

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
February 02, 2021

1. Call to Order

Mayor John Gates called the remote meeting to order at 6:02 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

Anissa Hollingshead, City Clerk, called the roll.

PRESENT

Mayor John Gates

Council Member Tommy Butler

Council Member Brett Payton

Council Member Michael Fitzsimmons

Council Member Dale Hall

Council Member Ed Clark

Council Member Kristin Zasada

4. Recognitions and Proclamations

Mayor Gates presented a proclamation for Black History Month, recognizing and honoring the accomplishments of African Americans throughout our country's history and proclaiming February 2021 as Black History Month in the City of Greeley. The proclamation was accepted by Myria Davis, Interim Director of the Marcus Garvey Cultural Center at the University of Northern Colorado.

Director Davis addressed the Council in accepting the proclamation.

Council Member Clark presented the *What's Great about Greeley* Report.

5. Citizen Input

Bill Gilliard, a resident of Greeley, addressed the Council from the meeting's virtual audience regarding Council employee salaries and regarding the proposed contract relating to the Terry Ranch project.

6. Approval of the Agenda

City Manager Roy Otto noted the additional information provided regarding items 4, 15 and 20.

The agenda was approved with the additional information noted.

7. Reports from Mayor and Councilmembers

Council Member Butler reported on his town hall meeting with Rep. Mary Young on the prior Saturday regarding vaccine efficacy, noting the livestream of the meeting is available on his Facebook page.

8. Initiatives from Mayor and Councilmembers

Council Member Hall noted he had two initiatives.

On the Poudre River Trail just north of the River Run Patio Homes there are issues with ice buildup on the trail. Council Member Hall expressed a need to acknowledge and correct these issues from a safety standpoint. As the board president of the Poudre River Corridor Board, the council member requested coordination between that board, City Council, and City staff to address the issue, and asked for consensus to have the board Sustainability Chairman Mike Ketterling work with City staff on this. Discussion among the Council noted that the HOA for the housing development should also be included in those discussions, and that the length of the trail going through Greeley should also be looked at for other issues.

Consensus was obtained to move forward with this initiative.

Also related to the Poudre River Trail, Council Member Hall noted the section of the trail known as the Narrows is facing increasing risks of erosion, with some portions in danger of falling into the river, and no available alternative areas for trail placement in that vicinity. The School of Mines will do a project to work on some engineering solutions for the area, in addition to other engineering studies that have already been done. Council Member Hall requested the formation of a committee, which he would chair, to review and determine options to move forward in addressing this with the assistance of City staff. City Manager Otto added information about potential Capital Improvement Projects through this area, and Council Member Hall provided information about existing potential rough cost estimates in response to questions from the Council.

Consensus was obtained to move forward with this initiative.

Consent Agenda

Council Member Butler requested that item 14 be removed from the consent agenda.

Council Member Hall moved, seconded by Council Member Fitzsimmons, to approve items 9-13 and 15-16 as presented.
The motion carried 7-0.

9. Acceptance of the Report of the January 12, 2021, City Council Worksession

The Council action recommended and approved was to accept the report as presented.

10. Approval of the City Council Proceedings of January 19, 2021

The Council action recommended and approved was to approve the City Council proceedings as presented.

11. Consideration of a resolution of the City of Greeley City Council authorizing the City to enter into an Intergovernmental Agreement with Weld County for construction of roadway improvements for “O” Street and 35th Avenue roundabout improvements

The Council action recommended was to adopt the resolution.

Resolution No. 03, 2021, authorizing the City to enter into an Intergovernmental Agreement with Weld County for construction of roadway improvements for “O” Street and 35th Avenue roundabout improvements, was adopted.

12. Consideration of a resolution authorizing the City Attorney to institute legal action seeking damages against Jacobs Engineering Group, Inc.

The Council action recommended was to adopt the resolution.

Resolution No. 04, 2021, authorizing the City Attorney to institute legal action seeking damages against Jacobs Engineering Group, Inc., was adopted.

13. Consideration of a resolution to adopt the “Get Outdoors Greeley” Natural Areas and Trails Strategic Plan

The Council action recommended was to adopt the resolution.

Resolution No. 05, 2021, adopting the 2021 “Get Outdoors Greeley” Natural Areas and Trails Strategic Plan, was adopted.

15. Introduction and first reading of an ordinance amending Sections 14.08.090 and 14.08.160 of the Greeley Municipal Code (Concerning Water Use Restrictions and Drought Response)

The Council action recommended and approved was to introduce the ordinance and schedule the public hearing and final reading for Feb. 16, 2021.

16. Introduction and the first reading of an ordinance repealing Chapter 18.44 and Appendix D in their entirety, adding a new Chapter 18.44, amending portions of Chapter 18.04.110 and 18.42.030, and amending Appendix 18-B of the City of Greeley Municipal Code, all regarding Landscaping, Irrigation, Buffers, and Screening Standards

The Council action recommended and approved was to introduce the ordinance and schedule the public hearing and final reading for Feb. 16, 2021.

End of Consent Agenda

17. Pulled Consent Agenda Items

14. Consideration of a Resolution accepting the 2020 Raffelis Development Impact Fee and Plant Investment Fee Study for purposes of recording compliance with Greeley Municipal Code §4.64, not adopting the Study's recommended fee structure, and maintaining the current fee structure

This item was pulled from the consent agenda.

Council Member Butler noted he requested this item be pulled as he originally voted no on the topic, and wanted to vote consistently in this instance.

Council Member Hall moved, seconded by Council Member Zasada, to adopt the resolution as presented.

The motion carried 6-1.

Voting Aye: Mayor Gates, Council Member Payton, Council Member Fitzsimmons, Council Member Hall, Council Member Zasada, Council Member Clark

Voting Nay: Council Member Butler

Resolution No. 06, 2021, accepting the 2020 Raffelis Development Impact Fee and Plant Investment Fee Study for purposes of recording compliance with Greeley City Council Agenda - City of Greeley, Colorado Municipal Code §4.64, not adopting the Study's recommended fee structure, and maintaining the current fee structure, was adopted.

18. Public hearing and final reading of an ordinance establishing Local Improvement District No. 43840 for the construction of sanitary sewer infrastructure.

Water and Sewer Director Sean Chambers introduced this item and Chief Engineer Adam Prior to present as set forth in the PowerPoint presentation in the agenda packet. Engineer Prior answered questions from Council regarding cost impacts. Director Chambers and Manager Otto also provided the Council with further information in regards to these inquiries.

Mayor Gates opened the public hearing at 6:52 p.m.

City Clerk Hollingshead read a written comment submitted by Laira Ziegler into the record, regarding a request for more financial options for homeowners impacted.

Ron Redfern attempted to address the Council from the virtual audience, but was unable to participate due to technical issues.

There being no further public comment, the hearing was closed at 6:55 p.m.

Council Member Fitzsimmons moved, seconded by Council Member Hall, to adopt the ordinance and publish it by reference to title only.

The motion carried 5-2 by a roll call vote.

Voting Aye: Mayor Gates, Council Member Butler, Council Member Payton, Council

Member Fitzsimmons, Council Member Hall
Voting Nay: Council Member Clark, Council Member Zasada

Ordinance No. 05, 2021, was adopted establishing Local Improvement District No. 43840 for the construction of sanitary sewer infrastructure.

19. Public hearing and final reading of an ordinance amending Chapters 4.04 and 4.08 of the Code of the City of Greeley regarding Economic Nexus and the obligation of remote sellers to collect and remit sales tax

Finance Director John Karner introduced this item and Business Licensing and Sales Tax Manager Michael Kibbee to present as set forth in the PowerPoint in the agenda packet. Manager Kibbee answered questions from Council about responsibility for fees from platforms like AirBNB and regarding the potential revenue that would result from this measure.

The public hearing was opened at 7:09 p.m. There being no written comments and no one wishing to speak, the hearing was closed.

Council Member Fitzsimmons moved, seconded by Council Member Zasada, to adopt the ordinance and publish it by reference to title only.
Motion carried 7-0.

20. COVID-19 Update

City Manager Otto introduced Dan Frazen, Emergency Manager. Manager Frazen provided updates in support of his written report presented to the Council. He answered questions from the Council about current community metrics.

In response to a question from the Council, City Manager Otto provided information about plans to potentially increase operations at the Funplex and Recreation Center.

Mayor Gates asked the Council for agreement on moving to COVID updates once a week after this Friday. There was consensus to make that shift.

21. Executive Session for Annual Review of the City Attorney

Council Member Fitzsimmons moved, seconded by Council Member Butler, to adjourn the meeting and move into an Executive Session immediately after the conclusion of the rest of the meeting for the purposes of discussing personnel who report to Council as provided for under C.R.S. 24-6-402(4) (f) and Greeley Municipal Code Section 2.04.020 (6) a. .
The motion carried 7-0.

22. Scheduling of Meetings, Other Events

City Manager Otto noted there were no changes.

23. 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

Council Member Fitzsimmons moved, seconded by Council Member Clark, to approve the above authorizations.
The motion carried 7-0.

24. Adjournment

There being no further business before the Council, Mayor Gates adjourned the meeting to executive session at 7:21 p.m. The executive session adjourned at 8:05 p.m.

John Gates, Mayor

Anissa N. Hollingshead, City Clerk