

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
June 07, 2022

1. Call to Order

Mayor Pro Tem Payton 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 Pro Tem Payton
Council Member Tommy Butler
Council Member Deb DeBoutez
Council Member Dale Hall
Council Member Ed Clark
Council Member Johnny Olson

Mayor Gates was absent (excused).

4. Approval of the Agenda

City Manager Lee announced that Item 12 will be removed from the agenda and the item will be set for a meeting at a later date.

5. Recognitions and Proclamations

Mayor Pro Tem Payton read the following proclamations:

- PRIDE Month- Received by Patricia Kennedy, President of PFlag Greeley
- Alzheimer's Disease and Brain Awareness Month- Received by Sarah Gostenik, Regional Director
- Juneteenth; Dr Janine Waver-Douglas was not able to attend.
- Greeley Stampede Days- Received by Justin Watada, General Manager of Greeley Stampede and Mic Harvey, Security Chair

Councilmember Butler presented "What's Great about Greeley."

Mayor Pro Tem Payton welcomed and recognized the new HR Director, Noel Mink.

6. Citizen Input

The Public Hearing opened at 6:21 p.m.

1. Steve Teets spoke about funding for bus options and other transportation needs.

2. Patrick Kelly spoke about the annexation/development project.

No virtual participants requested to speak.

The Public Hearing closed at 6:29 pm.

7. Reports from Mayor and Councilmembers

Councilmembers reminded residents to vote and drop off ballots at the ballot drop-off locations in the city.

8. Initiatives from Mayor and Councilmembers

Councilmember Butler asked for staff to research adding Planning Commission and Water Board meetings to be filmed and added on YouTube for viewing purposes. Councilmember Olson asked for a presentation on how the Front Range Passenger Rail District aligns with the City of Greeley.

Consent Agenda

Councilmember Butler moved to approve the Consent Agenda on Items 9-11. Councilmember DeBoutez seconded the motion. The motion passed 6-0 at 6:33 p.m. with Mayor Gates absent.

9. Approval of the City Council Proceedings of May 17, 2022

The Council action recommended and approved was to approve the City Council proceedings of May 17, 2022.

10. Acceptance of the Report of the City Council Work Session of May 24, 2022

The Council action recommended and approved was to accept the report of May 24, 2022.

11. Introduction and first reading of an ordinance conveying Easements for The Loveland Centerra Trail at Boyd Lake Water Treatment Plant

The Council action recommended and approved was to adopt the ordinance and set a public hearing for July 19, 2022.

12. **Introduction and first reading of an ordinance amending sections of the Greeley Municipal Code Title 22, Buildings and Construction, Chapter 2 (Building Code), Chapter 3 (Residential Code), Chapter 4 (Mechanical Code), Chapter 5 (Property Maintenance Code), Chapter 6 (Existing Building, Chapter 8 (Energy Conservation Code), Chapter 9 (Plumbing Code), Chapter 10 (Fuel Gas Code), Chapter 12 (Fire Code) And Chapter 13 (Mobile Homes)**

Item 12 removed and set for a future meeting.

End of Consent Agenda

13. **Pulled Consent Agenda Items**

None.

14. **Public Hearing and final reading of an ordinance authorizing the sale of city-owned property located in Section 4, Township 7 North, Range 66 West of the 6th P.M. in Weld County, Colorado (Balmer Farm).**

Water and Sewer Director Sean Chambers and Ag Water/Farm Assets Administrator Cole Gustafson introduced the item at 6:34 p.m.

The Public Hearing opened at 6:36 p.m.

The following spoke:

1. Steve Teets suggested the funds be put towards the public works infrastructure.
2. Edward Grant raised concerns about the rising cost of water.

The Public Hearing closed at 6:40 p.m.

Councilmember Clark moved to approve the ordinance. Councilmember Olson seconded the motion. The motion passed 6-0 at 6:41 p.m. with Mayor Gates absent.

15. **Public Hearing and Final Reading of an Ordinance Amending Chapter 15 of Title 14 of the Greeley Municipal Code relating to fireworks**

Chief Brian Kuznik and Chief Adam Turk introduced the item at 6:42 p.m.

The Public Hearing opened at 6:53 p.m.

The following spoke:

1. Steve Teets raised concerns about fireworks.
2. Steven Grant spoke in opposition.
3. Edward Grant spoke about firework objects landing on his roof.

No virtual participants wished to speak.

The Public Hearing closed at 6:59 p.m.

Councilmembers were concerned about the fines and possible penalties. Councilmembers asked if neighbors were able to help if police were not able to respond. Chief Turk added that an education campaign would be starting tonight to keep persons safe to include press release, social media posts and targeting hot spots. All communication would be consistent with Greeley Fire. Councilmembers were concerned about the fine being removed by participating in a class.

Councilmember Clark moved to amend the ordinance by striking Section 14.483(b) and (c) from the ordinance, thereby removing the option to waive the first-time offense fee by completing a city-sponsored or city-approved fire safety course. Councilmember DeBoutez seconded the motion to amend. The motion passed 5-1 at 7:02 p.m. with Councilmember Butler voting nay and Mayor Gates absent.

Councilmember Butler moved to approve the amended ordinance and publish in full. Councilmember DeBoutez seconded the motion. The motion passed 6-0 at 7:03 p.m. with Mayor Gates absent. Note: This second reading ordinance will be published in full due to the amendment.

- 16. Public Hearing and second reading to consider a request to rezone from PUD (Planned Unit Development – Centerplace) to MU-H (Mixed-Use High Intensity), changing the underlying land use designations for approximately 23.48 acres of property located south of Centerplace Drive, east of 47th Avenue and west of 35th Avenue and final reading of an ordinance changing the official zoning map to reflect the same (Watermark Rezone)**

Brittany Hathaway, Development Review and Civil Inspection Manager introduced the item at 7:04 p.m.

Applicant, Sam Coutts, Land Planner with Ripley Design and Mike Margeson, VP of Acquisitions of Thompson Thrift shared the presentation and answered questions.

Councilmembers asked if there were projections showing the need for additional apartments. Sam Coutts spoke about the market analysis for multifamily residential and showed a presentation with data about supply and demand currently in Greeley. Councilmembers also asked about the quality of the development and if that would positively impact surrounding businesses. Mike Margeson responded that the project contains luxury apartments with top-of-the-line finishes and higher market prices.

The Public Hearing opened at 7:10 p.m.

The following spoke:

1. Steve Teets asked questions that were relevant to the discussion about apartments and homelessness.

No virtual participants requested to speak.
The public hearing closed at 7:22 p.m.

Councilmember Butler moved to approve the motion to find that, based on the application received, accompanying analysis, and Planning Commission recommendation, the propose rezoning from PUD to MU-H is in compliance with Development Code Section 21-205 and therefore, approve the request. (Watermark Rezone). Councilmember DeBoutez seconded the motion. The motion passed 6-0 at 7:24 p.m. with Mayor Gates absent. (Not a roll call vote.)

Councilmember Butler moved to approve the ordinance. Councilmember DeBoutez seconded the motion. The motion passed 6-0 at 7:24 p.m. with Mayor Gates absent.

17. **Public hearing and final reading to consider a request to rezone from H-A (Holding Agriculture) to PUD (Planned Unit Development) for 822 acres of property located south of U.S. Highway 34, west of State Highway 257, and east of CR 17, and final reading of an ordinance changing the official zoning map to reflect the same (Delantero Rezone)**

Planner II, Darrell Gesick, introduced the item at 7:25 p.m.

Councilmembers asked about traffic and working with CDOT. Director of Public Works Paul Trombino responded that the City is currently working with the state. Councilmember DeBoutez asked about the cost of city services and was concerned about infrastructure and emergency response due to the development's location and affordability requirements for this project. City Manager Lee responded that this is part of a larger conversation, and Council can make changes to development fees for future applications. Metro District discussions will come back to the Council later. Staff offered that commercial space is being offered and there were no affordable housing requirements tied to this project.

Councilmembers asked about access and future discussions on 28th Street regarding connectivity. Paul Trombino, spoke about the master plan and movement between neighboring communities. Councilmembers also asked about costs of development, underfunding per unit and annexation dates. Interim Community Development Director, Becky Safarik added information about a Growth Initiative ballot question and that many landowners accepted annexation in anticipation of future development limitations.

Councilmembers asked about the lower costs of development with surrounding communities and the concern about building residential with little to no commercial retail to bring in sales tax revenue. Darrell Gesick pointed out that there is no ability to bring in commercial in advance of residential development, and the market usually dictates the need for those services.

Deputy City Manager, Paul Fetherston reported that the cost per residential unit nationally is that for every \$1.00 received in taxes the city will spend \$1.19 for services to those units.

Applicant representative, Ken Puncerelli, LAI Design Group shared the presentation at 7:44 p.m.

The Public Hearing for both Items 17 and 18 opened at 8:16 p.m.

The following spoke:

1. Steve Teets spoke in opposition.

No virtual participants requested to speak.

The Public Hearing closed at 8:20 p.m.

Note: The motion in the Agenda Summary was incorrect. City Attorney, Doug Marek updated the motion.

Councilmember Hall made a motion that, based on the application received, accompanying analysis and Planning Commission recommendation, the proposed from H-A (Holding Agriculture) to PUD (Planned Unit Development) for approximately 822 acres of property located south of Highway 34 west of State Highway 257, and east of CR 17, known as the Delantero rezone. Councilmember Clark seconded the motion. The motion passed 4-2 at 8:24 p.m. with Mayor Gates absent. (Not a roll call vote.)

Councilmember Hall moved to approve the ordinance. Councilmember Clark seconded the motion. The motion passed 4-2 at 8:24 p.m. with Councilmembers Butler and DeBoutez voting nay and Mayor Gates absent.

18. Public hearing to consider approval of the Delantero Preliminary PUD Plan for property located south of Highway 34, west of State Highway 257, and east of CR 17

This item was presented with Item 17. See above.

Councilmember Clark moved to approve the Delantero Preliminary PUD Plan for property located south of Highway 34, west of State Highway 257, and east of CR 17. Councilmember Olson seconded the motion. The motion passed 4-2 at 8:28 p.m. with Councilmembers Butler and DeBoutez voting nay and Mayor Gates absent. (Not a roll call vote.)

19. Public hearing to consider a request to rezone from I-L (Industrial Low Intensity) to R-H (Residential High Density), changing the underlying land use designations for approximately 15.433 acres of property located at 712 71st Avenue and final

reading of an ordinance changing the official zoning map to reflect the same (HP Rezone)

Planner II Kristin Cote introduced the item at 8:28 p.m.

Councilmembers asked about the steps that lead to the request for R-H (Residential High Density) instead of R-M or R-L. Becky Safarik responded that the current request matched the surroundings.

Applicant representative Kelsey Bruxter from LaSalle Investors LLC spoke at 8:37 p.m. She noted that I-L Zoning was from the previous HP uses. The intent is to make the zoning compatible with current surrounding development.

Councilmembers asked about if the traffic study was conducted after West Ridge Academy was built. The consultant confirmed that it was. Council also asked about parking and walking distance to schools. Brian Bartels answered questions.

The Public Hearing opened at 8:46 p.m.

The following spoke:

1. Trish Trombino spoke in opposition.
2. Kimberlee Tiba spoke in opposition.
3. Dana Davis spoke in opposition.
4. Dakota Kutz spoke in opposition.
5. Mara Watson spoke in opposition.
6. Levon Petrosyan spoke in opposition.
7. Trisha Shannon spoke in opposition.
8. Ed Grant spoke about pros and cons.
9. Steve Teets spoke in opposition.
10. Shantelle Petrosyan spoke in opposition.

No virtual participants requested to speak.

The Public Hearing closed at 9:11 p.m.

Attorney Patrick Groom for LaSalle Investors spoke about the zoning and noted that it is a change of zoning and not a site plan as no specific project is intended for this project at this time. Brian Bartels, the applicant the goal is to give the property the most flexibility and the I-L zoning no longer fits the site. All future projects will come through the appropriate process.

Council deliberated about I-L not meeting the current need, but R-H may not be the correct zoning either. Discussion ensued. Patrick Groom reapproached the Council and requested the item be continued to a future date.

Councilmember Butler moved to continue the item to the July 19 City Council Meeting. Councilmember DeBoutez seconded the motion. The motion passed 6-0 at 9:25 p.m. with Mayor Gates absent.

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

Council Member Olson moved, seconded by Council Member Butler, to approve the above authorizations. The motion carried 6-0 at 9:26 p.m. with Mayor Gates absent.

22. Adjournment

Mayor Pro Tem Payton adjourned the meeting at 9:26 p.m.

John D. Gates, Mayor

Heidi Leatherwood, City Clerk