



**REGULAR CITY COUNCIL MEETING AGENDA**  
**Tuesday, July 16, 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 Judy Ann Files.
- 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) APPROVAL OF MINUTES (3 minutes)

City Council consideration of the minutes of the regular City Council meeting held on July 2, 2013. **2-7**

Action: Consider making a motion to approve the minutes of the July 2, 2013, regular City Council meeting as presented.

Staff: City Clerk Lisa DelPiccolo

7) ORDINANCE 2322 – SECOND READING (10 minutes)

City Council consideration of Ordinance 2322 on second reading, an ordinance of the City of Montrose, Colorado, amending subdivision and planned development regulations to allow up to four residences to be accessed by a private drive in subdivisions or planned developments in residential districts, and revising address number specifications to require an additional posting for multiple addressed premises served by a common drive. **8-9**

Action: Hold a hearing. Consider making a motion to adopt Ordinance 2322 on second reading.

Staff: Community Development Director Kerwin Jensen

8) STAFF REPORTS

- A. Sales, Use and Excise Tax Report (5 minutes) **10-15**  
(Assistant Finance Director Cathy Loss)
- B. Public Information Officer Report (5 minutes)  
(City Manager Bill Bell)
- C. Montrose Economic Development Corporation Report (3 minutes)  
(City Manager Bill Bell)

9) COUNCIL REPORTS

- A. Downtown Development Authority Report (3 minutes)  
(Mayor Judy Ann Files)
- B. Youth Council Report (3 minutes)  
(Mayor Pro Tem Carol McDermott)
- C. Montrose Senior Pavilion Advisory Committee Report (3 minutes)  
(Mayor Pro Tem Carol McDermott)
- D. Montrose Regional Airport Advisory Board Report (3 minutes)  
(Council Member Bob Nicholson)



10) EXECUTIVE SESSION

An executive session to discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under C.R.S. Section 24-6-402(4)(a); and the following additional details are provided for identification purposes: real estate acquisition

11) ADJOURNMENT

A regular meeting of the Montrose City Council was held on Tuesday, July 2, 2013, 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: Judy Ann Files, Carol McDermott, Kathy Ellis, Bob Nicholson, Thomas Smits, William Bell, Rob Joseph, Stephen Alcorn, John Harris, Jeff Scheetz, Shani Wittenberg, Lisa DelPiccolo, Kerwin Jensen, Terri Wilcox, Blaine Hall, Scott Murphy

GUESTS: Mindy Baumgardner, Ron Parron, Bob Brown, Pat Brown, Ben Tisdell, Doug Glaspell, Wayne Quade, Will Hearst, John Carlile, Marti Stimson, Scott Shine

#### CALL TO ORDER

Mayor Judy Ann Files called the meeting to order at 7:01 p.m.

#### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

#### FRIENDS OF THE RIVER UNCOMPAHGRE PRESENTATION

Ben Tisdell, with Friends of the River Uncompahgre, presented City Council with a check for matching funds pledged toward the water park project in Riverbottom Park.

#### CALL FOR PUBLIC COMMENT

Council Member Thomas Smits announced that he would resign his seat on the City Council effective Friday, July 5, 2013. On that date, he will no longer reside in his Council district.

City Manager Bill Bell reported that the vacancy will be advertised, and the City Council will use a process similar to Planning Commission appointments to appoint a District 1 Council member to serve until the 2014 general municipal election.

#### APPROVAL OF MINUTES

City Council considered the minutes of the regular City Council meeting held on June 17, 2013.

A motion was made by Carol McDermott, seconded by Bob Nicholson, to approve the minutes of the June 17, 2013, regular City Council meeting as presented. All voted yes. Motion passed.

### GRANT AGREEMENT

City Council considered a Grant Agreement between The State Board of the Great Outdoors Colorado Trust Fund and the City of Montrose for the Northside Navigators Play Yard Project at Northside Elementary School.

A motion was made by Carol McDermott, seconded by Kathy Ellis, to approve the Grant Agreement as presented as presented. All voted yes. Motion passed.

### TRANSFER OF A HOTEL AND RESTAURANT LIQUOR LICENSE

City Council considered the transfer of a Hotel and Restaurant liquor license at 1135 E. Main Street from Lora May Eppling, d.b.a. The Fire House II, to Dynamic Management, Inc., d.b.a. The Fire House II, for consumption on premises.

City Attorney Stephen Alcorn indicated that the application is for the transfer of an existing hotel and restaurant liquor license, and therefore, a hearing is not necessary. Mr. Alcorn also reported that the results of a CBI background check revealed no issues with the applicant.

Applicant Fahmida Sultana indicated that she is new to restaurant industry, but has familiarized herself with liquor laws of the State of Colorado.

A motion was made by Kathy Ellis, seconded by Carol McDermott, to approve the transfer of a Hotel and Restaurant liquor license at 1135 E. Main Street from Lora May Eppling, d.b.a. The Fire House II, to Dynamic Management, Inc., d.b.a. The Fire House II, for consumption on premises, pending completion of state-certified alcohol server training class. All voted yes. Motion passed.

### ORDINANCE 2322 – FIRST READING

City Council considered Ordinance 2322, an ordinance of the City of Montrose, Colorado, amending subdivision and planned development regulations to allow up to four residences to be accessed by a private drive in subdivisions or planned developments in residential districts, and revising address number specifications to require an additional posting for multiple addressed premises served by a common drive.

Community Development Director Kerwin Jensen explained that the Ordinance 2322 would eliminate discrepancies among City standards and would allow four residences to be served with a single drive way. Mr. Jensen recommended approval of Ordinance 2322 on first reading.

A motion was made by Bob Nicholson, seconded by Carol McDermott, to pass Ordinance 2322 on first reading. All voted yes. Motion passed.

### RESOLUTION 2013-11

City Council considered Resolution 2013-11, authorizing acceptance of an intergovernmental agreement between the City of Montrose and the Colorado Department of Transportation for design and construction of the Pomona/Columbine Safe Routes to Schools Project and authorizing the Mayor and City Clerk to sign the required copies.

Public Works Director John Harris explained that adoption of Resolution 2013-11 and approval of the intergovernmental agreement would allow the City to begin the design process for the project which will include a public comment component.

A motion was made by Carol McDermott, seconded by Thomas Smits, to adopt Resolution 2013-11 as presented. All voted yes. Motion passed.

### GRANT APPROVAL

City Council considered authorizing the City of Montrose Police Department to enter into and accept a 2013 U.S. Department of Justice Bulletproof Vest Partnership Grant in the amount of \$3,724.95 toward the purchase of 10 bulletproof vests. The City will provide \$3,724.95 in matching funds.

Lieutenant Blaine Hall stated that the Montrose Police Department needs to purchase 10 vests, 5 in 2014 and 5 in 2015, and this grant process has been used for matching funds in the past.

A motion was made by Carol McDermott, seconded by Kathy Ellis, to authorize the City of Montrose Police Department to enter into and accept a 2013 U.S. Department of Justice Bulletproof Vest Partnership Grant in the amount of \$3,724.95 toward the purchase of 10 bulletproof vests. All voted yes. Motion passed.

### CONTRACT TO BUY AND SELL REAL ESTATE

City Council considered a Contract to Buy and Sell Real Estate between the City of Montrose and Albert F. Moreland, Jr., and Edward D. Moreland for property located at 33 S. Cascade Avenue.

City Attorney Stephen Alcorn stated that a contract was prepared for the purchase and delivered to the Morelands, but to date, a signed contract has not been returned to the City.

A motion was made by Kathy Ellis, seconded by Bob Nicholson, to table consideration of the Contract to Buy and Sell Real Estate. All voted yes. Motion passed.

### BID APPROVAL

City Council considered a bid for the East Oak Grove Road Expansion Project. Community Development Director Kerwin Jensen recommended that City Council postpone discussion of the bid until after the executive session.

STAFF REPORTS

Public Information Officer Report: City Manager Bill Bell provided information on options for ewaste disposal and referred citizens to information on the City of Montrose website.

Mr. Bell gave updates on the sale and use of fireworks within the City limits, opportunities for citizens to acknowledge and donate to wild land firefighters, activities scheduled during the Four Days of the Fourth celebration, and a current Montrose Bucks promotion.

Mr. Bell gave a status report on a joint city/county emergency manager position. Forty applications were received, and the City is waiting for the County Commissioners to give approval for the county manager to move forward with the position.

EXECUTIVE SESSION

At 7:50 p.m., a motion was made by Carol McDermott, seconded by Kathy Ellis, to enter into an executive session for a conference with the City attorney for the purpose of receiving legal advice pursuant to C.R.S. Section 24-6-402(4)(b); 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: pending litigation, East Oak Grove Acquisition Project bid. All voted yes. Motion passed.

RECONVENEMENT AND ADJOURNMENT

The meeting reconvened into regular session at 8:45 p.m.

At 8:45 p.m., a motion was made by Carol McDermott, seconded by Bob Nicholson, to award the bid for the East Oak Grove Expansion Project contract to TRS, the most effective bidder, using a value-based method. All voted yes. Motion passed.

At 8:45 p.m. a motion was made by Kathy Ellis, seconded by Thomas Smits, to adjourn the meeting with no further action taken. All voted yes. Motion passed.

ATTEST:

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Judy Ann Files, Mayor

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Lisa DelPiccolo, City Clerk

**ORDINANCE NO. 2322**

**AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, AMENDING SUBDIVISION AND PLANNED DEVELOPMENT REGULATIONS TO ALLOW UP TO FOUR RESIDENCES TO BE ACCESSED BY A PRIVATE DRIVE IN SUBDIVISIONS OR PLANNED DEVELOPMENTS IN RESIDENTIAL DISTRICTS, AND REVISING ADDRESS NUMBER SPECIFICATIONS TO REQUIRE AN ADDITIONAL POSTING FOR MULTIPLE ADDRESSED PREMISES SERVED BY A COMMON DRIVE**

WHEREAS, The City Council has determined it is appropriate to have the same limit on the number of residences accessed from a single driveway in both subdivision regulations and PD regulations, and to require address numbers to be posted in a location legible from a street and in a second location when multiple premises are served by a common drive in order to assist emergency service providers,

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

**SECTION 1:**

Subsections 4-11-2(A), 4-4-21(F)(4), 4-7-7(C)(1)(i)(i) and 4-7-7(C)(3)(e)(i) of the Official Code of the City of Montrose Colorado are amended to read as follows:

4-11-2(A) All property numbers shall be posted at a location visible and legible from the street which serves the premises, and when more than one addressed premises is served by a common access or drive, shall also be posted on each addressed premises, visible from the common access or drive.

\* \* \*

4-4-21(F)(4) Flexibility in the scope and design of required improvements and design standards may be allowed to provide for innovative urban design which promotes the public health, safety and welfare. A public street shall be dedicated to the City and developed at the Developer's cost to provide direct access to each building with residential units or to the parking lot serving the building. Provided, however, one or more private shared access drives may be used to provide access up to no more than four dwelling units each, subject to City approval, in residential zoning districts.

\* \* \*

4-7-7(C)(1)(i)(i) one or more private shared access drives may be used to provide access up to no more than four dwelling units each, subject to City approval, in residential zoning districts.

4-7-7(C)(3)(e)(i) One or more private shared access drives may be used to provide access up to no more than four dwelling units each, subject to City approval, in residential zoning districts.



**SECTION 2:**

The City Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution, and the powers contained in the City Charter of the City of Montrose.

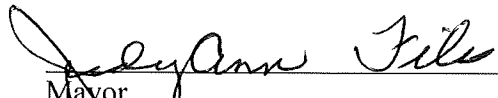
**SECTION 3:**

The repeal and amendment of various provisions of the Official code of the City of Montrose by this ordinance shall not affect any offense or act committed, any penalty incurred, any contract, right, or duty established or accruing before the effective date of this ordinance.

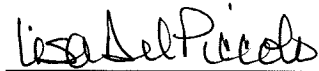
**SECTION 4:**

The adoption of the provisions contained in this Ordinance shall be effective as set forth in the City Charter of the City of Montrose.

INTRODUCED, READ and PASSED on first reading this 2nd day of July, 2013.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk



You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and the question of its adoption on second reading on ~~Thursday~~, the 16<sup>th</sup> day of July, 2013, at the hour of 7:00 p.m. at the Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and ADOPTED on second reading this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

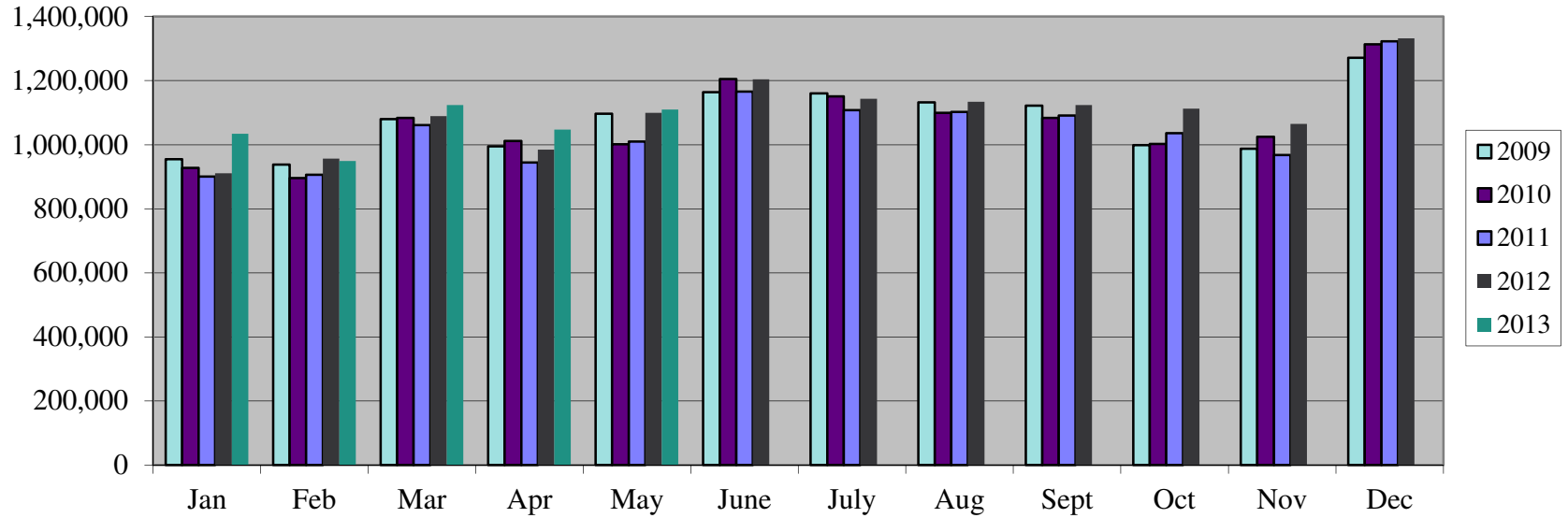
**CITY OF MONTROSE  
MONTHLY SALES, USE & EXCISE TAX REPORT**

**Date: 06/09/13**

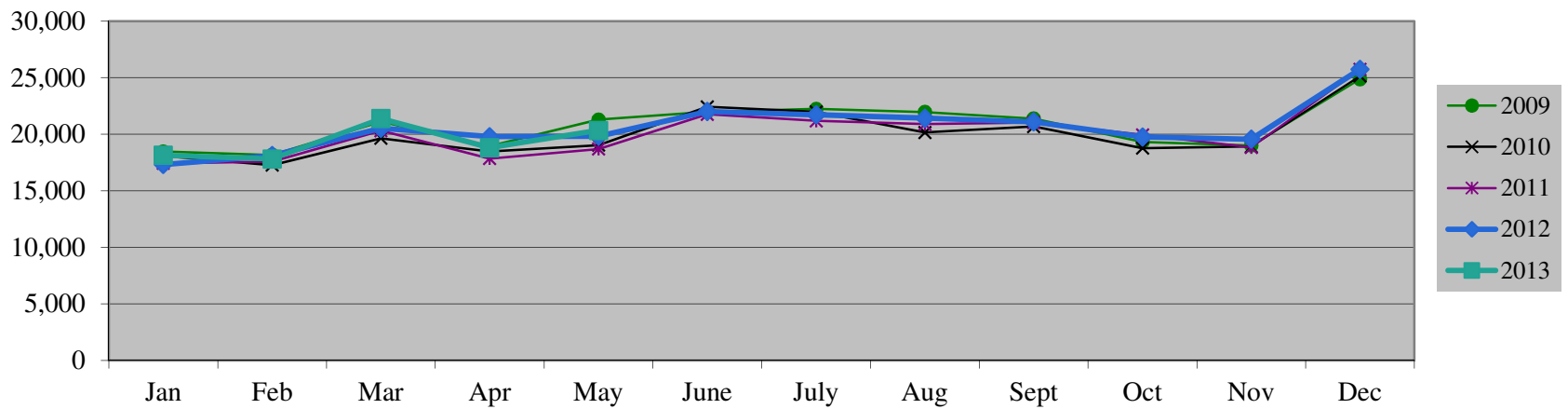
Month	Retail Sales Tax			Construction Use Tax			Use & Auto Tax			Total Collected Sales and Use Tax			Sales and Use Budget	
	Current Year 2013	Prior Year 2012	% of Increase/Decrease	Current Year 2013	Prior Year 2012	% of Increase/Decrease	Current Year 2013	Prior Year 2012	% of Increase/Decrease	Current Year 2013	Prior Year 2012	% of Increase/Decrease	Budget 2013	Budget Variance 2013
Jan	961,153	842,231	14.1%	10,648	11,698	-9.0%	62,430	44,316	40.9%	1,034,231	898,245	15.1%	877,283	17.9%
Feb	873,094	887,711	-1.6%	368	5,415	-93.2%	75,606	41,613	81.7%	949,068	934,739	1.5%	922,012	2.9%
Mar	1,044,492	1,004,669	4.0%	23,333	6,452	261.6%	56,215	46,114	21.9%	1,124,040	1,057,235	6.3%	1,048,396	7.2%
Apr	908,139	897,540	1.2%	26,115	8,973	191.0%	112,602	59,702	88.6%	1,046,856	966,215	8.3%	945,618	10.7%
May	987,618	977,320	1.1%	10,091	42,076	-76.0%	111,962	74,065	51.2%	1,109,671	1,093,461	1.5%	1,050,742	5.6%
June		1,077,603			7,809			90,067			1,175,479		1,151,352	
July		1,058,777			4,368			52,520			1,115,665		1,101,179	
Aug		1,044,216			6,114			64,509			1,114,839		1,090,974	
Sept		1,045,520			7,471			50,186			1,103,177		1,083,442	
Oct		973,438			18,261			51,140			1,042,839		1,059,378	
Nov		973,982			953			41,420			1,016,355		1,022,673	
Dec		1,256,265			7,300			47,711			1,311,276		1,288,217	
YTD Total	4,774,496	4,609,471	3.6%	70,555	74,614	-5.4%	418,815	265,810	57.6%	5,263,866	4,949,895	6.3%	4,844,051	8.7%

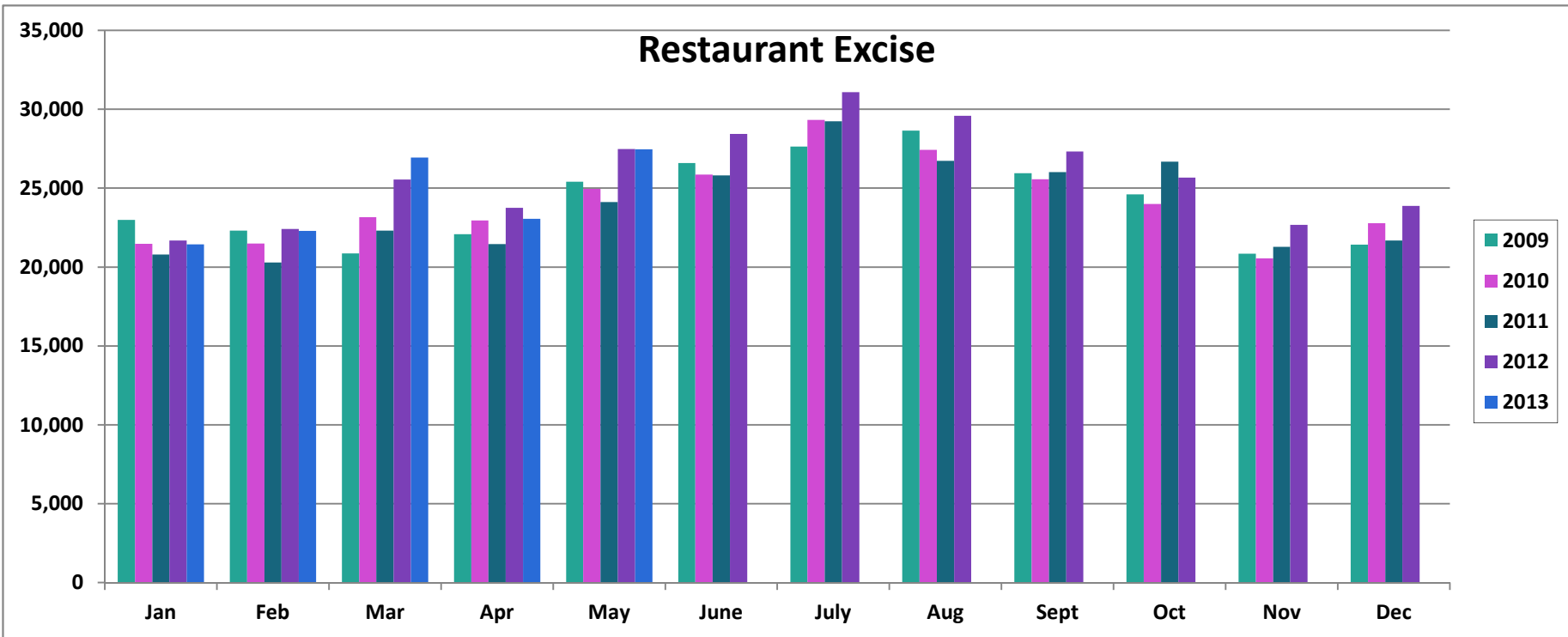
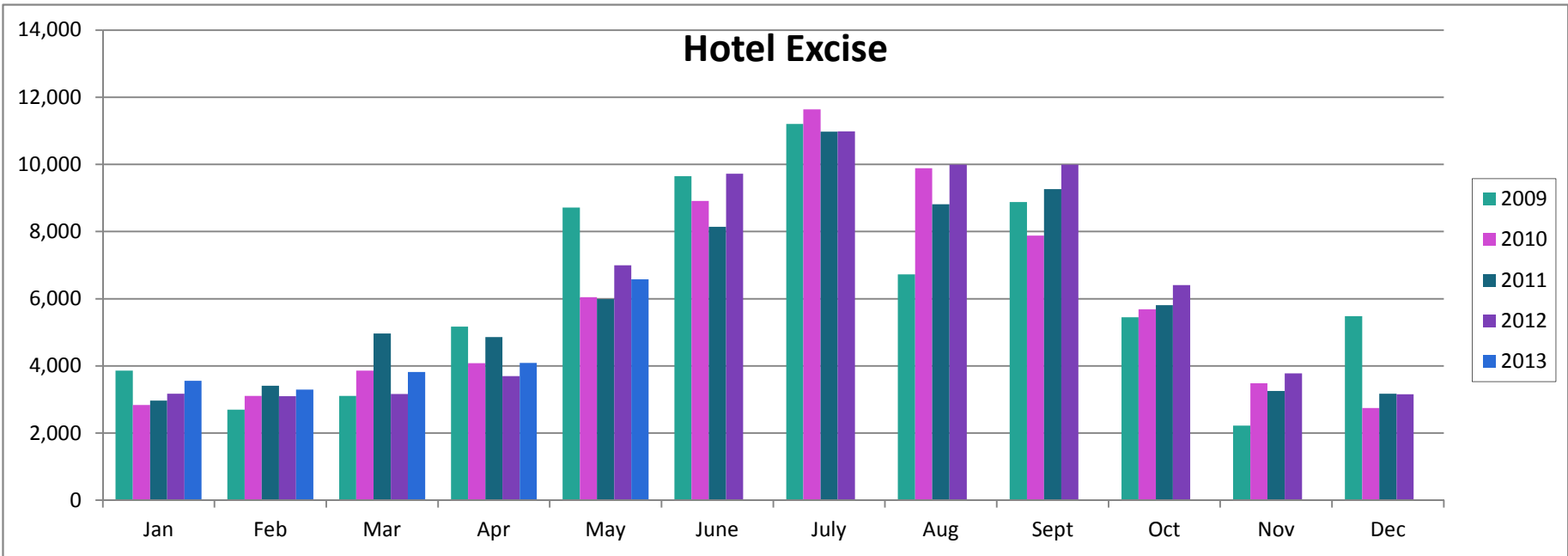
Month	Hotel Excise Tax 0.90%			Restaurant Excise Tax 0.80%			Total Collected Hotel & Restaurant Tax			Hotel & Rest. Budget		Retail Enhancement Program		
	Current Year 2013	Prior Year 2012	% of Increase/Decrease	Current Year 2013	Prior Year 2012	% of Increase/Decrease	Current Year 2013	Prior Year 2012	% of Increase/Decrease	Budget 2013	Budget Variance 2013	Current Year 2013	Prior Year 2012	% of Increase/Decrease
Jan	3,559	3,167	12.4%	21,438	21,688	-1.2%	24,997	24,855	0.6%	21,960	13.8%	18,135	17,323	4.7%
Feb	3,293	3,096	6.4%	22,299	22,419	-0.5%	25,592	25,515	0.3%	22,549	13.5%	17,814	18,116	-1.7%
Mar	3,814	3,166	20.5%	26,946	25,542	5.5%	30,760	28,708	7.1%	25,383	21.2%	21,388	20,526	4.2%
Apr	4,090	3,697	10.6%	23,058	23,756	-2.9%	27,148	27,453	-1.1%	24,247	12.0%	18,814	19,791	-4.9%
May	6,578	6,999	-6.0%	27,463	27,475	0.0%	34,041	34,474	-1.3%	30,357	12.1%	20,338	19,825	2.6%
June		9,723			28,437			38,160			33,526		22,016	
July		10,979			31,082			42,061			36,944		21,728	
Aug		9,990			29,585			39,575			34,773		21,420	
Sept		9,989			27,326			37,315			32,765		21,090	
Oct		6,404			25,672			32,076			28,250		19,754	
Nov		3,777			22,668			26,445			23,349		19,561	
Dec		3,158			23,877			27,035			23,897		25,739	
YTD Total	21,334	20,125	6.0%	121,204	120,880	0.3%	142,538	141,005	1.1%	124,496	14.5%	96,489	95,581	0.9%

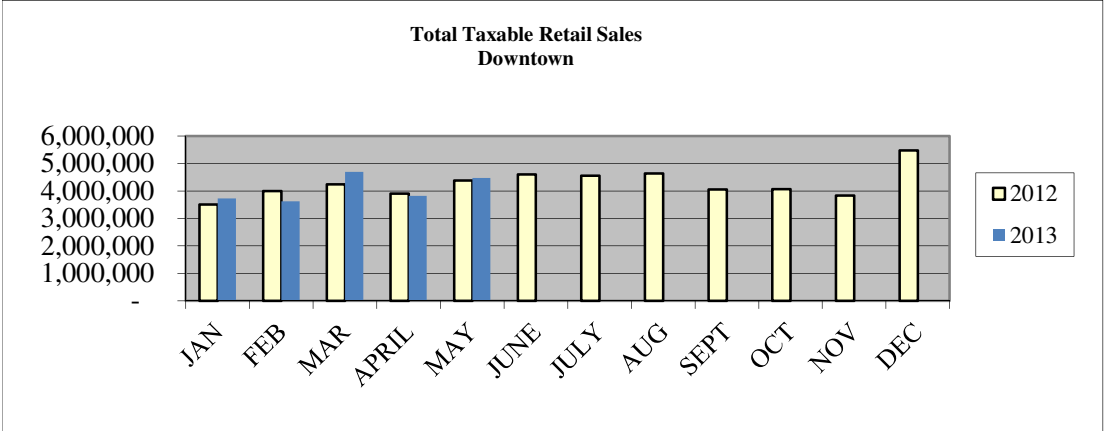
### TOTAL CITY SALES & USE TAX



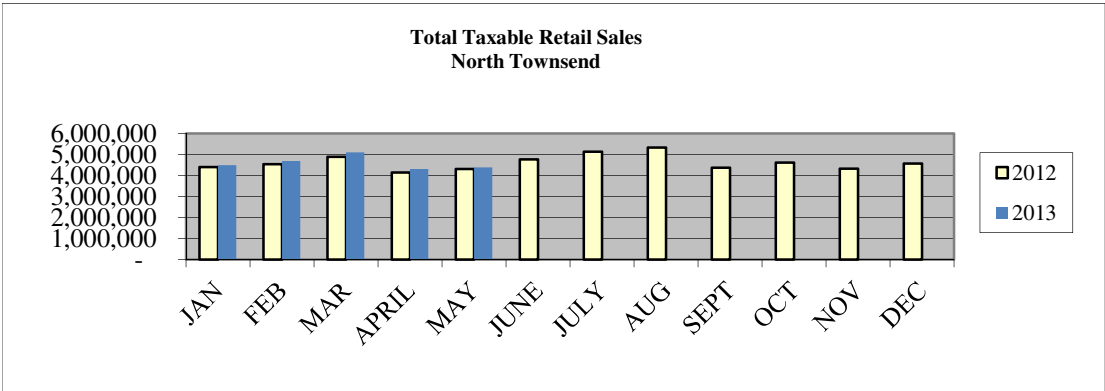
### Retail Enhancement Program



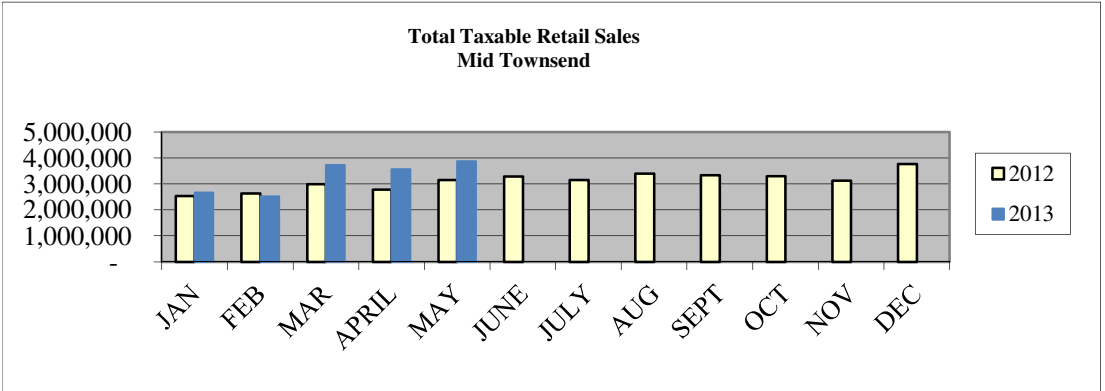




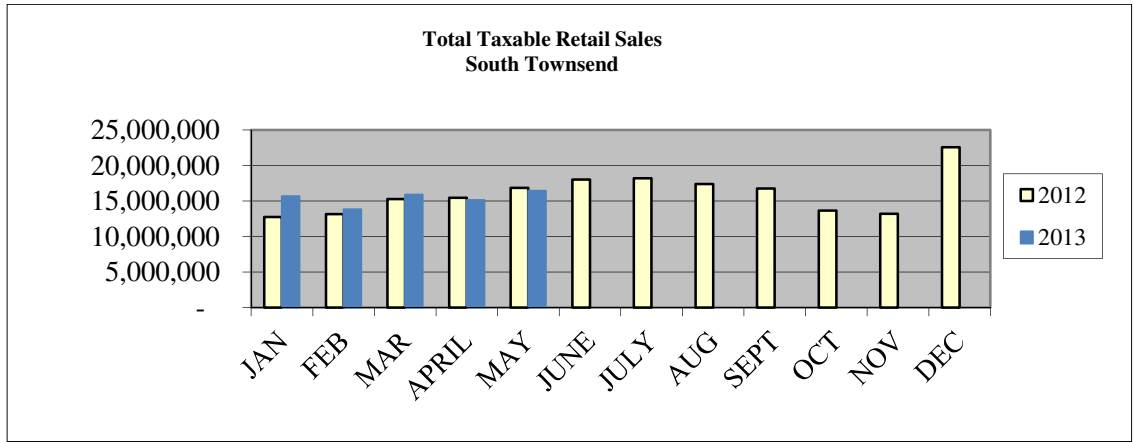
AREA 1: 2011=DDA BOUNDARY



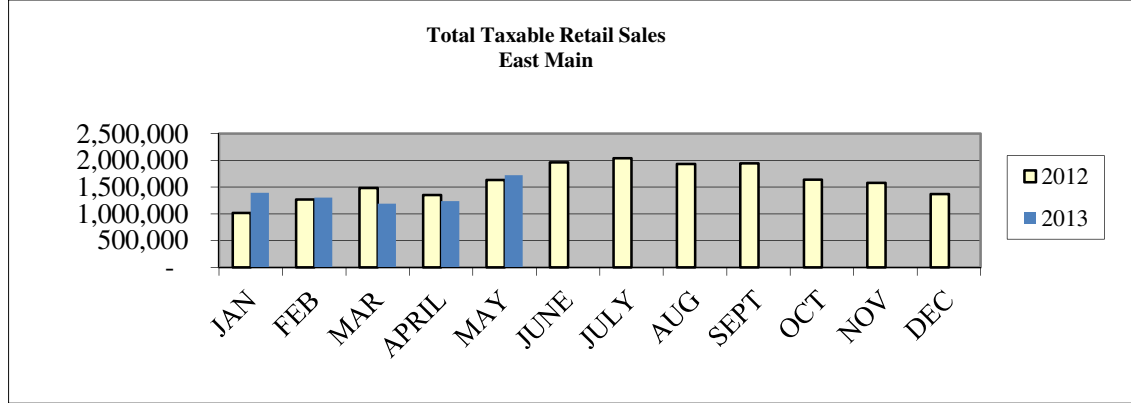
AREA 2: \*NORTH CITY LIMIT TO NORTH 2ND STREET



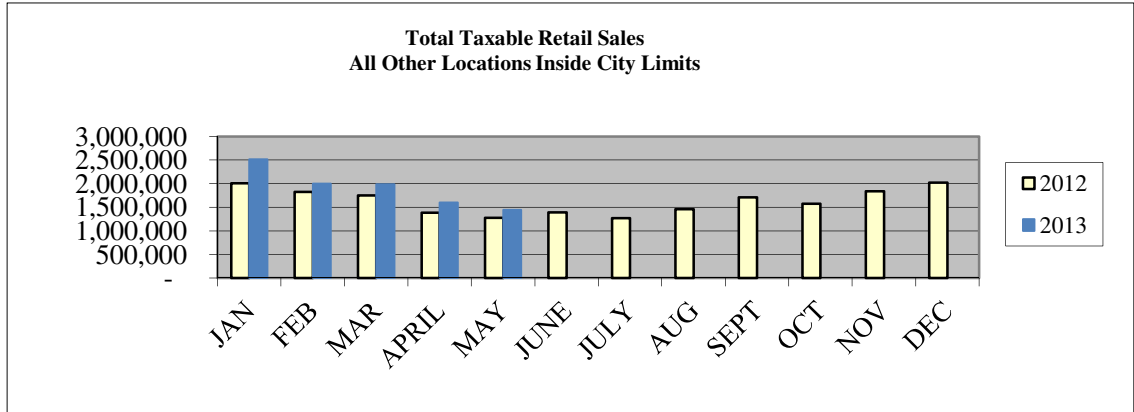
AREA 3: MID TOWNSEND SOUTH 2ND STREET TO E OAK GROVE RD



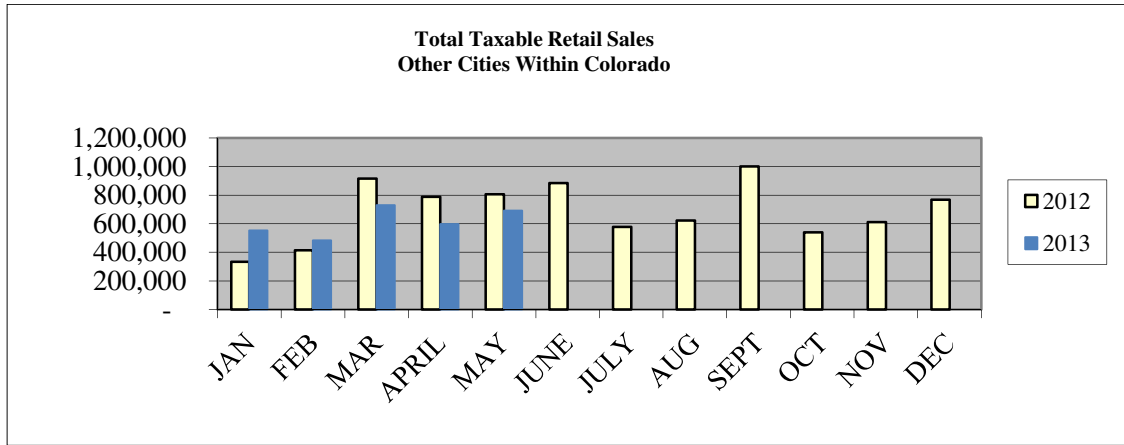
AREA 4: SOUTH TOWNSEND E OAK GROVE RD TO SOUTH CITY LIMIT



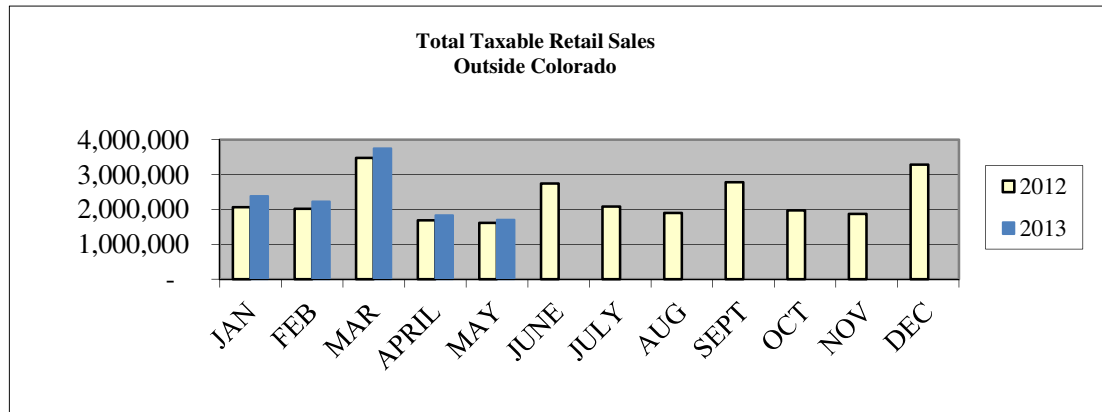
AREA 5: EAST MAIN LOT AVENUE TO EAST CITY LIMIT



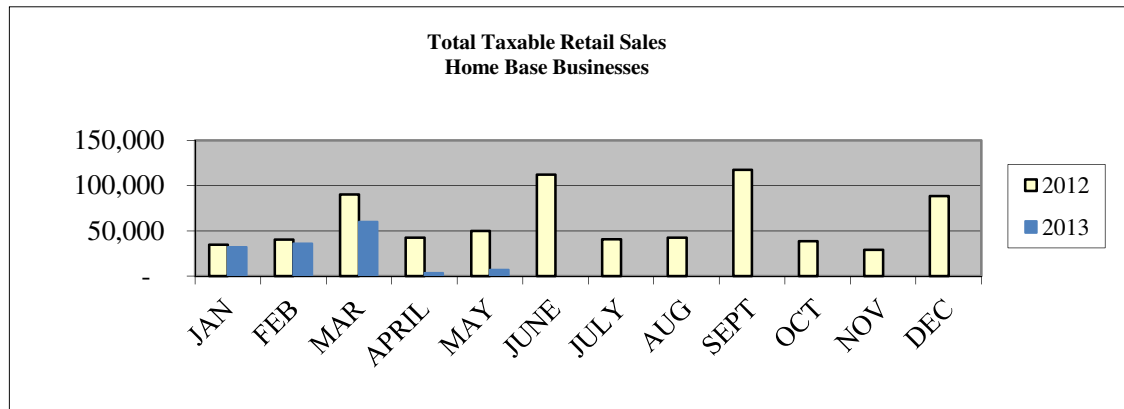
AREA 6: ALL OTHER LOCATIONS INSIDE CITY LIMITS OF MONTROSE



AREA 7: OTHER CITIES WITHIN COLORADO



AREA 8: OUTSIDE COLORADO



AREA 9: HOME BASE BUSINESSES