

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
May 2, 2023

1. Call to Order

Mayor Gates called the meeting to order at 6:00 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

City Clerk Heidi Leatherwood called the roll.

Present:

Mayor John Gates
Councilmember Tommy Butler
Councilmember Deb DeBoutez
Councilmember Dale Hall
Mayor Pro Tem Brett Payton
Councilmember Ed Clark
Councilmember Johnny Olson

4. Approval of the Agenda

City Manager Lee had no changes to the agenda.

5. Recognitions and Proclamations

Mayor Gates read the Historic Preservation Month Proclamation at 6:01 p.m. Historic Preservation Commission Members, Christen DePetro and Robert Brunswig accepted the Proclamation.

Mayor Gates read the National Travel & Tourism Week Proclamation at 6:06 p.m. Greeley Area Chamber of Commerce, Business Travel and Tourism Director Heather Anderson accepted the Proclamation.

Mayor Gates read the Small Business Week Proclamation. Greeley Area Chamber of Commerce President and CEO, Jaime Henning, accepted the Proclamation.

Councilmember Olson presented *What's Great about Greeley?* at 6:13 p.m.

Recognition

Councilmember Clark gave special recognition at 6:17 p.m. to Paxton Daggett for winning the state wrestling championship as a University High School student.

6. Citizen Input

1. Steve Teets spoke about housing and homeless needs and finding solutions.
2. Edwin Grant spoke about increased property taxes and community challenges.
3. Christina Hornby spoke about the shooting incident on 1802 27th Street and thanked the Greeley Police Department. She noted that the neighbors do not feel safe due to the string of recent activities at the location.

7. Reports from Mayor and Councilmembers

Councilmember Olson spoke about the Boards and Commissions appreciation event.

8. Initiatives from Mayor and Councilmembers

Councilmember Butler asked staff to research a change to the code requiring notification to affected owners of personal property (structures) in mobile home parks within 500 ft of new zoning changes.

Consent Agenda

- 9. Approval of the City Council Work Session Proceedings of April 11, 2023, and Approval of the Special City Council Proceedings of April 11, 2023**
- 10. Consideration of a Resolution approving a Redevelopment Agreement between 1024 8th Avenue, LLC, DDA and the City of Greeley**
- 11. Consideration of a Resolution appointing Mark Gonzales as the Primary Liquor Licensing Hearing Officer of Greeley, Colorado**
- 12. Introduction and first reading of an Ordinance amending Title 2, Chapter 10 (Boards and Commissions) of the Greeley Municipal Code designating the City of Greeley website as the official posting site for meeting notices**
- 13. Introduction and first reading of an Ordinance amending the Greeley Municipal Code to create a new Article and Chapter under Title 6, Revenue & Finance, Chapter 16**

Mayor Pro Tem Payton moved to approve the Consent Agenda Items 9-13. Councilmember Butler seconded the motion. The motion passed 7-0 at 6:35 p.m.

End of Consent Agenda

14. Pulled Consent Agenda Items

None

15. Public hearing and second reading of an Ordinance changing the official zoning map of the City of Greeley, Colorado, from Planned Unit Development (PUD) and Commercial-High Intensity (C-H) zone districts to the Residential Micro-Housing (R-MH) zone district changing the underlying land use designations for approximately 22.25 acres of property located south of F Street, west of N. 35th Avenue, and approximately one-half mile north of 4th Street (Stoneybrook)

City of Greeley Planner, Michael Franke, introduced the item with a presentation at 6:35 p.m.

The subject site was annexed into the City of Greeley in 1985 as part of Puttnam Farm Annexation. In 1999, the land was subdivided into two separate lots as part of the Stoneybrook Subdivision Filing No. 1. The intention of the current rezone request was to provide adequate zoning for expansion of the existing Stoneybrook Mobile Home Park development adjacent to the land. The Planning Commission recommended approval of this rezone at the April 11, 2023, meeting.

Councilmember DeBoutez asked for clarification on the housing types. In response, Mr. Franke said that the definition of a mobile home is listed as a permanent structure on a plot of land that is usually for sale or rent. Manufactured homes, on the other hand, have a portion of the home built off site and then it is brought to the site and final assembly is conducted. He added that tiny homes are also allowed in this zoning. Councilmember DeBoutez asked about expanding the streets and creating more parking. Mr. Franke replied that the plans are created in accordance with the Greeley Municipal Code.

Councilmember Clark asked about the 11 notification letters mailed (550 feet from the subject site) and would like to know if the residences located in Stoneybrook (Lot 1) were notified. In response to the question, Mr. Franke replied that the property owner of Stoneybrook was notified of the public hearing for the rezone. Stoneybrook Representative Bob Eck reported that he did not know if the residences had been notified because residents lease the land from the property owner and under the Greeley Municipal Code, only the property owner was notified. Councilmember Clark spoke about the complaints he has received regarding Stoneybrook and expressed potential concerns for the future development of the 142 units.

Councilmember Butler spoke about the notice process and was concerned that only the property owner was notified and not the other residents. Councilmember Butler asked if the City could change the notification code by Ordinance. In response, Mr. Franke noted that the Greeley Municipal Code could be reviewed and updated by ordinance.

Councilmember DeBoutez asked if the 142 units would be for sale/rent and what would be the market price. In response to the question, Mr. Eck said that homes are owned by the resident and property is leased by the resident. He noted that the price of homes will likely be sold in the low \$100,000's, and site leases start at \$600 a month.

The public hearing opened at 6:48 p.m.

1. Steve Teets spoke about increased traffic to the community with the additional housing units.
2. Edwin Grant spoke about the confusion with roundabouts.

The public hearing closed at 6:51 p.m.

Councilmember DeBoutez remarked that developments like this address some of the affordable housing problem needs.

Councilmember Clark was concerned to hear of the water problems in the current development of Stoneybrook. He wanted residents to be heard and such challenges corrected.

Mayor Pro Tem Payton moved to approve, based on the application received, the preceding analysis, and Planning Commission recommendation, the proposed rezoning from PUD and C-H zoning districts to the R-MH zoning district is found to be in compliance with Title 24-204(b). Councilmember Olson seconded the motion. The motion passed 7-0 at 6:52 p.m.

Mayor Pro Tem Payton moved to adopt the ordinance and publish it by title only. Councilmember DeBoutez seconded the motion. The motion passed 7-0 at 6:53 p.m.

16. Public hearing and second reading of an Ordinance amending Title 12, Chapter 2, Article IV, Section 12-151, and Title 24 of the Greeley Municipal Code relating to the allowance of private tobacco smoking establishments

Interim Community Development Director, Don Threewitt introduced the item with a presentation at 6:54 p.m.

The City was presented with a request to establish a private cigar smoking club. Greeley's Municipal Code (GMC) Article IV, Section 12.153 expressly bans any form of smoking in any public or private establishment. To enable such a use, an ordinance was required amending the GMC in two sections, 12-153 and 24 to:

1. Permit an exception for smoking of tobacco products in certain circumstances; and
2. Establish the zoning category and define the physical and operational characteristics associated with such a use.

The definition of a private tobacco smoking club includes a nonprofit organization, that maintains selective members, is operated by the members, and has its primary purpose as the legal consumption or use of tobacco smoking products as an aspect of its recreational, fraternal, or social purpose for its members. It cannot be for pecuniary gain and can only sell or distribute alcoholic beverages to its members incidental to its operations. The Planning Commission recommended approval of the proposed amendments to the Development Code at the April 25, 2023, meeting.

Councilmember Olson asked about the nonprofit status requirement. In response, Mr. Threewitt noted that this is like the club license. Councilmember Olson wanted to confirm there will not be marijuana consumption. Mr. Threewitt confirmed that only legal tobacco products would be allowed for consumption. Marijuana is not a tobacco product.

Councilmember Butler asked about stipulations. In response, Mr. Threewitt said that such stipulation requirements included: vapor barriers, HVAC systems, and ventilation measures. He added that with some scenarios, such as standalone buildings, which are not connected to other businesses, would not have to invest in ventilation requirements.

Councilmember Hall asked about how this works with the State of Colorado “no smoking” ban. In response, Mr. Threewitt said that state law is silent about private smoking clubs. City Attorney Doug Marek mentioned that this proposed code change is a zoning amendment and does not authorize anything illegal. If an establishment meets the criteria to operate in this way, it would be up to the business owner to follow local and state laws.

Councilmember Butler requested that staff review the Ordinance in a work session format, 2 years after the first application is received or if four applications are approved. He emphasized that the intent

Applicant Brad Inhulsen addressed the City Council with his appreciation to staff and council.

Councilmember Clark asked about why the business must be a non-profit. In response to the question, City Attorney Doug Marek stated that for-profit smoking clubs are prohibited.

Councilmember Olson asked if nonmembers could purchase cigars to use at their convenience. In response, Mr. Inhulsen said he would like to sell cigars to the public in the future and hasn't created an operating plan yet.

The public hearing opened at 7:12 p.m.

1. Edwin Grant spoke about court cases and believes these clubs may bring more issues.
2. Ryan Roth spoke in support of this Ordinance.

The public hearing closed at 7:17 p.m.

Councilmember Olson moved to adopt the ordinance and publish it by title only.
Mayor Pro Tem Payton seconded the motion. The motion passed 7-0 at 7:18 p.m.

17. Public hearing and second reading of an Ordinance authorizing a salary increase for the City Manager

Noel Mink, Human Resources Director, gave a presentation on the salary increases for the City Manager, City Attorney and Municipal Court Judge at 7:21 p.m.

Councilmember Clark asked City Manager Lee how long he has been in this position. In response to the question, City Manager Lee replied that he has been the city manager for a year and a half.

The public hearing opened at 7:23 p.m.

1. Steve Teets spoke about his concerns with transportation, infrastructure, and housing. The community has many needs and feels the raises could go toward community improvements and needs.

The public hearing closed at 7:25 p.m.

Councilmember Clark noted that he would be voting “nay” in response to the request for a one-time incentive of \$10,000. Councilmember Clark believed the ranking the City Manager in the top third tier was proof that he has done a great job.

Councilmember Olson responded to Mr. Teet’s comments and believed the city needs to pay good employees to retain them for the evolution of the community.

Councilmember Butler responded to Mr. Teets and agreed with Councilmember Olson and see the strides the city has made with City Manager Lee.

Councilmember Butler moved to adopt the ordinance and publish it by title only.
Councilmember DeBoutez seconded the motion. The motion passed 6-1 at 7:28 p.m.

18. Public hearing and second reading of an Ordinance authorizing a salary increase for the City Attorney

Noel Mink, Human Resources Director, gave a joint presentation on the salary increases for the City Manager, City Attorney and Municipal Court Judge at 7:21 p.m.

The public hearing opened at 7:28 p.m.

With no speakers, the public hearing closed at 7:28 p.m.

Councilmember Hall moved to adopt the ordinance and publish by title only.
Councilmember DeBoutez seconded the motion. The motion passed 7-0 at 7:29 p.m.

19. Public hearing and second reading of an Ordinance authorizing a salary increase for the Municipal Judge

Noel Mink, Human Resources Director, gave a joint presentation on the salary increases for the City Manager, City Attorney and Municipal Court Judge at 7:21 p.m.

The public hearing opened at 7:29 p.m.

With no speakers, the public hearing closed at 7:29 p.m.

Mayor Gates spoke about the reasons why City Council direct reports were given increases in compensation.

Mayor Pro Tem Payton moved to adopt the ordinance and publish it by title only. Councilmember Hall seconded the motion. The motion passed 7-0 at 7:30 p.m.

20. Scheduling of Meetings, Other Events

None.

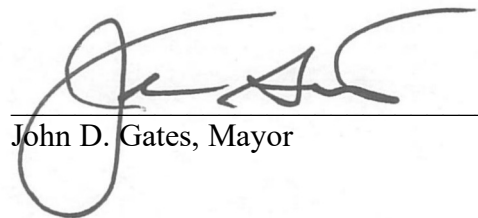
21. Consideration of a motion authorizing the City Attorney to prepare any required resolutions, agreements, and ordinances to reflect action taken by the City Council at this meeting and any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements, and ordinances

Mayor Pro Tem Payton moved to approve the motion. The motion passed 7-0 with a voice vote at 7:32 p.m.

22. Adjournment

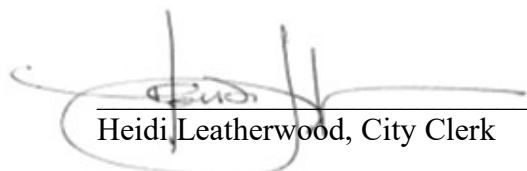
Mayor Gates adjourned the meeting at 7:32 p.m.

Approved:



John D. Gates, Mayor

Attest:



Heidi Leatherwood, City Clerk