

# City of Brighton

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



## Meeting Minutes

**Tuesday, February 21, 2023**

**6:00 PM**

**Council Chambers**

### **City Council**

**MAYOR - GREGORY MILLS  
MAYOR PRO TEM - CLINT BLACKHURST  
COUNCIL MEMBERS:  
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 Green led the recitation of the Pledge of Allegiance to the American Flag.*

### B. Roll Call

**Present:** 6 - Mayor Mills, Councilmember Green, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

**Absent:** 2 - Mayor Pro Tem Blackhurst, and Councilmember Johnston

## 2. APPROVAL OF REGULAR AGENDA

**Motion by Councilmember Pawlowski, seconded by Councilmember Green, to approve the Regular Agenda as presented. Motion passed by the following vote:**

**Aye:** 6 - Mayor Mills, Councilmember Green, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

**Absent:** 2 - Mayor Pro Tem Blackhurst, and Councilmember Johnston

## 3. CONSENT AGENDA

### A. Approval of the January 17, 2023 City Council Minutes

### B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING RESOLUTION NO. 2022-04 AND 2022-53 AND APPOINTING OFFICIAL REPRESENTATIVES AND ALTERNATES OF THE CITY COUNCIL TO VARIOUS BOARDS AND COMMISSIONS

Resolution No. 2023-10

### C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE PROPOSAL OF AMUSEMENT RESTORATION COMPANIES, LLC FOR THE OASIS POOL SHELL REPLACEMENT PROJECT FOR THE CONTRACT AMOUNT OF FIVE HUNDRED FIFTY THOUSAND DOLLARS (\$550,000.00) AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY

Resolution No. 2023-11

### D. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE PROPOSAL OF JUST BE YOU, INC. FOR PLAY STRUCTURE REPLACEMENT AT THE RECREATION CENTER FOR THE CONTRACT AMOUNT OF ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00), AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY

Resolution No. 2023-12

- E. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE PROPOSAL OF ATOZ RECREATION, LLC FOR THE DONELSON PARK REPLACEMENT, PROJECT #23-007947, FOR THE CONTRACT AMOUNT OF THREE HUNDRED FIFTEEN THOUSAND DOLLARS (\$315,000), AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AND SIGN THE CONTRACT ON BEHALF OF THE CITY

Resolution No. 2023-13

- F. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE PROPOSAL OF HELLAS CONSTRUCTION, INC. FOR THE COLORADO PARK TENNIS COURT REPLACEMENT, PROJECT #23-007949, TO HELLAS CONSTRUCTION, INC. FOR THE CONTRACT AMOUNT OF FIVE HUNDRED THIRTY-FOUR THOUSAND DOLLARS (\$534,000), AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY

Resolution No. 2023-14

- G. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, RE-APPOINTING STEPHANIE BROWN AS A WARD 1 MEMBER OF THE PARKS AND RECREATION ADVISORY BOARD WITH A TERM TO JANUARY 2027

Resolution No. 2023-15

- H. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPOINTING JASON ROBBINS AS AN AT-LARGE MEMBER OF THE PARKS AND RECREATION ADVISORY BOARD TO FILL AN UNEXPIRED TERM TO JANUARY 2026

Resolution No. 2023-16

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

**Aye:** 6 - Mayor Mills, Councilmember Green, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

**Absent:** 2 - Mayor Pro Tem Blackhurst, and Councilmember Johnston

#### 4. CEREMONIES

##### A. Swearing In of New Board and Commission Members

*City Clerk Natalie Hoel swore in the new Board and Commission Members*

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

*Brent Pick with the American Legion Post 2002 spoke about the American Legion and their work in the community and reported on upcoming events.*

#### 6. PUBLIC HEARINGS

**A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING CERTAIN ACCOUNTS IN THE GENERAL FUND, CAPITAL FUND, PARKS CAPITAL FUND, LODGING TAX FUND, WATER FUND, WASTEWATER FUND, AND STORM DRAINAGE FUND; AND APPROPRIATING MONEY FOR EXPENDITURES IN THE AMOUNT OF \$11,289,563.00 TO SUPPORT GRANT AWARDS, THE BRONCOS MONEY SPENDING PLAN, RE-APPROPRIATION FOR THE MUNICIPAL SERVICE CENTER AND HSV TARGET PROPERTY, LODGING TAX AWARD INCREASES, AND ADDITIONAL PROJECTS**

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

*Mayor Mills opened the public hearing at 6:15 p.m. and City Clerk Natalie Hoel verified the required postings and publications (February 9, 2023 in the Brighton Standard Blade) for this public hearing were completed.*

*Senior Management Analyst Kathryn Mortensen presented the First Amendment to the 2023 Budget. The amendment is for grant funding, the Broncos spending plan, reappropriation of capital projects for the Municipal Service Center and the HSV Target Property acquisition and new projects that include construction of the South Outfall, the Lodging Tax Advisory Committee awarding additional grant funds and the Recreation Center Water Slide Replacement project. The total budget amendment is 16.6 million dollars for a total City budget of 271 million dollars.*

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

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

*Councilmember Green asked for clarification regarding the amount of the budget amendment on the agenda and the amount in the presentation. City Attorney Alicia Calderón explained that the amount is correct in the Resolution.*

*Mayor Mills closed the public hearing at 6:22 p.m.*

**Motion by Councilmember Padilla, seconded by Councilmember Pawlowski, to approve Resolution 2023-17 to amend certain accounts in the General Fund, Capital Fund, Parks Capital Fund, Lodging Tax Fund, Water Fund, Wastewater Fund and Storm Drainage Fund and appropriating those monies in the amount of \$16,601,563. Motion passed by the following vote:**

**Aye:** 6 - Mayor Mills, Councilmember Green, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

**Absent:** 2 - Mayor Pro Tem Blackhurst, and Councilmember Johnston

**7. ORDINANCES FOR INITIAL CONSIDERATION**

**A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, GRANTING A PERPETUAL EASEMENT TO ALLO BRIGHTON, LLC LOCATED WITHIN THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 1 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID EASEMENT ON BEHALF OF THE CITY**

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

*Deputy City Manager Marv Falconburg explained that this is a 10' wide easement on land that is currently owned by the City of Brighton and does not interfere with any current or future use of the land because it is an underground non-exclusive easement.*

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

**Aye:** 6 - Mayor Mills, Councilmember Green, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

**Absent:** 2 - Mayor Pro Tem Blackhurst, and Councilmember Johnston

## **8. ORDINANCES FOR FINAL CONSIDERATION**

## **9. RESOLUTIONS**

### **A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE PURCHASE OF REAL PROPERTY ENCUMBERED WITH A CONSERVATION EASEMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE ASSOCIATED TRANSACTIONAL DOCUMENTS**

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

*Parks and Recreation Director Travis Haines presented the purchase of the Historic Splendid Valley property located at 144<sup>th</sup> Avenue and Sable Boulevard. The City will receive 116.32 acres of farmland, 115 shares of the Fulton Ditch and all mineral rights and royalties. A Conservation Easement will be placed on the property so it will remain farmland or open space in perpetuity. The final purchase price for the land portion is \$2,331,000 of which \$1,713,000 will come from the Parks and Recreation Capital Fund and \$618,000 will come from the grant funding received from Adams County. The Conservation Fund will receive \$297,000 for their fees. The Conservation Easement has a value of \$5,575,500 that will be paid for with the remaining grant funding.*

**Motion by Councilmember Pawlowski, seconded by Councilmember Padilla, to approve Resolution 2023-18. Motion passed by the following vote:**

**Aye:** 6 - Mayor Mills, Councilmember Green, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

**Absent:** 2 - Mayor Pro Tem Blackhurst, and Councilmember Johnston

### **B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING LODGING TAX GRANTS AND ALLOCATIONS FROM THE LODGING TAX FUND IN THE AMOUNT OF FOUR HUNDRED TEN THOUSAND DOLLARS (\$410,000.00) FOR CALENDAR YEAR 2023; DESIGNATING THE RECIPIENTS AND AMOUNTS OF SAID GRANTS AND ALLOCATIONS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENTS WITH THE RECIPIENTS OF THE 2023 ALLOCATION ON BEHALF OF THE CITY; AND SETTING FORTH OTHER DETAILS RELATED THERETO**

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

*City Manager Michael Martinez presented the 2023 Lodging Tax Grant recommendations and gave a review of the grant structure pilot program that was implemented in 2018 with 40% of funds going to the Economic Development Corporation (EDC), 40% going to the Brighton Cultural Arts Commission (BCAC) and 20% going to other applications. This created a pass-through to the Brighton Chamber and the Armory. The Lodging Tax Advisory Committee is recommending that this year 30% of funds go to the EDC (\$120,000), 30% to the BCAC (\$120,000), 20% to the Chamber of Commerce (\$80,000) and 20% to the Armory (\$80,000). One other application was received and awarded to the Brighton Youth Baseball Association for \$10,000. The Lodging Tax Advisory Committee is asking to allow a 2022 carryover of funds for the BCAC in the amount of \$118,184 and for the EDC in the amount of \$82,614.*

**Motion by Councilmember Padilla, seconded by Councilmember Taddeo, to approve Resolution 2023-19. Motion passed by the following vote:**

**Aye:** 6 - Mayor Mills, Councilmember Green, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

**Absent:** 2 - Mayor Pro Tem Blackhurst, and Councilmember Johnston

**C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING EXECUTION OF AN ENGAGEMENT LETTER WITH NAPOLI SHKOLNIK TO DRAFT A COMPLAINT AGAINST PRODUCERS OF PFAS FOR DAMAGES AND EXECUTION OF A COMMON INTEREST AGREEMENT WITH THE COLORADO ATTORNEY GENERAL'S OFFICE REGARDING PFAS LITIGATION**

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

*City Attorney Alicia Calderón explained that this Resolution will engage the law firm of Napoli Shkolnik to represent the city in a multi-district litigation regarding PFAS contamination in the water and soil. Over 2,000 cases have been consolidated and set up in different tiers to be litigated. Water utilities and water districts are in the first tier. The PFAS contamination does not leave the systems naturally and accumulates over time. It is linked with higher incidences of cancer, thyroid disease, and other issues. Systems will be added to the City's Water Treatment Plant to remove PFAS from the water. This litigation could help to recoup the cost of these systems. This Resolution requests permission to sign the Engagement Letter. The city will not pay anything upfront, if the lawsuit is won, they would receive a portion of the proceeds. If the Attorney General's Office wants to work with the city, there would be a Common Interest Agreement to allow city representatives to speak with them and it would remain privileged.*

**Motion by Councilmember Padilla, seconded by Councilmember Green, to approve Resolution 2023-20. Motion passed by the following vote:**

**Aye:** 6 - Mayor Mills, Councilmember Green, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

**Absent:** 2 - Mayor Pro Tem Blackhurst, and Councilmember Johnston

## **10. UTILITIES BUSINESS ITEMS**

### **Ordinances**

**A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING SECTION 13-4-180 OF THE BRIGHTON MUNICIPAL CODE RELATING TO WATER USE, PROHIBITIONS, AND CONSERVATION MEASURES (FIRST READING)**

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

*Utilities Director Marc Johns presented the changes to the Municipal Code regarding Water Use, Prohibitions, and Conservation Measures. The changes include the removal of unneeded definitions, adding definitions, defining irrigation to three days per week from May 1<sup>st</sup> to September 30<sup>th</sup> and to prohibit irrigation between 10:00 a.m. and 6:00 p.m. Sod installation will be prohibited from May 1<sup>st</sup> to September 30<sup>th</sup>, and waste of water is prohibited. The implementation of requirements for photographic documentation of violations will be added and an enforcement schedule will be added.*

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

**Aye:** 5 - Mayor Mills, Councilmember Green, Councilmember Padilla, Councilmember Pawlowski, and Councilmember Taddeo

**No:** 1 - Councilmember Pollack

**Absent:** 2 - Mayor Pro Tem Blackhurst, and Councilmember Johnston

### **Resolutions**

**B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE MILE HIGH FLOOD DISTRICT FOR MASTER PLANNING OF DRAINAGE FOR THE BEEBE DRAW AND TRIBUTARIES AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT**

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

*Assistant Director of Utilities Scott Olsen presented the IGA with Mile High Flood District for the City's portion of funding for the Beebe Draw Major Drainageway Plan and Flood Hazard Area Delineation. Assistant Director Olsen presented the purpose of the study, the study area and reported that the City's portion of the study is \$40,000.*

**Motion by Councilmember Taddeo, seconded by Councilmember Padilla, to approve Resolution 2023-21. Motion passed by the following vote:**

**Aye:** 6 - Mayor Mills, Councilmember Green, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

**Absent:** 2 - Mayor Pro Tem Blackhurst, and Councilmember Johnston

## **11. GENERAL BUSINESS**

## **12. REPORTS**

### **A. By the Mayor**

*Mayor Mills attended the retirement celebration for Public Works Director Michael Woodruff, the Mornings with the Mayor Chamber event, the Chamber luncheon, the Sister Cities event, the CML Legislative workshop, the CML Policy Committee meeting and the Night to Shine event.*

### **B. By Department Directors**

### **C. By the City Attorney**

### **D. By the City Manager**

*City Manager Michael Martinez attended the retirement celebration for Public Works Director Michael Woodruff and reported that help will be available for those needing shelter during the cold this week.*

### **E. By City Council**

*Councilmember Padilla reported that Brighton High School will be performing Chicago the next two weekends. Councilmember Padilla attended the Colorado High School wrestling tournament last week and the Lodging Tax Advisory Committee meeting.*

*Councilmember Pawlowski attended the Capital Facility Fee Foundation meeting.*

*Councilmember Green reported that Complete K9 Training celebrated its 5<sup>th</sup> anniversary.*

*Councilmember Taddeo attended the Chamber luncheon and announced that the Help for Homes application process is open.*

**13. EXECUTIVE SESSION**

**14. ADJOURNMENT**

*Mayor Mills adjourned the meeting at 7:23 p.m.*

**CITY OF BRIGHTON, COLORADO**

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

**ATTEST:**

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

  
\_\_\_\_\_  
Approval Date