



REGULAR CITY COUNCIL MEETING AGENDA
Tuesday, February 7, 2023 - 6:00 PM
Community Room, Montrose Public Safety Complex - 434 S. First Street

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. The 11:00 p.m. rule will be enforced in accordance with City of Montrose Regulations (Sec. 7-15-2).

Public participation for this meeting will be in person in the Community Room of the Montrose Public Safety Complex. The meeting can be viewed via livestream at <https://www.cityofmontrose.org/759/Live-Meetings-Viewer>.

Hearing assistance devices are available for public use. Please let us know if you need accommodation. The City also offers interpretation for Spanish speakers. In order to allow time to book this resource, please email planningmail@ci.montrose.co.us at least three days before the meeting.

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- 1) City Council meeting called to order by Mayor Dave Frank
 - 2) The Pledge of Allegiance
 - 3) Roll call by the City Clerk
 - 4) Changes to the agenda including additions and deletions
 - 5) Youth City Council Applicant Interview
 - 6) 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.

7) CONSENT AGENDA (5 minutes)

- A) City Council consideration of the minutes of the January 17, 2023, regular City Council meeting. *Staff: City Clerk Lisa DelPiccolo* **5-7**
- B) City Council consideration of a list of City-owned equipment for disposal at auction. *Staff: Public Works Manager Jim Scheid* **8-9**

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

8) NEW TAVERN LIQUOR LICENSE APPLICATION (15 minutes)

City Council consideration of an application for a new Tavern liquor license at 35 N. Cascade Avenue for Daisy McEachern, d.b.a. Red, White and Brew Tavern, for consumption on the licensed premises. *Staff: City Attorney Ben Morris* **10-16**

Action: Hold a hearing. Consider making a motion to approve a new Tavern liquor license at 35 N. Cascade Avenue for Daisy McEachern, d.b.a. Red, White and Brew Tavern, for consumption on the licensed premises.

9) ORDINANCE 2611 - SECOND READING (10 minutes)

City Council consideration of Ordinance 2611 on second reading, an Ordinance of the City of Montrose, Colorado, granting and authorizing the conveyance of an interest in City-owned real estate pursuant to §1-9-2 of the Official Code of the City of Montrose. *Staff: Planning Manager Jace Hochwalt* **17-21**

Action: Accept public comment. Consider making a motion to adopt Ordinance 2611 on second reading as presented.

10) ORDINANCE 2612 - FIRST READING (15 minutes)

City Council consideration of Ordinance 2612 on first reading, an Ordinance of the City of Montrose, Colorado, revising Chapter 10-1 of the Official Code of the City of Montrose, Colorado, for the regulating of traffic; adopting by reference the 2020 edition of the "Model Traffic Code for Colorado Municipalities;" repealing all ordinances in conflict therewith; superseding the 2003 Model Traffic Code for Colorado Municipalities; providing other provisions consistent with the adoption of the 2020 code; and providing penalties for violation thereof. *Staff: City Attorney Ben Morris* **22-43**

Action: Hold a hearing. Consider making a motion to pass Ordinance 2612 on first reading as presented.

11) CASA PRELIMINARY PLANNED DEVELOPMENT (15 minutes)

City Council consideration of the CASA Preliminary Planned Development. *Staff: Planner II William Reis* **44-55**

Action: Accept public comment. Consider making a motion to approve the CASA Preliminary Planned Development.



12) KLEIN ADDITION ANNEXATION (15 minutes)

City Council will hold a hearing on the annexation of the Klein Addition. *Staff: Planner II William Reis* **56-67**

Resolution 2023-02: City Council consideration of Resolution 2023-02, Findings of Fact for the Klein Addition.

Action: Accept public comment. Consider making a motion to adopt Resolution 2023-02 as presented.

Ordinance 2613 - First Reading: City Council consideration of Ordinance 2613 on first reading, an Ordinance of the City of Montrose, Colorado for the annexation of the Klein Addition.

Action: Hold a hearing. Consider making a motion to pass Ordinance 2613 on first reading as presented.

13) ORDINANCE 2614 - FIRST READING (5 minutes)

City Council consideration of Ordinance 2614 on first reading, an Ordinance of the City of Montrose, Colorado, providing for the zoning of the Klein Addition as an "MHR," Manufactured Housing Residential District. *Staff: Planner II William Reis* **68**

Action: Hold a hearing. Consider making a motion to pass Ordinance 2614 on first reading as presented.

14) ORDINANCE 2615 - FIRST READING (10 minutes)

City Council consideration of Ordinance 2615 on first reading, an Ordinance of the City of Montrose, Colorado, designating the Montrose Electric Light & Power Company Building, with an historic address of 7 South Townsend Avenue, Montrose, Colorado, as a City of Montrose Historic Property Pursuant to § 4-15 of the Official Code of the City of Montrose. *Staff Planner II William Reis* **69-71**

Action Hold a hearing. Consider making a motion to pass Ordinance 2615 on first reading as presented.

15) 6700 ROAD EXTENSION PROJECT CONSTRUCTION CONTRACT (15 Minutes)

City Council consideration of the approval of \$4,595,856.14 in expenditures for construction of the 6700 Road Extension Project. This includes the award of a construction contract to Williams Construction in the amount of \$4,387,256.14, a survey and engineering support contract to Del-Mont Consultants in the amount of \$133,600, flashing crosswalk and school zone signage expenditures of \$25,000, and \$50,000 in expenditures to Delta-Montrose Electric Association for a portion of costs associated with powerline relocation and undergrounding alongside the project. *Staff: City Engineer Scott Murphy* **72-76**

Action: Accept public comment. Consider making a motion to approve \$4,595,856.14 in expenditures for construction of the 6700 Road Extension Project as presented.



16) RAUSCH USA CCTV SEWER CAMERA VAN PURCHASE RECOMMENDATION (10 minutes)

City Council consideration of the purchase of a Rausch USA CCTV sewer camera van from Ten Point Sales & Marketing LLC, of Wheat Ridge, Colorado, for the total purchase price of \$279,833.00. *Staff: Utilities Manager David Bries 77-78*

Action: Accept public comment. Consider making a motion to approve the purchase of a Rausch USA CCTV sewer camera van from Ten Point Sales & Marketing LLC for the total purchase price of \$279,833.00 as presented.

17) 2023 TRASH TRUCK PURCHASE RECOMMENDATION (10 minutes)

City Council consideration of the purchase of three trash trucks from Kois Brothers Equipment in Commerce City, Colorado, for the total purchase price of \$1,226,495.25. *Staff: Public Works Manager Jim Scheid 79-80*

Action: Accept public comment. Consider making a motion to approve the purchase of three trash trucks from Kois Brothers Equipment in Commerce City, Colorado, for the total purchase price of \$1,226,495.25 as presented.

18) 2022 FORD VEHICLE PURCHASE AMENDMENT (10 minutes)

City Council consideration of a cost increase totaling \$146,830.48 for the 2022 Ford vehicle purchase previously awarded to Sill-Terhar Motors. *Staff: Public Works Manager Jim Scheid 81-82*

Action: Accept public comment. Consider making a motion to approve a cost increase totaling \$146,830.48 for the 2022 Ford vehicle purchase as presented.

19) STAFF REPORTS

20) YOUTH CITY COUNCIL COMMENTS

21) CITY COUNCIL COMMENTS

22) MOTION TO ADJOURN

A regular meeting of the Montrose City Council was held on Tuesday, January 17, 2023, at 6:00 p.m. in the Community Room of the Montrose Public Safety Complex. Said meeting was posted in accordance with the Sunshine Law.

PRESENT: Dave Frank, Barbara Bynum, Doug Glaspell, J. David Reed, Ed Ulibarri, Caitlin Dovey, Bill Bell, Ben Morris, Lisa DelPiccolo, Greg Story, Jim Scheid, Jace Hochwalt, Shani Wittenberg, William Woody, Scott Murphy, Blaine Hall, Dawn Dovey

GUESTS: John Renfrow, Jim Renfrow, Flint Ogle, Randy Griffin

CALL TO ORDER

Mayor Dave Frank 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 January 3, 2023, regular City Council meeting.

A motion was made by Barbara Bynum, seconded by J. David Reed, to approve the minutes of the January 3, 2023, regular City Council meeting as presented. All voted yes. Motion passed.

ORDINANCE 2611 – FIRST READING

City Council considered Ordinance 2611 on first reading, an Ordinance of the City of Montrose, Colorado, granting and authorizing the conveyance of an interest in City-owned real estate pursuant to §1-9-2 of the Official Code of the City of Montrose. A hearing was held.

Planning Manager Jace Hochwalt reviewed a proposal to convey .62 acres of city-owned property at Black Canyon Golf Course to James Renfrow who owns adjacent property. Mr. Hochwalt reported that City Council authorized the mayor to sign a sales agreement at the January 3 meeting, and adoption of Ordinance 2611 would convey the property. Mr. Hochwalt said Mr. Renfrow approached the City to acquire the undeveloped parcel to maintain it and enhance its appearance. The parcel lacks vegetation and serves no functional purpose to the Golf Course. Mr. Hochwalt said no additional lots will be created with the transaction. The subdivision plat for the boundary

line adjustment was approved internally by staff conditioned upon City Council approval of the sales transaction.

City Manager Bill Bell stated that the funds from the sale will be placed in the General Fund.

Mayor Dave Frank opened the hearing.

Public comment was accepted. No comments were received.

Mayor Frank closed the hearing.

A motion was made by J. David Reed, seconded by Doug Glaspell, to pass Ordinance 2611 on first reading as presented. All voted yes. Motion passed.

SPRUCE POINT SUBDIVISION FILING NO. 3 FINAL PLAT

City Council considered the Spruce Point Subdivision Filing No. 3 Final Plat to create 36 new residential lots and dedicate rights of way and/or easements.

Planning Manager Jace Hochwalt reviewed a request for a final subdivision plat encompassing 23.26 acres, creating 36 new residential lots created with 1.83 acres dedicated as open space and 13.56 acres reserved for future development. Mr. Hochwalt stated that the property is zoned R-3A, Medium High Density Residential, and the property is part of the larger Spruce Point Addition annexed in 2004. Mr. Hochwalt stated that Ordinance 2021 set a maximum of 269 dwelling units within the overall development, and approval of the Final Plat would bring the total of existing lots to 62.

Mr. Hochwalt recommended approval of the Final Plat with the standard condition.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by J. David Reed, to approve the Spruce Point Subdivision Filing No. 3 Final Plat expressly conditioned upon City staff ensuring that all policies, regulations, ordinances and Municipal Code provisions are met and that the applicant adequately addresses all of staff's concerns prior to the execution of the Final Plat. The City staff is not authorized by this approval to execute the Final Plat prior to all conditions being satisfied. All voted yes. Motion passed.

2023 EQUIPMENT PURCHASE RECOMMENDATION

City Council considered the purchase of four dump trucks, an asphalt recycler, a police armored vehicle, and a tractor/trailer for the total amount of \$1,772,924.00.

Public Works Manager Jim Scheid reviewed the purchase of four dump trucks included the 2022 and 2023 budgets and recommended purchasing the dump trucks from Transwest and OJ Watson of Grand Junction. Mr. Scheid stated that the asphalt recycler will be purchased through a cooperative purchasing agreement and will reuse asphalt millings for small patches and pothole

repairs. The police armored vehicle is a replacement vehicle and will also be purchased through a cooperative purchasing agreement. The tractor/trailer will be purchased at auction and will be used by multiple divisions for hauling equipment and for in-house CDL training.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by Ed Ulibarri, to approve the purchase of four dump trucks, an asphalt recycler, a police armored vehicle, and a tractor/trailer for the total amount of \$1,772,924.00 as presented. All voted yes. Motion passed.

STAFF REPORTS

Sales, Use, and Excise Tax Report: Finance Director Shani Wittenberg provided a sales, use, and excise tax report for the month of November 2023. Ms. Wittenberg reported that total sales tax collections were up 6.3 percent as compared to November 2021 with a positive budget variance of 24.6 percent. Year-to-date collections were up 11.2 percent with a positive budget variance of 29.3 percent.

Emergency Alert System Update: Police Chief Blaine Hall reported a change in the vendor used for the Montrose County emergency alert system. To continue to receive alerts, citizens will need to sign up on the Sheriff's Office website or by texting 65513 to Montrose County.

MOTION TO ADJOURN

At 6:28 p.m., a motion was made by Doug Glaspell seconded by J. David Reed, to adjourn the meeting with no further action taken.

ATTEST:

David Frank, Mayor

Lisa DelPiccolo, City Clerk



PROPERTY DISPOSAL

January 17, 2023

TO: Honorable Mayor, City Council
FROM: Jim Scheid, Public Works Manager
CC: William Bell, City Manager; Ann Morgenthaler, Assistant City Manager;
Shani Wittenberg, Finance Director; Shane Brandt, Fleet Superintendent
DATE: January 17, 2023
SUBJECT: City Owned Property Disposal

Recommendation

Approve the disposal of City owned vehicles and equipment to be replaced in 2023.

Background

Throughout the year, City departments replace outdated and obsolete equipment and vehicles. These items are typically low-value, unserviceable, or outdated items. Once each year (typically), these items are disposed of in various ways. Items have been auctioned through Govdeals.com, at the local Jim's Auction, and donated or sold to surrounding communities.

All items are disposed of in accordance with Section 1-16-5 of the Municipal Code.

Net Financial Impact

Proceeds from the sales are applied to the fleet fund.

Unit to be Replaced
292-2008 Ford F-350 (Streets)
256-2006 Mack Dump Truck (Streets)
223-2005 Trailer (Streets)
31-1975 Trailer (Streets)
289-2008 Ford F-350 (Parks)
294-2008 Ford F-350 (Parks)
423-2016 Hustler Super Z (Parks)
424-2016 Hustler Super Z (Parks)

425-2016 Hustler Super Z (Parks)
51-John Deere Brush hog (Parks)
410-2015 Ford Police Interceptor (Police Department)
411-2015 Ford Police Interceptor (Police Department)
412-2015 Ford Police Interceptor (Police Department)
413-2015 Ford Police Interceptor (Police Department)
414-2015 Ford Police Interceptor (Police Department)
415-2015 Ford Police Interceptor (Police Department)
238-2006 Chevrolet 1500 (Police Department)
125-2003 GMC Camera Van (Sewer Maintenance)
229-2005 Wanco Message Board (Water Distribution)
225-2005 Mack Dump Truck (Water Distribution)
332-2008 Ford F-150 (Facilities)
281-2007 Chevrolet Colorado (Building Inspection)
291-2008 Ford F-350 (Fleet)
719-2006 Salsco Greens Roller (Black Canyon Golf Course)
440-2017 Mack Scorpion Trash Truck (Trash and Recycle)
Metal cutting band saw (Fleet)

1

Name	Type of License	Account Number																		
7. Is the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers under the age of twenty-one years? Yes ☐ No ☒ 8. Has the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers ever (in Colorado or any other state): a. Been denied an alcohol beverage license? ☐ ☒ b. Had an alcohol beverage license suspended or revoked? ☐ ☒ c. Had interest in another entity that had an alcohol beverage license suspended or revoked? ☐ ☒ If you answered yes to 8a, b or c, explain in detail on a separate sheet. 9. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes", explain in detail. ☐ ☒ 10. Are the premises to be licensed within 500 feet, of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary? ☐ ☒ or Waiver by local ordinance? ☐ ☒ Other: _____ 11. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of greater than (>) 10,000? NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS. ☐ ☒ 12. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 3000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of less than (<) 10,000? NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS. ☐ ☒ 13. a. For additional Retail Liquor Store only. Was your Retail Liquor Store License issued on or before January 1, 2016? ☐ ☒ b. Are you a Colorado resident? ☐ ☐ 14. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a Limited Liability Company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any <u>current</u> financial interest in said business including any loans to or from a licensee. ☐ ☒ 15. Does the applicant, as listed on line 2 of this application, have legal possession of the premises by ownership, lease or other arrangement? ☒ ☐ ☐ Ownership ☒ Lease ☐ Other (Explain in Detail) _____ a. If leased, list name of landlord and tenant, and date of expiration, exactly as they appear on the lease: <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;">Landlord <i>Albert F Moreland Jr</i></td> <td style="width: 40%;">Tenant <i>Daisy McEachern</i></td> <td style="width: 20%;">Expires <i>12/1/2023</i></td> </tr> </table> b. Is a percentage of alcohol sales included as compensation to the landlord? If yes, complete question 16. ☐ ☒ c. Attach a diagram that designates the area to be licensed in black bold outline (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11". 16. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies) will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business? Attach a separate sheet if necessary. <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Last Name</td> <td style="width: 20%;">First Name</td> <td style="width: 15%;">Date of Birth</td> <td style="width: 20%;">FEIN or SSN</td> <td style="width: 15%;">Interest/Percentage</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table> Attach copies of all notes and security instruments and any written agreement or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation. 17. Optional Premises or Hotel and Restaurant Licenses with Optional Premises: ☐ ☒ Has a local ordinance or resolution authorizing optional premises been adopted? ☐ ☒ Number of additional Optional Premise areas requested. (See license fee chart) _____ 18. For the addition of a Sidewalk Service Area per Regulation 47-302(A)(4), include a diagram of the service area and documentation received from the local governing body authorizing use of the sidewalk. Documentation may include but is not limited to a statement of use, permit, easement, or other legal permissions.			Landlord <i>Albert F Moreland Jr</i>	Tenant <i>Daisy McEachern</i>	Expires <i>12/1/2023</i>	Last Name	First Name	Date of Birth	FEIN or SSN	Interest/Percentage										
Landlord <i>Albert F Moreland Jr</i>	Tenant <i>Daisy McEachern</i>	Expires <i>12/1/2023</i>																		
Last Name	First Name	Date of Birth	FEIN or SSN	Interest/Percentage																

Name	Type of License	Account Number		
19. Liquor Licensed Drugstore (LLDS) applicants, answer the following: a. Is there a pharmacy, licensed by the Colorado Board of Pharmacy, located within the applicant's LLDS premise? ☐ Yes ☒ No If "yes" a copy of license must be attached.				
20. Club Liquor License applicants answer the following: Attach a copy of applicable documentation Yes No a. Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain? ☐ Yes ☒ No b. Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain? ☐ Yes ☒ No c. How long has the club been incorporated? d. Has applicant occupied an establishment for three years (three years required) that was operated solely for the reasons stated above? ☐ Yes ☒ No				
21. Brew-Pub, Distillery Pub or Vintner's Restaurant applicants answer the following: a. Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached) ☐ Yes ☒ No				
22. Campus Liquor Complex applicants answer the following: a. Is the applicant an institution of higher education? ☐ Yes ☒ No b. Is the applicant a person who contracts with the institution of higher education to provide food services? ☐ Yes ☒ No If "yes" please provide a copy of the contract with the institution of higher education to provide food services.				
23. For all on-premises applicants. a. For all Liquor Licensed Drugstores (LLDS) the Permitted Manager must also submit an Manager Permit Application - DR 8000 and fingerprints.				
Last Name of Manager <i>McEachern</i>		First Name of Manager <i>Daisy</i>		
24. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number. Yes No ☐ Yes ☒ No				
25. Related Facility - Campus Liquor Complex applicants answer the following: a. Is the related facility located within the boundaries of the Campus Liquor Complex? If yes, please provide a map of the geographical location within the Campus Liquor Complex. If no, this license type is not available for issues outside the geographical location of the Campus Liquor Complex. b. Designated Manager for Related Facility- Campus Liquor Complex				
Last Name of Manager		First Name of Manager		
26. Tax Information. Yes No a. Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business? ☐ Yes ☒ No b. Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.? ☐ Yes ☒ No				
27. If applicant is a corporation, partnership, association or limited liability company, applicant must list all Officers, Directors, General Partners, and Managing Members. In addition, applicant must list any stockholders, partners, or members with ownership of 10% or more in the applicant. All persons listed below must also attach form DR 8404-I (Individual History Record), and make an appointment with an approved State Vendor through their website. See application checklist, Section IV, for details.				
Name	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	Position	%Owned
Name	Home Address, City & State	DOB	Position	%Owned

Name	Type of License	Account Number								
** If applicant is owned 100% by a parent company, please list the designated principal officer on above. ** Corporations - the President, Vice-President, Secretary and Treasurer must be accounted for above (Include ownership percentage if applicable) ** If total ownership percentage disclosed here does not total 100%, applicant must check this box: ☐ Applicant affirms that no individual other than these disclosed herein owns 10% or more of the applicant and does not have financial interest in a prohibited liquor license pursuant to Article 3 or 5, C.R.S.										
Oath Of Applicant										
I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.										
Authorized Signature 	Printed Name and Title Daisy McEachern / owner	Date 12-7-20								
Report and Approval of Local Licensing Authority (City/County)										
Date application filed with local authority January 5, 2023	Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application) February 7, 2023									
The Local Licensing Authority Hereby Affirms that each person required to file DR 8404-I (Individual History Record) or a DR 8000 (Manager Permit) has been: ☒ Fingerprinted ☒ Subject to background investigation, including NCIC/CCIC check for outstanding warrants That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with and aware of, liquor code provisions affecting their class of license (Check One) ☐ Date of inspection or anticipated date _____ ☒ Will conduct inspection upon approval of state licensing authority										
☐ Is the Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1,500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of > 10,000? ☐ Is the Liquor Licensed Drugstore(LLDS) or Retail Liquor Store (RLS) within 3,000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of < 10,000? NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS. ☐ Does the Liquor-Licensed Drugstore (LLDS) have at least twenty percent (20%) of the applicant's gross annual income derived from the sale of food, during the prior twelve (12) month period?		<table border="0"> <tr> <td>Yes</td> <td>No</td> </tr> <tr> <td>☐</td> <td>☒</td> </tr> <tr> <td>☐</td> <td>☒</td> </tr> <tr> <td>☐</td> <td>☒</td> </tr> </table>	Yes	No	☐	☒	☐	☒	☐	☒
Yes	No									
☐	☒									
☐	☒									
☐	☒									
The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 44, Article 4 or 3, C.R.S., and Liquor Rules. Therefore, this application is approved.										
Local Licensing Authority for		Telephone Number ☐ Town, City ☐ County								
Signature	Print	Title								
Signature	Print	Title								
		Date								

**CITY OF MONTROSE
LOCAL LIQUOR LICENSING AUTHORITY**

IN THE MATTER OF THE APPLICATION FOR)	
A NEW TAVERN)	PRELIMINARY
LIQUOR LICENSE)	FINDINGS AND REPORT
	LIQUOR LICENSE
RED, WHITE AND BREW TAVERN)	APPLICATIONS
35 N. UNCOMPAHGRE AVENUE)	
MONTROSE, CO 81401)	

TO THE APPLICANT ABOVE-NAMED AND OTHER INTERESTED PARTIES;
GREETINGS:

Pursuant to C.R.S. § 44-3-312, not less than five (5) days prior to the date of the hearing, the local liquor licensing authority is required to make known its findings based on its investigation in writing to the applicant and other interested parties. You are hereby advised that with regard to the above application an investigation has been made, and based on the results thereof the following have been determined:

- (1) There **has not** been a denial of an application at the same location by either the state or local licensing authority within the two years preceding the date of the application for the reason that the reasonable requirements of the neighborhood were satisfied by the existing outlets. This includes premises within five hundred feet of the location for which the current application is sought per C.R.S. § 44-3-313 (1)(a)(I).
- (2) It appears from the evidence submitted that the applicant will be entitled to possession of the premises where the license is proposed to be exercised per C.R.S. § 44-3-313 (1)(b).
- (3) Selling liquor in the manner proposed in the application is not in violation of the zoning laws of the City of Montrose or any laws, rules or regulations pertaining to taverns of the State Board of Health or the State of Colorado, per C.R.S. § 44-3-313 (1)(c).
- (4) The building where the applicant proposes to sell liquor at retail **is not in violation of the 500-foot limitation** from any public or parochial school or the principal campus of any college, university, or seminary, notwithstanding the exceptions listed in C.R.S. § 44-3-313 (1)(d)(I).

- (5) Within the neighborhood designated by the City of Montrose as the neighborhood affected by the license applied for, there are the following existing liquor outlets:

ARTS.....	02
BEER AND WINE.....	01
BREW PUB.....	05
FERMENTED MALT BEVERAGE/OFF.....	15
HOTEL & RESTAURANT.....	27
HOTEL & RESTAURANT/OPTIONAL PREMISES.....	03
LOGDING & ENTERTAINMENT.....	07
RETAIL LIQUOR STORE.....	07
TAVERN.....	09

- (6) The following criminal history information has been brought to the attention of the Authority:

Applicant (including partners, officers, directors, over 10% shareholders):

All Clear

Applicant's registered manager:

N/A

Source of information:

CBI/FBI Background Reports

- (7) The Applicant has submitted the appropriate fees due and payable to the City of Montrose.
- (8) The Applicant has posted the appropriate signage at the premises for which the license is sought, with a photo evidencing the same on file.

The public hearing on this application will be held on February 7, 2023, at 6:00 p.m., in the Community Room the Montrose Public Safety Complex, in Montrose, Colorado. At said hearing, you will have an opportunity to be heard regarding all matters pertaining to the application, including all matters herein set forth.

Dated this 30th day of January, 2023.



LOCAL LIQUOR LICENSING
AUTHORITY, CITY OF MONTROSE,
COLORADO

Lisa Self-Peterson

By: City Clerk and Secretary to Local Liquor
Licensing Authority



CITY OF MONTROSE

OFFICE OF THE CITY CLERK



Lisa DelPiccolo, MMC, City Clerk

Direct Dial: 970.240.1422

E-mail: ldelpiccolo@ci.montrose.co.us

January 24, 2023

Petitions were circulated in support of a Tavern liquor license at 35 N. Cascade Avenue for Daisy McEachern doing business as Red, White and Brew Tavern.

A summary of the petitions is as follows:

- 81 Signatures were submitted
- 42 Signatures were determined to be insufficient
 - 21 outside of city limits
 - 9 provided insufficient addresses
 - 8 failed to indicate support or opposition
 - 4 failed to provide the age of the signer and failed to indicate support or opposition
- 39 Signatures were determined to be valid and in support of the license.

One comment was received in support of the license being issued:

➤ Finally!

Respectfully,

Lisa DelPiccolo, MMC
City Clerk



CITY OF MONTROSE
Planning Services

MEMO

TO: City Council
FROM: Jace Hochwalt, Planning Manager
DATE: February 7, 2023
RE: Black Canyon Golf Course Boundary Line Adjustment

ATTACHMENTS:

- Exhibit A: Maps
- Exhibit B: Proposed Boundary Line Adjustment Plat

Project Background:

James Renfrow owns the property at 2400 Columbine Lane, and has approached the City of Montrose to purchase a small area of unmaintained and undeveloped area of the Black Canyon Golf Course. The total area proposed to be acquired is 0.62 acres and is adjacent to the south of Mr. Renfrow's property, better illustrated in Exhibit A. While this area of land is owned by the City as part of the Black Canyon Golf Course, it serves no functional use to the course itself, and is not maintained. Mr. Renfrow is proposing to acquire this land area in order to functionally maintain and revegetate the area so it is not an eyesore directly adjacent to the south of his home.

Mr. Renfrow has submitted a Boundary Line Adjustment plat (attached as Exhibit B) reflecting the area of property that is proposed to be acquired. As shown, no new lots are being created, and the proposal is just shifting Mr. Renfrow's existing property line to the south. While the Boundary Line Adjustment is administrative through the Planning Department, City Council must approve the sale of City property prior to any plat recording or property transfer. The Real Estate Contract was signed by Mayor Frank on January 3rd following the real estate contract approval at the January 3rd, 2023 City Council Meeting.



EXHIBIT A: Maps

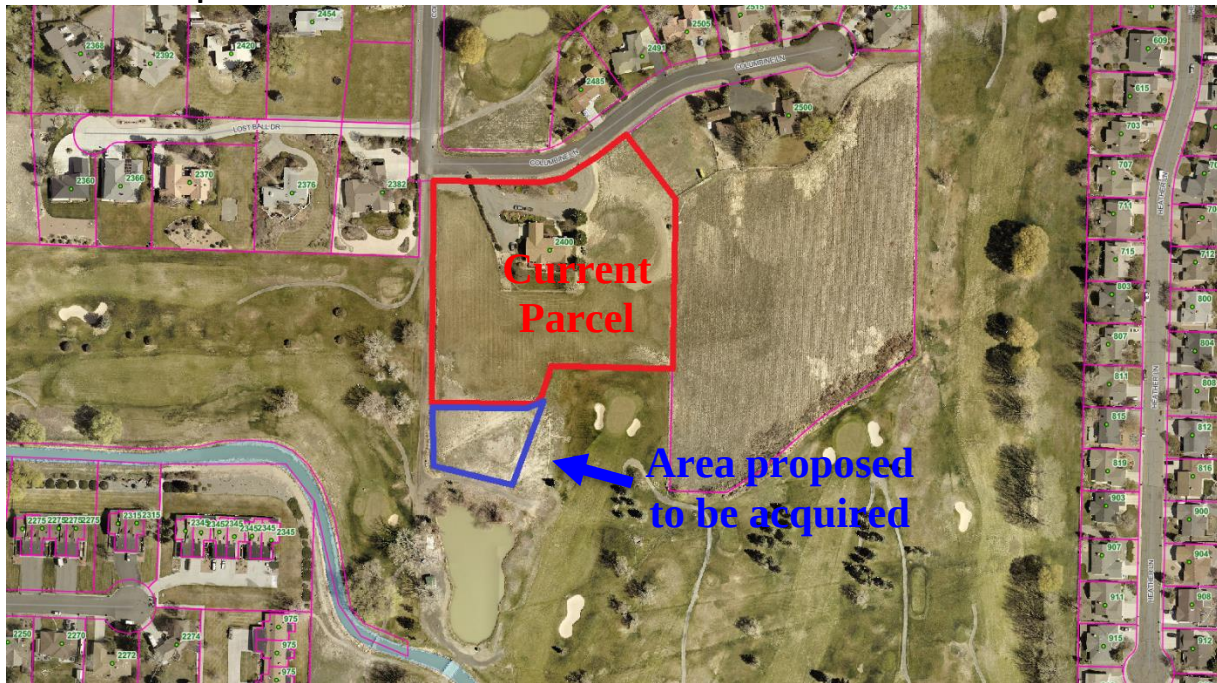
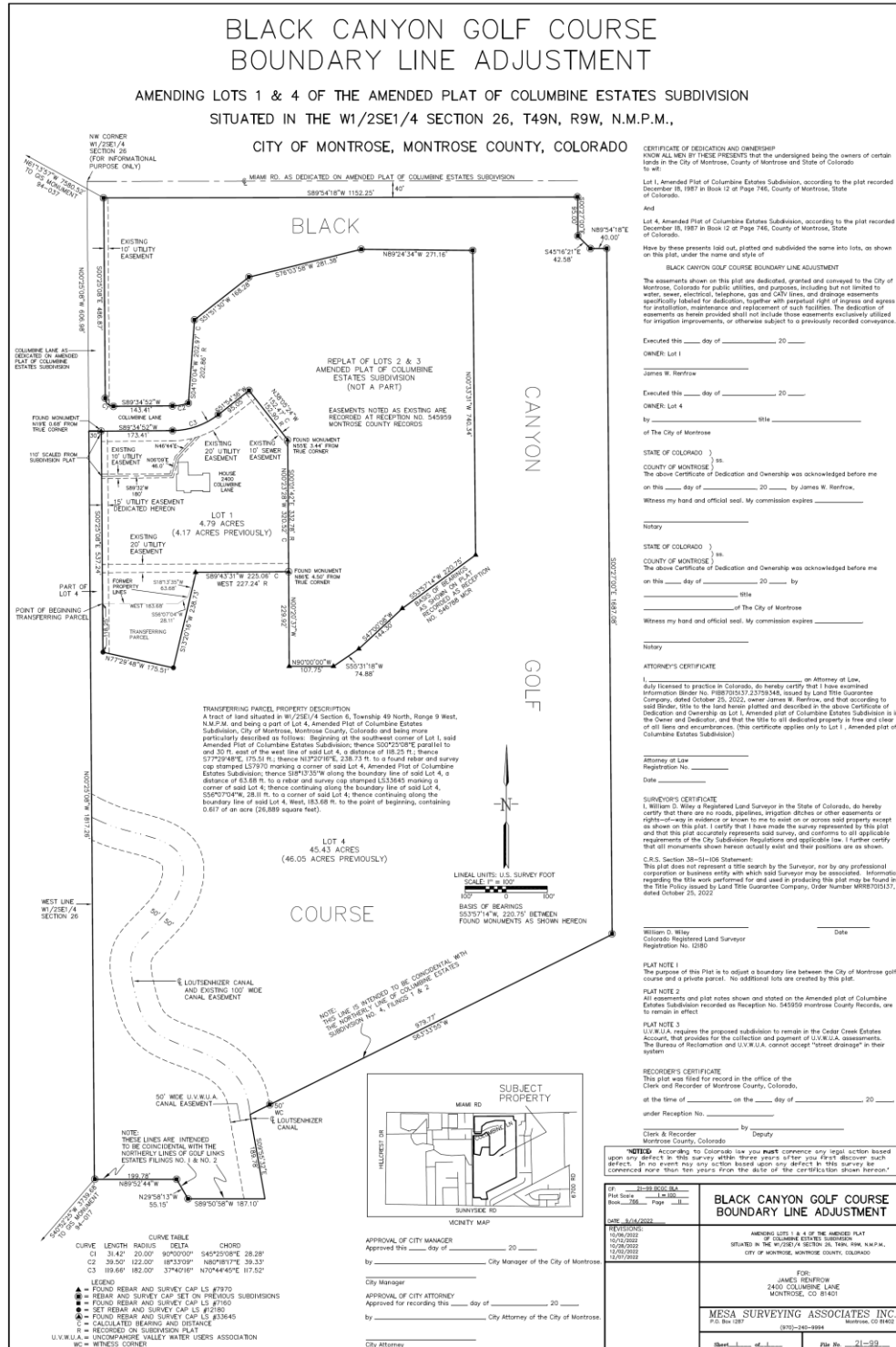


EXHIBIT B: Proposed Boundary Line Adjustment Plat



ORDINANCE NO. 2611

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO,
AUTHORIZING THE SALE OF REAL PROPERTY PURSUANT TO § 1-9-2 OF
THE OFFICIAL CODE OF THE CITY OF MONTROSE

WHEREAS, the property described and shown on the map in **Exhibit A** is not required for any public purpose by the City of Montrose; and

WHEREAS, the City of Montrose, which currently owns this property, has no use for the same and is desirous of conveying said property.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO, that the real property more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference, may be conveyed, on forms acceptable to the City for reasonable consideration. The real property described on **Exhibit A** is comprised of a portion of Lot 4 of the Amended Plat of Columbine Estates Subdivision. Further, the City Council hereby authorizes the Mayor and City Staff to execute all documents required to consummate said conveyance.

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 17th day of January, 2023, at the hour of 6:00 p.m. at the Police Department Community Meeting Room, 434 South First Street, in Montrose, Colorado.

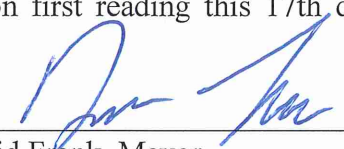
INTRODUCED, READ and PASSED on first reading this 17th day of January, 2023.

ATTEST:



Lisa DelPiccolo, City Clerk





David Frank, Mayor

INTRODUCED, READ and ADOPTED on second reading this 7th day of February, 2023.

David Frank, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

EXHIBIT A

PROPERTY DESCRIPTION

A tract of land situated in W1/2SE1/4 Section 6, Township 49 North, Range 9 West, N.M.P.M. and being a part of Lot 4, Amended Plat of Columbine Estates Subdivision, City of Montrose, Montrose County, Colorado and being more particularly described as follows: Beginning at the southwest corner of Lot 1, said Amended Plat of Columbine Estates Subdivision; thence S00°25'08"E parallel to and 30 ft. east of the west line of said Lot 4, a distance of 118.25 ft.; thence S77°29'48"E, 175.51 ft.; thence N13°20'16"E, 238.73 ft. to a found rebar and survey cap stamped LS7970 marking a corner of said Lot 4, Amended Plat of Columbine Estates Subdivision; thence S18°13'35"W along the boundary line of said Lot 4, a distance of 63.68 ft. to a rebar and survey cap stamped LS33645 marking a corner of said Lot 4; thence continuing along the boundary line of said Lot 4, S56°07'04"W, 28.11 ft. to a corner of said Lot 4; thence continuing along the boundary line of said Lot 4, West, 183.68 ft. to the point of beginning;

containing 0.617 of an acre (26,889 square feet);

with all its appurtenances.

ORDINANCE NO. 2612

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, REVISING CHAPTER 10-1 OF THE OFFICIAL CODE OF THE CITY OF MONTROSE, COLORADO, FOR THE REGULATION OF TRAFFIC; ADOPTING BY REFERENCE THE 2020 EDITION OF THE "MODEL TRAFFIC CODE FOR COLORADO MUNICIPALITIES;" REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; SUPERSEDING THE 2003 MODEL TRAFFIC CODE FOR COLORADO MUNICIPALITIES; PROVIDING OTHER PROVISIONS CONSISTENT WITH THE ADOPTION OF THE 2020 CODE; AND PROVIDING PENALTIES FOR VIOLATION THEREOF

WHEREAS, the Colorado Department of Transportation, Staff Traffic and Safety Projects Branch publishes the "Model Traffic Code for Colorado Municipalities" and updates the same from time to time; and

WHEREAS, the City Council has determined that the revision of Chapter 1 of Title 10 of the Official Code of the City of Montrose, Colorado, to adopt with modifications the most recent version of the "Model Traffic Code for Colorado Municipalities" will be consistent with the public health, safety and welfare.

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

SECTION 1: ADOPTION

Sections 10-1-1 (A) and (B) of the Official Code of the City of Montrose, Colorado, are hereby amended to read as follows:

10-1-1: ADOPTION OF TRAFFIC CODE

- (A) Pursuant to Parts 1 and 2 of Article 16 of Title 31, C.R.S., as amended, and Article II, Section 10 of the City Charter of the City of Montrose, there is hereby adopted by reference the 2020 edition of the "Model Traffic Code for Colorado Municipalities," (hereinafter referred to as the "Model Traffic Code") promulgated and published as such by the Colorado Department of Transportation, Traffic Safety and Engineering Services, 2829 W. Howard Place, Denver, CO 80204. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the City. The purpose of this Ordinance and the Model Traffic Code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation. The adoption of the Model Traffic Code may also be cross-referenced in Section 10-1-1 (A) of the Official Code of the City of Montrose, Colorado.

- (B) Three (3) copies of the Model Traffic Code and any secondary code pertaining thereto certified to be true copies by the Mayor and Clerk shall be kept filed in the Office of the Clerk available for public inspection. The Clerk shall maintain a reasonable supply of copies of the Model Traffic Code adopted herein for purchase by the public at a moderate price.

SECTION 2: ADDITIONS OR MODIFICATIONS

Section 10-1-1 (C) of the Official Code of the City of Montrose, Colorado, is hereby amended to read as follows:

- (C) The Model Traffic Code for Colorado Municipalities, 2020 Edition is hereinafter sometimes referred to and may be cited as the “Model Traffic Code” or “MTC”.

SECTION 3: ADDITIONS OR MODIFICATIONS

Section 10-1-1 (D) of the Official Code of the City of Montrose, Colorado, is hereby amended to read as follows:

- (D) The following provisions of the Model Traffic Code adopted herein are modified as follows:

Delete the words “by ordinance” in the first line of Subsection 1205(3).

SECTION 4: ADDITIONS OR MODIFICATIONS

Section 10-1-1 (E) of the Official Code of the City of Montrose, Colorado, is hereby amended to read as follows:

- (E) The 2020 edition of the Model Traffic Code is adopted as if set out at length, save and except the following articles and/or sections which are declared to be inapplicable to this municipality and are therefore expressly deleted:

Sections 239 (5.5) (b), (c); 607 (2) (b); 705 (3) (b) (II), (III); 1210.

SECTION 5: ADDITIONS OR MODIFICATIONS

A new Part 17 is hereby added to the Model Traffic Code adopted herein to read as follows, and may be cross-referenced in Section 10-1-1 (F) of the Official Code of the City of Montrose, Colorado:

PART 17 PENALTIES AND PROCEDURE

Preface.

(1) Municipalities that have adopted the Code need to be aware of: sections 13-10-101, C.R.S., et. seq., section 42-4-110 (2), C.R.S., and the Colorado Municipal Court Rules (C.M.C.R.).

(2) Counties that have adopted the Code need to be aware of: part 5 of Code 6 of title 13, C.R.S., section 16-2-201, C.R.S., sections 30-15-401 (1)(h), 30-15-402, 30-15-407, C.R.S., section 42-4-1701, C.R.S., Colorado Rules for Magistrates - Rule 7, and Colorado Rules of Criminal Procedure - Rule 4.1.

(3) Counties additionally need to be aware of section 30-15-401 (1)(h), C.R.S., which reads in part, emphasis added:

“To control and regulate the movement and parking of vehicles and motor vehicles on public property; **except that misdemeanor traffic offenses and the posted speed limit on any state highway located within the county shall be deemed a matter of statewide interest.**”.

Pursuant to section 30-15-402, C.R.S., which reads in part, emphasis added:

(1) “Any person who violates any county ordinance adopted pursuant to this part 4 ... **in the case of traffic offenses, commits a traffic infraction, and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars for each separate violation.** If authorized by the county ordinance, the penalty assessment procedure provided in section 16-2-201, C.R.S., may be followed by any arresting law enforcement officer for any such violation. As part of said county ordinance authorizing the penalty assessment procedure, the board of county commissioners may adopt a graduated fine schedule for such violations. Such graduated fine schedule may provide for increased penalty assessments for repeat offenses by the same individual. **In the case of county traffic ordinance violations, the provisions of sections 42-4-1701 and 42-4-1703, C.R.S., and sections 42-4-1708 to 42-4-1718, C.R.S., shall apply;** except that the fine or penalty for a violation charged and the surcharge thereon if authorized by county ordinance shall be paid to the county.

(2) In addition to the penalties prescribed in subsection (1) of this section, persons convicted of a violation of any ordinance adopted pursuant to this part 4 are subject to:

(a) A surcharge of ten dollars that shall be paid to the clerk of the court by the defendant. Each clerk shall transmit the moneys to the court administrator of the judicial district in which the offense occurred for credit to the victims and witnesses assistance and law enforcement fund established in that judicial district pursuant to section 24-4.2-103, C.R.S.”.

1701. Traffic offenses and infractions classified - penalties - penalty and surcharge schedule - repeal.

(1) It is a traffic infraction for any person to violate any of the provisions of parts 1 to 3 and 5 to 19 of this Code unless such violation is, by parts 1 to 3 and 5 to 19 of this Code a misdemeanor traffic offense. Such a traffic infraction shall constitute a civil matter.

(2) For the purposes of this part 17, “judge” shall include any Municipal Court Judge, Assistant Municipal Court Judge, or Alternate Municipal Court Judge.

(3) (a) (I) Except as provided in subsections (4) and (5) of this section or the section creating the infraction, traffic infractions are divided into two classes which shall be subject to the following penalties which are authorized upon entry of judgment against the defendant:

Class	Minimum Penalty	Maximum Penalty
A	\$15 penalty	\$100 penalty
B	\$15 penalty	\$100 penalty

(II) (A) Except as otherwise provided in sub-subparagraphs (B) and (C) of this subparagraph (II), subsections (4) and (5) of this section, or the section creating the offense, misdemeanor traffic offenses are divided into two classes that are distinguished from one another by the following penalties that are authorized upon conviction:

Class	Minimum Sentence	Maximum Sentence
1	Ten days imprisonment, or \$300 fine, or both	Three-hundred sixty-four days imprisonment, or \$1,000 fine, or both
2	Ten days imprisonment, or \$150 fine, or both	Ninety days imprisonment, or \$300 fine, or both

(B) Any person convicted of a class 1 or class 2 misdemeanor traffic offense shall be required to pay restitution and may be sentenced to perform a certain number of hours of community or useful public service in addition to any other sentence provided by sub-subparagraph (A) of this subparagraph (II).

(C) For any person under eighteen years of age, the penalty shall be a \$300 fine or two days detention, or a combination of both such fine and detention.

(b) Any traffic infraction or misdemeanor traffic offense defined by ordinance outside of this Code shall be punishable as provided in the ordinance defining it or as otherwise provided by law.

(c) The department has no authority to assess any points under section 42-2-127, C.R.S., upon

entry of judgment for any class B traffic infractions.

(4) (a) (I) Except as provided in subsection (5)(c) of this section, every person who is convicted of, who admits liability for, or against whom a judgment is entered for a violation of any provision of this Code to which subsection (5)(a) or (5)(b) of this section applies shall be fined or penalized in accordance with the penalty schedule set forth in § 42-4-1701(4)(a), C.R.S., as amended, or, if no penalty is specified in the schedule, the penalty for class A and class B traffic infractions shall be fifteen dollars. Except that the penalties shall not apply to class 1 or 2 traffic misdemeanors. These penalties shall apply whether the defendant acknowledges the defendant's guilt or liability in accordance with the procedure set forth by subsection (5)(a) of this section, is found guilty by the Montrose Municipal Court, or has judgment entered against the defendant by the Montrose Municipal Court. The Montrose Municipal Court is authorized to incorporate the foregoing penalties and any penalties authorized by Section 1701 of the Model Traffic Code into a fine schedule adopted in accordance with Rule 210 of the Colorado Rules of Municipal Court Procedure.

(II) A person convicted of violating section 507 or 508 shall be fined pursuant to this sub-subparagraph (A), whether the defendant acknowledges the defendant's guilt pursuant to the procedure set forth in paragraph (a) of subsection (5) of this section or is found guilty by the Montrose Municipal Court. A person who violates section 507 or 508 shall be punished by the following fine:

Excess Weight - Pounds	
Penalty 1 - 1,000	\$
20.00	
1,001 - 3,000	25.00
3,001 - 5,000	0.03 per pound overweight
5,001 - 7,000	0.05 per pound overweight
rounded to the nearest dollar	
7,001 - 10,000	0.07 per pound overweight
rounded to the nearest dollar	
10,001 - 15,000	0.10 per pound overweight
rounded to the nearest dollar	
15,001 - 19,750	0.15 per pound
rounded to the nearest dollar	
Over 19,750	0.25 per pound overweight
rounded to the nearest dollar	

(III) Any person convicted of violating any of the rules promulgated pursuant to section 510, except section 510 (2) (b) (IV), shall be fined as follows, whether the violator acknowledges the violator's guilt pursuant to the procedure set forth in paragraph (a) of subsection (5) of this section or is found guilty by a court of competent jurisdiction:

(A) Except as provided in sub-subparagraph (D) of this subparagraph (III), any person who violates the maximum permitted weight on an axle or on gross weight shall be punished by the following fine:

Excess Weight Above Maximum

Permitted Weight - Pounds	Penalty	
1 - 2,500	\$ 50.00	
2,501 - 5,000	100.00	
5,001 - 7,500	200.00	
7,501 - 10,000	400.00	
Over 10,000	\$150.00	for each 1,000 pounds additional overweight, plus \$ 400.00

(B) Any person who violates any of the requirements of the rules and regulations pertaining to transport permits for the movement of overweight or oversize vehicles or loads, other than those violations specified in sub-subparagraph (A) or (C) of this subparagraph (III), shall be punished by a fine of fifty dollars.

(C) Any person who fails to have an escort vehicle when such vehicle is required by the rules and regulations pertaining to transport permits for the movement of overweight or oversize vehicles or loads or who fails to reduce speed when such speed reduction is required by said rules and regulations shall be punished by a fine of two hundred fifty dollars.

(D) The fines for a person who violates the maximum permitted weight on an axle or on gross weight under a permit issued pursuant to section 510 (1) (b) (II) shall be doubled.

(IV) A person who violates section 1208 (3) by parking a vehicle owned by a commercial carrier is guilty of a class 1 misdemeanor traffic offense.

(V) (A) A person who violates section 1208 (5) of this section is guilty of a class 1 misdemeanor traffic offense.

(B) A person who willfully receives remuneration for violating section 1208 (5) is guilty of a class 1 misdemeanor traffic offense.

(b) (I) The schedule in § 42-4-1701(4)(a)(I), C.R.S., as amended, shall not apply when the provisions of paragraph (c) of subsection (5) of this section prohibit the issuance of a penalty assessment notice for a violation of the aforesaid traffic violation.

(II) The schedules in §§ 42-4-1701(4)(a)(II) and (III), C.R.S., as amended, shall apply whether the violator is issued a penalty assessment notice or a summons and complaint.

(c) (I) The penalties imposed for speeding violations under subsection § 42-4-1701 (4)(a)(I), C.R.S., as amended, shall be doubled if a speeding violation occurs within a maintenance, repair, or construction zone that is designated by the department of transportation pursuant to section 614(1) (a); except that the penalty for violating section 1101 (1) or (8) (b) by twenty to twenty-four miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of seventy-five miles per hour shall be five hundred forty dollars.

(II) The penalties imposed for violations under sub-subparagraphs (C), (G), sub-subparagraphs

(C), (G), (H), (I), (J), (K), (N), and (O) of subparagraph (I) § 42-4-1701(4) C.R.S., as amended, shall be doubled if a violation occurs within a maintenance, repair, or construction zone that is designated by the department of transportation pursuant to section 614 (1) (a); except that the fines for violating sections 314, 610, 613, 706, 707, 708, 709, 710, 1011, 1012, 1404, 1408, and 1414 shall not be doubled under this subparagraph (II).

(III) The penalties imposed for speeding violations under sub-subparagraph (L) of subparagraph (I) of paragraph (a) § 42-4-1701(4) shall be doubled if a speeding violation occurs within a maintenance, repair, or construction zone that is designated by a public entity pursuant to section 614 (1) (b).

(IV) The penalties imposed for violations under sub-subparagraphs (C), (G), (H), (I), (J), (K), (N), and (O) of subparagraph (I) of paragraph (a) of § 42-4-1701(4) shall be doubled if a violation occurs within a maintenance, repair, or construction zone that is designated by a public entity pursuant to section 614 (1) (b); except that the fines for violating sections 314, 610, 613, 706, 707, 708, 709, 710, 1011, 1012, 1404, 1408, and 1414 shall not be doubled under this subparagraph (IV).

(d) The penalty imposed for any moving traffic violation under subparagraph (I) of paragraph (a) of this subsection (4) are doubled if the violation occurs within a school zone pursuant to section 615.

(d.5) The penalty imposed for any moving traffic violation under subparagraph (I) of paragraph (a) of this subsection (4) are doubled if the violation occurs within a wildlife crossing zone pursuant to section 616.

(5)(a) At any time that a person is charged with the commission of any traffic infraction, the peace officer shall, except when the provisions of paragraph (c) of this subsection (5) prohibit it, give a penalty assessment notice to the defendant. Such penalty assessment notice shall contain all the information required by section 1709.

(b) Should the defendant charged with a traffic infraction accept the notice but fail to pay the prescribed penalty, the defendant shall be allowed to pay such penalty to the clerk of the court referred to in the summons portion of the penalty assessment notice prior to the time for appearance as specified in the notice. If the penalty for a traffic infraction is not timely paid, the case shall thereafter be heard in the Montrose Municipal Court. The maximum penalty that may be imposed shall not exceed the penalty set forth in the applicable penalty schedule in § 42-4-1701(4), C.R.S., as amended.

(c) (I) The penalty schedules of § 42-4-1701(4), C.R.S., as amended, and the penalty assessment notice provisions of paragraphs (a) and (b) of this subsection (5) shall not apply to violations constituting traffic infractions specified in § 42-4-1701(4), C.R.S., as amended, when it appears that:

(A) In a violation of section 1101 (1) or (8) (b), the defendant exceeded the reasonable and prudent speed or the maximum lawful speed of seventy-five miles per hour by more than twenty-

four miles per hour;

(B) The alleged violation has caused, or contributed to the cause of, an accident resulting in appreciable damage to property of another or in injury or death to any person;

(C) The defendant has, in the course of the same transaction, violated one of the provisions of this Code specified in the penalty schedules in § 42-4-1701(4) C.R.S., as amended, and has also violated one or more provisions of this Code not so specified, and the peace officer charges such defendant with two or more violations, any one of which is not specified in the penalty and surcharge schedules in § 42-4-1701(4), C.R.S., as amended.

(II) In all cases where this paragraph (c) prohibits the issuance of a penalty assessment notice, the penalty schedule contained in subparagraph § 42-4-1701(4)(a)(I), C.R.S., as amended of this section shall be inapplicable; except that the penalty provided in the schedule contained in § 42-4-1701(4)(a)(B)(I), C.R.S., as amended of this section for any violation of section 121 shall always apply to such a violation. In all cases where the penalty schedule contained in § 42-4-1701(4)(a)(I), C.R.S., as amended, the provisions of subsection (3) of this section shall apply.

(6) An officer coming upon an unattended vehicle that is in apparent violation of any provision of this Code may place upon the vehicle a penalty assessment notice indicating the infraction and directing the owner or operator of the vehicle to remit the penalty assessment provided for by subsection (4) of this section. If the penalty assessment is not paid timely, the police officer who issued the original penalty assessment notice may file a complaint with the Municipal Court and issue and serve upon the registered owner of the vehicle a summons to appear in court at a time and place specified therein as in the case of other offenses or infractions.

(7) If a person receives a penalty assessment notice for a violation under this Section 1701, and such person pays the fine for the violation on or before the date of payment is due, the points assessed for the violation are reduced as follows:

(a) For a violation having an assessment of three (3) or more points under Section 42-2-127(5) C.R.S., as amended, the total number of points assessed for said violation are reduced by two (2) points;

(b) For a violation having an assessment of two (2) points under Section 42-2-127(5), C.R.S., as amended, the total number of points assessed for said violation are reduced by one (1) point.

1702. Reserved .

1703. Parties to a crime.

Every person who commits, conspires to commit, or aids or abets in the commission of any act declared in this Code to be a traffic offense, whether individually or in connection with one or more other persons or as principal, agent, or accessory, is guilty of such offense or liable for such offense, and every person who falsely, fraudulently, forcibly, or willfully induces, causes,

coerces, requires, permits, or directs another to violate any provision of this Code is likewise guilty of such offense or liable for such offense.

1704. Offenses by persons controlling vehicles.

It is unlawful for the owner or any other person employing or otherwise directing the driver of any vehicle to require or knowingly to permit the operation of such vehicle upon a highway in any manner contrary to law or this Code.

1705. R e s e r v e d .

1706. Juveniles - convicted - arrested and incarcerated - provisions for confinement.

(1) Notwithstanding any other provision of law, a child, as defined in section 19-1-103 (18), C.R.S., convicted of a misdemeanor traffic offense under this Code, violating the conditions of probation imposed under this Code, or found in contempt of court in connection with a violation or alleged violation under this Code shall not be confined in a jail, lockup, or other place used for the confinement of adult offenders if the court with jurisdiction is located in a county in which there is a juvenile detention facility operated by or under contract with the department of human services that shall receive and provide care for such child or if the jail is located within forty miles of such facility. The court imposing penalties under this section may confine a child for a determinate period of time in a juvenile detention facility operated by or under contract with the department of human services. If a juvenile detention facility operated by or under contract with the department of human services is not located within the county or within forty miles of the jail, a child may be confined for up to forty-eight hours in a jail pursuant to section 19-2-508 (4), C.R.S.

1707. Summons and complaint or penalty assessment notice for misdemeanor traffic offenses - release - registration.

(1)(a) Whenever a person commits a violation of this Code punishable as a misdemeanor traffic offense, the peace officer may issue and serve upon the defendant a summons and complaint which must contain the name and address of the defendant, the license number of the vehicle involved, if any, the number of the defendant's driver's license, if any, a citation of the Code alleged to have been violated, a brief description of the offense, the date and approximate location thereof, and the date the summons and complaint is served on the defendant; direct the defendant to appear in the Montrose Municipal Court at a specified time and place; and be signed by the peace officer.

(2) If a peace officer issues and serves a summons and complaint to appear in any court upon the defendant as described in subsection (1) of this section, any defect in form in such summons and complaint regarding the name and address of the defendant, the license number of the vehicle involved, if any, the number of the defendant's driver's license, if any, the date and approximate location thereof, and the date the summons and complaint is served on the defendant may be cured by amendment at any time prior to trial or any time before verdict or findings upon an oral motion by the prosecuting attorney after notice to the defendant and an opportunity for a hearing. No such amendment shall be permitted if substantial rights of the defendant are prejudiced. No summons and complaint shall be considered defective so as to be cause for dismissal solely because of a defect in form in such summons and complaint as described in this subsection (2).

1708. Burden of proof - appeals.

(1) The burden of proof shall be upon the people, and the court shall enter judgment in favor of the defendant unless the people prove the liability of the defendant beyond a reasonable doubt.

(2) Appeals from courts of record shall be in accordance with Rule 37 of the Colorado Rules of Criminal Procedure.

(3) The City Attorney's office, in its sole discretion, may prosecute traffic infractions and traffic misdemeanors, or may refrain from the same on a case-by-case basis.

1709. Penalty assessment notice for traffic infractions - violations of provisions by officer - drivers' license.

(1) Whenever a penalty assessment notice for a traffic infraction is issued the penalty assessment notice which shall be served upon the defendant by the peace officer shall contain the name and address of the defendant, the license number of the vehicle involved, if any, the number of the defendant's driver's license, if any, a citation of the Code alleged to have been violated, a brief description of the traffic infraction, the date and approximate location thereof, the amount of the penalty prescribed for such traffic infraction, the number of points, if any, prescribed for such traffic infraction pursuant to section 42-2-127, C.R.S., and the date the penalty assessment notice is served on the defendant; shall direct the defendant to appear in the Montrose Municipal Court at a specified time and place in the event such penalty and surcharge thereon is not paid; shall be signed by the peace officer; as well as such other information as may be required by law to constitute such penalty assessment notice to be a summons and complaint, should the prescribed penalty not be paid within the time allowed in section 1701.

(2) One copy of said penalty assessment notice shall be served upon the defendant by the peace officer and one copy sent to the clerk of the court and such other copies sent as may be required by ordinance or the court.

(3) The time specified in the summons portion of said penalty assessment notice must be at least twenty-eight days but not more than ninety-one days after the date such penalty assessment notice is served, unless the defendant shall demand an earlier hearing.

(4) The place specified in the summons portion of said penalty assessment notice must be the Montrose Municipal Court.

(5) Whenever the defendant refuses to accept service of the penalty assessment notice, tender of such notice by the peace officer to the defendant shall constitute service thereof upon the defendant.

1710. Failure to pay penalty for traffic offenses - failure of parent or guardian to sign penalty assessment notice - procedures.

(1)(a) Unless a person who has been cited for a traffic infraction pays the penalty assessment as provided in this Code, the person shall appear at a hearing on the date and time specified in the citation and answer the complaint against such person.

(1.5) If a minor under the age of eighteen years is required to appear at a hearing pursuant to

subsection (1) of this section, the minor shall so inform his or her parent or legal guardian, and the parent or legal guardian shall also be required to appear at the hearing.

(2) If the violator answers that he or she is guilty or if the violator fails to appear for the hearing, judgment shall be entered against the violator.

(3) If the violator denies the allegations in the complaint, a final hearing on the complaint shall be held subject to the provisions regarding a speedy trial which are contained in Rule 248(b) Colorado Municipal Court Rules of Procedure. If the violator is found guilty or liable at such final hearing or if the violator fails to appear for a final hearing, judgment shall be entered against the violator.

(4) If judgment is entered against a violator, the violator shall be assessed an appropriate penalty, a docket fee, and other applicable costs authorized by ordinance or the court. If the violator had been cited by a penalty assessment notice, the penalty shall be assessed pursuant to this Code.

1711. Compliance with promise to appear.

A written promise to appear in court may be complied with by an appearance by counsel.

1712. Procedure prescribed not exclusive.

The foregoing provisions of this Code shall govern all police officers issuing citations for violations of this Code, for offenses or infractions committed in their presence, but the procedure prescribed in this Code shall not otherwise be exclusive of any other method prescribed by law or ordinance for the prosecution of a person for an offense or infraction of like grade.

1713. Conviction record inadmissible in civil action.

Except as provided in sections 42-2-201 to 42-2-208, C.R.S., no record of the conviction of any person for any violation of this Code shall be admissible as evidence in any court in any civil action.

1714. Traffic violation not to affect credibility of witness.

The conviction of a person upon a charge of violating any provision of this Code or other traffic regulation less than a felony shall not affect or impair the credibility of such person as a witness in any civil or criminal proceeding.

1715. Convictions, judgments, and charges recorded - public inspection.

(1) Every judge of a court not of record and every clerk of a court of record shall keep a full record of every case in which a person is charged with any violation of this Code or any other law regulating the operation of vehicles on highways.

(2) Within ten days after the entry of a judgment, conviction, or forfeiture of bail of a person upon a charge of violating any provision of this Code or other law regulating the operation of vehicles on highways, the judge or clerk of the court in which the entry of a judgment was made or the conviction was had or bail was forfeited shall prepare and immediately forward to the motor vehicle division of the department of revenue an abstract of the record of said court covering every case in which said person had a judgment entered against

him or her, was so convicted, or forfeited bail, which abstract must be certified by the person so required to prepare the same to be true and correct.

(3) Said abstract must be made upon a form furnished by the department of revenue and shall include the name, address, and driver's license number of the party charged, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment or whether bail forfeited, and the amount of the fine or forfeiture as the case may be.

1716. Notice to appear or pay fine - failure to appear - penalty.

(1) For the purposes of this part 17, tender by an arresting officer of the summons or penalty assessment notice shall constitute notice to the violator to appear in court at the time specified on such summons or to pay the required fine.

(2) Except as otherwise provided in subsection (4) of this section, a person commits a traffic offense if the person fails to appear to answer any offense other than a traffic infraction charged under this part 17.

(3) Deleted.

(4)(a)(I) Except as otherwise provided in subparagraph (II) of this paragraph (a), a person who is a parent or legal guardian of a minor under the age of eighteen years and who is required to appear in court with the minor pursuant to the provisions of this part 17 including but not limited to section 1710 (1.5), shall appear in court at the location and on the date stated in the penalty assessment notice or in the summons and complaint or as instructed by the court.

(II) The provisions of subparagraph (I) of this paragraph (a) concerning the appearance of a parent or legal guardian shall not apply in a case where the minor under the age of eighteen years or the parent of the minor demonstrates to the court by clear and convincing evidence that the minor is an emancipated minor.

(III) For purposes of this subsection (4), "emancipated minor" means a minor under the age of eighteen years who has no legal guardian and whose parents have entirely surrendered the right to the care, custody, and earnings of the minor, no longer are under any duty to support or maintain the minor, and have made no provision for the support of the minor.

(b) A person who violates any provision of paragraph (a) of subparagraph (I) of this subsection (4) commits an offense and shall be punished in accordance with Section 1-2-3 of the Official Code of the City of Montrose.

1717. Conviction - attendance at driver improvement school.

(1) Except as otherwise provided in subsection (2) of this section, whenever a person has been convicted of violating any provision of this Code or other law regulating the operation of vehicles on streets or highways, the court, in addition to the penalty provided for the violation or as a condition of either the probation or the suspension of all or any portion of any fine or sentence of imprisonment for a violation other than a traffic infraction, may require the defendant, at the defendant's own expense, if any, to attend and satisfactorily complete a course

of instruction at any designated driver improvement school located and operating in the county of the defendant's residence and providing instruction in the traffic laws of this state, instruction in recognition of hazardous traffic situations, and instruction in traffic accident prevention. Such school shall be approved by the court.

(2) Whenever a minor under eighteen years of age has been convicted of violating any provision of this Code or other law regulating the operation of vehicles on streets or highways, the court may require the minor to attend and satisfactorily complete a course of instruction at any designated driver improvement school providing instruction in the traffic laws of this state, instruction in recognition of hazardous traffic situations, and instruction in traffic accident prevention. The court may impose the driver improvement school requirement in addition to the penalty provided for the violation or as a condition of either the probation or the suspension of all or any portion of any fine or sentence of imprisonment for the violation. The minor, or the minor's parent or parents who appear in court with the minor in accordance with section 1716 (4), of this Code, shall pay the cost of attending the designated driver improvement school. The court shall make available information on scholarships and other financial assistance available to help minors or their parents offset the costs of driver improvement school. Such school shall be approved by the court.

1718. Electronic transmission of data—standards.

A municipal court, county court, district court, or any court with jurisdiction over violations of traffic rules and laws shall not dismiss any charges or refuse to enforce any traffic law or rule solely because a penalty assessment notice or summons and complaint issued pursuant to the standards established in this section is in electronic form or contains an electronic signature.

1719. Violations--commercial driver's license--compliance with federal regulation.

As to a holder of a commercial driver's license as defined in section 42-2-402 or the operator of a commercial motor vehicle as defined in section 42-2-402, a court shall not defer imposition of judgment or allow a person to enter into a diversion program that would prevent a driver's conviction for any violation, in any type of motor vehicle, of a traffic control law from appearing on the driver's record.

SECTION 6: ADDITIONS OR MODIFICATIONS

Subsection 203 (4)(a)(I) of the Model Traffic Code is amended to read as follows, and may be cross-referenced in Section 10-1-4 (A) of the Official Code of the City of Montrose, Colorado:

10-1-4:

(A) MTC 203. Unsafe vehicles – spot inspections.

(4) (a) (I) Except as provided for in subparagraph (II) or subparagraph (III) of this paragraph (a), any owner receiving written notice and a summons pursuant to this

section is guilty of a class B traffic infraction and, upon conviction thereof, shall be punished by a fine of one hundred dollars.

SECTION 7: ADDITIONS OR MODIFICATIONS

Subsection 203 (4)(b)(I) of the Model Traffic Code is amended to read as follows, and may be cross-referenced in Section 10-1-4 (B) of the Official Code of the City of Montrose, Colorado:

10-1-4:

(B) MTC 203. Unsafe vehicles – spot inspections.

(4) (b) (I) Except as provided for in subparagraph (II) of this paragraph (b), any nonowner driver receiving written notice and a summons pursuant to this section is guilty of a class B traffic infraction and, upon conviction thereof, shall be punished by a fine of one hundred dollars.

SECTION 8: ADDITIONS OR MODIFICATIONS

Subsection 225 (3) of the Model Traffic Code is amended to read as follows, and may be cross-referenced in Section 10-1-4 (C) of the Official Code of the City of Montrose, Colorado:

10-1-4:

(C) MTC 225. Mufflers – prevention of noise.

(3) Any person who violates subsection (1) of this section or subsection (1.5) of this section commits a class B traffic infraction and shall upon conviction, be punished by a fine of one hundred dollars. Fifty percent of any fine for a violation of subsection (1.5) of this section occurring within the corporate limits of a city or town, or within the unincorporated area of a county, shall be transmitted to the treasurer or chief financial officer of said city, town, or county, and the remaining fifty percent shall be transmitted to the state treasurer, credited to the highway users tax fund, and allocated and expended as specified in §43-4-205(5.5)(a), C.R.S.

SECTION 9: ADDITIONS OR MODIFICATIONS

Subsection 238 (3) of the Model Traffic Code is amended to read as follows, and may be cross-referenced in Section 10-1-4 (D) of the Official Code of the City of Montrose, Colorado:

10-1-4:

(D) MTC 238. Blue and red lights – illegal use or possession.

(3) A violation of this section is a class 1 misdemeanor traffic offense.

SECTION 10: ADDITIONS OR MODIFICATIONS

Subsection 241 (2) of the Model Traffic Code is amended to read as follows, and may be cross-referenced in Section 10-1-4 (E) of the Official Code of the City of Montrose, Colorado:

10-1-4:

(E) MTC 241. Unlawful removal of tow-truck signage – unlawful usage of tow-truck signage.

(2) A person who violates subsection (1) of this section commits a class 1 misdemeanor traffic offense.

SECTION 11: ADDITIONS OR MODIFICATIONS

Section 510 of the Model Traffic Code is deleted, which deletion may be cross-referenced in Section 10-1-4 (F) of the Official Code of the City of Montrose, Colorado.

10-1-4:

(F) MTC 510. Reserved.

SECTION 12: ADDITIONS OR MODIFICATIONS

Subsection 611 (2) of the Model Traffic Code is amended to read as follows, and may be cross-referenced in Section 10-1-4 (G) of the Official Code of the City of Montrose, Colorado:

10-1-4:

(G) MTC 611. Paraplegic persons or persons with disabilities – distress flag.

(2) Any person who is not a paraplegic person or a person with a disability who uses such flag as a signal or for any other purpose is guilty of a class 1 misdemeanor traffic offense.

SECTION 13: ADDITIONS OR MODIFICATIONS

A new subsection 713 (6) is hereby added to the Model Traffic Code to read as follows, and may be cross-referenced in Section 10-1-4 (H) of the Official Code of the City of Montrose, Colorado:

10-1-4:

(H) MTC 713. Yielding right-of-way to transit buses – definitions – penalty.

(6) Any person who violates any provision of this section commits a class B traffic infraction.

SECTION 14: ADDITIONS OR MODIFICATIONS

Subsection 1402 (2) of the Model Traffic Code is amended to read as follows, and may be cross-referenced in Section 10-1-4 (I) of the Official Code of the City of Montrose, Colorado:

10-1-4:

(I) MTC 1402. Careless driving – penalty.

(2) Any person who violates subsection (1) of this section commits a class 2 misdemeanor traffic offense.

SECTION 15: ADDITIONS OR MODIFICATIONS

Subsections 1406 (5) (b) (I), (II) of the Model Traffic Code are amended to read as follows, and may be cross-referenced in Section 10-1-4 (J) of the Official Code of the City of Montrose, Colorado:

10-1-4:

(J) MTC 1406. Foreign matter on highway prohibited.

(b) (I) Any person who violates any provision of paragraph (b) of subsection (1) of this section commits a class 2 misdemeanor traffic offense.

(b) (II) Any person who violates paragraph (a) of subsection (1) of this section by throwing or depositing a container of human waste upon or along any highway commits a class 1 misdemeanor traffic offense and shall be punished by a fine of five hundred dollars.

SECTION 16: ADDITIONS OR MODIFICATIONS

Section 1811 of the Model Traffic Code is amended to read as follows, and may be cross-referenced in Section 10-1-4 (K) of the Official Code of the City of Montrose, Colorado:

10-1-4:

(K) MTC 1811. Penalty.

Unless otherwise specified in this part 18, any person who knowingly violates any of the provisions of this part 18 commits a class 2 misdemeanor traffic offense.

SECTION 17: ADDITIONS OR MODIFICATIONS

Sections 10-1-6 (A), and (B) of the Official Code of the City of Montrose, Colorado, are hereby amended to read as follows:

10-1-6: PARKING TICKETS

- (A) Notice on illegally parked vehicle: Whenever any vehicle is found parked or stopped in violation of any of the restrictions imposed by Ordinances of this Municipality, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user and may conspicuously affix to such vehicle a notice of parking violation or provide the same to the owner or driver. Such notice of parking violation shall contain such information as convenient for the administration and enforcement of these provisions and the Model Traffic Code, but shall, at a minimum advise the driver or owner of the car, generally, of the nature of the violation, the amount of the fines which can be imposed, the procedure for either paying the fine or entering a plea to contest the violation, and the time in which the fine must be paid or other action taken. Violation of this section is a Class B traffic infraction, the fines for which shall be within the range for such infractions, and as specified by the judge in the Municipal Court penalty schedule, if any.

As used in this Section 10-1-6 and Sections 10-1-7 and 10-1-11 of the Official Code of the City of Montrose, Colorado, the term "vehicle" shall have the same definition as set forth in this Chapter 10-1, and in the Model Traffic Code, except that the term "vehicle" shall also include:

- (a) All terrain vehicles, including, but not limited to, four-wheelers and snowmobiles;
- (b) Trailers, carts, wagons and similar devices;
- (c) Boats; and

(c) Recreational vehicles, also known as travel homes.

- (B) *Failure to Comply with Notice of Parking Violation.* If the driver or owner of a vehicle charged with an apparent violation of the restrictions on stopping, standing or parking under the Traffic ordinances of this municipality does not respond within the time to pay the fine specified on the notice of parking violation affixed to such vehicle or provided to such driver or owner, as set forth in Subsection (A) of this Section, by payment of the penalty to the Municipal Court, or by appearance and entry of plea, in accordance with the procedures set out on such notice of parking violation, or by other disposition of the charges, as provided by law, the City may cause another notice to be sent, by mail, to the registered owner of the vehicle concerning which the original ticket was directed, warning him that, in the event such notice is disregarded for a period of ten (10) days from the date of mailing, a complaint may be filed and a summons issued. In the event the applicable penalty is not paid, entry of plea made, or other disposition of the charge made, as provided by law, within said ten (10) days, a complaint may be filed and a summons issued in the sole discretion of the City Attorney's Office.

SECTION 18: ADDITIONS OR MODIFICATIONS

Section 10-1-9 (D) of the Official Code of the City of Montrose, Colorado, is hereby amended to read as follows:

- (D) Any person convicted of violation of any provision of this Section shall, upon the first conviction, be subject to a minimum fine of \$50.00. Upon the second or subsequent conviction, any person convicted of violation of any provision of this Section shall be subject to a minimum fine of \$100.00. Any person convicted of violation of any provision in this Section may be subject to a maximum penalty as set forth in Section 1-2-3 of the Official Code of the City of Montrose, Colorado.

SECTION 19: ADDITIONS OR MODIFICATIONS

Section 10-1-10 of the Official Code of the City of Montrose, Colorado is hereby amended to read as follows:

10-1-10: PLAYING IN THE STREET

It shall be unlawful to play in any street. Any person convicted of violation of this Section shall be subject to penalties up to the maximum set forth in Section 1-2-3 of the Official Code of the City of Montrose, Colorado.

SECTION 20: ADDITIONS OR MODIFICATIONS

A new subsection 10-1-11 (G) is hereby added to the Official Code of the City of Montrose, Colorado, to read as follows:

- (G) Violation of this section is a Class B traffic infraction, the fines for which shall be within the range for such infractions, and as specified by the judge in the Municipal Court penalty schedule, if any.

SECTION 21: ADDITIONS OR MODIFICATIONS

A new subsection 10-1-12 (D) is hereby added to the Official Code of the City of Montrose, Colorado, to read as follows:

- (D) Violation of this section is a Class B traffic infraction, the fines for which shall be within the range for such infractions, and as specified by the judge in the Municipal Court penalty schedule, if any.

SECTION 22: ADDITIONS OR MODIFICATIONS

Section 10-1-13 (B) of the Official Code of the City of Montrose, Colorado, is hereby amended to read as follows:

10-1-13: OBSTRUCTING A ROADWAY

- (B) Violation of this section is a Class B traffic infraction, the fines for which shall be within the range for such infractions, and as specified by the judge in the Municipal Court penalty schedule, if any.

SECTION 23: ADDITIONS OR MODIFICATIONS

A new subsection 10-1-14 (O) is hereby added to the Official Code of the City of Montrose, Colorado, to read as follows:

- (O) Penalties for violation of this Section shall be as follows:
- (1) Violation of subsections (B) and (C) of this Section shall be Class B traffic infractions, the fines for which shall be within the range for such infractions, and as specified by the judge in the Municipal Court penalty schedule, if any.
 - (2) Violation of subsections (D) through and including (M) of this Section shall be Class A traffic infractions, the fines for which shall be within the range for such

infractions, and as specified by the judge in the Municipal Court penalty schedule, if any.

- (3) Violation of subsection (N) of this Section shall be a Class 2 misdemeanor traffic offense, the fines for which shall be within the range for such offenses, and as specified by the judge in the Municipal Court penalty schedule, if any.

SECTION 24: ADDITIONS OR MODIFICATIONS

A new section 10-1-15 is hereby added to the Official Code of the City of Montrose, Colorado, to read as follows:

Pursuant to the authority granted by § 111 (bb) of the Model Traffic Code as adopted by this Chapter 10-1, the City hereby authorizes the use of “Golf Cars” as that term is defined in the aforementioned Model Traffic Code’s Definitions Appendix (39.5), on roadways within areas of golf communities where signs have been posted to notify the public of such use, or to travel from one portion of the same golf course to another.

SECTION 25: PENALTIES

As required by C.R.S. § 31-16-204, penalties for violation of this Ordinance are specifically set forth below:

- (A) Any person convicted of a violation of any provision of any City ordinance, the Official Code of the City of Montrose, Colorado, any code adopted by reference, thereby, or of the Charter of the City of Montrose, Colorado, may be punished by a fine in an amount not to exceed \$2,650.00 or by imprisonment in jail for a period of not more than one year, or by both such fine and imprisonment, unless a lower maximum sentence is specified. Any person under the age of 18 years at the time offense may be punished by a fine not to exceed \$300.00 or by imprisonment in detention for a period of not more than two (2) days, or by both such fine and imprisonment.
- (B) Misdemeanor Traffic Offenses are divided into two classes that are distinguished from one another by the following penalties that are authorized upon conviction:

Class	Minimum Sentence	Maximum Sentence
1	Ten days imprisonment, or \$300 fine, or both	One year imprisonment, or \$1,000 fine, or both
2	Ten days imprisonment, or \$150 fine, or both	Ninety days imprisonment, or \$300 fine, or both

- (C) Traffic Infractions are divided into two classes that are distinguished from one another by the following penalties that are authorized upon conviction:

Class	Minimum Penalty	Maximum Penalty
A	\$15 penalty	\$100 penalty
B	\$15 penalty	\$100 penalty

SECTION 26: VALIDITY

If any provision of this Ordinance or the application of it to any person or circumstance is held to be invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions or applications of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid and as such, the provisions of this Ordinance are expressly declared to be severable.

SECTION 27: REPEAL

Existing or parts of ordinances covering the same matters as embraced in this Ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance.

SECTION 28: INTERPRETATION

This Ordinance shall be so interpreted and construed as to effectuate its general purpose to conform to the State's uniform system for the regulation of vehicles and traffic. Article and section headings of the Ordinance and adopted Model Traffic Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any article or section thereof.

SECTION 29: EFFECTIVE DATE

This Ordinance shall become effective at 12:01 A.M. on the first day of _____, 2023.

SECTION 30: CERTIFICATION

The City Clerk shall attest to the passage of this Ordinance, and make not less than three (3) copies of the adopted Model Traffic Code available for inspection by the public during regular business hours.

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 January, 2023, at the hour of 6:00 p.m. in the Police Department Community Meeting Room, 434 South First Street, in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 7th day of February, 2023.

David Frank, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

INTRODUCED, READ and ADOPTED on second reading this 21st day of February, 2023.

David Frank, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk



CITY OF MONTROSE
Planning Services

MEMO

TO: City Council
FROM: William Reis, Planner II
DATE: February 7, 2023
RE: CASA Preliminary Planned Development

ATTACHMENTS

- Exhibit A: Area Maps
- Exhibit B: Preliminary Planned Development
- Exhibit C: Excerpts from City of Montrose Municipal Code

City Council Consideration:

City Council is considering approval of the CASA Preliminary Planned Development. City Council will consider all of the information in this memo in making a decision.

Applicant: CASA of the Seventh Judicial District, Inc.

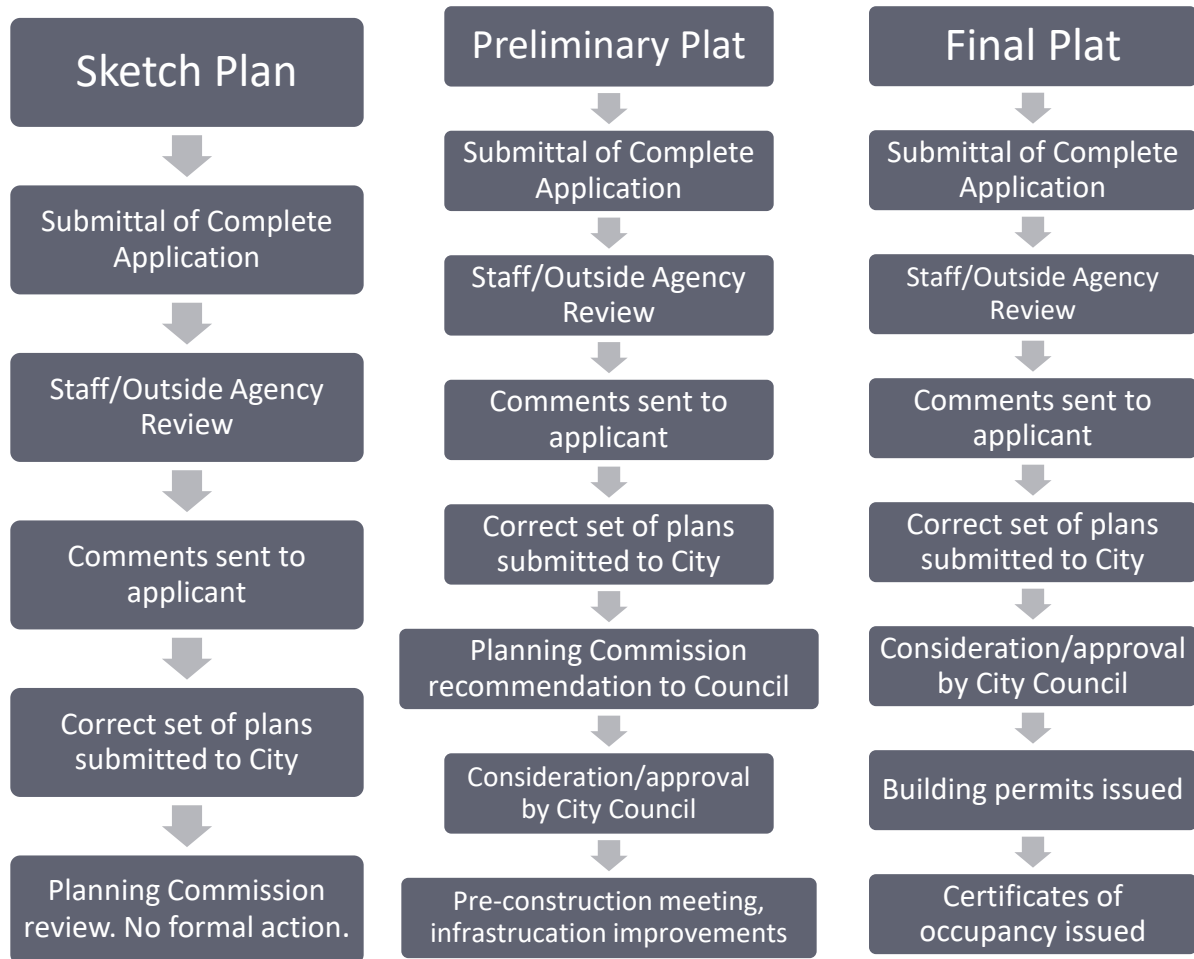
Application Background:

The CASA Planned Development is a proposed residential development on the northern side of Montrose, located on Lot B of the San Juan Industrial Park Subdivision Phase 1. The property is approximately 7.47 acres in size and is north of N San Juan Ave. The property is zoned "I-1" Light Industrial District. The property is planned to have 45 supportive housing units, along with a community center. Properties with multiple residential buildings on one lot require a Planned Development. Supportive housing is considered a conditional use in the "I-1" Light Industrial District. The conditional use may be approved with the Preliminary Planned Development and Final Planned Development, and does not require a separate application.



Planned Development Process:

The City of Montrose Municipal Code Section 4-7-24 (Exhibit B) outlines the process and standards for planned development applications. The following flowchart shows this overall process.



Staff Analysis:

1. Planned Development Regulations:
 - a. Municipal Code: Section 4-7-24 (Exhibit B): The sketch plan application has been reviewed by City staff and partner agencies and meets the City's design standards for standard subdivisions.
2. Relevant Comprehensive Plan and Municipal Code References: To assist the Planning Commission, staff has provided the following relevant information from the City of Montrose Envision 2040 Comprehensive Plan and Municipal Code.



- a. A Comprehensive Plan is not legally binding. It provides guidance for zoning and other land use decisions. It is possible for sections of the Comprehensive Plan to conflict, and it is reasonable that a decision may not satisfy every aspect outlined within the Comprehensive Plan.
- b. The Future Land Use Map within the Comprehensive Plan illustrates general, somewhat flexible locations and extents for various land uses and densities.
- c. The Municipal Code and Zoning regulations specify land uses, densities, bulk and height requirements, setbacks, and other development standards that are allowed within each zoning district in order to achieve the intent of the zoning district.
- d. Development on this parcel may occur in accordance with the approved zoning and should also be in general conformance with the Comprehensive Plan.

3. Comprehensive Plan - Land Use Map Designation:

- a. The Comprehensive Plan Future Land Use Map identifies this parcel as located in two areas:

Residential Mixed Density Medium. *This district provides for a variety of residential types, mixed within a neighborhood, including single-family homes, townhomes, duplexes and triplexes.*

Employment Center. *This district is intended to encourage the development of planned light industrial, office, and business parks, as well as to identify locations for medium industrial uses such as manufacturing, warehousing and distributing, and indoor and outdoor storage. This district is also intended to accommodate secondary uses that complement and support the primary workplace uses, such as hotels, restaurants, convenience shopping, childcare, and housing.*

4. Zoning Regulations:

- a. Municipal Code, Section 4-4-17 (A) Intent: The purpose of the "I-1" Light Industrial District is to accommodate a limited group of research, manufacturing uses, and transportation hub. This promotes the creation and maintenance of an environment which will serve the mutual interests of the community as a whole, of any adjacent residential areas and of the occupants of the industrial park area.
- b. The proposed use is a conditional use in this zoning district. The current zoning is compatible with general conditions in the area. The property is adjacent to properties that are zoned "I-1" Light Industrial District, "R-3A" Medium High Density District, and properties outside of City limits. A conditional use may be approved as part of a Planned Development application without requiring a separate conditional use permit.



Planning Commission Action:

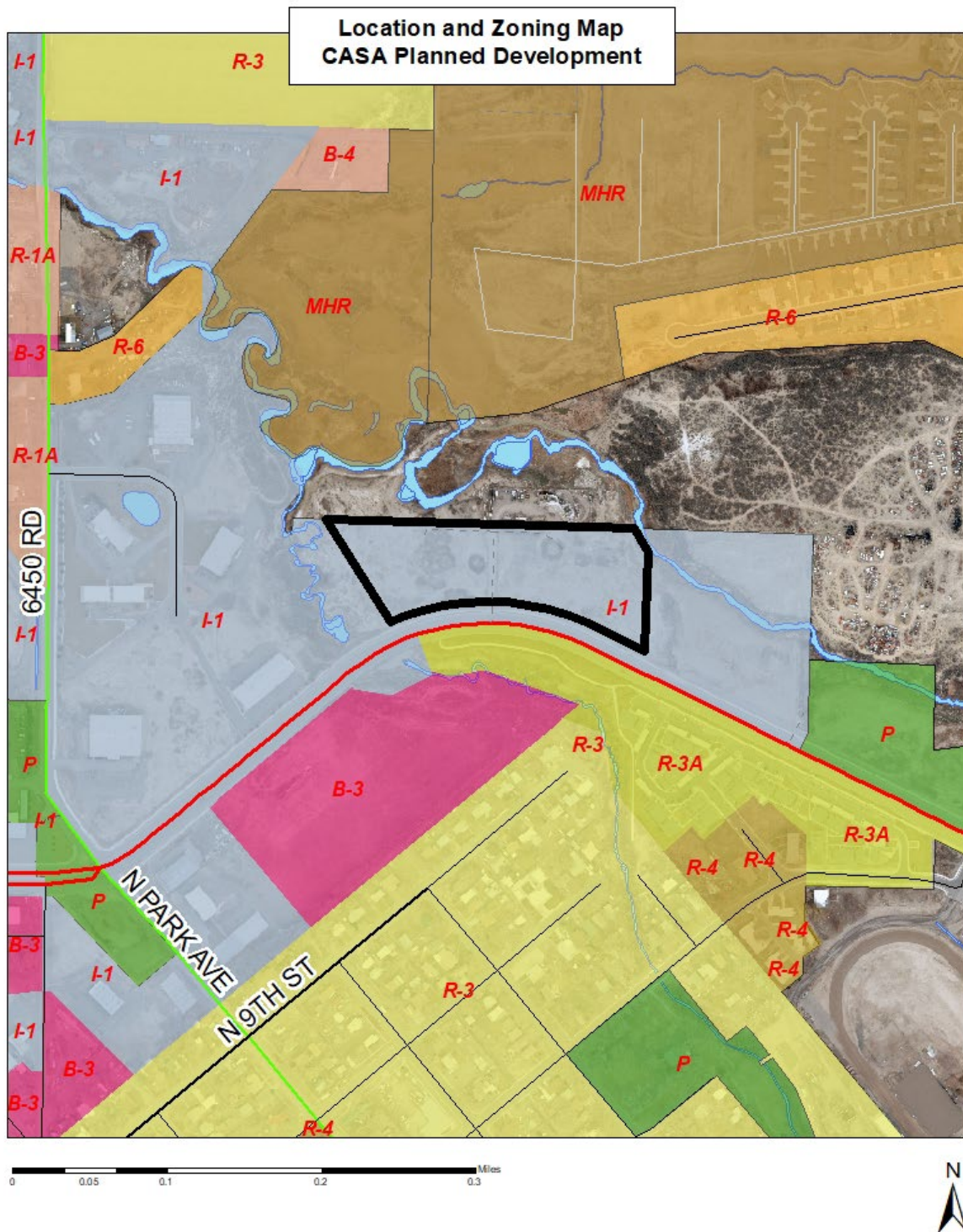
The Planning Commission unanimously recommended approval of the CASA Preliminary Planned Development at the January 25, 2023 Planning Commission meeting, with the following condition: This Planned Development does not allow for the use of shed, tents, or other temporary structures, for housing or shelter. The property is not authorized to be used as a parking lot for cars, trailers, or recreational vehicles which are being used for housing or shelter. The operator of the organization will actively work to prevent these outlined unauthorized uses on this property.

City Council Options for CASA Preliminary Planned Development:

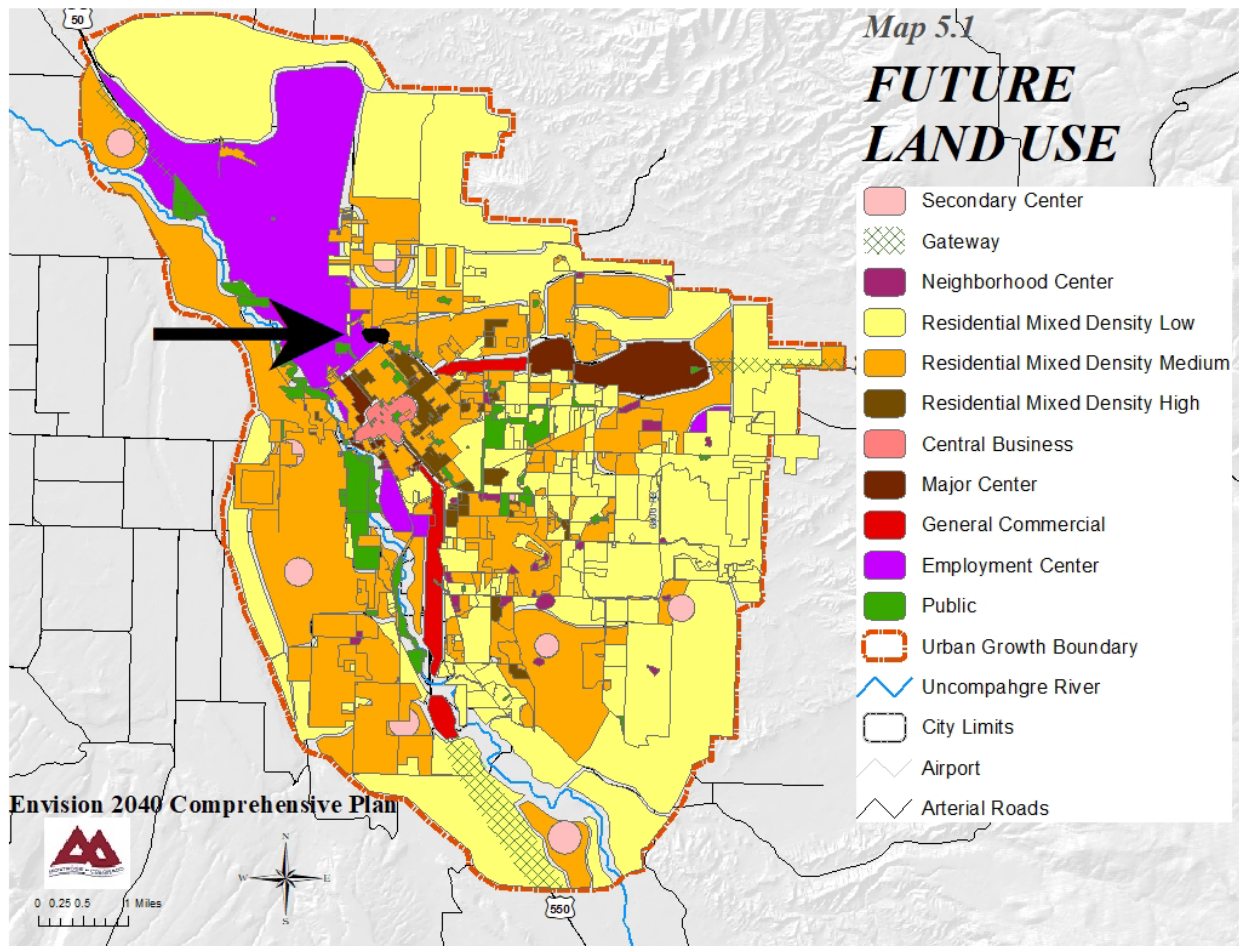
1. Accept the Planning Commission recommendation and approve the CASA Preliminary Planned Development with the recommended condition: This Planned Development does not allow for the use of shed, tents, or other temporary structures, for housing or shelter. The property is not authorized to be used as a parking lot for cars, trailers, or recreational vehicles which are being used for housing or shelter. The operator of the organization will actively work to prevent these outlined unauthorized uses on this property.
2. Disapprove the CASA Preliminary Planned Development if Council finds the requirements of the Planned Development regulations have not been met.



EXHIBIT A: Area Maps



Comprehensive Plan Future Land Use Map

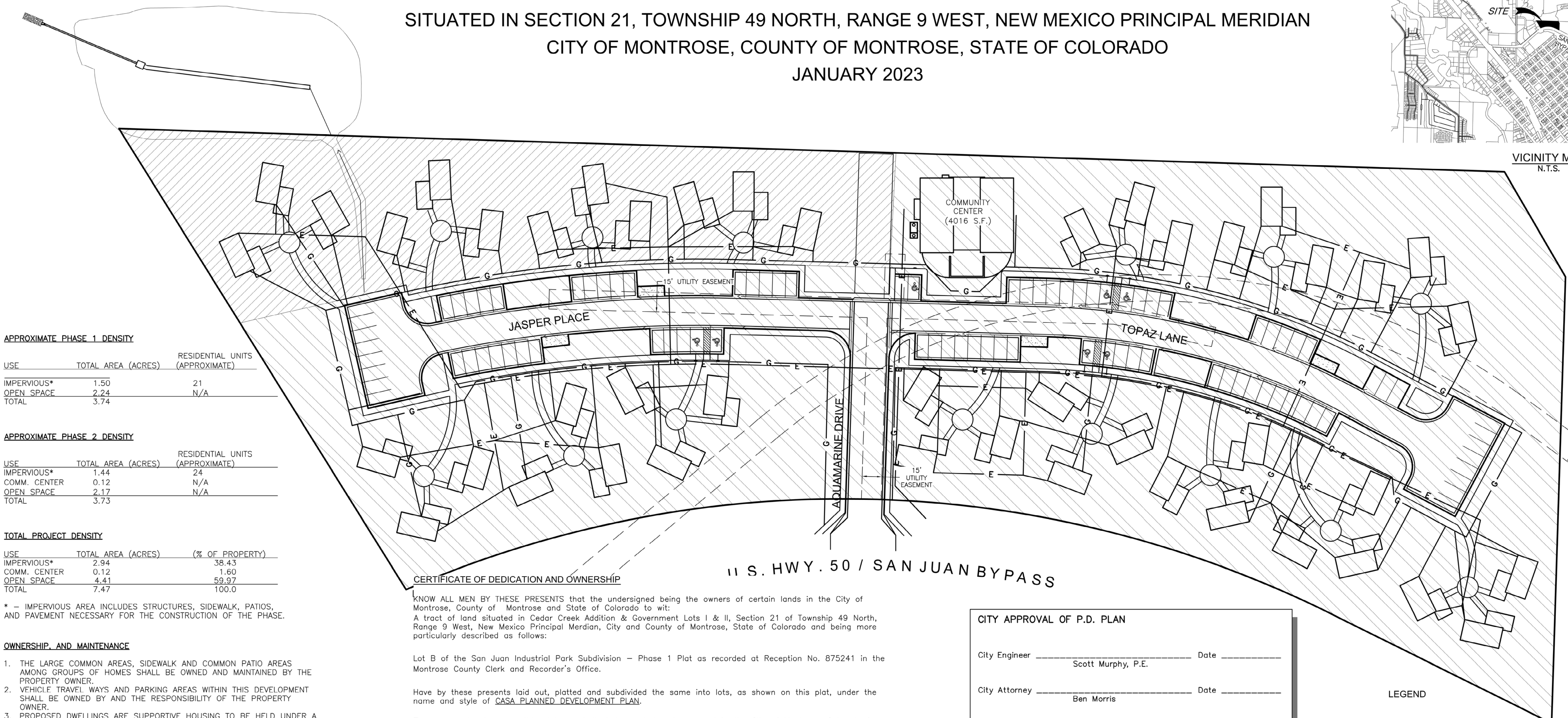


CASA
PRELIMINARY PLANNED DEVELOPMENT PLAN

SITUATED IN SECTION 21, TOWNSHIP 49 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO
JANUARY 2023



VICINITY MAP
N.T.S.



APPROXIMATE PHASE 1 DENSITY

USE	TOTAL AREA (ACRES)	RESIDENTIAL UNITS (APPROXIMATE)
IMPERVIOUS*	1.50	21
OPEN SPACE	2.24	N/A
TOTAL	3.74	

APPROXIMATE PHASE 2 DENSITY

USE	TOTAL AREA (ACRES)	RESIDENTIAL UNITS (APPROXIMATE)
IMPERVIOUS*	1.44	24
COMM. CENTER	0.12	N/A
OPEN SPACE	2.17	N/A
TOTAL	3.73	

TOTAL PROJECT DENSITY

USE	TOTAL AREA (ACRES)	(% OF PROPERTY)
IMPERVIOUS*	2.94	38.43
COMM. CENTER	0.12	1.60
OPEN SPACE	4.41	59.97
TOTAL	7.47	100.0

* — IMPERVIOUS AREA INCLUDES STRUCTURES, SIDEWALK, PATIOS, AND PAVEMENT NECESSARY FOR THE CONSTRUCTION OF THE PHASE.

OWNERSHIP, AND MAINTENANCE

- THE LARGE COMMON AREAS, SIDEWALK AND COMMON PATIO AREAS AMONG GROUPS OF HOMES SHALL BE OWNED AND MAINTAINED BY THE PROPERTY OWNER.
- VEHICLE TRAVEL WAYS AND PARKING AREAS WITHIN THIS DEVELOPMENT SHALL BE OWNED BY AND THE RESPONSIBILITY OF THE PROPERTY OWNER.
- PROPOSED DWELLINGS ARE SUPPORTIVE HOUSING TO BE HELD UNDER A SINGLE OWNERSHIP. BUILDING LOCATIONS SHOWN ARE APPROXIMATE AND SUBJECT TO CHANGE.
- ALL ON-PROPERTY SANITARY SEWER IS A PRIVATE SYSTEM CONNECTING TO THE CITY OF MONTROSE PUBLIC SEWER SYSTEM AT THE SOUTHWEST CORNER OF THE PROPERTY. THE PRIVATE SYSTEM SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER TO MAINTAIN.
- THE ONLY PUBLIC WATER SYSTEM IS THAT WHICH PROVIDES WATER TO THE PROPOSED FIRE HYDRANTS, AND UP TO THE PUBLIC SIDE OF THE MAIN WATER METERS FOR THE PROJECT. ALL OTHER WATER SYSTEM FEATURES FOR THIS PROJECT IS PRIVATE AND WILL BE THE RESPONSIBILITY OF THE PROPERTY OWNER TO MAINTAIN.
- THE COMMUNITY CENTER IS FOR RESIDENTS OF THIS DEVELOPMENT ONLY.

DEVIATIONS FROM CITY STANDARDS

- MULTIPLE DWELLINGS ON A SINGLE PARCEL
- WHETHER THE NUMBER OF PARKING SPACES SHOWN MEETS THE REGULATIONS OR NOT, THE NUMBER OF SPACES WILL BE SET BY THIS PLAN.
- SUPPORTIVE HOUSING IS A CONDITIONAL USE IN THE I-1 LIGHT INDUSTRIAL DISTRICT, AND IS BEING APPROVED WITH THIS PLANNED DEVELOPMENT.

PARKING CALCULATIONS

1½ SPACES PER DWELLING UNIT
8 PARKING SPACES FOR COMMUNITY CENTER

45 DWELLING UNITS 68 PARKING SPACES
COMMUNITY CENTER 8 PARKING SPACES
REQUIRED PARKING: 76 PARKING SPACES

PROVIDED SPACES: 81 PARKING SPACES
7 A.D.A. PARKING SPACES

CERTIFICATE OF DEDICATION AND OWNERSHIP

KNOW ALL MEN BY THESE PRESENTS that the undersigned being the owners of certain lands in the City of Montrose, County of Montrose and State of Colorado to wit:
A tract of land situated in Cedar Creek Addition & Government Lots I & II, Section 21 of Township 49 North, Range 9 West, New Mexico Principal Meridian, City and County of Montrose, State of Colorado and being more particularly described as follows:

Lot B of the San Juan Industrial Park Subdivision — Phase 1 Plat as recorded at Reception No. 875241 in the Montrose County Clerk and Recorder's Office.

Have by these presents laid out, platted and subdivided the same into lots, as shown on this plat, under the name and style of CASA PLANNED DEVELOPMENT PLAN.

The easements shown on this plat are dedicated, granted and conveyed to the City of Montrose, Colorado for public utilities, including but not limited to water, sewer, electrical, telephone, gas and CATV lines, and drainage easements specifically labeled for dedication, together with perpetual right of ingress and egress for installation, maintenance and replacement of such facilities. The dedication of easements as herein provided shall not include those easements exclusively utilized for irrigation improvements, or otherwise subject to a previously recorded conveyance.

The undersigned Declarants and owners named herein, hereby submit this Planned Development Plan under the name and style of CASA Planned Development, in accordance with the requirements of Section 4-4-21 of the Official Code of the City of Montrose, Colorado, and hereby declare this Plan to be a covenant which shall run with the land described hereinbelow for the mutual benefit of the owners thereof, which Plan may be amended in accordance with the procedures for an amendment set forth in Section 4-4-21 of the Official Code of the City of Montrose, Colorado.

Executed this _____ day of _____, 20____.

Carlton Mason Chief Executive Officer, CASA of the Seventh Judicial District

STATE OF COLORADO)
) ss.
COUNTY OF MONTROSE)

The above Certificate of Dedication and Ownership was acknowledged before me on this _____ day of _____, 20____, by _____

Witness my hand and official seal.

My commission expires _____

(SEAL)

Notary

CITY APPROVAL OF P.D. PLAN

City Engineer _____ Date _____

Scott Murphy, P.E.

City Attorney _____ Date _____

Ben Morris

City Planning _____ Date _____

Commission Chair David Fishing

City Mayor _____ Date _____

Dave Frank

LEGEND

PHASE 1 RESIDENTIAL AND COMMON AREA

PHASE 2 RESIDENTIAL AND COMMON AREA

Scale in feet
50' 0 50' 100'

RECORDER'S CERTIFICATE

This plat was filed for record in the office of the Clerk and Recorder of Montrose County at _____ m.
on the _____ day of _____, 20____.

Reception No. _____

by _____ County Clerk & Recorder Deputy _____



DEL-MONT CONSULTANTS, INC.
ENGINEERING SURVEYING
125 Colorado Ave. Montrose, CO 81401 (970) 249-2251 (970) 249-2342 FAX
www.delmont.com service@delmont.com

FIELD BOOK: _____ DRAWN BY: MGW DATE: 2023-01-06

SHEET: 1 of 2 FILE: 22033V_PD_PLAN JOB NO.: 22033

TITLE: CASA
PRELIMINARY PLANNED DEVELOPMENT PLAN

CLIENT: CASA FOR CHILDREN

ADDRESS & PHONE: 147 N. TOWNSEND
P.O. BOX 1708
MONTROSE, CO 81401

TYPE: P.D. PLAN

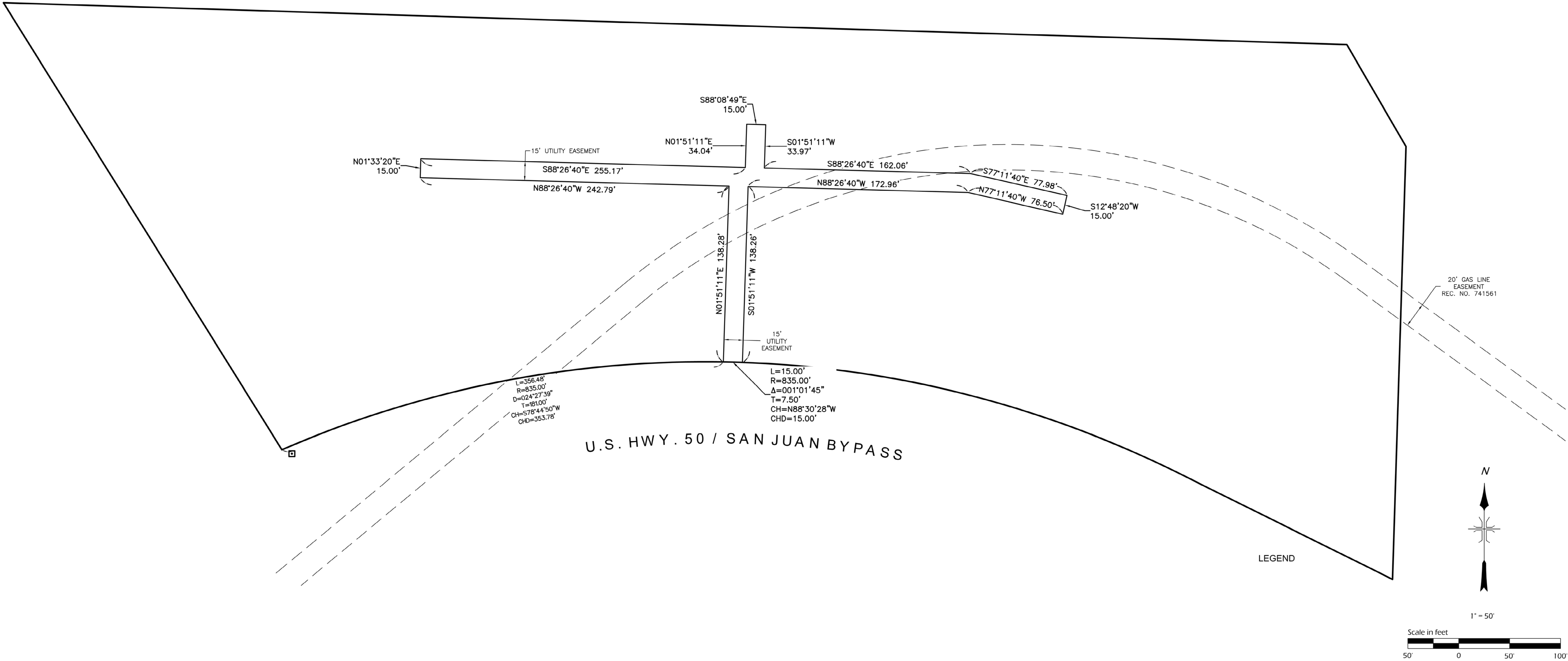
CASA

PRELIMINARY PLANNED DEVELOPMENT PLAN

SITUATED IN SECTION 21, TOWNSHIP 49 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN

CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO

JANUARY 2023



FIELD BOOK:		DRAWN BY:	MGW	DATE:	2023-01-06
SHEET:		FILE:	22033V_PD_PLAN	JOB NO.:	22033
TITLE:		CASA PRELIMINARY PLANNED DEVELOPMENT PLAN			
CLIENT:		CASA FOR CHILDREN			
ADDRESS & PHONE:		147 N. TOWNSEND P.O. BOX 1708 MONTROSE, CO 81401			
TYPE:		P.D. PLAN			

EXHIBIT C: Code Excerpts for Planned Developments

Sec. 4-4-24. Planned Development (PD).

- (A) *Intent.* The intent of this Section is to encourage the development of tracts of land in accordance with an overall development plan by providing flexibility with respect to dimensional requirements of residential units and to provide for procedures and requirements for multi-building residential development. The City is authorized to enact and amend regulations for the establishment and control of planned developments pursuant to Article XX of the Colorado constitution and C.R.S. § 24-67-101, et. seq.
- (B) *General Provisions.*
- (1) A planned development must be in substantial conformity with the City's Master Plans. No development with more than one building, with one or more dwelling units therein, may be erected on a single lot, tract, parcel or site unless a PD Plan, providing therefore, is approved pursuant to this Section, or unless the property is subdivided pursuant to City Subdivision Regulations. Provided all other applicable municipal Code provisions are satisfied, this Subsection is not intended to prohibit the issuance of building permits for property that has obtained:
 - (a) A PD Plan;
 - (b) A subdivision Preliminary Plat; or
 - (c) An approved final plat.
 - (2) A minimum of 20 percent of the gross area of the planned development must be preserved as parks or open space.
 - (3) The PD Plan must reasonably preserve and protect rural character, open space, scenic views, drainage areas and other valued resources.
 - (4) Approval of a planned development by the City is purely discretionary. If the City and the applicant do not agree on all required conditions and the plan, the City may deny approval, or the City may unilaterally impose conditions. If the developer does not accept all conditions, that development must adhere to standard subdivision and zoning requirements.
- (C) *Permitted Uses in a PD.*
- (1) Parks, open space, growing of agricultural crops, golf courses; and "uses by right" and "conditional uses" in the zone or zones in which the PD is located shall be permitted when approved as part of the planned development.
 - (2) Modular buildings used for single family homes, duplexes or multiple family residences may be allowed in any zoning district, if approved as part of the planned development.
 - (3) Planned developments in the "RL" zoning district must consider and reasonably minimize adverse impacts on existing agricultural uses or other property in the area.
 - (4) Residences may be clustered, including the use of duplexes and multifamily residences.
 - (a) Planned developments containing six or fewer units may be approved by following the administrative procedures set forth in this Subsection (C)(4).
 - (b) The 20 percent open space requirement applicable to planned developments shall be optional for those planned developments meeting the standards set forth in Subsection (C)(4)(a) of this Section.



- (c) Developments containing airspace units with undivided interests in common areas, shall show and describe said airspace units in three dimensions on the plat thereof. Developments of this type shall be known as "condominiums" and shall be labeled as such on the plat thereof.
 - (d) Developments having zero lot-line setbacks, but containing non-airspace-only units, may not be required to show said units in three dimensions on the plat thereof, though certain party wall details may be required, in the City's sole discretion. Developments of this type shall be known as "townhomes" and shall be labeled as such on the plat thereof. Townhomes shall include the underlying real property, and shall typically include yard area not encumbered by limited or general common elements, when applicable.
- (5) Administrative PD Procedures:
- (a) All lots or tracts are adjacent to a dedicated and accepted public street;
 - (b) The lots are part of a subdivision or PD plat that has been previously approved and/or accepted by the City and recorded in the Montrose County Records;
 - (c) All improvements required by applicable City ordinances and regulations, including those related to PD Plans, are already in existence and available to serve each lot, or secured;
 - (d) No part of the Administrative PD has been approved as part of an Administrative PD within three years prior to the date of submission of the Administrative PD plat;
 - (e) No material changes to prior restrictions or easements are proposed; and
 - (f) Provisions of Section 4-7-9(B) through and including (E) shall apply.
 - (g) Approval of an Administrative PD by the City is purely discretionary. If the City and the applicant do not agree on all required conditions and the plan, the City may deny approval, or the City may unilaterally impose conditions. If the applicant does not accept all conditions, that development must adhere to standard subdivision or PD requirements, and proceed through the applicable approval process.
 - (h) Prior to any review of the Administrative PD, the applicant shall provide written consent of all property owners within the proposed Administrative PD plan area. To the extent only a portion of a prior-approved Administrative PD plan area is proposed to be amended by the Administrative PD Plan application, then only the consent of the property owners within such portion shall be required.

(D) *Dimensional Requirements, Densities.*

- (1) Dimensional requirements, except those relating to overall residential density, which would otherwise be required by the City Zoning Regulations, or other City regulations for the district affected, may be deviated from in accordance with the plan as approved, if the Review Board determines that such deviations will promote the public health, safety and welfare. The Review Board may impose conditions as necessary or appropriate. The total number of residential units shall not exceed the area of the site divided by the minimum lot sizes specified for the zoning districts included.

(E) *Review of Sketch, Preliminary and Final PD Plan.*

- (1) The sketch plan, preliminary plan and final PD plans shall be reviewed pursuant to the procedures and requirements for subdivisions as set out in Chapter 4-7. For the approval of any preliminary PD Plan or a substantial amendment to a PD plan, a hearing shall be held before City Council.
- (2) Prior to any review of the Sketch, Preliminary and Final PD Plan, the applicant shall provide written consent of all property owners within the proposed PD plan area. For the purposes of this Section 4-4-24, "PD plan area" is the entirety of the territory proposed to be included in a PD plan; provided, however, that for



applications for PD plan amendments, only the portion of the PD plan area being amended or affected shall constitute the PD plan area for such application.

- (3) Conditions may be imposed as appropriate to assure that the PD plan is consistent with the City's Master Plans and promotes the public health, safety and welfare.
- (4) The plan shall show the location, size, number of dwelling units, and other uses, and shall further set out the location of all parks, open space, parking areas, streets, sidewalks, trails, bike paths and other improvements and structures. All information necessary to show compliance with the requirements of this Section shall be submitted. Where appropriate, in lieu of exact locations, numbers and sizes, parameters or limits may be set out.
- (5) The planned development Plan as approved shall be recorded.
- (6) The final PD plan may be treated as a vested right if and only if the following procedures are met:
 - (a) A landowner seeking to have the PD plan vested shall submit a written application to the City requesting that the final PD plan be vested in terms of the rights relative to the type and intensity of usage thereof. The application for review and approval of the PD plan for the purpose of vesting the property may only be submitted and received by the City subsequent to the City approval of the preliminary plat concerning that same subdivision.
 - (b) If the requirements for the PD plan are otherwise met in accordance with all applicable City regulations and specifications, approval of the PD plan shall be deemed to create a vested right in said plan which shall be subject to the provisions and limitations of C.R.S. §§ 24-68-103, 104 and 105, as may be amended from time to time. For the purposes of these provisions, PD plan shall mean the same as a "site specific development plan" as defined in the aforementioned statutes.
 - (c) Vested rights shall include only the final PD plan as approved, and shall not include the sketch plan or preliminary plat thereof, architectural plans, construction plans, variances, conditional uses, public utility filings and other related documents.

(F) *Required Improvements.*

- (1) All PDs shall provide the same improvements as required for subdivisions in Chapter 4-7, and security therefore shall be provided as set out in Section 4-7-8.
- (2) All improvements shall be constructed in accordance with standard City design and construction specifications and standards, in substantial conformity with the PD plan, and in accordance with subdivision design standards as set out in Chapter 4-7 except as modified by the plan.
- (3) An entity shall be established or provided for ownership and maintenance of all facilities and open spaces, which are approved for common ownership or not dedicated to the City.
- (4) Flexibility in the scope and design of required improvements and design standards may be allowed to provide for innovative urban design which promotes the public health, safety and welfare. A public street shall be dedicated to the City and developed at the developer's cost to provide direct access to each building with residential units or to the parking lot serving the building.

(G) *Enforcement and Amendments.*

- (1) The PD plan may be enforced in accordance with or in the same manner as the provisions of the Planned Unit Development Act of 1972, as amended, C.R.S. 1973, § 24-67-101 et seq., as amended or in any lawful manner. In addition, no occupancy permit shall be issued for any building unless all site improvements to serve that unit and any commonly-owned facilities have been completed and approved unless security for completion is provided substantially similar to the security required for subdivision



improvements by Section 4-7-8 of the City's subdivision regulations, except that cash must be placed in the escrow account prior to issuance of the occupancy permit.

- (2) Amended PD plans may be submitted for review and approval in the same manner as the initial PD Plan. An applicant for an Amended PD plan shall submit written consent of the property owners of the portion of the PD plan area to which the application applies, prior to and as a condition of the initiation of review of the application. Written consent from all property owners within the prior-approved PD plan area is not required as part of the Amended PD plan application. Advance notice of any review of an Amended PD plan application by the Planning Commission shall occur pursuant to Chapter 4-7 with the added requirement that advance written notice shall be provided to all property owners of record within the prior-approved PD plan area, in addition to all property owners of record adjoining or within 100 feet of the proposed Amended PD plan area.

(Ord. No. 2472 , § 4-4-24, 5-7-2019; Ord. No. 2493 , 2-4-2020; Ord. No. 2589 , § 1, 5-17-2022)





CITY OF MONTROSE

Planning Services

MEMO

TO: City Council
FROM: William Reis, Planner II
DATE: February 7, 2023
RE: ANX22-0079 Klein Addition
ATTACHMENTS:

- Exhibit A: Maps
- Exhibit B: Zoning Code Excerpt

City Council Consideration:

City Council is considering this annexation application and the associated zoning, which is done by considering approval of an annexation ordinance and a zoning ordinance at a first and second reading. Council will consider all of the information in this memo in making a decision.

Proposed schedule:

December 19:	Council Work Session Overview
January 3:	Council Resolution to set a hearing date
January 11:	Planning Commission zoning hearing
February 7:	City Council Annexation hearing, 1st reading of annexation ordinance, and 1st reading of zoning ordinance
February 21:	2nd reading of annexation and zoning ordinances

Application Background:

The Klein Addition is a proposed annexation approximately 1.00 acres in size. The parcel is located west of 6600 Road, addressed as 675 6600 Road. It is within the City's Urban Growth Boundary, City of Montrose Sewer Service Area, and the Tri-County Water Service Area. Annexation of this property will allow for connection to City sewer service. An Annexation Agreement is required.



Proposed Zoning: “MHR” Manufactured Housing Residential District

Applicant: Kenneth Brison Klein

Staff Analysis:

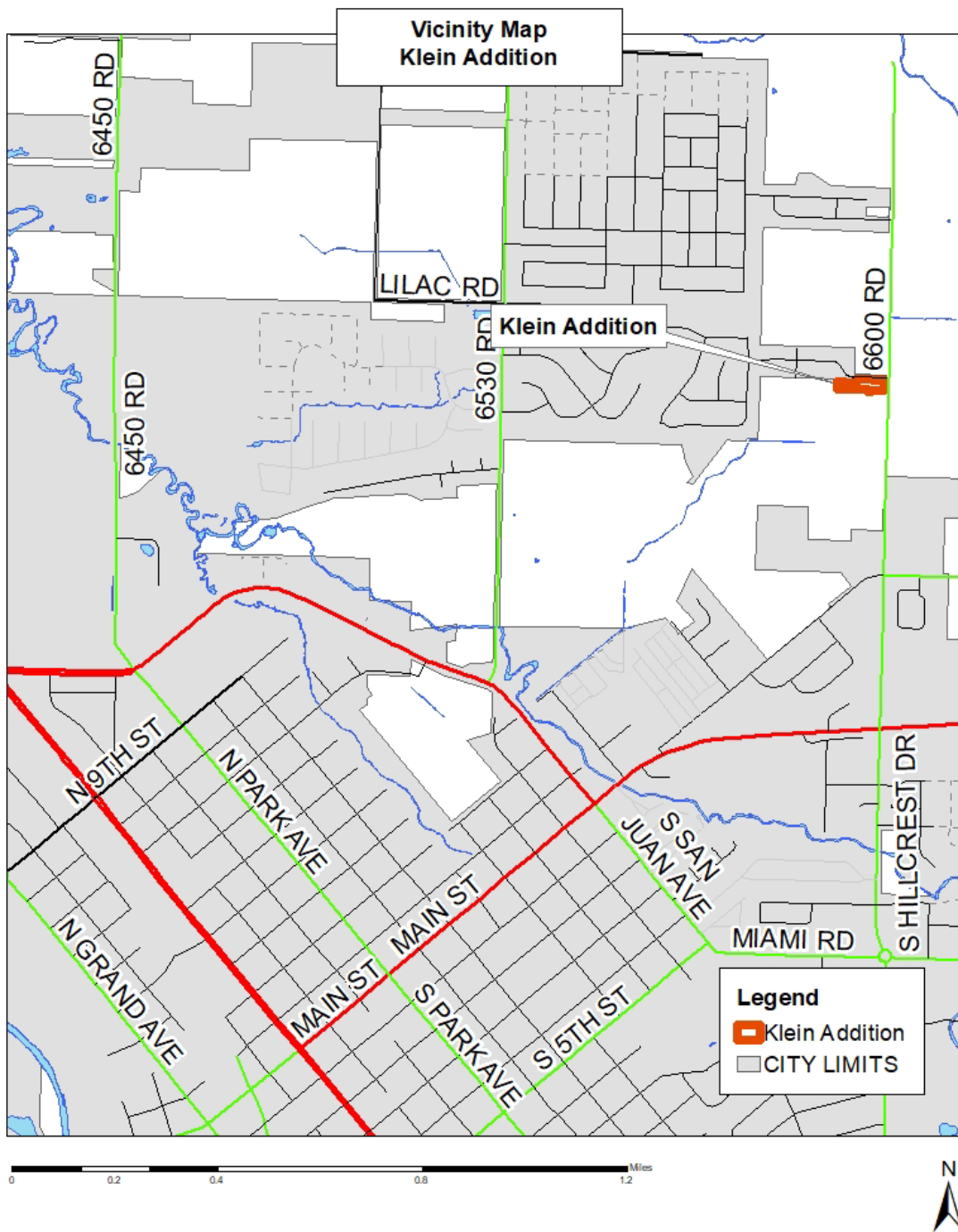
1. The City-County IGA gives the City the option to annex properties within the IGA. The area is urbanizing and more than 1/6 of the perimeter is contiguous to the city limits. These factors support annexation.
2. An annexation agreement is required as a condition of this annexation.
3. Zoning Regulations
 - a. Municipal Code, Section, 4-4-29(B), Zoning of Additions. “The Planning Commission shall recommend to the Council a zoning district designation for all property annexed to the City not previously subject to City zoning, and shall follow the review procedure set out in Section 4-4-31 in arriving at its recommendation. Proceedings concerning the zoning of property to be annexed may be commenced at any time prior to the effective date of the annexation ordinance or thereafter. *The zoning designation for newly annexed property shall not adversely affect the public health, safety and welfare* (emphasis added).”
 - b. Municipal Code, Section 4-4-7(A) Intent: The "MHR" Manufactured Housing Residential District is intended to provide a suitable environment for single-family conventional and mobile homes and is designed to allow a high density of single-family residences and related uses.
 - c. The proposed zoning is compatible with existing zoning and general conditions in the area. The property is adjacent to properties that are zoned “MHR” Manufactured Housing Residential District, and properties outside of City limits.
4. The Comprehensive Plan Future Land Use Map designates the area of the Klein Addition as Residential Mixed Density Low. This district provides primarily for single-family homes, as well as small amounts of attached residential dwelling units (such as duplexes and even small groups of townhomes). This low-density residential land use is intended to preserve the traditional building pattern of the existing residential development in Montrose. It will continue to be the predominant density in the City.
5. The property is located within Growth Area 2. According to the Comprehensive Plan, Growth Area 2 has some level of, or moderate proximity to, existing infrastructure.
6. The “MHR” zoning does not appear to be adverse to the public health, safety and welfare.

Staff Recommendation:

Staff recommends approval of the annexation and “MHR” Manufactured Housing Residential District.



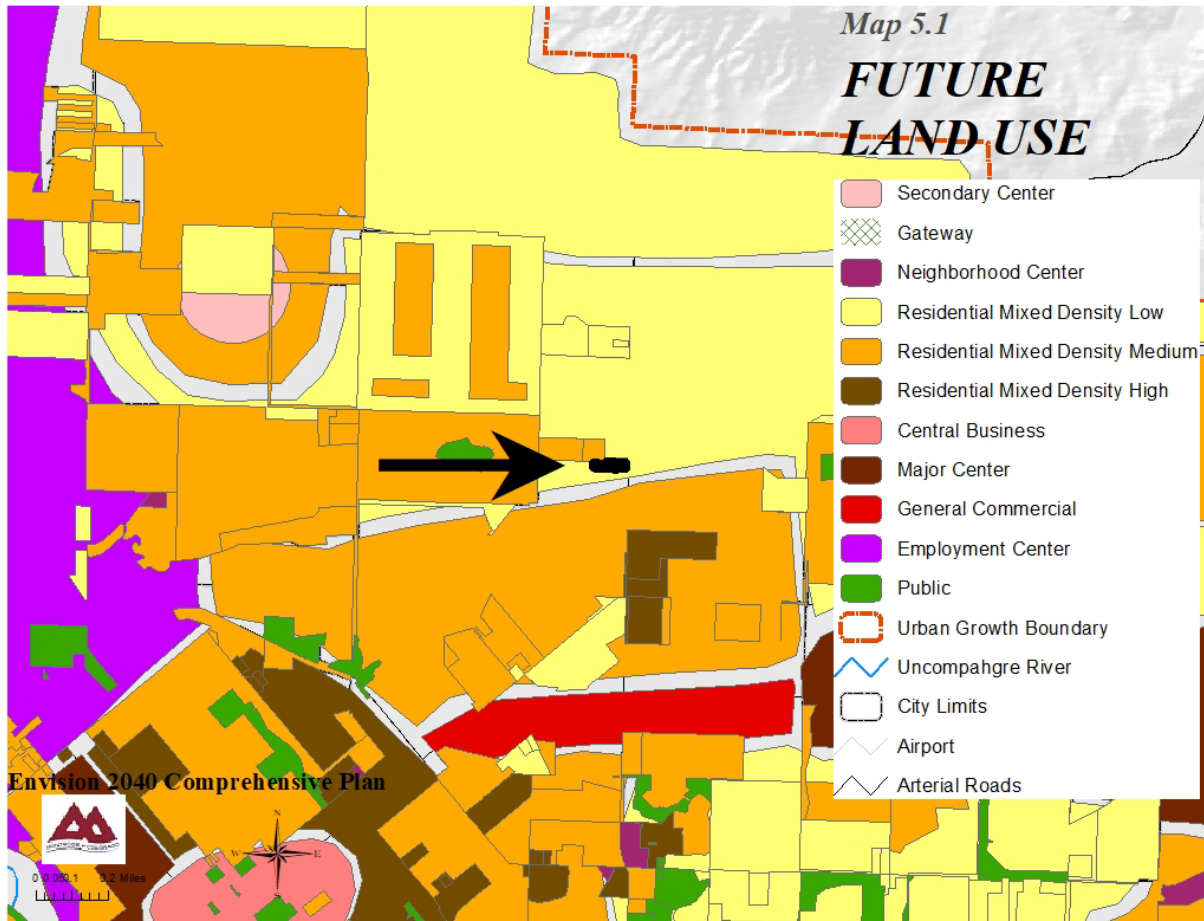
EXHIBIT A: Maps



**Proposed Klein Addition Zoning
"MHR" Manufactured Housing Residential District**

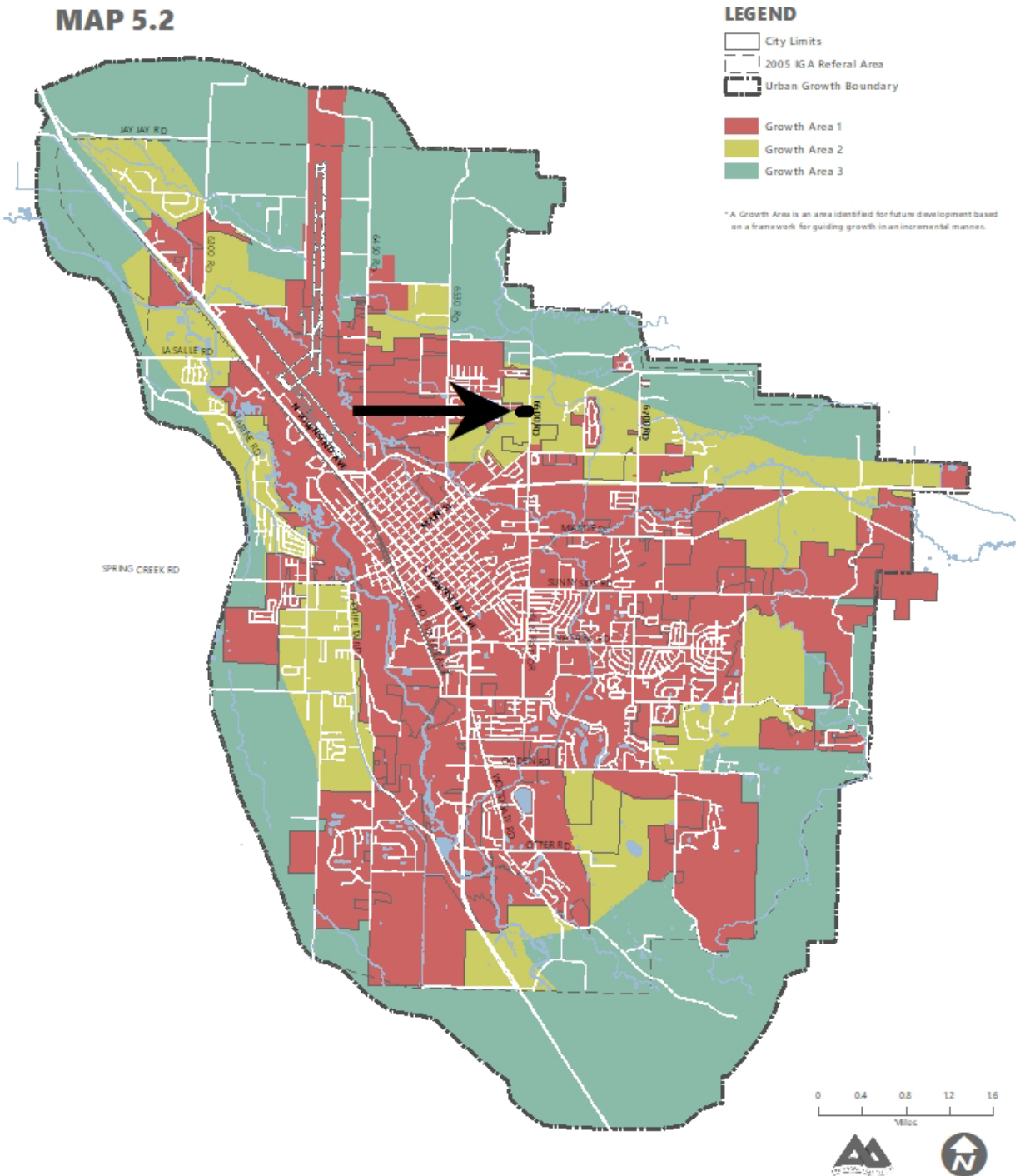


Comprehensive Plan Future Land Use Map



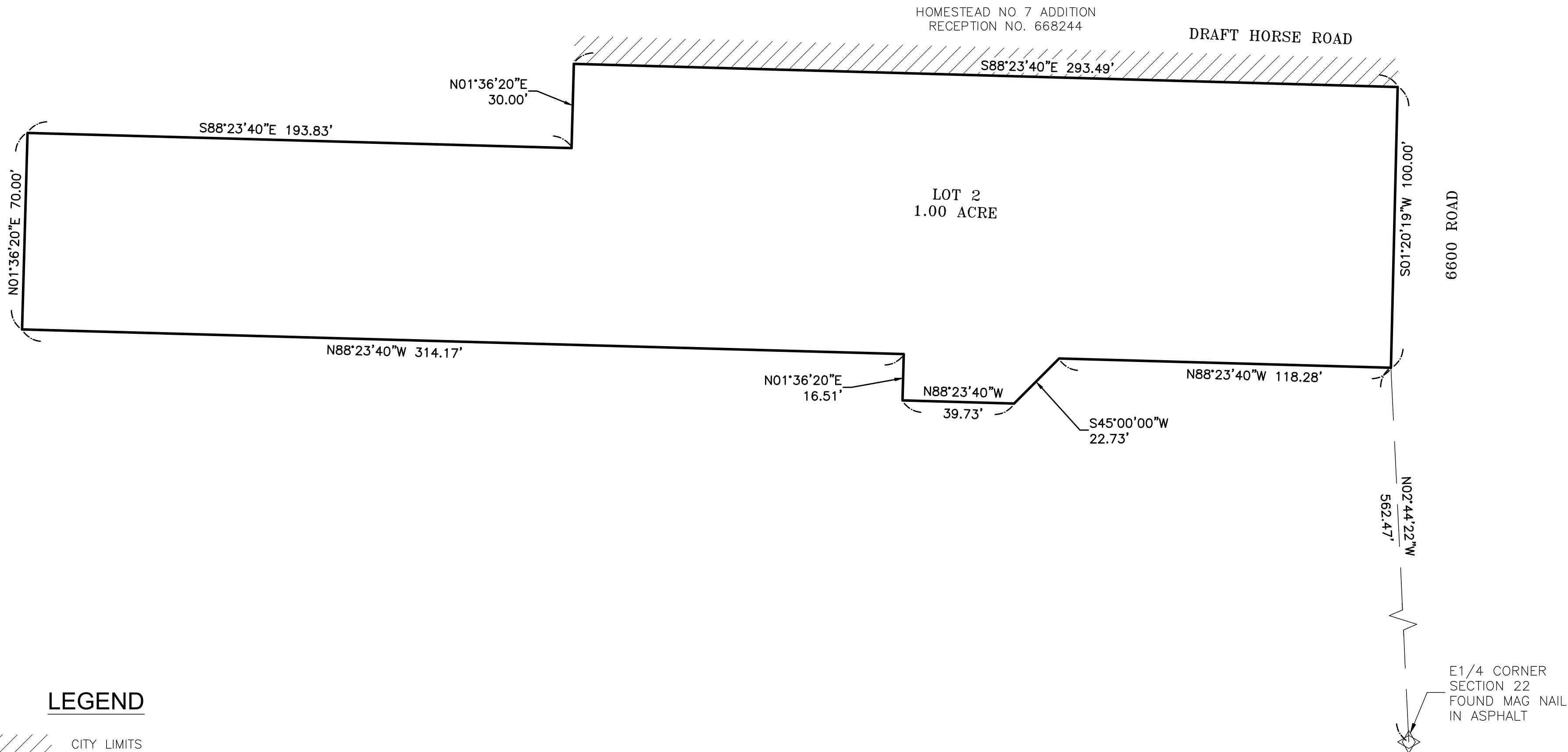
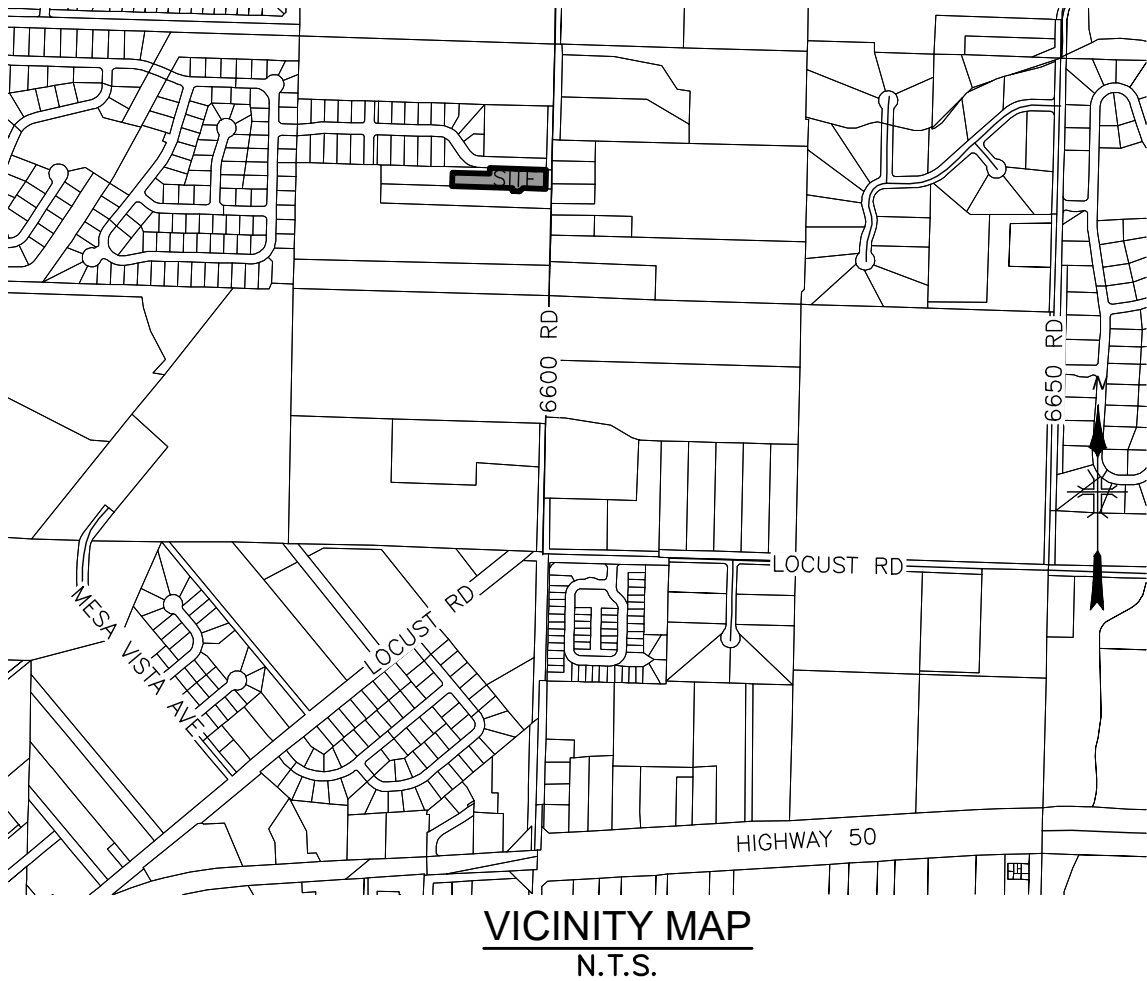
GROWTH AREAS*

MAP 5.2



KLEIN ADDITION

SITUATED IN SECTION 22, TOWNSHIP 49 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN
COUNTY OF MONTROSE, STATE OF COLORADO



LEGEND

- ////// CITY LIMITS
———— PROPERTY BOUNDARY / LIMITS OF ANNEXATION

CITY LIMITS

TOTAL PERIMETER = 1198.74'
PERIMETER CONTIGUOUS TO CITY LIMITS = 293.49'

NOTE:

THIS PLAT DOES NOT CONSTITUTE A BOUNDARY SURVEY. IT IS A COMPILATION OF EXISTING RECORDS FOR THE PURPOSE OF ANNEXATION.

PROPERTY DESCRIPTION

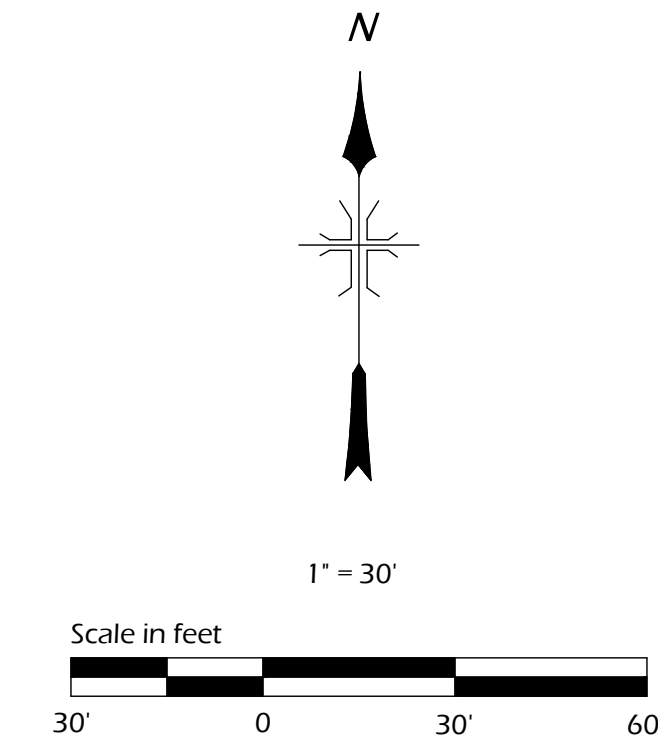
A parcel of land situated in Section 22, Township 49 North, Range 9 West, New Mexico Principal Meridian, County of Montrose, State of Colorado. Being better described as beginning at a point N02°44'22"W 562.47 feet from the East corner of said Section 22;
Thence N88°23'40"W 118.28 feet;
Thence S45°00'00"W 22.73 feet;
Thence N88°23'40"W 39.73 feet;
Thence N01°36'20"E 16.51 feet;
Thence N88°23'40"W 314.17 feet;
Thence N01°36'20"E 70.00 feet;
Thence S88°23'40"E 193.83 feet;
Thence N01°36'20"E 30.00 feet;
Thence S88°23'40"E 293.49 feet;
thence S01°20'19"W 100.00 feet to the Point of Beginning.
County of Montrose, State of Colorado
Containing 1.00 Acre more or less as described.

A.K.A.

Lot 2, Klein Minor Subdivision as recorded March 23, 2022 at Reception No. 948402, Montrose County Records.

SURVEYOR'S CERTIFICATE

I, Frederick A. Ballard, a Registered Land Surveyor in the State of Colorado, do hereby certify KLEIN ADDITION Annexation Map was prepared under my direct supervision.



MAYOR'S CERTIFICATE

This is to certify that the City of Montrose, a municipal corporation in the County of Montrose, State of Colorado has by its Ordinance No. _____ adopted on the _____ day of _____, 20____, annexed the property hereon to the City of Montrose.

Mayor

Attest:
City Clerk

CLERK AND RECORDER'S CERTIFICATE

This map was filed for record in the office of the Clerk and Recorder of Montrose County, Colorado, at the time of _____, on the _____ day of _____, 20____ under Reception No. _____.

Clerk and Recorder
Montrose County, Colorado

Deputy

PRELIMINARY

Frederick A. Ballard, P.L.S.
Registration No. 37690

NOTICE: According to Colorado Law (13-80-105, CRS) you must commence any legal action based upon any defect in this survey within three (3) years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten (10) years from the date of the certification shown hereon.

TITLE: KLEIN ADDITION			
FIELD BOOK: 754		CLIENT: BRISON KLEIN	
DRAWN BY: DCC		ADDRESS & PHONE: 667 & 675 6600 RD MONTROSE, CO 81401	
DATE: 2022-10-03			
SHEET: 1 of 1	FILE: 21021V_ANNEX	JOB NO.: 21021	TYPE: ANNEXATION

EXHIBIT B: Zoning Code Excerpt

Sec. 4-4-9. "MHR" Manufactured Housing Residential District.

- (A) *Intent.* This district is intended to provide a suitable environment for single-family conventional and mobile homes and is designed to allow a high density of single-family residences and related uses.
- (B) *Uses by Right.*
- (1) Single-family homes.
 - (2) Manufactured housing/single-family homes
 - (3) Mobile homes.
Mobile home parks.
 - (4) Government buildings and facilities.
 - (5) Parks and recreation facilities owned or operated by a homeowner association.
 - (6) Places of worship.
 - (7) Public utility service facilities.
 - (8) Accessory uses.
 - (9) Short-term rentals.
 - (10) Family child care home.
- (C) *Conditional uses.*
- (1) Skilled nursing and assisted living facilities.
 - (2) Rental storage units with a maximum rental unit size of 200 square feet.
 - (3) Childcare facilities.
 - (4) Schools.
- (D) *Compliance with Chapter 4-12* Mobile home parks shall comply with the requirements of Chapter 12 of this Title, in addition to these Zoning Regulations. Chapter 12 of this Title shall control with respect to any conflict with these regulations.
- (Ord. No. 2472 , § 4-4-9, 5-7-2019; Ord. No. 2561 , 10-19-2021)



RESOLUTION NO. 2023-02

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO, as follows:

The City Council hereby set forth its findings of fact and conclusions based thereon with respect to the annexation of the **Klein Addition** based on the evidence contained in the official file, the official records of the City of Montrose, Colorado and the evidence produced at the Hearing held on February 7, 2023.

FINDINGS OF FACT

1. The requirements of the applicable parts of C.R.S. §§ 31-12-104, 105 have been met including the following:
 - A. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City as can be seen from the annexation map.
 - B. A community of interest exists between the area proposed to be annexed and the City, due to the proximity of the area to the City, the desire the owners to annex and existing City services in the area.
 - C. The area is urban or will be urbanized in the near future and the area is already substantially integrated with, and is capable of being fully integrated with the City.
 - D. It is practical to extend City services to the area on the same terms and conditions on which services are available to City citizens generally.
 - E. No land held in identical ownership has been divided into separate parts. No tract over 20 acres with a valuation of over \$200,000 has been included without written consent. No annexation proceedings concerning this area have been commenced by any other municipality.
 - F. This annexation will not result in any detachment of area from the Montrose School District No. RE-IJ. No part of the area to be annexed extends any more than three miles from the existing City boundaries. The City has in place a plan for that area as required by C.R.S. § 31-12-105.
 - G. The entire width of any streets to be annexed are included within the annexation.
 - H. Access shall be allowed to annexed portions of the street to the owners of unincorporated property adjoining annexed streets on a reasonable basis.
2. No petition for annexation election has been submitted and an election is not required pursuant to C.R.S. § 31-12-107(2).

3. The City Council has determined that additional terms and conditions will not be imposed.
4. The Petition was signed by the owners of 100% of the property to be annexed exclusive of streets and alleys.
5. Proper notice of this hearing was published and mailed as required by C.R.S. § 31-12-108.
6. An Annexation Impact Report is not required.

CONCLUSIONS

1. The area proposed for annexation as the **Klein Addition** is eligible for annexation pursuant to applicable parts of C.R.S. § 31-12-104.
2. None of the limitations of C.R.S. § 31-12-105 apply to restrict annexation.
3. Said Addition may be annexed by Ordinance pursuant to C.R.S. § 31-12-111, without election.

ADOPTED this 7th day of February, 2023, by the Montrose City Council.

CITY OF MONTROSE, COLORADO

By _____
David Frank, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

ORDINANCE NO. 2613

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, FOR THE ANNEXATION OF THE **KLEIN ADDITION**.

WHEREAS, a petition for the annexation of a tract of land known as the **Klein Addition** has been submitted to the City of Montrose and has been found by the City Council to be in substantial compliance with C.R.S. § 31-12-107(1), and

WHEREAS, said petition has been signed by the owners of 100% of the area proposed to be annexed exclusive of streets and alleys, and

WHEREAS, the property is eligible for annexation in accordance with the Municipal Annexation Act of 1965, as amended,

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

SECTION 1:

The property described in **Exhibit A**, known as the **KLEIN ADDITION**, is hereby annexed to the City of Montrose, Colorado.

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 February, 2023, at the hour of 6:00 p.m. at Montrose Police Department, Community Meeting Room, 434 South First Street in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 7th day of February, 2023.

David Frank, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

INTRODUCED, READ and ADOPTED on second reading this 21st day of February, 2023.

David Frank, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

EXHIBIT A

Legal Description

A parcel of land situated in Section 22, Township 49 North, Range 9 West, New Mexico Principal Meridian, County of Montrose, State of Colorado. Being better described as beginning at a point N02°44'22"W 562.47 feet from the East corner of said Section 22;

Thence N88°23'40"W 118.28 feet;

Thence S45°00'00"W 22.73 feet;

Thence N88°23'40"W 39.73 feet;

Thence N01°36'20"E 16.51 feet;

Thence N88°23'40"W 314.17 feet;

Thence N01°36'20"E 70.00 feet;

Thence S88°23'40"E 193.83 feet;

Thence N01°36'20"E 30.00 feet;

Thence S88°23'40"E 293.49 feet;

thence S01°20'19"E 100.00 feet to the Point of Beginning.

County of Montrose, State of Colorado

Containing 1.00 Acre more or less as described.

A.K.A.

Lot 2, Klein Minor Subdivision as recorded March 23, 2022 at Reception No. 948402, Montrose County Records.

ORDINANCE NO. 2614

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, PROVIDING FOR THE ZONING OF THE **KLEIN ADDITION** AS AN "MHR," MANUFACTURED HOUSING RESIDENTIAL DISTRICT.

WHEREAS, the **Klein Addition** has been recently annexed to the City of Montrose, Colorado; and

WHEREAS, the owners of such property have requested zoning which the Planning Commission has reviewed and recommended in accordance with the requirements of the City Code; and

WHEREAS, the proposed recommendation is substantially in accord with the City's Master Plan, is compatible with existing zoning in nearby or adjoining properties, and is in the public interest.

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

The Official Zoning Map is hereby amended to designate the **Klein Addition**, according to the Official Annexation Map thereof, as an "MHR," Manufactured Housing Residential District.

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 February, 2023, at the hour of 6:00 p.m. at the Montrose Police Department, Community Meeting Room, 434 South First Street in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 7th day of February, 2023

David Frank, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

INTRODUCED, READ and ADOPTED on second reading this 21st day of February, 2023.

David Frank, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk



CITY OF MONTROSE
Planning Services

MEMO

TO: City Council
FROM: William Reis, Planner II
DATE: February 7, 2023
RE: Historic Property Designation Application for the Montrose Electric Light & Power Co. Building

City Council Consideration:

On January 24, 2023, the City of Montrose Historic Preservation Commission considered an application for historic property designation of the Montrose Electric Light & Power Co. Building, located at 7 S Townsend Ave, according to Section 4-15 of the Montrose Municipal Code. The commission voted unanimously to recommend to the City Council for approval as a historic property.

Staff Analysis:

In reviewing the application, City staff submitted and the commission concurred with the following findings:

1. The structure meets the eligibility criteria per Montrose Municipal Code 4-15-3 (B) as follows:
 - a. The building is over fifty years old.
 - b. The building is significant for its association with the history of power generation in Montrose, having been erected in 1899 to house the Montrose Electric Light and Power Company, and later converted to a commercial use, having been used as a feed warehouse known as the Valley Feed and Seed Company.
 - c. The building, although greatly altered, retains its original roof design and segmental arched opening on the north end of the west wall.
2. The structure has been found to also meet the integrity criteria per Montrose Municipal Code 4-15-3 (C).

ORDINANCE NO. 2615

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, DESIGNATING THE MONTROSE ELECTRIC LIGHT & POWER COMPANY BUILDING, WITH AN HISTORIC ADDRESS OF 7 SOUTH TOWNSEND AVENUE, MONTROSE, COLORADO, AS A CITY OF MONTROSE HISTORIC PROPERTY PURSUANT TO § 4-15 OF THE OFFICIAL CODE OF THE CITY OF MONTROSE

WHEREAS, pursuant to Montrose City Code, Chapter 4-15, City Council has established a public policy encouraging the protection, enhancement and perpetuation of historic properties within the City; and

WHEREAS, by motion approved on January 24, 2023, the City of Montrose Historic Preservation Commission (the “Commission”) determined the Montrose Electric Light & Power Company building, with an historic address of 7 South Townsend Avenue in Montrose, as more specifically described in the legal description below (the “Property”), is eligible for the historic property designation pursuant to Montrose City Code § 4-15-3 as follows: the building is over fifty (50) years old; the building is significant for its association with the history of power generation in Montrose, having been erected in 1899 to house the Montrose Electric Light and Power Company; the building, although greatly altered, retains its original roof design, and the segmental arched opening on the north end of the west wall; and

WHEREAS, the building is significant for its history as a commercial use, having been used as a feed warehouse known as the Valley Feed and Seed Company; and

WHEREAS, the Commission further determined the Property meets the criteria set forth in City Code § 4-15-3, is eligible for designation as an historic property, and has recommended to the City Council the Property be designated as an historic property; and

WHEREAS, the owner of the Property has consented to such historic property designation and desires to protect the Property; and

WHEREAS, such historic property designation will preserve the Property’s significance to the community; and

WHEREAS, the City Council has reviewed the recommendation of the Commission and desires to follow such recommendation and designate the Property as an historic property; and

WHEREAS, designation of the Property as an historic property is necessary for the prosperity, civic pride, and welfare of the public.

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

Section 1. The City Council hereby makes and adopts the determinations and findings

contained in the recitals set forth above.

Section 2. The Property located in the City of Montrose, Montrose County, Colorado, is described as follows, to wit:

LOTS 11 AND 12, AND THE WEST 6 INCHES OF LOT 10 IN BLOCK 94 OF THE TOWN OF MONTROSE, NOW A PART OF THE CITY OF MONTROSE, EXCEPT THE FRONT OR NORTHERLY 62.5 FEET OF SAID LOTS 11 AND 12 AND THE FRONT OR NORTHERLY 62.5 FEET OF THE WEST 6 INCHES OF LOT 10 IN BLOCK 94 OF THE TOWN OF MONTROSE, NOW A PART OF THE CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO

also known by street and number as 7 S. TOWNSEND AVE., MONTROSE, CO 81401

Section 3. Alteration, additions, and other changes to the building and structures located on the Property will be reviewed for compliance with Montrose City Code § 4-15-5, as currently enacted or hereafter amended.

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 February, 2023, at the hour of 6:00 p.m. at the Montrose Police Department Community Room, 434 South 1st Street in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 7th day of February, 2023.

David Frank, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

INTRODUCED, READ and ADOPTED on second reading this 21st day of February, 2023.

David Frank, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

CONTRACT AWARD CONSIDERATION



TO: Honorable Mayor and Members of the City Council
FROM: Scott Murphy, *City Engineer*
DATE: January 11, 2023
RE: 6700 Road Extension Project Construction Contract Award
CC: William Bell, Shani Wittenberg

Action

Consider the approval of \$4,595,856.14 in expenditures for construction of the 6700 Road Extension Project. This includes the award of a construction contract to Williams Construction in the amount of \$4,387,256.14, a survey and engineering support contract to Del-Mont Consultants in the amount of \$133,600, flashing crosswalk and school zone signage expenditures of \$25,000, and up to \$50,000 in expenditures to Delta-Montrose Electric Association for a portion of costs associated with powerline relocation and undergrounding alongside the project.

Background

The City of Montrose comprehensive plan calls for the completion of 6700 Road as a minor arterial where currently missing between Sunnyside and Miami Roads (see Figure 1). This project has remained a high-priority capital project due to continued traffic growth in the area; however, until recently, the City did not own all of the rights of way necessary to complete this missing link. With the right of way secured in the summer of 2022, the project could then move forward. Concurrent with securing the rights of way, the project was being designed by Del-Mont Consultants (Montrose, CO) throughout 2022 and was ready for bid in early December.

The project design includes through lanes in each direction, a center turn lane, bike lanes in each direction, and detached sidewalks on each side. This is the same template as that constructed on the South Hillcrest Extension (2018) and East Oak Grove Widening (2014) Projects. Upon completion, it is anticipated that traffic volumes on 6700 will be much higher than on the side streets (Sunnyside and Miami). As a result, 6700 Road will be given the through priority with stop signs controlling the side streets. Neither intersection met industry standard warrants for the implementation of a four way stop. Longer term, as buildout continues in the area and traffic volumes grow on these sidestreets, this would transition to a four way stop and eventually to a roundabout. It should be noted that volume thresholds to warrant roundabout intersections are likely at least 15 to 20+ years out.

Project Bidding and Associated Expenditures

Construction of the 6700 Road Extension Project was put out for bid on December 4th and bids were publicly received on January 11, 2023 from four contractors as summarized in Table 1 below. Bid totals presented include a 10 percent contingency.

TABLE 1 Summary of Bid Results		
Contractor	Location	Bid Total
Williams Construction	Norwood, CO	\$4,387,256.14
United Companies	Montrose, CO	\$5,011,317.30
Ridgway Valley Enterprises	Montrose, CO	\$5,024,577.80
Mountain Valley Contracting	Grand Junction, CO	\$5,189,599.80

The City has recent positive experience working with the low bidder, Williams Construction, on numerous capital projects and considers them qualified to perform the work. As a result, it is recommended that the construction contract be awarded to Williams Construction. It should be noted that the City's local preference policy would not change the outcome of bidding in this case.

In addition to the award of a construction contract, we are also recommending award of an engineering support and survey stakeout contract to the project designer, Del-Mont Consultants. This scope of work is budgeted at \$133,600 on an as-needed, time-and-materials basis based on a proposal provided by the consultant.

Additionally, the following direct expenditures are recommended for authorization on the project:

1. **Flashing Crosswalk and School Zone Equipment.** The 6700 Extension Project includes two crosswalks across 6700 Road and is situated alongside the Pope John Paul Academy. Given the anticipated traffic volumes and speeds along the new 6700 Road, the use of flashing crosswalks and school zone signage is warranted. These are being purchased directly by the City in order to maintain equipment continuity with other flashing sign improvements being installed throughout the City in 2023 and to obtain a volume discount on their purchase with other 2023 City capital projects. For the 6700 Road Extension Project, these expenditures total \$25,000.
2. **Portion of Powerline Relocation Costs.** Construction of the 6700 Extension Project will require the relocation and undergrounding of conflicting power infrastructure at the intersections of Sunnyside/6700 and Miami/6700. Under our right of way franchise agreement with Delta-Montrose Electric Association (DMEA), DMEA is required to relocate any conflicting facilities at their cost. However, the City has elected to underground some of these relocations for aesthetic purposes and to expand relocation efforts to ensure there are no power conflicts 20+ years into the future when roundabouts are installed at these intersections. As a result, the City proposes and DMEA is agreeable to a contribution of \$50,000 towards the \$150,000 in relocation costs.

A summary of these costs is included in Table 2 below.

TABLE 2	
Summary of Project Costs	
Work Element	Cost
Construction Contract (Williams Construction)	\$4,387,256.14
Survey and Engineering Support (Del-Mont Consultants)	\$133,600.00
Flashing Crosswalk and School Zone Equipment	\$25,000.00
Portion of Powerline Relocation Costs	\$50,000.00
TOTAL	\$4,595,856.14

Project Schedule and Traffic Control

The construction project is scheduled to begin in February and extend into November 2023. Most work will take place between Sunnyside and Miami Roads, outside of the existing roadways; however, some utility and roadway reconstruction work will be necessary at the intersections of 6700 with Miami and Sunnyside Roads. When these closures are required, they will maintain access to local driveways immediately adjacent to the work area but will detour traffic around to the nearest minor arterials as shown in the attached traffic control overview drawing. It should be noted that the contractor will only be allowed to close one intersection at a time in order to avoid excessive detour lengths and to avoid overwhelming the capacity of detour routes.

Contract Administration and Project Financials

Contract administration, project management, and inspection will be performed by the City of Montrose engineering department with support from the design engineer as needed.

The City budgeted a total of \$4.09M for this project out of the City's capital improvement (\$3.5M), water capital (\$290k), and sewer capital (\$300k) funds. This places the project approximately \$500k over the total budget. This overage is primarily due to three factors: (1) since initially budgeted, the project footprint has expanded further into the intersections in order to achieve proper geometric design at the road crossings, (2) general cost escalation within the construction industry, (3) high demand for earthwork contractors with all of the projects currently being awarded within the region.

As mentioned above, the project includes \$400k in contingency. The project also includes some inherent contingency in available aggregate quantity (road base and asphalt) that may be unused and could present measurable savings on the project (projects are setup to only pay for what is actually used). With this, there is a chance that the overage presented may not come to fruition. Over the past 10 years, it has not been uncommon for the City's roadway capital projects to come in 5 to 10% under final contract amount. However, if ultimately needed, this overage would come out of available fund balance within the City's respective capital budgets.

TRANSPORTATION

Proposed Roadway Network and Classification

MAP 6.1

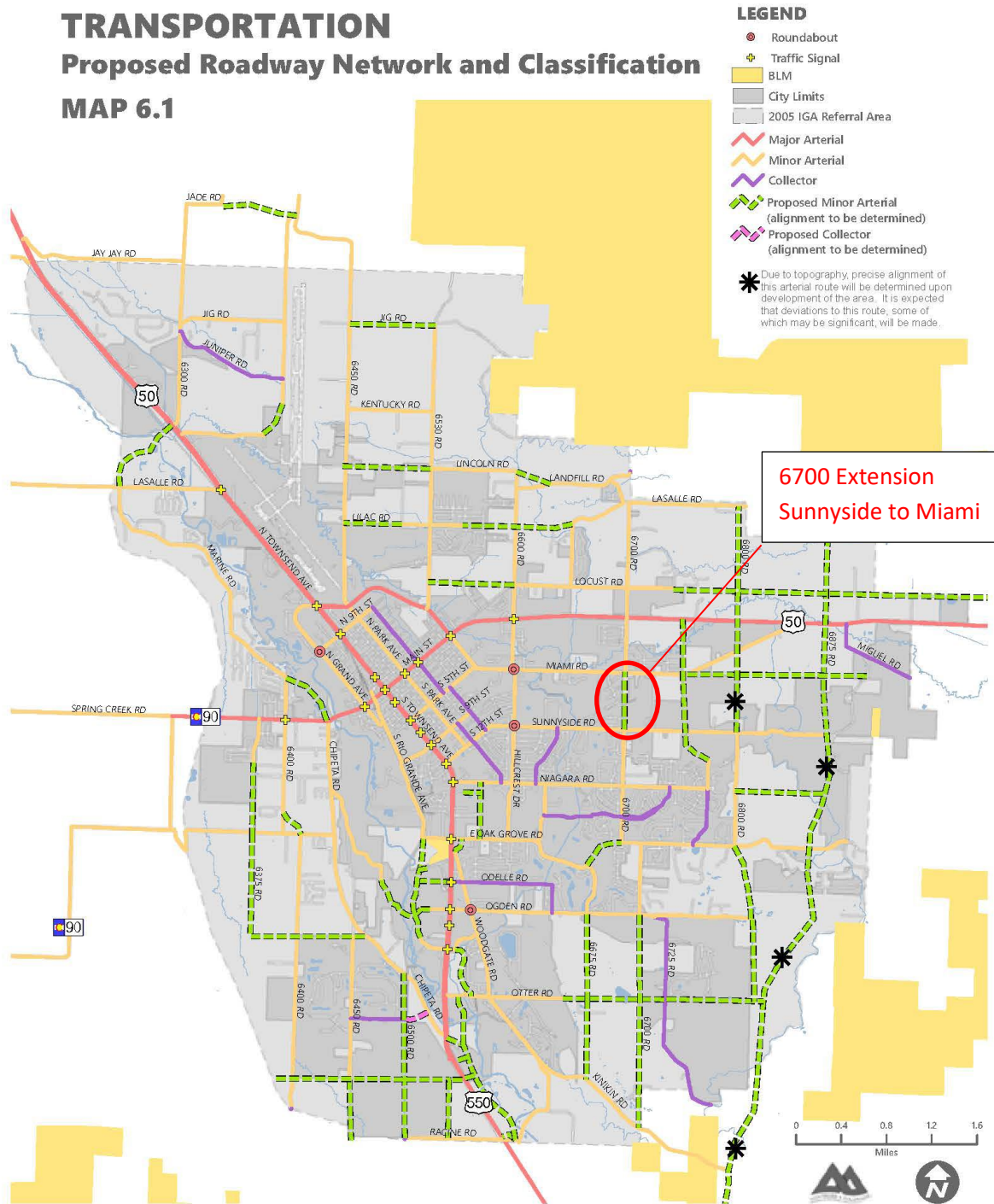


Figure 1 – Comprehensive Plan Road Network Excerpt

FOR BIDDING PURPOSES ONLY
NOT APPROVED FOR CONSTRUCTION

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SEWER CAMERA VAN REPLACEMENT

CITY COUNCIL WORK SESSION

February 6, 2023

To: City Council

From: David Bries, Utilities Manager

CC: William E. Bell, City Manager
Shani Wittenberg, Finance Director

Subject: Review of Recommended purchase of a Rausch USA CCTV Sewer Camera Van from Ten Point Sales & Marketing, llc.

RECOMMENDATION

City Staff recommends approval of the purchase of a Rausch USA CCTV sewer camera van from Ten Point Sales & Marketing LLC from Wheat Ridge, CO for \$279,833.

BACKGROUND

The current sewer camera inspection system was last upgraded in 2016, and is currently using the 2003 van and chassis, and was included for replacement in the 2023 Budget.

City staff obtained 5 quotes and 4 demonstrations from area vendors for a new CCTV sewer camera van to replace the existing 2003 van and 2016 sewer camera inspection system. Staff reviewed the features of each system and determined that the Rausch USA system was the best system based on technical capabilities, repair and parts availability, overall reliability and equipment availability. The costs for each system were based on Sourcewell Contract pricing and ranged from \$243,201 to \$279,833.

With the supply chain delayed for a prolonged period it would be wise for the City to move quickly on any company that has a vehicle on hand. Therefore we would like to have consideration of the purchase included in the February 7th Regular City Council meeting.

NET FINANCIAL IMPACT

The following table shows the 2023 Budget funding from the various operational funds as well as

Fund	Budget Amount	Proposed Funding
Fleet Internal Service Fund	\$200,000	\$200,000
IS Internal Service Fund		\$ 2,000
Sewer Fund	\$45,000	\$78,000

The additional funding from the Sewer Fund will be offset with the following cost reductions:

	Budgeted Amount	Proposed Camera Funding
Large diameter TV Inspection services	\$40,000	\$10,000
Camera repairs	\$10,500	\$10,000
Sewer rehabilitation (CIPP)	\$250,000	\$13,000

PURCHASE RECOMMENDATION

TO: Honorable Mayor, and Montrose City Council
FROM: Jim Scheid, Public Works Manager
Cc: William Bell, City Manager
Shani Wittenberg, Finance Director
Shane Brandt, Fleet Division Superintendent
DATE: January 17th, 2023
Subject: Trash Truck Purchase Recommendation



Recommendation

Consider the approval of a purchase of 3 Trash Trucks from Kois Brothers Equipment in Commerce City, CO in the amount of \$1,226,495.25.

Background

The City of Montrose self performs the collection of curb side trash and recycling from City residences. This operation utilizes 6 Automated Side Loader (ASL) trash trucks currently. Due to growth in the number of City of Montrose Trash and Recycling customers, the City budgeted for an additional ASL trash truck in 2022. This additional truck was budgeted in the Trash and Recycle Division 2022 Budget.

The City of Montrose Fleet Division replaces vehicles and equipment in the Fleet based on the life expectancy and the maintenance cost of each. The City's ASL trash trucks are on a 7 year replacement schedule to maximize the useful life of the equipment and utilize it at the lowest cost of operation. The replacement schedule has one replacement in 2022 and one in 2023. These two (2) replacements are budgeted in the Fleet 2022 and 2023 Budgets.

This brings the total ASL trash trucks to be purchased in 2022 and 2023 to three (3).

The City of Montrose authorized a purchase of two (2) ASL trash trucks in December of 2021 for the 2022 budget year. This award was not honored by the vendor selected for the chassis which resulted in the order being terminated. The budgeted amounts in the 2022 budget are rolled over into the 2023 budget to be used for the purchases recommended above.

On December 6th, 2022, the City of Montrose accepted bids for 3 new ASL trash trucks. Unfortunately, none of the bids met the specifications in the bid packet and were rejected.

The City of Montrose Fleet Division has been reaching out to as many vendors as possible, working closely with vendors that provide the specific equipment necessary and has requested quotes from three vendors to meet our specifications. Of the three vendors that a quote was requested from only one quote was returned. The City of Montrose has received one (1) quote.

The Quote is as follows:

COMPANY	PRODUCT COST
Kois Brothers Autocar Chassis Heil Body	\$1,226,495.25

Net Financial Impact

The budgeted amount for all three (3) of the purchases combined in 2022 and 2023 is \$930,00.00. Due to significant price increases and low availability for specialized equipment, the above recommendation is over the budgeted amount by \$296,495.25. This overage will be covered by the Fleet Fund initially and recouped through the internal lease payment from the Trash and Recycle Division to the Fleet Division.

PURCHASE AMENDMENT RECOMMENDATION

TO: Honorable Mayor, and Montrose City Council
FROM: Jim Scheid, Public Works Manager
Cc: William Bell, City Manager
Shani Wittenberg, Finance Director
Shane Brandt, Fleet Division Superintendent
DATE: January 17th, 2023
Subject: Bid#21-034 Vehicle Purchase Amendment



Recommendation

Consider the approval of a price increase for the 2022 Ford vehicle order that was previously awarded to Sill-Terhar Motors.

Background

On December 9th, 2021, the City of Montrose issued a purchase order to Sill-Terhar Motors for 20 new Ford vehicles. Since placing this order, the City of Montrose has received 1 of the ordered vehicles.

This past year has presented many challenges in the automotive industry. We have had microchip shortages along with supply chain issues due to global events. Due to these issues, the volume of vehicles produced by Ford and other vehicle manufactures has been reduced. This reduction in vehicle volumes produced has resulted in many orders not being fulfilled within the model year they were ordered. For the City of Montrose order placed in late 2021, 19 out of the 20 vehicles will be pushed to 2023 model year and 2023 pricing. The 2023 pricing from Sill-Terhar does match the pricing that was awarded on the Colorado State bid for Ford vehicles.

Pricing Type	PRODUCT COST
Initial Bid	\$ 856,827.52
2023 Pricing	\$1,003,658.00
Total Increase	\$146,830.48

City Staff recommends accepting the price increase.

Net Financial Impact

The budgeted amount for all the purchases combined is \$961,250.00. The 2023 pricing is over the budgeted amount by \$42,408.00.

The 2023 Sill-Terhar pricing is still less than the next qualified bid received in November of 2021 in the amount of \$1,016,463.00.

The \$42,408.00 over budget will be paid for by the Fleet Fund and recouped by the Fleet Interfund Lease to each division that utilizes these vehicles.

