MONTROSE CITY COUNCIL
August 20, 2024

A regular meeting of the Montrose City Council was held on Tuesday, August 20, 2024, 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

J. David Reed, Dave Frank, Judy Ann Files, Doug Glaspell, Ed Ulibarri, Bill Bell, Ann Morgenthaler, Chris Dowsey, Matt Magliaro, Wayne Nation, Lisa DelPiccolo, Tim Cox, Jace Hochwalt, Chris Ottinger, Scott Murphy, William Reis, Blaine Hall, Shani Wittenberg, David Bries

GUESTS

Connie Pittinger, Jeffrey Krebs, Sarah Fishering, Neal Platzer, Suzan Platzer, Lynette Wallace, Abbie Brewer, Stephen Fessler, Samuel Eckmann, Claudia Rogers, Miriam Cardenas, Gregory Drazkowski, Erica Donaldson, Bianca Diaz, Kendra Stucki, Steve Cardenas, Bud Taylor, Carol Pierce, Mary Vader, Richard Rogers, Claire House, Jennifer Bishop, Elaine Brandon, Jamie Carl, Robert "Sam Aster" Kelly, Kathy Drayer, Drew Granzow, Lisa Thomas, Carol Friedrich, Gary Clark, Harley Whomble, Stephanie Seitz, John W. Nelson, Nancy Swick, Lexie Farkash, Jennifer Jones, Kori Zapletal, Patrick Crane, Chelsea Meece, Sandy Kaye, Kirsten Atkins, Ron Smith

CALL TO ORDER

Mayor J. David Reed called the meeting to order at 6:01 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

CHANGES TO THE AGENDA

No changes were made to the agenda.

CALL FOR PUBLIC COMMENT

Ron Smith expressed appreciation for a recent meeting with City staff to discuss concerns regarding the need for a non-sanctuary city declaration. Mr. Smith spoke in support of a contingency plan to safeguard citizens against possible increased homelessness, gang activity, and building takeovers and spoke in opposition to a ballot issue to increase the lodging tax.

Dr. Jeffrey Krebs spoke in favor of the formation of a charter review committee. Dr. Krebs thanked city officials for meeting with a small group of concerned citizens. Dr. Krebs also spoke in favor of penalizing bicyclists who do not make themselves visible in the dark.

APPROVAL OF MINUTES

City Council considered the minutes of the August 6, 2024, regular City Council meeting and the August 12, 2024, special City Council meeting.

A motion was made by Dave Frank, seconded by Doug Glaspell, to approve the minutes of the August 6, 2024, regular City Council meeting and the August 12, 2024, special City Council meeting as presented. All voted yes. Motion passed.

NEW TAVERN LIQUOR LICENSE APPLICATION

City Council considered an application for a new Tavern liquor license at 39 W. Main Street for Black Peregrine Food & Beverage Services, LLC, doing business as The Association, for consumption on the licensed premises. A hearing was held.

City Attorney Chris Dowsey reported that the file is in order and the fees have been paid. Mr. Dowsey stated that a staff review of the application found no issues that would prevent the license from being issued.

Applicant Sarah Fishering reviewed the plan for bar service within the Potato Growers Building that would also house multiple food and merchandise vendors. Ms. Fishering said the bar would serve beer, wine, and liquor with a focus on locally manufactured products.

Ms. Fishering agreed to the city limits as the neighborhood and stated that there is a need for this new license. Mr. Dowsey reviewed the results of a petition process. A total of 48 signatures were submitted with 44 determined to be valid and in support of the license.

Ms. Fishering stated that she is familiar with Colorado liquor law and all servers will be trained to prevent underage service and overservice to intoxicated individuals. Ms. Fishering committed to all staff attending alcohol server training.

Mayor J. David Reed opened the hearing.

Public comment was accepted. No comments were received.

Mayor Reed closed the hearing.

A motion was made by Dave Frank, seconded by Doug Glaspell, to approve a new Tavern liquor license at 39 W. Main Street for Black Peregrine Food & Beverage Services, LLC, doing business as The Association, for consumption on the licensed premises. All voted yes. Motion passed.

BLACK CANYON BOYS AND GIRLS CLUB PROGRAMMATIC CLOSEOUT HEARING

A public hearing was held in accordance with the requirements of the Community Development Block Grant program for project #20-508 Rehabilitation of the Black Canyon Boys and Girls Club.

Community Development Director Jace Hochwalt reported that in February of 2020, the City applied for a $600,000.00 Community Development Block Grant on behalf of the Black Canyon Boys and Girls Club for the construction of a new clubhouse building. Shortly afterward, the COVID pandemic prompted a sharp increase in construction costs. As a result, the Boys & Girls Club opted to purchase and remodel the property at 1869 E. Main Street. Mr. Hochwalt stated that the state approved the change in the purpose of the grant.

Mr. Hochwalt said the City is required to hold a public hearing and accept public comment in order to close the grant. No City Council action is needed.

Black Canyon Boys and Girls Club Executive Director Bud Taylor thanked City Council and staff for cooperating on this project for an enhanced facility. Mr. Taylor said the facility can now accommodate up to 250 children each day.

Mayor J. David Reed opened the hearing.

Public comment was accepted. No comments were received.

Mayor Reed closed the hearing.

RESOLUTION 2024-14

City Council considered Resolution 2024-14, a Resolution of the City of Montrose, Colorado, submitting to a vote of qualified electors of the City at the coordinated election held on November 5, 2024 a ballot issue concerning the increase of the hotel room tax from .9% to 6%.

City Attorney Chris Dowsey reported that Resolution 2024-14 adds language to the ballot for the November 5 General Election. The ballot issue proposes an increase in the lodging tax from .9 percent to 6 percent and provides a breakdown of the uses for the revenue generated: 25 percent for right of way maintenance, 17 percent for additional childcare services, 33 percent for incentives for affordable housing, and 25 percent for the Tourism/Promotional Fund which includes community event funding.

Mr. Dowsey stated that Ordinance 2671 will be brought forward at the September 3 meeting, and changes can be made to this Resolution for adoption on September 3. If the ballot issue is successful, the lodging tax increase becomes effective January 1, 2025.

City Councilors commented that the City of Montrose currently has the lowest hotel tax in the area and 6 percent is roughly the average. The community benefits resulting from the designated purposes were also discussed.

Public comment was accepted.

Uncompahgre Valley Alliance members Bianca Diaz, Lisa Thomas, Kendra Stucki, and Harley Whomble spoke in favor of earmarking funds for public transportation.

All Points Transit Executive Director Gary Clark spoke in favor of allocating 30 percent of the funds generated by the increased lodging tax to All Points Transit for transportation improvements.

City Council discussed the request and the possibility of adding language to the resolution to specify funding for transportation for community events. City Manager Bill Bell recommended dedicated funding of 5 percent from the Tourism/Promotion Fund category for general public transportation.

A motion was made by Dave Frank, seconded by Judy Ann Files, to continue consideration of Resolution 2024-14 to the September 3, 2024, City Council meeting. All voted yes. Motion passed.

MONTROSE COUNTY ELECTIONS INTERGOVERNMENTAL AGREEMENT

City Council considered a Montrose County Elections Intergovernmental Agreement between the Montrose County Clerk and Recorder and the City of Montrose for the placement of a lodging tax ballot issue on the November 5, 2024, General Election ballot.

City Attorney Chris Dowsey reported that an agreement is required in order to include the ballot issue on the November 5 ballot. Mr. Dowsey said the IGA outlines the responsibilities of the City and the County.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by Judy Ann Files, to approve a Montrose County Elections Intergovernmental Agreement between the Montrose County Clerk and Recorder and the City of Montrose as presented. All voted yes. Motion passed.

ORDINANCE 2670 – FIRST READING

City Council considered Ordinance 2670 on first reading, an Ordinance of the City of Montrose, Colorado, updating Title 6 Chapter 1, of the Official Code of the City of Montrose Colorado: repealing and replacing Title 6 Chapter 1 Section 10 (6-1-10), regarding unauthorized camping; repealing and replacing Title 6 Chapter 1 Section 12 (6-1-12) regarding sleeping on sidewalks, streets, curbs, parking spaces, alleys, public right of way or within doorways prohibited; and amending Title 9 Chapter 10 Section 1 (9-10-1), regarding park hours. A hearing was held.

Assistant City Attorney Matt Magliaro reviewed proposed Municipal Code changes and stated that a redline version of the changes is included in the meeting packet.

Mr. Magliaro stated that the Ordinance addresses citizen concerns regarding safety in parks expressed in a 2023 community survey and during recent outreach for the Baldridge Park Master Plan.

Mr. Magliaro reviewed the history of the existing code and outlined changes to the proposed ordinance since discussion at the August 5 work session. The Ordinance was updated to specify that camping may be allowed at any park with an Events Use Permit or Festival Permit.

Mr. Magliaro provided an overview of the associated penalties including $100.00 for a first offense, and a mandatory jail sentence for subsequent violations.

Mr. Magliaro also stated that language was added to the Ordinance authorizing the code enforcement officer to issue citations under this section.

Mayor J. David Reed stated that Ordinance 2670 is intended to address the safety concerns related to parks and trails as well as large scale clean-up efforts by the Police Department and Public Works staff that consume City resources. Mayor Reed stated that the intent of this Ordinance is not to regulate homelessness.

City Manager Bill Bell also stated that the Ordinance is related to the condition of parks and trails. Mr. Bell said it is difficult to keep up with the remnants of camping, and fires have occurred. Mr. Bell stated that the Police Department works with mental health co-responders and the City partners with nonprofits to help those in need.

City Councilors discussed available community resources, as well as the burden and hazards encountered by City staff as a result of unauthorized camping.

Mayor Reed opened the hearing.

Public comment was accepted.

Richard Rogers, Connie Pittinger, Stephen Fessler, Robert "Sam Aster" Kelly, Jamie Carl, a person who did not provide a name, Lexie Farkash, Jennifer Jones, Neal Platzer, Kori Zapletal, Carol Pierce, Kirsten Atkins, Claire House, Abbie Brewer, Patrick Crane, Lynette Wallace, Drew Granzow, Samuel Eckmann, Chelsea Meece, Sandy Kaye, and Dr. Mary Vader spoke in opposition to Ordinance 2670 and the associated penalties.

Mayor Reed closed the hearing.

Council discussed the mandatory jail sentence and the possibility of a discussion at an upcoming work session to review sentencing options.

A motion was made by Ed Ulibarri, seconded by Dave Frank, to table Ordinance 2670 for further discussion at the September 3, 2024, work session. All voted yes. Motion passed.

RECESS

A brief recess was taken at 8:27 p.m. The meeting reconvened at 8:34 p.m.

ORDINANCE 2666 – SECOND READING

City Council considered Ordinance 2666 on second reading, an Ordinance of the City of Montrose, Colorado, for the annexation of the Public Works Shop Addition.

Planner II William Reis reviewed the annexation schedule and the location of the 23.3 acres south of the intersection of Rio Grande Avenue and E. Oak Grove Road. The parcel is located within the urban growth boundary and within City of Montrose water and sewer service areas.

Mr. Reis stated that the proposed zoning is P, Public District, and reviewed the zoning of the surrounding area.

Mr. Reis recommended adoption of the annexation and zoning ordinances stating that the proposal is consistent with health, safety, and welfare, City annexation policies and the Comprehensive Plan. An Annexation Impact Report has been filed with Montrose County.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by Doug Glaspell, to adopt Ordinance 2666 on second reading as presented. All voted yes. Motion passed.

ORDINANCE 2667 – SECOND READING

City Council considered Ordinance 2667 on second reading, an Ordinance of the City of Montrose, Colorado, providing for the zoning of the Public Works Shop Addition as a "P", Public District.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by Ed Ulibarri, to adopt Ordinance 2667 on second reading as presented. All voted yes. Motion passed.

ORDINANCE 2668 – SECOND READING

City Council considered Ordinance 2666 on second reading, an Ordinance of the City of Montrose, Colorado, for the annexation of the Rio Grande Right of Way Addition.

Planner II William Reis reviewed the annexation schedule and location of the 1.14 acres adjacent to the Rio Grande Avenue right of way and stated that this annexation reconciles the small sliver of property and clarifies jurisdiction.

Mr. Reis stated that the proposed zoning is P, Public District, and an Annexation Impact Report is not required.

Mr. Reis recommended adoption of the annexation and zoning ordinances stating that the proposal is consistent with public health, safety, and welfare, City annexation policies and the Comprehensive Plan.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by Doug Glaspell, to adopt Ordinance 2668 on second reading as presented. All voted yes. Motion passed.

ORDINANCE 2669 – SECOND READING

City Council considered Ordinance 2667 on second reading, an Ordinance of the City of Montrose, Colorado, providing for the zoning of the Rio Grande Right of Way Addition as a "P", Public District.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by Ed Ulibarri, to adopt Ordinance 2669 on second reading as presented. All voted yes. Motion passed.

6600 ROAD WATER SERVICE AREA MODIFICATION AGREEMENT

City Council considered a water service area modification agreement with Tri-County Water Conservancy District to modify boundaries in the vicinity of 6600 Road between Locust and Draft Horse Roads.

City Engineer Scott Murphy reported that water service within the Uncompahgre Valley is laid out by districts or water service areas and needs occasional adjustment to accommodate urbanization. Mr. Murphy stated that the area in question is currently served by Tri-County Water and needs to be served by City water. Mr. Murphy said the primary drivers are the need to bring a secondary water feed to the area for redundancy, urbanization has reached the point where Tri County will not be able to accommodate this area, and high-density housing is likely to develop in the area.

Mr. Murphy said that according to this agreement, any properties within the City limits will become City water customers, future development will be held to City standards, and Tri-County customers within the county will remain with Tri-County. Mr. Murphy stated that rates will not increase for City customers as a result of this agreement.

Mr. Murphy said the Tri-County Board voted to approve the agreement with a 6-5 vote.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by Ed Ulibarri, to enter into a water service area modification agreement with Tri-County Water Conservancy District to modify boundaries in the vicinity of 6600 Road between Locust and Draft Horse Roads as presented. All voted yes. Motion passed.

LES SCHWAB TIRE CENTER DEVELOPMENT AGREEMENT

City Council considered a development agreement with SFP-E, LLC to facilitate the extension of water and sewer infrastructure to Montrose Drive and the development of a new Les Schwab Tire Center.

City Engineer Scott Murphy reviewed the location of the project area south of the Montrose County Health and Human Services facility. Mr. Murphy said that during the Townsend Avenue

Waterline Replacement Project, a stub was installed in anticipation of this project to loop waterlines, ensure fire protection requirements are met, and create redundant feeds.

Mr. Murphy reported that Les Schwab Tire Center is looking to develop in this area, and existing infrastructure would not support any development, especially a tire center which has a higher fire protection standard. Mr. Murphy said that a continuing loop allows this development and other development in the vicinity.

Mr. Murphy said an obsolete waterline needs to be removed to allow sewer installation. This development agreement will support the waterline work as a City project to open the area for other development as well. Mr. Murphy stated that the sewer line work will be completed by the developer's contractor and reimbursed by the City. Total contributions by the City include $334,037.00 for the waterline, sidewalk improvements of $30,000.00, and reimbursement for sewer installation at $368,582.00. The sewer line will also allow development of other lots in the vicinity and opens the area to future development. Mr. Murphy said staff-level fee waivers for permits are also part of the incentives offered.

City Manager Bill Bell stated that in-fill development is an important aspect of the funding for these projects.

Ed Ulibarri expressed concerns about providing funding for the project and said he cannot support this project when the city has other problems to address including safety issues.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by Judy Ann Files, to enter into a development agreement with SFP-E, LLC as presented. Ed Ulibarri voted no. All others voted yes. Motion passed.

MONTROSE DRIVE WATERLINE INTERCONNECT CONSTRUCTION CONTRACT

City Council considered a contract award to Ridgway Valley Enterprises in the amount of $334,037.00 for completion of the Montrose Drive Waterline Interconnect construction project.

City Engineer Scott Murphy reviewed the bid process and recommended awarding a contract to Ridgway Valley Enterprises. Mr. Murphy stated that access to the Health and Human Services facility will be maintained and impacts to the public will be minimal. The project is funded from the Water Capital Fund and will be completed by the end of the year.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by Doug Glaspell, to award a construction contract to Ridgway Valley Enterprises in the amount of $334,037.00 for completion of the Montrose Drive Waterline Interconnect Project as presented. Ed Ulibarri voted no. All others voted yes. Motion passed.

POLICE DEPARTMENT EQUIPMENT PURCHASE

City Council considered the purchase of Taser 10 Certification Bundles from Axon Enterprise Inc. for the total purchase price of $59,147.40.

Police Chief Blaine Hall reported that this purchase includes the devices, warranty coverage, training of instructors, and all charging and maintenance equipment. Chief Hall said the City will enter into a five-year contract with Axon, and this expenditure is included in the 2024 budget.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by Ed Ulibarri, to approve the purchase of Taser 10 Certification Bundles from Axon Enterprise Inc. for the total purchase price of $59,147.40 as presented. All voted yes. Motion passed.

STAFF REPORTS

Sales, Use, and Excise Tax Report

Finance Director Shani Wittenberg provided sales, use, and excise tax information for the month of June 2024. Ms. Wittenberg reported that total collections were up .6 percent as compared to June 2023, with a positive budget variance of 7.9 percent. Year-to-date collections were up 4.4 percent with a positive budget variance of 7.0 percent.

Second Quarter Budget Review

Finance Director Shani Wittenberg reported that a complete report is included in the meeting packet. Ms. Wittenberg stated that overall, revenues were collected at 54 percent of the budgeted amounts with expenditures at 49 percent. Ms. Wittenberg reported that Black Canyon Golf Course is doing very well with 61 percent of revenues collected and 43 percent of expenditures expended.

CITY COUNCIL COMMENTS

No City Council comments were made.

ADJOURNMENT

At 6:54 p.m., a motion was made by Judy Ann Files to adjourn the meeting with no further action taken.

ATTEST:

J. David Reed, Mayor

Lisa DelPiccolo, City Clerk

CITY OF MONTROSE
CITY SEAL
COLORADO