

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
Regular Meeting
August 15, 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 has no changes to the agenda.

5. Recognitions and Proclamations

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

John Hall, Director, read the introduction for Economic Development and Urban Revitalization.

6. Citizen Input

1. Ross Lightsey Spoke about Community Development and Public Works staff providing great customer service. Mr. Lightsey spoke about the need for a footbridge by Sheep Draw due to pedestrians crossing the busy 10th Street with high traffic.
2. Cheryl Lee spoke about Sheep Draw and the need for a pedestrian bridge or safe way to cross 10th Street. Ms. Lee spoke about the need for a light at the intersection of 10th & 63rd Avenue. Ms. Lee stated many residences in her community are opposed to the new proposed path where the "path to nowhere".

3. Sonia Miller spoke about a code citation she received for weeds and landscaping and her disagreement with the citation and process. Ms. Miller spoke about the mayor's reelection.

7. Reports from Mayor and Councilmembers

Councilmember Butler spoke about his attendance at Island Grove Board August 17th Regional Dog Show, one of the largest, Councilmember Butler gave a shout out to the DDA for Monster Day over 4,000 attendees estimated.

8. Initiatives from Mayor and Councilmembers

None.

Consent Agenda

9. **A motion to approve the City Council Proceedings from the July 11, 2023, Special Meeting, the July 25, 2023, Work Session, and the August 1, 2023, Regular Meeting**
10. **A resolution authorizing the mayor to enter a Memorandum of Understanding (MOU) 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**
11. **A resolution finding substantial compliance with State Annexation laws for the properties collectively known as Wake Annexation 1-3**
12. **A resolution supporting the Mobility Expansion for Regional Growth and Equity (MERGE) Project and Multimodal Project Discretionary Grant (MPDG) Program Application**
13. **Introduction and first reading of an ordinance, adding Chapter 14 to Title 8 of the Greeley Municipal Code relating to shared micro mobility**
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 2023 (4th Appropriation)**

Councilmember Olson moved to approve the Consent Agenda Items 9-14. Councilmember DeBoutez seconded the motion. The motion passed 7-0 at 6:23 p.m.

End of Consent Agenda

15. Pulled Consent Agenda Items

None.

16. **Public hearing and second 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.**

Human Resources Director, Noel Mink introduced the item with a presentation at 6:23 p.m.

Section 14-4(b) of the Greeley Charter currently defines "Police Officer" to exclude those holding rank of Sergeant and above. The request for Council to consider a Council-initiated ballot measure to

amend the Charter for the purpose of inclusion within the members of civil service with the right to organize and bargain collectively.

If an amendment to the definition is passed, Sergeants would become members of the existing bargaining unit. The Greeley Police Officers Association (GPOA) is the sole and exclusive bargaining agent for the Police Officers. The current collective bargaining agreement is through the end of 2024 and bargaining sessions begin in approximately May 2024. If Sergeants are added to the bargaining unit, they will be included in the contract beginning January 1, 2025. If passed, the City Clerk will place the measure on the ballot.

Councilmember Clark asked for clarification on if Sergeants and Commanders are included. In response to the question Ms. Mink replied that only Sergeants will be included.

The public hearing opened at 6:26 p.m.

With no public comment the public hearing closed at 6:26 p.m.

Councilmember Butler asked if the Sergeants in Greeley Police Department support this measure. In response to the question, Ms. Mink replied they are in support.

Mayor Pro Tem Payton spoke in opposition of this item and believes City Council should not be placing the item on the ballot and it should be brought forward by the public with an initiative.

Councilmember Clark moved to adopt the ordinance and publish with reference to title only. Councilmember Olson seconded the motion. The motion passed 6-1, with Mayor Pro Tem Payton voting nay at 6:28 p.m.

17. Public hearing and second 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 the titles of specific ranks of firefighters.

Interim Fire Chief Chis Ellmer introduced the item with a presentation at 6:28 p.m.

The ordinance is an administrative change and will update Charter language, the collective bargaining agreement and City policy and procedure.

The language of Deputy Fire Chief does not exist in the Greeley Charter. This process to update the City Charter to match both the job description and the language in the collective bargaining agreement is needed. The update is supported by local leadership and Local 888. The request to amend the Charter regarding the titles of specific ranks:

- Change “Division Chief” to “Deputy Chief”
- Change “Captain” to “Battalion Chief”
- Change “Chief” to “Fire Chief”
- Add “Assistant Chief”

The public hearing opened at 6:30 p.m.

With no speakers present, the public hearing closed at 6:30 p.m.

Councilmember Butler asked why the previous item was published with reference to title only and this one isn't. City Attorney Doug Marek replied to the question with the motion could read "publish with reference to title only". Councilmember Hall moved to amend his motion to add the language.

Councilmember Hall moved to adopt the ordinance and publish with reference to title only. Councilmember DeBoutez seconded the motion. The motion passed 7-0 at 6:32 p.m.

18. Public hearing and second 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

Community Development Director, Brian McBroom introduced items 18 and 19 with a presentation at 6:32 p.m.

The National Electrical Code (NEC) is published, and the City of Greeley adopts the NEC on a three-year cycle. In this cycle, the request is to adopt the 2023 NEC and amending the current Municipal Code with three deletions of current amendments to the Code. These deletions are amendments which have since been written into the current code.

Mayor Pro Tem Payton spoke about the packet for the ordinance references Appendix A on the electrical code and is missing in the packet and does not know what the changes are. Chief Building Official, Ken Haring was present to answer questions. Mr. Marek replied to the question with an option of holding the public hearing today and continue the item for the decision. Mayor Pro Tem Payton spoke of his concern of the information not properly being noticed to the public. In response to Mayor Pro Tem Payton's concern, Mr. Marek replied that the entire electrical code is available in the City Clerk's Office and meets that legal requirement of having it available to the public for review.

Councilmember Clark spoke about his concern of extra costs to the developer which are passed onto the homeowner. In response to the concern, Mr. Haring replied the two major changes are the whole house will need to be GCI protected and kitchen island receptacle requirement have changed adding about \$200 total to the costs of new build only construction.

Councilmember Butler spoke about being in favor of continuing this item.

The public hearing was opened at 6:38 p.m.

With no speakers present, the public hearing closed at 6:38 p.m.

Mayor Pro Tem moved to continue consideration of the ordinance to September 19, 2023. Councilmember Butler second the motion, The motion passed 7-0 at 6:40 p.m.

19. Public hearing and second 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)

Mr. McBroom introduced the item at 6:41 p.m. with Item 19.

Councilmember Butler asked how much this change would the overall cost of the housing. In response to the question, Mr. Haring replied there will be no additional cost.

The public hearing was opened at 6:42 pm.

With no speakers present, the public hearing was closed at 6:42 p.m.

Councilmember Olson asked if this would reduce costs to the city. Mr. Haring replied to the question with this change will save the city time and money.

Mayor Pro Tem Payton moved to adopt the ordinance and publish with reference to title only. Councilmember Hall seconded the motion. The motion passed 7-0 at 6:43 p.m.

20. Public hearing and second reading of an ordinance to annex Seeley Lake Annexation Number 1, a parcel totaling 0.10 acres

Planner III, Doug May introduced items 20 -25 with a presentation at 6:43 p.m.

This is a request for serial annexation of five pieces totaling 160.62 and must meet specific state statute requirements of which the City Attorney's Office has determined the proposal meets the statutory requirements. The Planning Commission held a public hearing on June 27, 2023, voted 5-1

The request is to zone the property as Holding Agriculture (H-A) which is created for property undeveloped agricultural land until development is proposed. The current surrounding zoning and land uses include agricultural, Planned Unit Development, Residential, Seeley Lake, and residential high density. The property located in the Urban Reserve in the Greeley Comprehensive Plan the area is not planned to develop within the next 20 years; however, is a development is proposed the city should consult with property owners, developers and residents to complete sub area plans.

There were 75 notice letters mailed, and two posted signs on the property. The city received 34 emails and six phone calls in opposition. The Planning Commission recommends approval with a 4-2 vote.

Councilmember Hall asked if there are utilities in the area or are, they planned? Mr. May replied to the question with infrastructure would need to be developed.

Councilmember Butler asked if costs of the infrastructure development would be paid for through development impact fees or would there be additional costs? In response to the question, Mr. May replied he would defer the question to Civil Engineer III, Don Kirby. In response to the question, Mr. Kirby replied to the infrastructure has well water and the meters would be issued off the system which would be built-out to Greeley's standard and the roads would need to be improved.

Councilmember Olson asked what roads would need to be improved. In response to the question, the internal roads would need to be subdivision standards and the external current County Roads would need to be annexed in and brought to current standards.

Councilmember DeBoutez asked Mr. May what the sub area developed entails. Mr. May replied there will be community outreach, data collecting and could result in working with a consultant to collect data.

Applicant representative Heather Vidlock, Development Services Project Manager with Galloway introduced her presentation at 6:54 p.m.

The proposed annexation for H-A have littler or no immediate development potential. The city code requirements for the annexation and zoning have been met and are conformance with comprehensive plan and future land use growth area. The proposed annexation promotes the geographic balance of the City's land use patter as shown on growth area maps. Adequate services are or will be available to support development, as no development is proposed. The annexation provides a continual and rational boundary as shown on the Growth Area Maps and is needed to accommodate future land use requirements.

Councilmember Butler asked the applicant if they don't want to develop the property why are they requesting to annex the property into Greeley. Ms. Vidlock answered annexing the property is consistent with future water plans and coming will need water in the future and would need to utilize City resources.

Councilmember DeBoutez asked for clarification about using city utilities. In response to the question, the only source of water is city utilities.

Councilmember Hall asked about timeline for development plans. Ms. Vidlock replied they have been working with city staff since last year to get the property annexed and do not have development plans at the moment.

Councilmember Butler asked city staff about rezoning and timeline. Mr. May replied there isn't a timeline for zoned districts and the rezoning criteria is the same.

Councilmember Clark spoke about public letters and reference to the "flagpole". Mr. May replied to the comment with AA Street is in right of way section and must be annexed in per state statute.

Councilmember Hall asked about adjacent right of way. Mr. May replied that there is contiguity requirement.

The public hearing was opened at 6:59 p.m.

1. Leona Kepler lives in Sunny View Estates and spoke about the increase of traffic. Ms. Kepler spoke about the need for four-lanes if the annexation is passed and believes the wildlife will disappear and opposes this annexation.
2. Stephanie Arries spoke about being a resident since 1989, and the traffic across 392 has increased and believes if this annexation passes the traffic will increase more. Ms. Arries, spoke about concerns of water resources. Ms. Arries spoke in opposition.
3. Bill Arries spoke about increased accidents with the increase of traffic of the development and opposition to this annexation.
4. Donn Parmelee spoke about traffic, sanitation and pollution concerns and is opposed to this annexation.

5. Ken Adams spoke in opposition and has concerns about increased traffic, need for more schools to support the increase of residence when they build homes. Mr. Adams spoke about sanitation and farming concerns.
6. Virginia Zech Spoke in opposition and lake safety and wildlife concerns. Ms. Zech asked why annex at this point.
7. Tyler Kennedy spoke in opposition and described nothing connecting this annexation except one road and asks Council if this should happen. The minimum requirement has been met, and Mr. Kennedy asks what the benefit to the community and City of Greeley.
8. Silas Kennedy spoke in opposition of the annexation and the requirements haven't been met, safety concerns and the future development of the property would require more schools and road improvements which would bring more traffic and accidents.
9. Adam Frazier spoke in support of the annexation.
10. Mark Sponsler spoke in opposition of the annexation and supports the previous speakers' comments.
11. Karen Lohmann spoke in opposition of the annexation, spoke of the traffic accidents that already exists and would increase with development.
12. Barb Stork Spoke in opposition of the annexation and mentioned the traffic concerns and increased needs of the community if developed.
13. (Virtual speaker) Lois Pringle spoke in opposition of the annexation and agreed with what previous speakers concerns.
14. (Virtual speaker) Brandon Garza spoke in opposition and did not receive notice of the annexation. Mr. Garza agreed with previous speakers' comments and utilities will cause issues.

The public hearing was closed at 7:33 p.m.

Mayor Pro Tem Payton asked Mr. May if current state statute requires to connect to municipal sewer and septic does the state law requiring connecting to the city sewer. Mr. Kirby replied that the septic is issued by the County with a minimum of one-acre parcel and demonstrate it will work and there is room for a second if it fails. Mayor Pro Tem Payton asked if there is a current application for development. In response, Mr. May replied there is not an application to develop the property.

Councilmember Hall asked for clarification on the contiguity for the annexation. Mr. May replied to the question with contiguity is being determined at the right of way through AA Street and will establish contiguity for the other annexations.

Councilmember Butler spoke about if the city developed the property, the city would need a traffic plan. Councilmember Butler asked about which school district this would fall into annexation? Mr. May replied to the question that part of the process of an annexation is to create an annexation impact report to Weld County and Special Districts which include the school district. Councilmember Butler asked about appeals and options. Mr. Marek replied that it would depend on the Council's decision and the allegation would need to be that the city didn't follow the appropriate procedures.

Councilmember DeBoutez asked Mr. May about the annexation and contiguity regarding Councilmember Hall's comment about the west annexation area and would like to confirm that is touching this proposal. In response to the question Mr. May replied the previously annexed property is the section that abuts the Seeley Lake Annexation property.

Councilmember Olson spoke about citizen concerns, first response, schools, traffic, noise and these are all items that are taken into consideration during development.

Councilmember Butler added to what Councilmember Olson spoke about mentioning Council follows the requirements set my state statute and does take the public comments into consideration. Council will do their diligence if a development plan is submitted.

DeBoutez agrees with what Councilmember Butler spoke about.

Mayor Gates spoke in opposition and does not like the contiguity of parcels and believes the citizen input has been overwhelming in opposition. For those reasons, Mayor Gates will not support this annexation.

Councilmember Clark spoke in support of the annexation, and mentions the city is growing. However, traffic safety is a concern of Councilmember Clark's.

Mayor Pro Tem Payton moved to adopt the ordinance and publish with reference to title only. Councilmember Clark seconded the motion. The motion passed 6-1, with Mayor Gates voting nay at 7:41 p.m.

21. Public hearing and second reading of an Ordinance to annex Seeley Lake Annexation Number 2, a parcel totaling 0.41 acres

The presentation for items 20-25 was given at 6:43 p.m.

The public hearing was opened at 7:45 p.m.

With no additional speakers present, the public hearing closed at 7:45 p.m.

Mayor Pro Tem Payton moved to adopt the Ordinance and publish with reference to title only. Councilmember Butler seconded the motion. The motion passed 6-1, with Mayor Gates voting nay at 7:46 p.m.

22. Public hearing and second reading of an ordinance to annex Seeley Lake Annexation Number 3, a parcel totaling 4.95 acres

The presentation for items 20-25 was given at 6:43 p.m.

The public hearing was opened at 7:46 p.m.

With no additional speakers present, the public hearing closed at 7:46 p.m.

Mayor Pro Tem Payton moved to adopt the ordinance and publish with reference to title only. Councilmember Clark seconded the motion. The motion passed 6-1, with Mayor Gates voting nay at 7:49 p.m.

23. Public hearing and second reading of an ordinance to annex Seeley Lake Annexation Number 4, a parcel totaling 87.53 acres

The presentation for items 20-25 was given at 6:43 p.m.

The public hearing was opened at 7:47 p.m.

With no additional speakers present, the public hearing closed at 7:47 p.m.

Mayor Pro Tem Payton moved to adopt the ordinance and publish with reference to title only. Councilmember Olson seconded the motion. The motion passed 6-1, with Mayor Gates voting nay at 7:49 p.m.

24. Public hearing and second reading of an ordinance to annex Seeley Lake Annexation Number 5, a parcel totaling 72.66 acres

The presentation for items 20-25 was given at 6:43 p.m.

The public hearing was opened at 7:49 p.m.

With no additional speakers present, the public hearing closed at 7:49 p.m.

Mayor Pro Tem Payton moved to adopt the ordinance and publish with reference to title only. Councilmember DeBoutez seconded the motion. The motion passed 6-1, with Mayor Gates voting nay at 7:51 p.m.

25. Public hearing and second reading of an ordinance to establish zoning of 160.62 acres of newly annexed land, located North of AA Street and West of Seeley Lake

The presentation for items 20-25 was given at 6:43 p.m.

The public hearing was opened at 7:50 p.m.

With no additional speakers present, the public hearing closed at 7:50 p.m.

Mayor Pro Tem Payton moved to adopt the ordinance and publish with reference to title only. Councilmember Olson seconded the motion. The motion passed 6-1, with Mayor Gates voting nay at 7:51 p.m.

26. Appointments to Boards & Commissions

City Clerk Heidi Leatherwood announced the appointments:

Commission on Disabilities –William Pratt was appointed for a three-year term.

Youth Commission –Molly Shawcross was appointed for a two-year term.

Union Colony Civic Center Advisory Board –Daniel Knopf was appointed for a three-year term.

27. 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 at 7:52 p.m.

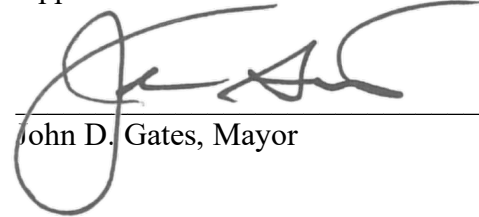
28. Scheduling of Meetings, Other Events

None.

29. Adjournment

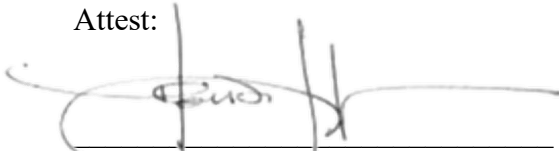
Mayor Gates adjourned the meeting at 7:52 p.m.

Approved:

A handwritten signature in black ink, appearing to read "John D. Gates", written over a horizontal line.

John D. Gates, Mayor

Attest:

A handwritten signature in black ink, appearing to read "Heidi Leatherwood", written over a horizontal line.

Heidi Leatherwood, City Clerk