

CITY OF BRUSH!

MINUTES OF THE OCTOBER 23, 2017 – REGULAR CITY COUNCIL MEETING

The City Council of the City of Brush, Colorado met in regular session on October 23, 2017. Mayor Chuck Schonberger called the meeting to order at 6:00 p.m. The meeting was held in council chambers at 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: None.

Also present were Administrator Monty Torres, City Attorney Bo Chapin, Police Lt. Corey Hardy, Finance Director Joanne Gosselink, Community Service Director Lance Schwindt, Public Works Director Dale Colerick, Marketing Specialist Tyler Purvis and City Clerk Andrea Strand.

MINUTES

The minutes of the regular meeting of October 9, 2017, were approved as submitted.

VISITORS AND DELEGATIONS

Brush Head Start representatives, Diane Cox and Barbara Wacker presented a plaque to Robert Chapin for his 26 years of service with their organization.

Jeffrey Jameson, who resides in Longmont, spoke concerning his Face Book page Dogs Shot By Police he referenced the 2013 Dog Protection Act and encouraged less lethal means of correction. He also encouraged citizens to become aware of this Act.

Regan Benson who resides in Akron and presented herself as a community advocate spoke of her concerns of public safety and mentioned the vicious dog warning shot by police on Custer Street. She voiced concerns that the incident was not being reviewed, and added that she had been charged an unreasonable sum for a record request. Councilor Anderson asked for the invoice.

Judy Springer who resides at 116 Clayton Street conveyed an idea that she had concerning electing a council member from the business district.

Ian Schott who resides at 328 Glacier asked for the status on the home that was moved onto Yosemite. Administrator Torres stated that the stop work order was lifted as the Asbestos Permit from the state was received. This will allow the owner to place the house on the foundation and then begin abatement.

MANAGEMENT

Public Hearing – Special Use Permit Requested by Mastronardi Produce USA for Temporary Workforce Housing in an Industrial Zone located at 1500 S. Clayton Street.

Mayor Schonberger opened the public hearing at 6:15 p.m.

Administrator Monty Torres provided a staff report stating that Mastronardi Produce-USA, Inc., had submitted a request for a Special Use Permit for Temporary Workforce Housing, for up to seventy (70) temporary workers, in an Industrial (I) zone. The subject property also known as Brush CO Farms, Inc., is located on the south side of Brush adjacent to the power generation plant; it has an address of 1500 S. Clayton Street, Brush, CO. The proposed area is for worker housing and is 2 acres and out of the flood plain. He referenced a table file item provided by the applicant of pictures of the proposed housing unit. He mentioned that these were significantly different than the original pictures presented. He reviewed the Code, application, review criteria, conformance with the Comprehensive Plan for the City, and stated that the applicant has made efforts to comply with the City's zoning requirements. He also reviewed the noise study provided by the applicant

He stated that no written comments had been received.

Conclusion and staff Recommendation should Council find that the proposal had not met the review criteria, staff recommends Council deny the special use permit for temporary workforce housing, alternatively, should Council find that the proposal had met the review criteria, staff recommends that Council grant the special use permit for temporary workforce housing with the following conditions:

- 1) The special use permit is deemed personal to the original applicant;
- 2) To mitigate noise impacts from the adjacent power generation facility, all housing units must have fully functional air-conditioning units so the windows on the residential units can be closed when the power plant is operational;
- 3) Submit copies of the housing unit labels to the Division of Housing and obtain written documentation from them that the proposed units meet the requirements of an R2 Occupancy under the 2003 International Building Code;
- 4) A second entrance from South Clayton Street into the housing area must be established;
- 5) Both access roads into the housing site must comply with City standards for curb cuts and aprons, and be constructed to the required road standard;
- 6) STOP signs are required where housing site roads connect to South Clayton Street;
- 7) Street lighting is required at the access points from South Clayton Street into the site;
- 8) The interior road must be constructed to the required road standard; the thickness of the subbase and base course of the road is dependent upon the soil compaction in the area;
- 9) An all-weather pedestrian access is needed between the perimeter road and the doors to each housing unit;
- 10) A fire hydrant is required to be installed at the west end of the water line that will be installed on site;

- 11) Water and wastewater tap and plant investment fees are due at the time the building permit is issued;
- 12) All water and wastewater lines must be installed in conformance with City standards;
- 13) The centralized trash collection area must be screened on three sides by a permanent opaque wooden, brick or masonry screen that is between 6 and 8 feet tall;
- 14) The housing unit where the live-in, on-site housing manager resides must be clearly identified;
- 15) An annual City of Brush temporary workforce housing operating permit must be maintained, including an annual inspection by the City;
- 16) Positive site drainage must be established and maintained;
- 17) Exterior site lighting must be specified and maintained from dusk to dawn;
- 18) Documentation regarding the site preparation and tie-down requirements from the manufacturer or Division of Housing must be submitted prior to issuance of the building permit;
- 19) A fire and emergency evacuation plan must be approved by the Fire Department prior to occupancy of the housing units;
- 20) A walk-through with emergency services is required prior to occupancy of the housing units;
- 21) An updated plan for dismantling the units and restoring the site must be submitted and approved; financial security is required prior to the building permit being issued;
- 22) The name, address, and 24-hour contact information of the on-site manager must be kept current with the City of Brush and Morgan County Dispatch;
- 23) An additional 40 parking spaces are required adjacent to the housing area; the parking area must be constructed to provide an all-weather surface;
- 24) Parking along Clayton Street is prohibited.

Applicant was present and represented by Sheela Stack and Adam Crane. Stack provided a table file item that replied to most of the conditions outlined by staff.

Council Questions

Are workers provided health insurance benefits?
 Where will the workers be coming from?
 Can local residents live in the housing if employed there?
 Will there be children in the units?
 Concerns of the noise aspects and a study from prior years.
 Landscaping.
 Still unsure why they can't get local workers.

Public Comments

Bob Pennington, who resides at 16415 County Road 28, stated that he had wanted to make the company aware of the time frames when a resident would need to be evicted. He also mentioned a wetland area in the property, trees dying, five feet to water, feels this will devalue his property and request council disapprove.

Judy Springer, who resides at 116 Clayton Street spoke of why a trailer park wasn't considered, felt it did not fit in Brush and asked if the City would profit from this.

Glen Harmed who resides a block from the proposed site, spoke of concerns of the noise from the power plant, it wakes him up at night. Asked the distance between the units. Concerns of children in the area and is against it.

Diane Cox, 28217 Rd Q.7, mentioned that her windows rattle when the power plant begins to operate. Asked what kind of facilities would be present for children, such as a playground.

Johnette Vondy, 16344 Co Rd 28 - is opposed to the worker housing, encouraged higher wages and health insurance.

Duane Brenning, 16744 Co Rd 28 - asked what would happen if the tomato plant closed? Encouraged higher wages mentioned a flooding situation and commented that he did not like the looks of the proposed housing.

Chuck Miller, 26067 Co Rd 25 – spoke against the proposal preferring American workers. He commented that it is difficult for neighbors and community members to integrate foreign workers. Asked about a covenant for maintaining the houses once they are placed.

Robert Pennington, 18410 Acoma, Fort Morgan, opposed to the project as it doesn't follow zoning boundaries and asked what the definition is of temporary workforce housing.

Richard Crune, 16168 Co Rd 28, recently purchased the property that would be directly north of the housing. Opposed to allowing residents in an Industrial Zone, concerned that the City would be liable for allowing this.

Applicant answered questions

They will check to see what types of benefits the Federal H2-A workers would have. They are not sure at this point where the workers would come from but would have a background check.

Local residents would be allowed to work and live in the housing.

It was unclear as to whether children would be on the property.

Felt that the noise level would be within the limit provided by statute.

Provided details of proposed landscaping for the site.

Mayor closed the public hearing at 7:40 p.m.

Councilor Quinlin offered a motion to approve the special use permit requested by Mastronardi Produce USA for Temporary Workforce Housing, no second, the motion died.

Councilor Dykes offered a motion, second by Councilor Quinlin to continue the public hearing to obtain more information. Roll call vote was taken as follows with the motion passing:

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

No: Becker

Resolution No. 2017-13 2017 Supplemental Budget

Councilor Quinlin offered a motion, second by Councilor Dykes to adopt Resolution No. 2017-13 a Supplemental Budget for 2017.

It was approved unanimously by roll call vote.

Resolution No. 2017-14 Support Grant Applications for a Local Parks and Outdoor Recreation Grant for a Recreation Master Plan

Community Service Director Schwindt informed Council that he is writing a grant for a recreation master plan and required local approval. He has been working with a citizen's focus group to provide input. He also thanked the local Joslin/Needham and Petteys Foundations who provide financial assistance to the recreation program.

Councilor Bain offered a motion, second by Councilor Dykes to adopt Resolution No. 2017-14 Support the Grant Application for a Local Parks and Outdoor Recreation Grant for a Recreation Master Plan.

It was approved unanimously by roll call vote.

Resolution No. 2017-15 Supporting Reauthorization by the General Assembly of the Colorado Lottery Division in 2018

Councilor Anderson offered a motion, second by Councilor Bain to adopt Resolution No. 2017-15 Supporting Reauthorization by the General Assembly of the Colorado Lottery Division in 2018.

It was approved unanimously by roll call vote.

FINANCE

City Disbursements

Councilor Quinlin moved, second by Councilor Dykes to approve City bills from October 9-23, 2017. The roll call vote was unanimous.

General Fund	\$ 30,555.87
Capital Improvement Fund	\$257,604.23
Capital Reserve Fund	\$ 88.87
Water Fund	\$ 19,850.24
Trash and Garbage Fund	\$ 9,280.89
Waste Water Fund	\$ 11,464.65
Storm Water Fund	\$ 566.39
Golf Course Fund	\$ 5,543.59
Community Enhancement Fund	\$ 5,089.77
Payroll	\$ 72,156.80
Payroll Liability and Cafeteria	<u>\$ 31,226.74</u>
Disbursements Total	\$ 443,428.04

2018 PROPOSED BUDGET PRESENTED BY CITY ADMINISTRATOR

City Administrator Torres presented a spread sheet that reflects the requests from department heads. He asked Council to review and contact staff if they had questions, otherwise it will be discussed the Council Budget Retreat on November 13, 2017.

STAFF

Police Lt

- Reported 610 calls for service

- Reported that the Fort Morgan Times will print a correction to their article concerning charges filed.
- Chief Anderson has been appointed to the Colorado Supreme Court Advisory Council
- Presented an award the police department received from Colorado Bureau of Investigation for NIBRS Quality Assurance for July 2016-July 2017. He recognized Mary Kay Ferracini for her efforts.
- Provided the status of the case involving an officer shooting at a vicious dog and concerning Tyron Whipple's car. He stated charges were filed in County Court and insurance is pending. He added that officers did have training in the Dog Protection Act.

Finance Director

- Announced that the 2018 Budget Retreat for council will be held after the regular meeting on Monday, November 13.

Community Service Director

- Continues to work on the grant for the Recreation Master Plan
- The last golf tournament of the season will be held this weekend.
- Thanked the Joslin/Needham and Petteys Foundations who have provided substantial contributions to his programs.

Public Works Director

- Encouraged citizens to place their leaves in bags by their regular trash, do not rake them into the streets.

Marketing Specialist

- Reported that he did reach out to a major restaurant chain to locate in Brush. They responded that the population threshold is too low.

City Clerk

- Highlighted upcoming meetings on the calendar.

City Administrator

- Brush Meat Processes expressed an interest to proceed with building additional waste water pre-treatment infrastructure. Council was comfortable with them expanding their pre-treatment operations without and updated utility agreement.
- Will begin a speed study for Hwy 34 in front of the hospital entrance.
- Mentioned the feasibility study for flood mitigation and that a meeting would be held in the near future to discuss options with engineers.

Storm Water Improvement Presentation by Monty Torres reviewed the various projects over the years for storm water.

Home Builder Workshops Presentation by Tyler Purvis reviewed the various meetings he has had with the public to improve communication and information to citizens regarding the permit process and steps for building a home.

MAYOR AND COUNCIL

Councilor Becker

- Stated he would like to see police officers carry a tranquilizer guns to assist with vicious animals.

Councilor Anderson

- Reported a pot hole issue in the alley in the 300 block of Cambridge
- Asked for extra patrol around the middle school after dismissal in the afternoon.
- Asked for parking behind the previous Shooters Saloon.
- Will provide additional issues to the city administrator.

ADJOURNMENT

The October 23, 2017, meeting adjourned at approximately 8:40 p.m.

ATTEST:

City Clerk Andrea Strand

Mayor Chuck Schonberger