

City of Greeley, Colorado
SPECIAL CITY COUNCIL PROCEEDINGS
 June 23, 2020

1. Call to Order

Mayor John Gates called the meeting to order at 6:00 p.m., in the Council's Chambers at the City Center South Campus, 1001 11th Avenue.

2. Pledge of Allegiance

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

3. Roll Call

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

4. Consideration of a resolution authorizing the acceptance of a CARES Act grant for the Greeley-Weld County Airport

It was noted that the Greeley-Weld County Airport has submitted for a CARES Act grant to help offset a decline in revenues arising from diminished airport operations and activities as a result of the COVID-19 Public Health Emergency. The purpose of this Grant is to maintain safe and efficient airport operation and that funds provided under this Grant Agreement must only be used for purposes directly related to the airport operational and maintenance expenses incurred no earlier than January 20, 2020.

Councilmember Fitzsimmons moved, seconded by Councilmember Butler to adopt the resolution. The motion carried: 7-0 (**Resolution No. 31, 2020**)

5. Introduction and first reading of an ordinance amending Chapter 13.44 of the Municipal Code of the City of Greeley relating to Local Improvement Districts

Sean Chambers, Water & Sewer Director, reported that Local Improvement Districts (LID) are a tool currently in Chapter 13.44 of the Greeley Municipal Code, which support adequate public facilities and orderly growth and that LIDs are an existing mechanism in the Code related to financing public infrastructure.

He went on to state that the proposed updated LID Code will help to prevent such projects from impeding growth and ensure that over time the City and its existing citizens are made whole. The recommended Code revision to the LID provisions have been coordinated among Water & Sewer, Stormwater, and Public Works to ensure that the Code revisions will fully serve the City's infrastructure program.

Councilmember Payton moved, seconded by Councilmember Clark to introduce the ordinance and schedule the public hearing and final reading for July 7, 2020. The motion carried: 7-0

6. Public hearing and final reading of an ordinance amending the Greeley Municipal Code by amending Sections 6.16.025, 6.16.270, and 6.16.275; by the addition of Section 6.16.271, creating a “Downtown Open Consumption Area”; by renumbering and amending Section 13.40.065; and by repealing Section 6.16.272 in its entirety

Becky Safarik, Assistant City Manager, reported that in response to an effort to limit the spread of the COVID-19 virus, the State issued orders that closed or limited the operation of nearly every form of gathering of persons, including retail stores and restaurants. As the spread of the virus slowed and health care providers were able to manage patient care at less than capacity levels, she stated that the State relaxed its orders on physical distancing to allow a staged and measured reintroduction of the movement of its residents by allowing the limited reopening of stores, offices, restaurants, and certain public spaces. Re-opening guidance was provided to limit interactions between persons, promote cleaning and disinfection of touch points, and requiring face coverings, taking temperatures of employees and patrons and other measures.

She went on to share that many restaurants are eager to reopen to in-house dining and have begun to rearrange seating and protocols to invite patrons in under the new State Guidance. With the requirements to distance customer seating, restaurants are looking for ways to expand outdoor seating to gain sufficient seating to be profitable at their previous occupancy levels.

To support this effort, she noted that the City has developed an expedited process to review and approve these temporary alternative outdoor seating arrangements in accordance with emergency regulations issued by the Colorado Department of Revenue’s Liquor Enforcement Division. This process allows a liquor licensee to expand their outdoor seating into areas that would not traditionally be authorized.

In the Downtown, she reported that the City took additional measures by: 1. Identifying City property in the form of plazas, sidewalks, portions of alleys, parking lots and parking lanes that could be used for businesses to expand their seating; 2. Posted the legal notice required by the Liquor Authority for that entire area so that businesses would not need to do so individually; 3. Waived all local lease, permit, and liquor license fees. In addition, the City obtained a grant from the City/Chamber Business Recovery Fund to pay for 43 City Council Agenda - City of Greeley, Colorado the State liquor license fees on behalf of the business applicants (applies to all applicants city-wide).

Downtown restaurant and bar owners have requested that the City take the additional step of closing the 8th and 9th Street plazas to allow the placement of table seating on the hard surface areas throughout the area (excluding the drive lanes necessary to remain unobstructed). In this fashion, they envisioned the creation of a common “food court” sort of atmosphere on the two plazas where patrons could enjoy their meals outdoors without the restaurants each providing their own outdoor seating.

Ms. Safarik advised that the possession and consumption of alcohol in public areas is prohibited by State law, unless a local government has specifically approved such possession and consumption via local ordinance. State law normally also prohibits the possession and consumption of alcohol in public rights-of-way; limited exceptions have been made by the State to accommodate the expansion of premises to accomplish physical distancing to limit COVID-19 spread.

There are some aspects of closing the plazas through early September to weigh in allowing for open consumption in this area. Staff researched how other communities have approached the restaurant expansion, which is described in Attachment C. While many cities have closed streets to support additional

seating, they have only authorized this expansion via a modification of their liquor-licensed premises, identical to the approach Greeley had taken to allow individual businesses to expand their seating into the sidewalk areas. Only one, Union Station, has a common seating area and that is provided in their normal course of business because Union Station operates under a single liquor license. No other Colorado jurisdiction staff contacted has used an open container law to support expanded restaurant use, though it appears that the City of Englewood is considering this move as well.

Staff met with Downtown business owners on June 8, 2020 to review the draft ordinance, respond to their questions, and invite suggestions. One requests from the restaurants included expanded hours (from 10PM to midnight). They also sought clarity about a combination of modified premises and the open consumption law.

She stated that based upon comments and additional information received from Weld County concerning use of the Chase Plaza, staff recommended a number of minor modifications to the draft ordinance, which Council approved at the Introduction of the ordinance at its June 9th meeting. Since that time, one additional amendment is proposed to better describe the physical boundary of the area to clarify the sidewalks available within the proposed boundary that are available for the proposed seating as part of the proposed Downtown Open Consumption Area Ordinance.

In response to a question from Councilmember Hall about any conflicts between this open container concept and modified premises to add outdoor service, Ms. Safarik advised that there will be two kinds of seating – patio seating for those who have modifications and then seating in the common area under this open concept. There are additional restrictions for those businesses who intend to maintain approved temporary modifications of premises.

Mayor Gates opened the public hearing at 6:14 p.m.

Matt Estrin, Tower 56 Distillery, stated that he is representing a conglomerate of Downtown businesses that came together to provide feedback about this proposal and to encourage this effort. He expressed thanks to staff for its work and to Council for listening to this unique proposal.

Brian Siefried, Lunas Tacos and Tequila and Wing Shack, echoed Matt's thanks of staff. He stated that this is an unusual proposal, but these are unusual times. He estimated that Downtown businesses have lost roughly 500 seats, and this would be a way to serve the community and support Downtown restaurants and other businesses. He noted that the Downtown Development Authority and Chamber Boards are supporting this concept and an online petition garnered 1,000 resident signatures in support. He acknowledged concerns for this proposal, but stressed that they want to work to adapt to address those concerns.

Roger Brindisi, Greeley resident, stated that he is pleased that this is being considered. Downtown Plazas are a jewel for Greeley, and he noted that the streets in Italy have been used in this fashion for many years.

Bianca Fisher, Executive Director of the Downtown Development Authority, stated that the Board wrestled with this proposal noting that it is a big decision, but felt like the Downtown businesses can support this and make it happen. As such, she stated that the Board is in full support for this.

Mitzi, Greeley resident, was present to offer another perspective. She stated that families live here, some have small children, and she is concerned about open containers on the streets where their children live and play, and concerned about residents who will not be able to park and carry groceries to their homes. She pointed out that all businesses have lost business, not just bars and restaurants.

Matt Revette, local Realtor and Downtown property owner, was present and stated that he recalls when Downtown Greeley was “Chernobyl”, and he really wants Council to think about this. He reminded the Council that the last time the Downtown Plazas were closed, it was a disaster.

Shawn Jann, consumer and Greeley resident, shared that if it’s built, people we will come. He stated that the community has been missing out on celebrations and stated that this type of seating will serve consumers well.

Bob Hudson, Greeley resident, thanked staff for its hard work, especially Assistant City Manager Safarik. He pointed out that things are different now, and Downtown is an urban area and a community gathering place. No place is more perfect for a set up like this, he noted.

Tom Grant, Downtown Attorney and Greeley resident, stated that he is confident that everyone will work together to make this concept work.

Aaron Wooten, Greeley resident and Downtown business owner, stated that owners Downtown have indicated that this is their livelihood and they want to make Downtown relevant and vibrant.

Councilmember Fitzsimmons stated that he really listened to the businesses here, but is concerned about parking.

Ms. Safarik stated that staff has been thinking and talking about what flexibility we can offer in terms of relaxing some of the parking restrictions in this area.

Councilmember Clark expressed appreciation for Matt Revette in his investment over the years in the Downtown area and expressed that he does want Downtown to continue to be vibrant and relevant. He also stated that it is good to hear that the Downtown Development Authority is fully supporting this.

Ms. Safarik referenced the handout provided to Council showing the modification to the diagram of the open container boundaries.

Councilmember Hall expressed that he has been skeptical of this concept, but will vote to support it to see if it works.

Councilmember Payton stated that he is very appreciative of the work done here by everyone. He noted that the work done by these businesses to make this work is what flipped the switch for him to support it.

Councilmember Butler moved, seconded by Councilmember Fitzsimmons to amend the ordinance by modifying the diagram and legal description of the open container ordinance.

Councilmember Zasada stated that concerns are not falling on deaf ears and that she is sensitive to concerns expressed by residents and businesses. She commended businesses who came together and noted that she would vote to give it a shot.

Mayor Gates commended everyone involved in this concept noting is creativeness. He noted that staff worked quickly. He agreed that there are valid concerns that have been raised here, and that parking spots are being taken. He assured everyone that this is temporary and will expire September 12, 2020, and if the train comes off the tracks, all necessary steps will be taken to get it back on. He also encouraged everyone to meet regularly to make sure things are working out.

A vote on the amendment was taken and it carried: 7-0

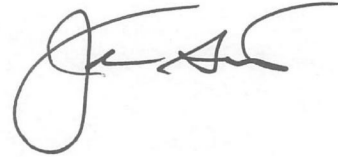
Councilmember Hall moved, seconded by Councilmember Clark to adopt the ordinance as amended and publish it in full. The motion carried: 7-0 (**Ordinance No. 14, 2020**)

7. 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 Payton moved, seconded by Councilmember Butler to approve the above authorizations, and the motion carried: 7-0

8. Adjournment

There being no further business to come before the Council, Mayor Gates adjourned the meeting at 6:56 p.m.



John Gates, Mayor



Cheryl Aragon, Interim City Clerk