

# CITY OF BRUSH!

## MINUTES OF THE JANUARY 11, 2016 – REGULAR CITY COUNCIL MEETING

The City Council of the City of Brush, Colorado met in regular session on January 11, 2016. 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: None.

Also present were City Attorney Robert Chapin, Assistant Administrator Karen Schminke, Finance Director Joanne Gosselink, Fire Chief Tad Anderson, Marketing Specialist Tyler Purvis, and City Clerk Andrea Strand.

### MINUTES

The minutes of the regular meeting of the December 28, 2015, were approved as submitted.

### VISITORS AND DELEGATIONS

Dan Scalise introduced Lee Foley, recently hired as the Executive Director of the Brush Chamber of Commerce.

### FINANCE

#### **City Disbursements**

Councilor Quinlin moved, second by Councilor Dykes to approve City bills from December 28, 2015 to January 11, 2016. The motion was approved unanimously by roll call vote.

General Fund	\$ 55,124.33
Capital Improvement Fund	\$ 98.29
Water Fund	\$ 10,830.27
Trash and Garbage Fund	\$ 4,566.14
Waste Water Fund	\$ 6,830.83
Storm Water Fund	\$ 993.58
Golf Course Fund	\$ 17,634.71
Community Enhancement Fund	\$ 166.78

Joslin Needham Fund	\$ 5,670.00
Payroll and Cafeteria	\$ 65,648.58
Payroll Liability	<u>\$ 38,886.87</u>
Disbursements Total	\$ 206,450.38

**ADJOURNMENT SINE DIE AND CONVENING OF THE NEW COUNCIL**

Councilor Smith offered a motion to adjourn sine die and convene with the newly appointed council. His motion was seconded by Councilor Anderson and was approved unanimously.

Mayor Schonberger presented gifts to outgoing Councilor Mark Smith and thanked him for his service to the citizens of Brush.

**OATH OF OFFICE TO NEW COUNCIL**

City Clerk Andrea Strand administered the Oath of Office to Marlene Baker, Vicky Quinlin and Health Becker

Present on roll call were: Mayor Charles Schonberger  
 Councilor Jeanine Anderson  
 Councilor Rick Bain  
 Councilor Marlene Baker  
 Councilor Heath Becker  
 Councilor Kimberly Dykes  
 Councilor Vicky Quinlin

Absent on roll call were: None.

**ELECTION OF MAYOR PRO-TEM**

Mayor Schonberger called for nominations for Mayor Pro-Tem. Councilor Becker nominated Rick Bain, second by Councilor Anderson. Councilor Dykes nominated Vicky Quinlin, second by Councilor Anderson. Roll Call votes:

Councilor Rick Bain: Baker, Becker.

Councilor Vicky Quinlin: Schonberger, Anderson, Bain, Dykes and Quinlin.

Councilor Vicky Quinlin was elected as Mayor Pro-Tem.

**MANAGEMENT**

**PUBLIC HEARING – CHARTER FRANCHISE AGREEMENT**

Mayor Schonberger opened the public hearing concerning the Charter Franchise Agreement at 6:10 p.m.

City Attorney Chapin stated that the City along with special Council Ken Fellman had been in negotiations with Charter for several months.

The City of Brush had joined with the City of Fort Morgan and the City of Sterling.

Wendy M. Moser, Sr. Manager, Government Relations was present and provided the Affidavit of Publication for the public hearing. She added that if the City or citizens had any issues that could not be resolved at the local level, she would be the person to contact. She also introduced Robert Stipe, who works with the network part of the organization.

Ken Fellman, special council, appeared by telephone. He provided background history. He added that Charter had agreed to provide in a side letter their intention to continue, at no charge, a line for emergency operation center for the school district and also to preserve support and equipment for the cable channel. The government building would no longer be free. He also stated that the City could establish standards for customer service that are more stringent than the federal standards.

Don Heer, who resides at 430 Howell Avenue and who also owns a business, stated he has been with the cable company for 50 years. He stated that recently he had received poor quality of service and is not able to resolve this with the company. He also added that the broadcast of the city council meeting is poor. Wendy Moser, stated that she would like Mr. Heer to speak with Mr. Stipe, before he left and that if citizens were not able to resolve issues locally, they should contact her. She also added there was a capital grant available that could be used to upgrade the equipment for broadcasting the council meeting.

Councilor Bain had concerns with 10.4 and 10.5. which identified the time period of an audit of revenue. Discussion was held and Councilor Fellman recommended that a side letter be created that clarifies limitation period on the date any audit was commenced. Wendy Moser, Charter Communications, will speak to her company.

Councilor Anderson inquired if Charter offered fiber optic service, and if it was available to the East Morgan County Library. Robert Stipe, responded that it was available in the City of Brush, at different levels, at a cost.

Mayor Schonberger closed the public hearing at 6:45 p.m.

**First Reading Of Ordinance No. 841-16 An Ordinance Granting A Non-Exclusive Franchise By The City Of Brush, Colorado, To Bresnan Communications, LLC, And Its Lawful Successors, Transferees And Assigns, For The Right To Make Reasonable And Lawful Use Of The Rights-Of-Way Within The City To Construct, Operate, Maintain, Reconstruct, Repair And Upgrade A Cable System For The Purpose Of Providing Cable Services To Citizens Within The City Of Brush, Colorado, And Declaring An Effective Date**

Councilor Dykes introduced Ordinance No. 841-16 and read the Ordinance by title. Councilor Quinlin moved, second by Councilor Quinlin to approve on first reading Ordinance No 841-16 and publish in full for three times and was approved unanimously by roll call vote.

## **RESOLUTION NO. 2016-01 – OFFICIAL POSTING PLACES**

Councilor Dykes offered a motion, second by Councilor Anderson to approve Resolution No. 2016-01, Designation Of A Public Place For Posting Of Notices Concerning Official City Business Of The City Of Brush, Colorado Pursuant To C.R.S. 24-6-402(2)C) and was approved unanimously by roll call vote.

## **FIRST READING OF ORDINANCE NO. 842-16 AN ORDINANCE AMENDING ARTICLE 3 OF CHAPTER 8 OF THE BRUSH MUNICIPAL CODE RELATED TO RAILROADS**

Councilor Quinlin introduced Ordinance No. 842-16 and read the Ordinance by title. Councilor Dykes moved, second by Councilor Bain to approve on first reading Ordinance 842-16 and publish in full and was approved unanimously by roll call vote.

## **STAFF REPORTS**

### **Finance Director Gosslink**

- Reported that the water engineer is working on finalizing the water rates and hopes to bring it to council on January 25 work session.

### **Marketing Specialist Purvis**

- Reported that Listening Tour which is a part of Rural Philanthropy Days will meet on February 24, 2016, and will meet at the Carroll in Brush.
- Working on marketing strategies with the golf course

### **City Clerk Strand**

- Announced upcoming meetings and other announcements. Council orientation has been scheduled for January 18, 2016, at 5:30 p.m. and will be in Council Chambers.

### **Fire Chief Anderson**

- The department has been actively working on the extrication tools grant and testing equipment
- One fire fighter is attending the academy.

### **Community Development Director Schminke**

- Referred to the Annual Building Report that was in the packet.
- Advised that the Residential Building Incentive Program would be on the next agenda for consideration to continue the program.

## **MAYOR AND COUNCIL REPORTS**

### **Councilor Becker**

- Reported that a Power to Play Tournament was held in Brush and Fort Morgan over the weekend with 50 teams participating.

### **Councilor Anderson**

- Provided the agenda for the East Morgan County Library Board, and stated that at the last meeting, Lenore Wind was welcomed as a new member and the District's wish list was reviewed.

## **ADJOURNMENT**

The January 11, 2016, meeting adjourned at approximately 7:00 p.m.

### **ATTEST:**

/s/ City Clerk Andrea Strand

/s/ Mayor Chuck Schonberger