

**STERLING, COLORADO  
NOVEMBER 26, 2019 AND DECEMBER 10, 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.

Pastor Lew Champ, 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, December 10, 2019. Mayor Torres called the meeting to order at 6:00 p.m.

**Councilmembers present:**

Mayor	Torres
Councilmembers	Appelhans Desormeaux Janes McCarty Rice

**Councilmembers absent:**

Councilmember	Pitcher
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**Also present:**

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

**New Councilmembers present:** Mike Anderson, Kelly Blecha and Mandy Ritter.

**Citizens present:** 20

Mayor Torres made a motion to move item 7A before the consent agenda and to remove item 7P from the agenda. Councilmember Desormeaux seconded the motion. By a six-yes vote, the motion was approved.

Councilmember Rice had a correction to the November 12, 2019 minutes on page 5, under Miscellaneous Council Business; it should be plaque instead of plague.

Councilmember Appelhans made a motion to approve the City Council minutes of November 12, 2019. Councilmember McCarty seconded the motion. By a six-yes vote, the motion was approved.

**ADMINISTRATION OF OATH OF OFFICE TO NEWLY ELECTED MAYOR AND COUNCILMEMBERS:**

Judge Kelly Hansen, Washington County Court, gave the oath of office to newly elected Mayor, Dave Appelhans, Councilmembers Mike Anderson, Ward 1, Mandy Ritter, Ward 2 and Kelly Blecha, Ward 3.

Mayor Appelhans presented outgoing Mayor Torres and Councilmember Rice with a plaque for their years of service to the City of Sterling.

**APPOINTMENT OF MAYOR PRO-TEM:**

Mayor Appelhans made a motion to appoint Councilmember Desormeaux as Mayor Pro-Tem. Councilmember McCarty seconded the motion. By a five-yes and one abstain vote, the motion was approved. Voting was as follows:

Appelhans	yes	McCarty	yes
Desormeaux	abstain	Anderson	yes
Blecha	yes	Ritter	yes

**ADOPTION OF CITY COUNCIL RULES OF PROCEDURE:**

City Manager Saling advised Council that Section 1.3 of the present City Council Rules of Procedure provides that on the day of the first regular meeting of Council held subsequent to election of new Councilmembers, the new Council shall immediately, following the election of the Mayor Pro-Tem, adopt Rules of Procedure, by adopting the prior Council's Rules, which may be amended at a later date.

Councilmember Desormeaux made a motion to adopt the Council Rules of Procedure. Councilmember McCarty seconded the motion. By a six-yes vote, the motion was approved.

**DISCUSSION AND APPOINTMENT OF WARD 3 COUNCILMEMBER:**

Mayor Appelhans made a motion to appoint Luke Janes to the remainder of Councilmember Appelhans' Ward 3 term. Councilmember Desormeaux seconded the motion. By a six-yes vote, the motion was approved.

Judge Kelly Hansen, Washington County Court, gave the oath of office to newly appointed Luke Janes, Ward 3.

**CONSENT AGENDA:**

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

Items on the consent agenda are: Application for renewal of club liquor license for the Sterling Elks Lodge located at 321 Ash Street, application for renewal of tavern liquor license for Mi Ranchito LLC located at 203 Broadway Street and a report of changes for Eagle Travel Stops & Convenience Stores located at 1550 E. Chestnut Street.

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

None

**UNFINISHED BUSINESS:**

**SECOND READING AND PUBLIC HEARING – 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 first reading of this ordinance took place on November 12, 2019, and it was thereafter published. 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.

City Clerk Forbes read the ordinance by title

Mayor Appelhans opened the public hearing.

There were no comments.

Mayor Appelhans closed the public hearing.

Councilmember Desormeaux made a motion to approve Ordinance No. 12, Series of 2019. Councilmember Janes seconded the motion. By a six-yes and one-abstain vote, the motion was approved. Voting was as follows:

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

**CITY MANAGER'S REPORT:**

City Manager Saling updated Council on the following:

- Sales and lodging taxes
- Meeting with Mark Kennedy, CU President
- Events at the airport

Councilmember McCarty made a motion not to have a City Council meeting on December 24, 2019. Councilmember Blecha seconded the motion. By a seven-yes vote, the motion was approved.

**NEW BUSINESS:**

**COUNCIL APPOINTMENTS TO THE LOGAN COUNTY ECONOMIC DEVELOPMENT CORPORATION, THE SOUTH PLATTE VALLEY REGIONAL TRANSPORTATION AUTHORITY AND THE EX-OFFICIO TO THE LOGAN COUNTY CHAMBER OF COMMERCE:**

There is one position open on the Logan County Economic Development Corporation Board to replace Councilmember Rice. Councilmember Anderson advised Council that he previously served on this Board. Mayor Appelhans made a motion to have Councilmember Anderson fill the Logan County Economic Development Corporation position. Councilmember Desormeaux seconded the motion. By a six-yes and one-abstain vote, the motion was approved. Voting was as follows:

Appelhans	yes	Desormeaux	yes
Anderson	abstain	Blecha	yes
Janes	yes	McCarty	yes

Ritter                      yes

There are positions on the South Platte Valley Regional Transportation Authority. Currently Councilmember Janes and Pitcher served on this Board. Councilmember Janes advised Council he would like to continue serving on this board. Mayor Appelhans asked for any volunteers to serve on this board. Councilmember Blecha made a motion to appoint Mayor Appelhans to the South Platte Valley Regional Transportation Authority. Councilmember Janes seconded the motion. By a seven-yes vote, the motion was approved.

Mayor Appelhans will continue to serve on the Colorado Municipal League Policy Committee.

The Logan County Chamber of Commerce Board position is open. Councilmember Ritter advised she would like to be appointed to this board as an ex-officio member. Councilmember McCarty made a motion to appoint Councilmember Ritter to the Logan County Chamber of Commerce Board as an ex-officio member. Councilmember Janes seconded the motion. By a six-yes and one-abstain vote, the motion was approved. Voting was as follows:

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

**PRESENTATION OF STERLING HIGH SCHOOL'S 2019 STATE OF COLORADO CLASS 3A VOLLEYBALL CHAMPIONS PROCLAMATION:**

Mayor Appelhans presented a proclamation to Coach Lisa Schumacher for the Sterling High School's 2019 State of Colorado Class 3 Volleyball Champions.

**PRESENTATION OF STERLING HIGH SCHOOL'S 2019 STATE OF COLORADO CLASS 2A FOOTBALL CHAMPIONS PROCLAMATION:**

Mayor Appelhans presented a proclamation to Coach Rob Busmante for the Sterling High School's 2019 State of Colorado Class 2A Football Champions.

**MAYOR'S RECOMMENDATION OF APPOINTMENT TO THE PLANNING COMMISSION:**

Mayor Appelhans made a motion to appoint Ms. Kristi Knowles to the Planning Commission. Councilmember Blecha seconded the motion. By a seven-yes vote, the motion was approved.

**RESOLUTION NO. 11-3-19, SERIES OF 2019 – A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO, APPROVING AN AMENDMENT TO THE IRC SECTION 125 FLEXIBLE BENEFITS PLAN OF THE CITY:**

City Manager Saling advised Council the IRS regulations governing Section 125 of the Internal Revenue Code (Flexible Benefits Plan) has been amended resulting in an increase in the amount that a participant can redirect, on a non-tax basis, for reimbursement of health expenses per plan year. This resolution amends the City's plan to correspond with that increase, to \$2,750.00 per plan year.

Councilmember Desormeaux made a motion to approve Resolution No. 11-3-19, Series of 2019. Councilmember Janes seconded the motion. By a seven-yes vote, the motion was approved.

**RESOLUTION NO. 11-4-19, SERIES OF 2019 - A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO, APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF MERINO, COLORADO, THE HILLROSE-SNYDER FIRE PROTECTION DISTRICT, THE STERLING RURAL FIRE PROTECTION DISTRICT, AND THE CITY OF STERLING, COLORADO:**

City Manager Saling advised Council this resolution approves an Intergovernmental Agreement between the Town of Merino, Colorado, the Hillrose-Snyder Fire Protection District, the Sterling Rural Fire Protection District and the City of Sterling, Colorado, regarding mutual aid and response to emergency incidents within the geographic area known as Messex.

Councilmember Desormeaux made a motion to approve Resolution No. 11-4-19, Series of 2019. Councilmember McCarty seconded the motion. By a seven-yes vote, the motion was approved.

**RESOLUTION NO. 11-5-19, SERIES OF 2019 – A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO ACCEPTING THE BID FROM RDP BARRICADE COMPANY LLC, DOING BUSINESS AS COLORADO BARRICADE COMPANY, FOR THE CITY OF STERLING PAVEMENT MARKING PROJECT #19-010x:**

City Manager Saling advised Council this resolution approves the bid proposal received from RDP Barricade Company LLC, doing business as Colorado Barricade Company, in the amount of \$77,777.00, for the City's pavement marking/stripping, and approves and authorizes the Mayor to sign the related agreement. Only one bid was received for this project, from RDP Barricade Company LLC, doing business as Colorado Barricade Company, in the amount of \$77,777.00. This is an acceptable amount for the project and there are sufficient funds in the Public Works 2019 budget for the project.

Councilmember McCarty made a motion to approve Resolution No. 11-5-19, Series of 2019. Councilmember Ritter seconded the motion. By a seven-yes vote, the motion was approved.

**RESOLUTION NO. 11-6-19, SERIES OF 2019 – A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO, ACCEPTING THE BID FROM 3<sup>RD</sup> GENERATION CONSTRUCTION, DOING BUSINESS AS 3G CONSTRUCTION & ROOFING, FOR THE CITY OF STERLING REROOFING PROJECT #19-011:**

City Manager Saling advised Council this resolution approves the bid proposal received from 3<sup>rd</sup> generation construction, doing business as 3G Construction & Roofing, for the City of Sterling Reroofing project and approves and authorizes the Mayor to sign the related agreement. The bid was the lowest bid received, and is an acceptable amount for the project. The bid submitted and approved by this resolution is in the amount of \$129,679.03 and was the lowest bid received. This is an acceptable amount for the project, and the City has sufficient funds for this project from the insurance proceeds received on its hail damage claim.

Councilmember Janes made a motion to approve Resolution No. 11-6-19, Series of 2019. Councilmember McCarty seconded the motion. By a six-yes and one-no vote, the motion was approved. Voting was as follows:

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

**PUBLIC HEARING – APPLICATIONS FOR SPECIAL EVENT PERMITS – STERLING ELKS LODGE #1336 – 321 ASH STREET:**

City Manager Saling advised Council that two applications for special event permits were filed by the Sterling Elks Lodge #1336, for the following events:

January 11, 2020, from 5:00 o'clock p.m. to 12:00 o'clock midnight for the Delta Water Fowl fundraiser

February 8, 2020 from 4:00 o'clock p.m. to 12:00 o'clock midnight for the Hospice of the Plains fundraiser

The applications were timely filed and are in proper form and the required fees have been submitted. The premises were properly posted. A letter was sent to the applicant advising of the date of the public hearing and requesting a representative be present at this meeting to answer any questions City Council might have concerning the applications.

Present to address Council was Mr. Frank Gower, 221 Villa Vista.

Mayor Appelhans opened the public hearing.

There were no comments.

Mayor Appelhans closed the public hearing.

Councilmember Desormeaux made a motion to approve the special event permits for the Delta Water Fowl and Hospice of the Plains fundraisers. Councilmember Blecha seconded the motion. By a seven-yes vote, the motion was approved.

**RESOLUTION NO. 12-1-19, SERIES OF 2019 – A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO DESIGNATING THE NAMES OF THE CITY'S AUTHORIZED OFFICERS FOR PURPOSES OF PERFORMING ANY ACT OR EXECUTING ANY DOCUMENT RELATING TO THE LOAN AGREEMENT WITH THE COLORADO WATER RESOURCES AND POWER DEVELOPMENT AUTHORITY AND GOVERNMENTAL AGENCY BOND:**

City Manager Saling advised Council this resolution sets forth the names of the present office holders of City Manager, Mayor and City Clerk, and is required by the Colorado Water Resources and Power Development Authority for purposes of identifying signatories on any documents relating to the loan approved by Ordinance No. 2, Series of 2011, relating to the new water plant.

Councilmember McCarty made a motion to approve Resolution No. 12-1-19, Series of 2019. Councilmember Desormeaux seconded the motion. By a seven-yes vote, the motion was approved.

**RESOLUTION NO. 12-2-19, SERIES OF 2019 – A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO, DESIGNATING THE CITY'S OFFICIAL REPRESENTATIVE TO ALL COUNTY HEALTH POOL MEMBERS' MEETINGS, AND DESIGNATING THE REQUIRED CORRESPONDENTS:**

City Manager Saling advised Council the City's medical insurance health provider, County Health Pool, requires the governing body of the City to designate an official representative for the City to all County Health Pool members' meetings, and also to designate the correspondents for the City to receive all monthly billing invoices and other general correspondence intended for distribution to the employees. This resolution makes those designations in accordance with the usual duties of administrative staff.

Councilmember Desormeaux made a motion to approve Resolution No. 12-2-19, Series of 2019. Councilmember Janes seconded the motion. By a seven-yes vote, the motion was approved.

**RESOLUTION NO. 12-3-19, SERIES OF 2019 – A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO APPROVING AN AGREEMENT FOR ANIMAL CONTROL SERVICES WITH THE LOGAN COUNTY HUMANE SOCIETY:**

City Manager Saling advised Council this resolution approves a new agreement with the Logan County Humane Society for animal control services. The new agreement is for the term commencing on January 1, 2020, through December 31, 2020. The agreement provides for payment to the Logan County Humane Society of \$153,200 for the one-year term of the agreement, which increases the cost from the 2019 agreement by \$3,720, and is payable in four equal installments of \$38,300.

Councilmember McCarty made a motion to approve Resolution No. 12-3-19, Series of 2019. Councilmember Desormeaux seconded the motion. By a seven-yes vote, the motion was approved.

**RESOLUTION NO. 12-4-19, SERIES OF 2019 - A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO, ACCEPTING THE BID FROM C & L WATER SOLUTIONS, INC. FOR THE CITY OF STERLING MANHOLE REHABILITATION PROJECT #19-002:**

City Manager Saling advised Council this resolution approves the bid proposal received from C & L Water Solutions, Inc. for the City of Sterling Manhole Rehabilitation project and approves and authorizes the Mayor to sign the related agreement. The bid was the lowest acceptable bid received, and is an acceptable amount for the project. The bid submitted and approved by this resolution is in the amount of \$141,430 and was the lowest acceptable bid received. This is an acceptable amount for the project, and the Public Works Department has sufficient funds in its budget for this project.

Councilmember Desormeaux made a motion to approve Resolution No. 12-4-19, Series of 2019. Councilmember Anderson seconded the motion. By a seven-yes vote, the motion was approved.

**FOUR CORNERS REQUEST TO HOLD KNOWLES FIELD OFF THE MARKET FOR 60 DAYS:**

City Manager Saling updated Council on what had happened previously with Knowles Field property. The investors are now turning in a letter of intent into CHAFA for a project in Sterling. They are asking City Council to take the property off the market while they wait for 60 days.

Councilmember Desormeaux made a motion to take the Knowles Field property off the market for 60 days. Councilmember McCarty seconded the motion. 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 7:10 p.m.

  
MAYOR

ATTEST:

  
CITY CLERK