

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

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

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 Kristin Zasada

Council Member Ed Clark

4. Recognitions and Proclamations

Mayor Gates presented a proclamation relating to Youth Arts Month. Jason Evenson, Cultural Affairs Manager with the City of Greeley, accepted the proclamation.

Council Member Hall presented the *What's Great About Greeley* Report.

5. Citizen Input

No written comments were received.

W.D. Bill Gilliard, Greeley resident, addressed the Council from the meeting's virtual audience and offered comments about Zoom meetings not being fully public meetings, and asked when the City Council plans to return to in person meetings.

6. Approval of the Agenda

Mayor Gates shared information about how items 15 and 16 would be heard by the Council and how action would proceed on those items, as noted in the information in the agenda packet for the approval of the agenda.

City Manager Roy Otto shared that additional written comments were provided to the Council ahead of the meeting for items 15 and 16, as well as for the COVID-19 report.

The agenda was approved as presented.

7. Reports from Mayor and Councilmembers

Council Member Butler remarked on watching Chief Dale Lyman's retirement ceremony yesterday, and offered his thanks to Chief Lyman for his service. Mayor Gates reiterated the City's appreciation to Chief Lyman.

8. Initiatives from Mayor and Councilmembers

There were no initiatives from Council members.

Consent Agenda

Motion made by Council Member Payton, seconded by Council Member Fitzsimmons, to approve items 9-13 on the consent agenda as presented.
The motion carried 7-0.

9. Acceptance of the Report of the February 9, 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 February 16, 2021

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

11. Consideration of a resolution authorizing the transfer of \$150,000 in Airport Improvement Funds from the Greeley-Weld County Airport to Monte Vista Municipal Airport

The Council action recommended was to adopt the resolution.

Resolution No. 07, 2021, authorizing the transfer of \$150,000 in Airport Improvement Program Entitlement Funds from the Greeley-Weld County Airport to the Monte Vista Municipal Airport, was adopted.

12. Consideration of a resolution authorizing the City to enter into an Intergovernmental Agreement (IGA) between the City of Greeley and the Cache Metropolitan District Nos. 1-8.

The Council action recommended was to adopt the resolution.

Resolution No. 08, 2021, approving an Intergovernmental Agreement between the City of Greeley and Cache Metropolitan District No. 1, Cache Metropolitan District No. 2, Cache Metropolitan District No. 3, Cache Metropolitan District No. 4, Cache Metropolitan District No. 5, Cache Metropolitan District No. 6, Cache Metropolitan

District No. 7, Cache Metropolitan District No. 8, regarding the service plan for the district, was adopted.

13. Consideration of a resolution of the City Council of the City of Greeley authorizing City staff to enter into a Settlement and Mutual Release Agreement with Ms. Eugenia Lopez Flores

The Council action recommended was to adopt the resolution.

Resolution No. 09, 2021, authorizing City staff to enter into a settlement agreement with Eugenia Lopez Flores, was adopted.

End of Consent Agenda

14. Pulled Consent Agenda Items

No items were pulled from the consent agenda.

15. Public hearing and final reading of an ordinance amending Chapter 6, Title 14 of the Code of the City of Greeley concerning the dedication of raw water for city water service

16. Consideration of a resolution of the City Council of Greeley, Colorado authorizing the closing of the transaction contemplated by the Amended and Restated Master Purchase, Sale and Raw Water Credit Administration Agreement (Terry Ranch) and taking related actions

Mayor Gates noted items 15 and 16 would be heard together, with a single public hearing to follow the staff presentations on these items.

Sean Chambers, Water and Sewer Director, introduced the items and began the presentation as set forth in the PowerPoint in the agenda packet on the resolution authorizing closing on the Terry Ranch transaction. Also participating in the presentation were Adam Jokerst, Deputy Director of Water Resources, and Cortney Brand, president and CEO of LRE Water.

Following the presentation on the resolution, Mayor Gates invited Water Board Chair Harold Evans to address the Council. Chair Evans shared information on behalf of the Water Board about the proposed Terry Ranch project.

Adam Jokerst, Deputy Director of Water Resources, then presented as set forth in the PowerPoint presentation in the agenda packet on the Raw Water Dedication Ordinance also before the Council for adoption.

At the conclusion of both presentations, Mayor Gates asked for any questions for staff from Council. There were no questions for staff at that time.

Mayor Gates opened the public hearing at 7:02 p.m.

No additional written comments were received, beyond those already made a part of the public record and provided to Council in advance of the meeting.

Jaime Henning, Greeley resident and President of the Greeley Area Chamber of Commerce, spoke in support of the Terry Ranch project.

Cheri Witt-Brown, Executive Director of Greeley-Weld Habitat for Humanity and Greeley resident, spoke in support of the Terry Ranch project.

Tom Norton, Greeley resident and former Greeley mayor, spoke in support of the Terry Ranch project.

Tyler Weaver, Greeley resident, spoke in support of the Terry Ranch project.

William Gillard, Evans resident, spoke in opposition to the Terry Ranch project.

Jeannine Truswell, Greeley resident and United Way of Weld County representative, spoke in support of the Terry Ranch project.

Bill Farr, Timnath resident and descendent of W.D. Farr, spoke in support of the Terry Ranch project.

John Gauthiere, Greeley resident, spoke in opposition to the Terry Ranch project.

Craig Rasmuson, a Greeley resident and business owner, spoke in support of the Terry Ranch project.

Dick Maxfield, Greeley resident, spoke in support of the Terry Ranch project.

Sherrie Peif, Evans resident, spoke in support of the Terry Ranch project.

Roger Hollard, Littleton resident representing Stratus Investment Group, spoke in support of the Terry Ranch project.

Rich Werner, Director of Upstate Colorado, spoke in support of the Terry Ranch project.

Sharon Dunn was called to speak, but was not in queue.

Larry Rogstad, Greeley resident, spoke in support of the Terry Ranch project

Sandi Cummings, Greeley resident, spoke in opposition to the Terry Ranch project.

Kevin Perry, property owner along I-25 in Larimer County, spoke in opposition to the Terry Ranch project.

Mario Carrasco, Greeley resident, spoke to ask for the Council to take more time before making a decision on this project.

Following all speakers, Mayor Gates asked staff for any follow up as part of the public hearing. Director Chambers provided summary comments.

There being no one further to speak, the public hearing was closed at 7:50 p.m.

In response to questions from Council, Director Chambers noted this project first was presented to the City Council in Executive Session during the summer of 2020 due to ongoing work occurring with potential Milton Seaman expansion and a nondisclosure agreement with the Terry Ranch sellers. The information was provided publicly in 2020.

Council Member Brett Payton noted from his experience as a real estate attorney that he would caution some of the comments made about Terry Ranch being a potential SuperFund site could amount to slander of title on this property.

Council Member Fitzsimmons moved, seconded by Council Member Zasada, to adopt the resolution as presented in item 16.

Council Member Clark commented on his prior history as Mayor in 2007 to 2008 and how it relates to these actions.

The motion carried 7-0 by roll call vote.

Resolution No. 10, 2021, authorizing the closing of the transactions contemplated by the amended and restated master purchase, sale and raw water credit administration agreement (Terry Ranch) and taking related actions, was adopted.

Council Member Fitzsimmons moved, seconded by Council Member Zasada, to adopt the ordinance as presented in item 15 and publish with reference to title only.

Council Member Fitzsimmons noted he did read the contract in full prior to making his decision to support this project and the associated ordinance.

Council Member Butler explained that health and safety are his utmost concern and appreciated all of the staff time in answering so many questions to help him reach his conclusions to support this project and ordinance.

Council Member Zasada noted that those with concerns have been heard, and all concerns brought up have been researched extensively. She continued that we need to trust our city staff, and that this project has been studied for almost 2 years.

Council Member Payton thanked all who worked on this project.

Mayor Gates explained that when first hearing of the project, he thought it was intriguing but needed a lot of due diligence, and what he has seen is a considerable amount of due diligence.

The motion carried 7-0 by roll call vote.

Ordinance No. 10, 2021, amending Chapter 6, Title 14 of the Municipal Code of the City of Greeley (concerning the dedication of water rights for City water services), was adopted.

17. COVID-19 Update

Dan Frazen, Emergency Manager, presented the updated COVID-19 report as set forth in the report provided to the Council and added to the public record ahead of the meeting.

City Manager Otto answered questions from Council about the current level of operations across the City enterprise based on the state dial. He noted that different functions across the City are being evaluated for the appropriate level to balance continuing to provide effective service remotely where possible with the wait for wider vaccine availability for staff.

Anissa Hollingshead, City Clerk, provided an update on the new news earlier in the day from the governor and the Colorado Department of Public Health and Environment (CDPHE) that Five Star Programs meeting the metrics for yellow on the state dial can now begin allowing certified businesses to operate under the standards for level blue. Clerk Hollingshead committed to providing the Council with a clear summary of what the dial level changes mean for certified businesses.

18. Scheduling of Meetings, Other Events

No other meetings or events were scheduled.

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

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

20. Adjournment

With no further business before the Council, Mayor Gates adjourned the meeting at 8:18 p.m.

John Gates, Mayor

Anissa N. Hollingshead, City Clerk