

A special meeting of the Montrose City Council was held on Tuesday, September 21, 2021, at 4:00 p.m. This meeting was held virtually via Zoom. Said meeting was posted in accordance with the Sunshine Law including a link for public participation.

PRESENT: Doug Glaspell, Dave Frank, Barbara Bynum, J. David Reed, Anthony Russo, Stephen Alcorn, Bill Bell, Ann Morgenthaler, Amy Sharp, Lisa DelPiccolo, Brian Rumbaugh, Chris Velasquez, Blaine Hall, Greg Story, Larry Witte, Shani Wittenberg, Samantha Graves, Tim Cox, Matt Magliaro, Michelle Berry, William Reis, Courtney Jones, Matt Smith, Lisa Kuczmarski, Ross Valdez, Christine Aslakson

GUESTS: Kiley Nicholas, Kaleigh Hinkson

CALL TO ORDER

Mayor Doug Glaspell called the special meeting to order at 4:00 p.m.

EMERGENCY ORDINANCE 2560

City Council considered Emergency Ordinance 2560, an Emergency Ordinance of the City of Montrose, Colorado, for the preservation of health, peace, or safety, declaring zoning in progress and enacting a temporary moratorium to prohibit the filing, acceptance, sales tax licensure, or any other official action for the establishment of any new or relocation of existing adult gaming arcade uses within the City limits of the City of Montrose; providing that the moratorium shall be in effect for a period which shall terminate at the earliest of the City's adoption of an update to Title 4 Chapter 4, Zoning Regulations, and/or Title 5 Business Regulations of the City of Montrose or the expiration of one hundred eighty (180) days from date of passage of this Ordinance; providing for legislative findings, intent, and purpose; providing for a definition of the use of adult gaming arcades for the purposes of this Ordinance; providing for repealing clauses; declaring an emergency and providing an effective date.

Assistant City Attorney Matthew Magliaro stated that this special meeting was called following a work session discussion on September 20. Mr. Magliaro said that consideration of the emergency ordinance requires a full quorum of City Council, and the caption of ordinance addresses the emergency nature.

Mr. Magliaro summarized the ordinance and changes made since the work session discussion. Two new whereas recital sections were added referencing Article II Section 8 of City Charter for emergency ordinance provisions, and the definitions of adult gaming arcade, crane game, gambling device, simulated gambling device and slot machine were added to 4-14-1 of the Municipal Code.

Mr. Magliaro stated that Emergency Ordinance 2560 imposes a 180-day moratorium for new establishments or relocation of existing establishments. Mr. Magliaro said that the moratorium

will allow City staff to further research the legality of these uses and whether local government regulation is appropriate in terms of business licensure and zoning.

Mr. Magliaro stated that since the work session, changes to the ordinance include removal of a Conditions of Operations section, 4-14-10(C), which will be repackaged into a separate ordinance for City Council consideration. The date of passage and auto repeal were also calculated, the emergency declaration was added, and the signature block was updated. Mr. Magliaro said that if no action is taken, the repeal date for the moratorium is March 20, 2022.

Mr. Magliaro stated that Montrose Police Department officers were in attendance for the opportunity to address City Council on this subject.

Sergeant Larry Witte reported that these businesses draw a specific clientele that results in cases related to drugs, shootings, stabbings, violent assaults, and critical injuries. Sergeant Witte said the situation is a draw on Police Department resources, the number of calls for service is disproportionate with the rest of the community, and these establishments are a hotbed for criminal activity.

Detective Sergeant Michelle Berry recounted three years of violent crime associated with the gaming establishments. Detective Sergeant Berry said the businesses attract a clientele that affects the health safety, and welfare of the community and threatens neighboring businesses and responding officers. Detective Sergeant Berry outlined the officer time involved in investigations and interviews and stated that no other establishments create the same number of volatile calls.

Sergeant Brian Rumbaugh with Drug Task Force reported that distribution of illegal narcotics takes place near all these businesses which brings violent crime. Sergeant Rumbaugh stated that known traffickers frequent these locations, and he has conducted multiple interviews with known narcotics users who frequent these gaming establishments.

Detective Samantha Graves stated that as a patrol officer she responded to numerous calls at these establishments including assaults, burglaries, attempted murder, a stabbing, and a kidnapping with strangulation. Detective Graves said she received varying levels of cooperation from owners and managers. She recounted the impacts of these establishments on her family including canceled youth activities for her children. Detective Graves stated that the near constant criminal activity at these gaming establishments is affecting nearby family businesses.

Patrol Sergeant Chris Velasquez reported on the impacts of gaming establishments in Grand Junction. Sergeant Velasquez and stated that these business attract a clientele that contributes to a regional problem.

Sergeant Courtney Jones reported on a case where officers encountered a man at 1010 S. Cascade Avenue and found 11 grams of methamphetamine, distribution tools, stolen items, and firearms across the street from Pomona Elementary School. Sergeant Jones stated that this

behavior is consistent with these businesses. Sergeant Jones noted the difference in liquor licensed establishments and the gaming businesses. Liquor licensees are required to allow officers full access to their facilities. Applicants for liquor licenses are background checked, and restrictions and revocations can result from infractions. Sergeant Jones said that the lack of licensure and restrictions poses a danger to public safety and health.

Chief Blaine Hall thanked the officers for their statements and stated that the gaming establishments pose a clear danger to public safety.

Mayor Doug Glaspell opened the hearing.

Public comment was accepted.

Kaleigh Hinkson, owner of Elevation Academy of Dance, spoke regarding incidents she has experienced with a gaming establishment next door. Ms. Hinkson reported loud and inappropriate music, arguments, evidence of alcohol and drug use, and loitering and said she contacted law enforcement on a weekly basis. Ms. Hinkson said the impact to her business included loss of students and canceled rehearsals.

Kiley Nicholas, owner of All Tangled Up Salon, spoke regarding impacts of a nearby gaming establishment on her business. Ms. Nicholas said her business was involved in two separate burglaries and she lost clients and stylists because they did not feel safe. Ms. Nicholas said she decided to close the salon, and the landlord is planning is to rent the unit to another gaming establishment.

Mayor Glaspell closed the hearing.

City Councilors discussed the serious nature of adopting an ordinance with one reading and with short notice. Councilors thanked everyone in attendance and those who provided comments.

A motion was made by J. David Reed, seconded by Dave Frank, to adopt Emergency Ordinance 2560 as presented. All voted yes. Motion passed.

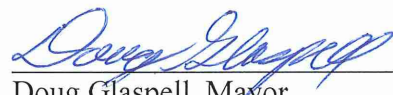
ADJOURNMENT

At 4:42 p.m. a motion was made by Dave Frank, seconded by J. David Reed, to adjourn with no further action taken. All voted yes. Motion passed.

ATTEST:



Lisa DelPiccolo, City Clerk



Doug Glaspell, Mayor

