A regular meeting of the Montrose City Council was held on Tuesday, October 17, 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, Bill Bell, Greg Story, Lisa DelPiccolo, Shani Wittenberg, David Bries, Chris Dowsey, Tim Cox, Jace Hochwalt

GUESTS: David Schieldt, Joey Montoya Boese, Maya Haynes

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.

BULLYING PREVENTION MONTH PROCLAMATION

Mayor Barbara Bynum and the Montrose City Council proclaimed October 2023 as Bullying Prevention Month in the City of Montrose. Mayor Bynum presented the proclamation to Joey Montoya Boese and Maya Haynes with PEER Kindness.

CALL FOR PUBLIC COMMENT

No comments were received.

APPROVAL OF MINUTES

City Council considered the minutes of the October 2, 2023, special City Council meeting and the October 3, 2023, regular City Council meeting.

A motion was made by Doug Glaspell, seconded by Ed Ulibarri, to approve the minutes of the October 2, 2023, special City Council meeting and the October 3, 2023, regular City Council meeting as presented. All voted yes. Motion passed.

ORDINANCE 2643 – FIRST READING

City Council considered Ordinance 2643 on first reading, an Ordinance of the City of Montrose, Colorado, adding new sections 5, 6, and 7 to Title 1 Chapter 9 of the Official Code of the City of Montrose, Colorado, concerning campaign finance regulations for the City of Montrose Municipal Elections. A hearing was held.

City Attorney Ben Morris provided a summary of the proposed changes. House Bill 23-1245, adopted by the state legislature, establishes campaign finance limits and reporting deadlines for municipal elections, but home rule municipalities may establish their own requirements. City Council requested the drafting of an ordinance the would retain current practices without campaign funding limits. Mr. Morris stated that Ordinance 2643 meets that request, adopts reporting deadlines and complaint procedures, and clarifies records retention. Mr. Morris said that all aspects of campaign finance not included in the Ordinance default to state law and Secretary of State regulations.

City Clerk Lisa DelPiccolo reported that if Ordinance 2643 is adopted, procedures for candidates would not change significantly.

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 Ed Ulibarri, to pass Ordinance 2643 on first reading as presented. All voted yes. Motion passed.

ORDINANCE 2644 – FIRST READING

City Council considered Ordinance 2644 on first reading, an Ordinance of the City of Montrose, Colorado, repealing and replacing Title 6 Chapter 1 Section 21 (6-1-21) regarding unreasonable noise. A hearing was held.

Assistant City Attorney Matt Magliaro provided an overview of the amendments to the noise ordinance which would enhance the ability to prosecute violations. Mr. Magliaro stated that equipment emitting sounds could qualify as unreasonable if the noise emitted is audible within other vehicles with the windows closed or audible within occupied structures with doors and windows closed.

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 2644 on first reading as presented. All voted yes. Motion passed.

OTTER POND DAM WATER AND SEWER RELOCATION EXPENSE AUTHORIZATION

City Council considered $370,000.00 in reimbursement expenditures payable to Mountain Valley Contracting for the relocation of City water and sewer utilities around the Otter Pond Dam replacement project.

Mayor Barbara Bynum stated that she resides within the neighborhood and recused herself from this agenda item. Mayor Bynum left the City Council Chambers at 6:16 p.m.

City Engineer Scott Murphy reported that the privately owned dam was constructed around 1994 and was not permitted by the Bureau of Reclamation or the State of Colorado. Mr. Murphy stated that permitting requirements fall under federal and state jurisdiction and are not within the City's purview. In 2022, Otter Pond Circle was experiencing large sink holes over the outlet works, and it was discovered that the outlet works had corroded and soil was eroding. The HOA contacted the state with concerns, and state officials ordered the reservoir level drawn down. It was then determined that the dam is under state jurisdiction and would need to be permitted and rebuilt to state standards.

Mr. Murphy stated that the City contributed $100,000.00 in available ARPA funds in the interest of stabilizing the situation and assisting with the emergency drawdown, design, and repair of the embankment. During the design phase of the project, it was determined that the sewer line is in conflict with the outlet works, and the water and sewer utilities would need to be relocated.

Mr. Murphy said the authorization request is for $370,000.00, with $220,000.00 for waterline relocations and $150,000.00 for sewer line relocations. Mr. Murphy said the HOA is conducting the dam replacement and reviewed the bid process conducted by the HOA. Under the contract for the dam replacement, the city will reimburse the contractor for the utility relocation work. The dam replacement project will begin when state approval is secured. The utility relocation will begin in 2023 and will carry over into 2024.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by Ed Ulibarri, to approve $370,000.00 in reimbursement expenditures payable to Mountain Valley Contracting for the relocation of City water and sewer utilities around the Otter Pond Dam replacement project as presented. All present voted yes. Motion passed.

Mayor Bynum rejoined the meeting at 6:28 p.m.

SANITARY SEWER CIP3 PHASE I DESIGN CONTRACT

City Council considered a professional services contract award to Del-Mont Consultants in the amount of $124,200.00 for completion of the Sanitary Sewer CIP3 Project Phase I design.

City Engineer Scott Murphy provided an overview of the project that is intended to accommodate growth, fine tune preliminary models included in the master plan, and identify choke points in need of upgrade.

The RFQ process was reviewed. Mr. Murphy stated that Del-Mont received the highest rating and the cost is within the anticipated range. Mr. Murphy said this is Phase one of a multiple phase design. Del-Mont will conduct all survey work and modeling for the project and then transition into a detailed design with a change order to the contract.

Public comment was accepted. No comments were received.

A motion was made by J. David Reed, seconded by Doug Glaspell, to award a professional services contract to Del-Mont Consultants in the amount of $124,200.00 for completion of the Sanitary Sewer CIP3 Project Phase I design as presented. All voted yes. Motion passed.

UNCOMPAHGRE RIVERWAY TRAIL LANDSCAPING IMPROVEMENTS EXPENSE AUTHORIZATION

City Council considered $100,000.00 in reimbursement expenditures for completion of landscaping improvements alongside the Uncompahgre Riverway Trail north of North 9th Street.

City Engineer Scott Murphy reported that when the recreation trail was installed on property donated to the City within the Colorado Outdoors development, landscaping was postponed until further development occurred. Mr. Murphy reviewed the proposal to install landscaping features between the Shelter Distilling facility and the river. Mr. Murphy stated that the work will be completed as a reimbursement. Shelter Distilling has a landscaping contractor for their site which would be used for this project.

City Councilors discussed whether the project benefits the citizens and contributes to health, safety and welfare of the community.

Public comment was accepted. No comments were received.

A motion was made by J. David Reed, seconded by Doug Glaspell, to approve $100,000.00 in reimbursement expenditures for completion of landscaping improvements alongside the Uncompahgre Riverway Trail north of North 9th Street as presented. Ed Ulibarri voted no. All others 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 August 2023. Ms. Wittenberg reported that total sales and use tax collections were up 2.7 percent as compared to August 2022 with a positive budget variance of 13.1 percent. Year-to-date collections were up 4.0 percent with a positive budget variance of 13.5 percent.

CITY COUNCIL COMMENTS

City Councilor Doug Glaspell and Mayor Barbara Bynum thanked Finance Department staff for the budget open house held earlier in the evening and for the development of the 2024 budget.

City Project Update: City Engineer Scott Murphy reported that paving projects for the year have concluded. Anderson Road, Abrams Avenue, and the 6700 Road Extension are paved, and striping is in progress on 6700 Road. Mr. Murphy said that the Miami & 6700 Road intersection will likely open this week, and the 6700 Road Extension will open within a few weeks.

<u>MOTION TO ADJOURN</u>

At 6:49 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