

# City of Brighton

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



## Meeting Minutes

**Tuesday, September 19, 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 6:00 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:** 8 - Mayor Mills, Mayor Pro Tem Blackhurst, Councilmember Green, Councilmember Johnston, Councilmember Padilla, Councilmember Pawlowski, Councilmember Pollack, and Councilmember Taddeo

**2. APPROVAL OF REGULAR AGENDA**

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

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

**3. CONSENT AGENDA**

**A. Approval of the August 15, 2023 City Council Minutes**

**B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AWARDING A MASTER PRICE AGREEMENT TO RUBINBROWN LLP FOR AS-NEEDED INDEPENDENT FINANCIAL AUDIT SERVICES FOR THE INITIAL ANNUAL NOT-TO-EXCEED CONTRACT AMOUNT OF SIXTY-ONE THOUSAND DOLLARS (\$61,000.00) AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY**

**Resolution No. 2023-84**

**C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING AN AGREEMENT FOR CO-RESPONDER SERVICES BETWEEN THE CITY OF BRIGHTON AND REACHING HOPE, INC.**

**Resolution No. 2023-85**

**D. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING ACCEPTANCE OF A GRANT FROM THE STATE DEPARTMENT OF PUBLIC SAFETY COLORADO AUTOMOBILE THEFT PREVENTION AUTHORITY (CATPA) AND AUTHORIZING THE CHIEF OF POLICE TO SIGN THE CATPA GRANT AGREEMENT AND ANY OTHER PUBLIC SAFETY GRANT AGREEMENTS FROM THE STATE**

**Resolution No. 2023-86**

- E. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE PROPOSAL OF GLACIER CONSTRUCTION CO., INC FOR THE KEN MITCHELL TO BEEBE PUMP STATION REHABILITATION, PROJECT #23-008193, FOR THE CONTRACT AMOUNT OF ONE MILLION NINE HUNDRED EIGHTY-SIX THOUSAND ONE HUNDRED NINETY-FIVE DOLLARS (\$1,986,195.00), AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AND SIGN THE CONTRACT ON BEHALF OF THE CITY**

**Resolution No. 2023-87**

- F. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE PROPOSAL OF BROWN & CALDWELL, INC. FOR ENGINEERING SERVICES FOR THE KEN-MITCHELL CELL #1 BEEBE PUMP STATION REHABILITATION, PROJECT #R23-008296, FOR THE CONTRACT AMOUNT OF TWO HUNDRED SIX THOUSAND SIXTY-FIVE DOLLARS (\$206,065.00), AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY**

**Resolution No. 2023-88**

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

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

**4. CEREMONIES**

**A. Hispanic Restaurant Week Proclamation**

*Mayor Mills read the Proclamation into the record.*

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

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

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

*Laurie Reichard-Armstrong asked for help with an issue she is having regarding an outbuilding on her property.*

*Lexie White expressed concern regarding the Bridge Street Widening Project improvements.*

*Tom Lampo prayed for the City.*

**6. ORDINANCES FOR FINAL CONSIDERATION**

**A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE MILE HIGH LOGISTICS CENTER PLANNED DEVELOPMENT FOR AN APPROXIMATELY 103.3 ACRE PROPERTY, GENERALLY LOCATED TO THE NORTH OF BROMLEY LANE, EAST OF S. 40TH AVENUE, WEST OF THE FUTURE S. 45TH AVENUE ALIGNMENT, AND SOUTH OF SOUTHERN STREET, MORE SPECIFICALLY LOCATED IN THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO**

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

*Councilmember Green recused himself.*

*Mark Keefer with Norris Design representing the applicant gave a brief overview comparing the PUD Ordinance and the contrast to the new PD.*

*Troy Whitmore spoke in support of the rezoning.*

*Gilda Ramirez spoke in opposition to the rezoning.*

*Kathleen Hyde spoke in opposition to the rezoning.*

*Denise Swetkovich spoke in opposition to the rezoning.*

*Millie Swetkovich spoke in opposition to the rezoning.*

*Jeremy Zamora spoke in opposition to the rezoning.*

*Amanda Zamora spoke in opposition of the rezoning.*

*Aryn Lallas spoke in support of the rezoning.*

*Rebecca Campbell spoke in support of the rezoning.*

*Carol Cole spoke in opposition to the rezoning.*

*Patricia Garcia Nelson spoke in opposition to the rezoning.*

*Jessie Williams spoke in opposition to the rezoning.*

*Joe Williams spoke in opposition to the rezoning.*

*Ervin Cole spoke in opposition to the rezoning.*

*Natalie Cummings read a letter from Mike Burke and spoke in favor of the rezoning.*

*Shane Bacon spoke in opposition to the rezoning.*

*Yvette Martinez spoke in favor of the rezoning.*

*Angela Pirrone spoke in opposition to the rezoning.*

*Maggie Munoz spoke in opposition of the potential tenant.*

*Rebecca Schuyler spoke in opposition to the Planned Development.*

*Kevin Murry spoke in opposition to the rezoning.*

*Chris Fiedler spoke in support of the rezoning.*

*Laurel Okasaki-Cardos spoke in opposition to the rezoning.*

*Mayor Mills called for a break at 8:03 p.m.*

*Mayor Mills reconvened the meeting at 8:15 p.m.*

*Senator Kevin Priola spoke in support of the rezoning.*

*Nathan Siegle spoke in opposition to the rezoning.*

*Stephanie Siegle spoke in opposition to the rezoning.*

*Mary Lou O'Connell spoke in opposition to the rezoning.*

*Kim Martin with Otten Johnson, legal counsel for the applicant clarified the term "manufacturing technology" and stated that it is not the intent, and the PD does not permit heavy manufacturing. This is not spot zoning and only the landowner can apply for rezoning.*

**Motion by Councilmember Padilla, seconded by Mayor Pro Tem Blackhurst, to approve Ordinance 2430. Motion passed by the following vote:**

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

**No:** 2 - Councilmember Johnston, and Councilmember Pollack

**Recuse:** 1 - Councilmember Green

*Mayor Mills called for a break at 9:01 p.m.*

*Mayor Mills reconvened the meeting at 9:08 p.m.*

## **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 \$226,000 TO SUPPORT THE ADDITION OF AN ASSISTANT HUMAN RESOURCES DIRECTOR, THE AWARD OF A COLORADO AUTO THEFT PREVENTION AUTHORITY (CATPA) GRANT, AND REPLACEMENT MOWERS FOR CEMETERY OPERATIONS**

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

*Mayor Mills opened the public hearing at 9:09 p.m. and City Clerk Natalie Hoel verified the required postings and publications (September 7, 2023 in the Brighton Standard Blade) for this public hearing were completed.*

*Budget and Performance Manager Kayla Barber-Perrotta presented the 3<sup>rd</sup> Amendment to the 2023 Budget. The amendment includes \$80,000 for an Assistant Human Resources Director, \$120,000 for a Police Department CATPA Grant and \$26,000 for Cemetery Mowers for a total budget amendment of \$226,000.*

*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 any correspondence had been received, there was none.*

*Mayor Mills asked if there were questions from City Council, there was none.*

*Mayor Mills closed the public hearing at 9:12 p.m.*

**Motion by Councilmember Pollack, seconded by Councilmember Green, to approve Resolution 2023-89. Motion passed by the following vote:**

**Aye:** 8 - Mayor Mills, Mayor Pro Tem 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, ACCEPTING THE PLAN FOR ALL PUBLIC IMPROVEMENTS ASSOCIATED WITH THE CASTLE BRIGHTON SUBDIVISION PLAN, AN APPROXIMATELY 24.22 ACRE PROPERTY, GENERALLY LOCATED TO THE NORTH OF WELD COUNTY ROAD 4 ¼, SOUTH OF EAST CROWN PRINCE BOULEVARD (WCR 6), EAST OF THE UNION PACIFIC RAILROAD RIGHT-OF-WAY AND WEST OF WELD COUNTY ROAD 29, SITUATED IN THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF WELD, STATE OF COLORADO**

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

*Mayor Mills opened the public hearing at 9:13 p.m. and City Clerk Natalie Hoel verified the required postings and publications (August 31, 2023 on the City of Brighton Website) for this public hearing were completed.*

*Associate Planner Summer McCann presented the Castle Brighton Subdivision Plan. The applicant is Adam Harkness with Kimley-Horn, and the property owner is Castle RV Brighton LLC. The property is located north of WCR 4 ¼, south of East Crown Prince Boulevard (WCR 6), east of Vestas, and west of WCR 29. The 24.22-acre parcel was annexed in 2010 as part of the North Brighton Industrial Annexation and is zoned I-1 (Light Industrial).*

*The Subdivision Plan is proposed to develop as one lot. As part of the developer's contribution, they will dedicate .99 acres of right-of-way, design and construct an infiltration pond for onsite drainage, and install a 30' landscape buffer. 25' of right-of-way along the eastern property line will be dedicated along with 19' of right-of-way along the southern property line. A 30' landscape buffer will be installed along the western property boundary. Future development applications will determine whether the developer will be required to escrow funds or construct adjacent roadways. Prior to roadway construction and acceptance, all dedicated rights-of-way shall be owned and maintained by the property owner. The developer will be responsible for the construction of the full build-out of East Crown Prince Boulevard. Construction will include a 6' sidewalk on the south side of the roadway. Water and sewer lines must be extended to serve the property. The proposal will utilize existing water and sewer lines in East Crown Prince Boulevard for these connections. This development requires appropriate water shares to be dedicated based on their anticipated uses that will be outlined in a future water resources report. The project will develop in two phases. Phase 1 will include public infrastructure improvements, utility connections, buffers, and construction of the pond. Phase 2 will include any onsite work required for any business operation. Phase 1 improvements must be accepted prior to any work being done in Phase 2.*

*The Future Land Use portion of the Comprehensive Plan has designated this area as industrial. The property is surrounded by industrial land use designation. The proposed subdivision meets other polices in the Comprehensive Plan. In Chapters 3 and 4, this proposal falls within an identified opportunity area with established industrial development. With the extension of East Crown Prince Boulevard and dedications in place for additional roadways, the development of this property will*

*attract more business prospects to the area. This development benefits from existing water and sewer connections. The developer will pay its own way via the extension of those utilities and improvements.*

*The application is in accordance with the review criteria in Article 2 of the Land Use & Development Code and can meet the development and site design standards under the I-1 zoning district. The application includes performance, construction, and any maintenance assurances for any existing and planned roadways in the area. The plan indicates the two phases of development and any impacts identified by any studies and technical reports have been incorporated into the application and have been agreed to by the city and the developer. The application does not deter any existing or future development from meeting the goals of the Comprehensive Plan. The application does not prevent the construction of any future infrastructure in the area and city staff along with external referral agencies finds the Subdivision Plan is in accordance with the desires of the community as expressed in the Comprehensive Plan.*

*The necessary website posting, and sign posting were completed within the required timeframe. Notice of the hearing was also posted on various social media sites. A neighborhood meeting was held on August 3, 2022. Planning staff has not received any formal comments in advance of the hearing. The Development Review Committee has reviewed the project and recommended approval. The Planning Commission heard the request on August 24, 2023 and unanimously approved the Subdivision Plan. Staff finds that the Subdivision Plan is in general compliance with the requirements as outlined in the Land Use & Development Code and recommends acceptance of the Castle Brighton Subdivision Plan.*

*Mayor Mills asked if the applicant would like to add anything to the presentation, they did not.*

*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 why there would be landscaping on the west side of the property. Planner McCann explained that there are properties to the west being used for residential.*

*Mayor Mills closed the public hearing at 9:23 p.m.*

**Motion by Councilmember Green, seconded by Councilmember Pollack, to approve Resolution 2023-90. Motion passed by the following vote:**

**Aye:** 8 - Mayor Mills, Mayor Pro Tem 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, APPROVING THE CONSOLIDATED SERVICE PLAN FOR PARKLAND METROPOLITAN DISTRICT NOS. 1-3; SETTING FORTH CERTAIN FINDINGS IN RELATION THERETO; APPROVING AN INTERGOVERNMENTAL AGREEMENT IN CONNECTION THEREWITH; AND SETTING FORTH OTHER DETAILS RELATED THERETO**

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

*Mayor Mills opened the public hearing at 9:24 p.m. and City Clerk Natalie Hoel verified the required postings and publications (August 24, 2023 in the Denver Post) for this public hearing were completed.*

*Assistant Director of Community Development Mike Tylka introduced Courtney Diguardi with Butler Snow, the city's special district counsel. Assistant Director Tylka presented the Consolidated Service Plan for Parkland Metropolitan District Nos. 1-3. The property is located south of Bromley Lane, west*

and south of the Bromley Koizuma-Hishinuma Farm, east of Chambers Road, and north of the Indigo Trails Subdivision. The property is approximately 139-acres. The city has applications in process for both a zoning map amendment and a subdivision plan, these will come before the Planning Commission and City Council in the future.

The applicant is seeking the formation of the District to assist in the funding of needed improvements to serve the property. The submitted Service Plan uses the adopted Model Service Plan as a template. Service Plans are accompanied by an Intergovernmental Agreement (IGA) that outlines additional details and requirements. These items are typically what is required by state statute and are deemed necessary by the city and/or the district in connection with the development of the project and the financing of public improvements. The city's Model Service Plan requires that Metro Districts return to City Council for approval of the use of eminent domain. In the accompanying IGA, one improvement will likely require eminent domain. That approval is being requested in an exhibit to the IGA for a regional stormwater outfall.

Title 32 of the Colorado Revised Statutes grant the city the authority to approve Service Plans for districts such as these that are organized within the city's boundaries. In addition to the requirements of the Special District Act, the city also requires specific items to be included in the Service Plan. These include but are not limited to a mill levy cap, a restriction on debt service and length of time, and additional notification requirements that also includes an estimate of tax.

The Service Plan details that the estimated daytime population at build-out is estimated to be approximately 1,320 people. There is not any proposed commercial development included. The Service Plan also outlines that the District will need to spend just under 55 million dollars for the installation of all required infrastructure and that the Service Plan grants the borrowing authority of 60 million dollars. The roadway improvements include East Bromley Lane, Chambers Road south of the future roundabout, Chambers Road north of future South 8<sup>th</sup> Avenue / Kite Street Intersection, South 15<sup>th</sup> Avenue, Kite Street, and all roadways and alleys internal to the subdivision. All water and sewer lines will be constructed. Part of this development would include a necessary outfall to the west, which would convey the drainage from this development. The developer shall construct all parks and the district would maintain all parks under five acres, construct and maintain all landscape tracts and construct all open space amenities.

The IGA outlines the additional agreements such as maintenance obligations for public improvements. Outside of the bounds of the adopted service plan is the eminent domain for the outfall. The Model Service Plan outlines that the district shall be authorized to utilize the power of eminent domain only after prior consent by the City Council, which consent shall be governed by Resolution or otherwise set forth in the IGA. This would allow for eminent domain to be used over a storm drainage outfall from Chambers Road to Sable Boulevard. The city already has the rights to use a portion of the area. The outfall location is in accordance with a regional outfall outlined in the city's Master Drainage Plan. The construction of the outfall would allow a permanent regional solution to drainage in the area and would benefit other properties along the path. If necessary, the eminent domain would be utilized to place a pipe in the ground that is expected not to impact farming operations for the long-term. All necessary processes would be followed by the district to carry out that eminent domain action. The applicant is asking for this allowance as they have made multiple attempts to obtain the necessary easements without any success. The applicant has included the allowance in the IGA as a last resort to obtain the off-site easements for drainage purposes only related to the development of the property. This drainage would also benefit other properties.

The city's consultants have reviewed the infrastructure cost estimates and find them acceptable. The Development Review Committee is satisfied with the infrastructure items to be constructed to serve this property and the maintenance responsibilities outlined. The city's consultants have reviewed all documents submitted. In regard to the additional notification for new or potential property within the boundaries of the district related to taxes, the applicant has included recently used additional language for the IGA and Service Plan. At the time of the district's organization the mill levies are set and the additional notice would be recorded and included in the title work for the properties.

Staff finds that in the area of the proposed districts, there is sufficient existing and projected need for organized service, existing service is inadequate for projected needs. The proposed districts are



capable of providing economical and sufficient service and it has the financial ability to discharge the proposed indebtedness on a reasonable basis.

All public notice was conducted as necessary, and staff posted on various social media sites.

Staff is recommending approval of the Service Plan as it meets the requirements of Title 32 of the Colorado Revised Statutes and the city's Model Service Plan. Staff recommend adoption of the IGA since the maintenance and infrastructure responsibilities and notices that are required are included. Staff is not offering a recommendation on the exhibit to the IGA as there is no established city policy in place regarding the use of eminent domain. City staff defers to City Council to set such policy direction.

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

Zachary White with White Bear Ankele Tanaka & Waldron explained that they are not planning for the formation of a Homeowners Association, the Metro District will provide all the services. The district will own, operate, and maintain the non-potable water system within the community. the storm drainage is a regional improvement that will benefit not only this development, but the city and future property owners developing in the area. This is a permanent solution to storm drainage.

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 any correspondence had been received, there was none.

Mayor Mills asked if there were questions from City Council.

Mayor Pro Tem Blackhurst asked if taking the drainage to the south has been explored. Aaron Clutter with JR Engineering explained that it was explored, but the channel is elevated and cannot gravity drain. Mayor Pro Tem Blackhurst asked if taking the drainage to the north was explored. Mr. Clutter stated that similar issues exist to the north and there is a pond and a pump there and a pump is never the best solution. Mayor Pro Tem Blackhurst asked if all other options were explored, and Mr. Clutter stated that they were. Mayor Pro Tem Blackhurst asked if the entire outfall line is in a pipe. Mr. Clutter explained that there is a pipe from Chambers Road to Sable Boulevard. A pipe would be built under Sable Boulevard, and it would go into a channel to the west of Sable Boulevard. Mayor Pro Tem Blackhurst asked if the property to the west of Chambers Road would use the pipe if the property were to develop. Mr. Channel stated that it would. Mayor Pro Tem Blackhurst asked if that property would not be able to be developed without the drainage channel, Mr. Clutter stated that is correct. The original plan was to build a channel, but it is a better solution to build the pipe for maintenance and it will be less disturbance to the property owners. Mayor Pro Tem Blackhurst asked if a portion of Sorrento Subdivision has already been set aside for the drainage channel. Mr. Clutter stated that it has and there is currently a retention pond and a detention pond on that property. That drainage will be connected to the outfall pipe. Mayor Pro Tem Blackhurst asked if this property could be developed without the ability to put the drainage in. Mr. Clutter explained that it would be difficult and there are state laws regarding the release of water that must be adhered to.

Councilmember Green asked how deep underground the outfall pipe would be located and after installation, would the land above it be returned to agricultural uses. Mr. Clutter explained that the average depth will be 2' to 5' and the topsoil would be returned so the land can be farmed in the future. Councilmember Green asked if this would limit the future development of the property since the outfall pipe will be in place. Mr. Clutter explained that a farming operation would be able to farm on top of the pipe. Any surface manhole structures will be limited along the pipeline so they will not infringe on farming in the future. Councilmember Green asked for clarification that there have been negotiations with the property owner, but an agreement was not reached. Craig Campbell explained that they have reached out several times and have had conversations but have not reached an agreement. Councilmember Green asked if any offers will be rescinded if the use of eminent domain is granted. Mr. Campbell explained that there are clear guidelines for eminent domain, and they will adhere to those.

Councilmember Johnston asked who the landowner is that will have their land taken. Assistant Director Tylka explained that the property to the west of Chambers Road is owned by the County's Housing Authority and the other property to the west is owned by the Palizzi family. Councilmember Johnston asked if the land can be farmed after this is done, Mr. Clutter stated that it could. Councilmember Johnston asked if the eminent domain being granted is only for this purpose. Mr. White explained that the IGA authorizes the use of eminent domain only for those purposes set forth in Exhibit B, which lists only the storm drainage outfall. Councilmember Johnston asked if the applicant would have to come back to Council for any pieces other than those listed in Exhibit B. City Attorney Alicia Calderón stated that is correct.

Councilmember Padilla appreciates having a final and permanent solution for the outfall.

Mayor Mills asked how long the construction process will take and will it take place during a non-farming time. Mr. Clutter explained that they will work with the property owners to limit the construction time to the fall after harvest and construction will take approximately three months.

Mayor Mills closed the public hearing at 9:53 p.m.

**Motion by Mayor Pro Tem Blackhurst, seconded by Councilmember Taddeo, to approve Resolution 2023-91. Motion passed by the following vote:**

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

## **8. ORDINANCES FOR INITIAL CONSIDERATION**

- A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, GRANTING A PERPETUAL EASEMENT TO PUBLIC SERVICE COMPANY OF COLORADO OVER A PORTION OF REAL PROPERTY GENERALLY LOCATED IN THE SOUTHEAST QUARTER OF SECTION 34 TOWNSHIP 1 NORTH RANGE 66 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.*

*City Manager Michael Martinez asked that this Resolution be continued to a later date.*

## **9. RESOLUTIONS**

- A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE FIRST AMENDMENT TO THE BRIGHTON CROSSING FILING NO. 7 DEVELOPMENT AGREEMENT AFFECTING AN APPROXIMATELY 21.76 ACRE PROPERTY, GENERALLY LOCATED NORTH OF EAST BRIDGE STREET, WEST OF MT. BIERSTADT STREET, EAST OF NORTH 45TH AVENUE, SOUTH OF SINGLETREE LANE, AS WELL AS NORTH OF BOWIE DRIVE, WEST OF NORTH 50TH AVENUE, EAST OF CHARDON AVENUE, SOUTH OF TALBOT PLACE, SITUATED IN THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 1 SOUTH, RANGE 66 WEST, OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO**

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

Associate Planner Summer McCann presented the First Amendment to the Brighton Crossing Filing No. 7. The applicant and owner are Brookfield Residential LLC. The property is 21.76 acres and is in two parcels in Brighton Crossing, north of East Bridge Street. The first parcel is generally located north of East Bridge Street, west of Mt. Bierstadt Street, east of North 45<sup>th</sup> Avenue, and south of Singletree Lane. The second parcel is generally located to the north of Bowie Drive, west of North 50<sup>th</sup> Avenue, east of Chardon Avenue and south of Talbot Place.

The Brighton Crossing Filing No. 7 Development Agreement was approved by City Council on September 18, 2020. The applicant requests to amend the existing agreement to accommodate additional public infrastructure and phasing. The property was not included as part of the original phasing plans. The amendment request is facilitated by the Brighton Crossing Filing No. 7 Subdivision Plan approved by Planning Commission on April 17, 2023 and accepted by City Council on June 6, 2023 for the creation of fifty-nine single-family lots. Although the applicant is proposing an amendment, the provisions and obligations under the original agreement will remain in effect.

The applicant desires to amend the existing agreement to include the addition of two phases, 8 and 9 are a continuation of the existing Brighton Crossing 7 development, which has seven phases. Based on the existing infrastructure, phases 8 and 9 will be allowed to develop concurrently or with one before the other. The amendment includes the new rights-of-way and public improvements. All right-of-way dedications and final construction documents will be completed with the final plat that is currently in review. The amendment will memorialize the addition of no parking signs on the north side of Bowie Drive and the west side of Mt. Bierstadt Street to aid with traffic flow in the area.

Although not required, staff posted notice of this item on the city's website and on various social media sites. Planning has not received any formal comments. The Development Review Committee reviewed this project and recommended approval. Staff finds that the proposal does not alter the intent of the existing agreement and does not relinquish the developer of any previously agreed obligations. Staff recommends approval of the First Amendment to the Brighton Crossing Filing No. 7 Development Agreement.

**Motion by Councilmember Padilla, seconded by Councilmember Green, to approve Resolution 2023-92. Motion passed by the following vote:**

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

## **10. UTILITIES BUSINESS ITEMS**

## **11. GENERAL BUSINESS**

## **12. REPORTS**

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

Mayor Mills attended several ribbon cuttings, the Chamber luncheon, the Police Department Awards ceremony and announced that the Sazón Food Festival is Saturday.

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

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

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

City Manager Martinez announced that the Sazón Food Festival is Saturday and Trash Bash, and the Eco Fair are this weekend.

**E. By City Council**

*Councilmember Taddeo attended the Brighton Housing Authority meeting and the Legacy Foundation meeting.*

*Councilmember Green announced that the Richard Lambert Foundation Lantern Festival is Saturday.*

*Councilmember Pawlowski attended the E-470 retreat and the Vestas meeting.*

*Councilmember Padilla announced that the Almost Home concert for a cause is September 29<sup>th</sup> and there will be a dedication for the mural at Founders Plaza.*

**13. EXECUTIVE SESSION**

**14. ADJOURNMENT**

*Mayor Mills adjourned the meeting at 10:08 p.m.*

**CITY OF BRIGHTON, COLORADO**

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

**ATTEST:**

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

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