



REGULAR CITY COUNCIL MEETING AGENDA
Tuesday, June 20, 2023 - 6:00 PM
City Council Chambers, Elks Civic Building - 107 S. Cascade Ave.

The Montrose City Council is pleased to have residents of the community take time to attend City Council meetings. We encourage your attendance and participation. Individuals wishing to be heard during public hearing proceedings are encouraged to be prepared and will generally be limited to three minutes to allow everyone the opportunity to be heard. Additional written comments are welcome and will be received at any time. 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 City Council Chambers. The meeting can be viewed via livestream at <https://www.cityofmontrose.org/759/Live-Meetings-Viewer> and recordings of the meetings can be viewed at <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 schedule time to book this resource, please email planningmail@ci.montrose.co.us at least three (3) days before the meeting.

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

The "Call for Public Comment" agenda item is a time when members of the community may publicly voice their concerns. 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 stay on topic and limit comments to three (3) minutes. Also, be aware that neither City Council nor City staff are expected to engage in discussion or debate. However, the City may respond when appropriate at a later time.

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. See, City of Montrose Regulations (Sec. 7-14-1, et seq.)

7) CONSENT AGENDA (5 minutes)

- A) City Council consideration of the minutes of the June 5, 2023, special City Council meeting, and the June 6, 2023 regular City Council meeting. *Staff: City Clerk Lisa DelPiccolo*
- B) City Council consideration of the approval of a Fireworks Display Permit for the City of Montrose Fireworks Display on July 4, 2023. *Staff: City Clerk Lisa DelPiccolo*
- C) City Council consideration of the donation of a raft owned by the City of Montrose to Montrose Surf & Cycle in exchange for the upkeep of the raft and providing river inspection as needed. *Staff: DART and Grant Coordinator Michelle Wingfield*

8) NEW TAVERN LIQUOR LICENSE APPLICATION (15 minutes)

City Council consideration of an application for a new Tavern liquor license at 2100 Airport Road for Shelter Distilling, Inc., doing business as Shelter Distilling, for consumption on the licensed premises. *Staff: City Attorney Ben Morris*

Action: Hold a hearing. Consider making a motion to approve a new Tavern liquor license at 2100 Airport Road for Shelter Distilling, Inc., doing business as Shelter Distilling, for consumption on the licensed premises.

9) ORDINANCE 2628 - SECOND READING (10 minutes)

City Council consideration of Ordinance 2628 on second reading, an Ordinance of the City of Montrose, Colorado, amending City Building and Fire Regulations and adopting by reference 2018 editions of The International Building Code; The International Mechanical Code; The International Residential Code; The International Fuel Gas Code; The International Plumbing Code; The International Existing Building Code; The International Property Maintenance Code; The International Fire Code; and The International Energy Conservation Code; and providing penalties for violations. *Staff: Chief Building Official Archie Byers, Deputy City Manager Ann Morgenthaler, City Attorney Ben Morris*

Action: Accept public comment. Consider making a motion to adopt Ordinance 2628 on second reading as presented.

10) ORDINANCE 2629 - SECOND READING (10 minutes)

City Council consideration of Ordinance 2629 on second reading, an ordinance of the City of Montrose, Colorado, disconnecting a portion of Parcel #376716320003. *Staff: Planner II William Reis*

Action: Hold a hearing. Consider making a motion to adopt Ordinance 2629 on second reading as presented.



11) WATER AND SEWER CONNECTION FEE ABATEMENT (10 minutes)

City Council consideration of the abatement of the actual cost of water and sewer connection fees, estimated at \$275,214.00, for the CASA of the 7th Judicial District and Region 10 Area Agency on Aging Village at San Juan project. *Staff: Community Development Specialist Christopher Ottinger*

Action: Accept public comment. Consider making a motion to approve the abatement of the actual cost of water and sewer connection fees, estimated at \$275,214.00, for the CASA of the 7th Judicial District and Region 10 Area Agency on Aging Village at San Juan project as presented.

12) STAFF REPORTS

A) Sales, Use, and Excise Tax Report (5 minutes)
Staff: Sales Tax Accountant Becky Scriffiny

13) CITY COUNCIL COMMENTS

14) MOTION TO ADJOURN



PROCLAMATION

Immigrant Heritage Month

June 2023

WHEREAS, generations of immigrants from every corner of the globe have built our country's economy and created the unique character of our nation; and

WHEREAS, throughout American history, immigrants have enriched our nation and provided the United States with unique social and cultural influences, making us stronger, more innovative, and prosperous; and

WHEREAS, during National Immigrant Heritage Month, we recognize and celebrate the history and achievements of immigrant communities throughout the nation and within our local community; and

WHEREAS, immigrants have been tireless leaders not only in securing their own rights and access to equal opportunity, but have also campaigned to create a fairer and more just society for all Americans; and

WHEREAS, the United States, because of the Constitution is a beacon of hope for people all over the globe seeking better life and peaceful future; and

WHEREAS, immigration enhances Montrose's cultural diversity, as foreign-born individuals add to the variety of languages, customs, and cuisines enjoyed in the City.

NOW, THEREFORE, we, the City Council of the City of Montrose, Colorado, do hereby proclaim June 2023 as

IMMIGRANT HERITAGE MONTH

in the City of Montrose and call this observance to the attention of all of our Citizens and encourage them to learn more about the social and economic impact of immigrants to our community and state.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Montrose, this 20th day of June, 2023.

Barbara Bynum, Mayor
City of Montrose

A special meeting of the Montrose City Council was held on Monday, June 5, 2023, at 12:00 p.m., or immediately following the work session in the City Council Chambers of the Elks Civic Building. Said meeting was posted in accordance with the Sunshine Law.

PRESENT: Barbara Bynum, J. David Reed, Dave Frank, Doug Glaspell, Ed Ulibarri, Bill Bell, Ann Morgenthaler, Ben Morris, Chris Dowsey, Scott Murphy, Jim Scheid, Lisa DelPiccolo

CALL TO ORDER

Mayor Barbara Bynum called the special meeting to order at 11:44 a.m.

EXECUTIVE SESSION

At 11:44 a.m., a motion was made by J. David Reed, seconded by Dave Frank, to enter into an executive session to discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under C.R.S. Section 24-6-402(4)(a); and the following additional details are added for identification purposes: right of way property acquisitions. All voted yes. Motion passed.

RECONVENEMENT AND ADJOURNMENT

The special meeting reconvened at 12:50 p.m.

At 12:50 p.m., a motion was made by Dave Frank, seconded by J. David Reed, to adjourn with no further action. All voted yes. Motion passed.

ATTEST:

Barbara Bynum, Mayor

Lisa DelPiccolo, City Clerk

A regular meeting of the Montrose City Council was held on Tuesday, June 6, 2023, at 6:00 p.m. in the City Council Chambers of the Elks Civic Building. Said meeting was posted in accordance with the Sunshine Law.

PRESENT: Barbara Bynum, J. David Reed, Dave Frank, Doug Glaspell, Ed Ulibarri, Bill Bell, Ann Morgenthauer, Ben Morris, Chris Dowsey, Lisa DelPiccolo, Greg Story, Nik Pridy, Blaine Hall, Archie Beyers, David Bries

GUESTS: Don Cram, Cliff Dodge, Rhiannon Bergman, Whitney LaChapelle, Amanda Gerhardt, Paul DeJulio, Chris Trosper

CALL TO ORDER

Mayor Barbara Bynum called the meeting to order at 6:01 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 May 16, 2023, regular City Council meeting.

A motion was made by Dave Frank, seconded by J. David Reed, to approve the minutes of the May 16, 2023, regular City Council meeting as presented. All voted yes. Motion passed.

MEETING CANCELLATION

City Council considered the cancellation of the regular City Council meeting scheduled for Tuesday, July 4, 2023.

A motion was made by Dave Frank, seconded by J. David Reed, to cancel the City Council meeting scheduled for Tuesday, July 4, 2023. All voted yes. Motion passed.

MAIN STREET CLOSURE APPROVAL FOR HABITAT FOR HUMANITY EVENT

City Council considered the approval of the closure of the 500 block of East Main Street and Uncompahgre Avenue from North First Street to Centennial Plaza from 6 a.m. until 6 p.m. on Saturday, June 24, 2023, for the Habitat for Humanity Rock the Block event.

City Clerk Lisa DelPiccolo reported that including set-up and tear down of the event, the streets will be closed longer than 10 hours prompting a requirement for City Council approval. Ms. DelPiccolo stated that documentation showing notification of affected businesses was included in the meeting packet along with a spread sheet provided by Habitat for Humanity outlining support for the event. Amanda Gerhardt and Whitney LaChapelle were present from Habitat for Humanity to answer questions.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by Dave Frank, to approve the closure of the 500 block of East Main Street and Uncompahgre Avenue from North First Street to Centennial Plaza from 6 a.m. until 6 p.m. on Saturday, June 24, 2023, as presented. All voted yes. Motion passed.

SPECIAL EVENTS ALCOHOL PERMIT APPROVAL FOR HABITAT FOR HUMANITY EVENT

City Council considered a Special Events Permit application from Black Canyon Boys and Girls Club to sell and serve alcohol in conjunction with the closure of the 500 block of East Main Street for the Habitat for Humanity Rock the Block event on Saturday, June 24, 2023.

City Clerk Lisa DelPiccolo stated that the premises were posted as required by state statute and no comments were received.

Public comment was accepted. No comments were received.

A motion was made by J. David Reed, seconded by Dave Frank, to approve a Special Events Permit for Black Canyon Boys and Girls Club to sell and serve alcohol in conjunction with the closure of the 500 block of E. Main Street on Saturday, June 24, 2023. All voted yes. Motion passed.

ORDINANCE 2628 - FIRST READING

City Council considered Ordinance 2628 on first reading, an Ordinance of the City of Montrose, Colorado, amending City Building and Fire Regulations and adopting by reference 2018 editions of The International Building Code; The International Mechanical Code; The International Residential Code; The International Fuel Gas Code; The International Plumbing Code; The International Existing Building Code; The International Property Maintenance Code; The International Fire Code; and The International Energy Conservation Code; and providing penalties for violations. A hearing was held.

Deputy City Manager Ann Morgenthaler provided an overview of the project to update building codes and said the updates were presented at a work session and during a community open house. Ms. Morgenthaler said that the City currently uses 2003 versions of the Codes, and adoption of the 2018 versions will comply with requirements imposed at the state level.

Chief Building Official Archie Byers reported no changes since the work session discussion.

Mr. Byers stated that other regional building departments are also adopting the 2018 versions of the Codes which has the added benefit of consistency across the region. Mr. Byers stated that the City is on track to meet the July 1 deadline for implementation and provided an overview of the IIC code adoption and modification process.

Ms. Morgenthaler reported that the updates were presented at the community open house and were well received with no requests for modifications.

Mayor Barbara Bynum opened the hearing.

Public comment was accepted. No comments were received.

Mayor Bynum closed the hearing.

A motion was made by Dave Frank, seconded by Doug Glaspell, to pass Ordinance 2628 on first reading as presented. All voted yes. Motion passed.

WASTEWATER PRETREATMENT EXPENSE AUTHORIZATION

City Council considered the approval of \$120,000.00 in expenditures to assist with the construction of wastewater pretreatment infrastructure at the new Shelter Distilling headquarters.

City Engineer Scott Murphy reported that a 15,000 square foot distillery and restaurant facility recently broke ground in the Colorado Outdoors development. Mr. Murphy said the City is working with the developers and a brewery wastewater consultant on developing a plan for industrial pretreatment management of the wastewater streams. Mr. Murphy said that control at the facility level protects capacity at the Wastewater Treatment Plant and prevents upsets to the biological processes. Mr. Murphy said that an MOU was developed with the design team that outlines parameters and creates a model for similar projects in the future.

Mr. Murphy stated that this item was discussed during budget meetings as a potential partnership item but the timeframe was uncertain. The project is ready to proceed and authorization for the expenditure in 2023 is needed. Reimbursement will be handled through the Engineering Department following inspection and determination of eligibility.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by Doug Glaspell, to approve \$120,000.00 in expenditures to assist with the construction of wastewater pretreatment infrastructure at the new Shelter Distilling headquarters. All voted yes. Motion passed.

FIORI DI LENA PRELIMINARY PLAT

City Council considered the Fiori di Lena Preliminary Plat.

Planner II William Reis reviewed the location of the 6.6 acres on both sides of the 6700 Road Extension south of Miami Road and said 12 single-family residential lots are proposed within the R-1A, Large Estate District. The property was annexed and zoned in 2022.

Mr. Reis reviewed the R-1A zoning designation and the zoning of the surrounding area. The annexation agreement allows for differences in dimensional standards, a minimum lot depth of 90 feet, and a minimum front setback of 20 feet. The agreement also allows one shared driveway access to 6700 Road for every two platted lots.

Mr. Reis recommended conditional approval stating that the Preliminary Plat is in compliance with Subdivision Regulations and the Comprehensive Plan and meets the intent of the R-1A zoning district. The Planning Commission unanimously recommended approval on May 10.

City Engineer Scott Murphy reported that the Preliminary Plat is the culmination of the 6700 Road Extension project which included the purchase of right of way by the City, annexation, and construction of the Extension.

Property Owner Paul DeJulio stated that the concept for the development is to create an Italian-style subdivision, and installation of utilities and irrigation is underway. Mr. DeJulio thanked City staff for assistance with the project.

Public comment was accepted. No comments were received.

A motion was made by J. David Reed, seconded by Dave Frank, to approve the Fiori di Lena Preliminary Plat expressly conditioned upon City staff ensuring that all policies, regulations, ordinance and Municipal Code provisions are met and that the Applicant adequately addresses all of staff's concerns prior to 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.

ORDINANCE 2627 – SECOND READING

City Council considered Ordinance 2627 on second reading, an Ordinance of the City of Montrose, Colorado, amending the zoning district designation of 0.14 acres located at 2370 Air Park Way from "I-2" General Industrial District to "B-3" General Commercial District. A hearing was held.

Planner II William Reis reported that the property is located at the end of Air Park Way. A boundary line adjustment was completed recently, and the rezone will alleviate a split zoning issue.

Mr. Reis recommended approval stating that the request complies with rezone criteria and the Comprehensive Plan, is compatible with existing uses in the surrounding area, and resolves the split zoning issue.

Mayor Barbara Bynum opened the hearing.

Public comment was accepted. No comments were received.

Mayor Bynum closed the hearing.

A motion was made by Doug Glaspell, seconded by J. David Reed, to adopt Ordinance 2627 on second reading as presented. All voted yes. Motion passed.

ORDINANCE 2629 - FIRST READING

City Council considered Ordinance 2629 on first reading, an ordinance of the City of Montrose, Colorado, disconnecting a portion of Parcel #376716320003.

Planner II William Reis stated that a recent boundary line agreement to resolve a fence line dispute resulted in a boundary that differs from the official City limits with the vast majority of the property outside of the city limits. Mr. Reis said the proposed area of disconnection is approximately 0.43 acres in size.

Mr. Reis recommended approval of Ordinance 2629 stating there are no negative impacts to the city.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by Ed Ulibarri, to pass Ordinance 2629 on first reading as presented. All voted yes. Motion passed.

RESOLUTION 2023-09

City Council considered Resolution 2023-09 setting July 18, 2023, as the hearing date for the Dry Cedar Creek II Addition annexation.

Planner II William Reis reviewed the annexation schedule and the location of the 5.06 acres. Mr. Reis stated that the property is within the City's Urban Growth Boundary, within City of Montrose water and sewer service areas, and meets state contiguity requirements. The zoning of the surrounding area was reviewed as well as the requested zoning of R-3A.

Mr. Reis recommended adoption of Resolution 2023-09 stating that an annexation agreement has been signed by the applicant. An annexation impact report is not required.

Public comment was accepted. No comments were received.

A motion was made by J. David Reed, seconded by Dave Frank, to adopt Resolution 2023-09 as presented. All voted yes. Motion passed.

2023 LANDFILL AGREEMENT RECOMMENDATION

City Council considered a contract with Waste Management of Colorado, Inc., for landfill services.

Public Works Director Jim Scheid reported that the City collects approximately 10,000 tons of solid waste annually and has previously contracted with Waste Management to use the landfill north of town. Mr. Scheid stated that two proposals were received this year, and Bruin Waste is qualified to provide the service. Mr. Scheid said that bid results showed significantly lower tipping fees for Waste Management, and the higher cost of transporting to the landfill was determined to be the best value.

Public comment was accepted.

Chris Trosper of Bruin Waste reviewed cost savings that could be realized by using Bruin Waste instead of transporting waste to the landfill.

Mr. Scheid stated that travel time and operational expenses were considered and the City pursued the best value, not just the tipping fees. An RFP will be issued again next year with a longer term contract that would be beneficial to the bidders.

A motion was made by Ed Ulibarri, seconded by Doug Glaspell, to approve a contract with Waste Management of Colorado, Inc., for landfill services as presented. All voted yes. Motion passed.

MONTROSE CITY HALL PHASE THREE DESIGN CONTRACT AWARD

City Council considered the award of a contract with Blythe Group in the amount of \$145,030.00 for the design of the façade replacement on City Hall.

Public Works Director Jim Scheid reported that this item is for the design of the façade portion of the new City Hall building and includes removal of the fluted block and the addition of windows to enhance the exterior. Blythe Group also worked with the City on the design for the previous renovation phases.

Mr. Scheid stated that once the design process begins, a Construction Manager/General Contractor will be procured as has been done with other projects. This contractor will work with the design team to keep the design in line with the target budget.

Mr. Scheid said the design is not included in the 2023 budget but is necessary to move forward with construction in 2024. Stakeholder and community meetings are planned as part of the design process.

Public comment was accepted. No comments were received.

A motion was made by J. David Reed, seconded by Doug Glaspell, to award a contract to Blythe Group in the amount of \$145,030.00 for the design of the façade replacement on City Hall. All voted yes. Motion passed.

2023 MOVEMO SIDEWALK IMPROVEMENTS PROJECT AUTHORIZATION

City Council considered the authorization of expenses for sidewalk improvements as part of the 2023 MoveMo Project in the amount of \$150,000.00.

Public Works Manager Jim Scheid reported that on-call concrete contracts will be used for several types of projects including the cost share program for sidewalk improvements, trail improvements, and ADA work. The City will have the ability to use one or multiple contractors as needed to accomplish \$150,000.00 in sidewalk repairs.

Mr. Scheid said the projects are managed by Public Works and sidewalks are replaced on a priority basis. In 2023, the City is focusing on projects in Zone B on the west side of the City.

Mr. Scheid stated that the total amount of funding for all concrete work in 2023 is \$450,000.00. Increased funding for additional projects was discussed during the work session presentation, but Mr. Scheid said he wants to make sure all projects can be completed with the current level of funding. Projects will be monitored this year and the budget level could increase for 2024.

Public comment was accepted. No comments were received.

A motion was made by Ed Ulibarri, seconded by Dave Frank, to authorize expenses for sidewalk improvements as part of the 2023 MoveMo Project in the amount of \$150,000.00 as presented. All voted yes. Motion passed.

STAFF REPORTS

Ann Morgenthaler congratulated Planner II William Reis for passing the test to become a certified planner and earning AICP designation.

CITY COUNCIL COMMENTS

No comments were received.

MOTION TO ADJOURN

At 7:14 p.m., a motion was made by Doug Glaspell to adjourn the meeting with no further action taken.

ATTEST:

Barbara Bynum, Mayor

Lisa DelPiccolo, City Clerk



EVENTS USE PERMIT APPLICATION – SECTION A

Part I – Event Information

Type of event:

- | | |
|--|--|
| ☐ Main Street Closure – <i>see page 8</i> | ☐ Centennial Plaza Event - <i>see page 10</i> |
| ☐ Parade – <i>see page 9</i> | ☐ Athletic Field Event - <i>see page 11</i> |
| ☐ Street Closure – <i>see page 9</i> | ☐ Other |
| ☐ Park Shelter/Park Area | |

Date(s) of Event _____ **Date of Application** _____

Name of event: _____

Desired location: _____

Legal entity to hold permit: _____

Contact Person: _____

Mailing Address: _____

Phone Number: Daytime _____ Evening _____

Email Address: _____ Website Link: _____

Brief description of your event: _____

Is this a private event? ☐ Yes ☐ No **Advertised to the public?** ☐ Yes ☐ No

Anticipated attendance: Per Day: _____ Total: _____

Dates and times:

Setup: Date: _____ Time: _____

Start of Event: Date: _____ Time: _____

End of Event: Date: _____ Time: _____

Cleanup Completed by: Date: _____ Time: _____

Is this an annual event? ☐ Yes ☐ No How Many Years? _____

Will admission be charged? ☐ Yes ☐ No Amount (s): _____

Are vendor or other fees required? ☐ Yes ☐ No Amount (s): _____

Will your event include food preparation, concession and/or merchandise vendors?

☐ Yes ☐ No *If yes, please see page 6.*

Please describe any mobile vending devices or other structures to be used including kiosks, carts, stands, stages, fences and barriers. (Attach diagrams or pictures if necessary.)

Free advertising for your event is available at VisitMontrose.com/Events

Will alcohol beverages be sold or served at this event? ☐ Yes ☐ No

Which nonprofit organization will sponsor the liquor license? _____

Exact time alcohol will be on location*: _____ (a.m./p.m.) to _____ (a.m./p.m.)

*These times must match the beginning and ending times specified on the State of Colorado Special Events Permit Application (form DR 8436).

Exact time alcohol will be served **: _____ (a.m./p.m.) to _____ (a.m./p.m.)

**Officers may be required to be present during the time alcohol is served. *Please see page 6.*

Please note: *It is the responsibility of the event organizer(s) to be familiar with the laws and liabilities associated with the sale of alcohol beverages. Please review state statutes regarding the sale and service of alcohol and/or attend a City sponsored alcohol server training class.*

Is electricity needed? ☐ Yes ☐ No Time Needed: _____

If yes, please describe the equipment and appliances to be used, such as hot plates, coolers, or sound systems:

Is domestic water needed? ☐ Yes ☐ No If yes, please describe:

Will sound amplification be used? ☐ Yes ☐ No If yes, please describe:

Are additional garbage cans needed? ☐ Yes ☐ No

If yes, please estimate the number of 90-gallon trash receptacles needed:

Please estimate the number of recycle containers needed:

Please note: *Individual vendors are required to provide their own trash receptacles.*

Will temporary structures be used? ☐ Yes ☐ No

If yes, please describe the type, size, and method of securing the structure:

Will your event include any high-risk activities such as motorcycle events, airplane/helicopter activities, or water events? ☐ Yes ☐ No If yes, please describe:

If the estimated attendance of the event is more than 200 people, please provide a brief description of the following:

Parking and Traffic Management Plan:

Emergency Plan:

Sales Tax Collection Plan (if food and/or merchandise are sold):

Additional comments/requests:

Part II – Additional Licenses & Permits

If any items are sold at an event, a City of Montrose sales tax license is required in accordance with the Official Municipal Code of the City of Montrose and the laws of the State of Colorado. Please contact the City Sales Tax Accountant at (970)-240-1465 to obtain a City Sales Tax number.

*City sales tax license holders must maintain proper books and records of sales that may be subject to inspection and audits as applicable. (Municipal Code Section 5-15)

Additional permits may be required depending on the components of your event. Applicants and/or vendors or responsible for complying with the terms of these licenses and permits.

- _____ Food Service License (Health Inspector 970-252-5000)
- _____ City Sales Tax Sponsor Agreement (Sales Tax Accountant 970-240-1465)
- _____ Transient Vendor's License (Sales Tax Accountant 970-240-1465)
- _____ Special Events Liquor Permit (City Clerk's Office 970-240-1430)

Free advertising for your event is available at VisitMontrose.com/Events

Part III – Rules & Regulations

1. Applications must be submitted **at least 60 days** (90 days for Main Street closures) in advance of the date of the event.
2. Proof of Insurance in the amounts listed below, naming the City, its officers, agents and employees as additional insureds for claims arising from the event.

\$2,000,000	General Aggregate (Per Event/Certificate)
\$2,000,000	Products/Completed Operations Aggregate
\$1,000,000	Personal and Advertising Injury
\$1,000,000	Each Occurrence
\$1,000,000	Damage to Premises Rented to You
\$ 5,000	Medical Payments
3. **For groups planning to sell and serve alcohol beverages:**
 - a. A Special Events Permit to sell and serve alcohol beverages must be obtained through the City of Montrose and State of Colorado. (Applications are processed through City Clerk's Office).
 - b. A detailed plan on how the area will be secured for sale and consumption of alcohol will be required.
 - c. Events with a Special Events Permit to sell and serve alcohol, may be required to hire a minimum of two police officers during the time alcohol is being served. The number of officers required will be determined by the City in its sole discretion based on the nature of the event. The fee is based on the actual burdened rate of officers and sergeants, will be reviewed annually, and is subject to change.
4. Park hours are 5:00 a.m. to 11:00 p.m.
5. Noise which unreasonably annoys, injures or endangers the comfort, health, peace or safety of others is prohibited by City ordinance.
6. The rules and regulations of the Montrose City Code shall be followed at all times.
7. Permittee agrees to indemnify and hold harmless the City of Montrose, its officers, employees, insurers, and self-insurance pool, from and against all liability, claims, and demands, on account of injury, loss, or damage, including without limitation claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever, which arise out of or are in any manner connected with this permit, if such injury, loss, or damage is caused in whole or in part by, or is claimed to be caused in whole or in part by, the act, omission, error, professional error, mistake, negligence, or other fault of the Permittee, or any employee of the Permittee, or which arise out of any worker's compensation claim of any employee of the Permittee. The Permittee agrees to investigate, handle, respond to, and to provide defense for and defend against, any such liability, claims or demands at the

Free advertising for your event is available at VisitMontrose.com/Events

sole expense of the Permittee, or at the option of the City agrees to pay the City or reimburse the City for the defense costs incurred by the City in connection with, any such liability, claims or demands. The Permittee also agrees to bear all other costs and expenses related thereto, including court costs and attorney fees, whether or not any such liability, claims, or demands alleged are groundless, false, or fraudulent.

8. Permittee hereby agrees to waive any claim against the City, its officers or employees for damage to their persons or property arising out of this permit, the exercise of rights granted under this Permit, or the use of the public property granted herein by the City.
9. Permittee shall maintain and use the public property at all times in conformity with City ordinances, regulations and other applicable law, keep it in a safe and clean condition, and allow no nuisance to be created by virtue of the Permit. Permittee shall not construct any buildings or improvements upon the public property. **Temporary structures shall not be anchored to sidewalks or pavement. Permittee shall not apply any unauthorized inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any natural or man-made surface on public property by any means including but not limited to an aerosol paint container, a broad tipped marker, gum label, paint stick or graffiti stick, etching equipment, brush or any other device capable of scarring or leaving a visible mark on any natural or man-made surface, even if considered temporary in nature. Directional markers and distance markers for parades and walks/runs are not allowed on any public property; vinyl wire flag markers (wire no greater than 14 gauge nor longer than 24") are allowed if removed immediately following the event.** Permittee shall be held responsible for any damage incurred to the public property or adjacent surrounding area as a direct result of the event's activities, **including but not limited to loss of damage deposit, cost of repair for damages, fines and imprisonment, restitution, community service, or other sentence imposed by a court of competent jurisdiction.**
10. The City reserves the right to refuse the issuance of an Events Use Permit to any club, organization, person or persons. The City may revoke this permit at any time as deemed appropriate in the City's sole discretion; in such case, all property of the Permittee shall be removed at Permittee's expense and pre-existing conditions restored.
11. The City reserves the right to impose additional or increased requirements, terms and conditions, based upon the City's responsibility to protect and safeguard public health, peace and safety, and to preserve the security of public property. Should additional or increased requirements, terms, and conditions be imposed, they shall be sent to the permittee in writing.

I understand the rules and regulations as outlined above.

Kathryn Schroer

Signature of Event Coordinator

Date

Free advertising for your event is available at VisitMontrose.com/Events

The undersigned hereby agrees to comply with all conditions stated above, and confirms that all statements on this application are true and accurate to the best of Permittee’s knowledge.

Kathryn Schroer
Permittee

Date

Total Due for Event:

Events Use Permit Fee – All venues except Main Street	_____	\$100.00
Main Street Closure Permit Fee	_____	\$250.00
Event Deposit	_____	\$100.00

TOTAL AMOUNT DUE: \$ _____

Section Below for City Use Only

Conditions:

Date: _____

Kathryn Schroer
Signature

Notifications Sent	
Fees Received	
Insurance Certificate Received	
Street Closure Notifications Received	



Fireworks Display Permit Application

Organization: _____

Event Contact Person: _____

Address: _____

Phone Number: _____

Area where fireworks are to be displayed:

Date and time of display: _____

Kathryn Schroer

Signature of Applicant

Date

Permission of Property Owner: _____

Proof of General Liability Insurance received: _____

Approval of the Chief of the Montrose Fire District: _____

Approval of the Montrose City Council: _____

\$50.00 Fee Collected: _____

City Clerk

Date



Montrose Fire Protection District

441 South Uncompahgre Ave., Montrose, CO 81401 | (970) 249-9181

Serving Montrose since 1888



FIREWORKS PERMIT APPLICATION

Sponsor or Company Name: City of Montrose

Applicant Name: Tri-State Fireworks, Inc

Mailing Address: P.O. Box 31

City: Brighton State: CO Zip Code: 80601

Phone: 720-685-9785 Emergency#: 303-912-1877

Primary Agent: Sharon Dermody

Mailing Address: P.O. Box 31

City: Brighton State: CO Zip Code: 80601

Phone: 303-912-1877 Emergency#: 720-685-9785

☐ Sales - Location: _____

☒ Display - Launch Site: 2307 Sunset Mesa Rd, Montrose, CO 81401

Property Owner: City of Montrose

Mailing Address: 400 E. Main Street

City: Montrose State: CO Zip Code: 81041

Phone: 970-252-4753 Emergency#: 970-531-7281

Storage Location of Fireworks: In locked building on show site.

Display date is 7/4/2023 and the rain date is 7/5/2023

In addition to the above information, the following is a required part of the submittals for permit:

Name, Address, Phone Number of Wholesale Vendor

Name, Address, phone Number of Liability Insurance Company

Lease agreement or Written permission to use property for intended use

Copy of public liability insurance policy in the amount of \$1,000,000 or more

Copy of invoice from wholesaler of fireworks

Copy of Retailer license from the State of Colorado (**Must be current**)

Copy of Wholesaler license from the State of Colorado (**Must be current**)

Copy of Colorado PUC "Hazardous Material Transport Permit", used to transport fireworks

Samples of items offered for sale may be required in addition to the above.

Montrose Fire Protection District 441 S. Uncompahgre Ave. Montrose, CO 81401 (970) 249-9181		
☒	☐	☐
APPROVED	REVISE	REJECTED
BY <u>Mark A. Bray</u>	DATE <u>5/31/2023</u>	
Fire Inspector III-Plans Examiner 146300362	Permit#	23-0014



PROPERTY DISPOSAL

May 8, 2023

TO: Honorable Mayor, City Council
FROM: Michelle Wingfield, DART and Grant Coordinator
CC: William Bell, City Manager; Ann Morgenthaler, Assistant City Manager;
Shani Wittenberg, Finance Director; Jim Scheid, Public Works Director
DATE: May 8, 2023
SUBJECT: City Owned Property Disposal

Recommendation

Approve the disposal of a raft owned by the City of Montrose.

Background

The City of Montrose owns a raft with Visit Montrose logos on it. The raft has primarily been used to check for hazards in the river prior to FUNC Fest or to perform maintenance at Chipeta and Taviwach Lakes.

Regular maintenance requires a specific expertise that is not common to staff. City Staff recommend donating the raft along with its accompanying trailer to Montrose Surf & Cycle in exchange for the upkeep of the raft and providing river inspection as needed (including prior to FUNC Fest.) Surf and Cycle has agreed to keep the Visit Montrose logo on the raft.

The donation of this raft is in accordance with Section 1-16-5 of the Municipal Code.

Financial Impact

The raft was purchased in 2017 for \$3,890.45 out of the Tourism Fund. It would be removed from the City's insurance contract with CIRSA upon donation to Montrose Surf & Cycle.

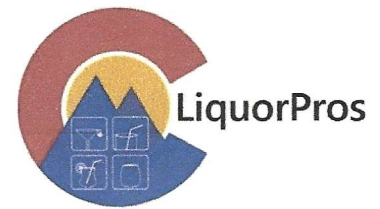


Colorado Liquor Retail License Application

☐ New License ☒ New-Concurrent ☐ Transfer of Ownership ☐ State Property Only ☐ Master file			
• All answers must be printed in black ink or typewritten • Applicant must check the appropriate box(es) • Applicant should obtain a copy of the Colorado Liquor and Beer Code: SBG.Colorado.gov/Liquor			
1. Applicant is applying as a/an ☐ Individual ☐ Limited Liability Company ☐ Association or Other ☒ Corporation ☐ Partnership (includes Limited Liability and Husband and Wife Partnerships)			
2. Applicant If an LLC, name of LLC; if partnership, at least 2 partner's names; if corporation, name of corporation Shelter Distilling Inc.			FEIN Number 81-2967022
2a. Trade Name of Establishment (DBA) Shelter Distilling		State Sales Tax Number 95525382-0001	Business Telephone 760-965-6554
3. Address of Premises (specify exact location of premises, include suite/unit numbers) 2100 Airport Road			
City Montrose	County Montrose	State CO	ZIP Code 81401
4. Mailing Address (Number and Street) 16280 6765 Road	City or Town Montrose	State CO	ZIP Code 81401
5. Email Address jason@shelterdistilling.com			
6. If the premises currently has a liquor or beer license, you must answer the following questions			
Present Trade Name of Establishment (DBA) N/A	Present State License Number N/A	Present Class of License N/A	Present Expiration Date N/A
Section A Nonrefundable Application Fees*		Section B (Cont.) Liquor License Fees*	
☐ Application Fee for New License\$1,100.00 ☒ Application Fee for New License w/Concurrent Review\$1,200.00 ☐ Application Fee for Transfer\$1,100.00		☐ Liquor-Licensed Drugstore (County)\$312.50 ☐ Lodging & Entertainment - L&E (City)\$500.00 ☐ Lodging & Entertainment - L&E (County)\$500.00 ☐ Manager Registration - H & R\$30.00 ☐ Manager Registration - Tavern\$30.00 ☐ Manager Registration - Lodging & Entertainment\$30.00 ☐ Manager Registration - Campus Liquor Complex\$30.00 ☐ Optional Premises License (City)\$500.00 ☐ Optional Premises License (County)\$500.00 ☐ Racetrack License (City)\$500.00 ☐ Racetrack License (County)\$500.00 ☐ Resort Complex License (City)\$500.00 ☐ Resort Complex License (County)\$500.00 ☐ Related Facility - Campus Liquor Complex (City)\$160.00 ☐ Related Facility - Campus Liquor Complex (County)\$160.00 ☐ Related Facility - Campus Liquor Complex (State)\$160.00 ☐ Retail Gaming Tavern License (City)\$500.00 ☐ Retail Gaming Tavern License (County)\$500.00 ☐ Retail Liquor Store License-Additional (City)\$227.50 ☐ Retail Liquor Store License-Additional (County)\$312.50 ☐ Retail Liquor Store (City)\$227.50 ☐ Retail Liquor Store (County)\$312.50 ☒ Tavern License (City)\$500.00 ☐ Tavern License (County)\$500.00 ☐ Vintners Restaurant License (City)\$750.00 ☐ Vintners Restaurant License (County)\$750.00	
Section B Liquor License Fees*			
☐ Add Optional Premises to H & R\$100.00 X _____ Total _____ ☐ Add Related Facility to Resort Complex \$75.00 X _____ Total _____ ☐ Add Sidewalk Service Area\$75.00 ☐ Arts License (City)\$308.75 ☐ Arts License (County)\$308.75 ☐ Beer and Wine License (City)\$351.25 ☐ Beer and Wine License (County)\$436.25 ☐ Brew Pub License (City)\$750.00 ☐ Brew Pub License (County)\$750.00 ☐ Campus Liquor Complex (City)\$500.00 ☐ Campus Liquor Complex (County)\$500.00 ☐ Campus Liquor Complex (State)\$500.00 ☐ Club License (City)\$308.75 ☐ Club License (County)\$308.75 ☐ Distillery Pub License (City)\$750.00 ☐ Distillery Pub License (County)\$750.00 ☐ Hotel and Restaurant License (City)\$500.00 ☐ Hotel and Restaurant License (County)\$500.00 ☐ Hotel and Restaurant License w/one opt premises (City)\$600.00 ☐ Hotel and Restaurant License w/one opt premises (County)\$600.00 ☐ Liquor-Licensed Drugstore (City)\$227.50			
* Note that the Division will not accept cash			
Questions? Visit: SBG.Colorado.gov/Liquor for more information			
Do not write in this space - For Department of Revenue use only			
Liability Information			
License Account Number	Liability Date	License Issued Through (Expiration Date)	Total \$

Name Shelter Distilling Inc.	Type of License Tavern (city)	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?		N/A ☐ ☒
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. N/A		☐ ☐
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?		N/A ☐ ☐
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.		☒ ☐
See Attached.		
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 Montrose County	Tenant Shelter Distilling Inc.	Expires 7/2028
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 Montrose County	First Name N/A	Date of Birth N/A
		FEIN or SSN N/A
		Interest/Percentage 10%
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:		N/A ☐ ☐
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.		
N/A		

Name Shelter Distilling Inc.	Type of License Tavern (city)	Account Number
19. Liquor Licensed Drugstore (LLDS) applicants, answer the following: N/A a. Is there a pharmacy, licensed by the Colorado Board of Pharmacy, located within the applicant's LLDS premise? ☐ ☐ If "yes" a copy of license must be attached.		
20. Club Liquor License applicants answer the following: Attach a copy of applicable documentation N/A Yes No a. Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain? ☐ ☐ 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? ☐ ☐ 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? ☐ ☐		
21. Brew-Pub, Distillery Pub or Vintner's Restaurant applicants answer the following: N/A a. Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached) ☐ ☐		
22. Campus Liquor Complex applicants answer the following: N/A a. Is the applicant an institution of higher education? ☐ ☐ b. Is the applicant a person who contracts with the institution of higher education to provide food services? ☐ ☐ 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 Senior	First Name of Manager Jason	
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. See Attached. 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? N/A 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 N/A	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? ☐ ☒ 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.? ☐ ☒		
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 Matthew Hammer	Home Address, City & State 142 Farmland Acres Drive, Kalispell MT, 5990	DOB [REDACTED] Position Officer/Director %Owned 8.1759
Name Karl Anderson	Home Address, City & State 233 Wagon Wheel Rd, Mammoth Lakes, CA, 93546	DOB [REDACTED] Position Officer/Director %Owned 8.1759
Name Patricia Swenson	Home Address, City & State 117 Calle Bello, Santa Barbara, CA 93108	DOB [REDACTED] Position Officer/Director %Owned 5.2426
Name Jason Senior	Home Address, City & State 16280 6765 Road, Montrose, CO 81401	DOB [REDACTED] Position Officer %Owned 8.3377
Name	Home Address, City & State	DOB Position %Owned



June 6, 2023

RESULTS OF THE LIQUOR LICENSE SURVEY REGARDING: **Shelter Distilling**
 2100 Airport Road
 Montrose, CO 81401

Applicant: Shelter Distilling, Inc.
 Purpose: Application for a NEW Tavern Liquor License

ISSUE: A petition was circulated to determine if the needs of the neighborhood and desires of the inhabitants were or were not being presently met by existing similar alcoholic beverage outlets. Those in favor of Shelter Distilling being granted a Tavern Liquor License indicated by checking the "Favor Yes" column of the signature sheet and those opposed checked the "Oppose No" column. The results were as follows:

Favor "YES"		Oppose "NO"		<u>TOTAL SIGNATURES</u>
97%	116	3%	4	120

Percentages in this report have been rounded to the nearest whole number.

SURVEY STATISTICS

	Favor "YES"		Oppose "NO"		TOTAL
Business Survey Results	97%	29	3%	1	30
Residential Survey Results	97%	87	3%	3	90

	BUSINESS	RESIDENTIAL	TOTAL
No Response	10	181	191
Declined to Participate	8	11	19
Not Qualified to Sign	8	9	17
Disqualified	0	0	0
"No" Signatures	1	3	4
"Yes" Signatures	29	87	116
TOTAL CONTACTS & ATTEMPTS	56	291	347

SURVEY STATISTICS (continued)

Number of Businesses and Residents Contacted: 347 Attempts – 191 No Response = 156
 >Business Survey Participation Rate: 30 Signatures/ 38 Qualified Contacts = 79%
 >Residential Survey Participation Rate: 90 Signatures/ 101 Qualified Contacts = 89%
 >Percentage of Residents Home During Survey: 110 Contacts/ 291 Attempts = 38%

<u>REASONS FOR OPPOSITION SIGNATURES</u>		<u>REASONS FOR DECLINING TO PARTICIPATE</u>	
No Reason	4	Do Not Sign any Petition/Survey	6
Total	4	Against Company Policy	6
		Not Interested	5
		Too Busy	2
		Total	19
		<u>NOT QUALIFIED CONTACTS</u>	
		Owner/Manager Unavailable	8
		Under 21	7
		No English Spoken or Read	1
		Non-Resident	1
		Total	17

PETITION METHODOLOGY

- Survey Dates and Times:

Residential:	Wednesday, May 24, 2023	1:30 pm – 6:30 pm
Business & Residential:	Thursday, May 25, 2023	9:00 am – 5:00 pm

- Survey Area: Circulators started in areas closest to the proposed licensed site and obtained samples throughout the boundary area. See attached map.
- Circulators of the Survey: There was one circulator for this survey. Prior to the start of the survey, the circulator was briefed on the type of liquor license application, the areas to be surveyed and reminded to be completely unbiased in his approach to residents and businesspeople. The circulator had with her a face sheet with the applicant's business name, location and hearing information, instructions, and the petition/survey issue along with signature sheets and a map of the proposed location. The circulator used tally sheets to record all contacts, attempts and reasons for opposition signatures and refusals. After the survey, the circulators signed notarized affidavits of circulation. All packets were turned into Montrose City Clerk's office.

Report prepared and respectfully submitted by,



Eva L. Garretson
Liquor Licensing Professionals, LLC



CITY OF MONTROSE

MEMO

TO: Honorable Mayor Bynum and Montrose City Council
FROM: Ann Morgenthaler, Deputy City Manager
DATE: June 6, 2023 Council Meeting
RE: Proposed 2018 Building and Energy Codes Adoption

City Council Consideration

In December, 2022 City Council directed staff to begin drafting an ordinance to adopt the 2018 International Building and Energy Codes. Staff is now presenting the proposed ordinance for Council's consideration.

City staff hosted a public open house on May 22, 2023. Council will consider the ordinance on first reading on June 6, 2023 and second reading on June 20, 2023.

Background

In July 2005, the City of Montrose adopted the 2003 International Building Codes, published by the International Code Council (ICC). These include the 2003 versions of the International Building Code (IBC), the International Mechanical Code (IMC), the International Residential Code (IRC), the International Fuel Gas Code (IFGC), the International Plumbing Code (IPC), the International Existing Building Code (IEBC), the International Property Maintenance Code (IPMC), and the International Fire Code (IFC). In 2008, the City adopted the 2003 version of the International Energy Conservation Code (IECC).

Regional local governments have had the shared goal of adopting the same version of Building Codes, in order to provide consistent standards for the professional building community, who work in multiple jurisdictions. Please see the attached table for a list of regional governments, their current Building Codes, and the codes they plan to adopt soon (if applicable). The majority of regional local governments have adopted the 2018 Building Codes and do not have plans to adopt more recently published codes.

In addition to the goal of regional consistency, State of Colorado legislation (HB22-1362) requires that if a local government adopts new Building Codes prior to July 1, 2023, that either the 2015, 2018, or 2021 International Energy Conservation Code (IECC) is also adopted. If a municipality adopts a new Building Code after July 1, 2023, the local government must adopt an

Energy Code that is equivalent to the 2021 version of the IECC. Please see attached information from the Colorado Municipal League for additional information about the requirements associated with this legislation.

Notable Updates

Adopting the 2018 suite of Building and Energy Codes will include some noticeable changes including:

- IRC automatic sprinkler requirement
- Increased Fire separation distance (from 3 to 5 feet) for fire resistant construction requirement
- Basement/crawlspaces lids required to be drywalled when fueled fired appliances are located in basement or crawlspace
- Increased insulation values or energy heels (trusses)
- Mechanical ventilation requirements
- Lighting efficacy increases
- Duct and blower door testing for air leakage testing

Currently, pursuant to the 2003 Building Codes, the City of Montrose does not require interior residential sprinklers in single-family, duplex, or townhouse structures. The 2018 Building Codes require that single-family, duplex, and townhouse structures are built to include interior residential sprinklers. However, a local government may make amendments when adopting the codes in order to modify such requirements. The staff recommend, and the proposed adoption ordinance include language specifying, that these requirements for interior residential sprinklers are eliminated. This would be consistent with other regional local governments and would accomplish staff's goal of providing an incremental, and not drastic, update to the Building Codes.

Recommendation

City of Montrose staff recommend City Council adopt the 2018 suite of ICC Building Codes and the 2018 version of the Energy Code. This will increase consistency with other regional local governments and will allow for reasonable – but not overly burdensome or overly expensive – updates to requirements for builders. Adopting the 2018 Building and Energy Codes prior to July 1, 2023 will allow the City to make this incremental update to the 2018 suite of Codes, as opposed to being required to adopt the 2021 Energy Code if we adopt new codes after July 1, 2023.

A local government may adopt different versions of Building and Energy Codes, for example by adopting the 2018 suite of Building Codes and the 2021 Energy Code, but doing so can create confusion and require additional local modifications to ensure consistency between codes.



Area Comparison of Adopted Codes and Plans for Future Updates

Jurisdiction	Current Code	Next adoption
City of Montrose	2003	code update prior to 7/1/23
Montrose County	2009	no update pending
Town of Ridgway	2018	no update pending
City of Ouray	2009	code update to 2018 Prior to 7/1/23
Ouray County	2018	no update pending
City of Delta	2018	no update pending
Delta County		No adopted building code
City of Gunnison	2015	under review for 2021
Gunnison County	2015	status unknown
Town of Mountain Village	2018	no update pending
Town of Telluride	2018	no update pending
San Miguel County	2018	no update pending
Mesa County & Grand Junction	2018	no update pending

Area Comparison of IRC Interior Sprinkler Requirements

	Code Year	One-Family Dwelling (sfr)	Two-Family Dwelling	Townhouses	Detached Garages
Montrose County	2009	No	No	No	No
Town of Ridgway	2018	No	No	Yes	No
City of Ouray	2009	No	No	per building inspector	silent
Ouray County	2018	No	No	Yes	No
City of Delta	2018	No	No	No	No
Delta County	NO ADOPTED BUILDING CODE				
City of Gunnison	2015	No	Yes	Yes	silent
Gunnison County	2015	Yes when > 3,600 sf	Yes when > 3,600 sf	No	silent
Town of Mountain Village	2018	Yes when > 3,600 sf	Yes when > 3,600 sf	Yes	silent
Town of Telluride	2018	Yes	Yes	Yes	silent
San Miguel County	2018	Yes when > 3,600 sf	Yes when > 3,600 sf	Yes	silent
Mesa County	2018	No	No	No	No



Colorado Municipal League Summary of HB22-1362

HB22-1362

Building Greenhouse Gas Emissions

<https://leg.colorado.gov/bills/hb22-1362>

The act establishes minimum energy codes that local governments must adopt when they are adopting or updating their building codes. HB22-1362 also creates an Energy Code Board which includes local government officials. The Board will meet to create a model solar energy code, a model electric ready code, and a model low energy and carbon code. The Board is dissolved on September 1, 2027.

The timelines are below:

- When adopting or updating a building code prior to July 1, 2023, the municipality must adopt and enforce an energy code that achieves equivalent or better energy performance than one of the three most recent editions of the International Energy Conservation Code.
- A municipality that has adopted and enforced one or more building codes, and that updates one or more building codes after July 1, 2023, and before July 1, 2026, must adopt and enforce an energy code that achieves equivalent or better energy performance than the 2021 International Energy Code and the model electric ready code and the solar ready code developed by the Energy Code Advisory Board.
- A municipality that has adopted and enforced one or more building codes, and that updates one or more building codes after July 1, 2026, must adopt and enforce an energy code that achieves equivalent or better energy and carbon emissions performance than the model low energy and carbon code created by the Energy Code Board.

Two grant programs are also created:

- The building electrification for public buildings grant program to provide grants to local governments, school districts, state agencies, and special districts for the installation of high-efficiency electric heating equipment; and
- The high-efficiency electric heating and appliances grant program to provide grants to local governments, utilities, nonprofit organizations, and housing developers for the installation of high-efficiency electric heating equipment in multiple structures within a neighborhood. **Effective: June 2, 2022.** Lobbyist: Meghan Dollar.



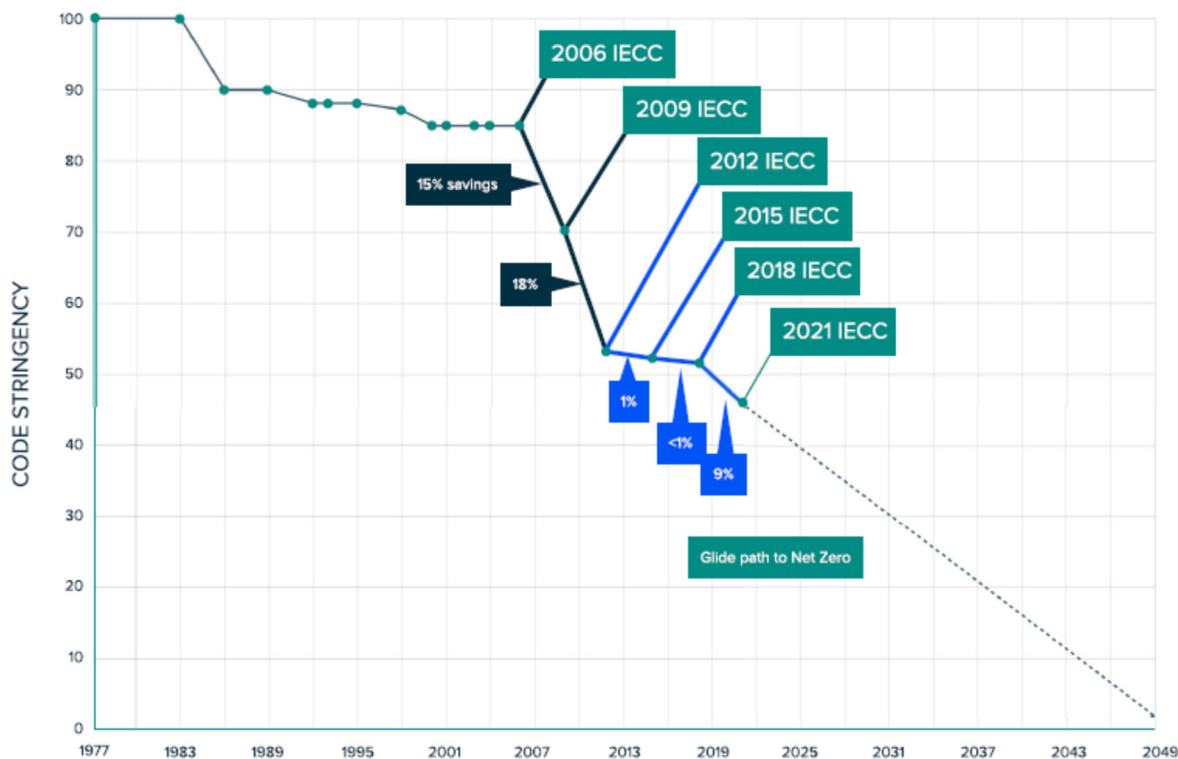
History of the International Conservation Code (IECC)

From: <https://energyefficientcodes.org/iecc/>

For nearly two decades, successive versions of the IECC and its predecessor, the Model Energy Code (MEC), made only 1 to 2 percent gains in energy efficiency. That changed in 2009 and 2012, when the Energy-Efficient Codes Coalition (EECC) brought together government and business leaders, regional energy efficiency alliances, academics, think tanks, utilities, conservation groups, low-income housing groups and energy consumers to support a 30+ percent energy efficiency boost, as can be seen in the adjacent graph.

After the progressive gains made to the 2009 and 2012 IECCs, progress stalled as anti-efficiency lobbyists successfully halted further progress during the 2015 and 2018 code cycles. These lost opportunities for efficiency gains in the 2015 and 2018 IECCs set us behind and have cost homeowners and business owners thousands in lost revenue due to buildings being constructed to weaker standards than is feasible today.

The 2021 code cycle once again resulted in significant progress, with an efficiency boost of more than 10% over the 2018 IECC.



ORDINANCE NO. 2628

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, AMENDING CITY BUILDING AND FIRE REGULATIONS AND ADOPTING BY REFERENCE 2018 EDITIONS OF THE INTERNATIONAL BUILDING CODE; THE INTERNATIONAL MECHANICAL CODE; THE INTERNATIONAL RESIDENTIAL CODE; THE INTERNATIONAL FUEL GAS CODE; THE INTERNATIONAL PLUMBING CODE; THE INTERNATIONAL EXISTING BUILDING CODE; THE INTERNATIONAL PROPERTY MAINTENANCE CODE; THE INTERNATIONAL FIRE CODE; AND THE INTERNATIONAL ENERGY CONSERVATION CODE; AND PROVIDING PENALTIES FOR VIOLATIONS

WHEREAS, the City of Montrose adopted the 2003 editions of the International Building Code, the International Mechanical Code, the International Residential Code, the International Fuel Gas Code, the International Plumbing Code, the International Existing Building Code, the International Property Maintenance Code, and the International Fire Code in 2005, as described in Ordinance number 2069; and

WHEREAS, the City of Montrose adopted the 2003 edition of the International Energy Conservation Code in 2008 as described in Ordinance number 2199; and

WHEREAS, the City of Montrose desires to adopt more current editions of the above-referenced Codes, in order to ensure that construction meets contemporary standards, as well as to provide consistent code adoptions between regional jurisdictions.

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

SECTION 1:

Section 4-1-1 (Adoption and application of codes.) of the Official Code of the City of Montrose, Colorado is amended to read in its entirety as follows:

- (A) There is hereby adopted for the purpose of providing minimum standards to safeguard life or limb, health, property and public welfare The International Building Code, 2018 Edition, including Appendix I, as published by the International Code Council, 4051 Flossmoor Road, Country Club Hills, IL 60478-5795; the subject matter of which is regulations governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use; the condemnation of buildings and structures unfit for human occupancy, and use

and the demolition of such structures; and providing for the issuance of permits and collection of fees therefor.

- (B) There is hereby adopted for the purpose of providing minimum standards to protect persons and property The International Mechanical Code, 2018 Edition, as published by the International Code Council, 4051 Flossmoor Road, Country Club Hills, IL 60478-5795; the subject matter of which is regulations governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems, and the issuance of permits and collection of fees therefor.
- (C) There is hereby adopted for the purpose of providing minimum standards to protect persons and property The International Residential Code, 2018 Edition, including Appendices E, F, H, J, and Q, as published by the International Code Council, 4051 Flossmoor Road, Country Club Hills, IL 60478-5795; the subject matter of which is regulations governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached and two family dwellings and multiple single family dwellings (townhouses) not more than three (3) stories in height, with separate means of egress, and the issuance of permits and collection of fees therefor.
- (D) There is hereby adopted for the purpose of providing minimum standards to protect persons and property The International Fuel Gas Code, 2018 Edition, including Appendices A, B, and C, as published by the International Code Council, 4051 Flossmoor Road, Country Club Hills, IL 60478-5795; the subject matter of which is regulations governing fuel gas systems and gas-fired appliances, and the issuance of permits and collection of fees therefor.
- (E) There is hereby adopted for the purpose of providing minimum standards to protect persons and property The International Plumbing Code, 2018 Edition, as published by the International Code Council, 4051 Flossmoor Road, Country Club Hills, IL 60478-5795; the subject matter of which is regulations governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems as herein provided; providing for the issuance of permits and collection of fees therefor.
- (F) There is hereby adopted for the purpose of providing minimum standards to protect persons and property The International Existing Building Code, 2018 Edition, as published by the International Code Council, 4051 Flossmoor Road, Country Club Hills, IL 60478-5795; including Appendix B and Resource A; the subject matter of which is regulations governing the repair, alteration, change of occupancy, addition, and relocation of existing buildings, including historic buildings, and providing for the issuance of permits and collection of fees therefor.
- (G) There is hereby adopted for the purpose of providing minimum standards to protect persons and property The International Energy Conservation Code, 2018 Edition, as published by the International Code Council, 4051 Flossmoor Road, Country Club Hills, Illinois 60478-5795; the subject matter of which is regulations governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and

power systems, and providing for the issuance of permits and collection of fees therefor.

- (H) There is hereby adopted for the purpose of providing minimum standards to protect persons and property The International Property Maintenance Code, 2018 Edition, as published by the International Code Council, 4051 Flossmoor Road, Country Club Hills, IL 60478-5795; the subject matter of which is regulations governing, the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use; the condemnation of buildings and structures unfit for human occupancy, and use and the demolition of such structures; and providing for the issuance of permits and collection of fees therefor.
- (I) Pursuant to C.R.S. § 12-115-107, an electrical code, enforced by the State of Colorado, shall apply to all electrical work within the City. As the State of Colorado has preempted local governments in setting minimum standards in this area, the City shall not be required to separately adopt any electrical code.
- (J) One (1) copy of the aforementioned Code is on file in the office of the City Clerk, and may be inspected during regular business hours. The City will provide information upon request for purchase of an electronic copy of the aforementioned Code.

SECTION 2:

Section 4-1-2 (Administration.) of the Official Code of the City of Montrose, Colorado is amended to read in its entirety as follows:

- (A) The City Manager shall be responsible for the enforcement of this Chapter, and the Codes adopted herein by reference. The City Manager may appoint a Building Official or one or more inspectors who shall enforce, interpret, and administer the provisions of this Chapter, and the Codes adopted herein by reference. Provided, however, the state electrical code shall be administered and enforced in accordance with State law by the State Electrical Inspector.
- (B) The City Manager and State Electrical Inspector and their designated representatives shall have the right of entry to inspect and enforce the provisions of this Chapter, a state electrical code and any of the Codes adopted herein by reference in accordance with the procedures and provisions of Subsection 104.6 of The International Building Code, 2018 Edition, in addition to any other provisions provided by law.
- (C) Whenever, in any of the Codes adopted or applied in this Chapter, it is provided that anything must be done, subject to the approval or discretion of an inspector or official, this shall be construed to give such official or inspector only the discretion to determine whether rules or standards established by such Codes have been complied with, and no such provisions shall be construed as giving any official or

inspector any arbitrary or discretionary power to require conditions not prescribed by said Codes or to enforce the Codes in an arbitrary or discriminatory manner.

- (D) Permit and related fees for the Codes adopted by reference herein shall be as adopted by City Council Resolution.
- (E) The owner, lessee, manager, sublessee, and occupant(s) of property shall be jointly and severally responsible and liable for compliance with the provisions of this Chapter and the Codes adopted by reference herein, notwithstanding any lease or agreement among them.
- (F) The City Manager is hereby authorized to promulgate additional regulations for the interpretation, administration and enforcement of this Chapter and any other Codes adopted by reference herein.

SECTION 3:

Section 4-1-3 (Deletions, modifications, and exceptions to the Codes adopted by reference.) of the Official Code of the City of Montrose, Colorado is amended to read in its entirety as follows:

- (A) The International Building Code, 2018 Edition, is amended as follows:
 - (1) References to "jurisdiction" in § 101.1 and elsewhere shall mean the City.
 - (2) The flood insurance study and maps referred to in § 1612 are as adopted by Chapter 11-6 of the Official Code of the City of Montrose, Colorado.
 - (3) Sections 103, 104.7, 104.8, 113, 114.1, 114.3, and 114.4, are deleted.
 - (4) Section 105.2 is amended to exempt the following from permit requirements:
 - (a) Replacement of sinks, faucets, showers, tubs, dishwashers, garbage disposals, and lawn sprinkler systems.
 - (b) Window and door replacement.
 - (c) Re-siding of buildings regulated by this Code.
 - (d) Re-roofing less than 200 square feet.
 - (5) All foundations submitted for habitable structures or additions to habitable structures, shall be site specific, stamped and signed by an engineer registered in the state of Colorado. One (1) story detached accessory use structures less than 500 square feet in floor area, patio covers and carports need only comply with The International Building Code, 2018 Edition.

- (6) The exemption from permit requirements for accessory buildings in § 105.2, is amended to read as follows: "Building. No more than a single, one-story detached accessory structure for each premises such as tool and storage sheds, playhouses and similar uses, provided the floor area cannot exceed 200 square feet."
- (7) For purposes of complying with HB 21-1222, §§ 305.2, 305.2.2, and 305.2.3, are amended by deleting five (5) and replacing it with 12.
- (8) For purposes of complying with HB 21-1222, §§ 308.5, 308.5.1, and 308.5.3, are amended by deleting five (5) and replacing it with 12.
- (9) For purposes of complying with HB 21-1222, § 310.4.1, is amended by deleting five (5) and replacing it with 12. Also, the following language is deleted from this section: "provided an automatic sprinkler system is installed in accordance with Section 903.3.1.3 or Section P2904 of the International Residential Code."
- (10) Subsection 3103 of The International Building Code, 2018 Edition, is amended to include the following additional provisions:
 - (a) Buildings or structures moved into or within the City shall comply with the provisions of this Code for new buildings or structures, except as otherwise provided herein.
 - (b) Temporary structures such as reviewing stands and fences used for the protection of the public around and in conjunction with construction work may be erected by special permit from the Building Official for a limited period of time. Such buildings or structures need not comply with the type of construction or fire- resistive time periods required by this Code. Such temporary buildings or structures shall be completely removed upon the expiration of the time limit stated in the permit.
 - (c) Temporary permits may be issued for certain structures and mobile homes which meet the criteria of this paragraph, subject to the conditions and criteria set out herein.
 - (d) The maximum period of any temporary permit unless otherwise authorized by a City Council approved permit, shall be the lesser of the following: Six (6) months within any calendar year; six (6) continuous months including time within a prior calendar year; or a number of months so that the total number of months for all temporary structures on the premises in any calendar year does not exceed six (6) months. At the end of the permitted period, the entire structure must be removed from the premises or taken down and properly stored out of view.
 - (e) Unless otherwise authorized by a City Council-approved permit, the use of any structure permitted herein is limited to use for retail sales, storage, pool or tennis court covers or accessory uses to residences. These structures shall not be permitted for manufacturing, repair, welding, painting or workshop uses.

- (f) All structures shall comply with all applicable provisions of City ordinances and regulations and state and federal law, including but not limited to building setback, off-street parking and other provisions of City Sign, Zoning and Land Use Regulations, State electrical code and City Sales and Use Tax Regulations. Provided however, temporary off-street parking spaces need not be paved.
- (g) Any manufactured structure shall be erected and maintained in accordance with the manufacturer's recommendations and instructions. All temporary structures shall be constructed, erected, and maintained in a good and skillful manner, in a good and safe condition and shall create no fire or safety hazard, or nuisance.
- (h) When required by applicable laws, permanent restrooms shall be available complying with applicable laws. If water and/or sewer are provided, nonrefundable purchase of taps with payment of system investment and connection charges is required.
- (i) Applications for temporary permits shall be submitted on forms provided by the City, which may require all information necessary and convenient for the administration of these provisions, including a Site Plan and Construction Plans, and shall be accompanied by an application fee as set forth in § 3-1 of the City of Montrose Regulations Manual and payment of City Sales and Use Tax due on the structure, and any equipment or taxable personal property to be used on the premises. The permit shall be issued subject to conditions necessary to ensure compliance with all applicable laws and this Paragraph (i). No use or occupancy shall be made of the structure until it has been inspected and an Occupancy Permit issued as being in apparent compliance with terms and conditions of the permit. Permits may be revoked following reasonable notice and hearing by the City Manager on account of a failure to comply with the conditions of the permit, this Paragraph (i) or any applicable laws. Following revocation of any permit, no similar permit shall be issued to the Permittee, or for the affected premises for a period of three (3) years.
- (j) The Building Official may issue permits pursuant to this section except when Council approval is also required as set out herein above. Council approved permits are limited to temporary uses incidental to construction projects and the uses set out above.
- (k) Tents and fabric canopies, erected for less than five (5) days, or with less than 120 square feet of roof area, may be erected and used without a permit.

(B) The International Residential Code. 2018 Edition, is amended as follows:

- (1) Chapters 34 through 43 and §§ R103, R104.7, R104.8, R112, R113.1, R113.3, and R113.4 are deleted.

- (2) References to "jurisdiction" in § R101.1 and elsewhere shall mean the City.
- (3) Section R105.2 is amended to exempt the following from permit:
- (a) Replacement of sinks, faucets, showers, tubs, dishwashers, garbage disposals, and lawn sprinkler systems.
 - (b) Window and door replacement.
 - (c) Re-siding of buildings regulated by this Code.
 - (d) Re-roofing less than 200 square feet.
- (4) Table R301.2 (1) Climatic and Geographic Design Criteria, is adopted as follows:

2018 IRC
Climatic and Geographic Design Criteria
Table R301.2(1)

GROUND SNOW LOAD	WIND DESIGN				SEISMIC DESIGN CATEGORY ¹	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP ²	ICE BARRIER UNDERLAYMENT REQUIRED ³	FLOOD HAZARDOUS ⁴	AIR FREEZING INDEX ⁵	MEAN ANNUAL TEMP ⁶
	Speed ⁷ (mph)	Topographic effects ⁸	Special Wind Region ⁹	Wind- borne debris zone ¹⁰		Weathering ¹¹	Frost line depth ¹²	Termites ¹³					
30	115	NO	NO	NO	C	Severe	20"	Slight	7 ¹	YES	July 17, 1986	1031	49 ¹
MANUAL J DESIGN CRITERIA¹⁴													
Elevation		Latitude		Winter heating		Summer cooling		Altitude correction factor	Indoor design temperature	Design temperature cooling		Heating temperature difference	
5807		39 ¹		4 ¹		92 ¹		0.84	70 ¹	75 ¹		63 ¹	
Cooling temperature difference		Wind velocity heating		Wind velocity cooling		Coincident wet bulb		Daily range	Winter humidity	Summer humidity		—	
19		15 mph		7.5 mph		60		H	30%	50%		—	

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

- a. Where weathering requires a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code, the frost line depth strength required for weathering shall govern. The weathering column shall be filled in with the weathering index, "negligible," "moderate," or "severe" for concrete as determined from Figure R301.2(4). The grade of masonry masonry shall be determined from ASTM C34, C55, C62, C73, C90, C129, C145, C216 or C652.
- b. Where the frost line depth requires deeper footings than indicated in Figure R403.1(1), the frost line depth strength required for weathering shall govern. The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.
- c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.
- d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map (Figure R301.2(3)A). Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.
- e. The outdoor design dry-bulb temperature shall be selected from the columns of 97 1/2-percent values for winter from Appendix D of the *International Energy Code*. Deviations from the Appendix D temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official. (Also see Figure R301.2(3)A.)
- f. The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.
- g. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the Flood Insurance Study and (c) the panel numbers and dates of the currently effective FIRMs and FSFMs or other flood hazard map adopted by the authority having jurisdiction, as amended.
- h. In accordance with Sections R905.1.2, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO."
- i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99-percent) value on the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)."
- j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)."
- k. In accordance with Section R301.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
- l. In accordance with Figure R301.2(3)A, where there is local historical data documenting unusual wind conditions, the jurisdiction shall fill in this part of the table with "YES" and identify any specific requirements. Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
- m. In accordance with Section R301.2.1.2 the jurisdiction shall indicate the wind-borne debris wind zone(s). Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
- n. The jurisdiction shall fill in these sections of the table to establish the design criteria using Table 1a or 1b from ACCA Manual J or established criteria determined by the jurisdiction.
- o. The jurisdiction shall fill in this section of the table using the Ground Snow Loads in Figure R301.2(5).

- (5) Section R309.5 Fire Sprinklers, is deleted.

- (6) Sections R313.1 and R313.2 Automatic Fire Sprinkler Systems, are amended by replacing the word "shall" with the word "may."
 - (7) Section 326.1 Swimming Pools, Spas and Hot Tubs, is deleted.
 - (8) Section G2406.2 Prohibited Locations, exception numbers 3 and 4, are deleted.
 - (9) Section G2445 Unvented Room Heaters, is deleted.
 - (10) All foundations submitted for habitable structures or additions to habitable structures, shall be site specific, stamped and signed by an engineer registered in the state of Colorado. One (1) story detached accessory use structures less than 500 square feet in floor area, patio covers and carports need only comply with The International Residential Code, 2018 Edition.
 - (11) Subsection P2603.5.1 is amended to specify: "**Sewer depth.** *Building sewers* that connect to private sewage disposal systems shall be not less than 12 inches below finished grade at the point of septic tank connection. *Building sewers* shall be not less than 4 inches below grade."
 - (12) The exception from permit requirements for accessory buildings in subsection R105.2 is amended to read as follows: Building. No more than a single, one-story detached accessory structure for each premises such as tool and storage sheds, playhouses and similar uses, provided the floor area cannot exceed 200 square feet.
- (C) The International Plumbing Code, 2018 Edition, is amended as follows:
- (1) Sections 103, 104.4, 104.7, 106.6.2, 106.6.3, 108.1, 108.3, 108.4, 108.6, and 109 are deleted.
 - (2) References to "jurisdiction" in § 101.1 and elsewhere shall mean the City.
 - (3) Section 106.2 is amended to exempt the following from permit requirements: Replacement of sinks, faucets, showers, tubs, dishwashers, garbage disposals and lawn sprinkler systems.
 - (4) Subsection 305.4.1 is amended to specify: "**Sewer depth.** *Building sewers* that connect to private sewage disposal systems shall be not less than 12 inches below finished grade at the point of septic tank connection. *Building sewers* shall be not less than 4 inches below grade."
 - (5) Section 604.8 is amended to read as follows: "Excessive water pressure: for all new construction with water services, a water pressure regulator, conforming to ASSE 1003, preceded by an adequate strainer shall be installed to reduce the static pressure to 80 pounds per square inch (552 kPa) or less. This regulator must be installed in an accessible place and in no case greater than 15 feet from a crawl space access."

- (6) Section 903.1 is amended to specify: "Open vent pipes that extend through a roof shall be terminated not less than 12 inches above the roof. Where a roof is to be used for assembly or as a promenade, observation deck, sunbathing deck or similar purposes, open vent pipes shall terminate not less than 7 feet (2134 mm) above the roof."

(D) The International Mechanical Code, 2018 Edition, is amended as follows:

- (1) Sections 103, 104.4, 104.7, 106.5.2, 106.5.3, 108.1, 108.2, 108.3, 108.4, 108.5, 108.6, and 109 are deleted.
- (2) References to "jurisdiction" in § 101.1 and elsewhere shall mean the City.

(E) The International Fuel Gas Code, 2018 Edition, is amended as follows:

- (1) Sections 103, 104.4, 104.7, 106.6.2, 106.6.3, 108.1, 108.2, 108.3, 108.4, 108.5, 108.6, and 109 are deleted.
- (2) Reference to "jurisdiction" in § 101.1 and elsewhere shall mean the City.

(F) The International Property Maintenance Code, 2018 Edition, is amended as follows:

- (1) Sections 103, 104.2, 104.4, 104.6, 106, 107.1, 107.2, 107.3, 107.4, 107.5, 109.6, 110.2, and 111 are deleted.
- (2) Reference to "jurisdiction" in § 101.1 and elsewhere shall mean the City.

(G) The International Existing Building Code, 2018 Edition, is amended as follows:

- (1) Sections 103, 104.4, 104.5, 104.7, 104.8, 108, 112, and 113 are deleted.
- (2) Reference to "jurisdiction" in § 101.1 and elsewhere shall mean the City.

(H) The International Energy Conservation Code, 2018 Edition, is amended as follows:

- (1) References to "jurisdiction" in §§ C101.1 and R101.1 and elsewhere shall mean the City.

SECTION 4:

Section 4-1-6 (Appeals.) of the Official Code of the City of Montrose, Colorado is hereby amended to read in its entirety as follows:

- (A) To hear and decide appeals of orders, decisions or determinations made by the City Manager, or designee, or the Fire Chief of the Montrose Fire Protection District, or designee, relative to the application or interpretation of the Codes adopted by the City in Chapters 4-1 and 7-4 herein, there shall be and is hereby created a Board of

Appeals.

- (B) The Board of Appeals shall be appointed by motion of the City Council on an *ad hoc* basis as the need arises, and the Board members so appointed shall hold office at the Council's pleasure. The City Manager or designee shall be an *ex officio* member of said Board, but shall have no vote on any matter before the Board.
- (C) The Board of Appeals shall consist of five (5) members who are residents of the City, and who are appointed as set forth above. Said members shall be qualified by experience or training to pass upon matters pertaining to the building trades, or who are qualified on matters pertaining to hazards of fire, explosions, hazardous conditions, or fire protection systems, if relevant to the matter to be decided. Such members shall not be employees of the City or the Montrose Fire Protection District.
- (D) The decision of the City Manager, or designee, or the Fire Chief of the Montrose Fire Protection District, or designee, may be appealed to the Board of Appeals by filing a written appeal with the City Manager's Office on forms provided by the City within 15 days of the date of such decision.
 - (1) An application for appeal shall set forth in full the reasons for the appeal, and shall specify the relief requested.
 - (2) An application for appeal shall be based on a claim that the intent of the Codes adopted by the City in Chapters 4-1 and 7-4 herein have been incorrectly interpreted, the provisions of said Codes do not fully apply, or an equivalent method of protection or safety is proposed.
 - (3) The Board of Appeals shall have no authority to waive requirements of said Codes or to grant variances.
- (E) Procedures of the Board of Appeals shall be as follows:
 - (1) Three (3) members of the Board shall constitute a quorum to do business. In rendering any decision on an appeal hereunder, not less than three (3) affirmative votes shall be required. No member shall act in a case where such member has a personal interest.
 - (2) Once appointed, the Board shall select a chairperson who shall preside over its meetings, and the Board may establish such rules as it deems appropriate for its own procedure by motion duly made at a meeting thereof.
 - (3) The Board shall meet at such date and time as is determined by the City Manager, who shall coordinate the setting of such meeting within a reasonable period after the filing of an appeal, provided that such hearing date shall be not more than 45 days from the date the appeal was filed, unless otherwise agreed by the appellant.
 - (4) The City Manager or a designated representative shall act as clerk to the Board of Appeals without vote, and shall set forth in writing the reasons for the Board's decision, the vote of each member participating therein, the absence of any

member, and the failure of any member to vote. All meetings of the Board shall also be electronically recorded, unless an exception applies as per C.R.S. § 24-6-401, *et seq.*, as amended.

- (5) The Board shall render its decisions and findings in writing to the appellant with a duplicate copy to the City Manager, and also to the Fire Chief of the Montrose Fire Protection District, if applicable. Such decisions shall be rendered not more than 15 days from the date of the hearing, unless written notice is provided to the appellant of the need for an extension of such time. The Board's decisions and findings shall be open to public inspection.
- (6) Decisions of the Board shall be final.

SECTION 5:

Section 4-1-7 (Enforcement.) of the Official Code of the City of Montrose, Colorado is amended as follows:

- (A) It shall be unlawful to violate any provision of this Chapter, the state electrical code, any of the Codes adopted by reference herein, or any stop order or other order issued by the City pursuant to said Codes or this Chapter. Any person convicted of a violation of any provision of this Chapter shall be punished in accordance with § 1-2-3, of the Official Code of the City of Montrose, Colorado. Each day during which any violation is committed or permitted to continue shall be considered as a separate offense.
- (B) Continuing violation of the provisions of this Chapter or the Codes adopted herein by reference, the state electrical code, or of any order issued pursuant to this Chapter or the Codes adopted by this Chapter is hereby declared to be a nuisance and may be abated in accordance with law.
- (C) In addition to any other remedy the City may have, it may maintain an action in a Court of competent jurisdiction to enjoin any violation of any provision of this Chapter, the state electrical code, or of the Codes adopted herein by reference.
- (D) The City may refuse to issue any permits required by this Chapter, or by the Codes adopted herein by reference if the applicant is in violation of any provisions of this Chapter, the state electrical code, any of the Codes adopted herein by reference, or any stop order or other order issued pursuant thereto.

SECTION 6:

Chapter 4-3 (Electrical Code.) is hereby repealed in its entirety, and shall be reserved for future use.

SECTION 7:

Section 7-4-1 (Adoption of Code.) of the Official Code of Montrose, Colorado is hereby amended to read in its entirety as follows:

- (A) There is hereby adopted for the purpose of providing minimum standards to prevent fires, protect persons and property and to promote the public health, safety and welfare, The International Fire Code, 2018 Edition, including Appendices B, and C, published by the International Code Council, 4051 Flossmoor Road, Country Club Hills, IL 60478-5795, the subject matter of which is regulations for safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises; and the issuance of permits and fees therefore. Appendix D shall be used as a non-binding reference only.
- (B) One (1) copy of the aforementioned Code is on file in the office of the City Clerk, and may be inspected during regular business hours. The City will provide information upon request for purchase of an electronic copy of the aforementioned Code.

SECTION 8:

Sections 7-4-2 (B) and (C) (General provisions.) of the Official Code of Montrose, Colorado are hereby amended to read in their entirety as follows:

- (B) Whenever the term "jurisdiction" is used in The International Fire Code, 2018 Edition, it shall mean the City.
- (C) The following amendments or clarifications to The International Fire Code, 2018 Edition, shall apply:
 - (1) Section 105.1 is amended by the addition of the following paragraph:

“The requirements for permits from other agencies or departments shall not waive the requirements for permits required by this Code.”
 - (2) Section 106.2 Schedule of permit fees, is amended to read as follows:

“106.2 Schedule of permit fees. A schedule of permit fees shall be established by the Montrose Fire Protection District and approved by the City, which fee schedule may be amended from time to time upon prior City approval. The schedule shall be available at the Montrose Fire Protection District and codified in the City’s Fee Schedule.”

- (3) Chapter 2, Definitions, is amended by the addition of the following terms and definitions:

“TUNNEL is any thoroughfare, public way, walkway, or mechanical/electrical service conduit of sufficient dimensions to permit human occupancy for the purpose of service or repair, or conveyance of goods and persons, and which is constructed below grade and cannot be classified as the basement or first story of a building.”

- (4) Section 903.4.1 Monitoring, is amended to include an exception as follows:

“EXCEPTION: Occupancies that are not electrically monitored shall provide an approved identification sign below each outside horn and strobe or water valve bell, which reads “WHEN ALARM SOUNDS - CALL 9-1-1.” This sign shall be of durable material with permanent lettering having a two (2) inch minimum height on a contrasting background.”

- (5) Section 3501.1 Scope, is amended to include an exception as follows:

“EXCEPTION: Group R-3 and U occupancies.”

- (6) A new § 5601.2.2.1 Fireworks - Permits for Sale and Storage of Fireworks, is added to read as follows:

“The sale and storage and public display of fireworks within the City limits shall require a permit from the Montrose Fire Protection District.”

- (7) A new § 5604.1.1 is added to read as follows:

“Explosive materials shall be stored only in areas zoned and approved for such use, and shall be subject to approval by the Fire Chief.”

SECTION 9:

Section 7-4-3 (Amendments to International Fire Code.) of the Official Code of the City of Montrose, Colorado is hereby amended to read in its entirety as follows:

(A) Reference to “jurisdiction” in § 101.1 and elsewhere shall mean the City.

(B) Sections 103, 104.1, 104.2, 104.4, 104.6, 109, and 110 are deleted.

SECTION 10:

Section 7-4-5 (International Fire Code Violations and penalties.) of the Official Code of the City of Montrose, Colorado is hereby amended to read in

its entirety as follows:

- (A) It shall be unlawful to violate any provision of this Chapter, the state electrical code, The International Fire Code, 2018 Edition, adopted by reference herein, or any stop order or other order issued by the City or the Montrose Fire Protection District pursuant to said Code or this Chapter. Any person convicted of a violation of any provision of this Chapter shall be punished in accordance with § 1-2-3, of the Official Code of the City of Montrose, Colorado. Each day during which any violation is committed or permitted to continue shall be considered as a separate offense.
- (B) Continuing violation of the provisions of this Chapter or the Code adopted herein by reference, the state electrical code, or of any order issued pursuant to this Chapter or the Code adopted by this Chapter is hereby declared to be a nuisance and may be abated in accordance with law.
- (C) In addition to any other remedy the City or the Montrose Fire Protection District may have, it may maintain an action in a Court of competent jurisdiction to enjoin any violation of any provision of this Chapter, the state electrical code, or of the Code adopted herein by reference.
- (D) The City or the Montrose Fire Protection District may refuse to issue any permits required by this Chapter, or by the Code adopted herein by reference if the applicant is in violation of any provisions of this Chapter, the state electrical code, the Code adopted herein by reference, or any stop order or other order issued pursuant thereto.

SECTION 11:

Section 7-4-6 (H)(4) of the Official Code of the City of Montrose, Colorado is hereby amended to read in its entirety as follows:

- (4) No permit shall be issued unless the City determines that the following criteria are met:
 - (a) The applicant has a City sales and use tax license, and neither the applicant nor its agents, employees or principals have failed to pay or remit City sales or use tax in previous years.
 - (b) Any applicable provisions of the City's transient merchant regulations have been met.
 - (c) The City's Building Inspector has approved the plans for the stand pursuant to Section 3103 of The International Building Code, 2018 Edition.
 - (d) A clear zone of at least 50 feet shall be maintained around the stand.

- (e) The stand shall have at least one (1) exit door a minimum of 20 inches in width and six (6) feet in height, which swings out in the direction of egress. Stands over 25 feet in length shall have at least two (2) such doors.
- (f) Each stand shall be provided with one 4A 10BC Multi-Purpose Dry Chemical Fire Extinguisher with a current annual inspection. Stands over 25 feet in length shall have a fire extinguisher at each end.
- (g) Vegetation around the stand shall be no more than two (2) inches above grade except for trees and shrubs.
- (h) No smoking or burning shall be allowed within 50 feet of any stand. No fireworks shall be discharged within 50 feet of any stand.
- (i) On-site storage containers shall be provided with a 2A Water Fire Extinguisher with a current annual inspection.

SECTION 12:

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 13:

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 14:

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 15:

The City Attorney, in consultation with City staff, is authorized and directed to make such non-substantive corrections to sections amended or promulgated by this Ordinance for spelling, correction of cross references, section numbering, formatting, and clarity in order to render the same for proper codification.

SECTION 16:

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 17:

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

SECTION 18:

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 6th day of June, 2023, at the hour of 6:00 p.m. at the Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 6th day of June, 2023.

ATTEST:


Lisa DelPiccolo, City Clerk




Barbara Bynum, Mayor

INTRODUCED, READ and ADOPTED on second reading this 20th day of June, 2023.

ATTEST:

Lisa DelPiccolo, City Clerk

Barbara Bynum, Mayor



CITY OF MONTROSE
Planning Services

MEMO

TO: City Council
FROM: William Reis, Planner II
DATE: June 20, 2023
RE: Blowers Disconnection from City Limits

ATTACHMENTS:

- Exhibit A: Maps
- Exhibit B: Letter of Request
- Exhibit C: Disconnection Exhibit
- Exhibit D: Boundary Line Agreement (Recorded)

City Council Consideration:

This request is to allow a portion of property that is currently within the Montrose City limits to revert back to being outside of the City limits. This process is known as a disconnection or deannexation from the city limits of Montrose. The property is located adjacent to the north of 2335 6450 Road (Exhibit A).

Applicant: Donnie and Barbara Blowers

Application Background:

The City recently received a request from Donnie and Barbara Blowers that a small portion of their property located adjacent to the north 2335 6450 Road be disconnected from the City limits of Montrose. The reasoning for this is due to a recent boundary line dispute due to a fence line location. This boundary dispute was resolved with a Boundary Line Agreement recorded in February of 2023 (Exhibit D). The property located at 2335 6450 Road (Montrose County Parcel number 376716300065) is within the City limits, while the property adjacent to the north which is not currently addressed (Montrose County Parcel number 376716320003) is outside of City limits. Due to the Boundary Line Agreement, there is a small sliver of the



northern parcel that is technically in the City limits. In order to clean this up, the property owner has requested for a disconnection of this small sliver so there is no misinterpretation of whether the lot is situated within the jurisdiction of the City of Montrose or in unincorporated Montrose County. This is further outlined in the letter submitted by the Applicant as attached as Exhibit B, and the exhibit of the exact area requesting to be disconnected in attached as Exhibit C. The property requesting to be disconnected is further described below.

A strip of land situated in Section 16, Township 49 North, Range 9 West, New Mexico Principal Meridian, County of Montrose, State of Colorado being better described as beginning at a point S01°25'23"W 2130.88 from the CW1/16 corner of said Section 16;
Thence S87°26'23"E 1231.12 feet;
Thence S01°51'49"W 1.61 feet to an existing fence line;
Thence the following two (2) courses along said fence line
1. N88°43'06"W 616.74 feet;
2. N88°37'58"W 614.13 feet to a point on the West line of the E1/2SW1/4 of said Section 16;
Thence N01°25'23"E 28.17 feet to the Point of Beginning.
Containing 0.43 Acres more or less as described.

BASIS OF BEARINGS:

The bearing between the 2" aluminum cap on 3/4" rebar PLS 37690 at the W1/16 corner common to Sections 16 and 21, Township 49 North, Range 9 West, New Mexico Principal Meridian and the found 2" aluminum cap on 3/4" rebar PLS 37690 at the CW1/16 corner of said Section 16 bears N01°25'23"E (ASSUMED).

Process:

The ordinance provided in this packet is the City of Montrose's procedure for processing such a request. This procedure requires the adoption of an ordinance if City Council approves that the best interests of the City will not be negatively affected by the disconnection from the City limits.

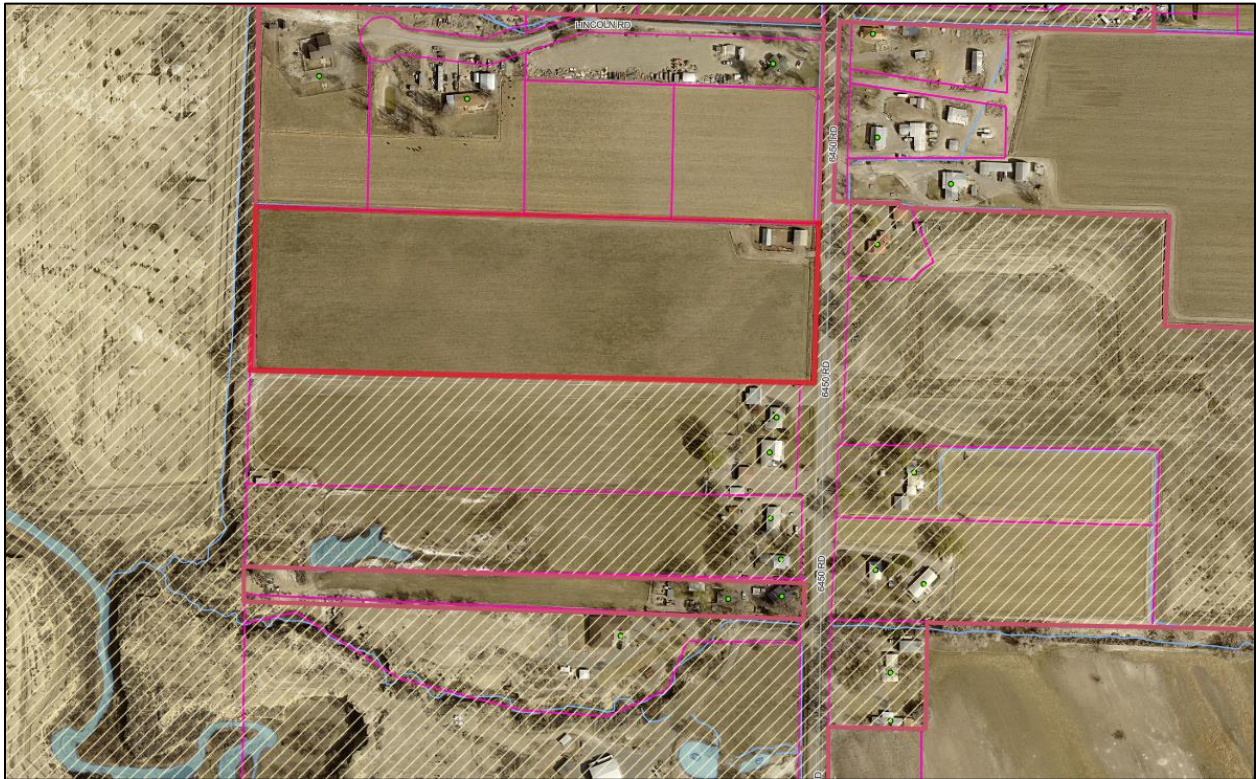
Recommendation:

City staff is recommending approval of the request for disconnection from City limits.



Exhibit A: Maps

Vicinity Map (hatching reflects City limits)



Disconnection area shaded in green

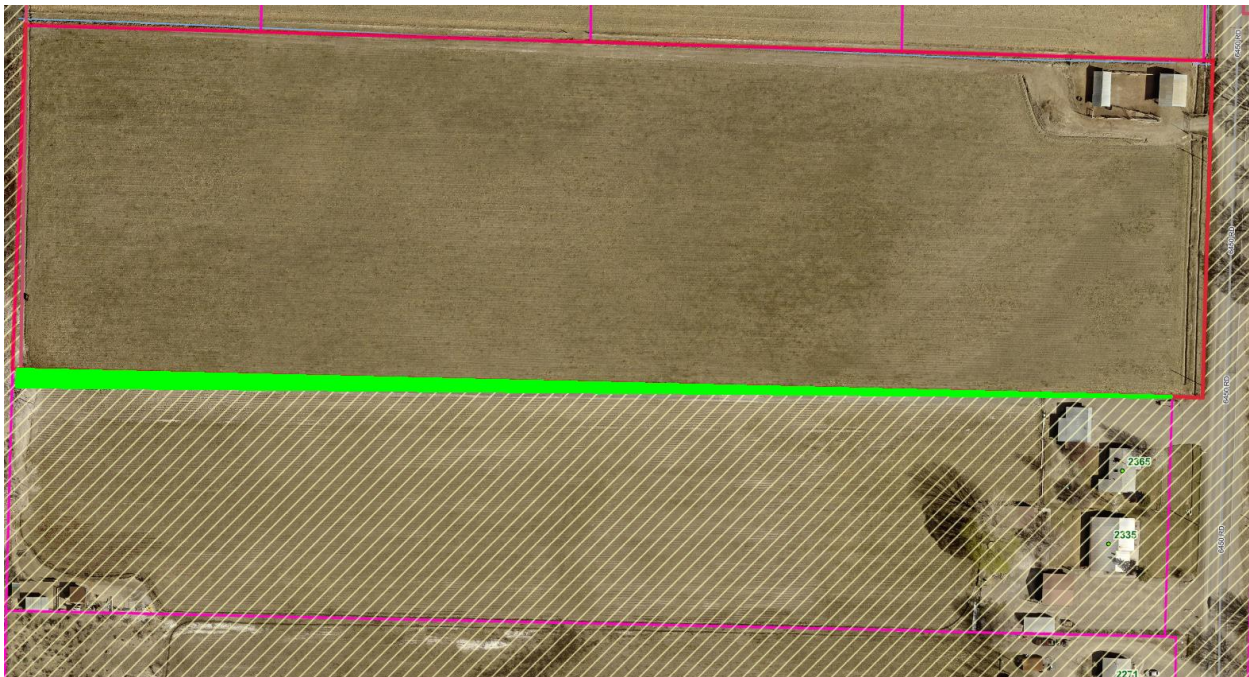


Exhibit B - Letter of Request



DEL-MONT CONSULTANTS, INC.
ENGINEERING ▼ SURVEYING

125 Colorado Ave. ▼ Montrose, CO 81401 ▼ (970) 249-2251 ▼ (970) 249-2342 FAX
www.del-mont.com ▼ service@del-mont.com

06 February, 2023

RE: Deannexation of a part of the Blowers property.

To whom it may concern:

The property line common to parcel 376716300065 owned by Timothy & Debra Ayer and parcel 376716320003 owned by Donnie & Barbara Blowers has recently been agreed upon per CRS, Section 38-44-112 an existing fence line. The previous line as described in a Quit Claim Deed at Reception No. 954694 is the current line separating the City of Montrose and the County of Montrose. The majority of the Blowers parcel is in the county, while the sliver created due to the Boundary Line Agreement recorded at Reception No. 959055 is still a part of the City of Montrose. We would like for that sliver to be deannexed and become a part of the County of Montrose with the rest of the Blowers property.


Donnie Blowers

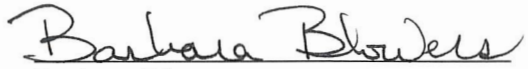
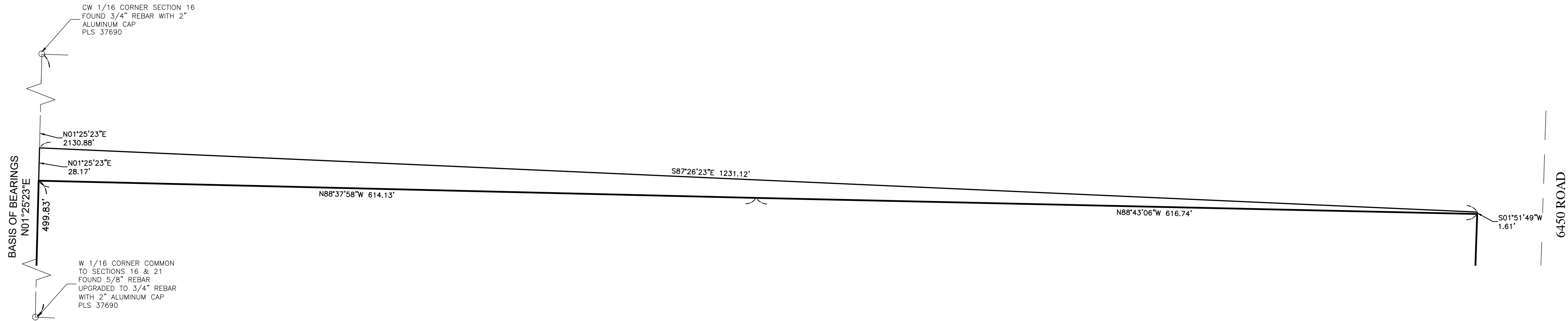

Barbara Blowers

Exhibit C - Disconnection Exhibit

DEANNEXATION EXHIBIT

SITUATED IN SECTION 16, TOWNSHIP 49 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO

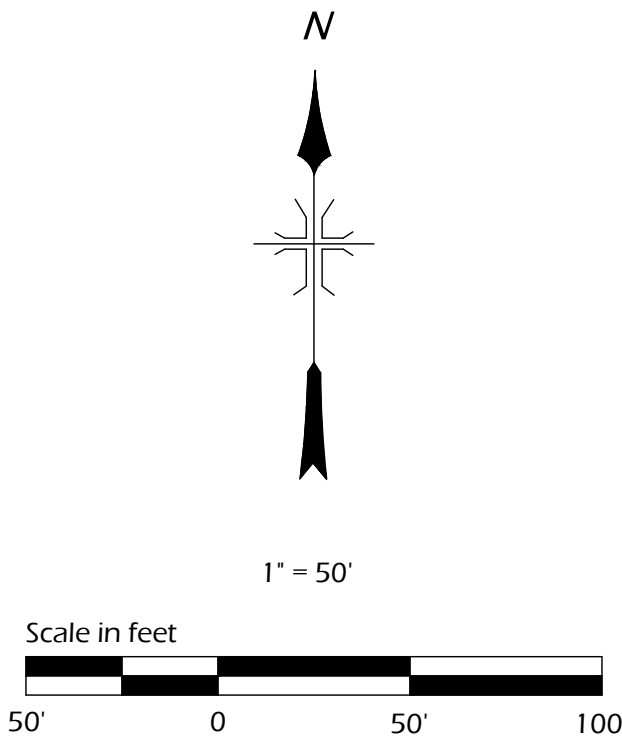


DEANNEXATION DESCRIPTION:

A strip of land situated in Section 16, Township 49 North, Range 9 West, New Mexico Principal Meridian, County of Montrose, State of Colorado being better described as beginning at a point S01°25'23"W 2130.88 from the CW1/16 corner of said Section 16;
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2. N88°37'58"W 614.13 feet to a point on the West line of the E1/2SW1/4 of said Section 16;
Thence N01°25'23"E 28.17 feet to the Point of Beginning.
Containing 0.43 Acres more or less as described.

BASIS OF BEARINGS:

The bearing between the 2" aluminum cap on 3/4" rebar PLS 37690 at the W1/16 corner common to Sections 16 and 21, Township 49 North, Range 9 West, New Mexico Principal Meridian and the the found 2" aluminum cap on 3/4" rebar PLS 37690 at the CW1/16 corner of said Section 16 bears N01°25'23"E (ASSUMED).



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.

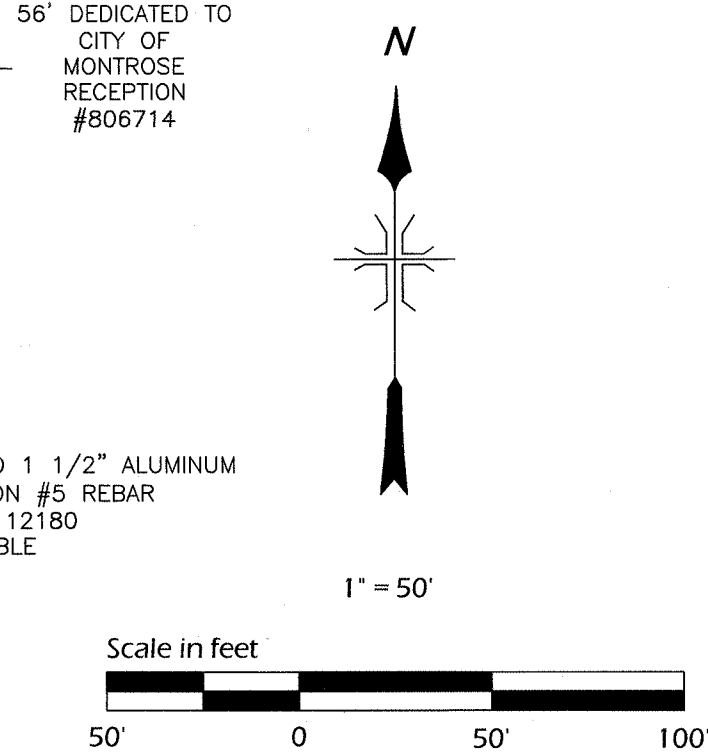
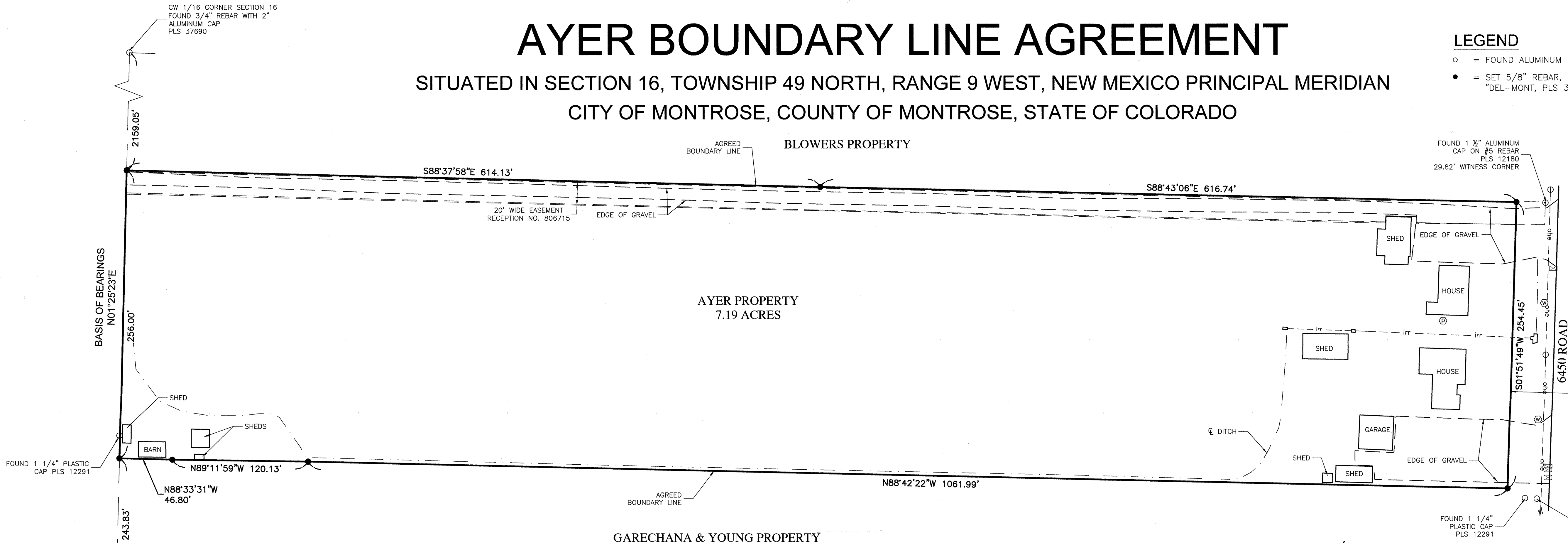
DEL-MONT CONSULTANTS, INC. ENGINEERING & SURVEYING 125 Colorado Ave. • Montrose, CO 81401 • (970) 245-2251 • (970) 245-2242 FAX • www.del-mont.com • service@del-mont.com	TITLE: DEANNEXATION EXHIBIT	
	CLIENT: LUKE AYER	
	ADDRESS & PHONE: 2365 6450 ROAD MONTROSE, CO 81401 970-275-2181	
	TYPE: BLA	
FIELD BOOK: 902	DRAWN BY: DCC	DATE: 2023-01-11
SHEET: 1 of 1	FILE: 22182V_BLA	JOB NO.: 22182

AYER BOUNDARY LINE AGREEMENT

SITUATED IN SECTION 16, TOWNSHIP 49 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO

LEGEND

- = FOUND ALUMINUM CAP ON REBAR AS NOTED
- = SET 5/8" REBAR, 18" LONG, WITH A 1 1/2" ALUMINUM CAP STAMPED "DEL-MONT, PLS 37690"



In accordance with CRS, Section 38-44-112, the undersigned agree that the Boundary Agreement Lines, as indicated on this plat, is hereby determined and permanently established as the boundary between their respective properties. Each party hereby grants, sells, and conveys to the other party such of his or her property as may line on the other party's side of the agreed boundary.

Donnie D. Blowers
Donnie D. Blowers

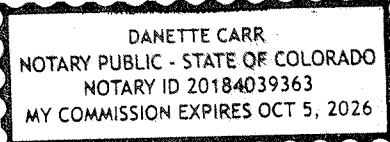
STATE OF COLORADO)
)ss.
COUNTY OF MONTROSE)

The above Boundary Line Agreement was acknowledged before me on this 30 day of January, 2023, by Donnie D. Blowers.

My commission expires Oct. 5, 2026

Witness my hand and official seal Danette Carr

Notary Public



Barbara A. Blowers
Barbara A. Blowers

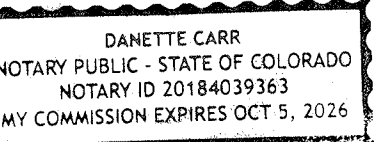
STATE OF COLORADO)
)ss.
COUNTY OF MONTROSE)

The above Boundary Line Agreement was acknowledged before me on this 30 day of January, 2023, by Barbara A. Blowers.

My commission expires Oct. 5, 2026

Witness my hand and official seal Danette Carr

Notary Public



Timothy Ayer
Timothy Ayer

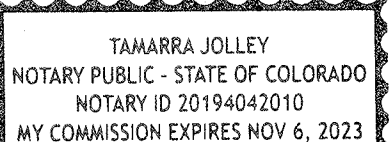
STATE OF COLORADO)
)ss.
COUNTY OF MONTROSE)

The above Boundary Line Agreement was acknowledged before me on this 30 day of January, 2023, by Timothy Ayer.

My commission expires November 6, 2023

Witness my hand and official seal Sammy Jolley

Notary Public



Debra Ayer
Debra Ayer

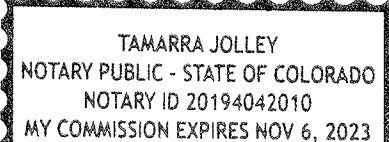
STATE OF COLORADO)
)ss.
COUNTY OF MONTROSE)

The above Boundary Line Agreement was acknowledged before me on this 30 day of January, 2023, by Debra Ayer.

My commission expires November 6, 2023

Witness my hand and official seal Sammy Jolley

Notary Public



Ronald David Garechana
Ronald David Garechana

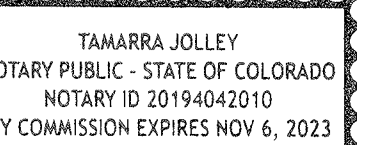
STATE OF COLORADO)
)ss.
COUNTY OF MONTROSE)

The above Boundary Line Agreement was acknowledged before me on this 1st day of February, 2023, by Ronald David Garechana.

My commission expires November 6, 2023

Witness my hand and official seal Sammy Jolley

Notary Public



Kenneth Gregory Garechana
Kenneth Gregory Garechana

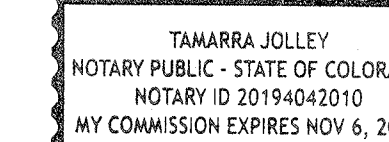
STATE OF COLORADO)
)ss.
COUNTY OF MONTROSE)

The above Boundary Line Agreement was acknowledged before me on this 30 day of January, 2023, by Kenneth Gregory Garechana.

My commission expires November 6, 2023

Witness my hand and official seal Sammy Jolley

Notary Public



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.

Christina Young
Christina Young

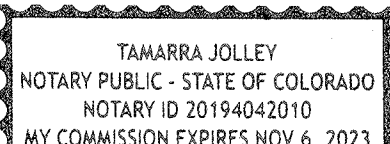
STATE OF COLORADO)
)ss.
COUNTY OF MONTROSE)

The above Boundary Line Agreement was acknowledged before me on this 30 day of January, 2023 by Christina Young.

My commission expires November 6, 2023

Witness my hand and official seal Sammy Jolley

Notary Public



BASIS OF BEARINGS:

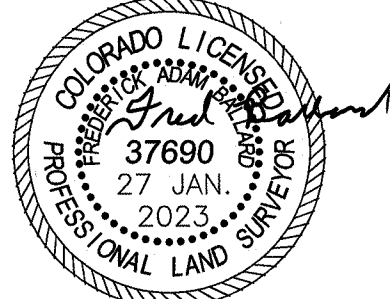
The bearing between the 2" aluminum cap on 3/4" rebar PLS 37690 at the W1/16 corner common to Sections 16 and 21, Township 49 North, Range 9 West, New Mexico Principal Meridian and the the found 2" aluminum cap on 3/4" rebar PLS 37690 at the CW1/16 corner of said Section 16 bears N01°25'23"E (ASSUMED).

LINEAL UNITS STATEMENT:

The Lineal Unit used on this plat is U.S. Survey Feet

SURVEYORS CERTIFICATE:

I Frederick A. Ballard, hereby certify that I am a Professional Land Surveyor of the State of Colorado, that this map consisting of 1 sheet, correctly represents a survey made under my supervision, that all monuments shown hereon actually exist and their positions are as shown. This survey does not include easements except those specifically shown hereon.



Frederick A. Ballard P.L.S. 37690

RECORDER'S CERTIFICATE:

This plat was filed for record in the office of the Clerk and Recorder of Montrose County at 9:58 am. on the 2 day of February, 2023, Reception No. 959055.

Jessamine Spitzer, by Joan Light-Kraft
County Clerk & Recorder Deputy

AYER BOUNDARY LINE AGREEMENT			
CLIENT:		LUKE AYER	
ADDRESS & PHONE:		2365 6450 ROAD MONTROSE, CO 81401 970-275-2181	
FIELD BOOK:	DRAWN BY:	DATE:	TYPE:
902	DCC	2023-01-27	BLA
SHEET:	FILE:	JOB NO.:	
1 of 1	22182V_BLA	22182	



DEL-MONT CONSULTANTS, INC.
ENGINEERING & SURVEYING
125 Colorado Ave. Montrose, CO 81401 (970) 248-2251 (970) 248-2942 FAX
www.del-mont.com www.del-mont.com

902

DCC

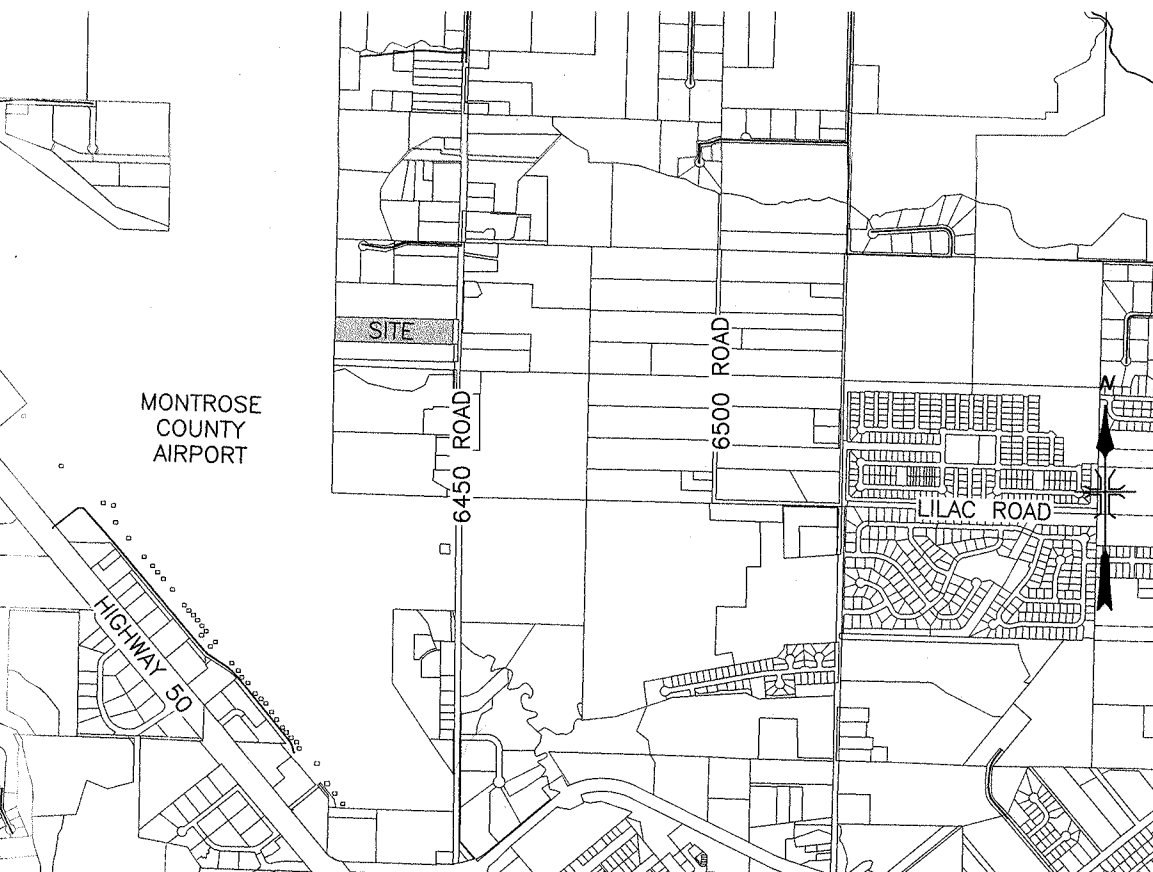
2023-01-27

1 of 1

22182V_BLA

22182

BLA



VICINITY MAP
N.T.S.

ORDINANCE NO. 2629

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, DISCONNECTING PROPERTY FROM THE CITY.

WHEREAS, the City of Montrose, Colorado, (the "City"), is a home rule municipality, organized and existing under Article XX, Section 6 of the Colorado Constitution; and

WHEREAS, property owners, holding ownership of property described below within the limits of the City, submitted a formal request to be removed from the City's jurisdiction; and

WHEREAS, this is a small piece of land that was subject to a boundary line adjustment between land owners, of which one is located in the county and one is within the City limits; and

WHEREAS, this request for disconnection presents unique circumstances where the property is not on the City's water or sewer services, and disconnection of this property will have no material long term adverse effects on the City; and

WHEREAS, City Council finds it in the best interest of the City that this property be disconnected from the jurisdiction of the City of Montrose.

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

Section 1:

The following described property situated in Montrose County, Colorado, is hereby disconnected from the City:

DENANNEXATION DESCRIPTION:

A strip of land situated in Section 16, Township 49 North, Range 9 West, New Mexico Principal Meridian, County of Montrose, State of Colorado being better described as beginning at a point S01°25'23"W 2130.88 from the CW1/16 corner of said Section 16;

Thence S87°26'23"E 1231.12 feet;

Thence S01°51'49"W 1.61 feet to an existing fence line;

Thence the following two (2) courses along said fence line

1. N88°43'06"W 616.74 feet;

2. N88°37'58"W 614.13 feet to a point on the West line of the E1/2SW1/4 of said Section 16;

Thence N01°25'23"E 28.17 feet to the Point of Beginning.

Containing 0.43 Acres more or less as described.

BASIS OF BEARINGS:

The bearing between the 2" aluminum cap on 3/4" rebar PLS 37690 at the W1/16 corner common to Sections 16 and 21, Township 49 North, Range 9 West, New Mexico Principal Meridian and the the found 2" aluminum cap on 3/4" rebar PLS 37690 at the CW1/16 corner of said Section 16 bears N01°25'23"E (ASSUMED).

Section 2:

The City Clerk is hereby directed to record this ordinance in the Montrose County Records and file copies thereof, with Colorado's Department of Revenue and Department of Local Affairs, and provide copies to appropriate local entities and utilities.

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.

INTRODUCED, READ and PASSED on first reading this 6th day of June, 2023.

ATTEST:


Lisa DelPiccolo, City Clerk


Barbara Bynum, Mayor



You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its adoption on second reading on Tuesday, the 20th day of June, 2023, at the hour of 6:00 p.m. in the City Council Chambers of the Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and ADOPTED on second reading this 20th day of June, 2023.

ATTEST:

Barbara Bynum, Mayor

Lisa DelPiccolo, City Clerk



CITY OF MONTROSE
Office of the City Manager
MEMO

TO: Honorable Mayor and Members of City Council
FROM: City Manager's Office
DATE: June 5, 2023
RE: Abatement of Water and Sewer Connection Fees for The Village at San Juan, a CASA of the 7th Judicial District and Region 10 Area Agency on Aging project.

City Council Consideration

City Council is considering the request to abate the actual cost of water and sewer connection fees for The Village at San Juan. The fees are estimated to total \$275,214.

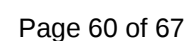
Background

CASA and Region 10 have requested that the City of Montrose abate the water and sewer connection fees in support of the proposed Village at San Juan intergenerational supportive housing project. This project will be located along the San Juan bypass, just east of the current Public Works site and adjacent to 3M's property. CASA is ready to begin pulling permits, and has secured funding for the project through a variety of means. A significant grant from the Department of Local Affairs, funds from U.S. Department of Housing and Urban Development, foundations and individual donors have contributed to make this project feasible. The location of the project is outlined in red on the map below.



Please see attached request from CASA of the 7th Judicial District. The City of Montrose recommends that Council consider abating the water and sewer connection fees for this project. This requires City Council action to abate because the fees will be paid out of the City's general fund to the water and sewer funds. Based on the project's current plan for two 2 " meters and two 1" landscape meters, we expect these fees to total \$275,214.

The City intends to offer additional support for the project which does not require City Council approval, including waiving an estimated \$40,027 of building permit fees.



May 17, 2023

To: Montrose City Council

Project: The Village on San Juan

Re: Utility Connection Fees



I am writing on behalf of CASA of the 7th Judicial District to request a fee waiver for Utility Connection Fees.

We have been very appreciative of the support offered by the City of Montrose throughout the development phase. Construction should begin in June with a timeline of 14 to 16 months to completion.

The Village on San Juan is an innovative approach to address both the well-being, and social costs of our most vulnerable populations as they struggle with the challenges of trauma, homelessness, poverty, and the resulting mental and behavioral health challenges.

It is our hope and expectation that the Village on San Juan will set a standard for communities across Colorado by combining compassion and common sense in a place that empowers people to live out hopeful and productive lives.

Thank you for your consideration of this request.

Sincerely,

Carlton Mason / CEO

BOARD OF DIRECTORS

LARRY DUPPER, President • HEIDI WEISSNER Vice President • VALERIE HILL, Secretary • MICK FRANCIS, Treasurer
Members: • PAT BLACKWELDER • JAMES HAUGSNESS • BLAINE HALL
KATIE ALBIA • GAIL McFARLANE-SOSA • MARY GNANDT • DON VAREY

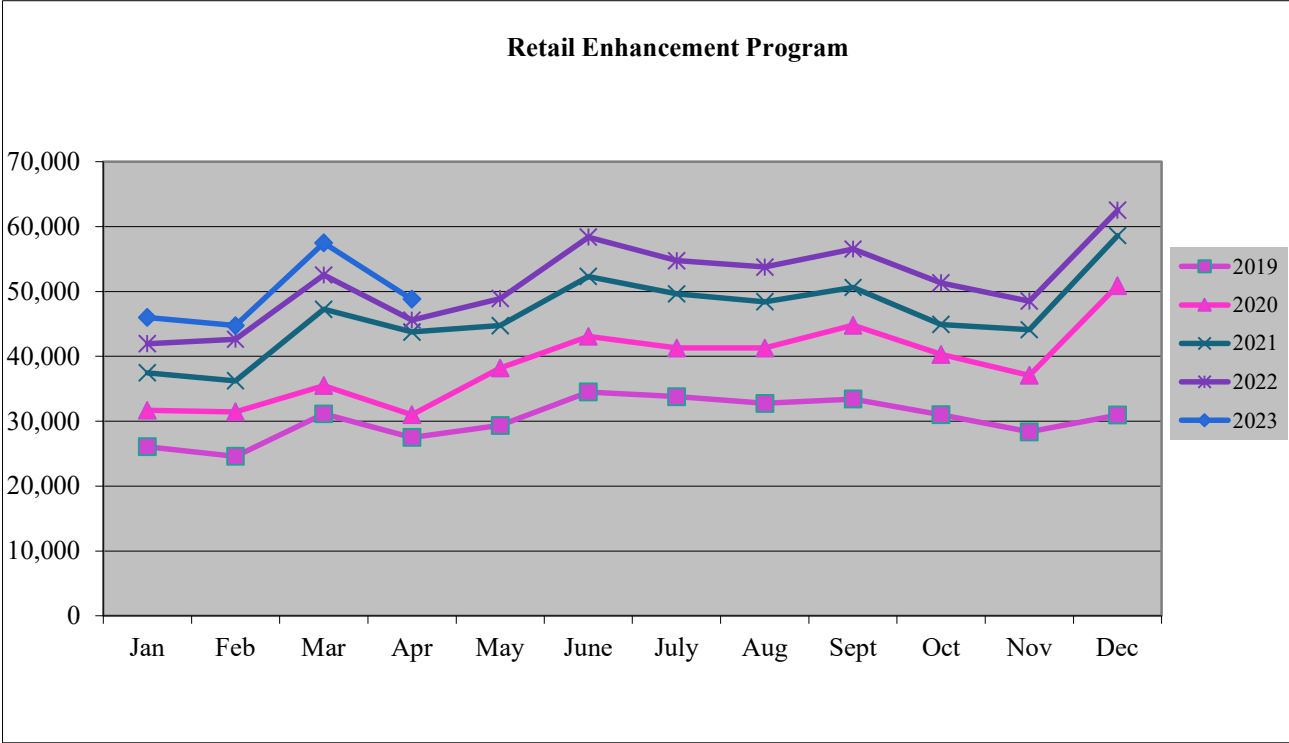
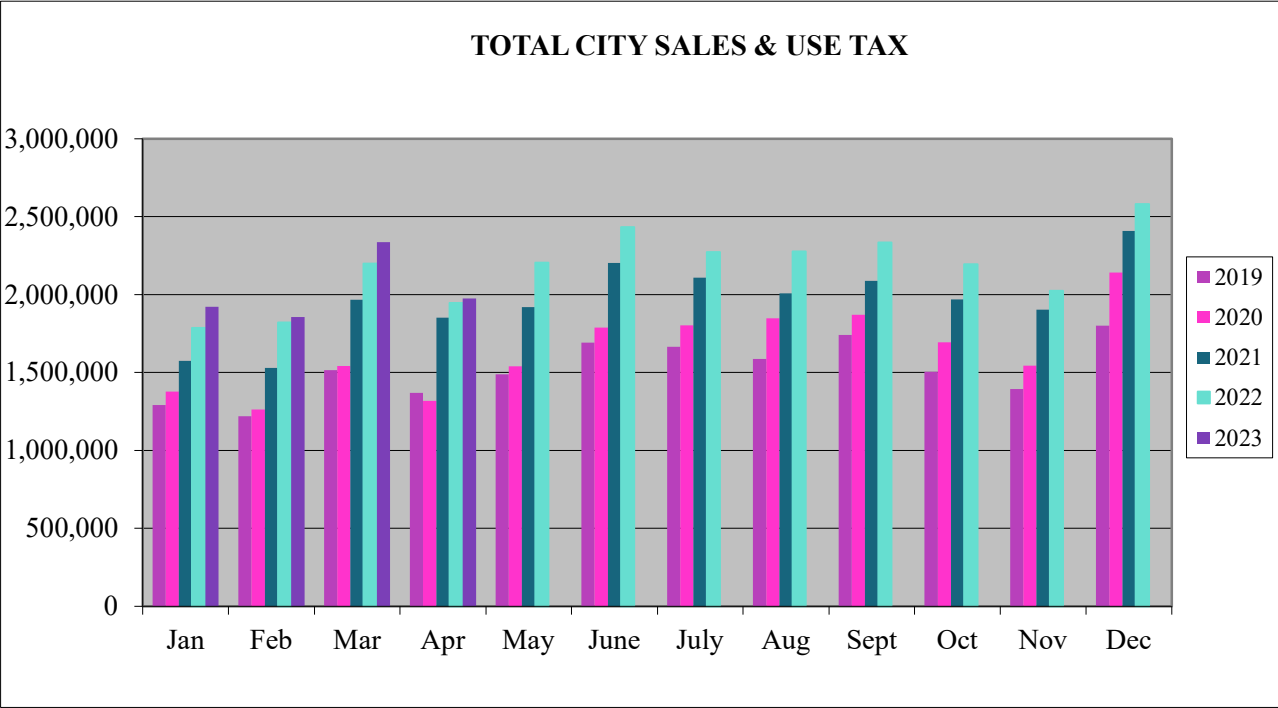
CITY OF MONTROSE

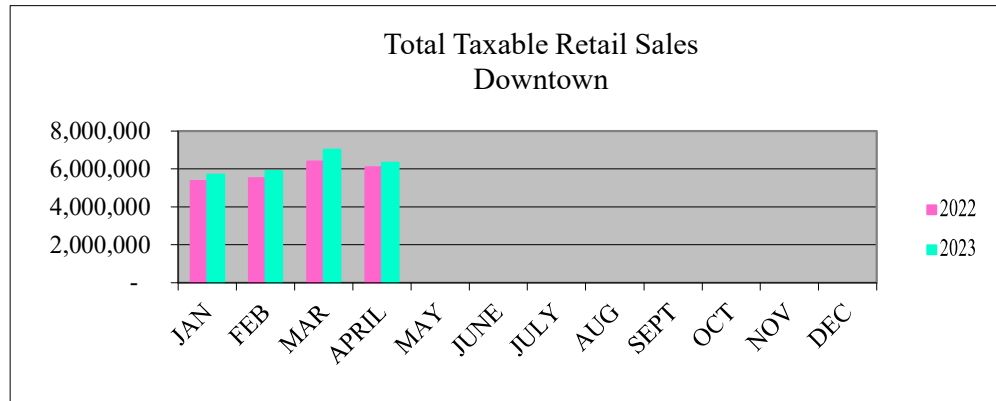
MONTHLY SALES, USE & EXCISE TAX REPORT

Date: June 14, 2023

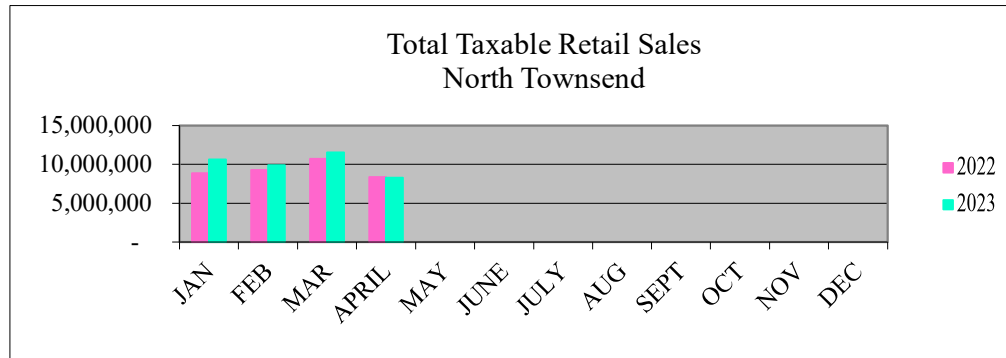
	Retail Sales Tax 3.0%			Construction Use Tax 3.0%			Use & Auto Tax 3.0%			Total Collected Sales and Use Tax			Sales and Use Budget	
	<i>Current</i> <i>Year</i> <i>2023</i>	<i>Prior</i> <i>Year</i> <i>2022</i>	<i>% of</i> <i>Increase/</i> <i>Decrease</i>	<i>Current</i> <i>Year</i> <i>2023</i>	<i>Prior</i> <i>Year</i> <i>2022</i>	<i>% of</i> <i>Increase/</i> <i>Decrease</i>	<i>Current</i> <i>Year</i> <i>2023</i>	<i>Prior</i> <i>Year</i> <i>2022</i>	<i>% of</i> <i>Increase/</i> <i>Decrease</i>	<i>Current</i> <i>Year</i> <i>2023</i>	<i>Prior</i> <i>Year</i> <i>2022</i>	<i>% of</i> <i>Increase/</i> <i>Decrease</i>	<i>Budget</i> <i>Budget</i> <i>2023</i>	<i>Variance</i> <i>Variance</i> <i>2023</i>
Month														
Jan	1,781,736	1,577,354	13.0%	30,348	105,404	-71.2%	107,770	103,384	4.2%	1,919,854	1,786,141	7.5%	1,648,056	16.5%
Feb	1,706,581	1,604,527	6.4%	43,433	86,060	-49.5%	105,085	131,237	-19.9%	1,855,099	1,821,824	1.8%	1,683,045	10.2%
Mar	2,173,758	1,987,512	9.4%	27,460	76,046	-63.9%	134,190	134,920	-0.5%	2,335,408	2,198,478	6.2%	2,022,327	15.5%
Apr	1,841,979	1,727,419	6.6%	17,695	87,996	-79.9%	115,977	130,690	-11.3%	1,975,651	1,946,105	1.5%	1,775,429	11.3%
May														
June														
July														
Aug														
Sept														
Oct														
Nov														
Dec														
YTD Total	7,504,055	6,896,812	8.8%	118,936	355,506	-66.5%	463,022	500,231	-7.4%	8,086,013	7,752,549	4.3%	7,128,857	13.4%

	PSST Retail Sales Tax 0.58%			PSST Construction Use Tax 0.58%			PSST Use & Auto Tax 0.58%			Total Collected PSST Sales and Use Tax			PSST Budget		Montrose Recreation District 0.3%		
	<i>Current</i> <i>Year</i> <i>2023</i>	<i>Prior</i> <i>Year</i> <i>2022</i>	<i>% of</i> <i>Increase/</i> <i>Decrease</i>	<i>Current</i> <i>Year</i> <i>2023</i>	<i>Prior</i> <i>Year</i> <i>2022</i>	<i>% of</i> <i>Increase/</i> <i>Decrease</i>	<i>Current</i> <i>Year</i> <i>2023</i>	<i>Prior</i> <i>Year</i> <i>2022</i>	<i>% of</i> <i>Increase/</i> <i>Decrease</i>	<i>Current</i> <i>Year</i> <i>2023</i>	<i>Prior</i> <i>Year</i> <i>2022</i>	<i>% of</i> <i>Increase/</i> <i>Decrease</i>	<i>Budget</i> <i>Budget</i> <i>2023</i>	<i>Variance</i> <i>Variance</i> <i>2023</i>	<i>Current</i> <i>Year</i> <i>2023</i>	<i>Prior</i> <i>Year</i> <i>2022</i>	<i>% of</i> <i>Increase/</i> <i>Decrease</i>
Month																	
Jan	344,571	306,061	12.6%	5,867	20,501	-71.4%	20,836	19,988	4.2%	371,274	346,550	7.1%	324,351	14.5%	192,039	179,323	7.1%
Feb	330,129	311,225	6.1%	8,397	19,789	-57.6%	20,316	25,373	-19.9%	358,842	356,387	0.7%	334,061	7.4%	185,611	184,349	0.7%
Mar	420,753	385,493	9.1%	15,169	14,702	3.2%	25,943	26,085	-0.5%	461,865	426,280	8.3%	399,885	15.5%	238,895	220,486	8.3%
Apr	356,184	334,940	6.3%	27,584	17,005	62.2%	22,422	25,267	-11.3%	406,190	377,212	7.7%	353,647	14.9%	210,097	195,107	7.7%
May																	
June																	
July																	
Aug																	
Sept																	
Oct																	
Nov																	
Dec*																	
YTD Total	1,451,637	1,337,719	8.5%	57,017	71,997	-20.8%	89,518	96,711	-7.4%	1,598,172	1,506,427	6.1%	1,411,944	13.2%	826,642	779,265	6.1%

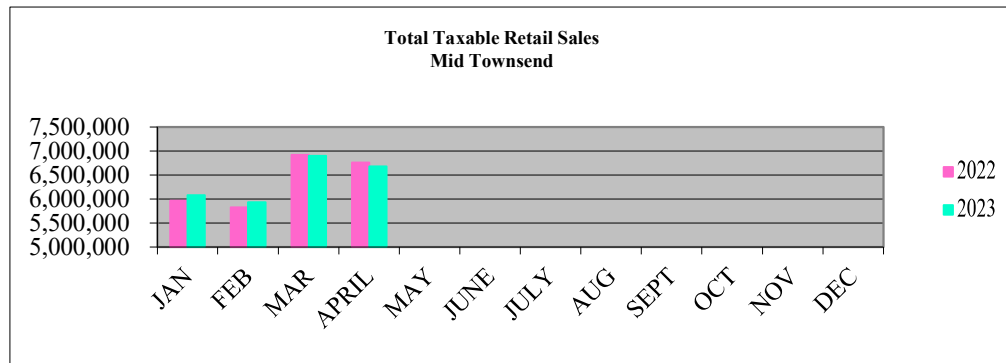




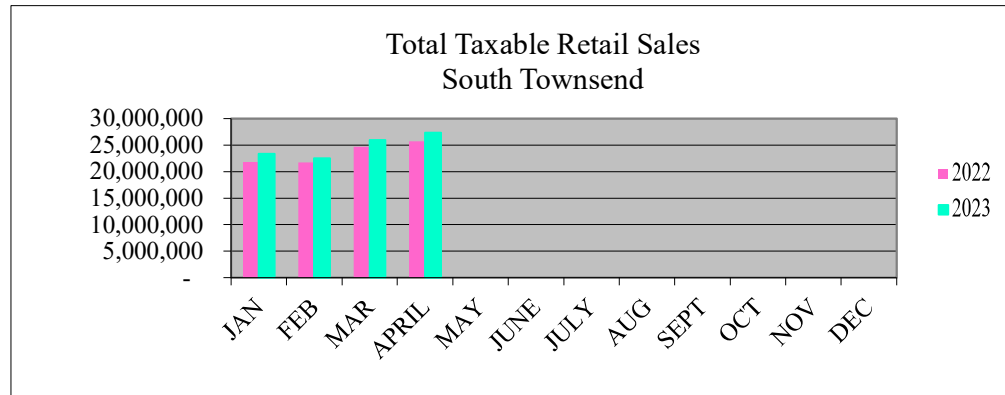
AREA 1: DOWNTOWN BOUNDARY



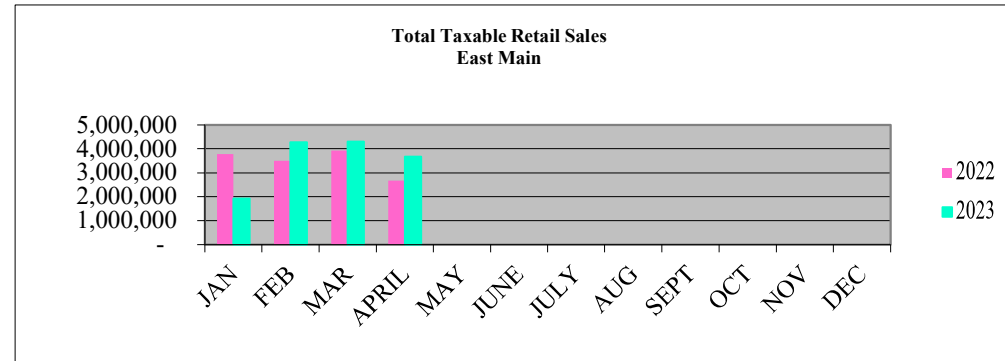
AREA 2: *NORTH CITY LIMIT TO NORTH 2ND STREET



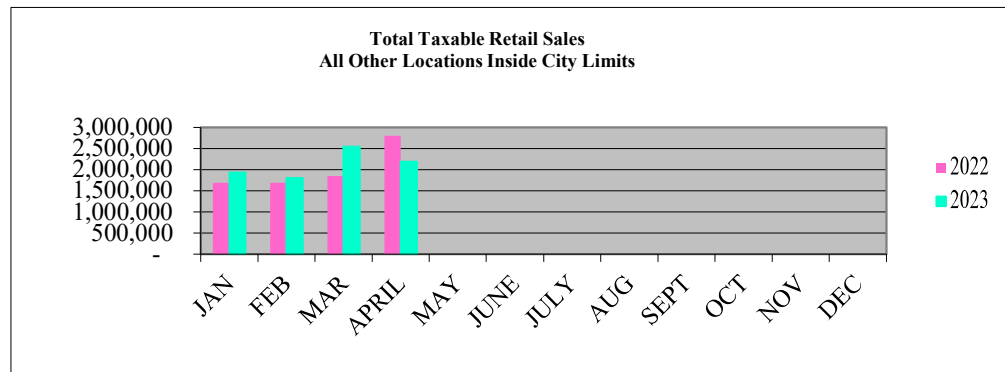
AREA 3: MID TOWNSEND SOUTH 2ND STREET TO E OAK GROVE RD



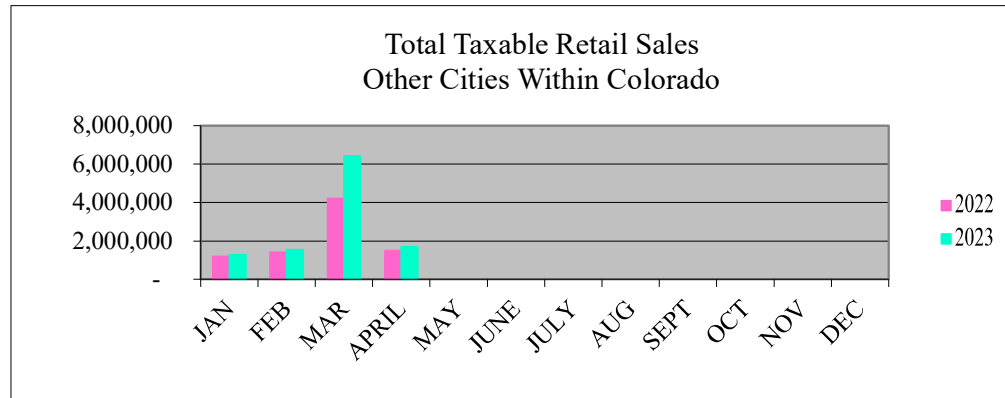
AREA 4: SOUTH TOWNSEND E OAK GROVE RD TO SOUTH CITY LIMIT



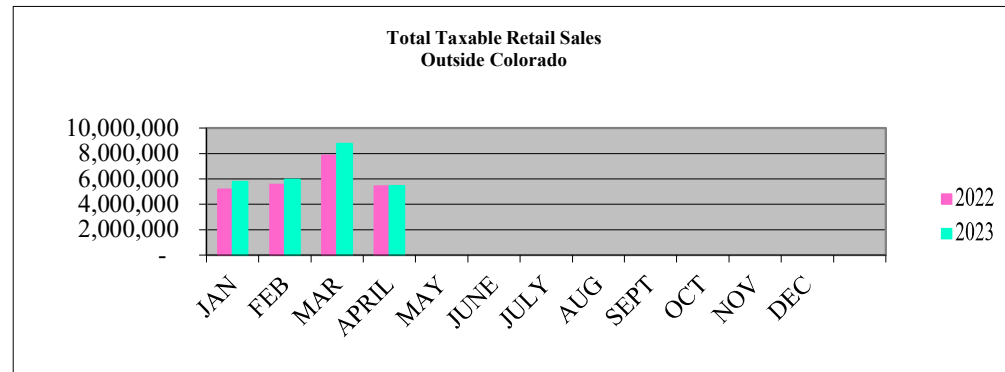
AREA 5: EAST MAIN SAN JUAN AVENUE TO EAST CITY LIMIT



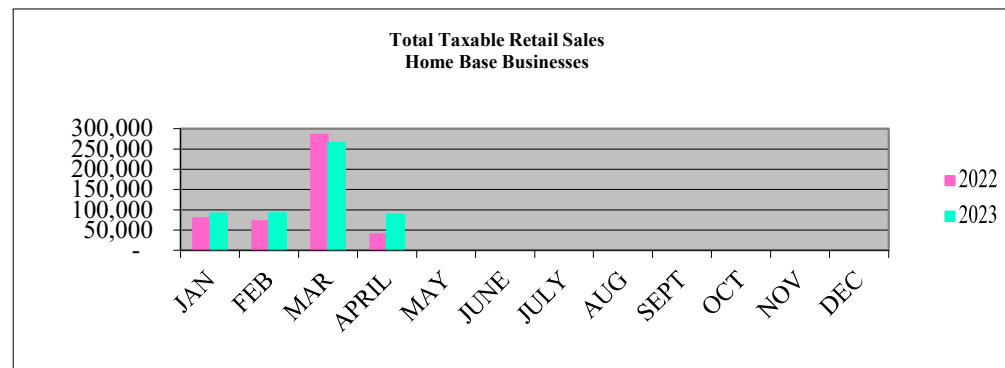
AREA 6: ALL OTHER LOCATIONS INSIDE CITY LIMITS OF MONTROSE



AREA 7: OTHER CITIES WITHIN COLORADO



AREA 8: OUTSIDE COLORADO



AREA 9: HOME BASE BUSINESSES