A regular meeting of the Montrose City Council was held on Tuesday, August 15, 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, Dave Frank, Doug Glaspell, Ed Ulibarri, Ben Morris, Ann Morgenthaler, Chris Dowsey, Lisa DelPiccolo, Greg Story, Paul Eller, Michelle Wingfield, Jace Hochwalt, Chris Ottinger, Anthony Russo, Jim Scheid, Scott Murphy, William Reis, Shani Wittenberg, Matt Magliaro, Courtney Jones

GUESTS: Darlene Mora, Kathy Cordova, Butch Zinsli, Jeff Rice, David Schieldt, Bethany Maher, Jason Rable, Susan Barrientos, Clay Bales, Shawn Woolford

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.

MADA DAY PROCLAMATION

Mayor Barbara Bynum and the Montrose City Council proclaimed August 19, 2023, as Mexican American Development Association Day in the City of Montrose. Mayor Bynum presented the proclamation to MADA Executive Director Bethany Maher.

CALL FOR PUBLIC COMMENT

Darlene Mora invited the community to the Monte De Rosas Fiesta on Saturday, August 19. Ms. Mora stated that the event includes a parade, a car show, and the Fiesta.

Jeff Rice, with the Montrose Area Bicycle Alliance (MABA) thanked City Council and staff for new bike lanes on Oak Grove and on S. Junction Avenue.

Mayor Barbara Bynum announced a new online submission feature for written public comments. Comments submitted by noon on the day of the meeting will become part of the official record.

APPROVAL OF MINUTES

City Council considered the minutes of the July 31, 2023, special City Council meeting, the August 1, 2023, regular City Council meeting, and the August 9, 2023, special City Council meeting.

A motion was made by J. David Reed, seconded by Doug Glaspell, to approve the minutes of the July 31, 2023, special City Council meeting, the August 1, 2023, regular City Council meeting, and the August 9, 2023, special City Council meeting as presented. All voted yes. Motion passed.

RESOLUTION 2023-13

City Council considered Resolution 2023-13, a Resolution of the City of Montrose, Colorado, rescinding the City Manager's declaration of a public health emergency within the City of Montrose, Colorado.

Emergency Manager Paul Eller requested adoption of Resolution 2023-13 rescinding the COVID public health emergency declaration issued in March 2020.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by J. David Reed, to adopt Resolution 2023-13 as presented. All voted yes. Motion passed.

RESOLUTION 2023-15

City Council considered Resolution 2023-15, a Resolution of the City Council of the City of Montrose, Colorado, authorizing the filing of a Community Development Block Grant application in order to fund housing development opportunities within the City of Montrose, Colorado.

DART and Grant Coordinator Michelle Wingfield provided an overview of a proposal to apply for Community Development Block Grant on behalf of Montrose County Housing Authority (MCHA). The grant funds would be used to secure funding for the purchase of 49 residential units at Sunshine Peak Apartments, 748 Cedar Creek Avenue, which will provide essential low income housing for the community. With the purchase, MCHA will be able to exercise greater control over long-term maintenance and affordability of the housing units. Ms. Wingfield stated that the grant is for $2,600,000 and total project costs are estimated at $3,850,000. No matching funds are required.

Ms. Wingfield recommended adoption of Resolution 2023-15 and stated that MCHA Executive Director Susan Barrientos was present to answer questions.

Ms. Wingfield confirmed that the City acts as a pass-through for the grant funds and no City funding is involved.

A motion was made by Dave Frank, seconded by Doug Glaspell, to adopt Resolution 2023-15 as presented. All voted yes. Motion passed.

RESOLUTION 2023-16

City Council consideration of Resolution 2023-16, a Resolution of the City Council of the City of Montrose, Colorado, making a commitment to increase affordable housing units consistent with Colorado Proposition 123.

Planning Manager Jace Hochwalt provided an overview of Proposition 123 which dedicates state funding to affordable housing and homelessness at a rate of $300 million per year dispersed through a variety of programs. In order for developers to access the funds, the municipality must opt in and commit to increasing the affordable housing stock at a rate of 3 percent per year, or 9 percent total by 2026. For Montrose, this equals 54 units per year or 162 new units by 2026.

Mr. Hochwalt stated that the City is not obligated to be a developer but must opt in for others to access the funds. Mr. Hochwalt said it is feasible for the City to meet the obligations. If the obligations are not met, the City would have to sit out in 2027 and opt in again in 2028.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by J. David Reed, to adopt Resolution 2023-16 as presented. All voted yes. Motion passed.

RATHBONE HOTEL ASBESTOS ABATEMENT AND HISTORICAL RESTORATION ASSISTANCE

City Council consideration of funding in the amount of $556,786.00 for asbestos abatement and historical restoration of the historic KP Building at 33 S. Cascade Avenue.

Anthony Russo, Business Development, reported that total project costs for restoration of the KP Building have increased to $6,650,000.00 with the potential for further increases. Initial incentives issued from the City were $500,000.00 or 10 percent of the project costs at the time. The contractor and developer are requesting additional assistance due to increased project costs. The assistance is tied to the abatement of asbestos and black mold and the cost of historic renovation. The requested $556,786.00 would be paid through ARPA funds returned to the city from a previous project.

Applicants Clay Bales and Jay Rable were present to answer questions.

Deputy City Manager Ann Morgenthaler stated that staff recommends that ARPA funds are appropriate for this project.

Mr. Bales reviewed the issues discovered during the renovation of the building, project costs, and future economic benefits. Mr. Bales stated that this is the final request for funding from the City and said they are committed to completing the project.

City Councilors discussed protecting the culture of the community by investing in historic buildings to preserve the history and small town feel.

Public comment was accepted. No comments were received.

A motion was made by J. David Reed, seconded by Doug Glaspell, to approve funding in the amount of $556,786.00 for asbestos abatement and historical restoration of the historic KP Building at 33 S. Cascade Avenue as presented. All voted yes. Motion passed.

AMENDMENTS TO CONTRACT FOR THE SALE OF HISTORIC CITY HALL

City Council considered proposed amendments to the contract for the sale of the historic City Hall building at 433 S. First Street in Montrose.

City Attorney Ben Morris summarized proposed changes presented at the August 14 work session. The amendment extends the closing date to August 15, 2024, affirms that the City can use the property if desired, and extends contractual deadlines for objections, resolutions and determinations. Mr. Morris stated that the interest rate lock also remains in place for 7 days prior to closing.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by Dave Frank, to approve the amendment to the contract for the sale of the historic City Hall building at 433 S. First Street as presented
All voted yes. Motion passed.

ORDINANCE 2637 – FIRST READING

City Council considered Ordinance 2637 on first reading, an Ordinance of the City of Montrose, Colorado, amending the zoning district designation of two tracts within the Seasons Subdivision from "B-4," Neighborhood Shopping District, and "R-3A," Medium High Density District, to "R-4," High Density District. A hearing was held.

Planning Manager Jace Hochwalt provided an overview of a request to rezone property located near the northeast corner of Hillcrest and Miami. Mr. Hochwalt stated that the applicant is AMG & Associates, LLC, and the request encompasses two separate and distinct areas totaling 9.23 acres. Mr. Hochwalt said that the request was heard by the Planning Commission on November 30, 2022, with a 4-3 vote in favor. The applicant postponed the City Council hearing to allow time to meet with the surrounding neighborhood.

Mr. Hochwalt reviewed the existing zoning designation and the zoning of the surrounding area. Mr. Hochwalt stated that the rezone would resolve a split zoning issue and that the difference between R-3A and R-4 zoning is very similar with the exception of density. The density difference is four units per acre. The property as currently zoned could accommodate 164 units, and the rezone allows a maximum of 195 units.

Mr. Hochwalt recommended approval stating that the request meets rezone criteria, meets numerous goals and objectives of the Comprehensive Plan, is compatible with existing uses in the surrounding area, and reconciles a split zoning issue. Mr. Hochwalt stated that since the Planning Commission hearing in November of 2022, the developer has been in contact with the neighborhood about future development of the site. The developer and the HOA have come to an agreement about density clustering that does not involve the City and will require a planned development process and a new hearing. Mr. Hochwalt said that the language from that agreement is not applicable to this rezone hearing.

Mayor Barbara Bynum opened the hearing.

Mr. Hochwalt stated that existing infrastructure can accommodate the development. City Engineer Scott Murphy reported that when a development plan is received, exact impacts will be evaluated.

Mayor Bynum closed the hearing.

Public comment was accepted.

Butch Zinsli said that he did not object to the R-4 zoning designation but raised concerns about density and maximum height of buildings under R-4. Mayor Bynum confirmed that the rezone does not change the height restrictions.

Shawn Woolford spoke in opposition to the R-4 zoning designation due to traffic implications related to density and a perceived lack of emergency access.

Mr. Murphy reviewed the process for a formal traffic impact study and ensuring emergency access as development proceeds and the number of units is determined.

A motion was made by Doug Glaspell, seconded by Dave Frank, to pass Ordinance 2637 on first reading as presented. Ed Ulibarri voted no. All others voted yes. Motion passed.

ORDINANCE 2634 – SECOND READING

City Council considered Ordinance 2634 on second 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.

Public Works Director Jim Scheid reviewed updates to the Municipal Code related to snow and ice removal and the City's snow removal policy.

Mr. Scheid stated that the changes are related to the depositing of snow in the roadway and formalize the responsibilities of the City and property owners. The policy will be promulgated into the City's Regulations Manual.

Mr. Scheid said that a redline version of the amendments is included in the meeting packet.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by J. David Reed, to adopt Ordinance 2634 on second reading as presented. All voted yes. Motion passed.

ORDINANCE 2635 – SECOND READING

City Council considered Ordinance 2635 on second 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.

City Attorney Ben Morris reported that the address of the Montrose Pavilion in Exhibit A was corrected, but no other changes have been made to the Ordinance. Mr. John Lee was present representing Spectrum Charter to answer questions.

The possibility of extending complimentary service locations was discussed. Mr. Lee stated that extending locations would have to be studied to see if they are serviceable and meet definitions of city owned and occupied.

A comment from a citizen questioning whether the agreement should be approved by voters was discussed. Mr. Morris stated that the U.S. District Court for the District of Colorado ruled on a similar issue in 2001 and found that the Federal Cable Act preempts a city charter. Mr. Morris said that essentially, the City Charter is preempted by federal law, and non-approval would violate the Federal Cable Act.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by J. David Reed, to adopt Ordinance 2635 on second reading as presented. All voted yes. Motion passed.

ORDINANCE 2636 – SECOND READING

City Council consideration of Ordinance 2636 on second 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 this is an authorization of a deed of easement for Clear Networx to run fiber underground at Black Canyon Golf Course near the roundabout at Hillcrest and Sunnyside. The location is already encumbered by other easements and does not affect golf course operations.

Mr. Scheid recommended approval.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by Doug Glaspell, to adopt Ordinance 2636 on second reading as presented. All voted yes. Motion passed.

WOODGATE/EAST OAK GROVE ROUNDABOUT AND BACKAGE ROAD DESIGN CONTRACT AWARD

City Council considered a professional services contract award to Felsburg, Holt, and Ullevig in the amount of $215,211.40 for completion of design studies and civil design associated with the Woodgate/East Oak Grove Roundabout and Backage Road Project.

City Engineer Scott Murphy reported that when the Woodgate Road realignment was designed, traffic studies indicated the necessity of a roundabout at Woodgate and E. Oak Grove within three to five years. The owners of the property to the north were not interested in the City purchasing property for right of way, but the property has changed hands and the current owners are willing to work with the City. Mr. Murphy stated that the Comprehensive Plan identified the need for a backage road behind the S. Townsend retail development to the north of the intersection.

Mr. Murphy stated that as part of the development agreement, the City will assist with platting and boundary line adjustments for future development. Future actions will include annexation, zoning, and subdivision.

Mr. Murphy reviewed the RFP process and said two bids were received. Felsburg, Holt, and Ullevig also designed the Miami/Hillcrest and Niagara/Hillcrest roundabouts.

Mr. Murphy said the 6700 Road Extension project will be completed this year, and the Niagara/Hillcrest roundabout project will begin in early 2024 with completion next summer. Construction on the Woodgate/E. Oak Grove roundabout will begin at that point in order to maintain alternate routes. Half of the design costs will be covered in 2023 through project savings or with a budget supplement, and the balance will be included in the 2024 budget. Delmont Associates will assist with surveying.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by Doug Glaspell, to award a professional services contract to Felsburg, Holt, and Ullevig in the amount of $215,211.40 for completion of design studies and civil design associated with the Woodgate/East Oak Grove Roundabout and Backage Road Project as presented. All voted yes. Motion passed.

BROWN RANCH FILING NO. 8 FINAL PLAT

City Council considered the Brown Ranch Filing No. 8 Final Plat to create 17 residential lots and associated rights of way and easements.

Planner II William Reis reviewed the location of the 10.58 acres east of 67.25 Road off of the existing Donnegal Drive. Mr. Reis stated that the parcel is located within the R-1, Very Low Density District, but an existing planned development is in place that allows for smaller lots than required under the R-1 zoning. A previous amended preliminary subdivision plat was approved by City Council in June of 2022.

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 Brown Ranch PD Plan.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by J. David Reed, to approve the Brown Ranch 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 voted yes. Motion passed.

ORDINANCE 2638 – FIRST READING

City Council considered Ordinance 2638 on first reading, an Ordinance of the City of Montrose, Colorado, designating the Coors Building, 134 North 1st St, 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 an application was received from the owner of the Coors Building for historic property designation. Mr. Reis stated that the building meets eligibility due to its age, its association with the history of saloons in Montrose, and its architectural features.

Mr. Reis reviewed the history and architectural features of the building which was erected by the Adolph Coors Company in 1905 as a saloon and rooming house. The building reflects design and construction elements of early 20th Century architecture.

Mr. Reis recommended approval stating that the building meets all eligibility and integrity criteria for historic property designation.

Public comment was accepted. No comments were received.

A motion was made by J. David Reed, seconded by Doug Glaspell, to pass Ordinance 2638 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 June 2023. Ms. Wittenberg reported that total sales and use tax collections were up 2.0 percent as compared to June of 2022 with a positive budget variance of 10.7 percent. Year-to-date collections were up 3.3 percent with a positive budget variance of 12.6 percent.

Second Quarter Budget Review: Finance Director Shani Wittenberg stated that a complete report is included in the meeting packet. Ms. Wittenberg said that with half the year complete, revenues in the General Fund are coming in very well with a slight dip as compared to recent years.

Proposed Final Distribution of Assets from the Estate of Deborah Hawk and Settlement Release:

Assistant City Attorney Matt Magliaro requested authorization for staff to sign documents for the final closing of the estate of Deborah Hawk. Mr. Magliaro stated that Ms. Hawk died in 2021 and dedicated 20 percent of her estate to the Montrose Animal Shelter. To date, the City has received $100,914.94. Following the sale of property and other large assets the City stands to receive an additional $74,656.63, plus proceeds from a $20,000 promissory note, for a final distribution of $94,676.63. City Councilors directed staff to proceed with executing the final documents.

CITY COUNCIL COMMENTS

City Councilors acknowledged City staff members for hosting the FUNC Fest event on August 12 and 13. Mayor Barbara Bynum thanked all community partners, volunteers, and Community Events Manager Katie Schroer for contributing to the success of the event.

MOTION TO ADJOURN

At 7:59 p.m., a motion was made by Doug Glaspell to adjourn the meeting with no further action taken.

ATTEST:

Barbara Bynum, Mayor

Lisa DelPiccolo, City Clerk

CITY OF MONTROSE
CITY SEAL
COLORADO