A regular meeting of the Montrose City Council was held on Tuesday, May 2, 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, Matt Magliaro, Briceida Ortega, Greg Story, Scott Murphy, Jace Hochwalt, William Reis, Matt Smith, Jim Scheid, David Bries

GUESTS: Martin Landers, Janet Chapman, Gary Cook, Sandy Cook, Donald Cram, Eric Feely, Julius Fabian, Clay Goldberg, Gary Dahl, Howard Walser

CALL TO ORDER

Mayor 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

An executive session was added to the end of the agenda.

CALL FOR PUBLIC COMMENT

No comments were received.

APPROVAL OF MINUTES

City Council considered the minutes of the April 18, 2023, regular City Council meeting.

A motion was made by Dave Frank, seconded by J. David Reed, to approve the minutes of the April 18, 2023, regular City Council meeting as presented. All voted yes. Motion passed.

ORDINANCE 2621 - SECOND READING

City Council considered Ordinance 2621 on second 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.

Assistant City Attorney Chris Dowsey reported that nothing has changed from the first reading. Mr. Dowsey stated that the Ordinance authorizes the loaning of money in conjunction with the sale of the historic City Hall building and appropriates the funds with Colorado Mesa University. The monies that are allocated to the fund are contingent upon the sale of City Hall.

Public comment was accepted. No comments were received.

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

ORDINANCE 2622 – SECOND READING

City Council considered Ordinance 2622 on second 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).

City Engineer Scott Murphy reported that nothing has changed since first reading. Mr. Murphy mentioned 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. They will be adding conduit to pursue a grant to install EV charging on South 3rd Street on the North side of the street. Mr. Murphy stated that the City is contributing $500,000 and Colorado Mesa University $200,000. The majority landowner is the City of Montrose but Colorado Mesa University would own the plaza from the curve lines inwards. Anything street related remains under the City's ownership.

A motion was made by J. David Reed, seconded by Doug Glaspell, to pass Ordinance 2622 on second reading as presented. All voted yes. Motion passed.

ORDINANCE 2623 -SECOND READING

City Council considered Ordinance 2623 on second reading, an Ordinance of the City of Montrose, Colorado for the annexation of the Sunset Village Addition.

Planning Manager Jace Hochwalt reviewed the annexation schedule. 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. 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.

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

ORDINANCE 2624 - SECOND READING

City Council considered Ordinance 2624 on second 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 motion as made by Doug Glaspell, seconded by Dave Frank, to pass Ordinance 2624 on second reading as presented. All voted yes. Motion passed.

ORDINANCE 2625 - FIRST READING

City Council considered Ordinance 2625 on first reading, an Ordinance of the City of Montrose, Colorado, clarifying Article 1, Section 7, of the Charter of the City of Montrose, regarding qualifications for candidates to the Office of the City of Montrose Councilor.

City Attorney Matt Magliaro stated that this Ordinance would add a footnote to the City Charter. This Ordinance is brought under Article 10 Section 3, "wherein the City deserves the right to clarify Charter provisions via City ordinance if deemed necessary for the efficient administration of the City government." Mr. Magliaro mentioned that this Ordinance was discussed at the April 17th Work Session and no changes were made since that presentation. This is a procedural clarification and to the Charter it's a use note, not an addition of substantive law.

Mayor Barbara Bynum opened the hearing.

Public comment was accepted. No comments were received.

Mayor Bynum closed the hearing.

City Attorney Ben Morris stated that the charter can't be changed by Ordinance, it could only be clarified which is what they are attempting to do by this Ordinance.

A motion as made by J. David Reed, seconded by Doug Glaspell, to pass Ordinance 2625 on first reading as presented. All voted yes. Motion passed.

ORDINANCE 2626 - FIRST READING

City Council considered Ordinance 2626 on first reading, an Ordinance of the City of Montrose, Colorado, amending the Montrose Municipal Code by repealing provisions relating to the Planning Commission and land development, repealing certain chapters of the Montrose Regulations Manual relating to land development and adopting a new Title XI - Land Development Regulations for the City.

Planning Manager Jace Hochwalt reviewed the project schedule. Code review and diagnosis took place in the spring of 2022. The code update and consolidation started in August 2022 and is considered Phase 1. They are currently in the last step of Phase 1 for this project. Mr. Hochwalt mentioned that the project is aimed at reorganizing the City's land development regulations into a unified development code, establishing rules and processes in a user-friendly format, eliminating redundancies and modernizing code for clarity and consistency, and addressing code update items identified in the Comprehensive plan.

Mr. Hochwalt mentioned that the Montrose Regulations Manual will include 15 chapters. It will include a consolidated review procedures in chart form. Included a measure to improve response to staff comments: within 90 days, or the application is deemed withdrawn and a new application is required. Added approval durations to provide clarity and consistency as to how long a development approval is valid. The Manual will also include public notice requirements and consolidated uses in chart forms. The consolidated uses chart doesn't eliminate uses or change where uses are allowed. It identifies what uses are allowed in what zoning districts.

Mr. Hochwalt explained that this is Phase 1 of what will be a multi-phase code update process and that future phases of this code update process will look more into substantial changes that will bring the code more in line with the Comprehensive plan.

Mayor Barbara Bynum opened the hearing.

Public comment was accepted.

Clay Goldberg said that he never got notice of this project. Mr. Goldberg expressed his concerns regarding the expanded notices. He believes there needs to be special expanded notices for the special review projects like the Ambulatory Care Center or Walmart.

Mayor Bynum closed the hearing.

A motion as made by Dave Frank, seconded by Doug Glaspell, to pass Ordinance 2616 on first reading as presented. All voted yes. Motion passed.

THE BRIDGES AT BLACK CANYON AMENDED PRELIMINARY PLAT

City Council considered the approval of The Bridges at Black Canyon Amended Preliminary Plat.

Planner II William Reis reported that the plan proposes 26 single-family residential lots located in "R-2" low density district and "R-3" medium density district. The land use designations suggest that the area is appropriate for single-family residential development. Mr. Reis displayed the amended preliminary plat and mentioned that it was reviewed and signed during the tenure of Mayor Frank but that he has requested the applicant to change the name to Mayor Bynum before they print the mylars. Mr. Reis stated that staff recommends approval.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by Doug Glaspell, to approve The Bridges at Black Canyon Amended Preliminary Plat as presented. All voted yes. Motion passed.

BLOCK 93 SEWER REPLACEMENT CONSTRUCTION CONTRACT

City Council considered the award of a construction contract with Skip Huston Construction in the amount of $468,104.82 for completion of the Block 93 Sewer Replacement Project.

City Engineer Scott Murphy reported that there have been no changes to the contract since the last work session presentation. For the East-West portion of the pipe, they will be using trenchless technology to drill down into the old pipe and pull a new pipe in its place. The excavations will be small ones to reconnect the services. Open cut work to replace a lateral within the City's parking lot north of Block 93. For the Auto Zone parking lot, a couple limited excavations will take place to insert some manholes and repair some of the pavement.

Mr. Murphy stated that 3 bids were received, and Skip Houston was the low bidder. They will accommodate trash pick-up, deliveries, and maintain access for day-to-day functions of businesses. The contractor will be given a 6–7-month window and within that window they need to complete the work in 60 calendar days. Mr. Murphy explained that the initial scope of work was budgeted at $250,000 but after analyzing labor and materials the new scope of work is budgeted at $468,104.82. There was $200,000 budgeted within the sewer capital fund for the moving Montrose forward sewer repairs. Since no repairs were necessary for the year, the $200,000 will be allocated to this project.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by J. David Reed, to approve the Block 93 Sewer Replacement Construction Contract as presented. All voted yes. Motion passed.

STREET LIGHT UPGRADE PROJECT AND DMEA MOU

City Council considered the authorization of a Memorandum of Understanding between the City of Montrose and Delta-Montrose Electric Association for a Streetlight Upgrade Project in the amount of $110,000.00.

Public Works Director Jim Scheid reported that there have been no changes since the work session presentation. This project will replace the old light fixtures with new led lights. It will be a four-year project. 350-400 lights will be replaced this year and does not include decorative lights. The return on investment is about 2.3 years and after 4 years of the project being completed it would result in savings of $200,000 in energy costs each year. Mr. Scheid mentioned that this project was budgeted for 2023 and intends to include similar amounts in budgets for future years. DMEA is agreeing to install up to $110,000 worth of light fixtures in 2023 and the City is agreeing to pay for those light fixtures to be exchanged.

Mr. Scheid explained that the reason this project will take 4 years and not 1 year is due to budget capacity, supply issues and DMEA crew availability.

Public comment was accepted. No comments were received.

A motion was made by J. David Reed, seconded by Ed Ulibarri, to authorize a Memorandum of Understanding between the City of Montrose and Delta-Montrose Electric Association for a Streetlight Upgrade Project in the amount of $110,000.00. All voted yes. Motion passed.

MONTROSE PUBLIC SAFETY COMPLEX SOLAR PANELS ADD ALTERNATE AWARD

City Council considered a contract with Atlasta Solar for the installation of a solar panel system at the Montrose Public Safety Complex in the amount of $205,506.00.

Public Works Director Jim Scheid reported that no changes had been made since the last work session presentation. The covered parking structure is what the solar panels will be mounted to, and they are being repaired right now. These repairs were part of the original construction project and are coming at no cost to the City. Mr. Scheid said that there's $350,000 remaining in the owner's contingency of the project which is why solar panels are being considered at this point. Solar panels would be added to all four of the covered parking canopies which would equal a system of 64 kilowatts. This would supplement the energy used at the facility and would be installed after the meter. It would replace about 25 percent of the energy used by the facility on a normal operating day. Mr. Scheid stated that after this project is completed there would be about $150,000 unspent from the owner's contingency and it would remain in public safety fund.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by Doug Glaspell, to approve a contract with Atlasta Solar for the installation of a solar panel system at the Montrose Public Safety Complex in the amount of $205,506.00. All voted yes. Motion passed.

SANITARY SEWER RATE STUDY

City Council considered a contract with Carollo Engineers to perform a sanitary sewer cost of service analysis for the not to exceed amount of $70,000.00.

Utilities Manager David Bries explained that the sanitary sewer rate study looks at where the cost components of the wastewater treatment facilities are. The last rate study took place in 2003. Mr. Bries mentioned that quotes weren't solicited for this project. There's a good relationship with Carollo Engineers because they have done the nutrient removal optimization at the wastewater treatment plant and are currently working on the storm sewer rate analysis. They have a good understanding of where those cost centers are. Mr. Bries stated that Carollo Engineers would be able to start work right away, and the results would be available by late summer.

Mr. Bries explained that this type of rate analysis is typically not done by local engineering firms that deal with developers. The national engineering firms are the ones that handle these types of projects. Carollo Engineers has experience from numerous other municipalities across Colorado and across the country which is why they decided to give this project to them.

Public comment was accepted.

Donald Cram asked if there were any provisions for restaurants that are making a big effort to dispose of less and use composting.

A motion was made by Doug Glaspell, seconded by J. David Reed, to approve the contract with Carollo Engineers to perform a sanitary sewer cost of service analysis for the not to exceed amount of $70,000.00. All voted yes. Motion passed.

STAFF REPORTS

No staff reports were provided.

YOUTH CITY COUNCIL COMMENTS

No comments were provided.

CITY COUNCIL COMMENTS

Mayor Bynum shared that City events are published on the Office of Business Tourism calendar. Organizations can submit their events, so they are promoted on the calendar.

City Councilor J. David Reed shared that The Forum scheduled for Wednesday, May 3, 2023, will be having a housing needs assessment presentation.

EXECUTIVE SESSION

At 7:40 p.m., a motion was made by J. David Reed, seconded by Dave Frank, to enter into an executive session for a conference with the City attorney for the purpose of receiving legal advice pursuant to C.R.S. Section 24-6-402(4)(b); and the following additional details are provided for identification purposes; discussion and advise for a pending real estate transaction. All voted yes. Motion passed.

The regular city council meeting reconvened at 7:52 p.m.

MOTION TO ADJOURN

At 7:53 p.m., a motion was made by Dave Frank, seconded by Doug Glaspell, to adjourn the meeting with no further action taken.

ATTEST:

Lisa DelPiccolo

Lisa DelPiccolo, City Clerk

CITY OF MONTROSE
CITY SEAL
COLORADO

Barbara Bynum

Barbara Bynum, Mayor