

CITY COUNCIL  
REGULAR MEETING  
TUESDAY, APRIL 23, 2019

1. The meeting was called to order at 7:30 p.m., and was opened with the Pledge of Allegiance. Councilmembers present were Mayor Karen Sheek, Mayor Pro-tem Orly Lucero, Sue Betts, Jill Carlson, Ty Keel, Mike Lavey, and Gary Noyes. Staff members present were Patrol Lieutenant Andy Brock, Management Intern Peyton Heitzman, Director of Public Works Phil Johnson, City Engineer Chad Hill, City Planner Tracie Hughes, Associate Planner Neva Connolly, Director of Planning and Building Sam Proffer, City Attorney Mike Green, Deputy City Clerk Sara Coffey, and City Manager John Dougherty. There were 17 people present in the audience.
2. The Consent Agenda items acted upon by Council were as follows:
  - a. Approval of the Worksession and Regular Meeting Minutes of April 9, 2019.
  - b. Approval of the payment of the Expenditure Vouchers of April 23, 2019.
  - c. Approval of a renewal Fermented Malt Beverage Liquor License for Worldwide Restaurant Corp. DBA Pizza Hut of Cortez, located at 1119 East Main Street, Cortez.
  - d. Approval of a Special Event Permit for the Cortez Area Chamber of Commerce to host a 'Business After Hours' at the Pinon Project, located at 210 East Main Street, Cortez, on May 9, 2019, from 4:00 p.m. to 9:00 p.m.

Councilmember Keel moved that Council approve the Consent Agenda with the additional expenditure list totaling \$135,310.59. Mayor Pro-tem Lucero seconded the motion, and the vote was as follows:

Betts	Carlson	Keel	Lavey	Lucero	Noyes	Sheek
Yes	Yes	Yes	Yes	Yes	Yes	Yes

3. PRESENTATIONS

a. Dolores Water Conservancy District Presentation. Ken Curtis of the Dolores Water Conservancy District spoke to Council about the Colorado Parks and Wildlife ANS Boat Interdictions. He introduced Tom Rice from the San Juan National Forest, which is the land manager around the lake, and he stated that the Dolores Water Conservancy operates the facilities that deliver water to the community. He stated that all registered boats will need a stamp which will help fund inspections. He stated that 197 boats from out-of-State have been intercepted with attached adult zebra or quagga mussels in State lakes. He stated that it is difficult to determine the exact location of infestation due to the frequency of boating use. He spoke about the days and times that the inspections would be held at the lake. Mr. Rice spoke about the inspections that are completed at other lakes such as at Lake Powell. In answer to a question from Councilmember Keel, Mr. Curtis stated that he has not heard of new infestations in Utah; however, Arizona is having new issues and

is taking it seriously to try to handle the problems.

b. Request for Funding from Destination Imagination. Students from the Dolores Middle School Destination Imagination team requested funding to attend the Global Finals 2019 to be held in Kansas City. Members of the team (consisting of six 8<sup>th</sup> grade students) spoke to Council about the program which blends science, technology, engineering, and mathematics. Parents of the team members spoke about the team winning 1<sup>st</sup> place along with two other awards which qualified the team to attend the Global Finals. It was noted that the team needed financial support for travel to Kansas City, Missouri and registration fees to attend the finals. It was noted that the experience would include workshops, hands on activities, and the opportunity to interact with kids from all over the country and the world. The students stated that they would be approaching the Dolores Town Board and are hosting several fundraisers (benefit concert, silent auction, concessions, and bake sales) to raise money. Mayor Sheek stated that there have been many groups asking Council for support from other municipalities and Council has decided that they would support student organizations that come from Cortez. She stated that Council applauds the student's efforts and wishes them luck. Councilmember Carlson asked that the organization send their GoFundMe account to the public so people can know how they could individually contribute. Mayor Sheek also suggested the group have a newspaper article completed on their achievements. Councilmember Keel stated that it is hard for Council to turn down a request for funding as everyone wants to encourage bright students to reach for their dreams.

c. Drinking Water Week Proclamation. Director of Public Works Johnson spoke about the week of May 5 – 11, 2019, be proclaimed as Drinking Water Week. Mayor Sheek read the proclamation and encouraged citizens to learn how to protect and preserve our water source, and insure that we have a sustainable water supply for the future. She spoke about the water-wise program that the City has extensively been working on and noted that information is available on the City's website if citizens would like to inform themselves more on water conservation.

4. CITIZEN PARTICIPATION – None.

5. PUBLIC HEARINGS

a. Resolution No. 10, Series 2019. Associate Planner Connolly reviewed Resolution No. 10, Series 2019, approving a Conditional Use Permit to allow the construction of an oversized accessory structure on property located at 1718 Center Street. She stated that Clint and Freda Watson submitted an application to construct an oversized garage that would be approximately 1,200 square in size. She stated that the existing home and garage are 2,322 square feet and, at build out if the oversized garage is approved, would be 3,522 square feet, or 17% of lot coverage. She stated that the applicants' narrative says the garage is intended for personal storage. She stated that Planning and Zoning reviewed the project on April 2, 2019, and unanimously voted to recommend approval to City Council. She reviewed Land Use Code Section 3.05(b)(4)(e) regarding the requirements for an oversized accessory structure and she noted that the proposed structure meets the setback requirements for the Residential Single Family (R-1) zone. She stated that no comments were received from the affected agencies, districts, and departments and staff recommends approval with three conditions. In answer to a question from Councilmember Keel, Associate Planner Connolly stated that Empire Electric has confirmed that the electric lines will

meet the clearance required. Mayor Sheek opened the public hearing; however, no one spoke and the hearing was closed.

Mayor Pro-tem Lucero moved that Council approve Resolution No. 10, 2019, approving a Conditional Use Permit to allow the construction of an oversized accessory structure on property located at 1718 Center Street, as submitted by Clint and Freda Watson, with three conditions. Councilmember Keel seconded the motion, and the vote was as follows:

Betts	Carlson	Keel	Lavey	Lucero	Noyes	Sheek
Yes	Yes	Yes	Yes	Yes	Yes	Yes

b. Resolution No. 11, Series 2019. Associate Planner Connolly reviewed Resolution No. 11, Series 2019, approving a Conditional Use Permit to establish a community school at property located at 105 North Sligo. She stated that David Schemberger, Director of the Cortez Community Garden Farm School and Artists Cooperative, LLC, has applied for the Conditional Use Permit to establish an educational facility and art venue on property currently known as the Sky Art Studio. She stated that all schools require a Conditional Use Permit to operate in all zoning districts. She stated that there is no exterior construction planned for the building; however, there would be some reorganization inside the building. She noted how the space would be set up in the building referencing the drawing included in the Council packet. She stated that the application does not have an estimate of the expected number of students to be enrolled; however, the existing parking lot has parking for over 20 vehicles. She stated that the applicant would need to provide ADA accessible spaces, per building code requirements. She stated that the landscaping will include edible plant beds and planting throughout the site including fruit trees. She stated that a forge and kiln will be located inside the building and will be designed to mitigate impacts to the neighborhood. She reviewed the comments from the City Departments and affected agencies and noted that the school would be open from 8:00 a.m. to 5:00 p.m. She stated that the Planning and Zoning Commission recommended approval of the Conditional Use Permit and it was noted that the proposal meets several objectives, goals, and policies of the Comprehensive Plan. In answer to a question from Councilmember Carlson, Associate Planner Connolly stated that the applicant would need to submit architectural, mechanical and engineering plans prior to a Certificate of Occupancy being issued. Mayor Sheek opened the public hearing; however, no one spoke and the hearing was closed.

Councilmember Carlson moved that Council approve Resolution No. 11, Series 2019, approving a Conditional Use Permit to establish a community school at property located at 105 North Sligo, in the Commercial (C) zoning district, as submitted by David Schemberger, agent for owner Karen Kristin, with three conditions. Councilmember Lavey seconded the motion, and the vote was as follows:

Betts	Carlson	Keel	Lavey	Lucero	Noyes	Sheek
Yes	Yes	Yes	Yes	Yes	Yes	Yes

c. Resolution No. 12, Series 2019. Councilmember Keel recused himself from the discussion and vote due to a possible conflict-of-interest. Associate Planner Connolly reviewed Resolution No. 12, Series 2019, approving a Conditional Use Permit to establish an Online Charter School (GOAL)

Academy) at 2531 East Main Street. She stated that the property was formerly used for the High Desert Head Start Program and is located in the Commercial Highway (C) zoning district. She stated that all schools require a Conditional Use Permit to operate. She stated that the applicant's narrative notes that the GOAL Academy is a multi-district online charter school with student drop-in centers around the State of Colorado and the Cortez campus supports 83 students. She stated that no classes are taught on the campus, though students may use the campus for tutoring and support. She stated that Planning and Zoning reviewed the application on April 2, 2019, and unanimously recommended approval. She stated that the Land Use Code requires eight parking spaces for the facility and the property has 14 spaces with one ADA space, which meets the code requirements. She stated that the school does not have an outdoor recreation area and the school hours are between 8:00 a.m. to 5:00 p.m. She stated that the Colorado Department of Transportation (CDOT) did not have any issues with the proposal. In answer to a question from Mayor Sheek, Associate Planner Connolly stated that students are using the facility and the Cortez Journal did print articles noting that the school is located on the property. City Attorney Green stated that the school is a charter school registered by another school district and is defined by the State as a school.

Mayor Sheek opened the public hearing. Ryan Mathews, representing the GOAL Academy, stated that the school cannot require students to be on the campus, but there are services available if students need them. No one else spoke, and the hearing was closed.

Councilmember Betts moved that Council approve Resolution No. 12, Series 2019, approving a Conditional Use Permit to establish an Online Charter School (GOAL Academy), as submitted by Amber DeCarli, with the Law Office of Dustin R. Sparks, authorized representative for GOAL Academy, with two conditions. Councilmember Carlson seconded the motion, and the vote was as follows:

Betts	Carlson	Keel	Lavey	Lucero	Noyes	Sheek
Yes	Yes	*	Yes	Yes	Yes	Yes

\*Councilmember Keel recused himself from the discussion and vote due to a possible conflict-of-interest.

d. Resolution No. 13, Series 2019. Associate Planner Connolly reviewed Resolution No. 13, Series 2019, approving an Amended Plat of Tracts G and H of the Montview Addition Subdivision. She stated that Thomas and Martha Ervine have applied for a plat amendment to adjust the northern and western property line of Tracts G and H of the Montview Addition Subdivision located by the Carpenter Natural Area. She stated that the proposal is to dissolve the lot line between Tracts G and H to create one 2.68 acre lot and the fence line adjustment will deed 0.02 acres from the Ervins to the City on the northern property line, and 0.01 acres from the City to the Ervins on the eastern property line. She stated that no new easements are proposed, nor will the plat amendment effect existing easements. She reviewed Section 6.09 of the Land use Code regarding plat amendments and it was noted that this was reviewed by Council during a worksession on January 18, 2019, and there did not seem to be any concerns. Mayor Sheek opened the public hearing; however, no one spoke and the hearing was closed.

Councilmember Lavey moved that Council approve Resolution No. 13, Series 2019, approving an

amended Plat of Tracts G and H of the Montview Addition Subdivision, as submitted by Ernie Maness, authorized representative for owners Thomas and Martha Ervin, with two conditions. Mayor Pro-tem Lucero seconded the motion, and the vote was as follows:

Betts	Carlson	Keel	Lavey	Lucero	Noyes	Sheek
Yes	Yes	Yes	Yes	Yes	Yes	Yes

It was noted that City Attorney Green would complete the deed for the property plat amendment.

6. UNFINISHED BUSINESS – None.

7. NEW BUSINESS

a. Appointments to the Cortez Historic Preservation Board. Associate Planner Connolly stated that Council appoints the members of the Cortez Historic Preservation Board and Boardmember Patricia Lacey’s term has expired. She stated that the Montezuma Historical Society has recommended that Ms. Lacey be re-appointed as their representative on the board. Also, Terry McCabe representing the realtors has expressed that she would be resigning from the board and Cody Wells, also a realtor, has submitted a letter of interest to replace Ms. McCabe on the board. She noted Ms. Lacey has completed all the background checks; however, Mr. Wells background process will be completed if he is appointed.

Councilmember Betts moved that Cody Wells be appointed to replace Terry McCabe and Patricia Lacey be re-appointed to the Cortez Historic Preservation Board. Councilmember Lavey seconded the motion, and the vote was as follows:

Betts	Carlson	Keel	Lavey	Lucero	Noyes	Sheek
Yes	Yes	Yes	Yes	Yes	Yes	Yes

b. Two-Hour Parking on North Washington Street. Director of Public Works Johnson stated that a request was received from the Cortez Fire Protection District to designate three parking spaces in front of Fire Station #1, on North Washington Street, as two-hour parking. He stated that Council reviewed the request at their last worksession and did not have any issues with moving the request forward. City Attorney Green noted that a resolution would need to be completed should Council approve the request.

Councilmember Carlson moved that Council authorize that a resolution be completed designating three parking spaces on North Washington Street in front of Fire Station #1 as two-hour parking, as request by the Cortez Fire Protection District. Councilmember Noyes seconded the motion, and the vote was as follows:

Betts	Carlson	Keel	Lavey	Lucero	Noyes	Sheek
Yes	Yes	Yes	Yes	Yes	Yes	Yes

c. Designation of 7<sup>th</sup> Street as “No Thru Truck Traffic”. Director of Public Works Johnson stated

that Council also spoke about the request for “No Thru Truck Traffic” to be posted on 7<sup>th</sup> Street at the last worksession as well. He stated that there are multiple residential areas and two schools located along the corridor which connects South Broadway (Highway 160/491) and East Main Street (via South Sligo Street). He stated that the City has dealt with trucks using other areas north of Main Street and additional signage and road markings has helped the situation. He stated that mapping software for trucking operations could drive traffic onto 7<sup>th</sup> Street and staff would recommend that 7<sup>th</sup> Street be properly signed as required by the Manual on Uniform Traffic Control Devices to not allow thru truck traffic. City Attorney Green stated that the designation would need to be completed by resolution if Council approves the request. In answer to a question from Mayor Pro-tem Lucero, Public Works Johnson stated that he has personally seen at least two gasoline trucks go through the area to get to Main Street as well as a propane truck parked in the area. Discussion was held on alleviating issues for trucks using 7<sup>th</sup> Street should the street be completed through to the County Road by the bus garage in the future.

Councilmember Carlson moved that Council authorize a resolution be approved designate 7<sup>th</sup> Street and South Sligo to Main Street as a “No Thru Truck Traffic” street. Councilmember Betts seconded the motion, and the vote was as follows:

Betts	Carlson	Keel	Lavey	Lucero	Noyes	Sheek
Yes	Yes	No	Yes	No	No	Yes

d. Professional Services Contract for Hydraulic Modeling Calibration Services. Director of Public Works Johnson stated that the City currently maintains information related to the configuration, age, diameter, and length of its water distribution system using the Geographic Information Software (GIS). He stated that the water distribution data used by the City is stored in an Environmental Sciences Research Institute (ESRI) geo-database. He stated that in 2016, the City undertook a hydraulic modeling of the distribution system and contracted with SGM Inc. to perform the work and provide the model as specified. He spoke about the work that was completed previously and stated that the City’s Engineering Division requested that a recalibration of the existing model and training in the modifying of data, scenarios, attributes, and running simulations in WaterCad be provided. He stated that SGM Inc. has submitted a proposal to complete the changes and recalibration and staff is recommending approval of their proposal at an amount of \$13,540.00. He stated that the funds for the project are available in the 2019 Water Enterprise Capital Improvement Fund. In answer to a question from Councilmember Noyes, Director of Public Works Johnson stated that the services were not put out to bid as SGM Inc. completed the original project and is familiar with the data. He stated it would be more expensive to bring another company up to speed on what the project involves rather than go with someone already familiar with the project.

Councilmember Keel moved that Council enter into a Professional Services Contract with SGM Inc. for Hydraulic Modeling Calibration Services in the amount of \$13,540.00. Councilmember Lavey seconded the motion, and the vote was as follows:

Betts	Carlson	Keel	Lavey	Lucero	Noyes	Sheek
Yes	Yes	Yes	Yes	Yes	Yes	Yes

8. DRAFT ORDINANCES/RESOLUTIONS – None.
9. OTHER ITEMS OF BUSINESS – None.
10. ADDITIONAL CITIZEN PARTICIPATION – None.
11. CITY ATTORNEY’S REPORT
  - a. Non-Profit Boards Information. City Attorney Green noted there was an article included in the Council packets as FYI from CIRSA regarding Council serving on non-profit boards. He stated that the article is informative and noted the changes regarding ethics and voting when serving on a non-profit board.
12. CITY MANAGER’S REPORT
  - a. 2016 Audit. City Manager Dougherty stated that the Finance Department is close in completing the 2016 Audit. He stated that Caselle has spent over 30 hours working on the 2016 Audit at no additional funds requested other than the original amount of \$3,500.
13. CITY COUNCIL COMMITTEE REPORTS
  - a. Mayor’s Report on Workshop. Mayor Sheek stated that during the workshop discussion was held on increasing the budget for the conservation program. Also, a request was made by Laurie Hall for help with funding the food pantry which was tabled for further evaluation. Mayor Sheek stated that a presentation was made by Annie Barrow and Ross Shrigley on “Water-Wise Landscape Horticulture for Western Landscapes” and discussion was held on a possible EV charging station to be located at the Welcome Center which would be partly sponsored by Osprey.
  - b. Montezuma Community Economic Development Association (MCEDA). Councilmember Carlson stated that she attended the last MCEDA meeting. She stated that the City’s dues were returned but the bank account remains open. She stated that the group, which consists of various businesses including Region 9, will continue to meet on Thursdays to review economic initiatives.
  - c. Parks, Recreation, and Forestry Advisory Board. Councilmember Lavey stated that the Arbor Day posters were judged by the advisory board along with a couple members of the Youth Commission. He stated that the winners will be announced at the Arbor Day celebration on April 25, 2019, at Parque de Vida, from 12:30 p.m. to 2:00 p.m.
  - d. Cortez Cultural Center Meeting. Councilmember Lavey stated that the Cortez Cultural Center meeting included discussion on the upcoming events include the Pueblo to Pueblo Race and the Birding Festival. He stated that Paul Beckler was added as a Cortez Cultural Center Boardmember.
  - e. Montezuma’s Got Talent Competition. Councilmember Carlson stated that the Montezuma’s Got Talent Competition will be held on Friday, April 26, 2019, at the Montezuma-Cortez High School with the ticket fees being donated to the Pleasant View Elementary School.

The regular meeting was adjourned at 8:45 p.m.

ATTEST:

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Karen W. Sheek, Mayor

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Sara Coffey, Deputy City Clerk