

STERLING, COLORADO
MAY 9, 2023

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 Terry Krayenhaagen, Faith Church, gave the invocation. Mayor Desormeaux 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 9, 2023. Mayor Desormeaux called the meeting to order at 5:30 p.m.

Councilmembers present:

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| Mayor | Desormeaux |
| Councilmembers | Angell Blecha Delgado Haynie Janes Ritter |

Also present:

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| City Manager | Blankenship |
| City Attorney | Richardson |
| City Clerk | Forbes |
| Public Works Director | Good |
| Police Chief | Kerr |
| Fire Chief | Ritter |
| Parks, Library and Recreation (PLR) Director | Gandee |
| Public Safety Communications (PSC) Director | Lybrand |
| Paralegal | Welsh |
| Several City of Sterling Police Officers | |

Citizens present: 12

CONSENT AGENDA:

Councilmember Delgado made a motion to approve the consent agenda. Councilmember Ritter seconded the motion. By a seven-yes vote, the motion was approved.

Items on the consent agenda were: City Council minutes of April 25, 2023.

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

Present to address Council was Mr. Phil Pollock, 709 Holly Drive. Mr. Pollock had concerns regarding the Stevens School project.

Also present to address Council was Mr. Michael Miller, 415 Iris Drive. Mr. Miller gave Council some statistics regarding chickens.

UNFINISHED BUSINESS:

SECOND READING AND PUBLIC HEARING – ORDINANCE NO. 3, SERIES OF 2023 - AN ORDINANCE APPROVING THE B&M ADDITION RESUBDIVISION NO. 2, A PART OF LOT 29 AND ALL OF LOTS 30, 31, AND 32 OF BLOCK 46 OF THE B&M ADDITION TO THE CITY OF STERLING, COUNTY OF LOGAN, STATE OF COLORADO, SUBDIVIDED TO LOTS 30 AND 31 OF BLOCK 46 OF THE B&M ADDITION RESUBDIVISION NO. 2 TO THE CITY OF STERLING, LOGAN COUNTY, COLORADO; AND APPROVING THE PLAT THEREOF:

City Manager Blankenship advised Council on April 5, 2023, the Planning Commission held a public hearing on the Subdivision Application submitted by David Paul Appelhans, individually and as Attorney-in-Fact for Mark Allen Appelhans, Beth Ann Richert, and Donna Beth Appelhans, also known as Donna B. Appelhans and Donna Appelhans, and found that the application met all requirements of Chapter 18, Subdivisions. The Planning Commission recommends approval of this resubdivision, which will be known as the B&M Addition Resubdivision No. 2, a part of Lot 29 and all of Lots 30, 31, and 32 of Block 46 of the B&M Addition to the City of Sterling, County of Logan, State of Colorado, subdivided to Lots 30, 31 of Block 46 of the B&M Addition Resubdivision No. 2 to the City of Sterling, Logan County, Colorado.

This Ordinance sets forth findings by City Council and approves the resubdivision and plat and authorizes and confirms the execution of the certificate of same on the plat by the Mayor and attestation by the City Clerk.

Mayor Desormeaux opened the public hearing.

There were no comments.

Mayor Desormeaux closed the public hearing.

Councilmember Janes made a motion to approve Ordinance No. 3, Series of 2023. Councilmember Delgado seconded the motion. By a seven-yes vote, the motion was approved.

CITY MANAGER'S REPORT:

- Public Works Projects
- Wastewater Treatment Plant Loan Application Discussion
- Paving Project status
- Concrete and Asphalt Recycling project
- Ayres Associates update
- Building Codes – Next meeting for First Reading
- CML – Land Use Discussion: SB23-213

- Spring Cleanup continues

City Manager Blankenship reminded Council of the continued water restrictions.

City Manager Blankenship advised Council of the CML District 1 Spring Meeting in Wray on May 18. He asked if any Councilmembers would like to go.

NEW BUSINESS:

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

Mayor Desormeaux read and presented the National Peace Officers Memorial Day and Police Week Proclamation to Police Chief Kerr and his officers.

TY JACKSON HOUSING PROJECT REQUEST/RESPONSE:

Council reviewed the memo from City Manager Blankenship regarding the suggestions on the proposal from Mr. Jackson.

Listed below are the Public Works Suggestions:

1. **Expedited plan review of proposed improvements with no review fees.**
This would normally be 65% of the permit fee. As an example, for a permit for \$1,000,000.00 this fee would equate to \$3545.69.
2. **Construction offices, storage containers and other temporary site facilities with no fees.**
There is no cost for these items on a temporary basis.
3. **Assistance with Right of Way Improvements through the Public Works Department Curb, Gutter, Sidewalk Replacement program.**
This property is eligible for the Curb, Gutter and Sidewalk Replacement program.
4. **Zoning change requirements from R-2 (Medium Density Residential) to R-3 (High Density Residential).**
This will require a Map Amendment. The cost for this is \$115.00.
5. **Permit fees and inspections will remain at regular levels.**
Permit fee based on a \$1,000,000.00 project is \$5,608.75
The building department can expand availability for multiple inspections and certificates of occupancy structured in phases. Zero additional cost to the City.
6. **Off street parking will be considered at time of plan submittal and review.**
Zero cost to the City.

City Manager Blankenship advised Council that items 2, 3, and 6 did not involve money. These are items that would be available to anyone wanting them. Items 1,4 and 5 do involve money. Council decided to wait of these items.

It was the consensus of Council to advise Mr. Jackson of 2, 3 and 6.

RESOLUTION NO. 5-1-23, SERIES OF 2023 - 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 – LANDSCAPING MAINTENANCE FOR CITY MANAGED FLOWERBEDS, BUMP-OUTS AND MEDIANS:

City Manager Blankenship advised Council at the April 25, 2023 Council meeting, a representative of the Citizens Advisory Board put forth a recommendation that the City expend \$29,900.00 from the City's Hotel Tax Fund for landscaping maintenance for City managed flowerbeds, bump-outs and medians. This Resolution approves expending the sum of \$29,900.00 for that stated purpose. There are sufficient funds in the Sterling Hotel Tax Fund.

Councilmember Ritter made a motion to approve Resolution No. 5-1-23, Series of 2023. Councilmember Janes seconded the motion. By a seven-yes vote, the motion was approved.

RESOLUTION NO. 5-2-23, SERIES OF 2023 - A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO, ACCEPTING THE BID FROM TOTAL LAWN CARE & LANDSCAPE INC. FOR LANDSCAPING MAINTENANCE FOR CITY MANAGED FLOWERBEDS, BUMP-OUTS AND MEDIANS:

City Manager Blankenship advised Council this Resolution approves the bid received from Total Lawn Care & Landscape Inc. for landscaping maintenance for City managed flowerbeds, bump-outs and medians, in the amount of \$29,900.00. This is the only bid that was received for the project and is an acceptable amount for said project. By Resolution No. 5-1-23, Series of 2023, City Council has approved the expenditure of that amount from the Sterling Hotel Tax Fund for the project, and there are sufficient funds in that Fund account for this expenditure.

City Attorney Richardson advised Council that the bid is included in the packet, to show what is covered in the bid.

Councilmember Haynie made a motion to approve Resolution No. 5-2-23, Series of 2023. Councilmember Angell seconded the motion. By a seven-yes vote, the motion was approved.

RESOLUTION NO. 5-3-23, SERIES OF 2023 - A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO, APPROVING A FACILITY USE AGREEMENT WITH THE AMERICAN NATIONAL RED CROSS, FOR USE OF THE CITY OF STERLING RECREATION CENTER DURING A DISASTER:

City Manager Blankenship advised Council this Resolution approves a Facility Use Agreement with the American National Red Cross for use of the City of Sterling Recreational Center during a disaster. The City will be reimbursed for certain costs for use of the facility, such as reasonable, actual, out-of-pocket costs for utilities, as more specifically set forth in the Agreement.

Councilmember Delgado made a motion to approve Resolution No. 5-3-23, Series of 2023. Councilmember Blecha seconded the motion. By a seven-yes vote, the motion was approved.

MISCELLANEOUS COUNCIL BUSINESS:

MISCELLANEOUS MATTERS:

None

EXECUTIVE SESSION – PURSUANT TO C.R.S. SECTION 24-6-402(4)(e) FOR THE DISCUSSION OF MATTERS WHICH MAY BE SUBJECT TO NEGOTIATIONS: DISCUSSION OF POSSIBLE PURCHASE OF REAL ESTATE:

Mayor Desormeaux 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): Discussion of possible purchase of real estate. Councilmember Janes seconded the motion. By a seven-yes vote, the motion was approved.

Council went into executive session at 6:30 p.m.

Council came out of executive session at 7:07 p.m.

Mayor Desormeaux 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, she asked that they state their concerns for the record.

There was none.

City Manager Blankenship handed out invitations to the Heritage Park unveiling of the sculpture on June 4, 2023.

ADJOURMENT:

There being no further business to come before Council the meeting adjourned at 7:09 p.m.


MAYOR

ATTEST:


CITY CLERK