

A. July 14, 2020 – Regular Session Minutes



MINUTES
City Council Regular Session
July 14, 2020
Via Remote Meeting Connection

1. MEETING CALLED TO ORDER

2. ROLL CALL - PLEDGE OF ALLEGIANCE

- A.** Meetings Are Being Held Remotely Due To The Governor's Safer At Home Order That Is In Effect Until July 30, 2020 [D 2020 044 (II)(H)(3)]. Watch The Meeting Livestream At:

<https://bit.ly/Longmontyoutubelive>

- OR - <https://longmontpublicmedia.org/watch/>

The July 14, 2020, Regular Session of the Longmont City Council was called to order at 7:00 p.m. by Mayor Brian Bagley via remote meeting connection.

Dawn Quintana, City Clerk, called the roll. Those present were Mayor Bagley and Council Members Polly Christensen, Susie Hidalgo-Fahring, Marcia Martin, Joan Peck, Aren Rodriguez, and Tim Waters.

Mayor Bagley led the assembly in reciting the Pledge of Allegiance.

3. CHAIR REMINDER TO THE PUBLIC

- A.** Anyone Wishing To Speak During "First Call – Public Invited To Be Heard" (Item 7), "Final Call - Public Invited To Be Heard" (Item 12), Or On A Public Hearing Item (Item 9) Will Need To Watch The Livestream Of The Meeting And Watch For Instructions For How To Call In To Provide Comment At The Appropriate Times. Instructions Will Be Given During The Meeting And Displayed On The Screen When It Is Time To Call In To Provide Comments. Comments Are Limited To 3 Minutes Per Person And Each Speaker Will Be Asked To State Their Name And Address For The Record Prior To Proceeding With Their Comments.

(Please Remember To Mute The Livestream When You Are Called Upon To Speak.)

Mayor Bagley reviewed the procedures for Public Invited to be Heard and Public Hearings.

4. APPROVAL OF MINUTES

A. June 30, 2020 - Regular Session Minutes

MOTION

Marcia Martin moved, seconded by Tim Waters,
to approve June 30, 2020 - Regular Session Minutes as presented.

Approved: Brian Bagley, Polly Christensen, Susie Hidalgo-Fahring, Marcia Martin, Joan Peck, Aren Rodriguez, Tim Waters

Dissented: None

Abstained: None

Carried: 7 – 0

5. AGENDA REVISIONS, AND SUBMISSION OF DOCUMENTS, AND MOTIONS TO DIRECT THE CITY MANAGER TO ADD AGENDA ITEMS TO FUTURE AGENDAS

MOTION

Joan Peck moved, seconded by Susie Hidalgo-Fahring,
to direct staff to add the second reading of metro districts to the first regular session in August.

Council Members briefly discussed if it is the right time to bring this item back or not.

Approved: Brian Bagley, Polly Christensen, Susie Hidalgo-Fahring, Joan Peck, Aren Rodriguez

Dissented: Marcia Martin, Tim Waters

Abstained: None

Carried: 5 – 2

MOTION

Joan Peck moved, seconded by Susie Hidalgo-Fahring,
to direct staff to put the RV ordinance and an update on SafeLots on the August 4, 2020, Study Session agenda.

Approved: Brian Bagley, Polly Christensen, Susie Hidalgo-Fahring, Marcia Martin, Joan Peck, Aren Rodriguez, Tim Waters

Dissented: None

Abstained: None

Carried: 7 – 0

Council Members discussed the motion and clarified they would like to review the RV ordinance in conjunction with an update on Safe Lots. They also inquired about using land at the Fairgrounds as a Safe Lot and Joni Marsh, Assistant City Manager, responded that when looked at previously, there were significant limitations on the number of days people could use the facility but noted she would follow up and plan to report on options when this item comes back.

6. CITY MANAGER'S REPORT

A. COVID-19 Update

Harold Dominguez, City Manager, provided an update on the COVID-19 statistics nationwide, in the state, and in Boulder County and cautioned about the importance of following the guidance because of the impacts closures have on businesses and the overall economy and City budget.

Council discussed with Harold whether or not schools would re-open due to the increase in positive cases for the younger age group.

Jim Golden, Chief Financial Officer, provided an update on the City's revenue projections and shared that after five months, the budget shortfall is now projected to be \$1.2 million, which is significantly less than what was originally projected by staff. Harold noted that drops in use tax could become a bigger issue as is occurring in other states. Jim continued his presentation and reviewed the various areas where revenues are down, the largest being a \$5.88 million reduction in sales and use tax and shared other projected shortfalls in the areas of Highway User Tax Fund (HUTF) and Lodger's Tax revenues. He shared that because sources were identified by staff to cover what was projected to be a larger shortfall for 2020, it is anticipated that the 2020 budget can withstand these shortfalls, notwithstanding a resurgence. Jim and Harold cautioned that the 2021 budget would be one of the most difficult budgets to put together because of the unknown and volatile nature of this pandemic, and they noted that salaries and benefits comprise a large portion of budgets across the City's various funds and would be carefully considered so that a balanced budget could be presented.

Council inquired if the City would be able to make the Certificate of Participation (COP) payments for the Village at the Peaks and Jim responded affirmatively.

Council Members emphasized the importance of wearing a mask as it relates to the economic factors that impact the entire community and discussed the hiring freeze with staff. Staff noted most positions are frozen and each is being carefully reviewed before being considered for hire so as to not hire a person and then realize budget shortfalls caused that position to be underfunded. Jim noted that many of the frozen positions are related to projects and since the projects are delayed, the associated hiring is also delayed without impact to services.

Council clarified if the ranger positions that were discussed at the meeting prior to assist with the protection of the City's natural assets such as Button Rock Preserve and Union Reservoir were also frozen and Harold responded that those had been authorized and posted already.

7. SPECIAL REPORTS AND PRESENTATIONS

A. Water Bond Ballot Question Public Information Presentation

Dale Rademacher, Deputy City Manager, introduced the presentation staff had prepared to educate the public about the possible water bond ballot issue as Council had requested.

Becky Schol, Communications and Marketing Manager for Public Works and Natural Resources, reviewed the City's engagement activities and planned traditional communication activities and played the informational video that had been created for this potential ballot issue.

Dale reminded Council that they would still need to formally place this item on the November ballot and asked that they also pass a resolution of support. He noted that Fair Campaign Practice laws restrict advocacy for any particular issue except when it is done prior to an item being placed on the ballot but reminded Council that they have greater latitude in what they can say or do in support of a ballot issue.

Council generally agreed that staff should move forward as directed in March to bring back an ordinance to place the water bond issue on the November ballot.

Council clarified with staff that the rates would not increase as a result of this ballot issue because the cost of the bond debt had already been figured in to the current rate structure.

8. FIRST CALL - PUBLIC INVITED TO BE HEARD

Chris Foswig, 1609 19th Avenue, spoke against the dismount ordinance going in in effect right away so that more people are encouraged to go downtown.

Shari Malloy, 2113 Rangeview Lane, called in support of Item 11D regarding the protection of habitat and species noting the proposed changes are not perfect but good, and asked that Council codify the changes by moving the item forward to first reading as quickly as possible and also encouraged the hiring of an environmental planner and a half-time volunteer coordinator.

An unnamed caller spoke in favor of reviewing short term rental regulations.

Scott Conlin, 1014 5th Avenue, shared his concerns with the proposed dismount ordinance including the defined area for dismount does not have alleyways in all areas, a lack of controls to cross Coffman Street, and the proposed fine amount which he felt was too high when compared with Fort Collins' written warning for first offense and a \$75 fine after that. He concluded by asking for clear and safe routes for cyclists.

Ruby Bowman, 1512 Lefthand Drive, stated that she sent her comments regarding the riparian code update to Council and asked for Council to approve the update with her suggested changes including: using Fort Collins' review criteria except number four; keeping criteria in the code; including code revisions noted on page 13 regarding noise impacts; including Colorado Parks and Wildlife's list of species and also hiring an environmental planner.

Caterine Balog, 1920 Spruce Avenue, spoke about her concerns from a neighboring short-term rental and urged Council to change the regulations. and asked for Council to ban short-term rentals under 3 or 6 months.

Jamie Simo, 525 East 16th Avenue, commented on Item 11D and asked Council to direct staff to prepare an ordinance and stated she agreed with City staff on all seven questions in the Council Communication.

Timothy Ray Bearden, property owner of 240 Main Street, spoke regarding short-term rental regulations and shared that Denver judges short-term rentals based on the number of complaints from neighbors and suggested that method is better than restricting a time period or ownership model. He also noted loud cars on Main Street are a nuisance to his renters at his property in Longmont.

9. CONSENT AGENDA AND INTRODUCTION AND READING BY TITLE OF FIRST READING ORDINANCES

- A. O-2020-28, A Bill For An Ordinance Amending Title 10, Chapter 10.20, Creating A New Section 065 Of The Longmont Municipal Code Creating Dismount Zones (Public Hearing And Second Reading Scheduled For July 28, 2020)**

MOTION

Joan Peck moved, seconded by Brian Bagley, to pass and adopt **O-2020-28**, A Bill For An Ordinance Amending Title 10, Chapter 10.20, Creating A New Section 065 Of The Longmont Municipal Code Creating Dismount Zones (Public Hearing And Second Reading Scheduled For July 28, 2020)

Council asked staff if the cycling community had been engaged on the proposed dismount zones and Phill Greenwald, Transportation Planning Manager, responded that the bicycling issues committee had been engaged and their overall desire is to see a more bicycle-friendly and pedestrian-friendly downtown. He also said that a Request for Proposals had been released for design work on the Coffman Street project which will have dedicated cycling lanes.

Council also asked about the fine amounts and Phil responded that the limit is up to \$300. Eugene Mei, City Attorney, echoed the comment and shared that the fine amount in the ordinance would give the court discretion to set a fine commensurate with the violation.

Council then discussed whether or not to extend the dismount area to 9th Avenue, and Phil noted that ending it at 6th Avenue makes the bicyclists happier.

Approved: Brian Bagley, Polly Christensen, Susie Hidalgo-Fahring, Marcia Martin, Joan Peck, Aren Rodriguez, Tim Waters

Dissented: None

Abstained: None

Carried: 7 – 0

- B. R-2020-61**, A Resolution Of The Longmont City Council Approving The Intergovernmental Agreement Between The City Of Longmont, The Town Of Berthoud, The City Of Broomfield, The Town Of Erie, The City Of Fort Lupton, The City Of Fort Morgan, The Town Of Hudson, Little Thompson Water District, Central Weld County Water District, The City Of Louisville, Morgan County Quality Water District, Platte River Power Authority, Superior Metropolitan Water District, Tri-State Generation And Transmission Association, And The Southern Water Supply Project Water Activity Enterprise, Owned By Northern Colorado Water Conservancy District For Each Party's Consent To Terms Of Conveyance For A Certain Right-Of-Way To The Town Of Erie And The City Of Broomfield

MOTION

Susie Hidalgo-Fahring moved, seconded by Brian Bagley, to approve the consent agenda except items A, C.

Approved: Brian Bagley, Polly Christensen, Susie Hidalgo-Fahring, Marcia Martin, Joan Peck, Aren Rodriguez, Tim Waters

Dissented: None

Abstained: None

Carried: 7 – 0

- C. **R-2020-62**, A Resolution Of The Longmont City Council Approving The Intergovernmental Agreement Between The City And The United States Of America For A National Endowment For The Humanities Grant

MOTION

Susie Hidalgo-Fahring moved, seconded by Brian Bagley, to pass and adopt **R-2020-62**, A Resolution Of The Longmont City Council Approving The Intergovernmental Agreement Between The City And The United States Of America For A National Endowment For The Humanities Grant.

Council Member Hidalgo-Fahring asked Kim Manajek to explain what the grant is that was received.

Kim Manajek, Museum Director, said the grant was a joint application with the Library, and the City was one of a few organizations in Colorado who received this grant. She said the grant will be use to translate programming to an online context. The Library will purchase a hotspot, and will offer staff to instruct people on how to do Zoom meetings and adapt in this virtual climate. The Museum is taking programs like early childhood and school tours online and expanding downtown tours with an app.

Approved: Brian Bagley, Polly Christensen, Susie Hidalgo-Fahring, Marcia Martin, Joan Peck, Aren Rodriguez, Tim Waters

Dissented: None

Abstained: None

Carried: 7 – 0

- D. **R-2020-63**, A Resolution Of The Longmont City Council Approving The Intergovernmental Agreement Between The City And Boulder County For A Voter Service And Polling Center Use Agreement For The 2020 Election

MOTION

Susie Hidalgo-Fahring moved, seconded by Brian Bagley, to approve the consent agenda except items A, C.

Approved: Brian Bagley, Polly Christensen, Susie Hidalgo-Fahring, Marcia Martin, Joan Peck, Aren Rodriguez, Tim Waters

Dissented: None

Abstained: None

Carried: 7 – 0

- E. R-2020-64,** A Resolution Of The Longmont City Council Approving The Intergovernmental Agreement Between The City Of Longmont And The Colorado Department Of Transportation For State Funding For The Saint Vrain Greenway Trail Eastern Extension

MOTION

Susie Hidalgo-Fahring moved, seconded by Brian Bagley, to approve the consent agenda except items A, C.

Approved: Brian Bagley, Polly Christensen, Susie Hidalgo-Fahring, Marcia Martin, Joan Peck, Aren Rodriguez, Tim Waters

Dissented: None

Abstained: None

Carried: 7 – 0

- F.** Accept The City Of Longmont's 2020/2021 Water Supply And Drought Management Plan

MOTION

Susie Hidalgo-Fahring moved, seconded by Brian Bagley, to approve the consent agenda except items A, C.

Approved: Brian Bagley, Polly Christensen, Susie Hidalgo-Fahring, Marcia Martin, Joan Peck, Aren Rodriguez, Tim Waters

Dissented: None

Abstained: None

Carried: 7 – 0

10. ORDINANCES ON SECOND READING AND PUBLIC HEARINGS ON ANY MATTER

There were no items on Second Reading or Public Hearing.

11. ITEMS REMOVED FROM CONSENT AGENDA

Items 8A and 8C were removed from the Consent Agenda and the discussion and action for each is captured under the item itself.

12. GENERAL BUSINESS

A. LGID Resolution

- 1.** Recess As The Longmont City Council And Convene As The Board Of Directors Of The Longmont General Improvement District No. 1

MOTION

Brian Bagley moved, seconded by Marcia Martin, to recess as the Longmont City Council and convene as the Board of Directors of the Longmont General Improvement District No. 1.

Approved: Brian Bagley, Polly Christensen, Susie Hidalgo-Fahring, Marcia Martin, Joan Peck, Aren Rodriguez, Tim Waters

Dissented: None

Abstained: None

Carried: 7 – 0

- 2. R-LGID-2020-04,** A Resolution Of The Board Of Directors Of The Longmont General Improvement District No. 1 Approving The Conveyance Of Property To The Boulder County Housing Authority For Construction Of A Parking Garage In Association With An Affordable Housing Project At 518 Coffman Street

MOTION

Tim Waters moved, seconded by Joan Peck, to pass and adopt **R-LGID-2020-04**, A Resolution Of The Board Of Directors Of The Longmont General Improvement District No. 1 Approving The Conveyance Of Property To The Boulder County Housing Authority For Construction Of A Parking Garage In Association With An Affordable Housing Project At 518 Coffman Street.

Approved: Brian Bagley, Polly Christensen, Susie Hidalgo-Fahring, Marcia Martin, Joan Peck, Aren Rodriguez, Tim Waters

Dissented: None

Abstained: None

Carried: 7 – 0

- 3.** Adjourn As The Longmont General Improvement District No. 1 Board Of Directors And Reconvene As The Longmont City Council

MOTION

Brian Bagley moved, seconded by Polly Christensen,

to adjourn as the Longmont General Improvement District No. 1 Board Of Directors and reconvene as the Longmont City Council.

Approved: Brian Bagley, Polly Christensen, Susie Hidalgo-Fahring, Marcia Martin, Joan Peck, Aren Rodriguez, Tim Waters

Dissented: None

Abstained: None

Carried: 7 – 0

B. Discussion On An Upcoming Bill For An Ordinance Amending Longmont Municipal Code On Compensation For Disposition Of Open Space Property

David Bell, Director of Parks and Natural Resources, provided context for the need for the ordinance and stated that the existing code does not allow for staff to sell pieces of open space that are not technically open space, such as a home that came with a piece of property purchased with Open Space Fund dollars. He noted that the proposal is to allow the City to carve such parcels off that do not belong in Open Space, sell them at fair market value, and put the proceeds back in the Open Space fund in order to make the fund whole again. He shared that the Newby property was a good example of this, as it had houses on it when it was purchased and the family did not want to carve out the parcels with homes and preferred to sell everything together.

Council clarified the process for selling the property and David confirmed that first the sale would go to the Parks and Recreation Advisory Board for approval and then to Council. He also clarified that a comparative value would be established before selling any property.

Council did not express any concerns with moving this forward to first reading.

C. Update On Short-Term Rental Regulations

Don Burchett, Planning Manager, identified various other staff in attendance to help answer questions – Shannon Stadler and Dane Hermsen from Code Enforcement, and Brien Schumacher from Planning.

Don reviewed that the program began in 2019 and shared that there are currently 80 permitted short-term rentals, there have been nine code complaints, 54 police calls for 30 of the addresses, and they generated \$14,000 in Lodger's Tax in 2019. He also clarified that it is hard to know if the calls for police service were directly related to the short-term rental.

Council discussed whether or not to require the property owner live in Longmont. Don shared that the staff recommendation is to amend the regulations to allow an owner who lives outside of the City or who holds title as

an LLC to obtain a permit to have one short-term rental as well as to require a local contact or property manager.

Council also discussed how to reinforce the current regulations so that there were consequences for things like repeated violations to the same house, shared specific instances they had been made aware of where the current regulations prohibit what would be a reasonable scenario for a short-term rental, and inquired about current enforcement efforts.

Dane Hermsen, Senior Code Enforcement Officer, explained that they do not currently have any means to monitor a party house other than calls to the police and cautioned that the police would have to actually find a violation in order to write a ticket.

Council further discussed and debated the notion of resident and non-resident property owners being allowed to have a short-term rental permit.

Joni Marsh, Assistant City Manager, shared the difficulties in policing short-term rentals as applicants may or may not accurately represent their situation when applying for a permit and Code Enforcement does not have the means nor resources to follow up in such a manner. She also shared that the staff recommendation to allow non-resident owners is due to staff fielding numerous complaints from property owners who are told they do not qualify for a short-term rental permit. She shared that the first 18 months have proven challenging and welcomed suggestions for how to do a better job of keeping the character of neighborhoods intact. She also advised that the City hired Host Compliance to complete weekly monitoring of all short-term rentals and noted that once the pandemic is more under control more will be done on that front.

Mayor Bagley asked for a recommendation from staff.

Joni responded that staff could review current code and enforcement mechanisms allowed with City Attorney Staff to see if there are already things that could be done as well as discuss how to do better nuisance enforcement so that permits could be revoked. She noted that the code does allow for administrative fines and those could be looked at to see if fines could be issued.

Council then grappled with whether or not how a property owner holds title to a property is the best path for determining permitting criteria.

MOTION

Polly Christensen moved, seconded by Marcia Martin, to deny non-owner occupied property or LLC's to obtain a short-term rental permit.

Council Member Christensen withdrew her motion.

Approved: None

Dissented: None

Abstained: None

0 – 0

MOTION

Joan Peck moved, seconded by Tim Waters, take away the ability to permit a second short-term rental that is not owner-occupied and clarified that a property owner could have a second investment as a long-term rental.

Mayor Bagley clarified that the motion was intended to mean that a property owner cannot rent investment property as a short-term rental. The property owner would have to be owner-occupied for 6 months and if someone wanted to own a second investment property, it could not be used as a short-term rental.

Approved: Polly Christensen, Susie Hidalgo-Fahring, Joan Peck, Aren Rodriguez, Tim Waters

Dissented: Brian Bagley, Marcia Martin

Abstained: None

Carried: 5 – 2

Council asked what is needed or missing in the code to allow for a license to be rescinded.

Joni replied that the code does not currently give good legal standing to make a finding that a permit should not be renewed due to an excess of complaints, for example.

Council and staff shared ideas for what to do including looking at possible criteria for canceling or withdrawing a license, asking property owners to affirmatively demonstrate they are complying with the City's rules, checking with other municipalities to see what they are doing and what their regulations look like, as well as finding ways to implement restrictions for people and parking as a mechanism for enforcement.

MOTION

Brian Bagley moved, seconded by Marcia Martin, to direct staff to come up with a list of solutions to solve the issues discussed and bring it back to Council.

Approved: Brian Bagley, Polly Christensen, Susie Hidalgo-Fahring, Marcia Martin, Joan Peck, Aren Rodriguez, Tim Waters

Dissented: None

Abstained: None

Carried: 7 – 0

D. Land Development Code Updates To Section 15.05.020 And 030 Concerning The Protection Of Streams, Creeks, Wetlands And Riparian Areas And Habitat And Species Protection

Don Burchett, Planning Manager, introduced the item and indicated staff has been working on a Sustainability Evaluation System (SES) and the Wildlife Management Plan update and, as a result, staff has proposed changes to the ordinance as presented in the Council packet. Don noted that staff had seven recommended changes and needed Council's direction on those.

Council clarified what direction was needed and Don responded that direction to bring back an ordinance for first reading as well as direction regarding the seven recommendations.

Council briefly discussed the motion and recommendations.

Council asked about the timeline for hiring the Environmental Planner and Volunteer Coordinator and Harold replied that due to the budget shortfalls because of the pandemic, those positions are frozen right now but are being evaluated.

MOTION

Brian Bagley moved, seconded by Marcia Martin, to direct staff to bring back an ordinance for first reading and accept the recommendations as presented by staff.

Approved: Brian Bagley, Polly Christensen, Susie Hidalgo-Fahring, Marcia Martin, Joan Peck, Aren Rodriguez, Tim Waters

Dissented: None

Abstained: None

Carried: 7 – 0

13. FINAL CALL - PUBLIC INVITED TO BE HEARD

There were no callers for Final Call Public Invited to Be Heard.

14. MAYOR AND COUNCIL COMMENTS

Council Member Hidalgo-Fahring reminded all to wear a mask and reminded everyone to be kind to each other.

Mayor Bagley shared condolences for the family of Allen Ginsborg and said the community lost a friend in Mr. Ginsborg who was a businessman who always kept his word and will be sorely missed.

15. CITY MANAGER REMARKS

The City Manager had no additional remarks.

16. CITY ATTORNEY REMARKS

The City Attorney had no additional remarks.

17. ADJOURN

MOTION

Polly Christensen moved, seconded by Marcia Martin, to adjourn the meeting at 10:24 p.m.

Approved: Brian Bagley, Polly Christensen, Susie Hidalgo-Fahring, Marcia Martin, Aren Rodriguez, Tim Waters

Dissented: None

Abstained: Joan Peck

Carried: 6 – 0

(Clerk Note: Council Member Peck exited the virtual meeting interface just before the vote was taken on the motion to adjourn, therefore, her absence for this vote was captured as an abstention.)

CITY OF LONGMONT, COLORADO

Mayor

ATTEST:

City Clerk