

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
March 21, 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

Deputy City Clerk Tasha Reynolds called the roll.

Present:

Mayor John Gates

Councilmember Tommy Butler

Councilmember Deb DeBoutez

Mayor Pro Tem Brett Payton

Councilmember Ed Clark

Councilmember Johnny Olson

Councilmember Dale Hall was absent. (Excused)

4. Approval of the Agenda

City Manager Lee indicated that Item No. 9, University of Northern Colorado Update, will be removed.

5. Recognitions and Proclamations

Mayor Gates read the Parkinson's Disease Awareness Month Proclamation. Kristi Martin was present in to receive on behalf of the Parkinson's Association of the Rockies.

Mayor Gates read the Fair Housing Month proclamation, and Ben Snow, Economic, Health and Housing Director, was present to receive.

Mayor Gates introduced University of Northern Colorado (UNC) President Andy Feinstein, UNC Wrestling Coach Troy Nickerson and UNC wrestler Andrew Alirez. Mayor Gates recognized Mr. Alirez's athletic accomplishment of winning the NCAA wrestling title and gave him a key to the City.

6. Citizen Input

1. James Smith spoke about encampments and provided a letter for the record, and flash drives with photos to be given to specific city staff.
2. David Meek spoke about clearing his name and asked Deputy City Manager Tripp to facilitate his apology letter to the young man from his interaction at the Museum.
3. Edwin Grant spoke about the Federal Fair Housing Act and a related court case.
4. Dr. Lightsey spoke about their family building a home in Pumpkin Ridge and spoke in opposition of the new construction in Pumpkin Ridge up to Sheep Draw due to safety concerns.

7. Reports from Mayor and Councilmembers

Councilmember Butler spoke about Greeley Day at the Capital in Denver. Mayor Gates appreciated the staff and community partners that showed up to support the City of Greeley.

Councilmember Olson Poudre Learning Center and it is amazing to see what has been done with the Go NOCO funding.

8. Initiatives from Mayor and Councilmembers

Councilmember Clark spoke about the sidewalk that ends at Pumpkin Ridge and asks staff to follow up with Council about the plan to put something there. The Council consensus was to keep working on this as this was a prior initiative.

Councilmember Clark spoke about two citizens who reached out to him regarding allowing artificial grass. He would like to see rules and regulations about this as they were asked to remove it in the front yard and what other communities are doing. Councilmember DeBoutez suggested that water conservation staff offer recommendations as well. The Mayor asked the City Manager to have staff follow up.

9. University of Northern Colorado (UNC) update

This item was removed, as UNC President spoke under Recognitions. See above.

Consent Agenda

10. **Approval of the City Council Work Session Proceedings of February 28, 2023.**
11. **Consideration of 2022 Consolidated CDBG and HOME Program Annual Performance Report**
12. **Consideration of a Resolution authorizing entry into an intergovernmental agreement for treated water service with the City of Evans, Colorado**

Councilmember Butler moved to approve the Consent Agenda Items 10-12.
Councilmember Olson seconded the motion. The motion passed 6-0 at 6:41 p.m.
with Councilmember Hall absent.

End of Consent Agenda

13. Pulled Consent Agenda Items

None.

14. Public hearing and second reading of an Ordinance amending Title 24 of the Greeley Municipal Code by repealing Title 2, Chapter 9 (Metropolitan Districts) and enacting Title 24, Chapter 12 (Metropolitan Districts) and making amendments thereto

Interim Community Development Director Becky Safarik introduced the new Interim Planning Manager, Don Threewitt, who shared the presentation at 6:42 p.m.

The Metropolitan District Code Updates include both technical and procedural updates. Greeley adopted its metropolitan District Code and Model Service Pan in 2007 and updated them in 2018. In general, Greeley standards reflect the minimum standards found in State Statutes.

Phase 1 includes the technical revisions presented now.

Phase 2 (late 2023) will include the enhancements and policy updates.

The overview of amendments include:

- Relocating Metro District regulations into Development Code
- Dropping obsolete references
- Shifting minimum Metro District size from geographic size to minimum debt limit
- Disallowing eminent domain authority
- Adding application deadlines for annual election cycles
- Adding public notice provisions consistent with Development Code provisions

The amendment meets the four review criteria as required.

Mr. Threewitt mentioned that staff had found some errors in the ordinance and wished to propose amendments and have the ordinance republished in full.

Proposed Amendments:

In Appendix A of the Ordinance,

- 1. Section 24-1208 (a) first line, the word “or” is to be removed; and line 2, the words “along with” is to be removed.**
- 2. Section 24-1211 (7) the words “section 2-530” was removed and not replaced. Replace with “in section 24-1219.”**

- 3. Section 24-1221 (a) line 3, the words “section 2-530” was removed and not replaced. Replace with the words “in section 24-1219.”**

The public hearing opened at 6:46 p.m.

With no speakers, the public hearing closed at 6:47 p.m.

Mayor Pro Tem Payton moved to adopt the ordinance and publish it by title only.

Councilmember Clark seconded the motion.

City Attorney Doug Marek said that if Council wished to amend, then there would have to be a motion to amend first, followed by a second motion to adopt and publish in full.

Mayor Pro Tem Payton withdrew his initial motion.

Councilmember Payton moved to amend the ordinance. Councilmember Butler seconded the motion. The motion passed 6-0 at 6:48 p.m. with Councilmember Hall absent.

Mayor Pro Tem Payton moved to adopt the ordinance, as amended, and publish in full. Councilmember Butler seconded the motion. The motion passed 6-0 at 6:49 p.m. with Councilmember Hall absent.

15. Public hearing for consideration of changes to approved 2023 CDBG and HOME budgets for U.S. Department of Housing and Urban Development Annual Action Plan

Economic Health and Housing Director Ben Snow, introduced the item at 6:50 p.m.

The 2023 budgets for the Community Development Block Grant (CDBG) and HOME Investment Partnership Program (HOME) grant were recommended in August 2022 by the Greeley Urban Renewal Authority (GURA) Board and approved in October 2022 by City Council. Since that time, loan payoffs were received for an old project (Meeker Commons) in both the CDBG and HOME programs.

When the CDBG budget was approved in October 2022, it was with the understanding that if the approved budget was larger or smaller than projected, the infrastructure activity would absorb the change; however, the new projected budget is large enough to need to return through the citizen participation process.

Both budgets are still subject to change. Staff proposes that the infrastructure activity continue to absorb any increase/decrease.

Councilmember Butler wanted to disclose that he is currently a board member for Habitat for Humanity and had talked to Mr. Snow earlier about it.

Councilmember DeBoutez asked if the projects will remain “affordable housing” if the loans have been paid. In response, Mr. Snow affirmed that they would.

The public hearing opened at 6:54 p.m.

With no speakers, the public hearing closed at 6:55 p.m.

Councilmember Clark moved to approve the motion. Councilmember DeBoutez seconded the motion. The motion passed 6-0 at 6:55 p.m. with Councilmember Hall absent.

16. Public hearing and second 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 2023 and for funds held in reserve for encumbrances through December 31, 2022

Finance Director John Karner introduced the item with a presentation at 6:56 p.m.

The appropriation contains three groups:

- grants and other revenues following the 2023 budget process
- support of operational needs post 2023 budget process; and
- completion of projects and commitments carrying forward into 2023

Councilmember Butler added that he was pleased with the additional dollars going towards additional sidewalks this year.

The public hearing opened at 7:01 p.m.

1. Edwin Grant asked about Items 13-15 on the agenda and where they are published. In response, City Attorney Doug Marek noted for City publishing requirements, that if the ordinance is passed on first reading, it is published in full context in the Greeley Tribune. If they are adopted on second reading with no amendments, then the ordinance is published in the Greeley Tribune by its title only. If the ordinance is amended on second reading, then by requirement, it is published again in full context. Ordinances are also available on the city website and can be requested from the City Clerk’s Office.

2. Steven Grant asked for more information about a funding line request for cultural development. In response, Finance Director John Karner explained this item is for citywide training. In addition, Deputy City Manager Paul Fetherston added that the majority of the funding is designated to support the cultural development and health of the organization.

With no additional speakers, the public hearing closed at 7:05 p.m.

Councilmember Olson clarified that the funds used for city organizational culture development means being able to hire and retain the best staff because they are excited about the work environment. This makes the City better.

Councilmember DeBoutez moved to adopt the ordinance and publish by title only. Councilmember Clark seconded the motion. The motion passed 6-0 at 7:06 p.m. with Councilmember Hall absent.

- 17. Appointment of applicants to the Citizen Budget Advisory Committee, Citizen Transportation Advisory Board, Greeley Art Commission, Museum Advisory Board and the Union Colony Civic Center Advisory Board**

Deputy City Clerk Tasha Reynolds announced the appointments:

- Citizen Budget Advisory Committee - Lori Williams; 3-year term
- Greeley Art Commission - Debbie Pilch, Kathy Sage, Molly McIntosh; 3-year terms
- Union Colony Civic Center Advisory Board - Mark Pugatch, Perry Bell; 3-year terms
- Citizen Transportation Advisory Board - Steve Teets; 3-year term
- Museum Advisory Board - David Melendez; 3-year term

- 18. Scheduling of Meetings, Other Events**

Next week's work session on March 28 was confirmed cancelled as several Councilmembers will be at the National League of Cities Conference.

- 19. 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 6-0 at 7:09 p.m. with Councilmember Hall absent.

- 20. Consideration of a motion to go into Executive Session to receive legal advice from the City Attorney and to determine positions, develop strategy, and give instructions to negotiators regarding 2023 collective bargaining with Greeley Firefighters**

Mayor Pro Tem Payton moved to approve the motion. Councilmember Olson seconded the motion. The motion passed 6-0 at 7:09 p.m. with Councilmember Hall absent.

- 21. Consideration of a motion to go into Executive Session for the purpose of completing the annual performance review of the Municipal Judge**

Councilmember Payton moved to approve the motion. Councilmember Olson seconded the motion. The motion passed 6-0 at 7:11 p.m. with Councilmember Hall absent.

22. Adjournment

Mayor Gates adjourned the meeting at 7:11 p.m.

- 20.** The Executive Session was called to order at 7:21 p.m. to receive legal advice from the City Attorney and to determine positions, develop strategy, and give instructions to negotiators regarding 2023 collective bargaining with Greeley Firefighters.

Present for participation in the Executive Session were all members of City Council except Councilmember Hall, who was excused, plus the following:

Doug Marek, City Attorney
Noel Mink, Human Resources Director
Raymond Lee, City Manager
Paul Fetherston, Deputy City Manager
Brian Kuznik, Fire Chief
John Karner, Finance Director

A motion to go into an Executive Session for a conferral with the City Attorney to receive legal advice and to determine positions, develop strategies, and provide instructions to negotiators regarding collective bargaining, as provided in C.R.S. 24-6-402(4)(b) and 24-6-402(4)(e)(I), and Greeley Municipal Code 2-151(a)(2) and 2-151(a)(5)

Mayor Gates cautioned each participant to confine discussion to the stated purpose and reminded that no formal action may occur in Executive Session. If at any point any participant believed that the discussion was going outside the proper scope of the Executive Session, participants were advised to interrupt the discussion and raise an objection.

The meeting concluded at 7:55 p.m. and the current Executive Session was adjourned.

The recording will be retained as provided in the City's records retention policy and in conformity with the Colorado Open Meetings Law for a period of 90 days.

- 21.** The Executive Session was called to order at 7:57 p.m. for the purpose of completing the annual performance review of the City Council Appointees –Municipal Judge

Present for participation in the Executive Session were all members of the City Council except Councilmember Hall, who was absent, and Human Resources Director Noel Mink.

A motion to go into an Executive Session to discuss the following matter as provided under C.R.S. Section 24-6-402(4)(f) and Greeley Municipal Code Section 2.151(6)(a): To discuss personnel reporting to the City Council, the Municipal Court Judge.

Human Resources Director Noel Mink left the room at 8:02 pm.
Judge Gonzales entered the room at 8:02 pm.
Judge Gonzales left the room at 8:33 pm.

Mayor Gates cautioned each participant to confine discussion to the stated purpose and reminded that no formal action may occur in Executive Session. If at any point any participant believed that the discussion was going outside the proper scope of the Executive Session, participants were advised to interrupt the discussion and raise an objection.

The meeting concluded at 8:36 p.m. and the Executive session was adjourned.

The recording will be retained as provided in the City's records retention policy and in conformity with the Colorado Open Meetings Law for a period of 90 days.

Approved:

John D. Gates, Mayor Attest:

Attest:

Tasha Reynolds, Deputy City Clerk