

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
June 4, 2019

1. Call to Order

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

2. Pledge of Allegiance

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

3. Roll Call

Cheryl Aragon, Deputy 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 presented a Proclamation for Alzheimer's Disease and Brain Awareness Month.

5. Citizen Input

Sheri Peif, Greeley resident, was present and stated she is concerned about how her name recently ended up in the paper, not that it was in the paper. She stated that her name and address were included in a police report that was released. She indicated that her complaint is that the police report cost hundreds of dollars while the Colorado Open Records Act allows for a waiver of fees if it is a matter of public interest, since this is because she reported allegations involving a public official contributing to the delinquency of a minor and sexual assault allegations. She asked that her charges and the charges of other media outlets be waived. She also asked Council to remember that her name and contact information was given out without any warning.

Mayor Gates indicated that this will take some legal guidance and asked the City Attorney to look into this request at his earliest convenience.

Pastor Grant, Greeley resident, was present and inquired about the City's Second Amendment Sanctuary City ordinance status, and Mayor Gates indicated that a request for a moratorium has not made its way to Council yet.

6. Approval of Agenda

The agenda was approved as presented upon noting the request to continue Item No. 23 to July 2, 2019.

7. Reports from Mayor and Councilmembers

Councilmember Hall reported that on May 30th, he along with other Poudre River Trail members, were out inspecting the Trail and damage in an effort to get a handle on that effort. He also reported that he attended the 16th Street Corridor Open House where drawings and sketches were on display and great feedback was received.

Councilmember Suniga reported that she attended the Memorial Day event at Linn Grove Cemetery for the first time and noted that it was a very moving and emotional ceremony for those who have given their lives for our freedoms.

Mayor Gates reported on a meeting he attended at Upstate Colorado sponsored by Century Link where the status of projects were provided; on the grand opening of the new Macy Chapel; the Greeley Stampede Kick-off Luncheon; the Memorial Day Ceremony at Linn Grove Cemetery; and the 3A Girls and Boys Tennis tournament being hosted in Greeley.

8. Petitions from Mayor and Councilmembers

There were no petitions offered.

* * * * Consent Agenda * * * *

9. Approval of the City Council Proceedings of May 21, 2019

The Council action recommended was to approve the Proceedings.

10. Acceptance of the Report of the May 28, 2019, City Council Worksession

The Council action recommended was to accept the Report.

11. Consideration of a resolution of the Greeley City Council authorizing the City to enter into an intergovernmental agreement with the Colorado Department of Transportation, Division of Transit and Rail, entitled "FASTER Transit Grant Agreement"

The Council action recommended was to adopt the Resolution. **(Resolution No. 27, 2019)**

12. Consideration of a resolution of the City of Greeley Council adopting the United States Highway 34 Planning and Environmental Linkages Study from Larimer County Road 27 to Weld County Road 53 of a Resolution to adopt the US 34 Planning and Environmental Linkages (PEL) Study

The Council action recommended was to adopt the Resolution. **(Resolution No. 28, 2019)**

13. Consideration of a resolution of the City of Greeley Council authorizing the City to enter into a memorandum of understanding to facilitate Transit Asset Management target setting for the FAST Act performance measures between North Front Range Metropolitan Planning Organization, Transfort, Greeley Evans Transit, and the Colorado Department of Transportation

The Council action recommended was to adopt the Resolution. **(Resolution No. 29, 2019)**

14. **Consideration of a resolution of the Greeley Council authorizing City to enter into a Twenty Year Lease Agreement with the Greeley Independence Stampede**

The Council action recommended was to adopt the Resolution. (Resolution No. 30, 2019)

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

The Council action recommended was to adopt the Resolution. (Resolution No. 31, 2019)

16. **Consideration of a change order to the professional services contract with contract authors Gregory J. Hobbs and Michael Welch (Hobbs and Welch) for research, writing, preliminary editing, manuscript preparation and support tasks associated with the completion of the History of Greeley Water book**

The Council action recommended was to approve the Change Order.

17. **Introduction and first 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 2019 and for funds held in reserve for encumbrances at December 31, 2018**

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading for July 2, 2019.

18. **Introduction and first reading of an ordinance repealing Section 14.04.100 of the Greeley Municipal Code regarding the water and sewer budget setting process**

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading for July 2, 2019.

19. **Introduction and first reading of an ordinance adopting amendments to the Greeley Municipal Code, including Chapter 18.04 and Appendix A, regarding reassignment of City Engineer certification on plats and other development review documents to the Engineering Development Review and Civil Inspection Manager**

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading for July 2, 2019.

20. **Introduction and first reading of an ordinance amending sections of Chapter 9 of the Greeley Municipal Code to require mandatory trash service and to make technical corrections to Code sections regarding refuse**

This item was pulled from the Consent Agenda.

21. **Introduction and first reading of an ordinance of the Greeley Municipal Code amending Chapter 9.18; amending Chapter 14.15; and amending Chapter 14.16 all related to the City of Greeley's Municipal Separate Storm Sewer System**

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading for July 2, 2019.

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

Councilmember Casseday highlighted the work by the Coalition and the Metropolitan Planning Organization done on three items on the Consent Agenda and made mention of the work by Public Works Director Joel Hemesath and the staff that have been years in the making. All are in-depth and workable.

Councilmember Casseday moved, seconded by Councilmember Payton to approve the items on the Consent Agenda and their recommended actions with the exception of Item No. 20. The motion carried: 7-0

22. Pulled consent agenda items

20. Introduction and first reading of an ordinance amending sections of Chapter 9 of the Greeley Municipal Code to require mandatory trash service and to make technical corrections to Code sections regarding refuse

Councilmember Hall referenced Section 9.16.130 that responsibility will remain with the owner even if there is a tenant. He stated that he has heard comments about tenants bugging out on citations, etc., and then the owner ends up with a lien on his or her property. He expressed concern with that.

Brad Mueller, Community Development Director, clarified that the items in the Code with the exceptions of 120 are revisions to the code, but nothing substantive, just clean up language. He went on to state that the legal basis for that section is that only owners can be cited for violations. They might have agreements and leases giving tenant responsibilities for some things, and those staff can work through, but legal recourse is through the property owner.

He went on to state that for that section, 9.16.130, the changes do not change the basic process that the City follows, and the recourse is a lien on the property.

Councilmember Payton stated that he does not want to stop Code cleanup but expressed concern with some things proposed and wondered if they could look at this in two ways – cleanup and then the rest of it.

Doug Marek, City Attorney, advised that the Council could give direction about whether or not the substantive changes are ok and then the Code clean up could be looked at further and then brought back. He added that this could be continued to a later date since this is the first reading.

Councilmember Suniga moved, seconded by Councilmember Hall to continue consideration of this ordinance to a future meeting. The motion carried: 7-0

Mr. Mueller indicated that he would reach out to the City Council to get substantive changes.

23. **Continuation of the Public hearing and final reading of an ordinance amending Sections 2.07.040, 4.20.160, and 4.20.190 of the Greeley Municipal Code regarding Intergovernmental Agreements, Change Orders, and Contract Types**

Councilmember Casseday moved, seconded by Councilmember Fitzsimmons to open the Public Hearing on this item and then continue that Public Hearing to the July 2, 2019, Council Meeting. The motion carried: 7-0

Mayor Gates opened the public hearing at 7:19 p.m., and no comments were offered. The Public Hearing was not closed and will remain open until the July 2, 2019, City Council Meeting.

24. **Public hearing and final reading of an ordinance to consider establishing C-H (Commercial High Intensity) zoning for certain property located in Weld County, Colorado, recently annexed and known as the 2034 Enclave Annexation, generally located north of the Highway 34 Bypass and south of 20th Street, between 83rd Avenue and 95th Avenue, and a public hearing and final reading of an ordinance changing the official zoning map of the City of Greeley, Colorado, to reflect the same**

Mr. Mueller advised that this is a zoning request for property recently annexed into the city. He reviewed the general location and the approval criteria to be considered with this type of request. He added that the Planning Commission is recommending approval to the City Council.

Mayor Gates opened the public hearing at 7:24 p.m., and no comments were offered.

Councilmember Payton moved, seconded by Councilmember Hall to find that, based on the project summary and accompanying analysis, the proposed establishment of zoning to C-H (Commercial High Intensity) zone district meets Development Code Section 18.26.070(b)(2); and, therefore establishment of C-H zoning is approved. The motion carried: 7-0

Councilmember Payton moved, seconded by Councilmember Hall to adopt the ordinance and publish it by reference to title only. The motion carried: 7-0 (**Ordinance No. 26, 2019**)

25. **Scheduling of meetings, other events**

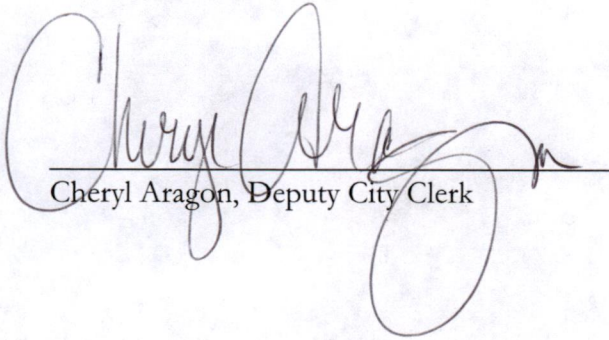
Councilmember Suniga moved, seconded by Councilmember Hall to cancel the June 11, 2019, Worksession as there are no items for presentation or discussion by staff. The motion carried 7-0

26. **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**

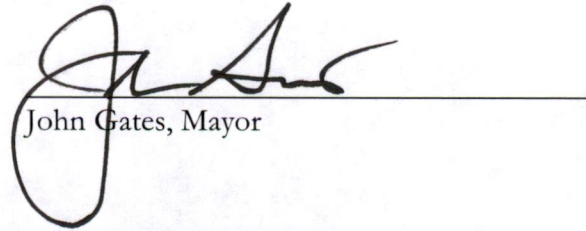
Councilmember Hall moved, seconded by Councilmember Fitzsimmons to approve the above authorizations, and the motion carried: 7-0

27. **Adjournment**

There being no further business to come before the Council, Mayor Gates adjourned the meeting at 7:32 p.m.



Cheryl Aragon, Deputy City Clerk



John Gates, Mayor