

CITY COUNCIL  
REGULAR MEETING  
TUESDAY, AUGUST 11, 2020

1. The meeting was called to order at 7:30 p.m., by virtual contact through ZOOM, and was opened with the Pledge of Allegiance. Councilmembers present were Mayor Mike Lavey, Mayor Pro-tem Rachel Medina, Amy Huckins, Orly Lucero, David Rainey, and Arlina Yazzie. Councilmember Sue Betts was absent. Staff members present were Police Chief Vernon Knuckles, City Planner Tracie Hughes, Associate Planner Neva Connolly, Director of Public Works Phil Johnson, System Analyst Shay Allred, IT Support Technician Bill Kuhn, Deputy City Clerk Sara Coffey, City Manager John Dougherty, and City Attorney Mike Green. There were 16 people signed up as participants.
2. The Consent Agenda items acted upon by Council were as follows:
  - a. Approval of the Worksession and Regular Meeting Minutes of July 28, 2020.
  - b. Approval of the payment of the Expenditure Vouchers of August 11, 2020.
  - c. Approval of a renewal Hotel and Restaurant Liquor License for Once Upon LLC, DBA Once Upon A Sandwich, located at 7 West Main Street, Cortez.
  - d. Approval of a renewal Brew Pub Liquor License for L&D Development Inc., DBA J Fargos, located at 1209 East Main Street, Cortez.
  - e. Approval of a renewal Tavern Liquor License for Cortez Elks Lodge 1789, Inc., DBA Cortez Elks 1789, located at 2100 North Dolores Road, Cortez.

Councilmember Lucero moved that the Consent Agenda be approved as presented. Councilmember Rainey seconded the motion, and the vote was as follows:

Betts	Huckins	Lavey	Lucero	Medina	Rainey	Yazzie
absent	Yes	Yes	Yes	Yes	Yes	Yes

3. PRESENTATIONS

a. Proclamation for the 100<sup>th</sup> Anniversary of the 19<sup>th</sup> Amendment to the United States Constitution, Women's Right to Vote. Mayor Lavey read the proclamation honoring the 100<sup>th</sup> Anniversary of the 19<sup>th</sup> Amendment to the United States Constitution which granted full voting rights to women in all states.

Mayor Pro-tem Medina moved to approve the Proclamation declaring the 100<sup>th</sup> Anniversary of the 19<sup>th</sup> Amendment to the United States Constitution, Women's Right to Vote. Councilmember Rainey seconded the motion, and the vote was as follows:

Betts	Huckins	Lavey	Lucero	Medina	Rainey	Yazzie
absent	Yes	Yes	Yes	Yes	Yes	Yes

#### 4. CITIZEN PARTICIPATION

a. Montezuma County Land Use Code. John Dougherty, 602 North Market Street, commented on the Montezuma County Land Use Code which is currently being discussed by the County Commissioners. He spoke of several concerns he has including the decrease in parcel sizes from 10 acres to one acre throughout the County with no restrictions on how close you can build to the Dolores River. He stated that the City of Cortez receives their water from the Dolores River and therefore has concerns with the parcel size changes. He noted that the County is voting on the Land Use Code soon and there does not seem to be any information available on the County's website on the proposed changes. Montezuma County Commissioner Jim Candelaria stated that the meeting scheduled for August 18, 2020, is to allow for discussion on the County's Land Use Code not a vote by the Commission to approve it. He asked that the City Council and the County Commissioners meet to go over the code.

b. Cortez Homeless. Lydia DeHaven, 525 East Arbecam, spoke about her concerns regarding the homeless population in Cortez. She stated that there does not seem to be any data collection on the homeless issue and she would like the City to take a pro-active stance. Mayor Pro-tem Medina stated that she would like Council to discuss this topic at a future worksession.

c. 2020 Census/Landscaped Area. Karen Sheek, 1100 Bluffs Boulevard, spoke to Council about the importance of the 2020 Census and noted that the Census will be shut down at the end of September. She emphasized the importance of completing the Census which is only done every ten years. She also thanked Mark Boblitt and his crew with the Parks and Recreation Department for the beautiful landscaping completed at the area next to Moose and More.

#### 5. PUBLIC HEARINGS

a. QUASI-JUDICIAL ITEM – Ordinance No. 1274, Series 2020. Mayor Lavey noted that items 5a through 5f are Quasi-Judicial items and he read the information regarding the Quasi-Judicial process for the record. Councilmember Lucero recused himself due to a possible conflict-of-interest. Associate Planner Connolly stated that the City of Cortez received an application from Dean Brookie, authorized representative for property owner Schoolhouse Properties, LLC, to vacate all the lots and alleys on the property that was platted on the 1890's plat. He stated that also the 2<sup>nd</sup> Street right-of-way will be rededicatded from 80 feet to 60 feet. She noted that the vacation does not vacate any utility easements. It was noted that the applicant will be removing a section of a building that is built on the 2<sup>nd</sup> Street right-of-way that will be rededicated. Director of Public Works Johnson addressed the question raised at the last meeting regarding an alley that accesses the soccer field from the south noting that it is a dead end alley and is not used and should be vacated and re-dedicated as a utility easement. Mayor Lavey opened the public hearing . No one spoke and the hearing was closed.

Councilmember Yazzie moved that Council approve Ordinance No. 1274, Series 2020, on final reading, vacating the alleyways, 2<sup>nd</sup> Street right-of-way, and lot lines lying adjacent to and within the property described in Tract 1 and Tract 2 on Exhibit 1. Councilmember Rainey seconded the motion, and the vote was as follows:

Betts	Huckins	Lavey	Lucero	Medina	Rainey	Yazzie
absent	Yes	Yes	*	Yes	Yes	Yes

\*Councilmember Lucero recused himself due to a possible conflict-of-interest.

b. QUASI-JUDICIAL ITEM – Ordinance No. 1275, Series 2020. Mayor Pro-tem Medina recused herself due to a possible conflict-of-interest. Mayor Lavey stated that Ordinance No. 1275, Series 2020, approves the vacation of Coronado Avenue. City Planner Hughes stated that the request would vacate the right-of-way at the end of Coronado Avenue which is approximately 40 feet long by 24 feet wide and 975 square feet lying to the south of Tract B, Block 6 as was platted on the Hiltzville Addition and located to the west of Lot 13, Block 3 of the Smith Addition. She stated that the property has been unused since the mid 1950's and the street is not shown on the City's Master Street Plan. She stated that no opposition has been received from public agencies/utility providers and the request meets the four criteria from Land Use Code Section 6.25, vacation of rights-of-way. Mayor Lavey opened the public hearing. Doug Roth, applicant from 501 North Ash Street, thanked the Planning Department and the Planning Commission for their thorough review of the application and commented that he would answer questions if there were any. No questions were asked and the public hearing was closed.

Councilmember Lucero moved that Council approve Ordinance No. 1275, Series 2020, on final reading, approving the vacation of Coronado Avenue. Councilmember Rainey seconded the motion, and the vote was as follows:

Betts	Huckins	Lavey	Lucero	Medina	Rainey	Yazzie
absent	Yes	Yes	Yes	*	Yes	Yes

\*Mayor Pro-tem Medina recused herself from the discussion and vote due to possible conflict-of-interest.

c. QUASI-JUDICIAL ITEM – Resolution No. 11, Series 2020. City Planner Hughes stated that Resolution No. 11, Series 2020, approves a Conditional Use Permit to establish a satellite facility for Battle Rock Charter School at 20 South Market Street. She stated that the Battle Rock School feels they need a contingency plan during the COVID-19 pandemic and are looking at options to have extra space to allow their students more social distancing and/or additional facility space for alternative education formats should the need arise. She spoke about the school's proposed pick-up and drop-off proposal for the students and noted that the proposal is to house up to 35 students and five staff in a 1,236 square foot meeting room within the existing building. She stated that the Public Works Department has noted they would repaint the crosswalks on First Street. She commented that parking is available to the south of the building. She stated that staff feels the project meets the requirements of Land Use Code Section 6.10 regarding the conditions of approval of a Conditional Use Permit. She stated there were no concerns from public agencies/utility providers on the proposal. In answer to a question from Mayor Pro-tem Medina, City Planner Hughes stated that the property has been purchased by the Montezuma Catholic Community and they are using the building for their offices. In regard to safety of the children, Director of Public Works Johnson stated that all the crosswalks would be repainted and crosswalk paddles, like the ones on Main Street, will be placed in the area. Discussion was held on the speed limit for the area

and Director of Public Works Johnson stated that all the speed limits in Cortez are 25 miles per hours, unless otherwise posted. He stated that the speed limit is the same on 1<sup>st</sup> Street as other residential neighborhoods; however, if there are issues in the area, they can be addressed. Susan Thomas, representing Battle Rock School, stated that this space may not be used but a contingency plan needs to be in place should there be a need. Mayor Lavey opened the public hearing; however, no one spoke and the hearing was closed.

Councilmember Huckins moved that Council approve Resolution No. 11, Series 2020, approving a Conditional Use Permit to establish a satellite facility for Battle Rock Charter School to be located at 20 South Market Street. Mayor Pro-tem Medina seconded the motion, and the vote was as follows:

Betts	Huckins	Lavey	Lucero	Medina	Rainey	Yazzie
absent	Yes	Yes	Yes	Yes	Yes	Yes

d. QUASI-JUDICIAL ITEM – Resolution No. 12, Series 2020. City Planner Hughes stated that Resolution No. 12, Series 2020, approves the application for an Encroachment Permit to construct a loading dock and shed at 610 East Main Street. She stated that Davita Dialysis would like to construct a loading dock with a shed on it to be extended off the back of the existing building. She noted that there is a loading dock in this location; however, the applicant would like to reconstruct the dock and it was found that there is not an Encroachment Permit for the previous loading dock which was constructed in the 1960’s. She stated that the dock allows the business to receive equipment and materials as well as to remove waste in the rear of the building. She stated that the dock will remain within the boundaries of the alley. She stated that the applicant will be subject to the terms of a Revocable License Encroachment Permit noting that the alley dead ends on the north side of the existing building. She stated that the dock does not restrict access to the adjacent neighbors. In answer to a question from Mayor Pro-tem Medina, City Planner Hughes stated that she does not know of any conflicts that the alley would cause for trash pickup or other uses. Brandi Moore, agent for property owner Cortez Main, LLC, spoke to the question asked by Mayor Lavey commenting that there will be no hazardous waste removed on the dock. Ms. Moore stated that the standard box trucks back into the dock and noted the dock has been used by Davita Dialysis since 1997. In answer to a question from Mayor Pro-tem Medina, City Attorney Green stated that an Encroachment Permit is temporary in nature and if the right-of-way was needed for any reason, the City would be required to send a 60-day notice to the property owner. City Attorney Green explained what would be required for a permanent request for the dock. Mayor Lavey opened the public hearing; however, no one spoke and the hearing was closed.

Councilmember Rainey moved that Council approve Resolution No. 12, Series 2020, approving an Encroachment Permit in the public right-of-way for construction of a loading dock and shed for property located at 610 East Main Street. Councilmember Huckins seconded the motion, and the vote was as follows:

Betts	Huckins	Lavey	Lucero	Medina	Rainey	Yazzie
absent	Yes	Yes	Yes	Yes	Yes	Yes

e. QUASI-JUDICIAL ITEM – Resolution No. 13, Series 2020. City Manager Dougherty stated

that there were some last minute concerns regarding the manufactured home park site plan and asked that Council table the resolution to allow staff to discuss the matter further.

Councilmember Lucero moved that Council table Resolution No. 13, Series 2020, approving a Manufactured Home Park site plan to be developed at 1226 Animas Street, to a future meeting. Mayor Pro-tem Medina seconded the motion, and the vote was as follows:

Betts	Huckins	Lavey	Lucero	Medina	Rainey	Yazzie
absent	Yes	Yes	Yes	Yes	Yes	Yes

f. QUASI-JUDICIAL ITEM – New Hotel and Restaurant Liquor License for Margaritas Inc. City Attorney Green stated that an application was received from Anabell Rodriguez owner of Margaritas Inc., DBA Margaritas, located at 550 South Broadway. He stated that the investigation for the application was conducted by the Police Department and the hearing was posted as per State regulations. He stated that the property at 550 South Broadway has had several liquor licenses issued on the property in the past and staff recommends approval. In answer to a question from Mayor Pro-tem Medina, Ms. Rodriguez stated that Margaritas is in the location where Mi Mexico was previously located. Mayor Lavey opened the public hearing. No one spoke and the hearing was closed.

Mayor Pro-tem Medina moved that after considering the facts and evidence adduced as a result of staff’s investigation as well as any other facts, the reasonable requirements of the neighborhood, for the type of license applied for, the desires of the adult inhabitants, the availability, the number of alcohol beverage outlets located in or near the neighborhood, and other pertinent matters affecting the qualifications of the applicant for the type of business proposed, Council approves a new Hotel and Restaurant liquor License for Margaritas Inc., DBA Margaritas, located at 550 South Broadway. Councilmember Rainey seconded the motion, and the vote was as follows:

Betts	Huckins	Lavey	Lucero	Medina	Rainey	Yazzie
absent	Yes	Yes	Yes	Yes	Yes	Yes

6. UNFINISHED BUSINESS – None.

7. NEW BUSINESS

a. Airport Taxilane Repair Contract. Airport Manager Machen stated that the Cortez Municipal Airport spoke to Council in May requesting the use of a portion of the CARES Act funding grant awarded to the Airport to repair a taxilane that had deteriorated. He stated that a not-to-exceed amount of \$35,000 was added to this spring’s taxiway shoulder project and three bids were received for the project with M. Leeder Construction, from Durango, coming in as low bidder at \$30,053.00. He stated that the Airport received \$633,102 from the CARES Act related to COVID-19 impacts, which the funding for this project will be taken from, and no local match will be required. It was noted that M. Leeder Construction has done work for the City previously and they have done a good job. Councilmember Huckins stated that she viewed the site and noted that it is in great need of repair.

Councilmember Huckins moved that Council award the Airport Taxilane Repair Contract to M. Leeder Construction, Inc., for \$30,053.00. Councilmember Lucero seconded the motion, and the vote was as follows:

Betts	Huckins	Lavey	Lucero	Medina	Rainey	Yazzie
absent	Yes	Yes	Yes	Yes	Yes	Yes

b. QUASI-JUDICIAL – Angel’s End Zone Premises Change. City Attorney Green stated that Angel’s End Zone located at 309 North Broadway would like to add a patio to the south side of their premises. In answer to a question from Mayor Pro-tem Medina, City Attorney Green stated that per State Statue, all liquor hearings are consider Quasi-Judicial. City Manager Dougherty noted that Angel’s End Zone has been making payments on their sales tax to the City on a timely basis. Mayor Lavey opened the item for public comment; however, none was received.

Mayor Pro-tem Medina moved that after considering the facts and evidence adduced as a result of staff’s investigation as well as any other facts, the reasonable requirements of the neighborhood, for the type of license applied for, the desires of the adult inhabitants, the availability, the number of alcohol beverage outlets located in or near the neighborhood, and other pertinent matters affecting the qualifications of the applicant for the type of business proposed, Council approves the Change in Premises for Angel’s End Zone, located at 309 North Broadway, Cortez. Councilmember Lucero seconded the motion, and the vote was as follows:

Betts	Huckins	Lavey	Lucero	Medina	Rainey	Yazzie
absent	Yes	Yes	Yes	Yes	Yes	Yes

c. Renewal of Professional GIS Services Contract. Mayor Pro-tem Medina recused herself due to a possible conflict-of-interest. Director of Public Works Johnson stated that the City has been contracting with Doug Roth for Geographic Information System (GIS) services on a yearly basis since 2014. He stated that Mr. Roth works in the Service Center on Monday and Thursday afternoons and also works full time in the GIS Department for Montezuma County. He noted that the County Administrator has been amenable to Mr. Roth’s schedule since its inception. He spoke of the services which Mr. Roth performs for the City and noted that the contract is approved annually. He stated that the fees for Mr. Roth’s services have not changed since his last contract. Councilmember Lucero noted that Mr. Roth has performed this service for many years and he has never heard any negative comments.

Councilmember Lucero moved that Council renew the Professional Services Contract for GIS Services with Douglas Roth DBA Cortez GIS Services, to be effective September 1, 2020 through August 31, 2021. Councilmember Huckins seconded the motion, and the vote was as follows:

Betts	Huckins	Lavey	Lucero	Medina	Rainey	Yazzie
absent	Yes	Yes	Yes	*	Yes	Yes

\*Mayor Pro-tem Medina recused herself due to a possible conflict-of-interest.

8. DRAFT RESOLUTION/ORDINANCES – None.

9. OTHER ITEMS OF BUSINESS – None.
10. ADDITIONAL CITIZEN PARTICIPATION – None.
11. CITY ATTORNEY’S REPORT – None.
12. CITY MANAGER’S REPORT – None.
13. CITY COUNCIL COMMITTEE REPORTS

a. Mayor’s Report on Workshop. Mayor Lavey stated that presentations were made by Laura Lewis Marchino, Executive Director for Region 9, and Miriam Gillow-Wiles, Executive Director for SWCCOG (Southwest Colorado Council of Governments). An introduction was made by Municipal Judge James Shaner. A monthly finance update was given by Director of Finance Burkett and discussion was held with City Attorney Green on his memos that are sent out in Council packets. Also, an update was given on the Axis Health funding request and discussion was held on the disposal of the Airport fire truck. Mayor Lavey stated that a brief discussion was also held on the connection of Wi-Fi outside City buildings.

b. Cortez Journal ‘Best of’ Nomination Period. Mayor Pro-tem Medina stated that the period to nominate someone in the community for the ‘Best of’ is being held by the Cortez Journal through August 15, 2020, at which time the voting period will be held.

c. Master Streets Plan/Agenda Packets/Alamosa Street. Mayor Pro-tem Medina stated that she would like the City to work on adopting a new Master Streets Plan and asked about the agenda packets being scanned with a different program so the definition of the items scanned are not lost. She also asked if Alamosa Street could be changed to County Road L so there are not two names for the same road for 911 purposes. Councilmember Lucero stated that the portion of the road that is in the City limits is called Alamosa Street and Road L is the County portion of the street.

d. Bandshell. Mayor Lavey stated that stakeholders met near the Library to talk with an architect about the proposed bandshell that would be located in Centennial Park. He stated that feedback continues to be offered for the proposal.

e. Suicide Prevention Coalition. Councilmember Yazzie stated that she is involved in a Suicide Prevention Coalition and encouraged anyone that is interested in being involved or would like to offer input to contact her through her City email.

The regular meeting was adjourned at 8:52 p.m.

ATTEST:

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Sara Coffey, Deputy City Clerk

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Michael J. Lavey, Mayor