

# City of Brighton

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



**Brighton**<sup>SM</sup>

## Meeting Minutes

**Tuesday, May 1, 2018**

**7:00 PM**

**Council Chambers**

## City Council

**MAYOR - KENNETH J. KREUTZER**

**MAYOR PRO-TEM - JW EDWARDS**

**COUNCIL MEMBERS:**

**LYNN BACA, CLINT BLACKHURST, MARK HUMBERT,  
MATT JOHNSTON, GREGORY MILLS, MARY ELLEN POLLACK,  
KIRBY WALLIN**

**1. CALL TO ORDER**

*Mayor Kreutzer called the meeting to order at 7:00 p.m.*

**A. Pledge of Allegiance to the American Flag.**

*Councilmember Baca led the recitation of the Pledge of Allegiance to the American Flag.*

**B. Roll Call.**

**Present:** 9 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Baca, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

**2. APPROVAL OF REGULAR AGENDA**

**Motion by Councilmember Humbert, seconded by Councilmember Mills, to approve the Regular Agenda as presented. Motion passed by the following vote:**

**Aye:** 9 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Baca, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

**3. CONSENT AGENDA**

**A. Approval of the April 3, 2018 City Council Minutes**

**B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACTING BY AND THROUGH ITS WATER ACTIVITY ENTERPRISE, AUTHORIZING THE PURCHASE OF ALL WATER RIGHTS AND INTERESTS, INCLUDING STORAGE RIGHTS, REPRESENTED BY SIX AND ONE HALF (6.50) SHARES OF CAPITAL STOCK IN THE SODA LAKES RESERVOIR AND MINERAL COMPANY ("SODA LAKES") AND 3.14 CUBIC FEET PER SECOND OF DECREED PRIORITY NO. 12 WATER RIGHTS IN SPICKERMAN DITCH AND 5.13 CUBIC FEET PER SECOND OF DECREED PRIORITY NO. 18 WATER RIGHTS IN LOWER SPICKERMAN DITCH AND 4.675 CUBIC FEET PER SECOND OF DECREED PRIORITY NO. 19 WATER RIGHTS IN ROBERT LEWIS DITCH FROM MOUNT CARBON METROPOLITAN DISTRICT (SELLER) FOR THE TOTAL NOT TO EXCEED SUM OF TWO MILLION, ONE HUNDRED SEVENTY ONE THOUSAND, SEVEN HUNDRED AND FIFTY DOLLARS (\$2,171,750); AND AUTHORIZING THE CITY MANAGER TO UNDERTAKE SUCH TASKS AND EXECUTE SUCH DOCUMENTS AS MAY BE REQUIRED TO CONSUMMATE THE PURCHASE ON BEHALF OF THE CITY**

**Resolution No: 2018-51**

**C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACTING BY AND THROUGH ITS WATER ACTIVITY ENTERPRISE, ACCEPTING THE ESTIMATES FROM UNITED POWER FOR THE PROVISION OF POWER FOR THE PUMPS TO THE ERGER'S POND AUGMENTATION STATION SITE; APPROVING THE EXPENDITURE OF ONE HUNDRED FORTY-TWO THOUSAND, SIX DOLLARS AND FIFTY-FIVE CENTS (\$142,006.55) FROM THE WATER ACTIVITY ENTERPRISE FOR SAID SERVICES; AUTHORIZING THE**

**CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTATION FOR THE EXPENDITURE OF SAID FUNDS FOR THE ERGER'S POND AUGMENTATION STATION POWER SERVICES**

Resolution No: 2018-52

- D. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACTING BY AND THROUGH ITS WATER ACTIVITY ENTERPRISE, AUTHORIZING THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF BRIGHTON AND SCHOOL DISTRICT 27J FOR THE DISTRICT'S DESIGN AND CONSTRUCTION OF A TEMPORARY DEAD END PUBLIC WATERLINE FOR THE PURPOSE OF PROVIDING FIRE PROTECTION TO THE DISTRICT'S BUS BARN AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID MOU ON BEHALF OF THE CITY AND TO UNDERTAKE SUCH TASKS AS MAY BE REQUIRED TO IMPLEMENT THE PROVISIONS OF THE MOU ON BEHALF OF THE CITY**

Resolution No: 2018-53

**Motion by Councilmember Humbert, seconded by Councilmember Blackhurst, to approve the Consent Agenda as presented. Motion passed by the following vote:**

**Aye:** 9 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Baca, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

**4. CEREMONIES**

**A. National Day of Prayer Proclamation**

*Mayor Kreutzer read the Proclamation into the record and presented it to Ernie Marquez, Brighton Coordinator for the National Day of Prayer.*

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

**Aye:** 9 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Baca, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

**B. Building Safety Month Proclamation**

*Mayor Kreutzer read the Proclamation into the record and presented it to Community Development Director Holly Prather.*

**Motion by Mayor Pro Tem Edwards, seconded by Councilmember Mills, to approve the Proclamation. Motion passed by the following vote:**

**Aye:** 9 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Baca, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

**C. National Public Works Week Proclamation**

*Mayor Kreutzer read the Proclamation into the record and presented it to Interim Director of Streets and Fleet Michael Woodruff.*

**Motion by Councilmember Wallin, seconded by Councilmember Johnston, to approve the Proclamation. Motion passed by the following vote:**

**Aye:** 9 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Baca, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

**D. S.P.E.A.K. Week Proclamation**

*Mayor Kreutzer read the Proclamation into the record and presented it to members of the Youth Commission.*

**Motion by Councilmember Baca, seconded by Councilmember Blackhurst, to approve the Proclamation. Motion passed by the following vote:**

**Aye:** 9 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Baca, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

**E. Mental Health Month Proclamation**

*Mayor Kreutzer read the Proclamation into the record and presented it to members of the Youth Commission.*

**Motion by Councilmember Mills, seconded by Councilmember Pollack, to approve the Proclamation. Motion passed by the following vote:**

**Aye:** 9 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Baca, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

**F. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, APPROVING THE 2018 BIG LITTLE IDEA CONTEST WINNERS; APPROVING A SEVEN HUNDRED AND FIFTY DOLLAR (\$750) CASH AWARD TO EACH CONTEST WINNER, FROM THE CITY'S GENERAL FUND IN THE TOTAL AMOUNT OF THREE THOUSAND DOLLARS (\$3,000); DESIGNATING THE RECIPIENTS AND AMOUNTS TO BE AWARDED; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENTS WITH THE RECIPIENTS OF THE 2018 ALLOCATION ON BEHALF OF THE CITY; AND SETTING FORTH OTHER DETAILS RELATED THERETO**

*Mayor Kreutzer read the title of the Resolution into the record.*

*City Manager Philip Rodriguez introduced GID and Marketing Specialist Zach Reese.*

*Public Information and Marketing Manager Zach Reese explained that this year's program would have four winners who will receive \$750.00 each for their project. Mr. Reese introduced the following winners and gave a brief description of their project:*

- *Kathy Sholders – Friends of Barr Lake hosted Field Trips to Barr Lake State Park for Paddle Sports on the Big Little Idea Water Bus.*
- *Xithlali Perez – Making and handing out care bags to the homeless in the area.*
- *Manuela Cavanaugh – Placing galvanized stock tank/planters with soil and a variety of colorful plants in each of Brighton's four community gardens.*
- *Joan Kniss – Educational signage about the wildlife vegetation along Pheasant Ridge Trail.*

Motion by Councilmember Humbert, seconded by Councilmember Pollack, to approve Resolution 2018-54 approving the 2018 Big Little Idea Contest winners; approving a \$750.00 cash award to each contest winner, from the City's General Fund in the total amount of \$3,000.00; designating the recipients and amounts to be awarded; authorizing the City Manager to execute the agreements with the recipients of the 2018 allocation on behalf of the City; and setting forth other details related thereto. Motion passed by the following vote:

**Aye:** 9 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Baca, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

**Resolution No: 2018-54**

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

*Loralie Cole-Holmbo, Broomfield. Ms. Cole-Holmbo introduced her students from the Achieve Institute at Pennock Elementary Ruben, Graciela, Ian, Kadi and Kyli. The students spoke about the effects of plastic on the environment and asked City Council to consider banning the use of plastic straws and plastic bags in the City of Brighton.*

**6. PUBLIC HEARINGS**

**A. AN ORDINANCE OF THE CITY OF BRIGHTON CITY COUNCIL, APPROVING THE REZONING OF AN APPROXIMATELY 7.39 ACRE AREA OF LAND GENERALLY LOCATED IN THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO, FROM A ZONING DESIGNATION OF PUBLIC LAND (PL) TO A ZONING DESIGNATION OF GENERAL RETAIL AND SERVICES (C-3)**

*Mayor Kreutzer read the title of the Ordinance into the record.*

*Mayor Kreutzer opened the public hearing at 7:46 p.m. and City Clerk Natalie Hoel verified the required postings and publications (April 11, 2018 in the Brighton Standard Blade) for this public hearing were completed.*

*City Manager Rodriguez introduced Associate Planner Mike Tylka.*

*Associate Planner Mike Tylka presented the Fulton Plaza Subdivision zone change. The owner is Adams County and Ayres Associates is acting as the applicant. The property is located north of Bridge Street, directly east of North 19<sup>th</sup> Avenue. The 7.39 acre area of the proposed zone change is the lower half of the area included in a proposed plat coming before City Council at the next meeting. The entire area is part of one currently unplatted parcel owned by Adams County. The proposed zone change is from Public Land (PL) to General Retail and Services (C-3). The zone change is for the area that used to house the Adams County Office and Court building that has since been torn down. The County wishes to sell this property once rezoned to an outside party for commercial development. The County wishes to retain the northern portion of the parcel, not part of the zone change, proposed to be a new separate lot under that Plat where the County would continue to own and operate a maintenance facility.*

*The property was annexed in 1960 as part of a larger annexation and was zoned Public Land (PL) in 1976. The surrounding zoning includes commercial to the west and south, apartments to the east and the County Detention Facility to the north. The Comprehensive Plan shows the entire subject property is designated as Public Land and sits on a heavy commercial corridor. The use of the subject property for uses allowed as C-3 would allow the Public Land type non-governmental, quasi-public and non-profit entities to continue to operate. The zone change would also open the property to a range of retail and service types including small businesses and commercial centers. The plan outlines that*

*growth should be prioritized in coordination with transportation and further outlines that the Bridge Street corridor is an opportunity area where infill development and redevelopment can work to improve the areas appearance, investment, as well as pedestrian and bicycle system connectivity. The managing growth principle of the plan states that new growth should favor existing areas of infrastructure, investment and planning. The multi-modal principle of the plan states that development patterns that support all modes of transportation should be encouraged. The subject property is surrounded by existing development along transportation routes in an area where the City is encouraging redevelopment.*

*The applicant seeks to rezone to C-3 to allow commercial development by a private entity. The Land Use and Development Code states that the C-3 district is a general retail and services district designed to provide the broadest possible scope of compatible services and products for both the general and traveling public. Land within this category should be located at and/or along the intersection of major arterials with sufficient side parcels for larger buildings and/or with uses that allow large parking or loading areas. With each district, care should be taken to ensure uses are compatible with each other and the surrounding area.*

*The review criteria for the Land Use and Development Code requires that it comply with the Comprehensive Plan. The proposed rezoning does not strictly comply with the Comprehensive Plan as it designates this area as Public Land. Historically the Public Land designation reflected those county government uses that existed on the property prior to the time of plan adoption. Now, those county government buildings have been removed, the public uses have been discontinued, and a portion of the property along the Bridge Street corridor is proposed to be sold by the County to a private entity. Staff deems that the Bridge Street corridor in this area is appropriate for commercial development. Staff intends to recommend a change to the Future Land Use Map of the Comprehensive Plan to reflect the conditions of the commercial corridor along Bridge Street. Commercial uses are appropriate and strict compliance is not required under the circumstances. The zone change complies with the Land Use and Development Code and meets the requirements of the C-3 District. It will facilitate orderly growth and expansion of the City, opens up the lot to new users, and the lot will be developed under the City's Commercial Design Standards. The zone change can be thought of to be compatible with the surrounding areas given the number of commercial and public operations and use. On April 11, 2018, all required notice was provided. Two general inquiries were received but no formal comments were submitted to staff. Planning Commission recommended approval at the March 13, 2018 meeting. Staff recommends approval of the zone change application.*

*Mayor Kreutzer asked if the applicant would like to add anything to the presentation.*

*Chris Pletcher, Ayres Associates, 33665 JFK Parkway, Fort Collins. Mr. Pletcher explained that Adams County does not have a particular buyer for the property; they will market the property if the zone change is approved. This zone change will make the property marketable for sale.*

*Mayor Kreutzer asked if anyone in the audience had questions for the applicant, there was none.*

*Mayor Kreutzer asked if anyone in the audience wished to speak on behalf of the request, there was none.*

*Mayor Kreutzer asked if anyone in the audience wished to speak against the request, there was none.*

*Mayor Kreutzer asked if any correspondence had been received, there was none.*

*Mayor Kreutzer asked if there were questions from City Council.*

*Councilmember Blackhurst asked if this area includes the Juvenile Detention Center. Mr. Pletcher reported that it does not; the Juvenile Detention Center is a separate parcel.*

*Councilmember Mills lives in the area and looks forward to development in the area.*

*Councilmember Johnston asked if anything was brought up by the Planning Commission that City Council should know. Planner Tylka stated that the Planning Commission recommended approval. Councilmember Johnston asked if anything pertinent was discussed at the Planning Commission meeting. Planner Tylka stated that there was nothing.*

*Mayor Kreutzer closed the public hearing at 7:55 p.m.*

**Motion by Mayor Pro Tem Edwards, seconded by Councilmember Mills, to approve the Ordinance approving the rezoning of an approximately 7.39 acre area of land generally located in the southeast quarter of section 5, township 1 south, range 66 west of the 6<sup>th</sup> principal meridian, City of Brighton, County of Adams, State of Colorado, from a zoning designation of Public Land (PL) to a zoning designation of General Retail and Services (C-3). Motion passed by the following vote:**

**Aye:** 9 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Baca, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

**B. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO AMENDING SPECIFIED SECTIONS OF THE BRIGHTON MUNICIPAL CODE RELATED TO CONDITIONAL USES AND SETTING FORTH OTHER DETAILS IN RELATION THERETO**

*Mayor Kreutzer read the title of the Ordinance into the record.*

*Mayor Kreutzer opened the public hearing at 7:57 p.m. and City Clerk Natalie Hoel verified the required postings and publications (April 11, 2018 in the Brighton Standard Blade) for this public hearing were completed.*

*City Manager Rodriguez introduced Associate Planner Josh Tetzlaff.*

*Associate Planner Josh Tetzlaff presented the Code amendment for the existing Conditional Use Code Regulations to be modernized and updated. The current Conditional Use Regulations were last amended in 2015 to align with the Oil and Gas Regulations enacted at that time. Staff has reviewed the regulations to ensure they are complete and that they fit with the needs of the City as it continues to grow. Staff researched conditional use processes in other cities as well as general conditional use research. Staff worked on the proposed Conditional Use Regulations with the City Attorney to ensure that any proposals were defensible and appropriate.*

*The proposed Code clearly defines the intent, applicability and notice requirements for every Conditional Use application. The Code would then state the five review criteria by which all Conditional Uses would be reviewed. The proposed Code would state how long an application decision is good, the party responsible for recording the decision document, and when a similar use may be applied for if an application is denied. Staff is also proposing to modify the definition for 'childcare' and adding definitions for 'microbreweries, distilleries, and wineries'. The Table of Uses for these definitions will also be updated and for the tavern, cocktail lounge and bar use to encourage those uses to locate Downtown.*

*Notice of the hearing was published in the Brighton Standard Blade on April 11, 2018. Staff has not received any formal comments regarding the Code amendment. The Planning Commission voted to recommend approval of the Code Amendment at their March 13, 2018 meeting. Staff recommends approval of the Code amendment.*

*Mayor Kreutzer asked if anyone in the audience had questions for the applicant, there was none.*

*Mayor Kreutzer asked if anyone in the audience wished to speak on behalf of the request, there was none.*

*Mayor Kreutzer asked if anyone in the audience wished to speak against the request, there was none.*

*Mayor Kreutzer asked if any correspondence had been received, there was none.*

*Mayor Kreutzer asked if there were questions from City Council, there was none.*

*Mayor Kreutzer closed the public hearing at 8:01 p.m.*

**Motion by Councilmember Blackhurst, seconded by Councilmember Humbert, to approve the Ordinance amending specified sections of the Brighton Municipal Code related to Conditional Uses and setting forth other details in relation thereto. Motion passed by the following vote:**

**Aye:** 9 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Baca, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

**C. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO AMENDING SPECIFIED SECTIONS OF THE BRIGHTON MUNICIPAL CODE RELATED TO PUBLIC HEARING NOTIFICATIONS AND, SETTING FORTH OTHER DETAILS IN RELATION THERETO**

*Mayor Kreutzer read the title of the Ordinance into the record.*

*Mayor Kreutzer opened the public hearing at 8:02 p.m. and City Clerk Natalie Hoel verified the required postings and publications (April 11, 2018 in the Brighton Standard Blade) for this public hearing were completed.*

*City Manager Rodriguez introduced Associate Planner Josh Tetzlaff.*

*Associate Planner Josh Tetzlaff presented the Code amendment to update the Public Notice Requirements. Last year City Council directed staff to review the requirements for public notice. Currently, the notice requirements vary depending on application type. According to the Code, for Planned Unit Developments (PUD), Preliminary Plats and Final Plats, once the public hearing date is scheduled, the notification requirement is for adjacent property owners to receive notification of the hearing by mail. Staff currently publishes notification in the newspaper, posts signs on the property and posts on the City website even though there is no requirement for this in the Code. Since staff already takes these extra steps, it makes sense to make it a requirement in the Code. The mailed notice requirements still differ, as some applications require that a mailed notice be sent to property owners within 300 ft. of the property and other applications require notices to those adjacent to the property. To create less confusion and to make the notice requirement more consistent and equitable, staff is proposing that notices for all public hearings are done in the same manner. This would mean changing the notification requirements for PUD's, Preliminary Plats and Final Plats to match the notification requirements for other public hearing applications. By changing them to match, the required notifications of the public hearings would be mailed to property owners within 300 ft., signs would be posted on the property, and notice published in the newspaper. Staff and the applicant would be responsible for this new process. Staff would send the mailed notice and publish the notice in the newspaper. Staff would provide the applicant with the proper number of signs to be posted on the property with directions how to post, and the applicant would post the sign and return proof of the posting with a photograph and an affidavit. This Code change will require updating multiple sections of the Code. To simplify the process in the future for changes that must be made, staff recommends that all applications refer to the same notification section of Code instead of having several individual requirements.*

*Notice of this hearing was published in the Brighton Standard Blade on April 11, 2018. One general inquiry was received but no formal comments were received on the project. The Planning Commission voted to recommend approval of the Code amendments at their March 13, 2018 meeting. Staff recommends approval of the Code amendment.*

*Mayor Kreutzer asked if anyone in the audience had questions for the applicant, there was none.*

*Mayor Kreutzer asked if anyone in the audience wished to speak on behalf of the request, there was none.*

*Mayor Kreutzer asked if anyone in the audience wished to speak against the request, there was none.*



Mayor Kreutzer asked if any correspondence had been received, there was none.

Mayor Kreutzer asked if there were questions from City Council.

Councilmember Wallin asked what the notification distance is in other municipalities. Planner Tetzlaff explained that 300 ft. is typical. Councilmember Wallin asked if any other municipalities sent notification up to 300 ft. when notification to adjacent property owners is required. Planner Tetzlaff reported that some go the extra step and others have chosen to send just to the adjacent property owners. This action follows an application when the property owners that were affected by the application did not receive notice because there was a 2 ft. strip of land between them and the impacted property. This will make the process more equitable so the owners of the impacted homes are notified.

Mayor Pro Tem Edwards asked if anyone verifies that the signs are still standing during the required posting time. Planner Tetzlaff explained that staff conducts regular site checks to be sure that the signs are still posted.

Councilmember Johnston asked if the Code will read "at least 300 ft." so homeowners further away that may be affected will be notified. Planner Tetzlaff explained that the Code is written to state "300 ft.", there is a provision in the Code that allows extra notification to take place if it is determined necessary by the City Manager. Councilmember Johnston asked if this could be changed in the Code. Planner Tetzlaff explained that it could be changed if staff is directed to by the City Manager. Councilmember Johnston asked if there is another notification more modern than mail that could be used. Planner Tetzlaff explained that would be at the discretion of City Council. The current Code is written for the legal notice and it describes a variety of ways this requirement could be met, the City has always used the newspaper. Planning Commission discussed this and determined that the way the Code is written allows for multiple ways of notification.

Councilmember Baca asked if the notice for this hearing was published in the legal notices. Planner Tetzlaff stated that it was. Councilmember Baca asked if any of the number of publication days are being decreased to standardize the Code with this amendment. Planner Tetzlaff explained that some of the notifications would be extended to fifteen days so all applications would all be the same. Annexation applications are the only applications that require multiple publications; those requirements are set by the State. Councilmember Baca asked if the publication requirements set by the State will remain the same and Planner Tetzlaff stated that is correct. Councilmember Baca asked what party is responsible for posting signs on the property, staff or the applicant. Planner Tetzlaff explained that staff is currently completing all of the notifications, but they would like to place the burden of the sign posting on the applicant. Brighton is growing quickly and there is limited staff, so this takes away from other duties of the staff person. Staff does retain control of publishing in the newspaper and the mailings so the 300 ft. can be verified by staff so nobody is missed in the notification process. The sign posting could be done by the applicant because the sign is for people driving by and are probably less affected by the notice. The applicant would receive information from staff regarding the placement of the signs and require proof of posting with a photograph and a signed affidavit. Staff would continue to verify that the signs are posted during the notification period during their normal site checks. Councilmember Baca asked what the fees are that the applicants pay for various public hearings, if the City is charging for the service; the City should provide that service. This could put a burden on a small business owner to post the sign, take a picture and sign the affidavit. Planner Tetzlaff explained that the City provides the sign and the apparatus to post the sign. If City Council would like staff to continue to place the sign on the property, this can be done if direction is received from the City Manager. Councilmember Baca does not want to put a burden on a business owner trying to grow and do business in Brighton. Councilmember Baca does not feel comfortable with putting someone at risk trying to place a sign and the danger of stopping on a right-of-way. City Manager Rodriguez explained that when the applicant comes in, they are dealing with their own property. Many other services that the City provides includes giving the applicant a document and requiring them to post that on the site. If there were situations when a person is not able bodied, staff would be willing to work with them and help to post the sign. At this time, staff is looking for opportunities for efficiencies and there is a lot of cost involved in having a staff member go out to post a sign. The City resumes a lot of risk having an employee going out to post the sign. City Manager Rodriguez explained that this is an efficiency measure to utilize staff resources in a good manner.

Councilmember Humbert asked if there were a set date that the property owner must post the sign. Planner Tetzlaff stated that there is, a sign will be posted for fifteen days prior to the public hearing. Staff would inform the applicant when the sign needs to be posted and explain that it has to remain throughout the required fifteen-day period. Councilmember Humbert asked what would happen if the applicant fails to do that. Community Development Director Holly Prather explained the timeframe for completing the City Council packet for approval and explained that the staff has to have the signed affidavit prior to scheduling the public hearing. If the affidavit is not received in time, the public hearing will not be scheduled.

Councilmember Johnston asked what the cost is for an applicant for the PUD process. Director Prather reported that the fees vary depending on the land use application type. The cost for posting the sign is not calculated into the fees. The fees are calculated to include some administration time, planner time, staff review time, DRC meeting time, Planning Commission meetings, City Council meetings, an average rate to publish in the newspaper, and an average rate for the 300 ft. notice. Councilmember Johnston knows a business owner that would not be able to post the sign because of the nature of her business and feels this could be a liability issue for the City. The applicant could choose to place the sign further from the road if they feel their application is contentious. Councilmember Johnston asked if another department, like streets, could place these signs when necessary. Director Prather explained that the building inspectors are currently placing the signs when necessary. This could cause issues with someone trespassing on private property to post the signs. There are three building inspectors for the entire City and asking them to post signs while trying to complete their inspections is a challenge. Other governmental agencies do have the applicant take the sign, affidavit, and post the sign on their own property; this is a common practice. Staff is happy to entertain whatever Council directs.

Mayor Kreutzer closed the public hearing at 8:28 p.m.

**Motion by Councilmember Mills, seconded by Councilmember Humbert, to approve the Ordinance amending specified sections of the Brighton Municipal Code related to Public Hearing Notifications and, setting forth other details in relation thereto. Motion passed by the following vote:**

**Aye:** 7 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Blackhurst, Councilmember Humbert, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

**No:** 2 - Councilmember Baca, and Councilmember Johnston

## **7. ORDINANCES FOR INITIAL CONSIDERATION**

## **8. ORDINANCES FOR FINAL CONSIDERATION**

## **9. RESOLUTIONS**

- A. A RESOLUTION OF THE CITY COUNCIL OF CITY OF BRIGHTON, COLORADO APPROVING AN "INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF BRIGHTON AND THE ADAMS COUNTY SHERIFF'S OFFICE FOR THE PROVISION OF LAW ENFORCEMENT AND ADMINISTRATIVE PERSONNEL"; 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**

*Mayor Kreutzer read the title of the Resolution into the record.*

*City Manager Rodriguez introduced Chief of Police Paul Southard.*

Chief of Police Paul Southard reported that the City entered into an IGA with the Adams County Sheriff's Office in 2017 to provide terminal guarding services for the City's NCIC / CCIC terminal. For over twenty years, the Sheriff's office has provided overnight coverage for the NCIC / CCIC terminals. The IGA was up for renewal in 2018 and the cost remains the same at \$33,700.00. The Adams County Sheriff will provide coverage from 10:00 p.m. to 6:00 a.m., seven days per week. If the City had to hire employees to cover the overnight shift to monitor the terminal, the cost would be approximately \$101,000.00. These costs for the IGA were incorporated into the 2018 budget. Chief Southard answered questions from Council regarding:

- This agreement being valid for one year.

**Motion by Councilmember Humbert, seconded by Councilmember Blackhurst, to approve Resolution 2018-55 approving an Intergovernmental Agreement between the City of Brighton and the Adams County Sheriff's Office for the provision of law enforcement and administrative personnel; 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. Motion passed by the following vote:**

**Aye:** 9 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Baca, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

**B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE BID OF INTEGRATED SITE SERVICES, INC., AND AWARDING THE CONTRACT FOR THE BJAA PARK CONSTRUCTION PROJECT #17001, IN AN AMOUNT NOT TO EXCEED ONE MILLION ONE HUNDRED TWENTY THOUSAND TWO HUNDRED FIFTEEN DOLLARS (\$1,120,215.00) TO INTEGRATED SITE SERVICES, INC. AND AUTHORIZING THE MAYOR TO SIGN THE CONTRACT ON BEHALF OF THE CITY AND THE CITY CLERK TO ATTEST THERETO**

*Mayor Kreutzer read the title of the Resolution into the record.*

*City Manager Rodriguez introduced Assistant Director of Parks and Open Space Travis Haines.*

*Assistant Director of Parks and Open Space Travis Haines asked for approval to accept the bid of Integrate Site Services for the contract for the BJAA Park Construction Project for \$1,120,215.00. The Brighton Japanese American Association Park was constructed in 1958 and was donated to the City in 1973. The planned improvements will make the park more user friendly and update some outdated features. A meeting was held with the Brighton Japanese American Association and two public meetings were held at the Recreation Center to receive input from the neighbors. Assistant Director Haines presented the upgrades that will be done at the park including an expanded parking lot, restroom upgrade, baseball field improvements, irrigation system, updated playground, and a Japanese inspired rock garden, addition of a shelter and planting of native grasses. If approved, the construction would begin in July with the field ready for play in spring, 2019. The project budget is \$1,220,050.00 with \$660,000.00 coming from an Adams County Open Space grant. The water feature that was considered for this park has been removed from the plan due to the maintenance issues that would occur because of its location near trees. United Power will be undergrounding the power to the shelter and the restroom facility. The project is under budget so there will be sufficient funds to cover these costs. Assistant Director Haines answered questions from Council regarding:*

- The possibility of having ADA playground equipment at this park.
- Smart irrigation being used at this park so the water will not run during the rain.
- The sports activities being rescheduled for another park during construction.
- The Boys and Girls Club being notified of the construction.
- The park being lit at night.
- The new lights being LED lights.
- Lights for the baseball field for games after dark.

**Motion by Councilmember Pollack, seconded by Councilmember Baca, to approve Resolution 2018-56 accepting the bid of Integrated Site Services, Inc., and awarding the contract for the BJAA Park Construction Project #17001, in an amount not to exceed \$1,120,215.00 to Integrated Site Services, Inc. and authorizing the Mayor to sign the contract on behalf of the City and the City Clerk to attest thereto. Motion passed by the following vote:**

**Aye:** 9 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Baca, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

**C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO APPROVING AND ADOPTING THE CITY OF BRIGHTON STRATEGIC PLAN FOR 2018 – 2019**

*Mayor Kreutzer read the title of the Resolution into the record.*

*City Manager Rodriguez explained that the City Council sets the path forward for policy items and sets the vision and tone of the community. City Council has been working to determine the priorities it wants to pursue. At the retreat in March, each Councilmember discussed what serving on Council means to them and the long-term ideas they have for the City. This laid the groundwork for the Strategic Plan. Over the last month, Council and staff have been working on a business plan to go along with the Strategic Plan. City Manager Rodriguez is asking for approval of the final Strategic Plan for 2018 and 2019. This will be the plan that the City's mission and vision is derived from. The Strategic Plan includes the eight focus areas that originated from the retreat. By having a Strategic Plan, City Council has articulated and put focus on those items that are most important to them. Staff will be able to wrap the Business Plan and day-to-day work into this idea that is articulated by City Council in the Strategic Plan. The Plan includes the following eight focus areas: Facilities, Amenities, and Open Space; Strong Local Employment Opportunities; Innovative, Data-Driven, Results-Focused City Government; Safe, Active, and Engaged Community; Financially Responsible; Recognizable and Well-Planned Community; Supportive, Sustainable Infrastructure; and Strong Regional Relationships and Partnerships. If approved, the next step is the Business Plan that is being worked on. Based on Council direction, the Business Plan will be pursued and help staff to bring focus to these areas in the community. For the Business Plan, staff and Council will bring forward initiatives that may have not been brought forward to this point. The Business Plan will serve as a guide during the 2019 budget development process so Council, staff and the community know what the priorities are and how to make them happen financially. The community will be brought into the budget process each year and will be given access to the way the City utilizes the funds each year. It is important to have the communities support to be sure they affirm with the City Council priorities. If the Plan is approved, it will be made public and allow citizens to journey with Council and staff for the future of the City.*

**Motion by Mayor Kreutzer, seconded by Councilmember Mills, to approve Resolution 2018-57 approving and adopting the City of Brighton Strategic Plan for 2018 – 2019. Motion passed by the following vote:**

**Aye:** 9 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Baca, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

**10. UTILITIES BUSINESS ITEMS**

**Resolutions**

- A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACTING BY AND THROUGH ITS WATER ACTIVITY ENTERPRISE, APPROVING THE WATER STORAGE AND LEASE AGREEMENT BETWEEN THE CITY OF BRIGHTON AND THE FARMER'S RESERVOIR AND IRRIGATION COMPANY (FRICO) FOR THE PROVISION OF FULLY CONSUMABLE WATER TO THE CITY OF BRIGHTON IN EXCHANGE FOR THE TEMPORARY USE OF**

**WATER STORAGE CAPACITY BY FRICO, AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT ON BEHALF OF THE CITY AND TO UNDERTAKE SUCH TASKS AS MAY BE REQUIRED TO IMPLEMENT THE PROVISIONS OF THE AGREEMENT ON BEHALF OF THE CITY**

*Mayor Kreutzer read the title of the Resolution into the record.*

*City Manager Rodriguez introduced Utilities Director Curt Bauers.*

*Utilities Director Curt Bauers presented the Agreement. The City desires certainty on the availability of raw water for various needs including augmentation and the Farmers Reservoir and Irrigation Company (FRICO) would like temporary water storage space for their water. FRICO has fully consumable water available annually that cannot be utilized in its agricultural system; this is known as the 5K water. FRICO currently owns about 2,100 acre-feet of the 5K water. Brighton is already an approved end user of the 5K water and have already gone through the hurdle to make it usable in the City's augmentation plan. The agreement provides for 4,500 acre-feet of 5K water to be provided to Brighton for storage and use in exchange for FRICO to be allowed to store their excess water in Cell 3 for the next four years.*

*Ken Mitchell Lakes consists of Erger's Pond with 1,800 acre-feet of augmentation storage. Construction is just beginning on Erger's Pond for permanent augmentation storage and should be completed in March, 2019. Cell 1 was damaged in the 2015 flooding, was repaired in 2016 and is currently full. Cell 1 is set up permanently for augmentation storage. Cell 2 is no longer a storage cell, it was filled in after mining. Cell 3 holds 2,700 acre-feet of additional storage and is not currently being used by the City for augmentation. Construction of the inlet/outlet facilities are scheduled in the Capital Improvement Plan in 2022 to be online by 2024.*

*The agreement will give Brighton the dewatering of water remaining in Erger's Pond at this time and the delivery of 1,800 acre-feet of 5K water after construction to refill Erger's Pond. In addition, at the completion of the use of Cell 3 by FRICO, they will dewater Cell 3. Work will begin on Cell 3 at that time, when completed FRICO will provide 2,700 acre-feet of water to refill Cell 3. Between now and then, the annual availability of the 5K water at significantly reduced rates will be available if needed. This should ensure that Erger's Pond and Cell 1 remain full until the work is completed in Cell 3. The agreement will give FRICO approximately 2,100 acre-feet of storage space in Cell 3. If approved, FRICO will get the storage space right away. The City will require that FRICO keep at least 600 acre-feet of water in Cell 3 so it remains looking like a lake. FRICO will drain Cell 3 in 2022 so the City can begin work at that time. FRICO will be responsible for the complete cost of moving water in and out of Cell 3. After execution and through construction in 2024, the 5K water that FRICO has available will be offered first to the City of Brighton at approximately 1/3 of the market rate. Director Bauers answered questions from Council regarding:*

- This affecting the Colorado Front Range Trail.*
- Whether the water FRICO will store in Cell 3 being irrigation water.*
- FRICO using the City's line running between Barr Lake and Ken Mitchell.*

**Motion by Councilmember Wallin, seconded by Councilmember Baca, to approve Resolution 2018-58 acting by and through its Water Activity Enterprise, approving the Water Storage and Lease Agreement between the City of Brighton and the Farmer's Reservoir and Irrigation Company (FRICO) for the provision of fully consumable water to the City of Brighton in exchange for the temporary use of water storage capacity by FRICO, and authorizing the City Manager to execute said agreement on behalf of the City and to undertake such tasks as may be required to implement the provisions of the agreement on behalf of the City. Motion passed by the following vote:**

**Aye:** 9 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Baca, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

## 11. GENERAL BUSINESS

### A. Schedule a Special Study Session at 6:00 p.m. on May 15, 2018 for the Telephone Town Hall

*Mayor Kreutzer read Item 11A into the record.*

**Motion by Councilmember Baca, seconded by Councilmember Mills, to schedule a Special Study Session at 6:00 p.m. on May 15, 2018 for the Telephone Town Hall. Motion passed by the following vote:**

**Aye:** 9 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Baca, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

## 12. REPORTS

### A. By the Mayor

*Mayor Kreutzer attended the ADCOG dinner, the Adams County Mayors and Commissioners Youth Awards, the 30<sup>th</sup> Anniversary for the Bird Conservancy of the Rockies, the ACC meeting, the E-470 meeting, the Eagle View Adult Center Volunteer reception, the Arbor Day Tree Planting at Zion Lutheran School and the Adams County Council of Governments Executive Committee.*

### B. By Department Heads

*Utilities Director Curt Bauers reported that the Household Chemical Roundup is Saturday at Water World.*

*Interim Streets and Fleet Director Michael Woodruff updated City Council on the Vision Zero and School Zone Safety Action Plan.*

*Parks and Recreation Director Gary Wardle reported that Help for Homes is this weekend.*

### C. By the City Attorney

### D. By the City Manager

*City Manager Rodriguez updated City Council regarding the citizens that spoke at the last City Council meeting during the public comment section.*

## 13. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS

*Councilmember Mills attended the Small Business Week lunch, the unveiling of the Sex Assault Task Force at Adams County, the CASA Award and Proclamation, the Adams County Mayors and Commissioners Youth Awards, the United Power Annual Dinner and the ADCOG Dinner.*

*Mayor Pro Tem Edwards attended the farewell party for Bob Brady, the ADCOG Dinner, the ACC meeting, the Sex Assault Task Force unveiling at Adams County, the Eagle View Adult Center Volunteer Recognition dinner and the recognition of Rex Bell by Congressman Coffman.*

*Councilmember Baca attended the NATA meeting and the DRCOG meeting.*

*Councilmember Humbert attended the Full Moon Bike Ride. Help for Homes is Saturday, the SPEAK Walk is on Friday and the Platte Valley Players will be at the Armory the next two weekends.*

*Councilmember Johnston thanked staff for helping with a citizen issue.*

14. EXECUTIVE SESSION

15. ADJOURNMENT

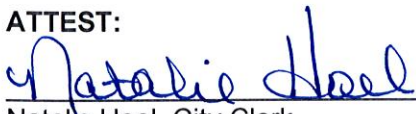
Motion by Councilmember Wallin, seconded by Councilmember Humbert, to adjourn at 9:33 p.m. Motion passed by the following vote:

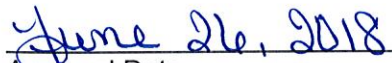
Aye: 9 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Baca, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

CITY OF BRIGHTON, COLORADO

  
Kenneth J. Kreutzer, Mayor

ATTEST:

  
Natalie Hoel, City Clerk

  
Approval Date