



City of Brighton

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



Meeting Minutes - Draft

Tuesday, March 21, 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 7:01 p.m.

A. Pledge of Allegiance to the American Flag.

Councilmember Pollack 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. Approval of the February 21, 2017 City Council Minutes

B. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO APPROVING AN OIL AND GAS LEASE (NO SURFACE OCCUPANCY) WITH PETRO OPERATING COMPANY, LLC +/- 36.1607 NET MINERAL ACRES IN CERTAIN PORTIONS OF SECTION 3 TOWNSHIP 1 SOUTH, RANGE 66 IN ADAMS COUNTY, COLORADO AND IN SECTION 34 TOWNSHIP 1 NORTH, RANGE 66 WEST OF THE 6TH P.M. WELD COUNTY, COLORADO; FINDING THAT THE TERMS OF SAID LEASE ARE REASONABLE AND THAT IT IS IN THE BEST INTEREST OF THE CITY TO ENTER INTO SAID LEASE; AUTHORIZING THE MAYOR TO EXECUTE SAID LEASE ON BEHALF OF THE CITY; AUTHORIZING THE ACTING CITY MANAGER TO UNDERTAKE SUCH TASKS AND EXECUTE SUCH DOCUMENTS AS MAY BE REQUIRED TO IMPLEMENT SAID LEASE; AND SETTING FORTH OTHER DETAILS RELATED THERETO

C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO HISTORY COLORADO - STATE HISTORICAL FUND IN THE AMOUNT OF SEVENTEEN THOUSAND FIVE HUNDRED DOLLARS (\$17,500.00), FOR THE BRIGHTON SUBDIVISION COMMERCIAL AND INDUSTRIAL PROPERTIES - HISTORIC SURVEYS PHASE 2; AND AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE THE GRANT APPLICATION

Resolution No: 2017-33

Motion by Councilmember Kniss, seconded by Councilmember Humbert, 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

Acting City Manager Clint Blackhurst asked that the Regular Agenda be amended to remove Item 4C.

Motion by Councilmember Wallin, seconded by Councilmember Edwards, to approve the Regular Agenda as amended. 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. Weld's Way Home - United Way

Lyle Smithgraybeal, Vice President of Community Impact, Weld County United Way. Mr. Smithgraybeal spoke about the United Way's Weld's Way Home project to battle homelessness in Weld County.

B. Adams County Mayors and Commissioners Youth Awards

Manager of Youth Services Tawnya Russell introduced Jada Oberacker, Christian Oved Salcedo, Sara Duskin, Denise Ocampo, Yasmin Vallejo, Brenton Scott Littler, Reina Bautista, and Paola Andujar, all nominees for the Adams County Mayors and Commissioners Youth Awards.

C. Presentation of a Check by FC Brighton Soccer Club

This item was removed from the agenda

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

Administrative Services Director Karen Borkowski Surine introduced Alexa Salcedo, Street Maintenance, and Evon Benitez, Outreach Coordinator 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)**

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 EAST CHERRY CREEK VALLEY PIPELINE, A BRINE WATER PIPELINE, GENERALLY TRAVERSING VARIOUS PARCELS

LOCATED IN THE CITY OF BRIGHTON, COLORADO, AND SETTING FORTH DETAILS IN RELATION THERETO

Mayor McLean opened the public hearing at 7:25 p.m. and City Clerk Natalie Hoel verified the required postings and publications (March 1, 2017 in the Brighton Standard Blade) for this public hearing were completed.

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

Acting City Manager Clint Blackhurst introduced Associate Planner Josh Tetzlaff.

Associate Planner Josh Tetzlaff explained that this conditional use permit application is for a brine water pipeline along the east side of I-76 between Bridge Street and Baseline Road. The property the pipeline will cross was annexed into the City in 1986 as part of Bromley Park and is currently zoned as part of the Bromley Park PUD. Within the PUD this area is designated to be industrially developed. Surrounding the property are agricultural uses other than the current Cherry Creek Valley Treatment Plant. The treatment plant was approved through a conditional use permit in 2008. The land the pipeline passes through is in an area the Be Brighton Comprehensive Plan designates as industrial. The Plan designates the area west of I-76 as varying densities of residential, but as of this time there are no homes within ½ mile of the proposed pipeline meaning that construction will have a minimal impact on neighbors. All infrastructure within the city limits with the exception of a few vent pipes once completed will be located below ground and adjacent to the existing frontage road east of I-76.

The brine water pipeline will be buried at a depth of at least 4 ½ feet below the ground and will carry brine water from the ECVV Plant to a well north of the city limits in Lochbuie. The brine water is a product of groundwater that has been treated to become drinking water. Once the groundwater is cleaned to a state that it is acceptable, the minerals and various dissolved solids extracted from the groundwater make up the brine water. The brine water is then put into the well and back into the ground.

The project meets all of the review requirements of a conditional use permit application and once the pipeline is installed the vegetation will be returned to its natural state. Notice was sent to all property owners within 300' of the portion of the project located within city limits as required by Code. Only one (1) property owner was affected. A mailer was also sent to the property owner directly south of the ECVV Plant as a courtesy since construction vehicles will likely cross in front of that property. Staff received a single inquiry from the property owner to the south asking if her property would be affected and some general operating questions about the pipeline.

Staff recommends approval of the application with the following four (4) conditions:

1. All land must be returned to its original state of vegetation upon completion of construction. All trees or other landscaping that are removed or disturbed during construction must be replaced on site with the same type and size.
2. No portion of the pipeline may be placed above ground unless and until this conditional use is amended and approved by the City Council.
3. The applicant shall provide all necessary traffic control devices and personnel, and applicable signage during construction.
4. The brine water pipeline shall be constructed in strict compliance with the construction plans approved by the City dated October, 2016, to wit: twelve inches (12") in diameter, buried a minimum of 4.5 feet below grade and at least ten feet (10') from any existing water lines.

Mayor McLean asked if anyone in the audience had questions for the applicant.

Catherine Newton, 21955 East 160th Avenue. Ms. Newton asked if the first injection well on the plant site has reached capacity and that is why there is a need for a second injection well. Have there been any environmental issues with the first well that would require ECVV to do anything different when constructing the second injection well? Michelle Probasco, ECCV representative explained that the water treatment plant is a reverse osmosis plant and the current plant is phase 1 of the project. They will soon be constructing phase 2 of the plant. Constructing this deep injection well is in preparation for phase 2 and will also give injection well 1

a rest. The deep injection well 1 is working properly and there have not been any issues since it was first used in 2012. Well 1 has not reached capacity and the wells are designed to last for ten (10) to fifteen (15) years. The design for well 2 is the same as well 1. Ms. Newton asked if the well will then be abandoned. Ms. Probasco explained that it will be. Ms. Newton asked if there have been any environmental impacts. Ms. Probasco reported that the wells are 10,000 feet deep and the injection does not take place until it reaches 9,000 feet. The wells are cemented and there is constant monitoring done for temperature and pressure. The pipeline will also be monitored.

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.

Mayor McLean closed the public hearing at 7:36 p.m.

Motion by Councilmember Humbert, seconded by Councilmember Bell, to approve Resolution 2017-34 approving with conditions as set forth herein, a conditional use for the East Cherry Creek Valley Pipeline, a brine water pipeline, 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 McLean, Mayor Pro Tem Kreutzer, Councilmember Baca, Councilmember Bell, Councilmember Edwards, Councilmember Humbert, Councilmember Kniss, Councilmember Pollack, and Councilmember Wallin

7. ORDINANCES FOR FINAL CONSIDERATION

A. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO REPEALING IN ITS ENTIRETY ARTICLE 17-60, RESIDENTIAL GROWTH PACING SYSTEM, OF THE BRIGHTON MUNICIPAL CODE; SETTING FORTH THE JUSTIFICATIONS FOR SAID REPEAL; 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 been no 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 Kniss, seconded by Councilmember Humbert, to approve Ordinance 2252 repealing in its entirety Article 17-60, Residential Growth Pacing System of the Brighton Municipal Code; setting forth the justifications for said repeal. 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

8. 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, AUTHORIZING THE PURCHASE OF TEN (10) SHARES OF FULTON IRRIGATING DITCH COMPANY AND THE FOLLOWING PAIRED SHARES: FIFTEEN (15) SHARES OF BURLINGTON DITCH RESERVOIR & LAND COMPANY AND FIFTEEN (15) SHARES OF WELLINGTON RESERVOIR COMPANY FROM THE E-470 PUBLIC HIGHWAY AUTHORITY (SELLER) FOR THE TOTAL NOT TO EXCEED SUM OF ONE MILLION FOUR HUNDRED EIGHTY SEVEN THOUSAND FOUR HUNDRED FIFTY DOLLARS (\$1,487,450.00); APPROVING A SUPPLEMENTAL APPROPRIATION FROM THE WATER ENTERPRISE FUND IN THE AMOUNT OF ONE MILLION FOUR HUNDRED EIGHTY SEVEN THOUSAND FOUR HUNDRED FIFTY DOLLARS; AND AUTHORIZING THE ACTING CITY MANAGER TO UNDERTAKE SUCH TASKS AND EXECUTE SUCH DOCUMENTS AS MAY BE REQUIRED TO CONSUMMATE THE PURCHASE ON BEHALF OF THE CITY

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

Acting City Manager Clint Blackhurst introduced Utilities Director Curt Bauers.

Utilities Director Curt Bauers requested authorization to fulfill the City's bid with the E-470 Public Highway Authority for the acquisition of ten (10) shares of Fulton Ditch, fifteen (15) shares of the Burlington Reservoir Land Company, and fifteen (15) shares of the Wellington Reservoir Company. The City's winning bid was \$1,487,450.00. The yield of the shares is expected to be approximately 85 acre feet when taken through water court. There are Dry-up Covenants in place and Special Warranty Deeds to complete the transfers have been reviewed and approved through legal counsel. Staff is requesting to amend the Water Enterprise 2017 budget by \$1,487,450.00. Those funds will be taken from the Restricted Fund Balance for water acquisitions. The City Manager will proceed with the closing on the purchase of the shares.

Motion by Mayor Pro Tem Kreutzer, seconded by Councilmember Humbert, to approve Resolution 2017-35 acting by and through its Water Activity Enterprise, authorizing the purchase of ten (10) shares of Fulton Irrigating Ditch Company and the following paired shares, fifteen (15) shares of Burlington Ditch Reservoir & Land Company and fifteen (15) shares of Wellington Reservoir Company from the E-470 Public Highway Authority for the total not to exceed sum of \$1,487,450.00; approving a supplemental appropriation from the Water Enterprise Fund in the amount of \$1,487,450.00; and authorizing the Acting City Manager to undertake such tasks. 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, ACTING BY AND THROUGH ITS WATER ACTIVITY ENTERPRISE, APPROVING AN INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN THE CITY OF BRIGHTON AND TRI-COUNTY HEALTH DEPARTMENT FOR THE HOUSEHOLD HAZARDOUS WASTE PROGRAM, AUTHORIZING THE CITY'S CONTRIBUTION UNDER THE IGA IN AN AMOUNT NOT TO EXCEED FIFTEEN THOUSAND DOLLARS (\$15,000), AND AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE SAID INTERGOVERNMENTAL AGREEMENT ON BEHALF OF THE CITY**

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

Utilities Director Curt Bauers requested approval of an IGA with Tri-County Health to run the Household Hazardous Waste Program. The program allows residents of the City to dispose of household chemical waste safely and economically keeping them out of the storm and sanitary sewer systems. The first event will be held on May 6th at the Water World parking lot and the second on September 16th at the Thornton Infrastructure maintenance facility. This event is well attended by Brighton residents. The IGA caps the City's contribution at \$15,000.00, but it could be less if fewer residents participate. Director Bauers answered questions from Council regarding:

- Items that are considered household hazardous waste.
- Paint being included in the hazardous items.
- The cost to residents.

Motion by Councilmember Wallin, seconded by Councilmember Pollack, to approve Resolution 2017-36 acting by and through its Water Activity Enterprise, approving an IGA between the City of Brighton and Tri-County Health Department for the Household Hazardous Waste Program, authorizing the City's contribution under the IGA in an amount not to exceed \$15,000.00, and authorizing the Acting City Manager to execute said IGA 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

9. GENERAL BUSINESS

10. REPORTS

A. By the Mayor.

Mayor McLean attended the ACC meeting, the RTD meeting, the Vikan Middle School groundbreaking, the BJAA Chow Mein Dinner, the Teacher Appreciation Dinner at the LDS Church, the North Metro Realtors Forum, and the Alli Event Center Opening.

B. By Department Heads.

C. By the City Attorney.

D. By the City Manager.

11. REPORTS BY COUNCIL ON BOARDS & COMMISSIONS

Councilmember Baca attended the DRCOG meeting, the NATA meeting and the Fire Board meeting.

Councilmember Bell attended the Highway 85 Coalition meeting and will be serving on the committee that will be disbursing funds for victims of the northeast Colorado fires.

Councilmember Humbert attended the Housing Authority meeting and the District Plan Committee meeting.

Councilmember Kniss thanked staff for hosting a meeting with the business owners on South Main Street. Councilmember Kniss attended the School District 27J Meeting, the LINK Board meeting, the Platte Valley Medical Center Gala, and the Boys and Girls Club Youth of the Year Awards.

Mayor Pro Tem Kreutzer attended the BJAA Chow Mein Dinner, the Vikan Middle School groundbreaking and announced that the re-dedication of Duke White Field will take place this Saturday.

Councilmember Wallin attended the Senior Advisory Board meeting.

Councilmember Wallin reported that members of the Youth Commission attended the National League of Cities conference. Councilmember Wallin attended the CML Executive Board meeting and spoke with HOA's in the City.

Councilmember Pollack attended the Boys and Girls Club Youth of the Year Awards.

12. EXECUTIVE SESSION

Motion by Mayor Pro Tem Kreutzer, seconded by Councilmember Humbert, to go into Executive Session at 8:11 p.m. 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 Land Acquisition. 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

Mayor McLean reconvened the meeting at 9:23 p.m.

13. ADJOURNMENT

Motion by Councilmember Wallin, seconded by Councilmember Edwards, to adjourn at 9:25 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