

## **CITY OF BRUSH!**

### **MINUTES OF THE FEBRUARY 26, 2018 – REGULAR CITY COUNCIL MEETING**

The City Council of the City of Brush, Colorado met in regular session on February 26, 2018. Mayor Pro Tem Daniel R. Scalise 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 Pro Tem Daniel R. Scalise  
Councilor Jeanine Anderson  
Councilor Marlene Baker  
Councilor Dana Sherman

Absent: Mayor Rick Bain  
Councilor Heath Becker  
Councilor Vicky Quinlin

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

### **MINUTES**

The minutes of the regular meeting of the February 12, 2018, were approved as submitted.

### **VISITORS AND DELEGATIONS**

East Morgan County Library Executive Director Laura McConnell presented the 2017 Annual Report for the Library

Eric Brandt stated he lives inside his body was present. He then stood at the podium in silence. After two minutes had elapsed he shouted "Surprise mother fuckers, bet you are sorry to hear from me again!" He continued by saying that you shouldn't silence people's voices and handed the city attorney a courtesy copy of a Federal District law suit he filed. He stated it was naming Chuck Schonberger, or (Shit turder as he referred to him), Rick Bain, Marlene Baker, Heath Becker, Kimberly Dykes, Vicky Quinlin, Monty Torres, Robert Chapin, Travis Anderson, Corey Hardy, Leroy Brown, Ross Blank, Jacob Krise, James Crone, Morgan County Sheriff's Office, Morgan County, Colorado, and The City of Toilet brush, Colorado, a municipality.

He thanked the library for their service and their presentation and returned to his seat.

## **MANAGEMENT**

**Second and Final Reading of Ordinance No. 864-18 An Ordinance Annexing Certain Unincorporated Lands Located In The SW1/4 Of Section 26, The SE1/4 Of Section 27, The NE1/4 Of Section 34, And The NW1/4 Of Section 35, Township 4 North, Range 56 West Of The 6th Principal Meridian, Morgan County, Colorado, (English Annexation 1) To The City Of Brush, Colorado.**

Councilor Sherman offered a motion, second by Councilor Anderson to approve Ordinance No. 864-18 for second and final reading and publish by title only. It was approved unanimously by roll call vote.

**Second and Final Reading of Ordinance 865-18 An Ordinance Annexing Certain Unincorporated Lands Located In The SW1/4 Of Section 26, The SE1/4 Of Section 27, And The NE1/4 Of Section 34, Township 4 North, Range 56 West Of The 6th Principal Meridian, Morgan County, Colorado, (English Annexation 2) To The City Of Brush, Colorado.**

Councilor Sherman offered a motion, second by Councilor Anderson to approve Ordinance No. 865-18 for second and final reading and publish by title only. It was approved unanimously by roll call vote.

**Second and Final Reading of Ordinance No. 866-18 An Ordinance Annexing Certain Unincorporated Land Located In The SW1/4 Of Section 26, The SE1/4 Of Section 27, And The NE1/4 Of Section 34, Township 4 North, Range 56 West Of The 6th Principal Meridian, Morgan County, Colorado, (English Annexation 3) To The City Of Brush, Colorado.**

Councilor Sherman offered a motion, second by Councilor Anderson to approve Ordinance No. 866-18 for second and final reading and publish by title only. It was approved unanimously by roll call vote

**Second and Final Reading of Ordinance No. 867-18 An Ordinance Annexing Certain Unincorporated Lands Located In The SW1/4 Of Section 26, And The SE1/4 Of Section 27, Township 4 North, Range 56 West Of The 6th Principal Meridian, Morgan County, Colorado, (English Annexation 4) To The City Of Brush, Colorado.**

Councilor Sherman offered a motion, second by Councilor Anderson to approve Ordinance No. 867-18 for second and final reading and publish by title only. It was approved unanimously by roll call vote

**Second and Final Reading of Ordinance No. 868-18 An Ordinance Establishing And Determining Zoning Designation For Lands Recently Annexed To The City Of Brush Located In The SW1/4 Of Section 26, The SE1/4 Of Section 27, The NE1/4 Of Section 34, And The NW1/4 Of Section 35, Township 4 North, Range 56 West Of The 6th Principal Meridian, Morgan County, Colorado, Known As English Annexation**

Councilor Sherman offered a motion, second by Councilor Anderson to approve Ordinance No. 868-18 for second and final reading and publish by title only. It was approved unanimously by roll call vote.

**Ordinance No. 869-18 An Ordinance Establishing And Determining Zoning Designation For Lands Recently Annexed To The City Of Brush Known As Brush Municipal Golf Course At Petteys Park.**

Councilor Sherman offered a motion, second by Councilor Baker to approve Ordinance No. 869-18 for second and final reading and publish by title only. It was approved by roll call vote.

For: Scalise, Sherman, Baker  
Against: Anderson

**PUBLIC HEARING ADOPTION OF THE FLOODPLAIN MAP**

Mayor Pro Tem Daniel R. Scalise opened the public hearing at 6:25 p.m. Karen Schminke provided the staff report. She reported that her office had not received any written comments prior to the hearing. She provided information about the proposed Ordinance which changed text to the Brush Municipal Code specifically, Flood Insurance Study Number 08087CV000A, Morgan County Colorado and Incorporated Areas, dated April 4, 2018. Section 16-13-320 Basis for Establishing the Special Flood Hazard Area, Section 18-2-30, Amendments to the Building Code (10) IBC Section 1612-3 Establishment of Flood Hazard Areas and Section 18-3-30, Amendments (Residential Code) (8) IRC Table R301.2(1) Climatic and Geographic Design Criteria. She added the various meetings that were held concerning this matter. She concluded failure for the City of Brush to update its Municipal Code to reflect this new flood study will render Brush residents ineligible for flood insurance and make mortgages nearly impossible to obtain; will make the City less eligible for grants; and will make the City ineligible for disaster assistance.

**Public Comment**

Chuck Miller, who resides at 26060 County Road S, was present and provided questions to Council. He felt people could still purchase flood insurance, just not through FEMA and that it was a federal offense to withhold disaster assistance to a community, and added that Hwy 76 was not included in the study. He felt that the items had been approved previously and questioned the changes presented in the proposed ordinance.

Brush School Superintendent Bill Wilson was present and had questions about rebuilding in the new designated areas. He was concerned about demolishing the middle school and if another building could be built there.

Karen explained the various changes in the proposed ordinance were necessary to the change the text and reference the adopted flood plain map. Monty added that structures can be rebuilt in the flood plain or flood way but some are required to obtain engineering for the required certificates.

Mayor Pro Tem Scalise closed the public hearing at 7:05 p.m.

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After discussion Council decided to table the second reading of Ordinance No. 870-18, An Ordinance amending various provisions of the Brush Municipal Code to incorporate the new Flood Insurance Study for Morgan County, Colorado, and incorporated areas, dated April 4, 2018, until the next council meeting.

**Second and Final Reading of Ordinance No. 871-18 – An Ordinance Approving The Lease Of Certain Real Estate Owned By The City Of Brush For Terms Of Six Years.**

Clerk Strand mentioned that there was a change in the title from first reading, a change from five to six years

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Councilor Sherman offered a motion, second by Councilor Anderson to approve as amended Ordinance No. 871- 18 on second and final reading and publish by title as well as the amended section. It was approved unanimously by roll call vote.

**Resolution No. 2018-7 Naming Signatory Authority For Bank Accounts For The City Of Brush**

Councilor Anderson offered a motion, second by Councilor Baker to approve Resolution No. 2018-7 Naming Signatory Authority for Bank Accounts for the City of Brush. It was approved unanimously by roll call vote.

**Agreement Between The City Of Brush And Premier Earthworks & Infrastructure, Inc. For The English Water Line Project**

Councilor Anderson offered a motion, second by Councilor Baker to approve the Agreement between the City of Brush and Premier Earthworks & Infrastructure, Inc. It was approved unanimously by roll call vote.

**FINANCE**  
**City Disbursements**

Councilor Sherman moved, second by Councilor Anderson to approve City bills from February 12-26, 2018. The motion was approved unanimously by roll call vote.

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|---|-------------------------------------|
| General Fund  | \$ 28,062.66                        |
| Water Fund  | \$ 45,544.72                        |
| Trash and Garbage Fund                              | \$ 2,500.97                         |
| Waste Water Fund                                    | \$ 21,428.73                        |
| Storm Water Fund                                    | \$ 536.53                           |
| Golf Course Fund                                    | \$ 1,530.66                         |
| Community Enhancement Fund                          | \$ 12,500.00                        |
| Joslin Needham Fund                                 | \$ 934.47                           |
| Payroll   | \$ 66,365.69                        |
| Payroll Liability and Cafeteria Disbursements Total | <u>\$ 28,265.10</u><br>\$207,669.53 |

**STAFF REPORTS**

**Finance Director Gosselink**

- Provided information that the independent audit for FPPA has been completed by Lauer, Szabo and Associates and received a clean bill of health.

**Police Chief Anderson**

- Reported 455 Calls for Service and two significant incidences. One was a threat of a school shooting and a death in a house fire in the 300 block of Cameron. He commended Officer Dusty Quick
- School Superintendent Bill Wilson commended the Brush Police Department for their assistance with safety with a recent threat. He also thanked Monty and Karen for their assistance with the new school construction project.

**City Clerk Strand**

- Announced upcoming meetings and other announcements

**Administrator Torres**

- Reported that the City of Brush is in the top 3 and may be awarded funding for the recreation master plan project. We hope to hear soon if we were awarded the grant.
- Provided an update on the solar project for a small community garden. At this time it is not financially feasible for the company.
- Reported that CWCB applied for funding for an aerial study to assist with the Beaver Creek Study.
- He is recommending that the City purchase more survey markers.
- A County wide emergency incident will take place in April.

## **MAYOR AND COUNCIL REPORTS**

Councilor Anderson

- Would like to have a presentation by Tim Stroh with Historic Preservation.

Discussion was held concerning attendance and the cost of lodging for the Colorado Municipal League Conference. It was decided that those who would like to go June 19-21, could go and lodging was approved up to \$300 per night.

Council orientation will be held on Monday, March 19, 2018, at 6 p.m. at City Hall.

## **ADJOURNMENT**

The February 26, 2018, meeting adjourned at approximately 7:32 p.m.

## **ATTEST:**

/s/ City Clerk Andrea Strand

/s/ Mayor Pro Tem Daniel R Scalise