

Greeley City Council Agenda

Regular Meeting
Tuesday, January 16, 2024 at 6:00 PM

City Council Chambers at City Center South, 1001 11th Avenue, Greeley, CO 80631
via Zoom at: <https://greeleygov.zoom.us/j/83020598460>

NOTICE:

City Council Meetings are held on the 1st and 3rd Tuesdays of each month in the City Council Chambers. Meetings are conducted in a hybrid format, with a Zoom webinar in addition to the in person meeting in Council Chambers.

City Council members may participate in this meeting via electronic means pursuant to their adopted policies and protocol.

Members of the public are also invited to choose how to participate in Council meetings in the manner that works best for them.

Watch Meetings:



Meetings are open to the public and can be attended in person by anyone.



Meetings are televised live on GTV8 on cable television.



Meetings are livestreamed on the City's website, greeleygov.com as well as YouTube at [Youtube.com/CityofGreeley](https://www.youtube.com/CityofGreeley)

For more information about this meeting or to request reasonable accommodations, contact the City Clerk's Office at 970-350-9740 or by email at cityclerk@greeleygov.com.

Meeting agendas, minutes, and archived videos are available on the City's meeting portal at <https://greeleyco.portal.civicclerk.com/>

Comment in real time:

During the public input portion of the meeting and public hearings:



In person attendees can address the Council in the Chambers.



The public can join the Zoom Webinar and comment from the remote meeting.

Submit written comments:



Email comments about any item on the agenda before Noon on the day of the meeting to cityclerk@greeleygov.com



Written comments can be mailed or Dropped off at the City Clerk's office at City Hall, at 1000 10th St. Greeley, CO 80631



Mayor

John Gates

Councilmembers

Tommy Butler - Ward I

Deb DeBoutez - Ward II

Johnny Olson - Ward III

Dale Hall - Ward IV

Brett Payton - At-Large

Melissa McDonald - At-Large



City Council Regular Meeting Agenda

Tuesday, January 16, 2024 at 6:00 PM

City Council Chambers at City Center South, 1001 11th Avenue, Greeley, CO 80631

via Zoom at: <https://greeleygov.zoom.us/j/83020598460>

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of the Agenda
5. Recognitions and Proclamations
6. Citizen Input
7. Reports from Mayor and Councilmembers
8. Initiatives from Mayor and Councilmembers

Consent Agenda

The Consent Agenda is a meeting management tool to allow the City Council to handle several routine items with one action.

Council Members may request an item be pulled off the Consent Agenda and considered separately under the next agenda item in the order they were listed.

9. A motion to approve the City Council Proceedings of the December 12, 2023 Work Session and the December 19, 2023 Regular City Council Meeting
10. A motion to designate the City of Greeley website as the official posting site for meeting notices of the City Council, including agendas of City Council Meetings and Work Sessions, and designating the public lobby of City Hall at 1000 10th Street as the backup location for such postings
11. A motion to designate the City of Greeley website as the official posting site for Boards & Commissions meeting notices, including agendas, and the public lobby of City Hall at 1000 10th Street as the backup location for such postings

12. A resolution authorizing the Community Development Director to apply for a Local Planning Capacity Grant from the Colorado Department of Local Affairs
13. A resolution authorizing the City of Greeley to submit an application for grant funding from the State of Colorado, Division of Local Affairs, provided by the Peace Officer Behavioral Health Support and Community Partnership Grant Program
14. Introduction and first reading of ordinance amending Title 8, Chapter 9 and Title 14, Chapter 10 of the Greeley Municipal Code relating to the sale of Tobacco products

End of Consent Agenda

15. Pulled Consent Agenda Items
16. Appointments to Boards & Commissions
17. 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
18. Scheduling of Meetings, Other Events
19. Adjournment



Council Agenda Summary

Title:

Recognitions and Proclamations

Summary:

Councilmember DeBoutez will present the *What's Great about Greeley* Report.

Attachments:

5 What's Great Presentation



City Council Meeting
January 16, 2024

A Story Best Lived In.

An aerial photograph of a city, likely Denver, with a large white banner overlaid in the center. The banner has a torn, paper-like edge. The background shows a vast cityscape, green parks, and distant mountains under a clear sky.

***In all ways, we will transmit
this City not only, not less, but
greater and more beautiful than
it was transmitted to us.***

- Athenian Oath

Greeley West Teacher, Caleb Flores, Earns the Milken Educator Award

- Northridge High School graduate
- One of the first in his family to attend college
- Only Colorado recipient for the national honor



Sunrise Community Health Receives \$7.5 Million Grant from Yield Giving

- Yield Giving is part of the MacKenzie Scott Foundation
- Funding will help address the need for affordable access to quality care



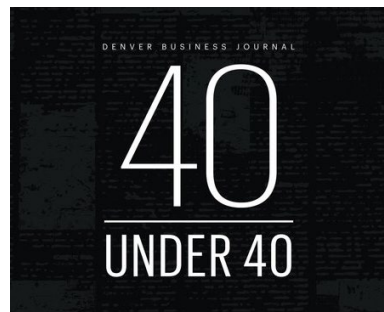
A Story Best Lived In.

Tightknit Brewing Named 'Breakout Brewery of 2023' by PorchDrinking.com



UNC's Chris Garcia Named Denver Business Journal's 40 Under 40 Winner

- Recognized for contribution in equity and advancement work at UNC



WINNER

Cristóbal (Chris) Garcia

STAFF FELLOW AND ASSOCIATE DIRECTOR OF
ALUMNI AND COMMUNITY RELATIONS,
UNIVERSITY OF NORTHERN COLORADO



A Story Best Lived In.



Council Agenda Summary

Title

Citizen Input

Summary

During this 15-minute portion of the meeting, anyone may address the Council on any item of City Business appropriate for Council consideration that is not already listed as a public hearing on this evening's agenda.

As this meeting is being conducted in a hybrid format, citizen input will be accepted first from those in the City Council Chambers, and then from the virtual meeting audience via the meeting's webinar.

Written comments submitted for any item on the agenda will be placed in the public record and provided to the Council for their review and should include the name and city of residence of the person submitting the comments for the record.



Council Agenda Summary

Title

Reports from Mayor and Councilmembers

Summary

During this portion of the meeting any Councilmember may offer announcements or reports on recent events and happenings. These reports should be a summary of the Councilmember's attendance at assigned board/commission meetings and should include key highlights and points that may require additional decision and discussion by the full Council at a future time.



Council Agenda Summary

Title

Initiatives from Mayor and Councilmembers

Summary

During this portion of the meeting any Councilmember may bring before the Council any business that the member feels should be deliberated upon by the Council. These matters need not be specifically listed on the Agenda, but formal action on such matters shall be deferred until a subsequent Council meeting.

Initiatives will generally fall into three categories:

- 1) A policy item for Council deliberation and direction for a future Worksession, Committee meeting, or regular/special Council meeting;
- 2) A request to the City Manager for information or research;
- 3) A request involving administrative processes or procedures.

At the close of this portion of the meeting, the Mayor will confirm Council's consensus that the individual requests be pursued.

Attachments

Status Report of Council Initiatives and Related Information

Greeley City Council

Status Report of Council Initiatives

Initiative No.	Council Member Initiating	Council Request	Council Meeting or Work Session Date Requested	Next Steps & Schedule	Anticipated Deliverable & Date (Report, Council Presentation, etc.)	Assigned to:
15-2021	Olson	Formation of a committee for implementation of a funding strategy for the 35th and 47th interchanges.	December 7, 2021 Council	•Next grant application expected May 2023	Pending outcome of federal grant application submitted	Paul Trombino
03-2023	Butler	Campaign Contribution Limits	February 7, 2023 Council Meeting	•Presented at Nov 28 Work Session	•Ordinance scheduled for February 20, 2024 Council Meeting	Doug Marek/ Heidi Leatherwood
04-2023	Hall	Pumpkin Ridge - Bridge	March 7, 2023 Council Meeting	•PW report provided to Council on March 24, 2023. Neighborhood meeting planned on June 29, 2023. •Included Raymond's 9/1/2023 Council Update	A Neighborhood meeting was held on December 13th with residents of Pumpkin Ridge. Approx. 28 people attended. PW proposed constructing a low-rise crossing at the current sidewalk location. Work is anticipated to occur in 2024. •Update included in the January 5, 2024 Council Report	PW
08-2023	DeBoutez	Public Nuisance Ordinance	May 9, 2023 Council Work Session	•Presented at December 12, 2023, Work Session	•1st Rdg Code Updates in first quarter	Doug Marek Brian McBroom
11-2023	Clark/Butler	Artificial turf and landscape standards	August 1, 2023 Council Meeting	•Come back to Council with a draft ordinance	Council consensus: Staff to bring back minor updates to the front yard landscaping regulations for consideration Late first quarter	Brian McBroom

1-2020	Hall	Follow-up on the Poudre River Trail-Narrows Project	August 1, 2023 Council Meeting	•The grant application, which will be submitted in October, will complete baseline river modeling in addition to an alternative alignment analysis which will also look at the existing alignment, with high level cost estimates for each alternative. The scope will also include a 30% design of the preferred alignment. Working with existing consultants, we've established an estimated cost for the design process to get to a 30% of roughly \$150,000. •Unless a new alignment comes out of the design process, utilizing the existing alignment or an alternative on the north side of the river identified by past studies will likely exceed \$2 million to completed design/permitting and	•NAT is pursuing a State Trails Planning grant to complete a 30% design for the Narrows section of the trail. If funded by the grant, which will be awarded in late 2023 or early 2024, design work could begin in early-to-mid 2024.	Paul Trombino/Diana Frick
12-2023	Butler	Funding Options Regarding the Greeley-Evans Transit	October 3 Council	Staff to bring back information for funding and ridership of the Greeley Evans Transit	•Preparing a presentation to bring to a future Council Work Session- pending scheduling date	Paul Trombino
13-2023	Hall	Grants Housing and Homeless Solutions Department has Received	12/20/2023	Provide report identifying the grants that were received so Councilmember Hall can provide to CML	•☐Juliana will work on gathering the data and creating a report •Work with Stacey Swanson to obtain a list of departments who have received grants and then develop a list of departments that will need to provide a report for Councilmember Hall to take to CML	Juliana Kitten (Department with Grants?)
14-2023	Butler	Charter Review	12/19/2023	Asked Staff to start process of Charter review	•Meeting with CMO and Stakeholders January 22, 2024	CAO/CCO



Council Agenda Summary

January 16, 2024

Key Staff Contact: Heidi Leatherwood, City Clerk

Title:

A motion to approve the City Council Proceedings of the December 12, 2023 Work Session and the December 19, 2023 Regular City Council Meeting

Summary:

A work session of the City Council was held in the City Council's Chambers on December 12, 2023 and a meeting of the City Council was held in the City Council's Chambers on December 19, 2023.

The draft proceedings of each meeting have been prepared and are being presented for the Council's review and approval.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	No
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Legal Issues:

Legislative

Other issues and Considerations:

None

Strategic Focus Area:



High-Performance Government

Decision Options:

- 1) Approve the motion; or
- 2) Amend the motion and approve as amended; or
- 3) Deny the motion; or
- 4) Continue consideration of the motion to a future date.

Council's Recommended Action:

Approve the motion.

Attachments:

1. Council Work Session Minutes December 12, 2023 - draft
2. City Council Proceedings December 19, 2023 -draft

City of Greeley, Colorado
CITY COUNCIL WORK SESSION REPORT
December 12, 2023
6 p.m.

1. Call to Order

Mayor John 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.

The following members of Council were present:

Councilmember Tommy Butler

Councilmember Deb DeBoutez

Mayor Pro Tem Dale Hall

Councilmember Brett Payton

Councilmember Johnny Olson

Councilmember Melissa McDonald

Mayor John Gates

4. Reports from Mayor and Council Members

Councilmember Olson provided a follow-up to on Front Range Passenger Rail vote on the location for the new route through Northern Colorado and mentioned that Weld County would be in the taxing district for this possible transportation ballot initiative in 2024.

Mayor Pro Tem Hall provided an update on the Colorado Municipal League (CML) newsletter and requested staff be tasked with compiling grant reports for submission to CML for publishing.

Councilmember Butler recognized the December 7, 2023, Menorah Lighting and Chanukah Celebration held and organized by Chabad Jewish Center of Northern Colorado, Greeley Downtown Development Authority and Rabbi Gorelik.

Mayor Gates highlighted that the 2023 Wreaths Across America event organized by Union Colony Exchange Club of Greeley will be Saturday, December 16, 2023, at 10

a.m. Mayor Gates will officiate the proclamation at Linn Grove Cemetery and Mayor Pro Tem Hall will officiate the proclamation at Sunset Memorial Gardens.

5. Update on Downtown Homelessness

Assistant City Manager Juliana Kitten and Police Chief Adam Turk introduced the item at 6:10 p.m.

Ms. Kitten provided an update to the Council related to the concerns mentioned during public comment at the meeting on October 17, 2023.

Solutions are summarized below:

- Neighborhood Action Team met with bars and their security guards to learn more specifics and to ask them to please call the police department when issues are currently happening. The Greeley Police Department now has two off-duty police officers dedicated to downtown areas from 9 p.m. to 2 a.m., Friday and Saturday nights through the end of 2023.
- Eight Downtown Ambassadors are focused on street cleanup, coordinating with the outreach team, and maintaining positive relationships with businesses.
- Goal: to quickly obtain housing and services with our new outreach team, the "public ambassadors" and our police department to discourage new encampments from popping up.

Mayor Gates asked if there was feedback from citizens who came to the meeting and shared their concerns. Chief Turk shared that a diligent effort has been made to follow up with these individuals. They have been invited to meetings to engage in discussions as a collective, and while not everyone elected to engage with the police, the general sense is that improvements are being made. Ms. Kitten added the importance of the Mayor's Task Force and outreach program and the impact it will make.

Councilmember DeBoutez asked if the cold weather shelter was open and at what capacity it was filled. Ms. Kitten responded that the cold weather shelter is open and is not yet full.

Councilmember DeBoutez asked for clarity on the evaluation process for grants. Ms. Kitten responded that they are currently working with UNC on a 2-year cost analysis study, so there is still quite a bit of data to be collected.

Mayor Pro Tem Hall inquired about displacement. Chief Turk discussed displacement and the consequences related to cleaning up encampments. Ms. Kitten added that Will Jones has also been collecting data on costs associated with cleaning up encampments.

Councilmember Olson asked for clarification on where the funding is coming from for master leasing. Mr. Lee confirmed the funding would come from the General Fund, which has funding earmarked for special projects such as this, should the Council choose to use this money to fund this initiative.

Councilmember McDonald shared her positive experience with the ride along from the Neighborhood Action Team. She shared how appreciative the people in the program were. Councilmember McDonald added it is a phenomenal experience and encouraged her fellow councilmembers to attend a ride-along as well.

6. Sign Code Discussion

Community Development Director Brian McBroom introduced the item at 6:43 p.m. Supervising Attorney II Bobbier Cranston and Code Compliance Supervisor Buxton Demers were available for questions.

Staff provided a short presentation of key regulations in the sign code pertaining to temporary signs. Since the Development Code was amended in 2021, council members have received concerns and questions from the community about these types of signs, especially those related to wind-driven signs such as ground kites.

The purpose of this agenda item was to share key information, answer council questions, and receive feedback about the recommendations provided which would require amendments to the Development Code.

Mayor Gates asked for additional information as to ground kites that are placed without wording. Mr. McBroom provided guidance on the limitations on signs, both permanent and temporary. Should the code be amended to allow signs on these devices, additional limitations can be implemented.

Councilmember Butler inquired about the permitting process. Mr. Demers responded that the Planning Department oversees the permitting process. Mr. McBroom shared that the applications for permits are reviewed to ensure the request complies with the standards that are in the code.

Councilmember Olson expressed that sign pollution is a concern and Council has a responsibility for the safety of the citizens and preventing distracted driving and aesthetics awareness. Mr. Lee said that the potential distraction remains regardless of words on it. Councilmember Payton expressed support for minor regulations on signs, particularly when related to public safety.

Recommendations

- No recommended changes to political sign regulations
- Immediate Updates to Temporary Sign Regulations
- Audit of Entire Sign Code – 2024 Q2, then

- Any Needed Amendments – 2024 Q3/Q4
- Small Business Outreach via Code Inspection Team
- Small businesses rely heavily on temporary signs

Councilmember Butler asked for additional information on intended changes to the temporary sign code. Ms. Cranston summarized the intent to clarify the definition of a device as opposed to a sign, specifically the exempt signs portion of the code. Changes are intended to address ambiguity and assist with understanding, for business owners, what is being regulated.

The Council consensus was to move forward with staff recommendation.

7. **Initiative 08-2023 Public Nuisances on Private Property**

Community Development Director Brian McBroom introduced the item at 7:13 p.m. Supervising Attorney II Bobbier Cranston and Police Chief Adam Turk were available for questions. Mayor Gates asked Municipal Judge Mark Gonzales to join the panel.

On the May 9, 2023, City Council Meeting, Councilmember DeBoutez asked staff to review and consider bringing back to council a municipal code amendment for public nuisances on probate property.

Councilmember Payton asked for clarification on the “*Improved Process for Right of Entry*” as stated on the recommendations list. Mr. McBroom explained the necessity to clearly define the circumstances in which an authority may act upon the right of entry provided with legislative direction. Ms. Cranston added that the intention is to specify the law to assist law enforcement and code compliance officers with the process.

Councilmember Butler expressed concern for properties that are unkept due to aging in place or limited ability and resources to maintain a property. He requested a system to assist people in these situations before this kind of revision is enacted. Mr. McBroom said that it is currently unknown if people who are experiencing these kinds of challenges are rising to the level of chronic public nuisance. Typically this is triggered by a lack of responsiveness. The City is exploring opportunities to aid members of the community who struggle to comply with landscaping regulations.

Councilmember Butler asked for additional clarification on what qualifies as “*Three (3) or more nuisance activities in 90 days or seven (7) or more in one (1) year*” to establish chronic nuisance activity. Ms. Cranston provided the broad legal definition of public nuisance and explained that other cities have specified a list of violations.

Councilmember Olson inquired if community service can be sentenced to assist with clean-up efforts. Judge Gonzales explained how community service sentencing worked

and expressed that, unfortunately, it's not practical as it is difficult to enforce. Assistant City Manager Juliana Kitten added that there are some clean up assistance options through the Community Development Block Grant (CDBG).

Councilmember DeBoutez expressed the need for specificity, such as violations of stolen vehicles and multiple fugitive arrests that victimize neighborhoods. She expressed the importance of being aware of the victims. She asked for specific language that provides for exemption for landlords that can prove they are attempting to deal with violations on their property, as well as language that specifies abatement time perimeters for compliance.

Mr. McBroom affirmed the next steps are to bring the code amendments to council for review and consideration.

Councilmember DeBoutez asked if the code applied to boarded-up and abandoned buildings, and for how long. Mr. McBroom said that this can be explored.

Council consensus was to explore amendments with additional directions per Councilmember DeBoutez's request to broaden the list, add specificity, shorten the duration of time to consider a property with chronic problems, set limitations on boarded up properties, and include property maintenance language in the ordinance.

Deputy City Attorney Stacey Aurzada reminded council that increasing fines will require a change to the charter. Ms. Cranston expressed the importance of being more expansive, however not too limiting with specifics, to allow for flexibility as needed.

Judge Gonzales suggested adding considerations for the sale of such properties and if there should be limitations and specificity on how the sale would occur.

8. Scheduling of Meetings, Other Events

None.

9. Adjournment

Mayor Gates adjourned the meeting at 7:41 p.m.

Approved:

John D. Gates, Mayor

Attest:

Heidi Leatherwood, City Clerk

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
December 19, 2023

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

Sarah Jacobsen, Deputy City Clerk called the roll.

The following were present:

Councilmember Butler
Councilmember DeBoutez
Mayor Pro Tem Hall
Councilmember Payton
Councilmember Olson
Councilmember McDonald
Mayor Gates

4. Approval of the Agenda

No changes were requested.

5. Recognitions and Proclamations

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

6. Citizen Input

1. Kimber Watson thanked Council for their efforts of fixing the walkway along 22nd Street and spoke about safety concerns relating to homelessness in Lincoln Park.

7. Reports from Mayor and Councilmembers

Mayor Pro Tem Hall reported on the Pumpkin Ridge subdivision meeting. The Public Works Department will work on installing a foot bridge to get to the shopping center.

Mayor Pro Tem Hall commented on the open space meeting for the Missile Site Park and the Colorado Municipal League (CML) Legislation Meeting for 2024. CML introduced a criminal justice bill that assists Police Departments in maintaining body worn camera footage storage.

Mayor Pro Tem Hall attended "Wreaths Across America" and read the proclamation recognizing veterans.

Councilmember McDonald toured Fire Station 6 and announced the Commercial Crime Collaborative Event for Retail Theft on January 26, 2023, at the Greeley Police Department.

Mayor Gates attended the Lin Grove ceremony and read the proclamation recognizing veterans. Wreaths were placed on graves at no cost to the families by “Wreaths Across America.”

8. Initiatives from Mayor and Councilmembers

Councilmember Butler introduced an initiative on the cost and feasibility of reviewing the Greeley City Charter.

Consent Agenda

- 9. A motion to approve the City Council Meeting Proceedings for December 5, 2023**
- 10. A motion to cancel the January 2, 2023 (corrected to 2024), Regular City Council Meeting**
- 11. A motion to approve Fuel Card Provider Change Orders**
- 12. A motion to approve the Ice Haus Roof Replacement change order**
- 13. A resolution to approve the Transformational Homelessness Response Grant Agreements**
- 14. A resolution appointing Deputy Chief Jason Edwards to the Weld County E-911 Authority Board**

End of Consent Agenda

Councilmember Payton moved to approve the Consent Agenda Items 9-14. Councilmember Olson seconded the motion. The motion passed 7-0 at 6:18 p.m.

15. Pulled Consent Agenda Items

None.

- 16. Public hearing and second reading of an ordinance changing the official zoning map of the City of Greeley, Colorado from Residential Low Density (R-L) to Planned Unit Development (PUD) zoning and changing the underlying land use designations for approximately 11.083 acres of land, located at 1318 47th Avenue (1318 47th Avenue PUD)**

Planning Manager, Don Threewitt introduced the item at 6:19 p.m. with a presentation.

The request was to rezone from Residential Low Density to Planned Unit Development (PUD). The 10.5 acres currently contains one resident. The applicant's concept plan proposed a senior living facility including residential care, assisted living, and independent living. The PUD allows other Residential High Density uses including single-family and multi-family.

All required criteria and notifications were met. A neighborhood meeting was held on April 20, 2023. The Planning Commission recommended approval on September 26, 2023.

Councilmember Olson asked about the traffic report and spoke about the no turning lane concerns. Mayor Gates also relayed a citizen's concern that the traffic study underestimated traffic flow. Transportation Engineer Matt Brown spoke about the use of national references, studies and utilized trip generation information. The applicant requested a right in, right out turning lane, which data shows is the safest turning lane.

Councilmember Butler asked for clarification on the site plan approval. Mr. Threewitt replied that the Planning Commission recommended the site plan go to both City Council and the Planning Commission for approval.

The public hearing opened at 6:31 p.m.

1. Edwin Grant spoke about the development location.
2. H. Michael Croissant spoke in opposition and on behalf of the Country Club community.
3. Louisa Andersen, speaking through the virtual platform, said that the motion was not approved by the Planning Commission (vote of 1-5) and instead voted to amend the motion to have the site plan returned to the Commission for further clarification and review.

The public hearing closed at 6:42 p.m.

Councilmember Butler spoke in favor of this development, supporting the idea that it fits the housing need in Greeley.

Councilmember Olson would like to see an evaluation and is worried about traffic accidents in that area.

Councilmember Payton moved to adopt the ordinance and publish by title only. Councilmember Butler seconded the motion. The motion passed 7-0 at 6:47 p.m.

17. **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) to Planned Unit Development (PUD) and changing the underlying land use designations for approximately 72.5 acres of land located west of 71st Avenue, 1/3 mile south of 10th Street and 1/4 mile north of 20th Street (Triple Creek PUD)**

Planning Manager, Don Threewitt introduced the item at 6:47 p.m. with a presentation.

The request was to establish the Triple Creek PUC on 72.5 acres located west of 71st Avenue, 1/3 mile south of 10th Street and ¼ mile north of 20th Street, ultimately rezoning the site from Residential Low Intensity zoning to Planned Unit Development. This site was annexed in 1998 with one oil and gas development on site. All criteria and notifications have been met. The Planning Commission unanimously voted to recommend that City Council approve the zoning request.

Richmark President Adam Frazier shared an applicant presentation at 6:53 p.m.

Councilmember McDonald asked for clarification on the Planning Commission Summary Attachments F and G, that appeared to be missing.

Mayor Gates called recess at 7:02 p.m. so that staff could provide an explanation on the attachments.

Mayor Gates resumed the meeting at 7:07 p.m.

Mr. Threewitt provided clarification that attachments F and G were in the published City Council packet but were erroneously co-mingled with attachment C of the Planning Summary.

Councilmember Olson asked for confirmation on Planning Area 1 as “mixed use with residential” and Planning Area 2 and 3 as “residential for sale” mixed type homes. Mr. Frazier confirmed that is the plan.

Councilmember DeBoutez asked if the oil wells on Planning Area 4 were active and if so, when they would be retired. Mr. Frazier replied that production from the wells was declining but there was no known time when it could be retired.

Councilmember DeBoutez asked about traffic exiting the subdivision and other possibilities. Mr. Frazier explained the route.

Councilmember Butler asked about affordable housing ideas.

The public hearing opened at 7:13 p.m.

1. Shelly Brimley donated her three minutes to Earl Miller.
2. Earl Miller spoke in favor of the housing development but spoke in opposition to the traffic plan. Mr. Miller suggested improvements to the potential traffic issues.
3. Edwin Grant opposed the zoning changes.

The public hearing closed at 7:21 p.m.

Councilmember Payton moved to adopt the ordinance and publish by title only.
Councilmember DeBoutez seconded the motion. The motion passed 7-0 at 7:22 p.m.

18. Public hearing and second reading of an ordinance reauthorizing the Human Relations Commission, Judicial Review Board, the Museum Board and the Parks and Recreation Advisory Board for a period of three years

Deputy City Clerk, Sarah Jacobsen introduced the item at 7:22 p.m. with a presentation.

The Triennial Review was approved by Greeley voters amending the Greeley Charter in 2001 enabling City Council to review advisory groups every three years. In response to that amendment, an ordinance was adopted that created a schedule for the boards and commissions to be considered for reauthorization. This year the boards and commissions being considered are the Human Relations Commission, Judicial Review Board, Museum Board and the Parks and Recreation Advisory Board.

The City Clerk's Office gathered data and engagement information from the four boards from the last three years and presented the information to Council at the November 28, 2023, Work Session and consensus was to draft an ordinance to reauthorize the four boards.

The Public Hearing opened at 7:34 p.m.

1. Edwin Grant spoke about tax increases and surveys.

The Public Hearing closed at 7:35 p.m.

Councilmember Olson moved to adopt the ordinance and publish by title only. Mayor Pro Tem Hall seconded the motion. The motion passed 7-0 at 7:36 p.m.

19. 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

Councilmember Payton moved to approve the motion. Councilmember Butler seconded the motion. The motion passed with a voice vote 7-0 at 7:37 p.m.

21. Scheduling of Meetings, Other Events
None.

23. Adjournment

With no further business to come before the Council, Mayor Gates adjourned the meeting at 7:38 p.m.

Approved:

John Gates, Mayor

Attest:

Sarah Jacobsen, Deputy City Clerk



Council Agenda Summary

January 16, 2024

Key Staff Contact: Heidi Leatherwood, City Clerk

Title:

A motion to designate the City of Greeley website as the official posting site for meeting notices of the City Council, including agendas of City Council Meetings and Work Sessions, and designating the public lobby of City Hall at 1000 10th Street as the backup location for such postings

Summary:

The Colorado Open Meetings Act, C.R.S. §24-6-402, includes a requirement that each year the governing body is required to designate public places(s) for posting meeting notices.

Effective July 2019, changes to this law intended that local governments transition away from relying on posting physical notices of public meetings in physical locations and move toward posting notices on their public websites. The City of Greeley's (City) meeting portal is found at <https://greeleyco.portal.civicclerk.com/> and posted prominently throughout the City's public website, www.greeleygov.com, has since been designated as the official posting location for meeting notices of the City Council and meets the requirements of the Open Meetings Act.

C.R.S. §24-6-402 (2)(c)(II) requires designation of a public location for physical notices in the event of exigent or emergency circumstances that may prevent the public from accessing a notice online.

Monitors have been installed in the City Hall lobby, in addition to similar displays existing in other City facilities. In addition, hard copies of the agendas will be located at the City Clerk's counter in the main lobby.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	NA
Is there grant funding for this item?	NA

Legal Issues:

This motion meets the Colorado Revised Statutes requirements for posting notices for City Council meetings and work sessions.

Other issues and Considerations:

Posting a site designation is required under the Colorado Open Meetings Act.

Strategic Focus Area:



High-Performance Government

Decision Options:

1. Approve the motion as presented; or
2. Amend the motion and adopt as amended; or
3. Deny the motion; or
4. Continue consideration of the motion to a certain date.

Council's Recommended Action:

Approve the motion.

Attachments:

None



Council Agenda Summary

January 16, 2024

Key Staff Contact: Heidi Leatherwood, City Clerk

Title:

A motion to designate the City of Greeley website as the official posting site for Boards & Commissions meeting notices, including agendas, and the public lobby of City Hall at 1000 10th Street as the backup location for such postings

Summary:

The Colorado Open Meetings Act, C.R.S. §24-6-402, includes a requirement that each year the governing body is required to designate public places(s) for posting meeting notices.

Effective July 2019, changes to this law intended that local governments transition away from relying on posting physical notices of public meetings in physical locations and move toward posting notices on their public websites. The City of Greeley's (City) meeting portal is found at <https://greeleyco.portal.civicclerk.com/> and posted prominently throughout the City's public website, www.greeleygov.com, has since been designated as the official posting location for meeting notices of the City Council and meets the requirements of the Open Meetings Act.

C.R.S. §24-6-402 (2)(c)(II) requires designation of a public location for physical notices in the event of exigent or emergency circumstances that may prevent the public from accessing a notice online.

Monitors have been installed in the City Hall lobby, in addition to similar displays existing in other City facilities. In addition, hard copies of the agendas will be located at the City Clerk's counter in the main lobby.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	NA
Is there grant funding for this item?	NA

Legal Issues:

This motion meets the Colorado Revised Statutes requirements for posting notices for City meetings.

Other issues and Considerations:

Posting a site designation is required under the Colorado Open Meetings Act.

Strategic Focus Area:



High-Performance Government

Decision Options:

1. Approve the motion as presented; or
2. Amend the motion and adopt as amended; or
3. Deny the motion; or
4. Continue consideration of the motion to a certain date.

Council's Recommended Action:

Approve the motion.

Attachments:

None



Council Agenda Summary

January 16, 2024

Key Staff Contact: Donald Threewitt, Chief Planner

Title:

A resolution authorizing the Community Development Director to apply for a Local Planning Capacity Grant from the Colorado Department of Local Affairs

Summary:

Community Development staff seeks authorization to apply for a Department of Local Affairs "Local Planning Capacity (LPC)" grant with a total project cost of \$94,500. This is a highly competitive grant with a minimum 20% required match, and staff is prepared to increase the match as needed, for a total city match of \$20,000-\$30,000. Funding will originate from the Community Development 2024 operating budget.

The City of Greeley adopted Resolution No. 36, 2023 which authorized filing an Affordable Housing Commitment with the Department of Local Affairs (DOLA). In doing so, several state-level grant opportunities became available to support the development, management, and funding assistance for affordable housing. The Local Planning Capacity (LPC) grant program intends to increase local government planning department capacity to address affordable housing in terms of expedited reviews, permitting, zoning, and fostering development of new or newly-converted affordable units. One provision of Proposition 123 is the implementation of a 90-day "fast track" development review process for affordable housing projects which is required to be implemented on or before January 1, 2026. Community Development is pursuing this grant for a two-phase project.

Phase 1 is to develop an affordable housing section to the Greeley Development Code that will: clearly define "affordable housing;" provide threshold performance criteria, dimensional standards, and site and building design standards; clarify qualifications and exemptions for the 90-day review process; and provide objective eligibility measures for any future city-authorized or initiated incentives related to affordable housing development.

Phase 2 of the grant proposal includes an audit and recommendations for code updates to facilitate review and eliminate obstacles to condominium development in Greeley. This phase is contingent upon the Colorado Legislature to take action in 2024 to revise the construction defects laws and to facilitate enabling legislation toward that end. If no state-level changes are enacted in 2024, then Phase 2 will alternately develop implementation strategies for the fast-track process, procedure, and internal workflow; develop an affordable unit tracking, monitoring, and reporting system for city staff use.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	\$94,500
What is the annual impact?	\$0
What fund of the City will provide Funding?	General Fund - Community Development Operating
What is the source of revenue within the fund?	Grant
Is there grant funding for this item?	Yes
If yes, does this grant require a match?	Yes - Not to exceed \$30,000
Is this grant onetime or ongoing?	One-time
Additional Comments:	

Legal Issues:

Consideration of this matter is a legislative process.

Other issues and Considerations:

None

Strategic Focus Area:



High-Performance Government



Housing For All



Quality of Life

Decision Options:

- 1) Adopt the resolution as presented; or
- 2) Amend the resolution and adopt as amended; or
- 3) Deny the resolution; or
- 4) Continue consideration of the resolution to a date certain.

Council's Recommended Action:

A motion to approve the resolution.

Attachments:

1. Res 1, 2024 with Exhibit A

CITY OF GREELEY, COLORADO
RESOLUTION NO. 1, 2024

**A RESOLUTION AUTHORIZING THE COMMUNITY DEVELOPMENT DIRECTOR
TO APPLY FOR A LOCAL PLANNING CAPACITY GRANT FROM THE COLORADO
DEPARTMENT OF LOCAL AFFAIRS**

WHEREAS, the City of Greeley adopted Resolution No. 36, 2023 authorizing the filing of an Affordable Housing Commitment with the Department of Local Affairs (DOLA) pursuant to Proposition 123 related to affordable housing commitments; and

WHEREAS, The Local Planning Capacity (LPC) grant program was made possible by Proposition 123 with funding from the Statewide Affordable Housing Support Fund. This grant program will be managed by the Community Development Office (CDO) within DOLA's Division of Local Government (DLG); and

WHEREAS, This program is intended to increase local government planning department capacity to address affordable housing, especially by expediting review, permitting, zoning, and development of affordable housing; and

WHEREAS, as part of this commitment the City of Greeley shall implement a 90-day Fast-track development review process for affordable housing on or before January 1, 2026.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF GREELEY,
COLORADO:**

Section 1. That the Community Development Director is authorized to apply for the Local Planning Capacity grant offered by the Colorado Department of Local Affairs; and

Section 2. That the grant application for the project summarized in Exhibit A shall not exceed a cost of \$95,000, with an associated local match not to exceed \$30,000 without further authorization.

Section 3. This Resolution shall take effect immediately upon its passage.

**PASSED AND ADOPTED, SIGNED AND APPROVED ON THIS ____ DAY OF _____,
2024.**

ATTEST

THE CITY OF GREELEY, COLORADO

By: _____
City Clerk

By: _____
Mayor

EXHIBIT A
RESOLUTION 1, 2024
CITY OF GREELEY, COLORADO

The City of Greeley proposes to use Local Planning Capacity grant funds to hire a consultant to create an Affordable Housing Section to the Greeley Development Code and a fast-track approval process for creating affordable housing units. The project may include pre-approved building and site design standards, buffering and compatibility standards to facilitate the fast-track approval or denial of developments containing affordable units. It will also include a clear method for handling incomplete development applications and other types of development submittals that may be related to affordable units. A second phase of the project is to audit and update city codes to address updates to the state construction defects laws to encourage condominium construction as an affordable, entry-level homeownership opportunity. If state laws are not revised, funding proposed for this second phase will be reprogrammed to support fast-track implementation, training, monitoring and reporting.

Phase 1 Affordable Housing Code Creation and Fast-track Process - \$57,000

Phase 2 - Condominium Regulation Audit & Update* – \$30,000

*This phase of the project is dependent on the Colorado Legislature revising the state's construction defects laws. If revisions are not made, this funding will be applied to the Phase 3 activities below.

Phase 3 - Fast-track Review, Process Mapping & Development*

Grant Administration - \$7,500



Council Agenda Summary

January 16, 2024

Key Staff Contact: Adam Turk, Police Chief

Title:

A resolution authorizing the City of Greeley to submit an application for grant funding from the State of Colorado, Division of Local Affairs, provided by the Peace Officer Behavioral Health Support and Community Partnership Grant Program

Summary:

The Colorado Department of Local Affairs (DOLA) has a grant opportunity to provide financial assistance annually to local law enforcement agencies for counseling services, peer support, training and educational programs for our peace officers and their immediate family members. This service provides support for work-related stress during and following critical incidents.

In 2021, the City of Greeley adopted Resolution No. 41, 2021, which authorized the Greeley Police Department to apply for the Peace Officer Mental Health Grant with the Department of Local Affairs. The funds received greatly assisted officers and family members with needed support services.

Adoption of the resolution will allow the City of Greeley Police Department to apply for the grant. The application will request a total of \$60,000 to help cover the cost of services provided by Jaime Brower Psychological Services.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	No
What is the annual impact?	Unknown
What fund of the City will provide Funding?	General Fund
What is the source of revenue within the fund?	Grant
Is there grant funding for this item?	Yes
If yes, does this grant require a match?	No
Is this grant onetime or ongoing?	Onetime
Additional Comments:	The award amount is not decided until after application. DOLA determines the award based on funding availability and jurisdiction size.

Legal Issues:

DOLA requires approval by the governing body prior to application.

Other issues and Considerations:

None

Strategic Focus Area:



Safe and Secure Communities

Decision Options:

- 1) Adopt the resolution as presented; or
- 2) Amend the resolution and adopt as amended; or
- 3) Deny the resolution; or
- 4) Continue consideration of the resolution to a date certain.

Council's Recommended Action:

A motion to adopt the resolution as presented.

Attachments:

1. Res 2, 2024

**CITY OF GREELEY, COLORADO
RESOLUTION NO. 2, 2024**

**A RESOLUTION AUTHORIZING THE CITY OF GREELEY TO SUBMIT AN
APPLICATION FOR GRANT FUNDING FROM THE STATE OF COLORADO,
DEPARTMENT OF LOCAL AFFAIRS, PROVIDED BY THE PEACE OFFICER
BEHAVIORAL HEALTH SUPPORT AND COMMUNITY PARTNERSHIP
GRANT PROGRAM**

WHEREAS, the City of Greeley (“City”) and the State of Colorado, Department of Local Affairs, desire to enter into a Grantor Agreement regarding funds from the Peace Officer Behavioral Health Support and Community Partnership Grant Program; and

WHEREAS, the grant funds shall be used for the cost of counseling services for peace officers and their immediate family members, peer support, training and education programs that teach peace officers and their immediate family members the symptoms of job-related mental trauma and how to prevent and treat such trauma; and

WHEREAS, it is in the best interest of the citizens of the City of Greeley to apply for this grant funding.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREELEY, COLORADO:

Section 1. The City Council hereby approves submission of a grant application provided by the Colorado Department of Local Affairs.

Section 2. This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS ____ DAY of _____, 2024.

ATTEST:

THE CITY OF GREELEY, COLORADO

By: _____
City Clerk

By: _____
Mayor



Council Agenda Summary

January 16, 2024

Key Staff Contact: Adam Turk, Police Chief

Title:

Introduction and first reading of ordinance amending Title 8, Chapter 9 and Title 14, Chapter 10 of the Greeley Municipal Code relating to the sale of Tobacco products

Summary:

On December 20, 2019, the President signed legislation to amend the Federal Food, Drug and Cosmetic Act, in order to raise the federal minimum purchase age for tobacco products from 18 years of age to 21 years of age. The Colorado General Assembly amended the Colorado Revised Statutes to increase the minimum age to 21 to purchase tobacco products in Colorado in 2020. State law also does not allow the sale of cigarettes, tobacco products or nicotine products from a vending machine except in a licensed gaming establishment. This ordinance will update the minimum age to purchase cigarettes, tobacco products and nicotine products to 21 years old and no longer permit tobacco product vending machines in the City. The recommended amendments to the Greeley Municipal Code would bring the City's Code into compliance with federal and state law.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	No
Is there grant funding for this item?	No
Additional Comments:	None

Legal Issues:

Consideration of this matter is a legislative process which includes the following public hearing steps:

- 1) City staff presentation (if requested)
- 2) Council questions of staff
- 3) Public input (hearing opened, testimony - up to three minutes per person, hearing closed)
- 4) Council discussion
- 5) Council decision

Other issues and Considerations:

None

Strategic Focus Area:



Safe and Secure Communities

Decision Options:

- 1) Introduce the ordinance as presented; or
- 2) Amend the ordinance and introduce as amended; or
- 3) Deny the ordinance; or
- 4) Continue consideration of the ordinance to a date certain.

Council's Recommended Action:

A motion to introduce the ordinance and schedule the public hearing and second reading for February 6, 2024.

Attachments:

1. Ord 1, 2024 with Appendix A

CITY OF GREELEY, COLORADO
ORDINANCE NO. 1, 2024

**ORDINANCE AMENDING TITLE 8, CHAPTER 9 AND TITLE 14, CHAPTER 10 OF THE
GREELEY MUNICIPAL CODE RELATING TO THE SALE OF TOBACCO PRODUCTS**

WHEREAS, on December 20, 2019, the President signed legislation to amend the Federal Food, Drug and Cosmetic Act, in order to raise the federal minimum purchase age for tobacco products from 18 years of age to 21 years of age; and

WHEREAS, the Colorado General Assembly amended the Colorado Revised Statutes to increase the minimum age to 21 to purchase tobacco products in Colorado in 2020; and

WHEREAS, the City of Greeley (“City”) is a Colorado home rule municipality, with all powers and authority vested under Colorado law; and

WHEREAS, state law allows home rule municipalities to enact ordinances regulating the sale of cigarettes, tobacco products and nicotine products, provided the minimum age to purchase these products is not less than 21; and

WHEREAS, the definitions within state law have been broadened to include cigarette and nicotine products; and

WHEREAS, state law does not allow the sale of cigarettes, tobacco products or nicotine products from a vending machine except in a licensed gaming establishment; and

WHEREAS, gaming establishments are not permitted within the City of Greeley, therefore it is in the best interests of the citizens of the City to ban the sale of cigarettes, tobacco products and nicotine products from vending machines within the City; and

WHEREAS, the recommended amendments to the Greeley Municipal Code would bring the City’s Code into compliance with federal and state law; and

WHEREAS, after review of these recommended changes, Council believes that it is in the best interest of the citizens of the City of Greeley that this ordinance be adopted.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF GREELEY,
COLORADO:**

Section 1. That Sections 8-307, 8-308 and 8-309 contained in Chapter 9, Sale of Tobacco Products of Title 8, Business Taxes, Licenses and Regulations, of the Greeley Municipal Code shall be amended as shown in Appendix A, attached hereto and incorporated herein.

Section 2. That Section 14-334 contained in Chapter 10, Offenses by or Against Minors, of Title 14, Criminal Conduct and Offenses, of the Greeley Municipal Code shall be amended as shown in Appendix A.

Section 3. This Ordinance shall take effect on the fifth day following its final publication, as provided by Section 3-16 of the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED ON THIS ____ DAY OF _____, 2024.

ATTEST:

THE CITY OF GREELEY, COLORADO

By: _____
City Clerk

By: _____
Mayor

APPENDIX A
Ordinance No. 1, 2024

**ORDINANCE AMENDING TITLE 8, CHAPTER 9 AND TITLE 14, CHAPTER 10 OF THE
GREELEY MUNICIPAL CODE RELATING TO THE SALE OF TOBACCO PRODUCTS**

Section 1. Sections 8-307, 8-308 and 8-309 contained in Chapter 9, Sale of Tobacco Products, of Title 8, Business Taxes, Licenses and Regulations, of the Greeley Municipal Code, shall be amended to read as follows:

Sec. 8-307. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section:

~~Minor means any natural person who is under 18 years of age.~~

~~Public place means any area or premises open to the public, including, but not limited to, restaurants, retail stores, laundromats, theaters, banks, public conveyances, educational facilities, recreational facilities, hospitals, nursing homes, auditoriums, arenas, malls, meeting rooms, bars, taverns, hotels, motels, grocery stores, convenience stores, gas stations, department stores and office buildings.~~

~~Cigarette, Tobacco products, or nicotine product means: any substance containing tobacco leaf, including but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, smokeless tobacco, dipping tobacco.~~

(1) A product that contains nicotine or tobacco or is derived from tobacco and is intended to be ingested or inhaled by or applied to the skin of an individual; or

(2) Any device that can be used to deliver tobacco or nicotine to the person inhaling from the device, including an electronic cigarette, cigar, cigarillo, or pipe.

(3) Cigarette, tobacco product, or nicotine product does not mean a product that the food and drug administration of the United States department of health and human services has approved as a tobacco use cessation product.

Vending machine means any mechanical, electrical or electronic self-service device which, upon insertion of money, tokens or any other form of payment, dispense products.

Sec. 8-308. Sale of cigarettes, tobacco products, or nicotine products.

(a) No person shall sell, offer for sale, distribute, dispense or give away cigarettes, tobacco products, or nicotine products ~~in a public place~~ by or from a vending machine.

(b) No person shall permit a vending machine that dispenses cigarettes, tobacco products, or nicotine products to be located, installed, kept or maintained ~~in any public place owned or leased by such person.~~

~~(c) Notwithstanding the provisions of subsections (a) and (b) of this section, cigarettes, tobacco products, and nicotine products may be sold through a vending machine located in a public place where access by minors is prohibited.~~

(c) A retailer shall not permit a person under eighteen years of age to sell or participate in the sale of cigarettes, tobacco products, or nicotine products.

(d) Every person in charge or control of a retail business of any kind shall stock and display all cigarettes, tobacco products, or nicotine products in such business in a manner so as to make all such cigarettes, tobacco products, or nicotine products reasonably inaccessible to customers, thereby requiring a direct, face-to-face exchange of the cigarettes, tobacco products, or nicotine products from

an employee of the business to the customer. No cigarettes, tobacco products, or nicotine products are to be sold or displayed on countertops within physical reach of customers. ~~The provisions of this subsection shall not apply to vending machines and to self-service displays of tobacco products that are located in a public place where access by minors is prohibited.~~

Sec. 8-309. Penalties.

(a) Each day that a person violates any part of this chapter 9 shall be considered as a separate and distinct violation.

(b) Any violation of this chapter 9 is ~~punishable~~ a misdemeanor offense and shall be punishable pursuant to chapter 9 of title 1 of this Code. Any violation shall carry a minimum fine of \$250.00.

Section 2. Section 14-334 contained in Chapter 10, Offenses by or Against Minors, of Title 14, Criminal Conduct and Offenses, of the Greeley Municipal Code, shall be amended to read as follows:

Sec. 14-334. ~~Tobacco product sales to minors.~~ Furnishing cigarettes, tobacco products, or nicotine products to persons under 21 years of age.

~~(a) Any person who knowingly furnishes to any person who is under 18 years of age, by gift, sale or any other means, tobacco products, as defined in subsection (c) of this section, violates this section. A person shall not give, sell, distribute, dispense, or offer for sale a cigarette, tobacco product, or nicotine product to any person who is under 21 of age.~~

(1) Before giving, selling, distributing, dispensing, or offering to sell to an individual any cigarette, tobacco product, or nicotine product, a person shall request from the individual and examine a government-issued photographic identification that establishes that the individual is 21 years of age or older.

(2) It is an affirmative defense to a prosecution under subsection (a) of this section that the person furnishing the cigarette, tobacco product, or nicotine product was presented with and reasonably relied upon a government-issued photographic identification that identified the individual receiving the cigarette, tobacco product, or nicotine product as being 21 years of age or older.

~~(b) Any person who is under 18~~ 21 years of age and who purchases any cigarettes or tobacco products or nicotine products, as defined in subsection (c) of this section, violates this section.

~~(c) As used in this section, the term "tobacco products" means cigarettes, cigars, cheroots, stogies, periques, granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco, snuff, snuff flour, Cavendish, plug and twist tobacco, fine cut and other chewing tobaccos, shorts, refuse scraps, clippings, cuttings and sweepings of tobacco and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or for smoking in a pipe or otherwise, or both for chewing and smoking.~~ ~~(d) A violation of this section is a misdemeanor infraction and shall be punishable under chapter 9 of title 1 of this Code.~~ cigarette, tobacco product, or nicotine product means:

(1) A product that contains nicotine or tobacco or is derived from tobacco and is intended to be ingested or inhaled by or applied to the skin of an individual; or

(2) Any device that can be used to deliver tobacco or nicotine to the person inhaling from the device, including an electronic cigarette, cigar, cigarillo, or pipe.

(3) Except, cigarette, tobacco product, or nicotine product does not mean a product that the food and drug administration of the United States department of health and human services has approved as a tobacco use cessation product.

~~(d) A violation of this section is a misdemeanor infraction and shall be punishable under chapter 9 of title 1 of this Code.~~



Council Agenda Summary

Title:

Pulled Consent Agenda Items

Summary:

Pulled Consent Agenda items will be considered in the order they appeared on the consent agenda.



Council Agenda Summary

January 16, 2024

Key Staff Contact: Heidi Leatherwood, City Clerk

Title:

Appointments to Boards & Commissions

Summary:

Council appointment is needed to the above-mentioned Boards and Commissions due to vacancies and term expirations. City staff continues to actively recruit to fill all other vacant positions. Water & Sewer Board applicants are incumbents applying for their own seats and therefore will not be interviewed

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	No
What is the source of revenue within the fund?	N/A
Is there grant funding for this item?	No

Legal Issues:

The City Attorney's Office reviewed the applications and advised of potential conflicts of interest.

It should be noted that there is a possibility that the applicants currently serve as a volunteer on a board or commission besides the one they are applying to. It is also important to point out to the applicants that there are always potential conflicts that exist with business and investments, current jobs or relatives and family members coming before the Board or Commission.

Should such conflicts arise, the Board or Commission member simply recuses themselves from that particular item. Such a potential conflict does not preclude anyone from serving on a Board or Commission in general, just that particular agenda item.

Other issues and Considerations:

None.

Strategic Focus Area:



Community Vitality

Decision Options:

- 1) Appoint or reappoint the individuals to serve on an applicable board or commission
- 2) Direct staff to re-advertise applicable vacancy

Council's Recommended Action:

No motion is necessary. The City Council's Policies and Protocol authorize appointment of Board and Commission members by written ballot, which can be used in lieu of a motion or voice vote for individual or multiple appointments. This policy was adopted by Council as a time-savings measure. Accordingly, a ballot is attached for Council's use in making appointments. Candidates receiving a majority vote (at least 4 votes) are appointed with no further action needed by Council.

Attachments:

1. Transmittal_Cover Page_Signed
2. Sample Ballot

Boards & Commissions Transmittal

January 8, 2024

Key Staff Contact: Allie Powell, Senior Assistant City Clerk, 350-9746

Interview Date

January 11, 2024

Council Interview Team

Councilmembers Hall & Olson

Council Appointment Date

January 16, 2024

Boards and Commissions Being Interviewed

- **Commission on Disabilities**
- **Housing Authority**

Council's Recruitment and Qualifications Policy

General recruitment efforts shall be made with special measures being taken to balance ward representation and attract minority and special population applicants. Generally, volunteers will be limited to serving on one board or commission at a time. (14.2. (c)(2) City Council, Policies and Protocol)

Demographic information of existing board members and any specialty requirements are contained within the attached Membership Rosters.

Legal Issues

The City Attorney's Office reviewed the applications and the attached memorandum addresses any potential conflicts of interest.

It should be noted that there is a possibility that the applicants currently serve as a volunteer on a board or commission besides the one they are applying to. It is also important to point out to the applicants that there are always potential conflicts that exist with business and investments, current jobs or relatives and family members coming before the Board or Commission.

Should such conflicts arise, the Board or Commission member simply excuses themselves from that particular item but such a potential conflict does not preclude anyone from serving on a Board or Commission in general, just that particular agenda item.

Applicable Council Goal or Objective

Infrastructure & Growth – Establish the capital & human infrastructure to support & maintain a safe, competitive, appealing, and dynamic community.

Decision Options

1. Recommend candidates for appointment; or
2. Direct staff to re-advertise applicable vacancy.

Attachments

1. Interview Schedule
2. Conflict Memorandum from City Attorney's Office
3. Sample Ballot
4. Membership Rosters from above mentioned Boards and Commissions
5. Applications of those being considered for interview and/or considered for appointment

Transmittal reviewed by:  Raymond Lee, City Manager  Heidi Leatherwood, City Clerk



Applicants for the boards and/or commissions listed below are in alphabetical order
and recommendations from the interview team are shown in bold.

***** BALLOT *****

Commission on Disabilities	
<i>1 Position: 3 Year Term</i>	
☐	Connie Garcia
☐	Monquales Turner
☐	(Recruit for Additional Applicants)

(I) = Incumbent

Housing Authority	
<i>1 Position: 5 Year Term</i>	
☐	Daphne Rivas
☐	Joe Johnson
☐	Kimberly Romero
☐	Kyle Holman
☐	Shannon Burley
☐	(Recruit for Additional Applicants)



Council Agenda Summary

Title:

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

Council's Recommended Action:

A motion to approve the above authorizations.



Council Agenda Summary

Title:

Scheduling of Meetings, Other Events

Summary:

During this portion of the meeting the City Manager or City Council may review the attached Council Calendar or Planning Calendar and Schedule for City Council Meetings and Work Sessions and make any necessary changes regarding any upcoming meetings or events.

Attachments:

Council Meetings and Other Events Calendars

Council Meeting and Work Session Schedule/Planning Calendar

January 15, 2024 - January 21, 2024

January 2024							February 2024						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5	6				1	2	3
7	8	9	10	11	12	13		4	5	6	7	8	9
14	15	16	17	18	19	20		11	12	13	14	15	16
21	22	23	24	25	26	27		18	19	20	21	22	23
28	29	30	31					25	26	27	28	29	

Monday, January 15

Martin Luther King Jr. Holiday - City Hall
Offices Closed

Tuesday, January 16

6:00pm - 6:30pm City Council Meeting (R_CCS_Council Chambers - WiFi Ready; R_CCS_Council Chambers Overflow Room 103) - Council Master Calendar

Wednesday, January 17

7:30am - Visit Greeley (Butler) (902 7th Ave Greeley)
2:00pm - 5:00pm Water & Sewer Board (Gates)

Thursday, January 18

7:30am - 8:30am Downtown Development Authority (DeBoutez/Butler) (802 9th St #100, Greeley, CO 80631)
3:30pm - 4:30pm Airport Authority (Clark/Payton)

Friday, January 19

Saturday, January 20

Sunday, January 21

January 22, 2024 - January 28, 2024

January 2024							February 2024						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5	6				1	2	3
7	8	9	10	11	12	13		4	5	6	7	8	9
14	15	16	17	18	19	20		11	12	13	14	15	16
21	22	23	24	25	26	27		18	19	20	21	22	23
28	29	30	31					25	26	27	28	29	

Monday, January 22

11:30am - 12:30pm Greeley Chamber of Commerce (Hall) ↻

Tuesday, January 23

6:00pm - 6:30pm City Council Work Session Meeting
(R_CCS_Council Chambers - WiFi Ready; R_CCS_Council Chambers
Overflow Room 103) - Council Master Calendar ↻

Wednesday, January 24

7:30am - 8:30am 1st Quarter 2024 Joint Breakfast - Board of
County Commissioners/City of Greeley (Epic Egg West, 3830 10th
Street, Suite C1, Greeley) - Council Master Calendar

5:30pm - 6:00pm Scholarship Dinner to honor our Colorado Farm
Show Scholarship winners (RSVP by Friday, January 19, 2024)
(Island Grove Events Center located at 425 N. 15th Ave Greeley, CO
(Room C)) - Council Master Calendar

Thursday, January 25

5:30pm - 7:00pm Community Update on Housing and
Homelessness (Greeley Recreation Center; (Room 101)) - Council
Master Calendar

6:00pm - 7:00pm BOCC & Weld Municipalities Quarterly
Conference Call (Teams) - Council Master Calendar

Friday, January 26

Saturday, January 27

Sunday, January 28

January 29, 2024 - February 4, 2024

January 2024						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

February 2024						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29		

Monday, January 29

Tuesday, January 30

 6:00pm - 6:30pm Council Meeting - Cancelled 5th Tuesday

Wednesday, January 31

 7:00am - 8:00am Upstate Colorado Economic Development (Gates/Hall) (Upstate Colorado Conference Room) - Council Master Calendar 

Thursday, February 1

 7:30am - Poudre River Trail (Hall) 
 8:00am - 5:00pm HOLD for Council Retreat (Aims Community College; (Welcome Center)) - Council Master Calendar
 3:30pm - IG Adv. Board (Butler) 
 6:00pm - 8:30pm North Front Range MPO Meeting (Olson/Payton) 

Friday, February 2

 8:00am - 5:00pm HOLD for Council Retreat (Aims Community College; (Welcome Center)) - Council Master Calendar

Saturday, February 3

Sunday, February 4

February 5, 2024 - February 11, 2024

February 2024							March 2024						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3					1	2	
4	5	6	7	8	9	10	3	4	5	6	7	8	9
11	12	13	14	15	16	17	10	11	12	13	14	15	16
18	19	20	21	22	23	24	17	18	19	20	21	22	23
25	26	27	28	29			24	25	26	27	28	29	30
							31						

Monday, February 5

Tuesday, February 6

8:00am - 10:00am **HOLD- Community Foundation of Northern Colorado and Regional Fireside Chat with Mayors from Windsor, Greeley, Loveland and Ft. Collins** (Embassy Suites by Hilton Loveland Hotel Conference Center & Spa (4705 Clydesdale Parkway, Loveland, CO 80538)) - Council Master Calendar

6:00pm - 6:30pm **City Council Meeting** (R_CCS_Council Chambers Overflow Room 103; R_CCS_Council Chambers - WiFi Ready) - Council Master Calendar ↻

Wednesday, February 7

Thursday, February 8

Friday, February 9

Saturday, February 10

Sunday, February 11

City Council Meeting Scheduling 2023/2024			
	1/9/2024		
	This schedule is subject to change		
Date/Type	Description	Sponsor Presenter/Director or Project Manager	Placement/Time
January 09, 2024 Council Work Session	Current School District IGA Overview	Brian McBroom	Work Session
	16th Street Project Update	Paul Trombino/John Hall	Work Session
January 16, 2024 Council Meeting	Minutes- Dec 12 WS Dec 19, Jan 9 WS	Heidi Leatherwood	Consent
	A Motion- Designating posting sites for City Council meeting notices	Heidi Leatherwood	Consent
	A Motion - Designating Posting Sites for Boards and Commissions	Heidi Leatherwood	Consent
	Resolution authorizing the Community Development Director to apply for a Local Planning Capacity Grant from the Colorado Department of Local Affairs	Brian McBroom	Consent
	A resolution authorizing the City of Greeley to enter into a grant agreement between the City of Greeley and the State of Colorado, Division of Local Affairs, regarding receipt of grant funding provided by the	Adam Turk	Consent
	Intro & 1st Rdg Ord- Amending Title 8, Chapter 9 and Title 14, Chapter 10 of the Greeley Municipal Code relating to the sale of Tobacco products	Adam Turk	Consent
	Boards & Commissions Appointments	Heidi Leatherwood	Regular
January 23, 2024 Council Work Session	Master Tourism Plan Recommendations	Winna MacLaren	Work Session
	Finance Update – 2022 and 2023 Audits; Finance Department	Debbie Reid	Work Session
	Claims Reserve Fund	John Goodson	Work Session
	Greeley 2075 Concept	Don Tripp/Brian McBroom	Work Session
	Executive Session West Greeley Planning Project	Don Tripp/Brian McBroom	Work Session
February 1, 2024 - February 2, 2024 Council Retreat	Held at AIMS Welcome Center; 8 a.m. -5 p.m.	CCO/CMO	
February 6, 2024 Council Meeting	Greeley-Weld Housing Authority Update - Quarterly	Tom Teixeira (Director of Greeley Weld Housing Authority)	Intro
	Minutes - Jan 16 CC; Jan 16 and 23 WS	Heidi Leatherwood/Sarah Jacobsen	Consent
	Year-end Financial Report	Robert Miller/Rhodney Rhodes	
	PH & 2nd Rdg - Amending Title 8, Chapter 9 and Title 14, Chapter 10 of the Greeley Municipal Code relating to the sale of Tobacco products	Adam Turk	Consent

City Council Meeting Scheduling 2023/2024			
	1/9/2024		
	This schedule is subject to change		
Date/Type	Description	Sponsor Presenter/Director or Project Manager	Placement/Time
February 13, 2024 Council Work Session	Small Business Land Use Center	Brian McBroom	Work Session
	Results of City of Greeley Polling	Kalen Myers	Work Session
February 20, 2024 Council Meeting	Minutes - Feb 6 CC; Feb 13 WS	Heidi Leatherwood	Consent
	Intro & 1st Rdg Ord- Campaign Contribution Limits and Election amendments	Heidi Leatherwood/Doug Marek	Consent
	Intro & 1st Rdg Ord- Mountain Vista PUD	Don Threewitt	Consent
	Boards & Commissions Appointments	Heidi Leatherwood	Regular
February 27, 2024 Council Work Session	Update on Customer Experience Initiative	Blair Snow	Work Session
	Private Activity Bond Overview	Ashley Weesner	Work Session
	Executive Session - City Council Appointee Feedback Session	Kimberly Southern-Weber/Heidi Brinkman	
February 29, 2024 State of the City	Held at Union Colony Civic Center 6 p.m.	CMO	
March 05, 2024 Council Meeting	Minutes - Feb 20 CC; Feb 27 WS	Heidi Leatherwood	Consent
	PH & 2nd Rdg- Campaign Contributions Limits and Election Amendments	Heidi Leatherwood/Doug Marek	Regular
	PH & 2nd Rdg - Mountain Vista PUD	Don Threewitt	Regular
	Executive Session - City Manager Performance Review	Kimberly Southern-Weber/Heidi Brinkman	Exec. Session
March 12, 2024 Council Work Session	Metro District Standards Initial Discussion	Don Threewitt	Work Session
	Follow up Ballot Presentation	Kalen Myers	Work Session
	Executive Session - City Attorney Performance Review	Kimberly Southern-Weber/Heidi Brinkman	Exec. Session
March 19, 2024 Council Meeting	UNC Spring Update	President Feinstein	Intro
	Minutes- March 5 CC; March 12 WS	Heidi Leatherwood	Consent
	Intro & 1st Rdg Ord - Changes to CM & CA Contracts	HR (Martha Lanaghen)	Consent

City Council Meeting Scheduling 2023/2024			
	1/9/2024		
	This schedule is subject to change		
Date/Type	Description	Sponsor Presenter/Director or Project Manager	Placement/Time
	Boards & Commission Appointments	Heidi Leatherwood	Regular
	Executive Session - Municipal Court Judge Performance Review	Kimberly Southern-Weber/Heidi Brinkman	Exec. Session
March 26, 2024 Council Work Session	East Subarea Plan Kickoff	Brian McBroom/Don Threewitt	Work Session
	Annexation Priority-Setting (Tentative)	Brian McBroom/Don Threewitt	Work Session
	Community Development Fee Study	Don Threewitt	Work Session
	Follow Up Ballot Presentation (Tentative)	Kalen Myers	Work Session