

City of Brighton

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



Meeting Minutes

Tuesday, October 20, 2020

6:00 PM

South Brighton General Improvement District Meeting

Council Chambers / Virtual Meeting

South Brighton General Improvement District

CHAIRMAN - GREGORY MILLS

MEMBERS:

*CLINT BLACKHURST, ADAM CUSHING,
MARK HUMBERT, MATT JOHNSTON,
KRIS JORDINELLI, MARY ELLEN POLLACK,
ANN TADDEO, TIMOTHY WATTS*

1. CALL TO ORDER

Chairman Mills called the meeting to order at 6:00 p.m.

A. Pledge of Allegiance to the American Flag

Board Member Humbert led the recitation of the Pledge of Allegiance to the American Flag.

B. Roll Call

Present: 9 - Chairman Mills, Board Members Blackhurst, Cushing, Humbert, Johnston, Jordinelli, Pollack, Taddeo, and Watts

2. MINUTES

A. Approval of the November 5, 2019 South Brighton General Improvement District Minutes

Motion by Board Member Humbert, seconded by Board Member Jordinelli, to approve the Minutes from the November 5, 2019 South Brighton General Improvement District Meeting. Motion passed by the following vote:

Aye: 9 - Chairman Mills, Board Members Blackhurst, Cushing, Humbert, Johnston, Jordinelli, Pollack, Taddeo, and Watts

3. PUBLIC HEARING

A. A RESOLUTION ADOPTING THE 2021 BUDGET FOR THE SOUTH BRIGHTON GENERAL IMPROVEMENT DISTRICT OF BRIGHTON, COLORADO

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

Chairman Mills opened the public hearing at 6:03 p.m. and City Clerk Natalie Hoel verified the required postings and publications (September 30, 2020 and October 7, 2020 in the Brighton Standard Blade) for this public hearing were completed.

City Manager Jane Bais DiSessa introduced Budget Manager Kayla Barber-Perrotta.

Budget Manager Kayla Barber-Perrotta explained where the South Brighton General Improvement District is located and that it contains three parcels and is approximately 100 acres. The South Brighton GID was adopted by City Council in their role as the GID Board by Ordinance in 2004. The GID is a financing mechanism where a city works with property owners in an area to fund expansion of infrastructure in the area with the hope that it would facilitate development. The property owners must vote to form and be part of the GID and in doing so agree to participate in property taxes in the future to help fund any infrastructure projects.

The three parcels in the South Brighton GID are zoned residential by Adams County and have a singular owner. There has not been any development in the area since it was formed in 2004 and as such, the budget and mill levy have been set at zero. If any development were to happen in this area, the property owners would have to vote to increase the mill levy. The 2021 budget remains at zero because there has not been any interest by the property owner to increase the mill levy. Since the mill levy is zero, the budget is zero. As long as the GID is in existence, the State of Colorado requires that the budget and mill levy be addressed annually and reported to the state.

Chairman Mills explained that the property is located east of the Southgate Development and north of the 27J Schools bus barn. Chairman Mills asked if there were any questions from the Board.

Board Member Blackhurst asked how long the GID has been in existence and Budget Manager Barber-Perrotta explained that it was approved in 2004. Board Member Blackhurst asked if the City should disband the GID since it has not been used in sixteen years. Budget Manager Barber-Perrotta explained that prior Boards have kept the GID in place for possible future development. Board Member Blackhurst asked if staff has spoken with the property owner to determine if they intend to make use of the GID. Budget Manager Barber-Perrotta explained that the property owner would have to vote to increase the mill levy to have any funding available. The owner lives out of the state and to her knowledge, there have not been any conversations with the owner regarding development. Board Member Blackhurst asked that staff contact the owner to determine if there is interest in developing this property, if not, it is a waste of time to conduct this meeting each year.

Chairman Mills asked if there were any questions from the audience, there was none.

Chairman Mills asked if anyone wanted to speak on behalf of or against the Resolution, there was none.

Community Development Director Holly Prather explained that additional properties could be added to the GID in the future if the extension of water and sewer lines were necessary. It could be possible to make improvements to the E-470 interchange. Further research of the GID would be necessary to determine what could be covered by the GID. Director Prather cautioned Council regarding doing away with the GID, although development has not taken place, there have been interested parties and the GID may be needed in the future. Staff has had discussions with developers that have shown interest in purchasing the property from the owner.

Board Member Jordinelli asked if any City Wards overlap this area and Budget Manager Barber-Perrotta explained that this area is located in Ward 3.

Board Member Johnston asked for the name of the landowner and Budget Manager Barber-Perrotta reported that it is 2010-1-RADC LLC. Board Member Johnston asked if there is anything like this anywhere in the City and Budget Manager Barber-Perrotta reported that this is the only GID in the City. Board Member Johnston asked if the GID was formed to pay for infrastructure for the developer and Budget Manager Barber-Perrotta explained that the existing parcel owners voted for this hoping that the GID would spur development in the area. Board Member Johnston would like to see what could be done in the area. This forms an ability for someone to do something with that land, then the money would be funneled through City Council to shift the money somewhere else and City Council does not get to decide what is being funneled. The landowners would end up being the Metro Board of this project when it comes about. Board Member Johnston asked if the Board has any control of the money that comes into this GID. Budget Manager Barber-Perrotta explained that the Board controls all of the money. The property owners vote to be part of the GID, they vote on what the amount would be for the property mill levy, but Council as their role of the GID Board would renew the mill levy, adopt the budget and determine the specific projects. This was formed without having a specific mill levy attached. Board Member Johnston asked who sets the mill levy. City Attorney Jack Bajorek explained that this is not the same as a Metro District. Board Member Johnston stated he is not comparing this to a Metro District, this turns into whatever the developer or property owner wants it to be. Based on patterns, the property owner would most likely create a Metro District, which would pay for the pipes and infrastructure even if the GID Board does not. Board Member Johnston stated he is missing the entire point of this process even if in the future this is needed; a new GID could be formed if this property does become something. This process is done every year and there is never an explanation, the Board rubber stamps a zero dollar budget. Board Member Johnston stated he was told multiple times that the Board has no control over the money that comes into this fund, it is based completely on the property owners and if they put money into the fund, or if by creating a mill levy. City Attorney Bajorek explained that creating a mill levy requires Council action as well. The Board would be the contracting authority in this. The GID Board would accept the infrastructure this entity would fund. Board Member Johnston stated that the lack of the use of this is one reason that it should be abolished. Board Member Johnston wants to know who was involved when this was approved and would like this information to be brought to a Study Session before voting on these items.

Board Member Cushing does not know who the owner is and would like more information regarding the GID. Board Member Cushing asked if the Ordinance dictates that City Council is on the GID Board. City Attorney Bajorek explained that City Code as well as State Law, 31-5-601 is the GID Section of the State Code. Board Member Cushing asked if City Charter and State Statutes require that the 2021 budget be adopted by Resolution and asked what happens if they are not. City Attorney Bajorek explained that it is a State requirement and if the budget is not approved, the Board is in violation of state law. Board Member Cushing asked if the budget has to be approved by the end of 2020 and Budget Manager Barber-Perrotta reported that it has to be adopted by January 1, 2021 and submitted to the State within thirty days. Board Member Cushing asked what type of infrastructure could be funded by this and Budget Manager Barber-Perrotta explained that the intent was to bring water and sewer infrastructure to this area to connect to water from Thornton. Board Member Cushing asked if the idea is to have other properties in the area join the GID and have the mill levy funds to build infrastructure in this area. Budget Manager Barber-Perrotta explained that is one possibility, neighboring property owners could choose to join the GID in hopes that the infrastructure would entice development to come into the area. City Attorney Bajorek explained that they would have to do that with an inclusion petition. Board Member Cushing asked if the property is owned by the same person that owned it in 2004. Budget Manager Barber-Perrotta does not know; this owner has been in place since at least 2010. Board Member Cushing asked if the City could get rid of this GID before 2021. City Attorney Bajorek explained this would require the board considering a Resolution to abolish the GID and then set a specific date for a hearing, and ordering a notice for the hearing that would go to all electors in the area no less than twenty and no more than forty days before the hearing. The Board would then reconvene and hear any objections or information in support of or against the dissolution. This is at least a two-month process. The Board could approve the budget now and ask that the GID members meet again to consider this. Board Member Cushing asked what the rules are for calling a GID meeting. City Attorney Bajorek explained that the members could call the meeting. Board Member Cushing asked what could be done if the Board did not want to wait until October 2021 to have a meeting. City Attorney Bajorek explained that because the Board does not have specific rules, it would defer to the Council Rules and be treated as a Special Meeting.

City Manager Bais DiSessa understands that the Board has some concerns since this is new to many of the members. The City Planner would like to come back and give a presentation and explain the role of the GID and why to use it. The original attorney that worked on the GID may also be able to attend the meeting to give some background and explanation of how the GID was formed prior to the Board making any decisions regarding eliminating the GID and how the GID may be beneficial.

Chairman Mills feels it would be beneficial to discuss this in a Study Session.

Board Member Humbert agrees with the concept of setting a future meeting, the Board does not lose or gain anything by voting tonight for a zero budget. Another meeting could be set to continue with the GID or disband it. It would be good to know who the owner is and explain their logic. The Board is at the mercy of the State regarding the need to approve the budget. The Board could approve the budget tonight and meet in January to get more information regarding the GID.

City Manager Bais DiSessa asked if the Board would like this information brought back to a Study Session meeting.

City Attorney Bajorek explained that the GID is a different body, but it has the same members so it could be discussed at a City Council Study Session.

Board Member Jordinelli explained he is excited to hear from staff and the original attorney that worked on the GID.

Board Member Johnston does not want to rubber stamp this item at this time because he does not know what this means.

Chairman Mills closed the public hearing at 6:32 p.m.

Motion by Board Member Johnston, seconded by Board Member Cushing, to continue Items 3A and 4A to November 17, 2020. Motion passed by the following vote:

Aye: 9 - Chairman Mills, Board Members Blackhurst, Cushing, Humbert, Johnston, Jordinelli, Pollack, Taddeo, and Watts

4. RESOLUTIONS

- A. A RESOLUTION LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2020, TO HELP DEFRAY THE COSTS OF GOVERNMENT FOR THE SOUTH BRIGHTON GENERAL IMPROVEMENT DISTRICT, COLORADO, FOR THE 2021 BUDGET YEAR

This item was continued to November 17, 2020.

- B. A RESOLUTION DESIGNATING THE CITY OF BRIGHTON WEBSITE AS THE PUBLIC PLACE TO POST NOTICES AND AGENDAS OF REGULAR OR SPECIAL MEETINGS OF THE SOUTH BRIGHTON GENERAL IMPROVEMENT DISTRICT FOR THE 2021 CALENDAR YEAR

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

Motion by Board Member Watts, seconded by Board Member Humbert, to approve Resolution GID-39. Motion passed by the following vote:

Aye: 9 - Chairman Mills, Board Members Blackhurst, Cushing, Humbert, Johnston, Jordinelli, Pollack, Taddeo, and Watts

5. ADJOURNMENT

Chairman Mills adjourned the meeting at 6:41 p.m.



SOUTH BRIGHTON GENERAL IMPROVEMENT DISTRICT, COLORADO

Gregory Mills

 Gregory Mills, Mayor, Ex-officio
 Presiding Officer

ATTEST:

Natalie Hoel

 Natalie Hoel, City Clerk, Ex-officio Secretary

November 17, 2020

 Approval Date