

STERLING, COLORADO
MAY 26, 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, May 26, 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:

| | |
|---------------|--------|
| City Manager | Saling |
| City Attorney | Penny |
| City Clerk | Forbes |

Citizens present: 6

CONSENT AGENDA:

Councilmember Desormeaux made a motion to approve the consent agenda. Councilmember Anderson seconded the motion. By a six-yes and one-abstain vote, the motion was approved. Voting was as follows:

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|------------|---------|-----------|-----|
| Desormeaux | yes | Anderson | yes |
| Janes | abstain | Appelhans | yes |
| Blecha | yes | McCarty | yes |
| Ritter | yes | | |

Item on the consent agenda is: City Council minutes of May 12, 2020.

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

None

UNFINISHED BUSINESS:

PUBLIC HEARING – PETITION FOR ANNEXATION – PLATTE VALLEY REAL ESTATE, LLC - PLATTE VALLEY INDUSTRIAL PARK ADDITION – PHASE 1 TO THE CITY OF STERLING, LOGAN COUNTY, COLORADO:

City Manager Saling advised Council by Resolution No. 4-1-20, Series of 2020, Council found substantial compliance and set a hearing date for the Annexation Petition for the Platte Valley

Industrial Park Addition – Phase 1 to the City of Sterling, Logan County, Colorado. The Planning Commission recommends annexation of the property.

Mayor Appelhans opened the public hearing.

There were no comments.

Mayor Appelhans closed the public hearing.

Councilmember Desormeaux made a motion to approve the Petition for Annexation for Platte Valley Real Estate, LLC. Councilmember Janes seconded the motion. By a seven-yes vote, the motion was approved.

RESOLUTION NO. 5-2-20, SERIES OF 2020 - A RESOLUTION MAKING FINDINGS OF FACT AND CONCLUSION REGARDING THE ANNEXATION OF THE PLATTE VALLEY INDUSTRIAL PARK ADDITION – PHASE 1 TO THE CITY OF STERLING, LOGAN COUNTY, COLORADO:

City Manager Saling advised Council that this Resolution sets forth the City's findings of fact and conclusion regarding the annexation of the Platte Valley Industrial Park Addition – Phase 1, following the public hearing on the petition. Planning Commission recommends annexation of the property.

Councilmember Janes made a motion to approve Resolution No. 5-2-20, Series of 2020. Councilmember McCarty seconded the motion. By a seven-yes vote, the motion was approved.

FIRST READING – 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 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. Planning Commission recommends annexation.

Councilmember Desormeaux made a motion to introduce Ordinance No. 7, Series of 2020. Councilmember McCarty seconded the motion. City Clerk Forbes read the ordinance by title. By a seven-yes vote, the motion was approved.

CITY MANAGER'S REPORT:

City Manager Saling updated Council on the following:

- Public Hearing – Wastewater System Improvements
- Loan Application – Wastewater System Improvements
- Safer at Home – Variance Request #2
- The Recreation Center will open on Monday. He advised Council of the work that needs to be done for the opening.
- Spring cleanup will be held the first week in June.

NEW BUSINESS:

MAYOR'S RECOMMENDATION OF APPOINTMENTS TO THE STERLING URBAN RENEWAL AUTHORITY:

Carol Keil and Ryan Etl have served on the Sterling Urban Renewal Authority and are requesting to be reappointed.

Mayor Appelhans made a motion to reappoint Carol Keil and Ryan Etl to the Sterling Urban Renewal Authority. Councilmember Janes seconded the motion. By a seven-yes vote, the motion was approved.

PUBLIC HEARING – APPLICATION FOR CONDITIONAL USE – JUST 406 LLC – WOMEN’S SOBER LIVING HOME - 406 JEFFERSON STREET:

City Manager Saling advised Council 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 a Women's Sober Living Home on the property known and numbered as 406 Jefferson Street. This property is zoned R-2, "Medium Density Residential". "Boarding Houses and Rooming Houses" is a conditional use in R-2 zoned areas.

At its May 6, 2020, meeting, the Planning Commission approved the application with conditions. Proper publication of the notice of public hearing before City Council appeared in the Sterling Journal-Advocate, and the proper mailings of the Notice was done.

Per Sec. 506 of the Sterling City Code, the City Council shall render a final decision of approval, conditional approval, or denial. The reasons for its decision shall be stated in the official minutes of the hearing. No Conditional Use shall be approved unless the City Council finds that the application complies with the requirements of the City Code chapter regarding Conditional Use, is consistent with the intent and purpose of said Chapter, the Comprehensive Master Plan, and is compatible with the surrounding land uses. The Planning Commission has recommended the conditional approval.

Mayor Appelhans opened the public hearing.

Present to address Council was Mr. Gary Castle, 938 Holden Lane. Mr. Castle was concerned that building permits were not applied for. Also, he was concerned of the integrity of the owner, not following the rules, like building permits, how would you know if he was following other rules.

On the phone to address Council was Mr. Jamie Brown, 527 North 4th Avenue. Mr. Brown was concerned with the safety of children, property values dropping, parking and traffic increase, crime rate increase and the home being next to a school.

On the phone to address Council was Ms. Pam Brown, 510 North 5th Avenue. Ms. Brown was concerned that the owner had not received building permits and the property not being inspected. She has grandkids and is concerned that the home is next to a school.

On the phone to address Council was Ms. Tammy Bandy, 306 Jefferson Street. Ms. Bandy advised Council she has a licensed daycare and is concerned for her kids, the home is close to the school, someone could walk into her house and there is also concern for the elderly.

On the phone to address Council was Ms. Gloria Guerrero, 422 Washington Street. Ms. Guerrero advised she lives across the street from the house, and is concerned about the kids in the area and the elderly.

On the phone to address Council was Mr. Anthony Larson, 1414 Westview Drive. Mr. Larson advised he disagrees with the concerns. They are trying to make a difference, trying to do something good. It would be beneficial to the community. He thought the concerns that the people had could happen with other people living in the area, not just the people in this home. Mr. Larson advised this should be a vote of the entire City.

Mayor Appelhans advised this is a Council decision.

Mayor Appelhans closed the public hearing.

Present to address Council was Mr. Jason Kemling, owner of Just 406 LLC. Mr. Kemling advised he sent information to Council.

There was a question from Council regarding the relationship between Pathways and Just 406.

Present to address Council was Ms. Mandy Rogers, 920 South 11th Avenue. Ms. Rogers advised she works with Pathways and she is on the board for Just 406. They are not connected.

Council asked if the building was done. Mr. Kemling advised he has been working with Public Works Director Good getting applications in place and working with the electrician and plumbers.

Mayor Appelhans asked if there is a time constraint to get this done. Mr. Kemling advised the deadline is here. They are willing to do whatever George needs. He did perform the work without permits. Council asked how many people would be living in the house. Mr. Kemling advised four women, or possibly only three. Council asked if work is done inside a house if a building permit is needed. Council was advised yes.

City Attorney Penny asked when he had closed on the property and why he had not made applications for the building. Mr. Kemling advised he purchased the property in October of 2019. He advised Council he does have other properties, but not in Sterling. Mayor Appelhans advised he didn't feel there was enough information.

Councilmember McCarty made a motion to deny the request because of inspections not being done and the objections by the people in the neighborhood. Councilmember Blecha seconded the motion. By a two-yes and five-no vote, the motion failed. Voting was as follows:

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|------------|-----|-----------|-----|
| McCarty | yes | Blecha | yes |
| Anderson | no | Appelhans | no |
| Desormeaux | no | Janes | no |
| Ritter | no | | |

There was discussion if Just 406 LLC could come back to Council. They were advised no. City Manager Saling and City Attorney Penny read from the Code.

City Attorney Penny advised the steps that would have to be done if it was denied. There was a question if it is a for profit or nonprofit. Mr. Kemling advised he filed the paperwork to be a nonprofit and they are waiting for it to come back.

One of the conditions from the Planning Commission was parking. Mr. Kemling advised there would only be the cars for the four people and the person managing the house. He advised the only thing he wants to do is give these people a chance.

There was discussion among Council regarding doing a continuance.

Councilmember Anderson made a motion to approve the Conditional Use Application for Just 406 LLC, Women's Sober Living Home located at 406 Jefferson Street with conditions of appropriate permits pulled within 14 days, the Planning Commission conditions and a review on or before July 1, 2021. Councilmember Janes seconded the motion.

Present to address Council was Mr. Stephen Burnham, Chairman of the Planning Commission. Mr. Burnham asked who was going to give a list of the conditions to Mr. Kemling. City Manager Saling advised Public Works would send a letter.

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

FIRST READING – 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 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.

Councilmember Desormeaux made a motion to introduce Ordinance No. 8, 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:

None

ADJOURNMENT:

There being no further business to come before Council the meeting adjourned at 7:28 p.m.


MAYOR

ATTEST:


CITY CLERK