

STERLING, COLORADO
NOVEMBER 14, 2017

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 14, 2017. Mayor Torres called the meeting to order at 7:00 p.m.

Councilmembers present:

Mayor	Torres
Councilmembers	Appelhans Flores Lawson McCarty Pitcher Rice

Also present:

City Manager	Saling
City Attorney	Penny
City Clerk	Forbes
Parks, Library and Recreation (PLR) Director	Gandee
Fire Chief	Ritter
Public Works Director	Good
Human Resource Director	Brown
Police Chief	Kerr
Library Superintendent	VanDusen
Paralegal	Welsh

Citizens present: 10

CONSENT AGENDA:

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

Lawson	yes	Rice	yes
Appelhans	abstain	McCarty	abstain
Flores	yes	Pitcher	yes
Torres	yes		

Items on the consent agenda were: City Council minutes of October 24, 2017, an application for renewal of tavern liquor license for Mi Ranchito located at 203 Broadway Street and an application for renewal of retail liquor store license for Broadway Wine & Spirits located at 207 Broadway Street.

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

None

UNFINISHED BUSINESS:

SECOND READING AND PUBLIC HEARING – ORDINANCE NO. 10, SERIES OF 2017 - AN ORDINANCE AMENDING THE STERLING CITY CODE, APPENDIX A, ZONING, CHAPTER IV, USE REGULATIONS, SEC. 402, SCHEDULE OF PERMITTED USES, TO REFLECT THAT DWELLING-SINGLE FAMILY IS NOW A CONDITIONAL USE IN THE COMMUNITY BUSINESS (CB) DISTRICT ZONING CLASSIFICATION:

City Manager Saling advised Council at the October 24, 2017 Council meeting, City Council passed on first reading Ordinance No. 10, Series of 2017, amending Appendix A, Zoning, Chapter IV, use Regulations, Sec. 402, Schedule of Permitted Uses, to reflect that Dwelling-Single Family is allowed as a conditional Use in the Community Business (CB) District Zoning Classification, based on the recommendation of the Planning Commission.

Subsequently, there was some confusion on what the recommendation motion made by the Planning Commission was. After clarifying the intent of the Planning Commission's motion, Ordinance No. 13, Series of 2017 was prepared and amends Appendix A, Zoning, Chapter III, Rules and Definitions, Sec. 302, Definitions, to add a definition for Dwelling-Single Family, Live/Work Space, and Chapter IV, Use Regulations, Sec. 402, Schedule of Permitted Uses, to add a category for Dwelling-Single Family, Live/Work Space, as a conditional use in the Community Business (CB) District Zoning Classification.

City Council will be asked to allow Ordinance No. 10, Series of 2017, to die for a lack of motion or vote it down after the Public Hearing is held, and consider Ordinance No. 13, Series of 2017.

City Clerk Forbes read the ordinance by title.

Mayor Torres opened the public hearing.

There were no comments.

Mayor Torres closed the public hearing.

Council had questions regarding owner occupied. Mr. Stephen Burnham, Planning Commission Chairman, helped clarify this to Council.

Councilmember Appelhans made a motion to approve Ordinance No. 10, Series of 2017. The motion died due to lack of a second.

FIRST READING – ORDINANCE NO. 11, SERIES OF 2017 - AN ORDINANCE AMENDING THE STERLING CITY CODE, APPENDIX A, ZONING, CHAPTER IV, USE REGULATIONS, SEC. 402, SCHEDULE OF PERMITTED USES, TO REFLECT THAT BOARDING HOUSES AND ROOMING HOUSES IS NOW A CONDITIONAL USE IN THE LOW DENSITY RESIDENTIAL (R-1) DISTRICT ZONING CLASSIFICATION:

Mayor Torres left the Council Chambers.

Mayor Pro-tem Lawson took over the meeting.

Mayor Pro-tem Lawson made a motion to take Ordinance No. 11, Series of 2017 off the table. Councilmember Rice seconded the motion. By a six-yes vote, the motion was approved.

City Manager Saling advised Council an application for a text amendment regarding Chapter IV, Sec. 402, Schedule of Permitted Uses, line item 17, was filed with the City by Karen Ramey-Torres. The Planning Commission, at its October 4, 2017 meeting, denied the request to make boarding houses and rooming houses a use by right in the Low Density Residential (R-1) District Zoning classification. However, a motion was made to make boarding houses and rooming houses a Conditional Use in the Low Density Residential (R-1) District Zoning Classification. This Ordinance amends the Sterling City Code, Appendix A, Zoning, Chapter IV, Use Regulations, Sec. 402, Schedule of Permitted Uses, to provide that Boarding Houses and Rooming Houses is now a conditional use in areas classified as Low Density Residential (R-1) District.

Councilmember Appelhans made a motion to introduce Ordinance No. 11, Series of 2017. Councilmember Rice seconded the motion. City Clerk Forbes read the ordinance by title.

Council was informed this is when you can rent out houses on a short-term basis, which is currently not allowed. This will allow collection of hotel/lodging tax.

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

Mayor Torres returned to Council Chambers.

CITY MANAGER'S REPORT:

City Manager Saling updated Council on the following:

- Sales and Lodging Tax
- Fall cleanup results
- Blood drive results
- Leisure Lane design and 2nd and Main Streets intersection improvements
- Potential replacement costs for various infrastructure items: water and sewer lines, water valves, fire hydrants and sewage lift stations.
- Patching streets, cleaning storm drains and sweeping streets
- Water and wastewater crews are performing preventive maintenance, cleaning of the sewer lines and lift stations. Repairing leaks on a water main running along Chestnut Street by Mead Lumber.
- Information on November 28 Council meeting due to the election results.

NEW BUSINESS:

INTRODUCTION OF NEW CITY EMPLOYEES:

Human Resource Director Brown introduced Vince Cooley, Airport and Matt Williams, Police Department as new employees.

PRESENTATION FROM JEFF SQUIER REGARDING STERLING HIGH SCHOOL WALLY POST GYM FLOOR:

Present to address Council was Mr. Jeff Squier. Mr. Squier advised Council regarding putting a hardwood surface on top of the floor in Wally Post Gym at the High School. They are trying to get

sponsors to help with the cost. He was asking the City for a sponsorship of \$25,000, which would put the City's logo on the wood court.

Councilmember McCarty made a motion to approve \$25,000 to Sterling High School for the Wally post Gym floor, with the money coming from the Conservation Trust Fund. Councilmember Rice seconded the motion. By a seven-yes vote, the motion was approved.

FIRST READING - ORDINANCE NO. 12, SERIES OF 2017 - AN ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE AMOUNT OF THIRTY-SEVEN THOUSAND ONE HUNDRED FORTY-NINE DOLLARS (\$37,149) AND REGULATING THE PAYMENT OF MONEY OUT OF THE CITY TREASURY, AND INCREASING THE AMOUNT OF THE REVENUE BUDGET FOR 2017 BY EIGHTEEN THOUSAND FOUR HUNDRED FIVE DOLLARS (\$18,405):

City Manager Saling advised Council that this ordinance relates to projects in 2017 and revenues received in 2017 after the budget. This will increase expenses in the amount of \$37,149 and revenue in the amount of \$18,405.

Councilmember Lawson made a motion to introduce Ordinance No. 12, Series of 2017. Councilmember Appelkans seconded the motion. City Clerk Forbes read the ordinance by title. By a seven-yes vote, the motion was approved.

FIRST READING - ORDINANCE NO. 13, SERIES OF 2017 - AN ORDINANCE AMENDING THE STERLING CITY CODE, APPENDIX A, ZONING, CHAPTER III, RULES AND DEFINITIONS, SEC. 302, DEFINITIONS, TO ADD A DEFINITION FOR DWELLING-SINGLE FAMILY, LIVE/WORK SPACE, AND IN CONJUNCTION THEREWITH AMENDING CHAPTER IV, USE REGULATIONS, SEC. 402, SCHEDULE OF PERMITTED USES, TO ADD A CATEGORY FOR DWELLING-SINGLE FAMILY, LIVE/WORK SPACE, AS A CONDITIONAL USE IN THE COMMUNITY BUSINESS (CB) DISTRICT ZONING CLASSIFICATION:

City Manager Saling advised Council an application for a text amendment regarding Chapter IV, Sec. 402, Schedule of Permitted Uses, line item 46, was filed with the City by Bernice Artzer Mills. The Planning Commission, at its October 4, 2017 meeting, denied the request to make dwelling-single family a use by right in the Community Business (CB) District Zoning Classification, but made an alternative recommendation.

At the October 24, 2017 Council meeting, City Council passed on first reading Ordinance No. 10, Series of 2017, amending Appendix A, Zoning, Chapter IV, Use Regulations, Sec. 402, Schedule of Permitted Uses, to reflect that Dwelling-Single Family is allowed as a Conditional Use in the Community Business (CB) District Zoning Classification, based on the recommendation of the Planning Commission. Subsequently, there was some confusion on what the recommendation motion made by the Planning Commission was. After clarifying the intent of the Planning Commission's motion, Ordinance No. 13, Series of 2017, was prepared and amends Appendix A, Zoning, Chapter III, Rules and Definitions, Sec. 302, Definitions, to add a definition for Dwelling-Single Family, Live/Work Space, and Chapter IV, Use Regulations, Sec. 402, Schedule of Permitted Uses, to add a category for Dwelling-Single Family, Live/Work Space, as a conditional use in the Community Business (CB) District Zoning Classification.

Councilmember Rice made a motion to introduce Ordinance No. 13, Series of 2017. Councilmember Appelkans seconded the motion. City Clerk Forbes read the ordinance by title.

Councilmember Lawson advised he would prefer to omit "owner operator". Councilmember Appelkans agreed.

Councilmember Lawson made a motion to amend Ordinance No. 13, Series of 2017, (to remove the restriction of owner operator). Councilmember Appelkans seconded the motion. By a seven-yes vote, the motion was approved.

Councilmember Appelhans made a motion to approve Ordinance No. 13, Series of 2017 as amended. Councilmember Lawson seconded the motion. By a seven-yes vote, the motion was approved.

RESOLUTION NO. 11-1-17, SERIES OF 2017 – A RESOLUTION ESTABLISHING THE RATES AS REQUIRED IN CITY CODE CHAPTER 21, UTILITIES, ARTICLE IV, SEWER SYSTEM:

City Manager Saling advised Council City Code Chapter 21 requires that City Council set certain rates which apply to sewer service. This resolution increases the minimum rate for all sewer accounts by \$5.00 monthly per equivalent residential and commercial groups. The \$5.00 per residential equivalent (i.e. Commercial Group 1 is equivalent to 1.55 residential, Group 2 is equivalent to 1.69 residential, etc.) will, based on the current number of taps, generate an additional \$269,377.44 in revenue. The 2018 adopted budget takes into account this increase.

Councilmember Appelhans made a motion to approve Resolution No. 11-1-17, Series of 2017. Councilmember McCarty seconded the motion. By a seven-yes vote, the motion was approved.

RESOLUTION NO. 11-2-17, SERIES OF 2017 – A RESOLUTION ESTABLISHING NEW CHARGES AND FEES AS REQUIRED IN THE CITY CODE, CHAPTER 21, UTILITIES, ARTICLE III, WATER SERVICE:

City Manager Saling advised Council City Code Chapter 21 requires that City Council set certain rates which apply to water service. This resolution increases the minimum rate for all water accounts by \$5.00 monthly per ¾ inch water tap equivalent. The \$5.00 per ¾ inch water tap equivalent will, based on the current number of taps, generate an additional \$363,999.00 in revenue. The 2018 adopted budget takes into account this increase.

Councilmember McCarty made a motion to approve Resolution No. 11-2-17, Series of 2017. Councilmember Appelhans seconded the motion. By a seven-yes vote, the motion was approved.

RESOLUTION NO. 11-3-17, SERIES OF 2017 – A RESOLUTION APPROVING THE CONTINUED IMPLEMENTATION OF A WATER METER DOWNSIZING PROGRAM, AND THE APPLICATION FORM, FOR THE YEAR 2018:

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 approved the continued implementation of the water meter downsizing program and application form for the year 2018.

Councilmember Lawson made a motion to approve Resolution No. 11-3-17, Series of 2017. Councilmember Appelhans seconded the motion. By a seven-yes vote, the motion was approved.

RESOLUTION NO. 11-4-17, SERIES OF 2017 – A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO, SUPPORTING THE CONCEPT OF THE FORMATION OF A CREATIVE DISTRICT IN THE CITY OF STERLING:

City Manager Saling advised Council this resolution expresses the City Council's support of the concept of the formation of a Creative District in the City of Sterling.

Councilmember Rice made a motion to approve Resolution No. 11-4-17, Series of 2017. Councilmember Appelhans seconded the motion. By a seven-yes vote, the motion was approved.

RESOLUTION NO. 11-5-17, SERIES OF 2017 - A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO, APPROVING AN AGREEMENT FOR REPLACEMENT OF THE FPPA DEFERRED COMPENSATION PLAN AND ADOPTION OF THE FPPA MULTI-EMPLOYER DEFERRED COMPENSATION PLAN:

City Manager Saling advised Council the City of Sterling, by agreement with the Fire and Police Pension Association of Colorado (FPPA), established a plan of deferred compensation under Section 457 of the Internal Revenue Code for its eligible employees. FPPA has terminated the present plan and adopted the Multi-Employer Deferred Compensation Plan effective January 1, 2018. In order to continue to have the City's employer plan affiliated with FPPA, the City must enter into an agreement to replace the present plan and adopt the FPPA Multi-Employer Deferred Compensation Plan. This resolution approves the agreement for replacement of the FPPA Deferred Compensation Plan and Adoption of the FPPA Multi-Employer Deferred Compensation Plan.

Councilmember Lawson made a motion to approve Resolution No. 11-5-17, Series of 2017. Councilmember Appelhans seconded the motion. By a seven-yes vote, the motion was approved.

RESOLUTION NO. 11-6-17, SERIES OF 2017 – A RESOLUTION REPEALING RESOLUTION NO. 11-9-16, SERIES OF 2016; 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. 11-9-16, Series of 2016, and makes revisions to charges and fees of the City. Revisions have been made in Section 1., Police Department (addition of a sex offender registration fee), and in Section IV, Parks, Library, and Recreation (clarification of existing fees; addition of a fee for use of the kitchen at the Library; addition of a fee for a lost Library item – RFID tag; and addition of an adult Fall league in softball.) The proposed changes are more clarification of existing practices that need to be listed in the Charges and Fees Policy and do not amount to any significant increase in revenue.

Councilmember Appelhans made a motion to approve Resolution No. 11-6-17, Series of 2017. Councilmember Pitcher seconded the motion.

Councilmember Rice asked what would happen if a sex offender could not pay. Police Chief Kerr advised Council they had done research and there would be no obligation to pay and they would still be registered.

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

RESOLUTION NO. 11-7-17, SERIES OF 2017 – A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO, APPROVING A LEASE OF CITY-OWNED PROPERTY TO ROTHE H2O LLC:

City Manager Saling advised Council this resolution approves the renewal of a lease to Rothe H2O LLC of approximately 4.35 acres of City-owned property for agricultural purposes only. The subject property in the proposed renewal lease is a portion of the property purchase by the City from Roth H2O LLC onto which a part of a sprinkler circle of Rothe H2O LLC extends. The City would receive \$1.00 for the one-year term of the lease; however, during the term of the lease, it would also be granted a 10-foot pedestrian and vehicular access easement adjoining the "Factory Ditch" from Edith Road to the City-owned properties adjoining and on the South Platte River.

Councilmember McCarty made a motion to approve Resolution No. 11-7-17, Series of 2017. Councilmember Appelhans seconded the motion. By a seven-yes vote, the motion was approved.

DEPARTMENT REPORT – PARKS, LIBRARY AND RECREATION DEPARTMENT:

Parks, Library and Recreation Department gave the report.

MISCELLANEOUS COUNCIL BUSINESS:

Councilmember Lawson congratulated Ms. Brenda Rhodes on her new seat.

EXECUTIVE SESSION – NEGOTIATIONS:

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

Council went into executive session at 8:49 p.m.

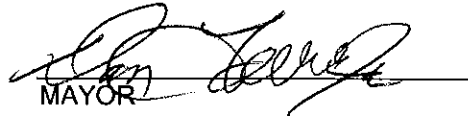
Council came out of executive session at 9:13 p.m.


Mayor Torres advised the participants in the executive session were: City Council, City Attorney, City Manager and Public Works Director. 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 9:14 p.m.


MAYOR

ATTEST:

CITY CLERK