A regular meeting of the Montrose City Council was held on Tuesday, March 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: Dave Frank, Barbara Bynum, Doug Glaspell, J. David Reed, Ed Ulibarri, Bill Bell, Ann Morgenthaler, Ben Morris, Chris Dowsey, Lisa DelPiccolo, Greg Story, William Woody, Scott Murphy, Matt Smith, Tim Cox, Matt Magliaro, Blaine Hall, Jim Scheid, Shani Wittenberg, Jace Hochwalt, William Reis, Dan Payne

GUESTS: Flint Ogle, Steve Metheny, Tony Lugard, Kathy Heavers, Chris Koch, Mike Surak, Anvir Purewal

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 March 6, 2023, special City Council meeting and the March 7, 2023, regular City Council meeting.

A motion was made by Doug Glaspell, seconded by Barbara Bynum, to approve the minutes of the March 6, 2023, special City Council meeting and the March 7, 2023, regular City Council meeting as presented. Ed Ulibarri voted no. All others voted yes. Motion passed.

RESOLUTION 2023-05

City Council considered Resolution 2023-05 authorizing the City Manager and the City Attorney to execute documents as may be necessary to accomplish the transfer of the real property described in Exhibit "A," and to attend a real estate closing on the City's behalf, wherein such transfer is to take place.

A motion was made by Doug Glaspell, seconded by Barbara Bynum, to adopt Resolution 2023-05 as presented. Ed Ulibarri voted no. All others voted yes. Motion passed.

ORDINANCE 2616 – SECOND READING

City Council considered Ordinance 2616 on second reading, an Ordinance of the City of Montrose, Colorado, amending Section 6-4-1 (B)(4) of the Official Code of the City of Montrose, Colorado, to correct an internal cross-reference.

City Attorney Ben Morris reported no changes to Ordinance 2616. A hearing was held during the March 7 City Council meeting and the Ordinance passed unanimously on first reading.

Public comment was accepted. No comments were received.

A motion was made by Barbara Bynum, seconded by Ed Ulibarri, to adopt Ordinance 2616 on second reading as presented. All voted yes. Motion passed.

ORDINANCE 2617 – SECOND READING

City Council considered Ordinance 2617 on second reading, an Ordinance of the City of Montrose, Colorado, authorizing the sale of real property as addressed at 433 S. First Street, Montrose, Colorado, and being particularly described herein, pursuant to § 1-9-2 of the Official Code of the City of Montrose. A hearing was held.

City Manager Bill Bell reported that this Ordinance and the property transaction were discussed at length at the March 7 City Council meeting. Mr. Bell said a public hearing will be held this evening, and he will address any questions presented.

Mayor Dave Frank opened the hearing.

Public comment was accepted. No comments were received.

Mayor Frank closed the hearing.

City Councilor J. David Reed stated that he read a statement into the record at the March 7 City Council meeting and asked that the statement is included in the record for this meeting. Mr. Reed stated that he would provide the statement to the City Clerk for inclusion in the meeting packet.

A motion was made by Doug Glaspell, seconded by J. David Reed, to adopt Ordinance 2617 on second reading as presented. Ed Ulibarri voted no. All others voted yes. Motion passed.

RESOLUTION 2023-04

City Council considered Resolution 2023-04 setting May 2, 2023, as the hearing date for the Senergy Addition Annexation.

Planner II William Reis reviewed the annexation schedule and the location of the 35.5 acres on Miami Road. Mr. Reis stated that the property is within the City's Urban Growth Boundary and within the City's water and sewer service areas. Mr. Reis reviewed the zoning of the surrounding area and said that the proposed zoning designation is R-2, Low Density District. An impact report is required and an annexation agreement has been signed by the applicant.

Mr. Reis stated that the proposal is consistent with public health, safety, and welfare, City annexation policies and the Comprehensive Plan.

Public comment was accepted. No comments were received.

A motion was made by J. David Reed, seconded by Barbara Bynum, to adopt Resolution 2023-04 as presented. All voted yes. Motion passed.

DRY CEDAR CREEK PRELIMINARY PLANNED DEVELOPMENT

City Council considered the Dry Cedar Creek Preliminary Planned Development.

Planning Manager Jace Hochwalt reported that this project is a multi-family development known as The Residences at Dry Cedar Creek, and the applicant is Real American Development LLC.

Mr. Hochwalt reviewed the location of the property adjacent to the Community Recreation Center and said the Planning Commission unanimously recommended approval on March 8. Mr. Hochwalt said the PD area encompasses 4.41 acres of the 7.34-acre parcel and is zoned R-3A, Medium High Density District. The proposed development consists of 60 multi-family units, with 1.82 acres, or 41 percent, retained as open space. Mr. Hochwalt stated that the deviations included in the proposal are to allow multiple buildings on a single parcel and to allow a minimum setback of two feet from the UVWUA canal easement.

Mr. Hochwalt recommended approval stating that the request is in compliance with Planned Development regulations and Comprehensive Plan and meets the intent of the R-3A zoning district.

City Engineer Scott Murphy confirmed that the stability of the adobe soils was addressed by geotechnical engineers, and utility relocations for the Otter Pond dam construction have been accounted for. Mr. Murphy also addressed road improvements.

Public comment was accepted.

Kathy Heavers asked about Bureau of Reclamation requirements and whether one entrance is adequate for emergency access. Mr. Murphy and Mr. Hochwalt addressed the Bureau of Reclamation requirements. Mr. Murphy stated that safety and access elements have been approved by the appropriate entities.

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

THE GROVE SUBDIVISION PRELIMINARY PLAT

City Council considered the Grove Subdivision Preliminary Plat.

Planning Manager Jace Hochwalt gave an overview of the project which encompasses 44.64 acres in southeast Montrose. The applicant is Chris Koch. Mr. Hochwalt stated that the Planning Commission unanimously recommended approval of the request on March 8. Mr. Hochwalt reported that the property is currently zoned R-2, Low Density District, and the development will contain 129 single-family lots with 9.88 acres, or approximately 21 percent, retained as open space.

Mr. Hochwalt reviewed the R-2 zoning designation and surrounding zoning and stated that the proposal is compatible with neighboring uses. Mr. Hochwalt recommended approval with the standard condition stating the request is in compliance with Subdivision Regulations and the Comprehensive Plan and meets the intent of the R-2 zoning designation.

Mr. Hochwalt stated that the applicant intends to develop in phases. City Engineer Scott Murphy reviewed pending permitting required by the Bureau of Reclamation and stated that the first phase is not affected and can begin.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by J. David Reed, to approve The Grove Subdivision Preliminary Plat expressly conditioned upon City staff ensuring that all policies, regulations, ordinances 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 2619 – FIRST READING

City Council considered Ordinance 2619 on first reading, an Ordinance of the City of Montrose, Colorado, amending the zoning designation of Lot 12 of the Miami Business Park Subdivision Filing No. 1 and Lots 5-11 of the Miami Business Park Subdivision Filing No. 2, totaling 5.56 acres, from "OR" Office-Residential to "R-4" High Density District. A hearing was held.

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

Planner II William Reis reviewed a request to rezone eight lots along Star Court. Mr. Reis reviewed the zoning of the surrounding area and said the rezone encompasses 8 parcels as well as a trail and detention tract. Mr. Reis said the applicant is seeking to accommodate multi-family development on the site and allow flexibility for future development.

Mr. Reis recommended approval stating that the request meets rezone criteria, is in compliance with Comprehensive Plan goals and objectives and is compatible with existing uses in the surrounding area.

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 Ed Ulibarri, to pass Ordinance 2619 on first reading as presented. All present voted yes. Motion passed.

Ms. Bynum and Mr. Reed rejoined the meeting at 6:48 p.m.

ORDINANCE 2618 – FIRST READING

City Council considered Ordinance 2618 on first reading, an Ordinance of the City of Montrose, Colorado, amending the zoning designation of 122 acres adjacent to the south of the Cobble Creek Golf Course bordering 6400 Road from "R-3" Medium Density District with conditions to "R-3" Medium Density District with no conditions. A hearing was held.

Planning Manager Jace Hochwalt presented a proposal from Weststar Development to rezone 122 acres within the Two Creeks addition annexed in 1986. Mr. Hochwalt reported that the Planning Commission unanimously recommended conditional approval on March 8, and City Council approved a covenant document at a previous meeting. Mr. Hochwalt stated that the parcel was originally zoned R-3 with conditions including a limit of 139 units, a density of approximately 1.1 units per acre, which is below the R-3 zoning district standards.

Mr. Hochwalt said Weststar is seeking the rezone to remove density restriction, and a required Declaration of Covenants has been signed by the developer to retain all other conditions within the original zoning ordinance. Mr. Hochwalt recommended conditional approval stating that the request meets rezone criteria, is in compliance with the Comprehensive Plan and is compatible with surrounding uses.

Applicant Flint Ogle reviewed the progression of the proposed development and requested approval in the interest of fairness, consistency with current zoning practice, uniformity, and efficient use of infrastructure.

Traffic implications and future improvements to surrounding roads were discussed.

Mayor Dave Frank opened the hearing and stated that letters from two citizens are included in the meeting packet.

Public comment was accepted. No comments were received.

Mayor Frank closed the hearing.

City Manager Bill Bell stated that the decision made this evening is for the rezone request only, and traffic and access issues are part of the subdivision process.

A motion was made by J. David Reed, seconded by Barbara Bynum, to pass Ordinance 2618 on first reading as presented expressly conditioned upon the execution and recording of the Agreement and Declaration of Covenants between the City of Montrose and Weststar Development, LLC that was authorized by City Council for signature at their February 21, 2023, Regular meeting. All voted yes. Motion passed.

2023 PARKS TURF CARE CONTRACT AWARD RECOMMENDATION

City Council considered the award of the 2023 Parks Turf Care Maintenance Contract to Green and Bearit of Montrose, Colorado, for the total amount of $119,988.00.

Parks Superintendent Dan Payne reported that this contract provides for turf maintenance for City parks but does not include the Sunset Mesa ball fields or Cedar Creek Cemetery. Mr. Payne reviewed the bid process and stated that four qualified bids were received. Mr. Payne recommended approval of the contract with Green and Bearit.

Public comment was accepted. No comments were received.

A motion was made by Barbara Bynum, seconded by Ed Ulibarri, to award the 2023 Parks Turf Care Maintenance Contract to Green and Bearit of Montrose, Colorado, for the total amount of $119,988.00 as presented. All voted yes. Motion passed.

BUCKLEY PARK PLAYGROUND AWARD RECOMMENDATION

City Council considered the award of the Buckley Park Playground Replacement design/build contract to Just Be You Inc., doing business as Star Playgrounds of Littleton, Colorado, for the not-to-exceed amount of $420,000.00.

Parks Superintendent Dan Payne reported that a new all-inclusive playground will be installed at Buckley Park and will be fully compliant with the Americans with Disabilities Act. Mr. Payne reviewed the RFQ process and said six qualified proposals were received. Mr. Payne recommended awarding the contract to Just Be You, Inc.

Public Works Manager Jim Scheid reviewed the planned playground features. Mr. Payne stated that the contract with the vendor includes public meetings to gather input on a schedule that accommodates families with young children.

Public comment was accepted. No comments were received.

A motion was made by Barbara Bynum, seconded by Ed Ulibarri, to award the Buckley Park Playground Replacement design/build contract to Just Be You Inc., doing business as Star Playgrounds of Littleton, Colorado, for the not-to-exceed amount of $420,000.00. All voted yes. Motion passed.

MOVING MONTROSE FORWARD 2023 CONTRACTED STREET MAINTENANCE CONSTRUCTION CONTRACT

City Council considered a contract award to Oldcastle SW Group (dba United Companies) in the amount of $2,900,000.00 for completion of the Moving Montrose Forward 2023 Contracted Street Maintenance Project.

City Engineer Scott Murphy reported that since discussion at a previous work session, the amount of the contract was increased to allow use of the full budget allocation. Mr. Murphy stated that $4.3 million was allocated for street maintenance in 2023. Surface treatment contracts have been awarded and a contract for sidewalk improvements is in the bid process. This contract encompasses the remainder of the budget allocation and is for robust street maintenance such as overlays and rebuilds.

Mr. Murphy said information is available on the MoveMo webpage and citizens can sign up for traffic alerts. Mr. Murphy stated that the extra funds will allow for improvements to a portion of Nevada Avenue south of S. Fifth Street and a right turn lane at Odelle and Townsend.

Mr. Murphy reviewed the bid process and recommended awarding the contract to Oldcastle.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by J. David Reed, to award a contract to Oldcastle SW Group (dba United Companies) in the amount of $2,900,000.00 for completion of the Moving Montrose Forward 2023 Contracted Street Maintenance Project as presented. All voted yes. Motion passed.

STAFF REPORTS

Sales, Use, and Excise Tax Report: Finance Director Shani Wittenberg provided a sales, use and excise report for the month of January 2023. Ms. Wittenberg reported that total sales and use tax collections were up 7.5 percent as compared to January of 2022, with a positive budget variance of 16.5 percent.

2A Report Card: Police Chief Blaine Hall reported that a 2A Report Card presentation was provided at the March 20 work session and the Report Card will be included in the next City Beat publication. Chief Hall stated that the Police Department is attracting more certified officers to apply, and 12-13 are expected to attend the Summer Police Academy.

New City Hall: Deputy City Manager Ann Morgenthaler announced that the new City Hall facility at 400 E. Main Street will open to the public on Monday, March 27.

YOUTH CITY COUNCIL COMMENTS

No comments were provided.

CITY COUNCIL COMMENTS

Mayor Dave Frank acknowledged Information Systems staff for accommodating multiple projects.

MOTION TO ADJOURN

At 7:34 p.m., a motion was made by J. David Reed, seconded by Barbara Bynum, to adjourn the meeting with no further action taken.

ATTEST:

David Frank, Mayor

Lisa DelPiccolo, City Clerk