

Greeley City Council Agenda

Regular Meeting
Tuesday, April 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, April 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.

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9. A motion to approve the City Council Proceedings of the March 14 and March 26, 2024, Work Sessions; and the March 19, 2024, Regular City Council Meeting
 10. A resolution appointing J. William Sierra as an Assistant Municipal Judge and Assistant Liquor Licensing Hearing Officer for the City of Greeley, Colorado
 11. Introduction and first reading of an ordinance authorizing a salary increase for the City Manager
 12. Introduction and first reading of an ordinance authorizing a salary increase for the Municipal Judge

End of Consent Agenda

13. Pulled Consent Agenda Items
14. Public hearing and second reading of an ordinance Amending Chapter 1 of Title 16 of the Greeley Municipal Code to address Automated Enforcement Systems, also known as camera radar to detect speeding violations
15. Public hearing and second reading of an ordinance amending Title 2, Chapter 11 of the Greeley Municipal Code relating to authority to issue summons and complaints
16. Public hearing and second reading of an ordinance amending Title 8, Chapter 13 and Title 14, Chapter 6 of the Greeley Municipal Code relating to alcohol
17. Appointments to Boards and Commissions
18. 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
19. Scheduling of Meetings, Other Events
20. Adjournment



Council Agenda Summary

Title:

Recognitions and Proclamations

Summary:

Mayor Gates will present the following proclamations:

National Youth Service Day Award Proclamation
Arbor Day Proclamation
National Crime Victim's Rights Week Proclamation
Small Business Week Proclamation

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

Attachments:

National Youth Service Day Award Proclamation
Arbor Day Proclamation
National Crime Victim's Rights Week Proclamation
Small Business Week Proclamation
Item 5 – What's Great Presentation



National Youth Service Day Awards

WHEREAS, the future of our community, our state and our nation depends upon the type of young people we raise to handle the affairs of tomorrow; and

WHEREAS, it is the duty of all parents, citizens and youth organizations to develop a proper attitude among the young people of our community, and to provide them with the right examples, environments and opportunities; and

WHEREAS, the purpose of organizing a National Youth Service Day is to reinforce in our young Americans the importance and excitement of helping others and in creating a public awareness of the positive contributions that young people make in the nation's progress, and to link their talents and resources to help the elderly and children, and to be role models to their peers; and

WHEREAS, the City of Greeley will designate April 16, 2024, as National Youth Service Day and will recognize youth for their community service.

NOW, THEREFORE, I, John Gates, by virtue of the authority vested in me as Mayor of the City of Greeley, Colorado, do hereby proclaim April 16, 2024, as ***National Youth Service Day*** in the city of Greeley.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official seal of the City of Greeley, this 16th day of April 2024.

John Gates
Mayor



Arbor Day

WHEREAS, Union Colony founder Nathan Meeker promised that a network of irrigation ditches would eventually transform Greeley into the “Garden Spot of the West” and in June 1870, ordered trees from Illinois which arrived by boxcar and which were “heeled in” along the banks of the Cache la Poudre river near Island Grove Park; and

WHEREAS, these original trees did not survive the first winter, Meeker encouraged Colonists to participate in “Village Improvement Campaigns” which meant - “Plant Trees!” Trees growing along the Cache la Poudre and in the foothills west of Greeley were dug up, brought to Lincoln Park by wagons, and transplanted to the park’s lawn areas adjacent to the streets. With 100-foot-wide streets, these trees had ample space to grow and provide a shaded canopy over the streets and sidewalks; and

WHEREAS, Mr. Meeker used to say that those who took pleasure in setting out trees lived longer than those who took no interest in that direction; and

WHEREAS, in 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees which culminated in the planting of over one million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, as leaves appear on thousands of Greeley’s trees with the arrival of spring, we are reminded again that trees are, and always will be, an integral part of Greeley’s urban and residential design; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community.

NOW, THEREFORE, I, John Gates, Mayor of the City of Greeley, Colorado, do hereby proclaim April 27, 2024, as ***Arbor Day*** in the City of Greeley, and I urge all citizens to support efforts to protect our trees and woodlands and to plant trees to promote the well-being of present and future generations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official seal of the City of Greeley, this 16th day of April 2024.

John Gates
Mayor



National Crime Victims' Rights Week

WHEREAS, crime can leave a lasting physical, emotional, and financial impact on people of all ages and abilities; and

WHEREAS, in 1984, the Crime Victims Fund was established by the Victims of Crime Act (VOCA) to provide a permanent source of support for crime victim services and compensation through fines and penalties paid by convicted offenders; and

WHEREAS, National Crime Victims' Rights Week, April 21-27, 2024, provided an opportunity to celebrate the commitment that launched the victims' movement, inspired its progress, and continues to advance the cause of justice from crime victims.

NOW, THEREFORE, I, John Gates, by virtue of the authority vested in me as Mayor of the City of Greeley, Colorado, do hereby proclaim April 21 - April 27, 2024, as ***National Crime Victims' Rights Week***, and reaffirm Greeley's Commitment to respect and enforce victims' right and address victims needs during the week and throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official seal of the City of Greeley, this 16th day of April 2024.

John Gates
Mayor



Small Business Week

WHEREAS, America's progress has been driven by pioneers who think big, take risks and work hard; and

WHEREAS, from the storefront shops that anchor local streets to the high-tech startups that keep America on the cutting edge, small businesses are the lifesavers of our economy and the cornerstones of our nation's promise; and

WHEREAS, small business owners have energy and a passion for what they do; and

WHEREAS, when we support small business, jobs are created, and local communities preserve their unique culture; and

WHEREAS, because this country's 28 million small businesses create nearly two out of three jobs in our economy, we cannot resolve ourselves to create jobs and spur economic growth in America without discussing ways to support our entrepreneurs; and

WHEREAS, thousands of small businesses provide goods and services within the Greeley community; and

WHEREAS, Greeley, Colorado supports and joins in this national effort to help America's small businesses do what they do best – grow their business, create jobs, and ensure that our communities remain as vibrant tomorrow as they are today.

NOW, THEREFORE, I, John Gates, by virtue of the authority vested in me as Mayor of the City of Greeley, Colorado, do hereby proclaim April 28 – May 4, 2024, as ***Greeley Small Business Week***, and upon the people of Greeley to recognize the unique character and success small businesses brings to our community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official seal of the City of Greeley, this 16th day of April 2024.

John Gates
Mayor



City Council Meeting
April 16, 2024

An aerial photograph of a city, likely Denver, with a large white banner overlaid in the center. The banner contains the text of the Athenian Oath. The background shows a vast cityscape with numerous buildings, streets, and green spaces, all under a clear blue sky with distant mountains visible on the horizon.

***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 Ranked #22 on 24/7 Wall Street's 'America's Fastest Growing Big Cities' List

- List features Metropolitan Statistical Areas with at least a 10% population growth from 2017 to 2022.
- Greeley: 15% growth (45,543)



Greeley Water and Sewer Department Secured \$21 Million for Removal of Lead Water Service Lines

- Helps city locate and replace all remaining lead water service lines for free.
- Eliminates need for 1.1% water rate increase for Lead Protection Program.
- Greeley's water is lead-free when it leaves the treatment plant.



Israel Vargas Selected to Receive Prestigious Daniels Fund Scholarship

- Senior at Early College Academy
- Scholarship includes \$100,000 over four years towards undergraduate degree.
- 2,000+ students applied this year.



District 6 Seniors Luluya Tekle and Aidan Datterer Receive Boettcher Foundation Scholarships

- Luluya Tekle – Greeley Central
- Aidan Datterer – Greeley West
- \$20,000 per year for four years



Greeley Central's Maryan Abdulkadir and Brenda Olivas Earn Dell Scholarships

- Receive: \$20,000 for educational costs, career advisement and resources, and a Dell laptop.



Aims Community College Recognized as a Certified Health Workplace Leader by Health Links

- Fourth year in a row







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	•The RAISE grant was submitted on February 28, 2024. Discussions continue with CDOT for next steps in the process	Paul Trombino
03-2023	Butler	Campaign Contribution Limits	February 7, 2023 Council Meeting	•Presented at Nov 28 Work Session	•Intro/1st Rdg Ordinance scheduled for June 4, 2024. Council Meeting; 2nd Rdg Ordinance scheduled for June 18, 2024.	Stacey Aurzada/ 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 ; •Will remain on this list until the foot bridge is complete	PW
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 •Due to current legislation artificial turf amendmentments may be delayed other landscaping amendments may be presented 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	•Natural Areas and Trails division of CPRD has contracted Otak to conduct geotechnical analysis for the Narrows section of the Poudre River Trail in west Greeley. After completing several test bores in the area in late March, the consultant is completing analysis of the testing and will be hosting a workshop with CPRD and Public Works staff, along with representatives from the Poudre River Trail Corridor, Inc. (PRTC) a non-profit board in May. We received a \$45,000 planning grant from the State Trails program in Colorado Parks and Wildlife, and PRTC is contributing \$25,000 toward the design process at this integral section of the trail.	Diana Frick
12-2023	Butler	Funding Options Regarding the Greeley-Evans Transit	October 3 Council Meeting	Staff to bring back information for funding and ridership of the Greeley Evans Transit	•Transit/Mobility Update Report Sent to CMO 01/29/2024- Work Session scheduled for April 9, 2024	Paul Trombino
13-2023	Hall	City Grants	12/20/2023	Provide report identifying the grants that were received so Councilmember Hall can provide to CML	• This report will be incorporated in the 1st Quarter Grants Report at the May 14 Work Session	Tyra Litzau
14-2023	Butler	Charter Review	12/19/2023	Asked Staff to start process of Charter review	•Setup monthly meetings with stakeholder's •Bring options to Council Work Session April 23	CAO/CCO

1-2024	DeBoutez	Oil and Gas 101	January 16, 2024 City Council Meeting	Asked that staff prepare an educational presentation with the following data: Number of: oil wells, plugged, abandoned, active; also monitoring wells status, long range plans and underground pipeline monitoring	•Work Session scheduled for April 23, 2024	CD
2-2024	Butler	Ballot Language for the Police Sergeant initiative	January 16, 2024 City Council Meeting	Asked CAO staff to create more descriptive language for the police sergeant ballot question for 2024	CAO sent to councilmember Butler and now he will need to raise the issue of putting the ordinance on the agenda as part of his initiative. CAO will work with him as it gets closer to the election; early fall.	CAO
3-2024	Butler	Requested a Budget Retreat for 2025 Budget	April 2, 2024 City Council Meeting	Requested a Budget Retreat for 2025 Budget	Budget has developed agenda ideas and is proposing a mid-June timeframe for the retreat.	Caleb Weitz
4-2024	Butler	Requested Work Session for information on the Lincoln Park Redesign- to include status of project, timeline of project and overview of the coming outreach Work Session	April 2, 2024 City Council Meeting	Requested Work Session for information on the Lincoln Park Redesign- to include status of project, timeline of project and overview of the coming outreach Work Session	A team of staff in CPRD is working to reimage uses for Lincoln Park which includes activation of the space bringing the community to downtown. We have published a request for qualifications for a consultant for design. Proposals are due April 15th. Staff will review the proposal and interview firms in the coming weeks. Once the consultant is selected, we will begin internal and external stakeholder and community outreach work to develop the design recommendations.	CPRD



Council Agenda Summary

April 16, 2024

Key Staff Contact: Heidi Leatherwood, City Clerk

Title:

A motion to approve the City Council Proceedings of the March 14 and March 26, 2024, Work Sessions; and the March 19, 2024, Regular City Council Meeting

Summary:

Work Sessions were held in City Council Chambers on March 14 and March 26, 2024, and the regular meeting of the City Council was held in City Council Chambers on March 19, 2024.

The draft proceedings of each meeting are 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 March 14, 2024 - draft
2. Council Work Session Minutes March 26, 2024 - draft
3. City Council Proceedings March 19, 2024 -draft

City of Greeley, Colorado
CITY COUNCIL WORK SESSION REPORT
March 14, 2024

1. Call to Order

Mayor John 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.

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 Butler spoke about the trip to the National League of Cities (NLC) Annual Conference in Washington DC and meeting with congressional delegates.

5. 2024 Ballot Measure Planning

Kelli Johnson introduced the item at 6:02 p.m. Deputy Budget Director (Interim) Kalen Myers and Budget Director Caleb Weitz presented.

Ms. Johnson provided the City Council with background information on potential ballot measure options for the November 2024 election.

The presentation began with background information on potential ballot measure options for the November 2024 election. The potential ballot measures included the planned food tax renewal, a proposed transportation debt issuance, and tax increase measures for public safety and open space.

Mayor Gates thanked staff for their work on this effort and requested clarification on when the public safety tax increase would sunset. Ms. Myers shared that the sunset will occur December 31, 2044.

Mayor Gates suggested that no more than two measures go to the voters. He also added that if the Transportation Infrastructure Finance and Innovation Act (TIFIA) moved forward, there should be a clear plan to repay it.

Councilmember Olson asked for more information on funding for roads and pavement. Mr. Lee explained that the Keep Greeley Moving (KGM) project includes road maintenance.

Councilmember McDonald noted that Public Safety is a priority, specifically hiring and retaining staff.

Councilmember Butler said that the Food Tax Renewal sunset needs to be adjusted or removed. He is in favor of adding the Debt Issuance and Dedicated Open Space Tax to the ballot. He requested additional information on the funding for Public Safety.

Councilmember DeBoutez commented that there are funding options for Public Safety. She suggested that a focus group be utilized to gain information on how the community supports an increase in taxes for roads, safety, or managing natural areas.

Councilmember Payton asked for clarification on the percentage rate for TIFIA and if there is an interest-free period. Ms. Myers explained that the City qualifies for about 2%. Mr. Lee clarified that the interest period is determined when the application is submitted.

Councilmember Payton supported going to the ballot for the Food Tax Renewal. He did not believe that Public Safety belongs on a ballot and should be covered by the general fund. Mr. Lee offered that staff could come back with additional information.

Councilmember Olson expressed the importance of Public Safety and asked for clarification on the over-hire policy. Chief Turk explained the philosophy of quality hires and responding to the growth in Greeley. Mr. Lee noted the importance of proactive planning.

Councilmember DeBoutez suggested removing the sunset on the Food Tax Renewal and asked about the economic development impact on open space.

Councilmember Olson asked for clarification on how the Food Tax Renewal Tax could be used. Ms. Myers explained that if parks were to be included, the conversation would then have to shift to discussions with Capital Improvement Projects.

Councilmember Payton commented that the funding for the intersections from the Metropolitan Planning Organization (MPO) and Colorado Department of Transportation (CDOT) was half the cost of those projects at the time. Now costs have significantly increased and will continue to increase the longer it takes to complete these projects.

Mr. Lee and Ms. Johnson discussed the importance of narrowing the information taken to the focus groups so that information gathered would be more meaningful.

The consensus of Council was to move the Food Tax forward and decide if there should be a sunset. Council also consented on supporting TIFIA.

Mayor Gates expressed that public safety and open space remain undecided. He noted a concern for growth and if the funds coming in to support additional public safety were sufficient. Council asked staff to bring more information on the other two items. Ms. Johnson said that staff will return to Council on the 26th and provide additional information on the public safety and open space item.

6. Real-Time Information Center

Police Chief Adam Turk and Commander Tania Gutierrez presented the item at 7:14 p.m.

The Greeley Police Department maintains a variety of technology, including license plate readers, overt cameras, covert cameras, and drones. The police department accesses public works traffic cameras, which operate on many intersections in the city. Other available technology includes: Live911, shot spotter, enhanced drones, additional investigative cameras, and the ability to work with outside partners to access their cameras in the event of a critical incident.

The police department requested consensus from city council to move forward with the Real Time Information Center (RTIC). Pending council consensus, the police department will submit a funding appropriation request.

Councilmember DeBoutez and Councilmember Butler expressed support for this effort.

Councilmember Butler asked about staffing and drone technicians. He requested supplemental information about phasing of officers to a 24x7 schedule. Chief Turk provided clarification and then spoke about the advantages of drone footage assisting in identification purposes and as a deterrent mechanism.

Councilmember McDonald commented on the capability of this technology to deter crime. She asked about the technology to assist with natural disasters. Commander Gutierrez confirmed the technology could increase communication between departments during events.

Mayor Gates shared support for this effort to address crime prevention and increase public safety.

Consensus of Council was to bring the item to a future meeting for consideration.

7. Administrative and Maintenance Facilities Overview

Deputy City Manager Don Tripp introduced the item at 7:38 p.m.

Public Works Director Paul Trombino, Economic Development Director John Hall and Chief Human Capital Officer Kimberly Southern-Weber presented.

The City of Greeley facilities cannot meet the demands of a growing staff and services. Renovating or replacing key facilities, including administrative offices, customer service centers, fleet maintenance areas, storage facilities for materials and equipment, and spaces for maintenance crew assembly and employee training is required.

The 2021 Facilities Assessment revealed a significant underfunding in this sector, with only a third of the industry-recommended budget allocated. Staff provided background on issues in administrative and maintenance facilities along with a series of options evaluated to address problems and a recommended path forward for consideration and consensus for next steps.

Councilmember Butler was not in favor of moving 300 employees due to the impact on the downtown business owners. Councilmember McDonald added that a survey needs to be completed to measure city employee utilization of the downtown businesses.

Councilmember DeBoutez asked for supplemental information on other City properties. Mr. Trombino shared planning considerations for those properties. Councilmember DeBoutez was concerned about the demolition of the iconic City Hall building.

Councilmember McDonald discussed the liability issue and asked for clarification on the employees who would be moving out of City Hall. Mr. Lee clarified it would generally be the outward-facing departments.

Councilmember Olson asked about moving employees out of the downtown area and wanted a cost-benefit analysis of the buildings. He added that he'd like to see the risk analysis and mitigation strategies. Councilmember Olson requested additional cost and priority information be brought back to Council.

Councilmember Payton was not in favor of engaging in a long-term lease and requested a plan. Councilmember Butler suggested the possibility of a phased approach.

Mayor Pro Tem Hall requested clarification on the need to address both the maintenance facilities and administrative facilities. Mr. Lee shared that there is no space for new hires in City Hall, and additional facilities must be investigated. Analysis work and facility assessments have been conducted. Mr. Tripp said that additional work will be done to explore the long-term solutions.

Consensus of Council was that staff bring back a revised plan for Facilities at a future date.

8. Scheduling of Meetings, Other Events

None.

9. Executive Session: Advice of Counsel & Instruction to Negotiators (Economic Development – West Greeley, Civic Campus)

A motion to go into executive session to discuss possible acquisition and lease of real property, and to receive instructions regarding negotiation for real property acquisition or lease, and negotiation of economic development incentives, as provided for in C.R.S. § 24-6-402(4)(a) and § 24-6-402(4)(e)(I) and Greeley Municipal Code § 2-151 (a)(1) and § 2-151 (a)(5); and if necessary to receive advice from the City Attorney related to these matters as provided for in C.R.S. § 24-6-402(4)(b) and Greeley Municipal Code § 2-151(a)(2).

Councilmember Butler moved to approve the motion and Councilmember McDonald seconded the motion. The motion passed 7-0 at 8:39 p.m.

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

10. Adjournment

Mayor Gates adjourned the meeting at 8:40 p.m.

9. Executive Session

The Greeley City Council went into Executive Session for the following purposes: As provided in C.R.S. Sections 24-6-402(4)(a), 24-6-402(4)(b) and 24-6-402(4)(e)(I) and Greeley Municipal Code Sections 2-151(a)(1), 2-151(a)(2) and 2-151(a)(5)

- To confer with City Staff and the City Attorney to receive legal advice; and
- To discuss the potential acquisition or lease of real property; and
- To determine positions, develop strategies, and provide instructions to negotiators regarding economic development proposals in West Greeley and related to a Civic Campus.

The time was 8:49 p.m. Mayor John Gates began the record as required by Open Meetings Law. This session was electronically recorded.

Present for participation in the executive session in person in the Colorado Room of City Center South, were all members of the City Council plus the following persons:

- Interim City Attorney Stacey Aurzada
- City Manager Raymond Lee
- Deputy City Manager Don Tripp
- Economic Development Director John Hall
- Community Development Director Brian McBroom
- Public Works Director Paul Trombino
- Tribe Development Co. Representative Ashley Stiles

- Assistant City Attorney Dan Biwar
- Chief of Staff Kelli Johnson
- Budget Director Caleb Weitz
- City Treasurer Robert Miller

The mayor cautioned each participant in the executive session to confine discussion to these stated purposes and reminded them that no formal action may occur in executive session. If at any point in the executive session any participant believed that the discussion was going outside the proper scope of the executive session, then participants were encouraged to interrupt the discussion and raise objections.

The time was 9:34 p.m. when the executive session concluded.

The recording of this executive session 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:

John D. Gates, Mayor

Attest:

Heidi Leatherwood, City Clerk

City of Greeley, Colorado
CITY COUNCIL WORK SESSION REPORT
March 26, 2024

1. Call to Order

Mayor John 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.

The following members of Council were present:

Councilmember Tommy Butler

Councilmember Deb DeBoutez

Mayor Pro Tem Dale Hall

Councilmember Brett Payton

Councilmember Melissa McDonald

Mayor John Gates

Councilmember Johnny Olson - excused

4. Reports from Mayor and Council Members

None

5. 2024 Ballot Measure Planning Follow-Up

Chief of Staff Kelli Johnson, Interim Deputy Budget Director Kalen Myers, and Budget Director Caleb Weitz introduced the item at 6:01 p.m.

Ms. Myers provided the City Council with follow-up information on two potential ballot measure options for the November 2024 election.

During the March 14 Work Session, the Council heard details about four proposals: the planned food tax renewal, a proposed debt issuance, and two potential tax increase measures for public safety and open space. Staff provided additional information on public safety and open space measures.

The Public Safety Tax consideration (0.25% sales tax increase) would generate an estimated \$7M in annual revenue. The funding would allow for retention and

compensation increases for existing staff. Without separate funding, these growing costs will be paid from the General Fund. Currently, 70% of the ongoing general fund budget is dedicated to salaries and benefits. The remaining 30% covers all supplies, services, and operating costs.

Open Space Tax consideration (a 0.25% sales tax increase) would generate an estimated \$7M in annual revenue. The funding would allow for activation of current city services, and significant expansion of open space amenities for residents, potential economic and tourism benefits, and flexibility for costs currently in the City's budget.

Staff requested guidance on whether to continue exploring an increase to the Public Safety Tax and/or continue exploring a new dedicated Open Space Tax. A timeline was shared with tentative dates for council input and consideration.

The mayor thanked staff for the data and felt that Council has the information needed to provide guidance. He confirmed that there was still consensus on submitting the Food Tax measure to the Focus Group. Council confirmed. He reiterated staff's concern that if all three measures were sent to the focus group that results could be skewed and noted that all these potential measures were important.

Ms. Johnson clarified that TIFIA would be a separate measure on the ballot. Mr. Lee added that TIFIA and the Food Tax are tied together but are separate measures listed on the ballot. The mayor added that TIFIA is not asking the voters for a tax but the ability to accumulate debt to use for larger projects.

Councilmember DeBoutez asked about the savings from the Public Safety Tax that is to be used for the Real Time Information Center and wanted clarification on why there would be an ask for increasing the tax instead of spending that money on hiring additional officers. Ms. Myers clarified that those fund savings came from stronger than expected revenues from one-time sources and therefore cannot be used for ongoing expenditures like personnel salaries but can be used for technology and other resources.

Councilmember Butler asked about the possibility of hiring 25 police officers and 9 firefighters. Chief Turk and Deputy Chief Stranahan responded that it is not only hiring that is needed but training infrastructure that is important. Councilmember Butler suggested that both items go to the focus group but offered that if both cannot go, then to add them over the next two years.

Mayor Pro Tem Hall asked for information on the focus group and timeline. Ms. Meyer explained that consultants go out and recruit a diverse group of residents to respond to a series of questions. The results contain qualitative data, although not statistically significant, but shows how the group reacts to the idea of potential ballot items. This can help determine the best type of messaging for the public. Then a follow up poll is conducted which is statistically significant.

Ms. Meyers then presented the schedule of when the Council would see the item at a meeting to approve for the ballot.

Mayor Pro Tem Hall added that he wants the residents to chime in to determine what should be on the ballot and spreading them out seems appropriate.

Councilmember McDonald agreed and supported the public safety tax with the hope of adding personnel to both Fire and Police.

Councilmember Payton did not support the idea of the Open Space tax and restated his belief that Police and Fire do not belong on a ballot. He added that keeping public safety in the budget allows for proper accountability and if additional personnel is needed then it should come from the remaining budget. Furthermore, he did not want public safety on the ballot with the risk of that funding being withdrawn in the future.

Councilmember DeBoutez shared her concern with all the recent development going on that open space is important and it has been passed up getting on the ballot since 2010. She believes it should go to the focus group and then the data can come back to give direction.

The mayor suggested that the council come to consensus about what should go to the focus group taking into consideration that if measures are to be spread over the next number of years, then only send relevant items to the focus group now.

The council could not come to consensus on a measure to add to the focus group.

Councilmember DeBoutez asked again to have all three items go to the focus group to let the group give direction. The mayor asked for clarification on the make up of the focus group. Ms. Meyers and Ms. Johnson replied that the consultants aim to find a group that is neutral and diverse with the main goal of finding objective participants.

The mayor asked for consensus to decide what topics would go to the focus group. There was consensus to send both the Public Safety tax and the Open Space tax to the focus group.

6. Scheduling of Meetings, Other Events

None.

7. A motion to go into Executive Session for the purpose of receiving feedback pertaining to completing the annual performance review of the Municipal Judge

Recommended Motion:

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 Payton moved to approve the motion. Councilmember McDonald seconded the motion. The motion passed 6-0 at 6:51 p.m. with Councilmember Olson absent.

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

8. Adjournment

Mayor Gates adjourned the meeting at 6:51 p.m.

7. Executive Session for the purpose of receiving feedback pertaining to completing the annual performance review of the Municipal Judge

The Greeley City Council went into Executive Session at 6:56 p.m. Mayor John Gates began the record as required by Open Meetings Law. The session was electronically recorded.

Present for participation in the executive session, which is convened in person in the Executive Session room of Council Chambers are all members of Council (except Councilmember Olson) plus the following persons:
Municipal Judge, Mark Gonzales.

This executive session was for the following purpose:

- 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.
- This is the annual review of Municipal Judge, Mark Gonzales.

Judge Gonzales has not requested that this discussion be held in open session.

The mayor cautioned each participant in the executive session to confine discussion to these stated purposes and reminded them that no formal action may occur in executive session. If at any point in the executive session any participant believed that the discussion was going outside the proper scope of the executive session, then participants were encouraged to interrupt the discussion and raise objections.

The time was 7:27 p.m. when the executive session concluded.

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

Approved:

John D. Gates, Mayor

Attest:

Heidi Leatherwood, City Clerk

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
March 19, 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 Tommy Butler

Councilmember Deb DeBoutez

Mayor Pro Tem Dale Hall

Councilmember Brett Payton

Councilmember Johnny Olson

Councilmember Melissa McDonald

Mayor John Gates

4. Approval of the Agenda

Mayor Gates announced that Item 9 – UNC Spring Update will be removed from the agenda and come back on a future agenda.

5. Recognitions and Proclamations

Proclamations:

Mayor Gates read the Parkinson's Awareness Month Proclamation at 6:01 p.m. and Bill Sterling was present in Council Chambers to accept.

Mayor Gates read the 2024 Community College Month Proclamation at 6:08 p.m. and John Haefeli, Russ, Rothamer, Zachary McFarlane, Natalie Stevens, Bryelle Rummings, Wyatt Eklund, and Jeffery Thatch from Aims Community College were present in Council Chambers to accept.

Mayor Gates read the Fair Housing Month Proclamation at 6:15 p.m. City of Greeley Housing Director Deb Callies, Grant Specialist B.J. Spamer, and Affordable Housing Manager Ashley Weesner were present in Council Chambers to accept.

What's Great About Greeley

Councilmember Olson presented the *What's Great about Greeley?* presentation at 6:19 p.m.

6. Citizen Input

1. Steve Teets spoke on how a transit system is important to growth. He also spoke about housing, homelessness, transit, transportation, and infrastructure.
2. Ricardo Cadena spoke about housing and homelessness and the negative impact that it is having on the community.
3. David Meek thanked Aims Community College for being part of the community. He asked Council about whether there was reconsideration on his request to be reinstated as a volunteer. Mayor Gates said this was not a decision that can be made by Council, and it is closed for further discussion due to staff's final decision.
4. Edwin Grant spoke about Weld County and their decision to remove public input and the issues that the county is currently facing. He also spoke about public finance and taxes change over time.

7. Reports from Mayor and Councilmembers

1. Mayor Pro Tem Hall spoke about interviewing students for the Youth Commission Board with Councilmember DeBoutez. He acknowledged Levi Aldridge in the audience and thanked him for taking the time to attend.
2. Councilmember Olson thanked Levi Aldridge for being in attendance. He also spoke about the Front Range Passenger Rail going to the Senate on the consent agenda to remove Weld County from the taxing district.
3. Councilmember McDonald spoke about attending the National League of Cities in Washington D.C. and how wonderful it was to talk to other members from various cities. She was proud to share the advancements that Greeley's Housing Department has made.
4. Councilmember Butler spoke about his attendance at the Greeley Home Ownership Program (G-Hope) Lunch and Learn and the expansion of the program.
5. Mayor Gates spoke about his attendance at the Crime Prevention and Public Safety Committee at the National League of Cities. Mayor Gates recognized the progress of public safety in Greeley.

8. Initiatives from Mayor and Councilmembers

None

9. University of Northern Colorado Spring Update

Mayor Gates reminded Council that this item was removed from the agenda.

Consent Agenda

10. A motion to approve the City Council Meeting Proceedings of February 20, 2024, and City Council Work Session Proceedings of February 27, 2024
11. A resolution authorizing the City of Greeley to enter into a grant agreement between the City of Greeley and the Urban Sustainability Directors Network (USDN), a non-profit organization regarding receipt of grant funding for Greeley Tree Canopy Rescue
12. A resolution authorizing the city to enter into an Intergovernmental Agreement with the City of Fort Collins regarding certain aspects of the Halligan Water Supply Project
13. Introduction and first reading of an ordinance amending Title 1, Chapter 12 and Title 2, Chapter 12 of the Greeley Municipal Code relating to code compliance and chronic public nuisance
14. Introduction and first reading of an ordinance appropriating additional sums to defray the expenses and liabilities of the City of Greeley for the balance of the fiscal year of 2024 and for funds held in reserve for encumbrances through December 31, 2023

End of Consent Agenda

Mayor Pro Tem Hall moved to approve the Consent Agenda Items 9-14. Councilmember Butler seconded the motion. The motion passed 7-0 at 6:42 p.m.

15. **Pulled Consent Agenda Items**
None.
16. **Appointments to Boards & Commissions**
City Clerk Leatherwood announced the appointments:
 - Museum Board: Floris Mikkelson and Emma Pena-McMleave 3-year term
 - Youth Commission Board – Levi Aldrige and Miranda Contreras 3 – year term
17. **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 6:43 p.m.
18. **Scheduling of Meetings, Other Events**
None.

19. A motion to go into Executive Session for the purpose of receiving feedback pertaining to completing the annual performance review of the City Manager

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 Payton moved to approve the motion. Councilmember Olson seconded the motion. The motion passed 7-0 at 6:44 p.m.

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

20. Adjournment

With no further business to come before the Council, Mayor Gates adjourned the meeting at 6:44 p.m.

19. Executive Session

The Executive Session was called to order at 6:49 p.m. for the purpose of receiving feedback pertaining to completing the annual performance review of the City Manager

Present at this executive session were the following people: All members of the City Council were present plus City Manager Raymond Lee.

Mayor Gates cautioned each participant to confine discussion to the stated purpose and reminded that no formal action may occur in the 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 executive session concluded at 8:11 p.m.

The recording of this executive session 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:

John Gates, Mayor

Attest:

Heidi Leatherwood, City Clerk



Council Agenda Summary

April 16, 2024

Key Staff Contact: Mark Gonzales, Municipal Judge

Title:

A resolution appointing J. William Sierra as an Assistant Municipal Judge and Assistant Liquor Licensing Hearing Officer for the City of Greeley, Colorado

Summary:

The Greeley City Council has determined that it is appropriate to appoint the Assistant Judges as Hearing Officers to act as the Liquor Licensing Authority as needed.

The Greeley Municipal Judge has recommended that J. William Sierra be appointed as an Assistant Judge and Hearing Officer for the Liquor Licensing Authority. Council has determined that Mr. Sierra is qualified to fill these positions.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	No
Is there grant funding for this item?	Yes
If yes, does this grant require a match?	Yes (already paid in full)
Is this grant onetime or ongoing?	Onetime
Additional Comments:	All project funds have been spent

Legal Issues:

Consideration of this matter is a legislative process

Other issues and Considerations:

None

Strategic Focus Area:



High-Performance Government

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 No. 11, 2024

CITY OF GREELEY, COLORADO

RESOLUTION NO. 11, 2024

**A RESOLUTION APPOINTING J. WILLIAM SIERRA AS AN ASSISTANT
MUNICIPAL JUDGE AND ASSISTANT LIQUOR LICENSING HEARING OFFICER
FOR THE CITY OF GREELEY, COLORADO**

WHEREAS Section 2-939 of the Greeley Municipal Code authorizes the Greeley City Council to appoint one or more Assistant Judges to handle the case load of the Municipal Court; and

WHEREAS, the Charter of the City of Greeley provides that the “Judge or Judges of the Municipal Court” must be admitted to practice law in Colorado, and must be a resident of the City during their tenure;

WHEREAS, the Charter of the City of Greeley provides that the “Judge or Judges” of the Municipal Court shall be appointed by the Council for a term of four (4) years, and may be removed by the Council for cause;

WHEREAS, the Greeley City Council has determined that it is necessary and appropriate to appoint Assistant Judges to handle the case load of the Municipal Court and to act in the absence of the Presiding Municipal Court Judge; and

WHEREAS, Section 8-434 of the Greeley Municipal Code establishes a Local Licensing Authority which regulates licensing related to the sale and service of alcohol beverages within the City of Greeley; and

WHEREAS, Section 8-434 of the Greeley Municipal Code provides that a Hearing Officer appointed by the City Council shall act as the Liquor Licensing Authority; and

WHEREAS, Section 8-434 provides that the Liquor Licensing Authority Hearing Officers are appointed by the Greeley City Council by resolution and may be removed with or without cause by a majority vote of the Greeley City Council; and

WHEREAS, the Greeley City Council has determined that it is appropriate to appoint the Assistant Judges as Hearing Officers to act as the Liquor Licensing Authority as needed; and

WHEREAS, the Greeley Municipal Judge has recommended that J. William Sierra be appointed as an Assistant Judge and Hearing Officer for the Liquor Licensing Authority and Council has determined that Mr. Sierra is qualified to fill these positions; and

WHEREAS, the Greeley City Council finds that it is in the best interests of the citizens of the City of Greeley to appoint J. William Sierra as an Assistant Judge and Hearing Officer for the Liquor Licensing Authority.

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

Section 1. The Greeley City Council appoints J. William Sierra as an Assistant Municipal Judge for the City of Greeley, Colorado for a term beginning April 16, 2024 and ending April 16, 2029.

- Section 3. Pursuant to Section 7-1 of the Greeley Municipal Charter and Section 2-939 of the Greeley Municipal Code, the Greeley City Council has previously set the compensation for the Assistant Municipal Judges.
- Section 4. The Greeley City Council appoints J. William Sierra as a Hearing Officer for the Greeley Liquor Licensing Authority.
- Section 6. This resolution shall become effective immediately upon its passage.

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

ATTEST:

CITY OF GREELEY, COLORADO

By: _____
City Clerk

By: _____
Mayor



Council Agenda Summary

April 16, 2024

Key Staff Contact: Kimberly Southern-Weber, Chief Human Capital Officer

Title:

Introduction and first reading of an ordinance authorizing a salary increase for the City Manager

Summary:

City Council conducted the annual performance review of the City Manager on March 19, 2024. Based on this annual review, the City Council found that City Manager Lee's 2023 performance substantially exceeded expectations and in accordance with merit increases for all non-union employees with a similar performance review directed that the following adjustment be presented for adoption by the City Council with an effective date of February 15, 2024:

- a merit increase of 10%;
- one-time performance incentive: \$10,000 lump sum incentive to be paid out in 2024 for City Manager Lee's outstanding performance in 2023. This performance incentive is intended to both acknowledge achievement of critical goals in 2023 and to incentivize retention in 2024.

In addition, the City Council directed that the following be presented for adoption by the City Council with an effective date of February 15, 2024:

- Increasing City Manager's Paid Time Off (PTO) accrual rate from 9.23 hours (6 weeks annually) per pay period to 13.23 hours (8.6 weeks annually) per pay period

City Manager Current Salary	274,428.85
Value of 10.00% General Wage Increase for City Manager	27,442.89
Fiscal Year 2024 City Manager salary effective February 15, 2024	301,871.74
One-time performance bonus	\$10,000

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	\$10,000 performance bonus
What is the annual impact?	\$27,442.89 for salary

	\$3,018.81 retirement contribution increase
--	--

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:



High-Performance Government

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 May 7, 2024

Attachments:

1. Ord No, 10, 2024

**CITY OF GREELEY, COLORADO
ORDINANCE NO. 10, 2024**

**AN ORDINANCE AUTHORIZING A SALARY
AND CERTAIN BENEFITS FOR THE CITY MANAGER**

WHEREAS, Section 3-15 of the Greeley City Charter requires the fixing of compensation to be by ordinance; and

WHEREAS, on January 4, 2022 Raymond C. Lee III was appointed to the position of City Manager for the City of Greeley; and

WHEREAS, the City Council conducted the City Manager's annual review on March 19, 2024; and

WHEREAS, the City Council has determined that it is appropriate to make changes to certain other benefits provided to the City Manager.

WHEREAS, the City Council feels that it is appropriate to set the City Manager's compensation.

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

- Section 1. The City Manager's salary is increased ten percent (10%) to \$301,871.74 annually.
- Section 2. The City Manager shall receive a lump sum performance incentive of \$10,000.00 to be paid out in 2024 for his performance in 2023. This performance incentive is intended to both acknowledge achievement of critical goals in 2023 and to incentivize retention in 2024.
- Section 3. The City shall maintain its current contribution of eleven percent (11%) of the City Manager's base salary to the City's 401(k) retirement savings plan on City Manager's behalf.
- Section 4. The City Manager shall accrue paid time off at the rate of 13.23 hours per pay period and shall accumulate, hold, and utilize paid time off as if Employee has a tenure with the City of twenty-one years or more in accordance with the City paid time off accrual schedule for Executive Employees as described in City policy.
- Section 4. To the extent the terms in this ordinance differ from the terms of the Employment Agreement executed by Raymond C. Lee III and the City on January 4, 2022, the terms in this ordinance shall control.
- Section 5. The above referenced ordinance shall be effective for the pay period beginning February 15, 2024.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS _ DAY OF APRIL 2024.

ATTEST:

THE CITY OF GREELEY, COLORADO

BY: _____
CITY CLERK

BY: _____
MAYOR



Council Agenda Summary

April 16, 2024

Key Staff Contact: Kimberly Southern-Weber, Chief Human Capital Officer

Title:

Introduction and first reading of an ordinance authorizing a salary increase for the Municipal Judge

Summary:

City Council conducted the annual performance review of the Municipal Judge on March 26, 2024. Based on this annual review, the City Council found that Municipal Judge Gonzales' 2023 performance met expectations and in accordance with merit increases for all non-union employees with a similar performance review directed that the following adjustment be presented for adoption by the City Council with an effective date of February 15, 2023:

- a merit increase of 9.0%.

In addition, the City Council directed that the following be presented for adoption by the City Council with an effective date of February 15, 2024:

- reappointment of Mark C. Gonzales as Presiding Municipal Court Judge, effective *nunc pro tunc* (retroactive) May 18, 2022 for a term of four years; and
- Increasing the Municipal Judge's Paid Time Off (PTO) accrual rate from 9.23 hours (6 weeks annually) per pay period to 13.23 hours (8.6 weeks annually) per pay period

Municipal Judge's Current Salary	184,837.88
Value of 9.0% General Wage Increase for Municipal Judge	16,635.41
Fiscal Year 2024 Municipal Judge salary effective February 15, 2024	201,473.29

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	\$16,635.41
What is the annual impact?	General

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:



High-Performance Government

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 May 7, 2024

Attachments:

1. Ord No. 11, 2024

**CITY OF GREELEY, COLORADO
ORDINANCE NO. 11, 2024**

**AN ORDINANCE REAPPOINTING AND AUTHORIZING A
SALARY INCREASE FOR THE PRESIDING MUNICIPAL JUDGE**

WHEREAS, Mark C. Gonzales was appointed by the City Council to the position of Presiding Municipal Judge effective May 21, 2018 for a term of four years; and

WHEREAS, City Council reappointed Judge Gonzales to the position of Presiding Municipal Judge on May 18, 2022 for a term of four years; and

WHEREAS, Section 3-15 of the Greeley City Charter requires the fixing of compensation to be by ordinance, and salary and benefits are a part of the Presiding Municipal Judge's compensation package; and

WHEREAS, on March 26, 2024 the City Council conducted the Presiding Municipal Judge's annual review; and

WHEREAS, the City Council feels that it is appropriate to set the Presiding Municipal Judge's compensation; and

WHEREAS, on April 17, 2018 the City Council passed Resolution 26, 2018 providing the Presiding Municipal Judge with the authority and responsibility for appointment and supervision of the Municipal Court Clerk, as authorized by Section 2-947 of the Greeley Municipal Code; and

WHEREAS, upon Judge Gonzales' request, City Council finds it appropriate to support a review of the compensation and classification of the employees supervised by the Presiding Municipal Judge.

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

- Section 1. Mark C. Gonzales was reappointed to the position of Presiding Municipal Judge, effective on May 18, 2022 for a term of four years as authorized by Section 7-1 of the Greeley Charter.
- Section 3. The Municipal Judge's salary is increased by nine percent (9.0%) to \$201,473.29 annually.
- Section 4. The Municipal Judge shall accrue paid time off at the rate of 13.23 hours per pay period and shall accumulate, hold, and utilize paid time off as if Employee has a tenure with the City of twenty-one years or more in accordance with City paid time off accrual schedule for Executive Employees as described in City policy.

Section 5. The City Council directs the Human Resources department to undertake a compensation and classification review of employees under the Municipal Judge and Municipal Court Clerk's supervision, and to provide a report and recommendations to the Municipal Judge at the conclusion of such review.

Section 5. The above referenced ordinance shall be effective for the pay period beginning February 15, 2024.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS _ DAY OF APRIL, 2024.

ATTEST:

THE CITY OF GREELEY, COLORADO

BY:_____
CITY CLERK

BY:_____
MAYOR



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

April 16, 2024

Key Staff Contact: Adam Turk, Police Chief

Title:

Public hearing and second reading of an ordinance amending Chapter 1 of Title 16 of the Greeley Municipal Code to address Automated Enforcement Systems, also known as camera radar to detect speeding violations

Summary:

The Greeley Police Department and Public Works presented available traffic-calming technologies to Greeley City Council at the May 23, 2023, work session. Public works and the Police department researched various technologies and contacted surrounding jurisdictions who have or continue to utilize technology to address traffic and quality of life concerns. Greeley City Council directed staff to proceed with a photo radar camera pilot program.

The police department has completed research and a request for proposal to procure technology to implement the pilot photo radar program. Prior to securing the technology, the municipal code needs to be amended via an ordinance. The City of Greeley is sponsoring a photo radar ordinance amending the Greeley Municipal Code, Title 16, Chapter 1, Traffic Code, by adding Article XX, Automated Enforcement Systems, which authorizes the city manager to use automated enforcement systems.

A motion to introduce the ordinance and schedule a public hearing and second reading for April 16, 2024, was approved with a 6-0 vote with Councilmember Payton absent on April 2, 2024.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	\$8,500 per month or \$102,000 for the first year
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?	All Sources
Is there grant funding for this item?	No
If yes, does this grant require a match?	N/A
Is this grant onetime or ongoing?	N/A
Additional Comments:	N/A

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:

N/A

Strategic Focus Area:



Safe and Secure Communities

Decision Options:

- 1) Adopt the ordinance as presented; or
- 2) Amend the ordinance and adopt 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 adopt the ordinance and publish with reference to title only.

Attachments:

1. Ord No.6, 2024 with Appendix A
2. Item 14 - Ordinance Amendment Relating to Automated Enforcement Systems Presentation

CITY OF GREELEY, COLORADO

ORDINANCE NO. 6, 2024

**AN ORDINANCE AMENDING THE GREELEY MUNICIPAL CODE, TITLE 16,
CHAPTER 1, TRAFFIC CODE, BY ADDING ARTICLE XX, AUTOMATED
ENFORCEMENT SYSTEMS**

WHEREAS, it becomes necessary to update the Greeley Municipal Code from time to time to address changes in policies and effect different approaches to obtain public safety measures within the City; and

WHEREAS, the State of Colorado has adopted Senate Bill 23-200 which modified C.R.S. §42-4-110.5 and provisions relating to Automated Enforcement Systems used throughout the state; and

WHEREAS, the Greeley Police Department has advocated that the City engage in the utilization of Automated Enforcement Systems throughout the City in order to enhance public safety by the issuance of citations to persons driving in excess of the speed limit and thereby also reducing the number of accidents which occur due to traffic speeding violations; and

WHEREAS, the City Council has considered the merits of utilizing Automated Enforcement Systems within the City of Greeley in order to enhance public safety and has determined that the City should utilize Automated Enforcement Systems; and

WHEREAS, in order to establish use of Automated Enforcement Systems throughout the City, the Greeley Municipal Code must be amended.

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

Section 1. Greeley Municipal Code, Title 16, Chapter 1, is hereby amended by the addition of Article XX as described in Appendix A , attached hereto and incorporated herein.

Section 2. This ordinance shall take effect on the fifth day after its final publication, as provided by Section 3-16 of the Greeley City Charter.

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

ATTEST:

THE CITY OF GREELEY

City Clerk

Mayor

APPENDIX A
CITY OF GREELEY, COLORADO
ORDINANCE NO. 6, 2024

ORDINANCE AMENDING CHAPTER 1 OF TITLE 16
GREELEY MUNICIPAL CODE

Article XX. Automated Enforcement Systems.

Sec. 16-650. Authority.

(a) The city manager is authorized to use automated enforcement systems otherwise known as camera radar to detect violations of section 16-351, "Speed limits" within school zones, residential neighborhoods, along any street that borders a municipal park, and along any automated vehicle identification corridor which has been so identified by city council.

(b) The city manager shall by administrative rule designate those employees who are authorized to enforce speeding violations detected through the use of camera radar pursuant to this code. All peace officers employed by the police department are authorized to enforce speeding violations detected through the use of camera radar.

Sec. 16-651. Definitions.

The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this Article, except where the context clearly indicates a different meaning:

Automated Vehicle Identification Corridor means a street or portion thereof which has been designated by city council as an area which data has shown has a high incidence of speeding, reckless driving, accidents, or community complaints.

Camera means a device capable of capturing visual images, and includes, without limitation, cameras which capture images by the effect of light on chemicals on a film and cameras which capture images by converting light into electromagnetic or optical data which are stored on magnetic tape, computer memory disks or other storage media.

Camera radar means a device used for speed enforcement consisting of a camera and a radar unit or other speed measurement device that can be programmed to automatically produce a photographic image which depicts a vehicle which has exceeded the speed limit, the driver of the vehicle, and which also indicates the vehicle's speed and the date and approximate time of day and approximate location of the violation.

Notice of Violation means a notice mailed to a registered owner of a vehicle involved in any traffic violation detected by camera radar advising that a violation has been detected, or a similar notice mailed to the operator of the vehicle identified by a registered owner of said vehicle.

Photo Radar Referee shall mean an employee of the city designated by the city manager to review and adjudicate disputes associated with notices of violation generated by camera radar. The terms "Photo Radar Referee" and "Referee" shall be synonymous for the purposes of this Article.

Residential neighborhood means any block on which a majority of the improvements along both sides of the street are residential dwellings and the speed limit is 35 miles per hour or less.

Sec. 16-652. Signage.

- (a) Prior to utilization of camera radar for enforcement of speeding violations within a school zone, residential neighborhood, or along any street that borders a municipal park, there must be posted an appropriate temporary or permanent sign in a conspicuous place not fewer than 300 feet before the area in which the camera radar system is to be used notifying the public that the camera radar device is in use immediately ahead.
 - (1) The requirements of subsection (a) shall not be deemed satisfied by the posting of a permanent sign or signs at the borders of the city, nor by the posting of a permanent sign in an area in which the camera radar system is to be used, but this subsection (a)(1) shall not be deemed a prohibition against the posting of such permanent signs.
- (b) Prior to utilization of camera radar for enforcement of speeding violations in any automated vehicle identification corridor as identified by city council, the city must:
 - (1) Post a permanent sign in a conspicuous place not fewer than 300 feet before the beginning of the corridor and a permanent sign not fewer than 300 feet before each camera within the corridor thereafter or a temporary sign not fewer than 300 feet before any mobile camera radar system;
 - (2) Illustrate, through data collected within the past five years, incidents of crashes, speeding, reckless driving, or community complaints on a street designated as an automated vehicle identification corridor; and
 - (3) Coordinate with the department of transportation and the Colorado State Patrol.

Sec. 16-653. Notice of Violation.

- (a) When a peace officer or employee of the city, based on evidence obtained in whole or in part by means of camera radar has probable cause to believe that a vehicle has been driven in violation of section 16-351 "Speed limits," the peace officer or employee of the city may issue, or cause to be issued through a contractor designated by the city, a notice of violation charging the person in whose name the vehicle is registered based on the license plate or any other identification of the vehicle with the speed limit violation. If, however, the vehicle is registered in more than one person's name, the notice of violation shall be issued to the registrant whom the issuing officer or employee determines, under all the facts and circumstances, is the person most likely depicted in the image produced by the camera radar.
- (b) The notice of violation shall contain the name and address of the driver; the license number of the vehicle involved in the violation; a citation of the code section alleged to have been violated; a brief description of the violation, the date of the violation; the approximate place of the violation; the amount of the prescribed penalty; and the date the notice of violation is issued. The notice of violation shall also contain the signature, or a reasonable facsimile thereof, of the peace officer or employee of the city issuing the notice.

- (c) A copy of a notice of violation issued under this section must be personally served upon the person charged with the speeding violation; or in lieu of such personal service, by leaving a copy of the notice of violation at the charged person's usual place of abode with some person over the age of 18 years residing therein; or by mailing a copy by first-class mail to the charged person's last known address within thirty days after the alleged violation occurred if the motor vehicle involved in the alleged violation is registered in the state, or within sixty days after the violation occurred if the motor vehicle involved in the alleged violation is registered outside of the state.
- (d) The notice of violation shall direct the driver to a website portal where, prior to a date and time specified on the notice, the driver can pay the penalty or submit evidence to dispute the identity of the driver; or request a hearing before the photo radar referee to dispute the notice of violation within the time specified in the notice.
- (e) The photo radar referee shall review all relevant documentation on file with the city in the case, including, but not limited to, the notice of violation, photographs, reports, and written statements, if any. All documents may be submitted electronically. In lieu of the police officer's or city employee's personal appearance at the hearing, the referee may consider the notice of violation and any other written report by the police officer or city employee who issued the citation. Any hearing held before the photo radar referee shall be recorded pursuant to Section 2-1039 of this code.
- (f) Where the referee finds that the violation has not been established, the notice of violation shall be dismissed. Where the referee finds that the violation has been established, the referee shall uphold the notice of violation and order the driver to pay the penalty assessment within seven days of the date of the decision of the referee.
- (g) Any person not satisfied with the decision of the photo radar referee may, by written request provided to the city within ten days of the decision, request that his/her citation be referred to the Greeley Municipal Court for adjudication before a municipal court judge who shall serve as the administrative appeal hearing officer at a de novo hearing.
- (h) Failure to pay the fine or contest the notice of violation within the time period specified in the notice shall result in a civil penalty assessment notice for the amount owed. Failure to pay the civil penalty assessment notice within the time period specified in such notice shall result in the registered owner's waiver of any right to contest the violation or the amount of the prescribed civil penalty and shall result in a final order of liability entered against the registered owner of the vehicle.
- (i) Final orders of liability and orders issued by the administrative appeal hearing officer may be appealed in accordance with Section 2-1041 of this code.

Sec. 16-654. Presumption in reference to automated camera radar penalty assessment notices.

- (a) Proof that a particular vehicle was exceeding the legal speed limit in violation of section 16-351, "Speed limits," as detected by camera radar together with proof that the particular vehicle is registered in the charged person's name, shall raise the evidentiary presumption and constitute *prima facie* evidence in any prosecution of a violation of that section, of the fact that the charged person was the person driving the vehicle depicted in the photograph. However, such evidence and presumption may be rebutted by presentation of any probative

and competent evidence that the charged person was not the driver shown in the photograph. If the image is not of sufficient quality to permit reasonable identification of the driver of the vehicle, the presumption shall not arise.

- (b) In any proceeding in municipal court to adjudicate a violation of section 16-351, "Speed limits" detected through the use of camera radar:
 - (1) The photograph and related data produced by camera radar concerning the violation shall be admissible in court as *prima facie* evidence of the speed of the vehicle depicted in the photograph, provided that the peace officer, or employee of the city who activated the camera radar prior to the photograph being taken testifies as to the placement of the camera radar and the accuracy of the scene depicted in the photograph, and further testifies that the person tested the radar unit of the camera radar for proper calibration within a reasonable period of time both before and after the taking of the photograph. In order to be so admissible in court, the photograph must be of sufficient quality to permit identification of the driver of the vehicle.
 - (2) Testing and operation in accordance with the manufacturer's specifications shall be, without limitation, sufficient foundation for introduction of the evidence.

Sec. 16-655. Penalty

- (a) The penalty for speeding less than 25 miles per hour over the applicable speed limit in violation of section 16-351 "Speed limits", if evidence produced by camera radar constituted an indispensable element of the proof, shall be \$40. Such fine may be doubled for traffic infractions occurring within school zones and construction zones.
- (b) The penalty for speeding 25 miles per hour or more over the applicable speed limit in violation of section 16-351 "Speed limits", if evidence produced by camera radar constituted an indispensable element of the proof, shall be \$200. Speeding violations of 40 miles per hour or more over the speed limit may also be referred to the police department for investigation as to whether other applicable charges are appropriate.
- (c) If a notice of violation, civil penalty assessment notice, or final order of liability is personally served, in addition to any fine assessed under this section, the city may also charge the actual costs of service of process that shall be no more than the amount usually charged for civil service of process.
- (d) The city shall not initiate or pursue a collection action against a registered owner of a motor vehicle for a debt resulting from an unpaid penalty assessment pursuant to this section unless the registered owner is personally served with either the notice of violation, civil penalty assessment notice, or the final order of liability.

Sec. 16-656. Revenue

In order to improve safety in neighborhoods, all revenue collected that is in excess of the Automated Enforcement Systems expenses shall be utilized for the City of Greeley's Neighborhood Traffic Safety Program to install permanent traffic calming measures that serve to improve safety on neighborhood, local and collector streets.

Sec. 16-657. Confidentiality and Exemption from Disclosure

All photographs and video collected by use of camera radar shall be treated as confidential and exempt from disclosure and inspection pursuant to the Colorado Open Records Act. The city manager shall not release or permit the inspection or copying of images that are evidence required to prove a violation taken by camera radar for other than law enforcement purposes, unless directed to do so by subpoena from a court of competent jurisdiction, or as part of litigation or threatened litigation involving the city. Such images shall however, be available to the owner of any vehicle and to the driver of any vehicle depicted in any such image. Images taken by camera radar shall be purged on a regular schedule adopted by the city manager.

Secs. 16-658-668. Reserved.



Ordinance Amendment Relating to Automated Enforcement Systems

Adam Turk, Chief of Police

Adam.Turk@greeleypd.com | 970-351-5381

City Council Meeting – April 16, 2024



Safe and Secure Communities

Agenda



- Basic Information
- Implementation Plan
- City of Greeley Code Amendments
- Financial Overview
- Purpose: Council Feedback & Recommendation

Basic Information

- May 2023, Police and Public Works presented on traffic technology options for consideration
- Council authorized a pilot photo radar program
- Police Department initiated the Request for Proposal (RFP) process and need for updated ordinance
- Greeley Municipal Code Amendments
- Authorizing the use of Automated Enforcement Systems
- Revenue beyond expenses designated to traffic calming

Implementation Plan

- Timeline
- Focus areas per statute (School zones, residential neighborhoods, parks, and those corridors designated by City Council)
- Signage
- Warning Period
- Violation Types
- Staffing
- Equipment
- Utilization Times

Code Amendments

- Authority – City Manager authorizes photo radar system
- Definitions
- Signage
- Notice of Violation – covers the process
- Penalty - \$40 less than 25 MPH
- Penalty - \$200 25 MPH or more
- Penalty – More than 40 MPH, may refer to Police Department
- Revenue

Financial Overview

Expenses

- Staff
- Contract with provider
- Administrative expenses

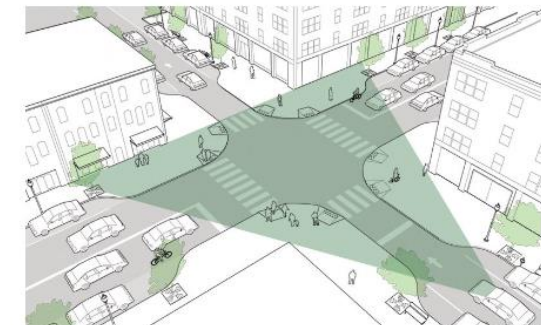
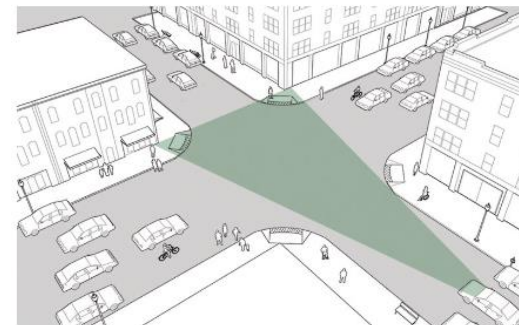
Revenue

Any revenue in excess of expenses will be utilized to improve traffic safety in neighborhoods through the installation of traffic calming measures

- Speed Humps
- Raised Crosswalks
- Traffic Circles
- Daylighting and other Quick Safety Options



Raised Crosswalk



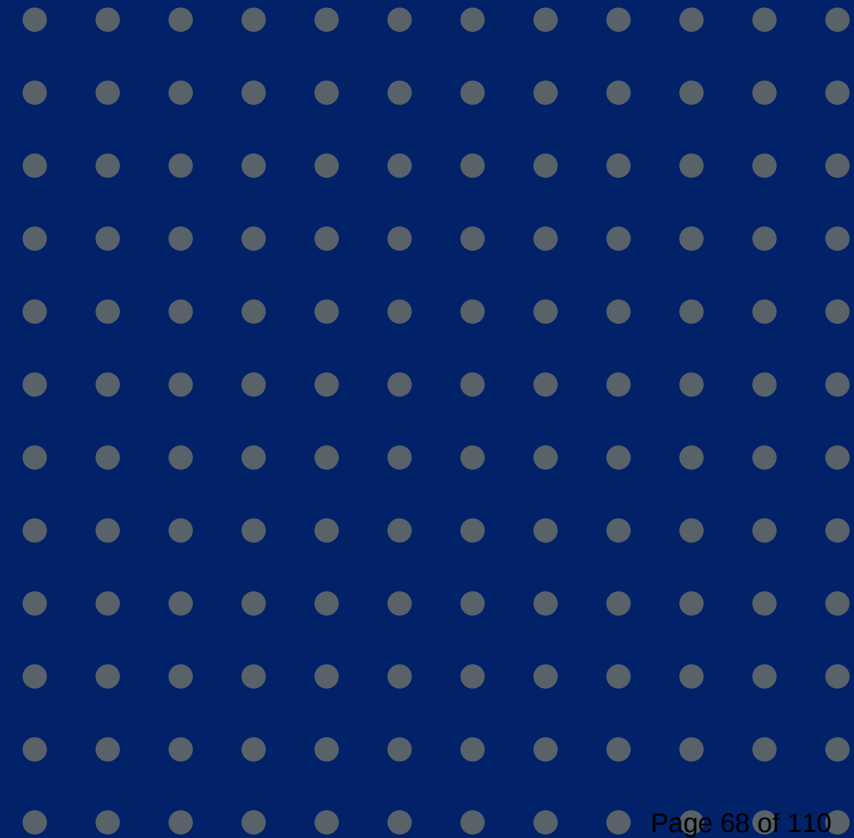
Summary



Staff Recommendation:

Adopt the Ordinance Amending Greeley Municipal Code as Drafted

Thank you





Council Agenda Summary

April 16, 2024

Key Staff Contact: Adam Turk, Police Chief

Title:

Public hearing and second reading of an ordinance amending Title 2, Chapter 11 of the Greeley Municipal Code relating to authority to issue summons and complaints

Summary:

The Police Department has civilian employees that investigate traffic accidents and alcohol establishments. Currently, those civilian employees do not have the authority in the Code to issue summons and complaints for misdemeanor offenses. For example, a sworn officer must be on scene to issue a summons and complaint for Careless Driving, a common traffic offense issued after an accident. This requires the time of a sworn officer at an accident scene when the officer is not otherwise needed.

Also, it is the responsibility of multiple departments in the City to respond to code violations. This ordinance will authorize employees to issue and serve summons and complaints for violations of the code the city employee is delegated responsibility to enforce. The recommended changes would ensure compliance with the code and protect the health, safety and welfare of the city and its inhabitants.

A motion to introduce the ordinance and schedule a public hearing and second reading for April 16, 2024, was approved with a 6-0 vote with Councilmember Payton absent on April 2, 2024.

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:

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) Adopt the ordinance as presented; or
- 2) Amend the ordinance and adopt 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 adopt the ordinance and publish with reference to title only.

Attachments:

1. Ord No. 7, 2024 with Appendix A
2. Item 15 - Ordinance Amendment Relating to Authority to Issue Summons and Complaints Presentation

**CITY OF GREELEY, COLORADO
ORDINANCE NO. 7, 2024**

**AN ORDINANCE AMENDING TITLE 2, CHAPTER 11
OF THE GREELEY MUNICIPAL CODE
RELATING TO AUTHORITY TO ISSUE SUMMONS AND COMPLAINTS**

WHEREAS, the City of Greeley, Colorado (“City”) is a home rule municipality, and pursuant to Article XX, Section 6 of the Colorado constitution has the right to enact, administer and enforce ordinances; and

WHEREAS, city employees may be authorized by municipal ordinance to file summons and complaints; and

WHEREAS, it is the responsibility of multiple departments in the City to respond to code violations; and

WHEREAS, department directors and employees should be authorized to issue summons and complaints for violations of the code that the city employee is delegated responsibility to enforce of the Greeley Municipal Code; and

WHEREAS, the recommended amendments to the Greeley Municipal Code would ensure compliance with the code and protect the health, safety and welfare of the city and its inhabitants.

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

Section 1. Section 2-975 of Article III, Procedures of Chapter 11, Municipal Court of Title 2, Administration and General Government, shall be amended as shown in Appendix A.

Section 2. This ordinance shall become effective five (5) days following its final publication as provided by Section 3-16 of the Greeley City Charter.

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

ATTEST:

THE CITY OF GREELEY, COLORADO

By: _____
City Clerk

By: _____
Mayor

APPENDIX A
CITY OF GREELEY, COLORADO
ORDINANCE NO. 7, 2024

**AN ORDINANCE AMENDING TITLE 2, CHAPTER 11
OF THE GREELEY MUNICIPAL CODE**

Section 1. Section 2-975 of Article III, Procedures of Chapter 11, Municipal Court of Title 2, Administration and General Government, shall be amended as follows:

Sec. 2-975. ~~Filing of actions or summonses.~~ Issuance and service of summons, complaint and process.

(a) Any action or summons brought in the municipal court to recover any fine or enforce any penalty or forfeiture under any ordinance shall be filed in the name of the city, by and on behalf of the people of the state.

(b) Sworn members of the police department, together with the city attorney, deputy city attorney or assistant city attorney, and University of Northern Colorado peace officers are authorized to issue a summons and complaint for any violation of this Code.

(c) The following officers and employees of the city are authorized to issue and serve summons and complaints, so long as the violation relates to that portion of the Code for which the official or city employee is delegated the responsibility to enforce:

(1) The police chief.

(2) The fire chief.

(3) The city manager.

(4) The director of community development.

(5) The director of public works.

(6) The director of finance.

(7) The director of culture, parks and recreation.

(8) The director of water and sewer.

Where the authority to issue a summons and complaint is given to the city manager or department director, this grant shall allow the manager or department director to delegate this authority to other employees or officials within the department. This delegation shall be in writing.



Ordinance Amendment Relating to Authority to Issue Summons and Complaints

Adam Turk, Chief of Police

Adam.Turk@greeleypd.com | 970-351-5381

City Council Meeting – April 16, 2024



Safe and Secure Communities

Agenda



- Background & Why
- City of Greeley Code Amendments
- Recommendations
- Purpose: Council Feedback

Code Amendments

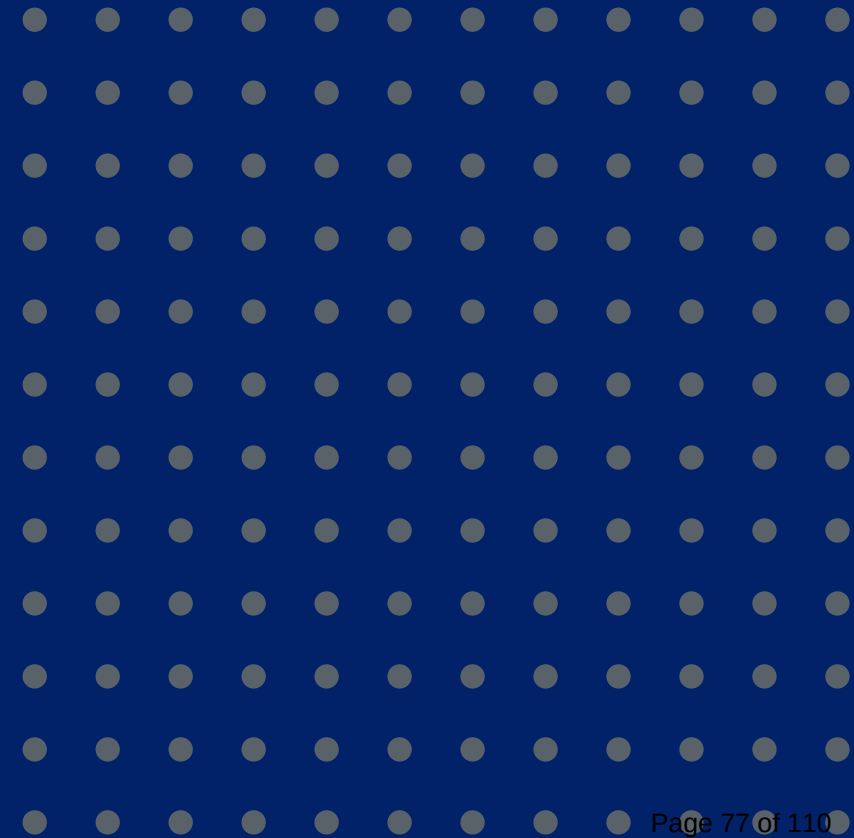
- Title 2, Chapter 11 of Greeley Municipal Code
 - Currently authorizes sworn officers to issue summons and complaint
 - Non-sworn police employees may issue complaints for infractions
- Multiple city departments respond to code violations
- To ensure compliance, amendments needed to expand delegation and authority
- Amendment needed to authorize department directors to delegate and issue summons and complaint
- The following departments are authorized to delegate, in writing, authority for their employees to issue and serve summons and complaints to protect the health, safety and welfare of city residents:
 - Police Chief
 - Fire Chief
 - City Manager
 - Director of Community Development
 - Director of Public Works
 - Director of Water and Sewer
 - Director of CRPD



Staff Recommendation:
Adopt the Ordinance as Drafted

Summary

Thank you





Council Agenda Summary

April 16, 2024

Key Staff Contact: Adam Turk, Police Chief

Title:

Public hearing and second reading of an ordinance amending Title 8, Chapter 13 and Title 14, Chapter 6 of the Greeley Municipal Code relating to alcohol

Summary:

Greeley Liquor Licensing Authority issues licenses and permits for the sale or service of alcoholic beverages, conducts hearings and investigations, suspends or revokes licenses, sets fees, along with many other responsibilities. The recommended amendments to the Greeley Municipal Code would update liquor licensing and hearing requirements, including the requirement of posting notice of the duty of a Licensee to report disturbances at licensed premises. The Ordinance will also update the Code after the passage of Proposition 125 on November 8, 2022, which modified the fermented malt beverage off-premise retailer license to allow the sale of wine products. The recommended changes will protect the health, safety and welfare of the city and its inhabitants.

A motion to introduce the ordinance and schedule a public hearing and second reading for April 16, 2024, was approved with a 6-0 vote with Councilmember Payton absent on April 2, 2024.

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:

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) Adopt the ordinance as presented; or
- 2) Amend the ordinance and adopt 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 adopt the ordinance and publish with reference to title only.

Attachments:

1. Ord No. 8, 2024 with Appendix A
2. Item 16 - Ordinance Amendment Relating to Alcohol Presentation

**CITY OF GREELEY, COLORADO
ORDINANCE NO. 8, 2024**

**AN ORDINANCE AMENDING TITLE 8, CHAPTER 13 AND TITLE 14, CHAPTER 6
OF THE GREELEY MUNICIPAL CODE RELATING TO ALCOHOL**

WHEREAS, the Greeley Liquor Licensing Authority issues licenses and permits for the sale or service of alcohol beverages; conducts hearings and investigations; suspends or revokes such licenses and permits; sets certain fees as provided by law; as well as many other responsibilities and duties set forth in Articles 3, 4, and 5 of Title 44 of the Colorado Revised Statutes; and

WHEREAS, as of March 1, 2023, state law, through the voter-approved passage of Proposition 125 on November 8, 2022, modified a fermented malt beverage off-premise retailer license to also allow the sale of wine products; and

WHEREAS, staff recommends updating licensing and hearing requirements, including the requirement of posting notice of the duty to report disturbances at licensed premises; and

WHEREAS, the recommended amendments to the Greeley Municipal Code would encourage economic stability and growth, and protect the health, safety and welfare of the city and its inhabitants.

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

Section 1. Section 8-435 of Article I, Local Licensing Authority; Definitions of Chapter 13, Alcohol Beverages of Title 8, Business, Taxes, Licenses and Regulations shall be amended as shown in Appendix A.

Section 2. Sections 8-462, 8-466 – 8-472, of Article II, Licenses of Chapter 13, Alcohol Beverages of Title 8, Business, Taxes, Licenses and Regulations, shall be amended as shown in Appendix A.

Section 3. Sections 8-492 and 8-497 of Article III, General Provisions; Unlawful Acts of Chapter 13, Alcohol Beverages of Title 8, Business, Taxes, Licenses and Regulations, shall be amended as shown in Appendix A.

Section 4. Article V, Alcohol Tastings of Chapter 13, Alcohol Beverages of Title 8, Business, Taxes, Licenses and Regulations, shall be amended as shown in Appendix A.

Section 5. Section 14-179 of Chapter 6, Offenses Against Public Peace of Title 14, Criminal Conduct and Offenses, shall be amended as shown in Appendix A.

Section 6. This ordinance shall become effective five (5) days 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
CITY OF GREELEY, COLORADO
ORDINANCE NO. 8, 2024

**AN ORDINANCE AMENDING TITLE 8, CHAPTER 13 AND TITLE 14, CHAPTER 6
OF THE GREELEY MUNICIPAL CODE**

Section 1. Section 8-435 of Article I, Local Licensing Authority; Definitions of Chapter 13, Alcohol Beverages of Title 8, Business, Taxes, Licenses and Regulations, shall be amended as follows:

Sec. 8-435. Definitions.

(a) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Alcohol means malt, vinous or spirituous liquors and fermented malt beverages, as those terms are defined by state law.

Applicant means one making an application for a license under this chapter, and includes:

- (1) If an individual, that person making the application;
- (2) If a partnership, all the partners of the partnership which is making the application;
- (3) If a corporation, any officer, director, manager or stockholder therein making the application; or
- (4) If a limited liability company, any member therein making the application.

Authority or licensing authority means the hearing officer appointed by the city council by resolution.

Fermented malt beverage has the same meaning as set forth in the Colorado Beer Code (C.R.S. § 44-4-101 et seq.).

Hearing officer means the individual, licensed to practice law in the state, appointed by the city council, to carry out the duties as described in section 8-434 and other rules, regulations, policies and procedures as may be established.

Illegal gambling means to authorize or permit on the licensed premises any gambling, or use of any gambling machine or device, or the use of any machine which may be used for gambling, or the use of any simulated gambling device, which is not authorized and legally operated pursuant to C.R.S. Title 44, Articles 30, 32 and 40.

Licensed, licensee and licensed premises means persons or premises issued a license or permit pursuant to C.R.S. Title 44, Articles 3, 4 and 5.

Malt, vinous, and spirituous liquor has the same meaning as set forth in the Colorado Liquor Code (C.R.S. § 44-3-101 et seq.).

Manager means and includes that person who manages, directs, supervises, oversees and administers the acts, transactions and acts of servants of the establishments governed by this chapter.

Person includes a natural person, partnership, association, company, corporation, limited liability company, organization or manager, agent, servant, officer or employee of any of them.

Premises means a distinct and definite location, which may include a building, a part of a building, a room, or any other definite areas as approved by the Authority.

(b) All other words and phrases used in this chapter shall have the meanings attached by the state statutes regulating the sale of alcohol, or if not otherwise defined by law, as are used in their common, ordinary and accepted sense and meaning.

Section 2. Sections 8-462, 8-466 – 8-472, of Article II, Licenses of Chapter 13, Alcohol Beverages of Title 8, Business, Taxes, Licenses and Regulations, shall be amended as follows:

Sec. 8-462. Penalty guidelines.

Violations of any provisions of this chapter shall result in penalties according to the generally accepted and practiced state penalty guidelines provided below. Nothing in the following guidelines is meant to restrict the licensing authority from issuing a lesser penalty, a higher penalty, or additional penalties as allowed by this chapter or state law, up to an including suspension of revocation of a license or the imposition of a fine in lieu of suspension as provided under the provisions of C.R.S. § 44-3-601.

Code Violation	Suspension
<i>Sale or Service to a Minor:</i>	
First Incident 1 Charge	15 days total, 5 served and 10 held in abeyance for a period of one year from date of hearing, pending no further violations
2 Charges	30 days total, 10 served and 20 held in abeyance for a period of one year from date of hearing, pending no further violations
3 + Charges	45 days total, 15 served and 30 held in abeyance for a period of one year from date of hearing, pending no further violations
Second Incident	Days held in abeyance automatically imposed from first incident, plus additional
Within 1 Year	suspension as stated in first incident above
<i>Purchase of Alcohol from Someone Other Than a Wholesaler:</i>	
First Incident 1 Charge	10 days total, 3 served and 7 held in abeyance for a period of one year from date of hearing, pending no further violations
2 Charges	10 days total, 5 served and 5 held in abeyance for a period of one year from date of hearing, pending no further violations
<i>Sale or Service to <u>an</u> Intoxicated Patron Person:</i>	

First Incident 1 Charge	15 days total, 5 served and 10 held in abeyance for a period of one year from date of hearing, pending no further violations
2 Charges	30 days total, 10 served and 20 held in abeyance for a period of one year from date of hearing, pending no further violations
3 + Charges	45 days total, 15 served and 30 held in abeyance for a period of one year from date of hearing, pending no further violations
Second Incident Within 1 Year	Days held in abeyance automatically imposed from first incident, plus additional suspension as state in first incident above
<i>Failure to Meet Food Requirement (H and R/Brew Pubs):</i>	
First Incident	15 days total, 5 served and 10 held in abeyance for a period of one year from date of hearing, pending no further violations, with 30 days to comply
Second Incident Within 1 Year	Days held in abeyance automatically imposed from first incident, plus additional suspension as stated in first incident above
<i>Video Poker Gambling:</i>	
First Incident	45 days total, 15 served and 30 held in abeyance for a period of one year from date of hearing, pending no further violations
Second Incident	Days held in abeyance automatically imposed from first incident, plus additional suspension as stated in first incident above
<i>Permitting Illegal Gambling:</i>	
First Incident	10 days total, 3 served and 7 held in abeyance for a period of one year from date of hearing, pending no further violations
Second Incident	45 days total, 15 served and 30 held in abeyance for a period of one year from date of hearing, pending no further violations

Third Incident	Days held in abeyance automatically imposed from first incident, plus additional suspension as stated in first incident above
<i>Failure to Maintain Adequate Books/ <u>and</u> Records:</i>	
First Incident	15 days total, 5 served and 10 held in abeyance for a period of one year from date of hearing, pending no further violations
Second Incident	30 days total, 10 served and 20 held in abeyance for a period of one year from date of hearing, pending no further violations
<i>Sale <u>or</u> Service After Legal Hours:</i>	
First Incident	10 days total, 3 served and 7 held in abeyance for a period of one year from date of hearing, pending no further violations
Second Incident	30 days total, 10 served and 20 held in abeyance for a period of one year from date of hearing, pending no further violations
<i>Permitting Disturbances:</i>	
First Incident	30 days total, 10 served and 20 held in abeyance for a period of one year from date of hearing, pending no further violations
Second Incident	Days held in abeyance automatically imposed from first incident, plus additional suspension as stated in first incident above
<i>Violations on Follow-Up Inspections:</i>	
For each incident	3 days total, 1 served and 2 held in abeyance for a period of one year from date of hearing, pending no further violations
<i>Failure to Report Manager Corporate, Financial <u>or</u> Trade Name Change:</i>	
First Incident	5 days total, all 5 held in abeyance for a period of one year from date of hearing, pending no further violations

Second Incident	10 days total, 3 served and 7 held in abeyance for a period of one year from date of hearing, pending no further violations
<i>Underage Employee Selling or Serving:</i>	
First Incident 1 Charge	7 days total, 2 served and 5 held in abeyance for a period of one year from date of hearing, pending no further violations
2 Charges	14 days total, 4 served and 10 held in abeyance for a period of one year from date of hearing, pending no further violations
3 Charges	30 days total, 10 served and 20 held in abeyance for a period of one year from date of hearing, pending no further violations
<i>Shake a Day (Dice or Dice Cup Pools):</i>	
1 Charge	15 days total, 5 served and 10 held in abeyance for a period of one year from date of hearing, pending no further violations
2 Charges	30 days total, 10 served and 20 held in abeyance for a period of one year from date of hearing, pending no further violations
<i>Altered Alcohol:</i>	
1 Charge	15 days total, 5 served and 10 held in abeyance for a period of one year from date of hearing, pending no further violations

Sec. 8-466. Aggravating and mitigating factors considered at show cause hearings.

(a) In all cases where a violation of the applicable state or local laws is found at a show cause hearing, the Authority shall consider evidence and statements in mitigation and in aggravation of the violation prior to determining the appropriate penalty. These factors may include, but are not limited to:

(1) The seriousness of the violation;

(2) Corrective action taken by the licensee after the violation;

(3) Prior violations at the licensed premises by the licensee or the licensee's employees and the effectiveness of prior corrective action;

(4) Whether the licensee substantially benefitted, monetarily or otherwise, from committing the violation;

(5) Whether the violation is part of a pattern or practice of violations;

- (6) Whether the violation was discovered, and later substantiated through investigation, as a result of a complaint or multiple complaints;
- (7) The violation demonstrably resulted in harm, not just the potential for harm;
- (8) The violation was willful, not negligent;
- (9) The owner or management personnel engaged in the violation and/or directed an employee to violate the law;
- (10) Previous sanctions imposed against the licensee; and
- (11) Other factors making the situation with respect to the licensee or the licensed premises unique.

Sec. 8-4667. Buildings to meet standards.

(a) No license shall be issued, renewed or transferred unless the building in which the business or licensed activity is conducted meets all of the requirements of the zoning, building, electrical, plumbing, fire, mechanical, housing and dangerous building codes of the city.

(b) A special event permit allowing alcohol on the premises may be issued under circumstances where the premises do not comply with requirements of the Uniform Fire Code, if the following requirements are satisfied:

(1) The special event permit applicant shall arrange for a fire watch, comprised of a minimum of two persons, to be conducted during the entire time of the special event occurrence.

Arrangements for hire and payment of fire watch personnel shall be the responsibility of the applicant.

(2) If the chief of the city fire department, or designee, requires that a fire watch for a particular special event be staffed by more than two persons, the applicant must arrange for a fire watch in accordance with the directions of the fire chief or designee.

(3) The fire watch for any special event occurring on premises which are not strictly in compliance with the Uniform Fire Code must be staffed by persons who are state-certified firefighters with direct radio contact with county 911 emergency dispatch.

(4) The special event permit applicant must finalize arrangements for the required fire watch prior to issuance of the liquor license.

Sec. 8-468. Modification of premises.

(a) No licensee shall physically change, alter or modify the licensed premises from that shown in the plans and specifications submitted at the time the licensee obtained the original license until written approval to do so has been received from the Authority and the state licensing authority, pursuant to the regulations adopted by the State.

(b) Requests for changes, alterations or modifications of the licensed premises shall be on such forms as are provided by the state licensing authority and, in addition, on such forms as may be provided by the City, if any. The request shall be accompanied by plans and specifications, which shall be sufficient to advise the Authority of the scope and nature of the proposed request and must include the identification of areas where alcohol will be served and stored.

Sec. 8-469. Change of location.

No license issued by the Authority shall be transferred to another location howsoever proximate without the approval of the Authority. The policies and procedures for such transfer of location of licensed premises shall be the same as those for the issuance of new licenses, except information and investigation regarding the applicant shall not be required. An application fee as provided in section 8-527 shall be charged.

Sec. 8-46770. Continuation of existing licenses.

...

Sec. 8-46871. Optional premises licenses.

...

Sec. 8-46972. Promotional associations and common consumption areas.

...

Secs. 8-4703 – 8-491. Reserved.

Section 3. Sections 8-492 and 8-497 of Article III, General Provisions; Unlawful Acts of Chapter 13, Alcohol Beverages of Title 8, Business, Taxes, Licenses and Regulations, shall be amended as follows:

Sec. 8-492. Licensee to report disorderly conduct.

(a) A licensed establishment must be conducted in a decent, orderly and respectable manner, and shall not permit within or upon the licensed premises the loitering of habitual drunkards or intoxicated persons, lewd or indecent displays, profanity, rowdiness, undue noise or other disturbance or activity offensive to the sensitivities of the average citizen, or to the residents of the neighborhood in which the establishment is located.

(b) All licensees and permit holders, and any agent, manager or employee thereof, shall immediately report to the police department any unlawful or disorderly act, conduct or disturbance committed in or on the licensed premises.

(c) Each licensee and permit holder shall post and keep visible at all times to the public in a conspicuous place on the premises, a sign with a minimum height of fourteen (14) inches and a minimum width of eleven (11) inches with each letter to be a minimum of one-half (½) inch in height, which shall read as follows:

"WARNING: The Greeley Police Department must be notified of all disorderly acts, conduct or disturbances and all unlawful activities which occur on or within the premises of this licensed establishment."

(d) It shall not be a defense to a prosecution of a licensee or permit holder under this Section that the licensee was not personally present on the premises at the time such unlawful activity, disorderly act, conduct or disturbance was committed; however, no agent, servant or employee of the licensee shall be personally responsible for failing to report an unlawful or disorderly act, conduct or disturbance hereunder if such agent, servant or employee was absent from the premises at the time such activity was committed.

(e) Failure to comply with the requirements of this Section shall be considered by the Licensing Authority in any action relating to the issuance, revocation, suspension or nonrenewal of a license or the cancellation, revocation, or suspension of a temporary or special events permit. A violation of this Section shall also constitute a misdemeanor offense, punishable as provided in chapter 9 of title 1 of this Code.

Sec. 8-497. Prohibiting open containers of alcohol in certain public areas.

(a) No person within the city limits shall possess an opened container of alcohol or consume alcohol in public, except upon premises licensed for consumption of the ~~liquor or beverage~~ alcohol involved or as authorized in this chapter.

(b) For purposes of this section, the term "open container" means any container other than an original closed container as sealed or closed for sale to the public by the manufacturer or bottler of the liquor or beverage or as defined by the state liquor enforcement division. If an original container has been unsealed, undone, or opened in any manner, it is an open container for purposes of this section.

(c) For purposes of this section, the term "in public" means:

(1) In or upon any public highway, street, alley, walk, parking lot, building, ~~park~~, or other public property or place, whether in a vehicle or not; or

(2) In or upon a city park, except as permitted in section 8-499; or

~~(23)~~ In or upon those portions of any private property upon which the public has an express or implied license to enter or remain; or

~~(34)~~ In or upon any other private property without the express or implied permission of the owner or person in possession and control of such property or such person's agent.

(d) It is unlawful for any person to serve, consume or possess an open container of alcohol when on, in or using, by conveyance or otherwise, the premises of the Jesus Rodarte Cultural Center.

(e) This section shall not apply to the serving or consumption of alcohol within the premises of the Union Colony Civic Center, Greeley Recreation Center, Greeley Active Adult Center, Greeley Ice Haus or the Greeley History Museum when the serving or consumption of alcohol is in conjunction with an event under the control of an authorized licensee or at authorized social gatherings (such as banquets, luncheons, wedding receptions) held within the confines of those facilities.

(f) Violations. Notwithstanding any other part of this chapter, a violation of this section shall be punishable as a misdemeanor offense.

Section 4. Article V, Alcohol Tastings of Chapter 13, Alcohol Beverages of Title 8, Business, Taxes, Licenses and Regulations, shall be amended as follows:

Sec. 8-554. Alcohol tasting authorized; permit required.

(a) Alcohol tastings on the licensed premises of a retail liquor store licensee, or of a liquor-licensed drugstore licensee or a fermented malt beverage and wine retailer licensee are authorized to be conducted within the city in accordance with C.R.S. § 44-3-301(10), and subject to the provisions of this article.

(b) The authority is authorized to issue alcohol tasting permits in accordance with the requirements of this article.

(c) It shall be unlawful for any person to conduct alcohol tastings within the city without having first received a permit issued in accordance with this section.

(d) Retail liquor store licensees, and liquor-licensed drugstore licensees, and fermented malt beverage and wine retailer licensees desiring to conduct alcohol tastings shall submit a tasting permit application to the city clerk accompanied by the fee stated in section 8-434.

(e) Submittal requirements. Annually, the licensee shall submit a completed alcohol tasting permit application obtained from the city clerk's office, including the following:

(1) Licensee information, including, but not limited to, name, address, contact information and license number;

(2) Verification that the licensee and employee who will be conducting the tastings have completed a seller/server training program that meets the standards established by the state licensing authority and is qualified to conduct an alcohol tasting.

(f) No alcohol can be provided as samples during a tasting until 48 hours after the licensee has provided written notice of the tasting to the police department and the city clerk's office. Such notice must contain the specific days and hours on which the alcohol tasting will occur. In this regard, there is no limitation on the number of days which a licensee may specify in each notice.

(g) Renewal of tasting permits shall be concurrent with the renewal of licenses for retail liquor store licensee, or of a liquor-licensed drugstore licensee or of a fermented malt beverage and wine retailer licensee. A licensee's initial tasting permit shall expire on the same date as the date that the licensee's retail liquor store or liquor-licensed drugstore or fermented malt beverage and wine retailer license expires. The initial tastings permit application fee shall not be prorated or refunded if the permit expires in less than a year.

(h) Alcohol tasting permits shall be conspicuously and prominently posted by the licensee on the licensed premises at all times during operating hours.

(i) An alcohol tasting permit shall only be issued to a retail liquor store licensee or a liquor-licensed drugstore licensee or a fermented malt beverage and wine retailer licensee whose license is valid, not subject to a current or pending enforcement action by the city or the state and in full force and effect.

Sec. 8-555. Limitations on alcohol tastings.

Alcohol tastings within the city shall be subject to the following limitations:

(1) Alcohol tastings shall be conducted only on a licensed premises by a person who has completed a seller/server training program that meets the standards established by the state licensing authority and who is either a retail liquor store licensee or a liquor-licensed drugstore licensee or a fermented malt beverage and wine retailer licensee or an employee of a licensee;

(2) The alcohol used in tastings must be purchased through a licensed wholesaler, licensed brew pub, licensed distillery pub or winery licensed pursuant to C.R.S. § 44-4-403, at a cost that is not less than the laid-in cost for such alcohol;

(3) The size of an individual sample shall not exceed one ounce of malt, vinous or fermented malt beverages or one-half of one ounce of spirituous liquor;

(4) The licensee shall not serve more than four individual samples of alcohol to a patron during a tasting;

- (5) Alcohol tastings shall not exceed a total of five hours in duration per day, which need not be consecutive;
- (6) Alcohol tastings shall be conducted only during the operating hours in which the licensee on whose premises the alcohol tastings occur is permitted to sell alcohol, and in no case earlier than 11:00 a.m. or later than 9:00 p.m.;
- (7) The licensee shall prohibit patrons from leaving the licensed premises with a sample;
- (8) The licensee shall promptly remove all open and unconsumed alcohol samples from the licensed premises, destroy the samples immediately following the completion of the alcohol tasting, or store any open containers of unconsumed alcohol in a secure area outside the sales area of the licensed premises for use at a tasting conducted at a later time or date;
- (9) The licensee shall not serve a person who is under 21 years of age, who is visibly intoxicated or is a habitual drunkard;
- (10) The alcohol samples used in the tastings shall be served in clear, open containers and shall be provided to a patron free of charge;
- (11) The licensee may conduct tastings on no more than 156 days per year. Alcohol tastings may occur on no more than four of the six days from a Monday to the following Saturday, not to exceed 104 days per year;
- (12) The licensee shall maintain on the licensed premises a log of all alcohol consumed as tastings on forms obtained from the authority, to be submitted to the city clerk each year with the alcohol tasting permit renewal application, and during all operating hours the log shall be subject to inspection by the police department, the county health department, the state licensing authority and any other federal, state, county or city agency which is permitted or required by law to inspect licensed premises; and
- (13) No manufacturer of alcohol shall induce a licensee through free goods or financial or in-kind assistance to favor the manufacturer's products being sampled at an alcohol tasting, and the licensee shall bear the financial and all other responsibility for an alcohol tasting.

Sec. 8-556. Violations.

- (a) A violation of this article or C.R.S. § 44-3-301(10) by a retail liquor store licensee or a liquor-licensed drugstore licensee or a fermented malt beverage and wine retailer licensee, whether by the licensee, licensee's employees, agents or otherwise, shall be the responsibility of the licensee conducting the alcohol tasting.
- (b) Retail liquor store licensees, and liquor-licensed drugstore licensees, and fermented malt beverage and wine retailer licensees conducting an alcohol tasting shall be subject to the same revocation, suspension and enforcement provisions as otherwise apply to those licensees, including the hearings described in section 8-460.
- (c) Nothing in this chapter shall affect the ability of a state winery licensed pursuant to C.R.S. § 44-3-402 or 44-3-403 to conduct an alcohol tasting pursuant to the authority of C.R.S. § 44-3-402(2) or 44-3-403(2)(e).

Section 5. Section 14-179 of Chapter 6, Offenses Against Public Peace of Title 14, Criminal Conduct and Offenses, shall be amended as follows:

Sec. 14-179. Illegal sales of alcoholic beverages.

(a) A person commits a violation of this section if he sells, serves, distributes or otherwise transfers an alcoholic beverage:

(1) To any person who is:

a. Under the age of 21 years; or

b. Is visibly intoxicated; or

c. Is a habitual drunkard.

(2) Upon premises which are properly licensed pursuant to C.R.S. title 44, art. 3 or 4, ~~at any time which is not authorized by state statutes, or~~

(3) ~~For~~ for money or any other thing of value or service ~~of value~~ without a valid liquor license issued pursuant to C.R.S. title 44, art. 3 or 4.

(b) It shall be an affirmative defense to a violation of subsection (a)(1)a of this section that the defendant was the parent or legal guardian of the person to whom the alcoholic beverage was sold, served, distributed or otherwise transferred.



Ordinance Amendment Relating to Alcohol

Adam Turk, Chief of Police

Adam.Turk@greeleypd.com | 970-351-5381

City Council Meeting – April 16, 2024



Safe and Secure Communities

Agenda



- Background
- City of Greeley Code Amendments
- Purpose: Council feedback & recommendation

Background

- Greeley Liquor Licensing Authority issues licenses for the sale and service of alcoholic beverages and may suspend or revoke such licenses and permits
- In November 2022, Proposition 125 passed and became law on March 1, 2023 – modified fermented malt beverage off-premise retailer to include sale of wine products
- Staff recommends updates to licensing & hearing requirements and alcohol violations

Amendments to the Code

There are some minor changes throughout, but the significant changes include:

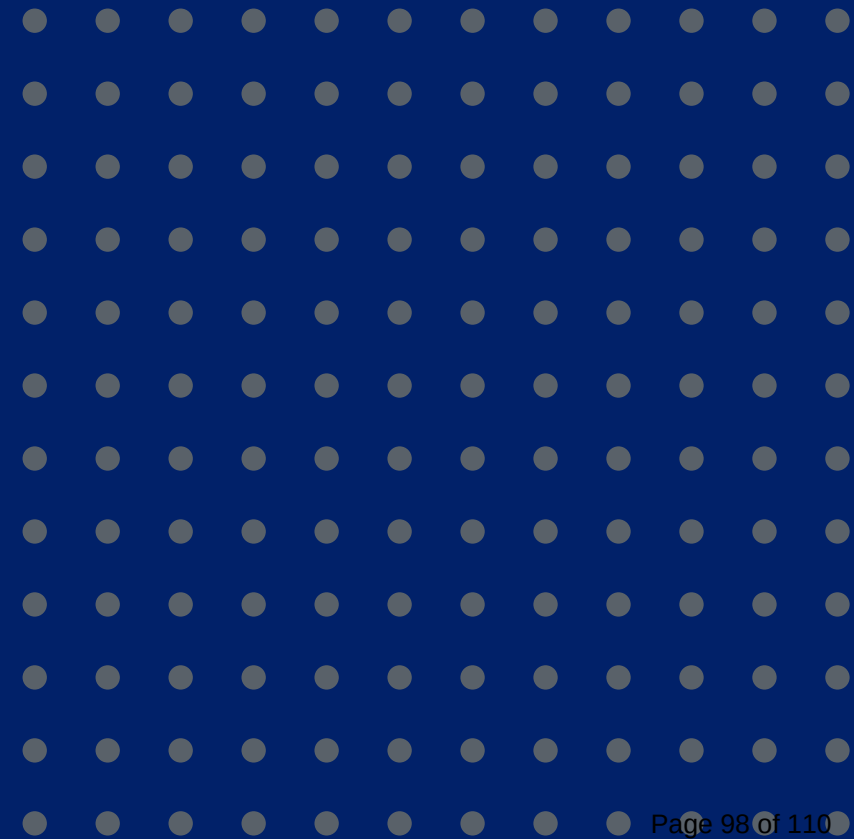
- Adding section 8-466, Aggravating and mitigating factors for show cause hearings
- Adding section 8-458, modification of premises
- Adding section 8-469, change of location
- Modifying section 8-492 to require posting of a warning of requirement to report disorderly conduct
- Adding fermented malt beverage and wine retailer licensee to Alcohol Tastings, Article V, Chapter 13, Title 8
- Modifying section 14-179, Illegal Sales, so that it is easier to understand the elements of the offense

Summary



Staff Recommendation: Adopt the ordinance amending Greeley Municipal Code as drafted

Thank you





Council Agenda Summary

April 16, 2024

Key Staff Contact: Heidi Leatherwood, City Clerk

Title:

Appointments to Boards and 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. Sample Ballot
2. Boards and Commissions April Transmittal



Applicants for the boards and/or commissions listed below are in alphabetical order and recommendations from the interview team are shown in bold. Virtual interviews are customarily held on the second week of each month, and appointments are decided during the second City Council meeting (third week of the month).

***** BALLOT *****

Housing Authority	
<i>3 Positions: 5 Year Term</i>	
☐	Olivia Milsted (Recruit for Additional Applicants)

Rodarte Community Center Advisory Board	
<i>3 Positions: 3 Year Term</i>	
☐	Julie Jensen (I)
☐	Yvette Flores (I) (Recruit for Additional Applicants)

Union Colony Civic Center Advisory Board	
<i>3 Positions: 3 Year Term</i>	
☐	Doran Azari (I)
☐	Michelle Sauder (I) (Recruit for Additional Applicants)

(I) = Incumbent

Boards & Commissions Transmittal

April 2, 2024

Key Staff Contact: Ashton Reinhardt, Boards and Commissions Coordinator, 970-350-4000

Interview Date

April 8, 2024

Council Interview Team

Councilmembers McDonald and Olson

Council Appointment Date

April 16, 2024

Boards and Commissions Being Interviewed

- **Housing Authority**
- **Union Colony Civic Center Advisory Board**
- **Rodarte Community Center Advisor Board**

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 & Input 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



Council Agenda Summary

Title:

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

April 15, 2024 - April 21, 2024

April 2024							May 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		5	6	7	8	9	10
14	15	16	17	18	19	20		12	13	14	15	16	17
21	22	23	24	25	26	27		19	20	21	22	23	24
28	29	30						26	27	28	29	30	31

Monday, April 15

1:30pm - 2:30pm Martinez Elementary School Visit (Gates, Butler)

Tuesday, April 16

5:15pm - 6:00pm 2024 National Youth Service Day Awards Ceremony Reception (Lobby of City Center South 1001 11th Ave Greeley CO 80631) - Council Master Calendar

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

Wednesday, April 17

7:30am - Visit Greeley (Butler) (902 7th Ave Greeley)

10:00am - 11:30am Greeley Refugee Quarterly Community Consultation (3001 8th Ave Suite 100 Evans CO 80620) - Council Master Calendar

2:00pm - 5:00pm Water & Sewer Board (Gates)

Thursday, April 18

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

12:30pm - 1:30pm Greeley Arts Legacy Hall of Fame (Union Colony Civic Center (701 10th Ave, Greeley, CO 80631)) - Council Master Calendar

3:30pm - 4:30pm Airport Authority (Gates/Payton) (Greeley-Weld Airport, 600 Airport Road)

Friday, April 19

Saturday, April 20

Sunday, April 21

April 22, 2024 - April 28, 2024

April 2024							May 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		5	6	7	8	9	10
14	15	16	17	18	19	20		12	13	14	15	16	17
21	22	23	24	25	26	27		19	20	21	22	23	24
28	29	30						26	27	28	29	30	31

Monday, April 22

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

Tuesday, April 23

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

Wednesday, April 24

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

Thursday, April 25

Friday, April 26

Saturday, April 27

9:00am - 10:00am Arbor Day Celebration Proclamation (Hall)
(Sanborn Park; (Playground)) - Council Master Calendar

Sunday, April 28

April 29, 2024 - May 5, 2024

April 2024							May 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		5	6	7	8	9	10
14	15	16	17	18	19	20		12	13	14	15	16	17
21	22	23	24	25	26	27		19	20	21	22	23	24
28	29	30						26	27	28	29	30	31

Monday, April 29

Tuesday, April 30

6:00pm Council Meeting - Cancelled 5th Tuesday

Wednesday, May 1

Thursday, May 2

7:30am - Poudre River Trail (Hall)

3:30pm - IG Adv. Board (Butler)

6:00pm - 8:30pm North Front Range MPO Meeting
(Olson/Payton)

Friday, May 3

Saturday, May 4

Sunday, May 5

May 6, 2024 - May 12, 2024

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

Monday, May 6

Tuesday, May 7

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

Wednesday, May 8

 **7:30am - 9:00am Frontier House's 13th Annual Breakfast**
(DoubleTree by Hilton at Lincoln Park, 919 7th Street, Greeley) - Council Master Calendar

Thursday, May 9

Friday, May 10

Saturday, May 11

Sunday, May 12

City Council Meeting Scheduling 2024			
	4/9/2024		
	This schedule is subject to change		
Date/Type	Description	Sponsor Presenter/Director or Project Manager	Placement/Time
April 16, 2024 Council Meeting	Proclamation - National Crime Victim's Rights Week	Mayor	Intro
	Proclamation - Arbor Day	Mayor	Intro
	Proclamation - Small Business Week	Mayor	Intro
	Proclamation - National Youth Service Day Award	Mayor	Intro
	Minutes March 14 & 26 WS; March 19 CC	Heidi Leatherwood	Consent
	Resolution - Appointing Assistant Municipal Judge and Assistant Liquor Licensing Officer	Mark Gonzales	Consent
	Intro & 1st Rdg Ord - City Manager Salary Increase	Kimberly Southern-Weber	Consent
	Intro & 1st Rdg Ord - Municipal Judge Salary Increase	Kimberly Southern-Weber	Consent
	PH & 2nd Rdg - Amending Greeley Municipal Code for Automated Enforcement Systems camera radar	Adam Turk	Regular
	PH & 2nd Rdg - Update the Greeley Municipal Code to issue summons and complaints	CCO/PD/CAO	Regular
	PH & 2nd Rdg - Update the general Municipal Code relating to alcohol	CCO/PD/CAO	Regular
	Boards & Commission Appointments	Heidi Leatherwood	Regular
April 23, 2024 Council Work Session	Claims Reserve Fund	Tyra Litzau/ John Goodson	Work Session
	End of Year Financial Report	Tyra Litzau/ Rodney Rhoades	Work Session
	Initiative 1-2024 - Oil & Gas 101	Bob Fries/Don Threewitt	Work Session
	Charter Review Options	Heidi Leatherwood	Work Session
	Executive Session - Collective Bargaining for Sergeants	Kimberly Southern-Weber	Executive Session
May 07, 2024 Council Meeting	Proclamation- Public Works Week	Mayor	Intro
	Proclamation - Historic Preservation Month	Mayor	Intro
	Proclamation - Mental Health Month	Mayor	Intro
	Minutes - April 2 CC; April 9 WS	Heidi Leatherwood	Consent
	Motion Appointing Ernest Cienfuegos-Baca to the Greeley/Weld Housing Authority Board	Heidi Leatherwood	Consent
	Resolution - IGA with Weld RE-5J School District	Caleb Jackson	Consent
	Intro & 1st Rdg Ord - Adding Chapter 8 to Title 18 of the Greeley Municipal Code Relating to Museums (Tentative)	Chris Bowles	Consent
	Intro & 1st Rdg Ord - Supplemental Budget Appropriation for 2023	Tyra Litzau	Consent
	Focus Group Results	Kalen Myers	Regular Informational
	PH & 2nd Rdg - Municipal Judge Salary Increase	Kimberly Southern-Weber	Regular
	PH & 2nd Rdg - City Manager Salary Increase	Kimberly Southern-Weber	Regular
May 14, 2024 Council Work Session	1st Quarter Grants Update	Tyra Litzau/Robert Miller	Work Session
	Update to City Investment Policy	Tyra Litzau/Robert Miller	Work Session
	Facilities Update	Paul Trombino	Work Session
	Sign Code Amendments (Tentative)	Don Threewitt	Work Session
	Waste Diversion Study Update	Will Jones/ Paul Trombino	Work Session

City Council Meeting Scheduling 2024			
	4/9/2024		
	This schedule is subject to change		
Date/Type	Description	Sponsor Presenter/Director or Project Manager	Placement/Time
May 21, 2024 Council Meeting	Proclamation - National Travel & Tourism Week Proclamation (Tentative)	Mayor	Intro
	Minutes - April 16 CC; April 23 WS	Heidi Leatherwood	Consent
	Resolution - Update to City Investment Policy	Tyra Litzau/Robert Miller	Consent
	Intro & 1st Rdg Ord - Affordable Housing Parking Reduction	Caleb Jackson	Consent
	PH & 2nd Rdg Ord - Adding Chapter 8 to Title 18 of the Greeley Municipal Code Relating to Museums (Tentative)	Chris Bowles	Regular
	PH & 2nd Rdg - Supplemental Budget Appropriation for 2023	Tyra Litzau	Regular
	Boards & Commissions Appointments	Heidi Leatherwood	Regular
May 28, 2024 Council Work Session	Council Policies and Protocol	Heidi Leatherwood/CAO	Work Session
	1st Quarter CIP Update	Paul Trombino	Work Session
	Community Development Fee Study (Tentative)	Brian McBroom/Don Threewitt	Work Session
	Downtown Overlay Zoning	Don Threewitt/ Brian McBroom	Work Session
	Small Business Land Use Center	Brian McBroom	Work Session