

CITY OF BRUSH!

MINUTES OF THE JUNE 10, 2013 – REGULAR CITY COUNCIL MEETING

The City Council of the City of Brush, Colorado met in regular session on June 10, 2013. Mayor Daniel R. Scalise called the meeting to order at 6:00 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
Councilor Mark Smith

Absent on roll call were: None.

Also present were City Administrator Monty Torres, Assistant City Administrator Karen Schminke, City Attorney Bo Chapin, Police Chief Mark Thomas, Community Service Director Lance Schwindt, Fire Chief Tad Anderson, and City Clerk Andrea Strand.

MINUTES

The minutes of the regular meeting of May 13, 2013, and the special meeting of May 15, were approved as submitted.

VISITORS AND DELEGATIONS

None.

Council adjourned and reconvened as the Local Liquor Licensing Authority.

COUNCIL ACTING AS THE LOCAL LIQUOR LICENSING AUTHORITY

Public Hearing upon the application submitted by Laura E. Marques for a Tavern Liquor License located at 118 Clayton Street

Mayor Scalise opened the public hearing before the Local Liquor Licensing Authority of the City of Brush to determine whether the application for a Tavern Liquor License by Applicant Laura E. Marquez d/b/a Rodeo Night Club, 118 Clayton Street, should be granted or denied. He stated that the hearing would be conducted pursuant to the laws of the State of Colorado and the Ordinances and procedures of the City of Brush.

The purpose of the hearing was to receive information, data and testimony by any interested parties in order to enable the Local Liquor Licensing Authority to make findings and reach conclusions required to be made by state law as to whether or not the application should be approved or denied. One of the principal questions the Local Liquor Licensing Authority would be concerned with throughout this hearing relates to the reasonable requirements of the neighborhood for the outlets applied for and the desires of the inhabitants of that neighborhood with respect to the outlet. Those persons who will be heard during this hearing are "parties of interest", who are defined by state law as being the applicant, residents of the neighborhood and owners or managers of businesses located in the neighborhood.

The Mayor explained the order of the hearing. At the conclusion of the Mayor's opening comments, the City Clerk would give a summary of the preliminary investigation completed with regards to the application. The Applicant would present their case, meaning they will present testimony, exhibits, petitions, or other materials relevant to the application. Interested parties may then testify for or against the proposed application, after which the Applicant will have the opportunity for rebuttal. At the conclusion of all testimony, the Local Liquor Licensing Authority will make its decision to approve or deny the application. All testimony would be given under oath given by the City Clerk. Any exhibits presented during the hearing will be submitted to the City Clerk to become part of the record. The Clerk's official files are hereby admitted into the record of this hearing.

After the Mayor explained the procedure for the hearing, City Clerk Andrea Strand reported that the completed application by Laura E. Marques for a tavern liquor license was accepted on April 29, 2013, and on May 13, 2013, the Local Liquor Licensing Authority defined the neighborhood as the City limits of Brush, Colorado. A background investigation was completed by the Brush Police Department and the Colorado Bureau of Investigations which revealed nothing to preclude the applicant from holding a liquor license. A notice for the public hearing was published in the Brush News Tribune on May 29, 2013, and the notice for the public hearing was posted on the property, 118 Clayton Street, on May 29, 2013, both in accordance with the statutory requirements.

The Applicant Laura E. Marquez was given the oath by Clerk Strand and presented testimony with regards to the application. She stated that it was her intention to provide entertainment to the citizens of Brush and that they were also pursuing a teen night every Friday evening until 10 p.m., and then adults would be served. She stated that the establishment would be open Friday through Sunday only. She added that she would employ five to six security staff members.

Public Comments

Judy Springer, a business owner at 116 Clayton Street, was present and stated her parking concerns if cars were left overnight. She also stated that several business owners in the 100 block of Clayton were concerned of fighting and disturbances, loud noise, trash left on the sidewalk and streets. They were also fearful that damage could be done to the newly renovated streets, landscaping and benches. She also mentioned that she had heard the applicant had a liquor license revoked in Fort Morgan.

Sherman Nipper was present and stated he would be working security for the Rodeo Night Club and stated there would be control of the patrons and he added that it would be entertainment for adults and teens.

Rueben Escorza was present and stated that the applicant, Laura Marquez, was his daughter and he was assisting her in the process. He stated that he held a liquor license in Fort Morgan, not his daughter, and it had not been revoked.

Clerk Strand read into the record three letters received by Buffy Dechant, Marta Tadolini and Andrea Spresser who are all property owners in the 100 block of Clayton. They each identified concerns of safety, parking, noise and trash that the tavern may bring. They each mentioned that they encouraged businesses.

The Local Liquor Licensing Authority asked questions of the applicant, Laura Marquez. Since she lived in Denver, how would she manage the tavern. She stated that since it was open only Friday through Sunday, she would be in Brush on the weekends and may consider moving here. They asked about having teens in the tavern and Chief Thomas added that it would be the manager's responsibility to ensure alcohol was not served to minors. They also asked about training and Laura Marquez added that she was considering sending all staff to a server/training class sponsored by the Colorado Department of Liquor Enforcement. Laura Marquez also stated that they would use a wand to scan people as they entered the facility to ensure no weapons or other metal devices were not coming into the building. The security staff would also be responsible for cleaning the trash outside the building.

The Mayor closed the public hearing

Councilor Smith offered a motion to approve the tavern liquor license for Laura E. Marquez, Rodeo Night Club, located at 118 Clayton Street. His motion was seconded by Councilor Dykes and was approved by roll call vote. Those voting for: Councilors Acosta, Becker, Dykes, Quinlin, Schonberger and Smith. Those voting against: Mayor Scalise.

Local Liquor Licensing Authority adjourned and reconvened as City Council.

Ordinance No. 821-13 – Imposing a Moratorium on the Operation of Marijuana Establishments and Clubs Pursuant to Amendment 64, and Declaring an Emergency – Final Adoption

Councilor Schonberger offered a motion to approve for publication by title only the final adoption of Ordinance No. 821-13 entitled, "Ordinance Imposing a Moratorium on the Operation of Marijuana Establishments and Clubs Pursuant to Amendment 64, and Declaring an Emergency." His motion was seconded by Councilor Quinlin and was approved by roll call vote with Councilor Dykes absent from the vote.

Bid Award for the Cemetery Pathway Extension 2013 Project

Director Schwindt presented the scope of the project to extend the Cemetery Pathway. He stated that two bids were received and staff was recommending the project be awarded to Continental Hardscape of Westminster who submitted a bid of \$37,632. This fell within the budget of \$40,000. The other bid was received by Creative Hardscape for \$44,160. Councilor Smith offered a motion to approve the bid to Continental Hardscape of Westminster for a total of \$37,632. His motion was seconded by Councilor Acosta and was approved unanimously by roll call vote with Councilor Dykes absent from the vote.

Cablevision Franchise Agreement Extension

Administrator Torres and City Attorney Chapin discussed the details of Resolution No. 2013-8, entitled "A Resolution of the City Council of the City of Brush, Colorado, Consenting to the Transfer of Control of the City's Cable System Franchisee to Charter Communications, Inc. and Extending the Term of the Current Cable Franchise." Councilor Becker offered a motion to approve the Resolution concerning the Cablevision Franchise Agreement Extension. His motion was seconded by Councilor Dykes and was approved unanimously by roll call vote.

The Recycling Agreement was pulled from the agenda.

DISBURSEMENTS AND PAYROLL

Councilor Acosta offered a motion to approve City bills from May 13-28, 2013. His motion was seconded by Councilor Schonberger and was approved unanimously by roll call vote.

General Fund	\$ 737,472.30
Capital Reserve Fund	\$ 16,265.65
Water Fund	\$ 10,105.07
Trash and Garbage Fund	\$ 1,716.64
Waste Water Fund	\$ 313,131.00
Storm Water Fund	\$ 1,712.62
Community Enhancement Fund	\$ 228.74
Payroll and Cafeteria	\$ 54,266.28
Payroll Liability	<u>\$ 23,448.79</u>
Disbursements Total	\$ 155,347.09

Councilor Acosta offered a motion to approve City bills from May 29-June 10, 2013. His motion was seconded by Councilor Schonberger and was approved unanimously by roll call vote.

General Fund	\$ 52,448.61
Water Fund	\$ 8,425.35
Trash and Garbage Fund	\$ 4,770.39
Waste Water Fund	\$ 7,399.92
Storm Water Fund	\$ 996.33
Conservation Trust Fund	\$ 16,388.00
Community Enhancement Fund	\$ 363.00
Joslin Needham Fund	\$ 912.34
Payroll and Cafeteria	\$ 66,204.46
Payroll Liability	<u>\$ 33,668.82</u>
Disbursements Total	\$ 191,577.22

STAFF REPORTS

Community Services Director Schwindt

- Reported that 30 teams had registered for the Summer Sizzler softball tournament this weekend.
- Fishing is Fun Day will be held June 22 at Doty Pond.
- The weekend of June 29, the Brush Rush and Brad Amack Tournament will be held.
- New employees for the Recreation and Parks Department will be introduced at a future meeting.

City Clerk

- Announced upcoming meetings.
- Reviewed the Election Calendar

Fire Chief Anderson

- Reported that the newly purchased tanks had arrived and he has received favorable comments from the firefighters.
- A team of firefighters participated in the recent Relay for Life event and allowed spectators to use the equipment while walking.

Assistant Administrator Schminke

- Stated staff had been working on the backyard chicken ordinance in hopes of presenting it at the next work session.
- Drew attention to the two north windows of city hall which display rodeo painting supporting the new bison facility and rodeo.

Administrator Torres

- Reviewed a water depth report from the water department.
- Reported that the city had made the second round of the RAMP project to complete the final phase of the downtown project. The city will submit a final application.

Police Chief Thomas

- Provided an update of the recent false emergency sirens. He stated that technicians had been on site and provided improvements. He encouraged citizens to participate with the Everbridge Notification System through Morgan County to receive notifications. This can be found on the County Clerk and Records web page as Emergency Notification.

MAYOR AND COUNCIL REPORTS

Appointment to the Board of Adjustments

Mayor Scalise appointed Larry Anderson, Ed Loose, Paula Patee, Harry Rieger and Jeff Osuch to the Board of Adjustment for terms to expire in 2016.

Reports

Councilor Becker stated he had requests from citizens for more baseball fields, backyard chickens and honey bee habitats.

Mayor Scalise informed Council that this would be the last council meeting Katie Collins from the Brush News Tribune would be covering. Everyone wished her well and thanked her for her service.

ADJOURNMENT

The June 10, 2013, meeting was adjourned at approximately 7:30 p.m.

ATTEST:

/s/ Andrea J. Strand
City Clerk

/s/ Daniel R. Scalise
Mayor