

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
October 1, 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

Jennifer Middleton the Deputy 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

5. Recognitions and Proclamation

Mayor Pro Tem Hall presented What's Great about Greeley? report at 6:01 p.m.

6. Citizen Input

1. Steve Teets spoke about a recycling plant, and he believed that funding should be focused on infrastructure and transportation.
2. Bill Gillard stated he was opposed to the food tax ballot item. He had concerns about potholes and City employees being moved to new buildings.

7. Reports from Mayor and Councilmembers

Councilmember McDonald reported that she attended Greeley Police Officer Mark Fourge's funeral service and noted that he would be missed. She attended the Water & Sewer tour with 30 community members, the Cattle Barons Ball, the groundbreaking for the University of Northern Colorado (UNC) Osteopathic Medical College, Oktoberfest, and the Citizens Fire Academy.

Councilmember Butler attended the groundbreaking at UNC for the Osteopathic Medical College and thanked the Downtown Development Authority for putting on an excellent Oktoberfest.

Councilmember Olson spoke about attending “Play It Forward” event with the Greeley Philharmonic Orchestra. He participated in an educational ride along with Code Compliance Manager, Buxton Demers.

Mayor Gates attended the groundbreaking ceremony and was excited to learn that Weld Trust was donating \$25 million. He thanked Mayor Pro Tem Hall for handling the toast at Oktoberfest. He thanked the Greeley Culture Parks and Recreation Department for a job well done with the Centennial Parks tennis courts and then asked if any councilmembers were interested in assisting with interviews for the Clearview Library District on October 19th to let him know.

8. Initiatives from Mayor and Councilmembers

Councilmember Olson requested a staff presentation on Code Compliance for yards and vegetation. The council reached consensus to move forward with the initiative.

Councilmember Butler requested a resolution be drafted from council in support of ballot initiatives 2L and 2M. Council reached consensus to move forward with the initiative.

Consent Agenda

- 9. A motion to approve the City Council Work Session Proceedings of August 27, 2024, and City Council Meeting Proceedings of September 3, 2024**
- 10. A motion to approve the 2025 Council Meeting and Work Session Schedule**
- 11. A resolution of the City Council of the City of Greeley, Colorado approving a change order with Mountain Constructors**
- 12. A resolution of the City Council of the City of Greeley, Colorado approving a change order with Wright Express Financial Services (WEX)**
- 13. A resolution finding substantial compliance with State Annexation Laws for property known as the “L&T LLC Annexation,” located generally West of State Highway 257 and North of Weld County Road 54, into the City of Greeley, the subject site is comprised of 298.988 Acres**
- 14. A resolution authorizing the Community Development Director to apply for a Local Planning Capacity Grant from the Colorado Department of Local Affairs**
- 15. A resolution authorizing the Mayor to enter into a Memorandum of Understanding (MOU) between the City of Greeley’s Police Department and the Weld County Sheriff’s Office regarding distribution of joint funding provided by the Bureau of Justice Assistance**
- 16. 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 (pulled off the consent agenda)

17. Introduction and first reading of an ordinance adopting the Classification and Salary Plan for 2025

18. Introduction and first reading of an ordinance amending Title 2, Chapter 4 Title 6, Chapter 6, Article III of the Municipal Code of the City of Greeley (signature authority, procurement thresholds, non-competitive procurement and change orders)

End of Consent Agenda

Councilmember Butler moved to approve the Consent Agenda Items 9-15 and 17-18. Councilmember DeBoutez seconded the motion. The motion passed 7-0 at 6:25 p.m.

19. Pulled Consent Agenda Items

Councilmember Butler asked that Item 16 be pulled from the consent agenda.

Councilmember Butler asked about amending the budget to fund a year-round shelter. Mr. Weitz explained he thought that it pertained to item 20.

Councilmember Butler moved to approve Item 16. Councilmember Hall seconded the motion. The motion passed 7-0 at 6:25 p.m.

20. Public Hearing, introduction and first reading of an ordinance adopting the budget for 2025 and making appropriations for 2025

Budget and Policy Director, Caleb Weitz introduced the item with a presentation at 6:28 p.m.

Mr. Weitz presented two addendums for the Development Fund and budget highlights. He explained that expenditures for 2025 included compensation and collective bargaining increases, the Customer Experience Initiative, and revenue stabilization, as well as 16 net new positions. The anticipated revenue was \$582.4 million with expenditures of \$541.8 million, which included planned capital expenditures for parks, street infrastructure and transportation development, water, sewer, and stormwater projects.

Barry Eastman with the Citizen Budget Advisory Committee (CBAC) explained how CBAC traditionally reviews the budget and releases an official statement. He stated that the CBAC fully supports the budget stabilization plan and would like to see Council work towards supporting public safety out of the general fund without increasing taxes.

Councilmember Butler asked about amending the budget to fund a year-round shelter out of the budget stabilization funds. Mr. Weitz confirmed United Way has applied for grant funding, and it is hoped that the City will only need to contribute \$259,000 to assist with

keeping the shelter open year-round. The estimate to operate the shelter currently is \$260,000-\$750,000 depending on what grants are received.

Councilmember DeBoutez questioned how the mobility plan and bridge work would be funded. Mr. Weitz explained there were already amounts available in their respective funds for the projects. Councilmember DeBoutez complimented the staff for their work on the budget process, and stated she thought it was a conservative budget, with only 27% of the revenue coming from taxes, 9% of that was from the food tax, and that the mill levy had no increases since 1992.

Councilmember Butler asked about the addendums. Mr. Weitz said the micromobility program comes from Public Works budget, and additional grant funds helped moved the project timeline up.

Mayor Gates asked why the range of \$260,000-\$750,000 for the shelter. Mr. Weitz said grants United Way has applied for would reduce the amount down to \$259,000. Mayor Gates explained he would like more information as he does not support the highest range of \$750,000.

Councilmember DeBoutez said she did not agree with Councilmember Butler as the Mayor's Taskforce Committee had just started working. This request did not come from them, and she felt they needed to wait until the taskforce completed their assessment.

Mayor Pro Tem Hall asked if the United Way had a plan and what would happen if they didn't need the money. Assistant City Manager Juliana Kitten explained that there is a plan, and the money could be used towards a mini-rapid rehousing program. She explained they needed to look at ways to prevent homelessness as the program grows.

Councilmember Olson stated that there is so much that goes into a year-round shelter, he would like a robust discussion among council first.

Councilmember McDonald asked if this would only be for 2025. Ms. Kitten confirmed and explained that this helps alleviate unhoused people staying in front of businesses and noted that when the shelter is not open, the outreach team has no place to send them. Ms. Kitten would like to bring this topic to a work session.

Mayor Gates asked for consensus to amend the ordinance. The council reached consensus to vote on the amendment.

The public hearing opened at 6:54 p.m.

1. Steve Teets spoke in agreement with the mayor that there is not much support for the homeless, and said he was in favor of the money to support the shelter.
- With no further speakers, the public hearing closed at 6:56 p.m.

Councilmember Butler moved to amend the budget by moving an appropriation of \$295,000.00 out of the Budget Stabilization Fund to the United Way housing shelter.

Councilmember Payton seconded the motion. The amendment passed 4-3 at 6:57 p.m. with Councilmembers DeBoutez and Olson, and Mayor Pro Tem Hall voting “nay”.

Councilmember Butler moved to introduce the amended ordinance and schedule the public hearing and second reading for October 15, 2024. Councilmember Payton seconded the motion. The motion passed 7-0 at 6:58 p.m.

Councilmember Payton recused himself for items 21 and 22 and left the session at 6:59 p.m.

21. Public hearing and resolution approving the Colorado Revised Statutes Title 32 Special District Consolidated Service Plan precedent to formation of eight interrelated Metropolitan Districts known as Union Colony West Metropolitan Districts Nos. 1-8 that would provide Public Facilities financing, operations, and maintenance (Case Number MD2024-0001, Union Colony West Metropolitan District Nos. 1 – 8)

Community Development Deputy Director Don Threewitt introduced this item with a presentation at 6:59 p.m.

Mr. Threewitt explained the annexation and noted that the Planned Unit Development for this area was approved in 2022. The property was located at the northwest corner of 10th Street and 83rd Avenue. The Consolidated Service Plan (CSP) would provide for various improvements, with a maximum mill levy of sixty-five mills for up to 40 years. Improvements would include earthwork, erosion control, water and sewer mains, electric transmission line relocation, street improvements and irrigation.

Mayor Pro Tem Hall stated he had read through Title 32 and wanted further explanation of the amenities being provided. Mr. Threewitt said the service plan included a general description of amenities, but with no specificity.

Councilmember Butler asked why the 40-year term was being requested, when they have typically seen 30 years. Mr. Threewitt said 30 years is conventional, but 40 years is allowed by statute and code.

Councilmember DeBoutez asked for clarification on the district approvals. Mr. Threewitt explained this was a new service plan, but part of a Planned Unit Development (PUD) had already been approved by Council. Councilmember DeBoutez asked what changes Council could affect in the metro district. City Attorney Stacey Aurzada explained that Council could approve, deny, or impose conditions, such as more specificity or additional public improvements.

Applicant, Larry Buckendorf provided a presentation, with assistance from David O’Leary. They explained that the proposal handled the entire development in different phases, thus there were 8 total districts, one for each phase. They also explained how metro districts are quasi-judicial, only fund public infrastructure, and require local

representation through a board of directors. The project was comprised of 1200 residential units on 161 acres. They also stated they were requesting a 40-year term with an ability to refinance. Mr. Buckendorf further stated this was essential for the affordability of this housing, and would cover a park site, an easement, the relocation of a transmission line, non-potable water, and sewer system expansion.

Councilmember DeBoutez asked if once one phase is completed, does the resident continue paying for the mill levy. Mr. Buckendorf said the mill levy and taxes are based on the county assessment.

Mayor Pro Tem Hall asked if the mill levy replaced the HOA. Mr. Buckendorf said the mill levy is set at the county level and collected by the county, then distributed to the metro district. He explained it was also tax deductible to the homeowners. Mayor Pro Tem Hall asked if there were larger projects regionally that this would fund. Mr. O'Leary said there are regional projects where streets touch and benefit multiple districts.

Councilmember McDonald referred to an example in the presentation that showed the homeowner would on average pay \$80 per month for a \$400,000 home with this amendment. She asked if there was a floor and a ceiling to know what the cost would be. Mr. O'Leary said it would be based on the county assessment. The metro district does not control the two functions of taxation. He explained that the builder is required to provide disclosures during closing on the home.

Councilmember Butler was concerned about how this would reduce costs. He asked about how it worked on a multi-family unit and would it cause rent to be higher. Mr. Buckendorf explained that he could charge \$30,000 more per home up front, or the homeowner can pay less up front and pay the metro district over time. He also said the apartments would have a different mill levy.

Councilmember DeBoutez appreciated the improvements they were making but thought that amenities should incorporate the aesthetics of the community. She wanted more details of the amenities, including connectivity to the existing trail system. Mr. Buckendorf said they would be connecting trails to the extent that they could.

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

1. Steve Teets stated he was concerned that costs would be higher than what the builder proposed.
2. Bill Gillard complimented the council's questions and asked who would be accountable if the metro district failed.

With no further speakers, the public hearing closed at 8:06 p.m.

Mayor Pro Tem Hall stated that having this in place of an HOA made sense.

Mayor Gates said he was in favor of this metro district.

Councilmember Butler said he would not support this because he feels the amenities need to be more substantial.

Councilmember Olson reminded everyone that either the City pays for it, or the developer pays for it, and he felt this was balancing the ability for the City to grow and for the area to pay its way.

Mayor Pro Tem Hall moved to adopt the resolution. Councilmember DeBoutez seconded the motion. The motion passed 5-1 at 8:12 p.m. with Councilmember Butler voting “nay” and Councilmember Payton absent (recused).

22. Public hearing and second reading of an ordinance changing the official zoning map of the City of Greeley, Colorado to consider a request by Avant Civil Group to rezone 8.51 acres located north of 19th Street Road and east of 82nd Avenue from H-A (Holding Agriculture) to R-L (Residential Low Density) zone district (Case number ZON2024 0003, Mountain Vista Rezone)

Community Development Deputy Director Don Threewitt presented this item at 8:12 p.m.

Mr. Threewitt explained that the site was annexed and zoned in 1982, and previous proposals for multi-family zoning had been denied. He gave an overview of the type of zonings the property was surrounded by and explained to the council that the proposal was consistent with all the rezoning criteria. The City received one comment letter asking questions. The Planning Commission approved the rezone 6-0, and there was one speaker in support of it.

Mr. Buckendorf was available for questions.

Mayor Pro Tem Hall asked about a drainage pond and if it was part of the current HOA. Mr. Buckendorf confirmed that it was. Mayor Pro Tem Hall asked if the homes built in the rezone area would join the existing HOA. Mr. Buckendorf said they had no intention of doing so, explaining that using the drainage pond was part of an initial proposal, but was no longer valid.

Mayor Gates asked if they were not going to be part of the existing HOA, what would happen if residents let their lawns go. Mr. Buckendorf stated there would be a new HOA.

Councilmember DeBoutez asked how many houses would be built. Mr. Buckendorf replied that there would be 20-30 homes.

The public hearing opened at 8:18 p.m.

1. Shelly Remley said she was happy with the proposal as it will complete their neighborhood. She said she would like them to join their HOA and follow the same architectural requirements.

2. Marty Edbauer said he had no major objections, but wanted to make sure that new development would match the existing neighborhood. He was also concerned about 83rd Ave. infrastructure.

3. Barry Harding echoed the concerns of others.

With no further speakers, the public hearing closed at 8:26 p.m.

Councilmember Butler stated that while Council can have a discussion about zoning, they do not have the ability to force an HOA.

Councilmember McDonald said she would like to see them join the HOA since it has come before them several times and residents have expressed concerns.

Councilmember Olson moved to adopt the ordinance and publish with reference to title only. Mayor Pro Tem Hall seconded the motion. The motion passed 6-0 at 8:28 p.m. with Councilmember Payton absent (recused).

Councilmember Payton rejoined the session at 8:29 p.m.

23. Public hearing and second reading of an ordinance to establish Local Improvement District No. 346590 for the Westgate Non-Potable Pump Station under Title 18, Chapter 6 (Local Improvement Districts) of the Greeley Municipal Code

Water and Sewer Chief Engineer Adam Prior introduced this item at 8:30 p.m.

Mr. Prior explained that the Non-Potable Irrigation Code was adopted in 2022. He reminded the council that a Local Improvement District is an infrastructure financing tool that helps lower the cost of construction. As a result, tap fees are lower and users have different water sources that are more cost effective. The City is paying for some costs now and future users are paying the rest. Only undeveloped properties will be paying. This item was originally removed in July because of potential concerns from property owners. Those concerns have been addressed.

Councilmember Butler asked if the pump station required state approval. Mr. Prior said no, the state is not required.

The public hearing opened at 8:39 p.m.

1. Larry Buckendorf stated he was not opposed to this, but wanted the council to understand it was not different than a metro district, it just doesn't have a board.

With no further speakers, the public hearing closed at 8:41 p.m.

Councilmember Butler moved to adopt the ordinance and publish with reference to title only. Mayor Pro Tem Hall seconded the motion. The motion passed 7-0 at 8:41 p.m.

24. West Greeley Project Update

City Manager Raymond Lee III presented this item at 8:42 p.m.

This item was for Council information and no feedback was required.

Mr. Lee explained that Water Valley was preparing a formal proposal by the end of the month, and they anticipate returning to the council in January after staff review. There has been a tremendous amount of community engagement and feedback. He introduced Sarah Cullen with SideCar Publications, who will be the communications partner for the City. Ms. Cullen explained the plan to have transparent and collaborative communications with the City and the developer. They also plan to ask the community for feedback and will have centralized resources, such as a QR code that takes the user directly to a website for updates.

Marcus Pachner with The Pachner Company also spoke as a representative of Water Valley. He noted that progress is being made on the Memorandum of Understanding (MOU) requirements, using a concentric outreach model, and will host a community meeting in October and November.

Developer, Martin Lind spoke on his excitement concerning the project. He felt their initial efforts were not being wasted, and that if the project was successful, they would be relocating the center of gravity for Northern Colorado to West Greeley. He stated that with potential airport updates and his project, Greeley would be bookended with opportunities.

Councilmember Butler noted the anticipation and asked about a timeline. Mr. Lee said there would be a timeline presented soon, with the scope including the airport and downtown master plan 2.0.

Councilmember McDonald stated she really likes how Mr. Lind described the bookends and how the project will bring positive changes.

25. 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 Olson moved to approve the motion. Councilmember Butler seconded the motion. The motion passed 7-0 at 9:03 p.m.

26. Scheduling of Meetings, Other Events

None.

27. Adjournment

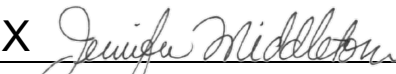
With no further business to come before the Council, Mayor Gates adjourned the meeting at 9:04 p.m.

Approved

X 

John Gates
Mayor

Attest

X 

Jennifer Middleton
Deputy City Clerk