

A regular meeting of the Montrose City Council was held on Tuesday, November 14, 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, Ann Morgenthauer, Chris Dowsey, Greg Story, Lisa DelPiccolo, Jim Scheid, Scott Murphy, Jace Hochwalt, David Bries, Shani Wittenberg, William Reis, Blaine Hall, Matt Magliaro

GUESTS: Lisa Paris, Christina Files, Ryan Sedgeley

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.

COLORADO GIVES/UNCOMPAGRE GIVES PROCLAMATION

Mayor Barbara Bynum and the Montrose City Council proclaimed November 1, 2023, through December 5, 2023, as Uncompahgre Gives for Colorado Gives Day in the City of Montrose. Mayor Bynum presented the proclamation to Lisa Paris with the Montrose Community Foundation.

CALL FOR PUBLIC COMMENT

No comments were received.

APPROVAL OF MINUTES

City Council considered the minutes of the November 6, 2023, special City Council meeting and the November 7, 2023, regular City Council meeting.

A motion was made by J. David Reed, seconded by Dave Frank, to approve the minutes of the November 6, 2023, special City Council meeting and the November 7, 2023, regular City Council meeting as presented. All voted yes. Motion passed.

HISTORIC PRESERVATION COMMISSION APPOINTMENTS

City Council considered applicants Darlene Mora, John Eloie, Kenn Huff, Kent Kinsey, Marlene Gravitz, and Peg Evanoika for three vacant positions on the Historic Preservation Commission.

A motion was made by Dave Frank, seconded by J. David Reed, to appoint Darlene Mora, John Eloie, and Kenn Huff to the City of Montrose Historic Preservation Commission for terms that expire on October 16, 2026. All voted yes. Motion passed.

RESOLUTION 2023-26

City Council considered Resolution 2023-26, a Resolution of Intent to create the Otter Pond Circle Utility Relocation Special Improvement District.

Mayor Barbara Bynum recused herself from this agenda item and left the City Council Chambers at 6:06 p.m.

City Attorney Chris Dowsey reported that this is a procedural resolution required by the Municipal Code to show intent to create a special improvement district. Mr. Dowsey stated that the Otter Pond dam has failed. The homeowners' association owns the dam and requested that the City assist in setting up a special improvement district. Mr. Dowsey stated that 76 of 85 lots submitted signed petitions to form the special improvement district. The City would provide the up-front cost of utility relocation. Each lot would pay to the City its pro rata share either up front or in up to 20 annual installments at 4 percent interest on the unpaid principle. Mr. Dowsey said that even those with unsigned petitions are responsible for their share of the project cost.

Mr. Dowsey said that if Resolution 2023-26 is adopted, an ordinance will be brought forward at the next City Council meeting.

Public comment was accepted.

Otter Pond Homeowners' Association President Christina Files thanked the City Council for considering the special improvement district which benefits the neighborhood.

A motion was made by Doug Glaspell, seconded by Dave Frank, to adopt Resolution 2023-26 as presented. All voted yes. Motion passed.

Mayor Bynum rejoined the meeting at 6:10 p.m.

2024 BUDGET APPROVAL

Finance Director Shani Wittenberg reported that an open house for review of the 2024 budget was held on October 17, and the budget was reviewed on first reading of Ordinance 2645 on November 7.

Ordinance 2645 - Second Reading: City Council considered Ordinance 2645 on second 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.

City Councilor Ed Ulibarri reported that his budget questions were answered after meeting with the City Manager and Finance Director.

A motion was made by Ed Ulibarri, seconded by Dave Frank, to adopt Ordinance 2645 on second reading as presented. All voted yes. Motion passed.

Resolution 2023-25: City Council considered Resolution 2023-25 adopting the 2024 Municipal Budget.

Public comment was accepted. No comments were received.

A motion was made by J. David Reed, Seconded by Ed Ulibarri, to adopt Resolution 2023-25 as presented. All voted yes. Motion passed.

ORDINANCE 2651 – FIRST READING

City Council considered Ordinance 2651 on first reading, an Ordinance of the City of Montrose, Colorado, amending Ordinance No. 2599 which appropriated funds for defraying the expenses and liabilities of the City of Montrose, Colorado, during the fiscal year beginning January 1, 2023; said expenditures of the City of Montrose over and above those anticipated at the time of adoption of the original budget for the fiscal year beginning January 1, 2023. A hearing was held.

Finance Director Shani Wittenberg reported that Ordinance 2651 adopts a supplemental budget for the current budget year to cover unanticipated items since adoption of the 2023 budget. Ms. Wittenberg stated that all items included in the supplemental budget were brought before City Council for approval during the year.

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 2651 on first reading as presented. All voted yes. Motion passed.

ORDINANCE 2652 – FIRST READING

City Council considered Ordinance 2652 on first reading, an Ordinance of the City of Montrose, Colorado, updating Title 1 Chapter 14, of the Official Code of the City of Montrose, Colorado: amending Title 1 Chapter 14 Section 2 (1-14-2), regarding rules of procedure; amending Title 1 Chapter 14 Section 4 (1-14-4), regarding sentencing; Amending Title 1 Chapter 14 Section 5 (1-14-5), regarding enforcement of fines; 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 a summary of updates to the Municipal Code relating to court rules of procedure and sentencing. Mr. Magliaro stated that the updates are part of a larger project to review and update Title 1 to conform with current practice and state law.

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 J. David Reed to pass Ordinance 2652 on first reading as presented. All voted yes. Motion passed.

ORDINANCE 2646 – SECOND READING

City Council considered Ordinance 2646 on second 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 reported that Ordinance 2646 involves amendments to land development regulations related to initial zoning and rezoning. Mr. Hochwalt stated that the primary purpose is to update language to match current processes, and no changes to the processes are being proposed. Mr. Hochwalt said the amendments will add clarity and eliminate ambiguity related to the roles of the Planning Commission and City Council.

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 adopt Ordinance 2646 on second reading as presented. All voted yes. Motion passed.

ORDINANCE 2647 – SECOND READING

City Council considered Ordinance 2647 on second reading, an Ordinance of the City of Montrose, Colorado, for the annexation of the Osprey Addition.

Planner II William Reis reported that this is the second reading of the annexation and zoning ordinances for the Osprey Addition, and there are no changes since first reading. Mr. Reis stated that the property totals 9.53 acres and is located within the Urban Growth Boundary and within City of Montrose water and sewer service areas.

Mr. Reis reviewed the proposed zoning designation of P, Public District, on the western portion of the property which will house the All Points Transit facility and R-4, High Density District for the eastern portion. Mr. Reis stated that the property is surrounded by City limits, and the annexation eliminates an enclave.

Mr. Reis recommended adoption of Ordinances 2647 and 2648 stating that the proposal is consistent with public health, safety and welfare, City annexation policies, and the Comprehensive Plan. The Planning Commission unanimously recommended approval of the zoning designations.

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 adopt Ordinance 2647 on second reading as presented. All voted yes. Motion passed.

ORDINANCE 2648 – SECOND READING

City Council considered Ordinance 2648 on second 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 adopt Ordinance 2648 on second reading as presented. All voted yes. Motion passed.

ORDINANCE 2649 – SECOND READING

City Council considered Ordinance 2649 on second reading, an Ordinance of the City of Montrose, Colorado, for the annexation of the Bluff Harbor Lot Addition.

Planner II William Reis reviewed the annexation schedule and location of the 0.72 acre parcel within the City's Urban Growth Boundary, within the City of Montrose sewer service area, and within Menoken water service area. Mr. Reis reviewed the zoning of the surrounding area and stated that a zoning designation of MHR, Manufactured Housing Residential District, is requested to match the zoning of the surrounding area.

Mr. Reis recommended adoption of Ordinances 2649 and 2650 stating that the proposal is consistent with public health, safety and welfare, City annexation policies, and the Comprehensive Plan. The Planning Commission unanimously recommended approval of the MHR zoning designation.

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 2649 on second reading as presented. All voted yes. Motion passed.

ORDINANCE 2650 – SECOND READING

City Council consideration of Ordinance 2650 on second 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 Doug Glaspell, to adopt Ordinance 2650 on second reading as presented. All voted yes. Motion passed.

PHASE 2 LAND DEVELOPMENT REGULATIONS CODE UPDATE SERVICE AGREEMENT

City Council considered a Professional Services Contract with Plan Tools, LLC in the amount of \$105,000.00 for Phase 2 code updates specific to Title 11 of the Montrose Municipal Code.

Planning Manager Jace Hochwalt reported that Phase 2 is the continuation of a major Municipal Code update process with the goal of eliminating ambiguity and bringing the Code into compliance with the Comprehensive Plan. Mr. Hochwalt stated that completion is expected by the end of 2024, and a portion of the cost is grant funded.

Mr. Hochwalt recommended approval of the agreement.

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 Plan Tools, LLC in the amount of \$105,000.00 for Phase 2 code updates specific to Title 11 of the Montrose Municipal Code as presented. All voted yes. Motion passed.

NIAGARA-HILLCREST ROUNDABOUT CONSTRUCTION CONTRACT

City Council considered \$3,209,461.38 in expenditures for construction of the Niagara-Hillcrest Roundabout Project. This includes the award of a construction contract to Oldcastle SW Group, dba United Companies in the amount of \$3,078,461.38, a survey and engineering support contract to Del-Mont Consultants in the amount of \$111,000.00, and up to \$20,000.00 in expenditures to Delta-Montrose Electric Association for street lighting within the project.

City Engineer Scott Murphy reported that traffic studies indicate a need for a roundabout at Niagara and Hillcrest, which is the last of three roundabouts on the Hillcrest corridor. Design and property acquisitions have been in progress for the past 18 months.

Mr. Murphy reviewed the bid process. Mr. Murphy stated that Oldcastle/United Companies submitted the low bid, is qualified, and has successfully completed other City projects. A survey and engineering support contract with Del-Mont Consultants is included in the project costs, as well as the cost of streetlights from DMEA.

Mr. Murphy said shoulder work will begin within the next few months. The intersection will be completely closed for no more than 170 calendar days between February and late summer. Traffic will be rerouted to alternate arterials, and short-cutting through neighborhoods will be discouraged.

Mr. Murphy stated that the total cost exceeds the \$2.4 million budgeted for the project by \$800,000.00 due to continued construction industry demand and labor and material shortages. Mr. Murphy stated that he is comfortable with the bid and confident that rebidding would not result in a reduced cost.

Public comment was accepted.

Ryan Sedgeley stated that he lives at S. 12th Street and Sunnyside and requested speed limit monitoring and enforcement during construction of the roundabout.

A motion was made by Doug Glaspell, seconded by Ed Ulibarri, to approve \$3,209,461.38 in expenditures for construction of the Niagara-Hillcrest Roundabout Project as presented. All 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 September 2023. Ms. Wittenberg reported that total sales and use tax collections were up 3.6 percent with a positive budget variance of 13 percent as compared to September of 2022. Year-to-date collections were up 3.9 percent with a positive budget variance of 13.4 percent.

Third Quarter Budget Review: Finance Director Shani Wittenberg reported that a complete report is included in the meeting packet. Ms. Wittenberg stated that she has no concerns to report with any of the major funds.

Emergency Management Update: Police Chief Blaine Hall reported that Emergency Manager Paul Eller provided continuity of operations training to staff and City Council on November 14. Training will continue with identification of central processes in January.

CITY COUNCIL COMMENTS

City Councilor Dave Frank invited the community to upcoming holiday events. The Annual Tree Lighting Ceremony will be held on November 24, and the Parade of Lights is scheduled for December 2. Santa's Cabin will open following the Tree Lighting Ceremony, and Montrose Bucks will be on sale as well. Deputy City Manager Ann Morgenthaler reported that details are available on the DART and City websites and on social media or by contacting City Hall.

City Councilor Doug Glaspell thanked City staff for the effort put into the development of the 2024 budget.

City Councilor Ed Ulibarri thanked staff members for answering his budget questions.

Mayor Pro Tem J. David Reed wished everyone a safe and happy Thanksgiving.

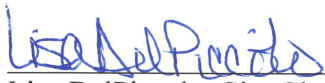
Mayor Barbara Bynum reported that volunteers are needed for the Community Thanksgiving Dinner at Friendship Hall on Thanksgiving Day.

MOTION TO ADJOURN

At 7:03 p.m., a motion was made by Doug Glaspell, seconded by Ed Ulibarri, to adjourn the meeting with no further action taken.

ATTEST:


Barbara Bynum, Mayor


Lisa DelPiccolo, City Clerk

