

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
October 18, 2022

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

Mayor Pro Tem Brett Payton

Councilmember Tommy Butler

Councilmember Deb DeBoutez

Councilmember Dale Hall

Councilmember Ed Clark

Councilmember Johnny Olson

4. Approval of the Agenda

There were no changes to the agenda.

5. Recognitions and Proclamations

Mayor Gates presented the "Greeley Philharmonic Orchestra Day"

Proclamation. Pat Campbell, Linda Winter, Glenda Haynes, and Dylan Fixmer

were present to accept the Proclamation and indicated that at the beginning of next season, GPO will premier 'Portraits of Greeley'.

6. Citizen Input

1. Steve Teets spoke on CDOT conducting a traffic study.

7. Reports from Mayor and Councilmembers

Councilmember Olson met with the Parks Staff to address public concerns. Sod is down in the park and the saltgrass on the edges is going to be mowed once a week.

Councilmember Butler mentioned ballots are in the mail and the City Hall (1000 10th St.) is an official ballot drop-off location.

8. Initiatives from Mayor and Councilmembers

Mayor Gates read a letter from a resident requesting to amend the Municipal Code Article 4 Section 12-153 regarding the smoking ban. The interested party wants to open a cigar lounge club for patrons with a membership.

Interim Community Development Director, Becky Safarik spoke about the two items the City would need to amend in the code and hold a public hearing.

1. Exception to the no smoking law to allow this use.
2. Change the Development Code, to identify where this use would be allowed.

Councilmember DeBoutez asked for more information and Councilmember Butler asked for a work session on this topic. In response to the question, Ms. Safarik recommended that staff put together a draft of the code change for Council to review and consider. Council was in consensus to move forward to return to with a draft and additional information.

9. University of Northern Colorado update

Dr. Andy Feinstein, University of Northern Colorado (UNC) President presented an update to the City Council including the ongoing work on a strategic enrollment plan, waiving enrollment fees, and focusing on a new program for high school graduates and guaranteed admission, and the establishment a College Advisory Board.

In response to a question from Councilmember Hall, Dr. Feinstein indicated that classes are currently both in person and remote, with hybrid options.

In response to a question from Councilmember DeBoutez, Dr. Feinstein indicated that UNC currently employs 1600 full-time employees split between faculty and contract employees.

Consent Agenda

10. Approval of the City Council Proceedings of September 20, 2022
11. Acceptance of the Report of the City Council Work Session of September 27, 2022
12. Consideration of a Resolution expressing support for a mill levy override measure referred by the Greeley-Evans School District 6 to the voters for consideration at the November 8, 2022, General Election

This item was pulled from the Consent Agenda.

13. Consideration of a Resolution supporting a grant application with Great Outdoors Colorado for improvements made to Delta Park

14. Introduction and first reading of an Ordinance repealing and replacing Article V of Title 18 and enacting a new Article V of Title 18 regarding Event and Demonstration Permits; and Making changes to Section 12-357 regarding Amplified Sound Permits
15. Introduction and first reading of an Ordinance amending Article II, Section 2-60 of the Greeley Municipal Code regarding election wards
16. Introduction and first reading of an Ordinance changing the official zoning map of the City of Greeley, Colorado, from Holding-Agriculture (H-A) to Residential-High Density (R-H), changing the underlying land use designations for approximately 31.19 acres of property located north of and adjacent to 13th Street and the Fox Run Neighborhood, approximately 500' west of 59th Avenue, and approximately 580' south of 10th Street (ZON2021-0016) (13th Street Apartment Rezone).
17. Introduction and first reading of an Ordinance changing the official zoning map of the City of Greeley, Colorado from Commercial High Intensity (C-H) to Planned Unit Development (PUD) changing the underlying land use designations for approximately 19.995 acres of land located west of 23rd Avenue and south of 29th Street (Colorado Premium PUD)

Mayor Pro Tem Payton moved to approve the Consent Agenda Items 10-11, and 13-17. Councilmember Butler seconded the motion. The motion passed 7-0 at 6:18 p.m.

End of Consent Agenda

18. Pulled Consent Agenda Items

12. Consideration of a Resolution expressing support for a mill levy override measure referred by the Greeley-Evans School District 6 to the voters for consideration at the November 8, 2022 General Election

Mayor Pro Tem Payton spoke on his opposition to encouraging residents to vote in favor of a ballot initiative.

Councilmember Butler spoke in favor.

Councilmember Butler moved to adopt the resolution. Councilmember DeBoutez seconded the motion. The motion passed 6-1, with Mayor Pro Tem Payton voting nay at 6:27 p.m.

19. Public hearing and second reading of an Ordinance Amending Chapter 1 of Title 4 of the Greeley Municipal Code regarding City's Classification and Salary Plan

Deputy City Manager, Paul Fetherston introduced the item with a presentation at 6:27 p.m.

The current Ordinance on its face does not limit a City Manager from making administrative changes to the pay plan such as reclassification and salaries. During the City Attorney's Office (CAO) legal review regarding the new pay plan, the CAO discovered that a 1990 amendment to the Municipal Code (Ordinance 36, 1990) removed the ability of the City Manager to make administrative changes to the pay plan as needed during the year. A review of Council Minutes revealed the removal of the City Manager's authority to amend the Classification and Salary Plan may have been unintentional. Since the time of that ordinance amendment, however, the City has operated as though the City Manager's authority to make administrative changes continued to exist. Upon notification by the City Attorney's Office of that change in July 2022, however, the ordinance has been implemented as advised by the CAO.

The item is presented to the City Council to amend the ordinance to continue the practice of the City Manager having the authority to make administrative changes to the pay plan.

Mayor Pro Tem Payton asked for clarification on what an administrative change was. In response to the question, Mr. Fetherston replied the modified Greeley Municipal Code section 4.3 includes but is not limited to classification and salary changes.

Finance Director, John Karner explained Council approves the budget at a fund level and there is flexibility to how and where staff uses the funds.

Deputy City Attorney, Stacey Aurzada explained the change is only to the classification and salary plan and allows the City Manager to administratively make changes to the plan without bringing it to Council.

Mr. Fetherston explained administrative changes are specific to reclassification and would have to wait until they are approved by Council each time. This would have an impact on the City's ability to recruit and retain.

The Public Hearing opened at 6:51 p.m.

With no speakers, the Public Hearing closed at 6:52 p.m.

Councilmember Butler moved to adopt the Ordinance and publish with reference to title only. Councilmember DeBoutez seconded the motion. The motion passed 7-0 at 6:52 p.m.

20. Public hearing and second reading of an Ordinance Amending Section 6-118 and Section 6 -163 of the Municipal Code to Exempt Certain State Fees

Finance Director, John Karner and Governmental Affairs Officer, Staycie Coons introduced the item with a presentation at 6:53 p.m.

During the 2021 Legislative Session, the Colorado General Assembly passed SB21-260 which imposed various delivery fees (\$.07 in total) to be remitted to the State Department of Revenue on deliveries of tangible property. As a home rule

municipality, Greeley treats this mandatory fee as part of the purchase price and therefore is subject to Greeley sales and/or use tax. The proposed ordinance will exempt the delivery fee from the sales tax and use tax imposed by the Greeley Municipal Code.

In response to a question by Councilmember Butler, Mr. Karner indicated that the Bag Fee tax could generate approximately \$14,000. Delivery fee tax revenue estimates are around \$60,000.

Councilmember Olson, and Mayor Pro Tem Payton spoke in favor.

Councilmember DeBoutez spoke on the desire to encourage reusing personal bags for shopping.

The Public Hearing was opened at 7:01 p.m.

1. Steve Teets spoke in opposition of the bag tax and in favor of the exemption.

The Public Hearing was closed at 7:03 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 7:03 p.m.

21. Public hearing and second reading of an Ordinance adopting the Fiscal Year 2023 Budget

Finance Director, John Karner introduced the item with a presentation at 7:04 p.m.

The Finance Department will report back to Council at the end of the first quarter or the beginning of quarter two with an update on revenue from sales tax.

The City Manager's budget recommended \$21 million for 2023. Finance and the City Manager's office met with the Municipal Judge on his request for additional increases in the Municipal Court budget. The Municipal Court will receive additional funding of \$93,000 for a part-time bailiff and a rate increase for Court Appointed Counsel. The request for a Deputy Court Administrator would not be funded in FY 2023.

The utility rate change in 2023 is \$8.67 or a 7.9 percent increase. The rate increase will fund downtown projects and capital projects.

The Public Hearing opened at 7:13 p.m.

1. Steve Teets spoke about ideas for hiring bus drivers and other affordable housing ideas.

The Public Hearing closed at 7:16 p.m.

Mayor Gates and Councilmembers thanked the Budget Team for their dedication and efforts on the 2023 Budget.

Councilmember Olson moved to adopt the Ordinance and publish with reference to title only. Councilmember Hall seconded the motion. The motion passed 7-0 at 7:18 p.m.

22. Public hearing and second reading of an Ordinance adopting the Classification and Salary Plan for Fiscal Year 2023

Human Resources Director, Noel Mink introduced the item with a presentation at 7:18 p.m.

The deliverables are data driven, flexible and dynamic to the market needs, equitable, and free of discrimination, defensible and to support the goal of becoming a Municipal Employer of Choice. The proposed budget is \$6 million on employee salaries in 2023 and included an average of a 5% merit increase.

The Public Hearing opened at 7:21 p.m.

With no speakers, the Public Hearing closed at 7:21 p.m.

Councilmember Olson thanked the Human Resources Department the work involved to help make the City of Greeley an Employer of Choice. Mayor Gates also thanked staff for their hard work.

Mayor Pro Tem Payton moved to adopt the Ordinance and publish with reference to title only. Councilmember DeBoutez seconded the motion. The motion passed 7-0 at 7:22 p.m.

23. Consideration of a Resolution establishing the 2022 tax levy and directing the certification of the same to the Board of County Commissioners

Finance Director, John Karner introduced the item at 7:23 p.m.

This resolution approved the 2022 tax levy for taxes to be collected in 2023 at 11.274 mills and authorized the City Clerk to certify to the Board of County Commissioners that the tax levy has been established for 2022.

Councilmember Butler moved to adopt the Resolution. Mayor Pro Tem Payton seconded the motion. The motion passed 7-0 at 7:24 p.m.

24. Appointment of applicants to the Greeley Art Commission, Historic Preservation Commission, Housing Authority, Museum Advisory Board, and Youth Commission.

The City Clerk read the recommended action or appointment to the various boards and commissions.

Greeley Art Commission

- Michelle Booren was appointed with a term of three years expiring 2025.

Historic Preservation Commission

- Dan Podell was appointed with a term of three years, expiring 2025.

Housing Authority

- Continue to recruit for additional applicants.

Museum Advisory Board

- Marcus Embry was appointed with a term of three years, expiring 2025.

Youth Commission

- Lida De Los Santos was appointed with a term of two years, expiring 2024.

25. Scheduling of Meetings, Other Events

None

- 26. 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**

Councilmember Clark moved to approve the motion. Mayor Pro Tem Payton seconded the motion. The motion passed 7-0 at 7:25 p.m.

27. Adjournment

Mayor Gates adjourned the meeting at 7:26 p.m.

John D. Gates, Mayor

Heidi Leatherwood, City Clerk