

CITY OF BRUSH!

MINUTES OF THE SEPTEMBER 11, 2017 – REGULAR CITY COUNCIL MEETING

The City Council of the City of Brush, Colorado met in regular session on September 11, 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
Councilor Vicky Quinlin

Absent

Also present were Administrator Monty Torres, 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 August 28, 2017, were approved as corrected.

VISITORS AND DELEGATIONS

Members of the public were present to express concern over a house that was moved to 345 Yellowstone. Community Development Director Karen Schminke provided background information. She stated that the area was zoned Low Level Density and the home owner was Greg Dardanes. The home is 1271 sq. ft. home and will be placed on a foundation with an unfinished basement, 520 sq. ft. garage. It will have a new roof, windows, and siding. The permit was issued with Mr. Dardanes stating he complied with state asbestos by Western Cleanup. The City acted on good faith efforts in regards to property owner complying with asbestos requirements by the State. She added that she received a phone call from a resident concerning the asbestos requirements and contacted the State, who stated that this was not the case and is common with homes being moved. The State added that the home could be brought into compliance by following the process.

Kyle Vonbonn who resides at 2713 Yosemite contacted Colorado Department of Health and learned that Western Cleanup is not a certified asbestos cleanup.

Jared Lambertson who resides at 309 Carlsbad felt that the City did not do their due diligence and has concerns that the house exposed the neighbors to asbestos.

Kortney Lambertson who resides at 309 Carlsbad asked Council to consider how they would feel if that house was in their neighborhood. She felt that their property values would be lower, especially for those trying to sell a home. She also stated that there could additional problems with the home once they start remodeling that could cause delays.

Rob Baranowski who resides at 340 Glacier provided a copy of the Westwood Housing Development protective covenant. Council asked him to provide a copy to staff.

Karen Young who resides at 345 Carlsbad had concerns of children playing around the house and no fence around it. Also asked how long it would sit there and felt it should be wrapped.

COUNCIL ACTING AS THE LOCAL LIQUOR LICENSING AUTHORITY

PUBLIC HEARING

Application by Love's Travel Stop & Country Stores, Inc. for a 3.2% Beer off-Premise Liquor License

Mayor Schonberger opened the public hearing before the Local Liquor Licensing Authority of the City of Brush to determine whether the application for a 3.2% off Premise Liquor License by Applicant Love's Travel Stops & Country Stores, Inc., located at 1015 Hospital Road in Brush, Colorado should be granted or denied. He stated that the hearing would be conducted pursuant to the laws of the State of Colorado and the Ordinances and procedures of the City of Brush.

The purpose of the hearing was to receive information, data and testimony by any interested parties in order to enable the Local Liquor Licensing Authority to make findings and reach conclusions required to be made by state law as to whether or not the application should be approved or denied. One of the principal questions the Local Liquor Licensing Authority would be concerned with throughout this hearing relates to the reasonable requirements of the neighborhood for the outlets applied for and the desires of the inhabitants of that neighborhood with respect to the outlet. Those persons who will be heard during this hearing are "parties of interest", who are defined by state law as being the applicant, residents of the neighborhood and owners or managers of businesses located in the neighborhood.

The Mayor explained the order of the hearing. At the conclusion of the Mayor's opening comments, the City Clerk would give a summary of the preliminary investigation completed with regards to the application. The Applicant would present their case, meaning they will present testimony, exhibits, petitions, or other materials relevant to the application. Interested parties may then testify for or against the proposed application, after which the Applicant will have the opportunity for rebuttal. At the conclusion of all testimony, the Local Liquor Licensing Authority will make its decision to approve or deny the application. All testimony would be given under oath given by the City Clerk. Any exhibits presented during the hearing will be submitted to the City Clerk to become part of the record. The Clerk's official files are hereby admitted into the record of this hearing.

After the Mayor explained the procedure for the hearing, City Clerk Andrea Strand reported that the completed application by Love's Travel Stops & Country Stores, Inc., for a 3.2% Off Premise liquor license was accepted on August 3, 2017, the Local Liquor Licensing Authority defined the neighborhood as the City limits of Brush, Colorado. A background investigation was completed by the Colorado Bureau of Investigations, as the corporation holds a Master File with the State, which revealed nothing to preclude the applicant from holding a liquor license. A notice for the public hearing was published in the Brush News Tribune on August 30, 2017, and was posted on the property, 1015 Hospital Road on August 25, 2017, both in accordance with the statutory requirements.

The Applicant Greg Shanks was given the oath by Clerk Strand and presented testimony with regards to the application. He explained the training process staff will complete related to the sale of 3.2% beer. He added that the opening date for the store was November 30, 2017.

The Mayor closed the public hearing at 6:25 p.m.

Councilor Quinlin offered a motion to approve the 3.2% Beer, Off Premise Liquor License for Love's Travel Stops & Country Stores, Inc., located at 1015 Hospital Road. Her motion was seconded by Councilor Anderson and was approved by roll call vote as follows:

Yes: Schonberger, Anderson, Bain, Becker, Dykes and Quinlin

No: Baker

Local Liquor Licensing Authority adjourned and reconvened as City Council.

MANAGEMENT

First Reading of Ordinance No. 862-17 Cargo Container Moratorium an Ordinance Declaring a Moratorium on the Placement and Siting of Cargo Containers Within the City of Brush, and Declaring an Emergency

Councilor Bain Introduced the Ordinance. Councilor Quinlin offered a motion, second by Councilor Dykes to adopt on first reading and publish in full. It was approved by roll call vote.

FINANCE

City Disbursements

Councilor Quinlin moved, second by Councilor Bain to approve City bills from August 28-September 11, 2017. The roll call vote was unanimous.

General Fund	\$ 69,205.47
Capital Improvement Fund	\$ 69,926.13
Fire Equipment Fund	\$ 2,326.50
Water Fund	\$ 11,302.60
Trash and Garbage Fund	\$ 4,902.22
Waste Water Fund	\$ 12,342.28
Storm Water Fund	\$ 1,089.55
Golf Course Fund	\$ 11,817.89

Community Enhancement Fund	\$ 6,500.00
Payroll	\$ 84,568.37
Payroll Liability and Cafeteria	<u>\$ 44,448.25</u>
Disbursements Total	\$ 318,429.26

STAFF REPORTS

Finance Director

- Reported that the Assessed Values report from the Morgan County Assessor indicated an increase by \$45,000.
- Department Heads will present their line items at the next council meeting.

Community Development

- Reported that a permit was issued for a fence in the City's right of way located at 500 Cameron Street.
- Provided a copy of the sign Love's will be placing that has the City of Brush logo on it.

Public Works Director

- The Downtown Project is wrapping up; however Xcel Energy is placing a gas line through the 300 Block of Edmunds but will repair the street with asphalt patching.
- City crews will be doing asphalt patching.

City Clerk

- Highlighted upcoming meetings on the calendar.

City Administrator

- Reported that the engineers have confirmed that the proposed building will be out of the 100 year floodplain. Staff is working with the Rural Fire Protection District and will get the bid out the week of September 25, with a start date of March 1, 2017.
- Provided council with a brochure from CDOT concerning reducing speeds and requesting a speed study. In summary if we request a reduction, they will conduct a speed study and we will have to accept their results, even if it increases the speed. He will speak to the hospital administration to inform them.
- Reported that two companies have expressed interest in a solar garden.
- Update on the community garden. The School District will continue to partner with the City. It may have to be moved to make way for a new practice field.
- Reminded Council to place the budget retreat in their calendars.

MAYOR AND COUNCIL

Mayor Schonberger

- Announced activities for Pedal the Plains that will be in Brush on Saturday.

Councilor Anderson

- Reported that the Community Garden has been a success with three gardeners finishing out the season.

Councilor Bain

- Will attend the Economic Development Summit this week.

Councilor Quinlin

- Thanked the City for their partnership with the Brush High School football team who held a yard cleanup and she was a recipient.

Councilor Dykes

- Asked for a review of animal violations for an upcoming work session as she has received numerous complaints.

ADJOURNMENT

The September 11, 2017, meeting adjourned at approximately 6:50 p.m.

ATTEST:

/s/ City Clerk Andrea Strand

/s/ Mayor Chuck Schonberger