



Legislation Details (With Text)

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City of Brighton

500 S. 4th Avenue
Brighton, CO 80601



Special Meeting Minutes

Tuesday, July 11, 2017

6:00 PM

Special City Council Meeting

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 6:01 p.m.

A. Pledge of Allegiance to the American Flag.

Councilmember Edwards led the recitation of the Pledge of Allegiance to the American Flag.

B. Roll Call.

Present: 9 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, Councilmember Pollack, and Councilmember Wallin

2. CONSENT AGENDA

- A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF BRIGHTON AND THE COLORADO DEPARTMENT OF TRANSPORTATION FOR THE TRAFFIC SIGNAL SYSTEM IMPROVEMENT PROGRAM MISCELLANEOUS EQUIPMENT PURCHASE PROGRAM GRANT AND AUTHORIZING THE MAYOR TO EXECUTE SAID INTERGOVERNMENTAL AGREEMENT ON BEHALF OF THE CITY**

Enactment No: 2017-66

- B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACTING BY AND THROUGH ITS WATER ACTIVITY ENTERPRISE, APPROVING AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT NO. 06-01.25 REGARDING DESIGN AND CONSTRUCTION OF DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR THE NORTH OUTFALL BETWEEN**

THE CITY OF BRIGHTON AND URBAN DRAINAGE AND FLOOD CONTROL DISTRICT AND AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE SAID AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT ON BEHALF OF THE CITY

Enactment No: 2017-67

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

Aye: 9 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, Councilmember Pollack, and Councilmember Wallin

3. APPROVAL OF REGULAR AGENDA

Motion by Mayor Pro Tem Kreutzer, seconded by Councilmember Kniss, to approve the Regular Agenda as presented. Motion passed by the following vote:

Aye: 9 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, Councilmember Pollack, and Councilmember Wallin

4. CEREMONIES

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

Administrative Services Director Karen Borkowski Surine introduced Jake Herbert, Utilities Staff Engineer, JD McCune, Utility Billing Supervisor, and Patrick Vernon, Utilities Staff Engineer, and gave a brief history of their backgrounds. Mayor McLean and City Council welcomed the new employees to the City of Brighton.

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

Seth Cvancara, Brighton small business owner. Mr. Cvancara expressed concern regarding a ticket he received for parking his dump truck in front of his house for a few hours prior to leaving for work in the morning and asked for Council consideration to change this portion of the Code.

6. PUBLIC HEARINGS

A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING WITH CONDITIONS AS SET FORTH HEREIN, A CONDITIONAL USE FOR THE DISCOVERY GAS AND OIL UNDERGROUND TRANSMISSION PIPELINES, GENERALLY TRAVERSING VARIOUS PARCELS LOCATED IN THE CITY OF BRIGHTON, COLORADO, AND SETTING FORTH DETAILS IN RELATION THERETO

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

Mayor McLean opened the public hearing at 6:10 p.m. and City Clerk Natalie Hoel verified the required postings and publications (June 21, 2017 in the Brighton Standard Blade) for this public hearing were completed.

Community Development Director Holly Prather presented the Discovery Pipeline Conditional Use Permit that generally runs along the Willow Bay property and is located in the E-470 right-of-way. The Willow Bay area was annexed in 1990 and zoned PUD. The pipeline will run in the E-470 right-of-way and that area is not zoned because it is right-of-way. The Adams County trail connection is in the area and there is a parking lot nearby. The applicant is proposing a 10" gas pipeline and an 8" oil pipeline. The remainder of the pipeline is located in Adams County.

The Comprehensive Plan designates this area for agriculture and parks and open space. The portion of the pipeline in the city limits runs adjacent to undeveloped residential property and E-470 right-of-way and is generally west of 136th Avenue. The Land Use and Development Code required transmission lines of this nature to go through a conditional use permit process. The conditional use review criteria requires that the conditional use complies with the requirements of the regulations and the zone district in which it is located. The conditional use must provide consistency with the purpose and intent of the regulations, provides compatibility with the surrounding areas, is harmonious with the character of the neighborhood, is not detrimental to the immediate area or the future development of the area, not detrimental to the health, safety and welfare of the inhabitants of the City and that it must comply with the Comprehensive Plan and other Master Plans of the City. The following conditions should be considered for approval of the conditional use:

1. Hours of operation.
2. Street and road capacity.
3. Off-street parking.
4. Fencing, screening, and landscaping.
5. Building bulk, height, setback, location, and external appearance.
6. Useable open space.
7. Signs and lighting.
8. Noise, vibration, air pollution, or similar environmental considerations.

Notice of the public hearing was mailed to property owners within 300' on June 16, 2017, a notice was published in the local paper on June 21, 2017, and a sign was posted on the property on June 19, 2017. Staff has not received any formal comments, however several calls were received from neighbors asking about the route of the pipeline.

Staff is recommending the following seven (7) conditions:

1. All construction shall be in strict compliance with the plans approved by the City.
2. The eight (8) inch oil pipeline shall be constructed at a depth of at least forty-eight (48) inches below grade; at all road crossings, the depth shall be at least sixty (60) inches below grade.
3. The ten (10) inch natural gas pipeline shall be constructed at a depth of at least forty-eight (48) inches below grade; at all road crossings, the depth shall be at least sixty (60) inches below grade.
4. Construction may only take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday.
5. All land must be returned to its original state of vegetation upon completion of construction for the pipelines. Any trees or other landscaping that is removed during construction must be replaced elsewhere on the property with similar trees/landscaping.
6. No construction equipment, including vehicles and pipes not being installed within the City limits, may be staged or otherwise stored on any property within the City of Brighton city limits.
7. Nothing shall be constructed on the surface unless and until an application to amend the conditional use is submitted and approved by the City Council.

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

The Applicant's primary representative, Ms. Many Miller, Manager of Engineering, explained that their goal is to take trucks off of the roads. This will help to reduce noise, traffic, dust and also to limit road damage. The pipeline will run from one well pad to another well pad.

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. Senior Planner Lauren Simmons reported that there were some general questions regarding the route of the pipeline.

Mayor McLean asked if there were questions from City Council.

Councilmember Humbert asked how many oil and gas companies will be using this pipeline. Ms. Miller reported that there will be one company, Ward Petroleum, and that to her knowledge, at least one well pad. Councilmember Humbert asked if the pipeline will be capable of doing more. Ms. Miller explained that would depend on developed volume.

Councilmember Wallin asked if the waterway indicated on the map, was the South Platte River. Senior Planner Lauren Simmons answered "no," and explained that the portion in the city limits is east of the South Platte River but it crosses the river into the County. Councilmember Wallin asked how the waterway will be protected. The Applicant's other representative, Mr. Chris Roberts, Land Manager, explained that the construction plan is for boring of that portion of the pipeline and going 50' deep into the bedrock to avoid and protect the waterway. Councilmember Wallin asked how close the pipeline is located to the lake depicted on the map. Mr. Roberts reported that it is about 150' to 200' from the lake. Mr. Roberts further explained that the required environmental studies for the project indicate that the pipeline will not have any adverse impact on the lake.

Councilmember Baca asked how long the pipeline is anticipated to be in use. Ms. Miller explained that it will be in use as long as there is oil production in this area. Councilmember Baca asked if it could be in use for decades and Ms. Miller explained that yes, it could be.

Mayor McLean asked if the applicant has received permission from E-470. Mr. Roberts reported that they are currently working with E-470 Authority for the permit for construction.

Mayor McLean closed the public hearing at 6:22 p.m.

Motion by Councilmember Bell, seconded by Councilmember Wallin, to approve Resolution 2017-68 approving with conditions as set forth herein, a Conditional Use for the Discovery Gas and Oil Underground Transmission Pipelines, generally traversing various parcels located in the City of Brighton, Colorado, and setting forth details in relation thereto with the proposed conditions. Motion passed by the following vote:

Aye: 9 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, Councilmember Pollack, and Councilmember Wallin

7. CONSOLIDATED ITEMS FOR SEQUENTIAL REVIEW

Acting City Manager Clint Blackhurst introduced Parks and Recreation Director Gary Wardle.

Parks and Recreation Director Gary Wardle explained that the following Resolution will approve the Purchase and Sale Agreement for the acquisition of the Sable Farm property located on the west side of Sable Boulevard between 148th Avenue and 144th Avenue consisting of approximately 63.69 acres and 70.8 shares of Fulton Ditch. The acquisition also includes the main house, workers house and two (2) wells on the property. In a transaction approved by City Council previously, The Conservation Fund non-profit entity purchased this property on behalf of the City three (3) months ago and it is now in the ownership of The Conservation Fund. The City has been doing its due diligence preparing the agreements and is now ready for Council to approve the Purchase and Sale Agreement for the City to acquire the property. The purchase price of the property is \$3,478,000.00. Grant funds will be used to purchase the property, a Great Outdoors Colorado grant in the amount of \$487,690.00 and an Adams County Open Space grant in the amount of \$1,492,000.00. The City budgeted \$1,498,310.00 in the Recreation Capital Open Space Account in 2017 for this acquisition.

The Ordinance associated with the Purchase and Sale Agreement would approve a Conservation Easement

on the property, as required by the GOCO grant and the Adams County Open Space grant. The Easement will preserve this property as farmland and remove any of the development rights from the property, and also encumbers the water rights appurtenant to the property. The intent of the Easement is to preserve and protect the conservation values of the property being acquired, and the Easement would be granted once the City acquires the property, as a condition of receiving the GOCO and AdCo grant funding. Staff is working with GOCO and Adams County to allow possible substitution of the water rights being acquired, for use on other properties within the farming district, if there are excess water rights on this subject property. Staff hopes to have a final answer regarding the water rights at final reading of the Ordinance.

- A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THAT CERTAIN PURCHASE AND SALE AGREEMENT AND EXHIBITS (“PSA”), BY AND BETWEEN THE CITY AND THE CONSERVATION FUND (“TCF”) (“OWNER” AND “SELLER”), FOR THE CITY’S PURCHASE AND ACQUISITION OF CERTAIN ADAMS COUNTY AGRICULTURAL REAL PROPERTY AND IMPROVEMENTS, COMPRISING APPROXIMATELY 63.69 ACRES MORE OR LESS, AND ALSO INCLUDING CERTAIN APPURTENANT WATER RIGHTS (“PROPERTY”), BEING GENERALLY LOCATED ALONG SABLE BOULEVARD BETWEEN 144TH AND 148TH AVENUES, AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE THE PSA, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEES TO TAKE SUCH ACTIONS AND EXECUTE SUCH DOCUMENTS AS ARE REASONABLY NECESSARY TO CARRY OUT AND SUCCESSFULLY CLOSE THE TRANSACTION FOR THE CITY**

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

Director Wardle answered questions from Council regarding:

- *The water rights being used to farm this land.*

Motion by Councilmember Edwards, seconded by Mayor Pro Tem Kreutzer, to approve Resolution 2017-69 approving that certain Purchase and Sale Agreement and exhibits (“PSA”), by and between the City and the Conservation Fund (“TCF”) (“Owner” and “Seller”), for the City’s purchase and acquisition of certain Adams County agricultural real property and improvements, comprising approximately 63.69 acres more or less, and also including certain appurtenant water rights (“Property”), being generally located along Sable Boulevard between 144th and 148th Avenues, and authorizing and directing the City Manager to execute the PSA, and authorizing the City Manager or his designees to take such actions and execute such documents. 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

No: 1 - Councilmember Pollack

- B. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING THE GRANT AND CONVEYANCE BY THE CITY OF THAT CERTAIN CONSERVATION EASEMENT OVER CERTAIN AGRICULTURAL REAL PROPERTY OWNED BY THE CITY AND LOCATED IN ADAMS COUNTY; AND AUTHORIZING THE MAYOR TO EXECUTE THE CONSERVATION EASEMENT AND THE CITY CLERK TO ATTEST THERETO; AND SETTING FORTH OTHER DETAILS RELATED THERETO**

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

Director Wardle answered questions from Council regarding:

- *The Conservation Easement existing in perpetuity.*

Motion by Mayor Pro Tem Kreutzer, seconded by Councilmember Kniss, to approve the Ordinance approving the grant and conveyance by the City of that certain Conservation Easement over certain agricultural real property owned by the City and located in Adams County; and authorizing the Mayor to execute the Conservation Easement. 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

No: 1 - Councilmember Pollack

8. ORDINANCES FOR FINAL CONSIDERATION

- A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO APPROVING FOUR OIL AND GAS LEASES (NO SURFACE OCCUPANCY) WITH GREAT WESTERN OIL AND GAS COMPANY FOR +/- 358.0541 NET MINERAL ACRES IN CERTAIN PORTIONS OF SECTIONS 11 AND 12 TOWNSHIP 1 SOUTH, RANGE 67 WEST OF THE 6TH P.M. IN ADAMS COUNTY, COLORADO AND IN SECTIONS 7 AND 8 TOWNSHIP 1 SOUTH, RANGE 66 WEST OF THE 6TH P.M. IN ADAMS COUNTY, COLORADO; FINDING THAT THE TERMS OF SAID LEASES ARE REASONABLE AND THAT IT IS IN THE BEST INTEREST OF THE CITY TO ENTER INTO SAID LEASES; AUTHORIZING THE MAYOR TO EXECUTE SAID LEASES ON BEHALF OF THE CITY; AUTHORIZING THE CITY MANAGER TO UNDERTAKE SUCH TASKS AND EXECUTE SUCH DOCUMENTS AS MAY BE REQUIRED TO IMPLEMENT SAID LEASES; AND SETTING FORTH OTHER DETAILS RELATED THERETO**

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

Acting City Manager Clint Blackhurst reported that 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 Mayor Pro Tem Kreutzer, seconded by Councilmember Humbert, to approve Ordinance 2262 approving four oil and gas leases (no surface occupancy) with Great Western Oil and Gas Company for +/- 358.0541 net mineral acres in certain portions of Sections 11 and 12 township 1 south, range 67 west of the 6th P.M. in Adams County, Colorado and in Sections 7 and 8 township 1 south, range 66 west of the 6th P.M. in Adams County, Colorado; finding that the terms of said leases are reasonable and that it is in the best interest of the City to enter into said leases; authorizing the Mayor to execute. Motion passed by the following vote:

Aye: 9 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, Councilmember Pollack, and Councilmember Wallin

9. RESOLUTIONS

- A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING A SINGLE SOURCE ACQUISITION FROM ECONOLITE, INC. FOR UNINTERRUPTABLE POWER SUPPLY SYSTEMS IN AN**

AMOUNT NOT TO EXCEED EIGHTY THOUSAND AND NO/100 DOLLARS (\$80,000.00) AND AUTHORIZING THE MAYOR TO SIGN THE CONTRACT ON BEHALF OF THE CITY AND THE CITY CLERK ATTEST THERETO

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

Acting City Manager Clint Blackhurst introduced Streets and Fleet Director Kimberly Dall.

Streets and Fleet Director Kimberly Dall requested a single source justification for uninterruptable power supply for traffic signals. This is a battery backup for the traffic signals. Severe weather has caused outages which causes the signals to go to a red flash or leave the signals completely dark which can create safety problems. Power surges can also create problems for the signals. The batteries are being placed in older style cabinets that were not built to hold a backup battery so there is very little room in them. The newer cabinets already have backup batteries in them. This product is a Zinc Five Battery Backup System, this is a smaller product that can slide in the cabinet beside the components. Without this product the City would have to replace the entire traffic signal cabinet. There is one (1) vendor that provides this product and staff has reviewed other agencies to be sure that it works. Staff is confident this product will address the needs of the City. This product will be used at sixteen (16) intersections for an approximate amount of \$80,000.00. Director Dall answered questions from Council regarding:

- The number of batteries that will be needed in each cabinet.*
- The lifespan of the batteries.*
- The time to life battery backup supply.*
- There being only one (1) company that provides this product.*
- The \$5,000.00 per unit being comparable to other systems.*
- Remote notification being part of this system, or already existing in the City's system.*

Motion by Councilmember Bell, seconded by Councilmember Humbert, to approve Resolution 2017-70 approving a single source acquisition from Econolite, Inc. for uninterruptable power supply systems in an amount not to exceed \$80,000.00 and authorizing the Mayor to sign the contract on behalf of the City. Motion passed by the following vote:

Aye: 9 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, Councilmember Pollack, and Councilmember Wallin

B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE PROPOSAL OF VAUGHN'S ELECTRIC, AND AWARDING THE CONTRACT FOR "AS NEEDED" ELECTRICAL 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.

Acting City Manager Clint Blackhurst introduced General Services Manager Karla Armstrong.

General Services Manager Karla Armstrong requested approval of the As Needed Electrical Services Contract to the lowest most responsive, and responsible proposer Vaughn's Electric. The Brighton Municipal Code allows the City Manager to approve an annual extension after City Council has approved a multi-term contract. The multi-term agreement will be utilized with the possibility of four (4) one (1) year extensions and are renewable annually. Performance will be reviewed during the contract season and at the completion of each term, and any approval for renewal or extension of the term will be subject to annual appropriation and satisfactory performance by the contractor. This contract will cover all departments with day to day projects and maintenance. The accumulated spend for the previous (now expired) five (5) year term was \$700,198.00 and all projects over \$25,000.00 will not be covered by this contract. Formal proposals were requested from

qualified contractors for this service and four (4) proposals were received. Vaughn's Electric has the expertise and experience for this contract. Manager Armstrong answered questions from Council regarding:

- This being a local company.*
- There being a ceiling on the contract for max spend.*

Motion by Mayor Pro Tem Kreutzer, seconded by Councilmember Bell, to approve Resolution 2017-71 accepting the proposal of Vaughn's Electric, and awarding the contract for "As Needed" electrical services including repair, installation and maintenance services under \$25,000.00 per project, and authorizing the Mayor to sign the contract. Motion passed by the following vote:

Aye: 9 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, Councilmember Pollack, and Councilmember Wallin

10. EXECUTIVE SESSION

11. ADJOURNMENT

Motion by Councilmember Wallin, seconded by Councilmember Edwards, to adjourn at 6:59 p.m. Motion passed by the following vote:

Aye: 9 - Mayor McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, Councilmember Pollack, and Councilmember Wallin

CITY OF BRIGHTON, COLORADO

Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

Approval Date