

STERLING, COLORADO
MARCH 12, 2019

STATE OF COLORADO)
COUNTY OF LOGAN)ss
CITY OF STERLING)

As required by the Colorado Sunshine Law, the meeting was posted timely in the City Hall lobby more than twenty-four hours in advance of the meeting.

Human Resource Director Brown gave the invocation. Mayor Torres led the Pledge of Allegiance. The City Council of the City of Sterling, Colorado, met in regular session in Council Chambers of City Hall on Tuesday, March 12, 2019. Mayor Torres called the meeting to order at 7:00 p.m.

Councilmembers present:

Mayor	Torres
Councilmembers	Appelhans Desormeaux Flores McCarty Pitcher Rice

Also present:

City Manager	Saling
City Attorney	Penny
City Clerk	Forbes
Public Works Director	Good
Parks, Library and Recreation (PLR) Director	Gandee
Human Resource Director	Brown
Police Chief	Kerr
Fire Chief	Ritter
Public Safety Communications (PSC) Director	Lybrand
Paralegal	Welsh

Citizens present: 18

CONSENT AGENDA:

Councilmember Appelhans made a motion to approve the consent agenda. Councilmember Rice seconded the motion. By a six-yes and one-abstain vote, the motion was approved. Voting was as follows:

Appelhans	yes	Rice	yes
Flores	abstain	Desormeaux	yes
McCarty	yes	Pitcher	yes
Torres	yes		

Items on the consent agenda were: City Council minutes of February 26, 2019 and renewal of retail liquor store license for Discount Liquors located at 1000 West Main Street.

COMMUNICATION AND PERSONAL APPEARANCE OF NON-SCHEDULED CITIZENS BEFORE THE COUNCIL:

Present to address Council was Mr. Stephen Burnham, 202 Columbine. Mr. Burnham was there on behalf of the Sterling Comets. Mr. Burnham advised Council that he appreciated the City Administration, Fire and Police participating in the 4th Annual Basketball game between the Badges and the Comets.

Also, present to address Council was Mr. Art Pilkington, 116 North 2nd Avenue, Lot 3. Mr. Pilkington advised Council that he is concerned that the semi trucks on Main Street use engine brakes. They do this 24 hours a day, seven days a week. He advised the signs on the outside of town read that muffler brakes are required. He wanted to know if the ordinance could be changed.

Police Chief Kerr advised him that they can write a ticket if he is willing to sign against it.

UNFINISHED BUSINESS:

CITY MANAGER'S REPORT:

City Manager Saling updated Council on the following:

- Sales and lodging taxes
- 4th and Main Street Urban Park second public meeting
- Tornado Siren Testing
- Spring clean-up
- Logan County Chamber of Commerce annual banquet and awards
- Family Resource Center banquet
- Storm Spotter class on March 25

City Manager Saling handed out a Resolution from the County regarding Logan County being a sanctuary County.

City Manager Saling advised Council that staff is ready for the possible blizzard.

It was the consensus of Council to purchase a table of 8 for the Chamber banquet and a table of 6 for the Family Resource Center banquet.

NEW BUSINESS:

INTRODUCTION OF NEW CITY EMPLOYEES:

Human Resource Director Brown introduced Ms. Julie Schneider from Dispatch, Mirna Diaz from Parks, Library and Recreation Department, Mr. Paul McDaniel and Mr. Josh Baier from the Police Department, Mr. Nathan Clapp from Street Division, and Mr. Elijah Miller from the Cemetery Division.

MAYOR'S RECOMMENDATION OF APPOINTMENT TO THE HOUSING AUTHORITY BOARD:

Mayor Torres made a motion to appoint Sharon Boyd to the Housing Authority Board. Councilmember Appelhans seconded the motion. By a seven-yes vote, the motion was approved.

PUBLIC HEARING – APPLICATION FOR NEW COLORADO FERMENTED MALT BEVERAGE OFF-PREMISES LIQUOR LICENSE – EVERYDAY STORES LLC – EVERYDAY 5721 – 303 NORTH 3RD STREET:

City Manager Saling advised Council Everyday Stores LLC has filed an application for a new Colorado Fermented Malt Beverage Off-Premises liquor license for Everyday 5712, 303 North 3rd Street. The appropriate fees have been submitted. City Council set the date for the public hearing for January 22, 2019. Notice of the public hearing was published in the Sterling Journal Advocate and posted on the premises for the required ten-day period. At the January 22, 2019 meeting, the public hearing on the application was continued to March 12, 2019. The reports from the Police and Fire Departments were mailed to the applicant. The applicant was advised that a representative needs to be present at the public hearing to answer any questions Council might have.

Present to address Council was Mr. Harbans Lali.

Mayor Torres opened the public hearing.

There were no comments.

Mayor Torres closed the public hearing.

Councilmember Appelhans made a motion to approve the new Colorado Fermented Malt Beverage Off-Premises liquor license for Everyday 5721, 303 North 3rd Street. Councilmember McCarty seconded the motion. By a six-yes and one-no vote, the motion was approved. Voting was as follows:

Appelhans	yes	McCarty	yes
Pitcher	no	Desormeaux	yes
Flores	yes	Rice	yes
Torres	yes		

FIRST READING – ORDINANCE NO. 4, SERIES OF 2019 – AN ORDINANCE REZONING LOT 1 OF KNOWLES REPLAT IN THE CITY OF STERLING, LOGAN COUNTY, COLORADO:

City Manager Saling advised Council this ordinance approves a request from the City for a zoning change for Lot 1 of Knowles Replat in the City of Sterling, Logan County, Colorado, from CB, Community Business, to R-3, High Density Residential. The Planning Commission recommended approval of this request after a public hearing was held at its March 6, 2019 meeting.

Councilmember Rice made a motion to introduce Ordinance No. 4, Series of 2019. Councilmember McCarty seconded the motion. City Clerk Forbes read the Ordinance by title. By a seven-yes vote, the motion was approved.

FIRST READING – ORDINANCE NO. 5, SERIES OF 2019 – AN ORDINANCE ADOPTING THE STERLING MASTER PLAN ADDENDUM 2018 OF THE CITY OF STERLING IN ITS ENTIRETY:

City Manager Saling advised Council pursuant to City Code, the Planning Commission, after proper notice was provided, held a public hearing concerning adoption of an addendum to the City of Sterling Area Land Use Plan and Sterling Master Plan Update 2013. Thereafter, by Sterling Planning Commission Resolution No. 1, Series of 2019, the Planning Commission adopted the Sterling Master Plan Addendum 2018 and recommends that City Council adopt it. This ordinance adopts the Sterling Master Plan Addendum 2018 in its entirety.

Councilmember Appelhans made a motion to introduce Ordinance No. 5, Series of 2019. Councilmember Desormeaux seconded the motion. City Clerk Forbes read the Ordinance by title. By a seven-yes vote, the motion was approved.

FIRST READING - ORDINANCE NO. 6, SERIES OF 2019 – AN ORDINANCE APPROVING AN AGRICULTURAL LEASE AGREEMENT BETWEEN THE CITY OF STERLING, COLORADO AND MANUELLO’S, INC, FOR LEASE OF CITY-OWNED AGRICULTURAL PROPERTY; AND AUTHORIZING THE MAYOR TO SIGN SAID AGRICULTURAL LEASE AGREEMENT:

City Manager Saling advised Council the City published a request for proposals for lease of the City-owned property commonly referred to as the Scalva Farm. The highest proposed cash lease amount was received from Manuello's, Inc. This ordinance approves an Agricultural Lease Agreement with Manuello's Inc., for the annual cash lease rent of \$86,580.00. The lease of this property is for three (3) years, with provision for an automatic renewal for two (2) successive one (1)-year periods, for an annual cash lease amount of \$86,580.00.

Councilmember Appelhans made a motion to introduce Ordinance No. 6, Series of 2019. Councilmember McCarty seconded the motion. City Clerk Forbes read the Ordinance by title. By a seven-yes vote, the motion was approved.

FIRST READING - ORDINANCE NO. 7, SERIES OF 2019 – AN ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE AMOUNT OF ONE MILLION, FIFTY-FIVE THOUSAND ONE HUNDRED THREE DOLLARS (\$1,055,103) AND REGULATING THE PAYMENT OF MONEY OUT OF THE CITY TREASURY, AND INCREASING THE AMOUNT OF THE REVENUE BUDGET FOR 2019 BY ONE HUNDRED THIRTY THOUSAND FIVE HUNDRED FORTY-ONE DOLLARS (\$130,541):

City Manager Saling advised Council this ordinance approves an additional appropriation for projects for 2019 and grant money received in 2019. The increase expenses are \$1,055,103 and revenue f \$130,541.

Councilmember Rice made a motion to introduce Ordinance No. 7, Series of 2019. Councilmember Appelhans seconded the motion. City Clerk Forbes read the Ordinance by title. By a seven-yes vote, the motion was approved.

RESOLUTION NO. 3-1-19, SERIES OF 2019 – A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO, APPROVING A LEASE OF CITY-OWNED PROPERTY TO STEVE KLEIN AND CINDY KLEIN:

City Manager Saling advised Council this resolution approves the renewal of a lease to Steve and Cindy Klein of approximately 66 acres of City-owned property for grazing purposes only. The subject property in the proposed Grazing Lease Agreement is a portion of the property purchased by the City known as the Scalva property. The annual lease rental is \$859.50, payable in monthly installments. The lease is renewable automatically annually.

Councilmember Appelhans made a motion to approve Resolution No. 3-1-19, Series of 2019. Councilmember McCarty seconded the motion. Councilmember Rice advised she would be abstaining. By a six-yes and one-abstain vote, the motion was approved. Voting was as follows:

Appelhans	yes	McCarty	yes
Rice	abstain	Desormeaux	yes
Flores	yes	Pitcher	yes
Torres	yes		

RESOLUTION NO. 3-2-19, SERIES OF 2019 – A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO, APPROVING AN APPLICATION FOR A GRANT UNDER THE FEDERAL ASSISTANCE AIRPORT IMPROVEMENT PROGRAM FOR A MASTER PLAN PROJECT AT THE STERLING MUNICIPAL AIRPORT:

City Manager Saling advised Council this resolution approves the submission of an application for a grant under the Federal Assistance Airport Improvement Program in the amount of \$298,220.00, for funds to be used for a Master Plan project at the Sterling Municipal Airport. It also acknowledges that if awarded the grant, the City will be responsible for the 5% matching funds, and approves the expenditure for the matching funds, up to the amount of \$16,568.00. The estimated cost of the project is \$331,356.00. The City would be required to appropriate the

matching 5% of the project cost. Based on the anticipated project cost, the 5% would be \$16,568.00.

Councilmember McCarty made a motion to approve Resolution No. 3-2-19, Series of 2019. Councilmember Rice seconded the motion. By a seven-yes vote, the motion was approved.

RESOLUTION NO. 3-3-19, SERIES OF 2019 - A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO, ACCEPTING THE BID FROM LEE & BURGESS ASSOCIATES OF COLORADO, LLC FOR THE CITY OF STERLING SALARY AND BENEFITS SURVEY PROJECT:

City Manager Saling advised Council this resolution approves the bid proposal received from Lee & Burgess Associates of Colorado, LLC. for the City of Sterling Salary and Benefits Survey project, and approves and authorizes the Mayor to sign the related agreement. The bid was the lowest bid received, and this organization has worked with the City on similar projects since 1993 and has knowledge of the City's requirements and needs and would best be able to support the City in planning and implementing its future wage requirements. The bid submitted and approved by this Resolution is in the amount of \$19,500.00. This is an acceptable amount for the project, and the Human Resources Department has sufficient funds in its 2019 budget for this project.

Councilmember Appelhans made a motion to approve Resolution No. 3-3-19, Series of 2019. Councilmember Desormeaux seconded the motion. By a seven-yes vote, the motion was approved.

RESOLUTION NO. 3-4-19, SERIES OF 2019 - A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO, APPROVING AN AMENDMENT TO AGRICULTURAL LEASE AGREEMENT BETWEEN THE CITY OF STERLING, COLORADO AND MANUELLO'S, INC., DATED JANUARY 15, 2015:

City Manager Saling advised Council the City anticipates entering into a new Agricultural Lease Agreement with Manuello's, Inc., who is also the tenant under a lease presently covering the property that is the subject of the new lease. The present lease expires March 14, 2019, and the new lease starts on April 5, 2019. This resolution approves an amendment to the present lease to extend the termination date to April 5, 2019, to avoid disruption of operations during the period between the present lease and the new lease. The extension will ensure that all obligations of the tenant under the present lease will remain in effect until the new lease starts, including, but not limited to, the waiver and release of the City from any claims, demands and causes of action for damages, all as set forth in the present lease.

Councilmember McCarty made a motion to approve Resolution No. 3-4-19, Series of 2019. Councilmember Appelhans seconded the motion. By a seven-yes vote, the motion was approved.

DEPARTMENT REPORT – FIRE DEPARTMENT:

Fire Chief Ritter gave the Fire Department report.

MISCELLANEOUS COUNCIL BUSINESS:

Councilmember Appelhans asked if staff was ready to monitor the snowpack.

City Manager Saling thanked Paralegal Welsh for her work on the ordinances and resolutions.

Mayor Torres made a motion to go into executive session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402 (4) (e). Councilmember Desormeaux seconded the motion. By a seven-yes vote, the motion was approved.

Council went into executive session at 8:15 p.m.

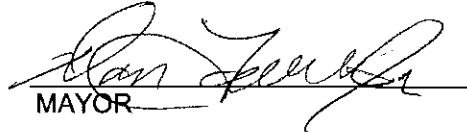
Council came out of executive session at 8:44 p.m.

Mayor Torres advised the participants in the executive session were: City Council, City Manager, City Attorney, Fire Chief and Public Works Director. For the record, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, he asked that they state their concerns for the record.

There was none.

ADJOURNMENT:

There being no further business to come before Council the meeting adjourned at 8:45 p.m.


MAYOR

ATTEST:


CITY CLERK