

STERLING, COLORADO
JUNE 11, 2019

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 Lew Champ, First Christian 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, June 11, 2019. Mayor Torres called the meeting to order at 7:00 p.m.

Councilmembers present:

Mayor	Torres
Councilmembers	Appelhans Desormeaux McCarty Pitcher Rice

Also present:

City Manager	Saling
City Attorney	Penny
City Clerk	Forbes
Public Works Director	Good
Parks, Library and Recreation (PLR) Director	Gandee
Fire Chief	Ritter
Police Chief	Kerr
Human Resource (HR) Director	Brown
Public Safety Dispatch Supervisor	Nall

Citizens present: 18

CONSENT AGENDA:

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

Item on the consent agenda was: City Council minutes of May 28, 2019.

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

None

UNFINISHED BUSINESS:

SECOND READING AND PUBLIC HEARING – ORDINANCE NO. 9, SERIES OF 2019 – AN ORDINANCE RESCINDING ORDINANCE NO. 8, SERIES OF 2019, AND WITHDRAWING APPROVAL OF THE SALE OF REAL ESTATE OWNED BY THE CITY OF STERLING TO FOUR CORNERS DEVELOPMENT, LLC:

City Manager Saling advised Council first reading of this ordinance took place on May 28, 2019, and it was thereafter published. By Ordinance No. 8, Series of 2019, the City approved a proposed agreement for sale of Lot 1 Knowles Replat in the City of Sterling, Logan County, Colorado, to Four Corners Development, LLC. The City has now been informed by Four Corners Development, LLC that it will not be entering into the agreement that it had offered, due to its decision to pursue another project over the project it had proposed for the City's property. This ordinance rescinds Ordinance No. 8, Series of 2019, and withdraws the City's approval of the sale of said real estate to Four Corners Development, LLC.

City Clerk Forbes read the ordinance by title.

Mayor Torres opened the public hearing.

There were no comments.

Mayor Torres closed the public hearing.

Councilmember Appelhans made a motion to approve Ordinance No. 9, Series of 2019. Councilmember McCarty seconded the motion. By a six-yes vote, the motion was approved.

PUBLIC HEARING – APPLICATION FOR A NEW FERMENTED MALT BEVERAGE OFF-PREMISES LIQUOR LICENSE – COLORADO RETAIL VENTURES SERVICES, LLC – EAGLE TRAVEL STOPS & CONVENIENCE STORES – 1550 E. CHESTNUT STREET:

Councilmember McCarty excused himself from the meeting and left the Council Chambers.

City Manager Saling advised Council Colorado Retail Ventures Services, LLC has filed an application for a new Colorado Fermented Malt Beverage Off-Premises Liquor License for Eagle Travel Stops & Convenience Stores, 1550 E. Chestnut Street. The appropriate fees have been submitted. City Council set the date for the public hearing for June 11, 2019. Notice of the public hearing was published in the Sterling Journal Advocate and posted on the premises for the required ten-day period. Copies of the reports from the Police and Fire Departments were mailed to the applicant. The applicant was advised that a representative needs to be present at the public hearing to answer any questions Council might have.

Present for Colorado Retail Ventures Services, LLC was Mr. Kevin Griffee, 14455 Greenway Drive.

Mayor Torres opened the public hearing.

There were no comments.

Mayor Torres closed the public hearing.

Mayor Torres asked Mr. Griffee if they had training for their employees. Mr. Griffee advised this is part of their employees' handbook.

Councilmember Appelhans made a motion to approve the new fermented malt beverage off-premises liquor license for Eagle Travel Stops & Convenience Stores located at 1550 E. Chestnut Street. Councilmember Desormeaux seconded the motion. By a four-yes and one-no vote, the motion was approved. Voting was as follows:

Appelhans	yes	Desormeaux	yes
Pitcher	no	Rice	yes
Torres	yes		

Councilmember McCarty returned to Council Chambers.

CITY MANAGER'S REPORT:

City Manager Saling updated Council on the following:

- Sales and hotel taxes for the month of May
- Colorado Department of Transportation meeting
- CML Annual Conference
- Lee Rothe gravel pits/ponds
- 2020 budget schedule
- ADA handicap ramp project
- Handed out pictures of the granite stones at the Cemetery
- Ward 3 applications are due next Thursday, June 20, 2019, and if they know of anyone that they can encourage to apply
- Public Works crew will start spraying mosquitoes this Thursday, June 13, 2019

NEW BUSINESS:

INTRODUCTION OF NEW CITY EMPLOYEES:

HR Director Brown introduced Ms. Lisa Cook from the Library.

PUBLIC HEARING – APPLICATION FOR SPECIAL EVENT PERMITS – LOGAN COUNTY CHAMBER OF COMMERCE – 109 NORTH FRONT STREET – TO BE HELD AT 315 MAIN STREET (LOGAN COUNTY COURTHOUSE SQUARE):

City Manager Saling advised Council an application for five (5) Special Event permits was filed by the Logan County Chamber of Commerce, for the following events to be held during July Jamz:

- June 28, 2019, from 5:30 o'clock p.m. to 9:30 o'clock p.m.
- July 5, 2019, from 5:30 o'clock p.m. to 9:30 o'clock p.m.
- July 12, 2019, from 5:30 o'clock p.m. to 9:30 o'clock p.m.
- July 19, 2019, from 5:30 o'clock p.m. to 9:30 o'clock p.m.
- July 26, 2019, from 5:30 o'clock p.m. to 9:30 o'clock p.m.

The application was timely filed and is 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 requested a representative be present at this meeting to answer any questions City Council might have concerning the application.

Present to address Council was Ms. Glenna Phelps Aurich, 1130 Westview Court.

Mayor Torres opened the public hearing.

There were no comments.

Mayor Torres closed the public hearing.

Councilmember Desormeaux made a motion to approve the special event permits for the Logan County Chamber of Commerce. Councilmember Rice seconded the motion. By a six-yes vote, the motion was approved.

PUBLIC HEARING – CONDITIONAL USE APPLICATION – L7 AG, LLC – HEMP CULTIVATION AND DEVELOPMENT – 200 HAYS 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 for hemp cultivation and development on the property known and numbered as 200 Hays Avenue. The property is zoned CB, community business. “Commercial Greenhouses” is a conditional use in CB zoned areas. At its May 22, 2019 meeting, the Planning Commission approved the application with the condition that applicant must have an odor and lighting mitigation plan. 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 L7 Ag, LLC, for hemp cultivation and development, on the property known and numbered as 200 Hays Avenue, with the condition that L7 Ag, LLC must implement an odor and lighting mitigation plan acceptable to the City, 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.

Mayor Torres opened the public hearing.

There were no comments.

Mayor Torres closed the public hearing.

Councilmember Desormeaux asked regarding why lighting mitigation was needed. City Manager Saling advised this is open 24 hours per day; seven days a week and they do not want it to be offensive to the neighbors around the property.

Mayor Torres asked Mr. Brad Lebsock for more detail regarding the location. Mr. Lebsock advised this is the old Mr. D’s Farm and Ranch building.

Council also asked regarding the odor mitigation. Mr. Lebsock advised they will be using a charcoal filter, which makes noise about like an air conditioner.

Councilmember McCarty made a motion to approve the conditional use application as written and read. Councilmember Appelhans seconded the motion. By a five-yes and one abstain vote, the motion was approved. Voting was as follows:

McCarty	yes	Appelhans	yes
Pitcher	abstain	Desormeaux	yes
Rice	yes	Torres	yes

RESOLUTION NO. 6-1-19, SERIES OF 2019 - A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF STERLING AND PHILLIPS COUNTY FOR THE COUNTY OF PHILLIPS TO UTILIZE AND RECORD ITS LAW, FIRE, AND EMS RADIO TRANSMISSIONS ON THE CITY OF STERLING’S EMERGENCY OPERATIONS AIS RADIO LOGGER:

City Manager Saling advised Council the City and Phillips County have entered into an agreement that allows the County of Phillips to utilize and record its law, fire, and EMS radio transmissions on the City’s AIS radio logger, and that agreement expires, by its terms, on June 30, 2019. Phillips County wishes to continue this agreement. This resolution approves a new agreement under the

same terms as the present agreement. The County of Phillips shall share the annual maintenance expenses for the City's SECC radio logger, based on the previous year's "Call for Service" numbers for the City and the County.

Councilmember Rice made a motion to approve Resolution No. 6-1-19, Series of 2019. Councilmember Appelhans seconded the motion. By a six-yes vote, the motion was approved.

DEPARTMENT REPORT – PUBLIC WORKS DEPARTMENT:

Public Works Director Good gave the Public Works Department report.

MISCELLANEOUS COUNCIL BUSINESS:

EXECUTIVE SESSION – NEGOTIATIONS:

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). Councilmember Appelhans seconded the motion. By a six-yes vote, the motion was approved.

Council went into executive session at 7:44 p.m.

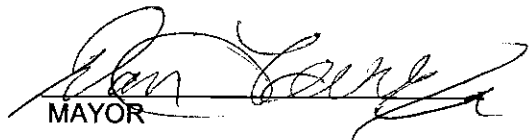
Council came out of executive session at 8:22 p.m.

Mayor Torres advised the participants in the executive session were: City Council, City Manager, City Attorney and Parks, Library and Recreation 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.

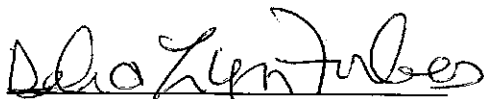
There was none.

ADJOURNMENT:

There being no further business to come before Council the meeting adjourned at 8:24 p.m.


MAYOR

ATTEST:


CITY CLERK