

STERLING, COLORADO
NOVEMBER 12, 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.

Human Resource Director Brown 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, November 12, 2019. Mayor Torres called the meeting to order at 6:00 p.m.

Councilmembers present:

Mayor	Torres
Councilmembers	Appelhans Desormeaux Janes McCarty Pitcher Rice

Also present:

City Manager	Saling
City Attorney	Penny
City Clerk	Forbes
Public Works Director	Good
Parks, Library and Recreation Director	Gandee
Police Chief	Kerr
Fire Chief	Ritter
Public Safety Communications Director	Lybrand
Human Resource Director	Brown
Paralegal	Welsh

Citizens present: 20

CONSENT AGENDA:

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

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

Item on the consent agenda was: City Council minutes of October 22, 2019.

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

Present to address Council was Ms. Michele Sharp, 416 Jefferson Street. Ms Sharp was there to thank Council for their support and invited them to a viewing of "No Small Matter".

UNFINISHED BUSINESS:

SECOND READING AND PUBLIC HEARING – ORDINANCE NO. 12, SERIES OF 2019 - AN ORDINANCE REZONING LOTS 17 THROUGH 28, BLOCK 9, BOWLING GREEN SUB-DIVISION OF THE NORTH ONE-HALF OF THE NORTHEAST QUARTER (N1/2NE1/4) OF SECTION THIRTY-ONE (31), TOWNSHIP EIGHT (8) NORTH, RANGE FIFTY-TWO (52) WEST OF THE SIXTH PRINCIPAL MERIDIAN, LOGAN COUNTY, COLORADO:

City Manager Saling advised Council first reading of this ordinance took place on October 22, 2019, and it was thereafter published. This ordinance approves a request from Two Buttes, LLC for a zoning change for Lots 17 through 28 of Block 9, Bowling Green Sub-Division of the North One-Half of the Northeast Quarter (N1/2NE1/4) of Section Thirty-one (31), Township Eight (8) North, Range Fifty-two (52) West of the Sixth Principal Meridian, Logan County, Colorado, from R-3, High Density Residential, to CB, Community Business. The Planning Commission recommended approval of this request after a public hearing was held at its October 2, 2019 meeting. City Manager Saling advised this was in the 900 block of Phelps.

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. 12, Series of 2019. Councilmember Desormeaux seconded the motion. By a seven-yes vote, the motion was approved.

SECOND READING AND PUBLIC HEARING – ORDINANCE NO. 13, SERIES OF 2019 – AN ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE AMOUNT OF ONE MILLION FIVE HUNDRED FIFTY THOUSAND TWO HUNDRED EIGHTEEN DOLLARS (\$1,550,218) AND REGULATING THE PAYMENT OF MONEY OUT OF THE CITY TREASURY, AND INCREASING THE AMOUNT OF THE REVENUE BUDGET FOR 2019 BY ONE MILLION ONE HUNDRED NINE THOUSAND SIX HUNDRED SEVENTY-SEVEN DOLLARS (\$1,109,677):

City Manager Saling advised Council first reading of this ordinance took place on October 22, 2019, and it was thereafter published. This ordinance relates to projects for 2019 and grant money received in 2019. The increased expenses of \$1,550,218 and revenue of \$1,109,677.

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 McCarty made a motion to approve Ordinance No. 13, Series of 2019. Councilmember Rice 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
- Fall cleanup
- Election results
- Christmas decorations
- West Main Street electrical power pole
- With the change of Council they need to look at vacancies in Board positions

INTRODUCTION OF DEPUTY CITY ATTORNEY:

City Attorney Penny introduced Mr. Matt Richardson and Mr. Ray Laws.

TAKE CITY COUNCIL MINUTES OF OCTOBER 8, 2019 OFF THE TABLE FOR CONSIDERATION:

Councilmember Appelhans made a motion to take City Council minutes of October 8, 2019 off the table for consideration. Councilmember Desormeaux seconded the motion. By a six-yes and one-abstain vote, the motion was approved.

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

Councilmember Appelhans made a motion to approve City Council minutes of October 8, 2019. Councilmember Rice seconded the motion. By a five-yes and two-abstain vote, the motion was approved. Voting was as follows:

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

NEW BUSINESS:

APPOINTMENT OF MARTY SMOCK TO THE PARKS, LIBRARY AND RECREATION BOARD, AS THE REPRESENTATIVE FOR RE-1 VALLEY SCHOOL DISTRICT:

City Manager Saling advised Council that Mr. Marty Smock has been the appointment to the Parks, Library and Recreation board for the RE-1 Valley School District since February 24, 2015. Mr. Smock would like to continue as the representative from the school district.

Mayor Torres made a motion to appoint Mr. Marty Smock to the Parks, Library and Recreation Board as the representation for RE-1 Valley School District. Councilmember Appelhans seconded the motion. By a seven-yes vote, the motion was approved.

PRESENTATION OF LAW ENFORCEMENT RECORDS PERSONNEL WEEK PROCLAMATION:

Mayor Torres presented the Law Enforcement Records Personnel Week Proclamation.

APPLICATION FOR RENEWAL OF RETAIL LIQUOR STORE LICENSE – SHINO LIQUORS LLC – SHINO LIQUORS – 336 EAST CHESTNUT STREET:

City Manager Saling advised Council the application for renewal of the retail liquor store license for Shino Liquors, 336 East Chestnut Street, was not timely filed. The licensee has paid the required fees, including the late fee. The current license expired on August 14, 2019. The reports from the Police and Fire Department were mailed to the licensee. The licensee did incur a State liquor violation and a letter was sent to the licensee advising that a representative must appear at

this Council meeting to answer any questions Councilmembers might have concerning the violation.

Mayor Torres asked a representative to come forward.

There was no representative present.

Application for renewal of retail liquor store license for Shino Liquors LLC located at 336 East Chestnut Street died due to lack of a motion.

RESOLUTION NO. 11-1-19, SERIES OF 2019 - A RESOLUTION REPEALING RESOLUTION NO. 11-1-18, SERIES OF 2018; AND ADOPTING A NEW CHARGES AND FEES POLICY; AND ESTABLISHING NEW CHARGES AND FEES AS REQUIRED IN NUMEROUS SECTIONS OF THE STERLING CITY CODE, AS SET FORTH HEREIN; AND USER CHARGES AND FEES NOT REQUIRED TO BE SET BY SPECIFIC SECTIONS OF THE STERLING CITY CODE:

City Manager Saling advised Council this resolution repeals Resolution No. 11-1-1, Series of 2019, and makes revisions to charges and fees of the City. Revision have been made in Section I, Police Department (increase in some fees, including by statute); in Section IV, Parks, Library and Recreation (increase of some existing fees, addition of some fees for additional services, and elimination of some items, with respect to the recreation center, the museum, and the parks); Section III, Public Works (increase in some fees); and Section V, Miscellaneous fees (the clarification of charges as specified by statute with respect to requests under the Colorado Open Records Act). The proposed changes do not amount to any significant increase in revenue.

Councilmember Appelhans made a motion to approve the Resolution No. 11-1-19, Series of 2019. Councilmember Rice seconded the motion. By a seven-yes vote, the motion was approved.

RESOLUTION NO. 11-2-19, SERIES OF 2019 - 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 October 22, 2019 Council meeting, a representative from the Citizens Advisory Board presented a recommendation for the City to provide funds for one-half of the cost of a 12-month lease on a billboard located at the Iloff exit on I-76, which promotes tourism in the City and County, and to which Logan County will be contributing the other one-half cost. \$4,050.00 will be expended for the project, from the Sterling Hotel Tax Fund, in accordance with Chapter 19, Article VII, of the Sterling City Code, and there are sufficient funds for the project.

Councilmember Rice made a motion to approve Resolution No. 11-2-19, Series of 2019. Councilmember Desormeaux seconded the motion. By a seven-yes vote, the motion was approved.

FIRST READING - ORDINANCE NO. 14, SERIES OF 2019 - AN ORDINANCE APPROVING THE SALE OF REAL ESTATE OWNED BY THE CITY OF STERLING, KNOWN AND REFERRED TO AS THE BUFFALO HILLS MARKETPLACE, TO COLORADO RETAIL VENTURE SERVICES, L.L.C.; AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTATION REQUIRED FOR THE SALE OF SAID PROPERTY:

City Manager Saling advised Council this ordinance approves a proposed contract for sale of property owned by the City commonly referred to as the Buffalo Hills Marketplace, to Colorado Retail Venture Services, L.L.C. The subject contract also provides for the granting to the City of a First Right of Refusal for property owned by Colorado Retail Venture Services, L.L.C. located on East Chestnut Street in Sterling, for a term of 20 years. The purchase price for the property is \$136,000.00. The consideration to be paid by the City for the First Right of Refusal provided for in the contract is \$10.00.

Councilmember McCarty excused himself.

Councilmember Appelhans made a motion to introduce Ordinance No. 14, Series of 2019. Councilmember Janes seconded the motion. City Clerk Forbes read the Ordinance by title. By a six-yes and one abstain vote, the motion was approved. Voting was as follows:

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

DEPARTMENT REPORT – SECC DEPARTMENT:

Public Safety Communications Director Lybrand gave the SECC Department report.

MISCELLANEOUS COUNCIL BUSINESS:

Mayor Torres presented Councilmember Pitcher with a plaque for her time on Council, as she will not be here next week.

At this time a representative from Shino Liquor was present.

Mayor Torres advised Council they would go back to agenda item 7-C.

APPLICATION FOR RENEWAL OF RETAIL LIQUOR STORE LICENSE – SHINO LIQUORS LLC – SHINO LIQUORS – 336 EAST CHESTNUT STREET:

City Manager Saling advised Council the application for renewal of the retail liquor store license for Shino Liquors, 336 East Chestnut Street, was not timely filed. The licensee has paid the required fees, including the late fee. The current license expired on August 14, 2019. The reports from the Police and Fire Department were mailed to the licensee. The licensee did incur a State liquor violation and a letter was sent to the licensee advising that a representative must appear at this Council meeting to answer any questions Councilmembers might have concerning the violation.

Present to address Council was Mr. Garry Shino, 4550 County Road 23, Merino, Colorado.

Council asked Mr. Shino what his State violation was for. He advised his employee sold to an underage person. Mayor Torres asked what actions were taken so this would not happen again. Mr. Shino advised he informed his employees to make sure they check IDs.

Councilmember McCarty made a motion to approve the renewal of retail liquor store license for Shino Liquors located at 335 East Chestnut Street. Councilmember Appelhans seconded the motion. By a six-yes and one-no vote, the motion was approved. Voting was as follows:

McCarty	yes	Appelhans	yes
Pitcher	no	Desormeaux	yes
Janes	yes	Rice	yes
Torres	yes		

EXECUTIVE SESSION:

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 7:10 p.m.

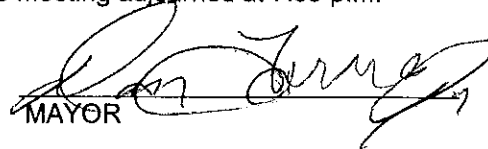
Council came out of executive session at 7:58 p.m.

Mayor Torres advised the participants in the executive session were: City Council, City Manager, City Attorney, Fire Chief, Matt Richardson and Ray Laws. 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.

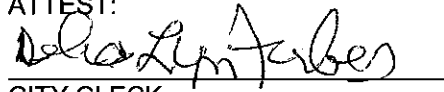
There was none.

ADJOURNMENT:

There being no further business to come before Council the meeting adjourned at 7:59 p.m.


MAYOR

ATTEST:


CITY CLERK