

City of Greeley, Colorado
CITY COUNCIL WORK SESSION REPORT
April 25, 2023

1. Call to Order

Mayor John 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.

The following members of Council were present:

Councilmember Tommy Butler

Councilmember Deb DeBoutez

Councilmember Dale Hall

Mayor Pro Tem Brett Payton

Councilmember Ed Clark

Councilmember Johnny Olson

Mayor John Gates

4. Reports from Mayor and Council Members

Councilmember DeBoutez attended the Jazz Festival at the University of Northern Colorado (UNC), indicated that she enjoyed the talent and highlighted upcoming events including the Greeley Philharmonic performance on Saturday, April 29, 2023, from 7-9 p.m. at the Union Colony Civic Center and Greeley Friday Fests will begin on May 5 & 6, with the Cinco de Mayo celebration at 9th Street Plaza, Downtown Greeley from 6-10 p.m.

Councilmember Olson indicated that he enjoyed celebrating Arbor Day events with two elementary school classes.

Councilmember Butler reported that he and Mayor Gates had breakfast with Astronaut Jose Hernandez. Mr. Hernandez gave a presentation at Greeley West the previous week.

Mayor Gates reminded everyone that Arbor Day will be celebrated on Saturday, April 29 at 9 a.m. with the planting of five trees. He also reminded members, staff liaisons, executive staff, and councilmembers to attend the Boards and Commissions Reception in the Longs Peak Room at UNC on Thursday, April 27 at 5:30 p.m.

5. Water & Sewer Department Integrated Water Resource Master Plan Update

Water & Sewer Director, Sean Chambers, presented an update on the Water & Sewer Master Plan at 6:02 p.m. Greeley Water Resources Planning Manager Kelen Dowdy, Neil Stewart – a consultant with Stantec Engineering and Water & Sewer Board President, Harold Evans were available in person for questions.

Over the past 20 months, the utility’s water resource and engineering staff have been working with a team of expert consultants on a data-driven, industry best practice, scenario-based planning effort known as an Integrated Water Resource Master Plan or IWRP. The IWRP provides a modern framework of planning for a range of variable future conditions.

Councilmember Clark asked about the growing population and future use needed. In response to the question, Mr. Chambers replied that they are using adaptive models to plan for a variety of scenarios and that with new efficiencies built into homes and appliances, there is better conservation of water.

Councilmember Hall asked about Colorado River Basin concerns and how that might affect Greeley. In response, Mr. Chambers noted that the City staff are planning for resiliency to handle bursts and chronic drought through aggressive scenarios.

Councilmember Olson asked about the infrastructure needed and costs that are lower today than will be in years to come. How will the City balance the costs of investment? In response, Mr. Chambers noted that the Enterprise Fund is a rate bearing fund of extensive capital needs.

Councilmember DeBoutez asked if Greeley would be at risk to provide for other communities to those who may not have water resources. In response, Mr. Chambers said there was no risk or legal liability to provide water. In a practical sense, all stakeholders would be sharing the circumstance of the Colorado River water levels.

Mr. Chambers also shared that with the City’s current water management practices, Greeley is able to maximize its water usage/reusage up to three separate times.

6. 2021 Financial Audit Report and Annual Comprehensive Financial Report

Finance Director, John Karner, presented an update on the 2021 Financial Audit and Annual Comprehensive Financial Report at 6:38 p.m.

Timothy St. Andrew, Partner with Plante & Moran (attending via Zoom) gave a short presentation on the City's financial condition at year-end 2021 and the independent auditor's report.

Improvements to the City's ERP system have been completed allowing for a significant reduction in manual corrections required. The City has also hired external help to assist with the preparation for the 2022 audit and identify improvements in the financial reporting process. The City's audit schedule is to complete the accounting records and related reconciliations for 2022 in spring/summer 2023 and have the 2022 financial statements audit completed by September 30, 2023.

Councilmember Clark asked about the total amount of money spent so far working on the ERP including additional resources that were added. In response to the question, Mr. Karner replied that approximately \$7 million, and some of these funds were used to backfill positions key to the success of the project.

Mayor Gates thanked the staff for their hard work on this project.

7. Review of proposed regulations concerning abandoned shopping carts

Interim Community Development Director, Becky Safarik, presented a review of Proposed Regulations Concerning Abandoned Shopping Carts at 6:52 p.m.

City Attorney, Bobbier Cranston, attended in person, and was available for questions.

Some retail establishments provide shopping carts for customer convenience. However, some parties take the carts off premises and abandon them in other locations where they become a nuisance to other property owners, may impede sidewalks, become an obstacle or hazard to traffic or parked cars, and litter parks and open spaces and on private property.

Legislative intent for this issue:

- Provide prompt removal for safety and community appeal
- Require owners to deter, prevent or mitigate removal of carts and retrieve
- Prevent the illegal removal of carts, take possession to prevent accumulation

If there is support, and before presenting an ordinance for formal consideration, staff proposes to conduct a stakeholder meeting with shop owners who offer shopping carts for customer convenience and will also formulate a tactical and operational proposal to manage cart retrieval, storage, and return to City Council with final recommendations.

Councilmember Hall asked if there is a boot that can be placed on the cart. In response, Ms. Safarik noted that some retailers have tried this only if the cart will not move, then it becomes a trash obstacle.

Mayor Pro Tem Payton asserted that the City Council is not ready for a draft ordinance yet, and it is not fair to penalize the owner and business. He agrees that meeting with the stakeholders and other communities that have faced this issue is the next step. Ms. Safarik added that ideas offered at the meeting may include shop owners paying into an account to capture the cost of abandoned carts.

Councilmember Olson added that it would be difficult to hold people liable for taking carts. He likes the fund idea and that carts should be branded appropriately.

Councilmember Butler said that he would like additional time for business owners to pick up identified carts collected by the city.

Councilmember DeBoutez realized there is a cost to all of this. She asked if working with nonprofits would help. Some people do not have cars and need a cart to transport their goods.

Mayor Gates realized that this is a problem and is not sure where the carts are coming from.

The council consensus was to have staff meet with stakeholders and communities and come back with additional information.

8. Legislative Review

Intergovernmental Affairs Officer, Stacy Coons and the City's contract lobbyist Matt LaCrue (attending via Zoom) presented information on this item at 7:16 p.m.

SB23-286 Access to Government Records

Makes several changes to the Colorado Open Records Act
Staff Recommendation: Monitor

HB23-1282; Protect Consumers from Public Utilities

The bill grants protections under the Colorado Consumer Protection Act against any public utility that violates the act. It may increase state revenue, and state and local expenditures, beginning in FY 2023-24.

Staff Recommendation: Oppose; unless amended by amending the definition to not include municipalities

HB23-1190; Affordable Housing Right of First Refusal (ROFR)

The bill creates a right of first refusal of a local government to match an acceptable offer for the sale of a residential or mixed-use multifamily property.

Staff Recommendation: Monitor

HB23-1249; Reduce Justice Involvement for Young Children

The bill raises the age for juvenile involvement in the criminal justice system to 13-years-old in most situations and requires that juveniles below this age be referred to local collaborative management programs to receive services.

Staff Recommendation: Oppose

Matt LaCrue briefly discussed each bill.

Councilmember DeBoutez asked for a pro/con statement and analysis to read. She would like a better way to address 10–13-year-olds. Mayor Gates indicated his belief that this bill is not sound as it relates to murder or sexual assault issues and would release the perpetrators from doing serious harm to others. Councilmember Clark agreed. (HB23-1249)

Councilmember Olson was concerned about the ROFR and having to wait to sell a home or decide on private property. Councilmember Butler offered that the wait time was not extensive.

Mayor Pro Tem Payton added that anytime an entity exempts themselves from the process (SB23-286) is a sign to watch the bill.

Consensus from Council:

To monitor SB23-286

To oppose HB23-1282

NOT to monitor; consensus to oppose HB23-1190

To oppose HB23-1249

9. Scheduling of Meetings, Other Events

None.

10. Adjournment

Mayor Gates adjourned the meeting at 7:38 p.m.

Approved:

John D. Gates, Mayor

Attest:

Heidi Leatherwood, City Clerk