

City of Greeley, Colorado  
**CITY COUNCIL PROCEEDINGS**  
October 17, 2017

**1. Call to Order**

Mayor Tom Norton called the meeting to order at 6:30 p.m., in the School District Six Board of Education Meeting Room, 1025 9<sup>th</sup> Avenue.

**2. Pledge of Allegiance**

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

**3. Roll Call**

Jessica Diagana, Assistant City Clerk, called the roll. Those present were Mayor Tom Norton and Councilmembers Robb Casseday, Sandi Elder, Mike Finn, Rochelle Galindo, John Gates and Brett Payton.

**4. Recognitions and Proclamations**

Councilmember Payton presented the What's Great about Greeley Report.

**5. Citizen Input**

Toy Archer, Greeley resident, expressed concerns about the building of a mosque at 1135 22th Street Road noting concerns about traffic, congestion, and noise. He asked that Council reconsider the approval of the building of a mosque.

Sarah Carlson, Greeley resident, also expressed concern about the mosque being built, as she believes it creates a secondary point of law. She questioned whether or not there were hearings held prior to approving the mosque to be built on the site and why citizens were not notified.

Cailey Arensman, Greeley resident, stated that she is a music student at the University of Northern Colorado and that she is proud to be part of a country that allows people freedom of religion and was present to show her support for the Constitution and all the people it protects. She expressed that she felt that it is dangerous to be so fearful of another religion that people would try to stop them from practicing their religion.

Mayor Norton stated that there was a proper review for the project and that according to the City's Planning Department the mosque, as a religious building, can be constructed on the site as it is a use-by-right, therefore, it would not come to City Council for review. Mayor Norton expressed that the issues surrounding the building of this mosque are building and the location of the building but that he has seen the community work hard to make everyone feel comfortable and that he hopes that continues stating that all religions have a right to practice. He stressed that the community needs to work together to understand our differences as opposed to having fears. He stated that the project has to be dealt with fairly as it is being done properly, noting it should stay in its presently approved form.

Councilmember Elder expressed her appreciation for citizens coming forward on this issue, but that people have the right to worship in any manner they see fit while abiding by the City's laws.

Councilmember Galindo stated that everyone has the freedom of religion and that it's within the right to build a mosque on this site as long as it complies with the current zoning. She referred to a Resolution that was recently adopted by Council that included a Report on Immigration to help bridge these gaps.

Councilmember Casseday expressed his agreement with Mayor Norton and his fellow Councilmembers and spoke of the upcoming Weld Project Connect event at Island Grove Regional Park which reaches out to help all citizens connect with available resources.

In response to a question from Councilmember Gates, Community Development Director Brad Mueller clarified that no public hearing was held, nor was one required as the construction of a mosque falls under a use-by-right under the current zoning.

## **6. Approval of Agenda**

The agenda was approved upon noting that Item No. 17 will be considered after the adoption of Item No. 20 and was renumbered as Item No. 20A.

## **7. Reports from Mayor and Councilmembers**

Councilmember Galindo reported her attendance at the first Multicultural Festival, noting its success, her attendance as a guest judge at the Outspoken Poetry Slam, and reminded her constituents of her Monthly Town Hall meeting, Roundtable with Rochelle, at Joe Molina's Art Gallery, the last Saturday of the month at 10:00 a.m.

Councilmember Gates spoke of the Heroes and Helpers Lunch at Winograd K-8 School and noted his participation on the Selection Committee for the High Plains Library District in their search for a new Board member.

Councilmember Elder spoke of the Be the Difference Partners Mentorship and encouraged people to go to their website to find children to mentor; her attendance at the Jobs of Hope Annual Banquet, and of the Sacco Family search for their daughter in Nepal.

Mayor Norton spoke of his attendance at the Colorado Municipal League Free Legislative meeting; the South I-25 meeting regarding funding; and of a letter of support from the City of Greeley for a grant request from the Highway 85 Coalition.

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

There were no petitions offered from Councilmembers.

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

## **9. Acceptance of the Proceedings of the October 3, 2017 City Council Meeting**

The Council action recommended was to approve the Proceedings.

## **10. Approval of the Report of the October 10, 2017 City Council Worksession**

The Council action recommended was to accept the Report.

## **11. Consideration of a Resolution of the City of Greeley Council authorizing the City to enter into an Intergovernmental Agreement for the purchase of goods and services from Houston-Galveston Area Council**

The Council action recommended was to adopt the resolution. (Resolution No. 81, 2017)

12. **Consideration of a Resolution dedicating 0.242 acres of property located at 95th Avenue, south of Highway 34 Business, and north of the Highway 34 Bypass, to be included in the 95th Avenue right-of-way**

The Council action recommended was to adopt the resolution. (Resolution No. 82, 2017)

13. **Consideration of a Resolution adopting Stormwater Utility Fees for 2018**

The Council action recommended was to adopt the resolution. (Resolution No. 83, 2017)

14. **Consideration of a Resolution of the City Council of the City of Greeley, Colorado, authorizing City staff to resolve claims with Work Out West (OC Sports) arising from a water main break incident occurring January 24, 2017 at 59th Avenue and 20th Street**

This item was pulled from the Consent Agenda.

15. **Consideration of a Resolution amending City Council's Policies and Protocol to modify Board and Commission residency provisions**

The Council action recommended was to adopt the resolution. (Resolution No. 85, 2017)

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

Councilmember Gates moved, seconded by Councilmember Galindo to approve the items on the Consent Agenda and their recommended actions with the exception of Item No. 14. The motion carried: 7-0

#### **16. Pulled Consent Agenda Items**

14. **Consideration of a Resolution of the City Council of the City of Greeley, Colorado, authorizing City staff to resolve claims with Work Out West (OC Sports) arising from a water main break incident occurring January 24, 2017 at 59th Avenue and 20th Street**

Councilmember Payton stated that he pulled this item to recuse himself from the vote due to a conflict of interest.

Councilmember Finn moved, seconded by Councilmember Casseday to adopt the resolution. The motion carried: 6-0 (Councilmember Payton was recused) (Resolution No. 84, 2017)

17. **Public hearing and final reading of an ordinance adopting the General Employee Pay Plan for 2018**

This item was considered as Agenda Item No. 20A.

18. **Public hearing and final reading of an Ordinance repealing and replacing Chapter 4.04.015 of the Greeley Municipal Code – Sales and Use Tax Definitions and make related changes to Chapter 4.04**

Victoria Runkle, Assistant City Manager, spoke of a history of collaboration with various entities, project overview, overview of changes, benefits of adopting standard definitions, collaborative discussions, concerns with one-stop payments, and reviewed next steps.

Mayor Norton opened the public hearing at 7:16 p.m., and no comments were offered.

Councilmember Casseday moved, seconded by Councilmember Elder to adopt the ordinance and publish with reference to title only. The motion carried: 7-0 (**Ordinance No. 35, 2017**)

**19. Public hearing and final reading of an ordinance amending Chapter 4.04 of the Greeley Municipal Code**

Ms. Runkle highlighted the reasons for the amendments and highlighted the proposed amendments.

Mayor Norton opened the public hearing at 7:21 p.m., and no comments were offered.

Councilmember Elder moved, seconded by Councilmember Gates to adopt the ordinance and publish with reference to title only. The motion carried: 7-0 (**Ordinance No. 36, 2017**)

**20. Public hearing and final reading of an Ordinance adopting the Budget for 2018**

Robert Miller, Budget & Compliance Manager, reviewed the 2018 budget adoption including a review of the budget presentations, revenue sources, expenditures, utility rates, budget total appropriation, expenditures by department, budget additions, major capital project fund highlights, project highlights, utility rate changes, and projected reserves for 2018.

Mayor Norton opened the public hearing at 7:29 p.m., and no comments were offered.

Councilmember Gates moved, seconded by Councilmember Payton to adopt the ordinance and publish with reference to title only. The motion carried: 7-0 (**Ordinance No. 37, 2017**)

**20A. Public hearing and final reading of an ordinance adopting the General Employee Pay Plan for 2018**

Sharon McCabe, Human Resources Director, reported that this ordinance sets the 2018 Pay Plan for general employees and reviewed the associated merit and market increases.

Mayor Norton opened the public hearing at 7:31 p.m., and no comments were offered.

Councilmember Finn moved, seconded by Councilmember Galindo to adopt the ordinance and publish with reference to title only. The motion carried: 7-0 (**Ordinance No. 38, 2017**)

**21. Public hearing to consider a change of zone from I-L (Industrial Low Intensity) to R-H (Residential High Density) zoning for approximately 0.34 acres of property known as the 402 15th Street Rezone, and a public hearing and final reading of an Ordinance changing the official zoning map to reflect the same**

Brad Mueller reviewed the rezone request for 402 15<sup>th</sup> Street including surrounding zoning and uses, proposed use, approval criteria, neighborhood notification, and noted a recommendation of unanimous approval from the Planning Commission on September 26, 2017.

Mayor Norton opened the public hearing at 7:36 p.m.

Tom Canzona, Greeley resident, urged Council to approve this request to get better use out of the land considering the shortage of rentals in Greeley as it works to improve the neighborhood.

Mayor Norton closed the public hearing at 7:38 p.m.

Councilmember Finn moved, seconded by Councilmember Casseday to find that, based on the project summary and accompanying analysis, the proposed rezoning from I-L (Industrial Low Intensity) to R-H (Residential High Density) zoning meets Development Code Section 18.30.050(c)(3) b, f, g and h; and, therefore, approves the rezone. The motion carried: 7-0

Councilmember Finn moved, seconded by Councilmember Casseday to adopt the ordinance and publish with reference to title only. The motion carried: 7-0 (**Ordinance No. 39, 2017**)

**22. Public hearing to consider a change of zone from H-A (Holding Agriculture) to C-H (Commercial High Intensity) zoning for approximately 6.21 acres of property known as the 1215 95th Avenue Rezone, and a public hearing and final reading of an Ordinance changing the official zoning map to reflect the same**

Mr. Mueller reviewed the rezone request for 1215 95<sup>th</sup> Avenue including location, background, staff analysis, and noted the Planning Commission's unanimous approval on September 26, 2017.

Mayor Norton opened the public hearing at 7:42 p.m., and no comments were offered.

Councilmember Casseday moved, seconded by Councilmember Gates to find that, based on the project summary and accompanying analysis, the proposed rezoning from H-A (Holding Agriculture) to C-H (Commercial High Intensity) zoning meets Development Code Section 18.30.050(c)(3) a, f and g; and, therefore, approves the rezone. The motion carried: 7-0

Councilmember Casseday moved, seconded by Councilmember Payton to adopt the ordinance and publish with reference to title only. The motion carried: 7-0 (**Ordinance No. 40, 2017**)

**23. Public hearing to consider a change of zone from R-L (Residential Low Density) to C-H (Commercial High Intensity) zoning, with an accompanying Development Concept Master Plan, for approximately 1.581 acres of property known as the 4704 24th Street Rezone, and a public hearing and final reading of an Ordinance changing the official zoning map to reflect the same**

Mr. Mueller reviewed the rezone request for 2704 24<sup>th</sup> Street including a Development Concept Master Plan (DCMP), location, surrounding zoning, approval criteria, neighborhood meeting, notice, traffic impacts, and noted the Planning Commission's unanimous approval on September 26, 2017.

Mayor Norton opened the public hearing at 7:51 p.m., and no comments were offered.

Councilmember Elder moved, seconded by Councilmember Finn to find that, based on the project summary and accompanying analysis, the proposed rezoning from R-L (Residential Low Density) to C-H (Commercial High Intensity) zoning meets Development Code Section 18.30.050(c)(3) a, b, f, g and h and Section 18.30.055 and, therefore, approves the rezone. The motion carried: 7-0

Councilmember Elder moved, seconded by Councilmember Finn to adopt the ordinance and publish with reference to title only. The motion carried: 7-0 (**Ordinance No. 41, 2017**)

- 24. Public hearing to consider a change of zone from PUD (Planned Unit Development) to R-H (Residential High Density) zoning for approximately 3.96 acres of property known as the West Point Commerce Center Rezone, and a public hearing and final reading of an Ordinance changing the official zoning map to reflect the same**

Councilmember Casseday recused himself from this matter after receiving advice of the City Attorney and left the meeting at 7:54 p.m.

Mr. Mueller reviewed the rezone request including the vicinity map, proposal, approval criteria, staff review, neighborhood meeting and notification, and noted the Planning Commission's unanimous approval on September 26, 2017.

Stephanie Hansen, Urban Planner, reviewed request for the West Point Commerce Center rezone and spoke of the history of the zoning and amendments, current conditions, existing zoning, existing uses, proposed use mix, public outreach with homeowners within the notification area highlighting what has been done to address the concerns of the neighborhood.

Mayor Norton opened the public hearing at 8:09 p.m.

Randy Grobard, Greeley resident, expressed his concerns about overcrowding and parking. Mayor Norton stated that parking issues would fall under the management of the property itself.

Mayor Norton closed the public hearing at 8:11 p.m.

Councilmember Payton moved, seconded by Councilmember Galindo to find that, based on the project summary and accompanying analysis, the proposed rezoning from PUD (Planned Unit Development) to R-H (Residential High Density) zoning meets Development Code Section 18.30.050(c)(3) a, b, f and g; and, therefore, approves the rezone. The motion carried: 6-0 (Councilmember Casseday recused)

Councilmember Payton moved, seconded by Councilmember Galindo to adopt the ordinance and publish with reference to title only. The motion carried: 6-0 (**Ordinance No. 42, 2017**) (Councilmember Casseday recused)

- 25. Public hearing and final reading of an Ordinance annexing to the City of Greeley, Colorado, certain unincorporated territory located within Weld County, Colorado, known as the "Dale Land Annexation" located at 398 East 18th Street**

Councilmember Casseday rejoined the meeting at 8:13 p.m.

Mr. Mueller spoke of both Item Nos. 25 and 26 as one report. He reviewed the annexation request including vicinity map, annexation criteria, existing zoning, establishment of zoning, and the approval recommendation from Planning Commission.

Mayor Norton opened the public hearing at 8:19 p.m., and no comments were offered.



Councilmember Payton recused himself from this matter to avoid the appearance of a conflict of interest and left the meeting at 8:20 p.m.

Councilmember Finn moved, seconded by Councilmember Elder to direct the City Attorney to prepare a resolution setting forth the Council's findings and conclusions that: 1) the applicable parts of the Colorado Revised Statutes, Sections 31-12-104 and 31-12-105 are met, 2) an election is not required, and 3) there are no additional terms and conditions imposed. The motion carried: 6-0 (**Resolution No. 86, 2017**) (Councilmember Payton recused)

Councilmember Finn moved, seconded by Councilmember Gates to adopt the findings of the Planning Commission that, based upon the application received and associated analysis, the proposed Dale Land Annexation meets the approved criteria found in Section 18.26.050(a)(1 through 5) and, therefore, adopt the ordinance and publish with reference to title only. The motion carried: 6-0 (**Ordinance No. 43, 2017**) (Councilmember Payton was recused)

- 26. Public hearing to consider establishing I-M (Industrial Medium Intensity) zoning for property recently annexed and known as the "Dale Land Annexation" located at 398 East 18th Street, and a public hearing and final reading of an ordinance changing the official zoning map of the City of Greeley, Colorado, to reflect the same**

Mayor Norton opened the public hearing at 8:21 p.m., and no comments were offered.

Councilmember Gates moved, seconded by Councilmember Finn to find that, based on the project summary and accompanying analysis, the proposed establishment of zoning to I-M (Industrial Medium Intensity) zone district meets Development Code Section 18.26.070; and, therefore, approve the establishment of zoning. The motion carried: 6-0 (Councilmember Payton was recused)

Councilmember Gates moved, seconded by Councilmember Finn to adopt the ordinance and publish with reference to title only. The motion carried: 6-0 (**Ordinance No. 44, 2017**) (Councilmember Payton recused)

Councilmember Payton rejoined the meeting at 8:22 p.m.

- 27. Public hearing and final reading of three (3) Ordinances annexing to the City of Greeley, Colorado, certain unincorporated territories located within Weld County, Colorado, known as the "Signature Bluffs Natural Area Annexation Nos. 1-3," located east of 83rd Avenue and the Poudre River Learning Center and north of Poudre River Road**

Mr. Mueller spoke of both Item Nos. 27 & 28 as one report. He reviewed the annexation request including vicinity map, Poudre Learning Center reach, and the approval recommendation from the Planning Commission.

Mayor Norton opened the public hearing at 8:26 p.m., and no comments were offered.

Councilmember Elder moved, seconded by Councilmember Finn to direct the City Attorney to prepare a resolution setting forth the Council's findings and conclusions that: 1) the applicable parts of the Colorado Revised Statutes, Sections 31 12 104 and 31 12 105 are met, 2) an election is not required, and 3) there are no additional terms and conditions imposed. The motion carried: 7-0 (**Resolution No. 87, 2017**)

Councilmember Casseday moved, seconded by Councilmember Gates to adopt the findings of the Planning

Commission that, based upon the application received and associated analysis, the proposed Signature Bluffs Natural Area Annexation No. 1 meets the approved criteria found in Section 18.26.050(a)(1 through 5) and, therefore, adopt the ordinance and publish with reference to title only. The motion carried: 7-0 (**Ordinance No. 45, 2017**)

Councilmember Finn moved, seconded by Councilmember Elder to adopt the findings of the Planning Commission that, based upon the application received and associated analysis, the proposed Signature Bluffs Natural Area Annexation No. 2 meets the approved criteria found in Section 18.26.050(a)(1 through 5) and, therefore, adopt the ordinance and publish with reference to title only. The motion carried: 7-0 (**Ordinance No. 46, 2017**)

Councilmember Gates moved, seconded by Councilmember Galindo to adopt the findings of the Planning Commission that, based upon the application received and associated analysis, the proposed Signature Bluffs Natural Area Annexation No. 3 meets the approved criteria found in Section 18.26.050(a)(1 through 5) and, therefore, adopt the ordinance and publish with reference to title only. The motion carried: 7-0 (**Ordinance No. 47, 2017**)

28. **Public hearing to consider establishing C-D (Conservation District) zoning for properties recently annexed and known as the "Signature Bluffs Natural Area Annexation Nos. 1-3" located east of 83rd Avenue and the Poudre River Learning Center and north of Poudre River Road, and a public hearing and final reading for three (3) ordinances changing the official zoning map of the City of Greeley, Colorado, to reflect the same**

Mayor Norton opened the public hearing at 8:29 p.m., and no comments were offered.

Councilmember Galindo moved, seconded by Councilmember Gates to find that, based on the project summary and accompanying analysis, the proposed establishment of zoning to C-D (Conservation District) zone district meets Development Code Section 18.26.070; and, therefore, approve the establishment of zoning. The motion carried: 7-0

Councilmember Payton moved, seconded by Councilmember Galindo to adopt the ordinances and publish them with reference to title only. The motion carried: 7-0 (**Ordinance Nos. 48, 49 & 50, 2017**)

29. **Consideration of a Resolution declaring support for November 7, 2017 Greeley Ballot Issue 2K, which asks whether, without changing the rate of any existing city sales or use tax, the City should be authorized to keep and spend all revenues collected from the .65% sales and use tax increase approved for street-related improvements and repairs at the election held November 3, 2015**

Mayor Norton and Council expressed their support of staff and the work that has been done on the streets and their hope to continue to spend these tax dollars on the Street Improvement Program.

Councilmember Galindo moved, seconded by Councilmember Casseday to adopt the resolution. The motion carried: 7-0 (**Resolution No. 88, 2017**)

30. **Appointment of applicants to the following Boards and Commissions: Citizen Transportation Advisory Board, Downtown Development Authority, Greeley Art Commission, Historic Preservation Commission, Rodarte Community Center Advisory Board, and Youth Commission**



Citizen Transportation Advisory Board  
Downtown Development Authority  
Greeley Art Commission

Historic Preservation Commission  
Rodarte Community Center Advisory Board  
Youth Commission

Gloria Hice-Idler  
Justin Ghofrani  
James Klingman  
Laurel LaBonde  
Margaret Thompson  
Paige Johnson  
Jaxson Liscano-Garcia

### **31. Scheduling of Meetings, Other Events**

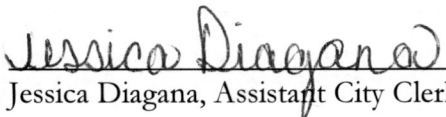
Councilmember Finn moved, seconded by Councilmember Payton to call a special Council meeting for October 24, 2017, at 4:30 p.m., for the purpose of conducting an Executive Session to receive advice from the City Attorney and to discuss personnel reporting to the City Council. The motion carried: 7-0

### **32. 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 Galindo moved, seconded by Councilmember Casseday to approve the above authorizations, and the motion carried: 7-0

### **33. Adjournment**

There being no further business to come before the Council, Mayor Tom Norton adjourned the meeting at 8:38 p.m.

  
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Thomas E. Norton, Mayor  
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Jessica Diagana, Assistant City Clerk