

A regular City Council meeting of the Montrose City Council was held Thursday September 6, 2007 at 7:30 p.m. in the City Council Chambers in the Elks Civic Building located at 107 South Cascade Avenue. Said meeting posted in accordance with the Sunshine Law.

PRESENT: Noelle Hagan, David White, Jose Abeyta, Carlos Guara, Ed Ulibarri, Mary Watt, Russ Duree, Ben Morris, Kerwin Jensen, Shani Wittenberg, Sharleen Walker, Teri Colvin, Alisa Babler, Paul Eller

GUESTS: Robert Allen, Vickie Jones, Rose Price, Pricilla Fry, Gail Marvel, Dennis Devor, Gary Field, Paul Lewis, Sue Hansen, Mr. & Mrs. Baecker

MINUTES

The City Council considered the minutes of the Special City Council held on August 10, 2007, the Regular City Council meeting held on August 16, 2007. A motion was made by Carlos Guara, seconded by Noelle Hagan to approve the minutes of the Special City Council held on August 10, 2007, the Regular City Council meeting held on August 16, 2007. All voted yes. Motion passed.

THE PRESERVE FILING NO. 5 FINAL PLAT

The City Council considered the final plat of The Preserve, Filing No. 5. This is a filing of 13 residential lots, small open space tracts, street dedications, and an outlot reserved for future development. The property is 11.504 acres in size and is located northwest of the intersection of 67.00 and Ogden Road. The property is zoned "R-2", Low Density District, with conditions. A motion was made by Carlos Guara, seconded by Noelle Hagan to approve the final plat 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 of the final plat and its recording. The City staff is not authorized by this approval to execute the final plat prior to all conditions being satisfied. All voted yes. Motion passed.

CHANGE ORDER FOR WATERLINE AT CERISE PARK

The City Council considered the Change Order to install a water line from under the sidewalk, curb, and gutter on Chipeta Road at the new Cerise Park entrance (Shanes Way) south for approximately 100 feet. The cost for the additional work is \$6,292.00 and will cover the cost of a 97-foot bore and 44 feet of pipe, which was bored and installed by Duke Boring and Excavation. A motion was made by Carlos Guara, seconded by Noelle Hagan to approve the Change Order to install a water line from under the sidewalk, curb, and gutter on Chipeta Road at the new Cerise Park entrance (Shanes Way) south for approximately 100 feet. The cost for the additional work is \$6,292.00 and will cover the cost of a 97-foot bore and 44 feet of pipe, which was bored and installed by Duke Boring and Excavation. All voted yes. Motion passed.

RESOLUTION 2007-20

The City Council considered resolution 2007-20 authorizing the City of Montrose Police Department to enter into a Statement of Grant Award for 2007 Rural Law Enforcement Grant (RLE) through the Office of Adult and Juvenile Justice Assistance (OAJJA), Division of Criminal Justice, Colorado Department of Public Safety, for a \$2,500 to purchase 2 night vision devices with additional batteries. The grant requires no match. A motion was made by Carlos Guara, seconded by Noelle Hagan to adopt resolution 2007-20 to authorize the City of Montrose Police Department to enter into a Statement of Grant Award for 2007 Rural Law Enforcement Grant (RLE) through the Office of Adult and Juvenile Justice Assistance (OAJJA), Division of Criminal Justice, Colorado Department of Public Safety, for a \$2,500 to purchase to purchase 2 night vision devices with additional batteries. All voted yes. Motion passed.

HOTEL RESTAURANT LIQUOR LICENSE RENEWAL

The City Council considered the renewal of the Hotel and Restaurant Liquor License for El Jimador, Inc. d.b.a El Jimador Mexican Restaurant at 1201 South Townsend Avenue for consumption on premise.

Russ Duree, City Attorney informed the Council that an employee of El Jimador was cited for selling alcohol to an underage patron on December 1, 2006.

Paul Eller, Sergeant for the Montrose Police Department, stated that on December 1, 2006 a compliance check was done and officers entered El Jimador with an underage informant. Sergeant Eller stated at that time the informant was served an alcoholic beverage by the employee.

Jock Fleming, representative of El Jimador, stated that the underage informant was served because of a language problem and that a training program has been established to prevent the selling of alcohol to underage patrons in the future. .

Ben Morris, Assistant City Attorney, stated that the application is in order and fees have been paid.

A motion was made by Noelle Hagan, seconded by David White to approve the renewal of the Hotel and Restaurant Liquor License for El Jimador, Inc. d.b.a El Jimador Mexican Restaurant at 1201 South Townsend Avenue for consumption on premise. Noelle Hagan, Carlos Guara, Ed Ulibarri and David White voted yes. Jose Abeyta voted no. Motion passed. 4 to 1.

RESOLUTION 2007-17

The City Council considered Resolution 2007-17 amending the City of Montrose Regulations Manual fee schedule 3-1-1 Special Waste Collection and Street Cut Permit fees.

Ben Morris, Assistant City Attorney, covered the changes to the current regulation with council.

A motion was made by Noelle Hagan, seconded by Carlos Guara to adopt Resolution 2007-17 amending the City of Montrose Regulations Manual fee schedule 3-1-1 Special Waste Collection and Street Cut Permit fees. All voted yes. Motion passed.

RESOLUTION 2007-18

The City Council considered Resolution 2007-18 setting the hearing for the annexation of the Alexander Addition for October 18, 2007 at 7:30 p.m.

A motion was made by Carlos Guara, seconded by Noelle Hagan to adopt Resolution 2007-18 setting the hearing for the annexation of the Alexander Addition for October 18, 2007 at 7:30 p.m. All voted yes. Motion passed.

RESOLUTION 2007-19

The City Council considered Resolution 2007-19 setting the hearing for the annexation of the RRJ Addition for October 18, 2007 at 7:30 p.m.

A motion was made by Noelle Hagan, seconded by Carlos Guara to adopt Resolution 2007-19 setting the hearing for the annexation of the RRJ Addition for October 18, 2007 at 7:30 p.m. All voted yes. Motion passed.

STAFF REPORTS

State Historical Grant Contract:

The City Council considered approving the grant contract for the repair of the City Hall parapets.

A Motion was made by Noelle Hagan, seconded by Carlos Guara to authorize the Mayor to sign the grant contract between the City of Montrose and the State Historical Society for the repair of the City Hall parapets. All voted yes. Motion passed.

Possible Property Acquisition:

The City Council considered authorizing an attorney from the Legal Department to sign closing documents for the acquisition of property located at 436 S. Second Street.

Ben Morris, Assistant City Attorney, informed the Council that staff has been in negotiations on this property and that the closing date has been set for next week.

A motion was made by Ed Ulibarri, seconded by Noelle Hagan to authorize an attorney from the Legal Department to sign closing documents for the acquisition of property located at 436 S. Second Street. All voted yes. Motion passed.

CITY COUNCIL REPORTS

Colorado Municipal League Policy Committee Appointment:

The City Council considered appointing a City representative to the Colorado Municipal League Policy Committee.

Noelle is a member of the board and will represent the City on the Policy Committee.

The City Council appointed Noelle Hagan to the Colorado Municipal League Policy Committee.

Historic Montrose Downtown Funding Request:

Paul Lewis, Historic Montrose Downtown Board of Directors, requested funding for Historic Montrose Downtown for the 2008 budget year. Mr. Lewis stated that Historic Montrose Downtown has survived since 2005 on a limited budget and staff and that during that time has accomplished a lot. Mr. Lewis stated that the Historic Montrose Downtown Board agrees that the Historic Montrose Downtown needs a full time coordinator. Mr. Lewis stated that Historic Montrose Downtown needs additional funding or that Historic Montrose Downtown will most likely not survive.

Mr. Lewis stated that the main goal of Historic Montrose Downtown is to provide a viable, vibrant downtown. Additionally, Mr. Lewis stated that Historic Montrose Downtown and Montrose Area Merchants Association have come to an impasse; that Montrose Area Merchants Association has asked Historic Montrose Downtown to surrender their 501(3)(c)(6).

Mayor White suggested to the Historic Montrose Downtown board that this is the time to clarify to the City Council why this significant funding request is being presented and to clarify the change of direction of Historic Montrose Downtown by not joining forces with the Montrose Area Merchants Association.

Rose Price, Historic Montrose Downtown, informed the Council that Historic Montrose Downtown has met all of the requirements of the Montrose Area Merchants Association; however there has been no resolution or proposal. Ms. Price requested that the City Council fund Historic Montrose Downtown for a year and to give them a chance to prove themselves.

Pricilla Fry, Historic Montrose Downtown, stated that a lot of time has been put into trying to come to some resolution with Montrose Area Merchants Association and that a vision and mission statement has been established. However, Ms. Fry stated that Historic Montrose Downtown does not want to give up their 501(3)(c)(6) status.

Ms. Fry stated that Montrose Area Merchants Association and Historic Montrose Downtown have a difference of opinion on what Historic Montrose Downtown's mission should be.

Russ Duree, City Attorney, stated that the Retail Enhancement funds must be used for Retail Enhancement.

Council raised concerns about how to gauge retail sales enhancement and funding additional administrative costs.

Staff stated that Retail Enhancement is a line item in the budget and that the Council can determine at a later date specifically where the money can be used for Retail Enhancement.

The Council thanked Historic Montrose Downtown for the information and will take the matter under advisement. The Council requested a membership list of Historic Montrose Downtown and letters of support. Additionally, the Council requested a history of Historic Montrose Downtown with the City of Montrose.

Letter of Support:

Mary Watt, City Manager, informed the Council that Dick Margetts, Manager of Project 7, has requested a letter of support of appointment to the Board of Directors of the Colorado Water Resources and Power Development Authority.

The Council authorized the Mayor to sign a letter of support for Dick Margetts, Manager of Project 7, to be appointed to the Board of Directors of the Colorado Water Resources and Power Development Authority

Community Support Funding Discussion:

The Council reviewed the recommendations presented by Mayor White and suggested two changes: lower the Black Canyon Land Trust amount to \$1,000 and increase the Black Canyon Boys and Girls Club amount to \$8,300.

A motion was made by Noelle Hagan, seconded by Carlos Guara to approve the recommendations presented by Mayor White with two changes: lower the Black Canyon Land Trust amount to \$1,000 and increase the Black Canyon Boys and Girls Club amount to \$8,300. 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 advice pursuant to C.R.S. Section 24-6-402(4)(b), for discussion of a personnel matter under C.R.S. Section 24-6-402(2)(f) 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 litigation and negotiations with developers. All voted yes. Motion passed.

ADJOURNMENT

A motion was made by Jose Abeyta, seconded by Ed Ulibarri to adjourn the regular City Council Meeting. All voted yes. Motion passed. The City Council meeting was adjourned at 10:18 p.m. with no further action taken.

David White, Mayor

ATTEST:

Teri Colvin, Deputy City Clerk