

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
November 1, 2016

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 9th Avenue.

2. Pledge of Allegiance

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

3. Roll Call

Cheryl Aragon, Deputy City Clerk, called the roll. Those present were Mayor Tom Norton and Councilmembers Robb Casseday, Sandi Elder, Rochelle Galindo, John Gates and Randy Sleight. Councilmember Mike Finn was excused.

4. Recognitions and Proclamations

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

5. Citizen Input

Lyle Smith was present to speak about the cold weather shelter set to open in November at the former American Legion Building. He noted that this has been a collaborative effort between various entities, and will be managed by Catholic Charities. He spoke of the communication efforts to let the neighborhood know what is planned for this site, and a lot of positive feedback has been received. Mr. Smith stated that meals are being sought for guests from anyone wanting to contribute toward that effort.

6. Approval of Agenda

The agenda was approved as presented.

7. Reports from Mayor and Councilmembers

Mayor Norton reported on the ground breaking of Campus Commons at the University of Northern Colorado Campus which was well attended; and on the Imagine Greeley events held that were well attended as well offering insight into the City's future. Councilmember Casseday reported on a recent Downtown Development Authority meeting at which the financial report was reviewed which showed great numbers thanks to a very successful Oktobrewfest, as well as other great projects; made note of some new businesses in the Downtown area including the Escape Room, Downtown Hotel offices, a children's clothing consignment store, the Do Tell event at the Civic Center in November; and mentioned the recent controlled burns in open space lands around the City. He offered kudos to the Greeley Fire Department on a job well done. Councilmember Elder reported on her monthly Greeley/Weld Airport meeting, the completion of the new terminal, an art contest that is coming up soon; and the Rennstall Auto Gallery Grand Opening.

8. Petitions from Mayor and Councilmembers

There were no petitions offered from Councilmembers.

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

9. Acceptance of the Report of the October 17, 2016 Council/Manager Session

The Council action recommended was to accept the Report.

10. Approval of the City Council Proceedings of October 18, 2016

The Council action recommended was to approve the Proceedings.

11. Acceptance of the Reports of the October 11, 2016 and October 25, 2016 City Council Worksessions

The Council action recommended was to accept the Reports.

12. Consideration of a resolution authorizing the City of Greeley to enter into a statement of grant award agreement between the City of Greeley and the City of Colorado Springs for the Colorado Internet Crimes Against Children Task Force

The Council action recommended was to adopt the resolution. (Resolution No. 71, 2016)

13. Consideration of a resolution of the city of Greeley Council authorizing the City to enter into Amendment No. 1 of an intergovernmental agreement with the Colorado Department of Transportation for the 10th Street Access Control and Roadway Improvements Project between 23rd Avenue and 35th Avenue

The Council action recommended was to adopt the resolution. (Resolution No. 72, 2016)

14. Introduction and first reading of an ordinance authorizing the transfer of City property in exchange for a water line easement and property access

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading for November 15, 2016.

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

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

15. Pulled Consent Agenda Items

There were no items pulled from the Consent Agenda.

16. Consideration of a resolution Adopting a fund balance and working capital balance policy by the City Council for the General, Sewer, Water, and Storm Water Funds of the City of Greeley, Colorado

Victoria Runkle, Assistant City Manager, reported that from time to time the City needs to review its various policies as they relate to reserves. The City of Greeley had extraordinary growth between the years 2013 – 2015, and because of that, the City was able to appropriate end-of-the year monies to one-time capital needs.

She went on to state that as the 2017-2018 Proposed Budget was under development, it was discovered the current Reserve Policy for the General Fund, did not make the distinction between extraordinary one-time expenditures and continual expenditures. If the current Reserve Policy is followed, an additional \$1,300,000 would have to be placed in reserves.

Ms. Runkle advised that the amounts to be reserved for the General Fund, Sewer, Water, and Stormwater Funds have not changed as to the goal established in 2010. The proposed Resolution and procedures better define what will be included and excluded in the calculation of the reserve policies. The proposal also provides for defined monitoring and reporting.

Councilmember Gates moved, seconded by Councilmember Elder to adopt the resolution. The motion carried: 6-0 (Finn excused) (**Resolution No. 73, 2016**)

17. Public Hearing and final reading of an Ordinance adopting the Budget for 2017

Ms. Runkle reported that this ordinance authorizes the appropriations for the fiscal year 2017, January 1, 2017 through December 31, 2017. A public hearing was held prior to introduction of the ordinance.

Ms. Runkle reviewed the total budget and then proceeded to review the various revenue sources and expenditures by fund. She noted that Departments were asked to cut 5 percent in developing this budget.

Mayor Norton opened the public hearing at 7:10 p.m., and no comments were offered.

Councilmember Elder moved, seconded by Councilmember Galindo to adopt the ordinance and publish it by reference to title only. The motion carried: 6-0 (Finn excused) (**Ordinance No. 26, 2016**)

18. Consideration of a resolution adopting Stormwater Utility Fees for 2017

Joel Hemesath, Public Works Director, reported that the Stormwater Financial Rate Model indicates a need to increase stormwater utility fees 8.5% in 2017 in order to adequately fund the utility's three main programs, Capital Improvement, (new or enlargement projects), Capital Replacement (maintenance), and Pollution Discharge Elimination and NPDES Permit Oversight. He stated that as part of these programs, the city maintains 876,480 feet of stormwater pipe, maintains 80 detention ponds, annually collects and disposes of 3,265 cubic yards of street sweeping material, maintains the #3 ditch from 1st Avenue to 35th Avenue and oversees NPDES permitting. The NPDES permit includes Public education and outreach, public participation or involvement, illicit discharge detection and elimination, monitoring of construction site runoff, post-construction runoff control, and pollution prevention/good housekeeping.

Mr. Hemesath then went on to review capital construction noting that the 8.5% increase will generate approximately \$411,000 in additional funding. For 2017, there is approximately \$5,800,000 budgeted for Capital Improvement Projects (CIP). In terms of Capital Replacement, he reported that in 2010 staff work began rating the stormwater system in order to create a more proactive list of maintenance needs for the underground pipe system. For 2017 there is approximately \$985,000 budgeted for storm line capital replacement to repair or replace storm drainage facilities identified through the inspection program.

In response to a question from Councilmember Elder about commercial developer fee increase notification, Mr. Hemesath stated that there are about 30,000 accounts, and they have not had any formal notification. He did note thought that a 7 percent per year increase is typical.

Councilmember Casseday moved, seconded by Sleight to adopt the resolution. The motion carried: 6-0 (Finn excused) **(Resolution No. 74, 2016)**

19. Public hearing and final reading of an ordinance adopting the General Employee Pay Plan for 2017

Sharon McCabe, Human Resources Director, reported that this ordinance authorizes the pay plan for general employees for the fiscal year 2017 (January 1, 2017 through December 31, 2017), and noted that the adjustments to the pay ranges for the 2017 pay plan vary based on salary survey data by job family.

She noted that the 2017 pay plan includes changes in position classifications that were added, eliminated or reclassified during calendar year 2016 and that the pay minimum level for seasonal and hourly positions has been increased to the projected minimum wage of \$8.56 (3%) per hour. Additionally, she stated that if the proposed minimum wage is changed following the hearing and comment period or the 2016 November ballot initiative (Amendment 70) passes, the City of Greeley will modify the minimum pay level for seasonal and hourly positions to not exceed the greater of the 2017 rate posted in the pay plan, the Colorado or the Federal minimum wage. This ordinance was introduced at the October 18, 2016 Council meeting.

Ms. McCabe went on to answer general questions about the ballot initiative and stated that if it passes, it will not impact the budget for 2017, although Departments would have to hire fewer seasonal positions and pay them at a higher rate. She also stated that the budget would have to be adjusted to address impacts to services should that become an issue.

Roy Otto, City Manager, advised that most seasonal positions will be hired in May, and staff could come back to Council after that time if an adjustment is needed.

Mayor Norton opened the public hearing at 7:25 p.m., and no comments were offered.

Councilmember Sleight moved, seconded by Councilmember Galindo to adopt the ordinance and publish it by reference to title only. The motion carried: 6-0 (Finn excused) **(Ordinance No. 27, 2016)**

20. Public hearing and final reading of an Ordinance annexing to the City of Greeley, Colorado, certain unincorporated territory located in Weld County, Colorado, known as the Farmer's Spur No. 1 Annexation, located south of County Road 64 and west of County Road 31

Brad Mueller, Community Development Director, noted that he would provide a presentation on both Item Nos. 20 and 21 at the same time but would ask for separate motions for each item.

He went on to report that the applicant is seeking to annex 0.028 acres of a parcel that, when combined with land that is the subject of the Farmer's Spur Annexation No. 2, would allow for the subsequent platting of the larger 24.4-acre parcel to which it is associated. This "spur" portion of the lot is being sought to formalize an historic condition that allowed the owner use of a railroad spur through adjacent properties to the north, and connecting with the existing Great Western Railroad rail line.

He stated that in conjunction with the annexation, the property owner is seeking to establish I-M (Industrial Medium Intensity) uses, reflecting uses similar to those historically on surrounding properties.

Mr. Mueller stated that Colorado Revised Statutes §31-12-104 and §31-12-105 establish the legal requirements for annexation. On September 20, 2016, City Council found the annexation petition in substantial compliance and established the hearing and reminded the City Council that they approved this on first reading on October 18, 2016, while the Planning Commission considered this matter on October 11, 2016, and unanimously recommended approval.

Mayor Norton opened the public hearing at 7:30 p.m., and no comments were offered.

Councilmember Elder moved, seconded by Councilmember Galindo 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 (Finn excused) **(Resolution No. 75, 2016)**

Councilmember Elder moved, seconded by Councilmember Galindo to adopt the findings of the Planning Commission that, based upon the application received and associated analysis, the proposed annexation meets the approval criteria found in Section 18.26.050(a)(1 through 5) that: 1) the annexation is in conformance with the City's Comprehensive Plan Policies; 2) the annexation promotes geographic balance of the City's land use pattern; 3) adequate services are, or will be, available to support anticipated development; 4) the annexation provides a continual and rational boundary; and 5) the annexation is needed to accommodate future land use requirements; and, therefore, adopt the ordinance and publish with reference to title only. The motion carried: 6-0 Finn excused) **(Ordinance No. 28, 2016)**

21. Public hearing and final reading of an Ordinance annexing to the City of Greeley, Colorado, certain unincorporated territory located in Weld County, Colorado, known as the Farmer's Spur No. 2 Annexation, located south of County Road 64 and west of County Road 31

Mr. Mueller provided the background on this item was given under Item No. 20 above.

Mayor Norton opened the public hearing at 7:33 p.m., and no comments were offered.

Councilmember Casseday moved, seconded by Councilmember Galindo 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 (Finn excused) **(Resolution No. 76, 2016)**

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 annexation meets the approval criteria found in Section 18.26.050(a)(1 through 5) that: 1) the annexation is in conformance with the City's Comprehensive Plan Policies; 2) the annexation promotes geographic balance of the City's land use pattern; 3) adequate services are, or will be, available to support anticipated development; 4) the annexation provides a continual and rational boundary; and 5) the annexation is needed to accommodate future land use requirements; and, therefore, adopt the ordinance and publish with reference to title only. The motion carried: 6-0 (Finn excused) **(Ordinance No. 29, 2016)**

22. Public hearing to consider establishment of I-M (Industrial Medium Intensity) zoning for property recently annexed and known as the Farmer's Spur Annexation No. 1 and Farmer's Spur Annexation No. 2 on approximately 0.088 acres for property located south of County Road 64 and east of County Road 31

Mr. Mueller provided the background on this item under Item No. 20 above.

Mayor Norton opened the public hearing at 7:36 p.m., and no comments were offered.

Councilmember Galindo moved, seconded by Councilmember Sleight to find that, A) 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 (Finn excused)

Councilmember Galindo moved, seconded by Councilmember Gates to adopt the map change ordinance and publish with reference to title only. The motion carried: 6-0 (Finn excused) **(Ordinance No. 30, 2016)**

23. Public hearing to consider a change of zone from R-L (Residential Low Density) zoning to C-L (Commercial Low Intensity) zoning for approximately 4.64 acres of property located north of and adjacent to 20th Street, just west of 65th Avenue (aka Lot 7, Block 1, University Acres), and a public hearing and final reading of an Ordinance changing the official zoning map to reflect the same

Mr. Mueller reported that the Greeley Mennonite Church is requesting a rezone from the R-L (Residential Low Density) zone district to the C-L (Commercial Low Intensity) zone district for approximately 4.64 acres of land. The intended use is for a funeral home use, though if approved, all uses allowed in the C-L zone district would be permitted. The C-L zone district is less intense than the C-H (Commercial High Intensity) zone district.

He stated that the land is north of and adjacent to 20th Street, with retail to the east, residential to the north, and a large-lot residential use to the west and went on to provide a brief history of past decisions relative to rezoning this site. He also provided a pictorial of the site in question.

Mr. Mueller advised that the Planning Commission considered this request on October 11, 2016, at a regularly-scheduled public hearing, and is unanimously recommending approval of the application to City Council and proceeded to review the approval criteria to consider with this type of request.

Mr. Mueller reminded the Council that if the rezoning is approved, this item includes a request to change the official zoning map to reflect the established zone district, and City Council approved this element on first reading on October 18, 2016.

Councilmember Sleight inquired about the primary entrance off of 20th Street and whether or not it is blocked off and if other access points are adequate. Chief Dale Lyman noted that this would be considered at the time a permit is filed.

Councilmember Casseday asked about connections with other residential streets to the north, and Mr. Mueller stated that this would need to be looked at in great detail as well. He noted that there is a potential for limited residential but staff would definitely look at that.

The applicant, Robert Malloy, landscape architect, stated that Allnutt is under contract on this property and will move forward with a rezone for a funeral home.

Mayor Norton opened the public hearing at 7:56 p.m.

Theresa Russell, Greeley resident, who resides across the street from this property, was present and stated that there is already a severe traffic problem in this area. She stated that it is difficult to get out of her residence because of the congestion and expressed that this will only increase with a funeral procession at the same time the school is letting out.

Councilmember Galindo inquired about a right turn only at the proposed site onto 20th Street, and Mr. Mueller confirmed that. Councilmember Galindo expressed agreement that there is a lot of traffic congestion already in this area.

Rick Allnutt, Allnutt Funeral Service, was present and addressed the traffic during funeral processions concern. He stated that in all cases a security firm provides traffic escort with safety for the public and traffic top of mind. He added that he does not feel that there will be a problem with traffic entering or exiting this area and noted that the Funeral home always controls the time frames of services and times of day they are conducted with traffic and safety being a strong consideration.

Mayor Norton stated that this plan is conceptual at this point and agreed that there is some work to do. He asked that staff keep all concerns expressed in mind in order to work it all out.

Mr. Mueller reminded Council that the University High School additional development will trigger the opening of 16th Street to 71st Avenue which might address some of the issues raised here.

There being no additional public comment offered, the Public Hearing was closed at 8:06 p.m.

Councilmember Sleight moved, seconded by Councilmember Casseday to find that, based on the project summary and accompanying analysis, the proposed rezoning from R-L (Residential Low Density) zone district to C-L (Commercial Low Intensity) zone district meets Development Code Section 18.30.050(c)(3) a, b, e, f, and g; and, therefore, approve the rezone. The motion carried: 6-0 (Finn excused)

Councilmember Sleight moved, seconded by Councilmember Casseday to adopt the map change ordinance and publish with reference to title only. The motion carried: 6-0 (Finn excused) (**Ordinance No. 31, 2016**)

24. Scheduling of Meetings, Other Events

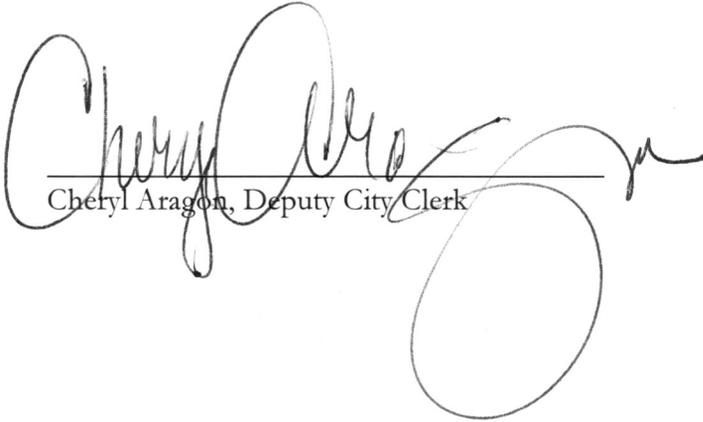
There were no additional meetings or events scheduled.

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 Galindo moved, seconded by Councilmember Elder to approve the above authorizations, and the motion carried: 6-0 (Finn excused)

26. Adjournment

There being no further business to come before the Council, Mayor Tom Norton adjourned the meeting at 8:13 p.m.



Cheryl Aragon, Deputy City Clerk



Tom Norton, Mayor