A regular meeting of the Montrose City Council was held on Tuesday, November 1, 2022, at 6:00 p.m. in the City Council Chambers of the Elks Civic Building. Said meeting was posted in accordance with the Sunshine Law.

PRESENT: Dave Frank, Barbara Bynum, Doug Glaspell, J. David Reed, Ed Ulibarri, Bill Bell, Ann Morgenthaler, Ben Morris, Chris Dowsey, Lisa DelPiccolo, Greg Story, Blaine Hall, Terri Wilcox, Jim Scheid, Shani Wittenberg, Jace Hochwalt, William Reis, David Bries, Scott Murphy, Matt Magliaro

GUESTS: Chelsea McHugh, Kevin McHugh, Rick Brown, Jamie Pyfrom, Brandon Malara

CALL TO ORDER

Mayor Dave Frank called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

CHANGES TO THE AGENDA

No changes were made to the agenda.

CALL FOR PUBLIC COMMENT

No comments were received.

APPROVAL OF MINUTES

City Council considered the minutes of the October 17, 2022, special City Council meeting and the October 18, 2022, regular City Council meeting.

A motion was made by Doug Glaspell, seconded by J. David Reed, to approve the minutes of the October 17, 2022, special City Council meeting and the October 18, 2022, regular City Council meeting as presented. All voted yes. Motion passed.

NEW BREW PUB LIQUOR LICENSE APPLICATION

City Council considered an application for a new Brew Pub liquor license at 830 N. Townsend Avenue for Pomona Brewing Company, Inc., d.b.a. Pomona Brewing Company, for consumption on the licensed premises and to sell malt liquor beverages manufactured on the licensed premises and packaged in sealed containers for consumption off of the licensed premises. A hearing was held.

City Attorney Ben Morris reported that the file is in order, the fees have been paid, and a written findings report is included in the official file. Mr. Morris reviewed a summary of petitions circulated by the applicants. A total of 70 signatures were submitted with 8 disqualified and 62 determined to be valid and in support of the license. Mr. Morris entered the official file into the record and stated that in his opinion the petitions adequately reflect the desires of the neighborhood.

Applicants Chelsea McHugh and Kevin McHugh reviewed their plan to brew beer on site and offer pub fare from a small kitchen. Ms. McHugh stated that they intend to create a business with a sense of community and family atmosphere.

The applicants stated that they understood the designation of the city limits as the neighborhood and did not object. Ms. McHugh stated that the North Townsend vicinity is underserved in terms of restaurants and brew pubs and is lacking a community gathering location.

Ms. McHugh stated that both applicants are familiar with liquor laws, and both completed alcohol server training. Mr. McHugh stated that anyone serving alcohol will be expected to complete alcohol server training. Mr. McHugh said that a February opening is planned, and alcohol will not be served before the lease agreement takes effect on January 1, 2023.

Mayor Dave Frank opened the hearing.

Public comment was accepted. No comments were received.

Mayor Frank closed the hearing.

A motion was made by Barbara Bynum, seconded by J. David Reed, to approve a new Brew Pub liquor license at 830 N. Townsend Avenue for Pomona Brewing Company, Inc., d.b.a. Pomona Brewing Company, for consumption on the licensed premises and to sell malt liquor beverages manufactured on the licensed premises and packaged in sealed containers for consumption off of the licensed premises. All voted yes. Motion passed.

ORDINANCE 2599 – FIRST READING

City Council considered Ordinance 2599 on first reading, an Ordinance of the City of Montrose, Colorado, providing and appropriating funds for defraying the expenses and liabilities of the City of Montrose, Colorado, during the fiscal year beginning January 1, 2023. A hearing was held.

Finance Director Shani Wittenberg reviewed the budget process which began in May with a strategy session to determine budget priorities. Department budgets were reviewed in July, and a budget session with City Council was held on September 21. Ms. Wittenberg stated that a public open house was held on October 18, and the proposed budget was delivered to City Councilors by October 15 in accordance with the City Charter.

Ms. Wittenberg provided an overview of the $94.8 million budget by fund and noted proposed increases to water, sewer, and trash service rates.

Mayor Dave Frank opened the hearing.

Public comment was accepted. No comments were received.

Mayor Frank closed the hearing.

A motion was made by Doug Glaspell, seconded by Barbara Bynum, to pass Ordinance 2599 on first reading as presented. All voted yes. Motion passed.

RESOLUTION 2022-14

City Council considered Resolution 2022-14, a Resolution of the City Council of the City of Montrose, Colorado, adopting the 2023 Fee Schedule and repealing 4-1-4 (G) subsections (1) and (2) of the Montrose Regulations Manual.

City Clerk Lisa DelPiccolo reported that the meeting packet includes a redline version of the proposed changes, a summary of the changes, and a final version which is attached to the Resolution as Exhibit A. Ms. DelPiccolo stated that Resolution 2022-14 also removes the City Operations and Police Services (COPS) Fee from the Regulations Manual.

Public comment was accepted. No comments were received.

A motion was made by J. David Reed, seconded by Doug Glaspell, to adopt Resolution 2022-14 as presented. All voted yes. Motion passed.

RESOLUTION 2022-15

City Council considered Resolution 2022-15, a Resolution of the City of Montrose Colorado, opting out of the Colorado Paid Family and Medical Leave Insurance Program pursuant to Colorado Revised Statutes § 8-13.3-522.

Assistant City Attorney Chris Dowsey reported that Proposition 118 was approved by Colorado voters in 2020 and thereby established the FAMLI program. Mr. Dowsey stated that FAMLI is an insurance program under which employees and employers pay in, and the employee is eligible for compensation during FMLA leave. Mr. Dowsey stated that local governments may opt out. Employees can still opt in independently, but the government entity is not required to contribute. Mr. Dowsey said the City's FMLA policy offers better benefits than the FAMLI program.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by J. David Reed, to adopt Resolution 2022-15 as presented. All voted yes. Motion passed.

REQUEST FOR SUPPORT FOR MONTROSE REGIONAL HEALTH AMBULATORY CARE CENTER

City Council considered a request to abate the actual cost of water and sewer connection fees for the Montrose Regional Health Ambulatory Care Center, estimated to total $47,533.00.

City Councilor J. David Reed and Mayor Pro Tem Barbara Bynum recused themselves from this agenda item due to potential conflicts and left the City Council Chambers at 6:41 p.m.

Deputy City Manager Ann Morgenthaler reported that any request for abatement of connection fees requires City Council approval because City funds are appropriated to cover the cost.

Ms. Morgenthaler reviewed the proposal for the City to cover the actual costs of connection fees which is consistent with past projects that benefit the public. Ms. Morgenthaler said this agenda item addresses the abatement of water and sewer tap fees only. The City will also support the project by waiving building permit fees, funding improvements along riverway trail, funding the extension of a public water line, and sponsoring bike racks.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by Dave Frank, to abate the actual cost of water and sewer connection fees for the Montrose Regional Health Ambulatory Care Center as presented. Ed Ulibarri voted no. All others present voted yes. Motion passed.

Ms. Bynum and Mr. Reed rejoined the meeting at 6:45 p.m.

THE FALLS AT VALLEY RANCH PRELIMINARY PLANNED DEVELOPMENT

City Council considered the Falls at Valley Ranch Preliminary Planned Development.

Planner II William Reis stated that his presentation would cover this agenda item and item 13 since they are associated with the same project. However, two separate action items and votes are necessary.

Mr. Reis reviewed the location of the 130 acres adjacent to Otter Road. Mr. Reis stated that the amended preliminary plat creates seven single family residential lots and one outlot. The seven lots are within the R-1 zoning designation and the outlot is zoned R-2 and R-3A.

The applicant opted to also move forward with a Planned Development application. Mr. Reis stated that the applicant is requesting a deviation from the standard road template including irrigation, utility and drainage easements. Mr. Reis reviewed zoning regulations and stated that the proposed use is a use by right within the R-1 zoning district.

Mr. Reis recommended approval of the Preliminary Planned Development and the Amended Preliminary Plat stating that the request is in compliance with subdivision regulations and the Comprehensive Plan and meets the intent of the zoning district.

Mr. Reis confirmed that no written public comments were received, and the road deviations were reviewed by staff including the City Engineer.

Public comment was accepted. No comments were received.

A motion was made by Barbara Bynum, seconded by Ed Ulibarri, to approve the Falls at Valley Ranch Preliminary Planned Development. All voted yes. Motion passed.

THE FALLS AT VALLEY RANCH AMENDED PRELIMINARY PLAT

City Council considered the Falls at Valley Ranch Amended Preliminary Plat.

Public comment was accepted. No comments were received.

A motion was made by Barbara Bynum, seconded by Doug Glaspell, to approve the Falls at Valley Ranch Amended Preliminary Plat expressly conditioned upon City staff ensuring that all policies, regulations, ordinance and municipal code provisions are met, and that the Applicant adequately addressed all of staff's concerns prior to the execution of the Final Plat. The City staff is not authorized by this approval to execute the Final Plat prior to all conditions being satisfied. All voted yes. Motion passed.

ORDINANCE 2600 – FIRST READING

City Council considered Ordinance 2600 on first reading, an Ordinance of the City of Montrose, Colorado, amending the zoning designation of the Eagle Ranch P.D. Filing 1, Amendment 3, Outlot 1 from "R-2", Low Density District, to "R-3A", Medium High Density District. A hearing was held.

Planner II William Reis reviewed the location of the 8.42 acres at the northeast corner of 6700 Road and Oak Grove Road. Mr. Reis stated that the property currently has split zoning designations which complicates future development and/or subdivision. Mr. Reis reviewed the zoning of the surrounding area, rezone criteria, and the R3-A zoning designation, as well as Comprehensive Plan and Municipal Code provisions. The Planning Commission recommended approval with a 4-1 vote.

Mr. Reis recommended approval stating that the proposal meets rezone criteria, is in compliance with the Comprehensive Plan, is compatible with existing uses in the surrounding area, and will reconcile the split zoning on the lot.

Mr. Reis stated that no written public comments were received.

Mayor Dave Frank opened the hearing.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by J. David Reed, to pass Ordinance 2600 on first reading as presented. All voted yes. Motion passed.

ORDINANCE 2598 – SECOND READING

City Council considered Ordinance 2598 on second reading, an Ordinance of the City of Montrose, Colorado, designating the Knights of Pythias Building, 33 S Cascade Ave, Montrose, Colorado, as a City of Montrose Historic Property Pursuant to § 4-15 of the Official Code of the City of Montrose.

Planner II William Reis reported that no changes were made to Ordinance 2598 since first reading. Mr. Reis stated that the Knights of Pythias Building is eligible for Historic Property designation due to its age, its history as a fraternal lodge, and its architectural features that are representative of the Classical Revival style of the early 20th century.

Mr. Reis recommended approval.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by Ed Ulibarri, to adopt Ordinance 2598 on second reading as presented. All voted yes. Motion passed.

STAFF REPORTS

Deputy City Manager Ann Morgenthaler announced that City Clerk Lisa DelPiccolo was acknowledged by the Colorado Municipal Clerks Association for outstanding contributions to CMCA. She was also nominated for Clerk of the Year and acknowledged for earning Athenian Fellow designation from the Athenian Leadership Society.

Police Chief Blaine Hall provided an update on an armed robbery at House of Spirits over the weekend. Chief Hall acknowledged Sgt. Chris Velasquez, Officer Jamie Kent, and Sgt. Matt Breshears with the Montrose County Sheriff's Office who quickly disarmed and apprehended the suspect. Chief Hall also reported that an explosion was reported at a trailer park on Sunday. Responding officers encountered an individual with mental health issues and a knife. Chief Hall commended the officers involved for using less than lethal options to bring the suspect into custody.

CITY COUNCIL COMMENTS

City Councilor Ed Ulibarri reported that he recently met with City Engineer Scott Murphy, and he thanked Mr. Murphy for providing the information he needed.

City Councilor Doug Glaspell commended Public Works crews for the response to a recent water line break on Main Street.

MOTION TO ADJOURN

At 7:07 p.m., a motion was made by J. David Reed to adjourn the meeting with no further action taken.

ATTEST:

Lisa DelPiccolo

Lisa DelPiccolo, City Clerk

CITY OF MONTROSE
CITY SEAL
COLORADO

David Frank, Mayor