State and FHWA shall make periodic inspections of the Project to verify that such improvements are being adequately maintained.

Section 12. Record Keeping

The State shall maintain a complete file of all records, documents, communications, and other written materials, which pertain to the costs incurred under this Contract. The State shall maintain such records for a period of 6 years after the date of termination of this Contract or final payment hereunder, whichever is later, or for such further period as may be necessary to resolve any matters which may be pending. The State shall make such materials available for inspection at all reasonable times and shall permit duly authorized agents and employees of the Local Agency and FHWA to

inspect the Project and to inspect, review, and audit the Project records.

Section 13. Termination Provisions

This Contract may be terminated as follows:

A. Termination for Convenience. The State may terminate this Contract at any time the State determines that the purposes of the distribution of moneys under the Contract would no longer be served by completion of the Project. The State shall effect such termination by giving written notice of termination to the Local Agency and specifying the effective date thereof, at least 20 days before the effective date of such termination.

B. Termination for Cause. If, through any cause, the Local Agency shall fail to fulfill, in a timely and proper manner, its obligations under this Contract, or if the Local Agency shall violate any of the covenants, agreements, or stipulations of this Contract, the State shall thereupon have the right to terminate this Contract for cause by giving written notice to the Local Agency of its intent to terminate and at least 10 days opportunity to cure the default or show cause why termination is otherwise not appropriate. In the event of termination, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs, and reports or other material prepared by the Local Agency under this Contract shall, at the option of the State, become its property, and the Local Agency shall be entitled to receive just and equitable compensation for any services and supplies delivered and accepted. The Local Agency shall be obligated to return any payments advanced under the provisions of this Contract.

Notwithstanding the above, the Local Agency shall not be relieved of liability to the State for any damages sustained by the State by virtue of any breach of the Contract by the Local Agency, and the State may withhold payment to the Local Agency for the purposes of mitigating its damages until such time as the exact amount of damages due to the State from the Local Agency is determined.

If after such termination it is determined, for any reason, that the Local Agency was not in default or that the Local Agency's action/inaction was excusable, such termination shall be treated as a termination for convenience, and the rights and obligations of the Parties shall be the same as if the Contract had been terminated for convenience, as described herein.

Section 14. Legal Authority

The Local Agency warrants that it possesses the legal authority to enter into this Contract and that it has taken all actions required by its procedures, by-laws, and applicable law to exercise that authority, and to lawfully authorize its undersigned signatory to execute this Contract and to bind the Local Agency to its terms. The person(s) executing this Contract on behalf of the Local Agency warrants that such person(s) has full authorization to execute this Contract.

Section 15. Representatives and Notice

All communications relating to activities for the Work shall be exchanged between representatives of

the State's Transportation Region 4 and the Local Agency. All communication, notices, and correspondence shall be addressed to the individuals identified below. Either Party may from time to time designate in writing new or substitute representatives.

If to the State:

Katrina Kloberdanz
CDOT Region 4
10601 W. 10th St.
Greeley, Colorado 80634
970.350.2211
Katrina.Kloberdanz@state.co.us

If to the Local Agency:

Joel Hemesath
City of Greeley, Public Works Director
1001 9th Avenue
Greeley, Colorado 80631
970.350.9795
joel.hemesath@greeleygov.com

Section 16. Successors

Except as herein otherwise provided, this Contract shall inure to the benefit of and be binding upon the Parties hereto and their respective successors and assigns.

Section 17. Third Party Beneficiaries

It is expressly understood and agreed that the enforcement of the terms and conditions of this Contract and all rights of action relating to such enforcement, shall be strictly reserved to the State and the Local Agency. Nothing contained in this Contract shall give or allow any claim or right of action whatsoever by any other third person. It is the express intention of the State and the Local Agency that any such person or entity, other than the State or the Local Agency receiving services or benefits under this Contract shall be deemed an incidental beneficiary only.

Section 18. Governmental Immunity

Notwithstanding any other provision of this Contract to the contrary, no term or condition of this Contract shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protection, or other provisions of the Colorado Governmental Immunity Act, CRS § 24-10-101, *et seq.*, as now or hereafter amended. The Parties understand and agree that liability for claims for injuries to persons or property arising out of negligence of the State of Colorado, its departments, institutions, agencies, boards, officials, and employees is controlled and limited by the provisions of CRS § 24-10-101, *et seq.*, as now or hereafter amended and the risk management statutes, CRS § 24-30-1501, *et seq.*, as now or hereafter amended.

Section 19. Severability

To the extent that this Contract may be executed and performance of the obligations of the Parties may be accomplished within the intent of the Contract, the terms of this Contract are severable, and should any term or provision hereof be declared invalid or become inoperative for any reason, such invalidity or failure shall not affect the validity of any other term or provision hereof.

Section 20. Waiver

The waiver of any breach of a term, provision, or requirement of this Contract shall not be construed or deemed as a waiver of any subsequent breach of such term, provision, or requirement, or of any other term, provision or requirement.

Section 21. Entire Understanding

This Contract is intended as the complete integration of all understandings between the Parties. No prior or contemporaneous addition, deletion, or other amendment hereto shall have any force or effect whatsoever, unless embodied herein by writing. No subsequent novation, renewal, addition, deletion, or other amendment hereto shall have any force or effect unless embodied in a writing executed and approved pursuant to the State Fiscal Rules.

Section 22. Survival of Contract Terms

Notwithstanding anything herein to the contrary, the Parties understand and agree that all terms and conditions of this Contract and the exhibits and attachments hereto which may require continued performance, compliance or effect beyond the termination date of the Contract shall survive such termination date and shall be enforceable by the State as provided herein in the event of such failure to perform or comply by the Local Agency.

Section 23. Modification and Amendment

This Contract is subject to such modifications as may be required by changes in federal or State law, or their implementing regulations. Any such required modification shall automatically be incorporated into and be part of this Contract on the effective date of such change as if fully set forth herein. Except as provided above, no modification of this Contract shall be effective unless agreed to in writing by both Parties in an amendment to this Contract that is properly executed and approved in accordance with applicable law.

Section 24. Disputes

Except as otherwise provided in this Contract, any dispute concerning a question of fact arising under this Contract which is not disposed of by agreement will be decided by the Chief Engineer of the Department of Transportation. The decision of the Chief Engineer will be final and conclusive unless, within 30 calendar days after the date of receipt of a copy of such written decision, the Local Agency mails or otherwise furnishes to the State a written appeal addressed to the Executive Director of the Department of Transportation. In connection with any appeal proceeding under this clause, the Local Agency shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the Local Agency shall proceed diligently with the performance of the Contract in accordance with the Chief Engineer's decision. The decision of the Executive Director or his duly authorized representative for the determination of such appeals will be final and conclusive and serve as final agency action. This dispute clause does not preclude consideration of questions of law in connection with decisions provided for herein. Nothing in this Contract, however, shall be construed as making final the

decision of any administrative official, representative, or board on a question of law.

Remainder of this page intentionally left blank

THE PARTIES HERETO HAVE EXECUTED THIS AGREEMENT

*** Persons signing for The Local Agency hereby swear and affirm that they are authorized to act on The Local Agency's behalf and acknowledge that the State is relying on their representations to that effect.**

<p>THE LOCAL AGENCY City of Greeley</p> <p>Print: _____</p> <p>Title: _____</p> <p>_____</p> <p>*Signature</p> <p>Date: _____</p>	<p><u>STATE OF COLORADO</u> <u>John W. Hickenlooper, GOVERNOR</u> Colorado Department of Transportation Shailen P. Bhatt, Executive Director</p> <p>_____</p> <p>By: Joshua Laipply, P.E., Chief Engineer</p> <p>Date: _____</p>
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<p>2nd Local Agency Signature if needed</p> <p>Print: _____</p> <p>Title: _____</p> <p>_____</p> <p>*Signature</p> <p>Date: _____</p>	<p><u>LEGAL REVIEW</u> Cynthia H. Coffman, Attorney General</p> <p>By: _____</p> <p>Signature - Assistant Attorney General</p>
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ALL CONTRACTS REQUIRE APPROVAL BY THE STATE CONTROLLER

CRS §24-30-202 requires the State Controller to approve all State Contracts. This Contract is not valid until signed and dated below by the State Controller or delegate.

STATE CONTROLLER
Robert Jaros, CPA, MBA, JD

By: _____
Colorado Department of Transportation

Date: _____

EXHIBIT A -- STATEMENT OF WORK

Interstate 25 Segments 5 & 6 Project

Scope of Work

The Colorado Department of Transportation ("CDOT") will complete the Interstate 25 Segments 5 & 6 Project (Hereinafter referred to as "this work"). The project is located on I-25 approximately from SH 66 to just south of State Highway 402.

Interstate 25 is the primary north-south route through Colorado, and is the only continuous north-south interstate route in the state, providing access to, through, and from northern Colorado. This segment of I-25 currently has two general purpose lanes in each direction. The project adds a third travel lane in both directions to be operated as a tolled express lane which will accommodate high occupancy vehicles and charge tolls.

Elements of Project Scope:

- Increase capacity by adding an express lane in both directions
- Provide a painted buffer to separate the express lane from general purpose travel
- Construct wider shoulders
- Replace or rehabilitate aging bridges, and widen additional structures
- Improve multi-modal access to regional transit to promote mode shift
- Improve bus service performance and reduce each total trip time by adding new bus slip ramps to access a new Park-n-Ride
- Reconfigure the SH 56 interchange, including straightening mainline I-25 and optimizing the interchange

The City of Greeley will contribute funds for improvements to I-25 included in this work. The initial contribution will be \$500,000.00. Future contributions may be added to this Scope through Amendments.

Local Agency
Ordinance
Or
Resolution

Council Agenda Summary

February 5, 2019

Agenda Item Number 14

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

Title:

Introduction and first reading of an Ordinance changing the official zoning map of the City of Greeley, Colorado from the PUD (Planned Unit Development – Oil and Gas, and Neighborhood Center) to the PUD (Planned Unit Development – Residential) zone district for approximately 7.11 acres located north of 25th Street (a.k.a., Centerplace Drive) and west of 35th Avenue Court

Summary:

The City of Greeley is considering a request by Gate Way Place Phase II LTD., to rezone approximately 7.11-acres in size from PUD (Planned Unit Development - Oil & Gas) and PUD (Planned Unit Development - Neighborhood Center) to PUD (Planned Unit Development –Residential) Zoning District. The site is located north of Centerplace Drive and west of 35th Avenue Court. Until recently, the property was utilized for an oil and gas facility (only allowed use). The oil and gas facility has been fully capped and abandoned, as such, the applicants are requesting a rezoning to allow for 144 multifamily dwelling units.

The Planning Commission considered the request on January 22, 2019 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) Introduce the ordinance as presented; or
- 2) Amend the ordinance and introduce as amended; or
- 3) Deny the ordinance; or
- 4) Continue consideration of the ordinance to a date certain.

Council's Recommended Action:

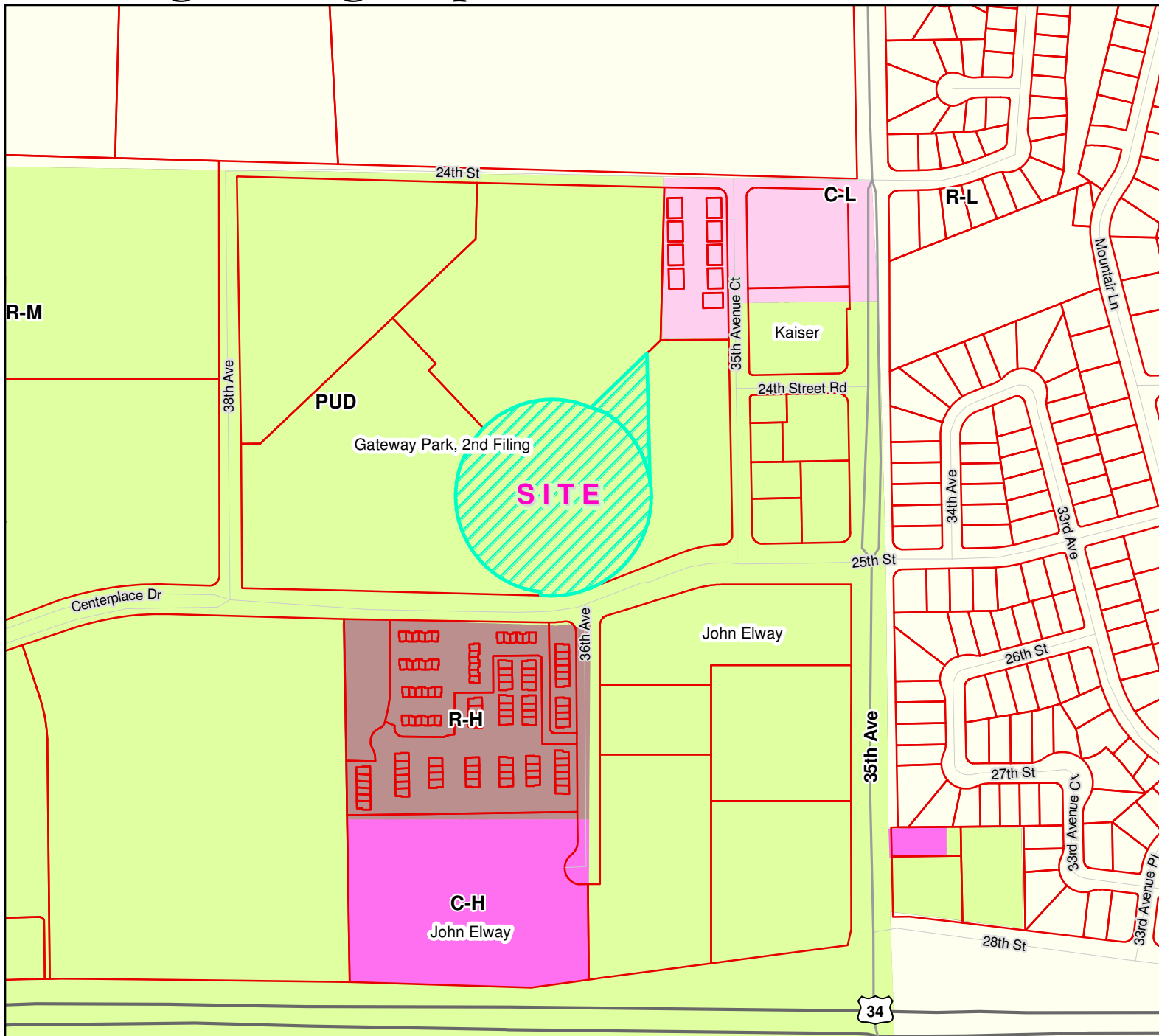
A motion to introduce the ordinance and schedule the public hearing and final reading for February 19, 2019.

Attachments:

Vicinity Map
Draft Ordinance

Existing Zoning Map

Gateway Park II PUD



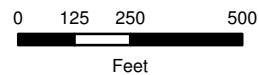
Notes:
 All planimetric data was digitized from aerial photographs dated 1987, 1992, 1995, 2000, 2005, and 2014. Updates are continual and data representations will change over time. This product is not necessarily accurate to engineering or surveying standards but does meet National Mapping Accuracy Standards (NMAS). The information contained within this document is not intended to be used for the preparation of construction documents.

Information contained on this document remains the property of the City of Greeley. Copying any portion of this map without the written permission of the City of Greeley is strictly prohibited.

Gateway Place II PUD 36th Avenue and Centerplace Drive Parcel ID: 09591440005

Legend

- | | | |
|----------------|-----|-----|
| Subject Site | H-A | R-E |
| Property Lines | I-H | R-H |
| C-D | I-L | R-L |
| C-H | I-M | R-M |
| C-L | PUD | |



CITY OF GREELEY, COLORADO

ORDINANCE NO. _____, 2019

CASE NO. ZON2019-0004

AN ORDINANCE CHANGING THE OFFICIAL ZONING MAP OF THE CITY OF GREELEY, COLORADO, FROM PUD (PLANNED UNIT DEVELOPMENT – OIL AND GAS AND NEIGHBORHOOD CENER) TO PUD (PLANNED UNIT DEVELOPMENT – RESIDENTIAL) FOR APPROXIMATELY 7.11 ACRES LOCATED NORTH OF 25TH STREET (A.K.A. CENERPLACE DRIVE) AND WEST OF 35TH AVENUE COURT

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 – Oil and Gas and Neighborhood Center) to PUD (Planned Unit Development – Residential) 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 _____, 2019.

ATTEST:

THE CITY OF GREELEY

City Clerk

Mayor

Legal Description

KNOW ALL MEN BY THESE PRESENTS: THAT THE UNDERSIGNED, BEING THE SOLE OWNER(S) IN FEE OF A PORTION OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SURFACE ONLY OF A CIRCULAR TRACT OF LAND LOCATED IN THE NE 1/4 OF THE SE 1/4 OF SECTION 14, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH P.M., CITY OF GREELEY, WELD, COUNTY, COLORADO, HAVING A RADIUS OF 300 FEET, THE CENTER OF SAID TRACT BEING LOCATED AT A POINT WHICH BEARS SOUTH 46 DEGREES, 15 MINUTES, 32 SECONDS WEST, 1370.65 FEET FROM THE E 1/4 CORNER OF SAID SECTION 14.

COUNTY OF WELD
STATE OF COLORADO

TOGETHER WITH;

A PORTION OF BLOCK 5, GATEWAY VILLAGE FILING NO. 1 - FIRST REPLAT, SITUATE IN THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH P.M., CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

CONSIDERING THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 14 AS ASSUMED TO BEAR NORTH 87°34'31" WEST AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

BEGINNING AT THE EAST QUARTER CORNER OF SAID SECTION 14; THENCE ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER NORTH 87°34'31" WEST 627.48 FEET; THENCE DEPARTING SAID NORTH LINE AND ALONG THE NORTHERLY PROLONGATION OF THE WEST LINE OF BLOCK 1, GATEWAY VILLAGE FILING NO. 1 - FIRST REPLAT AND ALONG SAID WEST LINE SOUTH 02°25'29" WEST 505.36 FEET; THENCE SOUTH 47°25'29" WEST 56.88 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 47°25'29" WEST 235.04 FEET TO A POINT ON A CURVE CONCAVE TO THE WEST, HAVING A CENTRAL ANGLE OF 64°57'58" AND A RADIUS OF 300.00 FEET, THE LONG CHORD OF WHICH BEARS SOUTH 32°28'26" EAST 322.23 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE 340.16 FEET; THENCE NON-TANGENT FROM SAID CURVE NORTH 00°00'34" EAST 430.86 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 7.11 ACRES, MORE OR LESS, AS SHOWN ON THE ATTACHED MAP, AS EMBRACED WITHIN

Council Agenda Summary

February 5, 2019

Agenda Item Number 15

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

Title:

Introduction and first reading of an ordinance adopting the City of Greeley Strategic Housing Plan, an Element of the Imagine Greeley Comprehensive Plan

Summary:

On February 6, 2018, the City Council adopted Imagine Greeley, an update of the Comprehensive Plan for the City of Greeley. A high priority recommendation of this Plan is the development of a comprehensive housing strategy for Greeley. Your consideration of this Strategic Housing Plan for the City of Greeley is intended to implement this recommendation.

This Plan was developed throughout 2018 based on an approach that included a stakeholder task force, a consultant assembling housing information, staff work in support of the task force, and analyzing available information.

The Housing Accessibility Task Force met five times to discuss possible causes and potential solutions to Greeley’s housing problems. The Task Force included real estate professionals, affordable and market housing providers, nonprofit and for-profit developers, and City staff. Working closely with City staff, the Task Force identified nine strategies to address Greeley’s housing needs.

Imagine Greeley included two goals for housing:

- 1) Improve access to housing for all income levels, ages, and physical abilities; and
- 2) Encourage a broad diversity of housing options.

The proposed Housing Accessibility Strategy identifies two strategic goals to implement Imagine Greeley:

- 1) Increase housing construction for all incomes; and
- 2) Increase housing affordability, especially workforce housing.

To meet these goals, the Strategic Housing Plan outlines nine strategic initiatives:

- 1) **Amend the Development Code** to promote housing choices;
- 2) Develop financial strategies that **minimize infrastructure costs** for new workforce housing;
- 3) Engage **alternative housing providers** to build affordable housing;
- 4) Improve the **housing product mix**;

- 5) Address the **impact of raw water cost** on housing affordability;
- 6) Complete detailed **subarea and neighborhood plans** that facilitate complete neighborhoods that contain a mix of affordable and market housing;
- 7) Create **more ownership, move-up, and executive housing options**;
- 8) Encourage **vocational training, and apprentice programs** for building trades; and
- 9) Facilitate **development of manufactured home parks** as an important affordable housing option.

The Strategic Housing Plan will become a sub-element of the City's Imagine Greeley Comprehensive Plan along with all other adopted master plans and area plans. The Planning Commission is the primary steward of the City's Comprehensive Plan and any amendments or additions to the Plan. The Planning Commission will consider the proposed housing plan on February 12, 2019.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	No
	Not directly, but does provide a vision for the efficient stewardship of public and private resources in the whole community, and may result in future funded city programs
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:

Section 19-1(c) of the Greeley City Charter states that Council shall adopt a Comprehensive Plan as a guide to land use and development. The proposed housing plan is proposed as a major sub-element of the adopted Comprehensive Plan.

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.

Applicable Council Priority and Goal:

The City's Comprehensive Plan includes a Vision Statement and Core Values for developing the Plan that are aligned with, and come from, Council's adopted Goals.

Decision Options:

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

Council's Recommended Action:

A motion to introduce the ordinance and schedule the public hearing and final reading for February 19, 2019.

Attachments:

Ordinance with Exhibit A (City of Greeley Strategic Housing Plan)

CITY OF GREELEY, COLORADO

ORDINANCE NO. ____, 2019

AN ORDINANCE ADOPTING

THE CITY OF GREELEY STRATEGIC HOUSING PLAN

WHEREAS, Section 19-1(c) of the Greeley City Charter states that the City Council shall adopt a Comprehensive Plan as a guide to land use and development; and,

WHEREAS, the City Council adopted the latest Comprehensive Plan titled “Imagine Greeley” on February 6, 2018; and,

WHEREAS, Goal HO-I of the Plan is that the City “improve access to housing for all income-levels, ages, and physical abilities”; and

WHEREAS, to achieve such goal, the Plan furthermore sets forth an Objective HO-1.1, that the City develop and implement a comprehensive housing strategy with clear goals and implementation strategies that:

- Establish priorities for the types of housing, tenure types, and populations to be targeted;
- Work with area employers to identify employee housing needs and facilitate the provision of adequate and attractive housing for the local workforce;
- Consider incentives and financing tools the City might use to encourage the construction of affordable housing;
- Consider transportation options as a mechanism to expand the affordability of housing;
- Identify current zoning, fees, policies, and other City regulations that discourage or pose as barriers to the construction of affordable housing or other needed housing types;
- Include strategies for encouraging the construction of affordable housing throughout the community and for preventing concentrations of affordable housing in particular areas or neighborhoods;
- Explore the potential of community land trusts as a means of maintaining affordable home ownership options for households down to 80% of the area median income;
- Encourage a range of creative housing options, including small-sized housing units (in the range of 1,000 to 1,500 square feet in size), manufactured homes, zero-lot line housing, attached housing types, and housing located above ground floor commercial uses in mixed-use areas;
- Maintain and/or improve the quality and safety of existing units; and
- Encourage the preservation of existing affordable units; and

WHEREAS, to develop a housing plan for the City, work was conducted throughout 2018 that included a stakeholder task force, a consultant assembling housing information, staff work in

support of the task force, and analyzing available data and trends regarding housing in Greeley, and;

WHEREAS, the proposed housing strategy outlines nine strategies that can further the goals of housing accessibility in Greeley, and;

WHEREAS, the proposed housing strategy will become a sub-element of the Comprehensive Plan, along with all other adopted master plans and area plans, if adopted; and,

WHEREAS, The Planning Commission recommended on February 12 2019, that the Greeley City Council adopt this *STRATEGIC HOUSING PLAN for the City of Greeley*.

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

Section 1. *CITY OF GREELEY STRATEGIC HOUSING PLAN*, as set forth in “Exhibit A,” which is attached hereto and incorporated by this reference, is hereby adopted.

Section 2. 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 _____, 2019.

ATTEST:

THE CITY OF GREELEY, COLORADO

City Clerk

Mayor



CITY OF GREELEY STRATEGIC HOUSING PLAN

An Element of the Imagine Greeley
Comprehensive Plan



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ACKNOWLEDGMENTS

City Council

Robb Casseday
Michael Fitzsimmons
John Gates
Dale Hall
Brett Payton
John Smail
Stacy Suniga

Planning Commission

Louisa Andersen
Erik Briscoe
Gloria Hice-Idler
Larry Modlin
Jon Rarick
Christian Schulte
Justin Yeater

Community Development Staff

John Barnett
Mike Garrott
Brad Mueller
Rachel Prelog

Greeley Housing Task Force

Jamie Baessler
Mike Bond
Bianca Fisher
Lindsey Galindo
Jodi Hartmann
Chris Helwick
Julie Jensen
John Kadavy
Carol Larsen
Ulli Limpitlaw
Greg Miedema
Kris Pickett
Collin Richardson
Cathy Schulte
Chalice Springfield
Barbara Whinery
Cheri Witt-Brown

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INTRODUCTION

Greeley aspires to provide a range of housing to accommodate its diverse and growing population. Diversity in housing would mean both a variety of housing types and a broad range in price. Because communities are largely defined by the type, style, and cost of housing it is important for Greeley to have a clear understanding of current housing conditions with strategies to shape future growth.

Through a variety of policies, programs, and regulations, the type, number, and affordability of new and existing housing can be influenced. Housing was a key component of the *Imagine Greeley Comprehensive Plan*. However, due to the complexity of housing issues and its impact on community well being, the *Imagine Greeley Comprehensive Plan* called for a deeper examination into housing policy through the development of a Comprehensive Housing Strategy.

The creation of the *Strategic Housing Plan* took place during 2018, with the help and input from a Housing Accessibility Task Force, data assistance from outside consultants, and the support and analysis of city staff. The Housing Accessibility Task Force met five times during 2018 to discuss challenges facing Greeley's housing market and brainstorm possible solutions. The Task Force included real estate professionals, affordable and market-rate housing providers, nonprofit and for-profit developers, and city staff. Working closely with city staff, the Housing Accessibility Task Force identified seven key constraints or challenges to housing affordability:

1. Escalating cost of raw water;
2. Rising cost of construction and development related costs;
3. Lack of financing;
4. Lack of skilled labor;
5. Rising costs of existing housing;
6. Flat wages; and
7. Missing homes not built during the Great Recession and Greeley's residential downturn.

The action items listed in this *Strategic Housing Plan* will require separate and specific implementation. Adoption of the plan does not begin the implementation of any item nor legally bind the City to implement any particular action. Rather, this plan explores the challenges above and provides nine recommended strategies to address housing affordability and supply.

CURRENT CONDITIONS

A Brief Overview...

Since 1990, Greeley's housing market has grown at an average rate of 1.8% per year. During this time, housing growth generally kept pace with population growth except for between 2003 - 2005 when housing outpaced population growth and 2008 - 2013 when it lagged behind population growth. The surplus of housing provided during the construction boom in the early 2000s was not enough to offset the growing population through the later half of the decade. As a result, staff estimates there were approximately 1,100 residential units not built, needed to keep pace with recent population growth.

Multi-family housing

A healthy multi-family housing market is considered to be one where the vacancy rate is approximately 5%. Since 2011, Greeley's multi-family housing vacancy rate has averaged 3.41%. Looking at more recent trends, for the last five years, the vacancy rate has dropped 0.44% to 2.96%. This means that Greeley currently has a very tight multi-family market with few rentals available. This can not only result in higher rents but it can also force people to look elsewhere for housing if the type and price point of units isn't available.

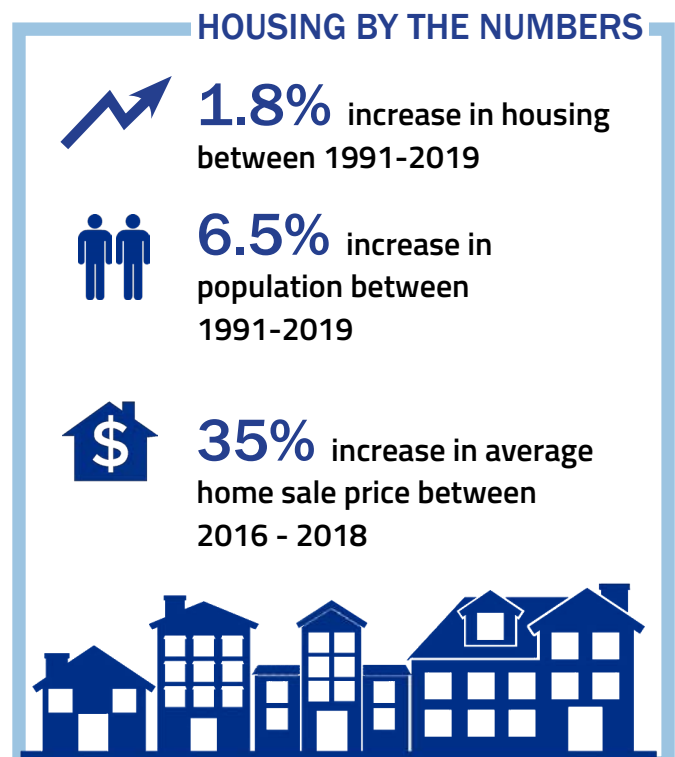
Single family housing

A healthy single family market is considered to be one where there is a six month supply of existing homes for sale. The months of supply is the time it would take for all the current inventory to sell without any new inventory coming on the market. Based on yearly average sales of existing units since 2014, a six months supply of existing units would be 685 units. Recent searches of current listings show that Greeley is currently below a six months supply with home availability somewhere between 350 - 400 units. When inventory levels are

less than six months, sellers have more control over price and terms, often leading to rising home prices. In order to balance the market, Greeley would need to provide a surplus of new construction over what is required to meet growing population demand.

Housing mix

Greeley's historic mix of single and multi-family housing has remained relatively constant at between 63% and 66% single family units. However, during the most recent housing recovery, 2013 to 2018, more than half of new construction consisted of multi-family housing to the extent that the overall percentage of single family housing declined by 1.75% from a high of 65.39% in 2012, to 63.56% in 2019. As housing costs continue to rise, staff anticipates a continued trend in a higher proportion of new construction being multi-family units.



The Problem of Affordability...

Despite historically having one of the most affordable housing stocks in Northern Colorado, Greeley has not been immune to rising home costs and affordability problems.

According to IRES data, average home sales rose \$92,464 from 3rd quarter of 2016 to 3rd quarter of 2018, a 35% increase.

One of the most significant problems in housing affordability is that incomes have not kept pace with the cost of housing. As a working class city, the high

cost of housing results in many citizens paying a disproportionate amount of their income for housing. In Greeley, a median income household cannot afford to purchase a median priced home.

The current problem with housing affordability is unlikely to be solved simply by increased supply. The two main needs are to increase the supply of housing for all income levels, from subsidized to executive housing, and to increase the affordability of housing for wage-earning households.

7 Key Constraints to Housing Affordability...

Escalating cost of raw water

One of the factors affecting the cost of housing has been the cost of raw water. Cities need reliable water rights to provide potable water to meet the needs of growth. The most valuable water and easiest to convert to municipal use is water supplied by the Colorado Big Thompson (CBT) Project. The price of this water, which increased by a factor of three between 2012 and 2016, became more expensive than the price for raw land for single family housing.

On a year-round average, approximately half the treated water in Greeley is used for outdoor purposes, mainly landscape irrigation. During the summer months, as much as 70% of potable water is used for outdoor uses.

Before 2018, Greeley required developers who anticipate building housing to dedicate three acre-feet of raw water for each acre of land they planed to develop. In 2010, an acre-foot of (CBT) water could be purchased for approximately \$8,500. In 2018, this amount of water costs rose to \$33,000 per acre-foot.

At a density of four units per acre, the change in price per acre-foot increased the cost per residential unit by \$24,500.

7 key constraints to housing affordability:

1. Escalating cost of raw water;
2. Rising cost of construction and development related costs;
3. Lack of financing;
4. Lack of skilled labor;
5. Rising costs of existing housing;
6. Flat wages; and
7. Missing homes not built during the Great Recession and Greeley's residential downturn.



Water use per capita has been declining for the past several years because of water conservation, cost, and other reasons. Certain kinds of landscaping are capable of lowering water demand significantly. It should be possible to lower the cost of raw water by significant permanent limitations on landscape and irrigation designs, and other water conservation measures.

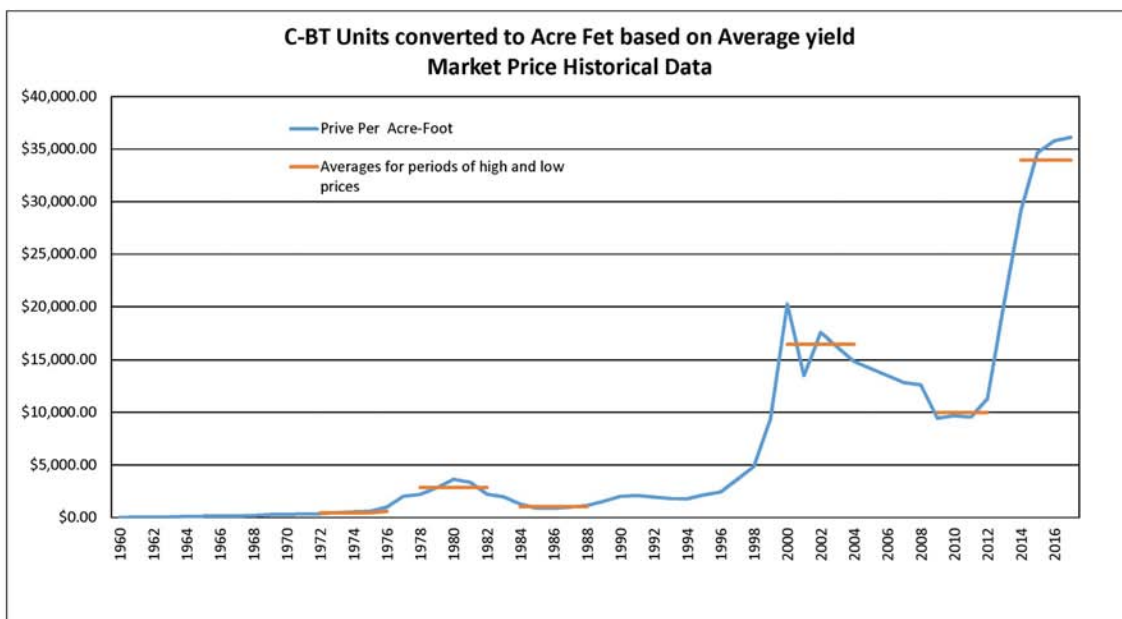
Smaller lots, multi-family housing, and xeriscaping can all contribute to lower water use and can potentially, lower the cost of housing.

Rising cost of construction and development related costs

Costs for construction of all kinds are escalating for a variety of reasons including the increased scarcity of qualified labor, depletion of raw materials, impacts of international trade, and other factors.

Other land planning techniques and housing products such as zero lot line homes, tiny homes, or construction technology such as factory built housing, manufactured components, or other proven technology should be encouraged.

Price per unit of Colorado-Big Thompson Water per Unit Converted to Acre Feet 1960-2017



Lack of financing

As a result of the mortgage crisis leading up to the Great Recession, banking regulations have been tightened to the extent that financing for land development has been almost nonexistent and construction lending for single family construction is difficult to obtain.

Lack of skilled labor

As a result of the loss of construction jobs in the Great Recession, many people left the trades for other opportunities and have not returned. In addition, their knowledge is not being passed on to younger workers. This has left a large gap in skills and limited opportunities for younger trades-people to obtain the necessary job skills.

Rising cost of existing housing

A significant driver in the increase in prices of existing homes is the price escalation of new housing. As more people find they cannot afford a new house, they compete to purchase an existing home. This drives up the price of existing homes commensurate with the price escalation of new homes. In addition, as owners of existing homes look at their options, many choose to remodel rather than move up.

Flat wages

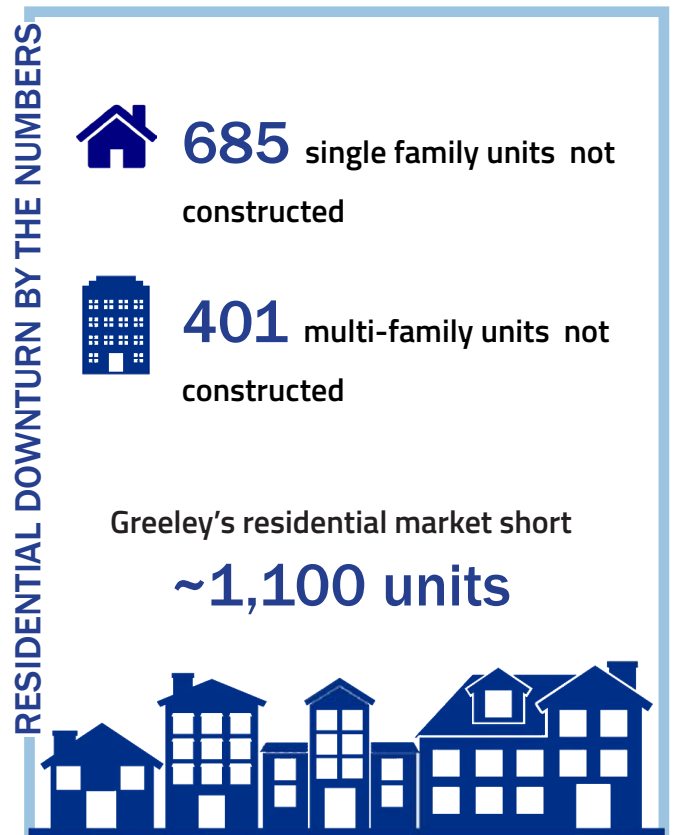
Over the last 40 years, real wages have generally risen, but at a fraction of the rate of housing cost escalation. The result is that a significantly higher population is burdened by the cost of housing than was previously the case.

Missing homes not built during the Great Recession and Greeley residential downturn

During the Great Recession, Greeley's population grew each year, with the exception of 2009. With the difficulty in obtaining financing for any real estate or construction activity, especially single family housing, very few units

were constructed. In fact, taking an average of the number of units constructed in the years leading up to the recession and 2014 and 2015, and comparing that to the recession years of 2008 through 2013, it is estimated that approximately 700 units were not constructed that would have been built in a non-recession. Then during Greeley's 2016 and 2017 residential downturn, an additional 309 residential units were not built, meaning Greeley's housing market is short approximately 1,100 residential units, of the required units needed to keep pace with population growth.

Based on data from Greeley Evans School District 6, it is estimated that there are at least 232 families living in "doubled-up" housing where more than one family shares a housing unit.



STRATEGIES

Nine Housing Strategies:

1. Amend the Development Code to promote housing choice;
2. Minimize development costs for affordable housing;
3. Engage alternative housing providers to build affordable housing;
4. Improve the housing product mix;
5. Address the impact of raw water cost on housing affordability;
6. Complete subarea and neighborhood plans;
7. Create more ownership, move-up, and executive housing options;
8. Encourage vocational training, and apprentice programs for building trades; and
9. Facilitate development of manufactured home parks as an important affordable housing option.

1

STRATEGY I

Amend the Development Code to Promote Housing Choice

Correct zoning mismatches

Portions of the City have zoning that does not reflect existing land uses, recent development trends in the area, or land uses recommended in the Imagine Greeley Land Use Guidance Map. This can adversely affect the availability and cost of housing; requiring additional land use action. Money and time is lost on the preparation of zoning documents, staff review, and responding to comments, before actual permits can be applied for.

Additional burdens are placed on homeowners whose residences are considered legally nonconforming due to the underlying zoning. Homeowners of legally nonconforming properties have trouble securing financing due to restrictions placed on nonconforming buildings. For example, when a legally nonconforming residential structure is damaged by a calamity or other event, the replacement of the residence must commence and be completed within certain time frames. Furthermore, the replacement value of the structure

cannot exceed 50% of its replacement value. Owners of legally nonconforming residences are also limited in repair and expansion of their residence; restricted to valuation provisions and only allowed a one time expansion.

By adopting zoning that better reflects goals and strategies of the *Imagine Greeley Comprehensive Plan* and matches the existing residential uses, the City can reduce unnecessary burdens and costs on housing providers and citizens.

Legally nonconforming sites, buildings, and structures:

A building or structure that was allowed by the Code in effect when established, but is no longer permitted in the district in which it is located.



Accessory dwelling units

Accessory dwelling units (ADUs) can provide affordable rental options in predominantly single family neighborhoods, and act as a wealth-building tool for homeowners. ADUs can increase the overall housing supply incrementally without requiring additional land for expansion.

While a potentially significant addition to the housing stock, ADUs may not be appropriate everywhere; too many units may overburden neighborhoods and services, and appropriate site and architectural design is essential.

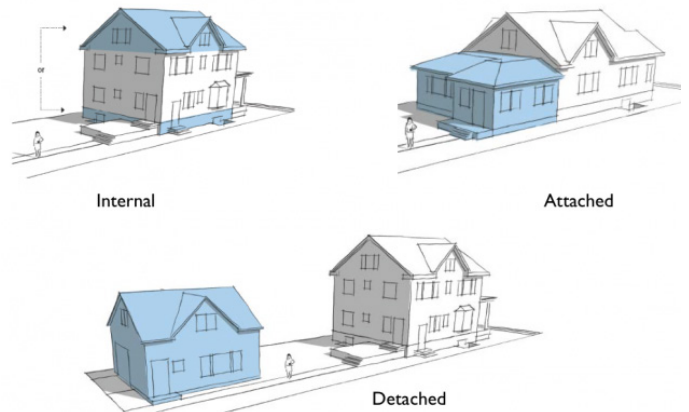
Allowing for ADUs would require future action through code changes. These would include the creation of appropriate design criteria and review processes. The City would look to peer cities that have allowed ADUs for lessons learned. Future study would be undertaken to identify appropriate lot sizes and neighborhoods in which they could be allowed. ADUs would then be reviewed based on characteristics of the lot, including size, configuration, parking availability, and neighborhood context.

Reduce minimum lot sizes for single family housing

The Residential Low Density (R-L) Zoning District has a minimum required lot size of 6,000 square feet with a minimum open space requirement of 30%. While many people prefer the type of housing defined by these zoning standards, the city's changing demographics emphasize a need for a broader mix of housing types. Many households cannot afford the housing that is typically built in single-family neighborhoods.

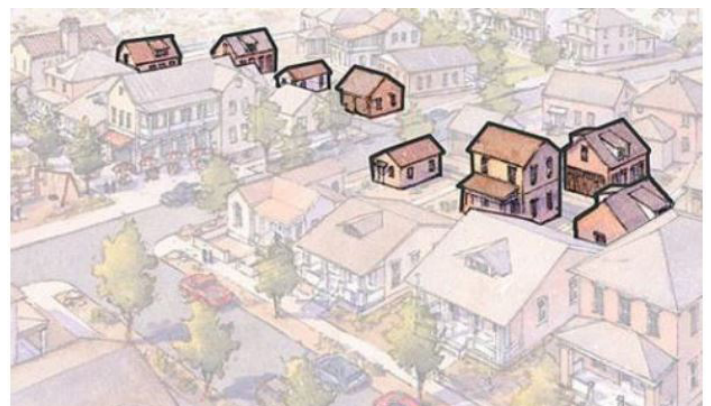
Others enjoy the character and lifestyle of suburban neighborhoods but do not need the space and/or have trouble maintaining larger lots.

What is an ADU?



Accessory dwelling unit (ADU):

A smaller, attached or detached residential dwelling unit located on the same lot as a stand alone single family home.



A development pattern based on smaller footprint configurations could yield higher density, lower costs, and lower water demand. Future action would require code changes to the zoning development standards, and considerations of changes to setbacks, open space requirements, and cluster development standards.

Provide regulatory incentives for permanent affordable housing

While requiring developers to provide affordable housing is illegal in Colorado, providing regulatory incentives is permitted. For example, cities and towns may grant additional intensity or up-zoning, if a proportion of a development is set aside for affordable housing.

Encourage complete neighborhoods

Complete neighborhoods contain a mix of land uses and services where most residents can meet most of their daily needs within a 20-minute safe and comfortable walking distance. Key elements of complete neighborhoods are a fine-scaled mix of land uses, minimal large parking lots, neighborhood schools and parks, shaded sidewalks, frequent rest stops and sitting areas, windows facing the street, interesting architecture, and other people out walking. Such neighborhoods may yield less stress and cost than autocratic neighborhoods where the automobile is required to access most needs.

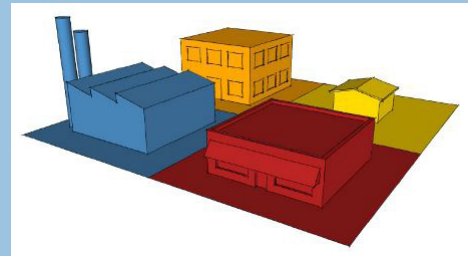
Zoning appropriately for complete neighborhoods would require finer scaled commercial districts that are incorporated more frequently at the block level. Smaller scale commercial districts that were limited to land uses necessary to support daily activities would also reduce the need for large commercial centers which often contain buildings with large footprints and large parking lots which become hard to redevelop as they age.

The City of Greeley currently has a euclidean system of zoning by which residential, commercial, and industrial uses are, for the most part, restricted to separate zoning districts. Many communities have shifted from

this traditional practice of zoning to incentive zoning, form-based code, performance-based zoning, etc. The City can support complete neighborhoods by exploring a reclassification of zoning districts using one of these practices or a hybrid zoning which allows more flexibility in uses while defining specific design criteria based on location.

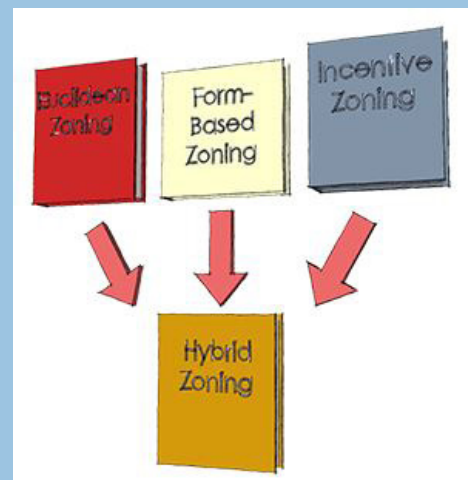
Euclidean Zoning:

System of zoning by which the town or community is divided into areas in which specific uses of land are permitted.



Hybrid Zoning:

System of zoning that identifies best elements of euclidean zoning, form-based zoning, and incentive zoning and integrates them into a new whole. Location specific, hybrid zoning allows for diversity in uses while establishing specific design criteria for districts, such as downtowns, or street frontages based on classification.



Short-term rentals

A growing problem in much of the U. S. is the conversion of housing units into short-term rental properties that operate somewhat like hotels and are known by brand names such as Air B&B, VBRO, etc. Short-term rentals can include the use of a spare bedroom or it can entail the rental of an entire housing unit or even a multi-family structure.

The City currently does not have specific Code to regulate short-term rentals. Rather they are restricted by occupancy standards, which dictate how many non-related persons can occupy a residence. The City does not have data on this trend but is aware that many short-term rentals are operating within Greeley without authorization of a business license.

The lack of regulations, enforcement, and city oversight results in lost tax revenue. Improper siting of these facilities can affect neighborhood livability with negative impacts on traffic, maintenance, and noise. There is also possibility that short-term rentals can reduce the city's housing stock and contribute to a low vacancy rate and higher housing prices.

When implemented and regulated properly, short-term rentals can be a positive addition to communities, contributing to sales tax, tourism, and housing diversity. The City should look to peer communities who have implemented short-term rental regulations when considering future Code changes and seek to legalize as many of the existing short-term rentals as appropriate.

Affordable Housing:

Housing that costs no more than 30% of a household's income.



Due to the phenomenon of drive to qualify, some definitions also include transportation costs; spending no more than 45% of household's income for housing and transport.



2

STRATEGY II

Minimize Development Costs for Affordable Housing

Explore new development incentives

The City's role in providing affordable housing begins with finding ways to eliminating barriers for its development. Greeley's development regulations were implemented to ensure safety, compatibility, and to maximize the quality of development. These regulations add time and cost to housing development. Some developers see these processes as hindrances that drive up costs.

The City currently offers economic development incentives for new job creation and has recently launched incentives for large construction projects in the Redevelopment District. The City should similarly explore incentive packages to encourage the development of affordable housing. These may include density bonuses, parking reductions, or priority processing.

Evaluate having the City front-end major infrastructure

One of the factors affecting developers' ability to provide housing is the availability of adequate public facilities as defined under Title 18 of the City Code. The City currently limits development in areas where adequate public facilities, such as fire protection, police service, water and sewer service is not available. In order to develop within these area, a developer must extend the necessary services or provide an alternative acceptable to the City.

Density Bonus:

An incentive-based tool that permits developers to increase the maximum allowable development on a property in exchange for helping the community achieve public policy goals.

Major infrastructure costs such as water and sewer trunk lines or major streets can contribute significant costs to housing, limiting the number of people who can afford to purchase or rent. The City has undertaken major capital projects, extending services, when the creation of primary jobs has been the goal. More recently, the availability of housing for all income levels has emerged as a significant issue. It is recommended that the City evaluate the costs and benefits of extending major infrastructure into areas where most of the required adequate public facilities are in place to encourage development. This evaluation should include recommendations for how to fund these facility extensions as well as pay back scenarios.

Support metropolitan districts

Metropolitan districts allow development improvements to be financed with municipal bonds which offer more favorable terms than conventional bank financing. These bonds are then paid back through a mill levee on the properties in the district. While the mill levee can be quite expensive, it may provide a better opportunity for affordability or, alternatively, more amenities than conventional financing. The City should examine how metropolitan districts may be used to incentivise affordable housing. This approach could also lead to a more heterogeneous mix of housing, helping to reduce geographic concentrations of low income households.

3

STRATEGY III

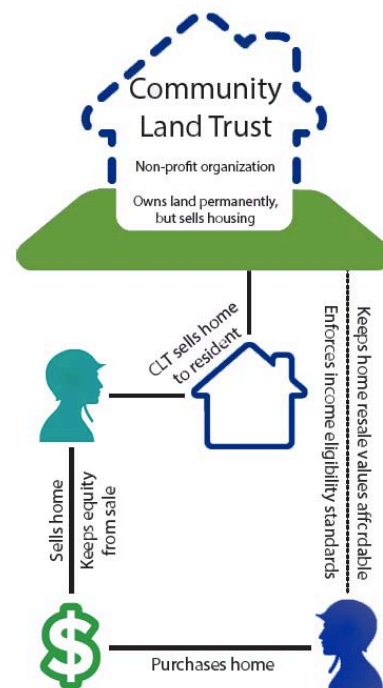
Engage Alternative Housing Providers to build Affordable Housing

Work with community land trusts

Community land trusts can provide affordable housing opportunities including ownership opportunities for households with between 80% and 120% of Area Median Income (AMI), households that usually cannot qualify for mortgages for market housing. When a household works with a community land trust to purchase a permanently affordable home, the household buys the improvements financed by a mortgage and the community land trust purchases the lot and leases it to the home buyer. The homeowner pays a small lease fee to the community land trust to cover their expenses. In this scenario, the mortgage payments and ground lease are significantly lower than a mortgage payment would be on the same house if purchased at full market price.

In return for the lower price for the home when purchased, the increased resale value for the home is shared between the community land trust and the homeowner so that the home remains affordable for the

next buyer with an income between 80% and 120% of AMI. Land trusts can partner with, or act as, builders or developers of housing projects, or work with scattered housing sites.





Partner with for-profit and non-profit housing providers

The housing problem is highly complex and there is not a simple solution. It will require the participation and cooperation of several housing providers. Any workable solution must involve a variety of players from the public, private, and nonprofit sectors to provide meaningful and realistic solutions. The City is already working with High Plains Community Development Corporation, Habitat for Humanity, and other non-profits where appropriate.

Work with major employers on shared housing programs

A major trend throughout the U. S., particularly in areas with high job growth like Northern Colorado, is that the cost of housing continues to rise and wages remain flat, resulting in a lack of affordable housing for semi-skilled labor.

To the extent possible, a communities housing supply should reflect its workforce housing needs. The City should explore policies and programs to increase housing for Greeley's workforce in partnership with major employers. Investments in affordable housing projects by employers may be a less expensive way of making home ownership attainable than increasing wages.

Work with Habitat for Humanity to expand their role

Habitat for Humanity is already a major player in building new affordable housing in Greeley. They are also currently providing housing rehabilitation services

in other communities. Bringing rehabilitation services to Greeley could significantly help with neighborhood revitalization.

Explore land banks

Several Northern Colorado communities use land banking as a tool to acquire sites for affordable housing projects. They purchase large sites well in advance of development, hold them, and either develop them themselves or sell them at a discount to developers in return for permanently affordable housing. In Greeley this has been done on a small scale, Greeley's Urban Renewal Authority has purchased vacant land and land occupied by dilapidated structures and resold it for affordable housing.

The power of land banking is that as the cost of land rises over time, the banked land can be held and made available for affordable housing at a lower cost, reducing the price of development. The biggest challenge to establishing a land bank is establishing the funding mechanism and capital to fund purchases. The City should therefore explore funding sources such impact fees, dedicated tax funding, and state and federal funds.

4

STRATEGY IV

Improve the Product Housing Mix

Encourage diversity in housing types

The high interest rates that limited housing affordability during the 1980s stimulated significant innovation in creative product designs for housing. Concepts such as patio homes, zero-lot line housing, and other layouts were just a few of the creative land planning and building types. These creative housing designs seem to have been forgotten in the housing boom of the 1990s and early 2000s. During the recent housing recovery, there have been relatively few options from which to choose.

Promote housing innovation

Most new housing units in Greeley are produced using nearly the same process as 50 years ago. The bulk of the construction still occurs outdoors, on the site with subcontractor crews moving from house to house, frequently between subdivisions and communities. As a result, weather, traffic, and many other factors contribute to construction delays.

While land grading, wet and dry utilities, foundation, and flatwork must be constructed in place, none of the construction above the foundation needs to be constructed on-site. In fact, it is more efficient to construct housing units or components in the controlled environment of a factory. Large jigs and patterns that would be too cumbersome to use on-site as well as adhesives that cannot withstand moisture or low temperatures can be used in factories. By improving efficiency and quality, indoor construction can significantly reduce the cost of housing thereby improving housing affordability.

Update the Redevelopment Guide

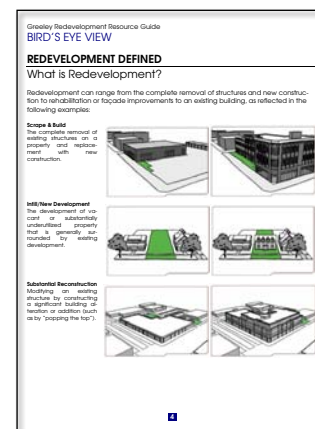
The Redevelopment Guide was created in 2011 as a resource to simplify redevelopment endeavors by compiling all the various city programs and incentives in one guide. In recent years, various city departments have been exploring new programs to lower the barriers to development/re-development. The Redevelopment Guide should be updated to incorporate the latest pilot projects and incentives.

Along with other Code update recommendations, staff also recommends that the Redevelopment District itself be re-examined contextually to identify subareas and to delineate commercial versus residential redevelopment incentives. City staff should continue to explore additional tools and programs to encourage infill in older at risk neighborhoods.

Several cities have adopted programs which provide pre-approved or "permit-ready" construction plans to the public at no or low cost. These programs reduce barriers to individual citizens through reduced design costs, project review fees, and review time.

In many older parts of the city, east of 23rd Avenue, neighborhoods are platted with relatively similar lot configurations that have little variation in dimensions throughout the subdivision. Most modern stock housing plans are designed for post-World War II lots that tend to be wider and shallower. However, many of the lots east

of 23rd Avenue are relatively narrow and deep. The City should explore the availability of model housing plans for new and accessory units that would fit spatially and contextually into the Redevelopment District. Special attention should be given to neighborhood character to ensure that pre-approved plans are architecturally compatible with the area.



5

STRATEGY V

Address the Impact of Raw Water Cost on Housing Affordability

Implement water smart neighborhood and common area policies

Greeley has traditionally required the dedication of three acre-feet of raw water rights per acre for land used for housing. The rapid escalation of the price of raw water rights has contributed significantly to the increase in the cost of housing, especially in the Residential Estate (R-E) and Residential Low (R-L) Density zones that have larger minimum lot areas.

The City is undertaking a pilot program called “Water Smart Neighborhoods” to permit a reduction in the dedication requirement in return for a firm commitment to reduce water demand. Under this pilot program, developers would have the option to propose a Water Smart Neighborhood in exchange for lower raw water dedication. A complete subdivision filing must be proposed for consideration as a Water Smart Neighborhood; individual lots or partial filings would not

be allowed. Filings can be proposed at 80% of normal consumption, 60%, or 40%. Correspondingly, raw water would be dedicated, per surface acre, at 2.5 ac-ft., 2 ac-ft., or 1.5 ac-ft. (under the current 3 ac-ft. per 1 land acre standard). These can be referred to as Water Tier 80, Water Tier 60, or Water Tier 40. The implementation of Water Smart Neighborhoods will likely be realized through water conserving landscape design and maintenance (Xeriscaping) and water efficient fixtures.

Once designated, households will be required to be maintained at or below their designated Water Tier. Lots will have a water budget, as determined by the city-wide Water Budget Program. The standard water budget for the household will then be reduced by 20%, 40%, etc., based on the assigned Water Tier. This would be noted as a Water Smart Neighborhood Water Tier 80 Reduction calculation on citizens’ individual water bills.



To successfully achieve this on a neighborhood scale will require extensive training and awareness. To ensure on-going compliance, the City will (after build-out) target Water Smart Neighborhood residents for awareness and on-going education. Such efforts can include line-item notice on water bills, brochures, and meetings with neighborhood representatives.

Develop a water smart policy for individual lots

The City can develop an approach and policies targeted to individual homeowners with incentives equivalent to those provided for the developers of new homes. The Water Smart Neighborhood methodology could be applied to “Water Smart Homeowners” whom voluntarily commit to a lower water consumption budget.

The City currently bases its water billing on a water budget. This is calculated by multiplying the number of people living in a residential unit times the average indoor use per person plus the imperious area on each lot times the irrigation water demand for that month. Water customers that exceed their allocated budget pay a higher rate.

Applying a water smart policy to at the micro level could help lower the price of city-wide housing over time. Lowering existing water demand lengthens the time before additional investment is needed to enlarge storage, transmission, and distribution infrastructure thus enhancing the affordability of living in Greeley.

6

STRATEGY VI

Complete Subarea & Neighborhood Plans

Complete plans for neighborhoods with housing opportunities

Subarea and neighborhood plans bridge the gap between broad policies of comprehensive plans and geographic specific areas. These plans identify the desired characteristics of an area that should be preserved or enhanced, identify opportunities to implement comprehensive plan goals and policies, and define a shared vision for the area which addresses housing, trails, parks, schools, and commercial services.

Neighborhood planning helps identify appropriate densities, character, and mix of uses, and the regulatory changes needed to ensure that development occurs in accordance with a shared vision. With large swaths of undeveloped land within both city limits and the Long Range Expected Growth Area, it is important for the City to get ahead of development to ensure that future development is compatible with the area and goals of the *Imagine Greeley Comprehensive Plan*. Additionally,

many older neighborhoods have opportunities for infill redevelopment of housing. With appropriate planning and design, newer housing units can be integrated into the existing urban fabric. This can have the mutual benefits of preserving neighborhood character as well as providing opportunities for redevelopment.

Large-scale master planning for complete neighborhoods

Complete neighborhoods host a mix of uses in order to provide for our daily need to live, work, play, worship, dine, shop, and interact. They are more likely to be achieved through master planning. However, larger-scale sites are challenging for multiple reasons. Larger-scaled projects can encompass sites that are in multiple ownerships, which can lead to disputes over phasing and timing, where the higher value land uses go, how to pay for and locate infrastructure, and how revenues and equity are shared among the owners. Large-scale projects also take longer to implement leading to higher



financing costs, and are more susceptible to changing market conditions.

Through subarea and neighborhood plans, the City can help identify appropriate sites for public services and infrastructure such as roads, school sites, fire stations etc. setting the foundation onto which master planned communities can they be built.

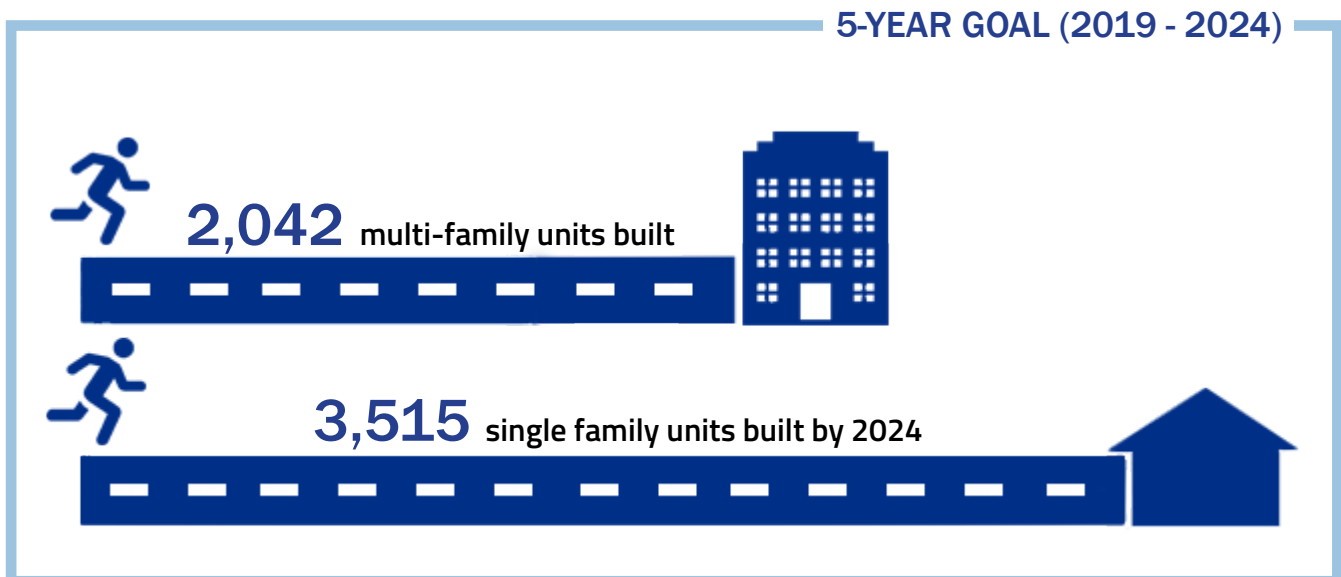
The City can also explore creating incentives for landowners to work together. For example, the City could directly provide or retain consultants to provide planning services for land owners wishing to cooperate on larger scale, multiple ownership planning projects. This could result in rezoning or appropriately-structured Planned Unit Development approvals. Such plans could avoid land use conflicts that can arise from piecemeal, small-scale planning.

Identify under-utilized sites for housing

Many areas in Greeley are underused. Such areas include un-needed parking areas and the air-rights above those parking areas. Such sites may offer opportunities for the development of housing. The City should create and maintain an inventory of underutilized sites that meet or nearly meet adequate public facilities requirements and promote their redevelopment.

Adopt a five-year housing goal

With this Plan, adopt a goal of a 5-year housing target of 2,042 multi-family and 3,515 single family units built in Greeley by 2024. The shortage of both affordable and market housing is too great to realistically expect it to be fulfilled in one year. By setting and meeting an aggressive five-year goal, it is possible to ease the housing shortage each year and reach a balanced housing market.



7

STRATEGY VII

Encourage Ownership, Move-up & Executive Housing Options

Encourage a range in housing choices

As people age throughout their lives, their ability to pay for and need for housing changes. As young adults leave home to set up housing, their needs may be minimal. However, as they start families and raise children, they may need larger housing with more outdoor space. Move-down housing options are important to empty nesters who may have needed a larger home in which to raise children but no longer need the additional space or wish to clean or maintain it.

Greater options in single family housing types are needed to accommodate changing demographics. Options should include smaller footprint detached structures, town homes, attached homes, and accessory dwelling units. The inclusion of these units types should be addressed in neighborhood plans and encouraged at the neighborhood level.

Work with developers to create higher-end developments

Greeley has limited move-up and executive housing. The City should create a task force that includes developers, financial, professionals, and real estate professionals to address barriers to creating higher-end developments. This task force would identify barriers, develop policies, and encourage other entities to undertake activities and policies to attract higher income buyers to Greeley and supply them with appropriate housing products.

Explore cooperative housing options

One of the emerging forms of home ownership is cooperative housing. In cooperative housing, the land and buildings containing the housing units are owned by a corporation or other entity that is, in turn, owned jointly by the residents. While on the surface, this sounds a lot like condominium ownership, it is less regulated and there is less likely to be a property manager involved.

Develop additional home ownership incentive programs

G-HOPE is an employer sponsored program to provide down payment assistance to prospective home buyers purchasing homes in select neighborhoods within the Redevelopment District. Down payment assistance is available to regular full-time employees of the City of Greeley, the University of Northern Colorado, Greeley-Evans School District No. 6, Banner Health/North Colorado Medical Center, Sunrise Community Health, Frontier Academy, High Plains Library District, and Salida del Sol Academy. The City should look to expand this partnership with other major employers within the community in order to build its workforce housing.

The City can also explore other, reimbursed, home buyer assistance programs to be implemented city wide. The loan in such a program would be due back in full when the house is sold, transferred out of the buyer's name, second lien obtained, or rented.

8

STRATEGY VIII

Encourage Vocational Training & Apprenticeship Programs

Support educational institutions involved in skilled trades

Throughout Northern Colorado, builders report a lack of workers in the skilled trades necessary for home building. The City, Greeley-Evans School District 6, Aims Community College, and non-profit and for-profit builders, have been cooperating on education, training, and apprenticeship programs for the building trades. It is essential for the health of the home-building and remodeling industries that these entities continue their programs.



9

STRATEGY VIII

Facilitate Development of Manufactured Home Parks

Affordable housing options

While manufactured homes provide an affordable options to traditional housing, they provide their own set of unique challenges. Owners of manufactured homes face many similar challenges as renters; space rents can rise, they can be evicted, and then there is the possibility of income loss or a health crisis. Relocating can be a more difficult endeavor for a manufactured home owner because transport fees are costly, yearly taxes must be paid in full to obtain a moving permit, and finding a new spot in another mobile home park can be difficult.

Some of the management practices for mobile home parks can serve to trap low-income people in unsuitable housing situations. Space rents are often secured by the movable property. Therefore, manufactured homes can be seized for back rent if the resident cannot afford to move it or find another place to set it up. The unit may be resold and the process can be repeated.

Explore alternative ownership options

Developing manufactured home parks with a community land trust or as cooperative housing projects can alleviate predatory practices. Giving the residents an ownership interest in the manufactured home park is likely to lead to more equitable treatment of residents and create an incentive to maintain the park to a high level of quality.

Alternative technologies

Manufactured homes are built in factories rather than on-site. They are therefore not as susceptible to labor shortages and can capitalize on mass production efficiencies.

Recognized as the grandfather to the tiny home movement, manufactured homes are regaining popularity. Architects and new urbanists such as Andre Duany tote the social successes of mobile home parks and are re-imagining the manufactured home product.



With “bento box” like compartmentalism and sleek materials, these new designs are trying to break the stigma of mobile home parks and capture the attention of those with minimal needs and desire for affordability.

Update regulations

Much has been done in recent years to enhance the quality of mobile home parks, including the adoption of mobile home building codes and other regulations. The City’s current mobile home setback and dimensional standards do not appropriately address newer sized manufactured home products. Upgrading mobile home park regulations to address new product types as well as updated requirements for amenities, usable open space, streets and walkways, off-street parking, and other features is key to encouraging high-quality, cohesive manufactured home developments.





IMPLEMENTATION

Achieving the goals outline in the *Imagine Greeley Comprehensive Plan* will require new polices, new programs, new and deeper partnerships with non-profit organizations, land use development code changes, and possible zoning district changes.

Similarly, the strategies discussed in this *Strategic Housing Plan* will require separate and specific implementation. Adoption of the plan does not begin the implementation of any item nor legally bind the City to implement any particular strategy. Given that the actions are intended to take place in the future and that we cannot bind future Councils, there must be enough flexibility to permit future Councils to set priorities based on the City's needs.

The table below provides specific actions or "next steps" the City can pursue to implement the nine strategies. For each action a lead department or organization is identified who would likely spearhead the effort. Each actions was also assigned a time frame based on need and feasibility. Time frames are described as short-term meaning one to three years, mid-term meaning three to five years, long-term meaning five years or more, or ongoing for actions that needs to continue over time.

STRATEGY	ACTION	PRIORITY			IMPLEMENTED BY	
		Ongoing + Short Term (1-3 years)	Mid-Term (3-5 years)	Long Term (5 or more years)	City Lead	Partners
1. AMEND THE DEVELOPMENT CODE TO PROMOTE HOUSING CHOICE	Identify and initiate strategic rezones to correct zoning mismatches	✓			CD	
	Identify geographic and contextually appropriate locations for accessory dwelling units (ADUs) and amend the Development Code to include ADU regulations	✓			CD	
	Amend minimum lot sizes, open space requirements, building height, setbacks and/or performance options in residential zoning districts	✓			CD	
	Amend the Development Code to create incentives to encourage complete neighborhoods	✓			CD	
	Amend the Development Code to incentivize the inclusion of affordable housing in new development	✓			CD	
2. DEVELOP FINANCIAL STRATEGIES THAT MINIMIZE DEVELOPMENT COSTS	Explore financial incentives to encourage permanent affordable housing	✓			EHH	CD
	Explore private activity bonds, forgivable loan/grants, tax credits, Kansas City forgivable loan funds, and other funding sources	✓			EHH	
CD = COMMUNITY DEVELOPMENT EHH = ECONOMIC HEALTH AND HOUSING WS = WATER AND SEWER PW= PUBLIC WORKS CM = CITY MANAGERS OFFICE						

STRATEGY	ACTION	PRIORITY			IMPLEMENTED BY	
		Ongoing + Short Term (1-3 years)	Mid-Term (3-5 years)	Long Term (5 or more years)	City Lead	Partners
2. DEVELOP FINANCIAL STRATEGIES THAT MINIMIZE DEVELOPMENT COSTS	Evaluate the risks, costs, and benefits of having the City front-end required trunk lines which would be reimbursed with impact fees	✓			EHH	CD
	Based on a positive recommendation, implement having the City front-end required trunk lines which would be reimbursed with impact fees	✓			CM	CD PW WS EHH
	Support metropolitan districts or other special districts as potential financing tools	✓			CD	EHH
	Explore alternative housing finance options	✓			EHH	
	Update the Redevelopment Resource Guide to include current pilot programs and incentive packages	✓			CD	WS
3. ENGAGE ALTERNATIVE HOUSING PROVIDERS	Explore working with community land trusts to create a shared equity home ownership program	✓			EHH	CD
	Partner with one or more housing providers to construct attainable housing	✓			EHH	CD

EHH = ECONOMIC HEALTH AND HOUSING
WS = WATER AND SEWER
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STRATEGY	ACTION	PRIORITY			IMPLEMENTED BY	
		Ongoing + Short Term (1-3 years)	Mid-Term (3-5 years)	Long Term (5 or more years)	City Lead	Partners
3. ENGAGE ALTERNATIVE HOUSING PROVIDERS	Work with major employers for shared equity housing (e.g., down payment assistance programs, employer sponsored savings plan)	✓			EHH	CD
	Explore the feasibility of a land bank for affordable housing	✓			EHH	CM CD
	Explore the potential to expand Habitat for Humanity's role to include housing rehabilitation	✓			EHH	CD
	Explore alternative housing finance options	✓			EHH	CD
4. IMPROVE THE HOUSING PRODUCT MIX	Explore alternative housing technologies, products, production methods, and housing types including factory built housing		✓		EHH	CD
	Explore working with community land trusts to create a shared equity home ownership program		✓		EHH	CD
5. ADDRESS THE IMPACT OF RAW WATER ON HOUSING AFFORDABILITY	Implement the "Water Smart Neighborhood Policy" and the "Water Smart Common Area Policy"	✓			WS	CD
EHH = ECONOMIC HEALTH AND HOUSING WS = WATER AND SEWER PW= PUBLIC WORKS CM = CITY MANAGERS OFFICE						

STRATEGY	ACTION	PRIORITY			IMPLEMENTED BY	
		Ongoing + Short Term (1-3 years)	Mid-Term (3-5 years)	Long Term (5 or more years)	City Lead	Partners
5. ADDRESS THE IMPACT OF RAW WATER ON HOUSING AFFORDABILITY	Develop a "Water Smart Individual Lot Policy" to reduce the cost of water for existing and future homeowners	✓			WS	CD
6. COMPLETE SUBAREA & NEIGHBORHOOD PLANS	Complete subarea or neighborhood plans for areas that have the potential to provide a significant amount of housing in the near future		✓		CD	EHH WS PW
	Complete subarea or neighborhood plans for areas in distress or those that are prime for redevelopment		✓		CD	EHH WS PW
	Collaborate with housing providers on large scale master plans			✓	CD	EHH WS PW
	Identify under-utilized sites that could be re-purposed for housing	✓			CD	
7. CREATE MORE OWNERSHIP, MOVE-UP & EXECUTIVE HOUSING OPTIONS	Develop more home ownership incentive programs		✓		EHH	
EHH = ECONOMIC HEALTH AND HOUSING WS = WATER AND SEWER PW= PUBLIC WORKS CM = CITY MANAGERS OFFICE						

STRATEGY	ACTION	PRIORITY			IMPLEMENTED BY	
		Ongoing + Short Term (1-3 years)	Mid-Term (3-5 years)	Long Term (5 or more years)	City Lead	Partners
7. CREATE MORE OWNERSHIP, MOVE-UP & EXECUTIVE HOUSING OPTIONS	Work with a task force that includes developers, financial, professionals, and real estate professionals to address barriers to creating higher-end developments		✓		CD	EHH
	Explore the attraction of cooperative housing providers		✓		EHH	CD
8. ENCOURAGE VOCATIONAL, TRAINING, AND APPRENTICE PROGRAMS FOR BUILDING TRADES	Continue to support school districts and post-secondary educational institutions involvement in developing courses and apprenticeships in skilled trades	✓			CM CD WS PW	
9. FACILITATE DEVELOPMENT OF MANUFACTURED HOMES	Update zoning regulations for mobile homes to address changing products and assure there is safe and adequate infrastructure and amenities		✓		CD	
	Explore alternative ownership options including non-profits, cooperative ownership, and community land trust		✓		CD	EHH
EHH = ECONOMIC HEALTH AND HOUSING WS = WATER AND SEWER PW= PUBLIC WORKS CM = CITY MANAGERS OFFICE						

Council Agenda Summary

February 5, 2019

Agenda Item Number 16

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

Title:

Introduction and first reading of an Ordinance for a 2nd Amendment to the Centerplace North Development Concept Master Plan

Summary:

The applicant is requesting a 2nd amendment to the existing Development Concept Master Plan to clarify that single-family, two-family, townhouse, and multi-family dwellings will no longer be subject to the commercial standards outlined in the Development Concept Master Plan (DCMP).

A DCMP is a voluntary tool that landowners can use to more narrowly define the “ground rules” of zoning on a particular property. In this case, the original developer created rules requiring certain architectural features and materials that are consistent with the retail look that has evolved in Centerplace. Some, such as the prohibition for asphalt shingles, probably were not envisioned for residential, but nonetheless apply because of the current form of the DCMP language. This amendment would simply exclude residential from these limits; existing city-wide design standards for multi-family would still apply.

The Planning Commission considered this request on January 22, 20198, and unanimously recommended approval.

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:

None.

Consideration of this matter is a quasi-judicial process that will, on second reading,

include:

- 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:

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

Decision Options:

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

Council's Recommended Action:

A motion to introduce the ordinance and schedule the public hearing and final reading for February 19, 2019.

Attachments:



Vicinity Map
Draft Ordinance

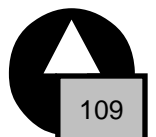
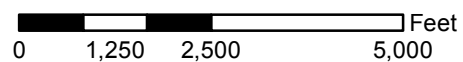
Vicinity Map



ZON2018-0016 Centerplace North 2nd DCMP Amendment

Legend

-  Parcels
-  DCMP Area



CITY OF GREELEY, COLORADO

ORDINANCE NO. ____, 2019

AN ORDINANCE FOR THE 2ND AMENDMENT TO THE CENTERPLACE NORTH DEVELOPMENT CONCEPT MASTER PLAN (DCMP) THAT INCLUDES THE AREA NORTH OF CENTERPLACE DRIVE AND SOUTH OF 25TH STREET, SPANNING APPROXIMATELY 0.25 MILES EAST AND APPROXIMATELY 0.13 MILES WEST OF 44TH AVENUE

WHEREAS, the Centerplace North rezoning was approved on June 5, 2007; and,

WHEREAS, this rezoning included a Development Concept Master Plan (“DCMP”), a voluntary tool available to developers and landowners that allows certain restrictions or standards to be required of the zoned area; and,

WHEREAS, the DCMP defined certain architectural features and materials of future development; and

WHEREAS, such architectural requirements are consistent with retail development, but not as much so with potential residential development; and,

WHEREAS, The Planning Commission recommended approval of a 2nd Amendment to the DCMP that would eliminate such limitations for residential uses.

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

Section 1. The Centerplace North Subdivision Development Concept Master Plan (DCPM, is hereby amended (2nd Amendment) relative to property described as following, located in the City of Greeley, County of Weld, State of Colorado:

See attached legal description

Section 2. 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 _____, 2019.

ATTEST:

THE CITY OF GREELEY, COLORADO

City Clerk

Mayor

Legal Description

A parcel of land being part of South Half (S1/2) of Section Fourteen (14), Township Five North (T.5N.), Range Sixty-six West (R.66W.) of the Sixth Principal Meridian (6th P.M.), City of Greeley, County of Weld, State of Colorado and being more particularly described as follows:

BEGINNING at the West Quarter Corner of said Section 14 and assuming the North line of the Southwest Quarter (SW1/4) of said Section 14 as bearing South 89°59'10" East, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/92, a distance of 2986.65 feet, with all other bearings contained herein relative thereto:

THENCE South 89°59'10" East along said North line a distance of 1320.00 feet;

THENCE South 00°50'19" West a distance of 485.36 feet to the beginning point of a curve.

The aforesaid line being non-tangent to said curve;

THENCE along the Arc of a curve that is concave to the North a distance of 21.52 feet, whose Radius is 675.00 feet, whose Delta is 01°49'36", and whose Long Chord bears South 81°41'30" East a distance of 21.52 feet;

THENCE South 00°12'11" East a distance of 455.44 feet to the **TRUE POINT OF BEGINNING**:

THENCE South 89°34'11" East a distance of 1967.21 feet;

THENCE South 00°49'46" West a distance of 507.32 feet to the centerline of Centerplace Drive:

THENCE along said centerline by the following Three (3) courses and distances:

THENCE South 71°28'10" West a distance of 393.26 feet to a Point of Curvature (PC);

THENCE along the Arc of a curve which is concave to the North a distance of 304.46 feet, whose Radius is 920.00 feet, whose Delta is 18°57'39", and whose Long Chord bears South 80°56'59" West a distance of 303.07 feet to the PT;

THENCE North 89°34'11" West a distance of 1303.89 feet;

THENCE North 00°00'50" East a distance of 308.87 feet;

THENCE South 89°59'09" East a distance of 17.46 feet;

THENCE North 00°12'11" West a distance of 376.03 feet to the **TRUE POINT OF BEGINNING**.

Said described parcel of land contains 29.884 Acres, more or less (±) and is subject to any rights-of-way or other easements as granted or reserved by instruments of record or as now existing on said described parcel of land.

Council Agenda Summary

February 5, 2019

Agenda Item Number 17

Key Staff Contact: Betsy Holder, City Clerk, 970-350-9742

Title:

Introduction and first reading of an Ordinance amending Section 6.16 of Greeley's Municipal Code regarding Alcohol Beverages

Summary:

During the course of the last few years, a couple of key Senate Bills were passed into law, specifically 16-197 and 18-243, that changed a number of licensing provisions to which Greeley's Code needs some alignment.

A majority of these changes did not take effect until January 1 of this year with additional provisions taking effect moving forward in future years. This new legislation gave City staff an opportunity to conduct a comprehensive review of Chapter 6.16 for any needed additions and modifications, which took place in the last quarter of 2018.

Greeley's Liquor Code essentially adopts the Colorado State Liquor Codes, (§44-3 (Liquor); 44-4 (Beer); 44-5 (Special Event)), by reference and then anything where State Code allows municipalities to deviate, or opt in or out of, is what is found in Greeley's Code, Chapter 6.16. A couple of examples of this would be Retail Liquor Code Tastings and Common Consumption Areas and Entertainment Districts. They are authorized in the State Code, but local municipalities must adopt an ordinance or resolution to allow them and to set forth local parameters for them. As such, a majority of the changes proposed within this Ordinance are housekeeping in nature and serve to clean up our local Code and to simplify and clarify particular words or phrases and to better mirror how particular sections are being applied.

A summary of changes include:

1. Retitles Liquor, Beer & Special Event Codes to reflect the recodification of the State Code to different articles and titles within the Colorado Revised Statutes;
2. defines "Alcohol" to include Fermented Malt Beverages and eliminates 3.2% Beer references;
3. incorporates additional distance restrictions for Retail Liquor Stores, Liquor Licensed Drugstores, and Fermented Malt Beverage classes of licenses;
4. clarifies the restrictions of alcohol beverages when on, in or using Glenmere Park;
5. updates the hours that beer and liquor tastings can occur; as well as the manner with which unused samples are to be removed following a tasting event.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	N/A
If yes, what is the initial, or, onetime impact?	
What is the annual impact?	
What fund of the City will provide Funding?	
What is the source of revenue within the fund?	
Is there grant funding for this item?	N/A
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	

Legal Issues:

Consideration of this matter is a legislative process.

Other Issues and Considerations:

Chapter 13 of Greeley Municipal Code is also being amended as a companion to amendments to this Chapter later on this agenda.

Applicable Council Priority and Goal:

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

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

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

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

Decision Options:

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

Council's Recommended Action:

A motion to introduce the ordinance and schedule the public hearing and final reading for February 19, 2019.

Attachments:

Ordinance Amending Chapter 6.16

Chapter 6.16

CITY OF GREELEY, COLORADO

ORDINANCE NO. _____, 2019

INTRODUCTION AND FIRST READING OF AN ORDINANCE AMENDING CHAPTER 6.16 OF GREELEY’S MUNICIPAL CODE REGARDING ALCOHOL BEVERAGES

WHEREAS, the Greeley Liquor Licensing Authority is charged with granting or refusing licenses for the sale, at retail, of malt, vinous, & spirituous liquor; to conduct investigations; and to suspend or revoke such licenses for cause in the manner provided by law; and shall have all of the powers of the local licensing authority, as set forth in Articles 3, 4, and 5 of Title 44 of the Colorado Revised Statutes; and

WHEREAS, Colorado State Law, through Senate Bills 16-197 and 18-243 amended Colorado Liquor, Beer, and Special Event Codes in a number of ways including the way beer and alcohol is defined; distance restrictions for certain classes of licenses; the manner in which beer, wine, and spirituous liquor tastings are conducted; and the location of the Liquor, Beer, and Special Event Codes within the Colorado Revised Statutes; and,

WHEREAS, these statewide amendments provided an opportunity for a comprehensive review of Greeley’s Liquor Code, Chapter 6.16, and to also address some general housekeeping or ministerial-type changes to Chapter 6.16 for clarity, alignment, and modernization; and

WHEREAS, Chapter 6.16 of the Greeley Municipal Code addresses alcohol beverage licensing regulatory functions, and it is appropriate to update this Chapter to address current State Law and the desire to continue to allow the sale and service of alcohol beverages in a manner that is current and in alignment with State provisions and local practices.

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

Section 1. Chapter 6.16 of the Greeley Municipal Code shall be amended as shown on “Exhibit A,” which is attached to this Ordinance and incorporated herein by this reference.

Section 2. This ordinance shall become effective immediately upon adoption.

PASSED AND ADOPTED, SIGNED AND APPROVED this _____ day of

_____, 2019.

ATTEST:

THE CITY OF GREELEY, COLORADO

City Clerk

By: _____
Mayor

Chapter 6.16 - Alcohol Beverages

Article I - Local Licensing Authority; Definition

6.16.010 - State law applicable.

Title ~~44-12~~, Articles ~~3-46~~, ~~4-47~~ and ~~5-48~~, C.R.S., and the Rules and Regulations of the Executive Director of the Colorado Department of Revenue, as the State Licensing Authority, effective ~~October 1, 2018~~ January 1, 2003, with all subsequent supplements thereto, are adopted by the City. A copy of these provisions is on file with the City Clerk and is available for inspection. The same is incorporated and adopted as if fully as if set out at length in this Chapter, except as otherwise provided in this Chapter.

(Ord. 1, 2003 §1; Ord. 4, 1995 §2(part); Ord. 23, 1982 §2(part))

6.16.020 - Licensing authority established.

- (a) There is established a Local Licensing Authority, which shall be a Hearing Officer appointed by the City Council by resolution, which shall have and is vested with the authority to grant or refuse licenses for the sale at retail of malt, vinous or spirituous liquors and fermented malt beverages (collectively referred to herein as "alcohol"), as provided by law, conduct investigations as are required by law, and suspend or revoke such licenses for cause in a manner provided by law ~~which shall be a Hearing Officer appointed by the City Council by resolution~~. Such Authority shall have all of the powers of the Local Licensing Authority, as set forth in Title 44, Articles 3-46, 43-47 and 5-48, of Title 44-12, C.R.S.
- (b) The Hearing Officer shall be appointed by the City Council by resolution and may be removed with or without cause by a majority vote of the City Council.

(Ord. 10, 2001 §1(part); Ord. 4, 1995 §2(part); Ord. 23, 1982 §2(part))

6.16.025 - Definition.

- (a) Certain terms and expressions used herein shall have the following meanings:

Alcohol means malt, vinous or spirituous liquors and fermented malt beverages, as those terms are defined by state law.

Applicant means one making an application for a license under this Chapter, and includes:

- a. If an individual, that person making the an application for a license under this Chapter;
- b. If a partnership, all the partners of the partnership which is are making the application for a license under this Chapter;
- c. If a corporation, any officer, director, manager or stockholder therein making the application; or
- d. If a limited liability company, any member therein making the application.

Authority or Licensing Authority means the Hearing Officer appointed by the City Council by resolution.

Hearing Officer means the individual, licensed to practice law in Colorado, appointed by the City Council, to carry out the duties as described in Section 6.16.020 and other rules, regulations, policies and procedures as may be established.

Manager means and includes that person or those persons who manage, direct, supervise, oversee and administer the acts, transactions and acts of servants of the establishments governed by this Chapter.

Person includes a natural person, partnership, association, company, corporation, limited liability company, organization or manager, agent, servant, officer or employee of any of them.

- (b) All other words and phrases used in this Chapter shall have the meanings attached by the state statutes regulating the sale of ~~alcohol~~liquor and ~~fermented malt beverages~~, or if not otherwise defined by law, as are used in their common, ordinary and accepted sense and meaning.

(Ord. 10, 2001 §1(part); Ord. 29, 2000 §1; Ord. 4, 1995 §2(part); Ord. 23, 1982 §2(part))

Article II - Licenses

6.16.030 - License required.

It is unlawful for any person to sell or to offer for sale at retail within the City any ~~alcohol~~fermented malt beverage or any ~~malt, vinous or spirituous liquors~~, as those terms are defined by state law, without first having been granted and issued a license to do so by the City.

(Ord. 4, 1995 §2(part); Ord. 23, 1982 §2(part))

6.16.040 - Secretary of the Authority.

The City Clerk shall receive all applications for licenses, and shall issue all licenses granted by the Authority, upon receipt of such license fees and taxes as are required by law and this Chapter. The City Clerk shall serve as the official secretary of the Authority and shall designate a person or persons to provide the necessary administrative secretarial and reporting and support services for the Authority. The City Clerk or his or her designee shall attend the meetings of the Authority. All public notice by publication in a newspaper and by the posting of signs, as required by state law~~the Colorado Liquor Code of 1935, as amended~~, shall be accomplished by the City Clerk.

(Ord. 4, 1995 §2(part); Ord. 23, 1982 §2(part))

6.16.050 - Application.

The applicant shall fully complete an application for license as required by the State Licensing Authority. No application for a new license or for the renewal of an existing license, or for the transfer of location or ownership of an existing license shall be submitted to the City until the applications have been complete in all respects.

(Ord. 4, 1995 §2(part); Ord. 23, 1982 §2(part))

6.16.070 - Special event permit applications; approval and issuance procedure.

- (a) The Authority shall grant or refuse applications for special event permits, without notification to the State Licensing Authority for the State Authority's approval or disapproval of said permits in accordance with Title ~~44-12~~, Article ~~5-48~~, C.R.S., as amended from time to time.
- (b) The Authority shall report to the State Licensing Authority~~Liquor Enforcement Division~~ within ten (10) days after it issues a permit, the name of the organization to which the permit was issued, the address of the permitted location and the permitted dates of alcohol beverage service.

- (c) The Authority, ~~in electing to not notify the State Licensing Authority, shall~~ Authority shall promptly act upon each application and either approve or disapprove each application for a special event permit.

(Ord. 22, 2011 §1)

6.16.090 - License application hearings; procedure.

The procedures set forth in Title ~~44-12~~, Chapters ~~3-46~~ and ~~4-47~~, C.R.S., and the regulations that may from time to time be adopted by the State Licensing Authority, shall be followed in all ~~liquor~~-license application hearings before the Licensing Authority.

(Ord. 4, 1995 §2(part); Ord. 23, 1982 §2(part))

6.16.095 - Public hearing notice.

- (a) In addition to following the posting and publication requirements ~~of state law included in the Colorado beer and liquor codes~~, the City will make all reasonable attempts to mail a courtesy notice of any public hearing at which a new or change of location application is to be considered to those property owners within approximately five hundred (500) feet, ~~generally~~, of the proposed site.
- (b) The information typically provided in the courtesy ~~notice~~ letter shall contain the same information as that required for ~~posting and publication~~ the sign and publication and a statement that additional information about the application is available at the City Clerk's office.
- (c) Failure of the City to provide a courtesy notice ~~all forms of public notice~~ as provided herein shall not affect the validity of any hearing or determination by the Licensing Authority.

(Ord. 34, 2007 §1; Ord. 1, 2003 §5; Ord. 29, 2000 §3)

6.16.100 - Public hearing.

- (a) The Licensing Authority may promulgate rules of procedure for the conduct of all hearings on applications for licenses or for revocation or suspension of licenses. Those rules of procedure shall be available at the City Clerk's office.
- (b) The Licensing Authority shall have the power to administer oaths and issue subpoenas to require the presence of persons and the production of papers, books, ~~and records~~ or other evidence necessary to ~~at the~~ determination ~~in~~ of any hearing which the Licensing Authority is authorized to conduct. It shall be unlawful for any person to fail to comply with any subpoena issued by the Authority in the proper conduct of its hearings. The Municipal Court or the District Court shall enforce the subpoenas of the Licensing Authority and, upon good cause shown, shall enter its orders compelling witnesses to attend and testify or produce books, records or other evidence, and shall impose penalties or punishment for contempt in case of failure to comply with such orders.
- (c) A subpoena shall be served in the same manner as a subpoena issued by ~~at the~~ District Court of the State. Upon failure of any witness to comply with such subpoena, the City Attorney shall, at the direction of the Authority:
- (1) Petition any judge of the Municipal Court, setting forth that due notice has been given of the time and place of attendance of the witness and the service of the subpoena, that the Court, after hearing evidence in support of or contrary to the petition, enter its order compelling the witness to attend and testify or produce books, records or other evidence, under penalty of punishment for contempt in case of willful failure to comply with such order of court; or
 - (2) Petition the District Court in and for the county, setting forth that due notice has been given of the time and place of attendance of the witness and the service of the subpoena, that the court after

hearing evidence in support of or contrary to the petition, enter its order as in other civil actions, compelling the witness to attend and testify or produce books, records or other evidence, under penalty of punishment for contempt in case of willful failure to comply with such order of court.

- (d) Any attorney at law who appears before the Licensing Authority at any hearing shall be required to provide, in advance, state the names and addresses of all persons whom he or she has been authorized to represent at the hearing.

(Ord. 4, 1995 §2(part); Ord. 23, 1982 §2(part))

6.16.120 - Fees.

- (a) License and application fees and other charges for services related to ~~liquor~~-licensing under this Chapter shall be paid to the Director of Finance and submitted to the City Clerk annually in advance of consideration by the Licensing Authority. The license and application fees and other charges shall be set annually by the Licensing Authority in an amount determined by the City Manager within the limitations set by the state law~~Colorado Revised Statutes~~.
- (b) No rebate of any fees paid for any license issued hereunder shall be made except upon approval of the Licensing Authority.

(Ord. 34, 2007 §1; Ord. 7, 2007 §2; Ord. 1, 2003 §7; Ord. 29, 2000 §4; Ord. 56, 1997 §§1, 2; Ord. 42, 1996 §1; Ord. 4, 1996 §§1, 2; Ord. 4, 1995 §2(part); Ord. 20, 1990 §§3, 4; Ord. 51, 1989 §1; Ord. 86, 1985 §1; Ord. 23, 1982 §2(part))

6.16.133 - Penalty guidelines.

Violations of any provisions of this Chapter shall result in penalties according to the generally accepted and practiced state penalty guidelines provided below. Nothing in the following guidelines is meant to restrict the ~~Local~~-Licensing Authority from issuing a lesser penalty, a higher penalty, or additional penalties as allowed by this ~~Chapter~~Code or state law, up to an including suspension or revocation of a ~~liquor~~-license or the imposition of a fine in lieu of suspension as provided under the provisions of Section 12-47-601, C.R.S.

Code Violation	Suspension
<i>Sale to Minor:</i>	
First Incident 1 Charge	15 days total, 5 served and 10 held in abeyance for a period of one year from date of hearing, pending no further violations
2 Charges	30 days total, 10 served and 20 held in abeyance for a period of one year from date of hearing, pending no further violations.
3 + Charges	45 days total, 15 served and 30 held in abeyance for a period of one year from date of hearing, pending no further violations.
Second Incident	Days held in abeyance automatically imposed from first incident, plus additional

Within 1 Year	suspension as stated in first incident above.
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<i>Code Violation</i>	<i>Suspension</i>
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Purchase of ~~Alcohol~~ Liquor from Someone Other Than a Wholesaler:

First Incident 1 Charge	10 days total, 3 served and 7 held in abeyance for a period of one year from date of hearing, pending no further violations.
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2 Charges	10 days total, 5 served and 5 held in abeyance for a period of one year from date of hearing, pending no further violations.
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Sale to Intoxicated Patron:

First Incident 1 Charge	15 days total, 5 served and 10 held in abeyance for a period of one year from date of hearing, pending no further violations.
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2 Charges	30 days total, 10 served and 20 held in abeyance for a period of one year from date of hearing, pending no further violations.
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3 + Charges	45 days total, 15 served and 30 held in abeyance for a period of one year from date of hearing, pending no further violations.
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Second Incident Within 1 Year	Days held in abeyance automatically imposed from first incident, plus additional suspension as state in first incident above.
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Failure to Meet Food Requirement (H & R/Brew Pubs):

First Incident	15 days total, 5 served and 10 held in abeyance for a period of one year from date of hearing, pending no further violations, with 30 days to comply.
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Second Incident Within 1 Year	Days held in abeyance automatically imposed from first incident, plus additional suspension as stated in first incident above.
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Video Poker Gambling:

First Incident	45 days total, 15 served and 30 held in abeyance for a period of one year from date
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	of hearing, pending no further violations.
Second Incident	Days held in abeyance automatically imposed from first incident, plus additional suspension as stated in first incident above.
<i>Permitting Illegal Gambling:</i>	
First Incident	10 days total, 3 served and 7 held in abeyance for a period of one year from date of hearing, pending no further violations.
Second Incident	45 days total, 15 served and 30 held in abeyance for a period of one year from date of hearing, pending no further violations.
Third Incident	Days held in abeyance automatically imposed from first incident, plus additional suspension as stated in first incident above.
<i>Failure to Maintain Adequate Books/Records:</i>	
First Incident	15 days total, 5 served and 10 held in abeyance for a period of one year from date of hearing, pending no further violations
Second Incident	30 days total, 10 served and 20 held in abeyance for a period of one year from date of hearing, pending no further violations.
<i>Sale After Legal Hours:</i>	
First Incident	10 days total, 3 served and 7 held in abeyance for a period of one year from date of hearing, pending no further violations.
Second Incident	30 days total, 10 served and 20 held in abeyance for a period of one year from date of hearing, pending no further violations.
<i>Permitting Disturbances:</i>	
First Incident	30 days total, 10 served and 20 held in abeyance for a period of one year from date of hearing, pending no further violations.
Second Incident	Days held in abeyance automatically imposed from first incident, plus additional suspension as stated in first incident above.

Violations on Follow-up Inspections:	
For each incident	3 days total, 1 served and 2 held in abeyance for a period of one year from date of hearing, pending no further violations.
Failure to Report Manager Corporate, Financial Change:	
First Incident	5 days total, all 5 held in abeyance for a period of one year from date of hearing, pending no further violations.
Second Incident	10 days total, 3 served and 7 held in abeyance for a period of one year from date of hearing, pending no further violations.
Underage Employee Selling or Serving:	
First Incident 1 Charge	7 days total, 2 served and 5 held in abeyance for a period of one year from date of hearing, pending no further violations.
2 Charges	14 days total, 4 served and 10 held in abeyance for a period of one year from date of hearing, pending no further violations.
3 Charges	30 days total, 10 served and 20 held in abeyance for a period of one year from date of hearing, pending no further violations.
Shake a Day (Dice or Dice Cup Pools):	
1 Charge	15 days total, 5 served and 10 held in abeyance for a period of one year from date of hearing, pending no further violations.
2 Charges	30 days total, 10 served and 20 held in abeyance for a period of one year from date of hearing, pending no further violations.
Altered <u>Alcohol</u>Liquor:	
1 Charge	15 days total, 5 served and 10 held in abeyance for a period of one year from date of hearing, pending no further violations.

(Ord. 1, 2003 §9)

6.16.135 - Conditions imposed on suspension or renewal.

The Licensing Authority shall have the power to impose on a licensee as a condition of a period of suspension held in abeyance or as a condition of renewal, any condition(s) reasonably related to the offense(s) leading to the suspension or the conduct of the business forwith which the license is to be renewed.

(Ord. 4, 1995 §2(part))

6.16.138 - Violation; penalty.

The standards for payment of a fine in lieu of suspension shall be as provided for in Section 44-3-601-47-601, C.R.S., and shall apply to any licensee who violates or whose employees violate any terms of this Chapter or of Title 44-12, Articles 3-46, 4 or 47 and 5-48, C.R.S., or the rules and regulations related thereto. Such licensee shall be subject to suspension or revocation of his or her license.

(Ord. 1, 2003 §10)

6.16.170 - Fees not refundable.

In the event a license is suspended or revoked, as provided in this ChapterArticle, no part of the fees paid therefor for the license shall be returned to the holder.

(Ord. 1, 2003 §1; Ord. 4, 1995 §2(part); Ord. 23, 1982 §2(part))

6.16.180 - Buildings to meet standards.

- (a) No license shall be issued, renewed or transferred unless the building in which the business or licensed activity is conducted~~carried on~~ meets all of the requirements of the zoning, building, electrical, plumbing, fire, mechanical, housing and dangerous building codes of the City.
- (b) A special event permit allowing alcohol beverages ~~on~~ the premises may be issued under circumstances where the premises do not comply with requirements of the Uniform Fire Code, if the following requirements are satisfied:
 - (1) The special event permit applicant shall arrange for a fire watch, comprised of a minimum of two (2) persons, to be conducted during the entire time of the special event occurrence. Arrangements for hire and payment of fire watch personnel shall be the responsibility of the applicant.
 - (2) If the Chief of the Greeley Fire Department, or his or her designee, requires that a fire watch for a particular special event be staffed by more than two (2) persons, the applicant must arrange for a fire watch in accordance with the directions of the Fire Chief or his or her designee.
 - (3) The fire watch for any special event occurring on premises which are not strictly in compliance with the Uniform Fire Code must be staffed by persons who are state certified fire fighters with direct radio contact with Weld County 911 Emergency Dispatch.
 - (4) The special event permit applicant must finalize arrangements for the required fire watch prior to issuance of the liquor license.

(Ord. 29, 2000 §8; Ord. 4, 1995 §2(part); Ord. 23, 1982 §2(part))

6.16.190 - Continuation of existing licenses.

Any license issued by the Licensing Authority of the City prior to the effective date of the ordinance codified in this Chapter shall remain in full force and effect until the expiration of such license under the former law; provided, however, that any suspension, revocation, renewal or transfer of any such license shall be governed by this Chapter.

(Ord. 4, 1995 §2(part); Ord. 23, 1982 §2(part))

6.16.215 - Optional premises licenses.

- (a) The following standards for the issuance of optional premises licenses or for optional premises for a hotel and restaurant license are hereby adopted pursuant to the provisions of Section ~~44-3-413 and 44-3-415~~ 12-47-135.5, C.R.S. These standards ~~adopted herein~~ shall be considered in addition to all other standards applicable to the issuance of licenses under state law ~~the Colorado Liquor Code~~ for optional premises license or for optional premises for a hotel and restaurant license. These two types of licenses for optional premises will be collectively referred to as "optional premises" in these standards unless otherwise provided.
- (b) Eligible facilities. An optional premises may only be approved when that premises is located on or adjacent to an outdoor sports and recreational facility as defined in Section ~~44-3-310~~ 12-47-103, C.R.S. The types of outdoor sports and recreational facilities in the City which may be considered for an outdoor premises license include the following:
 - (1) Country clubs;
 - (2) Golf courses and driving ranges;
 - (3) Ice skating areas;
 - (4) Ski areas;
 - (5) Swimming pools;
 - (6) Parks and arenas.

There are no restrictions on the minimum size of the outdoor sports and recreational facilities which may be eligible for the approval of an optional premises license. However, the Local Licensing Authority may consider the size of the particular outdoor sports or recreational facility in relationship to the number of optional premises requested for the facility.

- (c) Number of optional premises. There are no restrictions on the number of optional premises which any one (1) licensee may have on his or her or its outdoor sports or recreational facility. However, any applicant requesting approval of more than one (1) optional premises shall demonstrate the need for each optional premises in relationship to the outdoor sports or recreational facility and its guests.
- (d) Submittal requirements. When submitting a request for the approval of an optional premises, in addition to meeting the license application requirements of this Chapter ~~6.16~~, an applicant shall also submit the following information:
 - (1) A map or other drawing illustrating the outdoor sports or recreational facility boundaries and the approximate location of each optional premises requested.
 - (2) A description of the method which shall be used to identify the boundaries of the optional premises when it is in use.
 - (3) A description of the provisions which have been made for storing alcohol ~~malt, vinous and spirituous liquors~~ in a secured area on or off the optional premises for ~~the future use on the~~ optional premises.
- (e) ~~Advance notification.~~ Pursuant to Title 44 ~~2~~, Article 3 ~~47~~, C.R.S., as amended from time to time, no alcohol ~~beverages~~ may be served on the optional premises until forty-eight (48) hours after the

licensee has provided written notice to the Greeley City Clerk's Office Police Department Drug and Alcohol Enforcement Division ~~forty-eight (48) hours prior to serving alcohol beverages on the premises~~, unless notice is waived by the Authority. Such notice must contain the specific days and hours on which the optional premises are to be used. In this regard, there is no limitation on the number of days which a licensee may specify in each notice. However, no notice may specify any date of use which is more than one hundred eighty (180) days from the notice date.

- (f) Fees for application and processing of an optional premises license shall be as set forth in Title 44-12, Article 3-47, C.R.S., as amended from time to time, and Section 6.16.120 of this ChapterCode.

(Ord. 07, 2011 §1; Ord. 29, 2000 §8; Ord. 4, 1995 §2(part))

6.16.217 - Promotional associations and common consumption areas.

- (a) The ~~Local~~-Licensing Authority is hereby authorized to: certify and decertify promotional associations; designate the location, size, security and hours of operation of common consumption areas; and allow attachment of licensed premises to common consumption areas consistent with this Chapter and the provisions included herein.
- (b) The following standards related to promotional associations and common consumption areas are hereby adopted pursuant to the provisions of Section 44-3-910-12-47-301(11), C.R.S., as may be amended from time to time, and the Entertainment District regulations found in Title 18, Article VIII of Section 18.34.700 of this Code. The standards adopted herein shall be considered in addition to all other standards applicable to the issuance of licenses under the ~~Colorado Liquor Code and Section 18.34.700 of this ChapterCode~~.
- (c) Certification of a promotional association shall be applied for in a manner consistent with this Section as determined by the ~~Local~~-Licensing Authority and include the following minimum information:
- (1) A copy of the articles of incorporation and bylaws and a list of all directors and officers of the promotional association.
- (a) The promotional association shall have at least two (2) licensed premises attached to the common consumption area.
- (b) A member of each of the licensed premises attached to the promotional association shall serve as one (1) of the directors on the board on the Board of Directors of the promotional association. ~~which shall have at least two (2) licensed premises attached to the common consumption area.~~
- (2) A detailed map of the proposed common consumption area, including: location of physical barriers, entrances and exits, location of attached licensed premises, and identification of licensed premises that are adjacent but not to be attached to the common consumption area. The size of the common consumption area shall not exceed the area approved as the Entertainment District within which the common consumption area is located, but may be a smaller area within the Entertainment District ~~at any time~~, provided that the new area is clearly delineated using physical barriers to close the area to motor vehicle traffic and to limit pedestrian access.
 - (3) A security plan, including evidence of training and approval of personnel as required under the Entertainment District regulations at Section 18.34.730 of this Code, a detailed description of security arrangements and the approximate location of security personnel within the common consumption area during operating hours.
 - (4) A list of dates and beginning and ending hours of operation of the common consumption area.
 - (5) Documentation showing possession of the common consumption area by the promotional association.

- (6) A list of the attached licensees listing the following information: ~~alcohol~~liquor license number, a list of any past ~~liquor~~violations of this Code or state law, and a copy of any operational agreements.
 - (7) An insurance certificate of general liability and liquor liability insurance naming the City as an additional insured in a minimum amount of one million dollars (\$1,000,000.00).
 - (8) Documentation of how the application addresses the reasonable requirements of the neighborhood and the desires of the adult inhabitants as evidenced by petitions, written testimony or otherwise.
 - (9) Application fee.
 - (10) Upon approval of a certification by the ~~Local~~Licensing Authority, the terms and conditions of the approval shall remain effective until and unless a revised or amended application is submitted to the ~~Local~~Licensing Authority and approved using the same procedures under which the original application was approved.
- (d) Application for recertification of a promotional association must be made by January 31 of each year in a manner consistent with the provisions of this Section and include, but not be limited to:
- (1) A copy of any changes to the articles of incorporation, bylaws and/or the directors and officers of the promotional association.
 - (2) All items noted under Subsection (c), Paragraphs (2) through (9) above.
- (e) Once certified by the ~~Local~~Licensing Authority as a promotional association, the association may operate a common consumption area within an Entertainment District and authorize the attachment of a licensed premises to the common consumption area, subject to approval by the ~~Local~~Licensing Authority. Application for attachment of a licensed premises to the common consumption area by a certified promotional association shall be made in a manner consistent with the provisions of this Section and include, but not be limited to, the following information:
- (1) Authorization for attachment from the certified promotional association.
 - (2) Name of the representative from the licensed premises proposed for attachment who would serve as an additional director on the board of the certified promotional association.
 - (3) A detailed map of the common consumption area, including: location of physical barriers, entrances and exits, location of attached licensed premises, identification of licensed premises that are adjacent but not to be attached to the common consumption area and approximate location of security personnel.
- (f) The ~~Local~~Licensing Authority shall consider the merits of the application for a promotional association of a common consumption area and may refuse to certify or may decertify a promotional association if the association:
- (1) Fails to submit the annual report as required under Subsection (d) by January 31 of each year;
 - (2) Fails to establish that the licensed premises and common consumption area can be operated without violating this Article or creating a safety risk to the neighborhood;
 - (3) Fails to have at least two (2) licensed premises attached to the common consumption area;
 - (4) Fails to obtain or maintain a properly endorsed general liability and liquor liability insurance policy that is reasonably acceptable to the Local Licensing Authority and names the City as an additional insured;
 - (5) Fails to demonstrate that the use is compatible with the reasonable requirements of the neighborhood or the desires of the adult inhabitants; or
 - (6) Is in violation of Section ~~44-3-909~~42-47-909, C.R.S., as may be amended from time to time, related to common consumption area operations.

(Ord. 2, 2013 §1; Ord. 7, 2012 §3)

Article III - General Provisions; Unlawful Acts

6.16.220 - Licensee to report disorderly conduct.

~~A licensed~~ Each licensee shall conduct his or her establishment must be conducted in a decent, orderly and respectable manner, and shall not permit within or upon the licensed premises the loitering of habitual drunkards or intoxicated persons, lewd or indecent displays, profanity, rowdiness, undue noise or other disturbance or activity offensive to the sensitivities of the average citizen, or to the residents of the neighborhood in which the establishment is located.

~~(Ord. 4, 1995 §2(part); Ord. 23, 1982 §2(part))~~

6.16.230 - Lighting in licensed premises.

All licensees shall be required to maintain a level of light within the licensed premises which would permit the checking of identification materials without resort to other lighting.

(Ord. 4, 1995 §2(part); Ord. 23, 1982 §2(part))

6.16.240 - Licensed premises to be open for inspection.

All premises licensed under this Chapter shall be open to inspection by the Greeley Police Department, the County Health Department, the State Licensing Authority and any other federal, state, county or City agency which is permitted or required by law to inspect licensed premises. It is unlawful for the licensee, its employees or agents or for any other person to refuse to permit any such inspection of the licensed premises or to otherwise interfere with any such inspection.

(Ord. 4, 1995 §2(part); Ord. 23, 1982 §2(part))

6.16.250 - License requirements.

The licensee shall be a resident of the State and, if a corporation, must be incorporated under the laws of the State and duly qualified to do business in the State. If a nonresident corporation, partnership or limited liability company wishes to hold a liquor license within the City pursuant to this Code and the Colorado Revised Statutes, such entity shall be properly registered and licensed to do business within the State by the Secretary of State.

(Ord. 4, 1995 §2(part); Ord. 23, 1982 §2(part))

6.16.260 - Character and reputation requirements.

The licensee shall be of good moral character and reputation. No license shall be issued to or held by any corporation if any of its officers, directors or stockholders holding over ten percent (10%) of the outstanding and issued stock thereof is not of good moral character and reputation.

- (1) In determining whether an applicant for a license or a licensee is of good moral character, the Licensing Authority shall be governed by the provisions of Section 24-5-101, C.R.S.
- (2) In investigating the character of an applicant or a licensee, the Licensing Authority may have access to criminal record information furnished by a criminal justice agency subject to any restrictions imposed by such agency. In the event the Licensing Authority takes into

consideration information concerning the applicant's criminal history record, the Licensing Authority shall also consider any information provided by the applicant regarding such criminal history record, including but not limited to evidence of rehabilitation, character references and educational achievements, especially those pertaining to the period of time between the applicant's last criminal conviction and the consideration of his or her application for a license.

- (3) As used in this Section, *criminal justice agency* means any federal, state or municipal court or any governmental agency or subunit of such agency which performs the administration of criminal justice pursuant to a statute or executive order and which allocates a substantial part of its annual budget to the administration of criminal justice.

(Ord. 4, 1995 §2(part); Ord. 56, 1994 §1; Ord. 23, 1982 §2(part))

6.16.270 - Open containers in certain public areas.

- (a) It is unlawful for any person to serve, consume or ~~possess~~ have any open container of ~~alcohol~~ liquor or ~~fermented malt beverage~~ when on, in or using, by conveyance or otherwise, ~~Glenmere Park and any of its adjacent public streets, parking lots, alleys or sidewalks.~~ any public street, parking lot, alley, park, public place, avenue or sidewalk within the following designated areas in the City: the north boundary of 6th Street on the north, the west boundary of the Union Pacific Railroad tracks on the east, the south boundary of 16th Street on the south, the west boundary of 14th Avenue on the west; and also the Glenmere Park area and adjacent streets, being all of Glenmere Park and of the following streets: all of 14th Avenue from the north side of the intersection of Glenmere Boulevard and 14th Avenue to the south side of the intersection of Lakeside Drive and 14th Avenue, all of Lakeside Drive from the east side of its intersection with 14th Avenue to the west side of its intersection with Glenmere Boulevard, all of Glenmere Boulevard from the west side of its intersection with 17th Avenue to the east side of its intersection with 14th Avenue, all of Duckwalk Lane and all of Prospect.
- (b) ~~It is unlawful for any person to serve, consume or possess an open container of alcohol when on, in or using, by conveyance or otherwise, the premises of the Jesus Rodarte Cultural Center. This Section shall not apply to the purchase or consumption of alcohol beverages from a group or organization holding a special event, which event is occurring on or near a designated public street, parking lot, alley, park, public place, avenue, or sidewalk, alley, parking lot, park or public place within the City for which a special event permit has been obtained pursuant to Title 12, Article 48, C.R.S.~~
- (c) This Section shall not apply to the serving or consumption of alcohol beverages within the premises of the Union Colony Civic Center, Greeley Rrecreation Ccenter, Greeley Active Adults senior citizen Ccenter, Greeley lice Haus center or the Greeley History Museum when the serving or consumption of alcohol beverages is in conjunction with an event under the control of an authorized liquor licensee or at authorized social gatherings (such as banquets, luncheons, wedding receptions) held within the confines of those facilities.
- (d) It is unlawful for any person to serve, consume or ~~possess~~ have an open container of ~~alcohol~~ liquor or ~~fermented malt beverage~~ when on, in or using, by conveyance or otherwise, the premises of the Jesus Rodarte Cultural Center.

(Ord. 13, 2004 §1; Ord. 1, 2003 §14; Ord. 29, 2000 §8; Ord. 46, 1998 §1; Ord. 4, 1995 §2(part); Ord. 56, 1994 §1; Ord. 118, 1985, §1; Ord. 89, 1984 §1; Ord. 23, 1982 §2(part))

6.16.272 - Restrictions in Lincoln Park for alcohol; possession of alcohol restricted.

- (a) It is unlawful for any person to serve, consume or, possess ~~or have~~ any open container ~~or cup~~ of alcohol spirituous, vinous or malt liquor or ~~fermented malt beverage~~ in Lincoln Park, which is located between 7th to 9th Streets and 9th to 10th Avenues.

- (b) This Section shall not apply to areas contained within the ~~licensed premises holding~~ a liquor license issued by the ~~local~~ Liquor Authority. That a person is a bona fide ~~alcohol~~ liquor delivery person en route to make such deliveries would be an ~~absolute~~ defense to a violation of this Section.
- (c) Notwithstanding any other part of this Chapter, a violation of this ~~specific~~ Section shall be punishable under Chapter 1.32 of this Code.

(Ord. 26, 2006 §1)

6.16.275 - Restrictions in Island Grove Park.

- (a) It is unlawful for any person to~~A person commits a violation of this Section if he or she serves, consumes or possesses any open container of alcohol which contains spirituous, vinous or malt liquor or fermented malt beverage within the area boundaries of Island Grove Park on any calendar day during which the Greeley Independence Stampede or the Greeley Fiesta is being conducted the premises is subject to a Special Event Permit.~~
- (b) This Section shall not apply to areas contained within the ~~licensed premises holding~~ of a liquor license issued by the ~~local~~ Liquor Authority.

(Ord. 1, 2003 §15; Ord. 4, 1995 §2(part))

6.16.290 - Elimination of distance requirements.

As authorized by Section ~~44-3-313~~~~12-47-313~~(d)(III), C.R.S., the Licensing Authority hereby eliminates the distance restrictions for all classes of licenses with the exception of Retail Liquor Store licenses and Liquor-Licensed Drugstore licenses issued after June 4, 2018. These license types shall not locate within 1,500 (fifteen hundred) feet of a Retail Liquor Store license or a Liquor-Licensed Drugstore license. Additionally, no new Fermented Malt Beverage licenses issued on or after January 1, 2019, shall be located within 500 (five hundred) feet of a Retail Liquor Store license. These distance restrictions also apply to any change of location for a Retail Liquor Store license, Liquor-Licensed Drug Store license, and/or a Fermented Malt Beverage licenses.

(Ord. 29, 2000 §7; Ord. 4, 1995 §2(part); Ord. 54, 1991 §1)

6.16.295 - Teen night/boxing tournaments.

- (a) ~~No premises holding a license issued by the Liquor business establishment holding a license of any classification pursuant to the Colorado Beer Code, Section 12-46-101, et seq., C.R.S., or the Colorado Liquor Code, Section 12-47-101, et seq., C.R.S., shall~~ Authority may promote, hold, conduct or allow in its premises to be promoted, held or conducted any "teen night" or similar event, in which underage persons are specially solicited, attracted and/or invited by the licensee or anyone recruited by the licensee on the licensee's behalf to the licensed premises during evening hours after 8:00 p.m. of any day during which the establishment is open for business, and during which time adult patrons are present primarily for the purpose of consuming alcohol beverages, except that this Section shall not apply to licensed premises in which multiple facilities are located and at such times as two (2) or more unrelated and otherwise lawful activities or events are taking place simultaneously.
- (b) This Section is not intended to prohibit or limit teenage activities which, as otherwise provided and allowed by applicable law(s), may be advertised and/or held in or upon any such licensed establishment which ceases all alcohol sales for the time of such activity, making alcohol unavailable for sale or provision on the premises during that time.

(cb) Boxing tournaments or similar events.

- (1) Except as set forth below, no ~~premises holding a license issued by the Liquor Authority~~~~business establishment holding a license of any classification pursuant to the Colorado Beer Code, Section 12-46-101, et seq., C.R.S., or the Colorado Liquor Code, Section 12-47-101, et seq., C.R.S.,~~ shall may promote, hold, conduct or allow anywhere on its premises or grounds to be promoted, held or conducted any boxing tournament, kickboxing tournament or similar event, in which persons are engaged, encouraged and/or compensated for fighting in a manner creating a public display and intended or purported to serve as entertainment.
- (2) Island Grove Regional Park shall be authorized to promote, hold, conduct or allow on its premises or grounds to be promoted, held or conducted any boxing tournament, kickboxing tournament or similar event, provided that:
 - a. Such event is sanctioned and approved by the Colorado Boxing Commission pursuant to the Colorado Professional Boxing Safety Act, Section 12-10-101, et seq., C.R.S.
 - b. ~~An~~All individuals involved in the event as a promoter, fighter, boxer, referee, judge, second or inspector shall maintain current licensure through the Colorado Boxing Commission.
 - c. The event abides by the security policies and procedures established for boxing, kickboxing or related events by Island Grove Regional Park management.

~~(c) This Section is not intended to prohibit or limit teenage activities which, as otherwise provided and allowed by applicable law(s), may be advertised and/or held in or upon any such licensed establishment which ceases all alcohol sales for the time of such activity, making alcohol unavailable for sale or provision on the premises during that time.~~

(d) Penalties.

- (1) Any person, firm, corporation or other entity who violates any of the provisions of this Section or who allows any provision of this Section to be violated commits a misdemeanor and, upon conviction thereof, may be punished as set forth in Chapter 1.32 of this Code, except that any term of imprisonment imposed shall not exceed ninety (90) days.
- (2) The issuance of a charge or summons and complaint hereunder against the owner or licensee of a ~~tavern~~-licensed establishment shall not foreclose or prevent the issuance of a similar charge or complaint against the individual who actually committed the violation or allowed the violation of this Section to occur.

(e) Severability. If any provision of this Section or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions or applications of this Section which can be given effect without the invalid provision or application, and to this end the provisions of this Section are declared to be severable.

(Ord. 41, 2009 §1; Ord. 29, 2000 §8; Ord. 18, 1998 §1)

Article IV - Occupational License Fees

6.16.370 - ~~Alcohol~~Liquor and fermented beverage licensees determined; separate occupation.

The City Council finds, determines and declares that, considering the nature of the business of selling ~~alcohol~~malt, vinous or spirituous liquors and fermented beverages, and the relation of such business to the municipal welfare as well as the relation thereof to the expenditures required of the City and a ~~licensee~~property, just and equitable distribution of the financial burdens within the City, and all other matters properly to be considered in relation thereto, the classification of such business as a separate occupation is reasonable, proper, uniform and nondiscriminating and necessary for a just and proper distribution of financial burdens within the City.

(Ord. 4, 1995 §2(part); Ord. 12, 1983 §2; prior code §3-21(a))

6.16.380 - Fee levied and assessed.

- (a) There is levied and assessed for each year an annual occupational license fee upon the business of selling ~~alcohol~~malt, vinous or spirituous liquors and fermented beverages.
- (b) Occupational license fees shall be paid to the Director of Finance and submitted to the City Clerk annually in advance of consideration by the Licensing Authority as follows:

<i>Type</i>	<i>Occupation License Fee</i>
Retail liquor <u>S</u> store	\$ 500.00
Liquor- <u>L</u> -licensed <u>D</u> rugstore	500.00
Beer and wine	600.00
Hotel/restaurant	1,500.00
Tavern	2,000.00
<u>Lodging & Entertainment</u>	<u>2,000.00</u>
Club	500.00
Arts	500.00
Racetrack	2,000.00
<u>Fermented Malt Beverage 3.2% beer, on premises</u>	500.00
<u>Fermented Malt Beverage 3.2% beer, off premises</u>	250.00
<u>3.2% beer, on and off premises</u>	500.00
Optional premises	2,000.00
Brew pub	1,500.00

(Ord. 34, 2007 §1; Ord. 4, 1995 §2(part); Ord. 12, 1983 §4; prior code §3-21(b))

6.16.390 - Payment of fee; posting of receipt.

The occupational license fee for licenses issued on or after February 1, 1976, shall be due and payable to the Director of Finance at the time ~~the a license to sell alcohol for a malt, vinous or spirituous liquor license or a fermented beverage license~~ is issued and thereafter when the license is renewed. The full-year occupational license fee shall be coterminous with the license year of each licensee.

(Ord. 34, 2007 §1; Ord. 4, 1995 §2(part); Ord. 12, 1983 §6; prior code §3-21(c))

6.16.400 - Refund of fee on closure of business.

~~Upon written notice of discontinuation to the City Clerk, a~~ Any licensee who has paid an occupational license fee under Section 6.16.380 ~~of this Chapter above and who discontinues the his or her applicable~~ business prior to the expiration of ~~the his or her~~ license shall be entitled to a prorated refund of the fee for that period of the license year during which the business was discontinued ~~upon written notice of the discontinuation to the City Clerk~~. The occupational license fee shall be prorated by months for the purpose of this Section and the licensee shall receive a refund for those months that the licensee's business was discontinued following written notice of the discontinuation.

(Ord. 34, 2007 §1; Ord. 4, 1995 §2(part); Ord. 12, 1983 §8; Ord. 56, 1980 §12; prior code §3-21(d))

6.16.460 - Recovery right of City.

It is unlawful to operate any establishment, the purpose of which is to sell alcohol, malt, vinous or spirituous liquor establishment or fermented malt beverage establishment within the City without paying the applicable fee imposed by this Article IV, and any person attempting to doing so shall be punished as provided in Chapter 1.32 of this Code. Each day that the non-payment delinquency continues shall constitute a separate violation. In addition, the City shall have the right to recover all sums due under this Article IV by judgment and execution thereon in a civil action in any court of competent jurisdiction.

(Ord. 4, 1995 §2(part); prior code §3-23(b))

Article V. - ~~Alcohol~~ Beer, Wine, and Spirituous Liquor Tastings

6.16.500 ~~-- Alcohol~~ Beer, wine, and spirituous liquor tasting authorized; permit required.

- (a) ~~Alcohol~~ Beer, wine, and spirituous liquor tastings on the licensed premises of a ~~R~~retail ~~L~~liquor ~~S~~store licensee or of a ~~L~~liquor-~~L~~icensed ~~D~~drugstore licensee are authorized to be conducted within the City in accordance with Section ~~44-3-301(10)-12-47-304(10)~~, C.R.S., and subject to the provisions of this Article.
- (b) The Authority is authorized to issue alcohol beer, wine, and spirituous liquor tasting permits in accordance with the requirements of this Article.
- (c) It shall be unlawful for any person to conduct alcohol beer, wine, and spirituous liquor tastings within the City without having first received a permit issued in accordance with this Section.
- (d) Retail ~~L~~liquor ~~S~~store licensees and ~~L~~liquor-~~L~~icensed ~~D~~drugstore licensees desiring to conduct alcohol beer, wine, and spirituous tastings shall submit a tasting permit application to the City Clerk accompanied by the fee stated in Section 6.16.120 of this Code.
- (e) Submittal requirements. Annually, the licensee shall submit a completed alcohol beer, wine, and spirituous liquor tasting permit application obtained from the City Clerk's office, ~~complete and~~ including the following:

- (1) Licensee information, including but not limited to name, address, contact information and license number;
 - (2) Verification that the licensee and employee(s) who will be conducting the tastings have completed a seller/server training program that meets the standards established by the State Licensing Authority Liquor Enforcement Division in the Colorado Department of Revenue and is qualified to conduct an alcohol beverage tasting.
- (f) ~~Advance notification. No alcohol beer, wine, or spirituous liquor can be provided as samples during a tasting until forty-eight (48) hours after the licensee has provided written notice of the tasting to the Greeley Police Department and the City Clerk's Office at least forty-eight (48) hours prior to conducting said tasting. Such notice must~~ shall contain the specific days and hours on which the ~~alcohol beer, wine, and spirituous~~ tasting will occur. In this regard, there is no limitation on the number of days which a licensee may specify in each notice.
- (g) Renewal of tasting permits shall be concurrent with the renewal of licenses for Retail Liquor Stores and Liquor-Licensed Drugstores. A licensee's initial tasting permit shall expire on the same date as the date that the licensee's Retail Liquor Store or Liquor-Licensed Drugstore license expires. The initial tastings permit application fee shall not be prorated or refunded if the permit expires in less than a year.
- (h) ~~Alcohol Beer, wine, and spirituous liquor~~ tasting permits shall be conspicuously and prominently posted by the licensee on the licensed premises at all times during ~~business~~ operating hours.
- (i) An ~~alcohol beer, wine, and spirituous liquor~~ tasting permit shall only be issued to a Retail Liquor Store licensee or a Liquor-Licensed Drugstore licensee whose license is valid, not subject to a current or pending enforcement action by the City or the State and in full force and effect.

(Ord. 2, 2016, § 1(Exh. A), 1-19-2016; Ord. 7, 2007 §1)

6.16.510 - Limitations on ~~alcohol beer, wine, and spirituous liquor~~ tastings.

- (a) ~~Alcohol Beer, wine, and spirituous liquor~~ tastings within the City shall be subject to the following limitations:
- (1) ~~Alcohol Beer, wine, and spirituous liquor~~ tastings shall be conducted only on a licensed premises by a person who has completed a seller/server training program that meets the standards established by the State Licensing Authority Liquor Enforcement Division of the Colorado Department of Revenue and who is either a Retail Liquor Store licensee or a Liquor-Licensed Drugstore licensee or an employee of a licensee, ~~and only on a licensee's licensed premises;~~
 - (2) The ~~alcohol beer, wine, and spirituous liquor~~ used in tastings ~~must~~ shall be purchased through a licensed wholesaler, licensed brew pub, licensed distillery pub or winery licensed pursuant to Section 44-4-403-42-47-403, C.R.S., at a cost that is not less than the laid-in cost for such alcohol;
 - (3) The size of an individual sample shall not exceed one (1) ounce ~~offer malt, vinous or fermented malt beverages~~ malt or vinous liquor or one-half of one ounce of spirituous liquor;
 - (4) The licensee shall not serve more than four (4) individual samples of ~~alcohol malt, vinous, or spirituous liquor~~ to a patron during a ~~beer, wine, and spirituous liquor~~ tasting;
 - (5) ~~Alcohol Beer, wine, and spirituous liquor~~ tastings shall not exceed a total of five (5) hours in duration per day, which need not be consecutive;
 - (6) ~~Alcohol Beer, wine, and spirituous liquor~~ tastings shall be conducted only during the operating hours in which the licensee on whose premises the ~~alcohol beer, wine, and spirituous liquor~~ tastings occur is permitted to sell alcohol beverages, and in no case earlier than 11:00 a.m. or later than 9:00 7:00 p.m.;

- (7) The licensee shall prohibit patrons from leaving the licensed premises with a ~~n~~ unconsumed sample;
- (8) The licensee shall promptly remove ~~any~~ open and unconsumed alcohol beverage samples from the licensed premises, ~~or shall destroy the samples immediately following the completion of the alcohol beer, wine, and spirituous liquor tastings;~~ or store any closed open open containers of unconsumed alcohol beverages in a secure area outside the sales area of the licensed premises for use at a tasting conducted at a later time or date.
- (9) The licensee shall not serve a person who is under twenty-one (21) years of age, ~~or who is visibly intoxicated~~ or is a habitual drunkard;
- (10) The ~~alcohol beer, wine, and spirituous liquor~~ samples used in the tastings shall be served in clear, open containers and shall be provided to a patron free of charge;
- (11) ~~The licensee may conduct tastings on no more than one hundred fifty-six (156) days per year. Alcohol Beer, wine, and spirituous liquor tastings may occur on no more than four (4) of the six (6) days from a Monday to the following Saturday, not to exceed one hundred four (104) days per year;~~
- (12) The licensee shall maintain on the licensed premises a log of all ~~alcohol beer, wine, and spirituous liquor~~ consumed as tastings on forms obtained from prescribed by the Authority, to be submitted to the City Clerk each year with the alcohol beer, wine, and spirituous liquor tasting permit renewal application, and during all operating business hours the log shall be subject to inspection by the Greeley Police Department, the County Health Department, the State Licensing Authority and any other federal, state, county or City agency which is permitted or required by law to inspect licensed premises ~~City and state officials authorized to enforce the Colorado Liquor Code and/or this Code upon request;~~ and
- (13) No manufacturer of ~~alcohol spirituous or vinous liquor~~ shall induce a licensee through free goods or financial or in-kind assistance to favor the manufacturer's products being sampled at an alcohol tasting, and the licensee shall bear the financial and all other responsibility for an alcohol tasting.

(Ord. No. 2, 2016, § 1(Exh. A), 1-19-2016; Ord. 7, 2007 §1)

6.16.520 - Violations.

- (a) A violation of this Article or Section ~~44-3-301(10) 12-47-301(10)~~, C.R.S., by a ~~R~~retail ~~L~~liquor ~~S~~store licensee or a ~~L~~liquor-~~L~~icensed ~~D~~drugstore licensee, whether by the licensee, licensee's employees, agents or otherwise, shall be the responsibility of the ~~retail liquor store or liquor-licensed drugstore licensee who is conducting the alcohol tasting.~~
- (b) Retail ~~L~~liquor ~~S~~store licensees and ~~L~~liquor-~~L~~icensed ~~D~~drugstore licensees conducting an alcohol beer, wine, and spirituous liquor tasting shall be subject to the same revocation, suspension and enforcement provisions as otherwise apply to those licensees, including the hearings described in Section 6.16.100. The Authority shall conduct a hearing with regard to any violation of this Article in accordance with this Chapter, the City's rules and regulations and Section 44-3-601 12-47-601, C.R.S.
- (c) Nothing in this Chapter shall affect the ability of a Colorado winery licensed pursuant to Section ~~44-3-402 12-47-402 or 44-3-403 12-47-403~~, C.R.S., to conduct an alcohol tasting pursuant to the authority of Section ~~44-3-402(2) 12-47-402(2) or 44-3-403(2)(e) 12-47-403(e)~~, C.R.S.

(Ord. 2, 2016, § 1(Exh. A), 1-19-2016; Ord. 07, 2007 §1)

Council Agenda Summary

February 5, 2019

Agenda Item Number 18

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

Title:

Introduction and first reading of an Ordinance amending Chapter 13.40 of the Greeley Municipal Code to update certain park regulations

Summary:

The State of Colorado adopted Senate Bill 243 in 2018 which changed how the definition of beer in Colorado was addressed. Essentially, the new law, which took effect January 1, 2019, eliminated past references and the previous definition of “fermented malt beverage” which we commonly knew as “3.2%” beer.

The new Colorado law also enables local government to decide what kind(s) of alcohol consumption can be allowed in public spaces, and most notably in this case, Greeley’s public parks.

As “full strength beer” is now equally applicable in State law, and there has been no known presence or desire to eliminate the consumption of beer in Greeley’s parks, staff recommends amending Chapter 13.40 of the Municipal Code to reflect the same. As there are other fermented beverages such as wine, malt liquors, meads, and hard ciders, and potentially other products of similar nature and alcohol content, staff is also recommending the allowance of consumption of those types of product as well.

It is recommended, however, that the Code **continue to not allow** “hard liquor” (spirituous alcohol) in parks nor the presence of glass beverage containers.

It should be noted that the Code continues to address that alcohol consumption of any type is prohibited in Glenmere Park. The original Warranty Deed for Glenmere Park, dated September 23, 1911, specifically includes conditions that “intoxicating liquors shall never be manufactured, sold, or given away as a beverage on these premises”.

Alcohol consumption of any kind will also continue to be prohibited in Lincoln Park with the exception of the issuance of Special Event Permits.

Concurrently, recommended changes reflect amendments to Chapter 6.16 to assure consistency and equivalent language.

Other minor edits, without changing intent, are also being recommended to correct language and to simplify the Code.

Fiscal Impact:

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

Legal Issues:

Consideration of this matter is a legislative process 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:

N/A

Applicable Council Priority and Goal:

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

Decision Options:

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

Council's Recommended Action:

A motion to introduce the ordinance and schedule the public hearing and final reading for February 19, 2019.

Attachments:

Ordinance

Exhibit A – Redline Exhibit of edits to Chapter 13.40 of the Greeley Municipal Code

Exhibit B – “Clean” version of revised Chapter 13.40 of the Greeley Municipal Code
Original Warranty Deed

CITY OF GREELEY, COLORADO

ORDINANCE NO. _____, 2019

INTRODUCTION AND FIRST READING OF AN ORDINANCE AMENDING CHAPTER 13.40 OF THE GREELEY MUNICIPAL CODE TO UPDATE CERTAIN PARK REGULATIONS.

WHEREAS, Colorado Senate Bill 243, effective January 1, 2019, enacted changes to the state’s liquor laws affecting manufacturers, wholesaler, retailers and consumers; and,

WHEREAS, one of the changes made by SB-243 is to enable local governments to decide what kind of alcohol consumption will be allowed in public parks, which prior state law had limited to consumption of fermented malt beverage (3.2% beer) only; and,

WHEREAS, Chapter 13.40 of the Greeley Municipal Code addresses City parks and their regulations and it is appropriate to update this Chapter to address current state law; and,

WHEREAS, the City desires to continue to allow the consumption of certain alcoholic beverages within most City parks as appropriate, except for Glenmere Park, which was deeded to the City on September 23, 1911, with the condition that “intoxicating liquors shall never be manufactured, sold, or given away as a beverage on these premises;” and,

WHEREAS, in addition, it is appropriate to take this opportunity to correct some syntactical errors in Chapter 13.40.

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

Section 1. Chapter 13.40 of the Greeley Municipal Code shall be amended as shown on “Exhibit A,” which is attached to this Ordinance and incorporated herein by this reference.

Section 2. This ordinance shall become effective five (5) days following its final publication, as provided by the Greeley Municipal Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED this _____ day of _____, 2019.

ATTEST:

THE CITY OF GREELEY, COLORADO

City Clerk

By: _____
Mayor

Chapter 13.40

Parks

13.40.010 - Administration of public parks in the City.

The construction, development, planning, operation and maintenance of public parks in the City (“City parks”) shall be under the administration of the Director of Culture, Parks and Recreation.

13.40.020 - Closed hours.

All City parks shall be closed to the public between the hours of 11:00 p.m. and 5:00 a.m.

13.40.030 - Posting notices of closed hours.

The Director of Culture, Parks and Recreation shall post notices in conspicuous places in City parks, sufficient to inform the public of the closing hours of the parks.

13.40.040 - Violation of closed hours unlawful; exceptions.

It is unlawful for any person to be within a City park at a time when the park is closed to the public unless travel on streets therein is necessary for through traffic and for those residing in areas adjoining the parks or during events of a public nature for which a permit has been previously granted. This prohibition shall not extend to persons employed within the parks or to persons who have obtained written permission from the Director of Culture, Parks and Recreation for entry into the parks during closed hours.

13.40.050 - Vandalism and interference with facilities or vegetation unlawful.

It is unlawful for a person to injure, damage, remove, deface or destroy a City park facility, tree, shrub, vine, flower or other property in a City park, or to commit any act of vandalism therein. Violation of this section shall be treated as a misdemeanor infraction.

13.40.060 - Orderly conduct required; certain behavior prohibited.

Any person making use of a City park shall at all times conduct themselves in an orderly manner and shall not make or create any noise emitted at levels prohibited by Section 9.24.010 of this Code. Violation of this section shall be treated as a misdemeanor infraction. Smoking is prohibited by Chapter 9.44 of this Code.

13.40.065 – Alcohol consumption in parks.

Hard alcohol or spirituous liquor is prohibited, but beer, wine and other fermented malt beverages may be consumed by adults in City parks except the following:

- (a) Glenmere Park and any of its adjacent public streets, parking lots, alleys or sidewalks;
- (b) Lincoln Park, located between 7th to 9th Streets and 9th to 10th Avenues, except within premises holding a license or permit issued by the Liquor Licensing Authority; and

EXHIBIT B

(c) Island Grove Regional Park on any calendar day during which the premises is subject to a Special Event Permit.

13.40.055 – Glass beverage containers prohibited in parks.

It is unlawful for a person to bring, or have in his or her possession, any glass beverage container in a City park.

13.40.070 - Authority. Posting.

- (a) The Director of Culture, Parks and Recreation shall have authority to enforce rules and regulations promulgated for the proper management, operation and control of City parks, parkways and other recreational facilities within the City, as well as rules and regulations adopted by the City Council which affect City parks.
- (b) Notices of applicable rules and regulations shall be posted in conspicuous places in City parks, parkways and other recreational facilities giving notice of the proscribed behavior.
- (c) It is unlawful to engage in posted, proscribed behavior and violation of this section shall be treated as a misdemeanor infraction.

13.40.080 - Golf course enterprise fund; use of moneys.

All moneys accumulated in the golf fund heretofore established shall be used for the purchase, construction and maintenance of clubhouse grounds, clubhouse buildings and the interior furnishing of the clubhouse building, and for improvements to and the maintenance of the golf course and related recreational facilities at the municipal golf courses. All gifts received by the City from a donor who expresses the desire that the gift be used for golf course and golf clubhouse purposes, and all assessments, fees or charges made for golf course or golf clubhouse purposes, shall be credited to the above-mentioned fund.

(Ord. 66, 1992 §2(part))

13.40.090 - Boating.

- (a) Except where notice is posted prohibiting boating, it is permitted to bring into or operate a boat, raft or water craft, whether motor-powered or not, upon any water owned or controlled by the City.
- (b) It shall be unlawful for any person to navigate, direct or handle any boat in such a manner as to annoy, frighten or endanger the occupants of any other boat, wildlife, or other users of the water, or to operate such boat in a reckless or careless manner.

Chapter 13.40

Parks

13.40.010 - Administration of public parks in the City.

The construction, development, planning, operation and maintenance of public parks in the City ("City parks") shall be under the administration of the Director of Culture, Parks and Recreation.

~~(Ord. 31, 2012 §2; Ord. 05, 2010 §1; Ord. 66, 1992 §2(part))~~

13.40.020 - Closed hours.

All City public parks ~~within the City~~ shall be closed to the public between the hours of 11:00 p.m. and 5:00 a.m.

~~(Ord. 8, 2012 §1; Ord. 66, 1992 §2(part))~~

13.40.030 - Posting notices of closed hours.

The Director of Culture, Parks and Recreation shall post notices ~~at the entrances of all City parks~~ in conspicuous places in City parks ~~therein in conformity with the provisions as to the closing hours~~, sufficient to inform the public of the closing hours ~~of in the~~ such parks.

~~(Ord. 31, 2012 §2; Ord. 05, 2010 §1; Ord. 66, 1992 §2(part))~~

13.40.040 - Violation of closed hours unlawful; exceptions.

It is unlawful for any person to be within ~~at the~~ City parks at ~~any~~ time when the park is closed to the public unless travel on ~~park~~-streets therein is necessary for through traffic and for those residing in areas adjoining ~~the~~ such parks or ~~unless on occasions or during~~ events of a public nature for which a permit has been previously granted. This prohibition shall not extend to persons employed within ~~the~~ such parks or to persons who have obtained written permission from the Director of Culture, Parks and Recreation for entry into ~~the~~ such parks during ~~closed~~ such hours.

~~(Ord. 31, 2012 §2; Ord. 8, 2012 §1; Ord. 05, 2010 §1; Ord. 66, 1992 §2(part))~~

13.40.050 - Vandalism and interference with facilities or vegetation unlawful.

It is unlawful for ~~any~~ person to injure, damage, remove, deface or destroy ~~any~~ City park facility, tree, shrub, vine, flower or other property ~~within any~~ City park, or to commit any act of vandalism therein. Violation of this section shall be treated as a misdemeanor infraction.

~~(Ord. 66, 1992 §2(part))~~

13.40.060 - Orderly conduct required; certain behavior prohibited.

~~Any~~ person making use of ~~any public~~ City park ~~in the City~~ shall at all times conduct themselves in an orderly manner and shall not make or create any noise emitted at levels prohibited by Section 9.24.010 of this Code. Violation of this section shall be treated as a misdemeanor infraction.... ~~disport themselves in a loud, boisterous or unseemly manner or in such fashion as to disturb, be offensive to or annoy other users of such park or residents adjacent thereto.~~ Smoking is prohibited by Chapter 9.44 of this Code.

~~(Ord. 66, 1992 §2(part))~~

13.40.065 – Alcohol consumption in parks.

Hard alcohol or spirituous liquor is prohibited, but beer, wine and other fermented malt beverages may be consumed by adults in City parks except the following:

- (a) Glenmere Park and any of its adjacent public streets, parking lots, alleys or sidewalks;
- (b) Lincoln Park, located between 7th to 9th Streets and 9th to 10th Avenues, except within premises holding a license or permit issued by the Liquor Licensing Authority; and
- (c) Island Grove Regional Park on any calendar day during which the premises is subject to a Special Event Permit.

13.40.055 ~~– Glass beverage containers~~Bottles prohibited in parks.

It is unlawful for ~~any~~ person to bring, or have in his or her possession, any glass beverage bottle or other glass container in ~~any~~ City park ~~of the City~~.

~~(Ord. 19, 1993 §1)~~

13.40.070 - Authority. Posting.

- (a) The Director of Culture, Parks and Recreation shall have ~~nonexecutive~~ authority to enforce ~~the~~ rules and regulations promulgated ~~by the Director~~ for the proper management, operation and control of City parks, parkways and other recreational facilities within the City, as well as ~~and all~~ rules and regulations adopted by the City Council which affect ~~or are applicable within~~ City parks.
- (b) Notices of applicable ~~Any such~~ rules and regulations shall be ~~effective upon the required posted~~ posting of notices at in conspicuous places in City park ~~the affected parks~~, parkways and other recreational facilities ~~which give giving~~ notice ~~to the public~~ of the proscribed behavior ~~and the effective date thereof~~.
- (c) It is unlawful to engage in posted, proscribed behavior and violation of this section shall be treated as a misdemeanor infraction....

EXHIBIT A

~~(Ord. 31, 2012 §2; Ord. 05, 2010 §1; Ord. 66, 1992 §2(part))~~

13.40.080 - Golf course enterprise fund; use of moneys.

All moneys accumulated in the golf fund heretofore established shall be used for the purchase, construction and maintenance of clubhouse grounds, clubhouse buildings and the interior furnishing of the clubhouse building, and for improvements to and the maintenance of the golf course and related recreational facilities at the municipal golf courses. All gifts received by the City from a donor who expresses the desire that the gift be used for golf course and golf clubhouse purposes, and all assessments, fees or charges made for golf course or golf clubhouse purposes, shall be credited to the above-mentioned fund.

(Ord. 66, 1992 §2(part))

13.40.090 - Boating.

- (a) Except ~~where notice is posted prohibiting boating, as allowed in the applicable rules and regulations now in effect or as may hereafter be adopted, it shall be unlawful for it is~~ permitted any person to bring into or operate ~~any~~ boat, raft or ~~other~~ water craft, whether motor-powered or not, upon any water owned or controlled by the City.
- (b) It shall be unlawful for any person to navigate, direct or handle any boat in such a manner as to ~~unjustifiably or unnecessarily~~ annoy, frighten or endanger the occupants of any other boat, wildlife, or other users of the water, or to operate such boat in a reckless or careless manner.

~~(Ord. 8, 2012 §2)~~

This Deed, Made this 23rd day of Sep. in the year of our Lord one thousand nine hundred and Eleven

between The Glenmere Park Association,

a corporation duly organized and existing under and by virtue of the laws of the State of Colorado of the first part, and

The City of Greeley,

of the Weld County of Weld and State of Colorado, of the second part:

WITNESSETH, That the said party of the first part, for and in consideration of the sum of One DOLLAR\$!

to the said party of the first part in hand paid by the said party of the second part, the receipt whereof in hereby confessed and acknowledged, hath granted, bargained, sold and conveyed, and by these presents doth grant, bargain, sell, convey and confirm unto the said party of the second part, and its successors

assigns forever, all the following described lots or parcels of land, situate, lying and being in the City of Greeley County of Weld and State of Colorado, to-wit: Block A and B of Glenmere Park according to the recorded plot thereof: - subject, however, to the following conditions, viz: that the same shall be used in perpetuity as a public park, free to the people of the City of Greeley and its successors, and the further provision that intoxicating liquors shall never be manufactured, sold or given away as a beverage on these premises, and that should any of these conditions be violated, then in such case this deed shall be come null and void, and the title to the property herein conveyed shall revert to the party of the first part, its successors or assigns.

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever of the said party of the first part, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the said party of the second part, and its successors, heirs and assigns forever. And the said

The Glenmere Park Association

party of the first part, for itself, its successors and assigns, doth covenant, grant, bargain and agree to and with the said party of the second part, and its successors, heirs and assigns, that at the time of the ensembling and delivery of these presents it is well seized of the premises above conveyed, as of a good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and hath good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments and incumbrances of whatever kind or nature soever;

Save as to above mentioned conditions

and the above bargained premises in the quiet and peaceable possession of the said party of the second part, and its successors, heirs and assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said party of the first part shall and will WARRANT AND FOREVER DEFEND.

IN WITNESS WHEREOF, The said party of the first part hath caused its corporate name to be hereunto subscribed by its President, and its corporate seal to be hereunto affixed, attested by its Secretary, the day and year first above written.



Attest: Albert F. Carter Secretary

The Glenmere Park Association

By A. E. Beardsley President

STATE OF COLORADO,

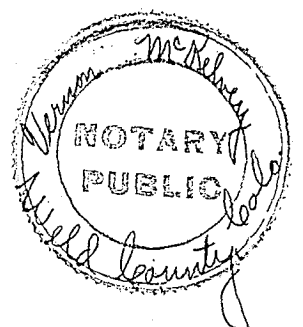
County of Weld ss. I, Vernon McKelvey a Notary Public

in and for said

Weld County, in the State aforesaid, do hereby certify that Arthur E. Beardsley and Albert F. Carter

who are personally known to me to be the same persons whose names are subscribed to the foregoing deed as having executed the same respectively as President and Secretary of The Glenmere Park Association

a corporation, and who are known to me to be such officers respectively, appeared before me this day in person, and severally acknowledged: That the seal affixed to the foregoing instrument is the corporate seal of said corporation; that the same was thereunto affixed by the authority of said corporation; that said instrument was by like authority subscribed with its corporate name; that the said Arthur E. Beardsley is the President of said corporation, and the said Albert F. Carter is the Secretary thereof; that by the authority of said corporation they respectively subscribed their names thereto as President and Secretary, and that they signed, sealed and delivered the said instrument of writing as their free and voluntary act and deed, and as the free and voluntary act and deed of said corporation for the uses and purposes therein set forth.



Given under my hand and Notarial seal this 25th day of September A. D. 1911

My commission expires May 4 1913

Vernon McKelvey Notary Public

COMPALED BY LUTHER & WEBER.

No. 170499

I HEREBY CERTIFY that this instrument was filed for record in my office at 3:40 o'clock P. M., Sept. 28 1911, and is duly recorded

in book 320 page 271

A. J. Luther Recorder

By Deputy

Council Agenda Summary

February 5, 2019

Agenda Item Number 19

Title

Pulled Consent Agenda Items

Council Agenda Summary

February 5, 2019

Agenda Item Number 20

Key Staff Contact: Renee Wheeler, Interim Finance Director, 970-350-9732

Title:

Public hearing and final reading of an Ordinance appropriating additional sums to defray the expenses and liabilities of the City of Greeley for the balance of the fiscal year of 2019 and for funds held in reserve for encumbrances at December 31, 2018

Summary:

This is the first additional appropriation ordinance modifying the 2019 budget. This Ordinance was introduced at the January 15, 2019, 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?	\$ 10,748,000								
What is the annual impact?	\$ 10,748,000								
What fund of the City will provide Funding?	See Ordinance								
What is the source of revenue within the fund?	Fund Balance, Operating Transfer, and Existing Food Tax Budget.								
Is there grant funding for this item?	No								
If yes, does this grant require a match?									
Is this grant onetime or ongoing?									
Additional Comments:	<p>Total appropriations made by this ordinance are \$10,748,000. The following funding sources will be used to cover the appropriations made by this ordinance.</p> <table border="1"> <tr> <td>Fund Balance</td> <td>\$ 4,950,000</td> </tr> <tr> <td>Operating Transfer</td> <td>\$ 4,950,000</td> </tr> <tr> <td>Existing Food Tax Budget</td> <td>\$ 848,000</td> </tr> <tr> <td>Grand Total:</td> <td>\$ 10,748,000</td> </tr> </table>	Fund Balance	\$ 4,950,000	Operating Transfer	\$ 4,950,000	Existing Food Tax Budget	\$ 848,000	Grand Total:	\$ 10,748,000
Fund Balance	\$ 4,950,000								
Operating Transfer	\$ 4,950,000								
Existing Food Tax Budget	\$ 848,000								
Grand Total:	\$ 10,748,000								

Legal Issues:

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

Other Issues and Considerations:

None.

Applicable Council Goal or Objective:

Image – Quality of Life

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
2019 Appropriations
PowerPoint

THE CITY OF GREELEY
ORDINANCE NO. _____, 2019

AN ORDINANCE APPROPRIATING ADDITIONAL SUMS TO DEFRAY THE EXPENSES AND LIABILITIES OF THE CITY OF GREELEY FOR THE BALANCE OF THE FISCAL YEAR OF 2019 AND FOR FUNDS HELD IN RESERVE FOR ENCUMBRANCES AT DECEMBER 31, 2018.

WHEREAS, the City of Greeley has or will incur expenses for certain activities described below during the 2019 fiscal year, and

WHEREAS, the revenues received in the City of Greeley in 2018, exceeded the amount of revenues estimated in the 2018 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 2019 budget and amounts held in fund balance reserves from 2018, there is hereby appropriated the following designated sums to be allocated for use during the remainder of 2019:

Fund	Total
001 General	\$ 4,950,000
322 2016 City Center	5,798,000
Grand Total:	\$ 10,748,000

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 _____, 2019.

ATTEST:

THE CITY OF GREELEY

City Clerk

BY _____

Mayor



City of Greeley
2019 Appropriation No. 1
Ordinance #
City Council Meetings: January 15 and February 5

Funding Source	Description	Fund Balance	Revenue	Expenditures	Net Impact	
322 2016 City Center						
1	Fund Balance, Existing Food Tax Budget	As presented during the December 11th 2018 Worksession, staff outlined remodeling options for both City Hall and City Center North (City Hall Annex/Focus). Within this plan, staff outlined phases that if completed would help meet the projected staffing level space needs through 2039. Furthermore, discussed staffs plan to expedite the project with use of excess 2018 Carryover funding through an early appropriation. As such, this appropriation facilitates staffs presented request. \$4,950,000 will come from existing carryover fund balance in 2018 and \$848,000 from budgeted 2019 food tax projects.	4,950,000	848,000	5,798,000	-
322 2016 City Center			4,950,000	848,000	5,798,000	-
Total Less Operating Transfers Between Funds			4,950,000	848,000	5,798,000	-
Operating Transfers Between Funds						
1	Operating Transfer	Operating Transfer from General Fund to 2016 City Center Fund	-	4,950,000	4,950,000	-
Total Operating Transfers Between Funds			-	4,950,000	4,950,000	-
Grand Total			4,950,000	5,798,000	10,748,000	-



2019 Additional Appropriation
Renee Wheeler
Interim Finance Director
February 5, 2019

First Appropriation - 2019

- The first appropriation includes the allocation of fund balances to ensure the completion of identified projects and commitments.
- The appropriation records grants and other received revenues.

2

CITY OF GREELEY

Fund Budget Balance

Fund	2019 Original Budget	Ordinance	2019 Revised Budget
001 General	\$ 100,440,668	\$ 4,950,000	\$ 105,390,668
322 2016 City Center	-	5,798,000	5,798,000
Grand Total	\$ 100,440,668	\$ 10,748,000	\$ 111,188,668

Fund	2019 Original Budget	Ordinance	2019 Revised Budget
All Funds	\$ 419,505,131	\$ 10,748,000	\$ 430,253,131

General Fund

\$4,950,000 - Transfer of End of Year Carryover funds from 2018 to remodel City Center North and City Hall.

Fund	2019 Original Budget	Ordinance	2019 Revised Budget
001 General	\$ 100,440,668	\$ 4,950,000	\$ 105,390,668

2016 City Center Fund

\$5,798,000 – Remodel of City Center North and City Hall

Fund	2019 Original Budget	Ordinance	2019 Revised Budget
322 2016 City Center	-	5,798,000	5,798,000

5

CITY OF GREELEY

Summary

- The Appropriations in this Ordinance increase the Total Budget by \$10,748,000.
- This Ordinance affirms prior commitments for various City projects.
- This Ordinance completes the necessary accounting actions that maintain the transparency required for all City reporting.
- Budgets are living documents that must adjust to ongoing changes.

6

CITY OF GREELEY

QUESTIONS

?

7

CITY OF GREELEY

City of
Greeley Colorado

Renee Wheeler
Interim Finance Director
renee.wheeler@greeleygov.com

Council Agenda Summary

February 5, 2019

Agenda Item Number 21

Roy Otto, City Manager, 970-350-9750

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 Meeting Schedule regarding any upcoming meetings or events.

Attachments:

Council Meetings/Other Events Calendar

Council Meeting/Worksession Schedule

Status Report of Council Petitions and Related Information

February 2019 - March 2019

February 2019							March 2019						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
					1	2						1	2
3	4	5	6	7	8	9	3	4	5	6	7	8	9
10	11	12	13	14	15	16	10	11	12	13	14	15	16
17	18	19	20	21	22	23	17	18	19	20	21	22	23
24	25	26	27	28			24	25	26	27	28	29	30
							31						

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Feb 3	4 11:30am Lunch meeting at Water Valley (Water Valley, 1625 Pelican Lakes Point, Suite 201, Windsor) -	5 6:10pm Council Group Photos (Council's Chambers) - Council 6:30pm City Council Meeting (1001 11th	6	7 7:00am Poudre River Trail (Hall) 3:30pm IG Adv. Board (Small) 6:00pm MPO	8	9
10	11	12 5:00pm City Council Worksession (1001 11th Avenue)	13	14	15	16 9:00am RSVP's Required: 36th Annual Northern 10:00am City Chat with Councilmember
17	18	19 6:30pm City Council Meeting (1001 11th Avenue)	20 7:30am Visit Greeley (Fitzsimmons) 2:00pm Water & Sewer Board (Gates)	21 7:30am DDA (Casseday/Small) 3:30pm Airport Authority 5:30pm RSVP's	22	23
24	25 11:30am Greeley Chamber of Commerce (Gates) 6:00pm Youth Commission (Small)	26 5:00pm City Council Worksession (1001 11th Avenue)	27 7:00am Upstate Colorado Economic Development (Gates/Hall) (Upstate Colorado Conference	28 5:00pm Greeley Fire Department Annual Awards Ceremony (Greeley Recreation Center, 651 10th	Mar 1	2
3	4	5 6:30pm City Council Meeting (1001 11th Avenue)	6	7 7:00am Poudre River Trail (Hall) 3:30pm IG Adv. Board (Small) 6:00pm MPO	8	9

City Council Meeting Schedule

<u>Date</u>	<u>Description</u>	<u>Staff Contact</u>	
February 12, 2019 Worksession Meeting	Northern Colorado Regional Economic Development Initiative (NoCO REDI)	Ben Snow	0.50
	Discussion of Waste Collection Challenges and Options	Brad Mueller	0.50
	4th Quarter CIP Report	Joel Hemesath	0.50
	Executive Session - Annual Review of the City Attorney	Sharon McCabe	
February 19, 2019 Council Meeting	Resolution - 77th Avenue Right-of-Way Dedication	Brad Mueller	Consent
	Ordinance - Intro - Gateway Estates 2nd Filing 1st Replat	Brad Mueller	Consent
	Ordinance - Intro - Fiber Conduit Colocation	Mark Hoekstra	Consent
	Ordinance - Final - Gateway Park II Preliminary/Final PUD	Brad Mueller	Regular
	Ordinance - Final - Adoption of a Housing Accessibility Strategy for the City of Greeley	Brad Mueller	Regular
	Ordinance - Final - Centerplace North 2nd DCMP Amendments	Brad Mueller	Regular
	Ordinance - Final - Amendments to the Greeley Municipal Code for Chapter 6.16 regarding Liquor Licensing	Betsy Holder	Regular
	Ordinance - Final - Amendments to the Greeley Municipal Code for Chapter 13.40 regarding Alcohol Beverages in Public Places	Andy McRoberts	Regular
	Board & Commission Appointments	Betsy Holder	Regular
February 26, 2019 Worksession Meeting	PROpel Update (leave first on list)	Roy Otto	0.50
	2019 Carryover Recommendations	Renee Wheeler	0.50
	Executive Session - Annual Review of the Municipal Court Judge	Sharon McCabe	
March 5, 2019 Council Meeting	Ordinance - Final - Fiber Conduit Colocation	Mark Hoekstra	Consent
	Ordinance - Final - Gateway Estates 2nd Filing 1st Replat	Brad Mueller	Regular
March 12, 2019 Worksession Meeting	End of Year Financial Report	Renee Wheeler	0.50
	CDBG Annual and 5-year Reports and Setting of Funding Priorities	Becky Safarik	0.75
March 19, 2019 Council Meeting	Volunteer Week Proclamation	Betsy Holder	Recognitions
	Acceptance of the CDBG Annual and 5-year Reports and Funding Priorities	Becky Safarik	Consent
	Ordinance - Intro - Second Additional Appropriation	Renee Wheeler	Consent
	Ordinance - Intro - Historic Preservation Code Repeal/Replace	Brad Mueller	Consent
	Board & Commission Appointments	Betsy Holder	Regular
March 26, 2019 Worksession	ACE/Workforce Development Presentation	Ben Snow	0.50
	Monthly Financial Report	Renee Wheeler	0.50
April 2, 2019 Council Meeting	Ordinance - Final - Second Additional Appropriation	Renee Wheeler	Regular
	Ordinance - Final - Historic Preservation Code Repeal/Replace	Brad Mueller	Regular
April 9, 2019 Worksession Meeting			
April 16, 2019 Council Meeting			
April 23, 2019 Worksession Meeting	Board & Commission Appointments	Betsy Holder	Regular
	Monthly Financial Report	Renee Wheeler	0.50
May 7, 2019 Council Meeting			
May 14, 2019 Worksession Meeting			
May 21, 2019 Council Meeting			
May 28, 2019 Worksession Meeting	Board & Commission Appointments	Betsy Holder	Regular
	Monthly Financial Report	Renee Wheeler	0.50
June 4, 2019 Council Meeting			
June 11, 2019 Worksession Meeting			

Greeley City Council

Status Report of Council Petitions

Council Request		Council Meeting, Worksession, or Committee Meeting Date Requested	Status or Disposition (After completion, item is shown one time as completed and then removed.)	Assigned to:
02-2018	Councilmember Hall requested that staff begin exploring options in regards to refuse around the University of Northern Colorado to manage the problem	June 5, 2018 Council Meeting	This item is scheduled to be discussed at the February 12, 2019 Worksession.	Brad Mueller

Council Agenda Summary

February 5, 2019

Agenda Item Number 22

Title

Adjournment