

City of Greeley, Colorado  
**CITY COUNCIL PROCEEDINGS**  
February 19, 2019

**1. Call to Order**

Mayor John Gates called the meeting to order at 6:30 p.m., in the City Council Chambers at City Center South, 1001 11<sup>th</sup> Avenue.

**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 John Gates and Councilmembers Robb Casseday, Dale Hall, Brett Payton, Jon Smail and Stacy Suniga. Councilmember Fitzsimmons was excused.

**4. Recognitions and Proclamations**

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

Mayor Gates presented Proclamations recognizing Youth Art Month 2019 and Up with People Week.

**5. Citizen Input**

Micah Goeglein reported that he just finished an internship with Mayor Gates of 50 hours. He stated that it was a lot of time, and he learned a lot through the process and noted that he will be graduating soon and will be attending the University of Wyoming on a scholarship from the U.S. Army in the fall. He stressed what a great hometown Greeley is and that he is proud to be here.

Mayor Gates expressed gratitude for being able to work through this internship commitment with Micah and that he made a friend in the process. He and the Council wished Micah well in his future endeavors.

Aria Drexler, a Greeley resident and employee of School District 6, addressed Council about the alleyway trash issue that Council is grappling with. She stated that she has been in a position of leaving sofas behind because of a lack of funding when she was a college student just to get rid of them and stressed that college students don't have extra money to dispose of things properly. She offered some ideas to address this issue such as Dumpster Days in conjunction with local trash haulers for the college area; community upcycling programs; community clean-up days; and a hazardous waste disposal day.

**6. Approval of Agenda**

The agenda was approved upon noting additional documentation for Item No. 4.

**7. Reports from Mayor and Councilmembers**

Mayor Gates reported that he attended a vibrant community meeting last week held by District 6 at which he found people realizing that suicide is a real problem. He stated that he and others are very

much looking for continued conversations about this important issue. He also spoke of the cooperative village going in at Centerplace where residents can buy into a complex and have all of the amenities of senior living while living independently. He noted that this is an important and diverse option in this community.

Councilmember Suniga stated that a forum on affordable housing is scheduled which will help Council learn from experiences what is needed in this community.

#### 8. **Petitions from Mayor and Councilmembers**

No petitions were offered from Council.

#### \*\*\*\* Consent Agenda \*\*\*\*

#### 9. **Approval of the City Council Proceedings of February 5, 2019**

The Council action recommended was to approve the Proceedings.

#### 10. **Acceptance of the Report of the February 12, 2019 City Council Worksession**

The Council action recommended was to accept the Report.

#### 11. **Consideration of a Resolution accepting dedication of 90 feet of previously reserved right-of-way plus an additional 5 feet to accommodate an off-street trail for a total of 1.453 acres, located north of Highway 34 Business, east of 83rd Avenue and west of the Boomerang Golf Course**

The Council action recommended was to adopt the Resolution. (Resolution No. 9, 2019)

#### 12. **Consideration of a change order to the contract with JUB Engineers for design services for the 20th Street road widening project in the amount of \$149,781**

The Council action recommended was to approve the Change Order. (Change Order No. 3)

#### 13. **Introduction and first reading of an ordinance vacating a right-of-way located south of the intersection of 30th Street and 43rd Avenue and approving of a subdivision replat for Gateway Estates 2nd Filing, 1st Replat**

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading for March 5, 2019.

#### 14. **Introduction and first reading of an Ordinance to facilitate installation of City-owned fiber optic conduit during excavation projects within the City's rights of way**

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading for March 5, 2019.

15. **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. (65th Avenue and Highway 34 Frontage Road Project)**

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading for March 5, 2019.

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

Councilmember Payton moved, seconded by Councilmember Hall to approve the items on the Consent Agenda and their recommended actions. The motion carried: 6-0 (Fitzsimmons excused)

16. **Pulled consent agenda items**

No items were pulled from the Consent Agenda.

17. **Public hearing to consider a change of zone from PUD (Planned Unit Development – Oil and Gas, and Neighborhood Center) to PUD (Planned Unit Development – Residential) zone district for approximately 7.11 acres located north of 25th Street (a.k.a., Centerplace Drive) and west of 35th Avenue Court, and a public hearing and final reading of an Ordinance changing the official zoning map to reflect the same**

Brad Mueller, Community Development Director, requested that Item Nos. 17 and 18 on this agenda be presented together as they are companion items.

He reported that the City of Greeley is considering a request by Gate Way Place Phase II LTD., to rezone an area, approximately 7.11 acres in size, from a PUD, Planned Unit Development, with one set of allowed uses, to a PUD allowing a different set of uses such as Residential and noted that the site is located north of Centerplace Drive and west of 35th Avenue Court.

Mr. Mueller advised that until recently, the property was utilized for an oil and gas facility, the only allowed use, and that the oil and gas facility has been fully capped and abandoned. As such, the applicants are requesting a rezone, which would allow for their vision of 144 multi-family dwelling units. He reviewed the rezoning criteria to be considered with these types of requests, and noted that there are environmental conditions that need to be considered. He added that the Planning Commission considered the request on January 22, 2019 and unanimously recommended approval to City Council.

Councilmember Suniga inquired about other dwelling units that have been built on capped and abandoned wells, and Mr. Mueller stated that there have not been any in recent history, other than a commercial site, King Soopers at 71<sup>st</sup> Avenue, as it was built on a capped well site. Mr. Mueller added that he is not aware of any safety issues or problems with well sites after they have been plugged and abandoned during the last 20 years or so.

Ryan McBreen with Norris Design stated that what is being proposed is what is in line with Council's expectations for this site. He added that there will not be any living structures right on top of the plugged and abandoned well site. He also stated that construction will begin in quarter three of 2019 with leases in places in the early part of 2020.

Mayor Gates opened the public hearing at 7:12 p.m., and no comments were offered.

Councilmember Payton moved, seconded by Councilmember Casseday to find that, based on the application received and subsequent staff analysis, the proposed rezoning from PUD (Planned Unit Development – Oil and Gas and Neighborhood Center) to PUD (Planned Unit Development – Residential) meets Development Code Section 18.30.050(c)(3) and 18.32.040(b); and, therefore, to approve the rezone. The motion carried: 6-0 (Fitzsimmons excused)

Councilmember Payton moved, seconded by Councilmember Casseday to adopt the ordinance and publish it by reference to title only. The motion carried: 6-0 (Fitzsimmons excused) (**Ordinance No. 4, 2019**)

**18. Public hearing to consider approval of the Gateway Park II Preliminary PUD (Planned Unit Development) for approximately 7.11 acres located north of 25th Street (a.k.a., Centerplace Drive) and west of 35th Avenue Court**

Mayor Gates noted that a report on this item was given in conjunction with Item No. 17 above.

He then opened the public hearing at 7:14 p.m., and no comments were offered.

Councilmember Casseday moved, seconded by Councilmember Hall that, based on the application received and subsequent staff analysis, the proposed Gateway Park II PUD Preliminary Plan is consistent with Section 18.32.040, 18.32.050 and 18.32.060 of the Development Code and, therefore, approves the request with the following condition: 1) Prior to Final PUD recordation, any remaining engineering construction and design issues must be addressed, to the satisfaction of the City, including those related to traffic impacts, roadway maintenance, and drainage. The motion carried: 6-0 (Fitzsimmons excused)

**19. Public hearing and final reading approving an ordinance to adopt the City of Greeley Strategic Housing Plan, an Element of the Imagine Greeley Comprehensive Plan**

Mr. Mueller reported that this is the culmination of two years of work on the Comprehensive Plan, which began in February of 2018 with the Imagine Greeley effort. A high priority recommendation of this Plan is the development of a comprehensive housing strategy for Greeley, and he noted that Council's consideration of this Strategic Housing Plan for the City of Greeley is intended to implement this recommendation. He went on to state that this Plan was developed throughout 2018 based on an approach that included a stakeholder task force, a consultant assembling housing information, staff work in support of the task force, and analyzing available information.

He reviewed the origin of the plan and explained that the Housing Accessibility Task Force met five times to discuss possible causes and potential solutions to Greeley's housing problems. The Task Force included real estate professionals, affordable and market housing providers, nonprofit and for-profit developers, and City staff. He then reviewed housing trends and then goals and strategies for housing in Greeley.

Mr. Mueller advised that the Strategic Housing Plan would become a sub-element of the City's Imagine Greeley Comprehensive Plan, along with all other adopted master plans and area plans. The Planning Commission is the primary steward of the City's Comprehensive Plan and any amendments or additions to the Plan. The Planning Commission heard the proposed housing plan at its' February 12, 2019, meeting.

Ben Snow, Economic Health and Housing Director, stated that he has had time to digest this information the last couple of months and endorses the plan. He stated that it will be important to create mobility for economic development and housing and that this has been an excellent clearing house of ideas. He encouraged creativity and open mindedness in order to be successful and competitive in this effort.

Councilmember Hall stated that he is pleased with what he is seeing in this plan, but that he is puzzled by the accessory dwellings piece.

Mr. Mueller advised that there was significant community discussion a number of years ago about accessory dwelling, and it was a closed conversation at that point. He stated that there have been advances in how to manage and zone those types of dwellings which gives the City more controls, so it may be appropriate in certain geographic areas and that it is just another option.

Councilmember Hall stated that work needs to be done on the affordable part of affordable housing, in terms of better jobs, and then expressed some trepidation with metro district based on some past experiences. Finally, Councilmember Hall asked that the term park be replaced with the word community just to take away any stigma as it relates to how manufactured homes used to be built.

Councilmember Casseday stated that he concurs with Councilmember Hall's comments, and expressed hope that this will be a like tool to what has been done with water policies and how that has helped.

Councilmember Suniga stated that the Committee and staff has done a terrific job with this plan and noted that it incorporates multi-faceting housing and diversity options. She inquired about the market correcting itself and how we can trust that, and Mr. Mueller stated that this is an important question and stated that staff has taken some comfort that when changes are made to the inputs, there is a natural motivation for a developer to translate that to lower costs for the end user.

Councilmember Suniga stated that she would like to keep this going with this good start, and Mr. Mueller advised that this is definitely a vision for Council and then for staff to utilize and that there is some low-hanging fruit to grab onto now to keep up the momentum which staff intends to do.

Councilmember Smail stated that this is the coolest agenda item ever, and thanked staff for the strategies laid out. He asked what will be done right away, and Mr. Mueller stated that he will work with staff to bring forth work program recommendations of what can be done soon.

Councilmember Payton stressed that we must remain open minded and creative since we are working with multiple markets so it's important to be flexible. He thanked staff for all of the work bringing out as many tools as possible to use when needed.

Mayor Gates stated that this is a fantastic road map for the future and stressed that this plan cannot sit on the shelf if approved. Many communities cannot say they have what we have, so it will be important to keep things moving.

Mayor Gates opened the public hearing at 8:05 p.m.

Patrick Kelly, a recent appointee to the Commission on Disabilities, was present and stated that he will be keeping an eye on plans like this so that it is inclusive and so that someone will champion that from his Commission.

Kris Pickett was present and stated that he was proud to serve on this committee and that the result is very encouraging. He stated that he is anxious to be able to go outside of Greeley and tell this story and to be able to carry these tools outside of the community will be amazing. He added that this will bring and encourage development to our community.

Sherrie Witt-Brown, Greeley Weld Habitat for Humanity, stated that she was honored to work on the task force and that great work has been done on this plan. She stated that currently there are 400 families on waiting lists so this is critical work in order for them to provide homes for their families.

Councilmember Suniga moved, seconded by Councilmember Casseday to adopt the ordinance and publish it by reference to title only. The motion carried: 6-0 (Fitzsimmons excused) (**Ordinance No. 5, 2019**)

Councilmember Hall offered a friendly amendment that was approved by Councilmembers Suniga and Casseday, to replace the word “park” with the word “community” when talking about manufactured housing in the plan. A vote on the friendly amendment was taken and it carried: 6-0 (Fitzsimmons excused)

**20. Public hearing and final reading of an Ordinance for the 2nd Amendment to the Centerplace North Development Concept Master Plan (DCMP)**

Mr. Mueller reported that the applicant is requesting a 2nd amendment to the existing Development Concept Master Plan to clarify that single-family, two-family, townhouse, and multi-family dwellings will no longer be subject to the commercial standards outlined in the Development Concept Master Plan (DCMP).

He stated that a DCMP is a voluntary tool that landowners can use to more narrowly define the “ground rules” of zoning on a particular property. In this case, the original developer created rules requiring certain architectural features and materials that are consistent with the retail look that has evolved in Centerplace. Some, such as the prohibition for asphalt shingles, probably were not envisioned for residential, but nonetheless apply because of the current form of the DCMP language. This amendment would simply exclude residential from these limits; existing city-wide design standards for multi-family would still apply. He reported that the Planning Commission considered this request on January 22, 2019, and unanimously recommended approval.

Cory Walker, Senior Vice President representing the owner entity, reported that a lot is happening here with a lot of diversity in uses and that this will allow the movement to the next phase of this project and working with multi-family housing developers for this site.

Mayor Gates opened the public hearing at 8:16 p.m., and no comments were offered.

Councilmember Casseday moved, seconded by Councilmember Payton to adopt the ordinance and publish it by reference to title only. The motion carried: 6-0 (Fitzsimmons excused) (**Ordinance No. 6, 2019**)

**21. Public hearing and final reading of an Ordinance amending Section 6.16 of Greeley’s Municipal Code regarding Alcohol Beverages**

Betsy Holder, City Clerk, reported that some legislative changes have taken effect that impact Greeley Municipal Code as it relates to alcohol beverages, and introduced Cheryl Aragon, Deputy City Clerk, who reviewed this proposal.

She stated that during the course of the last few years, a couple of key Senate Bills were passed into law, specifically 16-197 and 18-243, that changed a number of licensing provisions to which Greeley's Code needs some alignment.

She added that a majority of these changes did not take effect until January 1 of this year with additional provisions taking effect moving forward in future years and that this new legislation gave City staff an opportunity to conduct a comprehensive review of Chapter 6.16 for any needed additions and modifications, which took place in the last quarter of 2018.

Ms. Aragon advised that Greeley's Liquor Code essentially adopts the Colorado State Liquor Codes, by reference and then anything where State Code allows municipalities to deviate, or opt in or out of, is what is found in Greeley's Code, Chapter 6.16. She offered a couple of examples such as Retail Liquor Store Tastings and Common Consumption Areas.

She emphasized that a majority of the changes proposed within this Ordinance are housekeeping in nature and serve to clean up our local Code and to simplify and clarify particular words or phrases and to better mirror how particular sections are being applied. She highlighted the changes as: 1. retitles Liquor, Beer & Special Event Codes to reflect the recodification of the State Code to different articles and titles within the Colorado Revised Statutes; 2. defines "Alcohol" to include Fermented Malt Beverages and eliminates 3.2% Beer references; 3. incorporates additional distance restrictions for Retail Liquor Stores, Liquor Licensed Drugstores, and Fermented Malt Beverage classes of licenses; 4. clarifies the restrictions of alcohol beverages when on, in or using Glenmere Park; and 5. updates the hours that beer and liquor tastings can occur, as well as the manner with which unused samples are to be removed following a tasting event.

She stated that this Ordinance was introduced at the February 5, 2019, Council meeting.

Mayor Gates opened the public hearing at 8:22 p.m., and no comments were offered.

Councilmember Hall moved, seconded by Councilmember Suniga to adopt the ordinance and publish it by reference to title only. The motion carried: 6-0 (Fitzsimmons excused) **(Ordinance No. 7, 2019)**

## **22. Public hearing and final reading of an Ordinance amending Chapter 13.40 of the Greeley Municipal Code to update certain park regulations**

Andy McRoberts, Culture, Parks & Recreation Director, reported that the State of Colorado adopted Senate Bill 243 in 2018 which changed how the definition of beer in Colorado was addressed. Essentially, the new law, which took effect January 1, 2019, eliminated past references and the previous definition of "fermented malt beverage" which we commonly knew as 3.2% beer.

He advised that the new Colorado law also enables local governments to decide what kinds of alcohol consumption can be allowed in public spaces, and most notably in this case, Greeley's public parks. He stated that local law still restricts spirits and glass, but allowing fermented malt beverages in Greeley's parks is sought. Essentially, just allowing what is defined by State law as fermented malt beverages.

Councilmember Casseday stated that he is looking for more consistency for enforcement purposes as users don't know what they can do where and when.

Mr. McRoberts stated that this is fairly consistent and parks will be properly signed. He did note that Glenmere Park restricts alcohol sales and service through a warranty deed and Lincoln Park restricts alcohol to only those events where a special event permit has been taken obtained.

Doug Marek, City Attorney, advised that to do away with the deed restriction at Glenmere Park would require legal action in District Court.

Council consensus was to let the deed restriction stand.

Councilmember Hall noted that the deed restriction does not mention consumption of alcohol beverage.

Mr. McRoberts stated that the Parks and Recreation Advisory Board did discuss this item at their regular meeting of February 1, 2019 and voted to recommend approval to Council on a vote of 6-1 and that the Ordinance was introduced at the February 5, 2019, Council meeting.

Mayor Gates opened the public hearing at 8:33 p.m., and no comments were offered.

Mayor Gates made note of a call he received from resident Ginger Walker who expressed mild concern with this item. He emphasized though that the only change here is alignment to State Code with regard to fermented malt beverages.

Councilmember Suniga moved, seconded by Councilmember Payton to adopt the ordinance and publish it by reference to title only. The motion carried: 6-0 (Fitzsimmons excused) **(Ordinance No. 8, 2019)**

### **23. Appointment of applicants to the Commission on Disabilities**

Golf Board –	Keagan Dollard
Island Grove Advisory Board –	Mary Bohlender
Parks and Recreation Advisory Board –	Caitlin Alexander, Marshall Parks, Mikyla Silva
Stormwater Board –	Jim Lord, Patrick McDonald

### **24. Scheduling of meetings, other events**

No additional meetings or events were scheduled.

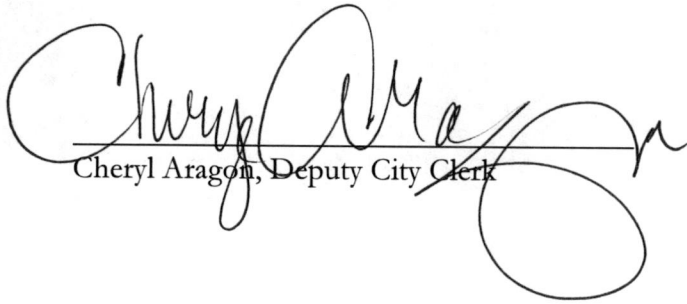
### **25. Consideration of a motion authorizing the City Attorney to prepare any required resolutions, agreements, and ordinances to reflect action taken by the City Council at this meeting and at any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements, and ordinances**

Councilmember Hall moved, seconded by Councilmember Payton to approve the above authorizations, and the motion carried: 6-0 (Fitzsimmons excused)

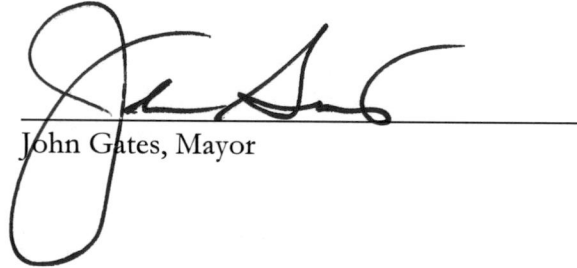


**26. Adjournment**

There being no further business to come before the Council, Mayor Gates adjourned the meeting at 8:43 p.m.



Cheryl Aragon, Deputy City Clerk



John Gates, Mayor