

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
February 21, 2023

1. Call to Order

Mayor Gates called the meeting to order at 6:00 p.m. in the City Council Chambers at 1001 11th Ave, Greeley, Colorado, with hybrid participation available via the City's Zoom platform.

2. Pledge of Allegiance

Mayor Gates led the Pledge of Allegiance.

3. Roll Call

Heidi Leatherwood, City Clerk called the roll.

Present:

Mayor John Gates

Councilmember Tommy Butler

Councilmember Deb DeBoutez

Councilmember Dale Hall

Mayor Pro Tem Brett Payton

Councilmember Ed Clark

Councilmember Johnny Olson

4. Approval of the Agenda

City Manager Lee had no changes to the agenda.

5. Recognitions and Proclamations

Mayor Gates read the Youth Art Month Proclamation for the month of March. Lauren Thurman and Joni Wilson were present in Council Chambers to accept the Proclamation.

Councilmember Hall presented *What's Great about Greeley?*

6. Citizen Input

1. Steve Teets spoke about housing needs and persons displaced in the apartment renovation.
2. David Meek spoke about the benefits for everyone when city staff connects with community members.
3. Edwin Grant spoke about Colorado energy resources, taxes, and debt.

7. Reports from Mayor and Councilmembers

Councilmember Olson spoke about the merge grant for US 34 and 35th and 47th. The city was not awarded the grant; however, staff is meeting with USDOT to debrief.

Councilmember Butler spoke about the 16th Street project and invited everyone to the downtown Freezy Days this weekend.

Mayor Gates met with Sharon Eberhard and Allison Dunning with Merry Makers who will hold an event at the Aims Community College Welcome Center with 65 balloon artists July 16-24, 2023, to fund Life Stories Child and Family advocacy.

8. Initiatives from Mayor and Councilmembers

Councilmember Clark thanked Steve Teets for his activism in the community and asked that staff connect with Mr. Teets regarding the displacement of residents that need housing.

Consent Agenda

- 9. Consideration of a motion to approve the City Council Work Session Proceedings of January 24, 2023, and the City Council Proceedings of February 7, 2023.**
- 10. Consideration of a Resolution Authorizing the City to Enter into the First Amendment to the Intergovernmental Agreement for Potable Water Interconnect with North Weld County Water District and East Larimer County Water District**
- 11. Consideration of a Resolution appointing Keith Coleman and Diane Knutson as Assistant Municipal Judges and Assistant Liquor Licensing Hearing Officers for the City of Greeley, Colorado**
- 12. Introduction and first reading of an Ordinance amending Title 24 of the Greeley Municipal Code by repealing Title 2, Chapter 9 (Metropolitan Districts) and enacting Title 24, Chapter 12 (Metropolitan Districts) and making amendments thereto**

Councilmember Butler moved to approve the Consent Agenda Items 9 -12. Mayor Pro Tem Payton seconded the motion. The motion passed 7-0 at 6:23 p.m.

End of Consent Agenda

13. Pulled Consent Agenda Items

None.

- 14. Public hearing and second reading of an Ordinance amending Title 24 of the City of Greeley Municipal Code to update the allowance for childcare centers/preschools and make various revisions and clarifications to development requirements**

Interim Community Development Director, Becky Safarik and City Planner, Caleb Jackson introduced the item with a presentation at 6:24 p.m.

With the adoption of the new Development Code in 2021, some subsequent amendments are necessary to correct omissions, technical errors, provide clarification, and include adaptations to achieve best practices.

The proposed updates include changes to minor variances, neighborhood meeting requirements, park land dedication formula, child care center/preschools as an allowed use in residential zones, home occupation, landscaping standards, and mailed notices for neighborhood meetings/public hearings.

Councilmember Hall asked about the clarification on “minor” variances. In response, Mr. Jackson replied that variances for setbacks, building location, or building height qualify as “minor” when they do not exceed 1 foot or 10 percent, whichever is less.

Councilmember Olson asked about the fees and who will be responsible for them. In response, Mr. Jackson replied that the fees will be the responsibility of the applicant per the adopted fee schedule of the city.

Councilmember Clark asked about Childcare Centers. In response, Mr. Jackson replied that childcare centers and childcare homes are different. Both uses are allowed, and this will allow the larger centers to apply in residential zones in the future.

Councilmember DeBoutez asked about home occupations, and illegal home occupations, especially related to Airbnb. In response to the question, Mr. Jackson replied that any home occupation that doesn’t meet the standard in the development code is not a legal home occupation. Furthermore, he offered that the City requires a business license and lodging taxes for this use.

Councilmember DeBoutez expressed her concern with Airbnb’s and the results of this use. She asked for staff to add the use of Airbnb’s to her initiative of neighborhood nuisance issues.

The Public Hearing opened at 6:35 p.m.

1. Edwin Grant spoke about his experience with easements.
2. Steve Teets spoke about home daycare centers.
3. Pastor Steven Grant asked about businesses who are remote and if this amendment would affect them.

The Public Hearing closed at 6:39 p.m.

Councilmember Olson moved to adopt the ordinance and publish by title only.
Councilmember Clark seconded the motion. The motion passed 7-0 at 6:40 p.m.

15. Public hearing and second reading of an Ordinance amending Title 12, Chapter 7 of the Greeley Municipal Code relating to vacant and abandoned buildings

Interim Community Development Director, Becky Safarik introduced the item with a presentation.

In September 2022, City Council adopted regulations related to a variety of noncriminal property code requirements to improve code compliance related to chronic nuisance situations. The approved code modifications also included specific treatment for abandoned and neglected buildings.

Councilmember DeBoutez asked if this amendment would help with the general welfare of the community and allow for the removal of neglected vacant buildings in downtown. In response, Ms. Safarik replied that the ordinance amendments would help with a timeline aimed at compliance.

Councilmember Butler asked when enforcement would begin. In response to the question, Ms. Safarik replied that the ordinance is effective 5 days after final publication and that staff has a list of properties that will be in violation. Ms. Safarik will work with staff on enforcement procedures to gathering evidence if such violations go to Administrative Hearings.

Councilmember Olson asked about the timeframe in the code and why compliance for property conditions and occupation was not the same. In response to the question, Ms. Safarik explained that this was consistent with neighboring municipalities.

Councilmember Clark asked about compliance for the property downtown that was been boarded up for over 20 years. In response to the question, Ms. Safarik replied that the property is on the list.

The Public Hearing opened at 6:56 p.m.
With no speakers, the Public Hearing closed at 6:56 p.m.

Councilmember Olson moved to amend the ordinance in Sec. 12-384. Definitions; Vacant or Abandoned Building; 2. “The property is not lawfully occupied for 60 days” (instead of 90) as proposed. Councilmember Butler seconded the motion. The motion passed 7-0 at 7 p.m.

Councilmember Olson moved to adopt the ordinance as amended and publish in full. Councilmember DeBoutez seconded the motion. The motion passed 7-0 at 7:01 p.m.

16. Appointment of applicants to the Citizen Budget Advisory Committee, Golf Course Advisory Board, Parks and Recreation Advisory Board, and Stormwater Board

City Clerk Leatherwood announced the appointments:

Citizen Budget Advisory Committee- Javier Alvarado Vega
Gold Course Advisory Board – Adam Klett
Parks and Recreation Advisory Board – Greg McIntosh, Monica Ramirez
Stormwater Board – Paul Henneck

17. Scheduling of Meetings, Other Events

None.

- 18. 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 any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements, and ordinances**

Councilmember Olson moved to approve the motion. Councilmember Clark seconded the motion. The motion passed 7-0 at 7:02 p.m.

- 19. Consideration of a motion to go into Executive Session to receive legal advice from the City Attorney and to determine positions, develop strategy, and give instructions to negotiators regarding 2023 collective bargaining with Greeley Firefighters**

Mayor Pro Tem Payton moved to approve the motion. Councilmember Butler seconded the motion. The motion passed 7-0 at 7:03 p.m.

- 20. Consideration of a motion to go into Executive Session for the purpose of completing the annual performance review of the City Council Appointees – City Manager, City Attorney and Municipal Judge**

Mayor Pro Tem Payton moved to approve the motion. Councilmember Butler seconded the motion. The motion passed 7-0 at 7:04 p.m.

21. Adjournment

Mayor Gates adjourned the meeting at 7:05 p.m.

19.The Executive Session was called to order at 7:11 p.m. to receive legal advice from the City Attorney and to determine positions, develop strategy, and give instructions to negotiators regarding 2023 collective bargaining with Greeley Firefighters. Present for participation in the Executive Session were all members of City Council plus the following:

Doug Marek, City Attorney
Noel Mink, Human Resources Director
Raymond Lee, City Manager
Paul Fetherson, Deputy City Manager
Brian Kuznik, Fire Chief

A motion to go into an Executive Session for a conferral with the City Attorney to receive legal advice and to determine positions, develop strategies, and provide instructions to negotiators regarding collective bargaining, as provided in C.R.S. 24-6-402(4)(b) and 24-6-402(4)(e)(I), and Greeley Municipal Code 2-151(a)(2) and 2-151(a)(5)

Mayor Gates cautioned each participant to confine discussion to the stated purpose and reminded that no formal action may occur in Executive Session. If at any point any participant believed that the discussion was going outside the proper scope of the Executive Session, participants were advised to interrupt the discussion and raise an objection.

The meeting concluded at 7:42 p.m.

20. The Executive Session was called to order at 7:45 p.m. for the purpose of completing the annual performance review of the City Council Appointees – City Manager, City Attorney and Municipal Judge

Present for participation in the Executive Session were all members of City Council.

A motion to go into an Executive Session to discuss the following matter as provided under C.R.S. Section 24-6-402(4)(f) and Greeley Municipal Code Section 2.151(6)(a): To discuss personnel reporting to the City Council.

Mayor Gates cautioned each participant to confine discussion to the stated purpose and reminded that no formal action may occur in Executive Session. If at any point any participant believed that the discussion was going outside the proper scope of the Executive Session, participants were advised to interrupt the discussion and raise an objection.

The meeting concluded at 8:35 p.m.

The recordings will be retained as provided in the City's records retention policy and in conformity with the Colorado Open Meetings Law for a period of 90 days.

Approved:

John D. Gates, Mayor

Attest:

Heidi Leatherwood, City Clerk