



REGULAR CITY COUNCIL MEETING AGENDA
Tuesday, March 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 recording can be viewed at the link below:
<https://www.youtube.com/user/MontroseCityGov>.

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) Municipal Court Judge Oath of Office
 - 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) APPROVAL OF MINUTES (5 minutes)

City Council consideration of the minutes of the February 21, 2023 regular City Council meeting. *Deputy City Clerk Briceida Ortega* **4-11**

Action: Consider making a motion to approve the minutes of the February 21, 2023 regular City Council meeting as presented.

8) NEW HOTEL AND RESTAURANT LIQUOR LICENSE APPLICATION (15 minutes)

City Council consideration of an application for a new Hotel and Restaurant liquor license at 1222 E. Main Street for Tacos 2 Day LLC doing business as Tacos 2 Day for consumption on the licensed premises. *Staff: City Attorney Ben Morris* **12-18**

Action: Hold a hearing. Consider making a motion to approve a new Hotel and Restaurant liquor license at 1222 E. Main Street for Tacos 2 Day LLC doing business as Tacos 2 Day for consumption on the licensed premises.

9) ORDINANCE 2616 - FIRST READING (10 minutes)

City Council consideration of Ordinance 2616 on first reading, an Ordinance of the City of Montrose, Colorado, amending Section 6-4-1 (B)(4) of the Official Code of the City of Montrose, Colorado, to correct an internal cross-reference. *Staff: City Attorney Ben Morris* **19-20**

Action: Hold a hearing. Consider making a motion to pass Ordinance 2616 on first reading as presented.

10) ORDINANCE 2617 - FIRST READING (15 minutes)

City Council consideration of Ordinance 2617 on first reading, an ordinance of the City of Montrose, Colorado, authorizing the sale of real property at addressed at 433 S. First Street, Montrose, Colorado, and being particularly described herein, pursuant to § 1-9-2 of the Official Code of the City of Montrose. *Staff: City Manager Bill Bell* **21-23**

Action: Accept public comment. Consider making a motion to pass Ordinance 2617 on first reading as presented.

11) MEMORANDUM OF UNDERSTANDING (20 minutes)

City Council consideration of a Memorandum of Understanding between Colorado Mesa University Foundation, Colorado Mesa University, and the City of Montrose to establish the Montrose Permanent Fund to be held and administered by the Foundation. *Staff: City Manager Bill Bell* **24-30**

Action: Accept public comment. Consider making a motion to approve a Memorandum of Understanding between Colorado Mesa University Foundation, Colorado Mesa University, and the City of Montrose as presented.



12) RESOLUTION 2023-03 (10 minutes)

City Council consideration of Resolution 2023-03 setting April 18, 2023 as the hearing date for the Sunset Village Addition Annexation. *Staff: Planning Manager Jace Hochwalt*
31-39

Action: Accept public comment. Consider making a motion to adopt Resolution 2023-03 as presented.

13) CASA FINAL PLANNED DEVELOPMENT (15 minutes)

City Council consideration of the CASA Final Planned Development. *Staff: Planner II William Reis* **40-51**

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

14) CRACK SEAL MATERIAL PURCHASE AND SOLE SOURCE WAIVER (10 minutes)

City Council consideration of the purchase of crack seal material from Dissco (Denver Industrial) for the total purchase price of \$93,741.00. *Staff: Streets Division Superintendent Nik Pridy* **52-54**

Action: Accept public comment. Consider making a motion to approve the purchase of crack seal material from Dissco (Denver Industrial) for the total purchase price of \$93,741.00 as presented.

15) STAFF REPORTS

16) YOUTH CITY COUNCIL COMMENTS

17) CITY COUNCIL COMMENTS

18) MOTION TO ADJOURN

A regular meeting of the Montrose City Council was held on Tuesday, February 21, 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: Barbara Bynum, Doug Glaspell, J. David Reed, Shiloh Warthen, Bill Bell, Ann Morgenthaler, Ben Morris, Chris Dowsey, Lisa DelPiccolo, Greg Story, William Reis, Matthew Magliaro, Shani Wittenberg, Jim Scheid, Shane Brandt, William Woody, Blaine Hall, David Bries, Charles Greenacre

ABSENT: Dave Frank, Ed Ulibarri

GUESTS: Sophano Kan, Dominick LaJoy, Brittany Bagwell, Shelby Roberts, Randy Griffin, David Coker

CALL TO ORDER

Mayor Pro Tem Barbara Bynum 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 February 6, 2023, special City Council meeting, and the February 7, 2023, regular City Council meeting.

A motion was made by Doug Glaspell, seconded by J. David Reed, to approve the minutes of the February 6, 2023, special City Council meeting, and the February 7, 2023, regular City Council meeting as presented. All voted yes. Motion passed.

YOUTH CITY COUNCIL APPOINTMENT

City Council considered the appointment of applicant Shiloh Warthen for a position on the City of Montrose Youth City Council.

A motion was made by Doug Glaspell, seconded by J. David Reed, to appoint applicant Shiloh Warthen to the City of Montrose Youth City Council. All voted yes. Motion passed.

RETAIL LIQUOR STORE CHANGE OF LOCATION

City Council considered an application from Quick Shop LLC, doing business as West Main Liquor, to change the location of the Retail Liquor Store liquor license at 113 W. Main Street to 2201 S. Townsend Avenue, Unit #2B. This application also includes a change of trade name to Palace Liquor. A hearing was held.

Assistant City Attorney Chris Dowsey reviewed the application for a change of location for West Main Liquor as well as a trade name change to Palace Liquor. Mr. Dowsey stated that the file is in order, the fees have been paid, and a staff review of the application found no issues that would prevent the approval of the application.

Sophano Kan said he was present representing the applicant, Fangling Kousoum. Mr. Kan said that the Ms. Kousoum would like to move the retail liquor store to a new location with more space.

Mr. Kan said that the new location is currently empty, and the applicant intends to move after renovations are completed. The applicant recently applied for a transfer of the Retail Liquor Store license for West Main Liquors. Mr. Kan stated that the owner has completed alcohol server training and confirmed that all employees will be required to attend. Mr. Kan said that to prevent service to underage patrons, IDs are check for all customers who appear to be under 45 years of age.

Mayor Pro Tem Barbara Bynum opened the hearing.

Public comment was accepted.

Dominick LaJoy asked if the applicant has a plan for the existing location. Mr. Kan stated that an exact plan has not been determined.

Mayor Pro Tem Bynum closed the hearing.

A motion was made by J. David Reed, seconded by Doug Glaspell, to approve a change of location for the Retail Liquor Store liquor license for Quick Shop LLC, doing business as West Main Liquor, to 2201 S. Townsend Avenue, Unit #2B. All voted yes. Motion passed.

ORDINANCE 2612 – SECOND READING

City Council considered Ordinance 2612 on second 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.

City Attorney Ben Morris reported no changes to Ordinance 2612 since it was unanimously approved by City Council on February 7. Mr. Morris recommended adoption of the Ordinance.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by J. David Reed, to adopt Ordinance 2612 on second reading as presented. All voted yes. Motion passed.

CROSSROADS PARK II PRELIMINARY PLANNED DEVELOPMENT

City Council considered the Crossroads Park II Preliminary Planned Development.

Mr. Reis reviewed the location of the 1.688 acres northeast of the intersection of Locust Road and N. Hillcrest Drive/6600 Road. The property is zoned R-4, High Density District. Mr. Reis stated that the proposal is for 26 units across 13 residential lots. The applicant submitted the PD and subdivision plat at the same time which allows the applicant to begin infrastructure improvements. The application requests variances to existing setback and lot size requirements.

The Planning Commission unanimously recommended approval of the applications on February 8. Mr. Reis recommended approval with the standard condition stating that the applications are consistent with PD and subdivision regulations as well as the Comprehensive Plan.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by J. David Reed, to approve the Crossroads Park II Preliminary Planned Development. All voted yes. Motion passed.

CROSSROADS PARK II SUBDIVISION PRELIMINARY PLAT

City Council considered the Crossroads Park II Preliminary Plat.

Public Comment was accepted. No comments were received.

A motion was made by J. David Reed, seconded by Doug Glaspell, to approve the Crossroads Park II Preliminary Plat expressly conditioned upon City staff ensuring that all policies, regulations, ordinance and municipal code provisions are met and that the Applicant adequately addressed 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.

THE FALLS AT VALLEY RANCH FINAL PLANNED DEVELOPMENT

City Council considered The Falls at Valley Ranch Final Planned Development.

Planner II William Reis reviewed the location of the 130-acre parcel in southern Montrose off of Otter Road and stated that the proposed subdivision consists of seven single family residential units within the R-1, Very Low Density, zoning district. Mr. Reis stated that the proposed subdivision meets lot dimensional requirements within the R-1 zoning, and a Planned Development application is required due to a proposed alternative road design template.

Mr. Reis reported that the applicant is required to provide 20 percent open space, and a 96-acre outlot is reserved for future development.

Mr. Reis recommended approval with the standard condition stating that requirements for the final plat and final PD have been met. City Council unanimously approved the Preliminary Planned Development and Preliminary Subdivision plat on November 21, 2022.

Road requirements were reviewed. Deputy City Manager Ann Morgenthaler stated that due to the low number of lots, the applicant is requesting modified road standards which can only be done through a PD.

Applicant David Coker stated that one road is a public road and the other is a private road. Mr. Coker said that the deviation from road standards is requested in order to maintain a country feel by eliminating the curb and gutter.

Public comment was accepted. No comments were received.

A motion was made by J. David Reed, seconded by Doug Glaspell, to approve The Falls at Valley Ranch Final Planned Development. All voted yes. Motion passed.

THE FALLS AT VALLEY RANCH SUBDIVISION FINAL PLAT

City Council considered The Falls at Valley Ranch Final Plat to create seven residential lots, open space tracts, and associated rights of way and easements.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by J. David Reed, to approve The Falls at Valley Ranch 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. All voted yes. Motion passed.

ORDINANCE 2613 - SECOND READING

City Council considered Ordinance 2613 on second reading, an Ordinance of the City of Montrose, Colorado for the annexation of the Klein Addition.

Planner II William Reis reviewed the location of the one-acre parcel on the southwest corner of the intersection of 6600 and Draft Horse Roads. Mr. Reis stated that the parcel is located within the Urban Growth Boundary and within City sewer and Tri-County Water service areas. Mr. Reis said that the property owner is requesting annexation to connect to City sewer service. The applicant is requesting a zoning designation of MHR, Manufactured Housing Residential.

Mr. Reis recommended approval of the annexation and zoning designation stating that the request meets all City and state annexation requirements, is consistent with health, safety, and welfare, and is in compliance with the Comprehensive Plan. An annexation agreement has been signed, and an annexation impact report is not required.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by J. David Reed, to adopt Ordinance 2613 on second reading as presented. All voted yes. Motion passed.

ORDINANCE 2614 – SECOND READING

City Council considered Ordinance 2614 on second reading, an Ordinance of the City of Montrose, Colorado, providing for the zoning of the Klein Addition as an "MHR," Manufactured Housing Residential District.

Public comment was accepted. No comments were received.

A motion was made by J. David Reed, seconded by Doug Glaspell, to adopt Ordinance 2614 on second reading as presented. All voted yes. Motion passed.

ORDINANCE 2615 – SECOND READING

City Council considered Ordinance 2615 on second 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.

Planner II William Reis reported no changes to Ordinance 2615 since it passed unanimously on first reading on February 7. Mr. Reis stated that the property is eligible for designation due to its age and association with significant events, and because it retains some of its original architectural features.

Mr. Reis recommended adoption of Ordinance 2615.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by J. David Reed, to adopt Ordinance 2615 on second reading as presented. All voted yes. Motion passed.

2023 ANNUAL ANNEXATION REPORT AND 3-MILE PLAN

City Council considered the 2023 Annexation Report and 3-Mile Plan.

Planner II William Reis reviewed the annual requirement to file a 3-Mile Plan and provided an overview of the 2023 Annexation Report and 3-Mile Plan.

Mr. Reis stated that the City's annexation policies suggest annexations from the center of the City outward. The priority is to accommodate private owner requests which are mostly driven by connection to City utilities. Mr. Reis said that properties along the highway corridor, existing enclaves, and growth areas are also considered.

Mr. Reis recommended approval of the 2023 Annexation Report and 3-Mile Plan in order to remain in compliance with state statutes.

A motion was made by J. David Reed, seconded by Doug Glaspell, to approve the 2023 Annexation Report and 3-Mile Plan as presented. All voted yes. Motion passed.

DECLARATION OF COVENANTS WITH WESTSTAR DEVELOPMENT LLC

City Council considered authorization of the City Manager's signature on an Agreement and Declaration of Covenants document between the City of Montrose and Weststar Development LLC regarding infrastructure improvements required upon future rezone.

City Attorney Ben Morris reviewed the location of the subject property south of the original Cobble Creek development. Mr. Morris stated that the zoning for the parcel was established with Ordinance 1603 in 1996, and the Ordinance included several conditions. The density limit was set at 139 dwelling units which is well below the maximum allowable density of 6.9 units per acre in the R-3 zoning district.

Mr. Morris stated that Ordinance 1603 includes other restrictions that the City would like to retain. To preserve these restrictions and change only the density, the Declaration of Covenants agreement with the developer is proposed.

Public comment was accepted. No comments were received.

A motion was made by J. David Reed, seconded by Doug Glaspell, to authorize the City Manager's signature on an Agreement and Declaration of Covenants document between the City of Montrose and Weststar Development, LLC as presented. All voted yes. Motion passed.

MOVING MONTROSE FORWARD 2023 SURFACE TREATMENT CONTRACT

City Council considered Change Order No. 1 in the amount of \$1,434,194.50 to A-1 Chipseal's Moving Montrose Forward Surface Treatment Contract for completion of the 2023 surface treatment scope of work.

Jim Scheid reviewed an amendment to an existing contract with A-1 Chipseal for 2023 MoveMo street improvement projects. Mr. Scheid stated that a map is included in the meeting packet showing streets schedule for improvements in 2023.

Mr. Scheid reviewed the 2022 bid process and recommended approval of the contract extension. Mr. Scheid stated that the projects are scheduled to begin in June with completion in September.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by J. David Reed, to approve change Order No. 1 in the amount of \$1,434,194.50 to A-1 Chipseal's Moving Montrose Forward Surface Treatment Contract for the completion of the 2023 surface treatment scope of work as presented. All voted yes. Motion passed.

2023 FORD VEHICLE PURCHASE RECOMMENDATION

City Council considered the purchase of 10 Ford vehicles from Sill-Terhar Motors in Broomfield, Colorado, for the total purchase price of \$667,250.00.

Public Works Manager Jim Scheid reviewed the bid process and stated that separate RFPs were issued for vehicles for City operations and for Police Department vehicles. Manufacturer restrictions on government fleet purchases limited the number of bids received. Mr. Scheid said that options were discussed with Sill-Terhar Motors and it was determined that Sill-Terhar could fill the orders from their inventory. Mr. Scheid said the purchase price is above the amount budgeted, but the Fleet Fund will absorb the difference through the interfund lease program.

Public comment was accepted. No comments were received.

A motion was made by J. David Reed, seconded by Doug Glaspell, to approve the purchase of 10 Ford vehicles from Sill-Terhar Motors for the total purchase price of \$667,250.00 as presented. All voted yes. Motion passed.

STAFF REPORTS

Sales, Use, and Excise Tax Report: Finance Director Shani Wittenberg presented a sales, use and excise tax report for December 2022. Ms. Wittenberg reported that total sales and use tax collections were up 7.1 percent as compared to December of 2021, with a positive budget variance of 24.3 percent. Year-to-date collections were up 10.8 percent with a positive budget variance of 28.8 percent.

Fourth Quarter Budget Review: Finance Director Shani Wittenberg reported that unaudited information for the fourth quarter of 2022 is included in the meeting packet, along with a memo that outlines the major funds. Ms. Wittenberg stated that revenues exceeded budgeted amounts by 100 to 125 percent, expenditures are below the 100 percent mark, and most capital projects are complete.

Opioid Settlement Update: Assistant City Attorney Matthew Magliaro reported that Colorado is a participatory state in a multi-state litigation. The City was notified that a settlement was reached with five companies in which Colorado collectively stands to receive \$300 million. Mr. Magliaro reviewed the structure of payments and stated that the allocation for the local region is \$3.19 million. Mr. Magliaro reviewed the City's options and stated that a decision is required by April 7, 2023.

YOUTH CITY COUNCIL COMMENTS

No comments were provided.

CITY COUNCIL COMMENTS

No comments were provided.

MOTION TO ADJOURN

At 7:11 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

Briceida Ortega, Deputy City Clerk

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Name Tacos 2 Day LLC	Type of License Liquor	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?		☐ ☒		
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:				
Landlord Sciambra, LLC	Tenant Tacos 2 Day LLC	Expires 5/31/2024		
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.				
Last Name	First Name	Date of Birth	FEIN or SSN	Interest/Percentage
Last Name	First Name	Date of Birth	FEIN or SSN	Interest/Percentage
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.				

Name Tacos 2 Day LLC	Type of License Liquor	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>Luis Macias</i>	First Name of Manager <i>Luis Macias</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: ☐ Yes ☐ No 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 Luis Macias Chavez	Home Address, City & State 14555 Marine Rd Trlr 210 Montrose, CO 81403	DOB	Position Owner	%Owned 100
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 Tacos 2 Day LLC		Type of License Liquor	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 Luis Macias Chavez		Date
Report and Approval of Local Licensing Authority (City/County)				
Date application filed with local authority February 3, 2023		Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application) March 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 > 10,0000?				Yes No ☐ ☐
☐ 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 < 10,0000?				Yes No ☐ ☐
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?				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	Date	
Signature	Print	Title	Date	

**CITY OF MONTROSE
LOCAL LIQUOR LICENSING AUTHORITY**

IN THE MATTER OF THE APPLICATION FOR)	
A NEW HOTEL & RESTAURANT)	PRELIMINARY
LIQUOR LICENSE)	FINDINGS AND REPORT
	LIQUOR LICENSE
TACOS 2 DAY LLC)	APPLICATIONS
1222 E. MAIN STREET)	
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
LOGGING & ENTERTAINMENT.....	06
RETAIL LIQUOR STORE.....	07
TAVERN.....	10

- (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 March 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 28th day of February, 2023.

LOCAL LIQUOR LICENSING
AUTHORITY, CITY OF MONTROSE,
COLORADO

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

February 28, 2023

Petitions were circulated in support of a Hotel and Restaurant liquor license at 1222 E. Main Street for Tacos 2 Day LLC doing business as Tacos 2 Day.

A summary of the petitions is as follows:

- 191 Signatures were submitted
- 110 Signatures were determined to be insufficient
 - 74 outside of city limits
 - 25 provided insufficient addresses
 - 4 failed to indicate the age of the signer
 - 3 failed to indicate support or opposition
 - 2 failed to provide the age of the signer and failed to indicate support or opposition
 - 1 failed to provide the age of the signed and provided an insufficient address
 - 1 failed to indicate support or opposition and provided an insufficient address
 - 1 failed to indicate support or opposition and listed an address outside of city limits
- 80 Signatures were determined to be valid and in support of the license.

Comment received in support of the license being issued include the following:

- Great business
- Awesome
- Best tacos ever/awesome tacos (2)
- Right on!
- Great food
- Yes/Yes, please (3)
- Tacos go better with tequila

Respectfully,

Lisa DelPiccolo, MMC
City Clerk

ORDINANCE NO. 2616

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, AMENDING SECTION 6-4-1 (B)(4) OF THE OFFICIAL CODE OF THE CITY OF MONTROSE, COLORADO, TO CORRECT AN INTERNAL CROSS-REFERENCE

WHEREAS, the Official Code of the City of Montrose, Colorado is amended from time-to-time; and

WHEREAS, when a section of the Official Code is moved, internal references to it should be updated.

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

Section 1:

Section 6-4-1 (B)(4) of the Official Code of the City of Montrose is amended to read as follows:

(4) Any animal in violation of those provisions set forth in Chapter 6-2.

Section 2:

Except as specifically amended hereby, the Official Municipal Code of the City of Montrose, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 3:

The City Council hereby finds, determines and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the City of Montrose and the inhabitants thereof.

Section 4:

The City Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the City of Montrose Charter.

Section 5:

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 6:

All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 7:

This Ordinance shall become effective as set forth in the City of Montrose Charter.

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 March, 2023, at the hour of 6:00 p.m. in the Community Meeting Room, Public Safety Building, in Montrose, Colorado.

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

ATTEST:

David Frank, Mayor

Briceida Ortega, Deputy City Clerk

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

ATTEST:

David Frank, Mayor

Lisa DelPiccolo, City Clerk

ORDINANCE NO. 2617

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, AUTHORIZING THE SALE OF REAL PROPERTY ADDRESSED AT 433 SOUTH FIRST STREET, MONTROSE, COLORADO, AND BEING MORE PARTICULARLY DESCRIBED HEREIN, PURSUANT TO § 1-9-2 OF THE OFFICIAL CODE OF THE CITY OF MONTROSE

WHEREAS, the property described in **Exhibit “A”** is currently known as City Hall, and is the location for many administrative offices of the City organization; and

WHEREAS, the City has purchased another property which it is adapting for such uses; and

WHEREAS, the City Council has determined that it would be in the best interest of the Public health, safety and welfare of the people of the City of Montrose to sell said property described in **Exhibit “A,”** so long as it is used as a hotel and/or restaurant, and related facilities; and

WHEREAS, the proceeds from such sale shall be contributed to a permanent endowment fund in collaboration with the Colorado Mesa University Foundation for the purposes of further expansion of the CMU-Montrose physical campus and its program offerings.

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.

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

ATTEST:

David Frank, Mayor

Briceida Ortega, Deputy City Clerk

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and the question of its adoption on second reading on Tuesday, the 21st day of March, 2023, at the hour of 6:00 p.m. in the Community Meeting Room, located in the Public Safety Building, 434 S. First Street, Montrose, Colorado.

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

ATTEST:

David Frank, Mayor

Lisa DelPiccolo, City Clerk

EXHIBIT “A”

PROPERTY DESCRIPTION

Lots 18, 19, 20, 21, 22, 23, and 24, Block 87, Town of Montrose now a part of the City of Montrose, County of Montrose, State of Colorado, less the approximate 600 ft² more or less (IT Annex) in the Northwest corner on the property.



Montrose Permanent Fund Agreement

March, 2023

MEMORANDUM OF UNDERSTANDING
AMONG
COLORADO MESA UNIVERSITY FOUNDATION,
COLORADO MESA UNIVERSITY,
AND
THE CITY OF MONTROSE, COLORADO

I. ESTABLISHMENT

This Memorandum of Understanding (“MOU”), effective as of March 7, 2023, is made and entered into by and between the City of Montrose, Colorado (“Contributor”), Colorado Mesa University (“CMU”) and Colorado Mesa University Foundation (“Foundation”), a not-for-profit corporation duly existing under the laws of the State of Colorado, for the use and benefit of students at the CMU Montrose Campus (“CMUM”).

This MOU is made to establish the **Montrose Permanent Fund** (“Fund”) to be held and administered by the Foundation. Additional contributions to the Fund may be made by the Contributor, CMU, the Foundation, or any others at any time. This Agreement supersedes all previous agreements, addendums, and correspondences of the Fund, if applicable.

II. PURPOSE & ADMINISTRATION

The **Montrose Permanent Fund (“the Fund”)** will be established to provide a permanent source of dedicated funding to enhance and expand academic offerings, recruit, and compensate qualified faculty members, grow the physical campus, and support Montrose students in the pursuit of higher education at the Colorado Mesa University Montrose Campus.

A committee (“the Committee”) consisting of the Mayor of Montrose (or designee), the City Manager of Montrose (or designee), the President of CMU (or designee), the Director of CMUM (or designee), the CEO of the Foundation (or designee) and the Superintendent of the Montrose County RE-1J School District (or designee) shall be created upon execution of this agreement.

Once constituted, the Committee shall select an at-large member from the Montrose community to serve as the seventh member of the committee. The Committee shall hold an annual meeting to direct use of proceeds from the Fund in accordance with the purpose of this agreement. All decisions of the Committee shall be decided by a simple majority vote.

III. CONTRIBUTOR

Founded in 1882, the City of Montrose is one of Colorado’s most vibrant, engaging and thriving communities. In recent years, the Montrose City Council and the City’s executive leadership team have developed lasting partnerships across the community to enhance the safety and quality of life for City residents. Recognizing the direct connection between higher education, workforce development and economic development, the City of Montrose has invested both in capital projects and in annual scholarships for Montrose residents at the CMUM campus. These investments have paved the way for continued campus growth and better connectivity between the City’s downtown municipal campus and downtown merchants.

IV. FUNDING

The City, the Foundation and CMU will create the **Montrose Permanent Fund in the amount of \$2,000,000**. The fund shall be funded by contributions both from the City of Montrose and CMU. All appropriations shall be subject to annual appropriation. The goal of all parties will be to fully fund the Montrose Opportunity Permanent Fund over five years (2023-2028) based on the following schedule:

<u>YEAR</u>	<u>PARTY</u>	<u>AMOUNT</u>	<u>FUND CORPUS BALANCE</u>
2023	City of Montrose	\$400,000	\$400,000
	CMU	\$100,000	\$500,000
2024	City of Montrose	\$250,000	\$750,000
	CMU	\$100,000	\$850,000
2025	City of Montrose	\$250,000	\$1,100,000
	CMU	\$100,000	\$1,200,000
2026	City of Montrose	\$250,000	\$1,450,000
	CMU	\$100,000	\$1,550,000
2027	City of Montrose	\$200,000	\$1,750,000
	CMU	\$100,000	\$1,850,000
2028	City of Montrose	\$150,000	\$2,000,000

Additional gifts in the form of cash, securities or real property, remainder interest of a charitable remainder trust, or other gifts or bequests designated by the Contributor, may be made to the Fund. The Contributor acknowledges that the contributions are irrevocable.

V. AMOUNT OF ANNUAL AWARD FROM FUND PROCEEDS

The amount of Fund proceeds available to spend is determined on an annual basis by the spending policy of the Foundation based on market conditions. The total amount of the award can be divided up and distributed at the discretion of the Committee, subject to the provisions of Paragraph 8.

VI. INVESTMENT

All future contributions to the Fund shall be entered in the books and records for the **Montrose Permanent Fund**. All contributions to the Fund may, for investment purposes, be commingled with any of the investment assets of the Foundation. The distributed interest and dividends shall only be used for purposes authorized by this MOU. The investment, management and expenditure of all funds shall be in accordance with the Foundation's policies and procedures in consultation with the Committee.

VII. ADMINISTRATION

The principal of this Endowment shall be retained, administered, and managed by the Foundation. The distributed interest and dividends shall be used to provide financial support in accordance with the aforementioned purposes, under the direction of the Foundation in consultation with the Committee.

VIII. HOSPITALITY MANAGEMENT PROGRAMMING

It is the intent of all parties upon execution of this MOU to focus available resources (including initial proceeds from the **Montrose Permanent Fund**) for a period of three (3) calendar years in launching academic offerings in the Hospitality Management field at CMUM. On an annual basis, the Committee shall direct how Fund proceeds will be allocated for the upcoming academic year.

After the initial period of three (3) years has passed, or by mutual agreement, the Committee may consider directing annual Fund proceeds to enhance other academic offerings, grow the physical campus and support students in the pursuit of higher education at CMUM.

IX. AMENDMENT

This MOU may be amended, in writing, by the mutual consent of the Foundation and the Contributor. If a change in circumstances should, at some future time, make it impractical to continue using the income from this Fund for the designated purpose, and the Contributor is not able to consent to an amendment, then the Foundation may re-designate the purpose of the Fund income, providing that the Fund will continue to bear the name of **Montrose Permanent Fund**, and the amended terms will adhere as closely as possible to the Contributor's original intent for the Fund.

X. PROTECTION OF FOUNDATION'S TAX STATUS

This MOU shall be interpreted, construed, and administered in such a way as to preserve the Foundation's status as a public charity supporting Colorado Mesa University and to preserve the tax deductibility of contributions to it. No person, other than the Foundation, will have any right to control or direct the distribution or overall administration of the Endowment. The purpose of the gift is educational. Such purposes are generally defined by those authorities interpreting the provisions of Code Section 501(c)(3), and the contribution will only be used for such outlined educational purposes.

XI. FOUNDATION'S SUCCESSOR

Any non-profit, tax-qualified legal successor of the Foundation will be bound by the terms of this MOU to the extent legally possible.

ACCEPTED AND AGREED TO:

By: _____ Date: _____
David Frank, Mayor, City of Montrose, Colorado

By: _____ Date: _____
Bill Bell, City Manager, City of Montrose, Colorado

By: _____ Date: _____
John Marshall, President, Colorado Mesa University

By: _____ Date: _____
Robin Brown, Chief Executive Officer,
Colorado Mesa University Foundation

EXHIBIT A CONTRIBUTOR CONTACT INFORMATION AND DESIGNEE

I. CITY OF MONTROSE CONTACT INFORMATION

Name: CITY OF MONTROSE
Address: 400 E. Main Street
City, State, ZIP: Montrose, Colorado 81401
Phone: 970-240-1400 phone
Website: www.cityofmontrose.org

II. CONTRIBUTOR DESIGNEE(S)

Name: CITY MANAGER BILL BELL
Address: 400 E. Main Street
City, State, ZIP: Montrose, Colorado 81401
Phone: 970-240-1420
Email: wbell@cityofmontrose.org

III. COLORADO MESA UNIVERSITY CONTACT INFORMATION & DESIGNEE

Name: President John Marshall
Address: 1100 North Avenue
City, State, ZIP: Grand Junction, Colorado 81501
Phone: 970-248-1498
Email: marshall@coloradomesa.edu

Information updates or changes may be sent to:

Colorado Mesa University Foundation

1450 N. 12th Street
Grand Junction, CO 81501
970.248.1902
970.248.1104 FAX
foundation@coloradomesa.edu

Montrose City Council March 7, 2023

Councilor David Reed Bullet Points

- This agenda item is about OPPORTUNITY, ECONOMIC DEVELOPMENT, WORKFORCE DEVELOPMENT – and the FUTURE of our community.
- I'd take everyone back to 2010. At the time, the City of Montrose was fighting with the County, who was fighting with then Mesa State College, etc. We got a small group together and, with a lot of work, transformed the relationship that's born great fruit for our community, students, parents and businesses.
- Working collaboratively, we completely renovated the Buell Higher Education Center so the quality of instruction at CMU Montrose matched that in Grand Junction.
- Then, we all worked together to help CMU purchase then architect Patrick Davis' building across the street (now the Bransome Center).
- Then, the City of Montrose vacated a portion of Cascade Avenue to develop a pedestrian quad between the two buildings.
- Then, we all worked together to purchase the former Community Options Building (now Cascade Hall) – which enabled them to relocate to their now great location – to provide CMU Montrose with more space. This acquisition enabled CMU to bring Western Colorado Community College career and technical programs (like welding, machining, early childhood education, CNA, etc. to town).
- Recognizing the need to provide transitional housing options for new City of Montrose employees – and CMU Montrose students – both organizations partnered to purchase the Kyle House at the corner of Cascade & South Second a little over a year ago. Both organizations put money in to this transaction and the building is being used to meet temporary housing needs of both groups.
- All of these physical improvements were matched with new program additions to CMU Montrose, too. Last year, CMU Montrose worked with Technical College of the Rockies to take on the License Practical Nurse (LPN) program that TCR was closing down. The new space enabled CMU to do this and CMU Montrose has students in that program right now who will graduate in May.
- Recognizing the hiring challenges the Montrose Police Department – and other area law enforcement agencies – were having with hiring qualified officers, the City of Montrose approached CMU a little over two years ago to explore creating a new Summer law enforcement academy at the CMU Montrose Campus. Working together, we created that academy and graduated 7 POST certified officers last year.
- This history is important because it helps underscore what got us to where we are today. This has not been a fly-by-night decision. Rather, this is a milestone along the way of a strong, multi-faceted partnership between the City of Montrose, CMU, Montrose County, Montrose County School District, our local healthcare community, countless businesses and individuals, etc.
- Our Council decided to relocate City Hall – which left us with the decision about what to do with the current City Hall. To be sure, no one wanted to pursue any option that would put in jeopardy the beauty of the building, its historic significance or the role it plays in a thriving downtown Montrose. So, we went to work looking at options.
- With the development of the Rathbone Hotel happening right next door, conversation naturally developed about how City Hall might work in conjunction with that new development that will truly be unique in downtown Montrose.

- It just so happens that CMU not only has Hospitality Management & Culinary Arts programs, it also has developed a teaching hotel and kitchen on its campus in Grand Junction. Bringing parties together, we determined that a lot of potential synergy existed to pair City Hall with the Rathbone Hotel in order to provide a top-notch applied learning opportunity for CMU Montrose students.
- The reason we're considering the creation of the Montrose Permanent Fund Endowment is to make sure that the proceeds from the transfer of this public asset will serve a public purpose in perpetuity. Not only will the partnership with CMU & the CMU Foundation guarantee this, the University has also pledged to contribute \$500,000 to the fund over the next five years.
- From my vantage point, this is a "P4" partnership. **P**ublic, **P**ublic, **P**rivate **P**artnership. Most communities are lucky to do "P3" partnerships. Like everything else, Montrose is unique and we're leading the way bringing people together to accomplish great things.
- I understand there are detractors who might not agree with the approach we're taking. That said, I'd encourage everyone to step back and envision what we're working to create over the next year to 18 months. A vibrant downtown Montrose that includes a thriving university campus, a state-of-the-art law enforcement facility, two beautifully restored historic buildings serving as Montrose's only high-end boutique hotel, a thriving new City Hall on Main Street, etc.
- I'd like to thank our visionary City Manager and all of my colleagues for the hours and hours and hours of work they've all put in to this. Mark my words – this stands to be a transformational project and I'm excited to support it.



CITY OF MONTROSE

Planning Services

MEMO

TO: City Council
FROM: Jace Hochwalt, Planning Manager
DATE: March 7, 2023
RE: ANX22-0103 Sunset Village Addition
ATTACHMENTS:

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

City Council Consideration:

City Council is considering setting a hearing date for the proposed Sunset Village Addition annexation application. A Resolution establishing the date, time, and place must be approved by City Council in accordance with the Annexation provisions of the Colorado Constitution and Colorado Revised Statutes. The hearing must not be held less than 30 days nor more than 60 days after the effective date of this resolution setting the hearing. Council will consider all of the information in this memo in making a decision.

Proposed schedule:

February 6th:	Council Work Session Overview
March 7th:	Council Resolution to set a hearing date
March 22nd:	Planning Commission zoning hearing
April 18th:	City Council Annexation hearing, 1st reading of annexation ordinance, and 1st reading of zoning ordinance
May 2nd:	2nd reading of annexation and zoning ordinances

Application Background:

The Sunset Village Addition is a proposed annexation approximately 10.01 acres in size. The property is two parcels located at 576 6600 Road and 616 6600 Road. The parcels are 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 future single or multi-family residential development. An Annexation Agreement will be required.

Proposed Zoning: “R-3A” Medium High Density District

Applicant: Cook Family Trust (Floyd L. Cook as Trustee)

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 4-4-7.1 (A) Intent: The "R-3A" Medium High Density District is intended to provide an area which is suitable for single-family homes, duplexes and multifamily residences with intermediate overall density. This district provides for other uses which are compatible with such residential 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 “R-4” High Density District, and properties outside of City limits.
4. The Comprehensive Plan Future Land Use Map designates the area of the Sunset Village Addition as 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. The majority of the mixed-density medium residential land uses are designated in areas that are not yet developed.
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 “R-3A” zoning does not appear to be adverse to the public health, safety and welfare.

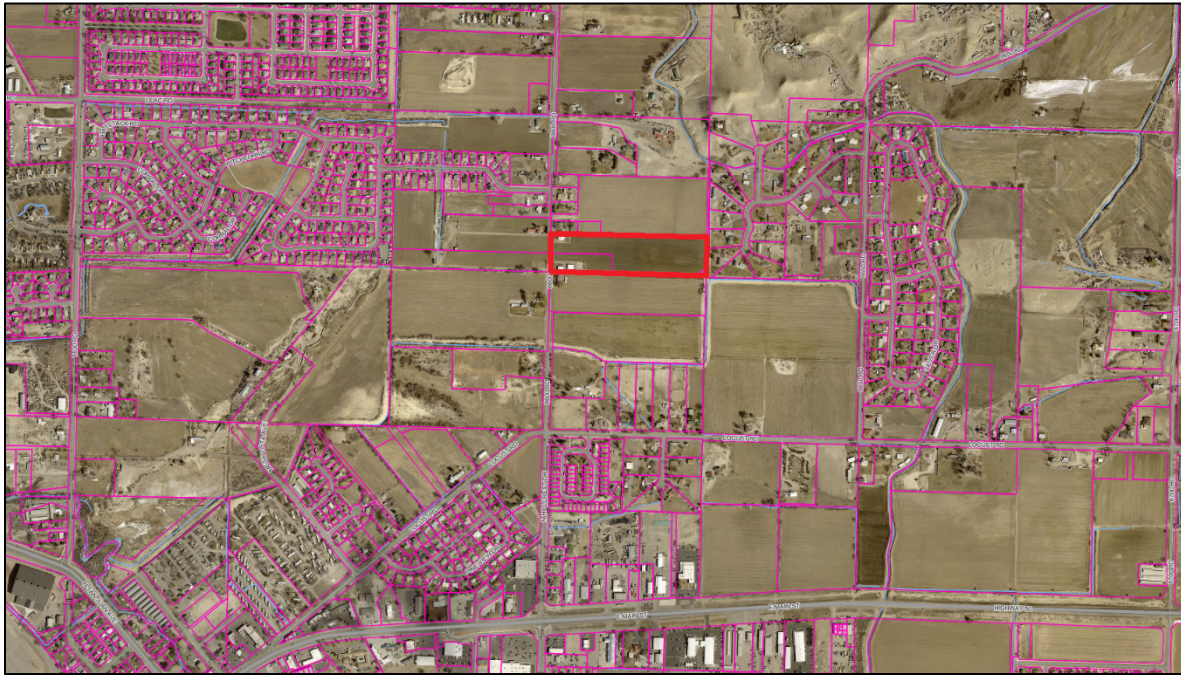
Staff Recommendation:

Staff recommends approval of the Resolution to set a hearing date.

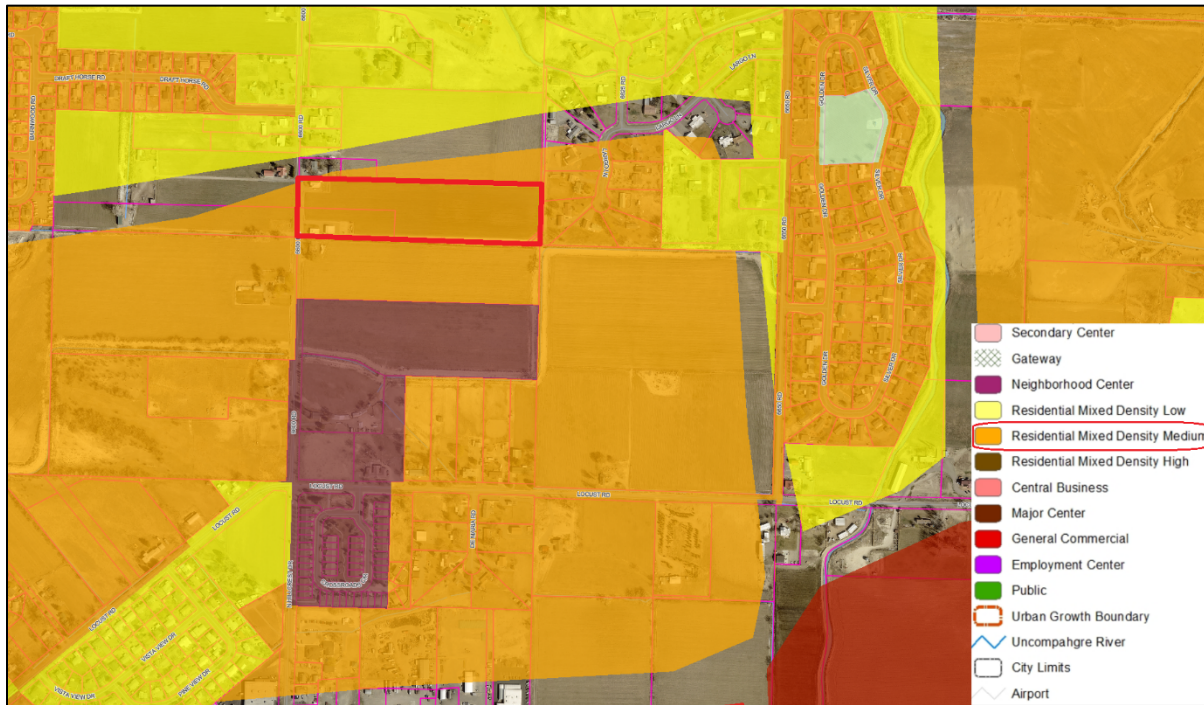


EXHIBIT A: Maps

Vicinity Map



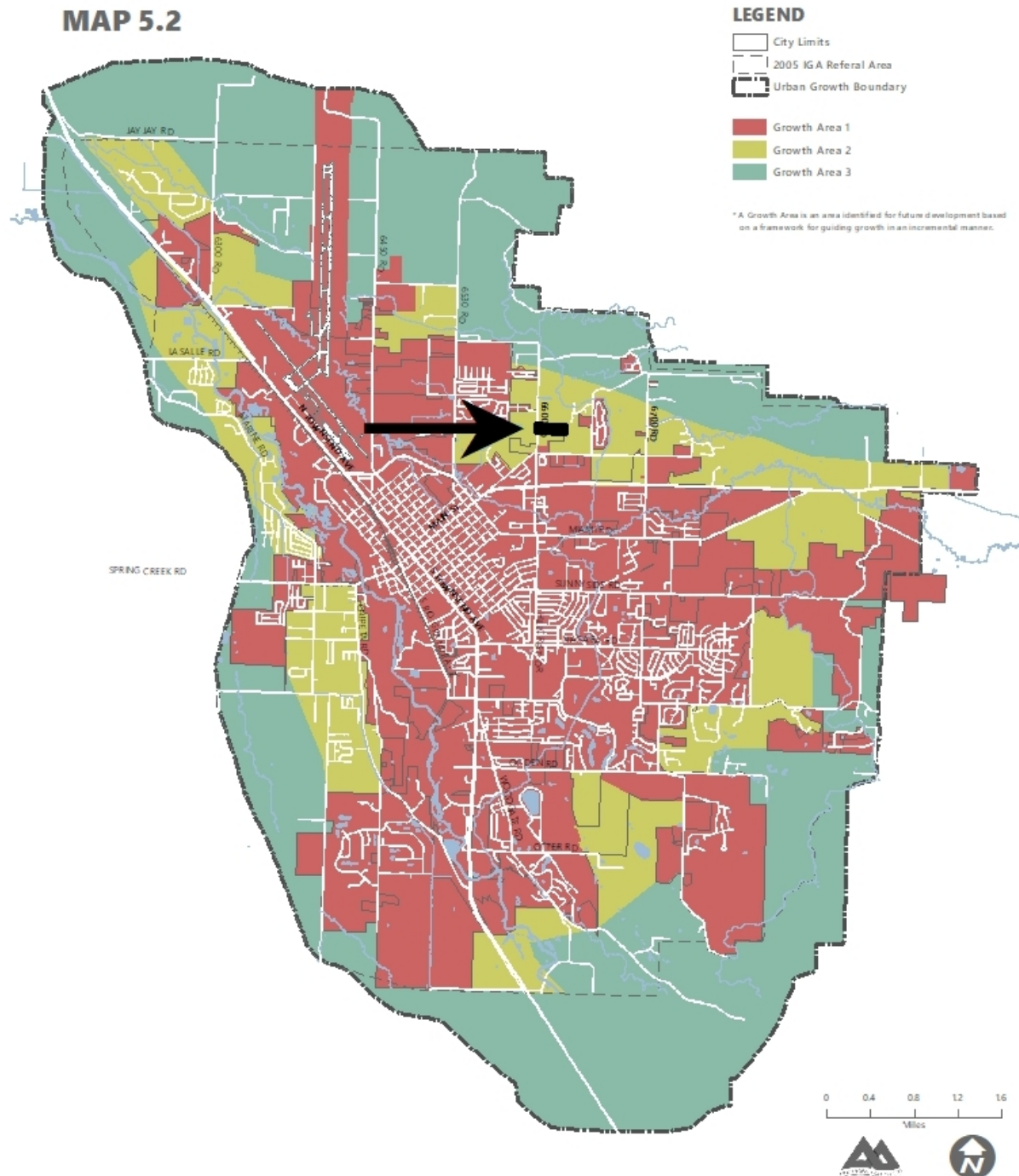
Comprehensive Plan Future Land Use Map



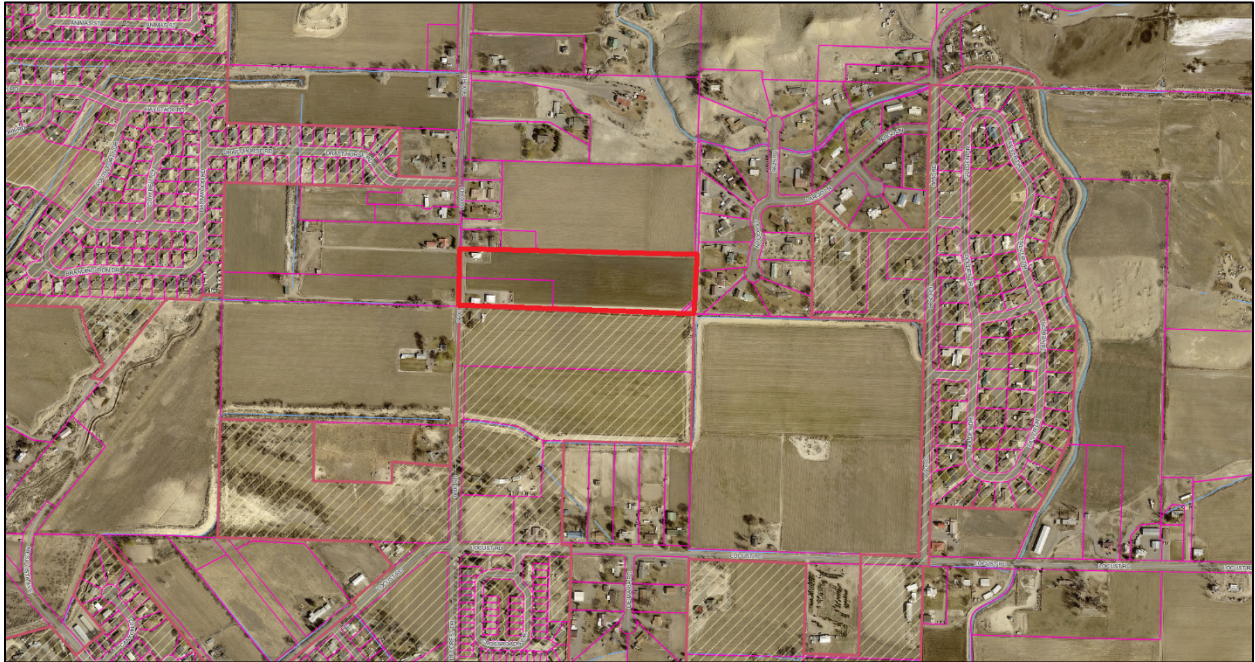
Comprehensive Plan Growth Areas Map

GROWTH AREAS*

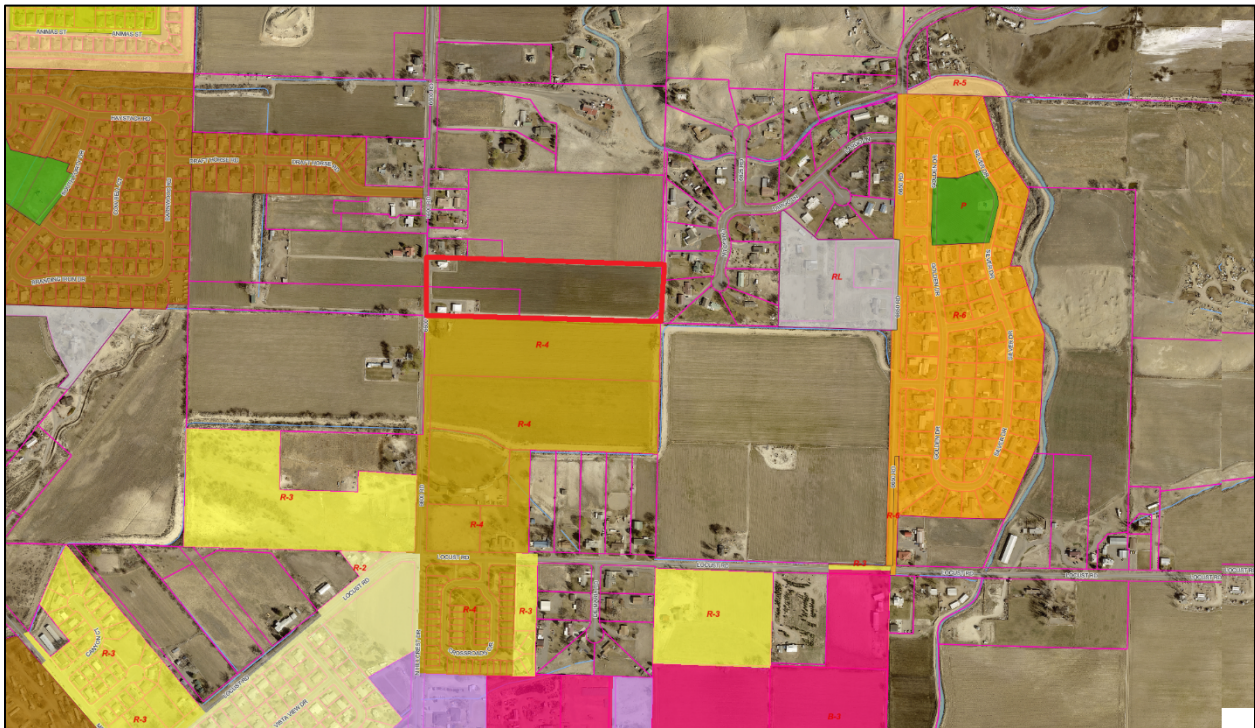
MAP 5.2



Existing City Limits Map



Existing Zoning Map



Stay here. Play everywhere.
MONTROSE COLORADO

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EXHIBIT B: Zoning Code Excerpt

Sec. 4-4-7.1. "R-3A" Medium High Density District.

- (A) *Intent.* The "R-3A" Medium High Density District is intended to provide an area which is suitable for single-family homes, duplexes and multifamily residences with intermediate overall density. This district provides for other uses which are compatible with such residential uses.
- (B) *Uses by Right.*
- (1) Single-family homes, duplexes, and multiple-family residences.
 - (2) Public utility service facilities.
 - (3) Government buildings and facilities.
 - (4) Parks and recreation facilities owned or operated by a homeowner association.
 - (5) Places of worship.
 - (6) Accessory uses.
 - (7) Short-term rentals.
 - (8) Family child care home.
- (C) *Conditional Uses.*
- (1) Skilled nursing and assisted living facilities.
 - (2) Childcare facilities.
 - (3) Schools.

(Ord. No. 2472 , § 4-4-7.1, 5-7-2019; Ord. No. 2561 , 10-19-2021)



RESOLUTION NO. 2023-03

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

1. The City Council hereby finds that the Annexation Petition submitted for the annexation of the property denominated as the **SUNSET VILLAGE ADDITION**, as described on **Exhibit A** attached hereto, is in substantial compliance with the requirements of C.R.S. § 31-12-107(1), as amended.
2. The City Council shall hold a hearing to determine if the proposed annexation complies with C.R.S. §§ 31-12-104, 105, or such parts thereof as may be required to establish eligibility for annexation under the terms of C.R.S. Part 1, Article 12, Title 31. The hearing shall be held on the 18th day of April, 2023, in the Montrose City Council Chambers, Elks' Civic Building in Montrose, Colorado at 6:00 P.M.

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

CITY OF MONTROSE, COLORADO

David Frank, Mayor

ATTEST:

Briceida Ortega, Deputy City Clerk

EXHIBIT A

Legal Description:

Tract No. 1:

A Tract of land in the Southwest Quarter Northwest Quarter (SW1/4NW1/4), of Section Twenty-three (23), Township Forty-nine (49) North, Range Nine (9) West, N.M.P.M., described as beginning at the Southwest corner of the Northwest Quarter (NW1/4) of said Section 23, thence North 165 feet, thence East 528 feet to a point 165 feet North of the South line of said SW1/4NW1/4, Section 23, thence South 165 feet, thence West 528 feet to the point of beginning, County of Montrose, State of Colorado.

Also known by street and number as: 576 66.00 Rd., Montrose, Colorado 81401.

And additionally, the parcel described as follows:

Tract No. 2:

The South Quarter of the Southwest Quarter of the Northwest Quarter (S1/4SW1/4NW1/4) of Section Twenty-three (23) in Township Forty-nine (49) North of Range Nine (9) West of the New Mexico Principal Meridian, EXCEPT a tract described as beginning at the Southwest corner of the NW1/4, said Section 23, thence North 165 feet, thence East 528 feet to a point 165 feet North of the South line of said SW1/4NW1/4, Section 23, thence South 165 feet, thence West 528 feet to the point of beginning, County of Montrose, State of Colorado.

Also known by street and number as: 616 66.00 Rd., Montrose, Colorado 81401.



CITY OF MONTROSE
Planning Services

MEMO

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

ATTACHMENTS

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

City Council Consideration:

City Council is considering approval of the CASA Final 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.

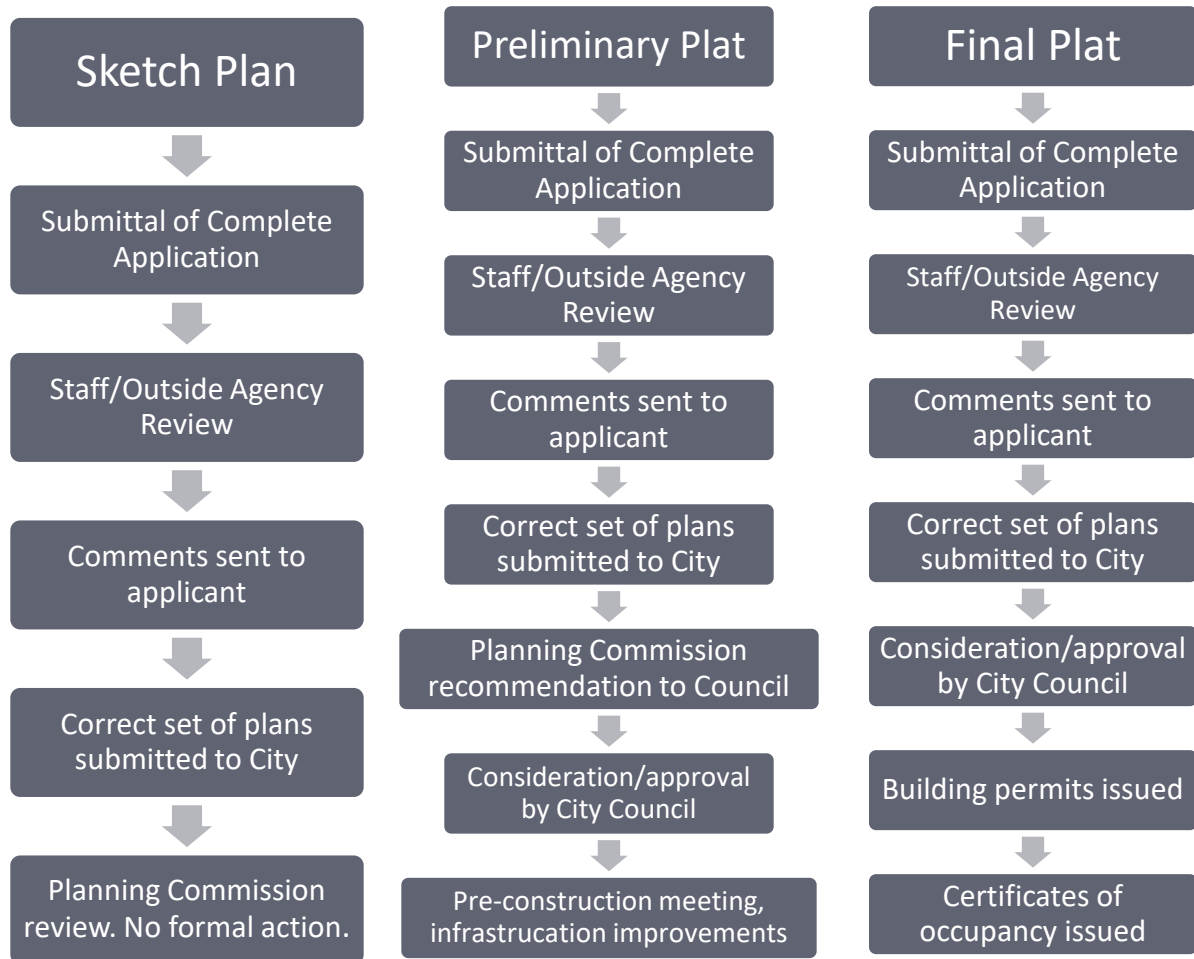
Application Background:

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. City Council unanimously approved the CASA Preliminary Planned Development at the February 7, 2023 City Council meeting.



Planned Development Process:

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



Staff Analysis:

1. The City of Montrose Municipal Code outlines the process and standards for Planned Development applications within Section 4-4-24 and summarized below: (See Exhibit B)
 - a. A planned development must be in substantial conformity with the City's Master Plans.
 - b. The PD Plan must reasonably preserve and protect rural character, open space, scenic views, drainage areas and other valued resources.
 - c. Residences may be clustered, including the use of duplexes and multifamily residences.
 - d. Must adhere to standard subdivision and zoning requirement.



- e. 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.
 - f. 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.
2. Relevant Comprehensive Plan and Municipal Code References: To assist the City Council, 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 permit has been approved by Planning Commission.

Staff Analysis:

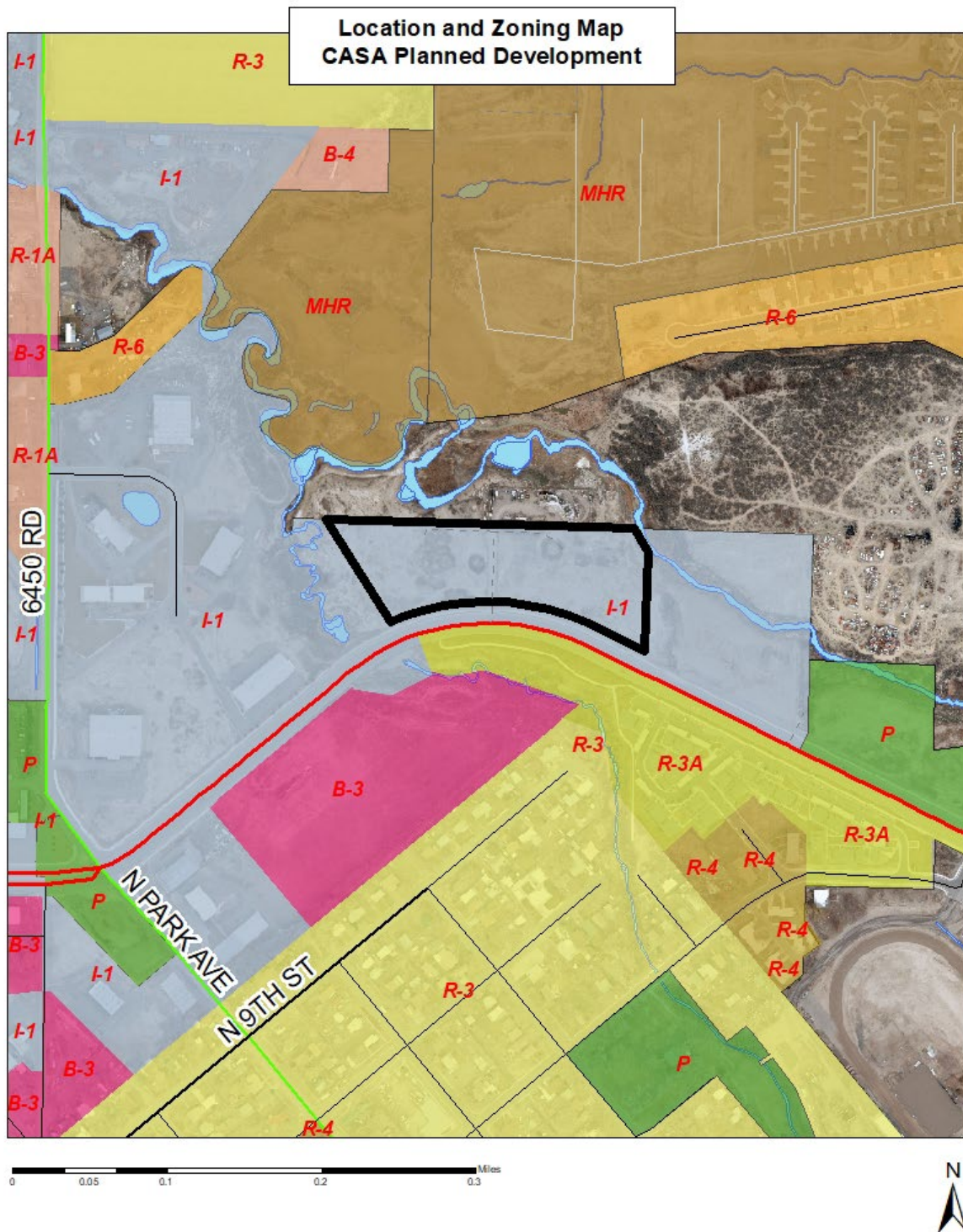
The CASA Final Planned Development is in compliance with the Planned Development Regulations as set forth in the City of Montrose Municipal Code, Section 4-4-24. It is in substantial conformity with the City of Montrose Comprehensive Plan. The proposed use is compatible with existing zoning and general conditions in the area. It does not appear to be adverse to the public health, safety and welfare. Staff recommends approval of the CASA Final Planned Development.

City Council Options for CASA Final Planned Development:

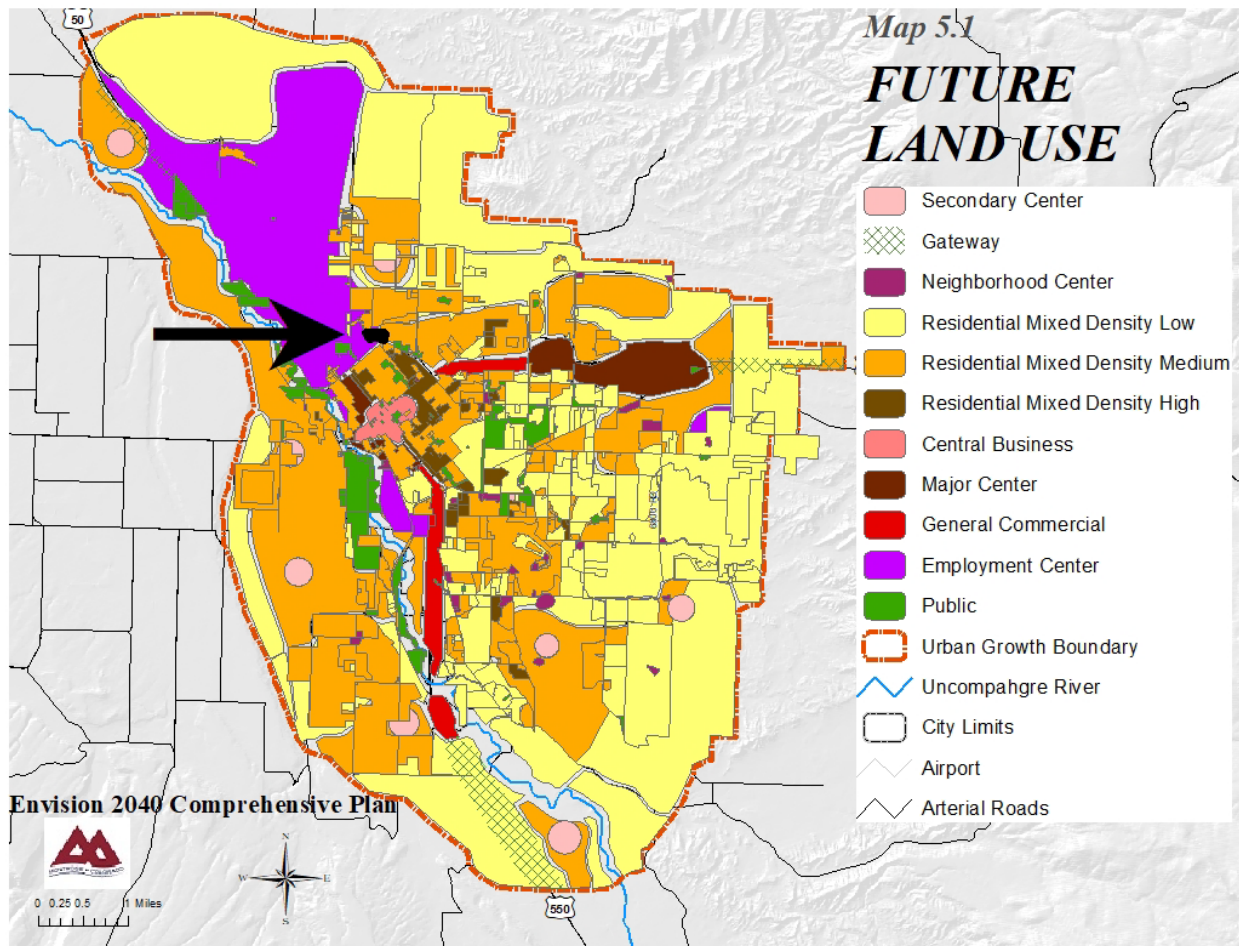
1. Approve the CASA Final Planned Development plat.
2. Approve the final planned development plat subject to conditions necessary to implement the provisions of Section 4-4-24 – Planned Development.
3. Disapprove the CASA Final Planned Development if Council finds the requirements of the Planned Development regulations have not been met.



EXHIBIT A: Area Maps



Comprehensive Plan Future Land Use Map



CASA

FEBRUARY 2023



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

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	

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

OWNERSHIP, AND MAINTENANCE

- DEVIATIONS FROM CITY STANDARDS

- ### PARKING CALCULATIONS

45 DWELLING UNITS	68 PARKING SPACES
<u>COMMUNITY CENTER</u>	<u>8 PARKING SPACES</u>
REQUIRED PARKING:	76 PARKING SPACES
PROVIDED SPACES:	81 PARKING SPACES
	7 A.D.A. PARKING SPACES

Notary

CITY APPROVAL OF FINAL P.D. PLAN

City Mayor _____ Date _____
Dave Frank

 PHASE 1 RESIDENTIAL
AND COMMON AREA

 PHASE 2 RESIDENTIAL
AND COMMON AREA

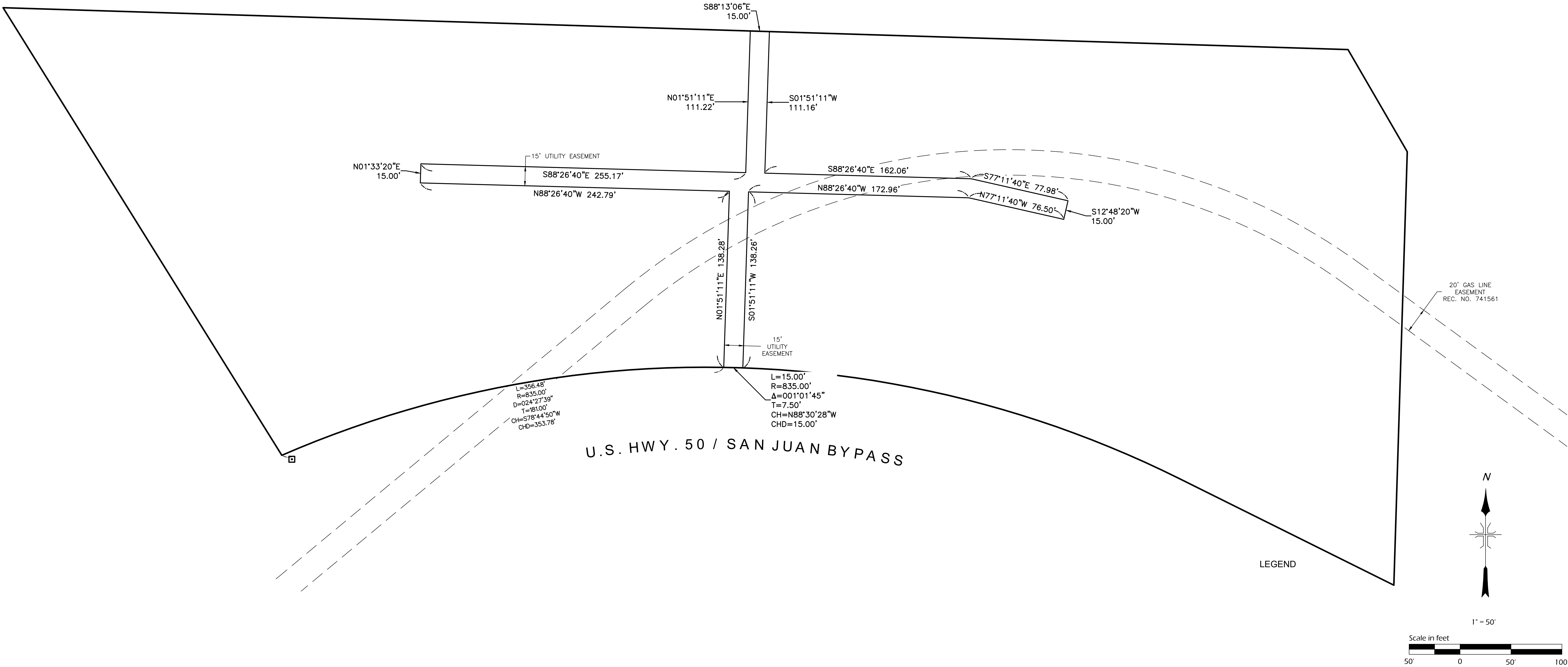


TITLE:	CASA <i>FINAL PLANNED DEVELOPMENT PLAN</i>
CLIENT:	<i>CASA FOR CHILDREN</i>
ADDRESS & PHONE:	<i>147 N. TOWNSEND P.O. BOX 1708 MONTROSE, CO 81401</i>
TYPE:	<i>P.D. PLAN</i>

CASA

FINAL 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
FEBRUARY 2023



FIELD BOOK:				DRAWN BY: DCC/MGW		DATE: 2023-02-28	
SHEET: 2 of 2				FILE: 22033V_PD_PLAN_FINAL		JOB NO.: 22033	
TITLE: CASA FINAL 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)



PURCHASE RECOMMENDATION

TO: Honorable Mayor, and Montrose City Council
Cc: William Bell City Manager, Shani Wittenberg Finance Director
Jim Scheid, Public Works Manager
FROM: Nik J. Pridy, Streets Division Superintendent
DATE: Feb 13th, 2023
Subject: Crack Seal Material Purchase and Sole Source Recommendation



Action

Consider approval of a purchase for crack seal material from Dissco (Denver Industrial) in the amount of \$93,741.00 to be used by the City's Streets crew.

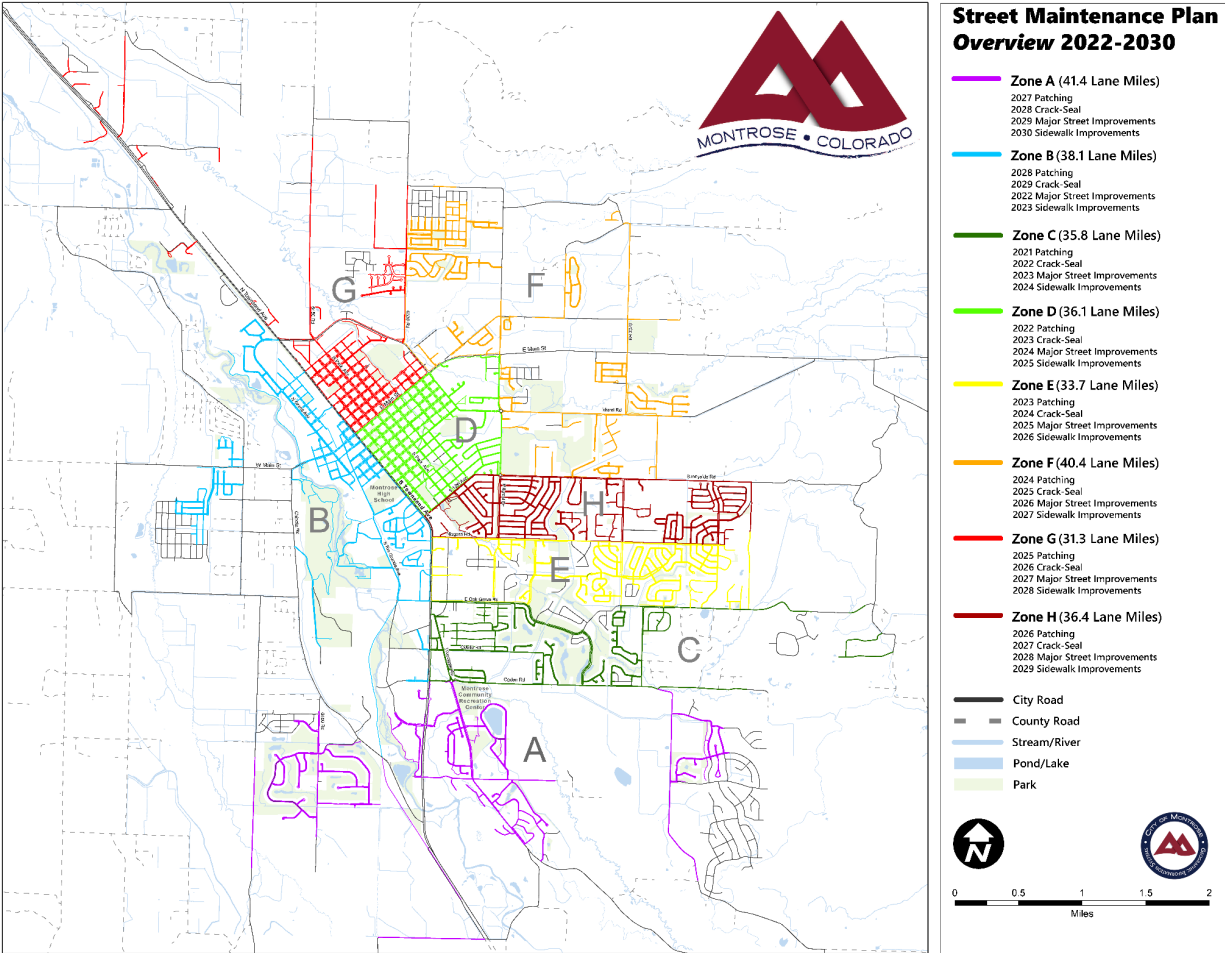
Background

The City of Montrose Streets Division is preparing for the upcoming crack seal project that will be self-performed. This includes 36.1 lane miles of streets that will be crack sealed for zone D of our Street Maintenance Plan (attached for reference). The material used is specific for our area and local climate. The City has utilized Low Tack Type 1 from Denver Industrial Sales & Service Company for the last several years with great results. For compatibility and warranty with existing equipment, we are requesting the authorization of a Sole Source waiver and the purchasing of this material. The pricing provided is comparable to that of other crack seal material and to what has been purchased in years past by the City of Montrose Streets and Engineering Divisions.

Net Financial Impact

In the 2023 Budget, \$90,000.00 was budgeted for crack seal material out of the \$370,000.00 under GL 100.5115.223.000 (Asphalt). The additional \$3,741.00 will be covered by the remaining \$280,000 for asphalt.







CITY OF MONTROSE

SOLE SOURCE WAIVER REQUEST

REQUESTING DEPARTMENT: Public Works, Street Division **DATE:** 1/17/2023

REQUESTED BY: Nik Pridy, Street Division Superintendent **BID NO.** N/A

VENDOR NAME: Denver Industrial Sales & Service **COST:** \$93,741.00

JUSTIFICATION

(INITIAL ALL ENTRIES THAT APPLY TO REQUEST)

PRODUCT OR SERVICE DESCRIPTION: Crack Seal Material (546 Low Tack Type 1, PlexiMelt)

1. _____ Vendor is the original equipment manufacturer and there are no regional distributors.
2. X _____ The product, equipment or service requested is clearly superior functionally to all other similar products, equipment or service from another manufacturer or vendor.
3. _____ The over-riding consideration for purchase is compatibility or conformity with City-owned equipment in which non-conformance would require the expenditure of additional funds.
4. _____ No other equipment is available that shall meet the specialized needs of the department or perform the intended function.
5. _____ Detailed justification is available which establishes beyond doubt that the vendor is the only source available to provide the item or service required.
6. _____ Detailed justification is available which proves it is economically advantageous to use the product, equipment or service.

I recommend that competitive procurement procedures be waived and the product or service described herein be purchased as a sole source.

DEPARTMENT HEAD AUTHORIZATION: _____

Authorized Signature	Title	Date
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FINAL AUTHORIZATION: City Council Approval Required (\$50,000 +)	YES	NO	
City Manager Approval Required (up to \$50,000)	YES	NO	

MANAGER/COUNCIL AUTHORIZATION: _____

Authorized Signature	Title	Date
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Attach detailed justification documentation