

City of Greeley, Colorado  
**CITY COUNCIL PROCEEDINGS**  
January 17, 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, attending via zoom, 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 requested to postpone Item 20 to the next City Council meeting. City Council reached a consensus, and the executive session is postponed to January 24, 2023.

**5. Recognitions and Proclamations**

Mayor Gates read the Black History Month Proclamation recognizing February 2023 as Black History Month. UNC representative was not present in Council Chambers and the Proclamation will be mailed to Dr. Weaver-Douglas.

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

Mayor Gates welcomed Kimberly Southern-Weber to the City of Greeley in her new role of Chief Human Capital Officer.

**6. Citizen Input**

1. David Meek spoke about the Lyons Club in Greeley and its work with donating eyeglasses to individuals and dictionary donations to third graders.

**7. Reports from Mayor and Councilmembers**

None.

**8. Initiatives from Mayor and Councilmembers**

None.

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**Consent Agenda**

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**9. Approval of the City Council Proceedings of January 3, 2023**

**10. Introduction and first reading of an Ordinance Amending Section 20-62 and Adopting Section 20-64 for the Water & Sewer Department Updated Utility Design Criteria & Construction Specifications**

**Mayor Pro Tem Payton moved to approve the Consent Agenda Items 9 and 10. Councilmember Clark seconded the motion. The motion passed 7-0 at 6:15 p.m.**

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**End of Consent Agenda**

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**11. Pulled Consent Agenda Items**

**12. Public hearing and consideration of a Resolution to approve the Downtown 2032 - Plan Update**

Interim Community Development Director, Becky Safarik introduced the item with a presentation at 6:16 p.m.

The Greeley Downtown Development Authority (DDA) contracted with Progressive Urban Management Associates (PUMA) in 2021 to plan area redevelopment and investment strategy. The plan evaluated existing conditions via assessments to provide the recommendation. Technical review and community outreach incorporated priorities and core values to result in proposed strategies.

Key Strategy Summary:

1. Continue to stimulate infill development and redevelopment of underused sites
2. Encourage diverse and vibrant storefront use
3. Continue to diversify the housing base
4. Sustain and attract more primary employers and jobs
5. Cultivate Downtown economy that is relevant and welcoming to an array of community members

The Public Hearing opened at 6:30 p.m.

1. Bianca Fisher spoke as the Executive Director of the DDA and recapped the Downtown Master Plan. She thanked staff for its hard work and was excited about the momentum rising in the downtown area.

With no additional speakers, the Public Hearing closed at 6:32 p.m.

**Councilmember Butler moved to adopt the resolution. Councilmember Hall seconded the motion. The motion passed 7-0 at 6:33 p.m.**

- 13. Public hearing and second reading of an Ordinance changing the official zoning map of the City of Greeley, Colorado, from Holding-Agriculture (H-A) to Residential-High Density (R-H), changing the underlying land use designations for approximately 31.19 acres of property located north of and adjacent to 13th Street and the Fox Run Neighborhood, approximately 500' west of 59<sup>th</sup> Avenue, and approximately 580' south of 10th Street (ZON2021-0016)**

Planner II Meg Oren introduced the item at 6:33 p.m. with a presentation. She reminded Council that this item was initially scheduled for November 15, 2022, but the request of the applicant to continue the matter to this meeting was approved by council.

The applicant is looking to incorporate residential density in the area to support existing and future commercial properties located adjacent to the property to the north along 10th Street and to the east along 59th Avenue.

Notification to the public was sent and feedback was received. The Planning Commission considered the request, conducted a public hearing, and unanimously voted to recommend approval.

The Public Hearing opened at 6:50 p.m.

1. Kevin Kerrigan spoke about traffic concerns in the area regarding the new zoning request and asked about a traffic study.

With no additional speakers, the Public Hearing closed at 6:53 p.m.

**Mayor Pro Tem Payton moved to approve, based on the application received, the preceding analysis and Planning Commission recommendation, the proposed rezoning from Holding-Agriculture (H-A) to Residential-High Density (R-H) is found to be in compliance with Title 24-204(b). Councilmember Hall seconded the motion. The motion passed 7-0 at 7:00 p.m.**

**Mayor Pro Tem Payton moved to adopt the ordinance and publish by title only. Councilmember Hall seconded the motion. The motion passed 7-0 at 7:01 p.m.**

- 14. Public hearing and second reading of an Ordinance changing the official zoning map of the City of Greeley, Colorado, from R-H (Residential High Density) to MU-H (Mixed Use High Intensity), changing the underlying land use designations for approximately 1.722 acres of property located at 1603, 1611, 1613, and 1619 7th Avenue, located at the southwest corner of 16th Street and 7th Avenue (ZON2022-0008)**

Darrell Gesick, Planner III introduced the item with a presentation at 7:01 p.m.

The owners request a rezone of the subject property to allow for mixed-use development options. The applicant intends to provide a variety of uses that would provide services to the surrounding residential uses in the area. Some of the anticipated uses could include: office, therapeutic massage, counseling service, hair salon, and art studio.

Notification to the public was sent and feedback was received. The Planning Commission considered the request, conducted a public hearing, and unanimously voted to recommend approval.

In response to Councilmember DeBoutez's inquiry about whether the property was inside the DDA boundary, Ms. Safarik indicated that the property is not yet in a position to be considered a part of the boundary.

In response to Councilmember Olson inquiry about if the buildings would be repurposed on the properties, Mr. Gesick answered yes.

Jeff Kook, owner, and applicant spoke about the project and its purpose to enhance the community of downtown.

The Public Hearing opened at 7:07 p.m.

With no speakers, the Public Hearing closed at 7:08 p.m.

**Mayor Pro Tem Payton moved to approve, based on the application received, the preceding analysis and Planning Commission recommendation, the proposed rezoning R-H (Residential High Density) Zone District to the MU-H (Mixed-Use High Intensity) Zone District is found to be in compliance with Title 24-204(b). Councilmember Clark seconded the motion. The motion passed 7-0 at 7:09 p.m.**

**Mayor Pro Tem Payton moved to adopt the ordinance and publish by title only. Councilmember Clark seconded the motion. The motion passed 7-0 at 7:10 p.m.**

15. **Public hearing and second reading of an Ordinance changing the official zoning map of the City of Greeley, Colorado, from I-L (Industrial Low Intensity) to MU-H (Mixed Use High Intensity) for 7.8 acres located at 123 9<sup>th</sup> Avenue (ZON2022-0012)**

Mayor Pro Tem Payton recused himself at 7:11 p.m. and exited the room.

Caleb Jackson, Planner III, introduced the item with a presentation at 7:11 p.m.

The applicant requested a rezone of approximately 7.8 acres of land located at 123 9th Avenue from I-L (Industrial Low Intensity) to MU-H (Mixed Use High Intensity) zoning district. The applicant intends to repurpose the site with a mix of uses, including an initial phase of multi-family units.

Notification was sent out the public with no feedback received. The Planning Commission considered the request, conducted a public hearing, and voted unanimously to recommend approval.

Jodi Hartman, on behalf of the applicant made a presentation about the project. The property was received as a donation as a means to achieving affordable housing. The applicant, which also owns other affordable housing projects such as Stagecoach Gardens Apartments, La Casa Rosa Senior Apartments and Dacono Senior Apartments, anticipated completion of the project in four phases:

Councilmember Olson, who thanked Ms. Hartman and expressed his excitement about the project, inquired when construction would start. Ms. Hartman indicated that the process is long and is subject to being selected for the funding. If the project is funded right away, then construction could start in 2024 and leasing in 2025.

Councilmember Olson asked if this project is eligible for additional funding programs. Ms. Hartman said that this project would supply tax credits and are therefore not eligible for ARPA funding methods.

Councilmember Clark indicated his excitement about the project and asked for clarification if the premises would be used for individuals who were drug and alcohol free. In response, Ms. Hartman indicated that the model used for the project is “Housing First” Which is a national best practice model that keeps persons individually housed with the best chance of addressing their behaviors and addictions.

Councilmember Clark indicated his concern about violence such as in a recent police officer being stabbed at the cold weather shelter. Ms. Hartman offered that the program could screen applicants who will each be secured through a lease. This is only a small solution to a larger solution. City Manager Lee added that there is a distinction between what High Plains offers in a housing environment and what United Way offers in the means of a shelter environment.

Councilmember Butler commented that more homeless persons will need more help who need support with housing and addiction services. Councilmember Olson agreed that giving persons the healing support is vital.

The Public Hearing opened at 7:31 p.m.

With no speakers, the Public Hearing closed at 7:31 p.m.

**Councilmember Olson moved to approve, based on the application received, the preceding analysis, and Planning Commission recommendation, the proposed rezoning from I-L (Industrial Low Intensity) to MU-H (Mixed Use High Intensity) is found to be in compliance with Title 24-204(b). Councilmember DeBoutez seconded the motion. The motion passed 6-0 with Mayor Pro Tem Payton recused at 7:33 p.m.**

**Councilmember Olson moved to adopt the ordinance and publish by title only. Councilmember DeBoutez seconded the motion. The motion passed 6-0 with Mayor Pro Tem Payton recused at 7:33 p.m.**

Mayor Pro Tem Payton returned to the dais at 7:34 p.m.

- 16. Public hearing and second reading of an Ordinance Amending Sections 6-998, 6-1000, 6-1002 through 6-1009, 6-1013 and 6-1015 the City of Greeley Municipal Code of Ordinances Relating to Development Impact Fees**

Finance Director John Karner introduced the item with a presentation at 7:35 p.m and provided a brief overview of the information shared over the last 4 months.

In 2020, the City contracted with Raftelis Consulting to update its development impact fee schedule (2020 Development Impact Fee Study) in accordance with the Greeley Municipal Code requirement to review development fees every five years.

In 2020, City Council elected to suspend adoption of the study's fee recommendations, resulting in the continued use of a development fee schedule created in 2014. The continuation of fees at 2014 levels and unexpected level of new growth experienced over the past two years has combined to create an expanding funding gap between the fees collected and capital projects that can be constructed. Staff proposed adopting the study's recommended fees that were calculated to maximize the City's ability to cover the cost of new or enhanced infrastructure needed to support development growth.

The proposed fee structure is a three-tiered strategy which offers Equitable fee structure (lower cost for smaller units, higher cost for larger units). Development fees allow for municipalities to maintain existing levels of service and lay infrastructure for future growth.

Councilmember Clark asked about the option to reprioritize funds and equity of funds in lieu of fee increases. In response, Mr. Karner answered that if developers do not pay for growth, then the residents must pay for them. Future tax revenues are used for maintenance of service infrastructure.

The Public Hearing opened at 7:45 p.m.

1. Morgan Kidder from Journey Homes spoke about the large increase in developer's fees.

With no additional speakers, the Public Hearing closed at 7:48 p.m.

Mayor Gates commented that the increase in development fees was higher than he desired and suggested the option to increase by 50% this year with an additional 50% next year instead of all at once.

Mayor Pro Tem Payton expressed his displeasure with the tiered approach and not receiving information from staff about other options as requested.

Councilmember Butler asked for possible incentives to bring developers to Greeley.

Councilmember DeBoutez commented on the need for more data related to city services and the utilization of services. She added that inflation and the pandemic were all part of the equation to make this a difficult choice.

Councilmember Clark addressed steep inflation and indicated he was not supportive of the tiered system.

Councilmember Olson countered Councilmember Butler's approach of offering incentives when development costs were lower than other surrounding municipalities.

Councilmember Clark offered that the best approach would have been an incremental increase to developers, but the 2020 Council decision was to wait based on what was happening at the time.

**Councilmember moved to adopt the ordinance and publish by title only.**

**Councilmember DeBoutez seconded the motion. The motion passed 4-3 with Mayor Gates, Mayor Pro Tem Payton and Councilmember Clark voting Nay.**

**17. Appointment of applicants to the Commission on Disabilities, Civil Service Commission, Greeley Art Commission, Greeley Urban Renewal Authority, and Museum Advisory Board**

**City Clerk Leatherwood announced the appointments:**

- Commission on Disabilities- Martha Kyler was appointed.
- Civil Service Commission- Stephanie Welle was appointed.
- Greeley Arts Commission- Heather Utrata was appointed.
- Museum Advisory Board- Nancy Masimer was appointed.
- Greeley Urban Renewal Authority- Council recommended to recruit additional applicants.

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

None.

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

**Mayor Pro Tem Payton moved to approve the motion. Councilmember Butler seconded the motion. The motion passed 7-0 with a voice vote at 8:05 p.m.**

**20. 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**

**This item was continued to a future meeting.**

Post meeting note: This item will be on the agenda of the January 24, 2023, City Council Work Session.

**22. Adjournment**

Mayor Gates adjourned the meeting at 8:06 p.m.

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John D. Gates, Mayor

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Heidi Leatherwood, City Clerk