

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
August 02, 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
Council Member Tommy Butler
Council Member Deb DeBoutez
Council Member Dale Hall
Council Member Ed Clark
Council Member Johnny Olson
Mayor Pro Tem Brett Payton
4. Approval of the Agenda
None.
5. Recognitions and Proclamations
Councilmember Olson shared "What's Great About Greeley."
6. Citizen Input
 1. Steve Teets spoke about bus fees waived during August and the removal of bus shelters. He requested a copy of the Homelessness and Housing report presented at the July 26, 2022 meeting. (POST Meeting Note: This report is on the website at: <https://greeleygov.com/docs/default-source/default-document-library/greeley-homeless-and-housing-services-final-report.pdf>)
 2. Edwin Grant noted that he was not in support of pork barrel spending techniques.
7. Reports from Mayor and Councilmembers
 - Councilmember Olson reported on the Merge Grant presented to Governor Polis in Denver.
 - Councilmembers Hall and Butler attended a tour of Leprino.

- Mayor Gates noted the Community Outreach Center at 908 11th Avenue is open Tuesdays from 8:30 a.m. to 5 p.m. and Fridays from 8 – 11 a.m. for residents in need. He thanked staff who helped arrange the Annual Arts Picnic.

8. Initiatives from Mayor and Councilmembers
Councilmember Hall asked if staff could investigate whether street vendors (i) need permits; and (ii) are following safety protocol .

Consent Agenda

9. Consideration of a motion to accept the reports of the City Council Work Sessions for June 28, 2022, and July 12, 2022
10. Consideration of a motion to cancel the August 9, 2022, City Council Work Session
11. Consideration of a resolution authorizing the Mayor to enter a Memorandum of Understanding between the City of Greeley and Weld County regarding distribution of joint funding provided by the Bureau of Justice Assistance to the Greeley Police Department and Weld County Sheriff
12. Introduction, first 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 2022 and for funds held in reserve for encumbrances through December 31, 2021
13. Introduction and first reading of an ordinance authorizing the disposition of City Property located at 28th Street and 19th Avenue
14. Introduction and first reading of an ordinance changing the official zoning map of the City of Greeley, Colorado, from C-L (Commercial Low Intensity) to C-H (Commercial High Intensity) zone district for 2.11 acres of property located at 3115 35th Avenue (ZON2021-0017)

Councilmember Butler moved to approve the Consent Agenda. Councilmember Hall seconded the motion. The motion passed 7-0 at 6:22 p.m.

End of Consent Agenda

15. Pulled Consent Agenda Items
None.
16. Public hearing and second reading of an ordinance authorizing entry into an Intergovernmental Agreement regarding Bellvue Water Transmission Line Tap Transfers and Emergency Water Interconnect Operations with West Fort Collins

Water District and divestment of City-Owned water rights represented by shares of capital stock in the North Poudre Irrigation Company

Water and Sewer Director Sean Chambers introduced the item and shared the presentation at 6:22 p.m.

If approved, this project will transfer 35 tap customers from the Transmission main line to the water service provider in which they reside (to the West Fort Collins Water District).

The agreement obligates West Fort Collins Water District to construct the system connections and remove taps off the City's line by December 31 and requires Greeley to provide raw water in exchange for the taps to serve each of the transferred customers.

Construction of emergency interconnection will be paid for by Greeley which will provides water system resiliency and emergency operations for both municipal water providers.

Water and Sewer Board approved the IGA and found that it is consistent with its long-range strategic plan and recommended approval by the City Council.

The Public Hearing opened at 6:29 p.m.

There were no speakers.

The Public Hearing closed at 6:29 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 6:30 p.m.

17. Public hearing and final reading of an ordinance authorizing the sale of city-owned property located in SE¼ of Section 18, Township 6 North, Range 66 West of the 6th P.M. in Weld County, Colorado (Thayer Farm)

Water and Sewer Director Sean Chambers introduced Water Resource Administrator II, Cole Gustafson to present the item and shared a presentation at 6:30 p.m.

The farm is 131 acres in Weld County and purchased in 2019 with water shares. Water rights will be retained. Current offer is from LTS Performance Horses, LLC. and value aligns with comparable totaling 1.4 million.

Benefits to Greeley include the retention of water rights, reduced maintenance of overhead and the department could seek to re-appropriate water proceeds for additional water acquisition.

The Water and Sewer board approved the sale agreement and recommended approval by the City Council.

Councilmember Olson asked about using the water if needed. Greeley can terminate the lease if water is needed in an emergency.

The Public Hearing opened at 6:34 p.m.

1. Ed Grant spoke about the City of Thornton purchasing water from Eaton and the construction cost of the pipeline.

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

Councilmember Hall moved to adopt the ordinance and publish by title only. Councilmember Olson seconded the motion. The motion passed 7-0 at 6:37 p.m.

18. Public hearing and final reading of an ordinance amending Title 22, Buildings and Construction, relating to the adoption of the 2021 International Codes

Chief Building Official Tim Swanson introduced the item at 6:38 p.m.

Every 3 years, a code is adopted. An energy code – which must be updated periodically - is required for ISO compliance purposes.

In response to a question from Council member Olson regarding when a state code would be adopted, Mr. Swanson indicated 2025.

In response to a question from Councilmember DeBoutez about whether the building code addresses the Wildland Urban Interface (WUI), Mr. Swanson indicated that the WUI code has not been adopted and out of 15 responses from neighboring municipalities only 4 had adopted portions of the code of which most have made amendments. Fire Chief Brian Kuznik explained the basics of the WUI Code is identified as the point of transition where human infrastructure and building development meets up against open spaces. Since standards vary depending on the community, amendments are made to it. This code addresses several parts associated with density, materials used, space, emergency vehicle access, water supply and fire protection access and abilities. Staff must have the capacity to enforce the code.

In response to a question from Councilmember DeBoutez about whether the new code addresses energy conservation, electric vehicles ports and ADA access to residential homes, staff indicated that the 2021 code does not require these amenities to residential homes.

Mayor Gates mentioned the Marshall Fires and Councilmember Olson asked if "emergency" building permits are something that could be offered if such a tragedy would occur here. Fire Chief Kuznik responded that an emergency declaration would first have to be made and Interim Deputy City Manager/

Interim Community Development Director Safarik added that unless more than 50% of the structure is destroyed the current code does not apply.

The Public Hearing opened at 6:55 p.m.

1. Ed Grant spoke generally about codes and code adoptions from multiple governmental entities.
2. Steve Teets questioned if there would be any help to rebuild homes if there was a fire disaster.
3. Pastor Grant was concerned about fees from new codes that make it more difficult to obtain affordable housing options.

The Public Hearing closed at 7:02 p.m.

Councilmember Butler moved to adopt the ordinance and publish by title only. Councilmember DeBoutez seconded the motion. The motion passed 7-0 at 7:03 p.m.

19. Public hearing to consider a rezone from R-H (Residential High Density), C-H (Commercial High Intensity) and C-L (Commercial Low Intensity) to PUD (Planned Unit Development) for approximately 43.42 acres, and second reading of an ordinance changing the official zoning map to reflect the same

Planning Manager Michael Garrott introduced the Item 19 and 20 together at 7:03 p.m. and shared a presentation and indicated that the items would have separate public hearings.

The applicants were: Landscape Architect, Robert Molloy, Vice Chair, Erik Briscoe, Engineer, Derek Glosson, Vice President of Real Estate Development at Richmark Companies, Adam Frazier, and Executive Director of Habitat for Humanity, Cheri Witt-Brown.

The project includes a mix of areas, commercial school districts and light industrial to the north and east, undeveloped, and light industrial to the west, and future multi-family to the south, under construction with the City of Evans.

The Planning Commission approved the preliminary subdivision plat at the June 28, 2022, pending Council approval.

In response to a question from Councilmember Olson asked about setbacks, Mr. Garrott provided that setback reductions are due to the narrowness in width with the lot sizes. Cheri Witt-Brown responded that this new urban design allowed for alleyway access for the duplexes.

Ms. Witt Brown shared a presentation at 7:11 p.m.
The Public Hearing opened at 7:30 p.m.

1. Steve Teets spoke about income levels needed to apply to the program, and if the land being developed was farmland.

The Public Hearing closed at 7:32 p.m.

Councilmember Butler moved that based on the application received and accompanying analysis, the proposed rezoning from R-H (Residential High Density), C-H (Commercial High Intensity) and C-L (Commercial Low Intensity) to PUD is compliant with Development Code Section 24-204 and therefore approve the request. Councilmember Clark seconded the motion. The motion passed 7-0 at 7:34 p.m.

Councilmember Butler moved to adopt the ordinance and publish by title only. Councilmember Hall seconded the motion. The motion passed 7-0 at 7:34 p.m.

20. Public hearing to consider a request for approval of the Hope Springs PUD Plan for the property located north of 32nd Street and east of future 27th Avenue

The Public Hearing opened at 7:35 p.m.

There were no speakers.

The Public Hearing closed at 7:35 p.m.

Councilmember Olson moved to approve that, based on the project summary, and accompanying analysis, find that the proposed Hope Springs PUD plan is compliant with the Development Code. Councilmember Clark seconded the motion. The motion passed 7-0 at 7:36 p.m.

21. Appointment of an applicant to the Water & Sewer Board

City Clerk Leatherwood tallied the written ballots and announced the City Council appointment of **Harold Evans** to the Water and Sewer Board for a term of five (5) years expiring June 2027.

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

None.

23. 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 Butler moved to approve the authorizations. Councilmember Clark seconded the motion. The motion passed 7-0 at 7:37 p.m.

24. Adjournment

Mayor Gates adjourned the meeting at 7:37 p.m.

John D. Gates, Mayor

Heidi Leatherwood, City Clerk