

STERLING, COLORADO  
FEBRUARY 23, 2021

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.

City Manager Saling gave the invocation. Mayor Appelhans 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, February 23, 2021. Mayor Appelhans called the meeting to order at 5:34 p.m.

Councilmembers present:

Mayor	Appelhans
Councilmembers	Anderson Blecha Desormeaux Janes McCarty

Councilmembers absent:

Councilmember	Ritter
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Also present:

City Manager	Saling
City Attorney	Penny
City Clerk	Forbes
Fire Chief	Ritter
Police Chief	Tyson
Paralegal	Welsh

Citizens present: 4

Citizens participating in ZOOM: 2

**CONSENT AGENDA:**

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

Anderson	yes	McCarty	yes
Janes	abstain	Appelhans	yes
Blecha	yes	Desormeaux	yes

Items on the consent agenda were: City Council minutes of January 26, 2021, an application for renewal of fermented malt beverage liquor license for 7-Eleven, Inc. located at 311 West Main Street and an application for renewal of fermented malt beverage liquor license for Everyday Stores located at 303 North 3<sup>rd</sup> 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 following:

- Sales and Lodging Taxes – January
- Executive Search Request for Proposals
- Colorado Municipal League – Fall Conference
- Bid opening for the Headwork's project
- Public Works projects on hold
- Annual Report was given out
- Letter sent to Colorado Housing and Finance Authority (CHFA) regarding Four Corners Development, LLC project
- "No Truck Parking" signs were installed on 3<sup>rd</sup>, 4<sup>th</sup> and Broadway Streets and Sidney Avenue
- Tomorrow the County will be going to level blue and all City buildings will be open. Masks will be required to enter.
- Library water break
- Force Main bid

North 4<sup>th</sup> Avenue Curb, Gutter and Sidewalk project bid – In June of 2020, Devon Miller approached City Council requesting that bids be received for the installation of curb, gutter and sidewalks on North 4<sup>th</sup> Avenue from the 100 block through the 600 block. The intent was to set up a Public Improvement District (PID) which would reimburse the City for the costs. In June of 2018 the cost was estimated to be around \$242,960.00. Public Works placed the project out to bids and bids were received on January 28, 2021. The Engineers Estimate was \$455,993.00 and the only bid came in at \$677,605.00. Though Devon's letter indicated piping and catch basins were installed 30 years ago, after the bid opening the low bidder commented that his uncle was involved with the project back then and the pipe was the only thing installed. Public works crews are going to verify what has been installed. If the laterals and catch basins were not installed, the price could jump up to \$1,000,000.00. Once Public Works finds out the situation regarding the laterals and catch basins they would have to go back to the property owners to see if they are willing to pay the additional money.

City Manager Saling advised Council that in the original budget for 2021 there were six Police vehicles requested. He did not include them in the budget because he wanted to see how sales tax revenue looked at the end of the year. Normally, the Department in the General Fund transfers to the Capital Replacement Fund the amount needed to purchase their equipment. He would like to use the Capital Replacement Fund which has over a half of million dollars and not do the General Fund transfer. He asked Council to authorize the purchase of six fully equipped Police vehicles in the amount of \$327,000.00. If Council authorizes this, it will be included in the reappropriation ordinance.

Councilmember Desormeaux made a motion to approve the purchase of six Police vehicles. Councilmember McCarty seconded the motion. By a six-yes vote, the motion was approved.

Councilmember McCarty asked if this included selling the old Police vehicles. City Manager Saling advised Council the vehicles are usually put on auction and the money received is put back in the Capital Replacement Fund.

**NEW BUSINESS:**

**PUBLIC HEARING – CONDITIONAL USE APPLICATION – KIMBERLY WILLIFORD, PRE-DEVELOPMENT MANAGER FOR BOUNDLESS OPERATIONS D/B/A SCOOTER'S COFFEE, FOR CONSTRUCTION OF A SCOOTER'S COFFEE DRIVE-THRU KIOSK, ON THE PROPERTY KNOWN AND NUMBERED AS 430 MAIN STREET:**

City Manager Saling advised Council in accordance with Section 502 of the Zoning Ordinance, all requests for conditional use shall be acted upon by the City Council following receipt of a recommendation from the Planning Commission. This request is for construction of a drive-thru coffee kiosk on property known and numbered as 430 Main Street, which is zoned Central Business District (CBD). "Drive-In Establishments", are defined as "A commercial establishment arranged so that traffic circulates on-site, and patrons may remain in their vehicles", and is a conditional use in a Central Business District.

At its February 3, 2021 meeting, the Planning Commission approved the application. Proper publication of the notice of public hearing before City Council appeared in the Sterling Journal-Advocate, and the proper mailing of the Notice was done.

Per Sec. 506 of the Sterling City Code, the City Council shall render a final decision of approval, conditional approval or denial. The reasons for its decision shall be stated in the official minutes of the hearing. No Conditional Use shall be approved unless the City Council finds that the application complies with the requirements of the City Code chapter regarding Conditional Use, is consistent with the intent and purpose of said Chapter, the Comprehensive Master Plan, and is compatible with the surrounding land uses.

Mayor Appelhans opened the public hearing.

On zoom to address Council was Ms. Kimberly Williford, Pre-Development Manager for Boundless Operations d/b/a Scooter's Coffee. Ms. Williford advised she is involved with pre-development activities. She advised Scooter's likes to be involved in the community.

Present to address Council was Mr. Mark Oberg and Mr. Jerry Ehrke from Scooter's Coffee. They explained to Council about their franchise.

Mayor Appelhans closed the public hearing.

Councilmember Desormeaux made a motion to approve the Conditional Use application of Kimberly Williford, Pre-Development Manager for Boundless Operations d/b/a Scooter's Coffee, for construction of a Scooter's Coffee drive-thru kiosk on the property known and numbered as 430 Main Street, based on the findings made by the Sterling Planning Commission, as set forth in Chapter V, Conditional Uses, Sec. 505, Review and Recommendation of the Zoning Ordinance, and based on the findings by Council that the application complies with the requirements of Chapter V, and that it is consistent with the intent of said Chapter V and the Comprehensive Master Plan, and is compatible with the surrounding land uses, as set forth in Sec. 506, Approval criteria and conditions. Councilmember Janes seconded the motion. By a six-yes vote, the motion was approved.

**RESOLUTION NO. 2-1-21, SERIES OF 2021 - A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO, ADOPTING THE CITY OF STERLING 2021 MUNICIPAL WATER EFFICIENCY PLAN:**

City Manager Saling advised Council the Water Conservation Act of 2004 requires all Colorado water providers that sell at least 2000 AF per year of water to have a state-approved water efficiency plan, and that requirement extends to the loan that the City recently acquired from the

Colorado Water Resource and Power Development Authority for the City's Wastewater Treatment facility improvements. On November 10, 2020, representatives of the City's water engineer, BBA Water Consultants, Inc. made a presentation to Council of a proposed Municipal Water Efficiency Plan, and the City then provided a 60-day public notice for comments on the plan. No comments were received. This Resolution approves the 2021 Municipal Water Efficiency Plan prepared for the City of Sterling by BBA Water Consultants, Inc.

When the Water Efficiency Plan has been adopted by the City and approved by the State, the City can then begin to access money from the CWRPDA loan for use in construction of the wastewater facility improvements.

Councilmember Janes made a motion to approve Resolution No. 2-1-21, Series of 2021. Councilmember Desormeaux seconded the motion.

Councilmember McCarty had questions regarding items he seen in the first draft, such as an effort to have the citizens decrease their water usage and a measuring device on the fire truck. City Manager Saling advise Council that these were so the City can account for water and where it goes.

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

**RESOLUTION NO. 2-2-21, SERIES OF 2021 - A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO, APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF STERLING AND THE COLORADO DEPARTMENT OF TRANSPORTATION (CDOT), REGARDING FUNDING FOR THE CONSTRUCTION OF A 10-FOOT MULTI-USE CONCRETE PATH, IDENTIFIED AS THE CITY OF STERLING EAST CHESTNUT MULTI-USE TRAIL PROJECT:**

City Manager Saling advised Council this Resolution approves the terms of a Colorado Department of Transportation Intergovernmental Agreement for the 2016 Grant funds awarded to the City in the amount of \$428,982.00 from the Colorado Department of Revenue Transportation Alternatives program, for the construction of a 10-foot multi-use concrete path, identified as the City of Sterling East Chestnut Multi-Use Trail project. The first segment of this trail is along the north side of East Chestnut Street from Right-of-Way Road to the park adjacent to the Holiday Inn Express. The purpose of the trail is to connect the entry area of the City of Sterling – such as the rest area and motels – with the City itself.

The total anticipated cost for this project is \$536,227.50. The City required 20% of the grant match is \$107,245.50. By Resolution No. 12-7-15, the City approved expenditure of revenue from the City of Sterling Hotel Tax for the subject project, which will be used for that required 20% match.

Councilmember Anderson made a motion to approve Resolution No. 2-2-21, Series of 2021. Councilmember Desormeaux seconded the motion. By a six-yes vote, the motion was approved.

**RESOLUTION NO. 2-3-21, SERIES OF 2021 - A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO ACCEPTING THE BID FROM DRC CONSTRUCTION SERVICES, INC., FOR THE CITY OF STERLING MANHOLE REHABILITATION PROJECT #21-003:**

City Manager Saling advised Council this Resolution approves the bid received from DRC Construction Services, Inc. for the City of Sterling Manhole Rehabilitation Project #21-003. The bid amount of \$98,080.00 is an acceptable amount for the work to be performed, and there are sufficient funds in the Public Works 2021 budget for this project. City Manager Saling advised Council that this is for 18 manholes.

Councilmember Blecha made a motion to approve Resolution No. 2-3-21, Series of 2021. Councilmember McCarty seconded the motion. By a six-yes vote, the motion was approved.

**MISCELLANEOUS COUNCIL BUSINESS:**

**EXECUTIVE SESSION – FOR THE PURPOSE OF DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS, DEVELOPMENT STRATEGY FOR NEGOTIATIONS, AND/OR INSTRUCTING NEGOTIATORS, UNDER C.R.S. SECTION 24-6-402 (4) (e):**

Mayor Appelhans 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 Blecha seconded the motion. By a six-yes vote, the motion was approved.

Council went into executive session at 6:24 p.m.

Council came out of executive session at 6:53 p.m.

Mayor Appelhans advised the participants in the executive session were: City Councilmembers (less Councilmember Ritter), City Manager Saling and City Attorney Penny. 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.

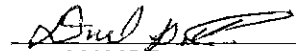
There was none.

Councilmember McCarty asked if a workshop was needed for Council to discuss the City Manager's search process. Mayor Appelhans advised this will be done after the reviews of the consulting firms.

Councilmember Desormeaux made a motion to file a Statement of Opposition of case 20CW3215 in the water court. Councilmember Anderson seconded the motion. By a six-yes vote, the motion was approved.

**ADJOURNMENT:**

There being no further business to come before Council the meeting adjourned at 6:55 p.m.

  
MAYOR

ATTEST:

  
CITY CLERK