

CITY OF BRUSH!

MINUTES OF THE MARCH 27, 2017 – REGULAR CITY COUNCIL MEETING

The City Council of the City of Brush, Colorado met in regular session on March 27, 2017. Mayor Pro Tem Vicky Quinlin 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 Pro Tem Vicky Quinlin
Councilor Jeanine Anderson
Councilor Rick Bain
Councilor Marlene Baker
Councilor Heath Becker
Councilor Kimberly Dykes

Absent: Mayor Chuck Schonberger

Also present were City Administrator Monty Torres, Police Chief Travis Anderson, City Attorney Bo Chapin, Assistant City Administrator Karen Schminke, Finance Director Joanne Gosselink, Marketing Specialist Tyler Purvis and City Clerk Andrea Strand.

MINUTES

The minutes of the regular meeting of March 13, 2017, were approved as submitted.

VISITORS AND DELEGATIONS

Executive Director Cathy Shull from Progressive 15 presented information to Council concerning their 2016 annual report and also HB 17-1242 which they support. She asked for Council's support by adopting a Resolution to refer a measure to the 2017 ballot to increase the state sales tax from 2.9% to 3.52% to generate revenue for transportation improvements at the state and local government's level.

MANAGEMENT

Public Hearing

Verizon Cell Tower Special Use Permit located at 720 Hospital Road – Continued to April 10, 2017, at 6 p.m.

Mayor Pro Tem Vicky Quinlin opened the Public Hearing at 6:13 p.m. Karen Schminke informed Council that the applicant had request a continuance of the hearing as they wanted to provide additional information. The hearing has been continued to April 10, 2017, at 6:00 p.m. Mayor Pro Tem Quinlin closed the public hearing at 6:15 p.m.

Second and Final Reading of Ordinance No. 853-17, An Ordinance Approving the Lease of Certain Real Estate Owned by the City of Brush Commonly Known as Brush State Wildlife Area for a Term of Ten Years and Declaring an Emergency

Councilor Dykes offered a motion, second by Councilor Anderson to adopt the Ordinance on second reading and order publication by title only. The motion was approved unanimously by roll call vote.

City Attorney Chapin explained that an ordinance adopted by emergency removes the thirty day referendum period. It becomes effective the day after final publication and also requires six members of Council's approval. In the case of these two ordinances, he explained it was a timing issue with the state's approval process that caused the emergency adoption.

First Reading of Ordinance No. 854-17, An Ordinance Approving The Lease of Certain Real Estate Owned By The City Of Brush Commonly Known As 28167 Morgan County Road T For A Term Of Five Years, And Declaring An Emergency

Councilor Jeanine Anderson introduced Ordinance No. 854-17, An Ordinance Approving The Lease of Certain Real Estate Owned By The City Of Brush Commonly Known As 28167 Morgan County Road T For A Term Of Five Years, And Declaring An Emergency

Councilor Dykes offered a motion, second by Councilor Bain to approve the Ordinance on first reading and order publication in full. The motion was approved unanimously by roll call vote.

FINANCE
City Disbursements

Councilor Anderson moved, second by Councilor Bain to approve City bills from-March 13-27, 2017. The roll call vote was unanimous.

| | | |
|---------------------------------------|----|------------------|
| General Fund | \$ | 23,836.74 |
| Capital Improvement Fund | \$ | 5,191.30 |
| Capital Reserve Fund | \$ | 25,683.00 |
| Water Fund | \$ | 31,736.70 |
| Trash and Garbage Fund | \$ | 9,944.43 |
| Waste Water Fund | \$ | 97,249.30 |
| Storm Water Fund | \$ | 240.31 |
| Golf Course Fund | \$ | 6,244.02 |
| Police Forfeiture & Confiscation Fund | \$ | 3,310.00 |
| Community Enhancement Fund | \$ | 1,134.75 |
| Joslin Needham Fund | \$ | 515.00 |
| Payroll and Cafeteria | \$ | 68,635.37 |
| Payroll Liability | \$ | <u>30,339.48</u> |
| Disbursements Total | \$ | 304,060.40 |

Councilor Anderson moved, second by Councilor Dykes to approve City bills from February 27-March 13, 2017. In the amount of \$16,602.72. The roll call vote was unanimous.

STAFF REPORTS

Finance Director Gosselink

- Announced spring clean-up week would be May 1-5, 2017; special items can be placed out for pick-up on regular scheduled trash days that week.
- The annual increase for water and trash by the Denver/Boulder COI will take effect on the April 1, 2017, utility bill. The increase will be 2.77%.

Police Chief Anderson

- Reported that K-9 officer Mux searched a vehicle and found a large amount of drugs.
- Staff had issued 52 code enforcement warnings.
- Corporal Blank is developing a citizen's academy.
- The department is participating in the Click it or Ticket Campaign that has a zero tolerance for no seat belt use.

Community Development Director Schminke

- Announced the City's 50/50 tree program. Homeowners can purchase trees from a select list and the city will deliver the tree to be planted in the front yard. Contact Karen for details.

Marketing Specialist Purvis

- Summarized the recent Partnering for Progress meeting held on March 6th with the various organizations in the city participating.
- Provided information on a project where City Council approved incentives for downtown businesses. He added that there had been 13 applicants; 10 were approved; of these 6 are still in business. A total of \$9,000 has been paid for the incentives.
- Door to door newsletters will be delivered to residents this week.

City Clerk Strand

- Highlighted upcoming meetings on the calendar.

Administrator Torres

- Reported that a business is interested in leasing the city's airport hangar.
- Staff continues to work on the English Feedlot Master Plan; a large business is interested in purchasing property there.

MAYOR AND COUNCIL

Flood Way Discussion with Morgan County Board of County Commissioners

Morgan County Commissioners, Jim Zwetzig, Laura Teague and Mark Arndt were present to discuss the designated Flood Way and Flood Plain for Morgan County and the current effects on the Brush area. Also present were Thuy Patton, Floodplain Mapping Coordinator and Stephanie Dibetitto, Community Assistance Program Coordinator for the Water Conservation Board. Community Development Director Karen Schminke summarized the public outreach efforts by the City of Brush to inform the citizens of the upcoming changes in the Floodplain map. Commissioner Zwetzig introduced Pam Cherry, recently hired by Morgan County in the Planning Department. Administrator Monty Torres asked if FEMA would consider removing the recent designation of a Flood Way from the Flood Plain Map. Thuy Patton stated that she would ask. Stephanie Dibetitto explained the approval process if individuals were wanting to building in the Flood Way. She added that it was estimated that the cost for a “no rise” analysis would be \$1,500. There would also be additional steps for local planning departments to become educated in the new approval processes.

Chuck Miller was presented and stated that Morgan County had filed an appeal with FEMA on his behalf. He owns land in the County, east of Brush, now designated in the Flood Way. The last day to file an appeal is May 22, 2017.

Council reviewed their options:

1. Draft a letter to FEMA to remove the Flood Way designation and leave it as the Flood Plain on the Floodplain Map.
2. Gather data, recognized by FEMA to remove the Flood Way.
3. Do not adopt the Floodplain Map. This would have devastating consequences for citizens. They would not be able to get flood insurance, or some mortgages. The City would not be eligible for most grants.

Council directed City Administrator Torres to draft a letter to remove the Flood Way designation and leave the areas as it is in the current Map. Research what technical data would be needed to provide to FEMA to make any changes to the Map.

Executive Session C.R.S. 24-6-402(4)(a), for the purchase, acquisition, lease, transfer or sale of any real, personal, or other property interest; specifically potential real estate purchase.

At 7:44 p.m. Motion by Councilor Dykes , second by Councilor Bain to go into an executive session pursuant to C.R.S. 24-6-402(4)(a), for the purchase, acquisition, lease, transfer or sale of any real, personal, or other property interest; specifically potential real estate purchase. All approved.

Mayor Pro Tem Quinlin announced that the time was 7:55 p.m., and the executive session had been concluded. The participants in the executive session were: Mayor Pro Tem Quinlin, Councilors Anderson, Bain, Baker, Becker, Dykes, City Administrator Monty Torres, City Attorney Bo Chapin and Marketing Specialist Tyler Purvis.

Mayor Pro Tem Quinlin stated for the record, if any person who had participated in the executive session believed that any substantial discussion of any matters not included in the motion to go into the executive session and in violation of the Open Meetings Law, had occurred during the executive session state their concerns for the record.

Hearing none, Mayor Pro Tem Quinlin announced that there was no action needed from the executive session.

Executive Session C.R.S. 24-6-402(4)(a), for the purchase, acquisition, lease, transfer or sale of any real, personal, or other property interest; specifically potential real estate purchase.

At 7:59 a Motion by Councilor Dykes , second by Councilor Anderson to go into an executive session pursuant to C.R.S. 24-6-402(4)(a), for the purchase, acquisition, lease, transfer or sale of any real, personal, or other property interest; specifically potential real estate sale.

Mayor Pro Tem Quinlin announced that the time was 8:44 p.m., and the executive session had been concluded. The participants in the executive session were: Mayor Pro Tem Quinlin, Councilors Anderson, Bain, Baker, Becker, Dykes, City Administrator Monty Torres, City Attorney Bo Chapin and Marketing Specialist Tyler Purvis.

Mayor Pro Tem Quinlin stated for the record, if any person who had participated in the executive session believed that any substantial discussion of any matters not included in the motion to go into the executive session and in violation of the Open Meetings Law, had occurred during the executive session state their concerns for the record.

Hearing none, Councilor Anderson offered a motion, second by Councilor Bain to instruct Monty Torres to negotiate real estate transaction and infrastructure within the perimeters as discussed at the executive session. All approved.

ADJOURNMENT

The March 27, 2017, meeting adjourned at approximately 8:50 p.m.

ATTEST:

/s/ City Clerk Andrea Strand

/s/ Mayor Pro Tem Vicky Quinlin