

RESOLUTION NO. 2021-37

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACTING BY AND THROUGH ITS WATER ACTIVITY ENTERPRISE, APPROVING THE AGREEMENT BETWEEN THE CITY OF BRIGHTON AND THE BRIGHTON DITCH COMPANY AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT ON BEHALF OF THE CITY AND TO UNDERTAKE SUCH TASKS AS MAY BE REQUIRED TO IMPLEMENT THE PROVISIONS OF THE AGREEMENT ON BEHALF OF THE CITY

WHEREAS, the City of Brighton, Colorado (“City”) operates a diversion structure on the east bank of the South Platte River that serves as an inlet and outlet for water moving in and out of the Ken Mitchell Cell 1 storage reservoir; and

WHEREAS, the Brighton Ditch Company (“BDC”) operates a diversion structure on the west bank of the South Platte River that moves water into the Brighton Ditch and also owns and operates a diversion dam that spans the river; and

WHEREAS, the diversion dam creates a higher water level on the upstream side which provides more water to the Brighton Ditch; and

WHEREAS, in 2015 a flood damaged both diversion structures and created a washed out area on the east end of the diversion dam and this allowed the river to freely run around the east end of the diversion dam; and

WHEREAS, following the flood repairs were made, including a temporary berm across the washed out area; and

WHEREAS, the City and BDC wish to work together to build more permanent improvements to better stabilize the river bank in the area of the temporary berm; and

WHEREAS, the City and BDC wish to work together to apply for grants to help fund these improvements through the Colorado Water Conservation Board (“CWCB”); and

WHEREAS, such grants from the CWCB require a 50% match from recipients and as partners the City and BDC wish to contribute equally to pay the match by each paying 25% of the total cost; and

WHEREAS, if the grant application is not approved the City and BDC have committed to working together to explore other funding options; and

WHEREAS, City Council believes that it is in the best interest of the City to approve the Agreement between the City and the BDC.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AS FOLLOWS:

Section 1. The Agreement between the City and the BDC is hereby approved.

Section 2. The City Manager is hereby authorized to execute and deliver such agreement on behalf of the City in substantially the form presented at this meeting with such technical additions, deletions and variations as the City Attorney may deem necessary or appropriate and not inconsistent with this Resolution.

RESOLVED THIS 18th DAY OF May, 2021.

CITY OF BRIGHTON, COLORADO

GREGORY MILLS, Mayor

ATTEST:

NATALIE HOEL, City Clerk

APPROVED AS TO FORM:

LENA McCLELLAND, Acting City Attorney