



***CITY COUNCIL WORK SESSION
Monday, March 20, 2023 - 10:00 AM
Community Room, Montrose Public Safety Complex – 434 S. First Street***

Public participation for this meeting will be in person in the Community Room of the Montrose Public Safety Complex. The meeting recording can be viewed at the link below:

<https://www.youtube.com/user/MontroseCityGov>.

Hearing assistance devices are available for public use. Please let us know if you need accommodation. The City also offers interpretation for Spanish speakers. In order to allow time to book this resource, please email planningmail@ci.montrose.co.us at least three days before the meeting.

1) **DISCUSSION ITEMS**

- A) Special Thank You from CMU Students (5 minutes)
Steve Metheny, CMU Campus Director
- B) Ordinance Appropriating Funds for Endowment Fund and Authorizing Loan for 433 S. First Street (10 minutes)
Staff: Assistant City Attorney Chris Dowsey 2-3
- C) Anderson Road Paving Contract Award (10 minutes)
Staff: City Engineer Scott Murphy 4-7
- D) Otter Pond Dam Utility Relocation Project (15 minutes)
Staff: City Engineer Scott Murphy 8-13
- E) 2023 Parks Mower Purchase Recommendation (10 minutes)
Staff: Public Works Manager Jim Scheid 14-16

2) **GENERAL CITY COUNCIL DISCUSSION**

3) **STAFF COMMENTS**

- A) 2A Report Card
Staff: Police Chief Blaine Hall 17

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, APPROPRIATING FUNDS AND AUTHORIZING THE LOANING OF MONEY IN CONJUNCTION WITH THE SALE OF REAL PROPERTY ADDRESSED AT 433 SOUTH FIRST STREET, MONTROSE, COLORADO, PURSUANT TO ARTICLE II SECTION 5 OF THE CHARTER OF THE CITY OF MONTROSE

WHEREAS, the authorization of the sale of the property currently known as City Hall which has the address of 433 South First Street, Montrose, Colorado 81401 was approved by Council on first reading by City Council on March 7, 2023; and

WHEREAS, a condition of the sale of City Hall was that the City shall originate the loan for the purchaser; and

WHEREAS, being the loan originator allows the City to have more control over City Hall in the event the purchaser is not able to fulfill the obligations of the loan; and

WHEREAS, the City intends to have the proceeds of this sale fund the City's portion of the Montrose Permanent Fund, which will be a \$2,000,000.00 endowment fund, in partnership with Colorado Mesa University, who shall fund the remaining portion, through the Colorado Mesa University Foundation, which shall provide a permanent source of funding to support Montrose students who attend Colorado Mesa University; and

WHEREAS, Article II, Section 5 of the City Charter mandates an ordinance for the appropriation of funds and to authorize the borrowing of money.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO that:

SECTION 1:

The sale price of City Hall, which has the address of 433 South First Street, Montrose, Colorado 81401, is \$1,550,000.00. Rathbone PropCo, LLC has placed \$50,000.00 earnest money in escrow and shall pay the City \$250,000.00 of the sale price at closing. City Council hereby authorizes the loan of \$1,250,000.00 of the sale price of City Hall to Rathbone PropCo, LLC as a condition of the sale.

SECTION 2:

The City Council hereby authorizes the allocation of \$400,000.00 to the Colorado Mesa University Foundation to create the Montrose Permanent Fund, for the current fiscal year. The allocation of the \$400,000.00 is contingent upon the closing of the sale of City Hall.

INTRODUCED, READ and PASSED on first reading this ____ day of _____, 2023.

ATTEST:

David Frank, Mayor

Lisa DelPiccolo, City Clerk

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its adoption on second reading on Tuesday, the ____ day of _____, 2023, at the hour of 6:00 p.m. at the Community Meeting Room, in the Public Safety Complex, 434 S. First Street in Montrose, Colorado.

INTRODUCED, READ and ADOPTED on second reading this ____ day of _____ , 2023.

ATTEST:

, Mayor

Lisa DelPiccolo, City Clerk

CONTRACT AWARD CONSIDERATION



TO: Honorable Mayor and Members of the City Council
FROM: Scott Murphy, *City Engineer*
DATE: March 13, 2023
RE: Anderson Road Paving Project Construction Contract Award
CC: William Bell, Shani Wittenberg

Action

Consider the approval of \$679,873.30 in expenditures for construction of the Anderson Road Paving Project. This includes the award of a construction contract to Skip Huston Construction in the amount of \$639,873.30 and a survey/engineering support contract to Del-Mont Consultants in the amount of \$40,000.00.

Background

Anderson Road was originally built as a gravel-road commercial park directly off of Townsend Avenue sometime around the mid-80's (see location map as Figure 1). Since its initial construction, the roadway has remained more-or-less in its original configuration with gravel through lanes and no accommodations for pedestrians. This project would pave Anderson Road from Townsend Avenue to Commercial Way and add sidewalks down both sides of the roadway in order to reduce dust emissions, improve aesthetics, and improve pedestrian safety/connectivity. An overview drawing for the road paving is included as an attachment to this memo.

It should be noted that as development continues in the area and when Rio-Grande is extended between East Oak Grove Road and River Landing, Anderson Road will likely also be further extended to the west at some point in the future.

Project Bidding and Associated Expenditures

Construction of the Anderson Road Paving Project was put out for bid on February 14th and bids were publicly received on March 13, 2023 from four contractors as summarized in Table 1 below. Bid totals presented include a 10 percent contingency.

TABLE 1		
Summary of Bid Results		
Contractor	Location	Bid Total
Skip Huston Construction	Montrose, CO	\$639,873.30
Williams Construction	Norwood, CO	\$769,840.12
Oldcastle SW Group	Montrose, CO	\$776,572.23
Kuboske Construction	Montrose, CO	\$869,885.90

The City has recent positive experience working with the low bidder, Skip Huston Construction, and considers them qualified to perform the work. As a result, it is recommended that the construction contract be awarded to Skip Huston Construction. It should be noted that the City's local preference policy would not change the outcome of bidding in this case.

In addition to the award of a construction contract, we are also recommending award of an engineering support and survey stakeout contract to the project surveyor, Del-Mont Consultants. This scope of work is budgeted at \$40,000 on an as-needed, time-and-materials basis based negotiations with the consultant.

Project Schedule and Traffic Control

The construction project is scheduled to begin in April with preliminary utility relocation work along the shoulders of the roadway. Once that work is complete, the contractor will close the roadway to through traffic and start on the major earthwork elements around mid-summer. As written into the contract, once the roadway is closed to through traffic, they will have 75 calendar days to complete the work and reopen the roadway with all work scheduled to be completed by the end of October. Access to local residences and businesses will be maintained at all times throughout construction.

Contract Administration and Project Financials

Contract administration, project management, and inspection will be performed by the City of Montrose engineering department with support from the design engineer as needed.

The City budgeted \$500k for this project out of the City's capital improvement fund. This places the project approximately \$180k over the total budget. This overage is primarily due to general cost escalation within the construction industry and high demand for earthwork contractors within the region.

As mentioned above, the project includes approximately \$60k in contingency. The project also includes some inherent contingency in available aggregate quantity (road base and asphalt) that may be unused and could present additional savings on the project (projects are setup to only pay for what is actually used). With this, there is a chance that portions of the overage presented may not come to fruition. Over the past 10 years, it has not been uncommon for the City's roadway capital projects to come in 5 to 10% under final contract amount. However, if ultimately needed, this overage would come out of available fund balance within the City's capital budgets or a budget supplement if necessary.

Contract Award Consideration
Anderson Road Paving Project
March 13, 2023

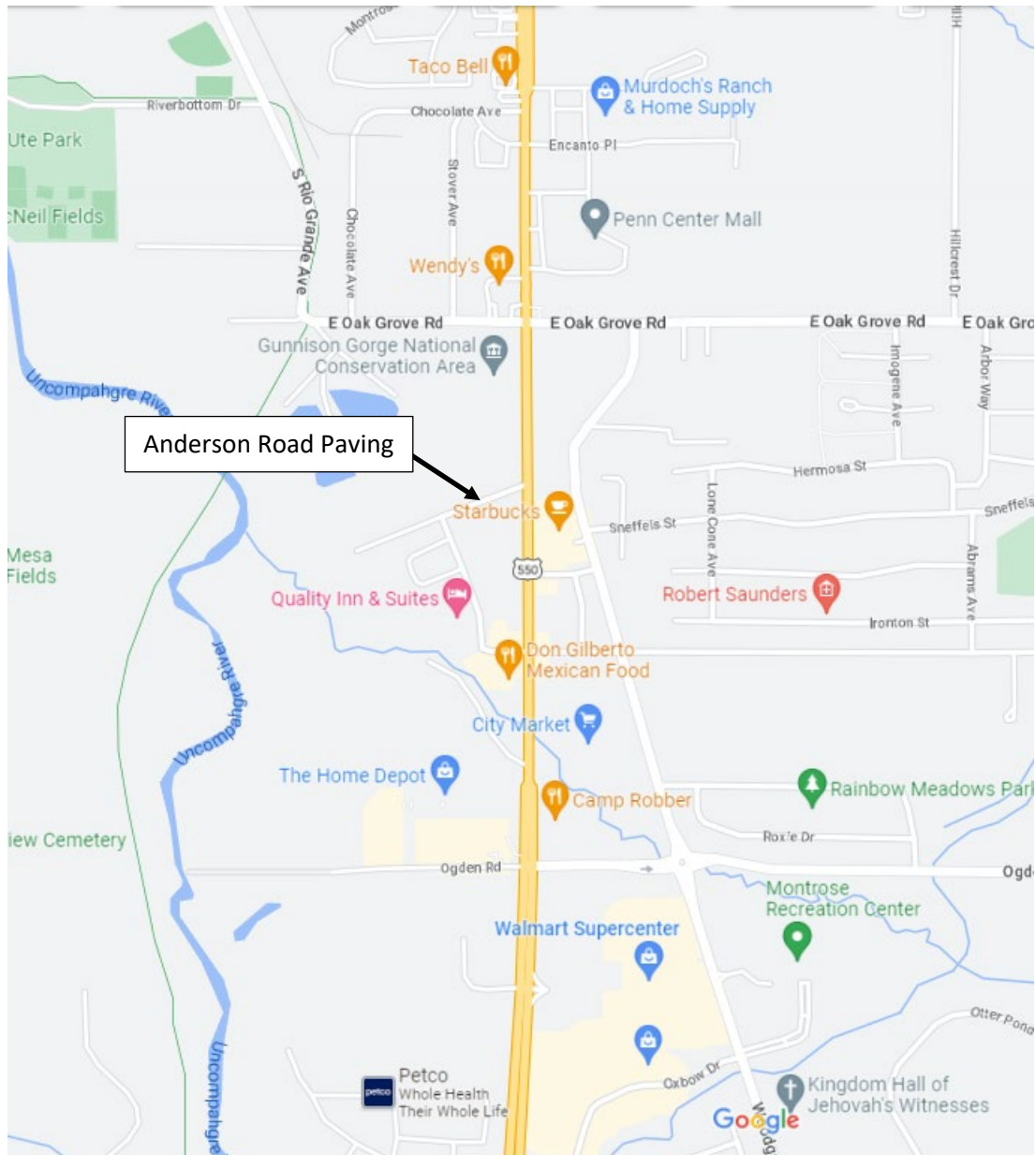


Figure 1: Project Location Map

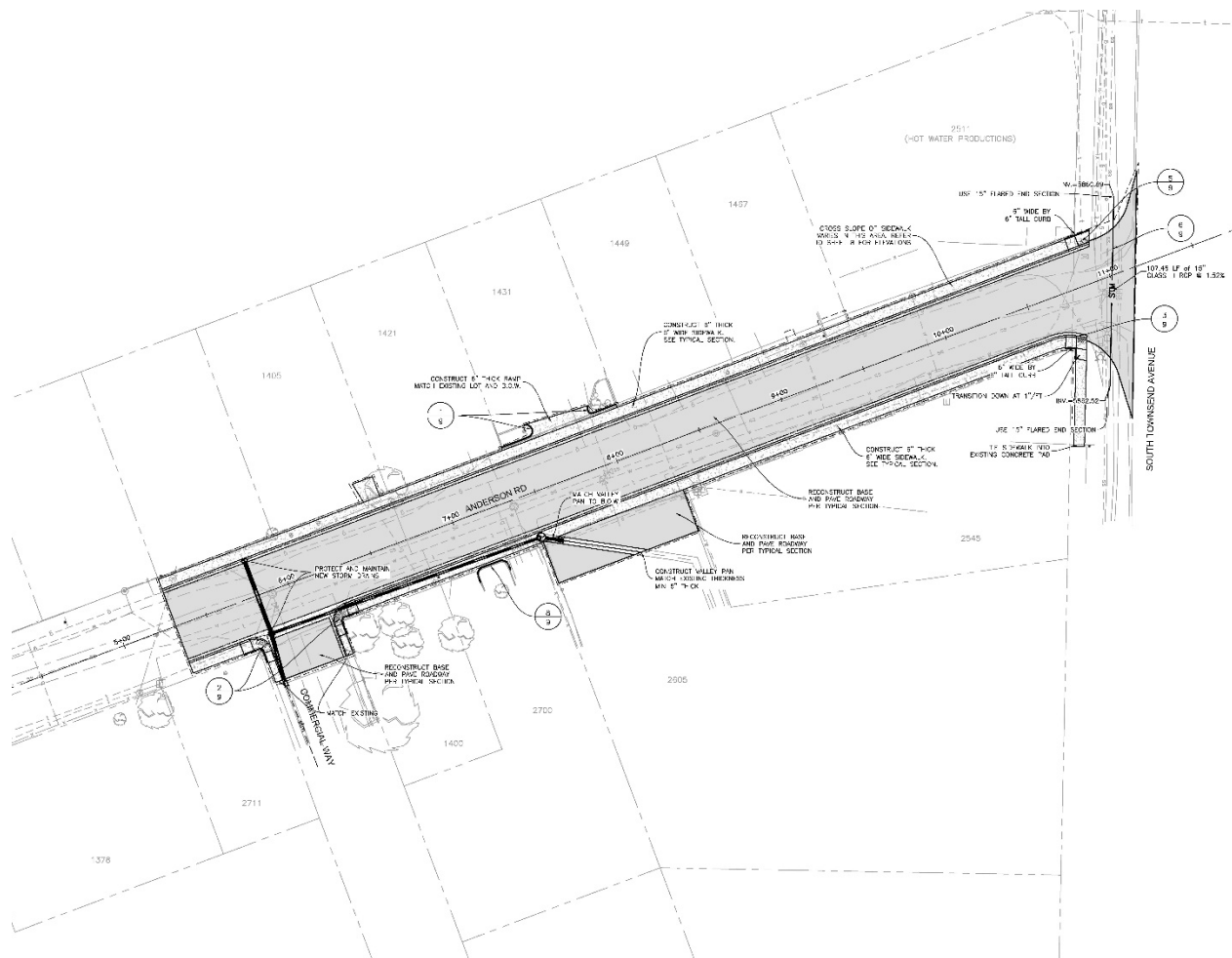


Figure 2: Anderson Road Paving Overview

MEMORANDUM



TO: Honorable Mayor and Members of the City Council
FROM: Scott Murphy, *City Engineer*
DATE: March 13, 2023
RE: Otter Pond Dam Utility Relocation Project
CC: William Bell, Shani Wittenberg, Craig Ullmann, Jason Ward, Kristie Sanchez

Purpose

Discuss the need for relocation of water and sewer utilities around the Otter Pond Dam replacement project, timing of required improvements, and potential paths forward.

Background

Otter Pond, located off of Woodgate Road in the City of Montrose, is a private 14 acre pond and residential subdivision first developed around 1994. The pond was created by impounding the Bureau of Reclamation's (BOR) F-Drain through construction of a dam embankment and outlet works at its northern end as shown in Figure 1. The Otter Pond Circle right of way and utilities were constructed by the developer over top of/through this embankment. Prior to being turned into a pond, the land was irrigated farmland and was relatively distant from the City's urban core as shown in Figure 2.

The pond, its embankment, and outlet works are private amenities owned and maintained by the Otter Pond Homeowner's Association (HOA). A recent records search has indicated that the embankment was never formally permitted with the Bureau of Reclamation (as the F-Drain facility owner) or the Colorado Division of Water Resources (DWR, as the regulator of water impoundments in the State). It is not known why this permitting was not performed by the developer or their engineers at the time.

In the late summer of 2022, City street crews started to receive calls about subsidence at the northern end of Otter Pond Circle over-top of the pond's outlet works. Upon further investigation, it was determined that the outlet works for Otter Pond were structurally compromised due to corrosion of the pipes. Entire portions of the outlet work pipes (twin 24-inch diameter corrugated metal pipes on steep grade) had failed which was then allowing for erosion, significant soil loss, and development of large underground soil caverns within the embankment. Once the caverns became large enough, they started to collapse in on themselves which then showed up as sinkholes and depressions at the road surface. Once discovered, Otter Pond Circle was closed by City street crews in the vicinity of the embankment.

Following discovery of the outlet works failure, the Otter Pond HOA reached out to the Colorado DWR, division of dam safety. The regional dam safety engineer performed an emergency inspection of the embankment and immediately ordered the HOA to begin emergency drawdown of the pond on the premise that progression of the embankment to failure was plausible if left in the current condition. The Otter Pond HOA then worked to setup a siphon over the embankment and partially drew down the pond. Since this initial inspection, the dam has remained under a formal fill-level restriction order imposed by the State Engineer.

The division of dam safety then worked to determine the jurisdictional status and hazard classification of the pond and its embankment. Following several surveys and modeling of the flood hazard presented by

a potential failure of the embankment, the division of dam safety determined that the embankment and reservoir do fall under the jurisdiction of the State and classify as a significant hazard. Modeling indicated that a failure of the embankment would lead to flooding several feet deep between Otter Pond and the Uncompahgre River, including much of Woodgate Road and the Community Recreation Center property.

Classified as a significant hazard dam under the jurisdiction of the State, repair of the embankment and its outlet works would need to occur under the State's purview and according to their dam-safety rules and regulations. To that end, the Otter Pond HOA hired an engineering consultant specializing in dams to complete design of the repair. In the interest of protecting property downstream of the pond and ensuring the emergency situation was stabilized as quickly as possible, the City also committed \$100k in ARPA funds to assist with emergency drawdown, design, and repair of the embankment.

At this stage in the project, the cost for Otter Pond HOA to replace the dam and its outlet works is estimated to be between \$500k and \$700k.

Embankment Repair and Utility Relocations

Repair of the Otter Pond dam will require removing portions of the existing embankment and outlet works, construction of a new, properly sized/configured outlet works, and reconstruction of the embankment back to the road level. Unfortunately, as mentioned above, the City's water and sewer lines currently parallel and are situated within the embankment. The presence of water and sewer utilities within what has become a state-jurisdictional dam creates the following risks to both Otter Pond and the City:

1. A leak in the pressure waterline, should it occur, could lead to excess erosion or reduce soil strength to the point of compromising the integrity of the embankment and potentially leading to failure of the dam.
2. Access to either the water or sewer line for any maintenance activities could require excavation into the embankments. In order to perform these excavations and avoid compromising the embankment, it would likely be necessary to perform emergency drawdown of Otter Pond. This would be a negative for the Otter Pond neighborhood and could delay response times to the maintenance needs of the utility.
3. Restoration of the maintenance excavations would require specialized designs and approval by the State which would prolong the reservoir drawdown and substantially increase costs of the backfill/restoration.
4. The sanitary sewer line appears to be in vertical conflict with the proposed new outlet works of the dam.
5. Accommodating the utility lines during construction of the dam would substantially increase its construction costs and add risk to the project.

In response to these risks/issues, the City recommends that the water and sewer utility lines be relocated around the embankment entirely as shown in the attached utility relocation concept drawing. The relocation work is expected to cost approximately \$235k (\$140k water, \$95k sewer) and would need to occur at the front end of their dam replacement project.

Potential Paths Forward

The Otter Pond HOA's goal is to have the dam replacement complete and the pond ready to refill by April of 2024. Before construction on the dam can begin, it will be necessary for all designs to be approved and permitted with the BOR and State DWR. It is unknown if this overall schedule is feasible at this point.

The detailed mechanism for incorporating the utility relocation work into the dam replacement is still being worked out with the various project stakeholders. Because the utility relocation work is still within the area of influence for the dam embankment, the relocation work will likely need to be folded into the overall dam replacement project under the purview of project's engineer of record and the State DWR's division of dam safety.

Assuming this is a viable path forward, the project's bid could be organized such that the utility relocation work is priced individually within the project bid documents and paid for directly by the City (subject to approval by City Council). If this occurs within 2023 (as an unplanned and unbudgeted project), it would be necessary to fund the project using reserve enterprise capital dollars and/or reprioritize other utility projects planned for 2023 if necessary due to funding constraints. Alternatively, if the project schedule is such that these expenditures occur in 2024, the utility relocation work could be included in the City's 2024 budget.

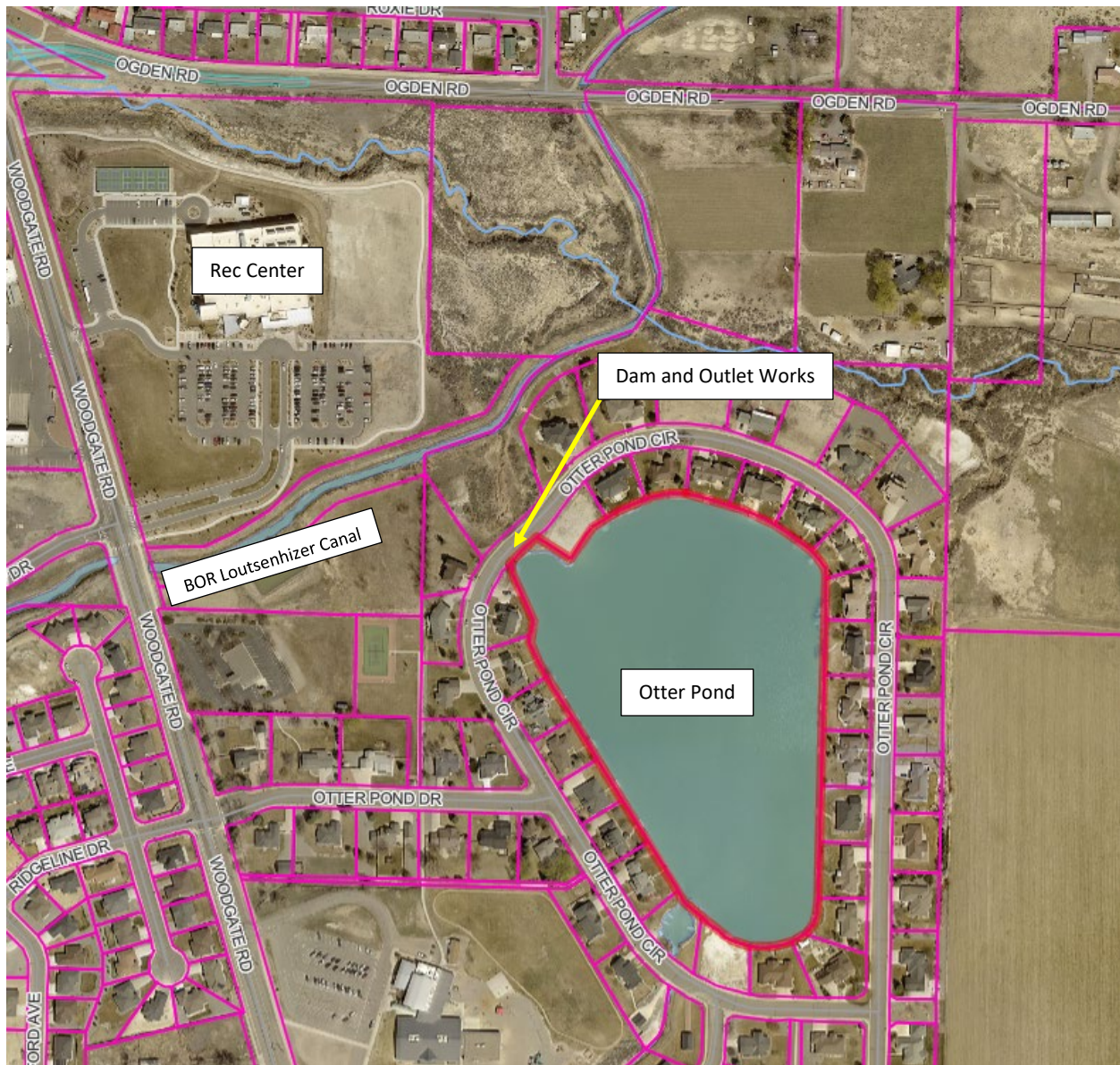


Figure 1: Otter Pond Site Overview



Figure 2: Otter Pond Area Immediately Prior to Development (Sept. 1993)

PURCHASE RECOMMENDATION

TO: Honorable Mayor, and Montrose City Council
Cc: William Bell City Manager, Shani Wittenberg Finance Director,
Shane Brandt Fleet Superintendent
FROM: Jim Scheid Public Works Manager
DATE: March 20th, 2023
Subject: 2023 Parks Mowers Purchase Recommendation



Action

Consider the approval of purchasing three Toro mowers from Roaring Fork rentals in Glenwood Springs, CO for a total of \$51,423.00.

Background

The City's Fleet Division has budgeted to replace three riding mowers in 2023. These three mowers will be used to assist in the maintenance of the City parks that the City Parks Division maintains. The City crews maintain the turf in Cedar Creek Cemetery, Sunset Mesa Ball fields and about 25% of the turf area within the remaining parks system. This amounts to about 95 acres of total turf maintained by City crews and equipment.

All three mowers would be purchased through Roaring Fork Rentals which is the regional vendor for Toro mowers. The City has requested pricing for mowers that match what currently exists in the City's fleet. The Black Canyon Golf Course and the Parks Division both use Toro mowers. Due to this standardization, City staff recommends purchasing using a sole source. The pricing provided by Roaring Fork Rentals is utilizing Toro's "Tax-Exempt Bid Support Program". This program allows the City of Montrose to take advantage of government pricing offered through cooperative agreements.

Net Financial Impact

The Fleet Division included \$49,200 in the 2023 Budget in GL 600-8005-944-000 for the replacement of all three mowers. The budgeted amounts were based on quotes received in June of 2022 and included the anticipated inflationary increases that were known at that time. The Fleet Fund had collected \$56,391.00 over the last 8 years for these replacements. The purchase amount is over the budgeted by \$2,223.00 but is under the amount collected by the Fleet Fund.



Model 72961 shown with 72" deck



CITY OF MONTROSE

SOLE SOURCE WAIVER REQUEST

REQUESTING DEPARTMENT: Fleet DATE: 3-7-2023

REQUESTED BY: Jim Scheid BID NO. _____

VENDOR NAME: Roaring Fork Rentals COST: \$51,423.00

JUSTIFICATION

(INITIAL ALL ENTRIES THAT APPLY TO REQUEST)

PRODUCT OR SERVICE DESCRIPTION: 3 Toro Riding Mowers

1. _____ Vendor is the original equipment manufacturer and there are no regional distributors.
2. _____ The product, equipment or service requested is clearly superior functionally to all other similar products, equipment or service from another manufacturer or vendor.
3. x _____ The over-riding consideration for purchase is compatibility or conformity with City-owned equipment in which non-conformance would require the expenditure of additional funds.
4. _____ No other equipment is available that shall meet the specialized needs of the department or perform the intended function.
5. _____ Detailed justification is available which establishes beyond doubt that the vendor is the only source available to provide the item or service required.
6. _____ Detailed justification is available which proves it is economically advantageous to use the product, equipment or service.

I recommend that competitive procurement procedures be waived and the product or service described herein be purchased as a sole source.

DEPARTMENT HEAD AUTHORIZATION: _____
Authorized Signature Title Date

FINAL AUTHORIZATION: City Council Approval Required (\$50,000 +) YES NO City Manager Approval
Required (up to \$50,000) YES NO

MANAGER/COUNCIL AUTHORIZATION: _____
Authorized Signature Title Date **Attach detailed justification documentation**



PSST 2A REPORT CARD

Report of the progress made by the City of Montrose regarding the .58% Public Safety Sales Tax, approved by the City of Montrose voters on November 5, 2019.

PROMISES MADE

PROMISES DELIVERED

BUDGET

43% of General Operations
Allocated to Public Safety

☒ 43% in 2023 = \$8.360 million

STAFFING

3 Patrol Officers ☒ ☒ ☒ Hired December 2022

1 Community Operations Sergeant ☐

2 School Resource Officers ☐ ☒ 1 Hired

2 Traffic Unit/Park Safety Officers ☐ ☒ 1 Hired

3 Street Crimes Officers ☐ ☐ ☐

3 Detectives ☐ ☒ ☒ 2 Hired

1 Crime Analyst ☒

2 Civilian Report Technicians ☐ ☐ ☒

1 Public Safety Attorney ☒

2 Record Technicians ☒ ☒

FACILITY

Site Preparation ☒ 100% Complete

Move-In ☒ 100% Complete

Operational ☒ 100% Complete

Construction ☐ 90% Complete - Punch List Ongoing

PUBLIC SAFETY IMPROVEMENTS

Hiring & Training

8 New Hires
1 Certified Officer (former Colorado State Patrol)
6 Departures

Western Colorado Law Enforcement
Academy (new classes begin May 2023)

Defensive Tactics: MPD, CSP, MCSO, OPD
Drug Recognition Expert Certification - State course
Community Corrections Interview Class - State course
Advanced Roadside Impaired Driving Class
Mental Health Crisis Intervention Certification

Public Communication

Hosted Business Crime Prevention Meeting
Planning Phase: Theft Reduction & Prevention Grant