

City of Greeley, Colorado
COUNCIL WORKSESSION REPORT
June 25, 2019

1. CALL TO ORDER

The meeting was called to order at 5:00 p.m. by Mayor John Gates, 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

Jerry Harvey, Assistant City Clerk, called the roll. Those present were Mayor John Gates and Councilmembers Michael Fitzsimmons, Dale Hall, Brett Payton, and Stacy Suniga.

Councilmembers Smail and Casseday were both excused with Councilmember Casseday representing Greeley's Sister City Program in Japan.

4. WATER & SEWER BOARD INTERVIEWS

Mayor Gates and Councilmembers interviewed Fred Otis, William "Jack" Schneider, and Manuel Sisneros for two positions on the Water & Sewer Board.

5. FEE WAIVER RELATED TO OPEN RECORDS REQUESTS AND CRIMINAL JUSTICE RECORDS REQUESTS

Betsy Holder, City Clerk, provided background information on requests to waive fees for open records requests; described what the Colorado Open Records Act (CORA) and the Colorado Criminal Justice Records Act (CCJRA) are and added a description of their differences; explained the process for responding to CORA requests along with an explanation of the cost of service for CORA and CCJRA requests; and concluded by noting that it is at the City's discretion to waive these types of fees.

In response to a question from Councilmember Payton, Ms. Holder explained that the City has received a number of requests for fee waivers but that none have ever been granted for CORA requests.

Mark Jones, Greeley Police Chief, presented information specific to CCJRA requests. He explained that fees/rates for requests are calculated based on the average pay for a base level police department records technician; discussed potential issues with allowing the waiver of fees for cases that are "in the public interest"; explained that the City follows state law in providing free police reports to crime victims; and concluded by explaining that the City follows state law in not redacting the names of a reporting party in police reports.

In response to questions from Councilmember Suniga, Chief Jones reiterated that the City only waives fees for CCJRA requests for crime victims. He also explained the issues related to giving non-victims a free report simply because they were named in the report.

Mayor Gates invited Sherrie Peif, Greeley resident, to comment since her specific fee waiver request created the need for this Worksession item.

Ms. Peif highlighted three “best practices” questions that could be used to determine whether something is “in the public interest” and would therefore be eligible for a fee waiver. She also explained her issue with all requestors being charged the full amount for a records request when those records have already been prepared for public viewing after the first request.

Mayor Gates expressed his view that the standards the City currently has in place regarding fee waivers are sufficient.

A discussion ensued between Councilmember Payton, Chief Jones, and Ms. Peif regarding the specifics of her request for a fee waiver.

Councilmembers Suniga and Hall expressed their views that it would not hurt for staff to research options for defining what would be worthy of a fee waiver.

Council reached consensus and directed staff to research what other municipalities do regarding fee waivers and in defining “in the public interest” for CORA and CCJRA open records requests.

6. 2019 LEGISLATIVE UPDATE

Doug Marek, City Attorney, discussed legislation passed by the State Legislature during the 2019 Session that are of interest to Greeley. Specifically he discussed a number of laws related to oil and gas regulation, criminal justice and the courts, open records, affordable housing, public health, employment, and taxes and finance. Mr. Marek concluded with a look ahead at legislation that will likely be coming up during the 2020 Session.

In response to a question from Councilmember Hall regarding Senate Bill 181, Brad Mueller, Community Development Director, explained that the State will defer to Greeley’s land use process. He went on to highlight the Use by Special Review process the City uses.

In response to a question from Councilmember Suniga, Mr. Marek explained that the State’s regulations on oil and gas are minimums. He further explained that a municipality can therefore have stricter regulations than the State when it comes to oil and gas regulation, but they cannot have less strict regulations than the State.

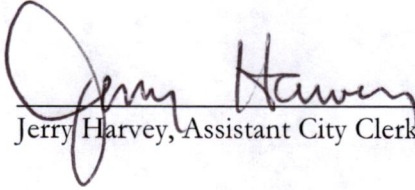
Roy Otto, City Manager, took time to note that there will be an item on the July 23rd Worksession agenda related to industrial hemp regulation.

7. SCHEDULING OF MEETINGS, OTHER EVENTS

No additional meetings or other events were scheduled.

8. ADJOURNMENT

There being no further business to come before the Council, Mayor Gates adjourned the meeting at 6:34 p.m.



Jerry Harvey, Assistant City Clerk