

CITY OF BRUSH!

MINUTES OF THE APRIL 13, 2015 REGULAR CITY COUNCIL MEETING

The City Council of Brush Colorado met in regular session on April 13, 2015. Mayor Chuck Schonberger called the meeting to order at 6:00 p.m. The meeting was held at Brush City Hall. The pledge of allegiance was given.

Present on roll call were:

- Mayor Chuck Schonberger
- Councilor Jeanine Anderson
- Councilor Rick Bain
- Councilor Heath Becker
- Councilor Kimberly Dykes
- Councilor Vicky Quinlin
- Councilor Mark Smith

Absent on roll call were: None.

Also present were City Administrator Monty Torres, City Attorney Bo Chapin, Assistant City Administrator Karen Schminke, Recreation Director Lance Schwindt and Deputy City Clerk Deanna Schwindt.

MINUTES

The minutes of the regular meeting of March 23, 2015 were approved.

VISITORS AND DELEGATIONS

None.

MANAGEMENT

First Reading of Ordinance Number 833-15 An Ordinance Authorizing The Purchase By The City Of Brush Of the Golf Course And Related Property Commonly Known As Bunker Hill Country Club, and Declaring An Emergency.

Administrator Torres presented Ordinance No. 833-15 An Ordinance Authorizing The Purchase By The City Of Brush Of the Golf Course And Related Property Commonly Known As Bunker Hill Country Club, and Declaring An Emergency.

Administrator Torres stated that prior to purchasing recreational type property an ordinance has to be adopted by the City. Torres reported there had been positive discussion between the City and EMCO Board and requested Council approve Ordinance No. 833-15.

Councilor Rick Bain introduced Ordinance No. 833-15 An Ordinance Authorizing The Purchase By The City Of Brush Of the Golf Course And Related Property Commonly Known As Bunker Hill Country Club, and Declaring An Emergency.

Councilor Kim Dykes moved, second by Councilor Vicky Quinlin to adopt Ordinance No. 833-15 An Ordinance Authorizing The Purchase By The City Of Brush Of the Golf Course And Related Property Commonly Known As Bunker Hill Country Club, and Declaring An Emergency.

The motion was approved unanimously by roll call vote.

Rich Yeaman, President of Bunker Hill Golf Course stated they were very appreciative for The City of Brush taking a positive step forward for the community. He reported the golf course was in financial bind and felt this was very positive and the EMCO Board would be willing to help in the transition.

Approval of Golf Course Purchase Contract was presented by City Attorney Bo Chapin. He is currently working on a contract in conjunction with EMCO's attorney Bob Milano. Ordinance No. 833-15 must be adopted on April 27, 2015, and published in the Brush News Tribune on April 29th and will become effective on April 30th. City Attorney Chapin also discussed the water rights and liabilities of EMCO. There will be 8 shares of water rights from the Upper Platte and Beaver Canal. He is still gathering the final numbers on the liabilities and will be paid by the City of Brush at closing.

First Reading of Ordinance Number 834-15 An Ordinance Amending Article 1 Of Chapter 13 Of The Municipal Code Concerning Municipal Activity Enterprises, And Declaring An Emergency.

Administrator Torres presented Ordinance No. 834-15 An Ordinance Amending Article 1 Of Chapter 13 Of The Municipal Code Concerning Municipal Activity Enterprises, And Declaring An Emergency. Torres stated an enterprise fund must be established for municipal activity with the golf Course to keep track of funds going in and out. Torres recommended council approve Ordinance No. 834-15.

Council Smith introduce Ordinance No. 834-15 An Ordinance Amending Article 1 Of Chapter 13 Of The Municipal Code Concerning Municipal Activity Enterprises, And Declaring An Emergency.

Councilor Dykes moved, second by Councilor Quinlin to adopt Ordinance No. 834-15 An Ordinance Amending Article 1 Of Chapter 13 Of The Municipal Code Concerning Municipal Activity Enterprises, And Declaring An Emergency.

The motion was approved unanimously by roll call vote.

Second and Final Reading of Ordinance No. 832-15 An Ordinance Establishing And Determining Zoning Designation For Lands Recently Annexed To The City Of Brush Located In The Farmland Minor Subdivision In The NE 1/4 Of Section 2, Township 3 North, Range 56 West Of the Sixth Principal Meridian, Morgan County Colorado.

Assistant Administrator Schminke presented Ordinance No. 832-15 for second reading. She stated the ordinance would establish a Commercial zoning designation for this newly annexed parcel which is the location for a storm sewer pond that will service the downtown area.

Councilor Quinlin moved, second by Councilor Smith, to adopt Ordinance No. 832-15 An Ordinance Establishing And Determining Zoning Designation For Lands Recently Annexed To The City Of Brush Located In The Farmland Minor Subdivision In The NE 1/4 Of Section 2, Township 3 North, Range 56 West Of the Sixth Principal Meridian, Morgan County Colorado, and publish by title only.

The motion was approved unanimously by roll call vote.

Resolution No. 2015-4, Council Code of Conduct

Mayor Schonberger presented Resolution No. 2015-4 and the revised Code of Conduct for Council consideration.

Councilor Bain moved, second by Councilor Smith, to adopt Resolution No. 2015-4, Council Code of Conduct as presented.

Councilor Bain stated he would like to add wording if an accusation that a Council member violated the Code of Conduct, it would be discussed as a group and not as an individual as referred to in Item #32.

Councilor Anderson questioned if there were criminal charges and allegations involved, how would the process of the burden of proof proceed. Mayor Schonberger stated it is not up to the Council to handle such procedure and such actions would be handled by a judge. Councilor Anderson also questioned the preponderance proof of evidence and suggested it be further clarified in Brush Municipal Code Sec. 2-3-90.

Councilor Anderson moved to add wording to the document that would require burden of proof or preponderance proof of evidence. A second motion was added by Councilor Anderson to add to the Code to clarify the Brush Municipal Code Sec. 2-3-90 as referred to Item #32-D-5.

Motions made by Councilor Anderson died due to lack of a second.

The original motion for the Resolution No. 2015-4, Council Code of Conduct passed by roll call vote with: Yes votes by Mayor Schonberger, Councilors Bain, Becker, Dykes, Quinlin and Smith and a No vote by Councilor Anderson.

Sign Code Update Project Consultant Selection

Assistant Administrator Karen Schminke reviewed a history of this project to date including the award of a \$15,000 Technical Assistance Grant from the Department of Local Affairs, City of Brush budgeted matching funds of \$15,000, goals for the project, and an overview of the consultant selection process.

Schminke went on to report that on April 6th City Council, the Planning & Zoning Commission, and the Board of Adjustment heard presentations from two consultants who had responded to the RFP. She relayed that the consensus of those in attendance for the consultant presentations was that Plan Tools, LLC will provide the best product

to meet the project goals and provided the best value for the City of Brush. The group identified that this value comes from a clear multi-point public engagement process, legal expertise of the consultant team, carrying the project through adoption of the new regulations, and development of a User Guide to assist the business community.

Council Dykes moved, second by Council Quinlin, that City staff prepare for the Mayor's signature a lump sum, cost-not-to-exceed, contract for the amount of \$30,000 for Plan Tools, LLC to update the sign regulation portion of the Land Use Code.

The motion was approved unanimously by roll call vote.

FINANCE

City Disbursements

Councilor Quinlin moved, second by Councilor Anderson to approve City bills from March 23-April 13, 2015. The motion was approved unanimously by roll call vote.

General Fund	\$359,120.77
Fire Equipment Fund	\$ 86,181.00
Capital Reserve Fund	\$ 598.33
Water Fund	\$184,841.44
Trash and Garbage Fund	\$ 17,730.63
Waste Water Fund	\$ 46,408.61
Storm Water Fund	\$ 6,002.97
Community Enhancement Fund	\$ 10,257.00
Joslin Needham Fund	\$ 545.59
Payroll and Cafeteria	\$ 56,590.52
Payroll Liability	<u>\$ 36,869.86</u>
Disbursements Total	\$305,146.72

STAFF REPORTS

Finance

Joanne reported she would have a supplemental budget proposed for the new Golf Course Enterprise Fund; this includes the new bucket truck that was ordered in 2014 and received in 2015 and Joslin Needham Foundation.

Assistant Administrator

Spoke about Arbor Day being celebrated at 10 a.m. on Friday, April 24th and the Tree Care Workshop being held at City Hall on April 16th at 5:30 p.m.

City Administrator

Reported the Hospital Road Construction was finished. There are two different individuals expressing interest in the English Feedlot. Golf course project going well and deciding what to do with the liquor license and perhaps the City of Brush would be willing hold the liquor license and manage the facility for a short term.

Deputy City Clerk

Read upcoming meeting and events.

MAYOR AND COUNCIL REPORTS

Councilor Dykes

Had received calls about Elm Street getting paved. They have been told that it will get paved.

Councilor Anderson

Report from Library Board and questions when Charter will provide fiber optics for the internet. Administrator Torres stated Charter is only for television purposes. City Attorney Chapin stated the City cannot regulate internet or phone service but Charter does have internet/telephone package service.

Councilor Bain

Reported receiving several complaints from citizens who have placed bags of trash that have not been picked up by the City. Perhaps there needs to be more communication to the citizens on the regulations concerning trash pickup. Torres reported that spring cleanup will be May 4-8 and information will be in the door to door newsletter.

Councilor Becker

Received questions concerning body cameras for the police and are the needed. Work session will be held to discuss this matter.

Mayor Schonberger presented names to Council for consideration of member's appointment to the Water Advisory Board. Appointments were made to the Water Advisory Board and expiration terms:

Member	Term Expires
Larry Coughlin	April 13, 2019
Greg Mullen	April 13, 2019
Dan Scalise	April 13, 2017
Steve Treadway	April 13, 2017
Marci Wickham	April 13, 2019

ADJOURNMENT

The April 13, 2015, meeting was adjourned at approximately 6:54 p.m.

ATTEST:

/s/ Deputy City Clerk Deanna Schwindt

/s/ Mayor Chuck Schonberger