



MONTROSE CITY COUNCIL

October 15, 2024

A regular meeting of the Montrose City Council was held on Tuesday, October 15, 2024, at 6:00 p.m. in the City Council Chambers of the Elks Civic Building at 107 S. Cascade Avenue. 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 Morgenthauer, Chris Dowsey, Greg Story, Lisa DelPiccolo, Blaine Hall, Tim Cox, David Bries, Matt Magliaro, Scott Murphy, William Reis, Jim Scheid, Cameron Pensyl, Thomas Morgan, Brett Suppes, Chris Velasquez, Chris Ottinger, Jace Hochwalt, LEEANNE WHITTAKER

GUESTS

Melanie Bell, Tom Cheney, John Brown, Jim Renfrow, Abbie Brewer, Susan Platzer, Neal Platzer, Sandra Renfrow, Christopher Gallegos, Patrick Crane, Jan Chastain, Jamie Carl, Laura Amaro, Evan B. Howard, Richard Rogers, Chris Koch, James Stetson, Stephen Fessler, William Hewitt, Preston Gordon, Brad Young, Samuel Eckman, Clay Goldberg, Stephanie Seitz, Clare House, Megan Moore, Jennifer Jones, Paul Stockwell, Kimberly Freeman, Miriam Cardenas, Cindi Olinghouse, Lexie Farkash, Kori Zapletal, Anya Van Soestbergen, Aleta Swallow, Valentina Atencio, Addie Robinson

CALL TO ORDER

Mayor J. David Reed called the meeting to order at 6:04 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

John Brown and Cindi Olinghouse spoke in favor of a non-sanctuary city declaration by City Council.

Tom Cheney spoke regarding the cost of living in Montrose and questioned the impacts on recruitment of new businesses.

APPROVAL OF MINUTES

City Council considered the minutes of the September 30, 2024, special City Council meeting and the October 1, 2024 regular City Council meeting.

A motion was made by Dave Frank, seconded by Judy Ann Files, to approve the minutes of the September 30, 2024, special City Council meeting and the October 1, 2024, regular City Council meeting as presented. All voted yes. Motion passed.

PLANNING COMMISSION ALTERNATE APPOINTMENT

City Council considered the appointment of Bryce Gaber as an alternate member of the City of Montrose Planning Commission for a term that expires on December 31, 2026.

A motion was made by Dave Frank, seconded by Judy Ann Files, to appoint Bryce Gaber as an alternate member of the City of Montrose Planning Commission for a term that expires on December 31, 2026. All voted yes. Motion passed.

HISTORIC PRESERVATION COMMISSION APPOINTMENTS

City Council considered the reappointments of Jon Horn and Danielle Godt to the City of Montrose Historic Preservation Commission for terms that end on October 16, 2027.

A motion was made by Dave Frank, seconded by Judy Ann Files, to reappoint Jon Horn and Danielle Godt to the City of Montrose Historic Preservation Commission for terms that end on October 16, 2027. All voted yes. Motion passed.

ORDINANCE 2670 – FIRST READING

City Council considered of 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.

City Manager Bill Bell stated that unauthorized overnight camping in City parks has been unlawful for many years, and that Ordinance 2670 addresses the cost and staff time currently invested in cleanup efforts.

Mr. Bell said this proposal is community driven and based upon results of statistically valid surveys conducted by third-party vendors. Mr. Bell said that the City conducted community surveys in 2016 and 2023 and a significant increase was documented in citizens who reported feeling unsafe in City parks. The recent development of the Baldrige Regional Park Master Plan also included a survey, and safety was listed as a top concern for Riverbottom and Cerise Parks as well as the river corridor. Mr. Bell said that the Montrose Recreation District conducted a survey as part of its master plan process, and respondents reported that the condition of parks has deteriorated, and they do not enjoy using the parks as they once did. Mr. Bell Stated that this Ordinance addresses the activity of camping and building encampments and not a particular group of people.

Assistant City Attorney Matt Magliaro reported that this Ordinance was discussed at the August 5 work session and was tabled during the August 20 City Council meeting for further work session discussions on September 3 and September 16. Mr. Magliaro stated that many Colorado municipalities prohibit unauthorized camping on public property including Grand Junction, Delta, Durango, Gunnison, Fruita, Rifle, Arvada, Fort Collins, Aurora, and Colorado Springs.

Mr. Magliaro stated that Ordinance 2670 creates two Municipal Code sections that address unauthorized camping and sleeping on sidewalks, streets, curbs, parking spaces, alleys, public rights of way, and within doorways. The unauthorized camping ordinance includes camping on public and private property without authorization and prohibits construction of structures on public property without authorization.

Mr. Magliaro reviewed the definitions, exclusions, and penalties for violations stating that the intent is to punish conduct and not status.

Mr. Magliaro presented photos depicting temporary shelters and encampments at various locations throughout the city as well as fires at encampment sites. Mr. Magliaro stated that three tons of trash was removed during a cleanup on September 11 that involved 11 Public Works employees and 3 police officers. Mr. Magliaro stated this is wanton destruction of the City's public lands and said that current enforcement tools within the Municipal Code do not address the conduct that is being experienced.

Police Chief Blaine Hall reported that the Police Department is impacted not only during the cleanups but also by proactive and reactive operations when reports are received from citizens. Individuals are given 72 hours to mitigate and clean up the site. Chief Hall stated that year to date, 69 hours of staff time and approximately \$4,000.00 can be attributed to this issue.

Public Works Director Jim Scheid reported that each cleanup effort requires 5 to 20 employees depending on the size of the encampment, totaling 700 to 1,000 staff hours per year. Mr. Scheid said safety is a concern and \$3,500.00 is spent on safety equipment annually.

Mayor J. David Reed opened the hearing.

Public comment was accepted.

Samuel Eckman, Jennifer Jones, Neal Platzner, Jan Chastain, Stephen Fessler, Jamie Carl, Stephanie Seitz, Megan Moore, Patrick Crane, Anya Van Soestbergen, Alita Swallow, Kori Zapletal, Clare House, Paul Stockwell, Kimberly Freeman, Valentina Atencio, Addie Robinson, Miriam Cardenas, James Stetson, Sam (no last name provided), Lexie Farkash, Preston Gordon, Evan Howard, Clay Goldberg, Jim Renfrow, Richard Rogers, and one person who did not provide a name spoke in opposition to Ordinance 2670 and in support of providing resources for the unhoused population.

A motion was made by Doug Glaspell, seconded by Ed Ulibarri, to pass Ordinance 2670 on first reading as presented. All voted yes. Motion passed.

BRIEF RECESS

At 7:51 p.m., a brief recess was taken. The meeting resumed at 7:58 p.m.

BEAR CREEK TOWNHOMES FINAL PLAT

City Council considered the Bear Creek Townhomes Final Plat to create 48 townhome lots, 5 single-family residential lots, and associated easements, rights-of-way, and open space.

Planner II William Reis reviewed the location of the 5.65 acres within the Bear Creek Subdivision. Mr. Reis stated that the proposal consists of 48 new townhome lots within the R-3A, Medium High Density District, and 5 single family residential lots within the R-5, Low Density/Manufactured Housing District. The Preliminary Plat was approved by City Council on April 1, 2024. Mr. Reis said that Bear Creek Planned Development Plan #3, approved in 2004, permits 0 foot side setbacks that allow individual conveyance of townhome units and allows up to 60 units within the area.

Mr. Reis recommended conditional approval stating that the Final Plat is in compliance with subdivision regulations and the Comprehensive Plan, and the proposal meets the intent of Bear Creek Planned Development Plan Amendment 3.

City Engineer Scott Murphy reported that water service for the development will be provided by a waterline extension project scheduled for construction next summer.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by Doug Glaspell, to approve the Bear Creek Townhomes 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.

BROOKSIDE MEADOWS SUBDIVISION PRELIMINARY PLAT

City Council considered the Brookside Meadows Subdivision Preliminary Plat.

Planner II William Reis reviewed the location of the 20.49 acres on the northwest corner of the intersection of Miami and 6700 Roads. Mr. Reis reported that the proposal is for 62 single-family residential lots within the R-2, Low Density District, and the lots meet minimum lot size for the R-2 zoning.

Mr. Reis recommended conditional approval stating that the Preliminary Plat is in compliance with subdivision regulations and the Comprehensive Plan and the proposal meets the intent of the R-2 zoning district.

Mr. Reis stated that a rezone application was denied recently. The proposal being considered is not related to the rezone request and falls within use by right.

City Engineer Scott Murphy reported that an associated recreation trail will be open for public use but will ultimately be the responsibility of the developer and the HOA.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by Ed Ulibarri, to approve the Brookside Meadows Subdivision Preliminary Plat expressly conditioned upon City staff ensuring that all policies, regulations, ordinance and Municipal Code provisions are met and that the Applicant adequately addresses all of staff's concerns prior to 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.

CERISE PARK COMMAND CENTER EXPENSE AUTHORIZATION

City Council considered the authorization of \$75,000.00 for the renovation of a storage building in Cerise Park to be dual utilized as a command center for Police Department operations.

Police Chief Blaine Hall reviewed the need to renovate the current storage shed in Cerise Park which currently stores Police Department equipment and event supplies. Chief Hall stated that increasing amphitheater use is contributing to the need to establish a command post for emergency personnel. Chief Hall said work on the project will begin in November. The project is included in the 2025 budget but the timeline was accelerated in preparation for the 2025 event season.

Public comment was accepted. No comments were received.

A motion was made by Judy Ann Files, seconded by Dave Frank, to authorize \$75,000.00 to establish a police command center in Cerise Park as presented. All voted yes. Motion passed.

WOODGATE-EAST OAK GROVE ROUNDABOUT AND BACKAGE ROAD CONSTRUCTION CONTRACT

City Council considered \$3,287,515.03 in expenditures for construction of the Woodgate-East Oak Grove Roundabout and Backage Road Construction Project. This includes the award of a construction contract to K&D Construction in the amount of \$3,084,315.03, a survey and engineering support contract to Del-Mont Consultants in the amount of \$111,000.00, and up to \$92,200.00 in expenditures to Delta-Montrose Electric Association for street lighting and power reconfiguration within the project.

City Engineer Scott Murphy reported that since the work session discussion, the DMEA expenditure was determined to be \$92,200.00. Mr. Murphy stated that the project includes construction of a roundabout at Woodgate and E. Oak Grove and the first phase of a backage road that will eventually connect E. Oak Grove to Encanto.

Mr. Murphy reviewed the bid process and recommended awarding a construction contract to K&D Construction along with a contract to Del-Mont Consultants for survey stakeout. Mr. Murphy reviewed planned detour routes and stated that the project is anticipated to begin in March with completion in September. A total of \$4.05 million was budgeted for the project.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by Judy Ann Files, to approve \$3,287,515.03 in expenditures for construction of the Woodgate-East Oak Grove Roundabout and Backage Road Construction Project as presented. All voted yes. Motion passed.

STAFF REPORTS

Sales, Use, and Excise Tax Report

Sales Tax Manager Leeanne Whittaker provided a sales, use, and excise tax report for the month of August 2024. Ms. Whittaker reported that total sales and use collections were up 2.3 percent as compared to August 2023 with a positive budget variance of 4.3 percent. Year-to-date collections were up 3.3 percent with a positive budget variance of 5.5 percent.

YOUTH CITY COUNCIL COMMENTS

Youth City Council Mayor Sydney Bell reported that the Youth City Council has scheduled a street cleanup within the next few weeks, and several Youth Councilors will attend the National League of Cities Conference in Tampa Bay, Florida, in November.

CITY COUNCIL COMMENTS

City Councilor Ed Ulibarri raised questions regarding the decline in hotel and restaurant excise tax collections. City Manager Bill Bell said that tax collections for the new hotel and restaurants within the Urban Renewal Authority remain with the URA and are not remitted to the City. Mr. Bell said that Holiday Inn Express is under renovation and has had decreased capacity, and a few restaurants have closed for multiple reasons.

Mayor Pro Tem Dave Frank invited the community to an open house for the proposed 2025 budget on Thursday, October 17, at 5 pm in the City Council Chambers.

Judy Ann Files thanked staff members involved with the completion of a new trail as part of the Connecting Links Project.

ADJOURNMENT

At 8:31 p.m., the meeting adjourned with no further action taken.

ATTEST:


J. David Reed, Mayor


Lisa DelPiccolo, City Clerk

