

**STERLING, COLORADO
SEPTEMBER 13, 2016**

**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 Bill Couchenour, Sterling Nazarene 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, September 13, 2016. Mayor Torres called the meeting to order at 7:00 p.m.

Councilmembers present:

Mayor	Torres
Councilmembers	Flores Lawson McCarty Pitcher Rice

Councilmembers absent:

Councilmember	Appelhans
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Also present:

City Manager	Saling
City Attorney	Penny
City Clerk	Forbes
Police Chief	Kerr
Parks, Library and Recreation Director	Gandee
Human Resource Director	Brown
Public Safety Communications Director	Hardesty
Airport Operator	May
Street/Sanitation and PCF Superintendent	Rewoldt
Paralegal	Welsh



Citizens present: 19

CONSENT AGENDA:

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

Items on the consent agenda were: City Council minutes of August 23, 2016, permit application and report of changes for the Pizza Hut located at 224-228 West Main Street and application for renewal of retail liquor store license for Elm Street Liquor located at 201 Elm Street.

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
Front Street landscaping project
CML District 1 Fall meeting in Wray on October 5
Generator at the Service Center
Felicia Brooks water damage claim
Sales and Lodging taxes
Pedal the Plains
Statue dedication on September 24
Miracle Letter program on Saturday, October 8

NEW BUSINESS:

INTRODUCTION OF NEW CITY EMPLOYEES:

Human Resource Director Brown introduced Alyssa Hradecky, Devon Newth, Daniel Powell and Monty Waite.

PRESENTATION OF CONSTITUTION WEEK PROCLAMATION:

Mayor Torres read the Constitution Week Proclamation.

NON-PROFIT ORGANIZATIONS COMMITTEE REPORT – HUMAN RESOURCE DIRECTOR BROWN:

Human Resource Director Brown advised Council of the recommended non-profit organizations requests and recommended from the committee for 2017. Organization and request amounts are:

<u>ORGANIZATION</u>	<u>REQUEST</u>	<u>RECOMMENDED</u>
American Red Cross	\$1,500	\$1,500
Cooperative Ministries	\$7,500	\$7,500
Family Resource Center	\$5,000	\$2,500
Help for Abused Partners	\$3,500	\$2,500
LC Economic Dev.	\$48,000	\$48,000
LC Chamber of Commerce	\$10,000	\$8,500
SBDC	\$3,000	\$3,000
Hospice of Plains	\$1,000	0
Lighthouse Addiction	\$6,650	0
NE Colorado Housing	\$4,000	\$1,500

There were concerns that organizations that apply for funds the first year get zero. Human Resource Director Brown advised that Lighthouse Addiction is outside the City and the City hosts a table at the Hospice of the Plains banquet. There was discussion if Logan County Economic Development and Chamber of Commerce should be a different line item request instead of part of

the non-profits. There was further discussion. City Manager Saling advised Council that the recommendations were in the proposed budget and can be dealt with at the budget hearing.

PUBLIC HEARING – APPLICATION FOR SPECIAL EVENT PERMIT – LOGAN COUNTY CHAMBER OF COMMERCE – 109 NORTH FRONT STREET:

City Manager Saling advised Council that an application for a special event permit was filed by the Logan County Chamber of Commerce for Sugar Beet Days, to be held on South 3rd Street, between Ash Street and Main Street, on September 17, 2016 from 11:00 o'clock a.m. to 11:59 o'clock p.m., 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 was Ms. Kim Sellers, Logan County Chamber of Commerce.

Mayor Torres opened the public hearing.

There were no comments.

Mayor Torres closed the public hearing.

Councilmember Rice made a motion to approve the special event permit for the Logan County Chamber of Commerce. Councilmember Pitcher seconded the motion. By a six-yes vote, the motion was approved.

APPLICATION FOR A NEW BEER & WINE LIQUOR LICENSE – BLUE COLLAR STEAKHOUSE LLC – BLUE COLLAR STEAKHOUSE – 115 NORTH 10TH AVENUE:

City Manager Saling advised Council that Blue Collar Steakhouse LLC has filed an application for a new beer & wine liquor license for the Blue Collar Steakhouse, 115 North 10th 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 or after October 25, 2016, 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 Flores made a motion to waive the survey. Councilmember Lawson seconded the motion. By a six-yes vote, the motion was approved.

Councilmember Lawson made a motion to set the public hearing date for October 25, 2016. Councilmember McCarty seconded the motion. By a six-yes vote, the motion was approved.

RESOLUTION NO. 9-1-16, SERIES OF 2016 - A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO, APPROVING A CONTRACT TO BUY AND SELL PERSONAL PROPERTY BETWEEN THE CITY OF STERLING AND THE BOARD OF COUNTY COMMISSIONERS OF LOGAN COUNTY, COLORADO, FOR THE SALE OF A MOBILE HOME BY THE CITY TO THE COUNTY:

City Manager Saling advised Council the City purchased certain property from Ross Ferrin, which included a mobile home located on the property. The mobile home is in poor condition and has minimal value. The County wishes to purchase the mobile home and remove it from the City's property. This resolution approves a contract for that proposed sale and purchase. The County will pay the City \$10.00 for the mobile home, and will move the mobile home from the City's property, at the County's expense.

Councilmember Lawson made a motion to approve Resolution No. 9-1-16, Series of 2016. Councilmember McCarty seconded the motion. By a six-yes vote, the motion was approved.

RESOLUTION NO. 9-2-16, SERIES OF 2016 – A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO, APPROVING SUBMISSION OF A PUBLIC LIBRARY GRANT ELIGIBILITY FORM FOR A COLORADO STATE PUBLIC LIBRARY GRANT:

City Manager Saling advised Council that each year the State Grants for Libraries are provided by the Colorado State Library to enable public libraries, school libraries, and academic libraries to obtain educational resources they would otherwise be unable to afford. This resolution approves the submission of a Public Library Grant Eligibility form, which is the process for receiving grant funds.

Councilmember Lawson made a motion to approve Resolution No. 9-2-16, Series of 2016. Councilmember Flores seconded the motion. By a six-yes vote, the motion was approved.

RESOLUTION NO. 9-3-16, SERIES OF 2016 - A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO ACCEPTING THE BID FROM McATEE CONSTRUCTION COMPANY FOR THE CITY OF STERLING 2016 SURFACE TREATMENT PROJECT #16-007, AND APPROVING AN AGREEMENT:

City Manager Saling advised Council that this resolution accepts the bid submitted by McAtee Construction Company for the City's 2016 Surface Treatment Project #16-007, and approves and authorizes the Mayor to sign the related agreement. The City published a request for bid proposals relating to its 2016 Surface Treatment project #16-007. The only bid received was from McAtee Construction Company. The bid proposal in the amount of \$518,700.50 is an acceptable amount for the project, and the Public Works Department has budgeted for the work to be performed. He advised Council that in the back of his City Manager's report is the list of the streets.

Councilmember Flores made a motion to approve Resolution No. 9-3-16, Series of 2016. Councilmember Rice seconded the motion. By a six-yes vote, the motion was approved.

RESOLUTION NO. 9-4-16, SERIES OF 2016 – A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO ACCEPTING THE BID FROM YOST CONSTRUCTION CO. FOR THE CITY OF STERLING SIDEWALK PROJECT #16-008, AND APPROVING AN AGREEMENT:

City Manager Saling advised Council that this resolution accepts the bid submitted by Yost Construction Co. for the City's Sidewalk Project #16-008, and approves and authorizes the Mayor to sign the related agreement. The City published a request for bid proposals relating to its Sidewalk Project #16-008. Two bids were received, and Yost Construction Co. submitted the lowest bid proposal in the amount of \$225,426.00. The bid amount is an acceptable amount for the project, and the Public Works Department has budgeted for the work to be performed. He advised this is a grant from the Transportation Alternative Program. There is a map of the sidewalks in the City Manager's report. These are new sidewalks around schools.

Councilmember Flores made a motion to approve Resolution No. 9-4-16, Series of 2016. Councilmember McCarty seconded the motion. By a six-yes vote, the motion was approved.

RESOLUTION NO. 9-5-16, SERIES OF 2016 – 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 that this resolution approves 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 lease is a portion of the property recently 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 properties recently purchased by the City adjoining and on the South Platte River. It was explained that the City’s current easement is for maintenance of the storm ditch and the public does not have the right to drive down to the property. This lease would allow the public to have access to the property. There was discussion.

Councilmember Rice made a motion to approve Resolution No. 9-5-16, Series of 2016. Councilmember Pitcher seconded the motion. By a five-yes and one-no vote, the motion was approved. Voting was as follows:

Rice	yes	Pitcher	yes
Lawson	no	Flores	yes
McCarty	yes	Torres	yes

RESOLUTION NO. 9-6-16, SERIES OF 2016 – A RESOLUTION BEFORE THE CITY OF STERLING, LOGAN COUNTY, COLORADO, APPROVING AN AGREEMENT TO AMEND AND CORRECT DEED AND TO GRANT CONDITIONAL CONSIDERATION, REGARDING CITY-OWNED PROPERTY SOLD TO HIGH PLAINS HOSPITALITY, LLC:

City Manager Saling advised Council that the City entered into an option to purchase vacant land in 2014, which option was subsequently exercised and the land conveyed to High Plains Hospitality, LLC, in 2015. Pursuant to the Option to Purchase, the deed conveying the property contained a reverter clause, providing that the property would revert to the City if certain construction conditions were not met by November 1, 2016. High Plains Hospitality, LLC’s lender now requires the release of termination of the right of reverter in favor of the City in order for it to participate in the planned construction on the subject property. This resolution approves an agreement that provides for the release of the City’s right of reverter, and in consideration therefore High Plains Hospitality, LLC will agree to pay the City the appraised value of the property, if the required construction is not completed by November 1, 2017. Further, High Plains Hospitality will provide security for the performance of its conditional obligation by either posting a performance bond, or depositing with a title company or escrow company cash, in the amount of the appraised value of the property. If High Plains Hospitality, LLC does not complete the required construction as set forth in the proposed agreement to amend by November 1, 2017, the City will receive \$113,603.20, which is the appraised value of the subject property.

Councilmember McCarty made a motion to approve Resolution No. 9-6-16, Series of 2016. Councilmember Rice seconded the motion. By a six-yes vote, the motion was approved.

FIRST READING – ORDINANCE NO. 8, SERIES OF 2016 – AN ORDINANCE MAKING AN ADDITIONAL APPROPRIATION IN THE AMOUNT OF TWO MILLION, FIVE HUNDRED FORTY-TWO THOUSAND FOUR HUNDRED TEN DOLLARS (\$2,542,410) AND REGULATING THE PAYMENT OF MONEY OUT OF THE CITY TREASURY, AND INCREASING THE AMOUNT OF THE REVENUE BUDGET FOR 2016 BY FIVE HUNDRED THIRTEEN THOUSAND EIGHT HUNDRED NINETEEN DOLLARS (\$513,819):

City Manager Saling advised Council that this ordinance reappropriates for projects and revenues received in 2016 after the 2016 budget was completed. Expenses will increase by \$2,542,410.00 and revenues by \$513,819.00.

Councilmember Flores made a motion to introduce Ordinance No. 8, Series of 2016. Councilmember Rice seconded the motion. City Clerk Forbes read the ordinance by title. By a six-yes vote, the motion was approved.

DEPARTMENT REPORT – PARKS, LIBRARY AND RECREATION DEPARTMENT – PRESENTATION FROM MR. VAL HEIM, RIVERVIEW GOLF CLUB:

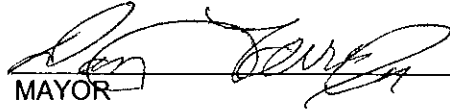
Parks, Library and Recreation Director Gandee gave his department report. Mr. Val Heim, Riverview Golf Club was present to update Council regarding the golf course.

SUBMISSION OF 2017 PROPOSED BUDGET:

City Manager Saling submitted the 2017 Proposed Budget to Council. The public hearing is set for two weeks after submission, September 27, 2016.

ADJOURNMENT:

There being no further business to come before Council the meeting adjourned at 8:29 p.m.


MAYOR

ATTEST:


CITY CLERK