

# City of Brighton

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



## Meeting Minutes

**Tuesday, December 6, 2022**

**6:00 PM**

**Amended**

**Council Chambers**

### **City Council**

**MAYOR - GREGORY MILLS**

**MAYOR PRO TEM - ADAM CUSHING**

**COUNCIL MEMBERS:**

**CLINT BLACKHURST, TOM GREEN,**

**MATT JOHNSTON, PETER PADILLA,**

**JAN PAWLOWSKI, MARY ELLEN POLLACK,**

**ANN TADDEO**

**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 Taddeo led the recitation of the Pledge of Allegiance to the American Flag.*

**B. Roll Call**

**Present:** 9 - Mayor Mills, Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Green, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

*Councilmember Johnston arrived at 6:10 p.m.*

**2. APPROVAL OF REGULAR AGENDA**

*Mayor Pro Tem Cushing asked that Item 7C be moved to become Item 10B.*

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

**Aye:** 7 - Mayor Mills, Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

**Absent:** 2 - Councilmember Green, and Councilmember Johnston

**3. CONSENT AGENDA**

**A. Approval of the November 1, 2022 City Council Minutes**

**B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING LEASE AGREEMENTS WITH ALMOST HOME, AMERICAN HIGHLAND CATTLE ASSOCIATION, ROCKY MOUNTAIN QUARTER HORSE ASSOCIATION, COLORADO HORSE COUNCIL, AND COLORADO THOROUGHBRED BREEDERS FOR CITY-OWNED REAL PROPERTY LOCATED AT 22 SOUTH 4TH AVENUE (THE "HISTORIC CITY HALL"), AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID LEASE AGREEMENTS ON BEHALF OF THE CITY**

**Resolution No. 2022-131**

**C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, SETTING THE 2023 CITY OF BRIGHTON HOLIDAY SCHEDULE**

**Resolution No. 2022-132**

**D. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACKNOWLEDGING THE CERTIFIED ABSTRACT OF VOTES CAST FOR THE NOVEMBER 8, 2022 COORDINATED ELECTION**

**Enactment No: 2022-133**

**E. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, SETTING COMPENSATION FOR CITY MANAGER MICHAEL MARTINEZ**

**Resolution No. 2022-134**

**Motion by Councilmember Blackhurst, seconded by Councilmember Padilla, to approve the Consent Agenda as presented. Motion passed by the following vote:**

**Aye:** 7 - Mayor Mills, Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

**Absent:** 2 - Councilmember Green, and Councilmember Johnston

**4. CEREMONIES**

**A. Swearing In Ceremony by Judge Michelle Kline**

*Judge Michelle Kline administered the oath of office to Councilmember Tom Green.*

**B. "Name that Snowplow" Contest Winners**

*Director of Communications and Engagement Kristen Chernosky recognized the winners of the "Name that Snowplow" contest.*

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

*Kitty LeDonne - Brighton. Ms. LeDonne asked if Council would consider letting people serve on more than one Board and Commission and asked if there could be a live feed of all meetings. Ms. LeDonne thanked City Council and staff for their service to the city.*

**6. CONSOLIDATED ITEMS FOR SEQUENTIAL REVIEW**

**A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ADOPTING THE FISCAL YEAR 2023 BUDGET AND APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES IN THE AMOUNTS SPECIFIED BELOW IN THE AMOUNT OF \$254,765,841 FOR THE CITY OF BRIGHTON, COLORADO, FOR THE FISCAL YEAR 2023 (PUBLIC HEARING)**

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

*Mayor Mills opened the public hearing at 6:20 p.m. and City Clerk Natalie Hoel verified the required postings and publications (November 24, 2022 in the Brighton Standard Blade) for this public hearing were completed.*

*Management Analyst II Traci McLean presented the 2022 budget review, went over the process and presented highlights from the 2023 budget in the amount of \$254,765,841.*

*Budget and Performance Manager Kayla Barber-Perrotta presented the details from the 2023 budget and explained that the mill levy must be set annually and is recommended at 6.65 mills, this has been set at this amount for the past two decades. The 2022 mill levy is projected to result in just over five million dollars in revenues for the 2023 budget.*

*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 what the plan is for park security and Parks and Recreation Director Travis Haines explained that there will be security personnel in the parks from 10:00 p.m. to 6:00 a.m. and cameras will be added.

Mayor Mills closed the public hearing at 6:35 p.m.

**Motion by Councilmember Padilla, seconded by Councilmember Blackhurst, to approve Resolution 2022-135. Motion passed by the following vote:**

**Aye:** 9 - Mayor Mills, Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Green, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

**B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2023, TO HELP DEFRAY THE COSTS OF GOVERNMENT FOR THE CITY OF BRIGHTON, COLORADO, AND SETTING THE MILL LEVY AT 6.650 MILLS FOR THE 2023 BUDGET YEAR**

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

**Motion by Councilmember Pawlowski, seconded by Councilmember Johnston, to approve Resolution 2022-136. Motion passed by the following vote:**

**Aye:** 9 - Mayor Mills, Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Green, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

## **7. PUBLIC HEARINGS**

**A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING CERTAIN ACCOUNTS IN THE GENERAL FUND, AND CEMETERY FUND; AND APPROPRIATING MONEY FOR EXPENDITURES IN THE AMOUNT OF \$270,000 FOR THE INCREASED WATER AND ELECTRICITY COSTS**

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

Mayor Mills opened the public hearing at 6:38 p.m. and City Clerk Natalie Hoel verified the required postings and publications (November 24, 2022 in the Brighton Standard Blade) for this public hearing were completed.

Budget and Performance Manager Kayla Barber-Perrotta presented the 4<sup>th</sup> Amendment to the 2022 budget, which is needed to cover electricity costs and water usage since sufficient appropriations do not exist to cover these items. An increase of \$80,000 to the general fund is due to increased street lighting and an increase of \$150,000 to the general fund is due to increased watering in parks.

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 Taddeo asked if there was an impact to the watering in 2022 with the turf conversion and Budget Manager Barber-Perrotta explained that there was increased watering in the parks. Councilmember Taddeo asked why more water was used this year than last year and Budget Manager Barber-Perrotta explained that there were complaints from residents regarding grass in the parks.

Councilmember Johnston asked why the Cemetery Fund needs adjusting by the same amount each year and asked if this would be addressed next year. Budget Manager Barber-Perrotta explained that it is a small fund.

Councilmember Pollack asked if this budget includes more personnel at the cemetery. Budget Manager Barber-Perrotta explained that new personnel would be addressed in the 2023 budget, and it does not include cemetery personnel.

Mayor Mills closed the public hearing at 6:48 p.m.

**Motion by Councilmember Blackhurst, seconded by Councilmember Pawlowski, to approve Resolution 2022-137. Motion passed by the following vote:**

**Aye:** 9 - Mayor Mills, Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Green, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

**B. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE 402 SOUTH 2<sup>ND</sup> AVENUE HISTORIC LANDMARK DESIGNATION FOR AN APPROXIMATELY 0.17 ACRE PROPERTY, GENERALLY LOCATED AT THE SOUTHEAST CORNER OF MATHER STREET AND SOUTH 2<sup>ND</sup> AVENUE, LOTS 1 AND 2 OF BLOCK 11 OF THE WALNUT GROVE ADDITION, IN A PORTION OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 1 SOUTH, RANGE 66 WEST, OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO**

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

Mayor Mills opened the public hearing at 6:49 p.m. and City Clerk Natalie Hoel verified the required postings and publications (November 21, 2022 in the City of Brighton Website) for this public hearing were completed.

Senior Planner and Historic Preservationist Emma Lane presented the 402 South 2<sup>nd</sup> Avenue Historic Landmark Designation. The applicant is Sage Naumann, and the property owners are Sara and Sage Naumann. The property is located at the southeast corner of Mather Street and South 2<sup>nd</sup> Avenue. 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. Designating a property as a historic landmark ensures the preservation of the resource and creates funding opportunities for preservation or restoration such as grants or tax credits. Staff used the review criteria outlined in the Land Use and Development Code Section 10.03 C.2. Planner Lane gave the history of the land including platting and owners of the property as one of the first platted neighborhoods in Brighton.

The Future Land Use portion of the Comprehensive Plan has designated this property as appropriate for Medium Density Residential, which is consistent with the current and future use of the land as a single-family dwelling. The proposed historic landmark designation meets other policies and strategies of the Comprehensive Plan.

- Chapter Two: Current Context and Values – Heritage
- Chapter Three: Future Land Use Plan & Opportunity Areas; Number 3: Continue to Encourage Reinvestment in the Downtown Urban Center.
- Chapter Four: Citywide Principles, Policies & Strategies; Policy 5.1 – Protect and Enhance the Economic Health of Downtown

*Policy 6.4 – Encourage the Enhancement of and Reinvestment in Existing Neighborhoods*  
*Policy 7.7 – Brighton Shall Set the Standard and encourage the Use of Green Building Practices*  
*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 – The nomination for designation of 402 South 2<sup>nd</sup> Avenue would help protect and enhance the use of cultural resources within the city. The house provides a great example of the Craftsman style architecture that was very popular at the time of completion and is consistent with the overall style and theme of the neighborhood, the Walnut Grove Subdivision. With the allowances that the Land Use and Development Code gives landowners in terms of the preservation of their resources, the designation creates a reasonable balance between property rights and public interest and therefore advances the policy and intent of this section.*

*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 402 South 2<sup>nd</sup> Avenue meets criteria 1 and 5.*
  - b. *Social and Historic Category: The 402 South 2<sup>nd</sup> Avenue meets criteria 5.*
  - c. *Geographic and Environmental Category: 402 South 2<sup>nd</sup> Avenue does not meet any of these criteria. Even without meeting any criteria in category c, the home still achieves exceptional significance as defined by the Land Use and Development Code.*

*On November 21, 2022, a mailing was sent to the property owner as required by Code, a sign was posted on the subject property and notice was published on the City of Brighton website. Information was posted on various social media sites regarding the public hearing. No formal comments have been received.*

*On October 13, 2022, the Historic Preservation Commission held a public hearing and voted to recommend approval to the City Council. Staff finds the Historic Landmark Designation is in general compliance with the requirements as outlined in the Land Use and Development Code and recommends approval.*

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

*Sage Naumann explained that he loves his home and is lucky to have it. He would like to encourage others to have their homes designated as historic and is excited to move forward with this designation for his home. Mr. Naumann has done extensive research on his property and learned a lot about the history of those that owned and lived in the home.*

*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 Blackhurst asked how many residential homes in Brighton has a historic designation and Planner Lane stated that there were not any. The only house is the Bromley Hishinuma home.*

*Mayor Mills closed the public hearing at 7:08 p.m.*

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

**Aye:** 9 - Mayor Mills, Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Green, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

- C. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, DECLARING THE INTENT OF THE CITY OF BRIGHTON TO OPT OUT OF THE COLORADO PAID FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM (FAMLI) PURSUANT TO COLORADO REVISED STATUTES SECTION 8-13.3-522**

*This item was moved and became Item 10B.*

**8. ORDINANCES FOR INITIAL CONSIDERATION**

**9. ORDINANCES FOR FINAL CONSIDERATION**

- A. **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.*

*Finance Director Catrina Asher explained that there was a change to the Ordinance updating the language regarding the vendor fee.*

**Motion by Councilmember Padilla, seconded by Councilmember Johnston, to approve Ordinance 2402. Motion passed by the following vote:**

**Aye:** 8 - Mayor Mills, Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Green, Councilmember Johnston, Councilmember Padilla, Councilmember Pollack, and Councilmember Taddeo

**No:** 1 - Councilmember Pawlowski

**10. RESOLUTIONS**

- A. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, SETTING FORTH CERTAIN FEES AND CHARGES ASSESSED BY THE CITY OF BRIGHTON RELATED TO THE COMMUNITY DEVELOPMENT DEPARTMENT, EFFECTIVE JANUARY 1, 2023**

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

*Assistant Director of Community Development Mike Tylka explained that the purpose of these fees is to recoup the actual cost of providing these services and the new fees would be effective January 1, 2023. The fee changes include a new Residential Electrical Inspection fee to cover the cost of a licensed electrician to perform the inspection. Museum fees include a speaking fee for groups outside of Brighton to cover time and travel cost and an Education Class fee for programs. Amendments to Development Application fees to cover the cost of review by other departments outside of Community Development and for publications and postings.*

**Motion by Councilmember Blackhurst, seconded by Councilmember Johnston, to approve Resolution 2022-139 as amended to remove the Museum Fees. Motion passed by the following vote:**

**Aye:** 6 - Mayor Mills, Councilmember Blackhurst, Councilmember Green, Councilmember Johnston, Councilmember Padilla, and Councilmember Pawlowski

**No:** 3 - Mayor Pro Tem Cushing, Councilmember Pollack, and Councilmember Taddeo

*Mayor Mills called for a break at 7:48 p.m.*

*Mayor Mills reconvened the meeting at 8:01 p.m.*

**B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, DECLARING THE INTENT OF THE CITY OF BRIGHTON TO OPT OUT OF THE COLORADO PAID FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM (FAMLI) PURSUANT TO COLORADO REVISED STATUTES SECTION 8-13.3-522**

*This Item was moved from 7C.*

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

*Assistant City Manager Karen Borkowski Surine explained that this Resolution allows the City to opt out of the Colorado Family and Medical Leave Insurance Program (FAMLI). Notice was sent to all employees allowing them to provide written or verbal comment regarding this matter. Employees can still participate in this program. The city can join the program at a later date.*

**Motion by Mayor Pro Tem Cushing, seconded by Councilmember Johnston, to approve Resolution 2022-138. Motion passed by the following vote:**

**Aye:** 9 - Mayor Mills, Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Green, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

**11. UTILITIES BUSINESS ITEMS**

**Resolutions**

**A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE PROPOSAL OF TERRACON CONSULTANTS, INC. FOR MATERIALS TESTING AND SPECIAL INSPECTION SERVICES FOR THE WATER TREATMENT PLANT UPGRADE PROJECT IN THE AMOUNT OF ONE MILLION DOLLARS (\$1,000,000.00) AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE TASK ORDER ON BEHALF OF THE CITY**

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

*Utilities Director Marc Johns updated City Council regarding the progress on the Water Treatment Plant and presented the Master Price Agreement for Terracon Consultants for materials testing and special inspection services for the Water Treatment Plant Upgrade Project. The soil, concrete sampling and testing that will need to be done in the next three years will be completed by Terracon Consultants for an estimated one million dollars.*

**Motion by Councilmember Padilla, seconded by Councilmember Taddeo, to approve Resolution 2022-140. Motion passed by the following vote:**

**Aye:** 9 - Mayor Mills, Mayor Pro Tem Cushing, Councilmember Blackhurst, Councilmember Green, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

**12. GENERAL BUSINESS**

**13. REPORTS**



**A. By the Mayor**

*Mayor Mills attended the CML Policy Committee meeting, the AC-REP luncheon, the NLC Conference, the United Power meeting, the Tree Lighting Ceremony, and announced that the Festival of Lights Parade is Saturday.*

**B. By Department Directors**

**C. By the City Attorney**

**D. By the City Manager**

*City Manager Michael Martinez reported that the minimum pay for all city employees in 2023 will be \$16.00 per hour and announced that the Chief of Police open house is next Thursday at the Armory.*

**E. By City Council**

*Councilmember Padilla attended the Cultural Arts Commission meeting, the Tree Lighting Ceremony and participated as a judge in the Name that Snowplow Contest.*

*Councilmember Blackhurst attended the Youth Commission meeting and the Tree Lighting Ceremony.*

*Mayor Pro Tem Cushing attended the Brighton Legacy Foundation meeting and the NLC Conference.*

*Councilmember Green attended the Tree Lighting Ceremony and announced that today is Colorado Gives day.*

*Councilmember Taddeo participated in Small Business Saturday, attended the Tree Lighting Ceremony, the Brighton Legacy Foundation meeting, and a concert at the Armory.*

**14. EXECUTIVE SESSION**

**15. ADJOURNMENT**

*Mayor Mills adjourned the meeting at 8:42 p.m.*

**CITY OF BRIGHTON, COLORADO**

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

**ATTEST:**

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

*January 3, 2023*  
\_\_\_\_\_  
Approval Date