



City Council Study Session

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MINUTES OF THE STUDY SESSION OF THE BRIGHTON CITY COUNCIL HELD ON JULY 18, 2019

CALL TO ORDER

Mayor Muzzin called the Study Session to order at 6:30 p.m.

ROLL CALL

Present were Mayor Muzzin, Councilmembers: Bohn, Emaus, Gardner, Pettengill, and Pipoly. Councilmember Tobbe was absent. Staff: City Manager Nate Geinzer, City Clerk Tara Brown, Finance Director Gretchen Gomolka, Community Development Manager Mike Caruso, and Attorney Paul Burns. There were four persons in the audience.

Motion by Councilmember Emaus, seconded by Councilmember Pettengill to delete Discussion of Implementation of Cross Connection Program and add Discuss Possible Rezoning and Discussion of PEG fees. **The motion carried without objection.**

CALL TO PUBLIC

Mayor Muzzin opened the Call to the Public at 6:30 p.m. Hearing and seeing no comment, Mayor Muzzin closed the Call to Public at 6:30 p.m.

~~DISCUSSION OF IMPLEMENTATION OF CROSS CONNECTION PROGRAM~~

DISCUSSION OF UTILITY CONNECTION FEE PAYMENT PROGRAM

City Manager Geinzer gave a brief introduction to the agenda item. Community Development Manager Caruso also introduced the agenda item noting that his department has been considering a modification to the program for some time and presented City Council with the current fee structure and possible scenarios that he considered. Mr. Caruso stated that several developers have voiced their concerns with the upfront utility connection costs and would appreciate a longer payment program.

Mayor Pro Tem Pipoly stated that he would prefer to look at a volume payment program, perhaps a longer period if a developer meets a certain threshold for quantity. Councilmember Bohn asked if there was some specific reason for a third down. Manager Geinzer spoke about the historical significance and past practices for utility connection fee payment program. Mr. Geinzer also cautioned that there are good reasons not to allow the program to extend too far out but he is open to allow developers more time if the volume is significant. Mayor Muzzin asked if the fees are transferable, Mr. Caruso stated that unpaid fees would go onto the tax roll if necessary. City Council and staff discussed specifics if the fees were not paid.

City Manager Geinzer reminded all that most developers are from an urban/metro setting where REUs are less expensive. Mayor Pro Tem Pipoly asked how many developers have raised their concerns about the fees. Mr. Caruso stated that all recent developers. Mayor Muzzin is in favor of a tiered system based on volume but would like to keep the language to read a third down and add a five year payment program if criteria is met and reevaluate in five years to discuss financial liabilities of extending the program.

Councilmember Emaus stated his concern regarding the extended program because it could increase risk of default the longer the payment is extended. Director Gomolka stated that any default would be placed on the owner(s) tax roll. Attorney Burns gave a brief overview on tax liens. Mayor Muzzin and Pro Tem Pipoly agreed that a three and five year program with a five-year sunset for evaluation would be their preference.

DISCUSS POSSIBLE REZONINGS

Mr. Caruso introduced the agenda item mentioning that this item has been something his staff has reviewed lately because a local business owner, Keehn Griffin Funeral Home would like to add onto their porch area but because their building is a non-conforming use, they are not allowed under current zoning to increase or build out. Mr. Caruso, with concurrence by the City Attorney, suggested a change similar properties from R1 (residential) to residential transitional (RT). Mr. Caruso and Council discussed various parcels that would benefit from a change in zoning. Councilmember Pettengill is concerned rezoning may be extending the DDA district, she is also concerned about changing the master plan that was just completed. Councilmember Pettengill is in favor of looking at certain established businesses rather than rezoning a full section of residential homes.

Councilmember Emaus would like to promote the businesses that invest in the City and would like to better their businesses. Councilmember Pettengill is in favor of spot zoning Paris Allergy Clinic and Keehn Griffin Funeral Home from R1 to residential transitional to allow the established businesses to modify their existing structures however she is opposed to rezoning large portions of family residential homes to residential transitional. Attorney Burns stated that RT was developed to taper commercial/industrial areas to residential homes. The thought process was to develop a natural transition with businesses that have a home-like appearance. Councilmember Gardner is in favor of spot zoning and appreciates that a potential rezoning would be to accommodate businesses already established rather than changing the zoning to accommodate a developer.

DISCUSSION OF PEG FEES

Director Gomolka introduced the agenda item stating that PEG fees are for Public, Educational, or Governmental programming. This is a fee that is collected by AT&T or Comcast and paid to the City for PEG programming. These fees paid to the City must be used within the studio in various ways to maintain and promote PEG programming. To date the City has received \$192,000 and has utilized \$120,000 leaving about \$70,000 for maintenance and studio upkeep.

Mayor Muzzin asked if the City must report back to AT&T or Comcast as to how the money is spent. Director Gomolka stated that the companies do not require expense reporting.

CALL TO THE PUBLIC

Mayor Muzzin opened the Call to the Public at 7:14 p.m.

Bob Pettengill spoke against categorically rezoning homes within the mentioned area to RT. Mr. Pettengill stated that he would like to keep that area of Brighton residential.

Jim Folks would support spot zoning and keep the character of Brighton. Mr. Folks appreciates seeing families walking around.

ADJOURNMENT

Motion by Councilmember Emaus, seconded by Mayor Pro Tem Pipoly to adjourn the Study Session at 7:22 p.m. **The motion carried without objection.**

Tara Brown, City Clerk

James Muzzin, Mayor