

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
October 17, 2023
6 p.m.

1. Call to Order

Mayor Gates called the meeting to order at 6 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

Councilmember Johnny Olson

Excused:

Mayor Pro Tem Brett Payton

Councilmember Ed Clark

4. Approval of the Agenda

Deputy City Manager Don Tripp requested a motion to call for a special meeting on October 24, 2023, at 6 p.m. for the purpose of considering certain settlement agreements.

Councilmember Hall moved to call a Special Meeting on October 24, 2023, following the scheduled Work Session, to be held in Council Chambers, for the purpose of considering a settlement agreement and a potential personnel appointment.

Councilmember DeBoutez second the motion. The motion passed 5-0 at 6:02 p.m. with Mayor Pro Tem Payton and Councilmember Clark absent.

5. Recognitions and Proclamations

Mayor Gates read the Geographic Information Systems Day (November 15th) Proclamation. City of Greeley GIS Database Administrator Victoria McKennan, Asset Analyst Sophie Glaubius, and University of Northern Colorado Chair and Associate Professor Jessica Salo were present in Council Chambers to accept.

Councilmember Olson presented *What's Great about Greeley?* report at 6:05 p.m.

6. Citizen Input

1. Linda Winter, downtown business owner, spoke about downtown Greeley and homeless issues. Ms. Winter spoke about the increase in aggressive homeless presence near her shop.
2. Matt Revitte spoke about homeless issues have drastically increased with drug use, vandalism. Mr. Revitte owns many businesses downtown and commented that Lincoln Park isn't safe. Mr. Revitte mentioned the homeless issues increase when the sun goes down.
3. Odie Roberts spoke about their business on the east side of Lincoln Park and has sustained property damage to his building from the homeless. Mr. Roberts spoke about new homeless individuals in town.
4. Alejandro Gonzalez, new downtown business owner, spoke about homeless encounters. Mr. Gonzalez also works at Millennium Event Center and has sustained damage to the property from a homeless individual.
5. Luis Ochoa, downtown business owner, spoke about a homeless incident where the individual tried to kidnap an employee. Mr. Ochoa has seen an increase in criminal activity including drug use, as a property owner downtown, safety concerns.
6. Trevor Bingaman, downtown business owner, spoke about homeless criminal activity downtown and has changed their security plan to combat the homeless issues. Mr. Bingaman is also a downtown resident and expressed safety concerns.
7. Charles Kinsey, downtown property owner, spoke about homeless concerns downtown. Mr. Kinsey mentioned he was before Council a year ago about similar concern.
8. Steve Teets, Greeley resident spoke being considerate toward homeless individuals because anyone can be homeless, and they aren't all criminals. Mr. Teets spoke about adding a satellite Police Station downtown and how housing is unaffordable. This could be a factor increasing the homeless population.
9. Dave Munoz spoke about tax spikes and unaffordable housing and traffic safety.
10. Michael Pazzina, downtown resident, spoke about homeless issues and has concerns for his family's safety. He had a homeless man try to break into his home at night.

Deputy City Manager Don Tripp addressed the comments of downtown safety and homelessness.

City Manager Raymond Lee introduced Assistant City Manager Juliana Kitten to address homelessness in the community. Ms. Kitten spoke about the City's new housing support team serving 60 individuals at a time and has been able to house 40 people since April 2023. The city has received a grant that will allow an additional 80 people to get housing. Ms. Kitten spoke about the Mayor's Task Force with two major goals to achieve in the next four years.

Police Chief Adam Turk spoke about the Police Department actively conducting more outreach and encourages community members to reach out to him. Chief Turk spoke about police efforts and that it isn't illegal to be homeless; however, crimes are not going

unnoticed such as obstructing public right of way, occupying parks after hours and asks citizens to call in illegal activities.

7. Reports from Mayor and Councilmembers

Mayor Gates extended condolences for the loss of valued community member Rick Hartman's friends and family.

8. Initiatives from Mayor and Councilmembers

None.

Consent Agenda

9. Approval of the City Council Work Session Proceedings of September 26, 2023

10. Consideration of a motion to call a special meeting on November 28, 2023, to swear in new councilmembers and reinstate December 19, 2023, as an active City Council Meeting

11. Consideration of a resolution establishing the 2023 Tax Levy and directing the certificate of the same to the Board of County Commissioners

12. Consideration of a resolution to support applications for grant funding from the State of Colorado Department of Natural Resources State Trails Program for Planning and Construction Design for the "Narrows" section of the Poudre River Trail and Trails Stewardship Support

13. Consideration of a resolution for Proposition 123 Overview and Options for the City of Greeley

14. Introduction and first reading of an ordinance changing the official zoning map of the City of Greeley, Colorado from H-A (Holding Agriculture) to R-E (Residential Estate) zoning for approximately 11.2 acres of land located at address 2118 N. 47th Avenue

End of Consent Agenda

Councilmember Butler moved to approve the Consent Agenda Items 9-14. Councilmember DeBoutez seconded the motion. The motion passed 5-0 at 6:56 p.m. with Mayor Pro Tem Payton and Councilmember Clark absent.

15. Pulled Consent Agenda Items

None.

16. Continued public hearing and second 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)

Community Development Don Threewitt introduced the item with a presentation at 6:57 p.m.

The request is to rezone 8.51 acres from Holding Agriculture to Planned Unit Development (PUD). The site was annexed and zoned in 1982 and was part of tract two of the Mountain Vista subdivision, filing three. The original Mountain Vista PUD design consisted of fourteen units with 100 dwellings. The amended Mountain Vista PUD design consists of fourteen townhomes with 74 dwelling units.

The PUD met the criteria with 350 notice letters mailed to properties within 1000 feet and a neighborhood meeting was held on June 12, 2023, where 50 attendees were present. The city received five neighbor comments and a petition with 299 signatures in opposition.

The Planning Commission recommended denial September 12, 2023, at a vote of 5-0 with the following reasons that were based on the original submittal, neighborhood compatibility, traffic impacts, lack of “missing middle” housing options and it didn’t include single family housing.

Councilmember DeBoutez asked for clarification on the townhomes and if the dwellings are for sale or rent. In response to the question Mr. Threewitt replied that these will be for rent only and a townhome is a two level, side by side unit.

Councilmember Hall asked about why a PUD was selected instead of residential zoning. In response to the question Mr. Threewitt explained that with a PUD the intent is to meet or exceed the base standard of the zoned district. This will offer the city some control.

Councilmember Hall asked for a definition of the “missing middle” housing. Mr. Threewitt replied that it is a steppingstone that exists between apartments and single-family homes, townhomes, condominiums. Apartments don’t meet the missing middle for home ownership.

Councilmember Olson asked if townhomes fell under the “Condo Defect Law” or do townhomes fall out of that. Don Threewitt responded he was not certain to answer the question. Councilmember Butler responded that they are essentially an exception.

Councilmember Olson followed up with the question of whether they can fit the “missing middle” if they were for sale. Don Threewitt responded that the townhome side by side two story home would fit under what is known as “missing middle housing” whether they are for sale or rent.

Councilmember Hall asked about 83rd avenue and the two-lane road possibly not being enough for the traffic increase. Deputy Chief Engineer of Public Works, Steven Younkin responded that this proposed development would not have major impacts on the function of the corridor. Additional conceptual research and planning was conducted and 83rd Avenue should function as a two-lane road for years.

Councilmember Hall asked for clarification on the Capital Improvement Plan relating to street improvements and costs. In response to the question Mr. Younkin replied that the city has not conducted conceptual planning to determine the costs.

Councilmember DeBoutez asked what the process for permitted parking. Mr. Younkin replied that the staff does not recommend permit parking for this location due to negative impacts for the residence.

Councilmember DeBoutez mentioned concerns about vehicles cutting through the neighborhood streets. Mr. Younkin replied that with 140 vehicles using the neighborhood streets per day, there are traffic calming measures the city can implement.

Councilmember Olson asked about the current level of service for 83rd Avenue during peak hours. Mr. Younkin replied that the traffic study results showed the level of service at 83rd Avenue and 20th Street during peak hours is low and determined to be at a level at which drivers don't need to wait. Discussion on the traffic increase ensued. Councilmember Olson stated he believed there would be a significant impact on the traffic flow at the location and would like staff to investigate solutions.

Councilmember Butler asked if the traffic congestion on 83rd Avenue be addressed sooner than later. Mr. Younkin replied that the development of the larger PUD north of 10th Street would enact addressing the road congestion.

Applicant Larry Buckendorf and Joel Hemesath gave a presentation at 7:21 p.m.

Revisions to the original application were made reducing the dwelling units from 100 to 74. The property line setback has been increased from the standard of 25 feet to 50 feet with enhanced landscape buffers adjacent to existing homes. The proposed project will be built within a one-year period.

Councilmember Hall asked why this development couldn't be made into residential single-family homes. Mr. Buckendorf replied that at this time it wouldn't be economically viable or affordable due to the lot sizes. This development would fit about nine homes.

Councilmember DeBoutez spoke about homeownership versus renting and would like to know what the city can do to incentivize developers to build for ownership. Mr. Buckendorf replied to the question with he isn't sure there is anything the city can do, and it depends on the developer's preference.

The public hearing opened at 8:03 p.m.

Mayor Gates addressed individuals present for the public hearing, City Council will make a one-time exception based on the circumstances surrounding the item and will allow pooling of public comment from individuals willing to donate their time for a max amount time of 15 minutes.

1. Greg Voelz, resident, spoke in opposition asking to respect the Planning Commission recommendation and development doesn't meet the 'missing middle (housing)' need.
2. Matt Holzmeister, resident, spoke in opposition and concerns of poor rental property management and traffic congestion.
3. Rick Meis, spoke in opposition and would like to see homes for sale and spoke of traffic congestion and safety concerns.
4. Susan Strain, resident, donated time to Brynne Gant.
5. Phil Strain, resident, donated time to Brynne Gant.
6. Elizabeth Wilson, a Mountain Vista resident, spoke in opposition about concerns with lack of affordable housing, traffic congestion and the quality of build.
7. Marty Neibauer, resident, spoke in opposition of the PUD and would like to see less rentals.
8. Mark McIntire, resident, spoke in opposition and said the development doesn't fit in the area.
9. Bill Younk, resident, spoke in opposition and believed there will be a lot of traffic congestion.
10. Shelly Remley, resident, spoke in opposition concerned about decreased home values, and traffic issues.
11. Steve Teets, resident, asked why the Planning Commission recommended denial and expressed traffic concerns.
12. Neal Kingman spoke in opposition and asked the Council to follow the Planning Commission recommendation. He also mentioned the concern of increased traffic congestion.
13. Ryan Annan, resident, spoke in opposition and had concerns about the increased traffic and neighborhood safety.
14. Robin McIntire, resident, donated time to Brynne Gant.
15. John Kruse, resident, spoke in opposition with the same concerns as previous speakers.
16. Brynne Gant, resident, and business owner, with pooled time, spoke in opposition. She asked Council to approve with conditions. Ms. Gant didn't believe the PUD met the requirements of the Code. She is concerned about the quality of build, traffic congestion and safety and drainage issues with flooding of properties in the area.
17. Barry Harding, resident, spoke in opposition. His home is in the Mountain Vista community and floods often. Mr. Harding spoke of traffic concerns, quality of building and asked Council to respect the Planning Commission's recommendation.

Allowed to provide a rebuttal, Mr. Buckendorf spoke about reasonable solutions to the community concerns and does not believe the traffic issues would be due to the proposed

development. Mr. Buckendorf addressed the drainage issue and explained that it was the responsibility of the Homeowner's Association.

The public hearing closed at 9:01 p.m.

Councilmember DeBoutez asked for rental housing trends over the last three years. In response to the question Mr. Threewitt replied that staff doesn't track rental vacancies, but instead the City tracks building permits. Mr. Threewitt mentioned that development in the past 5 years has consisted of 80% multi-family and 20% single family, which is in stride with Northern Colorado.

Councilmember DeBoutez asked for a definition of suburban housing in the comprehensive plan. Mr. Threewitt replied that the City doesn't have a clear definition for suburban housing, but the plan does incorporate all housing types.

Councilmember DeBoutez asked for staff's recommendation on this application. Mr. Threewitt replied that the Planning Commission recommendation for denial was on the original application and the commission hasn't seen the revised application. Staff recommends approval with conditions.

Councilmember Butler asked how long the developer would have to come back with another application. Mr. Threewitt replied it is a one year waiting period or the developer would have to present a substantially different application.

Councilmember Olson would like to bring the application back to the Planning Commission.

Mayor Gates and Councilmember DeBoutez spoke against giving this back to the Planning Commission.

Councilmember Olson asked if the Council could approve with conditions. City Attorney Doug Marek replied that options include approve the original plan, amend the revised plan or approve with conditions on the revised the plan.

Deputy City Manager Don Tripp spoke about an option for Council to approve the PUD and send the site plan to the Planning Commission to review and they would make the final decision. Mr. Threewitt spoke about this process being a new revision in the Greeley Municipal Code.

Councilmember Olson moved to amend the revised master development PUD plan with conditions: 1. 50-foot setbacks, 2. Buffer zones with trees and fencing around properties, 3. Calming devices throughout neighborhood, 4. Drainage issues addressed and fixed. Councilmember Butler seconded the motion. The motion was thought to have passed 3-2 at 9:31 p.m. with Mayor Gates and Councilmember Hall voting nay and Mayor Pro Tem Payton and Councilmember Clark were absent.

The Mayor called a recess at 9:31 p.m. and asked Council to reconvene at 9:40 p.m.

City Attorney Marek addressed the Mayor and Council about the last vote. He advised that to pass this ordinance on second reading requires a majority vote of the entire Council or four “aye” votes. Mr. Marek stated that therefore with a vote of 3-2 that the ordinance did not pass.

Council discussed sending the revised plan back to the Planning Commission for review and recommendation.

Councilmember Butler moved to send back the revised plan to Planning Commission. Councilmember DeBoutez seconded motion. The motion passed 5-0 at 9:46 p.m. with Mayor Pro Tem Payton and Councilmember Clark absent.

17. 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 (5th Appropriation)

Treasurer Robert Miller introduced the item with a presentation at 9:46 p.m.

The appropriation included 25 requests and include appropriation of American Rescue Plan Act and grant funding. The appropriation supported operational and capital needs. The total request was \$37,905,107 in expenditures.

Councilmember Butler requested staff include communication to the public on the emergency service vehicles cost increase.

Councilmember DeBoutez made comments about how the budget, revenue and expenditures have doubled in ten years and 12% of revenue in the last year. She remarked that the City is growing quickly and believed the budget is meeting multiple needs of the City.

The public hearing opened at 9:53 p.m.

With no speakers present the public hearing closed at 9:53 p.m.

Councilmember Butler moved to adopt the ordinance and publish by title only. Councilmember Hall seconded the motion. The motion passed 5-0 at 9:55 p.m. with Mayor Pro Tem Payton and Councilmember Clark.

18. Public hearing and second reading of an ordinance adopting the Fiscal Year 2024 Budget

Budget Manager Robert Miller introduced the item at 9:55 p.m. and shared a presentation.

The proposed 2024 budget was aligned with council priorities with the largest increase in budget requests to date. The budget was balanced with existing and future resources tried to the proposed budget expenditures. The reserves continue to be maintained at two months of on-going operational costs. The budget currently has \$311 million in operating expenditures with \$252 million in capital expenditures.

Highlights of the 2024 budget include transportation and facility improvements, increased public safety measures, housing and homelessness solutions, and utility, water and sewer improvements.

Councilmember Butler asked City Attorney Marek if he could make a motion to continue this item to the December 5, 2023, Council meeting. Mr. Marek replied that the public hearing must be held and then a motion to continue the action of this item could be made. Council could make amendments before the final passage of the ordinance. The Charter states the annual budget must be adopted no later than December 15.

Councilmember Butler asked if the city had reserve funds. In response to the question, Mr. Miller replied that most of the leftover funds have been incorporated into the 2024 budget; however, there are contingency funds that have not been allocated, roughly \$10 million.

Councilmember Olson spoke in opposition and wished to further discuss the approval of the City 2024 budget to a later date.

The public hearing opened at 10:06 p.m.
With no speakers, the public hearing closed at 10:07 p.m.

Councilmember Butler moved to continue the second reading of an ordinance adopting the Fiscal Year 2024 Budget to December 5, 2023. The motion failed due to lack of a second.

Councilmember Hall moved to adopt the ordinance and publish by title only. Councilmember DeBoutez seconded the motion. The motion passed 5-0 at 10:08 p.m. with Mayor Pro Tem Payton and Councilmember Clark absent.

19. Public hearing and second reading ordinance adopting the 2024 Pay Plan Classification and Compensation

Human Resource Director Noel Mink introduced the item at 10:08 p.m. and shared a presentation.

Ms. Mink gave a brief overview of the proposed 2024 Pay Plan Classification and Compensation.

The public hearing opened at 10:09 p.m.
With no speakers present the public hearing closed at 10:09 p.m.

Councilmember Hall moved to adopt the ordinance and publish with reference to title only. Councilmember Olson seconded the motion. The motion passed 5-0 at 10:10 p.m. with Mayor Pro Tem Payton and Councilmember Clark absent.

20. Public Hearing and resolution of the Annual Action Plan for Program Year 2024 for Community Development Block Grant and HOME Investment Partnership Program Grant with Recommended Budgets

Affordable Housing Manager Ashley Weesner introduced the item with a presentation at 10:10 p.m.

The Community Development Block Grant (CDBG) meets a national objective and addresses an identified priority within the consolidated plan. The funds are strictly tied to benefiting low to moderate income populations and eliminates slum and blighted conditions or meeting an urgent need. Applications are submitted to staff, then reviewed and approved by the Greeley Urban Renewal Authority (GURA). Home investment partnership funds are primarily used for housing programs such as support for new affordable housing development.

Next steps are to finalize the action plan and submit it to HUD. Grants awards will come from Housing and Urban Development (HUD) in July or August. The action plan will be available on the GURA website.

Councilmember Butler disclosed he is a Habitat Board member.

The public hearing opened at 10:14 p.m.
With no speakers, the public hearing closed at 10:14 p.m.

Councilmember Olson moved to adopt the resolution. Councilmember Butler seconded the motion. The motion passed 5-0 at 10:15 p.m. with Mayor Pro Tem Payton and Councilmember Clark absent.

21. Public hearing and second reading of an ordinance changing the official zoning map of the City of Greeley, Colorado, to establish a Planned Unit Development (PUD) for approximately 170.573 acres located north of 10th Street and west of 83rd Avenue (Schneider Farm PUD)

Interim Chief Planner Caleb Jackson introduced the item with a presentation at 10:15 p.m.

The request was to establish the Schneider Farm PUD located at the northwest corner of 10th Street at 83rd Avenue. The site was annexed on September 5, 2023, and zoning must be established within 90 days.

The Planning Commission reviewed the application at their September 12, 2023, meeting and recommended approval 5-0. The City sent 39 notice letters to property owners and current residents within 1000 feet of the proposed PUD submitted no responses in support or opposition.

Councilmember Hall asked about the 4th Street extension. Mr. Yunkin replied that the application has a dedicated right-of-way on the north side of the property to permit passage on 4th street. The City has requested the applicant to put up the funds for the extension of 4th Street.

Councilmember Olson requested the City to investigate solutions for 83rd Street.

The public hearing opened at 10:22 p.m.
With no speakers, the public hearing closed at 10:22 p.m.

Councilmember Hall moved to adopt the ordinance and publish with reference to title only. Councilmember Butler seconded the motion. The motion passed 4-1 at 10:25 p.m. with Councilmember Olson voting “nay” and Mayor Pro Tem Payton and Councilmember Clark absent.

22. **Public hearing and second 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) and changing the underlying land use designations for approximately 4.23 acres located directly north of 7025 8th Street (Boomerang PUD)**

Chief Planner Don Threewitt introduced the item with a presentation at 10:26 p.m.

The request was to rezone to Boomerang Storage PUD. The city sent 108 notice letters to property owners of the proposed PUD with no responses in support or opposition was received. The Planning Commission reviewed the application at their September 12, 2023 meeting and recommended approval 5-0. Staff also recommended approval.

The public hearing opened at 10:28 p.m.

1. Patrick Groome, resident and attorney representing the application, spoke in support.
With no further speakers, the public hearing closed at 10:30 p.m.

Councilmember Hall moved to adopt the ordinance and publish with reference to title only. Councilmember Olson seconded the motion. The motion passed 5-0 at 10:30 p.m. with Mayor Pro Tem Payton and Councilmember Clark absent.

23. Public hearing and second 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), and PUD (Planned Unit Development) to PUD (Planned Unit Development) and changing the underlying land use designations for approximately 42.64 acres of property located at 10494, 10800, and 10892 Hwy 257 Spur

Chief Planner Don Threewitt introduced the item with a presentation at 10:30 p.m.

The request was to rezone 257 Spur PUD consisting of three parcels, two parcels were only vacant land, and the third parcel had an existing outdoor storage business on it.

The Planning Commission reviewed the application at their September 26, 2023 meeting and recommended approval 6-0. The City sent 24 notice letters to property owners and current residents within 1000 feet of the proposed PUD. One concern about an increase of truck traffic was received. Staff recommended approval of the PUD.

Mr. Threewitt clarified that the Planning Commission recommended conditional approval. Councilmember Hall asked what the conditions were. Planner III Meghan Oren replied that the requirement was for the PUD to come back through the Planning Commission to review the site plan and then to Council for approval. The Planning Commission wanted more clarification and to have the site plan reviewed prior to approval.

The public hearing opened at 10:33 p.m.

1. Rob Stanley owns an adjacent property and spoke in favor of the item.
With no further speakers, the public hearing closed at 10:43 p.m.

The applicant, Rob Molloy spoke about his experience and that the application started two years ago.

Councilmember Hall moved to adopt the ordinance and publish with refence to title only. Councilmember Olson seconded the motion. The motion passed 5-0 at 10:43 p.m. with Mayor Pro Tem Payton and Councilmember Clark absent.

24. Appointment to Boards & Commissions

City Clerk Leatherwood announced the appointment:

- Benson Verbel was appointed to the Greeley Art Commission for a three-year term.

25. Scheduling of Meetings, Other Events

None.

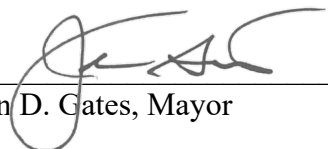
26. **Motion authorizing the City Attorney to prepare any required resolutions, agreements, and ordinances to reflect action taken by the City Council at this meeting and any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements, and ordinance**

Councilmember Hall moved to approve the motion. Councilmember Olson seconded the motion. The motion passed 5-0 with a voice vote at 10:44 p.m. and Mayor Pro Tem Payton and Councilmember Clark absent.

27. **Adjournment**

Mayor Gates adjourned the meeting at 10:44 p.m.

Approved:



John D. Gates, Mayor

Attest:



Heidi Leatherwood, City Clerk