City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
October 1, 2019

1. Call to Order

Mayor ProTem Robb Casseday 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 ProTem Casseday led the Pledge of Allegiance to the American Flag.

3. Roll Call

Jessica Diagana, Assistant City Clerk, called the roll. Those present were Mayor ProTem Robb Casseday and Councilmembers Michael Fitzsimmons, Dale Hall, Brett Payton, Jon Smail and Stacy Suniga. Mayor John Gates was excused.

4. Recognitions and Proclamations

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

Mayor ProTem Casseday presented the Award from the Government Finance Officers Association Distinguished Budget.

5. Citizen Input

Edward Mirick, Greeley resident, spoke of the recent Candidate Forum that was facilitated by the League of Women Voters noting that he has been fielding many calls since then from constituents asking why Councilmember Suniga is asking to be re-elected when she was appointed by Council after his At-Large seat was vacated. Mr. Mirick asked the Council, as the body that appointed Councilmember Suniga, to ask her to stop stating that she is seeking re-election and that the YouTube coverage be taken down or edited to remove the portion of her request to be re-elected. Mr. Mirick stated that he is one voice representing many.

Mario Carrasco, Greeley resident, was present to reiterate his concerns from last time he spoke about contractor licensing. Mr. Carrasco also spoke of police activity in his neighborhood and that he would like to have a sit down with the Chief of Police and members of the community to help alleviate what he feels is a jaded feeling in the neighborhood between residents and the Police Department. He stated that he does not get help from the Police Department when he calls and that he always ends up being the bad guy. He would like to work with staff to come up with a solution to this concern together.

William Jacquot spoke of the pop-up hail damage tents that are coming to town after the storms. He expressed concern that these types of businesses are not licensed in the City and that they are driving down the market and competition which makes it difficult for local body shops.

6. Approval of Agenda

The agenda was approved as presented upon removal of Item No. 19.

7. **Reports from Mayor and Councilmembers**

Councilmember Suniga spoke of her attendance at the Greeley Dream Team Breakfast and made mention of several great things they are doing.

Mayor ProTem Casseday spoke of his attendance on the AgTour.

8. **Petitions from Mayor and Councilmembers**

Mayor ProTem Casseday spoke of his concerns with pop-up hail repair businesses stating that these businesses take away from businesses that have permanency in our city. He also expressed concern about licensing for contractors and petitioned staff to look into contractor licensing and pop up hail damage tents to see what other municipalities are doing. It was the consensus of Council to move forward with both petitions.

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

9. **Acceptance of the Report of the September 10, 2019, City Council Worksession**

The Council action recommended was to accept the Report.

10. **Approval of the City Council Proceedings of September 17, 2019**

The Council action recommended was to approve the Proceedings.

11. **Consideration of a resolution authorizing the City to enter into an Intergovernmental Agreement for Potable Water Interconnect with North Weld County Water District and East Larimer County Water District**

The Council action recommended was to adopt the resolution. **(Resolution No. 38, 2019)**

12. **Consideration of a resolution authorizing the City to enter into an intergovernmental agreement between the City of Greeley and the State of Colorado, acting by and through the department of Public Safety for the benefit of the Division of Homeland Security and Emergency Management (DHSEM)**

The Council action recommended was to adopt the resolution. **(Resolution No. 39, 2019)**

13. **Introduction and first reading of an ordinance amending portions of the Greeley Municipal Code, Chapter 11.01, Part 8 (Traffic Code), as it relates to pedestrians**

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading for October 15, 2019.

14. **Introduction and first reading of an ordinance of the City of Greeley repealing and replacing Chapter 11.01.1420 of the Greeley Municipal Code regarding misuse of a wireless telephone**

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading for October 15, 2019.

15. Introduction and first reading of an ordinance adopting the General and Seasonal/Hourly Employee Pay Plans for 2020

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading for October 15, 2019.

16. Consideration to approve a change order in the amount of $21,073.18 increasing the contract with AB Underground for the 71st Avenue Sheep Draw Trail project to $313,740.18

The Council action recommended was to approve the Change Order.

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

Councilmember Hall moved, seconded by Councilmember Fitzsimmons to approve the items on the Consent Agenda and their recommended actions. The motion carried: 6-0 (Gates excused)

17. Pulled consent agenda items

No items were pulled from the Consent Agenda.

18. Public hearing and final reading of an ordinance authorizing a Site Lease and Lease Purchase Agreement between the City of Greeley, Colorado, and Zions Bancorporation, National Association (solely in its capacity as Trustee) for the purpose of financing public buildings; approving not to exceed $12,500,000 principal amount of Certificates of Participation, Series 2019 in connection therewith; authorizing Officials of the City to take all action necessary to carry out the transactions contemplated hereby; and related matters

Renee Wheeler, Finance Director, reported that the Certificates will be used to re-build Fire Station No. 2 and build Fire Station No. 6 on a twenty-year term utilizing the property and buildings as collateral. She stated that payments for the Certificates will be made from the 0.16% sales tax that is expected to generate $3.1 million a year and will also cover staffing. Ms. Wheeler reported that a resolution will be brought to Council for adoption at least five days before the Certificates go out for sale.

Mayor ProTem Casseday opened the public hearing at 7:06 p.m., and no comments were offered.

Councilmember Payton moved, seconded by Councilmember Suniga to adopt the ordinance and publish with reference to title only. The motion carried: 6-0 (Gates excused) **(Ordinance No. 43, 2019)**

19. Consideration of a resolution concerning the proposed Certificates of Participation, Series 2019; authorizing the receipt of competitive bids for the Series 2019 Certificates, including the use of an electronic bidding system therefor; and prescribing certain details concerning such public sale of the Series 2019 Certificates

This item was pulled from consideration by Staff.

20. Public hearing and final reading of an ordinance to consider a change of zone from PUD (Planned Unit Development) to C-H (Commercial High Intensity) zoning for approximately 5.50 acres of property located at 2600 36th Avenue known as the 2600 36th Avenue – Gateway Self-Storage Rezone, and changing the official zoning map to reflect the same

Brad Mueller, Community Development Director, reviewed the request for 2600 36th Avenue for the Gateway Self Storage Rezone including the zoning and vicinity map, background for the property, boundary map, site analysis map, approval criteria, notification and the Planning Commission's September 10th approval of this item.

Jessica Stoneberg, Baseline Engineering Corporation, responded to a question raised by Councilmember Hall, reporting that there is a business to the east that did not support the rezone as the applicant would not agree to allow people to park and walk through the property to reach the other adjacent business, as this is a security concern.

Mayor ProTem Casseday opened the public hearing at 7:15 p.m., and no comments were offered.

Councilmember Suniga moved, seconded by Councilmember Hall to find that, based on the application received and subsequent staff analysis, the proposed rezone from PUD (Planned Unit Development) to C-H (Commercial High Intensity) meets Development Code Section 18.30.050(c)(3) a, b, f, g and h; and, therefore, approves the rezone. The motion carried: 6-0 (Gates excused)

Councilmember Suniga moved, seconded by Councilmember Hall to adopt the ordinance and publish with reference to title only. The motion carried: 6-0 (Gates excused)**(Ordinance No. 44, 2019)**

21. Public hearing and introduction and first reading of an ordinance adopting the Budget for 2020

Robert Miller, Budget & Compliance Manager, reviewed the 2020 budget including presentations leading up to adoption, public hearing agenda including 2020 resources, 2020 expenditures, utility rate changes and reserves, 2020 resources, 2020 budget, Council's priorities, highlighted departmental requests related to image, safety, economic health and development and infrastructure and growth which total $8.78 million in new investments for operational excellence, 2020 major capital project fund highlights, 2020 capital project highlights, 2020 utility rate changes, 2020 projected ending reserves, 2020 projected utility ending reserves and provided a summary of his presentation.

Mayor ProTem Casseday opened the public hearing at 7:31 p.m., and no comments were offered.

Councilmember Payton moved, seconded by Councilmember Fitzsimmons to introduce the ordinance and schedule the public hearing and final reading for October 15, 2019. The motion carried: 6-0 (Gates excused)

22. Public hearing to consider the 2020 Community Development Block Grant budget and 2020-2024 Consolidated Plan

Becky Safarik reported that staff presented a summary of the Consolidated Plan priorities aligned with the Council adopted direction earlier in the year as well as an overview of the applications received and recommendations for the 2020 CDBG budget at the September 24, 2019, Worksession noting that the public hearing is a federal requirement of the U.S. Department of Housing and Urban Development.

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

Councilmember Suniga moved, seconded by Councilmember Fitzsimmons to accept the recommendation of the Greeley Urban Renewal Authority and approve the CDBG budget and Consolidated Plan as presented. The motion carried: 6-0 (Gates excused)

23. Consideration of a resolution approving a Professional Services Agreement Retaining Keller Rohrback L.L.P. as Special Counsel and Authorizing Litigation for Claims Against Pharmaceutical Companies and Distributors

Doug Marek, City Attorney, spoke of the epidemic and crisis arising from the misuse, abuse and over-prescription of opioid medications. He stated that the City of Greeley has incurred increased costs to various departments because of the ongoing opioid crisis for public health, substance abuse treatment services and criminal justice costs. Mr. Marek reported that the proposed resolution would authorize the City Attorney to enter into a professional services agreement as special counsel to join in legal actions in conjunction with several other municipalities.

Councilmember Fitzsimmons moved, seconded by Councilmember Suniga to go into Executive Session to receive legal advice from the City Attorney pursuant to C.R.S. 24-06-402(4)(b) and Greeley Municipal Code 2.04.020 (2) regarding entering into a legal services agreement with Keller Rohrback, L.L.P. to join the ongoing opioid litigation. The motion carried: 6-0 (Gates excused)

Council adjourned to the Executive Session at 7:43 p.m. and reconvened at 8:11 p.m.

Councilmember Fitzsimmons moved, seconded by Councilmember Payton to adopt the resolution. The motion carried: 6-0 (Gates excused) **(Resolution No. 39, 2019)**

24. Scheduling of meetings, other events

Councilmember Hall moved, seconded by Councilmember Fitzsimmons to schedule a Transition Meeting for the installation of the new Council on November 12, 2019. The motion carried: 6-0 (Gates excused)

25. 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 Payton moved, seconded by Councilmember Fitzsimmons to approve the above authorizations, and the motion carried: 6-0 (Gates excused)

26. Adjournment

There being no further business to come before the Council, Mayor ProTem Casseday adjourned the meeting at 8:15 p.m.

Robb Casseday, Mayor ProTem

Jessica Diagana

Jessica Diagana, Assistant City Clerk