



City of Brighton

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



Meeting Minutes - Draft

Tuesday, September 19, 2017

7:00 PM

Council Chambers

City Council

**MAYOR - RICHARD N MCLEAN
MAYOR PRO-TEM - KEN KREUTZER
COUNCIL MEMBERS:
LYNN BACA, REX BELL, JW EDWARDS
MARK HUMBERT, JOAN KNISS,**

MARY ELLEN POLLACK, KIRBY WALLIN

1. CALL TO ORDER

Mayor McLean called the meeting to order at 7:03 p.m.

A. Pledge of Allegiance to the American Flag.

Mayor Pro Tem Kreutzer led the recitation of the Pledge of Allegiance to the American Flag.

B. Roll Call.

Present: 8 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, and Councilmember Wallin

Not Present: 1 - Councilmember Pollack

2. CONSENT AGENDA

A. Approval of the August 15, 2017 City Council Minutes

Motion by Councilmember Humbert, seconded by Councilmember Kniss, to approve the Consent Agenda as presented. Motion passed by the following vote:

Aye: 8 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, and Councilmember Wallin

Absent: 1 - Councilmember Pollack

3. APPROVAL OF REGULAR AGENDA

Motion by Councilmember Wallin, seconded by Councilmember Edwards, to approve the Regular Agenda as presented. Motion passed by the following vote:

Aye: 8 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, and Councilmember Wallin

Absent: 1 - Councilmember Pollack

4. CEREMONIES

A. Recognition of Mark Danforth for Receiving the Outstanding Water Treatment

Plant Maintenance Worker Award for 2016-2017 for Wyoming, Colorado and New Mexico

Utilities Director Curt Bauers recognized Senior Plant Mechanic Mark Danforth for receiving the Outstanding Water Treatment Plant Maintenance Worker Award for 2016-2017 for Wyoming, Colorado and New Mexico.

Mayor McLean and City Council congratulated Mark Danforth.

B. 2017 National Preparedness Month Proclamation

Mayor McLean read the Proclamation into the record and presented it to Commander Frank Acosta.

Motion by Mayor Pro Tem Kreutzer, seconded by Councilmember Baca, to approve the Proclamation. Motion passed by the following vote:

Aye: 8 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, and Councilmember Wallin

Absent: 1 - Councilmember Pollack

C. Introduction of New Employees by Administrative Services Director Karen Borkowski Surine

Administrative Services Director Karen Borkowski Surine introduced Morgan Hopkins, Utilities Program Coordinator, and Danielle Tuscher, Sales Tax Auditor Supervisor.

Mayor McLean and City Council welcomed the new employees to the City of Brighton.

Mayor McLean introduced City Manager Philip Rodriguez.

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

Nathan Mudd, 5716 Yarrow Street, Arvada, Colorado. Mr. Mudd updated City Council on the happenings at the Bromley Hishinuma Farm in the past year and the activities that will take place at the Fall Festival beginning on Friday. Mr. Mudd thanked the City for all of their support.

6. PUBLIC HEARINGS

A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE BRIGHTON CROSSING FILING NO. 2, 4TH AMENDMENT FINAL PLAT AND DEVELOPMENT AGREEMENT FOR APPROXIMATELY 2.93 ACRES OF PROPERTY, GENERALLY LOCATED WITHIN THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF ADAMS, STATE OF COLORADO, AUTHORIZING THE MAYOR TO EXECUTE THE DEVELOPMENT AGREEMENT; AND SETTING FORTH OTHER DETAILS RELATED THERETO

Mayor McLean read the title of the Resolution into the record.

Mayor McLean opened the public hearing at 7:25 p.m. and City Clerk Natalie Hoel verified the required

postings and publications (September 13, 2017 in the Brighton Standard Blade) for this public hearing were completed.

City Manager Philip Rodriguez introduced Associate Planner Josh Tetzlaff.

Associate Planner Josh Tetzlaff presented the Final Plat application for ten (10) single family residential lots at North 50th Avenue and Baseline Road. These lots are an additional ten (10) lots for the Brighton Crossing Filing 2 subdivision which is currently under construction. Platting is generally the third step in the development process. At this stage, the property has been annexed into the City and given a zone district which described the allowed uses for the property. During this platting stage the applicant is proposing property lines and does not always know how the land will be developed. This property will be developed as single-family residential on the ten (10) lots. City Council will consider whether or not this plat application and the proposed property lines makes sense for the uses allowed by the zoning.

The proposed property was annexed into the City in 1985 as part of the Bromley Park Annexation and is currently zoned as part of the Bromley Park PUD. Within this PUD this area is designated to be developed as single-family residential. The property is currently undeveloped and the surrounding neighborhood is being constructed. The Comprehensive Plan designates this area as residential, so the plat would comply with the Comprehensive Plan. According to the Land Use and Development Code the Final Plat must comply with the Zoning Ordinance and the subdivision regulations. Since this Plat is part of the Bromley Park PUD, it must comply with those regulations. Upon review of this Plat, staff finds that these ten (10) lots to meet the requirements of the Bromley Park PUD. The infrastructure around this site is either in place or is currently being constructed. Within the Development Agreement, maintenance and construction responsibilities are being clarified so all parties are clear as to who is responsible for what in terms of the landscaping tracts.

Notice of the Final Plat was sent to all property owners immediately adjacent to the property as required by Code. Signs were posted on the property, published a notice in the Brighton Blade and posted a notice on the City website even though Code does not require it to give more people a chance to comment. Staff has not received any formal comments for or against the project. Due to meeting the review criteria of 17-40-10 and due to complying with the Comprehensive Plan staff recommends approval of the Final Plat for Brighton Crossing Filing 2, Fourth Amendment along with the accompanying Development Agreement.

Mayor McLean asked if the applicant would like to add anything to the presentation, he did not.

Mayor McLean asked if anyone in the audience had questions for the applicant, there was none.

Mayor McLean asked if anyone in the audience wished to speak on behalf of the request, there was none.

Mayor McLean asked if anyone in the audience wished to speak against the request, there was none.

Mayor McLean asked if any correspondence had been received, there was none.

Mayor McLean asked if there were questions from City Council.

Councilmember Kniss thanked the applicant Brian Reed for serving on the Capital Facility Fee Foundation and thanked Brookfield [the Developer] for the improvements that have been made on 45th Avenue. Councilmember Kniss asked what improvements will be made to the intersection at 50th Avenue and Baseline Road since it already carries a lot of traffic and is a dangerous intersection.

Brian Reed, 6465 Greenwood Plaza Boulevard, Suite 700, Centennial, Colorado 80111. Mr. Reed reported that they are currently evaluating the traffic signal warrants for that intersection and will install a signal when it is warranted.

Mayor McLean closed the public hearing at 7:31 p.m.

Motion by Councilmember Kniss, seconded by Mayor Pro Tem Kreutzer, to approve Resolution 2017-101 approving the Brighton Crossing Filing No. 2, 4th Amendment Final Plat and Development

Agreement for approximately 2.93 acres of property, generally located within the northwest quarter of section 2, township 1 south, range 66 west of the 6th principal meridian, City of Brighton, County of Adams, State of Colorado, authorizing the Mayor to execute the Development Agreement; and setting forth other details related thereto. Motion passed by the following vote:

Aye: 8 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, and Councilmember Wallin

Absent: 1 - Councilmember Pollack

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO CONDITIONALLY APPROVING THE SERVICE PLAN FOR BRIGHTON CROSSING METROPOLITAN DISTRICT NOS. 5-8

Mayor McLean read the title of the Resolution into the record.

Mayor McLean opened the public hearing at 7:33 p.m. and City Clerk Natalie Hoel verified the required postings and publications (August 30, 2017 in the Brighton Standard Blade) for this public hearing were completed.

City Manager Philip Rodriguez introduced Associate Planner Mike Tylka.

Associate Planner Mike Tylka presented the Brighton Crossing Metro District Numbers 5-8 Service Plans. The Districts are being proposed by the Developer, Brookfield Residential, being assisted by Legal Counsel Kristen Bear. Planner Tylka explained that staff was assisted on this project by Special Counsel Sally Tasker with Butler Snow. This application was first received by City staff on August 25, 2017. This is the first submission using the Model Service Plan recently adopted by Council on August 15, 2017. Per State Statute, City Council has the authority to approve Service Plans for districts that organize within their boundaries.

This Service Plan was submitted in a multiple district format for four (4) future Metropolitan Districts. Staff has been working diligently with the applicant to ensure that they meet their organizational deadline of tomorrow to organize and be able to hold elections before the end of the year. District 5 is located south of the new Fire Station. District 6 is the majority of the undeveloped area northwest of the intersection of 50th Avenue and Bridge Street. District 7 encompasses the area east of Brighton Crossing Filing 2. District 8 is being proposed along the western side of I-76.

Per State Statute the following items are required to be in every Service Plan: description of services, financial, preliminary engineering survey, boundary map, estimated build-out population, estimated assessed valuation at build-out, general description of facilities to be constructed, estimated costs for the entire development, operational costs for the District, any description of the proposed Intergovernmental Agreement and anything else required by State Statute or the City. Staff has reviewed the submitted Plan for these items. Notification of the public hearing was published in the Brighton Standard Blade on August 30, 2017 and as of the start of the meeting, staff has not received any formal comments.

Staff finds that, generally, the proposed Service Plan does provide adequate information on the items listed that are necessary for any Service Plan. Staff would like further information and work on the descriptions of the facilities that will be constructed by the District, financial information related to those facilities, the specific terms in the IGA between the City and the Districts that outline such things, and the District's maintenance and construction responsibilities. These are items that need to be outlined in detail in the IGA as the financial impacts of such things like street construction need to be understood by all parties involved. These items could change the current financials submitted by the District so staff is requesting that these updates be provided accordingly after further conversations are held with the Developer in the coming weeks. Staff desires to bring back a final Resolution with that detailed IGA outlining those improvements for each of the four (4) Districts before the end of the year.

Staff is recommending approval of the Resolution that grants conditional approval of the Service Plan for the Districts. The Resolution allows the Districts to hold elections that will eventually authorize the organization of the Districts and authorize the issuance of debt. The Districts will not be able to organize until the City approves the final Service Plan and the Intergovernmental Agreement. Staff feels that proceeding with a conditional approval shows a desire to work with the Developer on their timeline so they can meet their deadline of tomorrow, but still ensures protection of the residents since the complete Service Plan will come back to City Council with the necessary details and terms in the IGA. The Resolution includes language that the final approval cannot be granted until a financial plan that is acceptable to City Council is received, the IGA is agreed to by City Council and any amendments or modifications to the Service Plan based on the financial plan or IGA are agreed to by City Council.

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

Kristen Bear, White Bear Ankele, representing the petitioners for the proposed districts. Ms. Bear explained that they have submitted this application according to the Model Service Plan and thanked everyone for working so quickly on this so it could be presented this evening. Ms. Bear has moved quickly to address staff comments and incorporated what they could. The City's financial advisor has given further comments that the Districts will continue to work to address. Staff also had some concerns regarding public improvements so a meeting has been set up with staff to resolve those issues. The IGA has not yet been finalized since there are still conversations taking place with staff and the financial advisors and that information will be included in the final IGA. As part of the process to meet the election deadlines, a Resolution of approval is necessary so the court can be asked if the District can call an election. Because of the timelines in the election process, tomorrow is the drop date to file with the court. Once a petition is filed with the court a hearing will be called by the court. The District representatives will attend to ensure that the administrative matters under Title 32 for the elections have been met, one of those administrative items is the Resolution of approval. Once the court determines that all matters have been complied with, the court will allow an election to be held in November. The organization of the District includes voting for the initial Directors, debt and tax and authorization of the Service Plan. Assuming the election for the organization of the District is approved, another administrative court process will take place under which the court reviews the election results and the processes that have taken place and will order the District organized. The District will not be legally organized until that order is recorded on the property. The Resolution being approved by City Council tonight will prohibit the District from recording the Organizational Order to effectuate the organization of the District until the financing plan and public improvement issues have been worked out and the final IGA is approved by City Council. Ms. Bear thanks staff for allowing them to move forward with the election on a conditional basis.

City Attorney Margaret Brubaker explained that this conditional approval is authorized under State Statute. This is an accommodation by the City so the applicant can meet their deadline for the election. The applicant cannot move forward without the approved Service Plan and IGA so Attorney Brubaker feels it would be appropriate to move forward.

Mayor McLean asked if anyone in the audience had questions for the applicant, there was none.

Mayor McLean asked if anyone in the audience wished to speak on behalf of the request, there was none.

Mayor McLean asked if anyone in the audience wished to speak against the request, there was none.

Mayor McLean asked if any correspondence had been received, there was none.

Mayor McLean asked if there were questions from City Council.

Councilmember Baca thanked the City Attorney for the clarification of this process. Councilmember Baca wants to be sure there is a good faith effort by the developer that they will come back to define these public improvement responsibilities. Ms. Bear expressed her commitment to the City that these are issues that the applicant wants to have finalized well in advance of the election. Councilmember Baca stated that if Council makes an accommodation for the developer she would like a good faith effort made by the developer to notify any new homebuyers that are purchasing homes in a Metro District. The people that are at the show homes are sales people and do not have to comply with the real estate regulations so the Metro District fees are not

being disclosed upfront. The homeowner is only made aware of the fees when the final settlement goes through and the mortgage broker finalizes the documents. It is difficult at that time to not move forward even knowing that there will be \$500.00 extra added to their property taxes. Mark Savala, Senior Director of Development, Brookfield Residential, 6465 Greenwood Plaza Boulevard Suite 700. Mr. Savala thanked everyone for their work to move this project forward. Mr. Savala reported that they do typically try to include a disclosure both in the closing documents as well as in the sales centers that the new residents are moving into a Metropolitan District. They have also been trying to hold those Metropolitan District meetings within the community holding notice of that. The District is doing everything they can to keep it as public and visible to the residents of the community as possible. Mr. Savala will work to coordinate this information with the onsite teams.

Councilmember Kniss explained that there are some very unhappy residents in the eastern part of the City. The Model Service Plan process was painful but there should be more consistency as these Metro Districts come before the City for approval. Everyone will see that there is a limit on the mills and Councilmember Kniss appreciates that the meetings will be held in the City limits. The Model Service Plan will address the requirement for the streets to be built so there will not be neighborhoods with half built streets. Councilmember Kniss looks forward to seeing the final Service Plan and agreement.

Councilmember Edwards explained that there are a lot of disclosures given to new homebuyers and nobody reads them; people get excited about a new house and do not know what happened when they get their tax bill. It is good that any extra attempt will be made to provide information about the District upfront. Councilmember Edwards asked if Special Counsel Sally Tasker has any comments regarding this item.

Special Counsel Sally Tasker, Butler Snow. Ms. Tasker explained that the State Statute allows for conditional approval. The Statute allows three (3) options, approve, approve with conditions or don't approve. Allowing this to go forward with the conditional approval does allow the applicant to stay on track for the November election, otherwise they will be delayed until May, 2018. The applicant was quick in getting their draft Service Plan to the City after the Model Service Plan was approved. The submitted Plan was in compliance with the Model Service Plan. As the Plan was being reviewed internally, it became apparent that there were a number of important issues regarding the construction and maintenance of the streets. Staff determined that these issues could be worked out prior to the elections. The submitted Plan was in compliance with the Model Service Plan and by doing a conditional approval as allowed by State Statute, the District can move forward, but the City has protection that if the conditions regarding finance and the street construction and maintenance are not worked out, the District cannot finalize the organization of their District. When creating the Model Service Plan the IGA was suggested so staff could work with each specific District to address the issues for those specific District plans prior to the Districts being organized. This process has been done by Council in the past so it is not a new process. There are some issues that need to be worked out regarding the financial plan so those questions need to be adequately addressed prior to Council approval. This conditional approval and the IGA gives the City the protection it needs and allows the District to stay on track with their deadlines.

Councilmember Edwards asked that the details of the IGA be presented at a Study Session prior to the item being presented for approval at a City Council meeting.

Mayor McLean closed the public hearing at 7:57 p.m.

Motion by Councilmember Humbert, seconded by Mayor Pro Tem Kreutzer, to approve Resolution 2017-102 conditionally approving the Service Plan for Brighton Crossing Metropolitan District Nos. 5-8. Motion passed by the following vote:

Aye: 8 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, and Councilmember Wallin

Absent: 1 - Councilmember Pollack

7. ORDINANCES FOR FINAL CONSIDERATION

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, VACATING AN EASEMENT, SITUATED IN THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 1 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, ADAMS COUNTY, COLORADO

Mayor McLean read the title of the Ordinance into the record.

City Manager Philip Rodriguez reported that this is the final reading of the Ordinance and there have not been any changes since first reading.

Mayor McLean asked if there were any comments from the audience on the second reading of the Ordinance, there were none.

Motion by Councilmember Bell, seconded by Councilmember Wallin, to approve Ordinance 2266 vacating an easement, situated in the south half of the southwest quarter of section 36, township 1 south, range 67 west of the 6th principal meridian, City of Brighton, Adams County, Colorado. Motion passed by the following vote:

Aye: 8 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, and Councilmember Wallin

Absent: 1 - Councilmember Pollack

8. RESOLUTIONS

A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE PROPOSAL OF BUILDING TECHNOLOGY SYSTEMS, AND AWARDING THE CONTRACT FOR "AS NEEDED" HVAC SERVICES INCLUDING REPAIR, INSTALLATION AND MAINTENANCE SERVICES UNDER \$25,000 PER PROJECT, AND AUTHORIZING THE MAYOR TO SIGN THE CONTRACT ON BEHALF OF THE CITY AND THE CITY CLERK TO ATTEST THERETO

Mayor McLean read the title of the Resolution into the record.

City Manager Philip Rodriguez introduced General Services Manager Karla Armstrong and Facilities Manager Patrick Rome.

General Services Manager Karla Armstrong requested approval of the formal proposal for 'as needed' HVAC services to the lowest most responsive and responsible proposer Building Technology Systems. Formal proposals were requested from qualified contractors for these services. A multi-term agreement will be utilized and includes the possibility for four (4), one (1) year extensions and are renewable annually. This multi-term agreement will assist all departments with many projects in the day to day HVAC repairs and maintenance. Any projects over \$25,000.00 will not be covered under this Service Agreement and will be formally bid by the Procurement Department. An optional pre-proposal meeting was conducted with four (4) firms attending and formal proposals were received by three (3) contractors. Staff recommends approval of the proposal to Building Technology Systems as they have provided excellent service to the City in the past.

Facilities Manager Patrick Rome answered questions from Council regarding:

- *The City working with Building Technology Systems in the past and the quality of their work.*

Motion by Councilmember Edwards, seconded by Councilmember Wallin, to approve Resolution 2017-103 accepting the proposal of Building Technology Systems, and awarding the

contract for “as needed” HVAC services including repair, installation and maintenance services under \$25,000 per project, and authorizing the Mayor to sign the contract on behalf of the City and the City Clerk to attest thereto. Motion passed by the following vote:

Aye: 8 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, and Councilmember Wallin

Absent: 1 - Council member Pollack

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AUTHORIZING CERTAIN EMPLOYEES OF THE CITY TO SIGN ON THE CITY’S FINANCIAL ACCOUNTS

Mayor McLean read the title of the Resolution into the record.

City Manager Philip Rodriguez introduced Finance Director Jean Starr.

Finance Director Jean Starr explained that this Resolution authorizes the City employees that can sign on all financial investment accounts of the City of Brighton. City Council adopted Resolution 2014-110 to update the signers on the City accounts to include the City Manager, Finance Director, Assistant Finance Director and the Accounting Manager. New staff members necessitates updating the signers on the City’s accounts to conduct City business, yet maintain the property internal controls. The new signers that will be authorized by this Resolution to sign for the City include City Manager Philip Rodriguez, Finance Director Jean Starr, Assistant Finance Director Janet Tennant and Accounting Manager Dana Willard. In order for any payment of money drawn in the City’s name, there must be two (2) of the above named City employees or following internal control procedures that ensure monies drawn on the City accounts have been proofed by at least two (2) authorized signers. The signature of the City Manager or the Finance Director is required to be one (1) of the two (2) signers.

Motion by Councilmember Kniss, seconded by Councilmember Bell, to approve Resolution 2017-104 authorizing certain employees of the City to sign on the City’s financial accounts. Motion passed by the following vote:

Aye: 8 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, and Councilmember Wallin

Absent: 1 - Councilmember Pollack

9. UTILITIES BUSINESS ITEMS

Resolutions

A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACTING BY AND THROUGH ITS WATER ACTIVITY ENTERPRISE, ACCEPTING THE BID OF CGRS, INC., AND AWARDING THE CONTRACT FOR THE 8.3 MG TANK VALVE REPLACEMENT PROJECT #98703, IN AN AMOUNT NOT TO EXCEED THREE HUNDRED ELEVEN THOUSAND THREE HUNDRED DOLLARS (\$311,300.00), AND AUTHORIZING THE MAYOR TO SIGN THE CONTRACT ON BEHALF OF THE CITY AND THE CITY CLERK TO ATTEST THERETO

Mayor McLean read the title of the Resolution into the record.

City Manager Philip Rodriguez introduced Utilities Director Curt Bauers.

Utilities Director Curt Bauers presented the item requesting to award the contract to replace valves on both the influent and affluent lines of the 8.3 million gallon treated water storage tank. The existing 24 inch butterfly valves will not seat properly and will not isolate the tank and must be replaced. Being able to isolate the tank is necessary in order to accomplish an additional project that will be brought to Council in the future which will ultimately relocate the affluent line and will include a check valve on the line as has been mandated by the Colorado Department of Public Health and Environment in order to maintain the status of the 8.3 million gallon tank as an entry point to the City's distribution system. A pre-bid conference was held on August 7, 2017 and two (2) bids were received. Both bids were over the estimates so the project team and procurement team met with the apparent low bidder to attempt to value engineer alternatives and recognize some savings for the project. Staff was aware of some different valve insertion techniques that would hopefully allow some significant savings. These can be inserted directly into the line without the need to add additional lines to bypass flows. The contractor provided a new cost estimate which reduced the cost from \$439,590.00 to \$311,300.00. Funding for this project was included in the 2017 budget. Staff is requesting award of the contract to CGRS, Inc., the most responsible and responsive proposer in the not to exceed amount of \$311,300.00. CGRS is in good standing in Colorado and their references are good.

Motion by Councilmember Wallin, seconded by Councilmember Edwards, to approve Resolution 2017-105 acting by and through its Water Activity Enterprise, accepting the bid of CGRS, Inc., and awarding the contract for the 8.3 MG Tank Valve Replacement Project #98703, in an amount not to exceed \$311,300.00, and authorizing the Mayor to sign the contract on behalf of the City and the City Clerk to attest thereto. Motion passed by the following vote:

Aye: 8 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, and Councilmember Wallin

Absent: 1 - Councilmember Pollack

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THAT CERTAIN PURCHASE AND SALE TRANSACTION BY AND BETWEEN THE WATER ACTIVITY ENTERPRISE OF THE CITY OF BRIGHTON ("ENTERPRISE"), AND THE JOE A. EVANOFF AND LORIE A. EVANOFF CHARITABLE REMAINDER TRUST DATED DECEMBER 6, 2013 ("SELLER"), FOR THE ACQUISITION OF CERTAIN ADAMS COUNTY REAL PROPERTY AND IMPROVEMENTS, COMPRISING APPROXIMATELY 11.0 ACRES MORE OR LESS, AND LOCATED AT 11880 PEORIA STREET ("PROPERTY"); APPROVING A SUPPLEMENTAL BUDGET APPROPRIATION IN THE AMOUNT OF THE PURCHASE PRICE (\$700,000.00); AND AUTHORIZING AND DIRECTING THE CITY MANAGER OR HIS DESIGNEES TO TAKE SUCH ACTIONS AND EXECUTE SUCH DOCUMENTS AS ARE REASONABLY NECESSARY TO CARRY OUT AND COMPLETE THE TRANSACTION

Mayor McLean read the title of the Resolution into the record.

Utilities Director Curt Bauers presented the request by the Storm Drainage Fund to acquire property for municipal open space and agricultural purposes, including the possibility of constructing an infiltration pond on the property in Fuller Estates which would have the effect of significantly reducing the estimated cost of the future outfall for storm drainage along 120th Avenue. The outfall has been redesigned and the result of the redesign is what allowed the vacation of the easement at the Orchard Church. The property at 11880 Peoria Street was listed for sale in 2016. Council directed staff to pursue the acquisition of the property and staff was able to get the property under contract last month. Due diligence is nearly complete and concerns have been identified. Staff and legal have reviewed the required documents. The site appraised for \$700,000.00 and staff

recommends that Council consider a supplemental appropriation to the 2017 budget for the Storm Drainage Fund from the Storm Drainage Restrictive Fund from Impact Fees in the amount of \$700,000.00 and authorize the City Manager to complete the closing of the property in the amount of \$700,000.00 at the completion of any remaining due diligence activities. Director Bauers answered questions from Council regarding:

- The property being vacant at this time.
- The appraisal value of the property.
- The intended use for the housing structures on the property.
- The look of the property when the project is completed.
- The possibility of the homes being used by the Housing Authority.
- The Phase 1 Study being completed and there not being any contaminants.

Motion by Councilmember Bell, seconded by Councilmember Humbert, to approve Resolution 2017-106 approving that certain Purchase and Sale transaction by and between the Water Activity Enterprise of the City of Brighton (“Enterprise”), and the Joe A. Evanoff and Lorie A. Evanoff Charitable Remainder Trust dated December 6, 2013 (“Seller”), for the acquisition of certain Adams County real property and improvements, comprising approximately 11.0 acres more or less, and located at 11880 Peoria Street (“Property”); approving a supplemental budget appropriation in the amount of the purchase price (\$700,000.00); and authorizing and directing the City Manager or his designees to take such actions and execute such documents as are reasonably necessary to carry out and complete the transaction. Motion passed by the following vote:

Aye: 8 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, and Councilmember Wallin

Absent: 1 - Councilmember Pollack

C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACTING BY AND THROUGH ITS WATER ACTIVITY ENTERPRISE, AUTHORIZING CITY OF BRIGHTON STAFF TO SUBMIT AN APPLICATION FOR FUNDING FROM COLORADO’S WATER PLAN GRANT FUND IN THE ESTIMATED AMOUNT OF FIVE HUNDRED THOUSAND DOLLARS (\$500,000) FOR A NO-DES SYSTEM; AUTHORIZING THE MAYOR TO SIGN THE STATEMENT REGARDING AVAILABLE FUNDING IN THE APPLICATION; AND AUTHORIZING THE CITY MANAGER TO UNDERTAKE SUCH TASKS AND EXECUTE SUCH DOCUMENTS AS MAY BE REQUIRED TO FINALIZE THE GRANT APPLICATION

Mayor McLean read the title of the Resolution into the record.

Utilities Director Curt Bauers requested authorization to submit a grant request for funding from the Colorado Water Plan Grant Fund. The Colorado Water Plan Grant Fund is a partial reimbursement grant. If awarded it funds up to 80% of project costs after completion of a project or acquisition of the equipment. This request is for the acquisition of a system that would significantly reduce the amount of water wasted through flushing activities. A substantial amount of water has to be flushed through the system, particularly in the spring and fall as the total water demands are either rising or falling in order to maintain good water quality. A No-Des system plugs one hydrant into the next hydrant and allows the flushed water to be treated with a carbon system and re-chlorinated before being re-introduced into the distribution system at the next hydrant. Staff estimates that the system could pay for itself within a few years. Without the grant opportunity this system is not currently in the capital plan. The system is quite expensive and staff is not aware of the systems use in Colorado, but they are common in California and other western states. Staff would like to seek the opportunity for this additional funding to move forward with the acquisition of a No-Des system if the grant is awarded. Director Bauers answered questions from Council regarding:

- An explanation of a No-Des System.
- The future for this project if the grant is not awarded.

- *The frequency that this system will be used.*
- *The possibility of entering into an agreement with a neighboring city to share the cost of this system.*

Motion by Councilmember Wallin, seconded by Councilmember Edwards, to approve Resolution 2017-107 acting by and through its Water Activity Enterprise, authorizing City of Brighton staff to submit an application for funding from Colorado's Water Plan Grant Fund in the estimated amount of \$500,000 for a No-Des System; authorizing the Mayor to sign the statement regarding available funding in the application; and authorizing the City Manager to undertake such tasks and execute such documents as may be required to finalize the grant application. Motion passed by the following vote:

Aye: 8 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, and Councilmember Wallin

Absent: 1 - Councilmember Pollack

D. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACTING BY AND THROUGH ITS WATER ACTIVITY ENTERPRISE, AUTHORIZING CITY OF BRIGHTON STAFF TO SUBMIT AN APPLICATION FOR FUNDING FROM COLORADO'S WATER PLAN GRANT FUND FOR THE ERGER'S AUGMENTATION STATION, AND AUTHORIZING THE MAYOR TO SIGN THE STATEMENT REGARDING AVAILABLE FUNDING IN THE APPLICATION, AND THE CITY MANAGER TO UNDERTAKE SUCH TASKS AND EXECUTE SUCH DOCUMENTS AS MAY BE REQUIRED TO FINALIZE THE GRANT APPLICATION

Mayor McLean read the title of the Resolution into the record.

Utilities Director Curt Bauers requested authorization to submit a request for grant funding from the Colorado Water Plan Grant Fund for assistance with funding for the Erger's Augmentation Station Project. This is a project that staff anticipates bringing to Council for consideration in 2018 and the funding to complete the project is included in the 2017 budget. Staff received approval from the Army Corps of Engineers to permit the construction of the project. The potential opportunity is to obtain up to one million dollars in grant funding which would be a tremendous benefit to the project. Staff is requesting authorization to proceed with the submittal of the grant application.

Motion by Councilmember Humbert, seconded by Councilmember Bell, to approve Resolution 2017-108 acting by and through its Water Activity Enterprise, authorizing City of Brighton staff to submit an application for funding from Colorado's Water Plan Grant Fund for the Erger's Augmentation Station, and authorizing the Mayor to sign the statement regarding available funding in the application, and the City Manager to undertake such tasks and execute such documents as may be required to finalize the grant application. Motion passed by the following vote:

Aye: 8 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, and Councilmember Wallin

Absent: 1 - Councilmember Pollack

10. GENERAL BUSINESS

11. REPORTS

A. By the Mayor

Mayor McLean attended the Adams County Mayors group meeting, the meet and greet with Lochbuie and the meet and greet with School District 27J.

Mayor McLean welcomed new City Manager Philip Rodriguez.

B. By Department Heads

C. By the City Attorney

D. By the City Manager

City Manager Philip Rodriguez introduced himself and gave a brief history of his background.

City Manager Philip Rodriguez reminded candidates that he is available if they have questions and asked that they help with placing political signs in public rights of way. City Manager Rodriguez asked citizens to call the City with any questions about their water bill or the Utility Billing process.

12. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS

Mayor Pro Tem Kreutzer attended the Historic Preservation Commission meeting, the Brighton Police Department annual inspection and the Sister Cities Conference at the Armory.

Councilmember Kniss attended the benefit for business owners that were victims of the fire in June. The Eye for Art reception is September 29th at City Hall.

Councilmember Humbert attended the Brighton Housing Authority meeting, the Housing Authority Assistance Resource Fair at the Armory, and the Brighton Urban Renewal Authority meeting.

Councilmember Bell attended the Lodging Tax Advisory Committee meeting.

Councilmember Baca attended the Brighton Fire Board meeting.

Councilmember Wallin announced that the Youth Commission is working the SPEAK event for next year, attended the CML Executive Board meeting, attended the fire victims benefit and the meet and greet with Lochbuie.

Councilmember Edwards attended the meet and greet with Lochbuie, the Eagle View Adult Center Board of Directors meeting, the meet and greet with School District 27J and the Eagle View Adult Center car show.

Councilmember Bell asked if it would be appropriate to go into Executive Session to speak about an item.

City Attorney Margaret Brubaker informed Councilmember Bell that the items he had told her he wanted to discuss do not appear to come within the legal topics that are allowed to be discussed in an Executive Session.

Councilmember Bell spoke about a letter that was received by City Council regarding a candidate for Mayor and asked that the candidate and the entire situation be treated with respect.

13. EXECUTIVE SESSION

14. ADJOURNMENT

Motion by Councilmember Humbert, seconded by Mayor Pro Tem Kreutzer, to adjourn at 9:04 p.m. Motion passed by the following vote:

Aye: 8 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember

Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss,
and Councilmember Wallin

Absent: 1 - Councilmember Pollack

CITY OF BRIGHTON, COLORADO

Richard N. McLean, Mayor _____

ATTEST:

Natalie Hoel, City Clerk

Approval Date