



City of Brighton

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



Meeting Minutes - Draft

Tuesday, August 7, 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 Pollack 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

4. CEREMONIES

A. Recognition of Graduates of the Growing Grads Internship Program

City Manager Rodriguez introduced Youth Services Manager Tawnya Russell.

Youth Services Manager Tawnya Russell introduced Christian Morales and thanked him for his help with the program and for being her intern.

Christian Morales introduced the participants in the Growing Grads Internship program.

Mayor Kreutzer and City Council thanked the interns for their service to the City of Brighton.

B. Recognition of the Police Video Participants

City Council recognized the staff members that helped to create and participate in the Lip Sync Challenge video that the Police Department made.

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

6. PUBLIC HEARINGS

A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING WITH CONDITIONS AS SET FORTH HEREIN A CONDITIONAL USE FOR THE RON COX FIELD CELLULAR TOWER, A COMMERCIAL MOBILE RADIO SERVICE FACILITY, GENERALLY LOCATED IN THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BRIGHTON, COLORADO, AND SETTING FORTH DETAILS IN RELATION THERETO

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

Mayor Kreutzer opened the public hearing at 7:20 p.m. and City Clerk Natalie Hoel verified the required postings and publications (July 18, 2018 in the Brighton Standard Blade) for this public hearing were completed.

City Manager Philip Rodriguez introduced Senior Planner Mike Tylka.

Senior Planner Mike Tylka presented the conditional use request for a cellular tower at Ron Cox Field. Aaron Gross with Selective Site Consultants is here representing the applicant. The proposed provider and site lessee is AT&T Mobility and School District 27J is the property owner and proposed site lessor. The subject property is north of Jessup Street, south of Southern Street, east of 8th Avenue, northeast of Vikan Middle School and along the outfield fence of Ron Cox Field. The request is to install a 74' high cellular tower with a 1' lightning rod on top and accompanying accessory ground equipment. City Council can determine if this particular use is appropriate at this location. The conditional use process is the fourth step for certain uses in the development process after annexation, zoning and platting have taken place. This process is necessary before any building permits can be issued.

The property was annexed in 1962 as part of the School District 27J Vikan Middle School Annexation and was zoned Public Land in 1976. The site is surrounded by land zoned as Public Land and is used as school facilities or ball fields. The proposed two sites consist of 360 sq. ft. for accessory equipment and 215 sq. ft. for the cellular tower. Both of the proposed leased areas are along the outfield fence. The applicant is proposing an easement to the accessory equipment and to the electrical transformer to the east of the batting cage. There is an existing light pole at the location of the proposed cellular tower. The current light pole would be replaced by the new tower. The existing ball field lighting will be placed on the new tower at the same height.

The City's Comprehensive Plan would be reviewed to consider the criteria for the proposal. This location is zoned Public Land and the use of a cellular tower is in line with this designation as it will provide the public with communication services and the tower is designed to mimic the ball field lights. The following criteria must be considered to approve the request:

- 1. The conditional use criteria states that the proposal must be consistent with the Comprehensive Plan, staff feels that it is.*
- 2. The proposal must be compatible with the future land use within the general area or not be detrimental to neighboring uses. This allows conditions to be placed on the approval to mitigate any perceived impacts. The tower and accessory equipment is on land that is zoned and dedicated for public use. The use aligns and the design of the tower and the screening of the accessory equipment with fencing materials matches other parts of the school district facilities and ballfields. All of these work to incorporate the proposal into the surrounding area.*

3. *The site shall be physically suitable for the type and intensity of the proposal. The site is mostly flat and there is adequate space for leasable facilities.*
4. *Not adversely affect traffic flow or parking in the neighborhood. There will be minimal additional trips created by this cell tower.*
5. *It is consistent with the purpose and intent of the zoning district. The tower and accessory equipment do comply with the regulations of the public land zone designation.*

The staff proposal was granted approval by the Development Review Committee. Staff provided a summary of FCC regulations involving cell towers and local governments for review. All public notice was provided in accordance with the Land Use and Development Code. This included a mailing, newspaper notice and a sign posted on the site. Staff has not received any formal comments. The proposal for the conditional use permit addresses all relevant criteria for consideration as set forth by the Comprehensive Plan and the Land Use and Development Code, Section 17-16-220 regarding zone district regulations and Section 17-8-60 regarding conditional use requirements. Conditions placed upon approval will further ensure that the proposal, if built, would meet in perpetuity the standards set by the City of Brighton. Due to meeting the review criteria, staff recommends approval of the conditional use permit with the following nine conditions:

1. *Construction and maintenance of the Cell Tower and the accompanying equipment shall take place only between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday.*
2. *AT&T Mobility, and its successors and assigns, shall install the Cell Tower and related equipment consistent with the specifications set forth in Exhibit B.*
3. *AT&T Mobility, and its successors and assigns, shall install the fencing consistent with the specifications set forth in Exhibit B.*
4. *AT&T Mobility, and its successors and assigns, shall be jointly and severally responsible for the proper upkeep and maintenance of the fencing. Maintenance shall include, at a minimum, repair and replacement of the fencing. Such maintenance shall be performed on an ongoing and as-needed basis.*
5. *AT&T Mobility, and its successors and assigns, shall be responsible for the upkeep and maintenance of the access drive.*
6. *AT&T Mobility, and its successors and assigns, shall provide to the City a 24/7 contact number.*
7. *AT&T Mobility, and its successors and assigns, shall remedy any damage to the property or Cell Tower within thirty calendar days of notice thereof.*
8. *AT&T Mobility, and its successors and assigns, shall place no signage on the tower itself other than signs necessary for safety purposes.*
9. *AT&T Mobility, and its successors and assigns, shall provide to the City copies of the necessary recorded site easements prior to the issuance of any building permit.*

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

Aaron Gross thanked Planner Tylka for a great presentation and explained that he had nothing to add.

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 the land is owned by the City. Planner Tylka reported that School District 27J owns the land. Councilmember Blackhurst asked if the City is interested in using the fiber that AT&T will install for this tower and if AT&T will allow that to take place. Mr. Gross reported that the City could use the fiber if they are interested. Councilmember Blackhurst asked staff to look into this as a potential resource for the City.

Councilmember Wallin asked if there is a required standard distance from a cell tower to the nearest residence. Planner Tylka explained that this tower is 53' from the corner of Vikan Middle School and the nearest residence is over 1000' away. Planner Tylka does not have the exact standard that was brought up at a previous public hearing. Councilmember Wallin asked if the applicant had the requested information, they did not. Councilmember Wallin expressed his disappointment that the cell tower was far enough from the residence, but not that far from the kids playing on the field.

Councilmember Mills stated that he understands the need for the AT&T service in the community.

Councilmember Johnston asked if the City has spoken with the School District regarding this application. Planner Tylka explained that he has not, but 27J is the beneficiary of the lease agreement. Councilmember Johnston asked if 27J has to have a public hearing for this. Planner Tylka explained that this is the hearing for the application. Councilmember Johnston asked what the setback limit is for a cell tower to a residence and to a school. Community Development Director Holly Prather explained that those questions are best posed to the applicant since this is their application. Since the applicant does not have an expert on hand to answer these questions, staff would recommend that this item be continued to a time when an expert could be present to answer questions. Councilmember Johnston asked the applicant if they have an answer for this question. The applicant did not.

Mayor Pro Tem Edwards stated that this would be an upgrade for AT&T service in the City. Mayor Pro Tem Edwards asked if this tower could house multiple service users in the future. Mr. Gross explained that there is not another applicant looking at this time, but the tower is built to be co-locatable.

Mayor Kreutzer reported that there is an existing cell tower at the Brighton High School football field across the street. Mayor Kreutzer agreed that if the Council's questions cannot be answered, this item should be continued until the information can be provided to City Council.

Motion by Councilmember Wallin, seconded by Councilmember Johnston, to continue the Public Hearing to August 21, 2018 for the purpose of having the applicant bring an expert to answer questions from City Council. 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

7. ORDINANCES FOR INITIAL CONSIDERATION

8. ORDINANCES FOR FINAL CONSIDERATION

A. AN ORDINANCE OF THE CITY OF BRIGHTON CITY COUNCIL APPROVING THE DESIGNATION OF THE FOLEY FARMSTEAD BARN AS A LOCAL HISTORIC LANDMARK; SETTING FORTH CERTAIN FINDINGS IN SUPPORT OF SAID DESIGNATION; AUTHORIZING THE INCLUSION OF THE PROPERTY IN THE BRIGHTON REGISTER OF LOCALLY AND DESIGNATED HISTORIC LANDMARKS AND DISTRICTS; INSTRUCTING THE CITY MANAGER OR HIS DESIGNEE TO NOTIFY THE OWNER OF THE PROPERTY OF ITS OBLIGATIONS AND RESTRICTIONS ASSOCIATED WITH THE DESIGNATION; AND SETTING FORTH OTHER DETAILS RELATED THERETO

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

City Manager Rodriguez 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 Humbert, to approve Ordinance 2288 approving the designation of the Foley Farmstead Barn as a local Historic Landmark; setting forth certain findings in support of said designation; authorizing the inclusion of the property in the Brighton Register of Locally and Designated Historic Landmarks and Districts; instructing the City Manager or his designee to notify the owner of the property of its obligations and restrictions associated with the designation; 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

9. RESOLUTIONS

A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF BRIGHTON AND SCHOOL DISTRICT 27J FOR A JOINT SCHOOL RESOURCE OFFICER PROGRAM

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 presented the MOU with School District 27J for a Joint School Resource Officer Program. There has been a longstanding collaboration with the School District for several years. There have been SRO's in the schools since the early 1990's and the Police Department has had a presence in the schools from elementary to high school for years. There are currently five SRO's in the following six schools: Brighton High School, Prairie View High School, Overland Trail Middle School, Prairie View Middle School, Vikan Middle School and Brighton Heritage Academy. The SRO's are able to handle situations at the schools that would otherwise require a patrol officer to handle like fights, disturbances and vandalism. This allows the patrol officers to focus on non-school related activities and the SRO's have a more effective response for school related issues. The SRO has a relationship with the kids and can stop some issues before it becomes a conflict. They can prevent and minimize damage in schools and in surrounding areas. Having an officer onsite reduces the need for staff to call for emergency and non-emergency services. This increases the sense of security for students and staff. The officers can provide education for students and parents for issues like alcohol and substance abuse, criminal justice orientation, delinquency prevention, preventing gang involvement and community responsibility.

The City and the School District currently divide salary and benefit costs 50/50. School District 27J will cover 100% of school related SRO overtime and special events for the schools. The School District has requested a sixth SRO for 2019, this position has been requested in the 2019 budget. The School District has agreed to pay registration fees for the SRO certification. Staff feels this is a good partnership with the School District and recommends approval of the MOU with School District 27J subject to annual appropriation. The term of the agreement will commence on August 6, 2018 and will terminate on June 30, 2023. Chief Southard answered questions from Council regarding:

- The protocol for officers responding to a fight with two twelve-year-old kids.*
- School Resource Officers being armed more than other Police Officers.*
- The ability to have officers patrol the elementary school.*
- The year the School Resource Officer program began.*

Motion by Councilmember Baca, seconded by Councilmember Pollack, to approve Resolution 2018-88 approving the Memorandum of Understanding between the City of Brighton and School

District 27J for a Joint School Resource Officer Program. 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 APPROVING AND ADOPTING THE CITY OF BRIGHTON BUSINESS PLAN FOR 2018-2019

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

City Manager Rodriguez presented the history of the Strategic Plan as a vision for the City. The Plan includes eight focus areas that allow Council to focus on what is important to Council and the citizens they represent. In order for the Strategic Plan to be actionable, a Business Plan was developed. The Business Plan captures the different activities that Council and staff have identified as priorities. City Manager Rodriguez asked for approval of the Business Plan for 2018-2019.

Motion by Councilmember Mills, seconded by Councilmember Wallin, to approve Resolution 2018-89 approving and adopting the City of Brighton Business 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

11. GENERAL BUSINESS

12. REPORTS

A. By the Mayor

Mayor Kreutzer announced that the City received a letter from DOLA stating that the City has received the grant for \$700,000.00 to fund fully the improvements to the Depot property. Mayor Kreutzer attended the Celebrity Livestock judging at the Adams County Fair, the ACED Site Selection summit, the ADCOG meeting, the E-470 meeting, the State of the Town of Bennett, the Metro Mayors Commission, the New Teachers luncheon, the Economic Development Corporation awards banquet and the City BBQ. The City of Brighton hosted the Adams County Fair.

B. By Department Heads

C. By the City Attorney

City Attorney Jack Bajorek thanked City Manager Rodriguez and staff for helping to make his transition very smooth.

D. By the City Manager

City Manager Rodriguez thanked all departments for their hard work on a successful City BBQ. City Manager Rodriguez welcomed City Attorney Jack Bajorek.

13. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS

Mayor Pro Tem Edwards attended the City BBQ and the Economic Development Awards Ceremony.

Councilmember Wallin attended the Adams County Fair Parade and the City BBQ.

Councilmember Pollack attended the City BBQ.

Councilmember Mills attended the Riverdale Ridge ribbon cutting, the Adams County Fair Parade, the New Teachers luncheon, the Economic Development Awards Ceremony and the City BBQ.

Councilmember Baca gave an update on transportation.

Councilmember Humbert attended the Adams County Fair Parade and announced that there will be a ribbon cutting at McDonalds.

Councilmember Johnston announced that the Ward 1 event would take place on August 30th.

14. EXECUTIVE SESSION

Motion by Mayor Pro Tem Edwards, seconded by Councilmember Humbert, to go into Executive Session at 8:25 p.m. for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e) regarding Property Acquisitions. 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

Mayor Kreutzer reconvened the meeting at 9:50 p.m.

15. ADJOURNMENT

Motion by Councilmember Wallin, seconded by Councilmember Humbert, to adjourn at 9:51 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