

City of Greeley, Colorado
COUNCIL WORKSESSION REPORT
July 14, 2020

1. CALL TO ORDER

The Worksession was called to order at 6:00 p.m. via a remote Zoom Meeting between City Staff and the City Council. It was livestreamed on the City of Greeley's YouTube Channel.

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. REPORTS FROM MAYOR AND COUNCILMEMBERS

Councilmember Hall reported that the Colorado Municipal League will be doing a first-ever virtual conference August 25-27, 2020. He noted that this virtual conference will include various sessions and a virtual vendor hall.

Mayor Gates read a previously written statement supporting the webinar on race relations sponsored by the City's Human Relations Commission entitled "Tell Me More" to be held via Zoom on July 15th beginning at 6:00 p.m. He encouraged all community members to participate in this important discussion.

Mayor Gates referenced an email from the City Manager regarding the rezone for the Martin Marietta site. He noted that many have been fielding calls about this rezone.

Councilmember Clark noted that the same thing happened in 2015. He wants to be commenting on matters like this and should be briefed on these matters.

Brad Mueller, Community Development Director, acknowledged the need to better read Council's engagement on this. Staff regularly comments on referrals from various jurisdictions, but this should have been routed to Council for feedback. Better instincts should have prevailed.

He went on to say that staff offered a series of various observations, but should have been more sensitive to interest on this matter.

Councilmember Clark stated that the opportunity to have some industrialized rezoning is important in this area as a means of growing Northern Colorado.

Mayor Gates indicated he has talked with most of the Weld County Commissioners and that he has been asked to speak before the Commissioners on this.

Councilmember Hall expressed an opinion that the City staff could have peddled its' comments a bit softer than it did.

Councilmember Clark advertised a Back the Blue event set for July 15th at the Greeley Police Department Headquarters.

5. COVID-19 UPDATE

Dan Frazen, Emergency Operations Manager, provided a COVID-19 update noting an increase in cases since the last update, as well as an increase in deaths. He provided State numbers, as well as hospitals numbers. Weld County is at 3,070 positive cases, increase of 167; and confirmed fatalities remain the same at 91. He noted that only 1 first responder is in quarantine.

Alternative Care facilities stand ready as needed and the FEMA grant application was filed.

He went on to review testing and positivity data from the Colorado Department of Public Health and Environment, as well as current hospital data across the state numbers. He then reviewed the charts of daily case data, hospital data, and calls for service numbers.

He responded to questions from Councilmembers about some of the numbers today versus when Weld was at its' peak. He noted that we are in a good place.

Greeley Area Recovery Fund

Ben Snow, Economic Health and Housing Director, reported on and reviewed the GARF Dashboard. He stated that it is going at a pretty steady pace within the program and that 181 applications total have been received. Of those, he noted that 158, or 87 percent, are from Greeley, while the balance are Evans at 10 percent and other communities at 3 percent.

He went on to state that the Fund has awarded 86 grants totaling \$252,228 and 13 awaiting additional information.

He announced the next phase of this Fund noting that \$50,000 was set aside to issue modest marketing grants. He noted that there will be no financial requirements with these dollars, just written documentation for how they will use these grant dollars and they should be used toward the impact of COVID-19.

6. COST RECOVERY MODEL FOR CULTURE, PARKS AND RECREATION PROGRAMS AND SERVICES

Andy McRoberts, Culture, Parks, and Recreation Director, was present to introduce Jaimey Sabback with 110 Percent, Inc. who offered a brief overview of cost recovery specific for the Greeley Culture, Parks and Recreation Department. She introduced Nick Venditty, with Amilia, who partnered with her on this project through some proprietary software for local governments.

She discussed what cost recovery is and noted that it is challenging municipalities to best invest resources for better impacts as an alternative to subsidy in an effort to have the impacts on the community that they wish to have.

She shared some general philosophy about tax investment/revenue enhancement. She noted that taxpayers many times do not understand how their tax dollars are actually being spent, and shared that she will continue to work toward this cost recovery model with City staff moving forward.

Councilmember Hall inquired about how the private sector is factored in, and Ms. Sabback indicated that it is not factored in, but there may be some elements that could be addressed in policies about competition and cooperation.

Councilmembers expressed appreciation for this thorough presentation.

7. 2019 FINANCIAL AUDIT REPORT AND COMPREHENSIVE ANNUAL FINANCIAL REPORT

Robert Miller, Interim Finance Director, introduced the City's Auditor, Tyra Litzau, Audit Director with ACM, who provided a summary of the work done to conduct this year's audit. She shared the interesting way the audit was done this year in a remote environment in light of COVID-19. She expressed thanks to Mr. Miller and his staff for working so well in this unusual way to get the audit done in a timely manner.

She proceeded to provide a high-level review of the audit process and reports, as well as financial statement highlights that included statements of revenues, expenses and changes in net position.

Mr. Miller and Ms. Litzu were thanked for their hard work and presentation on the Comprehensive Annual Financial Report.

8. SHORT-TERM RENTAL REGULATIONS FOLLOW-UP

Brad Mueller, Community Development Director, reminded Council that this item was initially discussed with Council back in March. He introduced Caleb Jackson, Planner, and Kris Pickett, a local engineer who worked on the Task Force relative to Short-term Rental Regulations.

Mr. Jackson reported on existing conditions as it relates to short-term rentals as they relate to needed changes in regulations. He noted shifts in visitor lodging and an increase in dwelling units that were traditionally used for long-term living into short-term stays for visitors. He also reviewed uses of various lodging uses by zoning category.

He highlighted the reasons for regulating short-term rentals as neighborhood character, nuisances, conversion of dwelling units, effects on formal visitor lodging, unrealized tax revenue, tension with neighbors, and disillusionment in the area.

Mr. Jackson went on to review the three-tier approach in trying to build regulations that work in the community and reviewed requirements and recommendations for regulations amongst the three Tiers.

Mr. Pickett shared his experiences serving on the Task Force, a group of about 10 community and business members, and noted the give and take that has to go into reviewing this type of proposed regulation. He noted that some sort of licensing would be reasonable along with any regulation that moves forward. He added that Task Force was generally in agreement with the Tiers presented.

Councilmember Zasada expressed agreement with the Tiers presented, and inquired about the incentive for an owner to actually register as a short-term rental. Additionally, she asked about lawsuits in other municipalities that have come up as a result of a municipality trying to regulate and enforce these regulations.

Mr. Mueller advised that generally, people do tend to be pretty compliant. He also shared that many have expressed that they would like the registration process just simply for recognition that they are trying to operate within the rules and regulation. Also, neighbors do take note and do not hesitate to contact the City about violators noting outside agencies that exist to watch and monitor short-term rental websites that exist could also be utilized.

As for the lawsuit question, Mr. Mueller indicated that there probably has been somewhere at some time, but regulating this type of land use is not significantly different from the regulation of other land uses.

Doug Marek, City Attorney, added that there have been some law suits, but municipality decisions have been generally upheld.

Councilmember Clark indicated that the three Tiers look good, but that it is unenforceable.

Mr. Mueller went on to review the Code Compliance process for warning, education, citations, etc.

Councilmember Payton shared that there is some inconsistent enforcement, and it would become a he-said, she-said situation, and some neighbors will complain and some will not. So, enforcement will end up being inconsistent. He added that we may be chasing a problem that does not exist.

Councilmember Fitzsimmons stated that he struggles with Tier 1 and 2, but can see some of Tier 3. He expressed that he is struggling with so much regulation, and is unsure how that would be enforced.

Mr. Mueller noted that this seems to fit well into existing business licenses models in place, it creates equity in accumulating the lodging tax, and balances the concerns that neighbors have with these being unregulated right now.

With regard to reporting revenue, Mr. Miller shared that they would be responsible to pay the lodging tax rate and sales and use tax on the materials that they use to operate their facility.

There did not seem to be consensus to follow the recommendation of staff and the Task Force, even though that is typically what Council would like to be able to do.

Councilmember Clark indicated again that this would not be enforceable and that he would not be able to support it.

Councilmember Butler shared that most of Council seemed to want to do something and would support an amendment to move forward. Tiers 1 and 2 seemed challenging.

Councilmember Zasada stated that she would support moving forward with something knowing that it is imperfect and a lot may not get solved with more regulation.

There was no consensus to move forward with recommendations of the Task Force; no consensus to support the basic framework as presented with necessary amendments; and no consensus to direct staff to pursue other alternatives.

Ultimately, Councilmembers expressed consensus to table this item so that it can be revisited at a future time.

9. SCHEDULING OF MEETINGS, OTHER EVENTS

No additional meetings or events were scheduled.

10. ADJOURNMENT

There being no further business to come before the Council, Mayor Gates adjourned the meeting at 8:25 p.m.



Cheryl Aragon, Interim City Clerk