

CITY OF BRUSH!

MINUTES OF THE SEPTEMBER 9, 2013 – REGULAR CITY COUNCIL MEETING

The City Council of the City of Brush, Colorado met in regular session on September 9, 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 Heath Becker
Councilor Kimberly Dykes
Councilor Vicky Quinlin
Councilor Charles Schonberger
Councilor Mark Smith

Absent on roll call were: Councilor Felix Acosta

Also present were Assistant City Administrator Karen Schminke, City Attorney Bo Chapin, Police Chief Mark Thomas, Recreation Assistant Kyle Lynch, Assistant Fire Chief Ray Uhrick, and City Clerk Andrea Strand.

MINUTES

The minutes of the regular meeting of August 26, 2013, were approved as submitted.

VISITORS AND DELEGATIONS

Steve Rohde spoke on behalf of the Brush Museum and Cultural Center. He provided an update on the Civil War Gravestone Project. He added that there are 27 verified Civil War Veterans buried in the Brush Memorial Cemetery. 16 of the memorial stones have been paid for by other civic organizations and individuals and he asked the City to consider providing funding for the remaining \$1,650. He thanked the City for the maintenance they provide to the building. The Mayor stated that the City would look into providing the remaining funding and thanked the efforts of the Museum staff for the project.

EAST MORGAN COUNTY HOSPITAL RE-ZONING REQUEST

Mayor Scalise excused himself from this item as he serves on the East Morgan County Hospital Board. Mayor Pro Tem Schonberger asked for a staff report from Assistant Administrator Schminke. She stated the East Morgan County Hospital District had submitted an application to rezone approximately 10 acres from Residential Medium Density to Commercial, Lot 1 East Morgan County Hospital Subdivision and all of Block P, except the north 90 feet of Block P, Sunset Addition, Brush. The Planning Commission concluded at their September 3, 2013, meeting that there exists sufficient support to rezone the subject property from Residential medium Density (RMD) to Commercial (C) and unanimously voted to recommend that City Council approve this rezoning request. Linda Thorpe was present on behalf of the East Morgan County Hospital District. She stated that notices had been sent

to those residents within 300 feet of the proposed zoning change. Neither she nor the City had received any objections.

Councilor Dykes offered a motion to approve the zoning request as submitted by East Morgan County Hospital District and it was seconded Councilor Smith and approved unanimously with Mayor Scalise abstaining from the vote.

First Reading of ORDINANCE NO. 822-13, entitled AN ORDINANCE TO AMEND CHAPTER 6 OF THE BRUSH MUNICIPAL CODE BY THE ADDITION THERETO OF A NEW ARTICLE 7 CONCERNING THE PROHIBITION OF MARIJUANA CULTIVATION FACILITIES, MARIJUANA PRODUCT MANUFACTURING FACILITIES, MARIJUANA TESTING FACILITIES AND RETAIL MARIJUANA STORES IN THE CITY OF BRUSH, AND DECLARING AN EMERGENCY

Councilor Dykes introduced Ordinance 822-13 and Attorney Chapin read the ordinance by title. "AN ORDINANCE TO AMEND CHAPTER 6 OF THE BRUSH MUNICIPAL CODE BY THE ADDITION THERETO OF A NEW ARTICLE 7 CONCERNING THE PROHIBITION OF MARIJUANA CULTIVATION FACILITIES, MARIJUANA PRODUCT MANUFACTURING FACILITIES, MARIJUANA TESTING FACILITIES AND RETAIL MARIJUANA STORES IN THE CITY OF BRUSH, AND DECLARING AN EMERGENCY " Councilor Schonberger offered a second. The First Reading of the Ordinance 822-13 was approved by roll call vote with Mayor Scalise, Councilors Becker, Dykes, Quinlin, Schonberger voting yes and Councilor Smith voting no.

First Reading of ORDINANCE NO. 823-13, entitled AN ORDINANCE TO ADD A NEW ARTICLE 8 TO CHAPTER 6 OF THE BRUSH MUNICIPAL CODE TO PROHIBIT THE OPERATION OF MEDICAL MARIJUANA CENTERS, OPTIONAL PREMISES CULTIVATION OPERATIONS, AND MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURERS' LICENSE WITHIN THE CITY OF BRUSH, COLORADO

Councilor Becker introduced Ordinance 823-13 and Attorney Chapin read the ordinance by title. "AN ORDINANCE TO ADD A NEW ARTICLE 8 TO CHAPTER 6 OF THE BRUSH MUNICIPAL CODE TO PROHIBIT THE OPERATION OF MEDICAL MARIJUANA CENTERS, OPTIONAL PREMISES CULTIVATION OPERATIONS, AND MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURERS' LICENSE WITHIN THE CITY OF BRUSH, COLORADO " Councilor Quinlin offered a second. The First Reading of the Ordinance 823-13 was approved by roll call vote with Mayor Scalise, Councilors Becker, Dykes, Quinlin, Schonberger voting yes and Councilor Smith voting no.

First Reading of ORDINANCE NO. 824-13. Entitled, AN ORDINANCE AMENDING CHAPTER 18 OF THE BRUSH MUNICIPAL CODE BY ADDING A NEW DIVISION 4, REGULATING THE GROWING OF MARIJUANA FOR MEDICAL OR PERSONAL USE

Councilor Quinlin introduced Ordinance 824-13 and Attorney Chapin read the ordinance by title. "AN ORDINANCE AMENDING CHAPTER 18 OF THE BRUSH MUNICIPAL CODE BY ADDING A NEW DIVISION 4, REGULATING THE GROWING OF MARIJUANA FOR MEDICAL OR PERSONAL USE " He noted that there was one change, Article 17 should be Article 18 of the Constitution. Clerk Strand added that this would be reflected in the publication. Councilor Dykes offered a second. The First Reading of the Ordinance 824-13 was approved unanimously by roll call vote.

First Reading of ORDINANCE NO 825-13 entitled, AN ORDINANCE AMENDING CHAPTER 10, ARTICLE 6 OF THE BRUSH MUNICIPAL CODE CONCERNING THE USE, POSSESSION AND TRANSFER OF MARIJUANA

Councilor Quinlin introduced Ordinance 825-13 and Attorney Chapin read the ordinance by title. “AN ORDINANCE AMENDING CHAPTER 10, ARTICLE 6 OF THE BRUSH MUNICIPAL CODE CONCERNING THE USE, POSSESSION AND TRANSFER OF MARIJUANA ” Councilor Dykes offered a second. The First Reading of the Ordinance 825-13 was approved unanimously by roll call vote.

DISBURSEMENTS AND PAYROLL

Councilor Quinlin offered a motion to approve City bills from August 28-September 9, 2013. Her motion was seconded by Councilor Schonberger and was approved unanimously by roll call vote.

General Fund	\$ 49,203.39
Capital Reserve Fund	\$ 51,845.00
Water Fund	\$ 30,138.50
Trash and Garbage Fund	\$ 6,523.56
Waste Water Fund	\$ 28,638.70
Storm Water Fund	\$ 35,189.42
Community Enhancement Fund	\$ 136.36
Joslin Needham Fund	\$ 230.08
Payroll and Cafeteria	\$ 58,368.14
Payroll Liability	<u>\$ 34,506.37</u>
Disbursements Total	\$ 294,781.52

STAFF REPORTS

Police Chief Thomas

- Reported that he and Fire Chief Anderson will hold a discussion concerning the recent fire at Brush Pizza on Wednesday, September 25th at 8:30 a.m. at City Hall.

Recreation Assistant Lynch

- Teams are forming for co-ed softball, soccer and volleyball.
- Requests are being gathered to present to the Joslin/Needham Foundations.

Assistant Fire Chief Uhrick

- Thanked the Brush Police Department and Fort Morgan Fire Department for assistance provided in the recent fire at Brush Pizza.
- Two firefighters were treated for heat exhaustion.

City Clerk

- Announced upcoming meetings.

Announced we have a write in candidate, Cheryl Sanchez for Ward 3.

Assistant Administrator Schminke

- Announced that the Tree Board has openings for board members.

MAYOR AND COUNCIL REPORTS

None.

ADJOURNMENT

The September 9, 2013, meeting was adjourned at approximately 6:35 p.m.

ATTEST:

/s/ Andrea J. Strand
City Clerk

/s/ Daniel R. Scalise
Mayor