

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
October 6, 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 Butler presented the What's Great About Greeley Report.

Mayor Gates presented a proclamation recognizing National Arts & Humanities Month.

5. Citizen Input

Mr. Harvey read an email into the record from Sandy (no last name provided), Greeley resident, who explained that she is creating a Facebook page called Greeley Daily Motivation that will contain daily motivational and uplifting messages.

Dave Johnston, Greeley resident, updated Council on the problem property he brought to Council's attention during the September 15th Council meeting. He noted that very little has changed since September 15th, adding that hearings regarding the property have continued to be postponed and that he does not believe the City has done anything to fix the issues.

6. Approval of Agenda

The agenda was approved as presented.

7. Reports from Mayor and Councilmembers

Mayor Gates briefed Council on the work of the Council Subcommittee that is analyzing the review process for the employees that report directly to Council. He also spoke about the unveiling of Tointon Way Downtown honoring Bob and Betty Tointon.

8. Initiatives from Mayor and Councilmembers

No initiatives were requested.

* * * * Consent Agenda * * * *

9. Approval of the Special City Council Proceedings of September 8, 2020

The Council action recommended was to approve the Special Proceedings.

10. Acceptance of the Report of the September 8, 2020, City Council Worksession

The Council action recommended was to accept the Report.

11. Acceptance of the Report of the September 15, 2020, Performance Review Committee meeting

The Council action recommended was to accept the Report.

12. Approval of the City Council Proceedings of September 15, 2020

The Council action recommended was to approve the Proceedings.

13. Acceptance of the Report of the September 22, 2020, City Council Worksession

The Council action recommended was to accept the Report.

14. Consideration of a resolution of the City of Greeley City Council authorizing agreements with the Union Pacific Railroad for maintenance of the 8th street and the 10th street crossings necessary for completion of construction

This item was pulled off the Consent Agenda.

15. Consideration of a resolution to support an application for grant funding from the State of Colorado Department of Natural Resources State Trails program for re-construction of the Poudre River Trail east of 71st Avenue

The Council action recommended was to adopt the resolution. **(Resolution No. 47, 2020)**

16. Consideration of a resolution appointing John Karner to the Position of Finance Director and Ex-officio City Treasurer

The Council action recommended was to adopt the resolution. **(Resolution No. 48, 2020)**

17. Consideration of a resolution authorizing the City of Greeley to enter into a Grant Agreement between the City of Greeley and the State of Colorado, Division of Local Affairs, regarding receipt of grant funding provided by the Gray and Black Market Marijuana Enforcement Program

The Council action recommended was to adopt the resolution. **(Resolution No. 49, 2020)**

18. Introduction and first reading of an ordinance adopting the General and Seasonal/Hourly Employee Pay Plans for 2021

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading for October 20, 2020.

19. Introduction and first reading of an ordinance changing the official zoning map of the City of Greeley, Colorado, from I-L (Industrial Low Intensity) to R-H (Residential High Density) for approximately .29 acres of property located at 1530 4th Avenue, known as the 1530 4th Avenue Rezone

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading for October 20, 2020.

20. Consideration to approve a change order in the amount of \$68,080.00 to the contract with JUB Engineers for the 20th Street from 83rd to 90th Avenue roadway project bringing the revised contract amount from \$481,968.00 to \$550,048.00

This item was pulled off the Consent Agenda.

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

Councilmember Payton moved, seconded by Councilmember Zasada to approve Item Nos. 9-13 and Item Nos. 15-19 on the Consent Agenda and their recommended actions. The motion carried: 7-0

21. Pulled consent agenda items

14. Consideration of a resolution of the City of Greeley City Council authorizing agreements with the Union Pacific Railroad for maintenance of the 8th street and the 10th street crossings necessary for completion of construction

Councilmember Butler requested a timeline for the quiet zones going in place. Joel Hemesath, Public Works Director, explained that there is no timeline as of yet but it is likely to be the first part of 2021. He added that the contractor has already done some work in some of the areas.

Councilmember Butler moved, seconded by Councilmember Clark to approve the resolution. The motion carried: 7-0 (**Resolution No. 46, 2020**)

20. Consideration to approve a change order in the amount of \$68,080.00 to the contract with JUB Engineers for the 20th Street from 83rd to 90th Avenue roadway project bringing the revised contract amount from \$481,968.00 to \$550,048.00

Councilmember Clark inquired about how this amount of money is missed in the bid and whether there is a threshold when changes are large enough that they have to come back to Council

Mr. Hemesath explained that change orders are not being requested because something was missed. They are necessary because the project changed or evolved before it was completed and those changes happened

to cost more money. He added that the threshold is 25% of the project and over \$100,000 before it has to go back to Council for approval.

In response to questions from Councilmember Zasada, Roy Otto, City Manager, explained that extra funds are budgeted in each project to cover potential changes in cost, but sometimes the cost of the change requires that it go to Council for approval. He added that the cost of this proposed change order has already been budgeted for.

Councilmember Clark moved, seconded by Councilmember Zasada to approve the change order. The motion carried: 7-0. **(Change Order No. 10, 2020)**

22. Public hearing and final reading of an ordinance to adopt a new section of the Greeley Municipal Code, in order to establish allowances and regulations to activities within the City-managed natural areas and trail corridors

Andy McRoberts, Culture, Parks and Recreation Director, noted that the new section of the Code being presented has been amended as it was requested during introduction on September 15th.

Mayor Gates opened the public hearing at 6:35 p.m., and none was provided.

Councilmember Hall moved, seconded by Councilmember Fitzsimmons to adopt the ordinance and publish with reference to title only. The motion carried: 7-0 **(Ordinance No. 22, 2020)**

In response to a question from Mayor Gates regarding the landscaping work occurring at Bittersweet Park, Mr. McRoberts explained that they have replaced the irrigation system and converted from bluegrass to native grasses because it will save the City a significant amount on watering and maintenance costs. He added that there were several neighborhood meetings on the subject to take public input and to educate the public and that it will take two to five years for the new native grasses to fully take hold and get fully established. He also explained that the contractor will be working for the next year to do extra maintenance to help the new grass take hold and look better.

Mr. Otto explained that this will create great savings in water and maintenance/mowing going forward; it just temporarily will not look great.

In response to a question from Councilmember Clark, Mr. McRoberts explained that staff will pay special attention to the Veterans Memorial and Police Memorial within the park.

23. Public hearing and introduction and first reading of an ordinance adopting the Budget for 2021

Robert Miller, Interim Finance Director, highlighted the budget schedule; discussed the City Council priorities being reflected in the proposed budget; and discussed the process used to develop the 2021 budget. He also highlighted the 2021 resources for the budget including an overview of the total amount being proposed for appropriation; discussed 2021 expenditures by department; highlighted reductions between the 2020 and 2021 budgets; discussed strategic investments recommended within the budget; provided 2021 major capital fund highlights and 2021 capital project highlights; and described the 2021 utility rate changes, available general fund reserves, and provided a 2021 budget summary.

Mr. Otto thanked Mr. Miller for all of his hard work taking over finance right after the COVID-19 pandemic began and still being able to assemble a great budget.

In response to a question from Councilmember Clark, Mr. Miller explained that most of the cuts to the Culture, Parks and Recreation Department budget are due to staffing changes and reductions.

Councilmember Clark also inquired about why the Active Adult Center would not be opened until March. Mr. McRoberts explained that this was the best estimate of when flu season would be over, and he added that some popular programs are being moved to other facilities that will be open between now and March.

Mayor Gates opened the public hearing at 7:04 p.m., and none was provided.

Councilmember Fitzsimmons moved, seconded by Councilmember Hall to introduce the ordinance and schedule the public hearing and final reading for October 20, 2020. The motion carried: 7-0

24. Consideration of a resolution of appreciation and support for the officers of the Greeley Police Department

Doug Marek, City Attorney, highlighted the background on this item; explained that Councilmember Clark drafted the proposed resolution; and discussed the contents of the resolution.

Councilmember Clark thanked the Greeley Police Department for the great work they do and highlighted a number of projects, programs, and policies the Police Department is involved in.

Councilmember Zasada moved, seconded by Councilmember Payton to adopt the resolution. The motion carried: 7-0. **(Resolution No. 50, 2020)**

25. Consideration of a resolution designating the City's Claims Review Board as the appropriate body to determine indemnification of sworn employees of the Greeley Police Department in certain civil actions

Maria Gonzalez-Estevez, Human Resources Director, briefly explained the resolution.

Councilmember Fitzsimmons moved, seconded by Councilmember Clark to adopt the resolution. The motion carried: 7-0. **(Resolution No. 51, 2020)**

26. 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 Fitzsimmons 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 7:11 p.m.

A handwritten signature in black ink, appearing to read "John Gates", written above a horizontal line.

John Gates, Mayor

A handwritten signature in black ink, appearing to read "Jerry Harvey", written above a horizontal line.

Jerry Harvey, Assistant City Clerk