

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
September 17, 2019

1. Call to Order

Mayor John Gates called the meeting to order at 6:30 p.m., in Council's Chambers at City Center South, 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 John Gates and Councilmembers Robb Casseday, Michael Fitzsimmons, Dale Hall, Brett Payton, Jon Smail and Stacy Suniga.

4. Recognitions and Proclamations

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

5. Citizen Input

Steve Teets, Greeley resident, was present and spoke about the apartments going up along 8th Avenue. He again expressed concern about parking in this area since it is busy already with businesses and students.

Mario Carasco, Greeley resident and business owner, stated that Greeley is the only city in Northern Colorado that does not require testing and/or licensing for contractors. He stated that it is important to make sure that businesses are licensed to assure quality work and to protect our community and homeowners.

Mayor Gates thanked Mr. Carasco for his input and stated that he will share the information Mr. Carasco sent to Council with the appropriate City staff.

6. Approval of Agenda

The agenda was approved as presented.

7. Reports from Mayor and Councilmembers

Councilmember Hall reported that he attended his first Water Literate Leaders session in Fort Collins.

Mayor Gates welcomed students from the University of Northern Colorado Journalism Program who were in the audience; spoke of the SAVA Black Tie event coming up and that Councilmembers should let him know if they want to attend.

8. Petitions from Mayor and Councilmembers

There were no petitions offered from Councilmembers.

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

9. Acceptance of the Report of the August 27, 2019, City Council Worksession

The Council action recommended was to accept the Report.

10. Approval of the City Council Proceedings of September 3, 2019

The Council action recommended was to approve the Proceedings.

11. Consideration of a resolution of the City of Greeley Council authorizing the City to enter into an Intergovernmental Agreement with the State of Colorado and to serve as the fiscal agent for the Northeast All Hazard Region Homeland Security Grant Program for the 2019 grant award

The Council action recommended was to adopt the resolution. (Resolution No. 37, 2019)

12. Introduction and first reading of an Ordinance changing the official zoning map of the City of Greeley, Colorado, from PUD (Planned Unit Development) to C-H (Commercial High Intensity) zoning for approximately 5.50 acres of property located at 2600 36th Avenue known as the 2600 36th Avenue – Gateway Self-storage Rezone

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading for October 1, 2019.

13. Introduction and first reading of an ordinance authorizing a Site Lease and ease Purchase Agreement between the City of Greeley, Colorado, and Zions Bancorporation, National Association (solely in its capacity as Trustee) for the purpose of financing public buildings; approving not to exceed \$12,500,000 principal amount of Certificates of Participation, Series 2019 in connection therewith; authorizing Officials of the City to take all action necessary to carry out the transactions contemplated hereby; and related matters

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading for October 1, 2019.

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

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

14. Pulled consent agenda items

No items were pulled from the Consent Agenda.

15. Public Hearing and final reading of an ordinance amending Title 14 of the Greeley Municipal Code (Concerning the Dedication of Water Rights for City Water Service, Cash in Lieu of Raw Water, and Associated Development Fees)

Eric Dial, Water & Sewer Deputy Director, reported that all commercial and residential development that occurs within the City of Greeley is required to provide sufficient raw water resources to the City to offset the new water use of the development site. He stated that the raw water requirement can be satisfied through the dedication of certain water rights or through the payment of cash-in-lieu of raw water.

He provided a review of the history of raw water requirements dating back to 1961 and offered some background of raw water.

Mr. Dial went on to state that currently, multi-family development sites require 3 acre feet of water per acre of land developed and commercial/mixed use development owe raw water volumes that are based upon the size of the water tap. The current methodology has been in place since 1989 and needs to be updated to reflect the changes that have occurred in how water is used. This ordinance will change the raw water requirement methodology and the volume of raw water required for commercial, mixed use and multi-family residential to better match the volume of water required to serve the projected use of the development. He reviewed the table for determining fees.

He advised that since this is a significant change to Greeley's raw water requirements, staff has been deliberate about communicating the proposal to key stakeholders. The proposal was discussed in multiple meetings with the Water and Sewer Board in late 2018. Additionally, the raw water proposal was distributed to development interests in Greeley and an Open House was held on January 29, 2019. Comments from the development community that enhanced the precision and fairness of proposal were incorporated into the current version. The proposal was shared with City Council at the March 12th Worksession, and the Water and Sewer Board recommended that City Council adopt an ordinance to codify these changes to Title 14 at their August 21st Board meeting. Additionally, some general cleanup was done of Title 14 to make it more relevant and cohesive while they were in there.

Mr. Dial advised that this ordinance was introduced at the September 3, 2019 Council meeting.

Mayor Gates opened the public hearing at 6:56 p.m.

Edwin Grant, Greeley resident, made note of W.D. Farr who put us in the position we are in now in terms of water and stated that he was a Pioneer.

There being no further public comments offered, Mayor Gates closed the Public Hearing at 6:59 p.m.

Councilmember Casseday stated that he has received positive feedback on this action and that the Department is on the right track with this one. He also expressed his agreement that Mr. Farr was a visionary.

Councilmember Casseday moved, seconded by Councilmember Payton to adopt the ordinance and publish it by reference to title only. The motion carried: 7-0 (**Ordinance No. 39, 2019**)

16. Public hearing and final reading of an ordinance authorizing the disposition of City Property Located at 1215 16th Avenue

Joel Hemesath, Public Works Director, reported that the City Public Works Department owns a parcel of real estate located at 1215 16th Avenue and stated that the property, which includes a vacant residential structure, was purchased in 2018 for the purposes of improving storm water infrastructure on and around the property. The storm water improvements were completed in 2019 and consisted of widening the storm channel on the western portion of the property. The property was re-platted in 2019 to separate the new channel from the existing property. City Staff have determined that the remainder of the property is not needed for public purposes and wishes to dispose of the property. This Ordinance will authorize conveyance of the property and allow City Staff to initiate actions necessary for the disposition of the property via a competitive bid process. This Ordinance also authorizes the Mayor to execute a quit claim deed for the conveyance of the property.

Mr. Hemesath advised that this Ordinance was introduced at the September 3, 2019 Council meeting.

In response to a question from Councilmember Smail, Mr. Hemesath stated that the construction improvements are complete and the property is ready to sell. He added that in the last two rain events, there were no issues.

Mayor Gates opened the public hearing at 7:05: p.m., and no comments were offered.

Councilmember Smail moved, seconded by Councilmember Hall to adopt the ordinance and publish with reference to title only. The motion carried: 7-0 (**Ordinance No. 40, 2019**)

17. 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 2019 and for funds held in reserve for encumbrances at December 31, 2018

Robert Miller, Budget & Compliance Manager, reported that this is the fourth additional appropriation ordinance modifying the 2019 budget totaling \$7,425,605.00

He went on to review the appropriation funding sources to appropriate donations and contributions, grant dollars, and insurance reimbursements, and then noted that this ordinance was introduced at the September 3, 2019 Council meeting.

Mayor Gates opened the public hearing at 7:19 p.m., and no comments were offered.

Councilmember Fitzsimmons, seconded by Councilmember Suniga to adopt the ordinance and publish it by reference to title only. The motion carried: 7-0 (**Ordinance No. 41, 2019**)

18. Public hearing and final reading of an ordinance changing the official zoning map of the City of Greeley, Colorado from R-L (Residential Low Density), C-D (Conservation District), and C-L (Commercial Low Intensity) to I-M (Industrial Medium Intensity) zoning for approximately 39.18 acres of property located at 145 North 35th Avenue, known as the Best Way Rezone [continuance requested]

Mike Garrot, Planning Manager, asked Council to continue this item to the December 3, 2019 City Council Meeting.

Doug Marek, City Attorney, advised that the Public Hearing should be opened as it was publicized.

Mayor Gates opened the public hearing at 7:20 p.m.

Steve Teets, Greeley resident, asked if the Public Hearing portion of this item would continue to December 3, 2019, and the Mayor confirmed that it would.

There being no additional public comments, Mayor Gates closed the Public Hearing at 7:21 p.m.

Councilmember Fitzsimmons moved, seconded by Councilmember Hall to continue the public hearing and final reading to December 3, 2019. The motion carried: 7-0

19. Public hearing and final reading of an ordinance to consider a change of zone and a 1st Amendment to the Preliminary Plan of the Promontory PUD, Areas F, L and M, located south of 16th Street, east of Promontory Parkway, and north of Highway 34 Bypass to add fire station and school uses on a 144.67-acre parcel, and changing the official zoning map to reflect the same

Mr. Garrot asked that Item No. 20 be included in this presentation since they are companion items. He reported that the application is submitted to rezone approximately 144.67 acres from PUD (Planned Unit Development) to PUD (Planned Unit Development) with amendments to Areas F, L and M 1st Amendment. He stated that the City, as applicant, is requesting to add a fire station, proposed Fire Station #6, and school uses, which currently are not listed allowed uses within the PUD.

He then reviewed the criteria to be considered with this type of request and noted that the Planning Commission considered the requests on September 10, 2019, and unanimously recommended approval to the City Council.

Mayor Gates opened the public hearing at 7:30 p.m.

Steve Teets, Greeley resident, expressed concerns that the community has said that the city should not be going so far out west and that transportation and water are a concern to this area.

There being no additional public comments, Mayor Gates closed the Public Hearing at 7:32 p.m.

Councilmember Casseday moved, seconded by Councilmember Suniga to find that, based on the application received, the proposed rezoning from PUD (Planned Unit Development) to PUD (Planned Unit Development) zone district, Promontory PUD – 1st Amendment to Areas F, L, and M to allow fire station and school uses in Areas F, L, M, meets the applicable Development Code criteria, Section 18.30.050(c)(3) a, b, f, g, and h, and therefore approve the rezone. The motion carried: 7-0

Councilmember Casseday moved, seconded by Councilmember Payton to adopt the ordinance and publish it by reference to title only. The motion carried: 7-0 (**Ordinance No. 42, 2019**)

20. Public hearing to consider approving the Promontory Imagine School, 2nd Filing, PUD (Planned Unit Development) Preliminary Plan for approximately 144.67 acres located south of 16th Street, east of Promontory Parkway, and north of Highway 34 Bypass

Mayor Gates opened the public hearing at 7:35 p.m.

Steve Teets, Greeley resident, stated that when talking about the schools, the District is already having trouble getting bus drivers out there, so transportation will be an issue.

Mayor Gates noted that this is in the Windsor School District.

Councilmember Suniga moved, seconded by Councilmember Fitzsimmons to find that, based on the application received and analysis, the proposed Promontory Imagine School, 2nd Filing, PUD Preliminary Plan is consistent with Development Code criteria, Section 18.32.040 (b) 1 and 2, and, therefore, is approved. The motion carried: 7-0

21. Review options regarding the structure of Council meetings and work sessions

Betsy Holder, City Clerk, reported that this agenda item will open a discussion of the Council's meeting structure and offers alternatives which are intended to make optimal and efficient use of City resources and Councilmembers' time.

She stated that the staff presentations to and actions by the City Council during its meetings are critical to the legislative and policy making role of the City Council. The staff focus on operational excellence has resulted in work on improving the internal meeting agenda process. As a result, staff analyzed and identified opportunities to maximize meeting efficiencies and effectiveness. Staff felt it was a good time to check-in with Council and seek feedback on recommended changes.

She advised that the staff review was guided by several principles – that Council meetings should be policy focused, accessible to the community, contain quality work product, and efficient. The analysis included consideration of the City of Greeley Charter, Code of Ordinances, and Council Policies and Protocol. Also, staff reviewed the past two and a half years of Council meetings and the meeting practices of other communities.

Ms. Holder stated that Greeley's Charter, which provides a broad framework as it relates to Council meetings, authorizes Council to adopt an ordinance to establish meeting procedures. The provisions in the Code (a) provide additional parameters, which includes Council meeting types (regular meetings and work sessions), and the frequency of these meetings; and (b) authorizes Council to adopt a resolution setting the location and time of the meetings. Council's Policies and Protocol, adopted by resolution, includes additional meeting detail, such as the role of meeting participants, the order of business, etc.

She highlighted the review of the past two and half years revealed that the meeting duration was typically two hours or less, approximately 77% of all meetings, both work sessions and Council meetings, are 2 hours or less, and 23% are more than 2 hours.

As part of the analysis, staff reviewed similar sized cities within Colorado and found: while most have weekly meetings, many report that meeting duration is generally longer. A few schedule their work sessions only as needed or, conversely, conduct a work session and regular meeting on the same evening.

A challenge that revealed itself during the staff analysis of the agenda, she noted, is the need to balance the agenda content between Council meetings and work sessions. To address this challenge, staff has recently placed a few non-action items on a regular meeting agenda rather than a work session, which has worked well in balancing the length of meetings.

Shifting to quarterly from monthly financial reports and allowing the City Manager to approve certain intergovernmental agreements also helped to streamline meetings. Another adjustment is to move "What's Great about Greeley" to a social media platform to reach a broader audience. Better managing other celebratory items is also planned, such as balancing the number of items for any one meeting, which can be accomplished by anticipating these on an annual calendar.

Live broadcasting was also part of the meeting analysis. Televising and replaying the Council meetings have worked well for two meetings per month in terms of program scheduling and staff resources. Adding meetings to this schedule would reduce time available for fresh programming and would require additional staffing considerations. However, the recent practice of adding non-action items traditionally considered work session topics to regular meeting agendas provides televised coverage of these items.

In summary, Ms. Holder stated that the full analysis of Council agendas and meetings, including consideration of recent and planned changes plus gleaned ideas from other cities, staff developed the following options for Council discussion and direction: 1. Status quo. Continue meeting in regular sessions on the 1st and 3rd Tuesdays at 6:30 p.m. and conduct work sessions on the 2nd and 4th Tuesdays at 5:00 p.m.; 2. Schedule work sessions and regular meetings for the same evening. Conduct a work session immediately prior to the regular Council meeting. These would be distinct meetings but separated by a meal break. Perhaps the work session would occur from 4:00 – 6:00 p.m., and the regular meeting would begin at 6:30 p.m. with a short meal break at 6:00 p.m.; 3. Conduct work sessions on an as-needed basis (staff recommendation). Expand the recent practice of shifting informational work session items to the regular Council meeting agenda and eliminate the regularly-scheduled work sessions. Schedule work sessions only as needed for key policy items, such as the budget. Begin the meeting at 5:00 p.m. with a light meal being available prior to the meeting, if desired.

Ms. Holder concluded by stating that one additional consideration is the timing of this recommendation for Council since it is quite close to the upcoming election. Staff brought this item forward now because this particular group has had the opportunity to experience the existing meeting structure for nearly two years. She shared that providing a new meeting foundation, based on that experience, would implement meeting efficiencies well before the new Council is seated and allow all members to plan their civic time accordingly.

Mayor Gates expressed his belief that this proposal is exceptionally ill-timed and shared that the 5:00 p.m. start time is problematic already.

Councilmember Smail wondered about televising Worksessions in an effort to be more transparent to the community.

Councilmember Payton stated that a 5:00 p.m. start time is hard and that he is very busy and his time fills up fast as he was considering eliminating Worksessions.

Councilmember Hall expressed some consideration for Option #3 but with a start time of 5:30 p.m. which would be a bit of a compromise. He also expressed a preference for Councilmembers to continue presenting the What's Great about Greeley Report at the meetings.

Councilmember Casseday stated that he will defer to the rest of Council since he is term limited. He also stated that he did not like the idea of taking away the reading of the What's Great about Greeley Report from Councilmembers.

Councilmember Suniga stated that the earlier time start may be a challenge and wants to see Council continue to be transparent. She expressed a preference for continuing to read the What's Great about Greeley report at Council Meetings but liked the idea of sharing it on social media platforms as well.

Councilmember Smail also wondered about a new option that would include one Worksession a month rather than two.

Councilmembers generally appeared to prefer the status quo.

22. Appointment to the High Plains Library District Nominating Committee

Councilmember Hall moved, seconded by Councilmember Casseday to appoint Councilmember Suniga to the High Plains Library District Nominating Committee. The motion carried: 7-0

23. Appointment of applicants to the Greeley/Weld Housing Authority, Museum Board, and Youth Commission

Greeley/Weld Housing Authority	Holly Darby Mark Reichert Andrew Trevino
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Museum Board	Daina Bustillos
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Youth Commission	Aiden Flores
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4. Executive Session for the Purpose of Receiving Legal Advice Concerning Pending and Potential Litigation

Councilmember Payton moved, seconded by Councilmember Casseday to move into Executive Session immediately following this meeting in order to receive legal advice regarding pending and potential litigation. The motion carried: 7-0

25. Scheduling of meetings, other events

Roy Otto, City Manager, reported that there are not items scheduled for November 5th and that December 24th is a City holiday, so he recommended that both meetings be cancelled.

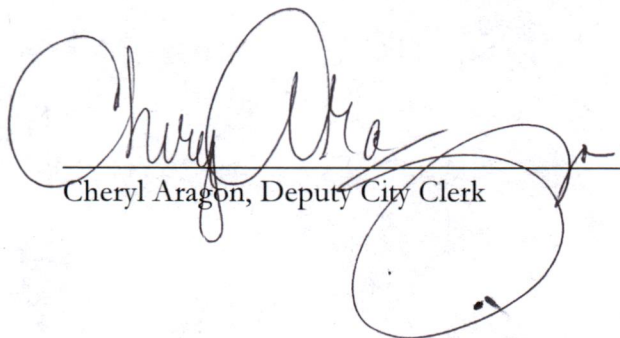
Councilmember Hall moved, seconded by Councilmember Fitzsimmons to cancel the November 5, 2019, meeting and the December 24, 2019, Council Meetings. The motion carried: 7-0

26. **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**

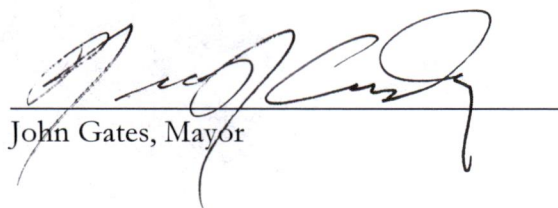
Councilmember Casseday moved, seconded by Councilmember Payton to approve the above authorizations, and the motion carried: 7-0

27. **Adjournment**

There being no further business to come before the Council, Mayor Gates adjourned the meeting at 8:19 p.m., and the Council moved into Executive Session as noted in Item No. 24 above. The Executive Session adjourned at 8:57 p.m.



Cheryl Aragon, Deputy City Clerk



John Gates, Mayor