MONTROSE URBAN RENEWAL AUTHORITY (MURA)
BOARD of COMMISSIONERS MEETING
Wednesday, January 25, 2023 2:00 PM
Community Room - Montrose Public Safety Complex
434 S 1st St. Montrose, CO

MONTROSE URBAN RENEWAL AUTHORITY

AGENDA

1) **CALL TO ORDER**
- Board Chair Tad Rowan

2) **THE PLEDGE OF ALLEGIANCE**

3) **ROLL CALL**
- Deputy City Clerk Briceida Ortega

4) **CHANGES TO THE AGENDA, INCLUDING ADDITIONS AND DELETIONS**

5) **CALL FOR PUBLIC COMMENT**
The "Call for Public Comment" agenda item is a time when concerned members of the community may publicly voice their concerns and discuss items of interest. Please note that no formal action will be taken on the matters raised during this time. Comments made during this time should be addressed to the MURA Board of Commissioners and pertain to matters of at least general importance to the Montrose Urban Renewal Authority and its operations. Please be aware that neither the MURA Board nor staff are expected to respond or engage in discussion or debate. Personal attacks and disagreements, personnel and employment matters, the use of profanity or ethnic, racial or gender-oriented slurs are prohibited, as is any "disorderly conduct" that violates state or local law and shall not be permitted.

6) **CONSIDERATION OF MINUTES**
- Deputy City Clerk Briceida Ortega

Action: Consider making a motion to approve the October 19, 2022 regular meeting minutes.

7) **ELECTION OF MURA BOARD CHAIR**

Action: Consider making a motion to appoint Barbara Bynum as MURA Board Chair.

8) **APPROVAL OF THE PROPOSED BYLAWS FOR THE MONTROSE URBAN RENEWAL AUTHORITY**
-City Attorney Ben Morris

Action: Consider making a motion to approve the Proposed Bylaws for the Montrose Urban Renewal Authority as presented.

9) **TIF EXPENDITURE UPDATE**
-City Engineer Scott Murphy

10) **DEVELOPMENT UPDATE**
-David Dragoo, Colorado Outdoors

11) **SCHEDULE FUTURE MEETINGS**

12) **ADJOURNMENT**

A regular meeting of the Montrose Urban Renewal Authority (MURA) Board of Commissioners was held on Wednesday, October 19, 2022, at 2:00 p.m. in the Centennial Meeting Room, located in the City Hall Annex at 433 S. First Street. Said meeting was posted in accordance with the Sunshine Law.

PRESENT: Tad Rowan, Dave Frank, Barbara Bynum, Doug Glaspell, J. David Reed, Ed Ulibarri, Brad Hughes, Steve Bush, Allison Howe, Executive Director William Bell

ABSENT:

GUESTS: City Engineer Scott Murphy, Deputy City Clerk Briceida Ortega, Anthony Russo, Joel Evans, Gail Marvel

<u>CALL TO ORDER</u>

The meeting was called to order at 2:01 p.m. by Chairperson Tad Rowan.

<u>PLEDGE OF ALLEGIANCE</u>

The Pledge of Allegiance was recited.

<u>ROLL CALL</u>

Board members Tad Rowan, Dave Frank, Barbara Bynum, Doug Glaspell, J. David Reed, Ed Ulibarri, Brad Hughes, Steve Bush, Allison Howe, and Executive Director William Bell were present.

<u>CHANGES TO THE AGENDA, INCLUDING ADDITIONS AND DELETIONS</u>

No changes were made to the agenda.

<u>CALL FOR PUBLIC COMMENT</u>

No comments were received.

<u>CONSIDERATION OF MINUTES</u>

The MURA Board considered the minutes the June 2, 2022, regular MURA Board meeting.

A motion was made by Dave Frank, seconded by Doug Glaspell, to approve the minutes of the June 2, 2022, regular MURA Board meeting as presented. All voted yes. Motion passed.

TIF EXPENDITURE UPDATE

City Engineer Scott Murphy provided an update on current TIF expenditures within the Colorado Outdoors development.

Mr. Murphy provided an update on the Basecamp Apartments building. Mr. Murphy mentioned that the City is working on a project to improve connectivity from La Raza neighborhood to Colorado Outdoors. Mr. Murphy shared photos of the current status of the Flex Buildings. The Fairfield Inn completed their first concrete pour. Shelter Distilling hasn't started any site work yet.

INTERGOVERNMENTAL AGREEMENT FOR LEGAL SERVICES

City Attorney Ben Morris presented an intergovernmental agreement between the City and MURA for legal services. Mr. Morris mentioned that there wasn't anything official in place regarding legal services. The agreement is 4 pages long. Mr. Morris referred to state statue CRS 31-25-104, "Authority may call upon the municipal council of the municipality for such legal services as it may require, or it may employ its own Council and legal staff."

The Board members discussed whether City Attorney Ben Morris would charge extra for any project that exceeds the scope of the Intergovernmental Agreement. Mr. Morris clarified that he is unable to charge extra. If the scope of work is overbearing, he would let the Board know beforehand. Mr. Morris referred to the Intergovernmental Agreement paragraph 1, section (b), "The Parties do not contemplate that MURA will be billed for any hourly or transactional work performed by the City Attorney; rather any costs and expenses (such as not limited to out-of-town travel expenses) associated with representation of MURA may be billed thereto, with prior approval of the City Council."

A motion was made by Doug Glaspell, seconded by Dave Frank, to approve the Intergovernmental Agreement between the City of Montrose and Montrose Urban Renewal Authority Regarding Legal Services as presented. All voted yes. Motion passed.

DISCUSSION OF PROPOSED BYLAWS

City Attorney Ben Morris presented a draft version of bylaws for the Montrose Urban Renewal Authority.

Ben Morris mentioned that he copied the structure of the drafted bylaws from various other urban renewal authority's bylaws in Colorado, including City of Thornton.

Montrose County Assessor Brad Hughes expressed his concerns with a few bylaws that were included in the draft version. Mr. Morris will be making a few changes to the wording of the bylaws in Article 1 Section 1, Article 3 Section 2, and Article 3 Section 5.

Executive Director William Bell noted that a manual could be created to outline the role and responsibilities of the board members.

Mr. Morris will be presenting a new version of the bylaws at the next MURA meeting for approval.

SCHEDULE FUTURE MEETINGS

The next regular meeting of the MURA Board of Directors was scheduled for Wednesday, November 16, 2022, at 2:00 p.m. in the Centennial Meeting Room.

GENERAL DISCUSSION

Mr. Bell provided an update on current projects. Mr. Bell mentioned that in a year or two, the street by Trattoria Di Sofia will need to be paved.

Mr. Bell explained that there has been some interest in the URA for mixed-used commercial, outdoor experiential retailers, and a drive-thru coffee shop.

ADJOURNMENT

A motion was made by Dave Frank, seconded by Doug Glaspell, to adjourn the meeting at 3:05 p.m. with no further action taken. All voted yes. Motion passed.

ATTEST:

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Tad Rowan, Chairperson

____
William E. Bell, Executive Director

BYLAWS OF THE

MONTROSE URBAN RENEWAL AUTHORITY

ARTICLE I
THE AUTHORITY

Section 1. Name of Authority. The name of the Authority shall be the "Montrose Urban Renewal Authority," hereinafter referred to as "MURA," or the "Authority." The Authority shall consist of the number of Commissioners as provided by statute~~, or as stated in City of Montrose Resolution 2016-26, as amended~~.

Section 2. Seal of Authority. The seal of the Authority shall be in the form of a circle and shall bear the full name of the Authority.

Section 3. Office of Authority. The office of the Authority shall be in City Hall for the City of ~~Montrose, 433 South First Street,~~ Montrose, Colorado; its mailing address shall also be the same as for the City of Montrose: P.O. Box 790, Montrose, Colorado 81402-0790.

ARTICLE II
OFFICERS AND PERSONNEL

Section 1. Officers. The Officers of the Authority shall be a Chairperson, a Vice Chairperson, and a Secretary~~., and an Executive Director.~~

Section 2. Chairperson. The Chairperson shall preside at all meetings of the Authority. Except as otherwise authorized by resolution of the Authority, the Chairperson shall sign all contracts, deeds, checks for the payment of money and other instruments made by the Authority.

Section 3. Vice Chairperson. The Vice Chairperson shall perform the duties of the Chairperson in the absence or incapacity thereof; and in case of a vacancy in the office of the Chairperson, the Vice Chairperson shall perform such duties as are imposed on the Chairperson until such time as the Authority shall select a new Chairperson from among its Commissioners.

Section 4. Executive Director. The Executive Director shall be appointed by ~~a majority vote of those Commissioners present, provided that a quorum exists~~the City Council or the City Manager, and shall serve at the pleasure thereof. He or she shall have general supervision over administration of the affairs and business of the Authority, and shall be charged with management of the projects of the Authority,

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Commented [BM2]: We need a seal for MURA.

Commented [BM3]: I deleted the physical address (this did not come up at the last meeting) because City Hall is moving to the old Wells Fargo building mere weeks after this will be adopted. We still have the mailing address in the bylaws, and the location for City Hall, wherever it may be, should be generally known throughout the community.

and with any other duties as assigned by the Commissioners from time-to-time. He or she shall designate in writing some person to perform the duties of Executive Director in his or her absence.

Section 5. Secretary. Pursuant to C.R.S. § 31-25-104 (2)(c), the Executive Director of the MURA shall also be its Secretary. However, the ~~Mayor~~ City Council and/or the City Manager of the City of Montrose is hereby empowered to appoint a Recording Secretary for the Authority who shall keep the records of the Authority, shall act as Secretary at the meetings of the Authority, and record all votes, and shall keep a record of the proceedings of the Authority in a journal of proceedings to be kept for such purposes, and shall perform all duties incident to this office. He or she shall keep in safe custody the seal of the Authority and shall have power to affix such seal to all contracts and instruments authorized to be executed by the Authority. He or she shall designate in writing some person to perform his or her duties hereunder in his or her absence.

Commented [BM4]: The ED is the Secretary by default, but Mayor or City Manager appoints a "Recording Secretary" to take minutes of meetings, and to be keeper of the seal - similar in function to City Clerk/County Clerk.

Section 6. Additional Duties. The Officers of the Authority shall perform such other duties and functions as may from time to time be required by the Authority, or by these Bylaws or other rules and regulations of the Authority, or pursuant to any cooperation agreement or as required by State law.

Section 7. Election of Officers. The Officers of the Authority shall be elected annually by a majority vote of those Commissioners present, provided that a quorum exists, at the first regular meeting in April of each year, and shall assume their duties upon election. ~~Officers shall hold office for one year or until their successors are elected and qualified.~~

Any person appointed to fill the office of Recording Secretary or any vacancy therein shall have such term as the Mayor and/or City Manager may establish, but no MURA Commissioner shall be eligible for this office except as a temporary appointee.

Section 8. Vacancies. Should the office of Chairperson or Vice Chairperson become vacant, the Authority shall select a successor from its Commissioners by a majority vote of those Commissioners present, provided that a quorum exists, at the next regular meeting to serve for the unexpired term of said office.

Section 9. Personnel. The Authority may from time-to-time employ such personnel as it deems necessary to exercise its powers, duties and functions as prescribed by the Urban Renewal Law, C.R.S. § 31-25-101, *et seq.*, and all other laws of the State of Colorado applicable thereto. The Authority is further expressly authorized to enter into cooperation agreements with the City of Montrose for the provision of any such personnel.

ARTICLE III
MEETINGS

Section 1. Regular Meetings. A regular meeting shall be held at such time and place as may be prescribed by motion adopted by the Authority from time to time.

Section 2. Special meetings. ~~The Chairperson of the Authority may, when he or she deems it expedient, upon the written request of two Commissioners of the Authority,~~The Executive Director, with consent of the Chairperson, may call a special meeting of the Authority for the purpose of transacting any business designated in the notice thereof. ~~The notice for the special meeting~~ Notice must be ~~delivered~~provided to ~~the business or home address of~~ each Commissioner of the ~~Authority at least twenty-four (24) hours~~time, place, and purpose of the special meeting, either personally or by electronic delivery. The Secretary or his or her designee shall give notice to the public as practical prior to the ~~date of such special~~ meeting. ~~Such notice shall designate the time and place of the special meeting.~~ Any Commissioner may waive notice of any meeting and a Commissioner's presence shall constitute waiver of notice of that meeting unless the Commissioner's written objection to the transaction of any business at the meeting is filed with the Secretary on the ground that the meeting is unlawfully called or convened. At such special meeting no business shall be considered other than as designated in the notice, but if all of the Commissioners are present at a special meeting, any or all business may be transacted at such special meeting.

Commented [BM5]: This language was taken from the Municipal Code, section 1-9-3 (F), per the Board's request.

Section 3. Quorum. The power of the Authority shall be vested in the Commissioners in office from time-to-time. A majority of the Commissioners shall constitute a quorum for the purpose of conducting business and exercising the Authority's powers and for all other purposes, but a smaller number may adjourn from time-to-time until a quorum is obtained. When a quorum is in attendance, action may be taken by the Authority upon an affirmative vote of the majority of the Commissioners present.

~~**Section 4.** Attendance. Three (3) absences from the regular meetings of the Authority within a twelve-month period shall constitute grounds for removal of a Commissioner, subject to confirmation of such removal by the City Council.~~

Commented [BM6]: Entire section deleted per discussion.

~~**Section 5.** Order of Business. At regular meetings of the Authority the following shall be the order of business:~~

~~(1) Call the meeting to order.~~
~~(2) Roll Call of Commissioners.~~
~~(3) Approval of minutes.~~
~~(4) Public forum or comment period.~~
~~(5) Old business.~~
~~(6) New business.~~

~~(7) Other matters.~~
~~(8) Designation of place and time for next meeting.~~
~~(9) Adjournment~~

~~**Section 6.**~~**Section 4.** Manner of Voting. Voting shall be by roll call, with a majority of votes of those Commissioners present being an adequate number to take action, provided a quorum is present. The Commissioners' affirmative and negative votes shall be entered upon the minutes of every meeting, except in the case of elections when the vote may be by ballot.

~~**Section 7.**~~**Section 5.** Action by ~~Resolution~~ Motion Required. Expenditure of funds shall be authorized by motion approved by a majority vote of those Commissioners present, provided a quorum exists. The Executive Director may be empowered by majority vote of those Commissioners present, provided a quorum exists, to execute an agreement or agreements in keeping with such authorized expenditure of funds. ~~A contract with persons outside the Authority, with the United States or other public bodies shall be authorized by written resolution, a copy of which resolution and contract shall be kept with the journal of the proceedings of the Authority.~~

~~**Section 8.**~~**Section 6.** Open Meetings. The Authority shall make no final policy decisions, pass no resolution, adopt no rule or regulation, nor take any action approving a contract calling for the payment of money at any meeting which is not open to the general public.

ARTICLE IV
AMENDMENT OF BYLAWS

Section 1. Amendment of Bylaws. These Bylaws may be amended only by a majority vote of those Commissioners present, provided that a quorum exists.

ARTICLE V
MISCELLANEOUS

Section 1. Removal from Authority. ~~Notwithstanding the removal process described in Section 4 of Article III of these Bylaws, any~~Any Commissioner or Officer may be removed for any of the grounds enumerated in § 31-25-104 (4), C.R.S., subject to the notice and hearing requirements set forth therein.

Section 2. Uniform Standards for Sales. The Authority is authorized to adopt uniform standards for the approval of all sales of real property in the exercise of its duties. This section shall not affect the responsibility of the Authority to approve all purchases of real property by Authority action.

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Section 3. Conflict of Interest. ~~No Commissioner, Officer, or employee of the Authority, nor any immediate member of the family of any Commissioner, Officer, or employee shall acquire, nor shall any Commissioner or Officer retain any interest, direct or indirect, in any project or in any property included or planned to be included in any project, nor shall he or she have any interest, direct or indirect, in any contract or proposed contract for materials or services to be furnished or used in connection with any project. If any Commissioner, Officer, or employee of the Authority owns or controls an interest, direct or indirect, in any property to be included or planned to be included in any project, he or she shall immediately disclose the same in writing to the Authority, and such disclosure shall be entered upon the minutes of the Authority. Acquisition or retention of any such interest or willful failure to disclose any such interest shall constitute misconduct in office~~Conflicts of interest shall be addressed as set forth in C.R.S. § 31-25-104 (3), as amended.

Section 4. Notices and Posting Place. Any written notice or other communication to or from the Commissioners and Officers may take the form of electronic communication or facsimile~~; . provided, however, that all~~ All notices of Authority meetings and other materials ~~posted at City Hall, the Elks' Civic Building, or other designated posting place shall be posted in hard copy written form. The posting place shall be designated by the Commissioners, and may be changed from time to time as deemed appropriate.~~shall be posted on the City of Montrose website, www.cityofmontrose.org, as the official posting location for meeting notices, with the bulletin boards in the lobby of City Hall and outside of City Hall as secondary locations for use in exigent or emergency circumstances. All notices or postings required by the Colorado Open Meetings Law shall be in compliance therewith.

Section 5. Rules of Procedure. No formal rules of procedure are required for the conduct of meetings. The Commissioners may adopt the City Council's rules of order, Robert's Rules, or any other parliamentary system they desire to use. Adoption of parliamentary procedures shall be by a majority vote of the Commissioners present, provided that a quorum exists.

ADOPTED this _____ day of ______________, ~~2022~~2023.

____

____________________, Chair_____________________________, Recording Secretary
Montrose Urban Renewal Authority Montrose Urban Renewal Authority

Commented [BM8]: Per discussion, this language was deleted and a simple reference to the statutory citation was written in its place.

Commented [BM9]: Please note how this is similar to the new notice provisions for special meetings, above.

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~~Attest:~~ Seal

~~Secretary~~

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TABLE 1 Montrose Urban Renewal Authority Summary of Promissory Note Expenditures to Date Rev. 1/17/2023									
Work Element	**Promissory Note Date**	**Promissory Note Amount**	**Contract or Expense Authorization Date**	**Contract or Expense Authorization**	**Consultant/ Contractor**	**Expenses to Date**	**Anticipated Outstanding Expenses**	**Grant Revenues (Where Applicable)**	**Total Anticipated Out of Pocket Expense[a]**
Stantec/Black Mtn. Design Reimbursements	5/11/2017	$353,759.55	5/11/2017	$353,759.55	Black Mtn. Reimbursements	$353,759.55	$0.00		$353,759.55
Phase I Civil Design	6/5/2017	$552,570.00	6/5/2017	$462,370.00	Del-Mont Consultants	$462,118.83	$0.00		$462,118.83
Phase I Design Incidentals				$90,200.00	P. Hayes et. al.	$90,207.73	$0.00		$90,207.73
Uncompahgre River Improvements Design	7/24/2017	$121,881.00	7/24/2017	$146,881.00	Ecological Resource Consultants	$146,881.00	$0.00	$25,000.00	$121,881.00
Sewer Materials Direct Purchase	10/5/2017	$6,750,000.00	11/16/2018	$413,208.24	Winwater GJ Pipe	$417,329.40	$0.00		$417,329.40
Phase I Civil Design Change Order			1/2/2018	$95,250.00	Del-Mont Consultants	$80,292.90	$0.00		$80,292.90
Phase I Design Incidentals Change Order				$10,175.00	P. Hayes	$10,175.00	$0.00		$10,175.00
Power Utilities				$1,080,000.00	DMEA	$676,916.84	$0.00		$676,916.84
Natural Gas Utilities				$375,000.00	Black Hills Energy	$371,016.09	$0.00		$371,016.09
SCADA and Hot Tap				$43,115.00	Multiple	$42,860.00	$0.00		$42,860.00
Survey and Const. Support				$274,100.00	Del-Mont Consultants	$172,327.95	$0.00		$172,327.95
Entrance Drives/Access Road Along Mayfly				$204,459.60	Rundle Const. Ridgway Valley Ent.	$188,747.02	$0.00		$188,747.02
Support/Planning Services				-	Multiple	$148,704.73	$0.00		$148,704.73
Phase I Construction - Base Bid				$4,254,692.00	Ridgway Valley Ent.	$3,346,750.69	$0.00		$3,346,750.69
Phase I Construction - Bid Alternates						$665,116.82	$0.00		$665,116.82
Fairfield Hotel Horiz. Site Improvements	Savings		1/21/2020	$600,000.00	LaMont Companies	$0.00	$600,000.00		$600,000.00
Mayfly Site Horiz. Site Improvements	10/15/2018	$805,937.09	10/15/2018	$805,937.09	Black Mtn. Capital	$653,078.89	$0.00		$653,078.89
Phase I River Construction	3/6/2019	$1,100,000.00	2/3/2020	$1,600,000.00	ERC/Naranjo	$1,602,969.34	$0.00	$784,588.00	$818,381.34
Phase II Infrastructure Civil Design	Savings		1/14/2020	$111,300.00	Del-Mont Consultants	$88,716.68	$0.00		$88,716.68
Colorado Yurt Horizonal Site Imp.	4/7/2021	$853,935.00	4/7/2021	$853,935.00	Alcorn Const.	$853,935.00	$0.00		$853,935.00
Basecamp Apt. Horiz. Site Imp.	6/16/2021	$1,367,000.00	6/16/2021	$1,367,000.00	Misc.	$1,104,858.38	$262,141.62		$1,367,000.00
Flex Buildings Horizontal Site Imp.	10/20/2021	$1,100,000.00	10/20/2021	$1,100,000.00	Black Mtn/Shaw	$1,100,000.00	$0.00	$0.00	$1,100,000.00
Shelter Distilling Horiz. Site Improvements	(b)	-	6/2/2022	$700,000.00	Shaw	$0.00	$375,766.00	$0.00	$375,766.00
	TOTAL	**$13,005,083**				**$12,576,763**	**$1,237,908**	**$809,588**	**$13,005,082**

(a) Expenses to Date + Outstanding Expenses - Grant Revenues

(b) No promissory note utilized. Project to be paid using savings from previous promissory notes as available and MURA fund balance

TOTAL PROMISSORY NOTES LESS TOTAL ANTICIPATED EXPENSES = $0

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General update on outstanding reimbursements:

Fairfield: Site work is well underway. First reimbursement anticipated sometime 1Q 2023

Basecamp: Nearly all site work except landscaping is complete and reimbursed. Landscaping to take place 1Q/2Q 2023

Shelter: Site development plans currently under review through City planning department. No site work started yet