

STERLING, COLORADO  
AUGUST 23, 2016

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.

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Ms. Mona Bowey, First Baptist Church, 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, August 23, 2016. Mayor Torres called the meeting to order at 7:00 p.m.

Councilmembers present:

Mayor	Torres
Councilmembers	Appelhans Flores Lawson McCarty Pitcher Rice

Also present:

City Manager	Saling
City Attorney	Penny
City Clerk	Forbes
Fire Chief	Ritter
Police Chief	Kerr
Parks, Library and Recreation Director	Gandee
Human Resource Director	Brown
Public Works Director	Good
Airport Operator	May
Street/Sanitation and PCF Superintendent	Rewoldt
Paralegal	Welsh

Citizens present: 21

**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
McCarty	abstain	Flores	yes
Lawson	yes	Pitcher	yes
Torres	yes		

Items on the consent agenda were: City Council minutes of August 9, 2016 and an application for renewal of tavern liquor license for Hootenannies located at 324 West Main Street.

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

None

**UNFINISHED BUSINESS:**

**CITY MANAGER'S REPORT:**

City Manager Saling updated Council on the

- Water tank project
- Front Street landscaping
- Paving at Pawnee Avenue
- 2017 Budget
- CML District meeting on October 5, 2017 in Wray
- Bids for the sidewalk project funded by Transportation Alternative program
- Highway 6 construction
- Special Use permit from CDOT on the statue
- Generator at the Service Center – the base has been poured
- New drinking fountains in the dog park
- The outdoor pool will only be opened on weekends through Labor Day
- Recreation Center annual cleaning is September 6-10, 2016
- Monte Waite is the new Recreation Program superintendent
- Safe Route to Schools grant
- September 9 is the employee appreciation BBQ

The City received two applications for the Planning Commission, Mr. Randy Brigham and Ms. Cathy Segelke. Council did a ballot vote. City Attorney Penny counted the votes. Ms. Segelke was appointed to the Planning Commission.

City Manager Saling advised Council that the City has received a request from High Plains Hospitality, LLC to extend their substantial completion date for construction from November 1, 2016 to November 1, 2017. They are finalizing their financing and have contractors ready to commence construction. Section 10 (a) has language that states substantial construction on or before November 1, 2016 or such time as agreed between both parties. A motion would be acceptable should City Council agree to the request.

Councilmember McCarty made a motion to extend the substantial completion date for the High Plains Hospitality, LLC from November 1, 2016 to November 1, 2017. Councilmember Appelhans seconded the motion. By a seven-yes vote, the motion was approved.

**NEW BUSINESS:**

**WATER MAIN BREAK AT 331 NORTH 8<sup>TH</sup> AVENUE:**

City Manager Saling advised Council that Ms. Felicia Brooks asked to be on the City Council agenda for this meeting. This is in reference to a water main break at her rental, 331 North 8<sup>th</sup> Avenue, where water went in the crawl space and ruined her furnace.

Present to address Council was Ms. Felicia Brooks. Ms. Brooks advised Council that she filed a claim and CIRSA denied the claim and she was there to dispute the claim. She feels the water break was not her fault. Mr. Bill Wright, who is a friend of hers, spoke about the previous water breaks in the area. After discussion, City Attorney Penny advised that Ms. Brooks raised some factual issues. He suggested to get more information from staff and someone would get back with her.

**APPLICATION FOR RENEWAL OF BEER & WINE LIQUOR LICENSE – WONDERFUL HOUSE RESTAURANT, INC. – WONDERFUL HOUSE RESTAURANT – 100 BROADWAY:**

City Manager Saling advised Council that this application for renewal of the Beer & Wine Liquor License for Wonderful House Restaurant, 100 Broadway, was timely filed and the licensee has paid the required fees. The current license expires on September 27, 2016. The reports from the Police and Fire Departments were mailed to the licensee. The license did incur a State liquor violation since the last annual application and a letter was sent to the licensee advising that a representative must appear at this Council meeting to answer any questions Council members might have concerning the violation.

Present to address Council was Mr. Loc T Ha, 1408 Evans Street.

Councilmember Lawson made a motion to approve the renewal of Beer & Wine Liquor License for the Wonderful House Restaurant located at 100 Broadway. Councilmember Rice seconded the motion.

Councilmember Flores asked about the State liquor violation and what was done to correct the violation. Mr. Ha advised they are checking all IDs.

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

**RESOLUTION NO. 8-5-16, SERIES OF 2016 – A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO, APPROVING AN AMENDMENT TO INTERGOVERNMENTAL AGREEMENT DATED MARCH 22, 2011, BETWEEN THE STERLING RURAL FIRE PROTECTION DISTRICT AND THE CITY OF STERLING:**

City Manager Saling advised Council that this resolution approves an amendment to the present Intergovernmental Agreement between the City of Sterling and the Sterling Rural Fire Protection District for the provision of fire protection services by the City and use of the City's equipment. The amendment involves the amount of payment to the City for the provision of services and use of equipment, revising it from the present 91% of the total revenue received by the District (less the amount due to the Town of Merino by separate agreement between the District and the Town of Merino), to 2.107 mills received by the District. This amended amount actually increases what the City will receive – resulting from an additional 3.5 mill levy approved by the electorate of the District – and allows the District to retain an increased portion of the revenue to purchase additional equipment and apparatus, which was the intent of the mill increase election. In the 2016 budget, based on the City receiving 91% of their total revenue less the \$25,000 for the Town of Merino Fire Department, the City anticipates it will receive \$185,000.00. Under the proposed amendment the City will receive 100% of the 2.107 mills of property or approximately \$242,305 to provide fire protection services. Should those funds be inadequate in the future, the agreement provides that the City and the District will meet to discuss any additional funding to continue the level of service provided by the agreement.

Councilmember Appelhans made a motion to approve Resolution No. 8-5-16, Series of 2016. Councilmember Flores seconded the motion. By a seven-yes vote, the motion was approved.

**RESOLUTION NO. 8-6-16, SERIES OF 2016 – A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO, APPROVING A GRANT AGREEMENT WITH THE UNITED STATES OF AMERICA ACTING THROUGH THE FEDERAL AVIATION**

**ADMINISTRATION, GRANT NO. 3-08-0052-014-2016 (CONTRACT NO. DOT-FA16NM-1059), TO INSTALL PERIMETER FENCING (PHASE 1 – CONSTRUCTION), AT THE STERLING MUNICIPAL AIRPORT:**

City Manager Saling advised Council that this resolution authorizes the City to enter into a grant agreement with the Federal Aviation Administration for the airport improvement program at the Sterling Municipal Airport, for installation of perimeter fencing, Phase 1 – Construction. The grant is for FAA funds in the amount of \$154,462.00, State of Colorado funds in the amount of \$8,581.00, and the City's match is in the amount of \$8,581.00.

Councilmember Rice made a motion to approve Resolution No. 8-6-16, Series of 2016. Councilmember McCarty seconded the motion. By a seven-yes vote, the motion was approved.

**DEPARTMENT REPORT – PUBLIC WORKS DEPARTMENT**

Airport Operator Charlie May gave an update on the airport.

**MISCELLANEOUS COUNCIL BUSINESS:**

**EXECUTIVE SESSION – NEGOTIATIONS AND LEGAL ADVICE:**

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) and 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). Councilmember Lawson seconded the motion. By a seven-yes vote, the motion was approved.

Council went into executive session at 8:10 p.m.

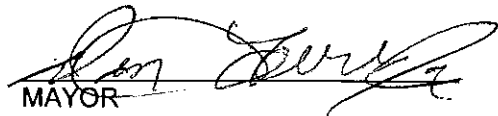
Council came out of executive session at 9:35 p.m.

Mayor Torres advised the participants in the executive session were: City Council, City Attorney, City Manager, Finance Director, Public Works Director, members of the Sterling Urban Renewal Authority and Logan County Economic Development Corporation Executive 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 9:36 p.m.

  
MAYOR

ATTEST:

  
CITY CLERK