A regular City Council meeting of the Montrose City Council was held Thursday April 19, 2007 at 7:00 p.m. in the City Council Chambers of City Hall. Said meeting posted in accordance with the Sunshine Law.

PRESENT: Noelle Hagan, David White, Jose Abeyta, Carlos Guara, Ed Ulibarri, Mary Watt, Ben Morris, Shani Wittenberg, Teri Colvin, Bob Hurford, Garry Baker

GUESTS: Joanie Farrow, Martha and Dick Todd, Pete Neumann, David Reed, Cale Culver, Jovi Ayers, McKensie Gleave, Kendra Gramberger, Patricia Gawlinski, Jerry Gawlinski, Sara Kuta, Frank Casey, Bob Nicholson, Dustin Byler, Lauren Palmer-Wofford, Jason Byler

MINUTES

The City Council considered the minutes of the Regular City Council held on April 5, 2007. A motion was made by Carlos Guara, seconded by Noelle Hagan to approve the minutes of the Regular City Council held on April 5, 2007. All voted yes. Motion passed.

EVENTS USE PERMIT FOR HISTORIC MONTROSE DOWNTOWN

The City Council considered an Events Use Permit for Historic Montrose Downtown for the Monte De Rosa Festival to be held June 9, 2007 in La Raza Park, which includes closing North Selig between North 7th and North 6th Streets. This permit is in conjunction with a Special Events Liquor License application to be considered separately. A motion was made by Carlos Guara, seconded by Noelle Hagan to approve the Events Use Permit for Historic Montrose Downtown for the Monte De Rosa Festival to be held June 9, 2007 in La Raza Park, which includes closing North Selig between North 7th and North 6th Streets. This permit is in conjunction with a Special Events Liquor License application to be considered separately. All voted yes. Motion passed.

SPECIAL EVENTS LIQUOR LICENSE FOR HISTORIC MONTROSE DOWNTOWN

The City Council considered a Special Events Liquor License for Historic Montrose Downtown for the Monte De Rosa Festival to be held at La Raza Park on June 9, 2007. A motion was made by Carlos Guara, seconded by Noelle Hagan to approve the Special Events Liquor License for Historic Montrose Downtown for the Monte De Rosa Festival to be held at La Raza Park on June 9, 2007. All voted yes. Motion passed.

SALES AND USE TAX REPORT

The City Council reviewed the Year End Sales and Use Tax report for February 2007. The Council reviewed and accepted the Year End Sales and Use Tax report for February 2007. The report shows an increase of 10% year to date and show –7.0% below budget for the year.
BIDS FOR LIONS PARK SHELTERS

The City Council considered bids for the Lions Park Shelters with a bottom railing on two sides of the structures to Recreation Plus in the amount of $21,072.00. A motion was made by Carlos Guara, seconded by Noelle Hagan to approve the bids for the Lions Park Shelters with a bottom railing on two sides of the structures to Recreation Plus in the amount of $21,072.00. All voted yes. Motion passed.

BIDS FOR MIAMI AND HILLCREST PRESSURE REDICING

The City Council considered bids for the Miami and Hillcrest Pressure Reducing Valve upgrade to Grand Junction Pipe and Supply for a total bid price to complete the project of $20,691.63. A motion was made by Carlos Guara, seconded by Noelle Hagan to approve the bids for the Miami and Hillcrest Pressure Reducing Valve upgrade to Grand Junction Pipe and Supply for a total bid price to complete the project of $20,691.63. All voted yes. Motion passed.

BIDS FOR AIRPORT ROAD WATER UPGRADE

The City Council considered the Airport Road Water Upgrade materials to Grand Junction Winwater for a total bid price of $24,105.09. A motion was made by Carlos Guara, seconded by Noelle Hagan to approve the bids for the Airport Road Water Upgrade materials to Grand Junction Winwater for a total bid price of $24,105.09. All voted yes. Motion passed.

ORDINANCE 2155, FIRST READING

The City Council considered Ordinance 2155 on first reading amending sections 4-4-22(F), 4-4-29(A), 4-4-29(B) and 4-4-29(G) and adding a new section 4-4-22(G) to the official Municipal Code of the City of Montrose for the purpose of adding coordinated sign plan regulations to the City’s Sign Code.

Council members suggested that an amendment to the proposed sign code needs to be considered and reviewed by City staff and suggested postponing the first reading of Ordinance 2155.

A Motion was made by Carlos Guara, seconded by Ed Ulibarri to postpone the first reading of Ordinance 2155. All voted yes in favor of postponing the first reading of Ordinance 2155. Motion passed.
ANNEXATION HEARING NATIONS ADDITION

Mayor David White opened the hearing on the annexation of the Nation Addition. Ben Morris, Assistant City Attorney stated that the file was in order and that the City has a signed pre-annexation agreement. Garry Baker, Senior Planner, reviewed the proposed annexation.

Mr. Morris suggested that the scheduled second reading for the annexation of Nations Addition, Ordinance 2156, be moved from May 3, 2007 to June 1, 2007 12:30 p.m. at a Special City Council Meeting to allow for the findings and decision from the De Novo hearing to be announced prior to the second reading of Ordinance 2156. Council members agreed to set the hearing of Ordinance 2156 to June 1, 2007 at 12:30 p.m.

David Reed, the attorney representing the petitioner, stated that the applicant has agreed to substantial amounts of improvements to the infrastructure and off site improvements as part of the annexation agreement.

Dustin Byler, owner of the property on the North East corner bordering the proposed annexation agreement, stated he had concerns about Evans Street extending to 67.00 Road, as a requirement of the annexation agreement, and how that would affect his home and the value of his property.

Bob Nicholson stated that he had concerns with the annexation agreement. Mr. Nicholson stated that having Evans Street extend to 67.00 would make a fourth access point on 67.00 which conflicts with the goals of the City’s Master Plan. Mr. Nicholson stated his concerns about the extension of Evans Street to 67.00 Road and stated that the extension of Evans Street would greatly impact Mr. Byler’s property.

Mr. Baker stated that Caboose Drive was intended as a temporary access and always had the possibility of being closed to limit access to 67.00 Road for Iron Horse Subdivision to limit the number of access points in that area of 67.00 Road.

Mr. Reed suggested that the language in the Nations Addition Annexation Agreement is a result of the City’s requirements of the developer not the idea or the original plan of the developer.

Councilor Noelle Hagan suggested that the annexation agreement would affect a resident that stated the resident did not have any prior knowledge of the agreement and because of this the City needs to consider the impacts of the annexation requirements and the wording of that document even though this is primarily a decision about annexation, not zoning and the planning of the subdivision.

Council members discussed postponing this matter and how it would affect the De Novo hearing.
Council asked for a recess to allow the attorneys involved to discuss possible options. A motion made by Carlos Guara, seconded by Mayor David White at 7:45 p.m. to adjourn into recess. All voted yes. Motion passed.

Mayor White reconvened the regular City Council meeting at 7:55 pm.

Mr. Morris recommended that Resolution 2007-13, Findings of Fact for the Nations Addition and Ordinance 2156 annexing the Nations Addition be passed on first reading to move the process along and allow for additional staff review and to investigate the concerns relating to the extension of Evans Street and Mr. Byler’s property. Mr. Morris stated that the actual legal hearing for annexation is done at the second reading of an ordinance.

Mr. Byler was provided with copies of letters addressed to him, from the City, regarding the annexation of Nations Addition and was also given a copy of the recorded annexation agreement.

Some Council Members expresses concerns regarding passing the ordinance on first reading without questions being answered. However, it was noted by staff and council members that there would be an opportunity at the second reading for public comment.

Mayor White closed the hearing.
RESOLUTIONS 2007-13, FINDINGS OF FACT NATIONS ADDITION:


A Motion was made by Noelle Hagan, seconded by Ed Ulibarri to adopt Resolution 2007-13, Findings of Fact for the Nations Addition. Carlos Guara and Jose Abeyta voted no. Noelle Hagan, David White and Ed Ulibarri voted yes. Motion passed.

ORDINANCE 2156, FIRST READING:

The City Council considered Ordinance 2156 on first reading annexing the Nations Addition.

A Motion was made by Noelle Hagan, seconded by Ed Ulibarri to pass Ordinance 2156 on first reading annexing the Nations Addition. Carlos Guara and Jose Abeyta voted no. Noelle Hagan, David White and Ed Ulibarri voted yes. Motion passed.

CITY COUNCIL REPORTS

City Council Committee Assignments 2007-2008: Council members discussed City Council Committee Assignments. All the committee assignments are still agreeable to council members, none were changed and no new assignments were made. A motion was made by Carlos Guara, seconded by Noelle Hagan to approve the City Council Assignments for 2007-2008. All voted yes. Motion passed.

Colorado Municipal League Meetings: Council members discussed the upcoming Foundation in Leadership Meeting on May 5, 2007 in Denver. Because of the City of Montrose 125th Celebration taking place that day council members will not be attending.

Council members discussed the upcoming Spring Outreach Meeting held by the Colorado Municipal League in Delta, CO on May 16, 2007. All council members stated that they would attend.

July City Council Meeting Changes: Council members and staff discussed rescheduling the City Council meeting scheduled for July 5, 2007.

Mary Watt, City Manager, suggested rescheduling the meeting or canceling it to allow for a smoother move and transition into the new council chambers in the Elks Building.

Mayor David White suggested that the meeting be moved to July 12, 2007, and that a decision would be finalized later.

125th Celebration Update: Mayor David White updated council members and staff on the 125th Celebration Parade. Mayor White informed the councilmen of the suggested attire for the 125th celebration. Mayor White informed council members that Ray Rose, Mrs. Rose and Jim Isgar would be riding in the Wells Fargo Stage Coach instead of Council Members. Mayor White stated that two older cars would chauffeur council members in the parade.

EXECUTIVE SESSION

A motion was made by Noelle Hagan, seconded by Ed Ulibarri to go into an executive session for a conference with the City Attorney for the purpose of receiving legal advise pursuant to C.R.S. Section 24-6-402(4)(b); 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 matter. All voted yes. Motion passed.

RECONVENEMENT AND ADJOURNMENT

The City Council reconvened into the regular City Council meeting and the meeting was adjourned at 8:47 p.m. with no further action taken.

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David White, Mayor

ATTEST:

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Teri Colvin, Deputy City Clerk