

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
March 5, 2019

1. Call to Order

Mayor John Gates called the meeting to order at 6:30 p.m., in the Council's Chambers at the City Center South Campus, 1001 11th Avenue.

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 Robb Casseday, Michael Fitzsimmons, Dale Hall, Brett Payton, Jon Smail and Stacy Suniga.

4. Recognitions and Proclamations

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

Mayor Gates recognized four-time State Wrestling Champion, Andre Alivez of Greeley Central High School, and the City of Greeley's Finance Department for receiving the Certificate of Achievement for Excellence in Financial Reporting.

5. Citizen Input

Pastor Steven Grant expressed his support for the Weld County Commission's action to make Weld County a 2nd Amendment Sanctuary County. He added that he hopes the City of Greeley will do the same.

6. Approval of Agenda

Roy Otto, City Manager, noted an amendment to the minutes of the February 19, 2019, City Council meeting being approved during Item 9 of this agenda. Including this amendment, the agenda was approved as presented.

7. Reports from Mayor and Councilmembers

Councilmember Hall reported that the Bright Futures Program has attained 501(c)(3) status and has served 3,549 students in Weld County. Additionally, those students have completed over 42,000 hours of community service. Councilmember Hall concluded by expressing his concern for the Colorado Municipal League's (CML) support for Senate Bill 181.

Mayor Gates also expressed his disappointment with CML's support for Senate Bill 181, and City Manager Roy Otto discussed a conversation he had with the Executive Director of CML, Kevin Bommer, regarding this Bill.

Councilmember Suniga reported on her attendance at the Greeley/Weld Census Committee meeting and on an invitation she received to speak to the student group Students for Political Awareness at the University of Northern Colorado.

Councilmember Casseday reported that the Weld County Airport Manager has announced his resignation and will be leaving in April. He also reported on his attendance at the Greeley Fire Department's annual award ceremony and congratulated all who were recognized.

Mayor Gates announced that he appointed Councilmember Suniga as the Council representative to the Greeley/Weld Census Committee, and he reported on his attendance at the Greeley Fire Department's annual award ceremony and the Live United event congratulating all involved in both events. He continued by announcing that Comcast is back in Greeley with a location at Centerplace, reporting on his attendance at the Success Foundation breakfast, appointed Councilmember Smail as the Council representative for art review for the public art at the Greeley Transit Center, and recognized Kelli Johnson as the new Communication and Engagement Director.

8. Petitions from Mayor and Councilmembers

There were no petitions from the Mayor or Councilmembers.

****** Consent Agenda ******

9. Approval of the City Council Proceedings of February 19, 2019

The Council action recommended as to approve the Proceedings.

10. Acceptance of the Report of the February 26, 2019, City Council Worksession

The Council action recommended was to accept the Report.

11. Introduction and first reading of an ordinance amending Greeley Municipal Code enacting Chapter 1.34; amending Chapter 2.09, enacting Section 10.28.051; and amending Title 11 all related to parking within the City of Greeley.

A motion to introduce the ordinance and schedule the public hearing and final reading for March 19, 2019.

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

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

12. Pulled consent agenda items

No items were pulled from the Consent Agenda.

13. Public hearing and final reading of an Ordinance to facilitate installation of City-owned fiber optic conduit during excavation projects within the City's rights of way

Brian Sullivan, Interim Director of Information Technology (IT), provided a brief history of this fiber co-location Ordinance, described the importance of this Ordinance, discussed options for implementation and collaboration with stakeholders. He continued by providing an explanation of what the installation of conduit would look like, described the requirements for an impact of this Ordinance, and highlighted the funding/investment by the City.

In response to a question from Councilmember Smail, Mr. Sullivan explained that there are state and federal laws/regulations that could impact the City's ability to install conduit by co-location in some circumstances. Mr. Sullivan provided an example of these types of regulations which currently keep the City from installing water/sewer lines in the same trench as high pressure gas lines.

Mayor Gates opened the public hearing at 7:04 p.m.

Kurtis Paradisa, Public Affairs for Atmos Energy, met earlier in the week with the City's IT Department and resolved many of the issues Atmos originally had with the Ordinance. He clarified that he was present to simply voice some concerns but not to oppose the Ordinance.

Councilmember Suniga asked for specific examples from Atmos that supported the concerns that they raised. Kevin Karrigan, explained that there is no regulation against co-location. He added that it is a concern to have fiber cable in close proximity to gas lines, and there is also a potential risk of 3rd party damage when excavation occurs to join segments of cable that have already been installed. He concluded by adding that there are currently no examples of this happening.

In response to a question from Councilmember Fitzsimmons, Mr. Karrigan stated that Atmos would prefer two separate trenches at least three feet apart instead of co-locating.

Mr. Otto clarified that the City currently works with Atmos and other companies when installing other utilities and would respect the requested set-backs when installing fiber conduit in the future.

Joel Hemesath, Public Works Director, reiterated the points made by Mr. Otto explaining that the City currently works with energy companies when installing utility lines and will be able to continue this coordination with respect to fiber conduit.

In response to a question from Councilmember Suniga, Mr. Hemesath clarified that new developers may be required to dig two trenches in some instances, but it would depend on the type of development and would likely be rare.

In response to a question from Councilmember Smail, Mr. Otto explained that it would not be prudent to legislate set-backs in this Ordinance because the appropriate distance is different depending on the project. He added that it would be best for the City to work with energy companies on a case by case basis.

Nathaniel Johnson, Greeley resident, explained that he is not opposed to City-wide broadband and co-location but feels that the City is putting the cart before the horse. He also expressed concern that there is a potential for tax payer money to be used to build infrastructure that private companies will be able to profit from.

Lucas McConnell, Area Manager for Government and Community Affairs for Xcel Energy, echoed the concerns raised by Mr. Paradisa and Mr. Karrigan adding that other municipalities do co-location and Xcel has successfully coordinated with those communities.

Mayor Gates closed the public hearing at 7:20 p.m.

In response to a question from Councilmember Smail, Mr. Sullivan explained that he has received feedback from the development community and all concerns were answered satisfactorily. He concluded by explaining that the purpose of this Ordinance is to build out broadband infrastructure to allow the City to have as many options as possible going into the future.

Councilmember Suniga moved to amend the Ordinance adding Chapter 14.80 of the Greeley Municipal Code regarding excavation in the public right of way as follows:

Delete the final sentence of section 14.80.040(B)(2), which currently states “The City shall not pay for design or potholing costs”.

Councilmember Casseday seconded the motion. The motion carried: 7-0

Councilmember Smail moved, seconded by Councilmember Hall to adopt the ordinance as amended and publish in full. The motion carried: 7-0 (**Ordinance No. 09, 2019**)

14. **Public hearing and final reading of an Ordinance authorizing the acquisition of interests in real property located in the City of Greeley for road improvements by purchase or exercise of power of eminent domain pursuant to Section 7 of Article XVI, Section 15 of article II, and Sections 1 and 6 of Article XX of the Colorado Constitution and Colorado Revised Statute § 38-1-101, et seq. (65th Avenue and Highway 34 Frontage Road Project)**

Mr. Hemesath highlighted the project along with the project timeline. He noted that there are plans to hold meetings with those who will be impacted by this project.

Mayor Gates opened the public hearing at 7:28 p.m., and no comments were offered.

Councilmember Casseday moved, seconded by Councilmember Fitzsimmons to adopt the ordinance and publish with reference to title only. The motion carried: 7-0 (**Ordinance No. 10, 2019**)

15. **Public hearing and final reading of an ordinance vacating a right-of-way located south of the intersection of 30th Street and 43rd Avenue and approving of a subdivision replat for Gateway Estates 2nd Filing, 1st Replat**

Brad Mueller, Community Development Director, highlighted the history of this project, described the location of the property, and explained the approval criteria and recommendations.

In response to a question from Councilmember Hall, Mr. Mueller noted that all surrounding property owners are aware of this project and supportive of it. Mr. Hemesath added that work is projected to be completed by this spring and landscaping costs should be less than \$10,000.

Mayor Gates opened the public hearing at 7:35 p.m., and no comments were offered.

Councilmember Smail moved, seconded by Councilmember Hall to adopt the ordinance and publish with reference to title only. The motion carried: 7-0 (**Ordinance No. 11, 2019**)

16. Scheduling of meetings, other events

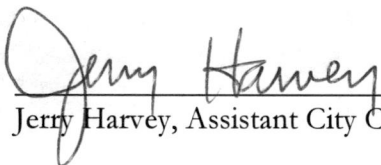
No meeting or other events were scheduled.

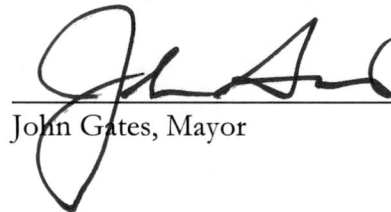
17. Consideration of a motion authorizing the City Attorney to prepare any required resolutions, agreements, and ordinances to reflect action taken by the City Council at this meeting and at any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements, and ordinances

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

25. Adjournment

There being no further business to come before the Council, Mayor Gates adjourned the meeting at 7:36 p.m.


Jerry Harvey, Assistant City Clerk


John Gates, Mayor