

STERLING, COLORADO  
MAY 11, 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.

Pastor Jodie Harless, Faith United Methodist Church, 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, May 11, 2021. Mayor Appelhans called the meeting to order at 5:31 p.m.

Councilmembers present:

Mayor	Appelhans
Councilmembers	Anderson Blecha Janes McCarty Ritter

Councilmembers absent:

Councilmember	Desormeaux
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Also present:

City Manager	Saling
City Attorney	Penny
Deputy City Attorney	Richardson
City Clerk	Forbes
Police Chief	Kerr
Police Commander	Ferber
Public Works Director	Good
Parks, Library and Recreation (PLR) Director	Gandee
Human Resource Director	Brown
Parks, Forestry and Cemetery (PCF) Superintendent	Ulrich

Citizens present: 12

**CONSENT AGENDA:**

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

Items on the consent agenda were: City Council minutes of April 27, 2021, an application for renewal of Retail Liquor Store License for Discount Liquors located at 1000 West Main Street, an application for renewal of Fermented Malt Beverage Liquor License for Eagle Travel Stops & Convenience Stores located at 1550 E. Chestnut St. and Report of Changes for Eagle Travel Stops & Convenience Stores located at 1550 E. Chestnut St.

**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:

- April Sales and Lodging Taxes
- Water Demand/Production
- Annual Spring Cleanup
- Executive Order No. 2021-2 Immediate Abatement of a Nuisance – 513 Columbine Street
- Fishing Derby – June 5, 2021
- Four Corners Development received their CHFA grant
- Water Loan – Refund of bonds \$1,012,171.99 worth of savings on the loan payments

North 4<sup>th</sup> Avenue Curb and Gutter Public Improvement District Costs – City Manager Saling advised Council there is a matrix showing the cost breakdown per house/lot based on a 2%, 2.5% and 3% interest rate for a 10-year payback period. If one of those options are acceptable to City Council, staff will get with Ms. Devon Miller so that she can proceed getting at least 51% of the property owners signature so the Administration can prepare an Ordinance for Council's consideration creating the Public Improvement District.

After discussion, Council would like to see 2% interest rate, with 15-year payback.

**NEW BUSINESS:**

**RECOGNITION TO STEVE HORT FOR RECEIVING THE "FIELDS OF EXCELLENCE AWARD":**

PCF Superintendent Ulrich presented Steve Hort with the Pioneer Athletic Field of Excellence Award.

**PRESENTATION OF NATIONAL PEACE OFFICERS MEMORIAL DAY AND POLICE WEEK PROCLAMATION:**

Mayor Appelhans read and presented the National Peace Officers Memorial Day and Police Week Proclamation to Police Chief Kerr, Police Commander Ferber and seven Police Officers.

**FIRST READING – ORDINANCE NO. 3, SERIES OF 2021 – AN ORDINANCE GRANTING A NON-EXCLUSIVE ELECTRIC LINE – RIGHT OF WAY TO HIGHLINE ELECTRIC ASSOCIATION:**

City Manager Saling advised Council that Highline Electric Association's current electric line located in the East Half of the Northeast Quarter of Section 28, Township 8 North, Range 52 West of the Sixth P.M. is located primarily east of the Lowline Canal on City property, but its access is not favorable due to the proximity of the South Platte River and the vegetation that restricts access during inclement weather or spring flooding. Highline has also acquired an electric line Right of Way which is in disrepair. For these reasons, Highline is requesting a right-

of-way easement on City-owned property to establish a better route to build a new electric line. This Ordinance approves a Non-Exclusive Electric Line – Right of Way to Highline Electric Association on City-owned property in Section 28, Township 8 North, Range 52 West of the Sixth P.M., more specifically described in the Ordinance.

Councilmember Janes made a motion to introduce Ordinance No. 3, Series of 2021. Councilmember McCarty seconded the motion. City Clerk Forbes read the Ordinance by title. By a six-yes vote, the motion was approved.

**RESOLUTION NO. 5-1-21, SERIES OF 2021 – A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO, APPROVING THE EXPENDITURE OF FUNDS DERIVED FROM THE CITY OF STERLING HOTEL TAX FUND, IN ACCORDANCE WITH CHAPTER 19, ARTICLE VII, OF THE CITY CODE:**

City Manager Saling advised Council at the April 27, 2021 Council meeting, the Citizens Advisory Board made a recommendation for the City to provide funds in the amount of \$1,000.00 to the NJC Young Farmers tractor pull event for advertising purposes, which will promote tourism for the event. Council approved by motion the recommended expenditure; however, City Code Section 19-245(c) requires that fund expenditures must be accomplished through adoption of a resolution. This Resolution approves expending the sum of \$1,000.00 to the NJC Young Farmers towards its tractor pull event advertising costs. There are sufficient funds in the Hotel Tax fund for this expenditure.

Councilmember McCarty made a motion to approve Resolution No. 5-1-21, Series of 2021. Councilmember Anderson seconded the motion. By a six-yes vote, the motion was approved.

**RESOLUTION NO. 5-2-21, SERIES OF 2021 - A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO, APPROVING A WATER CARRIAGE AGREEMENT WITH THE LOW LINE DITCH COMPANY:**

City Manager Saling advised Council as part of the City's improvements to its Headworks facility, a new Influent Pump Station is being constructed. Due to the existence of groundwater in the area of that work, it will be necessary to dewater the area and the City desires to discharge such groundwater into the Low Line Ditch. This Resolution approves a Water Carriage Agreement with the Low Line Ditch Company for that purpose. The cost for the groundwater discharge is \$250.00 for each day the City discharges water into the Ditch, and shall be tabulated and billed on a monthly basis. Dewatering discharge may occur continuously during the discharge period of June 1, 2021 through September 30, 2021.

Councilmember Janes made a motion to approve Resolution No. 5-2-21, Series of 2021. Councilmember McCarty seconded the motion. By a six-yes vote, the motion was approved.

**RESOLUTION NO. 5-3-21, SERIES OF 2021 – A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO, APPROVING AN AMENDMENT TO THE IRC SECTION 125 FLEXIBLE BENEFITS PLAN OF THE CITY:**

City Manager Saling advised Council pursuant to IRS regulations governing Section 125 of the Internal Revenue Code (Flexible Benefits Plan), and in accordance with IRS Announcement 2021-7, Health FSA benefits shall be amended to include masks, hand sanitizer and sanitizing wipes as eligible expenses under § 213(d) of the Internal Revenue Code. This Resolution amends the City's Plan to correspond with that amendment to benefits.

Councilmember Anderson made a motion to approve Resolution No. 5-3-21, Series of 2021. Councilmember McCarty seconded the motion. By a six-yes vote, the motion was approved.

**RESOLUTION NO. 5-4-21, SERIES OF 2021 – A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO, ACCEPTING THE PROPOSAL FROM TERESA ANDREWS, DOING BUSINESS AS ALLIANCE TESTING, FOR THE CITY OF STERLING MATERIALS TESTING, INSPECTION AND OBSERVATION FOR BID PACKAGE 100**

**(HEADWORKS PROJECT #20-010) AND BID PACKAGE 200 (FORCE MAIN PROJECT #20-009):**

City Manager Saling advised Council the City advertised a Request for Proposal for the City of Sterling Materials Testing, Inspection and Observation for Bid Package 100 (Headworks Project #20-010) and Bid Package 200 (Force Main Project #20-009), to provide quality assurance/control services for certain portions of the City's wastewater facility improvement project. Three proposals were received and the lowest unit price proposal was from Teresa Andrews, doing business as Alliance Testing. This Resolution accepts the Proposal from Teresa Andrews, doing business as Alliance Testing, to provide the services required by the City in its Request for Proposal. The Proposal for services to be provided is \$45.00 per Unit Price, estimated to be \$69,539.86 for Bid Package 100, and \$64,481.65 for Bid Package 200.

Councilmember McCarty made a motion to approve Resolution No. 5-4-21, Series of 2021. Councilmember Janes seconded the motion. By a six-yes vote, the motion was approved.

**RESOLUTION NO. 5-5-21, SERIES OF 2021 – A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO, APPROVING AMENDMENT NO. 3 TO THE PROFESSIONAL SERVICES AGREEMENT WITH MOTT MacDONALD LLC, FOR THE CITY OF STERLING WASTEWATER SYSTEM IMPROVEMENTS PROJECT:**

City Manager Saling advised Council the City entered into an Agreement for Professional Services with Mott MacDonald LLC dated December 27, 2015, to provide services for the City's Wastewater System Improvements Project. This Resolution approves Amendment 3 to the Agreement, which amends Exhibit A and Exhibit C regarding scope of work and fees for construction and post-construction services for the project. The cost reflected in Amendment No. 3 is \$3,599,200.00, which is an acceptable amount for the services. There are sufficient funds in the Sewer Fund account.

Councilmember Blecha made a motion to approve Resolution No. 5-5-21, Series of 2021. Councilmember McCarty seconded the motion. By a six-yes vote, the motion was approved.

**RESOLUTION NO. 5-6-21, SERIES OF 2021 – A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO APPROVING A CONSENT TO ASSIGNMENT AND ASSUMPTION OF AGREEMENT RELATING TO AN EASEMENT AGREEMENT:**

City Manager Saling advised Council previously, the City granted an easement on City-owned property to the Donelan Company to construct and access a loading dock for the business at 217 South 3<sup>rd</sup> Avenue. The easement was subsequently assigned to U-Save Foods, Inc. with the purchase of that real property known and numbered as 217 South 3<sup>rd</sup> Avenue, with the consent of the City, U-Save Foods, Inc. is now selling the subject real property to Haragan Holdings LLC requiring the assignment of the said easement with the consent of the City. The subject Easement Agreement constitutes a covenant running with the land and the proposed assignment would not be detrimental to the City. This Resolution approves the terms of the proposed assignment and assumption agreement between U-Save Foods, Inc. and Haragan Holdings, LLC. The City receives the amount of \$100.00 as a yearly fee under the Easement Agreement, said sum being payable in ten year increments of \$1,000.00.

Councilmember McCarty made a motion to approve Resolution No. 5-6-21, Series of 2021. Councilmember Ritter seconded the motion. By a six-yes vote, the motion was approved.

**LOCAL CREATIVE DISTRICT FUND REQUEST:**

Councilmember Ritter excused herself from the meeting.

Present to address Council was Ms. Loretta Davidson and Mr. Richard Oliverius. They advised Council that the Logan County Arts League did not receive the Our Town Grant and are asking for \$15,000 in funding from the City from the Arts Fund and \$10,000 from the Citizens Advisory Board.

After discussion, it was the consensus of Council to have staff repair two Resolutions and bring them back to Council.

Councilmember Ritter returned to the meeting.

**MISCELLANEOUS COUNCIL BUSINESS:**


Councilmember Blecha asked regarding what happened with the aerobatic presentation at the airport with the female flight that was scheduled for last year. She asked if they had called to reschedule. City Manager Saling advised they had not.

Councilmember McCarty advised he would like to thank City Manager Saling for patience and cooperation in the Knowles Field project, as it has been going on for over three years.

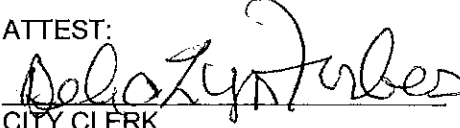
There was discussion regarding the advertising for the City Manager's search and the use of the firm doing the search.

Councilmember McCarty brought up a tour of the new river area.

There being no further business to come before Council the meeting adjourned at 6:27 p.m.

  
MAYOR

ATTEST:

  
CITY CLERK