

City of Brighton

*500 S. 4th Avenue
Brighton, CO 80601*



Meeting Minutes

Tuesday, January 19, 2021

6:00 PM

Virtual Meeting

City Council

**MAYOR - GREGORY MILLS
MAYOR PRO TEM - MATT JOHNSTON
COUNCIL MEMBERS:
CLINT BLACKHURST, ADAM CUSHING,
MARK HUMBERT, KRIS JORDINELLI, MARY ELLEN POLLACK,
ANN TADDEO, TIM WATTS**

1. CALL TO ORDER

Mayor Mills called the meeting to order at 6:02 p.m.

A. Pledge of Allegiance to the American Flag

Councilmember Humbert led the recitation of the Pledge of Allegiance to the American Flag.

B. Roll Call

Present: 9 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

2. APPROVAL OF REGULAR AGENDA

Motion by Mayor Pro Tem Johnston, seconded by Councilmember Blackhurst, to approve the Regular Agenda as presented. Motion passed by the following vote:

Aye: 9 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

3. CONSENT AGENDA

A. Approval of the December 15, 2020 City Council Minutes

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AUTHORIZING A MINI-GRANT AGREEMENT WITH ADAMS COUNTY IN AN AMOUNT NOT TO EXCEED FIVE THOUSAND DOLLARS (\$5,000.00) FOR THE HIGH SCHOOL SENIORS BEAUTIFICATION PROJECT AT ELMWOOD CEMETERY; AUTHORIZING THE CITY'S MATCHING OBLIGATION OF FOUR THOUSAND FIVE HUNDRED DOLLARS (\$4,500.00); AND AUTHORIZING THE CITY MANAGER TO SIGN AND EXECUTE THE AGREEMENT

Resolution No: 2021-14

C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, REAPPOINTING WAYNE SCOTT AS A MEMBER OF THE BRIGHTON URBAN RENEWAL AUTHORITY WITH A TERM TO AUGUST 2025

Resolution No: 2021-04

D. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPOINTING PAUL GREAVES AS A MEMBER OF THE BRIGHTON URBAN RENEWAL AUTHORITY WITH A TERM TO AUGUST 2025

Resolution No: 2021-05

E. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPOINTING ADRIANNE ROMAN AS A MEMBER OF THE BRIGHTON URBAN RENEWAL AUTHORITY TO FILL AN UNEXPIRED TERM TO AUGUST 2022

Resolution No: 2021-06

- F. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN ADAMS COUNTY, COLORADO LEGAL SERVICES, THE CITIES OF WESTMINSTER, THORNTON, FEDERAL HEIGHTS, BRIGHTON, COMMERCE CITY, AURORA, NORTHGLENN, AND THE CITY AND COUNTY OF BROOMFIELD REGARDING CONTRIBUTIONS TOWARD A LANDLORD/TENANT LEGAL SERVICES PROGRAM, AUTHORIZING THE CITY MANAGER TO EXECUTE SAID IGA ON BEHALF OF THE CITY, AND TO UNDERTAKE SUCH TASKS AND EXECUTE SUCH DOCUMENTS AS MAY BE REQUIRED TO IMPLEMENT SAID IGA ON BEHALF OF THE CITY

Resolution No: 2021-07

- G. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, CONFIRMING THE CITY OF BRIGHTON'S PARTICIPATION IN THE LINK PROGRAM IN CALENDAR YEAR 2021; APPROVING THE INTERGOVERNMENTAL AGREEMENT FOR THE PROVISION AND FUNDING OF JUVENILE ASSESSMENT SERVICES BY THE LINK; AUTHORIZING THE MAYOR TO EXECUTE SAID IGA ON BEHALF OF THE CITY; AND APPOINTING THE CITY OF BRIGHTON'S REPRESENTATIVE TO THE LINK BOARD FOR CALENDAR YEAR 2021

Resolution No: 2021-08

- H. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, SUPPORTING ADAMS COUNTY LAND USE CASE #EXG2020-00001 AGGREGATE INDUSTRIES MINING APPLICATION

Resolution No: 2021-09

- I. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, SETTING COMPENSATION FOR THE ACTING CITY ATTORNEY LENA MCCLELLAND

Resolution No: 2021-10

Motion by Mayor Pro Tem Johnston, seconded by Councilmember Cushing, to approve the Consent Agenda as presented. Motion passed by the following vote:

Aye: 9 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

4. CEREMONIES

A. Swearing In of New Board and Commission Members

City Clerk Natalie Hoel swore in the new Youth Commission and Youth Corps of Volunteers members and the Brighton Urban Renewal Authority members.

B. School Choice Week in Brighton Proclamation

Mayor Mills read the Proclamation into the record.

Mayor Pro Tem Johnston was having technical issues.

Motion by Councilmember Humbert, seconded by Councilmember Jordinelli, to approve the Proclamation. Motion passed by the following vote:

Aye: 8 - Mayor Mills, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

Absent: 1 - Mayor Pro Tem Johnston

**5. PUBLIC INVITED TO BE HEARD ON MATTERS NOT ON THE AGENDA
(Speakers limited to five minutes)**

P.J. Kite, Brighton. Mr. Kite expressed concern with the progress on the construction on Medical Center Drive.

6. PUBLIC HEARINGS

7. ORDINANCES FOR INITIAL CONSIDERATION

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING CERTAIN SECTIONS OF TITLE 6 OF THE BRIGHTON MUNICIPAL CODE PERTAINING TO ANIMAL KEEPING AND THE CREATION OF A PILOT PROGRAM FOR MINIATURE GOATS

Mayor Mills read the title of the Ordinance into the record.

City Manager Jane Bais DiSessa introduced Long Range Planner Shannon McDowell.

Long Range Planner Shannon McDowell introduced Community Service Manager Michelle Tyree and presented the Goat Keeping Pilot Program. The terms of the pilot program being proposed include a two-year program duration that would begin March 1, 2021 through March 1, 2023. This would allow time to obtain permits, build any necessary structures and acquire goats. The Community Service Officers would then have time to address any concerns regarding the program, conduct inspections and make their own observations to bring back to City Council. Staff is proposing that ten permits be offered through a lottery, this allows for twenty goats in the program. If City Council decides not to continue with the program, twenty goats would need to be rehomed. City Council action would be needed to extend the program past the two-year timeframe.

*There will be a minimum lot size requirement of 7,500 sq. ft. so a backyard would not be consumed by the goat keeping areas and allows buildings and pens to be set back from the property line. The pen and shelter has to be located in the rear 50% of the lot and at least 10' from side or rear property lines. Comment was received from members of the public asking if the 10' requirement also includes existing structures. Staff is proposing to amend Paragraph (3)f.(iii) to read as follows: "All shelters and enclosures, **including existing structures intended to house miniature goats, shall be located...**" The pilot program would allow:*

- *Disbudded female miniature goats only, 24.5" tall at withers.*
- *No more or less than two goats per property.*
- *Goats would be considered household pets and county toward the maximum of four allowed per property.*
- *Rabies vaccination would be required.*
- *No on-site breeding or slaughter.*
- *Only allowed on single-family detached properties with landowner permission.*
- *A permit is required.*
- *Two inspections required, one by Community Development for the pen and shelter and any building permit inspections as required, and a second inspection by the Community Service Officers for the goats.*
- *Each applicant must take and pass a test on goat care.*
- *Approval of a waste management plan.*
- *A fee of \$100 to cover the permit review, test and two inspections.*
- *Periodic inspections by the Community Service Officers to monitor the program impacts.*

There is an impact on the Community Service Officers Division to enforce the pilot program and they are anticipating an increase in the number of animal calls they receive. This will take away from the proactive work the division does. The anticipated time for calls include:

- Property inspections, 0.5 to 1.5 hours
- Noise or odor complaint, 0.5 to 1 hours
- Animal at large or stray, 0.5 to 1.5 hours
- Animal cruelty or hoarding cases, 0.75 to 4 hours

There will be some startup costs incurred by the department including specialized equipment and food to take care of the goats if necessary.

Staff recommends approval of the proposed amendments to the Brighton Municipal Code with the amended language in paragraph (3)f.(iii) as mentioned previously.

Long Range Planner McDowell and Community Service Manager Michelle Tyree answered questions from Council regarding:

- Staff having talked to veterinarians about goats needing rabies shots.
- The need for a participant in the program to build a new structure if an existing structure does not meet the 10' setback requirement.
- The ability to conduct an onsite inspection to determine if there could be a variance for the 10' requirement.
- The ability to hire another Community Service Officer if the City is still in a hiring freeze.
- The number of requests from residents to have goats.
- What classifies as breeding for the goats.

Motion by Councilmember Blackhurst, seconded by Councilmember Humbert, to approve the Ordinance without the recommended amendment to paragraph (3)f.(iii). Motion passed by the following vote:

Aye: 8 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Taddeo, and Councilmember Watts

No: 1 - Councilmember Pollack

8. ORDINANCES FOR FINAL CONSIDERATION

- A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING A ZONING MAP AMENDMENT OF AN APPROXIMATELY 5.535 ACRE AREA OF LAND, TO BE KNOWN AS THE WATER TREATMENT PLANT EXPANSION PROPERTY, GENERALLY LOCATED IN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO, TO A ZONING DESIGNATION OF PUBLIC LANDS (PL)**

Mayor Mills read the title of the Ordinance into the record.

City Manager Bais DiSessa explained that this is the final reading of the Ordinance and there have not been any changes since first reading.

Mayor Mills asked if there were any comments from the audience on the second reading of the Ordinance, there were none.

Mayor Pro Tem Johnston was having technical issues.

Motion by Councilmember Blackhurst, seconded by Councilmember Watts, to approve Ordinance 2354. Motion passed by the following vote:

Aye: 8 - Mayor Mills, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

Absent: 1 - Mayor Pro Tem Johnston

B. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING CERTAIN SECTIONS OF ARTICLE 2-4 OF THE BRIGHTON MUNICIPAL CODE PERTAINING TO CITY COUNCIL

Mayor Mills read the title of the Ordinance into the record.

Acting City Attorney Lena McClelland explained that this is the final reading of the Ordinance and there have not been any changes since first reading.

Mayor Mills asked if there were any comments from the audience on the second reading of the Ordinance, there were none.

Mayor Pro Tem Johnston was having technical issues.

Motion by Councilmember Watts, seconded by Councilmember Jordinelli, to approve Ordinance 2355. Motion passed by the following vote:

Aye: 8 - Mayor Mills, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

Absent: 1 - Mayor Pro Tem Johnston

9. RESOLUTIONS

A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING AN AMENDMENT TO PARAGRAPHS A THROUGH E OF RULE 1 AND PARAGRAPHS B THROUGH F AND N OF RULE 2 OF THE CITY COUNCIL RULES OF PROCEDURE GOVERNING MEETINGS

Mayor Mills read the title of the Resolution into the record.

City Manager Bais DiSessa introduced Acting City Attorney Lena McClelland.

Acting City Attorney Lena McClelland explained that this is one of the items regarding the Code changes that were to be brought to Council as an Ordinance to amend the Code and a Resolution to amend the City Council Rules of Procedure Governing Meetings. Acting City Attorney McClelland answered questions from Council regarding:

- The ability to change the rules to amend the end time for City Council meetings.*

Motion by Councilmember Blackhurst, seconded by Mayor Pro Tem Johnston, to approve Resolution 2021-11. Motion passed by the following vote:

Aye: 9 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

- B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE BID OF KORBY LANDSCAPE, LLC. AND APPROVING THE PROCUREMENT OF MODERNIZATION OF IRRIGATION VALVES, PROJECT #20-006520, TO KORBY LANDSCAPE, LLC. FOR THE CONTRACT AMOUNT OF ONE HUNDRED EIGHTY SEVEN THOUSAND EIGHT HUNDRED SEVENTY ONE DOLLARS AND TWENTY SIX CENTS \$187,871.26, AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AND SIGN THE CONTRACT ON BEHALF OF THE CITY AND THE CITY CLERK TO ATTEST THERETO**

Mayor Mills read the title of the Resolution into the record.

City Attorney Bais DiSessa introduced Cemetery Manager Aaron Corr.

Cemetery Manager Aaron Corr presented the Elmwood Cemetery Irrigation Modernization Project. In 2014, a lightning strike damaged eighteen valves and wire assemblies at Elmwood Cemetery. Staff was able to repair six valves and they were able to run properly. In May 2020, a Derecho uprooted over thirty trees and caused further damage to the landscape, trees and irrigation system. This left the cemetery with twenty non-operational valves. Staff is currently turning the twenty valves on by hand during the workday since they cannot be run in the evening by the irrigation clock. The purpose of this project is to get the entire irrigation system working properly and running on the irrigation clock in the evening when patrons are not paying respect to loved ones during the day. Four contractors attended the meeting and two proposals were received for this project. Staff determined that Korby Landscape, LLC was more responsive to nine of the fourteen requirements requested and seemed to understand the project fully. The project will repair and modernize the irrigation system at Elmwood Cemetery so repairs by staff will be easier in the future. The work should be completed in five weeks.

Cemetery Manager Corr and Parks and Recreation Director Travis Haines answered questions from Council regarding:

- Any sprinkler heads being realigned to increase efficiency.*
- Potable water being used for irrigation.*
- An insurance policy that covers the lightning strike.*
- It being typical for a lightning strike.*

Motion by Councilmember Blackhurst, seconded by Councilmember Watts, to approve Resolution 2021-12. Motion passed by the following vote:

Aye: 9 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

Mayor Mills called for a break at 7:25 p.m.

Mayor Mills reconvened the meeting at 7:36 p.m.

- C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AUTHORIZING THE MAYOR TO SIGN THE LETTER OF SUPPORT OF THE POSITION OF THE DULY APPOINTED E-470 BOARD REPRESENTATIVE REGARDING PROPOSALS MADE TO THE BOARD OF DIRECTORS OF THE E-470 PUBLIC HIGHWAY AUTHORITY AND ALSO SUPPORT THE DECISIONS MADE BY THE E-470 BOARD OF DIRECTORS AT THE AUGUST 8, 2019 AND JUNE 11, 2020 BOARD OF DIRECTORS MEETINGS**

Mayor Mills read the title of the Resolution into the record.

Mayor Mills read a letter from ROADIS into the record (attached as Exhibit A).

Mayor Pro Tem Johnston expressed concern regarding lobbying efforts taking place with members of City Council and State Representatives and board members not showing up to meetings but making decisions. Mayor Pro Tem Johnston does not support privatizing a public/private partnership road. Mayor Pro Tem Johnston asked that the City of Brighton sign a letter of support for the E-470 Board of Directors.

Michael Cheroutes, ROADIS, Denver. Mr. Cheroutes asked that Council consider speaking about the proposal by ROADIS in an open work session so that everyone is able to understand the proposal.

Mayor Pro Tem Johnston answered questions from Council regarding:

- A private company wanting to buy rights to E-470.*
- The tolls ending in 2041, but if the roadway is private, the tolls going on indefinitely.*
- The ways this company would benefit the City of Brighton.*
- The roadway being turned over to CDOT in 2041.*
- 2041 being fifty years since the first segment of roadway was completed.*

Motion by Councilmember Blackhurst, seconded by Councilmember Humbert, to approve Resolution 2021-13. Motion passed by the following vote:

Aye: 9 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

10. UTILITIES BUSINESS ITEMS

11. GENERAL BUSINESS

A. Review of COVID Statistics

Assistant City Manager Michael Martinez updated City Council on the COVID statistics, vaccinations, the 5-Star Program, the vaccination site and the Adams County rapid testing site.

12. REPORTS

A. By the Mayor

Mayor Mills thanked the Public Works department for installing a new sign for Bromley Lane on Highway 85.

B. By Department Heads

Chief of Police Paul Southard thanked Fire Chief Schuppe for recognizing the Police Officers that initially responded to the machete incident.

C. By the City Attorney

Acting City Attorney McClelland will be working with the City Manager to get extra assistance from an outside firm to help before a new City Attorney is hired.

D. By the City Manager

City Manager Bais DiSessa thanked City Council for their time participating in their monthly meetings and explained that information will be presented at the next meeting for direction in hiring a new City Attorney.

13. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS

Councilmember Watts attended the Fire District Board meeting, the Senior Advisory Board meeting and will attend the Wall that Heals committee meeting.

Councilmember Cushing thanked the Police Department for all of their caring and hard work.

Councilmember Humbert attended the Parks and Recreation Advisory Board meeting, the Housing Authority meeting and the Historic Preservation Commission meeting.

Councilmember Blackhurst attended the Legacy Foundation meeting and the Youth Commission meeting.

Councilmember Taddeo attended the Historic Preservation Commission meeting and the Legacy Foundation meeting.

Councilmember Pollack attended the Parks and Recreation Advisory Board meeting.

Councilmember Jordinelli attended the Cultural Arts Commission meeting and the Link meeting.

14. EXECUTIVE SESSION

15. ADJOURNMENT

Mayor Mills adjourned the meeting at 8:51 p.m.

CITY OF BRIGHTON, COLORADO



Gregory Mills, Mayor

ATTEST:



Natalie Hoel, City Clerk



Approval Date

ROADIS

January 19, 2021

January 19, 2021

Mayor and Members of Council
City of Brighton
500 S Fourth Ave
Brighton, CO 80601
{By Email}

Dear Mayor and Members of Council,

We learned today that the City Council will be taking up a resolution tonight authorizing the Mayor to sign a letter of support for decisions taken by the E-470 Authority relating to a proposal made to it by ROADIS USA. That action would effectively turn away, without substantive consideration of the details, the potential distribution of many millions of cash and economic development to Brighton and its citizens.

You each received last week the report of a Citizen's Review Committee, chaired by the former Mayor of Aurora, recommending full and transparent study of ways like this for the local government owners of E-470 to realize greater financial value from this important asset. The report is worth reading.

Also, on a number of occasions over the past year and a half, ROADIS USA has asked for a chance to meet with the Council in working session to explore the potential of the proposal. It has changed in significant respects from the one which the E-470 Board unilaterally refused last year and the year before, and there is much misinformation about it. We, therefore, respectfully ask that you table tonight's resolution until you have had a chance to meet with us in an open working session. We are prepared to do that quickly; even next week. Thank you.

Sincerely,



President, ROADIS USA Holding, LLC