



REGULAR CITY COUNCIL MEETING AGENDA
Tuesday, August 19, 2025 - 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 Dave Frank
- 2) The Pledge of Allegiance
- 3) Roll call by the City Clerk
- 4) Changes to the agenda including additions and deletions
- 5) 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

**Please note that the times listed are estimates only. Actual times may vary depending upon discussion and public comment received.*



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.

6) APPROVAL OF MINUTES (5 minutes)

City Council consideration of the minutes of the August 5, 2025, regular City Council meeting. *Staff: Senior Deputy City Clerk Briceida Ortega*

Action: Consider making a motion to approve the minutes of the August 5, 2025, regular City Council meeting as presented.

7) MONTROSE COUNTY ELECTIONS INTERGOVERNMENTAL AGREEMENT (10 minutes)

City Council consideration of a Montrose County Elections Intergovernmental Agreement between the Montrose County Clerk and Recorder and the City of Montrose for the placement of a Charter amendment ballot question on the November 4, 2025, General Election ballot. *Staff: City Attorney Chris Dowsey*

Action: Accept public comment. Consider making a motion to approve a Montrose County Elections Intergovernmental Agreement between the Montrose County Clerk and Recorder and the City of Montrose as presented.

8) ORDINANCE 2690 - SECOND READING (15 minutes)

City Council consideration of Ordinance 2690 on second reading, an Ordinance of the City of Montrose, Colorado, submitting to a vote to the registered electors of the City of Montrose proposed amendments to Article I Sections 7, 8, 9, 10, 11, 14, Article II sections 2, 4, 9, Article III Sections 1, 4, 7, Article IV Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 16, 18, 20, 21, 22, 23, Article V Sections 5, 19, Article VI Sections 3, 5, Article VII Sections 1, 2, 3, Article VIII Sections 1, 2, 3, 5, Article IX Sections 3, 5, 6, and Article X, Section 1 of the Charter of the City of Montrose and additions of Article IV Sections 24, 25, Article VIII Section 9 to the Charter of the City of Montrose; and setting a ballot measure for the November 4, 2025, Coordinated Election. *Staff: City Attorney Chris Dowsey*

Action: Accept public comment. Consider making a motion to adopt Ordinance 2690 on second reading as presented.

9) RESOLUTION 2025-14 (15 minutes)

City Council consideration of Resolution 2025-14, setting October 7, 2025, as the hearing date for the annexation of the Mitchell Addition. *Staff: Senior Planner William Reis*

Action: Accept public comment. Consider making a motion to adopt Resolution 2025-14 as presented.

10) WASTEWATER TREATMENT PLANT IMPROVEMENT PROJECT CHANGE ORDER #2 (10 minutes)

City Council consideration of the Wastewater Treatment Plant Improvement Project Change Order #2 authorizing pre-purchase agreements for long lead items in the amount of \$1,085,472.00. *Staff: Utilities Director David Bries*

Action: Accept public comment. Consider making a motion to approve the Wastewater Treatment Plant Improvement Project Change Order #2 authorizing pre-purchase agreements for long lead items in the amount of \$1,085,472.00 as presented.

11) 2025 LANDFILL AGREEMENT RENEWAL (10 minutes)

City Council consideration of the renewal of the agreement with Bruin Waste Management for Landfill Services. *Staff: Public Works Director Jim Scheid*

Action: Accept public comment. Consider making a motion to approve the renewal of the agreement with Bruin Waste Management for Landfill Services as presented.

12) WATERFALL CANYON SUBDIVISION FILING NO. 6A FINAL PLAT (10 minutes)

City Council consideration of the Waterfall Canyon Subdivision Filing No. 6A Final Plat to dedicate a 5.09 acre tract to the City for use as a public park, as well as associated rights-of-way. *Staff: Senior Planner William Reis*

Action: Accept public comment. Consider making a motion to approve the Waterfall Canyon Subdivision Filing No. 6A Final Plat expressly conditioned upon City staff ensuring that all policies, regulations, ordinances and Municipal Code provisions are met and that the applicant adequately addresses all of staff's concerns prior to the execution of the Final Plat. The City staff is not authorized by this approval to execute the Final Plat prior to all conditions being satisfied.

13) WATERFALL CANYON FILING NO. 6B FINAL PLAT (10 minutes)



City Council consideration of the Waterfall Canyon Filing No. 6B Final Plat to create 32 residential lots, as well as associated easements, rights-of-way, and open space, subject to the Cascade Estate Homeowners' Association. *Staff: Senior Planner William Reis*

Action: Accept public comment. Consider making a motion to approve the Waterfall Canyon Filing No. 6B Final Plat expressly conditioned upon City staff ensuring that all policies, regulations, ordinances and Municipal Code provisions are met and that the applicant adequately addresses all of staff's concerns prior to the execution of the Final Plat. The City staff is not authorized by this approval to execute the Final Plat prior to all conditions being satisfied.

14) STAFF REPORTS

A) Sales, Use, and Excise Tax Report (5 minutes)
Staff: Sales Tax Manager Leeanne Whittaker

B) Second Quarter Budget Review (5 minutes)
Staff: Finance Director Shani Wittenberg

15) CITY COUNCIL COMMENTS

16) MOTION TO ADJOURN



MONTROSE CITY COUNCIL

August 5, 2025

A regular meeting of the Montrose City Council was held on Tuesday, August 5, 2025, at 6:00 p.m. in the City Council Chambers of the Elks Civic Building at 107 S. Cascade Avenue. Said meeting was posted in accordance with the Sunshine Law.

PRESENT

Dave Frank, Judy Ann Files, Doug Glaspell, J. David Reed, Ed Ulibarri, Bill Bell, Ann Morgenthaller, Chris Dowsey, Greg Story, Lisa DelPiccolo, Blaine Hall, Scott Murphy, Thomas LeClaire, Greg Stunder, Paul Eller, Jace Hochwalt, Tim Cox, Matt Magliaro, Thomas Morgan, Leif Betancourt-Ege

GUESTS

Sophano Kan, Sokhun Chan, Xochitl Mejia, Matt Miles, Marci Miles, John Brown, Michael Badagliacco, Leah Vandersluis, Howie Walser, Alia Eyres, Cynthia Alvarez, Ryan Eakes, Nancy Zaenger, Becky Dickey, Bonnie Holn Koehler, Karen Elliott, Lee Elliott, Connie Pittenger, Gary Presler, Ron Britten, Tim Larsen

CALL TO ORDER

Mayor Dave Frank called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

CHANGES TO THE AGENDA

No changes were made to the agenda.

OATH OF OFFICE FOR MUNICIPAL COURT JUDGE

City Clerk Lisa DelPiccolo administered the Oath of Office to Municipal Court Judge Thomas LeClaire.

CALL FOR PUBLIC COMMENT

John Brown spoke in support of a non-sanctuary city proclamation by City Council.

Becky Dickey and Katrina Davis spoke in support of the City of Montrose dropping all charges against Montrose United Methodist Church and in support of finding a solution for the unhoused population.

Leah Vandersluis and Lacy Sanchez spoke regarding the perceived circulation of recall petitions by a City Council member at a recent Montrose Summer Music Series event.

Mayor Pro Tem Judy Ann Files stated that she was speaking with friends at the event, was not identified as a petitioner, and was not circulating a petition.

Connie Pittenger spoke in opposition to the City's ordinance enacting a camping ban and in support of determining solutions to homelessness within the community.

APPROVAL OF MINUTES

City Council considered the minutes of the July 14, 2025, special City Council meeting and the July 15, 2025, regular City Council meeting.

A motion was made by J. David Reed, seconded by Doug Glaspell, to approve the minutes of the July 14, 2025, special City Council meeting and the July 15, 2025, regular City Council meeting as presented. All voted yes. Motion passed.

MEETING CANCELLATION

City Council considered the cancellation of the regular City Council meeting scheduled for Tuesday, December 16, 2025.

A motion was made by J. David Reed, seconded by Doug Glaspell, to approve the cancellation of the regular City Council meeting scheduled for Tuesday, December 16, 2025. All voted yes. Motion passed.

RESOLUTION 2025-11

City Council considered Resolution 2025-11, 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.

A motion was made by J. David Reed, seconded by Doug Glaspell, to adopt Resolution 2025-11 as presented. All voted yes. Motion passed.

RESOLUTION 2025-12

City Council considered Resolution 2025-12 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.

A motion was made by J. David Reed, seconded by Doug Glaspell, to adopt Resolution 2025-12 as presented. All voted yes. Motion passed.

NEW RETAIL LIQUOR STORE LICENSE APPLICATION

City Council considered an application for a new Retail Liquor Store liquor license at 113 W. Main Street for West Main Liquor LLC, doing business as West Main Liquor, for consumption off of the licensed premises. A hearing was held.

City Attorney Chris Dowsey reported that the file is in order, the fees have been paid, and a staff review found no issues that would prevent approval of the application.

Manager Xochitl Mejia was present to represent the applicant. Ms. Mejia stated that the location of the business was previously a retail liquor store and the owner would like to return to that purpose to meet customer requests. Ms. Mejia agreed to the neighborhood as the City of Montrose and said the issuance of the license would help meet the needs and desires of the neighborhood.

Mr. Dowsey reviewed a summary of petitions submitted. A total of 299 signatures were submitted with 107 determined to be valid and in support of the license.

Ms. Mejia said all customers who appear to be under 51 years of age will be required to provide a valid ID. Ms. Mejia said all owners, managers and employees will complete the City's alcohol server training.

Mayor Dave Frank opened the hearing.

Public comment was accepted. No comments were received.

Mayor Frank closed the hearing.

A motion was made by J. David Reed, seconded by Doug Glaspell, to approve a new Retail Liquor Store liquor license at 113 W. Main Street for West Main Liquor LLC, doing business as West Main Liquor, for consumption off of the licensed premises. All voted yes. Motion passed.

NEW HOTEL AND RESTAURANT LIQUOR LICENSE APPLICATION

City Council considered an application for a Hotel and Restaurant liquor license at 344 and 346 E. Main Street for Typhoon Hospitality, Inc., doing business as Persimmon / Ms So, for consumption on the licensed premises. A hearing was held.

City Attorney Chris Dowsey reported that the file is in order, the fees have been paid, and a staff review found no issues that would prevent approval of the application.

Applicant Alia Eyres presented her plan to open two new restaurants in the building that formerly housed The Daily Bread. The restaurants are both Asian concept restaurants. Ms So will feature traditional Asian street food, and Persimmon will be an elevated dining experience with a farm-to-table concept.

Ms. Eyres agreed to the neighborhood as the City of Montrose and said the issuance of the license will help meet the needs and desires of the neighborhood.

Erin McCullough, with Oedipus Petitioning Services, presented a summary of the petitions circulated. A total of 135 signatures were collected with 2 opposed and 133 in favor of the license.

Ms. Eyres stated that she is familiar with Colorado liquor laws and a strict ID check policy will be enforced. Ms. Eyres stated that the POS system will prompt for age verification for all alcohol sales, required signage will be posted, and any attempts to use invalid IDs will be documented and reported. Ms. Eyres stated that all owners, managers, and employees will complete the City's alcohol server training class.

Mayor Dave Frank opened the hearing.

Public comment was accepted. No comments were received.

Mayor Frank closed the hearing.

A motion was made by Doug Glaspell, seconded by Ed Ulibarri, to approve a new Hotel and Restaurant liquor license at 344 and 346 E. Main Street for Typhoon Hospitality, Inc., doing business as Persimmon / Ms So for consumption on the licensed premises. All voted yes. Motion passed.

2025 CITY OF MONTROSE MASTER CONTINUITY OF OPERATIONS PLAN

City Council considered approval of the 2025 City of Montrose Master Continuity of Operations (COOP) Plan and promulgation signature by the City Manager.

Emergency Manager Paul Eller reported that the 2025 Master COOP Plan was presented at a previous work session. Mr. Eller stated that the Plan defines policies, procedures, and processes for sustaining essential functions as a city during times of disruption or disaster.

Public comment was accepted. No comments were received.

A motion was made by Judy Ann Files, seconded by J. David Reed, to approve the 2025 City of Montrose Master Continuity of Operations (COOP) Plan and promulgation signature by the City Manager as presented. All voted yes. Motion passed.

RESOLUTION 2025-13

City Council considered Resolution 2025-13 setting September 16, 2025, as the hearing date for the annexation of the Black Jack Addition.

Senior Planner William Reis reviewed the annexation schedule and said the 13.55 acre site is located within the City's Urban Growth Boundary, within the City of Montrose sewer service area and within the Tri County Water service area.

Mr. Reis reviewed the requested zoning designation of R-2, Low Density District, and the zoning of the surrounding area.

Mr. Reis recommended adoption of Resolution 2025-13 and said an annexation agreement and an annexation impact report are required.

Public comment was accepted. No comments were received.

A motion was made by J. David Reed, seconded by Doug Glaspell, to adopt Resolution 2025-13 as presented. All voted yes. Motion passed.

ORDINANCE 2683 – SECOND READING

City Council considered Ordinance 2683 on second reading, an Ordinance of the City of Montrose, Colorado, amending Title 11 Chapter 7 Section 7, regarding density standards in the B-1 zone district and front-yard garage setbacks in residential zone districts.

Community Development Director Jace Hochwalt provided an overview of two proposed Municipal Code amendments. The first Code amendment would remove density standards within the B-1 zoning designation and the requirement to comply with the density standards of the R-3A zone. Mr. Hochwalt said this change will help retain the historic character in the downtown area and create vibrancy. The second amendment is related to garage set backs in the R-3, R-3An and R-4 districts from 25 feet to 20 feet. Mr. Hochwalt said this will prevent vehicle encroachments into rights of way and will allow for flexibility in site planning.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by Judy Ann Files, to adopt Ordinance 2683 on second reading as presented. Ed Ulibarri voted no. All others voted yes. Motion passed.

ORDINANCE 2684 – SECOND READING

City Council considered Ordinance 2684 on second reading, an Ordinance of the City of Montrose, Colorado, amending the zoning district designation of Lot 1 of the Carrier Neutral Location Minor Subdivision from “P”, Public District, to “B-1”, Central Business District.

Senior Planner William Reis reported that this is a proposed rezone of the historic City Hall building at 433 S. First Street except for one segment of the annex building that remains under City ownership. Mr. Reis reviewed rezone criteria as well as the proposed B-1 zoning designation and the zoning of the surrounding area.

Mr. Reis recommended approval stating that the proposal is in compliance with the Comprehensive Plan and is compatible with existing uses in the surrounding area.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by J. David Reed, to adopt Ordinance 2684 on second reading as presented. All voted yes. Motion passed.

ORDINANCE 2685 – SECOND READING

City Council considered Ordinance 2685 on second reading, an Ordinance of the City of Montrose, Colorado, amending the zoning district designation of Lot 2 of the Klein Minor Subdivision from "MHR", Manufactured Housing District, to "R-6", Medium Density/Manufactured Housing District.

Senior Planner William Reis reviewed the location of the 1.00 acre site at 675 6600 Road. Mr. Reis reviewed rezone criteria along with the proposed R-6 zoning designation and the zoning of the surrounding area. Mr. Reis stated that the R-6 zoning will allow for an accessory dwelling unit on the property.

Mr. Reis recommended approval stating that the proposal is in compliance with the Comprehensive Plan and is compatible with existing uses in the surrounding area.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by Ed Ulibarri, to adopt Ordinance 2685 on second reading as presented. All voted yes. Motion passed.

ORDINANCE 2686 - SECOND READING

City Council considered Ordinance 2686 on second reading, an Ordinance of the City of Montrose, Colorado, for the annexation of the Waterfall Canyon Pond Addition.

City Councilor J. David Reed recused himself from agenda items 15-18 due to a conflict. Mr. Reed left the City Council Chambers at 6:51 p.m.

Senior Planner William Reis reviewed the annexation schedule and stated that the 8.98 acre site is located within the City's Urban Growth Boundary, within the West Montrose Sanitation District, and within the City of Montrose water service area. Mr. Reis stated that this parcel is a retention pond serving the existing subdivision within the City.

Mr. Reis reviewed the proposed R-3 zoning designation which matches the zoning of the existing subdivision. The site is not suitable for residential development.

Mr. Reis recommended approval of the annexation and zoning designation stating that the property is eligible for annexation. An annexation agreement is required and an annexation impact report is not required.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by Judy Ann Files, to adopt Ordinance 2686 on second reading as presented. Ed Ulibarri voted no. All others present voted yes. Motion passed.

ORDINANCE 2687 – SECOND READING

City Council considered Ordinance 2687 on second reading, an Ordinance of the City of Montrose, Colorado, providing for the zoning of the Waterfall Canyon Pond Addition as a "R-3", Medium Density District.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by Judy Ann Files, to adopt Ordinance 2687 on second reading as presented. Ed Ulibarri voted no. All others present voted yes. Motion passed.

ORDINANCE 2688 – SECOND READING

City Council considered Ordinance 2686 on second reading, an Ordinance of the City of Montrose, Colorado, for the annexation of the Waterfall Canyon West Addition.

Senior Planner William Reis reviewed the annexation schedule and said the 1.21 acre site is located within the City's Urban Growth Boundary, within the City of Montrose sewer service area, and within the Chipeta Water service area.

Mr. Reis reviewed the proposed zoning designation of R-3 which matches the zoning of the existing subdivision. This parcel is not suitable for residential development.

Mr. Reis recommended approval stating that this annexation meets city and state annexation policies. Mr. Reis said an annexation agreement is required, and has been signed by 100 percent of the property owners. An annexation impact report is not required.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by Judy Ann Files, to adopt Ordinance 2688 on second reading as presented. All present voted yes. Motion passed.

ORDINANCE 2689 – SECOND READING

City Council considered Ordinance 2689 on second reading, an Ordinance of the City of Montrose, Colorado, providing for the zoning of the Waterfall Canyon West Addition as a "R-3", Medium Density District.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by Judy Ann Files, to adopt Ordinance 2689 on second reading as presented. All present voted yes. Motion passed.

City Councilor J. David Reed rejoined the meeting at 6:59 p.m.

ORDINANCE 2690 – FIRST READING

City Council considered Ordinance 2690 on first reading, an Ordinance of the City of Montrose, Colorado, submitting to a vote to the registered electors of the City of Montrose proposed amendments to Article I Sections 7, 8, 9, 10, 11, 14, Article II sections 2, 4, 9, Article III Sections 1, 4, 7, Article IV Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 16, 18, 20, 21, 22, 23, Article V Sections 5, 19, Article VI Sections 3, 5, Article VII Sections 1, 2, 3, Article VIII Sections 1, 2, 3, 5, Article IX Sections 3, 5, 6, and Article X, Section 1 of the Charter of the City of Montrose and additions of Article IV Sections 24, 25, Article VIII Section 9 to the Charter of the City of Montrose; and setting a ballot measure for the November 4, 2025, Coordinated Election. A hearing was held.

City Attorney Chris Dowsey reported that Ordinance 2690 sets the ballot language for a question on the November 2025 Coordinated Election ballot. Mr. Dowsey said the proposed changes to the City Charter were discussed in detail on May 19, and further revisions were requested. The final version was presented at the July 14 work session. Mr. Dowsey recapped the proposed changes to the current City Charter and said a redline and final versions of the proposed revisions will be available on the City of Montrose website following second reading of the ordinance.

Mr. Dowsey stated that any changes to the City Charter require voter approval and the Charter cannot be changed by the City Council.

Mayor Dave Frank opened the hearing.

Public comment was accepted. No comments were received.

Mayor Frank closed the hearing.

A motion was made by Doug Glaspell, seconded by Judy Ann Files, to pass Ordinance 2690 on first reading as presented. Ed Ulibarri voted no. All others present voted yes. Motion passed.

6600 ROAD WATERLINE INTERCONNECT CONSTRUCTION CONTRACT

City Council considered a contract award to Hayes Excavating in the amount of \$757,318.89 for construction of the 6600 Road Waterline Interconnect Project.

City Engineer Scott Murphy reported that an error in the company name was corrected since this item was presented at the July 14 work session. Mr. Murphy reviewed the location of this project on 6600 Road between Locust Road and Draft Horse road. Mr. Murphy stated that this

agenda item is the third step in a three-step process. Water service area boundaries have been modified, and a grant was awarded from DOLA to support affordable housing and infrastructure. Mr. Murphy said this item is the infrastructure project to allow for housing projects and future growth.

Mr. Murphy reviewed the bid process and recommended the award of a contract to Hays Excavating of Grand Junction. Mr. Murphy said the project will be completed in phases. Local access will be maintained and neighborhood outreach will be conducted.

Mr. Murphy stated that \$2 million was received from DOLA, with \$600,000.00 earmarked for this portion of the project. The remaining funds will be provided from the Water Capital Fund.

Public comment was accepted. No comments were received.

A motion was made by Judy Ann Files, seconded by Ed Ulibarri, to award a contract to Hayes Excavating in the amount of \$757,318.89 for construction of the 6600 Road Waterline Interconnect Project as presented. All voted yes. Motion passed.

STAFF REPORTS

No staff reports were provided.

CITY COUNCIL COMMENTS

Mayor Dave Frank invited the community to the National Night Out event hosted by the Montrose Police Department on S. First Street until 8:00 p.m. this evening.

ADJOURNMENT

At 7:10 p.m., the meeting adjourned with no further action taken.

ATTEST:

Dave Frank, Mayor

Briceida Ortega, Sr. Deputy City Clerk



Montrose County Elections Intergovernmental Agreement

2025 Coordinated Election ELECTION DAY: November 4, 2025

This Intergovernmental Agreement is entered into by and between the Montrose County Clerk and Recorder (hereinafter referred to as the 'Clerk') and the **City of Montrose** (hereinafter referred to as the 'Political Subdivision').

WHEREAS, Pursuant to The Uniform Election Code of 1992, (Articles 1 to 13 of Title 1, C.R.S.) as amended, governmental entities are encouraged to cooperate and consolidate elections in order to reduce taxpayer expenses; and

WHEREAS, C.R.S. 1-7-116 specifies that the County Clerk and Recorder is to be the Coordinated Election Official for all Political Subdivisions, including school districts within the county for elections that are held on the same day in November. This Statute further requires that the Clerk conduct all such elections that are held on the same day in November on behalf of all such Political Subdivisions utilizing the mail ballot method set forth in C.R.S. 1-7.5; and

WHEREAS, the election to be held on **November 4, 2025** is to be a Coordinated Election, coordinated and conducted by the County Clerk and Recorder in accordance with the provisions of the Colorado Uniform Election Code of 1992; and

WHEREAS, the Clerk and Political Subdivision desire to set forth their respective responsibilities for said Election pursuant to this Intergovernmental Agreement (IGA).

NOW, THEREFORE, IT IS AGREED by the Clerk and the Political Subdivision as follows:

- The election participants shall be required to execute an IGA with the Montrose County Clerk which may include municipalities, school districts and special districts within the Montrose County limits in the State of Colorado.
- Pursuant to C.R.S. 1-7.5, said election shall be conducted by the Clerk as a Mail Ballot Election with the use of paper ballots, electronic voting equipment and vote counting machines.
- Tressa Guynes, the Montrose County Clerk and Recorder, shall be designated as the Coordinated Election Official.

The Political Subdivision hereby identifies their **Designated Election Official (DEO)** as:

Name: Lisa DelPiccolo Phone: (970) 240-1422

Address: P.O. Box 790, Montrose, CO 81402 Email: ldelpiccolo@cityofmontrose.org

Contact Officer for Clerk and Recorder office:

Name: Tracy Bach, Elections Supervisor Phone: (970) 252-4590

Address: 317 South 2nd Street - Montrose, CO 81401

Email: elections@montrosecounty.net

The contact shall act under the authority of the Clerk at all times.

CLERK DUTIES (Refer to detail of dates in Exhibit A, 2025 Coordinated Election Deadline Schedule)

1. Assist and inform the Political Subdivision on any matter that would ensure the efficient preparation and conduct of the election. The Clerk shall not provide legal advice.
2. Manage all voter records and correspondence in accordance with Title 1, C.R.S., Election Rules and Policy Directives of the Colorado Secretary of State.
3. Supply, deliver and set-up all necessary items for the conduct and preparation of the election, including paper ballots, electronic voting machines and voted ballot tabulation equipment.
4. Negotiate an agreement for the printing and distribution of the official mail ballot packets.
5. Provide a copy of the ballot layout and text of the official ballot to the Designated Election Official or their designee for proofreading before authorization to begin printing of the ballots.
6. Report the number of registered electors within the Montrose County portion of the Political Subdivision. The final number of registered electors will be certified as of Election Night.
7. Appoint, instruct, oversee and schedule the judges of the election, including the Canvass Board, to assist in the election process. Provide properly trained personnel for the preparation and conduct of the election, including tabulation of the ballots on election night to certify Unofficial Results. **Official Results will not be available until after the Canvass of Election has occurred.**
8. Provide security and processing of all mail ballots. Provide for the verification of signatures from the self-affirmation on the ballot return envelope.
9. Facilitate special accommodations for all military and overseas citizens as provided by the Uniform Military and Overseas Voters Act (UOCAVA) C.R.S. 1-8.3-101 through 1-8.3-119, and Rules of the Secretary of State.
10. Provide provisional ballots to electors who qualify under C.R.S. 1-8.5-101 through 1-8.5-112. Provide a method for provisional voters to inquire if their ballot was counted, per C.R.S. 1-8.5-111.
11. Publish and post the required legal Notice of Election pursuant to C.R.S. 1-5-205 for the Political Subdivision ballot issues, questions and/or candidates.
12. Conduct Logic and Accuracy Testing, to ensure the proper scanning and correct tabulation of the ballots received by mail and in-person ballots. The Clerk will provide a test deck of 25 ballots to the Political Subdivision for this test.
13. Provide Unofficial Results of the election, on election night. A link to the Unofficial Results will be posted on the County Elections website on election night. www.montrosecounty.net/elections
14. Conduct a recount of any contest where the final ballot tabulation results are close enough to require a recount or if requested by an interested party. C.R.S. 1-10.5-101(1)(b), 1-10.5-103, 1-10.5-105 and 1-10.5-106.
15. Keep an accurate account of all election costs including but not limited to, supplies, print costs, distribution of ballots, legal notices, election judge hours and other expenses that attribute to the Clerks' administration of the election for the Political Subdivision. The cost for each Political Subdivision will be based, in part, on the number of registered voters in the Political Subdivision as of election night.
 - The Political Subdivision may, by resolution, withdraw one or more ballot issues or questions from the ballot. Provided there is only one question on the ballot related to the Political Subdivision, this would effectively cancel their portion of the election.
 - Should a cancellation occur, the Clerk shall charge the Political Subdivision for its portion of the costs incurred up to that point including, but not limited to, production, mailing costs, supplies and any other expense related to their portion of the election.
 - The cost of any required recount(s) will be charged to the Political Subdivision, or if more than one Political Subdivision is involved in the recount, the cost will be prorated among the participating Political Subdivisions. Recounts requested by interested parties shall be billed to the interested party.
16. The Clerk shall submit an invoice to the Political Subdivision for all expenses incurred under this agreement.
17. The Clerk shall preserve all election records for at least 25 months after the election. C.R.S. 1-7-802.

POLITICAL SUBDIVISION DUTIES

1. The Political Subdivision will certify that the Clerks' database of addresses for their jurisdiction within Montrose County is true and correct. The Clerk will provide the list of addresses for the Political Subdivision to compare and note any discrepancies in the address library. The Political Subdivision will communicate to the Clerk all discrepancies no later than the date set in **Exhibit A**.
2. The Political Subdivision will certify their Ballot Question(s), Ballot Issue(s) and/or Candidates, if applicable, by email (with receipt confirmed by the Clerk) in both English and Spanish content using **Notepad format**. **This certified ballot content of both English and Spanish shall be final and the Clerk will not be responsible for making any changes after the certification deadline.**
3. The Political Subdivision shall proofread and approve the email of ballot content for printing within one business day of receipt from the Clerk. The Political Subdivision shall designate a person to be available for proofing and approving the ballot content for printing. Due to limited printing availability and time constraints, this contact person must be available from 8:00 a.m. to 10:00 p.m. according to **Exhibit A** or until final approval for printing of the ballots has been achieved. The Clerk agrees to keep all contact personnel up to date on the ballot printing status.

The Political Subdivision hereby identifies their **Proofing Official** as:

Name: Lisa DelPiccolo, City Clerk

Phone: 970-240-1422

Email: ldelpiccolo@cityofmontrose.org

Fax #: 970-240-1493

The Proofing Official will be required to provide a written signal of approval for the final ballot content by signing the ballot where noted and returning it to the Clerk.

4. The Political Subdivision will publish, post and copy the Clerk on any required legal notices for the Political Subdivision's ballot content, other than the Notice of Election which the Clerk is required to publish, per C.R.S. 1-5-205.
5. The Political Subdivision shall be solely responsible for determining whether a ballot question, issue or candidate is properly placed before the voters.
6. The Political Subdivision will participate in the Logic and Accuracy Test (LAT) to include: secure your test deck from the Clerk's office, mark and tally the test deck, vote on the electronic voting machines, observe the scanning and tabulation of the ballots and listen to the audio portion.

The Political Subdivision hereby identifies the **Logic and Accuracy Tester** as:

Name: Lisa DelPiccolo, City Clerk

Phone: 970-240-1422

Email: ldelpiccolo@cityofmontrose.org

If the Political Subdivision forgoes participation in the LAT and testing of the ballots, they are required to sign a letter stating that they choose not to participate.

7. In the event that the Political Subdivision determines not to participate in the election, written notice shall be provided to the Clerk immediately. The Clerk will send an invoice for any costs incurred prior to the Political Subdivision withdrawing from the election which should be paid upon receipt. The Political Subdivision shall provide public notice, by publication, that their election is cancelled. A copy of the public notice shall be posted in the office of the Clerk (for each county the Political Subdivision resides), in the office of the Designated Election Official and, in the case of a special district, the office of the Division of Local Government. The Political Subdivision may not cancel the election after the twenty-fifth day prior to the election, C.R.S. 1-5-208(2).
8. The Political Subdivision shall be responsible for a prorated share of all costs and expenses related to the Election, including, but not limited to: payroll of election judges, staff overtime, legal notices, TABOR Notice(s), ballot production and mailing, office supplies and all other election expenses related to conducting the election as described in the Clerk Duties listed above. The Political Subdivision shall remit payment directly to the Montrose County Clerk and Recorder within 30 days of receiving the invoice for its share of such costs and expenses.

9. In the case of emergency, if it is determined that counting and tabulation must be moved to an established back up location, all prorated costs of such move shall be paid by the Political Subdivision.
10. The Political Subdivision will comply with the provisions of the Uniform Election Code of 1992 (Articles 1 to 13 of Title 1, C.R.S.), and the timeline attached hereto, as **Exhibit A (2025 Coordinated Election Deadline Schedule)** as these relate to said election.
11. The Political Subdivision shall defend and resolve at its sole expense, all challenges related to the ballot question(s), ballot issue(s) and/or candidate(s) as certified to the Clerk for inclusion on said ballot.
12. The Political Subdivision may locate the Unofficial Election Results by:
 - Coming in person to the Montrose County Clerk & Recorder Building
 - Viewing online at www.montrosecounty.net/elections (unofficial results will be updated three times on election night)
13. Upon execution of this IGA, the Political Subdivision certifies that they have sufficient funds available in the approved budget to pay for the prorated expenses related for this election.

TABOR (Taxpayer Bill of Rights) NOTICE AGREEMENT

CLERK DUTIES

1. The Clerk shall prepare a TABOR Notice in compliance with Article X, Section 20 of the Colorado Constitution and any pertinent rules, incorporating the information provided by each Political Subdivision that is required to participate in the TABOR Notice. The Clerk will compile the TABOR Notice(s) and submit a proof by email to the Political Subdivision.
2. The Clerk shall provide their local election office address and telephone number in the TABOR Notice and be available during the Clerk's regular office hours. The Clerk shall respond to all correspondence and/or calls that the Clerk receives relating to election procedures, but shall refer inquiries concerning the substance of the ballot issues, questions or operations of the Political Subdivision to the Designated Election Official.
3. Pursuant to Colorado Constitution, Article X, Section 20 (3)(b), the Clerk will mail one TABOR Notice to each Montrose County household with at least one active elector of the Political Subdivision. The Clerk shall determine the method of least cost for mailing the TABOR Notice and address the Notice to "All Registered Voters".
4. The Clerk will include the expenses of preparing, printing, labeling and mailing of the TABOR Notice on the invoice for the Political Subdivision. The expenses shall be prorated among all Political Subdivisions participating in the TABOR Notice. This amount will be identified as TABOR Notice and based, in part, upon the number of households with a registered voter, within each Political Subdivision, and be divided accordingly between the Political Subdivisions that are required to issue a TABOR Notice for this election.

POLITICAL SUBDIVISION DUTIES

1. If a TABOR Notice is required for the Political Subdivision, they shall be solely responsible for the preparation, accuracy and language contained in the Notice and shall submit the Notice to the Clerk with pro and con summaries and fiscal information, per C.R.S. 1-7-904. Such Notice shall be provided to the Clerk via email in MS Word (.docx) format.
2. The Political Subdivision shall assign a TABOR contact person for the TABOR Notice. This person will be required to perform duties related to the Notice including the obligation to receive and summarize written comments for and against proposals subject to Article X, Section 20 of the Colorado Constitution. The Clerk shall have no duty or obligation to receive or summarize such comments. The contact person will be available for proofreading the TABOR Notice content and approving it for print. Due to limited printing availability and time constraints, this person must be someone who is available pursuant to **Exhibit A (2025 Coordinated Election Deadline Schedule)**. The Clerk agrees to keep contact personnel informed of the TABOR Notice printing status and estimated time of mailing one Notice to each household with at least one active registered voter.

The Political Subdivision hereby identifies the **TABOR Notice Contact** as:

Name: Lisa DelPiccolo, City Clerk

Phone: 970-240-1422

Email: ldelpiccolo@cityofmontrose.org

The TABOR Notice contact will be required to provide a written signal of approval for the final TABOR Notice content by signing the final proof where noted and returning it to the Clerk.

ADDITIONAL AGREEMENTS

1. Pursuant to C.R.S. 1-10-202, the Canvass Board for a non-partisan election will be comprised of one appointee from each major party and the Clerk and Recorder. The members of the Canvass Board will be appointed by the County Clerk.
2. In the event a court of competent jurisdiction finds the election for the Political Subdivision was void or otherwise fatally defective as a result of the sole breach or failure of the Clerk to perform in accordance with this agreement, or laws applicable to the election, the Political Subdivision shall be entitled to recover expenses or losses caused by such breach or failure, up to the maximum amount paid by the Political Subdivision to the Clerk under this agreement. The Clerk shall in no event be liable for any expenses, damages or losses in excess of the amounts paid under this agreement. This remedy shall be the sole and exclusive remedy for the breach available to the Political Subdivision under this agreement.
3. Unless otherwise agreed in writing, this IGA and the interpretation thereof shall be governed by the laws of the State of Colorado.
4. Should any provision of this agreement be determined by a court of competent jurisdiction to be unconstitutional or otherwise null and void, it is the intent of the parties hereto that the remaining provisions of this agreement be of full force and effect.
5. No portion of this agreement shall be deemed to create a cause of action with respect to anyone not a party to this agreement, nor is this agreement intended to waive any privileges, immunities to the parties, their officers or employees may possess, except as expressly stated in this agreement.
6. Notices to be provided under this agreement shall be given in writing either by hand delivery, email or deposit in the United States mail, certified mail, return receipt requested, with sufficient postage to the following persons:

Political Subdivision **Designated Election Official:**

Name: Lisa DelPiccolo, City Clerk Phone: (970) 240-1422
Address: P.O. Box 790, Montrose, CO 81402 Email: ldelpiccolo@cityofmontrose.org

Montrose County Clerk and Recorder, **Contact Officer:**

Name: Tracy Bach, Elections Supervisor Phone: (970) 252-4590
Address: 317 South 2nd Street - Montrose, CO 81401 Email: elections@montrosecounty.net

7. Time is of the essence under this IGA. The statutory timeframes or requirements of the Code, TABOR, and the Rules shall apply to the completion of any duties or tasks required under this agreement.
8. This IGA may not be modified, amended or otherwise altered unless mutually agreed upon in writing by the parties hereto.

Tressa Guynes, Coordinated Election Official
Montrose County Clerk & Recorder

Date: _____

Dave Frank, Mayor
CITY OF MONTROSE

Date: _____

-----END OF AGREEMENT-----

MEMORANDUM



TO: Honorable Mayor and Members of the City Council
FROM: Chris Dowsey, City Attorney
DATE: July 14, 2025
RE: Ordinance for 2025 Charter Amendments and Ballot Language
CC: William Bell, Ann Morgenthaler

Background

In 2023, there was a Council initiative to review the Charter of the City of Montrose which was done by a Charter review committee. The committee that reviewed the Charter consisted of the Mayor, Mayor Pro Tem, City Manager, Deputy City Manager, and City Attorney. These amendments generally were to update language in the Charter to conform with updated federal and state law and provide clarity in different Council processes. The amendments were reviewed by the Council at that time but never brought to a vote of the people.

In early 2025, City Council made the decision to review these amendments once again and submit such amendments to a vote of the people. Council reviewed the amendments made by the committee one more time at the May 19, 2025 work session while giving direction to make a few edits. This Ordinance will set the ballot language for the November 4, 2025 combined election and set the possible amendments to the Charter.

ORDINANCE NO. 2690

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, SUBMITTING TO A VOTE TO THE REGISTERED ELECTORS OF THE CITY OF MONTROSE PROPOSED AMENDMENTS TO ARTICLE I SECTIONS 7, 8, 9, 10, 11, 14, ARTICLE II SECTIONS 2, 4, 9, ARTICLE III SECTIONS 1, 4, 7, ARTICLE IV SECTIONS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 16, 18, 20, 21, 22, 23 ARTICLE V SECTIONS 5, 19, ARTICLE VI SECTIONS 3, 5, ARTICLE VII SECTIONS 1, 2, 3, ARTICLE VIII SECTIONS 1, 2, 3, 5, ARTICLE IX SECTIONS 3, 5, 6, AND ARTICLE X, SECTION 1 OF THE CHARTER OF THE CITY OF MONTROSE AND ADDITIONS OF ARTICLE IV SECTIONS 24, 25, ARTICLE VIII SECTION 9 TO THE CHARTER OF THE CITY OF MONTROSE; AND SETTING A BALLOT MEASURE FOR THE NOVEMBER 4, 2025 COORDINATED ELECTION.

WHEREAS, the Charter of the City of Montrose (“Charter”) was originally adopted in 1914 and the City Council of the City of Montrose has carefully reviewed the Charter through an initiative undertaken by City Council and the City’s leadership team in order to propose amendments to the Charter. The City’s Charter amendment process may be initiated by City Council’s review. Proposed amendments are permitted to be presented to the citizens of Montrose through a ballot initiative during the election process as set forth in Article X Section 2 of the Charter; and

WHEREAS, the City Council believes that all amendments contained herein are in the best interest of the City and the citizens of Montrose; and

WHEREAS, the removal of gender specific language throughout the Charter promotes inclusivity for all citizens of Montrose; and

WHEREAS, the removal of a duplicative defined term throughout the Charter reduces ambiguity throughout the Charter; and

WHEREAS, the amendments clarify Council Member terms, number of years that may be served consecutively, and number of Council Members are required to enter into executive session; and

WHEREAS, amending the recall requirements of a Council Member ensures if such process is initiated, it has a high likelihood of success; and

WHEREAS, the removal of residency requirements of the Municipal Court Judge will enhance the number of applicants who apply for this position when it is vacant thereby providing a larger pool of qualified candidates for consideration by City Council; and

WHEREAS, changes in State and Federal law require Charter amendments in order for the Charter to be in compliance with State and Federal law; and

WHEREAS, amending the City Attorney section clarifies and synthesizes this section with other sections of the Charter; and

WHEREAS, allowing the City Clerk additional time to certify petitions is needed in a growing community for accurate results; and

WHEREAS, the complete revised Charter and a red-lined version of these edits shall be available on the City's website.

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

SECTION 1:

The City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

SECTION 2:

The following amendments to Article I Sections 7, 8, 9, 10, 11, 14; Article II Sections 2, 4, 9, Article III Sections 1, 4, 7, Article IV Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 16, 18, 20, 21, 22, 23, 24, 25, Article V Sections 5, 19, Article VI Sections 3, 5, Article VII Sections 1, 2, 3, Article VIII Sections 1, 2, 3, 5, 9, Article IX Section 3, 5, 6 and Article X Section 1 of the Charter of the City of Montrose shall be submitted to the registered electors of the City at the coordinated election to be held on November 4, 2025:

Article I. – Governmental Powers and Legislative Officials

...

Sec. 7. – Qualifications.

Every elector may be a candidate for the office of Councilor, if such elector has never been convicted of a felony, and has resided within the City, and in the case of the four Councilors to be elected from Council districts, within the City and the district from which the elector is to be elected, for a period of at least 12 consecutive months immediately preceding the date of election or of appointment in the case of a vacancy. Residency within territory annexed to the City or within territory changed from one district to another shall count towards the residency requirements in the City and the district in which such territory is included.

Sec. 8. – Term of office.

- (a) The term of office of the Council Members shall commence at the first regular Council meeting following the certification of their election and shall continue until their

successors are duly elected and qualified. Council Members shall qualify to take office by the first regular Council meeting following the certification of their election.

- (b) The regular term for City Council Members filling a district seat shall be four (4) years. The regular term for the City Council Member filling the at-large seat shall be two (2) years.
- (c) The term limit for a City Council Member filling a district seat shall be no longer than two (2) consecutive four (4) year terms, or a maximum of eight (8) consecutive years in office if the Council Member held a combination of at-large and district seats, excluding any partial term.
- (d) The term limit for a City Council Member filling the at-large seat shall be four (4) consecutive two (2) year terms. Terms for the at-large and district seats may be combined in any sequence, so long as the resulting maximum time in office does not exceed eight (8) consecutive years, excluding any partial term.
- (e) A waiting period of four (4) years shall apply before any City Council Member who has served the maximum term in office is eligible to serve again on the City Council.

Sec. 9. – Compensation.

The members of the Council shall receive such compensation, and the Mayor such additional compensation as the Council shall by ordinance prescribe; provided, however, that they shall neither increase nor decrease the compensation of any member during such member's term of office, except members of the Council whose terms do not expire at the next regular City election, who shall receive the same salary as that provided for incoming members for the remainder of their term of office. The Mayor and Councilors may, upon order of the Council, be paid such necessary bona fide expenses incurred in service on behalf of the City as are authorized and itemized.

Sec. 10. – Mayor.

The Mayor and Mayor Pro-tem shall be elected by Council at the first meeting upon taking office, and shall serve at the pleasure of the Council. The Mayor shall preside at meetings of the Council and shall exercise such powers and perform such other duties as are or may be conferred and imposed upon the Mayor by this Charter or the ordinances of the City. The Mayor shall have all of the powers, rights and privileges of a Council Member. The Mayor shall be recognized as the head of the City Government for all ceremonial purposes, by the courts for receiving civil process and by the government for the purposes of military law. In case of a vacancy in the office of Mayor, the Council shall choose a successor. In the absence of the Mayor, the Mayor Pro-tem shall perform all duties and have all powers of Mayor.

Sec. 11. – Vacancies.

An elective office shall become vacant whenever any Councilor is recalled, dies, becomes

incapacitated, resigns, ceases to be a resident of the City, or ceases to be a resident of the district for which the Councilor is elected, or is convicted of a felony. In addition, any member of the Council or other officer, when notified of a request for that person's attendance, fails to attend three consecutive Council meetings without being excused by the Council, shall forfeit the office held. Such request for attendance shall be made by not less than a majority of the members of the Council. In case of a vacancy, the remaining Councilors shall choose by a majority vote, and within 30 days after such vacancy occurs, a duly qualified person to fill such vacancy. The person chosen shall serve until a successor is elected at the next ensuing special or general municipal election, whichever first occurs, and has been duly qualified and takes office. If three or more vacancies exist simultaneously, the remaining Councilors shall, at the next regular meeting of the Council, call for a special election to fill such vacancies, provided that there will not be a general election within 90 days.

...

Sec. 14. – Oaths.

The Elected Officials, shall take an oath or affirmation to support the Constitution of the United States, the Constitution of the State of Colorado, the charter and ordinances of the City and faithfully perform the duties of the office upon which they are about to enter.

Article II. – Council Procedure

...

Sec. 2. – Meetings.

All meetings of the City Council may be held in the Council chambers, except that when said Council chambers facilities are not available or are inadequate, Council may designate a suitable place for such meetings within the City and shall post notice thereof at or near the front door of the City Hall and if time permits shall publish notice of same on a public website of the City in conformity with the Colorado Open Meetings Law, C.R.S. § 24-6-401, *et seq.*, or as amended and use best efforts to publish the same notices in the newspaper of general circulation, provided it is still in circulation. Regular meetings of the City Council may be held twice monthly during the first and third weeks on the day of the week to be designated by Council by ordinance. The City Council shall prescribe the time of its meetings, and the manner in which special meetings shall be called, providing all Council Members shall be notified thereof. A majority of all the members shall constitute a quorum to do business, but a lesser number may adjourn to a definite date. A majority of Council Members present a regular or special meeting shall be required to vote in the affirmative to enter into executive session. All regular and special meetings of the City Council shall be open to the public and a journal shall be kept of its proceedings which shall be a public record.

...

Sec. 4. – Voting.

The vote by “yes” and “no” shall be taken upon the passage of all ordinances and resolutions and entered upon the minutes of the Council proceedings. Every ordinance shall require the affirmative vote of the majority of the membership of the entire Council for final passage. Resolutions and motions shall require the affirmative vote of a majority of the members present. Council Members may be present physically or electronically as allowed by Colorado Statute. No member of the Council shall vote on any question in which such member has a financial interest, other than the common public interest, or any question concerning such member’s own conduct, but on all other questions, each member who is present shall vote electronically or by voice vote, unless excused by the unanimous consent of the remaining members present. Council Members may recuse themselves to avoid any appearance of impropriety.

...

Sec. 9. – Disposition of ordinances.

A true copy of every ordinance, as adopted by City Council shall be numbered and recorded in the official records of the City. Its adoption and publication shall be authenticated by the signature of the Mayor, or Mayor Pro-tem, and the City Clerk, and by the certificate of publication. A true copy of every ordinance, as adopted by the vote of the electors of the City, shall be separately numbered and recorded commencing with Peoples' Ordinance No. 1.

...

Article III. – Elections

Sec. 1. – Term of office.

Council Members for Council Districts I and II shall be elected in 2026, 2030, and every four (4) years thereafter. Council Members for Council Districts III and IV shall be elected in 2028, 2032, and every four (4) years thereafter. A Council Member for the at-large seat shall be elected in 2026, 2028, and every two (2) years thereafter. All of the foregoing elections shall be conducted at the regularly scheduled municipal election. This is subject to Section 11 Vacancies of this Article.

...

Sec. 4. – Laws governing elections.

Special and general municipal elections shall be governed by Statutes of the State of Colorado as now existing or hereafter amended or modified, except as otherwise provided in this Charter or as Council may prescribe by ordinance. The Council may, by ordinance, establish the method for the registration of electors; the number qualifications and compensation for election Judges and Clerks; and the boundaries of election precincts. The Council may, by ordinance, establish an election commission with such powers, duties, terms and qualifications as provided by ordinance.

...

Sec. 7. – Procedure.

The procedure hereunder to affect the recall of any elective Officer, or appointive Officer subject to recall, shall be as follows: One or more electors shall file with the City Clerk an affidavit of not more than 200 words, stating the reasons for the recall of the Officer sought to be removed. The City Clerk shall, within 48 hours after the filing of said affidavit, mail a copy by registered mail to the Officer sought to be recalled, who may file with the City Clerk a sworn statement in defense of the charges made against such Officer. After the affidavit has been filed the City Clerk shall issue a petition for recall of the Officer and said petition may be circulated and shall be signed by a number of electors equal to at least 25 percent (25%) of the total number of electors voting in the last general municipal election. After one (1) recall petition and election, no further recall petition shall be filed against the same Officer during the term for which such Officer was elected, unless the number of electors signing such recall petition shall equal at least fifty percent (50%) of the total number of electors voting in the last general municipal election.

The recall petition shall be filed with the requisite information and signatures with the City Clerk within 60 days after issuance. If said petition is filed within the time specified, and is proper in all respects, the City Council shall set a date for a recall election to be held within 60 days, unless a general municipal election or a special municipal election will be held within 120 days following the filing of the petition. The ballot upon which such proposed recall is submitted shall set forth the following question:

Shall (name of person against whom the recall petition is filed) be recalled from the office of (Title of office)?

Following such question shall be the terms "yes" or "no."

In the event that an Officer is recalled by a majority vote of those voting on the question, the office shall be deemed vacant and shall be filled as provided in this Charter for the filling of vacancies. The City Council shall make such additional rules and regulations as are necessary to implement the above procedures.

...

Article IV. – Franchises, Public Utilities and Contracts

Sec. 1. – Grant.

The City Council may grant new franchises, or renew existing franchises for utility purposes by ordinance.

Sec. 2. – Limitations.

The granting of franchises by the City shall be limited only by the provisions of the Constitution and applicable statutes of the State of Colorado or of the United States as now in effect or as

hereafter amended or enacted.

Sec. 3. – No exclusive grant.

No franchise or privilege shall be granted for a longer period than 20 years. No exclusive franchise or renewal shall ever be granted.

Sec. 4. – No assignment.

No franchise granted by the City shall ever be leased, assigned or transferred without permission of a majority of the City Council.

Sec. 5. – Conditions.

All franchises or privileges hereafter granted to construct and operate a utility shall, unless preempted by federal or state law, prescribe the kind of quality of service or product to be furnished, and the manner in which the streets, avenues, alleys and public grounds shall be used and occupied, and any other terms and conditions conducive to the public interest, except as otherwise regulated by law.

Sec. 6. – Termination.

Unless otherwise preempted by federal or state law, all such grants and renewals thereof shall reserve to the City the right to terminate the same and to purchase all the property of the utility in the streets, avenues, alleys and public places in the City and elsewhere, as may be provided in the franchise making the grant or renewal, used in or useful for the operation of the utility at the price fixed in the franchise. Nothing in such franchise shall prevent the City from acquiring the property of any such utility by condemnation proceedings or in any other lawful mode; but all such methods of acquisition shall be alternative to the power of purchase, reserved in the franchise or renewal as herein before provided. Upon the acquisition by the City of the property of any utility, by purchase, condemnation, or otherwise, such franchise or renewals shall at once terminate.

Sec. 7. – Purchase price.

Unless otherwise preempted by federal or state law, no franchise making such grant or renewal shall be valid unless it shall expressly provide therein a method for ascertaining the price to be paid by the City for the property that may be acquired by it from such utility, by purchase, condemnation or otherwise, and such price shall exclude all value of such grant or renewal.

Sec. 8. – [Reserved]

Sec. 9. – Consents.

No consent of the owner of property abutting on any highway or public ground shall be required for the construction, extension, maintenance or operation, of any utility or by original grant or

renewal, unless such utility is of such a character that its construction operation is an additional burden upon the rights of such property owner in such highways or public grounds.

Sec. 10. – Right to insert additional matter.

The enumeration and specification of particular matters in this Charter which must be included in every franchise or grant, shall never be constructed as impairing the right of the City to insert in such franchise or grant, such other and further conditions, covenants, terms, restrictions, limitations, burdens, taxes, assessments, rates, fares, rental, charges, control, forfeitures, or any other provisions whatever, consistent with applicable law, and as the City shall deem proper to protect the interests of the people.

Sec. 11. – Regulations.

The City Council shall at all times control the distribution of space, in, over, under and across all streets or public grounds occupied by public utility fixtures. All rights granted for the construction and operation of utilities shall be subject to the continuing right of the City Council to require such reconstruction, relocation, change, or discontinuance of the appliances used by the utility in the streets, avenues, alleys and public places of the City, as shall in the opinion of the City Council be necessary in the public interest.

Sec. 12. – Power to regulate rates and fares.

To the extent not preempted by applicable law, all power to regulate the rates, fares, rentals and charges for service by public utility corporations is hereby reserved to the people to be exercised by them by the ordinance of the City Council, or in the manner herein provided for initiating or referring an ordinance. Any right of regulation shall further include the right to require uniform, convenient and adequate service to the public and reasonable extensions of such service and of such public utility works. The granting of a franchise shall not be deemed to confer any right to include in the charge for service any return upon the value of the franchise or grant itself.

...

Sec. 14. – [Reserved]

...

Sec. 16. – City maintains general supervision, reports, and inspection.

The City shall maintain general supervision and police control over all utility companies insofar as they are subject to municipal control. It shall cause to be instituted such actions or proceedings as may be necessary to prosecute utility companies for violation of law.

It shall require every person or corporation operating under a franchise or grant from the City, to submit to the City Council a report of such information as they shall specify at any time and within a time specified by City Council, verified by the oath of the president, the Treasurer, or the manager

thereof.

Such reports shall be in the form, contain such detailed information, and cover the period prescribed by the City Council by ordinance or in the franchise agreement; and the City Council shall have the power, either through its members or by experts or employees duly authorized by it, to examine the books and affairs of any such person, persons or corporation, and to compel the production before them of books and papers pertaining to such report or other matters.

...

Sec. 18. – Franchise records.

The City Council shall cause to be kept in the office of the City Clerk an indexed franchise record in which shall be transcribed copies of all public utility franchises heretofore and hereafter granted. The index shall give the name of the grantee and any assignees. The record shall be a complete history of all such franchises and shall include a comprehensive and convenient reference to all actions of law affecting the same, and copies of all annual reports, and such other matters of information and public interest as the City Council may from time to time require.

...

Sec. 20. – Rates.

The City Council shall by ordinance establish rates for services provided by City-owned utilities.

Sec. 21. – [Reserved]

Sec. 22. – Revocable permits.

City Council may grant permits for the temporary use or occupation of any street, alley or public place. Such permits shall be revocable by the City Council at any time whether or not the right is expressly reserved in the permit.

Sec. 23. – Books of account.

The City, when owning any public utility, shall keep the books of account for such public utility distinct from other City accounts and such manner to show the true and complete financial result of such City ownership, or ownership and operation, as the case may be. Such accounts shall be so kept as to show the actual cost to the City of the public utility owned; all costs of maintenance, extension and improvements, all operating expenses of every description, in case of such City operation; if water or other service shall be furnished for the use of any department of the City without charge, the accounts shall show as nearly as possible, the value of such service; such accounts shall also show reasonable allowance for interest, depreciation and insurance, and also estimates of the amount of taxes that would be chargeable against such property if owned by a private corporation. The City Council shall cause to be printed annually for distribution, a report showing the financial results, in form as aforesaid, of such City ownership, or ownership and operation.

Sec. 24. – Railroads.

The City Council, upon some fair apportionment of the cost thereof between the railroad and the City and/or other public authority in interest, may by ordinance require any railroad company to elevate or lower any of its tracks running over, along, or across any street or alley of the City, or to take such other measures for the protection of the public, as in the opinion of the City Council the public safety or convenience may require. Every grant of any franchise or privilege in, over, under, or along any of the streets or public places in the City for railway purposes, shall be subject to the conditions that the person, firm, or corporation exercising or enjoying the same shall, unless otherwise provided by ordinance, clean, keep in repair, and pave and repave so much of a street or other public place occupied by a railway track as lies between its rails, and between the lines of double track, and for such space outside of said track as may have been acquired by franchise.

Sec. 25. – Revocable license for railroad tracks.

After a public hearing, the City Council by ordinance may grant a license, revocable for cause, to lay sidetracks and switches along or across any public thoroughfare, within the City's right-of-way, or upon City property, in accordance with standards and procedures to be adopted by City Council.

Article V. – Finance, Appropriations and Taxation

...

Sec. 5. – Budget procedure.

The City Manager shall prepare and submit to the City Council on or before the 15th of October of each year a recommended budget covering the next fiscal year, and shall include therein at least the following information:

- (a) Detailed estimates with the City Manager's supporting explanations of all proposed expenditures for legal and judiciary, for each department, office, and agency of the City, showing the expenditures for corresponding items for the last preceding fiscal year in full, and for the current fiscal year to June 30th and estimated expenditures for the balance of the current year;

...

Sec. 19. – Limitation on tax powers of the City.

No income tax or sales tax or cigarette tax hereinafter enacted shall become effective, until the ordinance authorizing the same shall have been approved by a majority of the electors of the City voting on the question at a regular or special election. After the effective date of any such ordinance, any subsequent amendment to that ordinance, need not be again approved by a majority of the electors voting on the question at a regular or special election, unless the amendatory ordinance imposes an increase in the rate of the income tax or sales tax or cigarette tax.

Article VI. – Municipal Borrowing

...

Sec. 3. – General obligation bonds.

No bonds or other evidences of indebtedness payable in whole or in part from the proceeds of general (ad valorem) property taxes or to which the full faith and credit of the City are pledged (sometimes referred to in this Article as "General Obligation Bonds") shall be issued, except in pursuance of an ordinance, or until the question of their issuance shall at a special or general election be submitted to a vote of the electors and approved by a majority of those voting on the question except as provided in Sections 6, 9, 10 and 11; provided that such General Obligation Bonds issued for acquiring water and rights thereto, or acquiring, improving or extending a municipal water system, or any combination of such purposes (sometimes referred to in this Article as "Water Purposes"), may be so issued without an election. The payment of such General Obligation Bonds may be additionally secured by a pledge of all or a portion of the proceeds to be derived from any sales tax, cigarette tax, occupation tax, hotel room tax or other specified revenues which are not derived from general (ad valorem) taxes or any combination of the foregoing (which may be sometimes referred to in this Article as "Additional Security"). No election shall be necessary to authorize general obligation bonds for Water Purposes, either with or without Additional Security, unless a petition requesting that an election be held is filed with the City Clerk within 20 days of the date of publication on final passage of the ordinance authorizing the issuance of said bonds, and signed by electors at least equal in number to ten per cent of the total number of electors voting at the last preceding general municipal election. When the City Council receives such a petition and finds it to be valid in the manner provided by Article IX of this Charter, and all laws thereunto enabling, the City Council shall submit the question of issuing such General Obligation Bonds for the specific Water Purposes to the electors at the next general municipal election, or at a special election called for that or any other purpose. In the event a petition is so filed, the General Obligation Bonds for the specified Water Purpose shall not be issued unless approved by a majority of the electors voting on the question.

...

Sec. 5. – Revenue bonds.

The City in pursuance of an ordinance may borrow money, issue bonds or otherwise extend its credit for the purpose of purchasing, constructing, condemning, otherwise acquiring, extending, or improving a water, communications, electric, gas or sewer system or other public utility or income producing project; provided that the bonds or other obligations shall be made payable solely out of the net revenues derived from the operation of such system, utility or other such project (said bonds or other securities being sometimes referred to herein as "Utility Revenue Bonds"; and provided, further, that any two or more such systems, utilities or projects may be combined, operated and maintained as joint municipal systems, utilities or projects, in which case such bonds or other obligations may be made payable solely out of the net revenues derived from the operation of such joint systems utilities or projects. The net revenues of any such system, utility or project may be cross-pledged to pay any Utility Revenue Bonds payable primarily from another system, utility or project without combining, operating and maintaining them as a single joint system,

utility or project. The City may additionally borrow money, issue bonds or otherwise extend its credit for any municipal purpose and may make them payable solely from the gross or net revenues received from any municipal occupation tax, sales tax, cigarette tax or any other excise or use tax. The proceeds of any such municipal occupation tax, sales tax, cigarette tax or any other excise tax or use tax may also be pledged as additional security for the payment of the aforesaid Utility Revenue Bonds. No election shall be necessary to authorize the bonds under this Section unless a petition requesting that an election be held is filed with the City Clerk within 20 days of the date of publication of the ordinance on final passage authorizing the issuance of the bonds, and signed by electors at least equal in number to ten percent of the number of electors voting at the last preceding general municipal election. When the City Council receives such a petition and finds it to be valid in the manner provided by Article IX of this Charter and all laws thereunto enabling, the City Council shall submit the question of issuing such revenue bonds to the electors at the next general municipal election, or at a special election called for that or any purpose. In the event a petition is so filed, the revenue bonds shall not be issued unless approved by a majority of the electors voting on the question. No revenue bonds shall be issued for the acquisition of such system, utility or income producing project unless the acquisition thereof has been authorized as provided in Article IV of this Charter.

...

Article VII. – Courts and Legal Services

Sec. 1. – Municipal Court.

- (a) There is hereby established a municipal court vested with original jurisdiction of all causes arising under the Charter, ordinances of the City of Montrose, Colorado, and as may be conferred by law.
- (b) The municipal court shall have the right to compel the attendance of witnesses by subpoena and to enforce this power by contempt of court.
- (c) The City Council shall appoint a Municipal Judge who shall hold office during the pleasure of the City Council and shall serve until such Judge's successor is appointed and qualified, subject, however, to the recall provisions of this Charter.
- (d) The Municipal Judge may appoint one or more assistant municipal judges, with the advice and consent of the City Council, who shall serve in the absence of the Municipal Judge, and who shall hold office during the pleasure of the City Council. The Municipal Judge shall provide for the authority and responsibility of the municipal court, including the annual budget, court personnel and regulations.
- (e) Neither the City Council nor any of its committees or members shall direct the appointment of any person to, or such person's removal from, or employment by the City Manager, or in any manner take part in the appointment or removal of employees in the administrative service of the City, except as otherwise provided in this Charter. The City Council and its members, except for the purpose of inquiry, shall deal with that portion of the

administrative service for which the City Manager is responsible, solely through the City Manager, and neither the City Council nor any member thereof shall give orders to any employee of the City either publicly or privately.

- (f) Each judge shall receive a fixed salary or compensation not dependent upon the outcome of the matters to be decided by that judge and to be fixed by motion of City Council from time to time.
- (g) All jurors serving in the municipal court shall be electors of the City of Montrose, Colorado, and shall possess such other qualifications as may be provided by ordinance. Said jurors shall be chosen from a panel which shall be selected by some random method established by motion of the City Council.

Sec. 2. – City Attorney.

- (a) The City Council shall appoint a City Attorney who shall hold office at the pleasure of the City Council and shall be an attorney-at-law licensed to practice in the State of Colorado. The City Attorney shall advise the City Council and City Officials in matters relating to their official powers and duties, and perform such other duties as the City Council may prescribe by ordinance or resolution. The City Council may on its own motion or upon request of the City Attorney in special cases employ special counsel who shall serve under the jurisdiction of the City Attorney. The City Attorney shall have the authority to hire, promote, demote, transfer, discipline, or discharge, in accordance with the provisions of the Municipal Code, this Charter, and City personnel policies, any employee in the City Attorney's Office.
- (b) City Council shall, by motion, establish compensation for the City Attorney. Any agreement for compensation to special counsel shall be made only upon approval of the City Council and prior to the service being rendered.

Sec. 3. – Oath of Office.

The City Attorney, Assistant City Attorney, Municipal Judge and Assistant Municipal Judge, shall take an oath or affirmation to support the Constitution of the United States, the Constitution of the State of Colorado, the charter and ordinances of the City and faithfully perform the duties of the office upon which they are about to enter.

...

Article VIII. – Administrative Supervision and Departments

Sec. 1. – City Manager.

The City Council shall, within a reasonable time, whenever a vacancy occurs, upon a vote of the majority of the entire City Council, appoint a City Manager who shall be the Chief Executive and Administrative Officer of the City. Such appointment shall be without definite term at salary to be

fixed by City Council. At the time of the City Manager's appointment, the City Manager need not be a resident of the City, County or State, but during any tenure of office the City Manager shall reside within the City. No Councilor shall be appointed City Manager during or within one year after the termination of the Councilor's term as a member of the City Council.

Sec. 2. – Absence of City Manager.

To perform the duties during his or her temporary absence or disability, the City Manager, with the approval of the City Council, shall delegate a qualified city employee to serve in the City Manager's absence. In event of failure or inability of the City Manager to make such a designation, the City Council may by resolution appoint a qualified administrative City employee to perform the duties of the City Manager until the City Manager's return, or until any disability shall cease.

Sec. 3. – Powers and duties.

The City Manager, with approval of the City Council, shall create and administer such departments as shall be deemed necessary to perform the functions of said City. The City Manager shall be responsible to the City Council for the proper administration of all affairs of the City placed in the City Manager's charge, and to that end such person shall have the power and duty and be required to:

...

- (e) Prepare and submit to the City Council as of the end of the fiscal year a complete report on finances and administrative activities of the City for the preceding year, and upon request of the City Council make written or verbal reports at any time concerning the affairs of the City under the City Manager's supervision;
- (f) Keep the City Council advised of the financial condition and future needs of the City and make such recommendations to the City Council for adoption as the City Manager may deem necessary or expedient;
- (g) Exercise supervision and control over all executive and administrative departments and recommend to the City Council any proposal the City Manager thinks advisable to establish, consolidate or abolish administrative departments;

...

- (m) Perform such other duties as may be prescribed by this Charter, or by ordinance, or required of the City Manager by the City Council, and not inconsistent with this Charter.

...

Sec. 5. – Council not to interfere.

Neither the City Council nor any of its committees or members shall direct the appointment of any

person to, or such person's removal from, or employment by the City Manager, or in any manner take part in the appointment or removal of employees in the administrative service of the City, except as otherwise provided in this Charter. The City Council and its members, except for the purpose of inquiry, shall deal with that portion of the administrative service for which the City Manager is responsible, solely through the City Manager, and neither the City Council nor any member thereof shall give orders to any employee of the City either publicly or privately.

...

Sec. 9. – Oath of office.

The City Manager, Deputy City Manager, Assistant City Manager, Police Chief and Police Officers, shall take an oath or affirmation to support the Constitution of the United States, the Constitution of the State of Colorado, the charter and ordinances of the City and faithfully perform the duties of the office upon which they are about to enter.

Article IX. – Initiative and Referendum

...

Sec. 3. – Referral on Council motion.

The City Council, on its own motion, shall have the power to submit at a general or special election any proposed ordinance or question to a vote of the electors, by causing said proposed ordinance to be published once at least 20 days before such election and with the ballot on the question to be in conformity with the provisions of Section 2 of this Article.

...

Sec. 5. – Adequacy and amendment of petition.

Within fourteen days of the filing of any initiative or referendum petition, the City Clerk shall ascertain whether the petition is signed by the requisite number of registered electors and if it otherwise complies with the requirements of law for such a petition. If the petition is sufficient and complying, the City Clerk shall attach a certificate of sufficiency showing the result of such examination and refer it to the City Council. If the petition is insufficient, the City Clerk shall notify, in writing, the person filing the petition, if known, or one or more of the petitioners of such insufficiency and no further action shall be taken. If the only insufficiency was an insufficient number of signatures, the petition may be refiled with additional signatures, but the date of the refiling shall be controlling with respect to the requirement to file a referendum petition within 30 days after final passage by the City Council. If the petition is insufficient for other reasons, new petitions for the same purpose may be recirculated and filed, but the date of the new filing shall be controlling.

Sec. 6. – Limitation on amendment of direct legislation.

An ordinance adopted by the electors may not be amended or repealed for a period of 6 months

after the date of the election at which it was adopted, and an ordinance repealed by the electors may not be re-enacted for a period of 6 months after the date of the election at which it was repealed, provided however, that any ordinance may be adopted, amended or repealed at any time by appropriate referendum or initiatory procedure in accordance with the foregoing provisions of this Charter, or if submitted to the electors by the Council on its own motion.

...

Article X. – Miscellaneous Provisions

Sec. 1. – Definitions.

As used in this Charter, the following words shall have the following meanings:

...

- (f) "Elector" means any person who, under the Statutes of the State of Colorado, is entitled to vote for candidates for municipal office within the City of Montrose.

SECTION 3:

The following ballot title, and submission clause, is hereby adopted for submitting the proposed Charter Amendment to the voters at the November 4, 2025 combined election:

Shall Art. I Sec. 7, 8, 9, 10, 11, 14, Art. II Sec. 2, 4, 9, Art. III Sec. 1, 4, 7, Art. IV Sec. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 16, 18, 20, 21, 22, 23 Art. V Sec. 5, 19, Art. VI Sec. 3, 5, Art. VII Sec. 1, 2, 3, Art. VIII Sec. 1, 2, 3, 5, Art. IX Sec. 3, 5, 6, and Art. X, Sec. 1 of the Charter of the City of Montrose be hereby amended and Art. IV Sec. 24, 25, Art. VIII Sec. 9 be hereby added to the Charter of the City of Montrose, to:

**remove gender specific language;
remove redundancy within definitions throughout the Charter;
allow for any City Council Member a maximum of eight consecutive years in office;
require public notice of meetings on the City's website;
clarify the number of City Council Members required to enter into executive session;
clarify Council Member terms and election years;
remove editor's notes;
change the requirements for the recall of a Council Member;
update franchise and public utilities to conform to state and federal law;
remove the residency requirements for the municipal judge;
clarify the City Attorney section;
have oath's of office specific to titles under such Sections;
allow the City Clerk additional time to certify signatures on petitions for referendum and initiatives?**

[] **Yes/For**

[] **No/Against**

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its adoption on second reading on Tuesday, the 5th day of August 2025, at the hour of 6:00 p.m. at the Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 5th day of August 2025.

ATTEST:



Lisa DelPiccolo, City Clerk





Dave Frank, Mayor

INTRODUCED, READ and ADOPTED on second reading this 19th day of August 2025.

ATTEST:

Briceida Ortega, Sr. Deputy City Clerk

Dave Frank, Mayor



CITY OF MONTROSE

Planning Services

MEMO

TO: City Council
FROM: William Reis, Senior Planner
DATE: August 19, 2025
RE: JC Mitchell Addition Annexation
ATTACHMENTS:

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

City Council Consideration:

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

Proposed schedule:

August 4:	Council Work Session Overview
August 19:	Council Resolution to set a hearing date
August 27:	Planning Commission zoning hearing
October 7:	City Council Annexation hearing, 1st reading of annexation ordinance, and 1st reading of zoning ordinance
October 21:	2nd reading of annexation and zoning ordinances



Application Background:

The JC Mitchell Addition is a proposed annexation approximately 4.85 acres in size. The annexation consists of a portion of property located at 15238 6720 Rd, as a result of a boundary line adjustment with the properties at 67278 Sunnyside Rd and 67304 Sunnyside Rd. It is within the City's Urban Growth Boundary, City of Montrose Sewer Service Area, and City of Montrose Water Service Area. An Annexation Agreement is required.

Proposed Zoning: "R-2" Low Density District

Applicant: Justin Wade Mitchell

Staff Analysis:

1. The City-County IGA gives the City the option to annex properties within the IGA. The area is urbanizing and more than 1/6 of the perimeter is contiguous to the city limits. These factors support annexation.
2. An annexation agreement is required as a condition of this annexation.
3. Zoning Regulations
 - a. Municipal Code, Section, 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 such zoning is compatible with conditions in the area, which have changed materially since the Comprehensive Plan was last updated."
 - b. Municipal Code, Section 11-7-5: The "R-2" Low Density District is intended to provide primarily for development of single-household detached and duplex dwellings, along with certain other compatible land uses.
 - c. The proposed zoning is compatible with existing zoning and general conditions in the area. The property is adjacent to properties that are zoned "R-2" Low Density District and properties outside of City limits.



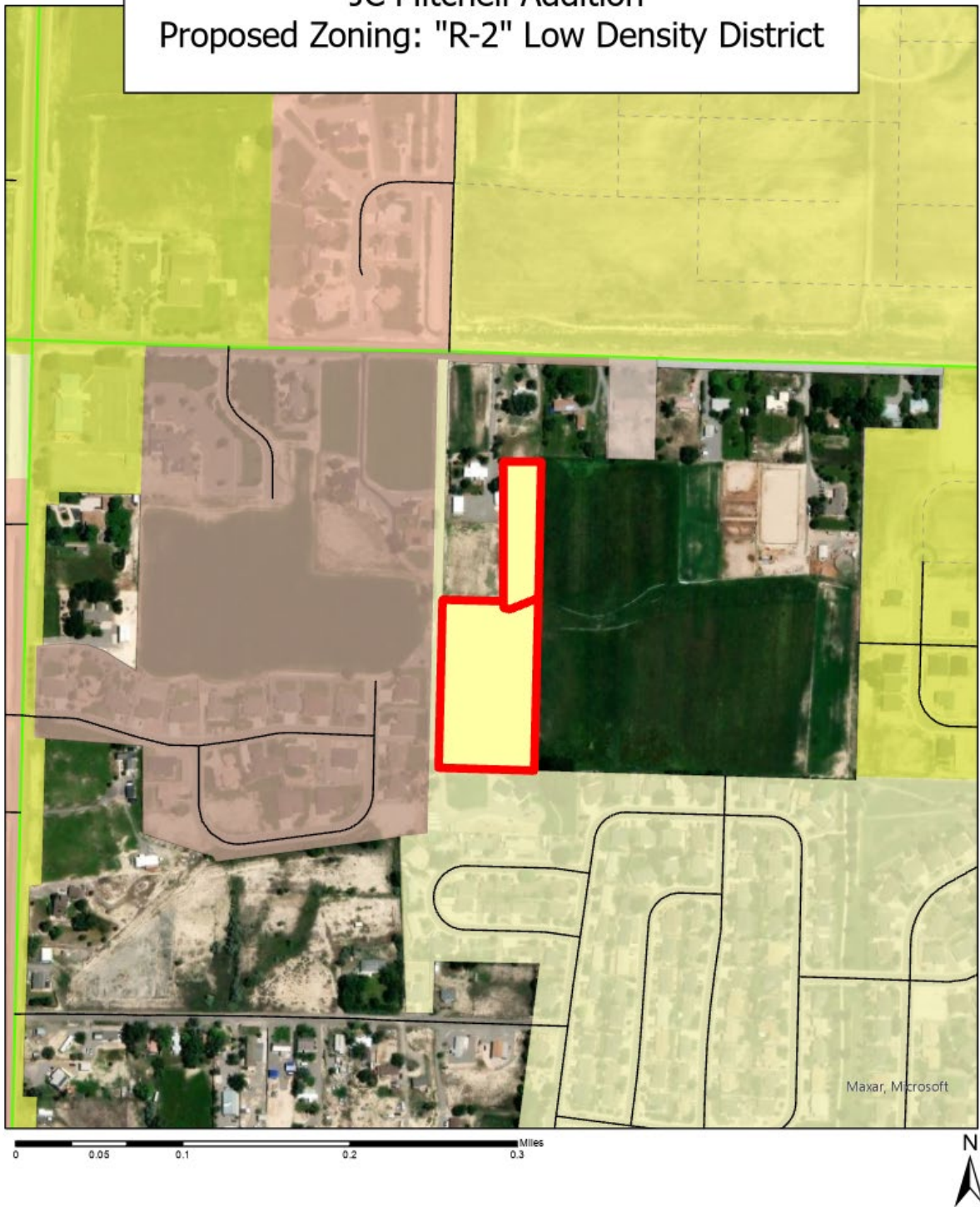
4. The Comprehensive Plan Future Land Use Map designates the area of the JC Mitchell Addition as Residential Mixed Density Low. The Residential Mixed Density Low District provides primarily for single-family homes, as well as small amounts of attached residential dwelling units (such as duplexes and even small groups of townhomes). This low-density residential land use is intended to preserve the traditional building pattern of the existing residential development in Montrose. It will continue to be the predominant density in the City.
5. The property is located within Growth Area 1. According to the Comprehensive Plan, Growth Area 1 represents the most cost-efficient areas for the city to grow and comprises of platted but unbuilt lots, annexed but unplatted land, and un-annexed small enclaves.
6. The “R-2” zoning does not appear to be adverse to the public health, safety and welfare.



EXHIBIT A: Maps



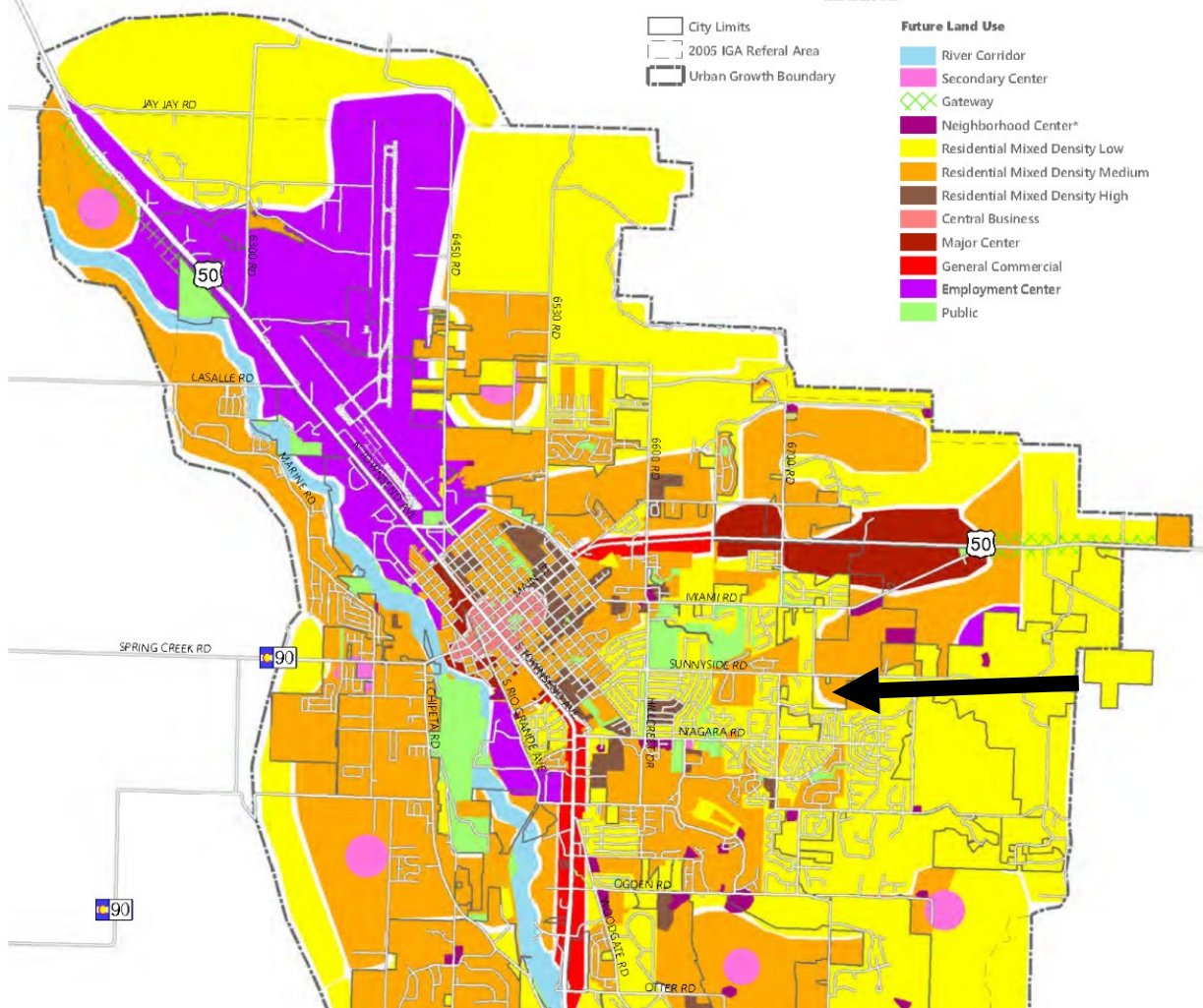
JC Mitchell Addition
Proposed Zoning: "R-2" Low Density District



Comprehensive Plan Future Land Use Map

FUTURE LAND USE

MAP 5.1



GROWTH AREAS*

MAP 5.2

-  City Limits
-  2005 IGA Referral
-  Urban Growth Boundary
-  Growth Area 1
-  Growth Area 2
-  Growth Area 3

* A Growth Area is an area identified for future development based on a framework for guiding growth in an incremental manner.

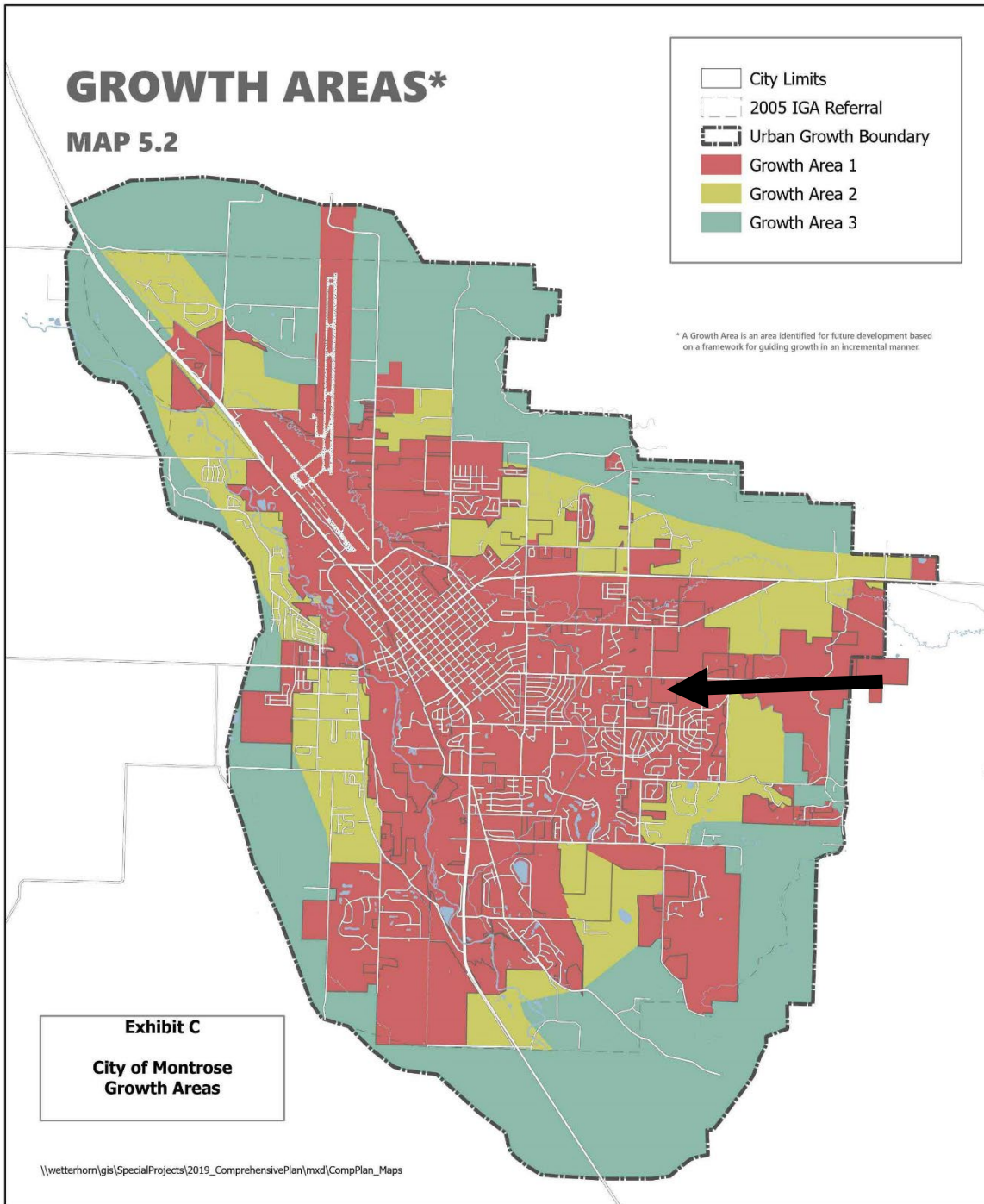
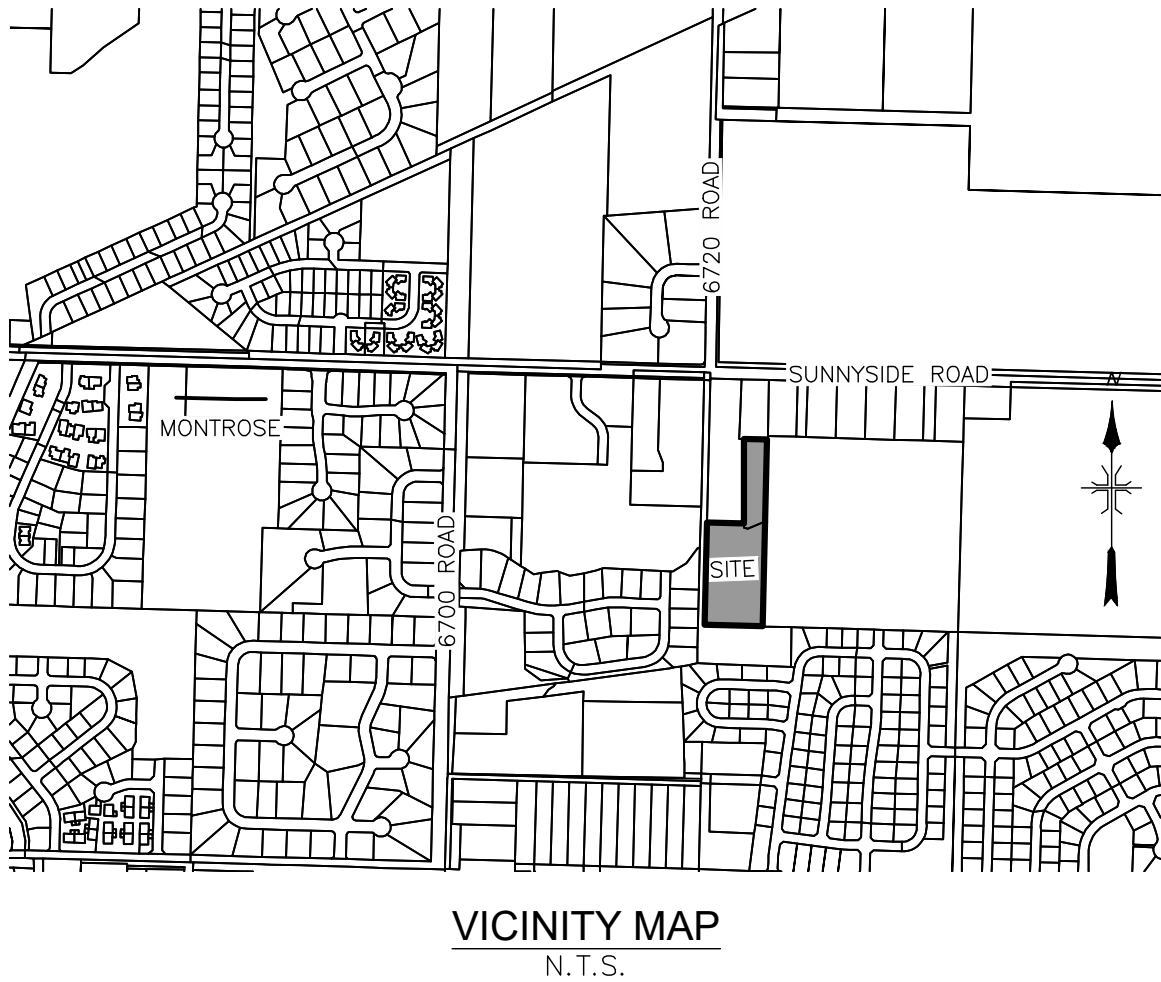


Exhibit C
City of Montrose
Growth Areas

\\wetterhorn\gis\SpecialProjects\2019_ComprehensivePlan\mxd\CompPlan_Maps



JC MITCHELL ADDITION
SITUATED IN SECTION 36, TOWNSHIP 49 NORTH, RANGE 9 WEST, N.M.P.M.
COUNTY OF MONTROSE, STATE OF COLORADO



LEGEND

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

CITY LIMITS

TOTAL PERIMETER = 2562.25'
PERIMETER CONTIGUOUS TO CITY LIMITS = 833.91'

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

PROPERTY DESCRIPTION
A parcel of land situated in Section 36, Township 49 North, Range 9 West, New Mexico Principal Meridian, County of Montrose, State of Colorado, more particularly described as follows:
Beginning at the Southeast corner of Lot 2, Alford Replat as recorded at Reception No. 775455 in the Montrose County Records;
Thence N88°21'17"W 302.56 feet along the South line of said Lot 2 to the Southwest corner of said Lot 2;
Thence N01°22'30"E 531.35 feet along the West line of said Lot 2;
Thence S88°37'30"E 193.17;
Thence N00°06'25"W 441.18 feet;
Thence S88°40'00"E 120.08 feet;
Thence S01°20'00"W 973.91 feet to the Point of Beginning.
Containing 4.85 Acres more or less as described.
County of Montrose, State of Colorado

SURVEYOR'S CERTIFICATE
I, Nicholas Barrett, a Registered Land Surveyor in the State of Colorado, do hereby certify JC Mitchell Addition Annexation Map was prepared under my direct supervision.

PRELIMINARY

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 _____, 202____, annexed the property hereon to the City of Montrose.

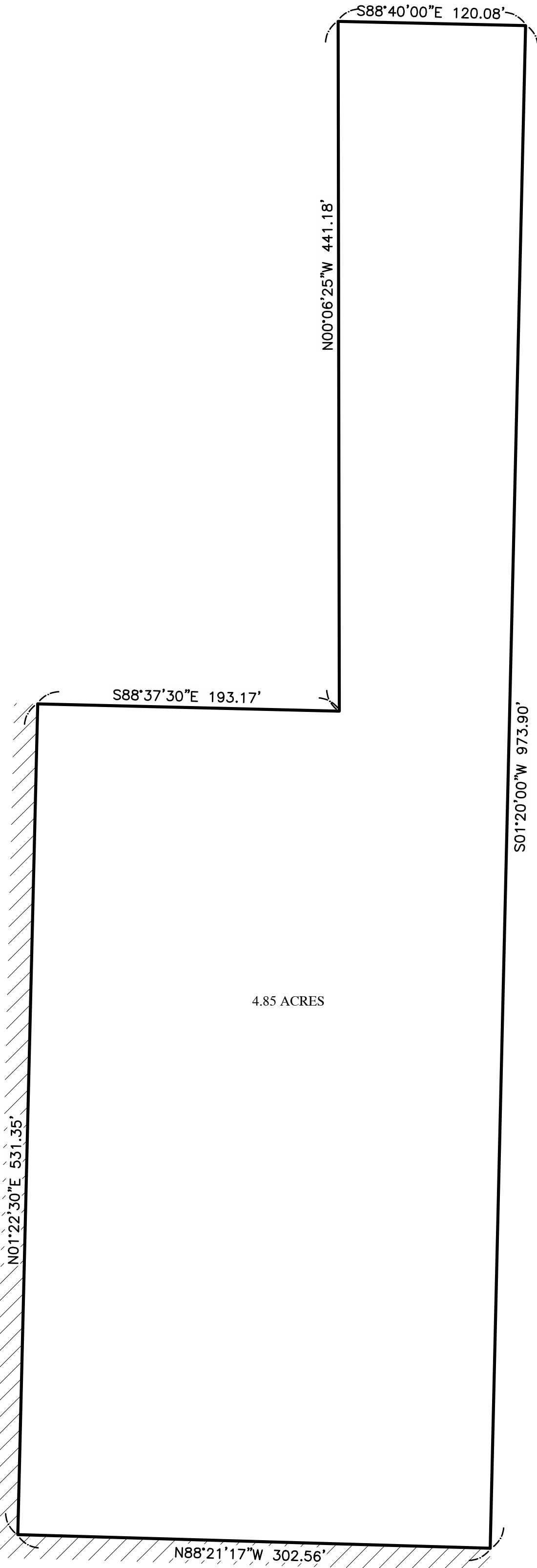
Mayor
Attest: _____
City Clerk

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 _____, 202____ under Reception No. _____

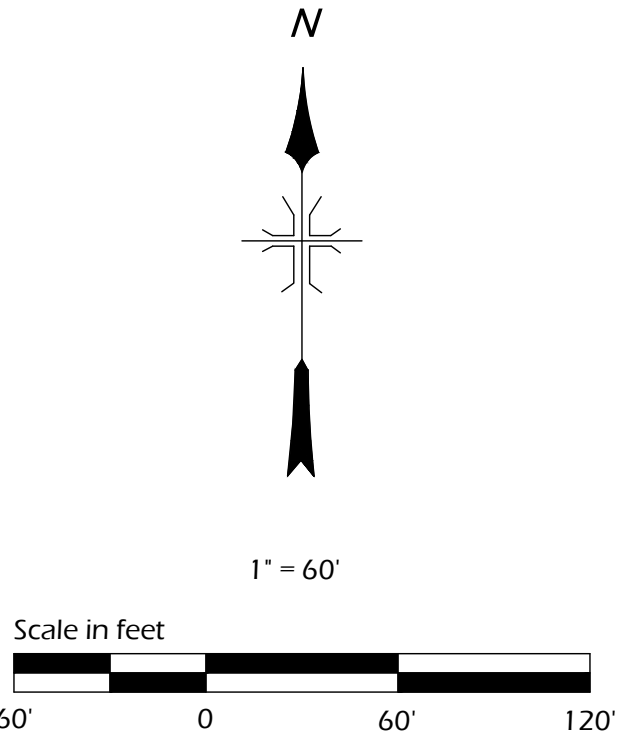
Clerk and Recorder
Montrose County, Colorado
Deputy

ASHER ADDITION
RECEPTION NO. 708960

EAST SUNNYSIDE
ADDITION NO. 2
RECEPTION NO. 659321



MAJOR VIEW ADDITION
RECEPTION NO. 652450



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\24190-MITCHELL_BLA\C3D\24190V_ANNEX.DWG

 DEL-MONT CONSULTANTS, INC. ENGINEERING & SURVEYING 125 Colorado Ave. ▼ Montrose, CO 81401 ▼ (970) 249-2251 www.del-mont.com ▼ service@del-mont.com				TITLE JC MITCHELL ADDITION	
FIELD BOOK:				CLIENT JUSTIN MITCHELL	
DRAWN BY: DCC				ADDRESS & PHONE:	
DATE: 2024-11-26				TYPE: ADDITION	
SHEET: 1 of 1					
FILE: 24190V_ANNEX				JOB NO.: 24190	

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.

(G) *Schedule of Residential Zone District Uses.*

Land Use	RL	R-1	R-1A/B	R-2	R-3	R-3A	R-4	R-5	R-6	MHR
Bed and breakfast (See Sec. 11-11-1)					C		C		C	
Farms and ranches, excluding commercial greenhouses, and commercial feedlots, fur farms, fish farms, poultry houses, hog farms, dairies and similar operations with a high density of animals.	P									



Rental storage units with a maximum rental unit size of 200 square feet.										C
Short-term rentals	P	P	P	P	P	P	P	P	P	P
Assisted living facilities					C	C	C		C	C
Childcare facilities	C	C	C	C	C	C	C	C	C	C
Family childcare home	P	P	P	P	P	P	P	P	P	P
Government buildings and facilities	P	P	P	P	P	P	P	P	P	P
Religious assembly	C	C	C	C	P	P	P	C	C	P
Schools	C	C	C	C	C	C	C	C	C	C
Golf courses	P									
Parks, open space and recreation facilities	P	P	P	P		P	P	P	P	P
Duplex					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	P	P
Group homes—handicapped/disabled > 9 persons (see Sec. 11-11-2)	C	C	C	C	C	C	C	C	C	C
Group homes, other (see Sec. 11-11-2)	C	C	C	C	C	C	C	C	C	C
Home occupation (See Sec. 11-11-3)	A	A	A	A	A	A	A	A	A	A
Manufactured housing				¹				P	P	P
Mobile homes (See Sec. 11-13)										P
Mobile home parks (See Sec. 11-13)										P
Modular housing								P	P	P
Multi-family dwelling					C	P	P		C	
Single-family dwelling	P	P	P	P	P	P	P	P	P	P
Antennas (See Sec. 11-14-6)	C	C	C	C	C	C	C	C	C	C
Public utility service facilities	P	P	P	P	P	P	P	P	P	P
Towers (See Sec. 11-14-5)	C	C	C	C	C	C	C	C	C	C

Accessory uses (See Sec. 11-7-6(D))	A	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	T
Temporary Construction or Sales Office (See Sec. 11-7-6(E)(4))	T	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	T

¹ Manufactured housing is prohibited except for the following subdivision which was under development on July 1, 1998: Rainbow Meadows Subdivision.

(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
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 performance standards of Chapter 11-11-4 and are consistent with Sec. 11-7-5(D)(1).								C	
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			P	P	P	P	C		



least 20 feet from any street right-of-way line.									
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				C	C	C			

limited manufacturing of the products supplied									
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			
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
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		
Golf courses		C							
Parks, open space and recreation facilities	P	P	P	P	P	P	P	P	P
Private recreation facilities		P							
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	
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
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. 2025-14

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

1. The City Council hereby finds that the Annexation Petition submitted for the annexation of the property denominated as the **MITCHELL ADDITION**, as described on **Exhibit A** hereto, is in substantial compliance with the requirements of C.R.S. § 31-12-107(1), as amended.
2. The City Council shall hold a hearing to determine if the proposed annexation complies with C.R.S. §§ 31-12-104, 105, or such parts thereof as may be required to establish eligibility for annexation under the terms of C.R.S. Part 1, Article 12, Title 31. The hearing shall be held on the 7th day of October 2025, in the Montrose City Council Chambers at the Elks Civic Building at 6:00 P.M.

ADOPTED by the City Council of the City of Montrose, Colorado, this 19th day of August 2025.

CITY OF MONTROSE, COLORADO

Dave Frank, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

EXHIBIT A

Legal Description:

A parcel of land situated in Section 36, Township 49 North, Range 9 West, New Mexico Principal Meridian, County of Montrose, State of Colorado, more particularly described as follows:

Beginning at the Southeast corner of Lot 2 Alford Replat as recorded at Reception No. 775455 in the Montrose County Records;

Thence N88°21'17"W 302.56 feet along the South line of said Lot 2 to the Southwest corner of said Lot 2;

Thence N01°22'30"E 531.35 feet along the West line of said Lot 2;

Thence S88°37'30"E 193.17;

Thence N00°06'25"W 441.18 feet;

Thence S88°40'00"E 120.08 feet;

Thence S01°20'00"W 973.91 feet to the Point of Beginning.

Containing 4.85 Acres more or less as described.

County of Montrose, State of Colorado



Council Transmittal Memo
Date: July 30, 2025

To: Mayor and City Council

From: David Bries, Utilities Director

CC: William Bell, City Manager
Shani Wittenberg, Finance Director
Hyrum Webb, WWTP Superintendent

Subject: WWTP Improvements - Design-Build Contract - Proposed Change Order

Recommendation

Consideration of WWTP Improvement project Change Order #2 authorizing pre-purchase agreements for long lead items in the amount of \$1,085,472.00. This brings the total authorization for the project to \$2,463,570.00.

Background

The wastewater treatment plant was originally constructed in 1984, and several of the major components at the wastewater treatment plant are near the end of their useful life. Additionally, updates to environmental regulations require the treatment plant to meet additional and more stringent effluent limitations.

In February, the City awarded a Design-Build contract for the WWTP Improvement Project to the Burns & McDonnell/Moltz construction team and in July approved Change Order #1 to expand the design to include Return Activated Sludge piping improvements.

This change order will allow the Design-Build team to enter pre-purchase agreements to expedite delivery of long lead items that are part of Phase 2 of the project to include:

UV Disinfection Equipment	\$ 603,572.00 (Equipment purchase)
Surface Aerators for Oxidation Ditches	\$ 396,000.00 (Shop drawing submittal)
<u>Replacement Generator</u>	<u>\$ 85,900.00</u> (Shop drawing submittal)
Total proposed authorization for Pre-Purchase	\$1,085,472.00

The following summarizes the current and proposed authorizations for the project:

Original Contract with Burns &McDonnell/Moltz	\$1,273,255.00
Owner's Contingency	<u>\$ 76,745.00</u>
Original Design-Build Contract Authorization	\$1,350,000.00
Phase 1 design of RAS piping and pumping improvements	<u>\$ 104,843.00</u>
Total current Authorization	\$1,454,843.00
<u>Proposed Prepurchase authorizations</u>	<u>\$1,085,472.00</u>
Total Proposed Project Authorization	\$2,540,315.00

Financial Impact

The 2025 Sewer Fund budget includes \$3 million for the Wastewater Treatment Plant project. The proposed plan is to develop plans and finalize costs for completing the project and issue bonds or loans to fund the construction beginning in 2026.

CONTRACT RENEWAL RECOMMENDATION

TO: Honorable Mayor and Members of the City Council
FROM: Jim Scheid, Public Works Director
DATE: **August 4th, 2025**
RE: 2025 Landfill Agreement Renewal
CC: William Bell, Ann Morgenthaler, Shani Wittenberg



Action

Consider the renewal of the agreement with Bruin Waste Management for Landfill Services.

Background

The City's Trash and Recycle Division continues to collect municipal waste from City residents and transport that waste to a landfill service. In July of 2024, the City awarded the Landfill Services Agreement to Bruin Waste after receiving bids. Since 2024, Bruin has provided the service well and the once new relationship is working very well and is convenient for the City's operation as well. The proximity of their facility to the City's operational hub is beneficial, translating into tangible cost savings. These savings are primarily realized through reduced fuel consumption, a decrease in incidents of flat tires, and a general reduction in wear and tear on the City's fleet of trucks. This reduced travel also contributes to a more efficient completion of daily collection routes, optimizing staffing and operational hours. While there is an increase in the tipping fee from \$64.50 to \$66.37 per ton for 2025, this 2.9% adjustment aligns directly with the Consumer Price Index (CPI), making it a predictable and manageable change.

Contract Administration and Project Financials

Based on historical collection amounts the City anticipates that it could collect as much as 10,000 tons in the year of July 2025 to July 2026. This would equate to a total potential tipping fee of \$663,700.00. The Trash and Recycle Division budgeted \$820,000.00 in disposal fees in 2025. Disposal fees include tipping fees for solid waste and for recyclable materials. The increase tipping fee to \$66.37/ton for trash is within the estimated tipping fee rates that were anticipated when developing the 2025 and 2026 budgets so this rate will not likely cause the City's overall disposal fees to exceed the budgeted amount of \$820,000.00.

Bruin Waste Management
PO Box 630
Naturita, Co 81422
970-864-7531

7/23/2025

City of Montrose

Subject: Contract Renewal and Rate Adjustment Notification

Dear City of Montrose.

We appreciate the continued partnership between Bruin Waste Management and City of Montrose. As we approach the renewal of our current agreement, we would like to formally confirm the renewal of the contract effective 8/1/25

As part of the renewal, the per ton service rate will be adjusted from \$64.50 to \$66.37 per ton, reflecting a 2.9% increase in line with the Consumer Price Index (CPI)

Justification for CPI Adjustment

- The modest rate increase is necessary to offset rising operational costs driven by:
- Fuel Costs: Continued fluctuation and increases in fuel prices have directly impacted transportation and logistics expenses.
- Labor Costs: Competitive labor markets and wage adjustments have increased staffing costs.
- Regulatory compliance: New and updated environmental and safety regulations have resulted in additional compliance-related expenses.

We remain committed to delivering high quality, dependable service and maintaining transparent communication on pricing. Please let us know if you have any questions or if a meeting is required to review the terms.

We look forward to continuing our successful relationship.

Sincerely

Chris Trosper
COO
Bruin Waste Management
970-864-7531
970-428-1246
chris@bruinwaste.com



CITY OF MONTROSE
Planning Services

MEMO

TO: City Council
FROM: William Reis, Senior Planner
DATE: August 19, 2025
RE: Waterfall Canyon Subdivision Filing No. 6A Final Plat
ATTACHMENTS

- Exhibit A: Maps
- Exhibit B: Code Excerpts for Subdivisions

City Council Consideration:

City Council is considering approval of this final plat application. Council will consider all of the information in this memo in making a decision.

Application Background:

The Waterfall Canyon Subdivision Filing No. 6A Final Plat is located on Outlot 5 of the Waterfall Canyon Subdivision Filing No. 6. The property is approximately 107.22 acres in size, and is zoned “R-3” Medium Density District and “R-3A” Medium High Density District. City Council approved the Waterfall Canyon Amended Preliminary Plat No. 3 on June 20, 2022. This final plat application would formally dedicate a 5.09 acre tract to the City of Montrose as a park, as well as dedicate 1,535 sq ft of right of way.

Applicant: Waterfall Canyon, LLC

Staff Analysis:

1. Lots/blocks:
 - a. All lots meet the minimum lot size required according to the “R-3A” Medium High Density District. The proposed lots do not fall within the portion of the property zoned “R-3” Medium Density District.
2. Streets
 - a. Surrounding streets must be in place, inspected and approved by the City Engineer prior to final approval. Improvements will receive a Preliminary Letter of Infrastructure Completion.
3. Utilities
 - a. Easements are shown.

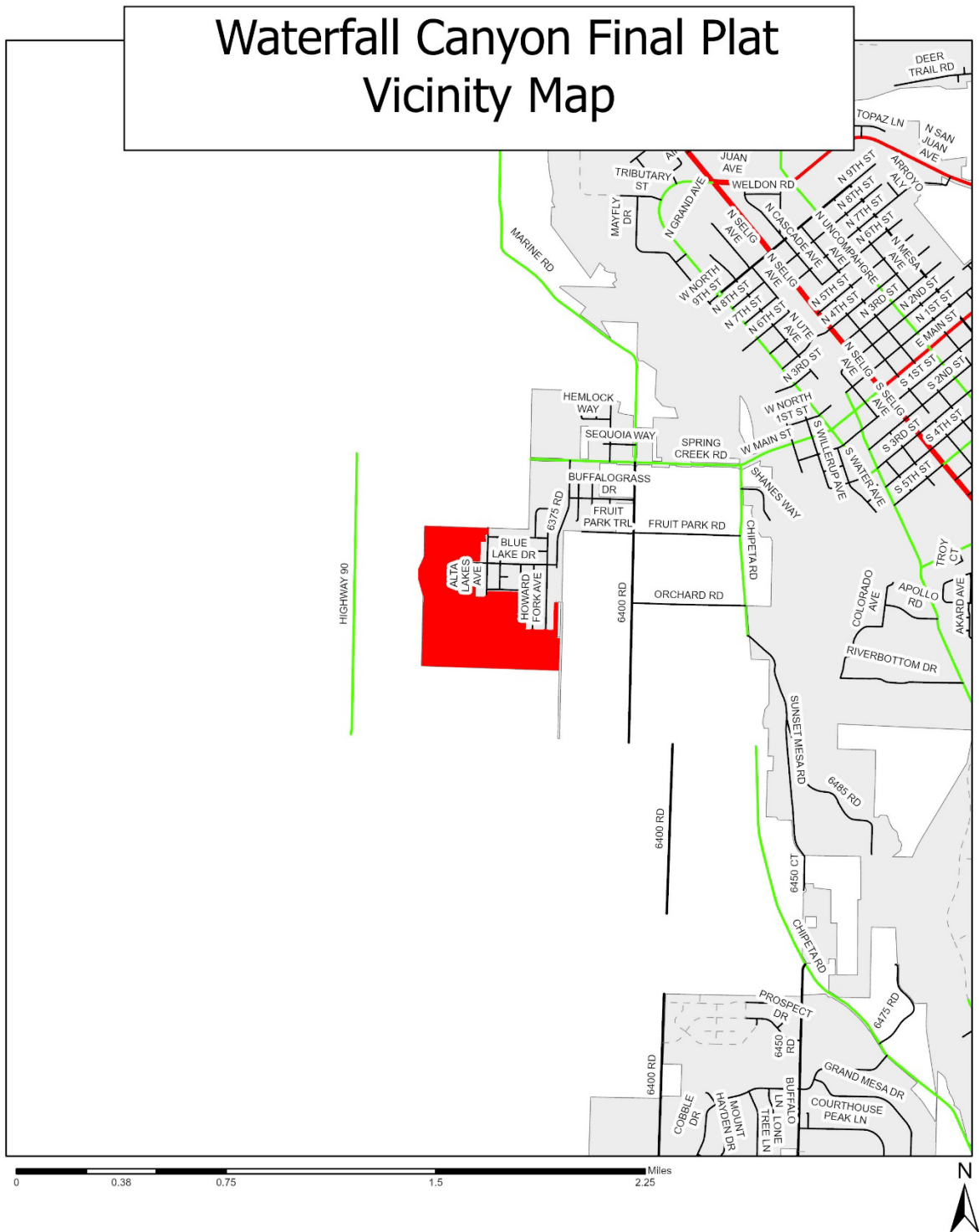
-
- b. City sewer and other utilities must be installed and available to serve all lots prior to final approval.

Staff Recommendation: Conditional Approval

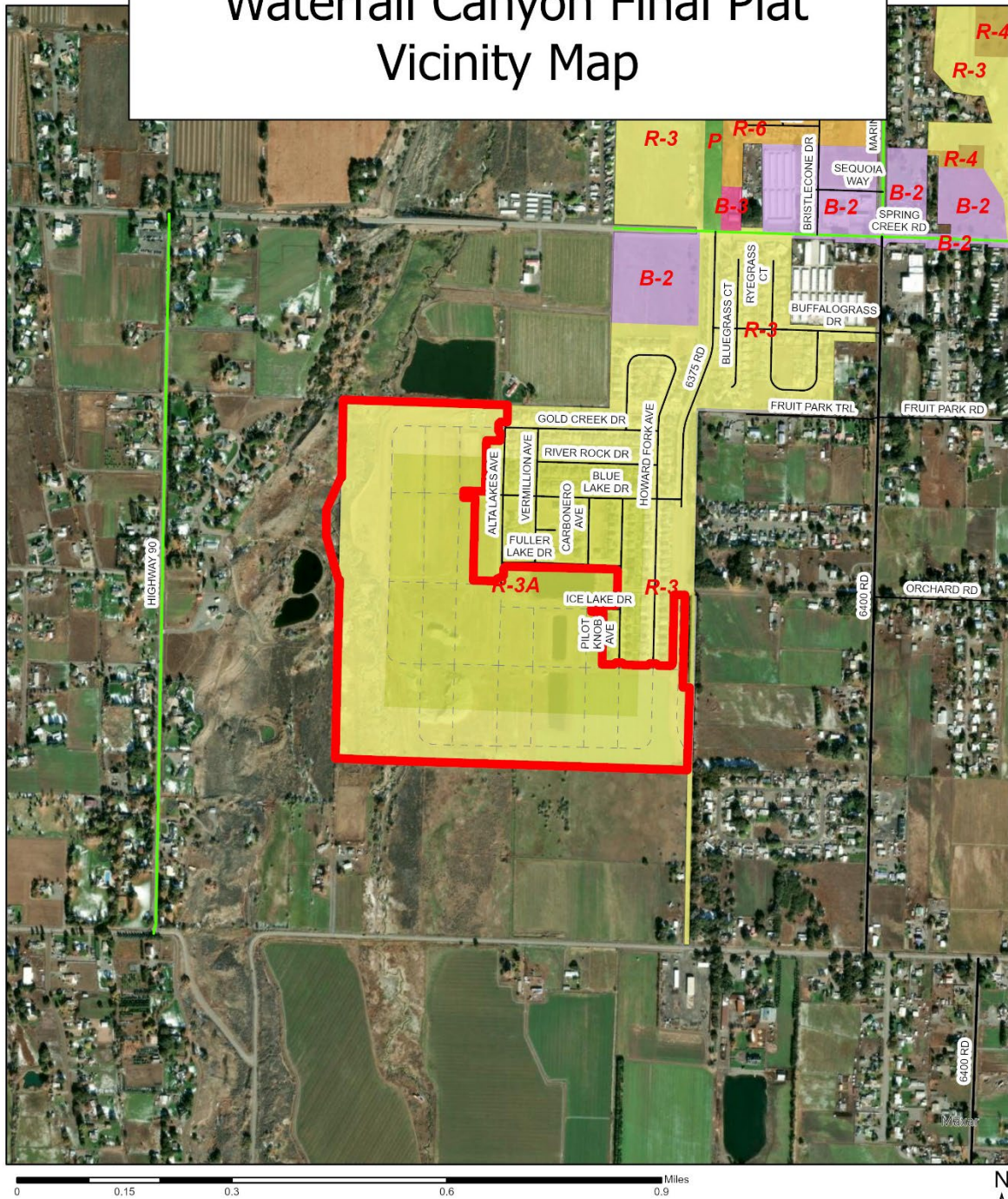
Conditions:

1. [Standard Condition]: The approval of this Final Plat is expressly conditioned upon City staff ensuring that all policies, regulations, ordinances and municipal code provisions are met and that the Applicant adequately addresses all of staff's concerns prior to the execution of the Final Plat. The City staff is not authorized by this approval to execute the Final Plat prior to all conditions being satisfied.

EXHIBIT A: Area Maps



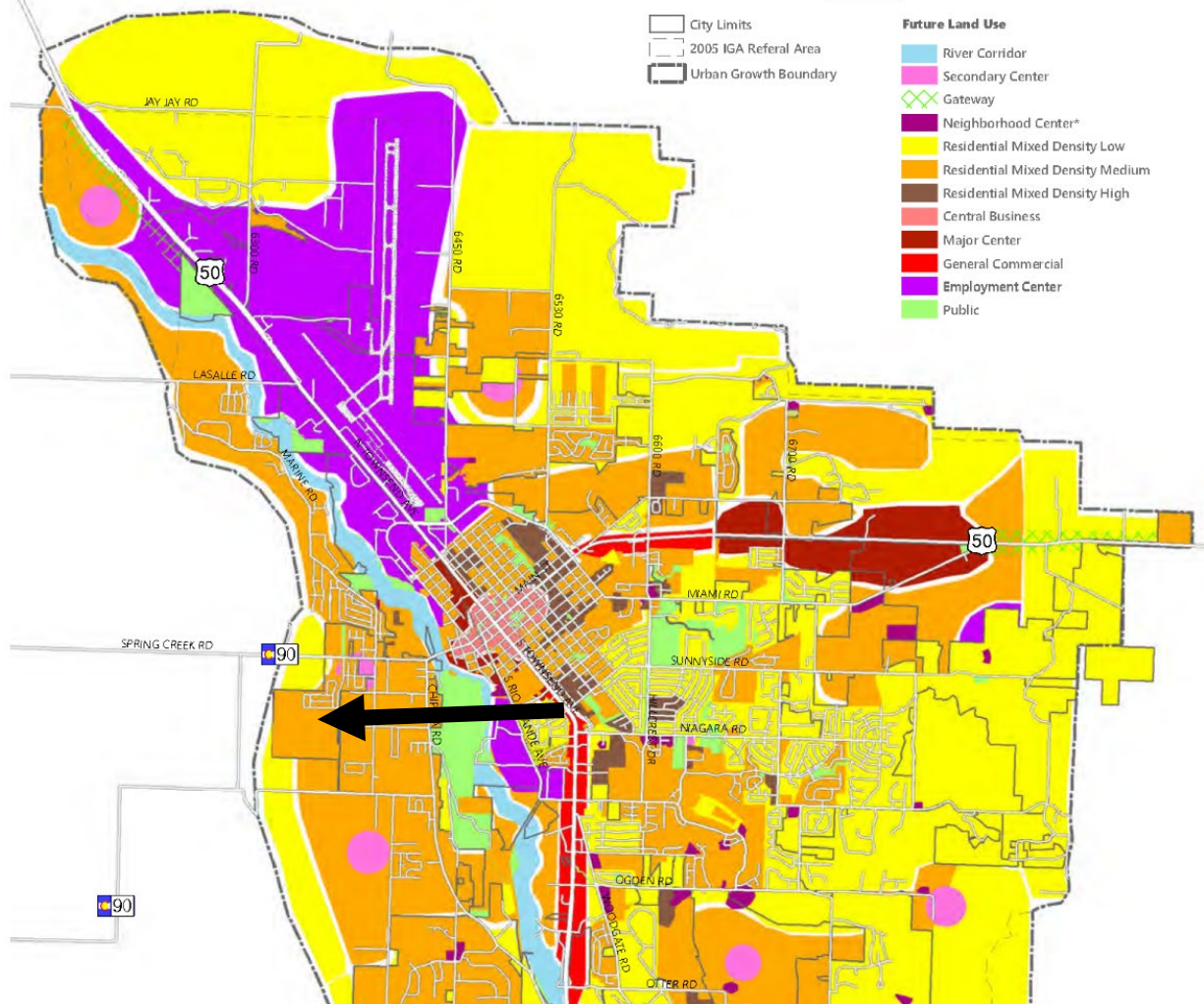
Waterfall Canyon Final Plat Vicinity Map



Comprehensive Plan Future Land Use Map

FUTURE LAND USE

MAP 5.1



WATERFALL CANYON SUBDIVISION
FILING NO. 6A

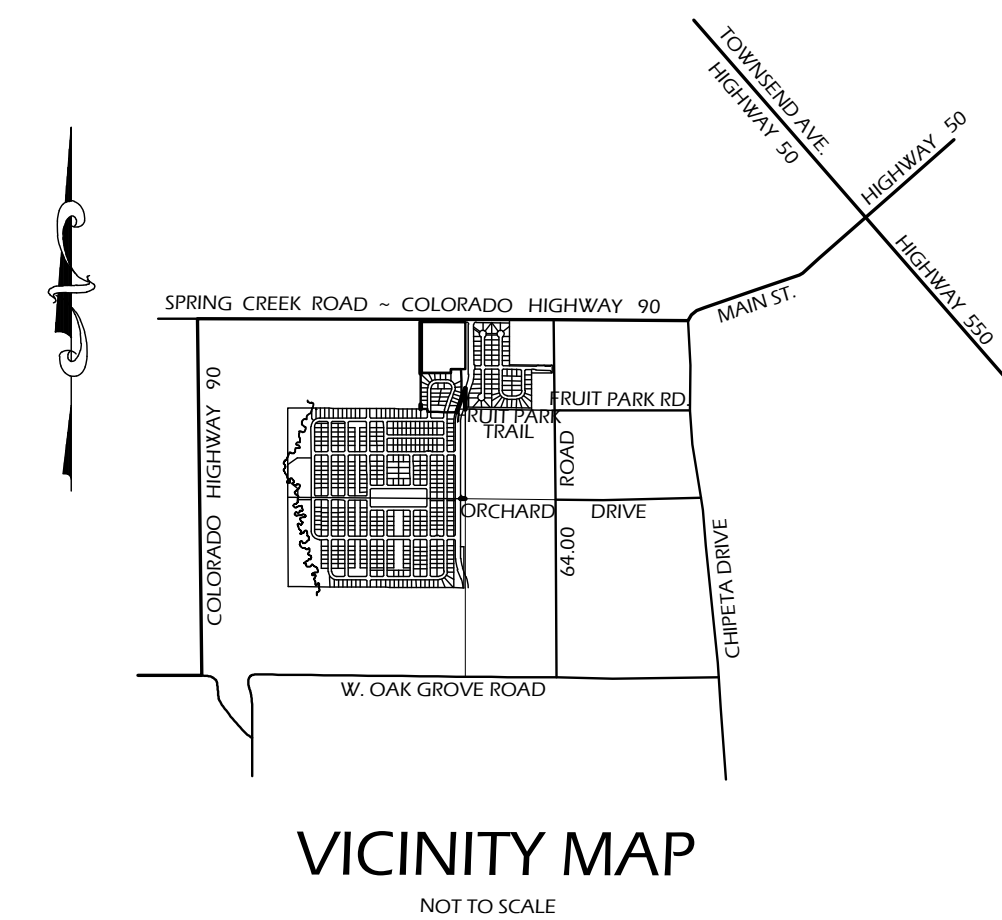
SITUATED IN SECTION 32, TOWNSHIP 49 NORTH, RANGE 9 WEST,
NEW MEXICO PRINCIPAL MERIDIAN
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO

AREA SUMMARY:

Table with 3 columns: Tracts, Outlot 6, Right of Way, Total. Values: (1), 5.09 ACRES, 102.10 ACRES, 0.03 ACRES, 107.22 ACRES.

DEVELOPER: LEADERSHIP CIRCLE, LLC
1521 OXBOW DR, SUITE 210
MONTROSE, CO 81401
970-249-3398

ENGINEER: Del-Mont Consultants, Inc.
125 Colorado Ave.
Montrose, Colorado 81401
1-970-249-2251



BASIS OF BEARINGS:

The bearing between the found 2 1/2" Aluminum cap, LS 12291 at the C-W 1/4 Corner of Section 32, Township 49 North, Range 9 West, New Mexico Principal Meridian, County of Montrose, State of Colorado and the found 2 1/2" Aluminum cap, LS 12291 at the N-W 1/4 corner of Section 32, Township 49 North, Range 9 West, New Mexico Principal Meridian, County of Montrose, State of Colorado bears N01°11'05"E. (Assumed)

LINEAL UNITS STATEMENT:

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

MISCELLANEOUS PLAT NOTES

- 1. Vehicular Access To or From Property Adjoining a State Highway
Vehicular access to or from property adjoining a state highway shall be provided to the general street system, unless such access has been acquired by a public authority. Pursuant to C.R.S. § 43-2-147(1)(b), all lots and parcels created by this subdivision will have access to the state highway system in conformance with the state highway access code.
- 2. Final Plat Conditional Approval
The approval of the Waterfall Canyon Subdivision Filing No. 6A Final Plat is expressly conditioned upon City staff ensuring that all policies, regulations, ordinances and municipal code provisions are met, and that the Applicant adequately addresses all of staff's concerns.
- 3. Pond Augmentation Plan
Augmentation water for losses from ponds situated within Tract N and Outlot 6 is provided through an augmentation plan, Colorado Division of Water Resources Case Number 2021CW3045. Respective landowners, including heirs, successors, and assigns shall remain responsible for continued implementation of the augmentation plan.

CERTIFICATE OF DEDICATION AND OWNERSHIP

KNOW ALL MEN BY THESE PRESENTS that the undersigned being the owners of certain lands in the City of Montrose, County of Montrose and State of Colorado to wit:

Outlot 5 of Waterfall Canyon Subdivision Filing No. 6, according to the Plat recorded at Reception No. 955537, County of Montrose, State of Colorado

Have by these presents laid out, platted and subdivided the same into lots, as shown on this plat, under the name and style of Waterfall Canyon Subdivision Filing No. 6A, and do hereby dedicate, grant and convey to the City of Montrose, Colorado for the use of the public Tract N as a park and Pilot Knob Avenue as hereon shown.

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

Executed this ____ day of ____, 20__.

WATERFALL CANYON, LLC

MATT MILES, SOLE MEMBER

STATE OF COLORADO)
COUNTY OF MONTROSE)

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

Witness my hand and official seal.
My commission expires ____.

Notary

LIENHOLDER'S AFFIDAVIT

Before a Notary Public, duly qualified and acting in and for said city, county, and state, appeared ____ known by official government-issued photograph identification to be the affiant herein, who stated the following under oath:

The undersigned holder of a lien pursuant to an instrument recorded under Reception No. 856804 in the records of the Montrose County Clerk and Recorder, hereby joins in this subdivision and the dedication of easements, streets and other properties to the City shown hereon. The undersigned duly swears or affirms that: 1) he/she is authorized to sign this Plat on behalf of the lien-holding entity named below for which he/she functions as an agent; and 2) said agency includes the actual authority to sign this Plat joining in this subdivision and any dedications to the City; and 3) that all necessary corporate or other legal formalities have been met to allow the agent's signature below to be effective; and 4) that the signature below was made by the person whose name it purports to be.

____, the ____ of Timberline Bank

STATE OF COLORADO)
COUNTY OF MONTROSE) ss.

Subscribed and sworn to before me this ____ day of ____, 20__, by ____ the ____ of Timberline Bank.

My commission expires ____.

Witness my hand and seal ____
Notary Public

SURVEYOR'S CERTIFICATE

I, Nicholas Barrett, a Registered Land Surveyor in the State of Colorado, do hereby certify that there are no roads, pipelines, irrigation ditches or other easements or rights-of-way in evidence or known to me to exist on or across said property except as shown on this plat. I certify that I have made the survey represented by this plat and that this plat accurately represents said survey, and conforms to all applicable requirements of the City Subdivision Regulations and applicable law. I further certify that all monuments shown hereon actually exist and their positions are as shown.

C.R.S. Section 38-51-106 Statement: this plat does not represent a title search by the Surveyor, nor by any professional corporation or business entity with which said Surveyor may be associated. Information regarding the title work performed for and used in producing this plat may be found in the title report issued by Fidelity National Title, dated June 8, 2021, bearing Title Report number F0714885-397-DG0-LCO.

Nicholas Barrett
Registration No. 38037
Date: ____

ENGINEER'S CERTIFICATE

I, David Schieldt, a Registered Engineer in the State of Colorado, do hereby certify that the sanitary sewer system, water distribution system and the storm drainage system shown on the accompanying plans of this Subdivision are properly designed, meet City of Montrose specifications and are adequate to properly serve the Subdivision shown hereon. I further certify that the sanitary sewer system, water distribution system, storm drainage system, streets, parks and other improvements are designed and constructed in accordance with applicable City specifications and regulations.

David W. Schieldt, P.E.
Registration No. 47195
Date: ____

ATTORNEY'S CERTIFICATE

I, _____, an attorney at law, duly licensed to practice in Colorado, do hereby certify that I examined Title Commitment No. _____ issued by _____ Title Insurance Company, dated _____ (the "Title Report"), which insures to Waterfall Canyon, LLC the title to the Land herein platted and described in the above Certificate of Dedication and Ownership, and that, based solely on my review of the Title Report, title to such land is in the Owners and Dedicators; and that the title to all dedicated property therein described is free and clear of all liens and encumbrances, except those exceptions to title as set forth in the Title Report.

Attorney
Registration No. ____
Date: ____

CERTIFICATE OF COMPLETED IMPROVEMENTS

I, _____, City Engineer, certify that all improvements and utilities required by the current Subdivision Regulations of the City of Montrose, have been constructed, inspected and approved in this Subdivision in accordance with applicable City ordinances, regulations and specifications, and a Preliminary Letter of Infrastructure Completion has been issued, as required by the City's Municipal Code.

____ Date: ____
City Engineer
Registration No. ____

APPROVAL OF CITY MANAGER

Approved this ____ day of ____, 20__, by ____
Deputy City Manager of the City of Montrose all conveyances of interests in real property made on this plat are hereby accepted by the City.

City Manager

APPROVAL OF CITY COUNCIL

Approved this ____ day of ____, 20__, by ____
Mayor of the City of Montrose; All conveyances of interests in real property made on this plat are hereby accepted by the City.

Mayor

APPROVAL OF CITY ATTORNEY

Approved for recording this ____ day of ____, 20__, by ____
City Attorney of the City of Montrose.

City Attorney

RECORDER'S CERTIFICATE

This plat 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. ____.

____ County Clerk and Recorder Deputy

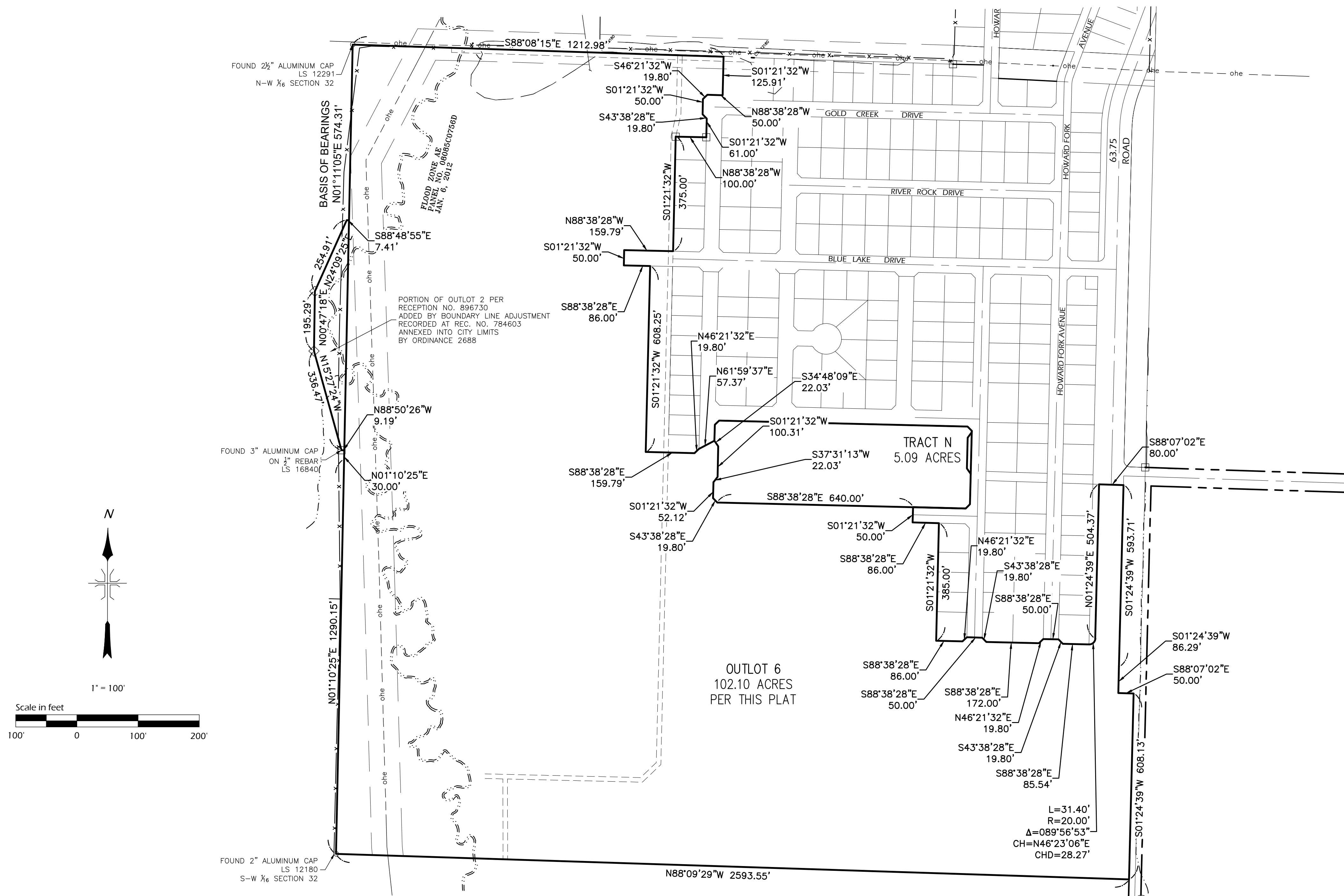
NOTICE: According to Colorado Law (13-80-105, CRS) you must commence any legal action based upon any defect in this survey within three (3) years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten (10) years from the date of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

Form containing project details: TITLE (WATERFALL CANYON SUBDIVISION FILING NO. 6A), CLIENT (LEADERSHIP CIRCLE, LLC), ADDRESS & PHONE (1521 OXBOW DR, SUITE 210 MONTROSE, CO 81401 970-249-3398), TYPE (FINAL PLAT), and a table with fields for FIELD BOOK (713 / 894), DRAWN BY (DCC), DATE (2025-08-07), SHEET (1 of 3), FILE (22023V_PLAT-F6A), JOB NO. (22023), and TYPE (FINAL PLAT).

WATERFALL CANYON SUBDIVISION

FILING NO. 6A

SITUATED IN SECTION 32, TOWNSHIP 49 NORTH, RANGE 9 WEST,
NEW MEXICO PRINCIPAL MERIDIAN
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO



LEGEND:
○ = FOUND 1-1/2" ALUMINUM CAP ON 5/8" REBAR (L.S. AS NOTED)
◇ = FOUND 1-1/2" ALUMINUM CAP ON 5/8" REBAR (L.S. 16840)
□ = FOUND 3" ALUMINUM CAP ON 1/2" REBAR, L.S. 16840

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.

FIELD BOOK: 713 / 894		DRAWN BY: DCC	DATE: 2025-08-07
SHEET: 2 of 3		FILE: 22023V_PLAT-F6A	JOB NO.: 22023
TITLE: WATERFALL CANYON SUBDIVISION FILING NO. 6A		CLIENT: LEADERSHIP CIRCLE, LLC	ADDRESS & PHONE: 1521 OXBOW DR. SUITE 210 MONTROSE, CO 81401 970-249-3398
TYPE: FINAL PLAT			

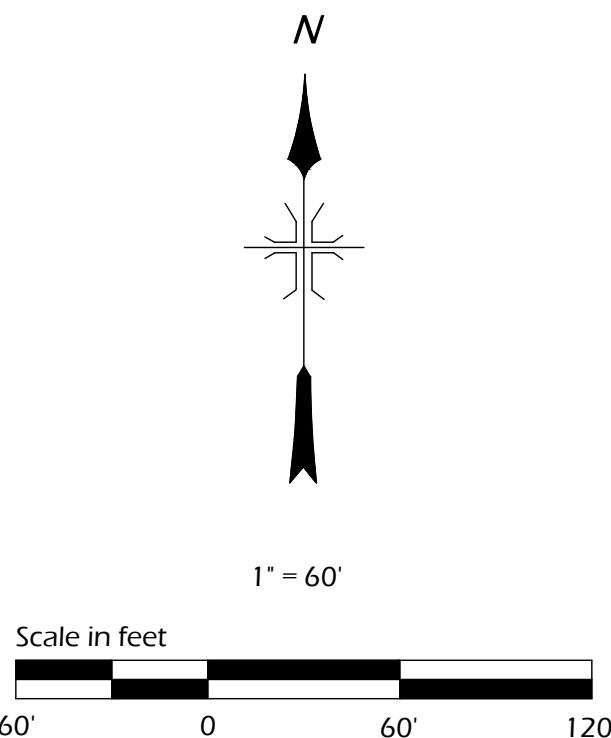
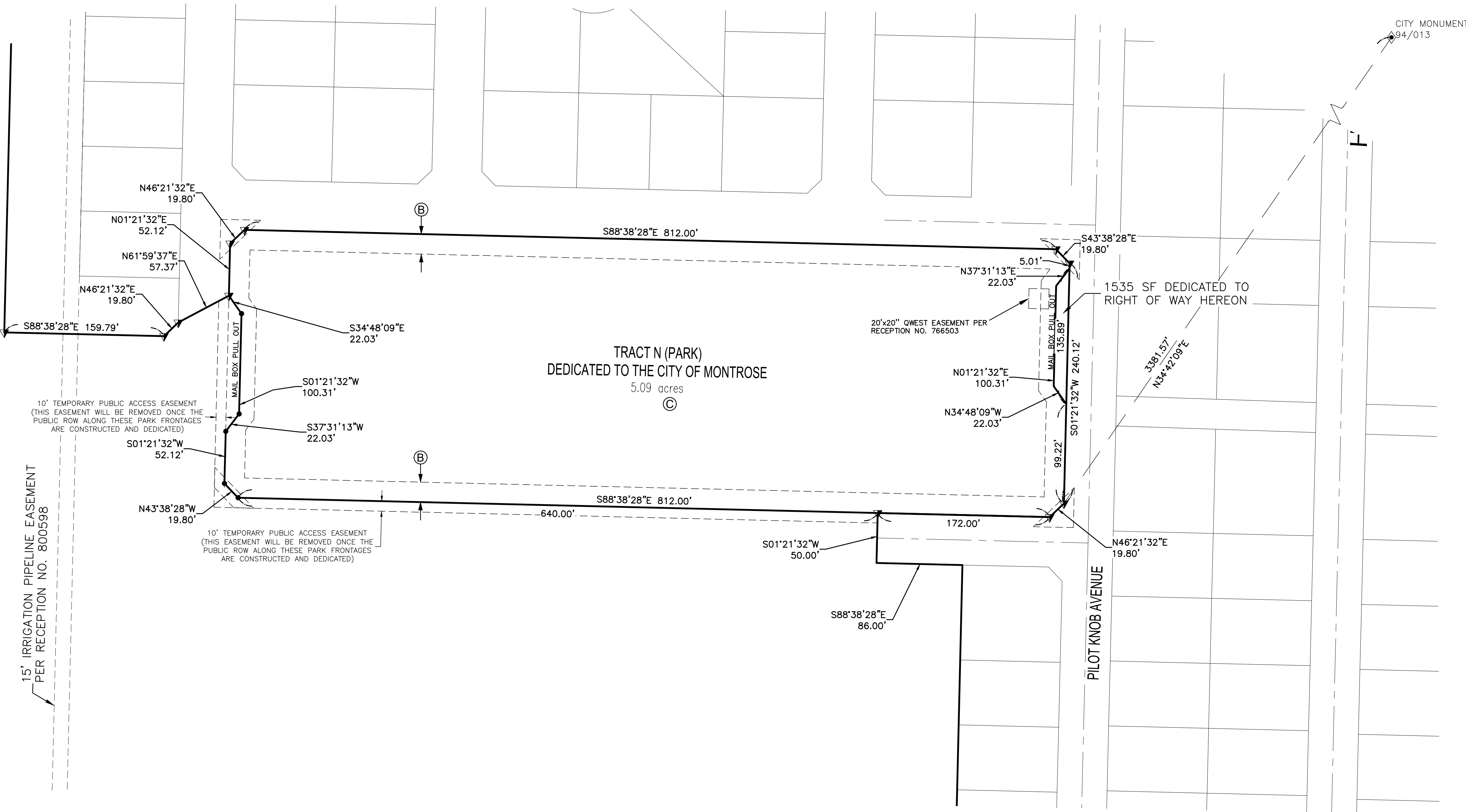
WATERFALL CANYON SUBDIVISION

FILING NO. 6A

SITUATED IN SECTION 32, TOWNSHIP 49 NORTH, RANGE 9 WEST,
NEW MEXICO PRINCIPAL MERIDIAN
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO

LEGEND

- = SET 1½" ALUMINUM CAP ON ⅝"x18" REBAR (L.S. 38037)
- ▼ = FOUND 1½" ALUMINUM CAP ON ⅝"x18" REBAR (L.S. 38037)
- ⓑ = UTILITY EASEMENT DEDICATED TO THE CITY OF MONTROSE
HEREON TYPICAL 20' WIDTH
- ⓒ = DRAINAGE EASEMENT DEDICATED TO THE CITY OF MONTROSE HEREON
(THESE EASEMENTS ARE CO-EXTENSIVE WITH THE TRACTS ON WHICH THEY
AREA LOCATED)
- 40' 40' = MINIMUM SIGHT TRIANGLE PER CITY ENGINEERING SPECIFICATIONS



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

				DEL-MONT CONSULTANTS, INC. ENGINEERING & SURVEYING 125 Colorado Ave. • Montrose, CO 81401 • (970) 249-2251 • (970) 249-2242 FAX www.del-mont.com • service@del-mont.com			
FIELD BOOK: 713 / 894				DRAWN BY: DCC		DATE: 2025-08-07	
SHEET: 3 of 3		FILE: 22023V_PLAT-F6A		JOB NO.: 22023		TYPE: FINAL PLAT	
TITLE: WATERFALL CANYON SUBDIVISION FILING NO. 6A				CLIENT: LEADERSHIP CIRCLE, LLC 1521 OXBOW DR. SUITE 210 MONTROSE, CO 81401 970-249-3398			

EXHIBIT B: Code Excerpts for Subdivisions

Sec. 11-5-2. Major subdivisions.

- (A) *New Subdivisions.* A subdivision shall be classified as a major subdivision and governed by this Section when an applicant proposes to create four or more new tracts, lots, or interests; or less than four new tracts, lots or interests if not eligible as a minor subdivision in accordance with Section 11-5-3.
- (B) *Resubdivisions or Major Plat Amendments.* Resubdivisions and major plat amendments are reviewed in the same manner as a major subdivision with the same purposes. A major plat amendment is any plat amendment that does not qualify as a minor plat amendment under Section 11-5-3 (C). To the extent that submittal information was submitted as part of the original subdivision proposal and is adequate by current standards, the applicant for approval of a resubdivision or major plat amendment does not need to submit the information again and may reference such submittal information in the new application. The City Manager will determine the technical adequacy of previously submitted information.
- (C) *Procedure.* The major subdivision procedure shall consist of three separate phases, sketch plan, preliminary plat and final plat, in accordance with Sections 11-5-4, 11-5-5, and 11-5-6, respectively.

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

Sec. 11-5-4. Sketch plan.

- (A) *Purpose.* Sketch plan review provides an opportunity to determine whether an application will comply with the City's subdivision review and approval criteria, and to address any issues of concern early in the review process. The sketch plan is a conceptual version of the preliminary plat showing the general subdivision layout, access, street and lot pattern, location of parks, open space tracts, trail corridors, and other tracts for utilities or services.
- (B) *Review Procedure.* The sketch plan application shall be reviewed by the City in accordance with Section 11-4-2 of this Title. The Planning Commission shall take no formal action at the conclusion of its public hearing on the sketch plan; however, comments by the public and the Commission shall be reflected in the minutes of the hearing as a part of the record on the application as it moves through the entire review process.
- (C) *Review Criteria.* A sketch plan shall comply with the following review criteria:
 - (1) The proposal shall be consistent with the City subdivision and zoning regulations, standards and other applicable ordinances and regulations and will be reviewed, considering the following at a minimum.
 - (a) Relationship of development to topography, soils, drainage, flooding, potential natural hazard areas and other physical characteristics;
 - (b) Availability of water, means of sewage collection and treatment, stormwater drainage, access and other utilities and services;
 - (c) Compatibility with the natural environment, wildlife, vegetation and unique natural features;
 - (d) Adjacent streets and traffic flow, including pedestrian access; and
 - (e) Availability of fire, police and other emergency services protection.
 - (2) An applicant who intends to immediately develop only a portion of a full tract shall nevertheless submit an informal sketch plan for the entire tract showing their present plans for its eventual development.

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

Sec. 11-5-13. Minimum design standards.

- (A) *Minimum Standards, Conformity to Preliminary Plat, and Approval Required.* All public improvements shall be constructed in accordance with the minimum standards set forth below or other applicable City design and construction specifications and standards, and other applicable City ordinances or regulations. All public and private improvements shall be in substantial conformity with the preliminary plat as approved, the City Comprehensive Plan and amendments thereto, and in accordance with good engineering and construction practices. All plans must be approved in advance by the City Engineer.
- (B) *Minimum Standards.*
- (1) *Streets.*
- (a) Subdivider shall be required to make and install improvements to existing streets within and abutting the subdivision and/or other areas outside the subdivision or any filing thereof being considered, including, but not limited to, curbs, gutters, sidewalks and street paving improvements, when the subdivision and developments thereof will directly create a need for said improvements outside the subdivision itself, or a need to expand or improve existing public improvements to current standards in order to properly serve future residents of the subdivision, or if the subdivider or their predecessors of interest by virtue of their actions and the timing and scope of developing the subdivision or other property have created a situation where the needed improvements were not previously improved or installed. It shall be presumed that existing streets and sidewalks directly abutting the subdivision must be improved to current City standards in order to properly serve the subdivision.
 - (b) In those cases where the City determines that the immediate improvement of the abutting street, or other on-site or off-site improvements, is not currently practical, or should be delayed, or the costs of such improvements should be shared with additional property likely to use and be benefited by the improvements, the developer may be allowed to execute recordable covenants on the plat or separately in a form provided by the City, binding the lots in the subdivision to future assessments or participation in an improvement district for the construction of such improvements.
 - (c) Wherever topography will permit, the arrangement of the streets shall provide for the dedication and construction of street stubs to align with existing or future streets to adjoining developing or developable areas.
 - (d) Cul-de-sacs shall terminate in a circular turn-around having a minimum right-of-way of at least 100 feet in diameter, and a paved turn-around with a minimum outside diameter of 80 feet. Cul-de-sacs shall be not less than 100 feet long, and not more than 500 feet long, as measured from the center of the cul-de-sac bulb to the center of the intersecting street; use of cul-de-sacs is limited to places where street connections would be impractical.
 - (i) Cul-de-sacs longer than 300 feet shall require a recreation trail connection at the end that provides connectivity to the nearest City street.
 - (e) Temporary dead-end streets which extend for a distance greater than the depth of one abutting lot shall be provided with a temporary turn-around having a diameter of at least 80 feet.
 - (f) Whenever a new street is proposed along the edge of the subdivision, the entire street shall be dedicated and improved within the subdivision.



- (g) No more than two streets shall intersect at any point. Intersections shall be as near as practicable to 90 degrees. A street shall have a minimum straight distance of 100 feet from the intersection before it may be curved.
- (h) A straight section of 100 feet shall be provided between reverse curves on all streets.
- (i) All lots in the subdivision will have direct access to a dedicated street, subject to the following exceptions:
 - (i) One or more private shared access drives may be used to provide access up to no more than four dwelling units each, subject to City approval, in residential zoning districts. In general, shared access drives shall not be used as an extension to a cul-de-sac.
 - (ii) Reciprocal access easements may be approved to accommodate subdivisions with multiple commercial units with contiguous parking area in commercial zoning districts.
- (j) Any two local streets which intersect a common third local or collector street shall have centerlines no closer than 175 feet from one another. Any two local streets which intersect a common third minor arterial or major arterial street, shall have centerlines no closer than 350 feet from one another.
 - (i) The City may limit access to major arterial or minor arterial streets to facilitate traffic flows, or to promote public safety.
- (k) The maximum block length, as measured from the centerline of the nearest intersecting streets, shall be a maximum of 700 feet.
- (l) Street names must be approved by the City.
- (m) All streets, alleys, sidewalks, recreation paths, parks of two acres or larger, and other public ways or places must be dedicated to the City by the owners of any interest therein except the owners of severed mineral or water interests.
- (n) Streets shall be developed in accordance with the City's Comprehensive Plan roadway cross sections, the City's engineering specifications, as applicable, and the table below. The minimum dedicated rights-of-way and street widths shall be as shown in Table 5.2.

Table 5.2
Minimum Dedicated Rights-Of-Way and Street Widths

Street Classification	Minimum Right-of-Way	Minimum Street Width Urban = Width between Curb Flowlines Rural = Paved Width (asphalt or Concrete)
Major Arterial—Urban	124 feet *	92 feet ***
Major Arterial—Rural	124 feet *	76 feet ***
Minor Arterial—Urban	112 feet **	Varies with traffic volume and whether parking is allowed, see engineering specifications for road widths ***
Minor Arterial—Rural	112 feet **	Varies with traffic volume and whether parking is allowed, see engineering specifications for road widths ***
Collector	70 feet	46 feet



Local—Boulevard Style Alternative 2	50 feet; 50 feet	28 feet with detached 5-foot sidewalk; 36 feet with attached 6-foot sidewalk
Planned Developments	40 feet	24 feet with attached 6-foot sidewalks in addition to curb and gutter. Supplemental off-street parking may be required.

- (o) Subdivisions which include any part of an existing platted street which does not conform to the minimum right-of-way requirements of these regulations may be required to provide additional width necessary to meet the minimum right-of-way requirements of these regulations.
- (p) No street grade shall be less than one-half of one percent or exceed the maximum grade shown in Table 5.3.

Table 5.3
Maximum Street Grade

Street Classification	Maximum Percent Grade	Minimum Radius of Curve	Minimum Sight Distance*
Major Arterial	5 percent	400 feet	500 feet
Minor Arterial	5 percent	400 feet	500 feet
Collector	8 percent	300 feet	300 feet
Local	8 percent	100 feet	200 feet

- (q) Alleys shall be provided at the rear of lots within the commercial zoning districts, or as otherwise approved by the City. Alleys shall be 20 feet in width and shall be paved in accordance with City specifications.
- (2) *Curb, Gutter, Sidewalks and Trails.*
- (a) Curb, gutter, and sidewalks or recreation trails shall be provided along all roadways consistent with the City's Comprehensive Plan.
 - (i) A minimum ten-foot-wide concrete recreation trail with the addition of two-foot obstacle-free recovery zones, constructed of Class 6 gravel aggregate, or a City-approved alternative, on each side of said trail shall be located along one side of the roadway, as determined by the City. Recreation trails shall be designed in accordance with the AASHTO "Guide for the Development of Bicycle Facilities."
 - (ii) A minimum six-foot-wide sidewalk shall be provided on the side of the roadway not occupied by the recreation trail described above. Greater sidewalk widths may be required in commercial areas.
 - (iii) Recreation trail lighting may be required in more heavily populated or urbanized areas, travel corridors, and commuter routes, as determined by the City. Recreation trail lighting shall provide a minimum 0.4 to 0.5 footcandles of illumination at all points along the length of the trail. The City's provisions, standards, and specifications regarding outdoor lighting shall also apply.
 - (iv) Recreation trails with alternative non-hard surfaces and narrower widths may be approved in those instances where such trails are secondary to existing or proposed concrete



recreation trails, and do not serve as connectors to the City's recreation trail system, as denoted within the City's Comprehensive Plan.

- (v) Curb, gutter, and sidewalks shall be provided along collector and local streets. Six-foot detached sidewalks are required on collector streets. Five-foot detached or six-foot attached sidewalks are required for local streets.
 - (b) Sidewalks shall be located and constructed as necessary to interconnect the subdivision and lots therein with the network of City sidewalks and recreation trails.
 - (c) Accessibility ramps shall be provided in accordance with the Americans with Disabilities Act.
 - (d) The City may elect to require over-sizing of any sidewalk and participate in cost sharing thereof.
 - (e) The City may require any sidewalk to be wider than those standards set forth herein, upon a finding that such greater widths are necessary to serve the subdivision, due to:
 - (i) High density of the subdivision;
 - (ii) Special needs of the residents of the subdivision; or
 - (iii) Connection to existing wider sidewalks or recreation trails.
- (3) *Blocks and Lots.*
- (a) In residentially zoned districts, blocks shall be wide enough to permit two lots between lengthwise streets.
 - (b) The building line for residential lots on collector streets shall be set back 25 feet from the front property line.
 - (c) The building line on corner lots shall be set back 25 feet from both street front property lines.
 - (d) Lots which abut a street in the front and the rear shall be avoided except where a railroad right-of-way, a major arterial or minor arterial street is located to the rear of the lot, in which case such a lot shall have a minimum depth of 125 feet. Lots abutting cul-de-sacs shall have a minimum frontage of 25 feet.
 - (e) Every lot shall front on a designated collector or local street, subject however, to the following exceptions:
 - (i) One or more private shared access drives may be used to provide access up to no more than four dwelling units each, subject to City approval, in residential zoning districts;
 - (ii) Private access easements may be provided, subject to City approval, in subdivisions within commercial zoning districts across parking lot areas;
 - (iii) In such instances, the shared access improvements shall be subject to City specifications and the restrictions set forth in Section 11-5-11 (B).
 - (f) No residential lot shall front on a major arterial or minor arterial street. No access shall be permitted directly from a residential lot to a major arterial or minor arterial street.
 - (g) The lot depth shall not be more than three times the lot width at the front building line.
 - (h) Access drives and intersections shall comply with City access standards and the transportation plan. In addition, accesses onto County roads shall comply with applicable County regulations.



- (i) Lots shall be at least 50 feet in width at the front building line. Lots abutting cul-de-sacs shall have at least 25 feet of linear frontage to the cul-de-sac.
 - (j) Sight triangles shall be shown on the plat as per the engineering specifications.
- (4) *Public Utilities.*
- (a) All utilities shall be installed underground unless the City Engineer determines that soil or topographic conditions make that impracticable.
 - (b) Utilities shall be installed prior to the paving of any street under which they are to be located and the individual service lines shall be connected and stubbed out prior to paving, in order to avoid the necessity of cutting into the pavement to connect any abutting lots.
 - (c) Utilities will be sized and placed as necessary to facilitate connection with future subdivisions and developments. At a minimum, six-inch water main lines shall be provided in residential zoning districts, and eight-inch water main lines shall be provided in commercial and industrial zoning districts. At a minimum, eight-inch sewer main lines shall be provided in all zoning districts. Multiple buildings within a single lot shall each require a singular water and sewer lateral connection to a main line.
 - (d) The City may elect to require over-sizing of the extended utility and pay for the cost of such materials accordingly.
 - (e) City water and sewer systems shall be provided except where the City has required an alternative supplier by service area agreement with such alternative provider. In cases where alternative utilities are provided on a temporary basis, connection to City services shall be required at such time they are made available to the subject property.
 - (f) In the event that City sewer service will not be available within a reasonable time period following final plat approval, engineered individual sewage disposal systems may be authorized by the City for those subdivisions occurring within the residential rural living zoning districts with lot sizes of five acres or greater. Advance City approval shall be required in each case.
 - (g) All extension of City utilities shall require City approval and proper execution of City utility extension agreements. The extension of utilities shall be at the sole expense of the subdivider.
 - (h) Prior to any installation or construction of utility extensions, the subdivider shall first submit proposed alignment location maps and engineered drawings for City approval. The subdivider shall acquire all necessary easements for the proposed utility location from all affected properties. The easements shall be conveyed to the City and executed on applicable City forms.
 - (i) All utility extensions shall be subject to City inspection and approval. The City may elect to contract inspection services at the subdivider's expense.
 - (j) All utility main line extensions, once approved by the City, shall be dedicated to the City with applicable utility easements. As-built plans and data shall be provided on hard copy in accordance with these provisions and on diskette in a digital format compatible with City computer systems.
 - (k) Following the completion of any utility extension and submission of the as-built plans, the City Engineer shall conduct an inspection, and if the improvements are in accordance with the requirements of these and other applicable regulations and good engineering and construction standards, shall issue a Preliminary Letter of Infrastructure Completion.



- (i) For a period of two calendar years thereafter, the subdivider shall be responsible for correcting all defects or failures that appear in such improvements.
 - (ii) At the completion of this two-calendar-year construction warranty period, upon written request from the subdivider, all public and necessary on- and off-site improvements shall again be inspected by the City Engineer, and upon final approval, may be accepted by the City, as evidenced by issuance of a Letter of Infrastructure Completion and Acceptance. The provisions set forth in Section 11-5-12(D) shall apply to improvements and construction covered by this Section.
- (5) *Piped Drainage Facilities and Waterways.*
 - (a) Stormwater discharge improvements shall be engineered and approved in accordance with City specifications. stormwater retention on site shall be discouraged. When feasible to do so and when requested by the City Engineer, all ditches shall be piped and subject to platted easements to be dedicated either to the City or to the applicable owner of the ditch facilities. The City may elect to allow the location of piped ditch facilities within its rights-of-way at its discretion. Perpetual maintenance shall be provided pursuant to plat notes and/or City-approved covenants.
 - (b) Permission shall be acquired, in writing, from all applicable owners of ditch facilities prior to improvements thereto.
 - (c) No discharges of urban stormwater into any irrigation ditch facilities shall be allowed. No discharges of urban stormwater into agricultural drainage ditch facilities shall be allowed, unless otherwise approved by the owning interest in said drainage facilities.
- (6) *Monuments.* Monuments shall be set in concrete and placed at all corners of all street intersections, at the intersections of the boundary of the subdivision with street right-of-way lines, at angle points and points of curve in each street and at points of change in direction of the exterior boundaries of the subdivision. The top of the monument shall have a metal cap set flush to identify the location. All lot corners shall be monumented with a minimum of a #5 rebar 18 inches in length and metal cap.
- (7) *Berms, Screening and Buffers.* Buffers and/or screening shall be provided between incompatible uses both within the subdivision and adjoining the subdivision in accordance with City design standards and specifications.
- (8) *Street Lights.*
 - (a) In all subdivisions, except for residential zoned rural living and estate subdivisions, streetlights shall be provided at all intersections and at intervals between intersections in accordance with City specifications.
 - (b) In residential rural living zoning districts and estate subdivisions, street lights shall only be required at street intersections, with no interval requirements.
 - (c) All streetlights shall conform to City standards and specifications, and with Chapter 11-9 of this Title.
- (9) *Outdoor Lighting.* All outdoor and exterior lighting shall conform with Chapter 11-9 of this Title.
- (10) *Flood Hazard Prevention.* All subdivision proposals shall conform to the flood hazard reduction standards in Section 11-6-5 (G) of this Title.

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





CITY OF MONTROSE
Planning Services

MEMO

TO: City Council
FROM: William Reis, Senior Planner
DATE: August 19, 2025
RE: Waterfall Canyon Filing No. 6B Final Plat
ATTACHMENTS

- Exhibit A: Maps
- Exhibit B: Code Excerpts for Subdivisions

City Council Consideration:

City Council is considering approval of this final plat application. Council will consider all of the information in this memo in making a decision.

Application Background:

The Waterfall Canyon Filing No. 6B Final Plat is located on what is currently Outlot 5 of the Waterfall Canyon Subdivision Filing No. 6. The property is zoned “R-3” Medium Density District and “R-3A” Medium High Density District. City Council approved the Waterfall Canyon Amended Preliminary Plat No. 3 on June 20, 2022. This final plat application would formally create 32 new residential lots, as well as associated rights of way, easements, and open space. This final plat would not fall under the Waterfall Canyon Homeowners’ Association. Open space tracts would be dedicated to the Cascade Estates Homeowners’ Association, and residential lots would be subject to the CC&Rs of the Cascade Estates Homeowners’ Association.

Applicant: Waterfall Canyon, LLC

Staff Analysis:

1. Lots/blocks:
 - a. All lots meet the minimum lot size required according to the “R-3A” Medium High Density District. The proposed lots do not fall within the portion of the property zoned “R-3” Medium Density District.
2. Streets
 - a. Surrounding streets must be in place, inspected and approved by the City Engineer prior to final approval. Improvements will receive a Preliminary Letter of Infrastructure Completion.

3. Utilities

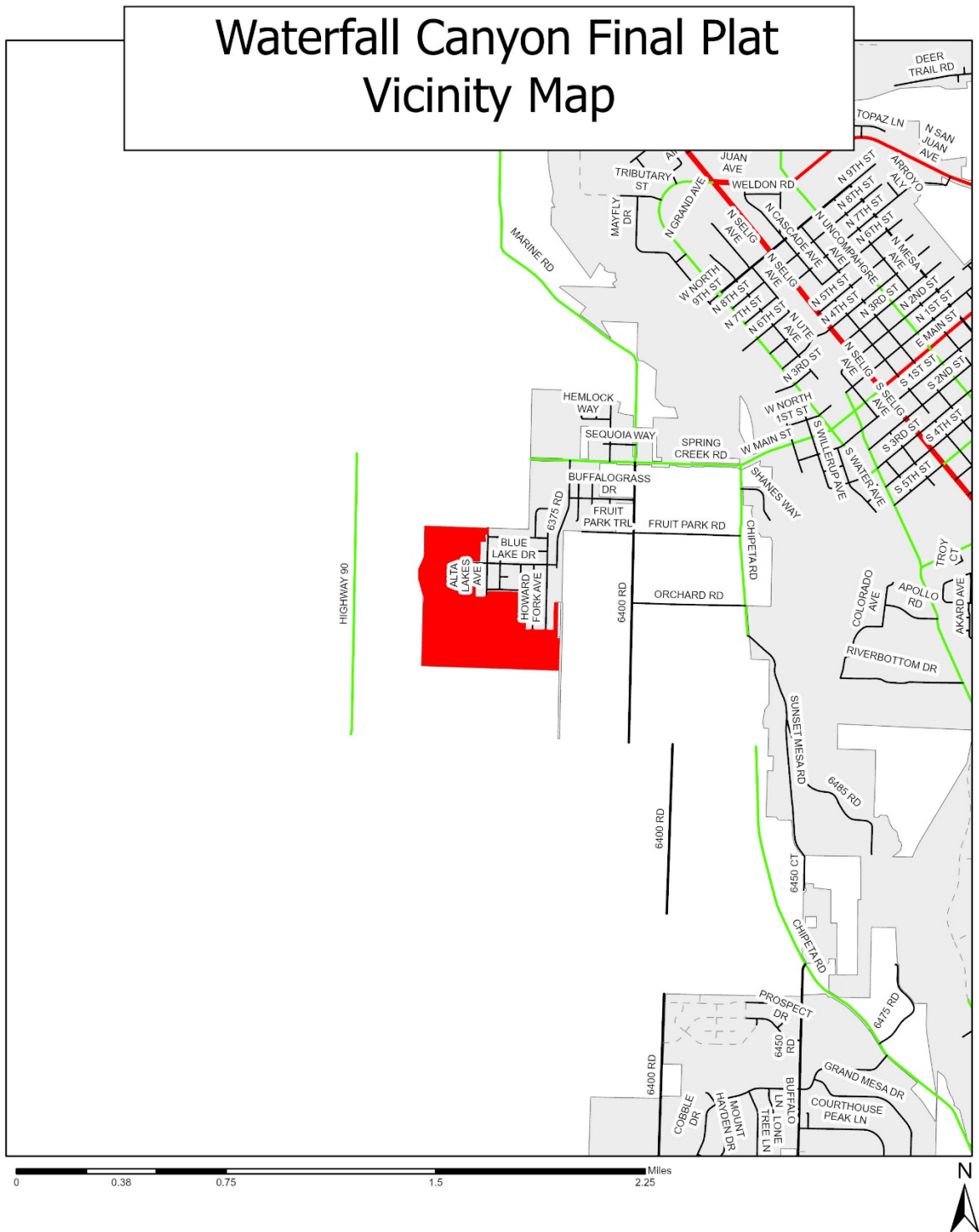
- a. Easements are shown.
- b. City sewer and other utilities must be installed and available to serve all lots prior to final approval.

Staff Recommendation: Conditional Approval

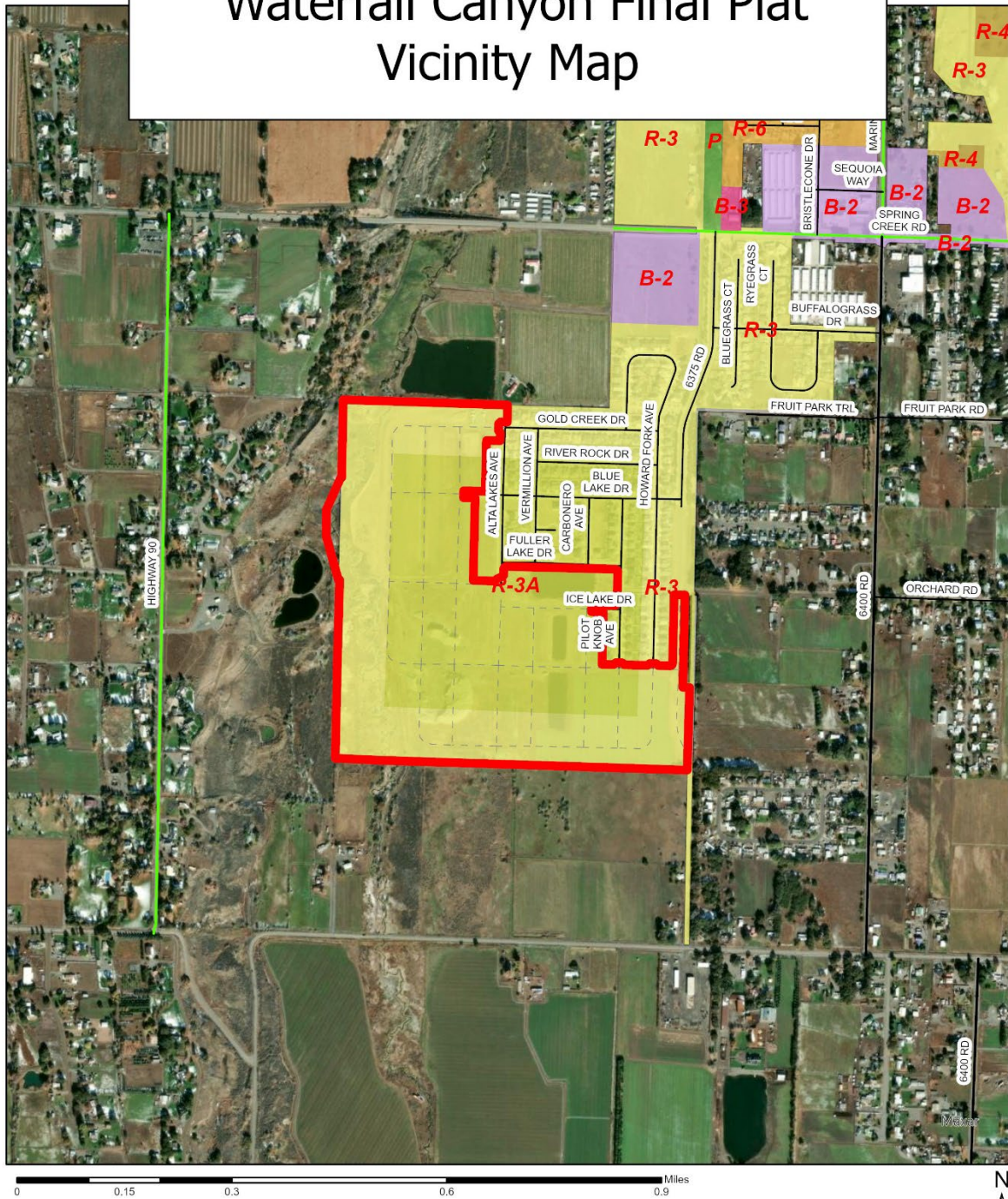
Conditions:

1. [Standard Condition]: The approval of this Final Plat is expressly conditioned upon City staff ensuring that all policies, regulations, ordinances and municipal code provisions are met and that the Applicant adequately addresses all of staff's concerns prior to the execution of the Final Plat. The City staff is not authorized by this approval to execute the Final Plat prior to all conditions being satisfied.

EXHIBIT A: Area Maps



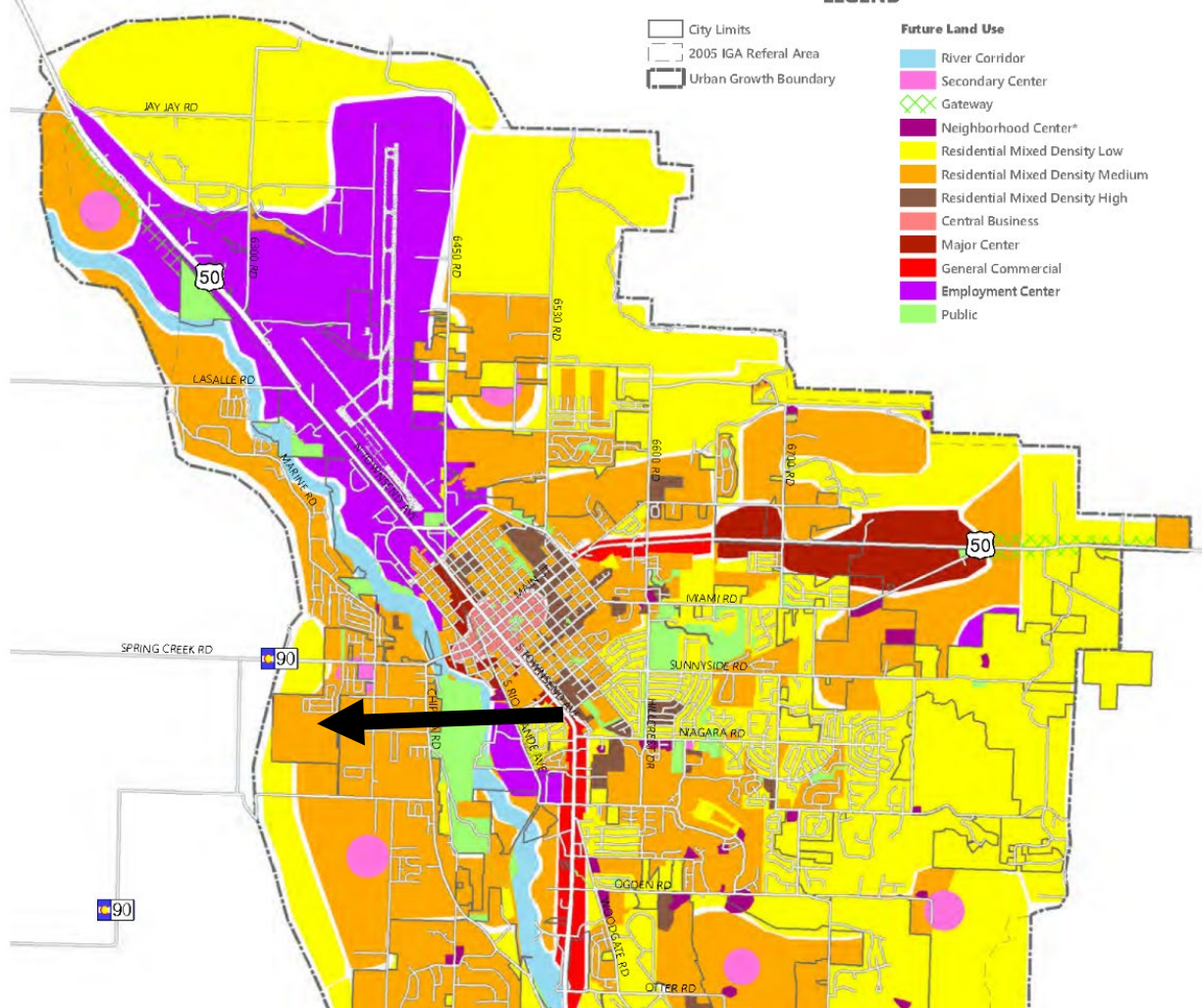
Waterfall Canyon Final Plat Vicinity Map



Comprehensive Plan Future Land Use Map

FUTURE LAND USE

MAP 5.1



WATERFALL CANYON

FILING NO. 6B

SITUATED IN SECTION 32, TOWNSHIP 49 NORTH, RANGE 9 WEST,

NEW MEXICO PRINCIPAL MERIDIAN

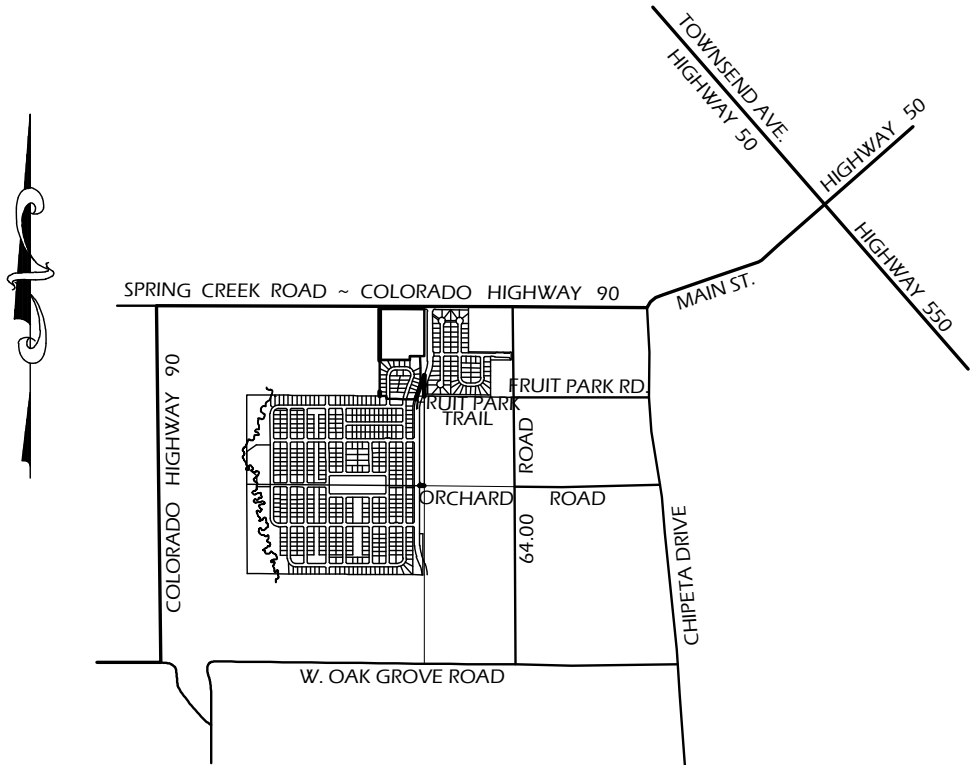
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO

AREA SUMMARY:

LOTS	(32)	5.65 ACRES
TRACTS	(2)	2.16 ACRES
RIGHT OF WAY	(1)	2.55 ACRES
OUTLOT 6B		91.74 ACRES
TOTAL		102.10 ACRES

DEVELOPER: WATERFALL CANYON, LLC
1521 OXBOW DR, SUITE 210
MONTROSE, CO 81401
970-249-3398

ENGINEER: Del-Mont Consultants, Inc.
125 Colorado Ave.
Montrose, Colorado 81401
1-970-249-2251



VICINITY MAP

NOT TO SCALE

BASIS OF BEARINGS:

The bearing between the found 2½" Aluminum cap, LS 12291 at the C-W ¼ Corner of Section 32, Township 49 North, Range 9 West, New Mexico Principal Meridian, County of Montrose, State of Colorado and the found 2½" Aluminum cap, LS 12291 at the N-W ¼ corner of Section 32, Township 49 North, Range 9 West, New Mexico Principal Meridian, County of Montrose, State of Colorado bears N01°11'05"E. (Assumed)

LINEAL UNITS STATEMENT:

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

MISCELLANEOUS PLAT NOTES

1. Vehicular Access To or From Property Adjoining a State Highway

Vehicular access to or from property adjoining a state highway shall be provided to the general street system, unless such access has been acquired by a public authority. Pursuant to C.R.S. § 43-2-147(1)(b), all lots and parcels created by this subdivision will have access to the state highway system in conformance with the state highway access code.

2. Privately Owned Open Space, Parks, and other Improvements

Tract H and Tract M shown hereon shall be owned and maintained by an owners' association, or in the absence of an owners' association lawfully formed for such purposes, by the owners of all lots final platted in Waterfall Canyon Filing 6B jointly and severally. The City is not responsible or liable in any manner for the maintenance, repair, or operation of such properties and/or improvements, nor shall the City be responsible for future dedications of such properties. Upon failure to properly maintain such properties and/or improvements shown hereon, or in the need to abate a nuisance or public hazard, the City may cause the maintenance or repair to be performed, and assess the costs thereof to such owner(s), or the City may certify such charges as a delinquent charge to the County Treasurer to be collected similarly to taxes or in any lawful manner.

A. Conveyance of Private Parks and Open Space to Owners' Association

By executing this Plat, the owner(s) whose signature(s) appear hereon, joined by the lienholder(s), if any, whose signatures also appear on this Plat, for and in consideration of TEN AND NO/100 DOLLARS (\$10.00), and other good and valuable consideration, in hand paid, hereby sell(s) and quit claim(s) to Cascade Estates Homeowners Association, a Colorado nonprofit corporation, Open Space Tract H and M as designated on this Plat.

B. Certificate of Good Standing

The owner(s) whose signature(s) appear on the Certificate of Dedication and Ownership on this Plat have provided the City a current, valid, Certificate of Good Standing bearing Confirmation No. _____ from the Colorado Secretary of State, as proof of the above-named HOA or Owners' Association entity's: i) compliance with all applicable requirements of the Colorado Secretary of State, and ii) good standing with the Colorado Secretary of State.

C. Declaration of Covenants Recorded

The Declaration of Covenants, Conditions, and Restrictions for Cascade Estates applicable to the development platted hereon, and made binding to the Cascade Estates Homeowners Association as specifically provided therein, was recorded under Reception No. _____ in the office of the Montrose County Clerk and Recorder.

D. This Filing No. 6B and the property platted herein are not being developed within or as part of the Waterfall Canyon common interest community. The lots platted herein are not subject to the Covenants, Conditions, and Restrictions of the Waterfall Canyon subdivision.

3. Money in lieu of School Land Dedication

All residential lots or residential units having unique legal descriptions shall be required to make payment of money in lieu of school land dedication, at the time of issuance of building permit or certificate of occupancy relative to improvements upon said lot. The payment of money in lieu of school land dedication is subject to § 11-5-9(C) of the Municipal Code. Payments shall be made to the City, to be later disbursed to the RE-IJ School District.

4. Final Plat Conditional Approval

The approval of the Waterfall Canyon Filing 6B Final Plat is expressly conditioned upon City staff ensuring that all policies, regulations, ordinances and municipal code provisions are met, and that the Applicant adequately addresses all of staff's concerns.

CERTIFICATE OF DEDICATION AND OWNERSHIP

KNOW ALL YE BY THESE PRESENTS that the undersigned being the owners of certain lands in the City of Montrose, County of Montrose and State of Colorado to wit:

PARCEL 1:

Outlot 6 of Waterfall Canyon Subdivision Filing No. 6A, according to the Plat recorded at Reception No. _____, County of Montrose, State of Colorado

Have by these presents laid out, platted and subdivided the same into lots, as shown on this plat, under the name and style of Waterfall Canyon Filing No. 6B, and do hereby dedicate, grant and convey to the City of Montrose, Colorado for the use of the public portions of Orchard Road, Ice Lake Drive, Alta Lakes Avenue, Vermillion Avenue, Carbonero Avenue.

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

Executed this _____ day of _____, 20____.

WATERFALL CANYON, LLC

MATT MILES, SOLE MEMBER

STATE OF COLORADO)

COUNTY OF MONTROSE) ss.

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

Witness my hand and official seal.
My commission expires _____

Notary

LIENHOLDER'S AFFIDAVIT

Before a Notary Public, duly qualified and acting in and for said city, county, and state, appeared _____, known by official government-issued photograph identification to be the affiant herein, who stated the following under oath:

The undersigned holder of a lien pursuant to an instrument recorded under Reception No. 856804 in the records of the Montrose County Clerk and Recorder, hereby joins in this subdivision and the dedication of easements, streets and other properties to the City shown hereon. The undersigned duly swears or affirms that: 1) he/she is authorized to sign this Plat on behalf of the lien-holding entity named below for which he/she functions as an agent; and 2) said agency includes the actual authority to sign this Plat joining in this subdivision and any dedications to the City; and 3) that all necessary corporate or other legal formalities have been met to allow the agent's signature below to be effective; and 4) that the signature below was made by the person whose name it purports to be.

_____, the _____ of Timberline Bank

STATE OF COLORADO)

COUNTY OF MONTROSE) ss.

Subscribed and sworn to before me this ____ day of _____, 20____, by _____, the _____ of Timberline Bank.

My commission expires _____.

Witness my hand and seal _____
Notary Public

SURVEYOR'S CERTIFICATE

I, Nicholas Barrett, a Registered Land Surveyor in the State of Colorado, do hereby certify that there are no roads, pipelines, irrigation ditches or other easements or rights-of-way in evidence or known to me to exist on or across said property except as shown on this plat. I certify that I have made the survey represented by this plat and that this plat accurately represents said survey, and conforms to all applicable requirements of the City Subdivision Regulations and applicable law. I further certify that all monuments shown hereon actually exist and their positions are as shown.

C.R.S. Section 38-51-106 Statement: this plat does not represent a title search by the Surveyor, nor by any professional corporation or business entity with which said Surveyor may be associated. Information regarding the title work performed for and used in producing this plat may be found in the title report issued by Fidelity National Title, dated June 8, 2021, bearing Title Report number F0714885-397-DGO-LCO.

FOR REVIEW

Nicholas Barrett
Registration No. 38037
Date: _____

ENGINEER'S CERTIFICATE

I, David Schieldt, a Registered Engineer in the State of Colorado, do hereby certify that the sanitary sewer system, water distribution system and the storm drainage system shown on the accompanying plans of this Subdivision are properly designed, meet City of Montrose specifications and are adequate to properly serve the Subdivision shown hereon. I further certify that the sanitary sewer system, storm drainage system, water distribution system, streets, parks and other improvements are designed and constructed in accordance with applicable City specifications and regulations.

David Schieldt
Registration No. 47195
Date: _____

ATTORNEY'S CERTIFICATE

I, _____, an attorney at law, duly licensed to practice in Colorado, do hereby certify that I examined Title Commitment No. _____ issued by _____ Title Insurance Company, dated _____ (the "Title Report"), which insures to Waterfall Canyon, LLC the title to the Land herein platted and described in the above Certificate of Dedication and Ownership, and that, based solely on my review of the Title Report, title to such land is in the Owners and Dedicators; and that the title to all dedicated property therein described is free and clear of all liens and encumbrances, except those exceptions to title as set forth in the Title Report.

Attorney
Registration No. _____
Date: _____

CERTIFICATE OF COMPLETED IMPROVEMENTS

I, _____, City Engineer, certify that all improvements and utilities required by the current Subdivision Regulations of the City of Montrose, have been constructed, inspected and approved in this Subdivision in accordance with applicable City ordinances, regulations and specifications, and a Preliminary Letter of Infrastructure Completion has been issued, as required by the City's Municipal Code.

City Engineer
Registration No. _____
Date: _____

APPROVAL OF CITY MANAGER

Approved this _____ day of _____, 20____, by _____, Deputy City Manager of the City of Montrose all conveyances of interests in real property made on this plat are hereby accepted by the City.

City Manager

APPROVAL OF CITY COUNCIL

Approved this _____ day of _____, 20____, by _____, Mayor of the City of Montrose; All conveyances of interests in real property made on this plat are hereby accepted by the City.

Mayor

APPROVAL OF CITY ATTORNEY

Approved for recording this _____ day of _____, 20____, by _____, City Attorney of the City of Montrose.

City Attorney

RECORDER'S CERTIFICATE

This plat 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. _____.

County Clerk and Recorder Deputy

DMC		DEL-MONT CONSULTANTS, INC. ENGINEERING & SURVEYING 125 Colorado Ave. • Montrose, CO 81401 • (970) 249-2251 • (970) 249-2252 FAX www.del-mont.com • service@del-mont.com		TITLE: WATERFALL CANYON FILING NO. 6B
FIELD BOOK: 713 / 894	DRAWING: DCC	DATE: 2025-08-07	CLIENT: WATERFALL CANYON, LLC	
SHEET: 1 of 3	FILE: 22023V_PLAT-F1	JOB NO.: 22023	ADDRESS & PHONE: 1521 OXBOW DR. SUITE 210 MONTROSE, CO 81401 970-249-3398	
			TYPE: FINAL PLAT	

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.

LEGEND

- = FOUND REBAR & CAP (SIZE AND L.S. AS NOTED)
- = SET 1½" ALUMINUM CAP ON ⅝"x18" REBAR (L.S. 38037)
- ▼ = FOUND 1½" ALUMINUM CAP ON ⅝"x18" REBAR (L.S. 38037)
- ◆ = FOUND CITY OF MONTROSE MONUMENT GPS SURVEY 1994
- = FOUND 1½" ALUMINUM CAP ON ⅝" REBAR (L.S. 16840)
- B# = BLOCK NUMBER
- A = 20' UTILITY EASEMENT (TYPICAL) BY THIS PLAT
- 40' 40' = SIGHT TRIANGLE PER CITY OF MONTROSE SPECIFICATIONS

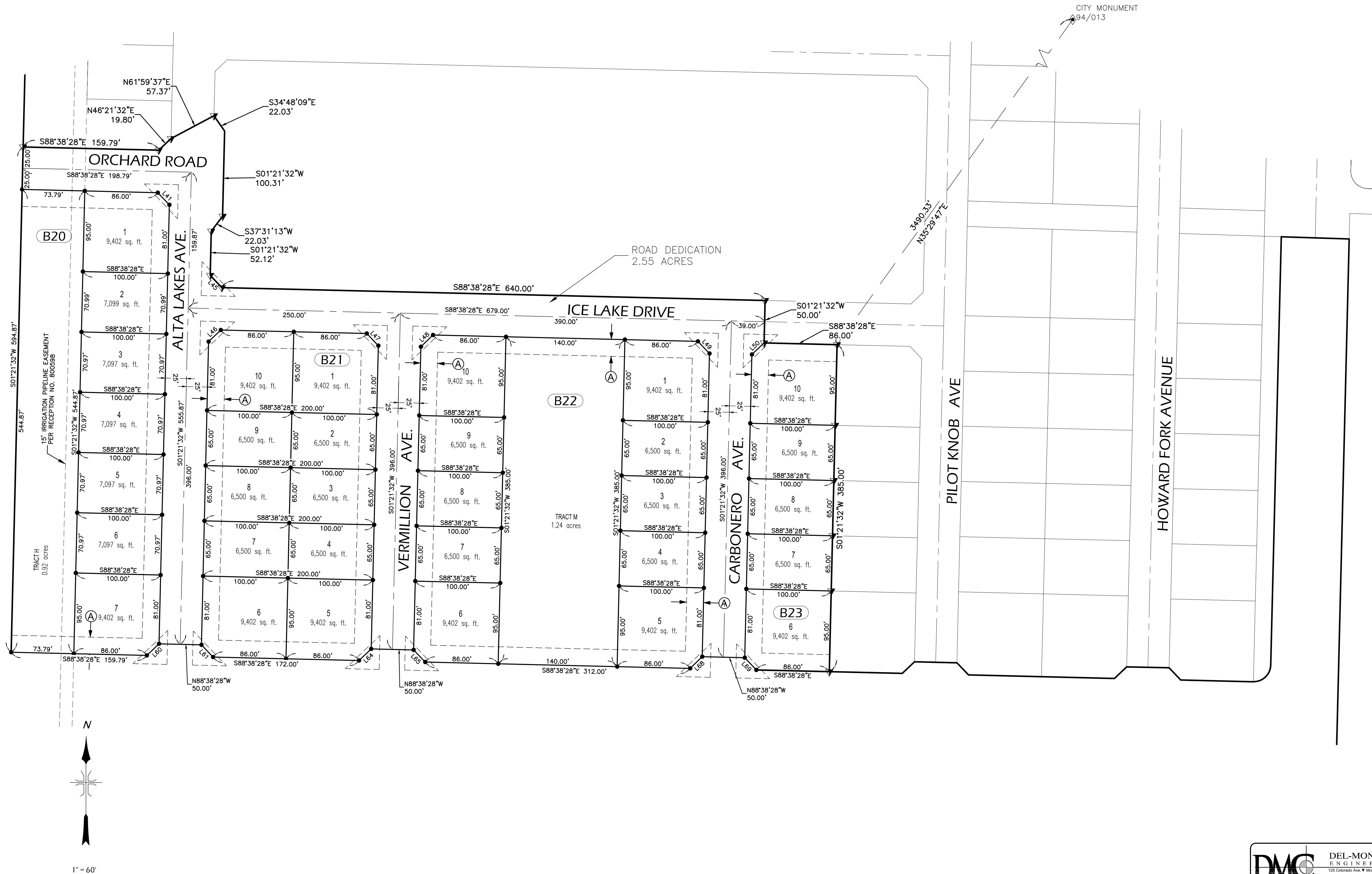
WATERFALL CANYON

FILING NO. 6B

SITUATED IN SECTION 32, TOWNSHIP 49 NORTH, RANGE 9 WEST,

NEW MEXICO PRINCIPAL MERIDIAN

CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO



LINE DATA		
LINE #	DIRECTION	LENGTH
L41	N43°38'28"W	19.80'
L45	N43°38'28"W	19.80'
L46	S46°21'32"W	19.80'
L47	S43°38'28"E	19.80'
L48	N46°21'32"E	19.80'
L49	N43°38'28"W	19.80'
L50	N46°21'32"E	19.80'
L60	N46°21'32"E	19.80'
L61	N43°38'28"W	19.80'
L64	N46°21'32"E	19.80'
L65	S43°38'28"E	19.80'
L68	N46°21'32"E	19.80'
L69	S43°38'28"E	19.80'

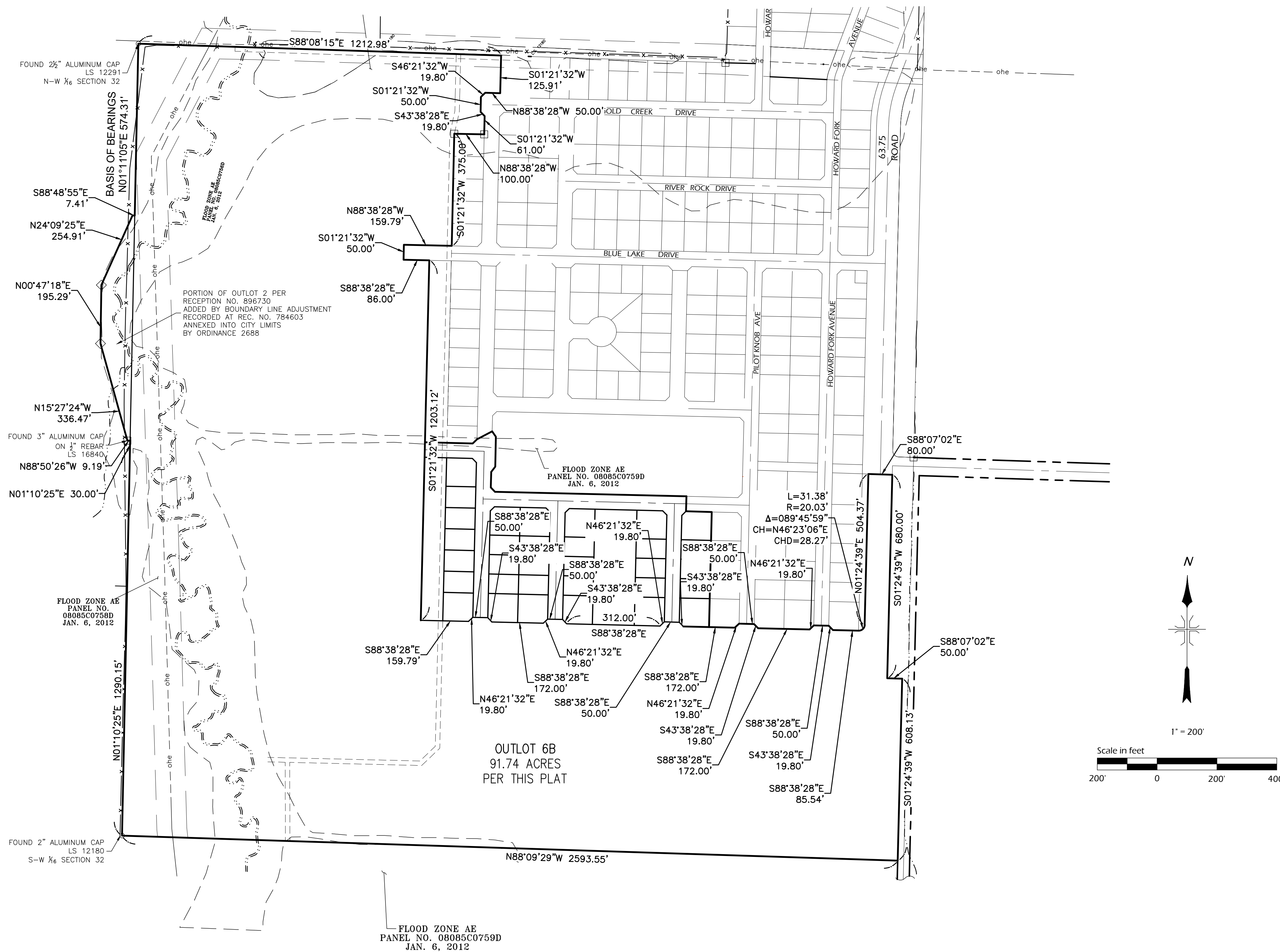
NOTICE: According to Colorado Law (13-80-105, CRS) you must commence any legal action based upon any defect in this survey within three (3) years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten (10) years from the date of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

FIELD BOOK: 713 / 894		DATE: 2025-08-07	TITLE: WATERFALL CANYON FILING NO. 6B
DRAWN BY: DCC		CLIENT: WATERFALL CANYON, LLC	
SHEET: 2 of 3		FILE: 22023V_PLAT-F1	ADDRESS & PHONE: 1521 OXBOW DR. SUITE 210 MONTROSE, CO 81401 970-249-3398
		JOB NO.: 22023	TYPE: FINAL PLAT

WATERFALL CANYON

FILING NO. 6B

SITUATED IN SECTION 32, TOWNSHIP 49 NORTH, RANGE 9 WEST,
NEW MEXICO PRINCIPAL MERIDIAN
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO



LEGEND:

- = FOUND 1-1/2" ALUMINUM CAP ON 5/8" REBAR (L.S. AS NOTED)
◇ = FOUND 1-1/2" ALUMINUM CAP ON 5/8" REBAR (L.S. 16840)
▣ = FOUND 3" ALUMINUM CAP ON 1/2" REBAR, L.S. 16840

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

 DEL-MONT CONSULTANTS, INC. ENGINEERING & SURVEYING 125 Colorado Ave. • Montrose, CO 81401 • (970) 249-2251 • (970) 249-2342 FAX www.del-mont.com • service@del-mont.com		TITLE: WATERFALL CANYON FILING NO. 6B	
		CLIENT: WATERFALL CANYON, LLC	
FIELD BOOK: 713 / 894		DATE: 2025-08-07	
DRAWN BY: DCC		JOB NO.: 22023	
SHEET: 3 of 3		FILE: 22023V_PLAT-F1	
		TYPE: FINAL PLAT	
		ADDRESS & PHONE: 1521 OXBOW DR. SUITE 210 MONTROSE, CO 81401 970-249-3398	

EXHIBIT B: Code Excerpts for Subdivisions

Sec. 11-5-2. Major subdivisions.

- (A) *New Subdivisions.* A subdivision shall be classified as a major subdivision and governed by this Section when an applicant proposes to create four or more new tracts, lots, or interests; or less than four new tracts, lots or interests if not eligible as a minor subdivision in accordance with Section 11-5-3.
- (B) *Resubdivisions or Major Plat Amendments.* Resubdivisions and major plat amendments are reviewed in the same manner as a major subdivision with the same purposes. A major plat amendment is any plat amendment that does not qualify as a minor plat amendment under Section 11-5-3 (C). To the extent that submittal information was submitted as part of the original subdivision proposal and is adequate by current standards, the applicant for approval of a resubdivision or major plat amendment does not need to submit the information again and may reference such submittal information in the new application. The City Manager will determine the technical adequacy of previously submitted information.
- (C) *Procedure.* The major subdivision procedure shall consist of three separate phases, sketch plan, preliminary plat and final plat, in accordance with Sections 11-5-4, 11-5-5, and 11-5-6, respectively.

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

Sec. 11-5-4. Sketch plan.

- (A) *Purpose.* Sketch plan review provides an opportunity to determine whether an application will comply with the City's subdivision review and approval criteria, and to address any issues of concern early in the review process. The sketch plan is a conceptual version of the preliminary plat showing the general subdivision layout, access, street and lot pattern, location of parks, open space tracts, trail corridors, and other tracts for utilities or services.
- (B) *Review Procedure.* The sketch plan application shall be reviewed by the City in accordance with Section 11-4-2 of this Title. The Planning Commission shall take no formal action at the conclusion of its public hearing on the sketch plan; however, comments by the public and the Commission shall be reflected in the minutes of the hearing as a part of the record on the application as it moves through the entire review process.
- (C) *Review Criteria.* A sketch plan shall comply with the following review criteria:
 - (1) The proposal shall be consistent with the City subdivision and zoning regulations, standards and other applicable ordinances and regulations and will be reviewed, considering the following at a minimum.
 - (a) Relationship of development to topography, soils, drainage, flooding, potential natural hazard areas and other physical characteristics;
 - (b) Availability of water, means of sewage collection and treatment, stormwater drainage, access and other utilities and services;
 - (c) Compatibility with the natural environment, wildlife, vegetation and unique natural features;
 - (d) Adjacent streets and traffic flow, including pedestrian access; and
 - (e) Availability of fire, police and other emergency services protection.
 - (2) An applicant who intends to immediately develop only a portion of a full tract shall nevertheless submit an informal sketch plan for the entire tract showing their present plans for its eventual development.

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

Sec. 11-5-13. Minimum design standards.

- (A) *Minimum Standards, Conformity to Preliminary Plat, and Approval Required.* All public improvements shall be constructed in accordance with the minimum standards set forth below or other applicable City design and construction specifications and standards, and other applicable City ordinances or regulations. All public and private improvements shall be in substantial conformity with the preliminary plat as approved, the City Comprehensive Plan and amendments thereto, and in accordance with good engineering and construction practices. All plans must be approved in advance by the City Engineer.
- (B) *Minimum Standards.*
- (1) *Streets.*
- (a) Subdivider shall be required to make and install improvements to existing streets within and abutting the subdivision and/or other areas outside the subdivision or any filing thereof being considered, including, but not limited to, curbs, gutters, sidewalks and street paving improvements, when the subdivision and developments thereof will directly create a need for said improvements outside the subdivision itself, or a need to expand or improve existing public improvements to current standards in order to properly serve future residents of the subdivision, or if the subdivider or their predecessors of interest by virtue of their actions and the timing and scope of developing the subdivision or other property have created a situation where the needed improvements were not previously improved or installed. It shall be presumed that existing streets and sidewalks directly abutting the subdivision must be improved to current City standards in order to properly serve the subdivision.
 - (b) In those cases where the City determines that the immediate improvement of the abutting street, or other on-site or off-site improvements, is not currently practical, or should be delayed, or the costs of such improvements should be shared with additional property likely to use and be benefited by the improvements, the developer may be allowed to execute recordable covenants on the plat or separately in a form provided by the City, binding the lots in the subdivision to future assessments or participation in an improvement district for the construction of such improvements.
 - (c) Wherever topography will permit, the arrangement of the streets shall provide for the dedication and construction of street stubs to align with existing or future streets to adjoining developing or developable areas.
 - (d) Cul-de-sacs shall terminate in a circular turn-around having a minimum right-of-way of at least 100 feet in diameter, and a paved turn-around with a minimum outside diameter of 80 feet. Cul-de-sacs shall be not less than 100 feet long, and not more than 500 feet long, as measured from the center of the cul-de-sac bulb to the center of the intersecting street; use of cul-de-sacs is limited to places where street connections would be impractical.
 - (i) Cul-de-sacs longer than 300 feet shall require a recreation trail connection at the end that provides connectivity to the nearest City street.
 - (e) Temporary dead-end streets which extend for a distance greater than the depth of one abutting lot shall be provided with a temporary turn-around having a diameter of at least 80 feet.
 - (f) Whenever a new street is proposed along the edge of the subdivision, the entire street shall be dedicated and improved within the subdivision.



- (g) No more than two streets shall intersect at any point. Intersections shall be as near as practicable to 90 degrees. A street shall have a minimum straight distance of 100 feet from the intersection before it may be curved.
- (h) A straight section of 100 feet shall be provided between reverse curves on all streets.
- (i) All lots in the subdivision will have direct access to a dedicated street, subject to the following exceptions:
 - (i) One or more private shared access drives may be used to provide access up to no more than four dwelling units each, subject to City approval, in residential zoning districts. In general, shared access drives shall not be used as an extension to a cul-de-sac.
 - (ii) Reciprocal access easements may be approved to accommodate subdivisions with multiple commercial units with contiguous parking area in commercial zoning districts.
- (j) Any two local streets which intersect a common third local or collector street shall have centerlines no closer than 175 feet from one another. Any two local streets which intersect a common third minor arterial or major arterial street, shall have centerlines no closer than 350 feet from one another.
 - (i) The City may limit access to major arterial or minor arterial streets to facilitate traffic flows, or to promote public safety.
- (k) The maximum block length, as measured from the centerline of the nearest intersecting streets, shall be a maximum of 700 feet.
- (l) Street names must be approved by the City.
- (m) All streets, alleys, sidewalks, recreation paths, parks of two acres or larger, and other public ways or places must be dedicated to the City by the owners of any interest therein except the owners of severed mineral or water interests.
- (n) Streets shall be developed in accordance with the City's Comprehensive Plan roadway cross sections, the City's engineering specifications, as applicable, and the table below. The minimum dedicated rights-of-way and street widths shall be as shown in Table 5.2.

Table 5.2
Minimum Dedicated Rights-Of-Way and Street Widths

Street Classification	Minimum Right-of-Way	Minimum Street Width Urban = Width between Curb Flowlines Rural = Paved Width (asphalt or Concrete)
Major Arterial—Urban	124 feet *	92 feet ***
Major Arterial—Rural	124 feet *	76 feet ***
Minor Arterial—Urban	112 feet **	Varies with traffic volume and whether parking is allowed, see engineering specifications for road widths ***
Minor Arterial—Rural	112 feet **	Varies with traffic volume and whether parking is allowed, see engineering specifications for road widths ***
Collector	70 feet	46 feet



Local—Boulevard Style Alternative 2	50 feet; 50 feet	28 feet with detached 5-foot sidewalk; 36 feet with attached 6-foot sidewalk
Planned Developments	40 feet	24 feet with attached 6-foot sidewalks in addition to curb and gutter. Supplemental off-street parking may be required.

- (o) Subdivisions which include any part of an existing platted street which does not conform to the minimum right-of-way requirements of these regulations may be required to provide additional width necessary to meet the minimum right-of-way requirements of these regulations.
- (p) No street grade shall be less than one-half of one percent or exceed the maximum grade shown in Table 5.3.

Table 5.3
Maximum Street Grade

Street Classification	Maximum Percent Grade	Minimum Radius of Curve	Minimum Sight Distance*
Major Arterial	5 percent	400 feet	500 feet
Minor Arterial	5 percent	400 feet	500 feet
Collector	8 percent	300 feet	300 feet
Local	8 percent	100 feet	200 feet

- (q) Alleys shall be provided at the rear of lots within the commercial zoning districts, or as otherwise approved by the City. Alleys shall be 20 feet in width and shall be paved in accordance with City specifications.
- (2) *Curb, Gutter, Sidewalks and Trails.*
- (a) Curb, gutter, and sidewalks or recreation trails shall be provided along all roadways consistent with the City's Comprehensive Plan.
 - (i) A minimum ten-foot-wide concrete recreation trail with the addition of two-foot obstacle-free recovery zones, constructed of Class 6 gravel aggregate, or a City-approved alternative, on each side of said trail shall be located along one side of the roadway, as determined by the City. Recreation trails shall be designed in accordance with the AASHTO "Guide for the Development of Bicycle Facilities."
 - (ii) A minimum six-foot-wide sidewalk shall be provided on the side of the roadway not occupied by the recreation trail described above. Greater sidewalk widths may be required in commercial areas.
 - (iii) Recreation trail lighting may be required in more heavily populated or urbanized areas, travel corridors, and commuter routes, as determined by the City. Recreation trail lighting shall provide a minimum 0.4 to 0.5 footcandles of illumination at all points along the length of the trail. The City's provisions, standards, and specifications regarding outdoor lighting shall also apply.
 - (iv) Recreation trails with alternative non-hard surfaces and narrower widths may be approved in those instances where such trails are secondary to existing or proposed concrete



recreation trails, and do not serve as connectors to the City's recreation trail system, as denoted within the City's Comprehensive Plan.

- (v) Curb, gutter, and sidewalks shall be provided along collector and local streets. Six-foot detached sidewalks are required on collector streets. Five-foot detached or six-foot attached sidewalks are required for local streets.
 - (b) Sidewalks shall be located and constructed as necessary to interconnect the subdivision and lots therein with the network of City sidewalks and recreation trails.
 - (c) Accessibility ramps shall be provided in accordance with the Americans with Disabilities Act.
 - (d) The City may elect to require over-sizing of any sidewalk and participate in cost sharing thereof.
 - (e) The City may require any sidewalk to be wider than those standards set forth herein, upon a finding that such greater widths are necessary to serve the subdivision, due to:
 - (i) High density of the subdivision;
 - (ii) Special needs of the residents of the subdivision; or
 - (iii) Connection to existing wider sidewalks or recreation trails.
- (3) *Blocks and Lots.*
- (a) In residentially zoned districts, blocks shall be wide enough to permit two lots between lengthwise streets.
 - (b) The building line for residential lots on collector streets shall be set back 25 feet from the front property line.
 - (c) The building line on corner lots shall be set back 25 feet from both street front property lines.
 - (d) Lots which abut a street in the front and the rear shall be avoided except where a railroad right-of-way, a major arterial or minor arterial street is located to the rear of the lot, in which case such a lot shall have a minimum depth of 125 feet. Lots abutting cul-de-sacs shall have a minimum frontage of 25 feet.
 - (e) Every lot shall front on a designated collector or local street, subject however, to the following exceptions:
 - (i) One or more private shared access drives may be used to provide access up to no more than four dwelling units each, subject to City approval, in residential zoning districts;
 - (ii) Private access easements may be provided, subject to City approval, in subdivisions within commercial zoning districts across parking lot areas;
 - (iii) In such instances, the shared access improvements shall be subject to City specifications and the restrictions set forth in Section 11-5-11 (B).
 - (f) No residential lot shall front on a major arterial or minor arterial street. No access shall be permitted directly from a residential lot to a major arterial or minor arterial street.
 - (g) The lot depth shall not be more than three times the lot width at the front building line.
 - (h) Access drives and intersections shall comply with City access standards and the transportation plan. In addition, accesses onto County roads shall comply with applicable County regulations.



- (i) Lots shall be at least 50 feet in width at the front building line. Lots abutting cul-de-sacs shall have at least 25 feet of linear frontage to the cul-de-sac.
 - (j) Sight triangles shall be shown on the plat as per the engineering specifications.
- (4) *Public Utilities.*
- (a) All utilities shall be installed underground unless the City Engineer determines that soil or topographic conditions make that impracticable.
 - (b) Utilities shall be installed prior to the paving of any street under which they are to be located and the individual service lines shall be connected and stubbed out prior to paving, in order to avoid the necessity of cutting into the pavement to connect any abutting lots.
 - (c) Utilities will be sized and placed as necessary to facilitate connection with future subdivisions and developments. At a minimum, six-inch water main lines shall be provided in residential zoning districts, and eight-inch water main lines shall be provided in commercial and industrial zoning districts. At a minimum, eight-inch sewer main lines shall be provided in all zoning districts. Multiple buildings within a single lot shall each require a singular water and sewer lateral connection to a main line.
 - (d) The City may elect to require over-sizing of the extended utility and pay for the cost of such materials accordingly.
 - (e) City water and sewer systems shall be provided except where the City has required an alternative supplier by service area agreement with such alternative provider. In cases where alternative utilities are provided on a temporary basis, connection to City services shall be required at such time they are made available to the subject property.
 - (f) In the event that City sewer service will not be available within a reasonable time period following final plat approval, engineered individual sewage disposal systems may be authorized by the City for those subdivisions occurring within the residential rural living zoning districts with lot sizes of five acres or greater. Advance City approval shall be required in each case.
 - (g) All extension of City utilities shall require City approval and proper execution of City utility extension agreements. The extension of utilities shall be at the sole expense of the subdivider.
 - (h) Prior to any installation or construction of utility extensions, the subdivider shall first submit proposed alignment location maps and engineered drawings for City approval. The subdivider shall acquire all necessary easements for the proposed utility location from all affected properties. The easements shall be conveyed to the City and executed on applicable City forms.
 - (i) All utility extensions shall be subject to City inspection and approval. The City may elect to contract inspection services at the subdivider's expense.
 - (j) All utility main line extensions, once approved by the City, shall be dedicated to the City with applicable utility easements. As-built plans and data shall be provided on hard copy in accordance with these provisions and on diskette in a digital format compatible with City computer systems.
 - (k) Following the completion of any utility extension and submission of the as-built plans, the City Engineer shall conduct an inspection, and if the improvements are in accordance with the requirements of these and other applicable regulations and good engineering and construction standards, shall issue a Preliminary Letter of Infrastructure Completion.



- (i) For a period of two calendar years thereafter, the subdivider shall be responsible for correcting all defects or failures that appear in such improvements.
 - (ii) At the completion of this two-calendar-year construction warranty period, upon written request from the subdivider, all public and necessary on- and off-site improvements shall again be inspected by the City Engineer, and upon final approval, may be accepted by the City, as evidenced by issuance of a Letter of Infrastructure Completion and Acceptance. The provisions set forth in Section 11-5-12(D) shall apply to improvements and construction covered by this Section.
- (5) *Piped Drainage Facilities and Waterways.*
 - (a) Stormwater discharge improvements shall be engineered and approved in accordance with City specifications. stormwater retention on site shall be discouraged. When feasible to do so and when requested by the City Engineer, all ditches shall be piped and subject to platted easements to be dedicated either to the City or to the applicable owner of the ditch facilities. The City may elect to allow the location of piped ditch facilities within its rights-of-way at its discretion. Perpetual maintenance shall be provided pursuant to plat notes and/or City-approved covenants.
 - (b) Permission shall be acquired, in writing, from all applicable owners of ditch facilities prior to improvements thereto.
 - (c) No discharges of urban stormwater into any irrigation ditch facilities shall be allowed. No discharges of urban stormwater into agricultural drainage ditch facilities shall be allowed, unless otherwise approved by the owning interest in said drainage facilities.
- (6) *Monuments.* Monuments shall be set in concrete and placed at all corners of all street intersections, at the intersections of the boundary of the subdivision with street right-of-way lines, at angle points and points of curve in each street and at points of change in direction of the exterior boundaries of the subdivision. The top of the monument shall have a metal cap set flush to identify the location. All lot corners shall be monumented with a minimum of a #5 rebar 18 inches in length and metal cap.
- (7) *Berms, Screening and Buffers.* Buffers and/or screening shall be provided between incompatible uses both within the subdivision and adjoining the subdivision in accordance with City design standards and specifications.
- (8) *Street Lights.*
 - (a) In all subdivisions, except for residential zoned rural living and estate subdivisions, streetlights shall be provided at all intersections and at intervals between intersections in accordance with City specifications.
 - (b) In residential rural living zoning districts and estate subdivisions, street lights shall only be required at street intersections, with no interval requirements.
 - (c) All streetlights shall conform to City standards and specifications, and with Chapter 11-9 of this Title.
- (9) *Outdoor Lighting.* All outdoor and exterior lighting shall conform with Chapter 11-9 of this Title.
- (10) *Flood Hazard Prevention.* All subdivision proposals shall conform to the flood hazard reduction standards in Section 11-6-5 (G) of this Title.

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



June 2025 City of Montrose Sales, Use and Excise Tax Collections Report

General Fund Sales and Use Tax

General Fund Retail Sales Tax

Retail sales tax collected in June 2025 at the General Fund tax rate of 3% was \$2,439,648. This amount is 2.9% higher than the revenue collected in June 2024, which totaled \$2,370,520. As of the end of June 2025, year to date collections total \$12,624,568, representing an increase of 2.4% compared to the year to date total in June 2024, which was \$12,331,789.

General Fund Retail Sales Tax (3%)

Revenue Category	January	February	March	April	May	June	Year-to-date
2025 Revenue	\$1,922,808	\$1,790,588	\$2,253,550	\$2,049,574	\$2,168,400	\$2,439,648	\$12,624,568
2024 Revenue	\$1,902,813	\$1,840,914	\$2,199,714	\$1,971,370	\$2,046,458	\$2,370,520	\$12,331,789
Percentage Increase or Decrease	1.1%	-2.7%	-2.4%	4%	6%	2.9%	2.4%

General Fund Construction Use Tax

Construction use tax collected in June 2025 at the General Fund tax rate of 3% was \$29,725. This amount is 42.3% lower than the revenue collected in June 2024, which totaled \$51,545. As of the end of June 2025, year to date collections for construction use tax total \$363,535, representing an increase of 32.7% compared to the year to date total as of June 2024, which was \$273,891.

General Fund Construction Use Tax (3%)

Revenue Category	January	February	March	April	May	June	Year-to-date
2025 Revenue	\$94,018	\$30,200	\$80,558	\$93,233	\$35,801	\$29,725	\$363,535
2024 Revenue	\$37,669	\$34,964	\$37,629	\$54,355	\$57,729	\$51,545	\$273,891
Percentage Increase or Decrease	149.6%	-13.6%	114.1%	71.5%	-38%	-42.3%	32.7%

General Fund Use and Auto Tax

Use and auto tax collected in June 2025 at the General Fund tax rate of 3% was \$125,136. This amount is 11.6% lower than the revenue collected in June 2024, which totaled \$141,582. As of the end of June 2025, year to date collections for use and auto tax total \$832,267, representing an increase of 2.2% compared to the year to date total in June 2024, which was \$814,747.

General Fund Use and Auto Tax (3%)

Revenue Category	January	February	March	April	May	June	Year-to-date
2025 Revenue	\$130,665	\$98,320	\$217,072	\$140,362	\$120,712	\$125,136	\$832,267
2024 Revenue	\$107,432	\$122,714	\$143,622	\$154,857	\$144,541	\$141,582	\$814,747
Percentage Increase or Decrease	21.6%	-19.9%	51.1%	-9.4%	-16.5%	-11.6%	2.2%

Total Collections, General Fund Sales and Use Tax

Total sales and use tax revenue collected in June 2025 at the General Fund tax rate of 3% was \$2,594,509. This amount is 1.2% higher than the revenue collected in June 2024, which totaled \$2,563,647. As of the end of June 2025, total collections of General Fund sales and use tax amounts to \$13,820,370, representing an increase of 3% compared to the year to date total in June 2024, which was \$13,420,427.

Total Collected General Fund Sales and Use Tax (3%)

Revenue Category	January	February	March	April	May	June	Year-to-date
2025 Revenue	\$2,147,491	\$1,919,108	\$2,551,180	\$2,283,169	\$2,324,913	\$2,594,509	\$13,820,370
2024 Revenue	\$2,047,914	\$1,998,591	\$2,380,965	\$2,180,582	\$2,248,728	\$2,563,647	\$13,420,427
Percentage Increase or Decrease	4.9%	-4%	7.1%	4.7%	3.4%	1.2%	3%

General Fund Sales and Use Tax Budget

The sales and use tax budget for June 2025 was \$2,594,471. Actual collections totaled \$2,594,509, which resulted in a budget variance of 0%. The cumulative year to date budget for 2025 totals \$13,574,274. Actual year to date collections total \$13,820,370, which results in a positive budget variance of 1.8%.

General Fund Sales and Use Tax Budget

Revenue Category	January	February	March	April	May	June	Year-to-date
2025 Budget	\$2,087,299	\$1,997,584	\$2,422,204	\$2,183,400	\$2,289,316	\$2,594,471	\$13,574,274
2025 Actual Collections	\$2,147,491	\$1,919,108	\$2,551,180	\$2,283,169	\$2,324,913	\$2,594,509	\$13,820,370
Percentage Increase or Decrease	2.9%	-3.9%	5.3%	4.6%	1.6%	0%	1.8%

Montrose Urban Renewal Authority (MURA) Tax Increment Financing (TIF) Collections

Sales and use tax revenues collected by businesses under the Montrose Urban Renewal Authority (MURA) Tax Increment Financing (TIF) agreement during June 2025 totaled \$44,219. This amount is 26.26% higher than the June 2024 collections, which totaled \$35,022. As of the end of June 2025, total sales and use tax collected in the MURA/Colorado Outdoors business area amounts to \$191,171, representing an increase of 135.57% compared to the year to date total in June 2024, which was \$81,153.

MURA TIF Collections

Revenue Category	January	February	March	April	May	June	Year-to-date
2025 Revenue	\$20,877	\$23,689	\$37,444	\$27,684	\$37,260	\$44,219	\$191,171
2024 Revenue	\$5,585	\$4,042	\$4,898	\$8,813	\$22,793	\$35,022	\$81,153
Percentage Increase or Decrease	273.8%	486.1%	664.5%	214.1%	63.5%	26.26%	135.57%

Public Safety Sales and Use Tax

Public Safety Retail Sales Tax

Retail sales tax collected in June 2025 at the Public Safety Sales Tax rate of 0.58% was \$479,513. This amount is 3.3% higher than the revenue collected in June 2024, which was \$464,319. As of the end of June 2025, year to date collections total \$2,472,029, representing an increase of 3.1% compared to the year to date total as of June 2024, which was \$2,397,745.

Public Safety Sales Tax – Retail Sales (0.58%)

Revenue Category	January	February	March	April	May	June	Year-to-date
2025 Revenue	\$374,894	\$350,063	\$442,162	\$400,326	\$425,071	\$479,513	\$2,472,029
2024 Revenue	\$368,943	\$356,549	\$426,040	\$382,301	\$399,593	\$464,319	\$2,397,745
Percentage Increase or Decrease	1.6%	-1.8%	3.8%	4.7%	6.4%	3.3%	3.1%

Public Safety Sales Tax, Construction Use Tax

Construction use tax collected in June 2025 at the Public Safety Sales Tax rate of 0.58% was \$5,704. This amount is 54.6% lower than the revenue collected in June 2024, which totaled \$12,552. As of the end of June 2025, year to date collections total \$85,856, representing an increase of 25.1% compared to the year to date total in June 2024, which was \$68,619.

Public Safety Sales Tax – Construction Use Tax (0.58%)

Revenue Category	January	February	March	April	May	June	Year-to-date
2025 Collections	\$19,926	\$6,007	\$17,315	\$29,611	\$7,293	\$5,704	\$85,856
2024 Collections	\$7,273	\$7,064	\$9,064	\$16,043	\$16,623	\$12,552	\$68,619
Percentage Increase or Decrease	174%	-15%	91%	84.6%	-56.1%	-54.6%	25.1%

Public Safety Sales Tax, Use and Auto Tax

Use and auto tax collected in June 2025 at the Public Safety Sales Tax rate of 0.58% was \$24,193. This amount is 11.6% lower than the revenue collected in June 2024, which totaled \$27,372. As of the end of June 2025, year to date collections total \$160,905, representing an increase of 2.2% compared to the year to date total as of June 2024, which was \$157,518.

Public Safety Sales Tax – Use and Auto Tax (.58%)

Revenue Category	January	February	March	April	May	June	Year-to-date
2025 Collections	\$25,262	\$19,009	\$41,967	\$27,137	\$23,338	\$24,193	\$160,905
2024 Collections	\$20,770	\$23,725	\$27,767	\$29,939	\$27,945	\$27,372	\$157,518
Percentage Increase or Decrease	21.6%	-19.9%	51.1%	-9.4%	-16.5%	-11.6%	2.2%

Total Collections, Public Safety Sales and Use Tax

Total sales and use tax revenue collected in June 2025 at the Public Safety Sales Tax rate of 0.58% was \$509,410. This amount is 1% higher than the revenue collected in June 2024, which totaled \$504,243. As of the end of June 2025, total collected Public Safety Sales Tax revenues amount to \$2,718,790, representing an increase of 3.6% compared to the year to date total as of June 2024, which was \$2,623,882.

Public Safety Sales Tax – Total Collections (0.58%)

Revenue Category	January	February	March	April	May	June	Year-to-date
2025 Collections	\$420,082	\$375,079	\$501,444	\$457,074	\$455,702	\$509,410	\$2,718,790
2024 Collections	\$396,986	\$387,338	\$462,871	\$428,283	\$444,161	\$504,243	\$2,623,882
Percentage Increase or Decrease	5.8%	-3.2%	8.3%	6.7%	2.6%	1.0%	3.6%

Public Safety Sales and Use Tax Budget

The Public Safety Sales and Use Tax budget for June 2025 was \$507,517. Actual collections totaled \$509,410 which resulted in a positive budget variance of 0.4%. The cumulative year to date budget for 2025 totals \$2,638,917. Actual year to date collections total \$2,718,790 which results in a positive budget variance of 3%.

Public Safety Sales and Use Tax Budget

Revenue Category	January	February	March	April	May	June	Year-to-date
2025 Budget	\$398,482	\$389,356	\$464,532	\$431,186	\$447,844	\$507,517	\$2,638,917
2025 Actual Collections	\$420,082	\$375,079	\$501,444	\$457,074	\$455,702	\$509,410	\$2,718,790
Percentage of Variance	5.4%	-3.7%	7.9%	6%	1.8%	0.4%	3%

Montrose Recreation District Collections

In June 2025, sales and use tax collections at the Montrose Recreation District rate of 0.3% totaled \$263,489. This amount is 0.9% higher than the June 2024 collections, which totaled \$261,171. As of the end of June 2025, year to date collections total \$1,406,428, representing an increase of 3.6% compared to the year to date total as of June 2024, which was \$1,358,095.

Montrose Recreation District (0.3%)

Revenue Category	January	February	March	April	May	June	Year-to-date
2025 Collections	\$217,285	\$194,007	\$259,371	\$236,568	\$235,708	\$263,489	\$1,406,428
2024 Collections	\$205,370	\$200,512	\$239,299	\$221,783	\$229,960	\$261,171	\$1,358,095
Percentage Increase or Decrease	5.8%	-3.2%	8.4%	6.7%	2.5%	0.9%	3.6%

Hotel, Lodging, Short Term Rental and Restaurant Excise Taxes

Hotel Excise Tax (6%)

Hotel excise taxes collected at the rate of 6% on hotel, lodging and short term rental retail sales in June 2025 totaled \$154,332. This amount is 593% higher than those collected in June 2024, which totaled \$22,270. As of the end of June 2025, year to date collections total \$479,472, representing an increase of 497.9% compared to the year to date as of June 2024, which was \$80,196. The significant increase in collections from 2024 to 2025 is primarily due to the Hotel Excise Tax rate rising from 0.9% in 2024 to 6% in 2025. This rate change was approved by voters on November 5, 2024, and took effect on January 1, 2025.

Hotel Excise Tax (6%)

Revenue Category	January	February	March	April	May	June	Year-to-date
2025 Collections	\$45,955	\$53,147	\$67,431	\$60,021	\$98,586	\$154,332	\$479,472
2024 Collections	\$8,742	\$9,744	\$12,244	\$11,354	15,843	\$22,270	\$80,196
Percentage Increase or Decrease	425.7%	445.4%	450.7%	428.6%	522.3%	593%	497.9%

Restaurant Excise Tax (0.8%)

Restaurant excise taxes collected at the rate of 0.8% on restaurant retail sales in June 2025 totaled \$66,221. This amount is 8.3% percent higher than those collected in June 2024, which totaled \$61,144. As of the end of June 2025, year to date collections total \$345,239, representing an increase of 6.5% compared to the year to date total as of June 2024, which was \$324,186.

Restaurant Excise Tax (6%)

Revenue Category	January	February	March	April	May	June	Year-to-date
2025 Collections	\$51,895	\$49,588	\$63,597	\$51,751	\$62,187	\$66,221	\$345,239
2024 Collections	\$49,121	\$47,369	\$54,984	\$53,487	\$58,080	\$61,144	\$324,186
Percentage Increase or Decrease	5.6%	4.7%	15.7%	-3.2%	7.1%	8.3%	6.5%

Total Collections, Hotel and Restaurant Excise Tax

Total hotel and restaurant excise tax revenues collected in June 2025 at the rates of 6% and 0.8%, respectively, total \$220,553. This amount is 164.4% higher than the revenues collected in June 2024, which totaled \$83,414. As of the end of June 2025, year to date total collected hotel and excise tax revenues amount to \$824,711, representing an increase of 103.9% compared to the year to date total as of June 2024, which was \$404,382.

Total Collections, Hotel (6%) and Restaurant (0.8%) Excise Tax

Revenue Category	January	February	March	April	May	June	Year-to-date
2025 Collections	\$97,850	\$102,735	\$131,028	\$111,772	\$160,773	\$220,553	\$824,711
2024 Collections	\$57,863	\$57,113	\$67,227	\$64,841	\$73,923	\$83,414	\$404,382
Percentage Increase or Decrease	69.1%	79.9%	94.9%	72.4%	117.5%	164.4%	103.9%

Hotel and Restaurant Excise Tax Budget

The Hotel and Restaurant Excise Tax Budget for June 2025 was \$87,641. Actual collections totaled \$220,553, resulting in a positive budget variance of 151.7%. The cumulative year to date budget as of June 2025 totals \$420,895. Actual year to date collections total \$824,711, which results in a positive budget variance of 95.9%.

Hotel (6%) and Restaurant (0.8%) Excise Tax Budget

Revenue Category	January	February	March	April	May	June	Year-to-date
2025 Budget	\$59,809	\$59,125	\$69,817	\$67,342	\$77,161	\$87,641	\$420,895
2025 Actual Collections	\$97,850	\$102,735	\$131,028	\$111,772	\$160,773	\$220,553	\$824,711
Percentage of Variance	63.6%	73.8%	87.7%	66%	\$108.4	151.7%	95.9%

Montrose Urban Renewal Authority (MURA) Tax Increment Financing (TIF) Hotel and Restaurant Excise Tax Collections

Hotel and restaurant excise tax revenues collected by businesses under the Montrose Urban Renewal Authority (MURA) Tax Increment Financing (TIF) agreement in June 2025 totaled \$39,685. This amount is 493% higher than the June 2024 collections, which totaled \$6,696. As of the end of June 2025, total hotel and restaurant excise taxes collected under the Montrose Urban Renewal Authority (MURA) Tax Increment Financing (TIF) agreement total \$148,197, representing an increase of 967% compared to the year to date total as of May 2024, which was \$13,886.

MURA TIF Hotel and Restaurant Excise Tax

Revenue Category	January	February	March	April	May	June	Year-to-date
2025 Collections	\$16,236	\$16,652	\$23,185	\$22,846	\$29,592	\$39,685	\$148,197
2024 Collections	\$548	\$561	\$604	\$1,097	\$4,379	\$6,696	\$13,886
Percentage Increase or Decrease	2,860.7%	2,866.7%	3,736.8%	1,983.5%	576%	493%	967%

Retail Enhancement Program Collections

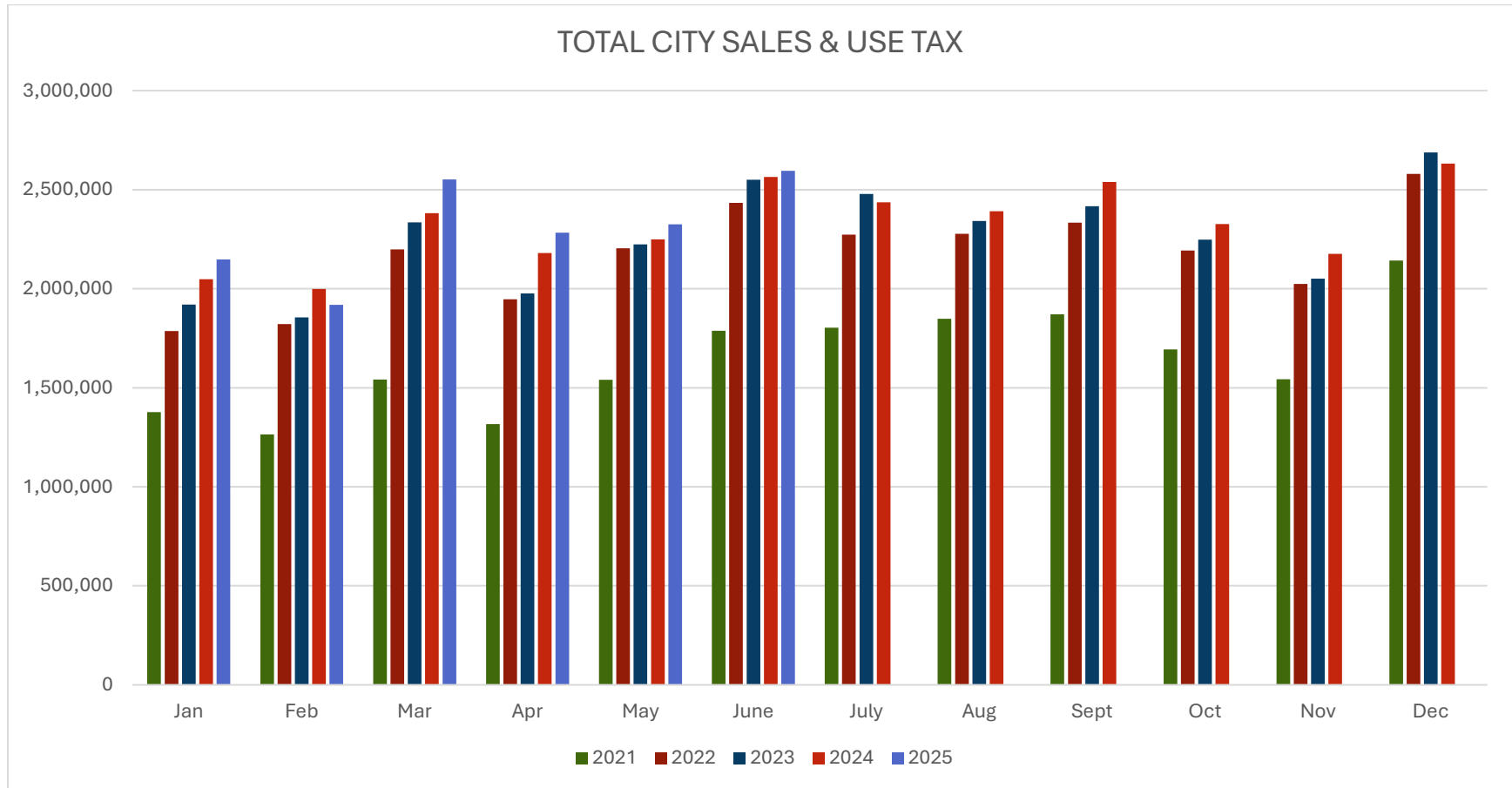
Revenues collected by the Retail Enhancement Program in June 2025 totaled \$65,142. This amount is 3% higher than the June 2024 collections, which totaled \$63,256. As of the end of June 2025, total collections amount to \$333,025, representing an increase of 2.5% compared to the year to date total as of June 2024, which was \$324,900.

Retail Enhancement Program Collections

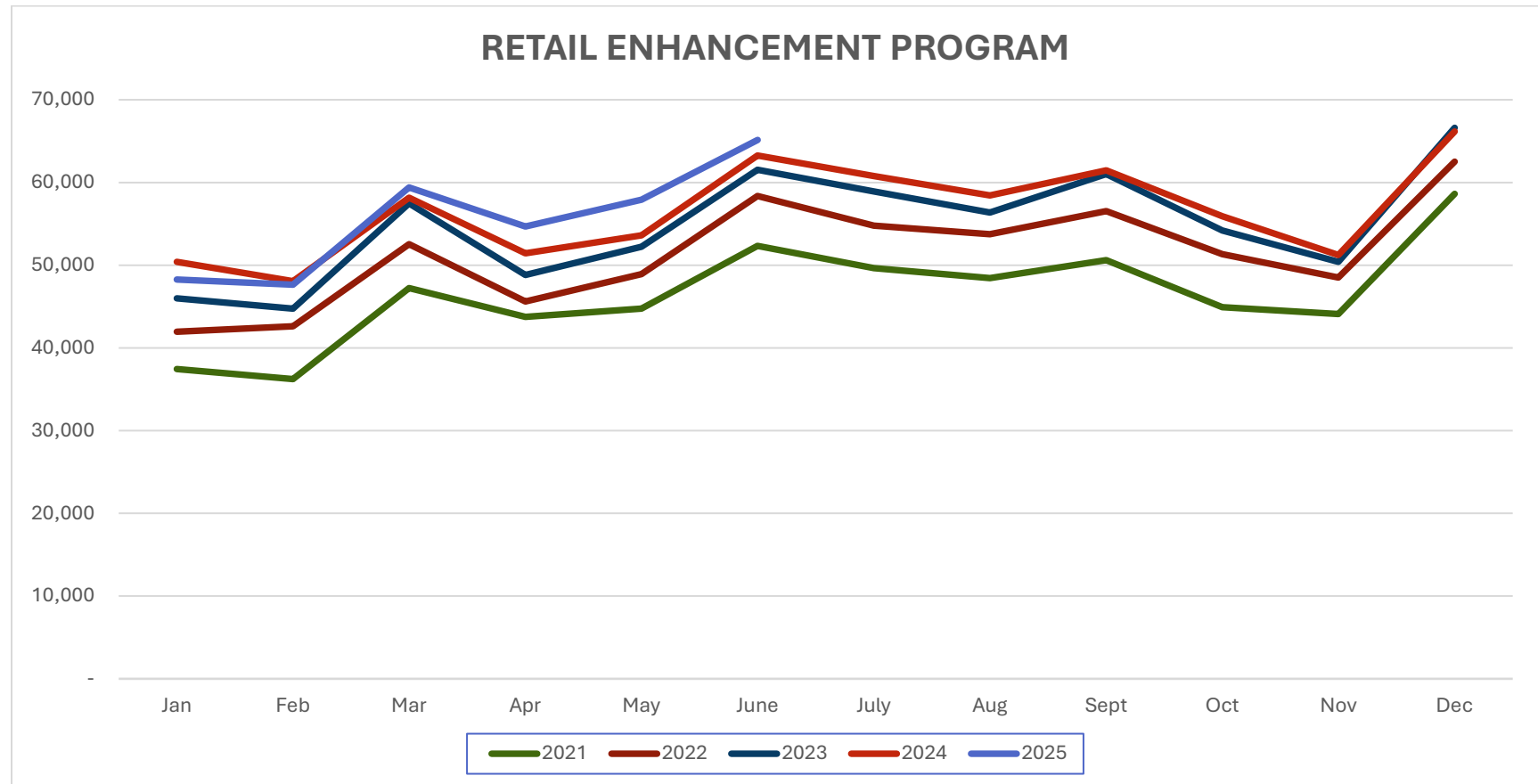
Revenue Category	January	February	March	April	May	June	Year-to-date
2025 Collections	\$48,263	\$47,643	\$59,401	\$54,671	\$57,905	\$65,142	\$333,025
2024 Collections	\$50,401	\$48,068	\$58,145	\$51,433	\$53,597	\$63,256	\$324,900
Percentage Increase or Decrease	-4.2%	-0.9%	2.2%	6.3%	8%	3%	2.5%

Graphs and Charts:

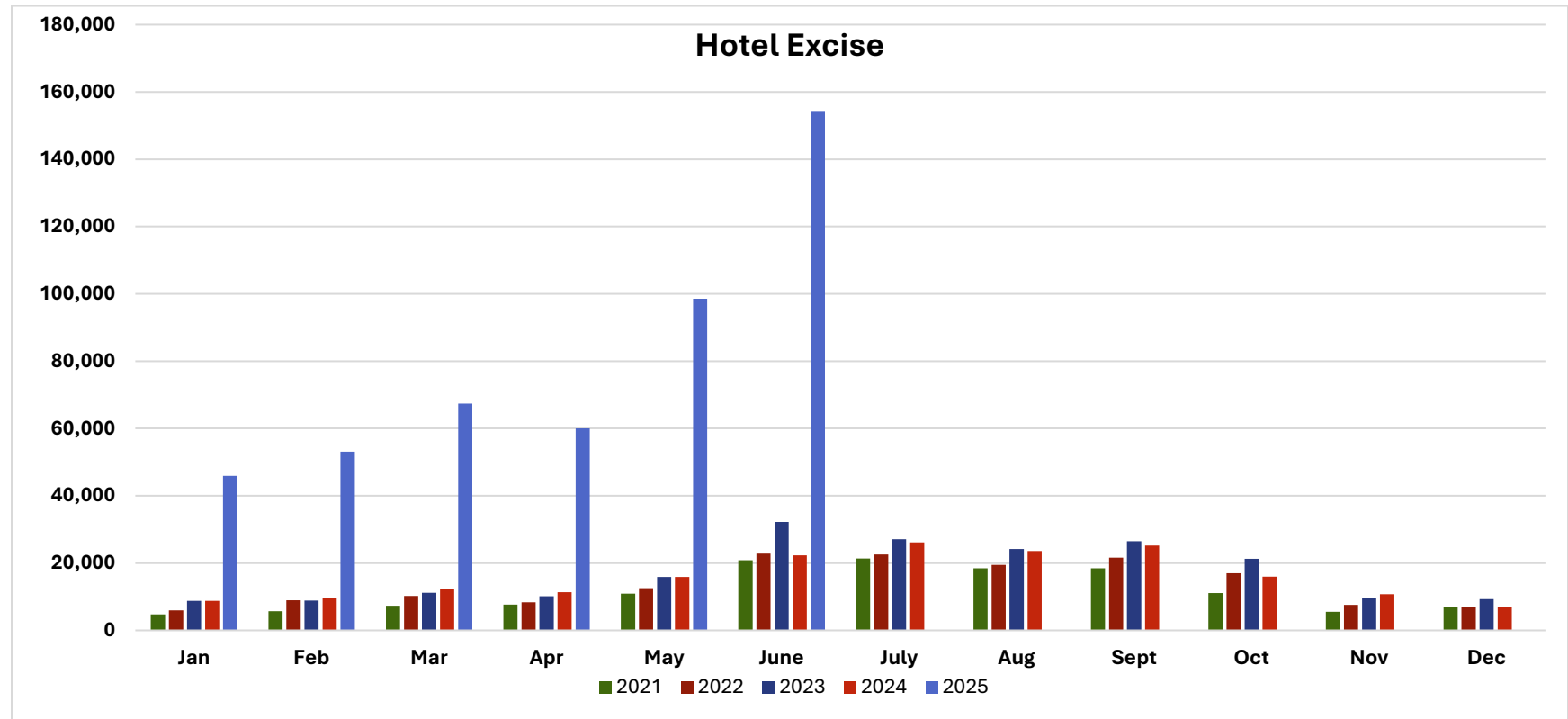
Total City Sales and Use Tax



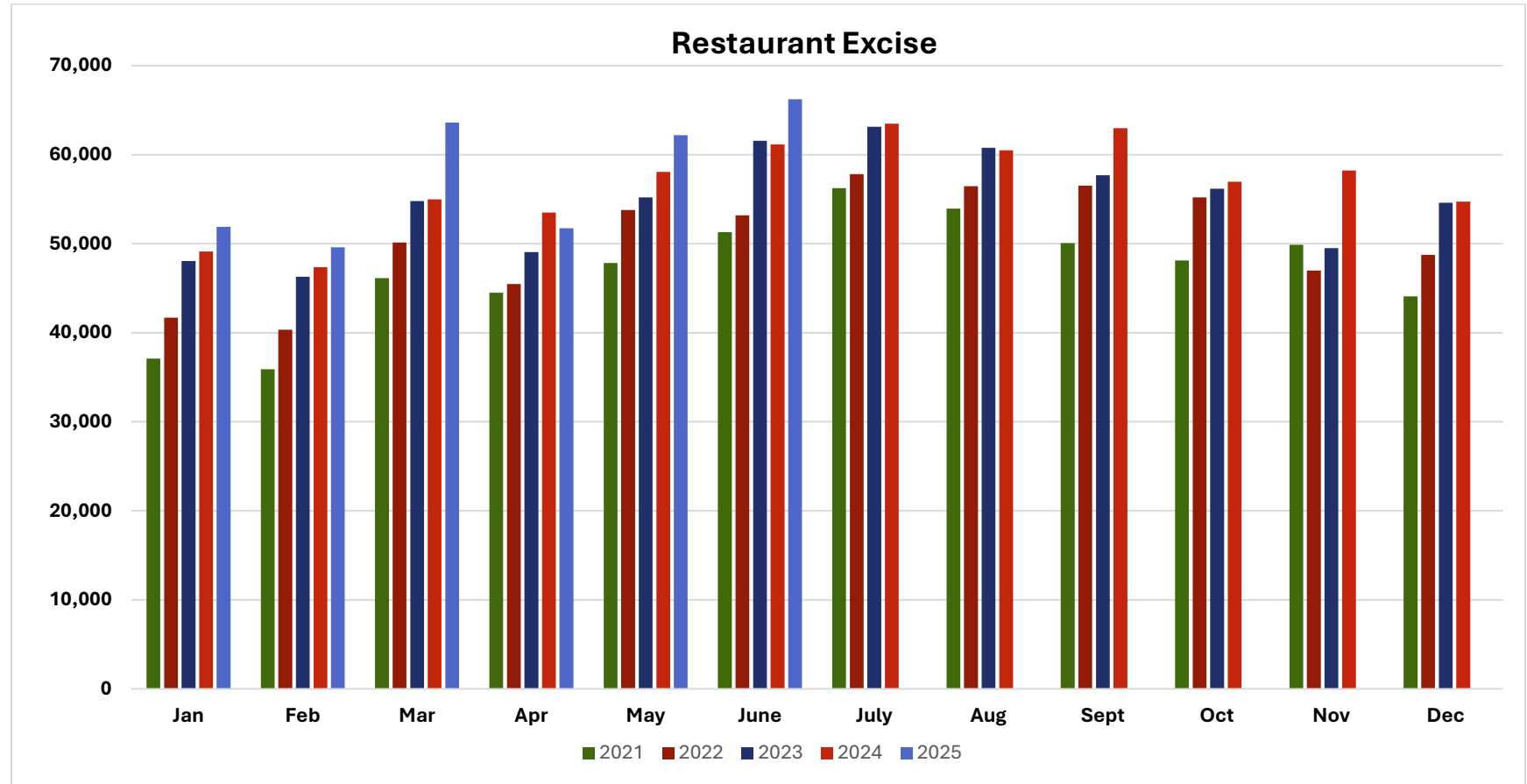
Retail Enhancement Program

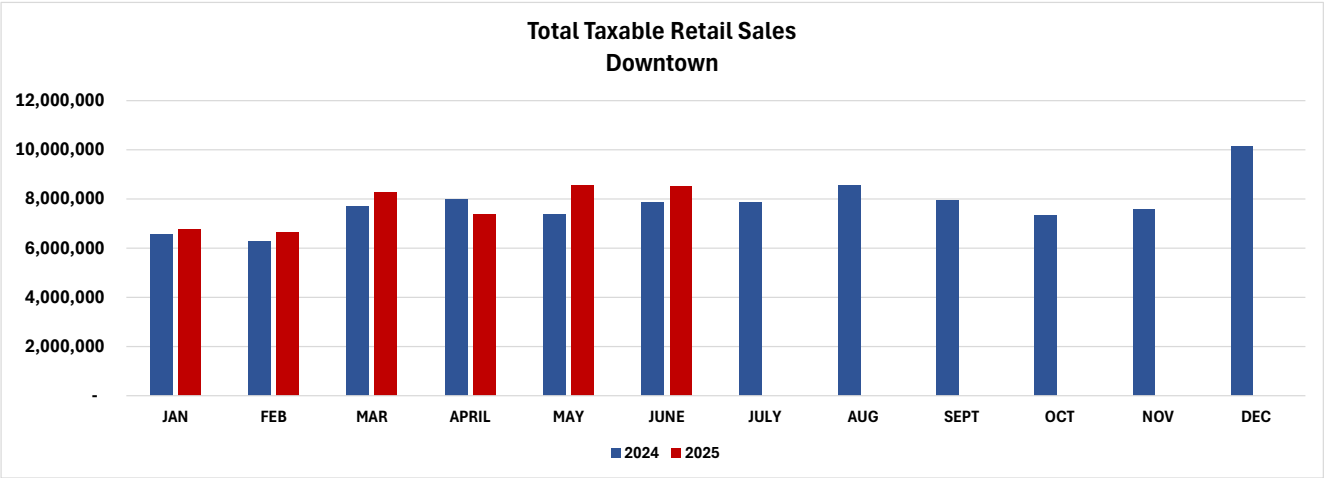


Hotel Excise Tax

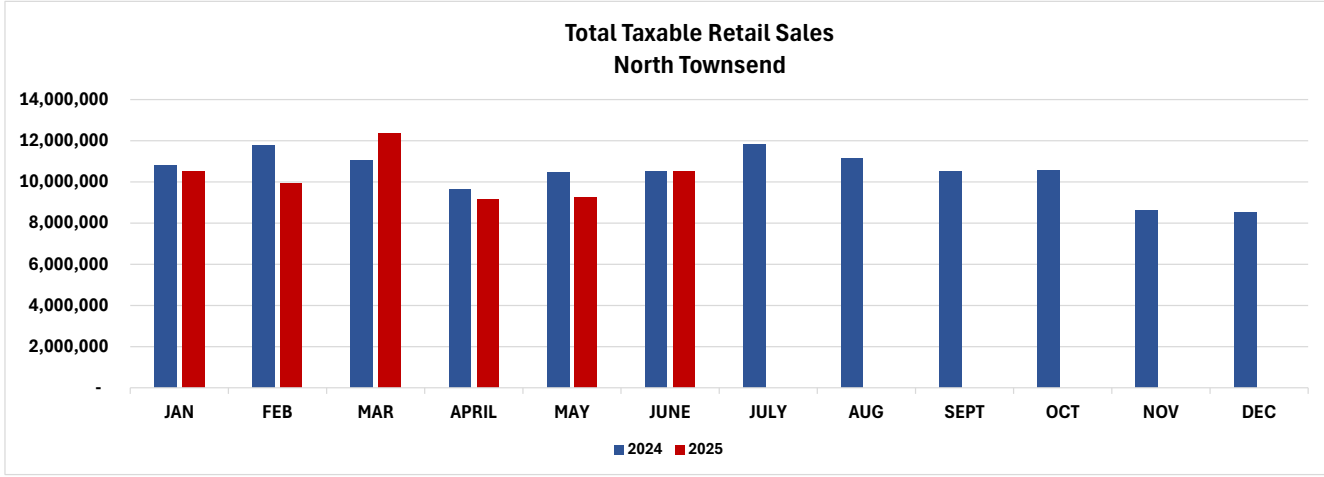


Restaurant Excise Tax

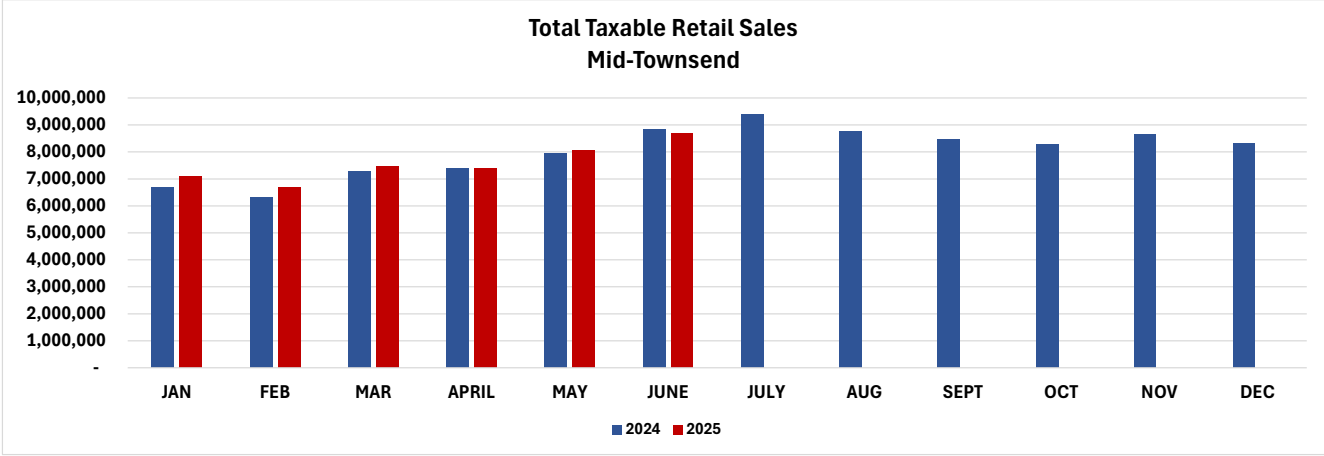




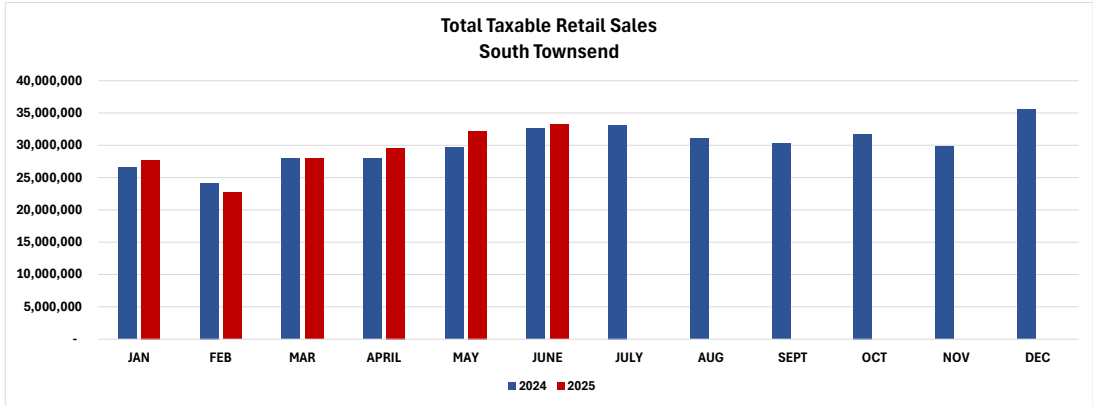
AREA 1: DOWNTOWN BOUNDAR



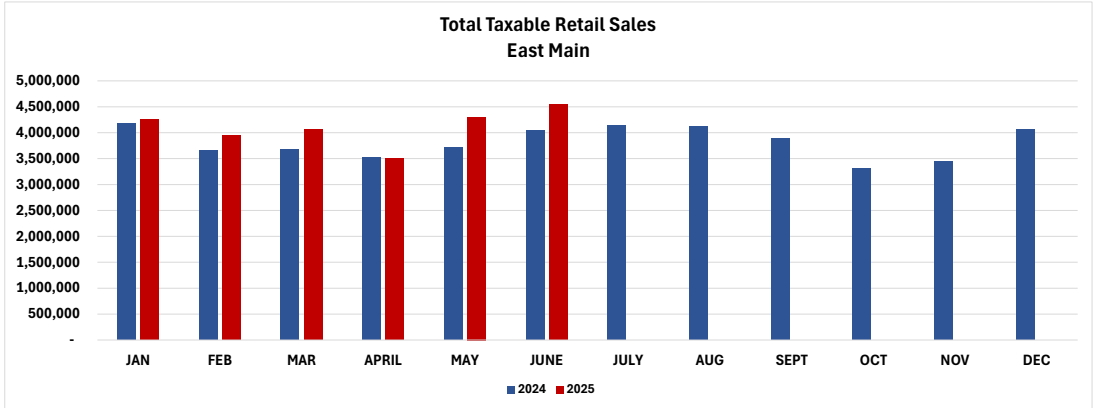
AREA 2: NORTH CITY LIMIT TO NORTH 2ND STREET



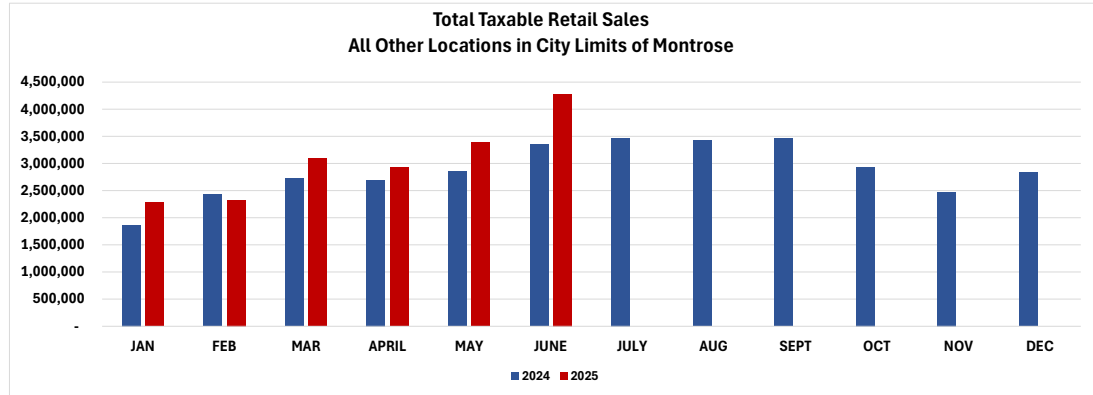
AREA 3: MID TOWNSEND SOUTH 2ND STREET TO E OAK GROVE RD



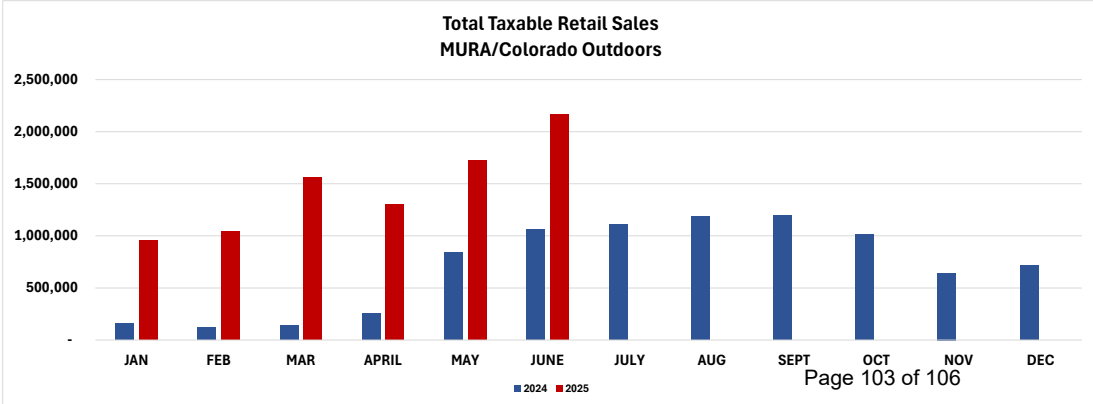
AREA 4: SOUTH TOWNSEND E OAK GROVE RD TO SOUTH CITY LIMIT



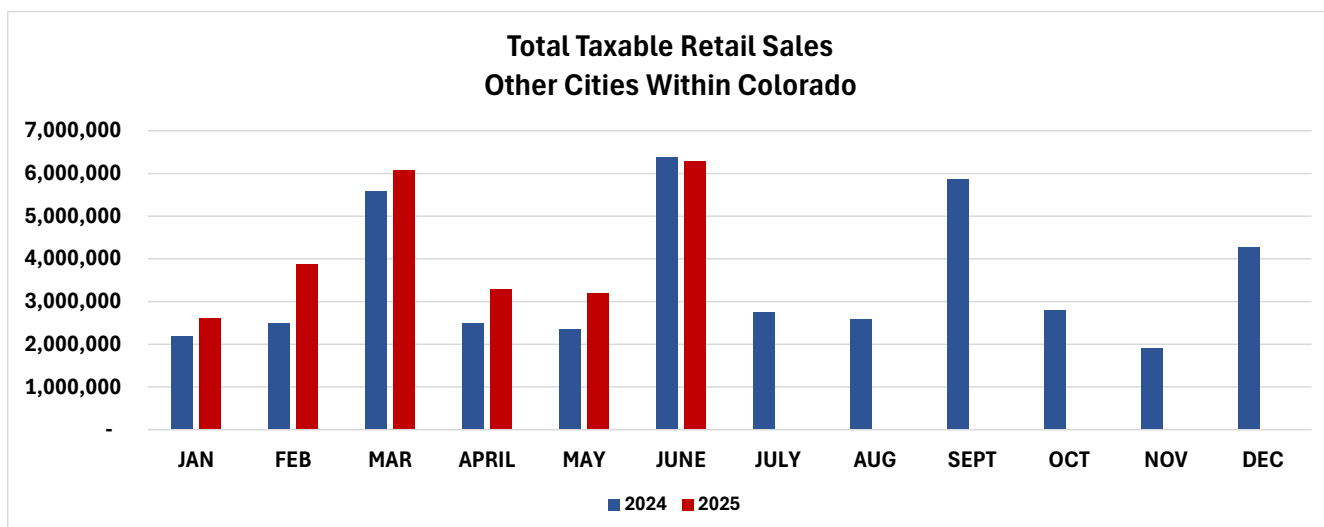
AREA 5: EAST MAIN SAN JUAN AVENUE TO EAST CITY LIMIT



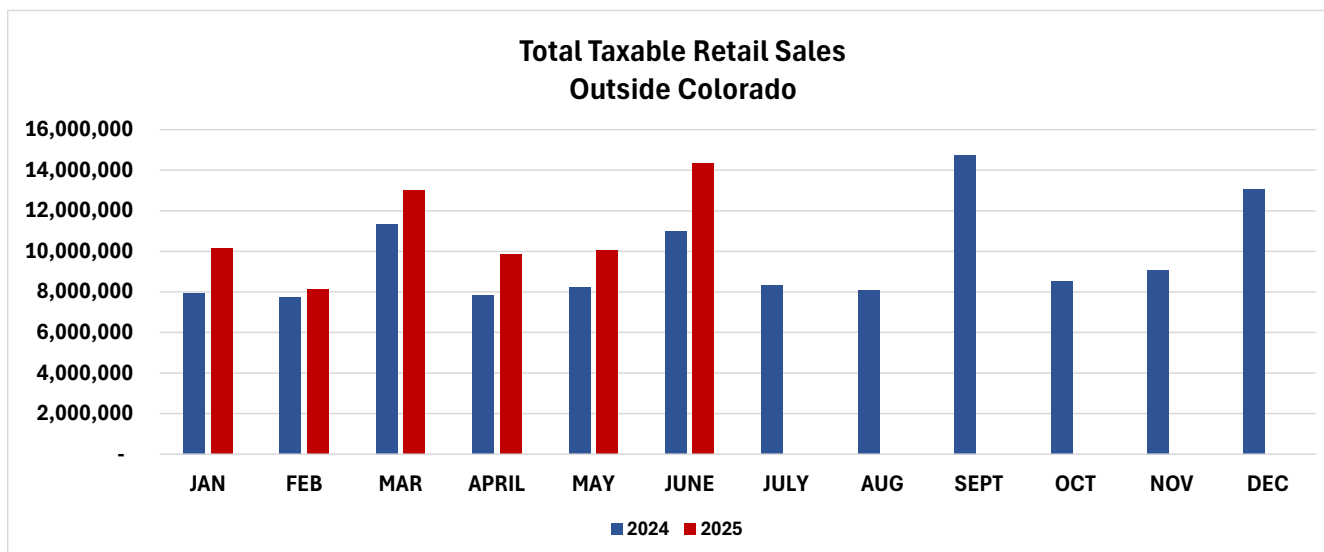
AREA 6:ALL OTHERS IN MONTROSE



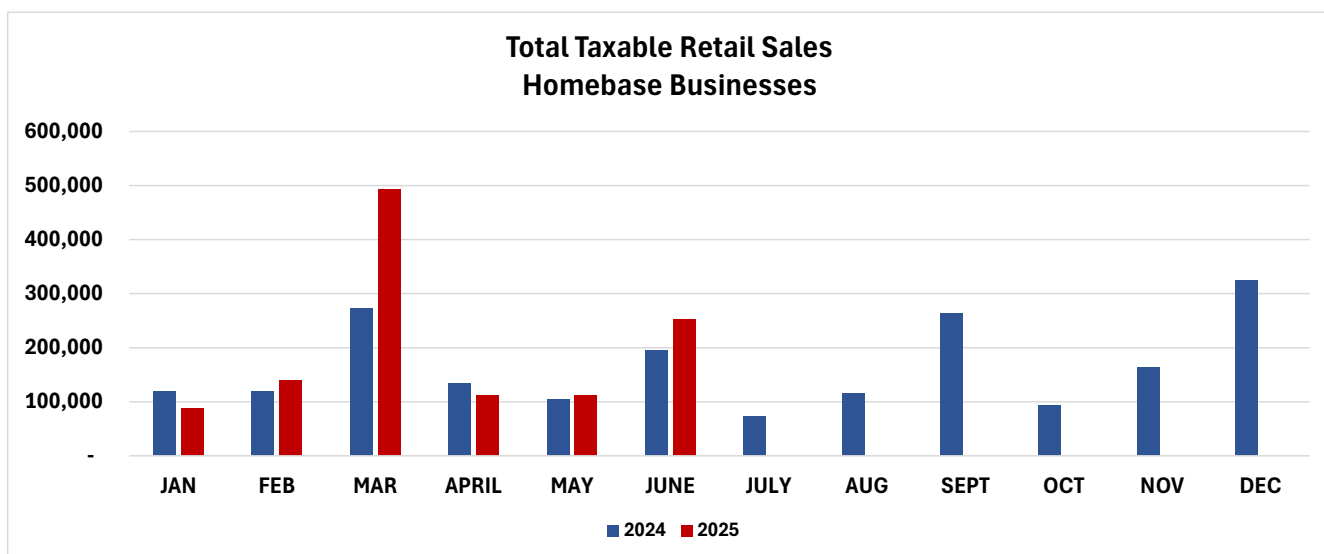
AREA 12: MURA/COLORADO OUTDOORS



AREA 7: OTHER CITIES WITHIN COLORADO



AREA 8: OUTSIDE COLORADO



AREA 9: HOME BASE BUSINESSES

City of Montrose Budget Update as of June 30, 2025

The attached Financial Report represents **unaudited** revenues and expenditures as of the end of the second quarter of 2025 with a comparison to the approved budget for the city's major funds and funds of interest by the public.

Governmental Funds:

The main operating fund of the city is the General Fund. Sales and Use Taxes are collected at 3% and comprise more than 85% of the total revenue in the General Fund. Compared to 2024 collections, retail sales tax and total sales and use tax collections through June increased by 2.9% and 1.2% respectively. The city does not collect property taxes. Percentage of budgeted revenues collected, and expenditures expended in the General Fund were **51.6%** and **47.5%** respectively. Capital projects include improvements in city parks, Main Street Banner Poles and installing a flagpole on Sunset Mesa.

On November 5, 2019, the voters approved an increase of .58% to the sales and use tax rate to fund public safety. Compared to 2024 retail sales and total sales and use tax collections through June increased 3.3% and 1.0% respectively. Percentage of budgeted revenues collected, and expenditures expended in the Public Safety Fund were **49.4%** and **48.8%** respectively. Finishing the interior of the Cerise Park Command building is the main capital project in the Public Safety Fund in 2025.

On April 1, 2014, voters approved an additional .3% sales and use tax to be collected by the city and transferred to the Montrose Recreation District to fund the new community recreation center on Woodgate Road. Collections for 2025 through June total \$1,406,428 which is an increase of 3.6% over 2024 collections for the same period.

Special Revenue Funds:

Retail Sales Enhancement Fund, which is managed by the Department and Revitalization Team (DART), collects revenues derived from 2% of the vendor's fee. This revenue supports events in Montrose with marketing and beautification with flower baskets, alley way lighting and revitalization and façade improvements. This revenue collected through June equals \$333,025 and is 2.5% higher than what was collected Year to date through June in 2024. Percentage of budgeted revenues collected, and expenditures expended by the Retail Sales Enhancement Fund were **46.7%** and **30.6%** respectively.

The Tourism Fund is made up of lodging and restaurant excise taxes which are collected at 6% and .8% respectively. These revenues support Guest Services, Community Events, Marketing and Sports Tourism.

The lodging tax was increased from .9% to 6% by a vote of the people and was effective January 1, 2025, this increase will fund several important initiatives for the City of Montrose community. As of June 30, 2025, \$479,472 has been collected for five different initiatives including 17% to Childcare, 33% to Affordable Housing, 5% to Public Transit, 20% to Tourism and 25% to Right of Way improvements.

The restaurant tax is collected at .8% and totals \$345,239 which increased 6.5% over the same period of 2024.

Percentage of budgeted revenues collected, and expenditures expended by the Tourism Fund were **52.5%** and **58.3%** respectively.

The Montrose Urban Renewal Authority (MURA) collects revenues from the tax increment for property tax, sales tax, use tax and excise tax. The tax increment is the difference in revenue from the base which

was determined when the authority was formed and the current collections. MURA collections through June equal \$946,396 and are used to develop this area of Montrose.

Capital Infrastructure and Facility Improvement Fund:

Revenue is derived mainly from a General Fund transfer with some grant funding on infrastructure projects. Large capital infrastructure projects include road maintenance, Main Street revitalization, Roundabout at Woodgate Road and East Oak Grove Road. Facility capital projects include renovations of the building at 703 South 9th Street for a Childcare Facility and the new Public Works Facility. Since the city did not budget for the bond proceeds nor the expenditures related to the Public Works Facility the percentage of budgeted revenues collected, and expenditures expended are higher than expected. The percentage of collections for revenues and expenditures expended through June are **79.7%** and **60.1%** respectively.

Enterprise Funds:

Water Fund revenues are collected from users of the city's water distribution service.

Water Fund Capital improvement projects include a building for the instrumentation of the Sunnyside tank, Valve and hydrant replacements, Waterline replacements in conjunction with street improvement projects, Water line replacement on Main Street from San Juan to Townsend Avenue. Percentage of budgeted revenues collected, and expenditures expended through June by the Water Fund were **48.7%** and **40.1%** respectively.

Sewer Fund revenues are collected from users of the city's sewer collection service.

Sewer Fund Capital improvement projects include sewer line rehabilitation/replacement, manhole rehabilitation & Hydrogen Sulfide lining, Northeast quadrant sewer line design, and Engineering and Design of needed improvements at the Wastewater Treatment plant. Percentage of budgeted revenues collected, and expenditures expended through June by the Sewer Fund were **40.8%** and **26.8%** respectively.

The Trash and Recycle Fund revenues are collected from users of the city's trash and recycling service. Percentage of budgeted revenues collected, and expenditures expended by the Trash and Recycle Fund were **51.6%** and **36.7%** respectively.

The Black Canyon Golf Course Fund is a hybrid Enterprise Fund since it collects about half of its revenue from those that play golf or eat at the restaurant and then the General Fund supplements the difference. Greens fees and annual membership sales exceeded the budget estimate so far in 2025. Percentage of budgeted revenues collected, and expenditures expended by the Sewer Fund were **62%** and **41.7%** respectively.

This report is provided to give the City Council an overall feel for how the city's funds are performing. Please contact Mrs. Wittenberg, Finance Director, with any questions.