

**STERLING, COLORADO
NOVEMBER 8, 2022**

**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 Desormeaux 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 8, 2022. Mayor Desormeaux called the meeting to order at 5:30 p.m.

Councilmembers present:

Mayor	Desormeaux
Councilmembers	Blecha Haynie Ritter

Councilmembers absent:

Councilmembers	Burnham Janes
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Also present:

City Manager	Blankenship
City Attorney	Richardson
City Clerk	Forbes
Parks, Library and Recreation (PLR) Director	Gandee
Public Works Director	Good
Public Safety Communications (PSC) Director	Lybrand
Human Resource Director	Brown
Fire Chief	Ritter
Police Chief	Kerr
Paralegal	Welsh

Citizens present: 7

CONSENT AGENDA:

Councilmember Blecha advised she would be abstaining as she was not at the October 25, 2022 meeting.

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

Ritter	yes	Haynie	yes
Blecha	abstain	Desormeaux	yes

City Attorney Richardson advised Council that this is a quorum of those at the meeting.

Items on the consent agenda were: October 25, 2022 City Council minutes, application for renewal of Club Liquor License for Sterling Elks Lodge #1336 located at 321 Ash Street and an application for renewal of Fermented Malt Beverage-Off Premises Liquor License for Family Foods Market located at 217 South 3rd Avenue.

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

Present to address Council was Mr. Mike Stevens, 200 Villa Vista Street. Mr. Stevens had concerns regarding the traffic at the Middle School. Police Chief Kerr advised the Police Department works with the school regarding traffic flow.

City Attorney Richardson advised Council that he had been mistaken regarding the motion for the Consent Agenda. The Rules of Procedures state it has to pass by the majority of seven Councilmembers. In other words, the Consent Agenda motion failed.

Mayor Desormeaux advised Council would go back to the Consent Agenda.

Councilmember Blecha made a motion to separate the items on the Consent Agenda; between the minutes of October 25, 2022 and the two liquor items. Councilmember Ritter seconded the motion. By a four-yes vote, the motion was approved.

Mayor Desormeaux advised Council the minutes of October 25, 2022 will be tabled until the next meeting.

Councilmember Blecha made a motion to approve the application for renewal of Club Liquor License for Sterling Elks Lodge #1336 located at 321 Ash Street and an application for renewal of Fermented Malt Beverage-Off Premises Liquor License for Family Foods Market located at 217 South 3rd Avenue. Councilmember Ritter seconded the motion. By a four-yes vote, the motion was approved.

UNFINISHED BUSINESS:

CITY MANAGER'S REPORT:

- Sales and Lodging Taxes – October 2022
- Water Production/Demand
- NECALG & CDOT Outrider Launch Event
- 2022 Fall cleanup was complete

NEW BUSINESS:

PRESENTATION FROM TY JACKSON:

Present to address Council was Mr. Ty Jackson, 411 Clayton Street, Brush, Colorado. Mr. Jackson advised Council of his plans for the purchase he made of the old Stevens School. He passed out a handout that asked for assistance from the City.

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

City Manager Blankenship advised Council two applications for Special Event Permits were filed by the Sterling Elks Lodge #1336, for the following:

November 11, 2022 from 4:00 p.m. to 12:00 midnight for the Pheasants Forever Fundraiser

December 2, 2022 from 4:00 p.m. to 12:00 midnight for the Cattleman 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 application.

Present to address Council was Mr. Frank Gower, 321 Ash Street, Sterling Elks Lodge.

Mayor Desormeaux opened the public hearing.

There were no comments.

Mayor Desormeaux closed the public hearing.

Councilmember Haynie made a motion to approve the Special Event Permits for the Sterling Elks Lodge located at 321 Ash Street. Councilmember Ritter seconded the motion. By a four-yes vote, the motion was approved.

FIRST READING – ORDINANCE NO. 13, SERIES OF 2022 – ORDINANCE NO. 13, SERIES OF 2022 – AN ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE AMOUNT OF FIVE HUNDRED EIGHTY-SIX THOUSAND, THREE HUNDRED SIXTY-FOUR DOLLARS (\$586,364) AND REGULATING THE PAYMENT OF MONEY OUT OF THE CITY TREASURY, AND INCREASING THE AMOUNT OF THE REVENUE BUDGET FOR 2022 BY ONE HUNDRED FOURTEEN THOUSAND FIVE HUNDRED DOLLARS (\$114,500):

City Manager Blankenship advised Council this Ordinance relates to projects and revenues received in 2022 after the 2022 budget was completed. Increased expenses of \$586,364.00 and revenues of \$114,500.00.

Councilmember Ritter made a motion to introduce Ordinance No. 13, Series of 2022. Councilmember Blecha seconded the motion. City Clerk Forbes read the Ordinance by title. By a four-yes vote, the motion was approved.

RESOLUTION NO. 11-1-22, SERIES OF 2022 - A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO, APPROVING THE SUBMITTAL OF THE APPLICATION FOR AN FY 2023 CYCLE 22-12 EIAF TIER II GRANT FROM THE COLORADO DEPARTMENT OF LOCAL AFFAIRS FOR THE CITY OF STERLING 2023 WATERLINE REPLACEMENT PROJECT:

City Manager Blankenship advised Council this Resolution approves the submission of the Application for a DOLA grant for the City's 2023 Waterline Replacement project that has been submitted on behalf of the City, with subsequent clarification amendments. The Grant amount requested by the City is \$750,000.00 and would require a matching amount of \$766,979.00 from the City.

Councilmember Blecha made a motion to approve Resolution No. 11-1-22, Series of 2022. Councilmember Ritter seconded the motion. By a four-yes vote, the motion was approved.

RESOLUTION NO. 11-2-22, SERIES OF 2022 – A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO, ACCEPTING THE BID FROM GUILDNER PIPELINE MAINTENANCE, INC. FOR THE CITY OF STERLING 2022 MANHOLE REHABILITATION PROJECT #22-005:

City Manager Blankenship advised Council the City advertised for bids for the City of Sterling 2022 Manhole Rehabilitation project #22-005, and only one bid was received, from Guildner Pipeline Maintenance, Inc. in the amount of \$309,500.00, which is an acceptable amount for the project. There are sufficient funds for this project in the Public Works 2022 budget for Sewer Line Improvements.

Councilmember Blecha made a motion to approve Resolution No. 11-2-22, Series of 2022. Councilmember Haynie seconded the motion. By a four-yes vote, the motion was approved.

RESOLUTION NO. 11-3-22, SERIES OF 2022 – A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO, ACCEPTING AND APPROVING, WITHOUT BID, THE PROPOSAL FROM ERO RESOURCES CORPORATION TO CONDUCT 2023 AND 2024 MITIGATION MONITORING FOR THE CITY OF STERLING WASTEWATER TREATMENT SYSTEM IMPROVEMENTS PROJECT, LOGAN COUNTY, COLORADO, CORPS FILE NO. NWO-2020-02106-DEN:

City Manager Blankenship advised Council this Resolution accepts and approves a Proposal from ERO Resources to conduct required mitigation monitoring in 2023 and 2024 relating to the City's wastewater treatment facility improvements project without submission through the bid process, in accordance with Sec. 19-236(a)(2) of the City Code, and the City Manager's Waiver of Bid attached to the Resolution. The cost of services under the Proposal from ERO Resources Corporation for the required monitoring and reporting for the 2-year period is for a fixed fee of \$7,200.00. The Public Works Department has sufficient funds in its budget for this project.

Councilmember Haynie made a motion to approve Resolution No. 11-3-22, Series of 2022. Councilmember Blecha seconded the motion. By a four-yes vote, the motion was approved.

RESOLUTION NO. 11-4-22, SERIES OF 2022 – A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO, ACCEPTING AND APPROVING THE PROPOSAL FROM ERO RESOURCES CORPORATION TO PROCESS A REAUTHORIZATION OF PROJECT WITH RESPECT TO THE NATIONWIDE PERMIT RECEIVED FROM THE U.S. ARMY CORPS OF ENGINEERS FOR THE CITY OF STERLING WASTEWATER TREATMENT SYSTEM IMPROVEMENTS PROJECT, LOGAN COUNTY, COLORADO, CORPS FILE NO. NWO-2020-02106-DEN:

City Manager Blankenship advised Council this Resolution accepts and approves a proposal from ERO Resources to process a reauthorization request relating to the Nationwide Permit received from the U.S. Army Corps of Engineers for the City's wastewater treatment facility improvements. The project is currently under construction, but is not anticipated to be completed within the year extension from the permit expiration and, therefore, the project will need to be reauthorized under the 2022 NWP system. The services under the proposal from ERO Resources Corporation will be performed at a cost not to exceed \$1,500.00. The Public Works Department has sufficient funds in its budget for this project.

Councilmember Ritter made a motion to approve Resolution No. 11-4-22, Series of 2022. Councilmember Blecha seconded the motion. By a four-yes vote, the motion was approved.

RESOLUTION NO. 11-5-22, SERIES OF 2022 – A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO CONSENTING TO THE ASSIGNMENT OF THE ENDPOINT MANAGED DETECTION AND RESPONSE SERVICES AGREEMENT BETWEEN THE CITY OF STERLING AND TRACEPOINT, L.L.C.:

City Manager Blankenship advised Council this Resolution approves the assignment of the rights and delegation of obligations of Tracepoint, L.L.C. under the Agreement between the City and Tracepoint, L.L.C. for the provision of endpoint managed detection and response services to

enhance the City's internet security protocols. The assignment is subject to the closing of the sale of the commercial managed threat services business of Booz Allen Hamilton Inc., the parent company of Tracepoint, L. L. C., to Security On-Demand, LLC.

Councilmember Haynie made a motion to approve Resolution No. 11-5-22, Series of 2022. Councilmember Ritter seconded the motion. By a four-yes vote, the motion was approved.

DEPARTMENT REPORT – FIRE DEPARTMENT

Fire Chief Ritter gave his Fire Department report.

MISCELLANEOUS COUNCIL BUSINESS:

MISCELLANEOUS MATTERS:

Mayor Desormeaux advised there is a Councilmember vacancy in Ward 1 with Marty Gaines leaving. The four candidates that were interviewed for the previous vacancy would like their applications brought forward. Mayor Desormeaux advised that applications will be open until 5:00 p.m. on Monday, November 21, 2022. They will be given to Council on November 22, 2022 and a decision will be made at that time if there were any other applicants.

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) REGARDING CITY WATER CASES; AND PURSUANT TO C.R.S. 24-6-402(4)(e) FOR THE DISCUSSION OF MATTERS WHICH MAY BE SUBJECT TO NEGOTIATION: DISCUSSION OF THE AGREEMENT FOR ANIMAL CONTROL SERVICES:

Mayor Desormeaux 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) regarding City water cases; and pursuant to C.R.S. 24-6-402(4)(e) for the discussion of matters which may be subject to negotiation: discussion of the Agreement for Animal Control Services. Councilmember Blecha seconded the motion. By a four-yes vote, the motion was approved.

Council went into executive session at 6:30 p.m.

Council came out of executive session at 7:04 p.m.

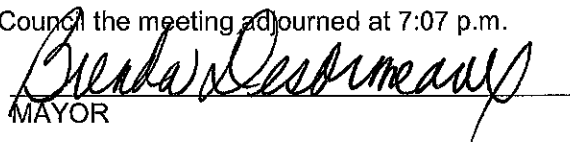
Mayor Desormeaux advised the participants in the executive session were: City Council, City Attorney and City Manager. For the record, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, she asked that they state their concerns for the record.

There were none.

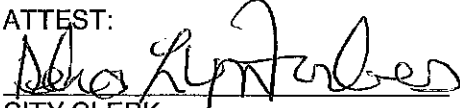
Councilmember Ritter made a motion to settle Case 21CW3122 as proposed by the City Water Attorneys. Councilmember Haynie seconded the motion. By a four-yes vote, the motion was approved.

ADJOURNMENT:

There being no further business to come before Council the meeting adjourned at 7:07 p.m.


MAYOR

ATTEST:


CITY CLERK