

**STERLING, COLORADO
NOVEMBER 13, 2018**

**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 Jared Sonnenberg, First Christian Church, 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 13, 2018. Mayor Torres called the meeting to order at 7:00 p.m.

Councilmembers present:

| | |
|----------------|---|
| Mayor | Torres |
| Councilmembers | Appelhans Flores McCarty Pitcher Rice |

Councilmembers absent:

| | |
|----------------|------------|
| Councilmembers | Desormeaux |
|----------------|------------|

Also present:

| | |
|---|---------|
| City Manager | Saling |
| City Attorney | Penny |
| City Clerk | Forbes |
| Police Chief | Kerr |
| Fire Chief | Ritter |
| Public Works Director | Good |
| Parks, Library and Recreation (PLR) Director | Gandee |
| Public Safety Communications (PSC) Director | Lybrand |
| Water Plant Superintendent | Beck |
| Fire Lieutenant | Dowis |
| Police Commander | Kelsch |

Citizens present: 41

CONSENT AGENDA:

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

| | | | |
|-----------|---------|---------|-----|
| Appelhans | yes | Rice | yes |
| Flores | abstain | McCarty | yes |
| Pitcher | yes | Torres | yes |

Items on the consent agenda were: City Council minutes of October 23, 2018 and an application for renewal of tavern liquor license for Mi Ranchito Mexican Restaurant located at 203 Broadway Street.

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

None

UNFINISHED BUSINESS:

SECOND READING AND PUBLIC HEARING - ORDINANCE NO. 16, SERIES OF 2018 – AN ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE AMOUNT OF ONE MILLION NINETY-FOUR THOUSAND TWO HUNDRED FORTY DOLLARS (\$1,094,240) AND REGULATING THE PAYMENT OF MONEY OUT OF THE CITY TREASURY, AND INCREASING THE AMOUNT OF THE REVENUE BUDGET FOR 2018 BY ONE HUNDRED FORTY-SIX THOUSAND SEVEN HUNDRED THIRTY DOLLARS (\$146,730):

City Manager Saling advised Council first reading of this ordinance took place on October 23, 2018, and it was thereafter published. This ordinance relates to projects for 2018 and grant money received in 2018. The increase in expenses is \$1,094,240 and revenue of \$146,730.

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 Rice made a motion to approve Ordinance No. 16, Series of 2018. Councilmember Appelhans seconded the motion. By a six-yes vote, the motion was approved.

SECOND READING AND PUBLIC HEARING – ORDINANCE NO. 17, SERIES OF 2018 – AN ORDINANCE AMENDING THE STERLING CITY CODE, CHAPTER 4, ANIMALS, ARTICLE 2, IMPOUNDMENT, SECTION 4-62, ADOPTION:

City Manager Saling advised Council first reading of this ordinance took place on October 23, 2018, and it was thereafter published. This ordinance amends Chapter 4, Article 2, Section 4-62 of the City Code, to remove references to “humane society” and “Logan County Humane Society”, and substituting “shelter operator” in place of those references.

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 introduce Ordinance No. 17, Series of 2018. Councilmember McCarty seconded the motion. By a six-yes vote, the motion was approved.

CITY MANAGER'S REPORT:

City Manager Saling updated Council on the following:

- Sales and lodging taxes
- Backflow prevention and cross-connection control violation notice
- Water demand/production
- Water Case 17CW3039 – Central's Well Augmentation Subdistrict – Settlement Stipulation
- West Main Street – missing decorative street light parts

NEW BUSINESS:

INTRODUCTION OF NEW CITY EMPLOYEES:

City Manager Saling introduced Garret Davis from the Fire Department.

PRESENTATION OF LAW ENFORCEMENT RECORDS PERSONNEL WEEK PROCLAMATION:

Mayor Torres read the Law Enforcement Records Personnel Week proclamation and presented it to Serena Perez and Heather Zion.

PRESENTATION FROM THE CITY WATER ATTORNEYS AND ENGINEERS:

Present to address Council was Alan Curtis from White and Jankowski and Jon George and Kristina Wynne from Bishop Brogden. They updated Council on the City water rights and augmentation.

RESOLUTION NO. 11-1-18, SERIES OF 2018 - A RESOLUTION REPEALING RESOLUTION NO. 11-6-17, SERIES OF 2017; 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. 11-6-17, Series of 2017, and makes revisions to charges and fees of the City. Revisions have been made in Section I, Police Department (eliminating some fees for services no longer provided, such as fingerprinting, which are now required to be handled digitally by service providers for the State); in Section IV, Parks, Library and Recreation (increase of some existing fees and addition of services/facility use and fees – all pertaining to the Museum); and Section III, Public Works (increase in some fees and a change in how fees are computed for a sign permit.) The proposed changes do not amount to any significant increase in revenue.

Councilmember Appelhans made a motion to approve Resolution No. 11-1-18, Series of 2018. Councilmember McCarty seconded the motion. By a six-yes vote, the motion was approved.

RESOLUTION NO. 11-2-18, SERIES OF 2018 – A RESOLUTION APPROVING THE CONTINUED IMPLEMENTATION OF A WATER METER DOWNSIZING PROGRAM, AND THE APPLICATION FORM:

City Manager Saling advised Council the minimum charge for water service is based on the size of a user's water meter. In 2011, the City approved a program, and application form, to implement a water meter downsizing program to allow a user to downsize the user's water meter if so desired, to reduce the minimum charge for water service. Thereafter, on an annual basis, the City has approved continuation of the program, and applications have been submitted to the City each year since the implementation of this program. This resolution approves continued implementation of the program and application form indefinitely so it will not require annual approval.

Councilmember McCarty made a motion to approve Resolution No. 11-2-18, Series of 2018. Councilmember Appelhans seconded the motion. By a six-yes vote, the motion was approved.

RESOLUTION NO. 11-3-18, SERIES OF 2018 – A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO, DESIGNATING A “CREATIVE DISTRICT” WITHIN THE CITY OF STERLING:

City Manager Saling advised Council this resolution establishes the Sterling Creative District.

Councilmember McCarty made a motion to approve Resolution No. 11-3-18, Series of 2018. Councilmember Appelhans seconded the motion. By a six-yes vote, the motion was approved.

RESOLUTION NO. 11-4-18, SERIES OF 2018 – A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO, AUTHORIZING THE RENDERING OF SECONDARY CITY SERVICES BY THE CITY OF STERLING POLICE DEPARTMENT:

City Manager Saling advised Council at times, certain government and private entities request law enforcement services beyond the services typically provided by the City's Police Department, such as security and traffic control during extended periods of construction. The services would be provided by off-duty officers and the cost would be reimbursed to the City by the requesting entity. This resolution authorizes the rendering of the requested services. It also approves a form of agreement that can be used each time a request is made and it authorizes the Police Chief to execute the agreement on behalf of the City, all of which will expedite contracting for such services. The services recipient will reimburse the City for the expense of the overtime worked by off-duty officers for this service.

Councilmember Rice made a motion to approve Resolution No. 11-4-18, Series of 2018. Councilmember Appelhans seconded the motion. By a six-yes vote, the motion was approved.

RESOLUTION NO. 11-5-18, SERIES OF 2018 – A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO, RATIFYING AGREEMENTS FOR ADDITIONAL LAW ENFORCEMENT SERVICES:

City Manager Saling advised Council that due to time constraints, the agreement for additional law enforcement services anticipated by Resolution No. 11-4-18, Series of 2018, were needed immediately for services requested by Denver Metro Security UTC, Inc. and Wal-Mart 924, and at the direction of the City Manager, the Police Chief executed those two agreements on behalf of the City. This resolution approves those two agreements and ratifies the execution by the Police Chief.

Councilmember Appelhans made a motion to approve Resolution No. 11-5-18, Series of 2018. Councilmember McCarty seconded the motion. By a six-yes vote, the motion was approved.

FIRST READING - ORDINANCE NO. 18, SERIES OF 2018 – AN ORDINANCE AMENDING THE STERLING CITY CODE, CHAPTER 4, ANIMALS, ARTICLE III, CATS, BY THE ADDITION THERETO OF A NEW DIVISION 4, REGULATION OF FERAL CATS:

City Manager Saling advised Council that this ordinance amends Chapter 4, Article III, Cats, by the addition of a new Division 4, regarding regulation of feral cats, which provides for the establishment of feral cat colonies with appointed feral cat colony managers.

Councilmember Flores made a motion to introduce Ordinance No. 18, Series of 2018. Councilmember Appelhans seconded the motion.

Councilmember McCarty advised he feels this addresses part of the problems but not everything. He feels that the Human Society should trap the feral cats.

By a five-yes and one-no vote, the motion was approved. Voting was as follows:

| | | | |
|---------|-----|-----------|-----|
| Flores | yes | Appelhans | yes |
| McCarty | no | Pitcher | yes |

Rice yes Torres yes

DEPARTMENT REPORT – FIRE DEPARTMENT:

Fire Lieutenant Dowis gave the Fire Department report.

MISCELLANEOUS COUNCIL BUSINESS:

EXECUTIVE SESSION – NEGOTIATIONS AND LEGAL ADVICE:

Mayor Torres made a motion to go into executive session for a conference with the City Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402 (4) (b) and 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 six-yes vote, the motion was approved.

Council went into executive session at 9:05 p.m.

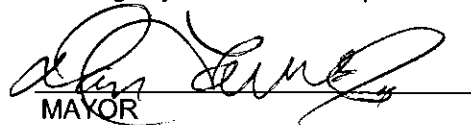
Council came out of executive session at 10:19 p.m.

Mayor Torres advised the participants in the executive session were: City Council, City Attorney, City Manager, Water Attorney, Water Engineers, Public Works Director Good and Fire Chief Ritter. 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.

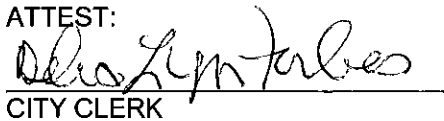
There was none.

ADJOURNMENT:

There being no further business to come before Council the meeting adjourned at 10:20 p.m.


MAYOR

ATTEST:


CITY CLERK