

STERLING, COLORADO  
NOVEMBER 9, 2021

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.

Mr. Ken Hazlitt, Faith Church, gave the invocation. Mayor Appelhans 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 9, 2021. Mayor Appelhans called the meeting to order at 5:30 p.m.

Councilmembers present:

Mayor	Appelhans
Councilmembers	Anderson Blecha Janes McCarty Ritter

Councilmember absent:

Councilmember	Desormeaux
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Also present:

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

Citizens present: 15

**CONSENT AGENDA:**

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

Item on the consent agenda was: City Council minutes of October 26, 2021.

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

None

**UNFINISHED BUSINESS:**

**SECOND READING AND PUBLIC HEARING – ORDINANCE NO. 10, SERIES OF 2021 - AN ORDINANCE APPROVING THE BALLPARK LLC SUBDIVISION OF BALLPARK, LLC ADDITION TO THE CITY OF STERLING, LOGAN COUNTY, COLORADO; AND APPROVING THE PLAT THEREOF:**

City Manager Blankenship advised Council first reading of this Ordinance took place on October 26, 2021, and it was thereafter published. On October 6, 2021, the Planning Commission held a public hearing on the Subdivision Application submitted by Bart J. Connolly, Authorized Agent of Ballpark, LLC, as Authorized Agent of First Christian Church of Sterling, Colorado, and found that the application met all requirements of Chapter 18, Subdivisions. The Planning Commission recommended approval of this subdivision, which will be known as Ballpark LLC Subdivision of Ballpark, LLC Addition to the City of Sterling, Logan County, Colorado. This Ordinance sets forth findings by City Council and approves the subdivision and plat.

Mayor Appelhans opened the public hearing.

Present to address Council was Ms. Susan Pratt, 206 Club Road. Ms. Pratt was there on behalf of Highland Park Sanitation District. She advised the District is unable to provide sewer services to this area. If allowed it would jeopardize the current users.

Public Works Director Good advised at this time they will not be tying in to the Highland Park Sanitation District system.

Mayor Appelhans closed the public hearing.

Councilmember Anderson asked for Planning Commission feedback. Public Works Director Good advised Highland Park Sanitation District concern was the main issue.

There was discussion on the property line in the alley. They are working it out.

Councilmember McCarty made a motion to approve Ordinance No. 10, Series of 2021. Councilmember Ritter seconded the motion. By a six-yes vote, the motion was approved.

**CITY MANAGER'S REPORT:**

City Manager Blankenship updated Council on the following:

- Sales and Lodging Taxes
- Water Production/Demand
- Loan between water and sewer complete
- Governor's Executive Order has expired relating to late fees, cut-off fees, etc.
- Trick or Treat Events
- PLR Board School Board member
- LEAP program discussion

**NEW BUSINESS:**

**REQUEST FROM THE CITIZENS ADVISORY BOARD:**

Present to address Council was Ms. Kim Sellers and Ms. Glenna Aurich.

Ms. Sellers requested \$100,000 from CAB money for a bronze sculpture at Heritage Park. They are getting donations from other members of the community as the total project is \$150,000.

Ms. Aurich requested, on behalf of CAB, \$3,600 for the billboard at the Iliff exit. CAB and the County each pay 50 percent.

Next Ms. Aurich brought up the Archway project. They are requesting \$70,000 of CAB money. The Archways will be placed in the boundaries to downtown. There will be three Archways. Currently, CAB is purchasing one, Sterling Urban Renewal Authority is purchasing another and they do not have funding for the third Archway.

All three of these items will be brought forward in a Resolution form for the next regular Council meeting.

There was discussion regarding the banner poles downtown and if they would be left up.

**FIRST READING – ORDINANCE NO. 11, SERIES OF 2021 - AN ORDINANCE APPROVING AN AMENDMENT TO LEASE AGREEMENT DATED SEPTEMBER 9, 2021, BETWEEN THE CITY OF STERLING, COLORADO (OWNER), AND C. ALAN HOAL AND LUCINDA HOAL, TRUSTEES OF THE C. ALAN HOAL TRUST DATED MAY 10, 2011, AND ANY AMENDMENTS THERETO, AS TO AN UNDIVIDED ½ INTEREST, AND C. ALAN HOAL AND LUCINDA HOAL, TRUSTEES OF THE LUCINDA HOAL TRUST DATED MAY 10, 2011, AND ANY AMENDMENTS THERETO, AS TO AN UNDIVIDED ½ INTEREST; AND AUTHORIZING THE MAYOR TO SIGN SAID AMENDMENT:**

City Manager Blankenship advised Council by Resolution No. 8-5-21, Series of 2021, the City approved a Donation Agreement pertaining to land described as Lots 1 and 2 in Horace B. Davis' Sub-Division of Lot 4, Block 16, City of Sterling, Logan County, Colorado, known and numbered as 330 Main Street, Sterling, Colorado.

As a condition of that Agreement, a portion of said land was leased back to the donees – the Trustees of the C. Alan Hoal Trust dated May 10, 2011, and any amendments thereto, as to an undivided ½ interest, and the Lucinda Hoal Trust dated May 10, 2011, and any amendments thereto, as to an undivided ½ interest.

The Trustees of the Hoal Trusts have requested an amendment to said Lease Agreement for the purpose of the City, as the primary consumer of electricity through the meter on the Leased Property, to assume responsibility of the electrical services, under the terms and conditions more particularly set forth in an Amendment to Lease Agreement.

This Ordinance approves said Amendment to the Lease Agreement. Colorado Revised Statutes, Section 31-15-719(1)(c), as amended, requires that any lease for a period of more than one year shall be by ordinance. This Amendment creates new terms of a lease that is for a period of more than one year.

The present use of electricity at the Leased Property is nominal, averaging fewer than 10 kilowatts per month primarily to open and close a garage door. If the electrical consumption at the Leased Property materially changes, in the City's subjective discretion, City shall be entitled to revoke the Amendment to Lease Agreement.

Councilmember Janes made a motion to introduce Ordinance No. 11, Series of 2021. Councilmember McCarty seconded the motion. City Clerk Forbes read the Ordinance by title. By a six-yes vote, the motion was approved.

**RESOLUTION NO. 11-1-21, SERIES OF 2021 – A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO, APPROVING A STUDENT CLINICAL AGREEMENT WITH THE STATE OF COLORADO DEPARTMENT OF HIGHER EDUCATION, STATE BOARD FOR COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION, FOR THE USE AND BENEFIT OF COMMUNITY COLLEGE OF AURORA:**

City Manager Blankenship advised Council this Resolution approves a Student Clinical Agreement for the use and benefit of Community College of Aurora, for the use of the City's Fire Department facilities and operations to provide required training for students enrolled in certain programs offered by Community College of Aurora, and opportunities for observation and/or practical experience, with the emphasis on education for said students rather than services.

Councilmember Anderson made a motion to approve Resolution No. 11-1-21, Series of 2021. Councilmember Blecha seconded the motion. By a six-yes vote, the motion was approved.

**RESOLUTION NO. 11-2-21, SERIES OF 2021 – A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO, ACCEPTING THE BID FROM SMH WEST LLC FOR THE WASTEWATER SYSTEM IMPROVEMENTS BID PACKAGE NO. 200, FORCE MAIN, PROJECT #20-009:**

City Manager Blankenship advised Council this Resolution accepts the Bid from SMH West LLC for the City's Wastewater System Improvements Bid package No. 200, Force Main, Project #20-009. Three bids were received in response to the City's advertisement for bids. The City's design engineer, Mott MacDonald, LLC, reviewed the bids and concurs with the recommendation to award the project to SMH West LLC, who was the lowest bidder. The cost for this project is \$8,098,000.00. There are sufficient funds in the City's Force Main Account for this project, derived from the CWRPDA wastewater facility improvement loan.

Councilmember Blecha made a motion to approve Resolution No. 11-2-21, Series of 2021. Councilmember McCarty seconded the motion. By a six-yes vote, the motion was approved.

**RESOLUTION NO. 11-3-21, SERIES OF 2021 – A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO, APPROVING A CONTRACT WITH THE STATE OF COLORADO ACTING BY AND THROUGH THE COLORADO DEPARTMENT OF TRANSPORTATION REGARDING MAINTENANCE OF STATE HIGHWAYS WITHIN THE CITY LIMITS:**

City Manager Blankenship advised Council this Resolution approves a Contract with the State of Colorado acting by and through the Colorado Department of Transportation for the City to provide some or all of certain maintenance services on State highways within the City limits that are the responsibility of the State under applicable law, and for the State to pay the City a reasonable negotiated fixed rate for such services. The present Contract between the State and the City for highway maintenance expires on November 8, 2021.

Councilmember McCarty advised Council the City will be paid the anticipated total sum of \$81,453.00 for the 4.75 years term of the Contract; subject to annual appropriation by the State.

Councilmember Janes made a motion to approve Resolution No. 11-3-21, Series of 2021. Councilmember Ritter seconded the motion. By a six-yes vote, the motion was approved.

**MISCELLANEOUS COUNCIL BUSINESS:**  
**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):**

Mayor Appelhans 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). Councilmember Anderson seconded the motion. By a six-yes vote, the motion was approved.

Councilmember McCarty asked if they could do Miscellaneous Council Business. He asked for the status of the walkway on the east side of Chestnut Street. Public Works Director Good advised they are waiting on the State.

Councilmember McCarty also asked about the cleanup of the river bottom. A citizen asked him if they could cut down firewood at the river bottom. He asked if Council or staff could look into offering free firewood permits with a liability waiver for people get the wood in that area. He then brought up the lime pile by the Sugar Beet Factory and advised that the City should offer that to people, also.

A gentleman came forward and advised he was homeless (no name or address). He advised there is a sewer issue at the Wash Place that he would like staff to be aware of.


Council went into executive session at 6:15 p.m.

Council came out of executive session at 6:53 p.m.


Mayor Appelhans advised the participants in the executive session were: City Councilmembers City Manager, City Attorney and Finance 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.

There being no further business to come before Council the meeting adjourned at 6:54 p.m.

  
MAYOR

ATTEST:

  
CITY CLERK