



Legislation Details (With Text)

**File #:** ID-230-18      **Version:** 1      **Name:**  
**Type:** Minutes      **Status:** Agenda Ready  
**File created:** 6/14/2018      **In control:** City Council  
**On agenda:** 7/17/2018      **Final action:**  
**Title:** Approval of the June 26, 2018 City Council Minutes  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:**

Date	Ver.	Action By	Action	Result
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City of Brighton

500 S. 4th Avenue  
Brighton, CO 80601



Special Meeting Minutes - Draft

Tuesday, June 26, 2018

6:00 PM

Special City Council Meeting

## Council Chambers

### City Council

**MAYOR - KENNETH J. KREUTZER**

**MAYOR PRO-TEM - JW EDWARDS**

**COUNCIL MEMBERS:**

**LYNN BACA, CLINT BLACKHURST, MARK HUMBERT,  
MATT JOHNSTON, GREGORY MILLS, MARY ELLEN POLLACK,  
KIRBY WALLIN**

#### **1. CALL TO ORDER**

*Mayor Kreutzer called the meeting to order at 6:01 p.m.*

##### **A. Pledge of Allegiance to the American Flag**

*Members of the Youth Commission led the recitation of the Pledge of Allegiance to the American Flag.*

##### **B. Roll Call**

**Present:** 9 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Baca, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

#### **2. APPROVAL OF REGULAR AGENDA**

**Motion by Councilmember Humbert, seconded by Councilmember Baca, to approve the Regular Agenda as presented. Motion passed by the following vote:**

**Aye:** 9 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Baca, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

#### **3. CONSENT AGENDA**

##### **A. Approval of the May 1, 2018 City Council Minutes**

##### **B. Approval of the May 15, 2018 City Council Minutes**

**Motion by Councilmember Wallin, seconded by Mayor Pro Tem Edwards, to approve the**

Consent Agenda as presented. Motion passed by the following vote:

Aye: 9 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Baca, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

#### 4. CEREMONIES

##### A. Farewell for City Attorney Margaret Brubaker

*Members of City Council thanked City Attorney Margaret Brubaker for her service to the City of Brighton.*

##### B. Thank You for Assistant City Attorney Christopher Ernst

##### C. Recognition of Graduating Youth Commission Members

*Youth Services Manager Tawnya Russell introduced graduating Youth Commission Members Jerrika Eisenbarth, Jonathan Townsend and Paola Chaparro. Mayor Kreutzer and City Council thanked the members for their service to the City of Brighton and wished them well in the future.*

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

#### 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 FRONTAGE GATHERING SYSTEM, A PAIR OF PARALLEL UNDERGROUND TRANSMISSION PIPELINES, GENERALLY TRAVERSING VARIOUS PARCELS LOCATED IN THE CITY OF BRIGHTON, COLORADO, AND SETTING FORTH DETAILS IN RELATION THERETO

*Mayor Kreutzer read the title of the Resolution into the record.*

*Mayor Kreutzer opened the public hearing at 6:30 p.m. and City Clerk Natalie Hoel verified the required postings and publications (June 6, 2018 in the Brighton Standard Blade) for this public hearing were completed.*

*City Manager Philip Rodriguez introduced Senior Planner Josh Tetzlaff.*

*Senior Planner Josh Tetzlaff explained that this Conditional Use Permit application is for a set of parallel oil and gas pipelines on the north side of the City carrying product from the Homestead well pad, north, to be processed. These pipelines are part of a Memorandum of Understanding with the City, signed by the operator (Petro Operating), to use pipelines instead of trucks to deliver their extracted material. This project aligns with the Supportive, Sustainable Infrastructure strategic focus area of the Strategic Plan.*

*The Conditional Use process is generally toward the end of the entitlement process. The land has been annexed into the City, zoned to assign appropriate uses, and easements have been secured for the transmission line. If the pipelines were approved, the applicant would need to apply for various construction permits. The pipelines are part of the Homestead Well Pad project currently being drilled in northeast Brighton. As part of their Memorandum of Understanding (MOU), the applicant agreed to use pipelines to move product instead of truck traffic. This would keep an estimated four thousand large, heavy trucks off City streets every year for each well drilled. The pad is permitted to drill up to twenty-four wells; this could be a reduction of twelve thousand tanker trucks each year taken off City streets. This is good for the City's road health and*

citizen safety, and good for the applicant since pipelines are a more efficient, less offensive way to move product. The small portion in Brighton is part of the much larger pipeline, which is about fifty-five miles in length, and will terminate near Roggen Colorado in Weld County. The portion of the City these pipelines will cross was annexed in 1991 and in 2003. The land is currently zoned Agricultural/Residential and is considered undeveloped with very large lot properties that are being farmed and commonly located in unincorporated areas of the County. The area of the pipeline in Brighton is in an area the Comprehensive Plan designates as agricultural. The only homes on the properties are landowners that have given consent for easements to be placed on their property. The City has received proof of these easements.

Two oil and gas pipelines will be buried at a depth of at least 48" even though federal standards only require 36". The pipelines will head north through Brighton City limits before going into unincorporated Weld County. The applicant has stated that no infrastructure would be aboveground in the City; therefore landscaping and screening is not needed. The applicant would return any disturbed ground to its natural state. During the review of this application, staff worked with oil and gas consultant Matt Sura to put together a lengthy list of conditions to assure the City's safety in construction and ongoing maintenance of the pipelines. These conditions are outlined in the MOU the applicant has agreed to sign as part of this application.

Notice of the public hearing was sent on June 5, 2018 to all property owners within 300' of the portion of the project within City limits, as required by Code. A sign was posted on the property and notice was published in the Brighton Standard Blade on June 6, 2018. No formal comments have been received. Staff recommends approval of this application with the following condition:

1. The applicant shall, contemporaneously with the City Council approval of the application, execute a Memorandum of Understanding (MOU), a copy of which is attached hereto, and by this reference made a material part of this conditional approval.

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

Leif Lindahl, Summit Engineering Services, representing the applicant. Mr. Lindahl did not have any further comment.

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

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

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

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

Mayor Kreutzer asked if there were questions from City Council.

Councilmember Blackhurst asked how deep and how far apart the gas and oil lines would be. Mr. Lindahl explained that the pipelines are built at a four ft. depth and are separated by three ft. Councilmember Blackhurst asked how the pipeline is marked to prevent the line being cut. Mr. Lindahl explained that the lines are made of steel and can be found with a signal. There are also GPS locates on each well and the length of the pipeline. Once the system is operational, there will be the ability to locate the lines accurately. Councilmember Blackhurst asked if a leak should occur, is there a way of detecting the leak. Mr. Lindahl explained that there will be metering at both ends of the pipeline and a leak can be detected through the SCADA system.

Mayor Kreutzer closed the public hearing at 6:41 p.m.

**Motion by Mayor Pro Tem Edwards, seconded by Councilmember Humbert, to approve Resolution 2018-72 approving with conditions as set forth herein, a Conditional Use for the Frontage Gathering System, a Pair of Parallel Underground Transmission Pipelines, generally traversing various parcels located in the City of Brighton, Colorado, and setting forth details in relation thereto. Motion passed by the following vote:**

**Aye:** 9 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Baca,  
Councilmember

Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

*Councilmember Baca left the meeting at 6:43 p.m.*

## **7. CONSOLIDATED ITEMS FOR SEQUENTIAL REVIEW**

### **A. AN ORDINANCE OF THE CITY OF BRIGHTON CITY COUNCIL APPROVING THE GUZMAN RE-ZONING REQUEST FROM AGRICULTURAL/RESIDENTIAL (A/R) TO RURAL ESTATE (RE), FOR AN APPROXIMATELY 35.136 ACRE PROPERTY, GENERALLY LOCATED IN THE SOUTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 1, TOWNSHIP 2 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF WELD, STATE OF COLORADO (FINAL READING)**

*Mayor Kreutzer read the title of the Ordinance into the record.*

*City Manager Rodriguez introduced Senior Planner Lauren Simmons.*

*Senior Planner Lauren Simmons explained that the next two items pertain to 648 WCR 31. A public hearing was held on June 5, 2018 for the Rezoning and the Final Plat and Development Agreement. The first reading of the rezoning ordinance was approved on June 5<sup>th</sup> and consideration of the Resolution for the Final Plat was continued to this meeting, this ensures that the approvals will take place in the correct order while completing the public hearing at one meeting. Staff recommends approval of the Rezoning Ordinance and the Resolution for the Final Plat and Development Agreement. Planner Simmons answered questions from Council regarding:*

- Steps to be taken in the future to look at the Land Use Code to address the challenges the applicant had with building their home.*

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

**Motion** by Councilmember Humbert, seconded by Councilmember Johnston, to approve Ordinance 2285 approving the Guzman Re-zoning request from Agricultural/Residential (A/R) to Rural Estate (RE), for an approximately 35.136 acre property, generally located in the southwest  $\frac{1}{4}$  of the northeast  $\frac{1}{4}$  of section 1, township 2 south, range 66 west of the 6<sup>th</sup> principal meridian, City of Brighton, County of Weld, State of Colorado. Motion passed by the following vote:

**Aye:** 8 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

**Absent:** 1 - Councilmember Baca

*Councilmember Baca returned at 6:48 p.m.*

### **B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING A FINAL PLAT AND DEVELOPMENT AGREEMENT FOR THE GUZMAN SUBDIVISION AN APPROXIMATE 35.136 ACRE PARCEL OF CONTIGUOUS LAND, IN THE SOUTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ SECTION 1, TOWNSHIP 2 SOUTH, RANGE 66 WEST, OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BRIGHTON, COUNTY OF WELD, STATE OF COLORADO; AUTHORIZING THE MAYOR TO EXECUTE THE DEVELOPMENT AGREEMENT ON BEHALF OF THE CITY; AND SETTING FORTH OTHER DETAILS RELATED THERETO**

*Mayor Kreutzer read the title of the Resolution into the record.*

Motion by Councilmember Wallin, seconded by Councilmember Blackhurst, to approve Resolution 2018-73 approving a Final Plat and Development Agreement for the Guzman Subdivision an approximate 35.136 acre parcel of contiguous land, in the southwest ¼ of the northeast ¼, section 1, township 2 south, range 66 west, of the 6<sup>th</sup> principal meridian, City of Brighton, County of Weld, State of Colorado, authorizing the Mayor to execute the Development Agreement on behalf of the City; and setting forth other details related thereto. Motion passed by the following vote:

Aye: 9 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Baca,  
Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

## **8. ORDINANCES FOR INITIAL CONSIDERATION**

## **9. ORDINANCES FOR FINAL CONSIDERATION**

**A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING CHAPTER 2, ADMINISTRATION AND PERSONNEL OF THE BRIGHTON MUNICIPAL CODE, REGARDING THE ADMINISTRATIVE DEPARTMENTS OF THE CITY AND THE AUTHORITY OF THE CITY MANAGER TO SUPERVISE AND MAKE ORGANIZATIONAL RECOMMENDATIONS FOR THE SAME; REPEALING THE FOLLOWING SECTIONS:**

**SECTION 2-8-80. - DEPARTMENT OF FINANCE,**

**SECTION 2-8-90. - POLICE DEPARTMENT,**

**SECTION 2-8-100. - FIREFIGHTING DEPARTMENT,**

**SECTION 2-8-110. - DEPARTMENT OF PUBLIC INFORMATION AND COMMUNITY RESOURCES,**

**SECTION 2-8-120. - DEPARTMENT OF OPERATIONS,**

**SECTION 2-8-130. - DEPARTMENT OF STREETS AND FLEET,**

**SECTION 2-8-140. - DEPARTMENT OF UTILITIES,**

**SECTION 2-8-150. - DEPARTMENT OF PARKS AND RECREATION,**

**SECTION 2-8-160. - DEPARTMENT OF DEVELOPMENT AND REDEVELOPMENT,**

**SECTION 2-8-170. - DEPARTMENT OF COMMUNITY DEVELOPMENT,**

**SECTION. 2-8-180. - DEPARTMENT OF ECONOMIC DEVELOPMENT,**

**SECTION 2-8-190. - DEPARTMENT OF TECHNOLOGY, INNOVATION AND SUSTAINABILITY,**

**SECTION. 2-8-200. - DEPARTMENT OF ADMINISTRATIVE SERVICES, AND**

**ARTICLE 2-28 - HEALTH DEPARTMENT AND HEALTH OFFICER;**

**AND AMENDING THE GENERAL ADMINISTRATIVE ORGANIZATION SET FORTH IN SECTION 2-8-70, TO INCLUDE THE FOLLOWING DEPARTMENTS, TO FUNCTION UNDER THE JURISDICTION AND DIRECTION OF THE CITY MANAGER: CITY MANAGER'S OFFICE, PARKS & RECREATION, COMMUNITY DEVELOPMENT, POLICE DEPARTMENT, INFORMATION TECHNOLOGY, GENERAL SERVICES, FINANCE, COMMUNICATIONS & ENGAGEMENT, INFRASTRUCTURE SERVICES, UTILITIES, PUBLIC WORKS, AND SUCH OTHER DEPARTMENTS AS MAY BE ESTABLISHED BY ORDINANCE OF THE CITY; AND SETTING FORTH OTHER PROVISIONS RELATED TO THE FOREGOING**

*Mayor Kreutzer read the title of the Ordinance into the record.*

*City Manager Rodriguez explained that this is the final reading of the Ordinance and there have not been any*

*changes since first reading.*

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

**Motion by Councilmember Johnston, seconded by Councilmember Mills, to approve Ordinance 2286, amending Chapter 2, Administration and Personnel of the Brighton Municipal Code, regarding the Administrative Departments of the City and the authority of the City Manager to supervise and make organizational recommendations for the same; repealing the following sections: Section 2-8-80 - Department of Finance, Section 2-8-90 - Police Department, Section 2-8-100 - Firefighting Department, Section 2-8-110 - Department of Public Information and Community Resources, Section 2-8-120 - Department of Operations, Section 2-8-130 - Department of Streets and Fleet, Section 2-8-140 - Department of Utilities, Section 2-8-150 - Department of Parks and Recreation, Section 2-8-160 - Department of Development and Redevelopment, Section 2-8-170 - Department of Community Development, Section 2-8-180 - Department of Economic Development, Section 2-8-190 - Department of Technology, Innovation and Sustainability, Section 2-8-200 - Department of Administrative Services, and Article 2-28 - Health Department and Health Officer; and amending the General Administrative Organization set forth in section 2-8-70, to include the following departments, to function under the jurisdiction and direction of the City Manager: City Manager's Office, Parks & Recreation, Community Development, Police Department, Information Technology, General Services, Finance, Communications & Engagement, Infrastructure Services, Utilities, Public Works, and such other department as may be established by Ordinance of the City; and setting forth other provisions related to the foregoing. Motion passed by the following vote:**

**Aye:** 9 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Baca, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

## **B. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO AMENDING SPECIFIED SECTIONS OF THE BRIGHTON MUNICIPAL CODE RELATED TO CONDITIONAL USES AND SETTING FORTH OTHER DETAILS IN RELATION THERETO**

*Mayor Kreutzer read the title of the Ordinance into the record.*

*City Manager Rodriguez introduced Senior Planner Josh Tetzlaff.*

*Senior Planner Josh Tetzlaff explained that there were some concerns expressed by the City Council at the final reading of the Ordinance on May 15, 2018 regarding changing the conditional use provisions to designate bars and taverns as a Use by Right in the Downtown zone district. City Attorney Margaret Brubaker provided a memo to City Council regarding this issue. Staff does not have any updates regarding this item.*

*Mayor Kreutzer asked if there were any comments from the Council or the audience on the second reading of the Ordinance, there were none.*

**Motion by Councilmember Blackhurst, seconded by Councilmember Mills, to approve Ordinance 2287 amending specified sections of the Brighton Municipal Code related to Conditional Uses and setting forth other details in relation thereto. Motion passed by the following vote:**

**Aye:** 9 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Baca, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

## **10. RESOLUTIONS**

**A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE PROPOSAL OF ALFRED BENESCH & COMPANY, HCL ENGINEERING & SURVEYING, INC., BOHANNAN HUSTON, INC. AND JR ENGINEERING, LLC, AND AWARDING THE CONTRACT "ON CALL" TRANSPORTATION 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 Kreutzer read the title of the Resolution into the record.*

*City Manager Philip Rodriguez reported that staff is available for questions.*

*Interim Public Works Director Michael Woodruff answered questions from Council regarding:*

- Provide examples of a scenario that would require these types of services.*
- The reason staff chose four companies.*

**Motion by Mayor Pro Tem Edwards, seconded by Councilmember Baca, to approve Resolution 2018-74 accepting the proposal of Alfred Benesch & Company, HCL Engineering & Surveying, Inc., Bohannon Huston, Inc. and JR Engineering, LLC, and awarding the contract "on call" transportation 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:** 9 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Baca, Councilmember Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember Mills, Councilmember Pollack, and Councilmember Wallin

**11. UTILITIES BUSINESS ITEMS**

**12. GENERAL BUSINESS**

**13. REPORTS**

**A. By the Mayor**

*Mayor Kreutzer invited everyone to attend the City of Brighton fireworks display on the 4<sup>th</sup> of July and urged everyone to avoid lighting illegal fireworks in the City of Brighton.*

**B. By Department Heads**

**C. By the City Attorney**

**D. By the City Manager**

*City Manager Rodriguez reminded everyone that the City Council meetings on July 3<sup>rd</sup> and July 10<sup>th</sup> have been canceled.*

**14. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS**

*Councilmember Mills invited everyone to the Ward 2 Conversations with Council on July 12<sup>th</sup> at Brighton Park.*

*Councilmember Wallin attended the Lodging Tax meeting.*

*Councilmember Humbert attended the Housing Authority meeting.*



## 15. EXECUTIVE SESSION

**Motion by Mayor Pro Tem Edwards, seconded by Councilmember Humbert, to go into Executive Session at 7:19 p.m. for discussion of a personnel matter under C.R.S. Section 24-6-402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees regarding the City Attorney Search. Motion passed by the following vote:**

**Aye:** 9 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Baca,  
Councilmember  
Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember  
Mills, Councilmember Pollack, and Councilmember Wallin

*Mayor Kreutzer reconvened the meeting at 9:05 p.m.*

### **Interim City Attorney Services**

*Mayor Kreutzer explained that City Attorney Margaret Brubaker will be retiring at the end of June and the City will need to continue attorney services until a new City Attorney is hired. Mayor Kreutzer presented three Letters of Engagement, one from Hoffman, Parker, Wilson & Carberry who have agreed to fill the City's interim legal needs. City Attorney Margaret Brubaker signed a Letter of Engagement to help bring aboard the new City Attorney and Assistant City Attorney Christopher Ernst signed a Letter of Engagement to continue working on current projects he has open.*

**Motion by Councilmember Baca, seconded by Councilmember Humbert, authorizing the Mayor to enter into agreements for Interim City Attorney services with Hoffman, Parker, Wilson & Carberry P.C., with Margaret Brubaker and Christopher Ernst for services on an as needed basis through August 31, 2018. Motion passed by the following vote:**

**Aye:** 9 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Baca,  
Councilmember  
Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember  
Mills, Councilmember Pollack, and Councilmember Wallin

## 16. ADJOURNMENT

**Motion by Councilmember Humbert, seconded by Councilmember Mills, to adjourn at 9:08 p.m. Motion passed by the following vote:**

**Aye:** 9 - Mayor Kreutzer, Mayor Pro Tem Edwards, Councilmember Baca,  
Councilmember  
Blackhurst, Councilmember Humbert, Councilmember Johnston, Councilmember  
Mills, Councilmember Pollack, and Councilmember Wallin

**CITY OF BRIGHTON, COLORADO**

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Kenneth J. Kreutzer, Mayor

**ATTEST:**

\_\_\_\_\_  
Natalie Hoel, City Clerk

\_\_\_\_\_  
Approval Date