



Legislation Details (With Text)

**File #:** ID-356-19      **Version:** 1      **Name:**  
**Type:** Minutes      **Status:** Agenda Ready  
**File created:** 11/15/2019      **In control:** City Council  
**On agenda:** 12/3/2019      **Final action:**  
**Title:** Approval of the November 5, 2019 City Council Minutes  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:**

Date	Ver.	Action By	Action	Result
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City of Brighton

500 S. 4th Avenue  
Brighton, CO 80601



Meeting Minutes - Draft

Tuesday, November 5, 2019

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**

*Mayor Kreutzer 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 Blackhurst, seconded by Councilmember Wallin, 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 September 17, 2019 City Council Minutes**

#### **B. Approval of the October 1, 2019 City Council Minutes**

#### **C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON,**

**COLORADO AUTHORIZING THE REIMBURSEMENT TO THE BRIGHTON HOUSING AUTHORITY IN THE AMOUNT OF SEVENTY FIVE THOUSAND DOLLARS (\$75,000); FINDING THAT THE FUNDS FOR SUCH REIMBURSEMENT ARE IN THE 2019 BUDGET; AND SETTING FORTH OTHER DETAILS RELATED THERETO**

Resolution No: 2019-114

Motion by Councilmember Humbert, seconded by Mayor Pro Tem Edwards, 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. Swearing In of New Board and Commission Members**

*City Clerk Natalie Hoel swore in the newly appointed Board and Commission members.*

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

*Michael Boutwell, Brighton. Mr. Boutwell expressed concern regarding the intersection of 144<sup>th</sup> Avenue and Sable Boulevard, asked for speed limit signs in his alley and reported that the water test he had done shows that his water is pristine.*

**6. PUBLIC HEARINGS**

**7. ORDINANCES FOR FINAL CONSIDERATION**

**A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING SECTION 2-64-110 OF THE BRIGHTON MUNICIPAL CODE REGARDING ELIMINATION OF THE VESTING PERIOD FOR PARTICIPANTS' INTERESTS IN THE EMPLOYEE'S PENSION PLAN AND TRUST AGREEMENT**

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

*Acting City Manager Marv Falconburg explained that this is the final reading of the Ordinance and there have not been any changes since first reading.*

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

Motion by Councilmember Blackhurst, seconded by Councilmember Mills, to approve Ordinance 2319. 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

**8. RESOLUTIONS**

**A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON,**

**COLORADO, ACCEPTING THE PROPOSAL OF STAR PLAYGROUNDS AND AWARDING THE CONTRACT FOR PLAYGROUND IMPROVEMENTS PROJECT #19-029, TO STAR PLAYGROUNDS IN THE AMOUNT OF THREE HUNDRED TWENTY FOUR THOUSAND FOUR HUNDRED FORTY FOUR DOLLARS TWENTY FIVE CENTS (\$324,444.25), AND AUTHORIZING THE CITY MANAGER 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.*

*Acting City Manager Falconburg introduced Assistant Director of Parks and Recreation Mark Heidt.*

*Assistant Director of Parks and Recreation Mark Heidt presented the Colorado Park Playground and poured in place surfacing at Sister Cities Park and Footprint Park Projects. The Colorado Park improvements include a new playground and poured in place surfacing with a Colorado theme. The Sister Cities Park and Footprint Park improvements will include new poured in place surfacing. The poured in place surfacing is handicap accessible and an ADA approved surface. Five firms submitted RFP's and were scored based on the criteria listed in the RFP. STAR playgrounds had the most responsive and responsible submittal with a score of 93.5%. The proposal is within the budgeted amount and construction will take place in 2020. The Colorado Park project is funded through an Adams County Open Space Grant for \$240,400. The engineered wood fiber will be removed from Sister Cities Park and Footprint Park and the new poured in place surface will be installed at both parks. Staff recommends approval of the contract to STAR Playgrounds for \$324,444.25. Assistant Director Heidt answered questions from Council regarding:*

- The life of the poured in place surfacing.*
- The installation process for the poured in place surfacing.*

**Motion by Councilmember Wallin, seconded by Councilmember Pollack, to approve Resolution 2019-115. 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 PROPOSAL OF ATOZ RECREATION AND AWARDING THE CONTRACT FOR PLAYGROUND IMPROVEMENTS VETERANS PARK, PROJECT #19-029, TO ATOZ RECREATION IN THE AMOUNT OF ONE HUNDRED FORTY NINE THOUSAND DOLLARS (\$149,000.00), AND AUTHORIZING THE CITY MANAGER 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.*

*Acting City Manager Falconburg introduced Assistant Director of Parks and Recreation Mark Heidt.*

*Assistant Director of Parks and Recreation Mark Heidt presented the Veterans Park Playground project. Five firms submitted RFP's and were scored based on criteria listed in the RFP. AtoZ Recreation had the most responsive and responsible proposal with a score of 93%. The project is funded through an Adams County Open Space Grant for \$101,835. The RFP is within the budgeted amount for the project and the construction will occur in 2020. The old playground will be removed; a new playground and new engineered wood fiber surfacing will be installed. The engineered wood fiber is considered an approved handicap surface. Staff recommends approval of the contract to AtoZ Recreation for \$149,000. Assistant Director Heidt answered questions from Council regarding:*

- The life of the wood engineered surfacing.*

- The traffic on this park compared to Footprint Park.
- The cost to install a poured in place surface at this park.
- The installation of a poured in place surface holding up the project.
- The estimated start date for the project.

**Motion by Councilmember Johnston, seconded by Councilmember Baca, to continue the Resolution to December 3, 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

**C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE PROPOSAL OF TWO HILLS ACCOUNTING & CONSULTING AND AWARDING THE CONTRACT FOR A 19-027 FORENSIC AUDIT OR ANALYSIS, TO TWO HILLS ACCOUNTING & CONSULTING IN THE AMOUNT OF FIFTY-FOUR THOUSAND THREE HUNDRED FIFTY DOLLARS (\$54,350.00), AND AUTHORIZING THE CITY MANAGER 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.*

*Acting City Manager Falconburg introduced Finance Director Maria Ostrom.*

*Finance Director Maria Ostrom reported that Council asked staff to move forward with getting a contract in place. Approval of this Resolution would put the accounting firm under contract to perform the forensic audit of the Utilities Fund from 2008 to June 30, 2019. Two Hills Accounting & Consulting was recommended by the Council appointed committee. Director Ostrom answered questions from Council regarding:*

- *The quoted price being a per hour rate.*
- *The amount quoted being a maximum amount.*
- *The timeframe for completion of the audit.*
- *The selected firm having any ties with the City, an employee or anyone involved in the City.*

**Motion by Councilmember Mills, seconded by Councilmember Humbert, to approve Resolution 2019-116. 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

## **9. UTILITIES BUSINESS ITEMS**

### **Ordinances**

**A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACTING BY AND THROUGH ITS WATER ACTIVITY ENTERPRISE, AMENDING TITLE 13 OF THE BRIGHTON MUNICIPAL CODE PERTAINING TO WATER AND WASTEWATER FEES AND CHARGES ASSESSED BY THE CITY OF BRIGHTON; SETTING FORTH EFFECTIVE DATES FOR SAID RATES, FEES AND CHARGES; AND OTHER DETAILS RELATED THERETO (FINAL READING)**

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

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

**Motion by Councilmember Blackhurst, seconded by Councilmember Wallin, to approve Ordinance 2320. 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. GENERAL BUSINESS**

### **A. Cancel the November 26, 2019 Study Session for the Thanksgiving Holiday**

**Motion by Councilmember Wallin, seconded by Councilmember Baca, to approve Item 10A. 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. REPORTS**

### **A. By the Mayor**

### **B. By Department Heads**

*Finance Director Maria Ostrom presented the budget books to City Council.*

*City Clerk Natalie Hoel updated City Council on the Special Run-off Election and important dates.*

### **C. By the City Attorney**

### **D. By the City Manager**

## **12. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS**

*Councilmember Humbert attended the Armory 10 Year Anniversary.*

## **13. EXECUTIVE SESSION**

## **14. ADJOURNMENT**

**Motion by Mayor Pro Tem Edwards, seconded by Councilmember Baca, to adjourn at 7:53 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**

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Kenneth J. Kreutzer, Mayor

**ATTEST:**

\_\_\_\_\_  
Natalie Hoel, City Clerk

\_\_\_\_\_  
Approval Date