



MONTROSE CITY COUNCIL

November 5, 2024

A regular meeting of the Montrose City Council was held on Tuesday, November 5, 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, Jordyn Simo, Bill Bell, Ann Morgenthaler, Chris Dowsey, Greg Story, Lisa DelPiccolo, Blaine Hall, Tim Cox, Larry Witte, Shelly Robillard, Scott Murphy, Matt Magliaro, Greg Stunder, Shani Wittenberg, William Reis, Chris Ottinger

GUESTS

Matt Miles, Marci Miles, Ralph Files, John Brown, Aleta Swallow, Patrick Crane, Evan Howard, Neal Platzer, Frank Jankowski, Jennifer Jones, Michelle Haynes, Kelly Thompson, Mike Bussing, Sue Bussing

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.

HOSPICE AND PALLIATIVE CARE MONTH PROCLAMATION

Mayor J. David Reed and the Montrose City Council proclaimed the month of November 2024 as Hospice and Palliative Care Month in the City of Montrose. Mayor Reed and Youth City Council

Representative Jordyn Simo presented the proclamation to Kelly Thompson, Montrose Program Director with HopeWest.

YOU MAKE A DIFFERENCE AWARD PRESENTATION

Mayor J. David Reed and Youth City Council Representative Jordyn Simo presented a You Make a Difference award to Mike and Sue Bussing, who run the Kids Aid program which provides food to school children on weekends.

CALL FOR PUBLIC COMMENT

John Brown spoke in favor of a non-sanctuary city declaration by the Montrose City Council.

APPROVAL OF MINUTES

City Council considered the minutes of the October 15, 2024, regular City Council meeting.

A motion was made by Dave Frank, seconded by Judy Ann Files, to approve the minutes of the October 15, 2024, regular City Council meeting as presented. All voted yes. Motion passed.

ORDINANCE 2670 – SECOND READING

City Council considered Ordinance 2670 on second 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.

Mr. Magliaro reported no changes to Ordinance 2670 since the public hearing on first reading on October 15. Mr. Magliaro stated that the proposed changes are municipal ordinances of a home rule city authorized by the Colorado Constitution and the City Charter to legislate and impose penalties.

Mr. Magliaro stated that violations of City ordinances are written into the City's Municipal Court and are prosecuted by the City Attorney's Office with no burden to the District Attorney's Office or to the regional office of the Colorado Public Defender.

Mr. Magliaro outlined the cost and hazards of clean-up efforts and recent fires related to encampment activity on public and private property. Mr. Magliaro stated these Municipal Code revisions address activity in City Parks, on City property and on private property.

Mr. Magliaro reviewed the proposed penalties and stated that under the proposed amendments, written notices will be issued, and 72 hours will be allowed for clean-up and vacation of the site without a citation issued.

Mr. Magliaro stated that current activities are resulting in wanton destruction of public lands, impacting the environment, affecting health, safety and welfare, and impacting community enjoyment of City parks.

Public comment was accepted.

Aleta Swallow, Patrick Crane, Evan Howard, Neal Platzer, Frank Jankowski, Jennifer Jones, and John Brown spoke in opposition to adoption of Ordinance 2670 and in favor of providing services to assist the unhoused.

City Council discussed the comments received, the varied reasons for homelessness, and the ongoing meetings of the Unhoused Roundtable.

City Manager Bill Bell stated that Ordinance 2670 is a camping ban ordinance, which is not new, but the penalty enforced on the third offense is new. Mr. Bell addressed past and current efforts to address homelessness. Mr. Bell said that Community Development Specialist Chris Ottinger is working with members of the Unhoused Roundtable and encouraged representatives of churches and nonprofit entities to attend. Mr. Bell stated that building a shelter will not completely resolve the issue, and a variety of support services are also needed.

Mr. Bell said the City is committed to addressing the situation, but this ordinance is about protecting public assets. Mr. Bell said that all residents must have access to public spaces and the City has to consider the greater good.

Mayor J. David Reed stated that the City Council is committed to protecting the health, safety, and welfare of all citizens.

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

ORDINANCE 2674 – FIRST READING

City Council considered Ordinance 2674 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, 2025. A hearing was held.

Finance Director Shani Wittenberg reviewed the budget process which began with a staff discussion in January followed by a strategy session with City Council on May 13 to determine budget priorities. Each department's budget was reviewed line by line in July, and a budget session with City Council was held on September 19. Ms. Wittenberg stated that a public open house was held on October 17, and adoption of a budget is required by November 30.

Ms. Wittenberg provided an overview of the \$111.7 million budget by fund and reviewed capital improvement projects. Increases to water, sewer, and trash service rates were also discussed.

Mayor J. David Reed opened the hearing.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by Doug Glaspell, to pass Ordinance 2674 on first reading as presented. All voted yes. Motion passed.

RESOLUTION 2024-19

City Council considered Resolution 2024-19, repealing and replacing Chapters 3-1-1, 3-1-2, and 3-1-3 of the City of Montrose Regulations Manual and adopting the 2025 fee schedule.

City Clerk Lisa DelPiccolo reported that a summary of the proposed changes for 2025 is included in the meeting packet along with a redline version of the changes. The final version of the fee schedule is included as Exhibit A to the Resolution.

Ms. DelPiccolo stated that one obsolete fee was removed from the proposed fee schedule since the October 15 work session discussion. Ms. DelPiccolo said that two land use fees under 3-1-1(D) were moved to the fee schedule from the Land Use Code and are not new fees.

Public comment was accepted. No comments were received.

A motion was made by Judy Ann Files, seconded by Doug Glaspell, to adopt Resolution 2024-19 as presented. All voted yes. Motion passed.

FUNDING FOR REGION 10 MEALS PROGRAMS

City Council considered additional funding for Region 10 meals programs.

Deputy City Manager Ann Morgenthaler reported that at the October 2 work session, Brian Bowler from the Region 10 Area Agency on Aging reviewed funding cuts affecting meal programs and services, and City Council asked staff to work with Region 10 to determine options for assistance. Ms. Morgenthaler stated that as a result of the funding cuts, Region 10 reduced the number of meals provided from 5 days per week to 3 days per week and budgeted a deficit of \$120,000.00 to provide three meals per week.

Ms. Morgenthaler proposed assistance equaling 15 percent of the budget deficit or \$18,000.00, which approximately equals the percentage of meal recipients within the City of Montrose. Ms. Morgenthaler stated that the City's annual dues are \$23,977.00 for 2025 and include \$8,500.00 for the Area Agency on Aging. Ms. Morgenthaler stated that a contribution of any amount will not result in providing more meals in Montrose but will allow Region 10 to continue to provide three meals per week.

Mayor Pro Tem Dave Frank, who serves on the Region 10 Board, reviewed the benefits of the services provided by Region 10.

Region 10 Executive Director Michelle Haynes thanked City Council and staff for ongoing support of Region 10.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by Judy Ann Files, to approve \$18,000.00 in funding toward Region 10 Area Agency on Aging delivered meals programs. All voted yes. Motion passed.

RESOLUTION 2024-21

City Council considered Resolution 2024-21 authorizing the filing of a United States Environmental Protection Agency Brownfield Cleanup Grant Application in the amount of \$2,000,000.00.

Community Development Specialist Christopher Ottinger provided an overview of the EPA grant program for remediation of sites with perceived environmental contaminants. Mr. Ottinger said that Resolution 2024-21 authorizes an application to compete for funds to remediate the former Bullock Electric Steam Plant at 30 West South Fourth Street. This is a former coal-fired plant originally constructed in 1950 and idle since the 1980s. Mr. Ottinger stated that the City owns the original power generation structure, the former cooling pond, and the southern portion of the property. DMEA owns the northern portion adjacent to the current substation. Mr. Ottinger said site assessments were conducted in 2014 and 2017 and many site hazards were identified. The City has secured the property from natural and human intrusion and to prevent the further spread of hazardous material.

Mr. Ottinger said that the City was awarded a service grant in 2024 to complete the site characterization needed to pursue this grant, and it was determined that the City will likely be able to reuse the plant structure. Mr. Ottinger said that the estimated cost of remediation of asbestos and fly ash on the site is \$2.3 million. If the grant application is successful, the EPA would provide for the cost associated with hiring qualified contractors and would finalize the remediation plan.

If the grant is awarded, planning would start in the summer of 2025 followed by the remediation work. Mr. Ottinger stated that the City is requesting \$2 million from the EPA with no required match. However, to leverage scoring in this highly competitive process, Mr. Ottinger requested authorization to cover expenses in excess of \$2 million. Additional state grant funding would be pursued to cover the excess, and any budget impacts would be in 2026.

Public comment was accepted. No comments were received.

A motion was made by Judy Ann Files, seconded by Doug Glaspell, to adopt Resolution 2024-21 as presented. All voted yes. Motion passed.

LEONARD FARM ADDITION ANNEXATION

A hearing was held on the annexation of the Leonard Farm Addition. Mayor J. David Reed recused himself from all Leonard Farm Addition agenda items due to a conflict. Mayor Reed left the City Council Chambers at 7:43 p.m.

Planner II William Reis reviewed the annexation schedule and the location of the 71.22 acres south of Ogden Road. Mr. Reis stated that the parcel is located within the Urban Growth Boundary and within the City of Montrose water and sewer service areas. The property is also part of an enclave that would be reduced in size, but not eliminated, if this annexation is approved.

Mr. Reis reviewed the zoning of the surrounding area and the proposed zoning of "R-3A" Medium High Density District. The Planning Commission unanimously recommended approval of the R-3A zoning designation on September 25, and an Annexation Impact Report was filed with Montrose County.

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

Applicant Matt Miles was present to answer questions.

Resolution 2024-20

City Council considered Resolution 2024-20, findings of fact for the Leonard Farm Addition annexation.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by Judy Ann Files, to adopt Resolution 2024-20 as presented. All present voted yes. Motion passed.

Ordinance 2675 – First Reading

City Council considered Ordinance 2675 on first reading, an Ordinance of the City of Montrose, Colorado, for the annexation of the Leonard Farm Addition. A Hearing was held.

Mayor Pro Tem Dave Frank opened the hearing.

Public comment was accepted. No comments were received.

Mayor Pro Tem Frank closed the hearing.

A motion was made by Doug Glaspell, seconded by Judy Ann Files, to pass Ordinance 2675 on first reading as presented. All present voted yes. Motion passed.

ORDINANCE 2676 – FIRST READING

City Council considered Ordinance 2676 on first reading, an Ordinance of the City of Montrose, Colorado, providing for the zoning of the Leonard Farm Addition as an "R-3A," medium high density district. A hearing was held.

Mayor Pro Tem Dave Frank opened the hearing.

Public comment was accepted. No comments were received.

Mayor Pro Tem Frank closed the hearing.

A motion was made by Doug Glaspell, seconded by Judy Ann Files, to pass Ordinance 2676 on first reading as presented. All present voted yes. Motion passed.

Mayor J. David Reed rejoined the meeting at 7:51 p.m.

SEASONS SUBDIVISION FILING NO. 2 AMENDED PRELIMINARY PLAT

City Council considered the Seasons Subdivision Filing No. 2 Amended Preliminary Plat.

Planner II William Reis reviewed the location of the 3.76 acres and the proposal for 25 residential units in the form of duplexes, triplexes and sixplexes within the undeveloped portion of Seasons Subdivision. Mr. Reis stated that the property is Zoned "R-3A," Medium High Density District. Mr. Reis said that 0 foot side setbacks allow the units to be individually conveyable, while setbacks for buildings will be at least 10 feet and setbacks for garages will be at least 20 feet. The Planning Commission unanimously recommended approval on October 9.

Mr. Reis recommended conditional approval stating that the Preliminary Plat is in compliance with subdivision regulations, the Comprehensive Plan, and the Seasons Subdivision 2nd Amended Preliminary/P.D. Plan, and the proposal meets the intent of the "R-3A," Medium High Density zoning district.

Mr. Reis and City Engineer Scott Murphy provided details regarding access for this development and the entire subdivision as further development occurs.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by Judy Ann Files, to approve the Seasons Subdivision Filing No. 2 Amended 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. Ed Ulibarri voted no. All others voted yes. Motion passed.

STAFF REPORTS

No staff reports were provided.

YOUTH CITY COUNCIL COMMENTS

Youth City Councilor Jordyn Simo reported that the Youth City Council is generating ideas for issuing proclamations during the upcoming months. Ms. Simo also stated that several Youth City Councilors will attend the National League of Cities Youth Summit in Tampa Bay, Florida, next week. Ms. Simo said the participating Youth City Councilors are grateful for this opportunity.

CITY COUNCIL COMMENTS

City Councilor Ed Ulibarri thanked businesses and community members who contributed to the success of the recent "Courage for Cove" fund raiser hosted by MADA.

ADJOURNMENT

At 8:06 p.m., the meeting adjourned with no further action taken.

ATTEST:



J. David Reed, Mayor



Lisa DelPiccolo, City Clerk

