

A regular meeting of the Montrose City Council was held on Tuesday, April 18, 2023, 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.

PRESENT: Dave Frank, Barbara Bynum, Doug Glaspell, J. David Reed, Ed Ulibarri, Bill Bell, Ann Morgenthaler, Ben Morris, Chris Dowsey, Lisa DelPiccolo, Briceida Ortega, Greg Story, William Woody, Shani Wittenberg, Katie Schroer, Tim Cox, Scott Murphy, Mark Tofflemoyer, Jim Scheid, Dan Payne, Jace Hochwalt, David Bries, William Reis

GUESTS: Steve Metheny, Marty Guy, Deborah Reed, Rhiannon Bergman, Ashley Dennis, David Schieldt

#### 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.

#### ANNUAL MAYORS CHALLENGE FOR WATER CONSERVATION

Mayor Dave Frank encouraged the citizens of the City of Montrose to participate in the annual Mayors Challenge for Water Conservation. The Challenge will be conducted throughout the month of April to inspire residents to use water more efficiently, reduce pollution, and save energy. The City of Montrose has participated annually since 2012 and finished fourth in the nation in 2022 among cities of comparable size.

#### EARTH WEEK PROCLAMATION

Mayor Dave Frank and Youth City Council Mayor Grace Hotsenpiller proclaimed the week of April 21 through April 28, 2023, as Earth Week in the City of Montrose. Ms. Hotsenpiller presented the proclamation to Montrose Pavilion and Community Events Manager Katie Schroer. Ms. Schroer provided an overview of Earth Week festivities and encouraged community members to participate.

#### ARBOR DAY PROCLAMATION

Mayor Pro Tem Barbara Bynum and the Montrose City Council proclaimed April 28, 2023, as Arbor Day in the City of Montrose. Ms. Bynum presented the proclamation to Parks Superintendent Dan Payne.

#### MUNICIPAL CLERKS WEEK PROCLAMATION

Mayor Dave Frank and the Montrose City Council proclaimed the week of April 30 through May 6, 2023, as Municipal Clerks Week in the City of Montrose. Mayor Frank presented the proclamation to City Clerk Lisa DelPiccolo, Deputy City Clerk Briceida Ortega, and Records Clerk Mark Tofflemoyer.

#### CALL FOR PUBLIC COMMENT

Stewart West, newly named superintendent of Black Canyon of the Gunnison National Park and Curecanti National Recreation Area, introduced himself to City Council.

Dianna Reuter spoke regarding water quality concerns related to the Uncompahgre River and the Montrose Watersports Park. Ms. Reuter also spoke in favor of requiring fences on private property to be set back two feet from sidewalks.

#### APPROVAL OF MINUTES

City Council considered the minutes of the April 3, 2023, special City Council meeting and the April 4, 2023, regular City Council meeting.

A motion was made by Barbara Bynum, seconded by Doug Glaspell, to approve the minutes of the April 3, 2023, special City Council meeting and the April 4, 2023, regular City Council meeting as presented. David Reed abstained because he was not present at the April 4 City Council meeting. All others voted yes. Motion passed.

#### APPOINTMENT OF MAYOR AND MAYOR PRO TEM

Mayor Dave Frank presided over the selection of Mayor and Mayor Pro Tem for the 2023-2024 mayoral term.

A motion was made by Dave Frank to appoint Barbara Bynum as Mayor for the 2023-2024 mayoral term. No other nominations were made. Mayor Frank declared the motion passed by acclamation.

A motion was made by Barbara Bynum to appoint J. David Reed as Mayor Pro Tem for the 2023-2024 mayoral term. No other nominations were made. Ms. Bynum declared the motion passed by acclamation.

#### PRESENTATION TO OUTGOING MAYOR

Mayor Barbara Bynum acknowledged Dave Frank for his contributions as Mayor of the City of Montrose from April 2022 to April 2023. Mr. Frank was presented with the gavel he used during his term as mayor and with a plaque commemorating his service.

RESOLUTION 2023-06

City Council considered Resolution 2023-06, a Resolution of the City of Montrose in opposition to statewide land use and zoning preemptions in Senate Bill 23-213.

City Attorney Ben Morris reported that Senate Bill 23-213 is under consideration at the state level and would expand state control over land use decisions. Mr. Morris read a statement from the Colorado Municipal League (CML) which summarized the bill as a sweeping attempt to remove local control and Home Rule authority and expand state authority with top down zoning and land use standards.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by Doug Glaspell to adopt Resolution 2023-06 as presented. All voted yes. Motion passed.

ORDINANCE 2620 – SECOND READING

City Council considered Ordinance 2620 on second reading, an Ordinance of the City of Montrose authorizing the substitution of other City property for the City Hall building under a 2017 lease-purchase financing; and authorizing and approving documentation related thereto. A hearing was held.

Finance Director Shani Wittenberg and City Attorney Ben Morris reported no changes to Ordinance 2620 since it was passed on first reading at the April 4 City Council meeting.

Mayor Barbara Bynum opened the hearing.

Public comment was accepted. No comments were received.

Mayor Bynum closed the hearing.

A motion was made by Doug Glaspell, seconded by J. David Reed, to adopt Ordinance 2620 on second reading as presented. Ed Ulibarri voted no. All others voted yes. Motion passed.

ORDINANCE 2621 – FIRST READING

City Council considered Ordinance 2621 on first reading, an Ordinance of the City of Montrose, Colorado, 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. A hearing was held.

Assistant City Attorney Chris Dowsey reported that this Ordinance was reviewed at a previous work session and is related to the sale of the former City Hall building. Mr. Dowsey stated that the Ordinance authorizes a loan to Colorado Mesa University in accordance with the City Charter.

Mayor Barbara Bynum opened the hearing.

Public comment was accepted. No comments were received.

Mayor Bynum closed the hearing.

A motion was made by J. David Reed, seconded by Doug Glaspell, to pass Ordinance 2621 on first reading as presented. Ed Ulibarri voted no. All others voted yes. Motion passed.

#### SOUTH 3RD PLAZA CONSTRUCTION CONTRACT

City Council considered the approval of \$699,527.58 in expenditures for construction of the South 3rd Plaza Project. This includes the award of a construction contract to Skip Huston Construction in the amount of \$659,527.58 and a survey/engineering support contract to Del-Mont Consultants in the amount of \$40,000.00.

City Engineer Scott Murphy reviewed the history of campus expansions and gave an overview of the plan to create a plaza near the Cascade Hall building.

Mr. Murphy reviewed the bid process and reported that one bid was received that exceeded the amount budgeted for the project. The elements of the project were redefined to remove decorative elements and focus on street parking, parking lot improvements, lighting, and core concrete work within the budgeted amount. Landscaping and other elements will be added later through grant funding and future partnerships. Mr. Murphy said that \$700,000.00 was budgeted for the project with \$500,000.00 provided by the City, and \$200,000.00 contributed by CMU.

Mr. Murphy recommended approval of the contracts with Skip Huston Construction and Del-Mont Consultants.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by J. David Reed, to approve \$699,527.58 in expenditures for construction of the South 3rd Plaza Project as presented. All voted yes. Motion passed.

#### ORDINANCE 2622 – FIRST READING

City Council considered Ordinance 2622 on first reading, an Ordinance of the City of Montrose, Colorado, granting and authorizing the conveyance of an interest in City-owned real estate pursuant to § 1-9-2 of the Official Code of the City of Montrose (S. Third Street right of way). A hearing was held.

City Engineer Scott Murphy reported that Ordinance 2622 redistributes the right of way following the vacation of the street. Mr. Murphy said that Colorado Mesa University and the Montrose Library will equally share the vacated right of way, and the Library intends to deed its portion to CMU. Existing utility easements will be preserved by the City and the Plaza will be maintained by CMU.

City attorney Ben Morris stated that the Library District has voted to deed the right of way to CMU.

Mayor Barbara Bynum opened the hearing.

Public comment was accepted. No comments were received.

Mayor Bynum closed the hearing.

A motion was made by Dave Frank, seconded by Doug Glaspell, to pass Ordinance 2622 on first reading as presented. All present voted yes. Motion passed.

#### SUNSET VILLAGE ADDITION ANNEXATION

A hearing was held on the annexation of the Sunset Village Addition.

Planning Manager Jace Hochwalt reviewed the annexation schedule and said the owner is planning to develop the land in the near future which requires annexation. Mr. Hochwalt stated that the 10.01 acres on 6600 Road is comprised of two parcels located within the Urban Growth Boundary, City sewer service area, and Tri County water service area.

Mr. Hochwalt reviewed the zoning map and the zoning of the surrounding area. The applicant is seeking a zoning designation of R-3A, medium-high density district. City staff has not received subdivision or site development applications, but the applicant has expressed interest in building a 4-plex or 3-plex development. Mr. Hochwalt stated that multifamily use is a use by right within the R-3A zoning designation, and the Planning Commission unanimously recommended approval of the zoning designation.

Mr. Hochwalt recommended approval of the annexation and zoning designation stating that the request is consistent with public health, safety and welfare, City annexation policies, and the Comprehensive Plan. An annexation impact report and an annexation agreement have been completed

Resolution 2023-07: City Council considered Resolution 2023-07, Findings of Fact for the Sunset Village Addition.

Public comment was accepted.

A motion was made by Dave Frank, seconded by J. David Reed, to adopt Resolution 2023-07 as presented. All voted yes. Motion passed.

Ordinance 2623 – First Reading: City Council considered Ordinance 2623 on first reading, an Ordinance of the City of Montrose, Colorado for the annexation of the Sunset Village Addition. A hearing was held.

Mayor Barbara Bynum opened the hearing.

Public comment was accepted. No comments were received.

Mayor Bynum closed the hearing.

A motion was made by Doug Glaspell, seconded by Dave Frank, to pass Ordinance 2623 on first reading as presented. All voted yes. Motion passed.

#### ORDINANCE 2624 – FIRST READING

City Council considered Ordinance 2624 on first reading, an Ordinance of the City of Montrose, Colorado, providing for the zoning of the Sunset Village Addition as an "R-3A," Medium High Density District. A hearing was held.

Mayor Barbara Bynum opened the hearing.

Public comment was accepted. No comments were received.

Mayor Bynum closed the hearing.

A motion was made by J. David Reed, seconded by Doug Glaspell, to pass Ordinance 2624 on first reading as presented. All voted yes. Motion passed.

#### OTTER ROAD RIGHT OF WAY DEDICATION PLAT

City Council considered the Otter Road Dedication, an Official Act of the City of Montrose plat.

Planning Manager Jace Hochwalt reported that the Grove Preliminary Subdivision was approved at the March 22 regular City Council meeting. The applicant is preparing to start infrastructure construction, but Otter Road must be dedicated to the City first. As proposed, approximately 680 feet of right of way will be dedicated to accommodate access to the Grove Subdivision.

Public comment was accepted. No comments were received.

A motion was made by J. David Reed, seconded by Dave Frank, to approve the Otter Road Dedication, an Official Act of the City of Montrose plat as presented. All voted yes. Motion passed.

#### 2023 PAVEMENT MARKING CONTRACT AWARD

City Council considered the award of a contract for 2023 pavement marking services to Stripe a Lot of Montrose, Colorado, for the not-to-exceed amount of \$200,000.00.

Public Works Manager Jim Scheid reported that this annual contract is for all pavement markings including crosswalks and turn arrows. Mr. Scheid stated that the City has worked with Stripe a Lot over the past several years with good results. Mr. Scheid said that the budgeted amount for 2023 was increased to account for inflation and recommended approval of the contract.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by Doug Glaspell, to approve the award of a contract for 2023 pavement marking services to Stripe a Lot of Montrose, Colorado, for the not-to-exceed amount of \$200,000.00. All voted yes. Motion passed.

#### STAFF REPORTS

Sales, Use, and Excise Tax Report: Finance Director Shani Wittenberg provided a sales, use, and excise tax report for the month of February 2023. Ms. Wittenberg reported that total sales and use tax collections were up 1.8 percent as compared to February 2022 with a positive budget variance of 10.2 percent. Year-to-date collections were up 4.6 percent with a positive budget variance of 13.3 percent.

#### YOUTH CITY COUNCIL COMMENTS

Youth City Council Mayor Grace Hotsenpiller reported that the Youth City Council will conduct its annual street clean-up on April 19 in conjunction with Earth Week, and a Riverbottom Park clean-up is planned for April 26.

#### CITY COUNCIL COMMENTS

City Councilor Dave Frank thanked everyone who provided assistance during his year as mayor.

City Councilor Ed Ulibarri acknowledged the city clerks for their assistance.

Additional Staff Comments: Deputy City Manager Ann Morgenthaler reported that an information sheet on City services and facility locations will be available at public meetings and on the City website. Mayor Barbara Bynum reported that public meetings including City Council, Planning Commission and Historic Preservation Commission are now held in the City Council Chambers. The Visitor Center will open in the Elks Civic Building on April 29.

Planning Manager Jace Hochwalt reported that a Housing Needs Assessment Open House will be held on Monday, May 1, at 6:00 p.m. in the Community Room of the Montrose Public Safety Complex.

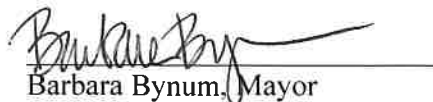
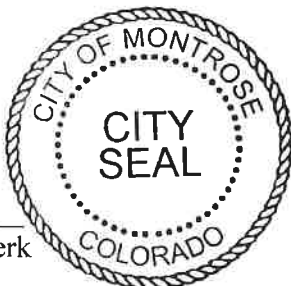
#### MOTION TO ADJOURN

At 7:09 p.m., a motion was made by Doug Glaspell to adjourn the meeting with no further action taken.

ATTEST:



Briceida Ortega, Deputy City Clerk



Barbara Bynum, Mayor