

CITY OF BRUSH!

MINUTES OF THE JUNE 8, 2015 – REGULAR CITY COUNCIL MEETING

The City Council of the City of Brush, Colorado met in regular session on June 8, 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

Absent on roll call were: Councilor Mark Smith

Also present were City Attorney Bo Chapin, Finance Director Joanne Gosselink, Assistant Administrator Karen Schminke, Public Works Director Dale Colerick, Community Service Director Lance Schwindt and City Clerk Andrea Strand.

MINUTES

The minutes of the regular meeting of May 11, 2015, were approved as submitted.

VISITORS AND DELEGATIONS

A presentation on VALUE by Rachel Nichols was removed from the agenda by their request and will be scheduled at a later date.

Jeff Cook who resides at 29152 County Road O.5, Brush, Colorado, and was also representing C Henry Incorporated and Herman Cook. He farms property south of Brush and asked Council to look for solutions to the rising water tables on farmland south of Brush, near the City's augmentation ponds and Prairie Ponds. Several property owners, including his father, Herman Cook, are unable to plant because of the excess water. He also stated concern for Herman Cook's drinking water. He added that the Morgan Ditch Company has been pumping water off the property, twenty-four hours a day for two weeks and the City of Brush started pumping water, but their equipment stalled. He would like solutions for future weather events to avoid this. Councilor Bain encouraged all Council members to go out and look at the water damage in this area. He also wanted to pursue solutions to avoid this in the future. Councilor Anderson stated that her understanding was that the ditch breached further up the system and was flowing into the City's area, with nowhere to go. Mayor Schonberger added that he has flown over the area and noticed that there are pools of water in the entire area, not only around the City wells and augmentation area. Public Works Director Dale Colerick added that he has been

Council Proceedings – June 8, 2015

in touch with the ditch company and will sit down to discuss a plan once the water has receded. Plans are also in the future to rebuild the overflow and close off the last augmentation pond. Dale also added that staff has reported that since the end of April to date that area has recorded over 30 inches of rainfall.

Martin M. Ley was present and provided a letter that City Clerk Andrea Strand read.

Dear City of Brush and Brush City Council:

I am a landowner of approximately 154 acre irrigated farm located south of Brush on County Road 28 or more particularly described as the SE1/4 of Section 10, T3N, R56W of the 5th P.M. Morgan County, Colorado.

When I purchased the farm it was my intent to continue to farm the land which is its historical use. I invested in a new pivot irrigation sprinkler this spring and had the ground ready to plant.

In the past month the farm has had standing water, the irrigation pond is full of water from the underground and because of the high water table from water from the south I am not able to plant a crop.

I would like to go on record so all parties know of the problem of not being able to plant and I would also like to know if there is any compensation available for the damages due to loss of income.

Sincerely,
Martin M. Ley

MANAGEMENT

Public Hearing – Petition filed by NE Colorado Cellular, Inc. d/b/a Viaero Wireless, for a Special Use permit for a 60 Foot Tower

Assistant City Administrator Karen Schminke stated that she had placed an Addendum to the Staff Report and a new photo of the project before each Council member.

Mayor Schonberger opened the public hearing at 6:20 p.m. to hear comments on the application submitted by NE Colorado Cellular, Inc. d/b/a Viaero Wireless, for a Special Use Permit for a 60 Foot Tower. The property is zoned RLD and is located 400 West Avenue, Brush, CO.

Community Development Director Karen Schminke stated that the public hearing was properly noticed by publication in the Brush News Tribune on May 20, 2015. Signs stating the public hearing were posted on the property and were provided to the surrounding property owners by the applicants.

She presented an overview of the staff report, including project history and reviewed the approval criteria.

She then outlined the various conditions, outlined in the Addendum that she recommended if Council were to approve the special use permit.

The applicant was represented by Rick Bailey and was present to answer any questions. No public comments were received at the hearing.

Council Questions – City Attorney Bo Chapin asked the applicant if they agreed to the conditions identified. Mr. Bailey responded that item 5 may be impossible because of the size of the tower. Councilor Bain asked about the need. Mr. Bailey responded that it was primarily for the anticipation of the need for more data capacity.

Scott Trautwein was present representing the school district. He added that the school board had entered into an agreement with Viaero. He added that the high school would be used in the need of any evacuation and the need for high capacity of data from cell phones would be necessary.

Mayor Schonberger closed the public hearing at 6:35 p.m.

Councilor Dykes moved, second by Councilor Anderson to approve the Special Use Permit for a 60 foot cell tower with conditions as presented by staff.

1. 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.
2. A copy of the final FAA determination must be submitted to the City before a building permit will be issued.
3. Maximum allowed height of the tower is sixty (60) feet.
4. PCS antennas must be shielded as presented in the application.
5. The tower must provide for the co-location of third party facilities as is technically feasible.
6. Any equipment building must be painted a neutral color that blends with the surrounding area.
7. If the security fence will be locked, a Knox Box for emergency access must be installed on site as required by the Fire Department.
8. Notice of the sale of or change in the operations company must be provided to the City.
9. 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.

The motion was approved unanimously by roll call vote.

First Reading of Ordinance No. 835-15 An Ordinance Creating The Golf Course Advisory Board, and in Conjunction Therewith Adding Article 13 to Chapter 2 of the Brush Municipal Code Relating to the Golf Course Advisory Board

Councilor Vicky Quinlin introduced Ordinance No. 835-15 An Ordinance Creating The Golf Course Advisory Board, and in Conjunction Therewith Adding Article 13 to Chapter 2 of the Brush Municipal Code Relating to the Golf Course Advisory Board. Councilor Quinlin moved, second by Councilor Dykes.

City Clerk Strand stated that the creation of this advisory board was consistent with the other advisory board of the City. Director Schwindt added that this would be helpful for his position.

The First Reading of Ordinance 835-15 and publication in full was approved unanimously by roll call vote.

Resolution No. 2015-9 Adopting the Northeast Colorado Regional Hazard Mitigation Plan Update of 2013

Clerk Strand stated that Administrator Torres had received a request for Morgan County Emergency Management stating that it was necessary to approve, by Resolution, the current Northeast Colorado Regional Hazard Mitigation Plan Update of 2013. The City had asked for a copy of the plan but was told that it would be forwarded to us once approved.

Councilor Dykes motioned, second by Councilor Quinlin to adopt the Northeast Colorado Regional Hazard Mitigation Plan Update of 2013. The motion was approved unanimously by roll call.

FINANCE

City Disbursements

Councilor Quinlin moved, second by Councilor Anderson to approve City bills from May 11-26, 2015. The motion was approved unanimously by roll call vote.

General Fund	\$	65,446.92
Capital Improvement Fund	\$	137.46
Capital Reserve Fund	\$	29,797.00
Water Fund	\$	60,656.33
Trash and Garbage Fund	\$	9,916.50
Waste Water Fund	\$	56,944.77
Storm Water Fund	\$	1,456.02
Golf Course Fund	\$	2,398.07
Conservation Trust Fund	\$	15,852.12
Community Enhancement Fund	\$	11,800.00
Joslin Needham Fund	\$	32,625.00
Payroll and Cafeteria	\$	65,113.57
Payroll Liability	\$	<u>28,261.38</u>
Disbursements Total	\$	380,405.14

Councilor Quinlin moved, second by Councilor Anderson to approve City bills from May 27-June 8, 2015. The motion was approved unanimously by roll call vote.

General Fund	\$	77,283.36
Capital Reserve Fund	\$	6,765.06
Water Fund	\$	5,49472
Trash and Garbage Fund	\$	15,202.22
Waste Water Fund	\$	7,681.82
Storm Water Fund	\$	4,381.50
Golf Course Fund	\$	12,197.63
Conservation Trust Fund	\$	37,374.89
Joslin Needham Fund	\$	57.08
Payroll and Cafeteria	\$	67,221.77
Payroll Liability	\$	<u>38,356.29</u>
Disbursements Total	\$	272,016.34

STAFF REPORTS

Finance Director Gosselink

- Brought attention to the Golf Course Fund in the financial report.
- Invited Council to the Museum History Camp chuck wagon lunch on Tuesday, June 9th at noon at the museum.

Public Works Director Colerick

- Staff is working mosquito control.
- Continue to fill pot holes.

Community Service Director Schwindt

- Work is continuing on the Watrous Park restroom facility.
- Tennis court is waiting on the fencing to complete the project.
- The golf course had a good month; men's night had up to 50 golfers.
- Thanked Joanne and Dale for their assistance with the golf course.
- Reported that the pool is working well.

City Clerk Strand

- Read upcoming meetings and events that were provided on the calendar.
- Reported that the City and Brush Police Department were hosting TIPS training on Tuesday, June 23 at Bunker Hill.
- Distributed a 2015 Coordinated Election calendar.

Assistant City Administrator Schminke

- Reminded everyone of the Sign Code open house this Thursday, June 11, from 4-7 p.m. at City Hall in council chambers.

MAYOR AND COUNCIL REPORTS

Mayor Schonberger read:

Dear Chuck:

On behalf of CML, I just wanted to offer congratulations on the city's recent award as being named "top small community of 2014" from the Economic Development Council of Colorado. This is another wonderful feather in the city's cap, and so well deserved.

We are very proud of the city's leadership in all things municipal. Kudos!

Sincerely,

Sam Mamet
Executive Director

Brush will host the City/County Meeting on Monday, June 29, 2015 at Bunker Hill

Council Concerns

- Councilor Bain received a complaint from a resident of Brush Housing Authority concerning the change in demographics of the residents. He is trying to reach her by telephone to discuss an alternative housing facility in the complex but has been unable to reach her.
- Councilor Dykes has concerns of the speed of cars around the baseball field. She would also like information about the warning siren being tested at odd times, other than the Friday at noon and how the City notifies people of the testing. She would like something other than Facebook.
- Councilor Becker would like an update on the walking trail at the augmentation pond.
- Councilor Anderson had concerns about the traffic speed around Eben Ezer, near the community garden.

ADJOURNMENT

The June 8, 2015, meeting was adjourned at approximately 7:00 p.m.

ATTEST:

/s/ City Clerk Andrea Strand

/s/ Mayor Chuck Schonberger