

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
Regular Meeting
September 19, 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 noted item 20 with “Appendix A” included in the published agenda packet was corrected to reflect the “Appendix A” attached to Ordinance 37, 2023 presented on first reading at the City Council Meeting on August 1, 2023.

5. Recognitions and Proclamations

Mayor Gates read the National Public Lands Day Proclamation at 6:02 p.m. Interim Culture, Parks and Recreation Department Director Diana Frick, Natural Areas Division Manager Justin Scharton, and Environmental Planner Karen Scopel were present in Council Chambers to accept the Proclamation.

Mayor Gates read the Hispanic Heritage Month Proclamation at 6:04 p.m. Vice President Miriam Lievano, Secretary Angie Larsen, Public Relations Yenny Rodriguez, and Member Micaela Sanchez were present in Council Chambers to accept the Proclamation.

Councilmember Butler presented *What’s Great about Greeley?* Report at 6:08 p.m.

6. Citizen Input

1. Steve Teets spoke about his efforts in making a positive influence in the community. Mr. Teets spoke about the community needs which include fixing infrastructure, housing, transportation and the tax money being wasted. Mr. Teets requests the City of Greeley be fixed now and properly.

7. Reports from Mayor and Councilmembers

Councilmember DeBoutez congratulated City staff on the following awarded grants Forestry Watering and Conservation in the amount of \$689,000 for tree replacement, Housing and Homelessness aid in the amount of \$3.4 million, and the Water Department was awarded \$13.8 million in FEMA funding.

Mayor Gates reported the Clearview Library District has reached out asking for one Councilmember to sit on their interview panel for an undetermined day in October. Councilmember Hall volunteered to assist in interviewing.

8. Initiatives from Mayor and Councilmembers

None.

Consent Agenda

9. **A motion to approve the City Council Proceedings from the August 22, 2023, work session and the September 5, 2023 regular meeting**
10. **Introduction and first reading of an ordinance changing the official zoning map of the City of Greeley, Colorado, from HA - Holding Agriculture to PUD (Planned Unit Development) changing the underlying land use designations for approximately 8.51 acres of property located on the parcel North of W. 19th Street Road, East of 82nd Avenue (Mountain Vista PUD)**
11. **Introduction and first reading of an ordinance changing the official zoning map of the City of Greeley, Colorado from R-H (Residential High Density) to PUD (Planned Unit Development) changing the underlying land use designations for approximately 4.23 acres located directly north of 7025 8th Street (Boomerang PUD)**
12. **Introduction and first reading of an ordinance changing the official zoning map of the city of Greeley, Colorado, from R-L (Residential Low Density), C-H (Commercial High Intensity), PUD (Planned Unit Development) to PUD (Planned Unit Development) changing the underlying land use designations for approximately 42.64 acres of property located at 10494, 10800, and 10892 Hwy 257 Spur**
13. **Introduction and first reading of an ordinance amending the boundaries of the Greeley Downtown Development Authority District**

End of Consent Agenda

Mayor Pro Tem Payton moved to approve the Consent Agenda Items 9 - 13. Councilmember Olson seconded the motion. The motion passed 7-0 at 6:18 p.m.

14. Pulled Consent Agenda Items

None.

15. Public hearing and second reading of an ordinance annexing to the City of Greeley, Colorado, certain unincorporated territory located in Weld County, Colorado, known as the Wake Annexation, generally located East of 6th Avenue, West of Highway 85 Bypass, North of 5th Street, a parcel totaling 61.613 acres (Wake Annexation No. 1)

Community Development Director, Brian McBroom introduced items 15 - 18 with a presentation at 6:18 p.m.

This is a request for three (3) annexations totaling 120.097 acres and must meet specific state statute requirements of which the City Attorney's Office has determined the proposal meets the statutory requirements.

The request is to zone the property as Holding Agriculture (H-A) which is created for undeveloped and agricultural land. This property is located inside the Long-Range Expected Growth Area and would be consistent with the City of Greeley comprehensive plan. All approval criteria have been met in addition to sending notices to properties within 1000 feet of the property, no public comment was received. The Planning Commission recommended approval with a vote of 7-0.

Councilmember Butler asked for verification of the parcel on the other side of highway 85 and that is how this property is considered contiguous because we cannot use highway 85. Councilmember Butler verified this property, if annexed would be sought for a Recreation District and his opposition for special districts.

City Attorney, Doug Marek provided clarification of annexations and Council does not have to approve the request to annex if it meets all the annexation requirements.

The Public Hearing opened at 6:24 p.m.

1. Steve Teets asked why the city is annexing the property.

With no speakers the Public Hearing closed at 6:25 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 at 6:25 p.m. with Councilmember Butler opposed.

16. Public hearing and second reading of an ordinance annexing to the City of Greeley, Colorado, certain unincorporated territory located in Weld County, Colorado, known as the Wake Annexation, generally located East of 6th Avenue, West of

Highway 85 Bypass, North of 5th Street, a parcel totaling 45.409 acres (Wake Annexation No. 2)

Community Development Director, Brian McBroom gave a presentation with item 15 at 6:18 p.m.

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

With no additional speakers present, the public hearing closed at 6:26 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 at 6:27 p.m. with Councilmember Butler opposed.

17. **Public hearing and second reading of an ordinance annexing to the City of Greeley, Colorado, certain unincorporated territory located in Weld County, Colorado, known as the Wake Annexation, generally located East of 6th Avenue, West of Highway 85 Bypass, North of 5th Street, a parcel totaling 13.075 acres. (Wake Annexation No. 3)**

Community Development Director, Brian McBroom gave a presentation with item 15 at 6:18 p.m.

The public hearing was opened at 6:28 p.m.

With no additional speakers present, the public hearing closed at 6:28 p.m.

Councilmember Payton moved to adopt the ordinance and publish with reference to title only. Councilmember Olson seconded the motion. The motion passed 6-1 at 6:29 p.m. with Councilmember Butler opposed.

18. **Public hearing and second reading of an ordinance changing the official zoning map of the City of Greeley, Colorado, to establish H-A (Holding-Agriculture) for certain property located in Weld County, Colorado, generally located East of 6th Avenue, West of Highway 85 Bypass, North of 5th Street, three properties totaling 120.097 acres (Wake Zoning)**

Community Development Director, Brian McBroom gave a presentation with item 15 at 6:18 p.m.

Councilmember Butler asked if the zoning would need to be changed in the future from AH to allow the Recreation District and if so, can we do it now. Mr. McBroom answered yes, subsequent rezoning will be necessary, and it is at the discretion of the property owner.

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

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

Councilmember Payton moved to adopt the ordinance and publish with reference to title only. Councilmember Hall seconded the motion. The motion passed 6-1 at 6:31 p.m. with Councilmember Butler opposed.

19. Public hearing and two resolutions for approval of a Colorado Revised Statutes Title 32 Special District precedent to form a park and recreation district known as the Wake Park and Recreation District that would provide public facilities financing, operation, and maintenance (Wake P&R District)

Community Development Director, Brian McBroom introduced the item with a presentation at 6:31 p.m.

This is a request for approval of a service plan and a Park and Recreation District for a total of 99.289 acres with a total of \$59.7 million capital cost. The purpose of this district is to provide regional recreation facilities including ATV and mountain bike trails, open space, whitewater park, outdoor recreation games and no residential uses are anticipated.

The service plan includes powers to finance, construct, operate and maintain public infrastructure, recreation and other statutorily authorized improvements and powers. The proposed debt of this district is \$30 million and revenue sources come from a Mill levy within the district. The capital plan would add a Mill levy up to 50 Mills to pay for the improvements and borrow up to \$30 million of the \$59.7. Notices were sent to property owners within 1000 feet of the property and the application held a public meeting at which two individuals attended and provided feedback. City staff reviewed the application and agreed the application has met the requirements for the Park and Recreation District

Richmark President, Adam Frazier introduced a presentation at 6:36 p.m.

This request proposes a formation of a Park and Recreation District for regional amenity and will allow the district to have access to additional revenues not available to Metro Districts such as oil and gas. The estimated costs are just under \$60 million. The focus of this proposed development is to provide outdoor recreation to the community and include a recreation building for year-round activities. Mr. Frazier made a correction to the district debt that was previously presented, and the amount would be \$35 million. Richmark held a two-day public meeting and sent notices to property owners within 2500 feet of the property.

Councilmember DeBoutez asked Mr. Frazier if any improvements have been made at Ashe Park District. Mr. Frazier replied no improvements have been made and Richmark is building funds to make the improvements. In addition, Richmark has been working on an agreement with GURA (Greeley Urban Renewal Authority). Councilmember DeBoutez asked for clarification about taking loans to start improvements sooner, and the liability of the use of ATV on the property. Mr. Fraser replied yes, they can take out loans and Richmark is researching the type of insurance and waivers that will allow an ATV park.

Councilmember Olson commented he would like to see more river water development.

Councilmember Butler thanked Mr. Frazier for the additional outreach and asked if the City has annexed the land for the Ashe Park District. Mr. Frazier replied to Councilmember Butler indicating there will be a District formation and a future inclusionary area. Mr. Frazier clarified the debt is for unknown opportunities. Councilmember Butler inquired as to why there is a rush to have this district approved. Mr. Frazier replied he has been working on this application for 14 months and most revenue will come from oil and gas and the wells are depleting.

The Public Hearing opened at 6:50 p.m.

1. Steve Teets asked why they are building in a flood zone and will the City of Greeley be responsible if something went wrong. Additionally, how will the special district affect the taxpayers.

The Public Hearing closed at 6:52 p.m.

Councilmember DeBoutez asked the Culture Parks and Recreation District to share their opinion on this project. Deputy City Manager, Don Tripp replied with a robust full-service park and recreation agency the community would view nonprofit privatization efforts as complimentary and the City would work with the provider to have a full program that serves the community.

Councilmember Butler asked if there has been any discussion on the Culture, Parks and Recreation Department taking over the park (Wake Park and Recreation District). Mr. Tripp replied the City is open to having that discussion. Mr. Frazier indicated Richmark would put together a service plan and is open to discussion.

Mayor Pro Tem Payton moved to adopt the resolution based on the application received and the preceding analysis, the City Council finds that the request for the approval of a Colorado Revised Statutes Title 32 Special District Service Plan for the Wake Park and Recreation Districts is in conformance with the City of Greeley's Municipal Code Title 2, Chapter 16; and therefore, approves the request and adopts the resolution. Councilmember Hall Seconds the motion. The motion passed 6-1 at 6:55 p.m. with Councilmember Butler opposed.

Mayor Pro Tem Payton moved to adopt the resolution approving the intergovernmental agreement between the City of Greeley and the Wake Park and Recreation District, regarding the Service Plan for the District. Councilmember Hall seconds the motion. The motion passed 6-1 at 6:56 p.m. with Councilmember Butler opposed.

20. **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 the item with a presentation at 6:56 p.m.

The impact the code changes would have on the city are minor and would include more GFCI outlets in kitchens as well as a required emergency disconnect for dwelling electrical service for all new dwellings with only a nominal increase in total cost of approximately \$200 on a typical single-family home.

Councilmember DeBoutez asked if these updates to the electrical code would require wiring for electric vehicles in new construction. Senior Plan Examiner Matt Wagy replied it is already a requirement in the code.

Councilmember Olson asked for clarification on the code and indicated the update only affects one thing in the Greeley community. Mr. McBroom replied yes, that is the City's opinion. Additionally, the city made the changes and updates before they were required.

The Public Hearing opened at 7:00 p.m.

With no speakers present, the Public Hearing closed at 7:00 p.m.

Councilmember Butler moved to adopt the ordinance and publish it with reference to title only. Councilmember DeBoutez seconded the motion. The motion passed 6-1 at 7:02 p.m. with Mayor Pro Tem Payton opposed.

21. Appointments to Boards & Commissions

City Clerk Heidi Leatherwood announced the appointments:

Commission on Disabilities – Raymond Hitchcock for a three-year term.

Golf Course Advisory Board – Richard Furlong for a three-year term.

Housing Authority – Shawn Walcott for a three-year term.

Human Relations Commission – Kimber Watson for a three-year term.

Planning Commission – Jeffrey Carlson and Justin Yeater for three-year terms.

22. Schedule of Meetings, Other Events

None.

23. 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

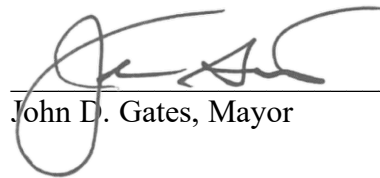
Mayor Pro Tem Payton moved to approve the motion. Councilmember Butler seconded the motion. The motion passed with a voice vote 7-0 at 7:03 p.m.

Councilmember Clark asked staff to follow up with Mr. Teets. Juliana Kitten replied she will talk with Mr. Teets.

24. Adjournment

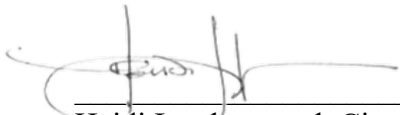
Mayor Gates adjourned the meeting at 7:03 p.m.

Approved:

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

John D. Gates, Mayor

Attest:

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

Heidi Leatherwood, City Clerk