

STERLING, COLORADO
NOVEMBER 27, 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.

Reverend Dan Hays, Peace Lutheran 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 27, 2018. Mayor Torres called the meeting to order at 7:00 p.m.

Councilmembers present:

Mayor	Torres
Councilmembers	Appelhans Desormeaux Flores McCarty Rice

Councilmembers absent:

Councilmembers	Pitcher
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Also present:

City Manager	Saling
Deputy City Attorney	Matuszczak
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
Police Sergeant	Winckler
Paralegal	Welsh

Citizens present: 39

CONSENT AGENDA:

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

Appelhans	yes	Rice	yes
Desormeaux	abstain	Flores	yes
McCarty	yes	Torres	yes

Item on the consent agenda was: City Council minutes of November 13, 2018. Amended in the minutes were the people in attendance for the executive session.

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

Present to address Council was Mr. Brad McCloud from DIS Solutions. Mr. McCloud is working with the Logan County Water Conservancy District to develop a Master Plan. He would like Council to keep the lines of communication open.

UNFINISHED BUSINESS:

PUBLIC HEARING – APPLICATION FOR A NEW 3.2% BEER OFF-PREMISES LIQUOR LICENSE – FAMILY FOODS MARKET, LLC – FAMILY FOODS MARKET – 217 SOUTH 3RD AVENUE:

City Manager Saling advised Council that Family Foods Market, LLC has filed an application for a new 3.2% beer off-premises liquor license for Family Foods Market, 217 South 3rd Avenue. The appropriate fees have been submitted. City Council set the date for the public hearing for November 27, 2018. Notice of the public hearing was published in the Sterling Journal Advocate and posted on the premises for the required 10-day period. Copies of the reports from the Police and Fire Departments were mailed to the applicant. The applicant was advised that a representative needs to be present at the public hearing to answer any questions Council might have.

Present to address Council was Mr. Matthew Haragan, 12430 Everett Way. Mr. Haragan advised Council that this is a new application. The previous owner had a license years ago.

Mayor Torres opened the public hearing.

Present to address Council was Mr. Nick Mildenberger, 1102 Glenora. Mr. Mildenberger had concerns that there were no needs or desires in the neighborhood as there were other licenses. He also expressed other concerns.

Mayor Torres closed the public hearing.

Councilmember McCarty made a motion to approve the new 3.2% beer off-premises liquor license for Family Foods Market, 217 South 3rd Avenue. Councilmember Appelhans seconded the motion. By a five-yes and one-no vote, the motion was approved. Voting was as follows:

McCarty	yes	Appelhans	yes
Flores	no	Desormeaux	yes
Rice	yes	Torres	yes

PUBLIC HEARING – APPLICATION FOR NEW TAVERN LIQUOR LICENSE – ANJATO ENTERPRISES LLC – THE HOT SPOT SMOKEHOUSE – 402 MAIN STREET:

City Manager Saling advised Council that Anjato Enterprises LLC has filed an application for a new tavern liquor license for The Hot Spot Smokehouse, 402 Main Street. The appropriate fees have been submitted. City Council set the date for the public hearing for November 27, 2018. Notice of the public hearing was published in the Sterling Journal Advocate and posted on the premises for the required 10-day period. Copies of the reports from the Police and Fire

Departments were mailed to the applicant. The applicant was advised that a representative needs to be present at the public hearing to answer any questions Council might have.

Present to address Council was Mr. Andrew Meick, 515 Fairhurst Street and Mr. Anton Meick, 16953 Inca Street, Broomfield, Colorado.

Mayor Torres opened the public hearing.

There were no comments.

Mayor Torres closed the public hearing.

Councilmember Rice made a motion to approve the new tavern liquor license for Anjato Enterprises LLC, 402 Main Street. Councilmember Appelhans seconded the motion. By a six-yes vote, the motion was approved.

SECOND READING AND PUBLIC HEARING – 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 first reading of this ordinance took place on November 13, 2018, and it was thereafter published. 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.

City Clerk Forbes read the ordinance by title.

Mayor Torres opened the public hearing.

Present to address Council was Dr. Bill Fredregill, 303 Delmar

Dr Fredregill advised this ordinance gives opportunity for the following:

- Neighbors to voice their opinion about the colony in their neighborhood
- Colony Managers would be supervised and registered with the Humane Society
- There would be data for the number of cats
- Colony Managers would be responsible for the health and care, including spading and neutering. There is grant money available for doing this.

The following are questions City Council had:

- What happens when the grant funding goes away?
- Is the food paid for the Colony Manager to use?
- How long a period does the grant cover?
- The connection between the ordinance and the grant.

Next to address Council was Ms. Katie Parker, Executive Director for Animal Assistance Foundation. Ms. Parker advised Council that her organization provides the grants. She advised the ordinance is a great first step. The grant will pay for a representative and a TNR program.

Other questions from City Council included:

Why was the unlawful care section put in?

The following people addressed Council:

Alicia Bickford, 603 Globe Street
Linda Gebauer, 1302 South 3rd Avenue
Rista Capps, 407 Lincoln
Jennifer Reck, 807 Fairhurst

Beverly Budd, 519 Platte
Kay Fix, 1314 South 3rd Avenue
Terry Dowis, 431 South 2nd Street
Steve Coats, 116 South 9th Avenue

Following are the items the above citizens brought up:

- For those people that are currently feeders and do not qualify to be a Colony Manager, what would happen to the cats?
- If cats keep showing up at their feeding place would they be ticketed?
- Where is their support?
- Feeders would not be held to the same standards as domestic pets.
- In need of an ongoing TNR program.
- The City should allocate funds in every annual budget.
- There should be a committee of representatives instead of a representative of the Humane Society.
- Feels that feeders should be grandfathered in with a threshold of how many cats they can have before it is a colony.
- The ordinance is criminalizing the feeding of cats.
- Feels there should be more work on the ordinance before it is passed.
- What problem is the ordinance attempting to solve?
- Why is it unlawful for others to feed besides the Colony Managers?
- Questions regarding the grant the Humane Society mentioned.
- More teeth needs to be put in to current rules regarding allowing animals to breed.
- Do not feel there should be only one representative deciding on applications.
- What happens if one neighbor does not like the idea, does that make it so there cannot a colony there?
- By having the address available of colonies would that make a place for others to drop off their cats?
- The price of spading and neutering was addressed.
- Providing more low cost clinics for spaying and neutering.
- Places where people could donate food.
- Who is going to feed the cats the feeders have been feeding?

Mayor Torres commended the people for coming to the meeting.

Mayor Torres closed the public hearing.

Mayor Torres made a motion to table Ordinance No. 18, Series of 2018. He feels that some of the information that was brought up needs to be looked at.

Councilmember McCarty seconded the motion.

Mayor Torres advised he would be asking for community input at a work session.

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

Torres	yes	McCarty	yes
Flores	no	Appelhans	yes
Desormeaux	yes	Rice	yes

CITY MANAGER'S REPORT:

City Manager Saling updated Council on the following:

- Lease payment for Service Center
- Logan County Board of Realtors sales report for October
- City Council meeting – December 25, 2018 canceled

- Blue Santa on December 1 at the Museum

City Manager Saling advised Council with the failure of the Bond Question for borrowing up to \$37 million dollars over a period of 30 years at an interest rate not to exceed 3.25% and the necessity to make the improvements, he prepared two (2) sheets with various scenarios to fund the improvements while maintaining a conservative fund balance in the Wastewater Enterprise Fund. The first two options are predicated on going back to the citizens of Sterling in March with another Bond question, again asking that the City be allowed to go in to debt for the project. The first option is to raise the current \$27.20 fixed amount to \$44.88 per month (\$17.68 increase). This option reduces the Wastewater Enterprise Fund balance every year by approximately \$700,000 and at the end of 2021 the fund balance would be down to \$2,343,772. The second option is to raise the month fee by \$22.80 and would result in a fund balance of \$3,154,918 in the year 2021. The third option is to raise the monthly fee by \$57.68 so that 1 of the 3 phases of the project can be cash funded starting in 2022. He recommends that City Council consider the second option so that there is an adequate fund balance in 2021. Under option 1, a rate increase would probably be needed in 2021. Under the other 2 scenario's, a rate increase would probably be need in 2022. The final election results show the no's had 1934 votes and the yes's had 1911. Had 12 of the no votes voted yes, the question would have passed.

It was the consensus of Council to do option 2 for the fees.

A special election was discussed. Also discussed was getting more information out to the community.

NEW BUSINESS:

PRESENTATION FROM PLANNING COMMISSION CHAIRMAN STEPHEN BURNHAM:

Present to address Council was Mr. Stephen Burnham, 202 Columbine, Planning Commission Chairman. Mr. Burnham advised Council that the Master Plan is currently five years old. He has looked at the information collected and would like to do it as an addendum as of 2018. The steps would include editing the document, a public hearing and brought to City Council as a proposal.

PUBLIC HEARING – APPLICATION FOR SPECIAL EVENT PERMIT – STERLING ELKS LODGE #1336 – 321 ASH STREET:

City Manager Saling advised Council an application for a special event permit was filed by the Sterling Elks Lodge #1336 for the Elks Comedy Night fundraiser, to be held on December 15, 2018, from 5:00 o'clock p.m. to 12:00 o'clock midnight, for the sale of malt, vinous and spirituous liquor. The application was timely filed and is in proper form and the required fee has 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 application.

Present to address Council was Mr. Mike Bartsch, 319 Magnolia.

Mayor Torres opened the public hearing.

There were no comments.

Mayor Torres closed the public hearing.

Councilmember Appelhans made a motion to approve the special event permit for the Sterling Elks Lodge #1336 located at 321 Ash Street. Councilmember Rice seconded the motion. By a six-yes vote, the motion was approved.

RESOLUTION NO. 11-6-18, SERIES OF 2018 – A RESOLUTION ESTABLISHING THE RATES AS REQUIRED IN CITY CODE CHAPTER 16, SANITATION:

City Manager Saling advised Council that City Code Chapter 16 requires that City Council set certain rates which apply to garbage and rubbish services. This resolution amends the present rates, effective January 1, 2019. The present rates for single and multiple family residences will increase by \$1.00 per month, and the special pick up for residential users within the city limits will increase by \$15.00 per truckload, if picked up on the city schedule, and will increase by \$30.00 per truckload, if picked up on the customer's schedule. The anticipated revenue increase is \$49,812.

Councilmember McCarty made a motion to approve Resolution No. 11-6-18, Series of 2018. Councilmember Appelhans seconded the motion. By a six-yes vote, the motion was approved.

RESOLUTION NO. 11-7-18, SERIES OF 2018 – 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 that 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 \$7.61 monthly per 3/4 inch water tap equivalent, and the volume charge per 1,000 gallons by 12 cents per the 2017 water and sewer rate study performed by PEC, Engineering Consultants. The \$7.61 per 3/4 inch water tap equivalent will, based on the current number of taps, generate an additional \$1,458,754 in revenue. The 2019 adopted budget takes into account this increase.

Councilmember Appelhans made a motion to approve Resolution No. 11-7-18, Series of 2018. Councilmember Desormeaux seconded the motion. By a six-yes vote, the motion was approved.

DEPARTMENT REPORT – POLICE DEPARTMENT:

Police Chief Kerr gave the Police Department report.

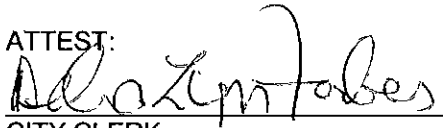
MISCELLANEOUS COUNCIL BUSINESS:

City Manager Saling advised Council there is a meeting at the Family Resource Center on November 28, 2018. The Parade of Lights is Thursday, December 29, 2018.

ADJOURNMENT:

There being no further business to come before Council the meeting adjourned at 9:48 p.m.

ATTEST:


CITY CLERK


MAYOR