

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
December 15, 2020

1. Call to Order

Mayor John Gates called the remote meeting to order at 6:00 p.m. via the City's Zoom platform.

2. Pledge of Allegiance

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

3. Roll Call

Jerry Harvey, Assistant City Clerk, called the roll. Those present were Mayor John Gates and Councilmembers Tommy Butler, Ed Clark, Michael Fitzsimmons, Dale Hall, Brett Payton and Kristin Zasada.

4. Recognitions and Proclamations

Councilmember Zasada presented the What's Great About Greeley Report.

5. Citizen Input

Mr. Harvey read two emails into the record Gaye Hughey voicing concern about the Terry Ranch/Wingfoot water plan and Joann James voicing her concern about over-regulation relating to the COVID-19 pandemic.

No other Citizen Input was received.

6. Approval of Agenda

The Agenda was approved as presented upon noting that Item number 18, University of Northern Colorado Update, was moved to item 11b on the agenda.

7. Reports from Mayor and Councilmembers

Councilmember Butler congratulated his wife for successfully defending her dissertation.

Mayor Gates thanked the City Clerk's Office staff for their hard work on the virtual employee holiday event.

8. Initiatives from Mayor and Councilmembers

Councilmember Butler requested a resolution and/or messaging encouraging residents to support local restaurants.

Council consensus was reached on this Initiative.

* * * * Consent Agenda * * * *

9. Approval of the City Council Proceedings of December 1, 2020

The Council action recommended was to approve the Proceedings.

10. Introduction and first reading of an ordinance authorizing an Intergovernmental Agreement with Greeley-Evans District 6 regarding land exchange and resources for a reconfiguration of non-potable irrigation facilities and a portion of the Boomerang South 9 Golf Course. Because the subject of the IGA is a land exchange whereby Greeley will initiate the dispossession of approximately 25 acres in exchange for possession of a like amount and other consideration, this item requires approval by ordinance

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading for January 5, 2021.

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

Councilmember Payton moved, seconded by Councilmember Zasada to approve the items on the Consent Agenda and their recommended actions. The motion carried: 7-0

11. Pulled consent agenda items

No items were pulled from the Consent Agenda.

11b. University of Northern Colorado Update

Andy Feinstein, President of the University of Northern Colorado (UNC), provided a UNC update which included the impact of COVID on the fall graduation ceremonies; highlighted how classes were handled this fall noting the number of those living on campus; discussed contact tracing protocol, testing, and COVID rates; and highlighted the low enrollment rates this year and the disruption to athletics.

In response to a question from Councilmember Hall regarding how the spring semester will look, President Feinstein expressed his hope that people will feel more comfortable and less restricted with the vaccine coming out. He added that UNC is moving toward more in-person classes and hopefully a rebound in enrollment next fall.

12. Public hearing and final reading of an Ordinance re-authorizing various Boards and Commissions for three years

Mayor Gates opened the public hearing at 6:27 p.m., and no comments were offered.

Councilmember Fitzsimmons moved, seconded by Councilmember Zasada to adopt the ordinance and publish it by reference to title only. The motion carried: 7-0 (**Ordinance No. 29, 2020**)

13. Public hearing and final reading of an ordinance authorizing the City of Greeley to enter into an Intergovernmental Agreement concerning water services for seventeen customers with the City of Evans

Sean Chambers, Water and Sewer Department Director, provided a history of the situation; explained the benefit to Greeley of transferring the customers; described the terms of the Intergovernmental Agreement; and discussed the recommended action from staff.

Mayor Gates opened the public hearing at 6:33 p.m., and no comments were offered.

Councilmember Hall moved, seconded by Councilmember Payton to adopt the ordinance and publish with reference to title only. The motion carried: 7-0 (**Ordinance No. 30, 2020**)

14. Public hearing and final reading of an ordinance authorizing the sale of City-owned property consisting of approximately 40.377 acres and located in the East half of Section 16, Township 7 North, Range 66 West of the 6th P.M. in Weld County (“Danielson II Farm”)

Mr. Chambers described the location of the property and showed a map of the property; provided a history of the City’s involvement with the property including a discussion of the proposed divestment of the property; and concluded by discussing staff’s actions.

Mayor Gates opened the public hearing at 6:38 p.m., and no comments were offered.

Councilmember Clark moved, seconded by Councilmember Fitzsimmons to adopt the ordinance and publish with reference to title only. The motion carried: 7-0 (**Ordinance No. 31, 2020**)

15. Public hearing and final reading of an ordinance appropriating additional sums to defray the expenses and liabilities of the City of Greeley for the balance of the fiscal year of 2020 and for funds held in reserve for encumbrances at December 31, 2019

Robert Miller, Budget and Compliance Manager, provided a brief overview of proposed appropriation; highlighted the appropriation by fund; discussed the CARES Act impacts on the City’s funds including the requested appropriations; highlighted grants for transit buses and operations as well as grants for police and fire; discussed water funds, capital projects, the general fund, and special funds; and concluded by summarizing the appropriation.

Mayor Gates opened the public hearing at 6:48 p.m., and no comments were offered.

Councilmember Payton moved, seconded by Councilmember Fitzsimmons to adopt the ordinance and publish it by reference to title only. The motion carried: 7-0 (**Ordinance No. 32, 2020**)

16. Public hearing and final reading of an ordinance amending §2.04.070 of the Greeley Municipal Code establishing the salary for the Mayor and the salary for members of the Greeley City Council

Maria Gonzalez-Estevez, Human Resources Director, provided context for this proposed action; described when the changes will take effect; described the compensation data relevant to the proposed action; discussed the compensation proposal; and highlighted the financial impact of this action, if approved.

Councilmember Butler inquired as to whether other municipalities vote on compensation for elected officials. Ms. Gonzales-Estevez explained that she did not have specific data but could research the question.

Roy Otto, City Manager, explained that this is a standard process for municipalities and governments in general.

Mayor Gates opened the public hearing at 6:55 p.m., and no comments were offered.

Councilmember Fitzsimmons moved, seconded by Councilmember Hall to adopt the ordinance and publish by reference to title only. The motion carried: 6-1 (Butler dissenting) **(Ordinance No. 33, 2020)**

17. Public hearing and final reading of an ordinance to consider a change of zone from I-L (Industrial Low Intensity) to R-M (Residential Medium Density) for approximately 0.870 acres located at 134, 140 and 148 14th Avenue, known as the 14th Avenue Rezone, and changing the official zoning map to reflect the same

Brittany Hathaway, Planner, described the request as well as the area surrounding the property subject to the request; provided a history of the subject sites; illustrated the site characteristics; discussed the applicable rezone criteria and the public notice procedures used; and described the recommendation from the Planning Commission noting that the Planning Commission unanimously approved the rezone.

Councilmember Butler inquired whether there is a buyer in mind for these properties. Joel Hemesath, Public Works Director, explained that there are not buyers in mind yet. He added that this rezone is being done before the properties go on the market.

Mayor Gates opened the public hearing at 7:01 p.m., and no comments were offered.

Councilmember Fitzsimmons moved, seconded by Councilmember Hall to adopt the ordinance and publish it by reference to title only. The motion carried: 7-0 **(Ordinance No. 34, 2020)**

18. University of Northern Colorado Update

This item was moved to item 11b.

19. COVID-19 Update

Dan Frazen, Emergency Manager, described the data within the situation report including a note that the numbers are trending in the right direction; provided a brief review of the COVID testing programs for City employees; discussed City facility closures and the drive-thru site; and explained that the City is continuing to research the five-star program from the state to help local businesses.

In response to a question from Councilmember Hall, Mr. Frazen explained that over the counter test kits are not effective noting that there are good testing sites throughout the community.

Councilmember Zasada inquired about the positivity rate needed for the City/County to be downgraded to the Orange level. Mr. Frazen explained that the positivity rate would have to stay below 15% for at least two weeks.

In response to a question from Councilmember Butler, Mr. Frazen explained that the State is in charge of the plan for the vaccine distribution and the Colorado National Guard will be doing the distribution.

Mr. Otto provided highlights about the State's 5-star program, noting that the City Clerk, Anissa Hollingshead, will be leading the task force to create the City's 5-star program plan and that a report will be provided to Council with updates as needed.

Councilmember Clark voiced his concerns about the 5-star program. Specifically he expressed his concern that it will not work to help businesses and added his disagreement with enforcing any COVID-19 regulations.

Mr. Otto explained that the State regulations say that, if no local 5-star plans are put in place, then businesses are supposed to be closed. He added that the 5-star program would allow businesses to be open with limited occupancy. Mr. Otto also added that the State will not approve a local 5-star plan that does not have enforcement measures in it.

Councilmember Payton explained that the Chamber of Commerce task force is prepared to get money out to restaurants and bars adding that no City funds are being used. He noted that some help promoting this program would be appreciated.

Mayor Gates expressed his support of the Governor's health order but noted his concern with the idea of enforcement. He also explained that he is in favor of any help the City can give to local businesses.

Councilmember Zasada asked if the City could get creative with enforcement to avoid the police doing the enforcement. Mr. Otto explained that the City could get creative with an enforcement plan, but the City would be responsible for enforcement.

Discussion ensued about acceptable enforcement strategies and overall policies regarding City's potential 5-star program plan.

In response to a question from Councilmember Fitzsimmons regarding a timeline, Mr. Otto explained that it would likely be mid- to late January before anything could be in place. Mr. Otto added that staff will be starting work immediately on a plan.

Council's direction was for staff to move forward with the proposals that were presented.

20. Scheduling of Meetings, Other Events

There were no meeting or other events scheduled.

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 at any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements, and ordinances

Councilmember Clark moved, seconded by Councilmember Butler to approve the above authorizations, and the motion carried: 7-0

22. Adjournment

There being no further business to come before the Council, Mayor Gates adjourned the meeting at 7:42 p.m.

John Gates, Mayor

Jerry Harvey, Assistant City Clerk