

STERLING, COLORADO
APRIL 12, 2022

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.

Pastor Ben Hackbarth, Foursquare Church, gave the invocation. Mayor Desormeaux 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, April 12, 2022. Mayor Desormeaux called the meeting to order at 5:30 p.m.

Councilmembers present:

Mayor	Desormeaux
Councilmembers	Anderson Blecha Gaines Haynie Ritter

Councilmembers absent:

Councilmember	Janes
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Also present:

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

Citizens present: 21

CONSENT AGENDA:

Councilmember Ritter made a motion to move the liquor licenses renewals off of the Consent Agenda. There was no vote.

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

Anderson	yes	Gaines	yes
Ritter	abstain	Desormeaux	yes
Blecha	yes	Haynie	yes

Item on the consent agenda was: City Council minutes of March 22, 2022,

APPLICATION FOR RENEWAL OF RETAIL LIQUOR STORE LICENSE – DISCOUNT LIQUORS L.L.C. – DISCOUNT LIQUORS – 1000 WEST MAIN STREET

Councilmember Blecha made a motion to approve the application for renewal of retail liquor store license for Discount Liquors L.L.C. located at 1000 West Main Street. Councilmember Ritter seconded the motion. By a six-yes vote, the motion was approved.

APPLICATION FOR RENEWAL OF FERMENTED MALT BEVERAGE LIQUOR LICENSE – K STORES 4, INC. & 7-ELEVEN, INC. – 7-ELEVEN STORE 15041A – 311 WEST MAIN STREET

Councilmember Ritter made a motion to approve the application for renewal of fermented malt beverage liquor license for 7-Eleven Store 15041A located at 311 West Main Street. Councilmember Blecha seconded the motion. By a six-yes vote, the motion was approved.

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

None

UNFINISHED BUSINESS:

CITY MANAGER’S REPORT:

City Manager Blankenship updated Council on the following:

- Sales and Lodging Taxes – March 2022
- Water Production/Demand – March 2022
- Meetings/Events Attended

NEW BUSINESS:

HOSPICE OF THE PLAINS PRESENTATION:

Present to address Council was Ms. Tiffany Storch, Administrator for Hospice of the Plains. Ms. Storch advised Council Hospice is looking at the old Stevens Elementary School. The current owners are willing to sell the property for \$1. However, it would be up to Hospice of the Plains to pay the back taxes. The City’s share is approximately \$5,500. Hospice is asking Council to forego these taxes.

BISHOP-BROGDEN ASSOCIATES, INC. AND WHITE AND JANKOWSKI PRESENTATION:

Present to address Council was Mr. Alan Curtis, White and Jankowski. Mr. Curtis reviewed the water rights, augmentation, recharge and litigation cases.

Also present was Ms. Kristina Wynne and Mr. Jon George, Bishop-Brogden Associates, Inc. They went over the water rights and protection of wells.

PRESENTATION OF ARBOR DAY PROCLAMATION:

Mayor Desormeaux read and presented the Arbor Day proclamation to Parks, Forestry and Cemetery Superintendent Jamie Ulrich.

RESOLUTION NO. 4-1-22, SERIES OF 2022 - A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO, APPROVING THE COLORADO REGIONAL OPIOID INTERGOVERNMENTAL AGREEMENT RELATING TO THE COLORADO OPIOIDS SETTLEMENT MEMORANDUM OF UNDERSTANDING:

City Manager Blankenship advised Council in accordance with the Colorado Opioids Settlement Memorandum of Understanding, previously approved by the City, Participating Local Governments organized themselves into Regions as defined in the Settlement Memorandum of Understanding, and the City of Sterling is a Participating Local Government in Region 4. This Resolution approves a Colorado Regional Opioid Intergovernmental Agreement with the other Participating Local Governments in Region 4 pertaining to the procedures to establish a Regional Council, designate a fiscal agent, and request and administer the Opioid Funds in a manner consistent with the Settlement Memorandum of Understanding.

Councilmember Anderson made a motion to approve Resolution No. 4-1-22, Series of 2022. Councilmember Blecha seconded the motion. By a six-yes vote, the motion was approved.

RESOLUTION NO. 4-2-22, SERIES OF 2022 - A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO, APPROVING THE EXPENDITURE OF FUNDS DERIVED FROM THE CITY OF STERLING HOTEL TAX FUND, IN ACCORDANCE WITH CHAPTER 19, ARTICLE VII, OF THE CITY CODE – HERITAGE PARK MURAL:

City Manager Blankenship advised Council at the March 22, 2022 Council meeting, a representative of the Citizens Advisory Board gave a presentation and recommendation that the City pay \$5,000.00 from the City's Hotel Tax Fund for the purpose of paying for a mural for Heritage Park. This Resolution approves expending the sum of \$5,000.00 for a mural in Heritage Park.

Councilmember Ritter made a motion to approve Resolution No. 4-2-22, Series of 2022. Councilmember Gaines seconded the motion. By a six-yes vote, the motion was approved.

RESOLUTION NO 4-3-22, SERIES OF 2022 – A RESOLUTION ESTABLISHING THE RATES AS REQUIRED IN CITY CODE CHAPTER 21, UTILITIES, ARTICLE IV, SEWER SYSTEM:

City Manager Blankenship advised Council City Code Chapter 21 requires that City Council set certain rates which apply to sewer service. This Resolution increases the minimum rate for all in-city sewer accounts for \$10.59 monthly per equivalent residential and commercial groups, and \$12.98 for outside-city rates.

Councilmember Gaines made a motion to approve Resolution No. 4-3-22, Series of 2022. Councilmember Anderson seconded the motion. By a six-yes vote, the motion was approved.

RESOLUTION NO. 4-4-22, SERIES OF 2022 – A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO, ACCEPTING THE BID FROM CONCRETE SPECIALTIES AND UTILITIES CONSTRUCTION, INC. FOR THE CITY OF STERLING 2022 WATERLINE REPLACEMENT PROJECT #22-003:

City Manager Blankenship advised Council this Resolution accepts the bid from Concrete Specialties and Utilities Construction, Inc., in the amount of \$707,888.00, for the City's 2022 Waterline Replacement Project #22-003. This was the only bid received for this project and the bid amount is an acceptable amount for this project. There are sufficient funds in the Public Works budget for this project.

Councilmember Anderson made a motion to approve Resolution No. 4-4-22, Series of 2022. Councilmember Blecha seconded the motion. By a six-yes vote, the motion was approved.

RESOLUTION NO. 4-5-22, SERIES OF 2022 – A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO, ACCEPTING THE BID FROM PINE COVE CONSULTING, LLC FOR THE CITY OF STERLING VIDEO SURVEILLANCE AND ACCESS CONTROL SYSTEM UPGRADE PROJECT #22-004:

City Manager Blankenship advised Council this Resolution accepts the bid from Pine Cove Consulting, LLC, in the amount of \$418,354.26, for the City's Video Surveillance and Access Control System Upgrade Project #22-004. Three bids were received for this project, and a committee comprised of four department heads and the City Manager reviewed the bids and recommended approval of this bid. There are sufficient funds in the City's 2022 budget for the General Fund, Water Fund and Service Center Fund for this project.

Councilmember Gaines made a motion to approve Resolution No. 4-5-22, Series of 2022. Councilmember Ritter seconded the motion.

There was a question regarding why the low bid was not accepted, because there was a large difference in the cost. City Manager Blankenship advised there were several items that were not covered in the bid. It was treated as an unqualified bid.

By a six-yes vote, the motion was approved.

RESOLUTION NO. 4-6-22, SERIES OF 2022 – A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO, APPROVING A DONATION AGREEMENT AND A MASTER SERVICES AND SUBSCRIPTION AGREEMENT WITH CHARGEPOINT, INC., RELATING TO THE PLACEMENT OF ELECTRIC VEHICLE CHARGING STATIONS ON CITY-OWNED PROPERTY:

City Manager Blankenship advised Council by Resolution No. 10-3-21, Series of 2021, the City approved a Memorandum of Understanding with ChargePoint, Inc. for the purpose of establishing the framework for a possible future Agreement for ChargePoint to provide DC Fast Electric Vehicle charging stations within the City and to establish the general understandings of the parties on a preliminary basis. This Resolution now approves a Donation Agreement and a Master Services and Subscription Agreement with ChargePoint, Inc. to formalize the terms for the provision, activation and use, and donation of the charging stations to the City, and activation and use of the ChargePoint Services on the charging stations subsequent to donation. The estimated cost for installation is \$39,108.75. There will be no fee for subscription services for the initial 5 years, and thereafter that cost is estimated to be approximately \$2,000 per year.

Councilmember Blecha asked about this being by the sign "Historic District" while this is more modern.

Councilmember Gaines made a motion to approve Resolution No. 4-6-22, Series of 2022. Councilmember Anderson seconded the motion. By a six-yes vote, the motion was approved.

RESOLUTION NO. 4-7-22, SERIES OF 2022 - A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO, OPPOSING COLORADO HB22-1024 RELATING TO THE EXEMPTION OF CONSTRUCTION AND BUILDING MATERIALS FROM SALES AND USE TAXES IMPOSED BY HOME RULE MUNICIPALITIES:

City Manager Blankenship advised Council this Resolution expresses the City's opposition to Colorado HB22-1024 passed by the Colorado legislature, which would force home rule municipalities to follow the exemption the State of Colorado gives for public school construction use tax collected from contractors, and authorizes a letter to the Governor of Colorado expressing that opposition and urging the Governor to veto HB22-1024.

Councilmember Gaines made a motion to approve Resolution No. 4-7-22, Series of 2022. Councilmember Haynie seconded the motion. By a six-yes vote, the motion was approved.

DEPARTMENT HEAD REPORT – POLICE DEPARTMENT:

Police Chief Kerr gave a report of the Police Department. Police Chief Kerr went over Police recruitment, retention and compensation. Council had asked him to come back with a proposal which he handed out. He would like to have the raise effective July 1, 2022. This would be half of an increase that would make it compatible to Brush and Fort Morgan. The remaining amount would be budgeted for 2023.

MISCELLANEOUS COUNCIL BUSINESS:

Mayor Desormeaux advised that the City has three representatives on the Sterling Transportation Authority Board. The County has two representatives and the Board requires a quorum of three. Mayor Desormeaux advised she would like to appoint Councilmember Haynie as an alternate so that there will not be a problem of not being able to vote without a quorum.

EXECUTIVE SESSION – FOR A CONFERENCE WITH THE CITY ATTORNEY FOR THE PURPOSE OF RECEIVING LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS UNDER C.R.S. SECTION 24-6-402(4)(b) – ATTORNEY ADVICE REGARDING WASTEWATER TREATMENT PLANT PROJECT,

EXECUTIVE SESSION – FOR A CONFERENCE WITH THE CITY ATTORNEY FOR THE PURPOSE OF RECEIVING LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS UNDER C.R.S. SECTION 24-6-402(4)(b) – ATTORNEY ADVICE REGARDING UPDATE ON CITY WATER CASES, AND

EXECUTIVE SESSION – DISCUSSION OF NETWORK SECURITY - UNDER C.R.S. 24-6-402(3)(a)(IV)

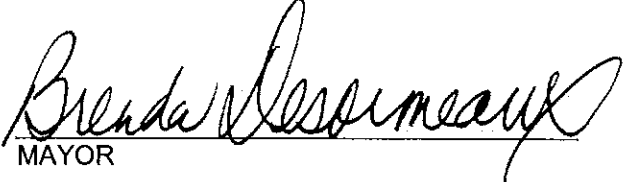
Mayor Desormeaux made a motion to go into executive session for a conference with the City Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402 (4)(b), Attorney advice regarding update on City water cases, for a conference with the City Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402 (4)(b) – Attorney advice regarding Wastewater Treatment Plant project, and discussion of network security under C.R.S. Section 24-6-402(3)(a)(IV). Councilmember Anderson seconded the motion. By a six-yes vote, the motion was approved.

Council went into executive session at 7:50 p.m.

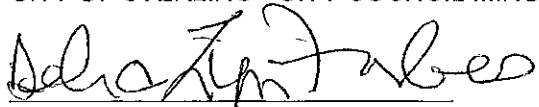
Council came out of executive session at 8:43 p.m.

Mayor Desormeaux advised the participants in the executive session were: City Councilmembers; City Manager; City Attorney; Public Works Director; Mr. Alan Curtis, White and Jankowski; Ms. Kristina Wynne and Jon George, Bishop-Brogden Associates; and Finance 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 being no further business to come before Council the meeting adjourned at 8:44 p.m.


MAYOR

ATTEST:

A handwritten signature in black ink, appearing to read "Adria Taylor". The signature is written in a cursive style with a horizontal line underneath the name.

CITY CLERK