

CITY OF BRUSH!

MINUTES OF THE APRIL 10, 2017 – REGULAR CITY COUNCIL MEETING

The City Council of the City of Brush, Colorado met in regular session on April 10, 2017. 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 Marlene Baker
Councilor Heath Becker
Councilor Kimberly Dykes

Absent: Councilor Vicky Quinlin

Also present were City Administrator Monty Torres, Police Chief Travis Anderson, City Attorney Bo Chapin, Assistant City Administrator Karen Schminke, Finance Director Joanne Gosselink, Public Works Director Dale Colerick and City Clerk Andrea Strand.

MINUTES

The minutes of the regular meeting of March 27, 2017, were approved as submitted.

VISITORS AND DELEGATIONS

Jim DeFazio a volunteer with Employer Support of the Guard and Reserve was present to present a Patriotic Employer Award to the City of Brush. This is given for supporting the employee who is participating in the National Guard and Reserve Forces.

MANAGEMENT

Public Hearing

Verizon Cell Tower Special Use Permit located at 720 Hospital Road

Mayor Schonberger opened the Public Hearing at 6:08 p.m. Karen Schminke noted that the hearing had been continued from March 27, 2017, and provided the staff report stating that Cellular Inc. Network Corp D/B/A Verizon Wireless, had submitted an application for a special use permit for an 80-foot tall monopole type freestanding commercial mobile radio system tower and supporting equipment in a Residential Low Density (RLD) zone. The subject property is known as Pioneer Park and the address is 720 Hospital Road, Brush, CO. She provided an area location map and a site plan, coverage maps and photo-simulations of the proposed tower. The public hearing was noticed by publication in the Brush News Tribune on March 8, 2017, signs posted on the subject property, and the applicant mailed

notices to owners of real property that is located within three hundred (300) feet of the subject property.

She reviewed the application, location, zoning and land use, comprehensive plan, special use review criteria and the applicant's compliance history. In conclusion she added that if Council felt that the applicant met the review criteria, staff supported the approval of a special use permit with conditions:

1. The applicant must have a signed lease for use of the land prior to be construction.
2. 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 City Council for such repeal to be effective.
3. A copy of the final FAA determination must be submitted to the City before a building permit will be issued.
4. Maximum allowed height of the tower is eighty (80) feet excluding the lightning rod.
5. Construction plans must be prepared by a Colorado licensed engineer and must demonstrate compliance with the State minimum standards for this type of structure.
6. Any equipment building must be painted a neutral color, approved by the City, which blends with the surrounding area.
7. Signage is limited to a 4-square foot sign attached to either the fence or ground equipment.
8. If the security fence will be locked, a Knox Box for emergency access must be installed on site as required by the Fire Department.
9. Notice of the sale of or change in the operations company must be provided to the City.
10. 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.

Staff will prepare a resolution documenting these findings and conditions of approval.

Adam Perlman, a consultant from Kappa, a consult to Verizon Wireless, was present and provided information as to the need for a cell tower at this location. He added that this cell tower would improve services for the west part of Brush. Coverage is now provided by a tower located in Fort Morgan. He added that more people are using only cell phones and emergency calls are increasing on cell phones as compared to land lines. He added that they had

redesigned the tower to fit in more with the surrounding; they also could add lights to the tower to help provide lighting for the skate park.

Public Comments:

Steve Proctor who will reside at 429 Howell spoke against the location. He suggested the golf course and also was concerned that additional carriers could be added in the future. He added that it was not aesthetic to the entry part of town.

Darlene Doane who owns property at 717 Hospital Road was opposed to the cell tower stating health concerns and suggested placing the tower somewhere other than a residential area. She stated that not all residents received a notice. She also had concerns of who would monitor or inspect the tower.

Shirley Penn who resides at 413 Harvard but owns property at 715 Hospital Road was concerned with increased use at the skate park, how the tower would look in the future and agreed with the previous statements

Susan Balderston who resides at 423 Samples Avenue and resides directly west from the proposed site was opposed, stating the same concerns as others and felt it was not a good location for future expansion of homes.

Jim Doane who owns property at 717 Hospital Road obtained 40 signatures from property owners who are opposed to the cell tower location. He suggested Pioneer Park or Bunker Hill.

Mayor Schonberger closed the public hearing at 7:05 p.m.

Councilor Anderson offered a motion, second by Councilor Becker to deny the special use permit by Cellular Inc. Network Corp D/B/A Verizon Wireless, for an 80-foot cell tower to be located at 720 Hospital Road. Roll call vote as follows:

For: Anderson, Bain, Baker, Becker, Dykes

Against: Schonberger

Discussion: Councilor Anderson noted that proposed new middle/high school would be between two cell towers. Others added that they were not opposed to the cell tower, only the location.

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

Resolution No. 2017-4 A Resolution Amending the Fees for Wastewater Treatment

Administrator Torres introduced the Resolution previously discussed at work sessions to increase fees for Wastewater Treatment.

Councilor Dykes offered a motion, second by Councilor Baker to adopt Resolution No. 2017-4, a Resolution Amending the Fees for Wastewater Treatment. The motion was approved unanimously by roll call vote.

Authorize the Mayor to Sign a Letter to FEMA Removing the Flood Way Designation from the Floodplain Map

Clerk Strand read the following letter that will be sent to officials requesting the removal of the Floodway Designation in the Floodplain Map.

April 10, 2017

David Sutley, P.E.
Senior Hydrologic Engineer
FEMA Region VIII
DFC Bldg 710A
Denver, CO 80225

Matt Buddie
FEMA Region VIII, Mitigation Division
DFC Bldg. 710A
Denver, CO 80203

CWCB
1313 Sherman Street, Suite 721
Denver, CO 80203

RE: City of Brush Floodway – FEMA Preliminary Flood Insurance Rate Maps

Dear Mr. Sutley, Mr. Buddie and Colorado Water Conservation Board:

The City of Brush is formally requesting that the floodway boundary be removed on the proposed Floodplain maps. The floodway was not mapped previously. At this time, the City of Brush does not anticipate any further objection to moving forward with the map update once the floodway is removed.

Thank you for your attention to the request.

Sincerely,

Chuck Schonberger
Mayor

Cc: Thuy Patton, Flood Mapping Coordinator

Councilor Baker offered a motion, second by Councilor Anderson to authorize the Mayor to sign a letter to FEMA removing the flood way designation from the Floodplain Map. The motion was approved unanimously by roll call vote.

Proclamation 2017-1, Proclaiming April 2017 as Child Abuse Prevention Month

Councilor Dykes offered a motion, second by Councilor Becker to adopt Proclamation 2017-1, proclaiming April as Child Abuse Prevention Month. The motion was approved unanimously by roll call vote.

PROCLAMATION 2017-1

A PROCLAMATION AFFIRMING APRIL AS CHILD ABUSE PREVENTION MONTH

WHEREAS, children are key to the state's future success, prosperity, and quality of life; while children are our most precious resource, they are also our most vulnerable;

WHEREAS, children have a right to thrive, learn, and grow to their full potential; and

WHEREAS, the prevention of child abuse and neglect strengthens Colorado's families and communities and ensures the opportunity for children to develop in healthy, trusting families, schools, and neighborhoods and where that consequently, builds the foundation of society; and

WHEREAS, the City of Brush is currently implementing initiatives for improving the safety and well-being of children and families across Colorado; and

WHEREAS, we must come together as partners to keep children safe, ensure that the voices of our children are heard by all, and extend a helping hand to children; and

WHEREAS, each of us plays a role in the prevention of child abuse and neglect. We encourage anyone concerned about the safety and well-being to report to 1-844-CO-4-KIDS.

WHEREAS, I call upon all Brush community members to provide safe, stable, and nurturing relationships and environments for our children, free of violence, abuse and neglect, we can ensure that Colorado's children will grow to their full potential as the next generation of leaders, helping to secure the future of this community, state, and nation; and

Therefore, I, Mayor Chuck Schonberger do hereby proclaim April 2017, Child Abuse Prevention Month in Brush Colorado.

Approved and adopted this 10th day of April, 2017.

(SEAL)

/s/ Chuck Schonberger, Mayor

FINANCE

City Disbursements

Councilor Bain moved, second by Councilor Becker to approve City bills from-March 27-April 10, 2017. The roll call vote was unanimous.

General Fund	\$	375,816.07
Capital Improvement Fund	\$	80,000.00
Fire Equipment Fund	\$	290,776.29
Capital Reserve Fund	\$	30,038.63
Water Fund	\$	114,156.19
Trash and Garbage Fund	\$	9,590.61
Waste Water Fund	\$	46,300.17
Storm Water Fund	\$	102,399.82
Golf Course Fund	\$	20,646.77
Conservation Trust Fund	\$	16,147.00
Community Enhancement Fund	\$	3,089.00
Cemetery Perpetual Care Fund	\$	30,000.00
Payroll and Cafeteria	\$	72,944.70
Payroll Liability	\$	<u>43,527.15</u>
Disbursements Total	\$	1,235,432.40

Councilor Anderson added that \$800,000 of this amount was to purchase a certificate of deposit. She also stated that she would no longer approve payment to CEBT, the City's insurance, if they did not allow employees to use East Morgan County Hospital's lab. Linda Thorpe, CEO, of East Morgan County Hospital was present and stated she thought she could make it happen. Director Gosselink stated that staff had tried to obtain direct billing for blood draws through the Brush hospital but had not been successful. She added that staff would prefer to work with the local East Morgan County Hospital.

STAFF REPORTS

Finance Director Gosselink

- Announced that City employee health fair scheduled for April 12 is cancelled and will work to reschedule.

Community Development Director Schminke

- Reminded all of the Arbor Day Celebration, April 21st at 9:30 a.m. at Beaver Valley Elementary.

Public Works Director Colerick

- Reported that crews are repairing potholes and crack filling streets, working on trees in the parks.
- Announced Spring Clean-up the week of May 1-May 5. Approved special items can be set out with regular trash for pickup.

City Clerk Strand

- Highlighted upcoming meetings on the calendar.

Administrator Torres

- Announced April 20 as the date for the presentation hearing to DOLA for the fire department building.
- He will be coming to Council for approval of a long term lease for the airport hangar.
- Tyler Purvis will be applying for a REDI Grant to assist with infrastructure at English Feedlot.

MAYOR AND COUNCIL**Councilor Becker**

- Asked Police Chief Anderson if individuals could trap pigeons. He will check with Division of Wildlife.
- Stated that other citizens have objection to the Floodplain Map.

ADJOURNMENT

The April 10, 2017, meeting adjourned at approximately 7:30 p.m.

ATTEST:

/s/ City Clerk Andrea Strand

/s/ Mayor Chuck Schonberger