A regular meeting of the Montrose City Council was held on Tuesday, August 3, 2021 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. Public participation for this meeting was held in person and via Zoom. The meeting agenda included a Zoom link and phone numbers for public participation.

PRESENT: Doug Glaspell, Dave Frank, Barbara Bynum, J. David Reed, Anthony Russo, Bill Bell, Ann Morgenthaler, Stephen Alcorn, Greg Story, Lisa DelPiccolo, Matt Smith, Jim Scheid, Blaine Hall, Amy Sharp, Ross Valdez, William Reis, Tim Cox, Matt Magliaro, Shani Wittenberg, Terri Wilcox, David Bries

GUESTS: Wanda Tekavec, Jean Orton, Dennis Vaughan, Kathie Johnson, Chris Dennis, Susan Kroll, Steven Cox, Caitlin Switzer, Jon Terry, Gunnison Clamp, Rich Dana, Ty Withee, Peter Icenogle, Shannon Power, Reilly O'Brien, Jessica Northrup, Cassie Knust, Steve Stevenson, Abbie Brewer, Peter Stainton, Russell Polen, Harmon Zuckerman, Mary Siefert, Jennifer Dana, Madison Lehrer, Joe Case, Lana Kinsey, Dennis Alarid, Linda Borof, Irwin Borof

CALL TO ORDER

Mayor Doug Glaspell called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Pro Tem Dave Frank.

CHANGES TO THE AGENDA

Mayor Pro Tem Dave Frank stated that item 6, Approval of Minutes would be separated into two action items.

CALL FOR PUBLIC COMMENT

No comments were received.

APPROVAL OF MINUTES

City Council considered the minutes of the July 19, 2021 special City Council meeting.

A motion was made by Dave Frank, seconded by Barbara Bynum, to approve the minutes of the July 19, 2021 special City Council meeting as presented. All voted yes. Motion passed.

City Council considered the minutes of the July 20, 2021 regular City Council meeting.

A motion was made by Dave Frank, seconded by Barbara Bynum, to approve the minutes of the July 20, 2021 regular City Council meeting as presented. Doug Glaspell abstained. All others voted yes. Motion passed.

<u>MOBILE HOME PARK PERMIT APPLICATIONS AND PROPOSED CITY FINANCIAL CONTRIBUTION</u>

City Council considered mobile home park permit applications for Cottonwood Mobile Home Park, San Juan Mobile Home Park, and Green Acres Mobile Home Park and requested financial incentives of $250,000.00.

Deputy City Manager Ann Morgenthaler reported that the Planning Commission recommended approval of the mobile home permits on June 9 and approved an associated variance request. Ms. Morgenthaler stated that the City Council is only considering approval of the permits and financial incentives to make needed improvements. Ms. Morgenthaler said that the incentives were discussed at the July 19 work session, and City Council indicated support for funding at a level higher than the $250,000.00 requested.

Mr. Morgenthaler reviewed the Municipal Code definitions for mobile home and mobile home park, and provided background on the mobile home park permit. Ms. Morgenthaler stated that San Juan, Green Acres, and Cottonwood Mobile Home Parks are owned by the same entity and reviewed the challenges and City efforts to complete an inventory and determine a plan to address existing issues.

Ms. Morgenthaler stated that the three parks in question are all located within MHR, Manufactured Housing Residential, zoning districts and are a use by right within this zoning designation. The applicant has committed to infrastructure improvements and is seeking variances, approval of the mobile home park permits, and financial support. Ms. Morgenthaler reviewed the locations of the mobile home parks, planned improvements, application components and variances granted. Ms. Morgenthaler said the applicant will eventually add 77 new mobile homes and lot fees will not be increased for two years during construction of the improvements.

Ms. Morgenthaler recommended approval of the mobile home park permits with three conditions. The applicant must submit civil plans within one year of City Council approval. If not, the approval shall be void. The applicant must complete improvements within two years of the permit being issued and paving must be completed within three years. If the timeline is not met, the permit is void and new homes may not be placed. Ms. Morgenthaler said ongoing maintenance is required by the mobile home park permit.

Ms. Morgenthaler reported that the total project cost is $4,492,592.00 and proposed City incentives of $500,000.00 to support removal of abandoned mobile homes, asbestos remediation, and water & sewer infrastructure installation. Ms. Morgenthaler recommended allocating $300,000.00 from American Rescue Plan Act (ARPA) federal funding and $200,000.00 from undesignated General Fund reserves, with possible in-kind support approved at the staff level. Ms. Morgenthaler stated that the water and sewer infrastructure meets eligibility for ARPA funding, and $200,000.00 would be designated for asbestos abatement. The City would issue payment to the contractors upon completion of the work. Ms. Morgenthaler requested four separate motions and votes and said that the proposed $500,000.00 is 11 percent of the project costs.

Public comment was accepted. No comments were received.

Police Chief Blaine Hall reviewed calls for service and quality of life issues and spoke in support of the project.

Applicant Rich Dana stated that the goals of the project are to improve and clean up the sites, create a better living environment for residents and neighbors, and create affordable housing within the City. Mr. Dana presented planned improvements including repairs to failing water and sewer services, repairs to road surfaces, improved emergency access, installation of fire hydrants and overhead lighting, removal of hazardous building materials, removal of graffiti and trash, removal of dead and overgrown trees, enhancements to community parks, and repairs to gas meters and gas lines. Mr. Dana also said that entrances and signage will be updated, parking issues will be addressed, vacant mobile homes will be removed and replaced, two stick-built homes will be renovated and available as rentals, and tiny homes on foundations will be allowed.

Mr. Dana said that lot fees will remain stable for two years, and the owners intend to work with law enforcement and partner with Social Services for the benefit of the residents. Mr. Dana acknowledged the City staff involved with moving the project forward.

City Council discussed the benefits of the project and the impact of rising construction and materials costs.

Public comment was accepted.

Kathie Johnson and Dennis Alarid spoke in support of the project and incentives to make much needed improvements to these housing areas.

Abbie Brewer with Housing Resources thanked the City for supporting the project. Ms. Brewer said the improvements will provide more affordable housing which is in demand and needed in the community.

City Council discussed the level of incentives and allocation amounts from the General Fund and American Rescue Plan (ARP) funds.

A motion was made by Barbara Bynum, seconded by Dave Frank, to approve a financial contribution to the rehabilitation of Cottonwood, San Juan, and Green Acres mobile home parks in the amount of $500,000.00. Such financial contributions will be paid directly to contractors for completed work components such as the removal of uninhabitable mobile homes, the removal of asbestos, and the installation of new water and service lines. Funding shall be allocated at $200,000.00 from General Fund Reserves and $300,000.00 from American Rescue Plan funding. All voted yes. Motion passed.

A motion was made by Dave Frank, seconded by J. David Reed, to approve the Mobile Home Park Permit request for Cottonwood Mobile Home Park as detailed in this staff report, with the Mobile Home Park Permit Conditions #1-3 as detailed in this staff report, and with the associated variance approvals. The request meets the Code criteria and standards based on the evidence and testimony presented at this hearing and in the staff report. All voted yes. Motion passed.

A motion was made by Anthony Russo, seconded by Dave Frank, to approve the Mobile Home Park Permit request for San Juan Mobile Home Park as detailed in this staff report, with the Mobile Home Park Permit Conditions #1-3 as detailed in this staff report, and with the associated variance approvals. The request meets the Code criteria and standards based on the evidence and testimony presented at this hearing and in the staff report. All voted yes. Motion passed.

A motion was made by Barbara Bynum, seconded by Anthony Russo, to approve the Mobile Home Park Permit request for Green Acres Mobile Home Park as detailed in this staff report, with the Mobile Home Park Permit Conditions #1-3 as detailed in this staff report, and with the associated variance approvals. The request meets the Code criteria and standards based on the evidence and testimony presented at this hearing and in the staff report. All voted yes. Motion passed.

MONTROSE PUBLIC SAFETY COMPLEX CONSTRUCTION CONTRACT AMENDMENT

City Council considered the authorization of a $1,830,805.00 amendment to the authorized funding to be used toward the construction of the Montrose Public Safety Complex (MPSC).

Public Works Manager Jim Scheid reported that this topic was discussed at the August 2 work session with no subsequent changes.

Ty Withee, with Shaw Construction, outlined cost increases due to unprecedented volatility in the construction market for materials and labor. Mr. Withee stated that the MPSC project has experienced a cost increase of approximately 8 percent, and the team has worked on value savings alternatives of over $1 million.

Peter Icenogle and Shannon Power with Blythe Group presented options for cost savings including postponing construction of canopies with solar panels for a covered parking area and the installation of planter/seat walls in front of the facility. Mr. Icenogle recommend adding the canopies at a later date and proceeding with the planter/seat walls for security and aesthetic purposes.

Reilly O'Brien with Dynamic Program Management stated that potential contingency savings can be applied to alternative options at a later date. Mr. O'Brien reported that unsuitable soils were discovered on the majority of the construction site which also contributed to increased costs. Mr. Obrien said that the team is working collaboratively and will adhere to the budget and project schedule as much as possible.

Mr. Scheid thanked City Council for supporting the construction process and for approval of funding at the Design Development (DD) level. If not, construction would be starting now at the Guaranteed Maximum Price (GMP) level, and procurement would be more difficult.

Mr. Scheid requested authorization of $1,830,805.00 in additional funding as shown in the Shaw GMP document in the meeting packet. Mr. Scheid said that this amendment will increase the Shaw contract amount to $16,595,215.00, an increase of approximately $1.2 million up since

February. The grand total with owner's contingency increased approximately $600,000.00 to $18,043,689.00. Mr. Scheid stated that the original DD and GMP documents are included in the meeting packet. The planter/seat walls were included as an add alternate at $68,000.00. Mr. Scheid recommended proceeding with planter/seat walls to enhance safety and for connectivity to other facilities.

City Manager Bill Bell said the cost increase was brought to City Council after careful deliberation by the team. Mr. Bell commended the project team for working well together and for sharing information with Council and citizens.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by Barbara Bynum, to approve a $1,830,805.00 amendment to the authorized funding to be used toward the construction of the Montrose Public Safety Complex as presented. All voted yes. Motion passed.

RESOLUTION 2021-12

City Council considered Resolution 2021-12, authorizing the City of Montrose Police Department to file a Victim Assistance Law Enforcement (VALE) Grant through the 7th Judicial District Victims Assistance Board for the total of $28,000.00, authorizing the Chief of Police to act in connection with the application and to provide such additional information as required, and authorizing the City Manager, Chief of Police and Finance Director to sign the grant application and reporting documents.

Police Chief Blaine Hall reported that Resolution 2021-12 authorizes the filing of a VALE Grant application through the 7th Judicial District for $28,000.00 to fund half of the Victim Advocate salary.

Mr. Reed was absent from the meeting from 7:40 until 7:46 p.m.

A motion was made by Barbara Bynum, seconded by Anthony Russo, to adopt Resolution 2021-12 as presented. Mr. Reed was absent. All others voted yes. Motion passed.

ORDINANCE 2548 - SECOND READING

City Council considered Ordinance 2548 on second reading, an Ordinance of the City of Montrose, Colorado, vacating a portion of Orchard Road within the City of Montrose.

Senior Planner Amy Sharp reviewed the location of the 1.7 acres along Orchard Road in Waterfall Canyon Subdivision. Ms. Sharp stated that the right of way vacation is part of the Waterfall Canyon Filing No. 5 Final Plat, and approval of the vacation is needed for approval of the Final Plat. Ms. Sharp reported that the extreme western portion of the vacated right of way will be included in a new Orchard Drive and open space tract, the center portion will be part of a new city park, and the eastern portion will be included within two small open space tracts managed by the HOA.

Ms. Sharp stated that the original preliminary plat was renewed in 2012 and 2017 and the Waterfall Canyon Filing No. 5 Final Plat will incorporate this vacation.
Public comment was accepted.

Susan Kroll spoke in opposition to the City giving up control of Orchard Road citing traffic and access concerns and suggested connecting Orchard Road to 63.75 Road. Ms. Kroll reported an incident where emergency responders could not locate a residence because street signs were not in place.

Ms. Sharp stated that only a portion of the road is being vacated and the road will be rededicated and widened as part of the final plat. Ms. Sharp said that current access will not be restricted and future connections and roads are part of the larger transportation plan.

City Manager Bill Bell indicated that streets signs are usually installed when dedication takes place and the road is built. He said he would address the issue with staff.

A motion was made by Dave Frank, seconded by Barbara Bynum, to adopt Ordinance 2548 on second reading as presented. All voted yes. Motion passed.

WATERFALL CANYON FILING NO. 5 FINAL PLAT

City Council considered the Waterfall Canyon Filing No. 5 Final Plat.

Senior Planner Amy Sharp reviewed the location of the 127 acre parcel south of Spring Creek Road and north of Oak Grove Road and said the Final Plat will create 35 new residential lots, dedicate right of way and easements, and create one remaining outlot. Ms. Sharp stated that the property is currently zoned R-3 and R-3A, and the proposed development is consistent with the current zoning. The preliminary plat was approved in November 2017.

Ms. Sharp reviewed the requirements for final plats and recommended approval of the Final Plat with the standard condition.

Steve Stevenson with Del-Mont Consultants reviewed the current and future plans for streets in the development, external connectivity, and emergency access.

Public comment was accepted.

Linda Borof questioned whether plans for the park include a parking lot and public access to the area. City Manager Bill Bell said that the design for the park is in process and includes walking trails without many traditional park amenities.

Wanda Tekavec asked who would be responsible for maintaining the park. Mayor Glaspell said the park would be a City park, maintained by the City.

Irwin Borof commented on two large lakes included in the housing development. Mr. Borof expressed concerns about safety and asked how the lakes fit into the overall plan. Mr. Bell said the park and the pond within the park will be owned and maintained by the City. The larger lakes are not included in the park and are the responsibility of the HOA.

Susan Kroll said she previously served on the HOA board and the HOA was told by the developer that the City would be responsible for the lakes. City Councilors encouraged Ms. Kroll to meet with staff to discuss the issue.

Mr. Borof raised further questions regarding the responsibility of the lakes.

Ms. Sharp displayed a map clarifying the location of the pond included in the City park and the lakes that are not included in the Final Plat.

Steven Cox commented that the lakes the residents are concerned about were recently created, and the HOA cannot afford to insure the lakes.

Mr. Stevenson clarified that the two new detention ponds are located on the outlot. Mr. Stevenson said that the new detention ponds are not part of the final plat being considered and will be part of future development.

A motion was made by Barbara Bynum, seconded by Dave Frank, to approve the Waterfall Canyon Filing No. 5 Final Plat expressly conditioned upon City staff ensuring that all policies, regulations, ordinances and Municipal Code provisions are met and that the applicant adequately addresses all of staff's concern 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.

RESOLUTION 2021-13

City Council considered Resolution 2021-13, setting September 7, 2021 as the hearing date for the annexation of the Riverbend RV Park Addition II.

Senior Planner Amy Sharp reviewed the annexation schedule for the .26 acre parcel east of Chipeta Road, and west of the Uncompahgre River. Ms. Sharp stated that this proposed annexation will clean-up an orphaned strip of land within Riverbend RV Park. Ms. Sharp reviewed the zoning of the surrounding area and the proposed zoning of B-2, Highway Commercial District.

Ms. Sharp stated that Riverbend RV Park Addition II meets the requirements for annexation and the recommended B-2 zoning matches the zoning of the surrounding area. An annexation agreement and annexation impact report are not required. Ms. Sharp said that staff will recommend approval of the annexation and proposed zoning.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by J. David Reed, to adopt Resolution 2021-13 as presented. All voted yes. Motion passed.

RESOLUTION 2021-14

City Council considered Resolution 2021-14, authorizing assignment to the Colorado Housing and Finance Authority of a private activity bond allocation of the City of Montrose pursuant to the Colorado Private Activity Bond Ceiling Allocation Act.

Community Engagement Specialist Ross Valdez reported that the 2021 private activity bond for the City of Montrose totaled $1,091,612.00 and staff is requesting City Council authorization to assign the allocation to CHFA as has been done for the past three years. Mr. Valdez stated that these bonds are not equivalent to cash. The City, as the local issuer, can issue the bonds, assign the bonds to another local issuer, assign the bonds to CHFA, or take no action and the bonds will be re-appropriated.

Ms. Valdez stated that CHFA will administer the bonds and the allocation will remain within the Montrose community to support home ownership programs or a multifamily affordable housing project.

Public comment was accepted. No comments were received.

A motion was made by Barbara Bynum, seconded by Dave Frank, to adopt Resolution 2021-14 as presented. All voted yes. Motion passed.

BROWN CENTER BUILDING LEASE AND SUBLEASE AGREEMENTS

City Council considered a commercial lease agreement between the City of Montrose and Tuxedo Corn Company LLC and a sublease agreement between Tuxedo Corn Company LLC and Montrose Lighthouse Inc. for use of the Brown Center Building at 3325 N. Townsend Avenue.

Community Engagement Specialist Ross Valdez reviewed changes to the lease and sublease agreements. Both agreements expire on September 15, 2021, and the new agreements will have four-year terms. Mr. Valdez stated that the monthly rate in the lease agreement was reduced from $590 to $1.00 per month in a 2019 amendment, and was adjusted to $10.00 in the new agreement.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by Barbara Bynum, to approve a commercial lease agreement between the City of Montrose and Tuxedo Corn Company LLC and a sublease agreement between Tuxedo Corn Company LLC and Montrose Lighthouse Inc. for use of the Brown Center Building at 3325 N. Townsend Avenue as presented. All voted yes. Motion passed.

RIVERSIDE PARK ADDITION II ANNEXATION

A hearing was held on the annexation of the Riverside Park Addition II.

Planner I William Reis reviewed the location of the subject property, south and west of Shanes Way and east of Chipeta Road near Cerise Park. Mr. Reis stated that the 2.09 acres are within the Urban Growth Boundary and within City water and sewer areas. The proposed annexation will clean up an orphaned parcel of City-owned property.

Mr. Reis reported that the Planning Commission recommended approval of the P, Public District, zoning designation on July 14. Mr. Reis said staff finds the zoning designation will not have adverse effects on public health, safety, and welfare and is consistent with zoning of the surrounding area. Mr. Reis stated that all parcel owners and residents within 100 feet were notified by mail in accordance with state statute.

Mr. Reis recommended approval of the annexation and proposed zoning designation, stating that the proposal is consistent with public health, safety, and welfare, city annexation policies, and the Comprehensive Plan.

Resolution 2021-15: City Council considered Resolution 2021-15, Findings of Fact for the annexation of the Riverside Park Addition II.

Public comment was accepted. No comments were received.

A motion was made by Barbara Bynum, seconded by J. David Reed, to adopt Resolution 2021-15 as presented. All voted yes. Motion passed.

Ordinance 2549 - First Reading: City Council considered Ordinance 2549 on first reading, an Ordinance of the City of Montrose, Colorado for the annexation of the Riverside Park Addition II. A hearing was held.

Mayor Doug Glaspell opened the hearing.

Public comment was accepted. No comments were received.

Mayor Glaspell closed the hearing.

A motion was made by Barbara Bynum, seconded by Dave Frank, to pass Ordinance 2549 on first reading as presented. All voted yes. Motion passed.

ORDINANCE 2550 - FIRST READING

City Council considered Ordinance 2550 on first reading, an Ordinance of the City of Montrose, Colorado providing for the zoning of the Riverside Park Addition II as a "P", Public District. A hearing was held.

Mayor Doug Glaspell opened the hearing.

Public comment was accepted. No comments were received.

Mayor Glaspell closed the hearing.

A motion was made by Barbara Bynum, seconded by Dave Frank, to pass Ordinance 2550 on first reading as presented. All voted yes. Motion passed.

RIVERSIDE PARK ADDITION III ANNEXATION

A hearing was held on the annexation of the Riverside Park Addition III.

Planner I William Reis reviewed the location of the subject property south and west of Shanes Way and east of Chipeta Road. Mr. Reis stated that the .03 acres are located within the Urban Growth Boundary and within City water and sewer service areas. Annexation will clean up an orphaned parcel of City property.

The Planning Commission recommended approval of the P, Public District, zoning designation, and all adjacent property is also zoned P. Mr. Reis stated that all landowners within 100 feet were notified in accordance with state statute.

Mr. Reis recommended approval of the annexation and proposed zoning designation stating the proposal is consistent with public health, safety, and welfare, city annexation policies, and the Comprehensive Plan.

Resolution 2021-16: City Council considered Resolution 2021-16, Findings of Fact for the annexation of the Riverside Park Addition III.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by Anthony Russo, to adopt Resolution 2021-16 as presented. All voted yes. Motion passed.

Ordinance 2551 - First Reading: City Council considered Ordinance 2551 on first reading, an Ordinance of the City of Montrose, Colorado for the annexation of the Riverside Park Addition III. A hearing was held.

Mayor Doug Glaspell opened the hearing.

Public comment was accepted. No comments were received.

Mayor Glaspell closed the hearing.

A motion was made by Barbara Bynum, seconded by J. David Reed, to pass Ordinance 2551 on first reading as presented. All voted yes. Motion passed.

ORDINANCE 2552 - FIRST READING

City Council considered Ordinance 2552 on first reading, an Ordinance of the City of Montrose, Colorado providing for the zoning of the Riverside Park Addition III as a "P", Public District. A hearing was held.

Mayor Doug Glaspell opened the hearing.

Public comment was accepted. No comments were received.

Mayor Glaspell closed the hearing.

A motion was made by Barbara Bynum, seconded by Dave Frank, to pass Ordinance 2552 on first reading as presented. All voted yes. Motion passed.

STAFF REPORTS

Police Chief Blaine reported that an estimated 200 community members attended the National Night Out event hosted by the Montrose Police Department earlier in the evening. Chief Hall thanked the City leadership and City Council for approving the additional budget for the Public Safety Complex project.

City Councilor Anthony Russo congratulated Chief Hall for his Citizen of Distinction Award nomination.

CITY COUNCIL COMMENTS

No City Council comments were provided.

MOTION TO ADJOURN

At 8:39 p.m., a motion was made by Barbara Bynum to adjourn the meeting with no further action taken.

ATTEST:

Douglas Glaspell, Mayor

Lisa DelPiccolo, City Clerk

CITY OF MONTROSE
CITY SEAL
COLORADO