

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
July 18, 2017

1. Call to Order

Mayor Tom Norton called the meeting to order at 6:30 p.m., in the School District Six Board of Education Meeting Room, 1025 9th Avenue.

2. Pledge of Allegiance

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

3. Roll Call

Jessica Diagana, Assistant City Clerk, called the roll. Those present were Mayor Tom Norton and Councilmembers Robb Casseday, Sandi Elder, Mike Finn, Rochelle Galindo, John Gates and Randy Sleight.

4. Recognitions and Proclamations

Councilmember Sleight presented the What's Great about Greeley Report.

Mayor Norton recognized Army Lieutenant Colonel Kurt Jerke, Finance Staff for receiving the Government Finance Officers Association Award for the Distinguished Budget, and Water & Sewer staff for the Best of the West Tap Water Taste Test Award. He also presented Councilmember Sleight with a plaque and thanked him for his service to the City of Greeley.

5. Citizen Input

Lavonna Longwell, Greeley resident, stated that Greeley is a great place for the non-partisan election process and has a Council who puts serving the people ahead of serving the party. She asked that Council not allow current Ward II candidates to apply for the Ward II vacancy. She expressed that she would like to allow the citizens' voices to be heard without any endorsement from the Council.

Luke Douglas, Greeley resident, stated that he is helping Lavonna Longwell with her campaign for the Ward II seat in the November election. He expressed that he feels it is in the best interest of Ward II residents if a current Ward II candidate does not fill the temporary vacancy and that voters should be able to choose a new face on an equal playing field for the seat on Council.

Stacey Suniga, Greeley resident, echoed the previous comments regarding the Ward II vacancy. She asked that Council look elsewhere to fill the vacancy besides the current candidates to help with equality. She spoke of the hard work of an election campaign and fears if Council chooses one of the Ward II candidates for the vacancy, it will give additional exposure to the chosen person and that it will be perceived as City Council endorsement.

Maydean Worley, Greeley resident, stated that voters want the opportunity of helping to decide who the next elected Ward II representative will be and that she agrees with the previous comments to allow residents to make their decision for a Ward II representative at the polls.

Floyd Worley, Greeley resident, spoke of the hard, communal work of Council and that he feels that selecting a running candidate to fill the Ward II vacancy could have the appearance of an endorsement and that Ward II has people who would competently serve temporarily on the Council.

Julie Gibbs, Greeley resident, asked that Council appoint someone to the Ward II vacancy that is not running as a candidate in the election to avoid the appearance of an endorsement which does not seem fair.

Megan Mayer, Greeley resident, reiterated the previous comments and expressed that she wants to know that Ward II votes are being fairly cast so that both candidates have a fair chance in the election.

Debbie Rhoades, Greeley resident, reiterated that she feels the same way as others who have spoken and that she would like to learn about the candidates and would not want it to seem like one has an unfair advantage over the other.

Jeri Shepherd, Greeley resident, stated that she shares the concerns others had already mentioned and asked that Council appoint someone who will be a good steward for the community, but that Council allow Ward II residents to choose who will represent them in November.

Mayor Norton expressed that this process has been used successfully in the past, and that in the November election the Ward II representative will be chosen by the citizens regardless of the activity of the Council. He stated that Council cannot tell a Ward II candidate in the November election that they cannot apply for the Ward II vacancy. He stated that Council will do the best that they can to appoint someone who will serve legitimately for the remainder of the term. He stated that there has to be someone to represent the ward for time being noting that he appreciated Councilmember Sleight's service and what he has done for the community.

Councilmember Galindo expressed her appreciation for those who came to speak and thanked Councilmember Sleight for his service. She stated that this is a controversial issue and timing and that Council has the opportunity to set a precedent to voters of Ward II noting that she agrees with the public comments that were provided, and that Council should not appoint a candidate that is currently running in the November election to fill the vacancy.

Councilmember Gates expressed that he understands the concerns, noting that the timing of the vacancy is different. He expressed that he agrees with Mayor Norton in that he doesn't think Council could exclude current candidates from applying for the vacancy.

Councilmember Elder expressed that Ward II residents will ultimately make the selection of who will represent them in the November election despite who they appoint to fill the vacancy. She spoke of the other appointments that Council makes for the various Boards and Commissions and the Council has shown integrity in those selections. She stated that per the City of Greeley Charter there is a process in place to fill the vacancy, noting that perhaps Council should revisit the process in the future with a change to the Charter.

Councilmember Casseday thanked Councilmember Sleight for his service. Councilmember Casseday stated that when he was appointed to fill the At-Large vacancy noting that he was selected out of sixteen candidates. He expressed that it was an honor to be selected to serve for a few months before he went before the voters and that he hoped it would be an advantage for him to have experience before going to the voters. He stated that he will be diligent when listening to interviewees and that the appointee will be a good replacement for Randy. He expressed that he will do his best as a Councilmember in the appointment process without diverting from the Charter and doing what is right for citizens.

Councilmember Finn expressed that this appointment is not unprecedented as he was appointed in May or June of an election year. He stated that running a campaign to be elected was a lot of work for him because no one knew who he was noting that he was running against a prior City Director. He expressed that he does not think that his appointment was an advantage, and that he worked hard, knocked on doors, and had face

time with his constituents. He stated that Ward II residents will have the ultimate selection and that the individual who is elected in November will be the person that worked the hardest.

6. Approval of Agenda

The agenda was approved as presented.

7. Reports from Mayor and Councilmembers

Councilmember Elder spoke of the Greeley/Weld County Airport audit that is going well and sent her condolences out to Scott Schuttenberg on the recent loss of a family member.

Councilmember Galindo spoke of her attendance on a Water Tour, the 100th year anniversary of the Weld County Courthouse, the Fourth of July parade, the Meeker Birthday Celebration, the community celebration at the Rodarte Center, and the Baskins Robbins Customer Appreciation Day. She reminded everyone of the Roundtable with Rochelle meetings that are held on the last Saturday of the month at 10:00 a.m. at Joe Molina's Art Gallery.

Councilmember Sleight spoke of his recent trip to Greeley's Sister City, Moriya, Japan and that there will be a presentation of the trip to Council at the August 1st Council meeting.

Councilmember Finn spoke of Visit Greeley and noted that the economic impact for visitors at the end of June was \$13.5 million.

Mayor Norton spoke of the UC Health groundbreaking in addition to the meeting that he had with the Counsel General of Japan and the City Manager.

Councilmember Elder added that she thinks there is a wonderful collaboration between UC Health and Banner Health especially in light of her recent successful kidney transplant.

8. Petitions from Mayor and Councilmembers

There were no petitions offered from Councilmembers.

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

9. Acceptance of the Proceedings of the June 27, 2017 Special City Council Meeting

The Council action recommended was to approve the Proceedings.

10. Approval of the Report of the July 13, 2017 City Council Worksession

The Council action recommended was to accept the Report.

11. Consideration of a Resolution authorizing the Mayor of the City of Greeley to enter into an intergovernmental agreement with Weld County to participate in the November 7, 2017 coordinated election

The Council action recommended was to adopt the resolution. **(Resolution No. 62, 2017)**

12. **Consideration of a Resolution of the Greeley City Council authorizing the City to enter into a Memorandum of Understanding concerning the high school internship program for School District 6 students**

The Council action recommended was to adopt the resolution. (Resolution No. 63, 2017)

13. **Introduction and first reading of an Ordinance of the City of Greeley amending Title 11 of the Greeley Municipal Code to add a new section regarding Unattended Motor Vehicle**

This item was pulled from the Consent Agenda.

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

Councilmember Gates moved, seconded by Councilmember Galindo to approve the items on the Consent Agenda and their recommended actions. The motion carried: 7-0

14. **Pulled Consent Agenda Items**

13. **Introduction and first reading of an Ordinance of the City of Greeley amending Title 11 of the Greeley Municipal Code to add a new section regarding Unattended Motor Vehicle**

Councilmember Galindo expressed that she was curious as to the extent of the description for the change as she feels it seems excessive to monitor turn of the wheel. Greeley's Police Chief Jerry Garner reported that it mirrors State statute and that this is a housekeeping provision to keep in line with State statute.

Councilmember Galindo moved, seconded by Councilmember Gates to introduce the ordinance and schedule the public hearing and final reading for August 15, 2017. The motion carried: 7-0

15. **Public hearing and final reading of an Ordinance authorizing the City of Greeley to acquire interests in certain real property located on 10th Street between 35th Avenue and 23rd Avenue for infrastructure improvements for traffic safety by exercise of eminent domain**

Joel Hemesath, Public Works Director, reported that this is the last phase of the 10th Street project and that the rights of way have to be secured before the project can go out to bid noting that this is part of the grant requirement with the Colorado Department of Transportation. The right-of-way acquisition is being done in advance to ensure that the project keeps moving and that staff has communicated with property owners and spoke with them regarding the appraisal process.

Councilmember Elder noted that the general maps of the project are difficult to see, and Mr. Hemesath noted that he could provide Council with a better illustration.

Councilmember Finn expressed that he understands the legal need for having so much information included in the staff report, but that Council needs to be able to understand the impact that this has on the average citizen and that he would like to see a map to show what is being done and how far the right-of-way will extend. He expressed the need for this to be able to show the citizens what is being done.

Councilmember Gates reiterated Councilmember Finn's concerns noting that eminent domain always gets people's attention and that he would like to see every possible option explored before using eminent domain.

Mayor Norton opened the public hearing at 7:34 p.m., and no comments were offered.

Councilmember Elder moved, seconded by Councilmember Finn to adopt the ordinance and publish it by reference to title only. The motion carried: 7-0 (**Ordinance No. 26, 2017**)

16. Public hearing and final reading of an Ordinance amending Municipal Code Chapter 16.32 (Electrical Code)

Brad Mueller, Community Development Director, reported that one of the largest priorities for the City is safety and that the various building codes are designed for the health and welfare of citizens noting that this ordinance is a routine housekeeping item.

Tim Swanson, Chief Building Official, reported that these amendments have been approved by the Construction Trades and Advisory Board and highlighted the two major amendments for Council.

In response to a question from Councilmember Casseday, Mr. Swanson reported that staff electrical inspectors do obtain training on these Codes.

Mayor Norton opened the public hearing at 7:44 p.m., and no comments were offered.

Councilmember Casseday moved, seconded by Councilmember Elder to adopt the ordinance and publish it by reference to title only. The motion carried: 7-0 (**Ordinance No. 27, 2017**)

17. Public hearing and final reading of an ordinance submitting to the registered electors of the City of Greeley, at the coordinated election to be held November 7, 2017, the question regarding restoring the City's authority to deploy broadband infrastructure used to provide high-speed internet services (advanced services) telecommunication services, and/or cable television services as defined by Section 29-27-101-3e04 of the Colorado Revised Statutes in order to promote the improvement of local broadband services within Greeley

Victoria Runkle, Assistant City Manager, reported that the State limited cities and counties in their ability to offer any kind of broadband services and that communities must have an opt-out vote of the Senate Bill 152, which limits governments from providing high-speed internet, telecommunications, and/or cable services without a local exemption. She reported that without this opt-out vote that the City would not be able to be included in any dialogue about broadband services. She also spoke of the Broadband Feasibility study that is being done in conjunction with the Town of Windsor.

Brian Sullivan, GIS Manager, reviewed the history regarding the Broadband Strategy Work Program Item. He spoke of community and economic health in addition to broadband infrastructure needs and noted what a positive vote by citizens would allow the City to do. He spoke of the Colorado digital landscape and provider service versus municipal service.

In response to a question from Councilmember Elder, Mr. Sullivan noted that rates have dropped for communities who have opted out of Senate Bill 152.

Mr. Sullivan went on to review the proposed ballot language and provided a summary of his presentation.

Councilmember Sleight expressed his support of the opt out vote noting that it is important for the City to have control to provide better, more affordable services.

Councilmember Casseday stated that this is a largely talked about topic amongst those at the Colorado Municipal League and that it is important for communities to have local control.

Councilmember Galindo inquired about the types of outreach and education that will be provided to voters, and Ms. Runkle reported that there will be presentations to all of the Boards and Commissions and the service clubs in addition to an all-city mailing informing voters of what will be on the ballot.

Mayor Norton opened the public hearing at 8:03 p.m., and no comments were offered.

Councilmember Finn moved, seconded by Councilmember Galindo to adopt the ordinance and publish it by reference to title only. The motion carried: 7-0 (**Ordinance No. 28, 2017**)

18. Public hearing and final reading of an Ordinance submitting to the registered electors of the City of Greeley, at the Coordinated Election to be held November 7, 2017, the question of authorizing the City to keep and spend for authorized purposes all revenues collected from the .65% Sales and Use Tax increase approved at the Election held November 3, 2015

Mr. Hemesath spoke of the opportunity to accelerate Keep Greeley Moving and invest in the City even more, current status of Keep Greeley Moving, financial impacts, and options available for the coverage of tax money that was collected. He spoke of the vote impact and additional work that can be done using the additional funds in 2020, which will result in nine extra miles of road work.

Councilmember Finn request that staff provide information regarding administrative costs associated with issuing refund to citizens for the higher-than-anticipated Keep Greeley Moving tax money.

Ms. Runkle noted that education about this item will also be included in the presentations to Boards and Commissions and service clubs as well as the mailer that will be distributed.

Councilmember Sleight emphasized that this is not a one-time refund, but that would be required to be refunded annually which will increase the administrative costs over the years that the tax is approved for.

Mayor Norton opened the public hearing at 8:15 p.m., and no comments were offered.

Councilmember Gates moved, seconded by Councilmember Elder to adopt the ordinance and publish it by reference to title only. The motion carried: 7-0 (**Ordinance No. 29, 2017**)

19. Public hearing and final reading of an Ordinance submitting to the registered electors of the City of Greeley at the November 7, 2017 coordinated municipal election, various amendments to amend or repeal outdated sections of the Greeley Municipal Charter

Betsy Holder, City Clerk, reported that this item is an effort to add clarity, consistency, and to simplify various sections of the City of Greeley Charter. She noted that staff completed a review of the entire Charter in 2014 and there was an extensive list of changes noting that these changes require a vote of the Greeley voters. She provided a history of the Charter changes from the 2015 Election and reviewed the four proposals included in the proposed ordinance.

Mayor Norton opened the public hearing at 8:24 p.m., and no comments were offered.

Councilmember Galindo moved, seconded by Councilmember Gates to adopt the ordinance and publish it by reference to title only. The motion carried: 7-0 (**Ordinance No. 30, 2017**)

20. Consideration of a Resolution of the Greeley Council authorizing the City to enter into an Intergovernmental Agreement for delivery of augmentation water between the West Greeley Conservation District and the City of Greeley

Burt Knight, Water and Sewer Director, provided background information regarding a pilot project to study attempts to lower the groundwater table in the vicinity of Gilcrest Reservoir. He reported that this agreement would provide the delivery of water and augment the well pumping.

Councilmember Finn moved, seconded by Councilmember Galindo to adopt the resolution. The motion carried 7-0 (**Resolution No. 64, 2017**)

21. Ward II Appointment Discussion

Ms. Holder thanked Councilmember Sleight for his service, and spoke of the appointment process for the vacancy and what is next. She stated that the Charter is silent as to when and how the appointment occurs and that staff looks to state law for guidance which indicates that the appointment should occur within sixty days or Council should call a special election. She stated there is not time for a special election before November because state election law states that special election no sooner than 90 days prior to a regular election and about 150 days is needed for a special election so there is not time for one.

She noted that the vacancy has been advertised and that it will close on July 28th at 5:00 p.m. noting that staff will forward those applications to Council after the deadline on Friday and that if Council concurs with the questions for the interviews that those will be provided to the applicants and those will be scheduled for the next regular meeting.

Doug Marek, City Attorney, reported that by law, the process, deliberation, and vote has to take place in an open meeting of Council.

Councilmember Galindo moved, seconded by Councilmember Gates to accept applications for Ward II position until Friday, July 28, 2017 and schedule interviews with qualified applicants for August 1, 2017. The motion carried: 7-0

22. Scheduling of Meetings, Other Events


No additional meetings or events were 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 Galindo moved, seconded by Councilmember Gates to approve the above authorizations, and the motion carried: 7-0

24. Adjournment

There being no further business to come before the Council, Mayor Tom Norton adjourned the meeting at 8:40 p.m.


Thomas E. Norton, Mayor


Jessica Diagana, Assistant City Clerk