

City of Brighton

500 S. 4th Avenue
Brighton, CO 80601



Meeting Minutes

Tuesday, January 17, 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 7:02 p.m.

A. Pledge of Allegiance to the American Flag.

Mayor McLean 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 December 20, 2016 City Council Minutes

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO APPROVING (I) A GRANT AGREEMENT WITH THE DIVISION OF CRIMINAL JUSTICE/OFFICE FOR VICTIMS PROGRAM FOR A GRANT IN THE AMOUNT OF THIRTY THOUSAND NINE HUNDRED TWENTY-FOUR DOLLARS (\$30,924) AND (II) THE 17TH JUDICIAL DISTRICT VICTIM ASSISTANCE LAW ENFORCEMENT (VALE) GRANT IN THE AMOUNT OF FORTY-FIVE THOUSAND FIVE HUNDRED FIFTEEN DOLLARS (\$45,515), FOR A TOTAL FUNDING AMOUNT OF SEVENTY-SIX THOUSAND FOUR HUNDRED THIRTY-NINE DOLLARS (\$76,439.00) TO FUND ONE 17TH JUDICIAL DISTRICT SEXUAL ASSAULT RESPONSE TEAM ("SART") COORDINATOR; AND (III) A CONSENT TO ASSIGNMENT FROM ADAMS COUNTY PERMITTING THE CITY OF BRIGHTON TO BE THE RECIPIENT OF THE DIVISION OF CRIMINAL JUSTICE/OFFICE FOR VICTIMS PROGRAM GRANT PROCEEDS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT AGREEMENTS AND THE CONSENT TO ASSIGNMENT AND TO EXECUTE SUCH OTHER DOCUMENTS AND UNDERTAKE SUCH ACTIONS AS MAY BE REQUIRED TO IMPLEMENT THE GRANT; AND SETTING FORTH OTHER DETAILS RELATED THERETO

Resolution No: 2017-05

C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO ADAMS COUNTY OPEN SPACE IN THE AMOUNT OF FOUR HUNDRED FIVE THOUSAND DOLLARS (\$405,000.00), FOR THE "BRIGHTON PARK DESTINATION PLAYGROUNDS" PROJECT; AND AUTHORIZING THE CITY MANAGER TO SIGN THE GRANT APPLICATION

Resolution No: 2017-06

D. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO CONSENTING TO PARTICIPATION BY THE E-470 PUBLIC HIGHWAY AUTHORITY IN THE COLORADO INTERGOVERNMENTAL RISK SHARING AGENCY

Resolution No: 2017-07

Motion by Councilmember Wallin, 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

City Manager Manuel Esquibel asked that the Regular Agenda be amended to add Item 4E, Recognition of the Recreation Center staff and City Attorney Margaret Brubaker asked that the Regular Agenda be amended to add Item 9B, Announcement of Interim City Manager.

Motion by Councilmember Wallin, seconded by Councilmember Edwards, to approve the Regular Agenda as amended. 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. National Radon Action Month Proclamation

Mayor McLean read the Proclamation into the record.

Motion by Councilmember Bell, seconded by Councilmember Kniss, to approve the Proclamation. 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. Presentation of the Turkey Trot Check to the Senior Advisory Board

Assistant Director of Recreation Jeffrey Hulett announced that it was a great race and introduced Assistant Recreation Coordinator Valerie Rodriguez.

Assistant Recreation Coordinator Valerie Rodriguez presented the details from the 2016 Turkey Trot Race and presented a check to members of the Senior Advisory Board in the amount of \$13,243.69.

C. Recognition of the Brighton Employees Charities Committee

Chief of Police Paul Southard, Community Resource Officer Gail Ashley and Sergeant Monce Portillo recognized the members of the Brighton Employees Charities Committee and presented a brief history of the committee and the work they have done for the community in 2016.

D. Introduction of New Employees by Administrative Services Director Karen Borkowski Surine

Chief of Police Paul Southard introduced Victim Advocates Gioany Liro-Jasso and Stacy Galbo and gave a brief history of their backgrounds.

Mayor McLean and City Council welcomed the new employees to the City of Brighton.

E. Recognition of the Recreation Center Staff

Parks and Recreation Director Gary Wardle recognized Recreation Center employees Lance Vigil, Angela Yazdani, Dylan Kosmicke and Jeffrey Hulett for their actions in administering first aid to a visitor of the Recreation Center having a medical emergency.

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

Pete Phibbs, 168 Paloma Avenue, Brighton. Mr. Phibbs explained that he would like a copy of the rest of the investigative report and expressed concern regarding the work that Mr. Marks has done for the City of Brighton. Mr. Phibbs expressed concern about the findings in the investigative report regarding the City Manager and David Fitzgerald.

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 T-MOBILE CELLULAR TOWER AT COMMUNITY BAPTIST CHURCH, A COMMERCIAL MOBILE RADIO SERVICE FACILITY, GENERALLY LOCATED IN THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BRIGHTON, COLORADO, AND SETTING FORTH DETAILS IN RELATION THERETO

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

Mayor McLean opened the public hearing at 7:51 p.m. on November 15, 2016 and the public hearing was continued to January 17, 2017. City Clerk Natalie Hoel verified the required postings and publications (October 26, 2016 in the Brighton Standard Blade) for this public hearing were completed.

City Manager Manuel Esquibel introduced Associate Planner Mike Tylka.

Associate Planner Mike Tylka explained that this is a continuation of the application for a Conditional Use request at 15559 WCR 2, the Community Baptist Church on Baseline. This public hearing was continued from November 15, 2016. The request is for a T-Mobile cellular tower with accompanying accessory equipment. The applicant is Advantage Engineers and Eco-Site is the proposed entity that will lease the site.

At the November meeting several residents spoke in opposition of the tower. City Council recommended holding a neighborhood meeting for the applicant to speak directly to the concerned residents. Two (2) meetings were held at the Recreation Center, on a Tuesday evening and a Saturday morning with advance notice being mailed to the property owners within 500' of the subject property. This mailing included forty-six (46) Adams County residents and twenty-one (21) in Weld County. The applicant also notified the Brighton East Farms HOA, the Homestead Subdivision HOA and the Architectural Control Committee for Jacobs Run. Planner Tylka attended both meetings. City staff, the applicant and three (3) members of the Baptist Church were the only ones in attendance at both meetings. One meeting was held on a weekday night at 7:00 p.m. and the other was held on a weekend morning at 10:00 a.m. Since there was no discussion with the residents in the neighborhood, the applicant has not changed their proposal that was presented in November.

The proposed lease site is 3,600 sq. ft. in the northeast portion of the church parcel with access to the site off of 45th Avenue through an easement. The entire subject property is zoned as part of the Community Baptist Church PUD and that document outlines cell towers as a conditional use in that zone district. The Comprehensive Plan designates this property as Estate Residential according to the Future Land Use Map. This use classifies cell towers, public facilities as appropriate secondary uses in that designation. All public notice and posting requirements were completed for the original meeting and since that public hearing in November, staff has heard from three (3) residents, two (2) stating their opposition and one (1) a general inquiry. The tower is designed to look like a windmill and the site would be surrounded by a wooden fence and the compound would be lined with trees. This tower and the compound meets all height and setback requirements of the Code and the zone district.

In the first phase of the Homestead Subdivision there are twenty-three (23) lots that are already permitted or built on. There is one (1) remaining lot that is platted but not permitted. There are sixty-seven (67) lots for future phases that have been platted but not permitted. These will not be permitted until infrastructure improvements are made. The remaining area was originally platted for thirty-nine (39) residential lots but all of those lots are being combined into one (1) for the Petro Operating oil and gas proposal that is nearing completion.

Per City Code, a conditional use is the additional use that may be allowed with restrictions deemed necessary by Council. Those restrictions could be the eight (8) conditions recommended by staff. These should, per Code, work to ensure such use that is compatible with the area in which it is intended to be located. The zoning district for this parcel outlines the tower as a conditional use meaning that the use can be an appropriate use with specific restrictions or conditions placed on it by City Council.

Looking at the criteria set forth in the Land Use and Development Code staff finds that the proposal, as presented complies with the zone district regulation, purpose and intent, and is compatible with the surrounding area and Comprehensive Plan. Staff recommends approval of the conditional use with the following eight (8) conditions:

- 1. Construction and maintenance of this cell tower, and the accompanying equipment, shall take place only between the hours of 7:00 AM and 7:00 PM on the days of Monday through Friday.*
- 2. All construction shall comply with all applicable local, state and federal regulations, including, without limitation, all environmental regulations.*
- 3. T-Mobile, and Eco-Site (Lessee) and their successors and assigns, shall install the cell tower and related equipment consistent with the specifications set forth in Exhibit A, attached hereto as by this reference made a part hereof.*
- 4. T-Mobile, and Eco-Site (Lessee) and their successors and assigns, shall install the fencing and landscaping consistent with the specifications set forth in Exhibit B, attached hereto and by this reference made a part hereof.*
- 5. T-Mobile, and Eco-Site (Lessee) shall be jointly and severally responsible for the proper upkeep and maintenance of the fencing and landscaping. Maintenance shall include, at a minimum, painting, repair and replacement of the fencing, and weeding, repair, replacement of the landscaping. Such maintenance shall be performed on an ongoing/as needed basis.*
- 6. T-Mobile and Eco-Site (Lessee) shall be responsible for the upkeep and maintenance of the access drive and the adjacent culverts. Such maintenance shall include, at a minimum, jetting the culvert should sediment accumulation decrease the capacity of the culvert or as directed by City staff, the replacement of the culvert should the culvert become damaged or inoperable, and the removal of debris that may impact the functionality of the culvert.*
- 7. T-Mobile and Eco-Site (Lessee) shall provide to the City a 24/7 contact number.*
- 8. T-Mobile and Eco-Site (Lessee) shall remedy any damages within a reasonable time.*

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

Eugene Carrol, with Advantage Engineers and representing Eco-Site and T-Mobile as the applicant, 5445 DTC Parkway, Greenwood Village, Colorado 80111. Kristen Decker, Moyo White, 1400 16th Street, Denver, Colorado 80202.

Mr. Carrol reported that they scheduled two (2) neighborhood meetings at City Council's request. The notice of the meetings contained Mr. Carrol's contact information and the notice was sent to residents within 500' of the property as recommended by staff. Mr. Carrol received one (1) phone call in the past sixty (60) days to confirm the time of one of the meetings. Nobody besides the church representatives and City staff attended the meetings to discuss the application.

Mr. Carrol stated the following in his presentation. There are more wireless phones in service than wired phones at this time. Nearly 50% of adults live in households with only wireless communication devices. Today's facilities differ than previous towers, these are low power and are intended to cover a small area with multiple sites covering the city. Subscribers are increasingly demanding greater access to personal wireless. Wireless facilities require a line-of-sight to connect to other towers and for connection to the towers. Over 650,000 911 calls are made daily from wireless devices. Over 65% of the 911 calls are made by cell phones, and this is used to accurately locate where the calls are coming from so emergency services can find them. Emergency services such as police and fire rely on wireless

providers to do a location on where the call is coming from to speed response time. Cell phones provide necessary communication when there is an emergency. Wireless carriers cooperate with all government authorities in case of emergency. Carriers try to expand the platform to cover E911 system and help with emergency calls. The Telecommunications Act of 1996 governs federal, state and local regulation of the siting of personal wireless service facilities. State and local governments are prohibited from unreasonably discriminating among providers. State and local governments are further prohibited from adopting policies that prohibit or have the effect of prohibiting the provision of personal wireless services. Radio frequencies are controlled by the Telecom Act of 1996 by the FCC and they have exclusive power to set the standard for radio frequency. Wireless providers operate within strict frequencies and guidelines established by the FCC. Signals travel in straight lines and weaken in power when they travel in distance from the tower. Signals are reflected or refracted by natural and man-made objects. Signals do not propagate through mountains or solid buildings.

Mr. Carrol explained that household appliances including computers, Wi-Fi cards, televisions, cordless phones, baby monitors, household wiring, and compact fluorescent lamps, anything that is AC/DC powered, and wireless routers emit radio frequencies. The attributes of a good cell site include the importance of having good coverage when driving, moving from one tower to the next. Towers should be located near major roads and populated areas with minimal neighborhood overlap. Minimize the number of sites and maximize coverage and capacity.

The location of the proposed tower is not in the line of site of any of the existing houses on Carmichael Court. This tower will improve the coverage area in the City of Brighton. This tower is built to co-locate on, another carrier could use this tower in the future so another tower will not be needed. There is a 24" microwave dish planned for this tower. Once fiber optics are run to this tower, the dish will be removed. No other antennae can be added to the tower or changes made to the tower without approval by City Council.

The compound will have a 6' fence surrounding it and there will be twenty-four (24) pine trees planted around the exterior of the site. The trees can grow to 18' to 20' tall when they mature. All of this will be maintained by the applicant and if a tree dies, it will be replaced. The applicant will meet all of the conditions listed in the Resolution and asks for approval of this conditional use.

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, there was none.

Mayor McLean asked if anyone in the audience wished to speak against the request.

Mary Sanchez, 4510 Carmichael Court, Brighton. Ms. Sanchez did receive the notice of the meeting a couple of days prior to the meeting but did not recall that there was a meeting scheduled for a weekend. Ms. Sanchez was unable to attend the meeting because of work. Ms. Sanchez has signatures from approximately forty (40) residents in the area that are against the cell tower being constructed (provided copies to Council). Ms. Sanchez said that her neighbors told her they did not attend the meetings because they do not want the cell tower in their neighborhood and did not want to hear what the applicant had to say. Ms. Sanchez is fiercely against the cell tower. Ms. Sanchez thought that T-Mobile was supposed to come up with alternative locations for the cell tower and recommends that the cell tower be placed in the oil and gas area so it would not interfere with homes and property values. Ms. Sanchez is concerned about health issues and property values.

Paul Morton, 4511 Carmichael Court, Brighton, Colorado 80603. Mr. Morton presented information to City Council regarding decreased real estate values near cell towers. Mr. Morton expressed his concern about the nature of the neighborhood and how it may be perceived differently with the cell tower. Mr. Morton reviewed the City's CUP and Planning Regulations. Section 17-8-60(2)(c) states that the application for CUP's are granted provided there is compatibility with the surrounding area, is harmonious with the character of the neighborhood, is not detrimental to the immediate area or future development, or is not detrimental to the health, safety or welfare. Mr. Morton does not feel the cell tower is harmonious with the area. Mr. Morton spoke about the potential property value impacts.

Mark Saar, 4520 Carmichael Court. Mr. Saar spoke with neighbors, some received the letter and others received it from their HOA. Some neighbors thought the cell tower was already approved and that is why they did not attend the meetings and were also unaware of the time for the public hearing. Mr. Saar feels the tower should be located in the oil field. Mr. Saar feels that the letter was not carried out in a clear matter and that nobody was notified that the public hearing was taking place tonight. Mr. Saar tried to attend one of the neighborhood meetings but was forty (40) minutes late so the meeting was over.

Jan Sidlo, 4510 Carmichael Court. Mr. Sidlo walked the neighborhood and obtained the signatures for the petition. According to the development map there will be more houses coming to the area and nobody will be excited to buy a home with a cell tower in the neighborhood. T-Mobile was supposed to come up with other sites for the tower and they did not present any new information. Probably 98% of the neighborhood do not want the tower located there.

Mr. Carrol explained that the letter was written by staff and his personal information was added. Mr. Carrol personally mailed all of the letters on the same day and made sure that all of the neighbors that attended the last meeting were on the mailing list. Cell towers and communications systems go on top of schools and hospitals throughout the United States and those government agencies believe they are safe. Mr. Carrol clarified that he never stated he would look at other locations for the cell tower, T-Mobile is moving forward with the location that was recommended by staff. The zoning regulations limit where the tower can be placed. When the application was made the oil lots were zoned residential. The regulations must allow the development, the coverage map or cell tower must work for the company and a landowner must agree to locate the tower. The windmill design of the tower was recommended by staff. Unless an appraiser provides reasonable information that a property did not sell because of the cell tower then it does not meet the requirements of the federal law that shows the tower cannot be placed because of property values.

Kristen Decker reported that the Federal Telecommunications Act requires that there be substantial evidence to support a claim such as decreasing property values. There is case law on that specific topic that states that mere claims or general information does not constitute substantial evidence. Mr. Morton read that it could be potentially detrimental to the property values. The word potentially is there because it is a site specific situation that must be looked at.

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

Mayor McLean asked if there were questions from City Council.

Councilmember Bell confirmed that he does lose cell service on WCR 2. Councilmember Bell thanked the Baptist Community Church for their work in the community and especially with their food bank. Councilmember Bell expressed his frustration with another church in the City that has a cell tower and receives a remuneration each month. Councilmember Bell asked if the members of the church present spoke with the neighborhood regarding this matter and offered to share with the community a portion of the funds being received from having what the neighborhood perceives as an eyesore or a health hazard. The community that you are seeking to serve has said no to this cell tower. Councilmember Bell shared with the public that he does not know how he can speak against twenty-six (26) people that are against this. Councilmember Bell expressed his frustration that out of twenty-six (26) people not one showed up to the neighborhood meeting. Councilmember Bell supported the neighborhood meeting and expressed his disappointment that nobody attended to discuss these issues.

Councilmember Kniss thanked staff for putting the letter together and the time spent trying to gather people in the community meetings. The letter is self-explanatory and does state a couple times "proposed conditional use permit application". The letter also states that the tower is 65' tall. Both meeting dates were in the letter so it is unfortunate that people did not take advantage of the opportunity that was provided to have a more personal dialogue with staff and the lessee. The City has a Comprehensive Plan that lists conditional uses and this lease proposal does meet the requirements in the Comprehensive Plan for conditional uses. These are the guidelines that Council must adhere to.

Councilmember Edwards expressed his disappointment with putting the applicant's plans on hold to host a community meeting that virtually nobody attended. The letter included the dates of the meetings, the height of the tower and other information and nobody took advantage of the opportunity to speak

with the applicant about this process at the meetings. Councilmember Edwards reported that he does not want to give up the convenience of his cell phone and the ability to use it while driving down the highway. The safety issues are a concern and the ability for someone to dial 911 to get help for a person in need. Council owes it to its citizens to provide access to 911 and get rid of dead areas with no reception.

Mayor Pro Tem Kreutzer explained that he was vocal at the last meeting about holding community meetings for this issue to find a solution. There have been successes in the past when the applicant met with the neighborhood to discuss their concerns. Mayor Pro Tem Kreutzer expressed his disappointment that nothing happened. The City has guidelines to follow to be sure that the proper notifications are done. When the public hearing was continued, it was specific that it was continued to tonight so there should not have been a question about that. This is a growing pain that we have to go through for progress. When telephone poles were put in it was seen as a mark of progress and this is the communication of the future. The City has conditional use permit regulations in place and this application passes every one of them.

Councilmember Wallin thanked the applicant and staff for their hard work on this project and thanked the citizens that took time to speak about his issue. The public hearing process and neighborhood meetings is difficult to rely on for ones only source of information or input. Councilmember Wallin asked how many letters were sent. Planner Tylka reported that forty-six (46) letters were sent to Adams County residents, twenty-one (21) were sent to Weld County residents and three (3) were sent to the HOA's in the area. Councilmember Wallin understands that many people have jobs and families that keep them from attending meetings with a few days' notice, but encouraged the citizens to call their councilmembers to express their issues. Councilmember Wallin acknowledged the work done by the neighborhood to get forty (40) signatures shows their feelings about the project even though they were unable to attend the meetings. There were some words about alternate site possibilities, but there are state laws that regulate where the towers can be located. The concerns about the safety of the residents is valid and if there isn't a signal available in that area, Council should strive to find ways to provide that. Councilmember Wallin feels there is an opportunity to have more dialogue with the citizens about what could be accomplished regarding another location in the area. The homes on the south side sit high and will be looking directly at the tower. There may be an option to move the tower higher on the hill. Based on the input from the residents, Councilmember Wallin will not be able to support the project at this time.

Mayor McLean clarified that there were two (2) public meetings held.

Mayor McLean closed the public hearing at 8:45 p.m.

Councilmember Bell asked for clarification regarding the voting process for this item.

City Attorney Margaret Brubaker reported that Planner Tylka quoted the Land Use and Development Code to indicate the factors to be considered for a conditional use. That criteria should be used to evaluate the application based on the information that was received tonight. The PUD, or zoning document for land use in that area, indicates that cell towers are acceptable as secondary uses. The conditional use criteria states that it is allowed to be there if there are sufficient, justifiable conditions. The task for City Council is to evaluate those four (4) factors and determine if they have been met with the information received, and then indicate if the conditions are appropriate to address any concerns Council may have regarding the proposed use in the proposed location.

Motion by Councilmember Kniss, seconded by Councilmember Edwards, to approve Resolution 2017-08 approving with eight (8) specific conditions as set forth herein, a Conditional Use for the T-Mobile Cellular Tower at Community Baptist Church, a commercial mobile radio service facility, generally located in the southeast quarter of section 34, township 1 south, range 66 west of the sixth principal meridian, Brighton, Colorado. Looking at the Land Use and Development Code, this proposal complies with the zone district regulations, complies with the purpose and intent of the zone district regulations, provides compatibility with the surrounding area, complies with the Comprehensive Plan, and approves with the eight (8) specific conditions that were presented. Motion passed by the following vote:

Aye: 5 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Edwards, Councilmember Humbert, and Councilmember Kniss

No: 4 - Councilmember Baca, Councilmember Bell, Councilmember Pollack, and Councilmember Wallin

7. RESOLUTIONS

A. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ADOPTING THE CITY OF BRIGHTON, COLORADO INDEPENDENT AUDIT POLICY, STRUCTURALLY BALANCED BUDGET POLICY, GOVERNMENTAL FUND BALANCE POLICY, AND DEBT MANAGEMENT POLICY; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO IMPLEMENT SAID POLICIES; AND SETTING FORTH OTHER DETAILS RELATED THERETO**

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

City Manager Esquibel introduced Finance Director Dan Frelund.

Finance Director Dan Frelund explained that this Resolution will adopt the Independent Audit Policy, Structurally Balanced Budget Policy, Governmental Fund Balance Policy and Debt Management Policy. These policies provide guidelines for financial decision making and set the strategic intent for financial management. These policies are an established best practice in public financial management and incorporate all legal requirements, consider the experience of peer governments, and address all relevant issues and risks in a concise fashion. These four (4) policies form the basis that will set the stage for a capital plan. The existing City Council Resolutions for fund balance and debt were adopted in 2012. Staff received input from the City's financial advisors, The PFM Group, to analyze these Resolutions. The proposed policies were crafted and presented to City Council by staff and PFM on January 10, 2017. The GFOA recommends policies align with best practices, adhere to the objectives of Brighton and are implementable by City leadership. The policies are guidelines, not law, and should be differentiated from administrative procedures. Procedures present the step-by-step instructions for accomplishing the business process. Council is not adopting anything that is significantly different than what has been done, this action will create a comprehensive set of policies that will guide the City. These policies will give assurances to outside credit rating agencies that the City has policies in place to cover financial matters. Director Frelund answered questions from Council regarding:

- The number of years the current auditor has been working for the City.*
- The way these policies will affect the fund balances regarding the percentages held in reserve for TABOR and emergency funds.*

Motion by Mayor Pro Tem Kreutzer, seconded by Councilmember Humbert, to approve Resolution 2017-09 adopting the City of Brighton, Colorado Independent Audit Policy, Structurally Balanced Budget Policy, Governmental Fund Balance Policy, and Debt Management Policy; authorizing the City Manager or his designee to implement said policies. 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

Resolutions

A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACTING BY AND THROUGH ITS WATER ACTIVITY ENTERPRISE, APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF BRIGHTON AND THE COLORADO DEPARTMENT OF TRANSPORTATION FOR THE VETERANS' PARK WATER QUALITY PROJECT PWQ 0073-009 (21691) AND AUTHORIZING THE MAYOR TO EXECUTE SAID INTERGOVERNMENTAL AGREEMENT ON BEHALF OF THE CITY

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

City Manager Esquibel introduced Utilities Director Curt Bauers.

Utilities Director Curt Bauers requested approval for the City and its Stormwater Enterprise to enter into an Intergovernmental Agreement (IGA) with CDOT. CDOT will reimburse the City for the cost to design and construct stormwater improvements including a water quality pond at Veteran's Park. The proposed cost is \$421,978.00 and is funded in the 2017 budget. This project will provide a water quality solution for approximately 90 acres both north and south of Highway 7, including the intersection of Highway 85 and Highway 7. Currently the McCann Ditch accumulates a lot of trash and sediment and discharges it directly to the South Platte River during major rain events. This project will largely eliminate these pollutants from reaching the river. The project will be completed concurrently with a Parks Department grant for the completion of a missing link of the Colorado Front Range Trail system that runs through Veteran's Park. Staff recommends approval of this IGA. Director Bauers answered questions from Council regarding:

- The stormwater pipe leads into the structure, how it gets to the river.*
- The overgrowth in the ditch being cleaned out.*
- The entity that will be responsible for any amount that goes above the allocation in the IGA.*
- The complications that could take place if this work is not completed.*
- The permit to provide water to the City being revoked.*

Motion by Councilmember Wallin, seconded by Councilmember Edwards, to approve Resolution 2017-10 approving an Intergovernmental Agreement between the City of Brighton and the Colorado Department of Transportation for the Veterans' Park Water Quality Project. 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

9. GENERAL BUSINESS

A. Schedule a Special Study Session on January 31, 2017 at 6:00 p.m. for a City Council Work Session

Motion by Mayor Pro Tem Kreutzer, seconded by Councilmember Baca, to schedule a Special Study Session on January 31, 2017 at 6:00 p.m. for a City Council Work Session. 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. Announcement of Interim City Manager

Motion by Mayor Pro Tem Kreutzer, seconded by Councilmember Bell, to appoint Clint Blackhurst as the Interim 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

10. REPORTS

A. By the Mayor.

Mayor McLean attended the E-470 Board meeting, and the RTD breakfast.

B. By Department Heads.

C. By the City Attorney.

D. By the City Manager.

11. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS

Councilmember Edwards thanked City Manager Manuel Esquibel for his years of service to the City.

Councilmember Wallin reported that the Youth Commission has been working on the 2017 S.P.E.A.K. Week activities.

Mayor Pro Tem Kreutzer attended the Historic Preservation Meeting and announced that the Sister Cities dinner will take place on February 11th.

Councilmember Kniss reported that the kinetic sculpture will be installed in February or March and the new Eye for Art Exhibit will be up next week. Councilmember Kniss attended the Capital Facility Fee Foundation meeting.

Councilmember Humbert attended the BURA meeting, the Housing Authority meeting, and the Vietnam Veterans Memorial meeting.

Councilmember Bell thanked City Manager Manuel Esquibel for this service to the City.

12. EXECUTIVE SESSION

Motion by Mayor Pro Tem Kreutzer, seconded by Councilmember Kniss, to go into Executive Session at 9:30 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 Water Rights Acquisition and for a conference with the City Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) regarding the Airport Coordinating Committee Report and Open Records. 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

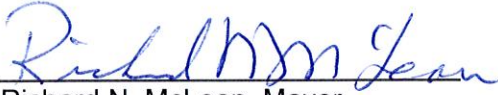
Mayor McLean reconvened the meeting at 11:02 p.m.

13. ADJOURNMENT

Motion by Councilmember Pollack, seconded by Councilmember Wallin, to adjourn at 11:03 p.m. Motion passed by the following vote:

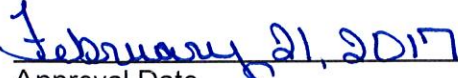
Aye: 9 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, Councilmember Pollack, and Councilmember Wallin

CITY OF BRIGHTON, COLORADO


Richard N. McLean, Mayor

ATTEST:


Natalie Hoel, City Clerk


Approval Date