



REGULAR CITY COUNCIL MEETING AGENDA
Tuesday, December 7, 2021 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.

Public participation for this meeting will be in person in the City Council Chambers and via Zoom at the following link: https://us02web.zoom.us/webinar/register/WN_m41xMR7_RzSV0gekezcgJg

The 11:00 p.m. rule will be enforced. All agenda items scheduled and noticed to be heard today must begin prior to 11:00 p.m. or they will be rescheduled. At 11:00 p.m., if the meeting has not already been adjourned, further proceedings shall be conducted as follows: 1) If the City Council is discussing an agenda item, but has not voted on the item before 11:00 p.m., the City Council may take a vote to decide whether to continue the item to the next meeting. 2) The City Council may also consider additional agenda items that require action in a specified time period due to legal requirements. 3) All other agenda items not previously opened shall be placed first on the next City Council Agenda.

- 1) City Council meeting called to order by Mayor Doug Glaspell
- 2) The Pledge of Allegiance
- 3) Roll call by the Deputy 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 neither City Council nor City staff are expected to respond or engage in discussion or debate.

Personal attacks and disagreements, personnel and employment matters, the use of profanity or ethnic, racial or gender-oriented slurs are prohibited, as is any “disorderly conduct” which violates state or local law and shall not be permitted.

**Please note that the times listed are estimates of approximately how long each item may take. This time is intended to serve as a guide for the Mayor in an effort to help keep the meeting moving.*

**Hearing assistance devices are available for public use. Please let us know if you need accommodation.*

6) APPROVAL OF MINUTES (5 minutes)

City Council consideration of the minutes of the November 15, 2021 special City Council meeting and the November 16, 2021 regular City Council meeting. *Staff: Deputy City Clerk Mikayla Unruh* **6-18**

Action: Consider making a motion to approve the minutes of the November 15, 2021 special City Council meeting and the November 16, 2021 regular City Council meeting as presented.

7) 2020 AUDIT PRESENTATION (15 minutes)

City Council consideration of the Annual Financial Audit for the year 2020, prepared by Watson Coon Ryan, LLC. *Staff: Finance Director Shani Wittenberg and Kelly Watson, Partner with Watson Coon Ryan, LLC*

Copies of the Annual Financial Audit are available on the City of Montrose website at <https://www.cityofmontrose.org/DocumentCenter/View/45369/2020-Financial-Audit-Report> or by calling 970-240-1422.

Action: Accept public comment. Consider making a motion to accept the Annual Financial Audit for the year 2020 as presented.

8) ORDINANCE 2570 - SECOND READING (10 minutes)

City Council consideration of Ordinance 2570 on second reading, an Ordinance of the City of Montrose, Colorado, amending Ordinance No. 2514 which appropriated funds for defraying the expenses and liabilities of the City of Montrose, Colorado, during the fiscal year beginning January 1, 2021; said expenditures of the City of Montrose over and above those anticipated at the time of the adoption of the original budget for the fiscal year beginning January 1, 2021. *Staff: Finance Director Shani Wittenberg* **19-20**

Action: Accept public comment. Consider making a motion to adopt Ordinance 2570 on second reading as presented.

9) NEW ARTS LIQUOR LICENSE APPLICATION (15 minutes)

City Council consideration of an application for a new Arts liquor license at 11 S. Park Avenue for the Montrose Center for the Arts, doing business as Montrose Center for the Arts, for consumption on the licensed premises. *Staff: Assistant City Attorney Chris Dowsey* **21-25**

Action: Hold a hearing. Consider making a motion to approve a new Arts liquor license at 11 S. Park Avenue for Montrose Center for the Arts for consumption on premises.

10) ORDINANCE 2571 - SECOND READING (10 minutes)

City Council consideration of Ordinance 2571 on second reading, an Ordinance of the City of Montrose, Colorado, amending the City Council district boundaries by the adoption of a new Council District Map, and by its insertion into the Official Code of the City of Montrose, and by repeal of the old Council District Map. *Staff: Deputy City Clerk Mikayla Unruh* **26-28**

Action: Accept public comment. Consider making a motion to adopt Ordinance 2571 on second reading as presented.

11) RESOLUTION 2021-28 (10 minutes)

City Council consideration of Resolution 2021-28, a Resolution authorizing the conduct of a mail ballot election for the City of Montrose General Municipal Election of April 5, 2022. *Staff: Deputy City Clerk Mikayla Unruh* **29-37**

Action: Accept public comment. Consider making a motion to adopt Resolution 2021-28 as presented.

12) RESOLUTION 2021-29 (10 minutes)

City Council consideration of Resolution 2021-29, a Resolution authorizing filing of the Colorado Department of Local Affairs grant application for the Peace Officers Mental Health Support grant program. *Staff: Community Program Manager Kendall Cramer* **38-39**

Action: Accept public comment. Consider making a motion to adopt Resolution 2021-29 as presented.

13) ORDINANCE 2572 - SECOND READING (5 minutes)

City Council consideration of Ordinance 2572 on second reading, an Ordinance of the City of Montrose, Colorado, for the annexation of the Grace Community Church Addition II. *Staff: Senior Planner Amy Sharp* **40-49**

Action: Accept public comment. Consider making a motion to adopt Ordinance 2572 on second reading as presented.

14) ORDINANCE 2573 - SECOND READING (10 minutes)

City Council consideration of Ordinance 2573 on second reading, an Ordinance of the City of Montrose, Colorado, providing for the zoning of the Grace Community Church Addition II as "R-3" Medium Density District. *Staff: Senior Planner Amy Sharp* **50**

Action: Accept public comment. Consider making a motion to adopt Ordinance 2573 on second reading as presented.

15) ORDINANCE 2574 - SECOND READING (10 minutes)

City Council consideration of Ordinance 2574 on second reading, an Ordinance of the City of Montrose, Colorado, authorizing the disposal of real property, Lot 1 Air Park Way Minor Subdivision, pursuant to § 1-9-2 of the Official Code of the City of Montrose. *Staff: Senior Planner Amy Sharp* **51-58**

Action: Accept public comment. Consider making a motion to adopt Ordinance 2574 on second reading as presented.

16) ORDINANCE 2575 - FIRST READING (10 minutes)

City Council consideration of Ordinance 2575 on first reading, an Ordinance of the City of Montrose, Colorado, amending the zoning designation of a portion of the Police Department Amended Plat, located at 434 South 1st Street, from "B-1" Central Business District to "P" Public District. *Staff: Planner I William Reis* **59-68**

Action: Hold a hearing. Consider making a motion to pass Ordinance 2575 on first reading as presented.

17) ORDINANCE 2576 - FIRST READING (10 minutes)

City Council consideration of Ordinance 2576 on first reading, an Ordinance of the City of Montrose, Colorado, repealing and reenacting the City's Municipal Code pursuant to § 5-2-1 of the Official Code of the City of Montrose. *Staff: Assistant City Attorney Chris Dowsey* **69-72**

Action: Hold a hearing. Consider making a motion to pass Ordinance 2576 on first reading as presented.

18) 2022 SANITARY SEWER CURED IN PLACE PIPE BID AWARD (10 minutes)

City Council consideration of the renewal of a contract with Insituform Technologies, LLC in the amount not to exceed \$250,000.00, for cured in place lining of sanitary sewers. *Staff: Utilities Manager David Bries* **73-74**

Action: Accept public comment. Consider making a motion to approve the renewal of a contract with Insituform Technologies, LLC in the amount not to exceed \$250,000.00, for cured in place lining of sanitary sewers as presented.

19) FORD VEHICLE PURCHASE AWARD (10 minutes)

City Council consideration of the purchase of 20 Ford vehicles from Sill-Terhar Motors in Broomfield, Colorado for the total purchase price of \$856,827.52. *Staff: Public Works Manager Jim Scheid* **75-76**

Action: Accept public comment. Consider making a motion to approve the purchase of 20 Ford vehicles from Sill-Terhar Motors for the total purchase price of \$856,827.52 as presented.



20) EQUIPMENT PURCHASE AND SOLE SOURCE WAIVER REQUEST (10 minutes)

City Council consideration of the purchase of two refuse trucks and two Vactor trucks from Faris Machinery in Grand Junction for the total purchase price of \$1,950,478.34. *Staff: Public Works Manager Jim Scheid 77-79*

Action: Accept public comment. Consider making a motion to approve a sole source waiver and the purchase of two refuse trucks and two Vactor trucks from Faris Machinery for the total purchase price of \$1,950,478.34 as presented.

21) POLICE DEPARTMENT BUILDING FITNESS EQUIPMENT PURCHASE (10 minutes)

City Council consideration of the purchase of Lifetime Fitness/Hammer Strength fitness equipment from Advanced Exercise for a total of \$71,551.60. *Staff: Public Works Manager Jim Scheid 80-84*

Action: Accept public comment. Consider making a motion to approve the purchase of Lifetime Fitness/Hammer Strength fitness equipment from Advanced Exercise for a total of \$71,551.60 as presented.

22) STAFF REPORTS

23) YOUTH CITY COUNCIL COMMENTS

24) CITY COUNCIL COMMENTS

25) MOTION TO ADJOURN

Zoom Meeting Details

https://us02web.zoom.us/webinar/register/WN_m41xMR7_RzSV0gekezcgJg

Join by phone:

1 669 900 9128

1 253 215 8782

1 346 248 7799

1 646 558 8656

1 301 715 8592

1 312 626 6799

Webinar ID: 819 4038 7195

International numbers available: <https://us02web.zoom.us/j/kcmrmOZqiC>

A special meeting of the Montrose City Council was held on Monday, November 15, 2021, at 12:00 p.m., or immediately following the City Council work session, in the City Council Chambers of the Elks Civic Building, 107 S. Cascade Avenue. Said meeting was posted in accordance with the Sunshine Law.

PRESENT: Doug Glaspell, Dave Frank, Barbara Bynum, J. David Reed, Anthony Russo, Stephen Alcorn, Terri Wilcox, Lisa DelPiccolo

GUESTS: Melanie Daly

CALL TO ORDER

Mayor Doug Glaspell called the special meeting to order at 11:32 a.m.

EXECUTIVE SESSION

At 11:32 a.m., a motion was made by J. David Reed, seconded by Dave Frank, to enter into an executive session for discussion of a personnel matter under C.R.S. Section 24-6-402(2)(f); and the following additional details are provided for identification purposes: City Attorney mid-cycle informal review. All voted yes. Motion passed.

RECONVENEMENT AND ADJOURNMENT

The special meeting reconvened at 12:34 p.m.

At 12:34 p.m. a motion was made by Dave Frank, seconded by J. David Reed, to adjourn with no further action taken. All voted yes. Motion passed.

ATTEST:

Doug Glaspell, Mayor

Mikayla Unruh, Deputy City Clerk

A regular meeting of the Montrose City Council was held on Tuesday, November 16, 2021 at 6:00 p.m. in the City Council Chambers of the Elks Civic Building. Said meeting was posted in accordance with the Sunshine Law. Public participation for this meeting was held in person and via Zoom. The meeting agenda included a Zoom link and phone numbers for public participation.

PRESENT: Doug Glaspell, Dave Frank, Barbara Bynum, J. David Reed, Anthony Russo, Harrison Hall, Bill Bell, Ann Morgenthauer, Stephen Alcorn, Greg Story, Lisa DelPiccolo, Shani Wittenberg, David Bries, Amy Sharp, Jim Scheid, Blaine Hall, Matt Smith, Scott Murphy, Chris Dowsey, Matthew Magliaro, Briceida Ortega, Lisa Kuczmariski, Larry Witte, William Reis, Kendall Cramer, Ross Valdez

GUESTS: Stan Grigg, Matt Miles, Marci Miles, Scott Stryker, Olga Chavez, Steve Stevenson, Melissa Alcorn, Lana Kinsey, Jen Svensen, David Svensen, Bill Glasscock, Ray Jantzen, Melanie Rees, Alisa Lopez, Brandie Romero

CALL TO ORDER

Mayor Doug Glaspell called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Youth City Council Representative Harrison Hall.

CHANGES TO THE AGENDA

No changes were made to the agenda.

SMALL BUSINESS SATURDAY® PROCLAMATION

Mayor Doug Glaspell and the Montrose City Council proclaimed Saturday, November 27, 2021 as Small Business Saturday® in the City of Montrose. Mayor Glaspell presented the proclamation to Community Program Manager Kendall Cramer.

CALL FOR PUBLIC COMMENT

No comments were received.

APPROVAL OF MINUTES

City Council considered the minutes of the November 1, 2021 special City Council meeting and the November 2, 2021 regular City Council meeting.

A motion was made by Dave Frank, seconded by Anthony Russo, to approve the minutes of the November 1, 2021 special City Council meeting and the November 2, 2021 regular City Council meeting as presented. All voted yes. Motion passed.

MEETING CANCELLATION

City Council considered the cancellation of the December 21, 2021 regular City Council meeting.

A motion was made by Dave Frank, seconded by Anthony Russo, to cancel the regular City Council meeting scheduled for December 21, 2021. All voted yes. Motion passed.

2022 BUDGET APPROVAL

Finance Director Shani Wittenberg reported no changes to the budget since first reading of Ordinance 2567 on November 2.

Ordinance 2567 - Second Reading: City Council considered Ordinance 2567, an Ordinance of the City of Montrose, Colorado, providing and appropriating funds for defraying the expenses and liabilities of the City of Montrose, Colorado, during the fiscal year beginning January 1, 2022.

Resolution 2021-24: City Council considered Resolution 2021-24, adopting the 2022 Municipal Budget.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by Barbara Bynum, to adopt Ordinance 2567 on second reading as presented. All voted yes. Motion passed.

A motion was made by Barbara Bynum, seconded by J. David Reed, to adopt Resolution 2021-24 as presented. All voted yes. Motion passed.

ORDINANCE 2570 - FIRST READING

City Council considered Ordinance 2570 on first reading, an Ordinance of the City of Montrose, Colorado, amending Ordinance No. 2514 which appropriated funds for defraying the expenses and liabilities of the City of Montrose, Colorado, during the fiscal year beginning January 1, 2021; said expenditures of the City of Montrose over and above those anticipated at the time of the adoption of the original budget for the fiscal year beginning January 1, 2021. A hearing was held.

Finance Director Shani Wittenberg reported that adoption of a supplemental budget ordinance is an annual housekeeping measure to encompass items that were unknown at the time of budget adoption, such as grants, unanticipated projects, and property purchases. Ms. Wittenberg stated that the only change to the Ordinance from the version included in the meeting packet is the adjustment of the Retail Sales Enhancement Fund from \$515,000.00 to \$523,000.00.

Mayor Doug Glaspell opened the hearing.

Public comment was accepted. No comments were received.

Mayor Glaspell closed the hearing.

A motion was made by Barbara Bynum, seconded by Dave Frank, to pass Ordinance 2570 on first reading as amended to reflect an amount of \$523,000.00 for the Retail Sales Enhancement Fund as the final number. All voted yes. Motion passed.

NEW HOTEL AND RESTAURNT LIQUOR LICENSE APPLICATION

City Council considered an application for a new Hotel and Restaurant liquor license application at 82 Rose Lane for El Buen Sabor Mexican Restaurant Co., doing business as El Buen Sabor Mexican Restaurant, for consumption on the licensed premises. A hearing was held.

Assistant City Attorney Chris Dowsey reported that for the purposes of this application, the neighborhood is defined as the City of Montrose. Mr. Dowsey stated that this is an application for a new license, and it is incumbent upon the applicant to show that the current needs of the neighborhood are not being met and the adult inhabitants of the neighborhood want the license issued. Mr. Dowsey stated that the application is in order, the fees have been paid, and staff review found no issues that would prevent approval of the application. Mr. Dowsey said that City Council can act on the application this evening or defer a decision for up to 30 days.

Applicant Olga Chavez was invited to the podium. Ms. Chavez stated that her restaurant draws customers from throughout the City and her customers have indicated that they prefer to have alcohol beverages with their meals.

Mr. Dowsey reviewed a summary of petitions circulated by Ms. Chavez. A total of 82 signatures were submitted with 36 determined to be valid and in support of the license.

Ms. Chavez stated that she has worked in the restaurant business for more than 20 years, she is familiar with the laws of the state, and she attended an alcohol server training class hosted by the City. Ms. Chavez stated that she has never been accused of failure to operate under the law and all managers and employees will attend alcohol server training.

Ms. Chavez said that her restaurant opened on November 5, and plans to serve margaritas, beer, and piña coladas. She stated that her intent is to operate a family restaurant committed to avoiding service to underage patrons.

Mayor Doug Glaspell opened the hearing.

Public comment was accepted.

Alisa Lopez and Brandie Romero spoke in support of Ms. Chavez and in support of the license being issued.

Mayor Glaspell closed the hearing.

A motion was made by J. David Reed, seconded by Dave Frank, to approve a new Hotel and Restaurant liquor license at 82 Rose Lane for El Buen Sabor Mexican Restaurant Co. as presented. All voted yes. Motion passed.

ORDINANCE 2568 - SECOND READING

City Council considered Ordinance 2568 on second reading, an Ordinance of the City of Montrose, Colorado, repealing Title 6 Chapter 1 Section 26 (6-1-26) only, regarding loitering.

Assistant City Attorney Matthew Magliaro reported that if adopted, Ordinance 2568 repeals a Municipal Code provision related to loitering with no replacement language. Mr. Magliaro said this item was presented at the October 18 work session and on first reading on November 2 with no subsequent changes.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by Anthony Russo, to adopt Ordinance 2568 as presented. All voted yes. Motion passed.

ORDINANCE 2571- FIRST READING

City Council considered Ordinance 2571 on first reading, an Ordinance of the City of Montrose, Colorado, amending the City Council district boundaries by the adoption of a new Council District Map, and by its insertion into the Official Code of the City of Montrose, and by repeal of the old Council District Map. A hearing was held.

City Clerk Lisa DelPiccolo reported that six options for adjusting the City Council district boundaries in compliance with the City Charter were presented at the November 1 work session. Ms. DelPiccolo requested designation of the option selected by City Council which will become Exhibit A to the Ordinance.

Mayor Doug Glaspell opened the hearing.

Public comment was accepted. No comments were received.

Mayor Glaspell closed the hearing.

A motion was made by Barbara Bynum, seconded by Dave Frank, to pass Ordinance 2571 on first reading, with Option 7 designated as Exhibit A. All voted yes. Motion passed.

RESOLUTION 2021-25

City Council considered Resolution 2021-25, authorizing the filing of a DOLA Planning Grant application for a housing needs assessment, approving a matching contribution equal to 40 percent of the grant request up to \$76,000.00, and directing the City Manager and City staff to execute the grant agreement.

Community Program Specialist Briceida Ortega said that three grant programs were created under DOLA to help local governments understand housing needs and adopt policies and regulatory strategies to promote the development of affordable housing.

Ms. Ortega stated that Planning Services staff identified three regulatory strategies for implementation upon a successful grant award: an expedited development review process for affordable housing, a high density housing bonus program, and reduced minimum parking requirements for new affordable housing developments.

Ms. Ortega reported that if the grant is a successful, a contractor will be hired to assist with the needs assessment, code amendments, and implementation of the regulatory strategies. Ms. Ortega stated that the total cost of this project is \$190,000.00, and DOLA requires a 25 percent match. Per City Council request, the grant match was increased to 40 percent, or up to \$76,000.00, to improve the chances of a grant award. As a result, the application was updated to request \$114,000.00 from DOLA.

Public comment was accepted. No comments were received.

A motion was made by Barbara Bynum, seconded by J. David Reed to adopt Resolution 2021-25 as presented. All voted yes. Motion passed.

RESOLUTION 2021-26

City Council considered Resolution 2021-26, a resolution authorizing the filing of a United States Environmental Protection Agency Brownfield Cleanup Grant Program application in the amount of \$500,000.00, approving a matching contribution equal to 20 percent of the grant request up to \$100,000.00, authorizing the City Manager to execute the grant contract, and authorizing City staff to act on behalf of the grant agreement.

Community Program Manager Kendall Cramer reported that this grant application is for the former Bullock Power Plant Lot B property which the City recently purchased. The property is 5.54 acres with river frontage and is located at 30 West South Fourth Street. If successful, the grant will be used to address environmental conditions on the property and encourage revitalization and redevelopment of the site.

Mr. Cramer stated that the property was assessed by the City in 2014 and 2017 under previous Brownfield assessment grants. Mr. Cramer reported that the plant was originally called Montrose Steam and Electric Plant and was coal fired until 1982 when it was converted to natural gas. The building has been vacant since 1984. Mr. Cramer stated that the building is five stories and is constructed of concrete and steel. Mr. Cramer said grant funds would be used to address asbestos, lead based paint, and fly ash on the property and to monitor ground water.

Mr. Cramer stated that the property has ties to the Uncompahgre River and Main Street corridors, and the School District's new outdoor education center. Possible uses include retail, restaurants, a climbing gym, a brewery, and a rooftop patio.

Public comment was accepted. No comments were received.

A motion was made by J. David Reed, seconded by Anthony Russo, to adopt Resolution 2021-26 as presented. All voted yes. Motion passed.

AMERICAN RESCUE PLAN ACT (ARPA) - POTENTIAL PROJECTS (2021-22)

City Council considered of a list of potential projects for American Rescue Plan Act (ARPA) funding.

City Manager Bill Bell reported that community members provided input on use of ARPA funds for 2021 and 2022. The list was then presented at the work session with a commitment to bring it before City Council for consideration with proposed funding amounts. Mr. Bell requested a vote to provide staff with the ability to move the projects forward.

Mr. Bell outlined the proposed funding including \$375,000.00 for replacement of water and sewer systems in three mobile home parks; \$475,000.00 to create approximately 70 new daycare service slots; \$150,000.00 toward new early childhood education and daycare programming; \$75,000.00 to assist Montrose Recreation District with a satellite recreation site on the north side of the City; \$750,000.00 for sanitary sewer infrastructure at Cimarron Creek Manufactured Home Community; and \$515,000.00 for sanitary sewer and water infrastructure at the Basecamp Apartments.

Mr. Bell stated that water, sewer and broadband projects are eligible for ARPA funding, and the City is waiting for more definitive direction from the federal government on projects outside of these parameters. Mr. Bell said the City would support the listed projects regardless of ARPA funding.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by J. David Reed, to approve the list of potential projects for ARPA funding for 2021-22 as presented. All voted yes. Motion passed.

GRACE COMMUNITY CHURCH ADDITION II ANNEXATION

A hearing was held on the annexation of the Grace Community Church Addition II.

Senior Planner Amy Sharp provided an overview of the proposed annexation of property on Woodgate Road north of Grace Community Church. Ms. Sharp stated that the property is surrounded by City limits and meets all annexation policies. Ms. Sharp said the requested zoning of R-3, Medium Density District, is compatible with the zoning of the surrounding area, and churches are a use by right within that zoning. The Planning Commission recommended approval of the zoning designation on October 27.

Resolution 2021-27: City Council considered Resolution 2021-27, Findings of Fact for the Grace Community Church Addition II.

A motion was made by Barbara Bynum, seconded by J. David Reed, to adopt Resolution 2021-27 as presented. All voted yes. Motion passed.

Ordinance 2572: City Council considered Ordinance 2572 on first reading, an Ordinance of the City of Montrose, Colorado, for the annexation of the Grace Community Church Addition II. A hearing was held.

Mayor Doug Glaspell opened the hearing.

Public comment was accepted. No comments were received.

Mayor Glaspell closed the hearing.

A motion was made by Barbara Bynum, seconded by J. David Reed, to pass Ordinance 2572 on first reading as presented. All voted yes. Motion passed.

ORDINANCE 2573 - FIRST READING

City Council considered Ordinance 2573 on first reading, an Ordinance of the City of Montrose, Colorado providing for the zoning of the Grace Community Church Addition II as an "R-3" Medium Density District. A hearing was held.

Mayor Doug Glaspell opened the hearing.

Public comment was accepted. No comments were received.

Mayor Glaspell closed the hearing.

A motion was made by Dave Frank, seconded by Anthony Russo, to pass Ordinance 2573 on first reading as presented. All voted yes. Motion passed.

RIVERBEND RV PARK TRAVEL HOME PARK PERMIT

City Council considered a Travel Home Park Permit for Riverbend RV Park located at 65120 Old Chipeta Trail.

Senior Planner Amy Sharp reviewed the location of Riverbend RV Park on Chipeta Road north of Chipeta Lake. Ms. Sharp reported that the owners requested a Travel Home Park Permit to expand services offered within park. Ms. Sharp said a Conditional Use Permit is required to allow gravel parking within the outer zone of the Uncompahgre River Buffer Zone (URBZ). Variances are required to allow buildings within the Streamside Zone of the URBZ and to allow gravel roads within the RV Park. Ms. Sharp stated that the Conditional Use Permit and variances were approved by the Planning Commission along with the Travel Home Park Permit. Final approval of the Travel Home Park Permit by City Council is required.

Ms. Sharp stated that staff finds that the proposed use meets all criteria for the variances and the Conditional Use Permit, and the site plan meets all requirements of the Municipal Code.

Ms. Sharp said that Riverbend RV Park currently holds a Use Permit, as was required at the time of the initial application. The proposed changes require a Travel Home Park Permit. Ms. Sharp said the owners intend to create new sites for RVs, cabins and yurts along river which will expand RV and camping opportunities within the community. Ms. Sharp said this fits a need identified in the Comprehensive Plan, and the renters would pay the lodging tax.

Ms. Sharp stated that flood conditions were discussed during a site plan review with City Engineer Scott Murphy.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by Anthony Russo, to approve the Travel Home Park Permit for Riverbend RV Park as detailed in the staff report with the associated conditions and variance approvals. The request meets the Code criteria and standards based on the evidence and testimony presented at this hearing and in the staff report. All voted yes. Motion passed.

ORDINANCE 2569 - SECOND READING

City Council considered Ordinance 2569 on second reading, an Ordinance of the City of Montrose, Colorado, amending the zoning designation of a portion of Parcel #3767-202-00-907, from "P", Public District, to "B-3", General Commercial District.

City Councilor J. David Reed stated that he would recuse himself from participation, discussion, and action on this agenda item and item 21 due to a potential conflict related to his representation of Stryker & Company and Scott Stryker. Mr. Reed left the meeting at 7:06 p.m.

Senior Planner Amy Sharp reported that the parcel is located at the north end of Air Park Way with the address of 2365 Air Park Way. Ms. Sharp stated that the property is currently zoned "P", Public District, and the request is to rezone a 1.3 acre portion of the parcel as B-3, General Commercial District, for potential development of a business. A small portion of the property will retain the Public District zoning for river access.

Ms. Sharp recommended approval, stating the proposal meets rezone criteria, meets the intent of the B-3 zoning designation, is in general compliance with the Comprehensive Plan, and is compatible with existing uses in the surrounding area. The Planning Commission recommended approval on October 27.

Ms. Sharp confirmed that access to the River Corridor would not be affected, and public parking is available on the street and in the cul-de-sac.

Public comment was accepted.

Melanie Rees spoke in support of the rezone and raised concerns about parking. Ms. Rees requested a plan for additional parking for river users.

A motion was made by Dave Frank, seconded by Barbara Bynum, to adopt Ordinance 2569 on second reading as presented. All present voted yes. Motion passed.

Mr. Reed rejoined the meeting at 7:14 p.m.

WOODS CROSSING SUBDIVISION FILING NO. 1 FINAL PLAT

City Council considered the Woods Crossing Subdivision Filing No. 1 Final Plat to create 127 new residential lots and dedicate rights of way and/or easements.

Senior Planner Amy Sharp reviewed the location of the property off of Sunnyside Road and Hill Street. Ms. Sharp stated that the property is 72.88 acres and the developer is proposing 127 residential lots, zoned R-2 and R-3A. The extension of Hill Street will intersect the development.

Ms. Sharp reviewed final plat requirements and recommended approval of the Final Plat with the standard condition.

Public comment was accepted. No comments were received.

A motion was made by Barbara Bynum, seconded by J. David Reed, to approve the Woods Crossing Subdivision Filing No. 1 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. City staff is not authorized by this approval to execute the Final Plat prior to all conditions being satisfied. All voted yes. Motion passed.

LAND EXCHANGE AND DEVELOPMENT AGREEMENT WITH STRYKER & COMPANY

City Council considered a Memorandum of Agreement between the City of Montrose and Stryker & Company, Inc. for a land exchange and Development Agreement between the City of Montrose and Stryker & Company, Inc. for the relocation and development of Stryker & Company, Inc. headquarters.

City Councilor J. David Reed recused himself from this item and left the meeting at 7:17 p.m.

City Manager Bill Bell recommended a development agreement with Stryker & Company to exchange a City-owned parcel near Taviwach Park for property along Chipeta Road, north of Chipeta Lake. Mr. Bell stated that the property on Air Park Way will be better used to support a local business, and the property received will allow the widening of Chipeta Road and create additional access to Chipeta Lake Park. Mr. Bell stated that both entities will make sure both properties are cleaned up.

Scott Stryker said he intends to contain all parking for his business on the property and not use the cul-de-sac for parking. Mr. Stryker stated that he is a regional contractor but plans to be based in Montrose and continue to grow his business.

Public comment was accepted.

Bill Glasscock spoke in support of the land exchange as a benefit to the community. Mr. Glasscock encouraged improving access to the river and embracing increased use of the river in the future.

Mr. Bell stated that nearby property is available for parking if the need arises.

Ray Jantzen echoed concerns related to parking. Mr. Jantzen asked the City Council to consider that parking could become a problem.

Mayor Glaspell closed the hearing.

City Councilors discussed options. Mr. Bell suggested a Parks Advisory Committee site visit with the speakers and interested parties to determine a solution.

A motion was made by Dave Frank, seconded by Anthony Russo, to approve the Memorandum of Agreement and Development Agreement with Stryker & Company, Inc. as presented. All present voted yes. Motion passed.

ORDINANCE 2574 - FIRST READING

City Council considered Ordinance 2574 on first reading, an Ordinance of the City of Montrose, Colorado, authorizing the disposal of real property (a portion of Parcel #3767-202-00-907), pursuant to § 1-9-2 of the Official Code of the City of Montrose. A hearing was held.

City Attorney Stephen Alcorn announced that City Councilor J. David Reed would recuse himself on this agenda item as well.

Senior Planner Amy Sharp reported that adoption of a disposal Ordinance is the last piece in the land exchange with Stryker & Company following completion of the minor subdivision. Ms. Sharp stated that the disposal ordinance will allow the conveyance of Lot 1 to Scott Stryker through a special warranty deed in exchange for the parcel on Chipeta Road. Ms. Sharp said that the parcels are of equal size and no monetary exchange will occur.

Mayor Doug Glaspell opened the hearing.

Public comment was accepted. No comments were received.

Mayor Glaspell closed the hearing.

A motion was made by Anthony Russo, seconded by Dave Frank, to pass Ordinance 2574 on first reading as presented. All present voted yes. Motion passed.

Mr. Reed rejoined the meeting at 7:35 p.m.

THE HUB AT MONTROSE CROSSING DEVELOPMENT AGREEMENT

City Council considered a Development Agreement between the City of Montrose and 1890 Homestead LLC for the Hub at Montrose Crossing.

City Manager Bill Bell reported that this topic was discussed at a work session on August 31, 2020 and offers incentives for the development of a market rate housing complex near Cobble Creek. Mr. Bell stated that at that time of the work session discussion, approximately \$2.3 million in infrastructure support was proposed, similar to support provided to other businesses and housing developers. Mr. Bell said that the scale of the project has been reduced to 160 units, and the proposed funding has also been reduced to 83 percent of the initially proposed amount.

Mr. Bell confirmed that none of the incentive funding is paid directly to the developer. City Engineer Scott Murphy monitors the projects and contractors are paid upon completion of the work. Mr. Murphy stated that the reimbursements are for water and sewer main lines which are owned by the City for the community's benefit.

City Councilors discussed the identified need for housing in the community, options the city has for working with developers to increase housing options, and comments received from constituents supporting and opposing city funding for infrastructure that benefits a developer.

City Councilor J. David Reed read a portion of an article related to stigmas associated with affordable housing and how a lack of housing has direct economic impacts on the community.

Public comment was accepted.

Stan Grigg, chair of the Cobble Creek Homeowners' Association HUB Committee, asked that the City require that no construction vehicles are parked along 6450 Road or Cobble Drive. Mr. Grigg also requested that the City require construction vehicles enter the site from 6450 Road whenever possible to reduce construction traffic on Cobble Drive.

A motion was made by Dave Frank, seconded by Barbara Bynum, to approve the Development Agreement between the City of Montrose and 1890 Homestead LLC for the Hub at Montrose Crossing as presented. All voted yes. Motion passed.

STAFF REPORTS

Sales, Use, and Excise Tax Report: Finance Director Shani Wittenberg presented sales, use and excise tax information for the month of September 2021. Total sales and use tax collections were up 11.66 percent as compared to September 2020 with a positive budget variance of 12.1 percent. Year-to-date collections were up 20.2 percent with a positive budget variance of 28.0 percent.

Third Quarter Budget Review: Finance Director Shani Wittenberg stated that a complete financial report through September 2021 is included in the meeting packet. Ms. Wittenberg said that revenues are coming in greater than expenditures and she had no concerns.

Holiday Event Update: Community Program Manager Kendall Cramer encouraged the community to shop local on Small Business Saturday®, November 27. Mr. Cramer also announced that the Montrose Bucks promotions will also start on November 27. Information is available on the City website.

Director of Business and Tourism Lisa Kuczmarski invited the community to upcoming holiday events including the Annual Tree Lighting on November 26, Small Business Saturday® on November 27, and the Parade of Lights on December 4. Ms. Kuczmarski said that Santa's Cabin is set up on the Hartman Lot on Main Street. Santa will not be present due to COVID concerns, but children can look into the cabin and leave a letter for Santa in the mailbox.

YOUTH CITY COUNCIL COMMENTS

Youth City Council Representative Harrison Hall reported that the Youth City Council is working on planning "Rock the Rec" events with different themes and activities. The December event will be held at the Field House with a neon color theme, a murder mystery, and dodge ball. Mr. Hall said the Youth City Council is also partnering with Rotary on Christmas activities and will hold a retreat with City Council on November 29.

CITY COUNCIL COMMENTS

Mayor Pro Tem Dave Frank acknowledged Public Works for conducting the fall leaf collection through December 10. Public Works Manager Jim Scheid reported that 2,000 bags of leaves were collected on the first day of the project. Mr. Scheid asked citizens to place bags on the curb, and clear bags are preferable.

City Councilor Anthony Russo commented on the benefits of conducting a housing assessment and said he is looking forward to seeing the results.

MOTION TO ADJOURN

At 8:07 p.m., a motion was made by J. David Reed, seconded by Barbara Bynum, to adjourn the meeting with no further action taken.

ATTEST:

Douglas Glaspell, Mayor

Mikayla Unruh, Deputy City Clerk

ORDINANCE NO. 2570

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, AMENDING ORDINANCE NO. 2514 WHICH APPROPRIATED FUNDS FOR DEFRAYING THE EXPENSES AND LIABILITIES OF THE CITY OF MONTROSE, COLORADO DURING THE FISCAL YEAR BEGINNING JANUARY 1, 2021; SAID EXPENDITURES OF THE CITY OF MONTROSE OVER AND ABOVE THOSE ANTICIPATED AT THE TIME OF THE ADOPTION OF THE ORIGINAL BUDGET FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2021.

WHEREAS, these additional appropriations are deemed necessary for the public health, peace or safety of the city's residents.

WHEREAS, the funds below have either additional revenues or fund balance to cover these additional expenses.

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

Section 1: The amounts appropriated for the following funds by Section 1 of Ordinance No. 2514 are hereby amended to read according to the column entitled "Final Budget", below:

Fund #	Fund Name	Original Budget	Final Budget
200	RETAIL SALES ENHANCEMENT FUND	\$ 467,939	\$ 523,000
202	CDBG Pass thru Grants	\$ -	\$ 175,000
260	MONTROSE URBAN RENEWAL AUTHORITY	\$ 800,000	\$ 4,355,100
370	GENERAL DEBT SERVICES	\$ 1,193,651	\$ 1,197,651
580	BLACK CANYON GOLF COURSE	\$ 1,098,018	\$ 1,353,302
600	FLEET MANAGEMENT FUND	\$ 2,400,672	\$ 2,707,120
610	HEALTH & DENTAL MGMT FUND	\$ 2,805,757	\$ 3,467,560

In addition to the aforementioned supplemental items, the following projects were approved throughout the 2021 budget year using existing General Fund budget. These projects included a contribution to asbestos abatement in several mobile home parks, La Raza park upgrades and the sidewalk on North 9th, partnering to fund a childcare needs assessment study, property acquisition such as the house adjacent to the CMU campus and the Bullock Plant purchase.

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 first reading on Tuesday, the 16th day of November, 2021, at the hour of 6:00 p.m. in the City Council Chambers at 107 S. Cascade.

INTRODUCED, READ and PASSED on first reading this 16th day of November, 2021

Attest:



Lisa DelPiccolo, City Clerk





Douglas Glaspell, Mayor

INTRODUCED, READ AND ADOPTED on second reading this 7th day of December, 2021.

Attest:

Douglas Glaspell, Mayor

Mikayla Unruh, Deputy City Clerk

1

Name	Type of License	Account Number																										
7. Is the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers under the age of twenty-one years? Yes ☐ No ☒ 8. Has the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers ever (in Colorado or any other state): a. Been denied an alcohol beverage license? ☐ ☒ b. Had an alcohol beverage license suspended or revoked? ☐ ☒ c. Had interest in another entity that had an alcohol beverage license suspended or revoked? ☐ ☒ If you answered yes to 8a, b or c, explain in detail on a separate sheet. 9. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes", explain in detail. ☐ ☒ 10. Are the premises to be licensed within 500 feet, of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary? ☐ ☒ Waiver by local ordinance? ☐ ☒ Other: _____ 11. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of greater than (>) 10,000? NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS. ☐ ☒ 12. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 3000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of less than (<) 10,000? NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS. ☐ ☒ 13 a. For additional Retail Liquor Store only. Was your Retail Liquor Store License issued on or before January 1, 2016? N/A ☐ ☐ 13 b. Are you a Colorado resident? ☒ ☐ 14. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a Limited Liability Company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any <u>current</u> financial interest in said business including any loans to or from a licensee. ☐ ☒ 15. Does the applicant, as listed on line 2 of this application, have legal possession of the premises by ownership, lease or other arrangement? ☒ ☐ ☐ Ownership ☒ Lease ☐ Other (Explain in Detail) _____ a. If leased, list name of landlord and tenant, and date of expiration, exactly as they appear on the lease: <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:40%;">Landlord</td> <td style="width:40%;">Tenant</td> <td style="width:20%;">Expires</td> </tr> <tr> <td>WALCHLE PARK AVENUE LLC</td> <td>MEYER ROSE CENTER FOR THE ARTS</td> <td>3/1/2022</td> </tr> </table> b. Is a percentage of alcohol sales included as compensation to the landlord? If yes, complete question 16. ☐ ☒ c. Attach a diagram that designates the area to be licensed in black bold outline (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11". 16. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies) will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business? Attach a separate sheet if necessary. <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;">Last Name</td> <td style="width:33%;">First Name</td> <td style="width:16%;">Date of Birth</td> <td style="width:16%;">FEIN or SSN</td> <td style="width:16%;">Interest/Percentage</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td>Last Name</td> <td>First Name</td> <td>Date of Birth</td> <td>FEIN or SSN</td> <td>Interest/Percentage</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table> Attach copies of all notes and security instruments and any written agreement or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation. 17. Optional Premises or Hotel and Restaurant Licenses with Optional Premises: ☐ ☒ Has a local ordinance or resolution authorizing optional premises been adopted? ☐ ☒ Number of additional Optional Premise areas requested. (See license fee chart) 18. For the addition of a Sidewalk Service Area per Regulation 47-302(A)(4), include a diagram of the service area and documentation received from the local governing body authorizing use of the sidewalk. Documentation may include but is not limited to a statement of use, permit, easement, or other legal permissions. 19. Liquor Licensed Drugstore (LLDS) applicants, answer the following: a. Is there a pharmacy, licensed by the Colorado Board of Pharmacy, located within the applicant's LLDS premise? N/A ☐ ☐ If "yes" a copy of license must be attached.			Landlord	Tenant	Expires	WALCHLE PARK AVENUE LLC	MEYER ROSE CENTER FOR THE ARTS	3/1/2022	Last Name	First Name	Date of Birth	FEIN or SSN	Interest/Percentage						Last Name	First Name	Date of Birth	FEIN or SSN	Interest/Percentage					
Landlord	Tenant	Expires																										
WALCHLE PARK AVENUE LLC	MEYER ROSE CENTER FOR THE ARTS	3/1/2022																										
Last Name	First Name	Date of Birth	FEIN or SSN	Interest/Percentage																								
Last Name	First Name	Date of Birth	FEIN or SSN	Interest/Percentage																								

Name	Type of License	Account Number	
20. Club Liquor License applicants answer the following: Attach a copy of applicable documentation n/a Yes No			
a. Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain? ☐ Yes ☐ No			
b. Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain? ☐ Yes ☐ No			
c. How long has the club been incorporated?			
d. Has applicant occupied an establishment for three years (three years required) that was operated solely for the reasons stated above? ☐ Yes ☐ No			
21. Brew-Pub, Distillery Pub or Vintner's Restaurant applicants answer the following: n/a Yes No			
a. Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached) ☐ Yes ☐ No			
22. Campus Liquor Complex applicants answer the following: n/a Yes No			
a. Is the applicant an institution of higher education? ☐ Yes ☐ No			
b. Is the applicant a person who contracts with the institution of higher education to provide food services? ☐ Yes ☐ No			
If "yes" please provide a copy of the contract with the institution of higher education to provide food services.			
23. For all on-premises applicants.			
a. Hotel and Restaurant, Lodging and Entertainment, Tavern License and Campus Liquor Complex, the Registered Manager must also submit an Individual History Record - DR 8404-I and fingerprint submitted to approved State Vendor through the Vendor's website. See application checklist, Section IV, for details.			
b. For all Liquor Licensed Drugstores (LLDS) the Permitted Manager must also submit a Manager Permit Application - DR 8000 and fingerprints.			
Last Name of Manager		First Name of Manager	
Brascovak		Jodine	
24. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number. Yes No			
☐ Yes ☒ No			
25. Related Facility - Campus Liquor Complex applicants answer the following: n/a Yes No			
a. Is the related facility located within the boundaries of the Campus Liquor Complex? ☐ Yes ☐ No			
If yes, please provide a map of the geographical location within the Campus Liquor Complex.			
If no, this license type is not available for issues outside the geographical location of the Campus Liquor Complex.			
b. Designated Manager for Related Facility- Campus Liquor Complex			
Last Name of Manager		First Name of Manager	
26. Tax Information. Yes No			
a. Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business? ☐ Yes ☒ No			
b. Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.? ☐ Yes ☒ No			
27. If applicant is a corporation, partnership, association or limited liability company, applicant must list all Officers, Directors, General Partners, and Managing Members. In addition, applicant must list any stockholders, partners, or members with ownership of 10% or more in the applicant. All persons listed below must also attach form DR 8404-I (Individual History Record), and make an appointment with an approved State Vendor through their website. See application checklist, Section IV, for details.			
Name	Home Address, City & State	Position	%Owned
Jodine Brascovak	3704 MTHAENCT CO81403	PRESIDENT	0
Don Mace	16031 6740 Rd. Montrose	Treasurer	0
Kathryn Burke	620 N. 5th St. Montrose	Vice-President	0

Name		Type of License		Account Number	
Oath Of Applicant					
I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.					
Authorized Signature <i>Jodine Broscovak</i>		Printed Name and Title <i>JODINE BROSCOVAK, PRESIDENT</i>		Date <i>9/15/21</i>	
Report and Approval of Local Licensing Authority (City/County)					
Date application filed with local authority <i>October 18, 2021</i>		Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application) <i>December 7, 2021</i>			
The Local Licensing Authority Hereby Affirms that each person required to file DR 8404-I (Individual History Record) or a DR 8000 (Manager Permit) has been:					
☒ Fingerprinted ☒ Subject to background investigation, including NCIC/CCIC check for outstanding warrants					
That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with and aware of, liquor code provisions affecting their class of license					
(Check One)					
☐ Date of inspection or anticipated date _____ ☒ Will conduct inspection upon approval of state licensing authority					
☐ Is the Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1,500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of > 10,000?				Yes	No ☒
☐ Is the Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 3,000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of < 10,000?					☒
NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.					
☐ Does the Liquor-Licensed Drugstore (LLDS) have at least twenty percent (20%) of the applicant's gross annual income derived from the sale of food, during the prior twelve (12) month period?					☒
The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 44, Article 4 or 3, C.R.S., and Liquor Rules. Therefore, this application is approved.					
Local Licensing Authority for			Telephone Number		☐ Town, City ☐ County
Signature	Print	Title		Date	
Signature	Print	Title		Date	



CITY OF MONTROSE

OFFICE OF THE CITY CLERK



Mikayla Unruh, Deputy City Clerk

Direct Dial: 970.240.1421

E-mail: munruh@cityofmontrose.org

November 30, 2021

Petitions were circulated in support of an Arts liquor license at 11 S. Park Avenue, for Montrose Center for the Arts, doing business as Montrose Center for the Arts.

A summary of the petitions is as follows:

- 69 Signatures were submitted
- 14 Signatures were determined to be insufficient:
 - 9 reside outside of city limits
 - 1 provided an insufficient address
 - 2 failed to indicate the age of the signer
 - 2 signed twice
- 55 Signatures were determined to be valid and in support of the license.

Comments received in support of the license being issued:

- Support this!

Respectfully,

Mikayla Unruh
Deputy City Clerk



CITY OF MONTROSE
CITY CLERK

MEMO

DATE: November 30, 2021
TO: City Council
FROM: Lisa DelPiccolo, City Clerk
RE: City Council District Boundary Adjustments

Summary

At the November 1 work session, GIS Coordinator Eric Svensen presented the current City Council district map showing population per district along with six options for adjusting the boundaries as required by the City Charter. The total population of the City according to the 2020 Census is 20,293, which sets a target of 5,073 per district.

At the November 16 City Council meeting, City Council passed Ordinance 2571 on first reading and selected Option 7 as the updated Council district map. Option 7 is now attached to Ordinance 2571 as Exhibit A.

Background

Article I, Section 13 of the Charter of the City of Montrose outlines how the four City Council districts are established, and is included below:

The City Council shall divide the City by ordinance into four Council districts of approximately equal population, to be numbered 1 through 4, prior to May 1, 1981. The district boundaries shall be adjusted from time to time by the City Council as required to maintain approximately equal populations, and such an adjustment shall be made within one year following the publication of the results of each United States Decennial Census. Changes in district boundaries shall not be effective for any election unless adopted prior to the time petitions for nominations may be circulated for that election. Petitions for nomination for all Councilors shall be signed by at least 25 registered electors residing anywhere within the City.

The 2020 Census results were released in August, 2021. Pursuant to the Charter, the City Council must adjust the district boundaries within one year of the publication of the 2020 Census results, which would be August, 2022. Council may adjust the boundaries prior to the April, 2022 municipal election but is not required to.

Pursuant to the Charter, if City Council desires for adjustments to districts to be effective for the April, 2022 municipal election, the adjustments must be adopted prior to Tuesday, January 4, which is the first day petition nominations may be circulated for that election. Election information, including the City Council district map, will be made available for potential candidates by mid-December.



ORDINANCE NO. 2571

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, AMENDING THE CITY COUNCIL DISTRICT BOUNDARIES BY THE ADOPTION OF A NEW COUNCIL DISTRICT MAP, AND BY ITS INSERTION INTO THE OFFICIAL CODE OF THE CITY OF MONTROSE, AND BY REPEAL OF THE OLD COUNCIL DISTRICT MAP.

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

SECTION 1:

Section 1-9-4 (A) of the Official Code of the City of Montrose is hereby amended as follows:

The City of Montrose hereby adopts a new Council District Map, attached to this Ordinance as **Exhibit A**, and incorporated herein by reference; the existing Council District Map, located in § 1-9-4 (A) of the Official Code of the City of Montrose is hereby repealed in its entirety, and the existing Council District Map shall be removed from said Code.

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance, and on the question of its passage on first reading on Tuesday, the 16th day of November, 2021, at the hour of 7:00 p.m. at the Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 16th day of November, 2021.

ATTEST:


Lisa DelPiccolo, City Clerk




Douglas Glaspell, Mayor

INTRODUCED, READ and ADOPTED on second reading this 7th day of December, 2021.

ATTEST:

Douglas Glaspell, Mayor

Mikayla Unruh, Deputy City Clerk

EXHIBIT A

City of Montrose
Council Districts 2021
Option 7

Dist I

Dist II

Dist III

Dist IV

Legend

- streets
- County Roads
- COUNCIL_DISTRICT_LINES
- DIST_NAME**
- D1
- D2
- D3
- D4

District	Count	Deviation	% Deviation
D1	5071	-2	-0.04
D2	5086	13	0.26
D3	5083	10	0.20
D4	5053	-20	-0.40



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CITY OF MONTROSE
CITY CLERK

MEMO

DATE: November 30, 2021
TO: City Council
FROM: Lisa DelPiccolo, City Clerk
RE: 2022 Municipal Election Plan

In accordance with the City Charter, the 2022 Municipal Election is scheduled for Tuesday, April 5, 2022. Due to appointments made to two City Council seats, four seats will be on the 2022 ballot:

- District I - four year term
- District II - four year term
- District III - two-year term
- At-Large - two-year term

The procedures and timelines for the 2022 election are unchanged from 2020. The City Council district boundaries will be adjusted following the 2020 Census as required by the Charter, with adoption of an updated map scheduled for December 7. Candidate information will be available on the City website beginning Monday, December 13.

The City will contract with the Montrose County Elections Office for production of the ballot packets and tabulation of the election results. An election plan and calendar are attached to this memo.

Adoption of a Resolution 2021-28, authorizing a mail ballot election, is requested.



CITY OF MONTROSE 2022 MAIL BALLOT ELECTION PLAN

Date of Election: April 5, 2022

Description of Election: General Municipal Election to Determine City Council Members

Designated Election Official: Lisa DelPiccolo, City Clerk

Statute and Home Rule Charter Provision Authorizing an Election:

- Title 31, Article 10 of the Colorado Revised Statutes
 - Article III, City of Montrose Home Rule Charter
-

NUMBER OF ELIGIBLE ELECTORS

The estimated number of eligible electors is 12,500.

ASSISTANCE PROVIDED BY MONTROSE COUNTY CLERK AND RECORDER

- Generate lists of registered electors
- Prepare ballot packets in accordance with State Statutes
- Mail UOCAVA ballot packets to U.S. Military personnel and citizens living abroad by February 18, 2022
- Mail ballot packets to all registered voters between March 14 and March 21, 2022
- Count ballots and tabulate election results

RESPONSIBILITIES OF THE CITY CLERK

- Issue and collect candidate petitions, verify petition signatures, and send letters of petition sufficiency
- Certify ballot language to the County Clerk by February 2, 2022
- Issue absentee and replacement ballots after the initial mailing of ballot packets and maintain a log of ballots dispersed
- Supervise the election judges daily and issue an oath to each before the deadline of March 21, 2022
- Maintain daily receipt and reconciliation records for both voted ballots and ballots returned as undeliverable
- Notify voters of missing and discrepant signatures

BALLOT DEPOSIT LOCATIONS

- A ballot box will be available in the lobby of City Hall, 433 S. First Street, during office hours, 7:00 a.m. until 6:00 p.m. Monday through Thursday, and 7:00 a.m. until 7:00 p.m. on Election Day. The ballot box will be monitored at all times by two or more election judges and will be locked in the vault overnight.
- A ballot box will be available in the Elections Office of the Montrose County Building, 320 S. First Street, during office hours, 8:30 a.m. until 4:30 p.m. Monday through Friday. This ballot box will be monitored by the Elections Office staff and locked in a secure location when the office is closed. City Clerk's Office staff will collect the ballots from this location daily Monday through Thursday.
- Ballots may be deposited in the locked 24-hour drop box with video surveillance located near the street on the north side of the Montrose County Old Courthouse at 320 S. First Street. City Clerk's Office staff will collect the ballots from this location daily Monday through Thursday

BALLOT SECURITY PROCEDURES

- City Clerk's Office staff and election judges will ensure that returned ballots are batched and continually secured until Election Day.
- The doors to the election office will be locked with keys available only to City Clerk's Office personnel.
- Ballot boxes will be secured with single-use numbered locks. A signed log will be affixed to each locked ballot box indicating the time and date the box is unlocked and resealed.

BALLOT SECRECY PROCEDURES

Each ballot packet will include a secrecy sleeve with voting instructions. Election judges will be instructed that any ballot received outside of a secrecy sleeve will be immediately placed into a secrecy sleeve and any knowledge of the vote shall be kept confidential.

PROCESSING VOTED BALLOTS

- All ballots received are date stamped on the outer envelope upon receipt via U.S. Mail, or upon removal from an official ballot box.
- Daily receipt records are maintained for both voted ballots in their verification envelopes and ballots returned as undeliverable.
- Voted ballots will be processed as follows:
 - Voted ballots are scanned into the database as received before the envelope is opened. An election judge verifies that the number on the ballot envelope matches the number in the database.

- An election judge confirms that a signature is present and matches the name on the ballot envelope.
- An election judge verifies that the signature on the envelope matches the voter's signature on file with the Secretary of State.
- The return envelopes are opened and separated from the secrecy sleeve while still containing the voted ballot.
- A different election judge removes the ballot from the secrecy sleeve.
- Any ballot received outside of a secrecy sleeve will be immediately placed into a secrecy sleeve. Election judges are instructed that any knowledge of the vote shall be kept confidential.
- Ballots are stacked in groups of twenty-five and placed in a transfer case for delivery to the County Elections Office Counting Center. A copy of the daily total sheets will also be included in the transfer cases.
- Any person whose eligibility cannot be determined will be issued a provisional ballot. Provisional ballots will be verified according to 1-8.5-105, C.R.S.

PROCEDURES FOR UNDELIVERABLE BALLOTS

- The mailing envelope of the ballot packet will be printed with the instruction, "Do Not Forward, Address Correction Requested."
- The outer envelopes will be stamped with the date returned to the City, alphabetized, noted in the poll book, and secured.
- Ballots will not be re-mailed unless requested by the elector.

PROCEDURES FOR REPLACEMENT BALLOTS

- Replacement Ballot applications may be made in writing, by mail, by email, or by telephone.
- Voters seeking replacement ballots will be required to complete a sworn statement in compliance with state statute.
- Voters requesting a Replacement Ballot in person must present an acceptable form of identification identifying the name and address of the elector.
- If an elector requests a replacement ballot by mail, the sworn statement will be included in the ballot packet and must be received by the Election Official, along with a copy of an acceptable form of identification, by 7:00 p.m. on Election Day.
- Both the mailing envelope and return envelope for replacement ballots will be marked with the words "Replacement Ballot."
- If an eligible elector spoils a ballot, the eligible elector may obtain a replacement ballot, with a maximum of three replacement ballots total.
- A log will be kept of all replacement ballots distributed.

PROCEDURES FOR REJECTED BALLOTS

- Ballots rejected for missing or discrepant signatures will be marked “rejected” and kept separate from processed and undeliverable ballots.
- The City Clerk will send a letter notifying the voter of the error. The voter can claim the ballot at City Hall, with proper identification, and correct the error.
- The ballot will then be placed in an official ballot box for processing.

ACCEPTABLE FORMS OF IDENTIFICATION

According to 1-1-104 (19.5) C.R.S.

- A valid Colorado driver’s license;
- A valid identification card issued by the Department of Revenue in accordance with the requirements of Part 3 of Article 2 of Title 42, C.R.S.;
- A valid U.S. passport;
- A valid employee identification card with a photograph of the eligible elector issued by any branch, department, agency, or entity of the United States government or of this state, or by any country, municipality, board, authority, or other political subdivision of this state;
- A valid pilot’s license issued by the Federal Aviation Administration or other authorized agency of the United States;
- A valid U.S. Military identification card with a photograph of the eligible elector;
- A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the elector.
- A valid Medicare or Medicaid card issued by the Centers for Medicare and Medicaid Services;
- A certified copy of a U.S. birth certificate for the elector issued in the United States;
- Certified documentation of naturalization;
- A valid student identification card with a photograph of the eligible elector issued by an institute of higher education in Colorado;
- A valid veteran identification card issued by the United States Department of Veterans Affairs Veterans Health Administration with a photograph of the eligible elector;
- A valid identification card issued by a federally recognized tribal government certifying tribal membership.

ELECTION RESULTS

- Election judges will process ballots in preparation for counting beginning March 21, 2022.
- Ballots will be counted and tabulated at the Montrose County Elections Office Counting Center.

- On Election Day, staff will be on duty from 7:00 a.m. until all ballots are counted, tabulated, and secured.
- Unofficial results will be announced in the City Council Chambers, posted on the City web site, and posted on the doors of City Hall when tabulation is complete.
- In accordance with state statute, UOCAVA ballots will be accepted via U.S. Mail and rejected ballots with discrepant signatures may be reconciled until April 13, 2022.
- A canvass of votes will be conducted on or before Friday, April 15, 2022.
- Elected City Councilors will take the oath of office on Tuesday, April 19, 2022.

ELECTION CALENDAR

An election calendar is attached.

ELECTION CALENDAR

Mail Ballot Election

April 5, 2022

Date	Action
12/07/2021	Resolution authorizing a mail ballot election submitted to City Council for adoption
01/04/2022	First day candidates may pick up and circulate nomination petitions
01/05/2022	First Day absentee ballots may be requested
01/24/2022	Last day to file candidate nomination petitions with the City Clerk
01/28/2022	Last day to amend a candidate nomination petition
01/31/2022	Last day to file an Affidavit of Intent to be a Write-In Candidate
02/02/2022	Last day for the City Clerk to certify the ballot content to the County Clerk
02/18/2022	Last day to mail UOCAVA ballots to active U.S. Military and citizens living abroad
03/04/2022	Last day to mail a TABOR Notice (if necessary)
03/04/2022	Last day for the County Clerk to provide a list of electors submitted to election official
03/14/2022 – 03/21/2022	Ballot packets mailed must be mailed during this time frame
03/14/2022	Ballots must be available at Election Official's office
03/15/2022	Fair Campaign Practices Act filing deadline
03/16/2022	Last day for the County Clerk to provide a supplemental list of electors to the election official
03/16/2022	Last day to publish a TABOR Notice on the City website (if necessary)
03/21/2022	Last day for the Election Official to appoint election judges
03/21/2022	Processing of mail ballots may begin
03/25/2022	Last day for the Election Official to publish a Notice of Election
04/01/2022	Last day to apply for an absentee ballot unless an emergency exists

04/01/2022	Fair Campaign Practices Act filing deadline
04/05/2022	Election Day - Unofficial results announced and posted
04/13/2022	Last day to count UOCAVA ballots received by mail and resolve discrepant signatures
04/15/2022	Deadline for Canvass of Votes
04/15/2022	Last day a recount can be requested
04/20/2022	Optional and mandatory recounts must be completed
05/05/2022f	Fair Campaign Practices Act filing deadline

RESOLUTION NO. 2021-28

A RESOLUTION AUTHORIZING THE CONDUCT OF A MAIL BALLOT ELECTION FOR THE CITY OF MONTROSE GENERAL MUNICIPAL ELECTION OF APRIL 5, 2022

WHEREAS, pursuant to the requirements of the City of Montrose Charter, a general municipal election for the City of Montrose is to be conducted on April 5, 2022; and

WHEREAS, the General Assembly of the State of Colorado has enacted provisions, Colorado Revised Statute Sections 1-7.5-104 and 31-10-908, for the governing board of any political subdivision may determine that an election may be held by mail ballot; and

WHEREAS, the City Council of the City of Montrose desires that the registered electors of the City of Montrose have the opportunity to vote by mail in said election.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MONTROSE AS FOLLOWS:

Section 1. Authorization of a mail ballot election for the April 5, 2022, General Municipal Election. The Montrose City Clerk is authorized and directed to conduct a mail ballot election in accordance with Colorado Revised Statutes, Title 31, Article 10 and applicable City ordinances and regulations.

Section 2. Adoption of the Mail Ballot Election Provision of the Municipal Election Code for the April 5, 2022, General Municipal Election. The City of Montrose hereby adopts the mail ballot election provisions of the Municipal Election Code (C.R.S., Title 31-10-908 through 31-10-913) pertaining to mail ballot elections for the conduct of the April 5, 2022, General Municipal Election. In the event a procedure for the election is not provided for in the Mail Ballot Election Act, the City shall comply with the applicable provisions of Title 1 C.R.S., and applicable City ordinances and regulations.

ADOPTED this 7th day of December, 2021, by the Montrose City Council.

CITY OF MONTROSE, COLORADO

Douglas Glaspell, Mayor

ATTEST:

Mikayla Unruh, Deputy City Clerk

RESOLUTION 2021-29

A RESOLUTION AUTHORIZING FILING OF THE COLORADO DEPARTMENT OF LOCAL AFFAIRS GRANT APPLICATION FOR THE PEACE OFFICERS MENTAL HEALTH SUPPORT GRANT PROGRAM.

WHEREAS, the City of Montrose Police Department seeks to ensure peace officers have access to counseling services and are equipped to handle on-scene responses involving persons with mental disorders.

WHEREAS, Colorado Revised Statutes (C.R.S.) 24-32-3501 created the Peace Officers Mental Health Support Grant Program within the Department of Local Affairs - Division of Local Government.

WHEREAS, the grant program provides financial assistance to law enforcement agencies to provide mental health services including (a) on-scene response services to support peace officers' handling of persons with mental health disorders; (b) counseling services to peace officers; (c) assistance for development and implementation of policies to support peace officers who are involved in shootings or a fatal use of force; (d) training and education programs that teach the symptoms of job-related mental trauma and how to prevent and treat such trauma; and (e) peer support programs.

WHEREAS, the Montrose Police Department seeks grant funding in an amount up to \$90,500 to support a licensed counselor to oversee the department's peer support program, purchase a co-responder vehicle, and to provide Crisis Intervention Training (CIT) for officers and co-responders.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF MONTROSE THAT:

- Section 1: The City Council of the City of Montrose authorizes the filing of the grant application with the Colorado Department of Local Affairs.
- Section 2: The City Council agrees to spend funds on statutory priorities and report on how funds were spent.
- Section 3: The City Council acknowledges potential TABOR implications.
- Section 4: If the grant is awarded, the City Council hereby authorizes the City Manager to execute the grant contract with the Department of Local Affairs and city staff to act on behalf of the grant agreement.
- Section 5: This resolution to be in full force and effect from and after its passage and approval.

ADOPTED this 7th day of December, 2021, by the Montrose City Council.

CITY OF MONTROSE, COLORADO

BY: _____
Douglas Glaspell, Mayor

ATTEST

Mikayla Unruh, Deputy City Clerk



CITY OF MONTROSE

Planning Services

MEMO

TO: City Council
FROM: Amy Sharp, Senior Planner
DATE: December 7, 2021
RE: ANX21-0090 Grace Community Church Addition II
ATTACHMENTS:

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

City Council Consideration:

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

Proposed schedule:

September 20:	Council Work Session Overview
October 5:	Council Resolution to set a hearing date
October 27:	Planning Commission zoning hearing
November 16:	City Council Annexation hearing, 1st reading of annexation ordinance, and 1st reading of zoning ordinance
December 7:	2nd reading of annexation and zoning ordinances

Application Background:

The Grace Community Church Addition II is a proposed annexation approximately 3.48 acres in size. The parcel is located east of S. Townsend Avenue, west of Woodgate Road, north of Otter Road, and south of Ogden Road. It is within the City's Urban Growth Boundary, the City of Montrose Water Service Area, and the City of Montrose Sewer Service Area. Annexation of this property will allow for future development and expansion of church services offered to the community. An Annexation Agreement will be required.



Proposed Zoning: “R-3” Medium Density District

Applicant: International Church of the Foursquare Church, DBA Grace Community Church

Staff Analysis:

1. The City-County IGA gives the City the option to annex properties within the IGA. The area is urbanizing and more than 1/6 of the perimeter is contiguous to the city limits. These factors support annexation.
2. An annexation agreement is required as a condition of this annexation.
3. Zoning Regulations
 - a. Municipal Code, Section, 4-4-29(B), Zoning of Additions. “The Planning Commission shall recommend to the Council a zoning district designation for all property annexed to the City not previously subject to City zoning, and shall follow the review procedure set out in Section 4-4-31 in arriving at its recommendation. Proceedings concerning the zoning of property to be annexed may be commenced at any time prior to the effective date of the annexation ordinance or thereafter. *The zoning designation for newly annexed property shall not adversely affect the public health, safety and welfare* (emphasis added).”
 - b. Municipal Code, Section 4-4-7(A) Intent: The "R-3" Medium Density District is intended to provide an area which is suitable for single-family homes and duplexes. The district provides for other uses which are compatible with such uses. Places of worship are a use by right in this zoning district.
 - 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-3” Medium Density District, “R-2” Low Density District, and “R-1A” Large Estate District.
4. The Comprehensive Plan Future Land Use Map designates the area of the Grace Community Church Addition II as Residential Mixed Density Low. This 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 platted but unbuilt lots, annexed but un-platted land, and un-annexed small enclaves.
6. The “R-3” zoning does not appear to be adverse to the public health, safety and welfare.

Staff Recommendation: Staff recommends approval of the annexation and “R-3” Medium District.

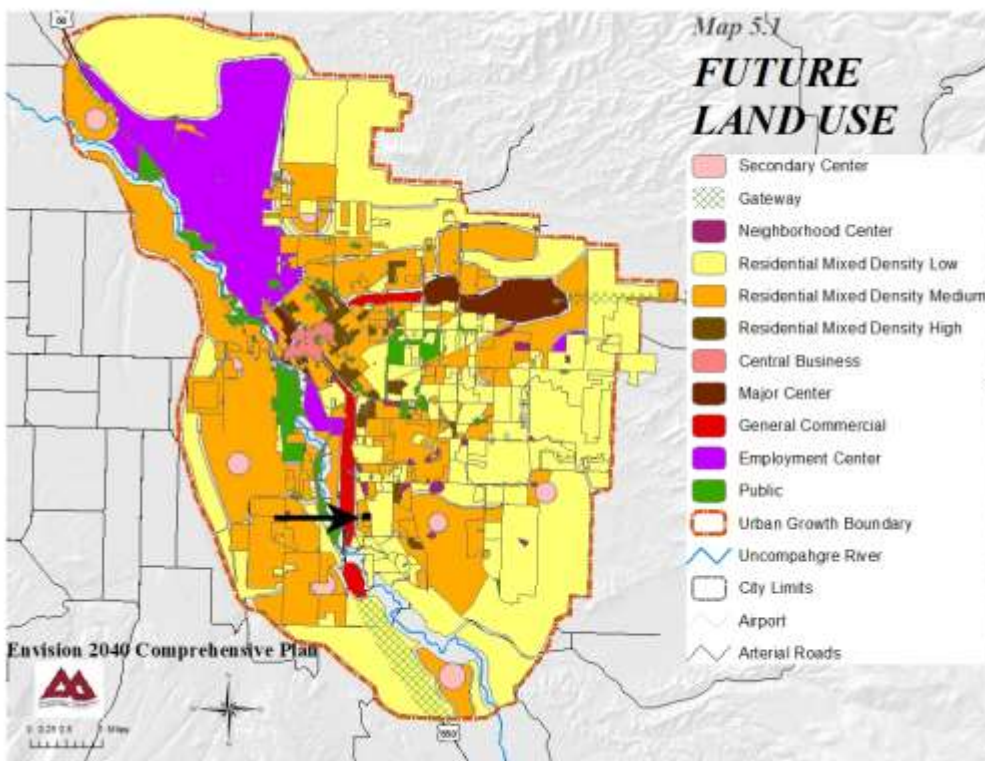
Planning Commission Recommendation: The Planning Commission recommended approval of the initial zoning of "R-3" Medium Density District at the October, 27, 2021 meeting. The vote was unanimous.



EXHIBIT A: Maps
Vicinity Map

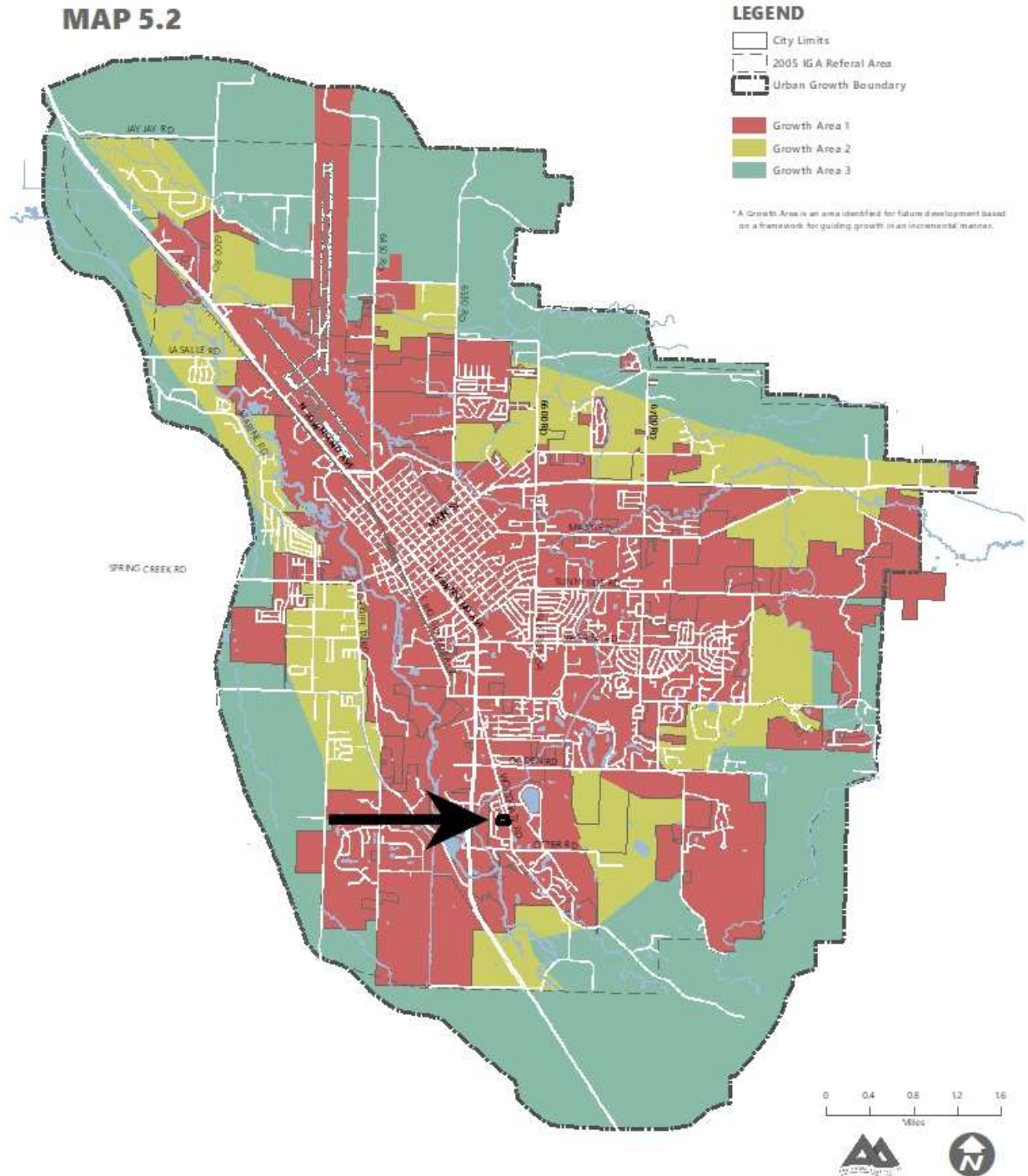


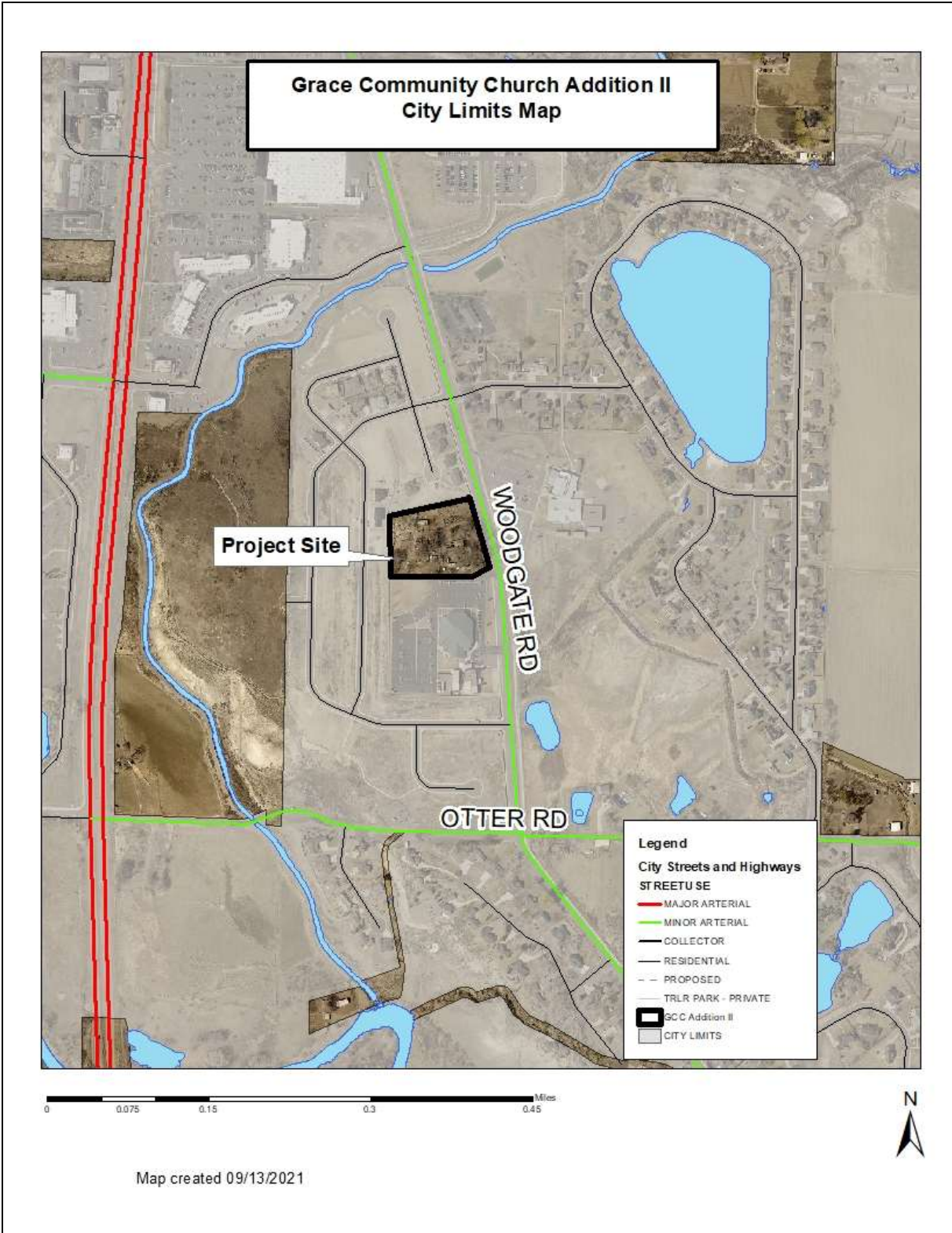
Comprehensive Plan Future Land Use Map

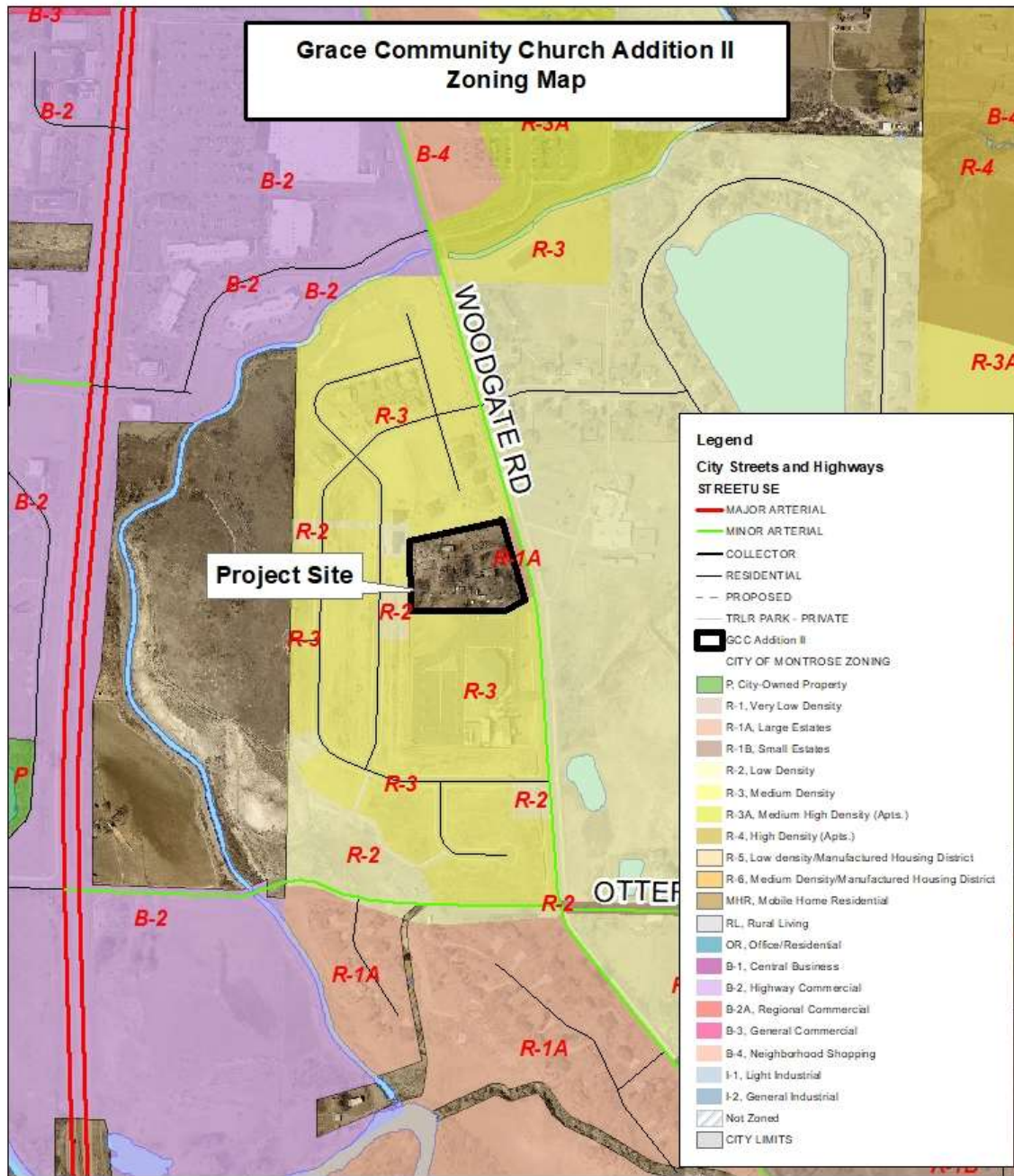


GROWTH AREAS*

MAP 5.2







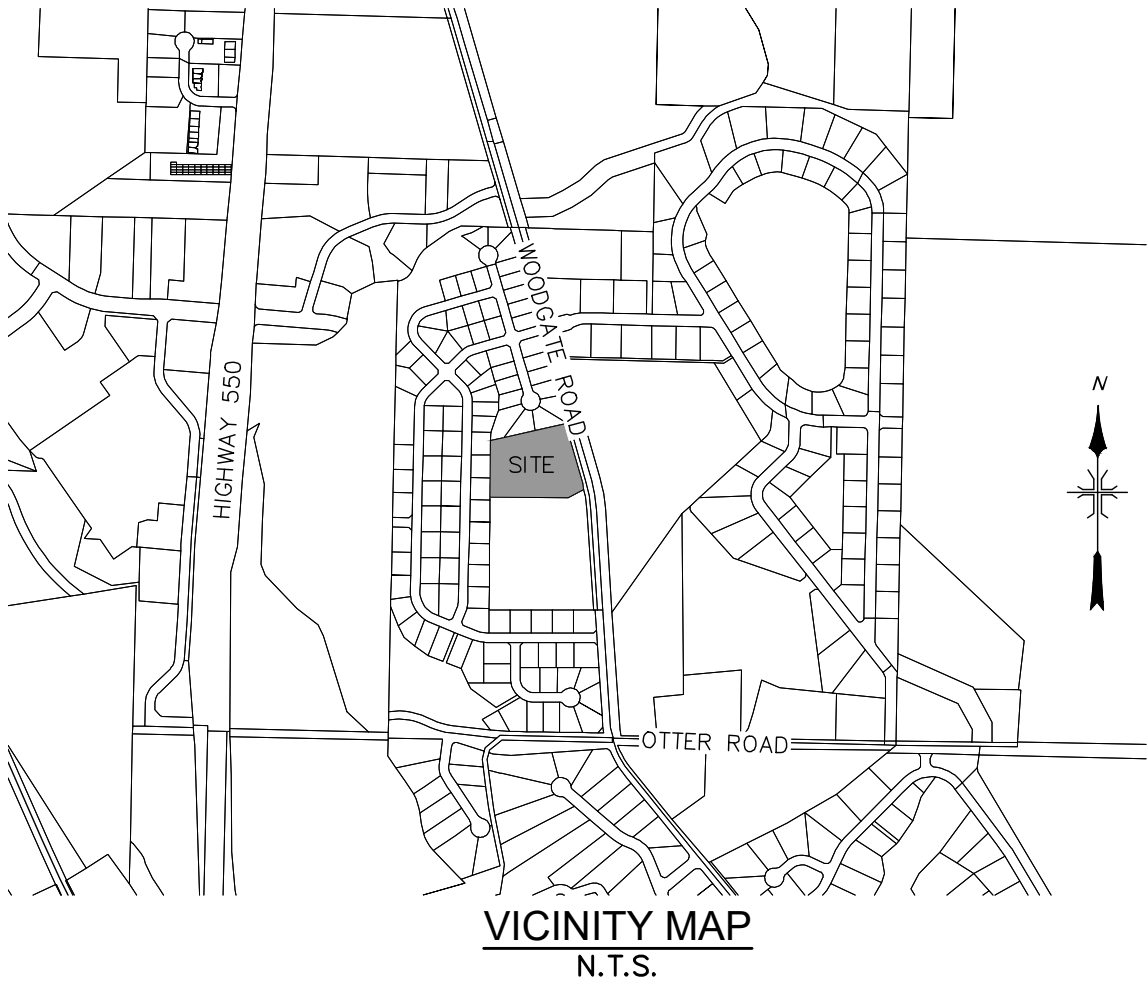
0 0.075 0.15 0.3 0.45 Miles



Map created 09/13/2021



GRACE COMMUNITY CHURCH ADDITION II
SITUATED IN SECTION 4, TOWNSHIP 48 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN
COUNTY OF MONTROSE, STATE OF COLORADO



LEGEND

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

CITY LIMITS

TOTAL PERIMETER = 1564.62'
PERIMETER CONTIGUOUS TO CITY LIMITS = 1564.62'

NOTE:

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

ANNEXATION DESCRIPTION

Lot 1 of Growing Grace Replat, according to the plat map recorded May 3, 2004 at Reception No. 719363, County of Montrose, State of Colorado, together with the following portion of Woodgate Road described as being a strip of land situated in Section 4, Township 48 North, Range 9 West, N.M.F.M. and being further described as beginning at the Northeast corner of said Lot 1 of Growing Grace Replat;
Thence N77°31'54"E 10.02 feet to the West edge of Woodgate Addition;
Thence along the West edge of Woodgate Addition the following two courses S15°56'29"E 320.56 feet;
S12°05'21"E 32.47 feet;
Thence S63°01'49"W 10.35 feet to the Southeast corner of said Lot 1;
Thence the following two courses along the East boundary of said Lot 1 N12°05'21"W 34.79 feet;
N15°56'29"W 320.83 feet to the Point of Beginning.

SURVEYOR'S CERTIFICATE

I, Frederick A. Ballard, a Registered Land Surveyor in the State of Colorado, do hereby certify GRACE COMMUNITY CHURCH ADDITION II Annexation Map was prepared under my direct supervision.

PRELIMINARY

Frederick A. Ballard, P.L.S.
Registration No. 37690

MAYOR'S CERTIFICATE

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

Mayor

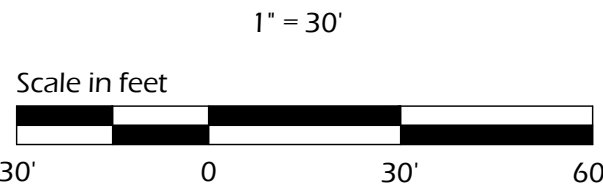
Attest:
City Clerk

CLERK AND RECORDER'S CERTIFICATE

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

Clerk and Recorder
Montrose County, Colorado

Deputy



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:		DATE:	2021-08-12
DRAWN BY:		DCC	
FILE:		21087V_ANNEX	
SHEET:		1 of 1	
JOB NO.:		21087	
TYPE:		ANNEX	

TITLE:	GRACE COMMUNITY CHURCH ADDITION II
CLIENT:	KEN LENTZ
ADDRESS & PHONE:	16731 WOODGATE RD MONTROSE, CO 81401 303-917-5309

EXHIBIT B: Zoning Code Excerpt

Sec. 4-4-7. "R-3" Medium Density District.

(A) *Intent.* The "R-3" Medium Density District is intended to provide an area which is suitable for single-family homes and duplexes. The district provides for other uses which are compatible with such uses.

(B) *Uses by Right.*

- (1) Single-family homes and duplexes.
- (2) Public utility service facilities.
- (3) Government buildings and facilities.
- (4) Parks and recreation facilities owned or operated by a homeowner association.
- (5) Places of worship.
- (6) Accessory uses.

Childcare facilities. A childcare facility shall be considered an accessory use to a residence in all districts, provided no more than eight children under 13 years of age are present on the premises at any one time, including children of the family living in the residence; a childcare facility shall not be considered an accessory use to a residence when a greater number of children is present on the premises at any one time. The facility must comply with all appropriate State Statutes and regulations.

- (7) Short-term rentals.

(C) *Conditional Uses.*

- (1) Childcare facilities. A childcare facility shall be a conditional use in all districts if more than eight but less than 16 children under 13 years of age are present on the premises at any one time, including children of the family living in the residence, in accordance with State Statutes and regulations.
- (2) Skilled nursing and assisted living facilities.
- (3) Multiple-family residences.
- (4) Bed and breakfast operations operated solely by the residents of a lot of at least 6,250 square feet providing no more than two bedrooms for rent in the dwelling unit, and the only meal provided on the premises shall be breakfast to the renters.
- (5) Schools.

(Ord. No. 2472 , § 4-4-7, 5-7-2019)



ORDINANCE NO. 2572

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, FOR THE ANNEXATION OF THE **GRACE COMMUNITY CHURCH ADDITION II**.

WHEREAS, a petition for the annexation of a tract of land known as the **Grace Community Church Addition II** has been submitted to the City of Montrose and has been found by the City Council to be in substantial compliance with C.R.S. 31-12-107(1), and

WHEREAS, said petition has been signed by the owners of 100% of the area proposed to be annexed exclusive of streets and alleys, and

WHEREAS, the property is eligible for annexation in accordance with the Municipal Annexation Act of 1965, as amended,

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

SECTION 1:

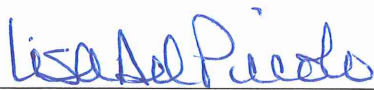
The property described in Exhibit A, known as the **GRACE COMMUNITY CHURCH ADDITION II**, is hereby annexed to the City of Montrose, Colorado.

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its passage on first reading on Tuesday, the 16th day of November, 2021, at the hour of 6:00 p.m. at Montrose City Council Chambers, Elks Building, Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 16th day of November, 2021.


Douglas Glaspell, Mayor

ATTEST:


Lisa DelPiccolo, City Clerk



INTRODUCED, READ and ADOPTED on second reading this 7th day of December, 2021.

Douglas Glaspell, Mayor

ATTEST:

Mikayla Unruh, Deputy City Clerk

EXHIBIT A

Legal Description

Lot 1 of Growing Grace Replat, according to the plat map recorded May 3, 2004 at Reception No. 719363, County of Montrose, State of Colorado, together with the following portion of Woodgate Road described as being a strip of land situated in Section 4, Township 48 North, Range 9 West, N.M.P.M. and being further described as beginning at the Northeast corner of said Lot 1 of Growing Grace Replat;
Thence N77°31'54"E 10.02 feet to the West edge of Woodgate Addition;
Thence along the West edge of Woodgate Addition the following two courses S15°56'29"E 320.56 feet; S12°05'21"E 32.47 feet; Thence S63°01'49"W 10.35 feet to the Southeast corner of said Lot 1; Thence the following two courses along the East boundary of said Lot 1 N12°05'21"W 34.79 feet; N15°56'29"W 320.83 feet to the Point of Beginning.

ORDINANCE NO. 2573

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, PROVIDING FOR THE ZONING OF THE **GRACE COMMUNITY CHURCH ADDITION II** AS AN "R-3", MEDIUM DENSITY DISTRICT.

WHEREAS, the **Grace Community Church Addition II** has been recently annexed to the City of Montrose, Colorado; and

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

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

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

The Official Zoning Map is hereby amended to designate the **Grace Community Church Addition II**, according to the Official Annexation Map thereof, as an "R-3", Medium Density District.

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its passage on first reading on Tuesday, the 16th day of November, 2021, at the hour of 6:00 p.m. at Montrose City Council Chambers, Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 16th day of November, 2021.

ATTEST:



Lisa DelPiccolo, City Clerk




Douglas Glaspell, Mayor

INTRODUCED, READ and ADOPTED on second reading this 7th day of December, 2021.

Douglas Glaspell, Mayor

ATTEST:

Mikayla Unruh, Deputy City Clerk



CITY OF MONTROSE
Planning Services

MEMO

TO: City Council
FROM: Amy Sharp, Senior Planner
DATE: December 7, 2021
RE: Disposal of Real Property, a portion of Parcel #3767-202-00-907
ATTACHMENTS:

- Exhibit A: Legal Description
- Exhibit B: Maps

City Council Consideration:

City Council is considering an ordinance authorizing the disposal of real property owned by the City of Montrose. Council will consider all of the information in this memo in making a decision. Following a first and second reading of the ordinance, a quit claim deed will be recorded to deed the property over to Stryker & Company.

Application Background:

This parcel disposal is associated with the Stryker Land Exchange. In response to business growth, Stryker & Company, Inc. is seeking additional space to grow their team and commercial construction company. In order to do so, they are seeking a new location that provides for a better, more consolidated office with room to expand. The City-owned 1.3 acre parcel (Parcel #3767-202-00-907) located on Air Park Way is well suited for this growth. Stryker & Company, Inc. would like to trade the City for a 1.2 acre parcel (Parcel #3993-043-15-003) that they own located off Chipeta Drive and overlooking Chipeta Lake. See attached maps.

Acreage of Property: 1.3 acres

Staff Analysis:

The minor subdivision plat and surveys have been completed and will be recorded soon. The City is able to convey this parcel via a special warranty deed. No monetary exchange is taking place with this transfer because it is associated with a land exchange of similar size.

Staff Recommendation:

Staff recommends that we complete this land exchange by transferring the parcel as described in Exhibit A containing 1.3 acres.

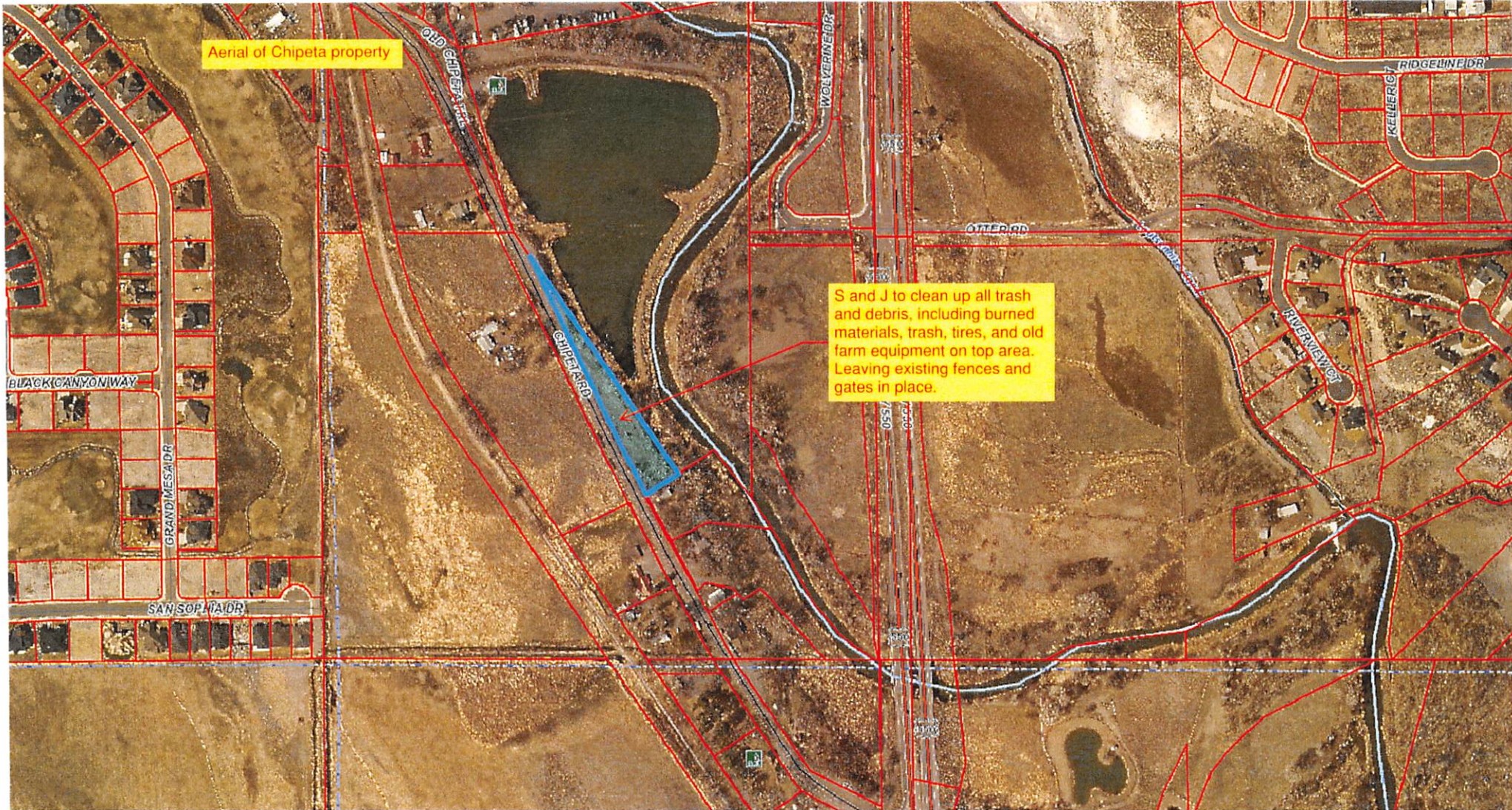
EXHIBIT A: Legal Description

Lot 1 of the Air Park Way Minor Subdivision, addressed as 2365 Air Park Way, Montrose, Colorado.

EXHIBIT B: Maps







ORDINANCE NO. 2574

**AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO,
AUTHORIZING THE DISPOSAL OF REAL PROPERTY PURSUANT TO § 1-9-2
OF THE OFFICIAL CODE OF THE CITY OF MONTROSE**

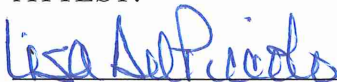
WHEREAS, the property described and shown on the map in **Exhibit A** is not required for any public purpose by the City of Montrose;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO, that the real property more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference, may be conveyed, on forms acceptable to the City for reasonable consideration. The real property described on **Exhibit A** is shown as Lot 1 of the Air Park Way Minor Subdivision, addressed as 2365 Air Park Way, Montrose, Colorado. Further, the City Council hereby authorizes the Mayor and City Staff to execute all documents required to legally consummate said conveyance.

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and the question of its passage on first reading on Tuesday, the 16th day of November, 2021, at the hour of 6:00 p.m. at the Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 16th day of November, 2021.

ATTEST:


Lisa DelPiccolo, City Clerk




Douglas Glaspell, Mayor

INTRODUCED, READ and ADOPTED on second reading this 7th day of December, 2021.

Douglas Glaspell, Mayor

ATTEST:

Mikayla Unruh, Deputy City Clerk

SPECIAL WARRANTY DEED

THIS DEED is dated _____, and is made between the City of Montrose, a Colorado home rule municipal corporation, the "Grantor", whose address is 433 South 1st Street, Montrose, Colorado 81401, County of Montrose and State of Colorado, and Stryker & Company, Inc. an incorporated company, the "Grantee", whose principal address is 236 S. 3rd Street, #319, Montrose, Colorado 81401.

WITNESS, that the Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00), the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, conveys and confirms unto the Grantee, its successors and assigns, forever, all the right, title, interest, claim and demand which the Grantor has in and to the real property, together with any improvements thereon, located in County of Montrose, State of Colorado, described as follows:

A tract of land located in the NE1/4 NW1/4 Section 20, T49N R9W N.M.P.M. Montrose County, Colorado described as follows:

Beginning at Southwest corner of said NE1/4 NW1/4; thence S69°06'48"E 540.48 ft. along the North boundary of River Addition No. 1 (recorded in Book 12 at Page 909) to the Northwest corner of Amended North Montrose Industrial Park, Filing No. 1 (recorded in Book 12 at Page 223); thence 49°26'20"E 286.17 ft. along the boundary of said amended Filing No. 1; Thence N40°33'40"W 119.68 ft. along said boundary; Thence 49°05'05"E 295.46 ft. along said boundary; thence along the center line of an existing ditch the following 14 courses:

N71°56'08"W, 37.01 ft.
S68°38'09"W, 81.06 ft.
S63°19'48"W, 61.95 ft.
S83°47'31"W, 71.10 ft.
S79°56'49"W, 40.4 ft.
S86°17'52"W, 147.02 ft.
S84°51'16"W, 197.48 ft.
S88°56'42"W, 85.31 ft.
S85°09'11"W, 26.78 ft.
S72°41'20"W, 21.12 ft.
S57°09'25"W, 48.15 ft.
S67°09'57"W, 17.87 ft.
S81°42'43"W, 22.42 ft.
N78°20'57"W, 37.26 ft. to the West boundary of said NE1/4 NW1/4; thence S00°03'53"W, 151.14 ft. to the point of beginning
LESS Gordon Minor Subdivision Plat recorded at Reception No. 718789
LESS Airport Industrial Park Plat recorded at Reception No. 600367
LESS Lot 6A of Scott Fly Rod Subdivision recorded at Reception No. 849811

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, the reversions, remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the Grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the Grantee and the Grantee's heirs and assigns forever. The Grantor, for itself and its successors and assigns, does covenant and agree that the Grantor shall and will WARRANT THE TITLE AND DEFEND the above described premises, but not any adjoining vacated street or alley, if any, in the quiet and peaceable possession of the Grantee and the heirs and assigns of the Grantee, against all and every person or persons claiming the whole or any part thereof, by, through or under the Grantor.

IN WITNESS WHEREOF, the Grantor has caused its corporate name to be hereunto subscribed by its Mayor, and its corporate seal to be affixed, attested by its City Clerk, on the date set forth above.

ATTEST:

GRANTOR

By: _____
Lisa DelPiccolo, City Clerk

By: _____
Douglas Glaspell, Mayor

STATE OF COLORADO)
 ss.
COUNTY OF MONTROSE)

The foregoing instrument was acknowledged before me this _____ day of _____, 2021 at Montrose, Colorado by Douglas Glaspell, Mayor of the City of Montrose.

Witness my hand and official seal.
My commission expires: _____

Notary Public

(SEAL)

Del-Mont Consultants, Inc., 125 Colorado Avenue, Montrose, CO 81401
Name and Address of Person Creating Newly Created Legal Description (§ 38-35-106.5, C.R.S.)



CITY OF MONTROSE
Planning Services

MEMO

TO: City Council
FROM: William Reis, Planner I
DATE: December 7, 2021
RE: Police Department Rezone
ATTACHMENTS:

- Exhibit A: Maps
- Exhibit B: Photos of Project Area
- Exhibit C: Zoning Code Excerpt

City Council Consideration:

City Council is considering the approval to rezone the property located at 434 S 1st St, more specifically defined as a portion of the Police Department Amended Plat. City Council will consider all of the information in this memo in making a decision.

Applicant: City of Montrose

Application Background:

The proposal is to rezone a portion of the Police Department Amended Plat, also known as 434 S 1st St. The proposal would rezone a portion of this parcel with a Legal Description as follows: (also shown in Exhibit A)

A tract of land situated in the SW¼ of Section 27, Township 49 North, Range 9 West, New Mexico Principal Meridian, City and County of Montrose, State of Colorado being Lots 5, 6 and 7 of Block 86, Town of Montrose and a portion of South First Street and a portion of the Alley in said Block 86 being more particularly described as follows:

Beginning at a point on the North line of Lot 2 of the City of Montrose Police Department Subdivision as recorded at Reception No. 920486 being N50°16'01"E 25.09 feet from the



Northwest corner of said Lot 2 at the intersection with the extension of the West line of said Lot 7;
Thence N50°16'01"E 75.47 feet along the North line of said Lot 2 to the intersection with the extension of the East line of said Lot 5;
Thence S39°58'27"E 184.59 feet along the East line of said Lot 5 and the extension of the East line of said Lot 5 to the centerline of the Alley in said Block 86;
Thence S50°16'38"W 75.23 feet along the centerline of the Alley in said Block 86 to the intersection with the extension of the West line of said Lot 7;
Thence N40°02'51"W 184.58 feet along the West line of said Lot 7 and the extension of the West line of said Lot 7 to the Point of Beginning.
Containing 0.32 acres more or less.
County of Montrose, State of Colorado.

This property is currently zoned "B-1" Central Business District. The proposed new zoning is "P" Public District. This proposed zoning would accommodate the Montrose Public Safety Complex currently under construction. The property to be rezoned consists of approximately 0.32 acres.

Proposed Zoning: "P" Public District

Staff Analysis:

1. Municipal Code, Section, 4-4-29(A), Rezoning.
"Amendments to the Official Zoning Map involving any change in the boundaries of an existing zoning district, or changing the designation of a district, shall be allowed only upon findings as follows:
 - a) The amendment is not adverse to the public health, safety and welfare; and
 - b) The amendment is in substantial conformity with the master plan or,
 - i. The existing zoning is erroneous, or
 - ii. Conditions in the area affected or adjacent areas have changed materially since the area was last zoned."
2. The City Council should consider the merits of the proposed rezone only and make a decision based on whether it should be rezoned to "P" Public District. The current zoning is "B-1" Central Business District.
 - Zoning Regulations. The "P" Public District is intended for public, nonprofit, or charitable uses that provide a local service to the people of the community on a regular basis. (Section 4-4-11.1)
 - Exhibit B includes an excerpt from the Municipal Code showing uses by right in the "P" Public District.
3. This property is adjacent to properties that are zoned "P" Public District and "B-1" Central Business District.



4. The Comprehensive Plan Future Land Use Map (Chapter 5) designates this area as Public. This land use designation is to suggest potential locations for parks, open space, trails, schools, churches, cemeteries, and public buildings.
 - Staff finds that the proposed zoning is compatible with the Comprehensive Plan Future Land Use Map and surrounding zoning and uses.
5. The “P” zoning does not appear to be adverse to the public health, safety and welfare, and is consistent with Municipal Code requirements and the Comprehensive Plan.

Staff Recommendation:

Staff finds that the rezone criteria has been met; it is in compliance with the Comprehensive Plan; it is compatible with existing uses in the surrounding area; and therefore, recommends approval of the "P" Public District.

Planning Commission Recommendation:

The Planning Commission recommended approval of the rezone for this project from “B-1” Central Business District to “P” Public District at the November 10, 2021 meeting.

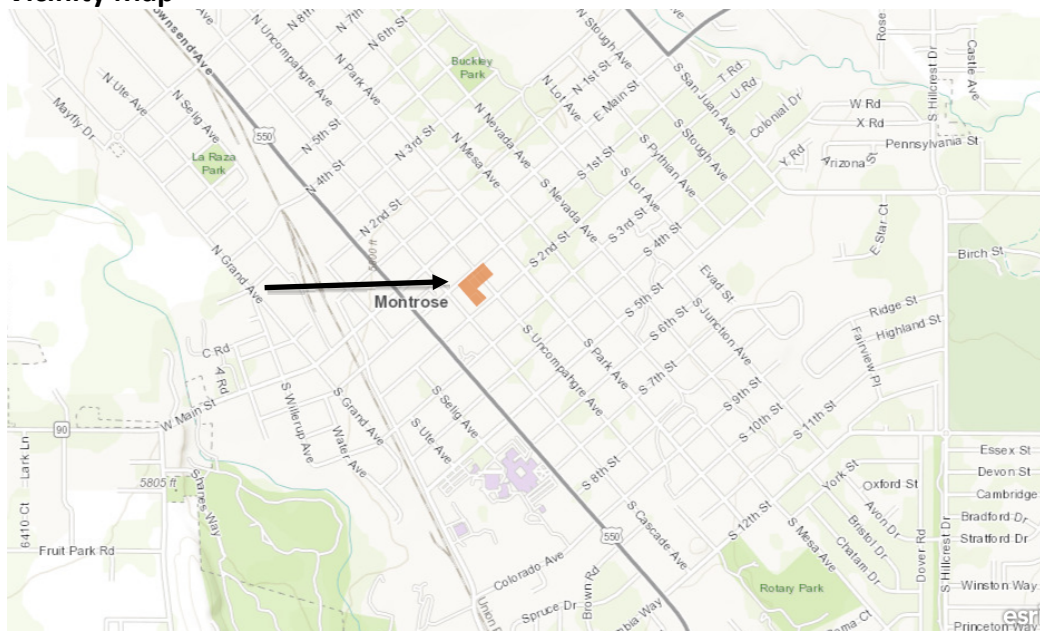
City Council Options:

1. Accept the Planning Commission recommendation and approve the rezone.
2. Deny the request for a rezone and schedule a de novo hearing. The hearing date should be established in consultation with the City Attorney.

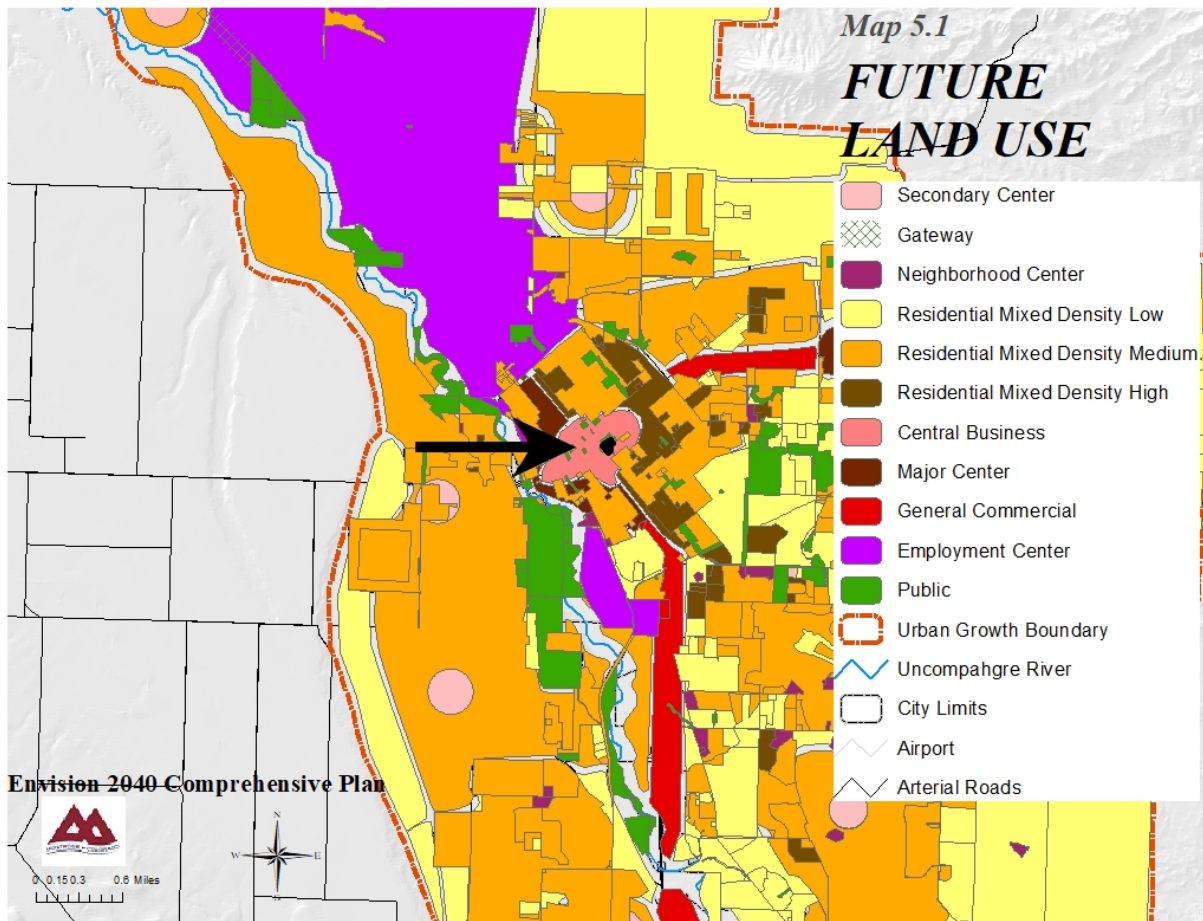


EXHIBIT A: Maps

Vicinity Map



Comprehensive Plan Future Land Use Map



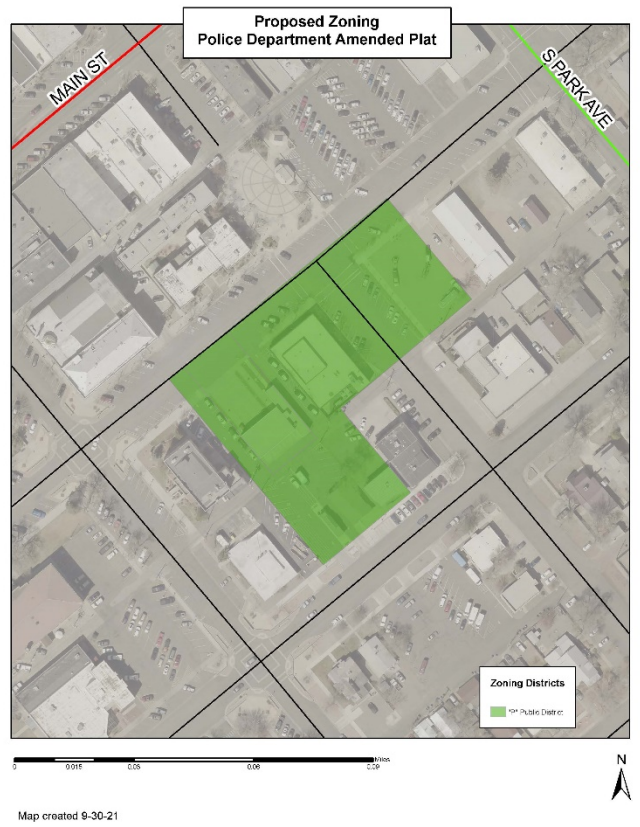
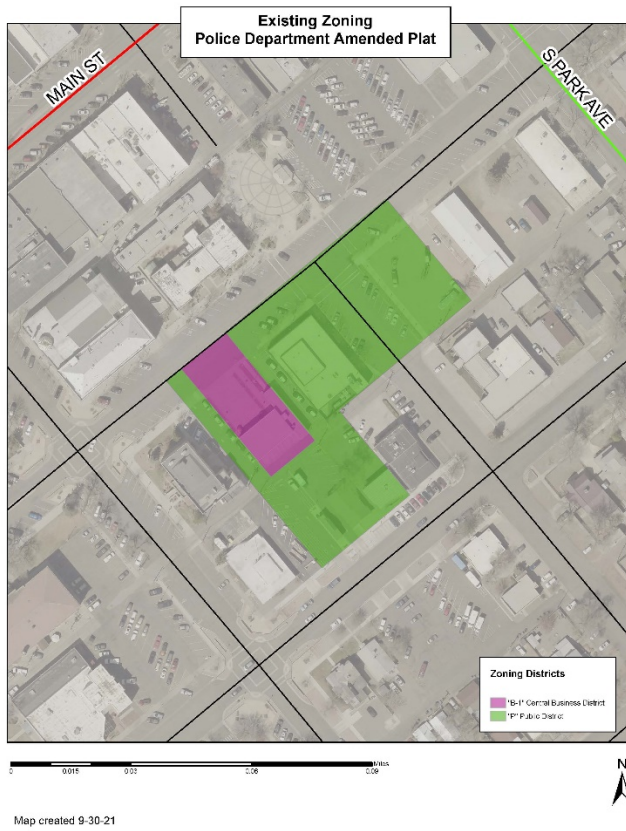


EXHIBIT B: Photos of Project Area



EXHIBIT C: Zoning Code Excerpt

Sec. 4-4-11.1. "P" Public District.

- (A) *Intent.* The Public district provides public recreation facilities, government buildings and facilities, events or conference centers, schools libraries, and other public lands and buildings. Uses are of a public, nonprofit, or charitable nature and provide a local service to the people of the community on a regular basis.
- (B) *Uses by Right.*
- (1) Government buildings and facilities.
 - (2) Schools.
 - (3) Libraries.
 - (4) Public museums and visitor centers.
 - (5) Public parks.
 - (6) Public recreation land and facilities.
 - (7) Private recreation facilities.
 - (8) Open space corridors.
 - (9) Places of worship.
 - (10) Parking facilities.
 - (11) Renewable energy facilities.
 - (12) Accessory uses.
- (C) *Conditional Uses.*
- (1) Commercial businesses.
 - (2) Single-family homes.
 - (3) Multiple-family residences.
 - (4) Golf courses.
 - (5) Childcare facilities. A childcare facility shall be a conditional use in all districts if more than eight but less than 16 children under 13 years of age are present on the premises at any one time, including children of the family living in the residence, in accordance with State Statutes and regulations.
 - (6) Antennas and towers are allowed only as conditional uses in all zones and are subject to the provisions of Section 4-4-21 and the other applicable requirements of City ordinances and regulations.

(Ord. No. 2472 , § 4-4-11.1, 5-7-2019)



ORDINANCE NO. 2575

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, AMENDING THE ZONING DISTRICT DESIGNATION OF 434 SOUTH 1ST STREET FROM "B-1", CENTRAL BUSINESS DISTRICT TO "P", PUBLIC DISTRICT.

WHEREAS, Chad Huffman moved, and Karen Vacca seconded, to recommend the City Council approval of the rezone for 434 South 1st Street, City of Montrose; and

WHEREAS, the motion carried unanimously and Planning Commission has recommended the zoning changes provided herein; and

WHEREAS, the City Council has determined that such zoning will be consistent with the public health, safety and welfare, the City's Master Plan and changed conditions in the area.

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

SECTION 1:

The Official Zoning Map is amended to designate 434 South 1st Street, more particularly described as:

A tract of land situated in the SW¹/₄ of Section 27, Township 49 North, Range 9 West, New Mexico Principal Meridian, City and County of Montrose, State of Colorado being Lots 5, 6 and 7 of Block 86, Town of Montrose and a portion of South First Street and a portion of the Alley in said Block 86 being more particularly described as follows:

Beginning at a point on the North line of Lot 2 of the City of Montrose Police Department Subdivision as recorded at Reception No. 920486 being N50°16'01"E 25.09 feet from the Northwest corner of said Lot 2 at the intersection with the extension of the West line of said Lot 7;
Thence N50°16'01"E 75.47 feet along the North line of said Lot 2 to the intersection with the extension of the East line of said Lot 5;
Thence S39°58'27"E 184.59 feet along the East line of said Lot 5 and the extension of the East line of said Lot 5 to the centerline of the Alley in said Block 86; Thence S50°16'38"W 75.23 feet along the centerline of the Alley in said Block 86 to the intersection with the extension of the West line of said Lot 7;
Thence N40°02'51"W 184.58 feet along the West line of said Lot 7 and the extension of the West line of said Lot 7 to the Point of Beginning. Containing 0.32 acres more or less. County of Montrose, State of Colorado.

as a "P", Public District, according to the Official Zoning Map.

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its passage on first reading on Tuesday, the 7th day of December, 2021, at the hour of 6:00 p.m. at Montrose City Council Chambers, Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 7th day of December, 2021.

ATTEST:

Douglas Glaspell, Mayor

Mikayla Unruh, Deputy City Clerk

INTRODUCED, READ and ADOPTED on second reading this 4th day of January, 2022.

ATTEST:

Douglas Glaspell, Mayor

Lisa DelPiccolo, City Clerk

ORDINANCE NO. 2576

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, REPEALING AND REENACTING THE CITY'S MUNICIPAL CODE PURSUANT TO § 5-2-1 OF THE OFFICIAL CODE OF THE CITY OF MONTROSE

WHEREAS, the City's Municipal Code is updated from time to time;

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

§ 5-2-1 of the Official Code of the City of Montrose, Colorado, as such has been amended from time to time, is hereby repealed in its entirety along with all ordinances which have amended it and is reenacted to read as follows:

5-2-1. - Imposition of tax.

- (A) There is hereby levied and charged a hotel room tax in the amount of 0.9 percent of the entire amount charged for furnishing rooms or accommodations for consideration in a hotel, motel, short term rental, apartment hotel, lodginghouse, motor hotel, guest house, guest ranch or other similar lodging business. The entire amount subject to tax shall not include City or state sales taxes or charges for food service, beverages, telephone, laundry, or other services incidental to the furnishing of lodging or accommodations for which a separate charge or bill is made.
- (B) There is hereby levied and charged an excise tax of 0.8 percent upon the amount charged by restaurants, cafes, coffee shops, and like places of business for food and drink sales. The amount subject to tax shall not include City or state sales taxes or charges, or charges for alcoholic beverages for which a separate charge or bill is made.
- (C) Marketplace Sales.
 - (1)
 - (a) A marketplace facilitator, as defined in 5-15-2, engaged in business in the City is required to collect and remit any excise tax under this section on all taxable sales made by the marketplace facilitator, or facilitated by it for marketplace sellers or multichannel sellers to customers in the City, whether or not the marketplace seller for whom sales are facilitated would have been required to collect tax had the sale not been facilitated by the marketplace facilitator.
 - (b) A marketplace facilitator shall assume all the duties, responsibilities, and liabilities of a vendor under 5-2-1(A) or 5-2-1(B). Marketplace facilitators shall be liable for the excise taxes collected from marketplace sellers or multichannel sellers. The City may recover any unpaid taxes, penalties, and interest from the marketplace facilitator that is responsible for collecting on behalf of marketplace sellers or multichannel sellers.
 - (c) The liabilities, obligations, and rights set forth under this article are in addition to any duties and responsibilities of the marketplace facilitator has under this article if it also offers for sale tangible personal property, products, or services through other means.

- (d) A marketplace seller, with respect to sales and services provided subject to tax under this chapter made in or through a marketplace facilitator's marketplace, does not have the liabilities, obligations, or rights of a retailer under this article if the marketplace seller can show that such sale was facilitated by a marketplace facilitator:
 - (i) With whom the marketplace seller has a contract that explicitly provides that the marketplace facilitator will collect and remit excise tax on all sales subject to tax under this article; or
 - (ii) From whom the marketplace seller requested and received in good faith a certification that the marketplace facilitator is registered to collect excise tax and will collect and remit excise tax on all sales subject to tax under this article made in or through the marketplace facilitator's marketplace.
- (e) If a marketplace seller makes a sale that is not facilitated by a licensed marketplace facilitator in a marketplace, the marketplace seller is subject to all of the same licensing, collection, remittance, filing, and recordkeeping requirements as any other retailer.
- (2) *Auditing.* An audit of a marketplace facilitator does not constitute an audit for the marketplace sellers or multichannel sellers who make sales through the marketplace of the marketplace facilitator that is being audited.

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and the question of its passage on first reading on Tuesday, the 7th day of November, 2021, at the hour of 6:00 p.m. at the Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 7th day of November, 2021.

Douglas Glaspell, Mayor

ATTEST:

Mikayla Unruh, Deputy City Clerk

INTRODUCED, READ and ADOPTED on second reading this 4th day of January, 2022.

Douglas Glaspell, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

ORDINANCE NO. 2576

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, REPEALING AND REENACTING THE CITY'S MUNICIPAL CODE PURSUANT TO § 5-2-1 OF THE OFFICIAL CODE OF THE CITY OF MONTROSE

WHEREAS, the City's Municipal Code is updated from time to time;

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

§ 5-2-1 of the Official Code of the City of Montrose, Colorado, as such has been amended from time to time, is hereby repealed in its entirety along with all ordinances which have amended it and is reenacted to read as follows:

5-2-1. - Imposition of tax.

- (A) There is hereby levied and charged a hotel room tax in the amount of 0.9 percent of the entire amount charged for furnishing rooms or accommodations for consideration in a hotel, motel, short term rental, apartment hotel, lodginghouse, motor hotel, guest house, guest ranch or other similar lodging business. The entire amount subject to tax shall not include City or state sales taxes or charges for food service, beverages, telephone, laundry, or other services incidental to the furnishing of lodging or accommodations for which a separate charge or bill is made.
- (B) There is hereby levied and charged an excise tax of 0.8 percent upon the amount charged by restaurants, cafes, coffee shops, and like places of business for food and drink sales. The amount subject to tax shall not include City or state sales taxes or charges, or charges for alcoholic beverages for which a separate charge or bill is made.
- (C) **Marketplace Sales.**
 - (1)
 - (a) A marketplace facilitator, as defined in 5-15-2, engaged in business in the City is required to collect and remit **any excise tax under this Section** on all taxable sales made by the marketplace facilitator, or facilitated by it for marketplace sellers or multichannel sellers to customers in the City, whether or not the marketplace seller for whom sales are facilitated would have been required to collect tax had the sale not been facilitated by the marketplace facilitator.
 - (b) A marketplace facilitator shall assume all the duties, responsibilities, and liabilities of a vendor under 5-2-1(A) or 5-2-1(B). Marketplace facilitators shall be liable for the **excise** taxes collected from marketplace sellers or multichannel sellers. The City may recover any unpaid taxes, penalties, and interest from the marketplace facilitator that is responsible for collecting on behalf of marketplace sellers or multichannel sellers.
 - (c) The liabilities, obligations, and rights set forth under this article are in addition to any duties and responsibilities of the marketplace facilitator has under this article if it also offers for sale tangible personal property, products, or services

through other means.

- (d) A marketplace seller, with respect to sales and services provided subject to tax under this chapter made in or through a marketplace facilitator's marketplace, does not have the liabilities, obligations, or rights of a retailer under this article if the marketplace seller can show that such sale was facilitated by a marketplace facilitator:
 - (i) With whom the marketplace seller has a contract that explicitly provides that the marketplace facilitator will collect and remit **excise** tax on all sales subject to tax under this article; or
 - (ii) From whom the marketplace seller requested and received in good faith a certification that the marketplace facilitator is registered to collect **excise** tax and will collect and remit **excise** tax on all sales subject to tax under this article made in or through the marketplace facilitator's marketplace.
- (e) If a marketplace seller makes a sale that is not facilitated by a licensed marketplace facilitator in a marketplace, the marketplace seller is subject to all of the same licensing, collection, remittance, filing, and recordkeeping requirements as any other retailer.
- (2) *Auditing.* An audit of a marketplace facilitator does not constitute an audit for the marketplace sellers or multichannel sellers who make sales through the marketplace of the marketplace facilitator that is being audited.

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and the question of its passage on first reading on Tuesday, the 7th day of December, 2021, at the hour of 6:00 p.m. at the Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 7th day of December, 2021.

Douglas Glaspell, Mayor

ATTEST:

Mikayla Unruh, Deputy City Clerk

INTRODUCED, READ and ADOPTED on second reading this 4th day of January, 2022.

Douglas Glaspell, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk



**Contract Renewal
Recommendation**

Date: December 6, 2021

Original bid Number: 20-011

To: Honorable Mayor and Members of the City Council

From: David Bries, Utilities Manager

CC: William Bell, City Manager
Ann Morgenthaler, Assistant City Manager
Shani Wittenberg, Finance Director

Date: December 6, 2021

Subject: 2022 Sanitary Sewer Cured in Place Pipe Bid Award Recommendation

Recommendation

Approve the contract renewal to Insituform Technologies, LLC in the amount not to exceed \$250,000.00, for cured in place lining of sanitary sewers.

Background

As a part of the City of Montrose routine sewer line inspections, the City utility crews identify critical sewers that are candidates for Cured in Place Pipe (CIPP) to restore their structural integrity. The lines for this year's project are mostly Vitrified Clay Pipes (VCP) that have deteriorated and have higher maintenance costs due to the condition of the line segments. This year's list is focused in Townsend Avenue. CDOT is planning on resurfacing Townsend Ave. this next year. CIPP is a process of installing a new pipe within a pipe using the existing pipe as the form, thus restoring the structural integrity of the pipe. Our goal is to complete lining of all of the sanitary sewers that are under the resurfacing project in advance of CDOT's work

In 2020, the City advertised for an annually renewable (for up to three years) contract for cured in place pipe services, and formal bids were received on September 9, 2020. Council reviewed and approved the bid from Insituform Technologies, LLC in 2020 with unit prices as summarized in Table 1 below, and has since used the company for projects in 2020 and 2021.

This memo requests approval to contract with Insituform Technologies, LLC for the 2022 Sanitary Sewer Cured in Place project. The project is scheduled to be completed in the first quarter of 2022. The first part of the project will consist of pre-cleaning and closed circuit TV inspection of the line segments in preparation for the lining process. During construction there will be traffic re-routing on some side streets at the various locations for short periods of time (less than a day). For Townsend Avenue we are requiring the installation of the CIPP (Cured in Place Piping) to be done at night in order to reduce the impact to traffic on Townsend. Customers will be notified prior to the beginning of the project and again prior to actual lining of the sewer main serving their property. Customers are requested to minimize usage of water during the installation and curing process until the services are re-opened (2 to 4 hours).

Pipe Size Cost per Foot

6	inch	\$30.00
8	inch	\$35.00
10	inch	\$37.00
12	inch	\$40.00
15	inch	\$45.00

Since this is a unit price contract based on actual quantities, City staff recommends award of a contract to Insituform Technologies, LLC, not to exceed \$250,000.00.

Net Financial Result of Contract

\$250,000 is included in the 2022 Wastewater Collection Budget for sanitary sewer pipe lining.

PURCHASE RECOMMENDATION

TO: Honorable Mayor, and Montrose City Council
FROM: Jim Scheid, Public Works Manager
Cc: William Bell, City Manager
Shani Wittenberg, Finance Director
Shane Brandt, Fleet Division Superintendent
DATE: December 6th, 2021
Subject: Bid#21-034 Vehicle Purchase Results and Recommendation



Recommendation

Approve the Purchase of 20 Ford vehicles from Sill-Terhar Motors in Broomfield, CO.

Background

On November 18th, 2021, the City of Montrose accepted bids for 20 new Ford vehicles.

8 Police Interceptors (4 replacement, 4 additional)
2 Detective F-150's (all additional)
1 F-150 for Water Distribution (replacement)
1 F-150 for Parks (replacement)
1 F-250 for Facilities (additional)
1 Escape hybrid for Civic Campus (replacement)
2 F-150's for Animal Control (1 replacement, 1 additional)
1 F-150 for Waste Water (replacement)
1 F-150 for Trash and Recycle (additional)
1 F-150 for Building Inspection (additional)
1 F-150 for Engineering (additional)

9 of the vehicles are replacements that are budgeted in the Fleet Division Vehicle Equipment budget 600-8005-943-000. The 11 additional vehicles are included in the 2022 budgets of the following divisions the Police Patrol, Police Administration, Facilities, Animal Control, Trash and Recycle, Building Inspection, and Engineering.

The City received two (2) qualified and complete bids.
The Bids are as follows:

COMPANY	PRODUCT COST
Sill-TerHar Motors, Broomfield CO	\$856,827.52
Caldwell County Chevrolet Ford, Caldwell TX	\$1,016,463.00

City Staff recommends purchasing from Sill-TerHar Motors.

Net Financial Impact

The budgeted amount for all of the purchases combined is \$961,250.00 which is a savings of \$104,422.48 if awarded to Sill-TerHar Motors in the amount of \$856,827.52.



PURCHASE RECOMMENDATION

TO: Honorable Mayor, and Montrose City Council
Cc: William Bell City Manager, Shani Wittenberg Finance Director,
Shane Brandt Fleet Superintendent
FROM: Jim Scheid Public Works Manager
DATE: November 15, 2021
Subject: Equipment Purchase Recommendation



Action

Consider the approval of purchasing two Refuse Trucks and two Vactor Trucks from Faris Machinery in Grand Junction, CO for the total of \$1,950,478.34

Background

The City's Fleet Division has budgeted to replace one refuse truck and one Vactor truck in the 2022 budget. The City's Trash and Recycle Division has included in the 2022 budget one additional refuse truck for the current and projected additional can pick ups in both trash collection and recycling collection. The trash and recycle division has experienced steady growth over the last several years and is projected to have even more growth in the coming years. The additional truck would be used to supplement existing routes so at this time there is not an expected change to routes.

The City's Utility Department has included in the 2022 budget one additional Vactor truck. The new truck would be primarily used in the Sewer Collection division but this additional truck makes one of the existing trucks available for storm sewer cleaning, weather event support, special projects and emergency backup.

The pricing breakdown in the chart below is utilizing the Sourcewell Cooperative Purchasing Agreement (CPA) contract 091219-LEG and 122017-FSC for the Labrie refuse truck body and the Vactor truck body. The Sourcewell (CPA) is what allows the City of Montrose to take advantage of previously awarded government pricing. Both truck types would be purchased through Faris Machinery because Faris is the regional vendor for these manufacturers. The City has requested pricing through Faris for the refuse truck body and the Vactor bodies to be installed on a Peterbilt chassis to match what currently exists in the City's Fleet. Faris is the sole regional vendor for this equipment type and to be able to utilize the government pricing through the Sourcewell (CPA) a sole source waiver is also included with this purchase recommendation.

Truck type	Body type	Price	Qty	Total
Peterbilt	Labrie (refuse truck)	\$ 639,798.17	2	\$ 1,279,596.34
Peterbilt	Vactor (vactor truck)	\$ 335,441.00	2	\$ 670,882.00
			Total	\$ 1,950,478.34

Net Financial Impact

The Fleet Division Budgeted \$705,000.00 in GL 600-8005-944-000 for the replacement of one vector truck and one refuse truck. The Trash and Recycle Division budgeted \$290,000.00 in GL 550-710-944-000 for the additional refuse truck and the Sewer Division budgeted \$760,000.00 in GL 510-7035-944-000 for the additional Vector Truck. The budgeted amounts were based on quotes received in July of 2021 and included the anticipated inflationary increases that were known at that time. The budgeted amounts total \$1,755,000.00 which is \$195,478.34 below the prices being provided now. The costs above what is budgeted are to be covered by the Fleet Fund GL 600-8005-944-000.





CITY OF MONTROSE

SOLE SOURCE WAIVER REQUEST

REQUESTING DEPARTMENT: Public Works - Fleet DATE: 11/15/2021REQUESTED BY: Jim Scheid BID NO. N/AVENDOR NAME: Faris Machinery COST: \$1,950,478.34

JUSTIFICATION

(INITIAL ALL ENTRIES THAT APPLY TO REQUEST)

PRODUCT OR SERVICE DESCRIPTION: _____

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

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

DEPARTMENT HEAD AUTHORIZATION: Jim Scheid Digitally signed by Jim Scheid
Date: 2021.11.10 14:25:26
+07'00' Public Works Manager 11/15/21
Authorized Signature Title Date

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

MANAGER/COUNCIL AUTHORIZATION: _____
Authorized Signature Title Date
Attach detailed justification documentation

PURCHASE RECOMMENDATION

TO: Honorable Mayor and Montrose City Council
Cc: William Bell - City Manager, Shani Wittenberg - Finance Director,
Blaine Hall – Police Chief
FROM: Jim Scheid, Public Works Manager
DATE: November 15, 2021
Subject: Fitness Equipment Purchase for the new Police Department Building



Action

Consider approving the purchase of Lifetime Fitness/ Hammer Strength fitness equipment from Advanced Exercise for a total of \$71,551.60

Background

As part of the construction of the Montrose Public Safety Complex, the City is purchasing fitness equipment for the fitness center within the new building. This fitness center is designed for and intended for physical fitness training for our Police Department and City Staff members after proper application and safety training for requested use of the facility.

The fitness center located within the new Police Department will allow staff efficient and secure access for their training and fitness needs. The type of equipment utilized in the fitness center was requested by Police Department Staff for their specific training needs and for general fitness ability and availability. This equipment was also selected in part due to the compatibility with equipment at the Montrose Rec Center. The equipment at the Rec Center provided a good example for what our Police Department Staff would utilize in the fitness center. The City of Montrose and Montrose Rec District utilizing the same equipment manufacturer opens the door for efficiencies in the long term maintenance and repairs of the equipment. A floor plan layout of the fitness center and pictures of a few of the pieces of equipment are attached for reference.

Net Financial Impact

The purchase of fitness equipment has been an anticipated owner expense for the MPSC project and will be funded from the Public Safety Fund and specifically from the MPSC Project 20.0012.2. The procurement of this equipment was completed through a cooperative purchasing agreement (Sourcewell 081120-LFF)



CARDIO EQUIPMENT

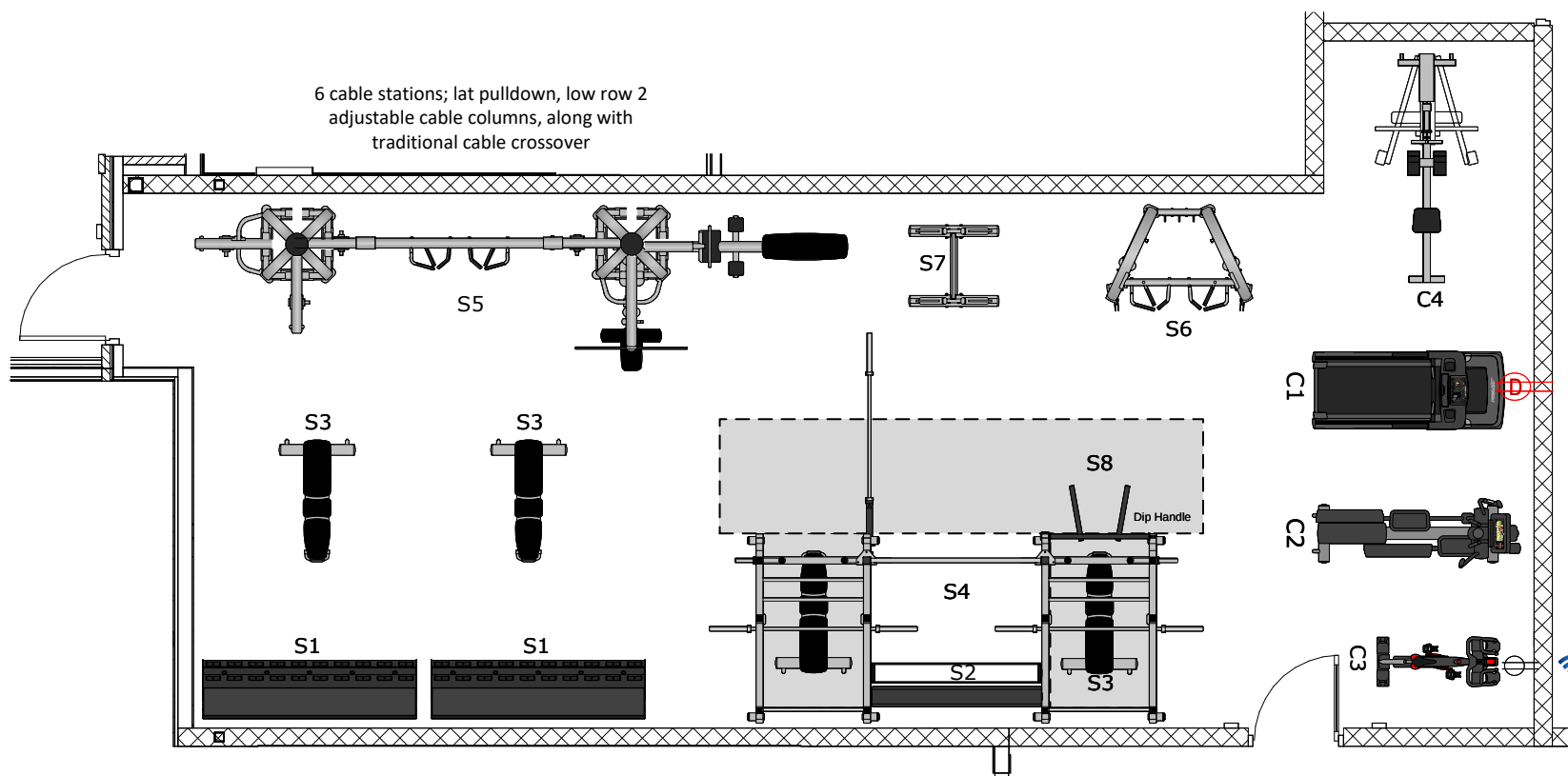
C1	treadmill
C2	elliptical
C3	bike
C4	Ski erg/rower
C5	.
C6	.
C7	.
C8	.
C9	.
C10	.
C11	.
C12	.
C13	.

STRENGTH EQUIPMENT

S1	3 tier dbell rack
S2	Connected kbell storage
S3	Adj benches
S4	Connected pwr racks
S5	6 station cable system
S6	Functional trainer
S7	Barbell rack
S8	Connected rubber platforms
S9	.
S10	.
S11	.
S12	.
S13	.
S14	.
S15	.
S16	.
S17	.
S18	.
S19	.
S20	.
S21	.
S22	.
S23	.
S24	.
S25	.

ACCESSORIES

A1	.
A2	.
A3	.
A4	.
A5	.
A6	.
A7	.
A8	.



2 connected power racks and rubber platforms, with storage for kettlebells and other accessories

0 ft. 3 ft. 5 ft. 10 ft.

SCALE: 5/32" = 1' 0"

*Measurements are approximate. Dimensions to be verified in field. This drawing is not to be used for construction.





close



