

City of Brighton

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



Meeting Minutes

Tuesday, February 2, 2021

6:00 PM

Virtual Meeting

City Council

**MAYOR - GREGORY MILLS
MAYOR PRO TEM - MATT JOHNSTON
COUNCIL MEMBERS:
CLINT BLACKHURST, ADAM CUSHING,
MARK HUMBERT, KRIS JORDINELLI, MARY ELLEN POLLACK,
ANN TADDEO, TIM WATTS**

1. CALL TO ORDER

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

A. Pledge of Allegiance to the American Flag

Mayor Pro Tem Johnston led the recitation of the Pledge of Allegiance to the American Flag.

B. Roll Call

Present: 9 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

2. APPROVAL OF REGULAR AGENDA

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

Aye: 9 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

3. CONSENT AGENDA

A. Approval of the January 5, 2021 City Council Minutes

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE INTERGOVERNMENTAL AGREEMENT REGARDING AREAS OF MUTUAL COOPERATION WITH THE GREATER BRIGHTON FIRE PROTECTION DISTRICT

Resolution No: 2020-15

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

Aye: 9 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

4. CEREMONIES

A. Black History Month Proclamation

Mayor Mills read the Proclamation into the record.

Motion by Councilmember Humbert, seconded by Councilmember Cushing, to approve the Proclamation. Motion passed by the following vote:

Aye: 9 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

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

6. PUBLIC HEARINGS

7. ORDINANCES FOR INITIAL CONSIDERATION

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING CERTAIN SECTIONS OF ARTICLE 6-4 OF THE BRIGHTON MUNICIPAL CODE PERTAINING TO ANIMALS

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

City Manager Jane Bais DiSessa explained that the presentation would include Items 7A and 7B. City Manager Bais DiSessa introduced Patrol Commander Doug Imfeld.

Patrol Commander Doug Imfeld presented the Municipal Code updates being recommended by staff. A citizen asked that the City prohibit tethering animals. This prompted staff to review the Municipal Code section regarding animals. Staff found several areas in the Code that need updated, confusing language that should be clarified and concerns regarding weeds and debris that needed to be addressed.

The new position of Community Services Officer needs to be defined in the Municipal Code. This allows the Community Services Officers to serve a summons for an animal or code violation. Section 9-4-170 adds the definition of the Community Services Officer.

Section 6-4-100 – Rabies vaccination required. This section adds potbellied pigs to the required animals that need a rabies vaccination. The changes removes the confusing timeline for a rabies vaccination and states that vaccinations must remain current. The new language adds that it is unlawful to have an unvaccinated potbellied pig.

Section 6-4-230(e) adds microchipping to the Municipal Code. This will reduce the need to impound animals that are frequently running at-large if they have a microchip. Each officer would have a reader in their vehicle and an attempt would be made to return the animal to the owner and discuss mitigation strategies to keep the animals from getting out. The microchipping can be done at the Adams County Animal Shelter for \$25.00, or at several veterinarian offices for a higher fee.

Section 6-4-440 – Accumulation of Animals. This changes the accumulation of animals to reflect animals included in the count that are three months or older to four months or older. Animals are weaned at eight weeks and this allows an additional four weeks to find homes for the weaned animals. This is in accordance with the guidelines of the American Kennel Club and veterinarians. Changes in this section adds that no more than two litters per household or one litter per female in a twelve-month period would be allowed. This would address if a household were running a 'puppy mill'.

Section 6-4-500 – Improper treatment of animals (c) Tethering. This change would set clear standards for tethering animals, which are consistent with the American Kennel Club recommendations. The new standards are more humane for the animals. The animals must have a collar so a chain does not tear at the animal's neck. The tether must be able to rotate if it is tied to a fixed object so the animal does not get wrapped up and cannot get to water, food, and shelter or away from waste. The desired effect is a reduction in cruelty to animal calls for service. If there is a call for cruelty, clear guidelines have been written into the Code.

Section 6-4-600 – Impoundment; disposition; fees. This section adds language stating that if an animal is found running at-large and does not have a microchip, the animal will be microchipped and the owner is responsible for the microchipping fee as part of the impound fees. This language is consistent with the City's agreement with the Adams County Animal Shelter and all other agencies using the shelter.

Section 8-8-30 – Weeds – unlawful growth. The City currently allows landowners to state that their land is agricultural with no requirement in the Code to cut back weeds other than around the perimeter of the land. The weeds then accumulate and blow throughout the neighborhoods and are stuck on other properties and on fences. The property owner where the weeds end up are then responsible for cleaning up the mess. The new language states that if the land is not currently being used for agricultural purposes, the weeds must be cut like any land that is not agricultural. This eliminates the loophole stating that the land is agriculture so it does not need to be cut.

Section 8-6-40 – Weeds and grass – notice to cut weeds and grass and Section 8-6-60 – Notice to maintain landscaping. The current language states that notices issued to property owners indicate seven days from the date of the notice to bring the property into compliance. The change would allow property owners ten days to bring the property into compliance, which is consistent with the timeline for abatement of nuisances.

Section 8-8-150 – Outdoor Storage of Materials (not currently in the Code). This section addresses the issue of a front porch or yard being used to store materials, which do not fit under the definition of trash, rubbish or debris. Staff receives frequent calls from neighbors with this type of complaint.

Commander Imfeld answered questions from Council regarding:

- The shelter charging to place the microchip in pets.*
- The pet being put down if the owner is unable to pay.*
- The ability of the owner to get the pet back if they are unable to pay.*
- The ability for the City to make it a felony to abandon a pet in the City.*
- It being a crime to abandon pets in the City.*
- The date the Ordinance would be effective.*
- The ability to keep a small storage shed for items to be kept in.*

Motion by Councilmember Blackhurst, seconded by Councilmember Humbert, to approve the Ordinance. Motion passed by the following vote:

Aye: 9 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

B. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING CERTAIN SECTIONS OF CHAPTER 8 AND 9 OF THE BRIGHTON MUNICIPAL CODE PERTAINING TO HEALTH AND SAFETY

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

Motion by Mayor Pro Tem Johnston, seconded by Councilmember Humbert, to approve the Ordinance. Motion passed by the following vote:

Aye: 9 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

C. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING A LEASE AGREEMENT WITH THE COLORADO HORSE COUNCIL, INC. FOR CITY-OWNED REAL PROPERTY LOCATED AT 22 SOUTH 4TH AVENUE (THE "HISTORIC CITY HALL"), AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID LEASE AGREEMENT ON BEHALF OF THE CITY

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

City Manager Bais DiSessa explained that this presentation covers Items 7C and 7D and introduced Finance Director Maria Ostrom.

Finance Director Maria Ostrom presented the two leases at Historic City Hall. Historic City Hall currently houses the Brighton Economic Development Corporation, the History Museum, and four other non-profits that Council recently discussed. These leases represent the final two leases at Historic City Hall. Via Mobility was located at Historic City Hall, but has made arrangements with the Parks and Recreation Department to house their vehicles at the Recreation Center and use that facility when needed, this helped them to lower costs. The Colorado Horse Council lease would begin on March 4, 2021 and would end on December 31, 2021. The rate is \$5.71 per sq. ft. The second lease is with the Colorado Thoroughbred Breeders Association with a term to December 31, 2021 at a cost of \$5.71 per sq. ft. There was a delay in bringing these leases to allow time for all entities to be current on their rent. Staff is working on an assessment so Council knows the details of every property that the City owns. An RFP is out now for a property assessment so these properties can be evaluated to determine if there are opportunities for repurposing or leasing. The RFP is due on February 9, 2021. The relocation of the Municipal Court to Historic City Hall is being considered and will be part of the assessment study. The building has been kept secure since there are not a lot of people in the building and there is a need to keep others out that have no business in the building. An RFP for security services is out to help secure the building and allow it to be open during business hours. The Police Department has completed its move of records to the vaults at Historic City Hall. Staff believes it is a good idea to approve the leases with these two non-profits and it helps to offset the cost to run the building. Director Ostrom answered questions from Council regarding:

- An RFP being a Request for Proposal.
- An RFP being done for security at City Hall.

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

Aye: 8 - Mayor Mills, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

No: 1 - Mayor Pro Tem Johnston

D. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING A LEASE AGREEMENT WITH THE COLORADO THOROUGHbred BREEDERS ASSOCIATION FOR CITY-OWNED REAL PROPERTY LOCATED AT 22 SOUTH 4TH AVENUE (THE "HISTORIC CITY HALL"), AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID LEASE AGREEMENT ON BEHALF OF THE CITY

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

Motion by Councilmember Humbert, seconded by Councilmember Jordinelli, to approve the Ordinance. Motion passed by the following vote:

Aye: 8 - Mayor Mills, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

No: 1 - Mayor Pro Tem Johnston

8. ORDINANCES FOR FINAL CONSIDERATION

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING CERTAIN SECTIONS OF TITLE 6 OF THE BRIGHTON MUNICIPAL CODE PERTAINING TO ANIMAL KEEPING AND THE CREATION OF A PILOT PROGRAM FOR MINIATURE GOATS

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

City Manager Bais DiSessa introduced Long Range Planner Shannon McDowell.

Long Range Planner Shannon McDowell introduced Community Services Manager Michelle Tyree. Long Range Planner McDowell explained that this is the final reading of the Ordinance. The purpose is to propose terms for an adoption of a pilot program for keeping miniature goats on residential properties and to clarify the setback requirements. The language approved at first reading state that "All shelters and enclosures shall be located in the rear 50% of the lot, at least ten (10) feet from a side or rear property line, unless a larger setback is required by Chapter 17, Land Use and Development Code...or the PUD adopted for the site". What staff heard in Council's discussion was a desire to have flexibility for those wanting to use existing structures for goat keeping. Staff met with a potential goat keeper and made some changes to the Ordinance. The clarifications include removing the setback for pens and shelters from a property line that abuts an alley or right-of-way. Most potential conflicts between goats and other animals would be on a shared property line and an alley or right-of-way is not a shared property line. The other reason was for noise and odor separation, an alley or right-of-way would provide that separation. If an existing structure is closer to a shared property line, those shelters could be utilized as a goat shelter if the following specific requirements are met:

- The wall height is at least 8'; and*
- The roof has an overhang at least 1' wide; and*
- A barrier is installed to prevent goats from damaging the structure.*

This should deter goats from getting on a roof and keep them from jumping into a neighboring yard. All other provisions of the Ordinance would remain the same. Staff recommends approval of the proposed amendments to the Brighton Municipal Code with the amended language that removes the setback requirement when adjacent to an alley or right-of-way and allows existing structures that do not meet the setback requirements to be used if meeting specific criteria.

Mayor Mills asked if there were any comments from the audience on the second reading of the Ordinance.

Jennifer Council, Brighton. Ms. Council thanked everyone for their work on this.

Motion by Mayor Pro Tem Johnston, seconded by Councilmember Blackhurst, to approve Ordinance 2356 with the proposed amended language presented at final reading. Motion passed by the following vote:

Aye: 9 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

9. RESOLUTIONS

10. UTILITIES BUSINESS ITEMS

11. GENERAL BUSINESS

A. City Attorney Recruitment

Assistant City Manager Karen Borkowski Surine reported on the vacancy for the City Attorney and presented several options for the City Attorney recruitment including an in-house search utilizing the staff of Human Resources professionals, contract with an Executive Search Firm or contract with an outside Law Firm to provide legal services. The benefits of an in-house led search include professional Human Resources staff with a knowledge and passion for the Brighton community, an in-house graphic designer for brochures and knowledge of the City's benefits package. With the Deputy City Attorney, there is a succession plan for coverage that would allow an out of state individual to get a Colorado license. A drawback would be that staff does not work to cultivate a network of senior level talent and there is competition with surrounding municipalities. The benefits of having an Executive Search Firm include a pool of eligible candidates, a 1 to 2 year placement guarantee, access to a wide network of professional executive level contacts and the ability to approach qualified working candidates discretely. Some drawbacks include the cost, staff still having to commit considerable time,

availability and flexibility for staff and Council questions, and a lack of direct knowledge of Brighton. Benefits of a Contract Law Firm include different areas of expertise and more office space available for the City. Some drawbacks are cost control, availability and flexibility for staff and potential conflicts of interest. City Council discussed the options for the City Attorney recruitment.

Motion by Councilmember Humbert, seconded by Mayor Pro Tem Johnston, to search for a City Attorney with in-house sources and find an in-house City Attorney to represent Brighton and to appoint an ad hoc committee. Motion passed by the following vote:

Aye: 9 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

Motion by Mayor Pro Tem Johnston, seconded by Councilmember Jordinelli, to nominate Councilmember Humbert, Councilmember Cushing as the ad hoc committee and appoint Councilmember Watts as an alternate. Motion passed by the following vote:

Aye: 9 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Blackhurst, Councilmember Cushing, Councilmember Humbert, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

Mayor Mills called for a break at 7:33 p.m.

Mayor Mills reconvened the meeting at 7:44 p.m.

B. Review of COVID Statistics

Assistant City Manager Michael Martinez presented the newest COVID statistics and updates on vaccinations and the New Dial 2.0.

C. Retail Marijuana Discussion

City Manager Bais DiSessa explained that staff would like formal direction from Council regarding asking the citizens of Brighton at the election if they would like to allow marijuana in the City and to place a TABOR question on the ballot to ask for an additional tax on marijuana.

Assistant City Manager Michael Martinez expressed that there is a clear desire from Council to have the TABOR question placed on the ballot in November. Staff is planning to present to Council in the future regarding what a TABOR question would look like so Council can determine what language should be added to the question, specifically how much the additional retail sales tax should be. Other choices include having just retail marijuana or a combination of retail and medical marijuana.

City Council discussed options for moving forward with allowing marijuana sales in the City.

Motion by Mayor Pro Tem Johnston, seconded by Councilmember Pollack, to speedily repeal and replace all previous marijuana attached Code amendments made by previous Councils. Motion passed by the following vote:

Aye: 7 - Mayor Mills, Mayor Pro Tem Johnston, Councilmember Cushing, Councilmember Jordinelli, Councilmember Pollack, Councilmember Taddeo, and Councilmember Watts

No: 2 - Councilmember Blackhurst, and Councilmember Humbert

12. REPORTS

A. By the Mayor

Mayor Mills attended the NATA meeting and the Metro Mayors Caucus meeting.

B. By Department Heads

Medical Center Drive - Michael Woodruff, Public Works Director

Public Works Director Michael Woodruff updated City Council on the Medical Center Drive Improvements.

C. By the City Attorney

D. By the City Manager

City Manager Bais DiSessa is meeting with City Council regularly, working on legislative issues affecting the City and meeting with County Commissioners.

13. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS

Councilmember Cushing met with Acting City Attorney Lena McClelland.

Councilmember Taddeo met with Acting City Attorney Lena McClelland and attended a tour with Housing Authority Executive Director Joseph Espinosa.

Councilmember Humbert will attend the Saving Places Conference next week.

Councilmember Watts attended the Wall that Heals Committee meeting, the BURA meeting, the Youth Commission meeting, and a tour with Housing Authority Executive Director Joseph Espinosa. There will be a QPR class on February 24, 2021 for the Youth Commission and the Pennock Center for Counseling regarding Suicide Prevention. Councilmember Watts stated it is an honor to serve on the Economic Development Committee, the Small Cities Council and the Youth Education and Families Council.

Councilmember Jordinelli met with Acting City Attorney Lena McClelland.

14. EXECUTIVE SESSION

15. ADJOURNMENT

Mayor Mills adjourned the meeting at 9:29 p.m.

CITY OF BRIGHTON, COLORADO




Gregory Mills, Mayor

ATTEST:



Natalie Hoel, City Clerk



Approval Date