



REGULAR CITY COUNCIL MEETING AGENDA
Wednesday, January 2, 2013
7:00 P.M. CITY COUNCIL CHAMBERS
Located in the Elks Civic Building at 107 South Cascade Avenue

The Montrose City Council is pleased to have residents of the community take time to attend City Council Meetings. We encourage your attendance and participation. Individuals wishing to be heard during public hearing proceedings are encouraged to be prepared and will generally be limited to three minutes to allow everyone the opportunity to be heard. Additional written comments are welcome and will be received at any time.

The 11:00 p.m. rule will be enforced. 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 Thomas Smits.
- 2) The Pledge of Allegiance.
- 3) Roll Call by City Clerk.
- 4) Changes to the Agenda, including additions and deletions.
- 5) CALL FOR PUBLIC COMMENT

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.

Individuals wishing to speak will be recognized by the Chair, invited to the podium, asked to state their name and address and will be allowed three minutes to speak. Please state if you are a City resident. 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 the use of profanity or ethnic, racial or gender-oriented slurs is 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) CONSENT AGENDA

- A. City council consideration of the minutes of the regular City Council meeting held December 18, 2012. Action: Consider making a motion to approve the minutes of the December 18, 2012, regular City Council meeting as presented. Staff: City Clerk Lisa DelPiccolo **4-12**
- B. City Council consideration of the designation of the official posting place for the City of Montrose as the bulletin board in the lobby of City Hall. Action: Consider making a motion to designate the bulletin board in the lobby of City Hall as the official posting place for the City of Montrose in accordance with the Sunshine Law. Staff: City Clerk Lisa DelPiccolo
- C. City Council consideration of a list of items to be sold at auction. Action: Consider making a motion to approve the list of items to be sold at auction as presented. Staff: Human Resources Generalist Tina Woodrum

7) PLANNING COMMISSION APPOINTMENTS (10 minutes)

City Council consideration of applicants John H. Beadle, Josh Freed, and Barbara Hawke for three vacancies on the City of Montrose Planning Commission.

Action: Consider making a motion to appoint John H. Beadle, Josh Freed, and Barbara Hawke as City of Montrose Planning Commissioners for terms beginning January 2, 2013, and ending January 1, 2017.

8) NEW HOTEL AND RESTAURANT LIQUOR LICENSE APPLICATION (20 minutes)

City Council consideration of an application for a new hotel and restaurant liquor license at 647 E. Main Street for Two Sisters Gastro Pub, Inc., d.b.a. Two Sisters Gastro Pub, for consumption on premises. **13-15**

Action: Hold a hearing. Consider making a motion to approve a new hotel and restaurant liquor license at 647 E. Main Street for Two Sisters Gastro Pub, Inc., d.b.a. Two Sisters Gastro Pub, for consumption on premises.

Staff: City Attorney Russ Duree and City Clerk Lisa DelPiccolo

9) ORDINANCE 2313 – FIRST READING (10 minutes)

City Council consideration of Ordinance 2313 on first reading, an ordinance of the City of Montrose, Colorado, amending the zoning district designation of 146 W. Main Street from “B-2,” Highway Commercial District, to “B2-A,” Regional Commercial District. **16**

Action: Consider making a motion to pass Ordinance 2313 on first reading.

Staff: Community Development Director Kerwin Jensen



10) STAFF REPORTS

- A. Broadband Update
(Director of Innovation and Citizen Engagement Virgil Turner)
- B. Timeline Revision for a State of Colorado Agreement for the Renewable Energy for Municipal Buildings Grant (15 minutes) **17-18**
(Director of Innovation and Citizen Engagement Virgil Turner)
- C. Minor Subdivision Draft Ordinance (15 minutes) **19-20**
(Senior Planner Garry Baker)
- D. Public Information Officer Report (5 minutes)
(City Manager Bill Bell)
- E. Telluride Montrose Regional Air Organization (TMRAO) Report (3 minutes)
(City Manager Bill Bell)

11) ADJOURNMENT

A regular meeting of the Montrose City Council was held on Tuesday, December 18, 2012, at 7:00 p.m., in the City Council Chambers located in the Elks Civic Building at 107 South Cascade Avenue. Said meeting was posted in accordance with the Sunshine Law.

PRESENT: Thomas Smits, Judy Ann Files, Kathy Ellis, Carol McDermott, Bob Nicholson, Bill Bell, Kerwin Jensen, Elsa Anderson, Virgil Turner, Tom Chinn, John Harris, Jeff Scheetz, Rob Joseph, Lisa DelPiccolo, Sheila Turner, Drea Cole, Kathy Walters, Paul Eller, Warren Brown, Keith Caddy, Blaine Hall, Ted Valerio, Jake Suppes, Gene Lillard, Tim Cox

GUESTS: John Camper, Abel Garcia, Terri Wilcox, Cheryl Free, Josh Kline, Daniel Kline, Pam Lay, Carolyn Carter, Abbie Brewer, Cathy Romanello

CALL TO ORDER

Mayor Thomas Smits called the meeting to order at 7:04 p.m. The Pledge of Allegiance was led by Police Chief Tom Chinn.

CALL FOR PUBLIC COMMENT

No comments were received.

CACP ACCREDITATION

John Camper, southwest regional representative of the Colorado Association of Police Chiefs (CACP) presented a certificate to Police Chief Tom Chinn verifying accreditation of professional standards by the City of Montrose Police Department. Mr. Camper stated that the Montrose Police Department has met or exceeded all state standards for accreditation.

WELCOME TO ALLEGIANT AIR

Council Member Carol McDermott thanked Allegiant Air for recently selecting Montrose County Regional Airport as a service location and for offering low-cost flights to select locations.

CONTRATULATIONS TO RUSSELL STOVER CANDIES

Council Member Bob Nicholson congratulated Russell Stover Candies on the completion of a new retail facility on South Townsend Avenue. Mr. Nicholson reviewed the history of Russell Stover Candies, and its contributions to the Montrose community.

APPROVAL OF MINUTES

City Council considered the minutes of the regular City Council meeting held December 4, 2012. (A correction to the minutes was requested by Council Member Bob Nicholson later in the evening during Council Discussion.)

A motion was made by Judy Ann Files, seconded by Carol McDermott, to approve the minutes of the December 4, 2012, regular City Council meeting as presented. All voted yes. Motion passed.

ALL POINTS TRANSIT SERVICES AGREEMENT

City Council considered a Services Agreement between the City of Montrose and Montrose County Senior Citizens Transportation, Inc., DBA All Points Transit.

A motion was made by Judy Ann Files, seconded by Carol McDermott, to approve the Services Agreement between the City of Montrose and Montrose County Senior Citizens Transportation, Inc., DBA All Points Transit as presented. All voted yes. Motion passed.

RECYCLE MATERIAL RECOVERY FACILITY AGREEMENT

City Council considered a Recycle Material Recovery Facility Agreement between the City of Montrose and SMARTS Park Foundation, Inc.

A motion was made by Judy Ann Files, seconded by Carol McDermott, to approve the Recycle Material Recovery Facility Agreement between the City of Montrose and SMARTS Park Foundation, Inc., as presented. All voted yes. Motion passed.

APPROVAL OF MINUTES

City council considered the minutes of the special City Council meeting held December 5, 2012.

A motion was made by Carol McDermott, seconded by Kathy Ellis, to approve the minutes of the December 5, 2012, special City Council meeting as presented. Mayor Thomas Smits abstained. All others voted yes. Motion passed.

NEW HOTEL AND RESTAURANT LIQUOR LICENSE APPLICATION

City Council considered an application for a new hotel and restaurant liquor license at 235 N. First Street for Abel Garcia, d.b.a. Ah Chihuahua, for consumption on premises.

Mayor Thomas Smits opened the hearing.

City Attorney Russ Duree reviewed the procedures for the hearing and indicated that the application is complete, all fees were paid, and a report of preliminary findings was provided to the applicant. There has not been a denial of a liquor license at the proposed location during the past two years, the applicant has possession of the property, and the location is not within 500 feet of school.

Mr. Duree reported that the applicant has issues with a Social Security number provided on the application and with a Border Crossing Card provided as proof of residency. The applicant submitted petitions, and a petition summary was distributed to Council members.

Detective Eric Huska reviewed the issues raised while conducting a background check on the applicant. Detective Huska stated that the Social Security number provided by Mr. Garcia was associated with 20 individuals who are not legal residents, and the Social Security Administration verified that the number used by Mr. Garcia was not assigned to him. Detective Huska distributed a copy of a Border Crossing Card provided by Mr. Garcia which allows him to enter the United States but restricts him to within 75 miles of the border and does not allow him to seek employment.

Mr. Duree stated that the City limits are the neighborhood, and that Mr. Garcia must prove the needs and desires of the neighborhood.

Mr. Garcia admitted that he does not have a Social Security number but does have an Individual Taxpayer Identification Number (ITIN) for tax purposes. Mr. Garcia explained his reasons for being in the United States and for investing in a restaurant in Montrose.

Cheryl Free, Josh Kline, Pam Lay, Carolyn Carter, and Daniel Kline spoke in support of Mr. Garcia and spoke in favor of City Council issuing the liquor license.

Mr. Duree entered Exhibit City 1 into the record along with the official file of the City and explained that on Colorado Department of Revenue form DR-4879 Mr. Garcia swore under penalty of perjury that he is here lawfully pursuant to federal law. Mr. Duree indicated that a state liquor license would likely not be issued to Mr. Garcia since he cannot legally work or own a business.

Mr. Garcia spoke in regard to his business and his family working to improve the Montrose community.

Mayor Smits closed the hearing.

Mr. Duree explained that City Council could vote to deny the request, which would prohibit a liquor license at the proposed location for two years, or allow the applicant to withdraw his application and reapply after his residency status is solidified.

Mayor Smits reviewed that the City Council is sworn to uphold local, state, and federal law and that the decisions made by City Council are reviewable in district court. Council agreed to allow Mr. Garcia until January 2, 2013, to submit a letter withdrawing his application.

Mr. Garcia stated that he would submit a letter withdrawing his application.

ORDINANCE 2310 – SECOND READING

City Council considered Ordinance 2310 on first reading, an ordinance of the City of Montrose, Colorado, for the annexation of the Fulks-Hadley Addition. A hearing was held.

Senior Planner Garry Baker indicated that City staff is recommending adoption of Ordinance 2310 on second reading and that the applicant was present to answer questions if needed.

Mayor Thomas Smits opened the hearing.

No comments were received.

Mayor Smits closed the hearing.

A motion was made by Carol McDermott, seconded by Judy Ann Files, to adopt Ordinance 2310 on second reading. All voted yes. Motion passed.

ORDINANCE 2311 – SECOND READING

City Council considered Ordinance 2311 on second reading, an ordinance of the City of Montrose, Colorado, providing for the zoning of the Fulks-Hadley Addition as an “R-2,” Low Density District. A hearing was held.

Senior Planner Garry Baker indicated that no changes were made to Ordinance 2311 since it was passed on first reading and that the Planning Commission and City staff recommend adoption of the ordinance.

Mayor Thomas Smits opened the hearing.

No comments were received.

Mayor Smits closed the hearing.

A motion was made by Carol McDermott, seconded by Kathy Ellis, to adopt Ordinance 2311 on second reading. All voted yes. Motion passed.

AMENDED ORDINANCE 2312 – SECOND READING

City Council considered Amended Ordinance 2312 on second reading, an ordinance of the City of Montrose, Colorado, amending Ordinance No. 2284 which appropriated funds for defraying the expenses and liabilities of the City of Montrose, Colorado during the fiscal year beginning January 1, 2012; said expenditures of the city of Montrose over and above those anticipated at the time of the adoption of the budget for the fiscal year beginning January 1, 2012. A hearing was held.

Mayor Thomas Smits opened the hearing.

City Manager Bill Bell reviewed options for amended ordinances and recommended adoption of Amended Ordinance 2312. Mr. Bell explained that Downtown Development Authority (DDA) information was added to the ordinance, and Council Member Kathy Ellis read an email from Finance Director Shani Wittenberg explaining the need to include the DDA information.

A motion was made by Carol McDermott, seconded by Judy Ann Files, to adopt Amended Ordinance 2312 on second reading. Amended Ordinance 2312 was read in full.

Mayor Thomas Smits opened the hearing.

No comments were received. Mayor Smits closed the hearing closed.

All voted yes. Motion passed.

AMENDMENTS TO THE CITY OF MONTROSE 401(a) MONEY PURCHASE PLANS

City Manager Bill Bell reviewed that the changes to the 401(a) money purchase plans are a result of the 2013 budget process in an effort to develop a balanced budget.

Mr. Bell explained that new hires will be required to match the City's eight percent contribution, and current employees will be required to increase their contributions two percent per year for four years to receive the City's eight percent contribution. Mr. Bell reported that the City's sworn officers voted in favor of the changes in accordance with employee regulations. In addition, all new hires after January 1, 2013, will receive staggered vesting of 20 percent per year for five years.

Resolution 2012-25: City Council considered Resolution 2012-25 amending Section 1-9-1 of the City of Montrose Regulations Manual with regard to the Montrose Police Department Money Purchase Plan.

A motion was made by Carol McDermott, seconded by Bob Nicholson, to adopt Resolution 2012-25 as presented. All voted yes. Motion passed.

Resolution 2012-26: City Council considered Resolution 2012-26 amending Section 1-10-1 of the City of Montrose Regulations Manual with regard to The City of Montrose Pension Plan and the City of Montrose City Manager Pension Plan.

A motion was made by Kathy Ellis, seconded by Carol McDermott, to adopt Resolution 2012-26 as presented. All voted yes. Motion passed.

TRANSFER STATION SERVICES AGREEMENT REVISIONS

City Council considered revisions to the Transfer Station Services Agreement between the City of Montrose and Cornerstone Enterprise, Inc.

City Manager Bill Bell provided a revised version of the Transfer Station Services Agreement. Mr. Bell explained that the original agreement was approved by City Council several months ago after a subcommittee participated in discussions with Cornerstone Enterprise, Inc., President Tom Fritz. The original agreement included a six percent increase due to inflation and cost of fuel. Mr. Bell explained that over the past several months, the City has taken less volume to Cornerstone due to higher compaction levels, resulting in a five percent reduction in rates the City paid to Cornerstone. The revised agreement includes an estimated \$59,000.00 payout increase through December of 2012.

Public Works Director John Harris explained the determination of the new fees retroactive to August 2012 and the migration toward a tonnage pricing structure by the end of the second quarter.

Mr. Fritz was present and addressed concerns of Council members including the lack of a letter of credit and proof of insurance as are required in the original agreement.

Mr. Bell recommended holding \$25,000.00 in escrow until the letter of credit is secured. Mr. Harris agreed to provide insurance verification to the City Council upon receipt.

A motion was made by Kathy Ellis, seconded by Carol McDermott, to approve the revisions to the Transfer Station Services Agreement as presented with \$25,000.00 held in escrow pending receipt of a letter of credit and proof of insurance. Thomas Smits voted no. All others voted yes. Motion passed.

AGREEMENT FOR TRANSPORTATION OF RECYCLE MATERIALS

City Council considered an Agreement for Transportation of Recycle Materials between the City of Montrose and Cornerstone Enterprise, Inc.

Public Works Director John Harris indicated no changes were made to the agreement since it was discussed at a previous work session.

A motion was made by Carol McDermott, seconded by Bob Nicholson, to approve the Agreement for Transportation of Recycle Materials as presented. Thomas Smits voted no. All others voted yes. Motion passed.

STAFF REPORTS

Minor Subdivision Draft Ordinance: Senior Planner Garry Baker explained the proposed ordinance which would benefit commercial developers. Mr. Baker will bring an update to a future work session. City Manager Bill Bell reviewed economic development aspects of the new requirements.

Sole Source Waiver for Electrical Maintenance, instrumentation and SCADA Control at the Wastewater Treatment Plant: Public Works Director John Harris requested a sole source waiver for an on-call contract with Jude Controls for electrical maintenance, instrumentation, and SCADA control at the Wastewater Treatment Plant.

A motion was made by Carol McDermott, seconded by Thomas Smits, to approve the Sole Source Waiver as presented. All voted yes. Motion passed.

Sales, Use and Excise Tax Report: City Manager Bill Bell indicated that a sales, use and excise tax report for October of 2012 was included in the meeting packet and asked Council to forward any specific questions regarding the report to Finance Director Shani Wittenberg.

Public Information Officer Report: City Manager Bill Bell reminded community members that they will be receiving recycle containers. City staff will work overtime on Friday, December 21, to make sure all containers are delivered. Council discussed the fact that twenty-five percent of customers are currently opting out of the recycling program and suggested that landlords are contacted and asked to explain the program to tenants. Public works Director John Harris encouraged customers to read the stickers on the containers to determine the schedule and the acceptable materials. The program begins January 2, 2013, and carts need to be to the curb by 6 a.m. on each scheduled pick-up day.

Montrose Economic Development Corporation (MEDC) Report: City Manager Bill Bell reported on an MEDC meeting held earlier in the day in which newly appointed County Manager Rick Eckert was present to introduce himself. Topics of discussion included the upcoming annual meeting, coordinating a community leader luncheon, new board members, and investment strategies.

COUNCIL DISCUSSION

Rescheduling of the January 1, 2013, Regular City Council Meeting: City Council discussed rescheduling the January 1, 2013, City Council meeting due to the New Years Day holiday. Council members agreed to move the meeting to Wednesday, January 2, 2013.

A motion was made by Carol McDermott, seconded by Thomas Smits, to change the date of the January 1, 2013, City Council meeting to Wednesday, January 2, 2013. All voted yes. Motion passed.

Sanitation Code Revisions: City Manager Bill Bell requested that Council review the current Sanitation Code and forward any proposed changes to him or the City Attorney for discussion at the January 2, 2013, work session.

Letter of Support: Mayor Thomas Smits asked for approval of his signature on a letter of support for a helicopter display in West Main Trailhead Park.

Council Member Carol McDermott explained that the letter is needed for the organizing committee to attain and display the helicopter.

A motion was made by Carol McDermott, seconded by Kathy Ellis, to approve the Mayor's signature on a letter of support for the acquisition of a Huey helicopter for display in West Main Trailhead Park.

Correction to the Meeting Minutes: Council Member Bob Nicholson requested a correction to the minutes of the December 4, 2012, City Council meeting. The minutes state that Mr. Nicholson recused himself due to a financial interest involving the property in question. Mr. Nicholson clarified that he has a financial interest in a property in the area.

COUNCIL REPORTS

Downtown Development Authority (DDA) Report: Council Member Carol McDermott reported that the DDA did not meet on the third Monday in December, though activities are ongoing.

Government Affairs Council Report: Mayor Pro Tem Judy Ann Files reported that the Government Affairs Council chose not to meet during the month of December and instead scheduled a tour of Montrose Forest Products.

Montrose Association of Commerce & Tourism Report: Mayor Pro Tem Judy Ann Files indicated that the quarterly report presented by Montrose ACT Executive Director Jenni Sopsic during the work session contained current information.

Montrose Senior Pavilion Advisory Committee Report: Mayor Thomas Smits reported on a recent meeting of the Montrose Senior Pavilion Advisory Committee. Topics of discussion included requesting City funding for mailing the Senior Scene newsletter and the role of each committee involved with the Senior Center.

ADJOURNMENT

At 9:51 p.m., a motion was made by Carol McDermott, seconded by Kathy Ellis, to adjourn with no further action taken. All voted yes. Motion passed.

ATTEST:

Thomas A. Smits, Mayor

Lisa DelPiccolo, City Clerk

6. Is 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) or manager under the age of twenty-one years? Yes No

7. Has 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) or manager 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 7a, b or c, explain in detail on a separate sheet.

8. 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.

9. 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?

10. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any current or former financial interest in said business including any loans to or from a licensee.

11. Does the Applicant, as listed on line 2 of this application, have legal possession of the premises by virtue of 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:

Landlord	Tenant	Expires
Summit West, LLC	TWO SISTERS GASTRO PUB INC	10/31/15

Attach a diagram and outline or designate the area to be licensed (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". (Doesn't have to be to scale)

12. 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.

NAME	DATE OF BIRTH	FEIN OR SSN	INTEREST

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.

13. **Optional Premises or Hotel and Restaurant Licenses with Optional Premises** Yes No
 Has a local ordinance or resolution authorizing optional premises been adopted?
 Number of separate Optional Premises areas requested. _____ (See License Fee Chart)

14. **Liquor Licensed Drug Store applicants, answer the following:** Yes No
 (a) Does the applicant for a Liquor Licensed Drug Store have a license issued by the Colorado Board of Pharmacy? COPY MUST BE ATTACHED.

15. **Club Liquor License applicants answer the following and attach:** Yes No
 (a) Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain?
 (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?
 (c) How long has the club been incorporated? _____ (d) Has applicant occupied an establishment for three years that was operated solely for the reasons stated above?
 (Three years required)

16. **Brew-Pub License or Vintner Restaurant Applicants answer the following:** Yes No
 (a) Has the applicant received or applied for a Federal Permit?
 (Copy of permit or application must be attached) Carolyn G. Thridge

17a. Name of Manager (for all on-premises applicants) Barbara A. Jackson (If this is an application for a Hotel, Restaurant or Tavern License, the manager must also submit an Individual History Record (DR 8404-I). _____)

17b. 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

18. **Tax Distraint Information.** Does the applicant or any other person listed on this application and including its partners, officers, directors, stockholders, members (LLC) or managing members (LLC) and any other persons with a 10% or greater financial interest in the applicant currently have an outstanding tax distraint issued to them by the Colorado Department of Revenue? Yes No
 If yes, provide an explanation and include copies of any payment agreements.

19. 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 submit finger print cards to their local licensing authority.

NAME	HOME ADDRESS, CITY & STATE	DOB	POSITION	% OWNED*
Barbara A. Jackson	411 N. Main Gunnison, CO		Pres.	50%
Carolyn G. Ethridge	2009 Wood Court Grand Junction, CO		V.P.	50%
Richard A. Dorn	411 N. Main Gunnison, CO		Treas.	0%

*If total ownership percentage disclosed here does not total 100% applicant must check this box
 Applicant affirms that no individual other than these disclosed herein, owns 10% or more of the applicant

Additional Documents to be submitted by type of entity

CORPORATION Cert. of Incorp. Cert. of Good Standing (if more than 2 yrs. old) Cert. of Auth. (if a foreign corp.)
 PARTNERSHIP Partnership Agreement (General or Limited) Husband and Wife partnership (no written agreement)
 LIMITED LIABILITY COMPANY Articles of Organization Cert. of Authority (if foreign company) Operating Agrmt.
 ASSOCIATION OR OTHER Attach copy of agreements creating association or relationship between the parties

Registered Agent (if applicable) Richard Dorn Address for Service 411 Main - Gunnison, CO 81230

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 Carolyn G. Ethridge Title V. Pres and Manager Date 11-5-2012

REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY/COUNTY)

Date application filed with local authority November 21, 2012 Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application 12-47-311 (1) C.R.S.) January 2, 2013

THE LOCAL LICENSING AUTHORITY HEREBY AFFIRMS:

That each person required to file DR 8404-I (Individual History Record) has:

<input checked="" type="checkbox"/> Been fingerprinted	Yes No
<input checked="" type="checkbox"/> Been subject to background investigation, including NCIC/CCIC check for outstanding warrants	<input checked="" type="checkbox"/> <input type="checkbox"/>

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 _____
 Upon approval of state licensing authority.

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 12, Article 46 or 47, C.R.S. **THEREFORE, THIS APPLICATION IS APPROVED.**

Local Licensing Authority for	Telephone Number	<input type="checkbox"/> TOWN, CITY <input type="checkbox"/> COUNTY
Signature	Title	Date
Signature (attest)	Title	Date

ORDINANCE NO. 2313

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, AMENDING THE ZONING DISTRICT DESIGNATION OF 146 WEST MAIN FROM "B-2", HIGHWAY COMMERCIAL DISTRICT TO "B-2A" REGIONAL COMMERCIAL DISTRICT.

WHEREAS, the City Council has held a hearing regarding 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 146 West Main, more particularly described as:

Lots 13, 14, 15 and 16, Block 12, Willerup's Subdivision, County of Montrose, State of Colorado

as a "B-2A", Regional Commercial District, according to the Official Zoning Map.

INTRODUCED, READ and PASSED on first reading this ____day of _____, 2012.

ATTEST:

Thomas A. Smits, Mayor

Lisa DelPiccolo, City Clerk

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its adoption on second reading on Tuesday, the ____ day of _____, 2012, at the hour of 7:00 p.m. at Montrose City Council Chambers, Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and ADOPTED on second reading this ____day of _____, 2012.

ATTEST:

Thomas A. Smits, Mayor

Lisa DelPiccolo, City Clerk

MEMORANDUM

TO: FILE
FROM: THOMAS A. SMITS, MAYOR
SUBJECT: REVISIONS TO STATE OF COLORADO GRANT AGREEMENT #C900794
DATE: 12/27/12

The above grant agreement was approved by City Council on August 7th, 2013. Due to staffing changes the State of Colorado encountered a delay in executing grant agreement referenced above. The controller for the state also asked for clarification on terms for pay out of the grant funds. The City has asked and it was agreed that the timeline should be extended.

I, Thomas A. Smits, am in concurrence with the revisions to paragraphs 5 and 6 as well as paragraph 3 of Exhibit A as shown below for the Grant Agreement #C900794 between the State of Colorado and the City of Montrose.

Thomas A. Smits, Mayor

Date

Revisions to State of Colorado Grant Agreement #C900794

Original Paragraphs 5 and 6

5. TERM AND EARLY TERMINATION.

The Parties respective performances under this Grant shall commence the Effective Date. This Grant shall terminate on January 31, 2013, unless sooner terminated or further extended as specified elsewhere herein.

6. STATEMENT OF WORK COMPLETION.

Grantee shall complete the Work and its other obligations as described herein and in **Exhibit A** on or before January 31, 2013. The State shall not be liable to compensate Grantee for any Work performed prior to the Effective Date or after the termination of this Grant.

Revised Paragraphs 5 and 6

5. TERM and EARLY TERMINATION.

The Parties respective performances under this Grant shall commence the Effective Date. This Grant shall terminate on **August 15, 2013**, unless sooner terminated or further extended as specified elsewhere herein.

6. STATEMENT OF WORK COMPLETION.

Grantee shall complete the Work and its other obligations as described herein and in Exhibit A on or before **August 15, 2013**. The State shall not be liable to compensate Grantee for any Work performed prior to the Effective Date or after the termination of this Grant.

Original Paragraph 23 EXHIBIT A – STATEMENT OF WORK

3. PROJECT WORK TASKS AND TIMELINE

Grantee shall be responsible for completing the following project work tasks according to the below timeline. No CEO funded work shall be incurred prior to the Effective Date of this Grant.

Task	Completion Date
Distribute Request for Proposals for renewable energy service provider to enter into potential Power Purchase Agreement (PPA)	August 8, 2012
Choose renewable energy service provider	October 2, 2012
Enter into PPA with renewable energy service provider	October 16, 2012
Begin construction	November 1, 2012
Complete construction	January 31, 2013

Revised Paragraph 23 EXHIBIT A – STATEMENT OF WORK

3. PROJECT WORK TASKS AND TIMELINE

Grantee shall be responsible for completing the following project work tasks according to the below timeline. No CEO funded work shall be incurred prior to the Effective Date of this Grant.

Task	Completion Date
Begin construction	May 15, 2013
Complete construction	August 15, 2013

In order for Grantee to receive the Grant in the amount of \$105,000, Grantee shall conduct a public procurement for the system, provide a copy of the RFP and PPA to the CEO, and shall provide the CEO with a copy of the City's letter of acceptance of delivery after the installation of, at minimum, a 150 kW solar photovoltaic system.

Memo

To: City Council

From: City Staff

Date: January 15, 2013 Work Session

Subject: Minor Subdivision Draft Ordinance

Draft changes to the Minor Subdivision procedure are included in this packet. The intent of the changes is to add flexibility to commercial subdivision procedures, and to exempt existing commercial buildings from infrastructure requirements.

In many cases the infrastructure serving existing commercial buildings is not up to current codes, in terms of street or sidewalk improvements. The Minor Subdivision regulations require that the entire property in a subdivision be brought up to current codes. Since most existing commercial areas do not meet current codes, splitting off small parcels results in infrastructure requirements beyond the proposed building site.

The proposed changes would subject only newly created vacant sites to the infrastructure improvement requirements. Also, improvements would not be required as a condition of subdivision, but could be deferred until a new building is completed and ready for the Certificate of Occupancy. This deferral of improvements is more economical, in that the improvements can be built in one phase, rather than the two phases required currently (subdivision and site improvements).

At the Dec. 18, 2012 Work Session, a Council member brought up the potential for a new lot to be created, wherein the new lot is only accessed by a dirt road. City Code Section 4-7-7(C)(1)(a) appears to address this concern, by giving the City authority to require infrastructure to adequately serve any new lot.

12-10-12 draft

4-7-9: MINOR SUBDIVISIONS

(A) Subdivisions which meet all of the following criteria do not require a sketch plan or preliminary plat to be submitted, and may be approved administratively without notice and hearing.

- (1) The subdivision results in no more than three (3) tracts or lots or interests.
- (2) All lots or tracts are adjacent to a dedicated and accepted public street.
- (3) The lots are part of a subdivision plat that has been previously approved and/or accepted by the City and recorded in the Montrose County Records.
- (4) The improvements required by these regulations are:
 - a. already in existence and available to serve each lot, or secured;
 - b. **In commercial zoning districts only, the improvements required by these regulations shall be required only for lots with no existing building on the lot, and such improvements may be deferred until construction of a building on said lot(s). A Certificate of Occupancy shall not be issued until the improvements required by these regulations for said lot are installed, inspected, and approved by the City. The plans for such improvements shall be reviewed and approved by the City prior to commencement of construction. The plat shall specify what improvements are so required, and may include additional easements, plat notes or restrictions as appropriate to implement these provisions.**
- (5) Each lot will meet requirements of the applicable City zoning regulations without the necessity for any variance and no variance **from the minimum lot width at building line, depth, or size required by provisions of the zoning regulations, including those in Section 4-4-19**, has been granted within the three (3) previous years.
- (6) No part of the subdivision has been approved as part of a minor subdivision within three (3) years prior to the date of submission of the minor subdivision plat.
- (7) No material changes to prior plat notes, restrictions or easements are proposed.

(B) Submittals of sketch plans and preliminary plats are not required. The Minor Subdivision application shall conform to all applicable requirements. All fees related to this Section shall be as set forth in Chapter 3-1 of the City of Montrose Regulations Manual, which fees shall cover all administrative costs.