

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
Regular Meeting
July 16, 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
Heidi Leatherwood, City Clerk called the roll.

The following were present:
Councilmember Tommy Butler
Councilmember Deb DeBoutez
Mayor Pro Tem Dale Hall
Councilmember Johnny Olson
Councilmember Melissa McDonald
Mayor John Gates

The following Councilmember was excused.
Councilmember Brett Payton

4. Approval of the Agenda
City Manager Raymond Lee requested that Item 25 be pulled from the agenda due to needed updates and be brought back later. Council agreed.

5. Recognitions and Proclamations

Introductions
Mayor Gates introduced Deputy City Manager of Intentional Growth & Strategic Infrastructure Rachel Flynn, Emergency Management Director Peter Perez, and Homeless Solutions Director Mandy Shreve.

What's Great About Greeley
Councilmember Olson presented the *What's Great about Greeley?* presentation at 6:04 p.m.

6. Citizen Input
 1. Jennifer Gettman spoke about the recent flood disaster. The damage to her home was significant and insurance will not cover. She asked if there was anything the City could do. Mayor Gates responded that there is a plan to address the stormwater flooding in that area. He asked the Public Works Director Paul Trombino to contact her.

7. Reports from Mayor and Councilmembers
Councilmember McDonald spoke about how excited she was for the ground-breaking at Delta Park. She thanked both the Greeley Police Department and the Greeley Fire Department for the time they put in during the Stampede and holidays. Lastly, she wished Mayor Gates a happy birthday as his birthday was the following day.

Councilmember Olson spoke about the US 34 Coalition and how Greeley is leading transportation initiatives. He thanked City of Greeley employees Will Jones, Paul Trombino, and Bhooshan Karnik for their work on US 34 Coalition Transportation Management Organization. He was also really excited about the \$5 million MERGE (Mobility Enhancements for Regional Growth & Equity) grant.

Mayor Gates shared with Council that he had received a request for a Greeley Councilmember to participate in interviews for the High Plains Library District Board in October. Councilmember Butler volunteered.

8. Initiatives from Mayor and Councilmembers
None.

Consent Agenda

9. A motion to approve the City Council Meeting Proceedings of June 4 and June 18, 2024, and the Work Session Proceedings of June 11 and June 25, 2024
10. A motion to set a special meeting for July 30, 2024, for the purpose of considering a Memorandum of Understanding (MOU) regarding property development in the City of Greeley
11. A motion to appoint Scott K. James to the Greeley Housing Authority as a Weld County representative for a term through September 30, 2026
12. A resolution authorizing the City Attorney to sign a participation and release form to "opt in" to a settlement with the Kroger Company
13. A resolution approving the proposed amendment to the Cooperation Agreement between the City of Greeley and the Greeley Urban Renewal Authority (GURA)
14. A resolution authorizing a grant agreement with the State of Colorado Department of Local Affairs (DOLA) to receive grant funds through the supportive housing for Olmstead Advancement Program
15. Introduction and first reading of an ordinance amending Campaign Finance Contribution Limits and creating an administrative process for election requirements, complaints and enforcement issues

Mayor Pro Tem asked that Item 15 be pulled from the consent agenda and placed on the regular agenda for further discussion and action.

16. Introduction and first 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 of the Greeley Municipal Charter regarding collective bargaining for police sergeants
17. Introduction and first reading of an ordinance ratifying and adopting the Collective Bargaining Agreement between the Greeley Police Officers' Association (GPOA) and the City of Greeley, Colorado, which agreement by its terms is for a period commencing January 1, 2025, through December 31, 2027
18. Introduction and first reading of an ordinance to acquire Real Property by Purchase or Exercise of Eminent Domain (Poudre River Ranch Stormwater Drainage Improvement Project)

Councilmember Butler asked that Item 18 be pulled from the consent agenda and placed on the regular agenda for further discussion and action.

19. Introduction and first reading of an ordinance making assessments against the lots and lands included within the Local Improvement District No. 343795 to recover the approved maximum costs of construction for sanitary sewer infrastructure in Greeley, Colorado (Ashcroft Draw Basin Sanitary Sewer Infrastructure)
20. Introduction and first 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

End of Consent Agenda

Councilmember Butler moved to approve the Consent Agenda Items 9-14, 16-17, and 19-20. Councilmember Olson seconded the motion. The motion passed 6-0 with Councilmember Payton absent at 6:24 p.m.

21. Pulled Consent Agenda Items

Item 15- Introduction and first reading of an ordinance amending Campaign Finance Contribution Limits and creating an administrative process for election requirements, complaints and enforcement issues

City Attorney Stacey Aurzada came to the podium to receive questions of Council.

Mayor Pro Tem Hall asked about federal spending limits and the state bill. City Attorney Stacey Aurzada noted that the bill was passed and became effective on January 1, 2024 that all municipalities without their own approved campaign limits must follow the state

recommendations. Those limits are \$400 for individual contributions and \$4000 for small donors. And a new bill was recently passed, taking effect on August 7, 2024 that allows for municipalities, with adoption of an ordinance, to refer conflict of interest complaints to the Secretary of State. Council mentioned the rising cost of campaigning.

Mayor Pro Tem Hall moved to amend the campaign limits to \$3300.00 for both councilmember candidates and mayoral candidates. Councilmember Olson seconded the motion. The motion failed 3-3 with Mayor Gates, Councilmembers Butler and DeBoutez voting “nay” and Councilmember Payton absent at 6:41 p.m.

Councilmember Olson moved to amend the limits to \$2500.00 for both councilmember candidates and mayoral candidates. Mayor Gates seconded the motion. The motion passed 4-2 with Councilmember Butler and DeBoutez voting “nay” and Councilmember Payton absent at 6:42 p.m.

Mayor Pro Tem Hall moved to approve the ordinance as amended and schedule the public hearing and second reading for August 6, 2024. Councilmember Olson seconded the motion. The motion passed 4-2 with Councilmembers Butler and DeBoutez voting “nay” and Councilmember Payton absent at 6:43 p.m.

Item 18- Introduction and first reading of an ordinance to acquire Real Property by Purchase or Exercise of Eminent Domain (Poudre River Ranch Stormwater Drainage Improvement Project)

Deputy Director of Public Works came to the podium to receive questions of council.

Councilmember Butler asked about fee increases and the necessity for eminent domain action. He was concerned this was premature. Deputy Director of Public Works Bhooshan Karnik stated that based on what they had discussed in their last work session, there was consensus from council that this project was a priority. He explained that to keep the design on track, they need to have the ordinance, otherwise they will not be able to move forward on the project.

Councilmember Butler asked if they did not raise any rates and the project did not move forward, what would happen with the ordinance. Mr. Karnik explained it would remain on the books for the future if the project was revived.

Councilmember Butler said he would be introducing an initiative to evaluate what projects needed prioritization in the near future.

Councilmember Butler moved to approve the ordinance. Councilmember DeBoutez seconded the motion. The motion passed 6-0 with Councilmember Payton absent at 6:47 p.m.

22. Public hearing and second reading of an ordinance relating to the acquisition of real property by purchase or exercise of Eminent Domain (37th Street Bridge Improvement Project)

Deputy Public Works Director Bhooshan Karnik introduced the item at 6:48 p.m.

The purpose of the project is to reconstruct the 37th Street bridge over the Greeley Loveland Irrigation Company ditch to improve traffic flow, safety, and multimodal infrastructure. The project will replace the existing structurally deficient bridge, geometry and safety issues and provide better connectivity for residents with a reinforced concrete box culvert. These improvements are vital to address the capacity needs on 37th Street and replace an obsolete bridge as the surrounding area is developed.

The public hearing opened at 6:49 p.m.

With no speakers, the public hearing closed at 6:49 p.m.

Councilmember Butler moved to approve the motion. Councilmember DeBoutez seconded the motion. The motion passed 6-0 with Councilmember Payton absent at 6:50 p.m.

23. Public hearing and second reading of an ordinance relating to the acquisition of real property by purchase or exercise of Eminent Domain (4th Street and 83rd Avenue Improvement Project)

Deputy Public Works Director Bhooshan Karnik introduced the item at 6:51 p.m.

The purpose of the project was to redesign the intersection at 4th Street and 83rd Avenue to improve traffic flow, safety, and multimodal infrastructure. The project will resolve existing grade, geometry and safety issues and provide better connectivity for residents. 4th Street and 83rd Avenue in these project limits is currently in Weld County jurisdiction. As part of the project development, the limits of 4th Street and 83rd Avenue in the project limits will be annexed into the City of Greeley. The intersection improvements are vital to address the capacity needs on 4th Street and 83rd Avenue as the surrounding area is developed.

Mr. Karnik explained the right-of-way along the property lines and clarified that it is not the entire acreage of the highlighted parcels. City Attorney Stacey Aurzada added that it was easier to establish eminent domain early on in a project, even though it is not always necessary to implement it.

The public hearing opened at 7:03 p.m.

With no speakers, the public hearing closed at 7:04 p.m.

Councilmember Butler moved to adopt the ordinance. Councilmember Olson seconded the motion. The motion passed 6-0 with Councilmember Payton absent at 7:04 p.m.

24. Public hearing and second reading of an ordinance relating to the acquisition of real property by purchase or exercise of Eminent Domain (4th Street -5th Street and 23rd Avenue Improvement Project)

Deputy Public Works Director Bhooshan Karnik introduced the item at 6:51 p.m.

The purpose of the project was to redesign the intersection at the 4th Street - 5th Street and 23rd Avenue for improving safety and multimodal infrastructure in conjunction with the 5th Street over the Greeley Irrigation Ditch No. 3 bridge replacement. The project will resolve existing grade, geometry and safety issues and provide connectivity for residents and school children in the neighborhood. If not completed, the existing intersection will continue to be unsafe and provide minimum multimodal options to the residents.

Councilmember Olson wanted to know what parcels were going to be acquired. Mr. Karnik said they are not in the developing stage yet, so it has not been determined exactly what areas will need to be purchased. Councilmember Olson said it makes it difficult for the council to approve what they don't know. In the future he would like to know more details.

Councilmember McDonald asked for clarification on the map. Mr. Karnik explained that these were properties that could be impacted by construction. Councilmember McDonald stated that there is a big difference between feet and acres as it related to property acquisition. Mr. Karnik said the map showed the general area and stated the importance of the ordinance. The ordinance is necessary prior to preferred securing costly design work. He believed that the maximum they would need is 50-60 feet of right-of-way.

Councilmember Butler had questions about eminent domain, stating that they have been seeing it more and more. Mr. Karnik explained the lead line determines how much footage is necessary to acquire and typically 5-6 feet is what they need for stormwater. Councilmember Butler said he was curious to know how often the City has enacted eminent domain on projects. Mr. Karnik said they could try to put that information together. City Attorney Stacey Aurzada explained that while the ordinance authorizes eminent domain, it does not require the City to utilize it.

Councilmember Olson stated that he understood the importance of the action to further the project and noted that this process may need to be revisited.

Mayor Gates said he was not surprised by the questions. He doesn't necessarily like the issue of eminent domain but understood why it was necessary in these cases.

The public hearing opened at 7:07 p.m.

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

Councilmember Olson moved to adopt the ordinance. Councilmember Butler seconded the motion. The motion passed 6-0 with Councilmember Payton absent at 7:08 p.m.

25. Public hearing and second reading of an ordinance to establish Local Improvement District No. 346590 for the Westgate Non-Potable Pump Station under Title 18, Chapter 6 (Local Improvement Districts) of the Greeley Municipal Code

This item was removed from the agenda at the beginning of the meeting. See Item 4.

26. Appointments to Boards & Commissions

City Clerk Heidi Leatherwood announced the appointments:

- Youth Commission Board: Phynix Stull was appointed for a 2-year term.
- Commission on Disabilities Board: Todd Page was appointed for a 3-year term.
- Golf Advisory Board – Melissa Jensen was appointed for a 3-year term.

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

Councilmember Olson moved to approve the motion. Mayor Pro Tem Hall seconded the motion. The motion passed with a 6-0 with Councilmember Payton absent at 7:10 p.m.

28. Scheduling of Meetings, Other Events
None.

29. A motion to go into Executive Session for the purpose of receiving legal advice related to potential settlement of litigation

Recommended Motion:

A motion to go into an Executive Session to discuss the following matter as provided under C.R.S. Sections 24-6-402(4)(b) and 24-6-402(4)(e)(I), Greeley Municipal Code Sections 2-151(a)(2) and 2-151(a)(5): To receive legal advice to consider potential settlement of litigation.

Councilmember Olson moved to approve the motion. Councilmember McDonald seconded the motion. The motion passed 6-0 with Councilmember Payton absent at 7:11 p.m.

The mayor added that the Council will not be returning to the meeting after the adjournment of the Executive Session.

30. Adjournment

With no further business to come before the Council, Mayor Gates adjourned the meeting at 7:11 p.m.

29. Executive Session

The Executive Session was called to order at 7:17 p.m. for the purpose of receiving legal advice related to potential settlement of litigation.

Present for participation in this executive session, which is convened in person in the Executive Session room of Council Chambers, are all members of City Council plus with the following persons:

- Deputy City Attorney Stacey Aurzada
- City Manager Raymond Lee
- Senior Assistant City Attorney Michael Axelrad
- Assistant City Attorney Shaun Reinhart
- Police Chief Adam Turk
- John Goodson, Risk Manager

Mayor Gates cautioned each participant to confine discussion to the stated purpose and reminded that no formal action may occur in the Executive Session. If at any point any participant believed that the discussion was going outside the proper scope of the Executive Session, participants were advised to interrupt the discussion and raise an objection.

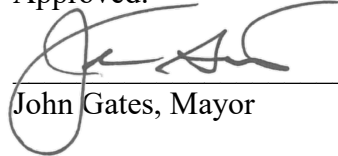
City Attorney Stacey Aurzada made an announcement regarding privileged communication and asked the Mayor to turn off the tape at 7:30 p.m.

At 7:55 p.m. the recorder was turned on because the confidential attorney-client privileged conversation ended.

The executive session concluded at 7:56 p.m.

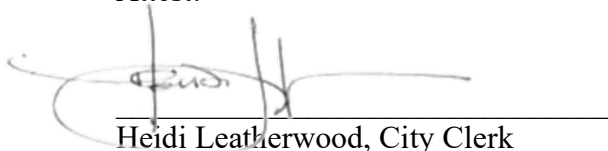
The recording of this executive session will be retained as provided in the City's records retention policy and in conformity with the Colorado Open Meetings Law for a period of 90 days.

Approved:



John Gates, Mayor

Attest:



Heidi Leatherwood, City Clerk