

**City of Greeley, ColoradoA
CITY COUNCIL PROCEEDINGS
September 20, 2022**

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

Mayor Pro Tem Brett Payton

Councilmember Tommy Butler

Councilmember Deb DeBoutez

Councilmember Dale Hall

Councilmember Ed Clark

Councilmember Johnny Olson

4. Approval of the Agenda

There were no changes to the agenda.

5. Recognitions and Proclamations

Councilmember DeBoutez shared "What's Great About Greeley" report.

Mayor Gates welcomed and introduced newly hired Donald Tripp, Deputy City Manager and Juliana Kitten, Assistant City Manager.

6. Citizen Input opened at 6:07 p.m.

No citizen input.

7. Reports from Mayor and Councilmembers

Councilmember Hall spoke about the Party for the Poudre fundraiser for the Poudre River Corridor on September 21 at 5:30 p.m. at Poudre learning Center.

Councilmember Butler spoke about National Voter Registration Day.

8. Initiatives from Mayor and Councilmembers

None.

Consent Agenda

9. Approval of the City Council Proceedings of September 6, 2022

10. Introduction and first reading of an Ordinance removing the Development Concept Master Plan (DCMP) from the Boomerang Ranch Phase 2 Development comprised of 31.26 acres of property located South of 10th Street, East of 83rd Avenue, North of 12th Street, and West of 80th Avenue (ZON2021-0005)
11. Consideration of a motion to approve a change order, in the amount of \$14,550.00, to the contract with hrQ for the Classification and Compensation Plan Study Project, bringing the revised contract amount from \$257,850.00 to \$272,400.00
12. Consideration of a Resolution authorizing approval of a CDOT grant agreement for \$2 million for the 16th Street Enhancement Project

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

End of Consent Agenda

13. Pulled Consent Agenda Items

None.

14. Consideration of A Resolution of the City Council of the City of Greeley, Colorado, authorizing City staff to enter into a settlement agreement with Rebecca Ries-Walter resolving all claims against the City of Greeley, its officers, and employees.

Mayor Gates had a conflict of interest on this item and recused himself. He left the meeting room at 6:12 p.m. Mayor Pro Tem Payton presided.

Deputy City Attorney, Stacey Aurzada stepped up to answer questions at 6:12 p.m. There were no questions.

Councilmember Hall moved to adopt the resolution. Councilmember DeBoutez seconded the motion. The motion passed 6-0 at 6:13 p.m. with Mayor Gates recused.

Mayor Gates returned to the meeting at 6:17 p.m.

15. Public hearing to consider a request to rezone approximately 42.01 acres of property located east of 71st Avenue, north of 8th Street, and northeast of 69th Avenue from Residential Estate (R-E) and Commercial Low Intensity (C-L) to Residential High Density (R-H) and second reading of an Ordinance changing the official zoning map to reflect the same (Cobblestone Rezone)

City Planner Kirsten Cote introduced the item at 6:18 p.m. with a presentation.

Applicant, Max Moss introduced a presentation at 6:21 p.m. Mr. Moss held a public meeting at St. Michael's Tavern with 34 people in attendance. The market study supports rezone to eliminate isolated small commercial areas.

In response to Councilmember Olson's questions about what kind of traffic model planning was done, City Engineer II Dylan Belanger answered that the city used an ITE Trip Generation to compare the a.m. and p.m. peak trips and total traffic generation. With the proposed rezone they concluded there would be a reduction overall. Mr. Moss explained the traffic pattern. Ms. Cote shared that any future development would require a full traffic impact study.

Councilmember Butler asked about the possibility to add an additional zone in between medium density and high density during the next update. Interim Community Development Director Becky Safarik will investigate.

The Public Hearing opened at 6:18 p.m.

1. Sue Foster spoke in favor.
2. Megan Devries stated she was not opposed but had concerns of increased traffic.
3. Stephanie Ludwigsen spoke in opposition and was concerned that the City isn't following the Code.
4. Chuck Cooper spoke in opposition and asked for clarification on the location of the proposed rezone.
5. Ariann Byerly spoke in opposition and has concerns about potential traffic increases and crime.
6. Adam Frasier spoke in favor.
7. Stacy Zuniga spoke in opposition.
8. Erik Staub spoke in opposition and stated concerns about the natural areas.
9. Mayor Gates read into the record emails the City Clerk's Office received.
 - a. Sharon Marker was in opposition.
 - b. Michael Niehaus was in opposition.
 - c. Samuel Garbiso was in opposition.
 - d. Steve Pratz was in favor.
 - e. Andrew Martin was in favor.
 - f. Jennifer O'Hara was in opposition.

No virtual participants wished to speak.

The Public Hearing closed at 7:08 p.m.

Council members spoke about the need for more housing options in the community. The increase of traffic in the St. Michael's community is something they are concerned about. Mayor Gates stated he supports growth projects; however, did not support this one due to the number of residents in opposition.

Mayor Pro Tem Payton moved to approve the request. Councilmember Hall seconded the motion. The motion passed by a voice vote 6-1 at 7:16 p.m with Mayor Gates voting nay.

Mayor Pro Tem Payton moved to adopt the Ordinance. Councilmember Hall seconded the motion. The motion passed 6-1 at 7:17 p.m. with Mayor Gates voting nay.

16. A public hearing to consider two Resolutions for approval of a Colorado Revised Statutes Title 32 Special District precedent to formation of a park and recreation district known as the Ash Park and Recreation District that would provide public facilities financing, operations, and maintenance

City Planning Manager Mike Garrott introduced the item at 7:17 p.m. with a show presentation.

This Special District would include trails, trail heads, lakes, public beaches, river restoration, fishing piers, wetlands, playgrounds, amphitheater, and a park. There were no residential uses proposed, and no issuance of debt was allowed. Revenue sources would come from property taxes, oil, and gas taxes.

The Service Plan was reviewed by city staff and was determined it is consistent with the City's long-range plan. Staff recommended approval of the formation of the Park and Recreation District.

Applicant Adam Frazier, with Richmark Development, gave a presentation on the Ash Park and Recreation District. The development of the district has been modified from the original presentation and the size has been reduced from about 458 acres to 125 acres. This amenity will be comparable to what is available in Windsor.

Applicant's Attorney, Zach White continued the presentation and was present for questions.

Councilmember Butler asked Attorney White what the timeline was to start building, will the park be dedicated to the City, and are there plans to put a Metro District around the Special District. In response, Attorney White said they would begin the design and engineer process right away, and a section of land in the plan would be dedicated to the City. Attorney White stated there are no current plans for residential development or intention of putting a Metro District around the proposed Special District.

In response to Councilmember DeBoutez's question about the process for the creation of the Special District, Attorney White explained the process.

The Public Hearing opened at 7:40 p.m.

1. George Hildred spoke in opposition.
2. Jane Stempel Arata spoke to clarify the Doeringsfeld and Aratas property that she mentioned in the emailed letter.
3. Stacy Zuniga spoke in opposition.

4. Jane Stempel Arata asked to clarify the settlement agreement. Mayor Gates allowed her to clarify the agreement with no further comment.

No virtual participants wished to speak.
The Public Hearing closed at 7:50 p.m.

Councilmember Clark spoke on the benefits of this development for the community. Councilmember Olson addressed the Varra Companies Inc. concerns and importance of working out the issues of the settlement agreement.

In response to Councilmember Butler's request for clarification if this park would be open to the public, Attorney White affirmed it would.

Mayor Pro Tem Payton moved to approve the request. Councilmember Olson seconded the motion. The motion passed 6-1 at 7:56 p.m. with Councilmember Butler voting nay.

Mayor Pro Tem Payton motioned to adopt the Resolution. Councilmember Hall seconded the motion. The motion passed 6-1 at 7:56 p.m. with Councilmember Butler voting nay.

Council took a recess from 7:56 to 8:03 p.m.

17. A public hearing to consider two Resolutions for approval of a Colorado Revised Statutes Title 32 Special District Consolidated Service Plan precedent to formation of ten interrelated metropolitan districts known as Delantero Metropolitan Districts Nos. 1-10 that would provide public facilities financing, operations, and maintenance.

City Planning Manager Mike Garrott introduced the item at 8:03 p.m. with a slide show presentation.

City staff has worked with the developer on the service plan and the proposal followed the required criteria within the Municipal Code.

Zach White, Attorney representing Apex Vista LLC and Rich Hillard made a presentation and were present for questions.

Councilmember Butler inquired about Mill Levy fees, estimated costs, timeline of this project and possible future changes in the development.

The Public Hearing opened at 8:40 p.m.
There were no speakers.
The Public Hearing closed at 8:41 p.m.

Councilmember Olson moved to approve the request. Mayor Pro Tem Payton seconded the motion. The motion passed 5-2 at 8:43 p.m. with Councilmembers Butler and DeBoutez voting nay.

Councilmember Olson motioned to adopt the Resolution. Councilmember Hall seconded the motion. The motion passed 5-2 at 8:44 p.m. with Councilmembers Butler and DeBoutez voting nay.

18. A public hearing to consider two Resolutions for approval of a Colorado Revised Statutes Title 32 Special District precedent to formation of a metropolitan district known as Two Rivers Marketplace that would provide public facilities financing, operations, and maintenance.

City Planning Manager Mike Garrott introduced the item at 8:44 p.m. with a presentation.

The Two Rivers Marketplace Development, as proposed, would provide commercial and retail space within the development. Offering amenities such as a pedestrian plaza for outdoor events with entertainment focused users such as restaurants, breweries, food halls and other similar venues. Approval of the proposed Service Plan and creation of the District does not create financial obligations for the City.

Councilmembers discussed the (a) 83rd corridor and dedication of the right of way, the timeline of this project, and costs of the district for users; and (b) need for more commercial retail and amenities in the area.

The Public Hearing opened at 9:06 p.m.

There were no speakers.

The Public Hearing closed at 9:07 p.m.

Councilmember Clark moved to adopt the Resolution. Councilmember Hall seconded the motion. The motion passed 6-1 at 9:07 p.m. with Councilmember Butler voting nay.

Councilmember Clark moved to adopt the Resolution approving the Intergovernmental Agreement between the City of Greeley and the Two Rivers Marketplace Metropolitan District, regarding the Service Plan for the District. Councilmember Hall seconded the motion. The motion passed 6-1 at 9:07 p.m. with Councilmember Butler voting nay.

19. Appointment of applicants to the Citizen Budget Advisory Committee, Commission on Disabilities, Historic Preservation Commission, Housing Authority, and Youth Commission.
The City Clerk read the recommended action or appointment to the various boards and commissions.

Citizen Budget Advisory Committee

- Recruit for additional applicants

Commission on Disabilities

- Kimberly Watson was appointed for a term of 3 years, 2025.

Historic Preservation Commission

- Gabriel Llanas was appointed for a term of 3 years, 2025.

Housing Authority

- Jennifer Padilla was appointed for a term of 5 years, 2027.

Youth Commission

- Lilliana Lopez was appointed for a term of 2 years, 2024.

20. Scheduling of Meetings, Other Events

None.

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 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 Hall seconded the motion. The motion passed with a voice vote of 7-0 at 9:08 p.m.

22. Adjournment

Mayor Gates adjourned the meeting at 9:08 p.m.

John D. Gates, Mayor

Heidi Leatherwood, City Clerk