

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
September 15, 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 Payton presented the What's Great About Greeley Report.

Mayor Gates presented a proclamation recognizing September as Hispanic Heritage Month.

5. Citizen Input

Mr. Harvey read two emails into the record. The first was from Greeley resident Robert Leaf who voiced his opposition to Council's proposed diversity and inclusion training and urged Council to be skeptical toward the training. The other was from Greeley resident David Johnston who expressed his concerns about his neighborhood and specifically a problem house on his block.

David Winnett, Greeley resident, echoed the issues discussed by David Johnston regarding the problem property.

6. Approval of Agenda

The agenda was approved upon noting replacement documentation for Item Nos. 17 & 19.

7. Reports from Mayor and Councilmembers

There were no reports from the Mayor and Council.

8. Initiatives from Mayor and Councilmembers

Councilmember Clark requested guidance on the City's indemnification process for police officers and requested that the City's Claim Review Board be the entity that deals with the police officer indemnification process going forward.

Discussion ensued between Councilmembers, City Manager Roy Otto, and City Attorney Doug Marek.

Council reached consensus to move forward with this initiative.

Councilmember Clark also requested that a policy be put in place showing the City's support for police officers, specifically as it relates to liability and indemnification.

Discussion ensued between Councilmembers, Mr. Otto, and Mr. Marek.

Council reached consensus to move forward with this initiative.

Councilmember Butler requested that the Fire Department present to Council at a future Worksession the recent work they have done to fight Colorado's wildfires and the hurricane relief efforts they have been part of.

Council reached consensus to move forward with this initiative.

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

9. Approval of the Special City Council Proceedings of August 25, 2020

The Council action recommended was to approve the Proceedings.

10. Acceptance of the Report of the August 25, 2020, City Council Worksession

The Council action recommended was to accept the Report.

11. Approval of the City Council Proceedings of September 1, 2020

The Council action recommended was to approve the Proceedings.

12. Consideration of a resolution delegating the City of Greeley damage prevention safety program related to the location of underground facilities to the State of Colorado's underground damage prevention safety Commission (811 "Call before you Dig" Program)

The Council action recommended was to adopt the resolution. **(Resolution No. 44, 2020)**

13. Introduction and first 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

This item was pulled off of the Consent Agenda.

14. Consideration to approve a change order in the amount of \$5,000.00 to the contract with Alterra Underground Solutions LLC for the Promontory Traffic Conduit Project bringing the revised contract amount from \$199,880.00 to \$204,880.00

The Council action recommended was to approve the change order. **(Change Order No. 9, 2020)**

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

Councilmember Payton moved, seconded by Councilmember Butler to approve items 9-12 and item 14 on the Consent Agenda and their recommended actions. The motion carried: 7-0

15. Pulled consent agenda items

13. Introduction and first 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

Councilmember Hall requested clarification from Andy McRoberts, Culture, Parks and Recreation Director, regarding confusing wording within the proposed ordinance.

Mr. McRoberts acknowledged the confusing wording and provided amendments to correct that language within the ordinance.

Councilmember Hall moved, seconded by Councilmember Payton to amend the ordinance as proposed by Mr. McRoberts. The motion carried: 7-0

Councilmember Hall moved, seconded by Councilmember Payton to introduce the ordinance as amended and schedule to public hearing and final reading for October 6, 2020. The motion carried: 7-0

16. 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, briefly described the 3rd additional appropriation, the appropriation funds affected, the appropriation funding sources, the appropriations by categories, and concluded with a summary of the proposed additional appropriation.

Mayor Gates opened the public hearing at 6:44 p.m., none were received.

Councilmember Fitzsimmons moved, seconded by Councilmember Zasada to adopt the ordinance and publish with reference to title only. The motion carried: 7-0 (**Ordinance No. 20, 2020**)

17. Public hearing and final reading of an ordinance adopting amendments to the Greeley Municipal Code, Appendix 18-B, Table 18.42-1, Section 18.30.070, Section 18.46.050, Section 18.46.220, and Section 18.52.036, in order to establish allowances and regulations regarding short-term rentals

Brad Mueller, Community Development Director, provided a brief reminder about the definitions and regulations related to short-term rentals and provided some background on short-term rentals in the Greeley community.

Mr. Marek explained that, currently, the Code does not have a definition for short-term rentals, so all short-term rentals are technically illegal uses. He added that this ordinance would allow short-term rentals but with minor regulations.

Caleb Jackson, Planner, discussed common short-term rental concerns; highlighted the Code update process; discussed what the implementation of this ordinance would look like; provided an overview of

the main elements of the proposed ordinance; and discussed the recommendation from the Planning Commission.

Mayor Gates opened the public hearing at 7:02 p.m.

Mr. Harvey read an email into the record from Greeley resident Bradley Williams who voiced his opposition to the proposed ordinance because it would harm this industry during an already difficult time.

Jim Riesberg, member of the task force looking at this issue, discussed the work of the task force and how they came to their decision to support the proposed ordinance.

Larry Kilpatrick, Greeley resident, thanked the task force for their work to come up with the proposed ordinance. He voiced concerns with the ordinance, specifically the 73 day limit imposed on short-term rentals as well as the issue that no one on the task force/committee has used or owns a short-term rental. He suggested that maybe a watchdog group would be better than regulations.

David Winnett, Greeley resident, explained that he is looking for ways to add short-term rentals to his personal portfolio and would like to see them thrive.

Bradley Williams, Greeley resident, reiterated concerns voiced in the email read into the record. He continued by noting that there are already incentives for short-term rental owners to make sure their properties follow best practices without any ordinances or regulations being in place. He added that the ordinance would likely incentivize short-term rental owners to cheat instead of follow rules and best practices.

Dave Johnston, Greeley resident, voiced his support for the idea of regulating short-term rentals.

The public hearing was closed at 7:22 p.m.

Councilmember Hall expressed his view that it seems the City's Code does allow for short-term rentals, but by approving the proposed ordinance would limit the number of them and where they could be. Mr. Mueller explained that the ordinance limits a short-term rental to one bedroom, year-round, or the whole house for up to 73 days throughout the year.

In response to a question from Councilmember Hall, Mr. Mueller explained that some of those in opposition to the ordinance want unlimited use of entire house year-round.

Councilmember Zasada thanked staff, the task force, and the citizens who provided input. She continued by explaining that, in her view, there are two issues with short-term rentals. The first issue is that the current Code does not allow them to operate, and the other problem is with nuisance issues. She further explained that nuisances are already covered by our current code, but she is concerned that this ordinance is too much regulation. She recommended denial of the ordinance.

Councilmember Payton expressed his disagreement with staff explaining that short-term rentals are not prohibited by the Code and should not be prohibited by the Code because they are not operating a business. He agreed that the ordinance should be denied.

Councilmember Butler explained that he was going to propose amendments to try to fix some of the issues with the ordinance, but saw that the direction is to deny the ordinance so he did not propose any.

Councilmember Clark explained that the City needs to focus on nuisance properties that are all over the City instead of regulating businesses. He continued by expressing that short-term rentals are not currently a problem and clarified that he does not support the ordinance.

Mayor Gates thanked staff for their hard work on this issue.

Councilmember Zasada moved, seconded by Councilmember Payton to deny the ordinance. The motion carried: 6-1 (Councilmember Butler dissenting)

18. Public hearing and final reading of an ordinance ratifying and adopting the Collective Bargaining Agreement between the Greeley Firefighters Union and the City of Greeley, Colorado, which agreement by its terms is for a period commencing January 1, 2021 through December 31, 2021

Maria Gonzalez-Estevez, Human Resources Director, did not have a presentation but opened up for any questions from the Mayor or Council.

Councilmember Payton asked whether the City will be entering back into another round of negotiations next spring for the next year's collective bargaining agreement. Ms. Gonzalez-Estevez explained that was true.

Mayor Gates opened the public hearing at 7:34 p.m., no comments received.

Councilmember Payton moved, seconded by Councilmember Hall to adopt the ordinance and publish with reference to title only. The motion carried: 7-0 (**Ordinance No. 21, 2020**)

19. Consideration of a resolution for approval of a Colorado Revised Statutes Title 32 Special District Consolidated Service Plan precedent to formation of eight interrelated metropolitan districts known as the Cache Metropolitan Districts Nos. 1-8 that would provide public facilities financing, operations, and maintenance

Brittany Hathaway, Planner, provided a brief overview of special districts; explained why metro districts are formed and approved; and explained the process of the formation of a metro district. She continued by providing an overview of the request; describing the location of the proposed metro districts as well as future inclusion areas number 1 and 2; providing an overview of all of the proposed metro districts; discussing the type of development being proposed; and discussing more detail regarding the proposed capital plan and revenue sources. She concluded by providing a brief history of metro districts in Greeley; highlighting the staff review, the approval criteria, and the noticing to the public done by the City; and providing the staff recommendation.

In response to a question from Councilmember Clark, Ms. Hathaway explained that this would be the largest metro district in Greeley. She added that the developers do account for future cost projections.

Todd Johnson, with Terra Forma Solutions, described the project location; provided a project overview

and an overview of the potential phases; discussed adjacent metro districts; provided an overview of metro districts including benefits of metro districts and the responsibilities of these future metro districts; described the potential mill levy within these metro districts; highlighted the approval criteria for special district service plans; and highlighted the time frame and next steps for these projects.

Councilmember Zasada asked for justification for going for the maximum 70 mills for these metro districts. Mr. Johnson explained that it is simply the total allowed that could potentially be imposed but that they are looking to be more competitive than that.

Councilmember Payton inquired as to whether the developer's debt load actually requires the 70 mills, or if they are just seeking 70 mills because they can. Mr. Johnson explained that they want the maximum flexibility available, but will likely be below the 70 mills.

Councilmember Zasada expressed issues with the cap rate of 40 years for the collection of taxes and inquired about the buildout timeframe. Mr. Johnson explained that it is the maximum allowable for collection, but that it could be less.

Councilmember Zasada inquired about whether the taxing district would stay in place regardless of whether the development plans are fully approved in the future. Mr. Johnson explained that it would live on, but the district would not issue any debt until infrastructure started to be developed.

Councilmember Fitzsimmons inquired about who gets to vote and who will receive a ballot to vote regarding this special district. Jennifer Ivey, attorney of the applicant, explained that only residents/property owners and their spouses within the specified district would receive a ballot to vote regarding this special district.

Councilmember Clark expressed his concern about the potential of 70 mills being levied in this metro district and inquired about the potential for any oil or natural gas drilling on this land. Mr. Johnson explained that they want the maximum flexibility now so they can be as competitive as possible in the future. Mr. Johnson added that there is the potential for future oil and natural gas drilling on this land which would provide a benefit to the metro district.

Mayor Gates inquired about the potential for a school being built within this metro district. Mr. Johnson explained that they are looking for a 10-12 acre site for building the new school which would be an elementary school.

Councilmember Butler inquired about the price range for homes in this new district and what phase would affordable housing built. Mr. Johnson explained that prices would range from \$250,000 and up with a total of 3,700 units and about 10% of the units being at the lower end of the price range. He added that the more affordable housing would likely be built in the first phase.

Councilmember Butler expressed concern about the price range and the lack of affordable housing.

Councilmember Clark added that he likes the idea of having commercial property in this metro district.

The public hearing was opened at 8:36 p.m.

Miguel Perez-Luna, Evans resident, voiced his concerns with the proposal specifically because it does not

have affordable housing or plans to deal with the future traffic issues that will result from it.

The public hearing was closed at 8:41 p.m.

Councilmember Butler voiced his concern for the lack of affordable housing in the proposal and noted that he would be voting against the resolution.

Councilmember Hall moved, seconded by Councilmember Payton that based on the application received and the preceding analysis, the City Council finds that the request for the approval of a Colorado Revised Statutes Title 32 Special District Service Plan for the Cache Nos. 1-8 Metropolitan Districts is in conformance with the City of Greeley's Municipal Code Section 13.50; and therefore, approves the request and adopts the Resolution. The motion carried: 6-1 **(Councilmember Butler dissenting) (Resolution No. 45, 2020)**

20. Appointment of applicants to the Civil Service Commission and the Human Relations Commission

Civil Service Commission – Juan Cruz

Human Relations Commission – Janet Flaughter

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

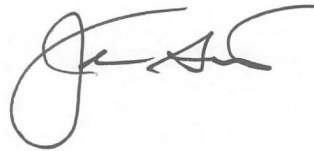
Councilmember Clark moved, seconded by Councilmember Payton to approve the above authorizations, and the motion carried: 7-0

23. Adjournment

There being no further business to come before the Council, Mayor Gates adjourned the meeting at 8:44 p.m.



Jerry Harvey, Assistant City Clerk



John Gates, Mayor