

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
August 20, 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

Jessica Diagana, 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

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

5. Citizen Input

Todd Loschen, Greeley resident, inquired about what Council and City staff are going to do in regard to people running the four-way stop sign near his home at the intersection of 68th Avenue and 18th Street. He further inquired why it will take the death of a child to change anyone's mind about doing anything in this intersection.

Mayor Gates expressed that he nor anyone else said that it would take the death of a child before something will be done at the intersection.

Roy Otto, City Manager, noted that this intersection has been monitored by the Greeley Police Department and Public Works and that Mr. Loschen's concerns have not been confirmed. Mr. Otto reiterated that no one said it would take the death of a child before something will be done at the intersection.

Mr. Loschen expressed his frustration with City staff and Council for not wanting to do anything about the intersection, and, with his concern for people running the stop signs and possible accidents, that he will take the law into his own hands if necessary.

Matthew Jarrett, Greeley resident, stated that he lives near a vacant City owned property that was purchased after there were stormwater issues with the Greeley Ditch No. 3 noting that he was approached by City staff to buy his home and have since backtracked. He spoke of the vacant home with vagrants dealing drugs, vandalism, weeds, tree branches which require multiple calls to the City to address the problems. He expressed frustration that he was told by the Stormwater Manager that the home would be purchased by the City, which he has since found out it has many structural issues, and he is just trying to figure out why he was told these things. He has retained an attorney to help him with this matter. The bills are racking up and he's reaching out to Council to see what he is supposed to do. Doug

Marek, City Attorney, advised of the threat of pending litigation but that Mr. Jarrett does have the right to raise these issues with his elected officials. Mr. Marek added that, if it is Council's desire, Council can provide direction to the City Attorney and City Manager. He reported that the City is monitoring the property with four or five different departments involved to relieve some of the issues and that staff is corresponding attorney-to-attorney on this matter.

Mayor Gates expressed his sincere hope that these issues get resolved for Mr. Jarrett and that Council will legally communicate with him to the degree that they can.

Mr. Jarret continued to express frustration with the City owned property, City staff and the permitting issues with his home.

Mr. Marek reported that when staff receives correspondence from counsel that is representing someone, staff is ethically required not to circumvent legal counsel and cannot contact the individual directly.

6. Approval of Agenda

The agenda was approved as presented.

7. Reports from Mayor and Councilmembers

Councilmember Suniga spoke of her attendance at Monster Day and of the census work being done by the Human Relations Commission. She invited citizens to her City Chat on August 24, 2019, at 10:30 a.m. at Gourmet Grub where the 2020 Census will be discussed.

8. Petitions from Mayor and Councilmembers

Councilmember Hall provided an update relative to his petition on Oil and Gas regulations noting that he and City staff met with Weld County Commissioner Kirkmeyer and County Attorney Bruce Barker to discuss Greeley's "1041 Powers" and the City's Memorandum of Understanding with the Colorado Oil and Gas Commission.

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

9. Approval of the City Council Proceedings of August 6, 2019

The Council action recommended was to approve the proceedings.

10. Consideration of a resolution authorizing the Mayor to enter into a Memorandum of Understanding between the City of Greeley's Police Department and the Weld County Sheriff's Office regarding distribution of joint funding provided by the Bureau of Justice Assistance

The Council action recommended was to adopt the resolution. **(Resolution No. 34, 2019)**

11. Introduction and first reading of an ordinance amending portions of the Greeley Municipal Code Chapters 16.04 (Building Code), 16.06 (Residential Code), 16.08 (Mechanical Code), 16.10 (Property Maintenance Code), 16.12 (Existing Building Code), 16.16 (Energy Conservation Code), 16.28 (Plumbing Code), 16.30 (Fuel Gas Code) and

16.36 (Fire Code)

This item was pulled from the Consent Agenda.

- 12. Introduction and first reading of an ordinance vacating a portion of the alley right-of-way between 1530 and 1528 3rd Avenue, located east of 3rd Avenue and west of 2nd Avenue**

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading for September 3, 2019.

- 13. Introduction and first reading of an Ordinance changing the official zoning map of the City of Greeley, Colorado, from I-L (Industrial Low Intensity) to R-H (Residential High Density) zoning for approximately .210 acres of property located at 1530 3rd Avenue known as the 1530 3rd Avenue Rezone**

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading for September 3, 2019.

- 14. Introduction and first reading of an Ordinance changing the official zoning map of the City of Greeley, Colorado, from I-M (Industrial Medium Intensity) to C-H (Commercial High Intensity) zoning for approximately .66 acres of property located at 3529 4th Street known as the 354 Business Park Rezone #2**

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading for September 3, 2019.

- 15. Introduction and first reading of an ordinance authorizing the acquisition of additional property interests in real property located in Weld County, Colorado for water lines by purchase or exercise of the power of eminent domain pursuant to Section 7 of Article XVI, Section 15 of article II, and Sections 1 and 6 of Article XX of the Colorado Constitution and Colo. Rev. Stat. § 38-1-101, et seq. (Gold Hill Segment Pipeline Project)**

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading for September 3, 2019.

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

Councilmember Suniga moved, seconded by Councilmember Hall to approve the items on the Consent Agenda and their recommended actions with the exception of Item No. 11. The motion carried: 7-0

16. Pulled consent agenda items

- 11. Introduction and first reading of an ordinance amending portions of the Greeley Municipal Code Chapters 16.04 (Building Code), 16.06 (Residential Code), 16.08 (Mechanical Code), 16.10 (Property Maintenance Code), 16.12 (Existing Building Code), 16.16 (Energy Conservation Code), 16.28 (Plumbing Code), 16.30 (Fuel Gas Code) and 16.36 (Fire Code)**

Councilmember Casseday noted his appreciation for the work done on this ordinance by staff and the Construction Trades Advisory and Appeals Board. He made mention of the talk about lowering the cost of housing and doing everything that can be done to make the housing industry more viable than it is today. As such he does not support the requirement of sprinkling in all new residential construction since residents can install these at their own discretion. He suggested this portion of the proposed ordinance be removed along with amending verbiage of the Energy Code regarding blower door tests.

Councilmember Suniga spoke of the Greeley Urban Renewal Authority that builds homes that are sprinkled and if that entity can do it, the City should also. She expressed that this is an important life safety issue and that a price cannot be put on a life and for this reason supports the requirement of residential sprinkling.

Councilmembers Payton and Hall expressed support of Councilmember Casseday's suggestion to remove the portion of the proposed ordinance requiring residential sprinkling and amending the language relative to blower tests in the Energy Code.

Councilmember Payton moved, seconded by Councilmember Hall relative to Section 16.06.185 regarding the requirement of residential sprinkling for new construction and that in Section R313.2 restore the term deleted, remove the term amended, restore the deletion that follows in section R 313.2 and remove the suggested language in R 313.2 to eliminate the requirement for sprinkling in all new residential construction. The motion carried: 6-1 (Councilmember Suniga opposed)

Councilmember Casseday moved, seconded by Councilmember Fitzsimmons to adopt the ordinance as amended. The motion carried: 7-0

Councilmember Casseday clarified the above motion and moved, seconded by Councilmember Payton to schedule a second hearing for the ordinance as amended in two weeks. The motion carried: 7-0

17. Consideration of a resolution of the City of Greeley Council authorizing the assignment to the Colorado Housing and Finance Authority of a private activity bond allocation of the City of Greeley pursuant to the Colorado Private Activity Bond Ceiling Allocation Act

Ben Snow, Economic Health and Housing Director, thanked Finance Director, Renee Wheeler, for her help with the resolution and reported that the federal government provides each state with an annual private activity bond allocation and that staffs' recommendation is to assign the City's Private Bond Allocation to CHFA for use by the FirstStep Program for the purpose of assisting first time home buyers in Greeley.

Councilmember Suniga moved, seconded by Councilmember Fitzsimmons to adopt the resolution. The motion carried: 7-0 **(Resolution No. 35, 2019)**

18. Industrial Hemp Overview

Mr. Snow provided Council with an overview of industrial hemp including a brief overview, Colorado Municipal League Brief highlights, hemp's many uses and products, and the construction of a hemp processing plant that is currently underway with an expected opening date of fall 2019. He made mention of several other Greeley properties that are being considered for a similar use.

Councilmember Suniga spoke of her own recent positive experience with hemp products after a recent

shoulder surgery.

In response to a question from Councilmember Smail, Mr. Snow reported that there are other areas in the states that have industrial hemp processing plants, and he reiterated the need to understand the difference between marijuana and hemp.

Councilmember Casseday spoke of an AgTour he was on a few years ago in which hemp was discussed and he has been sold on it ever since with all of the testimonies that he has heard about the benefits from hemp products, especially for health benefits.

Councilmember Fitzsimmons met with Vantage at Colorado Municipal League and was told that they chose Greeley because the City is so proactive in terms of businesses and because of the agricultural community. He added his support for this.

Mayor Gates commended Mr. Snow for a great presentation and that he did a great job of highlighting the differences between hemp and marijuana and had Mr. Snow confirm that there were no incentives provided by the City of Greeley to Vantage Hemp.

19. Appointment of applicants to the Commission on Disabilities, Human Relations Commission, Judicial Review Board, and Planning Commission

Commission on Disabilities

Douglas Peters

Darvel Silda

Human Relations Commission

Jerry Manzer

Sylvia Torrez

Judicial Review Board

Walter Sehl

Planning Commission

Erik Briscoe

Brian Franzen

20. Scheduling of meetings, other events

There were no additional meeting or other events scheduled.

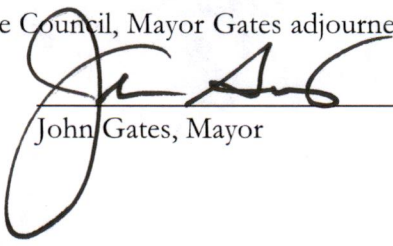
21. Consideration of a motion authorizing the City Attorney to prepare any required resolutions, agreements, and ordinances to reflect action taken by the City Council at this meeting and at any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements, and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

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

22. Adjournment

There being no further business to come before the Council, Mayor Gates adjourned the meeting at 8:00 p.m.


Jessica Diagana, Assistant City Clerk


John Gates, Mayor