

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
May 21, 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

Jerry Harvey, Assistant City Clerk, called the roll. Those present were Mayor John Gates and Councilmembers Robb Casseday, Michael Fitzsimmons, Dale Hall, Brett Payton, Jon Smail and Stacy Suniga.

4. Recognitions and Proclamations

Mayor Gates presented a proclamation for Small Business Week.

Brad Mueller presented the 15th Annual Excellence in Community Design Awards.

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

5. Citizen Input

Steve Teets, Greeley resident, had questions regarding improvements being made to the Greeley Country Club, and he also advocated for a better local and regional bus system in Greeley. Mayor Gates assured him that Public Works will keep up with growth noting that a regional bus system is not on the table at this time, and he assured Mr. Teets that the City is in no way involved in the Greeley Country Club improvements.

6. Approval of Agenda

The agenda was approved upon noting additional documentation for Item No. 19 and noted continuation of the public hearing for Item No. 17.

7. Reports from Mayor and Councilmembers

Councilmember Fitzsimmons thanked Amy Dugan, Director of Visit Greeley with the Chamber of Commerce, for all of the great things the Visit Greeley Committee is involved in, and he reported on Greeley tourism statistics and events.

Councilmember Casseday reported on his attendance at the Downtown Development Authority (DDA) meeting and thanked Mayor Gates for letting him deliver the Armed Services Day proclamation.

Mayor Gates thanked Visit Greeley and Greeley/Weld Chamber of Commerce for the great job that they do. He continued by noting that he presented this year's Hotel MVP Awards; thanked Kevin Bommer, Executive Director of the Colorado Municipal League (CML), for his recent listening tour stop in Greeley; reported on his attendance at the recent Highway 85 Mayor's meeting and the Colorado Association of Letter Carriers Lunch; and concluded by plugging his new show on GTV8, "Who's That With The Mayor".

8. Petitions from Mayor and Councilmembers

There were no petitions from the Mayor or Councilmembers.

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

9. Approval of the City Council Proceedings of May 7, 2019

The Council action recommended was to approve the Proceedings.

10. Acceptance of the Report of the May 14, 2019, City Council Worksession

The Council action recommended was to accept the Report.

11. Consideration of a resolution of the City Council of the City of Greeley, Colorado, authorizing City staff to enter into a settlement agreement with Nicola Moore and Levi Berig

The Council action recommended was to adopt the resolution. **(Resolution No. 23, 2019)**

12. Consideration of a resolution appointing Renee Wheeler to the position of Director of Finance and Ex-Officio City Treasurer

The Council action recommended was to adopt the resolution. **(Resolution No. 24, 2019)**

13. Consideration of a resolution of the Greeley City Council officially naming the park at the Trails at Sheep Draw Subdivision as Hazelton Park

The Council action recommended was to adopt the resolution. **(Resolution No. 25, 2019)**

14. Consideration of a resolution of the Greeley City Council officially naming a new skate park at 3rd Street and 11th Avenue as "3rd Street Plaza"

The Council action recommended was to adopt the resolution. **(Resolution No. 26, 2019)**

15. Introduction and first reading of an Ordinance changing the official zoning map of the City of Greeley, Colorado, to establish C-H (Commercial High Intensity) zoning for certain property located in Weld County, Colorado, recently annexed and known as the 2034 Enclave Annexation, generally located north of the Highway 34 Bypass and south of 20th Street, between 83rd Avenue and 95th Avenue

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading for June 4, 2019.

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

Councilmember Hall moved, seconded by Councilmember Payton to approve the items on the Consent Agenda and their recommended actions. The motion carried: 7-0

16. Pulled consent agenda items

No items were pulled from the Consent Agenda.

17. Public hearing and final reading of an ordinance amending Sections 2.07.040, 4.20.160, and 4.20.190 of the Greeley Municipal Code regarding Intergovernmental Agreements, Change Orders, and Contract Types

Mayor Gates opened the public hearing at 7:03 p.m., and no comments were offered.

Councilmember Casseday moved, seconded by Councilmember Suniga to continue the public hearing and final reading of the ordinance to June 4, 2019. The motion carried: 7-0

18. Public hearing and final reading of an ordinance to consider a change of zone from PUD (Planned Unit Development) to C-H (Commercial High Intensity) zoning for approximately 1.62 acres of property known as the 2700 and 2720 35th Avenue Rezone, and public hearing and final reading of an Ordinance changing the official zoning map to reflect the same

Brad Mueller, Community Development Director, described the location of the rezoning by showing a map of the location. He continued by highlighting the change in zoning, the background/history of the property, site analysis, zoning suitability map, and approval criteria. Mr. Mueller concluded by explaining the notification process and recommendation to Council.

In response to questions by Mayor Gates and Councilmember Hall, Mr. Mueller described the potential changes of traffic flow into and out of this property to help traffic in that area. He added that these traffic flow changes will not take place until new development begins on the property.

Corey Stiner, the applicant, was introduced to answer questions but none were asked.

Mayor Gates and Councilmember Suniga both added that, in the future, overall traffic flow in the area needs to be studied for safety and traffic issues.

Mayor Gates opened the public hearing at 7:16 p.m.

Steve Teets, Greeley Resident, expressed his concern about traffic and safety issues in this area.

In response to comments from Mr. Teets, Mr. Mueller elaborated on the difference between Commercial High Intensity versus Commercial Low Intensity zoning.

Steven Shops, Greeley Resident, expressed his desire to see more overpasses and underpasses on Highways 34 and 85.

In response to a question for Greeley resident Steven Grant, Joel Hemesath, Public Works Director, explained that the City is currently in the process of planning a new interchange at the 35th Avenue and Highway 34 intersection which will begin soon. He added that it will include an overpass and a frontage road.

Edwin Grant, Greeley Resident, noted traffic problems in area of 35th Ave and 28th Street.

The Mayor closed the public hearing at 7:21 p.m.

Councilmember Payton moved, seconded by Councilmember Suniga that, based on the application received and subsequent staff analysis, the proposed rezone from PUD (Planned Unit Development) to C-H (Commercial High Intensity) meets Development Code Section 18.30.050(c)(3) a, b, f, g and h; and, therefore, approves the rezone. The motion carried: 7-0

Councilmember Payton moved, seconded by Councilmember Suniga to adopt the ordinance and publish with reference to title only. The motion carried: 7-0 (**Ordinance No. 21, 2019**)

19. **Public hearing and final reading of an ordinance to consider a change of zone from PUD (Planned Unit Development) to PUD (Planned Unit Development) to allow for the additional uses within the Promontory PUD, Area B only, of churches, schools and recreational areas, for approximately 55.44 acres of property located south of Highway 34 Business (10th Street), west of Promontory Parkway, east of Promontory Circle and north of 16th Street, and public hearing and final reading of an Ordinance changing the official zoning map to reflect the same**

Councilmember Payton recused himself for this item and left Council Chambers at 7:23 p.m.

Mr. Mueller explained what a Planned Unit Development (PUD) is and described the map of the portion of the property being impacted by the rezoning. He continued by discussing the history of this property overall and the portion of property affected by this item along with the proposed amendment to the PUD. Mr. Mueller also highlighted relevant development code criteria, and he concluded with an overview of the recommendation to Council by the Planning Commission.

In response to a question by Councilmember Casseday, Mr. Mueller explained that there were no objections to this rezoning during the Planning Commission's public hearing and added that the letter attached to this item was received on May 20, 2019.

In response to questions by Councilmember Suniga, Mr. Mueller explained that this property is already part of the Promontory Metro District. He added that the objection discussed in the letter deals with the fact that churches do not pay taxes so, if this rezone results in a church being built on the property, the Metro District and the City could lose out on tax revenue.

Alan Craft, Greeley Resident and applicant, explained that he would like to purchase property in this location to build a church, and he briefly expressed his plans for the property. He then invited Russel Lee

from Ripley Design to briefly present the purpose of the rezone, highlight the approval criteria being satisfied by this request, and discuss the goals for this property. Then Kent Naughton, attorney for the applicant, was invited to briefly comment on and rebut points made within the letter against the approval of this rezone.

Mayor Gates opened the public hearing at 7:48 p.m.

Larry Podorf, Greeley resident, spoke in favor of the proposed rezone because of the community involvement of the Christ Community Church.

Steven Grant, Greeley resident, spoke in favor of the proposed rezone, and added a concern over the comments against this rezone due to lack of tax revenue resulting from the fact that churches are exempt from paying taxes.

Mayor Gates closed the public hearing at 7:53 p.m.

Councilmember Suniga spoke highly of the community involvement of Christ Community Church, but noted her concern about the potential lack of tax revenue. Doug Marek, City Attorney, explained that Council should only be considering the merit of rezone and not any potential tax revenue issues.

Councilmember Hall moved, seconded by Councilmember Fitzsimmons that, based on the application received and accompanying analysis, the proposed amendment to the Promontory Preliminary PUD, Area B, meets the applicable Development Code criteria, Sections 18.30.050(c)(3) a, b, f, g and h, and Section 18.32.040(b) 1 and 2, and is therefore approved. The motion carried: 6-0 (Payton recused).

Councilmember Hall moved, seconded by Councilmember Fitzsimmons to adopt the ordinance and publish with reference to title only. The motion carried: 6-0 (**Ordinance No. 22, 2019**) (Payton recused)

Councilmember Payton returned to Council Chambers at 7:56 p.m.

20. Public hearing and final reading of an Ordinance correcting the legal description and annexation title contained in Ordinance No. 47, 2017, regarding the annexation of property known as the Signature Bluffs Natural Area Annexation, No. 3, located east of 83rd Avenue and the Poudre River Learning Center, and north of Poudre River Road

Mr. Mueller noted that items 20, 21, and 22 are housekeeping issues, and he did not provide a presentation for any of them. Councilmembers did not have any questions for these three items.

Mayor Gates opened the public hearing at 7:57 p.m., and no comments were offered.

Councilmember Payton moved, seconded by Councilmember Fitzsimmons to adopt the ordinance and publish with reference to title only. The motion carried: 7-0 (**Ordinance No. 23, 2019**)

21. Public hearing and final reading of an ordinance correcting the legal description and annexation title contained in Ordinance No. 15, 2017, regarding the annexation of property known as the Cottonwood Bend Natural Area Annexation No. 3, located east of 59th Avenue and north of F Street

Mayor Gates opened the public hearing at 7:59 p.m., and no comments were offered.

Councilmember Payton moved, seconded by Councilmember Casseday to adopt the ordinance and publish with reference to title only. The motion carried: 7-0 (**Ordinance No. 24, 2019**)

- 22. Public hearing and final reading of an Ordinance correcting the legal description and annexation title contained in Ordinance No. 17, 2017, regarding the annexation of property known as the Cottonwood Bend Natural Area Annexation No. 5, located east of 59th Avenue and north of F Street**

Mayor Gates opened the public hearing at 8:01 p.m., and no comments were offered.

Councilmember Payton moved, seconded by Councilmember Fitzsimmons to adopt the ordinance and publish with reference to title only. The motion carried: 7-0 (**Ordinance No. 25, 2019**)

- 23. Appointment of applicants to the Citizen Transportation Advisory Board, Greeley Art Commission, Historic Preservation Commission, Human Relations Commission, Museum Board, and Youth Commission**

Citizen Transportation Advisory Board – Katrina Harms

Greeley Art Commission – Rachel Freeman

Historic Preservation Commission – Christen DePetro

Human Relations Commission – Ron Heil and Recruit for Additional Applicants

Museum Board – Floris Mikkelsen

Youth Commission – Amelia Benavidez, Jaxson Liscano-Garcia, Maya Potter, Johnathan Rodasta, and Recruit for Additional Applicants

- 24. Scheduling of meetings, other events**

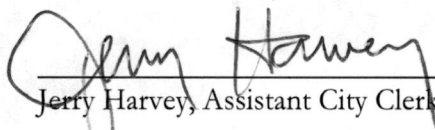
No other meetings or events were scheduled.

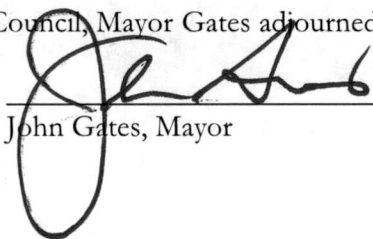
- 25. Consideration of a motion authorizing the City Attorney to prepare any required resolutions, agreements, and ordinances to reflect action taken by the City Council at this meeting and at any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements, and ordinances**

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

- 26. Adjournment**

There being no further business to come before the Council, Mayor Gates adjourned the meeting at 8:03 p.m.


Jerry Harvey, Assistant City Clerk


John Gates, Mayor