

CITY OF BRUSH!

MINUTES OF THE FEBRUARY 11, 2013 – REGULAR CITY COUNCIL MEETING

The City Council of the City of Brush! Colorado met in regular session on February 11, 2013. Mayor Daniel R. Scalise called the meeting to order at 7:00 p.m. The Pledge of Allegiance was given.

Present on roll call were: Mayor Daniel Scalise
Councilor Felix Acosta
Councilor Heath Becker
Councilor Kimberly Dykes
Councilor Vicky Quinlin
Councilor Charles Schonberger

Absent on roll call was: Councilor Mark Smith

Also present were City Administrator Monty Torres, City Attorney Bo Chapin, Assistant Administrator Karen Schminke, Police Chief Mark Thomas, Public Works Director Dale Colerick, Parks and Recreation Director Lance Schwindt, and City Clerk Andrea Strand.

MINUTES

The minutes of the regular meeting of January 28, 2013, were approved as submitted.

VISITORS AND DELEGATIONS

None.

PUBLIC HEARING- APPLICATION FOR A SUBDIVISION AND SPECIAL USE PERMIT BY VIAERO WIRELESS

Mayor Scalise opened the Public Hearing, during the 7:00 p.m. hour, to hear written and oral comments from the public concerning the application from Viaero Wireless to subdivide a parcel of land into two lots and obtain a Special Use Permit for a cell phone tower, not to exceed 180 feet to be constructed, along with the construction of a service building. The property is located at 412 E. Edison Street and is zoned Commercial (C).

The public hearing had been legally noticed in the Brush News Tribune, a hearing sign posted, and a notice mailed to property owners within 300 feet of the site. Schminke added that she had received one comment from a party who had received the public notice stating he had no comments or concerns.

The applicant represented by Rick Bailey, reported that he had been contacted by a property owner within the noticed area who was interested in selling Viaero Wireless land for a tower site.

Schminke provided zoning and use of the surrounding properties. She also gave a brief history of the property and discussed the relevant goals, policies and strategies from the City's current Comprehensive Plan and how it relates to the application requested by Viaero Wireless.

She informed Council that The Planning and Zoning Commission held a public hearing regarding the subdivision proposal on February 4, 2013, and voted to recommend to City Council approval of the proposed subdivision plat provided three items were addressed prior to recording the plat. Those being:

1. Eliminate the current title line of the plat 'MINOR SUBDIVISION PLAT OF'.
2. Only the metes and bounds description of the parent parcel should be shown on the plat.
3. Section 16-10-30 (a) of the Land Use Code requires, all major subdivision boundary corners shall be marked with a monument.

Schminke summarized the criteria for the Special Use Permit for a Commercial Mobile Radio System that will allow Viaero Wireless to construct a cellular service tower, pursuant to the City of Brush, Land Use Code Section 16-7-3-(e), (f), (g) & (h). Schminke concluded that if Council should find that the proposal had met the review criteria, staff recommended that Council grant a special use permit for a Commercial Mobile Radio System (cellular service tower) with the following conditions:

1. The subdivision plat for Viaero Wireless Brush SE Subdivision is recorded.
2. In the event that construction of the facility is not completed within twelve months of the issuance of the Special Use Permit, the approvals granted in this permit will be deemed repealed. This matter does not need to reappear before the City Council for such repeal to be effective.
3. Once the facility is constructed the burdens and benefits of the Special Use Permit shall be deemed to run with the property, at law and equity, and shall be a burden upon and a benefit to the property, and shall be binding upon the City of Brush, Colorado and the applicant's respective grantees, mortgagees, successors and assigns and any person leasing, acquiring or owning an interest in the Property or the improvements built thereon as authorized and approved by the City of Brush City Council pursuant to Article 16-2-20(f)(2) of the City Land Use Code, but subject to the provisions of Article 16-2-20 (d) and (e).
4. Notice of the sale of the property or change in the operations company must be provided to the City.
5. Maximum allowed height of the tower is 180 feet.

6. The tower must provide for the co-location of third party facilities as is technically feasible.
7. An all-weather surface shall be installed in Alexander Drive to provide access to the site. This surface should be of road base, fly-ash or similar material and should be a minimum of 10' in width
8. The 9'x17' equipment building must be painted a neutral color that blends with the surrounding area.
9. If the security fence will be locked, a Knox Box for emergency access must be installed on site as required by the Fire Department.
10. CMRS facilities which are abandoned by disconnection of power service, equipment removal or loss of lease for greater than six (6) months shall be removed by the CMRS facility owner within thirty (30) days of the expiration of such time limit.

Mayor Scalise provided time for the applicant Viaero Wireless represented by Rick Bailey, to answer Council's questions.

Mayor Scalise closed the public hearing at approximately 7:20 p.m.

A motion was made by Councilor Acosta to approve the proposed plat with the three conditions identified by staff. His motion was seconded by Councilor Schonberger and passed unanimously.

A motion was made by Councilor Quinlin stating that the application for the Special Use Permit had met the required criteria, and moved to grant a Special Use Permit for a Commercial Mobile Radio System to Viaero Wireless with the ten conditions identified by staff. Her motion was seconded by Councilor Dykes and passed unanimously.

A Resolution will be prepared by staff documenting the findings and conditions of the approval.

DISBURSEMENTS AND PAYROLL

Councilor Acosta offered a motion to approve City bills from January 28, 2013, to present. His motion was seconded by Councilor Schonberger and was approved unanimously by roll call vote.

General Fund	\$ 64,762.93
Water Fund	\$ 8,433.72
Trash and Garbage Fund	\$ 7,007.41
Waste Water Fund	\$352,637.44
Storm Water Fund	\$ 1,124.26
Payroll and Cafeteria	\$ 58,651.46
Payroll Liability	<u>\$ 30,399.29</u>
Disbursements Total	\$523,016.51

STAFF REPORTS

Police Chief Thomas

- Reported that the police department continues to work with the school district concerning school security, consideration of a school resource officer, and updates with the administration office.

Parks and Recreation Director Schwindt

- His department is preparing for the Saint Patrick's Day 5K race, rummage sale, and softball tournament to be held on Saturday, March 16.

Public Works Director Colerick

- Provided additional information to Council concerning bills.
- Staff is continuing to work on crack fill at the Brush Municipal Airport. He also encouraged pilots to check the availability of the runway during this maintenance period.
- He is preparing for the I-76 project.

City Clerk

- Read upcoming meeting opportunities for Council.

City Administrator Torres

- Provided the 2012 Council Priorities, which Council previously approved on April 16, 2012. He added that this was a starting point for discussion at a future retreat to set new goals and objectives.
- Announced that Optimum Representative Bob Stipe, will be at the next Council Meeting to update Council on updates and to hear feedback.
- Updated Council on the Energy Impact Grant Application. Staff recently met with Greg Etl and Robert Thompson from Department of Local Affairs concerning our grant application. After learning that there are 113 applications for 18 million dollars and that priority will be given to projects with critical need and those that are direct energy related, staff was seeking direction from Council as to pull the application and re-apply in December. Torres also stated he is working with CDOT to secure a joint funding opportunity between CDOT and DOLA for the final phase of the Downtown Revitalization Project. Additional time would allow this plan to form. Council discussed the advantage of pulling the grant application and came to the consensus to wait until the next grant cycle of the Energy Impact Grant.

MAYOR AND COUNCIL REPORTS

Councilor Becker thanked the police department for their visibility at the schools to promote security.

ADJOURNMENT

The February 11, 2013, meeting was adjourned at approximately 7:35 p.m.

ATTEST:

/s/ Andrea J. Strand
City Clerk

/s/ Daniel R. Scalise
Mayor