



**Remote Meeting Instructions for the January 19, 2021, City Council Meeting:**

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

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

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

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

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

**Via email? – Submit to [cityclerks@greeleygov.com](mailto:cityclerks@greeleygov.com)**

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

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

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

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

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

Please visit the City's website at <https://greeleygov.com/government/council> to view and download the contents of the January 19, 2021, City Council Meeting. You are also welcome to call the City Clerk's Office at 970-350-9740 with any special needs or questions that you may have.



**Mayor**  
John Gates

**Councilmembers**

Tommy Butler  
Ward I

Brett Payton  
Ward II

Michael Fitzsimmons  
Ward III

Dale Hall  
Ward IV

Kristin Zasada  
At-Large

Ed Clark  
At-Large

A City Achieving  
Community Excellence  
Greeley promotes a healthy, diverse economy and high quality of life responsive to all its residents and neighborhoods, thoughtfully managing its human and natural resources in a manner that creates and sustains a safe, unique, vibrant and rewarding community in which to live, work, and play.

# City Council Agenda

January 19, 2021 at 6:00 PM

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

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

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## Consent Agenda

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

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

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9. [Approval of the City Council Proceedings of January 5, 2021](#)
10. [Consideration of a resolution of the City Council of the City of Greeley authorizing City staff to enter into a Settlement and Mutual Release Agreement with Roseann Perez](#)
11. [Introduction and first reading of an ordinance establishing Local Improvement District No. 43840 for the construction of sanitary sewer infrastructure.](#)
12. [Introduction and first reading of an ordinance amending Chapters 4.04 and 4.08 of the Code of the City of Greeley regarding Economic Nexus and the obligation of remote sellers to collect and remit sales tax](#)
13. [Appointment to Greeley/Weld Housing Authority](#)
14. [Posting Sites for Notices of City Council Meetings](#)

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## End of Consent Agenda

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15. [Pulled Consent Agenda Items](#)
16. [Public hearing and final reading of an ordinance authorizing a Fiscal Year 2020 salary increase for the City Manager](#)
17. [Public hearing and final reading of an ordinance authorizing a Fiscal Year 2020 salary increase for the Municipal Judge](#)
18. [Public hearing and final reading of an ordinance authorizing a Fiscal Year 2020 salary increase for the City Attorney](#)
19. [Public hearing and final reading of an ordinance adopting various amendments to Title 18 of the Municipal Code regarding updating and clarifying the notice requirements for amendments to Final Planned Unit Developments \(PUDs\) and major amendments to Development Concept Master Plan \(DCMP\) \(Chapters 18.18 and 18.30\), changing the words public meeting to public hearing \(Chapter 18.18.040\), and clarification as it relates to freestanding sign calculations \(Chapter 18.54\)](#)
20. [COVID-19 Update](#)
21. [Consideration of a resolution of the City Council of the City of Greeley, Colorado, extending the City of Greeley Local Disaster Declaration of March 16, 2020 \(updated on April 21, 2020, June 2, 2020, August 11, 2020, November 17, 2020\) related to the COVID-19 Pandemic.](#)
22. [Review of correspondence regarding the Johnstown Comprehensive Plan update](#)
23. [Appointment of applicants to the Citizen Transportation Advisory Board, Greeley Art Commission, and Museum Board.](#)
24. [Scheduling of Meetings, Other Events](#)
25. [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](#)
26. [Adjournment](#)

# Council Agenda Summary

January 19, 2021

**Title**

Call to Order

# Council Agenda Summary

January 19, 2021

**Title**

Pledge of Allegiance

# Council Agenda Summary

January 19, 2021

## Title

Roll Call

## Summary

Mayor Gates

Councilmember Butler

Councilmember Payton

Councilmember Hall

Councilmember Fitzsimmons

Councilmember Clark

Councilmember Zasada

# Council Agenda Summary

January 19, 2021

## Title

Recognitions and Proclamations

## Summary

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

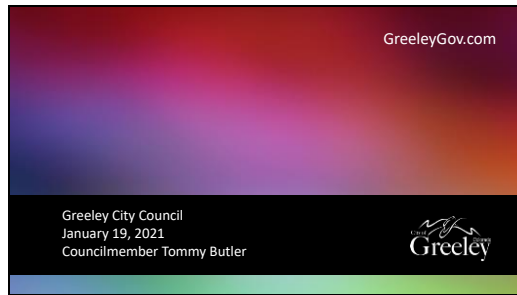
Mayor Gates will present a proclamation for School Board Recognition Month which recognizes the dedication and hard work of local school board member and in working with them to mold an education system that meets the needs of both today's and tomorrow's children.

There will be a presentation from representatives of United Way to thank the City for the Partnership that exists between the United Way of Weld County and the City of Greeley. There will also be the presentation of the Pacesetter award to past campaign coordinators.

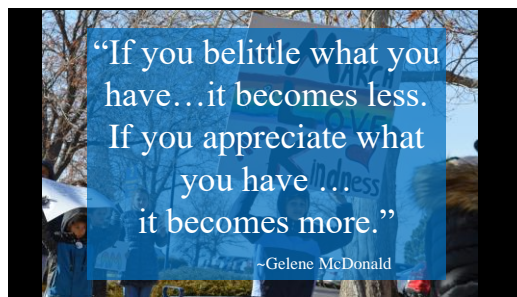
## Attachments

What's Great about Greeley Report  
School Board Recognition Month Proclamation

Slide 1



Slide 2



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

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



Slide 3



Greeley has been ranked #1 on Rent.com’s “Best Cities for Pets” list. The list analyzed number of pet-friendly apartments, average cost of veterinarian services, and the number of pet-related businesses and parks per capita.

Slide 4



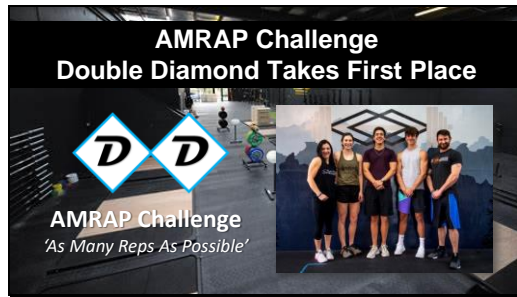
Syntax Spirits Distillery in Greeley has won two gold medals at the Rocky Mountain Craft Spirits competition for their Wine Barrel Bourbon and Straight Bourbon, and a silver medal for their Wellhead Whisky.

Slide 5



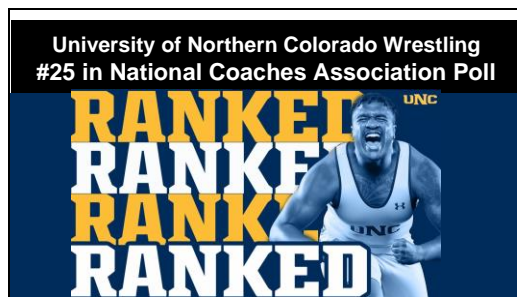
The Colorado Sun has named Wiley Roots Brewing Company one of the top breweries in Colorado, winning "Colorado Crowd Favorite", "Colorado Beer of the Year", and "Colorado Brewery to Watch in 2021" against more than 50 breweries in Colorado. Wiley Roots also received the 2020 Best Beer Name award from Brew Talk Radio for their “That John Denver is Really Full of Peanut Butter”, a Rocky Road Imperial Stout, and was added to October’s “The Best IPAs of 2020” list for their Blueberry Maple County Fair Cobbler. Anyone thirsty??

Slide 6



Congratulations to the CrossFit athletes out of Double Diamond CrossFit in Greeley for taking first place against 34 other teams at the 24-hour AMRAP Challenge - a worldwide, 24-hour competition.

Slide 7



Northern Colorado wrestling earned a spot on the National Wrestling Coaches Association Division I poll for the first time in 51 years. The Coaches Poll listed UNC at No. 25. Go Bears!

Slide 8



Northern Colorado sophomore forward Alisha Davis received the Big Sky Player of the Week award. Davis now leads the conference in blocks, blocks per game, double-doubles, field goals made, points, free throws made, and rebounds (98). She also ranks in the nation's top five for blocks, double-doubles, and rebounds.

Slide 9



And that's What's Great about Greeley.



## School Board Recognition Month

WHEREAS, School board members are elected to sit in trust for their diverse communities, and in that capacity are charged with meeting the community's expectations and aspirations for the public education of their children; and

WHEREAS, School board members are entrusted with the guardianship and wise expenditure of scarce tax dollars, and they are responsible for maintaining and preserving the buildings, grounds and other areas of the school district that the community has put in their trust; and

WHEREAS, School board members are responsible for providing leadership that ensures a clear, shared vision of public education for their schools, that sets high standards for the education of all students, and requires the effective and efficient operation of their districts; and

WHEREAS, School board members adopt policies to give voice to that leadership and employ a superintendent to administer board policy, and are also responsible for the regular monitoring of the district's performance and compliance with policies; and

WHEREAS, the men and women elected to school board positions deserve recognition and thanks for their countless hours of volunteer service to public education and the children of our state.

NOW, THEREFORE, I, John Gates, by virtue of the authority vested in me as Mayor of the City of Greeley, do hereby proclaim the month of January 2021, as ***School Board Recognition Month*** and urge all citizens to join me in recognizing the dedication and hard work of local school board members and in working with them to mold an education system that meets the needs of both today's and tomorrow's children.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official seal of the City of Greeley, Colorado, this 19<sup>th</sup> day of January, 2021.

-----  
John Gates  
Mayor

# Council Agenda Summary

January 19, 2021

## Title

Citizen Input

## Summary

During this 15 minute portion of the meeting, anyone may address the Council on any item of City Business appropriate for Council consideration that is not already listed on this evening's agenda. Individual comments read into the record will be limited to 3 minutes and must include the name and address of the person submitting the comments for the record.

# Council Agenda Summary

January 19, 2021

**Title**

Approval of the Agenda

# Council Agenda Summary

January 19, 2021

## Title

Reports from Mayor and Councilmembers

## Summary

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

# Council Agenda Summary

January 19, 2021

## Title

Initiatives from Mayor and Councilmembers

## Summary

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

Initiatives will generally fall into three categories:

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

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

## Attachments

Status Report of Council Initiatives and Related Information



**Greeley City Council**

**Status Report of Council Initiatives**

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

# Consent Agenda

January 19, 2021

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

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

*The Consent Agenda includes Items No. 9 through 14 and their recommended actions.*

## *Council's Recommended Action*

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

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

# Council Agenda Summary

January 19, 2021

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

**Title:**

Approval of the City Council Proceedings of January 5, 2021

**Summary:**

A meeting of the City Council was held on January 5, 2021, virtually utilizing the Zoom Platform.

**Decision Options:**

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

**Council's Recommended Action:**

A motion to approve the City Council proceedings as presented.

**Attachments:**

January 5, 2021 Proceedings

City of Greeley, Colorado  
**CITY COUNCIL PROCEEDINGS**  
January 05, 2021

**1. Call to Order**

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

**2. Pledge of Allegiance**

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

**3. Roll Call**

Anissa Hollingshead, City Clerk, called the roll.

PRESENT

Mayor John Gates

Council Member Tommy Butler

Council Member Ed Clark

Council Member Michael Fitzsimmons

Council Member Dale Hall

Council Member Kristin Zasada

EXCUSED

Council Member Payton

**4. Recognitions and Proclamations**

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

Mayor Gates presented a proclamation designating each Tuesday in 2021 for the duration of the pandemic as Takeout Tuesday in support of local restaurants.

**5. Citizen Input**

No citizen input was received.

**6. Approval of the Agenda**

The agenda was approved as presented.

**7. Reports from Mayor and Councilmembers**

Council Member Fitzsimmons extended condolences to the Bernd family following the passing of Bob Bernd on January 1.

**8. Initiatives from Mayor and Councilmembers**

None.

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## Consent Agenda

Council Member Hall moved, seconded by Council Member Zasada, to approve item nos. 9 – 14 on the consent agenda as presented.

The motion carried 6-0.

Excused: Council Member Payton.

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### **9. Acceptance of the Report of the December 8, 2020, City Council Work Session**

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

### **10. Approval of the City Council Proceedings of December 15, 2020**

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

### **11. Introduction and first reading of an ordinance authorizing a Fiscal Year 2020 salary increase for the City Manager**

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading for January 19, 2021.

### **12. Introduction and first reading of an ordinance authorizing a Fiscal Year 2020 salary increase for the Municipal Judge**

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading for January 19, 2021.

### **13. Introduction and first reading of an ordinance authorizing a Fiscal Year 2020 salary increase for the City Attorney**

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading for January 19, 2021.

### **14. Introduction and first reading of an ordinance adopting amendments to Title 18 of the Municipal Code regarding updating and clarifying the notice requirements for amendments to Final Planned Unit Developments (PUDs) and major amendments to Development Concept Master Plan (DCMP) (Chapters 18.18 and 18.30), changing the words public meeting to public hearing (Chapter 18.18.040), and clarification as it relates to freestanding sign calculations (Chapter 18.54)**

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading for January 19, 2021.

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## End of Consent Agenda

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### **15. Pulled Consent Agenda Items**

No items were pulled from the Consent Agenda.

**16. Public hearing and final reading of an ordinance authorizing an Intergovernmental Agreement with Greeley-Evans District 6 regarding land exchange and resources for a reconfiguration of non-potable irrigation facilities and a portion of the Boomerang South 9 Golf Course. Because the subject of the IGA is a land exchange whereby Greeley will initiate the dispossession of approximately 25 acres in exchange for possession of a like amount and other consideration, this item requires approval by ordinance**

Mayor Gates introduced Sean Chambers, Water & Sewer Director to present on this item as set forth in the PowerPoint in the agenda packet. Director Chambers was assisted by teammates from Real Estate, Culture, Parks & Recreation (CPRD), and Community Development. Kent Henson, District 6 Assistant Superintendent of Support Services, also participated in the presentation.

Mayor Gates opened the public hearing at 6:28 p.m.

There being no one wishing to be heard virtually and no written comments submitted, the public hearing was closed at 6:28 p.m.

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

The motion carried 6-0.

Excused: Council Member Payton.

Ordinance No. 1, 2021, authorizing the Mayor of the City of Greeley to execute an Intergovernmental Agreement with Greeley-Evans School District 6 regarding relocation of a portion of Boomerang Links Golf Course, reconfiguration of non-potable irrigation facilities, and land exchange, was adopted

**17. COVID-19 Update**

Dan Frazen, Emergency Manager, presented an updated Situation Report relating to COVID-19.

Anissa Hollingshead, City Clerk, provided an update on the City's application to the state to implement a variance program, A Safe Place to Be 5 Star Certification Program.

Council Member Clark noted his desire to see City recreation facilities and gyms increase their capacity and hours. City Manager Roy Otto responded and noted the City team would be meeting the next day to review operational guidance for City facilities.

**18. Scheduling of Meetings, Other Events**

City Manager Otto noted there were no changes.

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

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

The motion carried 6-0.

Excused: Council Member Payton.

**20. Adjournment**

There being no further business before the Council, the meeting was adjourned at 6:44 p.m.

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John Gates, Mayor

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Anissa N. Hollingshead, City Clerk

# Council Agenda Summary

January 19, 2021

Key Staff Contact: Doug Marek, City Attorney, 970-350-9755

**Title:**

Consideration of a resolution of the City Council of the City of Greeley authorizing City staff to enter into a Settlement and Mutual Release Agreement with Roseann Perez

**Summary:**

Roseann Perez filed an action in federal court alleging violations of her constitutional rights arising from a contact with certain officers of the Greeley Police Department. The City has reached a settlement with the Plaintiff, resolving all of her claims. The settlement agreement is conditioned upon the approval of the City Council.

**Fiscal Impact:**

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	\$200,000
What is the annual impact?	None
What fund of the City will provide Funding?	Liability Fund
What is the source of revenue within the fund?	Allocations charged to each City department
Is there grant funding for this item?	No
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	

**Legal Issues:**

A settlement agreement with Ms. Perez would resolve all associated claims against the City and the Police Officers named in the suit. Prior to consideration of the resolution approving the settlement agreement, City Council may choose to go into executive session in order to receive legal advice and to give instructions to City staff.

**Other Issues and Considerations:**

None anticipated.

**Applicable Council Priority and Goal:**

**Safety:** Manage the City's protection of the health, safety and welfare of the City for residents, businesses and visitors, consistent with state and federal law.

**Decision Options:**

Initially, City Council may consider whether to go into Executive Session (at Council's option) using the following form of motion:



I move to go into Executive Session to discuss the following matter as provided under Colorado Revised Statutes §§24-6-402(4)(e)(1) and 24-6-402(4)(b), and Greeley Municipal Code §§ 2.04.020(a)(5) and 2.04.020(a)(2):

For the purpose of giving instructions to City staff and to receive legal advice from the City Attorney regarding the circumstances of pending litigation, Perez v City of Greeley.

Upon consideration of the matter in open session, the Council may move to:

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

**Council's Recommended Action:**

A motion to adopt the Resolution.

**Attachments:**

Resolution

Settlement and Mutual Release Agreement (Exhibit A to Resolution)

**THE CITY OF GREELEY, COLORADO**

**RESOLUTION \_\_\_\_ , 2021**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREELEY,  
COLORADO AUTHORIZING CITY STAFF TO ENTER INTO A SETTLEMENT  
AGREEMENT WITH ROSEANN PEREZ**

WHEREAS, Roseann Perez filed an action in Federal Court, Civil Action No. 20-1892, on June 29, 2020, alleging damages for violations of her constitutional rights by certain officers of the Greeley Police Department, and seeking damages and injunctive relief; and

WHEREAS, the City has reached an agreement resolving all factual issues in the federal action, contingent upon Council’s approval pursuant to Section 4.18.040(b); and

WHEREAS, settlement of the claim will include the full release of all claims against the City of Greeley, its officers and employees as required by Section 4.18.040(e); and

WHEREAS, the City Attorney’s Office believe it is in the best interests of the City of Greeley to approve a settlement of this litigation;

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

1. City Council authorizes City staff members to sign a Settlement and Mutual Release Agreement with Roseann Perez that resolves all claims associated with Civil Action No. 20-1892, a form of which is attached as Exhibit A.
2. The City Attorney is authorized to make changes to the Mutual Release and Settlement Agreement following review and approval by City Council as long as such changes do not change the substance of the agreement.
3. This Resolution shall become effective immediately upon its passage.

PASSED, AND ADOPTED, SIGNED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2021.

ATTEST:

THE CITY OF GREELEY, COLORADO

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

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

**SETTLEMENT AND  
MUTUAL RELEASE AGREEMENT**

THIS SETTLEMENT AND MUTUAL RELEASE AGREEMENT made this \_\_\_\_ day of \_\_\_\_\_, 2021, by and between Roseann Perez ( "Plaintiff") and the City of Greeley, Colorado ("City") (Plaintiff and City, collectively, "Parties") is an agreement which exchanges a full and mutual release of all claims by Plaintiffs, including claims by her counsel, against the City of Greeley as result of any and all injuries and damages arising from the events that occurred at Plaintiff's home on June 28, 2019, in exchange for the following consideration.

IN CONSIDERATION of the mutual covenants undertaken and the mutual releases contained in this agreement the adequacy of which is acknowledged by and between the Parties, Claimant and the City agree as follows:

**RECITALS**

WHEREAS, Plaintiff was contacted by a Greeley police officer on June 28, 2019 concerning her juvenile son; and

WHEREAS, in the course of the contact on June 28, 2019, Plaintiff was arrested, handcuffed, and detained in a police vehicle for a period of approximately 40 minutes (hereinafter, referred to as the "INCIDENT"); and

WHEREAS, Plaintiff filed an action in the United States Federal Court for the District of Colorado, Civil Action No. 1:20-cv-01892-MEH, on June 29, 2020, asserting claims for false arrest and violation of Fourth Amendment rights in connection with the INCIDENT, and praying for economic and non-economic damages arising from the INCIDENT, as well as recovery of her costs and attorney's fees; and

WHEREAS, the Parties, being fully advised of the potential risks and uncertainties of litigation, have agreed to settle this dispute on the terms set forth herein;

NOW, THEREFORE, the parties agree as follows:

**AGREEMENT**

1. Settlement Compensation. The City agrees to pay Plaintiff the amount of TWO HUNDRED THOUSAND DOLLARS (\$200,000.00) to resolve all claims for damages, attorneys' fees, and costs related to the INCIDENT. Plaintiffs and her counsel will identify the payee of the settlement compensation, and the amount will be paid within fifteen (15) business days following the execution of this Agreement and receipt by the City of a W-9 form from Plaintiff. The City will make all reasonable efforts to deliver the payment amount by January 31, 2021.

2. Release and Discharge.

A. Release by Plaintiff: In consideration of the mutual promises between the Parties, Plaintiff, her family, successors, and assigns completely release and forever discharge the City, its past, present and future officers, directors, stockholders, attorneys, agents,

servants, representatives, employers, employees, subsidiaries, affiliates, partners, predecessors, successors and assigns of and from any and all past, present or future claims, demands, obligations, actions, causes of action, damages, exemplary damages, costs, attorney's fees, losses of services, expenses and compensation of any nature whatsoever, whether based on tort, contract or other theory of recovery, which Plaintiff now has, or which may hereafter accrue or otherwise be acquired, arising out of or in any way relating to the INCIDENT. This Release and Discharge shall be a fully binding and complete settlement between the Parties, their affiliates, assigns, predecessors and successors.

- B. Release by City: In consideration of the mutual promises between the Parties, the City, its past, present and future officers, directors, stockholders, attorneys, agents, servants, representatives, employers, employees, subsidiaries, affiliates, partners, predecessors, successors and assigns release Plaintiff, her family, successors, and assigns of and from any and all past, present or future claims, demands, obligations, actions, causes of action, damages, exemplary damages, costs, attorney's fees, losses of services, expenses and compensation of any nature whatsoever, whether based on tort, contract or other theory of recovery, which the City now has, or which may hereafter accrue or otherwise be acquired, arising out of or in any way relating to the INCIDENT. This Release and Discharge shall be a fully binding and complete settlement between the Parties, their affiliates, assigns, predecessors and successors.

3. General Release. Plaintiff hereby acknowledges and agrees that this Settlement and Mutual Release Agreement is a general release of any and all claims arising out of or in any way relating to the INCIDENT, on behalf of herself, her family members, heirs, and assigns, and they further expressly waive and assume the risk of any and all claims for damages which exist as of this date, but of which the Parties do not know or suspect to exist, whether through ignorance, oversight, error, negligence, or otherwise, and which, if known, would materially affect the Parties' decision to enter into this Agreement. Plaintiff further agrees that she has accepted the benefit of the payment of the sum specified herein and the mutual promises as a complete compromise of matters involving disputed issues of law and fact, and the Parties assume the risk that the facts or law may be otherwise than the Parties believe. It is understood and agreed by the Parties that this settlement is a compromise of a disputed claim, and the payment is not to be construed as an admission of liability on the part of the City of Greeley.

4. Dismissal of Individual Defendants. Plaintiff will move the Court for the dismissal of all claims against the individual defendants, Casey Barnum and Wade Corliss, to which dismissal the City will stipulate. This Agreement is expressly being entered into only by the City, and not by either individual Defendant.

5. Scope of Agreement. This Agreement is intended as a release of all claims of the kind or nature set forth above as to all persons, firms or corporations, regardless of whether such persons are specifically named or designated herein, and regardless of whether such persons, firms or corporations or parties to any litigation arising out of this matter, except to the extent any limitations are specifically designated herein to the contrary. Notwithstanding any other provision herein, this Settlement and Mutual Release Agreement does not encompass and specifically excludes any and all claims for medical malpractice by Plaintiff regarding healthcare and medical treatment she received with regard to the injuries she claims she sustained in the INCIDENT.

6. Denial of Liability/Assumption of Risk/Mistake of Fact. The Parties specifically affirm that the above-described compensation would not be paid, except as consideration set forth in exchange for the full and complete release of any and all claims, actions or causes of action, known or unknown, as described above. It is understood and agreed to by the Parties that this settlement is a compromise of a disputed claim and the payments are not to be construed as an admission of liability on the part of either party. The Parties specifically acknowledge that they have taken into account and are aware of the facts and circumstances surrounding the INCIDENT. The Parties have specifically taken into account that potential mistakes of fact may have been made and reached in this particular settlement and affirm that part of the consideration above is being given by the Parties to each other for the voluntary assumption of that potential risk arising from this possible mistake of fact. The Parties' assumption of this potential risk is final and complete, but this assumption of risk shall not constitute any admission by any party of any liability or wrongdoing. The Parties acknowledge that there may be unknown injuries or damages, of which they are not aware, relating to the above-described incident and the surrounding circumstances. It is the Parties' intent to release the other from any and all claims which may arise from the above-described incident.

7. Warranty of Capacity to Execute Agreement. Each Party and their counsel, as to its claims, demands, obligations, or causes of action referred to in this Agreement, represents and warrants that no other person or entity has or has had any interest to such Party's or counsel's claims, demands, obligations, or causes of action, except as otherwise set forth herein, and each Party and their counsel has the sole right and exclusive authority to execute this Agreement and receive the sums specified herein, and that each Party has not sold, assigned, transferred, conveyed or otherwise disposed of any of its claims, demands, obligations, or cause of action released or referred to in this Agreement.

8. Subrogation/Attorney Lien. Plaintiffs and their counsel agree that all payments to third parties who may have subrogation rights and/or Attorney's Liens to any monies received pursuant to this Agreement as a result of any and all injuries and damages arising from the INCIDENT are the sole responsibility of Plaintiff. Plaintiff agrees to accept sole responsibility for any lien asserted by any third party on any monies received pursuant to this agreement. Plaintiff agrees to hold harmless, defend and indemnify the City from any third party claims to any portion of the monies received under this agreement.

9. Action to Enforce Terms. The Parties agree that Presentation of the Agreement shall be a complete affirmative defense to any and all such claims and shall be a complete bar to any such action.

10. Miscellaneous.

- A. This instrument constitutes and contains the entire agreement and understanding of the Parties and the subject matter herein between the Parties arising from any and all damages and injuries arising from the INCIDENT and supersedes and replaces all prior negotiations and all agreements proposed or otherwise, whether written or verbal, all concerning the subject matter hereof. No party, nor any agent or attorney therefore, has made any promise, representation, or warranty whatsoever, express or implied, not contained herein.
- B. Neither the process of negotiating nor the act of executing this agreement is intended to be nor shall at any time be deemed, construed, or treated in any respect as an admission of liability of the legal validity of any claim asserted by any party hereto or otherwise.

- C. 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.
- D. No waiver of any breach of any term or provision of this agreement shall be construed to be, nor shall be, a waiver of any other breach of this agreement. No waiver shall be binding unless in writing, signed by the party waiving the breach.
- E. If any provision of this Agreement shall be determined to be invalid or void, for any reason, the remaining provisions shall nonetheless remain in full force and effect.
- F. Each Party hereto acknowledges that they and/or their respective counsel have participated in or had the opportunity to participate in the drafting, preparation and review of this agreement and, therefore, no part hereof shall be construed against any party based upon the identity of any person who purported to be the drafter of such language.
- G. The Parties execute this Agreement without reliance upon any statements or representations by the other concerning the nature and extent of any damages, legal liability, tax consequences or any other matter except as contained in this Agreement. Plaintiff voluntarily agrees to assume the risk and obligation to pay any and all taxes due, if any, as the result of receiving the settlement funds referenced herein.
- H. This agreement is contractual in nature and not a mere recital, each party asserting that valuable consideration has been received, binding the Parties to their respective rights and obligations hereunder.
- I. It is understood and agreed that both Parties shall bear their own attorneys' fees and costs, if any, arising from the action of their own counsel in connection with the claim.
- J. The Parties agree to cooperate fully and execute any and all supplementary documents, and to take all additional actions which may be necessary or appropriate to give full force and effect to the terms of this Agreement.
- K. Plaintiff will not make any disparaging statement to any news media and will not post any information on social media regarding the City's or the police department's actions in response to the INCIDENT, other than to acknowledge that a settlement has been reached, and the amount thereof. Similarly, the City will not publish any statements that could reasonably be interpreted as adversely affecting the personal or professional reputation of Plaintiff.
- L. This Agreement may be executed in any number of counterparts, each of which, when so executed, shall be deemed to be an original and all of which, taken together, shall constitute one and the same agreement.

This Agreement shall become effective following its execution by the Parties and upon the release of funds, as stated in paragraph 1 above.

**PLAINTIFF:**

**ROSEANN PEREZ**

\_\_\_\_\_

**DEFENDANT:**

**THE CITY OF GREELEY, COLORADO:**

**APPROVED AS TO SUBSTANCE:**

By: \_\_\_\_\_  
Roy Otto, City Manager

**AVAILABILITY OF FUNDS:**

By: \_\_\_\_\_  
John Karner, Director of Finance

**APPROVED AS TO LEGAL FORM:**

By: \_\_\_\_\_  
Doug Marek, City Attorney

# Council Agenda Summary

January, 19, 2021

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

**Title:**

Introduction and first reading of an ordinance establishing Local Improvement District No. 43840 for the construction of sanitary sewer infrastructure.

**Summary:**

The Johnson Subdivision was developed in 1963 and 1969 in Weld County and was annexed as an enclave into Greeley in 2005. A majority of the properties within the subdivision have septic systems (36 septic, 4 City sewer, and 3 undeveloped), with some that could be reaching the point of failure. Transitioning a failing septic to municipal wastewater collection and treatment provider is a best practice for the protection of public health and safety. The Greeley Municipal Code requires properties within 400 feet of the municipal sanitary sewer system to connect within ninety (90) days of receiving official notice to do so. There are currently 20 properties within the Johnson subdivision that are located within 400 feet of the municipal sewer system, a majority of the subdivision. Those properties will be required to connect to the municipal sanitary sewer system at the time of septic system failure. These connections are generally very costly, and there is an significant cost efficiency to constructing the backbone collection system all at once.. Therefore, W&S Department proposes to facilitate a more proactive and cost-effective connection strategy by developing a Local Improvement District (LID) to facilitate the construction of a new sewer collections system for all residents. This strategy will include W&S engineering staff designing the new sewer system and then W&S operations staff constructing the sewer system. The residents within the LID will be required to pay, at the time of their connection, for their proportionate cost of the materials (pipe, bedding, asphalt, etc.) through the LID. This strategy allows the City to utilize its field construction crews and existing resources to reduce the connection cost. The LID recovery cost will be required at time of septic system failure, and staff recommends allowing two payment options; 1. A one-time payment the properties proportionate cost of LID expenses; or 2. A city payment plan that would allow for payments over time, up to a 60-month term. This strategy helps reduce costs to residents, facilitates compliance with the code, and leverages City resources for the most economical construction. Further, this work to make municipal sewer service available will protect public health by eliminating private septic systems as they fail. Staff have communicated with residents by letter and shared information with the citizens at a virtual open house on Wednesday, January 6, 2021.

**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 \$480,000.00
What is the annual impact?	N/A



What fund of the City will provide Funding?	402-Sewer New Construction
What is the source of revenue within the fund?	Plant Investment Fees, Bonds
Is there grant funding for this item?	No
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	The Local Improvement District will enable the City to recover the costs of the sewer line extension from the parcels that are benefiting from the sewer line.

**Legal Issues:**

Consideration of this matter is a legislative process. The City Attorney's Office drafted the proposed ordinance. A second ordinance must be brought to the City Council upon completion of construction to establish the LID assessments.

**Other Issues and Considerations:**

**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.

*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 2, 2021.

**Attachments:**

Proposed Ordinance  
Presentation

**CITY OF GREELEY, COLORADO  
ORDINANCE \_\_\_, 2021**

AN ORDINANCE ESTABLISHING LOCAL IMPROVEMENT DISTRICT NO. 43840 FOR THE CONSTRUCTION OF SANITARY SEWER INFRASTRUCTURE LOCATED IN THE CITY OF GREELEY, COUNTY OF WELD, COLORADO; DETERMINATION OF LOTS AND LANDS TO BE INCLUDED WITHIN LOCAL IMPROVEMENT DISTRICT NO. 43840; SETTING FORTH THE MAXIMUM COSTS OF CONSTRUCTION; AND SETTING FORTH THE PROPERTY TO BE INCLUDED AND NAMES OF THE APPARENT OWNERS OF PROPERTY TO BE INCLUDED (JOHNSON SUBDIVISION SANITARY SEWER INFRASTRUCTURE)

WHEREAS, the City of Greeley, Colorado ("City") is a home rule municipality empowered pursuant to Sections 1 and 6 of Article XX, and Section 7 of Article X of the Colorado Constitution to, *inter alia*, levy assessments against real property within the City for municipal purposes, including, without limitation, for local improvements; and

WHEREAS, the Charter for the City of Greeley, Colorado and Article 25 (Public Improvements) of Title 31 (Government – Municipal) of the Colorado Revised Statutes further empower the City to establish local improvement districts, for the purpose of, *inter alia*, constructing local improvements and assessing the costs thereof upon the property especially benefitted by such improvements; and

WHEREAS, Chapter 13.44 (Local Improvement Districts) of the Greeley Municipal Code sets forth the particular authority and procedures by which the City may establish such local improvement districts; and

WHEREAS, the Johnson Subdivision is a neighborhood within the City of Greeley, located north of 4<sup>th</sup> Street and west of 35<sup>th</sup> Avenue, in which the vast majority of residential lots dispose of generated sewage via aging private septic systems; and

WHEREAS, the City Council desires, on its own initiative, to establish a local improvement district for the construction of municipal sanitary sewer infrastructure for the benefit of properties in the area of the Johnson Subdivision, in order to avoid any potential public health and safety issues associated with the aging private septic systems;

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

Section 1. Establishment of Local Improvement District No. 43840. Pursuant to the authority set forth in Section 13.44.010(d) of the Greeley Municipal Code, the City Council hereby orders the creation of a local improvement district for the construction of sanitary sewer infrastructure in the area of the Johnson Subdivision in Greeley, Colorado (“Johnson Subdivision Sanitary Sewer Infrastructure”). The local improvement district shall be assigned number 43840 and contain the lots and lands set forth in Section 4 below. The anticipated location of the sanitary

sewer infrastructure, and the lots and lands to be included in Local Improvement District No. 43840, are shown on the map attached hereto as Exhibit A.

Section 2. Estimation and Description of Maximum Costs. The maximum cost of construction and incidental expenses for the Johnson Subdivision Sanitary Sewer Infrastructure is estimated at this time to be \$480,000.00. Incidental expenses may include those expenses associated with inspection, and other similar expenses attributable to the construction of the Johnson Subdivision Sanitary Sewer Infrastructure and the establishment of Local Improvement District No. 43840. The final determination of assessments to be made against the lots and lands included in Local Improvement District No. 43840 shall be established by an ordinance adopted after completion of the improvements described herein, and such assessments shall be based upon the costs of construction and incidental expenses. Assessments shall be set as a fixed amount by the assessing ordinance, and shall not accrue interest. Each of the lots described in Section 4 below will be benefitted equally by construction of the Johnson Subdivision Sanitary Sewer Infrastructure; therefore, the total of such construction costs and incidental expenses shall be divided among and assessed equally against all of the lots described in Section 4 below, in accordance with Sections 13.44.030 and 13.44.050 of the Greeley Municipal Code. Assessments shall be due and payable by the property owner at the time sanitary sewer service is requested or otherwise required by the Greeley Municipal Code.

Section 3. City of Greeley staff shall perform construction of the Johnson Subdivision Sanitary Sewer Infrastructure, or authorize it to be done, within a reasonable time after passage of this ordinance.

Section 4. Lots and Lands to be Included in Local Improvement District No. 43840; Owners. The lots and lands that shall be included within Local Improvement District No. 43840, the street addresses of such lots and lands, and the current record owners of such lots and lands, according to the real property records of the Weld County Assessor, are as follows.

1. Owner(s): Thomas E. Kissleman  
Mailing Address of Owner(s): Same as Address of Property within LID  
Address of Property within LID: 321 40<sup>th</sup> Avenue  
Greeley, Colorado 80634-1107  
Legal Description of Property within LID: Lot 1, Johnson Subdivision, City of Greeley,  
County of Weld, State of Colorado
  
2. Owner(s): Paul Guajardo, Jr. and Jessie A. Guajardo  
Mailing Address of Owner(s): Same as Address of Property within LID  
Address of Property within LID: 307 40<sup>th</sup> Avenue  
Greeley, Colorado 80634-1107  
Legal Description of Property within LID: Lot 2, Johnson Subdivision, City of Greeley,  
County of Weld, State of Colorado
  
3. Owner(s): Mark E. Ulrich  
Mailing Address of Owner(s): Same as Address of Property within LID  
Address of Property within LID: 219 40<sup>th</sup> Avenue

- Legal Description of Property within LID: Greeley, Colorado 80634-1107  
Lot 3, Johnson Subdivision, City of Greeley,  
County of Weld, State of Colorado
4. Owner(s): Connie J. Cannone  
Mailing Address of Owner(s): Same as Address of Property within LID  
Address of Property within LID: 209 40<sup>th</sup> Avenue  
Greeley, Colorado 80634-1107
- Legal Description of Property within LID: Lot 4, Johnson Subdivision, City of Greeley,  
County of Weld, State of Colorado
5. Owner(s): Cole Fox and Michele Fox  
Mailing Address of Owner(s): Same as Address of Property within LID  
Address of Property within LID: 117 40<sup>th</sup> Avenue  
Greeley, Colorado 80634-1111
- Legal Description of Property within LID: Lot 5, Johnson Subdivision, City of Greeley,  
County of Weld, State of Colorado
6. Owner(s): Shawn Stratford and Erin Stratford  
Mailing Address of Owner(s): Same as Address of Property within LID  
Address of Property within LID: 320 40<sup>th</sup> Avenue  
Greeley, Colorado 80634-1108
- Legal Description of Property within LID: Lot 43, Johnson Subdivision, City of  
Greeley, County of Weld, State of Colorado
7. Owner(s): Travis D. McPhee and Danyell McPhee  
Mailing Address of Owner(s): Same as Address of Property within LID  
Address of Property within LID: 306 40<sup>th</sup> Avenue  
Greeley, Colorado 80634-1108
- Legal Description of Property within LID: Lot 42, Johnson Subdivision, City of  
Greeley, County of Weld, State of Colorado
8. Owner(s): Sandra Phelps Living Trust  
Mailing Address of Owner(s): Same as Address of Property within LID  
Address of Property within LID: 228 40<sup>th</sup> Avenue  
Greeley, Colorado 80634-1108
- Legal Description of Property within LID: Lot 41, Johnson Subdivision, City of  
Greeley, County of Weld, State of Colorado
9. Owner(s): Ronald G. Johnson and Gloria J. Johnson  
Mailing Address of Owner(s): Same as Address of Property within LID  
Address of Property within LID: 222 40<sup>th</sup> Avenue  
Greeley, Colorado 80634-1108
- Legal Description of Property within LID: Lot 40, Johnson Subdivision, City of  
Greeley, County of Weld, State of Colorado

10. Owner(s): Russell G. Archibeque  
Mailing Address of Owner(s): Same as Address of Property within LID  
Address of Property within LID: 210 40<sup>th</sup> Avenue  
Greeley, Colorado 80634-1108  
Legal Description of Property within LID: Lot 39, Johnson Subdivision, City of  
Greeley, County of Weld, State of Colorado
11. Owner(s): Steven Clyde Nale and Sheree L. Nale  
Mailing Address of Owner(s): Same as Address of Property within LID  
Address of Property within LID: 118 40<sup>th</sup> Avenue  
Greeley, Colorado 80634-1108  
Legal Description of Property within LID: Lot 38, Johnson Subdivision, City of  
Greeley, County of Weld, State of Colorado
12. Owner(s): Ronald E. Redfern and Jodie R. Redfern  
Mailing Address of Owner(s): Same as Address of Property within LID  
Address of Property within LID: 111 38<sup>th</sup> Avenue  
Greeley, Colorado 80634  
Legal Description of Property within LID: Lot 36, Johnson Subdivision First Addition,  
County of Weld, State of Colorado
13. Owner(s): Norrene L. Halldorson  
Mailing Address of Owner(s): Same as Address of Property within LID  
Address of Property within LID: 209 38<sup>th</sup> Avenue  
Greeley, Colorado 80634-1117  
Legal Description of Property within LID: Lot 35, Johnson Subdivision First Addition,  
a subdivision of part of NE<sup>1</sup>/<sub>4</sub> of Section 2,  
Township 5 North, Range 66 West of the 6<sup>th</sup>  
P.M., Weld County, Colorado
14. Owner(s): Matthew J. Knutson  
Mailing Address of Owner(s): Same as Address of Property within LID  
Address of Property within LID: 201 38<sup>th</sup> Avenue  
Greeley, Colorado 80634-1117  
Legal Description of Property within LID: Lot 34, Johnson Subdivision First Addition,  
in the City of Greeley, County of Weld, State  
of Colorado
15. Owner(s): David H. Grauberger and  
Patricia A. Grauberger  
Mailing Address of Owner(s): Same as Address of Property within LID  
Address of Property within LID: 221 38<sup>th</sup> Avenue  
Greeley, Colorado 80634-1117

- Legal Description of Property within LID: Lot Thirty-Three (33), Johnson Subdivision First Addition, in the County of Weld, State of Colorado
16. Owner(s): Bonnie J. Egan  
Mailing Address of Owner(s): Same as Address of Property within LID  
Address of Property within LID: 315 38<sup>th</sup> Avenue  
Greeley, Colorado 80634-1117
- Legal Description of Property within LID: Lot Thirty-Two (32), Johnson Subdivision, First Addition, in the County of Weld, State of Colorado, according to the recorded map or plat thereof
17. Owner(s): Gerald L. Suppes and Phala G. Suppes  
Mailing Address of Owner(s): Same as Address of Property within LID  
Address of Property within LID: 302 38<sup>th</sup> Avenue  
Greeley, Colorado 80634
- Legal Description of Property within LID: Lot Thirty (30), Johnson Subdivision First Addition, in the City of Greeley, County of Weld, State of Colorado, as per map recorded December 26, 1969 in Book 619 under Reception No. 1540736, Weld County Records
18. Owner(s): Gerald A. Lewis and Pamela Ann Lewis  
Mailing Address of Owner(s): Same as Address of Property within LID  
Address of Property within LID: 218 38<sup>th</sup> Avenue  
Greeley, Colorado 80634
- Legal Description of Property within LID: Lot 29, Johnson Subdivision First Addition, Weld County, Colorado
19. Owner(s): Stanley W. Greenwood and  
Mary L. Greenwood  
Mailing Address of Owner(s): Same as Address of Property within LID  
Address of Property within LID: 210 38<sup>th</sup> Avenue  
Greeley, Colorado 80634
- Legal Description of Property within LID: Lot 28, Johnson Subdivision First Addition, County of Weld, State of Colorado
20. Owner(s): Theresa M. Sartz Trust  
Mailing Address of Owner(s): Same as Address of Property within LID  
Address of Property within LID: 114 38<sup>th</sup> Avenue  
Greeley, Colorado 80634
- Legal Description of Property within LID: Lot 27, Johnson Subdivision First Filing, a subdivision of Weld County, Colorado

21. Owner(s): Lawrence R. Mackey and Sidnia Mackey  
Mailing Address of Owner(s): Same as Address of Property within LID  
Address of Property within LID: 108 38<sup>th</sup> Avenue  
Greeley, Colorado 80634  
Legal Description of Property within LID: Lot Twenty-Six (26), Johnson Subdivision  
First Addition, a subdivision of a part of the  
Northeast Quarter (NE<sup>1</sup>/<sub>4</sub>) of Section Two (2),  
Township Five (5) North, Range Sixty-Six  
(66) West of the 6<sup>th</sup> P.M., County of Weld,  
State of Colorado
22. Owner(s): Skye M. Sterling and Donald R. Sterling, Jr.  
and Donald R. Sterling  
Mailing Address of Owner(s): Same as Address of Property within LID  
Address of Property within LID: 104 38<sup>th</sup> Avenue  
Greeley, Colorado 80634  
Legal Description of Property within LID: Lot 25, Johnson Subdivision, First Addition,  
County of Weld, State of Colorado
23. Owner(s): Raymond F. Larson  
Mailing Address of Owner(s): Same as Address of Property within LID  
Address of Property within LID: 120 40<sup>th</sup> Avenue  
Greeley, Colorado 80634  
Legal Description of Property within LID: Lot 23, Johnson Subdivision, County of  
Weld, State of Colorado
24. Owner(s): Raymond F. Larson  
Mailing Address of Owner(s): 120 40<sup>th</sup> Avenue  
Address of Properties within LID: N/A (Vacant Land)  
Greeley, Colorado 80634  
Legal Description of Properties within LID: Lot 22, Johnson Subdivision, First Addition,  
County of Weld, State of Colorado
25. Owner(s): Raymond F. Larson  
Mailing Address of Owner(s): 120 40<sup>th</sup> Avenue  
Address of Properties within LID: N/A (Vacant Land)  
Greeley, Colorado 80634  
Legal Description of Properties within LID: Lot 21, Johnson Subdivision, First Addition,  
County of Weld, State of Colorado
26. Owner(s): Raymond F. Larson  
Mailing Address of Owner(s): 120 40<sup>th</sup> Avenue  
Address of Properties within LID: N/A (Vacant Land)  
Greeley, Colorado 80634  
Legal Description of Properties within LID: Lot 20, Johnson Subdivision, First Addition,  
County of Weld, State of Colorado

27. Owner(s): John A. Baumgartner and  
Beth Ann Baumgartner  
Mailing Address of Owner(s): Same as Address of Property within LID  
Address of Property within LID: 208 N. 40<sup>th</sup> Avenue  
Greeley, Colorado 80634  
Legal Description of Property within LID: Lot 19, Johnson Subdivision,  
County of Weld, State of Colorado
28. Owner(s): Douglas D. Smith and  
Margaret Ellen McGurk  
Mailing Address of Owner(s): Same as Address of Property within LID  
Address of Property within LID: 222 N. 40<sup>th</sup> Avenue  
Greeley, Colorado 80634  
Legal Description of Property within LID: Lot 18, Johnson Subdivision,  
County of Weld, State of Colorado
29. Owner(s): The Holman Living Trust  
Mailing Address of Owner(s): Same as Address of Property within LID  
Address of Property within LID: 3924 B Street  
Greeley, Colorado 80634  
Legal Description of Property within LID: Lot 17, Johnson Subdivision First Addition,  
County of Weld, State of Colorado
30. Owner(s): Tracy Sue Trentlage  
Mailing Address of Owner(s): Same as Address of Property within LID  
Address of Property within LID: 3914 B Street  
Greeley, Colorado 80634  
Legal Description of Property within LID: Lot 16, Johnson Subdivision 1<sup>st</sup> Addition,  
County of Weld, State of Colorado, together  
with that portion of vacated B Street which  
was vacated by instrument recorded  
December 14, 2004, under Reception No.  
3243860
31. Owner(s): Daniel A. Delventhal and  
Rachel L. Delventhal  
Mailing Address of Owner(s): Same as Address of Property within LID  
Address of Property within LID: 3915 B Street  
Greeley, Colorado 80634  
Legal Description of Property within LID: Lot 2, Best Way Park Minor Subdivision,  
First Replat
32. Owner(s): Laira L. Ziegler  
Mailing Address of Owner(s): Same as Address of Property within LID  
Address of Property within LID: 3995 B Street



- Greeley, Colorado 80634  
 Legal Description of Property within LID: Lot 14, Johnson Subdivision First Addition,  
 County of Weld, State of Colorado
33. Owner(s): Kim S. Martin  
 Mailing Address of Owner(s): Same as Address of Property within LID  
 Address of Property within LID: 4001 B Street  
 Greeley, Colorado 80634  
 Legal Description of Property within LID: Lot 13, Johnson Subdivision First Addition,  
 County of Weld, State of Colorado
34. Owner(s): Kirk Cosson  
 Mailing Address of Owner(s): Same as Address of Property within LID  
 Address of Property within LID: 4007 B Street  
 Greeley, Colorado 80634  
 Legal Description of Property within LID: Lot 12, Johnson Subdivision First Addition,  
 County of Weld, State of Colorado
35. Owner(s): Kurt Weaver and Neleda Jean Lang  
 Mailing Address of Owner(s): Same as Address of Property within LID  
 Address of Property within LID: 225 N. 40<sup>th</sup> Avenue  
 Greeley, Colorado 80634  
 Legal Description of Property within LID: Lot 11, Johnson Subdivision, a subdivision of  
 a part of the Northeast ¼ of Section 2,  
 Township 5 North, Range 66 West of the 6<sup>th</sup>  
 P.M., according to the recorded map or plat  
 thereof, County of Weld State of Colorado
36. Owner(s): Bart A. Petersen  
 Mailing Address of Owner(s): Same as Address of Property within LID  
 Address of Property within LID: 217 N. 40<sup>th</sup> Avenue  
 Greeley, Colorado 80634  
 Legal Description of Property within LID: Lot 10, Johnson Subdivision, Weld County,  
 Colorado
37. Owner(s): Jack L. Hough and Shirley L. Hough  
 Mailing Address of Owner(s): Same as Address of Property within LID  
 Address of Property within LID: 203 N. 40<sup>th</sup> Avenue  
 Greeley, Colorado 80634  
 Legal Description of Property within LID: Lot 9, Johnson Subdivision, Weld County,  
 Colorado
38. Owner(s): Jeffrey G. Cozad and Molly J. Cozad  
 Mailing Address of Owner(s): Same as Address of Property within LID  
 Address of Property within LID: 115 N. 40<sup>th</sup> Avenue  
 Greeley, Colorado 80634

Legal Description of Property within LID: Lot 8, Johnson Subdivision, Weld County, Colorado

Section 5. Assessments shall be collected only on sanitary sewer taps that connect directly to, or upstream of, the Johnson Subdivision Sanitary Sewer Infrastructure associated with Local Improvement District No. 43840, and against the properties described in Section 4 above.

Section 6. Properties within the boundaries of Local Improvement District No. 43840 remain subject to all requirements of the Greeley Municipal Code regarding City sanitary sewer service, including, without limitation, the requirement to construct additional sanitary sewer line extensions if necessary in order to facilitate connection to the Johnson Subdivision Sanitary Sewer Infrastructure, and the requirement to pay sanitary sewer plant investment fees.

Section 7. A public hearing on this ordinance and the establishment of Local Improvement District No. 43840 is hereby scheduled for February 2, 2021 during the regular meeting of the City Council. Additional notice of the public hearing shall be given by the City Clerk to the property owners listed in this ordinance, in accordance with Section 13.44.100 of the Greeley Municipal Code.

Section 8. This ordinance shall take effect on the fifth (5<sup>th</sup>) day following its final publication, as set forth in Section 3-16 of the Greeley City Charter.

**PASSED AND ADOPTED, SIGNED AND APPROVED ON THIS \_\_\_\_ DAY OF JANUARY 2021.**

ATTEST

CITY OF GREELEY, COLORADO

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

\_\_\_\_\_  
Mayor

# **JOHNSON SUBDIVISION Local Improvement District**

Presented to City Council

January 19, 2021

# City of Greeley Project Goals

- Develop strategies to address Septic systems;
  - Vulnerable to failure
  - Required by law to connect to municipal sewer
- Current costs for Johnson Subdivision resident to connect to municipal sewer
  - **\$51,280 up to \$200,000+**
  - Wide range in cost primarily dependent on how much sewer main is required
- Reduce resident risk and cost (when septic systems fails)
- Minimize total project costs
- Allow project cost to be reimbursed to W&S
- Evaluate financing alternatives to reduce instantaneous cost to residences
- Educate residents on laws, policies, potential future costs
- Share best management practices for increasing the longevity of the septic systems

# Johnson Subdivision

Average life span of a septic system is between 15 and 40 years depending on maintenance. (EPA)

- Total Properties (43)
  - Properties on septic (36)
  - Properties converted to City Sewer (4)
  - Undeveloped Lots (3)
- Homes older than 40 years (33)
- One current failed septic system



# Greeley Municipal Code Requirements



## Section 14.12.060

- The owner of a property within the City and abutting right-of-way in which infrastructure is located is required to connect to the municipal sanitary sewer system at his or her expense, provided the infrastructure is within 400 feet of the property

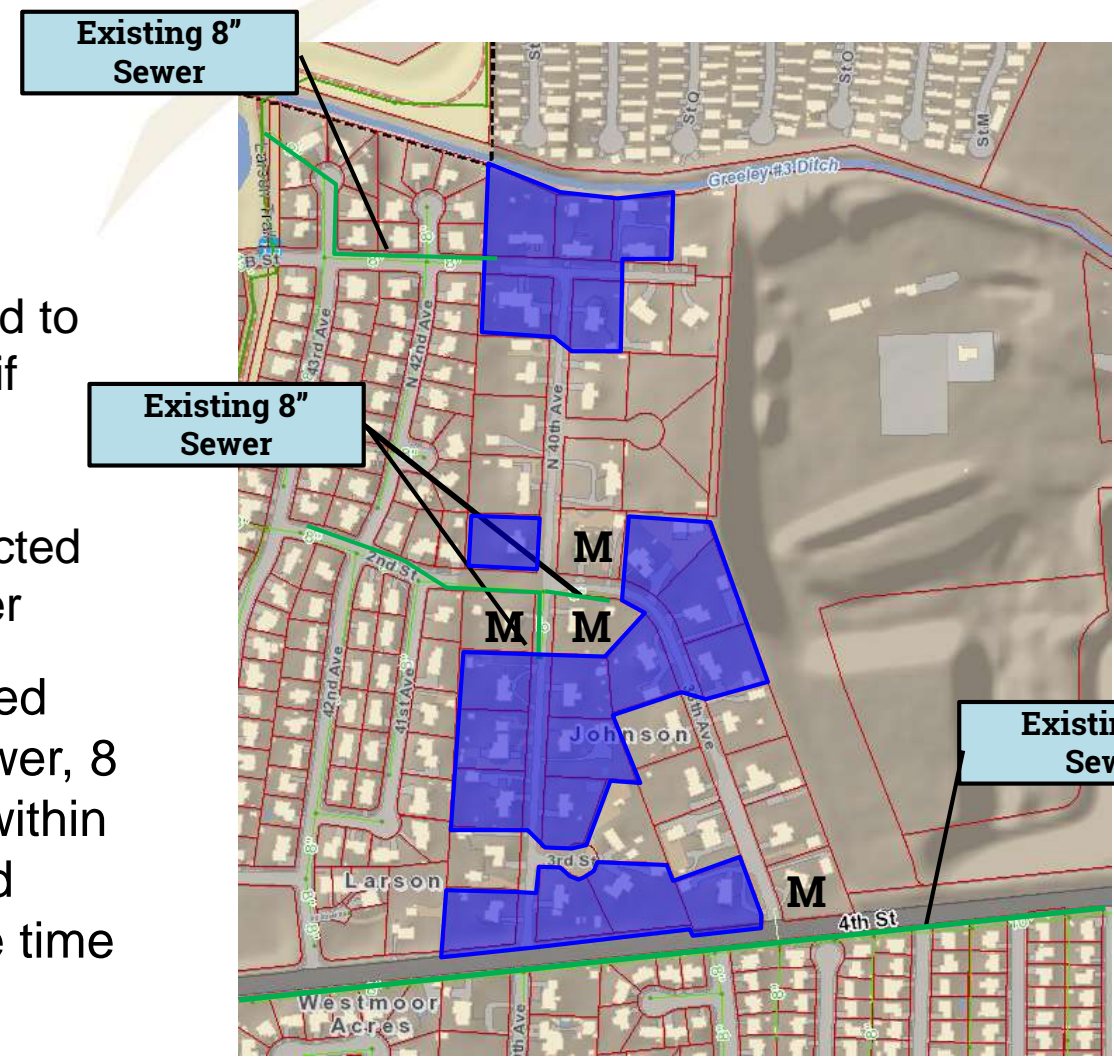
## Sections 14.12.110 and 14.12.130

- The owner of property who applies for sanitary sewer service, or is otherwise required to connect, is responsible for a sanitary sewer plant investment fee (PIF), all labor and materials required to install the sanitary sewer tap, installation of property service lines, and trenching/street repairs

# Properties Required to Connect

-  Existing Sanitary Sewer
-  Properties required to connect to sewer if septic fails (20)
- M** Properties Connected to Municipal Sewer

When the property with failed septic constructs to city sewer, 8 more properties would be within 400 ft. and thereby required connect to city sewer at the time of septic failure.



**In time all properties will be required to connect**



# Project Approach

Proposed project approach:

- W&S will front all cost for the improvements
- W&S Engineering Staff completes design (no design fees)
- W&S Operations staff to Install the Public Sewer Main
  - Eliminates contractor equipment, labor, overhead, and profit costs.
- Create a Local Improvement District (LID), W&S cost recovery at time of connection
- Project will not construct private sewer services

❖ **W&S Estimated Project Cost - \$480,000**

❖ **Estimated Contractor Project Cost - \$720,000**



# Project Phasing and Schedule

- Existing Sanitary Sewer
- Proposed Sanitary Sewer (Phase 1)
- Proposed Sanitary Sewer (Phase 2)

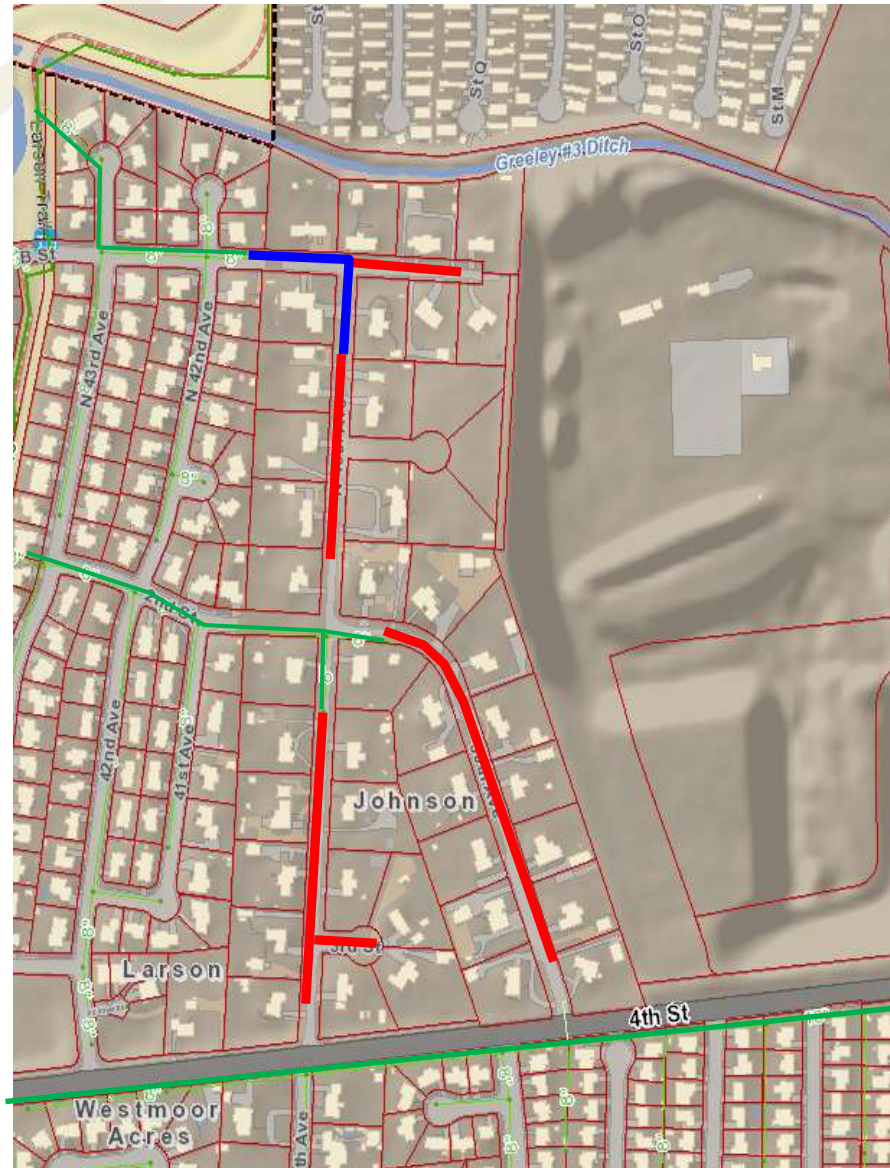
- Total Project 3,270 feet of sewer pipe

## Phase 1 –Addresses Failed Septic

- Funded by Sewer Extension BUN
- Construction February 2021
- Construction 1 to 2 weeks

## Phase 2

- Requires an Appropriation in 2021
- Construction April 2021
- Construction 6 to 8 weeks



# Cost Comparison

## Resident Cost - State Statute & City Policies

\$51,280 to \$200,000+

- Owner is responsible for all project cost at the time of septic failure
- Required to hire all consultants and contractors to complete project
- Owner takes all risk and responsibility for project completion

## Resident Cost - Proposed W&S Approach

\$23,911 to \$33,911

- Costs would only be due at time of connection to sewer
- Costs due to the City (\$18,911)
  - LID fee (estimated at \$12,631)
  - Sewer Plant Investment fee (currently \$6,000)
  - Tapping fee (\$280)
- Owner cost to install sewer service (\$5,000 to \$15,000)

# LID Assessments and PIF Payment

## LID Assessments and PIF Payment to City of Greeley

- LID assessment and PIF due to the City at time of private septic failure and subsequent connection to the municipal sanitary sewer system
- Payment could be made by property owner as a one-time payment or over the course of a payment plan (60 months)
- Payment plan would require a lien to be placed on the property
- No interest will accrue on LID assessments

# Johnson Subdivision Local Improvement District

# Questions?

# Council Agenda Summary

January 19, 2021

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

Ray Laws, Assistant City Attorney II, 970-768-4884

**Title:**

Introduction and first reading of an ordinance amending Chapters 4.04 and 4.08 of the Code of the City of Greeley regarding Economic Nexus and the obligation of remote sellers to collect and remit sales tax

**Summary:**

This ordinance modifies the City municipal code to clarify the City's legal authority to collect taxes from large-volume remote retailers, vendors, and marketplace facilitators with economic nexus in the jurisdiction. The ordinance adds new definitions to the municipal code and provides clear guidance for these large-scale remote businesses engaged in business in the City.

**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:**

This ordinance was drafted in response to the U.S. Supreme Court's decision in *Wayfair v. South Dakota*, 138 S.Ct. 2080 (2018). In that case, the Court held that sellers who engage in a significant quantity of business within a state may be required to collect and remit taxes despite not having a physical presence in the state. In essence, the decision allowed local taxing jurisdictions such as Greeley to collect sales tax from remote retailers who had previously asserted exemption from local sales tax due to their remote status. Exemption from taxation had given these internet retailers an unfair competitive advantage over local small businesses and deprived municipalities such as Greeley of much-needed revenue. Under *Wayfair*, local sales tax regimes must still avoid being unduly burdensome on interstate commerce. To prevent any undue hardship on remote businesses, this ordinance provides guardrails to protect small out-of-state retailers, adopts uniform definitions in conformity with other Colorado municipalities, and is adopted with the intention that the City will join a single point of remittance portal through the state later this year.

**Other Issues and Considerations:**

The ordinance will update the City's sales tax code to reflect current case law, bringing clarity for both the City's finance department and high-volume remote retailers, marketplace facilitators, and vendors operating within the City of Greeley as to their sales tax obligations. The model upon which the ordinance is based was developed by tax professionals working with the Colorado Municipal League and has been adopted by almost every major Colorado municipality. The proposed modification to the municipal code is not a tax policy change subject to TABOR restrictions.

**Applicable Council Priority and Goal:**

*A Dynamic and Resilient Economy: In 2040, Greeley is a community of choice for forward-thinking commerce supporting a diverse, vibrant, and resilient economy. We incubate small local business and draw national and international industrial leaders. Our economy supports and sustains an attractive standard of living by providing a healthy continuum of employment opportunities for its residents. Further, our work environment fully complements and capitalizes on our world-class educational system.*

**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 2, 2021.

**Attachments:**

Ordinance  
Memo to Council  
PowerPoint Presentation

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

AN ORDINANCE AMENDING CHAPTERS 4.04 AND 4.08 OF THE CODE OF THE CITY OF GREELEY REGARDING ECONOMIC NEXUS AND THE OBLIGATION OF REMOTE SELELRS TO COLLECT AND REMIT SALES TAX

WHEREAS, the City of Greeley, Colorado, (the “City”), is a home rule municipality, organized and existing under Article XX, Section 6 of the Colorado Constitution; and

WHEREAS, pursuant to Article XX, Section 6 of the Colorado Constitution, the right to enact, administer and enforce sales taxes is clearly within the constitutional grant of power to the City and is necessary to raise revenue with which to conduct the affairs and render the services performed by the City; and

WHEREAS, pursuant to such authority, the City has adopted and enacted Chapters 4.04 and 4.08 of the City Code imposing a sales and use tax (the “Sales Tax Code”), under which City sales tax is levied on all sales and purchases of tangible personal property or taxable services at retail unless prohibited, as applicable to the provision of this Ordinance, under the Constitution or laws of the United States; and

WHEREAS, the United States Supreme Court in *South Dakota v. Wayfair*, 138 S.Ct. 2080 (2018), overturned prior precedent and held that a State is not prohibited by the Commerce Clause from requiring a retailer to collect sales tax based solely on the fact that such retailer does not have a physical presence in the State (“Remote Sales”); and

WHEREAS, based upon the *Wayfair* decision, under the Constitution and laws of the United States the retailer’s obligation to collect and remit tax due and owing on Remote Sales is no longer based on the retailer’s physical presence in the jurisdiction, and the City’s Sales Tax Code needs to be amended to clearly reflect such obligation consistent with said decision; and

WHEREAS, the delivery of tangible personal property, products, or services into the City relies on and burdens local transportation systems, emergency and police services, waste disposal, utilities and other infrastructure and services; and

WHEREAS, the failure to tax remote sales creates incentives for businesses to avoid a physical presence in the State and its respective communities, resulting in fewer jobs and increasing the share of taxes to those consumers who buy from competitors with a physical presence in the State and its municipalities; and

WHEREAS, it is appropriate for Colorado municipalities to adopt uniform definitions within their sales tax codes to encompass marketplace facilitators, marketplace sellers, and multichannel sellers that do not have a physical presence in the City, but that still have a taxable connection with the City;

WHEREAS, the goal of adopting this ordinance is to join in on the simplification efforts of all the self-collecting home rule municipalities in Colorado; and

WHEREAS, this ordinance provides a safe harbor to those who transact limited sales within the City; and

WHEREAS, absent such amendment, the continued failure of retailers to voluntarily apply and remit sales tax owed on remote sales exposes the municipality to unremitted taxes and permits an inequitable exception that prevents market participants from competing on an even playing field; and

WHEREAS, the Council adopts this Ordinance with the intent to address tax administration, and, in connection with, establish economic nexus for retailers or vendors without physical presence in the State and require the retailer or vendor to collect and remit sales tax for all sales made within the marketplace.

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

Section 1: In this ordinance, ellipses indicate material not reproduced as the Council intends to leave that material in effect as it now reads.

Section 2: The Council amends Section 4.04.015 of the Greeley Municipal Code by adding italicized material and deleting stricken material, to read as follows:

4.04.015 – Definitions.

The following words and phrases as used in this Chapter shall have the following meanings:

...

*Economic Nexus means the connection between the City and a person not having a physical nexus in the State of Colorado, which connection is established when the person or marketplace facilitator makes retail sales into the City, and:*



- a. *In the previous calendar year, the person, which includes a marketplace facilitator, has made retail sales into the state exceeding the amount specified in C.R.S. § 39-26-102(3)(c); or*
- b. *In the current calendar year, ninety (90) days has passed following the month in which the person, which includes a marketplace facilitator, has made retail sales into the state exceeding the amount specified in C.R.S. § 39-26-102(3)(c).*

*This definition does not apply to any person who is doing business in this state but otherwise applies to any other person.*

Engaged in Business in the City means performing or providing services or selling, leasing, renting, delivering or installing tangible personal property for storage, use or consumption, within the City. Engaged in business in the City includes, but is not limited to, any one (1) of the following activities by a person:

- a. Directly, indirectly, or by a subsidiary maintains a building, store, office, salesroom, warehouse, or other place of business within the taxing jurisdiction;
- b. Sends one (1) or more employees, agents or commissioned sales persons into the taxing jurisdiction to solicit business or to install, assemble, repair, service, or assist in the use of its products, or for demonstration or other reasons;
- c. Maintains one (1) or more employees, agents or commissioned sales persons on duty at a location within the taxing jurisdiction;
- d. Owns, leases, rents or otherwise exercises control over real or personal property within the taxing jurisdiction; ~~or~~
- e. *A retailer or vendor in the state of Colorado that ~~M~~ makes more than one (1) delivery into the taxing jurisdiction within a twelve (12) month period ~~by any means other than a common carrier~~; or*
- f. *Makes retail sales sufficient to meet the definitional requirements of economic nexus as set forth in this Section.*

...

*Marketplace means a physical or electronic forum, including, but not limited to, a store, a booth, an internet website, a catalog, or a dedicated sales software application, where tangible personal property, taxable products, or taxable services are offered for sale.*

*Marketplace Facilitator*

- a. *Means a person who:*
- i. *Contracts with a marketplace seller or multichannel seller to facilitate for consideration, regardless of whether or not the consideration is deducted as fees from the transaction, the sale of the marketplace seller's tangible personal property, products, or services through the person's marketplace;*
  - ii. *Engages directly or indirectly, through one or more affiliated persons, in transmitting or otherwise communicating the offer or acceptance between a purchaser and the marketplace seller or multichannel seller; and*
  - iii. *Either directly or indirectly, through agreements or arrangements with third parties, collects payment from the purchaser on behalf of the seller.*
- b. *Marketplace Facilitator does not include a person that exclusively provides internet advertising services or lists products for sale, and that does not otherwise meet this definition.*

*Marketplace Seller means a person, regardless of whether or not the person is engaged in business in the city, which has an agreement with a marketplace facilitator and offers for sale tangible personal property, products, or services through a marketplace owned, operated, or controlled by a marketplace facilitator.*

*Multichannel Seller means a retailer that offers for sale tangible personal property, commodities, or services through a marketplace owned, operated, or controlled by a marketplace facilitator, and through other means.*

*Retailer or Vendor means any person selling, leasing, renting, or granting a license to use tangible personal property or services at retail. The terms "Retailer" and "vendor" shall include, but is are not limited to, any:*

- a. Auctioneer;
- b. Salesperson, representative, peddler or canvasser, who makes sales as a direct or

indirect agent of or obtains such property or services sold from a dealer, distributor, supervisor or employer;

- c. Charitable organization or governmental entity which makes sales of tangible personal property to the public, notwithstanding the fact that the merchandise sold may have been acquired by gift or donation or that the proceeds are to be used for charitable or governmental purposes;
- d. Retailer-contractor, when acting in the capacity of a seller of building supplies, construction materials, and other tangible personal property-;
- e. *Marketplace facilitator, marketplace seller, or multichannel seller.*

Section 3: The Council amends Chapter 4 of the Greeley Municipal Code, adding a new Section 4.04.020, by adding italicized material, to read as follows:

*4.04.020 - Marketplace Sales.*

*(A) Obligation to collect and remit tax*

*(1) A marketplace facilitator engaged in business in the City is required to collect and remit sales tax on all taxable sales made by the marketplace facilitator, or facilitated by it for marketplace sellers or multichannel sellers to customers in the City, whether or not the marketplace seller for whom sales are facilitated would have been required to collect sales tax had the sale not been facilitated by the marketplace facilitator.*

*(2) A marketplace facilitator shall assume all the duties, responsibilities, and liabilities of a vendor under Section 4.04.015. Marketplace facilitators shall be liable for the taxes collected from marketplace sellers or multichannel sellers. The City may recover any unpaid taxes, penalties, and interest from the marketplace facilitator that is responsible for collecting on behalf of marketplace sellers or multichannel sellers.*

*(3) The liabilities, obligations, and rights set forth under this article are in addition to any duties and responsibilities of the marketplace facilitator has under this article if it also offers for sale tangible personal property, products, or services through other means.*

*(4) A marketplace seller, with respect to sales of tangible personal property, products, or services made in or through a marketplace facilitator's marketplace, does not have the liabilities, obligations, or rights of a retailer under this article*

*if the marketplace seller can show that such sale was facilitated by a marketplace facilitator:*

*a. With whom the marketplace seller has a contract that explicitly provides that the marketplace facilitator will collect and remit sales tax on all sales subject to tax under this article; or*

*b. From whom the marketplace seller requested and received in good faith a certification that the marketplace facilitator is registered to collect sales tax and will collect sales tax on all sales subject to tax under this article made in or through the marketplace facilitator's marketplace.*

*(5) If a marketplace seller makes a sale that is not facilitated by a licensed marketplace facilitator in a marketplace, the marketplace seller is subject to all of the same licensing, collection, remittance, filing and recordkeeping requirements as any other retailer.*

*(B) Auditing. With respect to any sale, the City shall solely audit the marketplace facilitator for sales made by marketplace sellers or multichannel sellers but facilitated by the marketplace. The City will not audit or otherwise assess tax against marketplace sellers or multichannel sellers for sales facilitated by a marketplace facilitator.*

Section 4: The Council amends Section 4.04.060 of the Greeley Municipal Code, by adding italicized material and deleting stricken material, to read as follows:

4.04.060 – Sales tax levied.

There is levied and there shall be collected and paid a sales tax in the amount stated in Section 4.04.145 as follows:

(1) On the purchase price paid or charged for tangible personal property leased, purchased or sold at retail by every person *engaged in business* ~~exercising a taxable privilege~~ in the City by the sale or lease of such property, except those specifically exempted;

...

*(9) Upon marketplace sales, pursuant to Section 4.04.020*

Section 5: The Council amends Section 4.08.015 of the Greeley Municipal Code, by adding italicized material and deleting stricken material, to read as follows:

4.08.015 – Definitions.

When not clearly otherwise indicated by context, the following words and phrases, as used in this Chapter, shall have the following meanings:

...

Lodging shall mean the transaction of furnishing rooms or accommodations by any person, partnership, association, corporation, estate, receiver, trustee, assignee, lessee, *marketplace facilitator, marketplace seller, or multichannel seller engaged in business in the City as those terms are defined in Section 4.04.015* or any person acting in a representative capacity or any other combination of individuals of whatever name known to a person or persons who, for a consideration, uses, possesses or has the right to use or possess any room or rooms in a hotel, apartment, hotel, lodging house, motor hotel, guest house, guest ranch, mobile home, auto camps, trailer courts and parks, under any concession, permit, right of access, license to use or other agreement, or otherwise.

...

Vendor means a person *or marketplace facilitator, marketplace seller, or multichannel seller engaged in business in the City as those terms are defined in Section 4.04.015* making sales to a purchaser in the City of the taxable service of lodging.

Section 6: No obligation to collect the sales and use tax required by this Ordinance may be applied retroactively. Responsibilities, duties and liabilities described in Section 3 of a marketplace facilitator, marketplace seller, or multichannel seller begin upon licensure or when the municipal sales taxes were first collected from taxable sales made to retail customers prior to licensure.

Section 7: If any provision of this ordinance, or the application of such provision to any person or circumstance, is held to be unconstitutional, then the remainder of this ordinance, and the application of the provisions of such to any person or circumstance, shall not be affected thereby.

Section 8: This ordinance shall become effective on the first day of the month that is at least thirty (30) days after date of its adoption.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS \_\_\_\_ DAY OF FEBRUARY, 2021

ATTEST:

THE CITY OF GREELEY

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

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

January 19<sup>th</sup> & February 2, 2021

Michael Kibbee |  
Revenue & Business License Manager

# Proposed Municipal Code Revisions for Marketplace Facilitator Language



# Purpose of the Ordinance

- A recent United States Supreme Court case has made it possible for the City to continue to collect sales tax from high-volume internet retailers such as Amazon so long as certain guardrails are in place.
- Previously, some remote sellers argued they were largely exempt from local sales tax, giving them an unfair competitive advantage over local small businesses and depriving the City of much-needed revenue.
- This ordinance will bring clarity to the City's sales tax code for remote retailers and bring the code into conformity with other municipalities such as Denver, Fort Collins, Pueblo, Longmont and Colorado Springs.



# Legal Background

- In 2018, the US Supreme Court issued *South Dakota v. Wayfair*, 138 S.Ct. 2080 (2018):
  - The Court ruled that states may charge tax on purchases made from out-of-state sellers, even if the seller does not have a physical presence in the taxing state.
  - Provided a path for states and municipalities to adopt language regulating remote retailers, who had previously avoided local sales taxes despite their reliance on local infrastructure (i.e. streets and roads).
  - The Court indicated that taxation of out-of-state retailers was not unconstitutional in part because SD had several protections in place that removed the burden on interstate commerce, including a safe harbor for those who do minimal transactions in the state (a threshold), a clause eliminating taxes be paid retroactively, a state level tax administration, and standard definitions.

# Greeley's Response

- Here in Colorado, the sales tax system is more complicated than in South Dakota, as there are 72 individual home rule municipalities who each self-collect their own sales tax.
- This ordinance, based upon a CML model drafted by tax experts, clarifies which remote sellers must now remit sales tax to Greeley under *Wayfair* to clearly include large remote retailers and vendors of services like Airbnb.
- To prevent any undue hardship on high volume remote businesses, it provides guardrails to exclude small out-of-state retailers, adopts uniform definitions in conformity with other Colorado municipalities, and is adopted with the intention that the City will join a single point of remittance portal through the state later this year.

# Definitions to be Added

- Marketplace Facilitator
  - 3<sup>rd</sup> party Sellers, who bring Vendors & Buyers together
    - Amazon, EBay, Etsy, Airbnb
- Marketplace Seller
  - Seller who owns their product
    - Nike, Apple
- Multi-Channel Seller
  - Seller who may market through multiple avenues, as in: Brick & Mortar, Online, Email, Phone, Mail, Social Media, etc.
    - Walmart, Target

# Greeley Sales Tax Departmental Goals

- Ensure compliance, and to make sure there is a level playing field for all retailers
  - Local, remote, & online
- Taking part in an initiative already adopted and well received by the State and many other Colorado municipalities
- Keeping up on current business trends as businesses moves more toward a remote/online presence

# Questions?



# Council Agenda Summary

January 19, 2021

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

**Title:**

Appointment to Greeley/Weld Housing Authority

**Summary:**

On February 1, 2000, City Council adopted a Resolution authorizing that the local Housing Authority shall be composed of seven commissioners appointed by the Mayor pursuant to the newly enacted Sections of C.R.S. 29-4-205. On June 16, 2020, City Council adopted a resolution expanding the membership to 9 commissioners by adding two additional seats that are recommended by the Board of County Commissioners of Weld County for appointment by the Mayor. This item is asking City Council's consideration to fill one of the two new County representative seats.

**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?	N/A
Is there grant funding for this item?	No
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	N/A

**Legal Issues:**

N/A

**Other Issues and Considerations:**

N/A

**Applicable Council Priority and Goal:**

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

**Decision Options:**

- 1) Approve the appointment of Dennie Kutcher; or
- 2) Deny the appointment

**Council's Recommended Action:**

A motion to approve the appointment of Dennie Kutcher to the Greeley/Weld Housing Authority.

**Attachments:**

Letter from Board of County Commissioners  
Resolution of the Board of County Commissioners



OFFICE OF BOARD OF COMMISSIONERS  
PHONE: 970-336-7204  
FAX: 970-336-7233  
1150 O STREET  
P.O. BOX 758  
GREELEY, COLORADO 80632

December 29, 2020

The Honorable John Gates  
Mayor of Greeley  
1001 11<sup>th</sup> Avenue  
Greeley, Colorado 80631

RE: Housing Authority of City of Greeley

Dear Mayor Gates,

In accordance with the City of Greeley resolution dated June 16, 2020, adding two more Weld County representatives on the Greeley Housing Authority, the Board of Commissioners passed a resolution recommending the appointment of Dennie Kutcher to fill one of those new openings.

We are enclosing a copy of our resolution stating we recommend appointment. Please advise our office of your decision.

Sincerely,

BOARD OF COUNTY COMMISSIONERS

A handwritten signature in blue ink that reads 'Mike Freeman'. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Mike Freeman, Chair

C: Tom Teixeira  
Dennie Kutcher



RESOLUTION

RE: APPROVE APPOINTMENT TO GREELEY HOUSING AUTHORITY

WHEREAS, the Board of County Commissioners of Weld County, Colorado, pursuant to Colorado statute and the Weld County Home Rule Charter, is vested with the authority of administering the affairs of Weld County, Colorado, and

WHEREAS, a vacancy currently exists on the Greeley Housing Authority, and

WHEREAS, the Weld County Board of Commissioners recommends the Mayor of the City of Greeley appoint Dennie Kutcher to said board as the County Representative, with a term to expire September 30, 2025.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Weld County, Colorado, that Dennie Kutcher, be, and hereby is, recommended for appointment to the Greeley Housing Authority, with a term to expire September 30, 2025.

The above and foregoing Resolution was, on motion duly made and seconded, adopted by the following vote on the 16th day of December, A.D., 2020.

BOARD OF COUNTY COMMISSIONERS  
WELD COUNTY, COLORADO

ATTEST: Jason G. Meisk  
Weld County Clerk to the Board

Mike Freeman  
Mike Freeman, Chair

BY: Marin N. King  
Deputy Clerk to the Board

Steve Moreno  
Steve Moreno, Pro-Tem

Scott K. James  
Scott K. James

APPROVED AS TO FORMS  
[Signature]  
County Attorney

Barbara Kirkmeyer  
Barbara Kirkmeyer

Kevin D. Ross  
Kevin D. Ross

Date of signature: 12/29/20



cc: BOCC(KF)  
12/29/20

2020-3776  
HA0003

# Council Agenda Summary

January 19, 2021

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

**Title:**

Posting Sites for Notices of City Council Meetings

**Summary:**

The Colorado Open Meetings Act, C.R.S. §24-6-402, includes a requirement that each year a governing body is required to designate the public places(s) for posting meeting notices. Council has previously designated the bulletin boards in both entrances to City Hall as the official posting sites for physically posting agendas of City Council meetings and work sessions, and these sites also served as locations for posting meeting notices of Council's appointed boards and commissions.

Effective July, 2019, changes to this law intend for local governments to transition away from relying on posting physical notices of public meetings in physical locations and toward posting notices on its public website.

Designating the City of Greeley's public website, [www.greeleygov.com](http://www.greeleygov.com), as the official posting location for meeting notices of the City Council meets the requirements of the Open Meetings Act. With the remodel of City Hall complete, there are no longer physical bulletin boards accessible to the public at the building entrances, so no standing physical posting location is recommended. C.R.S. §24-6-402 (2)(c)(II) requires designation of a public location for physical notices in the event of exigent or emergency circumstances that may prevent the public from accessing a notice online. For the purpose of designating a backup physical location for posting, the public lobby of City Hall is recommended.

**Fiscal Impact:**

Does this item create a fiscal impact on the City of Greeley?	No
If yes, what is the initial, or, onetime impact?	
What is the annual impact?	
What fund of the City will provide Funding?	
What is the source of revenue within the fund?	
Is there grant funding for this item?	No
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	There are no extraordinary expenses over the routine cost of public outreach efforts mentioned above.

**Legal Issues:**

None.

**Other Issues and Considerations:**

Posting a site designation is required under the Colorado Open Meetings Act.

**Applicable Council Priority and Goal:**

Engaging the Community

**Decision Options:**

- 1) Designate the City of Greeley's website as the official posting site for meeting notices of the City Council, including agendas of City Council Meetings and Work Sessions, and the public lobby of City Hall as the backup location for such postings;  
or
- 2) Establish an alternate method of notifying the public of meetings to be held.

**Council's Recommended Action:**

Council's recommended action is to designate the City of Greeley's website, [www.greeleygov.com](http://www.greeleygov.com), as the official posting site for meeting notices of the City Council, and the public lobby of City Hall, located at 1000 10<sup>th</sup> St, as the backup location for such postings.

**Attachments:**

None

# Council Agenda Summary

January 19, 2021

**Title**

Pulled Consent Agenda Items

# Council Agenda Summary

January 5, 2021

Key Staff Contact: Maria Gonzalez, Human Resources Director, 970-888-1857

**Title:**

Public hearing and final reading of an ordinance authorizing a Fiscal Year 2020 salary increase for the City Manager

**Summary:**

As part of this past year's Fiscal Year 2020 budget adopted by the City Council on October 15, 2019, market and merit increases were approved for general employees. In accordance with that action, approved market and merit increases for general City employees were processed administratively through the performance management system effective February 20, 2020.

As a part of the performance review and compensation adjustment process for the City Manager, a market pay analysis for positions reporting to City Council was conducted and the survey information was provided to Council at the time of the annual performance reviews.

	Annual Base Compensation
Greeley City Manager – Current	\$238,167
Average Colorado Surveyed Municipalities (as of 12-31-19)	\$245,827
Greeley City Manager – after merit increase	\$246,503

The annual review of the City Manager was conducted by City Council on February 4, 2020. A summary of Council performance review comments is attached. Based on this annual review, the City Council was considering the following adjustments to the City Manager's compensation retroactive to February 20, 2020:

- a merit increase of three and one-half percent (3.5%); and
- an increase in the deposit to the ICMA deferred compensation account (457) maintained by the Employee to 9.5%, an increase of 3.5%. Such deposits are to be made generally in equal amounts each pay period.

Since performance reviews and corresponding compensation adjustments for the City Manager must be processed by the City Council through an ordinance, such action was not presented to the City Council for a first reading until March 17, 2020 with a final reading and public hearing scheduled for April 7, 2020. During the final reading, each of the City Council appointed employees asked to defer compensation adjustments due to the economic uncertainties related to the COVID-19 virus that starting impacting Greeley in mid-to-late March. Based on the requests to defer the

compensation adjustments, the City Council adopted ordinances that did not implement any compensation adjustments.

Based on the April 7, 2020 deferral of action on the compensation adjustments for the City Council appointed employees related to their respective performance review, the City Council has indicated its desire to revisit the matter and consider action implementing the adjustments retroactive to February 20, 2020. In accordance with City of Greeley Charter §3-15, any action by the City Council to adjust compensation (including salary and benefits) must be done by ordinance.

This ordinance was introduced at the January 5, 2021 Council Meeting.

**Fiscal Impact:**

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	N/A
What is the annual impact?	\$18,526
What fund of the City will provide Funding?	General
What is the source of revenue within the fund?	
Is there grant funding for this item?	No
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	

**Legal Issues:**

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

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

**Other Issues and Considerations:**

None.

**Applicable Council Priority and Goal:**

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

**Decision Options:**

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

**Council's Recommended Action:**

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

**Attachments:**

Ordinance

Summary of City Council Performance Review Comments

CITY OF GREELEY, COLORADO

ORDINANCE NO. \_\_\_\_ 2021

AN ORDINANCE AUTHORIZING A SALARY INCREASE AND CHANGES TO CERTAIN BENEFITS FOR THE CITY MANAGER.

WHEREAS, Section 3-15 of the Greeley City Charter requires the fixing of compensation to be by ordinance, and salary and benefits are a part of the City Manager's compensation package; and

WHEREAS, the City Manager opted to defer any increase to his 2020 compensation due to the Covid-19 pandemic; and

WHEREAS, on April 7, 2020 the City Council accepted the City Manager's annual review and, upon the request of the City Manager, deferred consideration of compensation adjustments for 2020; and

WHEREAS, the City Council feels that it is appropriate to now consider the deferred 2020 compensation increase for the City Manager.

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

- Section 1. The City Manager's salary is increased by three and one-half percent (3.5%) to \$246,503.
- Section 2. The City shall deposit an amount equal to 9.5% of the Employee's base salary into the ICMA deferred compensation account (457) maintained by the Employee.
- Section 3. The above referenced ordinance shall be effective upon passage and shall be retroactive to February 20, 2020.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS \_\_\_\_ DAY OF JANUARY, 2021.

ATTEST:

THE CITY OF GREELEY, COLORADO

BY: \_\_\_\_\_

BY: \_\_\_\_\_

CITY CLERK

MAYOR



**Greeley City Council – Annual Performance Review  
Roy Otto, City Manager – February 4, 2020**

**Overall Performance Rating and Summary:** Occasionally Exceeds Expectations

Council Comments: Engaged with bringing our city to a level of excellence; availed himself to programs that improve skills and improve the programs within the city; continues to remain dedicated to this city; with a number of transitions at department head levels, has maintained cohesion in the city and filling these roles will be critical; understands the roles and responsibilities of the Council and staff and is always engaged in the activities before us.

**Fiscal Year 2019 Performance Highlights:**

Council Comments: Very pleased to see Roy take advantage of outside programs in the area of coaching, moving from being a director to being a coach. Roy has many examples throughout the year of championing regional efforts. Excellent work in the manager’s work program. The City is in good financial shape - a strong economy helps in the area of financial stability.

**Fiscal Year 2019 Performance Goals:**

Council Comments: Focus on awareness of the things you can change and the things you cannot change; work with an executive coach through Civico leadership; attend University of Virginia high performance academy; develop skill as a coach; provide staff with ongoing positive feedback.

**Performance Focus Area**

<p><b>Job Knowledge/ Skills</b> (Applied Wisdom) - Operational/ functional/ technical expertise; technological literacy; analytical; vision; professional development; Business Acumen</p>
<p>Rating: Regularly Exceeds Expectations Council Comments: Continually looking for areas to improve skill levels; job knowledge and skill level are excellent; functions as a seasoned City Manager in all regards; has a clear vision of the future of Greeley and the ability to connect the dots.</p>
<p><b>Interpersonal Relations</b> (Principled Relationships) - Composure; Compassion Savvy (interpersonal and political); Conflict Management</p>
<p>Rating: Occasionally Exceeds Expectations Council Comments: Works to improve management scores with staff and believes in collective action and collaborative style. At times, his mind moves too fast and he can be perceived as too direct and abrupt. Strides have definitely been made although there is a repeated pattern in regard to communication with staff but appears to have made very positive changes in this area.</p>
<p><b>Customer Service</b> (Integrity) - Effective service delivery; fostering diversity; compliance with and support of policies and programs; communications skills; integrity and trust; ethics and values</p>
<p>Rating: Occasionally Exceeds Expectation Council Comments: Consider proper use of sarcasm; trustworthy, dependable, and ethical. Has a desire to be collaborative in interactions with City Council and internal and external stakeholders. Council has a positive relationship with Roy.</p>
<p><b>Accountability</b> - Resource allocations; performance measures/ management; planning/ execution; fiscal responsibility; dependability; Decision Quality; Confronting Direct Reports; Self-Knowledge; Action oriented</p>

<p>Rating: Occasionally Exceeds Expectations  Comments: Roy’s work program is pertinent and remains on track. Continually evaluates his department directors to streamline City Management operations; provides good fiscal oversight.</p>
<p><b>Management and Supervision (Stewardship)</b> - Managing and measuring work; organizing; process management; Building Effective Teams; Directing Others</p>
<p>Rating: Regularly Exceeds Expectations  Council Comments: Be a better “coach” to staff; Roy manages his team effectively; organized manager and keeps focus on having a high performing team; style that gives great transparency.</p>
<p><b>Leadership</b> - Command skills; strategic ability; perspective; innovation; managing vision and purpose; Peer Relationships; Motivating Others; Managerial Courage</p>
<p>Rating: Occasionally Exceeds Expectations  Council Comments: Listen more before speaking; strong leader with excellent ethics and values; motivator and a huge cheerleader for Greeley; strong command of regional partnerships and relationships.</p>
<p><b>Excellence</b> - Intellectual and action oriented horsepower; Creativity; Drive for Results</p>
<p>Rating: Occasionally Exceeds Expectations  Council Comments: Strives for excellence in every aspect of his job. His actions display strong results.</p>
<p><b>City Council Relationship</b> - Supports the City Council in its development and revision of Council goals to include identifying emerging issues for Council’s consideration; working with the Mayor to develop a process that results in effective Council goal setting; working with Council to prioritize goals in light of importance and budgetary impact; etc. Implementation of Council goals to include researching policy issues; analyzing options and alternatives; presenting Council with complete information from which to make policy decisions; clarifying with staff and Council the expectations in relation to specific goals; ensuring that Council is aware of resources that are available to implement goals; etc. Provides follow-up on Council petitions to include periodic reports as directed by Council, monitoring progress and outside influence that impact the effectiveness of programs or projects initiated by Council goals and direction, etc.</p>
<p>Rating: Regularly Exceeds Expectations  Council Comments: Doing a very good job working with a diverse Council; supports what Council does and meetings are very productive and educational; provides Council with information to allow for questions to be answered; on target with regard to briefing Council as appropriate; makes himself available to meet regularly; good format for informing Council of the activities of all the departments; works with Council on whether petitions are needed or if projects should be moved forward.</p>

**Other Council Comments:**

Roy is a strong, strategic City Manager who has exceptionally strong morals and values. He has gone the extra mile to bring about regional collaboration with neighboring communities in the area of water and other issues of mutual regional interest. He has carefully managed a large turnover and hire process with direct reports. Roy uses his City Management certification credential to benefit his oversight of the City as opposed to wearing it as a personal recognition.

# Council Agenda Summary

January 19, 2021

Key Staff Contact: Maria Gonzalez, Human Resources Director, 970-888-1857

**Title:**

Public hearing and final reading of an ordinance authorizing a Fiscal Year 2020 salary increase for the Municipal Judge

**Summary:**

As part of the Fiscal Year 2020 budget adopted by the City Council on October 15, 2019, market and merit increases were approved for general employees. In accordance with that action, approved market and merit increases for general City employees were processed administratively through the performance management system effective February 20, 2020.

A market pay analysis for positions reporting to City Council was conducted and the survey information was provided to Council at the time of the annual performance reviews.

	Annual Base Compensation
Greeley Municipal Judge – Current	\$154,760
Average Colorado Surveyed Municipalities (as of 12-31-19)	\$159,403
Greeley Municipal Judge – after merit increase	\$160,950

The annual review of the Municipal Judge was conducted by City Council on February 25, 2020. A summary of Council performance review comments is attached. Based on this annual review, the City Council was considering the following adjustments to the City Attorney's compensation retroactive to February 20, 2020:

- A merit increase of four percent (4.0%) retroactive;
- 

Since performance reviews and corresponding compensation adjustments for the City Manager must be processed by the City Council through an ordinance, such action was not presented to the City Council for a first reading until March 17, 2020 with a final reading and public hearing scheduled for April 7, 2020. During the final reading, each of the City Council appointed employees asked to defer compensation adjustments due to the economic uncertainties related to the COVID-19 virus that starting impacting Greeley in mid-to-late March. Based on the requests to defer the compensation adjustments, the City Council adopted an ordinance that did not

implement any salary adjustment for the Municipal Judge, but did authorize a change to the accrual of PTO leave to 160 hours annually (6.14 hour per pay period).

Based on the April 7, 2020 deferral of action on the compensation adjustments for the City Council appointed employees related to their respective performance review, the City Council has indicated its desire to revisit the matter and consider action implementing the adjustments retroactive to February 20, 2020. In accordance with City of Greeley Charter §3-15, any action by the City Council to adjust compensation (including salary and benefits) must be done by ordinance.

This ordinance was introduced at the January 5, 2021 Council Meeting.

**Fiscal Impact:**

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	N/A
What is the annual impact?	\$10,366
What fund of the City will provide Funding?	General
What is the source of revenue within the fund?	
Is there grant funding for this item?	No
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	

**Legal Issues:**

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

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

**Other Issues and Considerations:**

None.

**Applicable Council Priority and Goal:**

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

**Decision Options:**

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

**Council's Recommended Action:**

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

**Attachments:**

Ordinance

Summary of City Council Performance Review Comments

**CITY OF GREELEY, COLORADO**

**ORDINANCE NO.\_\_\_\_, 2021**

**AN ORDINANCE AUTHORIZING A SALARY INCREASE AND CHANGES TO CERTAIN BENEFITS FOR THE MUNICIPAL JUDGE.**

WHEREAS, Section 3-15 of the Greeley City Charter requires the fixing of compensation to be by ordinance, and salary and benefits are a part of the Municipal Judge's compensation package; and

WHEREAS, following the completion of the Municipal Judge's 2019 performance review process, the City Council started the ordinance process to making adjustments on March 17, 2020 to the Municipal Judge's compensation based on the annual review;

WHEREAS, following the onset of the COVID-19 pandemic in mid-to-late March 2020, the Municipal Judge offered to defer any increase to his 2020 compensation due to the Covid-19 pandemic; and

WHEREAS, on April 7, 2020 the City Council accepted the Municipal Judge's annual review and, upon the request of the Municipal Judge, approved a Paid Time Off leave accrual rate adjustment and deferred consideration of salary adjustments for 2020; and

WHEREAS, the City Council feels that it is appropriate to now consider the deferred 2020 compensation increase for the Municipal Judge.

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

Section 1. The Municipal Judge's salary is increased by four percent (4.0%) to \$160,950.

Section 2. The above referenced ordinance shall be effective upon passage and shall be retroactive to February 20, 2020.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS \_\_\_\_ DAY OF JANUARY, 2021

ATTEST:

THE CITY OF GREELEY, COLORADO

BY: \_\_\_\_\_  
CITY CLERK

BY: \_\_\_\_\_  
MAYOR

**Greeley City Council – Annual Performance Review  
Mark Gonzales, Municipal Judge – February 25, 2020**

**Overall Performance Rating and Summary:** Regularly Exceeds Expectations  
 Council Comments: Under Judge Gonzales’ leadership the Municipal Court is positive and moving in the right direction; shows dedication to the City and getting the right thing done

**Fiscal Year 2019 Performance Highlights:**  
 Council Comments: Improved data collection; increased revenue; increased efficiency; developed teamwork among various groups

**Fiscal Year 2019 Performance Goals:**  
 Council Comments: Building team; better tracking systems

**Performance Focus Area**

<p><b>Job Knowledge/ Skills</b> (Applied Wisdom) - Operational/ functional/ technical expertise; technological literacy; analytical; vision; professional development; Business Acumen</p> <p>Rating: Regularly Exceeds Expectations                  Council Comments: Very professional and conducts himself well in the courtroom; displays strong skills with regard to knowledge with operational and functional expertise</p>
<p><b>Interpersonal Relations</b> (Principled Relationships) - Composure; Compassion Savvy (interpersonal and political); Conflict Management</p> <p>Rating: Regularly Exceeds Expectations                  Council Comments: Treats parties in the courtroom respectfully and ensures communication is good; by personal observations and a review of the Judicial Review Board report, it is clear that Judge Gonzales excels in this area</p>
<p><b>Customer Service</b> (Integrity) - Effective service delivery; fostering diversity; compliance with and support of policies and programs; communications skills; integrity and trust; ethics and values</p> <p>Rating: Regularly Exceeds Expectation                  Council Comments: Displays excellent customer service, has excellent integrity and fosters diversity</p>
<p><b>Accountability</b> - Resource allocations; performance measures/ management; planning/ execution; fiscal responsibility; dependability; Decision Quality; Confronting Direct Reports; Self-Knowledge; Action oriented</p> <p>Rating: Regularly Exceeds Expectations                  Comments: Effective relationships with prosecuting attorneys, court staff and defense attorneys; has spent considerable time re-shaping the court; strong in all aspects of this area</p>
<p><b>Management and Supervision</b> (Stewardship) - Managing and measuring work; organizing; process management; Building Effective Teams; Directing Others</p> <p>Rating: Regularly Exceeds Expectations                  Council Comments: Provides excellent stewardship of the court and directs and manages others very well</p>
<p><b>Leadership</b> - Command skills; strategic ability; perspective; innovation; managing vision and purpose; Peer Relationships; Motivating Others; Managerial Courage</p>

Rating: Regularly Exceeds Expectations

Council Comments: Professional and consistent; realized that the Municipal Court needed some change and facilitated change

**Excellence** - Intellectual and action oriented horsepower; Creativity; Drive for Results

Rating: Regularly Exceeds Expectations

Council Comments: Professional and consistent; without question exhibits a high level of drive for results and action orientation.

**Court Room Management**

- Technically competent in the administration of court room proceedings.
- Exhibits a high degree of legal expertise and specific knowledge of the City Charter, City Ordinances, Colorado Uniform Traffic Code, Municipal Criminal Law, and Colorado Municipal Court Rules.

Rating: Regularly Exceeds Expectations

Council Comments: Competent in all areas of court room management; his knowledge of the law is evident.

**Other Council Comments:** It is an honor to have Judge Gonzales and his strong leadership in the judicial role. Judge Gonzales is an outstanding jurist. He has brought a great deal of professionalism and expertise to the bench.



# Council Agenda Summary

January 19, 2021

Key Staff Contact: Maria Gonzalez, Human Resources Director, 970-888-1857

**Title:**

Public hearing and final reading of an ordinance authorizing a Fiscal Year 2020 salary increase for the City Attorney

**Summary:**

As part of the Fiscal Year 2020 budget adopted by the City Council on October 15, 2019, market and merit increases were approved for general employees. In accordance with that action, approved market and merit increases for general City employees were processed administratively through the performance management system effective February 20, 2020.

A market pay analysis for positions reporting to City Council was conducted and the survey information was provided to Council at the time of the annual performance reviews.

	Annual Base Compensation
Greeley City Attorney – Current	\$205,164
Average Colorado Surveyed Municipalities (as of 12-31-19)	\$199,175
Greeley City Attorney – after merit increase	\$219,525

The annual review of the City Attorney was conducted by City Council on February 18, 2020. A summary of Council performance review comments is attached. Based on this annual review, the City Council was considering the following adjustments to the City Attorney's compensation retroactive to February 20, 2020:

- A merit increase of 7% percent (7.0%);

Since performance reviews and corresponding compensation adjustments for the City Manager must be processed by the City Council through an ordinance, such action was not presented to the City Council for a first reading until March 17, 2020 with a final reading and public hearing scheduled for April 7, 2020. During the final reading, each of the City Council appointed employees asked to defer compensation adjustments due to the economic uncertainties related to the COVID-19 virus that starting impacting Greeley in mid-to-late March. Based on the requests to defer the compensation adjustments, the City Council adopted an ordinance that did not implement any salary adjustment for the City Attorney, but did authorize a change to the accrual of PTO leave based on years of service.

Based on the April 7, 2020 deferral of action on the compensation adjustments for the City Council appointed employees related to their respective performance review, the City Council has indicated its desire to revisit the matter and consider action implementing the adjustments retroactive to February 20, 2020. In accordance with City of Greeley Charter §3-15, any action by the City Council to adjust compensation (including salary and benefits) must be done by ordinance.

This ordinance was introduced at the January 5, 2021 Council Meeting.

**Fiscal Impact:**

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	N/A
What is the annual impact?	\$16,868
What fund of the City will provide Funding?	General
What is the source of revenue within the fund?	
Is there grant funding for this item?	No
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	

**Legal Issues:**

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

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

**Other Issues and Considerations:**

None.

**Applicable Council Priority and Goal:**

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

**Decision Options:**

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

**Council's Recommended Action:**

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

**Attachments:**

Ordinance

Summary of City Council Performance Review Comments

**CITY OF GREELEY, COLORADO**

**ORDINANCE NO. \_\_\_ 2021**

**AN ORDINANCE AUTHORIZING A SALARY INCREASE AND CHANGES TO CERTAIN BENEFITS FOR THE CITY ATTORNEY.**

WHEREAS, Section 3-15 of the Greeley City Charter requires the fixing of compensation to be by ordinance, and salary and benefits are a part of the City Attorney's compensation package; and

WHEREAS, following the completion of the City Attorney's 2019 performance review process, the City Council started the ordinance process to making adjustments on March 17, 2020 to the City Attorney's compensation based on the annual review;

WHEREAS, following the onset of the COVID-19 pandemic in mid-to-late March 2020, the City Attorney offered to defer any increase to his 2020 compensation due to the Covid-19 pandemic; and

WHEREAS, on April 7, 2020 the City Council accepted the City Attorney's annual review and, upon the request of the City Attorney, approved a Paid Time Off leave accrual rate consistent with general employees and deferred consideration of salary adjustments for 2020; and

WHEREAS, the City Council feels that it is appropriate to now consider the deferred 2020 compensation increase for the City Attorney.

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

Section 1. The City Attorney's salary is increased by seven percent (7.0%) to \$219,525.

Section 2. The above referenced ordinance shall be effective upon passage and shall be retroactive to February 20, 2020.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS \_\_\_ DAY OF JANUARY, 2021

ATTEST:

THE CITY OF GREELEY, COLORADO

BY: \_\_\_\_\_  
CITY CLERK

BY: \_\_\_\_\_  
MAYOR

**Greeley City Council – Annual Performance Review  
Douglas Marek, City Attorney – February 18, 2020**

**Overall Performance Rating and Summary:** Occasionally Exceeds Expectations

Council Comments: Overall reliable and can expect answers to questions in a timely fashion; appears there is work that needs to be done in terms of management in the office.

**Fiscal Year 2019 Performance Highlights:**

Council Comments: Understanding of municipal law is a strength; identified need to work better with staff for oversight and guidance; state-level boards are indicative of Doug’s state-wide excellent reputation; Kudo’s from CML for performance with Amicus Briefs; provides excellent counsel and explanations are easy to follow; proactive rather than reactive.

**Fiscal Year 2019 Performance Goals:**

Council Comments: Formalize substantive legal advice and opinions; use a management and staff coaching consultant; have more frequent and direct contact with staff in terms of development, leadership, training, and team building.

**Performance Focus Area**

<p><b>Job Knowledge/ Skills (Applied Wisdom)</b> - Operational/ functional/ technical expertise; technological literacy; analytical; vision; professional development; Business Acumen</p>
<p>Rating: Regularly Exceeds Expectations Council Comments: Provides answers on a timely basis; job knowledge and skill set are very strong. His Board appointment epitomizes his stellar reputation state-wide. Much tenured, exceptional attorney.</p>
<p><b>Interpersonal Relations (Principled Relationships)</b> - Composure; Compassion Savvy (interpersonal and political); Conflict Management</p>
<p>Rating: Occasionally Exceeds Expectations Council Comments: Professional – clearly values principled relationships and is professional in all regards.</p>
<p><b>Customer Service (Integrity)</b> - Effective service delivery; fostering diversity; compliance with and support of policies and programs; communications skills; integrity and trust; ethics and values</p>
<p>Rating: Occasionally Exceeds Expectation Council Comments: Always structures for excellence; customer service is superior; concerns regarding attorney staffing.</p>
<p><b>Accountability</b> - Resource allocations; performance measures/ management; planning/ execution; fiscal responsibility; dependability; Decision Quality; Confronting Direct Reports; Self-Knowledge; Action oriented</p>
<p>Rating: Regularly Exceeds Expectations Comments: Very reliable; keeps Council informed as appropriate and provides litigation reports that are well done; runs the office with professionalism.</p>
<p><b>Management and Supervision (Stewardship)</b> - Managing and measuring work; organizing; process management; Building Effective Teams; Directing Others</p>
<p>Rating: Occasionally Exceeds Expectations Council Comments: Build a more coachable team; developed a management system that maximizes efficiency of employees and has a maneuverable span of control.</p>

**Leadership** - Command skills; strategic ability; perspective; innovation; managing vision and purpose; Peer Relationships; Motivating Others; Managerial Courage

Rating: Occasionally Exceeds Expectations

Council Comments: Coaching; leads by example; can perform in each position in his office - a trait of excellent leadership.

**Excellence** - Intellectual and action oriented horsepower; Creativity; Drive for Results

Rating: Occasionally Exceeds Expectations

Council Comments: Dependable; provides his high quality leadership in the most cost-effective manner.

**Research & Legal Counsel**

- Provides accurate, concise and timely counsel to City Councilors, Boards and Commissions.
- Protects the City's interests from a legal standpoint; maintains confidentiality.
- Provides all Councilors with the same information within the same time frame.
- Exhibits a high degree of legal expertise.
- Initiates legal action on behalf of and defends the City in any legal action initiated against it.
- Provides accurate, concise and timely council to all City directors, supervisors and other appropriate staff.
- Identifies any legal concerns with the City's personal and department policies.

Rating: Occasionally Exceeds Expectations

Council Comments: Provides accurate and timely information; developed an internal case management system that is all-inclusive. In spite of an increased need for research city-wide, he and his staff have stayed caught up; utilize coaching both for staff but also individually.

**Other Council Comments:** Doug Marek is, and had been, an excellent City Attorney. He manages a fairly large office in a strategic and organized fashion. We are lucky to have Doug on our team! Brings strong leadership and ethics to the organization and his department.

# Council Agenda Summary

January 19, 2021

## Agenda Item Number

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

Mike Garrott, Planning Manager, 970-350-9784

### Title:

Public hearing and final reading of an ordinance adopting various amendments to Title 18 of the Municipal Code regarding updating and clarifying the notice requirements for amendments to Final Planned Unit Developments (PUDs) and major amendments to Development Concept Master Plan (DCMP) (Chapters 18.18 and 18.30), changing the words public meeting to public hearing (Chapter 18.18.040), and clarification as it relates to freestanding sign calculations (Chapter 18.54)

### Summary:

Periodically planning staff will make recommendations for various changes to the Development Code. These are proposed to address inconsistencies that may have been discovered, or to improve the structure and allow easier use by the public and others who use the Code.

This small set of Code Updates was in development prior to the broader Development Code Update initiative this year with which Council is familiar. These historic administrative policies are particularly confusing or inconvenient to developers and applicants, however, so staff is proposing them for Council consideration at this time.

The attached staff report has a detailed explanation of proposed changes, including the rationale for the change, and any financial implications (none in this case).

The Planning Commission considered this request on December 8, 2020 and unanimously recommended approval to the 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 legislative process.

**Other Issues and Considerations:**

None.

**Applicable Council Priority and Goal:**

Consistency with Comprehensive Plan and Development Code.

**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 proposed amendments to Chapter 18 of the Greeley Municipal Code as presented to meet the intent of the Comprehensive Plan and clarify administration of the Development Code.

**Attachments:**

Ordinance, with Exhibit

Planning Commission Summary (Staff Report) (December 8, 2020)

Planning Commission Minutes-Draft (December 8, 2020)

PowerPoint Presentation



CITY OF GREELEY, COLORADO

ORDINANCE NO. \_\_\_\_, 2021

CASE NO. CU2020-0003

AN ORDINANCE ADOPTING VARIOUS AMENDMENTS TO TITLE 18 OF THE MUNICIPAL CODE REGARDING UPDATING AND CLARIFYING THE NOTICE REQUIREMENTS FOR AMENDMENTS TO FINAL PLANNED UNIT DEVELOPMENTS (PUDs) AND MAJOR AMENDMENTS TO DEVELOPMENT CONCEPT MASTER PLAN (DCMP) (CHAPTERS 18.18 AND 18.30), CHANGING THE WORDS PUBLIC MEETING TO PUBLIC HEARING (CHAPTER 18.18.040), AND CLARIFICATION AS IT RELATES TO FREESTANDING SIGN CALCULATIONS (CHAPTER 18.54)

WHEREAS, it becomes necessary to update the Greeley Municipal Code from time to time to adopt zoning codes and development standards that continue to align with public values and Council priorities; and,

WHEREAS, amending the Development Code in this manner will update those elements of the Code relative to such court cases and provide for the public interest and further protect the health, safety and welfare of City residents; and,

WHEREAS, the Planning Commission conducted a public hearing to review and consider the proposed changes on December 8, 2020, and recommended their adoption by City Council.

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

Section 1. Portions of the Greeley Municipal Code Chapter 18 related to various ministerial changes is hereby amended as described in Exhibit A, attached hereto.

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 \_\_\_\_\_, 2021.

ATTEST:

THE CITY OF GREELEY

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

\_\_\_\_\_  
Mayor

## Exhibit A

## Chapter 18.18

## Notice

18.18.040 Public ~~meeting~~ **HEARING** notice.

(a) Notification of a public hearing at which a land use or development application is to be considered shall be given by posting a sign on the property and publishing a notice in the newspaper. A courtesy notice shall also be mailed to those property owners on the mailing list, the boundaries of which shall be determined by such things as proximity to the subject site, size and height of the proposal for the subject site and the location of major roads. The boundaries of the area to be notified shall generally not exceed five hundred (500) feet. **IF THE PROPOSED LAND USE CONSISTS OF EITHER A MAJOR AMENDMENT TO A FINAL PLANNED UNIT DEVELOPMENT OF A MAJOR AMEDMENT TO AN APPROVED DEVELOPMENT CONCEPT MASTER PALN, ALL PROPERTY OWNERS WITHIN THOSE BOUNDARIES SHALL ALSO BE NOTIFIED.** Public ~~meeting~~ **HEARINGS** which shall require public notice shall be those meetings which are conducted by the Zoning Board of Appeals (~~V~~variances), Planning Commission (~~U~~ses by ~~S~~special ~~R~~review, ~~F~~final ~~P~~planned ~~U~~nit ~~D~~evelopments, ~~A~~ppeals) and the City Council (~~R~~rezonings, ~~E~~establishment of ~~Z~~zoning, ~~A~~nnexations, ~~P~~reliminary ~~P~~planned ~~U~~nit ~~D~~evelopments or ~~A~~ppeals).

18.30.055 Development ~~C~~concept ~~M~~master ~~P~~plan.

(d) Upon approval of a ~~D~~evelopment ~~C~~concept ~~M~~master ~~P~~plan (DCMP) by the City Council, said plan shall remain effective until and unless a revised or amended ~~development concept master plan~~ **DCMP** plan is submitted to the City and approved using the same procedures under which the original plan was approved. Minor amendments shall be considered by the Planning Commission as long as none of the following are proposed:

- (1) There is an increase in the number of lots or housing units, or increase in square footage of nonresidential uses of more than five percent (5%).
- (2) There are changes in street alignment and/or access points, or other public improvements, such as drainage improvements or utility lines or facilities.
- (3) There are other changes in the design master plan which make it in nonconformance with the City's Comprehensive Plan. (~~Ord. 31, 2006 §1; Ord. 65, 2002 §1~~)

Chapter 18.32

Planned Unit Development

18.32.160 Amendments to approved Final Plans.

(d) In order for the City to consider a proposed PUD amendment, the applicant shall provide written approval **NOTICE TO ALL PROPERTY OWNERS WITHIN THE BOUNDARY OF THE PUD, UNLESS NOTED OTHERWISE WITHIN A PREVIOUSLY APPROVED PUD DOCUMENTS. THE APPLICANT SHALL SUBMIT A COPY OF THE NOTICE LETTER AND A LIST OF ADDRESSES TO THE COMMUNITY DEVELOPMENT DEPARTMENT DIRECTOR WITH THE APPLICATION SUBMITTAL DOCUMENTS.** of the proposed amendment by not less than seventy-five percent (75%) of the owners of not less than seventy-five percent (75%) of the land area for PUD plans approved after the effective date of this Code. PUD plans approved prior to the effective date of this Code shall require approval by one hundred percent (100%) of the property owners within the PUD. The applicant may submit at the time of initial Final PUD approval, and the City may approve, a provision which permits less than seventy-five percent (75%) of the owners of not less than seventy-five percent (75%) of the land area in a PUD to approve of a proposed PUD amendment. In no event shall an amendment be permitted which has less than fifty-one percent (51%) of the owners of less than fifty-one percent (51%) of the land area giving written approval for the proposed amendment.

Chapter 18.54

Signs

(d) Freestanding and Monument sign.

(5) The maximum height of freestanding signs shall be as follows:

b. In the C-H, I-L, I-M and I-H zone districts, the maximum height is as follows:

<u>Setback</u>	<u>Maximum Height</u>
Less than 50 ft.	12
51 ft. to 99 ft.	(Setback minus 50x <u>0.26</u> ) plus 12
100 ft. or greater	25



**PLANNING COMMISSION SUMMARY**

**ITEM:** Various amendments to the Greeley Municipal Code including, regarding updating and clarifying the notice requirements for amendments to Final PUDs and major amendments to Development Concept Master Plan (DCMP) [Chapters 18.18 and 18.30], and changing the words public meeting to public hearing (Chapter 18.18.040), and clarification as it relates to freestanding sign calculations (Chapter 18.54)

**PROJECT:** Chapter 18 Development Code updates

**FILE NO:** CU2020-0003

**LOCATION:** (not applicable)

**APPLICANT:** City of Greeley, Community Development Department

**CASE PLANNER:** Mike Garrott AICP, Planning Manager

**PLANNING COMMISSION HEARING DATE:** December 8, 2020

**PLANNING COMMISSION FUNCTION:**

The Planning Commission shall consider the staff report, along with testimony and comments made by the staff and the public, and shall then make recommendations to the City Council regarding the proposed various amendments to the Development Code.

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**PROJECT OVERVIEW AND BACKGROUND:**

Planning staff, from time to time, makes recommendations for various changes to the Development Code as part of an on-going effort to ensure the Code’s effectiveness, accuracy, and functionality. Revisions are proposed to address inconsistencies that may have been discovered, or to improve the structure and allow easier use by the public and others who use the Code. Changes may also be proposed to address a new need in community development, either based on best professional practices, or to respond to a recent City issue.

This package of proposed changes are generally not considered substantive, but more ministerial in nature. The changes include updating and clarifying the notice requirements for amendments to Final PUDs and major amendments to Development Concept Master Plan (DCMP) (Chapters 18.18 and 18.30), changing the words public meeting to public hearing (Chapter 18.18.040) and clarification as it relates to freestanding sign calculations (Chapter 18.54).

The reasoning for specific changes follows each section of the Code where the amendment is proposed.

**KEY ISSUES / STAFF ANALYSIS:**

Article XIX, Section 19-1(b) of the Greeley Charter describes the role of the Planning Commission in providing land use recommendations to City Council. These proposed changes are relevant for the Commission's review and recommendation for Council consideration.

**NOTICE AND COMMENTS:**

Notice has been published in the Greeley Tribune on December 2, 2020, pursuant to the City's notification requirements for revisions to the Development Code.

**PLANNING STAFF RECOMMENDATION:** Approval

**PLANNING COMMISSION RECOMMENDED MOTION:**

A motion that, based on the Project Summary and accompanying analysis, the Planning Commission finds that the proposed amendments to Chapter 18 of the Greeley Municipal Code as presented are necessary and appropriate to meeting the intent of the Comprehensive Plan and to clarify administration of the Development Code, and recommend approval to City Council.

**ATTACHMENTS:**

Attachment A – Proposed Code Changes & Staff Analysis  
Attachment B – Proposed Clean Version

## ATTACHMENT A

### Annotated Explanation of Code Changes

~~Strikethrough~~ = Text removed, deleted

**Bold, Italicized** = Text added/amended

*Italicized* = Explanation

#### **Topic: Notice**

***Staff Analysis:*** *In 1976, the City revised the Development Code language related to the PUD amendment process. The update required that any changes to an approved Final PUD required 100% of the property owners within a PUD approve those changes, prior to the City approval. In 1998, the Development Code amendment reduced the amount of approvals to 75% of the land owners and not less than 75% of the land area. Over time, this provision has been challenging from an applicant perspective as City staff to continue to require this provision. Since applicants are required to seek approval from the other property owners within the PUD, often applications are delayed [(e.g. major corporation structures (locating someone that has the authority to sign)] or held up for other various reasons (sometimes competitor motivations). Applicants are often frustrated, expressing to staff that the process for amending a PUD was more like a de facto veto which required even more than a majority. In an effort to remedy this type of situation, some applicants have pursued rezoning to a traditional zone district, which by code, does not require approval from any property owners within the PUD, rather mailed notice to properties within 500 feet of the property in question. Removing the approval provision and replacing a requirement that all property owners be notified by both the applicant and the City should help to alleviate these issues, help streamline the approval process, and align the process with a rezoning application.*

*As for the Development Concept Master Plan (DCMP), major changes to these types of plans only require notice to properties within 500 feet of a proposal, however, a DCMP may include a very large area of land and / or many property owners. As such, staff is recommending that major changes to a DCMP would require notice, not only to property owners within 500 feet of the application, but also to all properties and owners within the DCMP boundary.*

*The final change is to remove and replace the reference to public meeting and replace the language to a public hearing. This is necessary since, public meetings (as reference elsewhere in the Development Code) do not require notice, while public hearings require notice do require notice. This modification would align better with the rezoning application process.*

#### **Proposed Changes:**

##### **18.18.040 Public ~~meeting~~ hearing notice.**

(a) Notification of a public ~~meeting~~ **hearing** at which a land use or development application is to be considered shall be given by posting a sign on the property and publishing a notice in the newspaper. A courtesy notice shall also be mailed to those property owners on the mailing list, the boundaries of which shall be determined by such things as proximity to the subject site, size

and height of the proposal for the subject site and the location of major roads. The boundaries of the area to be notified shall generally not exceed five hundred (500) feet. ***If the proposed land use consists of either a major amendment to a Final Planned Unit Development or a major amendment to an approved Development Concept Master Plan, all property owners within those boundaries shall also be notified.*** Public ~~meetings~~ *hearings* which shall require public notice shall be those meetings which are conducted by the Zoning Board of Appeals (~~∓~~ *Variances*), Planning Commission (~~∓~~ *Uses* by ~~∓~~ *Special* ~~∓~~ *Review*, ~~∓~~ *Final* ~~∓~~ *Planned* ~~∓~~ *Unit* ~~∓~~ *Developments*, ~~∓~~ *Appeals*) and the City Council (~~∓~~ *Rezoning*s, ~~∓~~ *Establishment* of ~~∓~~ *Zoning*, ~~∓~~ *Annexations*, ~~∓~~ *Preliminary* ~~∓~~ *Planned* ~~∓~~ *Unit* ~~∓~~ *Developments* or ~~∓~~ *Appeals*).

### **18.30.055 Development ~~∓~~ Concept ~~∓~~ Master ~~∓~~ Plan.**

(d) Upon approval of a ~~∓~~ *Development* ~~∓~~ *Concept* ~~∓~~ *Master* ~~∓~~ *Plan* (DCMP) by the City Council, said plan shall remain effective until and unless a revised or amended ~~development concept master plan~~ *DCMP* plan is submitted to the City and approved using the same procedures under which the original plan was approved. Minor amendments shall be considered by the Planning Commission as long as none of the following are proposed:

- (1) There is an increase in the number of lots or housing units, or increase in square footage of nonresidential uses of more than five percent (5%).
- (2) There are changes in street alignment and/or access points, or other public improvements, such as drainage improvements or utility lines or facilities.
- (3) There are other changes in the design master plan which make it in nonconformance with the City's Comprehensive Plan. (~~Ord. 31, 2006 §1; Ord. 65, 2002 §1~~)

### **18.32.160 Amendments to approved Final Plans.**

(d) In order for the City to consider a proposed PUD amendment, the applicant shall provide written ~~approval~~ ***notice to all property owners within the boundary of the PUD, unless noted otherwise within a previously approved PUD documents. The applicant shall submit a copy of the notice letter and a list of addressees to the Community Development Director with the application submittal documents.*** ~~of the proposed amendment by not less than seventy five percent (75%) of the owners of not less than seventy five percent (75%) of the land area for PUD plans approved after the effective date of this Code. PUD plans approved prior to the effective date of this Code shall require approval by one hundred percent (100%) of the property owners within the PUD. The applicant may submit at the time of initial Final PUD approval, and the City may approve, a provision which permits less than seventy five percent (75%) of the owners of not less than seventy five percent (75%) of the land area in a PUD to approve of a proposed PUD amendment. In no event shall an amendment be permitted which has less than fifty one percent (51%) of the owners of less than fifty one percent (51%) of the land area giving written approval for the proposed amendment.~~



## **Topic: Freestanding Signs Calculation**

**Staff Analysis:** *The calculation of freestanding signs setback between 51 feet to 99 feet is currently missing the multiplier after {Setback minus 50 (missing x 0.26)}. Staff determined that the missing multiplier is a simple omission within the current code. This calculation has not changed since the 1998 development code update.*

### **Proposed Changes:**

## **Chapter 18.54**

### **Signs**

(d) Freestanding and Monument sign.

(5) The maximum height of freestanding signs shall be as follows:

b. In the C-H, I-L, I-M and I-H zone districts, the maximum height is as follows:

<b><u>Setback</u></b>	<b><u>Maximum Height</u></b>
Less than 50 ft.	12
51 ft. to 99 ft.	(Setback minus 50x <b>0.26</b> ) plus 12
100 ft. or greater	25

**ATTACHMENT B****Chapter 18.18****Notice****18.18.040 Public hearing notice.**

(a) Notification of a public hearing at which a land use or development application is to be considered shall be given by posting a sign on the property and publishing a notice in the newspaper. A courtesy notice shall also be mailed to those property owners on the mailing list, the boundaries of which shall be determined by such things as proximity to the subject site, size and height of the proposal for the subject site and the location of major roads. The boundaries of the area to be notified shall generally not exceed five hundred (500) feet. If the proposed land use consists of either a major amendment to a Final Planned Unit Development or a major amendment to an approved Development Concept Master Plan, all property owners within those boundaries shall also be notified. Public hearings which shall require public notice shall be those meetings which are conducted by the Zoning Board of Appeals (Variances), Planning Commission (Uses by Special Review, Final Planned Unit Developments, Appeals) and the City Council (Rezoning, Establishment of Zoning, Annexations, Preliminary Planned Unit Developments or Appeals).

**18.30.055 Development Concept Master Plan.**

(d) Upon approval of a Development Concept Master Plan (DCMP) by the City Council, said plan shall remain effective until and unless a revised or amended DCMP plan is submitted to the City and approved using the same procedures under which the original plan was approved. Minor amendments shall be considered by the Planning Commission as long as none of the following are proposed:

- (1) There is an increase in the number of lots or housing units, or increase in square footage of nonresidential uses of more than five percent (5%).
- (2) There are changes in street alignment and/or access points, or other public improvements, such as drainage improvements or utility lines or facilities.
- (3) There are other changes in the design master plan which make it in nonconformance with the City's Comprehensive Plan.

**Chapter 18.32****Planned Unit Development****18.32.160 Amendments to approved Final Plans.**

(d) In order for the City to consider a proposed PUD amendment, the applicant shall provide written notice to all property owners within the boundary of the PUD, unless noted otherwise

within a previously approved PUD documents. The applicant shall submit a copy of the notice letter and a list of addressees to the Community Development Director with the application submittal documents.

### Chapter 18.54

#### Signs

(d) Freestanding and Monument sign.

(5) The maximum height of freestanding signs shall be as follows:

b. In the C-H, I-L, I-M and I-H zone districts, the maximum height is as follows:

<u>Setback</u>	<u>Maximum Height</u>
Less than 50 ft.	12
51 ft. to 99 ft.	(Setback minus 50x0.26) plus 12
100 ft. or greater	25



# PLANNING COMMISSION Proceedings

December 8, 2020  
(Zoom Webinar and viewable on City of Greeley YouTube)  
1:15 p.m.

## ~~I. Call to Order~~

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

## ~~II. Roll Call~~

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

## ~~III. Approval of minutes for meeting held on November 24, 2020~~

~~Commissioner Andersen moved to approve the minutes dated November 24, 2020. Commissioner Schulte seconded the motion. The motion carried 4-0. (Commissioners Briscoe, Franzen and Romulo were absent.)~~

~~Commissioner Briscoe joined the meeting at 1:18 p.m.~~

## ~~IV. A public meeting to consider a Preliminary Subdivision request to subdivide 48.926 acres of land located in the R-H (Residential High Density) zone district into one lot intended for multi-family development, two outlots, one tract for future development, and right-of-way for future improvements to 29<sup>th</sup> Street~~

~~Project Name: Greeley 29<sup>th</sup> Street Multi-Family Preliminary Subdivision  
Case No.: SUB2020-0010  
Applicant: Troy Spraker, Lamp Rynearson, on behalf of Edward Rose & Sons  
Location: North of Ashton Estate Subdivision, south of Highway 34 Bypass, east of 65<sup>th</sup> Avenue, and west of T Bone Ranch Subdivision  
Presenter: Darrell Gesick, Planner III~~

~~Darrell Gesick addressed the Commission and introduced the item as a request to subdivide 48.926 acres of land into one lot intended for multi-family development, two outlots for future right-of-way dedication, one tract for future development, and dedication of right-of-way for future improvements to 29<sup>th</sup> Street. He added that the request included a dedication and vacation of various easements and an alternative compliance for a reduction of the oil and gas setbacks. Mr. Gesick informed that the proposed multi-family will have twenty-one~~

~~Commissioner Andersen moved that, based on the application received and the preceding analysis, the Planning Commission finds that the Preliminary Subdivision is in compliance with the provisions of the Subdivision Regulations and Development Code criteria outlined in Section 18.04.440(d) 1-3 and, therefore, approve the requested preliminary subdivision as presented. Commissioner Schulte seconded the motion.~~

~~Chair Yeater expressed his concern regarding the possibility of the jersey barriers staying in place long term and future challenges the City and Planning Commission may face to remedy the problem. He added that the Fire Department should be involved if oil and gas plug and abandon plans change. He expressed being uncomfortable approving then possibly requesting the applicant to complete additional work in the future. He expressed excitement for this important development for the community and affirmed he would be voting in favor.~~

~~The motion carried 5-0. (Commissioners Franzen and Romulo were absent.)~~

**V. A public hearing to consider amendments to Chapter 18 of the Municipal Code regarding updating and clarifying the notice requirements for amendments to Final Planned Unit Developments (PUD) and major amendments to Development Concept Master Plans (DCMP) (Chapters 18.18 and 18.30) and clarification as it relates to freestanding sign calculations (Chapter 18.54)**

Project Name: Miscellaneous Code Updates  
 Case No.: CU2020-0003  
 Applicant: City of Greeley  
 Presenter: Mike Garrott, Planning Manager

Mike Garrott addressed the Commission and pointed out a correction of the case number in the agenda, noting that it should read CU2020-0003. He introduced the item as a request for various amendments to Chapter 18 of the Municipal Code (“Code”). He advised that staff recommends removal and replacement of the reference to public meeting by replacing the language in Chapter 18.18.040 of the Code to provide clarification for the public and staff.

Mr. Garrott presented the criteria factors for a major change to an approved Final PUD that would result in a Final PUD amendment process. He advised that the Development Code currently requires approval of seventy-five percent of owners of not less than seventy-five percent of land area to amend an approved Final PUD. Mr. Garrott stated that it is often a difficult process to obtain the appropriate signatures when there are multiple landowners or when property is owned by out-of-state corporations.

Mr. Garrott advised that numerous property owners have sought rezoning to traditional zone districts, which by Code, does not require approval from any property owners within the PUD and only requires notice to properties within 500 feet of the property in question. He noted that the proposed amendment does not propose changing the requirements for amendments to a Preliminary PUD. Mr. Garrott advised that staff recommends to remove the approval provision and replace the provision with a requirement that all property owners within the boundary of a final PUD be notified in writing by the applicant and through the public hearing notification process.

Mr. Garrott presented a description of a Development Concept Master Plan (DCMP) and presented criteria factors for major changes to an approved DCMP noting the similarity to a Final PUD Amendment. He informed that the Code requires a notice to property owners within 500 feet of a proposed site for major changes to DCMP. Mr. Garrott added that a typical applicant request is for modification to a development on a single lot and a DCMP often covers large areas of land with many possible property owners. He stated the Code requires notice to a small area that might not capture all properties within the DCMP. Mr. Garrott advised that staff recommend all major changes to a DCMP would require notice to all properties and owners within the DCMP boundary.

Mr. Garrott informed that the calculations for freestanding signs have not changed since the 1998 Development Code update. He explained the current Sign Code formula to calculate signage, adding that the table in the Code is correct but the formula is inaccurate. Mr. Garrott explained that the revision to the sign code section is designed to remove the more complicated language and calculation requirements and allow ease of use by the public.

Staff recommended approval of the proposed amendments to Chapter 18.18 Notice, Chapter 18.30 Development Concept Master Plan, and Chapter 18.54 Signs of the Greeley Municipal Code.

Chair Yeater opened the public hearing at 2:04 p.m. The clerk reported that no comments had been received by email or in the Zoom chat. The public hearing was closed at 2:04 p.m.

Commissioner Andersen moved that, based on the Project Summary and accompanying analysis, the Planning Commission finds that the proposed amendments to Chapter 18 of the Greeley Municipal Code as presented are necessary and appropriate to meeting the intent of the Comprehensive Plan and to clarify administration of the Development Code, and recommend approval to City Council. Commissioner Modlin seconded he motion.

Commissioner Andersen commented that the proposed amendment, referring to notice, is a good idea and inclusive to the public. Commissioner Schulte agreed the change with procedure will be a smoother process for property owners.

The motion carried 5-0. (Commissioners Franzen and Romulo were absent.)

## ~~VI. Staff Report~~

~~Brad Mueller, Community Development Director, addressed the Commission and thanked them for their time and consideration with future planned Code update worksessions. He thanked the Commission for concession to hold a special hearing on December 15, 2020.~~

~~Carol Kuhn, Chief Planner addressed the Commission and explained that a formal action from the Commission was required to cancel the Planning Commission meeting on December 22, 2020 and a separate motion to have a special Planning Commission meeting on December 15, 2020 in lieu of the December 22, 2020 hearing.~~

# Title 18 - Code Amendment

Chapter 18.18 – Notice

Chapter 18.30 – Development Concept Master Plan

Chapter 18.54 - Signs

**City Council**

**January 19, 2021**

**Brad Mueller, Community Development Director**

**Mike Garrott, Planning Manager**

# Background

- **Regular review**
  - **Code effectiveness**
  - **Code's accuracy**
  - **Functionality for the public & others**
  - **Address new land use needs**
  - **Incorporate best practices**
- **Authority: City Charter, Article 14, Section 19-1(b)**



# Public Meeting

- **Public meetings** (as reference elsewhere in the Development Code) do not require notice (Preliminary Plat), while public **hearings** require notice (e.g. USRs, Rezones, Variances, Annexations, PUDs, etc.)
- ***Recommendation:*** remove and replace the reference to public **meeting** and replace the language to a public **hearing**

# Final PUD Amendment

- **Existing Criteria: Major Amendment to an approved Final PUD**
  - *A change in the land uses allowed under the Preliminary PUD Plan*
  - *A change in the character of the development*
  - *An increase in the impacts of traffic circulation and/or public utilities*
  - *A change which would result in the development no longer meeting the approved PUD standards*
  - *Greater than two percent (2%) increase in the approved gross leasable floor areas of commercial or industrial developments*
  - *An increase of greater than one percent (1%) in the approved number of residential dwelling units*
  - *Removal of a recreational amenity*

# Final PUD Amendment

- **Development Code currently requires approvals of 75% of the land owners of not less than 75% of the land area to amend an approved final PUD. Final PUDs include items such as Final Plats (one to many lots) and Final Development Plans (often a single lot). Uses and bulk standards are addressed in Preliminary PUDs approvals.**
- **Obtaining approvals from other property owners is often very challenging and in many cases impossible:**
  - **Out of town owners**
  - **Major corporations**
  - **competitor motivations**
  - **De facto veto**

# Final PUD Amendment

7000 CENTERPLACE DRIVE / 00 2ND FLOOR PLAN  
 Lot 4 of the Centerplace Subdivision  
 A Part of the South half of Section 14, Township 5 North,  
 Range 66 West of the 6th P.M.  
 City of Greeley, County of Weld, State of Colorado  
 PUD 3:15

**ADDRESS**  
 4650 CENTERPLACE DRIVE, GREELEY, COLORADO

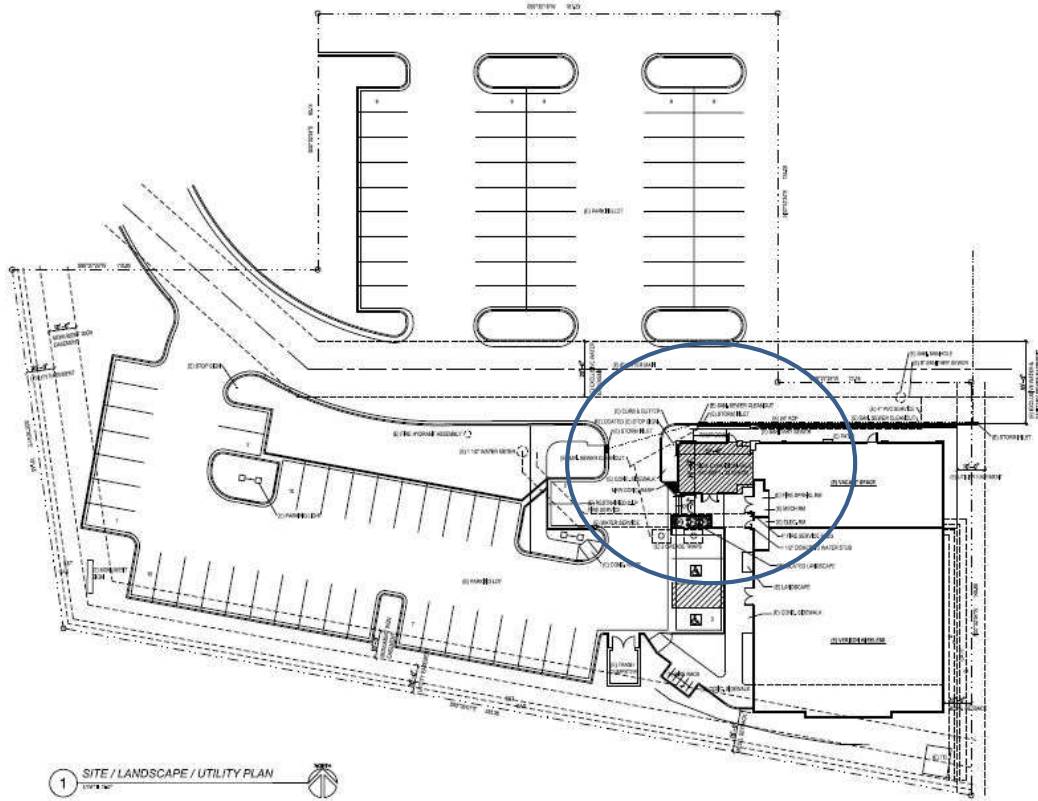
**LEGAL DESCRIPTION**  
 PART OF THE SOUTH HALF OF SECTION 14, TOWNSHIP 5 NORTH  
 RANGE 66 WEST OF THE WEST P.M., CITY OF GREELEY, COUNTY OF  
 WELD, STATE OF COLORADO.  
 PARCELS ID NO. 0061438000A LOT 4, CENTERPLACE PLAZA.

**GROSS BUILDING SQFT**  
 UNIT #4 404 GROSS SQFT  
 UNIT #2 206 GROSS SQFT (EXTENSIVE) + 800 GROSS SQFT (EXPANSION)  
 COMMON AREA 31 GROSS SQFT  
 TOTAL EXIST GROSS SQFT

**PARKING**  
 RETAIL LIMIT: 17 CARS PROVIDED @ 1 CAR / 200-SQFT  
 RESTAURANT LIMIT: 11 CARS PROVIDED @ 1 CAR / 4 SEATS  
 24 CARS PROVIDED, 90 CARS PROVIDED

**NARRATIVE**  
 THIS IS A PROPOSED EXTERIOR PLAN FOR THE ADDITION TO AN  
 EXISTING BUILDING AT THE CORNERPLACES OF GREELEY IN  
 GREELEY, CO. THE ADDITION WILL PROVIDE AN ADDITIONAL 500  
 SQUARE FEET FOR ONE LEASE SPACE AND WILL MAINTAIN THE  
 DESIGN ELEMENTS OF THE PREVIOUS EXTERIOR REMODEL. DESIGN  
 ELEMENTS OF THE ADDITION, INCLUDING THE RFS SYSTEM, PAINT  
 COLOR, METAL CAP FLASHING, STONEWORK, AND CLEAR-ACCESSED  
 ALUMINUM STOREFRONT WILL MATCH EXISTING ELEMENTS. THE  
 EXISTING CURB LINES, SEWAGE LINES, UTILITY LINES, WATER LINES,  
 ETC. ARE TO REMAIN. THE EXISTING SMALL LANDSCAPE (75 SQFT)  
 WILL BE RELOCATED TO THE SOUTH IN ORDER TO ACCOMMODATE  
 THE ADDITION. THE STORAGE DESIGN AND INTERIOR TENANT  
 IMPROVEMENT REMODEL PLAN WILL BE COMPLETED BY THE TENANT  
 ARCHITECT AND WILL BE A SEPARATE PERMIT APPLICATION. ALL  
 ELECTRICAL, MECHANICAL, AND PLUMBING WORK ASSOCIATED WITH  
 THE TENANT PLAN WILL BE SHOWN IN THAT RESPECTIVE SUBMITTAL.  
 THE FUTURE OCCUPANCY OF THE LEASE SPACE WILL ALSO BE  
 DETERMINED ON THAT SUBMITTAL.

ALLOWED BUILDING USERS SHALL BE LIMITED TO RESTAURANT,  
 RETAIL, OFFICE, AND PERSONAL SERVICE.



1 SITE / LANDSCAPE / UTILITY PLAN

DESIGN  
 ARCHITECT  
 AND S. GREELEY WAY  
 ALDEN, COLORADO 80010  
 (970) 441-1100  
 1500 14TH ST. #2  
 GREELEY, CO 80634  
 Spring@springandassociates.com

PROJECT NO.

PLANNED UNIT DEVELOPMENT  
 AMENDMENT IN CETERPLACE  
 4650 CENTERPLACE DR. GREELEY, CO 80634

**PERMIT RECORD**  
 NAME: V-18  
 PROJECT NAME: V-18  
 COUNTY: CAS-10  
 FWD ADDRESS: V-18  
 FWD NUMBER:

**REVISION RECORD**  
 NO. DATE LINE

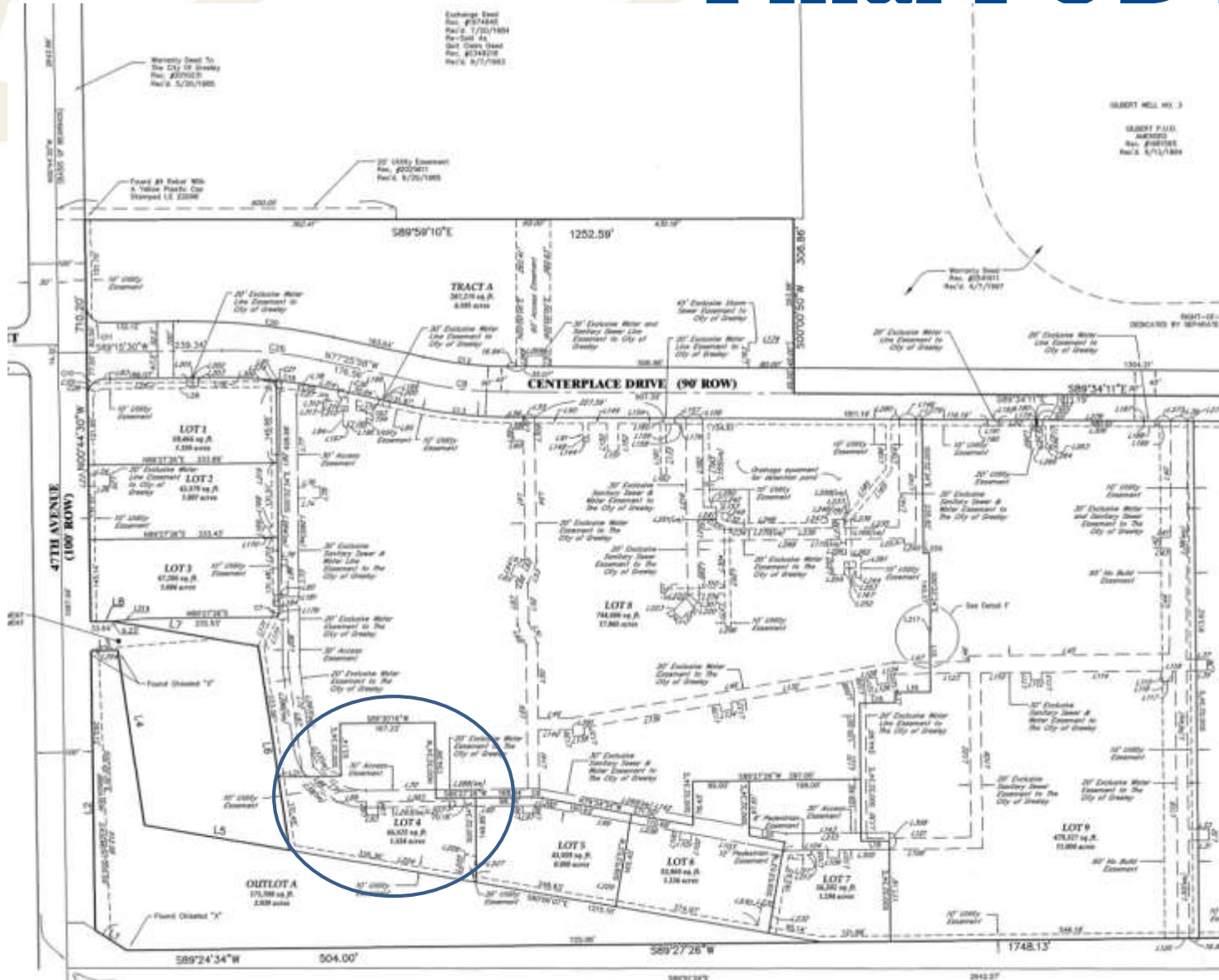
DATE:  
 DRAWN:  
 CHECKED:

SCALE:  
 SHEET NO.:

SHEET TITLE:  
 LANDSCAPE / UTILITY PLAN

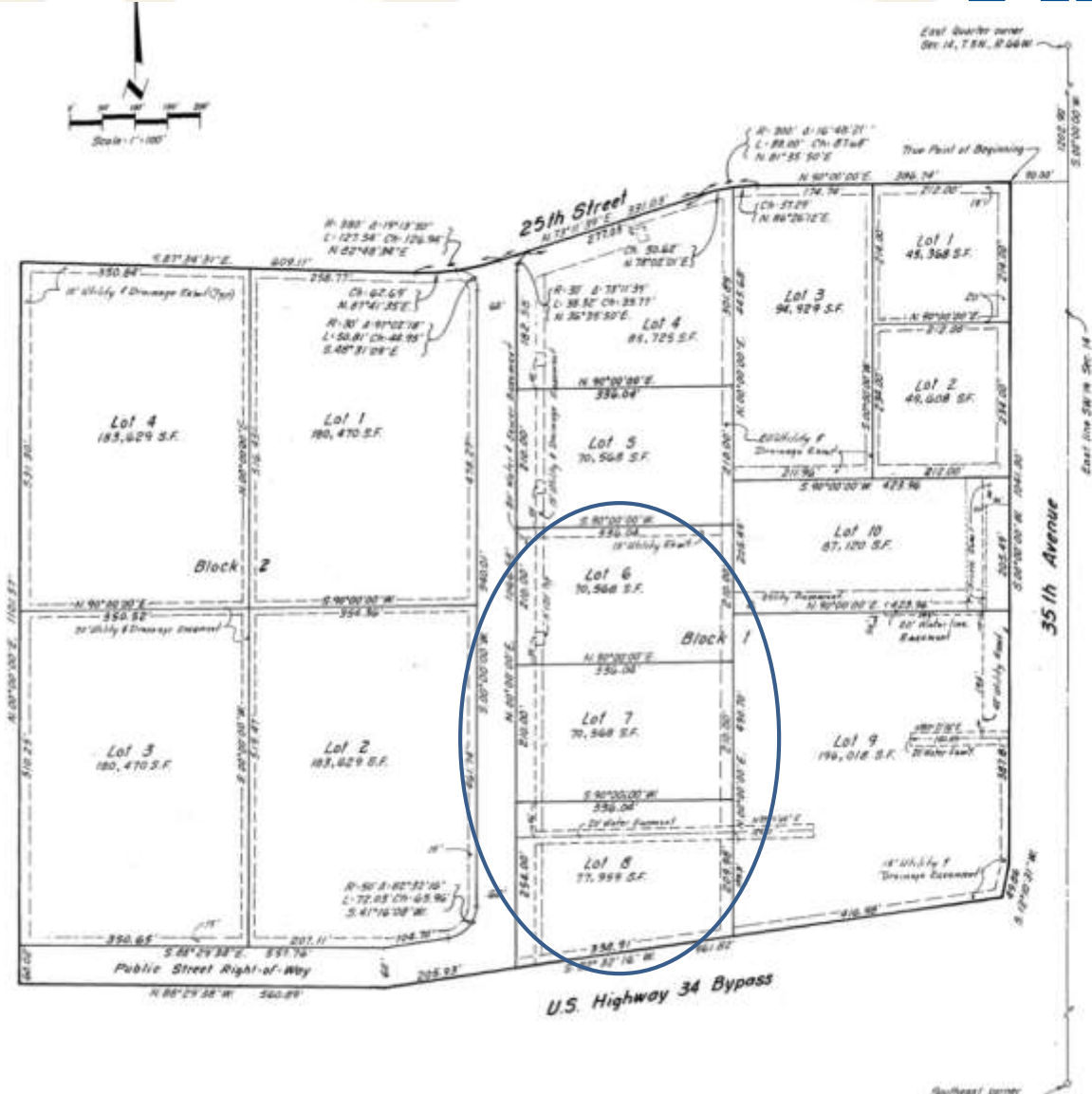
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 1 of 4

# Final PUD Amendment





# Final PUD Amendment



# Final PUD Amendment

- **Numerous property owners have avoided amending PUDs and (inconveniently) sought rezoning to traditional zone districts, simply as a procedural way to avoid the current requirement of approval from property owners within the PUD**
- **The Amendment does not propose changing the requirements for amendments to Preliminary PUD's**
- **Recommendation. Remove the current owner approval provision, and replace it with the traditional requirement that all property owners within the boundary of a final PUD be notified in writing by the applicant and through the public hearing notification process**



# DCMP Amendment

- **Existing criteria: Major changes to an approved Development Concept Master Plan (DCMP)**
  - *There is an increase in the number of lots or housing units, or increase in square footage of nonresidential uses of more than five percent (5%)*
  - *There are changes in street alignment and/or access points, or other public improvements, such as drainage improvements or utility lines or facilities.*
  - *There are other changes in the design master plan which make it in nonconformance with the City's Comprehensive Plan.*

# DCMP Amendment

- **Major changes to Development Concept Master Plans currently only require notice to nearby properties. The request is typically for modification to a development on a single lot.**
- **DCMP often covers a very large area of land and / or many property owners. The small notice area might not capture all properties within the DCMP.**
- **Recommendation: All major changes to a DCMP would require legal notice to nearby property owners, but also to all properties and owners within the DCMP boundary**

# Freestanding Sign Calculation

- **The calculation has not changed since the 1998 development code update**
- **Current Sign Code formula to calculate signage is the setback from the center of the adjacent ROW , minus 50 (Setback minus 50). The maximum height of any freestanding sign is 25 feet, regardless how far the sign is setback**
- **Staff determined that the missing multiplier (x.026) is a simple omission within the current code**

- ***Recommendation:***

Setback	Maximum Height
Less than 50 ft.	12
51 ft. to 99 ft.	(Setback minus 50x0.26) plus 12
100 ft. or greater	25



# Recommendation

- **Planning Commission**
  - **December 8, 2020**
  - **APPROVAL (unanimous)**
- **Recommendation of Approval**
  - **Chapter 18.18 – Notice**
  - **Chapter 18.30 – Development Concept Master Plan**
  - **Chapter 18.54 - Signs**

# Recommendation

**Staff recommends approval of the proposed amendments to Sections:**  
**Chapter 18.18 – Notice**  
**Chapter 18.30 – Development Concept Master Plan**  
**Chapter 18.54 - Signs**

# Council Agenda Summary

January 19, 2021

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

**Title:**

COVID-19 Update

**Summary:**

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

# Council Agenda Summary

January 19, 2021

## Agenda Item Number

Key Staff Contact: Brian Kuznik, Interim Fire Chief,

### Title:

Consideration of a resolution of the City Council of the City of Greeley, Colorado, extending the City of Greeley Local Disaster Declaration of March 16, 2020 (updated on April 21, 2020, June 2, 2020, August 11, 2020, November 17, 2020) related to the COVID-19 Pandemic.

### Summary:

With the last COVID-19 surge, the City of Greeley is still in a Response Phase to the pandemic. COG resources are protecting the community, guiding the City workforce, and assisting our hospitals, healthcare facilities, and other community partners. The Regional FEMA grant expert has recommended to the Greeley Office of Emergency Management (OEM) that we stay under a Local Disaster Emergency (LDE) Declaration for our FEMA Public Assistance grant funding that we are currently applying for. The City of Greeley is also eligible for CARES Act funding now available until December 2021. The current City declaration for COVID-19 is due to expire on January 19, 2021.

### Fiscal Impact:

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

### Legal Issues:

None.

### Other Issues and Considerations:

None.

### Applicable Council Priority and Goal:

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

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

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

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

**Decision Options:**

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

**Council's Recommended Action:**

A motion to adopt the Resolution.

**Attachments:**

Resolution



**CITY OF GREELEY, COLORADO  
RESOLUTION NO. \_\_\_, 2021**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
GREELEY, COLORADO, EXTENDING THE CITY OF GREELEY  
LOCAL DISASTER DECLARATION OF MARCH 16, 2020 RELATED  
TO COVID-19**

WHEREAS, on March 16, 2020, pursuant to C.R.S. § 24-33.5-709, and the emergency management and operations plans and resolutions of the City of Greeley, Colorado, Mayor John Gates declared a local disaster emergency due to the occurrence of an imminent threat of widespread or severe damage, injury or loss of life or property resulting from the Coronavirus disease 2019 (COVID-19) requiring emergency action to avert danger or damage within the City of Greeley, and requiring activation of State and Federal assistance programs; and

WHEREAS, Pursuant to C.R.S. § 24-33.5-709 (1), the declaration may be continued or renewed for a period in excess of seven days with the consent of the City Council; and

WHEREAS, on March 17, 2020 the City Council ratified the Declaration of Local Disaster Emergency and extended it until April 21, 2020;

WHEREAS, on April 21, 2020 the City Council renewed the Declaration of Local Disaster Emergency and extended it until June 2, 2020; and

WHEREAS, on June 2, 2020 the City Council renewed the Declaration of Local Disaster Emergency and extended it until August 11, 2020; and

WHEREAS, on August 11, 2020 the City Council renewed the Declaration of Local Disaster Emergency and extended it until November 17, 2020; and

WHEREAS on November 17, 2020 the City Council renewed the Declaration of Local Disaster Emergency and extended it until January 19, 2021; and

WHEREAS, the COVID-19 pandemic is on-going and therefore, the City Council finds that it is appropriate and in the interests of the public health, safety, and welfare; and to further property protection, for the City Council to extend the Local Disaster Declaration until such time as the City Council terminates such declaration.

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

Section 1. That the City Council hereby confirms, determines, and declares that there is a local disaster in Greeley, Colorado, to wit, the occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from COVID-19, including the presence and likelihood of additional cases, requiring emergency action to avert danger or damage.

Section 2. That the effect of this resolution shall be to continue the Local Disaster Declaration signed by Mayor Gates on March 16, 2020, which is attached hereto as Exhibit A and incorporated herein by this reference. Further, this declaration shall authorize the continued response and recovery aspects of any and all applicable local and interjurisdictional disaster emergency plans and to authorize the furnishing of aid and assistance under such plans.

Section 3. That the City Manager is directed and authorized to continue coordination with internal and external partners and to direct city staff as appropriate and necessary to address the local disaster emergency.

Section 4. That the City Council directs the City Manager to implement steps for long term continuity of government services.

Section 5. That the City Council hereby hereby extends the Local Disaster Declaration until June 15, 2021 at which time City Council may resolve to extend the Local Disaster Declaration for an additional period.

Section 6. That the City Clerk is directed to ensure this resolution and declaration is promptly filed with the appropriate authorities.

SIGNED AND EFFECTIVE THIS \_\_\_\_\_ DAY OF JANUARY, 2021.

THE CITY OF GREELEY, COLORADO

ATTEST:

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

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

**LOCAL DISASTER DECLARATION**

WHEREAS, on March 16, 2020, the City of Greeley Office of Emergency Management (OEM) advised the Greeley City Council of a disaster (as that term is defined in the Colorado Disaster Emergency Act, C.R.S. §24-33.5-702, *et seq.*) currently present in the City of Greeley, to wit, the occurrence of an imminent threat of widespread or severe damage, injury or loss of life or property resulting from the Coronavirus disease 2019 (COVID-19) requiring emergency action to avert danger or damage within the City of Greeley, and requiring activation of State and Federal assistance programs; and

WHEREAS, the Governor of Colorado, by Executive Order D 2020 03, has declared a statewide disaster emergency due to the presence of COVID-19 in the state. The Executive Order identifies the potential for community spread and, among other things, activates disaster response and recovery aspects of applicable state, local and inter-jurisdictional disaster emergency plans.

WHEREAS, the Office of Emergency Management (OEM) has recommended that the City Council declare a local disaster due to the presence of COVID-19 in the community; and

WHEREAS, pursuant to C.R.S. §24-33.5-709 and the Emergency Management Resolution of Greeley, Colorado, the City Council has authorized the Mayor to declare a **local disaster emergency**.

Now therefore be it resolved that:

1. There is hereby declared to be a local disaster in the City of Greeley, Colorado, due to the imminent threat of widespread or severe damage, injury, or loss of life or property, due to the presence and spread of COVID-19 requiring activation of State and Federal assistance programs.

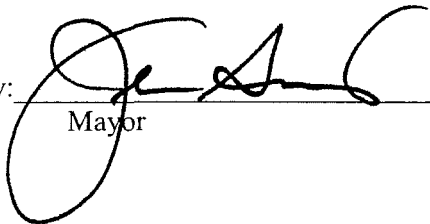
2. The effect of this declaration shall be to activate the recovery aspects of any and all applicable local and inter-jurisdictional disaster emergency plans and to authorize the furnishing of aid and assistance under such plan.

3. The effect of this declaration hereby provides access to and spending of all emergency funds for response, recovery, aid, and assistance for this local disaster held by the City in accordance with Article 10, Section 20 of the Colorado Constitution.

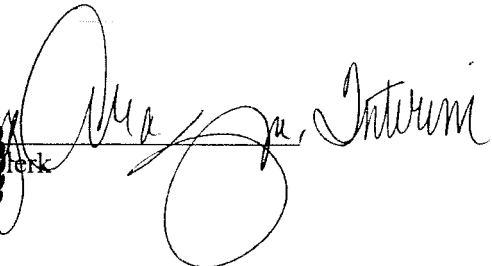
4. Be it further resolved that this declaration shall be effective upon the date and time given below, and shall remain in effect for a period not to exceed 7 days thereafter except by or with the consent of a majority of the members of the City Council. True copies of this declaration shall be filed promptly with the Colorado Office of Emergency Management (OEM) (within the Division of Homeland Security and Emergency Management (DHSEM)) and with the City Clerk and shall be promptly distributed to the appropriate representatives of the news media.

SIGNED AND EFFECTIVE THIS 16<sup>th</sup> DAY OF March, 2020, AT 9:31 A.M.

THE CITY OF GREELEY, COLORADO

By:   
Mayor



  
City Clerk

# Council Agenda Summary

January 19, 2021

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

Mike Garrott, Planning Manager, 970-350-9784

**Title:**

Review of correspondence regarding the Johnstown Comprehensive Plan update

**Summary:**

As part of its regular duties, the Planning Division of Community Development reviews referrals sent from surrounding towns and the County regarding land use activity. The purpose for this cooperation between jurisdictions is to share information, coordinate on land use planning, and for the City to be able to mitigate impacts to roads, utilities, and services near the city limits.

The Town of Johnstown initiated an update to its comprehensive plan in 2020. Greeley Planning staff has reviewed the draft document and prepared comments in the attached draft letter.

This agenda item is provided to seek any feedback or reaction from Councilmembers prior to correspondence being sent to Johnstown. This information also provides an example of how elements of the Greeley Comprehensive Plan, Open Space Strategic Plan, and other master plans are implemented, and how the City coordinates on such matters.

The Community Development Department has identified working with Weld County on a land use Intergovernmental Agreement (IGA) as a 2021 work program item. The coordination with Johnstown as indicated in the draft letter is consistent with plans to coordinate with regional partners in the upcoming years. Staff will provide a separate overview to Council in the future regarding plans to engage the County on a joint land use IGA.

**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 informational. This is not a public hearing item.

**Other Issues and Considerations:**

None.

**Applicable Council Priority and Goal:**

Consistency with Comprehensive Plan and other City master plans and policy documents.

**Decision Options:**

No decisions are required. This is an opportunity, however, for Council to provide feedback on the drafted correspondence.

**Council's Recommended Action:**

No formal action is required.

**Attachments:**

Draft letter to Johnstown, with attachments



SENT VIA E-MAIL ONLY

**DRAFT**

**January 19, 2021**

Kim Meyer, AICP  
Planning & Development Director  
Town of Johnstown

Dear Ms. Meyer,

The City of Greeley appreciates its historic relationship with the Town of Johnstown, and we understand the significance of a jurisdiction updating its comprehensive plan; the City of Greeley recently completed an update of its comprehensive plan as well, in 2018.

The City looks forward to continued discussions of areas of mutual interest between Johnstown and Greeley, such as along the Highway 34 corridor and the land between our two communities. Both will be subject to significant activity in the years to come, and it is in our mutual interest to develop growth management policies that complement our jurisdictions' visions, provide predictability for land owners, and create sustainable practices for regional roads and utility services.

With this commitment in mind, and in preparation for additional coordination in the future, Greeley offers the following comments relative to the draft Johnstown Comprehensive Plan:

- The land use guidance map illustrates an area of overlap between our two jurisdictions' long-range planning areas, with overlap east along County Road 54, the County Road 17 corridor and south of Highway 34. (See attached compiled maps.) Visions from our two jurisdictions do not match, and we would request a commitment to work together to reconcile these differing visions. (As an aside, we note a similar overlap with Windsor's jurisdictional boundaries and their vision, north of Highway 34, and would encourage similar discussions with the Town of Windsor.) Future coordination between our jurisdictions will provide an opportunity to jointly identify areas that would support development of higher densities, while reconciling any differences.
- Northern Colorado mayors and city managers have discussed a vision of community separators to avoid the metropolitan merger of its towns and cities and the resulting loss of community identity, a discussion facilitated by the Community Foundations of Larimer and Weld Counties. This vision is supported in the *Imagine Greeley: Greeley Comprehensive Plan* (2018) land use guidance map (attached). Consistent with this vision, and the broader goals

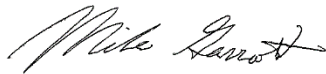
discussed regionally, the City would like to work with Johnstown in the upcoming year to collaborate on trail corridor connections, community separators/viewshed/agricultural preservation in the areas where the two growth management areas meet, and potential collaborative approaches to conserving high value open space properties along the borders of the two growth management areas, such as in the area surrounding the intersection of County Road 17 and Highway 34.

- Greeley Natural Areas and Open Space Division is in the process of completing a 5-year strategic plan. We have previously shared this information with you to assist in your current update and for future conversations. As with your update, Logan Simpson is also managing Greeley's Open Space Strategic Plan, so their familiarization with both may provide some easy cross-pollination that can occur between our two planning teams.

We understand from conversations with you that the Johnstown Comprehensive Plan is intended as a "living document" and that there will be opportunities in the future to further refine and shape the vision. The City of Greeley would like to actively engage the Town in the upcoming year on these larger themes of regional impact, as well as with other regional stakeholders such as Windsor and Weld County.

Congratulations again on your comprehensive planning efforts, and we look forward to future conversations and a greater refinement of a shared vision of areas of shared interest between our communities.

With kind regards,

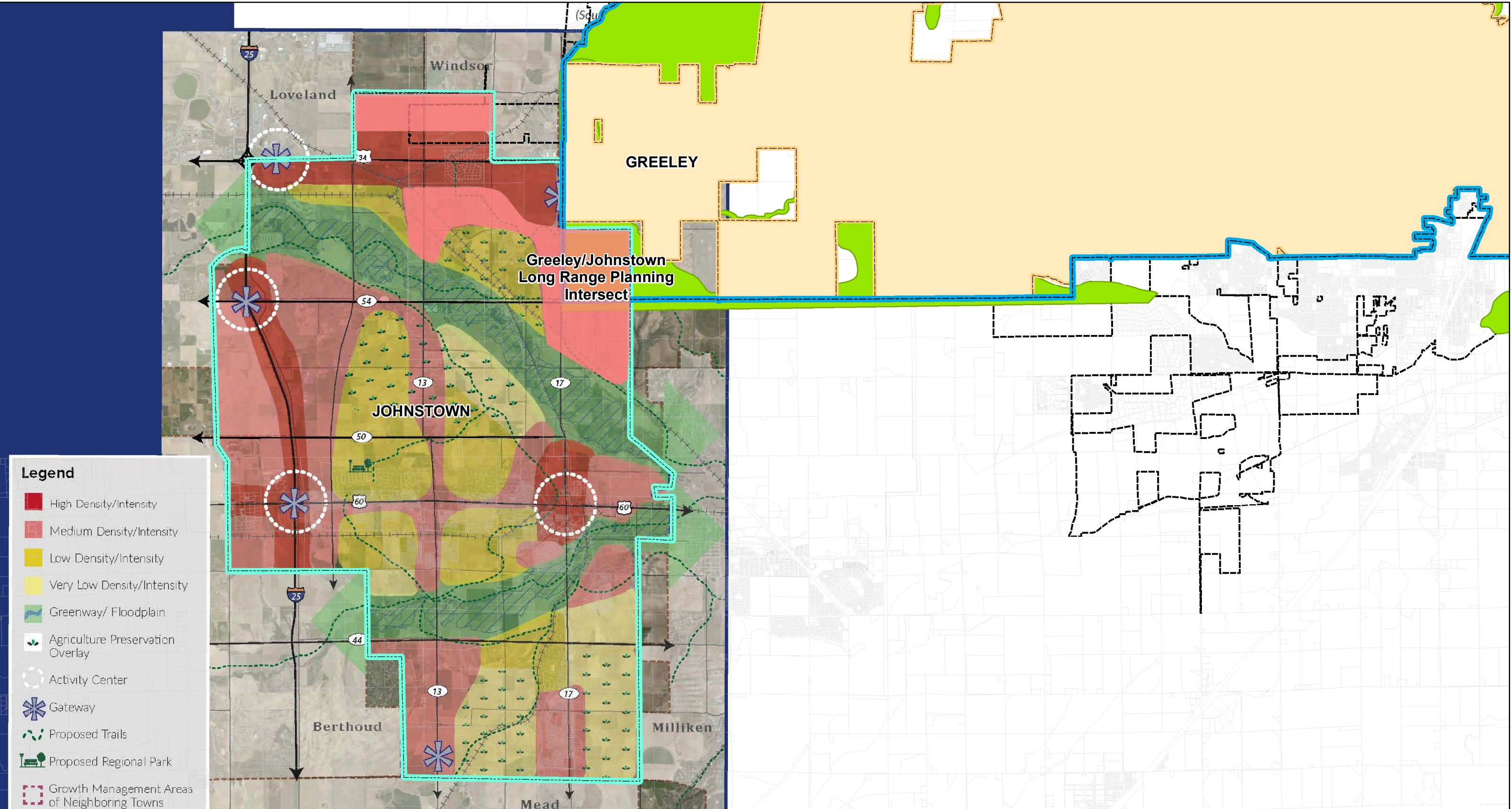


Mike Garrott, AICP  
Planning Manager

Attachments:

Overlay of Johnstown and Greeley Planning Area Maps (two versions at different scales)  
City of Greeley Comprehensive Plan Land Use Guidance Map

Item No. 22. Long Range Expected Growth Area Intersecting Johnstown's Growth Management Area



**Legend**

- High Density/Intensity
- Medium Density/Intensity
- Low Density/Intensity
- Very Low Density/Intensity
- ~ Greenway/ Floodplain
- Agriculture Preservation Overlay
- \* Activity Center
- ✳ Gateway
- - - Proposed Trails
- Proposed Regional Park
- Growth Management Areas of Neighboring Towns



- + Greeley City Limits
- + LREGA
- + Land Use Guidance Map - Open Lands

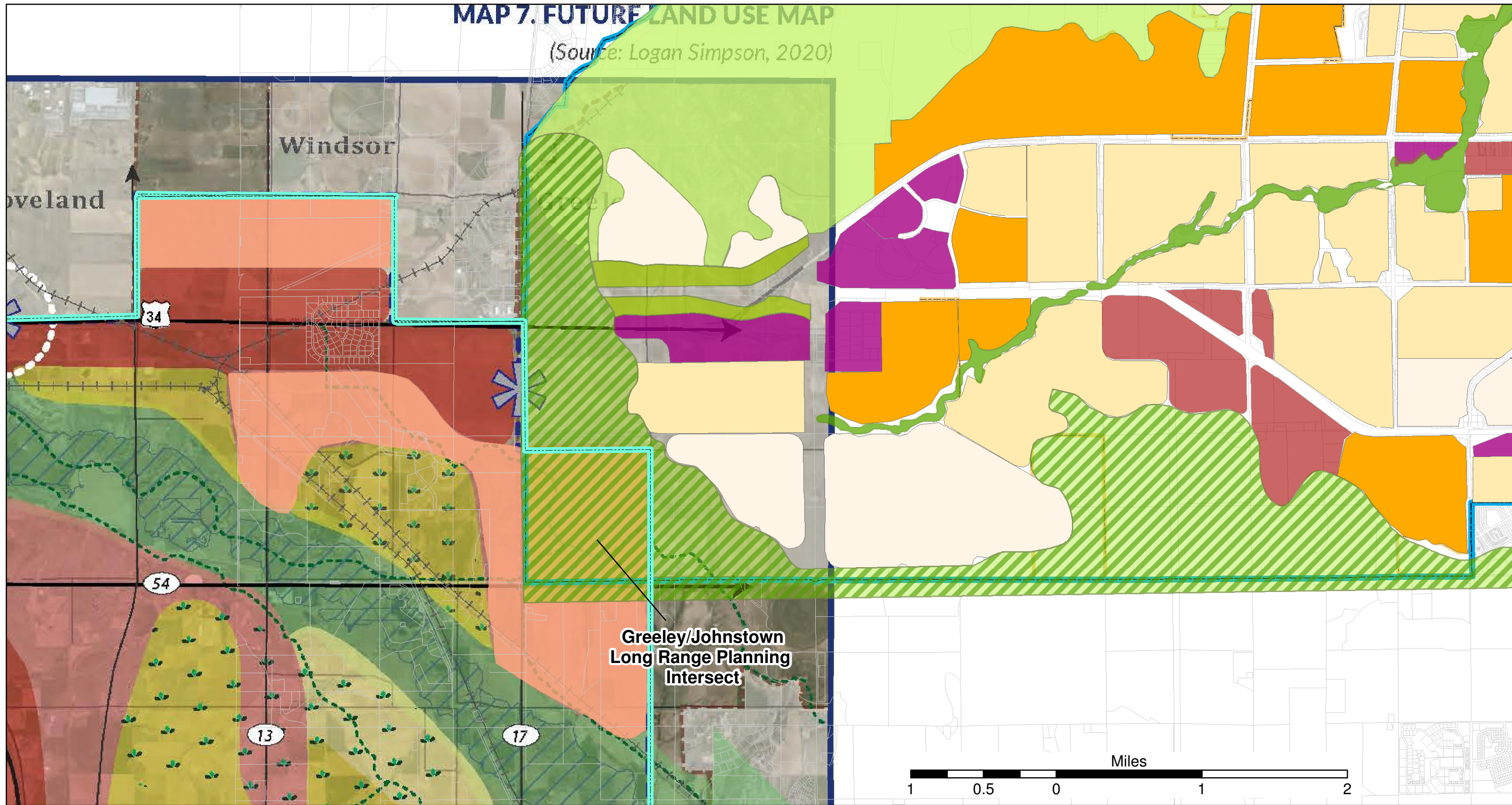
- + Johnstown Proposed Medium-Density Areas
- + Johnstown-GMA





Item No. 22. Long Range Expected Growth Area Intersecting Johnstown's Growth Management Area (close up)

MAP 7. FUTURE LAND USE MAP  
(Source: Logan Simpson, 2020)



- |  |                          |                             |              |                                |                                  |
|--|--------------------------|-----------------------------|--------------|--------------------------------|----------------------------------|
| City Limits                                  | Mixed Use High Intensity | Bluffs                      | Rural        | Mixed Use                      | City Owned Natural Areas         |
| Long-range expected growth area (LREGA)      | Higher Education Hubs    | Community Separator         | Suburban     | Downtown                       | Johnstown Medium Density Landuse |
| Employment, Industrial, and Commercial Areas | Urban Reserve            | Entryway Character Corridor | Legacy Urban | Johnstown-Landuse-Guidance-Map |                                  |
| North Annexation Area                        | Riparian Land            |                             |              |                                |                                  |

# Council Agenda Summary

January 19, 2021

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

**Title:**

Appointment of applicants to the Citizen Transportation Advisory Board, Greeley Art Commission, and Museum Board.

**Summary:**

Council appointment is needed to the above-mentioned boards and commissions due to vacancies and term expirations. Staff continues to actively recruit to fill all vacant positions.

**Fiscal Impact:**

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

**Legal Issues:**

The City Attorney's Office reviewed the applications and advised of potential conflicts of interest.

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

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

**Other Issues and Considerations:**

Not applicable.

**Applicable Council Priority and Goal:**

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

**Decision Options:**

- 1) Appoint or reappoint the individuals to serve on applicable board or commission;  
or
- 2) Direct staff to re-advertise applicable vacancy.

**Council's Recommended Action:**

No motion is necessary. The City Council's Policies and Protocol authorize appointment of Board and Commission members by written ballot, which can be used in lieu of a motion or voice vote for individual or multiple appointments. This policy was adopted by Council as a time-savings measure. Accordingly, a ballot is attached for Council's use in making appointments. Candidates receiving a majority vote (at least 4 votes) are appointed with no further action needed by Council.

**Attachments:**

Ballot

January 2021 Boards and Commissions Transmittal Summary

**Boards & Commissions**

**Appointment Ballot**

**January 19, 2021**



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

\*\*\*\*\* BALLOT \*\*\*\*\*

<b>Citizen Transportation Advisory Board</b>	
<i>3 Vacancies</i>	
<input type="checkbox"/>	Joseph Szasz
<input type="checkbox"/>	<b>(RECRUIT FOR ADDITIONAL APPLICANTS)</b>

<b>Greeley Art Commission</b>	
<i>2 Vacancies</i>	
<input type="checkbox"/>	Joan Sheehan
<input type="checkbox"/>	<b>(RECRUIT FOR ADDITIONAL APPLICANTS)</b>

<b>Museum Board</b>	
<i>1 Vacancy</i>	
<input type="checkbox"/>	<b>GEORGE JUNNE</b>
<input type="checkbox"/>	Jacob Melish
<input type="checkbox"/>	Emma Pena-McCleave
<input type="checkbox"/>	Gene Stille
<input type="checkbox"/>	<b>(Recruit For Additional Applicants)</b>

Incumbent = (I)

# Boards & Commissions Transmittal

January 8, 2021

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

Interview Date

January 14, 2021

Council Interview Team

Councilmembers Butler and Fitzsimmons

Council Appointment Date

January 19, 2021

Boards and Commissions Being Interviewed

- Citizen Transportation Advisory Board
- Greeley Art Commission
- Museum Board

Council's Recruitment and Qualifications Policy

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

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

Legal Issues

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

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

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

Applicable Council Goal or Objective

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

Decision Options

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

Attachments

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

Transmittal reviewed by:

<sup>DS</sup>  
RHO

Roy Otto, City Manager

<sup>DS</sup>  
AH

Anissa Hollingshead, City Clerk

# Council Agenda Summary

January 19, 2021

## Title

Scheduling of Meetings, Other Events

## Summary

During this portion of the meeting the City Manager or City Council may review the attached Council Calendar or Worksession Schedule regarding any upcoming meetings or events.

## Attachments

Council Meeting/Worksession Schedule  
Council Meetings/Other Events Calendar

# City Council Meeting Scheduling

Current as of 01/15/2021

This schedule is subject to change

Date	Description	Sponsor	Placement/Time
January 19, 2021 Council Meeting	United Way Recognition	Anissa Hollingshead	Recognitions
	School Board Recognition Month Proclamation	Anissa Hollingshead	Recognitions
	Resolution - Settlement Agreement		Regular
	Ordinance - Intro - Amendments to the Greeley Municipal Code regarding Economic Nexus and the Obligation of Remote Sellers to Collect & Remit Sales Tax	John Karner	Consent
	Ordinance - Final - 2020 Retroactive Pay Increases to Council Direct Reports	Maria Gonzalez Estevez	Regular
	Ordinance - Final - Miscellaneous Code Update	Brad Mueller	Regular
	COVID-19 Update	Roy Otto	Regular
	Review of Correspondence regarding the Johnstown Comprehensive Plan Update	Brad Mueller	Regular
	Appointment of County Representative to Housing Authority	Anissa Hollingshead	Regular
	Boards & Commissions Appointments	Anissa Hollingshead	Regular
January 26, 2021 Worksession Meeting	COVID-19 Update	Roy Otto	0.25
	Review of the Council Strategic Work Plan		
	Annual Review of the City Manager	Maria Gonzalez Estevez	Executive Session
February 2, 2021 Council Meeting	Ordinance - Intro - Landscape Code Update	Brad Mueller	Consent
	Ordinance - Intro - Drought Plan Update and Code Revisions Ordinance	Sean Chambers	Consent
	Resolution - Adoption of the Natural Areas and Trails Strategic Plan	Andy McRoberts	Consent
	Ordinance - Final - Amendments to the Greeley Municipal Code regarding Economic Nexus and the Obligation of Remote Sellers to Collect & Remit Sales Tax	John Karner	Regular
	COVID-19 Update	Roy Otto	Regular
	Annual Review of the City Attorney	Maria Gonzalez Estevez	Executive Session
February 9, 2021 Worksession Meeting	COVID-19 Update	Roy Otto	0.25
	Small-Format Housing	Brad Mueller	0.75
	Household Occupancy Standards (Discussion of "Family" definition)	Brad Mueller	0.50
	2020 Year-end Capital Improvement Program Report	Joel Hemesath	0.5
February 16, 2021 Council Meeting	COVID-19 Update	Roy Otto	Regular
	Ordinance - Final - Landscape Code Update	Brad Mueller	Regular
	Ordinance - Final - Drought Plan Update and Code Revisions Ordinance	Sean Chambers	Regular
	Boards & Commissions Appointments	Anissa Hollingshead	Regular
	Annual Review of the Municipal Court Judge	Maria Gonzalez Estevez	Executive Session
February 23, 2021 Worksession Meeting	COVID-19 Update	Roy Otto	0.25
	Keep Greeley Moving Renewal	Paul Fetherston	1.00

# January 18, 2021 - January 24, 2021

January 2021

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

February 2021

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

## Monday, January 18

## Tuesday, January 19

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

## Wednesday, January 20

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

## Thursday, January 21

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

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

## Friday, January 22

## Saturday, January 23

## Sunday, January 24



# January 25, 2021 - January 31, 2021

January 2021

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

February 2021

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

## Monday, January 25

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

## Tuesday, January 26

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

## Wednesday, January 27

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

## Thursday, January 28

- 7:30am - Poudre River Trail (Hall)

## Friday, January 29

## Saturday, January 30

## Sunday, January 31

# February 1, 2021 - February 7, 2021

February 2021

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

March 2021

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

## Monday, February 1

## Tuesday, February 2

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

## Wednesday, February 3

## Thursday, February 4

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

6:00pm - MPO (Gates/Payton)

## Friday, February 5

## Saturday, February 6

## Sunday, February 7

# February 8, 2021 - February 14, 2021

February 2021

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

March 2021

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

**Monday, February 8**

**Tuesday, February 9**

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

**Wednesday, February 10**

**Thursday, February 11**

7:30am - Poudre River Trail (Hall)

**Friday, February 12**

**Saturday, February 13**

**Sunday, February 14**

# February 15, 2021 - February 21, 2021

February 2021

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

March 2021

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

## Monday, February 15

## Tuesday, February 16

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

## Wednesday, February 17

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

## Thursday, February 18

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

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

## Friday, February 19

## Saturday, February 20

## Sunday, February 21

# Council Agenda Summary

January 19, 2021

## Title

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

## Council's Recommended Action

A motion to approve the above authorizations.

# Council Agenda Summary

January 19, 2021

**Title**

Adjournment