A regular meeting of the Montrose City Council was held on Tuesday, August 1, 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, Dan Payne, Jim Scheid, Nik Pridy, Jace Hochwalt, Scott Murphy, Matt Magliaro, Chris Ottinger, David Bries

GUESTS: Howard Walser, Judy Bunyard, Myrna Shirey, John Renfrow, Neal Platzer

CALL TO ORDER

Mayor Barbara Bynum called the meeting to order at 6:02 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

CHANGES TO THE AGENDA

Mayor Pro Tem J. David Reed removed Item 9, Resolution 2023-13, from the agenda.

CALL FOR PUBLIC COMMENT

Judy Bunyard with the Fore-Kin Trails Genealogy Society expressed concerns about the future of the organization since the building housing their collections is up for sale. Ms. Bunyard suggested that the City house, preserve, and oversee the archive and allow public access.

APPROVAL OF MINUTES

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

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

SPECIAL EVENTS ALCOHOL PERMIT FOR FUNC FEST

City Council considered the approval of a Special Events Alcohol Permit in conjunction with the closure of Apollo Road for the FUNC Fest event on August 12 and 13, 2023.

A motion was made by J. David Reed, seconded by Dave Frank, to approve a Special Events Alcohol Permit in conjunction with the closure of Apollo Road on August 12 and 13 as presented. All voted yes. Motion passed.

SPECIAL EVENTS ALCOHOL PERMIT FOR MONTE DE ROSAS FIESTA

City Council considered an application for a Special Events Alcohol Permit in conjunction with the closures of N. 6th Street, N. 7th Street, Ute Avenue, and Selig Avenue adjacent to LaRaza Park for the Monte de Rosas Fiesta on August 19.

A motion was made by J. David Reed, seconded by Dave Frank, to approve a Special Events Alcohol Permit in conjunction with the closures of N. 6th Street, N. 7th Street, Ute Avenue, and Selig Avenue on August 19 as presented. All voted yes. Motion passed.

DISPOSAL OF PROPERTY

City Council considered the disposal/sale of six police radios to the Olathe Police Department.

A motion was made by J. David Reed, seconded by Dave Frank, to approve the disposal/sale of six police radios to the Olathe Police Department as presented. All voted yes. Motion passed.

LIQUOR LICENSE CHANGE OF LOCATION

City Council considered an application from Bliss Beauty Bar Co. LLC, doing business as Bliss Beauty Bar, to change the location of a Lodging and Entertainment liquor license from 431 E. Main Street to 1544 Oxbow Drive, Unit 156. A hearing was held.

Assistant City Attorney Chris Dowsey reported that the file is in order, the fees have been paid, and a staff review found nothing that would prevent approval of the application.

Applicant Saige Unrein stated that her salon has had a liquor license for the past few years with no violations on record. Ms. Unrein said that she and her employees who serve alcohol have completed the City's alcohol server training and completion of the training would be a requirement for future employees as well.

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 approve the change of location of the Lodging and Entertainment liquor license for Bliss Beauty Bar Co. LLC, doing business as Bliss Beauty Bar to 1544 Oxbow Drive, Unit 156 as presented. All voted yes. Motion passed.

RESOLUTION 2023-12

City Council considered Resolution 2023-12 authorizing the City of Montrose Police Department to file a Victim Assistance Law Enforcement (VALE) Grant through the 7th Judicial District Victims Assistance Board for the total of $55,150.00 to cover a portion of both the current Victim Advocate's Salary and a new Victim Advocates salary; authorizing the Chief of Police to act in connection with the application and to provide such additional information as required; authorizing the City Manager, Chief of Police, and Finance Director to sign the grant application and reporting documents.

Police Chief Blaine Hall reported that this is an annual request, and the details were discussed at a previous work session.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by Dave Frank, to adopt Resolution 2023-12 as presented. All voted yes. Motion passed.

RESOLUTION 2023-14

City Council considered Resolution 2023-14 authorizing assignment to the Colorado Housing and Finance Authority of a private activity bond allocation of the City of Montrose pursuant to the Colorado Private Activity Bond Ceiling Allocation Act.

Community Development Specialist Christopher Ottinger provided an overview of private activity bonds and stated that the City has assigned its allocation to CHFA for the past five years. The allocation is an authorization to issue bonds and has no cash value. Mr. Ottinger stated that the 2023 allocation for the City of Montrose is $1,245,218.00 and the City does not wish to issue bonds due to the risk and administrative burden. By assigning the PAB allocation, the City can still benefit. Mr. Ottinger reviewed projects completed by CHFA with previous assignments of PABs. Mr. Ottinger recommended approval.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by J. David Reed, to adopt Resolution 2023-14 as presented. All voted yes. Motion passed.

ELDERADO FINANCIAL ASBESTOS ABATEMENT ASSISTANCE

City Council considered a request from ElderAdo Financial for $50,881.10 for assistance with asbestos abatement in conjunction with the construction of a new office building.

City Manager Bill Bell reported a project description is included in the meeting packet. Mr. Bell said ElderAdo Finance is planning to demolish a dilapidated structure on S. Townsend Avenue and construct a new office building. The total project budget is approximately $2 million, and request is to cover asbestos abatement. Mr. Bell stated the City has partnered on similar projects at various locations within the community.

City Councilor Ed Ulibarri outlined his opposition and stated that he would vote against the proposal.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by J. David Reed, to approve $50,881.10 for asbestos abatement for the ElderAdo Financial office building project as presented. Ed Ulibarri voted no. All others voted yes. Motion passed.

ORDINANCE 2634 – FIRST READING

City Council considered Ordinance 2634 on first reading, an Ordinance of the City of Montrose, Colorado, amending Title 9 Chapter 4 Section 1 and Title 6 Chapter 1 Section 21, regarding the removal of snow and/or ice and unreasonable noise. A hearing was held.

Public Works Director Jim Scheid reported that the proposed changes to the Municipal Code and Regulations Manual formalize the snow removal responsibilities of the City and private property owners. Mr. Scheid stated that the changes address the depositing of snow in City right of way, which is not allowed and causes problems with storm sewer systems and ice build-up.

Mr. Scheid said that a redline version of the amendments is included in the meeting packet along with the policy. Mr. Scheid confirmed that Ordinance 2634 does not change how the City currently operates but allows for enforcement.

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 Dave Frank, to pass Ordinance 2634 on first reading as presented. All voted yes. Motion passed.

ORDINANCE 2635 – FIRST READING

City Council considered Ordinance 2635 on first reading, an Ordinance of the City of Montrose, Colorado, regarding the cable franchise agreement between the City of Montrose and Spectrum Pacific West, LLC, an indirect subsidiary of Charter Communications, Inc. A hearing was held.

City Attorney Ben Morris reported that the franchise agreement was discussed in detail at the work session on July 31. Mr. Morris stated that Ken Fellman was also present to answer any questions. Mr. Morris noted a correction to the address of the Montrose Pavilion in Exhibit A.

Mayor Barbara Bynum opened the hearing.

Public comment was accepted.

John Lee, senior manager for government affairs with Charter Communications, thanked the City and Mr. Fellman for completing the agreement quickly and efficiently.

Mayor Bynum closed the hearing and thanked Mr. Fellman for his assistance.

A motion was made by Doug Glaspell, seconded by Dave Frank, to pass Ordinance 2635 on first reading as presented. All voted yes. Motion passed.

ORDINANCE 2636 – FIRST READING

City Council consideration of Ordinance 2636 on first reading, an Ordinance of the City of Montrose, Colorado, 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 (Clear Networx easement).

Public Works Director Jim Scheid reported that the deed of easement with Clear Networx will allow the installation of fiber underground on the southern edge of the Black Canyon Golf Course property near the roundabout of Hillcrest and Sunnyside. Mr. Scheid stated that the easement is on city property outside of the right of way and is encumbered by other easements. Mr. Scheid said the easement will not affect golf course operations and recommended approval.

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 J. David Reed, to pass Ordinance 2636 on first reading as presented. All voted yes. Motion passed.

ORDINANCE 2630 - SECOND READING

City Council considered Ordinance 2630 on second 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.

Assistant City Attorney Matt Magliaro provided an overview of the proposed updates to Municipal Code provisions regarding sentencing in Municipal Court. Mr. Magliaro stated that the amendments conform to state law, increase efficiency, and facilitate future updates.

Public comment was accepted. No comments were received.

A motion was made by J. David Reed, seconded by Dave Frank, to adopt Ordinance 2630 on second reading as presented. All voted yes. Motion passed.

ORDINANCE 2631 – SECOND READING

City Council considered Ordinance 2631 on second reading, an Ordinance of the City of Montrose, Colorado, for the annexation of the Dry Cedar Creek II Addition. A hearing was held.

Planning Manager Jace Hochwalt reviewed the annexation schedule and location of the 5.06 acre parcel. Mr. Hochwalt stated that the property is within the Urban Growth Boundary and City sewer and water service areas. Mr. Hochwalt reviewed the zoning of the surrounding area, and said the applicant is requesting a zoning designation of R-3A which is intended for single family homes, duplexes, and multi-family housing. The Planning Commission recommended approval of the R-3A zoning request on June 28. An annexation agreement is required, but an annexation impact report is not.

Mr. Hochwalt recommended approval stating that the proposal is consistent with public health, safety, and welfare, City annexation policies, and the Comprehensive Plan.

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 adopt Ordinance 2631 on second reading as presented. All voted yes. Motion passed.

ORDINANCE 2632 – SECOND READING

City Council considered Ordinance 2632 on second 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. 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 adopt Ordinance 2632 on second reading as presented. All voted yes. Motion passed.

ORDINANCE 2633 – SECOND READING

City Council considered Ordinance 2633 on second 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. A hearing was held.

Planning Manager Jace Hochwalt reported no changes since the Ordinance was passed on first reading at the last City Council meeting. Mr. Hochwalt stated that this property is on state and national historic registers, and it is fitting to have it registered locally.

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 adopt Ordinance 2633 on second reading as presented. All voted yes. Motion passed.

FUEL AND OIL CONTRACT AWARD

City Council considered the award of a contract to Parish Oil of Montrose, Colorado, to supply the City with bulk fuel and oil.

Public Works Director Jim Scheid reported that Parish Oil has been the contractor for the past three years with great service and pricing. Mr. Scheid reviewed RFP process and stated that one complete proposal was received from Parish Oil, and the pricing is similar to the current contract. Mr. Scheid said that pricing is based on a market rack rate which allows adjustments for fluctuations in the market and is not a flat rate.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by Ed Ulibarri, to award a contract to Parish Oil of Montrose, Colorado, to supply the City with bulk fuel and oil as presented. All voted yes. Motion passed.

CERISE PARK STORAGE BUILDING EXPENSE AUTHORIZATION

City Council considered the authorization of expenses for the construction of a storage building in Cerise Park near the Montrose Rotary Amphitheater in the amount of $183,574.72 including a contract with Stryker and Company for the design and construction.

Public Work Director Jim Scheid reviewed a plan to construct a 24x48 foot metal building sectioned into four compartments. Mr. Scheid said the building will provide storage for the Police Department, Public Works, and event organizers.

Mr. Scheid reviewed the RFP process and stated that one proposal was received from Stryker and Company. Mr. Scheid said that if the contract is awarded, construction will likely be completed next spring prior to event season. Mr. Scheid stated that the costs will likely span two budget years with $40,000.00 provided from the Police Department administrative budget and a $100,000.00 donation from the Rotary Club. A portion of the funding may be included in the 2024 budget as well. Mr. Scheid stated that the Rotary Club funds are ARPA funds originally provided by the City.

Public comment was accepted. No comments were received.

A motion was made by J. David Reed, seconded by Doug Glaspell, to approve expenses for the construction of a storage building in Cerise Park near the Montrose Rotary Amphitheater in the amount of $183,574.72 including a contract with Stryker and Company for the design and construction as presented. All voted yes. Motion passed.

FLASHING CROSSWALK SIGNAGE EXPENSE AUTHORIZATION

City Council considered $61,100.00 in expenditures for the purchase of solar-powered flashing crosswalk equipment.

City Engineer Scott Murphy reported that four sets of push-button activated flashing crosswalk signals are planned at Main Street and Junction Avenue, at the E. Oak Grove and Rio Grande recreation trail crossing, at the Chipeta Road recreation trail crossing and at Colorado Avenue and Rio Grande. Mr. Murphy stated that the intent is to improve driver yielding rates and pedestrian safety and mobility. Mr. Murphy stated that $80,000.00 was budgeted for the project, and the remaining funds will be used for installation of the signals.

Mr. Murphy stated that if this style of signage proves to be more effective, other previously installed signals will be replaced in the future. The new style signals will also be installed as part of several other ongoing projects.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by Doug Glaspell, to authorize $61,100.00 in expenditures for the purchase of solar-powered flashing crosswalk equipment as presented. All voted yes. Motion passed.

STAFF REPORTS

Police Chief Blaine Hall provided an update on the National Night Out event and reported great participation. Chief Hall also reported that the Theft Reduction and Protection (TRAP) grant program was launched earlier in the day, and applications will be accepted until August 31. Chief Hall stated that businesses can apply for $2,500.00 grants for environmental updates to reduce crime. If the grant is matched by the applicant, the City will provide an additional $2,500.00.

CITY COUNCIL COMMENTS

Mayor Barbara Bynum reported that applications are being accepted for the next session of the Montrose University leadership program. Information is available on the City of Montrose website.

City Councilor Ed Ulibarri acknowledged Planning Manager Jace Hochwalt for his efforts to retain a USDA rural designation which will benefit the City in terms of grant eligibility. Mr. Hochwalt stated that Community Development Specialist Chris Ottinger was instrumental in the effort as well.

Mayor Bynum acknowledged the community youth who participated in projects at the Montrose County Fair and acknowledged children of staff members for their accomplishments.

MOTION TO ADJOURN

At 7:18 p.m., a motion was made by Doug Glaspell, seconded by Dave Frank, to adjourn the meeting with no further action taken.

ATTEST:

Barbara Bynum, Mayor

Lisa DelPiccolo, City Clerk

CITY OF MONTROSE
CITY SEAL
COLORADO