

STERLING, COLORADO
JUNE 9, 2020

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, June 9, 2020. Mayor Appelhans called the meeting to order at 6:00 p.m.

Councilmembers present:

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| Mayor | Appelhans |
| Councilmembers | Anderson Blecha Desormeaux Janes McCarty Ritter |

Also present:

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| City Manager | Saling |
| City Attorney | Penny |
| City Clerk | Forbes |
| Parks, Library and Recreation Director | Gandee |
| Police Chief | Kerr |
| Fire Chief | Ritter |
| Recreation Superintendent | Waite |

Citizens present: 3

CONSENT AGENDA:

Councilmember Janes 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 are: City Council minutes of May 26, 2020 and an application for renewal of tavern liquor license for Henry's Pub & Club located at 138 South Front Street.

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

None

UNFINISHED BUSINESS:

SECOND READING AND PUBLIC HEARING – ORDINANCE NO. 6, SERIES OF 2020 – AN ORDINANCE APPROVING A FRANCHISE AGREEMENT WITH SPECTRUM PACIFIC WEST, 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 first reading of this Ordinance took place on April 28, 2020, and it was thereafter published five times as required by the City Charter. This Ordinance approves a Franchise Agreement with Spectrum Pacific West, LLC, doing business as Charter Communications, which constitutes a non-exclusive agreement between the City and Spectrum Pacific West, LLC 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 Appelhans opened the public hearing.

On the telephone was Mr. Cory Gaines. Mr. Gaines advised Council he was calling on another issue, not Ordinance No. 6.

Also on the telephone was Mr. John Lee from Charter Communications. Mr. Lee thanked the City for their assistance with the Franchise Agreement.

Mayor Appelhans closed the public hearing.

Councilmember Anderson made a motion to approve Ordinance No. 6, Series of 2020. Councilmember Desormeaux seconded the motion. By a seven-yes vote, the motion was approved.

Mayor Appelhans returned to Agenda Item 5, "Communication and Personal Appearance of Non-scheduled Citizens before the Council".

Mr. Cory Gaines, 809 Park, was on the telephone to speak with Council. Mr. Gaines had concerns regarding COVID-19 information being shared with first responders.

SECOND READING AND PUBLIC HEARING – ORDINANCE NO. 7, SERIES OF 2020 - AN ORDINANCE ANNEXING A PARCEL OF LAND TO BE KNOWN AS THE PLATTE VALLEY INDUSTRIAL PARK ADDITION - PHASE 1 TO THE CITY OF STERLING, LOGAN COUNTY, COLORADO:

City Manager Saling advised Council that first reading of this Ordinance took place on May 26, 2020, and it was thereafter published. Pursuant to Resolution No. 5-2-20, Series of 2020, City Council found that this proposed annexation meets all statutory and local requirements. This Ordinance annexes the Platte Valley Industrial Park Addition – Phase 1 to the City of Sterling, Logan County, Colorado.

City Clerk Forbes read the ordinance by title.

Mayor Appelhans opened the public hearing.

There were no comments.

Mayor Appelhans closed the public hearing.

Councilmember Janes made a motion to approve Ordinance No. 7, Series of 2020. Councilmember McCarty seconded the motion. By a seven-yes vote, the motion was approved.

SECOND READING AND PUBLIC HEARING – ORDINANCE NO 8, SERIES OF 2020 - AN ORDINANCE APPROVING THE PURCHASE OF PROPERTY FROM McATEE CONSTRUCTION COMPANY AND THE SALE OF CITY-OWNED PROPERTY TO McATEE CONSTRUCTION COMPANY; AND AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTATION REQUIRED FOR THE PURCHASE AND SALE TRANSACTION:

City Manager Saling advised Council that first reading of this Ordinance took place on May 26, 2020, and it was thereafter published. The City was approached by McAtee Construction in 2019 about the possibility of acquiring 8.44 acres of land that the City purchased from the Monahan Trust in 2016. The 8.44 acres is west of the Low Line Ditch levy and is adjacent to McAtee property. The current access to the City property (Monahan Trust) is via a 20-foot easement off of vacated Harris Avenue. This access could cause some serious conflicts with McAtee construction equipment and the general public accessing the proposed recreational area/trail system along the South Platte River. McAtee has agreed to sell to the City 5.19 acres of land north of the Lebsock Elevator off of Chestnut and a 50-foot wide parcel of property that abuts the City property along the Low Line Ditch to where it would tie in to the remaining City property (Monahan Trust). The 5.19 acres and 50-foot wide parcel will provide adequate parking to access the proposed trail system off of Harris Avenue and adequate land to develop a pedestrian/bicycle trail system from Chestnut to the Monahan property and other City owned property along the South Platte River. Additionally, the purchase of the 5.19 acres provides a two (2) year easement and one (1) year extension to utilize a McAtee bridge for accessing City property east of the Low Line Ditch until the City constructs a pedestrian/bicycle bridge across the Low Line Ditch, and a perpetual easement for utility access across the same bridge for city equipment to maintain the City property east of the Low Line. The proposed sell/purchase is consistent with the intent of the Overland Trail Recreation Area Master Plan as providing access to the trail system and the trail itself. McAtee will pay \$23,632.00 for the property to be purchased from the City; the City will pay \$14,532.00 for the property to be purchased from McAtee.

City Clerk Forbes read the ordinance by title.

Mayor Appelhans opened the public hearing.

There were no comments.

Mayor Appelhans closed the public hearing.

Councilmember McCarty made a motion to approve Ordinance No. 8, Series of 2020. Councilmember Anderson seconded the motion. By a seven-yes vote, the motion was approved.

CITY MANAGER'S REPORT:

City Manager Saling updated Council on the following:

- Sales and Lodging taxes – May
- SIC Code for May
- Spring Clean-up
- Kiwanis Fishing Pond-Trail project
- Loan Application – Colorado Water Pollution Control Revolving Fund

City Manager Saling reported about a water attorney case for Kraft Farms 19CW3101. Councilmember Desormeaux made a motion to settle Case 19CW3101. Councilmember Janes seconded the motion. By a seven-yes vote, the motion was approved.

CARES Act – City Manager Saling reviewed with Council the CARES Act, which is money received from the Governor. This is given to counties who are to collaborate with cities in the County to divide the money up. Current figures from the County shows the County receives 55 percent, the 45 percent is then divided between the cities, towns within the County and the

County based on population. Using these figures, the County would receive \$1.3 million, the City would receive \$559,568. This money can be used to help with COVID-19 expenses. In order to accept the money, the Mayor would have to opt in by providing a letter.

Councilmember Desormeaux made a motion for the Mayor to sign this letter. Councilmember McCarty seconded the motion. By a seven-yes vote, the motion was approved.

Fireworks – City Manager Saling advised Council that fireworks are not in the Governor's mandates. He advised Council that he is inclined to do fireworks but is still waiting to see about the fire conditions. If Mega Music wants to have a concert outside at the Home Depot this would not be part of the City's celebration.

Swimming Pool – The indoor pool will open on Monday, June 15, 2020, for lap swimming. City Manager Saling reviewed with Council the cost of opening the outdoor pool; including the cost of lifeguards, unwinterizing the pool, filling the pool and getting the chemicals balanced. All of these items would take approximately until August to complete. If the City keeps it closed the pool can have the resurface project completed and would be ready for next year. For indoor pool usage, people could make reservations up to two weeks in advance, 45 minute reservations and then the pool would close for 15 minutes for cleaning. The pool would be limited to 10 people.

2021 Budget – City Manager Saling advised Council the proposed 2021 Budget would be presented to Council at the September 9, 2020 Council meeting. He asked Council what to do about replacing his position. He is planning to retire on August 31, 2021. He asked if they wanted an assistant hired and trained, do they want a headhunter or an interim position? There was discussion. Council decided they would like a headhunter and to have someone hired, to work as an assistant with the City Manager, for three months prior to his retirement.

NEW BUSINESS:

RESOLUTION NO. 6-1-20, SERIES OF 2020 – A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO, APPROVING CARES GRANT AGREEMENT NUMBER 3-08-0052-017-2020, CONTRACT NO. DOT-FA20NM-K1091, UEI NUMBER 07-644-5063, BETWEEN THE CITY OF STERLING AND THE UNITED STATES OF AMERICA, ACTING THROUGH THE FEDERAL AVIATION ADMINISTRATION; AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT:

City Manager Saling advised Council this Resolution approves and authorizes the City to sign the Grant Agreement with the United States of America, acting through the Federal Aviation Administration, for a Coronavirus Aid, Relief, and Economic Security Act grant in the amount of \$30,000.00, which may be used for any purpose for which airport revenues may be lawfully used, except airport development or land acquisition. There are no matching funds from the City required.

City Manager Saling advised Council if this passes, staff would come back later with a project for these funds.

Councilmember Anderson made a motion to approve Resolution No. 6-1-20, Series of 2020. Councilmember Blecha seconded the motion. By a seven-yes vote, the motion was approved.

FIRST READING – ORDINANCE NO. 9, SERIES OF 2020 – AN ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE AMOUNT OF FOUR MILLION, FOUR HUNDRED NINETY-NINE THOUSAND SEVEN HUNDRED TWENTY-EIGHT DOLLARS (\$4,499,728) AND REGULATING THE PAYMENT OF MONEY OUT OF THE CITY TREASURY, AND INCREASING THE AMOUNT OF THE REVENUE BUDGET FOR 2020 BY THREE HUNDRED THIRTY-FOUR THOUSAND ONE HUNDRED FIFTY-SIX DOLLARS (\$334,156):

City Manager Saling advised Council this Ordinance relates to projects not completed in 2019, to be completed in 2020; and grant money received in 2020.

Councilmember Desormeaux made a motion to introduce Ordinance No. 9, Series of 2020. Councilmember Janes seconded the motion. City Clerk Forbes read the Ordinance by title. By a seven-yes vote, the motion was approved.

MISCELLANEOUS COUNCIL BUSINESS:
EXECUTIVE SESSION – NEGOTIATIONS:

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

Council went into executive session at 7:01 p.m.

Council came out of executive session at 7:19 p.m.

Mayor Appelhans advised the participants in the executive session were: Councilmembers Anderson, Blecha, Desormeaux, Janes and 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.

ADJOURNMENT:

There being no further business to come before Council the meeting adjourned at 7:20 p.m.


MAYOR

ATTEST:


CITY CLERK