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City of Brighton

500 S. 4th Avenue  
Brighton, CO 80601



Meeting Minutes - Draft

Tuesday, February 7, 2017

7:00 PM

## **Council Chambers**

### **City Council**

**MAYOR - RICHARD N MCLEAN  
MAYOR PRO-TEM - KEN KREUTZER  
COUNCIL MEMBERS:  
LYNN BACA, REX BELL, JW EDWARDS  
MARK HUMBERT, JOAN KNISS,  
MARY ELLEN POLLACK, KIRBY WALLIN**

#### **1. CALL TO ORDER**

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

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

*Boy Scout Pack 61 led the recitation of the Pledge of Allegiance to the American Flag.*

##### **B. Roll Call.**

**Present:** 9 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, Councilmember Pollack, and Councilmember Wallin

#### **2. CONSENT AGENDA**

##### **A. Approval of the January 3, 2017 City Council Minutes**

##### **B. Approval of the January 5, 2017 City Council Minutes**

##### **C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPOINTING WILLIAM LECK AS AN ALTERNATE MEMBER OF THE BRIGHTON PLANNING COMMISSION WITH A TERM TO JANUARY, 2021**

**Resolution No: 2017-12**

##### **D. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPOINTING MOIRA SHARKEY AS A WARD 3 MEMBER OF THE PARKS AND RECREATION ADVISORY BOARD TO FILL AN UNEXPIRED TERM TO JANUARY, 2020**

Resolution No: 2017-13

**E. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPOINTING GREG YOUNG AS AN ALTERNATE MEMBER OF THE PARKS AND RECREATION ADVISORY BOARD WITH A TERM TO JANUARY, 2021**

Resolution No: 2017-14

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

**Aye:** 9 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, Councilmember Pollack, and Councilmember Wallin

**3. APPROVAL OF REGULAR AGENDA**

Motion by Councilmember Wallin, seconded by Councilmember Edwards, to approve the Regular Agenda as presented. Motion passed by the following vote:

**Aye:** 9 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, Councilmember Pollack, and Councilmember Wallin

**4. CEREMONIES**

**A. Presentation of a Check by FC Brighton Soccer Club**

*Parks and Recreation Director Gary Wardle reported that the FC Brighton Soccer Club was not able to attend the meeting.*

**B. GFOA Certificate of Achievement for Excellence in Financial Reporting for the Year Ended 12-31-2015**

*Finance Director Dan Frelund reported that the City of Brighton Finance Department received the Certificate of Achievement for Excellence in Financial Reporting from the GFOA.*

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

*Mick Leigh, 4644 Haystack Lane, Brighton, Colorado. Mr. Leigh expressed his concern regarding his struggle to obtain water shares as required in his Development Agreement for his Bromley Interchange development. Mr. Leigh would like to pay a fee in lieu of the water shares.*

**6. PUBLIC HEARINGS**

**A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, REZONING AN APPROXIMATELY 1.89 ACRE AREA OF LAND GENERALLY LOCATED IN THE SOUTH HALF OF SECTION 9, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, KNOWN AS MOUNT VIEW PARK, 2ND FILING, LOTS 1 & 2 FROM THE ADAMS COUNTY ZONING DESIGNATION OF A-1 (AGRICULTURAL), TO A CITY OF BRIGHTON ZONING DESIGNATION OF O (OPEN SPACE AND PARKS), AS MORE**

## **PARTICULARLY SET FORTH HEREIN; AND SETTING FORTH OTHER DETAILS RELATED THERETO**

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

*Mayor McLean opened the public hearing at 7:23 p.m. and City Clerk Natalie Hoel verified the required postings and publications (January 18, 2017 in the Brighton Standard Blade) for this public hearing were completed.*

*Acting City Manager Clint Blackhurst introduced Associate Planner Mike Tylka.*

*Associate Planner Mike Tylka explained that this request is for a zone change for Mount View Park, 2<sup>nd</sup> Filing, Lots 1 and 2. The City of Brighton owns the property and the applicant is Parks and Recreation Director Gary Wardle. The request for a zone change on the 1.89 acre parcel was presented at Planning Commission and City Council at the end of 2016. That request was for a rezoning to Public Land whereas this request is for a rezoning to Open Space & Parks. In November, 2016 the Planning Commission recommended approval of the rezoning to Public Land with the condition that drainage and lot maintenance responsibilities be clarified. That was done prior to the City Council meeting in December as the City is responsible for all maintenance of the property. City Council then denied the request to rezone to Public Land. A resident spoke in opposition to the Public Land designation at the public hearing and presented a petition signed by twenty-four (24) nearby residents stating their support for rezoning to Open Space and Parks, not Public Land. This opposition was due to the kinds and number of allowed uses posed by Public Land such as vehicle and utility facilities and large event centers. That meeting was the first time that staff heard of such detailed opposition to the allowed uses on this site by the Public Land designation. With their denial, Council asked staff to look at another zone district, particularly the Open Space and Parks designation.*

*This property was part of an annexation approved in December. As with any annexation the City has ninety (90) days to rezone. The re-zoning application was resubmitted the day after the Council denial for this new zone district. This property has homes to the west, the central area used for drainage and the area to the south is an existing right-of-way that was included in the annexation to be used as a potential corridor for future connection to a pedestrian walkway in the Sugar Creek subdivision.*

*The property is currently zoned Adams County A-1 (Agricultural) as are the immediate areas to the south and east. The school site to the north is zoned Public Land and there are residential PUD's to the west and northeast. The Comprehensive Plan has designations of Open Space and Parks and Estate Residential for this parcel.*

*The original recommendation by staff to zone the property Public Land was to leave open the available uses to the City and to maintain the existing County built drainage infrastructure on the site. The current use of the site can continue. The allowed uses for the Open Space and Parks designation are much more limited than that of public lands. The Open Space and Parks designation does not allow by right the uses of concern raised at the last public hearing. Open Space and Parks by right allows only open space, parks and associated uses. City Council voiced that they would like to ensure residents' concerns are adhered to and that the uses are limited.*

*In applying the criteria set forth in the Land Use and Development Code Section 17-8-80(5) staff finds that the request complies with the Comprehensive Plan, complies with the requirements and is consistent with the purpose and intent of the Code and the zone district, provides compatibility with the surrounding areas, is not detrimental to current surroundings, future developments and the well-being of City inhabitants. In accordance with the Land Use and Development Code all mailings, sign postings and publications were completed on January 18, 2017. Staff has received general inquiries with a few concerns about sight alteration and those potential uses. The Planning Commission recommended approval in January and no residents spoke at the public hearing. Staff recommends approval of the rezoning request.*

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

*Mayor McLean asked if anyone in the audience wished to speak on behalf of the request.*

*Dawn Cartier, 474 South 36<sup>th</sup> Avenue. Ms. Cartier requested that the zoning be changed to Open Space and is glad to see that has happened. The Open Space designation will work for the current use at this time.*

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

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

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

*Councilmember Kniss feels this is a great example of a community member having a concern and expressing those concerns to City Council. Councilmember Kniss encouraged anyone with concerns to speak to City Council. This issue turned out favorably. Councilmember Kniss thanked staff for doing double the work on this project and their willingness to find another solution.*

*Councilmember Humbert stated that this is a win win and works for everyone.*

*Councilmember Bell expressed that this is an example of City Council working with the citizens to create a winning situation for everyone.*

*Mayor McLean closed the public hearing at 7:32 p.m.*

**Motion by Councilmember Humbert, seconded by Councilmember Bell, to approve the Ordinance rezoning an approximately 1.89 acre area of land generally located in the south half of section 9, township 1 south, range 66 west of the 6<sup>th</sup> principal meridian, known as Mount View Park, 2<sup>nd</sup> Filing, Lots 1 & 2 from the Adams County zoning designation of A-1 (Agricultural), to a City of Brighton zoning designation of O (Open Space and Parks). Motion passed by the following vote:**

**Aye:** 9 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, Councilmember Pollack, and Councilmember Wallin

## **7. RESOLUTIONS**

### **A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE PROPOSAL OF NORTHSTAR CONCRETE, INC., AND AWARDING THE CONTRACT FOR THE CREMATION GARDENS AT ELMWOOD CONCRETE PROJECT, PROJECT # 92035, IN AN AMOUNT NOT TO EXCEED FIFTY FIVE THOUSAND DOLLARS (\$55,000.00) TO NORTHSTAR CONCRETE, INC., AND AUTHORIZING THE MAYOR TO SIGN THE CONTRACT ON BEHALF OF THE CITY AND THE CITY CLERK TO ATTEST THERETO**

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

*Acting City Manager Blackhurst introduced Parks and Recreation Director Gary Wardle and Cemetery Manager Aaron Corr.*

*Cemetery Manager Aaron Corr asked to award the contract to the low bidder Northstar Concrete, Inc. in the amount of \$55,000.00 to complete the concrete portion of the cremation garden at Elmwood Cemetery. Cemetery Manager Corr answered questions from Council regarding:*

- This being the only bid received for this project and the requirements for the bid.*

**Motion by Councilmember Baca, seconded by Councilmember Kniss, to approve Resolution 2017 -15 accepting the proposal of Northstar Concrete, Inc., and awarding the contract for the Cremation Gardens at Elmwood Concrete Project, Project #92035, in an amount not to exceed \$55,000.00. Motion passed by the following vote:**

**Aye:** 9 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember

Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, Councilmember Pollack, and Councilmember Wallin

**B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE PROPOSAL OF AQUATIC CHEMICAL SOLUTIONS, INC., AND AWARDING THE CONTRACT FOR THE AQUATIC DUMPING BALL REPLACEMENT FOR THE OASIS, PROJECT #95501, IN AN AMOUNT NOT TO EXCEED SIXTY EIGHT THOUSAND NINE HUNDRED FIFTY DOLLARS (\$68,950.00) TO AQUATIC CHEMICAL SOLUTIONS, INC., AND AUTHORIZING THE MAYOR TO SIGN THE CONTRACT ON BEHALF OF THE CITY AND THE CITY CLERK TO ATTEST THERETO**

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

*Acting City Manager Blackhurst introduced Parks and Recreation Director Gary Wardle.*

*Parks and Recreation Director Gary Wardle explained that this Resolution approves a contract with Aquatic Chemical Solutions, Inc. in an amount not to exceed \$68,950.00 to replace the dumping ball at the Oasis Aquatic Park. The dumping ball has not functioned properly for three (3) years and the repairs have not been successful. This will replace the dumping ball with a multicolored dumping bucket. This was a single bid and the bidding company is working with the company that installed the unit originally and to ensure that this piece will retrofit to the existing equipment. Director Wardle answered questions from Council regarding:*

- What is a dumping ball?*

**Motion by Councilmember Wallin, seconded by Councilmember Pollack, to approve Resolution 2017-16 accepting the proposal of Aquatic Chemical Solutions, Inc., and awarding the contract for the Aquatic Dumping Ball Replacement for the Oasis, Project #95501, in an amount not to exceed \$68,950.00. Motion passed by the following vote:**

**Aye:** 9 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, Councilmember Pollack, and Councilmember Wallin

**C. A RESOLUTION AMENDING CERTAIN ACCOUNTS IN THE CAPITAL IMPROVEMENT FUND, PARKS AND RECREATION CAPITAL IMPROVEMENT FUND, LOTTERY RESERVE FUND, CEMETERY FUND, WATER ENTERPRISE FUND, WASTE WATER ENTERPRISE FUND, AND STORMWATER ENTERPRISE FUND; AND APPROPRIATING MONEY FOR EXPENDITURE**

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

*Acting City Manager Blackhurst introduced Finance Director Dan Frelund.*

*Finance Director Dan Frelund explained that this Resolution will amend the 2017 budget. The purpose is a carryforward of unexpended capital projects from 2016. The capital projects are often not completed by the end of the year. The following accounts will be amended:*

**Fund Expenditures**

Projects Capital Improvement Fund	\$ 6,942,95
Projects Parks and Recreation Capital Fund	4,522,4
Projects Lottery Reserve Fund	396,64
Projects Cemetery Reserve Fund	71,22
Projects Water	29,435,3
Projects Wastewater Fund	5,311,3
Projects Storm Drainage Fund	<u>457,35</u>
Total	<u>\$ 47,137,4</u>

**Fund Revenues**

Capital Improvement Fund-- Fund Balance	\$ 6,942,95
Parks and Recreation Capital Fund--Fund Balance	4,522,4
Lottery Reserve Fund--Fund Balance	396,64
Cemetery Fund--Fund Balance	71,22
Water Fund--Fund Balance	29,435,3
Wastewater Fund--Fund Balance	5,311,3
Storm Drainage Fund--Fund Balance	<u>457,35</u>
Total	<u>\$ 47,137,4</u>

*The funds were appropriated in 2016 and there are no new monies being appropriated. Staff recommends approval of this Resolution.*

**Motion by Councilmember Bell, seconded by Councilmember Humbert, to approve Resolution 2017-17 amending certain accounts in the Capital Improvement Fund, Parks and Recreation Capital Improvement Fund, Lottery Reserve Fund, Cemetery Fund, Water Enterprise Fund, Waste Water Enterprise Fund, and Stormwater Enterprise Fund; and Appropriating money for expenditure in the amount of \$47,137,416.00. Motion passed by the following vote:**

**Aye:** 9 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, Councilmember Pollack, and Councilmember Wallin

**8. UTILITIES BUSINESS ITEMS****9. GENERAL BUSINESS****A. Cancel the February 14, 2017 Study Session**

*Councilmembers discussed scheduling another work session and items for upcoming Study Session agendas.*

**Motion by Mayor Pro Tem Kreutzer, seconded by Councilmember Humbert, to cancel the February 14, 2017 Study Session. Motion passed by the following vote:**

**Aye:** 6 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Pollack, and Councilmember Wallin

**No:** 3 - Councilmember Edwards, Councilmember Humbert, and Councilmember Kniss

**10. REPORTS**

- A. By the Mayor.
- B. By Department Heads.
- C. By the City Attorney.
- D. By the City Manager.

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

*Councilmember Wallin attended the Chamber Casino Night, the Bromley East Charter School Expansion Celebration and the Youth Commission attended the Cherry Creek Diversity Conference.*

*Councilmember Edwards attended the Get to Know You breakfast at the Eagle View Adult Center, the Bromley East Charter School Expansion Celebration, the North Metro Chamber Gala and the ribbon cutting for the Platte Valley Medical Center.*

*Mayor Pro Tem Kreutzer attended the North Metro Chamber Gala, the Brighton Chamber Gala, the Platte Valley Medical Center Ribbon Cutting, and the Saving Places Conference. The Sister Cities 13<sup>th</sup> Annual Dinner and Auction is Saturday.*

*Councilmember Kniss attended the Eye for Art reception and the Legacy Foundation is offering scholarships.*

*Councilmember Humbert attended the BURA meeting, the Parks & Recreation Advisory Board meeting, the Platte Valley Medical Center ribbon cutting and the Eye for Art reception. The Brighton Music Orchestra Homespun Concert is on February 19<sup>th</sup>.*

*Councilmember Bell attended the Lodging Tax Advisory Committee meeting.*

*Councilmember Baca attended the meeting with the Adams County elected officials at the Armory. Councilmember Baca updated Council on the projects coming up for DRCOG and NATA.*

## **12. EXECUTIVE SESSION**

**Motion by Mayor Pro Tem Kreutzer, seconded by Councilmember Humbert, to go into Executive Session at 8:14 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 the process to hire a City Manager. Motion passed by the following vote:**

**Aye:** 9 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, Councilmember Pollack, and Councilmember Wallin

*Mayor McLean reconvened the meeting at 9:14 p.m.*

## **13. ADJOURNMENT**

**Motion by Councilmember Wallin, seconded by Councilmember Humbert, to adjourn at 9:15 p.m. Motion passed by the following vote:**

**Aye:** 9 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, Councilmember Pollack, and Councilmember Wallin



**CITY OF BRIGHTON, COLORADO**

Richard N. McLean, Mayor

**ATTEST:**

Natalie Hoel, City Clerk

Approval Date