City of Greeley, Colorado

CITY COUNCIL MEETING

January 21, 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

Heid 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

No changes were requested.

5. Recognitions and Proclamation

Councilmember Olson presented What's Great about Greeley? report at 6:01 p.m.

6. Citizen Input

1. Steve Teets spoke about a list of improvements to be worked on in 2025.
2. Karen Zack thanked Mayor Gates, Mayor Pro Tem Hall, and City Council for attending the Wreaths Across America ceremonies on December 14^{th}.
3. Jim Riesberg said he was glad to see the Vision Zero Action Plan on the agenda. He would like to participate in informing citizens with implementing the plan.
4. Mike Dickerson spoke about his increased water bill and city taxes. Mayor Gates asked Mr. Dickerson to leave his number with City Clerk Heidi Leatherwood.
5. Leah Bookman spoke as a pedestrian/cyclist and was concerned about distracted driving and speeds. She thanked the City for the Vision Zero Action plan.
6. Edwin Grant spoke about bus and car accidents and concerns about water bills.

7. Reports from Mayor and Councilmembers

Councilmember Butler attended "Bowling with the Burroughs", a Fundraiser for Greeley-Evans School District 6, January 17.

Councilmember McDonald announced that the University of Northern Colorado Men's Basketball team was still undefeated and thanked the Streets Department for getting sidewalks and roads cleared quickly from the recent snow.

8. **Initiatives from Mayor and Councilmembers**

Councilmember Butler requested a work session with Community Development to talk about "build-to-rent" and construction defects. Council reached consensus for this initiative.

Consent Agenda

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9. **A motion to approve the Special City Council Work Session Proceedings of December 30, 2024**

10. **Motion to appoint Jason S. Maxey to the Greeley-Weld County Airport Authority as a Weld County representative for a term through December 31, 2028**

11. **Motion to appoint Kevin D. Ross to the Island Grove Park Advisory Board as a Weld County representative for a term through December 31, 2025**

12. **Resolution adopting the Greeley on the Go Vision Zero Goal, Action Plan, and Strategies**

This item was pulled off the Consent Agenda and was heard as the first item on the regular agenda.

13. **Resolution of the City Council of the City of Greeley, Colorado authorizing City staff to enter into a settlement agreement with Joyce Fred resolving all claims against the City of Greeley, its officers, and employees**

14. **Introduction and first reading of an ordinance amending Title 8, Article II, Chapter 13, of the Greeley Municipal Code regarding additional notices required for liquor license public hearings**

End of Consent Agenda

Councilmember Payton moved to approve the Consent Agenda Items 9-11 and 13-14. Councilmember DeBoutez seconded the motion. The motion passed 7-0 at 6:24 p.m.

15. Pulled Consent Agenda Items

Item 12 was pulled for discussion.

12. **Resolution adopting the Greeley on the Go Vision Zero Goal, Action Plan, and Strategies**

Paul Trombino, Public Works Director, and Stephen Younkin, Deputy Director of Public Works were both available for questions at 6:25 p.m.

Councilmember Payton asked why the fiscal impact was listed as "To be Determined" (TBD). Councilmember Payton said he was concerned by passing the plan that Council would be "writing a blank check" for projects. He understood there were some grants and that the City also had to contribute their share. He wanted to know if there was a list of projects with costs associated for each.

Mr. Younkin noted that the action plan encompassed philosophic changes and there were no costs associated. There were 5 priority tiers of projects that would be approached from a safety perspective. He explained that implementation of projects would be based on selecting ones with the greatest return on investment.

Councilmember Payton asked why the department would not simply focus on safety instead of adopting the specific plan. Mr. Trombino explained that the comprehensive plan identified concerns across the city and provided direction on projects.

Councilmember Olson recalled from a previous presentation that the City received a $10 million grant. Mr. Trombino noted that a part of the grant required Council to approve the plan. They received another grant that would assist with projects related to the plan. Councilmember Olson agreed with Councilmember Payton about concerns that could increase related costs.

Councilmember Butler asked if this plan would be in the 2026 CIP plan. Mr. Trombino said safety was a priority and already part of the CIP.

Councilmember DeBoutez was supportive and thought the costs could be part of future budget discussions.

Council discussion ensued about CIP projects, safety concerns, budget priorities and CDOT policy issues.

Councilmember Butler moved to adopt the resolution. Councilmember DeBoutez seconded the motion. The motion passed 5-2 at 6:48 p.m. with Councilmembers Payton and Olson voting "nay".

16. **Public hearing and second reading of an ordinance changing the official Zoning Map of the City of Greeley, Colorado, to establish a Planned Unit Development (PUD) for approximately 42.53 acres located at the northwest intersection of 71st Avenue and 10th Street/Highway 34 Business (Case Number PUD2024-0002, Boomerang PUD)**
Councilmember Payton recused himself due to a conflict of interest at 6:48 p.m. and left the room.

Don Threewitt, Community Development Deputy Director shared the presentation which detailed zoning and the amenities of the PUD.

Councilmember DeBoutez asked about the current zoning for the property. Mr. Threewitt showed the slide and explained that the golf course was currently R-H zoned, which was what primarily surrounded the proposed property.

Councilmember Butler said Planning Area A was very detailed, but Planning Area B was not, and questioned if it would return to Council for approval. Mr. Threewitt said since it was a PUD, it had the density and height constraints that would need to be met by future development.

Mayor Pro Tem Hall asked for an explanation on “build to rent” and the size of the multi-family homes. Mr. Threewitt believed they would start at 1200 square feet but thought the applicant could better provide that information. As for “build-to-rent” these were single-family duplexes and attached dwelling units (ADU) on a single lot, fed by master utilities. They were built to remain connected as a single unit and a rental property with the full management and property maintenance capabilities.

Mayor Pro Tem Hall said he thought the original plan for that area were single family homes around a golf course, like Highland Hills. This changed because the school district was built, and the golf course changed. He asked if this would still have the overall feel of living around a golf course. City Manager Raymond Lee said there have been conversations in the past about how different developments would like to have single family homes around the golf course like Highland Hills.

Mayor Gates asked if the school district was supportive of the PUD. Mr. Threewitt said that the school district was notified but did not respond.

Councilmember McDonald asked who would manage the units and what guidelines would be implemented. Mr. Threewitt said the project was meant to remain as a rental product indefinitely. There were no plans to convert it to an ownership product. Mr. Threewitt believed that the applicant intended to use a management company to manage the units and would leave it to the applicant to clarify.

Ryan McBreen with Norris Design introduced the owner, Landon Hoover at 7:09 p.m. Mr. Hoover shared the history of the property and concluded with the innovative idea to deliver high-end rental housing confined to two stories on the lots.

Dave Durbis with Hartford Homes continued the presentation. He explained the vision of Build-to-Rent (BTR), as communities that provide people with the convenience of a lower cost of rental living, no down payment, and included maintenance.

Councilmember McDonald asked for examples where this was successful. Mr. Durbis said he had seen successful communities in Phoenix, San Antonio, and Nashville.

Mayor Pro Tem Hall asked if the streets would be dedicated or private and the plan for student pickup and drop off. Mr. Durbis said all internal streets would be private. There would be no parking on the west side to include additional traffic mitigation with speed bumps and traffic crossings.

Councilmember DeBoutez questioned the Phase B corner as the zoning could allow for a bus station, utility tower, gas station or warehouse and asked if there was a way to prohibit them. City Attorney Stacey Aurzada said the Code authorized Council to place conditions for rezoning on certain criteria, including plans that identify the land categories, the arrangement and character of streets and open spaces, and the anticipated scale, intensity, and character of development and how it relates to adjacent areas. The code regarding PUD's allowed council some flexibility in conditioning that approval.

Councilmember Olson suggested that they could offer conditions through an adopted amendment. Ms. Aurzada said they could make amendments to the ordinance to outline the conditions.

Councilmember Butler asked if it was possible to require the site plan review to come to Council. Ms. Aurzada said they could condition all or a portion of the PUD for further review.

Mr. Threewitt said if the property was to be subdivided and sold, it would most likely end up with zoning where there would not be any limitation on the uses. He supplied a few options for adding conditions for approval.

Councilmember Butler asked for confirmation on the number of units, rental rates and selling ranges. Mr. Durbin said they planned for 250 units and rates would range from $1200 to $3000 per month and selling ranges were roughly between $450,000 to the lower $500's for two-bedroom units.

Mr. Hoover asked if Council would state the specific uses, they were opposed to to expedite the process. Council discussion ensued.

Mayor Gates opened the public hearing at 7:59 p.m.

1. Steve Teets spoke on concerns about affordability, traffic, and water.
2. Mike Dickerson spoke about conflicting information on high-end rentals and affordable housing.
3. Edwin Grant spoke about schools, annexations, and development issues.

With no further speakers, the public hearing closed at 8:08 p.m.

Councilmember Butler said he still had concerns and would not be in support of the item. He would like to move towards more home ownership.

Mayor Pro Tem Hall moved to adopt the ordinance and publish with reference to title only. Councilmember McDonald seconded the motion. Councilmember DeBoutez asked for a friendly amendment to the ordinance requiring a concept plan review. The friendly amendment was not accepted. The motion passed 4-2 at 8:13 p.m. with Councilmembers DeBoutez and Butler voting "nay" and Councilmember Payton recused.

With the item concluded, Councilmember Payton returned to Council Chambers at 8:13 p.m.

17. Public hearing and second reading of an ordinance amending Title 2, Chapter 12 of the Greeley Municipal Code related to the retention of records for administrative proceedings

City Clerk Heidi Leatherwood introduced the item at 8:14 p.m.

Ms. Leatherwood explained that the City Clerk's Office was the custodian of City records and inventories were often required for record destruction. While doing this, it was noticed that there were inconsistencies in administrative hearing proceedings with the Greeley Municipal Code and the Colorado State Statutes. The Colorado Municipal Records Retention Schedule required administrative hearing proceedings be kept for three years after any final appeals have expired. The Greeley Code had a 35-day retention for these records after final appeal.

Since the City adopted the Colorado Municipal Records Retention Schedule as the official record retention for maintaining and destroying records and had not filed an exception, staff recommended alignment with the state retention schedule.

Mayor Gates opened the public hearing at 8:17 p.m.
With no speakers, the hearing closed at 8:18 p.m.

Councilmember Olson moved to adopt the ordinance and publish with reference to title only. Councilmember Payton seconded the motion. The motion passed 7-0 at 8:18 p.m.

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

Councilmember Olson moved to approve the motion. Councilmember Payton seconded the motion. The motion passed 7-0 at 8:18 p.m. with a voice vote.

19. Motion to go into Executive Session to receive instructions regarding negotiations on the development terms outlined in the Pre-Development Services and Financing Agreement for the West Greeley Project

Councilmember Payton moved to approve the motion. Councilmember McDonald seconded the motion. The motion passed 7-0 at 8:19 p.m.

20. Scheduling of Meetings, Other Events

None.

21. Adjournment

With no further business to come before the Council, Mayor Gates adjourned the meeting at 8:20 p.m.

22. Executive Session

At 8:31 p.m. Mayor John Gates started the record as required by Open Meetings Law. The session was electronically recorded.

Present for participation in the executive session, which was convened in person in the Colorado room above Council Chambers, were all members of City Council plus the following persons:

Attendees in person
City Attorney Stacey Aurzada
City Manager Raymond Lee
Blair Snow, Assistant to the City Manager
Caleb Weitz, Budget Director
Daniel Biwer, Senior Assistant Environmental and Water
Ashley Stiles from Tribe Development
John Hall, Director of Economic Development

Attendees via Zoom:
Moses Garcia, Deputy City Attorney
Allena Portis, Chief Financial Officer
Dalton Kelley, Attorney with Butler Snow

Dawn Bookhardt, Attorney with Butler Snow

The executive session was for the following purpose:

- Conferral with City Attorney to receive legal advice and to determine positions, develop strategies, and provide instructions to negotiators regarding the Cascadia development; as provided in C.R.S. 24-6-402(4)(b) and 24-6-402(4)(e)(1), and Greeley Municipal Code 2-151(a)(2) and 2-151(a)(5).

Mayor Gates cautioned each participant in the executive session to confine discussion to the stated purpose and made a reminder that no formal action may occur. If at any point in the executive session any participant believed that the discussion was going outside the proper scope of the executive session, instructions were to interrupt the discussion and raise an objection.

City Attorney Stacey Aurzada made an announcement regarding privileged communication and asked the Mayor to turn off the tape at 8:48 p.m.

Mayor Gates announced it was 8:57 p.m. and he had turned on the recorder because the confidential attorney-client privileged conversation had ended.

At 10:02 p.m. Mayor Gates announced the executive session had concluded.

The recording of this executive session would 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

X ______________________

John Gates
Mayor

Attest

X ______________________

Heidi Leatherwood
City Clerk