

CITY OF BRUSH!

MINUTES OF THE AUGUST 12, 2013 – REGULAR CITY COUNCIL MEETING

The City Council of the City of Brush, Colorado met in regular session on August 12, 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 Charles Schonberger
Councilor Mark Smith

Absent on roll call were: Councilor Vicky Quinlin

Also present were City Administrator Monty Torres, City Attorney Robert Chapin, Police Chief Mark Thomas, Assistant Administrator Karen Schminke, Finance Director Joanne Gosselink, Public Works Director Dale Colerick, Recreation Assistant Kyle Lynch, Marketing Specialist Tyler Purvis, Assistant Fire Chief Ray Uhrick and City Clerk Andrea Strand.

MINUTES

The minutes of the regular meeting of July 22, 2013, were approved as submitted.

VISITORS AND DELEGATIONS

Police Chief Mark Thomas introduced two new police officers. Bryan Whyard began with the department on February 16, 2012, and Kyle Sandusky started on June 21, 2013. Council appreciated meeting the new police officers.

Dale Griess a resident of Brush stated that he was not pleased with the recent enforcement of dead trees in Brush. He felt people were asked to trim trees when it was not beneficial to the tree, causing some to die. City staff stated that staff had been trained this year on proper tree trimming and care of trees.

BACK YARD CHICKENS

Administrator Torres stated that over the course of several meetings staff had provided Council with samples of ordinances which outlined the criteria to allow Backyard Chickens within city limits as well as providing a summary of comments from citizens from a public meeting. Council had stated they felt they had enough information to make a decision on the issue.

Councilor Becker offered a motion to approve the development of an ordinance to allow backyard chickens within the city limits of Brush. His motion was seconded by Councilor Smith.

Discussion was held. Councilor Becker added that if allowed, the issue could be reviewed in a year to determine if there had been problems. Councilor Schonberger stated that he had received an overwhelming amount of calls against backyard chickens. This was also the case with Councilors Acosta, Dykes and Mayor Scalise.

The motion failed with Mayor Scalise, Councilors Acosta, Dykes and Schonberger voting against and Councilors Becker and Smith voting for.

2012 AUDIT

Scott Szabo representing Szabo and Associates, who prepared the 2012 Audit was present and provided a summary of the audit to Council. He thanked the city finance staff for their participation in the process. Discussion was held. Councilor Smith offered a motion to accept the 2012 Financial Audit as presented. His motion was seconded by Councilor Schonberger and it was approved unanimously by roll call vote.

RECYCLING AGREEMENT

Councilor Becker offered a motion to approve the Recycling Agreement between the City of Brush and Morgan County. His motion was seconded by Councilor Acosta and it was approved unanimously by roll call vote.

RESOLUTION NO. 2013-9 COORDINATED ELECTION AGREEMENT

Councilor Acosta offered a motion to approve Resolution No. 2013-9 along with the supporting agreement with the Morgan County Clerk and Recorder for services with the November 5, 2013, Coordinated Election. His motion was seconded by Councilor Smith and it was approved unanimously by roll call vote.

RESOLUTION NO. 2013-19 GOCO SKATE PARK GRANT

Councilor Schonberger offered a motion to approve Resolution No. 2013-19 concerning the skate park grant application with Great Colorado Outdoors (GOCO). His motion was seconded by Councilor Dykes and was approved unanimously by roll call vote.

PURCHASE FIRE TRUCK

Assistant Fire Chief Ray Uhrick provided information on a Spartan ERV 65' multi-purpose pumper aerial truck the fire department would like to purchase for \$415,000. Mayor Scalise added that this request was outside of the budget process and stated that historically Council was uncomfortable with these requests. Uhrick agreed and stated the department felt it was a good opportunity to purchase a ladder truck and felt it was their obligation to bring it forward for Council consideration.

Mayor Scalise called for a motion, no motion was made and the matter died for lack of a motion. Mayor Scalise and other members of Council stated that they did not feel comfortable obligating the fire department in a 15 year lease for this equipment. They encouraged the department to pursue a mill levy increase.

PUBLIC HEARING – SPECIAL USE PERMIT APPLICATION BY CHRIS SEGELKE

Mayor Scalise opened the public hearing at 6:45 p.m.

Assistant Administrator Karen Schminke presented the application by Chris Segelke for an amendment to the conditions associated with a special use permit granted in 1986 to place a mobile home in a Commercial (C) zone. The subject property is known as 718 Edison Street. Notice was given by legal publication in the Brush News Tribune and by posting the property.

Schminke presented the review criteria for a special use permit application which included compatibility of the use with adjacent uses and adjacent zone districts, including the use's potential traffic generation, noise, lighting, parking requirements, and general deleterious effect on such adjacent uses and properties; conformance with the City's Comprehensive Plan; and the applicant's history of zoning compliance within the City.

Staff recommended that if Council should find the proposal met the review criteria, that Council transfer the Special Use Permit to Mr. Segelke with the following conditions:

1. Remove the 'hired personnel only' provision associated with rental of the mobile home, and
2. The Special Use Permit is personal to Mr. Segelke; should Mr. Segelke want to sell the property the mobile home will need to be removed or application made to City Council to review and transfer the SUP to the new owner.

Applicant Chris Segelke was present, and stated he understood and agreed with the conditions if approved. He also stated that he will maintain the property, and felt it provided housing which is needed in Brush.

There was no one present from the public.

There were no questions from Council.

At approximately 6:55 p.m. Mayor Scalise closed the public hearing

Councilor Schonberger offered a motion to approve the transfer of the special use permit conditions identified by staff. The motion was seconded by Councilor Acosta and approved unanimously by roll call vote.

City Attorney Robert Chapin stated that a Resolution would be prepared.

DISBURSEMENTS AND PAYROLL

Councilor Acosta offered a motion to approve City bills from July 2, to August 12, 2013. His motion was seconded by Councilor Schonberger and was approved unanimously by roll call vote.

General Fund	\$ 67,039.40
Fire Equipment Fund	\$ 45,900.00
Water Fund	\$ 48,195.10
Trash and Garbage Fund	\$ 19,740.46
Waste Water Fund	\$ 322,152.79
Storm Water Fund	\$ 1,005.22
Community Enhancement Fund	\$ 1,958.95
Conservation Trust Fund	\$ (73.53)
Cemetery Perpetual Care Fund	\$ 190.88
Payroll and Cafeteria	\$ 80,929.69
Payroll Liability	<u>\$ 38,169.03</u>
Disbursements Total	\$ 625,207.99

STAFF REPORTS

Assistant City Administrator Schminke

- Updated Council on the Quiet Zone Project. The paperwork has been filed for the Clayton Street Crossings and it is still on target for the budget process in 2014.

Public Works Director Colerick

- The City has extended an employment offer to the wastewater foreman who would start September 3rd.
- Staff continues to patch pot-holes.

Marketing Specialist Purvis

- Continues to work with developers and investors for Hospital Road.
- I-76 Bridge/Hwy 71 bridge demolition has been scheduled for February 2014.
- The prisoner owners will be tearing down the facility and he plans to help them market the property.

Assistant Fire Chief Uhrick

- The recent benefit that the fire department hosted for the Black Forest Burn Victims brought in over \$2,000.

City Clerk Strand

- Read upcoming meetings and announcements.
- Election Update

Administrator Torres

- City is waiting on the response to the grant application filed with DOLA
- He spoke of weeds, trees and the Phase 4 Storm Water Project on a recent radio show.
- He provided two dilapidated properties to the City Attorney for the next step of action.

MAYOR AND COUNCIL REPORTS

Councilor Becker encouraged the recreation department to look into a kickball league.

ADJOURNMENT

The August 12, 2013, meeting was adjourned at approximately 7:20 p.m.

ATTEST:

/s/ Andrea Strand
City Clerk

/s/ Daniel R. Scalise
Mayor