



REGULAR CITY COUNCIL MEETING AGENDA
Tuesday, August 6, 2024 - 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 online via livestream](#) and video recordings of the meetings can be viewed on our [YouTube page](#).

Hearing assistance devices are available for public use. Please let us know if you need accommodation. The City also offers interpretation for Spanish speakers. Schedule time to book this resource, by [emailing the City](#) at least 3 days before the meeting.

- 1) City Council meeting called to order by Mayor J. David Reed
- 2) The Pledge of Allegiance
- 3) Roll call by the City Clerk
- 4) Changes to the agenda including additions and deletions
- 5) You Make a Difference Award Presentation
- 6) CALL FOR PUBLIC COMMENT FOR NON-AGENDA ITEMS

The “Call for Public Comment” agenda item is a time when concerned members of the community may publicly voice their concerns and discuss items of interest. Please note that no formal action will be taken on the matters raised during this time.



Comments made during this time should be addressed to the Council and pertain to matters of at least general importance to the City and its operations. Please be aware that neither City Council nor City staff are expected to respond or engage in discussion or debate.

Please refrain from any personal attacks and disagreements, personnel and employment matters, the use of profanity or ethnic, racial, or gender-oriented slurs as they may be considered “disorderly conduct” which violates state or local law.

7) APPROVAL OF MINUTES (5 minutes)

City Council consideration of the minutes of the July 16, 2024, regular City Council meeting minutes. *Staff: City Clerk Lisa DelPiccolo*

Action: Consider making a motion to approve the minutes of the July 16, 2024, regular City Council meeting minutes as presented.

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

City Council consideration of an application for a new Hotel and Restaurant liquor license at 1341 Mayfly Drive, Suite G-109, for Horsefly Brewing Company LLC, doing business as Toasty All Day Eatery, for consumption on the licensed premises. *Staff: City Attorney Chris Dowsey*

Action: Hold a hearing. Consider making a motion to approve a new Hotel and Restaurant liquor license at 1341 Mayfly Drive, Suite G-109, for Horsefly Brewing Company LLC, doing business as Toasty All Day Eatery, for consumption on the licensed premises.

9) RESOLUTION 2024-11 (10 minutes)

City Council consideration of Resolution 2024-11 authorizing assignment to the Colorado Housing and Finance Authority of a private activity bond allocation of the City of Montrose pursuant to the Colorado Private Activity Bond Ceiling Allocation Act. *Staff: Community Development Specialist Christopher Ottinger*

Action: Accept public comment. Consider making a motion to adopt Resolution 2024-11 as presented.



10) NATIONS ADDITION REVISED ANNEXATION AGREEMENT (10 minutes)

City Council consideration of revisions to the Nations Addition Annexation Agreement.

Staff: Community Development Director Jace Hochwalt

Action: Accept public comment. Consider making a motion to approve the Nations Addition Revised Annexation Agreement as presented.

11) PUBLIC WORKS SHOP ADDITION ANNEXATION (15 minutes)

A hearing will be held on the annexation of the Public Works Shop Addition. *Staff: Community Development Director Jace Hochwalt*

- A) Resolution 2024-12: City Council consideration of Resolution 2024-12, findings of fact for the Public Works Shop Addition annexation.

Action: Accept public comment. Consider making a motion to adopt Resolution 2024-12 as presented

- B) Ordinance 2666 - First Reading: City Council consideration of Ordinance 2666 on first reading, an Ordinance of the City of Montrose, Colorado, for the annexation of the Public Works Shop Addition.

Action: Hold a hearing. Consider making a motion to pass Ordinance 2666 on first reading as presented.

12) ORDINANCE 2667 - FIRST READING (5 minutes)

City Council consideration of Ordinance 2667 on first reading, an Ordinance of the City of Montrose, Colorado, providing for the zoning of the Public Works Shop Addition as a "P", Public District. *Staff: Community Development Director Jace Hochwalt*

Action: Hold a hearing. Consider making a motion to pass Ordinance 2667 on first reading as presented.

13) RIO GRANDE RIGHT OF WAY ADDITION ANNEXATION (15 minutes)

A hearing will be held on the annexation of the Rio Grande Right of Way Addition. *Staff: Community Development Director Jace Hochwalt*



- A) Resolution 2024-13: City Council consideration of Resolution 2024-13, findings of fact for the Rio Grande Right of Way Addition annexation.

Action: Accept public comment. Consider making a motion to adopt Resolution 2024-13 as presented.

- B) Ordinance 2668 - First Reading: City Council consideration of Ordinance 2668 on first reading, an Ordinance of the City of Montrose, Colorado, for the annexation of the Rio Grande Right of Way Addition.

Action: Hold a hearing. Consider making a motion to pass Ordinance 2668 on first reading as presented.

14) ORDINANCE 2669 - FIRST READING (5 minutes)

City Council consideration of Ordinance 2669 on first reading, an Ordinance of the City of Montrose, Colorado, providing for the zoning of the Rio Grande Right of Way Addition as a "P", Public District. Staff: *Community Development Director Jace Hochwalt*

Action: Hold a hearing. Consider making a motion to pass Ordinance 2669 on first reading as presented.

15) CEDAR CREEK CEMETERY BRIDGE REPLACEMENT CONSTRUCTION CONTRACT (10 minutes)

City Council consideration of a contract award to K&D Construction in the amount of \$241,302.90 for replacement of the Cedar Creek Cemetery Bridge. Staff: *City Engineer Scott Murphy*

Action: Accept public comment. Consider making a motion to award a contract to K&D Construction in the amount of \$241,302.90 for replacement of the Cedar Creek Cemetery Bridge as presented.

16) 2024 LANDFILL CONTRACT AWARD RECOMMENDATION (15 minutes)

City Council consideration of the award of a contract with Bruin Waste Management for landfill services. Staff: *Public Works Director Jim Scheid*

Action: Accept public comment. Consider making a motion to award a contract to Bruin Waste Management for landfill services as presented.



17) RATIFICATION OF NOVEMBER 2024 BALLOT QUESTION DECISION (5 minutes)

City Council consideration of ratification of a decision to give notice to the Montrose County Clerk regarding the addition of a question on the November 5, 2024, Coordinated Election ballot related to an increase to the hotel room tax rate. *Staff: City Attorney Chris Dowsey*

Action: Accept public comment. Consider making a motion to ratify the decision to give notice to the Montrose County Clerk regarding the addition of a question on the November 5, 2024, Coordinated Election ballot as presented.

18) STAFF REPORTS

19) CITY COUNCIL COMMENTS

20) MOTION TO ADJOURN



MONTROSE CITY COUNCIL

July 16, 2024

A regular meeting of the Montrose City Council was held on Tuesday, July 16, 2024, 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

J. David Reed, Dave Frank, Judy Ann Files, Doug Glaspell, Ed Ulibarri, Bill Bell, Ann Morgenthaler, Chris Dowsey, Greg Story, Lisa DelPiccolo, Tim Cox, Blaine Hall, Jace Hochwalt, Shani Wittenberg, Dan Payne, Chris Ottinger, Erin Maxwell, Jody Moreland, David Bries, Jim Scheid, Greg Stunder, Matt Magliaro

GUESTS

John Brown, Jeffrey Krebs, Cindi Olinghouse, Ron Smith, Doug Snyder

CALL TO ORDER

Mayor J. David Reed called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

CHANGES TO THE AGENDA

City Attorney Chris Dowsey reported that Item 12, Ballot Question for November 2024 Coordinated Election, was added to the agenda following a work session discussion.

CALL FOR PUBLIC COMMENT

John Brown, Dr. Jeffrey Krebs, Ron Smith, and Cindi Olinghouse spoke in favor of a non-sanctuary city declaration.

Mayor J. David Reed stated that the City of Montrose is not a sanctuary city and by default, legally, is a non-sanctuary city. Mayor Reed stated that there is no intention or desire to become a sanctuary city. Mayor Reed said that the Montrose Police Department and other resources confirm that there is no credible evidence of an increase in the number of undocumented migrants into the Montrose community. Mayor Reed recommended contacting Health and Human Services to further verify the number of undocumented migrants.

APPROVAL OF MINUTES

City Council considered the minutes of the July 2, 2024, regular City Council meeting.

A motion was made by Dave Frank, seconded by Doug Glaspell, to approve the minutes of the July 2, 2024, regular City Council meeting as presented. All voted yes. Motion passed.

VOLUNTEERS OF AMERICA RENDEZVOUS DEVELOPMENT UTILITY FEE WAIVER REQUEST

City Council considered tap fee waivers totaling \$121,737.80 for the Volunteers of America Rendezvous development project at 2366 Robins Way in Montrose, Colorado.

Community Development Director Jace Hochwalt reviewed the request for utility tap fee waivers for a project to create 52 affordable housing units for residents aged 55 and older making 30 to 60 percent of the area median income. Mr. Hochwalt said the \$22.5 million project includes the renovation of 30 existing units and the construction of 22 new units on vacant land.

Mr. Hochwalt said water-related fee waivers total \$31,814.80 and sewer-related fees total \$89,923.00. The enterprise funds would be reimbursed from the General Fund balance, similar to other recent projects. Mr. Hochwalt corrected the amount of administrative fee waivers presented during the works session discussion. Mr. Hochwalt said VOA is exempt from construction use tax as a nonprofit entity. The correct amount of the building permit and plan check fee waivers is \$48,400.69.

Mr. Hochwalt recommended approval of the utility fee waiver request. Doug Snyder, with Volunteers of America, was present to answer questions.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by Judy Ann Files, to approve tap fee waivers totaling \$121,737.80 for the Volunteers of America Rendezvous development project at 2366 Robins Way as presented. All voted yes. Motion passed.

RESOLUTION 2024-09

City Council considered Resolution 2024-09, authorizing the City of Montrose Police Department to file an application for a Victim Assistance Law Enforcement (VALE) Grant through the 7th Judicial District Victims Assistance Board for the total of \$55,150.00 to cover a portion of both the current Victim Advocate's Salary and a new Victim Advocate's salary; authorizing the Chief of Police to act in connection with the application and to provide such additional information as required; authorizing the City Manager, Chief of Police and Finance Director to sign the grant application and reporting documents.

Police Chief Blaine Hall reported that the VALE Board notified the Police Department that this funding source will likely face cuts and this request may not receive the full funding amount. Chief Hall said that the Police Department is looking for additional grant funding, possibly through opioid grant programs. Chief Hall requested adoption of Resolution 2024-09.

Public comment was accepted. No comments were received.

Chief Hall confirmed that the Montrose Police Department has been using this grant program for many years to help fund the statutorily required victim advocate position.

A motion was made by Ed Ulibarri, seconded by Doug Glaspell, to adopt Resolution 2024-09 as presented. All voted yes. Motion passed.

RESOLUTION 2024-10

City Council considered Resolution 2024-10, a Resolution of the City Council of the City of Montrose, Colorado, authorizing the filing of a Colorado State Forest Service Urban & Community Forestry Grant application for the purposes of procuring partial funding for a City Forester position in the Parks Division of the City of Montrose, Colorado.

Parks Superintendent Dan Payne reported that the grant funds would be used to partially fund a city forester position to focus on urban forestry within the city limits over a five-year period.

Mr. Payne stated that the forester would be a certified arborist who would manage the existing Tree Trimming and Replacement Program, oversee contractors working on city trees, facilitate community outreach in accordance with the Tree City USA program, monitor crew and volunteer hours, and create a tree planting program for city parks.

Mr. Payne recommended adoption of Resolution 2024-10. The application is due on July 31, and awards will be announced on September 1.

Public comment was accepted. No comments were received.

A motion was made by Judy Ann Files, seconded by Doug Glaspell, to adopt Resolution 2024-10 as presented. All voted yes. Motion passed.

MUNICIPAL COURT SOFTWARE PURCHASE

City Council considered the purchase of Tyler Technology Software for Montrose Municipal Court for the total first-year cost of \$79,419.00.

Municipal Court Judge Erin Maxwell reported that the proposed purchase of the software will benefit the Court, the Police Department, the Legal Department and citizens by facilitating access to information. Judge Maxwell stated that the legal team reviewed the contract for the purchase, and no concerns were brought forward.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by Judy Ann Files, to approve the purchase of Tyler Technology Software for Montrose Municipal Court for the total first-year cost of \$79,419.00 as presented. All voted yes. Motion passed.

IT NETWORK FIREWALL HARDWARE AND LICENSING PURCHASE

City Council considered a non-budgeted IT purchase to upgrade network firewall hardware and licensing for both the City Hall and PD networks for the total amount of \$70,127.82.

Information Systems Director Greg Story reported that the City's firewall vendor would like to upgrade all customers to the current generation of hardware and is offering substantial discounts. Mr. Story stated that the upgrades will enhance security and ongoing licensing will be discounted

as well. Mr. Story said that \$40,000.00 is included in the 2024 budget for licensing and the additional cost will likely be covered by the current budget.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by Doug Glaspell, to approve a purchase of IT equipment and licensing totaling \$70,127.82 as presented. All voted yes. Motion passed.

BALLOT QUESTION FOR NOVEMBER 2024 COORDINATED ELECTION

City Council considered whether to give notice to the Montrose County Clerk regarding the addition of a question on the November 5, 2024, Coordinated Election ballot related to an increase to the hotel room tax rate.

City Attorney Chris Dowsey reported that this item was a late addition to the agenda following the July 15 work session. Mr. Dowsey stated that to place a question on the November ballot, the City is required to take formal action 100 days prior to Election Day and notify the County Clerk in writing. Mr. Dowsey said the 100 day mark is July 26 and this is the last meeting prior to that date. The required action can be in the form of an ordinance, a resolution, or a motion, and Mr. Dowsey stated that a motion is appropriate in this circumstance. Mr. Dowsey said the next steps are for the City to enter into an IGA with the County Clerk and to set the ballot language.

Mr. Dowsey confirmed that the ballot language will be set by ordinance. The public will have the opportunity to comment during the hearing on first reading of the ordinance, and again when the ordinance is considered on second reading.

A motion was made by Doug Glaspell to give notice to the Montrose County Clerk regarding the addition of a question on the November 5, 2024, Coordinated Election ballot related to an increase to the hotel room tax rate.

Public comment was accepted. No comments were received.

The motion was seconded by Judy Ann Files. All voted yes. Motion passed.

STAFF REPORTS

Sales, Use, and Excise Tax Report

Finance Director Shani Wittenberg provided a sales, use, and excise tax report for the month of May 2024. Ms. Wittenberg reported that total sales and use tax collections were up 1.3 percent as compared to May of 2023 with a positive budget variance of 3.1 percent. Year-to-date collections were up 5.4 percent with a positive budget variance of 6.8 percent.

City Hall Façade Update

Public Works Director Jim Scheid presented an update on the City Hall Façade Project. Mr. Scheid reported that the west wall on Cascade Avenue has the original façade from 1947 that was covered during renovation in the 1960s. Mr. Scheid said the wall is in good condition and will be retained to highlight the history of the building and incorporate an additional visual component.

Mr. Scheid stated that incorporating the historic façade will result in some cost savings, but new windows will be installed and interior ceilings will need to be raised. Mr. Scheid said that the final design is being completed and there will likely be no change to the cost of the project. Mr. Scheid said the project is on schedule with completion in November.

Mr. Scheid said work on the second floor of the back of the building will likely be delayed to relocate or work around existing power lines.

CITY COUNCIL COMMENTS

No City Council comments were made.

ADJOURNMENT

At 6:54 p.m., a motion was made by Dave Frank to adjourn the meeting with no further action taken.

ATTEST:

J. David Reed, Mayor

Briceida Ortega, Deputy City Clerk

Colorado Liquor Retail License Application

* Note that the Division will not accept cash ☒ Paid by Check Date Uploaded to MoveIt

☐ Paid Online

☐ 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

Applicant is applying as a/an ☐ Individual ☒ Limited Liability Company ☐ Association or Other
☐ Corporation ☐ Partnership (includes Limited Liability and Husband and Wife Partnerships)

Applicant Name If an LLC, name of LLC; if partnership, at least 2 partner's names; if corporation, name of corporation

HORSEFLY BREWING COMPANY

FEIN Number

26-4650891

State Sales Tax Number

01572524-0001

Trade Name of Establishment (DBA)

TOASTY ALL DAY EATERY

Business Telephone

970-209-2528

Address of Premises (specify exact location of premises, include suite/unit numbers)

1341 MAYFLY DR. SUITE G-109

City

MONTROSE

County

MONTROSE

State

CO

ZIP Code

81401

Mailing Address (Number and Street)

846 E. MAIN ST.

City or Town

MONTROSE

State

CO

ZIP Code

81401

Email Address

PHILFREISMUTH62@GMAIL.COM

If the premises currently has a liquor or beer license, you **must** answer the following questions.

Present Trade Name of Establishment (DBA)

Present State License Number

Present Class of License

Present Expiration Date

Section A Nonrefundable application fees*

- ☐ Application Fee for New License\$1,100.00
- ☒ Application Fee for New License with Concurrent Review\$1,200.00
- ☐ Application Fee for Transfer.....\$1,100.00

Section B Liquor License Fees*

- ☐ Add Optional Premises to H & R\$100.00 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 with one optional premises (City).....\$600.00
- ☐ Hotel and Restaurant License with one optional premises (County).....\$600.00

Section B Liquor License Fees* (Continued)

☐	Liquor-Licensed Drugstore (City).....	\$227.50
☐	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

Section B Liquor License Fees* (Continued)

- ☐ 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

Questions? Visit: [SBG.Colorado.gov/Liquor](https://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

\$

1. 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
2. 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?..... ☐ Yes ☒ No
 - b. Had an alcohol beverage license suspended or revoked?..... ☒ Yes ☐ No
 - c. Had interest in another entity that had an alcohol beverage license suspended or revoked?..... ☐ Yes ☒ No

If you answered yes to a, b or c above, explain in detail on a separate sheet.

3. 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?..... ☐ Yes ☒ No

If "yes", explain in detail.

4. 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?..... ☐ Yes ☒ No

or

Waiver by local ordinance? ☐ Yes ☐ No

Other

5. 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..... ☐ Yes ☐ No

6. 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..... ☐ Yes ☐ No

For additional Retail Liquor Store only.

- a. Was your Retail Liquor Store License issued on or before January 1, 2016?.... ☐ Yes ☐ No
- b. Are you a Colorado resident?..... ☐ Yes ☐ No
7. 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 **current** financial interest in said business including any loans to or from a licensee..... ☒ Yes ☐ No
8. Does the applicant, as listed on line 2 of this application, **have legal possession of the premises by ownership**, lease or other arrangement?..... ☒ Yes ☐ No

☐ 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

Tenant

Expires

NMTC AT CO NORTH LLC	HORSEFLY BREWING COMPANY	AUG. 15, 2031
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- b. Is a percentage of alcohol sales included as compensation to the landlord? If yes, complete question on page 9..... ☐ Yes ☒ No
- 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 8½" X 11".

7. HORSEFLY BREWING COMPANY
150,000 LOAN THROUGH ALPINE BANK.
HORSEFLY IS LISTED AS A LIEN TOWARDS THE LOAN.

— AIRFLY
— AIRFLY TOO
— PHELANIES

9. 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 LOPEZ		First Name MIGUEL	
Date of Birth (MM/DD/YY)	FEIN or SSN Number	Interest/Percentage	LOAN AMOUNT
		91,237.00	

Last Name LOPEZ		First Name ASHLEY	
Date of Birth (MM/DD/YY)	FEIN or SSN Number	Interest/Percentage	LOAN AMOUNT
		91,237.00	

Last Name		First Name	
Date of Birth (MM/DD/YY)	FEIN or SSN Number	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.

10. Optional Premises or Hotel and Restaurant Licenses with Optional Premises:

Has a local ordinance or resolution authorizing optional premises been adopted?... ☐ Yes ☒ No

Number of additional Optional Premise areas requested. (See license fee chart)

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.

11. Liquor Licensed Drugstore (LLDS) applicants, answer the following:

a. Is there a pharmacy, licensed by the Colorado Board of Pharmacy, located within the applicant's LLDS premise?..... ☐ Yes ☐ No

If "yes" a copy of license must be attached.

12. Club Liquor License applicants answer the following: **Attach a copy of applicable documentation**

a. Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain?..... ☐ Yes ☐ No

b. Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain?..... ☐ Yes ☐ No

c. How long has the club been incorporated?.....

d. Has applicant occupied an establishment for three years (three years required) that was operated solely for the reasons stated above?..... ☐ Yes ☐ No

13. Brew-Pub, Distillery Pub or Vintner's Restaurant applicants answer the following:

a. Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached)..... ☐ Yes ☐ No

14. Campus Liquor Complex applicants answer the following:

a. Is the applicant an institution of higher education?..... ☐ Yes ☐ No

b. Is the applicant a person who contracts with the institution of higher education to provide food services?..... ☐ Yes ☐ No

If "yes" please provide a copy of the contract with the institution of higher education to provide food services.

15. 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

PHILIP FREISMUTH

First Name of Manager

PHILIP

16. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number..... ☒ Yes ☐ No

Name

HORSEFLY BREWING COMPANY

Type of License

BREW PUB (CITY)

Account Number

03-01297

17. Related Facility - Campus Liquor Complex applicants answer the following:

- a. Is the related facility located within the boundaries of the Campus Liquor Complex?**..... ☐ Yes ☐ No

If yes, please provide a map of the geographical location within the Campus Liquor Complex.

If no, this license type is not available for issues outside the geographical location of the Campus Liquor Complex.

- b. Designated Manager for Related Facility - Campus Liquor Complex**

Last Name of Manager

First Name of Manager

18. Tax Information.

- a. Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business?**..... ☐ Yes ☒ No

- b. Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.?**..... ☐ Yes ☒ No

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 Date of Birth (MM/DD/YY)

Street Address

City State ZIP Code Position %Owned

Name Date of Birth (MM/DD/YY)

Street Address

City State ZIP Code Position %Owned

Name Date of Birth (MM/DD/YY)

Street Address

City State ZIP Code Position %Owned

Name Date of Birth (MM/DD/YY)

Street Address

City State ZIP Code Position %Owned

Name Date of Birth (MM/DD/YY)

Street Address

City State ZIP Code Position %Owned

** If applicant is owned 100% by a parent company, please list the designated principal officer on above.

** Corporations - the President, Vice-President, Secretary and Treasurer must be accounted for above (Include ownership percentage if applicable)

** If total ownership percentage disclosed here does not total 100%, applicant must check this box:

☐ Applicant affirms that no individual other than these disclosed herein owns 10% or more of the applicant and does not have financial interest in a prohibited liquor license pursuant to Article 3 or 5, C.R.S.

Oath Of Applicant

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer and Wine Code which affect my license.

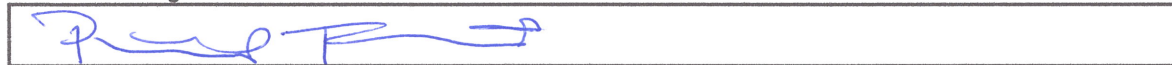
Printed Name

PHILIP FREISMUTH

Title

VICE PRES.

Authorized Signature



Date (MM/DD/YY)

6-27-24

Report and Approval of Local Licensing Authority (City/County)

Date application filed with local authority

July 2, 2024

Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application)

August 6, 2024

For Transfer Applications Only - Is the license being transferred valid?..... ☐ Yes ☐ No

The Local Licensing Authority Hereby Affirms that each person required to file DR 8404-I (Individual History Record) or a DR 8000 (Manager Permit) has been:

☒ Fingerprinted

☒ Subject to background investigation, including NCIC/CCIC check for outstanding warrants

That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with and aware of, liquor code provisions affecting their class of license

(Check One)

☐ Date of inspection or anticipated date

☒ Will conduct inspection upon approval of state licensing authority

☐ Is the Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1,500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of > 10,000? ☐ Yes ☐ No

☐ Is the Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 3,000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of < 10,000? ☐ Yes ☐ No

NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.

☐ Does the Liquor-Licensed Drugstore (LLDS) have at least twenty percent (20%) of the applicant's gross annual income derived from the sale of food, during the prior twelve (12) month period? ☐ Yes ☐ No

The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 44, Article 4 or 3, C.R.S., and Liquor Rules. **Therefore, this application is approved.**

Local Licensing Authority for Telephone Number ☐ Town, City
☐ County

Printed Name Title

Signature Date (MM/DD/YY)

Printed Name Title

Signature Date (MM/DD/YY)



CITY OF MONTROSE
OFFICE OF THE CITY CLERK



Briceida Ortega, Deputy City Clerk
Direct Dial: 970.240.1421
E-mail: bortega@ci.montrose.co.us

July 31, 2024

Petitions were circulated in support of a Hotel and Restaurant liquor license at 1341 Mayfly Drive Suite G-109 for Horsefly Brewing Company LLC doing business as Toasty All Day Eatery.

A summary of the petitions is as follows:

129 Signatures were submitted

14 Signatures were determined to be insufficient

13 outside of city limits

1 failed to indicate the age of the signer

115 Signatures were determined to be valid and in support of the license.

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

- This would be great for Montrose!
- Great owners, great employees, spreading greatness for our community!
- Amazing responsible owners.
- Wonderful community minded owners.
- Please.
- The owners are a loving and pivotal part of this community. Their business will bring revenue and more people to Montrose.

Respectfully,

Briceida Ortega
Deputy City Clerk



CITY OF MONTROSE
OFFICE OF THE CITY CLERK



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- This would be great for Montrose!
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- Please.
- The owners are a loving and pivotal part of this community. Their business will bring revenue and more people to Montrose.

Respectfully,

Briceida Ortega
Deputy City Clerk



CITY OF MONTROSE
Community Development Department

MEMO

TO: City Council
FROM: Christopher Ottinger, Community Development Specialist
DATE: August 6, 2024
RE: Allocating Private Activity Bonds to CHFA

INTRODUCTION

For the past six years, the City of Montrose has assigned our allocation of Private Activity Bonds (PAB) to the Colorado Housing and Finance Authority (CHFA), and CHFA in turn puts the PAB to use in our community. We ask the City Council to again consider assigning this year's PAB allocation to CHFA.

BACKGROUND

The IRS allocates a per capita bonding authority annually for housing to each state, also known as PAB Volume Capacity or "Cap". Colorado in turn allocates this authority to statewide authorities and local governments. In 2022, the allocation for the City of Montrose was \$1,125,667. In 2023, the allocation was \$1,245,218, an 11% increase. In 2024, the allocation is \$1,325,266, a 6% increase.

The City of Montrose has not desired to issue bonds directly, as there is risk and administrative burden in doing so. Allocating the PAB directly to CHFA allows our community to benefit from the PAB allocation without the City directly issuing bonds. Examples of PAB at work include in 2020, CHFA worked with the City of Montrose to use the City's PAB allocation to support Steele Properties, LLC's rehabilitation of San Juan Apartments, which serves Senior (62+ years old) Section 8 and residents with disabilities. In 2021, CHFA funded 20 loans in their single family tax-exempt program, First Step, for a total of \$5.3 million in the City of Montrose. For 2022, CHFA funded 17 loans, totaling \$4.5 million. In 2023, CHFA funded 21 loans that amounted to \$6,099,442, averaging \$304,385 per loan that housed 52 people at an average Area Median Income of 107% or \$69,385.

City staff this year again recommends that City Council consider assigning our PAB allocation to CHFA, and request that CHFA use the PAB if there is the opportunity to support first time home ownership investment, a multifamily affordable housing project, and/or use the PAB allocation to support CHFA's homeownership program known as First Step or the newest program to support Coloradans who have not previously owned a home, and whose parents or guardians were not homeowners. CHFA FirstGenerations and FirstGeneration Plus offer up to \$25,000 in down payment assistance and a fixed-rate 30-year home mortgage loan to eligible borrowers. The program also serves those raised in the

foster care system who have not previously owned a home. If the City Council allocates PAB to CHFA, CHFA will ensure that the funding is used within the City of Montrose to benefit our community.



RESOLUTION 2024 -11

AUTHORIZING ASSIGNMENT TO THE COLORADO HOUSING AND FINANCE AUTHORITY OF A PRIVATE ACTIVITY BOND ALLOCATION OF THE CITY OF MONTROSE PURSUANT TO THE COLORADO PRIVATE ACTIVITY BOND CEILING ALLOCATION ACT

WHEREAS, the City of Montrose is authorized and empowered under the laws of the State of Colorado (the "State") to issue revenue bonds for the purpose of financing qualified residential rental projects for low- and moderate-income persons and families; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), restricts the amount of tax-exempt bonds ("Private Activity Bonds") which may be issued in the State to provide such mortgage loans and for certain other purposes; and

WHEREAS, pursuant to the Code, the Colorado legislature adopted the Colorado Private Activity Bond Ceiling Allocation Act, Part 17 of Article 32 of Title 24, Colorado Revised Statutes (the "Allocation Act"), providing for the allocation of the State Ceiling among the Colorado Housing and Finance Authority (the "Authority") and other governmental units in the State, and further providing for the assignment of such allocations from such other governmental units to the Authority; and

WHEREAS, pursuant to an allocation under Section 24-32-1706 of the Allocation Act, the City of Montrose has an allocation of the 2024 State Ceiling for the issuance of a specified principal amount of Private Activity Bonds prior to September 15, 2024 (the "2024 Allocation"); and

WHEREAS, the City of Montrose has determined that, in order to increase the availability of adequate affordable housing for low- and moderate-income persons and families within the City of Montrose and elsewhere in the State, it is necessary or desirable to provide for the utilization of all or a portion of the 2024 Allocation; and

WHEREAS, City of Montrose has determined that the 2024 Allocation, or a portion thereof, can be utilized most efficiently by assigning it to the Authority to issue Private Activity Bonds for the purpose of financing one or more multi-family rental housing projects for low- and moderate-income persons and families or to issue Private Activity Bonds for the purpose of providing single-family mortgage loans to low- and moderate-income persons and families ("Revenue Bonds") or for the issuance of mortgage credit certificates; and

WHEREAS, the City Council of City of Montrose has determined to assign \$1,325,266 of its 2024 Allocation to the Authority, which assignment is to be evidenced

by an Assignment of Allocation between the City of Montrose and the Authority (the "Assignment of Allocation").

NOW, THEREFORE, BE IT RESOLVED by the City Council of City of Montrose as follows:

1. The assignment to the Authority of \$1,325,266 of City of Montrose's 2024 Allocation be and hereby is approved.

2. The form and substance of the Assignment of Allocation be and hereby are approved; provided, however, that the City Council be and hereby is authorized to make such technical variations, additions or deletions in or to such Assignment of Allocation as they shall deem necessary or appropriate and not inconsistent with the approval thereof by this resolution.

3. The City Council of the City of Montrose be and hereby is authorized to execute and deliver the Assignment of Allocation on behalf of City of Montrose and to take such other steps or actions as may be necessary, useful or convenient to effect the aforesaid assignment in accordance with the intent of this resolution.

4. If any section, paragraph, clause, or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this resolution.

5. This resolution shall be in full force and effect upon its passage and approval.

PASSED, ADOPTED AND APPROVED this 6th day of August 2024.

Assignor:

J. David Reed, Mayor

ATTEST:

Briceida Ortega, Deputy City Clerk



assignment of allocation - city

Multifamily Housing Facility Bonds/Single Family Mortgage Revenue Bonds

This Assignment of Allocation (the "Assignment"), dated this 8th day of August, 2024, is between the City of Montrose, Colorado (the "Assignor" or the "Jurisdiction") and Colorado Housing and Finance Authority (the "Assignee").

WITNESSETH:

WHEREAS, the Assignor and the Assignee are authorized and empowered under the laws of the State of Colorado (the "State") to issue revenue bonds for the purpose of providing single- family mortgage loans to low- and moderate-income persons and families; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), restricts the amount of tax-exempt bonds ("Private Activity Bonds") which may be issued in the State to finance such projects and for certain other purposes (the "State Ceiling"); and

WHEREAS, pursuant to the Code, the Colorado legislature adopted the Colorado Private Activity Bond Ceiling Allocation Act, Part 17 of Article 32 of Title 24, Colorado Revised Statutes (the "Allocation Act"), providing for the allocation of the State Ceiling among the Assignee and other governmental units in the State, and further providing for the assignment of allocations from such other governmental units to the Assignee; and

WHEREAS, pursuant to an allocation under Section 24-32-1706 of the Allocation Act, the Assignor has an allocation of the 2024 State Ceiling for the issuance of a specified principal amount of Private Activity Bonds prior to September 15, 2024, (the "2024 Allocation"); and

WHEREAS, the Assignor has determined that, in order to increase the availability of adequate affordable rental housing for low- and moderate-income persons and families within the Jurisdiction, Colorado and elsewhere in the State, it is necessary or desirable to provide for the utilization of all or a portion of the 2024 Allocation; and

WHEREAS, the Assignor has determined that the 2024 Allocation, or a portion thereof, can be utilized most efficiently by assigning it to the Assignee to issue Private Activity Bonds for the purpose of financing one or more multifamily rental housing projects for low- and moderate-income persons and families or to issue Private Activity Bonds for the purpose of providing single-family mortgage loans to low- and moderate-income persons and families ("Revenue Bonds"), and the Assignee has expressed its willingness to attempt to issue Revenue Bonds with respect to the 2024 Allocation assigned herein; and

WHEREAS, the City Council of the Assignor has determined to assign to the Assignee all or a portion of its 2024 Allocation, and the Assignee has agreed to accept such assignment, which is to be evidenced by this Assignment.

NOW, THEREFORE, in consideration of the premises and the mutual promises hereinafter set forth, the parties hereto agree as follows:

1. The Assignor hereby assigns to the Assignee \$ 1,325,266 of its 2024 Allocation (the "Assigned Allocation"), subject to the terms and conditions contained herein. The Assignor represents that it has received no monetary consideration for said assignment.
2. The Assignee hereby accepts the assignment to it by the Assignor of the Assigned Allocation, subject to the terms and conditions contained herein. The Assignee agrees to use its best efforts to issue and sell Revenue Bonds in an aggregate principal amount equal to or greater than the Assigned Allocation, in one or more series, and to make proceeds of such Revenue Bonds available from time to time for a period of one (1) year from the date of this Assignment to finance multi-family rental housing projects located in the Jurisdiction, or to issue Revenue Bonds for the purpose of providing single-family mortgage loans to low- and moderate income persons and families in the Jurisdiction.
3. The Assignor hereby consents to the election by the Assignee, if the Assignee in its discretion so decides, to treat all or any portion of the Assigned Allocation as an allocation for a project with a carryforward purpose or to make a mortgage credit certificate election, in lieu of issuing Revenue Bonds.
4. The Assignor and Assignee each agree that it will take such further action and adopt such further proceedings as may be required to implement the terms of this Assignment.
5. Nothing contained in this Assignment shall obligate the Assignee to finance any particular multi-family rental housing project located in the Jurisdiction or elsewhere or to finance single-family mortgage loans in any particular amount or at any particular interest rate or to use any particular percentage of the proceeds of its Revenue Bonds to provide mortgage loans or mortgage credit certificates to finance single-family housing facilities in the Jurisdiction, provided that any Revenue Bond proceeds attributable to the Assigned Allocation shall be subject to paragraph 2 above.
6. This Assignment is effective upon execution and is irrevocable.
7. Counterparts. This Assignment may be executed in one or more counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument. Delivery of an executed counterpart of a signature page of this Assignment by electronic image scan transmission will be effective as delivery of a manually executed counterpart of the Assignment.

IN WITNESS WHEREOF, the parties hereto have duly executed this Assignment on the date first written above.

City of Montrose, Colorado

By: _____

Name: J. David Reed

Title: Mayor, City of Montrose

COLORADO HOUSING AND FINANCE
AUTHORITY

By: _____

Name: _____

Title: _____



CITY OF MONTROSE

Planning Services

MEMO

TO: City Council
FROM: William Reis, Planner II
DATE: August 6, 2024
RE: Nations Addition Revised Annexation Agreement
ATTACHMENTS:

- Exhibit A: Vicinity Map of Nations Addition
- Exhibit B: Existing Nations Addition Annexation Agreement
- Exhibit C: Nations Addition Revised Agreement Redline Version
- Exhibit D: Nations Addition Revised Agreement Clen Version

City Council Consideration:

City Council is considering a revised annexation agreement for the Nations Addition, originally annexed in 2007. The annexation agreement has been revised in 2014 and 2018. The revised agreement will replace the existing annexation agreement from 2018. The purpose of this revision is to match the City's modern development standards and practices, ensure ROW dedication sufficient for bridge improvements and future roundabout construction at 6700 Road and Miami Road, ensure public utility easements are dedicated along all rights of way, as well as amend requirements and city liabilities for recreational trails along Cedar Creek.

The current recorded annexation agreement is attached, as well as proposed redlines, and a clean version of the revised annexation agreement.



Nations Addition Vicinity Map



0 0.05 0.1 0.2 0.3 Miles



AGREEMENT AND DECLARATION OF COVENANTS

THIS AGREEMENT is entered into this 2nd day of July, 2018 by and between S.W. COLORADO LAND ONE, L.L.C. hereinafter called Declarant and the City of Montrose, Colorado hereinafter called the City or Grantee.

WITNESSETH: WHEREAS the City and Declarant have agreed to amend the provisions of the **Nations Addition** Dedication, Agreement and Declaration of Covenants Recorded under Reception No. 858263, on August 21, 2014. The parties named above hereby agree as follows:

1. Declarant is the owner of the real property located in Montrose County, Colorado, described as:

See Exhibit A attached hereto.
2. Declarant hereby declares that the following terms, covenants, conditions, restrictions, and obligations shall be deemed to run with the land described in paragraph 1 above, and shall be binding and accrue to the Declarant, its successors and assigns and any person acquiring and holding an interest in said property, their grantees, successors, heirs, executors, administrators or assigns.
3. This Agreement supersedes and replaces the Dedication, Agreement and Declaration of Covenants between the City and Declarant recorded at Reception No. 858263, on August 21, 2014, in the Montrose County records.
4. Declarant hereby agrees that the above described property shall be subject to the following minimum terms and conditions in addition to the terms and conditions of applicable City ordinances and regulations as in effect from time to time unless otherwise authorized by the City.
 - A. Declarant shall as part of any development, provide:
 - i. A City water system and a City gravity sewer system within the property described above in accordance with City standards and specifications, subdivision regulations and other applicable regulations at Declarant's cost adequate to serve any development on said property.
 - B. Declarant hereby dedicates, grants and conveys to the City the following:
 - i. For use as part of Miami Road, that part of the property described on Exhibit A lying within 40 feet of the south line of the SE ¼ NE ¼ of Section 26, T49, R9W, N.M.P.M., Montrose County, Colorado;
 - ii. For use as 6700 Road, that part of the property described on Exhibit A, lying within 50 feet of the East line of said SE ¼ NE ¼ Section;
 - C. As part of any significant development of the property described on Exhibit A, Declarant shall dedicate to the City:
 - i. Right of way sufficient for the full width construction of Evans Street to collector street standards.
 - ii. A minimum 14-foot wide easement for a recreation path along the length of Cedar Creek in a safe and stable location approved by the City, outside of any jurisdictional wetlands, ordinary high water level, or steep slopes. The recreation path shall be suitable for emergency vehicle usage, however any bridging of Cedar Creek that might be required for the construction of the recreation path shall not be required to exceed the design standards required to construct a pedestrian bridge.
 - D. As part of any significant development of the property described on Exhibit A, Declarant shall design and construct the following:
 - i. Evans Street to collector street standards.
 - ii. The easterly half of 6675 Road lying north of Cedar Creek to local street standards in a location to be approved by the City during the subdivision process.
 - iii. All such street construction shall include curb, gutter, and sidewalk, and related improvements.
 - iv. A 10-foot wide concrete recreation trail along Cedar Creek in the easement dedicated above, to be maintained by the City after acceptance.
 - v. All slopes along Cedar Creek, which are steeper than 3:1 shall be stabilized in accordance with City-approved engineered plans.

- E. Any subdivision or development on the property shall provide a minimum of 8% of the property described on Exhibit A, or such greater area as may be required by City Subdivision and Development Regulations, developed as trails, parks and playgrounds at the Declarant's expense, or payment in lieu of all or part thereof, as determined by the City. The Cedar Creek corridor lying between the boundary of the above referenced recreation path easement, and a line on the opposite side of the creek, 10 feet beyond all of the following—ordinary high water mark, jurisdictional wetlands and top of banks as stabilized, shall be developed as open space and parks. The Cedar Creek corridor shall be owned and maintained by an owner's association, open to public recreational use. Such area shall count toward the foregoing park and playground requirements. All rear yard fences of subdivision lots adjacent to the corridor will be limited to a maximum height of 4 feet.
- F. Declarant will, at a time requested by the City, install improvements to minimize silt and debris-laden water runoff onto adjacent properties.
- G. In the event that the Colorado Department of Transportation (CDOT) shall require a traffic study or an access permit for any Highway 50 intersection including 6700 road intersection because of development of the property described on Exhibit A, Declarant shall as part of any development produce an adequate study and prepare, subject to City review and approval, an application for such access permit.
- H. Declarant shall pay to the City, a City Operations and Police Service Fee in the amount of \$918.91 per dwelling unit. The fee shall be collected as part of the building permit application. The amount of the fee may be adjusted for inflation from time to time.
5. Declarant understands and agrees that the City cannot contract away its police power and that nothing contained herein may be construed to foreclose the City from applying additional requirements of its Subdivision Regulations and other ordinances and regulations, as in effect from time to time, in accordance with their terms, including dedication of additional property when required.

EXECUTED the day above first written.

CITY OF MONTROSE, COLORADO


Roy Anderson, Mayor

DECLARANT

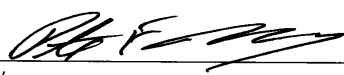

S. W. COLORADO LAND ONE, L.L.C., a
Colorado Limited Liability Corporation
A. Jeffrey Seitz, Manager

~~STATE OF COLORADO~~)
^{Iowa}
~~COUNTY OF MONTROSE~~) ss.
^{Scott}

The foregoing instrument was acknowledged before me this 27 day of June, 2018,
by A. Jeffrey Seitz, Manager of S.W. COLORADO LAND ONE, L.L.C.

Witness my hand and official seal.

My commission expires March 31, 2020


Notary



STATE OF COLORADO)
) ss.
COUNTY OF MONTROSE)

The foregoing instrument was acknowledged before me this 2nd day of July, 2018,
by Ray Anderson, Mayor of the City of Montrose.

Witness my hand and official seal.

My commission expires 03/12/2019

Lisa DelPavolo
Notary

Exhibit A

SE1/4 NE1/4, Section 26, Township 49 North, Range 9 West, New Mexico Principal Meridian,
Less road dedication recorded at Reception No. 858263, County of Montrose, State of Colorado.

AGREEMENT AND DECLARATION OF COVENANTS

THIS AGREEMENT is entered into this ____ day of _____, 20__ by and between ~~S.W. COLORADO LAND ONE, L.L.C~~ Christopher Koch, hereinafter called Declarant and the City of Montrose, Colorado hereinafter called the City or Grantee.

WITNESSETH: WHEREAS the City and Declarant have agreed to amend the provisions of the **Nations Addition** ~~Dedication~~, Agreement and Declaration of Covenants Recorded under Reception No. ~~858263898472~~, on ~~August 21, 2014~~ July 2, 2018. The parties named above hereby agree as follows:

1. Declarant is the owner of the real property located in Montrose County, Colorado, described as:

See Exhibit A attached hereto.

2. Declarant hereby declares that the following terms, covenants, conditions, restrictions, and obligations shall be deemed to run with the land described in paragraph 1 above, and shall be binding and accrue to the Declarant, its successors and assigns and any person acquiring and holding an interest in said property, their grantees, successors, heirs, executors, administrators or assigns.
3. This Agreement supersedes and replaces the ~~Dedication~~, Agreement and Declaration of Covenants between the City and Declarant recorded at Reception No. ~~858263898472~~, on ~~August 21, 2014~~ July 2, 2018, in the Montrose County records.
4. Declarant hereby agrees that the above--described property shall be subject to the following minimum terms and conditions in addition to the terms and conditions of applicable City ordinances and regulations as in effect from time to time unless otherwise authorized by the City.

A. Declarant shall as part of any development, provide:

- i. A City water system and a City gravity sewer system within the property described above in accordance with City standards and specifications, subdivision regulations and other applicable regulations at Declarant's cost adequate to serve any development on said property.

B. Declarant hereby dedicates, grants and conveys to the City the following:

- i. For use as part of Miami Road, that part of the property described on Exhibit A lying within 40 feet of the south line of the SE ¼ NE ¼ of Section 26, T49, R9W, N.M.P.M., Montrose County, Colorado;
- ii. For use as 6700 Road, that part of the property described on Exhibit A, lying within 50 feet of the East line of said SE ¼ NE ¼ Section;

C. As part of any significant development of the property described on Exhibit A or at the request of the City, Declarant shall dedicate, grant, and convey to the City the following in addition to typical local roadway dedications associated with development of the property:

- i. Right of way sufficient for the full width construction of Evans Street to collector-residential street standards;
- ii. 50 feet of right of way along the western property boundary, north of Cedar Creek to accommodate the extension of 6675 Road in line with the existing roadway present within the Iron Horse subdivision immediately to the north;
- iii. Right of way sufficient to accommodate a future roundabout at the intersection of 6700 Road and Miami Roads where abutting the property described on Exhibit A;
- iv. Right of way sufficient to accommodate a widening of the 6700 Road bridge and associated abutment wingwalls to minor arterial standards where crossing over Cedar Creek and abutting the property described in Exhibit A;
- v. Public utility easements 15 feet in width immediately alongside all right of way dedications;

Where not currently finalized, right of way alignments shall be determined at a later date either as part of a standalone City capital project or concurrent with development by the Declarant.

- i. ~~A minimum 14-foot wide 10-foot wide easement for a recreation path along the length of Cedar Creek in a safe and stable location approved by the City, outside of any jurisdictional wetlands, ordinary high water level, or steep~~

~~slopes. The recreation path shall be suitable not be utilized for emergency vehicle usage, however and any bridging of Cedar Creek that might be required for the construction of the recreation path shall not be required to exceed the design standards required to construct a pedestrian bridge.~~

D. As part of any significant development of the property described on Exhibit A, Declarant shall design and construct the following:

- i. Evans Street to ~~collector residential~~ street standards with a total right of way width of 50 feet.
- ii. The easterly half of 6675 Road lying north of Cedar Creek ~~to local streets a 50 feet in width and in line with the road template and right of way immediately to the north within the Iron Horse Subdivision. standards in a location to be approved by the City during the subdivision process.~~
- iii. All such street construction shall include curb, gutter, and sidewalk, and related improvements.
- iv. A ~~106-foot wide concrete soft-surface~~ recreation trail along Cedar Creek in a safe and stable location approved by the City, outside of any jurisdictional wetlands, ordinary high water level, or steep slopes. The soft-surface recreation trail shall be maintained by an owner's association while being for the benefit of the public -as described in Item E below. -in the easement dedicated above, to be maintained by the City after acceptance.
- v. ~~All slopes along Cedar Creek, which are steeper than 3:1 shall be stabilized in accordance with City approved engineered plans.~~

E. Any subdivision or development on the property shall provide a minimum of 8% of the property described on Exhibit A, or such greater area as may be required by City Subdivision and Development Regulations, developed as trails, parks and playgrounds at the Declarant's expense, or payment in lieu of all or part thereof, as determined by the City. The Cedar Creek corridor lying between the boundary of the above referenced recreation path ~~easement~~, and a line on the opposite side of the creek, 10 feet beyond all of the following—ordinary high water mark, jurisdictional wetlands and top of ~~banks as stabilized~~ stable banks, shall be developed as open space and parks. The Cedar Creek corridor shall be owned and maintained by an owner's ~~association, association and shall be~~ open to the public for recreational use. Such area shall count toward the foregoing park and playground requirements. All rear ~~year~~ yard fences of subdivision lots adjacent to the corridor will be limited to a maximum height of 4 feet.

~~F. Declarant will, at a time requested by the City, install improvements to minimize silt and debris-laden water runoff onto adjacent properties.~~

~~G.F.~~ _____ In the event that the Colorado Department of Transportation (CDOT) shall require a traffic study or an access permit for any Highway 50 intersection including 6700 road intersection because of development of the property described on Exhibit A, Declarant shall as part of any development produce an adequate study and prepare, subject to City review and approval, an application for such access permit.

~~H. Declarant shall pay to the City, a City Operations and Police Service Fee in the amount of \$918.91 per dwelling unit. The fee shall be collected as part of the building permit application. The amount of the fee may be adjusted for inflation from time to time.~~

5. Declarant understands and agrees that the City cannot contract away its police power and that nothing contained herein may be construed to foreclose the City from applying additional requirements of its Subdivision Regulations and other ordinances and regulations, as in effect from time to time, in accordance with their terms, including dedication of additional property when required.

EXECUTED the day above first written.

CITY OF MONTROSE, COLORADO

DECLARANT

~~Roy Anderson~~ J. David Reed, Mayor

Christopher Koch
~~S. W. COLORADO LAND ONE, L.L.C., a~~
~~Colorado Limited Liability Corporation~~

State of Colorado.

NATIONS ADDITION
LEGAL DESCRIPTION:

*All of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26, T.49 N., R.9 W., N.M.P.M. Montrose County,
Colorado, not previously annexed by the DOIG Addition and Sunrich Addition No 2.*

AGREEMENT AND DECLARATION OF COVENANTS

THIS AGREEMENT is entered into this ____ day of _____, 20__ by and between Christopher Koch hereinafter called Declarant and the City of Montrose, Colorado hereinafter called the City or Grantee.

WITNESSETH: WHEREAS the City and Declarant have agreed to amend the provisions of the **Nations Addition** Agreement and Declaration of Covenants Recorded under Reception No. 898472, on July 2, 2018. The parties named above hereby agree as follows:

1. Declarant is the owner of the real property located in Montrose County, Colorado, described as:

See Exhibit A attached hereto.
2. Declarant hereby declares that the following terms, covenants, conditions, restrictions, and obligations shall be deemed to run with the land described in paragraph 1 above, and shall be binding and accrue to the Declarant, its successors and assigns and any person acquiring and holding an interest in said property, their grantees, successors, heirs, executors, administrators or assigns.
3. This Agreement supersedes and replaces the Agreement and Declaration of Covenants between the City and Declarant recorded at Reception No.898472, on July 2, 2018, in the Montrose County records.
4. Declarant hereby agrees that the above-described property shall be subject to the following minimum terms and conditions in addition to the terms and conditions of applicable City ordinances and regulations as in effect from time to time unless otherwise authorized by the City.
 - A. Declarant shall as part of any development, provide:
 - i. A City water system and a City gravity sewer system within the property described above in accordance with City standards and specifications, subdivision regulations and other applicable regulations at Declarant's cost adequate to serve any development on said property.
 - B. Declarant hereby dedicates, grants and conveys to the City the following:
 - i. For use as part of Miami Road, that part of the property described on Exhibit A lying within 40 feet of the south line of the SE ¼ NE ¼ of Section 26, T49, R9W, N.M.P.M., Montrose County, Colorado;
 - ii. For use as 6700 Road, that part of the property described on Exhibit A, lying within 50 feet of the East line of said SE ¼ NE ¼ Section;
 - C. As part of any significant development of the property described on Exhibit A or at the request of the City, Declarant shall dedicate, grant, and convey to the City the following in addition to typical local roadway dedications associated with development of the property:
 - i. Right of way sufficient for the full width construction of Evans Street to residential street standards;
 - ii. 50 feet of right of way along the western property boundary, north of Cedar Creek to accommodate the extension of 6675 Road in line with the existing roadway present within the Iron Horse subdivision immediately to the north;
 - iii. Right of way sufficient to accommodate a future roundabout at the intersection of 6700 Road and Miami Roads where abutting the property described on Exhibit A;
 - iv. Right of way sufficient to accommodate a widening of the 6700 Road bridge and associated abutment wingwalls to minor arterial standards where crossing over Cedar Creek and abutting the property described in Exhibit A;
 - v. Public utility easements 15 feet in width immediately alongside all right of way dedications;

Where not currently finalized, right of way alignments shall be determined at a later date either as part of a standalone City capital project or concurrent with development by the Declarant.
 - D. As part of any significant development of the property described on Exhibit A, Declarant shall design and construct the following:
 - i. Evans Street to residential street standards with a total right of way width of 50 feet.

- ii. The easterly half of 6675 Road lying north of Cedar Creek a 50 feet in width and in line with the road template and right of way immediately to the north within the Iron Horse Subdivision.
 - iii. All such street construction shall include curb, gutter, and sidewalk, and related improvements.
 - iv. A 6-foot wide soft-surface recreation trail along Cedar Creek in a safe and stable location approved by the City, outside of any jurisdictional wetlands, ordinary high water level, or steep slopes. The soft-surface recreation trail shall be maintained by an owner's association while being for the benefit of the public as described in Item E below. .
- E. Any subdivision or development on the property shall provide a minimum of 8% of the property described on Exhibit A, or such greater area as may be required by City Subdivision and Development Regulations, developed as trails, parks and playgrounds at the Declarant's expense, or payment in lieu of all or part thereof, as determined by the City. The Cedar Creek corridor lying between the boundary of the above referenced recreation path, and a line on the opposite side of the creek, 10 feet beyond all of the following—ordinary high water mark, jurisdictional wetlands and top of stable banks, shall be developed as open space and parks. The Cedar Creek corridor shall be owned and maintained by an owner's association and shall be open to the public for recreational use. Such area shall count toward the foregoing park and playground requirements. All rear yard fences of subdivision lots adjacent to the corridor will be limited to a maximum height of 4 feet.
- F. In the event that the Colorado Department of Transportation (CDOT) shall require a traffic study or an access permit for any Highway 50 intersection including 6700 road intersection because of development of the property described on Exhibit A, Declarant shall as part of any development produce an adequate study and prepare, subject to City review and approval, an application for such access permit.
- 5. Declarant understands and agrees that the City cannot contract away its police power and that nothing contained herein may be construed to foreclose the City from applying additional requirements of its Subdivision Regulations and other ordinances and regulations, as in effect from time to time, in accordance with their terms, including dedication of additional property when required.

EXECUTED the day above first written.

CITY OF MONTROSE, COLORADO

DECLARANT

J. David Reed, Mayor

Christopher Koch

STATE OF COLORADO)
) ss.
COUNTY OF MONTROSE)

The foregoing instrument was acknowledged before me this _____ day of _____, 20 __,
by _____

Witness my hand and official seal.

My commission expires _____

Notary

STATE OF COLORADO)
) ss.
COUNTY OF MONTROSE)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____,
by _____, Mayor of the City of Montrose.

Witness my hand and official seal.
My commission expires _____

Notary

Exhibit A

NATIONS ADDITION TO THE CITY OF MONTROSE

**SE1/4 NE1/4, Section 26, Township 49 North, Range 9 West, New Mexico Principal
Meridian, less road dedication recorded at Reception No. 858263, County of Montrose,
State of Colorado.**



CITY OF MONTROSE

Planning Services

MEMO

TO: City Council
FROM: William Reis, Planner II
DATE: August 6, 2024
RE: Public Works Shop Addition Annexation
ATTACHMENTS:

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

City Council Consideration:

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

Proposed schedule:

July 1:	Council Work Session Overview
July 24:	Planning Commission zoning hearing
August 6:	City Council Annexation hearing, 1st reading of annexation ordinance, and 1st reading of zoning ordinance
August 20:	2nd reading of annexation and zoning ordinances

Application Background:

The Public Works Shop Addition is a proposed annexation approximately 23.3 acres in size. The annexation consists of two parcels located south of the intersection of S Rio Grande Ave and E Oak Grove Rd. It is within the City's Urban Growth Boundary, City of Montrose Sewer Service Area, and City of Montrose Water Service Area. Annexation of this property will allow for development of the new Public Works Shop under City regulations. An Annexation Agreement is not required.



Proposed Zoning: “P” Public District

Applicant: City of Montrose

Staff Analysis:

1. The City-County IGA gives the City the option to annex properties within the IGA. The area is urbanizing and more than 1/6 of the perimeter is contiguous to the city limits. These factors support annexation.
2. An annexation agreement is not required as a condition of this annexation.
3. Zoning Regulations
 - a. Municipal Code, Section, 11-7-12 (B), Zoning of Additions: The zoning of additions for all property annexed to the City not previously subject to City zoning may be requested or initiated by the City Manager or the owner of any legal interest in the property or such owner's representative. Proceedings concerning the zoning of property to be annexed may commence at any time prior to the effective date of the annexation ordinance, or thereafter as allowed by law. The Planning Commission shall either recommend approval or denial of the requested zoning to the City Council, which can either ratify the Planning Commission's decision, or reverse it. The zoning of additions shall be subject to the review procedures of Chapter 11-4 and standards of Section 11-7-4 of this Title, and shall be allowed only upon findings as follows:
 - i. The amendment is not averse to the public health, safety and welfare; and
 - ii. The amendment is in substantial conformity with the Comprehensive Plan; or
 1. Such zoning is compatible with conditions in the area, which have changed materially since the Comprehensive Plan was last updated.
 - iii. The City shall not impose conditions on the zoning of an addition unless otherwise required by this Title.
 - b. Municipal Code, Section 11-7-5: The "P" Public District is intended to provide for uses and services of a public, nonprofit, or charitable nature.
 - c. The proposed zoning is compatible with existing zoning and general conditions in the area. The property is adjacent to properties that are zoned “P” Public District, “R-3” Medium Density District, “B-3” General Commercial District, and “I-2” General Industrial District.
4. The Comprehensive Plan Future Land Use Map designates the area of the Public Works Shop Addition as Residential Mixed Density Medium and River Corridor. The Residential Mixed Density Medium district provides for a variety of residential types, mixed within a neighborhood, including single-family homes, townhomes, duplexes and triplexes. The majority of the mixed-density medium residential land uses are designated in areas that are



not yet developed. The River Corridor land use designation identifies the approximate location of the Uncompahgre River corridor. The river corridor may include a variety of uses related to outdoor recreation, housing, restaurants and/or small retail centers.

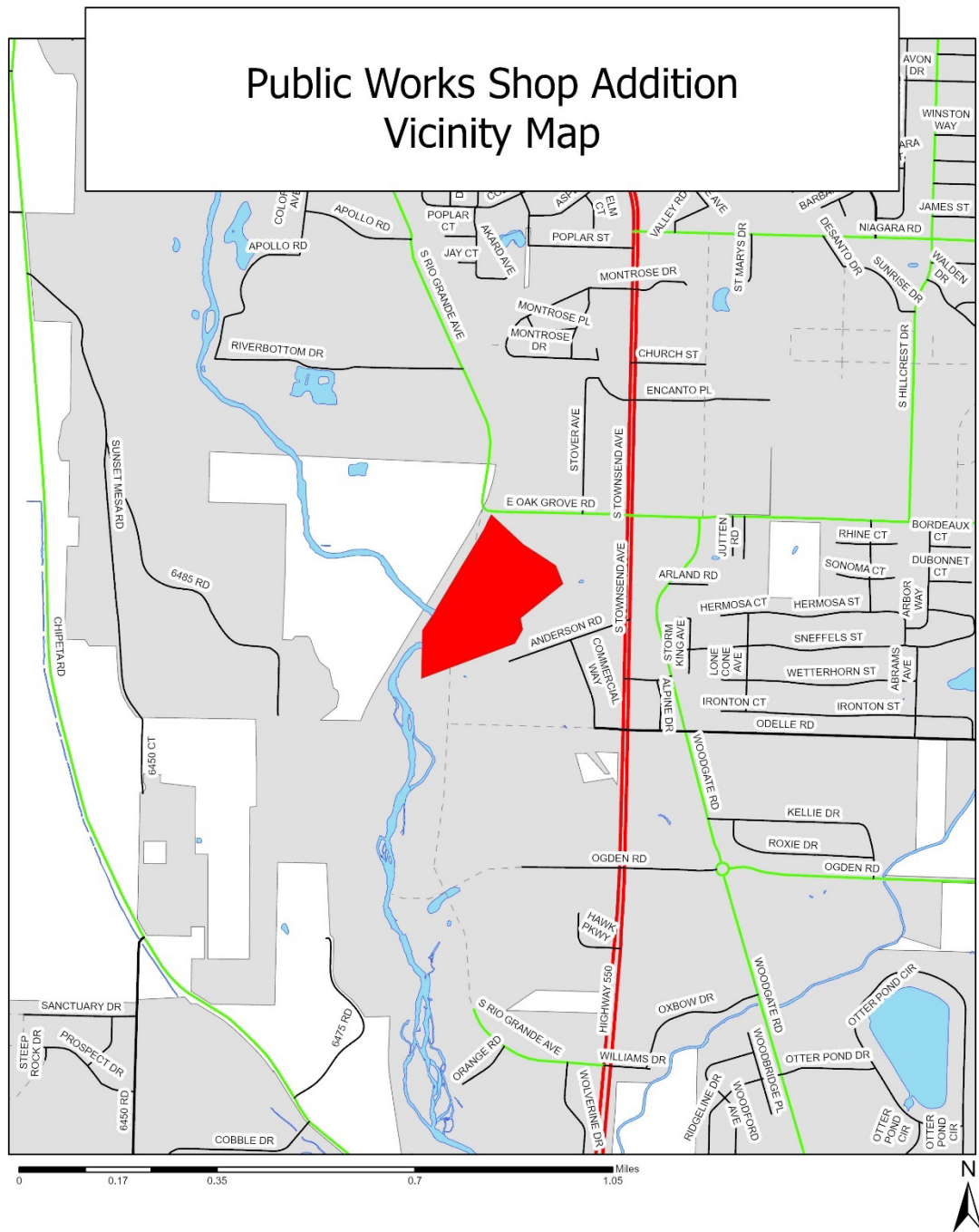
5. The property is located within Growth Area 1. According to the Comprehensive Plan, Growth Area 1 represents the most cost-efficient areas for the city to grow and comprises platted but unbuilt lots, annexed but unplatted land, and un-annexed small enclaves.
6. The “P” zoning does not appear to be adverse to the public health, safety and welfare.

Staff Recommendation:

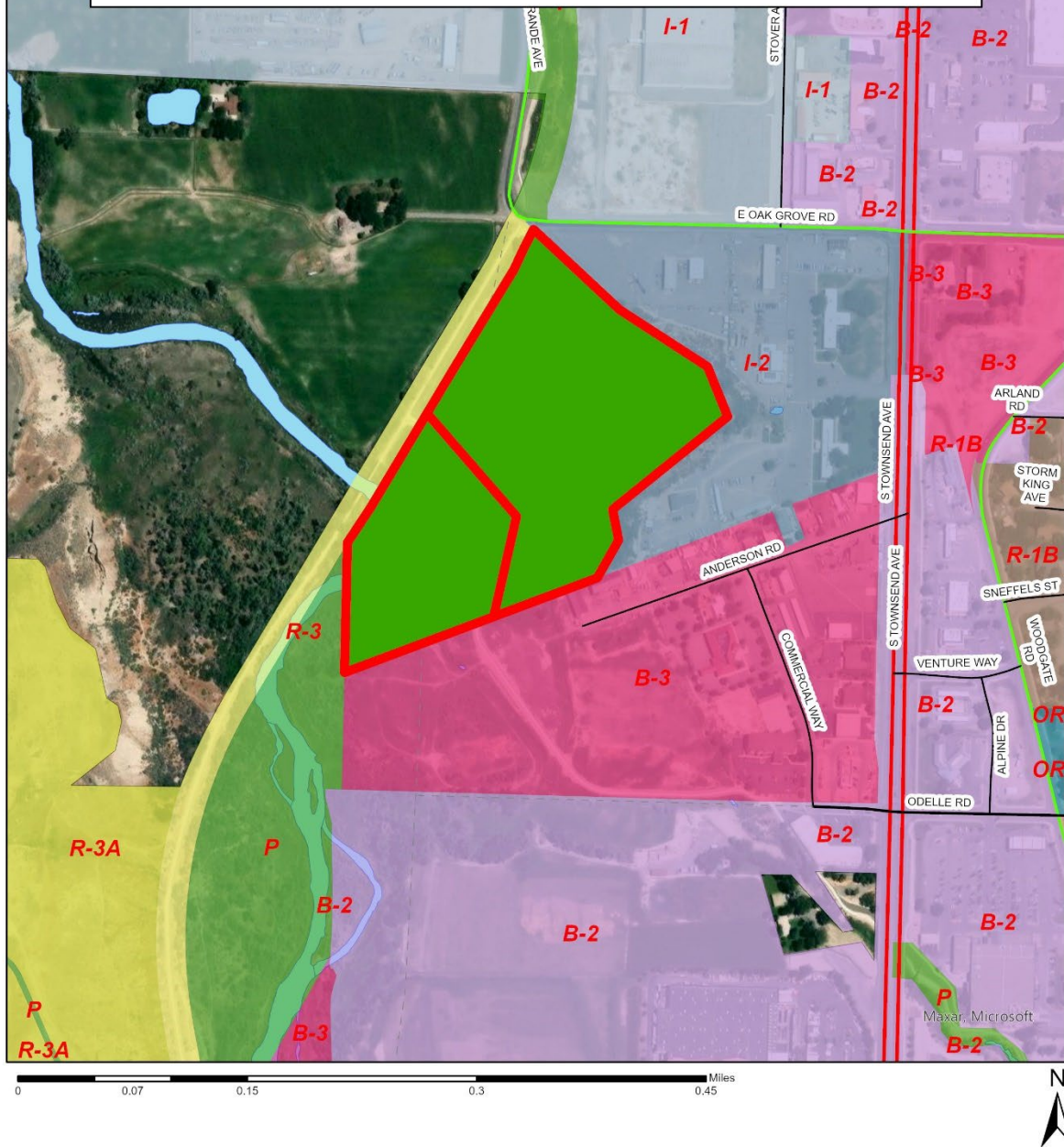
Staff recommends approval of the annexation and the “P” Public District zoning designation.



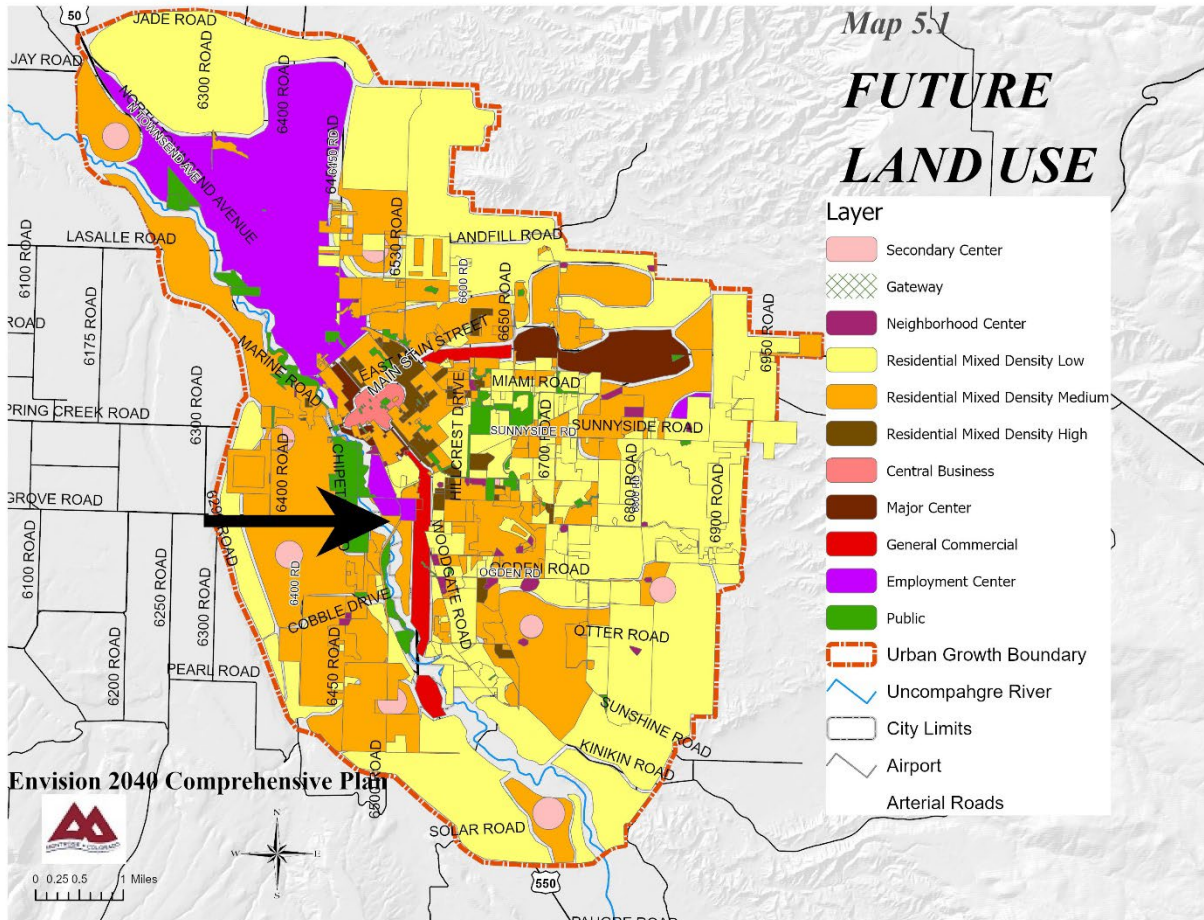
EXHIBIT A: Maps



Public Works Shop Addition Proposed Zoning: "P" Public District

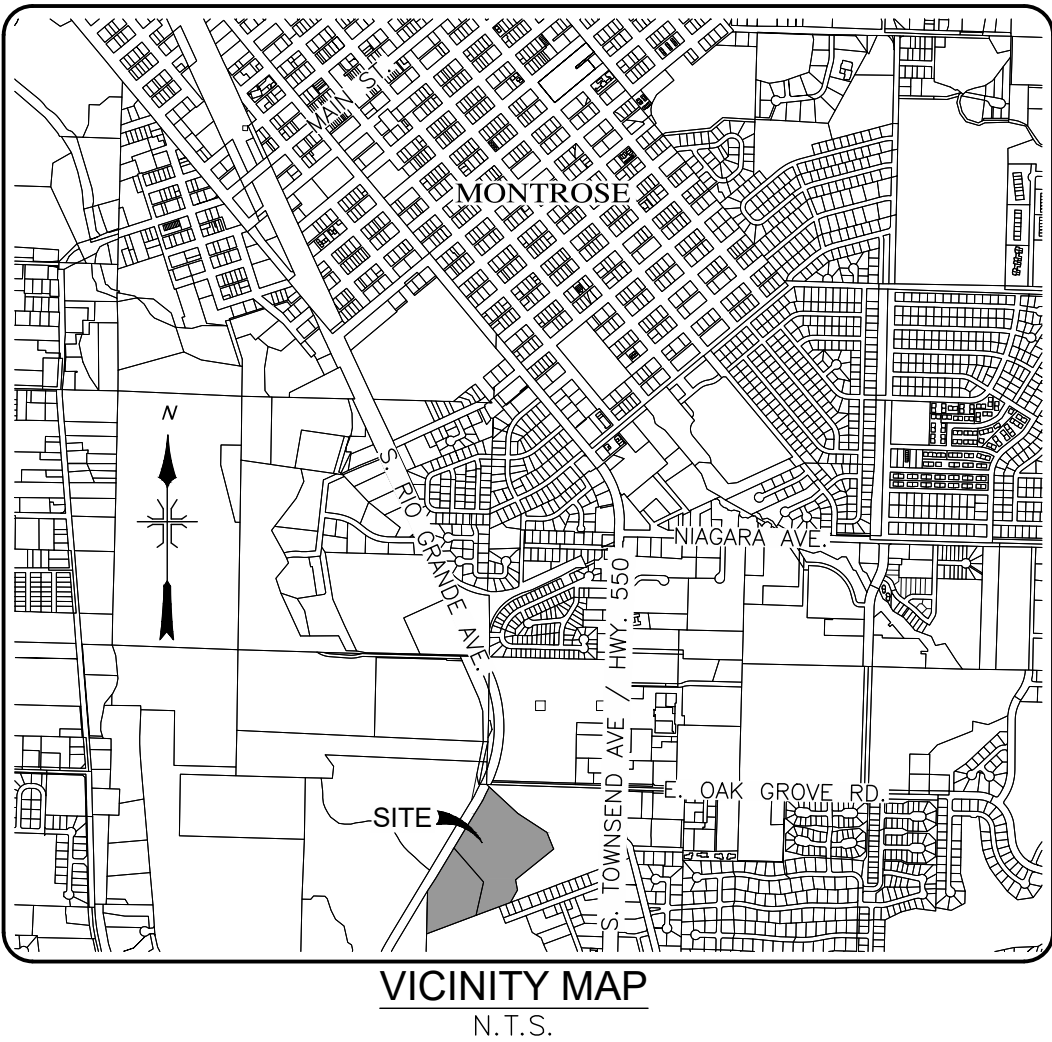


Comprehensive Plan Future Land Use Map



PUBLIC WORKS SHOP ADDITION

SITUATED IN GOVERNMENT LOTS 4 AND 5, SECTION 4, TOWNSHIP 48 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO



LEGEND

////// CITY LIMITS

———— PROPERTY BOUNDARY / LIMITS OF ANNEXATION

CITY LIMITS

TOTAL PERIMETER = 4356.80'

PERIMETER CONTIGUOUS TO CITY LIMITS = 4356.80

NOTE:

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

CITY OF MONTROSE RECREATION TRAIL

CITY OF MONTROSE
23.3 ACRES

2016 CITY OF MONTROSE
ADDITION NO. 4
RECEPTION NO. 878828

TWO CREEKS ADDITION
BOOK 12 PAGE 1583

MONTROSE COUNTY PARCEL
BOOK 693 PAGE 102

UNITED STATES TRACT 37
BOOK 493 PAGE 253

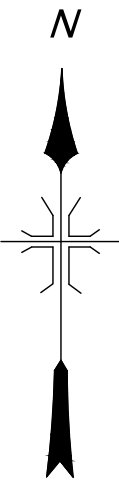
BUREAU OF LAND MANAGEMENT ADDITION
BOOK 12 PAGE 10

SOUTHWOOD ADDITION
BOOK 12 PAGE 566

L=138.41'
R=1482.70'
Δ=5°20'55"
CH=N28°32'02"E
CHD=138.36'

P.O.B.

E. OAK GROVE ROAD



1" = 100'



ANNEXATION DESCRIPTION

A tract of land situated in Government Lots 4 and 5, Section 4, Township 48 North, Range 9 West, New Mexico Principal Meridian, City of Montrose, County of Montrose, State of Colorado, more particularly described as follows:

Beginning at an intersecting point common to Montrose County parcel Book 693 Page 102 and United States Tract 37 Book 493 Page 253 from whence the Northwest corner of said Section 4 bears N85°26'59"W 623.12 feet; Thence coinciding with the Western line of said Tract 37 and the Bureau of Land Management Addition, Book 12 Page 10, the following six courses: 1) S46°59'29"E 402.24 feet; 2) S57°02'09"E 361.00 feet; 3) S22°02'09"E 186.00 feet; 4) S51°07'51"W 511.00 feet; 5) S11°17'09"E 108.00 feet; 6) S29°37'51"W 150.00 feet to a point on the Northerly line of the Southwood Addition, Book 12 Page 566; Thence coinciding with said Northerly line S69°25'04"W 931.73 feet to a point on the East line of the 2016 City of Montrose Addition No. 4, Reception No. 878628. Thence coinciding with said East line N01°14'29"E 448.02 feet to the Southeast line of the Two Creeks Addition, Book 12 Page 1583; Thence coinciding with said Southeast line the following two courses: 1) N31°12'30"E 1120.39 feet; 2) 138.41 feet along the arc of a curve to the left with a radius of 1482.70 feet, an interior angle of 05°20'55", and a chord of N28°32'02"E 138.36 feet to the POINT OF BEGINNING. Said tract contains 23.29 acres as described.

SURVEYOR'S CERTIFICATE

I, Nicholas Barrett, a Registered Land Surveyor in the State of Colorado, do hereby certify PUBLIC WORKS SHOP ADDITION Annexation Map was prepared under my direct supervision.

Nicholas Barrett, P.L.S.
Registration No. 38037

MAYOR'S CERTIFICATE

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

Mayor

Attest:
City Clerk

CLERK AND RECORDER'S CERTIFICATE

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

Clerk and Recorder
Montrose County, Colorado

Deputy

DMC		DEL-MONT CONSULTANTS, INC. ENGINEERING & SURVEYING 125 Colorado Ave. W. Montrose, CO 81401 www.del-mont.com service@del-mont.com	
FIELD BOOK:	DATE:	DATE: 2024-03-26	
DISK BY:	FILE:	JOB NO.: 24003	
1 of 1	24003V_ANNX-MITCH	24003	
TITLE: PUBLIC WORKS SHOP ADDITION		CLIENT: CITY OF MONTROSE, COLORADO	
ADDRESS & PHONE: 400 E. MAIN STREET MONTROSE, CO 81401		TYPE: ANNEXATION	

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.

\\DMS14\PROJECTS\ACTIVE PROJECTS\2024\24003-COM 2024-ON-CALL\MITCHELL ANNEX\C3D\24003V_ANNX-MITCH.DWG

EXHIBIT B: Zoning Code Excerpt

Sec. 11-7-6. District uses.

- (A) *Permitted uses.* Those uses designated as permitted uses on the schedule of uses in Subsections 11-7-6(G) and 11-7-6(H) are allowed as a matter of right subject to approval of a site development plan per Section 11-8-1 of this Title.
- (B) *Conditional uses.* Uses listed as conditional uses on the schedule of uses in Subsections 11-7-6(G) and 11-7-6(H) shall be allowed only if the Planning Commission determines, following review pursuant to Chapter 11-4 of this Title, that the following criteria are substantially met with respect to the type of use and its dimensions:
- (1) The use will not be contrary to the public health, safety, or welfare.
 - (2) The use is not materially adverse to the City's Comprehensive Plan.
 - (3) Streets, pedestrian facilities, and bikeways in the area are adequate to handle traffic generated by the use with safety and convenience.
 - (4) The use is compatible with existing uses in the area and other allowed uses in the district.
 - (5) The use will not have an adverse effect upon other property values.
 - (6) Adequate off-street parking will be provided for the use.
 - (7) The location of curb cuts and access to the premises will not create traffic hazards.
 - (8) The use will not generate light, noise, odor, vibration, or other effects which would unreasonably interfere with the reasonable enjoyment of adjacent property.
 - (9) Landscaping of the grounds and the architecture of any buildings will be reasonably compatible with that existing in the neighborhood.
- (C) *Principal uses.* The primary use of a lot is referred to as a principal use which may be a land use or a structure. Only one principal use per lot is allowed except where a mix of residential and nonresidential uses may be permitted in a specified zone district.
- (D) *Accessory uses.* Accessory uses shall comply with all requirements for the principal use, except where specifically modified by this Chapter, and shall also comply with the following limitations:
- (1) An accessory use shall be clearly incidental, customary to and commonly associated with the operation of the permitted use.
 - (2) An accessory use shall be operated and maintained under the same ownership as the permitted use.
 - (3) An accessory use shall be located on the same lot as a principal use.
- (E) *Temporary Use Permits.*
- (1) The City Manager or his designee may issue a permit authorizing a temporary use of premises in a district for a use which is otherwise not allowed in such a district for a period of up to one year in accordance with this Subsection.
 - (2) The temporary use permit may be issued by the City Manager only after it determines that unusual circumstances exist, not created by the applicant, such as damage, destruction or delay in construction



of applicant's permanent premises, which results in significant hardship, and that the temporary use will not unreasonably interfere with the use of other property, or result in any permanent adverse effects to other property, or create a safety or health hazard.

- (3) The City Manager or his designee shall hold such hearings concerning the application and provide such notice thereof as the circumstances merit in his opinion. The permit may be granted subject to conditions appropriate to ensure compliance with this Subsection.
- (4) *Temporary Construction or Sales Office.* A building within a subdivision may be utilized as a temporary construction or sales office for a period up to one year by the developer of that subdivision during the period of the construction and initial sales respectively of the building and improvements within the area encompassed by the preliminary plat for each subdivision. The City Manager may authorize additional one-year periods for use as a construction office if construction is continuing in the area after the preceding year, or as a sales office if not all of the houses in the area have been sold during the year preceding.

(F) *Uses Not Listed.*

- (1) Uses not listed in a zone district are prohibited except that such uses may be approved by the City Manager provided such uses are found to be similar to a permitted use.
- (2) Any person aggrieved by a decision of the City Manager pursuant to this Subsection may appeal that decision to the City Council under the following procedure:
 - (a) The appeal must be made in writing and filed within 30 days of the decision being appealed.
 - (b) The City Council shall consider the appeal at a public hearing held within 30 days of receipt of the written appeal, notice of which shall be given to the appellant by US mail at least 15 days prior to the hearing.
 - (c) The City Council shall approve or deny the appeal.
- (d) The decision of the City Council shall be the final decision of the City on the matter, appealable only to the district court.

(H) *Schedule of Mixed Use, Commercial and Industrial Zone District Uses.*

Land Use	OR	P	B-1	B-2	B-2A	B-3	B-4	I-1	I-2
COMMERCIAL USES									
Automobile and vehicle sales, repair or service establishments			C	C	P	P			
Automobile body shops			C	C	P	P			
Bed and breakfast (See Sec. 11-11-1)	P								
Building materials businesses			C	P	P	P			
Car washes				P	P	P	C		
Commercial businesses		C							
Commercial uses other than the uses by right in this zone district which comply with the								C	



performance standards of Chapter 11-11-4 and are consistent with Sec. 11-7-5(D)(1).									
Farm implement sales or service establishments					P	P			
Fueling stations or other retail uses having fuel pumps which comply with the following criteria: (a) All fuel storage, except propane, shall be located underground. (b) All fuel pumps, lubrication and service facilities shall be located at least 20 feet from any street right-of-way line.			P	P	P	P	C		
Funeral homes			C	C	C	C			
Hotels and motels			P	P	P	P			
Laundry facilities, self-service				P	P	P	P		
Mobile and travel home sales or service establishments					P	P			
Offices for medically related and professional service providers including doctors, dentists, chiropractors, lawyers, engineers, surveyors, accountants, bookkeepers, secretarial services, title companies, social service providers and other similar professional service providers.	P								
Offices not allowed as a use by right.	C								
Travel home parks and campgrounds (See Sec. 11-13)				C	C	C			
Rental businesses					P	P			
Restaurants			P	P	P	P	P		P
Restaurants, drive-in or drive-through			C	C	C	C	C		
Retail sales and services establishments which cater to the general shopping public	C								

Retail stores, business and professional offices, and service establishments which cater to the general shopping public.			P	P	P	P	P		P
Retail stores, business and service establishments serving the general public but which also involve limited manufacturing of the products supplied				C	C	C			
Sexually oriented business (See Sec. 11-12-1)									P
Short-term rentals	P		P	P	P	P	P	P	P
Taverns			P	P	P	P	C		
Theaters			P	P	P	P			
Veterinary clinics or hospitals for small animals				P	P	P			
Veterinary clinics or hospitals for large animals					P	P			
<i>INDUSTRIAL USES</i>									
Above ground storage facilities for hazardous fuels						P			P
Aircraft support services, including, but not limited to, aircraft maintenance and passenger and crew services.								P	P
Construction and contractor's office and equipment storage facilities						P			P
Feed storage and sales establishments						P			P
Manufacturing and non-manufacturing uses including: food processing; metal finishing and fabrication; paper, plastic and wood manufacturing (excluding processing of any raw materials), fabric manufacturing and similar activities. (See Sec. 11-11-4)					C	C		P	P
Other industrial uses									P
Storage facilities, indoor			C	P	P	P	C		P

Storage facilities, outdoor					C	P		P	P
Warehouse and wholesale distribution operations			C	C	C	C		P	P
<i>INSTITUTIONAL USES</i>									
Airport								P	P
Assisted living facilities	C			P	P	P			
Childcare facilities	P	C	P	P	P	P	P	P	P
College or other place of adult education			P	P	P	P			
Daytime social service activities by a social service provider, to include food storage; food distribution without monetary remuneration as a food pantry and/or food service without monetary remuneration as a soup kitchen; laundry facilities not for profit; showers; and counseling to include alcohol and/or substance abuse counseling. This use by right expressly excludes the overnight sheltering of people. For the purposes of this use by right authorization, "daytime" shall mean from 6:00 a.m. to 6:00 p.m. Mountain Standard Time. "Night" shall mean from 6:00 p.m. to 6:00 a.m. Mountain Standard Time.			P	P	P	P			
Family child care home	P	C	P	P	P	P	P	P	P
Government buildings and facilities	P	P	P	P	P	P	P	P	P
Hospitals	P								
Libraries		P	P	P	P	P			
Museums and visitor centers		P	P	P	P	P			
Parking facilities	P	P	P	P	P	P			
Private and fraternal clubs			P	P	P	P	C		
Public transportation facilities			P	P	P	P			
Religious assembly	P	P	P	P	P	P	P		
Schools	C	P	C	C	C	C	C		
<i>RECREATIONAL USES</i>									



Golf courses		C							
Parks, open space and recreation facilities	P	P	P	P	P	P	P	P	P
Private recreation facilities		P							
<i>RESIDENTIAL USES</i>									
Duplex	P		P	P	P	P	P	P	P
Group homes—handicapped/disabled 8 persons or less (see Sec. 11-11-2)	P		P	P	P	P	P	P	P
Group homes—handicapped/disabled > 8 persons (see Sec. 11-11-2)	C		C	C	C	C	C	C	C
Group homes, other (See Sec. 11-11-2)	C		C	C	C	C	C	C	C
Home occupation (See Sec. 11-11-3)	A		A	A	A	A	A	A	A
Multifamily dwelling	C	C	P	P	P	P	P	P	P
Single-family dwelling	P	C	P	P	P	P	P	P	P
Supportive housing	C					C		C	
<i>UTILITIES AND TELECOMMUNICATION FACILITIES</i>									
Antennas (See Sec. 11-14-6)	C	C	C	C	C	C	C	C	C
Public utility service facilities	P	P	P	P	P	P	P	P	P
Towers (See Sec. 11-14-5)	C	C	C	C	C	C	C	C	C
<i>OTHER USES</i>									
Accessory uses (See Sec. 11-7-6(D))	A	A	A	A	A	A	A	A	A
Temporary use (See Sec. 11-7-6(E)(1—3))	T	T	T	T	T	T	T	T	T
Temporary Construction or Sales Office (See Sec. 11-7-6(E)(4))	T	T	T	T	T	T	T	T	T
Travel home (See Sec. 11-13-6(2))	T		T	T	T	T	T	T	T

(Ord. No. 2626 , § 3(exh. A), 5-16-2023)



RESOLUTION NO. 2024-12

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

The City Council hereby set forth its findings of fact and conclusions based thereon with respect to the annexation of the **Public Works Shop Addition** based on the evidence contained in the official file, the official records of the City of Montrose, Colorado and the evidence produced at the Hearing held on August 6, 2024.

FINDINGS OF FACT

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

3. The City Council has determined that additional terms and conditions will not be imposed.
4. An Annexation Impact Report has been produced, and filed with Montrose County.

CONCLUSIONS

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

ADOPTED this 6th day of August, 2024, by the Montrose City Council.

CITY OF MONTROSE, COLORADO

By _____
J. David Reed, Mayor

ATTEST:

Briceida Ortega, Deputy City Clerk

ORDINANCE NO. 2666

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, FOR THE ANNEXATION OF PUBLIC WORKS SHOP ADDITION.

WHEREAS, the City of Montrose is the sole owner of an unincorporated tract of land described below which area is proposed to be annexed as the Public Works Shop Addition and which is not solely a public street or right-of-way, and

WHEREAS, such property is eligible for annexation pursuant to C.R.S. §§ 31-12-104(1)(a) - 105, and

WHEREAS, all applicable requirements of the Montrose Municipal Code and Charter have been fulfilled, and

WHEREAS, the property is eligible for annexation in accordance with the Municipal Annexation Act of 1965 without Notice or Hearing,

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

The property described on **Exhibit A** hereto which is solely owned by the City of Montrose and which is not solely a public street or right-of-way is hereby annexed to the City of Montrose, Colorado, to be known as the Public Works Shop Addition.

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 August, 2024, at the hour of 6:00 p.m. at Montrose City Council Chambers, Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 6th day of August, 2024.

J. David Reed, Mayor

ATTEST:

Briceida Ortega, Deputy City Clerk

INTRODUCED, READ and ADOPTED on second reading this 20th day of August, 2024.

J. David Reed, Mayor

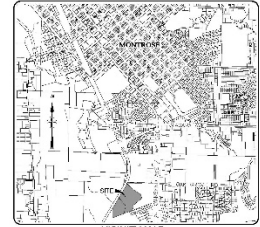
ATTEST:

Lisa DelPiccolo, City Clerk

EXHIBIT A

PUBLIC WORKS SHOP ADDITION

SITUATED IN GOVERNMENT LOTS 4 AND 5, SECTION 4, TOWNSHIP 48 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO



LEGEND

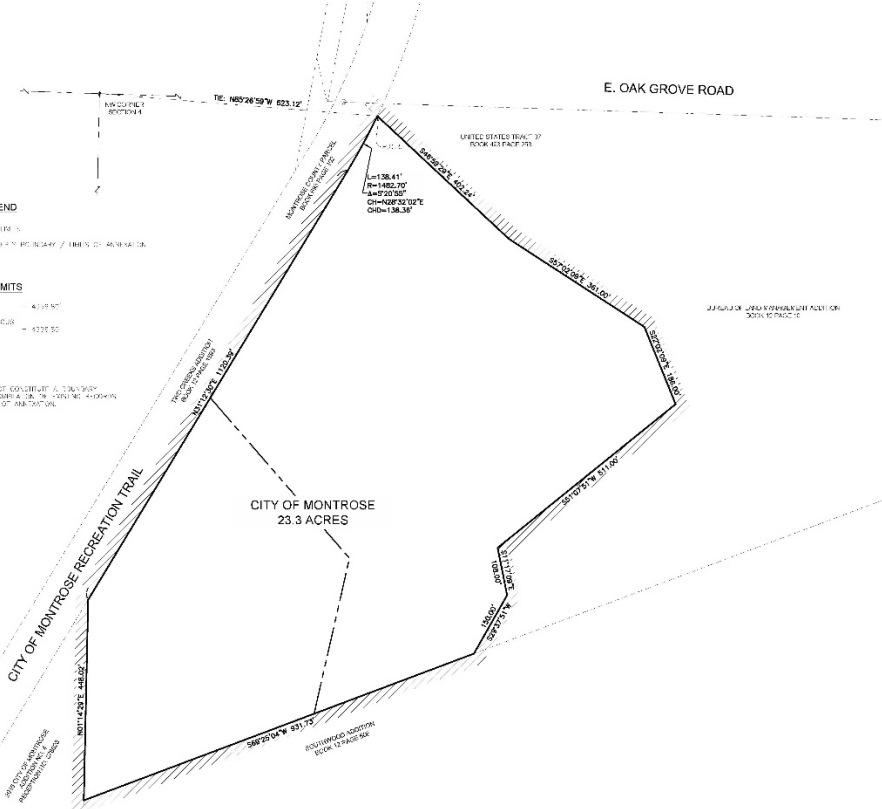
City Limits
Proposed Addition

CITY LIMITS

City Limits
Proposed Addition

NOTES

1. THIS MAP DOES NOT CONSTITUTE A GUARANTEE OF ACCURACY. THE CITY OF MONTROSE, COLORADO, DOES NOT WARRANT THE ACCURACY OF ANY INFORMATION PROVIDED HEREON.



ANNEXATION PROPOSAL

1. The City of Montrose, Colorado, is proposing to annex the Public Works Shop Addition, located in the City of Montrose, Colorado, to the City of Montrose, Colorado.

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PUBLIC WORKS SHOP ADDITION			
DATE	CITY OF MONTROSE, COLORADO	PROJECT	400 E. MAIN STREET MONTROSE, CO 81401
DATE	2024-09-26	PROJECT	ANNEXATION
DATE	2024-09-26	PROJECT	ANNEXATION

ORDINANCE NO. 2667

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, PROVIDING FOR THE ZONING OF THE PUBLIC WORKS SHOP ADDITION AS A “P,” PUBLIC DISTRICT.

WHEREAS, the Public Works Shop Addition has been recently annexed to the City of Montrose, Colorado; and

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

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

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

The Official Zoning Map is hereby amended to designate the Public Works Shop Addition, according to the Official Annexation Map thereof, as a “P,” Public District.

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its passage on first reading on Tuesday, the 6th day of August, 2024, at the hour of 6:00 p.m. at Montrose City Council Chambers, Elks’ Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 6th day of August, 2024.

_____,
J. David Reed, Mayor

ATTEST:

Briceida Ortega, Deputy City Clerk

INTRODUCED, READ and ADOPTED on second reading this 20th day of August, 2024.

J. David Reed, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk



CITY OF MONTROSE

Planning Services

MEMO

TO: City Council
FROM: William Reis, Planner II
DATE: August 6, 2024
RE: Rio Grande Right of Way Addition Annexation
ATTACHMENTS:

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

City Council Consideration:

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

Proposed schedule:

July 1:	Council Work Session Overview
July 24:	Planning Commission zoning hearing
August 6:	City Council Annexation hearing, 1st reading of annexation ordinance, and 1st reading of zoning ordinance
August 20:	2nd reading of annexation and zoning ordinances

Application Background:

The Public Works Shop Addition is a proposed annexation approximately 1.14 acres in size. The annexation consists of a portion of the ROW in S Rio Grande Ave. It is within the City's Urban Growth Boundary, City of Montrose Sewer Service Area, and City of Montrose Water Service Area. Annexation of this property will clean up City boundaries. An Annexation Agreement is not required.



Proposed Zoning: “P” Public District

Applicant: City of Montrose

Staff Analysis:

1. The City-County IGA gives the City the option to annex properties within the IGA. The area is urbanizing and more than 1/6 of the perimeter is contiguous to the city limits. These factors support annexation.
2. An annexation agreement is not required as a condition of this annexation.
3. Zoning Regulations
 - a. Municipal Code, Section, 11-7-12 (B), Zoning of Additions: The zoning of additions for all property annexed to the City not previously subject to City zoning may be requested or initiated by the City Manager or the owner of any legal interest in the property or such owner's representative. Proceedings concerning the zoning of property to be annexed may commence at any time prior to the effective date of the annexation ordinance, or thereafter as allowed by law. The Planning Commission shall either recommend approval or denial of the requested zoning to the City Council, which can either ratify the Planning Commission's decision, or reverse it. The zoning of additions shall be subject to the review procedures of Chapter 11-4 and standards of Section 11-7-4 of this Title, and shall be allowed only upon findings as follows:
 - i. The amendment is not averse to the public health, safety and welfare; and
 - ii. The amendment is in substantial conformity with the Comprehensive Plan; or
 1. Such zoning is compatible with conditions in the area, which have changed materially since the Comprehensive Plan was last updated.
 - iii. The City shall not impose conditions on the zoning of an addition unless otherwise required by this Title.
 - b. Municipal Code, Section 11-7-5: The "P" Public District is intended to provide for uses and services of a public, nonprofit, or charitable nature.
 - c. The proposed zoning is compatible with existing zoning and general conditions in the area. The property is adjacent to properties that are zoned “P” Public District, “R-3” Medium Density District, “I-1” Light Industrial District, and areas outside of City limits.
4. The Comprehensive Plan Future Land Use Map designates the area of the Public Works Shop Addition as Residential Mixed Density Medium. The Residential Mixed Density Medium district provides for a variety of residential types, mixed within a neighborhood, including single-family homes, townhomes, duplexes and triplexes. The majority of the



mixed-density medium residential land uses are designated in areas that are not yet developed.

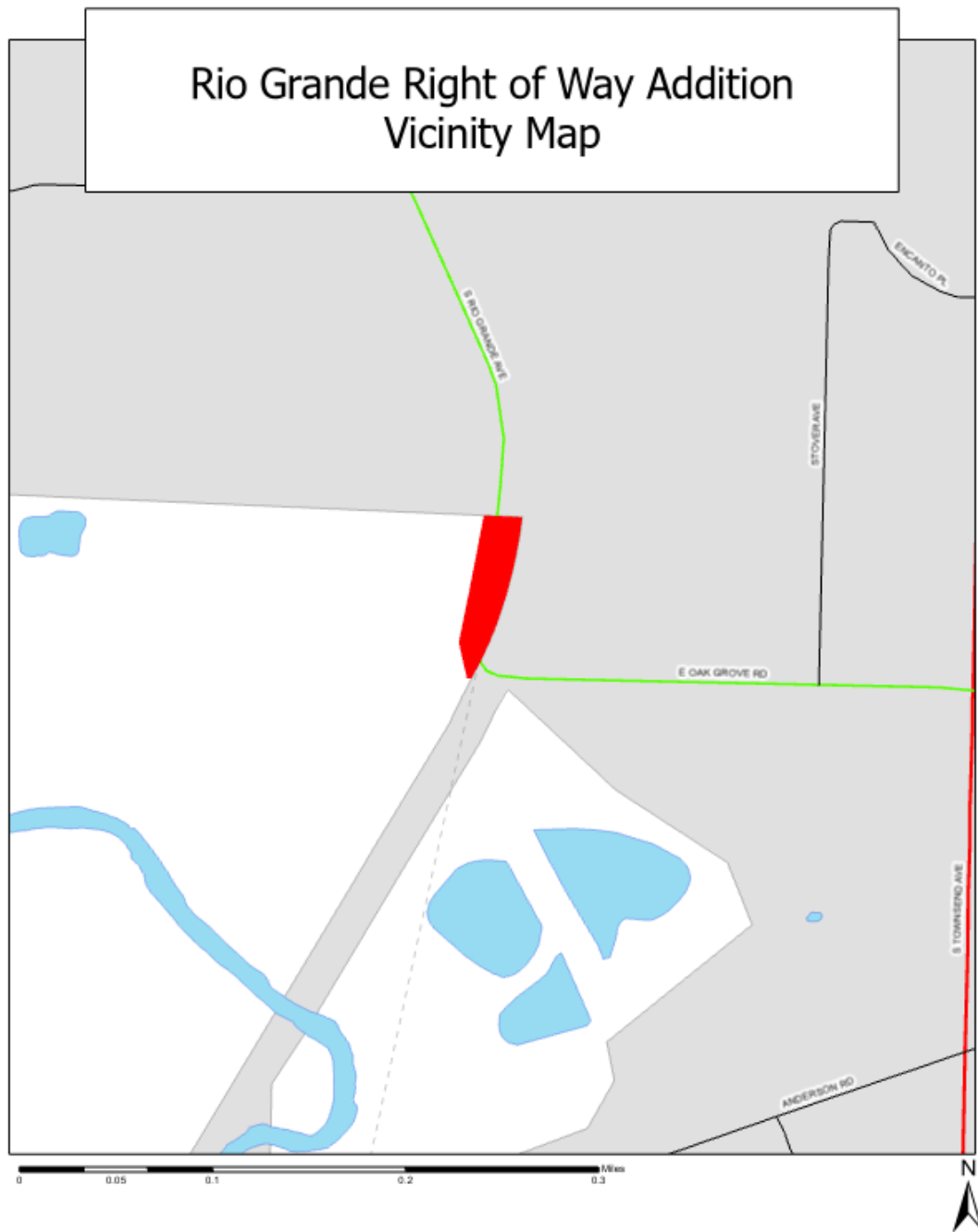
5. The property is located within Growth Area 1. According to the Comprehensive Plan, Growth Area 1 represents the most cost-efficient areas for the city to grow and comprises platted but unbuilt lots, annexed but unplatted land, and un-annexed small enclaves.
6. The “P” zoning does not appear to be adverse to the public health, safety and welfare.

Staff Recommendation:

Staff recommends approval of the annexation and the “P” Public District zoning designation.



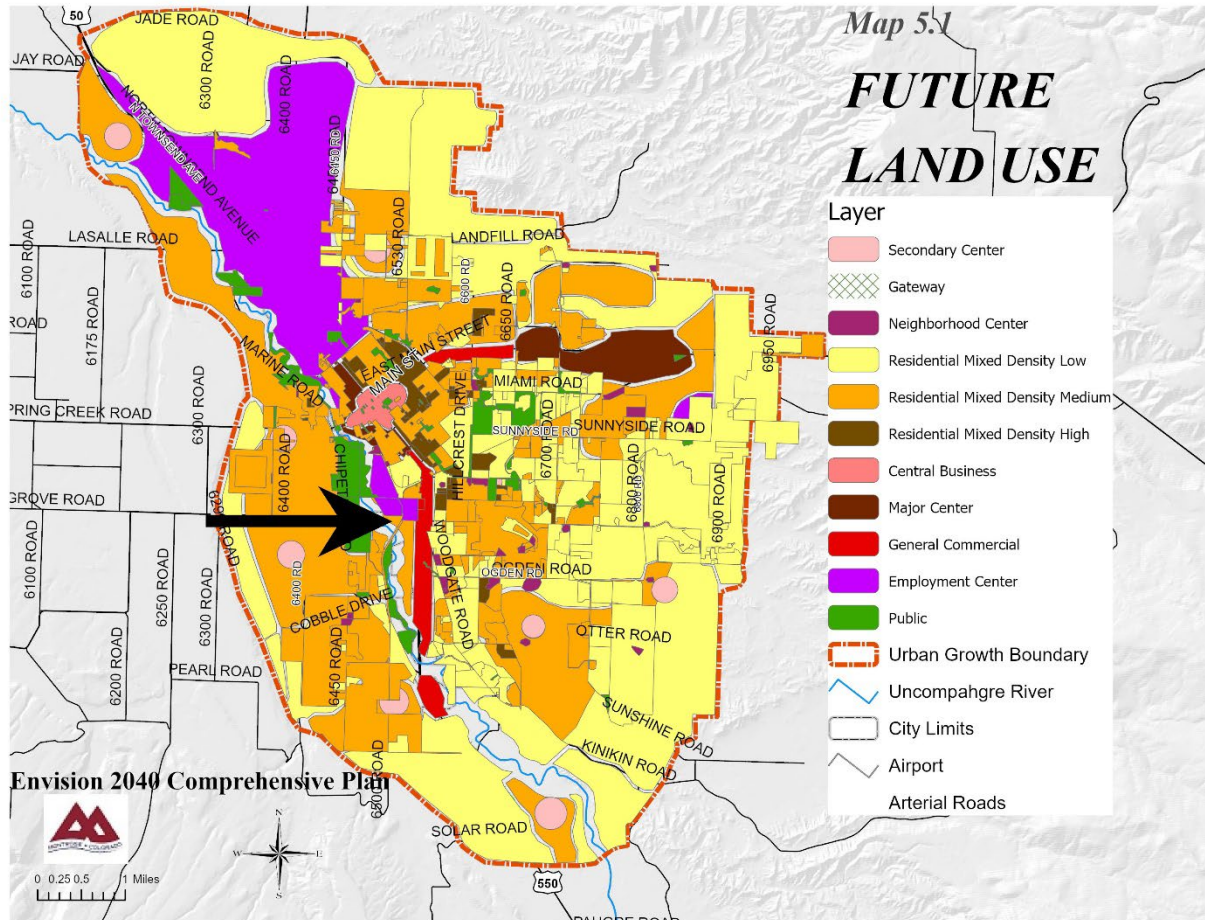
EXHIBIT A: Maps



Rio Grande Right of Way Addition Proposed Zoning: "P" Public District



Comprehensive Plan Future Land Use Map



RIO GRANDE RIGHT OF WAY ADDITION

SITUATED IN THE SW1/4, SECTION 34, TOWNSHIP 49 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN
AND IN GOVERNMENT LOT 4, SECTION 4, TOWNSHIP 48 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO

LEGEND

- ////// CITY LIMITS
- PROPERTY BOUNDARY / LIMITS OF ANNEXATION
- (A) RIGHT-OF-WAY, BOOK 542 PAGE 801
- (B) REMNANT AREA NOT DESCRIBED IN DEED, BOOK 558 PAGE 754 & BOOK 614 PAGE 192
- (C) TRACT A, RECEPTION NO. 934842
- (D) RIGHT-OF-WAY, BOOK 542 PAGE 800
- (E) MITCHELL TO CITY OF MONTROSE, RECEPTION NO. _____
- (F) MITCHELL TO CITY OF MONTROSE, RECEPTION NO. _____

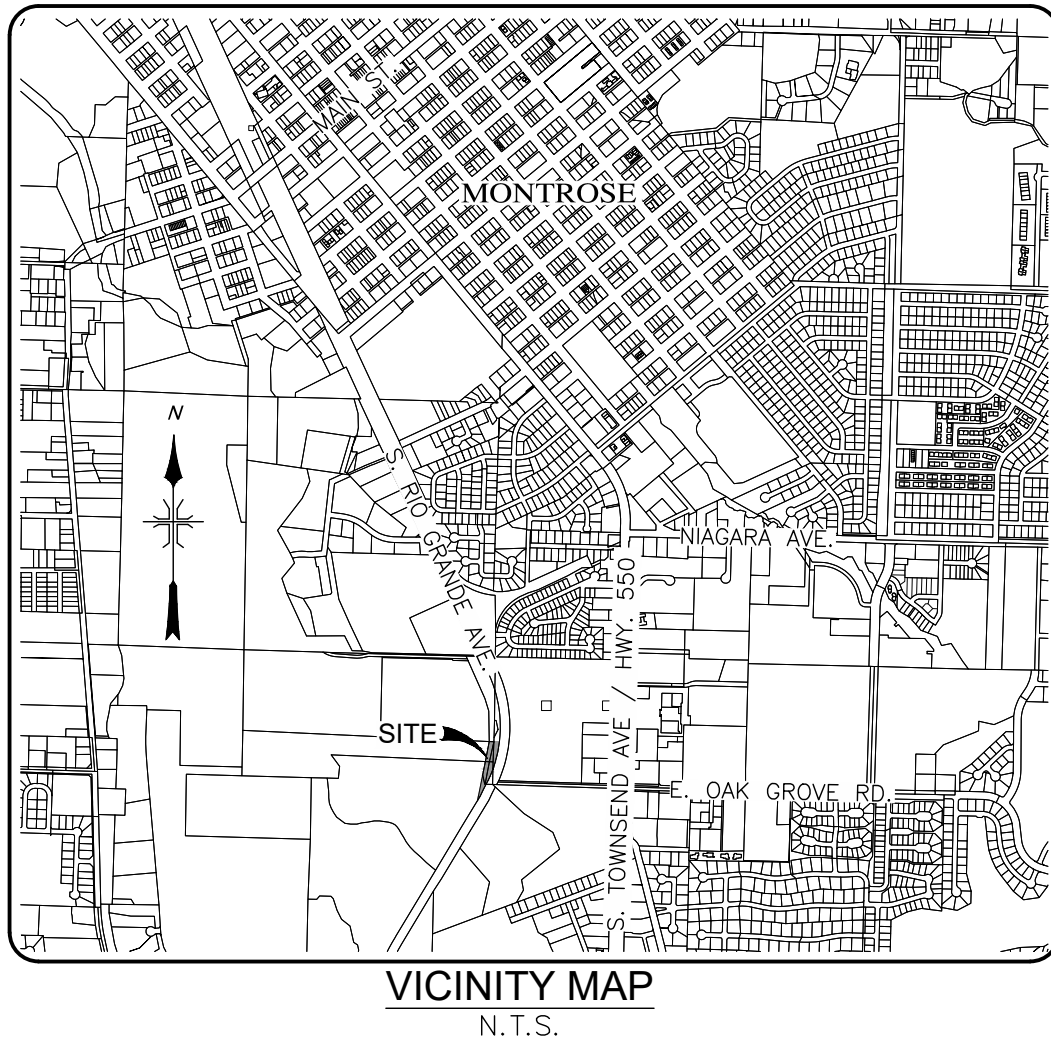
CITY LIMITS

TOTAL PERIMETER = 1357.36'

PERIMETER CONTIGUOUS TO CITY LIMITS = 746.54

NOTE:

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



ANNEXATION DESCRIPTION

A tract of land situated in the SW1/4 SW1/4, Section 34, Township 49 North, Range 9 West, and in Government Lot 4, Section 4, Township 48 North, Range 9 West, New Mexico Principal Meridian, City of Montrose, County of Montrose, State of Colorado, more particularly described as follows:

Beginning at the Southwest corner of a dedicated Right-of-Way, Book 542 Page 800, from whence the Northwest corner of said Section 4 bears S80°37'58"W 492.52 feet; Thence N10°50'11"E 162.50 feet coinciding with the Westerly line of said Right-of-Way to the Southwest corner of a dedicated Right-of-Way Book 542 Page 801; Thence N10°50'11"E 212.10 feet coinciding with the Westerly line of said Right-of-Way to a point on the South line of the Colorado Ute Addition No. 3, Book 12 Page 148; Thence along said South line S88°06'50"E 47.65 feet to a point on the Two Creeks Addition, Book 12 Page 1593. Thence coinciding with the Westerly line of said Two Creeks Addition the following three courses: 1) S88°06'50"E 57.20 feet; 2) 600.19 feet along the arc of a curve to the right with a radius of 1362.70 feet, an interior angle of 24°52'13", and a chord of 518°46'23"W 595.49 feet; 3) Thence S31°12'30"W 61.31 feet to the Southwest corner of a dedicated Right-of-Way, Reception No. _____; Thence N10°50'11"E 256.35 feet along said Right-of-Way to the POINT OF BEGINNING. Said tract contains 49,513 square feet, or 1.14 acres as described.

SURVEYOR'S CERTIFICATE

I, Nicholas Barrett, a Registered Land Surveyor in the State of Colorado, do hereby certify RIO GRAND RIGHT OF WAY ADDITION Annexation Map was prepared under my direct supervision.

Nicholas Barrett, P.L.S.
Registration No. 38037

MAYOR'S CERTIFICATE

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

Mayor

Attest: _____
City Clerk

CLERK AND RECORDER'S CERTIFICATE

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

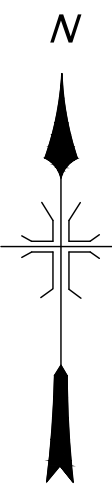
Clerk and Recorder
Montrose County, Colorado

Deputy

FIELD BOOK:		DRAWN BY: PJI		DATE: 2024-03-26	
SHEET: 1 of 1		FILE: 24003V_ANNX-MITCH		JOB NO.: 24003	
TITLE: RIO GRANDE RIGHT OF WAY ADDITION		CLIENT: CITY OF MONTROSE, COLORADO		ADDRESS & PHONE: 400 E. MAIN STREET MONTROSE, CO 81401	
TYPE: ANNEXATION					

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.

\\DMS14\PROJECTS\ACTIVE PROJECTS\2024\24003-COM 2024-ON-CALL\MITCHELL ANNEX\C3D\24003V_ANNX-MITCH.DWG



1" = 40'

EXHIBIT B: Zoning Code Excerpt

Sec. 11-7-6. District uses.

- (A) *Permitted uses.* Those uses designated as permitted uses on the schedule of uses in Subsections 11-7-6(G) and 11-7-6(H) are allowed as a matter of right subject to approval of a site development plan per Section 11-8-1 of this Title.
- (B) *Conditional uses.* Uses listed as conditional uses on the schedule of uses in Subsections 11-7-6(G) and 11-7-6(H) shall be allowed only if the Planning Commission determines, following review pursuant to Chapter 11-4 of this Title, that the following criteria are substantially met with respect to the type of use and its dimensions:
- (1) The use will not be contrary to the public health, safety, or welfare.
 - (2) The use is not materially adverse to the City's Comprehensive Plan.
 - (3) Streets, pedestrian facilities, and bikeways in the area are adequate to handle traffic generated by the use with safety and convenience.
 - (4) The use is compatible with existing uses in the area and other allowed uses in the district.
 - (5) The use will not have an adverse effect upon other property values.
 - (6) Adequate off-street parking will be provided for the use.
 - (7) The location of curb cuts and access to the premises will not create traffic hazards.
 - (8) The use will not generate light, noise, odor, vibration, or other effects which would unreasonably interfere with the reasonable enjoyment of adjacent property.
 - (9) Landscaping of the grounds and the architecture of any buildings will be reasonably compatible with that existing in the neighborhood.
- (C) *Principal uses.* The primary use of a lot is referred to as a principal use which may be a land use or a structure. Only one principal use per lot is allowed except where a mix of residential and nonresidential uses may be permitted in a specified zone district.
- (D) *Accessory uses.* Accessory uses shall comply with all requirements for the principal use, except where specifically modified by this Chapter, and shall also comply with the following limitations:
- (1) An accessory use shall be clearly incidental, customary to and commonly associated with the operation of the permitted use.
 - (2) An accessory use shall be operated and maintained under the same ownership as the permitted use.
 - (3) An accessory use shall be located on the same lot as a principal use.
- (E) *Temporary Use Permits.*
- (1) The City Manager or his designee may issue a permit authorizing a temporary use of premises in a district for a use which is otherwise not allowed in such a district for a period of up to one year in accordance with this Subsection.
 - (2) The temporary use permit may be issued by the City Manager only after it determines that unusual circumstances exist, not created by the applicant, such as damage, destruction or delay in construction



of applicant's permanent premises, which results in significant hardship, and that the temporary use will not unreasonably interfere with the use of other property, or result in any permanent adverse effects to other property, or create a safety or health hazard.

- (3) The City Manager or his designee shall hold such hearings concerning the application and provide such notice thereof as the circumstances merit in his opinion. The permit may be granted subject to conditions appropriate to ensure compliance with this Subsection.
- (4) *Temporary Construction or Sales Office.* A building within a subdivision may be utilized as a temporary construction or sales office for a period up to one year by the developer of that subdivision during the period of the construction and initial sales respectively of the building and improvements within the area encompassed by the preliminary plat for each subdivision. The City Manager may authorize additional one-year periods for use as a construction office if construction is continuing in the area after the preceding year, or as a sales office if not all of the houses in the area have been sold during the year preceding.

(F) *Uses Not Listed.*

- (1) Uses not listed in a zone district are prohibited except that such uses may be approved by the City Manager provided such uses are found to be similar to a permitted use.
- (2) Any person aggrieved by a decision of the City Manager pursuant to this Subsection may appeal that decision to the City Council under the following procedure:
 - (a) The appeal must be made in writing and filed within 30 days of the decision being appealed.
 - (b) The City Council shall consider the appeal at a public hearing held within 30 days of receipt of the written appeal, notice of which shall be given to the appellant by US mail at least 15 days prior to the hearing.
 - (c) The City Council shall approve or deny the appeal.
- (d) The decision of the City Council shall be the final decision of the City on the matter, appealable only to the district court.

(H) *Schedule of Mixed Use, Commercial and Industrial Zone District Uses.*

Land Use	OR	P	B-1	B-2	B-2A	B-3	B-4	I-1	I-2
COMMERCIAL USES									
Automobile and vehicle sales, repair or service establishments			C	C	P	P			
Automobile body shops			C	C	P	P			
Bed and breakfast (See Sec. 11-11-1)	P								
Building materials businesses			C	P	P	P			
Car washes				P	P	P	C		
Commercial businesses		C							
Commercial uses other than the uses by right in this zone district which comply with the								C	



performance standards of Chapter 11-11-4 and are consistent with Sec. 11-7-5(D)(1).									
Farm implement sales or service establishments					P	P			
Fueling stations or other retail uses having fuel pumps which comply with the following criteria: (a) All fuel storage, except propane, shall be located underground. (b) All fuel pumps, lubrication and service facilities shall be located at least 20 feet from any street right-of-way line.			P	P	P	P	C		
Funeral homes			C	C	C	C			
Hotels and motels			P	P	P	P			
Laundry facilities, self-service				P	P	P	P		
Mobile and travel home sales or service establishments					P	P			
Offices for medically related and professional service providers including doctors, dentists, chiropractors, lawyers, engineers, surveyors, accountants, bookkeepers, secretarial services, title companies, social service providers and other similar professional service providers.	P								
Offices not allowed as a use by right.	C								
Travel home parks and campgrounds (See Sec. 11-13)				C	C	C			
Rental businesses					P	P			
Restaurants			P	P	P	P	P		P
Restaurants, drive-in or drive-through			C	C	C	C	C		
Retail sales and services establishments which cater to the general shopping public	C								

Retail stores, business and professional offices, and service establishments which cater to the general shopping public.			P	P	P	P	P		P
Retail stores, business and service establishments serving the general public but which also involve limited manufacturing of the products supplied				C	C	C			
Sexually oriented business (See Sec. 11-12-1)									P
Short-term rentals	P		P	P	P	P	P	P	P
Taverns			P	P	P	P	C		
Theaters			P	P	P	P			
Veterinary clinics or hospitals for small animals				P	P	P			
Veterinary clinics or hospitals for large animals					P	P			
<i>INDUSTRIAL USES</i>									
Above ground storage facilities for hazardous fuels						P			P
Aircraft support services, including, but not limited to, aircraft maintenance and passenger and crew services.								P	P
Construction and contractor's office and equipment storage facilities						P			P
Feed storage and sales establishments						P			P
Manufacturing and non-manufacturing uses including: food processing; metal finishing and fabrication; paper, plastic and wood manufacturing (excluding processing of any raw materials), fabric manufacturing and similar activities. (See Sec. 11-11-4)					C	C		P	P
Other industrial uses									P
Storage facilities, indoor			C	P	P	P	C		P

Storage facilities, outdoor					C	P		P	P
Warehouse and wholesale distribution operations			C	C	C	C		P	P
<i>INSTITUTIONAL USES</i>									
Airport								P	P
Assisted living facilities	C			P	P	P			
Childcare facilities	P	C	P	P	P	P	P	P	P
College or other place of adult education			P	P	P	P			
Daytime social service activities by a social service provider, to include food storage; food distribution without monetary remuneration as a food pantry and/or food service without monetary remuneration as a soup kitchen; laundry facilities not for profit; showers; and counseling to include alcohol and/or substance abuse counseling. This use by right expressly excludes the overnight sheltering of people. For the purposes of this use by right authorization, "daytime" shall mean from 6:00 a.m. to 6:00 p.m. Mountain Standard Time. "Night" shall mean from 6:00 p.m. to 6:00 a.m. Mountain Standard Time.			P	P	P	P			
Family child care home	P	C	P	P	P	P	P	P	P
Government buildings and facilities	P	P	P	P	P	P	P	P	P
Hospitals	P								
Libraries		P	P	P	P	P			
Museums and visitor centers		P	P	P	P	P			
Parking facilities	P	P	P	P	P	P			
Private and fraternal clubs			P	P	P	P	C		
Public transportation facilities			P	P	P	P			
Religious assembly	P	P	P	P	P	P	P		
Schools	C	P	C	C	C	C	C		
<i>RECREATIONAL USES</i>									



Golf courses		C							
Parks, open space and recreation facilities	P	P	P	P	P	P	P	P	P
Private recreation facilities		P							
<i>RESIDENTIAL USES</i>									
Duplex	P		P	P	P	P	P	P	P
Group homes—handicapped/disabled 8 persons or less (see Sec. 11-11-2)	P		P	P	P	P	P	P	P
Group homes—handicapped/disabled > 8 persons (see Sec. 11-11-2)	C		C	C	C	C	C	C	C
Group homes, other (See Sec. 11-11-2)	C		C	C	C	C	C	C	C
Home occupation (See Sec. 11-11-3)	A		A	A	A	A	A	A	A
Multifamily dwelling	C	C	P	P	P	P	P	P	P
Single-family dwelling	P	C	P	P	P	P	P	P	P
Supportive housing	C					C		C	
<i>UTILITIES AND TELECOMMUNICATION FACILITIES</i>									
Antennas (See Sec. 11-14-6)	C	C	C	C	C	C	C	C	C
Public utility service facilities	P	P	P	P	P	P	P	P	P
Towers (See Sec. 11-14-5)	C	C	C	C	C	C	C	C	C
<i>OTHER USES</i>									
Accessory uses (See Sec. 11-7-6(D))	A	A	A	A	A	A	A	A	A
Temporary use (See Sec. 11-7-6(E)(1—3))	T	T	T	T	T	T	T	T	T
Temporary Construction or Sales Office (See Sec. 11-7-6(E)(4))	T	T	T	T	T	T	T	T	T
Travel home (See Sec. 11-13-6(2))	T		T	T	T	T	T	T	T

(Ord. No. 2626 , § 3(exh. A), 5-16-2023)



RESOLUTION NO. 2024-13

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

The City Council hereby set forth its findings of fact and conclusions based thereon with respect to the annexation of the **Rio Grande Right of Way Addition** based on the evidence contained in the official file, the official records of the City of Montrose, Colorado and the evidence produced at the Hearing held on August 6, 2024.

FINDINGS OF FACT

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

3. The City Council has determined that additional terms and conditions will not be imposed.
4. An Annexation Impact Report is not required.

CONCLUSIONS

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

ADOPTED this 6th day of August, 2024, by the Montrose City Council.

CITY OF MONTROSE, COLORADO

By _____
J. David Reed, Mayor

ATTEST:

Briceida Ortega, Deputy City Clerk

ORDINANCE NO. 2668

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, FOR THE ANNEXATION OF RIO GRANDE RIGHT OF WAY ADDITION.

WHEREAS, the City of Montrose is the sole owner of an unincorporated tract of land described below which area is proposed to be annexed as the Rio Grande Right of Way Addition and which is not solely a public street or right-of-way, and

WHEREAS, such property is eligible for annexation pursuant to C.R.S. §§ 31-12-104(1)(a) - 105, and

WHEREAS, all applicable requirements of the Montrose Municipal Code and Charter have been fulfilled, and

WHEREAS, the property is eligible for annexation in accordance with the Municipal Annexation Act of 1965 without Notice or Hearing,

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

The property described on **Exhibit A** hereto which is solely owned by the City of Montrose and which is not solely a public street or right-of-way is hereby annexed to the City of Montrose, Colorado, to be known as the Rio Grande Right of Way Addition.

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 August, 2024, at the hour of 6:00 p.m. at Montrose City Council Chambers, Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 6th day of August, 2024.

J. David Reed, Mayor

ATTEST:

Briceida Ortega, Deputy City Clerk

INTRODUCED, READ and ADOPTED on second reading this 20th day of August, 2024.

J. David Reed, Mayor

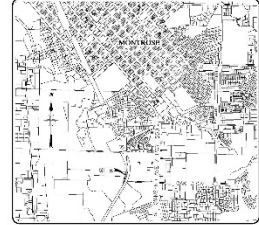
ATTEST:

Lisa DelPiccolo, City Clerk

EXHIBIT A

RIO GRANDE RIGHT OF WAY ADDITION

SITUATED IN THE SW1/4, SECTION 34, TOWNSHIP 49 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN
AND IN GOVERNMENT LOT 4, SECTION 4, TOWNSHIP 48 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO



LEGEND

- City Limits
- Proposed Boundary / Limits of Annexation
- Point A, Intersection of S. Rio Grande Ave. and S. 1st St.
- Point B, Intersection of S. Rio Grande Ave. and S. 2nd St.
- Point C, Intersection of S. Rio Grande Ave. and S. 3rd St.
- Point D, Intersection of S. Rio Grande Ave. and S. 4th St.
- Point E, Intersection of S. Rio Grande Ave. and S. 5th St.
- Point F, Intersection of S. Rio Grande Ave. and S. 6th St.

CITY LIMITS

Township 49 North
Range 9 West
Section 34

NOTES

1. The City of Montrose is a second class city under the provisions of the Colorado Revised Statutes.

ANNEXATION DESCRIPTION

The City of Montrose is a second class city under the provisions of the Colorado Revised Statutes. The City of Montrose is a second class city under the provisions of the Colorado Revised Statutes. The City of Montrose is a second class city under the provisions of the Colorado Revised Statutes.

ANNEXATION MAP

The City of Montrose is a second class city under the provisions of the Colorado Revised Statutes. The City of Montrose is a second class city under the provisions of the Colorado Revised Statutes. The City of Montrose is a second class city under the provisions of the Colorado Revised Statutes.

WARRANTY CERTIFICATE

The City of Montrose is a second class city under the provisions of the Colorado Revised Statutes. The City of Montrose is a second class city under the provisions of the Colorado Revised Statutes. The City of Montrose is a second class city under the provisions of the Colorado Revised Statutes.

DEED AND RECORDS CERTIFICATE

The City of Montrose is a second class city under the provisions of the Colorado Revised Statutes. The City of Montrose is a second class city under the provisions of the Colorado Revised Statutes. The City of Montrose is a second class city under the provisions of the Colorado Revised Statutes.

DEED AND RECORDS

The City of Montrose is a second class city under the provisions of the Colorado Revised Statutes. The City of Montrose is a second class city under the provisions of the Colorado Revised Statutes. The City of Montrose is a second class city under the provisions of the Colorado Revised Statutes.

RIO GRANDE RIGHT OF WAY ADDITION			
CITY OF MONTROSE, COLORADO			
400 E. MAIN STREET MONTROSE, CO 81401			
DATE	PROJECT	PAGE	2024-03-20
1 of 1	200000 ANNEXATION		24000
ANNEXATION			

ORDINANCE NO. 2669

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, PROVIDING FOR THE ZONING OF THE RIO GRANDE RIGHT OF WAY ADDITION AS A “P”, PUBLIC DISTRICT.

WHEREAS, the Rio Grande Right of Way Addition has been recently annexed to the City of Montrose, Colorado; and

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

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

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

The Official Zoning Map is hereby amended to designate the Rio Grande Right of Way Addition, according to the Official Annexation Map thereof, as a “P”, Public District.

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its passage on first reading on Tuesday, the 6th day of August, 2024, at the hour of 6:00 p.m. at Montrose City Council Chambers, Elks’ Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 6th day of August, 2024.

J. David Reed, Mayor

ATTEST:

Briceida Ortega, Deputy City Clerk

INTRODUCED, READ and ADOPTED on second reading this 20th day of August, 2024.

J. David Reed, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

CONTRACT AWARD CONSIDERATION



TO: Honorable Mayor and Members of the City Council
FROM: Scott Murphy, *City Engineer*
DATE: July 8, 2024
RE: Cedar Creek Cemetery Bridge Replacement Construction Contract Award
CC: William Bell, Shani Wittenberg

Action

Consider the award of a construction contract to K&D Construction in the amount of \$241,302.90 for replacement of the Cedar Creek Cemetery Bridge.

Background

The City of Montrose owns a 9.5 foot diameter culvert over Cedar Creek within the Cedar Creek Cemetery at the location shown in Figure 1. This culvert/bridge provides pedestrian and equipment access to the northern portions of the cemetery but is currently closed to vehicular use due to excessive corrosion and structural failure of the corrugated metal culvert pipe. This project aims to replace the failed culvert while preserving/reinforcing the existing headwall structures at each end of the crossing.

Project Bidding and Associated Expenditures

Construction of the bridge replacement project was put out for bid on June 12th and bids were publicly received on July 2, 2024 from one contractor as summarized in Table 1 below. Bid totals presented include a 20 percent contingency. It should be noted that the typical bid contingency amount of 10 percent was increased on this project given some unknowns and risk associated with foundation and headwall conditions.

TABLE 1
Summary of Bid Results

Contractor	Location	Bid Total
K&D Construction	Grand Junction, CO	\$241,302.90

Although there was only one bidder on this project, the price is considered reasonable and the City has positive experience working with K&D to construct the Miami-Hillcrest Roundabout Project in 2019.

Project Schedule and Traffic Control

This project is planned to span two calendar years in order for the work to take place during winter months when flows are substantially lower on Cedar Creek. The culvert work is scheduled to be complete by March and final paving complete by May 2025. While the bridge is being replaced, the work area will be closed to all pedestrian and vehicular traffic. Access to existing grave sites will remain open for all areas south of the bridge. The contractor will also work to limit work while nearby funeral processions are taking place.

Contract Administration and Project Financials

Contract administration, project management, survey, and inspection will be performed by the City of Montrose engineering department. Because the project was designed in-house, no outside surveying or design support is anticipated.

The City budgeted \$200k for the first year of this project within the 2024 Park's capital improvement fund. \$150k is currently proposed for the 2025 budget to cover any project balance that continues into 2025. Because it is not known exactly how the \$241k project will split between the two budget years, these budgeted amounts are intended to cover the maximum anticipated expenditures by year. Timing of how these funds are expended will be dependent on the final contractor schedule and contractor progress; at either rate, the approved \$241k contract amount will be the maximum amount approved for expenditure.



Figure 1: Cedar Creek Cemetery Culvert Location

CONTRACT AWARD RECOMMENDATION

TO: Honorable Mayor and Members of the City Council
FROM: Jim Scheid, Public Works Director
DATE: July 15, 2024
RE: 2024 Landfill Agreement
CC: William Bell, Ann Morgenthaler, Shani Wittenberg



Action

Consider the award of a contract with Bruin Waste Management for Landfill services.

Background

Over the last several years, the City's Trash and Recycle Division has collected and hauled the solid waste of City residents to the landfill located northeast of the City that is operated by Waste Management. The City's existing agreement with Waste Management is due to expire in July of 2024 and to renew this agreement the City has issued an RFP and publicly opened bids on July 3rd, 2024. There were 2 qualified bids received as detailed below.

Bidder	Location	Total Tipping Fee (\$/Ton)
Waste Management	Montrose, CO	\$66.62
Bruin Waste	Montrose, CO	\$64.50

Bruin Waste offers a lower tipping fee and also a benefit to the City in the haul distance to where the City trucks would unload the municipal waste. Bruin Waste operates a transfer station on North Townsend Ave in Montrose. The travel distance to this station is significantly closer to the trash routes which will help to reduce the wear and tear on the trash trucks and also reduce the time required to complete a route.

Contract Administration and Project Financials

The Trash and Recycle Division budgeted \$820,000.00 in disposal fees in 2024. Disposal fees include tipping fees for solid waste and for recyclable materials. The bid price of \$64.50/ton for trash is within the estimated tipping fee rates that were anticipated when developing the 2024 and 2025 budgets so this rate will not likely cause the City's overall disposal fees to exceed the budgeted amount of \$820,000.00.