A regular meeting of the Montrose City Council was held on Tuesday, November 7, 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, Bill Bell, Ann Morgenthaler, Chris Dowsey, Greg Story, Lisa DelPiccolo, Scott Murphy, Jim Scheid, Blaine Hall, David Bries, Shani Wittenberg, Jace Hochwalt, Matt Magliaro, William Reis

GUESTS: Sophano Kan, Fangling Kousoum, John W. Nelson, David Kienholz, Gary Clark, Dean McCall, Sheridan Mitchell

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.

MOMENT OF SILENCE

Police Chief Blaine Hall led a moment of silence in honor of Montrose County Sheriff's Deputy Rick Mayer.

CHANGES TO THE AGENDA

No changes were made to the agenda.

COLORADO GIVES/UNCOMPAHGRE GIVES PROCLAMATION

This item was postponed.

ACKNOWLEDGEMENT OF CITY ATTORNEY BEN MORRIS

City Attorney Ben Morris was unable to be present.

CALL FOR PUBLIC COMMENT

No comments were received.

APPROVAL OF MINUTES

City Council considered the minutes of the October 17, 2023, regular City Council meeting.

A motion was made by Doug Glaspell, seconded by Dave Frank, to approve the minutes of the October 17, 2023, regular City Council meeting as presented. All voted yes. Motion passed.

NEW FERMENTED MALT BEVERAGE AND WINE LICENSE APPLICATION

City Council considered an application for a new Fermented Malt Beverage and Wine license at 113 W. Main Street for S & F Market LLC, doing business as El Patron Mexican Grocery, Beer, Wine, Smoke Shop, for consumption off of the licensed premises.

Assistant City Attorney Chris Dowsey reported that this is a public hearing for a new license. Mr. Dowsey stated that the file is in order, the fees have been paid, and a staff review of the application found nothing that would prevent approval of the license.

Applicant Sophano Kan stated that he owns Pour House liquor store and is applying for new license at 113 W. Main Street. Mr. Kan said he estimates 20 to 25 percent of sales will be beer and wine, 40 percent will be grocery items and the remainder smoke shop items. Mr. Kan said new and existing employees will attend alcohol server training. Mr. Kan agreed to the neighborhood as the City of Montrose and stated that his existing customers support the new license as well as those who signed the petition.

Mr. Dowsey reviewed a summary of the petitions circulated. A total of 110 signatures were collected and 20 were determined to be valid and in support of the license being issued. Mr. Kan said that the petitions were circulated at Pour House and all who were asked to sign voiced support for the new license. Mr. Kan said he has not had any liquor license violations at Pour House and explained processes used to verify the age of customers.

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 approve a new Fermented Malt Beverage and Wine license at 113 W. Main Street for S & F Market LLC, doing business as El Patron Mexican Grocery, Beer, Wine, Smoke Shop for consumption off of the licensed premises. All voted yes. Motion passed.

OSPREY ADDITION ANNEXATION

A hearing was held on the annexation of the Osprey Addition.

Planner II William Reis reviewed the annexation schedule and the location of the 9.53 acres and stated that the parcel is within the Urban Growth Boundary and within City water and sewer service areas. The parcel is surrounded by City limits.

Mr. Reis reviewed the zoning of the surrounding area and the requested zoning designations. The western portion would be designated P, Public District, and used for the All Points Transit facility, the eastern parcel would be zoned R-4, High Density District, and a small portion of right of way would be designated R-3A, Medium High Density District. Mr. Reis stated that a minor subdivision plat will be recorded following the annexation and will reconcile the split zoning.

Mr. Reis recommended approval of the annexation and proposed zoning stating that the proposal is consistent with public health, safety, and welfare, City annexation policies and the Comprehensive Plan. An annexation agreement has been signed by the applicant, and the Planning Commission unanimously recommended approval of the zoning designations on October 25.

City Engineer Scott Murphy introduced All Points Transit Board Members John W. Nelson and David Kienholz, Executive Director Gary Clark, and property owner Dean McCall. Mr. Murphy reviewed concept illustrations for the future All Points Transit facility.

Resolution 2023-23: City Council considered Resolution 2023-23, Findings of Fact for the Osprey Addition.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by Ed Ulibarri, to adopt Resolution 2023-23 as presented. All voted yes. Motion passed.

Ordinance 2647 – First Reading: City Council considered Ordinance 2647 on first reading, an Ordinance of the City of Montrose, Colorado, for the annexation of the Osprey Addition.

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 Dave Frank, to pass Ordinance 2647 on first reading as presented. All voted yes. Motion passed.

ORDINANCE 2648 – FIRST READING

City Council considered Ordinance 2648 on first reading, an Ordinance of the City of Montrose, Colorado, providing for the zoning of the Osprey Addition as a "P", Public District, "R-4", High Density District, and "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 Dave Frank, seconded by J. David Reed, to pass Ordinance 2648 on first reading as presented. All voted yes. Motion passed.

BLUFF HARBOR LOT ADDITION ANNEXATION

A hearing was held on the annexation of the Bluff Harbor Lot Addition.

Planner II William Reis reviewed the annexation schedule and location of the .72 acres along Juniper Road. Mr. Reis stated that the property is located within the Urban Growth Boundary, within the City of Montrose sewer service area, and within the Menoken Water service area. Mr. Reis reviewed the zoning of the surrounding area and the proposed zoning designation of MHR, Manufactured Housing Residential District.

Mr. Reis recommended approval of the annexation and proposed zoning designation stating that the proposal is consistent with public health, safety and welfare, City annexation policies and the Comprehensive Plan. An annexation agreement has been signed by the applicant, and the Planning Commission unanimously recommended approval of the zoning designation on October 25.

Resolution 2023-24: City Council considered Resolution 2023-24, Findings of Fact for the Bluff Harbor Lot Addition.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by J. David Reed, to adopt Resolution 2023-24 as presented. All voted yes. Motion passed.

Ordinance 2649 – First Reading: City Council considered Ordinance 2649 on first reading, an Ordinance of the City of Montrose, Colorado, for the annexation of the Bluff Harbor Lot Addition.

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 pass Ordinance 2649 on first reading as presented. All voted yes. Motion passed.

ORDINANCE 2650 – FIRST READING

City Council consideration of Ordinance 2650 on first reading, an Ordinance of the City of Montrose, Colorado, providing for the zoning of the Bluff Harbor Lot Addition as "MRH", Manufactured Housing Residential 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 Dave Frank, to pass Ordinance 2650 on first reading as presented. All voted yes. Motion passed.

ORDINANCE 2645 – FIRST READING

City Council considered Ordinance 2645 on first reading, an Ordinance of the City of Montrose, Colorado, providing and appropriating funds for defraying the expenses and liabilities of the City of Montrose, Colorado, during the fiscal year beginning January 1, 2024. A hearing was held.

Finance Director Shani Wittenberg reviewed the budget process which began on April 17 with a strategy session to determine budget priorities. Department budgets were reviewed in July, and a budget session with City Council was held on September 7. Ms. Wittenberg stated that a public open house was held on October 17, and the proposed budget was delivered to City Councilors by October 15 in accordance with the City Charter.

Ms. Wittenberg provided an overview of the $103 million budget by fund and noted proposed increases to water, sewer, and trash service rates.

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 2645 on first reading as presented.

City Councilor Ed Ulibarri noted that he had questions he would like to discuss with the City Manager before he could vote in favor of the proposed budget.

Ed Ulibarri voted no. All others voted yes. Motion passed.

RESOLUTION 2023-21

City Council considered Resolution 2023-21, repealing and replacing Chapters 3-1-1, 3-1-2, and 3-1-3 of the City of Montrose Regulations Manual and adopting the 2024 fee schedule.

City Clerk Lisa DelPiccolo reported that a summary of the proposed changes for 2024 is included in the meeting packet along with a redline version of the changes, and the final version of the fee schedule is included as Exhibit A to the Resolution. Ms. DelPiccolo stated that no changes were made to the proposed fee schedule since it was reviewed at the October 16 work session, but code references were added to the final version.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by Doug Glaspell, to adopt Resolution 2023-21 as presented. All voted yes. Motion passed.

ORDINANCE 2643 – SECOND READING

City Council considered Ordinance 2643 on second 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.

Assistant City Attorney Chris Dowsey reported that state legislation adopted in 2023 capped campaign contributions for municipal elections, and Ordinance 2643 opts out of the contribution limits while retaining existing procedures. Mr. Dowsey said no changes were made to the Ordinance since first reading on October 17.

City Clerk Lisa DelPiccolo confirmed that Ordinance 2643 formalizes a procedure for complaints.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by Dave Frank, to adopt Ordinance 2643 on second reading as presented. All voted yes. Motion passed.

ORDINANCE 2644 – SECOND READING

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

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 there have been no changes since a work session review on October 2 and since first reading of the Ordinance on October 17.

Public comment was accepted. No comments were received.

A motion was made by J. David Reed, seconded by Dave Frank, to adopt Ordinance 2644 on second reading as presented. All voted yes. Motion passed.

ORDINANCE 2646 – FIRST READING

City Council considered Ordinance 2646 on first reading, an Ordinance of the City of Montrose, Colorado, amending Section 11-7-12 of the Official Code of the City of Montrose, concerning the zoning of new additions to the City and rezoning parcels already in the City limits. A hearing was held.

Planning Manager Jace Hochwalt reviewed the current initial zoning and rezoning procedures and stated that the amendment proposed in Ordinance 2646 is intended to clarify the processes. Mr. Hochwalt stated that wording was also amended to state that ad hoc conditions cannot be set in the zoning ordinance since the zoning ordinance does not track with the title. A redline version of the revisions is included in the packet. Mr. Hochwalt said that the goal with ongoing Land Use Code updates is to bring the Code to industry standard.

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 2646 on first reading as presented. All voted yes. Motion passed.

RESOLUTION 2023-22

City Council considered Resolution 2023-22, setting January 2, 2024, as the hearing date for the Blowers Addition annexation.

Planner II William Reis reviewed the annexation schedule and location of the 15.22 acres consisting of three parcels and a sliver of right of way. Mr. Reis reviewed the zoning of the surrounding area and the proposed zoning designation of RL, Rural Living District, and stated that the applicant is requesting annexation to connect to City utilities.

Mr. Reis recommended adoption of Resolution 2023-22 stating that the proposal is consistent with public health, safety and welfare, City annexation policies and the Comprehensive Plan. An annexation agreement and an annexation impact report are required.

Public comment was accepted. No comments were received.

A motion was made by J. David Reed, seconded by Doug Glaspell, to adopt Resolution 2023-22 as presented. All voted yes. Motion passed.

RIO GRANDE RIGHT OF WAY AND PUBLIC WORKS FACILITY PROPERTY PURCHASE

City Council considered the purchase of 16.0± acres near the intersection of Rio Grande Avenue and East Oak Grove Road at a purchase price of $800,000.00 to acquire the rights of way necessary for the southern extension of Rio Grande Avenue and for use as the City's new Public Works facility.

City Engineer Scott Murphy provided an overview of the long-range plan to extend Rio Grande Avenue as a western arterial. Mr. Murphy stated that the City has secured necessary rights of way for the extension over the past several years with the exception of the parcel being discussed this evening. Six residential trailers exist on the site and septic issues prompted the owner to consider selling the property. Mr. Murphy said the existing Public Works location has constraints on expansion due to the airport, and this new location fits with the surrounding area, is accessible to the public, and is centrally located for convenience and response time.

Mr. Murphy reviewed the terms of the purchase agreement. The owner is terminating the leases on the trailers, and the City will abate and demolished any trailers that remain on the site. The closing will be set within six months of the effective date of the agreement. Water rights associated with the property will be retained by the current owner. Mr. Murphy stated that the purchase price is $800,000.00, funded primarily with ARPA funds, plus additional compensation to relocate the current residents.

Public Works Director Jim Scheid provided an overview of research conducted in past years including needs assessments and tours of other Public Works Facilities. Mr. Schied reviewed the unique need for a large site near the city to accommodate a facility that fits into the neighborhood and offers accessibility. Mr. Scheid said that design of the Public Works facility, site clean-up, and securing of the site are scheduled in 2024.

Mr. Murphy reported that the design of the Rio Grande extension will also take place in 2024 and that the project is a good candidate for federal grants.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by Doug Glaspell, to approve the purchase of 16.0± acres near the intersection of Rio Grande Avenue and East Oak Grove Road at a purchase price of $800,000.00 as presented and to authorize the signature of the City Manager or designee on any documents necessary to execute this transaction. All voted yes. Motion passed.

USED TRASH TRUCK PURCHASE RATIFICATION

City Council considered the ratification of the purchase of a used 2019 Peterbilt refuse truck from Elliot Equipment in Commerce City, Colorado, for the total purchase price of $219,800.00.

Public Works Director Jim Scheid reported that the City ordered three trash trucks since 2021, and delivery has been delayed which impacts other vehicles in the fleet. Mr. Scheid stated that a trade-in became available and action was taken to purchase the vehicle while it was available. Mr. Scheid stated that the used vehicle is exactly the same as the vehicles on order. It aligns with the replacement schedule and budget and will be scheduled for replacement in 2025.

Public comment was accepted. No comments were received.

A motion was made by J. David Reed, seconded by Dave Frank, to approve the ratification of the purchase of a used Peterbilt refuse truck from Elliot Equipment in Commerce City, Colorado, for the total purchase price of $219,800.00 as presented. All voted yes. Motion passed.

TRASH TRUCK REPAIR RATIFICATION

City Council considered the ratification of an emergency repair to a trash and recycle refuse truck for a complete engine replacement performed by Nextran Truck Center in Fruita, Colorado, in the amount of $42,763.00.

Public Works Director Jim Scheid reviewed the critical need to repair the truck and relieve pressure put on other trucks in the fleet. Mr. Scheid thanked the City Manager and City Council for recognizing the need to repair the truck quickly.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by Doug Glaspell, to approve the ratification of an emergency repair to a trash and recycle refuse truck by Nextran Truck Center in Fruita, Colorado, in the amount of $42,763.00 as presented. All voted yes. Motion passed.

STAFF REPORTS

2023 Leaf Collection: Public Works Director Jim Scheid reported that the annual leaf collection is scheduled for November 13 through December 7. Residents are asked to put leaves in clear bags and place the bags by the curb. Public Works crews will collect the bags at no cost to the residents. Clear bags are requested to make sure only leaves are inside, but all bags will be picked up. Clear bags are available for sale at City Hall.

CITY COUNCIL COMMENTS

City Councilor Dave Frank commended City staff for providing responsive and compassionate government.

Mayor Barbara Bynum reported that the proclamation scheduled earlier in the evening will be postponed until the next meeting.

MOTION TO ADJOURN

At 7:34 p.m., a motion was made by J. David Reed to adjourn the meeting with no further action taken.

ATTEST:

Barbara Bynum
Barbara Bynum, Mayor

Lisa DelPiccolo
Lisa DelPiccolo, City Clerk

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