

STERLING, COLORADO  
OCTOBER 23, 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.

Pastor David Baines, New Beginnings Outreach, 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, October 23, 2018. Mayor Torres called the meeting to order at 7:00 p.m.

Councilmembers present:

Mayor	Torres
Councilmembers	Appelhans Desormeaux (Rhodes) McCarty Pitcher Rice

Councilmembers absent:

Councilmembers	Flores
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Also present:

City Manager	Saling
City Attorney	Penny
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
Human Resource Director	Brown
Airport Manager	May
Paralegal	Welsh

Citizens present: 23

**CONSENT AGENDA:**

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

Appelhans	yes	Rice	yes
McCarty	abstain	Desormeaux	yes
Pitcher	yes	Torres	yes

Items on the consent agenda were: City Council minutes of October 9, 2018 and an application for renewal of retail liquor store license for Major Liquors located at 529 Iris Drive.

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

None

**UNFINISHED BUSINESS:**

**CITY MANAGER'S REPORT:**

City Manager Saling updated Council on the following:

- Bid opening for the "S" Curve is Thursday, October 25
- Urban Park Design
- Fall cleanup
- Out of the office
- West Main Street Water project
- Second and Main Streets Bulb-out project
- Pad for the dog park water fountain
- Drug Take Back Day is October 27 from 10 a.m.-2 p.m.
- Park activities for the rest of October
- Mass Casualty Drill Wednesday, October 24
- No work session on October 30, 2018

**NEW BUSINESS:**

**PRESENTATION FROM CREATIVE ARTS DISTRICT – CINDY MOORE:**

Present to address Council was Ms. Cindy Moore, Creative Arts District. Ms Moore updated Council on the Arts District and asked for affirmation of the boundaries from Council.

Mayor Torres suggested expanding this throughout the County. The defined boundaries are needed to go to the State.

Council had questions regarding notations on the map. The district is inside the lines on the map.

It was the consensus of Council to have staff do a resolution for the next Council meeting.

**APPLICATION FOR RENEWAL OF BEER & WINE LIQUOR LICENSE – BLUE COLLAR STEAKHOUSE LLC – BLUE COLLAR STEAKHOUSE – 115 NORTH 10<sup>TH</sup> AVENUE:**

City Manager Saling advised Council this application for renewal of the beer & wine liquor license for Blue Collar Steakhouse, 115 North 10<sup>th</sup> Avenue, was timely filed and the licensee has paid the required fees. The current license expires on October 25, 2018. The reports from the Police and Fire Department were mailed to the licensee. The licensee did incur a State liquor violation since the last annual application and a letter was sent to the licensee advising that a representative must appear at this Council meeting to answer any questions Councilmembers might have concerning the violation.

Present to address Council was Mr. Andrew Timmerman, 115 North 10<sup>th</sup> Avenue.

Mayor Torres asked what had been done since the violation. Mr. Timmerman advised Council they have done more training.

Councilmember Appelhans made a motion to approve the Beer & Wine Liquor License for Blue Collar Steakhouse located at 115 North 10<sup>th</sup> Avenue. Councilmember McCarty seconded the motion. By a six-yes vote, the motion was approved.

**APPLICATION FOR A NEW 3.2% BEER OFF-PREMISES LIQUOR LICENSE – FAMILY FOODS MARKET, LLC – FAMILY FOODS MARKET – 217 SOUTH 3<sup>RD</sup> AVENUE:**

City Manager Saling advised Council that Family Foods Market, LLC has filed an application for a 3.2% beer off-premises liquor license for Family Foods Market, 217 South 3<sup>rd</sup> Avenue. All documentation and fees have been submitted. City Council needs to set a date for the public hearing. Council also needs to determine if it wants a survey to determine the needs and desires of the neighborhood, and if so, the number of contacts required and the designation of the neighborhood. It is requested that the public hearing be set on November 27, 2018, to allow for completion of the background investigation. This date would also allow time for a survey to be completed, if Council determines that a survey is necessary.

Councilmember Rice made a motion to waive the survey. Councilmember Desormeaux seconded the motion. By a six-yes vote, the motion was approved.

Councilmember Rice made a motion to set the public hearing date for November 27, 2018. Councilmember Appelhans seconded the motion. By a six-yes vote, the motion was approved.

**APPLICATION FOR A 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 tavern liquor license for the Hot Spot Smokehouse, 402 Main Street. All documentation and fees have been submitted. City Council needs to set a date for the public hearing. Council also needs to determine if it wants a survey to determine the needs and desires of the neighborhood, and if so, the number of contacts required and the designation of the neighborhood. It should be noted that this location has been previously licensed and was formerly the Old Town Bistro. It is requested that the public hearing be set on November 27, 2018, to allow for completion of the background investigation. This date would also allow time for a survey to be completed, if Council determines that a survey is necessary.

Councilmember Desormeaux made a motion to waive the survey and to set the public hearing date for November 27, 2018. Councilmember Appelhans seconded the motion. By a six-yes vote, the motion was approved.

**RESOLUTION NO. 10-3-18, SERIES OF 2018 – 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 purchased by the City from Rothe 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. The lease is renewable automatically annually.

Councilmember Appelhans made a motion to approve Resolution No. 10-3-18, Series of 2018. Councilmember McCarty seconded the motion. By a six-yes vote, the motion was approved.

**RESOLUTION NO. 10-4-18, SERIES OF 2018 - A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO, APPROVING THE EXPENDITURE OF FUNDS DERIVED FROM THE CITY OF STERLING HOTEL TAX FUND, IN ACCORDANCE WITH CHAPTER 19, ARTICLE VII, OF THE CITY CODE:**

City Manager Saling advised Council at the October 9, 2018 Council meeting, a representative from the Citizens Advisory Board presented a recommendation for the City to provide funds for the cost of purchasing banners to be placed on West Main Street. This resolution approves the expenditure of an amount not to exceed \$11,000.00 for that purpose. Not more than \$11,000.00 will be expended for the project, from the Sterling Hotel Tax Fund, in accordance with Chapter 19, Article VII, of the Sterling City Code.

Councilmember Appelhans made a motion to approve Resolution No. 10-4-18, Series of 2018. Councilmember McCarty seconded the motion. By a six-yes vote, the motion was approved.

**RESOLUTION NO. 10-5-18, SERIES OF 2018 - A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO ACCEPTING THE BID FROM INSITUFORM TECHNOLOGIES, LLC, FOR THE CITY OF STERLING SEWER LINE RECONSTRUCTION PROJECT #18-008:**

City Manager Saling advised Council this resolution approves the bid proposal received from Insituform Technologies, LLC for the City of Sterling Sewer Line Reconstruction project #18-008, and approves and authorizes the Mayor to sign the related agreement. This was the only bid received. The bid submitted and approved by this resolution is in the amount of \$87,420.00. This is an acceptable amount for the project and there are sufficient funds in the Public Works 2018 budget for this project.

Council asked when the project would be completed. Public Works Director Good advised Council they would be getting the contract within the next 30 days and it will take three weeks to complete.

Councilmember Appelhans made a motion to approve Resolution No. 10-5-18, Series of 2018. Councilmember Rice seconded the motion. By a six-yes vote, the motion was approved.

**RESOLUTION NO. 10-6-18, SERIES OF 2018 - A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO, APPROVING A MEMORANDUM OF UNDERSTANDING WITH NORTHEASTERN JUNIOR COLLEGE FOR SERVICES TO BE PROVIDED THROUGH THE STERLING FIRE DEPARTMENT:**

City Manager Saling advised Council this resolution approves the terms of a Memorandum of Understanding relating to services to be provided to Northeastern Junior College by the Sterling Fire Department with respect to building fire safety issues and inspections, and requirements and procedures for instituting a fire watch when critical components of a building's life safety systems become disabled or an unsafe condition exists within a building.

Councilmember Appelhans made a motion to approve Resolution No. 10-6-18, Series of 2018. Councilmember McCarty seconded the motion. By a six-yes vote, the motion was approved.

**FIRST READING - ORDINANCE NO. 16, SERIES OF 2018 – AN ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE AMOUNT OF ONE MILLION NINETY-FOUR THOUSAND TWO HUNDRED FORTY DOLLARS (\$1,094,240) AND REGULATING THE PAYMENT OF MONEY OUT OF THE CITY TREASURY, AND INCREASING THE AMOUNT OF THE REVENUE BUDGET FOR 2018 BY ONE HUNDRED FORTY-SIX THOUSAND SEVEN HUNDRED THIRTY DOLLARS (\$146,730):**

City Manager Saling advised Council this ordinance is for projects for 2018 and grant money received in 2018. The increase in expenses is \$1,094,240 and revenue of \$146,730.

Councilmember Rice made a motion to introduce Ordinance No. 16, Series of 2018. Councilmember Desormeaux seconded the motion. City Clerk Forbes read the ordinance by title. By a six-yes vote, the motion was approved.

**FIRST READING – ORDINANCE NO. 17, SERIES OF 2018 – AN ORDINANCE AMENDING THE STERLING CITY CODE, CHAPTER 4, ANIMALS, ARTICLE 2, IMPOUNDMENT, SECTION 4-62, ADOPTION:**

City Manager Saling advised Council this ordinance amends Chapter 4, Article 2, Section 4-62 of the City Code, to remove references to “humane society” and “Logan County Humane Society”, and substituting “shelter operator” in place of those references.

Councilmember Appelhans made a motion to introduce Ordinance No. 17, Series of 2018. Councilmember McCarty seconded the motion. City Clerk Forbes read the ordinance by title. By a six-yes vote, the motion was approved.

**DEPARTMENT REPORT – PUBLIC WORKS DEPARTMENT:**

Airport Manager Charlie May gave an update for the airport. He asked Council for approval to look at a SIB (State Infrastructure Bank) loan, three percent, low interest, for a period of ten years to put a new hanger at the airport. The City would have the revenue from the current hanger lease payments to make the scheduled payments. He went over the opportunities a new hanger would do for the City, including being able to house King Air and corporate jets, have an airport inspector program and an airport mechanic. The estimated cost is \$400,000.

It was the consensus of Council to get information on the loan and go forward.

**MISCELLANEOUS COUNCIL BUSINESS:**

**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 McCarty seconded the motion. By six-yes vote, the motion was approved.

Council went into executive session at 8:21 p.m.

Council came out of executive session at 9:17 p.m.

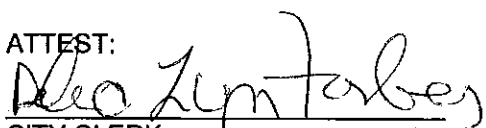
Mayor Torres advised the participants in the executive session were: City Council, City Attorney, City Manager and Fire Chief Ritter. For the record, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into the 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.

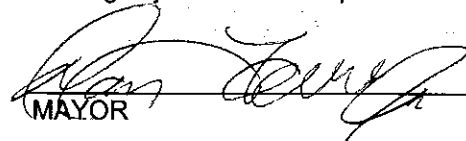
There was none.

**ADJOURNMENT:**

There being no further business to come before Council the meeting adjourned at 9:18 p.m.

ATTEST:

  
CITY CLERK

  
MAYOR