

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
Regular Meeting
August 1, 2023
6 p.m.

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

City Clerk Heidi Leatherwood called the roll.

Present:

Mayor John Gates

Councilmember Tommy Butler

Councilmember Deb DeBoutez

Councilmember Dale Hall

Mayor Pro Tem Brett Payton

Councilmember Ed Clark

Councilmember Johnny Olson

4. Approval of the Agenda

City Manager Lee had no changes to the agenda.

Mayor Gates announced that Item 10 of the agenda will be voted on by Council to continue the item and public hearing to the next City Council meeting on August 15, 2023 at 6:00 p.m. This is due to an internal miscommunication on the Seeley Lake Annexation impact report not being filed on time. Since, the report has been sent out and will meet the statutory requirement of mailing at least 20 days in advance of the public hearing (Aug 15) with the Weld County Board and Commissioner. All other code and statutory obligations have been met.

5. Recognitions and Proclamations

Councilmember Olson presented *What's Great about Greeley?*

Mayor Gates read the introduction of Assistant to the City Manager Blair Snow at 6:07 p.m.

6. Citizen Input

1. Steve Teets spoke about camping bans and violation of citizen rights. Mr. Teets spoke about pursuing 24-hour shelters, 2023 point in time count being inaccurate and the need for West Nile spraying.
2. David Meek spoke about the need for churches in the community.
3. Edwin Grant spoke about Weld County property tax increases.
4. Marvin Mosness appealed to Council regarding a staff decision to expel him from the Greeley Farmer's Market and asked questions of Council. Mr. Mosness spoke about a "train incident" where Ms. Sim's children placed coins on the train tracks. City Attorney, Doug Marek suggested directing staff to provide a briefing and then follow up in writing with the appellant, as there is no formal appeal procedure in the Municipal Code. City Manager, Raymond Lee clarified the decision to expel was made by city staff.
5. Don Feldhaus. spoke about artificial turf in front lawns and has installed artificial turf in his lawn with many compliments from individuals passing his home. Mr. Feldhaus would like Council to reconsider allowing artificial turf in efforts to conserve water.
6. Vicky Sims added that she was not asked for her side of the story in being expelled from the Farmer's Market. Ms. Sims asked that City Council reinstate her and her family's ability to participate.

7. Reports from Mayor and Councilmembers

Mayor Gates attended the Greeley Arts Picnic, and Chautauqua Park. Mayor Gates received a letter from Doctor Hortt of the Highplains Library District requesting a member of Council sit on their panel to appoint one member to the library board. Councilmember Clark volunteered to participate.

8. Initiatives from Mayor and Councilmembers

Councilmember Clark proposed an initiative to do further research on supporting the use of artificial turf with standards. Councilmember Butler added to the request to include discussion on landscaping guidelines. Council consensus was to move forward with the initiative.

Consent Agenda

9. Approval of the City Council Work Session Proceedings of July 11.

Approval of the City Council Proceedings of July 18.

10. Consideration of a motion to continue the public hearing and second reading of the ordinance related to Seeley Lake Annexation Nos. 1-5 and establishment of zoning to the August 15, 2023, City Council Meeting
11. Consideration of a Resolution authorizing an Intergovernmental Agreement (IGA) with Weld County to participate in the Weld County Coordinated Election on November 7, 2023
12. Consideration of a Resolution approving the 2023 City of Greeley Art Master Plan
13. Consideration of a Resolution approving the change order for Enterprise Resource Program Supplemental Services
14. Introduction and first reading of an Ordinance submitting to the registered electors of the City of Greeley at the November 7, 2023 Coordinated Municipal Election, a question regarding an amendment to the Greeley Municipal Charter Regarding collective bargaining for police officers
15. Introduction and first reading of an Ordinance submitting to the registered electors of the City of Greeley at the November 7, 2023 Coordinated Municipal Elections, a question regarding an amendment to the Greeley Municipal Charter regarding the titles of specific ranks of firefighters

Mayor Pro Tem Payton pulled this item from the Consent Agenda and will be heard as the first item on the Regular Agenda.

16. Introduction and first reading of an Ordinance amending Title 22, Chapter 1 of the Greeley Municipal Code relating to master heating, air-conditioning, and Gas Pipe Fitting Certification (Mechanical Code)
17. Introduction and first reading of an Ordinance amending portions of the Greeley Municipal Code Title 22, Chapter 11 Electrical Code as it relates to adopting the 2023 Edition of the National Electrical Code
18. Introduction and first reading of an Ordinance annexing the City of Greeley, Colorado, certain unincorporated territory located in Weld County, Colorado, known as the Schneider Annexation, generally located north of 10th Street and west of 83rd Avenue

End of Consent Agenda

Councilmember Butler moved to approve the Consent Agenda Items 9-14 and 16-18. Councilmember Hall seconded the motion. The motion passed 7-0 at 6:43 p.m.

19. Pulled Consent Agenda Items

15. Introduction and first reading of an Ordinance submitting to the registered electors of the City of Greeley at the November 7, 2023 Coordinated Municipal Elections, a question regarding an amendment to the Greeley Municipal Charter regarding the titles of specific ranks of firefighters

Councilmember Butler asked for more background on this item.

Interim Fire Chief, Chris Ellmer addressed with recent history in 2022 Chief Kuznik did a reorganization of the department and Mr. Ellmer's role moved from Division Chief to Deputy Chief and in the City Charter that language of Deputy (Fire) Chief does not exist. This process to update the City Charter to match both the job description and the language in the collective bargaining agreement is needed. Additional language updates in the Charter would include the titles of Captain to Battalion Chief, Chief to Fire Chief and add the rank of Assistant Chief.

The ordinance will update Charter language and in the collective bargaining agreement and City policy and procedure.

Councilmember Butler moved to approve the ordinance and schedule the public hearing and second reading for August 15, 2023. Councilmember DeBoutez seconded the motion. The motion passed 7-0 at 6:46 p.m.

20. Public hearing and second reading of an Ordinance of divestment of water rights from Delta Irrigation Co in exchange for water rights in the New Cache and Cache La Poudre Companies

Water and Sewer Director, Sean Chambers introduced the item with a presentation at 6:46 p.m.

The purchase and sale agreement discusses water right trade between the City of Greeley and Mr. Calven Goza. The three shares of stock in the Delta Irrigation Company also known as "Patterson Ditch" to Calven Goza in exchange for four and one-half shares of stock in the Cache La Poudre Reservoir Company and three shares of stock in the New Cache la Poudre Irrigation Company. There will not be a dry-up covenant in this trade and the water will be used for irrigation in the future.

The City acquired three shares of the Patterson Ditch with the purchase of the Dill Farm in 1978. Dill Farm was originally purchased for potential future wastewater uses; however, the shares cannot be used without infrastructure investments that will likely have no return to the city. The Patterson Ditch shares have value to other farmers on the ditch and Water and Sewer proposes to trade them as consideration for water rights with a more immediate use of for the benefit of the city. Greeley Water and Sewer Board made a finding that the Patterson Ditch water rights are not currently being used nor held

for government purposes. They approved the Water Rights Trade Agreement with Calven Goza. In doing so, they recommended City Council authorize the disposition of the three Patterson Ditch shares.

The public hearing opened at 6:51 p.m.

With no speakers present, the public hearing closed at 6:52 p.m.

Councilmember Olson moved to adopt the ordinance. Councilmember Butler seconded the motion. The motion passed 7-0 at 6:52 p.m.

21. Public hearing and second reading of an Ordinance changing the official zoning map of the City of Greeley, Colorado from C-D (Conservation District), C-L (Commercial Low Intensity) and R-L (Residential Low Density) to PUD (Planned Unit Development), changing the underlying land use designations for approximately 40.67 acres of property located at 145 North 35th Avenue (Bestway PUD)

Planner III, Caleb Jackson introduced the item with a presentation at 6:53 p.m.

The site is located at 145 North 35th Avenue with the surrounding zoning and land uses of mobile and manufactured home park to the North, fire station, landscaping contractor, animal hospital to the East, detention, oil and gas, single-family dwellings to the South and single-family to the West.

The application is to rezone in two sections. The North will consist of outdoor general storage, warehousing and fire-training. The South will consist of residential low uses in tandem with neighboring uses. Notification was sent out 239 property owners or resistance, not objection or contact was made by property owners or residence. This application meets the required approval criteria.

The public hearing opened at 6:56 p.m.

1. Crystal Egger spoke in favor of this application. Ms. Egger spoke about a break in taking place on July 27, 2023 at her home. Ms. Egger asked the City to move swiftly to repair to the fence located on the berm of their property, take down the T at the top of the property and asked the city to install video surveillance on the trail and proposed site to deter criminals. Mayor Gates asked Chief Turk to get Ms. Egger's contact information and follow up.
2. Edwin Grant spoke about West Nile and gravel pits where water is pooling. Mr. Grant suggested working with Weld County to combat misquotes.

The public hearing closed at 7:01 p.m.

Councilmember Butler moved to adopt the ordinance. Councilmember Olson seconded the motion. The motion passed 7-0 at 7:02 p.m.

22. Public hearing and second 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 2023 (3rd Appropriation)

Finance Manager Robert Miller together with Community Development Director Brian McBroom and Public Works Director Paul Trombino introduced the item with a presentation at 7:03 p.m.

This appropriation requests additional funds for three city projects.

1. Request for \$990,000 grant from the State Department for Local Affairs to help offset the earthwork costs of the Hope Springs PUD Affordable Housing Development being constructed by Greeley Weld Habitat for Humanity.
2. Request for Neighborhood Safety and implementing a traffic safety program to reduce speeds in neighborhoods.
3. Request to replace the Ice Haus 18-year-old roof that has several punctures.

Councilmember DeBoutez asked Mr. Trombino if additional traffic control measures will be implemented with the funds. In response to the question, Mr. Trombino confirmed that additional measures will be planned for traffic control.

Councilmember Butler disclosed his participation with the Greeley Weld Habitat for Humanity.

Councilmember Clark asked Mr. Trombino when this program went away regarding the traffic safety. In response, Mr. Trombino replied he wasn't sure when the program ended, and Public Works has received many requests for additional safety measures along with many notes of appreciation from the community.

Councilmember Olson asked Mr. Trombino if the funds were the same the city used for Virginia Hills. In response, Mr. Trombino replied yes, they are the same funds.

The public hearing opened at 7:07 p.m.

1. Steve Teets spoke about the safety grants the city had previously implemented. Mr. Teets would like to see funding for bus safety and an additional route for the students that ride the bus.

The public hearing closed at 7:08 p.m.

Councilmember Payton moved to adopt the ordinance. Councilmember Hall seconded the motion. The motion passed 7-0 at 7:09 p.m.

23. Scheduling of Meetings, Other Events

None.

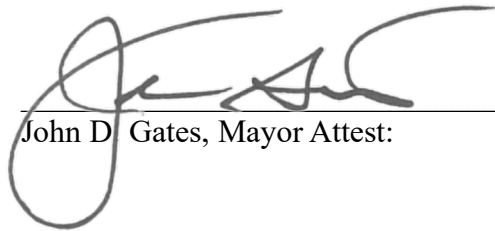
24. Consideration of a motion authorizing the City Attorney to prepare any required resolutions, agreements, and ordinances to reflect action taken by the City Council at this meeting and any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements, and ordinances

Mayor Pro Tem Payton moved to approve the motion. Councilmember Butler seconded the motion. The motion passed 7-0 with a voice vote at 7:10 p.m.

25. Adjournment

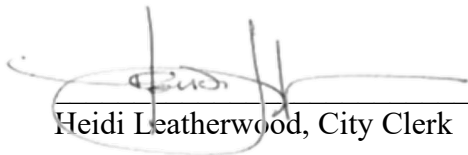
Mayor Gates adjourned the meeting at 7:10 p.m.

Approved:



John D. Gates, Mayor Attest:

Attest:



Heidi Leatherwood, City Clerk