

City of Brighton

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



Meeting Minutes - Draft

Tuesday, February 4, 2025

6:00 PM

Council Chambers

City Council

MAYOR - GREGORY MILLS

MAYOR PRO TEM - PETER PADILLA

COUNCIL MEMBERS:

CHRIS FIEDLER, TOM GREEN,

MATT JOHNSTON, JAN PAWLOWSKI,

JIM SNYDER, ANN TADDEO, LLOYD WORTH

1. CALL TO ORDER

Mayor Mills called the meeting to order at 6:01 p.m.

A. Pledge of Allegiance to the American Flag

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

B. Roll Call

Present: 7 - Mayor Mills, Mayor Pro Tem Padilla, Councilmember Fiedler, Councilmember Johnston, Councilmember Pawlowski, Councilmember Snyder, and Councilmember Worth

Absent: 2 - Councilmember Green, and Councilmember Taddeo

2. CONSENT AGENDA

A. Approval of the January 7, 2025 City Council Minutes

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

Aye: 7 - Mayor Mills, Mayor Pro Tem Padilla, Councilmember Fiedler, Councilmember Johnston, Councilmember Pawlowski, Councilmember Snyder, and Councilmember Worth

Absent: 2 - Councilmember Green, and Councilmember Taddeo

3. APPROVAL OF REGULAR AGENDA

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

Aye: 7 - Mayor Mills, Mayor Pro Tem Padilla, Councilmember Fiedler, Councilmember Johnston, Councilmember Pawlowski, Councilmember Snyder, and Councilmember Worth

Absent: 2 - Councilmember Green, and Councilmember Taddeo

4. CEREMONIES

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

Leif Southwell expressed concern about property taxes increasing.

Tom Lampo prayed for the city.

Mike Boutwell advised that he comes to these meetings to talk to the camera, not city council.

6. PUBLIC HEARINGS

7. CONSOLIDATED ITEMS FOR SEQUENTIAL REVIEW

- A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ANNEXING TO THE CITY OF BRIGHTON APPROXIMATELY 2.859 ACRES OF CONTIGUOUS LAND, KNOWN AS THE PETERS ANNEXATION, IN A PORTION OF THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 1 SOUTH, RANGE 66 WEST, OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO (FINAL READING)

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

Motion by Mayor Pro Tem Padilla, seconded by Councilmember Snyder, to approve Ordinance 2466. Motion passed by the following vote:

Aye: 7 - Mayor Mills, Mayor Pro Tem Padilla, Councilmember Fiedler, Councilmember Johnston, Councilmember Pawlowski, Councilmember Snyder, and Councilmember Worth

Absent: 2 - Councilmember Green, and Councilmember Taddeo

- B. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE PETERS ZONING MAP AMENDMENT FROM ADAMS COUNTY A-3 TO C-3 FOR AN APPROXIMATELY 3.0 ACRE PROPERTY, GENERALLY LOCATED TO THE NORTH OF EAST BROMLEY LANE, SOUTH OF SOUTHERN STREET, EAST OF TOWER ROAD AND WEST OF THE SOUTH 45TH AVENUE ALIGNMENT, MORE PARTICULARLY LOCATED IN THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO (FINAL READING)

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

Motion by Councilmember Pawlowski, seconded by Mayor Pro Tem Padilla, to approve Ordinance 2467. Motion passed by the following vote:

Aye: 7 - Mayor Mills, Mayor Pro Tem Padilla, Councilmember Fiedler, Councilmember Johnston, Councilmember Pawlowski, Councilmember Snyder, and Councilmember Worth

Absent: 2 - Councilmember Green, and Councilmember Taddeo

- C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE ANNEXATION AGREEMENT FOR THE APPROXIMATELY 2.859 ACRES OF CONTIGUOUS LAND, GENERALLY LOCATED TO THE NORTH OF EAST BROMLEY LANE, SOUTH OF SOUTHERN STREET, EAST OF TOWER ROAD AND WEST OF THE SOUTH 45TH AVENUE ALIGNMENT, MORE PARTICULARLY LOCATED IN THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO; TO BE KNOWN AS THE PETERS ANNEXATION

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

Senior Planner Summer McCann presented the Peters Property Annexation Agreement. The contact is Kevin Lovelace working on behalf of the property owner William E. Peters. The

property is generally located north of East Bromley Lane, south of Southern Street, east of Tower Road, and west of the South 45th Avenue alignment. The 2.859-acre site is currently unplatted, located within the city's growth boundary and is designated as mixed use within the Comprehensive Plan. The purpose of the Annexation Agreement is to identify the terms and adopted City Codes, Ordinances, and Master Plans that will apply to the development of the property. The applicable focus areas are transportation, utility service and stormwater, zoning, and fees. With respect to transportation, the draft annexation agreement requires that the developer dedicate right-of-way and carry out related public improvements for the applicable streets. Improvements will be made to South 45th Avenue, East Bromley Lane, and all cross sections will be completed in alignment with the city's Transportation Master Plan. The developer will be required to make improvements to the intersection at East Bromley Lane and South 45th Avenue or pay a pro-rata share including the costs of improving the existing traffic signal. All utility lines running through the property or adjacent to the property will be undergrounded. Any required street lighting will be installed by the developer, as well as upgrades or extensions to water, sewer, and stormwater infrastructure. Raw water will be dedicated in accordance with the city's policies at the time of platting. The city agrees to consider the proposal for C-3 (General Retail & Services) zoning of the property. the property is subject to any relevant Fee Resolutions in effect at the time of development. If ever developed as residential, the developer will pay an appropriate dedication or fee-in-lieu for parks and open space.

Motion by Mayor Pro Tem Padilla, seconded by Councilmember Fiedler, to approve Resolution 2025-08. Motion passed by the following vote:

Aye: 7 - Mayor Mills, Mayor Pro Tem Padilla, Councilmember Fiedler, Councilmember Johnston, Councilmember Pawlowski, Councilmember Snyder, and Councilmember Worth

Absent: 2 - Councilmember Green, and Councilmember Taddeo

8. ORDINANCES FOR INITIAL CONSIDERATION

9. ORDINANCES FOR FINAL CONSIDERATION

- A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE KESTREL PLANNED DEVELOPMENT FOR AN APPROXIMATELY 26.21 ACRE PROPERTY, GENERALLY LOCATED TO THE NORTH OF EAST 120TH AVENUE, SOUTH OF EAST 124TH AVENUE, EAST OF PEORIA STREET AND WEST OF PRAIRIE VIEW HIGH SCHOOL, MORE PARTICULARLY LOCATED IN THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 1 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO**

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

Motion by Mayor Pro Tem Padilla, seconded by Councilmember Snyder, to approve Ordinance 2468. Motion passed by the following vote:

Aye: 6 - Mayor Mills, Mayor Pro Tem Padilla, Councilmember Fiedler, Councilmember Johnston, Councilmember Snyder, and Councilmember Worth

No: 1 - Councilmember Pawlowski

Absent: 2 - Councilmember Green, and Councilmember Taddeo

- B. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AUTHORIZING THE ISSUANCE AND SALE OF CITY OF BRIGHTON, COLORADO, WATER ACTIVITY ENTERPRISE REVENUE BONDS (WATER SYSTEM PROJECT), SERIES 2025, TO FINANCE A NEW WATER TREATMENT FACILITY, PAYABLE SOLELY OUT OF THE NET REVENUES TO BE DERIVED FROM THE OPERATION OF THE CITY'S WATER AND WASTEWATER FACILITIES; PROVIDING OTHER DETAILS CONCERNING THE BONDS, INCLUDING, WITHOUT LIMITATION, COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH**

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

Motion by Councilmember Worth, seconded by Mayor Pro Tem Padilla, to approve Ordinance 2469. Motion passed by the following vote:

Aye: 6 - Mayor Mills, Mayor Pro Tem Padilla, Councilmember Fiedler, Councilmember Pawlowski, Councilmember Snyder, and Councilmember Worth

No: 1 - Councilmember Johnston

Absent: 2 - Councilmember Green, and Councilmember Taddeo

10. RESOLUTIONS

- A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING A DEVELOPMENT AGREEMENT AMENDMENT FOR THE VILLAGE AT SOUTHGATE SUBDIVISION, AN APPROXIMATE 79.811 ACRES OF LAND, GENERALLY LOCATED TO THE SOUTH OF EAST 120TH AVENUE, BETWEEN SOUTHGATE BOULEVARD AND FOLEY ROAD, AND NORTH OF I-76, MORE SPECIFICALLY LOCATED IN THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 2 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO; AUTHORIZING THE MAYOR TO EXECUTE THE DEVELOPMENT AGREEMENT ON BEHALF OF THE CITY; AND SETTING FORTH OTHER DETAILS RELATED THERETO**

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

Senior Planner and Historic Preservationist Emma Lane presented the Village at Southgate Subdivision Development Agreement Amendment. The 79.811-acre site is generally located south of East 120th Avenue between Southgate Boulevard and Foley Road, and north of I-76. The city and the owner are requesting approval of this amendment to alter specific improvements and reimbursements associated with the development. Because the original Development Agreement was approved by City Council, any amendments shall be reviewed by City Council. The property was annexed in 1988 as part of the Fuller Estates East Annexation. It is currently zoned under the Village at Southgate PUD and is platted as the Village at Southgate Brighton. The original Development Agreement called out obligations at the Village at Southgate, Brighton Ridge, and Southern Ridge. The Village at Southgate was obligated to install a traffic signal at East 120th Avenue and Southgate Boulevard and to construct Southgate Boulevard including the sidewalks. These were completed except for the

east sidewalk. Brighton Ridge is obligated to reimburse Southgate for the traffic signal and to build the Southgate Boulevard sidewalk. These will be completed with Phase 2 of the development. Southern Ridge is obligated to reimburse Southgate for several improvements, these will be completed at the time of development.

Regarding the Southgate Boulevard sidewalk, the original Development Agreement and plans were unclear if the sidewalk along the east side of Southgate Boulevard was supposed to be constructed with this development. It was determined that the sidewalk on the east side of Southgate Boulevard was not constructed. Because this improvement was unclear, the city cannot continue with acceptance until this has been resolved. No reimbursement has been collected from the Brighton Ridge Development as part of Phase 2, which has not been platted. No reimbursement has been collected for Southern Ridge as it has not been platted. These reimbursements will be required in the future.

The Southgate Boulevard sidewalk will be built with Phase 2 of Brighton Ridge, and with either the Bus Barn redevelopment or Southern Ridge. Neither development in the original Development Agreement will be required to reimburse Southgate for impacts to the infrastructure constructed by Southgate. The obligation of construction of the sidewalk by Southgate would be forgiven and in lieu the adjacent developments would no longer have to reimburse Southgate for their contribution to the improvements. The improvements, except for the sidewalk, have all been completed by Southgate. The sidewalk will be constructed in the future by both Brighton Ridge development and either the bus barn or Southern Ridge ensuring that all improvements will be constructed.

Motion by Mayor Pro Tem Padilla, seconded by Councilmember Fiedler, to approve Resolution 2025-09. Motion passed by the following vote:

Aye: 7 - Mayor Mills, Mayor Pro Tem Padilla, Councilmember Fiedler, Councilmember Johnston, Councilmember Pawlowski, Councilmember Snyder, and Councilmember Worth

Absent: 2 - Councilmember Green, and Councilmember Taddeo

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE DHI TELLURIDE DEVELOPMENT AGREEMENT AMENDMENT FOR THE DHI TELLURIDE SUBDIVISION, AN APPROXIMATELY 11.18 ACRE PROPERTY, GENERALLY LOCATED TO THE EAST OF THE BRIGHTON LATERAL DITCH, WEST OF TELLURIDE STREET, AND BETWEEN THE BRIGHTON CHARTER HIGH SCHOOL AND TELLURIDE BUSINESS PARK 2 SUBDIVISIONS, MORE SPECIFICALLY, LOCATED IN THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO

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

Senior Planner Nick Di Mario presented the DHI Telluride Development Agreement Amendment. The applicant and owner are Tamarac Land Telluride Street LLC. The property is generally located to the east of the Burlington Lateral Ditch, west of Telluride Street, north of Eagle Ridge Academy, and south of the Telluride Business Park. The property is 11.18 acres and is zoned R-3. The Final Plat and Development Agreement was approved in July 2024. The Site Plan for a for-rent, 140-unit residential project was approved in August 2024. The DHI Telluride Development Agreement was fully executed and recorded in July 2024, and it details general obligations, the timing of public improvements, details the financial

guaranteeing of public improvements, and details the required public improvements. Planner Di Mario presented the detailed public improvement obligations. The amendment would permit the applicant to pay the development impact fees that were effective April 1, 2024, and not the impact fees effective January 1, 2025. The amendment would not exempt the applicant from paying any new or updated Metro Water Recovery impact fees. If the applicant fails to pull all building permits by December 31, 2025, any permits left over would be required to pay the development impact fees effective at the time of issuance.

Prior to the submittal of the DHI Telluride project a neighborhood meeting was held in April 2021. The residents voiced concerns over the unimproved portions of Telluride Street coupled with high traffic volumes from surrounding residential development and a charter and elementary school. Additionally, the lack of a turn lane at the intersection of Telluride Street and Bridge Street cause backups on Telluride Street. Generally, developments are only required to construct roadways that are adjacent to their development, however, sometimes there are situations that call for additional offsite improvements. This would include roadway improvements that may be outside the bounds or the impact of a specific subdivision. It was the opinion of staff at the time that leaving the remainder of Telluride Street unimproved and with the addition of 140 units, would cause undue burden on the surrounding residents and the infrastructure. The city required the construction of the remainder of Telluride Street and by doing so, required the applicant to enter into a reimbursement agreement. Staff felt it was imperative to require the expansion of Telluride Street to protect the public welfare. Since it was not a recommended improvement, the city agreed to reimburse the applicant for the cost of the expansion. On June 6, 2023, the city and the applicant entered into the reimbursement agreement noting a maximum reimbursement of \$903,357.95. The agreement does not provide a specific fund or fee that will fund the reimbursement. Under the April 1, 2024, fees, the city would collect \$238,000 in transportation impact fees. Comparative to fees effective January 1, 2025, the city would collect \$495,880 in transportation impact fees. Staff believes collection of the transportation impact fees effective January 1, 2025, would reduce the financial impact of the reimbursement.

From the property north to Bridge Street, Telluride Street is not built to full condition. The applicant's obligation to construct the remainder of Telluride Street will result in the full build out of Telluride Street between Southern Street and Bridge Street. This will be a two-lane road with turn lanes at intersections reducing traffic jams on the roadway. Telluride Business Park to the north of the property provided an approximate \$52,000 escrow for the expansion of Telluride Street. The applicant is required to construct a storm water pond on a city-owned property to the south of Southern Street. The regional pond at Eagle Ridge Academy does not contain enough capacity to capture DHI stormwater runoff. As a result, the city let the applicant utilize the city-owned property to increase stormwater capacity. The city did not require payment for the use of this property as a stormwater pond. Without it, the applicant would be required to capture stormwater onsite leading to decreased developable area on the project site. The applicant now has room for sixteen additional units, so staff believes that the applicant is benefitting from the use of the city-owned property.

Planner Di Mario presented the recent development impact fee reclassifications, increases, and new fees imposed by the city. Ordinance 2454 approved in October 2024, redefines certain residential land uses. A duplex community such as DHI Telluride would have been charged certain fee rates for multi-family uses prior to Ordinance 2454. Duplexes are now defined as single-family and would pay single-family fee rates. Fee Resolution 2024-83 and amended by Fee Resolution 2024-103 did increase various development impact fees as well as created a new one. Development Impact fees are collected on all vertical building permits, both residential and non-residential. They are collected and used to fund new capital improvement projects needed to expand services that support the growth of the community. They cannot be used for general operations or staffing. The rates of these fees are determined via study, which are typically conducted every five years. However, external

forces, such as significant inflation can cause the city to conduct these studies sooner. Building permits cannot be issued until the required public improvements are completed.

The city will now collect a general services impact fee on all new residential units to be used toward capital projects that include expanding the city's snowplow fleet and capital improvements related to the Police Department and law enforcement services. The proposed amendment would exempt the applicant from paying this fee. These fees are charged to allow the city to fund future capital improvement projects to provide services to residents. These fees and their amounts are determined to maintain a certain level of service for residents. Allowing a development to pay decreased impact fees will compromise the city's ability to maintain such a level of service. During the negotiation of the amendment of the Development Agreement, staff added language that even if the applicant would be able to pay those fees effective April 1, 2024, they will still be required to pay this new general services fee. The applicant did not agree to such language. Staff will urge Council that if they are to approve this amendment, it is approved with the condition that the general services impact fee be required to not compromise certain services by the city including snow plowing operations and funding for any future capital improvements associated with the Police Department. The study to determine the most recent change in impact fees via the Fee Resolution began in Q4 of 2022. The analysis was first presented to City Council in March 2023 and again in April 2024. The complete analysis was presented on July 23, 2024, and the 2025 Fee Resolution was approved by City Council on October 15, 2024. The potential for a fee increase became public knowledge approximately 16 months after the DHI Telluride project began. The potential fee increase was being discussed in a public forum well over a year prior to the applicant executing their development agreement.

The following quote refers to the public improvements required by the Development Agreement. The project representative states "The requirement to construct these improvements was made by city staff during our Subdivision Plan process without any justification from city Code. We were informed by the former Assistant Director of Community Development that the city staff would not support our project without DR Horton Multifamily agreeing to these public improvements."

Planner Di Mario presented staff's justification for requiring these improvements. Staff required the construction of Telluride Street to not place undue burden on the community facilities serving other areas. When presented with the concerns from the surrounding residents, staff deemed that the 140-unit duplex subdivision would place undue burden on surrounding roadway facilities if the remainder of Telluride Street was not expanded. Staff has an obligation to protect the city's infrastructure systems as well as the residents of the city. Staff simply took language from the code and applied it to the situation. The applicant agreed to construct the remainder of Telluride Street and entered into a reimbursement agreement with the city.

The project representative stated that the applicant has incurred an increase of roughly 5.6 million dollars in development impact fees. Since the start of the project in November 2021, there have been increases in development impact fees, but staff does not believe they have increased by 5.6 million dollars. The Municipal Code and template language in the development agreements state that the collected impact fees will be those in effect at the time of permit issuance. Code and standard development agreements state that all public improvements need to be completed prior to permit issuance.

The DHI Telluride project required three different land use applications and two negotiated agreements. These applications and agreements take a considerable amount of time to negotiate and complete. Staff believes the statement from the representative is not fair as a developer should not expect to pay the development impact fees in place at the time of their project submittal if their project requires various other processes that can take well over two

years to complete. Upon the applicant submitting for the Development Agreement Amendment, the city had asked the project representative if any units in the project would be affordable. If affordable units were provided, the applicant would have a path forward for a potential fee reduction of development impact fees. The representative informed staff that no affordable units would be provided.

Planner Di Mario presented the difference that would be paid in development impact fees. If allowed to pay the fees from April 2024, it would cause the project to pay less than its determined fiscal impact threatening the city's ability to maintain an acceptable level of service for the residents. The city's taxpayers would then have to make up the difference. The Comprehensive Plan states that development should pay its own way. Staff believes it is the responsibility of the developer to stay up to date with code changes, application changes, and development impact fee changes.

Planner Di Mario addressed concerns from the developer regarding the increase in fees from the reclassification of stormwater drainage impact fees. Duplexes and all other single family attached products are considered single family while only apartment units are considered multi family. The residential attached products have an estimated 85% more impervious coverage than apartment units. This results in a higher impact to the city's stormwater system. Paying decreased fees would result in the project paying below its financial impact to the city's infrastructure system.

Planner Di Mario stated that staff is not involved in the private sale of water and therefore cannot confirm the cost of the water dedication. The cost of water dedication is part of the cost of development. The requirement to dedicate water is one rooted in city code and pursuant to the Comprehensive Plan, development should pay its own way, whether development impact fees have increased or not, a specific amount of water would need to be dedicated for the project.

The applicant has stated that they only recently found out about the fee increases. Planner Di Mario explained that the fee increases were discussed in a public forum at least 18 months prior to the applicant receiving their construction permits in August 2024. It is the responsibility of the developer to stay up to date with respect to changes in code requirements, application processes and costs, and changes in impact fees for municipalities.

Planner Di Mario addressed a statement from the applicant indicating that they were informed in August 2024 of the need to pay the impact fees at the time the building permits are issued. Language in the development agreement mandates that impact fees be paid at the time of permit issuance. The development impact fee increase was being discussed in a public forum simultaneously with the negotiation of the development agreement between the applicant and city staff. The applicant executed their development agreement in June 2024. By executing the development agreement, the applicant made a promise to pay the development impact fees in effect at the time of permit issuance. By submitting the proposed amendment, the applicant is showing a desire to renege on that promise.

Planner Di Mario presented the status of the DHI Telluride project. Staff believes the applicant has neglected their responsibility to stay up to date on changes in the city's development impact fees. The applicant had ample time to negotiate the terms of the development agreement. The applicant and project representative had never stated a concern that the construction of the remainder of Telluride Street would cause a delay in the permitting of this project. This leads staff to believe that the project representative is only making this argument due to the increase and reclassification of certain development impact fees. With the submittal of a change order and lack of initiative to construct Telluride Street, staff finds no merit in the arguments that the public improvements have slowed the construction of the project. Staff informed the project representative of a potential option for

development impact fee reduction, if affordable units were provided in the project. The project representative stated that no affordable units would be provided. Staff finds no merit in the arguments presented by the applicant and the project representatives.

Planner Di Mario presented the consequences of approving the amendment including other developments and taxpaying residents would be subsidizing future capital improvements as DHI Telluride would not pay their fair share. There are other in process developments in the city, and they contain attached residential projects that are also affected by the reclassification. If this amendment were approved, it is expected that these developers would approach staff and City Council with the same request. If approved, this would cost the city an immense amount of money leaving the taxpayers to subsidize these developments.

The Development Review Committee reviewed the amendment and recommended denial. It is the opinion of staff that approving the amendment is not in the best interest of the city. Staff recommends denial of the DHI Telluride Development Agreement Amendment. If City Council approves the amendment, staff recommends a provision to require the applicant to pay the general services impact fee. Staff and the applicant could not come to an agreement on this provision; however, staff believes it should be paid to offset the impact of the development. The general services impact fee would pay for capital improvements related to the Police Department and other general services provided by the city.

Nick Graham, Vice President of DHI Communities in Colorado explained that after four years of working with the city, their project is at risk of halting indefinitely. Mr. Graham and Brian Bratcher, Development Manager with DHI Communities provided City Council with a condensed project background, defined their proposed amendment to the projects current Development Agreement, provided clear and factual justification for why the amendment should be approved, outlined the unique situation of the project and why the amendment would not be precedent setting, and showed how beneficial the project would be to its surrounding community in the city.

Mayor Mills called for a break at 7:45 p.m.

Mayor Mills reconvened the meeting at 7:55 p.m.

Mayor Pro Tem Padilla recommended that the applicant continue to work with staff to come up with other options that can be supported by staff.

No motion was made so the matter was not considered.

11. UTILITIES BUSINESS ITEMS

12. GENERAL BUSINESS

13. REPORTS

A. By the Mayor

Mayor Mills attended the Highway 7 Coalition meeting, a tour of the Municipal Service Center, the ADCOG dinner, the AC-REP meeting, the Chamber awards, and the Sister Cities dinner.

B. By Department Directors

C. By the City Attorney

D. By the City Manager

City Manager Michael Martinez presented the Board & Commission vacancy update. The ribbon cutting for the Municipal Service Center is February 18th and the Strategic Planning Session is February 25th.

E. By City Council

Mayor Pro Tem Padilla attended the Legislative Committee meetings and the Chamber awards.

Councilmember Worth attended the ADCOG meeting, the AC-REP meeting, and the Chamber awards.

Councilmember Fiedler attended the Chamber gala and the Lochbuie Sewer Board meeting.

14. EXECUTIVE SESSION

15. ADJOURNMENT

Mayor Mills adjourned the meeting at 8:10 p.m.

CITY OF BRIGHTON, COLORADO

Gregory Mills, Mayor

ATTEST:

Erin Kelm, Deputy City Clerk

Approval Date