

CITY OF BRUSH!

MINUTES OF THE NOVEMBER 13, 2017 – REGULAR CITY COUNCIL MEETING

City Council for the City of Brush, Colorado met in regular session on November 13, 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

Absent: Councilor Vicky Quinlin

Also present were Administrator Monty Torres, City Attorney Bo Chapin, Police Chief Travis Anderson, Finance Director Joanne Gosselink and City Clerk Andrea Strand.

MINUTES

The minutes of the regular meeting of October 23, 2017, were approved as submitted.

VISITORS AND DELEGATIONS

None.

MANAGEMENT

Continued 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 6:01 p.m.

Administrator Monty Torres stated this hearing was continued from October 23, 2017. He added that the City had received a memo from the applicant addressing items from the last hearing.

The Applicant was present and represented by Attorney Sheela Stack. She stated she appreciated the public and council concerns from the previous meeting and hoped to provide answers.

She addressed the question that workers would have benefits and have had since 2015. These include health, life and disability benefits. The workers would be paid over \$11 per hour.

The workers would be brought from eligible countries approved through the Secretary of State and Homeland Security and provided a list of those eligible countries. As a part of this process, local workers must be provided housing if they are not able to get to their home. She stated that Mastronardi Produce would engage in positive recruitment of US workers. She also identified One Morgan County as a resource to help integrate the workers

Children would not be allowed in the housing, only spouses who are working in the facility may reside there.

She addressed the concern of noise from the power plant by providing an update from the 2001 report from Senior Consultant Thomas Lloyd. He concluded given the intermittent operation of the power plant, updating the noise measurements would be impractical. He suggests using the historical data to guide decisions concerning the impact of noise from the power plant at the proposed housing units on the Mastronardi Produce greenhouse property.

She stated that the housing units could be painted and they do not accept trash.

Concerns that local workers should be used, she stated that they have held numerous job fairs, tried to coordinate with Western Sugar's off season and have not been able to retain workers.

Provided information concerning evicting workers and wetlands raised by an individual. She stated that they were prohibited from hiring H2A workers if they laid off US workers. If H2A workers was terminated or abandoned the job, they would be required to contact Homeland Security. They addressed the wetland area by raising the units 3 feet and also moving them to a better location on the property to avoid flooding.

When considering other types of housing they felt that they own the land and workers would be safer on site.

She addressed concerns if the facility closed, the units would be removed.

Council Questions to applicant

Councilor Bain asked for the number of workers that would not be able to travel to their homes. Ms. Stack did not have numbers available at the time but added that they would be required to open it up to US workers.

Mayor Schonberger asked about when the workers are done can they stay? She replied no they must go back.

Public Comments

Chuck Miller, who resides on County Road S, stated that he felt the minutes were incorrect as he felt Councilor Quinlin offered a motion to vote and not to approve the special use permit. He felt that the temporary workers were not a fit for Brush, felt it was not put together well; it would devalue property, inadequate law enforcement and felt that the infrastructure for foot traffic was inadequate.

Johnette Vondy who resides on County Road 28, felt like the City did not communicate the process well and was frustrated with the lack of communication.

Deanna Moos, who resides at 710 Ellsworth, referenced an article that Karen Schminke reported attending a conference on economic development and engaging the community, she felt this had not been implemented. She also knew of individuals who had been told that the facility was not hiring.

Bob Pennington, who resides on County Road 28, referenced guidelines to migrant housing and also referenced several discharge violations by Brush Co Farms. He added that in 2015 Brush Co Farms chose to pay an \$180,000 penalty to the State instead of investing in our community which was an option.

Richard Krune who resided on County Road 28, stated that he has obtained water samples taken from the ground water and the health department lab. He also referenced a number of discharge permit violations from Brush Co Farms and the length of time to correct the violation.

Diane Cox, who resides on Q.7 referenced two people who had called Brush Co Farms looking for a job and were told that they were not hiring.

Jeanette Corbin, felt that there were other suitable lots for sale or Central School for housing. She felt there was no need to isolate the workers.

Cassy Hall who resides on County Road 28, felt that the City should have asked for better details concerning the design of the housing.

Cari Brening, who resides on County Road 28, provided information about noise limits and testing and also referenced the 2015 flood and that it took months to remove the water from the proposed area.

Glenn Harned who resides on County Road Q.7, was concerned that there would not be routine inspections of the housing units and felt that at times migrant workers can be removed from health care.

Jill Queen, who resides on 1 Ryan Way, felt that farm workers struggle financially and can be exploited.

Duane Brening, who resides on County Road 28, thanked Council for listening to neighbors in the County.

Wendy Booth, who resides on 3 Ryan Way, questioned why they are not able to keep workers. They have a business that is in Denver to obtain the required work force.

Council Questions

Councilor Anderson, inquired as to who paid for the noise study? Also wondered if they could get a second option. She did not feel comfortable relying on a study that was sixteen years old.

Councilor Bain felt that the applicant should have done their due diligence concerning the noise issue.

Applicant answered questions

Adam Crane, Director with Mastronardi, referenced the letter provided by the consultant Lloyd and stated that the power plant is unpredictable when it runs all five turbines. He added that the consultant is not an employee and provided his engineer opinion.

Attorney Sheela Stack provided information that the facility was out of compliance when it was purchased by Mastronardi and that they began working to get it into compliance. As to the penalty paid to the State, their preference was to the community but the State would not accept their options.

Mayor closed the public hearing at 7:15 p.m.

Councilor Becker offered a motion, second by Councilor Bain to deny the special use permit for temporary workforce housing in an Industrial Zone. Roll call vote:

Yes: Councilors Anderson, Bain, Becker and Dykes

No: Mayor Schonberger and Councilor Baker

The special use permit was denied.

Mill Street Final Settlement

Finance Director Gosselink presented the final settlement with McAtee Construction for the Mill Street improvement. She added that the notice had been advertised in the Brush News Tribune.

Councilor Dykes offered a motion, second by Councilor Baker to approve the Mill Street Final Settlement.

It was approved unanimously by roll call vote.

Support Letter for Heorot Power Management LLC

Councilor Becker offered a motion, second by Councilor Bain to approve the letter of Support for Heorot Power Management LLC as presented.

It was approved unanimously by roll call vote.

FINANCE

City Disbursements

Councilor Anderson moved, second by Councilor Becker to approve City bills from October 23-November 13, 2017. The roll call vote was unanimous.

General Fund	\$ 111,449.42
Capital Improvement Fund	\$ 7,247.02
Fire Equipment Fund	\$ 25,055.86
Capital Reserve Fund	\$ 10,262.56
Police Capital Reserve Fund	\$ 2,699.00
Water Fund	\$ 18,646.04
Trash and Garbage Fund	\$ 171,328.95
Waste Water Fund	\$ 13,146.30
Storm Water Fund	\$ 1,577.04
Golf Course Fund	\$ 14,007.23
Conservation Trust Fund	\$ 2,699.00
Community Enhancement Fund	\$ 349.72
Payroll	\$ 75,081.48
Payroll Liability and Cafeteria	<u>\$ 42,959.96</u>
Disbursements Total	\$ 496,509.58

STAFF

Police

- Assisted the Lions Club with awards to students.
- Participated in the Fort Morgan Police Department Citizen Academy.
- Reported that the police department recorded 1425 training hours with POST and have been reinstated. They had previously lost their certification because of lack of training hours.
- Looking forward to participating in a National Guard emergency training.

Finance Director

- The City received \$1,881.57 for trash rebates.

City Clerk

- Highlighted upcoming meetings on the calendar.

City Administrator

- Continues to identify property for dilapidated buildings in the Beautify Brush Campaign. Two letters went out to property owners. One property owner is bringing their building into compliance by fixing falling bricks. A home on Colorado Avenue has recently been purchased and the new owner will be demolishing it.
- City staff have completed the storage building on the Agri-Park property.
- A solar garden company has reached out to Brush.

MAYOR AND COUNCIL

Councilor Anderson

- Complimented Officer Ross Blank for assisting her while choking.
- Reported that she recently attended the City and County meeting and that the City Manager of Fort Morgan was asking questions about water issues.

Councilor Becker

- Reported that Officer LeRoy Brown has been a positive influence to the Brush Middle School
- He would like to get recycling containers for the middle school. Finance Officer Gosselink responded that they are on the list.

Mayor Schonberger

- Stated that he had received complaints of Councilor Anderson's conduct during the election and would be letting CIRSA evaluate the complaint.

ADJOURNMENT

The November 13, 2017, meeting adjourned at approximately 7:30 p.m.

ATTEST:

/s/ City Clerk Andrea Strand

/s/ Mayor Chuck Schonberger