

# City of Brighton

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



## Meeting Minutes

**Tuesday, November 1, 2022**

**6:15 PM**

**Following the South Brighton GID Meeting**

**Council Chambers**

### **City Council**

**MAYOR - GREGORY MILLS  
MAYOR PRO TEM - ADAM CUSHING  
COUNCIL MEMBERS:  
CLINT BLACKHURST, MATT JOHNSTON,  
PETER PADILLA, JAN PAWLOWSKI,  
MARY ELLEN POLLACK, ANN TADDEO**

**1. CALL TO ORDER**

*Mayor Mills called the meeting to order at 6:18 p.m.*

**A. Roll Call**

**Present:** 6 - Mayor Mills, Mayor Pro Tem Cushing, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, and Councilmember Taddeo

**Not Present:** 2 - Councilmember Blackhurst, and Councilmember Pollack

**2. APPROVAL OF REGULAR AGENDA**

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

**Aye:** 6 - Mayor Mills, Mayor Pro Tem Cushing, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, and Councilmember Taddeo

**Absent:** 2 - Councilmember Blackhurst, and Councilmember Pollack

**3. CONSENT AGENDA**

**A. Approval of the October 4, 2022 City Council Minutes**

**Motion by Mayor Pro Tem Cushing, seconded by Councilmember Pawlowski, to approve the Consent Agenda as presented. Motion passed by the following vote:**

**Aye:** 6 - Mayor Mills, Mayor Pro Tem Cushing, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, and Councilmember Taddeo

**Absent:** 2 - Councilmember Blackhurst, and Councilmember Pollack

**4. CEREMONIES**

**A. National Adoption Month Proclamation**

*Mayor Pro Tem Cushing read the Proclamation into the record.*

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

**Aye:** 6 - Mayor Mills, Mayor Pro Tem Cushing, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, and Councilmember Taddeo

**Absent:** 2 - Councilmember Blackhurst, and Councilmember Pollack

**B. Veterans Appreciation Week Proclamation**

*Mayor Mills read the Proclamation into the record.*

**Motion by Councilmember Pawlowski, seconded by Councilmember Padilla, to approve the Proclamation. Motion passed by the following vote:**

**Aye:** 6 - Mayor Mills, Mayor Pro Tem Cushing, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, and Councilmember Taddeo

**Absent:** 2 - Councilmember Blackhurst, and Councilmember Pollack

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

**6. PUBLIC HEARINGS**

- A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE HISTORIC LANDMARK DESIGNATION FOR PIONEER CEMETERY, AN APPROXIMATELY 0.5 ACRE PROPERTY, GENERALLY LOCATED AT THE NORTHEAST CORNER OF WEST BROMLEY LANE AND EAST 148TH AVENUE IN A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 1 SOUTH, RANGE 67 WEST, OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO (FIRST READING)**

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

*Mayor Mills opened the public hearing at 6:30 p.m. and City Clerk Natalie Hoel verified the required postings and publications (October 17, 2022 on the City of Brighton Website) for this public hearing were completed.*

*Senior Planner and Historic Preservationist Emma Lane presented the Pioneer Cemetery Historic Landmark Designation. The applicant is Travis Haines, and the owner is the City of Brighton. The property is located east of Bromley Lane and north of East 148<sup>th</sup> Avenue. The Historic Landmark Designation is an official designation of the City of Brighton declaring a site, structure or district as historically, architecturally, or geographically significant to the history of Brighton, Colorado, or beyond. This designation ensures the preservation of the resource and creates funding opportunities for preservation or restoration such as grants or tax rebates. Staff used the review criteria in the Land Use & Development Code Section 10.03 C. 2. to review the proposal. Planner Lane gave a detailed background of the ownership of the property, the annexation and purchase by the City of Brighton.*

*The future land use portion of the Comprehensive Plan designates this property as Parks & Open Space, which is consistent with the current and future use of the land as a historic cemetery. The proposed historic landmark designation does meet other policies and strategies of the Comprehensive Plan.*

- Chapter Two: Current Context and Values – Heritage
- Chapter Four: Citywide Principles, Policies & Strategies; Policy 9.2 – Educate Tourists and Residents on the Availability of Tourism Activities
- Policy 10.1 – Encourage and Support Historic Preservation and Reuse of Existing Structures

*In making its decision, City Council shall use the following criteria Section 10.03 A.:*

- Policy and Intent – Part of the community since 1863 the Pioneer Cemetery has been a constant in the midst of a growing city. Protecting the cemetery will allow future generations to explore and appreciate the heritage of the areas first settlers. Designating the city-owned property advances the policy and intent of this section of the Land Use & Development Code.

*Section 10.03 B. 1.:*

- Historic Landmark Eligibility: the property must be at least 50 years old and possess historical and/or architectural significance.
  - a. Architectural Category: The Pioneer Cemetery meets criteria 1.
  - b. Social and Historic Category: The Pioneer Cemetery meets criteria 1, 3, and 5.
  - c. Geographic and Environmental Category: The Pioneer Cemetery meets criteria 1, 2, and 5.

*On October 17, 2022, a mailing was sent to the property owner as required by Code, two signs were posted on the subject property, and notice was published on the City's website. Information was posted on various social media sites. One formal comment was received in advance of this hearing.*

*Staff recommends approval of the request. The Historic Preservation Commission heard the request on September 8, 2022 and recommended approval with a 4-0 vote with one abstaining. Staff finds that the request meets the review criteria in the Land Use & Development Code.*

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

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

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

*Councilmember Johnston asked when the notice was published since two different dates were given. City Clerk Natalie Hoel explained that the wrong date was given and the publication took place on October 17, 2022.*

*Councilmember Cushing asked if the cemetery is open to the public and Planner Lane reported that it is not. Councilmember Cushing asked if there are plans to open it to the public. Parks and Recreation Director Travis Haines explained that there are not any staff members at the cemetery, someone wanting to visit can contact the city and make an appointment.*

*Councilmember Taddeo asked for more information regarding the formal comment that was received.*

*Mayor Mills read the email into the record.*

*"Good evening, my name is Jennifer Lisa a six year resident of S 3<sup>rd</sup> Ave with my husband. Thank you for taking into consideration my thoughts regarding the historical designation of the Pioneer Cemetery. I have recently become aware of it's presence here and have been very excited to visit and pay respects to the graves of people who lived the history of this land. We would be doing a disservice to our collective ancestors if we don't secure it's position. Please vote yes. Thank you, Jennifer Lisa"*

*Councilmember Taddeo suggested that a volunteer have access to the cemetery to let people in.*

*Mayor Mills closed the public hearing at 6:47 p.m.*

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

**Aye:** 6 - Mayor Mills, Mayor Pro Tem Cushing, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, and Councilmember Taddeo

**Absent:** 2 - Councilmember Blackhurst, and Councilmember Pollack

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

### **A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING CERTAIN SECTIONS OF CHAPTER 2 OF THE BRIGHTON MUNICIPAL CODE RELATED TO THE CITY ATTORNEY, THE BRIGHTON LIQUOR LICENSING AUTHORITY AND CITY DEPARTMENTS**

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

*City Attorney Alicia Calderón explained that this is a clean-up Ordinance. The first change is to remove the Liquor Licensing Authority from the Board and Commission list, all liquor items are now done by a hearing officer. The second change is to remove the Prosecuting Attorney from Municipal Court and add the position to the Legal Department. The third change will update the list of departments by putting it in alphabetical order, updating the names of certain departments and giving the City Manager the authority to add or consolidate departments for the City. The final change will change he to he/she when referring to the City Manager.*

**Motion by Councilmember Padilla, seconded by Councilmember Pawlowski, to approve the Ordinance. Motion passed by the following vote:**

**Aye:** 6 - Mayor Mills, Mayor Pro Tem Cushing, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, and Councilmember Taddeo

**Absent:** 2 - Councilmember Blackhurst, and Councilmember Pollack

**B. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING CHAPTER 28 OF ARTICLE 3 OF THE BRIGHTON MUNICIPAL CODE TO ESTABLISH AN EXEMPTION FROM THE CITY'S SALES AND USE TAX FOR CERTAIN RETAIL DELIVERY FEES AND CARRYOUT BAG FEES ENACTED BY THE STATE OF COLORADO; AND SETTING FORTH OTHER MINOR AMENDMENTS**

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

*Revenue Manager Ana LeScoeze presented the proposed changes to the Tax and Licensing Code. The Colorado Retail Delivery Fee & the Carryout Bag Fee are imposed by the State of Colorado. These fees are taxable under the current Code. Minimal sales tax would be received, so staff is recommending the exemption of these fees from sales tax. The city is moving to a new tax and licensing system, which will allow all taxpayers to file online and apply for a license online. Staff is recommending that the vendor fee credit for paper filers be eliminated to encourage online filing. References to specific filing frequencies would be removed to allow staff to evaluate each business and their circumstances to determine their filing frequency. The protest timeline will be increased from 20 days to 30 days. A full waiver of both penalty and interest would be allowed for good cause shown. The requirement for certified mail would be eliminated. Clarification that a license renewal requires that the applicant meet all applicable provisions of the Code. Clarification of the business license exemption for contractors meeting certain conditions.*

**Motion by Councilmember Padilla, seconded by Councilmember Taddeo, to approve the Ordinance. Motion passed by the following vote:**

**Aye:** 6 - Mayor Mills, Mayor Pro Tem Cushing, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, and Councilmember Taddeo

**Absent:** 2 - Councilmember Blackhurst, and Councilmember Pollack

**8. ORDINANCES FOR FINAL CONSIDERATION**

**9. RESOLUTIONS**

**10. UTILITIES BUSINESS ITEMS**

**11. GENERAL BUSINESS**

**A. Schedule a Special City Council Meeting on November 10, 2022 at 5:30 p.m. to approve the Ballot Content for the Special Ward 1 Run-off Election**

**Motion by Councilmember Johnston, seconded by Mayor Mills, to schedule a Special City Council meeting on November 10, 2022 at 5:30 p.m. to approve the ballot content for the Special Ward 1 Run-off Election. Motion passed by the following vote:**

**Aye:** 6 - Mayor Mills, Mayor Pro Tem Cushing, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, and Councilmember Taddeo

**Absent:** 2 - Councilmember Blackhurst, and Councilmember Pollack

**12. REPORTS****A. By the Mayor**

*Mayor Mills attended the Highway 7 Coalition meeting, the NATA meeting, the CML Mayors Summit, the AC-REP meeting, the Splendid Valley dinner, Harvestfest, the Chamber after hours event, the Fort Lupton meet and greet, the ADCOG dinner, the Weld County annual meeting, the Dia de los Muertos celebration at the Armory, and the Ribbon Cutting for the Water Tower. The Youth Image summit is this week, the Almost Home chili cookoff is Saturday at Copper Rail and Election Day is Tuesday.*

**B. By Department Directors****C. By the City Attorney****D. By the City Manager**

*City Manager Martinez attended the Halloween contest, the Almost Home annual food drive is going on and next week the Study Session will begin at 5:30 p.m.*

**E. By City Council**

*Councilmember Padilla announced that the Almost Home chili cookoff is at Copper Rail on Saturday and the Almost Home and Knights of Columbus food drive is going on now.*

*Councilmember Pawlowski attended the E-470 Foundation meeting, the Fort Lupton meet and greet, the ADCOG dinner, and the E-470 Operation meeting.*

*Mayor Pro Tem Cushing attended the Link meeting and the Fort Lupton meet and greet.*

*Councilmember Taddeo attended Harvestfest and the Ribbon Cutting at the Water Tower.*

**13. EXECUTIVE SESSION**

**Motion by Mayor Pro Tem Cushing, seconded by Councilmember Padilla, to go into Executive Session for discussion of a personnel matter relating to the City Manager Performance Evaluation pursuant to C.R.S. Section 24-6-402(4)(f) and City Charter Section 5.4(C)(3). Motion failed by the following vote:**

**Aye:** 5 - Mayor Mills, Mayor Pro Tem Cushing, Councilmember Padilla, Councilmember Pawlowski, and Councilmember Taddeo

**No:** 1 - Councilmember Johnston

**Absent:** 2 - Councilmember Blackhurst, and Councilmember Pollack

**14. ADJOURNMENT**

*Mayor Mills adjourned the meeting at 7:21 p.m.*

**CITY OF BRIGHTON, COLORADO**

  
\_\_\_\_\_  
Gregory Mills, Mayor

**ATTEST:**

Natalie Hoel  
Natalie Hoel, City Clerk

December 6, 2022  
Approval Date