

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
June 16, 2020

1. Call to Order

Mayor John Gates called the meeting to order at 6:00 p.m., in the Council's Chambers at the City Center South Campus, 1001 11th Avenue.

2. Pledge of Allegiance

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

3. Roll Call

Cheryl Aragon, Interim 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

Mayor Gates extended kudos to the City Clerk's Office for work done to gear up for Zoom Council Meetings when COVID-19 struck in March and then for this meeting back in Chambers using socially-distanced guidelines in order to protect the staff, Council and the public's health and safety.

He also invited members of the public to participate in an upcoming meeting of the Human Relations Commission and encouraged those in attendance to sign up to participate in the lobby just outside of Chambers.

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

5. Citizen Input

Ms. Aragon read 5 emails received by the City Clerk's email account and 2 emails sent to Mayor Gates into the record regarding Councilmember Zasada's recent Facebook comments. Emails from Patricia Wagner, John Hurst, Howard Wheeler, Priscilla Dech, Sherrie Peif, and Brian Franzen expressed support for Councilmember Zasada's comments noting that they were facts with no ill-intentions and asked that the Council and community support her during this time. An email from Kelly Davis demanded accountability for Councilmember Zasada's actions and shared that as an At-large Councilmember, she should be using her platform to be a voice for those who don't have one and demanded that more support be given to efforts and organizations that educate on diversity, equity and inclusion.

Brandi Nieto, Latino Coalition of Weld County, asked Councilmember Zasada to resign from Council. She stated that the currently seated Council is not representative of the makeup of this community and noted that this organization will work to encourage diverse individuals to run for local office. She shared that the community deserves better and noted that her organization is still waiting to hear from Councilmember Zasada on this matter.

Gabriel Llanas, Greeley resident, stated that this is no longer the Greeley that the community needs. He stated that this community is more than the old guard that used to exist and that the community is

becoming more diverse by the day. He encouraged everyone to stop living in what Greeley's past was and begin to embrace the change that is coming.

Joshua Greer, Greeley resident, recited a few of the names of people who have lost their lives in Greeley at the hands of police brutality. He shared that being a person of color does present additional challenges, and asked that this no longer be the case. He stated that he is a UNC student and plans to stay in Greeley, so the sooner people begin to listen and understand his challenges, the sooner he and people like him can live their lives and others can.

Councilmember Clark took exception to what Mr. Greer cited as people losing their lives at the hands of police brutality in this community.

Bill Gillard, Greeley resident, was present and stated that he took some time to look up the definition of racism and noted that stating facts about violence does not qualify.

Paola Maldonado, Greeley resident, expressed how disturbed she was upon hearing that a Councilmember would boldly state her feelings about black crime and violence in such a public way.

Andrew Trevino, third generation Greeley resident, born and raised, was present and stated that he is utterly disappointed by tropes used by Councilmember Zasada on her personal Facebook account. He shared that these are comments that have been used to continue to marginalize the marginalized.

Tobi Ogunmodede, Greeley resident, stated that systemic racism is real, and that Councilmember Zasada was wrong in what she said. She noted that there is no understanding of it on her part.

Dr. Jerry Kneff, Greeley resident, stated that everyone is blessed with right of free speech and peaceable assembly, and noted his support for Councilmember Zasada.

Anthony Navarro, Greeley resident, stated that the issue here is that people do not understand objective and subjective language and information. He stated that Councilmember Zasada's comments and information were spot on and he shared his support of her.

Sue Zamora, Greeley resident stated that when she saw her post, she could not begin to verbalize how hurt she was. She stated that she wants to find commonality in order to talk about differences, and in this case, she stated that what she has in common with Councilmember Zasada is that they are both moms wanting the best for their children.

Rhonda Solis, Greeley resident, spoke of Carlos Leal who recently passed away and who was a mentor to her in seeking elected office. She then spoke of the challenges of being a person of color and raising children of color in Greeley, Colorado. She shared that there are not enough conversations about racism in this community, and all of this is to tell Councilmember Zasada that there are conversations to be had in order to do better and be better. She added that her recent comments only feed further all of the racism that exists in this community.

Tom Grove, Greeley resident, stated that he was present to offer support to Councilmember Zasada, and also noted that race issues do need to be addressed.

Gwynetha Knapp, Greeley resident, stated that it seems both sides of this issue seem to be afraid to move into the future. She noted that truth has no sides and that talking and listening must happen in order to move forward and get to the core of the problem.

Paloma Labrassa, Greeley resident, shared her disappointment by the racist remarks made by Councilmember Zasada and by the way the Council responded. She stated that only Councilmember Butler addressed this properly. She noted that there is a need for reform in the Greeley Police Department and more is needed in the form of mental health and housing. She cited a recent incident where it took the Police Department 1.5 hours to arrive for a domestic violence call which shows that the black community continues to be failed by this Police Department.

Jeri Shepard, Greeley resident, stated that it is up to white people to dismantle the white supremacy that exists in this community and beyond.

Councilmember Zasada stated that she wants very much to talk about this issue and noted that it is the only for respect and understanding. She pledged to listen and learn and then represent everyone regardless of race, gender, or political beliefs.

6. Approval of Agenda

The agenda was approved as presented.

7. Reports from Mayor and Councilmembers

There were no reports offered by Councilmembers.

8. Initiatives from Mayor and Councilmembers

Councilmember Butler offered an initiative that racial sensitivity training be set up for the Mayor, Council and Executive team.

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

9. Acceptance of the Report of the May 22, 2020, Council Briefing: COVID-19 Update

The Council action recommended was to accept the Report.

10. Acceptance of the Report of the May 26, 2020 City Council Worksession

The Council action recommended was to accept the Report.

11. Acceptance of the Report of the May 29, 2020, Council Briefing: COVID-19 Update

The Council action recommended was to accept the Report.

12. Approval of the City Council Proceedings of June 2, 2020

The Council action recommended was to approve the Proceedings.

13. **Consideration of a change order in the amount of \$173,000.00 to a design contract with Matrix Design Group for the East Memorial Design Services project and bring the revised contract amount from \$265,000.00 to \$438,000.00**

This item was pulled from the Consent Agenda.

14. **Consideration of a resolution increasing membership of the Greeley Housing Authority to nine (9) Commissioners**

The Council action recommended was to approve the resolution. **(Resolution No.27, 2020)**

15. **Consideration of three (3) resolutions authorizing the Mayor to enter into an Intergovernmental Agreement Concerning Land Dedications or Payments In-Lieu For School Purposes with Eaton School District RE-2, Weld RE-4 School District, and the Weld County School District 6**

This item was pulled from the Consent Agenda.

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

Councilmember Payton moved, seconded by Councilmember Butler to approve the items on the Consent Agenda and their recommended actions, with the exception of Item Nos. 13 and 15. The motion carried: 7-0

16. **Pulled consent agenda items**

13. **Consideration of a change order in the amount of \$173,000.00 to a design contract with Matrix Design Group for the East Memorial Design Services project and bring the revised contract amount from \$265,000.00 to \$438,000.00**

Councilmember Zasada inquired about the scope of this increase and whether or not this change order will mean more money needed later for construction of this project.

Andy McRoberts, Culture, Parks & Recreation Director, advised that the budget is based on a grant received for staff, design services, and construction. He went on to state that due to the nature of the work needed and the experience of the design group hired for this project, it is believed that the design work required will be greater than what was initially identified so it would be in the City's best interest to retain the contractor for the remainder of this project.

Councilmember Zasada moved, seconded by Councilmember Butler to approve the change order. The motion carried: 7-0 **(Change Order No. 6, 2020)**

15. **Consideration of three (3) resolutions authorizing the Mayor to enter into an Intergovernmental Agreement Concerning Land Dedications or Payments In-Lieu For School Purposes with Eaton School District RE-2, Weld RE-4 School District, and the Weld County School District 6**

Brad Mueller, Community Development Director, reported that the three school districts that serve the city of Greeley, Eaton RE-2, Weld RE-4, and Weld County 6, are requesting adoption of intergovernmental agreements for land dedications or payments-in-lieu for school site and school site improvements. He noted that these districts have similar agreements in place with Weld County, Windsor, Eaton, and Severance. Evans is working on one now.

He went on to state that new residential development brings new students to the city, creating new demand for school land, and there is not a mechanism in place in Greeley to create a new supply of school land that would keep up with this new demand.

Councilmember Zasada noted that this is a challenging issue given that affordable housing is so important and builders only have so much of a profit margin. She stated that any extra fees are passed on to the buyer. She read into the record a statement from the Northern Colorado Homebuilders Association about this issue.

Councilmember Clark noted that he needs more information before making a decision on this.

Councilmember Payton stated that he has struggled with this and noted that he was not present when it was initially presented to Council. He noted that he would benefit from some additional time on this as he is concerned about adding cost to home buyers right now.

Councilmember Fitzsimmons asked more about the meetings with homebuilders and who was at the table.

Mr. Mueller advised that 30 people were at the meeting, 80 people were given information about this proposal, and noted that the Greeley Realtors' Association and representatives of the major homebuilders were there.

Dierdra Pilch, Superintendent of Weld School District 6, stated that there should be land for building schools and that there should not be substandard spaces for children. She stated that since she arrived here, that's the work she has done to get to a place where there is land for schools. She added that this will benefit School District 6 dramatically, but two other districts as well.

Jason Seibert was present and stated that affordable housing is important and kids need land for schools so kids can get quickly to school to learn and grow. They should not be on a bus for two hours a day getting to and from school.

Chad Singer, a builder in the area for 20 years, stated that he has no issues with paying these fees because the clientele for housing will not be here if adequate schools are not in place.

Bridgett Muse, Superintendent with Re-2 School District in Eaton, stated that transportation is an issue, so it's very important to have quality schools in neighborhoods for kids to get to.

Councilmember Clark stated that he is concerned that there are not builders at this meeting, and he does not feel good that they are not here

Mr. Mueller advised that he could convene another opportunity with the development community if Council desires to continue consideration of this matter.

Councilmember Zasada stated that she would like to know what the City of Evans' has to say about this since we share boundaries with them. She noted that this is struggle for her.

Councilmember Hall stated that this is very much needed right now. He does not want to be in a position where builders are deciding to build somewhere else. This has been pushed off for a while now.

Councilmember Fitzsimmons moved, seconded by Councilmember Hall to adopt the resolution authorizing an Intergovernmental Agreement with Eaton School District RE-2. The motion carried: 5-2 (Clark and Zasada opposed) **(Resolution No. 28, 2020)**

Councilmember Fitzsimmons moved, seconded by Councilmember Hall to adopt the resolution authorizing an Intergovernmental Agreement with Weld School District RE-4. The motion carried: 5-2 (Clark and Zasada opposed) **(Resolution No. 29, 2020)**

Councilmember Fitzsimmons moved, seconded by Councilmember Hall to adopt the resolution authorizing an Intergovernmental Agreement with Weld School District 6. The motion carried: 5-2 (Clark and Zasada opposed) **(Resolution No. 30, 2020)**

17. Public hearing and final reading of an ordinance appropriating additional sums to defray the expenses and liabilities of the City of Greeley for the balance of the fiscal year of 2020 and for funds held in reserve for encumbrances at December 31, 2019

Robert Miller, Interim Finance Director, reviewed the additional appropriation ordinance totaling \$19,383,732.00.

He went on to review the specific projects and funds included in this appropriation and responded to specific questions from Council.

Mayor Gates opened the public hearing at 8:32 p.m., and no comments were offered.

Councilmember Butler moved, seconded by Councilmember Fitzsimmons to adopt the ordinance and publish it by reference to title only. The motion carried: 7-0 **(Ordinance No. 12, 2020)**

18. Public hearing and final reading of an ordinance to consider a change of zone from PUD (Planned Unit Development) to R-M (Residential Medium Density) zoning for 12.12 acres of property located north of 4th Street, east of 59th Avenue, and west of 57th Avenue, known as the Cottages at Kelly Farm Crosier's Corner Rezone, changing the official zoning map to reflect the same

Darrell Gesick, Planner, reported that this is a request for a rezone from PUD (Planned Unit Development) to R-M (Residential Medium Density) for 12.12 acres of property located north of 4th Street, east of 59th Avenue and west of 57th Avenue, known as the Kelly Farm Crosier's Corner Rezone. He added that the applicant is desiring to create lots that would be developed with residential single-family, two-family, and/or townhomes.

He went on to review the applicable approval criteria to consider with this type of request and spoke

of the notification to property owners and the questions they posed. He stated that the Planning Commission has recommended approval to the City Council.

Mayor Gates opened the public hearing at 8:39 p.m., and no comments were offered.

Councilmember Payton moved, seconded by Councilmember Hall to find that, based on the application received and the preceding analysis, the proposed rezone of a 12.12-acre tract from PUD (Planned Unit Development) to R-M (Residential Medium Density) zoning meets the criteria of Development Code Section 18.30.050(c)(3) a, b, f, g and h and approve the rezone. The motion carried: 7-0

Councilmember Payton moved, seconded by Councilmember Hall to adopt the ordinance and publish it by reference to title only. The motion carried: 7-0 (**Ordinance No. 13, 2020**)

19. Public hearing to consider a motion to amend Tract D, Weld County Business Park Final PUD to allow for construction of a new 10,266 square foot building at 1399 North 17th Avenue

Kira Stoller, Planner, reported that this is a public hearing to consider a motion to amend Tract D, Weld County Business Park Final PUD to allow for construction of a new 10,266 square foot building at 1399 North 17th Avenue to allow for the construction of a new 10,266 square foot car and truck wash building with six bays at 1399 North 17th Avenue.

She reviewed site photos of the proposal, noted that there were no inquiries based on the neighborhood notification provided, and stated that the Planning Commission is recommending approval to the City Council.

Mayor Gates opened the public hearing at 8:48 p.m., and no comments were offered.

Councilmember Hall moved, seconded by Councilmember Fitzsimmons to approve the amended Final PUD as presented. The motion carried: 7-0

20. COVID-19 Update

Dan Frazen, Emergency Manager, reported on State and County numbers, including hospital data and made note of the Safer at Home and Great Outdoor phases the State is in or about to be in. Safer At Home and Great Outdoor phase and next is Protect Our Neighbor phase and reviewed the guidelines for outdoor events. Mr. Frazen noted that the Bonell personal isolation facility will be closing on June 17th with the ability to reopen in July or in the Fall if needed.

He was proud to share that there had been no deaths in Weld County due to COVID since early June.

21. Appointment of applicants to the Citizen Budget Advisory Committee, Citizen Transportation Advisory Board, Commission on Disabilities, Construction Trades Advisory & Appeals Board, Downtown Development Authority, Human Relations Commission, Judicial Review Board, Museum Board, Rodarte Community Center Advisory Board, Water & Sewer Board, and Youth Commission

Citizen Budget Advisory Committee
 Citizen Transportation Advisory Board
 Commission on Disabilities

Nick Kenny
 Kathleen Davis
 Sue Zamora
 Recruit for additional applicants

Construction Trades Advisory & Appeals Board

Andy Phelps
 David Powell
 Recruit for additional applicants

Downtown Development Authority

Logan Richrdson
 Linda Winter

Human Relations Commission

Kendall Alexander
 Deb Suniga

Judicial Review Board
 Museum Board

Nicholas Nakamura
 Daniel Murphy
 Michael Wieland
 Recruit for additional applicants

Rodarte Community Center Advisory Board

Derek Andersen
 Samantha Duvall
 Emma Pena-McCleave

Water & Sewer Board
 Youth Commission

Joseph Murphy
 Abby Aurzada
 Rachel Feinstein
 Analise Rodriguez
 Recruit for additional applicants

22. Scheduling of meetings, other events

There were no additional meetings or events scheduled.

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

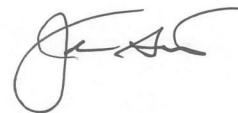
Councilmember Hall moved, seconded by Councilmember Payton to approve the above authorizations, and the motion carried: 7-0

24. Adjournment

There being no further business to come before the Council, Mayor Gates adjourned the meeting at 9:04 p.m.



Cheryl Aragon, Interim City Clerk



John Gates, Mayor