

City of Greeley, Colorado

CITY COUNCIL PROCEEDINGS

August 20, 2024

1. **Call to Order**

Mayor Gates called the meeting to order at 6 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**

Heid Leatherwood, City Clerk called the roll.

The following were present:

Councilmember Tommy Butler

Councilmember Deb DeBoutez

Mayor Pro Tem Dale Hall

Councilmember Brett Payton

Councilmember Johnny Olson

Councilmember Melissa McDonald

Mayor John Gates

4. **Approval of the Agenda**

No requests were made.

5. **Recognitions and Proclamation**

Mayor Gates read the National Public Lands Day Proclamation at 6:01 p.m.

City of Greeley Culture Parks and Recreation (CPRD) Director Diana Frick, Natural Areas and Trails Division Manager Justin Scharton and other team members from CPRD were present to receive the proclamation.

Councilmember McDonald presented What's Great about Greeley report at 6:05 p.m.

6. **Citizen Input**

1. Bill Gillard asked for information regarding a loan he had heard about for \$20M to build rooms for the homeless. He wanted to know if this was true.

City Manager Raymond Lee explained that there are no loans for housing at this time. We use a housing voucher program.

2. Steve Teets asked about surveys he had handed out at a previous meeting. He also stated he could read his survey results when ready.
3. Jesse James Stalder provided paperwork to the City Clerk for councilmembers containing information on a new refrigerant option for air conditioners. He said it was compatible with other refrigerants and non-flammable.
4. Matthew Casey spoke on an article in the Tribune about the proposed Greeley West project. He does not subscribe to the Tribune and believed the City Manager's Office should put information out through a public information officer instead.

Mayor Gates offered the City's social media page as a great place for information, including access to all press releases on the website.

7. Reports from Mayor and Councilmembers

Councilmember Butler spoke about attending a tour at the National Guard facility in Greeley. It was hosted as an open house, and he recommended attendance if the opportunity came up next year.

Councilmember McDonald reminded everyone that applications are now open for the Citizen's Police Academy and Citizen's Fire Academy.

8. Initiatives from Mayor and Councilmembers

None.

Consent Agenda

- 9. A motion to approve the Work Session Meeting Proceedings of July 23, 2024**
- 10. A resolution of the City Council of the City of Greeley Authorizing City staff to enter into an Amendment to a Settlement Agreement and Release between Matthew Wilson and Kenneth Amick**
- 11. Introduction and first reading ordinance amending Title 2 of the Greeley Municipal Code to create the Housing for All Advisory Board**
- 12. Introduction and first reading ordinance amending Title 20, Chapter 3 of the Greeley Municipal Code Relating to the Prohibition of Lead Pipes**
- 13. Introduction and first reading of an ordinance amending Title 20, Chapter 3, Article III, Division 1 and Article V of the Greeley Municipal Code relating to the Use and Construction of Domestic and Agricultural Wells**

End of Consent Agenda

Councilmember Olson moved to approve the Consent Agenda Items 9-13. Mayor Pro Tem Hall seconded the motion. The motion passed 7-0 at 6:24 p.m.

14. Pulled Consent Agenda Items

15. Food Tax Rebate Program Overview

Budget and Policy Director Caleb Weitz introduced the item with a presentation at 6:24 p.m. This item was for information only.

Mr. Weitz shared that the Food Tax Rebate program was established in 1990 in conjunction with the repeal of the exemption from sales tax on food for home consumption. The purpose of the tax rebate was to provide relief to low-income residents from the sales tax on food purchases. The rebate was increased over the years and calculations are based on the tax from the previous year.

He provided an overview on the qualification and application process, as well as a chart of the increase in applications and rebates issued since 2013. He provided the council with some future considerations for the program, including changes to the criteria for eligibility, increases to the rebate amount and frequency, revisions to the application, and program sustainability.

Mayor Gates stated that the program could certainly be used more. He asked if the City would be able to raise the amount. Mr. Weitz confirmed the amount per individual could be raised. Currently that ability exists administratively with the City Manager per Council direction.

Councilmember Butler and Olson agreed that a more in-depth discussion about the program would be in order and are happy that this program is offered. Councilmember Olson asked how the program is currently funded. Mr. Weitz noted that it comes out of the Food Tax fund and approximately \$600,000 is allocated for the program in 2025.

Councilmember DeBoutez asked that when the discussion comes up, she would like more information on the types of food that are being taxed. Mr. Weitz explained that the tax is on food for home consumption.

16. Public hearing and second reading of an ordinance amending Article X of chapter 5 of Title 2 of the Greeley Municipal Code relating to Museums

Mayor Gates explained that this was a clear and concise item, and it was cleaning up the code. With the amount of public hearing items, there would be no staff presentation, but it was included in the packet. He explained that it delineated museums in the municipal code and will allow setting open hours for the museums and museum grounds as well as codifying regulatory requirements of museums.

Mayor Gates opened the public hearing at 6:35 p.m.
With no speakers, the public hearing closed at 6:35 p.m.

Councilmember Olson moved to adopt the ordinance. Mayor Pro Tem Hall seconded the motion. The motion passed 7-0 at 6:36 p.m.

17. Public hearing and second reading of an ordinance authorizing and approving a loan from the Colorado Water Resources and Power Development Authority (CWRPDA) for the purpose of financing capital improvements to the water system; approving a loan agreement and the issuance of a bond to evidence the loan; providing for the payment of the bond from the operation of the water system on the terms and conditions providing in the bond ordinance

Water & Sewer Director Sean Chambers introduced this item at 6:36 p.m. with a presentation. Utility Finance Manager, Virgil Pierce was available for questions.

The city was approved for a loan of 20.9 M through the Lead Service Identification and Replacement project, with a low interest rate of 3.5% for up to 30 years. There was \$10,000,000 in principal forgiveness available and federal funding requirements that must be followed. An additional grant of \$250,000 from the Colorado Department of Public Health and Environments Water Quality Control Division that will be used to identify and replace lead service lines.

Mr. Chambers showed a map that identified highest priority areas in the City. The estimated total project cost is \$27 M with 5 phases. Phase 1 was already implemented in 2023, and it is anticipated the project will go beyond 2026. This ordinance allows Water and Sewer to proceed with Phase 2 beginning this month, and updates to each phase will be provided in the future.

Councilmember Olson asked if Water and Sewer is coordinating with Public Works before paving projects in the same areas. Mr. Chambers indicated they coordinate as much as possible in all projects moving forward.

Mayor Pro Tem Hall questioned part of the map on slide 3 and asked if that section was installed with lead-free lines. Mr. Chambers clarified that it is reasonable to assume that, but those lines still need to be inventoried and surveyed.

Councilmember Butler wanted clarification about the city's municipal water lines with regards to lead pipes. Mr. Chambers explained that there are no lead pipes in the City's municipal water system. Greeley was rather innovative and stopped installing lead lines in the late 1930's and this reduced the size and cost of potential problems compared to Denver. He noted that Greeley is only the second community in the state to receive the loan and loan forgiveness.

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

With no speakers, the public hearing closed at 6:46 p.m.

Councilmember Payton moved to adopt the ordinance. Councilmember DeBoutez seconded the motion. The motion passed 7-0 at 6:47 p.m.

18. Public hearing and second reading of an ordinance making assessment against the lots and lands included within the Local Improvement District No. 343795 to recover the approved maximum cost of construction for sanitary sewer infrastructure in Greeley, Colorado (Ashcroft Draw Basin Sanitary Sewer Infrastructure)

Water & Sewer Director, Sean Chambers introduced the item at 6:47 p.m. with a brief history of the subject. Chief Engineer, Adam Prior shared the presentation.

The presentation included a description of the project and explained the rates originally introduced for the Local Improvement District (LID). An ordinance was originally passed in 2021. Projections were developed for the overall project completion at that time and those maximum numbers are still the maximum amounts today.

The LID requires two-step approval. The first ordinance was passed in 2021 defining the boundaries, properties, and estimated cost, and the second ordinance defines the actual cost of the project and cost per tap. Staff requested the approval of the ordinance allocating costs to the lots of approximately \$60 for gravity sewer and \$945 per single family tap.

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

With no speakers, the public hearing closed at 6:54 p.m.

Councilmember Butler moved to adopt the ordinance. Mayor Pro Tem Hall seconded the motion. The motion passed 7-0 at 6:55 p.m.

19. Public Hearing and Second reading of an ordinance submitting to the registered electors of the City of Greeley at the November 5, 2024, coordinated Municipal Election, a question regarding an amendment to Part 1 Article V of the Greeley Municipal Charter regarding financial operations

City Attorney, Stacey Aurzada presented the item at 6:55 p.m. Deputy City Manager/Chief Financial Officer Allena Portis was available for questions.

The City's charter designates the City Manager as the Chief Administrative Officer. He has determined that the financial operations of the City will be best served by appointing

a Chief Financial Officer, and the City Attorney's Office has recommended changes to the charter.

Historically, the Finance Director managed the procurement and budget activities of the city, and now the City Manager has determined these functions are best provided if divided into separate departments. This requires a change in Article V to rename the Department of Finance to Financial Operations.

This ordinance approves placing this on the November ballot for voter approval. Ms. Aurzada reminded council that the Greeley charter is unique in its specification, and this is an adjustment to the City's growth.

Councilmember Butler asked if this was a "housekeeping" action. Ms. Aurzada affirmed that the action was to keep up with the needs of the City.

The public hearing opened at 7:05 p.m.

1. Steve Teets stated that people understand departments better than offices and this should not go on the ballot.
2. Bill Gillard stated his concern about how much money is being spent and if the new department would require additional employees.

With no further speakers, the public hearing closed at 7:07 p.m.

Councilmember Butler moved to adopt the ordinance. Councilmember Olson seconded the motion. The motion passed 7-0 at 7:07 p.m.

20. Public hearing and second reading of an ordinance amending sections 6-29, 6-422, 6-445, 6-446, 6-477, 6-481, 20-151, and 20-152 of the Greeley Municipal Code

City Attorney Stacey Aurzada presented the item at 7:08 p.m. Deputy City Manager/Chief Financial Officer Allena Portis was available for questions.

Ms. Aurzada provided a brief background and the proposed amendments to the municipal code. Changes provide the City Manager with the authority to delegate duties related to the City's financial operations to the appropriate City personnel. Proposed changes to the Code will align the Code with the City's Council-Manager form of Government and appointing a Chief Financial Officer to oversee operations. Corrections are requested to replace the term "Finance Director" with "City Manager or designee" and updates language regarding where utility bills can be paid.

The public hearing opened at 7:11 p.m.

With no further speakers, the public hearing closed at 7:11 p.m.

Mayor Pro Tem Hall moved to adopt the ordinance. Councilmember McDonald seconded the motion. The motion passed 7-0 at 7:12 p.m.

21. Public hearing and second reading of an ordinance submitting to the registered electors of the City of Greeley at the coordinated election to be held November 5, 2024, the question of authorizing the City Council to extend the current sales tax on food

Deputy Director of Budget & Policy Kalen Myers presented the item at 7:12 p.m.

Ms. Myers gave a summary of the meetings and work that was completed on this ballot item. The current tax was set to expire December 31, 2026, and the proposal was a permanent extension to help continue funding for parks and recreation, city building maintenance, arts, and traffic safety. The food tax has been renewed every five years since 1990. This action by council will place the question on the ballot in November.

Councilmember Olson asked for clarification if the Supplemental Nutrition Assistance Program (SNAP) affects residents' qualification status for the tax rebate. Ms. Meyers explained that anyone on the SNAP program would still be eligible for the Sales Tax Rebate Program.

Councilmember Butler announced that this item supports the debt issuance as a funding mechanism for the interchanges and 37th and 45th Avenues.

The public hearing opened at 7:18 p.m.

1. Sherrie Peig spoke in opposition to the measure stating this will make the tax permanent. She was concerned that the previous board had already raised funding for the interchanges in 2019, and wondered where that money was.

Mayor Gates stated that the money raised in 2019 is still in the bank. He said unexpectedly the state agency left the City with the full cost of these interchange projects, and since then, costs have increased.

2. Tom Dunkle spoke about the focus on downtown improvements, the airport expansion, and Greeley West development and supports the ballot initiative. He noted that Loveland voters eliminated the food tax, and the city is now struggling to fund and provide services.
3. Mike Dickerson spoke in opposition to the 3% food tax. He stated that food cannot be avoided, and he doesn't think it is right that a basic need is taxed. He believed it should be allowed to sunset.
4. Sadie Simpson explained that she shops in Greeley, and felt that the 3% tax was high, even for middle-class families.
5. Brandon Wark spoke about living in Greeley because it is affordable. Economics will be one of the driving issues this November, and so the tax should be allowed to

sunset. There was an 80% increase in the use of the rebate program showing that citizens need relief.

6. Natalie Menton driving from Lakewood, believed the tax should be repealed.
7. Bill Gillard spoke in opposition to the tax and asked about the budget was for the interchanges.
8. Steve Teets spoke about how many taxes residents have currently. He felt there are more taxes and less services. He opposed the continuation of the tax.
9. Julie Jensen spoke via Zoom and supported the measure. She believed the City has done a great job with the money funded from this tax. Costs are high, but the interchanges and other services are needed.
10. Liberty Montes spoke via Zoom stated she conducts a large part of her business in Greeley. She supported the ballot measures to fund the interchanges, as this was not a new tax, and was important to support the facilities that the tax maintains.
11. Karent Plasencia spoke via Zoom and stated that her business has been part of the community for over twenty years. She supported both ballot issues as they will continue to make Greeley shine and aid in future growth.

With no further speakers, the public hearing closed at 7:48 p.m.

Councilmember Olson agreed the cost of everything has gone up, and it is hard to continue putting a tax on people who are struggling. The tax rebate helps. He stated neither of these issues were increasing taxes. This decision will allow the voters to determine the outcome.

Councilmember Payton said that in 2017, the Colorado Department Of Transportation (CDOT) promised that if the city raised 50% of the project cost for the interchanges, the state would contribute 50%. The City raised their portion and CDOT failed. The City does not have a big commercial tax that surrounding cities have. The City of Loveland will have to start cutting services now that the food tax is gone. Greeley is doing everything to be fiscally responsible.

Councilmember McDonald stated that the interchanges will be safer and will help youth and other individuals cross in a more efficient manner. She understood that low-income areas are affected by this. She explained that the Rodarte Center and other parks and recreation services would be greatly impacted and need to be maintained as these facilities serve low-income households.

Mayor Pro Tem Hall explained they are not raising taxes, and this has been in place for 30 years. The rebate program can help and was available for those who can't afford the tax.

Councilmember DeBoutez said she supported this action. Council has been fiscally responsible for thirty years and will continue to do so. She agreed with many things her colleagues have mentioned. She explained that in May of 2018, City buildings were

flooded, and funding from this tax helped and will continue to do so. The interchanges will improve air quality as well as traffic safety. This is a reliable funding source.

Mayor Gates agreed with much of what had been said. He respected those who do not support this. With the polling that has been done a lot has been said about economic impact. He explained that other tax increases were considered, but they decided not to move forward with those. It was very hard not to consider open space and public safety taxes. He reiterated this is not a new tax, but a continuation, and the voters will choose.

Councilmember Butler moved to adopt the ordinance. Councilmember DeBoutez seconded the motion. The motion passed 7-0 at 8:02 p.m.

22. Public hearing and second reading of an ordinance submitting to the registered electors of the City of Greeley, at the coordinated election to be held November 5, 2024, the question of authorizing the city to increase debt by \$65 Million in order to fund transportation improvements

Deputy Budget & Policy Director Kalen Myers introduced this item with a presentation at 8:02 p.m.

She presented a recap of the timeline for council engagement on this item and explained the anticipated funding mechanism is the federal Transportation Infrastructure Finance and Innovation Act (TIFIA) loan program. The anticipated repayment source is the food tax. The priority use for this funding will be constructing new interchanges on Highway 34 at 35th and 47th Avenues.

Ms. Meyers explained that this is the second out of the four items proposed to council that have made it this far, and it will be subject to the Taxpayer's Bill of Rights (TABOR). The TIFIA loan program has unique aspects that make it an affordable option, and the City has obtained other grants and funding towards this project, so this will be the final piece of funding.

The public hearing opened at 8:06 p.m.

1. Tom Donkle spoke about the options of funding and believed the improvements are necessary for both safety and air pollution.
2. Steve Teets said he would like to know how the \$65 million will spent and if it includes both infrastructure and transit.

Mayor Gates explained that it is primarily the interchanges but will also include a mobility hub for buses.

3. Julie Jensen thanked Council and staff. She said that CDOT left the city "holding the bag". She believed this will impact the future of Greeley and those wanting to move here.

The public hearing closed at 8:13 p.m.

Councilmember Olson stated they could talk about the two interchanges for hours. He worked on this project since 2015 as a top priority. It not only improves safety and air quality, but it also connects people, and will enable lower-income communities to be connected to services. The community needs this to thrive and succeed. Transportation is a key along with police and fire, and he reminded them this is not a tax.

Mayor Pro Tem Hall said he doesn't take going into debt lightly, but the rates are doable. The inflation with construction makes the cost of this debt look miniscule. He agreed this was needed in addition to the funds they already have.

Councilmember McDonald said even though she believed the interchanges are essential for safety, she doesn't like taking on new debt. She thanked staff who tried to work with CDOT to get funding even though they did not get it done. The interchanges need to be built before soon.

Councilmember DeBoutez was concerned about the cost increases they have experienced since 2015. She felt that this should be completed now primarily for safety reasons.

Councilmember Butler stated it is one of the most dangerous intersections in the state and hinders commerce. The City cannot attract restaurants in these areas because of the safety issues.

Councilmember Payton moved to adopt the ordinance. Mayor Pro Tem Hall seconded the motion. The motion passed 7-0 at 8:21 p.m.

23. Appointments to Boards and Commissions – Construction Trades Advisory and Appeals Board, Judicial Review Board, and Planning Commission

City Clerk Heidi Leatherwood announced the appointments:

Sean Jaehn was appointed for a 3-year term to the Construction Trades Advisory and Appeals Board.

Nick Nakamura was appointed for a 3-year term to the Judicial Review Board.

Larry Modlin and Christian Schulte were each appointed for 3-year terms to the Planning Commission.

24. Scheduling of Meetings, Other Events

None.

25. 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

Councilmember Payton moved to approve the motion. Councilmember Butler seconded the motion. The motion passed 7-0 at 8:22 p.m.

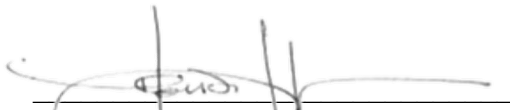
26. Adjournment

With no further business to come before the Council, Mayor Gates adjourned the meeting at 8:22 p.m.

Approved:


Dale Hall, Mayor Pro Tem

Attest:


Heidi Leatherwood, City Clerk