A regular meeting of the Montrose City Council was held on Tuesday, February 21, 2023, at 6:00 p.m. in the Community Room of the Montrose Public Safety Complex. Said meeting was posted in accordance with the Sunshine Law.

PRESENT: Barbara Bynum, Doug Glaspell, J. David Reed, Shiloh Warthen, Bill Bell, Ann Morgenthaler, Ben Morris, Chris Dowsey, Lisa DelPiccolo, Greg Story, William Reis, Matthew Magliaro, Shani Wittenberg, Jim Scheid, Shane Brandt, William Woody, Blaine Hall, David Bries, Charles Greenacre

ABSENT: Dave Frank, Ed Ulibarri

GUESTS: Sophano Kan, Dominick LaJoy, Brittany Bagwell, Shelby Roberts, Randy Griffin, David Coker

CALL TO ORDER

Mayor Pro Tem Barbara Bynum 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 February 6, 2023, special City Council meeting, and the February 7, 2023, regular City Council meeting.

A motion was made by Doug Glaspell, seconded by J. David Reed, to approve the minutes of the February 6, 2023, special City Council meeting, and the February 7, 2023, regular City Council meeting as presented. All voted yes. Motion passed.

YOUTH CITY COUNCIL APPOINTMENT

City Council considered the appointment of applicant Shiloh Warthen for a position on the City of Montrose Youth City Council.

A motion was made by Doug Glaspell, seconded by J. David Reed, to appoint applicant Shiloh Warthen to the City of Montrose Youth City Council. All voted yes. Motion passed.

RETAIL LIQUOR STORE CHANGE OF LOCATION

City Council considered an application from Quick Shop LLC, doing business as West Main Liquor, to change the location of the Retail Liquor Store liquor license at 113 W. Main Street to 2201 S. Townsend Avenue, Unit #2B. This application also includes a change of trade name to Palace Liquor. A hearing was held.

Assistant City Attorney Chris Dowsey reviewed the application for a change of location for West Main Liquor as well as a trade name change to Palace Liquor. Mr. Dowsey stated that the file is in order, the fees have been paid, and a staff review of the application found no issues that would prevent the approval of the application.

Sophano Kan said he was present representing the applicant, Fangling Kousoum. Mr. Kan said that the Ms. Kousoum would like to move the retail liquor store to a new location with more space.

Mr. Kan said that the new location is currently empty, and the applicant intends to move after renovations are completed. The applicant recently applied for a transfer of the Retail Liquor Store license for West Main Liquors. Mr. Kan stated that the owner has completed alcohol server training and confirmed that all employees will be required to attend. Mr. Kan said that to prevent service to underage patrons, IDs are check for all customers who appear to be under 45 years of age.

Mayor Pro Tem Barbara Bynum opened the hearing.

Public comment was accepted.

Dominick LaJoy asked if the applicant has a plan for the existing location. Mr. Kan stated that an exact plan has not been determined.

Mayor Pro Tem Bynum closed the hearing.

A motion was made by J. David Reed, seconded by Doug Glaspell, to approve a change of location for the Retail Liquor Store liquor license for Quick Shop LLC, doing business as West Main Liquor, to 2201 S. Townsend Avenue, Unit #2B. All voted yes. Motion passed.

ORDINANCE 2612 – SECOND READING

City Council considered Ordinance 2612 on second reading, an Ordinance of the City of Montrose, Colorado, revising Chapter 10-1 of the Official Code of the City of Montrose, Colorado, for the regulating of traffic; adopting by reference the 2020 edition of the "Model Traffic Code for Colorado Municipalities;" repealing all ordinances in conflict therewith; superseding the 2003 Model Traffic Code for Colorado Municipalities; providing other provisions consistent with the adoption of the 2020 Code; and providing penalties for violation thereof.

City Attorney Ben Morris reported no changes to Ordinance 2612 since it was unanimously approved by City Council on February 7. Mr. Morris recommended adoption of the Ordinance.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by J. David Reed, to adopt Ordinance 2612 on second reading as presented. All voted yes. Motion passed.

CROSSROADS PARK II PRELIMINARY PLANNED DEVELOPMENT

City Council considered the Crossroads Park II Preliminary Planned Development.

Mr. Reis reviewed the location of the 1.688 acres northeast of the intersection of Locust Road and N. Hillcrest Drive/6600 Road. The property is zoned R-4, High Density District. Mr. Reis stated that the proposal is for 26 units across 13 residential lots. The applicant submitted the PD and subdivision plat at the same time which allows the applicant to begin infrastructure improvements. The application requests variances to existing setback and lot size requirements.

The Planning Commission unanimously recommended approval of the applications on February 8. Mr. Reis recommended approval with the standard condition stating that the applications are consistent with PD and subdivision regulations as well as the Comprehensive Plan.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by J. David Reed, to approve the Crossroads Park II Preliminary Planned Development. All voted yes. Motion passed.

CROSSROADS PARK II SUBDIVISION PRELIMINARY PLAT

City Council considered the Crossroads Park II Preliminary Plat.

Public Comment was accepted. No comments were received.

A motion was made by J. David Reed, seconded by Doug Glaspell, to approve the Crossroads Park II 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.

THE FALLS AT VALLEY RANCH FINAL PLANNED DEVELOPMENT

City Council considered The Falls at Valley Ranch Final Planned Development.

Planner II William Reis reviewed the location of the 130-acre parcel in southern Montrose off of Otter Road and stated that the proposed subdivision consists of seven single family residential units within the R-1, Very Low Density, zoning district. Mr. Reis stated that the proposed subdivision meets lot dimensional requirements within the R-1 zoning, and a Planned Development application is required due to a proposed alternative road design template.

Mr. Reis reported that the applicant is required to provide 20 percent open space, and a 96-acre outlot is reserved for future development.

Mr. Reis recommended approval with the standard condition stating that requirements for the final plat and final PD have been met. City Council unanimously approved the Preliminary Planned Development and Preliminary Subdivision plat on November 21, 2022.

Road requirements were reviewed. Deputy City Manager Ann Morgenthaler stated that due to the low number of lots, the applicant is requesting modified road standards which can only be done through a PD.

Applicant David Coker stated that one road is a public road and the other is a private road. Mr. Coker said that the deviation from road standards is requested in order to maintain a country feel by eliminating the curb and gutter.

Public comment was accepted. No comments were received.

A motion was made by J. David Reed, seconded by Doug Glaspell, to approve The Falls at Valley Ranch Final Planned Development. All voted yes. Motion passed.

THE FALLS AT VALLEY RANCH SUBDIVISION FINAL PLAT

City Council considered The Falls at Valley Ranch Final Plat to create seven residential lots, open space tracts, and associated rights of way and easements.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by J. David Reed, to approve The Falls at Valley Ranch 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 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. All voted yes. Motion passed.

ORDINANCE 2613 - SECOND READING

City Council considered Ordinance 2613 on second reading, an Ordinance of the City of Montrose, Colorado for the annexation of the Klein Addition.

Planner II William Reis reviewed the location of the one-acre parcel on the southwest corner of the intersection of 6600 and Draft Horse Roads. Mr. Reis stated that the parcel is located within the Urban Growth Boundary and within City sewer and Tri-County Water service areas. Mr. Reis said that the property owner is requesting annexation to connect to City sewer service. The applicant is requesting a zoning designation of MHR, Manufactured Housing Residential.

Mr. Reis recommended approval of the annexation and zoning designation stating that the request meets all City and state annexation requirements, is consistent with health, safety, and welfare, and is in compliance with the Comprehensive Plan. An annexation agreement has been signed, and an annexation impact report is not required.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by J. David Reed, to adopt Ordinance 2613 on second reading as presented. All voted yes. Motion passed.

ORDINANCE 2614 – SECOND READING

City Council considered Ordinance 2614 on second reading, an Ordinance of the City of Montrose, Colorado, providing for the zoning of the Klein Addition as an "MHR," Manufactured Housing Residential District.

Public comment was accepted. No comments were received.

A motion was made by J. David Reed, seconded by Doug Glaspell, to adopt Ordinance 2614 on second reading as presented. All voted yes. Motion passed.

ORDINANCE 2615 – SECOND READING

City Council considered Ordinance 2615 on second reading, an Ordinance of the City of Montrose, Colorado, designating the Montrose Electric Light & Power Company Building, with an historic address of 7 South Townsend Avenue, 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 no changes to Ordinance 2615 since it passed unanimously on first reading on February 7. Mr. Reis stated that the property is eligible for designation due to its age and association with significant events, and because it retains some of its original architectural features.

Mr. Reis recommended adoption of Ordinance 2615.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by J. David Reed, to adopt Ordinance 2615 on second reading as presented. All voted yes. Motion passed.

2023 ANNUAL ANNEXATION REPORT AND 3-MILE PLAN

City Council considered the 2023 Annexation Report and 3-Mile Plan.

Planner II William Reis reviewed the annual requirement to file a 3-Mile Plan and provided an overview of the 2023 Annexation Report and 3-Mile Plan.

Mr. Reis stated that the City's annexation policies suggest annexations from the center of the City outward. The priority is to accommodate private owner requests which are mostly driven by connection to City utilities. Mr. Reis said that properties along the highway corridor, existing enclaves, and growth areas are also considered.

Mr. Reis recommended approval of the 2023 Annexation Report and 3-Mile Plan in order to remain in compliance with state statutes.

A motion was made by J. David Reed, seconded by Doug Glaspell, to approve the 2023 Annexation Report and 3-Mile Plan as presented. All voted yes. Motion passed.

DECLARATION OF COVENANTS WITH WESTSTAR DEVELOPMENT LLC

City Council considered authorization of the City Manager's signature on an Agreement and Declaration of Covenants document between the City of Montrose and Weststar Development LLC regarding infrastructure improvements required upon future rezone.

City Attorney Ben Morris reviewed the location of the subject property south of the original Cobble Creek development. Mr. Morris stated that the zoning for the parcel was established with Ordinance 1603 in 1996, and the Ordinance included several conditions. The density limit was set at 139 dwelling units which is well below the maximum allowable density of 6.9 units per acre in the R-3 zoning district.

Mr. Morris stated that Ordinance 1603 includes other restrictions that the City would like to retain. To preserve these restrictions and change only the density, the Declaration of Covenants agreement with the developer is proposed.

Public comment was accepted. No comments were received.

A motion was made by J. David Reed, seconded by Doug Glaspell, to authorize the City Manager's signature on an Agreement and Declaration of Covenants document between the City of Montrose and Weststar Development, LLC as presented. All voted yes. Motion passed.

MOVING MONTROSE FORWARD 2023 SURFACE TREATMENT CONTRACT

City Council considered Change Order No. 1 in the amount of $1,434,194.50 to A-1 Chipseal's Moving Montrose Forward Surface Treatment Contract for completion of the 2023 surface treatment scope of work.

Jim Scheid reviewed an amendment to an existing contract with A-1 Chipseal for 2023 MoveMo street improvement projects. Mr. Scheid stated that a map is included in the meeting packet showing streets schedule for improvements in 2023.

Mr. Scheid reviewed the 2022 bid process and recommended approval of the contract extension. Mr. Scheid stated that the projects are scheduled to begin in June with completion in September.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by J. David Reed, to approve change Order No. 1 in the amount of $1,434,194.50 to A-1 Chipseal's Moving Montrose Forward Surface Treatment Contract for the completion of the 2023 surface treatment scope of work as presented. All voted yes. Motion passed.

2023 FORD VEHICLE PURCHASE RECOMMENDATION

City Council considered the purchase of 10 Ford vehicles from Sill-Terhar Motors in Broomfield, Colorado, for the total purchase price of $667,250.00.

Public Works Manager Jim Scheid reviewed the bid process and stated that separate RFPs were issued for vehicles for City operations and for Police Department vehicles. Manufacturer restrictions on government fleet purchases limited the number of bids received. Mr. Scheid said that options were discussed with Sill-Terhar Motors and it was determined that Sill-Terhar could fill the orders from their inventory. Mr. Scheid said the purchase price is above the amount budgeted, but the Fleet Fund will absorb the difference through the interfund lease program.

Public comment was accepted. No comments were received.

A motion was made by J. David Reed, seconded by Doug Glaspell, to approve the purchase of 10 Ford vehicles from Sill-Terhar Motors for the total purchase price of $667,250.00 as presented. All voted yes. Motion passed.

STAFF REPORTS

Sales, Use, and Excise Tax Report: Finance Director Shani Wittenberg presented a sales, use and excise tax report for December 2022. Ms. Wittenberg reported that total sales and use tax collections were up 7.1 percent as compared to December of 2021, with a positive budget variance of 24.3 percent. Year-to-date collections were up 10.8 percent with a positive budget variance of 28.8 percent.

Fourth Quarter Budget Review: Finance Director Shani Wittenberg reported that unaudited information for the fourth quarter of 2022 is included in the meeting packet, along with a memo that outlines the major funds. Ms. Wittenberg stated that revenues exceeded budgeted amounts by 100 to 125 percent, expenditures are below the 100 percent mark, and most capital projects are complete.

Opioid Settlement Update: Assistant City Attorney Matthew Magliaro reported that Colorado is a participatory state in a multi-state litigation. The City was notified that a settlement was reached with five companies in which Colorado collectively stands to received $300 million. Mr. Magliaro reviewed the structure of payments and stated that the allocation for the local region is $3.19 million. Mr. Magliaro reviewed the City's options and stated that a decision is required by April 7, 2023.

YOUTH CITY COUNCIL COMMENTS

No comments were provided.

CITY COUNCIL COMMENTS

No comments were provided.

MOTION TO ADJOURN

At 7:11 p.m., a motion was made by Doug Glaspell, seconded by J. David Reed, to adjourn the meeting with no further action taken.

ATTEST:

David Frank, Mayor

Briceida Ortega, Deputy City Clerk

CITY OF MONTROSE
CITY SEAL
COLORADO

MONTROSE • COLORADO

March 7, 2023

City Council Meeting
Sign-in Sheet

Name	Address
STEVE METHENY	12867 6100 Rd Montrose, Co. 81403
Sherry Mulvaney	2673 Vega Dr. Montrose
Myrna Shurtz	2517 Stone Bridge Rd, Montrose
Glenn Huff	15602 Bay Court, Montrose
Luis Macias	14555 Marine Rd. #210
Paul Paladino	67532 E. Borough Dr. Montrose
Kathy Heavers 1839 Otter Pond Circle Montrose, CO 81401-9551	
Judy Ann & Ralph Files	3365 Mahogany Dr.

March 7, 2023

City Council Meeting
Sign-in Sheet

Name	Address
Tony Lugard	60302 Spring Crk Rd Montrose