

A regular City Council Meeting of the Montrose City Council was held on Thursday, July 20, 2006 at 7:00 p.m. in the City Council Chambers of City Hall. Said meeting posted in accordance with the Sunshine Law.

PRESENT: Noelle Hagan, David White, Jose Abeyta, Carlos Guara, Ed Ulibarri, Mary Watt, Russ Duree, Sharleen Walker, Shani Wittenberg, Kerwin Jensen.

GUESTS: Matt Hildner, Eubaldo Lovato, Gary Lovato, Katharine Lovato, Gary Lovato Jr, Colonel Steve Brown, Sherri Reeder, Chris Warren, Marci and Stephanie Miles, Peter Borner, Robert O. Bates, Donald and Lauren Mehas, Zay Bates, Steve T. Loss, Moira Collier, Bob Becker, Bill Brougham, Todd Schwoedel.

PRESENTATION OF BRONZE STAR

Marine Colonel Steve Brown presented the Bronze Star with Combat Valor to Sergeant Eubaldo Lovato. Sergeant Lovato was awarded the Bronze Star for his extraordinary heroism displayed on November 15, 2004. Lovato was serving in Iraq with the U.S. Marine Corps in support of Operation Iraqi Freedom II when a Marine was mortally wounded while entering an enemy stronghold during Operation AL FAJR. Lovato volunteered to go into the enemy stronghold along with other Non Commissioned Officers from the platoon to retrieve the fallen Marine. Under intense enemy machine gun fire and with disregard to his own personal safety, he and his fellow Non Commissioned Officers eliminated the enemy with hand grenades and deadly accurate small arms fire at close range. The complete and total dedication he showed to the memory of a Marine who was not even a member of his squad was an inspiration to everyone. By his zealous initiative, courageous actions and exceptional dedication to duty, Sergeant Lovato reflected great credit upon himself and upheld the highest traditions of the Marine Corps and the United States Naval Service. This presentation was performed in Centennial Plaza, as there were many family members and friends present.

MINUTES

The City Council considered the minutes of the regular City Council meeting held on July 6, 2006. A motion was made by Carlos Guara, seconded by Ed Ulibarri to approve the minutes of the City Council meeting held on July 6, 2006 as written. All voted yes. Motion passed.

QUARTERLY FINANCIAL STATEMENTS

The City Council reviewed the Quarterly Financial Statements for the quarter ended June 30, 2006. The Council accepted the Quarterly Financial Statements for the quarter ended June 30, 2006.

SALES AND USE TAX REPORT

The City Council reviewed the Sales and Use Tax Reports for the month of May 2006. The Council accepted the report.

POLICE REPORT

The City Council reviewed of the Police Report for the month of June 2006. The Council accepted the report.

ADDITIONAL LINE ITEMS FOR PIPELINE CONSTRUCTION

The City Council considered the purchase of Additional Line Items from the Airport, Townsend and Ogden Road Bid to purchase additional line items from Grand Junction Winwater for a total price of \$31,790.00. A motion was made by Carlos Guara, seconded by Ed Ulibari to approve additional line items from Grand Junction Winwater for a total price of \$31,790.00. All voted yes. Motion passed.

BIDS FOR PERMIT TRACKING SOFTWARE

The City Council considered the bids for Permit Tracking Software for Community Development. There were five bids submitted and based on a five member evaluation committee, it is recommended that the bid for the purchase of Permit Tracking Software for Community Development be awarded to CRW Associates in the amount of \$79,500.00 for the first year. A motion was made by Carlos Guara, seconded by Ed Ulibarri to award the bid for the permit tracking software to CRW Associates in the amount of \$79,500.00 for the first year. All voted yes. Motion passed.

RESOLUTION 2006-19

The City Council considered Resolution 2006-19 adopting updated fees for the Pavilion effective January 1, 2007 and adding a new section to the City of Montrose Regulations 3-1-2. A motion was made by Carlos Guara, seconded by Ed Ulibarri to adopt Resolution 2006-19 adopting updated fees for the Pavilion effective January 1, 2007 and adding a new section to the City of Montrose Regulations 3-1-2. All voted yes. Motion passed.

2005 FINANCIAL AUDIT

The City Council reviewed the 2005 Financial Audit as presented. The Council accepted the 2005 Financial Audit.

TRANSFER OF HOTEL AND RESTAURANT LIQUOR LICENSE

The City Council considered the transfer of the Hotel and Restaurant Liquor license at 710 N. Townsend Avenue from Janet C. Mehas, d.b.a. Casa De Mehas to Donald E. Mehas, Sr. and Lauren Sue Mehas, d.b.a. Casa De Mehas for consumption on premise.

Russ Duree, City Attorney, informed the Council that the file appears to be in order and that the Colorado Bureau of Investigation backgrounds have not been received yet.

A motion was made by David White, seconded by Ed Ulibarri to grant the transfer of the Hotel and Restaurant Liquor license at 710 N. Townsend Avenue from Janet C. Mehas, d.b.a. Casa De Mehas to Donald E. Mehas, Sr. and Lauren Sue Mehas, d.b.a. Casa De Mehas for consumption on premise, pending the background investigations coming back acceptable. All voted yes. Motion passed.

ORDINANCE 2114, SECOND READING

The City Council considered Ordinance 2114 on second reading annexing the Two Creeks Addition No. 3. A motion was made by David White, seconded by Carlos Guara to adopt Ordinance 2114 on second reading annexing the Two Creeks Addition No. 3. All voted yes. Motion passed.

ORDINANCE 2115, SECOND READING

The City Council considered Ordinance 2115 on second reading zoning the Two Creeks Addition No. 3 as "R-3", Medium Density Residential District. This property is 3.83 acres in size and is generally located adjacent to the west side of 64.50 Road and ¼ mile south of Cobble Drive. A motion was made by Carlos Guara, seconded by David White to adopt Ordinance 2115 on second reading zoning the Two Creeks Addition No. 3 as "R-3", Medium Density Residential District. All voted yes. Motion passed.

ORDINANCE 2116, SECOND READING

The City Council considered Ordinance 2116 on second reading rezoning a portion of 2185 South Townsend Avenue (part of the Russell Stover property leased from the City of Montrose) from "I-1", Light Industrial to "B-2", Highway Commercial. The property is approximately 4.5 acres in size and is located on the Townsend Avenue frontage part of this parcel. A motion was made by David White, seconded by Jose Abeyta to adopt Ordinance 2116 on second reading rezoning a portion of 2185 South Townsend Avenue (part of the Russell Stover property leased from the City of Montrose) from "I-1", Light Industrial to "B-2", Highway Commercial. All voted yes. Motion passed.

COBBLE CREEK WEST ADDITION ANNEXATION HEARING

The City Council held a hearing on the annexation of the Cobble Creek West Addition. Mayor Hagan opened the hearing. Kerwin Jensen, Community Development Director, submitted the prepared written testimony of Roger Shores, City Planner, to the Council. Mr. Jensen reviewed the pre-annexation agreement conditions with the Council. Mr. Jensen stated that staff is recommending approval of the annexation.

Mayor Hagan closed the hearing.

Russ Duree, City Attorney, entered the prepared testimony of Roger Shores, City Planner, into the official record.

Resolution 2006-20, Findings of Fact Cobble Creek West Addition: The City Council considered Resolution 2006-20 the Findings of Fact Cobble Creek West Addition. A motion was made by David White, seconded by Carlos Guara to adopt Resolution 2006-20 Findings of Fact Cobble Creek West Addition. All voted yes. Motion passed.

Ordinance 2117, First Reading: The City Council considered Ordinance 2117 on first reading annexing the Cobble Creek West Addition. A motion was made by David White, seconded by Ed Ulibarri to pass Ordinance 2117 on first reading annexing the Cobble Creek West Addition. All voted yes. Motion passed.

ORDINANCE 2118, FIRST READING

The City Council considered Ordinance 2118, first reading zoning the Cobble Creek West Annexation as “R-3”, Medium Density Residential District. This property is 65.48 acres in size and is located adjacent to the west side of 64.00 Road and south of Orange Road. Kerwin Jensen, Community Development Director, informed the Council that the Planning Commission and staff is recommending approval of Ordinance 2118 zoning the Cobble Creek West Addition as “R-3”, Medium Density Residential District.

A motion was made by Carlos Guara, seconded by David White to pass Ordinance 2118 on first reading zoning the Cobble Creek West Annexation as “R-3”, Medium Density Residential District. All voted yes. Motion passed.

LOMAX ADDITION ANNEXATION HEARING

The City Council held a hearing on the annexation of the Lomax Addition. Mayor Hagan opened the hearing. Kerwin Jensen, Community Development Director, submitted the prepared written testimony of Roger Shores, City Planner, into the official file. Mr. Jensen reviewed the pre-annexation agreement conditions with the Council. Mr. Jensen stated that staff is recommending approval of the annexation.

Mayor Hagan closed the hearing.

Resolution 2006-21, Findings of Fact Lomax Addition: The City Council considered Resolution 2006-21, Findings of Fact Lomax Addition. A motion was made by David Wite, seconded by Ed Ulibarri to adopt Resolution 2006-21 Findings of Fact Lomax Addition. All voted yes. Motion passed.

Ordinance 2119, First Reading: The City Council considered Ordinance 2119 on first reading annexing the Lomax Addition. A motion was made by David White, seconded by Carlos Guara to pass Ordinance 2119 on first reading annexing the Lomax Addition. All voted yes. Motion passed.

ORDINANCE 2120, FIRST READING

The City Council considered Ordinance 2120, first reading zoning the Lomax Addition Annexation as "R-3A", Medium High Density Residential District. This property is 39.78 acres in size and is located adjacent to the north side of Oak Grove Road and west of the future Hillcrest Drive. Kerwin Jensen, Community Development Director, informed the Council that the Planning Commission and staff are recommending approval of Ordinance 2120 on first reading zoning the Lomax Addition as "R-3A, Medium High Density Residential District.

A motion was made by David White, seconded by Carlos Guara to pass Ordinance 2120 on first reading zoning the Lomax Addition as "R-3A, Medium High Density Residential District. All voted yes. Motion passed.

EAST RIDGE ESTATES ADDITION ANNEXATION HEARING

The City Council held a hearing on the annexation of the East Ridge Estates Addition. Mayor Hagan opened the hearing. Kerwin Jensen, Community Development Director, submitted the prepared written testimony of Roger Shores, City Planner, into the official file. Mr. Jensen reviewed the pre-annexation agreement conditions with the Council. Mr. Jensen stated that staff is recommending approval of the annexation.

Mayor Hagan closed the hearing.

Resolution 2006-22, Findings of Fact East Ridge Estates Addition: The City Council considered Resolution 2006-22, Findings of Fact East Ridge Estates Addition. A motion was made by David White, seconded by Ed Ulibarri to adopt Resolution 2006-22 Findings of Fact East Ridge Estates Addition. All voted yes. Motion passed.

Ordinance 2121, First Reading: The City Council considered Ordinance 2121 on first reading annexing the East Ridge Estates Addition. A motion was made by Carlos Guara, seconded by David White to pass Ordinance 2121 on first reading annexing the East Ridge Estates Addition. All voted yes. Motion passed.

ORDINANCE 2122, FIRST READING

The City Council considered Ordinance 2122, first reading zoning the East Ridge Estates Addition Annexation as “R-2”, Low Density Residential District. This property is 10.02 acres in size and is located to the north side of Sunnyside Road and the west side of future 68.00 Road. Kerwin Jensen, Community Development Director, informed the Council that the Planning Commission and staff is recommending approval of Ordinance 2122 on first reading zoning the East Ridge Estates Addition Annexation as “R-2”, Low Density Residential District.

Mayor Hagan expressed her concerns regarding “R-2” zoning adjacent to the urban growth boundary, and next to “RL” zoning. Mayor Hagan stated that the City has zoning tools that should be used, such as the “R-1” zoning designation.

Moira Collier, a member of the Planning Commission, informed the Council that she had reservations regarding the “R-2” zoning because of water pressure in the area. Ms. Collier also stated that connectivity of the neighborhoods is important. Ms. Collier stated that the Planning Commission approved the “R-2” zone because the developable acreage of East Ridge Estates is small. Ms. Collier also informed the Council that two exits are also important.

Council member Ulibarri stated that he was in support of R-2, because with bigger lots, the City is promoting urban sprawl. Additionally, Mr. Ulibarri stated that the affordability of the lots is decreased with larger lots and the cost of City services increase with larger lots.

Mayor Hagan suggested that zoning the property as “R-2” would be zoning the property with higher density prematurely.

Legal staff informed the Council that the options that the Council has before them are to approve the recommendation of the Planning Commission, take no action if no action is required or to schedule by Council’s motion for a de novo hearing.

The Council suggested that consideration of the Ordinance be postponed until the applicant was present to answer questions.

A motion was made by David White, seconded by Ed Ulibarri to continue Ordinance 2122 on first reading zoning the East Ridge Estates Addition Annexation as “R-2”, Low Density Residential District until August 3, 2006. All voted yes. Motion passed.

ORDINANCE 2123, FIRST READING

The City Council considered Ordinance 2123 on first reading zoning the JC Rose Addition as “B-1A”, Community Commercial District with conditions, “R-3”, Medium Density District and “R-3A”, Medium High Density District. Kerwin Jensen, Community Development Director, reviewed the history of Ordinance 2123 with the Council. Mr. Jensen reviewed the conditional uses of the “B-1A” zone with conditions.

A motion was made by Carlos Guara, seconded by Jose Abeyta to pass Ordinance 2123 on first reading zoning the JC Rose Addition as “B-1A”, Community Commercial District with conditions, “R-3”, Medium Density District and “R-3A”, Medium High Density District. Noelle Hagan, Carlos Guara, Jose Abeyta and Ed Ulibarri voted yes. David White abstained due to a conflict of interest. Motion passed.

STAFF REPORTS

Discussion of Memorandum of Understanding for the oversight of the Job Access Reverse Commute (JARC) project: Russ Duree, City Attorney and Mary Watt, City Manager reviewed the proposed Memorandum of Understanding with the Council. Ms. Watt stated that this memorandum of understanding would provide the needed oversight of the project by the City Council, because the Council would appoint a Montrose Area Transit Authority. Ms. Watt stated that at this time staff is requesting that Council give a general direction regarding the memorandum of understanding, in the meantime Mesability would review the memorandum of understanding. Ms. Watt stated that Council would formally consider the memorandum of understanding at the next City Council meeting on August 3, 2006.

Consideration of Postponement of the De Novo Hearing for Variance No. 1106: Russ Duree, City Attorney, informed the Council that staff had received a request from the landowner to postpone the de novo hearing. Mr. Duree stated that he had confirmed with the attorney’s representing those requesting the de novo if they would be agree to continue the de novo hearing and that all parties have agreed that it would be okay to postpone the de novo hearing and suggested that the hearing be postponed until the 2nd regular City Council meeting in September.

A motion was made by Carlos Guara, seconded by David White to postpone the de novo hearing regarding Variance No. 1106, parking variance at Lots 10 – 13 River landing until September 21, 2006. All voted yes. Motion passed.

Mr. Duree stated that letters would be sent to those required by code informing them of the postponement.

CITY COUNCIL REPORTS

Spruce Point Park: Council, staff and Mr. Hayden continued the discussion from the Work Session earlier in the evening regarding the Spruce Point Park. Mayor Hagan asked if Mr. Hayden would be in favor of paying a park fee in lieu of a public park in Spruce Point. Mr. Hayden stated that he would agree to pay a park fee in lieu of and maintain a homeowner's private park.

Kerwin Jensen, Community Development Director, stated that there is a need for a park in the area, however the Comprehensive Master Plan does not designate that the park be private or public. However, Mr. Jensen stated that staff would accept a private park, without any limitations and public access. Mr. Jensen informed the Council that the park fee in lieu of was not an option until now, and that a fee in lieu of would be acceptable to staff.

Council questioned trail connectivity and whether this particular location was particularly advantageous to the City of Montrose. Mr. Jensen stated that there were no trail linkages in this area in the Master Plan.

The Council questioned the location of the proposed Orange Road alignment or an alternate route for a minor arterial in the area. The Council expressed their concerns that if a private park is approved at Spruce Point, it forever closes the door to the option of a minor arterial at this location in Spruce Point Subdivision. The Council and Mr. Hayden discussed the traffic study that was completed for the area and that was discussed at the last City / County transportation meeting.

The Council stated that transportation is the biggest issue in Montrose at the present time. The Council suggested that Mr. Hayden and Mr. Jensen get together and try to negotiate terms that would be favorable for all concerned regarding the park and a minor arterial road placement in the area.

Staff will report on the negotiations at the next regular City Council meeting. The Council requested more direction from legal staff regarding this issue during the executive session scheduled later in the evening.

Judge Brown's Evaluation: A motion was made by Carlos Guara, seconded by Jose Abeyta to increase Judge Richard Brown's annual salary by \$850 per year, equivalent to a 5% raise. All voted yes. Motion passed.

4-H Sale Fair Purchase: The Council discussed a possible Montrose County Fair 4-H animal purchase. The Council concurred that Carlos Guara should represent the City Council of the City of Montrose at the Montrose County Fair and authorized Councilmember Guara to spend up to \$800.00 from Council Initiatives, for the purchase of a 4-H animal, with a buy back option.

EXECUTIVE SESSION

A motion was made by Jose Abeyta, seconded by David White to go into executive session for a conference with the City Attorney for the purpose of receiving legal advise pursuant to C.R.S. Section 24-6-402(4)(b) and for the purpose of determining positions relative to matters that may be subject to negotiations, under C.R.S. Section 24-6-402(4)(e) and the following additional details are provided for identification purposes: potential purchases and leases and transportation issues. All voted yes. Motion passed.

RECONVENEMENT AND ADJOURNMENT

The City Council adjourned from executive session at 9:50 p.m. and no further actions were taken. The regular City Council meeting was adjourned at 9:51 p.m.

Noelle E. Hagan, Mayor

ATTEST:

Sharleen R. Walker, City Clerk