

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
January 03, 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

Heidi Leatherwood, City Clerk, 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

5. Recognitions and Proclamations

Councilmember Butler presented *What's Great about Greeley?*

6. Citizen Input

1. Edwin Grant spoke about new housing development, taxes and increased costs in Weld County.

7. Reports from Mayor and Councilmembers

Councilmember Butler, extended condolences, thoughts and prayers to Andy Feinstein and his family for their loss.

Mayor Gates attended the Housing Navigation Center Open House and thanked United Way and City of Greeley for allowing homeless persons to shelter during the cold weather. He thanked the City Clerk's Office and other staff for the efforts to make the Employee Holiday Luncheon a success. Mayor Gates was able to issue a proclamation at Wreaths Across America, which allows organizers to place wreaths on the graves of veterans. He and Councilmember Butler, Councilmember DeBoutez and various city staff attended the Menorah Lighting with Rabbi Gorelik.

Mayor Gates shared a tribute on the City Council's behalf to UNC President Andy Feinstein and family on the tragic loss of their son Nick and offered support and condolences, thoughts and prayers to Andy, Kerry, and Rachel.

8. Initiatives from Mayor and Councilmembers

Councilmember Butler brought forth an initiative for city staff to investigate the cost and feasibility to provide live Spanish translation by subtitles or other means, including translating Council agendas and city signage. Included in this request is to find out the percentage of Greeley's population that is Spanish speaking only/or is the main language used at home and if there are other languages that need these services as well.

Councilmember Butler would like this information presented at a Work Session, with information including what percentage of the population are Spanish speaking in the community.

Consent Agenda

- 9. Approval of the City Council Proceedings of December 6, 2022 Approval of the City Council Work Session Proceedings of December 13, 2022**
- 10. Motion to designate the City of Greeley website as the official posting site for meeting notices of the City Council, including agendas of City Council Meetings and Work Sessions, and the public lobby of City Hall at 1000 10th Street as the backup location for such postings**
- 11. Introduction and first reading of an Ordinance changing the official zoning map of the City of Greeley, Colorado, from R-H (Residential High Density) to MU-H (Mixed Use High Intensity), changing the underlying land use designations for approximately 1.722 acres of property located at 1603, 1611, 1613, and 1619 7th Avenue, (ZON2022-0008)**
- 12. Introduction and first reading of an Ordinance changing the official zoning map of the City of Greeley, Colorado, from I-L (Industrial Low Intensity) to MU-H (Mixed Use High Intensity) for 7.8 acres located at 123 9th Avenue (ZON2022-0012)**

This item was pulled from the consent agenda by Mayor Pro Tem Payton.
- 13. Introduction and first reading of an Ordinance Amending Sections 6-998, 6-1000, 6-1002 through 6-1009, 6-1013 and 6-1015 the City of Greeley Municipal Code of Ordinances Relating to Development Impact Fees**
- 14. Consideration of a Resolution of the City Council of the City of Greeley authorizing City staff to enter into a Settlement and Mutual Release Agreement with Ms. Manuela Sanchez**
- 15. Motion to adopt the City of Greeley 2023 Legislative Agenda**

16. **Consideration of change order #3 to the contract with Icon Engineering, Inc. (Icon) for design services for 12th Street Storm Drain Outfall Phase 1B (Project), increasing the contract from \$865,060 to \$971,790.00.**

Councilmember Butler moved to approve the Consent Agenda Items 9-11 and 13-16. Councilmember DeBoutez seconded the motion. The motion passed 7-0 at 6:17 p.m.

End of Consent Agenda

17. Pulled Consent Agenda Items

12. Introduction and first reading of an Ordinance changing the official zoning map of the City of Greeley, Colorado, from I-L (Industrial Low Intensity) to MU-H (Mixed Use High Intensity) for 7.8 acres located at 123 9th Avenue (ZON2022-0012)

Mayor Pro Tem Payton pulled the item due to a conflict of interest. He recused himself and left the Council Chambers at 6:18 p.m.

Councilmember Olson moved to introduce the ordinance and schedule the public hearing and second reading for January 17, 2023. Councilmember Hall seconded the motion. The motion passed 6-0 with Mayor Pro Tem absent at 6:19 p.m.

Mayor Pro Tem Payton returned to Council Chambers following the vote on this item.

18. **Public hearing and second reading of an Ordinance Reauthorizing Various Boards and Commissions for Three Years**

City Clerk Heidi Leatherwood introduced the item at 6:19 p.m. and was present for questions. Council did not have questions.

The Public Hearing opened at 6:19 p.m.

With no speakers, the Public Hearing closed at 6:20 p.m.

Councilmember Hall moved to adopt the ordinance and publish with reference to title only. Mayor Pro Tem Payton seconded the motion. The motion passed 7-0 at 6:21 p.m.

19. **Public hearing and final reading of an ordinance for the sixth amendment to the development agreement for Leprino Foods Company.**

Water and Sewer Department Deputy Director Erik Dial introduced the item with a presentation at 6:21 p.m.

Mr. Dial states that the Leprino Foods Company (Leprino) has had and continues to have a positive impact on the Greeley community. The plant employs over 500 people, advertises well paying positions and attracts educated applicants. Key components of the Leprino development agreement include raw water credits and costs.

The Fourth Amendment defined the option for Greeley to purchase any excess water above 600-acre feet of Produced Water. A water court application determined that the Produced Water volume was 840-acre feet of water, or 240-acre feet above the volume of raw water credit given to Leprino. Greeley and Leprino staff agreed that Leprino could satisfy their raw water surcharge liability with a portion of the excess Produced Water rather than pay the surcharge with cash. The enclosed Sixth Amendment to the Development Agreement reflects Greeley purchasing 38.70-acre feet of excess Produced Water, which is the volume of water the raw water surcharge of \$565,001.68 can purchase using the price of this water as defined in the Fourth Amendment.

The Sixth Amendment requires legislative body (City Council) approval in accordance with Sec. 20-268 and Sec. 20-273 of the Greeley Municipal Code.

Councilmember Clark asked if Greeley was purchasing CBT water. In response to the question, Mr. Dial clarified that it was actually Produced Water, which is useful and can be used as non-potable water in ponds.

In response to Councilmember Olson's request for additional clarification, Mr. Dial indicated that the Leprino plant was initially credited for 600-acre feet of Produced Water, but the actual amount produced was 840-acre feet. The City has the right to purchase this additional 240-acre feet. And therefore, Greeley is using revenue owed from Leprino to pay for an additional portion of the Produced Water supply.

In response to Councilmember DeBoutez's inquiry regarding how long this requirement for the Produced Water supply from Leprino would be in effect, Mr. Dial confirmed that Leprino would be required to supply the Produced Water as noted throughout the company's existence.

Mayor Pro Tem Payton thanked the previous mayor and staff who negotiated the previous agreements. He asked about the additional acre feet of Produced Water. In response, Mr. Dial confirmed that Leprino could sell any additional water that the City did not purchase.

Water and Sewer Director Sean Chambers added that the Water and Sewer Board unanimously approved this amendment at its meeting.

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. Councilmember Butler seconded the motion. The motion passed 7-0 with a voice vote at 6:34 p.m.

22. Adjournment

Mayor Gates adjourned the meeting at 6:34 p.m.

John D. Gates, Mayor

Heidi Leatherwood, City Clerk