

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
March 19, 2019

1. Call to Order

Mayor John Gates called the meeting to order at 6:30 p.m., in the Council's Chambers at the City Center South Campus, 1001 11th Avenue.

2. Pledge of Allegiance

Mayor Gates led the Pledge of Allegiance to the American Flag.

3. Roll Call

Cheryl Aragon, Deputy City Clerk, called the roll. Those present were Mayor Gates and Councilmembers Robb Casseday, Michael Fitzsimmons, Dale Hall, Brett Payton, Jon Smail and Stacy Suniga.

4. Recognitions and Proclamations

Councilmember Smail presented the What's Great About Greeley Report.

Mayor Gates presented a Proclamation recognizing National Volunteer Week to Becky Safarik, Assistant City Manager.

5. Citizen Input

Steve Teets, Greeley resident, spoke about the City's Food Tax Rebate Program going on until the end of May and of the 9 Health Fair making a stop in Greeley at the University of Northern Colorado Student Center. He also advised staff of the deteriorating condition of some of the roadways on Centepace Drive at 47th Avenue noting that the road is actually cracking.

Mayor Gates thanked Mr. Teets for his comments and noted that staff will take a look at the roadways mentioned.

6. Approval of Agenda

The agenda was approved as presented.

7. Reports from Mayor and Councilmembers

Councilmember Hall reported that the Colorado Municipal League (CML) is looking for ways to adjust SB-181 related to oil and gas and noted that he will be meeting with CML soon and is welcoming feedback on needed amendments that he can take to that meeting. He also reported that he was happy to attend the Water Rental Roundup that the City hosted at the Eaton Country Club noting that it was well attended and was very informative featuring great speakers.

Councilmember Smail reported on his attendance at the ribbon cutting at Planet Fitness and that Planet Fitness made a donation to the Boys & Girls Club of Weld County. He also spoke of the artist who was

recently selected who will be designing a transportation-related sculpture that will be located at the new Greeley-Evans Transit Center.

8. Petitions from Mayor and Councilmembers

Councilmember Payton reported that there is a “Red Flag Bill” sitting in the Colorado State Senate right now that came out of the House that has the potential to violate due process, so he petitioned Council to direct staff to work up an Ordinance that would grant the Greeley Police Department “safe harbor” from having to enforce that law should it become law. He stated that he prefers an ordinance over a Resolution like the County passed two weeks ago, and prefers the language “safe harbor” over “sanctuary” that the County used.

Councilmember Suniga stated that she is clear about what the County adopted, and noted that she is concerned for the police officers and for residents. She stated if the City proceeds with something on this issue, she will want to keep safety in mind for those with mental issues.

The general consensus of Council was to move forward with having staff draft some language for Council’s consideration.

Doug Marek, City Attorney, noted that he is already preparing for a meeting with the City Manager and the Police Chief to collect information on this matter. He added that he would welcome feedback from the Council as he prepares to comply with this petition.

Mayor Gates noted that he has a number of concerns with the Red Flag Bill as it stands today, and noted that it is important to balance the safety of residents and those with mental health needs. He stated that this Bill did not come out with an emphasis on mental health, and stated that if it had, he would feel differently about it.

Councilmember Hall provided an update on his trash petition noting that staff has diligently been working on it. During that time, he stated that Waste Management came along and bought Northern Colorado Disposal so dumpsters are overflowing, and service is not adequate. He stated that this is a very disturbing situation and expressed his disappointment with Waste Management. He expressed a hope that the Code Division of Community Development be considerate of this situation and have a willingness to work with citizens through this transition.

Councilmember Casseday reported that recycling opportunities have been discussed in the city. As a result of that same acquisition, he stated that the Recycle Center is now closed. He expressed concern that by default, the City has been handed this problem.

Becky Safarik, Assistant City Manager, confirmed that Code Compliance is in the process of communicating with Waste Management and that staff is working to not be heavy handed when it comes to violations.

Councilmember Suniga asked about the update to her petition about sidewalks near parks, and Roy Otto, City Manager, advised that the resolution to her petition was in the last agenda packet, March 5, 2019, along with a staff memorandum closing it out.

*** * * * Consent Agenda * * * ***

9. Approval of the City Council Proceedings of March 5, 2019

The Council action recommended was to approve the Proceedings.

10. Acceptance of the Report of the March 12, 2019 City Council Worksession

The Council action recommended was to accept the Report.

11. Consideration of a Resolution authorizing the City of Greeley to enter into a grant agreement between the City of Greeley and the State of Colorado, Division of Local Affairs, regarding receipt of grant funding provided by the Gray and Black Market Marijuana Enforcement Grant Program

The Council action recommended was to adopt the Resolution. (Resolution No. 10, 2019)

12. Consideration of a Resolution of the Greeley City Council authorizing the Greeley Police Department to assess reasonable fees for the actual costs incurred for the release of criminal justice records and authorized viewings of criminal justice records

The Council action recommended was to adopt the Resolution. (Resolution No. 11, 2019)

13. Consideration of a Resolution finding substantial compliance with state annexation laws for property known as the Jackson Annexation located at 245 83rd Avenue

The Council action recommended was to adopt the Resolution and set the public hearing for April 16, 2019. (Resolution No. 12, 2019)

14. Introduction and 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 2019 and for funds held in reserve for encumbrances at December 31, 2018

The Council action recommended was to introduce the Ordinance and schedule the Public Hearing and final reading for April 2, 2019.

15. Introduction and first reading of an Ordinance authorizing a salary increase for the City Manager

The Council action recommended was to introduce the Ordinance and schedule the Public Hearing and final reading for April 2, 2019.

16. Introduction and first reading of an Ordinance authorizing a merit pay increase for the City Attorney

The Council action recommended was to introduce the Ordinance and schedule the Public Hearing and final reading for April 2, 2019.

17. Introduction and first reading of an Ordinance authorizing a merit pay increase for the Municipal Judge

The Council action recommended was to introduce the Ordinance and schedule the Public Hearing and final reading for April 2, 2019.

18. Introduction and first reading of an Ordinance adopting various amendments to the Greeley Municipal Code Chapters, including repealing Chapter 16.60 (Historic Preservation Code) and Chapter 16.61 (Historic Preservation Low Interest Loan Program) and enacting Chapter 18.36 (Historic Preservation), Chapter 18.37 (Historic Preservation Low Interest Loan Program), and Appendix 18-L (Illustrative Flow Chart for Historic District Designation Process), and amending Appendix 18-B (Definitions)

This item was pulled from the Consent Agenda.

****** End of Consent Agenda ******

Councilmember Payton moved, seconded by Councilmember Hall to approve the items on the Consent Agenda and their recommended actions with the exception of Item No. 18. The motion carried: 7-0

19. Pulled Consent Agenda items

(18.) Introduction and first reading of an Ordinance adopting various amendments to the Greeley Municipal Code Chapters, including repealing Chapter 16.60 (Historic Preservation Code) and Chapter 16.61 (Historic Preservation Low Interest Loan Program) and enacting Chapter 18.36 (Historic Preservation), Chapter 18.37 (Historic Preservation Low Interest Loan Program), and Appendix 18-L (Illustrative Flow Chart for Historic District Designation Process), and amending Appendix 18-B (Definitions)

Mayor Gates reported that he received a long correspondence from the Greeley Area Realtors Association outlining several concerns with this ordinance.

He summarized by stating that members are concerned that these procedures will add processing time to building or demolition; that there is no justification for changing the definitions of significant or not significant; that the authorization for denial can be done without approval or notification to the property owner; and that there is no super majority requirement on votes by the Commission.

He noted that the public hearing on this item is set for two weeks out, so he wanted to get this concerns on the record for some discussion.

Mike Garrot, Planning Manager, introduced Betsy Kellums, Historic Preservation Specialist, who has spent a lot of time on this proposal. Ms. Kellums provided a review of the changes proposed noting that a couple of the proposals are for the purpose of being able to review additions and properties like carriage houses with some agricultural history.

She noted that she will be attending a Greeley Area Realtor's Association, GARA, meeting with Community Development Director Brad Mueller on Wednesday, March 27th to discuss these concerns

further. She added that she had discussed concerns with GARA previously and felt that they were satisfied following that information was provided, but that she would continue working through their concerns with them. She said that there still might be an opportunity to work through some of this with them and will definitely keep them in the loop.

Mr. Otto emphasized that a vast majority of this Ordinance is just a modification of what is already on the books and nothing new from that standpoint.

Councilmember Casseday moved, seconded by Councilmember Payton to introduce this Ordinance and schedule the Public Hearing for April 2, 2019. The motion carried: 7-0

20. Public hearing and final reading of an ordinance amending Greeley Municipal Code enacting Chapter 1.34; amending Chapter 2.09, enacting Section 10.28.051; and amending Title 11 all related to parking within the City of Greeley

Will Jones, Deputy Public Works Director, reviewed how the City got to this juncture, proposed code changes and what's next. He stated that funding for license plate recognition was approved which offered the opportunity take a good, comprehensive look at our process and Code and recommend changes and added that a lot of public outreach and feedback has been sought and received throughout this process.

Mr. Jones went on to provide an overview of the Code changes proposed and made note of the appeal process, the parking referee provision, the removal of immobilized vehicles, the relocation of parking to a different chapter of the Code, and then the retrieval of impounded vehicles.

In response to a question from Councilmember Suniga regarding the Downtown Development Authority's, DDA, participation in this process, Mr. Jones advised that there was significant support from the DDA and that they are very excited about the direction this is going.

Councilmember Suniga stated that she was approached twice by a long-time Downtown business owner who says he's closing because of these plans. She added that this plan will help now, but will have a parking space problem.

Mr. Jones stated that staff is monitoring that and added that this is the "basement" model of parking but is a nice next step for the City and for Downtown. He added that they are watching the number of electric vehicles, but noted that the number is low in Downtown.

Mr. Jones received accolades from the Mayor and Councilmembers for his work and dedication with regard to this project.

Mayor Gates opened the public hearing at 7:34 p.m.

Bianca Fisher, Executive Director of the Downtown Development Authority, stated that if you don't have a downtown parking problem, there's a problem with your downtown. She stated that management is more the issue.

She went on to state that she cannot say enough about the work Mr. Jones has done on this project and that the time he spent on outreach and the candor used with business owners and residents has been

nothing but commendable. She added that the DDA Board is fully behind this plan and stressed that this is a positive sign that the city is growing up and innovating.

There being no additional public testimony offered, the Public Hearing was closed at 7:40 p.m.

Councilmember Casseday stated that Mr. Jones' work with the Downtown businesses and residents has been impressive given that it was such a challenging task.

Councilmember Casseday moved, seconded by Councilmember Hall to adopt the ordinance and publish it by reference to title only. The motion carried: 7-0 (**Ordinance No. 12, 2019**)

21. Appointment of applicants to the Citizen Transportation Advisory Board, Human Relations Commission, Museum Board, Planning Commission, and Union Colony Civic Center Advisory Board

Citizen Transportation Advisory Board -
Human Relations Commission -
Museum Board -
Planning Commission -
Union Colony Civic Center Advisory Board -

Mike McFadden, Steve Teets, Recruit for 3rd
Jessica McKague
Kathy Webb, Recruit for 2nd
Chelsie Romulo
Ken Andrews, Cher Heimbegner

22. Scheduling of meetings, other events

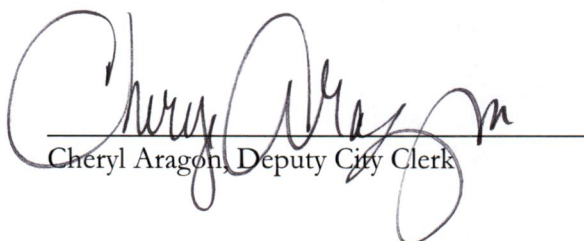
No additional meetings or events were scheduled.

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

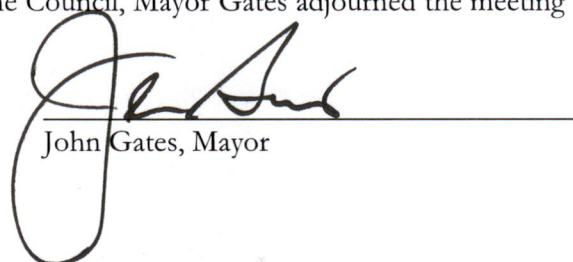
Councilmember Payton moved, seconded by Councilmember Hall to approve the above authorizations, and the motion carried: 7-0

24. Adjournment

There being no further business to come before the Council, Mayor Gates adjourned the meeting at 7:47 p.m.



Cheryl Aragon, Deputy City Clerk



John Gates, Mayor