



**Remote Meeting Instructions for the January 5, 2021, City Council Meeting:**

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

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

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

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

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

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

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

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

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

**In real time? – <https://greeleygov.zoom.us/j/98241485414>**

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

Please visit the City's website at <https://greeleygov.com/government/council> to view and download the contents of the January 5, 2021, City Council Meeting. You are also welcome to call the City Clerk's Office at 970-350-9740 with any special needs or questions that you may have.



**Mayor**  
John Gates

**Councilmembers**

Tommy Butler  
Ward I

Brett Payton  
Ward II

Michael Fitzsimmons  
Ward III

Dale Hall  
Ward IV

Kristin Zasada  
At-Large

Ed Clark  
At-Large

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

# City Council Agenda

**January 05, 2021 at 6:00 PM**

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

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

---

## 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 December 8, 2020, City Council Worksession](#)
10. [Approval of the City Council Proceedings of December 15, 2020](#)
11. [Introduction and first reading of an ordinance authorizing a Fiscal Year 2020 salary increase for the City Manager](#)
12. [Introduction and first reading of an ordinance authorizing a Fiscal Year 2020 salary increase for the Municipal Judge](#)
13. [Introduction and first reading of an ordinance authorizing a Fiscal Year 2020 salary increase for the City Attorney](#)
14. [Introduction and first reading of an ordinance adopting amendments to Title 18 of the Municipal Code regarding updating and clarifying the notice requirements for amendments to Final Planned Unit Developments \(PUDs\)](#)

[and major amendments to Development Concept Master Plan \(DCMP\) \(Chapters 18.18 and 18.30\), changing the words public meeting to public hearing \(Chapter 18.18.040\), and clarification as it relates to freestanding sign calculations \(Chapter 18.54\)](#)

---

### **End of Consent Agenda**

---

15. [Pulled Consent Agenda Items](#)
16. [Public hearing and final reading of an ordinance authorizing an Intergovernmental Agreement with Greeley-Evans District 6 regarding land exchange and resources for a reconfiguration of non-potable irrigation facilities and a portion of the Boomerang South 9 Golf Course. Because the subject of the IGA is a land exchange whereby Greeley will initiate the dispossession of approximately 25 acres in exchange for possession of a like amount and other consideration, this item requires approval by ordinance](#)
17. [COVID-19 Update](#)
18. [Scheduling of Meetings, Other Events](#)
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](#)
20. [Adjournment](#)

# Council Agenda Summary

January 5, 2021

**Title**

Call to Order

# Council Agenda Summary

January 5, 2021

**Title**

Pledge of Allegiance

# Council Agenda Summary

January 5, 2021

## Title

Roll Call

## Summary

Mayor Gates

Councilmember Butler

Councilmember Payton

Councilmember Hall

Councilmember Fitzsimmons

Councilmember Clark

Councilmember Zasada

# Council Agenda Summary

January 5, 2021

## Title

Recognitions and Proclamations

## Summary

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

Mayor Gates will present a proclamation for Takeout Tuesdays which recognizes every Tuesday in 2021 through the duration of the pandemic as Takeout Tuesday in Greeley and encourages all community members to join in supporting our Greeley restaurants.

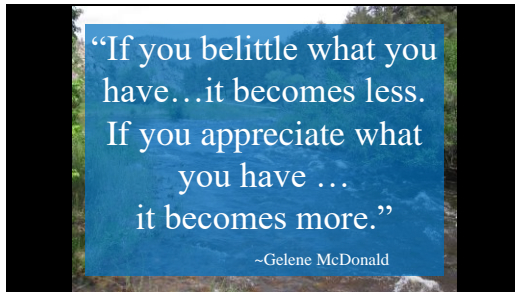
## Attachments

What's Great about Greeley Report  
Takeout Tuesday Proclamation

Slide 1



Slide 2



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

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



Slide 3



Scott Warner, President & CEO, of Connecting Point in Greeley has been named one of CRN's 2020 NextGen Solution Provider Leaders. Connecting Point is a second-generation, family owned and operated IT & Security solutions provider.

Slide 4



For the second consecutive year, Greeley ranks 8<sup>th</sup> out of 375 metropolitans in the United States, according to a study by Heartland Forward. Heartland Forward is a think tank focused on economic renewal in the middle of the country. The index incorporates various metrics, including job growth, average annual earnings, GDP gains, total jobs at new businesses and educational attainment.

Slide 5



Congratulations to University of Northern Colorado School of Music instructors Greg Gisbert and Eric Thorin for being nominated for the 63<sup>rd</sup> annual Grammy Awards.

Slide 6



Prairie Heights Middle School is one of only two schools in the nation to receive the Rise Award from Summit Learning, a program that has been a part of the schools' successful Innovation School plan. Summit Learning drives student engagement, strong student-teacher connections and mastery-based learning. It is used in nearly 400 schools across the nation, including Prairie Heights and Franklin Middle School.

Slide 7



Congratulations to Eryka Charley, director for Native American Student Services at the University of Northern Colorado, for being named to the 12<sup>th</sup> class of the National Center for American Indian Enterprise Development's 40-under-40 award.

Slide 8



Kenton Manor business office manager, Margie Rice, has been named Business Management Professional of the year by the Colorado Health Care Association.

Slide 9



Sunrise Community Health has received the Patient Centered Medical Home recognition from the National Committee for Quality Assurance including Monfort Children's Clinic, Sunrise North Range Clinic, and Sunrise Adelante Clinic. The recognition identifies clinicians and practices that utilize teamwork and technology to deliver coordinated and patient-centered primary care.

Slide  
10



Greeley Central English teacher and speech and debate coach, Sarah French, has received the 2020 district leader commendations for the Rocky Mountain North District from the National Speech and Debate Association for excellence in developing district programs and resources. The National Speech and Debate Association is the governing body for all high school speech and debate in the U.S. and also has a reach internationally.

Slide  
11



And that's What's Great about Greeley.



# Takeout Tuesdays

**WHEREAS**, Greeley is home to nearly 300 different eating and drinking establishments, creating jobs for thousands of Greeley area residents; and

**WHEREAS**, Greeley's restaurants provide essential nourishment to our community, feeding both body and spirit, utilizing locally sourced ingredients and supporting area farmers and ranchers; and,

**WHEREAS**, the COVID-19 pandemic has deeply impacted restaurants, resulting in limitations on in person dining in the interest of public health; and,

**WHEREAS**, restaurants and bars have found ways to creatively continue to serve Greeley residents, including offering take out, curbside, and delivery services; and,

**WHEREAS**, the Greeley City Council is grateful to restaurant owners, operators and employees who are continuing to serve our community and wish to demonstrate our ongoing support by working with businesses in every way possible to further continuing operations; and,

**WHEREAS**, the City of Greeley is committed to continuing to support area restaurants while maintaining a focus on public health, including pursuing the implementation of the A Safe Place to Be 5 Star Certification Program for businesses;

**NOW, THEREFORE**, I, John D. Gates, by virtue of the authority vested in me as Mayor of the City of Greeley, Colorado and behalf of the Greeley City Council, do hereby recognize every Tuesday in 2021 through the duration of the pandemic as ***Takeout Tuesday*** in Greeley and encourage all community members to join in supporting our Greeley restaurants by ordering takeout on Tuesday or any other day of the week and continuing to patronize local businesses through evolving business models.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused to be affixed the official seal of the City of Greeley, this 5<sup>th</sup> day of January, 2021.

---

John D. Gates  
Mayor

# Council Agenda Summary

January 5, 2021

## Title

Citizen Input

## Summary

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

# Council Agenda Summary

January 5, 2021

**Title**

Approval of the Agenda

# Council Agenda Summary

January 5, 2021

## Title

Reports from Mayor and Councilmembers

## Summary

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



# Council Agenda Summary

January 5, 2021

## Title

Initiatives from Mayor and Councilmembers

## Summary

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

Initiatives will generally fall into three categories:

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

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

## Attachments

Status Report of Council Initiatives and Related Information

**Greeley City Council**

**Status Report of Council Initiatives**

<b>Council Request</b>	<b>Council Meeting, Worksession, or Committee Meeting Date Requested</b>	<b>Status or Disposition</b> (After completion, item is shown one time as completed and then removed.)	<b>Assigned to:</b>
Councilmember Butler requested a resolution/City promotion for a day of the week to support local restaurants.	December 15, 2020 Council Meeting	This request resulted in the proclamation presented in this meeting, and is also being incorporated into the City's new A Safe Place to Be 5 Star Certification Program.	

# Consent Agenda

January 5, 2021

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

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

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

## *Council's Recommended Action*

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

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

# Council Agenda Summary

January 5, 2021

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

**Title:**

Acceptance of the Report of the December 8, 2020, City Council Worksession

**Summary:**

A City Council Worksession was held on December 8, 2020, 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:**

December 8, 2020 Report

City of Greeley, Colorado  
**COUNCIL WORKSESSION REPORT**  
 December 8, 2020

**1. CALL TO ORDER**

The virtual meeting was called to order at 6:00 p.m. by Mayor Gates 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. Those present were Mayor John Gates and Councilmembers Tommy Butler, Ed Clark, Michael Fitzsimmons, Dale Hall, Brett Payton and Kristin Zasada.

**4. REPORTS FROM MAYOR AND COUNCILMEMBERS**

Councilmember Butler reported on the Colorado Education Association Zoom session he attended relative to the issues school districts are having with internet service. He noted that there are local and statewide issues in this regard.

**5. COVID – 19 UPDATE**

Dan Frazen, Emergency Manager, reviewed the information in the handout distributed to Council earlier in the day and noted that work continues to circle back and confirm numbers received relative to cases and deaths due to COVID over the weekend.

With regard to hospital data, Mr. Frazen stated that this data is quite elevated and noted that both hospitals are full in the ICU. He did add that positive cases and hospitalizations are coming down.

Mr. Frazen spoke of the new tab on the City's dashboard that will offer daily reports on the number of City employees with COVID.

He went on to advise that the drive-through community testing site at the Youth Sports Complex is going well and has relieved the UNC kiosk tremendously, and shared that the Governor extended the State Mask Order for an additional 30 days.

Councilmember Clark inquired about Mr. Frazen's confidence that identifying deaths as COVID and not some other condition, and Mr. Frazen stated that the Coroner makes that determination and that even with a underlying health condition, they can still be identified as a death due to COVID.

Roy Otto, City Manager, reported on the additional funds that are coming to businesses utilizing a third party to distribute, potentially the Greeley Chamber.

He added that Weld County will soon prop up a \$2 million grant recovery program for financial relief for restaurants, bars, live event venues, arcades, bowling center, recreation facilities and others.

Mr. Otto then spoke of a potential five-star program that would be submitted to the State for approval that would give restaurants and bars an opportunity to operate at one level above county-wide restrictions under certain conditions. He noted the program is designed for eligible counties, but that the County has not indicated a willingness to move forward with an application, so the City may venture out on its' own .

With regard to businesses applying for any of the now or soon to be available grant funding more than once, Mayor Gates clarified that priority would be given to those who have not applied before and that there would be enough money that most everyone could apply and get something.

## **6. EMERGENCY MEDICAL SERVICES – FIRE-BASED EMS TRANSPORT**

Dale Lyman, Fire Chief, reported that on September 22, 2020, City Council received a presentation of the recently-completed Emergency Medical Systems (EMS) Transport Analysis and Assessment as produced by Emergency Service Consulting International (ESCI). At the time, City Council indicated it concurred with the staff recommendation to pursue Option 1B, maintain the current EMS response model with separate Banner Health Paramedics staffing. In addition, the City Council requested the following information about how the service is being provided in other communities, what differences there might be in quality of service, and the costs of fire-based EMS and how it could be funded.

Chief Lyman went on to review and share the results of the research done in each of these areas noting that fire-based service is quite common in the metro area and comparable sized cities to Greeley providing that service.

Jeff Stranahan, Division Chief, addressed Council who reported that staff is currently working through an amendment to the current ambulance agreement with Banner since the current one expires in November 2021, and went on to review the costs associated with establishing the City of Greeley as sole EMS transport provider, assuming a five-year cost of \$13,162,108 and 34 full-time employees; fleet of 5 operating over 5 years and .13 sales tax funding source.

Councilmembers expressed continued support for Option 1B, which is to maintain the current EMS response model with separate third-party vendor staffing, unless it is determined that there is a lesser quality of service with this model.

## **7. LANDSCAPE CODE UPDATE**

Brad Mueller, Community Development Director, reported that the Community Development Department is updating the Landscape Code, Title 18.44, with an anticipated adoption date in January, 2021. He noted that the last rewrite of the landscaping code was in 2009, which added language that supports water-wise landscaping methods and objectives. In 2015, Ordinance No. 2015-40 adopted a "Landscape Policy Plan for Water Efficiency."

He went on to state that in the last five years, Greeley has experienced exponential growth and development that still often results in over-watering. During this time, the City has introduced new programs such as the Water Efficiency Audits, Water Restrictions, and Water Budgets to reflect how the community uses water. The Water and Sewer Department is also running a pilot program that encourages developers to implement a water-wise subdivision design.

To support these efforts and the goals of the 2015 Policy Plan, Mr. Mueller advised that this updated code is being proposed for Council's consideration which includes modernized water conservation language that influences and encourages planting practices to reduce each property's overall water consumption. The update seeks to achieve City Council's 2040 Vision and 3-Year Priorities, "Imagine Greeley: Comprehensive Plan" goals, and to improve code enforcement action.

It was noted that staff also conducted an online public survey in English and Spanish, and hosted a virtual public webinar on November 5th. The meeting provided information regarding the importance of water conservation and limited water supplies, Greeley's landscape tradition, and why it is essential to continuously review the Landscape Code in order to support City water efficiency goals. There have been 85 survey responses to date. Common themes are that the public cares about water conservation and is supportive of water-efficient landscaping.

Mr. Mueller introduced Thomas Jump who addressed the Council about the advisory committee work and public outreach conducted thus far.

Mr. Mueller then advised that the next steps would be for the Planning Commission to get this same review on December 15<sup>th</sup> and then back to Council on first reading January 5<sup>th</sup> and final reading and public hearing on January 19<sup>th</sup>.

Councilmembers were assured that this update will allow for a more robust, non-potable system to help take care of HOA's and shared properties in the community.

Councilmembers reached consensus for staff to move forward as outlined with this update.

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

Mr. Otto reminded the Council of the 2020 Virtual Holiday Employee Event set for December 10<sup>th</sup> at 11:00 a.m.

## **9. ADJOURNMENT**

There being no further business to come before the Council, Mayor Gates adjourned the meeting at 7:19 p.m.

---

Cheryl Aragon, Deputy City Clerk

# Council Agenda Summary

January 5, 2021

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

**Title:**

Approval of the City Council Proceedings of December 15, 2020

**Summary:**

A meeting of the City Council was held on December 15, 2020, 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:**

December 15, 2020 Proceedings



City of Greeley, Colorado  
**CITY COUNCIL PROCEEDINGS**  
December 15, 2020

**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**

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

**4. Recognitions and Proclamations**

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

**5. Citizen Input**

Mr. Harvey read two emails into the record Gaye Hughey voicing concern about the Terry Ranch/Wingfoot water plan and Joann James voicing her concern about over-regulation relating to the COVID-19 pandemic.

No other Citizen Input was received.

**6. Approval of Agenda**

The Agenda was approved as presented upon noting that Item number 18, University of Northern Colorado Update, was moved to item 11b on the agenda.

**7. Reports from Mayor and Councilmembers**

Councilmember Butler congratulated his wife for successfully defending her dissertation.

Mayor Gates thanked the City Clerk's Office staff for their hard work on the virtual employee holiday event.

**8. Initiatives from Mayor and Councilmembers**

Councilmember Butler requested a resolution and/or messaging encouraging residents to support local restaurants.

Council consensus was reached on this Initiative.

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

**9. Approval of the City Council Proceedings of December 1, 2020**

The Council action recommended was to approve the Proceedings.

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

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading for January 5, 2021.

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

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

**11. Pulled consent agenda items**

No items were pulled from the Consent Agenda.

**11b. University of Northern Colorado Update**

Andy Feinstein, President of the University of Northern Colorado (UNC), provided a UNC update which included the impact of COVID on the fall graduation ceremonies; highlighted how classes were handled this fall noting the number of those living on campus; discussed contact tracing protocol, testing, and COVID rates; and highlighted the low enrollment rates this year and the disruption to athletics.

In response to a question from Councilmember Hall regarding how the spring semester will look, President Feinstein expressed his hope that people will feel more comfortable and less restricted with the vaccine coming out. He added that UNC is moving toward more in-person classes and hopefully a rebound in enrollment next fall.

**12. Public hearing and final reading of an Ordinance re-authorizing various Boards and Commissions for three years**

Mayor Gates opened the public hearing at 6:27 p.m., and no comments were offered.

Councilmember Fitzsimmons moved, seconded by Councilmember Zasada to adopt the ordinance and publish it by reference to title only. The motion carried: 7-0 (**Ordinance No. 29, 2020**)

**13. Public hearing and final reading of an ordinance authorizing the City of Greeley to enter into an Intergovernmental Agreement concerning water services for seventeen customers with the City of Evans**

Sean Chambers, Water and Sewer Department Director, provided a history of the situation; explained the benefit to Greeley of transferring the customers; described the terms of the Intergovernmental Agreement; and discussed the recommended action from staff.

Mayor Gates opened the public hearing at 6:33 p.m., and no comments were offered.

Councilmember Hall moved, seconded by Councilmember Payton to adopt the ordinance and publish with reference to title only. The motion carried: 7-0 (**Ordinance No. 30, 2020**)

**14. Public hearing and final reading of an ordinance authorizing the sale of City-owned property consisting of approximately 40.377 acres and located in the East half of Section 16, Township 7 North, Range 66 West of the 6th P.M. in Weld County (“Danielson II Farm”)**

Mr. Chambers described the location of the property and showed a map of the property; provided a history of the City’s involvement with the property including a discussion of the proposed divestment of the property; and concluded by discussing staff’s actions.

Mayor Gates opened the public hearing at 6:38 p.m., and no comments were offered.

Councilmember Clark moved, seconded by Councilmember Fitzsimmons to adopt the ordinance and publish with reference to title only. The motion carried: 7-0 (**Ordinance No. 31, 2020**)

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

Robert Miller, Budget and Compliance Manager, provided a brief overview of proposed appropriation; highlighted the appropriation by fund; discussed the CARES Act impacts on the City’s funds including the requested appropriations; highlighted grants for transit buses and operations as well as grants for police and fire; discussed water funds, capital projects, the general fund, and special funds; and concluded by summarizing the appropriation.

Mayor Gates opened the public hearing at 6:48 p.m., and no comments were offered.

Councilmember Payton moved, seconded by Councilmember Fitzsimmons to adopt the ordinance and publish it by reference to title only. The motion carried: 7-0 (**Ordinance No. 32, 2020**)

**16. Public hearing and final reading of an ordinance amending §2.04.070 of the Greeley Municipal Code establishing the salary for the Mayor and the salary for members of the Greeley City Council**

Maria Gonzalez-Estevez, Human Resources Director, provided context for this proposed action; described when the changes will take effect; described the compensation data relevant to the proposed action; discussed the compensation proposal; and highlighted the financial impact of this action, if approved.

Councilmember Butler inquired as to whether other municipalities vote on compensation for elected officials. Ms. Gonzales-Estevez explained that she did not have specific data but could research the question.

Roy Otto, City Manager, explained that this is a standard process for municipalities and governments in general.

Mayor Gates opened the public hearing at 6:55 p.m., and no comments were offered.

Councilmember Fitzsimmons moved, seconded by Councilmember Hall to adopt the ordinance and publish by reference to title only. The motion carried: 6-1 (Butler dissenting) **(Ordinance No. 33, 2020)**

**17. Public hearing and final reading of an ordinance to consider a change of zone from I-L (Industrial Low Intensity) to R-M (Residential Medium Density) for approximately 0.870 acres located at 134, 140 and 148 14th Avenue, known as the 14th Avenue Rezone, and changing the official zoning map to reflect the same**

Brittany Hathaway, Planner, described the request as well as the area surrounding the property subject to the request; provided a history of the subject sites; illustrated the site characteristics; discussed the applicable rezone criteria and the public notice procedures used; and described the recommendation from the Planning Commission noting that the Planning Commission unanimously approved the rezone.

Councilmember Butler inquired whether there is a buyer in mind for these properties. Joel Hemesath, Public Works Director, explained that there are not buyers in mind yet. He added that this rezone is being done before the properties go on the market.

Mayor Gates opened the public hearing at 7:01 p.m., and no comments were offered.

Councilmember Fitzsimmons moved, seconded by Councilmember Hall to adopt the ordinance and publish it by reference to title only. The motion carried: 7-0 **(Ordinance No. 34, 2020)**

**18. University of Northern Colorado Update**

This item was moved to item 11b.

**19. COVID-19 Update**

Dan Frazen, Emergency Manager, described the data within the situation report including a note that the numbers are trending in the right direction; provided a brief review of the COVID testing programs for City employees; discussed City facility closures and the drive-thru site; and explained that the City is continuing to research the five-star program from the state to help local businesses.

In response to a question from Councilmember Hall, Mr. Frazen explained that over the counter test kits are not effective noting that there are good testing sites throughout the community.

Councilmember Zasada inquired about the positivity rate needed for the City/County to be downgraded to the Orange level. Mr. Frazen explained that the positivity rate would have to stay below 15% for at least two weeks.

In response to a question from Councilmember Butler, Mr. Frazen explained that the State is in charge of the plan for the vaccine distribution and the Colorado National Guard will be doing the distribution.

Mr. Otto provided highlights about the State's 5-star program, noting that the City Clerk, Anissa Hollingshead, will be leading the task force to create the City's 5-star program plan and that a report will be provided to Council with updates as needed.

Councilmember Clark voiced his concerns about the 5-star program. Specifically he expressed his concern that it will not work to help businesses and added his disagreement with enforcing any COVID-19 regulations.

Mr. Otto explained that the State regulations say that, if no local 5-star plans are put in place, then businesses are supposed to be closed. He added that the 5-star program would allow businesses to be open with limited occupancy. Mr. Otto also added that the State will not approve a local 5-star plan that does not have enforcement measures in it.

Councilmember Payton explained that the Chamber of Commerce task force is prepared to get money out to restaurants and bars adding that no City funds are being used. He noted that some help promoting this program would be appreciated.

Mayor Gates expressed his support of the Governor's health order but noted his concern with the idea of enforcement. He also explained that he is in favor of any help the City can give to local businesses.

Councilmember Zasada asked if the City could get creative with enforcement to avoid the police doing the enforcement. Mr. Otto explained that the City could get creative with an enforcement plan, but the City would be responsible for enforcement.

Discussion ensued about acceptable enforcement strategies and overall policies regarding City's potential 5-star program plan.

In response to a question from Councilmember Fitzsimmons regarding a timeline, Mr. Otto explained that it would likely be mid- to late January before anything could be in place. Mr. Otto added that staff will be starting work immediately on a plan.

Council's direction was for staff to move forward with the proposals that were presented.

## **20. Scheduling of Meetings, Other Events**

There were no meeting or other events scheduled.

## **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**

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

## **22. Adjournment**

There being no further business to come before the Council, Mayor Gates adjourned the meeting at 7:42 p.m.

---

John Gates, Mayor

---

Jerry Harvey, Assistant City Clerk

# Council Agenda Summary

January 5, 2021

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

**Title:**

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

**Summary:**

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

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

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

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

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

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

impacting Greeley in mid-to-late March. Based on the requests to defer the compensation adjustments, the City Council adopted ordinances that did not implement any compensation adjustments.

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

**Fiscal Impact:**

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

**Legal Issues:**

None anticipated.

**Other Issues and Considerations:**

None.

**Applicable Council Priority and Goal:**

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

**Decision Options:**

- 1) 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 January 19, 2021.

**Attachments:**

Ordinance



Summary of City Council Performance Review Comments

CITY OF GREELEY, COLORADO

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

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

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

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

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

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

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

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

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

ATTEST:

THE CITY OF GREELEY, COLORADO

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

CITY CLERK

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

MAYOR

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

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

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

**Fiscal Year 2019 Performance Highlights:**

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

**Fiscal Year 2019 Performance Goals:**

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

**Performance Focus Area**

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

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

**Other Council Comments:**

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

# Council Agenda Summary

January 5, 2021

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

**Title:**

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

**Summary:**

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

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

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

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

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

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

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

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

**Fiscal Impact:**

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

**Legal Issues:**

None anticipated.

**Other Issues and Considerations:**

None.

**Applicable Council Priority and Goal:**

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

**Decision Options:**

- 1) 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 January 19, 2021.

**Attachments:**

- Ordinance
- Summary of City Council Performance Review Comments

**CITY OF GREELEY, COLORADO**

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

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

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

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

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

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

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

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

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

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

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

ATTEST:

THE CITY OF GREELEY, COLORADO

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

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

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

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

Council Comments: Under Judge Gonzales’ leadership the Municipal Court is positive and moving in the right direction; shows dedication to the City and getting the right thing done

**Fiscal Year 2019 Performance Highlights:**

Council Comments: Improved data collection; increased revenue; increased efficiency; developed teamwork among various groups

**Fiscal Year 2019 Performance Goals:**

Council Comments: Building team; better tracking systems

**Performance Focus Area**

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



Rating: Regularly Exceeds Expectations

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

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

Rating: Regularly Exceeds Expectations

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

**Court Room Management**

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

Rating: Regularly Exceeds Expectations

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

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

# Council Agenda Summary

January 5 , 2021

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

**Title:**

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

**Summary:**

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

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

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

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

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

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

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

**Fiscal Impact:**

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

**Legal Issues:**

None anticipated.

**Other Issues and Considerations:**

None.

**Applicable Council Priority and Goal:**

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

**Decision Options:**

- 1) 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 January 19, 2021.

**Attachments:**

Ordinance

Summary of City Council Performance Review Comments

**CITY OF GREELEY, COLORADO**

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

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

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

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

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

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

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

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

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

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

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

ATTEST:

THE CITY OF GREELEY, COLORADO

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

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

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

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

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

**Fiscal Year 2019 Performance Highlights:**

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

**Fiscal Year 2019 Performance Goals:**

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

**Performance Focus Area**

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

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

Rating: Occasionally Exceeds Expectations

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

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

Rating: Occasionally Exceeds Expectations

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

**Research & Legal Counsel**

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

Rating: Occasionally Exceeds Expectations

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

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

# Council Agenda Summary

January 5, 2021

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

Mike Garrott, Planning Manager, 970-350-9784

**Title:**

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

**Summary:**

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

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

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

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

**Fiscal Impact:**

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

**Legal Issues:**

Consideration of this matter is a legislative process.

**Other Issues and Considerations:**

None.

**Applicable Council Priority and Goal:**

Consistency with Comprehensive Plan and Development Code.

**Decision Options:**

- 1) 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 January 19, 2021.

**Attachments:**

Ordinance, with attachments  
Planning Commission Summary (Staff Report) December 8, 2020



CITY OF GREELEY, COLORADO

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

CASE NO. CU2020-0003

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

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

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

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

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

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

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

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

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

ATTEST:

THE CITY OF GREELEY

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

\_\_\_\_\_  
Mayor

Exhibit A

**Chapter 18.18**

**Notice**

**18.18.040 Public hearing notice.**

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

**18.30.055 Development Concept Master Plan.**

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

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

**Chapter 18.32**

**Planned Unit Development**

**18.32.160 Amendments to approved Final Plans.**

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

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

## Chapter 18.54

### Signs

(d) Freestanding and Monument sign.

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

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

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

**PLANNING COMMISSION SUMMARY**

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

**PROJECT:** Chapter 18 Development Code updates

**FILE NO:** CU2020-0003

**LOCATION:** (not applicable)

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

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

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

**PLANNING COMMISSION FUNCTION:**

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

---

**PROJECT OVERVIEW AND BACKGROUND:**

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

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

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

**KEY ISSUES / STAFF ANALYSIS:**

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

**NOTICE AND COMMENTS:**

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

**PLANNING STAFF RECOMMENDATION:** Approval

**PLANNING COMMISSION RECOMMENDED MOTION:**

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

**ATTACHMENTS:**

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

## ATTACHMENT A

### Annotated Explanation of Code Changes

~~Strikethrough~~ = Text removed, deleted

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

*Italicized* = Explanation

#### **Topic: Notice**

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

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

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

#### **Proposed Changes:**

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

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

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

### **18.30.055 Development ~~e~~ Concept ~~m~~ Master ~~p~~ Plan.**

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

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

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

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

## **Topic: Freestanding Signs Calculation**

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

### **Proposed Changes:**

## **Chapter 18.54**

### **Signs**

(d) Freestanding and Monument sign.

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

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

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



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

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

**18.30.055 Development Concept Master Plan.**

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

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

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

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

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

### Chapter 18.54

#### Signs

(d) Freestanding and Monument sign.

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

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

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

# Council Agenda Summary

January 5, 2021

**Title**

Pulled Consent Agenda Items

# Council Agenda Summary

January 5, 2021

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

**Title:**

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

**Summary:**

A mutual opportunity has arisen between the Greeley-Evans School District 6 and the City of Greeley. District 6 acquired the interior property at Boomerang with the intent to construct a Pre-K -8<sup>th</sup> grade campus. District 6 has proposed to coordinate with the City for relocation of several golf course fairways, irrigation facilities and non-potable system infrastructure, and to organize a mutually agreeable trade of real property, all resulting in more safe and efficient operations and land uses for both parties.

Background: The City's strategic work plan previously identified cross-departmental water infrastructure and efficiency projects that could be undertaken collaboratively to further the strategic goals of the City. One such project under progressive evaluation has been the non-potable water storage and conveyance facilities at the Boomerang Links Golf Course "South 9". For more than 20 years, the Water and Sewer Department has suspected that the ponds located on the South 9 leaked significantly. A 2017 analysis estimated that more than 250 acre-feet of water are wasted through pond seepage and inefficient systems. Lined storage and water conveyance can correct these inefficiencies and eliminate unnecessary pumping costs. There are annual assessment costs on the water currently being used inefficiently, and those assessments have a much better return on investment when the water is put to beneficial use for domestic drinking water or used more efficiently for outdoor irrigation. The efficiency improvements will limit the loss and waste of water that could otherwise be preserved in storage. Most of the water saved will be from the Greeley Loveland Irrigation System (GLIC), and the efficiency savings will be left in storage and available for potable treatment at the Boyd WTP for delivery to homes and businesses in the City.

The City has been seeking an opportunity, as far back as 2006, to coordinate land uses of the interior property adjacent to Boomerang in order to consolidate City land area and to re-build the leaky South 9 ponds. District 6 acquired the section's interior property from Banner mid-year in 2020 and announced plans to build a new school on a portion of the property. This planned development has been a catalyst for discussions about the most effective land use configuration and reconsideration of the vision of years prior for non-potable water storage and conveyance upgrades and

a land swap. Key staff from District 6, the City and design consultants have arrived at a general understanding that such an undertaking could be mutually beneficial and economical for the community. To accomplish the goals of the City and District 6, an intergovernmental agreement (IGA) has been developed.

IGA Terms: Through an IGA, the District will provide significant funding to the City while facilitating the relocation and play-improvement of three-and-a-half golf fairways, greens, ditches and ponds. When the fairways and greens have been relocated, the City and District 6 will conduct a nearly even swap of approximately 25± acres; to become a part the District 6's new school. This land swap would bring the additional benefit to the City of ownership and access of the existing pond area located adjacent to 4th Street, which will then be re-purposed for a lined non-potable water storage site. The project contributes to two Water and Sewer Department Strategic Work Plan goals; fist it contributes to the implementation of a non-potable irrigation water system that can better serve this area of the city; and it increases conservation of city water resources that can be kept in storage at Boyd lake for other uses. Water and Sewer is incrementally developing infrastructure, water and storage in the non-potable system, and the new regional pump station and storage in this area will advance that goal. New golf fairways will have lined water features, be equal or better in play than the current course configuration, more water wise and safer for all.

The core terms of real property exchange in the subject IGA require Council's approval by Ordinance. The dispossession of real property by state law (C.R.S.§ 31-15-713(1)(b)) requires an ordinance rather than a resolution.

This ordinance was introduced at the December 15, 2020 City Council Meeting.

**Fiscal Impact:**

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	\$7,583,930
What is the annual impact?	\$0
What fund of the City will provide Funding?	301 – Public Improvement and 406 – Water Capital Replacement
What is the source of revenue within the fund?	Operating Transfer from General Fund balance (Fund 301) and Water Rates (Fund 406)
Is there grant funding for this item?	Yes
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	No – Contribution defined by terms of IGA
Additional Comments:	W&S is accelerating non-potable pump station replacement, Golf is accelerating irrigation system replacement and District 6 is providing \$1,763,664 for the construction of 3.5 new fairways and greens and water features. See Additional Appropriations.

**Legal Issues:**

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

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

**Other Issues and Considerations:**

Additional appropriations budget request also before City Council on 12/15 for action to approve the expenditure of District 6 funds along with additional funds from the Water Enterprise and General Fund to support the accelerated capital project elements.

**Applicable Council Priority and Goal:**

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

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

**Decision Options:**

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

**Council's Recommended Action:**

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

**Attachments:**

Ordinance  
District 6 City of Greeley IGA  
Trade Property Map Exhibit  
Presentation

**THE CITY OF GREELEY, COLORADO**

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

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF GREELEY TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH GREELEY-EVANS SCHOOL DISTRICT 6 REGARDING RELOCATION OF A PORTION OF BOOMERANG LINKS GOLF COURSE, RECONFIGURATION OF NON-POTABLE IRRIGATION FACILITIES, AND LAND EXCHANGE**

**WHEREAS**, the City of Greeley (“City”) owns a parcel of land located at 7309 West 4th Street (the “City Property”) known as the Boomerang Links Golf Course (“Golf Course”); and,

**WHEREAS**, Greeley-Evans School District 6 (“District”) owns a vacant parcel of land adjacent and interior to the City Property (“District Property”) with plans to develop a K-8 school (“District Project”); and

**WHEREAS**, the District has identified an interest, as part of the District Project, in reconfiguring and improving access to the District Property; and

**WHEREAS**, the City has identified an opportunity, in alignment with the District Project, to make needed improvements to the Golf Course including reconfiguration and improvement of the recreation facilities and non-potable irrigation system infrastructure (“Golf Course Project”); and

**WHEREAS**, to facilitate the District Project and the Golf Course Project, the City and the District wish to exchange portions of the City Property (“City Exchange Property”) and District Property (“District Exchange Property”), as depicted on **Exhibit A**, (“Land Exchange”); and

**WHEREAS**, the District has agreed as part of the Land Exchange to compensate the City in the amount of \$1,763,664 toward the construction of the Golf Course Project; and

**WHEREAS**, the City has determined that, upon completion of the Golf Course Project, the City Exchange Property will not be needed for any public purpose and so may be conveyed, by exchange, to the District; and

**WHEREAS**, the City and the District have agreed to negotiate an Intergovernmental Agreement (“IGA”) to outline the terms and conditions of the Land Exchange and obligations related to the District Project and the Golf Course Project; and

**WHEREAS**, it is in the best interest of the citizens of the City to enter into an IGA with the District.

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

Section 1. The Greeley City Council authorizes the Mayor to execute the IGA, attached hereto and incorporated herein as **Exhibit B**.

Section 2. The Greeley City Council hereby ratifies all actions taken (not inconsistent with the provisions of this ordinance) by the officers, agents, and employees of the City in connection with the actions described above.

Section 5. This ordinance shall take effect five (5) days after its final publication as provided by the City Charter section 3-16.

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

ATTEST:

THE CITY OF GREELEY, COLORADO

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

\_\_\_\_\_  
Mayor

Attachment: Exhibit A – Boomerang Land Exchange Map  
Exhibit B – Boomerang IGA



INTERGOVERNMENTAL AGREEMENT FOR  
EXCHANGE OF REAL PROPERTY BY  
CITY OF GREELEY AND WELD COUNTY SCHOOL DISTRICT 6

THIS INTERGOVERNMENTAL AGREEMENT (the “Agreement”) is made and entered into this \_\_\_\_ day of December, 2020 (the “Effective Date”), by and between the **City of Greeley, a Colorado home rule municipality (the “City”)**, and **Weld County School District 6 (the “District”)**, a Colorado public school district, for the exchange of real property located in Weld County, Colorado

RECITALS

WHEREAS, in accordance with C.R.S. §31-15-101 and Article XX of the Colorado Constitution, the City is a home rule municipality with the power to acquire and dispose of real property on terms and conditions that it may determine and approve; and

WHEREAS, in accordance with C.R.S. §22-32-110(1)(b) and (e), the District is a political subdivision and body corporate with the power to purchase and sell real property on such terms and conditions as it may determine and approve; and

WHEREAS, under C.R.S. §29-1-2013, the City and the District may contract with one another to provide any function, service, or facilities; and

WHEREAS, the City owns real property located in Weld County, Colorado, which is part of the Boomerang Links Golf Course and is more particularly described on Exhibit A, attached hereto and incorporated by reference herein (the “City Property”); and

WHEREAS, the District owns real property located in Weld County, Colorado, which is part of a new PK-8 School and is more particularly described on Exhibit B, attached hereto and incorporated by reference herein (the “District Property”); and

WHEREAS, the District desires to acquire the City Property from the City for District purposes, including, but not limited to, providing better access to the new PK-8 School via 71st Avenue and 4th Street (the “School Project”); and

WHEREAS, the City desires to acquire the District Property from the District for City purposes, including, but not limited to, relocating portions of the Boomerang Links Golf Course (the “Golf Course Relocation”) and non-potable water transmission and storage facilities to better meet the needs of the City (the “Water Facilities Relocation”), together the “City Improvements”; and

WHEREAS, a party conveying property under this Agreement may herein be referred to as “Conveying Party” and a party receiving property under this Agreement may herein be referred to as “Receiving Party”; and

WHEREAS, the City and the District acknowledge and agree that an exchange of the properties is in each party's best interest; and

WHEREAS, the City and the District desire to enter into this Agreement to define the rights and obligations of each with respect to the exchange of the properties.

### AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals, incorporated by this reference, the sufficiency of which is acknowledged, the parties agree as follows:

1. Property.

a. Subject to the terms of this Agreement, the City agrees to convey to the District, and the District agrees to accept from the City, the City Property.

b. Subject to the terms of this Agreement, the District agrees to convey to the City, and the City agrees to accept from the District, the District Property.

2. Additional Consideration.

a. As additional consideration for the City Property and to offset the costs associated with the City Improvements, the District will pay the City the amount of \$1,763,644 at the Closing (the "Purchase Price").

b. In the event that the cost of the Golf Course Relocation is less than \$1,763,644, the City shall reimburse the District the cost difference upon the completion of the Golf Course Relocation.

c. In the event that the cost of the Golf Course Relocation exceeds \$1,763,644, the parties shall meet and confer in good faith about sharing in the cost of the overage, taking into account the benefits provided to the District by the Water Facilities Location. If the parties cannot agree on a cost-sharing arrangement, the matter shall be submitted to a mutually acceptable mediator for resolution. The cost of the mediator shall be divided evenly between the parties.

3. Property Information. Within thirty (30) days after the Effective Date, Conveying Party shall deliver to Receiving Party the following documents:

a. Copies of existing plans and specifications (if any), all utility agreements and reservations related to the property, existing surveys and plats, development agreements/plans, building plans, together with any other information or documents relating to the property that are reasonably requested by Receiving Party or that are in Conveying Party's possession or control.

b. All (i) licenses, permits, approvals, entitlements issued, approved or granted by all governmental authorities in connection with the property, (ii) covenants, conditions and

restrictions, easement agreements and other agreements or documents benefitting and/or burdening the property, and (iii) licenses, leases, consents, easements, rights of way and approvals obtained from private parties to make use of utilities and/or to provide vehicular and pedestrian ingress and egress for the property.

c. A title insurance commitment from Land Title Guarantee Company (“Title Company”), and copies of all documents referenced in the title commitment, in the name of Receiving Party, insuring its property in accordance with the standards set forth herein.

d. All environmental reports and information in Conveying Party’s possession or control, including, without limitation, any and all Phase I and Phase II Environmental Studies, and all related studies, reports and documents concerning the property.

e. All available soils/geotech reports and information in Conveying Party’s possession or control concerning the property.

4. Inspection.

a. During the period beginning on the Effective Date and ending one hundred eighty (180) days after the Effective Date (the “Due Diligence Period”), Receiving Party, its agents, employees, and contractors, shall have the right to enter upon the applicable property at all reasonable times for the purpose of doing any survey, Phase I or Phase II Environmental Studies, geotechnical or investigation as may be required by such party in its discretion to determine that such property is suitable for its intended purpose. Neither party shall permit any liens or encumbrances to arise against a property in connection with or as a result of such inspections, studies, or investigations.

b. Receiving Party has the right to terminate this Agreement, for any reason or no reason at all, by written notice to Conveying Party given on or before the expiration of the Due Diligence Period.

5. Survey. During the Due Diligence Period, Receiving Party may obtain, at Receiving Party’s expense, and may cause to be delivered to Conveying Party and Title Company an ALTA survey of the applicable property that is in a form acceptable to Title Company and is certified to Receiving Party, Conveying Party, and Title Company (“Survey”).

6. Platted Parcel.

a. During the period beginning on the Effective Date and ending two hundred seventy (270) days after the Effective Date (the “Government Approval Period”), Conveying Party shall cause the applicable property to be a separately platted parcel. The Governmental Approval Period includes the time for expiration of all applicable protest, appeal, and referendum periods without a protest, appeal, or referendum being filed (or if a protest, appeal, or referendum has been filed, then on the date that such protest, appeal, or referendum has been resolved on terms satisfactory to Receiving Party).

b. Conveying Party shall pursue all necessary approvals of the property as a separately platted parcel (the “Governmental Approvals”), including the recordation of a final plat or similar document in the real property records of Weld County, Colorado at its sole expense. Receiving Party shall cooperate with Conveying Party in its efforts to obtain the Governmental Approvals and will timely execute any and all applications, consents, and other documents reasonably requested by Conveying Party in connection therewith, at no cost to Receiving Party. Conveying Party will provide sufficient advance notice to Receiving Party of all meetings necessary to obtain Governmental Approvals to give Receiving Party an opportunity to attend such meetings; provided, however, that in no event will Receiving Party’s presence be a condition to Conveying Party attending or scheduling such meetings, and in no event will Conveying Party be required to delay or postpone any such meetings based on the availability of Receiving Party. Conveying Party will also deliver to Receiving Party copies of all submittals necessary to obtain Governmental Approvals contemporaneously with Conveying Party’s submittal thereof and copies of any comments or other correspondence received from the promptly upon Conveying Party’s receipt thereof.

7. Possession. The City shall deliver possession of the City Property to the District at Closing. The District shall deliver possession of the District Property to the City at Closing.

8. “As-Is” Conveyance. Each party acknowledges and agrees that the other party is conveying the applicable property in an “as is” condition, “where is” and “with all faults,” and without any warranty, express or implied.

9. Closing

a. Closing shall be held on or before the date that is fifteen (15) days after the expiration of the Government Approval Period, at a time and place mutually agreed to by the parties (the “Closing Date”). However, Closing is expressly contingent upon (i) the City Council of the City of Greeley approving the conveyance of the City Property by ordinance, in its discretion, on or before fifteen (15) days prior to Closing and (ii) the Board of Education of the District approving the conveyance of the District Property, in its discretion, on or before fifteen (15) days prior to the Closing.

b. The City and the District will cooperate with the Title Company (the “Closing Company”) to enable the Closing Company to prepare and deliver documents required for Closing to the City and the District and their designees. The parties shall furnish any additional information and documents required by Closing Company that are reasonably necessary to complete the conveyance of the properties. The parties shall sign and complete all customary and reasonably required documents at or before Closing.

c. Subject to each party’s compliance with the terms of this Agreement, Conveying Party shall execute and deliver a special warranty deed to Receiving Party at Closing conveying the applicable Property free and clear of all taxes and liens, except those exceptions accepted by Receiving Party.

10. Title Policy. As a condition to each party's obligation to close, Title Company shall deliver to Receiving Party at Closing an owner's policy of title insurance issued by Title Company as of the date and time of the recording of the documents set forth in the "Closing" Section, in a mutually acceptable amount, insuring Receiving Party as the owner of good, marketable, and indefeasible fee simple title to the applicable property, subject only to the specific exceptions in the title commitment that the Title Company has not agreed to insure over or remove and that Receiving Party has accepted. Notwithstanding the foregoing, Conveying Party shall remove all monetary liens affecting the applicable property as of Closing (except those caused by or with the written approval of Receiving Party).

11. Closing Costs. Each party shall pay its portion of the closing costs as follows:

Type of Cost	Paid By
Title Policy Premium	Conveying Party
Extended Coverage Endorsement	Receiving Party
Documentary, transfer, excise, sales tax and similar fees	Conveying Party
Recording Fees	Receiving Party
Title Company Fee	Split 50/50
Other Costs Not Specified	Local Custom

12. Prorations. Taxes and assessments if any will be prorated at Closing based on the most recent mill levy and most recent assessed valuation. All other income and ordinary operating expenses for or pertaining to the applicable property, including, but not limited to, public utility charges, maintenance and service charges, will be prorated to the Closing Date.

13. Risk of Loss. Risk of loss to a property due to fire, flood, or any other cause before the Closing Date, shall remain with Conveying Party. If a property is damaged before the Closing Date, then Receiving Party may terminate this Agreement by written notice to Conveying Party given within five (5) days after Receiving Party learns of the damage.

14. Term and Termination.

a. Subject to earlier termination as provided in the "Inspection" Section and the "Risk of Loss" Section, the term of this Agreement shall be from the Effective Date until the Closing Date or November 30, 2021, whichever first occurs.

b. In addition to termination as provided in the "Inspection" Section and the "Risk of Loss" Section, either party may terminate this Agreement for cause upon the material breach of this Agreement by the other party that is not cured within fifteen (15) days of receiving written notice of the breach. Upon such termination the parties will have no further obligations hereunder.

c. Termination of this Agreement shall terminate the rights and obligations of the parties except for such rights and obligations that have accrued prior to the date of termination.

15. Miscellaneous.

a. Governing Law/Venue. The laws of the State of Colorado shall govern the performance and interpretation of this Agreement. Venue for any dispute concerning the Agreement or to enforce any provision herein shall be exclusively in the federal court located in Colorado or the state court located in Weld County, Colorado.

b. No Assignment. This Agreement may not be assigned by either party without the other party's prior written consent.

c. Amendments to Agreement. No changes, alterations or modifications to any of the provisions hereof shall be effective unless contained in a written agreement signed by both parties.

d. Notices. All notices, requests, consents and other communications required or permitted under this Agreement shall be (as elected by the person giving such notice) (i) hand delivered by messenger or courier service, (ii) pre-paid first-class certified mail, return receipt requested, or (iii) emailed addressed to the respective party at the address set forth in this Section. Each such notice shall be deemed delivered (i) on the date delivered if by personal delivery, (ii) on the date received if by electronic mail; or (iii) three (3) days after postmark if mailed as provided in this Section.

To City:                   The City of Greeley  
                                  Attn: Lindsay Kuntz, Real Estate Manager  
                                  1000 10th Street  
                                  Greeley, CO 80631  
                                  Email: [lindsay.kuntz@greeleygov.com](mailto:lindsay.kuntz@greeleygov.com)

To District:               Weld County School District 6  
                                  Attn: Kent Henson  
                                  1025 9th Avenue  
                                  Greeley, CO 80631  
                                  Email: [khenson1@greeleyschools.org](mailto:khenson1@greeleyschools.org)

e. Counterparts. This Agreement and any amendments may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. For purposes of executing this Agreement, facsimile or scanned signatures shall be as valid as the original.

f. Waiver. A failure to assert any rights or remedies available to a party under the terms of this Agreement, or a waiver of the right to remedies available to a party by a course of dealing or otherwise shall not be deemed to be a waiver of any other right or remedy under this Agreement, unless such waiver of such right or remedy is contained in a writing signed by the party alleged to have waived his other rights or remedies.

g. Execution of Agreement. This Agreement contains the entire understanding of the parties and supersedes all prior understandings, agreements, or representations by or between the parties, whether oral or written, that in any way relate to the subject matter of this Agreement.

h. No Third-Party Beneficiaries. Nothing in this Agreement shall be construed to give any rights or benefits to anyone other than the parties.

i. Binding Agreement. This Agreement shall be binding upon and for the benefit of the parties hereto, their successors and assigns.

j. Severability. If any provision of this Agreement is ruled to be invalid or illegal, such ruling shall have no effect upon the remaining provisions, which shall be considered legally binding and given full effect.

k. Exhibits. "Exhibits" shall mean those exhibits that are identified in this Agreement and are attached to this Agreement or will be attached to this Agreement when complete information becomes available. Exhibits are specifically made a part of this Agreement by this reference.

l. Additional Documents or Actions. The parties agree to execute any additional documents or take any additional action that is necessary to carry out this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement.

CITY

DISTRICT

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

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

Attest:

Attest:

\_\_\_\_\_

\_\_\_\_\_

Exhibit A



## Exhibit B

4817-9808-8658, v. 2



- LAND TRANSFERRED FROM CITY GOLF COURSE TO DISTRICT 6 (~24.7 ACRES)
- LAND TRANSFERRED FROM DISTRICT 6 TO CITY GOLF COURSE (~24.7 ACRES)

20' EASEMENT FOR FUTURE WATER MAIN INSTALLATION

EASEMENT FOR DETENTION / WETLAND AREA (FINAL LOCATION TBD)

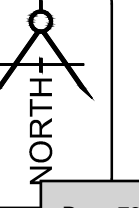
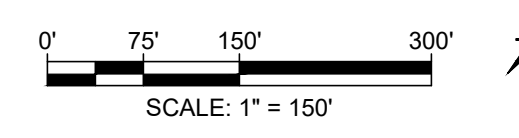
EXISTING PROPERTY BOUNDARY

PROPOSED PROPERTY LINE AFTER LAND TRANSFER

EXISTING IRRIGATION PIPING ON GOLF COURSE PROPERTY (WITH 20' EASEMENT)

SCHOOL SITE

**TOINTON ACADEMY OF PRE-ENGINEERING PK-8**  
PRELIMINARY LAND TRANSFER EXHIBIT



# Ordinance authorizing an IGA with School District 6 Regarding the Relocation of a Portion of the Boomerang Links Golf Course, Reconfiguration of Non-Potable Irrigation Facilities, and the Associated Land Exchange

2<sup>nd</sup> Reading and Public Hearing on 01.05.2021

Presented by Sean Chambers, Water & Sewer Director  
with Support by Real Estate, CPRD and Community Development

# Overview of IGA Collaboration Goals



***Existing property boundary configuration***

## **Project Goals:**

- More efficient non-potable water storage and conveyance for Boomerang Golf and the District 6
- Improved school site access for District 6
- Improve water storage and complete replacement of the Boomerang non-potable pump station best situated to provide for regional service
- Keep City whole for the costs associated with moving golf course to accommodate District 6
- Improved golf course safety for all citizens
- Support new D-6 campus
- Improved infrastructure
- Good governance



Property Trade Areas: **Green** will transfer from D-6 to City  
**Yellow** will transfer from City to D-6  
\*after new golf facilities are operable

## Summary of Transaction

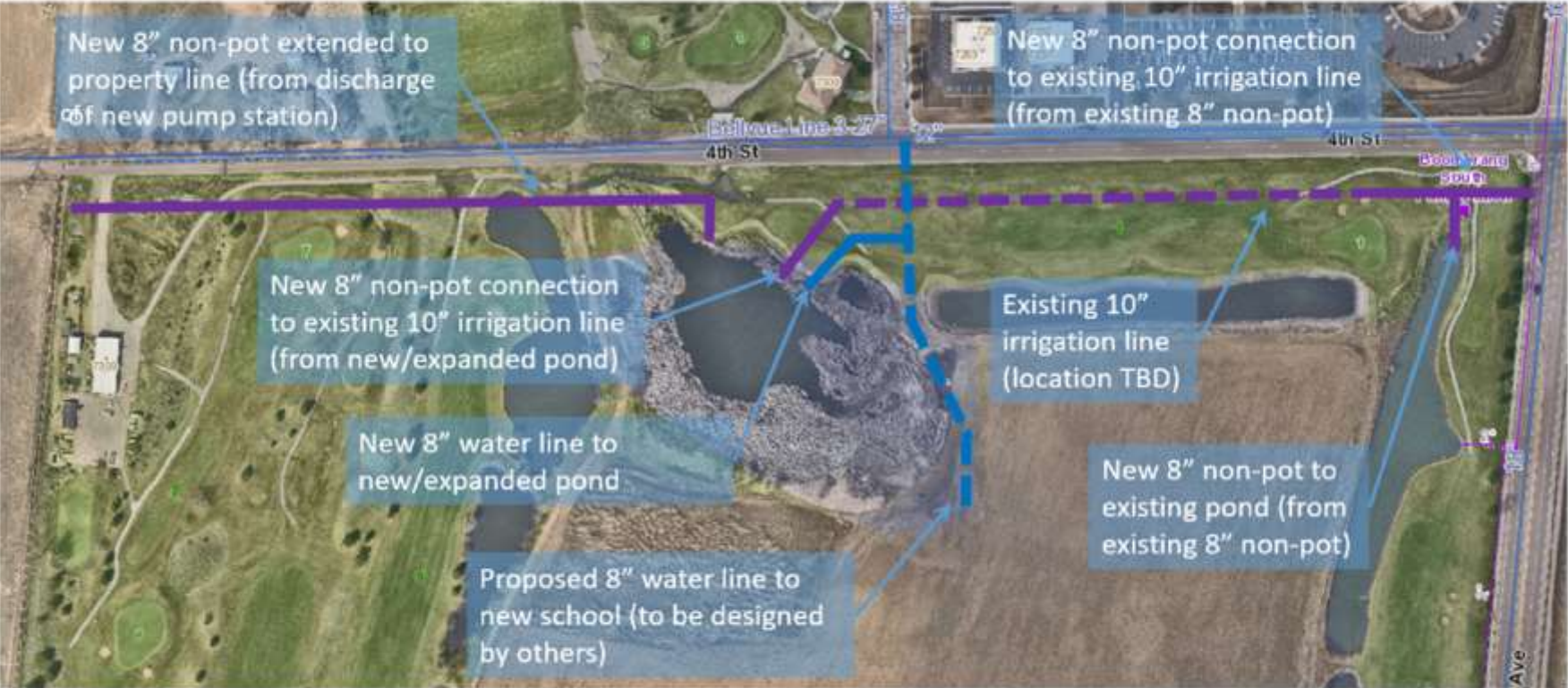
- **Current Boomerang Golf Operations will remain ongoing in the full 18 hole configuration pending the completion of 3.5 new fairways and greens in the area shown in Green**
- **D-6 contributes to relocation keep City whole**
- **Raw water conveyance, storage and pump stations will be reconfigured, lined and upgraded to minimize loss of irrigation water**
- **When new golf links and non-potable facilities are operational, the old facilities will be decommissioned and property transferred**
- **The Parties receive mutual benefit from the trade of approximately 24.7 acres each**

# City of Greeley Aspects of the Construction

- **Construction of 3.5 new fairways, including over lot grading, shaping, water hazard improvements, irrigation system installation, and establishment of turf surfaces**
    - **Design & Construction from Feb. 2021 through Q1 - 2022**
      - Phase 1 Environmental assessment by District 6 and Geotechnical sampling and analysis on future city golf course and non-potable infrastructure sites completed in 2020
      - License Agreement between the parties allows the parties to access, perform diligence and prepare for construction activities
      - District 6 by IGA contributing ~ \$1.76M to the reconstruction that allows the City and District to exchange lands that maximize uses, water efficiency and public purposes
      - W&S Dept. had budgeted more than \$350,000 for major irrigation water conveyance improvements
        - Improvements decrease leakage and waste on Boomerang, and thereby keep water in storage at Boyd Lake where it can serve other potable or non-potable demands.
        - W&S Dept. is contributing \$360K W.E.T.T.\* budget resources to the raw water conveyance efficiency upgrades on the new golf links
- \* = Water Efficiency Tactical Team

# Non-potable Conveyance System Upgrades and Reconfiguration

Figure 2—Project Site Plan



# City of Greeley Non-Potable Construction

**These actions advance the strategic goal of an improved city-wide non-potable network**

- Water & Sewer is in coordination with CPRD and Golf Course Consultant on Water Conveyance Design and Water Efficiency aspects of design and construction
- Water & Sewer will oversee the construction of new non-potable storage and a replacement pump station
  - New non-potable storage pond to be relocated
  - USACE determination on existing golf course pond near 4th St. maintenance shop as non-jurisdictional
  - A rebuilt and lined micro-storage reservoir will be served by raw water from 2 non-potable sources
    - Poudre River non-potable water resources from Greeley rights via 71<sup>st</sup> St. Pump Station
    - Big Thompson water resources from Boomerang Lateral Ditch of the Greeley Loveland Irrigation Company (GLIC)
  - W&S will serve future irrigation demands at school site and other properties with non-potable water
  - W&S Dept. budgeted for a total replacement of the Boomerang pump station in 2022
  - W&S has requested additional appropriation to expedite the pump station replacement
  - W&S has requested additional appropriation to develop reconfigured non-potable storage



# District 6 School Overview

## Tointon Academy of Pre-Engineering PK-8 school

Greeley-Evans School District 6 is designing a new Pre-K through 8th grade school to accommodate approximately 900 students.

Classes and curriculum will include the basic principles of engineering, and students will have the opportunity to explore careers in engineering-related fields.

The school will be located near the Boomerang Golf Course.

The Design Advisory Groups for this new school has been meeting since April, and the preliminary design of the school is completed and detailed design is ongoing.

The proposed IGA would create enhanced access, non-potable water for irrigation, and other efficiencies for the District 6 Campus  
- Long Term Non-Potable Water Rate



*Artist rendering of Tointon Academy Pre K-8 Campus*

# Staff Recommendation



**Multi-disciplinary team of Greeley staff have worked in collaboration to develop and refine the terms of the proposed agreement with Greeley-Evans District 6**

- Water & Sewer Dept. Engineering, Non-Potable, and Utility Finance Staff
- CPRD Leadership, Golf Course Operations and Golf Course consultants
- Real Estate
- Community Development and Planning

**The Staff team concludes the proposed project is of mutual benefit to the City of the Greeley and its Citizens**

**Staff recommend approval of the Ordinance authorizing the Intergovernmental Agreement with District 6 and the associated exchange of like amounts of real property**



Item No. 16.



# Questions ?

# Council Agenda Summary

January 5, 2021

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

**Title:**

COVID-19 Update

**Summary:**

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

# Council Agenda Summary

January 5, 2021

## Title

Scheduling of Meetings, Other Events

## Summary

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

## Attachments

Council Meeting/Worksession Schedule  
Council Meetings/Other Events Calendar

# City Council Meeting Scheduling

Current as of 12/31/2020

This schedule is subject to change

Date	Description	Sponsor	Placement/Time
January 12, 2021 Worksession Meeting	Natural Areas and Trails Strategic Plan Presentation	Andy McRoberts	0.25
	Impact Fee Discussion Update	Brad Mueller	0.75
	Housing Options/'Missing' Middle Types	Brad Mueller	
	Long Range Water Storage and Terry Ranch Diligence Update	Sean Chambers	0.50
	COVID-19 Update	Roy Otto	
January 19, 2021 Council Meeting	United Way Recognition	Anissa Hollingshead	Recognitions
	Ordinance - Intro - Landscape Code Update	Brad Mueller	Consent
	Ordinance - Intro - Amendments to the Greeley Municipal Code regarding Economic Nexus and the Obligation of Remote Sellers to Collect & Remit Sales Tax	John Karner	Consent
	Ordinance - Final - 2020 Retroactive Pay Increases to Council Direct Reports	Maria Gonzalez Estevez	Regular
	Ordinance - Final - Landscape Code Update	Brad Mueller	Regular
	Ordinance - Final - Miscellaneous Code Update	Brad Mueller	Regular
	COVID-19 Update	Roy Otto	Regular
Boards & Commissions Appointments	Anissa Hollingshead	Regular	
January 26, 2021 Worksession Meeting	COVID-19 Update	Roy Otto	0.25
	Household Occupancy Standards (Discussion of "Family" definition)	Brad Mueller	0.50
	Review of the Council Strategic Work Plan		
	Annual Review of the City Manager	Maria Gonzalez Estevez	Executive Session

# January 4, 2021 - January 10, 2021

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

**Monday, January 4**

**Tuesday, January 5**

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

**Wednesday, January 6**

**Thursday, January 7**

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

6:00pm - MPO (Gates/Payton)

**Friday, January 8**

**Saturday, January 9**

**Sunday, January 10**

# January 11, 2021 - January 17, 2021

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

**Monday, January 11**

**Tuesday, January 12**

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

**Wednesday, January 13**

**Thursday, January 14**

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

**Friday, January 15**

**Saturday, January 16**

**Sunday, January 17**



# January 18, 2021 - January 24, 2021

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

## Monday, January 18

## Tuesday, January 19

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

## Wednesday, January 20

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

## Thursday, January 21

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

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

## Friday, January 22

## Saturday, January 23

## Sunday, January 24

# January 25, 2021 - January 31, 2021

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

## Monday, January 25

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

## Tuesday, January 26

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

## Wednesday, January 27

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

## Thursday, January 28

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

## Friday, January 29

## Saturday, January 30

## Sunday, January 31

# February 1, 2021 - February 7, 2021

February 2021

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

March 2021

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

**Monday, February 1**

**Tuesday, February 2**

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

**Wednesday, February 3**

**Thursday, February 4**

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

6:00pm - MPO (Gates/Payton)

**Friday, February 5**

**Saturday, February 6**

**Sunday, February 7**

# Council Agenda Summary

January 5, 2021

## Title

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

## Council's Recommended Action

A motion to approve the above authorizations.

# Council Agenda Summary

January 5, 2021

**Title**

Adjournment