

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
December 07, 2021

1. **Call to Order**

Mayor John 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 to the American Flag.

3. **Roll Call**

Anissa Hollingshead, City Clerk, called the roll.

PRESENT

Mayor John Gates

Council Member Tommy Butler

Council Member Deb DeBoutez

Council Member Dale Hall

Council Member Johnny Olson

Council Member Ed Clark

Council Member Brett Payton

4. **Approval of the Agenda**

The agenda was approved as presented.

5. **Recognitions and Proclamations**

Council Member Clark presented the *What's Great About Greeley* Report.

6. **Citizen Input**

Steve Teets, Greeley resident, came forward and offered remarks including congratulations on the results of the election, and asking about the status of the information requested about Lamar Transportation. Public Works Director Paul Trombino indicated that the Citizen Transportation Committee addressed this at their most recent meeting and followed up with Mr. Teets. Mr. Teets also stated a desire to see more protective bus shelters in place.

Michelle Kimpleman, Greeley resident, read written remarks asking the Council to take a new look at railroad quiet zones and look at the entire corridor on behalf of the Colorado Model Railroad Museum.

7. **Reports from Mayor and Councilmembers**

Council Member Olson reported on his first North Front Range meeting, where the new four year plan being requested by CDOT was reviewed, and noted several key roads impacting Greeley as part of the plan.

Mayor Gates reported on attending the Menorah lighting the previous week with Council members Butler and Payton, as well as Interim City Manager Raymond Lee. He thanked the Downtown Development Association for their work on this as well. He also noted his attendance at the Northern Colorado Housing Summit as an invited guest at the Sweetheart Winery, with speeches from two economists on the rapid growth of Weld County and Greeley in particular. He also shared regarding his attendance at the Community Grief Center Bites of Hope event, noting their service to the community.

Council Member Butler also offered thanks to the Fire Department for their involvement in the Menorah lighting, and the desire to see that on an ongoing basis.

8. Initiatives from Mayor and Councilmembers

Council Member Hall provided an update on the Poudre River Trail Narrows project, and the work the committee has been doing on that. In the last six months, about 30 feet of the trail has started becoming undermined and must be shored up immediately, likely requiring some short term dollars, while awaiting a longer solution. There is also some rock shale coming down onto the trail itself that needs to be addressed. Staff with the Natural Area Trails is working diligently with stakeholders on this.

Council Member Butler asked for consensus to bring railroad quiet zones and the overall safety in that area to a future meeting as a discussion, preferably with opportunity for some public input. Mayor Gates noted Public Works Director Trombino is already working on this.

Council Member Olson requested consensus for the formation of a committee for implementation of a funding strategy for 35th and 47th interchanges, to formulate a plan to get those interchanges funded. Mayor Gates asked for clarification of what would be proposed in addition to what MPO and the state are already doing in this area. Council Member Olson clarified he is looking to build on the existing work with a greater focus on pursuing funding opportunities and strategies specifically, including taking advantage of new funding. There was consensus to proceed, and Mayor Gates asked Council Member Olson to follow up with City Manager Lee and Director Trombino on what he would like to see going forward in this realm.

Consent Agenda

Council Member Olson requested that items 10, 12 and 13 be removed from the Consent Agenda.

Council Member Butler moved, seconded by Council Member Last, to approve the recommended actions on items 9-19.

The motion carried 7-0 by roll call vote.

9. Approval of the City Council Proceedings of November 16, 2021

The Council action recommended and approved was to approve the City Council proceedings of November 16, 2021, as presented.

10. Introduction and first reading of an Ordinance amending Title 20 of the Greeley Municipal Code concerning the use of non-potable water supplies for irrigation and the assessment of plant investment fees when non-potable water is utilized

This item was pulled from the consent agenda to allow for discussion.

11. Introduction and first reading of an Ordinance authorizing the sale of city-owned property located in Section 16, Township 7 North, Range 66 West of the 6th P.M. in Weld County ("McWilliams Farm")

The Council action recommended and approved was to introduce the ordinance and schedule the public hearing and second reading for January 4, 2022.

12. Consideration of a Change Order in the amount of \$113,321 for Cameron Peak fire mitigation work performed by Ayres Associates

This item was pulled from the consent agenda to allow for discussion.

13. Introduction and first reading regarding an Ordinance providing for the issuance by the City of Greeley, Colorado of its Water Revenue Bonds, Series 2022, in a principal amount not to exceed \$77,500,000, for the purpose of financing improvements, betterments, extensions and expansions of the City's water system; providing for the delegation to City Officers of Authority in connection with the competitive sale of the Series 2022 Bonds; providing for the payment of the Series 2022 Bonds from net revenues of the City's water system and pledging such net revenues therefore; providing for the form and terms of such Series 2022 Bonds, setting forth covenants and provisions concerning such Series 2022 Bonds, net revenues, and water system, and providing for other details in connection therewith; and ratifying prior actions relating to the foregoing

This item was pulled from the consent agenda to allow for discussion.

14. Consideration of a Resolution concerning the proposed City of Greeley, Colorado, Water Revenue Bonds, Series 2022; authorizing the receipt of competitive bids for the Series 2022 Bonds, including the use of an electronic bidding system therefor; and prescribing certain details concerning such public sale of the Series 2022 Bonds

The Council action recommended was to adopt the resolution.

Resolution No. 44, 2021, regarding proposed City of Greeley, Colorado, Water Revenue Bonds, Series 2022, to authorize competitive bids and use of an electronic bidding system and prescribing details regarding their public sale, was adopted.

15. Introduction and first reading regarding an Ordinance authorizing the issuance and sale by the City of Greeley, Colorado, acting by and through its Sanitary Water Enterprise, of First-Lien Sewer Improvement Revenue Bonds, Series 2022, in an aggregate principal amount not to exceed \$25,500,000, for the purpose of financing, in

whole or in part, the cost of additions and improvements to the sewer system operated by the Sanitary Water Enterprise, pledging certain funds and revenues of the enterprise to the payment of such bonds; prescribing the form of such bonds; and providing other details in connection therewith

The Council action recommended and approved was to introduce the ordinance and schedule the public hearing and second reading for January 4, 2022.

16. Consideration of a Resolution concerning the proposed City of Greeley, Colorado. First-Lien Sewer Improvement Revenue Bonds Series 2022; authorizing the receipt of competitive bids for the Series 2022 Bonds, including the use of an electronic bidding system therefor; and prescribing certain details concerning such public sale of the Series 2022 Bonds

The Council action recommended was to adopt the resolution.

Resolution No. 45, 2021, regarding proposed City of Greeley, Colorado, First Lien Sewer Improvement Revenue Bonds, Series 2022, to authorize competitive bids and use of an electronic bidding system and prescribing details regarding their public sale, was adopted.

17. Consideration of a Resolution approving the 2022 Budget for the Greeley Downtown Development Authority and appropriating funds for that budget

The Council action recommended was to adopt the resolution.

Resolution No. 46, 2021, approving the 2022 budget for the Greeley Downtown Development Authority and appropriating funds for that budget, was adopted.

18. Consideration of a Resolution establishing the 2021 Downtown Development Authority Tax Levy and directing the certification of the same to the Board of County Commissioners

The Council action recommended was to adopt the resolution.

Resolution No. 47, 2021, establishing the 2021 Downtown Development Authority Tax Levy and directing its certification to the Board of County Commissioners, was adopted.

19. Consideration of a Resolution appointing Greeley Police Deputy Chief Michael Zeller as the City of Greeley Representative to the Weld County E-911 Authority Board for a two year term

The Council action recommended was to adopt the resolution.

Resolution No. 48, 2021, appointing Michael Zeller to the Weld County E-911 Authority Board, was adopted.

20. Consideration of a Resolution authorizing the adoption of the Weld County 2021 Multi-Jurisdictional Hazard Mitigation Plan

The Council action recommended was to adopt the resolution.

Resolution No. 49, 2021, authorizing the adoption of the Weld County 2021 Multi-Jurisdictional Hazard Mitigation Plan, was adopted.

End of Consent Agenda

21. Pulled Consent Agenda Items

10. Introduction and first reading of an Ordinance amending Title 20 of the Greeley Municipal Code concerning the use of non-potable water supplies for irrigation and the assessment of plant investment fees when non-potable water is utilized

Sean Chambers, Water & Sewer Director, came forward to answer questions from Council. Council Member Olson requested potentially looking at a work session on this topic, and asked for more information about the costs associated with installation of non-potable assets and how overall costs to developers can be lower when installing a double system. He wants to know how we can make sure we are working with our development community. Director Chambers responded with information about key drivers in cost, including infrastructure and water rights, and the cost differential in resources being used in the non-potable system. Director Chambers also outlined the numerous outreach meetings held with the development community, and how their feedback was incorporated into the final policy. In response to questions about lot size, Director Chambers provided information about how this policy looked at the development code and how it defines different types of land use, which led to the definition with lot size thresholds.

Council Member Butler moved, seconded by Council Member Hall, to introduce the ordinance and schedule the public hearing and second reading for January 18, 2022. The motion carried 7-0 by roll call vote.

12. Consideration of a Change Order in the amount of \$113,321 for Cameron Peak fire mitigation work performed by Ayres Associates

Sean Chambers, Water & Sewer Director, came forward to answer questions from Council. Council Member Olson asked for clarification on whether this funding is coming from tap fees and federal dollars, or solely federal dollars. Director Chambers clarified the fund that the revenue is being drawn from includes tap fees, but the funds used for this project come 100% federal dollars. He also noted there is an associated expansion of work cost that is not 100% federal funds, as there is a match required, but there is no appropriation of funds required.

Council Member Payton, seconded by Council Hall, to approve the change order. The motion carried 7-0 by roll call vote.

13. Introduction and first reading regarding an Ordinance providing for the issuance by the City of Greeley, Colorado of its Water Revenue Bonds, Series 2022, in a principal amount not to exceed \$77,500,000, for the purpose of financing improvements, betterments, extensions and expansions of the City's

water system; providing for the delegation to City Officers of Authority in connection with the competitive sale of the Series 2022 Bonds; providing for the payment of the Series 2022 Bonds from net revenues of the City's water system and pledging such net revenues therefore; providing for the form and terms of such Series 2022 Bonds, setting forth covenants and provisions concerning such Series 2022 Bonds, net revenues, and water system, and providing for other details in connection therewith; and ratifying prior actions relating to the foregoing

John Karner, Finance Director, came forward to answer questions from Council. Council Member Olson asked if the \$77million bond is all Terry Ranch infrastructure. Director Karner clarified it is for Terry Ranch related projects as well as a couple other CIP projects. Council Member Olson noted this is a significant debt for the City, and asked how many bonds we have and what our debt bond ratios are. Director Karner indicated there is a distinction with these being enterprise bonds, and noted more information would be provided at the second reading on this item and also offered to provide more information to the Council member offline. In a response to a question about expected interest rates on bonds, Director Karner noted bond rates are still quite low.

Council Member Payton moved, seconded by Council Member Hall, to introduce the ordinance and schedule the public hearing and second reading for January 4, 2022. The motion carried 7-0 by roll call vote.

22. Public hearing considering the adoption of a Substantial Amendment (#3) to the 2020-2024 Consolidated Plan and 2020 Action Plan

Ben Snow, Economic Health and Housing Director, provided a verbal presentation on this item, noting the requirement of two public hearings for the adoption of a plan and any substantial amendments to it.

Mayor Gates opened the public hearing at 6:43 p.m.

Steve Teets, Greeley resident, came forward to comment on the shelter at Bonnell closing on December 31st. He noted the challenges in finding housing at this time, and how difficult it will be for people to find alternate housing, and the importance of the city finding alternate shelter locations.

Edwin Wayne Grant, Greeley resident, came forward to comment about his experience with a dog bite from a dog with a panhandler, noting how the issues with people experiencing homelessness is a worldwide issue, and need to be addressed.

There being no one further to speak, the public hearing was closed at 6:48 p.m.

Council Member Payton moved, seconded by Council Member Clark, to accept the substantial amendment as presented. The motion carried 7-0.

23. Public hearing to consider a request to rezone from C-L (Commercial Low Intensity) to C-H (Commercial High Intensity) with a DCMP (Development Concept Master Plan), for approximately 1.169 acres of property including adjacent right-of-way to centerline located at 2000 16th Street, known as the 2000 16th Street Rezone, and final reading of an ordinance changing the official zoning map to reflect the same

Brittany Hathaway, Planner, came forward to present as set forth in the presentation deck in the agenda packet.

In response to a question from Council about whether there was a subarea plan for the area, Planner Hathaway noted there was not yet.

In response to questions from the Council about if there weren't a drive through there, if it preclude putting a coffee shop there, the applicant came forward with information about the specific development plans and the role of the drive through. Planner Hathaway also helped answer additional questions from Council, including identifying the ingress and egress points, questions about buffering, and questions about other possible uses that could be possible if Starbucks didn't decide to go forward after the rezoning is done.

Krista Hopgens with the civil engineer for the project came forward on behalf of the applicant to provide a presentation as well, which has been placed in the public record. Other applicant representatives available included the real estate developer Verdad, traffic engineers, and representatives from Starbucks available remotely. The applicants requested additional conditions of approval in response to the discussion that occurred at Planning Commission, including to limit hours of operation to those conducive to coffee users specifically, from 5 a.m. to 9 p.m.

Hanny Lawrence with Verdad came forward and responded to requests from Council to not have a drive through to note the challenges to the industry due to COVID requiring drive throughs in all uses now, unless in a very urban area, like downtown Denver. John Aldrich, the project's traffic engineer, answered questions about projections for out years like 2045. He noted there wasn't anything in the transportation plan with projection of traffic on 16th street, and that the area is built out already, and won't add things that generally increase traffic overall.

Council discussed restrictions and what other conditions can be applied. Planner Hathaway noted restrictions could be captured in the DCMP – Development Concept Master Plan.

Mayor Gates opened the public hearing at 7:28 p.m.

Steve Teets, Greeley resident, came forward to share concerns as a community member in that area about more traffic in the area. He noted other restaurants have other ways of serving their customers.

Edwin Wayne Grant, Greeley resident, came forward to share his concerns about traffic congestion, and backups from cars like at Dairy Queen, as well as students walking over from Heath and Central.

There being no one further wishing to be heard in the Chambers or virtually, the hearing was closed at 7:31 p.m.

Council discussion on the project included the ability to set limits on operations, hours, and uses as part of the approval. Planner Hathaway provided information on how limits of operations or hours could be applied for general uses rather than just for drive through uses to better address concerns regarding the potential for something like a 24 hour convenience store with revised zoning in place.

City Attorney Doug Marek offered guidance to the Council on how it could formalize desired restrictions, including if it wished to accept the restrictions proposed by the applicant in its presentation, as part of its motion for approval, as well as the potential to add restrictions in the review process for development.

Formally add restrictions on the hours and that additional uses be restricted, for instance industrial uses, and want to restrict that in this neighborhood, as well as large retail that could be a high impact to the neighborhood.

Becky Safarik, Interim Community Development Director, provided information about how the applicant's proposed restrictions could be incorporated into the DCMP.

Council Member Hall moved, seconded by Council Member Payton, that based upon the project analysis and the testimony received that the ordinance be approved and published with reference to title only with the condition that the hours be restricted from 5 a.m. to 9 p.m.

Council Member Payton offered a friendly amendment to include the applicant's use restrictions presented at the meeting, which was accepted by Council Member Hall.

The motion to approve the ordinance and publish with reference to title only with the condition that the hours be restricted from 5 a.m. to 9 p.m. and to include the applicant's use restrictions as presented at the meeting carried 5-2 by roll call vote.

Ayes: Mayor Gates, Council Member Hall, Council Member Payton, Council Member Clark, Council Member Clark.

Nays: Council Member Butler, Council Member DeBoutez.

Ordinance No. 46, 2021, changing the official zoning map for the City of Greeley to reflect the approved rezoning of 1.169 acres of property to C-H, known as the 2000 16th Street Rezone, was adopted.

24. 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 2021 and for funds held in reserve for encumbrances at December 31, 2020

John Karner, Finance Director, presented as set forth in the presentation deck in the agenda packet on the fourth appropriation for 2021.

In response to a question from Council about whether the funds requested for additional appropriation included dollars for a police chief recruitment, Director Karner clarified recruiting funding included is for a CPRD (Culture, Parks and Recreation Department) Director.

Mayor Gates opened the public hearing at 7:54 p.m.

There being no one wishing to speak, the hearing was closed at 7:55 p.m.

Council Member Payton moved, seconded by Council Member Butler, to adopt the ordinance and publish it by reference to title only.

The motion carried 7-0 by roll call vote.

Ordinance No. 43, 2021, appropriating additional sums to defray the expenses and liabilities of the City of Greeley for the balance of the fiscal year of 2021 and for funds held in reserve for encumbrances at December 31, 2020, was adopted.

25. Public hearing and second reading of an Ordinance authorizing a Fiscal Year 2021 salary increase for the Municipal Judge

Paul Fetherston, Deputy City Manager, presented as set forth in the presentation deck in the agenda packet. A single presentation was provided on both items 25 and 26.

The public hearing was opened at 8:00 p.m.

There being no one wishing to speak, the hearing was closed

Council Member Hall moved, seconded by Council Member Olson, to adopt the ordinance and publish it by reference to title only.

The motion carried 7-0 by roll call vote.

Ordinance No. 44, 2021, authorizing a Fiscal year 2021 salary increase for the Municipal Judge, was adopted.

26. Public hearing and second reading of an Ordinance authorizing a Fiscal Year 2021 salary increase for the City Attorney

The public hearing was opened at 8:01 p.m.

There being no one wishing to speak, the hearing was closed.

Council Member Hall moved, seconded by Council Member Olson, to adopt the ordinance and publish it by reference to title only.

The motion carried 7-0 by roll call vote.

Ordinance No. 45, 2021, authorizing a Fiscal year 2021 salary increase for the City Attorney, was adopted.

27. Consideration of a Resolution of the Greeley City Council ratifying the Appointment of certain nominees to the Board of Trustees of the High Plains Library District

Dr. Matthew Hott was present to answer any questions about the appointment.

Council Member Butler moved, seconded by Council Member Payton, to adopt the resolution ratifying the appointment.

The motion carried 7-0 by roll call vote.

Resolution No. 50, 2021, ratifying the appointment of Joyce Smock to the Board of Trustees of the High Plains Library District, was adopted.

28. Scheduling of Meetings, Other Events

Interim City Manager Raymond Lee offered recommendations on upcoming meeting cancellations.

Council Member Butler asked for a COVID update at the first meeting in January.

Council Member Hall moved, seconded by Council Member Clark, to cancel the December 14 and 28 work session and the December 21 Council meeting.

The motion carried 7-0.

29. 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 Member Payton moved, seconded by Council Member Butler, to approve the above authorizations.

The motion carried 7-0.

30. Adjournment

There being no further business before the Council, the meeting was adjourned at 8:10 p.m.

John D. Gates, Mayor

Anissa N. Hollingshead, City Clerk