



Remote Meeting Instructions for the March 16, 2021, City Council Meeting:

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

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

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

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

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

Via email? – Submit to cityclerks@greeleygov.com

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

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

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

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

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

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

March 16, 2021 at 6:00 PM

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

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

Consent Agenda

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

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

9. [Acceptance of the Report of the February 23, 2021, City Council Worksession](#)
10. [Approval of the City Council Proceedings of March 2, 2021](#)
11. [Introduction and first reading of an ordinance appropriating additional sums to defray the expenses and liabilities of the City of Greeley for the balance of the fiscal year of 2021 and for funds held in reserve for encumbrances at December 31, 2020](#)
12. [Introduction and first reading of an ordinance adopting a new municipal code for the City of Greeley, Colorado](#)
13. [Consideration of a resolution approving an Intergovernmental Agreement between the City of Greeley and The State of Colorado acting for and on behalf of the Board of Trustees of the University of Northern Colorado for the use and benefit of the Small Business Development](#)

[Center and the BizHub Collaborative for economic development services](#)

14. [Consideration of a resolution to assign the 2021 City of Greeley Private Activity Bond \(PAB\) Allocation to Colorado Housing and Finance Authority \(CHFA\)](#)
15. [Consideration of the City of Greeley's Consolidated Annual Performance and Evaluation Report \(CAPER\) for Program Year 2020 for Submission to the U. S. Department of Housing and Urban Development](#)
16. [Consideration to approve a change order in the amount of \\$2,990,563.01 to the contract with Duran Excavating, Inc. to complete the 35th Avenue road widening project from 4th Street to "F" Street](#)

End of Consent Agenda

17. [Pulled Consent Agenda Items](#)
18. [COVID-19 Update](#)
19. [Appointment of applicants to the Downtown Development Authority, Museum Board, Parks & Recreation Advisory Board, Union Colony Civic Center Advisory Board.](#)
20. [Scheduling of Meetings, Other Events](#)
21. [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](#)
22. [Adjournment](#)

Council Agenda Summary

March 16, 2021

Title

Call to Order

Council Agenda Summary

March 16, 2021

Title

Pledge of Allegiance

Council Agenda Summary

March 16, 2021

Title

Roll Call

Summary

Mayor Gates

Councilmember Butler

Councilmember Payton

Councilmember Hall

Councilmember Fitzsimmons

Councilmember Clark

Councilmember Zasada

Council Agenda Summary

March 16, 2021

Title

Approval of the Agenda

Council Agenda Summary

March 16, 2021

Title

Recognitions and Proclamations

Summary

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

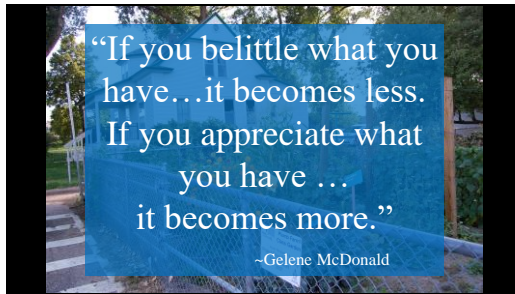
Attachments

What's Great about Greeley Report

Slide 1



Slide 2



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

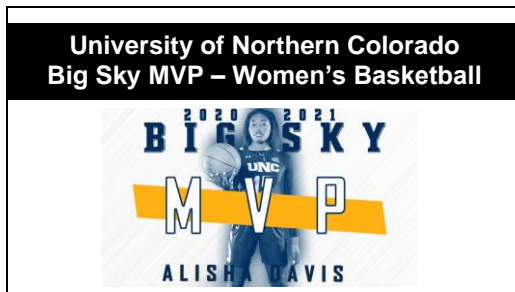
Tonight it's my turn to announce the recognitions. I'll start with a quote, "If you belittle what you have, it becomes less. If you appreciate what you have, it becomes more." With these announcements we are appreciating the good work of our residents, showing support for their efforts, and encouraging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

Slide 3



Congratulations to Rhonda Solis for being named the 2021 Female Leader of the Year by the Cesar Chavez Peace and Justice Committee of Denver. Rhonda was recognized for her work with Latinos Unidos of Greeley, Hispanic Women of Weld County, Latino Coalition of Weld County and for her role on the Greeley-Evans District 6 Board of Education.

Slide 4



A shout out to University of Northern Colorado sophomore basketball player, Alisha Davis, for being named the 2020/2021 Big Sky MVP. She was the only player to average a double-double throughout the season and led the conference in both scoring and rebounds per game. Alisha is also a three-time winner of the conference Player of the Week award. Go Bears!

Slide 5



Kudos to Greeley West senior Aili Gibson who was awarded a blue ribbon by the Colorado Association of School Boards at the state CASB Art Show and Contest.

Slide 6



And that's What's Great about Greeley.

Council Agenda Summary

March 16, 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

March 16, 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

March 16, 2021

Title

Initiatives from Mayor and Councilmembers

Summary

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

Initiatives will generally fall into three categories:

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

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

Attachments

Status Report of Council Initiatives and Related Information

Greeley City Council

Status Report of Council Initiatives

Initiative No.	Council Request	Council Meeting, Worksession, or Committee Meeting Date Requested	Status or Disposition (After completion, item is shown one time as completed and then removed.)	Assigned to:
01-2021	Council Member Zasada offered an initiative relating to the level of the use of outside consultants by the City. She requested and received consensus to proceed with seeking an internal audit for the previous two years relating to the use of outside consultants on City projects and operations, including the total costs involved.	January 19, 2021 Council Meeting	<p>Update: 03/08/2021: After discussing the request and draft response with Council Member Zasada, staff will focus on professional service contracts within operations with a response provided by snapshot in April.</p> <p>Update: 03/03/2021 A response to this initiative will be provided to Council by March 12, 2021.</p> <p>In response to Council Member Zasada's request for an audit of the usage of consultants within the City, the Purchasing Division of the Finance Department will compile an inventory of contracts of a value of \$50,000 or greater with consultants of a professional services nature between the period of 2018-2020 including cost, host department, and purpose associated with contracting services for distribution to the City Council.</p>	Paul Fetherston
04-2021	Council Member Butler requested that City staff research and bring back to Council options for establishing a new sustainability commission, as a	February 16, 2021 Council Meeting	Staff is currently researching best management practices and other cities sustainability commissions to make a recommendation to City Council. It is	Raymond Lee

Initiative No.	Council Request	Council Meeting, Worksession, or Committee Meeting Date Requested	Status or Disposition (After completion, item is shown one time as completed and then removed.)	Assigned to:
	commission devoted to the goal of long term sustainability in Greeley as well as promoting economic development and environmental health for future generations. He noted such a commission could address issues including recycling, sustainable job growth, development, and open spaces.		anticipated that an update will be provided to Council at the April 13, 2021 Worksession Meeting.	

Consent Agenda

March 16, 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 16 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

March 16, 2021

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

Title:

Acceptance of the Report of the February 23, 2021, City Council Worksession

Summary:

A City Council Worksession was held on February 23, 2021, virtually utilizing the Zoom Platform.

Decision Options:

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

Council's Recommended Action:

A motion to accept the Report as presented.

Attachments:

February 23, 2021 Report

City of Greeley, Colorado
CITY COUNCIL WORKSESSION REPORT
February 23, 2021

1. Call to Order

Mayor John Gates called the virtual 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

Cheryl Aragon, Deputy City Clerk, called the roll.

PRESENT

Mayor John Gates

Council Member Tommy Butler

Council Member Brett Payton

Council Member Dale Hall

Council Member Michael Fitzsimmons

Council Member Ed Clark

Council Member Kristin Zasada

4. Reports from Mayor and Council Members

There were no Reports offered by the Mayor and Council Members.

5. COVID-19 Update

Charlie McCartin, Assistant Emergency Manager, referenced the links provided in the Council Agenda packet to the new City of Greeley Dash Board that has the data that his office has been tracking, as well as historical data related to COVID-19 response and activity and includes Five Star Report Card data and hospital rates. He added that there are also links to the Weld County Dash Board and the Vaccination Dash Board county-wide.

With regard to the Five Star Program, City Clerk Anissa Hollingshead updated the Council on the program by noting that businesses are slowly applying for certification and that our metrics are in good shape, including the additional metric of 70 percent of the 70+ population being vaccinated. She noted that currently the community is in level yellow, and certified businesses will be able to operate in level blue with its enhanced capacity limits once the vaccination metric is reached.

6. 2020 Emergency Resource Deployments

Interim Fire Chief Brian Kuznik reported that as part of being an all-hazards, all-response Fire Department, the City of Greeley's Fire Department provides resources and services outside of the City's typical response area at the local, state, and national level.

He went on to share that the core programs of the Fire Department include Fire and EMS response, community risk reduction, technical rescue, hazardous materials response, disaster preparedness, planning and response, and public education with specialty areas of wildland firefighting and the Departments' connection to the National Urban Search and Rescue Response System as a participating agency of the Colorado Task Force 1 Urban Search and Rescue Team.

Chief Kuznik highlighted the 2020 deployments and total number of staff deployed. He also expressed gratitude and appreciation for the support and collaboration across the organization.

Mayor Gates expressed appreciation for the efforts and the work of the Greeley Fire Department during this past challenging year.

7. Development Code Update – Small-format Housing Options

Brad Mueller, Community Development Director, introduced Carol Kuhn, Chief Planner, who then introduced Consultant Chris Brewster. Consultant Brewster provided an overview of work done so far and began the conversation about small format housing options.

His presentation centered around small lots, accessory dwelling units, and Residential Mobile Home Community (R-MH) and small format housing along with the where and how of each. He also offered recommendations for each. For small lots, broaden the use of 4.5k lots, add 2.5k – 4.5k lots (Residential Medium Density (R-M), Residential High Density (R-H)), allow courtyard pattern, and consider compact lots (1.2k – 2.5k); for accessory dwelling units, enable in R-M and Residential Low Density (R-L), process for enabling, add compatibility standards, and add additional review for context and conditions; and for small format, allow other small format housing, reduce project size, increase allowed density, and improve design/compatibility.

Director Mueller reported that what has been offered as part of this presentation and the agenda packet are not mandates, but are a reaction and some feedback from the development community and enabling options.

Chief Planner Kuhn confirmed that the Planning Commission and the Advisory Committee have both seen and heard this presentation in a broader scope, and that staff will be going back to them again for some additional detailed conversations.

Council Member Zasada inquired about the R-MH zoning and what it would look like if it were expanded and whether it would then look like manufactured home parks.

Consultant Brewster expressed that it would look like manufactured home parks, but then for broadening it, the question would become how to improve outcomes for those projects. Some may not meet standards in terms of density and project thresholds.

Mayor Gates noted that he could certainly live with the recommendations offered, but asked whether or not they correlate to things that are not currently working, and Chief Planner Kuhn shared that many of these things are there but not apparent, so the recommendations will help.

Council Member Butler shared that some of these recommendations maybe help developers offer more affordable options.

Council Member Zasada agreed with Council Member Butler, but added that her struggle is with accessory dwelling units based on experiences and other impacts in her neighborhood. She noted that she will try to protect the integrity of single-family neighborhoods.

Council Member Hall expressed agreement with protecting the single-family neighborhoods.

Consultant Brewster advised that the vision has been to use the R-MH zoning as it is now as a special project district with a unique flare.

In an effort to provide feedback and guidance to staff, Council Members reached consensus on proceeding with the recommendations on small lots and R-MH zoning. With regard to accessory dwelling units, consensus was reached to proceed with recommendations for Residential Estate (R-E) and R-M zoning, with some caveats on R-L, but keeping it in the mix.

8. Scheduling of Meetings and Other Events

City Manager Otto noted that there were no additional meetings or events scheduled.

9. Adjournment

There being no further business to come before the Council, the Worksession was adjourned at 7:06 p.m.

John Gates, Mayor

Cheryl Aragon, Deputy City Clerk

Council Agenda Summary

March 16, 2021

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

Title:

Approval of the City Council Proceedings of March 2, 2021

Summary:

A meeting of the City Council was held on March 2, 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:

March 2, 2021 Proceedings

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
March 02, 2021

1. Call to Order

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

2. Pledge of Allegiance

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

3. Roll Call

Anissa Hollingshead, City Clerk, called the roll.

PRESENT

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

4. Recognitions and Proclamations

Mayor Gates presented a proclamation relating to Youth Arts Month. Jason Evenson, Cultural Affairs Manager with the City of Greeley, accepted the proclamation.

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

5. Citizen Input

No written comments were received.

W.D. Bill Gilliard, Greeley resident, addressed the Council from the meeting's virtual audience and offered comments about Zoom meetings not being fully public meetings, and asked when the City Council plans to return to in person meetings.

6. Approval of the Agenda

Mayor Gates shared information about how items 15 and 16 would be heard by the Council and how action would proceed on those items, as noted in the information in the agenda packet for the approval of the agenda.

City Manager Roy Otto shared that additional written comments were provided to the Council ahead of the meeting for items 15 and 16, as well as for the COVID-19 report.

The agenda was approved as presented.

7. Reports from Mayor and Councilmembers

Council Member Butler remarked on watching Chief Dale Lyman's retirement ceremony yesterday, and offered his thanks to Chief Lyman for his service. Mayor Gates reiterated the City's appreciation to Chief Lyman.

8. Initiatives from Mayor and Councilmembers

There were no initiatives from Council members.

Consent Agenda

Motion made by Council Member Payton, seconded by Council Member Fitzsimmons, to approve items 9-13 on the consent agenda as presented.
The motion carried 7-0.

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

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

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

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

11. Consideration of a resolution authorizing the transfer of \$150,000 in Airport Improvement Funds from the Greeley-Weld County Airport to Monte Vista Municipal Airport

The Council action recommended was to adopt the resolution.

Resolution No. 07, 2021, authorizing the transfer of \$150,000 in Airport Improvement Program Entitlement Funds from the Greeley-Weld County Airport to the Monte Vista Municipal Airport, was adopted.

12. Consideration of a resolution authorizing the City to enter into an Intergovernmental Agreement (IGA) between the City of Greeley and the Cache Metropolitan District Nos. 1-8.

The Council action recommended was to adopt the resolution.

Resolution No. 08, 2021, approving an Intergovernmental Agreement between the City of Greeley and Cache Metropolitan District No. 1, Cache Metropolitan District No. 2, Cache Metropolitan District No. 3, Cache Metropolitan District No. 4, Cache Metropolitan District No. 5, Cache Metropolitan District No. 6, Cache Metropolitan

District No. 7, Cache Metropolitan District No. 8, regarding the service plan for the district, was adopted.

13. 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 Ms. Eugenia Lopez Flores

The Council action recommended was to adopt the resolution.

Resolution No. 09, 2021, authorizing City staff to enter into a settlement agreement with Eugenia Lopez Flores, was adopted.

End of Consent Agenda

14. Pulled Consent Agenda Items

No items were pulled from the consent agenda.

15. Public hearing and final reading of an ordinance amending Chapter 6, Title 14 of the Code of the City of Greeley concerning the dedication of raw water for city water service

16. Consideration of a resolution of the City Council of Greeley, Colorado authorizing the closing of the transaction contemplated by the Amended and Restated Master Purchase, Sale and Raw Water Credit Administration Agreement (Terry Ranch) and taking related actions

Mayor Gates noted items 15 and 16 would be heard together, with a single public hearing to follow the staff presentations on these items.

Sean Chambers, Water and Sewer Director, introduced the items and began the presentation as set forth in the PowerPoint in the agenda packet on the resolution authorizing closing on the Terry Ranch transaction. Also participating in the presentation were Adam Jokerst, Deputy Director of Water Resources, and Cortney Brand, president and CEO of LRE Water.

Following the presentation on the resolution, Mayor Gates invited Water Board Chair Harold Evans to address the Council. Chair Evans shared information on behalf of the Water Board about the proposed Terry Ranch project.

Adam Jokerst, Deputy Director of Water Resources, then presented as set forth in the PowerPoint presentation in the agenda packet on the Raw Water Dedication Ordinance also before the Council for adoption.

At the conclusion of both presentations, Mayor Gates asked for any questions for staff from Council. There were no questions for staff at that time.

Mayor Gates opened the public hearing at 7:02 p.m.

No additional written comments were received, beyond those already made a part of the public record and provided to Council in advance of the meeting.

Jaime Henning, Greeley resident and President of the Greeley Area Chamber of Commerce, spoke in support of the Terry Ranch project.

Cheri Witt-Brown, Executive Director of Greeley-Weld Habitat for Humanity and Greeley resident, spoke in support of the Terry Ranch project.

Tom Norton, Greeley resident and former Greeley mayor, spoke in support of the Terry Ranch project.

Tyler Weaver, Greeley resident, spoke in support of the Terry Ranch project.

William Gillard, Evans resident, spoke in opposition to the Terry Ranch project.

Jeannine Truswell, Greeley resident and United Way of Weld County representative, spoke in support of the Terry Ranch project.

Bill Farr, Timnath resident and descendent of W.D. Farr, spoke in support of the Terry Ranch project.

John Gauthiere, Greeley resident, spoke in opposition to the Terry Ranch project.

Craig Rasmuson, a Greeley resident and business owner, spoke in support of the Terry Ranch project.

Dick Maxfield, Greeley resident, spoke in support of the Terry Ranch project.

Sherrie Peif, Evans resident, spoke in support of the Terry Ranch project.

Roger Hollard, Littleton resident representing Stratus Investment Group, spoke in support of the Terry Ranch project.

Rich Werner, Director of Upstate Colorado, spoke in support of the Terry Ranch project.

Sharon Dunn was called to speak, but was not in queue.

Larry Rogstad, Greeley resident, spoke in support of the Terry Ranch project

Sandi Cummings, Greeley resident, spoke in opposition to the Terry Ranch project.

Kevin Perry, property owner along I-25 in Larimer County, spoke in opposition to the Terry Ranch project.

Mario Carrasco, Greeley resident, spoke to ask for the Council to take more time before making a decision on this project.

Following all speakers, Mayor Gates asked staff for any follow up as part of the public hearing. Director Chambers provided summary comments.

There being no one further to speak, the public hearing was closed at 7:50 p.m.

In response to questions from Council, Director Chambers noted this project first was presented to the City Council in Executive Session during the summer of 2020 due to ongoing work occurring with potential Milton Seaman expansion and a nondisclosure agreement with the Terry Ranch sellers. The information was provided publicly in 2020.

Council Member Brett Payton noted from his experience as a real estate attorney that he would caution some of the comments made about Terry Ranch being a potential SuperFund site could amount to slander of title on this property.

Council Member Fitzsimmons moved, seconded by Council Member Zasada, to adopt the resolution as presented in item 16.

Council Member Clark commented on his prior history as Mayor in 2007 to 2008 and how it relates to these actions.

The motion carried 7-0 by roll call vote.

Resolution No. 10, 2021, authorizing the closing of the transactions contemplated by the amended and restated master purchase, sale and raw water credit administration agreement (Terry Ranch) and taking related actions, was adopted.

Council Member Fitzsimmons moved, seconded by Council Member Zasada, to adopt the ordinance as presented in item 15 and publish with reference to title only.

Council Member Fitzsimmons noted he did read the contract in full prior to making his decision to support this project and the associated ordinance.

Council Member Butler explained that health and safety are his utmost concern and appreciated all of the staff time in answering so many questions to help him reach his conclusions to support this project and ordinance.

Council Member Zasada noted that those with concerns have been heard, and all concerns brought up have been researched extensively. She continued that we need to trust our city staff, and that this project has been studied for almost 2 years.

Council Member Payton thanked all who worked on this project.

Mayor Gates explained that when first hearing of the project, he thought it was intriguing but needed a lot of due diligence, and what he has seen is a considerable amount of due diligence.

The motion carried 7-0 by roll call vote.

Ordinance No. 10, 2021, amending Chapter 6, Title 14 of the Municipal Code of the City of Greeley (concerning the dedication of water rights for City water services), was adopted.

17. COVID-19 Update

Dan Frazen, Emergency Manager, presented the updated COVID-19 report as set forth in the report provided to the Council and added to the public record ahead of the meeting.

City Manager Otto answered questions from Council about the current level of operations across the City enterprise based on the state dial. He noted that different functions across the City are being evaluated for the appropriate level to balance continuing to provide effective service remotely where possible with the wait for wider vaccine availability for staff.

Anissa Hollingshead, City Clerk, provided an update on the new news earlier in the day from the governor and the Colorado Department of Public Health and Environment (CDPHE) that Five Star Programs meeting the metrics for yellow on the state dial can now begin allowing certified businesses to operate under the standards for level blue. Clerk Hollingshead committed to providing the Council with a clear summary of what the dial level changes mean for certified businesses.

18. Scheduling of Meetings, Other Events

No other meetings or events were scheduled.

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

Council Member Payton moved, seconded by Council Member Clark, to approve the above authorizations.
The motion carried 7-0.

20. Adjournment

With no further business before the Council, Mayor Gates adjourned the meeting at 8:18 p.m.

John Gates, Mayor

Anissa N. Hollingshead, City Clerk

Council Agenda Summary

March 16, 2021

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

Title:

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

Summary:

This is the first additional appropriation ordinance modifying the 2021 budget to:

- ensure that existing commitments in progress at 2020 year end can be completed in 2021,
- designates funds for additional commitments, and
- appropriate new grants that have been awarded.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	\$ 41,171,277
What is the annual impact?	\$ 41,171,277
What fund of the City will provide Funding?	See Ordinance
What is the source of revenue within the fund?	Fund Balance, Grants, Pass-Through, Operating Transfers, Private Contributions, & Expense Reimbursement.
Is there grant funding for this item?	Yes, Items 1, 3, 16, 20, 23, 35, 39, & 40
If yes, does this grant require a match?	Yes, Items 1 & 35
Is this grant onetime or ongoing?	Onetime

Additional Comments:	Total appropriations made by this ordinance are \$41,171,277. The following funding sources will be used to cover the appropriations made by this ordinance.	
	Source	Total
	Fund Balance	\$ 26,305,265
	Grants	13,749,475
	Pass-Through	670,510
	Operating Transfers	278,233
	Private Contributions	109,250
	Expense Reimbursement	58,544
	Grand Total	\$ 41,171,277

Legal Issues:

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

Applicable Council Priority and Goal:

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

Decision Options:

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

Council's Recommended Action:

A motion to introduce the ordinance and schedule the public hearing and final reading for April 6, 2021.

Attachments:

Ordinance
Detail Supporting Schedule

**THE CITY OF GREELEY
ORDINANCE NO. _____, 2021**

**AN ORDINANCE APPROPRIATING ADDITIONAL SUMS TO DEFRAY THE EXPENSES AND
LIABILITIES OF THE CITY OF GREELEY FOR THE BALANCE OF THE FISCAL YEAR OF 2021 AND
FOR FUNDS HELD IN RESERVE FOR ENCUMBRANCES AT DECEMBER 31, 2020.**

WHEREAS, the City of Greeley has or will incur expenses for certain activities described below during the 2021 fiscal year, and

WHEREAS, the revenues received in the City of Greeley in 2020, exceeded the amount of revenues estimated in the 2020 Budget by more than the total amount of the expenditures in the same year;

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

Section 1. In accordance with section 5-17 of the Greeley Charter, from actual and anticipated revenues which exceed the revenue estimates in the 2021 budget and amounts held in fund balance reserves from 2020, there is hereby appropriated the following designated sums to be allocated for use during the remainder of 2021:

Fund	Total
100 General Fund	\$ 10,387,203
102 Convention & Visitors Fund	54,005
103 HUD Grants Fund	50,530
104 Streets And Roads Fund	55,156
113 Equitable Sharing Fund	67,228
122 Cable Franchise PEG Funds	7,870
125 Poudre River Trail	25,000
127 Youth Enrichment	20,710
140 Museums	41,062
301 Public Improvement	5,655,037
304 Food Tax	294,525
306 Fire Equipment Acquisition/Replacement	100,000
318 Quality of Life	3,115,872
336 Trails Development	743,424
400 Cemetery	45,000
401 Golf Courses	120,200
411 Sewer Operations	191,058
412 Sewer Construction	410,000
413 Sewer Capital Replacement	1,413,341
421 Water Operations	5,603,608
423 Water Capital Replacement	6,356,577
424 Water Rights Acquisition	2,232,000
431 Stormwater Operations	5,688
432 Stormwater Construction	448,820
433 Stormwater Capital Replacement	439,308

Fund	Total
511 Equipment Maintenance Operations	45,200
512 Fleet Replacement	1,576,580
521 Information Technology Operations	151,347
522 Information Technology Acquisition	1,507,928
605 Memorials	7,000
Grand Total	\$41,171,277

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

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

PASSED AND ADOPTED, SIGNED AND APPROVED ON THIS ____ DAY OF _____, 20__.

ATTEST

THE CITY OF GREELEY, COLORADO

City Clerk

Mayor

City of Greeley
2021 Appropriation No. 1
City Council Meetings: March 16th & April 6th

Fund	Funding Source	Description	Fund Balance	Revenue	Expenditures	Net Impact
100 - GENERAL FUND						
Encumbrances & Commitments						
1	Fund Balance, Grant, Operating Transfer: FIRE EQUIPMENT ACQUISITION & REPLACEMENT, & YOUTH ENRICHMENT	Encumbrances & Commitments from 2020 include: New Bus Purchases [\$4,820,140 with \$4,451,154 in Grants]; Broadband Middle Mile & Fiber Conduits [\$1,000,000], Broadband Consulting [\$426,288]; Remaining CARES Act Reimbursements [\$319,836 with \$319,836 in Grants]; Pension Obligations & staffing levels [\$275,314]; Department Assessments [\$229,676]; Compensation Study [\$250,000]; Fire Step Increases [\$205,307]; Fitness Equipment [\$184,300]; Short-term Disability [\$181,389]; Development Code Update [\$173,465]; Mid Year Positions [\$169,868]; Strategic Plan, Coaching & Consulting Services [\$135,521]; Recruitment & Selection Services [\$134,788]; Greeley Home Ownership Incentive Program [\$129,661]; Fire Purchases from Wildland Reimbursements [\$100,000]; Communication Services [\$85,348]; Purchased Services [\$85,210]; Records Management [\$73,493]; Maintenance [\$61,457]; Oil & Gas Assessment Services [\$67,409]; Polling Services [\$60,000]; Image Campaign [\$54,005 with \$54,005 from Lodging Tax]; Facilities Condition Assessment [\$50,000]; JBS Donation Funds [\$39,000]; Capital Improvement Plan (CIP) Training [\$32,000]; Recodification Software [\$21,170]; Grants & External Funds [\$26,006]; & Farmers Market [\$7,500 & Grant of \$7,500].	4,565,656	4,832,495	9,398,151	-
Appropriation Requests						
2	Operating Transfer: MEMORIALS	Restricted funds supporting the White-Plumb Farm Learning Center are requested to fund a temporary, hourly wage position to maintain the White-Plumb Farm Learning Center. Museums cannot adequately maintain the property with current staffing levels.	-	7,000	7,000	-
3	Pass-Through	The Colorado State Legislature recently passed SB20B-001, which includes the Small Business Relief Fund to create some immediate and short-term financial relief in response to those most impacted by COVID-19. The City is partnering with the Chamber to execute and distribute the grants to all qualified businesses. A Services Agreement with local businesses will distribute funds through the creation of a new 'pass-through' account called DOLA Small Business Recovery Fund.	-	670,510	670,510	-
4	Private Contributions	As part of the Community Action Collaborative (CAC) program, Banner Health will provide an annual investment in the services provided by the City Fire Department Community Paramedic program. The funds will be used to hire an additional FTE, helping to provide staffing 7 days a week.	-	100,000	100,000	-
5	Expense Reimbursement	Greeley Fire provides equipment, supplies, and personnel to the Front Range Fire Consortium Fire Academy. This reimbursement is a result of not having any students in the Academy this last round. The funds will be used to upgrade communications systems in the fire stations. These upgraded communication systems will decrease the amount of time that it takes for a fire crew chief to receive dispatch information for an emergency response.	-	40,544	40,544	-
6	Private Contributions	This request is to appropriate grant funds from the Heart Trust. The Heart Trust Grant is given to the Greeley Fire department to ensure the health and safety of our firefighters. The grant will provide a reimbursement for firefighter physicals.	-	9,250	9,250	-
7	Operating Transfer: EQUITABLE SHARING FUND	In correlation with IT, the City is seeking to consolidate all police cameras through an upgrade process that will allow all cameras to be maintained on a single server. This will provide greater safety and security to our officers and efficiency and improvement to the current system.	-	67,228	67,228	-
Carryover Requests						
8	Carryover	Request to use 2020 Carryover Funds for Capital Improvement Plan Process Improvements [\$18,000] and [\$51,520] to Support Human Resource Staffing Improvements.	69,520	-	69,520	-
100 - GENERAL FUND			4,635,176	5,727,027	10,362,203	-
103 - HUD GRANTS FUND						
Encumbrances & Commitments						
9	Fund Balance	Encumbrances & Commitments from 2020 include: Purchased Services Using Community Development Block Grant CARES Act Funding [\$50,530].	50,530	-	50,530	-
103 - HUD GRANTS FUND			50,530	-	50,530	-
104 - STREETS AND ROADS FUND						
Encumbrances & Commitments						
10	Fund Balance	Encumbrances & Commitments from 2020 include: Automatic Vehicle Location System [\$30,156].	30,156	-	30,156	-

Fund	Fund	Description	Fund Balance	Revenue	Expenditures	Net Impact
Item No. 11.						
Carryover Requests						
11	Operating Transfer: GENERAL FUND	This request is to appropriate funds for the installation of Rapid Flashing Beacon devices at the crossing of Poudre Trail & 83rd Avenue to improve pedestrian safety. The beacons will flash motorists when activated by trail users. These types of devices are also located at other trail crossings of major roads and have successfully enhanced safety.	-	25,000	25,000	-
104 - STREETS AND ROADS FUND			30,156	25,000	55,156	-
122 - CABLE FRANCHISE PEG FUNDS						
Encumbrances & Commitments						
12	Fund Balance	Encumbrances & Commitments from 2020 include: Public Education Government (PEG) Funds Distributed to Weld County School District #6 [\$7,870].	7,870	-	7,870	-
122 - CABLE FRANCHISE PEG FUNDS			7,870	-	7,870	-
127 - YOUTH ENRICHMENT						
Encumbrances & Commitments						
13	Fund Balance	Encumbrances & Commitments from 2020 include: United Way STEM Funding [\$20,710].	20,710	-	20,710	-
127 - YOUTH ENRICHMENT			20,710	-	20,710	-
140 - MUSEUMS						
Appropriation Requests						
14	Fund Balance	Restricted funds supporting Centennial Village Museum are requested to construct a storage & display structure at Centennial Village for displaced White-Plumb Farm artifacts. The cellar which currently stores the artifacts will be removed in late 2021/early 2022. Staff is currently seeking outside support to partially or completely fund this project without the need to use City funds. If this comes to fruition, staff will return any/all unused City funds.	24,000	-	24,000	-
15	Fund Balance	Restricted funds are requested to complete work initiated by a temporary, hourly wage position hired in early 2020 to catalog the Museums' backlogged artifacts and archival materials. In early 2020, restricted funds were requested and approved to be used in support of a temporary, hourly wage position that would complete the cataloging of objects and archival material brought over to the museum in the 2005 relocation but were never fully processed. As a result of the pandemic, City facilities closures, and budget reductions, the position was terminated, the project was left incomplete, and the appropriated funds were not fully spent. The position was reinstated late in 2020 and the remaining funds are requested to be carried over into 2021 so that work may resume and the job be completed.	17,062	-	17,062	-
140 - MUSEUMS			41,062	-	41,062	-
301 - PUBLIC IMPROVEMENT						
Appropriation Requests						
16	Grant	Weld County School District 6 was a recipient of two Great Outdoors Colorado (GOCO) School Yard Initiative (SYI) grants for playground projects on school grounds at both Madison and Shawsheen elementary schools. Weld County School District 6 partnered with the City of Greeley. The City acted as the sponsoring agency and fiscal agent for the grant funds. Although the City is not financially participating in this endeavor, the City will act as the recipient of the grant funds and will process the full grant payment to the district. Total funds already received by the City of Greeley in December, 2020 was for a total of \$215,607.84. This originally was approved in 2018 and was carried into 2019; however, the district did not complete the projects nor the grant close-outs until late 2020. This appropriation needs to be processed again in order to be able to pay the district the funds for the projects.	-	215,607	215,607	-
17	Fund Balance	This request is to re-appropriate funding for 8th Street Improvements. The timeline of the project has increased over the three-year budget window due to delays in design, increased time for grant approval agreements, switching to a new engineer for the final design, and the length of time it took to get right-of-way acquisitions finished. This project has been separated into two phases, with the first being completed. Construction in phase two is scheduled to begin on April 1, 2021 and scheduled to be completed in September of 2021.	3,793,997	-	3,793,997	-
18	Fund Balance	This request is to re-appropriate funding for the Railroad Quiet Zone project that has been ongoing for three years. There have been delays with construction plans, reviews, and crossing improvements from the Union Pacific Railroad, pushing the project beyond the 3-year time frame. Final stages are underway.	1,645,433	-	1,645,433	-
301 - PUBLIC IMPROVEMENT			5,439,430	215,607	5,655,037	-

Fund	Fund	Description	Fund Balance	Revenue	Expenditures	Net Impact
		Item No. 11.				
304 - FOOD TAX						
Appropriation Requests						
19	Fund Balance	This request is to re-appropriate the Bittersweet Park Irrigation & Turf Conversion project. The project entailed replacing the existing irrigation system with a more efficient system, as well as converting 16 acres of bluegrass to native turf to improve water use over the entire site. Because the project did not receive competitive bids the first time it was advertised, the project was delayed and rebid at a more appropriate time. This caused the project to go over the 3-year time frame. This appropriation will cover existing encumbered purchase orders, as well as allow staff to work on non-warranty items to improve seeded areas and user experience. Aged site furnishings and park signage will also be replaced.	294,525	-	294,525	-
304 - FOOD TAX			294,525	-	294,525	-
318 - QUALITY OF LIFE						
Appropriation Requests						
20	Fund Balance, Grant	Funding will be used to program recreation and community events in the East Greeley Neighborhood to include the Play on the Way Mobile Recreation trailer, drop-in sports, and Discovery Bay Pool free days; to fund a neighborhood coordinator to plan and facilitate these events; to complete design work for construction projects, and; to complete the construction improvements in Balsam Park and the East Greeley Natural Area based on design input by the neighborhood at several community meetings. The construction of certain site improvements is scheduled to begin in 2021. Funding is derived from a three-year grant, funded through the Colorado Health Foundation for healthy living promotion and outdoor public space activation, as well as the re-appropriation of remaining funds from the end of the third year of the project (2020).	2,369,537	355,928	2,725,465	-
21	Fund Balance	This request is to re-appropriate funds for the Sheep Draw Trail Underpass. The three-year term for this project expired in 2020. By re-appropriating this project, the 83rd Avenue bridge section of the Sheep Draw Trail will be able to be completed.	311,747	-	311,747	-
22	Fund Balance	This request is to re-appropriate funds for the Skate Park project, as 2020 was the third year of the project. The project did not receive competitive bids the first time it was advertised. The project was also delayed to gather appropriate community feedback, and to design to those needs. Weather complications also slowed construction. Re-appropriation is necessary to complete the final landscape corrections that could not be completed during the winter months.	78,660	-	78,660	-
318 - QUALITY OF LIFE			2,759,944	355,928	3,115,872	-
336 - TRAILS DEVELOPMENT						
Appropriation Requests						
23	Grant, Fund Balance, & Operating Transfer: POUUDRE RIVER TRAIL	This request is to re-appropriate funds for the #3 Canal Trail Broadview Acres Phase II & III project. There have been design & timing complications with the Ditch Company, pushing the project past the three year timeframe. In 2020, Natural Areas & Trails (NAT) was able to secure a Multi-Modal Opportunity Fund (MMOF) grant from Northern Front Range. Additional contributions from the Poudre River Trail Corridor, Inc. Board, and Greeley School District 6 will finally allow for implementation of this project. Construction of this project is now anticipated to start in the summer of 2021 & is scheduled to be completed by late 2021, or early 2022.	329,424	414,000	743,424	-
336 - TRAILS DEVELOPMENT			329,424	414,000	743,424	-
400 - CEMETERY						
Appropriation Requests						
24	Fund Balance	This request is to appropriate funds to purchase a new Columbarium for cremains, as well as to update all site security to work with the new City fiber that was installed in 2020. The current Columbarium option for customers was anticipated to have niches available until 2025 when it was installed in 2015. Due to the pandemic, there was a surge in customers planning for death, completely selling out all vacant niches. The new Columbarium will generate nearly \$108,000 in new revenue, while the updated security system will help to monitor the City's assets.	45,000	-	45,000	-
400 - CEMETERY			45,000	-	45,000	-
401 - GOLF COURSES						
Appropriation Requests						
25	Fund Balance	This request is to appropriate funds to purchase 14 new satellites to integrate the irrigation system at Boomerang Golf Course. Weld School District 6 purchased 88 acres inside the back nine holes at Boomerang Golf Course. After the initial purchase, the City and the District traded acreage, and through the trade, the District acquired land where three original holes are located. In lieu of these three holes now on District 6 property, three new holes will be constructed to adjoin the other six holes. A new Toro irrigation system will be installed on the entire nine holes. By purchasing 14 new satellites, the old system will be converted to Toro, integrating the entire system. The system will operate on one software application, minimizing the cost with new equipment.	85,000	-	85,000	-

Fund	Fund	Description	Fund Balance	Revenue	Expenditures	Net Impact
		Item No. 11.				
26	Fund Balance	Funding for a new point of sale system will provide our customers with an opportunity to purchase yearly memberships or annual passes on monthly payments. Golf is not currently budgeted to upgrade current credit card terminals to improve the customer service experience. Golf staff asserts that changing out the credit card terminals at Highland Hills Golf Course and Boomerang Links Golf Course and offering recurring and annual billing to our customers is beneficial. The point of sale systems are GolfTrac by Vermont Systems, this package includes add-ons, credit card setup, and installment billing and training by Vermont systems. The credit card terminals are model IS250 through CardConnect. A gateway is required at each golf course along with a monthly fee. Existing designated Golf Fund balance will be used to cover this request.	5,200	-	5,200	-
27	Fund Balance	This request is to appropriate funds to upgrade software and hardware at the City of Greeley golf courses. Now that fiber installation is complete at the City's golf courses, the system needs to be upgraded for successful migration. The current hardware is incapable of handling the new upgrades. Upgrading the hardware consists of 4 Dell computers with touch screen monitors at both golf courses and at the pro shop counters (2 at each golf course). Additional computers will need to be purchased to give employees access to the City network, as well as laptops for two contract golf pros. At this time, the Golf Division is currently paying for Comcast internet for contract Golf Pro Connection. This expense can be eliminated on City network with City issued hardware. Along with the computers, 4 receipt printers, 4 crash drawers, and 2 card printers need to be purchased. The City's recently purchased credit card terminals will also need to be updated.	30,000	-	30,000	-
401 - GOLF COURSES			120,200	-	120,200	-
411 - SEWER OPERATIONS						
Encumbrances & Commitments						
28	Fund Balance	Encumbrances & Commitments from 2020 include: Chemicals & Maintenance Supplies for Operations [\$170,308] & Laboratory Purchased Services [\$2,750].	173,058	-	173,058	-
Appropriation Requests						
29	Expense Reimbursement	This request is to fund a special sewer engineering study for a planned 820 acre unit development project at Highway 34 and Highway 257. A new mixed-use development, currently titled "Apex Vista", is being proposed at the intersection of Highway 34 and Highway 257 in West Greeley. The 800+ acre development will include a variety of land uses, including residential, commercial, commercial/mixed use, civic, industrial/mixed use, and oil & gas operations. The proposed development is of a higher density than master plans have identified for the location. In addition, the developer is planning to route sewer flows to different basins than directed in the Sanitary Sewer Master Plan, which will require special system modeling to understand the impacts. In order to ensure proper sewer service is provided to the proposed development, a special engineering study is needed to appropriately size and position the sewer infrastructure. To accomplish this, water and sewer staff will work with a consultant to evaluate the impacts of the planned sewer system, and identify what potential costs are the responsibility of the developer. The full costs of the collection system modelling will be paid by the developer.	-	18,000	18,000	-
411 - SEWER OPERATIONS			173,058	18,000	191,058	-
412 - SEWER CONSTRUCTION						
Appropriation Requests						
30	Fund Balance	This request is for funding to construct a municipal sewer within Johnson Subdivision. The expenditures associated with this project include patching the existing roadway [228,000], ordinance notification [2,000], construction materials and equipment rentals [140,000], compaction, and materials testing [10,000], and inspection and project management [30,000]. The project will construct approximately 3,200 feet of new sewer pipe in 2021 so that municipal sewer will be available in the event of a future failed septic system in the subdivision.	410,000	-	410,000	-
412 - SEWER CONSTRUCTION			410,000	-	410,000	-
413 - SEWER CAPITAL REPLACEMENT						
Encumbrances & Commitments						
31	Fund Balance	Encumbrances & Commitments from 2020 are associated with the following projects that have exceeded the 3 year appropriation limit: General Rehabilitation Projects [\$343,871], WTRF Stream Temperature Assessment [\$33,253], Trenchless Main & Collector Rehabilitation [\$31,770], Instrumentation & Controls - Wastewater [\$24,321], & Sewer System Rehabilitation [\$13,824].	447,039	-	447,039	-
Appropriation Requests						
32	Fund Balance	This request is to re-appropriate funds for the Sanitary Sewer Masterplan since it has reached its 3-year limit. The Masterplan was advertised in the end of 2018, and a contract was awarded in April of 2019. The Masterplan is near completion; however, the remaining encumbrances require a re-appropriation to complete the remainder of the project scope. It is anticipated that the Masterplan will be complete in May of 2021, once the Water & Non-Potable Masterplans are complete and the CIP projects between the Masterplans can be coordinated.	50,600	-	50,600	-

Fund	Fund	Description	Fund Balance	Revenue	Expenditures	Net Impact
		Item No. 11.				
33	Fund Balance	Due to the complexity of the Wastewater Treatment & Reclamation Facility (WTRF) Upgrade project, it has reached its 3-year limit. This request is to re-appropriate the entire remaining budget and encumbrances. This project works in conjunction with the Nitrification project to continue meeting current and future state regulations and permit limits. The Supervisory Control & Data Acquisition (SCADA) work is scheduled to be complete alongside the Nitrification project in the fall of 2023.	915,702	-	915,702	-
413 - SEWER CAPITAL REPLACEMENT			1,413,341	-	1,413,341	-
421 - WATER OPERATIONS						
Encumbrances & Commitments						
34	Fund Balance	Encumbrances & Commitments from 2020 include: Operations, Chemicals, & Electric at Boyd Lake Filter Plant [\$273,491]; Operations, Chemicals, Maintenance, & Purchased Services at Bellvue Filter Plant [\$100,148], Emergency Mitigation of High Mountain Reservoirs [\$9,310]; Assessment and Purchased Services [\$38,622]; Open Lands Strategic Plan [\$13,014]; Integration of Water Budget [\$23,858]; & Water Operation Services [\$7,365].	465,808	-	465,808	-
Appropriation Requests						
35	Fund Balance, Grant	This request is in anticipation of expected funding from the U.S. Department of Agricultural Natural Resources Conservation Service (NCRS) Emergency Watershed Program (EWP). In the fall of 2020, \$475,000 was received for mitigation activities related to the Cameron Peak Fire. Mitigation work will continue to be needed to protect Greeley's water supply and water supply infrastructure. The NCRS has stated that additional funding will be forthcoming this spring. The City and its partner organizations must provide a 20% match to EWP funding. Greeley will be fronting all payments to the contractors, and will be reimbursed by the EWP program.	525,000	4,500,000	5,025,000	-
36	Fund Balance	This request is to appropriate funds for the non-potable shop rent. Historically, the City's non-potable division has worked from a trailer at the 23rd Avenue reservoirs site. This area became unsuitable two years ago following the expansion of the Instrument & Controls division who shared the site. The ultimately plan is to relocate the non-potable operations to a new Water & Sewer facility. Since this new facility is currently still in the planning phase, Water & Sewer is renting shop space until the new facility is built. The rental expense should have been included in the 2021 budget process, but was missed.	73,200	-	73,200	-
37	Fund Balance	This request is to appropriate additional funding to retain an experienced Instrumentation Controls Technician on a temporary basis. Steve Robben retired in the second-half of 2020, but has agreed to continue to support the Instrumentation & Controls group with his historical knowledge on a temporary basis. Steve will be able to provide cross-training for the entire group.	39,600	-	39,600	-
421 - WATER OPERATIONS			1,103,608	4,500,000	5,603,608	-
423 - WATER CAPITAL REPLACEMENT						
Encumbrances & Commitments						
38	Fund Balance	Encumbrances & Commitments from 2020 are associated with the following projects that have exceeded the 3 year appropriation limit: Transmission System Rehabilitation [\$1,155,545], Distribution Pipeline Replacement [\$387,393], Water Efficiency Tactical Team [\$190,500], Bellvue Water Treatment Plant General Rehabilitation [\$143,067], Boyd Water Treatment Plant - General Rehabilitation [\$134,273], Non-Potable Replacement Rehabilitation [\$23,409], Treated Water Reservoir Rehabilitation [\$19,614], and Meter Replacement [\$5,125].	2,058,926	-	2,058,926	-
Appropriation Requests						
39	Grant	This request is to appropriate \$1,478,450 in grant funding that was received in 2020 from the Bureau of Reclamation's WaterSmart program for the Advanced Metering Infrastructure project. This project is a multi-year effort to upgrade half of the City's meters to cellular technology. This project enables near constant communication with the water meter, recording reads every 14 minutes to gather real-time water consumption data. In addition to leak detection & improved data accuracy, the project will greatly reduce the need for City staff to collect meter readings, thereby saving resources.	-	1,478,450	1,478,450	-
40	Grant	This request is to appropriate funds to replace a vital water transmission line that's impacted by the Colorado Department of Transportation's (CDOT) expansion of I-25. CDOT is expanding the intersection around I-25 & Prospect Road, which will require the relocation of 2 of Greeley's water pipelines. Work on the first phase was completed in 2020; however, construction is required in the spring of 2021. Greeley completed an amendment to the existing agreement with CDOT in February 5, 2021, who will reimburse Greeley for the cost of this relocation. Construction will begin in March and be completed in May of 2021.	-	2,032,000	2,032,000	-
41	Fund Balance	This request is to re-appropriate encumbered funds for the Bellvue Xcel Power Upgrade project, which has reached the 3-year limit. In early 2020, Xcel Energy constructed a new power line from a substation to the Bellvue Water Treatment Plant to serve the new treatment facilities. This project budget can't yet be closed-out as the City is waiting for Xcel to install new plant meters. These re-appropriated funds will pay for the remaining work to replace existing infrastructure.	7,201	-	7,201	-

Fund	Fund	Description	Fund Balance	Revenue	Expenditures	Net Impact
		Item No. 11.				
42	Fund Balance	This request is to re-appropriate the Poudre Ponds Erosion Protection project budget because it has reached the 3-year time limit. Originally budgeted in 2018, the project was delayed so it could be combined with the installation of the Pond B slurry wall and conveyance piping, which would take advantage of economies of scale. This project will implement erosion protection measures to reduce and eliminate further erosion. The project is scheduled to be completed in 2021.	780,000	-	780,000	-
423 - WATER CAPITAL REPLACEMENT			2,846,127	3,510,450	6,356,577	-
424 - WATER RIGHTS ACQUISITION						
Appropriation Requests						
43	Fund Balance	This request is to appropriate funds for testing and inspection services for the slurry wall, conveyance piping, and general work on the Poudre Ponds project. When the Poudre Ponds budget was first created, the project was still in the design process. Since then, additional geotechnical information has been gathered that could not have been identified sooner. More reconstruction work is needed than originally anticipated, and full-time monitoring of soil materials will be necessary. This additional appropriation will pay for the advanced scope, which includes daily testing of the slurry wall mix, construction observation, concrete testing, and compaction testing. The slurry wall mixture and make up of soil fines, bentonite and cement ratios must be correct to get the proper seal. The tie-in to the existing slurry wall around Pond A must also be correct. This will ensure ground water isn't contaminated, and valuable water rights are not lost to leakage.	165,000	-	165,000	-
44	Fund Balance	This request is to re-appropriate unspent funds from the Overland Trail Ponds project, which has reached its 3-year limit. With the acquisition of Overland & Trail gravel pits, Greeley has increased its storage capacity. The pits will be used to store potable supplies for the Bellvue filter plant, and to meet return flows required by the Ditch Company acquisition. The project budget covers Greeley's portion of the project, which is paid to the Tri-Districts as they are creating the storage.	67,000	-	67,000	-
45	Fund Balance	This request is to re-appropriate unencumbered 2020 funds for the purchase of Water Supply & Storage Company water rights. Greeley went under contract to purchase one share in the Water Supply and Storage Company in November 2020. Inspection of the subject share pushed closing into 2021, and the funds allocated for this purchase were not encumbered in 2020. This request would re-appropriate the unused 2020 funds back to the Water Acquisition Future Account II to be used in 2021 to close the purchase.	2,000,000	-	2,000,000	-
424 - WATER RIGHTS ACQUISITION			2,232,000	-	2,232,000	-
431 - STORMWATER OPERATIONS						
Encumbrances & Commitments						
46	Fund Balance	Encumbrances & Commitments from 2020 include: Services for Centennial Pool [\$5,106] & Stormwater Asset Management Purchased Services [\$582].	5,688	-	5,688	-
431 - STORMWATER OPERATIONS			5,688	-	5,688	-
432 - STORMWATER CONSTRUCTION						
Appropriation Requests						
47	Fund Balance	This appropriation request is to move funds from Phase 1A of the 12th Outfall project, to Phase 1B. By doing so, funding will be provided to design a Storm Drainage outfall and water quality pond, which will efficiently convey local runoff in the Downtown area to the Cache le Poudre River. The 2020 Budget included funds for Phase 1 (12th Street Outfall – WQ Pond). Due to project complexities, the division decided to split the project into two sub-phases: Phase 1A for utility relocation design, and Phase 1B for storm infrastructure design. The original budget in 2020 exceeded the needs for funding Phase 1A design, and Phase 1B was scheduled for 2021. As these funds are for the design phases of both 1A & 1B of the project, there is no increase in expenses to the overall project. Moving funds between phase 1A & 1B is due to updated design and timing of certain responsibilities between the phases.	448,820	-	448,820	-
432 - STORMWATER CONSTRUCTION			448,820	-	448,820	-
433 - STORMWATER CAPITAL REPLACEMENT						
Appropriation Requests						
48	Fund Balance	This request is for the re-appropriation of the Utility Billing Software Program. The current Utility Billing software is at the end of its life, which will only be supported for 2-3 more years. This is a multi-department purchase and has been planned and budgeted for in multiple years. The new system will enhance customer service and reporting capabilities.	439,308	-	439,308	-
433 - STORMWATER CAPITAL REPLACEMENT			439,308	-	439,308	-
511 - EQUIPMENT MAINTENANCE OPERATIONS						
Encumbrances & Commitments						
49	Fund Balance	Encumbrances & Commitments from 2020 include: Fleet Organization Assessment [\$45,200].	45,200	-	45,200	-
511 - EQUIPMENT MAINTENANCE OPERATIONS			45,200	-	45,200	-

Fund	Fund	Description	Fund Balance	Revenue	Expenditures	Net Impact
Item No. 11.						
512 - FLEET REPLACEMENT						
Encumbrances & Commitments						
50	Fund Balance	Encumbrances & Commitments From 2020 Include: Delay of Vehicle & Up Fitting Purchases from COVID [\$1,576,580].	1,576,580	-	1,576,580	-
512 - FLEET REPLACEMENT			1,576,580	-	1,576,580	-
521 - IT OPERATIONS						
Encumbrances & Commitments						
51	Fund Balance	Encumbrances & Commitments from 2020 include: Purchased Services for Operations [\$144,584] & Microsoft Power BI Licenses [\$6763].	151,347	-	151,347	-
521 - IT OPERATIONS			151,347	-	151,347	-
522 - IT ACQUISITION						
Encumbrances & Commitments						
52	Fund Balance	Encumbrances & Commitments From 2020 Include: Enterprise Resource Planning (ERP) Expenditures [\$1,266,320] & Hardware and Software Purchases [241,608].	1,507,928	-	1,507,928	-
522 - IT ACQUISITION			1,507,928	-	1,507,928	-
TOTAL (Less Additional Operating Expenditures Between Funds)			26,127,032	14,766,012	40,893,044	-
OPERATING TRANSFERS						
1	Fund Balance, Expense Reimbursement	General Fund Encumbrances, Future Apparatus Replacement [\$100,000]: Operating Transfer of Expense Reimbursement GENERAL FUND to FIRE EQUIPMENT ACQUISITION & REPLACEMENT	54,005	100,000	154,005	-
		General Fund Encumbrances, Image Campaign [\$54,005]: Operating Transfer of Fund Balance GENERAL FUND to YOUTH ENRICHMENT				
2	Fund Balance	White-Plumb Farm Learning Center Grounds Position: Operating Transfer of Fund Balance MEMORIALS to GENERAL FUND	7,000	-	7,000	-
7	Fund Balance	Server Consolidation of Police Cameras: Operating Transfer of Fund Balance EQUITABLE SHARING FUND to GENERAL FUND	67,228	-	67,228	-
11	Carryover	83rd & Poudre Trail Rapid Flash Beacon: Operating Transfer of Carryover GENERAL FUND to STREETS AND ROADS FUND	25,000	-	25,000	-
23	Fund Balance	#3 Canal Trail Broadview Acres Phase II & III: Operating Transfer of Fund Balance POUDRE RIVER TRAIL to TRAILS DEVELOPMENT	25,000	-	25,000	-
TOTAL ADDITIONAL OPERATING EXPENDITURES BETWEEN FUNDS			178,233	100,000	278,233	-
GRAND TOTAL			26,305,265	14,866,012	41,171,277	-

Council Agenda Summary

March 16, 2021

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

Title:

Introduction and first reading of an ordinance adopting a new municipal code for the City of Greeley, Colorado

Summary:

A recodification of the City's code of ordinances has been underway since 2018. Through the course of this project, the scope of what was to be undertaken as part of the recodification has shifted, as has the oversight of the project on both the City side and from our codifier, Municipal Code Corporation, also known as Municode. The recodification effort was initiated by City Clerk Betsy Holder, and continued by Cheryl Aragon while she served in the Interim Clerk role, before Anissa Hollingshead joined the City in late September of 2020 to oversee the completion of this effort. Throughout the recodification process, the City Clerk's Office was capably assisted directly by Senior City Attorney Susan Anderson.

On October 13, 2020, the [final draft](#) of the working version of this recodification was presented to the City Council and the community at a [work session](#). At that time, the history and scope of the recodification process was reviewed. With no changes requested by Council, Municode was directed to begin the final phase of preparing the new code for adoption and enactment. This process of finalization involves quality control work and reviews, and takes multiple months. With that work now complete, the new code is ready for adoption and can go into effect as indicated in the adopting ordinance.

Review of Recodification Timeline:

2017: 2018 budget approved with funding to undertake a two-year recodification effort, the City's first since 1994.

August 2018: Contract signed with Municode, the specialized publisher used to maintain the City's legislative actions as a comprehensive Code of Ordinances, to complete the recodification process. The scope of services to be provided by Municode included a complete legal review of the Code, review of formatting options, and full proof reading and editing.

January 2019: Municode concluded its initial legal review and provided the City with comprehensive recommendations for suggested updates based on that legal review, as well as suggestions for organizational improvements of sections and chapters.

2019: Throughout 2019, the City Clerk's Office and the City Attorney's Office reviewed the details of Municode's recommendations, researched options, and communicated with department heads to reach consensus on responses to the proposed list of changes. The City shared back responses to Municode in February, May, and

November of 2019. The responses to the almost 200 recommendations made by Municode can be categorized in two primary buckets of changes:

- Housekeeping changes to standardize Code titles, articles, catchlines, and terms; rearranging or combining sections to improve flow; and clarifying and updating language.
- Rewriting specific sections that were out of date or incongruent, including most significantly, reconciling penalty classifications throughout the Code.

Also during 2019, the decision was made to shift course on the original plan to include a comprehensive internal review of the code as part of the recodification effort. Instead, department directors committed to a schedule for ongoing reviews of code sections relevant to each department to follow the recodification.

February 2020: Municode followed up on their original recommendation that a more thorough reorganization to include renumbering be done as part of the finalization of the new Code. After research into best practices in this area, the City decided to move forward with the renumbering work in order to best modernize and streamline the Code, while making it more user friendly for both staff and the public, as well as making it easy to change over time. Meetings were held involving all department directors about the renumbering in June of 2020.

September 2020: Final proofs, showing a mark up version of the new Code, were provided by Municode.

October 2020: The recodification work, including the final marked up proofs, were presented to the City Council in a work session.

February 2021: The final version of the new Code was provided by Municode in both hard copy and electronically for adoption.

March 2021: The ordinance adopting the new Code is being presented to the City Council for introduction and first reading. The adopting ordinance includes language specific to also incorporate all ordinances passed since Jan. 1, 2021, adopting by reference other codes and rules and regulations as part of the Greeley Municipal Code, amending penalty provisions throughout the Code, and setting the effective date of the new Code to be 30 days after final publication of the adopting ordinance.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	\$50,000 allocated from 2018-2021 to cover recodification costs
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:	
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Legal Issues:

Consideration of this matter is a legislative process.

Other Issues and Considerations:

The new Code includes specific provisions to ensure all existing signs, notices and forms that refer to the 1994 Code remain valid, and that any renumbered provisions from the 1994 Code to the 2021 Code are applicable whether citing the old or new numbering.

Strategic Work Program Item or Applicable Council Priority and Goal:

This item contributes the Council goal of operational excellence, and directly relates to the City-wide strategic outcomes relating to Good Governance and Accessible & Connected Community.

This work has been part of the Clerk's Office departmental work program since 2018, and is a critical piece of the department's commitment to support, inform, and record the work of the City Council and to make information about that work accessible to the public.

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 April 6, 2021.

Attachments:

Ordinance for Introduction – 2021 Recodification
Code Comparative Table between 1994 and 2021 codes

*On the City's website, both the [marked up version of the full proofs](#) of the final code as well as the [full electronic code as a PDF](#) are linked on the City Council and City Code pages for public reference. Once the new code is effective, it will be found in the robust online code repository hosted by Municode on behalf of the City, at [Municipal Code | Greeley, CO | Municode Library](#)

CITY OF GREELEY, COLORADO
ORDINANCE NO. _____, 2021

AN ORDINANCE ADOPTING BY REFERENCE AND ENACTING A NEW MUNICIPAL CODE FOR THE CITY OF GREELEY, COLORADO; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING FOR THE ADOPTION OF SECONDARY CODES BY REFERENCE; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

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

Section 1. The code entitled "Greeley Municipal Code" published by Municipal Code Company, consisting of Titles 1 through 24, with tables and index, is adopted as a primary code by reference.

Section 2. All ordinances or portions of ordinances of a general and permanent nature enacted on or before January 1, 2021, which are inconsistent with the provisions of the Greeley Municipal Code, to the extent of such inconsistency and not otherwise saved from repeal, are hereby repealed.

Section 3. The repeal established in the foregoing section shall not be construed to revive any ordinance or part thereof that had been previously repealed by any ordinance which is repealed by this Ordinance.

Section 4. The following codes and rules and regulations were adopted by reference and incorporated in the Greeley Municipal Code. One (1) copy of each such code is on file in the City Clerk's office:

- (1) The *Colorado Municipal Election Code of 1965*, Article 10 of Title 31 of the Colorado Revised Statutes, as adopted by reference in section 2-23.
- (2) The *Uniform Election Code of 1992*, Articles 1-13 of Title 1 of the Colorado Revised Statutes, as adopted by reference in section 2-23.
- (3) The *Colorado Mail Ballot Election Act*, Article 7.5 of Title 1 of the Colorado Revised Statutes, as adopted in section 2-23.
- (4) The *State of Colorado Department of Public Safety Rules and Regulations Concerning Minimum Standards for the Operation of Commercial Vehicles*, published by the Colorado Department of Public Safety, as adopted in section 16-68.

- (5) The *International Building Code*, 2018 edition, published by the International Code Council, as adopted and amended in Chapter 2 of Title 22.
- (6) The *International Residential Code*, 2018 edition, published by the International Code Council, as adopted and amended in Chapter 3 of Title 22.
- (7) The *International Mechanical Code*, 2018 edition, published by the International Code Council, as adopted and amended in Chapter 4 of Title 22.
- (8) The *International Property Maintenance Code*, 2018 edition, published by the International Code Council, as adopted and amended in Chapter 5 of Title 22.
- (9) The *International Existing Building Code*, 2018 edition, published by the International Code Council, as adopted and amended in Chapter 6 of Title 22.
- (10) The *International Energy Conservation Code*, 2018 edition, published by the International Code Council, as adopted and amended in Chapter 8 of Title 22.
- (11) The *International Plumbing Code*, 2018 edition, published by the International Code Council, as adopted and amended in Chapter 9 of Title 22.
- (12) The *International Fuel Gas Code*, 2018 edition, published by the International Code Council, as adopted and amended in Chapter 10 of Title 22.
- (13) The *National Electrical Code*, 2017 edition, published by the International Code Council, as adopted and amended in Chapter 11 of Title 22.
- (14) The *International Fire Code*, 2018 edition, published by the International Code Council, as adopted and amended in Chapter 12 of Title 22.

Section 5. The penalty provisions set forth in the Greeley Municipal Code are hereby adopted as set forth in Exhibit A.

Section 6. Additions or amendments to the Code, when passed in the form as to indicate the intention of the City to make the same a part of the Code, shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 7. Ordinances adopted after January 1, 2021, which amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 8. This Ordinance shall be in full force and effect following adoption and approval by the City Council, thirty (30) days following its publication.

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

ATTEST

CITY OF GREELEY, COLORADO

City Clerk

Mayor

EXHIBIT A

**AN ORDINANCE ADOPTING BY REFERENCE AND ENACTING A NEW MUNICIPAL CODE FOR THE CITY OF GREELEY, COLORADO; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING FOR THE ADOPTION OF SECONDARY CODES BY REFERENCE; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.
GREELEY MUNICIPAL CODE**

The penalty provisions set forth in the Greeley Municipal Code are hereby adopted as follows:

(1) Sec. 1-229. Penalties designated.

(a) No person shall violate any of the provisions of this Code. Such violations shall be subject to the punishment listed below:

(b) Misdemeanor offenses.

(1) Unless otherwise designated, any alleged criminal, non-administrative violation of this Code shall be classified as a misdemeanor offense and heard by the municipal court pursuant to chapter 10 of title 2 of this Code.

(2) A person who commits a misdemeanor offense, which includes traffic offenses, shall be subject to punishment by a fine of not more than \$1,000.00 or by imprisonment not to exceed one year, or by both such fine and imprisonment.

(c) Misdemeanor infractions.

(1) A person who violates any ordinance designated by this Code as a misdemeanor infraction, which includes traffic infractions and parking infractions, shall be heard by the municipal court and subject to punishment by a fine of not more than \$500.00.

(2) A person cited for a misdemeanor infraction shall be eligible to submit a plea and payment to the municipal court pursuant to procedures established in section 2-991.

(d) Upon conviction, a person may be sentenced to perform a certain number of hours of community or useful public service, in addition to any other penalty imposed, and the municipal court may assess a fee to cover the cost of participation in the community or useful public service.

(e) The municipal court may find a person to be indigent upon a showing of credible written evidence of indigency.

(2) Sec. 1-231. Juvenile penalties.

(a) The municipal court shall have the authority to apply all penalties to juvenile offenders who are at least ten but not 18 years of age as provided under this chapter, except as listed below.

(b) Pursuant to C.R.S. title 13, as amended from time to time, and notwithstanding any other provision of law, a child, as defined in C.R.S., title 19, art. 1, as amended from time to time, arrested for an alleged violation of a municipal ordinance, convicted of violating a municipal ordinance or probation conditions imposed by a municipal court or found in contempt of court in connection with a violation or alleged violation of a municipal ordinance shall not be confined in a jail, lockup or other place used for the confinement of adult offenders but may be held in a juvenile detention facility operated by or under contract with the department of human services or a temporary holding facility operated by or under contract with a municipal government which shall

receive and provide care for such child. A municipal court imposing penalties for violation of probation conditions imposed by such court or for contempt of court in connection with a violation or alleged violation of a municipal ordinance may confine a child pursuant to C.R.S., title 19, art. 2, as amended from time to time, for up to 48 hours in a juvenile detention facility operated by or under contract with the department of human services. In imposing any jail sentence upon a juvenile for violating any municipal ordinance, when the municipal court has jurisdiction over the juvenile pursuant to C.R.S., title 19, art. 2, as amended from time to time, a municipal court does not have the authority to order a child under 18 years of age to a juvenile detention facility operated or contracted by the department of human services.

(c) A juvenile offender may be sentenced up to 45 days of in-home detention.

(d) For any juvenile offender who turns 18 years of age at the time of sentencing, the municipal court shall have the authority to apply all penalties as provided under this chapter.

(3) Sec. 1-260. Administrative process.

Where authorized in specific chapters within this Code, certain violations may be sanctioned administratively. The hearing on those violations shall be in the nature of an administrative proceeding and shall proceed as set forth in chapter 12 of title 2 of this Code.

(4) Sec. 2-155. Quorum; penalty for nonattendance.

In the absence of a quorum, a minority of councilmembers present may adjourn from time to time and compel the attendance of absent members by a fine not exceeding \$10.00 for each offense.

(5) Sec. 2-983. Penalties; designated.

Any person convicted of violating a municipal ordinance may be punished as provided in chapter 9 of title 1 of this Code and other relevant Code provisions.

(6) Sec. 2-985. Suspension of sentence and probation.

In sentencing or fining a violator, a municipal judge shall not exceed the sentence or fine limitations established by ordinance. The municipal judge may suspend the sentence or fine, or both, of any violator and place him on probation for a period not to exceed one year.

(7) Sec. 2-986. Deferred sentencing and costs.

(a) In any case in which the defendant has entered a plea of guilty, the court accepting the plea may, with the written consent of the defendant, his attorney of record and the prosecuting attorney, continue the case for a period not to exceed two years from the date of entry of such plea for the purpose of entering judgment and sentence upon such plea of guilty.

(b) Prior to entry of a plea of guilty to be followed by deferred judgment and sentence, the prosecuting attorney, in the course of plea discussion, is authorized to enter into a written stipulation, to be signed by the defendant, his attorney of record and the attorney under which the defendant obligates himself to adhere to such stipulation. Upon full compliance with the stipulation by the defendant, the plea of guilty previously entered shall be withdrawn and the action against the defendant dismissed with

prejudice. Such stipulation shall specifically provide that, upon a breach by the defendant of any condition of the stipulation, the court shall enter judgment and impose sentence upon such guilty plea. Whether a breach of condition has occurred shall be determined by the court without a jury upon application of the prosecuting attorney and upon notice of hearing thereon of not less than five days to the defendant or his attorney of record. Application for entry of judgment and imposition of sentence may be made by the prosecuting attorney at any time within the term of the deferred judgment or within 30 days thereafter.

(c) When a defendant signs a stipulation by which it is, provided that judgment and sentence shall be deferred for a time certain, he thereby waives all rights to a speedy trial as provided by law.

(d) The defendant shall pay a reasonable deferral fee as determined by the municipal court and court costs in addition to the docket fee established in section 2-979.

(8) Sec. 2-1002. Notice; questionnaire.

The jury commissioner shall provide to all persons who are issued a summons to appear as a prospective juror in a case a juror questionnaire containing a list of pertinent and necessary questions to be answered in writing, including the name, age, occupation, residence and such other facts as may show whether a person is qualified to serve as a juror. Each person receiving such questionnaire shall answer truthfully the questions therein contained, in writing, and shall return the questionnaire to the jury commissioner. Every person receiving such questionnaire and failing to return the same, as provided for in this section, or who answers any of the questions on the questionnaire falsely is guilty of a misdemeanor infraction, and upon conviction thereof, shall be punished as provided in chapter 9 of title 1 of this Code.

(9) Sec. 2-1006. Failure of juror to appear.

If any person who is lawfully summoned to appear before the municipal court as a juror fails, neglects or refuses to appear as required by such summons, without reasonable excuse, he is guilty of contempt and shall be fined or imprisoned as the court may direct. The court shall have the power to issue an attachment directed to the chief of police, commanding him forthwith to bring before such court or judge the body of such juror so failing to attend and to show cause why he should not be punished for contempt, and on the appearance of such juror on such attachment, it shall be lawful for such court or judge to punish him for contempt or wholly discharge him if satisfactory excuse is made.

(10) Sec. 6-92. Incorrect registration of an automotive vehicle; penalty.

(a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Notice of deficiency means the notice issued by the director of finance for a failure, neglect or refusal to pay any sales or use tax due or any penalties or interest thereon as provided in this chapter.

Penalty assessment means a written notice of the director of finance of his determination that a violation of C.R.S. § 42-3-101 et seq., as amended from time to time, has occurred and assessment and demand for the payment of the civil penalty provided for in subsection (c)(3) of this section.

(b) It is unlawful to register an automotive vehicle in violation of the provisions of C.R.S. § 42-3-101 et seq., as amended from time to time.

(c) Any person or business that causes an automotive vehicle to be registered in violation of the provisions of C.R.S. title 42, shall be assessed a \$500.00 civil penalty pursuant to the authority granted in C.R.S. § 42-3-101 et seq., as amended from time to time. The procedure for the assessment of such civil penalty shall be as follows:

(1) When the director of finance determines on such information as is available that a person or business has caused an automotive vehicle to be registered in violation of the provisions of C.R.S. § 42-3-101 et seq., as amended from time to time, a penalty assessment shall be provided to said person or business. Service of the penalty assessment shall be sufficient if provided by certified mail, return receipt requested, to the person or business at its last-known address. If the director of finance has also determined that sales or use taxes are due to the city on the purchase of such automotive vehicle, as provided in this chapter, such penalty assessment may be included in a notice of deficiency.

(2) A person or business shall pay the penalty provided in this subsection (c) within 20 days from receipt of the penalty assessment or within such time designated in the notice of deficiency, unless such person or business files a written protest with the director of finance in the manner provided in subsection (c)(3) of this section.

(3) If a person or business desires to protest a penalty assessment, such person or business shall request in writing a hearing before the director of finance as provided in section 6-225. Such protest must be filed within 20 days from the date of receipt of the penalty assessment or notice of deficiency. The request for hearing shall set forth facts which show that a violation of C.R.S. § 42-3-101 et seq., as amended from time to time, did not occur. The director of finance shall conduct a hearing and issue a final decision thereon as provided in section 6-225. If the decision affirms the penalty assessment, such person shall pay the civil penalty within 30 days from the date of said decision.

(4) A person or business may seek judicial review of the decision of the director of finance as provided for in sections 6-227 through 6-234. No such judicial review shall be available if a written request for hearing was not timely made in the manner provided for in subsection (c)(3) of this section.

(d) The director of finance may enforce collection of the penalty assessment in the same manner as provided in this chapter for the collection of unpaid sales or use taxes, penalties or interest.

(e) Nothing in this section shall preclude the collection of any tax or fee provided by law, the collection of any penalties or interest thereon provided by law, or the imposition of any other civil or criminal penalty provided by law.

(11) Sec. 6-93. Application to vehicles; penalty.

The purchase of an automotive vehicle, trailer or semitrailer inside or outside of the city by a person or business that is a resident of the city for use in the city, shall be subject to tax under this chapter, which tax shall be payable at the time the registration license is issued by the county clerk and recorder. Any person or business that is a resident of the city and that registers an automotive vehicle, trailer or semitrailer at an address outside the city is guilty of a violation of this chapter and shall be subject to the penalties and interests as provided for in this chapter.

Failure to properly register a trailer or semitrailer shall result in the assessment of a \$500.00 civil penalty in the same manner as provided for improperly registered automotive vehicles in section 6-92.

(12) **Sec. 6-193. Deficiencies from fraud; penalty.**

If any part of a deficiency is due to fraud with the intent to evade the tax, then there shall be added 100 percent of the total amount of the deficiency and in such case the whole amount of the tax unpaid, including the additions, shall become due and payable 20 days after written notice and demand by the director of finance, and an additional three percent per month on said amount shall be added from the date the return was due until paid.

(13) **Sec. 6-196. Penalty interest on unpaid use tax.**

Any use tax due and unpaid shall be a debt to the city, and shall draw interest at the rate imposed under section 6-197, in addition to the interest provided by section 6-191, from the time when due until paid.

(14) **Sec. 6-235. Failure to make return; penalty.**

If any person neglects or refuses to make a return in payment of the taxes as required by this chapter, the director of finance shall make an estimate, based upon such information as may be available, of the amount of the taxes due for the periods for which the taxpayer is delinquent; and upon the basis of such estimated amount, shall compute and assess in addition thereto a penalty equal to ten percent thereof, together with interest on such delinquent taxes at the rate of one percent per month from the date when due.

(15) **Sec. 6-245. Penalty.**

Any person who violates any of the provisions of this chapter and chapters 2 of this title and chapter 4 of title 10 of this Code is guilty of a violation of this chapter and shall be punished as provided in chapter 9 of title 1 of this Code.

(16) **Sec. 6-332. Violation; penalty.**

If any officer, agent or manager of a firm, partnership, joint venture, association, corporation or company, which is subject to the provisions of this chapter, fails, neglects or refuses to make any monthly installment payment in the manner prescribed in this chapter, such officer, agent or manager is guilty of a misdemeanor offense and on conviction, shall be punished by a fine of not less than \$25.00 and not more than \$999.00. Each day such payment is delinquent shall be considered a separate offense.

(17) **Sec. 6-361. False statements or information prohibited.**

No person applying for benefits under this chapter shall make any false statement or submit any false information, either knowingly or with a careless disregard for the truth of the statement made or information submitted. A violation of this section shall constitute a misdemeanor infraction and shall be punishable as provided in chapter 9 of title 1 of this Code.

(18) **Sec. 6-628. Criminal penalties.**

To the extent that violations of the ethical standards of conduct set forth in this article constitute violations of the Colorado Revised Statutes, as amended, they shall be punishable as provided therein. Such penalties shall be in addition to the civil sanctions set forth in this section. Criminal, civil and administrative sanctions against employees or nonemployees which are in existence on the effective date of the ordinance from which this chapter is derived shall not be impaired.

(19) Sec. 8-27. Violation.

It is unlawful for any person to engage in any business or occupation set out in this title without first having and obtaining all required licenses and paying the fee for the same set out in this title. Each day of violation shall be a separate offense and a person may be fined and convicted under this title for each day as a separate offense. Any and all said remedies are cumulative in nature and not exclusive of each other.

(20) Sec. 8-113. Breach of guarantee; license revocation, judicial remedies.

A breach of the guarantee provided for at section 8-112 occurs if defects are found to exist in the work within the two-year period and if the public right-of-way contractor fails to commence efforts to correct the defects complained of within ten days following written notification identifying the defects, or if the public right-of-way contractor does commence efforts within the ten-day period but fails to complete the remedial work with due diligence. If a breach of guarantee occurs, the client may pursue all available judicial remedies and, in addition, the city shall deny new right-of-way permits to revoke the license of the right of contractor.

(21) Sec. 8-254. Penalty.

Any person, partnership, corporation, limited liability company, or other business entity who violates any provision of this chapter shall be guilty of a misdemeanor infraction and upon conviction thereof shall be punished as provided in chapter 9 of title 1 of this Code. Every day of such violation shall constitute a separate offense.

(22) Sec. 8-279. Penalty.

Any person violating any provision of this chapter commits a misdemeanor infraction and is subject to the punishment prescribed by chapter 9 of title 1 of this Code.

(23) Sec. 8-309. Penalties.

(a) Each day that a person violates any part of this chapter 9 shall be considered as a separate and distinct violation.

(b) Any violation of this chapter 9 is punishable pursuant to chapter 9 of title 1 of this Code. Any violation shall carry a minimum fine of \$250.00.

(24) Sec. 8-464. Violation; penalty.

The standards for payment of a fine in lieu of suspension shall be as provided for in C.R.S. § 44-3-601, and shall apply to any licensee who violates or whose employees violate any terms of this chapter or applicable state law Title 44, articles 3, 4 or 5, C.R.S., or the rules and regulations related thereto. Such licensee shall be subject to suspension or revocation of his license.

(25) Sec. 12-11. Violations.

(a) Any violation of this chapter shall be punishable as set forth in chapter 10 of title 1 of this Code.

(b) For the purposes of assessing sanctions for repeated offenses pursuant to this section, the term "violation" includes each violation at any property or for an owner, agent or tenant regardless of property location within the city; and, the term "violation" is limited to a violation of the same Code section. Each repeat violation must be set forth on a notice of violation form and served as set forth in chapter 12 of title 2 of this Code.

(26) Sec. 12-12. Penalties; repeated offenses.

(a) Any person found guilty after trial or plea of guilt; Alford; nolo contendere; or deferred sentence plea to any provision of section 12-325 shall be guilty of a misdemeanor offense and fined not less than \$1,000.00, plus any additional penalties assessed pursuant to chapter 9 of title 1 of this Code, except as provided in subsection (b) of this section.

(b) A fine may be reduced to \$250.00 if the guilty party agrees to attend city-sponsored training related to neighborhood conduct and perform 15 hours of community service within the city, as so approved by the municipal court, within three months following his sentencing.

(c) A repeat offense that occurs within 365 days from the date of a finding of guilt pursuant to this section shall cause the full amount of the penalty as may be modified under subsection (b) of this section to be immediately reinstated in full.

(d) For the purposes of assessing penalties for repeated offenses pursuant to this section, the term "violation" includes each violation at any property or for a tenant, regardless of property location within the city; and the term "violation" is limited to a violation of the same Code section number.

(27) Sec. 12-106. Enforcement.

(a) The odor pollution control program established by this chapter shall be implemented, administered and enforced by the community development department or other city departments and/or divisions as determined by the city manager.

(b) The provisions of this chapter, which prohibits the causing or continuing of odor pollution, shall be enforced only upon the finding that a source is a significant odor generator as defined in section 12-69. An investigation of an odor alert condition as specified in subsection 12-101(j)(1)(a) shall occur promptly.

(c) In addition, to further implement and enforce this chapter, the city code enforcement officer may:

(1) Conduct research, monitoring and other studies related to odor pollution.

(2) Review public and private projects, including those subject to mandatory review or approval by other departments, for compliance with this chapter, if these projects are likely to cause odor pollution in violation of this chapter.

(3) Upon presentation of proper credentials, and after reasonable notice, enter, inspect and test any property or place regarding which complaints have been filed, or which has been designated as a significant odor generator, and inspect any reports, records or equipment deemed necessary at any time. An administrative search warrant may be obtained as provided in this Code upon failure of the owner or his authorized representative to permit such inspection upon request.

(d) If an odor alert condition is verified by the city code enforcement officer, that officer shall then:

(1) Determine the location of the complaints and/or observation which result in the establishment of the odor alert condition.

(2) Prepare a summary of the odor descriptions contained in the establishment of the odor alert condition.

(3) Determine the prevailing weather condition at the time of the alert, including, but not limited to, wind direction, temperature, wind velocity, humidity and general weather conditions.

(4) Visit the general area from which the complaints were generated in order to characterize the nature of the complaint.

(e) Following such action, the city code enforcement officer shall attempt to make a determination as to the industry or source of origin of the odor alert. Such determination may be made utilizing a triangulation procedure as outlined in state guidelines for certification or another recognized method.

(f) If the determination is made as to the origin of the odor alert, and such source has not been designated as a significant odor generator, the code enforcement officer shall notify the owner, operator or manager of the facility or other responsible party that the facility has been designated as the point source or origin of the odor alert.

Such notification shall contain the following:

(1) The date, times and locations of the occurrence of the odor nuisances.

(2) The potential for the industry or source to be designated as a significant odor generator, and the potential for enforcement action.

(g) If the determination is made as to the origin of the odor alert, and such source is a significant odor generator, the city code enforcement officer shall:

(1) Notify the owner, operator or manager of the facility or other responsible party that the facility has been designated as the point source or origin of the odor alert and is in potential violation of this chapter.

(2) Inspect the facility's operating log books pertaining to odor control, the instrumentation monitoring the odor control and process equipment, any processes and equipment that may relate to odor generation and control, and any other equipment and processes that are determined necessary by the city code enforcement officer.

(3) Make a determination as to the facility's compliance with this chapter and conformance with the parameters of its facility odor management plan.

(4) If the city code enforcement officer determines that a violation of this chapter exists or that an industry or facility is not operating within the parameters of its facility odor management plan, he shall notify the facility's owner, operator, manager or other responsible party of the noncompliance. Good faith negotiations shall then be entered into between the responsible party and the city code enforcement officer regarding the necessary corrective action and the time frame in which such action shall be taken. In the event the facility fails to comply with the notice and the action agreed upon, or if no agreement is reached, the city code enforcement officer may commence legal action as prescribed in this chapter.

(h) Suspension and revocation of permit.

(1) Any permit issued pursuant to this chapter may be revoked for violations of this chapter. No revocation shall be issued except upon notice delivered to the permittee by mailing the notice in regular mail addressed to the permittee at the address listed on

the application, a minimum of ten days prior to the date set for the hearing before the commission. Such notice shall inform the permittee of the time, date and place of the hearing, the purpose of the hearing, and shall set out the reasons therefor. However, if the violation of this chapter is deemed to be an immediate hazard by the enforcement official, and such report is submitted to the city clerk in writing, the city clerk shall be authorized to temporarily suspend the license until notice can be given and hearing held.

(2) If after such a hearing, the commission makes a finding based on a preponderance of the evidence that a violation of this chapter did in fact occur as alleged, the commission may continue suspension of or revoke the permit; the determination of whether to revoke such license shall be at the discretion of the commission and shall be dependent upon the circumstances surrounding the violation and its severity.

(3) The decision of continued suspension or revocation made by the commission may be appealed to the city council. In order to appeal such decision, written notice of appeal must be filed with the city clerk within five days after receipt of the decision. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the decision of continued suspension or revocation of the commission.

(4) The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the city clerk. The hearing of such appeal shall be scheduled at the next regular city council meeting, if such notice is received by 12:00 p.m. on the Wednesday before the next regular council meeting. If notice is not received by the above-designated time, the hearing will be scheduled for the next following council meeting, if notice is received within five days after receipt of the decision by the commission. The hearing may be continued for good cause. The hearing shall be confined to the record made before the commission and the arguments of the parties or their representatives, but no additional evidence shall be taken. After such hearing, the city council may affirm or reverse the order of the commission. Such determination shall be contained in a written decision and shall be filed with the city clerk within three days after the hearing, or any continued session thereof.

(28) Sec. 12-156. Enforcement.

(a) The following shall be responsible for enforcing this chapter: city police officers, other law enforcement agents, city code compliance inspectors, or the city manager's designee.

(b) Violations of this chapter shall be deemed misdemeanor infractions punishable pursuant to chapter 9 of title 1 of this Code.

(c) Each violation shall constitute a separate infraction.

(29) Sec. 12-206. Code violation.

(a) A violation noticed under this chapter shall be deemed a misdemeanor infraction, shall proceed in accordance with chapter 2 of title 11 of this Code and shall be subject to penalties set forth in Chapter 10 of title 1 of this Code.

(b) In addition, if a permit holder violates a condition of a city-issued grading permit, this chapter or applicable state or federal laws or regulations regarding construction activities, the city shall revoke the grading permit. The city may reinstate the permit upon a showing of proof that the noncompliance has been corrected.

(30) Sec. 12-362. Penalties; repeated offenses.

(a) Any person found guilty after trial or plea of: guilt; Alford; nolo contendere; or deferred sentence plea to any provision of section 12-360 shall be guilty of a misdemeanor offense and fined not less than \$1,000.00, plus any additional penalties assessed pursuant to chapter 9 of title 1 of this Code, except as provided in subsection (b) of this section.

(b) Up to \$750.00 of the fine may be suspended if the guilty party agrees to attend city-sponsored training related to neighborhood conduct and perform 15 hours of community service within the city, as so approved by the municipal court, within three months following his sentencing.

(c) A repeat offense within 365 days from the date of a finding of guilt pursuant to this section shall cause the full amount of the penalty as may be modified under subsection (b) of this section to be immediately reinstated in full.

(d) For the purposes of assessing penalties for repeated offenses pursuant to this section, the term violation includes each violation at any property or for a tenant, regardless of property location within the city; and the term violation is limited to a violation of the same Code section number.

(31) Sec. 12-410. Parking and storage of inoperable vehicles prohibited; exceptions.

Except as provided in section 12-412, it shall be a Code violation punishable pursuant to chapter 10 of title 1 for any person, partnership, corporation or their agent, either as owner, lessee, tenant or occupant, of any lot or land within the city to park, store or deposit, or permit to be parked, stored or deposited thereon, an inoperable vehicle or unlicensed vehicle unless it is in a garage or other building.

(32) Sec. 14-247. Possession of drug paraphernalia; penalty.

(a) A person commits possession of drug paraphernalia if he possesses drug paraphernalia and knows or reasonably should know that the drug paraphernalia could be used for illegal purposes.

(b) A violation of this section is a misdemeanor infraction and shall be punishable under chapter 9 of title 1 of this Code, except that the maximum fine for violation of this section shall be \$100.00.

(33) Sec. 14-248. Manufacture, sale or delivery of drug paraphernalia; penalty.

Any person who sells or delivers, possesses with intent to sell or deliver or manufactures with intent to sell or deliver equipment, products or materials knowing, or under circumstances where one reasonably should know, that such equipment, products or materials could be used as drug paraphernalia commits a misdemeanor offense under this section.

(34) Sec. 14-249. Advertisement of drug paraphernalia; penalty.

Any person who places an advertisement in any newspaper, magazine, handbill or other publication and who intends thereby to promote the sale of equipment, products or materials designed and intended for use as drug paraphernalia commits a misdemeanor offense under this section.

(35) Sec. 14-251. Selling precursor drugs; penalty.

Any person who fails to comply with the imitations regarding sale of methamphetamine precursor drugs commits a misdemeanor offense.

(36) Sec. 14-386. Penalties.

Violations of this chapter are subject to any and all penalties as provided in chapter 9 of title 1 of this Code.

(37) Sec. 14-419. Criminal penalties.

Any person found to be in violation of this article shall, upon conviction, be fined up to the maximum penalty set forth in chapter 10 of title 1 of this Code. Each day such violation continues shall be considered a separate offense.

(38) Sec. 14-446. Penalty for false alarms.

(a) The permittee and the occupant of the premises wherein a fire or burglar alarm device is installed shall be subject to a penalty in an amount set in accordance with section 1-38 for each false alarm from the device which exceeds two in any calendar year.

(b) Alarms signaling a medical emergency shall be exempted.

(c) The chief of police and the fire chief are authorized to adopt policies and procedures regarding the administration of this section.

(39) Sec. 14-482. Penalty.

Any person who violates this chapter commits a misdemeanor infraction and shall be punished as provided in chapter 9 of title 1 of this Code.

(40) Sec. 16-35. Unsafe vehicles; penalty.

(a) It is unlawful for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this section and sections 16-37 to 16-64 and article III of this chapter, or which is equipped in any manner in violation of said sections and article III of this chapter or for any person to do any act forbidden or fail to perform any act required under said sections and article III of this chapter.

(b) The provisions of this section and sections 16-37 to 16-64 and article III of this chapter, with respect to equipment on vehicles shall not apply to implements of husbandry or farm tractors, except as made applicable in said sections and part.

(c) Nothing in this chapter shall be construed to prohibit the use of additional parts and accessories on any vehicle, consistent with the provisions of this chapter or state law.

(41) Sec. 16-70. Safety belt systems; mandatory use; exemptions; penalty.

(a) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Motor vehicle means a self-propelled vehicle intended primarily for use and operation on the public highways, including passenger cars, station wagons, vans, taxicabs, ambulances, motor homes and pickups. The term does not include motorcycles, low-power scooters, passenger buses, school buses and farm tractors and implements of

husbandry designed primarily or exclusively for use in agricultural operations. Safety belt system means a system utilizing a lap belt, a shoulder belt or any other belt or combination of belts installed in a motor vehicle to restrain drivers and passengers, which system conforms to federal motor vehicle safety standards.

(b) Unless exempted pursuant to subsection (c) of this section, every driver of and every front seat passenger in a motor vehicle equipped with a safety belt system shall wear a fastened safety belt while the motor vehicle is being operated on a street or highway in this municipality, and each such driver and front seat passenger shall be properly fastened into the safety belt system according to the manufacturer's instructions.

(c) Except as provided in C.R.S. title 42, the requirement of subsection (b) of this section shall not apply to:

(1) A child required by section 16-69 to be restrained by a child restraint system;

(2) A member of an ambulance team, other than the driver, while involved in patient care;

(3) A peace officer, level I, as defined or certified by the peace officers standards and training (P.O.S.T.) board while performing official duties so long as the performance of said duties is in accordance with rules and regulations applicable to said officer which are at least as restrictive as subsection (b) of this section and which only provide exceptions necessary to protect the officer;

(4) A person with a physically or psychologically disabling condition whose physical or psychological disability prevents appropriate restraint by a safety belt system if such person possesses a written statement by a physician certifying the condition, as well as stating the reason why such restraint is inappropriate;

(5) A person driving or riding in a motor vehicle not equipped with a safety belt system due to the fact that federal law does not require such vehicle to be equipped with a safety belt system;

(6) A rural letter carrier of the United States Postal Service while performing duties as a rural letter carrier;

(7) A person operating any motor vehicle which does not meet the definition of commercial vehicle as that term is defined in section 16-68 for commercial or residential delivery or pickup service; except that such person shall be required to wear a fastened safety belt during the time period prior to the first delivery or pickup of the day and during the time period following the last delivery or pickup of the day.

(d) Any person who operates a motor vehicle while he or any passenger is in violation of the requirement of subsection (b) of this section commits a traffic infraction.

(e) No driver in a motor vehicle shall be cited for a violation of subsection (b) of this section unless such driver was stopped by a law enforcement officer for an alleged violation of this chapter or state law other than a violation of this section.

(f) Testimony at a trial for a violation charged pursuant to subsection (b) of this section may include:

(1) Testimony by a law enforcement officer that the officer observed the person charged operate a motor vehicle or has otherwise obtained evidence that the person charged operated a motor vehicle while said operator or any passenger was in violation of the requirement of subsection (b) of this section; or

(2) Evidence that the driver removed the safety belts or knowingly drove a vehicle from which the safety belts had been removed.

(42) **Sec. 16-106. Visual emissions prohibited; penalties.**

(a) Emissions from gasoline-powered engines. It shall be unlawful for any owner or operator of any gasoline powered engine to cause or permit to be operated in the city any gasoline-powered engine which emits any visible air contaminants for a period of time greater than five seconds.

(b) Emission from diesel-powered engines. It shall be unlawful for any owner or operator of any diesel powered engine to cause or permit to be operated in the city any diesel-powered engine which emits any visible air contaminants which exceed 20 percent opacity for a period of time greater than five seconds; provided, however, that the percentage opacity standard of this section shall not apply to diesel-powered locomotives engaged in switching or railroad yard activities. Emissions from such locomotives shall not exceed 40 percent opacity for longer than ten seconds.

(c) Deception by owner. It shall be unlawful for any person to misrepresent or give any false or inaccurate information or in any other way attempt to deceive a licensed repair garage or the department in order to avoid compliance with the provisions of this chapter.

(d) Deception by licensed garage. It shall be unlawful for any licensed repair garage or its agents to misrepresent any fact, falsely certify any repair or in any other way attempt to mislead the department into believing that air pollution standards are being met.

(e) For the purposes of this section, the term "opacity" means the degree to which an air contaminant emission obscures the view of a trained observer, expressed in percentage of the obscuration, or the degree (percentage) to which transmittance of light is reduced by an air contaminant emission.

(f) Violation of this section shall be punishable by a fine of not less than \$100.00, except that the minimum fine shall be reduced to \$25.00 if evidence of repairs by a certified mechanic or disposal of the vehicle are provided to the court.

(43) Sec. 16-107. Penalties.

No person shall operate a motor vehicle registered or required to be registered in the state or any vehicle otherwise required to display a valid verification of emissions test, nor shall any person allow such a motor vehicle to be parked on public property or on private property available for public use, without such vehicle displaying a valid verification of emissions test. The owner of any motor vehicle which is in violation of this subsection (a) because it is parked without displaying a valid verification of emissions test shall be responsible for payment of any penalty imposed under this section unless such owner proves that the motor vehicle was in the possession of another person without the owner's permission at the time of the violation.

(1) Police officers, at any time upon reasonable cause, may require the driver of a vehicle to stop and submit such vehicle to an inspection in order to determine whether such vehicle has a valid verification of emissions test if required by the provisions of C.R.S. §§ 42-4-301 to 42-4-316. In the event that such vehicle does not display a valid verification of emissions test, the officer shall issue a summons to the driver.

(2) Any vehicle owner who violates any provision of this section is guilty of a traffic offense.

(3) Any nonowner driver who violates any provision of this section is guilty of a traffic offense.

(4) The owner or driver may, in lieu of appearance, submit to the court, within 30 days after the issuance of the notice and summons, the certification or proof of mailing specified in this section.

(44) Sec. 16-128. Visible emissions from diesel-powered motor vehicles unlawful; penalty.

(a) (1) No owner or operator of a diesel-powered vehicle shall cause or knowingly permit the emission from such vehicle of any visible air contaminants which exceed the emission level as described in C.R.S. title 42, article 4, part 4, as amended from time to time, within the program area as defined in C.R.S. title 42, article 4, part 4, as amended from time to time.

(2) As used in this section:

Air contaminant means any fume, odor, smoke, particulate matter, vapor, gas or combination thereof, except water vapor or steam condensate.

Emission means a discharge or release of one or more air contaminants into the atmosphere.

Opacity means the degree to which an air contaminant emission obscures the view of a trained observer, expressed in percentage of the obscuration or the percentage to which transmittance of light is reduced by an air contaminant emission.

Trained observer means a person who is certified by the department of health as trained in the determination of opacity.

(b) (1) A police officer or other peace officer who is a trained observer, or an environmental officer employed by a local government and certified by the department of health to determine opacity, at any time upon reasonable cause, may issue a summons personally to the operator of a motor vehicle emitting visible air contaminants in violation of subsection (a) of this section.

(2) Any owner or operator of a diesel-powered motor vehicle receiving the summons issued pursuant to subsection (1) of this subsection (b) or mailed pursuant to subsection (b) of subsection (4) of this subsection (b) shall comply therewith and shall secure a certification of opacity compliance from a state emissions technical center that such vehicle conforms to the requirements of this section. Said certification shall be returned to the owner or operator for presentation in court as provided in subsection (3) of this subsection (b).

(3) a. Any owner who violates any provision of this section is guilty of a traffic offense, except as provided in subsection (b) of this subsection (3).

b. If the owner submits to the court of competent jurisdiction within 30 days after the issuance of the summons proof that the owner has disposed of the vehicle for junk parts or immobilized the vehicle and if the owner also submits to the court within such time the registration and license plates for the vehicle, the owner shall be punished by a fine.

(4) a. Any nonowner operator who violates any provision of this section is guilty of a traffic offense and, upon conviction thereof, except as provided in subsection (b) of this subsection (4), shall be punished by a fine.

b. If the operator submits to the court of competent jurisdiction within 30 days after the issuance of the summons proof that the operator was not the owner of the vehicle at the time the summons was issued and that the operator mailed, within five days after issuance thereof, a copy of the notice and summons by certified mail to the owner of the vehicle at the address on the registration, the operator shall be punished by a fine.

(5) Upon a showing of good cause that compliance with this section cannot be made within 30 days after issuance of the notice and summons, the court of competent jurisdiction may extend the period of time for compliance as may appear justified.

(6) The owner or operator, in lieu of appearance, may submit to the court of competent jurisdiction, within 30 days after the issuance of the notice and summons, the certification or proof of mailing specified in this subsection (b) together with a fine.

(45) Sec. 16-155. Size and weight violations; penalty.

Except as provided in section 16-63, it is a traffic offense for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or vehicles of a size or weight exceeding the limitations stated in sections 16-156 to 16-166 or otherwise in violation of said sections or section 16-165, except as permitted in section 16-164. The maximum size and weight of vehicles specified in said sections shall be lawful throughout the city, and the city shall have no power or authority to alter said limitations, except as express authority may be granted in said sections.

(46) Sec. 16-198. Designation of highway maintenance, repair or construction zones; signs; increase in penalties for speeding violations.

(a) If maintenance, repair or construction activities are occurring or will be occurring within four hours on a portion of a street or public right-of-way, the department of public works may designate such portion of the street or public right-of-way as a street maintenance, repair or construction zone. Any person who commits a speeding violation in a maintenance, repair or construction zone that is designated pursuant to the provisions of this section is subject to the increased penalties and surcharges imposed by section 16-560(d).

(b) The department of public works shall designate a maintenance, repair or construction zone by erecting or placing an appropriate sign in a conspicuous place before the area where the maintenance, repair or construction activity is taking place or will be taking place within four hours. Such sign shall notify the public that increased penalties for speeding violations are in effect in such zone. The department of public works shall erect or place a second sign after such zone indicating that the increased penalties for speeding violations are no longer in effect. A maintenance, repair or construction zone begins at the location of the sign indicating that the increased penalties are in effect and ends at the location of the sign indicating that the increased penalties are no longer in effect.

(c) Signs used for designating the beginning and end of a maintenance, construction or repair zone shall conform to department of transportation requirements. The department of public works may display such signs on any fixed, variable or movable stand. The department of public works may place such a sign on a moving vehicle if required for certain department activities, including, but not limited to, street and highway painting work.

(47) Sec. 16-460. Careless driving; penalty.

(a) Any person who drives a motor vehicle, bicycle, electrical assisted bicycle or low-power scooter in a careless and imprudent manner, without due regard for the width, grade, curves, corners, traffic and use of the streets and highways and all other attendant circumstances is guilty of careless driving.

(b) A person convicted of careless driving of a bicycle, electrical assisted bicycle or low-power scooter shall not be subject to the provisions of state statutes regarding suspension of driver's licenses.

(48) Sec. 16-468. Compulsory insurance; penalty.

(a) No owner of a motor vehicle or low-power scooter required to be registered in the state shall operate the vehicle or permit it to be operated on the public highways of the city when the owner has failed to have a complying policy or certificate of self-insurance in full force and effect as required by the applicable provisions of C.R.S. title 10, as amended from time to time.

(b) No person shall operate a motor vehicle or low-power scooter on the public highways of the city without a complying policy or certificate of self-insurance in full force and effect as required by the applicable provisions of C.R.S. title 10, as amended from time to time.

(c) When an accident occurs, or when requested to do so following any lawful traffic contact or during any traffic investigation by a peace officer, no owner or operator of a motor vehicle or low-power scooter shall fail to present to the requesting officer immediate evidence of a complying policy or certificate of self-insurance in full force and effect.

(d) Any person who violates the provisions of subsection (a), (b) or (c) of this section commits a traffic offense.

(e) Testimony of the failure of any owner or operator of a motor vehicle or low-power scooter to present immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by the applicable provisions of C.R.S. title 10, as amended from time to time, when requested to do so by a peace officer, shall constitute prima facie evidence, at a trial concerning a violation charged under subsection (a) or (b) of this section, that such owner or operator of a motor vehicle violated subsection (a) or (b) of this section.

(f) No person charged with violating subsection (a), (b) or (c) of this section shall be convicted if he produces in court a bona fide complying policy or certificate of self-insurance which was in full force and effect, as required by the applicable provisions of C.R.S. title 10, as amended from time to time, at the time of the alleged violation.

(g) (1) Any person who violates the provisions of subsections (a), (b) or (c) of this section shall be punished by a minimum mandatory fine of not less than \$500.00. The court may suspend up to one-half of the fine upon a showing that appropriate insurance has been obtained. Nothing in this subsection shall be construed to prevent the court from imposing a fine greater than the minimum mandatory fine.

(2) Upon a second or subsequent conviction under this within a period of five years following a prior conviction under this section, in addition to any imprisonment imposed, the defendant shall be punished by a minimum mandatory fine of not less than \$1,000.00, and the court shall not suspend such fine. The court may suspend up to one-half of the fine upon showing that appropriate insurance as required has been obtained.

(49) Sec. 16-469. Radar jamming devices prohibited; penalty.

(a) (1) No person shall use, possess or sell a radar jamming device.

(2) No person shall operate a motor vehicle with a radar jamming device in the motor vehicle.

(b) (1) For the purposes of this section, the term "radar jamming device" means any active or passive device, instrument, mechanism or equipment that is designed or

intended to interfere with, disrupt or scramble the radar or laser that is used by law enforcement agencies and peace officers to measure the speed of motor vehicles. The term "radar jamming device" includes, but is not limited to, devices commonly referred to as jammers or scramblers.

(1) For the purposes of this section, the term "radar jamming device" shall not include equipment that is legal under FCC regulations, such as a citizens' band radio, ham radio or any other similar electronic equipment.

(c) Radar jamming devices are subject to seizure by any peace officer and may be confiscated and destroyed by order of the court in which a violation of this section is charged.

(d) The provisions of subsection (a) of this section shall not apply to peace officers acting in their official capacity.

(50) Sec. 16-470. Use of earphones while driving; penalty.

(a) No person shall operate a motor vehicle while wearing earphones.

(b) As used in this section, the term earphones includes any headset, radio, tape player or other similar device which provides the listener with radio programs, music or other recorded information through a device attached to the head and which covers all of or a portion of the ears. The term "earphones" does not include speakers or other listening devices which are built into protective headgear, or mobile phone receivers designed to be used on only one ear.

(c) Any person who violates this section shall be punished by a fine of not less than \$25.00 and not more than \$100.00.

(51) Sec. 16-560. Traffic offenses classified; schedule of fines.

(a) It is a traffic offense for any person to violate any provision of this chapter.

(b) Pursuant to C.M.C.R. 210(b)(4), the court may by order, which may from time to time be amended, supplemented or repealed, designate the traffic offenses, the penalties for which may be paid at the office of the court clerk or violations bureau.

(c) The court in addition to any other notice, by published order to be prominently posted in a place where fines are to be paid, shall specify by suitable schedules the amount of fines to be imposed for violations, designating each violation specifically in the schedules. Such fines will be within the limits set by ordinance.

(d) The penalties and surcharges imposed for speeding violations under section 16-561 are doubled if a speeding violation occurs within a maintenance, repair or construction zone that is designated by the department of public works pursuant to the requirements of section 16-198.

(e) Any person convicted of violating section 16-161 and section 16-162 shall be fined whether the defendant acknowledges the defendant's guilt pursuant to the procedure set forth in section 16-566 is found guilty by a court of competent jurisdiction. Any violation of section 16-161 or section 16-162 is a traffic infraction and shall be punishable under chapter 9 of title 1 of this Code, except shall be punished by a fine of not more than \$1,000.00.

(f) Fines and costs shall be paid to, receipted by and accounted for by the violations clerk or court clerk.

(52) Sec. 16-561. Violation; penalties.

The following penalties set forth in full apply to this chapter and the city traffic code adopted in this chapter:

(1) It is unlawful for any person to violate any of the provisions stated or adopted in this chapter.

(2) Every person convicted of a violation of any provision stated or adopted in this chapter shall be punished as provided in chapter 9 of title 1 of this Code. Unless otherwise defined in this chapter, punishment by imprisonment or a fine in excess of \$500.00 for violations of traffic regulations under this traffic code is prohibited with the following exceptions:

Chapter Violation/Penalty Exceptions

Section 16-351	Speeding of 40 miles or more over the speed limit
Section 16-355	Speed contests, speed exhibitions—aiding and facilitating—immobilization of motor vehicle—definitions
Section 16-459	Reckless driving
Section 16-460	Careless driving
Section 16-468	No insurance
Section 16-472	Eluding or attempting to elude a police officer
Section 16-639	Fail to stop for school bus

(53) **Sec. 16-573. Notice to appear or pay fine; failure to appear; penalty.**

(a) For the purposes of this article, tender by an arresting officer of the summons or penalty assessment notice shall constitute notice to the violator to appear in court at the time specified on such summons or to pay the required fine and surcharge thereon.

(b) Any person who violates any provision of this section commits a traffic offense.

(54) **Sec. 16-640. Regulations for school buses; regulations on discharge of passengers; penalty; exception.**

(a) The state board of education, by and with the advice of the executive director of the department, shall adopt and enforce regulations not inconsistent with this chapter to govern the operation of all school buses used for the transportation of schoolchildren and to govern the discharge of passengers from such school buses. Such regulations shall prohibit the driver of any school bus used for the transportation of schoolchildren from discharging any passenger from the school bus which will result in the passenger's immediately crossing a major thoroughfare, except for two-lane highways when such crossing can be done in a safe manner, as determined by the local school board in consultation with the local traffic regulatory authority, and shall prohibit the discharging or loading of passengers from the school bus onto the side of any major thoroughfare whenever access to the destination of the passenger is possible by the use of a road or street which is adjacent to the major thoroughfare. For the purposes of this section, the term "major thoroughfare" means a freeway, any U.S. highway outside any incorporated limit, interstate highway or highway with four or more

lanes, or a highway or road with a median separating multiple lanes of traffic. Every person operating a school bus or responsible for or in control of the operation of school buses shall be subject to said regulations.

(b) Any person operating a school bus under contract with a school district who fails to comply with any of said regulations is guilty of breach of contract, and such contract shall be canceled after notice and hearing by the responsible officers of such district.

(c) Any person who violates any provision of this section is guilty of a traffic offense and, upon conviction thereof, shall be punished by a fine or by imprisonment in the county jail or by both such fine and imprisonment.

(d) The provisions of this section shall not apply in the case of public transportation programs for pupil transportation under C.R.S. § 22-51-104(1)(c), as amended from time to time.

(55) Sec. 16-670. Violations.

Unless otherwise specified, all violations of this chapter shall be designated parking infractions and shall be punished pursuant to chapter 12 of title 1. Those violations designated as traffic infractions shall be punished pursuant to chapter 9 of title 1.

(56) Sec. 16-769. Penalty.

Every person and railroad company violating any of the provisions of this chapter shall be punished as provided by chapter 9 of title 1 of this Code.

(57) Sec. 18-8. Failure to pay assessment for city repairs.

Failure to pay an assessment, as provided for in section 18-7, within such period of 30 days described therein shall cause such assessments to become a lien against the adjacent property and shall have priority over all liens, except general taxes and prior special assessments, and the same may be certified at any time after such failure to so pay the same within 30 days, by the director of finance to the county treasurer to be placed upon the tax list for the current year to be collected in the same manner as other taxes are collected, with a ten percent penalty to defray the cost of collection, as provided by the laws of the state.

(58) Sec. 18-27. Violation; penalty by reference.

Any owner, contractor or other person failing, neglecting, omitting, resisting or refusing to comply with any of the conditions, terms, regulations or requirements of this chapter, upon conviction thereof, shall be fined as provided in chapter 9 of title 1 of this Code.

(59) Sec. 18-124. Maintenance of number assigned required; penalty by reference for noncompliance.

All numbers of buildings shall be maintained in a plain and legible manner upon the front part thereof, which number shall be the number assigned by the city engineer. Any owner of any buildings or person having control thereof who, upon notice by the city engineer, fails or refuses to properly number such building, upon conviction thereof, shall be punished as provided in chapter 9 of title 1 of this Code.

(60) Sec. 18-357. Failure to comply; penalty.

Failure by any property owner or person in possession of property to comply with the duties imposed in any provision of this chapter, within the times and in the manner

provided therein, shall constitute a Code violation and shall be subject to the penalties provided in chapter 10 of title 1 of this Code.

(61) Sec. 20-88. Violations; penalties.

Any person or entity convicted of violating any provision of this title related to the tapping water or sewer mains, installing water service lines, meters, or other infrastructure, and taking and using water or sewer service through any of the same, shall be punishable as provided in chapter 9 of title 1 of this Code.

(62) Sec. 20-223. Wasting water unlawful.

(a) It is unlawful for any person using city water to use said water to allow or permit water to run to waste upon his premises, buildings, houses or lots, in, through or out of any water closet lavatory, urinal, bathtub, hose, hydrant, faucet or other fixtures, appliances or apparatus whatsoever, or in any manner through neglect or by reason of faulty or imperfect plumbing or fixtures.

(b) It is unlawful for any person, partnership, company or corporation or other entity using city water, at any time during a declared drought, to use water to clean any hard surface upon or adjacent to the premises, building, house or lot. For the purposes of this section, the term "hard surface" includes, but is not limited to, driveways, sidewalks and streets and street gutters. Use of water in cleaning property such as roof gutters, eaves, windows or in preparation for painting is allowed as long as waste does not occur.

(c) It is unlawful for any person, partnership, company or corporation or other entity using city water to allow, either manually or automatically, the sprinkling or watering of hard surface; to allow excessive runoff of water from the premises, building, house or lot; and/or to allow the excessive pooling of water upon or adjacent to the premises, houses or lots. Runoff that is more than five gallons per minute is considered excessive.

(d) Penalties.

(1) Any person who violates any of the provisions of this section is guilty of violation of this section and shall be punished by a fine of \$100.00 for the first conviction during the calendar year, \$250.00 for the second conviction during the calendar year, \$500.00 for the third conviction during the calendar year and \$500.00 and a flow restrictor to limit water to indoor use only of water service for the fourth conviction during the same calendar year may be required.

(2) Each day of violation shall constitute a separate offense as provided in section 1-230.

(e) Intent. The violations described in this section are strict liability offenses, as defined in chapter 10 of this Code.

(63) Sec. 20-226. Sprinkling restrictions; drought levels; penalty.

(a) *Sprinkling.* The following provisions shall apply at all times unless modified by subsequent sections of the ordinance codified herein:

(1) Waste of water is prohibited at any time.

(2) Sprinkler irrigation shall not occur between 10:00 a.m. and 6:00 p.m. from May through August even when water supplies are adequate.

(3) Drip irrigation, low-volume spray or bubbling sprinklers, hose-end sprinklers and weeping-type soaker hoses are allowed to water trees, shrubs or flower beds at any time.

(4) Hand-watering of vegetables and flower gardens, trees and shrubs and individual brown spots in a lawn is allowed at any time, so long as water waste does not occur. Hand-watering means holding in the hand a hose with attached positive shutoff nozzle and does not include operating a hose with a sprinkler or manually operating an irrigation controller.

(5) Except during time of adequate water supply, hand-watering to clean hard surfaces such as driveways and parking lots is prohibited. Hand-watering to clean property, such as roof gutters, eaves, windows or in preparation for painting, is allowed as long as water waste does not occur.

(6) Public organizations. The use of water for sprinkling lawns, gardens and trees on the grounds of public organizations, public parks and public golf courses served by the city water system will be permitted at any time with written variance from the director of water and sewer. The public organizations to which this subsection refers include, but are not limited to, county facilities, the University of Northern Colorado campus, School District #6 grounds, and City of Greeley grounds, including parks, golf courses and Linn Grove cemetery.

(7) New lawn variance. The use of water for sprinkling newly seeded or sodded lawns less than one month old will be allowed during times determined by the director of water and sewer pursuant to a permit for the same. Issuance of such a permit is contingent upon proof of proper soil preparation before installation of turf. Proper soil amendment is considered to be the equivalent of adding compost at a rate of four cubic yards per 1,000 square feet of planted area, incorporated to a depth of six inches. Permits shall be posted on the property.

(8) Large user variance. The use of water for sprinkling large areas with multiple addresses, such as homeowners' associations, or other special circumstances, may be allowed during the times and days of the week as determined by the director of water and sewer and defined by a permit for the same. Such written permits shall be posted on the property.

(9) Except during a time of declared adequate water supplies, there shall be no lawn watering between January 1 and April 14. Charging and testing of sprinkler systems is allowed. Sprinkling may be allowed by written variance.

(10) Unusual circumstances. The director of water and sewer may issue variance permits to address any other circumstances that, in the director's sole discretion, are deemed appropriate.

(b) *Restrictions.*

(1) *Even-odd schedule.*

a. Even-numbered addresses may sprinkle on even days of the month.

b. Odd-numbered addresses may sprinkle on odd days of the month.

c. On May 31, July 31 and August 31, odd addresses may sprinkle in the morning and even addresses may sprinkle in the evening.

(2) *One-day-per-week watering.* All properties may use water for sprinkling only one day per week.

a. Single-family residences and duplexes with addresses ending in an even number may sprinkle on Sundays.

b. Single-family residences and duplexes with addresses ending in an odd number may sprinkle on Saturdays.

c. All other customers, commercial, industrial, multifamily and homeowners' associations may sprinkle on Fridays.

(3) *Two-days-per-week watering.*

- a. Single-family residences and duplexes with addresses ending in an even number may sprinkle on Sundays and Thursdays.
- b. Single-family residences and duplexes with addresses ending in an odd number may sprinkle on Wednesdays and Saturdays.
- c. All other customers, commercial, industrial, multifamily and homeowners' associations may sprinkle on Tuesdays and Fridays.
- d. There shall be no watering on Mondays except by written variance.

(4) *Three-days-per-week watering.*

- a. Single-family residences and duplexes with addresses ending in an even number may sprinkle on Sundays, Tuesdays and Thursdays.
- b. Single-family residences and duplexes with addresses ending in an odd number may sprinkle on Mondays, Wednesdays and Saturdays.
- c. All other customers, commercial, industrial, multifamily and homeowners' associations may sprinkle on Sundays, Tuesdays and Fridays.

(5) *Hand-watering.* The term "hand-watering" means holding in the hand a hose with attached positive shutoff nozzle. The term "Hand-watering" does not include operating a hose with a sprinkler or manually operating an irrigation controller.

(c) *Drought levels.* On the determination by the city water and sewer board, after an analysis, including, but not limited to, the Colorado Big Thompson quota, the level of storage in city reservoirs, snow pack and yield thereof, and the long-range weather forecast, that the city's water supply situation is adequate or in a mild drought, moderate drought or severe drought, the city council may, by resolution, declare one of the following four sets of watering restrictions to be in effect:

(1) When the city's water supply is adequate. The use of city water for sprinkling of private residences, commercial and industrial property, church or other nonprofit or governmental organization lawns, gardens and trees by customers not subject to the water budget rate structure will be permitted three days per week between April 15 and the end of the irrigation season. The use of city water for sprinkling of private residences by single-family residential customers subject to the water budget rate structure will be permitted on any day of the week between April 15 and the end of the irrigation season.

(2) When the city's water supply is in a mild drought. The use of city water for sprinkling of private residences, commercial and industrial property, church or other nonprofit or governmental organization lawns, gardens and trees will be permitted:

- a. One day per week between April 15 and May 14.
- b. Two days per week between May 15 and June 14.
- c. Three days per week between June 15 and August 31.
- d. One day per week between September 1 and the end of the irrigation season.
- e. Sprinkler irrigation shall not occur between 10:00 a.m. and 6:00 p.m. daily.

(3) When the city's water supply is in a moderate drought. The use of city water for sprinkling of private residences, commercial and industrial property, church or other nonprofit or governmental organization lawns, gardens and trees will be permitted:

- a. One day per week between April 15 and May 14.
- b. Two days per week between May 15 and August 31.
- c. One day per week between September 1 and the end of the irrigation season.
- d. New sod or seed variances are not allowed between May 15 and August 31.
- e. Sprinkler irrigation shall not occur between 10:00 a.m. and 6:00 p.m. daily.

(4) When the city's water supply is in a severe drought. The use of city water for sprinkling of private residences, commercial and industrial property, church or other nonprofit or governmental organization lawns, gardens and trees will be permitted:

- a. One day per week between April 15 and May 14.
- b. Two days per week between May 15 and June 14.
- c. No sprinkler irrigation between June 15 and August 1 will be permitted, except for trees and shrubs.
- d. Two days per week between August 1 and August 31.
- e. One day per week between September 1 and the end of the irrigation season.
- f. No new sod or seed variances are allowed.
- g. Sprinkler irrigation shall not occur between 10:00 a.m. and 6:00 p.m. daily.

When the city council declares which set of water restriction are in place, the city council may define city policy regarding the use of warnings prior to notices of violation being issued.

(d) *Penalties.*

(1) Any person who violates any of the provisions of this section during a calendar year shall be punished by a fine of \$100.00 for the first violation, \$250.00 for the second violation, \$500.00 for the third violation, and \$500.00 and the cost of installing a flow restrictor to limit water use to indoor use only for the fourth and subsequent violations.

(2) Violations on property other than residential property shall be punished by fines which are double those described in subsection (d)(1) of this section.

(3) Each day of violation shall constitute a separate offense as provided in section 1-230 and shall be a strict liability offence.

(4) During a declared severe drought, all fines are doubled or up to \$1,000.00, whichever is less.

(64) Sec. 20-793. Violation; penalty.

Any violation of any provision of this chapter shall be a violation of the ordinances of the city, punishable as provided in chapter 9 of title 1 of this Code. Each day upon which any violation shall continue shall constitute a separate offense punishable as such.

(65) Sec. 20-832. Violation; penalty.

(a) Any violation of any provision of this chapter shall be a violation of the ordinances of the city, punishable as provided in chapter 9 of title 1 of this Code. Each day upon which any violation shall continue shall constitute a separate offense, punishable as such.

(b) Nothing in this section or other sections of this Code shall preclude the city from utilizing any and all applicable remedies for the collection and enforcement of the gas permit fee; any and all said remedies are cumulative in nature and not exclusive of each other.

(66) Sec. 22-425. Notice of violations and penalties.

Notice of violations and penalties shall conform to subsections (1) and (2) of this section.

(1) *Violations.*

a. Whenever the authority having jurisdiction determines that there are violations of this code, a written notice shall be issued to confirm such findings.

b. Any order or notice issued pursuant to this code shall be served upon the owner, operator, occupant, or other person responsible for the condition or violation, either by personal service or mail or by delivering the same to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned locations, a copy of such order or notice shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the order or notice shall be mailed by registered or certified mail, with return receipt requested, to the last-known address of the owner, occupant, or both.

(2) *Penalties.*

a. Any person who fails to comply with the provisions of this code or who fails to carry out an order made pursuant to this code or violates any condition attached to a permit, approval, or certificate shall be subject to the penalties established by the city as provided in chapter 10 of title 1 of this code, and, if applicable, as limited by subsection (2)c of this section.

b. Failure to comply with the time limits of an abatement notice or other corrective notice issued by the authority having jurisdiction shall result in each day that such violation continues being regarded as a new and separate offense.

c. Any person, firm, or corporation who shall willfully violate any of the applicable provisions of this article shall be guilty of a misdemeanor infraction punishable pursuant to the provisions of chapter 10 of title 1 of this code, including assessing a fine as outlined in the citation fine schedule shown below.

City of Greeley Citation Fine Schedule

Violation	Ordinance or Rule Provision	1 st	2 nd	3 rd
Failure to obtain an electrical permit	22-424	\$250.00	\$600.00	Discretionary (up to \$1,000.00 per day)
Failure to request an electrical inspection	22-424	\$250.00	\$600.00	Discretionary (up to \$1,000.00 per day)
Failure to correct electrical code violations within a reasonable time (30 days)	22-425	\$300.00	\$500.00	Discretionary (up to \$1,000.00 per day)
Providing false or misleading advertising	22-433	\$250.00	\$500.00	Discretionary (up to \$1,000.00 per day)
Deception, misrepresentation or fraud in obtaining or attempting to obtain an electrical permit	22-424	\$1,000.00	\$1,000.00	Discretionary (up to \$1,000.00 per day)
Any other violation of the city electrical code	chapter 11 of this title	Up to \$1,000.00	Up to \$1,000.00	Discretionary (up to \$1,000.00 per day)

(67) Sec. 22-617. Violation; penalty.

Any person, firm or corporation violating the ordinance codified in this chapter shall be punished as provided by section 3-4 of the city Charter and chapter 9 of title 1 of this Code.

(68) Sec. 22-656. Fines and penalties for violation of chapter provisions; failure to comply with district designation plan.

Failure to comply with requirements of a district designation plan shall be a violation punishable in accordance with this section. Whenever any work is being done contrary to the provisions of this chapter or any plan adopted by the commission or approved by city council, a code enforcement officer or other authorized city official may issue a stop-work order by notice in writing, served in person or by certified mail on the owner or any persons engaged in the performance of such work, until authorized by the code enforcement officer, city official or commission to proceed with the work. This order of cessation of work is in addition to any other penalties or remedies allowed by this Code. The maximum penalty for violation of this chapter shall be the same as for violation of any other city ordinances as found in this Code at sections 1-229 and 1-230.

(69) Sec. 24-388. Violations and penalties.

(a) Any and all violations of the provisions of this chapter shall be subject to the penalties contained in chapter 9 of title 1 of this Code and any other penalties permitted under law.

(b) Whenever the city manager or designee determines that a person is violating or failing to comply with any provisions of this chapter, the city manager or designee may immediately issue a cessation order causing the person to immediately cease all operations which violate and fail to comply with this chapter until such person has complied with the provisions of this chapter. This order of cessation of activities is additional to any other penalties or remedies otherwise allowed by law.

(c) The city may seek and obtain remedies provided by law, including, but not limited to, civil and criminal penalties and temporary or permanent injunctive relief against persons for noncompliance with the provisions and requirements of this chapter.

(70) Sec. 24-1397. Violation and enforcement.

(a) It shall be unlawful to construct, drill, install or cause to be constructed or installed any oil and gas facility within the city unless approval has been granted by the city pursuant to this title. The unlawful drilling or redrilling of any well or the production therefrom shall constitute a code violation. The city shall have the right to abate the violation at the sole reasonable expense of the operator by any means to include, but not be limited to:

- (1) Injunctive or other civil remedy.
- (2) A stop-work order by the community development director.
- (3) Removal of the nuisance by city personnel or city contractors.

(b) Any person, firm, corporation or legal entity that constructs, installs or uses, or which causes to be constructed, installed or used, any oil and gas well or well site in violation of any provision of this chapter shall be subject to the sanctions contained in chapter 10 of title 1 of this Code and any other sanctions permitted under law.

(71) **Sec. 1-177. Jail term in lieu of fine.**

Every person against whom any fine or penalty is adjudged, who has not been adjudged destitute and who refuses or neglects to pay the fine or penalty, shall be committed to the county jail one day for each \$25.00 of the fine or penalty and costs, provided that such imprisonment shall not exceed 90 days for any one offense.

(72) **Sec. 2-28. Penalties for election offenses.**

Any person violating the provisions of this chapter or the election codes, as adopted by the city, shall be subject to penalties provided for in chapter 9 of title 1 of this Code.

(73) **Sec. 2-91. Unlawful acts.**

(a) It is unlawful:

(1) For any person willfully and knowingly to circulate or cause to be circulated or sign or procure to be signed any petition bearing the name, device or motto of any person, organization, association, league or political party, or purporting in any way to be endorsed, approved or submitted by any person, organization, association, league or political party, without the written consent, approval and authorization of the person, organization, association, league or political party;

(2) For any person to sign any name other than the person's own name to any petition or knowingly to sign the person's name more than once for the same measure at one election;

(3) For any person knowingly to sign any petition relating to an initiative or referendum in a municipality who is not a registered elector of that municipality at the time of signing the petition;

(4) For any person to sign any affidavit as circulator without knowing or reasonably believing the statements made in the affidavit to be true;

(5) For any person to certify that an affidavit attached to a petition was subscribed or sworn to before the person unless it was so subscribed and sworn to before the person and unless the person so certifying is duly qualified under the state laws to administer an oath;

(6) For any officer or person to do willfully, or with another or others conspire, or agree, or confederate to do, any act that hinders, delays or in any way interferes with the calling, holding or conducting of any election permitted under the initiative and referendum powers reserved by the people in section 1 of article V of the state constitution or with the registering of electors therefor;

(7) For any officer to do willfully any act that shall confuse or tend to confuse the issues submitted or proposed to be submitted at any election or refuse to submit any petition in the form presented for submission at any election;

(8) For any officer or person to violate willfully any provision of this article.

(b) Any person commits a violation subject to penalties listed under chapter 9 of title 1 of this Code who:

(1) Willfully destroys, defaces, mutilates or suppresses any initiative or referendum petition;

(2) Willfully neglects to file or delays the delivery of the initiative or referendum petition;

(3) Conceals or removes any initiative or referendum petition from the possession of the person authorized by law to have custody of the petition;

- (4) Adds, amends, alters or in any way changes the information on the petition as provided by the elector; or
- (5) Aids, counsels, procures or assists any person in doing any of such acts.
- (c) This section shall not preclude a circulator from striking a complete line on the petition if the circulator believes the line to be invalid.

(74) Sec. 2-1031. Payment of fees and costs.

In any case where a respondent is found liable of a code violation, the administrative hearing officer shall that respondent pay costs within the limits declared by this chapter, and:

- (1) If any amount ordered paid by the administrative hearing officer is not paid on or before the due date for payment, a late payment fee shall be added to the amount owed. A late payment fee may only be assessed once per case.
- (2) If any amount ordered paid by the administrative hearing officer, including a late payment fee, is not paid on or before the due date for payment, interest on such amount, excluding the late payment fee, shall accrue at the rate established by C.R.S. § 39-21-110.5.
- (3) All amounts due and unpaid, including accrued interest and any late payment fee, shall be paid upon notice and demand and may be collected by the city by any legal means. Where the Code violation involves property and the owner of the property is the respondent, the city may obtain a lien against the property. The lien shall have priority over all liens, except general taxes and prior special assessments. If respondent fails to pay the lien for 30 calendar days, the lien may be certified by the director of finance to the county treasurer to be placed upon the tax list for the current year, to be collected in the same manner as other taxes are collected, with a ten percent penalty to defray the cost of collection, as provided by state law.
- (4) The administrative hearing officer may waive all or a portion of the fines, fees, or costs if the administrative hearing officer determines respondent to be indigent.
- (5) All fines, fees, and costs ordered paid by the administrative hearing officer shall be collected by the director of finance and deposited in the general fund of the city.

(75) Sec. 6-31. Penalty waiver authority.

The director of finance is authorized to waive, for good cause shown, any penalty assessed as provided in this chapter and chapter 2 of title 10; and any interest imposed in excess of six percent per year shall be deemed a penalty.

(76) Sec. 6-194. Sales tax; neglect or refusal to make return or to pay.

If a person neglects or refuses to make a return in payment of the sales tax or to pay any sales tax, as required, the director of finance shall make an estimate, based upon such information as may be available, of the amount of taxes due for the period for which the taxpayer is delinquent and shall add thereto a penalty equal to the sum of \$15.00 for such failure or ten percent thereof and interest on such delinquent taxes at the rate imposed under section 6-197 plus 1/2 percent per month from the date when due, not exceeding 18 percent in the aggregate.

(77) Sec. 6-195. Use tax; neglect or refusal to make return or to pay.

If a person neglects or refuses to make a return in payment of the use tax or to pay any use tax as required, the director of finance shall make an estimate, based upon such

information as may be available, of the amount of taxes due for the period for which the taxpayer is delinquent and shall add thereto a penalty equal to ten percent thereof and interest on such delinquent taxes at the rate imposed under section 6-197, plus 1/2 percent per month from the date when due.

(78) Sec. 6-295. Violations; penalties.

The following penalties, herewith set forth in full, shall apply to this chapter:

- (1) It is unlawful for any person to violate any of the provisions stated or adopted in this chapter.
- (2) Every person convicted of a violation of any provisions stated or adopted in this chapter shall be punished as provided in chapter 9 of title 1 of this Code.
- (3) Each day that a violation exists shall constitute a separate offense.

(79) Sec. 8-21. Renewal.

(a) This section does not apply to chapter 13 of this title.

(b) Unless otherwise specified, each license issued pursuant to this title shall be for a period of one year from the date of issuance. An application for renewal shall be filed no less than 30 calendar days prior to the expiration of the period for which the license is issued.

(1) In the event a license required by the title, excepting chapter 13 of this title, is not procured and the fee therefor paid 30 days after the due date, then a late renewal may be approved by the licensing officer or chief of police if the renewal is filed within 90 days of the due date and good cause is shown for late filing of the renewal application. Otherwise, any unpaid renewal shall result in termination of the expired license and subject the licensee to the penalties and restrictions of this chapter, including section 8-27.

(2) When an application for renewal is received in proper form by the licensing officer or chief of police and approved for late renewal, then a penalty of five percent shall be added to and become a part of the license fee charged, and in the event the same shall remain unpaid 60 days after the annual anniversary due date, then an additional five percent shall be added to and become a part of the license fee levy.

(c) When an application for renewal is received in proper form by the licensing officer or chief of police, the licensing officer or chief of police shall investigate or shall refer the renewal application to the appropriate department for investigation and its recommendation with respect to the approval or denial of the renewal application.

(1) Where a background investigation is required for an original application, a background investigation is required before a license will be renewed unless otherwise specified in this title.

(2) Such license may be renewed by the licensing officer or chief of police prior to completion of the background investigation; provided, however, that the background investigation must be completed within 30 days of the renewal. Should the information contained in the background investigation make the applicant ineligible for renewal of the license, the license shall be deemed not renewed upon transmission of written notice to the licensee.

(d) The application fee shall be required on applications for renewal of an existing license and shall be set annually by the city manager in writing.

(e) The licensing officer or chief of police may refuse to renew a license on any grounds specified in this chapter which authorize the licensing officer or chief of police to deny a license or to revoke a license.

In the event the licensing officer or chief of police fails to renew a license, an applicant shall be entitled to a hearing on such failure to renew. The applicant shall submit a written request for a hearing within ten days of the decision not to renew the license.

(80) Sec. 8-208. Violations and penalties.

In addition to the revocation, suspension or denial of a license or manager's permit issued, any person, including, but not limited to, any customer or pawnbroker, who violates any of the provisions of this chapter commits a misdemeanor infraction and is subject to the punishment prescribed by chapter 9 of title 1 of this Code.

(81) Sec. 8-462. Penalty guidelines.

Violations of any provisions of this chapter shall result in penalties according to the generally accepted and practiced state penalty guidelines provided below. Nothing in the following guidelines is meant to restrict the licensing authority from issuing a lesser penalty, a higher penalty, or additional penalties as allowed by this chapter or state law, up to an including suspension or revocation of a license or the imposition of a fine in lieu of suspension as provided under the provisions of C.R.S. § 44-3-601.

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

<i>Code Violation</i>	<i>Suspension</i>
<i>Purchase of Alcohol from Someone Other Than a Wholesaler:</i>	
First Incident 1 Charge	10 days total, 3 served and 7 held in abeyance for a period of one year from date of hearing, pending no further violations
2 Charges	10 days total, 5 served and 5 held in abeyance for a period of one year from date of hearing, pending no further violations
<i>Sale to Intoxicated Patron:</i>	

First Incident 1 Charge	15 days total, 5 served and 10 held in abeyance for a period of one year from date of hearing, pending no further violations
2 Charges	30 days total, 10 served and 20 held in abeyance for a period of one year from date of hearing, pending no further violations
3 + Charges	45 days total, 15 served and 30 held in abeyance for a period of one year from date of hearing, pending no further violations
Second Incident Within 1 Year	Days held in abeyance automatically imposed from first incident, plus additional suspension as state in first incident above
<i>Failure to Meet Food Requirement (H and R/Brew Pubs):</i>	
First Incident	15 days total, 5 served and 10 held in abeyance for a period of one year from date of hearing, pending no further violations, with 30 days to comply
Second Incident Within 1 Year	Days held in abeyance automatically imposed from first incident, plus additional suspension as stated in first incident above
<i>Video Poker Gambling:</i>	
First Incident	45 days total, 15 served and 30 held in abeyance for a period of one year from date of hearing, pending no further violations
Second Incident	Days held in abeyance automatically imposed from first incident, plus additional suspension as stated in first incident above
<i>Permitting Illegal Gambling:</i>	
First Incident	10 days total, 3 served and 7 held in abeyance for a period of one year from date of hearing, pending no further violations
Second Incident	45 days total, 15 served and 30 held in abeyance for a period of one year from date of hearing, pending no further violations
Third Incident	Days held in abeyance automatically imposed from first incident, plus additional suspension as stated in first incident above
<i>Failure to Maintain Adequate Books/Records:</i>	
First Incident	15 days total, 5 served and 10 held in abeyance for a period of one year from date of hearing, pending no further violations
Second Incident	30 days total, 10 served and 20 held in abeyance for a period of one year from date of hearing, pending no further violations
<i>Sale After Legal Hours:</i>	
First Incident	10 days total, 3 served and 7 held in abeyance for a period of one year from date of hearing, pending no further violations

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

(82) Sec. 8-502. Teen night/boxing tournaments.

(a) No premises holding a license issued by the liquor authority may promote, hold, conduct or allow in its premises to be promoted, held or conducted any teen night or similar event, in which underage persons are specially solicited, attracted and/or invited by the licensee or anyone recruited by the licensee on the licensee's behalf to

the licensed premises during evening hours after 8:00 p.m. of any day during which the establishment is open for business, and during which time adult patrons are present primarily for the purpose of consuming alcohol, except that this section shall not apply to licensed premises in which multiple facilities are located and at such times as two or more unrelated and otherwise lawful activities or events are taking place simultaneously.

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

(c) Boxing tournaments or similar events.

(1) Except as set forth below, no premises holding a license issued by the liquor authority may promote, hold, conduct or allow anywhere on its premises or grounds to be promoted, held or conducted any boxing tournament, kickboxing tournament or similar event, in which persons are engaged, encouraged and/or compensated for fighting in a manner creating a public display and intended or purported to serve as entertainment.

(2) Island Grove Regional Park shall be authorized to promote, hold, conduct or allow on its premises or grounds to be promoted, held or conducted any boxing tournament, kickboxing tournament or similar event, provided that:

a. Such event is sanctioned and approved by the state boxing commission pursuant to the Colorado Professional Boxing Safety Act, C.R.S. § 12-10-101, et seq.

b. An individual involved in the event as a promoter, fighter, boxer, referee, judge, second or inspector shall maintain current licensure through the state boxing commission.

c. The event abides by the security policies and procedures established for boxing, kickboxing or related events by Island Grove Regional Park management.

(d) Penalties.

(1) Any person, firm, corporation or other entity who violates any of the provisions of this section or who allows any provision of this section to be violated commits a misdemeanor offense and, upon conviction thereof, may be punished as set forth in chapter 9 of title 1 of this Code, except that any term of imprisonment imposed shall not exceed 90 days.

(2) The issuance of a charge or summons and complaint hereunder against the owner or licensee of a licensed establishment shall not foreclose or prevent the issuance of a similar charge or complaint against the individual who actually committed the violation or allowed the violation of this section to occur.

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

(83) Sec. 10-61. Trap setting.

(a) Setting a steel-jaw trap or any other type of trap that is designed to kill, injure or maim an animal is prohibited. Any finding of violation of this section shall be a misdemeanor offense.

(b) In addition to the penalty set out above, unlawfully set traps may be confiscated and destroyed by authorized personnel.

(84) Sec. 12-4. Failure to pay a lien.

Failure to pay an assessment within such period of 30 days described therein shall cause such assessment to become a lien against such lot, block or parcel of land and shall have priority over all liens, except general taxes and prior special assessments, and the same may be certified at any time after such failure to so pay the same within 30 days, by the director of finance to the county treasurer, to be placed upon the tax list for the current year, to be collected in the same manner as other taxes are collected, with a ten-percent penalty to defray the cost of collection, as provided by the laws of the state.

(85) Sec. 12-5. Failure to pay assessment for city abatement.

Failure to pay an assessment within such period of 30 days described therein shall cause such assessment to become a lien against such lot, block or parcel of land and shall have priority over all liens, except general taxes and prior special assessments, and the same may be certified at any time after such failure to so pay the same within 30 days, by the director of finance to the county treasurer, to be placed upon the tax list for the current year, to be collected in the same manner as other taxes are collected, with a ten-percent penalty to defray the cost of collection, as provided by the laws of the state.

(86) Sec. 12-101. Air quality standards and violations.

(a) *Stale matter.* No person whatsoever shall keep, collect or use, or cause to be kept, collected or used, in the city, any stale, putrid or stinking fat or grease or other stale matter in such a way as to be experienced as an odor alert condition at or beyond the property line, other than normal weekly trash accumulation.

(b) *Sewer inlet.* No person shall, in the city, deposit in or throw into any sewer (sanitary or storm), sewer inlet or privy vault that shall have a sewer connection any article whatever that might cause such sewer, sewer inlet or privy vault to become nauseous to others or injurious to public health.

(c) *Transporting of garbage, manure.* Every cart or vehicle used to transport manure, garbage, swill or offal in any street in the city shall be fitted with a substantial tight box thereon so that no portion of such filth will be scattered or thrown into such street or observable to the olfactory senses.

(d) *Streets, streams and water supply.* No person shall throw or deposit, or cause or permit to be thrown or deposited, any offal composed of animal or vegetable substances, or both, any dead animal, excrement, garbage or other offensive matter whatever upon any street, avenue, alley, sidewalk or public or private grounds. No person shall, in the city, throw or deposit or cause or permit to be thrown or deposited anything specified in any foregoing part of this section or any other substance that would tend to have a polluting effect into the water of any stream, ditch, pond, well, cistern, trough or other body of water, whether artificially or naturally created, or so near any such place as to be liable to pollute the water.

(e) *Dead animal; removal.* When any animal shall die in the city, it shall be the duty of the owner or keeper thereof to remove or properly dispose of the body of such animal promptly. If such body shall not promptly be removed, the same shall be

deemed a nuisance, and such owner or keeper will be the author of the nuisance. When the body of any such dead animal shall be in any street, highway or public grounds in the city, it shall be the duty of the city animal control officer to cause such body to be removed promptly. Removal of a dead animal from any private property, where the owner or occupant fails to act, shall cause the city code enforcement officer to respond. Any cost for such disposal shall be assessed to the owner of such animal, if known, or landowner where such animal is located, if the landowner is deemed the party responsible for care and control of the animal.

(f) *Animal pens and barns.* Any area in which animals are kept in which manure or liquid discharges of such animals shall collect and accumulate so that offensive odor shall be allowed to propagate and/or where flies and rodents are unreasonably attracted shall be declared a nuisance and is prohibited. Such limitations shall extend to all such uses, including, but not limited to, animal feeding operations, stables, kennels and pet care, boarding and sale operations, whether of a personal or commercial nature and regardless of historic establishment as a land use.

(g) *Stagnant ponds.* The permitting of stagnant water on any lot or piece of ground within the city limits is hereby declared to be a nuisance, and every owner or occupant of a lot or piece of ground within the city is hereby required to drain or fill up said lot or piece of ground whenever the same is necessary so as to prevent stagnant water or other nuisance accumulating thereon, and it shall be unlawful for any such owner or occupant to permit or maintain any such nuisance.

(h) *Manure and waste accumulation; application.* Except as provided at section 12-1, no manure or other such waste products, whether of a solid or liquid form, may be accumulated or permitted as a land application such as for soil fertilization or for dust abatement or control in any fashion within the city. Within any animal feeding or containment operations or industrial use where animal (or human) waste products accumulate or are processed, removal of waste products must occur regularly to prevent observation of odor at or beyond the property boundaries of the source of the waste.

(i) *Odor-control equipment; continuous operation.* Except as provided in subsection (k) of this section, it shall be unlawful for any odor-control equipment such as, but not limited to, wastewater lagoon aerators, air scrubbers or filters, for industrial facilities to be out of operation while a source which generates the odor is in operation.

(j) *Nuisance.* It shall be deemed an unlawful nuisance for any person to cause or permit the emission of odorous air contaminants or particulate air contaminants from any source such as to result in detectable odors and/or particulate emissions within the city, as defined above, which leave the premises upon which they originated and which interfere with the reasonable and comfortable use and enjoyment of property. An odor is deemed to interfere with reasonable and comfortable use and enjoyment of property if it is detectable by a trained observer and if it meets or exceeds any of the following limits:

(1) It is an odor alert condition and a violation if odorous contaminants are detected when one volume of the odorous air has been diluted with seven or more volumes of odor-free air or beyond the property boundary from which the emission originates.

a. In order to determine the source of the odorous emission, two odor measurements shall be made within a period of one hour, these measurements being separated by at least 15 minutes. These measurements shall be made at or beyond the

property boundary or at the receptor and shall be made both upwind and downwind of the possible source in order to verify the source and intensity.

b. The Barnebey-Chaney Scentometer or any other instrument, device or technique designated by the state air pollution control division may be used in the determination of the intensity of an odor and in the enforcement of the ordinance codified herein.

c. Personnel shall be certified and equipment shall be certified and maintained in accordance with the specifications and recommendations of the manufacturer and the state air pollution control division.

(2) It is considered an odor alert condition and a violation exists when the city is in receipt of three or more calls from individuals representing separate properties within the city within a six-hour period relating to a single odor description. The city shall provide a designated phone number to call to report an odor complaint. The complaints shall be recorded by a staff member or by electronic means and shall be considered as an individual odor complaint when the following information is provided:

a. Name, address and telephone number of complainant.

b. Time and date of call.

c. Description of odor nuisance, including estimated location or source of complaint and any prevailing wind or weather conditions observed.

(3) It is a violation to continuously emit particulate air contaminants above levels allowed in the U.S. EPA National Ambient Air Quality Standards (NAAQS) and/or Colorado Department of Health Air Standards, whichever is more strict, and then at no more than 20 percent opacity.

The city shall investigate all complaints to verify the source of the odor nuisance and take appropriate corrective action.

(k) *Exceptions.* Violation of the odorous air contaminant standard may not be subject to penalty or enforcement action if any of the following circumstances are deemed to exist:

(1) Upset conditions or the breakdown of a device, facility or process that causes an odorous emission if the upset condition or breakdown could not be reasonably anticipated and prevented and if immediate action is taken to eliminate the upset condition and/or repair the equipment. The city shall be verbally notified of the upset condition or breakdown within eight hours of the occurrence and written notification detailing the upset condition or breakdown, and measures taken to correct it, shall be submitted within three working days of the event.

(2) The routine start-up, shutdown, cleaning, maintenance or testing of:

a. Machinery or equipment causing the emission.

b. Machinery or equipment designated to control, reduce or eliminate emissions, where the person undertaking such activities notifies the city in writing 48 hours in advance and the procedure is not conducted during a high-pollution alert. Such notice shall include the date, duration and approximate time that the repair or maintenance activity shall be engaged in. Approval of the activity must be provided in writing by the city, which may add limitations to the proposed actions if deemed necessary to best address the public welfare. After receipt of said notice, the city may, if deemed necessary, issue public service advisories that odor conditions may exist.

(3) Temporary sources or events, such as rodeos, county fairs and stock shows.

(4) Odorous air contaminants existing solely within residences, or solely within commercial and industrial plants, works or shops, or to affect the relations between

employers and employees with respect to or arising out of any condition of air pollution, provided that such odors do not penetrate the atmosphere and extend beyond the property boundary so as to become a public nuisance.

(l) *Compliance.* The city may find the person responsible for a violation of the odor standards described in this chapter to be a significant odor generator for which a facility odor management plan is required for submission to and acceptance by the city. Violations of this chapter are subject to the penalties provided in chapter 9 of title 1 of this Code and the procedures attached hereto and specified in section 12-106.

(87) Sec. 12-102. Designation as a significant odor generator.

Designation. Upon investigation, and determination that the exceptions of section 12-101(k) do not apply, the city code enforcement officer may refer a site to the air quality and natural resources commission for consideration of designation as a significant odor generator and cause the following to occur:

(1) The commission shall consider the evidence presented and any related testimony by the source and the public during its public designation hearing. At the close of such hearing, if the commission finds that the evidence and testimony presented proves by a preponderance that a violation of section 12-101 has occurred, the commission may formally designate the source as a significant odor generator, such designation to be provided in writing to the source within two weeks of such hearing and which shall be accompanied by a set of requirements for submission of and consideration of a facility odor management plan.

(2) The source designated by the commission as a significant odor generator shall be required to submit a facility odor management plan in accordance with the commission's findings. A reasonable period of time within which to conduct this evaluation and analysis, and the date of submission of the proposed plan to the city, shall be prescribed by the commission. Upon receipt of the plan by the city, the city manager or his designated code enforcement officer shall:

a. Review the document for adequacy and use of the best available odor control technology.

b. If deemed necessary by the city, the report may be submitted to the county health department or a private consultant for review and recommendation to the city and the commission.

Such plan shall be considered and reviewed by the commission in a manner identical to the designation hearing. If said plan is found inadequate, the commission shall, in writing, provide the source with a listing of areas of deficiency and a time period within which to modify the plan for further consideration by the commission.

(3) At the conclusion of the hearing process on the submitted plan, the commission shall provide a written confirmation and acceptance of the final plan. Acceptance of the facility odor management plan by the commission shall be accompanied by an odor control permit issued to the significant odor generator conditioned upon the payment of fees as set forth in section 12-71.

a. Failure to operate within the parameters of the agreed-upon facility odor management plan may result in suspension of the odor control permit. Continued operation of the industry or source while the odor control permit is suspended may result in a requirement to submit an amended facility odor management plan and/or a summons to municipal court with the application of penalties as set forth in chapter 9 of title 1 of this Code.

- b. The odor control permit shall be issued on a graduated basis as follows:
 - 1. The initial issuance shall be for a period of three months.
 - 2. At the end of the three-month period, the permit shall be renewed for a period of six months, provided that no verified violations of the allowable odor intensity have occurred.
 - 3. At the end of the six-month permit, provided that there were no verified violations of the allowable odor intensity, the permit shall be renewed for an additional 12-month period.
 - 4. At the end of the 12-month permit, provided that there were no verified violations of the allowable odor intensity, the permit shall be renewed for an additional 15-month period.
 - 5. For any permit period within which an odor violation is confirmed, at the time of renewal the commission will conduct a hearing to consider any corrections needed to the facility odor management plan prior to renewal of the permit. A new odor control permit may be issued beginning with a three-month permit and a new fee assessed or a permit may be issued for the next issuance period.
 - 6. Upon verification of three or more odor violations at any time during any issuance period, a hearing before the commission will be promptly scheduled and conducted. At the conclusion of said hearing, the commission may consider corrective actions or suspend the permit. Any new permit issued as a result of said hearing will commence with a three-month permit and assessment of the fee for an initial application as provided in subsection 12-71 (a).

c. The permittee shall submit an application for renewal at least 30 days prior to the expiration of any odor control permit. An expired odor control permit shall continue in force, and remain fully effective and enforceable, provided that a timely application for renewal has been filed, until the date that a new permit is issued by the commission. If an industry or source which is required to hold an odor control permit operates without a valid odor control permit, the application of penalties as set forth in chapter 9 of title 1 of this Code shall result.

(4) Compliance for a period of three years with the facility odor management plan submitted by the source found to be a significant odor generator shall, at the request of the source, remove such source from the classification as a significant odor generator and relieve such source of the need to hold an odor control permit, but does not relieve such source from continuing compliance with the ordinance codified herein.

(88) Sec. 12-104. High-pollution prohibition; solid-fuel-fired heating device.

(a) No person may operate a solid-fuel-fired heating device, except a wood stove or insert certified by the state department of health or a noncertified wood stove or insert fitted with an approved retrofit antipollution kit, during a high-pollution day unless an exemption has been granted pursuant to subsection (c)(1) or (2) of this section. It shall be the duty of all persons owning or operating a solid-fuel-fired device to be aware of any declaration of a high-pollution day by the county health department.

(b) At the time of the declaration of a high-pollution day, the city manager shall allow five hours for the burn-down of existing fires in solid-fuel-burning devices prior to the initiation of enforcement.

(c) Exemptions. The following conditions are allowed exemptions to subsection (a) of this section:

(1) Exemption for sole heat source:

- a. A person who relies on a solid-fuel-fired heating device installed prior to October 1, 1987, as his sole source of heat, may apply to the city manager or his designee for an exemption from subsection (a) of this section.
- b. A person applying for an exemption must sign a sworn statement that he relies on a solid-fuel-fired heating device as his sole source of heat.
- c. An exemption obtained under this section shall be effective for 12 months from the date it is granted.
 - (2) Exemption for economic need:
 - a. A person who relies on a solid-fuel-fired heating device installed prior to October 1, 1987, because of economic need, may apply to the city manager or his designee for exemption from subsection (a) of this section.
 - b. A person applying for this exemption must demonstrate economic need by certifying eligibility for energy assistance according to economic guidelines established by the United States Office of Management and Budget under the Low-Income Energy Assistance Program (L.E.A.P.), as administered by the county.
 - c. An exemption obtained under this section shall be effective for 12 months from the date it is granted.
 - (3) Exemption for cooking purposes. Appliances designed and used primarily for cooking purposes shall be exempt from the provisions of subsections (a), (b) and (c) of this section.
 - (4) Exemption for solid-fuel boilers that require state emission permits. Solid-fuel boilers that require state emission permits are exempt from the provisions of this chapter.
 - (d) Wood stove installation and reinstallation. No person shall install a new wood stove, whether freestanding or insert, unless it is certified by the state department of health. No person shall reinstall a noncertified wood stove, whether freestanding or insert, unless an approved retrofit antipollution kit is available and installed prior to the reinstallation of the wood stove.
 - (e) Violation; penalty. Any person who violates any provision of this section or performs any unlawful acts, as defined in this chapter, any person who fails to perform any act required by this section or any person who fails or refuses to comply with any lawful order given pursuant to this section, upon first violation, shall be issued a warning; upon second violation, shall be issued a summons and upon conviction shall pay a fine of \$25.00 or successfully complete a class on proper use of solid-fuel-fired burning devices in lieu of payment of the \$25.00 fine; and upon third and succeeding violations shall be issued a summons and upon conviction shall be punished as provided in chapter 9 of title 1 of this Code. Each day of any such violation is a separate offense and punishable accordingly.
 - (f) Three-year review. The building inspection advisory and appeals board shall reevaluate the program every three years during the normal Code review process.
 - (g) Public awareness program. The city manager or his designee shall initiate a public awareness program to encourage the proper use and operation of solid-fuel-burning devices and encourage the public in those practices which minimize the potential for air pollution.

(89) Sec. 12-207. Penalties and enforcement.

- (a) Whenever any person is in noncompliance with the provisions of this chapter, the administrative hearing officer may impose penalty fines up to the amount of \$1,000.00 per day per violation and pursue sanctions defined in chapter 10 of title 1 of this Code

and any other sanctions permitted under law. Each repeat violation must be set forth on a notice of violation form and served as set forth in chapter 12 of title 2 of this Code.

(b) Whenever the city manager or designee determines a person is violating or failing to comply with any provision of this chapter, the city manager or designee may immediately issue a cessation order causing the person to immediately cease all operations which violate and fail to comply with this chapter until such person has complied with the provisions of this chapter. This order of cessation of activities is additional to any other penalties, sanctions or remedies contained in this chapter or otherwise allowed by law.

(c) The city may seek and obtain remedies, including, but not limited to, civil and administrative sanctions and temporary or permanent injunctive relief against persons for noncompliance with the provisions, standards and requirements of this chapter.

(d) Any fee which shall not be paid when due may be recovered in an action at law by the city. In addition to any other remedies or penalties provided by this chapter or any ordinance of the city, the administrative hearing officer is hereby empowered and directed to enforce this provision as to any and all delinquent users. The employees of the city shall, at all reasonable times, have access to any premises served by the city for inspection, repair or the enforcement of the provisions of this chapter.

(90) Sec. 12-245. Administrative hearing procedures.

A notice of violation issued under section 12-244 shall proceed in accordance with chapter 12 of title 2 of this Code and shall be subject to penalties as set forth in chapter 10 of title 1 of this Code.

(91) Sec. 12-360. Unlawful acts; hours; sound level; proximity to public sessions; penalties; repeat offenses.

A person commits a violation of this section if he uses or operates sound-amplifying equipment:

- (1) Out of doors, except between 7:00 a.m. and 10:00 p.m.
- (2) Indoors, if the projection of the sound is plainly audible to persons out of doors and at or beyond the property line from which the sound is being emitted.
- (3) At a sound level higher than necessary to accomplish the purposes for which a permit from the chief of police was granted.
- (4) Within 500 feet of any place where a public council, board or court is in session.
- (5) That produces any noise emitted at levels which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensitivities.

(92) Sec. 12-468. Nuisance; abatement; notice.

(a) If an owner of any lot, block or parcel of ground within the city, or any tenant or agent in possession or in charge thereof, fails or refuses to remove or eliminate prairie dog infestations or prairie dog nests or burrows as required in section 12-467 within 30 days after being served notice to do so by an agent or employee of the city, the city may have the prairie dogs, nests or burrows removed and abated by an employee of the city or by a private firm or individual, as provided in this section, and charge the cost thereof to such owner, tenant or agent, together with an additional \$50.00 plus 20 percent for inspection, administration and other costs. In the event that the health department or other public health official identifies the presence of a communicable

disease, abatement shall occur within such shorter time as specified by the health department or official.

(b) Issuance of notice of violation. The city manager or designee may inspect any lot, block or parcel of ground within the city upon receipt of a complaint, from referral by another city department or upon observation during the normal course of duties, concerning prairie dog infestation. If, after inspection, the city manager or designee determines that a violation exists, a notice of violation may be issued to the owner, tenant or agent of the lot, block or parcel, and the notice of violation may be issued without prior notice. If the city manager or designee cannot serve the notice of violation directly to the owner, tenant or agent, the notice shall be served as set forth in chapter 12 of title 2 of this Code. The notice shall also specify that all procedures and acts undertaken to abate said nuisance shall conform to all municipal, state and federal law and regulations governing the taking, trapping, killing or disposal of wildlife and wildlife nests and burrows.

(c) In addition to charges for abatement, failure to comply with requirements of this chapter also constitutes a Code violation and is subject to the penalty provisions of chapter 10 of title 1 of this Code.

(d) If it is determined that employees of the city are not available to abate the nuisance pursuant to the provisions of this section, the city may solicit bids from properly licensed individuals or firms to undertake the necessary abatement, retaining the lowest qualified bidder to accomplish the abatement.

(e) In the event that a private person or firm accomplished the abatement as provided in this section, the city shall provide a copy of the lowest bid with the notice for payment served on any owner, tenant or agent as provided in section 12-469.

(f) In order to encourage the provision of services to protect the public health and safety and to allow the city to allocate its limited fiscal resources, nothing contained in this section shall be intended or construed to impose any duty of care, liability or obligation on the city or any of its employees or agents where none otherwise existed.

(g) Nothing contained herein shall be construed or intended to authorize the destruction or removal of an animal declared a public nuisance in violation of any state or federal law, rule or regulation related to any threatened or endangered animal.

(93) Sec. 12-470. Failure to pay assessment.

Failure to pay an assessment as provided for in section 12-469 within 30 days shall cause such assessment to become a lien against the lot, block or parcel of land upon which abatement occurred and shall have priority over all liens, except general taxes and prior special assessment, and the same may be certified at any time after such failure to so pay by the director of finance to the county treasurer to be placed upon the tax list for the current year and to be collected in the same manner as other taxes are collected, with a ten-percent penalty to defray the cost of collection as provided by the laws of the state.

(94) Sec. 12-502. Failure to pay a lien.

Failure to pay an assessment as provided for at section 12-608 within such period of 30 days described therein shall cause such assessment to become a lien against such lot, block or parcel of land and shall have priority over all liens, except general taxes and prior special assessments and the same may be certified at any time after such failure to so pay the same within 30 days, by the director of finance to the county treasurer to

be placed upon the tax list for the current year, to be collected in the same manner as other taxes are collected, with a ten percent penalty to defray the cost of collection, as provided by state law.

(95) Sec. 12-569. Infected or dangerous vegetation or seeds prohibited.

No person shall import or bring into the city any trees, vines, shrubs or seeds which are infected or are in such a condition as to be dangerous to the life or health of plants or trees in the city, and no person shall sell any such items. The city manager or his designee shall have the right to order any person to cease and desist from importing, receiving for resale or selling any such infected trees, vines, shrubs or seeds. Failure by any person to whom such order is delivered to comply with the terms thereof shall be a violation subject to the penalties provided in chapter 10 of title 1 of this Code.

(96) Sec. 12-607. Noxious weeds; failure to comply.

When any owner, tenant or agent fails to eliminate or manage noxious weeds or to take steps as otherwise provided in section 12-606(h) within seven calendar days after personal service, mailing or posting of notice, the administrative authority may have the noxious weeds controlled or removed by an employee of the city or by a private individual or firm, and charge the cost thereof to such owner, tenant or agent, together with an additional \$50.00 plus 20 percent for inspections and other incidentals. In the event that the city must eradicate noxious weeds upon any property located within its jurisdiction, the city may assess the whole cost of the eradication, including up to 100 percent of inspection, eradication and other incidental costs in connection with eradication, upon the lot or tract of land where the noxious weeds are located; except that no tax lien shall be levied against land administered as part of a public right-of-way.

(1) The original abatement notice to the owner, tenant or agent in charge shall specify that the costs shall be charged to the property owner if the noxious weed condition is not cured or other authorized action taken within seven calendar days from the date of personal service, posting or mailing of the notice.

(2) In addition to charges for noxious weed removal, failure to comply with the requirements of this chapter is subject to the penalty provisions of chapter 10 of title 1 of this Code.

(97) Sec. 14-447. Payment of penalty.

All false alarm charges, as prescribed in section 14-446, shall be paid to the finance department within 20 days of the notice date.

(98) Sec. 14-460. Violations; penalty by reference.

It is unlawful for any person, firm or corporation to violate or fail to comply with any provision of this chapter. The violation or failure to comply with any provision of this chapter shall be punished as provided in chapter 9 of title 1 of this Code.

(99) Sec. 16-13. Duties and powers of traffic superintendent.

(a) The position of traffic superintendent is hereby established in the department of public works. The traffic superintendent shall be appointed by the director of the department of public works and shall exercise the powers and duties provided in this chapter consistent with the provisions of this Code relating to the department of public

works. In the absence of such appointment or at such times as the traffic superintendent may be absent from the city or unable to perform his duties, the said duties are and shall be vested in the director of the department of public works.

(b) It shall be the general duty of the traffic superintendent or other official vested with the responsibility for traffic, as provided herein, to determine the installation and proper timing and maintenance of official traffic control devices, to conduct analyses of traffic accidents and to devise remedial or corrective measures, to conduct investigation of traffic conditions, to plan the operation of traffic on the streets and highways of the city and to cooperate with other municipal officials in the development of ways and means to improve traffic conditions, and to carry out such additional powers and duties as are imposed by this chapter.

(c) By way of example, but not by way of limitation, the traffic superintendent or other official vested with the office as provided herein is hereby empowered and authorized, consistent with the provisions of this chapter, to act as follows:

- (1) Install, maintain and remove traffic control devices;
- (2) Designate and mark medians and traffic islands;
- (3) Conduct speed zoning studies and post speed limits as permitted by law;
- (4) Designate minimum speed as provided by law;
- (5) Regulate speed and traffic movement by traffic signals and provide for the synchronization of such signals wherever practicable;
- (6) Designate one-way streets and roadways;
- (7) Designate through streets or roadways and control entrances thereto;
- (8) Designate stop or yield intersections and erect stop or yield signs thereat;
- (9) Establish restrictions, prohibitions and regulations for the parking, standing or stopping of vehicles;
- (10) Designate special parking zones for taxicabs, press, television, radio cars and the like;
- (11) Designate parking meter zones and establish time limitations thereon based on an engineering and traffic investigation;
- (12) Establish tow-away zones;
- (13) Designate upon what streets, if any, angle parking shall be permitted;
- (14) Designate and sign intersections at which drivers shall not make a right or left turn, a U-turn or any turn at all times or during certain times;
- (15) Designate and sign intersections where multiple turns shall be allowed;
- (16) Mark centerlines and lane lines and place other pavement markings necessary for the regulation and control of traffic;
- (17) Install and maintain crosswalks at intersections or other places where there is particular danger to pedestrians crossing the roadway;
- (18) Establish safety zones at such places where necessary for pedestrian protection;
- (19) Install pedestrian-control signals and designate those crossings where angle crossing by pedestrians shall be permitted;
- (20) Establish truck routes and truck loading zones; establish bus stops and taxicab stands;
- (21) Designate and sign those streets and roadways where pedestrians, bicyclists or other nonmotorized traffic, or persons operating a motor-driven cycle shall be excluded as provided by law;
- (22) Designate and sign those streets upon which vehicles or loads of a certain weight shall be prohibited;

- (23) Provide for temporary street or alley closures by the erection of barricades;
- (24) Issue special permits for curb loading operations, for the movement of vehicles having excess size or weight, for parades or processions, etc.;
- (25) Designate and sign those pedestrian areas in which nonmotorized vehicles such as skateboards, scooters, bicycles, etc., are prohibited. Operation of such nonmotorized vehicles where prohibited by such posted signs shall be a violation of this section, subject to the penalties prescribed by chapter 9 of title 1 of this Code, except that no jail sentence is authorized for such a violation.
 - a. This subsection shall not apply to city parks.
 - b. This subsection shall not authorize any restriction on handicapped vehicles such as wheelchairs.

(100) **Sec. 16-331. Passing lane; definitions; penalty.**

- (a) A person shall not drive a motor vehicle in the passing lane of a highway if the speed limit is 65 miles per hour or more unless such person is passing other motor vehicles that are in a nonpassing lane or turning left or unless the volume of traffic does not permit the motor vehicle to safely merge into a nonpassing lane.
- (b) For the purposes of this section:
 - (1) The term "nonpassing lane" means any lane that is to the right of the passing lane if there are two or more adjacent lanes of traffic moving in the same direction in one roadway.
 - (2) The term "passing lane" means the farthest to the left lane if there are two or more adjacent lanes of traffic moving in the same direction in one roadway; except that, if such left lane is restricted to high occupancy vehicle use or is designed for left turns only, the passing lane shall be the lane immediately to the right of such high occupancy lane or left turn lane.

(101) **Sec. 16-471. Operation of bicycles and other human-powered vehicles.**

- (a) Every person riding a bicycle or electrical assisted bicycle shall have all of the rights and duties applicable to the driver of any other vehicle under this Code, except as to special regulations in this Code and except as to those provisions which by their nature can have no application. Said riders shall comply with the rules set forth in this section and section 16-54.
- (b) It is the intent of the city council that nothing herein contained shall in any way be construed to modify or increase the duty of the department of transportation or any political subdivision to sign or maintain highways or sidewalks or to affect or increase the liability of the state or any political subdivision under the Colorado Governmental Immunity Act, C.R.S. title 24, article 10, as amended from time to time.
- (c) No bicycle or electrical assisted bicycle shall be used to carry more persons at one time than the number for which it is designed or equipped.
- (d) No person riding upon any bicycle or electrical assisted bicycle shall attach the same or himself to any motor vehicle upon a roadway.
- (e) (1) Any person operating a bicycle or an electrical assisted bicycle upon a roadway at less than the normal speed of traffic shall ride in the right-hand lane, subject to the following conditions:
 - a. If the right-hand lane then available for traffic is wide enough to be safely shared with overtaking vehicles, a bicyclist shall ride far enough to the right as judged safe by

the bicyclist to facilitate the movement of such overtaking vehicles unless other conditions make it unsafe to do so.

- b. A bicyclist may use a lane other than the right-hand lane when:
 - 1. Preparing for a left turn at an intersection or into a private roadway or driveway;
 - 2. Overtaking a slower vehicle; or
 - 3. Taking reasonably necessary precautions to avoid hazards or road conditions.
- c. Upon approaching an intersection where right turns are permitted and there is a dedicated right-turn lane, a bicyclist may ride on the left-hand portion of the dedicated right-turn lane even if the bicyclist does not intend to turn right.

(2) A bicyclist shall not be expected or required to:

- a. Ride over or through hazards at the edge of a roadway, including, but not limited to, fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards or narrow lanes; or
- b. Ride without a reasonable safety margin on the right-hand side of the roadway.

(3) A person operating a bicycle or an electrical assisted bicycle upon a one-way roadway with two or more marked traffic lanes may ride as near to the left-hand curb or edge of such roadway as judged safe by the bicyclist, subject to the following conditions:

a. If the left-hand lane then available for traffic is wide enough to be safely shared with overtaking vehicles, a bicyclist shall ride far enough to the left as judged safe by the bicyclist to facilitate the movement of such overtaking vehicles unless other conditions make it unsafe to do so.

b. A bicyclist shall not be expected or required to:

- 1. Ride over or through hazards at the edge of a roadway, including, but not limited to, fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards or narrow lanes; or
- 2. Ride without a reasonable safety margin on the left-hand side of the roadway.

(f) (1) Persons riding bicycles or electrical assisted bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

(2) Persons riding bicycles or electrical assisted bicycles two abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.

(g) A person operating a bicycle or electrical assisted bicycle shall keep at least one hand on the handlebars at all times.

(h) (1) A person riding a bicycle or electrical assisted bicycle intending to turn left shall make a left turn in the manner prescribed in subsection (h)(2) of this section.

(2) A person riding a bicycle or electrical assisted bicycle intending to turn left shall approach the turn as closely as practicable to the right-hand curb or edge of the roadway. After proceeding across the intersecting roadway to the far corner of the curb or intersection of the roadway edges, the bicyclist shall stop, as much as practicable, out of the way of traffic. After stopping, the bicyclist shall yield to any traffic proceeding in either direction along the roadway that the bicyclist had been using. After yielding and complying with any official traffic control device or police officer regulating traffic on the highway along which the bicyclist intends to proceed, the bicyclist may proceed in the new direction.

(3) Notwithstanding the provisions of subsections (h)(1) and (2) of this section, the transportation commission and local authorities in their respective jurisdictions may

cause official traffic control devices to be placed on roadways and thereby require and direct that a specific course be traveled.

(i) (1) Except as otherwise provided in this subsection (i), every person riding a bicycle or electrical assisted bicycle shall signal the intention to turn or stop in accordance with section 16-292; except that a person riding a bicycle or electrical assisted bicycle may signal a right turn with the right arm extended horizontally.

(2) A signal of intention to turn right or left when required shall be given continuously during not less than the last 100 feet traveled by the bicycle or electrical assisted bicycle before turning and shall be given while the bicycle or electrical assisted bicycle is stopped waiting to turn. A signal by hand and arm need not be given continuously if the hand is needed in the control or operation of the bicycle or electrical assisted bicycle.

(j) (1) A person riding a bicycle or electrical assisted bicycle upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian. A person riding a bicycle in a crosswalk shall do so in a manner that is safe for pedestrians.

(2) A person shall not ride a bicycle or electrical assisted bicycle upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk where such use of bicycles or electrical assisted bicycles is prohibited by official traffic control devices or local ordinances. A person riding a bicycle or electrical assisted bicycle shall dismount before entering any crosswalk where required by official traffic control devices or local ordinances.

(3) A person riding or walking a bicycle or electrical assisted bicycle upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk shall have all the rights and duties applicable to a pedestrian under the same circumstances, including, but not limited to, the rights and duties granted and required by section 16-255.

(k) (1) A person may park a bicycle or electrical assisted bicycle on a sidewalk unless prohibited or restricted by an official traffic control device or local ordinance.

(2) A bicycle or electrical assisted bicycle parked on a sidewalk shall not impede the normal and reasonable movement of pedestrian or other traffic.

(3) A bicycle or electrical assisted bicycle may be parked on the road at any angle to the curb or edge of the road at any location where parking is allowed.

(4) A bicycle or electrical assisted bicycle may be parked on the road abreast of another such bicycle or bicycles near the side of the road or any location where parking is allowed in such a manner as does not impede the normal and reasonable movement of traffic.

(5) In all other respects, bicycles or electrical assisted bicycles parked anywhere on a highway shall conform to the provisions of article 12 of this chapter regulating the parking of vehicles.

(l) (1) Any person who violates any provision of this section commits a violation of this Code.

(2) Any person riding a bicycle or electrical assisted bicycle who violates any provision of this Code other than this section which is applicable to such a vehicle and for which a penalty is specified shall be subject to the same specified penalty as any other vehicle.

(m) Except as authorized by section 16-13, the rider of an electrical assisted bicycle shall not use the electrical motor on a bike or pedestrian path.

(102) **Sec. 16-705. Compliance; notice.**

Whenever the grade of any street, alley or highway of the city, over which a railroad track is constructed, is in any manner changed, the owning railroad company shall raise or lower (as the case may be) the roadbed and track to correspond with such grade, within ten days after receiving written notice of the change, or change of grade. Failure to do so shall be subject to a penalty as provided in chapter 9 of title 1 of this Code for each and every day thereafter during which such failure continues, unless for good cause shown the city council allows additional time.

(103) **Sec. 20-301. Penalties.**

Penalties for violating any provision of this chapter shall be treated administratively in accordance with chapter 10 of title 1 of this Code.

(104) **Sec. 20-520. Administrative fines.**

Following the issuance of a notice of violation, a compliance order or order to show cause, the director may fine a user in an amount not to exceed \$1,000.00 per violation. The director shall determine the applicable fine using the city's administrative penalty evaluation form and administrative penalty matrix. Each day on which noncompliance occurs, or continues, shall constitute a separate and distinct violation. In the case of monthly or other long-term average discharge limits, the director may assess fines for each day during the period of violation. The director may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

(1) The director may add unpaid charges and fines to the user's next scheduled sewer service charge or utilize other collection remedies. All unpaid fines and charges shall constitute a lien against the user's property. In that case, the director of finance shall file such lien to protect the city's interest. Fines and charges remaining unpaid for 60 calendar days shall accrue interest at the rate set forth in section 6-197 on the unpaid balances.

(2) Issuance of an administrative penalty shall not be a bar against, or a prerequisite for, taking any other action against the user.

(105) **Sec. 20-567. Code infraction and administrative hearing procedures.**

A notice of violation issued under section 20-566 is a misdemeanor infraction and shall proceed in accordance with section 2-1032 and shall be subject to the provisions of this chapter and penalties as set forth in chapter 10 of title 1 of this Code.

(106) **Sec. 20-639. Enforcement.**

(a) Any fee which has not be paid when due may be recovered in an action at law by the city in addition to any other remedies or penalties provided by this chapter or this Code.

(b) Authorized employees of the city shall, at all reasonable times, have access to any premises served by the city for inspection, repair, or the enforcement of the provisions of this chapter.

(c) The director of public works or designee may issue a notice of violation to any property owner and/or developer who has not installed and maintained permanent stormwater control measures in accordance with this chapter.

(d) A violation noticed under this chapter shall be deemed a misdemeanor infraction, shall proceed in accordance with section 2-1032, and shall be subject to penalties set forth in chapter 10 of title 1 of this Code.

(107) Sec. 20-898. Withdrawals by city.

The city shall be empowered to withdraw from the performance guarantee escrow the sums specified below as assessments for failure by the grantee to perform faithfully the following obligations:

(1) For the grantee's failure to comply with the complaint resolution mechanism of section 20-873, the council may assess the sum of \$250.00 per day for each day or part thereof that the grantee fails to so comply;

(2) For the grantee's failure to comply with the timetable for installation of the system as required by section 20-927, the council may assess the sum of \$250.00 per day for each day or part thereof that the grantee fails to so comply;

(3) For the grantee's failure to comply with the recordkeeping and filing requirements of sections 20-922 and 20-923, the council may assess the sum of \$100.00 per day for each day or part thereof that the grantee fails to so comply;

(4) For the grantee's failure to comply with any other provision of this chapter relating to the installation, maintenance and operation of the cable communications system, the council may assess the sum of \$100.00 per day for each day or part thereof that the grantee fails to so comply;

(5) For the grantee's failure to make any payment to the city required under this chapter, including without limitation, the franchise fee required by sections 20-922 through 20-923, the cost and expense of indemnification under section 20-895 and the penalties imposed by sections 20-940 and 20-942, the council may authorize withdrawal from the performance guarantee escrow of the amount that the grantee has failed to pay.

(108) Sec. 20-942. Penalty.

Any violation of this chapter shall be punishable as provided in chapter 9 of title 1 of this Code. Each day upon which any violation shall occur shall constitute a separate violation.

(109) Sec. 22-43. Section 114.4 amended; violation penalties.

Sec. 114.4 of the building code is amended to read as follows:

114.4 Violation penalties. Any person violating any of the provisions of this code is guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued or permitted, and upon conviction of any such violation, such person shall be subject to punishment as provided in chapter 10 of title 1 of this Code.

(110) Sec. 22-86. Section R113.4 amended; violation penalties.

Sec. R113.4 of the residential code is amended to read as follows:

Any person violating any of the provisions of the code is guilty of a separate offense for each and every day or portion thereof during which any violation of any of the

provisions of the code is committed, continued or permitted, and upon conviction of any such violation, such person shall be subject to punishment as provided in chapter 10 of title 1 of this Code.

(111) Sec. 22-164. Section 108.4 amended; violation penalties.

Sec. 108.4 of the mechanical code is amended to read as follows:

108.4 Violation penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be punishable pursuant to chapter 10 of title 1 of this Code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(112) Sec. 22-194. Section 106.4 amended; violation penalties.

Sec. 106.4 of the property maintenance code is amended to read as follows:

106.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof shall be subject to punishment as provided in chapter 10 of title 1 of this Code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(113) Sec. 22-240. Section 113.4 amended; violation penalties.

113.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who repairs or alters or changes the occupancy of a building or structure in violation of the approved construction documents or directive of the code official or of a permit or certificate issued under the provisions of this code shall be subject to punishment as provided in chapter 10 of title 1 of this Code.

(114) Sec. 22-309. Section 108.4 amended; violation penalties.

Sec. 108.4 of the plumbing code is amended to read as follows:

108.4 Violation penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be punishable pursuant to chapter 10 of title 1 of this Code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(115) Sec. 22-350. Section 108.4 amended; violation penalties.

Sec. 108.4 of the fuel gas code is amended to read as follows:

108.4 Violation penalties. Persons who shall violate a provision of this code, fail to comply with any of the requirements thereof or erect, install, alter or repair work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be punishable pursuant to chapter 10 of title 1 of this Code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(116) Sec. 22-424. Permits and approvals.

Permits and approvals shall conform to subsections (1) through (9) of this section.

(1) *Permits required.* No person, whether or not required to be licensed by the state electrical board as an electrical contractor, master electrician, journeyman electrician or residential wireman, shall install, alter, or repair any electrical wiring, apparatus or equipment unless a permit for such electrical work has been issued. A permit must be obtained for each separate project. Application for permits shall be made on forms provided by the building inspection division and the required permit fee shall accompany each application.

(2) *Homeowner permit.* A person may obtain a permit to personally install electrical work on their own property or residence. The application for a homeowner permit shall include a notarized affidavit stating that the homeowner is knowledgeable of the requirements of the National Electrical Code® and that they will be personally responsible for performing the installation of the electrical work outlined on the permit application.

(3) *Working without permit; penalty.* Any person who commences any electrical work for which a permit is required without first having obtained such permit shall be subject to punishment as provided in chapter 10 of title 1 of this Code and section 22-425 and, in addition, shall be obligated to pay a permit fee equal to twice the regular permit fee. However, the foregoing provision regarding punishment and payment of double fees shall not apply to emergency electrical work when it appears to the satisfaction of the chief electrical inspector that such work was urgently necessary and that it was not practical to obtain a permit before the commencement of the work. The foregoing exculpatory provision shall apply only if the person required to obtain the permit does apply for the permit as soon as practical following the installation of the electrical work.

(4) *Application.*

a. Activity authorized by a permit issued under this code shall be conducted by the permittee or the permittee's agents or employees in compliance with all requirements of this code applicable thereto and in accordance with the approved plans and specifications. No permit issued under this code shall be interpreted to justify a violation of any provision of this code or any other applicable law or regulation. Any addition or alteration of approved plans or specifications shall be approved in advance by the authority having jurisdiction, as evidenced by the issuance of a new or amended permit.

b. A copy of the permit shall be posted or otherwise readily accessible at each work site or carried by the permit holder as specified by the authority having jurisdiction.

(5) *Content.* Permits shall be issued by the authority having jurisdiction and shall contain the following:

a. Operation or activities for which the permit is issued.

b. Address or location where the operation or activity is to be conducted.

c. Name and address of the permittee.

d. Permit number and date of issuance.

e. Name of licensed electrical contractor (if applicable).

f. Inspection requirements.

(6) *Issuance of permits.* The authority having jurisdiction shall be authorized to establish and issue permits, certificates, notices, and approvals, or orders pertaining to

electrical safety hazards pursuant to 22-424, except that no permit shall be required to execute any of the classes of electrical work specified in the following:

- a. Installation or replacement of equipment such as lamps and of electric utilization equipment approved for connection to suitable permanently installed receptacles. Replacement of flush or snap switches, fuses, circuit breakers, lamp sockets, and receptacles, and other minor maintenance and repair work, such as replacing worn cords and tightening connections on a wiring device.
- b. The process of manufacturing, testing, servicing, or repairing electric equipment or apparatus.
- c. Installation of equipment and circuits operating at less than 50 volts, unless required by the International Fire Code® for fire alarm systems; however, all work installed under this exception shall meet the applicable requirements of NEC® article 720, article 725, article 760, article 770, article 800, article 810, article 820, and/or article 830 and is subject to inspection by the authority having jurisdiction.

Note: This exception shall not be applicable to NEC® article 411—Lighting Systems Operating at 30 Volts or Less.

(7) *Permit fee schedule.* The permit fee schedule as established in section 22-33 is adopted for all electrical permits issued under the scope of this code.

(8) *Inspection and approvals.*

- a. Upon the completion of any installation of electrical equipment that has been made under a permit, it shall be the duty of the person, firm, or corporation making the installation to notify the electrical inspector having jurisdiction, who shall inspect the work within a reasonable time.
- b. Where the electrical inspector finds the installation to be in conformity with this code, local ordinances and all rules and regulations of the state electrical board, the inspector shall issue to the person, firm, or corporation making the installation a certificate of approval, authorizing the connection to the supply of electricity and shall send written notice of such authorization to the electric utility company. This connection to the utility company's supply shall be revocable by the electrical inspector for cause.
- c. When any portion of the electrical installation within the jurisdiction of an electrical inspector is to be hidden from view by the placement of parts of the building, the person, firm, or corporation installing the electrical equipment or system shall notify the electrical inspector, and such electrical equipment or system shall not be concealed until it has been approved by the electrical inspector or until two work days have elapsed from the time of the notification, provided that on large installations, where the concealment of equipment and systems proceeds continuously, the person, firm, or corporation installing the equipment and systems shall give the electrical inspector due notice in advance, and inspections shall be made periodically during the progress of the work.
- d. If, upon inspection, any installation is found not to be fully in conformity with the provisions of this code, and all applicable statutes, ordinances, rules, and regulations, the inspector making the inspection shall at once forward to the person, firm, or corporation making the installation a written notice stating the defects that have been found to exist.

(9) *Revocation of permits.* Revocation of permits shall conform to the following:

- a. The authority having jurisdiction shall be permitted to revoke a permit or approval issued if any violation of this code is found upon inspection or in case there

have been false statements or misrepresentations submitted in the application or plans on which the permit or approval was based.

b. Any attempt to defraud or otherwise deliberately or knowingly design, install, service, maintain, operate, sell, represent for sale, falsify records, reports, or applications, or other related activity in violation of the requirements prescribed by this code shall be in violation of this code. Such violations shall be cause for immediate suspension or revocation of any related certificates or permits issued by this jurisdiction. In addition, any such violation shall be subject to any other criminal or civil penalties as available by the ordinances of the city and state statutes.

c. Revocation shall be constituted when the permittee is duly notified by the authority having jurisdiction.

d. Any person who engages in any business, operation, or occupation, or uses any premises, after the permit issued therefor has been suspended or revoked pursuant to the provisions of this code, and before such suspended permit has been reinstated or a new permit issued, shall be in violation of this code.

e. A permit shall be predicated upon compliance with the requirement of this code and shall constitute written authority issued by the authority having jurisdiction to install electrical work. Any permit issued under this code shall not take the place of any other license or permit required by other regulations or ordinances of the city.

f. The authority having jurisdiction shall be permitted to require an inspection prior to the issuance of a permit.

g. A permit issued under this code shall continue until revoked or for the period of time designated on the permit. The permit shall be issued to one person or business only and for the location or purpose described in the permit. Any change that affects any of the conditions of the permit shall require a new or amended permit.

(117) Sec. 22-463. Section 110.4 amended; violation penalties.

Sec. 110.4 of the fire code is amended to read as follows:

110.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be punishable pursuant to chapter 9 of title 1 of this Code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(118) Sec. 24-663. Standards for PUD establishment.

(a) Land area shall be zoned as a planned unit development only upon the application of all landowners of the area and only if the city council, after considering planning commission recommendations, has concluded on the basis of a preliminary plan submitted by the landowner that the area will be suitable for development pursuant to a PUD plan.

(b) In reaching recommendations and decisions as to rezoning land to the PUD district, the planning commission and the city council shall apply the following standards in addition to the standards and procedures of section 24-625 applicable to the rezoning of land:

(1) Area requirements. The area of a proposed PUD shall be of substantial size to permit its design and development as a cohesive unit fulfilling the stated purpose of these regulations and to establish the PUD as a meaningful part of the larger

community. Each proposed PUD shall therefore be evaluated as to its adequacy in size with respect to both the nature and character of its internal design and to its specific location within the city. The minimum size of a PUD to be considered for establishment shall be two acres, except as provided for in subsection (c) of this section.

(2) Consistency with the land use chapter of the comprehensive plan. A PUD proposal shall be found to be consistent with all applicable elements of the land use chapter of the city's adopted comprehensive plan with respect to its proposed internal design and use and its relationship to adjacent areas and the city as a whole before it may be zoned as a PUD.

(3) Upon the specific request of the landowner or upon the recommendation of the planning commission or city council, the two-acre requirement in subsection (b)(1) of this section may be waived if, after considering the proposed development requested, the city council finds that such waiver would be beneficial to the city and foster the objectives of this Development Code and the land use chapter of the city's comprehensive plan.

(c) The city council may authorize, by its approval of a preliminary planned unit development plan, a mix of land uses, as well as variations in density, setback, height, lot size, lot coverage, open space, street width, parking and landscaping. Any such variations granted by the city council shall be based upon the findings by the council that the PUD plan:

- (1) Provides an innovative design which would be equal to or better than development which would occur under base standard zoning district requirements;
- (2) Accomplishes specific goals and objectives of the land use chapter of the city's comprehensive plan;
- (3) Includes land uses which are required to be in a PUD;
- (4) Meets the overall intent of this Development Code; or
- (5) Provides equivalent site design trade-offs for the exceptions granted (i.e., more open space for higher density, etc.).

(d) The general performance standards in chapter 9 of this title and design review performance standards in chapter 12 of this title, as well as other applicable provisions of this Development Code, including overlay districts in article III of chapter 8 of this title, areas of ecological significance in chapter 13 of this title, hillside development standards in chapter 14 of this title and signs in chapter 17 of this title shall be considered in the planning and design of a PUD and shall be the point from which negotiation between the city and the applicant begins.

(e) The PUD shall, at all times, be under the unified control or ownership of an individual, a legal entity or a legally established association or organization, such as a property owner's association, responsible for the ownership and maintenance of all required improvements and common facilities, infrastructure, amenities, elements and areas. All documents establishing said association or organization shall be reviewed and approved by the city attorney's office prior to any approval of a final PUD plan and shall be recorded as part of the PUD approval documents.

(f) Strict conformance with an approved PUD plan and all related approval documents shall be required, except as may be permitted under section 24-675. Nonconformance with approved plans and documents shall constitute a zoning violation and shall be subject to all penalties as described in chapter 9 of title 1 of this Code.

(g) A filing plat shall be submitted concurrently with any final PUD on a previously unsubdivided site, tract or parcel of land and/or in order to create parcels, dedicate and vacate easements and/or rights-of-way.

(h) No more than one PUD plan shall be approved for any specific parcel of property at any given time. The most recently approved PUD plan shall constitute the valid PUD plan unless rendered invalid in accordance with law, and any prior approved PUD plan shall automatically terminate upon the final approval of a subsequent PUD plan.

(119) **Sec. 24-953. Fines and penalties.**

(a) Failure to comply with requirements of this article or of a district designation plan shall be a violation punishable in accordance with this section.

(b) Whenever any work is being done contrary to the provisions of this article or any plan adopted by the commission or approved by city council, a code enforcement inspector or other authorized city official may issue a stop-work order by posting notice at the property or providing notice in writing, served in person or by certified mail on the owner or any persons engaged in the performance of such work, until authorized by the code enforcement officer, city official or commission to proceed with the work. This order of cessation of work is in addition to any other penalties or remedies allowed by this Development Code.

(c) A penalty may be imposed by the commission. The maximum penalty for violation of this article shall be the same as for violations that are sanctioned administratively, pursuant to chapter 10 of title 1 of this Code and shall proceed as set forth in chapter 12 of title 2 of this Code.

(120) **Sec. 24-1159. Kennels.**

The following provisions shall apply to all kennels:

(1) No person or owner shall keep or operate any kennel or other animal establishment without having first applied for and received written land use permission therefor. Such permission is valid indefinitely unless revoked as provided in this section. For the purposes of this section, every premises so used is a separate enterprise and requires separate land use approval.

(2) Before any land use approval for a kennel or other animal establishment shall be issued and periodically thereafter, as deemed necessary by the city police department, an animal control officer shall conduct a physical inspection of the proposed kennel or other animal establishment and determine whether it is in compliance with the requirements of this section. Land use approval may be denied or revoked if:

a. The applicant has made any material misrepresentations or has falsified the application.

b. The applicant, directly or otherwise, refused to allow the animal control officer to make reasonable inspection of the facility.

c. The applicant has been previously convicted for violation of chapter 7 of this title or state standards pursuant to the Pet Animal Care and Facilities Act as called out in C.R.S. § 35-80-101 et seq.

d. The animal control officer determines, after inspection, that the kennel or other animal establishment does not comply with the relevant requirements of chapter 7 of this title and/or this section.

- (3) All kennels or other animal establishments shall provide the following:
- a. Adequate shelter from the elements for the animals.
 - b. Adequate facilities for preventing the escape of animals from the premises.
 - c. Adequate facilities for keeping the animal environment clean and free of filth.
 - d. Confinement and treatment of animals shall be in a manner that is humane and appropriate, which shall include the following minimum standards for dog enclosures:
 1. Each individually enclosed dog that does not have access to a run or exercise area must be provided a minimum amount of floor space, calculated as follows: find the mathematical square of the sum of the length of the dog in inches (measured from the tip of the nose to the base of the tail) plus six inches; then divide the product by 144 and multiply by two. The calculation is: (length of dog in inches + six) (squared) divided by 144 times two equals required floor space in feet. The maximum required floor space is 24 square feet and the minimum floor space is six square feet.
 2. Each primary enclosure, in which a dog spends the majority of its day, shall have the following minimum floor space requirements:

Extra-small dogs up to 10" high	4.5 sq. ft.
Small dogs up to 16" high	6.0 sq. ft.
Medium dogs up to 22" high	9.0 sq. ft.
Large dogs up to 26" high	12.0 sq. ft.
Extra-large dogs up to 30" high	16.0 sq. ft.
Giant breeds over 30" high	18.0 sq. ft.

(i) The height of the enclosure shall be 1 1/2 times the height of the dog at the shoulder, with a maximum height required of 48 inches and a minimum height of 18 inches. If more than one dog occupies these primary enclosures, space will be calculated for the largest dog, with each additional dog needing one-half of the minimum space required. These dimensions are exclusive of the exercise area which is also required for each animal housed in such an enclosure. The exercise area or run may be contiguous with the primary enclosures specified above. Each dog housed in the specified primary enclosure must be provided the opportunity to exercise for a minimum of 60 minutes over a 24-hour period. An exercise plan is required pursuant to subsection (3)d.4 of this section.

3. If crates are used with the written consent of the owner to house his dogs, including weaned puppies, the minimum space requirements are as follows: dogs, regardless of weight, will have a crate that is a minimum of the length of the dog from the tip of its nose to the base of its tail, plus three inches while the dog is standing, and shall have space enough for the dog to turn around and lie down. Crates of such minimum dimensions shall be used to house only one dog. An exercise area or run must be provided for animals housed in a crate; crated dogs shall be provided an opportunity to exercise for a minimum of 60 minutes over a 24-hour period. An exercise plan is required pursuant to subsection (3)d.4 of this section.

4. Dog runs and exercise areas shall meet the following minimum space requirements:

(i) The length of the runs and exercise areas shall be a minimum of three times the length of the dog from the tip of its nose to the base of its tail; the width shall allow the dog to turn around easily; and the height shall be 1 1/2 times the height of the dog at

the shoulders, with the maximum height required of 48 inches, the minimum of 18 inches.

(ii) Indoor/outdoor runs that have the primary enclosure and the exercise area in combination shall for measuring purposes be considered an exercise run and shall be measured from the extreme inside to the extreme outside for length determination.

(iii) Outdoor or indoor runs used as a combined primary enclosure and exercise area shall be measured from one extreme end to the other extreme end for length. The same criteria will apply to freestanding runs used for exercise areas only.

e. Adequate supervision of the animals in the kennel facility must be present to the following standards:

1. There must be a minimum of one human supervisor (at least 16 years of age), present at all times and able to directly view each enclosure or common area where dogs from different owners are commingled.

2. If more than 15 dogs are housed in a common area or enclosure, there must be at least one adult supervisor present for each 15 dogs housed within each enclosure or common area, with a maximum of 60 dogs housed in any enclosure or common area at a single time.

3. Where after-business hours or overnight boarding care is provided, the applicant must provide an animal care and supervision plan if human supervision is not provided during this period. Such plan must address how animal care and emergency needs will be managed in the absence of human supervision.

f. Evidence that the operation is in compliance with all other state standards pursuant to the Pet Animal Care and Facilities Act, as called out in C.R.S. § 35-80-101 et seq.

For the purposes of this section, commercial businesses for which the principal use is either a pet shop or grooming operation, a pet management plan may be submitted in lieu of compliance with the confinement and exercise standards within this section. Such plan must demonstrate compliance with animal care and welfare standards as provided in chapter 7 of this title and include a description, at a minimum, of pet enclosure accommodations related to area, location, duration of enclosure periods and access to food, water and shelter.

g. Failure to operate in compliance with the provisions and standards as set forth herein as observed and reported by the chief of police, an animal control officer, or as set forth in this or other chapters of this Development Code shall be a violation of this chapter and subject to the fines and penalties as set forth in chapter 10 of title 1 of this Code.

(4) Nonconforming uses: properties on which a kennel operation was lawfully established under prior Code provisions, and for which said use has not been abandoned for the most recent 12-month period from the effective date of the ordinance codified herein may continue such use until any one of the following conditions occurs:

a. A change of ownership of the business;

b. Conviction of any violation of any section of this Development Code associated with the operation of the business, including, but not limited to, nuisance conditions or behaviors;

c. Physical expansion of the structure or area within which the business is operating;
or

d. One year from the effective date of the ordinance codified herein setting forth kennel uses and a design review land use designation.

Council Agenda Summary

March 16, 2021

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

Title:

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

Summary:

As part of its 2021 budget approval the City Council awarded funding to the Small Business Development Center and the BizHub Collaborative for certain economic development services related to start-up business support. Staff memorializes the scope of services contract in an agreement. Because the agreement is with another governmental entity (UNC) the Council must approve the agreement by resolution as an IGA.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	\$13,000
What is the annual impact?	NA
What fund of the City will provide Funding?	NA
What is the source of revenue within the fund?	NA
Is there grant funding for this item?	NA
If yes, does this grant require a match?	NA
Is this grant onetime or ongoing?	NA
Additional Comments:	

Legal Issues:

Intergovernmental Agreements must be approved by Council Resolution

Other Issues and Considerations:

None.

Strategic Work Program Item or Applicable Council Priority and Goal:

Civic Infrastructure

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 _____, 2021**

A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF GREELEY AND THE STATE OF COLORADO ACTING FOR AND ON BEHALF OF THE BOARD OF TRUSTEES OF THE UNIVERSITY OF NORTHERN COLORADO FOR THE USE AND BENEFIT OF THE SMALL BUSINESS DEVELOPMENT CENTER AND THE BIZHUB COLLABORATIVE

WHEREAS, the City of Greeley undertakes economic development initiatives in a number of areas for the betterment of the community; and,

WHEREAS, the City of Greeley also contracts with partner organizations to carry out economic development work on behalf of the City; and,

WHEREAS, the City Council approves funding to the Small Business Development Center and the BizHub Collaborative located at the University of Northern Colorado campus to undertake certain economic development activities related to business development; and

WHEREAS, entering into an agreement with another governmental entity requires the additional action by City Council to adopt a Resolution approving the funding and work to be performed.

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

Section 1. The Greeley City Council approves the attached Essential Services Contract with the State of Colorado acting for and on behalf of the Board of Trustees of the University of Northern Colorado for the use and benefit of the Small Business Development Center and the BizHub Collaborative, attached hereto as Exhibit A.

Section 2. This Resolution shall become effective immediately upon its passage.

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

ATTEST

CITY OF GREELEY, COLORADO

City Clerk

Mayor

**CITY OF GREELEY
COMMUNITY SERVICES FUNDING AGREEMENT
ESSENTIAL SERVICE CONTRACT**

THIS AGREEMENT is entered into as of this 1st day of January 2021 by and between the City of Greeley, a home rule municipality (“City”) whose address is 1000 10th Street, Greeley, CO 80631 and The State of Colorado acting for and on behalf of the Board of Trustees of the University of Northern Colorado, 501 20th Street, Greeley, CO 80639, for the use and benefit of the Small Business Development Center (“Recipient”) whose address is 807 17th Street, Greeley, CO 80631.

I. BACKGROUND

- A. Recipient has requested funds from the City for the purpose of furnishing the services described in its application (summarized in the Scope of Services, below); and
- B. The City has determined that the Recipient's proposed use of funds furthers a municipal and public purpose; and
- C. This Agreement describes the mutual understanding between the Recipient and the City relative to the conditions under which City funds are therefore provided to the Recipient.

II. AGREEMENT

- A. Scope of Services: City of Greeley funds will used by the Recipient for general administrative and operating support (detailed further in Attachment A) to enhance the economic viability of Greeley via the following services:
1. Business counseling and technical training to Greeley business owners;
 2. Provide virtual incubator services via the BizHub Collaborative;
 3. Referral of businesses within Greeley to appropriate City of Greeley staff based upon specific services needed, which will require a basic understanding of the City of Greeley business registration, expansion and development processes;
 4. Reporting of job creation and capital invested by businesses within Greeley;
 5. Delivery of targeted business education and training seminars;
 6. Actively collaborate and promote all Weld County economic development partners.

The Recipient agrees to perform the Services as described in the Scope of Services and represents that it has the authority and capacity to perform the services in compliance with the provisions of this Agreement. In addition to the described Scope of Services, Recipient agrees to the following conditions in exchange for the City's funds for the services described as part of this Agreement:

1. Service to Greeley Residents: The Recipient shall not use the funds received from the City from this Agreement to serve persons living outside of the City;
2. Advertising: Recipient shall include the wording "Sponsored in part by the City of Greeley" on all promotional, advertising, invitations, and other print or media material for Recipient's programs and services for which City Funds are made available under this Agreement;
3. Special Conditions: In the course of providing the Scope of Services Recipient shall also adhere to the following special conditions:
None
4. Compliance with CRS standards: Recipient shall limit services to United States citizens, permanent residents of the United States, or lawfully present in the United States pursuant to federal law (see Section L of this Agreement).

B. City's Responsibilities. With this Agreement the City designates the Economic Health and Housing Director for the City of Greeley, or his/her designee, as a representative of the City authorized to make all necessary decisions required of the City on behalf of the City in connection with execution of this Agreement and disbursement of funds.

C. Grant Award. If Recipient is not in default in any part of the terms of this Agreement, and subject to paragraph G below, the City may provide funds to the Recipient as follows:

1. Four (4) quarterly installments of \$3,250, for a total of \$13,000 upon City's receipt of an invoice from the Recipient, which contains the following information:
 - a. Description of those services provided for the month as described in the Scope of Services;
 - b. Detailed accounting of the use of the funds as requested for reimbursement by City;
 - c. Description of number and type of businesses served and method of ascertaining participation;
 - d. Evidence, if relevant, that persons served were legally present in the United States at the time the service was provided.
2. The City will endeavor to make payment within two weeks and no later

than 30 days following receipt of Recipient's invoice. Upon satisfactory showing of need, City may advance to Recipient, once during the term of this Agreement, an amount not to exceed one monthly installment. The final monthly installment shall be paid not later than thirty (30) days from the final request for payment following services rendered by the Recipient. Any funds remaining that had been authorized for services provided in this Agreement and not expended by December 31, 2021 or drawn as of February 1, 2022 shall be reprogrammed by the City at its sole discretion.

D. Term. The City's obligation to provide funding under this Agreement shall begin on the date this Agreement is executed by the City (the "Effective Date") and end on December 31, 2021, unless earlier terminated as set forth in paragraph G below. The City shall not pay any costs or expenses incurred by the Recipient before the Effective Date of this Agreement. Funding shall not be guaranteed after December 31, 2021.

E. Applicable Law. This Agreement is made subject to and incorporates herein, as if set out in full, the Charter and Ordinances of the City of Greeley, and all applicable Federal and State Laws and regulations, and Recipient agrees to abide by and comply with same.

F. Assurances. Recipient acknowledges and agrees that City funds shall not be used for lobbying for the purpose of influencing pending or proposed legislation, nor to influence quasi-judicial decision making by any elective bodies. Recipient further acknowledges and agrees that no person shall, on the grounds of disability, race, creed, color, sex, sexual orientation, marital status, national origin, ancestry, or religion, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any of Recipient's programs or activities receiving City financial assistance hereunder.

G. Termination.

1. For Cause by the City. The City may immediately terminate this Agreement if the Recipient materially fails to comply with any term or condition of the Agreement.

2. Without Cause by Either Party. Either party may terminate the Agreement upon thirty (30) days written notice to the other party. No payments will be due or owing from the City to the agency on or following the date of the written notice, including payments for services completed prior to the termination date.

3. Upon Change in Program, Scope of Services or Budget. If Recipient desires to reduce, terminate, or materially modify its Scope of Services or Budget, Recipient shall, before implementing any such change, immediately notify the City in writing of its intention to make such a change. City will evaluate the merits of the change in Scope of Services and may elect to either terminate the Agreement or amend it at a level that corresponds with the change as proposed by

the Recipient. Such determination by the City shall be provided in writing to the Recipient within thirty (30) days of receiving notice of the proposed change. Recipient's failure to so notify the City shall cause this Agreement, without any further action on the part of the City, to be immediately terminated, and all future installment payments of City Funds to Recipient shall cease.

4. Materials and Documents. In the event this Agreement is terminated, all finished or unfinished materials, documents, data, studies, and reports prepared by the Recipient pursuant to this Agreement shall, at the option of the City, become the City's property.

5. Recipient's Obligations. Termination of this Agreement shall not release or discharge the Recipient from any obligation incurred prior to the date of termination and the provisions of paragraphs hereof shall survive such termination.

6. Return of Funds. Upon termination of this Agreement, all City Funds then in possession of Recipient which have not been spent or obligated in conformity with Recipient's Budget and this Agreement shall immediately be returned to the City.

H. Independent Contractor Status. Recipient shall, at all times, be deemed an independent Contractor and neither Recipient, nor its officers, agents and employees shall at any time be deemed employees, officers, or agents of the City. Recipient shall be solely responsible for the acts of its officers, agents, and employees and payment of all withholding taxes, social security, unemployment compensation, workman's compensation, or other taxes, and shall hold the City harmless and indemnify the City from all claims for same.

I. Monitoring and Evaluation. The City reserves the right to monitor and evaluate the progress and performance of the Recipient to ensure that the terms of this Agreement are being satisfactorily met in accordance with the City and other applicable monitoring and evaluating criteria and standards. The Recipient shall cooperate with the City relating to such monitoring and evaluation.

J. Recipient Files and Activity Reports. The Recipient shall retain information in its files which shall clearly document all activities performed in conjunction with this Agreement including, but not limited to, financial transactions, conformance with assurances, and Recipient activity reports. A Recipient activity report shall be submitted with all requests for reimbursement or payment by the City.

K. Indemnification. Liability for claims for injuries to persons or property arising from the negligence of the Parties, their departments, boards, commissions committees, bureaus, offices, employees and officials shall be controlled and limited by the provisions of the Colorado Governmental Immunity Act, §24-10-101, et seq., C.R.S.; the Federal Tort Claims Act, 28 U.S.C. Pt. VI, Ch. 171 and 28 U.S.C. 1346(b), and the State's risk

management statutes, §§24-30-1501, et seq. C.R.S. No term or condition of this Agreement shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protection, or other provisions of the Colorado Governmental Immunity Act, CRS 24-10-101, *et. seq.*, as now or hereafter amended.

L. Compliance with C.R.S. § 24-76.5-103.

1. Recipient acknowledges that the funds provided pursuant to this Agreement are a “public benefit” within the meaning of C.R.S. § 24-76.5-103. As such, the Recipient shall ensure compliance with C.R.S. § 24-76.5-103 by performing the required verifications. Specifically, when required the Recipient shall ensure that:

a. If the public benefit provided by the funds flows directly to a natural person (*i.e.*, not a corporation, partnership, or other legally-created entity) 18 years of age or older, he/she must do the following:

- complete the affidavit attached to this Agreement as Attachment B.
- attach a photocopy of the front and back of one of the following forms of identification: a valid Colorado driver’s license or Colorado identification card; a United States military card or military dependent’s identification card; a United States Coast Guard Merchant Mariner identification card; or a Native American tribal document.

b. If an individual applying for the benefits identified herein executes the affidavit stating that he/she is an alien lawfully present in the United States, Recipient shall verify his/her lawful presence through the federal systematic alien verification or entitlement program, known as the “SAVE Program,” operated by the U.S. Department of Homeland Security or a successor program designated by said department. In the event Recipient determines through such verification process that the individual is not an alien lawfully present in the United States, the Recipient shall not provide benefits to such individual with funds awarded pursuant to this Agreement.

c. Exemptions. City acknowledges that the Scope of Services provided by Recipient herein may fall within several exceptions to the verification requirements of C.R.S. § 24-76.5-103 for non-profits. For example, certain programs, services, or assistance such as, but not limited to, soup kitchens, crisis counseling and intervention, short-term shelter or prenatal care are not subject to the verification requirements of C.R.S. § 24-76.5-103.

M. Conflicts of Interest. The Recipient covenants that no member of its Board of Directors or any officer or employee presently has any personal interest in the Project and shall not acquire any interest therein that would conflict with the performance of the

Services required under this Agreement or by any applicable law, regulation, or ordinance.

N. Alteration. No addition, alteration, amendment, or modification of the terms of this Agreement, nor verbal understandings of the parties, their officers, agents or employees, shall be valid unless reduced to writing and executed by the parties hereto.

O. Assignment. Recipient may not assign this Agreement in whole or in part without the prior written consent of the City.

P. Prior Agreements. This Agreement supersedes all prior agreements and understandings, whether written or verbal, of the parties hereto relating to City funds to be paid Recipient by the City, and, upon execution of this Agreement by all the parties hereto, all such prior agreements and understandings, whether written or verbal, shall terminate except as otherwise provided herein.

Q. Enforcement. Enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to the City and the Recipient, and nothing contained in this Agreement shall give or allow any claim or right of action by any other or third person under this Agreement. It is the express intention of the City and the Recipient that any person other than the City or the Recipient receiving services or benefits under this Agreement shall be deemed to be an incidental beneficiary only.

R. Notice. Notice shall be deemed to have been duly given if mailed first class mail, postage prepaid to:

CITY:
City of Greeley
Benjamin Snow
Economic Health & Housing Director
1100 10th Street, Suite 201
Greeley, CO 80631

RECIPIENT:
University of Northern Colorado
Office of Sponsored Programs
Chris Saxton
Kepner Hall
Campus Box 43
Greeley, CO 80639

With copy to:
City Attorney
City Attorney's Office
1100 10th Street, Suite 401
Greeley, CO 80631

Or such other address as Recipient or City shall hereafter designate in writing delivered to the other party.

S. Authority to Bind. The person or persons signing below on behalf of Recipient represent and warrant that such person or persons has the requisite authority to execute this Agreement for and on behalf of Recipient and legally bind Recipient thereto.

T. Appropriation. Pursuant to law, this Agreement is subject to adequate appropriation in any given fiscal year of the City of Greeley. Should adequate funds not be appropriated in any fiscal year to maintain the terms and conditions of this Agreement, the parties agree that the Agreement shall immediately terminate. It is expressly understood and agreed by and between the parties hereto that the only expenditures to be made by the City are those expenditures specifically provided for herein.

IN WITNESS WHEREOF, the City and Recipient have executed this Agreement the day and year first above written.

THE CITY OF GREELEY, COLORADO:

RECIPIENT:

By: _____
Mayor

By: _____
Chris Saxton
Director, Office of Research and
Sponsored Programs

ATTEST:

By: _____
City Clerk

APPROVED AS TO SUBSTANCE

By: _____
City Manager

APPROVED AS TO LEGAL FORM:

By: _____
City Attorney

AS TO AVAILABILITY OF FUNDS:

By: _____
Director of Finance

ATTACHMENT B

AFFIDAVIT PURSUANT TO C.R.S. 24-76.5-103

I, _____, swear or affirm under penalty of perjury under the laws of the State of Colorado that (check one):

- ___ I am a United States citizen, or
- ___ I am a legal permanent resident of the United States, or
- ___ I am lawfully present in the United States pursuant to Federal law.

I understand that this sworn statement is required by law because I have applied for a public benefit. I understand that state law requires me to provide proof that I am lawfully present in the United States prior to receipt of this public benefit. I further acknowledge that making a false, fictitious, or fraudulent statement or representation in this sworn affidavit is punishable under the criminal laws of Colorado as perjury in the second degree under Colorado Revised Statute § 18-8-503 and it shall constitute a separate criminal offense each time a public benefit is fraudulently received.

Signature

Date

INTERNAL USE ONLY Valid forms of identification

- current Colorado driver’s license, minor driver’s license, probationary driver’s license, commercial driver’s license, restricted driver’s license, instruction permit
- current Colorado identification card
- U.S. military card or dependent identification card
- U.S. Coast Guard Merchant Mariner card
- Native American Tribal Document

The following forms of identification may be accepted pursuant to HB06S-1023, effective August 1, 2007.*

- certificate verifying naturalized status by an authorized agency of the United States bearing Applicant’s intact photograph impressed and the raised embossed seal of the issuing agency;
- certificate verifying United States citizenship issued by an authorized agency of the United States bearing Applicant’s intact photograph impressed with the raised embossed seal of the issuing agency;
- order of adoption by a U.S. court with seal of certification
- valid driver’s license or ID card bearing applicant’s photograph issued by a lawful presence state. (All states are lawful presence states including the District of Columbia with the exception of: HI, IL, MD, NE, NM, UT, and WA. If on the face of the license or ID card presented it says that it is an Enhanced driver license or ID card, then it is to be accepted as a lawful presence document.)
- valid immigration documents demonstrating Lawful Presence and verified through the Systematic Alien Verification for Entitlements, administered by the United States Citizenship and Immigration Services of the Department of Homeland Security. Valid immigration documents are as follows: Unexpired Foreign Passport bearing an unexpired “Processed for I-551” stamp or with an attached unexpired “Temporary I-551” visa; Unexpired Foreign Passport accompanied by an “I-94” indicating a specific future “until” date; “I-94” with refugee or asylum status; and Unexpired “Resident Alien” card, “Permanent Resident” card, or “Employment Authorization” card.

*If individual applicants for a public benefit cannot produce the documentation necessary to prove lawful presence, they may request a waiver. The waiver is available for individuals who: (1) due to a chronic health or medical condition, lack sufficient mobility to appear in person to apply for a Colorado driver license or Colorado identification card, or (2) due to lack of a permanent physical address in Colorado, do not qualify for a Colorado driver license or Colorado identification card, or (3) may lack sufficient documentation to receive a Colorado driver license or Colorado identification card. Contact your department director.

Council Agenda Summary

March 16, 2021

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

Title:

Consideration of a resolution to assign the 2021 City of Greeley Private Activity Bond (PAB) Allocation to Colorado Housing and Finance Authority (CHFA)

Summary:

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

Last year, Council assigned our allocation, totaling \$5,682,437 to CHFA to be used for an affordable housing development being planned east of the Greeley Mall known as Copper Platte. This project is moving forward with 224 rental units that will be dedicated to families making no more than 60% of AMI (Area Median Income) per HUD standards. Weld County was a partner on this project and they assigned their 2020 allocation in the amount of \$7,930,661 to this same project.

This year, we have identified 2 additional affordable housing projects in Greeley and again will enjoy the benefit of combining our PAB allocation with Weld County's. As we did last year, the assignment would be to CHFA. The first of these projects is an expansion of Immaculata Plaza at 10th Avenue and 6th Street, north of the Doubletree, which is a senior affordable housing project that will add 29 units to the existing 25, for a total of 54 units. The second is a new development called Hope Springs. This project is a joint-venture between Greeley-Weld Habitat for Humanity and RichMark Companies on 40 acres behind our 23rd Avenue Walmart. This project will include 181 Habitat homes and 240 affordable multi-family apartments designed to support families making no more than 60% of AMI. Timing for both projects to be completed is 2022-2023. The City's 2021 allocation is \$6,020,159 and the County's 2021 allocation is \$8,559,619. The County has already completed their assignment to CHFA for this year's allocation.

Fiscal Impact:

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

If yes, does this grant require a match?		
Is this grant onetime or ongoing?		
Additional Comments:		

Legal Issues:

Passage of the resolution binds the City to commit its 2021 PAB allocation to CHFA.

Other Issues and Considerations:

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

Applicable Council Priority and Goal:

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

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

Decision Options:

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

Council's Recommended Action:

A motion to adopt the Resolution.

Attachments:

2021 Assignment Resolution

2021 Assignment of Allocation from the City of Greeley

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

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

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

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

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

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

WHEREAS, pursuant to an allocation under Section 24-32-1706 of the Allocation Act, the City of Greeley has an allocation of the 2021 State Ceiling for the issuance of a specified principal amount of Private Activity Bonds prior to September 15, 2021 (the "2021 Allocation"); and

WHEREAS, the City of Greeley has determined that, in order to increase the availability of adequate affordable housing for low- and moderate-income persons and families within the City of Greeley and elsewhere in the State, it is necessary or desirable to provide for the utilization of all or a portion of the 2021 Allocation; and

WHEREAS, the City of Greeley has determined that the 2021 Allocation, or a portion thereof, can be utilized most efficiently by assigning it to the Authority to issue Private Activity Bonds for the purpose of financing one or more multi-family rental housing projects for low- and moderate-income persons and families or to issue Private Activity Bonds for the purpose of providing single-family mortgage loans to low- and moderate-income persons and families ("Revenue Bonds") or for the issuance of mortgage credit certificates; and

WHEREAS, the City Council of the City of Greeley has determined to assign \$6,020,159 of its 2021 Allocation to the Authority, which assignment is to be evidenced by an Assignment of Allocation between the \$6,020,159 and the Authority (the "Assignment of Allocation").

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

- 1. The assignment to the Authority of \$6,020,159 of the City of Greeley's 2021 Allocation be and hereby is approved.
- 2. The form and substance of the Assignment of Allocation be and hereby are approved; provided, however, that the Mayor be and hereby is authorized to make such technical variations, additions or deletions in or to such Assignment of Allocation as they shall deem necessary or appropriate and not inconsistent with the approval thereof by this resolution.
- 3. The Director of Economic Health & Housing of the City of Greeley be and hereby is authorized to execute and deliver the Assignment of Allocation on behalf of the City of Greeley and to take such other steps or actions as may be necessary, useful or convenient to effect the aforesaid assignment in accordance with the intent of this resolution.
- 4. If any section, paragraph, clause, or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this resolution.
- 5. This resolution shall be in full force and effect upon its passage and approval.

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

ATTEST

CITY OF GREELEY, COLORADO

City Clerk

Mayor



assignment of allocation - city

Multifamily Housing Facility Bonds/Single Family Mortgage Revenue Bonds

This Assignment of Allocation (the "Assignment"), dated this 16th day of March 2021, is between the City of Greeley, Colorado (the "Assignor" or the "Jurisdiction") and Colorado Housing and Finance Authority (the "Assignee").

WITNESSETH:

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

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

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

WHEREAS, pursuant to an allocation under Section 24-32-1706 of the Allocation Act, the Assignor has an allocation of the 2021 State Ceiling for the issuance of a specified principal amount of Private Activity Bonds prior to September 15, 2021, (the "2021 Allocation"); and

WHEREAS, the Assignor has determined that, in order to increase the availability of adequate affordable rental housing for low- and moderate-income persons and families within the Jurisdiction, Colorado and elsewhere in the State, it is necessary or desirable to provide for the utilization of all or a portion of the 2021 Allocation; and

WHEREAS, the Assignor has determined that the 2021 Allocation, or a portion thereof, can be utilized most efficiently by assigning it to the Assignee to issue Private Activity Bonds for the purpose of financing one or more multifamily rental housing projects for low- and moderate-income persons and families or to issue Private Activity Bonds for the purpose of providing single-family mortgage loans to low- and moderate-income persons and families ("Revenue Bonds"), and the Assignee has expressed its willingness to attempt to issue Revenue Bonds with respect to the 2021 Allocation assigned herein; and

WHEREAS, the City Council of the Assignor has determined to assign to the Assignee all or a portion of its 2021 Allocation, and the Assignee has agreed to accept such assignment, which is to be evidenced by this Assignment.

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

1. The Assignor hereby assigns to the Assignee \$6,020,159 of its 2021 Allocation (the "Assigned Allocation"), subject to the terms and conditions contained herein. The Assignor represents that it has received no monetary consideration for said assignment.
2. The Assignee hereby accepts the assignment to it by the Assignor of the Assigned Allocation, subject to the terms and conditions contained herein. The Assignee agrees to use its best efforts to issue and sell Revenue Bonds in an aggregate principal amount equal to or greater than the Assigned Allocation, in one or more series, and to make proceeds of such Revenue Bonds available from time to time for a period of one (1) year from the date of this Assignment to finance multi-family rental housing projects located in the Jurisdiction, or to issue Revenue Bonds for the purpose of providing single-family mortgage loans to low- and moderate income persons and families in the Jurisdiction.
3. The Assignor hereby consents to the election by the Assignee, if the Assignee in its discretion so decides, to treat all or any portion of the Assigned Allocation as an allocation for a project with a carryforward purpose or to make a mortgage credit certificate election, in lieu of issuing Revenue Bonds.
4. The Assignor and Assignee each agree that it will take such further action and adopt such further proceedings as may be required to implement the terms of this Assignment.
5. Nothing contained in this Assignment shall obligate the Assignee to finance any particular multi-family rental housing project located in the Jurisdiction or elsewhere or to finance single-family mortgage loans in any particular amount or at any particular interest rate or to use any particular percentage of the proceeds of its Revenue Bonds to provide mortgage loans or mortgage credit certificates to finance single-family housing facilities in the Jurisdiction, provided that any Revenue Bond proceeds attributable to the Assigned Allocation shall be subject to paragraph 2 above.
6. This Assignment is effective upon execution and is irrevocable.
7. Counterparts. This Assignment may be executed in one or more counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument. Delivery of an executed counterpart of a signature page of this Assignment by electronic image scan transmission will be effective as delivery of a manually executed counterpart of the Assignment.

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

City of Greeley, Colorado

By: _____

Name: _____

Title: _____

COLORADO HOUSING AND FINANCE
AUTHORITY

By: _____

Name: _____

Title: _____

Council Agenda Summary

March 16, 2021

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

Title:

Consideration of the City of Greeley's Consolidated Annual Performance and Evaluation Report (CAPER) for Program Year 2020 for Submission to the U. S. Department of Housing and Urban Development

Summary:

The City of Greeley annually receives two grants from the U. S. Department of Housing and Urban Development (HUD): The Community Development Block Grant (CDBG) and the HOME Investment Partnership Program (HOME) grant.

CDBG grants are awarded to entitlement communities (principal cities of a Metropolitan Statistical Area or with a population greater than 50,000) to carry out a wide range of community development activities directed toward revitalization of neighborhoods, economic development, improved facilities and services, and affordable housing within the community. Priority must be given to activities that benefit low-moderate-income persons (including neighborhoods). HOME grants may be used only to provide affordable housing for low- moderate-income persons.

HUD sets income levels annually, which are a percentage of the average median income (AMI). In 2020, the AMI for the Greeley MSA, which includes all of Weld County, was \$84,132 for a family of four. The majority of CDBG funds and all HOME funds must have beneficiaries earning 80% or less of the AMI. Neighborhoods that have a predominantly low-income population are also available for assistance.

To receive the grants, the City must develop a Strategic Plan every five years to identify the community's needs and set goals to meet those needs through the approval of an Annual Action Plan for each of the five years. The City started its 2020-2024 Consolidated Plan on January 1, 2020. At the conclusion of each action year, the City must also prepare a Consolidated Annual Performance and Evaluation Report (CAPER) that describes for the public and HUD how federal assistance was used during that action year. The attached CAPER is for the first year of the current Consolidated Plan (2020). The City's 2020 grants were as follows: CDBG-\$838,398; HOME-\$493,277. The CAPER does not address the CDBG-Coronavirus grants.

Additionally, the City received funds from Revolving Loan Funds from the Housing Rehabilitation Program and program income from a closed program (Homes Again Purchase Program). These funds were payments on loans provided with grant funds. Program income was also received.

The GURA Board voted to accept the CAPER and recommend approval to City Council at its March 10, 2021 meeting. A public comment period was held February 11,

2021 through March 16, 2021. Any comments received will be added to the CAPER and responded to.

Reporting to HUD occurs online through the Integrated Disbursal and Information System (IDIS). Specific questions are completed for each step of the process: Consolidated Plan, Action Plan, and the CAPER. Each has specific questions to which the City must respond. Terminology may not be familiar to the general public; definitions or further explanation of any information in the CAPER is available from the Greeley Urban Renewal Authority.

HUD requires the City to submit an Annual Action Plan setting forth the intended uses of the CDBG and HOME funds for a one-year period. Annual Plans must support the priorities and goals established in a Five-Year Consolidated Plan (as noted above). The Council approved the 2020 Annual Action Plan through a public hearing process at its October 1, 2020 meeting.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	No, this is a formal report concerning the use of the City's federal housing funds.
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?	
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	Annually reauthorized by Congress
Additional Comments:	

Legal Issues:

None.

Other Issues and Considerations:

None.

Strategic Work Program Item or Applicable Council Priority and Goal:

Neighborhood Investment, Civic Infrastructure

Decision Options:

1. Approve the report as presented;
2. Amend the report and approve as amended;
3. Continue consideration of the report to a future date. (Note: CAPER must be received by HUD by March 30, 2021 or the City must request a waiver.)

Council's Recommended Action:

A motion to accept the recommendation of the Greeley Urban Renewal Authority to approve the City of Greeley's Consolidated Annual Performance and Evaluation Report (CAPER) for Program Year 2020 for submission to the U. S. Department of Housing and Urban Development.

Attachments:

City of Greeley 2020 Consolidated Annual Performance and Evaluation Report (CAPER)

2020

Consolidated Annual Performance and Evaluation Report (CAPER)

1st Year of 2020-2024 Consolidated Plan

John Gates, Mayor

Benjamin L. Snow, Economic Health & Housing Director

Sostenes L. Salas, Greeley Urban Renewal Authority Manager

Prepared by

Greeley Urban Renewal Authority

1100 10th Street, Suite 201

Greeley, CO 80631

Program Year – January 1, 2020-December 31, 2020



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Introduction

Note: The introduction is not part of the IDIS CAPER. Historically, it is provided to the public so that there can be a better understanding of the intent of the document.

The Consolidated Annual Performance and Evaluation Report (CAPER) is a step in the U. S. Department of Housing and Urban Development's (HUD's) Consolidated Plan process for use of the Community Development Block Grant (CDBG) and HOME Investment Partnership Program (HOME) grant funds. The Consolidated Plan provides a framework for formulation of a Five-Year Strategic Plan for the City to assess affordable housing and community development needs and market conditions, identify activities to address the needs and conditions, and then target federal funds to the identified needs. Annual Action Plans then describe activities that will implement goals identified in the Strategic Plan. The CAPER is the annual report on accomplishments and progress made toward the most current year's Action Plan goals following completion of the City's program year. This CAPER is for 2020 and is the first report on the Strategic Plan for 2020-2024. The CDBG and HOME grants may be used as follows:

- **Community Development Block Grant:** May be used for a wide range of community development needs that are to benefit low- moderate-income residents of the City through the provision of decent, affordable housing; suitable living environments; and expansion of economic opportunities; or for clearance of blight.
- **HOME Investment Partnership Program:** This grant is exclusively for the creation of affordable housing for low- moderate-income households.

The majority of the CDBG funds and all HOME funds must have beneficiaries that earn 80% or less of the Area Median Income (AMI) for the Greeley Metropolitan Statistical Area (MSA), which encompasses all of Weld County. The "beneficiary" may be a neighborhood, an individual, or a household. The AMI for the Greeley MSA, set annually by HUD, was \$84,312 for a family of four in 2020. By HUD definition, "moderate income" is between 51% and 80% of AMI; "low income" is 31%-50% of AMI; and "poverty level income" is 30% or less of AMI.

Grant awards from HUD in 2020 were \$838,398 (CDBG) and \$423,374 (HOME). Both awards were increases from the 2019 awards of \$824,255 (CDBG) and \$390,658 (HOME). There was also income generated through the Housing Rehabilitation Revolving Loan Program and from a closed revolving loan program (now treated under program income rules).

Reporting to HUD and draws against the grants are done online through the Integrated Disbursal and Information System (IDIS). (A "draw" is the City reimbursing itself for CDBG or HOME expenses by "drawing down" the grant funds from the U. S. Treasury through the IDIS system.) The City must respond to specific questions for each step of the Consolidated Planning process: Five-year Strategic Plan, Annual Action Plans, and the CAPER. Terminology may not be familiar to the public; definitions or further explanation of any information in the CAPER is available from the Greeley Urban Renewal Authority (970-350-9380) during the office hours of 9:00 a.m. to 4:00 p.m. The CAPER in a form other than written English may be provided upon request by contacting GURA.

CR-05 - Goals and Outcomes

Progress the jurisdiction has made in carrying out its strategic plan and its action plan. 91.520(a)

This could be an overview that includes major initiatives and highlights that were proposed and executed throughout the program year.

The activities noted below are those on which funds were drawn or which had significant progress in 2020. Each activity met a goal set in the 2020-2024 Consolidated Plan. Goals were set to meet priority needs identified.

Neighborhood Revitalization

- **Redevelopment District Infrastructure Phases 3 and 4-Central Greeley** – Curbs, gutters, sidewalks, and ramps issues were addressed. Phase 3 (2019), while complete, was waiting for advertisement of and final draw at the end of 2020. The city allocated additional funds to the multi-year activity for Phase 4 (CDBG 2020). The activity did not start in 2020, but will begin in spring 2021. The targeted area for both years was between 23rd and 11th Avenues and 11th and 13th Streets. The 2019 activity specifically targeted 21st Avenue in front of Maplewood Elementary School and addressed drainage issues in addition to the other infrastructure noted.
- **Parkway Tree Planting** –Twenty-nine properties received one or more trees, with 47 trees planted during 2020.
- **Alley Reconstruction** – Seventeen blocks of gravel alleys were reconstructed using asphalt millings. Reconstruction improves the appearance of neighborhoods, reduces dust, improves safety, and improves substandard infrastructure.
- **Clean-up Weekend** – The annual activity, usually held in spring, was held in October due to the COVID-19 pandemic.

Affordable Housing

- One low-moderate-income household received a housing rehab loan; one low-very low-income household received a housing rehab grant.
- The Greeley-Weld Habitat for Humanity (G-WHFH) sold four new construction, single-family houses in the Crestview Subdivision to low- moderate-income buyers. A HOME grant award to the G-WHFH provided assistance. These sales completed the Crestview Habitat development.

Public Services and Facilities that Assist Persons who are Homeless, Low-Moderate-Income, Underserved, or have Special Needs

- The **Greeley Transitional House (GTH-dba Greeley Family House) and Catholic Charities (Guadalupe Community Center)**, both of which provide shelter and services to the homeless, continued to receive CDBG to support staff who worked with homeless families (GTH) and single men and women (Guadalupe) on housing issues. The services also included working with landlords and providing tenant education. The goal for all participating is to be housed and achieve self-sufficiency.
- Staff of the Guadalupe Community Center was also supported at the **Cold Weather Shelter** during the January-March (pre-COVID-19) in 2020 and again in November and December 2020 as part of the 2020-2021 activity. United Way of Weld County was the CDBG applicant.

- **North Colorado Health Alliance** and a number of community partners continued the Community Action Collaborative, a service that helps connect 9-1-1 callers with non-emergency issues to services and housing.
- **Senior Resource Services** (dba 60+ Ride) provided transportation services for seniors. Destinations included medical appointments, grocery stores, financial and government institutions, social events, houses of worship, and personal grooming appointments. When COVID-19 hit, the service was expanded to include delivery of groceries, prescription, and other medical needs to seniors' homes.

Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)

Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual outcomes/outputs, and percentage completed for each of the grantee's program year goals.

DRAFT

Goal	Category	Source /Amt.	Indicator	Unit of Measure	Expected – Strategic Plan	Actual – Strategic Plan	Percent Complete	Expected – Program Year	Actual – Program Year	Percent Complete
SF, owner-occupied housing rehab emergency loans	Affordable Housing	CDBG: \$	Homeowner Housing Rehabilitated	Household Housing Unit	23	1	0.04%	5	1	0.20%
SF, owner-occupied housing rehab grants	Affordable Housing	CDBG: \$	Homeowner Housing Rehabilitated	Household Housing Unit	12	1	0.08%	4	1	25.00%
MF Housing Rehab loans/ grants	Affordable Housing	CDBG: \$	Multi-family units rehabilitated	Household Housing Unit	15	0	0.00%	5	0	0.00%
Acquisition or infrastructure support of new MF housing	Affordable housing	CDBG \$	Multi-family units added	Housing Household Unit	75	0	0.00%	40	0	0.00%
Non-profit public services		CDBG: \$	Public service activities with Low/ Moderate Income Housing Benefit	Persons Assisted	2,500	22	0.008%	500	22	0.04%
Public improvements (sidewalks, curb, gutter, drainage, etc.)	Non-Housing Community Development	CDBG: \$	Infrastructure Activities other than Low/ Moderate Income Housing Benefit	Persons Assisted	10,000	0	0.00%	2,000	0 activities	0.00%
Public improvements-Reconstruction of alleys	Non-Housing Community Development	CDBG: \$	Infrastructure Activities other than Low/ Moderate Income Housing Benefit	Persons Assisted	250	840	100.00%	50	840	100.00%

Public improvements- Parkways tree planting	Non-Housing Community Development	CDBG: \$	Infrastructure Activities other than Low/ Moderate Income Housing Benefit	Persons Assisted	1,500	9101	100%	300	9101	100%
Property conditions-Clean- up Weekend	Non-Housing Community Development	CDBG: \$	Public service activities other than Low/ Moderate Income Housing Benefit	Persons Assisted	6,250	38,795	100%	1,250	38,795	100%
Public Facilities	Dependent on the type of facility	CDBG: \$	Public facility activity other than Low/ Moderate income housing benefit	Persons Assisted	500	0	0.00%	0	0	NA
Public Service	Non-Housing Community Development	CDBG: \$	Public service activities other than Low/ Moderate Income Housing Benefit	Persons Assisted	7,500	1,177	15.69%	1,500	1,177	78.47%
HOME Program- homeownership	Affordable Housing	HOME: \$	Homeowner Housing Added	Household Housing Unit	41	4	0.98%	7	4	57.14%
HOME Program- Rental housing	Affordable Housing	HOME: \$	Rental units constructed	Household Housing Unit	75	0	0.00%	40	0	0.00

Table 1 - Accomplishments – Program Year & Strategic Plan to Date

Assess how the jurisdiction's use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.

The City' addressed its **high** priorities in the following manner:

1. Neighborhood Revitalization (CDBG)

Several activities addressed the public improvements priority.

- a. Phase 3 of Redevelopment District infrastructure, started in 2019, continued and was completed in 2020. A final draw, however, is still pending. This 3rd phase placed a new storm sewer line, inlet, and one outlet into an area drainage pond and installed some new sidewalk on both sides of the 21st Avenue across from Maplewood Elementary School.
- b. Phase 4 (2020 activity) had activity delivery costs, but no project work.
- c. Also in the Redevelopment District (Maplewood neighborhood), 17 blocks of alleys were reconstructed, taking them from gravel to re-purposed asphalt.
- d. Tree planting in the parkways of the Redevelopment District also continued. Twenty-nine properties received one or more trees; 47 trees were planted.

2. Affordable housing

- a. Maintaining affordable housing was addressed with CDBG through the continuation of the Single-family Housing Rehabilitation programs (loans and grants). One loan and one grant were provided in 2020.
- b. Greeley-Weld Habitat for Humanity (HOME-homeownership) sold four houses to qualified buyers, addressing the need for additional units of affordable housing. Two additional houses received Certificates of Occupancy, but had not sold at year-end. (One had a sales contract and was ready to close; the other family decided against purchase, and a new family will be found.)
- c. One housing-related public services received a CDBG award: Greeley Transitional House to partially fund a housing case manager.

Priorities that the City ranked **low** included the following:

1. Support public facilities that serve the homeless, low-moderate-income, underserved, and/or special needs residents or neighborhoods
 - a. There were no 2020 activities under this priority.
2. Support public services that aren't specifically tied to housing, but assist the homeless, low-moderate-income, underserved, and special needs populations.
 - a. CDBG funds supported public service activities of the North Colorado Health Alliance, Catholic Charities (shelter and service homeless persons), United Way Cold Weather Shelter (two activities: (1) Jan-mid-March and (2) November and December 2020); and Senior Resource Services (transportation for seniors). North Colorado Health Alliance provides services to persons calling 911 with non-emergency needs.

The City allocated a majority percentage (approximately 92%) of its non-administrative 2020 grant for activities that included infrastructure improvements and support of affordable housing, the highest priorities of the 2020-2024 Consolidated Plan.

Draws in 2020 included \$139,695.06 for 2019 expenses (\$56,083.82 grant draws; \$83,611.24 program income draws). Additionally, there will be final draws of 2020 expenses in 2021 in the amount of \$5,310.56. (All figures subject to finalization of the City audit).

CR-10 - Racial and Ethnic composition of families assisted

Describe the families assisted (including the racial and ethnic status of families assisted). 91.520(a)

Direct Benefit Activities: The City tracked demographics for households directly benefiting from the CDBG and HOME grant programs, including race, ethnicity, family size, and (in most cases), which had female heads of households and/or a disability. The information is used for IDIS reporting and also (in the case of housing activities) for fair housing statistics. Direct benefit activities utilizing CDBG funds included:

- Housing activities (rehab loans and grants)
- Public services (case manager support at two shelters, Community Action Collaborative; Senior Resource Services; Cold Weather Shelter)

Demographic data is also collected for Habitat for Humanity-produced housing (HOME funds) and during the monitoring of developments with HOME units.

Direct Benefit Activities	CDBG	HOME	HOME rental units monitored
White	991	3	Due to COVID-19 and health/safety concerns of residents and staff, HOME rental units were not monitored in 2020. The City requested the waiver for inspections and was granted same.
Black or African American	59		
Asian	10		
American Indian or American Native	61		
Native Hawaiian or Other Pacific Islander	9		
Other multi-race	78	1	
Total	1208	4	
Hispanic	415	3	
Non-Hispanic	793	1	

Table 2a – Table of assistance to racial and ethnic populations by source of funds

In-direct Benefit Activities: Activities with in-direct benefits are those that benefit an area, rather than an individual. LM Universe is total population; LM Area is population having low-moderate-income.

CDBG Indirect Benefit Activities	LM Universe	LM Area	% LMI	% Hispanic
Phase 3 Infrastructure (2020 completion)	3,362	1,304	60.94%	38.79%
Redevelopment District Infrastructure Ph 4-Central Greeley (2020 didn't get started)				
Alley reconstruction	1,511	699	51.22%	46.26%
Trees in Parkways	12,200	9,101	73.85%	35.60%
Clean-up Weekend	70,460	38,795	55.06%	39.10%

Table 2b – Table of assistance to racial and ethnic populations by source of funds – CDBG area benefit activities

Narrative

As a recipient of the federal grants, the City is required to make reasonable efforts to provide language assistance to ensure meaningful access for Limited English Proficient (LEP) persons who want to access programs and activities. “Reasonable effort” includes conducting a Four-Factor Analysis to identify minorities with a high incidence of limited English proficiency and then development of a written Language Assistance Plan.

The City’s Four Factor Analysis identified the Hispanic ethnicity as the only minority group with a large percentage of persons in Greeley. The Analysis data is supported by the U. S. Census Bureau’s Quick Facts for Greeley (based on populations estimates on July 1, 2019), which shows the White, Non-Hispanic population in Greeley at 60.1% and the Hispanic population at 39.1%. The Black/African American race, per Quick Facts, accounts for 13.4% of Greeley population on the date noted; however, there isn’t one language or dialect associated with this race in Greeley. All other races are represented by a percentage of less than 2% per race, according to the ACS data.

CR-15 - Resources and Investments 91.520(a)

Identify the resources made available

Source of Funds	Resources Made Available	Amount Expended During Program Year
CDBG	\$1,718,808	\$711,868
HOME	\$1,628,333	\$139,455
OTHER	\$493,277	\$15,001

Table 3 - Resources Made Available

Narrative

Refer to table above. Expenses were balanced to IDIS Report PR05-Drawdown Report by Project and Activity for what were listed in that report as 2020 draws. The City’s Comprehensive Annual Financial Report (CAFR) has not been completed for 2020. There may be minor changes to above numbers. Also, note the following:

- Expenditures in 2020 included \$59,875.21⁽¹⁾ in Entitlement funds and \$86,926.24 in Revolving Loan Funds from a closed activity⁽²⁾ that were drawn in 2020 but for 2019 expenses.
- The remaining \$565,066.43⁽³⁾ was 2020 expenses drawn in 2020 (\$555,397.77 in Entitlement Funds, \$618.58 in Program Income, and \$9,050.08 in Revolving Loan Funds.)

- There is \$5,310.56 in 2020 expenses that will be drawn with the first 2021 draw after the CAFR is complete.
- Total expended in 2020 was \$711,867.88; \$167,679.60 of that was on grant administration costs.
- HOME draws in 2020 included \$818.32 in 2019 expenses not drawn until 2020. Final 2020 draw of administrative expenses (\$2,827.26) will occur with the first 2021 draw.

Resources available to the City during 2020 included unallocated grant funds from prior years, 2020 grant funds, CDBG program income, Revolving Loan Fund payments (housing rehab) and HOME program income. Because the City’s fiscal year may not be completely closed out when the CAPER is due for submittal, there may be adjustments needed.

Identify the geographic distribution and location of investments

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation	Narrative Description
Redevelopment District- Comprehensive	85%	51%	The percentage includes only those activities that were located only in the Redevelopment District. Public service activities are available to residents and homeless without regard to location. That brings the percentage down.

Table 4 – Identify the geographic distribution and location of investments

Narrative

There are 38 census tracts within Greeley boundaries. Thirteen have a percentage of low-moderate-income residents that exceeds 51% (1, 2, 4.02, 5.01, 5.02, 7.01, 7.03, 8, 10.3, 10.5, 2.01, 13, and 14.05), thirteen if CT 6 is counted (far NE corner; very few residents). Additionally, there are block groups with more than 51% of the residents earning low-moderate-incomes (if looked at alone and not as a part of the entire census tract): Block Groups 1 and 4 in Census Tract 4.01; Block Groups 3 and 4 in Census Tract 11, and Block Group 2 in Census Tract 14.17.

Greeley’s low-moderate-income census tracts are east of 35th Avenue and are included in the Redevelopment District. The only Census Tract west of 35th Avenue that has a greater than 51% LMI percentage is 14.05, which is predominantly commercial. Most of the residential is apartments, which includes some developments specifically for LMI residents. Census Tract 14.05 is not a part of the Redevelopment District.

Leveraging

Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.

CDBG – Non-profit agencies applying for CDBG funds are expected to have the majority of their funding come from sources other than CDBG. Those funds are generally from agency fund raising events and include private, corporate, and foundation donations. When available, the City matches its in-house activities with General Funds, Quality of Life funds, or Sales Tax Dollars (local programs).

HOME – By waiver, HUD reduced the matching requirement for Participating Jurisdictions in areas covered by a major disaster declaration (which included the City of Greeley) by 100 percent for FY 2020 and FY 2021. This was meant to ease the economic burden on Participating Jurisdictions and eliminate the need for them to identify other sources of match for HOME activities during the COVID-19 pandemic. The City was able to meet its normal match requirement of 25%, however, with the increase to available HOME match during 2020 coming from the Greeley-Weld Habitat for Humanity. Match was provided via donated goods, private funds, donations from corporations and foundations, etc. At this time, Greeley does not count volunteer hours, although they are eligible as match.

Fiscal Year Summary – HOME Match	
1. Excess match from prior Federal fiscal year	\$5,543,836
2. Match contributed during current Federal fiscal year	\$627,420
3. Total match available for current Federal fiscal year (Line 1 plus Line 2)	\$6,171,256
4. Match liability for current Federal fiscal year	\$0.00
5. Excess match carried over to next Federal fiscal year (Line 3 minus Line 4)	\$6,171,256

Table 5 – Fiscal Year Summary - HOME Match Report

Match Contribution for the Federal Fiscal Year				
Project No. or Other ID	Date of Contribution	Cash (non-Federal sources)	Site Preparation, Construction Materials, Donated labor	Total Match
10 th Crestview (1338)	2/14/20	149,110	10,917	160,027
12 th Crestview (1334)	3/30/20	159,060	16,863	175,923
13 th Crestview (1342)	5/19/20	102,500	13,652	116,152
14 th Crestview (1346)	6/2/20	155,510	19,808	175,318
Total Match		566,180	61,240	627,420

Table 6 – Match Contribution for the Federal Fiscal Year

HOME MBE/WBE report

Program Income – Enter the program amounts for the reporting period				
Balance on hand at beginning of reporting period	Amount received during reporting period	Total amount expended during reporting period	Amount expended for TBRA	Balance on hand at end of reporting period
\$	\$	\$	\$	\$
\$248,823	\$16,642	\$123,164	\$0.00	\$142,361

Table 7 – Program Income

Minority Business Enterprises and Women Business Enterprises – Indicate the number and dollar value of contracts for HOME projects completed during the reporting period						
	Total	Minority Business Enterprises				White Non-Hispanic
		Alaskan Native or American Indian	Asian or Pacific Islander	Black Non-Hispanic	Hispanic	
Contracts – (based on properties closed in 2019 = 1334, 1338, 1342, 1346 29th Street Road)						
Number	1	0	0	0	0	0
Dollar Amount	\$123,164	0	0	0	0	0
Sub-Contracts						
Number	0	0	0	0	0	0
Dollar Amount	0	0	0	0	0	0
	Total	Women Business Enterprises		Male		
Contracts						
Number	1	0		0		
Dollar Amount	\$123,164	0		0		
Sub-Contracts						
Number	0	0		0		
Dollar Amount	0	0		0		

Table 8 - Minority Business and Women Business Enterprises

Relocation and Real Property Acquisition – Indicate the number of persons displaced, the cost of relocation payments, the number of parcels acquired, and the cost of acquisition	
Parcels Acquired	0
Businesses Displaced	0

Nonprofit Organizations Displaced	0
Households Temporarily Relocated, not Displaced	0

Table 9 – Relocation and Real Property Acquisition

Minority Owners of Rental Property – Indicate the number of HOME assisted rental property owners and the total amount of HOME funds in these rental properties assisted

	Total	Minority Property Owners				White Non-Hispanic
		Alaskan Native or American Indian	Asian or Pacific Islander	Black Non-Hispanic	Hispanic	
Number	0	0	0	0	0	0
Dollar Amount	0	0	0	0	0	0

Table 10 – Minority Owners of Rental Property

Households Displaced	Total	Minority Property Enterprises				White Non-Hispanic
		Alaskan Native or American Indian	Asian or Pacific Islander	Black Non-Hispanic	Hispanic	
Number	0	0	0	0	0	0
Cost	0	0	0	0	0	0

Table 11 – Relocation and Real Property Acquisition

CR-20 - Affordable Housing 91.520(b)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served.

	One-Year Goal	Actual
Number of homeless households to be provided affordable housing units	0	0
Number of non-homeless households to be provided affordable housing units	47	4
Number of special-needs households to be provided affordable housing units	0	0
Total	47	4

Table 12 – Number of Households

	One-Year Goal	Actual
Number of households supported through rental assistance	0	0
Number of households supported through the production of new units	47	4
Number of households supported through the rehab of existing units	15	2
Number of households supported through the acquisition of existing units	0	0
Total	62	6

Table 13 – Number of Households Supported

Discuss the difference between goals and outcomes and problems encountered in meeting these goals.

The City made affordable housing a priority of the 2020-2024 Strategic Plan and expects to have a budget item for affordable housing annually. A number of developers expressed an interest in the available funds and the City continues to work with them, but with the complications of the COVID pandemic and challenges of putting together Low-Income Tax Credit proposals, no new developments materialized in 2020. Additionally, only two single-family rehabs were completed: one for a new furnace (loan) and one for a ramp (grant). City staff also believes the COVID pandemic affected the number of rehabs during 2020.

The Greeley-Weld Habitat for Humanity continued to produce new for-sale housing and sold four, which completed sales of 14 units in the Crestview Subdivision. They also began a new development, Clover Meadows, and completed two houses in that new subdivision. The sale of one house is expected to occur shortly after the start of 2021; the family who contracted for the other home decided not to purchase. Habitat is in the process of identifying a family to purchase that home.

Discuss how these outcomes will impact future annual action plans.

The City expects to continue working with developers of affordable housing throughout the 2020-2024 Consolidated Plan years and identify a budget for same annually. While it is hoped that funds can begin to be committed to specific developments in 2021, much is dependent on tax credits, which would provide the bulk of financing.

The City is supportive of the work done by Greeley-Weld Habitat for Humanity, as it produces homeownership units that can be truly affordable to the buyers. In addition to participating in the Clover Meadows development, Greeley-Weld Habitat for Humanity has identified its next development of for-sale housing and plans to partner with a multi-family affordable developer on the same site. It is expected that HOME funds will continue to provide assistance to this home buyer program.

As in 2019, the Housing Rehab Programs continued to be modestly utilized by low-moderate-income homeowners. The programs were under review due to (1) a lack of contractors interested in dealing with

federal regulations, (2) a lack of applications, and (3) environmental concerns (such as lead paint, asbestos, radon, etc.). Costs to test for toxic substances often exceed the limits of the Rehab Programs and what low-moderate-income homeowners can afford and do not allow for the requested work to be done. Staff expected to have conversations internally and with HUD on whether or not the Rehab Programs, particularly for larger activities done under the loan program, continue to be viable during 2020, but put any decision on hold during the COVID pandemic.

Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.

Number of Households Served	CDBG Actual	HOME Actual
Extremely Low-income	1	
Low-income	1	4
Moderate-income		
Non-LMI		
Total	2	4

Table 14 – Number of Households Served

Narrative Information

The table numbers represent households served by an affordable housing activity only. However, the majority of CDBG beneficiaries (outside of affordable housing activities) were persons with extremely low income (702 Cold Weather Shelter and 336 Community Action Collaborative). Additionally, the Senior Resource Services activity that expanded from just providing free transportation for seniors to including delivery of groceries, medical supplies, and prescriptions during the COVID pandemic, served 90 of the low-income beneficiaries. Other activities with extremely-low-income clientele included the Greeley Transitional Housing public service activity for a housing case manager and the Guadalupe Community Center case manager support. All 2020 activities served LMI population residents.

In 2019, the City adopted its Strategic Housing Plan to address housing needs at all income levels. In support of this, the GURA Board recommended and City Council approved affordable housing as a high priority for using CDBG funds during 2020-2024. As noted, CDBG funds will be set aside annually and be made available to developers or owners of affordable housing.

Multiple agencies in Greeley work with homeless individuals and families, including the Coordinated Housing Assessment and Placement System (CAHPS), which specifically helps people experiencing homelessness find and maintain housing. There has been no new developments of housing specifically for persons with disabilities. The City follows ADA guidelines for new construction of housing.

CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)

Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending

homelessness through:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

- The annual Homeless Point-in-Time (PIT) Count surveyed sheltered and unsheltered people experiencing homelessness on January 28, 2020, prior to the COVID-19 outbreak.
- Due to COVID-19, the annual Weld Project Connect event was spread out over a week in October. Monday-Thursday there were free services to those in need due to housing instability, job loss, age, health problems, or other issues; Friday there were onsite deliverables, including flu shots, food boxes, hygiene kits, and diapers.
- The Housing Navigation Center served the homeless with services including lockers, an address for mail, computer access, assessment through the Vulnerability Index - Service Prioritization Decision Assistance Tool (VI-SPDAT), assistance with birth certificates and Colorado identification cards, etc.
- The Housing Navigation Center doubled as the Cold Weather Shelter until March when COVID-19 started spreading. The Center is a great network and allows for collaboration among the agencies that serve the homeless population in Greeley, with many of those agencies providing staffing on a part-time basis.
- VI-SPDAT assessment was also done at the Greeley Transitional House and the Guadalupe Community Center.
- A network of agencies called Connections, which began as a way to assist persons exiting the corrections system, provided for general community interaction that focused on some of the most vulnerable populations, including the homeless.
- The North Colorado Health Alliance (NCHA) had a team of Care Managers with two designated specifically to reach out to the homeless relative to their healthcare needs. NCHA also continued the Community Action Collaborative, which reroutes non-emergent 911 calls to the Collaborative of trained mental health professionals and City emergency responders. The Collaborative helped connect homeless persons to services, as opposed to the justice or medical systems.
- Catholic Charities and/or NCHA do outreach and assessment of homeless to the extent feasible at the cold weather shelter. (Additional information on this shelter is provided below under “emergency shelter”.)

Addressing the emergency shelter and transitional housing needs of homeless persons

In addition to overnight stay, extended stay is offered at the Guadalupe Community Center, the Greeley Transitional House, and A Woman’s Place. All provide significant support that focuses on self-sustainability. Shelters stayed operational during COVID-19, but at significantly reduced capacity. On the Point-in-Time Count night, there were 176 persons receiving emergency shelter and 64 in transitional housing.

Emergency Shelter

- The Guadalupe Community Center (Guadalupe), with 24 beds for men, six beds for women, and six separate family rooms, provided 8,756 nights of shelter during 2020. COVID-19 presented challenges to

operations, reducing capacity and requiring some motel stays for some single women and families. Providing a congregate setting with minimal COVID-19 exposure became priority, with Hospital-to-Housing patients the first to be accepted. Test results turnaround times delayed new residents entering for two months. No emergency shelter services were provided in the Community Room after April. Services continued to be provided by case managers.

- Six single women received emergency short-term triage care at a local motel. Until the end of April, they sheltered at the Cold Weather Shelter.
- At risk and homeless families were served on an emergency basis in the Community Room during the first 10 weeks of 2020. Fourteen families, four of whom were two-parent families, and a total of 42 children were served.
- A community team, the Emergency Family Coordination Team, comprised of the Greeley Transitional House, A Women's Place, Weld Department of Human Services, Hope at Miracle House, Almost Home, Weld County School District Six, and Catholic Charities worked with case managers at the Guadalupe Community Center and families to develop housing plans and resolutions of other emergency needs. In 2020, 18 families were served at the Guadalupe Shelter with a total of 50 children. Additionally, six families received emergency assistance at a motel. Three were two-parent families; a total of 13 children were served.
- The Greeley Transitional House provided emergency shelter (5,989 individual nights) and supportive services to 48 families (71 adults and 120 children). Supportive services included case management, housing navigation and stabilization, and management of rapid rehousing and transitional housing grants. Numbers were down significantly due to COVID-19 restrictions.
- A Woman's Place provided emergency shelter for survivors of domestic violence. In 2020, 4,364 nights of shelter were provided to 228 survivors, 93 of which were youth under 18 (41%). The average nights per stay was 20.2.
- The Cold Weather Shelter provided shelter to 511 people January-mid-March 2020 and 191 in November and December 2020, including 176 women and 526 men; 153 reported having a disability of some type. Shelter information is available on the United Way 2-1-1 website in multiple languages.

Transitional Housing

- The Greeley Transitional House provided three post-shelter housing programs for families: a Rapid Re-housing (ESG-RRH) program, Camfield Corner Apartments (16 units of transitional housing), and the North Front Range Rapid RE-Housing (NFR-RRH) program, which partners with private landlords throughout Weld County. Forty-eight families were served.
- The Guadalupe Community Center operated a Transitional Living Extended Stay Shelter program focused on moving the residents to sustainability through income acquisition, employment, and affordable housing as quickly as possible.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health

facilities, foster care and other youth facilities, and corrections programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

In 2020, Weld and Larimer Counties formed the Northern Colorado Continuum of Care, and no longer were part of the Balance of State Continuum. The Continuum's goal is for homelessness in Weld and Larimer Counties to be rare, brief, and non-recurring. Greeley has found a good, consistent network system the best way to help the categories of people noted in the question, and GURA staff frequently received email blasts from the Connections group previously referenced stating, "I have someone who is..." or "I have someone who needs", followed with specific requests to the large community of non-profit and governmental agencies that might be able to help.

The Hospital-to-Housing Program at the Guadalupe Center cared for 22 NCMC patients were with a total of 1,162 days/nights of shelter and service. Program intent is to avoid a return to the emergency room or hospital readmission and ultimately a program outcome of housing. Support services continue for up to six months after the patient is housed.

Other services to help individuals and families avoid homelessness are highlighted below (not all-inclusive of what is available in Greeley):

General Emergency Assistance

- In 2020, The Homeless Prevention Program administered by Catholic Charities assisted in the following ways: Rent assistance-113 households, \$108,333.94; utility assistance-411 households, \$209,756.71; LEAP applications-50 households; and 115 households with were provided with diapers pre-COVID. Total served: 851 adults; 811 children.
- The Greeley Transitional House and Weld County School Districts administered a Rapid Re-Housing Grant (NS2G) to identify families via McKinney-Vento. Fifty-four months of rent and/or security deposit assistance provided.
- A number of churches and other charitable organizations provided emergency funds for rent and utility assistance.
- United Way of Weld County's 2-1-1 Resource and Referral had 9,757 northeastern Colorado contacts, a 19% increase from 2019, presumably due to the impact of COVID. Rent assistance was inquired about most often.

Assistance for Persons with a Criminal Record

- Jobs of Hope provides men exiting incarceration and/or with gang involvement. Forty-one men were enrolled in 2020 (28 Hispanic), 30 were homeless, and all had incomes below poverty level.
- The Guadalupe Community Center provided shelter and support services to those coming out of community correction system (excluding those on the Sexual Registry or who committed a recent violent crime).

Assistance for Veterans

- Weld County Veterans Services offer no-cost assistance to veterans and their families.

- The Guadalupe Shelter contracts with the VA to serve homeless veterans and help them with healing and self-sufficiency goals.
- Through its Veteran Peer Support Navigation, Northern Colorado Veteran Resource Center assisted veterans and their families in receiving services, benefits, and resources.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

- United Way of Weld County continued to implement “Weld’s Way Home” – the local strategic plan to address and prevent homelessness. The plan continued to operate using a Housing First model, even as the majority of activities shifted to COVID-19 response in three major ways: shifting to a 24/7, socially distanced congregate shelter for the end of the 2019-2020 cold weather shelter season; providing day center/shelter activities at the local Housing Navigation Center, which includes active symptom monitoring for COVID-19 and connection to critical health care resources; and shifting all other focus to securing additional permanent housing for people experiencing homelessness, which is the safest place for people to be during a global pandemic. These activities will continue into 2021 and until there is a vaccine for COVID readily available and accessible.
- The City of Greeley provided \$62,076 rent for the lease of the building that housed the cold weather shelter and \$20,000 for operations. The shelter is in its fourth cold weather season (2020-2021). The community has worked to decompress the congregate cold weather shelter to abide by CDC Social Distancing requirements and as such makes use of motel rooms for nightly overflow and also opened a non-congregate shelter for those most vulnerable to COVID-19 because of age or underlying health condition. The City of Greeley paid for roughly \$205,000 of operational expenses related to the non-congregate shelter through its Coronavirus Relief Fund allotment.
- Northern Colorado (Larimer and Weld counties) was formally recognized by HUD as a Continuum of Care (CO-505, Fort Collins, Loveland, Greeley/Larimer and Weld Counties) in January 2020. As such, a new governing board and governance charter were adopted. The City of Greeley has a seat on the governing board, and all annual CoC-mandated activities (such as the Point in Time and Housing Inventory Counts) are now facilitated locally by the CoC Collaborative Applicant (United Way of Weld County) and CoC HMIS Lead (Homeward Alliance).
- Part of the continued emphasis of the newly founded NoCO CoC is getting people permanently housed through the local Coordinated Entry System. As of December 31, 2020 the following number of people experiencing homelessness had been assessed/housed:
 - Veterans Assessed since 2016 – 523; Veterans Housed since 2016 – 436
 - Single Adults Assessed since 2017 – 851; Single Adults Housed since 2017 – 265
 - Families Assessed since 2018 – 412; Families Housed since 2018 – 281

- Youth Assessed since 2019 – 54; Youth housed since 2019 - 18
- Weld County received \$30,000 in Emergency Solutions Grant (ESG) Rapid Re-housing funding to address the need to shorten or prevent homelessness for individuals and families through direct financial services for rent, security deposits, and utilities. The Greeley Transitional House administered the funds on behalf of the County.
- Case management is provided at all shelters in Greeley, with a focus on deterring homelessness or shortening the length of stay when possible. A continuing trend is for shelter residents to be employed, but not able to find affordable housing. The COVID-19 pandemic presented challenges to social distancing and in-person meetings.

CR-30 - Public Housing 91.220(h); 91.320(j)

Actions taken to address the needs of public housing

During 2020, decking and shingles were replaced on eight multi-family buildings and an on-site maintenance shop. The Public Housing Manager was moved to an office in a 42-unit housing complex to make that office more available to tenants. Sanitization equipment was purchased and used to treat empty units prior to new tenants (for COVID).

Actions taken to encourage public housing residents to become more involved in management and participate in homeownership

The Housing Authority has a disabled public housing tenant who serves as a Commissioner on the Housing Authority Board. Due to COVID-19, the goal of having a Tenant Advisory Board with monthly meetings was delayed. This goal will be relooked at once health conditions improve. Higher income tenants are still encouraged to consider the purchase of a home.

Actions taken to provide assistance to troubled PHAs

Not applicable. The Greeley PHA is not troubled.

CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. 91.220 (j); 91.320 (i)

The City's most impactful action to address negative effects of public policy serving as barriers to affordable housing was the adoption of the Strategic Housing Plan in 2019. It includes strategies and actions that involve public policies, such as

- Amend the development code to promote housing choice
- Develop financial strategies that minimize development costs
- Address the impact of raw water on housing affordability
- Facilitate development of manufactured communities

The City continued work to implement the action steps in 2020. While it will take some time to implement the steps, the Plan provides a blueprint for ameliorating or removing some of the negative effects of public policy.

Some of the public policies noted in the question do not affect affordable housing in Greeley:

Tax policies affecting land: There are no tax policies that create an affordable housing barrier.

Building codes: The City adopted the 2018 International Residential Codes, to which all residential construction is subject. Building codes do not inhibit the provision and/or maintenance of affordable housing, but are necessary to providing housing standards for safety and habitability (which HUD also expects).

Growth limitations: There are no policies regarding growth limitations in Greeley. Growth is restricted by jurisdictional boundaries, which directs much of the growth west.

Policies affecting the return on residential investment: There are no public policies other than those imposed on properties that received assistance from HUD (CDBG and/or HOME) that affect the return on residential investment.

Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)

See information throughout the CAPER, such as support for the Guadalupe Community Center (homeless), Greeley Transitional House (homeless families), Community Action Collaborative (persons in need that call 911 with non-emergencies), Senior Resource Services (seniors needing transportation), and Habitat for Humanity (for-sale housing to low-income households).

Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)

No new actions were taken in 2019 to reduce lead-based paint hazards; however, the City continued to address lead paint hazard issues through the following:

- GURA policy requires that testing for lead-based paint be done by a certified lead-based paint inspector on any house constructed prior to 1978. This policy is applicable when the proposed rehab includes work that would disturb any existing painted surface, such as replacement of windows or doors or exterior painting.
- GURA policy also requires that all rehab work that disturbs a painted surface be performed by an Environmental Protection Agency (EPA) certified Renovation, Repair, and Painting (RRP) Program contractor who has been properly trained in setup, disposal, and clearance of affected areas. Safe handling of all lead-based paint is part of the rehab contract.
- The GURA Manager holds two lead-based paint certifications from the Colorado Department of Public Health and Environment, Air Pollution Control Division. The certifications are Lead-Based Paint Inspector and Lead-Based Paint Assessor. GURA's Manager attends lead-based paint training when available.
- Applicants for all housing rehab activities are provided information packets about the dangers of lead-based paint when applying for assistance. Both English and Spanish versions of the information are available.

Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)

Actions are not always specific to poverty-level families, but are meant to help anyone in need. CDBG and HOME activities noted throughout the CAPER provided assistance to agencies working with people looking for help and/or to better their lives. Additionally, the City's Economic Health and Housing Department worked to expand the business structure in Greeley and provide more housing opportunities.

Some of the agencies that might help reduce the number of poverty-level families are listed below. The 2015-2019 American Community Survey estimated that 16.2% of Greeley families lived in poverty.

- Women2Women provided emergency financial assistance to women by women.
- Right-to-Read and the Global Refugee Center merged in 2017. Now the Immigrant and Refugee Center of Northern Colorado, it provides English language training and community navigation to refugees and immigrants.
- Sunrise Community Health provided health and dental care at seven locations in Greeley with payment based on the ability to pay.
- Connections for Independent Living served persons with disabilities needing to access services and programs. A number of core services are offered: information and referral, peer support, independent living skills training, and assistance in finding and retaining employment.
- North Range Behavioral Health provided a comprehensive set of programs and services for persons with mental illness; addiction; in need of counseling, peer assistance, or crisis support; etc., without regard to someone's ability to pay, and added a program to support people affected by COVID-19. North Range also provided a continuum of residential services, from staffed homes to supported housing and independent living.
- Weld Food Bank administered a number of programs to help alleviate hunger and poverty by providing food and food services to people in need. The COVID-19 pandemic substantially increased the number of persons who are food-insecure.
- The Greeley Interfaith Association and many churches within the faith community provided assistance to those in need, including clothing and meals.
- The Weld County Faith Partnership Council facilitates information sharing between the faith community and county government, with focus on foster care, veterans, housing stability, and youth development.

Actions taken to develop institutional structure. 91.220(k); 91.320(j)

A strong institutional structure is evident in Greeley in part through the number of agencies and representatives that participate in the Northern Colorado Continuum of Care and the Connections network; the collaboration among agencies providing shelter to working toward housing the homeless; the faith community which provide meals and clothing to those in need; and in the Community Action Collaborative, a partnership with the City and agencies serving those in need. The strong institutional structure was definitely visible in 2020 during the COVID pandemic, as collaborations to assist residents was more important than ever. The City does not feel there is need for immediate actions to further develop the local institutional structure.

Efforts to improve the regional (Weld and Larimer Counties) institutional structure specific to working on issues of homelessness came to fruition in early 2020 with HUD's announcement of the fourth Continuum of Care in the State: Northern Colorado Continuum of Care (NoCOCO). As 2020 was ending, the Continuum was conducting a search for a Continuum Director. The Continuum was able to secure ESG funding late in 2020 and a grant from the El Pomar Foundation.

As noted elsewhere, the Housing Navigation Center opened to centralize efforts to get people into housing as quickly as possible and provide lockers, mailing address, computers, etc. to homeless persons. Additionally, the Coordinated Assessment and Housing Placement System (CAHPS) operates from United Way of Weld County. The Navigation Center facility housed the cold weather shelter January-March 2020 pre-COVID-19 social distancing requirements, and again in November and December 2020 with reduced numbers to continue to allow for social distancing. The City currently pays the lease for this facility.

Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)

Coordination between public and private housing and social services agencies has been detailed in a number of places in the CAPER. Rather than restating, please refer to areas with discussions on the Community Action Collaborative, the Connections network, Weld's Way Home, and the City's implementation of a Strategic Housing Plan. To the extent possible and appropriate, the City and the Greeley Housing Authority have staff that participate in many of the meetings/ groups and help with programs. Additionally, Weld County United Way heads the Emergency Food and Shelter Program committee.

Identify actions taken to overcome the effects of any impediments identified in the jurisdiction's analysis of impediments to fair housing choice. 91.520(a)

With each of the impediments noted below, there were goals and actions. The full Analysis of Impediments to Fair Housing for 2020-2024 is available on request.

Impediment: Housing Discrimination

- Fair housing information and sample brochures are available to CDBG and HOME subrecipients on request.
- An Analysis of Impediments to Fair Housing report was adopted in March for the 2020-2024 Consolidated Plan years.

Impediment: Language and Culture

- The City has "Limited English Four-Factor Analysis" and Americans with Disabilities Act/Section 504 Effective Communications Policies and Procedures.
- Ads associated with the Action Plan and CAPER in 2020 were published in English and Spanish.
- The City Greeley subscribes to a language interpretation service for employee use when communicating with customers who speak a language other than English.

Impediment: Transportation

- The City gave United Way of Weld County 2,920 adult bus passes via a Memorandum of Understanding, each providing for unlimited rides in a 24-hour period, and 6,470 two-ride passes. They also received 310 Paratransit trip tickets. Twenty-four-hour passes had a value of \$4.50; two-ride passes were each valued at \$3.00. Additionally, United Way was given 440 paratransit trip tickets. Non-profit agencies may request passes for their clientele from United Way.
- Greeley Evans Transit (GET) continued to offer a number of free/discount programs, including free rides to School District 6 students with identification (to school, activities, and back home), discounted fares for seniors and individuals with disabilities, and discount pass booklets further reduce costs for seniors and persons with disabilities.

Impediment: Lack of affordable housing units disproportionately affecting some protected classes

- The Single-family Housing Rehab grant program was available for elderly/disabled persons needing an accessibility ramp. This helps keep people in their home, which may be the most affordable option available to them. The Retired Seniors Volunteer Program constructs the ramps at a materials-only cost.
- The following continued to provide support for families in transitional housing:
 - Sixteen townhouse-type units for families exiting the Greeley Transitional House shelter.
 - The City Council-approved 2020 grants to the Greeley Transitional House and Guadalupe Community Center for public services that support the homeless as they move toward finding permanent housing.
 - See Section CR-25 for additional information on transitional housing at the Guadalupe Community Center.
- Four Habitat for Humanity houses sold in 2020 in the Crestview Subdivision.

Impediment: Higher mortgage loan denial rates for Hispanic/Latino households

- Aggregate reports from the Housing and Mortgage Disclosure Act (HMDA) for the Greeley MSA were reviewed. The reports showed people of non-White races, with the exception of people of the Asian race, had significantly higher mortgage loan denial percentages than did people of the White race. Those of Hispanic ethnicity were denied loans at a rate of 20.89% v. non-Hispanic people at 12.47%. There is no information on why loans were denied, and it could certainly be for a reason other than housing discrimination. While the City has no control over loan originations, the data will continue to be monitored.

CR-40 - Monitoring 91.220 and 91.230

Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

The City developed a CDBG monitoring plan that includes several layers of activity review; it is unchanged from last year, however, during a monitoring by the City's Community Planning and Development Representative at HUD Denver, several areas of increased monitoring needs were identified. The City is working to implement some stronger monitoring systems, particularly for in-house infrastructure projects. Briefly, the monitoring plan is as follows:

- At receipt of applications, all proposed activities are reviewed to ensure they further the priorities of the Consolidated Plan, meet a National Objective, and are eligible CDBG activities. Submitting agencies are required to certify they are in compliance with federal requirements as part of the application. The City strives to ensure applicants are informed with respect to the federal obligations by offering two optional-but-encouraged technical assistance meetings to discuss federal obligations prior to the applicant accepting CDBG funds and also makes staff available for consultation upon an applicant's request.
- Throughout the activity, GURA staff maintains close contact with the subrecipients of CDBG funds. Staff is involved in procurement, bidding language (Section 3; Minority and Women Owned Business statements), and contracting (when applicable); meets individually with the awardees to review the City agreements; and makes great effort to notify agencies that staff is available for technical assistance upon request.
- There is also a limited desk review at the time draw requests are received: Draw requests and invoices are reviewed, beneficiaries are counted, and it is verified that the draw is consistent with the City's agreement.
- By policy, annual on-site monitoring is conducted on a minimum of 10% of the agencies that received funding during that fiscal year with the goal of on-site monitoring of no fewer than three subrecipients, subject to staff modification based on activities and subrecipients. No on-site monitorings were conducted during 2020 due to the COVID-19 pandemic and concerns for health and safety of staff and subrecipients.

Minority-and Women-Owned Business Outreach

- The City does not discriminate against minority or women-owned businesses during the bidding process and has awarded bids to a number of contracts to minority- and women-owned businesses over the years. Greeley is not a large community and has a small pool of contractors willing to bid on work that involves Federal funds. No bidder is discouraged.

When advertising an Invitation to Bid, both the City and GURA include a statement encouraging minority- and women-owned businesses to apply. (They also include a Section 3 statement.) A sample bid invitation by GURA follows: *"Bids are being solicited for (insert job) by Greeley Urban Renewal Authority (GURA). Bids will be accepted until (time) on (date). Bidders must meet qualifications set by GURA. Women- and minority-owned businesses are encouraged to participate. Section 3 requirements for opportunities for low- moderate-income residents and businesses may apply. For more information call (GURA office phone number)."*

Citizen Participation Plan 91.105(d); 91.115(d)

Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.

Tentative dates/information is noted below. Information will be confirmed and/or added as event each takes place.

The 2020 CAPER was available for public comment as follows:

- Mailed to the Citizens Committee for Community Development with request that they provide comments between February 11, 2021 and February 28, 2021.
- Ads posted in Greeley Tribune in English and Spanish on February 24, 2021 notifying the public of the date/time of the GURA Board public hearing and the public comment period.
- Public Comment period from February 11 through March 16, 2021.
- Available for review on City's website.
- Non-profit agency partners with the City received notice of the availability of the CAPER, were invited to attend the public hearing, and were encouraged to provide comments and share it with their clientele.
- The GURA Board of Commissioners' public hearing to accept the CAPER and recommend that City Council approve the report – March 10, 2021. **There were six Board members present and no public in attendance.**
- **The City Council accepted the report with no further comment on March 16, 2021.**

CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

The Federal code noted (24 CFR 91.520(c) states the CAPER must evaluate the City's progress in meeting its specific objectives for reducing and ending homelessness. The questions in CR-25 mirror what is required under 24 CFR 91.520(c). To avoid duplication, please refer to CR-25 for specifics on how the City is progressing with the issue of homelessness.

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

No

CR-50 - HOME 91.520(d)

Include the results of on-site inspections of affordable rental housing assisted under the program to determine compliance with housing codes and other applicable regulations

Please list those projects that should have been inspected on-site this program year based upon the schedule in §92.504(d). Indicate which of these were inspected and a summary of issues that were detected during the inspection. For those that were not inspected, please indicate the reason and how you will remedy the situation.

The City has 11 multi-family developments that include HOME units. City policy is a rental monitoring schedule that follows old HOME regulations (every year for projects with 26 or more units, every other year for projects with five to 25 units, and every three years for projects with one to four units). In a typical year, monitoring is conducted annually in July/August; however, due to the COVID-19 pandemic, the City requested and received a waiver of the monitoring requirement. Per the waiver, the City should

conduct on-site monitoring of HOME units within 120 days of the waiver's expiration on September 30, 2020. Assuming it is safe to conduct on-site monitoring in 2021, the City will abide by the terms of the waiver. The HOME units were monitored for rent compliance, as usual.

The eleven developments with HOME units are: Chinook Wind, Fox Run, Twin Rivers, Plaza del Milagro and Plaza del Sol, Stephens Farm Phases I and II, Camfield Corner, Stagecoach Gardens, La Casa Rosa, and Camelot. All should have had an on-site monitoring in 2020, which will occur when it is safe to do so.

Provide an assessment of the jurisdiction's affirmative marketing actions for HOME units. 92.351(b)

Because there was no onsite monitoring in 2020, demographic information on monitored units is not available. The City generally sees a high percentage of minority tenants when monitoring.

Other:

- Owners of the HOME units advertise with the Fair Housing symbol
- Resident Selection Criteria and/or leases include a non-discrimination statement
- The City received no complaints of discrimination in 2020

Refer to IDIS reports to describe the amount and use of program income for projects, including the number of projects and owner and tenant characteristics

The four sold Habitat houses were funded with HOME program income: IDIS activity #339-\$31,276.60; IDIS activity #324-\$31,246.93; IDIS activity #340-\$30,026.34; and IDIS activity #343-\$30,614.28. (Figures were taken from IDIS Report PR09.) The activities were new construction of for-sale housing, and all houses are owner-occupied. All four owner families identify with the White race/Hispanic ethnicity and have incomes 30-50% of AMI. Two were two-parent households; two were single-parent households.

Describe other actions taken to foster and maintain affordable housing. 91.220(k)

Discussions occurred with a number of developers of affordable housing. A developer with plans to construct affordable housing near the Greeley Mall was awarded Private Activity Bonds from both the City and Weld County. No federal funds are expected to be requested for the development. Additionally, a developer worked with GURA staff on adding to an existing development of senior housing in the downtown area, which would expand the number of units that currently exists and rehab the existing units. It is expected this will result an application for CDBG/HOME affordable housing funds.

The City continued to partner with Habitat for Humanity on construction of ownership housing. (Habitat accomplishments were discussed elsewhere in the CAPER.) Ongoing conversations on a large Habitat development, expected to include a developer of multi-family units, have also continued. It is expected this will result in a CDBG/HOME affordable housing application late 2021 or early 2022.

The City plans to retain its Private Activity Bonds in 2020 and continuing into 2021, partnering with the Colorado Housing and Finance Authority (CHFA), to assist developers of affordable housing.

To continue engaging with alternative housing providers, the City started identification of more than 70 sites city-wide as good locations for housing projects of all types. Staff has engaged with more than 24 housing developers since 2019 to promote the Greeley market for housing. Staff also visited with several

alternative housing construction providers about the possibility of Greeley as a location for alternative housing types (such as modular units). Additionally, additional manufactured home sites are encouraged where it makes market sense; there is currently a 120-unit project in the planning stages.

Other actions with regard to addressing obstacles to meeting underserved needs, foster and maintain affordable housing, evaluate and reduce lead-based paint hazards, reduce the number of poverty-level families, develop institutional structure, and enhance coordination between public and private housing and social service agencies were discussed in CR-35. See responses in that Section.

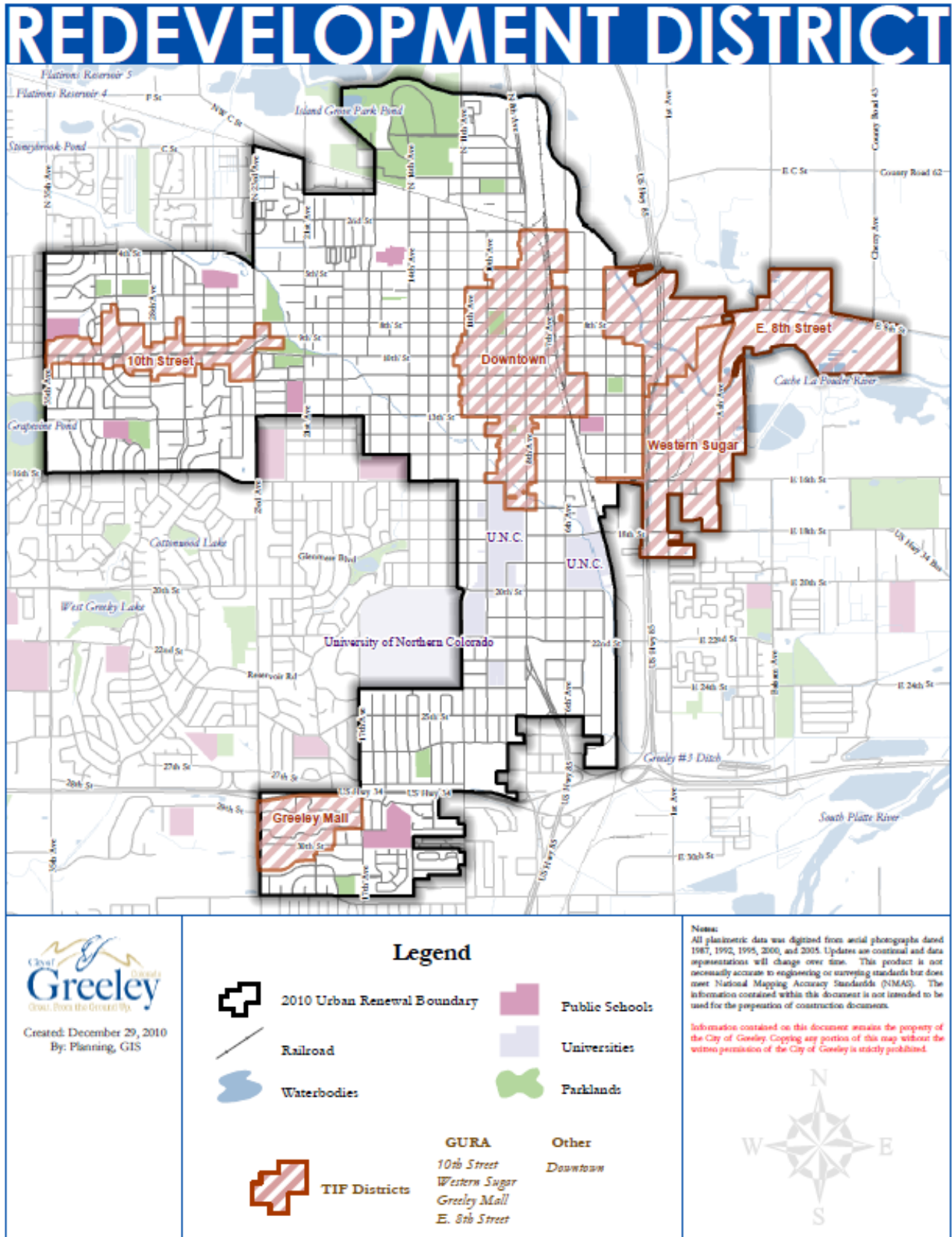
DRAFT

Attachments

- [Map – Redevelopment District](#)
- [Map – Census Tracts with low-income percentages](#)
- [HOME Recapture Policy](#)
- [CAPER Ad – English](#)
- [CAPER Ad – Spanish](#)

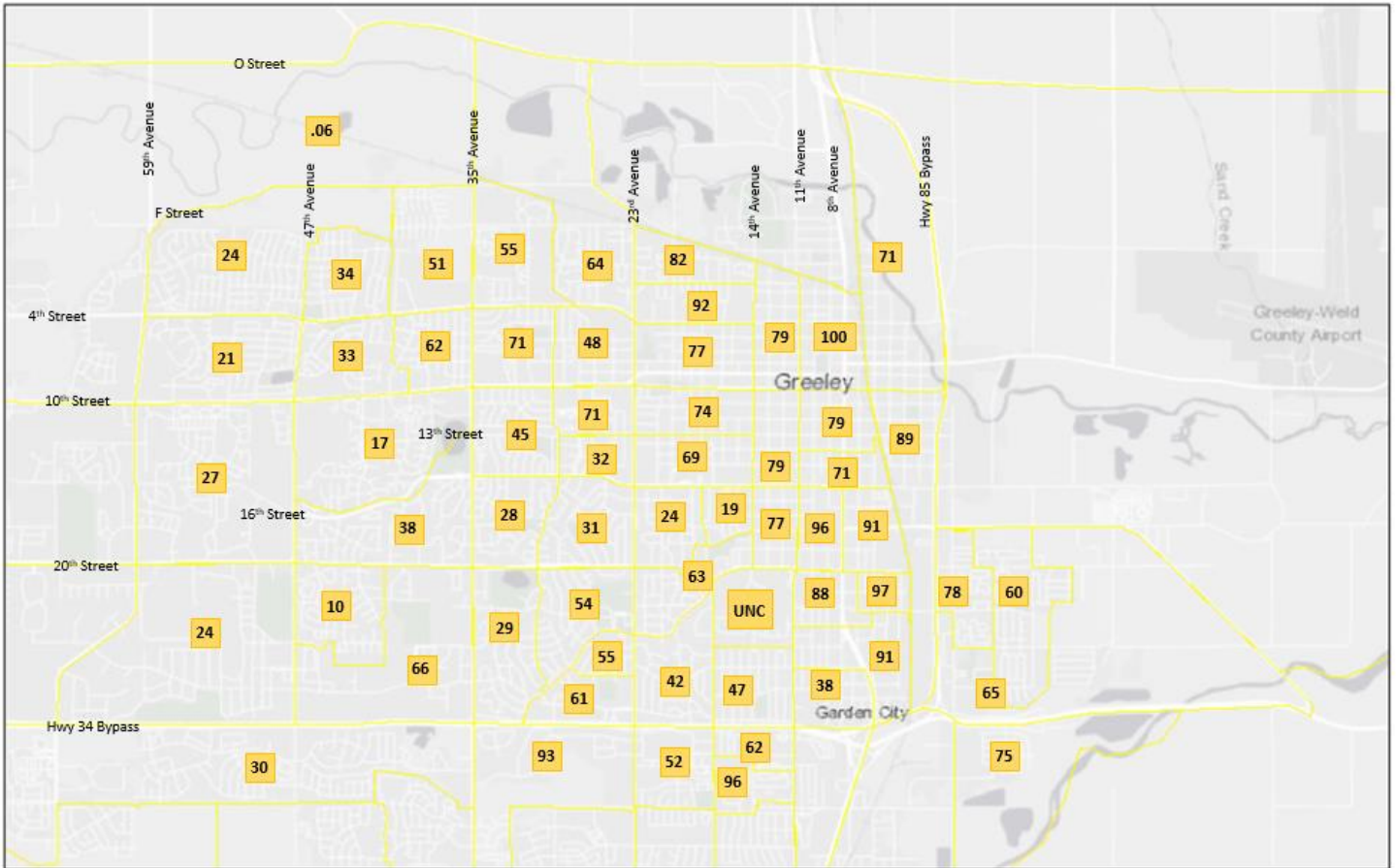
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Attachment 1 – Redevelopment District Map



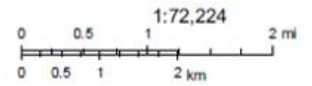
Attachment 2 – Census Tract Map (With Percentage of Low- Moderate-Income Residents)

CPD's 2014 Updated LMISD



February 28, 2018

% of Block Group that is LMI



Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community

Attachment 3 – Recapture Policy

STANDARD OPERATING POLICIES & PROCEDURES



HOME INVESTMENT PARTNERSHIP PROGRAM SUBSIDY, SALES PRICE, AFFORDABILITY, and RECAPTURE of FUNDS FOR NEW CONSTRUCTION OF OWNERSHIP UNITS

Reference HOME Investment Partnership Program (HOME) regulations at 24 CFR 92, particularly 24 CFR 92.254 (“Qualification as affordable housing: Homeownership”) and 24 CFR 92.503 (“Program income, repayments, and recaptured funds”) with respects to HOME funds assisting the development of homeownership units.

5/17/19 – These policies, as stated below, were Attachment 5 – HOME Affordability/Recapture Policy for Home-ownership for the 2019 Action Plan

These Policies and Procedures are to comply with the HOME regulations noted above and are for the Crestview Subdivision being developed by the Greeley Area Habitat for Humanity (the Developer).

POLICIES

I. Sales Price and Subsidy

- A. The Developer can submit a HOME application and request HOME funds on behalf of their buyers that is the lesser of
 1. The gap in buyer purchase financing
 2. The total of City fees for water and sewer taps plus building permit fees

The GURA Board of Commissioners has determined this is the maximum direct subsidy to be offered to buyers in the Crestview Subdivision. Buyers must meet all qualifications of the HOME and Developer’s homeownership programs.

- B. The intent of the HOME investment is to reduce the price of the home and is hereinafter called the “direct subsidy” or “HOME investment”.
- C. The sales price of the HOME to be acquired using a HOME investment cannot exceed the New Homes HOME/HTF Purchase Price Limit (also known as the HOME Affordable Homeownership Limits) as set by the U. S. Department of Housing and Urban Development (HUD) on an annual basis. Further restriction on the sales price may be determined by the Developer to comply with its own homeownership program, but at no time can the sales price exceed the amount provided by HUD.

II. Affordability

HUD expects HOME funds to be utilized for affordable housing for households earning 80% or less of the Area Median Income (AMI) and for the home to remain affordable. To keep the housing affordable, regulations impose affordability requirements that stay with the property for a time period, called the “affordability period”.

- A. **Affordability Period.** The length of the affordability period is based on the amount of the HOME investment in the home to be purchased and is the period during which the property must remain affordable or the homebuyer is subject to the return of the HOME investment. The table below shows HUD’s minimum affordability periods by HOME investment. The City has chosen to utilize the periods defined in the table and will not impose a longer period of affordability. Subrecipients, Owners, Developers, and Community Development Housing Organizations (CHDOs) cannot opt out of applying these policies to its homebuyer program and, further, must assist the City in enforcing the City’s Affordability and Recapture policy.

HOME Funds in Project	Affordability Period
<\$15,000	5 years
\$15,000 - \$40,000	10 years
>\$40,000	15 years

- B. **Enforcement of the Affordability Period.** There are two means by which the HOME investment is protected during the period of affordability and which will restrict the way in which the home can be used and sold, as outlined in these policies and protected by recorded legal documents. The diagram below provides a visual of the enforcement means, both of which are described by policy following the diagram.

Purpose: Maintain Affordability and Protect the HOME Investment	
Repayment	Recapture
100% of the HOME investment is subject to repayment if the home does not retain affordability throughout the affordability period. Affordability is defined by regulation and is stated in the policies for repayment below.	All or part of the HOME investment is subject to recapture if the home is sold, either voluntarily or involuntarily, during the period of affordability.
See III. Section A below for policy.	See Section B below for policy.

- C. **Affordability Term.** The affordability period begins after project completion. (“Completion” is defined as the date the activity is closed in IDIS.) Legal documents will designate the affordability term as 5 years, 10 years, or 15 years depending on HOME investment plus three months to allow the City time to draw the funds and close the activity.

III. Policies to Retain Affordability

- A. **Repayment.** The HOME regulation at 24 CFR 92.503(b)(1) states, “Any HOME funds invested in housing that does not meet the **affordability** requirements for the period specified in 24 CFR 92.254 (Qualification as affordable housing: Homeownership) must be repaid by the participating jurisdiction.”

HUD defines **affordable** under the HOME program as meeting the following:

1. The housing must be single-family housing.
2. The housing must be modest, as follows:

- a. Utilization of the HOME Affordable Homeownership Limits provided by HUD (annually) ensure this requirement.
3. The housing must be acquired by a homebuyer whose family qualifies as a low-income family, i.e. earning no more than 80% of AMI. (The Developer may further restrict income through its program policies.)
4. The housing must be the principal residence throughout the period of affordability.

To enforce the affordability regulation, the City will require prompt repayment of **all of the HOME investment** in the following instances:

1. The home is no longer the principal residence of the homebuyer. The homebuyer must occupy the home at all times and provide an annual residency certification to remain in compliance with affordability. Non-return of the annual residency certification is considered being out of compliance. Under the residency requirement, the following are not allowed:
 - a. Anything that causes the homeowner to not reside in the home, including leasing the unit to another household or transferring title to another household (for example through a Quit-Claim Deed).
2. Reconstruction of the home to accommodate multiple families (it must remain a **single-family** residence).
2. Misrepresentation of homebuyer's information (for example, it comes to light that family size or income were reported falsely).
3. The first mortgage is refinanced.

The City will secure the affordability period by a Beneficiary Use Covenant/Homeowner Agreement.

The City will exercise due diligence and make every effort, in conjunction with the Developer, to work with the homeowner to return the home to affordability compliance and avoid repayment of the HOME funds. Due diligence steps will include the following:

1. Through the Developer Agreement, the Developer shall be responsible for initially contacting the homeowner, reminding them of their obligations to Beneficiary Use Covenant/Homeowner Agreement, and will attempt to facilitate returning the unit into affordability compliance.
 - a. The Developer will send annual certification letters to the homeowners, which must be signed, dated, and return acknowledging continuation of principal residency.
2. If the homebuyer does not respond to the Developer, contact with the homeowner will be initiated by and for the City through the City Attorney's Office.
3. The Developer and City will work with the homeowner to return the property to compliance through the following:
 - a. Allowing a lease term to expire and continuing with the affordability after expiration (in the case where a home has been rented and a tenant has a lease). The affordability period will be extended past the affordability term by the length of any lease.
 - b. Providing reasonable time (determined by the City and the homeowner) to return the home to single-family status.
 - c. Allowing the homebuyer to sell the property under the recapture provisions below.

Misrepresentation or refinancing require repayment without a means to remedy.

4. **Remedy.** If the Developer and/or the City, through working with the homeowner, are not able to return the home to affordability compliance, the City will contact HUD with regard to the repayment of HOME funds to determine how they should be handled. Additionally, the City will take the following steps:
- a. Per the terms of the Beneficiary Use Covenant/Homeowner Agreement, the City will pursue collection by whatever means are allowable under the law, the costs of which will be the responsibility of the homeowner(s).
 - If the homeowner is unable to repay the any or all of the HOME funds immediately, the City will allow for the homeowner to enter into a loan agreement for repayment of the funds. In this case, the City will repay HOME from its General Fund and set up loan for repayment of the HOME investment with a term not to exceed the original term of the Beneficiary Use Covenant/Homeowner Agreement.
 - b. Per the terms of the Developer Agreement, secondary collection will be pursued by the City from the Developer in any amount uncollectable from the homeowner.
 - c. Right of Legal Remedy in Pursuing Satisfaction of Affordability Period. In the event the homeowner does not satisfy the full terms of affordability and make repayment of HOME funds, the City of Greeley reserves the right to pursue any remedy allowable under HUD regulations and the law for full payment by any legal means necessary. Payment of legal or any other fees will be the responsibility of the homeowner.
- B. **Recapture.** A homeowner cannot **sell** the home during the period of affordability without triggering requirements that some or all of the HOME investment be returned. The HOME regulations at 24 CFR 92.524-Qualification as affordable housing: Homeownership govern instances where a homeowner wants to sell the property during the period of affordability. By policy, the City has chosen the **recapture** of funds (24 CFR 92.524(a)(5)(ii)-Recapture) as the means it will use to enforce regulations in case of a sale. "Sale" includes voluntary or involuntary (foreclosure) sales. Voluntary sales include a short sale or deed-in-lieu of foreclosure.
- A short sale is a voluntary sale in a situation where the bank that holds the mortgage agrees to take less than the full payoff for the mortgage in full satisfaction of the mortgage. This is commonly sought by a homeowner who wants to sell but whose house is "upside down" or where the mortgage balance exceeds the fair market value of the property. The homeowner is voluntarily selling for less than the fair market due to the homeowner's current situation.
 - The City has further determined that foreclosed upon homeowners will follow the recapture provision outlined below. (The City will contact HUD in the case of foreclosure and any direction for HUD that deviates from this must be followed.)
1. **First Right of Refusal.** The Developer shall have a First Right of Refusal Clause in their legal documents (per the Developer Agreement). Should they Developer choose to exercise that Right, the following apply:
 - a. The Developer can resell the property to a new buyer who meets income and all other qualifications of the HOME Program.

- b. The remaining time on the Beneficiary Use Covenant/Homeowner Agreement can be transferred to the new buyer, provided the new buyer agrees to accept that sale condition and they meet all HOME requirements.
2. HUD offers options to enforce the recapture provisions; the City has chosen to **recapture the full amount** [(see regulation 92.254(a)(4)(ii)(A)(1)], (option one in the cited regulation). “Full amount” is defined as the net proceeds of the sale (sales price minus non-HOME loans on the property and any closing costs associated with the sale). At no time will the City attempt to recapture more funds than are available from net proceeds. The net proceeds provision includes voluntary and involuntary (foreclosure) sales.

The following scenarios further describe how the City will recapture funds. To clarify policy, an example is provided following each situation, in red. These are examples only and do not reflect true amounts.

- a. **If there are net proceeds greater** than the loan for HOME funds, the full HOME subsidy is recaptured, and the remaining proceeds belong to the homeowner entirely and are considered to be the fair return on the homeowner’s investment.
- EXAMPLE: The homeowner decides to voluntarily sell the property, and it subsequently sells for \$200,000. The homeowner repays all loans and closing costs (not including the HOME direct subsidy), which total \$150,000. The homeowner thus has net proceeds of \$50,000. The HOME direct subsidy was \$30,000. From the net proceeds of \$50,000, the City will recapture the HOME \$30,000 direct subsidy and the homeowner retains \$20,000.*
- b. If a sale results in **less proceeds available than are required** to meet the demands of all liens, including the HOME direct subsidy, any amount available from net proceeds up to the amount of the remaining affordability loan. That amount will be considered full payment of obligations under the affordability/recapture agreement for the homebuyer.
- EXAMPLE: The homeowner decides to voluntarily sell the property, and it subsequently sells for \$200,000. The homeowner repays all loans and closing costs (not including the HOME direct subsidy), which total \$175,000. The homeowner thus has net proceeds of \$25,000. The HOME direct subsidy was \$30,000. The entire \$25,000 will be recaptured from the homeowner to satisfy the HOME requirements; the homeowner will keep none of the net proceeds.*
- c. **If there are no net proceeds** from the sale, repayment will not be required from the homeowner and the affordability period will be considered satisfied for that party.
- EXAMPLE: The homeowner decides to voluntarily sell the property, and it subsequently sells for \$200,000. The homeowner repays all loans and closing costs (not including the HOME direct subsidy), which total \$200,000. The homeowner thus has \$0.00 net proceeds. The HOME direct subsidy was \$30,000, of which \$0.00 will be recaptured. Likewise, there will be not be net proceeds left for the homeowner.*
- d. In the case of a short sale, the City (or the Developer, as applicable) has the option of whether or not to approve the short sale. Recapture will be based on net proceeds only, and follow the applicable provisions set forth above.
- e. Foreclosure.

- When the City and/or Developer are made aware of a pending foreclosure, they will to the greatest extent feasible provide the homeowner with resources, including counseling options, the Colorado Foreclosure Hotline information, and other guidance as is available.
 - Recapture, in the case of foreclosure, is based on net proceeds alone. If there are no net proceeds, the affordability restriction is terminated and there is no further obligation to the homeowner or the City. (Subject to HUD approval, as noted above.)
3. Subject to HUD approval, the City will use any recaptured funds for other HOME-eligible activities.
 4. The HOME Investment and recapture provisions will be secured through a Deed of Trust and Promissory Note. This is in addition to the Beneficiary Use Covenant/Homeowner Agreement that secures affordability and the repayment required if a homeowner is not in compliance with the affordability requirements.
 - a. If the homeowner resides in the property for the full affordability period and meets all of the terms of the Deed of Trust, Promissory Note, and Beneficiary Use Covenant/Homeowner Agreement, the City will release all documents at its expense at the expiration of the legal documents.

PROCEDURES

It is recommended that the City and the Developer use the Procedures below as a checklist during the construction and subsequent sale of housing units. These procedures are only for implementing the recapture policies. Other procedures are noted in the Developer Agreement.

Applications for HOME funds are available from the City year-round, as funds are available. Procedures below begin once an application has been approved for funding by the GURA Board of Commissioners.

1. Developer – Provide a written preliminary buyer financing worksheet that identifies a gap in available financing for the homebuyer.
 - a. City –Based on numbers, provide a preliminary, written HOME funds commitment to the Developer at which time HOME funds will be committed.
2. Developer - Articulate affordability requirements (repayment of funds) and recapture provisions to potential purchasers at various stages in the process.
 - a. City - Meet with the potential buyer(s) to review the Beneficiary Use Covenant/Homeowner Agreement, Deed of Trust, and Promissory Note to provide additional assurance that the buyer is aware of the affordability period and instances by which the HOME investment may have to be returned (repayment) or recaptured (sale) and the considerations and requirements of each scenario.
3. Developer – As construction completion nears, provide the City with closing information (per the Developer Agreement).
4. Developer – Finalize the buyer financing worksheet with final figures to determine the exact amount of HOME funds to be involved in the property.
5. City – Prepare the Beneficiary Use Covenant/Homeowner Agreement, Deed of Trust, and Promissory Note to secure the affordability period. Ensure the document is recorded following closing. The expense of recordation is the City's with regard to its legal document (HOME program expense).

6. City – At its expense, release the Beneficiary Use Covenant, Deed of Trust, and Promissory Note when the affordability period expires.

DRAFT

Attachment 4 – Public Hearing and Public Comment Ads

DRAFT

Council Agenda Summary

March 16, 2020

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

Title:

Consideration to approve a change order in the amount of \$2,990,563.01 to the contract with Duran Excavating, Inc. to complete the 35th Avenue road widening project from 4th Street to "F" Street

Summary:

The design engineer's estimate for the complete project of 35th Avenue from 4th Street to "F" Street was higher than the 2021 construction budget, so the project scope for initial bid was reduced into two phases. Phase 1 from 4th Street to just past the "C" Street roundabout, and phase 2 from "C" Street to "F" Street. When the bids were received they were far lower than the engineer's estimate allowing for the completion of the project in 2021 versus having to wait until 2023 for adequate funding to complete phase 2. Duran Excavating, Inc. held their unit bid process for the change order and provided acceptable unit prices for 6 line items not included in the initial bid, so that the entire project could be built at this time.

Change Order #1 with Duran Excavating, Inc. involves additional road widening between "C" Street and "F" Street including sidewalks, curb & gutter, medians, stormwater structures and pipes, potable and non-potable water mains and the "F" Street roundabout. Change Order #1 is for \$2,990,563.01 split between Public Works (\$2,475,066.51) and Water & Sewer (\$515,496.50) funds. An extension for the construction schedule from August 3, 2021 to November 3, 2021 is included with this Change Order.

This request for \$2,990,563.01 will increase the total contract from \$5,827,890.00 to \$8,818,453.01, a 51.3% increase requiring City Council Approval.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	\$2,990,563.01
What is the annual impact?	
What fund of the City will provide Funding?	Keep Greeley Moving Water Construction
What is the source of revenue within the fund?	Keep Greeley Moving (sales tax) Water Construction(Development Fees)
Is there grant funding for this item?	No
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	Keep Greeley Moving:\$2,475,066.51 Water Construction: \$515,496.50

Legal Issues:

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

Other Issues and Considerations:

None

Applicable Council Priority and Goal:

Greeley on the Move

Decision Options:

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

Council's Recommended Action:

A motion to approve the change order.

Attachments:

Change Order #1



CHANGE ORDER FORM

Project Information

Change Order #:	ONE	Date:	February 21, 2021
Project Name:	35th Avenue Widening and Utilities - Phase 1		
Bid Number:	FD20-11-158	Dept/Division:	PW/Engineering
Original Budget Unit #:		PO #:	
New Oracle Charge Number:	Multiple Charge Numbers - See details	Project Number:	Multiple Project
Oracle Expenditure Type:	Construction (8202)	Oracle PO:	20210161
Expenditure Organization:	Capital Improvements		
Project Manager:	Dave Wells	Title:	Civil Engineer III

Contractor/Consultant Information

Contractor/Consultant:	Duran Excavating Inc/Dick Hay	Phone /Extension:	970-539-0654
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The CONTRACTOR/CONSULTANT is hereby directed to perform the WORK described in the CONTRACT for design/construction as amended by this CHANGE ORDER.

See attached **5** sheets with full explanation for the change order.

Compensation to Contractor/Consultant

The original contract sum was:	\$5,827,890.00
The net change by previous change order was:	\$0.00
The contract sum prior to this change order was:	\$5,827,890.00
The contract sum will be: (See List) Increased	\$2,990,563.01
The new contract sum, including this change order is:	\$8,818,453.01
The contract time will be: (See List) Increased	90 Calendar Days
The new date for project completion is:	November 3, 2021

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

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

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

Signatures for Council (Council minutes need to be attached)

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

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

Certification of Content by Contractor/Consultant

Representative of Contractor/Consultant	Title
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Additional Approval:

Budget Supervisor CPC Finance

Cumulative change orders totalling \$2,990,563 for a total of 51.3%.

CHANGE ORDER FORM



Project Information

Change Order #:	One
Project Name:	35th Avenue Widening and Utilities - Phase 1
Date:	2/21/2021
Project Manager:	Dave Wells

Change Order Justification

Why was this not in original contract?	The work added by this Change Order was in the project's original scope and design. The scope was reduced just prior to bidding based on the engineer's estimate. The low bid / contract is 7 % below the engineer's estimate. Except for landscaping and irrigation, this change order returns the work scope to the original taking advantage of good bid prices and available budget.
Budget Impact/Funding	<p>Approved budgets are sufficient including 5% contingency.</p> <p>Oracle Original Accounting Details: Project #11051 - \$4,606,179.25 Accounting String: 413-1060-83001-8202 - \$370,000.76 Accounting String: 422-1060-89012-8202 - \$696,398.16 Accounting String: 422-1060-88005-8202 - \$155,312.23</p> <p>Change Order Changes to PO: Project #11051 - \$2,475,066.51 Accounting String: 422-1060-89012-8202 - \$104,848.96 Accounting String: 422-1060-88005-8202 - \$410,647.54</p>
Impact to project schedule	Contract time is being extended by 90 calendar days. The new approximate completion date is November 3, 2021. Liquidated damages or early completion bonus will be assessed or paid based on the new completion date. Early completion days are increased from 10 to 15 at \$1000/day.
Detailed Explanation Of Change Order	Generally the transition section between new and existing is being moved from north of 'C Street to north of 'F Street based on the original final design. Major cost items in the added work include a roundabout at 'F Street, a new water main and arterial street improvements from north of 'C Street to north of ' F Street. A detailed schedule of work items is attached. Most work is additional quantities of bid items at unit bid prices. Unit prices that were not bid are noted. These unit prices are less than the costs estimated by engineers. Additional work items are prefixed by "CO1-". These items were identified by Engineers after bid and prior to Contract award or are extension of lump sum bid items. Additional mobilization includes additional bond costs, supervision and administration, surveying, and utility potholing.

CHANGE ORDER 1

March-21

ITEM	DESCRIPTION	QUANTITY	UNITS	UNIT PRICE	AMOUNT
BID SCHEDULE A					
Roadway Widening and Storm Sewer					
6.	Removal of Tree	17	EA	\$ 1,197.00	\$ 20,349.00
10.	Removal of Storm Pipe (Pipe Size Varies)	125	LF	\$ 17.00	\$ 2,125.00
11.	Removal of Existing Culvert Wingwalls	15	LF	\$ 130.00	\$ 1,950.00
13.	Removal of Utility Pole	1	EA	\$ 1,500.00	\$ 1,500.00
14.	Removal of Post (Wood/Steel)	1	EA	\$ 95.00	\$ 95.00
19.	Removal of Fence	2498	LF	\$ 1.00	\$ 2,498.00
22.	Removal of Guardrail	56	LF	\$ 23.00	\$ 1,288.00
23.	Removal of Wall (Concrete & Brick)	17	LF	\$ 10.00	\$ 170.00
24.	Removal of Concrete	45	SY	\$ 10.00	\$ 450.00
25.	Removal of Gravel Walk	662	SY	\$ 1.00	\$ 662.00
27.	Removal of Asphalt Pavement	5311	SY	\$ 5.00	\$ 26,555.00
30.	Removal of Ground Sign	6	EA	\$ 166.00	\$ 996.00
34.	Unclassified Excavation (Complete In Place)	2181	CY	\$ 13.00	\$ 28,353.00
35.	Unsuitable Material (Complete In Place)	650	CY	\$ 16.00	\$ 10,400.00
36.	Borrow (Complete In Place)	3572	CY	\$ 14.00	\$ 50,008.00
37.	Flowfill Ex Test Hole	28	EA	\$ 267.00	\$ 7,476.00
38.	Structure Excavation	240	CY	\$ 10.00	\$ 2,400.00
39.	Structure Backfill (Class 1)	393	CY	\$ 44.00	\$ 17,292.00
40.	Topsoil Strip (4 Inch)	1769	CY	\$ 2.30	\$ 4,068.70
41.	Topsoil Replacement (4 Inch Backslope)	583	CY	\$ 12.00	\$ 6,996.00

CHANGE ORDER 1

March-21

ITEM	DESCRIPTION	QUANTITY	UNITS	UNIT PRICE	AMOUNT
42.	Topsoil/Squeegee in Medians 50/50 (Pre-amended w/Compost) (compacted quantity) 12" depth	262	CY	\$ 105.00	\$ 27,510.00
43.	Topsoil in tree lawns (Pre-amended w/Compost)(compacted quantity) 4" depth	92	CY	\$ 63.00	\$ 5,796.00
44.	Sediment Control Log (SCL-1)	2903	LF	\$ 3.50	\$ 10,160.50
45.	Concrete Washout Structure (CWA) Rock Sock (RS) & Inlet Protection (IP)& Culvert Inlet	2	EA	\$ 2,392.00	\$ 4,784.00
46.	Protection (CIP-1)	216	LF	\$ 8.00	\$ 1,728.00
47.	Check Dam (CD-1)	3	EA	\$ 550.00 *	\$ 1,650.00
48.	Vehicle Tracking Pad (VTC)	2	EA	\$ 1,782.00	\$ 3,564.00
49.	Erosion Control Management	20	DAY	\$ 138.00	\$ 2,760.00
55.	Modify Existing Sanitary MH (Includes Cementitious Coating)	1	EA	\$ 12,000.00 *	\$ 12,000.00
60.	Adjust Manhole (Storm, Water, & Sanitary Sewer)	1	EA	\$ 470.00	\$ 470.00
63.	Low Grow Native Seed Mix (Non-irrigated)(Includes Hydraulic Mulching)	33000	SF	\$ 0.10	\$ 3,300.00
65.	Bluegrass Sod (Includes Fine Grading and Sod)	1502	SF	\$ 1.00	\$ 1,502.00
67.	Wood (Organic) Mulch (4" Depth) (50% of Medians total size - 15000)	500	CY	\$ 63.00	\$ 31,500.00
69.	Sand/Pea Gravel/Aggregate Rock Mix (7300 SF) (4" Depth) Soil Retention Blanket (Straw-Coconut)(Biodegradable Class	70	TON	\$ 63.00	\$ 4,410.00
77.	1)	2131	SY	\$ 2.35	\$ 5,007.85
78.	Aggregate Base Course (6 Inch) (Concrete RAB and under C&G)	1080	TON	\$ 27.00	\$ 29,160.00
79.	Aggregate Base Course (12 Inch) (Asphalt Roadway and under C&G)	5259	TON	\$ 27.00	\$ 141,993.00
80.	Hot Mix Asphalt (Grade S)(75)(PG 58-28)(4 Inch)(Bottom Lift)	1728	TON	\$ 68.00	\$ 117,504.00
81.	Hot Mix Asphalt (Grade S)(75)(PG 64-22)(3 Inch)(Top Lift)	1297	TON	\$ 75.00	\$ 97,275.00
83.	Concrete Pavement (11 Inch)(RAB)	2688	SY	\$ 92.00	\$ 247,296.00
84.	Concrete Pavement (8 Inch) (Truck Apron & Driveways)	449	SY	\$ 65.00	\$ 29,185.00
91.	Riprap (Type L) (Buried) (CIP)	6	CY	\$ 134.50	\$ 807.00
92.	Riprap (Type M) (CIP)	140	CY	\$ 135.00 *	\$ 18,900.00
93.	Pedestrian Railing	58	LF	\$ 330.00 *	\$ 19,140.00
94.	Concrete Sealer	48	SY	\$ 29.00	\$ 1,392.00
95.	Waterproofing (Asphalt)	392	SY	\$ 11.00	\$ 4,312.00
96.	Headwall (HW Storm)	120	SF	\$ 130.00 *	\$ 15,600.00
97.	Concrete Class D (Wall)	13	CY	\$ 800.00	\$ 10,400.00
99.	Reinforcing Steel	1626	LB	\$ 2.20	\$ 3,577.20

CHANGE ORDER 1

March-21

ITEM	DESCRIPTION	QUANTITY	UNITS	UNIT PRICE	AMOUNT
102.	18" RCP (Complete In Place)	285	LF	\$ 85.00	\$ 24,225.00
104.	30" RCP (Complete In Place)	160	LF	\$ 113.00	\$ 18,080.00
109.	30" RC End Section (Complete In Place)	1	EA	\$ 2,300.00 *	\$ 2,300.00
112.	7x5 Foot Concrete Box Culvert (Precast)	230	LF	\$ 1,350.00 *	\$ 310,500.00
114.	Modified Type C Area Inlet w/ Dry Well	3	EA	\$ 5,300.00 *	\$ 15,900.00
115.	5' Type R Inlet (5 Ft)	1	EA	\$ 7,030.00 *	\$ 7,030.00
116.	5' Type R Inlet (10 Ft)	4	EA	\$ 8,382.00	\$ 33,528.00
117.	5' Type R Inlet (15 Ft)	1	EA	\$ 11,650.00 *	\$ 11,650.00
122.	Median Area Inlet (with 36" Drain Basin and Neenah Grate)	2	EA	\$ 7,453.00	\$ 14,906.00
125.	4' Dia. Storm Drain Manhole	1	EA	\$ 5,445.00	\$ 5,445.00
126.	5' Dia. Storm Drain Manhole	1	EA	\$ 7,116.00	\$ 7,116.00
128.	Water Quality Flex Filter Bag	2	EA	\$ 525.00	\$ 1,050.00
129.	Water Quality Structure-SAFL	3	EA	\$ 5,345.00	\$ 16,035.00
130.	Water Quality Structure-Snout 24F	1	EA	\$ 400.00	\$ 400.00
131.	Water Quality Bioswale	617	LF	\$ 62.00	\$ 38,254.00
137.	Concrete Sidewalk (5 Inch with Fiber Mesh)	772	SY	\$ 45.00	\$ 34,740.00

CHANGE ORDER 1

March-21

ITEM	DESCRIPTION	QUANTITY	UNITS	UNIT PRICE	AMOUNT
138.	Concrete Sidewalk (6 Inch with Fiber Mesh)	1622	SY	\$ 54.00	\$ 87,588.00
140.	Detectable Warning	200	SF	\$ 85.00	\$ 17,000.00
141.	6" Vertical Face Curb and Gutter (2' Gutter - Inflow) (Curb 1)	2438	LF	\$ 17.00	\$ 41,446.00
143.	6" Mountable Curb and Gutter (2' Gutter - Inflow) (Curb 3)	283	LF	\$ 19.00	\$ 5,377.00
144.	3" Mountable Curb and Gutter (1' Gutter - Outfall) (Curb 4)(11" Thick for Conc. RAB)	290	LF	\$ 26.00	\$ 7,540.00
145.	2' Gutter Pan	173	LF	\$ 25.00 *	\$ 4,325.00
146.	Splash Block	1457	LF	\$ 27.00	\$ 39,339.00
150.	2 Inch Electrical Conduit (4 - 2" Conduit w/ Single Trench 4,075LF) (Fiber Optic)	4580	LF	\$ 8.00	\$ 36,640.00
159.	Pull Box (24"x36"x24")(Fiber Optic)	3	EA	\$ 1,827.00	\$ 5,481.00
160.	Heat Trace Cable (Fiber Optic)	1145	LF	\$ 16.00	\$ 18,320.00
182.	Sign Panel (Class I)(Roadway)	131	SF	\$ 28.00	\$ 3,668.00
184.	Sign Post	22	EA	\$ 174.00	\$ 3,828.00
190.	Pavement Marking Paint	29	GAL	\$ 132.00	\$ 3,828.00
191.	Preformed Thermoplastic Pavement Marking (Word-Symbol)	271	SF	\$ 22.00	\$ 5,962.00
192.	Preformed Thermoplastic Pavement Marking (Xwalk-Stop Line)	171	SF	\$ 15.00	\$ 2,565.00
193.	Construction Traffic Control Devices	130	DAY	\$ 103.00	\$ 13,390.00
194.	Flagging	2500	HR	\$ 27.00	\$ 67,500.00
195.	Traffic Control Inspection	37	DAY	\$ 158.00	\$ 5,846.00
196.	Traffic Control Management	93	DAY	\$ 683.00	\$ 63,519.00
197.	Portable Message Sign Panel	4	EA	\$ 5,250.00	\$ 21,000.00
198.	Temporary Asphalt Pavement	235	SY	\$ 32.00	\$ 7,520.00
CO1-A1	Mobilization - Roadway Widening and Storm Sewer	1	LS	\$ 197,000.00 *	\$ 197,000.00
CO1-A2	Clearing and Grubbing (Includes Sm/Med Boulders at Stonybrook Entrance)	1	LS	\$ 6,000.00 *	\$ 6,000.00
CO1-A3	6" Vertical Face Curb and Gutter (1' Gutter - Outflow/Inflow) (Curb 2 & Curb 5)	2131	LF	\$ 17.00 *	\$ 36,227.00
CO1-A4	Relocate Water Meter Pit and Reconnect Water Service Line	1	LS	\$ 2,900.00 *	\$ 2,900.00
CO1-A5	Sidewalk Chase (10' Wide) (Includes Handrailing 20 LF)	1	EA	\$ 11,000.00 *	\$ 11,000.00
CO1-A6	2" Irrigation Sleeve, Class 200	1190	LF	\$ 22.00 *	\$ 26,180.00
CO1-A7	3" Irrigation Sleeve, Class 200	48	LF	\$ 30.00 *	\$ 1,440.00
CO1-A8	4" Irrigation Sleeve, Class 200	119	LF	\$ 31.00 *	\$ 3,689.00

CHANGE ORDER 1

March-21

ITEM	DESCRIPTION	QUANTITY	UNITS	UNIT PRICE	AMOUNT
CO1-					*
A9	6" Irrigation Sleeve, Class 200	958	LF	\$ 33.00	* \$ 31,614.00
TOTAL SCHEDULE A					\$ 2,357,206.25

CHANGE ORDER 1

March-21

ITEM	DESCRIPTION	QUANTITY	UNITS	UNIT PRICE	AMOUNT
BID SCHEDULE B					
Water, Non-Potable, and Sanitary Sewer					
3.	Install Fire Hydrants	3	EA	\$ 4,040.00	\$ 12,120.00
4.	2" Water Line Air Vac	2	EA	\$ 10,798.00	\$ 21,596.00
5.	20" Water Line	1105	LF	\$ 146.00	\$ 161,330.00
6.	20" MJ Bends and Tees	10	EA	\$ 2,809.00	\$ 28,090.00
7.	20" Gate Valves	2	EA	\$ 17,266.00	\$ 34,532.00
8.	12" Water Line	520	LF	\$ 97.00	\$ 50,440.00
9.	12" MJ Bends and Tees	12	EA	\$ 1,650.00	\$ 19,800.00
10.	12" Gate Valves	2	EA	\$ 3,119.00	\$ 6,238.00
12.	2" Non-Potable Line Air Vac	1	EA	\$ 4,252.00	\$ 4,252.00
13.	Sediment Control Log (SLC-1)	350	LF	\$ 2.50	\$ 875.00
13.	24" Non-Potable Line	300	LF	\$ 185.00	\$ 55,500.00
14.	24" MJ Bends and Tees	2	EA	\$ 3,393.00	\$ 6,786.00
CO1-B1	Mobilization - Water, Non-Potable, and Sanitary Sewer	1	LS	\$ 40,000.00	\$ 40,000.00
CO1-B2	4" Water Line Connection	1	LS	\$ 6,050.00 *	\$ 6,050.00
CO1-B3	24" Gate Valve	1	LS	\$ 25,300.00 *	\$ 25,300.00
CO1-B4	Additional Dewatering	1	LS	\$ 18,040.00 *	\$ 18,040.00
TOTAL SCHEDULE B					\$ 490,949.00
TOTAL SCHEDULES A & B					\$2,848,155.25
Minor Change Order Items (5% Contingency)					\$142,407.76
TOTAL CHANGE ORDER					\$2,990,563.01

* non bid price

Council Agenda Summary

March 16, 2021

Title

Pulled Consent Agenda Items

Council Agenda Summary

March 16, 2021

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

Title:

COVID-19 Update

Summary:

There will be a brief update to Council regarding COVID-19 via the City's Dashboard:
<https://arcg.is/0zD8Pr>.

Council Agenda Summary

March 16, 2021

Agenda Item Number

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

Title:

Appointment of applicants to the Downtown Development Authority, Museum Board, Parks & Recreation Advisory Board, Union Colony Civic Center Advisory Board.

Summary:

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

Fiscal Impact:

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

Legal Issues:

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

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

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

Other Issues and Considerations:

Not applicable.

Applicable Council Priority and Goal:

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

Decision Options:

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

Council's Recommended Action:

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

Attachments:

Ballot

March 2021 Boards and Commissions Transmittal Summary

Boards & Commissions

Appointment Ballot

March 16, 2021



Applicants for the boards and/or commission listed below are in alphabetical order.

***** BALLOT *****

Downtown Development Authority	
<i>1 Position</i>	
<input type="checkbox"/>	Polly Kurtz
<input type="checkbox"/>	(Recruit For Additional Applicants)

Parks & Recreation Advisory Board	
<i>1 Position</i>	
<input type="checkbox"/>	John Endres
<input type="checkbox"/>	Philip Fulcher
<input type="checkbox"/>	(Recruit For Additional Applicants)

Museum Board	
<i>3 Positions</i>	
<input type="checkbox"/>	Daina Bustillos (I)
<input type="checkbox"/>	Floris "Flo" Mikkelson (I)
<input type="checkbox"/>	(Recruit For Additional Applicants)

Union Colony Civic Center Advisory Board	
<i>3 Positions</i>	
<input type="checkbox"/>	Doran Azari
<input type="checkbox"/>	Linda Johnston
<input type="checkbox"/>	Katilyn Rittner
<input type="checkbox"/>	Michelle Sauder (I)
<input type="checkbox"/>	Deanna Terry (I)
<input type="checkbox"/>	(Recruit For Additional Applicants)

Incumbent = (I)

Boards & Commissions Transmittal

March 5, 2021

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

Interview Dates

March 12, 2021

Council Interview Team

Council Members Payton and Zasada

Council Appointment Date

March 16, 2021

Boards and Commissions Being Interviewed

- Downtown Development Authority
- Museum Board
- Parks & Recreation Advisory Board
- Union Colony Civic Center Advisory Board

Council's Recruitment and Qualifications Policy

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

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

Legal Issues

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

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

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

Applicable Council Goal or Objective

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

Decision Options

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

Attachments

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

Transmittal reviewed by:

 DS

Roy Otto, City Manager

 DS

Anissa Hollingshead, City Clerk

Council Agenda Summary

March 16, 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

March 15, 2021 - March 21, 2021

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

Monday, March 15

Tuesday, March 16

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

Wednesday, March 17

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

Thursday, March 18

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

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

Friday, March 19

Saturday, March 20

Sunday, March 21

March 22, 2021 - March 28, 2021

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

Monday, March 22

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

Tuesday, March 23

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

Wednesday, March 24

Thursday, March 25

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

Friday, March 26

Saturday, March 27

Sunday, March 28

March 29, 2021 - April 4, 2021

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			


April 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	

Monday, March 29

Tuesday, March 30

Wednesday, March 31

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

Thursday, April 1

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

6:00pm - MPO (Gates/Payton) 

Friday, April 2

Saturday, April 3

Sunday, April 4

April 5, 2021 - April 11, 2021

April 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	

May 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, April 5

Tuesday, April 6

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

Wednesday, April 7

Thursday, April 8

7:30am - Poudre River Trail (Hall)

Friday, April 9

Saturday, April 10

Sunday, April 11

April 12, 2021 - April 18, 2021

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

Monday, April 12

Tuesday, April 13

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

Wednesday, April 14

Thursday, April 15

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

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

Friday, April 16

Saturday, April 17

Sunday, April 18

City Council Meeting Scheduling

Current as of 03/12/2021

This schedule is subject to change

Date	Description	Sponsor	Placement/Time
March 23, 2021 Worksession Meeting	COVID-19 Update	Roy Otto	0.25
	Initiative Update re: new commission	Raymond Lee	0.25
	CCO Council Protocol Review and Portal Functionality Discussion	Anissa Hollingshead	0.50
	Fiscal Year 2020 Year End Financial Update	John Karner	0.5
	Executive Session: Collective Bargaining Discussions	Maria Gonzalez Estevez	
April 6, 2021 Council Meeting	National Youth Service Day	Andy McRoberts	Recognitions
	Resolution - Approval of Amended Water Service IGA between Greeley and Windsor	Sean Chambers	Consent
	Ordinance - Intro - Local Improvement District (LID); Large Sewer Trunk Main Extension into Poudre Bluffs	Sean Chambers	Consent
	UNC Update with Dr. Feinstein	Roy Otto	Regular
	Ordinance - Final - First Additional Appropriation	John Karner	Regular
	Ordinance - Final - Municipal Code Recodification	Anissa Hollingshead	Regular
April 13, 2021 Worksession Meeting	Downtown & Form-Based Code Approach	Brad Mueller	0.75
	Sustainability Commission Update	Raymond Lee	0.50
	Development Code - Chapter 2 - General Provisions and Procedures	Brad Mueller	0.50
April 20, 2021 Council Meeting	Resolution – Authorizing IGA with Larimer County and City of Fort Collins for Post Fire Watershed Mitigation	Sean Chambers	Regular
	Resolution - Termination of the Industrial Water Bank (Joint Resolution with W&S Board) - <i>Water1; Water2</i>	Sean Chambers	Consent
	Resolution - Amended Restated Windsor Water Service IGA	Sean Chambers	
	Ordinance - Intro - 7001 28th Street Rezone	Brad Mueller	Consent
	Ordinance - Intro - GMC Updates to Household Occupancy Standards	Brad Mueller	Consent
	Ordinance - Intro - Local Improvement District (LIC); Ashcroft Draw Regional Lift Station	Sean Chambers	Consent
	Ordinance – Intro – Local Improvement District (LIC); Large Sewer Trunk Main Extension into Poudre Bluffs	Sean Chambers	Regular
	Boards & Commissions Appointments	Anissa Hollingshead	Regular
April 27, 2021 Worksession Meeting	Development Code - Chapters 7, 8, 9, and 10 - Access & Parking, Landscaping Standards, Signs, Supplemental Standards	Brad Mueller	0.50

Council Agenda Summary

March 16, 2021

Title

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

Council's Recommended Action

A motion to approve the above authorizations.

Council Agenda Summary

March 16, 2021

Title

Adjournment