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, Kelly Watson

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. Watson 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. Watson 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. Watson 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 Broscovak spoke as a representative of the Montrose Center for the Arts. Ms. Broscovak 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 is 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

Douglas Glaspell, Mayor

Lisa DelPiccolo

Lisa DelPiccolo, City Clerk

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