

STERLING, COLORADO  
JULY 26, 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, July 26, 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
City Engineer	Lock
Police Chief	Kerr
Street/Sanitation and PCF Superintendent	Rewoldt

Citizens present: 21

**CONSENT AGENDA:**

Councilmember Rice made a motion to approve the consent agenda. Councilmember Flores seconded the motion. By a five-yes and two abstain votes, the motion was approved. Voting was as follows:

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

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Items on the consent agenda were: City Council work session minutes of July 12, 2016 and permit application and report of changes for the Ramada Inn/Country Kitchen located at 2500 E. Chestnut Street.

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

Present to address Council was Ms. Kim Sellers, 306 Forrest Road. Ms. Sellers advised Council that the Citizens Advisory Board (CAB) has agreed to move forward with a 2% convention center tax, with all the money going to the City.

**UNFINISHED BUSINESS:**

**CITY MANAGER'S REPORT:**

City Manager Saling updated Council on the

Water tank project

Street curb project and paving

Front Street landscaping will start later this week

Water meter replacement program is complete

The City advised the County Clerk and Recorder of potentially having a TABOR ballot issue

Closing on the Monahan property is August 5, 2016

Fire Department had an ISO representative at the Fire Station today regarding the rating

August 16, 2016 is the Police Department Community Appreciation Day

The City received \$5,000 from the Colorado Health Foundation for the Sterling Loop

The Sterling Urban Renewal Authority is having an open house July 28, 2016

Recycling surveys – there was not a strong community support. City Council decided to go forward with encouraging people to recycle.

**TWO PERCENT LODGING TAX:**

City Manager Saling asked direction from Council regarding the 2% lodging tax for the convention center. There was discussion regarding the cost of an election. If passed, the City's lodging tax will be one of the highest in the State. It was the consensus of Council to have staff prepare a resolution for the 2% lodging tax increase.

**NONPROFIT ORGANIZATIONS:**

City Manager Saling explained to Council the process of forming the committee last year. Council wishes to open this up to additional committee members. There will be a limit of \$75,000.

**NEW BUSINESS:**

**CONDITIONAL USE APPLICATION – EDWIN O. BUCK AND LILLIAN M. BUCK- TO INSTALL A 2000 CLASS B MANUFACTURED HOME ON A PERMANENT FOUNDATION – 619 NORTH 6<sup>TH</sup> AVENUE:**

City Manager Saling advised Council that 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 to install a 2000 Class B Manufactured Home on a permanent foundation on the property known and numbered as 619 North 6<sup>th</sup> Avenue, which is a conditional use in that R2, Medium Density zoned area. At its July 6, 2016 meeting, the Planning Commission approved the application, with the condition that approval is contingent on properly painting and landscaping the home. Proper publication of the notice of public hearing before City Council appeared in the Sterling Journal-Advocate. The following motion is set forth for Council's consideration: " I move for approval of the conditional use application of Edwin O. Buck and Lillian M. Buck to install a 2000 Class B Manufactured Home on a permanent foundation on the property known and numbered as 619 North 6<sup>th</sup> Avenue, with the condition that the home be properly painted and landscaped, 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.

Present to address Council was Mr. Edwin Buck, 624 North 4<sup>th</sup> Street. Mr. Buck advised Council that they had the opportunity to purchase two homes. They are looking at making them permanent homes.

There were questions regarding the foundation, which was explained, that it will be a permanent foundation.

Mayor Torres opened the public hearing.

Present to address Council was Mr. Doug Robinson, 628 North 6<sup>th</sup> Avenue. Mr. Robinson advised he is representing five families. He went over their concerns that they had regarding water, dumpsters and drainage.

Present to address Council was Mr. Nate Harwerth, 615 North 6<sup>th</sup> Avenue. Mr. Harwerth expressed his concern regarding safety due to how close the houses will be.

Mayor Torres closed the public hearing.

Councilmember Flores moved for approval of the conditional use application of Edwin O. Buck and Lillian M. Buck to install a 2000 Class B Manufactured Home on a permanent foundation on the property known and numbered as 619 North 6<sup>th</sup> Avenue, with the condition that the home be properly painted and landscaped, 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 Lawson seconded the motion. By a six-yes and one-no vote, the motion was approved. Voting was as follows:

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

**CONDITIONAL USE APPLICATION – EDWIN O. BUCK AND LILLIAN M. BUCK- TO INSTALL A CLASS B MANUFACTURED HOME ON A PERMANENT FOUNDATION – 625 NORTH 6<sup>TH</sup> AVENUE:**

City Manager Saling advised Council that 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 to install a Class B Manufactured Home on a permanent foundation on the property known and numbered as 625 North 6<sup>th</sup> Avenue, which is a conditional use in that R2, Medium Density zoned area. At its July 6, 2016 meeting, the Planning Commission approved the application, with the condition that approval is contingent on properly painting and landscaping the home. Proper publication of the notice of public hearing before City Council appeared in the Sterling Journal-Advocate. The following motion is set forth for Council's consideration: " I move for approval of the conditional use application of Edwin O. Buck and Lillian M. Buck to install a Class B Manufactured Home on a permanent foundation on the property known and numbered as 625 North 6<sup>th</sup> Avenue, with the condition that the home be properly painted and landscaped, 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.

Present to address Council was Mr. Edwin Buck, 624 North 4<sup>th</sup> Street. Mr. Buck advised Council the only difference is the size of the mobile home.

Mayor Torres opened the public hearing.

Present to address Council was Mr. Doug Robinson, 628 North 6<sup>th</sup> Avenue. Mr. Robinson advised he is very disappointed in Council. People have shown up and expressed their concerns.

Also present to address Council was Mr. Bruce Egger, 618 North 6<sup>th</sup> Avenue. Mr. Egger had a question regarding if there would be off street parking.

Ms. Lillian Buck, 624 North 6<sup>th</sup> Street, advised they manage their rentals. Their goal is to provide affordable housing. Ms. Buck advised how they keep in very close contact with their tenants.

Mayor Torres closed the public hearing.

Councilmember Lawson made the motion as read by City Manager Saling in the narrative. Councilmember Flores seconded the motion. By a six-yes and one-no vote, the motion was approved. Voting was as follows:

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

**DEPARTMENT REPORT – FINANCE DEPARTMENT/2015 AUDIT PRESENTATION:**

Mr. Scott Szabo, Lauer, Szabo and Associates, gave the 2015 audit presentation.

**MISCELLANEOUS COUNCIL BUSINESS:**

**EXECUTIVE SESSION – NEGOTIATIONS:**

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

Council went into executive session at 8:35 p.m.

Council came out of executive session at 9:12 p.m.

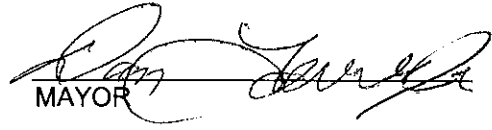
Mayor Torres advised the participants in the executive session were: City Council, City Attorney and City Manager. For the record, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into the executive session 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.

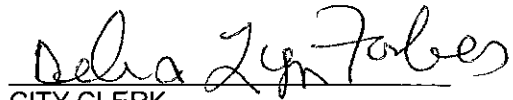
Mayor Torres made a motion not to oppose 16CW3073. Councilmember Lawson seconded the motion. By a seven-yes vote, the motion was approved.

**ADJOURNMENT:**

There being no further business to come before Council the meeting adjourned at 9:15 p.m.

  
MAYOR

ATTEST:

  
CITY CLERK