

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
March 5, 2024

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

Heidi Leatherwood, 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

Proclamations:

Mayor Gates read the Kiwanis 76th Annual Stars of Tomorrow Proclamation at 6:02 p.m. Margie Martinez, Tom Miller, Bob O'Conner, Sharon Eberhard, Verniece Thomas, Val Martensen, Ann Stelling, Les Race, and Steve Moreno were present in Council Chambers to accept.

Mayor Gates read the National Developmental Disabilities Awareness Month Proclamation at 6:05 p.m. and Debbie Fatomiloye and team were present in Council Chambers to accept.

What's Great About Greeley

Councilmember Hall presented the *What's Great about Greeley?* presentation at 6:08 p.m.

6. Citizen Input

1. Michael Gomez asked to speak with City Manager Raymond Lee regarding a complaint against a public transit driver. Mayor Gates asked Mr. Gomez to provide his contact information to Deputy Public Works Director Will Jones.
2. Margie Martinez spoke about the painting of the fire hydrants.
3. Jeff Cayton spoke about the current immigrant concern and financial effect it would have on the surrounding cities.
4. Todd Loschen addressed the speeding and traffic concerns in his neighborhood. He asked if there is any mitigation that can be provided to prevent this from occurring in his neighborhood. Mayor Gates added that the police are aware and on patrol to address problems as they occur.

7. Reports from Mayor and Councilmembers

1. Councilmember DeBoutez congratulated Mayor Gates and city staff on the success of the State of the City. She also informed the council that March is Women's History Month, and, in the future, she would like to hopefully sponsor a proclamation with Councilmember McDonald to recognize this. Mayor Gates and said he would welcome this proclamation.
2. Councilmember McDonald thanked former City Attorney Doug Marek for his service and provided brief comments on the relationship they have developed.

8. Initiatives from Mayor and Councilmembers

None.

Consent Agenda

9. **A motion to approve the City Council Meeting Proceedings of February 6, 2024, and City Council Work Session Proceedings of February 13, 2024**
10. **A motion to move the March 12, 2024, Council Work Session to Thursday, March 14, 2024**
11. **A resolution appointing Tyra Litzau to the position of Director of Finance and Ex-Officio City Treasurer**
12. **A resolution approving an amendment to the Downtown Development Authority Voluntary Sales Tax Agreement**

End of Consent Agenda

Councilmember Butler moved to approve the Consent Agenda Items 9-12. Councilmember Payton seconded the motion. The motion passed 7-0 at 6:26 p.m.

Mayor Gates welcomed the Director of Finance and Ex-Officio Tyra Litzau to the City of Greeley and leadership staff.

13. Pulled Consent Agenda Items

None.

14. 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)

Councilmember Payton requested recusal and the mayor asked council for any objection. With no objection, Councilmember Payton left the room at 6:28 p.m.

Community Development Director Brian McBroom introduced the item with a presentation at 6:29 p.m.

The applicant requested approval of an Ordinance by the Greeley City Council to rezone 8.51 acres from H-A (Holding Agriculture) to PUD (Planned Unit Development) allowing Multi-Family Dwellings. The PUD has development standards specifying that the multi-family dwellings must be row homes with attached garages, no more than 73 units on the site, and enhanced landscaping and buffering between the proposed development and the single-family neighborhood to the south and east. The PUD is proposed to be developed as one planning area.

Applicant Larry Buckendorf gave a presentation at 6:33 p.m. He closed the presentation by asking the council to rely on the qualified professionals that have evaluated the project by the code standards and determined the project meets all the criteria of the code standards.

Councilmember DeBoutez asked what the current vacancy rate for multi-family housing is and what is the market for this type of housing. Mr. Buckendorf replied that they are operating at 94% capacity and over 2,000 units in the greater Greeley community.

Mayor Pro Tem Hall asked about a gas well in the Mountain Vista area and what would have been done for this development if the gas well was not at this location. Mr. Buckendorf answered that this development might have been commercial or single-family housing if there was not a gas well.

Councilmember Hall asked if Mr. Buckendorf had a plan to add speed bumps in the street and if he has been in contact with Public Works to assess this. Mr. Buckendorf replied that adding speed bumps should not be a problem. Journey Homes & Crow Creek Construction, Project Manager, Joel Hemesath who has expertise in Public Works can address adding speed bumps and have a conversation with the Public Works Department if needed.

Councilmember Butler asked if these properties were sold as townhomes, what would the cost be. Mr. Buckendorf replied that they would sell for the mid 300's.

Councilmember Butler asked if the reason for the plan to rent is a more economical way than selling them. Mr. Buckendorf confirmed renting is better economically because with the water requirements and development costs it is more expensive.

Councilmember Butler asked the reason for doing this as a Planned Unit Development (PUD) verses doing it a multi-family. Was the PUD plan so that you can add additional restrictions on the property or what was the overall reasoning behind the PUD plan.

Mr. Buckendorf responded in a in a straight zoning scenario, we wouldn't have had the liberty to be more restricted than what they are currently.

Councilmember McDonald asked for clarification on whether Raindance and Boomerang are townhomes or are they rentals. Mr. Buckendorf confirmed they are rentals.

Councilmember McDonald asked with inventory already so low for single family housing, how did you come to this decision to have it as multifamily versus single homes. Mr. Buckendorf responded they have tried to do several layouts with single family housing, and it does not work. It's not economically viable. I would argue that if we went in there and put in 349 5,000 to 5,300 square foot lots, we probably get some significant push back there as well. But it, the site just doesn't lend it to good traffic patterns for single family residential uses. It just is not economically viable to do single family residential houses there.

Councilmember Olson asked if the Condo Defect Law didn't exist, would it be possible that potential ownership could be an option for these developments. Mr. Buckendorf replied yes but there are multiple points that are considered when making that decision and with the environment right now he would refrain from doing so.

The public hearing opened at 6:59 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. Rossy Young donated three minutes to Marty Neibauer.
2. Philip Strain donated three minutes to Bill Younk.
3. Suzanne Strain donated three minutes to Bill Younk.
4. Charee Voelz donated three minutes to Greg Voelz.
5. Kandy Wolf donated three minutes to Marty Neibauer.
6. Ms. Harro donated three minutes to Marty Neibauer.
7. Mark McIntire donated three minutes to Bill Younk.
8. Robin McIntire donated three minutes to Bill Younk.
9. Pam Zimmerman donated three minutes to Marty Neibauer.

10. Rick Maize donated three minutes to Shelley Remley.
11. Mike Remley donated three minutes to Shelley Remley.
12. Gina Holzmeister donated three minutes to Shelley Remley.

Greg Voelz asked to have his slide deck on screen as he presented.

Deputy City Manager Don Tripp and City Clerk Heidi Leatherwood asked for confirmation on the presentation being presented and Mayor Gates confirmed it is allowed to be presented during the public comment time segment.

Greg Voelz, resident, spoke in opposition asking the council to respect the Planning Commission recommendation and not approve because the requirements of a PUD has not been met. He added that it does not meet the requirements of the Imagine Greeley Comprehensive Plan (IGCP) due to the lack of parks in the area.

Robert Maize spoke about spot zoning and singling out a relatively small parcel of land for use different from that around the of the surrounding area and is in opposition to this PUD.

Earl Miller spoke in opposition asking to consider that this project does not support quality of life and fit the criteria of the Greeley Comprehensive Plan.

Barry Harding spoke in opposition and how the project fails to meet re-zoning criteria.

Karen Zach spoke in opposition due to the PUD does not meeting the PUD criteria. She asked the council to consider that the planning commission has already not passed this PUD.

Bill Younk, resident, spoke in opposition and believed there will be a lot of traffic congestion. He also asked that the traffic patterns in the 83rd Ave area and his concern as future growth occurs and it becomes a safety concern.

Shelly Remley, resident, spoke in opposition concerned about decreased home values, and the application concerns regarding the utility report that have not been answered.

Marty Neibauer spoke in opposition to the PUD and would like to see less rentals. He informs the council that this PUD is going to change the character of the neighborhood, and this is a form of Spot Zoning. Mr. Neibauer also spoke about the concern of affordability and traffic concerns.

Neal Kingman spoke in opposition and asked the council to follow the Planning Commission recommendation. He also mentioned the concern of affordability and the median home price in Greeley.

With no further speakers, the public hearing closed at 8:07 p.m.

Council asked if this met the criteria for the Greeley Comprehensive Plan. Community Development Director Brian McBroom confirmed it does.

Offered a time to rebut, Larry Buckendorf informed the council that this has met the criteria, and the property was zoned appropriately.

Councilmember DeBoutez asked about the mention of the non-potable system and if this project can connect to this system. Mr. McBroom confirmed that the non-potable system can be an option, but it is not yet available, but the developers have committed to doing so.

Councilmember DeBoutez also asked about adding a park in this area and how that conversation gets started to do so. Mr. McBroom replied to the plan dedication is typically required with each development for each development.

Councilmember DeBoutez asked for clarification on the Water & Sewer concerns for this area. Mr. McBroom asked Civil Engineer II David Harrold for assistance in answering this question. Mr. McBroom then informed council an initial preliminary analysis was done at the 100-unit size staff believes there is sufficient capacity for both water and sewer available. Additional details would be provided should the rezoning be approved, and the project would proceed to the Site Plan stage.

Councilmember DeBoutez asked about the traffic concerns and whether the city engineers can help develop a plan to add gates as a form of traffic control. City Engineer Steve Younkin replied that staff does not recommend gates in communities as they restrict traffic control which could affect emergency management and traffic networks.

Mayor Pro Tem Hall stated that he is considering the Planning Commission vote and whether this development is compatible with the neighborhood. With those considerations he is in opposition to this development.

Councilmember Butler commented on the idea that this can help grow the housing in the area and supports the plan.

Councilmember DeBoutez spoke about the need for housing in the area and it supports the 7 goals that the council has set.

Councilmembers DeBoutez moved to adopt the ordinance and publish it by title only. Councilmember Butler seconded the motion. The motion failed 2-4 at 8:23 p.m. with Councilmember Payton recused.

Councilmember Payton returned to Council Chambers at 8:24 p.m.

15. **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 6:49 p.m.

16. Scheduling of Meetings, Other Events

None.

17. A motion to go into Executive Session for the purpose of completing the annual performance review of the following City Council Appointees – City Manager and Municipal Judge

A motion to go into an Executive Session to discuss the following matter as provided under C.R.S. Section 24-6-402(4)(f) and Greeley Municipal Code Section 2.151(6)(a):
To discuss personnel reporting to the City Council.

Councilmember Olson moved to approve the motion. Councilmember McDonald seconded the motion. The motion passed 7-0 at 8:26 p.m.

The mayor added that the Council will not be returning to the meeting after the adjournment of the Executive Session.

18. Adjournment

With no further business to come before the Council, Mayor Gates adjourned the meeting at 8:27 p.m.

17. Executive Session

The Executive Session was called to order at 8:31 p.m. for the purpose of completing the annual performance review of the City Council Appointees – City Manager and Municipal Judge

Present at this executive session were the following persons:

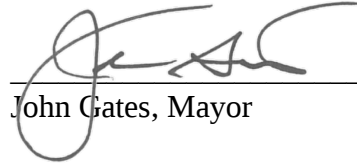
All members of City Council ,
Chief Human Capital Officer Kimberly Southern-Weber, and President of Brinkman Consulting Inc., Heidi Brinkman.

Mayor Gates cautioned each participant to confine discussion to the stated purpose and reminded that no formal action may occur in Executive Session. If at any point any participant believed that the discussion was going outside the proper scope of the Executive Session, participants were advised to interrupt the discussion and raise an objection.

The meeting concluded at 9:09 p.m.

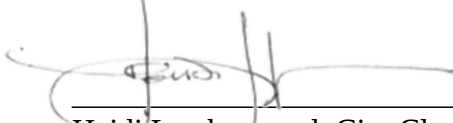
The recordings will be retained as provided in the City's records retention policy and in conformity with the Colorado Open Meetings Law for a period of 90 days.

Approved:

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

John Gates, Mayor

Attest:

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

Heidi Leatherwood, City Clerk