

City of Brighton

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



Meeting Agenda

Tuesday, January 6, 2015

7:00 PM

Council Chambers

City Council

MAYOR - RICHARD N MCLEAN

MAYOR PRO-TEM - KIRBY WALLIN

COUNCIL MEMBERS:

LYNN BACA, REX BELL, JW EDWARDS

MARK HUMBERT, JOAN KNISS, KEN KREUTZER

CYNTHIA A MARTINEZ

1. CALL TO ORDER

A. Pledge of Allegiance to the American Flag.

B. Roll Call.

2. CONSENT AGENDA

A. [ID-329-14](#) Approval of the November 25, 2014 City Council Minutes

B. [ID-330-14](#) Approval of the December 2, 2014 City Council Minutes

3. APPROVAL OF REGULAR AGENDA

(Council may take a short break between 8:30–9:00 p.m.)

4. CEREMONIES

A. [ID-322-14](#) National Western Center Project Proclamation

Attachments: [Western Complex Proclamation](#)

B. ID-350-14 Certificate of Achievement for Excellence in Financial Reporting

5. PUBLIC INVITED TO BE HEARD ON MATTERS NOT ON THE AGENDA

(Speakers limited to five minutes)

6. PUBLIC HEARINGS

- A. [ID-344-14](#) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON AMENDING CHAPTER 17 OF THE BRIGHTON MUNICIPAL CODE, COMMONLY KNOWN AS THE LAND USE AND DEVELOPMENT CODE, PROVIDING FOR THE REPEAL OF SEC. 17-20-70, OIL AND GAS WELLS IN ITS ENTIRETY AND READOPTION AS SEC. 17-20-70, SET BACKS, OIL/GAS FACILITIES; THE ADOPTION OF A NEW ARTICLE 17-64, OIL AND GAS FACILITIES REQUIRING CONDITIONAL USE APPROVAL FOR OIL AND GAS WELLS AND OTHER RELATED FACILITIES OR ADMINISTRATIVE APPROVAL SET FORTH IN A MEMORANDUM OF UNDERSTANDING APPROVED BY THE CITY MANAGER; SETTING FORTH APPLICATION REQUIREMENTS, GENERAL STANDARDS, PLANS FOR SITE DEVELOPMENT, ENVIRONMENTAL PROTECTIONS, CONTROL OF NUISANCES, TRAFFIC PROTECTIONS, PROHIBITED FACILITIES, FEES, CITY INSPECTION, APPEALS, ENFORCEMENT; AMENDING SEC. 17-8-30. PROCEDURES REQUIRING A MAP OF OIL AND GAS FACILITIES AND NEIGHBORHOOD NOTICE; AMENDING SEC. 17-12-20. DEFINITIONS; AMENDING SEC. 17-8-60. CONDITIONAL USE RELATIVE TO ASSIGNABILITY OF A CONDITIONAL USE PERMIT; AMENDING SEC. 17-20-30 FENCE AND SIGHT TRIANGLES EXEMPTING TEMPORARY NOISE BARRIERS AT OIL AND GAS FACILITIES; AMENDING SEC. 17-32-15. TABLE OF USES; AND SETTING FORTH DETAILS RELATED TO THE FOREGOING.

Attachments: [DRAFT Oil and Gas Ordinance \(12.02.14 Version\)](#)

7. ORDINANCES FOR FINAL CONSIDERATION

- A. [ID-308-14](#) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO APPROVING THE LEASE OF A 13.6 ACRE PARCEL OF CITY- OWNED LAND IN ELMWOOD CEMETERY TO PETROCCO FARMS, INC; SETTING OUT THE TERMS OF SAID LEASE; AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID LEASE ON BEHALF OF THE CITY

Attachments: [Elmwood Property Ordinance](#)
[Elmwood Cemetery Property Lease Agreement](#)
[Elmwood Cemetery Map](#)
[Fee Proposals - Revised](#)

- B. [ID-303-14](#) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO APPROVING THE LEASE OF A 92.5 ACRE PARCEL OF CITY- OWNED LAND, THE "COLE PROPERTY", TO DAVID AND RHONDA LOEFFLER; SETTING OUT THE TERMS OF SAID LEASE; AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID LEASE ON BEHALF OF THE CITY

Attachments: [Cole Property Ordinance](#)
[Cole Property Lease Agreement](#)
[Cole map](#)
[Fee Proposals - Revised](#)

- C. [ID-304-14](#) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO APPROVING THE LEASE OF A 34.3 ACRE PARCEL OF CITY- OWNED LAND, THE "EAGLE PRESERVE PROPERTY", TO GIANNA'S CUSTOM HAY, FRANK SERAFINI; SETTING OUT THE TERMS OF SAID LEASE; AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID LEASE ON BEHALF OF THE CITY

Attachments: [Eagle Preserve Property Ordinance](#)
[Eagle Preserve Property Lease Agreement](#)
[Eagle Preserve Map](#)
[Fee Proposals - Revised](#)

- D. [ID-306-14](#) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO APPROVING THE LEASE OF A 44.3 ACRE PARCEL OF CITY- OWNED LAND, THE "LETTERLY (ROBINSON) NORTH PROPERTY", TO PETROCCO FARMS, INC. AND BERRY PATCH FARMS, LLC, AS CO-TENANTS; SETTING OUT THE TERMS OF SAID LEASE; AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID LEASE ON BEHALF OF THE CITY

Attachments: [Letterly North Property Ordinance mrb rev 12 3 14 \(2\)](#)
[Letterly Property North Lease Agreement mrb rev 12 3 14 \(2\)](#)
[Letterly North Map](#)
[Fee Proposals - Revised](#)

- E. [ID-305-14](#) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO APPROVING THE LEASE OF A 31.4 ACRE PARCEL OF CITY- OWNED LAND, THE "LETTERLY (ROBINSON) SOUTH PROPERTY", TO AUTUMN NURSERY, LLC; SETTING OUT THE TERMS OF SAID LEASE; AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID LEASE ON BEHALF OF THE CITY

Attachments: [Letterly South Property Ordinance](#)
[Letterly Property South Lease Agreement](#)
[Letterly South Map](#)
[Fee Proposals - Revised](#)

- F. [ID-309-14](#) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO APPROVING THE LEASE OF A 39.8 ACRE PARCEL OF CITY- OWNED LAND, THE "STEGMAN PROPERTY", TO PETROCCO FARMS, INC; SETTING OUT THE TERMS OF SAID LEASE; AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID LEASE ON BEHALF OF THE CITY

Attachments: [Stegman Property Ordinance](#)
[Stegman Property Lease Agreement mrb rev 12 2 14](#)
[Stegman Map](#)
[Fee Proposals - Revised](#)

8. RESOLUTIONS

- A. [ID-332-14](#) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPOINTING TODD BRUMMOND AS A MEMBER OF THE LODGING TAX ADVISORY COMMITTEE FOR A THREE YEAR TERM TO DECEMBER, 2017

Attachments: [Lodging Tax Appts. Jan 2015 Brummond](#)

- B. [ID-333-14](#) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPOINTING ALBIN WAGNER AS A PROFESSIONAL MEMBER OF THE BRIGHTON HISTORIC PRESERVATION COMMISSION TO FILL AN UNEXPIRED TERM TO JUNE, 2018

Attachments: [HPC Jan 2015 Wagner](#)

- C. [ID-334-14](#) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPOINTING JOSEPH BURT AS A PROFESSIONAL MEMBER OF THE BRIGHTON HISTORIC PRESERVATION COMMISSION WITH A TERM TO JUNE, 2019

Attachments: [HPC Jan 2015 Burt](#)

- D. [ID-335-14](#) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPOINTING ROBIN KRING AS A MEMBER OF THE BRIGHTON HISTORIC PRESERVATION COMMISSION TO FILL AN UNEXPIRED TERM TO JUNE, 2016
- Attachments:** [HPC Jan 2015 Kring](#)
- E. [ID-336-14](#) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPOINTING ADAM KNISS AS AN AGRICULTURAL MEMBER OF THE PARKS AND RECREATION ADVISORY BOARD WITH A TERM TO JANUARY, 2019
- Attachments:** [P&R Jan 2015 Kniss - ag](#)
- F. [ID-337-14](#) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPOINTING PETER PHIBBS AS AN AT-LARGE MEMBER OF THE PARKS AND RECREATION ADVISORY BOARD WITH A TERM TO JANUARY, 2019
- Attachments:** [P&R Jan 2015 Phibbs](#)
- G. [ID-338-14](#) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPOINTING MARTHA CABAN-MOREAUX AS A MEMBER OF THE BRIGHTON HOUSING AUTHORITY WITH A TERM TO NOVEMBER, 2019
- Attachments:** [Housing Jan 2015 Caban Moreaux](#)
- H. [ID-339-14](#) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPOINTING LARRY WARNER AS A NON-RESIDENT ALTERNATE MEMBER OF THE BRIGHTON HOUSING AUTHORITY TO FILL AN UNEXPIRED TERM TO NOVEMBER, 2017
- Attachments:** [Housing Jan 2015 Warner](#)
- I. [ID-340-14](#) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPOINTING BOB GAISER AS AN ALTERNATE MEMBER OF THE BRIGHTON HOUSING AUTHORITY TO FILL AN UNEXPIRED TERM TO NOVEMBER, 2015
- Attachments:** [Housing Jan 2015 Gaiser](#)
- J. [ID-341-14](#) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPOINTING TONY LELL TO THE BOARD OF APPEALS WITH A TERM TO SEPTEMBER, 2017
- Attachments:** [Board of Appeals Jan 2015 Lell](#)

- K. [ID-342-14](#) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO APPROVING AN AMENDMENT TO THE CITY COUNCIL RULES OF PROCEDURE GOVERNING MEETINGS BY THE ADDITION TO RULE 2 CITY COUNCIL MEETING PROCEDURE OF A NEW SUBSECTION (P) IMPLEMENTING THE PROVISIONS OF ORDINANCE NO. 2187 SETTING FORTH THE PROCESS FOR CONSIDERATION OF CHALLENGES TO THE QUALIFICATIONS OF THE MAYOR/COUNCILMEMBERS TO HOLD OFFICE; AND AUTHORIZING THE MAYOR TO EXECUTE SAID RESOLUTION ON BEHALF OF THE CITY

Attachments: [Reso Amending CC Procedures to Address Challenges to Qualifications mrb dr](#)
[City Council Rules of Procedure Amended January 2015](#)

9. UTILITIES BUSINESS ITEMS

- A. [ID-331-14](#) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACTING BY AND THROUGH ITS WASTEWATER ENTERPRISE, APPROVING THE AGREEMENT FOR THE DELEGATION OF PRETREATMENT/INDUSTRIAL WASTE CONTROL PROGRAM RESPONSIBILITIES WITH THE METRO WASTEWATER RECLAMATION DISTRICT AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT ON BEHALF OF THE CITY

Attachments: [2014 12 21 RESO Metro Pretreatment Program Delegation mrb rev 12 23 14](#)
[Delegation Agreement Brighton 3-11 tap mrb rev 12 22 14](#)

10. GENERAL BUSINESS

- A. **ID-351-14** Schedule a Special Study Session at 6:00 p.m. on January 20, 2015 to review Perpetual Care Funds for Spreading Gardens at the Cemetery, Cemetery Rules and Regulations and Adams Crossing Update.

11. REPORTS

- A. By the Mayor.
- B. By Department Heads.
- C. By the City Attorney.
- D. By the City Manager.

12. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS

13. EXECUTIVE SESSION

- A. [ID-324-14](#) For a conference with the City Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) regarding Denver International Airport and Oil and Gas and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e) regarding Development and Claims

14. ADJOURNMENT