

A regular meeting of the Montrose City Council was held on Tuesday, July 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: Barbara Bynum, J. David Reed, Doug Glaspell, Ed Ulibarri, Bill Bell, Ann Morgenthaler, Chris Dowsey, Lisa DelPiccolo, Greg Story, William Reis, Scott Murphy, Matthew Magliaro, Blaine Hall, Jace Hochwalt, Shani Wittenberg

ABSENT: Dave Frank

GUESTS: John W. Nelson, John Renfrow, Jeremy Master, Mike Surak, Dean McCall, Lori Webb, Neal Platzer

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

No changes were made to the agenda.

PARK AND RECREATION MONTH PROCLAMATION

Mayor Barbara Bynum and the Montrose City Council proclaimed the month of July 2023 as Park and Recreation Month in the City of Montrose. Mayor Bynum presented the proclamation to Recreation Manager Jeremy Master with the Montrose Recreation District.

CALL FOR PUBLIC COMMENT

John W. Nelson, president of the All Points Transit Board of Directors, thanked City Council and staff for continuous support including support for the Oktoberfest event on September 30. Mr. Nelson Commended City Engineer Scott Murphy for his assistance with planning for construction of a new terminal on E. Oak Grove Road.

APPROVAL OF MINUTES

City Council considered the minutes of the June 20, 2023, regular City Council meeting.

A motion was made by Doug Glaspell, seconded by Ed Ulibarri, to approve the minutes of the June 20, 2023, regular City Council meeting as presented. All voted yes. Motion passed.

ORDINANCE 2630 – FIRST READING

Ordinance 2630 on first reading, an Ordinance of the City of Montrose, Colorado, updating Title 1 Chapter 2, General Provisions and Title 1 Chapter 14, Municipal Court, of the Official Code of the City of Montrose, Colorado: repealing and replacing Title 1 Chapter 2 Section 3 (1-2-3) regarding general penalty; repealing and replacing Title 1 Chapter 14 Section 4 (1-14-4), regarding sentencing; and repealing and replacing other code provisions to standardize cross-references in the Official Code of the City of Montrose regarding sentencing. A hearing was held.

Assistant City Attorney Matt Magliaro presented modifications to six portions of the Municipal Code. Mr. Magliaro stated that the intent is to consolidate sentencing provisions for ease of reference, ease of Municipal Court advisements, and to facilitate future Code updates.

Mr. Magliaro reported no changes since the amendments were presented at a previous work session and stated that the Municipal Court staff was notified of the revisions.

Mr. Magliaro recommended approval of the Ordinance to ensure consistency with state statutes.

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 2630 on first reading as presented. All voted yes. Motion passed.

WOODGATE/EAST OAK GROVE DEVELOPMENT AGREEMENT

City Council considered the Woodgate/East Oak Grove Development Agreement to include the purchase of rights of way, easements, and a residential structure at a cost of \$240,500.00.

Mayor Pro Tem J. David Reed announced that he would recuse himself from this agenda item and left the City Council Chambers at 6:22 p.m.

City Engineer Scott Murphy reviewed traffic challenges with this intersection and with access for the businesses on the east side of Townsend Avenue north of the intersection. Mr. Murphy said that the CDOT Access Control Plan recommends a backage road behind the business development, and traffic studies identified the need for a roundabout at the intersection of E. Oak Grove and Woodgate.

Mr. Murphy stated that the City would assist with annexation and zoning of the property, purchase the rights of way and then construct the roundabout. The City would purchase an existing structure, abate asbestos, relocate or demolish the structure, then assist with preparation of a general subdivision application.

Public comment was accepted. Lori Webb asked questions about potential traffic stacking between the roundabout and the intersection of Townsend and E. Oak Grove. Mr. Murphy said that the City is working on expansion of the Townsend and E. Oak Grove intersection to increase capacity, and alternate routes are continually being developed to remove pressure from high use intersections.

A motion was made by Doug Glaspell, seconded by Ed Ulibarri, to approve the Woodgate/East Oak Grove Development Agreement to include the purchase of rights of way, easements, and a residential structure at a cost of \$240,500.00 as presented. All present voted yes. Motion passed.

Mr. Reed rejoined the meeting at 6:46 p.m.

RESOLUTION 2023-10

City Council considered Resolution 2023-10 setting September 5, 2023, as the hearing date for the Pallante addition annexation.

Planner II William Reis reviewed the annexation schedule and stated that the .76 acres is located north of the City on Juniper Road. Mr. Reis stated that the property is within the City's Urban Growth Boundary, within the City sewer service area, and within Menoken Water District service area. The parcel meets contiguity requirements for annexation.

Mr. Reis reported that the applicant is requesting a zoning designation of MHR, Manufactured Housing Residential, which matches the zoning of surrounding properties.

Mr. Reis recommended adoption of Resolution 2023-10 to set an annexation hearing date of September 5, 2023.

Public comment was accepted. No comments were received.

A motion was made by J. David Reed, seconded by Doug Glaspell, to adopt Resolution 2023-10 as presented. All voted yes. Motion passed.

DRY CEDAR CREEK II ADDITION ANNEXATION

A hearing was held on the annexation of the Dry Cedar Creek II Addition.

Planner II William Reis reviewed the annexation schedule and stated that the 5.06 acres is located within the City's Urban Growth Boundary, within City sewer and water services areas, and meets contiguity requirements for annexation. Mr. Reis stated that the applicant requested a zoning designation of R-3A, and the Planning Commission unanimously recommended approval on June 28.

Mr. Reis recommended approval of the annexation and zoning designation stating that the proposal is consistent with public health, safety, and welfare, annexation policies, and the Comprehensive Plan. The applicant has signed an annexation agreement, and an Annexation Impact Report is not required.

Resolution 2023-11: City Council considered Resolution 2023-11, Findings of Fact for the Dry Cedar Creek II Addition.

Public comment was accepted. No comments were received.

A motion was made by J. David Reed, seconded by Doug Glaspell, to adopt Resolution 2023-11 as presented. All voted yes. Motion passed.

Ordinance 2631 – First Reading: City Council considered Ordinance 2631 on first reading, an Ordinance of the City of Montrose, Colorado for the annexation of the Dry Cedar Creek II Addition.

Mayor Barbara Bynum opened the hearing.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by Ed Ulibarri, to pass Ordinance 2631 on first reading as presented. All voted yes. Motion passed.

ORDINANCE 2632 – FIRST READING

City Council considered Ordinance 2632 on first reading, an Ordinance of the City of Montrose, Colorado, providing for the zoning of the Dry Cedar Creek II Addition as an "R-3A," Medium High Density District.

Public comment was accepted. No comments were received.

A motion was made by J. David Reed, seconded by Doug Glaspell, to pass Ordinance 2632 on first reading as presented. All voted yes. Motion passed.

Mayor Pro Tem J. David Reed recused himself from Agenda Items 13, 14, and 15 and left the City Council Chambers at 6:58 p.m.

WOODS CROSSING NORTH AMENDED PRELIMINARY PLAT

City Council considered the Woods Crossing North Amended Preliminary Plat.

Planner II William Reis reviewed a proposed 160.71 acre subdivision north of Sunnyside Road, and adjacent to Miami Road and 6720 Road. The property is zoned R-3, Medium Density District and B-4, Neighborhood Shopping District with conditions, and all proposed lots are within the R-3 zoning. Mr. Reis stated that 263 residential lots are proposed along with a 5.42 acre dedicated public park. The previous preliminary plat proposed 287 lots, and the property was initially annexed and zoned in 2017.

Mr. Reis recommended conditional approval stating that the Preliminary Plat is in compliance with subdivision regulations and the Comprehensive Plan and meets the intent of the R-3 zoning district.

Public comment was accepted.

Lori Webb spoke in favor of the installation of necessary infrastructure to accommodate traffic with multiple schools in the vicinity. Ms. Webb also raised concerns about a retention pond with standing water. City Engineer Scott Murphy stated that the retention pond currently contains ground water. The final design has the water level of the pond above the water table.

A motion was made by Doug Glaspell, seconded by Ed Ulibarri, to approve the Woods Crossing North Amended Preliminary Plat expressly conditioned upon City staff ensuring that all policies, regulations, ordinance and Municipal Code provisions are met and that the Applicant adequately addresses all of staff's concerns prior to 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 present voted yes. Motion passed.

WOODS CROSSING FILING NO. 2 FINAL PLAT

City Council considered the Woods Crossing Filing No. 2 Final Plat to create 1 lot, 1 stormwater tract, and associated rights of way and easements.

Planner II William Reis reviewed the location of the 35.25 acres south of Sunnyside Road and stated that the Final Plat creates one new lot and one storm water tract. Mr. Reis stated that the site of the Final Plat is the unbuilt portion of the Woods Crossing Subdivision on both sides of Hill Street. The property east of Hill Street is zoned R-2, Low Density District, and the property west of Hill Street is R-3A, Medium High Density District. The amended preliminary plat was approved by City Council in May of 2023.

Mr. Reis stated that the final plat creates one stormwater tract in the northwest section of the subdivision, one 9.15 acre lot, and two outlots for future development.

Mr. Reis stated that the final plat requires that all lots must meet the minimum lot size set in the PD Plan, all surrounding streets must be in place and approved by the City Engineer, and utilities must be installed prior to execution.

Mr. Reis recommended conditional approval stating that the request is in compliance with Subdivision Regulations and the Comprehensive plan and meets the intent of the R-2 and R-3A zoning districts.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by Ed Ulibarri, to approve the Woods Crossing Filing No. 2 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 present voted yes. Motion passed.

BEAR CREEK SUBDIVISION FILING NO. 8 FINAL PLAT

City Council considered the Bear Creek Subdivision Filing No. 8 Final Plat to create 37 residential lots, open space tracts, outlots reserved for future development, and associated rights of way and easements.

Planner II William Reis reviewed the location of the 53.36 acres east of 6350 Road and south of Lincoln Road. Mr. Reis stated that this area is subject to a planned development which has been approved. The applicant is proposing 37 single family residential lots within the R-3A, Medium High Density District and R-5, Low Density Manufactured Housing District. The Bear Creek Amended Preliminary Plat was approved in September 2021.

Mr. Reis stated that the final plat requires that all lots must meet the minimum lot size designated in the PD Plan, all surrounding streets must be in place and approved by the City Engineer, and utilities must be installed prior to execution.

Mr. Reis recommended conditional approval stating that the Final Plat is in compliance with Subdivision Regulations and the Comprehensive Plan, and the proposal meets the intent of the Bear Creek PD Plan.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by Ed Ulibarri, to approve the Bear Creek Subdivision Filing No. 8 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 present voted yes. Motion passed.

Mr. Reed rejoined the meeting at 7:30 p.m.

ORDINANCE 2633 – FIRST READING

City Council considered Ordinance 2633 on first reading, an Ordinance of the City of Montrose, Colorado, designating the Methodist Episcopal Church of Montrose, 19 S Park Ave, Montrose, Colorado, as a City of Montrose Historic Property Pursuant to § 11-3 of the Official Code of the City of Montrose.

Planner II William Reis reported that the former name of Methodist Episcopal Church of Montrose is used in the Ordinance to match state and federal historic information for the building. Mr. Reis stated that the Church meets criteria in terms of age, its association with the religious history of Montrose, its design by notable architect Thomas Barber, its Romanesque revival style architecture, and its conformance with Akron Plan style of church design.

Mr. Reis reviewed the history and architectural features of the Church, and recommended approval of Ordinance 2633 on first reading.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by J. David Reed, to pass Ordinance 2633 on first reading as presented. All voted yes. Motion passed.

STAFF REPORTS

Sales, Use, and Excise Tax Report: Finance Director Shani Wittenberg presented sales, use, and excise tax information for the month of May 2023. Ms. Wittenberg reported that total sales and use tax collections were up .8 percent as compared to May of 2022 with a positive budget variance of 11.7 percent. Year-to-date collections were up 3.5 percent with a positive budget variance of 13.0 percent.

Police Department Update: Police Chief Blaine Hall announced that a pinning ceremony was held prior to the City Council meeting for two newly promoted sergeants. Chief Hall invited the community to the National Night Out event from 5:00-8:00 p.m. on August 1 in Centennial Plaza and on S. First Street in front of the Montrose Public Safety Complex.

CITY COUNCIL COMMENTS

No comments were received.

MOTION TO ADJOURN

At 7:46 p.m., a motion was made by Doug Glaspell, seconded by Ed Ulibarri, to adjourn the meeting with no further action taken.

ATTEST:



Lisa DelPiccolo, City Clerk


Barbara Bynum, Mayor

