

A regular City Council meeting of the Montrose City Council was held on Thursday, June 21, 2007 at 7:00 p.m. in the City Council Chambers of City Hall. Said meeting posted in accordance with the Sunshine Law.

PRESENT: David White, Noelle Hagan, Jose Abeyta, Ed Ulibarri, Russ Duree, Ben Morris, Mary Watt, Shani Wittenberg, Elsa Anderson, Sharleen Walker, Kerwin Jensen, Bob Hurford, Alisa Babler. Carlos Guara arrived at 7:01 p.m.

GUESTS: Robert Allen, Matt Miles, Diana McClelland, Gail Marvel, Scott Scarbough, Don and Janice Beck, Rick Weaver, Charles and Kimberly Elder, River Brooke Hansen, Mike Ackerman, Mark Young.

#### LAST MEETING IN CITY COUNCIL CHAMBERS

Mayor David White informed the citizens and staff that this would be the last City Council meeting to be held in the Council Chambers at City Hall. Mayor White stated that the present City Council Chambers was previously Fire Station No. 1 and that the first City Council meeting was held here in 1981. Additionally, Mayor White stated that that the City Council used to meet in City Hall where the Human Resources Department is now. Mayor White stated that the next City Council meeting would be held in the new City Council Chambers in the Elks Civic Building at 107 South Cascade on July 19, 2007.

#### MINUTES

The City Council considered the minutes of the regular City Council held on June 7, 2007 and the minutes of the Special City Council meeting held on June 1, 2007. A motion was made by Carlos Guara, seconded by Ed Ulibarri to approve the minutes of the regular City Council held on June 7, 2007 and the minutes of the Special City Council meeting held on June 1, 2007 as written. All voted yes. Motion passed.

#### SALES AND USE TAX REPORT

The City Council reviewed the Sales and Use Tax Report for the month of April 2007. The Council accepted the report. The Sales and Use Tax Report shows an increase of 6.3% over the previous year and 10% below the budget for the year.

#### WATERLINE CONSTRUCTION – CHIPETA DRIVE

The City Council considered the bids to construct approximately 600 feet of waterline along Chipeta Drive and underneath State Highway 90. This waterline will be constructed using trench less methods to avoid impact to existing utilities in the area. A motion was made by Carlos Guara, seconded by Ed Ulibarri to award the bid to Duke Excavating to construct approximately 600 feet of waterline along Chipeta Drive and underneath State Highway 90 for a bid price of \$75,800.00. All voted yes. Motion passed.

CHIPETA DRIVE IMPROVEMENTS – ACCESS TO CERISE PARK

The City Council considered the bids for the selection of contractor for construction of Chipeta Drive Improvements for access to Cerise Park. A motion was made by Carlos Guara, seconded by Ed Ulibarri to award Western Gravel, Inc. the bid to be the contractor for construction of Chipeta Drive Improvements for access to Cerise Park shown on the Del-Mont Consultants, Inc. plans dated April 17,2007 for a total bid price of \$166,000. All voted yes. Motion passed.

FIREWORKS DISPLAY PERMIT

The City Council considered the Display of Fireworks Permit for the Rotary Club for the 4<sup>th</sup> of July at Baldrige /Riverbottom Park. A motion was made by Carlos Guara, seconded by Ed Ulibarri to approve the Display of Fireworks Permit for Rotary Club for the 4<sup>th</sup> of July at Baldrige/Riverbottom Park. All voted yes. Motion passed.

TEMPORARY OFFICIAL POSTING PLACE

The City Council considered approving the temporary official posting place of the City of Montrose as the bulletin board in the temporary lobby of City Hall at 24 South Uncompahgre, Montrose, Colorado. (during the remodel of the City Hall Lobby) A motion was made by Carlos Guara, seconded by Ed Ulibarri to approve the temporary official posting place of the City of Montrose as the bulletin board in the temporary lobby of City Hall at 24 South Uncompahgre, Montrose, Colorado. All voted yes. Motion passed.

IRON HORSE TOWNHOME CONDOMINIUMS FINAL PLAT

The City Council considered the Iron Horse Townhome Condominiums final plat. This is a condominium subdivision/replat of Lots 71C and 71D in Iron Horse Filing No. 1, with general common and limited common elements. The property is 28,356 square feet in size, and is located at the northwest corner of Caboose Drive and 67.00 Road. A motion was made by Carlos Guara, seconded by Ed Ulibarri to approve the Final Plat of Iron Horse Townhome Condominiums expressly conditioned upon City staff ensuring that all policies, regulations, ordinances and municipal code provisions are met and that the applicant adequately addresses all of staff's concerns prior to the execution and recording of the Final Planned Development Plan. The City staff is not authorized by this approval to execute and record the Final Planned Development Plan prior to all conditions being satisfied. All voted yes. Motion passed.

PEPPERTREE SOUTH PLANNED DEVELOPMENT FILING NO. 2 FINAL PLAT

The City Council considered the Final Plat of Peppertree South Planned Development Filing No. 2. This is a Planned Development filing of 10 lots (up to 20 dwelling units), common open space and outlots reserved for future development on 14.121 acres. The property is located south of the existing Peppertree Subdivision and is zoned "R-3A", Medium High Density District. A motion was made by Carlos Guara, seconded by Ed Ulibarri to approve the Final Plat of Peppertree South Planned Development Filing No. 2 expressly conditioned upon City staff ensuring that all policies, regulations, ordinances and municipal code provisions are met and that the applicant adequately addresses all of staff's concerns prior to the execution and recording of the Final Plat. The City staff is not authorized by this approval to execute and record the Final Plat prior to all conditions being satisfied. All vote yes. Motion passed.

GRANT AGREEMENT

The City Council considered authorization to enter into a grant agreement for \$158,400 in Economic Development Initiative (EDI) Special Project funds from the U.S. Department of Housing and Urban Development (HUD) to develop a research park at Mesa State College, Montrose Campus. A motion was made by Carlos Guara, seconded by Ed Ulibarri to authorize the Mayor to enter into a grant agreement for \$158,400 in Economic Development Initiative (EDI) Special Project funds from the U.S. Department of Housing and Urban Development (HUD) to develop a research park at Mesa State College, Montrose Campus. All voted yes. Motion passed.

BIDS FOR EAST NIAGARA ROAD EXTENSION

The City Council considered the bids for East Niagara Road Extension. Alisa Babler, City Engineer, informed the Council that staff is recommending that Downey Excavation be awarded the bid to do the partial design for a total bid price to complete the project of \$1,781,514.89. Ms. Babler reviewed the conditions of the petition for the special improvement district. Additionally, Ms. Babler stated that the potential cost for each participant in the special improvement district could be \$1,680.05 compared to the highest possible amount of \$2,240.00. Ms. Babler informed the Council and residents that the construction would begin this month and is scheduled to be done by the end of the year. The Council reminded residents that the assessment would not be due until the project was finished and no sooner than 2009.

A motion was made by Noelle Hagan, seconded by Ed Ulibarri to award the bid for the partial design of the East Niagara Road Extension to Downey Excavation in the amount of \$1,781,514.89. All voted yes. Motion passed.

ORDINANCE 2161, SECOND READING

The City Council considered Ordinance 2161 on second reading creating the East Niagara Road Street Improvement District 2007. Mayor White opened the hearing. Russ Duree, City Attorney, informed the Council that there had been no changes to the Ordinance or the petition since the first reading and staff is recommending approval.

Residents of the area requested clarification regarding the special improvement district. Additionally, Cami Essa, resident, objected to the wording of the Ordinance that stated that 100% of the residents signed the petition. Additionally, residents requested that only one special improvement district be assessed at a time. The Council stated that the Council has committed to assessing only one special improvement district at a time, for areas of the City that have prior special improvement district commitments.

Mayor White closed the hearing.

A motion was made by Noelle Hagan, seconded by Ed Ulibarri to adopt Ordinance 2161 on second reading creating the East Niagara Road Street Improvement District 2007. All voted yes. Motion passed.

ORDINANCE 2162, SECOND READING

The City Council considered Ordinance 2162 on second reading amending the zoning district designation of a portion of the East Sunnyside No. 3 Addition from "RL", Rural Living District to "R-1A", Large Estate District and "B-4", Neighborhood Shopping District. A hearing was held.

A motion was made by Noelle Hagan, seconded by Carlos Guara to adopt Ordinance 2162 on second reading amending the zoning district designation of a portion of the East Sunnyside No. 3 Addition from "RL", Rural Living District to "R-1A", Large Estate District and "B-4", Neighborhood Shopping District. All voted yes. Motion passed.

ORDINANCE 2163 SECOND READING

The City Council considered Ordinance 2163 on second reading zoning the Locust Addition as "R-3", Medium Density District. A hearing was held.

A motion was made by Noelle Hagan, seconded by Carlos Guara to adopt Ordinance 2163 on second reading zoning the Locust Addition as "R-3", Medium Density District. All voted yes. Motion passed.

ORDINANCE 2164, FIRST READING

The City Council considered Ordinance 2164 on first reading zoning the Nations Addition as “R-3”, Medium Density District and “R-2”, Low Density District. Kerwin Jensen, Community Development Director, informed the Council that the proposed Ordinance reflects the findings and decision made by the Council after the de novo hearing held for the zoning of the Nations Addition.

A motion was made by Noelle Hagan, seconded by Ed Ulibarri to pass Ordinance 2164 on first reading zoning the Nations Addition as “R-3”, Medium Density District and “R-2”, Low Density District. All voted yes. Motion passed.

FINDINGS AND DECISION, 1702 EAST OAK GROVE ROAD DE NOVO HEARING

The City Council considered the Findings and Decision for the 1702 East Oak Grove Road De Novo Hearing. Kerwin Jensen, Community Development Director, reviewed where the property is located, the current zoning of the property and zoning of the property located around the property.

A motion was made by Noelle Hagan, seconded by Carlos Guara to approve the Findings and Decision for the 1702 East Oak Grove Road De Novo hearing. Noelle Hagan, Carlos Guara, Ed Ulibarri, and David White voted yes. Jose Abeyta voted no. Motion passed.

STAFF REPORTS

First Amendment to Transfer Station Services Agreement: Russ Duree, City Attorney, informed the Council that the proposed amendment to the Transfer Station agreement allows the operator of the transfer station to take the refuse to the most advantageous location for disposal. Additionally, Shani Wittenberg, Finance Director, informed the Council that the City has also negotiated a percentage of the sales of recyclable products that will generate funds that may be used for such things as hazardous waste collection days. Ms. Wittenberg also informed the Council that the savings generated by the transfer station would be approximately \$77,000 per year.

A motion was made by Carlos Guara, seconded by Ed Ulibarri to approve the First Amendment to the Transfer Station Services Agreement. All voted yes. Motion passed.

Colorado Historical Society grant application: Mary Watt, City Manager, informed the Council that the City of Montrose has received notice of award of \$25,000 grant from the Colorado Historical Society for the exterior preservation for parapet restoration at City Hall.

Thank you letter from Town of Holly: Mary Watt, City Manager, informed the Council that the Town of Holly has sent a thank you letter for donation for recovery efforts after the tornado that damaged the Town of Holly earlier this year.

Amendment, Modification and Extension of Lease: Russ Duree, City Attorney, reviewed the amendment, modification and extension of lease for the Golf Course with the City Council. Mr. Duree stated that the Bureau of Reclamation had some concerns regarding the City’s lease with the Black Canyon (Montrose) Golf Course specifically regarding the length of the lease and the types of grasses on the golf course. Mr. Duree stated that the representatives of the golf course approve of the amendments to the lease and staff is requesting City Council approval.

A motion was made by Carlos Guara, seconded by Noelle Hagan, to approve the Amendment, Modification and Extension of the Lease with the Montrose Land Company. All voted yes. Motion passed.

#### CITY COUNCIL REPORTS

Discussion regarding City Council meeting time change: A motion was made by Carlos Guara, seconded by Ed Ulibarri to approve summer hours for the City Council Work Sessions and City Council meetings. The Work Sessions will start at 6:15 p.m. and the City Council meetings will start at 7:30 p.m. starting with the July 19<sup>th</sup> meeting and ending with the last meeting in September. All voted yes. Motion passed.

#### 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 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: possible real estate transaction and contract negotiations. All voted yes. Motion passed.

#### ADJOURNMENT

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David S. White, Mayor

ATTEST:

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Sharleen R. Walker, City Clerk