

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
City Council Regular Meeting
August 6, 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, the 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 was excused.
4. Approval of the Agenda
No changes were requested.
5. Recognitions and Proclamations
There were no proclamations.
Councilmember DeBoutez presented the What's Great about Greeley presentation at 6:06 p.m.
6. Citizen Input
 1. Steve Teets, spoke about a survey he was conducting on Housing and Homelessness. He has collected close to 500 and left surveys for councilmembers.
 2. Bill Gillard spoke about potholes. He described the process to fix them properly and wants to see the repairs completed soon.
7. Reports from Mayor and Councilmembers
 1. Councilmember DeBoutez congratulated staff for the Arts Picnic. She thanked Megan Weiler and Cole Gustafson for the planning and tour.
 2. Councilmember McDonald agreed with Councilmember DeBoutez on the Arts Picnic. She felt that attendance was very good despite the heat. She thanked the Fire Department and the Public Works Department for their parts.
 3. Mayor Pro Tem Hall reported that he had the privilege of reading a proclamation for Chautauqua Park.

8. Initiatives from Mayor and Councilmembers
Councilmember Butler requested a work session on stormwater project prioritization, particularly laying out the top priorities of stormwater over the next decade and a review of current and future drainage basin studies. Council reached consensus to move forward on this new initiative.

Consent Agenda

9. A motion to approve the City Council Work Session Proceedings of July 9, 2024
10. A resolution authorizing the city to enter into an Intergovernmental Agreement with Weld County to participate in the November 5, 2024, Coordinated Election, and authorizing the City Clerk to sign said Intergovernmental Agreement
11. Introduction and first reading of an ordinance amending Article X of chapter 5 of Title 2 of the Greeley Municipal Code relating to Museums
12. Introduction and first 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
13. Introduction and first reading of an ordinance to amend Title 20, Chapter 3 of the Greeley Municipal Code relating to water and sewer service
14. 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 and amendment to Part 1, Article V of the Greeley Municipal Charter regarding financial operations
15. Introduction and first 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
16. Introduction and first 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 to fund transportation improvements

End of Consent Agenda

Councilmember Payton moved to approve the Consent Agenda Items 9-16. Councilmember Butler seconded the motion. The motion passed 6-0 at 6:18 p.m. with Mayor Gates absent.

17. Pulled Consent Agenda Items
None.

18. Public hearing and second 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 introduced the item at 6:18 p.m. with a presentation and City Clerk Heidi Leatherwood was available for questions.

A brief history was provided, the state legislature has had no limits in place since 2013. New legislation was passed with limits of \$400 per donor/\$4000 per committee effective January 1, 2024. The council requested an initiative in 2023 to research comparable cities limits.

There was also no established complaint process. The new legislation allowed for cities to establish their own limits and approve the City Clerk to refer complaints to the Secretary of States office. The proposed amounts based on comparisons to surrounding municipalities are \$2500 per person, and per committee. There would also be an adjustment each year for inflation based on the Consumer Price Index percentage.

Councilmember McDonald asked for the percentage of increase that would be added every 2 years. She also asked for clarification on the procedure for complaints.

Councilmember Butler let it be known that the \$2500.00 limit was higher than he felt necessary and would not be voting in favor.

Councilmember Payton asked if the motion failed, would they have to start all over. City Attorney Stacey Aurzada explained it just meant the current state limits would remain in place.

The public hearing opened at 6:28 p.m.

1. Steve Teets agreed that the state limit of \$400/\$4000 was reasonable.

With no further speakers, the public hearing closed at 6:30 p.m.

Councilmember Olson moved to adopt the ordinance. Councilmember Payton seconded the motion. The motion passed 4-2 with Butler and DeBoutez voting “nay” and Mayor Gates absent at 6:33 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 of the Greeley Municipal Charter regarding collective bargaining for police sergeants

City Attorney Stacey Aurzada introduced the item at 6:34 p.m. with a presentation.

Current law prohibits Sergeants from participating in collective bargaining agreements. The Sergeants have requested to participate; therefore, voters will be asked if the charter should be changed to include Sergeants.

The public hearing opened at 6:37 p.m.
With no speakers, the public hearing closed at 6:37 p.m.

Councilmember Butler moved to adopt the ordinance. Councilmember DeBoutez seconded the motion. The motion passed 5-1 with Councilmember Payton voting “nay” and Mayor Gates absent at 6:41 p.m.

20. Public hearing and second 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

Chief Human Capital Officer Kimberly Southern-Weber introduced the item at 6:42 p.m. with a presentation and Budget and Policy Director Caleb Weitz available for questions.

She explained that negotiating teams had worked well together and come to an agreement quickly. The GPOA had conducted a survey of employees. The proposed package included increases consistent with those of general employees.

Mr. Weitz explained that the amounts were part of the 2025 budget, and includes a 14% increase over 3 years, as well as an increase in pension contributions by 1.5% over 3 years. It also includes an additional holiday and increased paid time off.

The public hearing opened at 6:47 p.m.

1. Edwin Grant spoke about social security benefits and teachers' associations. He was concerned about where the money will go.
2. Bill Gillard of Greeley also spoke. He wanted to make sure there is no blue flu or slow down allowed in the contract. He stated the safety of citizens should come before the agreement, and he supports the police.

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

Councilmember DeBoutez moved to adopt the ordinance. Councilmember Olson seconded the motion. The motion passed 6-0 with Mayor Gates absent at 6:53 p.m.

21. Public hearing and second reading of an ordinance relating to the acquisition of Real Property by Purchase or Exercise of Eminent Domain (Poudre River Ranch Stormwater Drainage Improvement Project)

Councilmember Payton recused himself at 6:54 p.m.

Deputy Public Works Director Bhooshan Karnik introduced the item at 6:54 p.m. with a presentation.

The purpose of the project is to reduce impacts to the Poudre River ranch neighborhood and the stormwater infrastructure due to stormwater and farm drainage from upstream locations. As part of the project development, additional stormwater detention capacity will be constructed along the south boundary of the Poudre River Ranch neighborhood. The

project will also improve stormwater infrastructure within the neighborhood and City will assume ownership of the stormwater infrastructure. The project will alleviate flooding and reduce sediment flow from the upstream areas to the Poudre River. The improvements are vital to address the recurring impacts to the quality of life, health, and safety of the neighborhood residents.

The Project will require the acquisition of tracts of fee, simple right of way, permanent easements, and temporary construction easements within and outside the Poudre River Ranch neighborhood. City staff began discussions with owners and homeowner associations within the project area. Staff will continue to work with owners to meet the goals of the project, address site considerations, and acquire the property interests necessary for the project. Staff fully intend to negotiate in good faith and follow a uniform acquisition process for all affected owners. If an agreement cannot be reached the City may consider the use of eminent domain.

The presentation included a brief history of stormwater management and maps of the proposed parcels.

Mayor Pro Tem Hall had concerns that the property owners had not been properly contacted because of a recent email received. Mr. Karnick noted that real estate staff had conducted a “right of entry” request that was approved by the owners to allow for a survey to be done.

Councilmember McDonald asked about the map and how many property owners there were. Mr. Karnick responded that there are 3 parcels and a single property owner. She commented that if the owner was not contacted that it doesn’t feel right if this is the first they have heard of it. City Attorney Stacey Aurzada added that one of the purposes of “eminent domain” is so that if negotiations fail, the process does not have to restart. She assured Council that the City will always engage in good faith negotiations and that eminent domain statutes requires certain steps to be taken. Getting the authorization early is important so that the process does not have to backtrack.

Councilmember Butler asked about this process in the past and if these authorizations were conducted prior to receiving design work. Ms. Aurzada said that she might not be the proper one to answer where in the design process this is brought in, but different Public Works Directors have preferences as to when to start the eminent domain process. She said that the City overall has found difficulty if the process has not begun relatively early.

Councilmember Butler asked if the design work has been finished. Mr. Karnick replied that it is not yet finished but is in the process. Since the Real Estate Manager left the City that has added time to the clock and increased expenses with the additional time. He added that the cost of design work is \$700,000 and he cannot authorize the cost to the City if the eminent domain process has not been approved.

Councilmember Butler asked when the design cost work would have been approved. Public Works Director Paul Trombino answered that last fall they came before Council

showcasing the Poudre River Ranch neighborhood problems and consensus was granted to direct the design work. Mr. Karnick added that this was zoned agriculture.

Councilmember DeBoutez asked about how many improvements and associated costs have been done to help this neighborhood. Mr. Trombino assured her that he would gather that information and get it to her soon. Councilmember DeBoutez felt that this project is premature given the recent flooding to downtown. Furthermore, she felt that this neighborhood should not be prioritized over other areas. It needs to be part of the entire stormwater improvement operation. She would like the decision delayed.

Mayor Pro Tem was concerned about the landowners not being contacted, and the process of eminent domain. He does not want it to appear that the City is being heavy handed. This topic will come to Council in a future meeting.

The public hearing opened at 7:09 p.m.

1. Bill Gillard stated the problem should have been resolved with the original permitting. He believed that Eminent Domain scares citizens.
2. Steve Teets agreed with Mr. Gillard and felt the landowners should have been part of the process.

With no further speakers, the public hearing closed at 7:13 p.m.

Councilmember DeBoutez moved to deny the adoption of the ordinance. Councilmember Butler seconded the motion. The motion to deny passed 4-1 with Councilmember Olson voting “nay” and Councilmember Payton and Mayor Gates absent at 7:18 p.m.

Councilmember Payton returned to the meeting at 7:19 p.m.

22. A resolution declaring the intent of the City of Greeley, Colorado to issue Revenue Bonds in connection with financing residential facilities for low- and middle-income families or persons

Affordable Housing Manager Ashley Weesner introduced the item at 7:19 p.m. with a presentation. Housing Director Deb Callies was available for questions.

The presentation included background information and cooperation of the Town of Windsor to approach the City to offer their Private Activity Bond allocations so that the allocations could be part of a larger project.

Ms. Weesner added that the resolution needed to be adopted and approved by September 15, 2024, per state deadline.

Councilmember Butler moved to adopt the resolution. Councilmember Payton seconded the motion. The motion passed 6-0 with Mayor Gates absent at 7:29 p.m.

23. 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

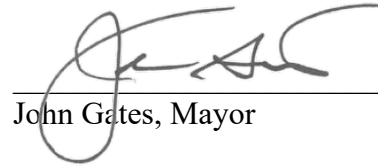
meeting and any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements, and ordinances

Councilmember Payton moved to approve the motion. Councilmember Butler seconded the motion. The motion passed with a voice vote of 6-0 with Mayor Gates absent at 7:29 p.m.

22. Scheduling of Meetings Other Events
None.

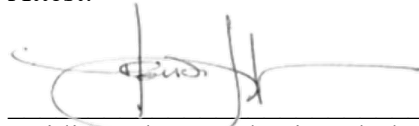
23. Adjournment
With no further business to come before the Council, Mayor Pro Tem Dale Hall adjourned the meeting at 7:30 p.m.

Approved:

A handwritten signature in dark ink, appearing to be 'John Gates', written over a horizontal line.

John Gates, Mayor

Attest:

A handwritten signature in dark ink, appearing to be 'Heidi Leatherwood', written over a horizontal line.

Heidi Leatherwood, City Clerk