

## **CITY OF BRUSH!**

### **MINUTES OF THE DECEMBER 18, 2017 – SPECIAL CITY COUNCIL MEETING**

The City Council of the City of Brush, Colorado met in a special session on December 18, 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 Rick Bain  
Councilor Marlene Baker  
Councilor Heath Becker  
Councilor Kimberly Dykes  
Councilor Vicky Quinlin

Absent: Councilor Jeanine Anderson

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

### **MINUTES**

The minutes of the regular meeting of December 11, 2017, were approved as submitted.

### **VISITORS AND DELEGATIONS**

Project Manager Myron Hora was present to provide information on the State Highway 71 Truck Freight Diversion Feasibility Study. He explained that the project is part of the Ports to Plains Highway and Heartland Express. State Highway 71 is the only segment of the project in Colorado that remains unimproved. They are concentrating on Limon to the Nebraska border. Currently they are determining the potential economic benefit to the trucking industry and local economics. The final report is due in April 2018.

Jeanette Corbin, who resides on County Road 28.5, read a statement and voiced her concern over the bullying history of Councilor Anderson and felt it would be the best if she got out now.

Cassandra Hall, who resides on South Curtis, stated she had voted for Councilor Anderson and now is regretting her decision based on the comments posted by Councilor Anderson on

Facebook. She asked Council to remove Councilor Anderson from office. She expressed concern over the six month time period for a recall campaign stating it may be too late to recover from Councilor Andersons agenda and beliefs.

Eric who was asked to provide his address, responded by saying he resides within his body. He addressed council speaking in support of Councilor Andersons right to free speech. He began using profane language. The Mayor asked him to address the Council with respect. He objected and escalated, after Councilor Bain reiterated that he needed to be respectful to Council. He became belligerent and the Mayor asked that he be removed from the meeting. As police officers present in the audience escorted him out, he announced "Ladies and gentlemen of Brush you are in for big fucking surprise!"

## **MANAGEMENT**

### **Public Hearing to Consider the Adoption of an Amendment to the City of Brush Land Use Code for Cargo Containers**

Mayor Schonberger opened the public hearing at 6:10 p.m. to hear comments on the proposed Land Use Amendment to the Municipal Code for Cargo Containers.

Karen Schminke provided a staff report stating that staff had held public hearings with the Planning Commission on November 20, 2017, at that meeting the Commission voted to recommend that City Council adopt the proposed Ordinance with a modification to allow no more than one cargo container on a lot within the Commercial Core zoning district only upon approval of a special use permit. Consultant Martin Landers was present to answer questions.

There was no one present from the public to provide comments.

There was no Council discussion.

Mayor Schonberger closed the public hearing at 6:24 p.m.

### **First Reading of Ordinance No. 863-17 Adopting an Amendment to Chapter 16 of the Brush Municipal Code Concerning Cargo Containers**

Councilor Quinlin offered a motion, second by Councilor Dykes to adopt on second and final reading Ordinance No. 863-17 an Amendment to Chapter 16 of the Brush Municipal Code Concerning Cargo Containers. The roll call vote was unanimous. Councilor Bain thanked Martin Landers for his assistance with the project.

## **Award the Bid for the Fire Department Building Expansion**

Administrator Torres stated that the building was a joint project with the Rural Fire Protection District. The current bays would be demolished and replaced with bays to double the size.

Councilor Bain offered a motion, second by Councilor Quinlin to award the bid for the fire department building expansion to Buildings By Design. The roll call vote was unanimous.

## **Resolution No. 2017-21 A Resolution Finding That The City Council Code of Conduct Has Been Violated in Several Particulars and Imposing Public Censure on the Offending Councilor**

Mayor Schonberger stated that the discussion tonight would be about two complaints only. He referenced the Code of Conduct which was created in 2015 and reaffirmed in 2016. This was not a criminal action.

Councilor Bain offered a motion, second by Councilor Quinlin to approve Resolution No. 2017-21 Imposing a Public Censure on the Offending Councilor Anderson.

Discussion: Councilor Dykes stated that the acts of one Councilor does not represent the council as a whole. Councilor Quinlin has received numerous comments and those felt that the comments posted by Councilor Anderson were out of line. Councilor Bain added that the posted comments by Councilor Anderson were disrespectful and Council agreed to a Code of Conduct. Councilor Becker stated he has received more citizens input on this matter than he has in the six years he has served on Council. He added appreciated for police and the military. Mayor Schonberger stated that it has been troubling that the posting continues even after the initiated violation.

## **FINANCE**

City Disbursements – Reminder that the finance committee will sign city bills on December 21, 2017.

## **STAFF REPORTS**

### **Police Chief Anderson**

- Thanked all of law enforcement assisting with the disturbance earlier in the meeting.
- Police staff participated with the Golden Stars gift distribution.
- Officers are receiving training from the FBI concerning public information officers.
- Reported that 154 pounds of marijuana was seized.

### **Community Development Director Schminke**

Comments on Love's opening and that their development team was a pleasure to work with.

### **City Clerk Strand**

- Reported that the Liquor Licensing Authority met earlier today and approved the Hotel/Restaurant Liquor License for El Jacal Grill. The application will be forwarded to the State for approval.
- Highlighted upcoming meetings on the calendar.

### **City Administrator Torres**

- Spoke of Myron Horra working on the CDOT Hwy 71 through Brush. In the future Morgan County officials will have to be involved.
- Upcoming issues are ADA compliance and the flood plain through Brush.
- Reported that a snow blower was purchased this year as a large cash saving measure.

### **MAYOR AND COUNCIL**

#### Mayor Schonberger

- Announced that Councilor Anderson has been removed from appointed committees.

#### Councilor Dykes

- Reflected on her terms on city council. We thanked her for her service.

#### Councilor Becker

- Suggested that the Code of Conduct be reviewed at future meetings.
- Suggested to help with police department morale that we create a donation fund to offset costs of any member emergency or needs.

### **Executive Session for the purpose of the annual review of the City Administrator pursuant to C.R.S. 24-6-402(4) (f).**

At 6:58 p.m. Councilor Dykes offered a motion to enter into executive session for the purpose of the annual review of the City Administrator pursuant to C.R.S. 24-6-402(4)(f). Her motion was seconded by Councilor Quinlin and was approved unanimously.

Upon returning to the open session, Mayor Schonberger announced that the time was 7:37 p.m., and the executive session had been concluded. The participants in the executive session were: Mayor Schonberger, Councilors, Bain, Baker, Becker, Dykes, and Quinlin, and Administrator Torres. Mayor Schonberger 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 occurred during the executive session in violation of the Open Meetings Law, to state their concerns for the record. Councilor Bain offered a motion, second by Councilor Dykes to authorize a 2% pay increase, continue support and flexibility for Monty Torres' military duties in the Colorado Army National Guard, authorize a

\$400 per month vehicle allowance and consider amending the residency requirement to a response time required. It was approved unanimously.

**Executive Session for the purpose of the annual review of the City Clerk pursuant to C.R.S. 24-6-402(4) (f).**

At 7:29 p.m. Councilor Dykes offered a motion to enter into executive session for the purpose of the annual review of the City Clerk pursuant to C.R.S. 24-6-402(4)(f). Her motion was seconded by Councilor Quinlin and was approved unanimously.

Upon returning to the open session, Mayor Schonberger announced that the time was 7:37 p.m., and the executive session had been concluded. The participants in the executive session were: Mayor Schonberger, Councilors, Bain, Baker, Becker, Dykes, and Quinlin, and City Clerk Andrea Strand. Mayor Schonberger 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 occurred during the executive session in violation of the Open Meetings Law, to state their concerns for the record. Councilor Bain offered a motion, second by Councilor Dykes to increase Clerk Strand's salary to \$60,000 per year as requested.

**ADJOURNMENT**

The December 18, 2017, meeting adjourned at approximately 7:40 p.m.

**ATTEST:**

/s/ City Clerk Andrea Strand

/s/ Mayor Chuck Schonberger