

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
August 18, 2020

1. Call to Order

Mayor John Gates called the remote meeting to order at 6:00 p.m. via Zoom Meetings.

2. Pledge of Allegiance

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

3. Roll Call

Jerry Harvey, Assistant City Clerk, called the roll. Those present were Mayor John Gates and Councilmembers Tommy Butler, Ed Clark, Michael Fitzsimmons, Dale Hall, Brett Payton and Kristin Zasada.

4. Recognitions and Proclamations

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

5. Citizen Input

Mr. Harvey read one email into the record that was received from Carmen Whitehead. She asked a series of questions regarding the upcoming Council Diversity and Inclusion training, and Mayor Gates answered her questions.

6. Approval of Agenda

The agenda was approved as presented.

7. Reports from Mayor and Councilmembers

No reports were offered from the Mayor or Councilmembers.

8. Initiatives from Mayor and Councilmembers

Councilmember Butler noted that the Downtown open container area ordinance is scheduled to sunset on September 11th, and he requested that Council extend it.

Roy Otto, City Manager, proposed that Council set a Special Meeting to immediately precede the scheduled Worksession on August 25th.

Councilmember Hall expressed his support for the idea of extending the sunset, but asked that data be provided to describe how successful the ordinance has been so far.

Council reached consensus of this initiative.

Mayor Gates and Councilmember Clark echoed the request for data on the ordinance's success so far.

Councilmember Butler moved, seconded by Councilmember Fitzsimmons to call a Special Council Meeting to immediately precede the scheduled Worksession on August 25, 2020 at 6:00 p.m. for the purpose of extending the Downtown open container area ordinance. The motion carried: 7-0

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

9. Acceptance of the Report of the July 28, 2020, City Council Worksession

The Council action recommended was to accept the Report.

10. Approval of the City Council Proceedings of August 4, 2020

The Council action recommended was to approve the Proceedings.

11. Consideration of a resolution to assign the 2020 City of Greeley Private Activity Bond (PAB) Allocation to Colorado Housing and Finance Authority (CHFA)

The Council action recommended was to adopt the resolution. **(Resolution No. 42, 2020)**

12. 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 3, 2020, the question of authorizing the City Council to extend the current sales tax on food from December 31, 2021 to December 31, 2026, for capital projects

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading for September 1, 2020.

13. 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 3, 2020, the question of authorizing the City Council to extend the .65% component of retail sales and use tax currently scheduled to expire on December 31, 2022 to December 31, 2029, for to fund capital projects for street-related infrastructure improvements and repairs

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading for September 1, 2020.

14. Consideration to approve a change order in the amount of \$94,058.62 to the contract with Yeh & Associates for the 10th Street Access Improvements Phase II Project bringing the revised contract amount from \$262,105.03 to \$356,163.65

The Council action recommended was to approve Change Order. **(Change Order No. 7, 2020)**

15. Consideration of a change order in the amount of \$52,405.00 to the contract with Alterra Underground Solutions LLC for the Promontory Traffic Conduit Project bringing the revised contract amount from \$147,475.00 to \$199,880.00

This item was pull from the Consent Agenda.

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

Councilmember Payton moved, seconded by Councilmember Hall to approve Item Nos. 9 – 14 on the Consent Agenda and their recommended actions. The motion carried: 7-0

16. Pulled consent agenda items

- 15. Consideration of a change order in the amount of \$52,405.00 to the contract with Alterra Underground Solutions LLC for the Promontory Traffic Conduit Project bringing the revised contract amount from \$147,475.00 to \$199,880.00**

Councilmember Zasada inquired about the issue with the contract related to fiber cable that is causing the need for this Change Order.

Joel Hemesath, Public Works Director, explained that it was not an error and that it was not anyone's fault. He added that this was simply something that was found after the fact that needed to be corrected.

Councilmember Zasada moved, seconded by Councilmember Hall to approve the Change Order. The motion carried: 7-0 (**Change Order No. 8, 2020**)

- 17. 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 38.811 acres of property located south of 10th Street, west of 83rd Avenue, and north of 12th Street, known as the Two Rivers Marketplace Rezone, and changing the official zoning map to reflect the same**

Darrell Gesick, Planner, highlighted the request and site background; described the location of the site as well as the map of the property; and described the site photos. He continued by discussing the approval criteria; describing the land use guidance map for the City of Greeley; discussing the notification process that went into place for this rezone; and highlighted the recommendation from Planning Commission.

Mayor Gates opened the public hearing at 6:27 p.m., and no comments were offered.

Councilmember Clark moved, seconded by Councilmember Hall to find that, based on the application received and the preceding analysis, the proposed rezone from PUD (Planned Unit Development) to C-H (Commercial High Intensity) meets Development Code Sections 18.30.050(c)(3) a, b, d, f, g and h; and, therefore, the rezoning is approved. The motion carried: 7-0

Councilmember Clark moved, seconded by Councilmember Hall to adopt the ordinance and publish with reference to title only. The motion carried: 7-0 (**Ordinance No. 17, 2020**)

- 18. Consideration of a resolution appointing a City Council Subcommittee to examine and make recommendations on the annual performance review process for City Council Appointed Employees**

Maria Gonzalez-Estevez, Human Resources Director, provided a brief explanation of the need for the resolution to create a City Council Subcommittee.

Mr. Otto asked whether Council needed to decide the membership of the subcommittee before adoption of the resolution.

Doug Marek, City Attorney, explained that the membership of the subcommittee did not need to be decided before adoption of the resolution adding that the membership could be determined by Mayoral appointment.

In response to a question from Mayor Gates, Paul Fetherston, Assistant City Manager, clarified that the subcommittee would need to consist of three Councilmembers.

Mayor Gates explained that he would be following up with Council and gauge their interest and to determine who he would appoint to be members of the subcommittee.

Mr. Fetherston also explained that the time commitment for this subcommittee would be one or two meetings a month until November when the Council would consider adoption of the new review process for City Council appointed employees.

Councilmember Fitzsimmons moved, seconded by Councilmember Zasada to adopt the resolution. The motion carried: 7-0 (**Resolution No. 43, 2020**)

19. COVID-19 Update

Dan Frazen, Emergency Manager, highlighted the basic case data, hospitalizations, and fatalities for the State, Weld County, and the City. He continued by discussing the mandatory mask order extension; discussing the status of testing sites throughout Greeley; and describing the new public facing dashboard from Weld County Public Health. He also described the overall positivity rate over the last two weeks and compared it with our neighboring Counties.

Mr. Frazen continued by describing the current Greeley cases; highlighted the 7-day rolling average being shown on the new Weld County website; discussing hospital and first responders in quarantine data along with the COVID-19 related calls to the Greeley Fire Department; discussing the testing positivity data from the new Weld County website; and describing where the City currently stands as far as the “Protect our Neighbors” certification standards are concerned.

Mr. Frazen also asked whether Council would approve a shift to a weekly COVID-19 update via an email report and a monthly COVID-19 update at a Council meeting. He added that updates would be increased if there were any spikes in COVID-19 cases or positivity rates.

Councilmember Hall expressed his support for the change in the COVID-19 update schedule and asked for more information regarding the Greeley first responders currently in quarantine. Mr. Frazen explained that the first responder quarantines are not related, and their quarantines are all related to different precautions.

Councilmember Clark echoed the support for the COVID-19 update schedule change.

In response to a question from Mayor Gates, Mr. Frazen explained that the new Weld County website is updated between 4:00 p.m. and 5:00 p.m. on weekdays.

Councilmember Butler also expressed his support for the change in the COVID-19 update schedule as long as there are specific thresholds in place to trigger the updates becoming more regular and at Council meetings.

Mr. Frazen explained that he would create such thresholds.

Consensus was reached by Council to transition to weekly COVID-19 updates via email reports with a monthly update at a Council meeting, unless a new spike in cases or positivity rate occurs.

Benjamin Snow, Economic Health and Housing Director, highlighted the Greeley Area Recover Fund (GARF) dashboard including a discussion of total grants of all types that have been awarded and the total dollars that have been awarded. He explained that the City will suspend the GARF until January 1, 2021, and direct businesses to use the new Weld County Recovery Fund in the meantime.

Mr. Otto explained the background and requirements related to the new Weld County fund as well as the City's involvement.

In response to questions from Councilmember Butler, Mr. Otto explained that Upstate Colorado will be creating the committee that will make grant decisions and will facilitate the funding. Mr. Otto continued by explaining that those businesses that have received GARF funding are still eligible to receive grants from this new fund, and currently non-profits are not eligible for these grants but will potentially be eligible in the future.

Mr. Snow added that there would likely not be another GARF update for at least another 30 days.

In response to a question from Councilmember Clark, Mr. Snow explained that there is nothing specific yet regarding the make-up of the committee being create by Upstate. Mr. Snow continued by promising to reach out to Upstate to get that information and then updating Council.

20. Appointment of applicants to the

Citizen Transportation Advisory Board – recruit for additional applicants

Civil Service Commission – recruit for additional applicants

Planning Commission – Louisa Andersen and Justin Yeater

Youth Commission – Madison Zeller

21. Scheduling of meetings, other events

There were no additional meetings or events scheduled.

22. 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

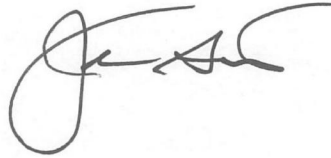
Councilmember Payton moved, seconded by Councilmember Butler to approve the above authorizations, and the motion carried: 7-0

23. Adjournment

There being no further business to come before the Council, Mayor Gates adjourned the meeting at 6:57 p.m.



Jerry Harvey, Assistant City Clerk



John Gates, Mayor