



REGULAR CITY COUNCIL MEETING
Tuesday, September 3, 2019
6:00 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 Dave Bowman
- 2) The Pledge of Allegiance
- 3) Roll call by the City Clerk
- 4) Changes to the agenda, including additions and deletions
- 5) CALL FOR PUBLIC COMMENT FOR NON-AGENDA ITEMS

The “Call for Public Comment” agenda item is a time when concerned members of the community may publicly voice their concerns and discuss items of interest. Please note that no formal action will be taken on the matters raised during this time.

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. 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. If an individual disregards these rules, they will be asked to leave the Council Chambers.

**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 August 20, 2019 regular City Council meeting. *Staff: City Clerk Lisa DelPiccolo 3-6*

Action: Consider making a motion to approve the minutes of the August 20, 2019, regular City Council meeting as presented.

7) ORDINANCE 2485 - FIRST READING (15 minutes)

City Council consideration of Ordinance 2485 on first reading, an Ordinance of the City of Montrose, Colorado, designating Montrose City Hall, 433 South First Street, Montrose, Colorado as a City of Montrose Historic Property pursuant to § 4-15 of the Official Code of the City of Montrose. *Staff: Director of Innovation and Citizen Engagement Virgil Turner 7-8*

Action: Hold a hearing. Consider making a motion to pass Ordinance 2485 on first reading.

8) PUBLIC SAFETY SALES AND USE TAX BALLOT ISSUE (20 minutes)

Ordinance 2486 - First Reading: City Council consideration of Ordinance 2486 on first reading, an Ordinance of the City of Montrose, Colorado, imposing a public safety sales and use tax, establishing the Public Safety Sales and Use Tax Fund and limiting the use of moneys from the Fund solely for support in the level of service for public safety in the City, making conforming amendments to the Official Code of the City and requiring voter approval prior to the effective date of this Ordinance. *City Attorney Stephen Alcorn and Police Chief Blaine Hall 9-13*

Action: Hold a hearing. Consider making a motion to pass Ordinance 2486 on first reading.

Resolution 2019-22: City Council consideration of Resolution 2019-22, a Resolution of the City Council of the City of Montrose, Colorado submitting to a vote of the qualified electors of the City at the coordinated election held on November 5, 2019 a ballot issue authorizing a public safety sales and use tax; setting the ballot title and content for the ballot issue; and providing other matters relating thereto. **14-16**

Action: Accept public comment. Consider making a motion to adopt Resolution 2019-22 as presented.

9) STAFF REPORTS

- A. Public Information Report (5 minutes)
Staff: City Manager Bill Bell

10) CITY COUNCIL COMMENTS

11) MOTION TO ADJOURN

A regular meeting of the Montrose City Council was held on Tuesday, August 20, 2019, at 6:00 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: Dave Bowman, Barbara Bynum, Roy Anderson, Judy Ann Files, Doug Glaspell, Bill Bell, Stephen Alcorn, Ann Morgenthaler, Lisa DelPiccolo, Mikayla Unruh, Jim Scheid, Chelsae White, Kendall Cramer, Greg Story, Blaine Hall, Scott Murphy

GUESTS: Caitlin Switzer, David Stockton, Steve Stevenson, Marty Guy

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

CHANGES TO THE AGENDA

No changes were made to the agenda.

CALL FOR PUBLIC COMMENT

No comments were received.

APPROVAL OF MINUTES

City Council considered the minutes of the August 6, 2019, special City Council Meeting and the August 6, 2019, regular City Council meeting.

A motion was made by Roy Anderson, seconded by Doug Glaspell, to approve the minutes of the August 6, 2019, special City Council Meeting and the August 6, 2019, regular City Council meeting as presented. All voted yes. Motion passed.

RESOLUTION 2019-21

City Council considered Resolution 2019-21, a Resolution authorizing filing of the Colorado Department of Local Affairs Grant application for the Gray & Black Market Marijuana Enforcement Grant Program.

Grant Coordinator Kendall Cramer gave an overview of the Department of Local Affairs (DOLA) Gray & Black Market Marijuana Enforcement Grant program created by state statute to address illegal cultivation and distribution of marijuana. Grant funds can be used for a variety of purposes including personnel, over time, contractual services, equipment, supplies, and travel. Mr. Cramer reported that the City of Montrose received \$70,000.00 in 2018 that was used for

equipment, wages, and Drug Task Force expenses. Mr. Cramer stated that Resolution 2019-21 authorizes the filing of the grant application, affirms that funds will be spent appropriately, acknowledges TABOR implications, and allows the City Manager to execute the grant contract.

Public comment was accepted. No comments were received.

Mr. Cramer clarified that no matching funds are required from the City, and the amount of the grant is determined by DOLA.

A motion was made by Judy Ann Files, seconded by Barbara Bynum, to adopt Resolution 2019-21 as presented. All voted yes. Motion passed.

RIVERBOTTOM DRIVE RECONSTRUCTION CONTRACT

City Council considered a construction contract and survey/engineering support contracts totaling \$1,033,458.79 for construction of the Riverbottom Drive Reconstruction Project.

City Engineer Scott Murphy explained that the project and contract award were discussed at a previous work session. The contract is for reconstruction of Riverbottom Drive between Rio Grande Avenue and the first pond adjacent to the entrance on the south side of the road. The overall project is a cooperative endeavor with Montrose Recreation District (MRD), and includes the renovation of Holly Park. Mr. Murphy stated that Riverbottom Drive will be widened to two lanes in each direction and will include sidewalks, on-street parking on both sides of the road, and piping of the existing irrigation ditch. The intersection at Rio Grande will be squared, and a push-button crosswalk signal will be installed to enhance pedestrian safety.

Mr. Murphy reviewed the bid process. Eight bids were received with Skip Huston Construction as the low bidder. Mr. Murphy stated that the City has worked with Skip Huston Construction and owner Marty Guy on past projects with satisfactory results. Mr. Guy was in attendance as was Del-Mont Consultants President Steve Stevenson.

Mr. Murphy explained that the Riverbottom Drive and Holly Field projects are partially funded with a \$500,000.00 DOLA grant that is split between the two entities. Other partners include DMEA, which will underground and upgrade electrical lines, and Montrose County, which will donate gravel. Mr. Murphy stated that half of the \$1.03 million total project costs will be expended this year, and the remainder in 2020. Riverbottom Drive will be closed beginning August 26, and traffic will be diverted onto Apollo Road through March of 2020.

Public comment was accepted. No comments were received.

A motion was made by Roy Anderson, seconded by Judy Ann Files, to award a construction contract in the amount of \$988,458.79 to Skip Huston Construction and an engineering support and survey stakeout contract in the amount of \$45,000.00 on an as-needed, time and materials basis to Del-Mont Consultants. All voted yes. Motion passed.

UNCOMPAHGRE PEDESTRIAN BRIDGE CONSTRUCTION CONTRACT

City Council considered a construction contract with Con-Sy, Inc., in the amount of \$397,570.80 for replacement of the pedestrian bridge over the Uncompahgre River at Ogden Road.

Public Works Manager Jim Scheid reviewed a contract recommendation for construction of a replacement pedestrian bridge at the end of Ogden Road near Home Depot. Mr. Scheid stated that the existing bridge is 60 years old, and the abutments are located with the floodplain. Mr. Scheid gave an overview of the bid process and recommended awarding a contract to Con-Sy of Grand Junction which submitted the low bid. Mr. Scheid stated that the new bridge will be 40 feet long longer, with a total span of 100 feet. A 10 foot wide concrete decking and new abutments will be constructed.

Public comment was accepted. No comments were received.

A motion was made by Barbara Bynum, seconded by Doug Glaspell, to approve a construction contract with Con-Sy, Inc., in the amount of \$397,570.80 as presented. All voted yes. Motion passed.

INTERGOVERNMENTAL AGREEMENT

City Council considered an Intergovernmental Agreement between Montrose County and the City of Montrose for the 2019 Coordinated Election on November 5, 2019.

City Attorney Stephen Alcorn reported that the IGA drafted by Montrose County is standard and requires the City to agree to cover any and all expenses related to the question on the ballot. The City requested the inclusion of a not-to-exceed limit in the agreed upon amount of \$35,000.00, and the County agreed to issue an updated agreement. Mr. Alcorn recommended that City Council approve the IGA for the Mayor's signature contingent on the addition of the not-to-exceed amount.

Mr. Alcorn clarified that the coordinated election costs are prorated based upon the number of political subdivisions with items on the ballot, and this IGA pertains to the public safety sales tax question.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by Roy Anderson, to approve the Intergovernmental Agreement between Montrose County and the City of Montrose for the 2019 Coordinated Election contingent upon the addition of a not-to-exceed amount of \$35,000.00. All voted yes. Motion passed.

STAFF REPORTS

Sales, Use, and Excise Tax Report: Assistant Finance Director Chelsae White provided clarification on the Hotel and Restaurant Excise Tax totals and reported that approximately \$108,000.00 was collected in 2018. Ms. White provided sales, use, and excise tax information for the month of June 2019. Ms. White reported that Total collections were up 6.0 percent as

compared to June 2018 with a positive budget variance of 4.0 percent. Year-to-date collections were up 3.7 percent with a positive budget variance of 7.6 percent.

Second Quarter Budget Review: Assistant Finance Director Chelsae White stated that a complete second quarter budget report is included in the meeting packet. Ms. White reviewed revenues and expenditures for major funds for the first two quarters of 2019. Ms. White reported that 49.8 percent of projected General Fund revenues were collected as of June 30, and 45.2 percent of the budgeted funds were expended.

Public Information Officer Report: Police Chief Blaine Hall reviewed the schedule for presentations on the state of public safety in Montrose. A presentation was given today at the Montrose Pavilion. Presentations are also planned for the Community Forum at the CASA facility on August 21 at 8:00 a.m., at Cobble Creek Clubhouse on August 22 at 6:00 p.m., and at a Comprehensive Plan workshop with Spanish translation on August 22 in the Centennial Meeting Room of the City Hall Annex beginning at 6:30 p.m.

Chief Hall gave an update on a shooting on North Grand Avenue last weekend, and an incident near Columbine Middle School on August 16 involving an individual in possession of a handgun, a tactical vest and a large amount of drugs.

COUNCIL COMMENTS

Mayor Dave Bowman invited the community to the final Acoustic Tuesday concert beginning at 5:00 p.m. on August 27 in the Downtown Pocket Park with Donny Morales performing.

MOTION TO ADJOURN

At 6:33 p.m., a motion was made by Judy Ann Files, seconded by Doug Glaspell, to adjourn the meeting with no further action taken.

ATTEST:

Dave Bowman, Mayor

Lisa DelPiccolo, City Clerk

ORDINANCE NO. 2485

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, DESIGNATING MONTROSE CITY HALL, 433 SOUTH FIRST STREET, MONTROSE, COLORADO AS A CITY OF MONTROSE HISTORIC PROPERTY PURSUANT TO § 4-15 OF THE OFFICIAL CODE OF THE CITY OF MONTROSE

WHEREAS, pursuant to City Code § 4-15, the City Council has established a public policy encouraging the protection, enhancement and perpetuation of historic properties with the City; and

WHEREAS, by motion approved on July 23, 2019, the City of Montrose Historic Preservation Commission (the “Commission”) determined Montrose City Hall at 433 South 1st Street in Montrose, as more specifically described in the legal description below (the “Property”), is eligible for the historic property designation pursuant to City Code § 4-15 as follows: the building is over fifty years old, and is significant in its association with the history of government in Montrose, having been erected in 1926 as the first building completed specifically to house city offices, continuing in that function today, and the building is a notable example of the work of local architect J.H. Antrobus and local contractors Okey & Jones, and the building represents high artistic values in decorative brickwork, and the building reflects the Mission Revival style in the shaped parapets above entrances on the east and south, and an Art Deco influence in its polychromatic ornament; and

WHEREAS, the Commission further determined the Property meets the criteria set forth in City Code § 4-15, is eligible for designation as a historic property, and has recommended to the City Council the Property be designated as a historic property; and

WHEREAS, the owner of the Property has consented to such historic property designation and desires to protect the Property; and

WHEREAS, such historic property designation will preserve the Property’s significance to the community; and

WHEREAS, the City Council has reviewed the recommendation of the Commission and desires to follow such recommendation and designate the Property as a historic property; and

WHEREAS, designation of the Property as a historic property is necessary for the prosperity, civic pride, and welfare of the public.

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

Section 1. The City Council hereby make and adopts the determinations and findings contained in the recitals set forth above.

Section 2. The Property located in the City of Montrose, Montrose County, Colorado, is described as follows, to wit:

MONTROSE TOWN OF Block: 87 Lot: 18 THRU:- Lot: 24 (Commercial Occurrence 1)

Section 3. Alteration, additions and other changes to the building and structures located on the Property will be reviewed for compliance with City Code § 4-15, as currently enacted or hereafter amended.

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 3rd day of September, 2019, at the hour of 6:00 p.m. at the Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 3rd day of September, 2019.

Dave Bowman, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

INTRODUCED, READ and ADOPTED on second reading this 17th day of September, 2019.

Dave Bowman, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

ORDINANCE NO. 2486

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, IMPOSING A PUBLIC SAFETY SALES AND USE TAX, ESTABLISHING THE PUBLIC SAFETY SALES AND USE TAX FUND AND LIMITING THE USE OF MONEYS FROM THE FUND SOLELY FOR SUPPORT IN THE LEVEL OF SERVICE FOR PUBLIC SAFETY IN THE CITY, MAKING CONFORMING AMENDMENTS TO THE OFFICIAL CODE OF THE CITY AND REQUIRING VOTER APPROVAL PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the City of Montrose, Colorado (the “City”) is a municipal corporation duly organized and operating as a home rule city under the Charter of the City of Montrose (the “City Charter”) and the Constitution and laws of the State of Colorado; and

WHEREAS, the public safety of the City would benefit from an increase in staffing, equipment, and public safety facilities; and

WHEREAS, the growth of the current Police Department staff has exceeded its current facility and expansion of staffing would benefit from new construction of a Public Safety Facility which would house the Police Department; and

WHEREAS, the cost of such Public Safety Facility is estimated to be \$16,000,000 million dollars, and it is the desire of Council to finance a portion of the construction and equipping of such facility from a citywide public safety sales and use tax; and

WHEREAS, public safety funding issues are present amongst all public safety entities serving the citizens of the City of Montrose; and

WHEREAS, as a result of the above referenced review, the Police Chief, the City Attorney and members of the citizen public safety advisory committee have requested that the Council approve this ordinance, the effective date of which is subject to approval by a majority of the voting qualified City electors as required pursuant to Section 19 of Article V of the City Charter, imposing a citywide public safety sales and use tax as set forth in this Ordinance to address budgetary insufficiencies which are negatively impacting public safety; and

WHEREAS, it is the intent of the Council that the exemptions in this citywide public safety sales and use tax be identical to the exemptions set forth in the existing general sales and use tax imposed pursuant to Chapter 15, Title V of the Montrose City Code; and

WHEREAS, the Council intends that the citywide public safety sales and use tax shall comply and be interpreted to comply with the requirements of Article X, Section 20 of the Constitution of the State of Colorado; Chapter 15, Title V of the Montrose City Code, and all other applicable provisions of law; and

WHEREAS, as provided in Section 1-1-1 of the Official Code of the City of Montrose, Colorado (the “Montrose City Code”) any ordinance amending the Montrose City Code shall set forth in full the Section or Sections, subsection or subsections of the Montrose City Code being amended; therefore,

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

Section 1. Sales Tax Levied. Subsection (A) of Section 5-15-4 of the Montrose City Code is hereby amended to read as follows (CAPITAL LETTERS indicate added material):

5-15-4 Sales Tax Levied.

(A) There is hereby levied and there shall be collected and paid a GENERAL sales tax at the rate of three percent (3%), PLUS THE SALES TAX RATES IMPOSED PURSUANT TO SECTION 5-15-34(A) AND SECTION 5-15-40(A) OF THIS CHAPTER, WHICH TAX RATES SHALL BE COLLECTIVELY REFERRED TO IN THIS CHAPTER AS THE CITY SALES TAX AND REFERENCES TO THE RATE SET FORTH IN THIS PARAGRAPH (A) SHALL BE CONSIDERED TO INCLUDE THE RATES SET FORTH IN SAID SECTIONS, as follows:

- (1) On the purchase price paid or charged upon all sales and purchases of tangible personal property at retail.
- (2)
 - (a) In the case of retail sales involving the exchange of property, on the purchase price paid or charged, including the fair market value of the property exchanged at the time and place of the exchange, excluding, however, from the consideration or purchase price the fair market value of the exchanged property if:
 - (i) Such exchanged property, other than factory built housing as defined in C.R.S. 24-32-703(3) is to be sold thereafter in the usual course of the retailer's business; or
 - (ii) Such exchanged property is a vehicle other than a mobile home as defined in C.R.S. 42-1-102(82)(b) and is exchanged for another vehicle and both vehicles are subject to licensing, registration or certification under the laws of this State, including but not limited to vehicles operating upon public highways, off highway recreation vehicles, water-craft and aircraft.
 - (b) The exchange of three (3) or more vehicles of the same type by any person in any calendar year in transactions subject to

the provisions of this Chapter shall be prima facie evidence that such person is engaged in the business of selling vehicles of the type involved in such transaction as a retailer, and that he is thereby subject to licensing requirements.

- (3) On the purchase price of telephone services for all local calls originating in the City on telephone instruments located in the City.
- (4) On the purchase price of gas and electric service, whether furnished by Municipal, public or private corporations or enterprises, for gas and electricity furnished and sold for domestic and commercial consumption and not for resale.
- (5) On the purchase price paid or charged for food or drink served or furnished in or by restaurants, cafes, lunch counters, cafeterias, hotels, drug stores, clubs, cabarets, resorts, snack bars, caterers, carry out shops, and other like places of business at which prepared food or drink is regularly sold to the public. Cover charges shall be included as part of the amount paid for such food or drink.
- (6) On the purchase price paid or charged to any person or persons for lodging services.

Section 2. Public Safety Sales and Use Tax. Chapter 15 of Title 5 of the Montrose City Code is amended by the addition of Section 5-15-40 to read as follows (CAPITAL LETTERS indicate added material):

5-15-40 PUBLIC SAFETY SALES AND USE TAX

- (A) THERE IS HEREBY LEVIED AND THERE SHALL BE COLLECTED AND PAID A PUBLIC SAFETY SALES AND USE TAX IMPOSED AT THE RATE OF 0.58% (FIFTY-EIGHT ONE-HUNDREDTHS OF ONE PERCENT), BEGINNING JANUARY 1, 2020, WITH A REDUCTION IN SUCH TAX RATE BEGINNING JANUARY 1, 2050 TO THE RATE OF 0.44% (FORTY-FOUR ONE-HUNDREDTHS OF ONE PERCENT), TO BE IMPOSED PERPETUALLY THEREAFTER.
- (B) THERE IS HEREBY ESTABLISHED A SPECIAL FUND, TO BE KNOWN AS THE PUBLIC SAFETY SALES AND USE TAX FUND. ONE HUNDRED PERCENT (100%) OF THE REVENUES, NET OF THE COSTS OF COLLECTION AND ADMINISTRATION, GENERATED FROM THE PORTION OF THE SALES AND USE TAX IMPOSED BY THE CITY PURSUANT TO PARAGRAPH (A) OF THIS SECTION, SHALL BE DEPOSITED INTO THE PUBLIC SAFETY SALES AND USE TAX FUND AND USED SOLELY FOR SUPPORT

IN THE LEVEL OF SERVICE FOR PUBLIC SAFETY IN THE CITY OF MONTROSE, INCLUDING BUT NOT LIMITED TO:

- (1) HIRING, EMPLOYING, TRAINING, AND EQUIPPING PUBLIC SAFETY PERSONNEL, INCLUDING POLICE SCHOOL RESOURCE OFFICERS, PEACE OFFICERS AND SUPPORT STAFF;
- (2) ADDING PERSONNEL AND EQUIPMENT TO ENSURE THE OPTIMAL NUMBER OF POLICE OFFICERS ARE ON DUTY AT ALL TIMES TO SUPPORT CURRENT POLICING NEEDS AND TO IMPROVE EMERGENCY RESPONSE TIMES BASED UPON NATIONAL BEST PRACTICES;
- (3) PREPARING, CONDUCTING AND IMPROVING CRIMINAL INVESTIGATIONS, PROSECUTIONS AND PROACTIVE POLICING TO ENHANCE PUBLIC SAFETY;
- (4) PAYING OPERATIONAL COSTS, SUPPLIES, EQUIPMENT AND CAPITAL EXPENDITURES RELATED TO PUBLIC SAFETY; AND
- (5) FUNDING COSTS ASSOCIATED WITH A PUBLIC SAFETY BUILDING, INCLUDING BUT NOT LIMITED TO LEASE-PURCHASE PAYMENTS, TO PROVIDE A FACILITY FOR THE POLICE DEPARTMENT.

THE CITY MANAGER, IN COORDINATION WITH THE POLICE CHIEF, SHALL DETERMINATE PUBLIC SAFETY EXPENDITURES WHICH QUALIFY FOR PAYMENT FROM THE PUBLIC SAFETY SALES AND USE TAX FUND.

- (C) ALL REFERENCES TO THE RATE OF THE SALES AND USE TAX IN THIS CHAPTER SHALL INCLUDE THE PUBLIC SAFETY SALES AND USE TAX IMPOSED PURSUANT TO PARAGRAPH (A) OF THIS SECTION.
- (D) THE CITY OF MONTROSE SHALL CONTINUE TO FUND PUBLIC SAFETY FROM THE CITY GENERAL FUND IN AN ANNUAL AMOUNT NOT LESS THAN 43% OF ALL GENERAL OPERATIONAL EXPENSES.
- (E) THIS SECTION SHALL CONTINUE IN EFFECT UNTIL OTHERWISE MODIFIED OR CHANGED BY A MAJORITY OF THE QUALIFIED ELECTORS OF THE CITY VOTING ON THE QUESTION AT A REGULAR OR SPECIAL ELECTION.

Section 3. Ratification of the Montrose City Code. With the exception of the provisions of the Montrose City Code which are amended as provided herein, all remaining provisions of the Montrose City Code shall remain in full force and effect. To the extent necessary to effect the voter authorization, the Montrose City Code may be further amended by ordinance consistent with the terms of this Ordinance.

Section 4. Effective Date. Subject to approval by a majority of the qualified electors of the City voting at the coordinated election to be held on November 5, 2019, the provisions of this Ordinance shall become effective on January 1, 2020.

INTRODUCED, READ AND PASSED on first reading this 3rd day of September, 2019.

(S E A L)

Dave Bowman, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

INTRODUCED, READ AND ADOPTED on second reading this 17th day of September, 2019.

(S E A L)

Dave Bowman, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

RESOLUTION NO. 2019-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO SUBMITTING TO A VOTE OF THE QUALIFIED ELECTORS OF THE CITY AT THE COORDINATED ELECTION HELD ON NOVEMBER 5, 2019 A BALLOT ISSUE AUTHORIZING A PUBLIC SAFETY SALES AND USE TAX; SETTING THE BALLOT TITLE AND CONTENT FOR THE BALLOT ISSUE; AND PROVIDING OTHER MATTERS RELATING THERETO.

WHEREAS, the City of Montrose, Colorado (the “City”) is a municipal corporation duly organized and operating as a home rule city under the Charter of the City of Montrose (the “City Charter”) and the Constitution and laws of the State of Colorado; and

WHEREAS, Article V, Section 19 of the City Charter contains limitation on the tax powers of the City until the ordinance authorizing the same has been approved by a majority of the qualified electors of the City voting on the question and, after the effective date of any such ordinance, any subsequent amendment to that ordinance need not be again approved by qualified electors unless the amendatory ordinance imposes an increase in the rate of such tax; and

WHEREAS, Article X, Section 20 of the Colorado Constitution requires that the City have voter approval in advance for any tax rate increase; and

WHEREAS, Article III, Section 3 of the City Charter provides that any special election may be called by ordinance or resolution setting forth the purpose of the election; and

WHEREAS, City Council of the City (the “City Council”) has, pursuant to Resolution 2019-19, authorized the execution of an intergovernmental agreement with the Montrose County Clerk and Recorder for the conduct of a coordinated election to be held on November 5, 2019; and

WHEREAS, prior to consideration of this Resolution there has been introduced, read and passed on first reading at this meeting an Ordinance, the title of which is as follows:

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, IMPOSING A PUBLIC SAFETY SALES AND USE TAX, ESTABLISHING THE PUBLIC SAFETY SALES AND USE TAX FUND AND LIMITING THE USE OF MONEYS FROM THE FUND SOLELY FOR SUPPORT IN THE LEVEL OF SERVICE FOR PUBLIC SAFETY IN THE CITY, MAKING CONFORMING AMENDMENTS TO THE OFFICIAL CODE OF THE CITY AND REQUIRING VOTER APPROVAL PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the City Council intends to approve the above-reference Ordinance on second reading at its next regularly scheduled meeting and desires to take action to submit the Ordinance for voter approval and to set the title and content for the ballot issue attached hereto as Appendix A;

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

Section 1. An election shall be held on Tuesday, November 5, 2019 at which there shall be submitted to the qualified electors of the City a ballot issue the form attached hereto as Appendix A. Appendix A is hereby incorporated into this Resolution as if set forth in full herein.

Section 2. For purposes of Section 1-11-203.5, C.R.S., this Resolution shall serve to set the title and content of the ballot issue set forth herein. Any petition to contest the form or content of the ballot title and content may be filed with the District Court and a copy served on the City Clerk within five days after the title of the ballot issue is set by the City Council on adoption of this Resolution.

Section 3. The City Clerk shall serve as the designated election officer of the City for the purpose of performing acts required or permitted by law in connection with the election on the ballot issue and shall take such action as may be required to comply with all applicable laws pertaining to the conduct of the election. The officers and employees of the City also are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

Section 4. If a majority of the votes cast on the ballot issue submitted at the election shall be in favor of the ballot issue, the City shall be authorized to proceed in accordance with the ballot issue which has been so approved.

Section 5. If any section, paragraph, clause, or other portion of this Resolution is for any reason held to be invalid or unenforceable, the invalidity or unenforceability shall not affect any of the remaining portions of this Resolution.

Section 6. This Resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED this 3rd day of September, 2019.

(S E A L)

ATTEST:

Dave Bowman, Mayor

Lisa DelPiccolo, City Clerk

SHALL THE CITY OF MONTROSE TAXES BE INCREASED BY \$3,897,687 ANNUALLY (WHICH AMOUNT REPRESENTS ESTIMATED REVENUES IN 2020, THE FIRST FULL FISCAL YEAR OF COLLECTION) AND BY SUCH AMOUNTS AS ARE RAISED ANNUALLY THEREAFTER FROM A PUBLIC SAFETY SALES AND USE TAX IMPOSED AT THE RATE OF 0.58% (FIFTY-EIGHT ONE-HUNDREDTHS OF ONE PERCENT, WHICH REPRESENTS 58 CENTS ON EACH 100 DOLLAR PURCHASE), BEGINNING JANUARY 1, 2020, WITH A REDUCTION IN SUCH TAX RATE TO 0.44% (FORTY-FOUR ONE-HUNDREDTHS OF ONE PERCENT, WHICH REPRESENTS 44 CENTS ON EACH 100 DOLLAR PURCHASE) BEGINNING JANUARY 1, 2050, TO SUPPORT IN THE LEVEL OF SERVICE FOR PUBLIC SAFETY IN THE CITY OF MONTROSE, INCLUDING BUT NOT LIMITED TO:

- HIRING, EMPLOYING, TRAINING, AND EQUIPPING PUBLIC SAFETY PERSONNEL, INCLUDING POLICE SCHOOL RESOURCE OFFICERS, PEACE OFFICERS AND SUPPORT STAFF;
- ADDING PERSONNEL AND EQUIPMENT TO ENSURE THE OPTIMAL NUMBER OF POLICE OFFICERS ARE ON DUTY AT ALL TIMES TO SUPPORT CURRENT POLICING NEEDS AND TO IMPROVE EMERGENCY RESPONSE TIMES BASED UPON NATIONAL BEST PRACTICES;
- PREPARING, CONDUCTING AND IMPROVING CRIMINAL INVESTIGATIONS, PROSECUTIONS AND PROACTIVE POLICING TO ENHANCE PUBLIC SAFETY;
- PAYING OPERATIONAL COSTS, SUPPLIES, EQUIPMENT AND CAPITAL EXPENDITURES RELATED TO PUBLIC SAFETY; AND
- FUNDING COSTS ASSOCIATED WITH A PUBLIC SAFETY BUILDING, INCLUDING BUT NOT LIMITED TO LEASE-PURCHASE PAYMENTS, TO PROVIDE A FACILITY FOR THE POLICE DEPARTMENT;

SHALL CITY ORDINANCE NO. 2486 PROVIDING FOR THE PUBLIC SAFETY SALES AND USE TAX BE APPROVED; SHALL THE CITY CONTINUE TO FUND PUBLIC SAFETY FROM THE CITY GENERAL FUND IN AN ANNUAL AMOUNT NOT LESS THAN 43% OF ALL GENERAL OPERATIONAL EXPENSES; SHALL A PUBLIC SAFETY SALES AND USE TAX FUND BE ESTABLISHED TO PROVIDE GREATER TRANSPARENCY IN THE TAX INCREASE REVENUES AND THE USE THEREOF; AND SHALL ALL REVENUES DERIVED FROM SUCH CITYWIDE PUBLIC SAFETY SALES AND USE TAX, INCLUDING INVESTMENT EARNINGS THEREON, BE COLLECTED AND SPENT AS A VOTER APPROVED REVENUE CHANGE AND NOTWITHSTANDING ANY REVENUE EXPENDITURE LIMIT CONTAINED WITHIN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

_____ YES/FOR _____ NO/AGAINST