

A regular City Council meeting of the Montrose City Council was held on Thursday, December 4, 2008, at 7:00 p.m., in the City Council Chambers located in the Elks Civic Building at 107 South Cascade Avenue. Said meeting posted in accordance with the Sunshine Law.

PRESENT: Erica Lewis Kennedy, Kathy Ellis, Jose Abeyta, Ed Ulibarri, Gail Marvel, Mary Watt, Scott Sellers, Elsa Anderson, Russ Duree, Veronica Lingo, Sue Hamilton, Virgil Turner, Ben Morris, Kerwin Jensen, Paul Eller, Jim Hougnon.

GUESTS: Matt Box, Judy Wind, Jim Rumble, Bob Nicholson, Juli Messenger, Frank Casey.

### MINUTES

City Council considered the minutes from the regular City Council meeting held on November 20, 2008, and the special City Council meeting held on November 14, 2008. A motion was made by Jose Abeyta, seconded by Gail Marvel, to approve the minutes of the regular City Council meeting held on November 20, 2008, and the special City Council meeting held on November 14, 2008. Kathy Ellis abstained from voting. All other voted yes. Motion passed.

### MEMORANDUM OF UNDERSTANDING

City Council considered the ratification of the approval of the Memorandum of Understanding between the Colorado Historical Society, Office of the State Archaeologist and the City of Montrose regarding the Kallstrom Jacal Homestead/Cerise Lower Place. A motion was made by Jose Abeyta, seconded by Gail Marvel, to ratify the approval of the Memorandum of Understanding. Kathy Ellis abstained from voting. All other voted yes. Motion passed

### RESOLUTION 2008-37

City Council considered Resolution 2008-37, authorizing the City of Montrose to enter into a grant contract, granting state and federal funds in the total amount of \$550,000.00, requiring no matching funds, and administered by the Colorado Department of Transportation, bearing grant number 09 HA3 00024, and further bearing number 3310000175; to cause raised medians to be constructed on U.S. Hwy 550 B from Church Street to Niagara Road, and construction of dual westbound left turn lanes, and a single right turn lane at US 550 B and Niagara Road. A motion was made by Jose Abeyta, seconded by Gail Marvel, to approve Resolution 2008-37. Kathy Ellis abstained from voting. All other voted yes. Motion passed

### CHANGE ORDER

City Council considered a change order for the contract with Andrews and Anderson Architects, PC for additional design services for further structural investigation of the Montrose City Hall and Annex due to unexpected existing conditions. The amount of the change order required for this change in scope of work is \$8,900. A motion was made by Jose Abeyta, seconded by Gail Marvel, to approve the change order to the contract with Andrews and Anderson Architects, PC for additional design services for further structural investigation of the Montrose City Hall and Annex due to unexpected existing conditions. Kathy Ellis abstained from voting. All other voted yes. Motion passed

REGIONAL TRANSPORTATION FEASIBILITY STUDY INTERGOVERNMENTAL AGREEMENT

City Council considered an intergovernmental agreement for a regional transportation feasibility study. The cost of this study is \$34,194 with a CDOT grant paying for \$28,000 and the remainder divided among 14 parties involved in the intergovernmental agreement. The City's contribution would be \$442.42. A motion was made by Jose Abeyta, seconded by Gail Marvel, to approve the intergovernmental agreement. Kathy Ellis abstained from voting. All other voted yes. Motion passed

ORDINANCE 2210 – SECOND READING

City Council considered Ordinance 2210 on second reading, amending the City Council districts. A hearing was held.

A motion was made by Kathy Ellis, seconded by Gail Marvel, to adopt Ordinance 2210 on second reading. All voted yes. Motion passed

ORDINANCE 2211 – SECOND READING

City Council considered Ordinance 2211 on second reading (Talking Water Rezone) amending the zoning district designation of a part of lot 3, Triple KL Minor Subdivision and other lands, from "B-3" medium density district to "R-6" medium density/manufactured housing district. A hearing was held.

A motion was made by Gail Marvel, seconded by Jose Abeyta, to adopt Ordinance 2211 on second reading. All voted yes. Motion passed

ORDINANCE 2212 – FIRST READING

City Council considered Ordinance 2212 on first reading approving the supplemental budget; amending Ordinance 2168 which appropriated funds for defraying the expenses and liabilities of the City of Montrose, Colorado during the fiscal year beginning January 1, 2008; 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, 2008.

A motion was made by, Gail Marvel seconded by Ed Ulibarri, to pass Ordinance 2212 on first reading. All voted yes. Motion passed

ORDINANCE 2213 – EMERGENCY

City Council considered Ordinance 2213 amending regulations related to the appointment of members of the Planning Commission and declaring an emergency.

Planning Commissioners Frank Casey, Bob Nicholson, Jim Rumble, and Matt Box expressed their disapproval for reducing the number of Commissioners from seven to five for various reasons including difficulty of five people to help staff to implement the changes recommended in the 2008 Comprehensive Plan, no prior discussion of a reduction with the Planning Commission, inability of five people to handle the future development plans of Montrose, hard

to find five qualified people who understand the regulations and codes, five members limit and reduce the diversity of decisions made and people applying, a seven member board allows board members the ability to travel, and the perception of an emergency ordinance to lower the number after it was assumed that the same number of positions would be filled with the same number of terms expiring.

Planning Commission Member and Chairperson Judy Wind spoke in favor of reducing the number of Planning Commission members to five from seven if Council felt that staff could handle the implementation of changes recommended in the 2008 Comprehensive Plan. Ms. Wind added that she felt the Planning Commission could function as a five person board as long as the vacant positions were filled with professional, knowledgeable and committed applicants.

Council members discussed their opinions about reducing the number of Planning Commissioners from seven to five, including the possibility of lowering the number to five with two alternates.

A motion was made by Erica Lewis Kennedy, seconded by Gail Marvel, to adopt Ordinance 2213, declaring an emergency. All voted. Erica Lewis Kennedy, Gail Marvel, Kathy Ellis and Jose Abeyta all voted yes. Ed Ulibarri voted no. Motion failed.

#### ORDINANCE 2214 – FIRST READING

City Council considered Ordinance 2214 on first reading adding a new section 3-1-12 to the official Municipal Code of the City of Montrose, for the purpose of codifying provisions regarding the City's recycling program.

A motion was made by Kathy Ellis, seconded by Gail Marvel, to pass Ordinance 2214 on first reading. All voted yes. Motion passed

#### CITY COUNCIL REPORTS

Montrose Meth Coalition Funding Request Discussion: City Council considered the Montrose Meth Coalition Funding Request.

Montrose Police Department Sergeant Paul Eller stated that the Meth Coalition has been very beneficial to the community.

Council members discussed the funding request and asked questions of Sergeant Eller. Council members Ed Ulibarri and Erica Lewis Kennedy expressed their support and approval of the program. Council member Jose Abeyta stated that he would like to see data that shows how much the Coalition has helped in the community.

City Council decided to postpone a decision regarding the funding request until the next Council meeting on December 18, 2008.

EXECUTIVE SESSION

A motion was made by Erica Lewis Kennedy, seconded by Gail Marvel, to go into an executive session at 8:55 p.m. 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); 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); 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: Land Acquisition, Litigation Update, and Vendor Contract Negotiations. All voted yes. Motion passed.

RECONVENEMENT AND ADJOURNMENT

The City Council reconvened into the regular City Council meeting at 10:07 p.m.

A motion was made by Kathy Ellis, seconded by Gail Marvel directing the City Attorney to draft a letter to Montrose Area Merchants Association extending the deadline for acceptance of the 2009 contract. All voted yes. Motion passed.

A motion was made at 10:08 p.m. by Gail Marvel, seconded by Ed Ulibarri to adjourn the meeting with no further action taken. All voted yes. Motion passed.

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Erica Lewis Kennedy, Mayor

ATTEST:

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Teri Colvin, City Clerk