

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
November 17, 2020

1. Call to Order

The virtual meeting was called to order at 6:00 p.m. by Mayor John Gates via the City's Zoom Meetings platform.

2. Pledge of Allegiance

Mayor Gates led the Pledge of Allegiance to the American Flag.

3. Roll Call

Cheryl Aragon, Deputy City Clerk, called the roll. Those present were Mayor Gates and Councilmembers Tommy Butler, Ed Clark, Michael Fitzsimmons, Dale Hall, Brett Payton and Kristin Zasada.

4. Recognitions and Proclamations

Councilmember Fitzsimmons presented the What's Great About Greeley Report.

Mayor Gates presented a proclamation recognizing 16 Days of Activism Against Gender Violence.

5. Citizen Input

Two email messages addressed to the Mayor and City Council were read into the record. The first was from Terri Pappas, Vice President of the Weld County School District 6 Board of Education, encouraging the Council to encourage the community to embrace the practice of wearing masks as a means of safeguarding against COVID-19. She asked that Council adopt an ordinance to this effect.

The second email was from Carmen Leal-Whitehead, Greeley resident, sharing her disappointment with the Council's lack of transparency leading up to, during, and after its diversity and inclusion training. She asked that future training sessions be held publicly so that community members have the chance to react and be aware of the steps the Council is taking to become more understanding of the diverse community it serves.

Natalie Mash, Greeley resident, was present virtually and recounted stats related to the COVID-19 virus and the importance of mask wearing in order to get it under control. Adding that measures such as this could really help students get back in school, employees back to work, and restaurants and retail open and fully operating again.

6. Approval of Agenda

The agenda was approved upon noting additional documentation for Item No. 24.

7. Reports from Mayor and Councilmembers

There were no reports from the Mayor or Councilmembers.

8. Initiatives from Mayor and Councilmembers

Councilmember Clark asked that step increases be considered for supervisor positions within the Police Department, in light of some ongoing conversations to do so within the Fire Department.

Roy Otto, City Manager, noted that this is a 2021 fiscal item and provided a bit of history on pay for these supervisory positions. He reminded Council that no step increases, market or merit increases are included in the budget currently for those positions. He did state that depending on how the conversation goes later in the evening in Executive Session for the Fire Department, this request could come back to Council for further discussion and consideration for the Police Department as well.

*** * * * Consent Agenda * * * ***

9. Acceptance of the Report of the October 13, 2020, City Council Worksession

The Council action recommended was to accept the Report.

10. Acceptance of the Report of the October 20, 2020, Performance Review Committee meeting

The Council action recommended was to accept the Report.

11. Approval of the City Council Proceedings of October 20, 2020

The Council action recommended was to approve the Proceedings.

12. Acceptance of the Report of the October 27, 2020, Performance Review Committee meeting

The Council action recommended was to accept the Report.

13. Acceptance of the Report of the October 27, 2020, City Council Worksession

The Council action recommended was to accept the Report.

14. Consideration of a resolution to approve an Intergovernmental Agreement with the Colorado Department of Transportation for construction of an extension of the Canal #3 Trail

The Council action recommended was to adopt the Resolution. **(Resolution No. 59, 2020)**

15. Consideration of a resolution of the Greeley City Council ratifying the Appointment of certain nominees to the Board of Trustees of the High Plains Library District

The Council action recommended was to adopt the Resolution. **(Resolution No. 60, 2020)**

16. Consideration of a resolution of the City of Greeley City Council authorizing entry into an Intergovernmental Agreement for Emergency Watershed Protection with the United States Department of Agriculture, Natural Resources Conservation Service

The Council action recommended was to adopt the Resolution. **(Resolution No. 61, 2020)**

17. **Introduction and first reading of an Ordinance authorizing the acquisition of interests in real property located in the City of Greeley for road improvements by purchase or exercise of power of eminent domain pursuant to Section 7 of Article XVI, Section 15 of article II, and Sections 1 and 6 of Article XX of the Colorado Constitution and Colorado Revised Statute § 38-1-101, et seq. (O Street and 59th Avenue Intersection Improvement Project)**

The Council action recommended was to introduce the Ordinance and schedule the public hearing and final reading for December 1, 2020.

18. **Introduction and first reading of an Ordinance changing the official zoning map of the City of Greeley, Colorado, from Gateway Park and Centerplace PUD's (Planned Unit Developments) to the Greeley West Multifamily PUD (Planned Unit Development), changing the underlying land use designations for approximately 13.31 acres of land located west of 38th Avenue, east of 42nd Avenue and directly south of Greeley West Park, known as the Greeley West Multifamily Rezone**

The Council action recommended was to introduce the Ordinance and schedule the public hearing and final reading for December 1, 2020.

19. **Motion to accept the recommendations regarding Annual Review Process for City of Greeley Employees reporting to the City Council**

The Council action recommended was to accept the updated Performance Review process for City Council appointed employees (City Manager, City Attorney, and Municipal Judge) as presented.

20. **Consideration to approve a change order in the amount of \$48,516.00 to the contract with Landmark Builders for additional scope associated with the remodel and safety improvements at the Bellvue water treatment plant's city owned operator residence, bringing the revised contract amount from \$158,678.00 to \$207,197.00**

The Council action recommended was to approve the Change Order. **(Change Order No. 11, 2020)**

***** End of Consent Agenda *****

Councilmember Payton moved, seconded by Councilmember Fitzsimmons to approve the items on the Consent Agenda and their recommended actions. The motion carried: 7-0

21. **Pulled consent agenda items**

No items were pulled from the Consent Agenda.

22. **Public hearing and final reading of an ordinance adopting amendments to the Greeley Municipal Code, Appendix 18-B and Table 18.42-1 of Section 18.30.070, adding short-term rentals as an allowed land use**

Brad Mueller, Community Development Director, reported that short-term rentals are a new type of land use that is undefined in the Development Code. He noted that they are known by such business names as

Airbnb and VRBO and differ from traditional temporary lodging types that are defined as hotels, motels, and bed and breakfasts.

Mr. Mueller went on to note that Council considered an ordinance for a broad set of potential regulations concerning short-term rentals on August 25, 2020, but decided not to adopt it, but in subsequent communication to Council, the City Manager indicated the challenge with the current situation is that these businesses are not allowed by the Development Code, and if the City received a complaint, it would have to initiate enforcement action to shut the business down. As such, he stated that staff, working with the City Attorney's Office, drafted the proposed ordinance to allow this use and resolve the challenges.

Mayor Gates opened the public hearing at 6:35 p.m., and there were no written or in-person comments offered.

Councilmember Fitzsimmons moved, seconded by Councilmember Zasada to adopt the Ordinance and publish it by reference to title only. The motion carried: 7-0 (**Ordinance No. 26, 2020**)

23. A public hearing to consider an amendment to the Westgate Preliminary PUD (Planned Unit Development), on 84.44 acres located at the northwest corner of Highway 34 Bypass and 71st Avenue to modify the densities and performance standards listed in the 2016 approved PUD

Carol Kuhn, Chief Planner, reported that the applicant, Broe Real Estate Group on behalf of WRD4 Greeley Property, L.L.C., is requesting an amendment to the existing Westgate Preliminary PUD. She stated that as in the original PUD (PUD11:15), this First Amendment to the Preliminary PUD Plan would provide a mix of single- and multi-family residential as well as commercial uses in a village-style configuration.

She went on to review the 84.44 acre site by noting that the previously-approved land uses include trails, open space, residential, commercial, and public rights-of-way and that the proposed First Amendment would adjust the planning area boundaries, modify the densities in PA 1-4, add a provision to allow up to a 20% change to the planning area boundaries, reduce the lot size for single-family residential, increase the building height for commercial uses, increase the open space requirements in some of the planning areas, update the existing commercial uses, and remove the preliminary plat engineering level details.

Ms. Kuhn advised that approval of this Amended Preliminary PUD would support elements such as circulation, setbacks, open space, and building height and bulk standards, as well as meeting the review elements defined for preliminary plans in Section 18.32.020 of the Municipal Code.

She noted that the Planning Commission considered this request on October 13, 2020, and unanimously recommended approval to the City Council.

Responding to a question from Councilmember Clark about how many addresses within 500 feet received the notice of this request, Ms. Kuhn stated that there were about 12 or so residential addresses within the 500-foot boundary required by the Code, that were sent a notice.

Councilmember Clark expressed concern that there is a large field in this area, and not many got notice of this request.

Councilmember Zasada referenced the map provided for the preliminary PUD, noting that it looks like there is commercial and residential along Highway 34 and inquired about a commercial buffer along Highway 34.

Ms. Kuhn clarified that there is open space and a buffer, but no commercial along that strip.

Councilmember Zasada expressed how busy Highway 34 is and shared that it needs open space and a commercial buffer. She then asked if the developer is wanting to reduce the lot size.

Ms. Kuhn advised that the lot size is to allow for some other options and townhouses, but they are similar to the lot sizes in the previous approval.

Mark Savelle, Developer, was present and shared additional details of this proposal and shared access and movement plans to and from the development. He also noted that the proposal includes units that are more like townhomes than apartment units.

Mayor Gates opened the public hearing at 7:07 p.m., and no written or in-person comments were offered.

Ms. Kuhn clarified for Council that 13 property owners received notice of this proposal as required by the Code and that there is 35 feet to Highway 34 from this development. She added that this project will come back to Council with a preliminary and final plat at a later time for approval, which would include dimensions and lot layouts.

Councilmember Clark moved, seconded by Councilmember Payton to approve the Westgate Preliminary PUD, First Amendment, to allow for modification of the densities listed in the approved planning areas and increase the building height for commercial uses on an 84.44-acre site located at the northwest corner of Highway 34 Bypass and 71st Avenue. The motion carried: 7-0

24. COVID-19 Update

Dan Frazen, Emergency Manager, reported that the situation report had been sent to Council earlier in the day and proceeded to highlight that report with the latest COVID statistics including additional cases, deaths, and hospitalizations in Weld County and Greeley. He noted that there are 15 hospitalizations in each Greeley hospital at this time.

He went on to share that the State is looking at elevating some Counties to the higher red level and create a new purple level which is an at risk, stay-at-home category.

With regard to protocol on testing sites, Mr. Frazen advised that there are walk-up community testing sites that people can walk up to or make an appointment for.

Mayor Gates shared that COVID patients in the two Greeley hospitals does not necessarily equate to intensive care unit beds, but he added that the numbers certainly don't look good. He stated that he is hopeful that the vacant beds stay vacant.

In response to a question from Councilmember Clark, Mr. Frazen confirmed that in April it was taking about 11 days to get folks out of the hospitals, and now it's about 5 days based on more knowledge about the virus and professionals honing their skills in the hospitals.

As prompted by the City Manager, Mr. Frazen went on to advise Council of cases within the City of Greeley organization. He noted that the Rodarte Center has been the site of a recent outbreak and positive employee tests. He stated that the City staff is staying on top of these outbreaks organizationally, closing facilities as warranted, and working to communicate with members of the public who have come into those facilities.

Mr. Otto added that the virus spreading throughout the City of Greeley workforce is worse than it was in April.

Mr. Frazen agreed and also stated that first responder numbers have stayed low.

Councilmember Zasada inquired about the Ranch as a possible overflow site, and Mr. Frazen stated that this is no longer an option. The closest option would be the Denver Convention Center where patients could go to decompress following significant care elsewhere. It would not offer intensive care.

Mayor Gates referenced a resolution that was distributed to the Council regarding mask wearing.

Councilmember Hall stated that after review, some parts seem logical to him and some do not, especially those that reference scientific or strong scientific evidence that the Council does not actually have. He noted support for the resolution with the removal of the 4th and 6th Whereas clauses.

Councilmember Butler expressed agreement with those amendments.

Councilmember Zasada stated that she has no problem with the wording or the message itself, but expressed that it is redundant in that this message has been shared and stated numerous times already. Councilmember Clark expressed agreement.

Councilmember Fitzsimmons shared his concern that it is more than just masking up, it's that physical distancing and large social gatherings are a concern as well.

Mayor Gates stated that while he generally supports limited government, he will support the passage of this resolution in light of Weld County and Greeley's rising COVID numbers. He noted the importance of everyone doing their part to trim those numbers.

Councilmember Hall moved, seconded by Councilmember Fitzsimmons to adopt this resolution upon striking the 4th and 6th Whereas clauses. The vote on the motion carried: 5-2 (Clark and Zasada opposed) **(Resolution No. 62, 2020)**

25. Consideration of a resolution of the City Council of the City of Greeley, Colorado, extending the City of Greeley Local Disaster Declaration of March 16, 2020 (updated on April 21, 2020, June 2, 2020, and August 11, 2020) related to the COVID-19 Pandemic

Dale Lyman, Fire Chief, stated that approval of this resolution extending the City's local disaster declaration will ensure the City continues to receive grant funding from the State and Federal governments during this pandemic.

Councilmember Fitzsimmons moved, seconded by Councilmember Hall to adopt the resolution. The motion carried: 7-0 **(Resolution No. 63, 2020)**

26. Consideration of a resolution of the City Council of the City of Greeley authorizing the declaration of a local disaster emergency (Cameron Peak and East Troublesome Wildfires)

Sean Chambers, Water & Sewer Director, reported that this is an important action by Council to protect the City's watershed in light of the damage that the Cameron Peak and East Troublesome fires have caused this year. He stated that 402,000 acres have burned and have impacted the City's water supply and infrastructure. This action will assist in recovery actions including helping to secure funding at the State and Federal levels. He also shared key data relative to the City's key watersheds.

Mr. Frazen added that the City of Greeley has been leading the effort on this watershed and recovery effort. Water & Sewer Board Chairman Harold Evans was virtually present and expressed support on behalf of the Board for the adopting of this resolution by Council.

Councilmember Butler moved, seconded by Councilmember Zasada to adopt the resolution. The motion carried: 7-0 **(Resolution No. 64, 2020)**

27. Consideration of an Executive Session to determine positions, develop strategy and instruct negotiators regarding collective bargaining with the Greeley Fire Fighters Union Local 888

Councilmember Clark moved, seconded by Councilmember Payton to go into an Executive Session as authorized by C.R.S. § 24-6-402(4)(b) and Greeley Municipal Code § 2.04.020(a)(2) to receive legal advice from the City's attorneys; and by C.R.S. § 24-6-402(e) and Greeley Municipal Code § 2.04.020(a)(5) to determine positions, develop strategy, and instruct negotiators regarding collective bargaining with Greeley Fire Fighters Union Local 888. The motion carried: 7-0

28. Scheduling of meetings, other events

Councilmember Zasada moved, seconded by Councilmember Fitzsimmons to cancel the November 24, 2020, and the December 22, 2020, Worksessions in light of holidays and no pressing items to discuss at those meetings. The motion carried: 7-0

29. 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 at any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements, and ordinances

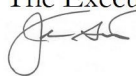
Councilmember Hall moved, seconded by Councilmember Fitzsimmons to approve the above authorizations, and the motion carried: 7-0

30. Adjournment

There being no further business to come before the Council, Mayor Gates adjourned the meeting at 7:55 p.m. and moved into Executive Session as noted above. The Executive Session adjourned at 8:52 p.m.



Cheryl Aragon, Deputy City Clerk
City Council Proceedings



John Gates, Mayor