



REGULAR CITY COUNCIL MEETING AGENDA
Tuesday, January 4, 2022 6:00 PM
City Council Chambers, Elks Civic Building - 107 S. Cascade Ave.

The Montrose City Council is pleased to have residents of the community take time to attend City Council meetings. We encourage your attendance and participation. Individuals wishing to be heard during public hearing proceedings are encouraged to be prepared and will generally be limited to three minutes to allow everyone the opportunity to be heard. Additional written comments are welcome and will be received at any time.

Public participation for this meeting will be in person in the City Council Chambers and via Zoom at the following link: https://us02web.zoom.us/webinar/register/WN_HrwO1EYnRICZb1X1HDbIoA

The 11:00 p.m. rule will be enforced. All agenda items scheduled and noticed to be heard today must begin prior to 11:00 p.m. or they will be rescheduled. At 11:00 p.m., if the meeting has not already been adjourned, further proceedings shall be conducted as follows: 1) If the City Council is discussing an agenda item, but has not voted on the item before 11:00 p.m., the City Council may take a vote to decide whether to continue the item to the next meeting. 2) The City Council may also consider additional agenda items that require action in a specified time period due to legal requirements. 3) All other agenda items not previously opened shall be placed first on the next City Council Agenda.

- 1) City Council meeting called to order by Mayor Doug Glaspell
- 2) The Pledge of Allegiance
- 3) Roll call by the City Clerk
- 4) Changes to the agenda including additions and deletions
- 5) CALL FOR PUBLIC COMMENT FOR NON-AGENDA ITEMS

The “Call for Public Comment” agenda item is a time when concerned members of the community may publicly voice their concerns and discuss items of interest. Please note that no formal action will be taken on the matters raised during this time.

Comments made during this time should be addressed to the Council and pertain to matters of at least general importance to the City and its operations. Please be aware that neither City Council nor City staff are expected to respond or engage in discussion or debate.

Personal attacks and disagreements, personnel and employment matters, the use of profanity or ethnic, racial or gender-oriented slurs are prohibited, as is any “disorderly conduct” which violates state or local law and shall not be permitted.

**Please note that the times listed are estimates of approximately how long each item may take. This time is intended to serve as a guide for the Mayor in an effort to help keep the meeting moving.*

**Hearing assistance devices are available for public use. Please let us know if you need accommodation.*



6) CONSENT AGENDA

A. City Council consideration of the minutes of the December 6, 2021 special City Council meeting and the December 7, 2021 regular City Council meeting. *Staff: City Clerk Lisa DelPiccolo* **4-13**

B. City Council consideration of the designation of the City of Montrose website as the official posting location for meeting notices with the bulletin boards in the lobby of City Hall and outside of City Hall as secondary locations for use in exigent or emergency circumstances. *Staff: City Clerk Lisa DelPiccolo*

Action: Consider making a motion to approve the consent agenda as presented.

7) ORDINANCE 2575 - SECOND READING (10 minutes)

City Council consideration of Ordinance 2575 on second reading, an Ordinance of the City of Montrose, Colorado, amending the zoning designation of a portion of the Police Department Amended Plat, located at 434 South 1st Street, from "B-1", Central Business District, to "P", Public District. *Staff: Planner I William Reis* **14-23**

Action: Hold a hearing. Consider making a motion to pass Ordinance 2575 on second reading as presented.

8) ORDINANCE 2576 - SECOND READING (5 minutes)

City Council consideration of Ordinance 2576 on second reading, an Ordinance of the City of Montrose, Colorado, repealing and reenacting the City's Municipal Code pursuant to § 5-2-1 of the Official Code of the City of Montrose. *Staff: Assistant City Attorney Chris Dowsey* **24-27**

Action: Consider making a motion to adopt Ordinance 2576 on second reading as presented.

9) 2022 WAYFINDING SIGN PROJECT CONTRACT AWARD (10 minutes)

City Council consideration of the award of a contract for Wayfinding Signage Phase III to American Classic Sign Manufacturer (ACSM) for the total contract amount of \$191,500.00. *Staff: Public Works Manager Jim Scheid* **28-30**

Action: Consider making a motion to award a contract for Wayfinding Signage Phase III to American Classic Sign Manufacturer for the total contract amount of \$191,500.00 as presented.



10) NORTH CONNECT TRAIL RESTROOM CONTRACT AWARD AND
MEMORANDUM OF AGREEMENT (10 minutes)

City Council consideration of the authorization and award of funds in the amount of \$344,855.93 for the construction of the North Connect Trail Restroom including the award of a contract with Stryker and Company, Inc., for \$255,305.39 as the Construction Contractor and a Memorandum of Agreement with Colorado Yurt Company. *Staff: Public Works Manager Jim Scheid* **31-39**

Action: Consider making a motion to authorize and award funds in the amount of \$344,855.93 for the construction of the North Connect Trail Restroom including the award of a contract with Stryker and Company, Inc., for \$255,305.39 as the Construction Contractor and a Memorandum of Agreement with Colorado Yurt Company as presented.

11) AIRPORT WATERLINE MATERIALS PURCHASE RECOMMENDATION
(10 minutes)

City Council consideration of the purchase of water line pipe from Core & Main in the amount of \$84,800.08 for the Airport Road Waterline. *Staff: Utilities Manager David Bries* **40-41**

Action: Consider making a motion to approve the purchase of water line pipe from Core & Main in the amount of \$84,800.08 for the Airport Road Waterline as presented.

12) STAFF REPORTS

13) YOUTH CITY COUNCIL COMMENTS

14) CITY COUNCIL COMMENTS

15) MOTION TO ADJOURN

Zoom Meeting Details

https://us02web.zoom.us/webinar/register/WN_HrwO1EYnRICZb1X1HDbIoA

Join by phone:

1 669 900 9128

1 253 215 8782

1 346 248 7799

1 646 558 8656

1 301 715 8592

1 312 626 6799

Webinar ID: 894 6786 6520

International numbers available: <https://us02web.zoom.us/j/89467866520>



AGENDA JUNTA REGULAR DEL CONSEJO DE LA CIUDAD

Martes, enero 4, 2022 6:00 PM

Cámaras del Consejo de la ciudad, Elks Civic Building - 107 S. Cascade Ave.

El Consejo de la Ciudad de Montrose se complace en tener a residentes de la comunidad que se toman el tiempo para asistir a las juntas del Consejo de la Ciudad. Animamos su asistencia y participación. A los individuos que deseen ser escuchados durante los procedimientos de la audiencia pública se les anima a que estén preparados y por lo general se les limitará a tres minutos para permitir que todos tengan la oportunidad de ser escuchados. Comentarios adicionales por escrito son bienvenidos y serán recibidos en cualquier tiempo.

La participación pública para esta junta será en persona en las Cámaras del Consejo de la Ciudad y vía Zoom en el siguiente enlace:

https://us02web.zoom.us/webinar/register/WN_HrwO1EYnRICZb1X1HDblIoA

La regla de las 11:00 p.m. se hará cumplir. Todos los puntos en la agenda programados y avisados para ser escuchados hoy deben empezar antes de las 11:00 p.m. o serán reprogramados. A las 11:00 p.m. si la junta no ha sido levantada, los procedimientos adicionales serán conducidos como sigue: 1) Si el Consejo de la Ciudad está hablando de un punto de la agenda, pero no ha votado sobre el artículo antes de las 11:00 p.m., el Consejo de la Ciudad puede tomar una votación para decidir si continúa el punto en la siguiente junta. 2) El Consejo de la Ciudad puede también considerar puntos adicionales en la agenda que requieran acción en un tiempo especificado debido a requisitos legales. 3) Todos los puntos de la agenda no abiertos previamente deberán ser puestos primero en la siguiente Agenda del Consejo de la Ciudad.

- 1) Junta del Consejo de la Ciudad llamado a orden por el Alcalde Doug Glaspell
- 2) Juramento a la bandera
- 3) Toma de asistencia por el/la Secretario/a
- 4) Cambios a la agenda incluyendo adiciones y eliminaciones

5) LLAMADA A COMENTARIO PÚBLICO PARA PUNTOS NO AGENDADOS

La “Llamada para Comentario Público” punto de la agenda es el tiempo cuando miembros interesados de la comunidad pueden públicamente dar voz a sus preocupaciones y hablar de puntos de interés. Por favor note que no se tomará acción formal en los asuntos planteados durante este tiempo.

Los comentarios hechos durante este tiempo deben ser dirigidos al Consejo y pertenecer a asuntos de menor importancia general para la Ciudad y sus operaciones. Por favor esté consciente que ni el Consejo de la Ciudad ni el personal de la ciudad se espera que respondan o se involucren en discusión o debate.

Ataques personales y desacuerdos, personal y asuntos de empleo, el uso de profanidad o étnico, racial o insultos de orientación de género están prohibidos, como es cualquier “conducta desordenada” la cual viola la ley estatal o local y no será permitida.

**Por favor note que los tiempos en la lista son estimaciones de aproximadamente cuánto tiempo puede tomar cada punto. Este tiempo está destinado a servir como guía para el Alcalde en un esfuerzo de ayudar a mantener la junta en movimiento.*

**Hay aparatos auditivos disponibles para el uso público. Por favor déjenos saber si usted necesita esta adaptación.*

6) CONSENTIMIENTO DE AGENDA

Junta Regular del Consejo de la Ciudad 1/4/2022

Página 2

A. Consideración del Consejo de la Ciudad de la minuta de diciembre 6, 2021 junta especial del Consejo de la Ciudad y la junta regular del Consejo de la Ciudad diciembre 7, 2021. *Personal: Secretaria: Lisa DelPiccolo*

B. Consideración del Consejo de la Ciudad de la designación del sitio web de la Ciudad de Montrose como la ubicación de publicación oficial para noticias de juntas con tableros en el lobby del Ayuntamiento y afuera del Ayuntamiento como ubicaciones secundarias para uso en circunstancias exigentes o de emergencia. *Personal: Secretaria Lisa Del Piccolo*

Acción: Considerar hacer una moción para aprobar la agenda de consentimiento como se presenta.

7) ORDENANZA 2575 - SEGUNDA LECTURA (10 minutos)

Consideración del Consejo de la Ciudad de la Ordenanza 2575 en la segunda lectura, una Ordenanza de la Ciudad de Montrose, Colorado, modificación a la designación de zonificación de una parte del Departamento de Policía Modificación Plat, localizada en 434 South 1st Street, de “B-1” Distrito Central de Negocios a “P” Distrito Público. *Personal: Planificador I William Reis*

Acción: Tener una audiencia. Considerar hacer una moción para pasar la Ordenanza 2575 en la segunda lectura como se presenta.

8) ORDENANZA 2576 - SEGUNDA LECTURA (5 minutos)

Consideración del Consejo de la Ciudad de Ordenanza 2576 en la segunda lectura, una Ordenanza de la Ciudad de Montrose, Colorado, derogando y volviendo a promulgar el Código Municipal de la Ciudad conforme a § 5- 2-1 del Código Oficial de la Ciudad de Montrose. *Personal: Asistente del Abogado de la Ciudad Chris Dowsey*

Acción: Considerar hacer una moción para adoptar la Ordenanza 2576 en la segunda lectura como se presenta.

9) OTORGAMIENTO DEL CONTRATO DEL PROYECTO SEÑALAMIENTO DE ORIENTACIÓN 2022 (10 minutos)

Consideración del Consejo de la Ciudad de otorgar el contrato para la Fase III de Señalamiento de Orientación Wayfinding a American Classic Sign Manufacturer (ACSM) por el total del contrato la cantidad de \$191,500.00. *Personal: Gerente de Obras Públicas Jim Scheid*

Acción: Considerar hacer una moción para otorgar el contrato de la Fase III de Señalamiento de Orientación Wayfinding a American Classic Sign Manufacturer por la cantidad total del contrato \$191,500.00 como se presenta.

10) OTORGACIÓN DEL CONTRATO PARA SERVICIO EN SENDERO NORTH CONNECT Y MEMORÁNDUM DE ACUERDO (10 minutos)

Consideración del Consejo de la Ciudad de la autorización y otorgamiento de fondos en la cantidad de \$344,955.93 para la construcción del Servicio en el Sendero North Connect incluyendo la otorgación de un contrato con Stryker y Compañía, Inc., por \$255,305.39 como el Contratista de Construcción y un MOA con Colorado Yurt Company. *Personal: Gerente de Obras Públicas Jim Scheid*

Acción: Considerar hacer una moción para autorizar y otorgar fondos en la cantidad de \$344,855.93 por la construcción del Servicio en el Sendero North Connect incluyendo el otorgamiento del contrato con Stryker and Company, Inc., por \$255,305.39 como Contratista de la Construcción y un MOA con Colorado Yurt Company como se presenta.

11) RECOMENDACIÓN PARA LA COMPRA DE MATERIALES PARA LA LÍNEA DE AGUA PARA EL AEROPUERTO (10 minutos)

Consideración del Consejo de la Ciudad de la compra de tubería para agua de Core & Main en la cantidad de \$84,800.08 para la Línea de Agua del Camino del Aeropuerto. *Personal: Gerente de Servicios David Brie*

Acción: Considerar hacer una moción para aprobar la compra de tubería de agua de Core & Main por la cantidad de \$84,800.08 para la Línea de Agua del Camino del Aeropuerto como se presenta.

12) REPORTES DEL PERSONAL

13) COMENTARIOS DEL CONSEJO JUVENIL DE LA CIUDAD

14) COMENTARIOS DEL CONSEJO DE LA CIUDAD

15) MOCIÓN PARA LEVANTAR LA SESIÓN

Detalles junta Zoom

https://us02web.zoom.us/webinar/register/WN_HrwO1EYnRlCZb1X1HDbIoA

Unirse por teléfono:

1 669 900 9128

1 253 215 8782

1 346 248 7799

1 646 558 8656

1 301 715 8592

1 312 626 6799

Webinar ID: 894 6786 6520

Números de teléfonos internacionales disponibles: <https://us02web.zoom.us/j/kyUbQSH9T>

A special meeting of the Montrose City Council was held on Monday, December 6, 2021, at 12:00 p.m., or immediately following the City Council work session, in the City Council Chambers of the Elks Civic Building, 107 S. Cascade Avenue. Said meeting was posted in accordance with the Sunshine Law.

PRESENT: Doug Glaspell, Dave Frank, Barbara Bynum, J. David Reed, Anthony Russo, Charles Greenacre, Mikayla Unruh

CALL TO ORDER

Mayor Doug Glaspell called the special meeting to order at 11:36 a.m.

EXECUTIVE SESSION

At 11:38 a.m., a motion was made by J. David Reed, seconded by Dave Frank, to enter into an executive session for discussion of a personnel matter under C.R.S. Section 24-6-402(2)(f); and the following additional details are provided for identification purposes: Municipal Court Judge mid-cycle informal review; City Attorney hiring process. All voted yes. Motion passed.

RECONVENEMENT AND ADJOURNMENT

The special meeting reconvened at 2:40 p.m.

At 2:40 p.m. a motion was made by Barbara Bynum, to adjourn with no further action taken. All voted yes. Motion passed.

ATTEST:

Doug Glaspell, Mayor

Lisa DelPiccolo, City Clerk

A regular meeting of the Montrose City Council was held on Tuesday, December 7, 2021 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. Public participation for this meeting was held in person and via Zoom. The meeting agenda included a Zoom link and phone numbers for public participation.

PRESENT: Doug Glaspell, Dave Frank, Barbara Bynum, J. David Reed, Anthony Russo, Amy Scriffiny, Bill Bell, Ann Morgenthaler, Greg Story, Mikayla Unruh, Shani Wittenberg, David Bries, Jim Scheid, Amy Sharp, Kendall Cramer, Chris Dowsey, William Reis, Matt Magliaro, Tim Cox, Blaine Hall

GUESTS: Phoebe Benziger, Jodine Broscovak, Bob Brown, Pat Brown

CALL TO ORDER

Mayor Doug Glaspell 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.

CALL FOR PUBLIC COMMENT

No comments were received.

APPROVAL OF MINUTES

City Council considered the minutes of the November 15, 2021 special City Council meeting and the November 16, 2021 regular City Council meeting.

A motion was made by Dave Frank, seconded by J. David Reed, to approve the minutes of the November 15, 2021 special City Council meeting and the November 16, 2021 regular City Council meeting as presented. All voted yes. Motion passed.

2020 AUDIT PRESENTATION

Finance Director Shani Wittenberg reported that the complete audit document is available on the City of Montrose website. Ms. Wittenberg introduced Kelly Watson with Watson Coon Ryan, LLC who presented highlights of the 2020 Audit.

Ms. Ryan stated that the City was required to conduct a yellow book audit for 2020 since more than \$750,000.00 in federal funds were expended.

Ms. Ryan provided an overview of the information included in the audit and reported no major concerns. The Single Audit Section included a schedule of findings and a corrective action plan for the three reported discrepancies. Ms. Ryan stated that the reportable findings for the City are common and not concerning.

A motion was made by Dave Frank, seconded by Barbara Bynum, to accept the annual financial audit for the year 2020 as presented. All voted yes. Motion passed.

ORDINANCE 2570 - SECOND READING

City Council considered Ordinance 2570 on second reading, an Ordinance of the City of Montrose, Colorado, amending Ordinance No. 2514 which appropriated funds for defraying the expenses and liabilities of the City of Montrose, Colorado, during the fiscal year beginning January 1, 2021; said expenditures of the City of Montrose over and above those anticipated at the time of the adoption of the original budget for the fiscal year beginning January 1, 2021.

Finance Director Shani Wittenberg reported that Ordinance 2570 is the supplemental budget ordinance for 2021 and covers items not anticipated during the initial formation of the budget. Ms. Wittenberg stated that no changes were made since first reading of the Ordinance.

Public comment was accepted. No comments were received.

A motion was made by J. David Reed, seconded by Dave Frank, to adopt Ordinance 2570 on second reading as presented. All voted yes. Motion passed.

NEW ARTS LIQUOR LICENSE APPLICATION

City Council considered an application for a new Arts liquor license at 11 S. Park Avenue for the Montrose Center for the Arts, doing business as Montrose Center for the Arts, for consumption on the licensed premises. A hearing was held.

Assistant City Attorney Chris Dowsey reported that for the purposes of this application, the neighborhood is defined as the City of Montrose. Mr. Dowsey stated that this is an application for a new license, and it is incumbent upon the applicant to show that the current needs of the neighborhood are not being met and the adult inhabitants of the neighborhood want the license issued. Mr. Dowsey stated that the application is in order, the fees have been paid, and a staff review found no issues that would prevent approval of the application. Mr. Dowsey said that City Council can act on the application this evening or defer a decision for up to 30 days.

Mr. Dowsey explained that an Arts liquor license can only be issued to nonprofits that promote the arts. The sale of alcohol cannot be promoted, and alcohol can only be served during exhibits and performances.

Jodine Broskovak spoke as a representative of the Montrose Center for the Arts. Ms. Broskovak provided a brief background of the organization noting its history and its role of supporting the arts within the community.

Ms. Broscovak stated that The Center has been operating under an Art Gallery Permit which allows the serving of complimentary beverages for a maximum of 15 days per year. Ms. Broscovak said that the Center desires to grow and expand the number of events, and the Arts license will allow the sale of alcohol for an unlimited number of events throughout the year. Ms. Broscovak said alcohol will only be served during specific activities and not on a daily basis.

Ms. Broscovak stated that there is a desire among residents of the neighborhood to have a license at this location. Mr. Dowsey reviewed a summary of petitions circulated by the Montrose Center for the Arts. A total of 69 signatures were submitted with 55 determined to be valid and in support of the license.

Ms. Broscovak stated that she is aware of the restrictions associated with the Arts license. She said the Center for the Arts had four attendees at the most recent alcohol server training class, and all managers and servers will complete the class. Ms. Broscovak said alcohol will be served individually with ID checks required. Staff will also watch for sharing of beverages.

Mayor Doug Glaspell opened the hearing.

Public comment was accepted. No comments were received.

Mayor Glaspell closed the hearing.

A motion was made by Dave Frank, seconded by J. David Reed, to approve a new Arts liquor license at 11 S. Park Avenue for Montrose Center for the Arts for consumption on the licensed premises. All voted yes. Motion passed.

ORDINANCE 2571- FIRST READING

City Council considered Ordinance 2571 on first reading, an Ordinance of the City of Montrose, Colorado, amending the City Council district boundaries by the adoption of a new Council District Map, and by its insertion into the Official Code of the City of Montrose, and by repeal of the old Council District Map.

Deputy City Clerk Mikayla Unruh reported that Ordinance 2571 was discussed at two previous work sessions and passed on first reading on November 16. Ms. Unruh reviewed the Charter requirement to balance populations within the districts following each Census and stated that City Council selected Option 7 as Exhibit A on first reading.

Public comment was accepted. No comments were received.

A motion was made by Barbara Bynum, seconded by Anthony Russo, to adopt Ordinance 2571 on second reading as presented. All voted yes. Motion passed.

RESOLUTION 2021-28

City Council considered Resolution 2021-28, a Resolution authorizing the conduct of a mail ballot election for the City of Montrose General Municipal Election of April 5, 2022.

Deputy City Clerk Mikayla Unruh reported that planning is underway for the 2022 municipal election, and the first step is adoption of a resolution authorizing a mail ballot election. Ms. Unruh stated that the election plan includes no significant changes since 2020 with the exception of the City Council district boundary adjustments.

Public comment was accepted. No comments were received.

A motion was made by J. David Reed, seconded by Barbara Bynum to adopt Resolution 2021-28 as presented. All voted yes. Motion passed.

RESOLUTION 2021-29

City Council considered Resolution 2021-29, a Resolution authorizing filing of the Colorado Department of Local Affairs grant application for the Peace Officers Mental Health Support Grant Program.

Community Program Manager Kendall Cramer reported that Resolution 2021-29 authorizes an application in the amount of \$90,550.00 to fund co-responder services and mental health support for officers.

Mr. Cramer provided an overview of the co-responder program established in 2018 that allows a masters level mental health clinician to respond with officers. Mr. Cramer said the program has shown a need for an additional vehicle to support three co-responders and daily coverage.

Mr. Cramer stated that the grant funds are dispersed on a first-come, first-served basis with no requirement for matching funds. Adoption of Resolution 2021-29 authorizes the grant application, commits to spending on statutory priorities and completion of grant reporting, acknowledges TABOR implications, authorizes the city manager to sign the grant contract and authorizes staff to implement grant.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by J. David Reed, to adopt Resolution 2021-29 as presented. All voted yes. Motion passed.

ORDINANCE 2572 - SECOND READING

City Council considered Ordinance 2572 on second reading, an Ordinance of the City of Montrose, Colorado, for the annexation of the Grace Community Church Addition II.

Senior Planner Amy Sharp reviewed a request to annex 3.48 acres that is currently surrounded by City limits. Annexation will allow for future development and expansion of church services. Ms. Sharp reviewed the zoning of the surrounding area as well as the proposed zoning of R-3, Medium Density District, which allows churches as a use by right.

Ms. Sharp recommended approval of the annexation and R-3 zoning designation stating that the proposal is consistent with public health, safety and welfare, City annexation policies, and the

Comprehensive plan. Mr. Sharp stated that the Planning Commission recommended approval of the R-3 zoning designation.

Public comment was accepted. No comments were received.

A motion was made J. David Reed, seconded by Anthony Russo to adopt Ordinance 2572 on second reading as presented. All voted yes. Motion passed.

ORDINANCE 2573 - SECOND READING

City Council considered Ordinance 2573 on second reading, an Ordinance of the City of Montrose, Colorado providing for the zoning of the Grace Community Church Addition II as an "R-3" Medium Density District.

Public comment was accepted. No comments were received.

A motion was made by J. David Reed, seconded by Dave Frank, to adopt Ordinance 2573 on second reading as presented. All voted yes. Motion passed.

ORDINANCE 2574 - SECOND READING

City Council considered Ordinance 2574 on second reading, an Ordinance of the City of Montrose, Colorado, authorizing the disposal of real property (a portion of Parcel #3767-202-00-907), pursuant to § 1-9-2 of the Official Code of the City of Montrose.

City Councilor J. David Reed recused himself due to a potential conflict of interest. Mr. Reed left the meeting at 6:45 p.m.

Senior Planner Amy Sharp reported that this item is part of a land exchange with Stryker and Company, and an associated minor subdivision has been completed and recorded. Ms. Sharp stated that since the first reading of the Ordinance, it was determined that the property will be conveyed via special warranty deed rather than a quit claim deed at the request of the applicant. Ms. Sharp stated that Lot 1 of Air Park Way Subdivision will be exchanged for property along Chipeta Road by Chipeta Lake.

City Attorney Stephen Alcorn reviewed the difference between a special warranty deed and a quit claim deed and stated that there is no need to amend the Ordinance.

Public comment was accepted. No comments were received.

A motion was made by Barbara Bynum, seconded by Dave Frank, to adopt Ordinance 2574 on second reading as presented. All present voted yes. Motion passed.

Mr. Reed rejoined the meeting at 6:49 p.m.

ORDINANCE 2575 - FIRST READING

City Council considered Ordinance 2575 on first reading, an Ordinance of the City of Montrose, Colorado, amending the zoning designation of a portion of the Police Department Amended Plat, located at 434 South 1st Street, from "B-1", Central Business District, to "P", Public District. A hearing was held.

Planner I William Reis reported that a site development application process was conducted to approve the Public Safety Complex building, and an amended plat was approved administratively to combine several lots into one parcel. One lot approximately .32 acres in size retains a B-1 zoning while the remainder of the parcel is zoned Public District. Mr. Reis stated that best practice is to avoid having a building span more than one zoning designation, and following adoption of Ordinance 2575, the entire parcel will be zoned Public District.

Mr. Reis recommended approval of the rezone stating that the proposed zoning meets rezone criteria, meets the intent of the "P", Public District, is in general compliance with the Comprehensive Plan, and is compatible with existing uses in the surrounding area. The Planning Commission recommended approval on November 10.

Mayor Doug Glaspell opened the hearing.

Public comment was accepted. No comments were received.

Mayor Glaspell closed the hearing.

A motion was made by Dave Frank, seconded by J. David Reed, to pass Ordinance 2575 on first reading as presented. All voted yes. Motion passed.

ORDINANCE 2576 - FIRST READING

City Council Ordinance 2576 on first reading, an Ordinance of the City of Montrose, Colorado, repealing and reenacting the City's Municipal Code pursuant to § 5-2-1 of the Official Code of the City of Montrose. A hearing was held.

Assistant City Attorney Chris Dowsey reported that Ordinance 2576 adds the definition of marketplace facilitator and holds marketplace facilitators fully responsible to collect and remit excise taxes. Currently on certain transactions, two separate entities are responsible for excise tax collection. Mr. Dowsey stated that Ordinance 2576 streamlines the process to make one entity entirely responsible for all associated taxes. Mr. Dowsey said that this change applies to all hotels and restaurants that book and sell through a third party facilitator.

Mr. Dowsey stated that since the work session discussion, wording in the ordinance was changed from "hotel room tax" to "excise tax" for clarity, and excise taxes added under this section will automatically be covered.

Mayor Doug Glaspell opened the hearing.

Public comment was accepted. No comments were received.

Mayor Glaspell closed the hearing.

A motion was made by Barbara Bynum, seconded by Dave Frank, to pass Ordinance 2576 on first reading as presented. All voted yes. Motion passed.

2022 SANITARY SEWER CURED IN PLACE PIPE BID AWARD

City Council considered the renewal of a contract with Insituform Technologies, LLC in the amount not to exceed \$250,000.00, for cured in place lining of sanitary sewers.

Utilities Manager David Bries reviewed a proposed contract extension with Insituform Technologies for cured in place sewer pipeline. Mr. Bries stated that the process was bid in 2020 and the contract is renewable at the same unit pricing for up to three years. Mr. Bries said that this will be the second renewal of the contract, and the primary focus of the project will be lining sewers under Townsend Avenue in anticipation of an upcoming CDOT resurfacing project.

Public comment was accepted. No comments were received.

A motion was made by J. David Reed, seconded by Dave Frank, to approve the renewal of a contract with Insituform Technologies, LLC in the amount not to exceed \$250,000.00 for cured in place lining of sanitary sewers. All voted yes. Motion passed.

FORD VEHICLE PURCHASE AWARD

City Council considered the purchase of 20 Ford vehicles from Sill-Terhar Motors in Broomfield, Colorado for the total purchase price of \$856,827.52.

Public Works Manager Jim Scheid reported that this purchase is for 9 replacement vehicles and 11 additions to the fleet. Mr. Scheid stated that the purchase of the vehicles is included in the 2022 budget, and the total cost is \$104,000.00 under the budgeted amount. Mr. Scheid reported no changes to the request since the work session discussion.

Mr. Scheid confirmed that two qualified and complete bids were received and no local bids were submitted.

Public comment was accepted. No comments were received.

A motion was made by Barbara Bynum, seconded by Dave Frank, to approve the purchase of 20 Ford vehicles from Sill-Terhar Motors for the total purchase price of \$856,827.52 as presented. All voted yes. Motion passed.

EQUIPMENT PURCHASE AND SOLE SOURCE WAIVER REQUEST

City Council considered the purchase of two refuse trucks and two Vactor trucks from Faris Machinery in Grand Junction for the total purchase price of \$1,950,478.34.

Public Works Manager Jim Scheid reported that this purchase includes one replacement and one addition to the fleet of each type of vehicle. Mr. Scheid stated that a cooperative purchasing agreement was used to take advantage of a government pricing option for the Labrie body portion of the trash truck. Mr. Scheid stated Faris Machinery is regional distributor for Labrie and Peterbilt, and a Sole Source Waiver is necessary to receive the government pricing. Mr. Scheid said that approval of the sole source waiver will also allow standardization of the vehicles in the fleet.

Public comment was accepted. No comments were received.

A motion was made by J. David Reed, seconded by Barbara Bynum, to approve a Sole Source Waiver and the purchase of two refuse trucks and two Vactor trucks from Faris Machinery for the total purchase price of \$1,950,478.34 as presented. All voted yes. Motion passed.

POLICE DEPARTMENT BUILDING FITNESS EQUIPMENT PURCHASE

City Council considered the purchase of Lifetime Fitness/Hammer Strength fitness equipment from Advanced Exercise for a total of \$71,551.60.

Public Works Manager Jim Scheid reviewed a proposed purchase of fitness equipment for the Public Safety Complex. Mr. Scheid said the City will purchase the equipment directly to avoid a contractor mark-up and to benefit from government pricing through a cooperative purchasing agreement. Mr. Scheid said this equipment was selected because it is used by the Montrose Recreation District and the City was able to determine that it will fit the needs of the facility.

Mr. Scheid said that the equipment is an anticipated cost for the project and confirmed that ample electrical outlets are available to allow alternate room configurations. The equipment will be available to all City employees outside of the training schedule.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by J. David Reed, to approve the purchase of Lifetime Fitness/Hammer Strength fitness equipment from Advanced Exercise for a total of \$71,551.60 as presented. All voted yes. Motion passed.

STAFF REPORTS

City Manager Bill Bell provided clarification regarding a recent article on the City's budgeting process. Mr. Bell stated that sales and use tax collections are up and he expects the trend to continue. Mr. Bell said that sales tax typically generates 85-87 percent of City revenues. Cares Act funding lowered the percentage of overall revenue from sales tax, but sales tax revenues are not decreasing.

City Councilor J. David Reed stated that Montrose is the largest City in the state of Colorado that supports itself on sales tax revenues and a property tax is not imposed on City residents. Mayor Pro Tem Dave Frank noted that that City's budgeting process is very conservative and based

upon consistent, reliable sources of funding. City Councilor Barbara Bynum added that City budgets are available on the website.

Police Chief Blaine Hall provided an update on the Public Safety Complex construction project. Exterior brick is being laid, internal framing is completed, and concrete work is nearing completion. Community tours are planned when the building is completed.

Chief Hall read an email from the WestCO Executive Director Mandy Stollsteimer commending the dispatch staff, police officers, and Fire Department staff. Chief Hall encouraged citizens to inspect furnaces regularly and install carbon monoxide detectors.

Chief Hall thanked City Council and City staff for supporting the Police Department.

YOUTH CITY COUNCIL COMMENTS

No Youth City Council comments were provided.

CITY COUNCIL COMMENTS

City Councilor J. David Reed thanked City staff, City Councilors, Youth Councilors, and County Commissioner Sue Hansen for making the Parade of Lights a success. Mayor Pro Tem Dave Frank also thanked Donny Morales for participating as a parade judge.

City Councilor Barbara Bynum thanked Stephen Alcorn for his eight years of service as City Attorney.

City Councilor Anthony Russo acknowledged Information Systems Director Greg Story for assisting with his remote participation in the meeting.

MOTION TO ADJOURN

At 7:24 p.m., a motion was made by Barbara Bynum to adjourn the meeting with no further action taken.

ATTEST:

Douglas Glaspell, Mayor

Lisa DelPiccolo, City Clerk



CITY OF MONTROSE
Planning Services

MEMO

TO: City Council
FROM: William Reis, Planner I
DATE: January 4, 2021
RE: Police Department Rezone
ATTACHMENTS:

- Exhibit A: Maps
- Exhibit B: Photos of Project Area
- Exhibit C: Zoning Code Excerpt

City Council Consideration:

City Council is considering the approval to rezone the property located at 434 S 1st St, more specifically defined as a portion of the Police Department Amended Plat. City Council will consider all of the information in this memo in making a decision.

Applicant: City of Montrose

Application Background:

The proposal is to rezone a portion of the Police Department Amended Plat, also known as 434 S 1st St. The proposal would rezone a portion of this parcel with a Legal Description as follows: (also shown in Exhibit A)

A tract of land situated in the SW¼ of Section 27, Township 49 North, Range 9 West, New Mexico Principal Meridian, City and County of Montrose, State of Colorado being Lots 5, 6 and 7 of Block 86, Town of Montrose and a portion of South First Street and a portion of the Alley in said Block 86 being more particularly described as follows:

Beginning at a point on the North line of Lot 2 of the City of Montrose Police Department Subdivision as recorded at Reception No. 920486 being N50°16'01"E 25.09 feet from the



Northwest corner of said Lot 2 at the intersection with the extension of the West line of said Lot 7;

Thence N50°16'01"E 75.47 feet along the North line of said Lot 2 to the intersection with the extension of the East line of said Lot 5;

Thence S39°58'27"E 184.59 feet along the East line of said Lot 5 and the extension of the East line of said Lot 5 to the centerline of the Alley in said Block 86;

Thence S50°16'38"W 75.23 feet along the centerline of the Alley in said Block 86 to the intersection with the extension of the West line of said Lot 7;

Thence N40°02'51"W 184.58 feet along the West line of said Lot 7 and the extension of the West line of said Lot 7 to the Point of Beginning.

Containing 0.32 acres more or less.

County of Montrose, State of Colorado.

This property is currently zoned "B-1" Central Business District. The proposed new zoning is "P" Public District. This proposed zoning would accommodate the Montrose Public Safety Complex currently under construction. The property to be rezoned consists of approximately 0.32 acres.

Proposed Zoning: "P" Public District

Staff Analysis:

1. Municipal Code, Section, 4-4-29(A), Rezoning.

"Amendments to the Official Zoning Map involving any change in the boundaries of an existing zoning district, or changing the designation of a district, shall be allowed only upon findings as follows:

- a) The amendment is not adverse to the public health, safety and welfare; and
- b) The amendment is in substantial conformity with the master plan or,
 - i. The existing zoning is erroneous, or
 - ii. Conditions in the area affected or adjacent areas have changed materially since the area was last zoned."

2. The City Council should consider the merits of the proposed rezone only and make a decision based on whether it should be rezoned to "P" Public District. The current zoning is "B-1" Central Business District.

- Zoning Regulations. The "P" Public District is intended for public, nonprofit, or charitable uses that provide a local service to the people of the community on a regular basis. (Section 4-4-11.1)
- Exhibit B includes an excerpt from the Municipal Code showing uses by right in the "P" Public District.

3. This property is adjacent to properties that are zoned "P" Public District and "B-1" Central Business District.



4. The Comprehensive Plan Future Land Use Map (Chapter 5) designates this area as Public. This land use designation is to suggest potential locations for parks, open space, trails, schools, churches, cemeteries, and public buildings.
 - Staff finds that the proposed zoning is compatible with the Comprehensive Future Land Use Map and surrounding zoning and uses.
5. The “P” zoning does not appear to be adverse to the public health, safety and welfare, and is consistent with Municipal Code requirements and the Comprehensive Plan.

Staff Recommendation:

Staff finds that the rezone criteria has been met; it is in compliance with the Comprehensive Plan; it is compatible with existing uses in the surrounding area; and therefore, recommends approval of the "P" Public District.

Planning Commission Recommendation:

The Planning Commission recommended approval of the rezone for this project from “B-1” Central Business District to “P” Public District at the November 10, 2021 meeting.

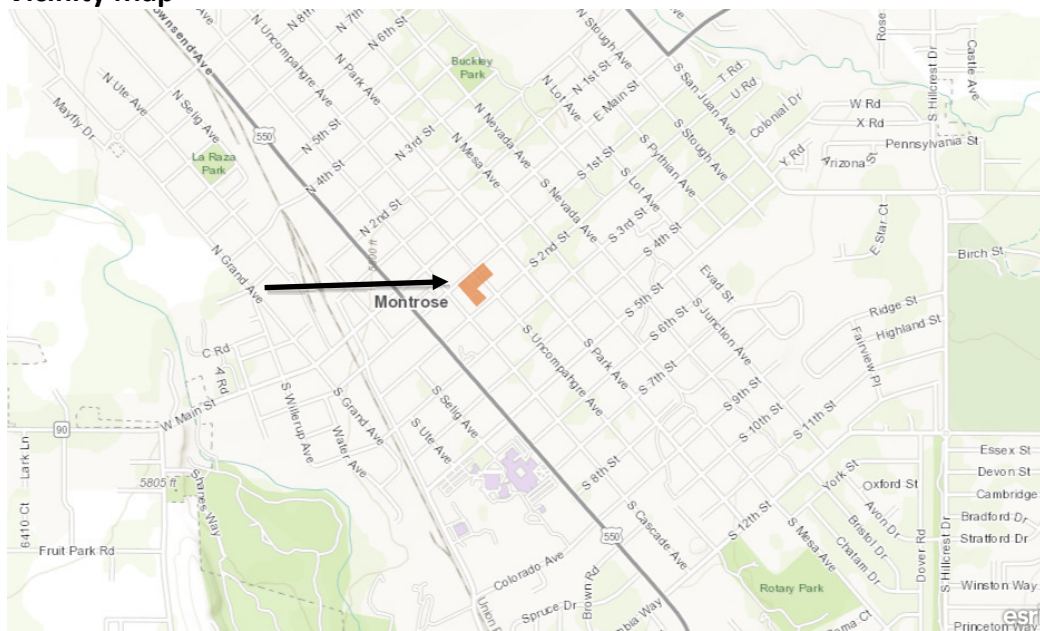
City Council Options:

1. Accept the Planning Commission recommendation and approve the rezone.
2. Deny the request for a rezone and schedule a de novo hearing. The hearing date should be established in consultation with the City Attorney.

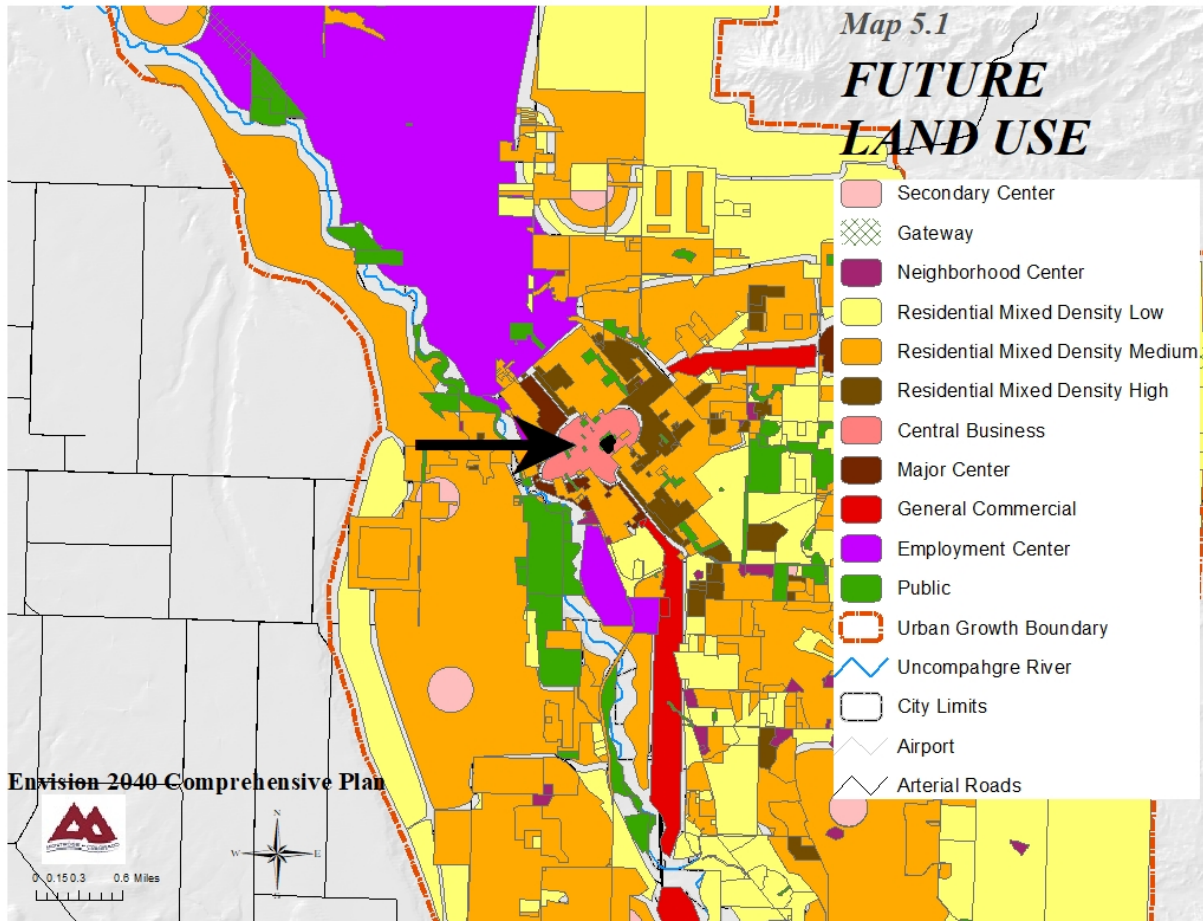


EXHIBIT A: Maps

Vicinity Map



Comprehensive Plan Future Land Use Map



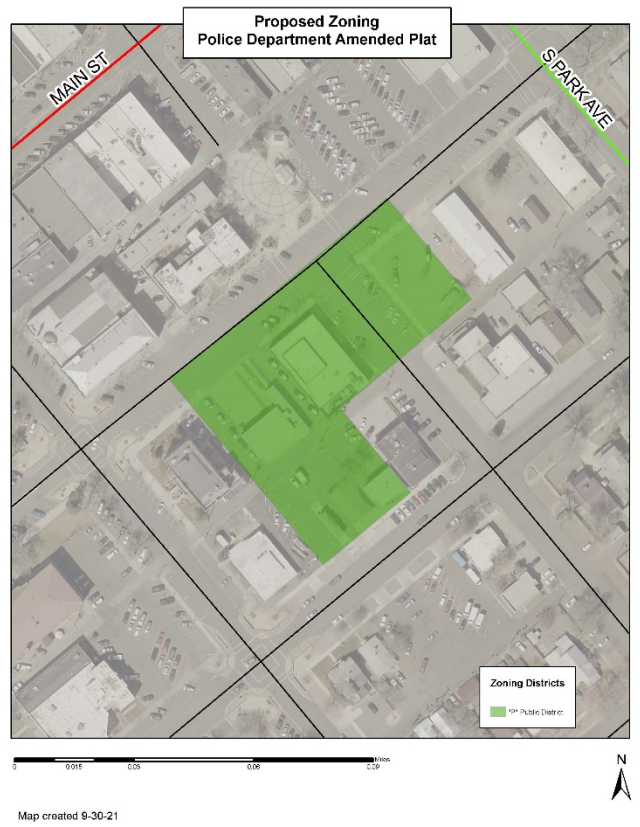
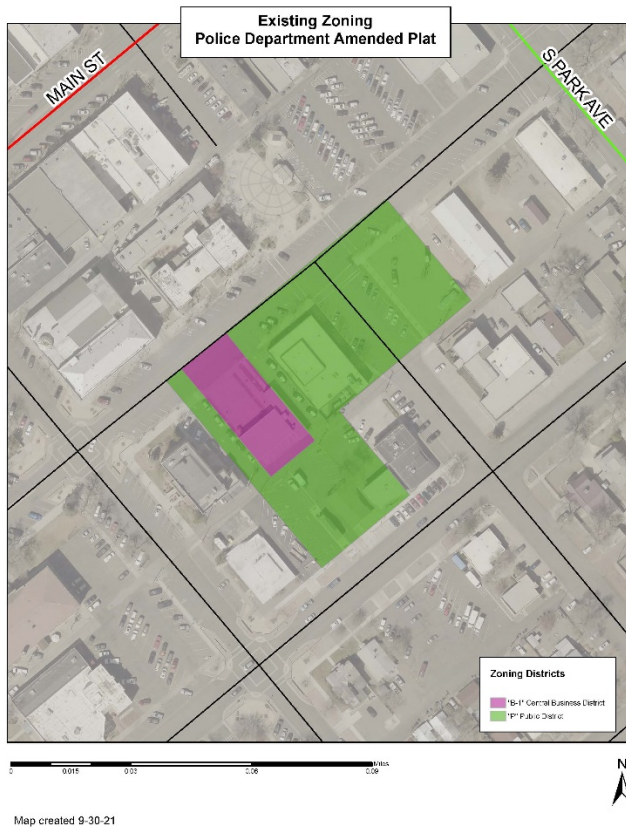


EXHIBIT B: Photos of Project Area



EXHIBIT C: Zoning Code Excerpt

Sec. 4-4-11.1. "P" Public District.

- (A) *Intent.* The Public district provides public recreation facilities, government buildings and facilities, events or conference centers, schools libraries, and other public lands and buildings. Uses are of a public, nonprofit, or charitable nature and provide a local service to the people of the community on a regular basis.
- (B) *Uses by Right.*
- (1) Government buildings and facilities.
 - (2) Schools.
 - (3) Libraries.
 - (4) Public museums and visitor centers.
 - (5) Public parks.
 - (6) Public recreation land and facilities.
 - (7) Private recreation facilities.
 - (8) Open space corridors.
 - (9) Places of worship.
 - (10) Parking facilities.
 - (11) Renewable energy facilities.
 - (12) Accessory uses.
- (C) *Conditional Uses.*
- (1) Commercial businesses.
 - (2) Single-family homes.
 - (3) Multiple-family residences.
 - (4) Golf courses.
 - (5) Childcare facilities. A childcare facility shall be a conditional use in all districts if more than eight but less than 16 children under 13 years of age are present on the premises at any one time, including children of the family living in the residence, in accordance with State Statutes and regulations.
 - (6) Antennas and towers are allowed only as conditional uses in all zones and are subject to the provisions of Section 4-4-21 and the other applicable requirements of City ordinances and regulations.

(Ord. No. 2472 , § 4-4-11.1, 5-7-2019)



ORDINANCE NO. 2575

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, AMENDING THE ZONING DISTRICT DESIGNATION OF 434 SOUTH 1ST STREET FROM "B-1", CENTRAL BUSINESS DISTRICT TO "P", PUBLIC DISTRICT.

WHEREAS, Chad Huffman moved, and Karen Vacca seconded, to recommend the City Council approval of the rezone for 434 South 1st Street, City of Montrose; and

WHEREAS, the motion carried unanimously and Planning Commission has recommended the zoning changes provided herein; and

WHEREAS, the City Council has determined that such zoning will be consistent with the public health, safety and welfare, the City's Master Plan and changed conditions in the area.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO, that

SECTION 1:

The Official Zoning Map is amended to designate 434 South 1st Street, more particularly described as:

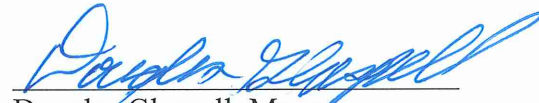
A tract of land situated in the SW¼ of Section 27, Township 49 North, Range 9 West, New Mexico Principal Meridian, City and County of Montrose, State of Colorado being Lots 5, 6 and 7 of Block 86, Town of Montrose and a portion of South First Street and a portion of the Alley in said Block 86 being more particularly described as follows:
Beginning at a point on the North line of Lot 2 of the City of Montrose Police Department Subdivision as recorded at Reception No. 920486 being N50°16'01"E 25.09 feet from the Northwest corner of said Lot 2 at the intersection with the extension of the West line of said Lot 7;
Thence N50°16'01"E 75.47 feet along the North line of said Lot 2 to the intersection with the extension of the East line of said Lot 5;
Thence S39°58'27"E 184.59 feet along the East line of said Lot 5 and the extension of the East line of said Lot 5 to the centerline of the Alley in said Block 86; Thence S50°16'38"W 75.23 feet along the centerline of the Alley in said Block 86 to the intersection with the extension of the West line of said Lot 7;
Thence N40°02'51"W 184.58 feet along the West line of said Lot 7 and the extension of the West line of said Lot 7 to the Point of Beginning. Containing 0.32 acres more or less. County of Montrose, State of Colorado.

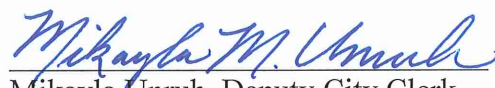
as a "P", Public District, according to the Official Zoning Map.

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its passage on first reading on Tuesday, the 7th day of December, 2021, at the hour of 6:00 p.m. at Montrose City Council Chambers, Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 7th day of December, 2021.

ATTEST:


Douglas Glaspell, Mayor


Mikayla Unruh, Deputy City Clerk



INTRODUCED, READ and ADOPTED on second reading this 4th day of January, 2022.

ATTEST:

Douglas Glaspell, Mayor

Lisa DelPiccolo, City Clerk

ORDINANCE NO. 2576

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, REPEALING AND REENACTING THE CITY'S MUNICIPAL CODE PURSUANT TO § 5-2-1 OF THE OFFICIAL CODE OF THE CITY OF MONTROSE

WHEREAS, the City's Municipal Code is updated from time to time;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO that:

§ 5-2-1 of the Official Code of the City of Montrose, Colorado, as such has been amended from time to time, is hereby repealed in its entirety along with all ordinances which have amended it and is reenacted to read as follows:

5-2-1. - Imposition of tax.

- (A) There is hereby levied and charged a hotel room tax in the amount of 0.9 percent of the entire amount charged for furnishing rooms or accommodations for consideration in a hotel, motel, short term rental, apartment hotel, lodginghouse, motor hotel, guest house, guest ranch or other similar lodging business. The entire amount subject to tax shall not include City or state sales taxes or charges for food service, beverages, telephone, laundry, or other services incidental to the furnishing of lodging or accommodations for which a separate charge or bill is made.
- (B) There is hereby levied and charged an excise tax of 0.8 percent upon the amount charged by restaurants, cafes, coffee shops, and like places of business for food and drink sales. The amount subject to tax shall not include City or state sales taxes or charges, or charges for alcoholic beverages for which a separate charge or bill is made.
- (C) Marketplace Sales.
 - (1)
 - (a) A marketplace facilitator, as defined in 5-15-2, engaged in business in the City is required to collect and remit any excise tax under this section on all taxable sales made by the marketplace facilitator, or facilitated by it for marketplace sellers or multichannel sellers to customers in the City, whether or not the marketplace seller for whom sales are facilitated would have been required to collect tax had the sale not been facilitated by the marketplace facilitator.
 - (b) A marketplace facilitator shall assume all the duties, responsibilities, and liabilities of a vendor under 5-2-1(A) or 5-2-1(B). Marketplace facilitators shall be liable for the excise taxes collected from marketplace sellers or multichannel sellers. The City may recover any unpaid taxes, penalties, and interest from the marketplace facilitator that is responsible for collecting on behalf of marketplace sellers or multichannel sellers.
 - (c) The liabilities, obligations, and rights set forth under this article are in addition to any duties and responsibilities of the marketplace facilitator has under this article if it also offers for sale tangible personal property, products, or services through other means.

- (d) A marketplace seller, with respect to sales and services provided subject to tax under this chapter made in or through a marketplace facilitator's marketplace, does not have the liabilities, obligations, or rights of a retailer under this article if the marketplace seller can show that such sale was facilitated by a marketplace facilitator:
 - (i) With whom the marketplace seller has a contract that explicitly provides that the marketplace facilitator will collect and remit excise tax on all sales subject to tax under this article; or
 - (ii) From whom the marketplace seller requested and received in good faith a certification that the marketplace facilitator is registered to collect excise tax and will collect and remit excise tax on all sales subject to tax under this article made in or through the marketplace facilitator's marketplace.
- (e) If a marketplace seller makes a sale that is not facilitated by a licensed marketplace facilitator in a marketplace, the marketplace seller is subject to all of the same licensing, collection, remittance, filing, and recordkeeping requirements as any other retailer.
- (2) *Auditing.* An audit of a marketplace facilitator does not constitute an audit for the marketplace sellers or multichannel sellers who make sales through the marketplace of the marketplace facilitator that is being audited.

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and the question of its passage on first reading on Tuesday, the 7th day of December, 2021, at the hour of 6:00 p.m. at the Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 7th day of December, 2021.

ATTEST:


Mikayla Unruh, Deputy City Clerk



Douglas Glaspell, Mayor

INTRODUCED, READ and ADOPTED on second reading this 4th day of January, 2022.

ATTEST:

Lisa DelPiccolo, City Clerk

Douglas Glaspell, Mayor

ORDINANCE NO. 2576

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, REPEALING AND REENACTING THE CITY'S MUNICIPAL CODE PURSUANT TO § 5-2-1 OF THE OFFICIAL CODE OF THE CITY OF MONTROSE

WHEREAS, the City's Municipal Code is updated from time to time;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO that:

§ 5-2-1 of the Official Code of the City of Montrose, Colorado, as such has been amended from time to time, is hereby repealed in its entirety along with all ordinances which have amended it and is reenacted to read as follows:

5-2-1. - Imposition of tax.

- (A) There is hereby levied and charged a hotel room tax in the amount of 0.9 percent of the entire amount charged for furnishing rooms or accommodations for consideration in a hotel, motel, short term rental, apartment hotel, lodginghouse, motor hotel, guest house, guest ranch or other similar lodging business. The entire amount subject to tax shall not include City or state sales taxes or charges for food service, beverages, telephone, laundry, or other services incidental to the furnishing of lodging or accommodations for which a separate charge or bill is made.
- (B) There is hereby levied and charged an excise tax of 0.8 percent upon the amount charged by restaurants, cafes, coffee shops, and like places of business for food and drink sales. The amount subject to tax shall not include City or state sales taxes or charges, or charges for alcoholic beverages for which a separate charge or bill is made.
- (C) **Marketplace Sales.**
 - (1)
 - (a) A marketplace facilitator, as defined in 5-15-2, engaged in business in the City is required to collect and remit **any excise tax under this Section** on all taxable sales made by the marketplace facilitator, or facilitated by it for marketplace sellers or multichannel sellers to customers in the City, whether or not the marketplace seller for whom sales are facilitated would have been required to collect tax had the sale not been facilitated by the marketplace facilitator.
 - (b) A marketplace facilitator shall assume all the duties, responsibilities, and liabilities of a vendor under 5-2-1(A) or 5-2-1(B). Marketplace facilitators shall be liable for the **excise** taxes collected from marketplace sellers or multichannel sellers. The City may recover any unpaid taxes, penalties, and interest from the marketplace facilitator that is responsible for collecting on behalf of marketplace sellers or multichannel sellers.
 - (c) The liabilities, obligations, and rights set forth under this article are in addition to any duties and responsibilities of the marketplace facilitator has under this article if it also offers for sale tangible personal property, products, or services

through other means.

- (d) A marketplace seller, with respect to sales and services provided subject to tax under this chapter made in or through a marketplace facilitator's marketplace, does not have the liabilities, obligations, or rights of a retailer under this article if the marketplace seller can show that such sale was facilitated by a marketplace facilitator:
 - (i) With whom the marketplace seller has a contract that explicitly provides that the marketplace facilitator will collect and remit **excise** tax on all sales subject to tax under this article; or
 - (ii) From whom the marketplace seller requested and received in good faith a certification that the marketplace facilitator is registered to collect **excise** tax and will collect and remit **excise** tax on all sales subject to tax under this article made in or through the marketplace facilitator's marketplace.
- (e) If a marketplace seller makes a sale that is not facilitated by a licensed marketplace facilitator in a marketplace, the marketplace seller is subject to all of the same licensing, collection, remittance, filing, and recordkeeping requirements as any other retailer.
- (2) *Auditing.* An audit of a marketplace facilitator does not constitute an audit for the marketplace sellers or multichannel sellers who make sales through the marketplace of the marketplace facilitator that is being audited.

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and the question of its passage on first reading on Tuesday, the 7th day of December, 2021, at the hour of 6:00 p.m. at the Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 7th day of December, 2021.

Douglas Glaspell, Mayor

ATTEST:

Mikayla Unruh, Deputy City Clerk

INTRODUCED, READ and ADOPTED on second reading this 4th day of January, 2022.

Douglas Glaspell, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

CONTRACT AWARD RECOMMENDATION



TO: Honorable Mayor and Members of the City Council
FROM: Jim Scheid, Public Works Manager
DATE: December 6th 2021
RE: 2022 Wayfinding Project
CC: William Bell, Shani Wittenberg, Jackie Bubenik

Action

Consider the authorization of a total of \$191,500.00 to be awarded to American Classic Sign Manufacturer (ACSM) for the fabrication and installation of Wayfinding Signage Phase III.

Background

In recent years the City of Montrose has completed Wayfinding Sign Project phase I and II (2018 and 2019). Public Works coordinates with the City's DART Board to establish the priorities for the upcoming Wayfinding phases. Through this coordination; Phase I included the large directional signs on our major arterials like Main St and Townsend Ave. Phase II included arrival signage at all of our Parks. Both phases included visitor kiosks (total of 3) and destination arrival signs such as the one at the entrance to the Animal Services facility. Phase III is proposed to include parking lot signage, park rule signs, visitor kiosks, directional signage to the Amphitheater, trail maps and destination arrival signs at Cerro Summit.

In February of 2020 the City issued an RFP for phase III. Four proposals were received for the fabrication and installation of the Wayfinding Signs. All bids are considered qualified and complete. ACSM had the highest score using the proposal selection criteria and their bid is considered to be the best value to the City of Montrose. These proposals were evaluated by the City of Montrose by assigning a score between 0 and 4 in each of the weighted categories listed below.

1. Price: 30%
2. Qualifications/Similar Project Experience: 25%
3. Overall Presentation, Level of Detail, and Project Understanding: 25%
4. Team Assigned to the Project/Proposed Sub-Consultants: 20%

Scoring of the proposals is shown in the table below.

Contract Award Recommendation
Wayfinding Phase III
December 6th, 2021



2020 Wayfinding Sign Project
Proposal Selection Criteria
Bid Number: 19-052

Bidder	Rating	Score		Bidder	Rating	Score
Atlas Sign Industries				ACSM		
Price: 30%	4	1.20		Price: 30%	3	0.9
Qualifications/Similar Project Experience: 25%	4	1.00		Qualifications/Similar Project Experience: 25%	4	1
Overall Presentation, Level of Detail, and Project Understanding: 25%	1	0.25		Overall Presentation, Level of Detail, and Project Understanding: 25%	4	1
Team Assigned to the Project/Proposed Sub-Consultants: 20%	1	0.20		Team Assigned to the Project/Proposed Sub-Consultants: 20%	4	0.8
Total Score		2.65		Total Score		3.7
Bidder	Rating	Score		Bidder	Rating	Score
Hilton Displays				Ridgway Valley Enterprises		
Price: 30%	2	0.6		Price: 30%	1	0.3
Qualifications/Similar Project Experience: 25%	4	1		Qualifications/Similar Project Experience: 25%	2	0.5
Overall Presentation, Level of Detail, and Project Understanding: 25%	4	1		Overall Presentation, Level of Detail, and Project Understanding: 25%	2	0.5
Team Assigned to the Project/Proposed Sub-Consultants: 20%	3	0.6		Team Assigned to the Project/Proposed Sub-Consultants: 20%	4	0.8
Total Score		3.2		Total Score		2.1

In the Spring of 2020, this recommendation was made to City Council but due to the uncertainty and onset of Covid 19 the City Council decided in work session to put this project on hold. Subsequently, the Wayfinding Project phase III is included in the 2022 budget for consideration again.

In October of 2021, Public Works reached out to ACSM to see if they would hold the pricing proposed in 2020. ASCM agreed to hold pricing and they are excited to proceed with the Wayfinding project as proposed.

Financial Details

This project is included in the 2022 budget within Streets Division (100-5115-540-000, \$175,000.00) and in the Parks Division (100-5150-221-000, \$16,500.00). The total project budget is \$191,500.



CONTRACT AUTHORIZATION RECOMMENDATION



TO: Honorable Mayor and Members of the City Council
FROM: Jim Scheid, Public Works Manager
DATE: December 6, 2021
RE: North Connect Trail Restroom Construction Contract Award Recommendation
CC: William Bell, Ann Morgenthaler, Shani Wittenberg, Mark Armstrong

Action

Consider the authorization and award of funds in the amount of \$344,855.93 for the construction of the North Connect Trail Restroom. Including the award of a contract with Stryker and Company, Inc. for \$255,305.39 as the Construction Contractor and an MOA with Colorado Yurt Company.

Background

This restroom would be located along the Connect Trail at the North end near Colorado Outdoors and would be a shared use facility part of a public/private partnership between the City of Montrose and Colorado Yurt Company. There will be restrooms facing the trail for public use and shower facilities on the rear of the building for use by Colorado Yurt Company.

The City of Montrose issued an RFQ/P for the Design/Build Construction services for the new restroom facility in September of 2021. The proposals received were rated on qualifications, project approach, and similar experience in addition to the cost. The results are shown below.

Company	Location	Overall Score	Design Costs	Construction Est.
Stryker and Company	Montrose, CO	3.30	\$ 16,500.00	\$ 231,180.19
Kuboske Construction	Montrose, CO	3.00	\$ 24,528.00	\$ 299,044.48
Alcorn Construction	Denver, CO	2.25	\$ 27,050.00	\$ 336,099.00
Vostatek Construction	Clifton, CO	2.25	\$ 39,500.00	\$ 224,500.00

The design portion of the project was awarded to Stryker and Company in November of 2021. Stryker has provided the required options for design and a selection has been made. A rendering of the selected option is attached. The City of Montrose and Stryker and Company have collaborated on the design and costs to establish a baseline for design and a Guaranteed Maximum Price (GMP) for construction costs. The construction costs and owner costs are shown in the table below.

Construction	Stryker	\$ 255,305.39
Owner Costs:		
Utility Connections	Electric, Water, Sewer	\$ 25,000.00
Fiber	conduit and fiber to inside building	\$ 25,000.00
City IT	rack, Wi-Fi router	\$ 3,200.00
Construction Materials Testing		\$ 5,000.00
Owner Contingency	10%	\$ 31,350.54
	Total Project Costs	\$ 344,855.93

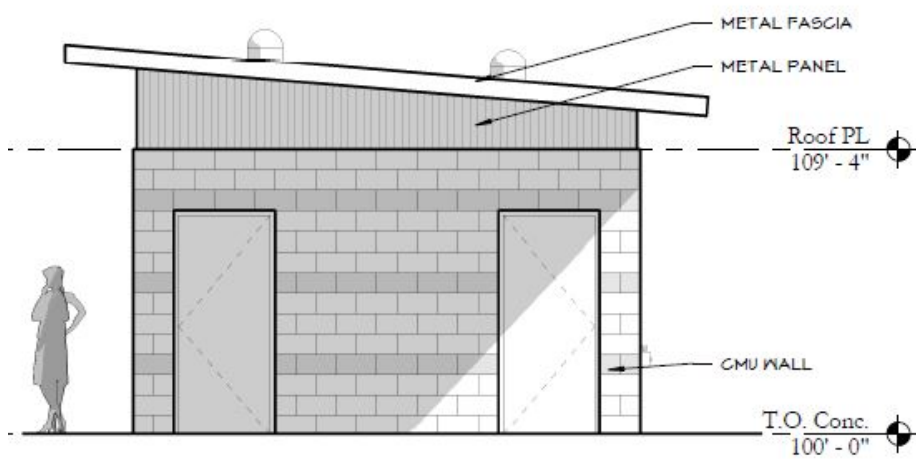
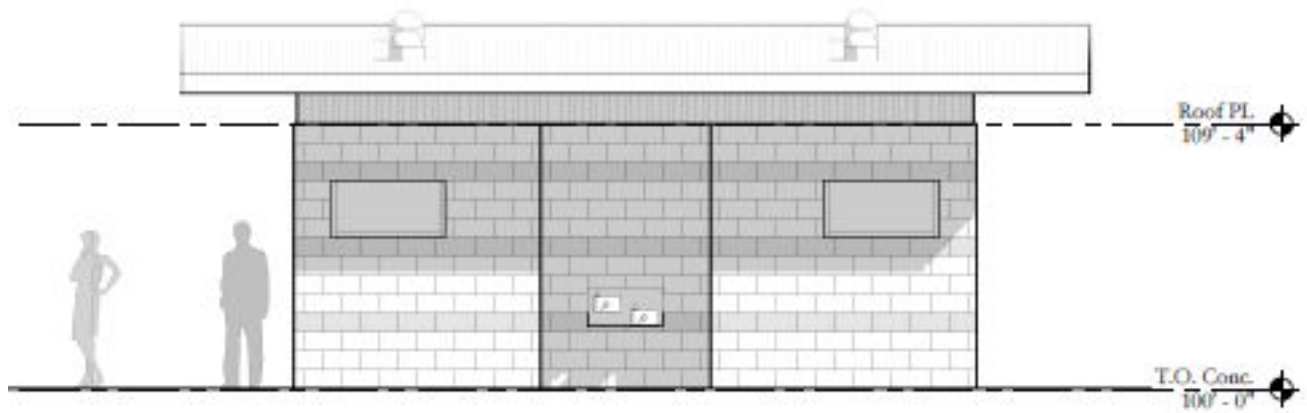
As part of the cost breakdown provided by Stryker and Company the costs for the shower portion of the facility (which is to be used by Colorado Yurt) were separated into Add Alternate 1 as an option to consider for an add to the restroom project. The estimated costs of Add Alternate 1 are \$46,000.00.

Contract Administration and Project Financials

Included with this award recommendation is an MOA for Council's approval. The MOA is between the City of Montrose and Colorado Yurt Company for the construction of this project, Colorado Yurt would be dedicating the property (valued at \$18,200.00) necessary for the restroom facility and contributing \$27,800.00 towards the construction costs. The combined total of these contributions is \$46,000.00 which is equal to the estimated costs of the shower portion of the project (Add Alternate 1). The City would contract Stryker and Company to build the restroom/shower facility and maintain the facility (janitorial on the restroom side only, structurally and mechanically for the entire facility).

The City of Montrose included \$200,000 in the 2022 Capital Improvements Parks Budget (100-5150-962-000) as a placeholder for this project because little was known about the details of the project until after the 2022 budget was established.

The overall impact to the Parks Capital Improvement Budget is \$317,055.93 (total project costs - \$27.8k), which is \$117,055.93 over the budgeted amount and could be supplemented in 2022 if necessary.



**MEMORANDUM OF AGREEMENT
UNCOMPAHGRE RIVERWAY TRAIL NORTH-END RESTROOM FACILITY**

THIS MEMORANDUM OF AGREEMENT is entered into as of this ____ day of _____ 2021, by and between the **CITY OF MONTROSE**, State of Colorado, a Colorado home rule municipal corporation, whose address is 433 S. First Street, P.O. Box 790, Montrose, Colorado 81402-0790, hereinafter referred to as "City" and **THE SECRET CREEK GROUP, LLC**, a limited liability company, whose address is 11385 Bostwick Park Road, Montrose, Colorado 81403, hereinafter referred to as "Secret Creek Group"; the aforementioned entities may sometimes be collectively referred to as the "Parties".

RECITALS

WHEREAS, Secret Creek Group is the owner of the real property located in Montrose County, Colorado, described as follows:

Lot 23 of the Colorado Outdoors Subdivision Amendment No. 3, recorded at the Montrose County Clerk and Records Office under Reception No. 936925, County of Montrose, State of Colorado.

WHEREAS, Secret Creek Group is working to develop this tract of land to include a new public restroom and private shower facility.

WHEREAS, the Site Development Declaration of Covenants for development of the commercial building and associated improvements has been approved and recorded at the Montrose County Clerk and Records Office under Reception No. 938278, County of Montrose, State of Colorado.

WHEREAS, in order to promote outdoor recreation, economic development, and local businesses, the Parties mutually desire to undertake a joint public/private project to design, construct, and maintain a structure to house restroom and shower facilities at the approximate location shown in Exhibit A (hereinafter, the "Project"). The Project is envisioned to include two restrooms for use by both the public and Secret Creek Group (hereinafter, the "Restroom Facility") as well as enclosed private shower stalls for use exclusively by Secret Creek Group (hereinafter, the "Private Shower Facility").

NOW THEREFORE, in consideration of the foregoing Recitals and the mutual covenants, conditions and agreements of the Parties contained herein, the receipt and sufficiency of which hereby are acknowledged and accepted, the Parties hereby agree as follows:

1. **Purpose of MOA.** The purpose of this MOA is to provide an effective and reliable means for the Parties to jointly pursue the various steps necessary to accomplish design, construction, and maintenance of the Project, as further set forth below.
2. **Term and Renewal.** The Parties' rights and obligations under this MOA shall commence as of the Effective Date and shall remain in full force and effect in perpetuity.
3. **Project Accessibility.** The Restroom Facility shall be available for use both by the public and Secret Creek Group. The City reserves the right to close the Restroom Facility to the public at their discretion. This includes, but is not limited to, daily overnight closures, closures during the winter months (typically November through May), and/or closures that may be necessary due to vandalism or public health issues. At times when the Restroom Facility is closed by the City to the public, it will remain open for use by Secret Creek Group through keypad access. Secret Creek

Group may not close the Restroom Facility to the public at any time. The Private Shower Facility will not be open to the public and access will be controlled by the Secret Creek Group for their private uses.

4. **Project Actions and Obligations.** The Parties hereby acknowledge and confirm to and with each other that the following constitute the general steps and actions necessary by each party in order to complete and maintain the Project.

a. City of Montrose

- i. Design. The City shall be responsible for the design of the Project, including securing bids and hiring the design team. All design work shall be undertaken in accordance with the City's engineering specifications, site development regulations, and industry-accepted standards for improvements of the type contemplated. The City will prepare a plan set and specifications suitable for bidding and construction of the project. Work will be performed in continuous consultation with Secret Creek Group as a stakeholder in the design.
- ii. Permitting. The City shall apply for and obtain all necessary permits for the project to include the City's site development, building, and floodplain development permits.
- iii. Construction. The City shall be responsible for managing construction of the Project, including securing bids and hiring a construction contractor. Project construction shall include the restroom/shower structure, fill/grading immediately around the structure, and sidewalk connections to the City's existing recreation trail located immediately to the west.
- iv. Project Platting. The City shall perform all surveys necessary to prepare a replat of the parcel (hereinafter, the "Project Replat"). This is envisioned to be performed either as an Official Act of the City or as a minor subdivision. The Project Replat shall create a standalone lot for the Project and shall retain all access and utility easements necessary to support the Project.
- v. Structural Maintenance. The City shall be responsible for insurance and structural maintenance of the overall exterior structure and interior Restroom Facility. This includes responsibility for and maintenance of the building structure and its finishes, heating, ventilation, & air conditioning systems, and interior Restroom Facility elements such as sinks and toilets. The City shall not be responsible for interior structural maintenance of the Private Shower Facility.
- vi. Routine Maintenance. When the restroom is open to the public, the City shall provide daily maintenance services for the Restroom Facility to include general cleaning of the restroom to an acceptable public-restroom standard, purchasing and restocking of restroom supplies (toilet paper, soap, etc), and securing of the facility each night for overnight closure. If the City elects to close the restroom

to the public (excluding nightly closures, see Section 3), the City shall not be responsible for routine maintenance during these closures. The City shall also not be responsible for routine maintenance or stocking of supplies for the Private Shower Facility at any time.

b. Secret Creek Group

- i. Property Dedication. Secret Creek Group shall dedicate and/or deed over the parcel necessary to house the restroom facility and any necessary access and/or utility easements necessary to support the facility. This property dedication shall occur prior to completion of the Project construction.
- ii. Structural Maintenance. Secret Creek Group shall be responsible for interior structural maintenance of the private shower facility. This includes responsibility for and maintenance of the interior finishes and fixtures.
- iii. Routine Maintenance. Secret Creek Group shall provide any daily maintenance services for the Restroom Facility beyond that to be provided by the City and listed in Section 4(a) above. This includes cleaning to a standard beyond the City's public-restroom standard (if desired), spot cleaning if necessary or if issues arise between daily cleanings by the City, restocking of restroom supplies if necessary between City restocking efforts, and/or routine maintenance during times the City elects to close the restroom to the public for extended periods. Secret Creek Group shall be responsible for all routine maintenance and stocking of supplies for the Private Shower Facility.

5. **Cost Sharing.** Based on cost estimates from the project design-build team, the estimated construction cost of the joint restroom and shower structure is \$250,000. Of this, \$46,000 can be attributed to the private shower facility. Secret Creek Group will cover costs for the private shower facility through land (\$18,200 value) and cash (\$27,800) contributions towards the project. The remaining project costs will be paid for by the City of Montrose.

6. **Covenants, Representations, and Warranties.** Both parties hereby covenant, represent and warrant to Proceed in a timely manner and reasonably cooperate in good faith with Secret Creek Group to take all actions necessary to comply with the terms of this MOA and timely complete the Project

7. **Miscellaneous**

- a. Expenses; Attorney's Fees. Each Party agrees to bear its own attorneys' fees, accountants' fees and other costs and expenses in connection with this MOA and the transactions contemplated hereby; provided, however, that should a dispute arise with respect to this MOA or any related transactions, the defaulting Party, or the Party not prevailing in such dispute (as the case may be), shall pay any and all costs and expenses incurred by the other Party in enforcing and/or establishing its rights hereunder (including, without limitation, court costs and reasonable attorneys' fees determined by the Court, based on standard applicable local billing rates), all in addition to any award of

damages or injunctive remedies or other relief as should be granted by any court of competent jurisdictions.

- b. Counterparts; Electronic Execution. This MOA may be executed in two or more counterparts, all of which shall constitute a single instrument, and by one or more of the Parties by facsimile or e-mail transmitted signature and both Parties agree that the delivery of an executed counterpart hereby by facsimile or e-mail will have the same force and effect as the delivery of an original executed counterpart hereof.
- c. No Third Party Beneficiaries. This MOA is entered into for the sole benefit of the Parties and no third parties are intended to, or shall, be granted or deemed to enjoy any rights under this MOA.
- d. Applicable Law. This MOA shall be construed and enforced in accordance with the laws of the State of Colorado, with venue in Montrose County, Colorado.
- e. No Venture or Partnership. No form of joint venture or partnership exists between the Parties and nothing contained in this MOA shall be construed as making either the City or Secret Creek Group joint ventures or partners of any kind.
- f. No Waiver or Governmental Immunity. Nothing in this MOA shall be construed to waive, limit, or otherwise modify any governmental immunity that may be available by law to the City, its officials, employees, contractors, or agents, or any other person acting on behalf of the City and, in particular, governmental immunity afforded or available pursuant to the Colorado Governmental Immunity Act, Title 24, Article 10, Part 1 of the Colorado Revised Statutes.
- g. Article X, Section 20/TABOR. The Parties understand and acknowledge that the City is subject to Article X, § 20 of the Colorado Constitution ("TABOR"). The Parties do not intend to violate the terms and requirements of TABOR by the execution of this MOA. The Parties hereby acknowledge and agree that this MOA does not create a multi-fiscal year direct or indirect debt or obligation within the meaning of TABOR and, therefore (notwithstanding anything in this MOA to the contrary), all payment obligations of the City expressly are dependent and conditioned upon the continuing availability of funds beyond the term of the City's current fiscal period ending upon the next succeeding December 31. The Parties further acknowledge and agree that (i) the City's obligations to perform any obligations under this MOA shall be subject to annual appropriation; and (ii) and any reduction of such appropriation, or failure to appropriate, by the City shall not constitute a default by the City under this MOA.
- h. Signature Authority. Signators for each Party hereby confirm he or she is an authorized agent of the respective Party and has the full power and authority to execute and deliver this MOA as a binding document of the Party.

IN WITNESS THEREOF, the Parties have executed and delivered this MOA as of the Effective Date.

CITY OF MONTROSE, COLORADO

THE SECRET CREEK GROUP, LLC

By: _____
William Bell, City Manager

By: _____
John Gibson, Manager

State of Colorado)
) ss.
County of Montrose)

The foregoing instrument was acknowledged before me this ____ day of _____, 2021, by William Bell, City Manager of the City of Montrose, Colorado.

Witness my hand and official seal.

My commission expires: _____.

(Seal)

Notary

State of Colorado)
) ss.
County of Montrose)

The foregoing instrument was acknowledged before me this ____ day of _____, 2021, by John Gibson, Manager of the Secret Creek Group, LLC.

Witness my hand and official seal.

My commission expires: _____.

(Seal)

Notary



Exhibit A. Anticipated Restroom Facility Location



Waterline materials

Recommendation

Bid #21-032

Date: January 3, 2022

To: Honorable Mayor and Members of the City Council

From: David Bries, Utilities Manager

CC: William Bell, City Manager
Ann Morgenthaler, Assistant City Manager
Shani Wittenberg, Finance Director

Date: January 3, 2022

Subject: Airport Waterline Materials

Recommendation

Approve the purchase of water line pipe from Core & Main in the amount of \$84,800.08 for 12" C900 PVC pipe for the Airport Road Waterline.

Background

Replacement of an existing 6 inch waterline along Airport Road with a 12 inch waterline is included in the 2022 Water Distribution program budget to improve flows and capacity in the area. A request for bids (RFB #21-032) was issued for 1,840 feet of 12" PVC pipe with restrained joint gaskets and three bids were received from local pipe suppliers. Core & Main submitted the low cost bid. This waterline will be installed by Utilities Department crews over the next 6-8 months.

The bids received for the 12" PVC pipe and Riberlok gaskets are summarized below:

Bidder	Location	Total Cost
Core & Main	Grand Junction, Colorado	\$84,800.00
Grand Junction Pipe & Supply	Montrose, Colorado	\$90,161.84
Grand Junction WinWater	Grand Junction, Colorado	\$90,019.40

Net Financial Result of Contract

\$150,000 is included in the 2022 Water Distribution Budget for materials for the Airport Road Waterline.