

A regular meeting of the Montrose City Council was held on Tuesday, February 15, 2022 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, Jasmine Hemenway, Bill Bell, Ann Morgenthauer, Greg Story, Lisa DelPiccolo, Tim Cox, Blaine Hall, Jim Scheid, Matthew Magliaro, Kendall Cramer, Ross Valdez, William Reis, Chris Dowsey, Shani Wittenberg, David Bries

ABSENT: Anthony Russo

GUESTS: Larry Fredericksen, Mari Steinbach, Jeff Ryan, Lana Kinsey, Mike Surak, Adam Renfrow

CALL TO ORDER

Mayor Doug Glaspell called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Youth City Council Representative Jasmine Hemenway.

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 January 31, 2022 special City Council meeting, the February 1, 2022 regular City Council meeting, and the February 2, 2022 special City Council meeting.

A motion was made by Barbara Bynum, seconded by Dave Frank, to approve the minutes of the January 31, 2022 special City Council meeting, the February 1, 2022 regular City Council meeting, and the February 2, 2022 special City Council meeting as presented. All voted yes. Motion passed.

RESOLUTION 2022-03

City Council considered Resolution 2022-03, A Resolution of the City Council of the City of Montrose, Colorado, authorizing the filing of a Community Development Block Grant (CDBG) application in order to fund economic development opportunities for persons of low and moderate incomes. A hearing was held.

Community Programs Manager Kendall Cramer reported that Resolution 2022-03 authorizes the filing of the grant application on behalf of Haven House of Montrose, Inc., which provides low income and homeless individuals with housing, life skills training, resources for career development, and early childhood education.

Mr. Cramer stated that grant funds will be used for expansion of the Haven House facility at 4806 N. River Road in Olathe. A 9,200 square foot, two-story addition will house an early childhood education center, office space, four new transitional housing units and eight new low income apartments. Mr. Cramer said that the expansion will enable the early childhood education center to accommodate up to 35 pre-kindergarten children and provide training for early childhood educators. Mr. Cramer stated that approximately 85 percent of Haven House clients are from Montrose and Delta Counties, and at least 95 percent are at the low to moderate income level.

Mr. Cramer stated that the project cost is \$3.1 million, and the required matching funds will be provided by Colorado Housing and Finance Authority, private foundations, and the Haven House Building Fund. Mr. Cramer said the City will not contribute matching funds but commits to assisting with an environmental review, ensuring that procurement aligns with CDBG requirements, submitting required reports, and serving as a liaison with the Department of Local Affairs.

Mr. Cramer reported that if the grant is awarded, the City will enter into an agreement with Haven House for the provision of CDBG funding. Haven House notified the City of Delta, the Town of Olathe, and Montrose County of its intent to file the grant application and received letters of support.

Mr. Cramer said that Resolution 2022-03 authorizes the City Manager to execute the grant agreement, authorizes City staff to act on behalf of the grant, and acknowledges compliance with CDBG requirements.

Mayor Doug Glaspell opened the hearing.

Public comment was accepted.

Haven House President Larry Fredericksen thanked the City for facilitating the grant application and said that without this grant, it would be difficult to proceed with the project.

Mayor Glaspell closed the hearing.

A motion was made by Dave Frank, seconded by J. David Reed, to adopt Resolution 2022-03 as presented. All voted yes. Motion passed.

RESOLUTION 2022-04

City Council considered Resolution 2022-04, authorizing the City of Montrose Police Department to file a Victims of Crime Act (VOCA) Grant through the Colorado Department of Public Safety, Division of Criminal Justice for a 2-year grant totaling \$65,000, for the 2-year lease of a Victim Services vehicle at \$11,000 (\$5,500 per year), \$54,000.00 (\$27,000 per year) for 49.09% of the full-time base salary of the Victim Advocate position for 2023/2024; authorizing a grant match of \$16,250.00 (\$8,125 per year); authorizing the Chief of Police to act in connection with the application and to provide such additional information as may be required; and authorizing the City Manager, Chief of Police and Finance Director to sign the grant application documents.

Police Chief Blaine Hall stated that the requested \$65,000.00 will fund half of the victim advocate position, which is statutorily required, and fund a response vehicle. Chief Hall stated that the grant requires a match of \$16,250.00 over the two-year period and confirmed that the City has applied for and received VOCA grant funding for the past 15 years.

Public comment was accepted. No comments were received.

A motion was made by Barbara Bynum, seconded by J. David Reed, to adopt Resolution 2022-04 as presented. All voted yes. Motion passed.

ORDINANCE 2563 - FIRST READING

City Council considered Ordinance 2563 on first reading, an Ordinance of the City of Montrose, Colorado, extending the temporary moratorium to prohibit the establishment of any new or relocation of existing adult gaming arcade uses within the City limits of the City of Montrose; providing that the moratorium shall be in effect for a period which shall terminate at the earliest of the City's adoption of an amendment to Title 4, Chapter 14 Adult Business Regulations, or the expiration of three hundred sixty-five (365) days from date of passage of Emergency Ordinance 2560; providing for legislative findings, intent, and purpose; providing for a revised definition of the use of adult gaming arcades for the purposes of this Ordinance; providing repealing clauses; and providing an effective date. A hearing was held.

Assistant City Attorney Matthew Magliaro reported that Ordinance 2563 will extend the moratorium on adult gaming arcade uses to September 21, 2022. Mr. Magliaro also requested authorization from City Council to request a formal written opinion or guidance from the state attorney general regarding the legality of the gaming devices and whether a home rule municipality could lawfully enact a ban.

Mr. Magliaro recapped the issue including the adoption of an emergency ordinance on September 21, 2021 enacting a 180-day moratorium while staff researched the issue and available options. Mr. Magliaro reported that two of the arcades are no longer in business within the City limits, and two remain. Mr. Magliaro reviewed research efforts and stated that part of

this proposal is to allow potential statewide legislation to be considered and to receive guidance from the attorney general's office. Mr. Magliaro reviewed proposed modifications to definitions included in Ordinance 2563.

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 Barbara Bynum, to pass Ordinance 2563 on first reading as presented. All voted yes. Motion passed.

ORDINANCE 2577 - FIRST READING

City Council considered Ordinance 2577 on first reading, An Ordinance of the City of Montrose, Colorado, updating Title 6 Chapter 1, Miscellaneous Offenses: repealing and recodifying Title 6 Chapter 1 Section 27 (6-1-27) only regarding underage possession of tobacco/cannabis and paraphernalia, adding Title 6 Chapter 1 Section 26 (6-1-26) regarding underage possession of tobacco and tobacco paraphernalia; repealing and replacing Title 6 Chapter 1 Section 27 (6-1-27) regarding underage possession of cannabis and cannabis paraphernalia. A hearing was held.

Assistant City Attorney Matthew Magliaro reported that Ordinance 2577 separates the existing ordinance into two sections and repeals one provision. Mr. Magliaro summarized the proposed changes and stated that a redline version of the revisions is included in the meeting packet along with the proposed ordinance and a staff memo.

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 2577 on first reading as presented. All voted yes. Motion passed.

ORDINANCE 2579 - FIRST READING

City Council considered Ordinance 2579 on first reading, an Ordinance of the City of Montrose, Colorado, amending the zoning designation of the Yocum Addition from "R-2" Low Density District to "R-3A" Medium High Density District. A hearing was held.

City Councilor J. David recused himself from this agenda item stating that he represents the owner/applicant. Mr. Reed left the meeting at 6:25 p.m.

Planner I William Reis reviewed the location of the 7.3 acre property adjacent to Ogden Road across from the intersection with Kelly Drive and said the purpose of the rezone is to allow for

future development of multi-family housing. The property is adjacent to property zoned R-2 and R-3A and property outside of the City limits.

Mr. Reis reviewed rezone criteria, the intent of the R-3A zoning designation, and Comprehensive Plan goals and objectives. Mr. Reis recommended approval of the rezone stating that the request meets rezone criteria, meets the intent of R-3A zoning designation, is compatible with the Comprehensive Plan, and is compatible with existing uses of the surrounding area. The Planning Commission recommended approval on January 26.

Applicant Mike Surak, a development associate with RealAmerica, presented an overview of plans for the property. Mr. Surak said the development will have 60 apartments in two three-story buildings, and 12 of the units will be market rate. Mr. Surak said a neighborhood meeting was held on January 13, and the response was positive.

Mayor Doug Glaspell opened the hearing.

Public comment was accepted.

Adam Renfrow spoke in support of the project.

Mayor Glaspell closed the hearing.

A motion was made by Dave Frank, seconded by Barbara Bynum, to pass Ordinance 2579 on first reading as presented. All present voted yes. Motion passed.

Mr. Reed rejoined the meeting at 6:42 p.m.

ORDINANCE 2578 - FIRST READING

City Council considered Ordinance 2578 on first reading, an Ordinance of the City of Montrose, Colorado, updating Title 4, Chapter 15, Historic Preservation Regulations of the City of Montrose: Amending Title 4 Chapter 15 Section 2 (4-15-2) regarding the composition of the Historic Preservation Commission.

Planner I William Reis reported that Ordinance 2578 amends the Municipal Code to accommodate the appointment of an alternate member of the Historic Preservation Commission. Mr. Reis reviewed the changes and said the alternate will vote in the absence of regular member.

Mayor Doug Glaspell opened the hearing.

Public comment was accepted. No comments were received.

Mayor Glaspell closed the hearing.

A motion was made by J. David Reed, seconded by Dave Frank, to pass Ordinance 2578 on first reading as presented. All voted yes. Motion passed.

HISTORIC PRESERVATION COMMISSION BYLAWS

City Council considered a review and update of the Historic Preservation Commission Bylaws.

Planner I William Reis reviewed recommended changes to the Historic Preservation Commission bylaws that clarify the role of the alternate member and further define a quorum. Mr. Reis said the Historic Preservation Commission reviewed the changes and recommend approval.

Public comment was accepted. No comments were received.

A motion was made by Barbara Bynum, seconded by Dave Frank, to approve the Historic Preservation Commission Bylaws as presented. All voted yes. Motion passed.

ORDINANCE 2580 - FIRST READING

City Council considered Ordinance 2580 on first reading, an Ordinance of the City of Montrose, Colorado, designating the S.H. Nye Building, 428 E Main Street, Montrose, Colorado, as a City of Montrose Historic Property Pursuant to § 4-15 of the Official Code of the City of Montrose. A hearing was held.

Planner I William Reis reviewed the history of the S.H. Nye building and stated that it is over 50 years old, is associated with significant historical events, is connected with significant persons in history, and has distinctive characteristics.

Mr. Reis reviewed the history of Samuel Huntington Nye. Mr. Nye was one of the earliest settlers in the Uncompahgre Valley. He is credited with being one of the first to grow fruit trees in Montrose County, and he was one of the first county commissioners appointed by the governor in 1883. Mr. Reis also reviewed the history of the building which was completed in February of 1910.

Mr. Reis recommended approval of the historic property designation stating that staff finds that the building meets the eligibility and integrity requirements.

A hearing was held.

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 2580 on first reading as presented. All voted yes. Motion passed.

BUCKLEY/LIONS PARK IRRIGATION REPLACEMENT CONTRACT
RECOMMENDATION

City Council considered the award of a contract to Stryker and Company, Inc., in the amount of \$802,073.74 for the Buckley/Lions Irrigation Replacement Project.

City Councilor J. David Reed recused himself from this agenda item stating that he represents the contractor. Mr. Reed left the meeting at 6:55 p.m.

Public Works Manager Jim Scheid reported that the existing irrigation system for Buckley Park and Lions Park was installed in the 1980s. It serves 10 acres with a complex layout and a large number of trees. Mr. Scheid said the irrigation system has aged to the point where crews spend a large amount of time keeping it functioning. Mr. Scheid stated that the design work was completed in house, and impacted trees will be replaced.

Mr. Scheid reviewed the bid process and recommended awarding the contract to Stryker and Company. Mr. Scheid said the contract amount includes a 10 percent contingency.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by Barbara Bynum, to award a contract to Stryker and Company, Inc., in the amount of \$802,073.74 for the Buckley/Lions Irrigation Replacement Project as presented. All present voted yes. Motion passed.

Mr. Reed rejoined the meeting at 7:01 p.m.

STAFF REPORTS

Sales, Use, and Excise Tax Report: Finance Director Shani Wittenberg presented a sales, use, and excise tax report for the month of December of 2021. Ms. Wittenberg reported that total sales and use tax collections were up 12.5 percent as compared to December of 2020 with a positive budget variance of 17.8 percent. Year-to-date collections were up 19.3 percent with a positive budget variance of 26.6 percent.

Fourth Quarter Budget Review: Finance Director Shani Wittenberg reported no concerns and said the full report is included in the meeting packet along with a summarizing memo.

YOUTH CITY COUNCIL COMMENTS

Youth City Council Representative Jasmine Hemenway reported that MHS representatives met with the Youth City Council to discuss creating a space to learn about college and career opportunities, assist students with college readiness, and provide information on internship opportunities. Ms. Hemenway also reported that the Youth City Council is planning a clothing drive for homeless youth and Earth Week activities.

CITY COUNCIL COMMENTS

City Councilor Barbara Bynum announced that The Forum is back on Wednesdays from 8:00-9:00 a.m. in the Cascade Room of the CMU Montrose Campus. Ms. Bynum said County Manager Jon Waschbusch will present an update on February 16.

Community Engagement Specialist Ross Valdez reported that a Latinx Police Academy is scheduled for April 12, April 19, and April 26. Registration information is available on the City website or by contacting Mr. Valdez.

Police Chief Blaine Hall invited the community to a local police hiring and recruiting event on Saturday, February 19, from 10 a.m. until 4:00 p.m. at the Montrose County Event Center. Interested individuals will be able to submit an application at the event. Equipment and vehicles will be on display, and tours of the new police building will be offered.

MOTION TO ADJOURN

At 7:16 p.m., a motion was made by Dave Frank to adjourn the meeting with no further action taken.

ATTEST:


Douglas Glaspell, Mayor


Lisa DelPiccolo, City Clerk

