

STERLING, COLORADO
JANUARY 12, 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.

Pastor John Roberts, 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, January 12, 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
Police Chief	Kerr
Police Major	Winckler
Public Works Director	Good
Parks, Library and Recreation (PLR) Director	Gandee
PCF/Street/Sanitation Superintendent	Rewoldt
Airport Operator	May
Paralegal	Welsh
Human Resource Assistant	Bond

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Citizens present: 17

CONSENT AGENDA:

Councilmember Appelhans made a motion to approve the consent agenda. Councilmember McCarty seconded the motion. By a seven-yes vote, the motion was approved

Items on the consent agenda were: City Council minutes of December 22, 2015, application for renewal of hotel & restaurant liquor license for Fiesta Mexican Restaurant located at 807 Sidney Avenue, application for renewal of hotel & restaurant liquor license for The Surf located at 201 Pine Street and report of changes for Sterling Elks Lodge located at 321 Ash Street.

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

None

UNFINISHED BUSINESS:

SECOND READING AND PUBLIC HEARING – ORDINANCE NO. 13, SERIES OF 2015 - AN ORDINANCE APPROVING A FRANCHISE AGREEMENT WITH BRESNAN COMMUNICATIONS, LLC, DOING BUSINESS AS CHARTER COMMUNICATIONS, TO CONSTRUCT AND OPERATE A CABLE SYSTEM AND OFFER CABLE SERVICE AND OTHER SERVICES IN, ALONG, AMONG, UPON, ACROSS, ABOVE, OVER, UNDER, OR IN ANY MANNER CONNECTED WITH PUBLIC WAYS WITHIN THE CITY:

City Manager Saling advised Council that first reading of this ordinance took place on November 24, 2015, and it was thereafter published five (5) consecutive times, pursuant to the City Charter. Also, pursuant to the City Charter, the ordinance could not be put on for final passage within thirty (30) days of its introduction. This ordinance approves a Franchise Agreement with Bresnan Communications, LLC, doing business as Charter Communications, which constitutes a non-exclusive agreement between the City and Bresnan for Bresnan to operate and maintain a cable system in the Sterling service area to provide cable-related needs of the community.

City Clerk Forbes read the ordinance by title.

Mayor Torres opened the public hearing.

Present to address Council was Ms. Wendi Moser, Senior Manager for Charter. Ms. Moser thanked Council for their work with the negotiations.

Mayor Torres closed the public hearing.

Councilmember Appelhans made a motion to approve Ordinance No. 13, Series of 2015. Councilmember Lawson seconded the motion. By a seven-yes vote, the motion was approved.

SECOND READING AND PUBLIC HEARING – ORDINANCE NO. 14, SERIES OF 2015 - AN ORDINANCE APPROVING A FRANCHISE AGREEMENT WITH KENTEC COMMUNICATIONS, INC. TO CONSTRUCT AND OPERATE A CABLE SYSTEM AND OFFER CABLE SERVICE AND OTHER SERVICES IN, ALONG, AMONG, UPON, ACROSS, ABOVE, OVER, UNDER, OR IN ANY MANNER CONNECTED WITH PUBLIC WAYS WITHIN THE CITY

City Manager Saling advised Council that first reading of this ordinance took place on November 24, 2015, and it was thereafter published five (5) consecutive times, pursuant to the City Charter. Also, pursuant to the City Charter, the ordinance could not be put on for final passage within thirty (30) days of its introduction. This ordinance approves a Franchise Agreement with Kentec Communications, Inc., which constitutes a non-exclusive agreement between the City and Kentec for Kentec to operate and maintain a cable system in the Sterling service area to provide cable-related needs of the community.

City Clerk Forbes read the ordinance by title.

Mayor Torres opened the public hearing.

Present to address Council was Mr. Chip Powell, Kentec President/CEO, 710 West Main.

Mayor Torres closed the public hearing.

Councilmember Rice made a motion to approve Ordinance No. 14, Series of 2015. Councilmember Lawson seconded the motion. By a seven-yes vote, the motion was approved.

CITY MANAGER'S REPORT:

City Manager Saling updated Council on sales tax, lodging tax, the dog park, Joe Kaufman's retirement and the CML Conference.

City Manager Saling advised Council that when Mr. Gene Manuello paid his 2014 farm lease he took into consideration crop issues. This was brought up during the City audit and Mr. Manuello repaid the amount he had deducted. Mr. Manuello has presented a form stating that in 2014 he did not have water for one week which cost him \$24,776 and due to the flood in 2015 he has losses in the amount of \$52,360. City Manager Saling advised he would like Council's direction if staff should prepare a resolution. Mr. Gene Manuello was present. There was discussion regarding the risk of farming and if the City should pay for the risk. The flooding was an act of God. After much discussion, Council's consensus was because the City did not provide for one week of water in 2014 staff should prepare a resolution for \$24,776.

NEW BUSINESS:

INTRODUCTION OF NEW CITY EMPLOYEES:

Human Resource Assistant Bond introduced the new employee, Officer Marisa O'Toole.

PUBLIC HEARING – APPLICATIONS FOR SPECIAL EVENT PERMITS – STERLING ELKS LODGE #1336 – 321 ASH STREET:

City Manager Saling advised Council that three applications for Special Event Permits were filed by the Sterling Elks Lodge #1336, to be held on:

January 30, 2016 from 4:00 o'clock p.m. to 12:00 o'clock midnight (Delta Water Fowl fundraiser)

February 13, 2016 from 4:00 o'clock p.m. to 12:00 o'clock midnight (Hospice fundraiser)

February 20, 2016 from 4:00 o'clock p.m. to 12:00 o'clock midnight (Republican Lincoln Day Supper fundraiser)

for the sale of malt, vinous and spirituous liquor. The applications were timely filed and are in proper form and the required fees have been submitted. The premises were properly posted. A letter was sent to the applicant advising of the date of the public hearing and requesting a representative be present at this meeting to answer questions City Council might have concerning the applications.

Mayor Torres opened the public hearing.

Present to address Council was Mr. Bill Kinney, 1126 Beattie Drive, Lodge Secretary.

Mayor Torres closed the public hearing.

Councilmember Appelhans made a motion to approve the three special event permits for the Sterling Elks Lodge #1336 located at 321 Ash Street. Councilmember Flores seconded the motion. By a seven-yes vote, the motion was approved.

APPLICATION FOR A NEW HOTEL & RESTAURANT LIQUOR LICENSE – WTH ENTERPRISES, INC. – SAM & LOUIE'S ITALIAN RESTAURANT & PIZZERIA – 310 MAIN STREET:

City Manager Saling advised that WTH Enterprises, Inc. has filed an application for a new hotel & restaurant liquor license for Sam & Louie's Italian Restaurant & Pizzeria, 310 Main Street. All documentation and fees have been submitted. City Council needs to set a date for the public hearing. Council also needs to determine if it wants a survey to determine the needs and desires of the neighborhood, and if so, the number of contacts required and the designation of the neighborhood. It is requested that the public hearing be set no sooner than February 9, 2016, to allow for completion of the background investigation. This date would also allow time for a survey to be completed, if Council determines that a survey is necessary.

Councilmember Lawson made a motion to dispense of the survey for Sam & Louie's Italian Restaurant & Pizzeria located at 310 Main Street. Councilmember Appelhans seconded the motion. By a seven-yes vote, the motion was approved.

Councilmember Lawson made a motion to set the public hearing for Sam & Louie's Italian Restaurant & Pizzeria located at 310 Main Street for February 9, 2016. Councilmember McCarty seconded the motion. By a seven-yes vote, the motion was approved.

Present to address Council was Denise and Mike Schaefer, owners. They are anticipating opening by May 1, 2016.

APPLICATION FOR NEW HOTEL & RESTAURANT LIQUOR LICENSE – AY! CHIHUAHUA, LLC – AY! CHIHUAHUA – 229 NORTH FRONT STREET:

City Manager Saling advised Council that Ay! Chihuahua, LLC has filed an application for a new hotel & restaurant liquor license for Ay! Chihuahua Family Mexican Restaurant, 229 North Front Street. All documentation and fees have been submitted. City Council needs to set a date for the public hearing. Council also needs to determine if it wants a survey to determine the needs and desires of the neighborhood, and if so, the number of contacts required and the designation of the neighborhood. The subject premises at 229 North Front Street have been previously licensed for an establishment previously located there, which no longer exists. It is requested that the public hearing be set no sooner than February 9, 2016, to allow for completion of the background investigation. This date would also allow time for a survey to be completed, if Council determines that a survey is necessary.

Councilmember Flores made a motion to set the public hearing for Ay! Chihuahua, LLC located at 229 North Front Street for February 9, 2016 and dispense with the survey. Councilmember Rice seconded the motion. By a seven-yes vote, the motion was approved.

DEPARTMENT REPORT – PUBLIC WORKS – AIRPORT:

Mr. Charlie May, Airport Operator, gave the report. During the report Mr. May recommended to remove the reversion clause that the City currently has, which after 20 years the hanger reverts back to the City. He feels that if the City opens it up for private development and receives rent on the land, the City would be ahead.

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 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 8:30 p.m.

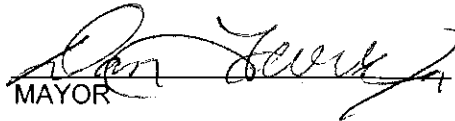
Council came out of executive session at 9:35 p.m.

Mayor Torres advised the participants in the executive session were: City Council, City Attorney, City Manager and Ms. Jennifer Gifford. 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.

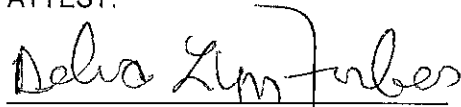
There was none.

ADJOURNMENT:

There being no further business to come before Council the meeting adjourned at 9:36 p.m.


MAYOR

ATTEST:


Delia Lim Forbes
CITY CLERK