

CITY COUNCIL
REGULAR MEETING
TUESDAY, FEBURARY 12, 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, Ty Keel, and Gary Noyes. Councilmember Jill Carlson and Mike Lavey were absent. Staff members present were Chief of Police Roy Lane, Associate Planner Neva Connolly, City Planner Tracie Hughes, Management Intern Peyton Heitzman, Director of Public Works Phil Johnson, Director of General Services Rick Smith, Director of Planning and Building Sam Proffer, Director of Parks and Recreation Dean Palmquist, City Attorney Mike Green, City Clerk Linda Smith, and City Manager John Dougherty. There were twelve 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 January 22, 2019.
 - b. Approval of the payment of the Expenditure Vouchers of February 12, 2019.
 - c. Approval of a renewal Hotel and Restaurant Liquor License for Hunan Kitchen Inc., DBA Hunan Chinese Restaurant, located at 2561 East Main Street, Cortez.
 - d. Approval of a renewal Beer and Wine Liquor License for Hong Kong Chinese Restaurant Inc., DBA Hong Kong Chinese Restaurant, located at 332 West Main Street, Cortez.
 - e. Approval of a Special Event Permit for the Cortez Area Chamber of Commerce to host “Business After Hours” at the Wigglin’ Pig Restaurant, located at 44 West Main Street, Cortez, on Thursday, February 21, 2019, from 4:00 p.m. to 7:30 p.m.

Councilmember Keel moved that Council approve the Consent Agenda with the additional expenditure list totaling \$82,818.32. Mayor Pro-tem Lucero seconded the motion, and the vote was as follows:

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

3. PRESENTATIONS

a. Brain Awareness Week Proclamation. Sharon Spinney, representing the Four Corners Dance Society, stated that members of the dance club (Legacy Dance) are working together with Dana Alliance for Brain Initiatives to celebrate Brain Awareness Week. She stated that the Brain Alliance is an international program that wants to help people become aware of the various pieces of research that is being found. She stated that people are linking together with the information and bringing forward activities that people can access for themselves, including dance. Mayor Sheek read the proclamation which proclaimed Brain Awareness Week as March 11 – 17, 2019. Ms.

Spinney shared with Council the events that will take place in Cortez from March 10 – 17, 2019, during Brain Awareness Week.

4. CITIZEN PARTICIPATION – None.

5. PUBLIC HEARINGS

a. Resolution No. 4, Series 2019. Association Planner Connolly stated that Resolution No. 4, Series 2019, approves a Conditional Use Permit to expand the use of ‘fitness gym’ at 2310 East Empire. She stated that the property is zoned Neighborhood Business (NB) and is located on the northwest corner of Highway 145 and Empire Street and is a total of 0.97 acres in size. She stated that the building is approximately 9,000 square feet and presently houses a CrossFit gym and previously included a gymnastics center. She stated that the property has been used as a gym for many years and was considered a non-conforming use which is allowed until the use or structure is abandoned. She stated that an approved conditional use would legitimize the ongoing use of the property as a gym, as well as the proposed expanded fitness uses. She stated that the applicant would like to use the property for golf training, video instruction, coaching, fitness, food and beverage (including alcohol), sport simulators, and retail sales of golf-related equipment. She stated the most closely classified use is a “private fitness club or recreation center” under the current Land Use Code. She stated that restaurants and bars are not an allowed use in the NB zone; however, snack bars are commonly located at indoor recreation centers. She reviewed the staff report and the criteria for a conditional use permit as outlined in Section 6.10 of the Land Use Code. She noted that the traffic circulation and patterns will be similar to previous occupants and the facility will be open year-round. She stated that the building will have few changes from what exists and the applicant proposes to add a façade and entrance ramadas to enhance aesthetic appeal to the building. She noted that the proposal meets the goals of the Comprehensive Plan including the offering of year-round recreational opportunities for residents and visitors of all ages and interests. She stated that the Colorado Department of Transportation (CDOT) encouraged the applicants to use the access off of Cherry Street rather than the Empire Street access; however, it is not required. She stated that Planning and Zoning reviewed the proposal at their January 15, 2019, and recommended approval of the conditional use permit.

Micah Rudosky, owner of the property at 2310 East Empire, thanked staff for helping them through the process and noted that they know there are requirements that they have to comply with for the conditional use permit. Mayor Sheek opened the public hearing; however, no one spoke and the hearing was closed.

Councilmember Keel moved that Council approve Resolution No. 4, Series 2019, approving a Conditional Use Permit to expand the use of ‘fitness gym’ at 2310 East Empire, zoned Neighborhood Business (NB) District, as submitted by Micah and Anett Rudosky, agents for Rudosky Unlimited LLC, with four conditions. Mayor Pro-tem Lucero seconded the motion, and the vote was as follows:

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

b. Ordinance No. 1261, Series 2019. City Attorney Green stated that Ordinance No. 1261, Series 2019, approves the land lease between Cortez Municipal Airport and Waste Management of Colorado. He stated that the new lease period is five and one half years, to align with the calendar year billing (expire on December 31, 2024). He stated that by mutual consent, the lease may be extended in five-year increments, unless terminated sooner. Mayor Sheek opened the public hearing; however, no one spoke and the hearing was closed.

Councilmember Noyes moved that Council approve on final reading Ordinance No. 1261, Series 2019, approving a lease of more than one year between the City of Cortez and Waste Management of Colorado. Mayor Pro-tem Lucero seconded the motion, and the vote was as follows:

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

c. Ordinance No. 1262, Series 2019. Planning Associate Connolly stated that Ordinance No. 1262, Series 2019, approves the inclusion of the structure located within the “Original Townsite of Cortez” to the City of Cortez Register of Historic Structures, Sites, and Districts. She stated that the structure is located at 109 West Main Street and is known as the Montezuma County Courthouse. She stated that the property would be the 50th structure to be added to the Cortez register. She noted that the property was built in 1937 and added on to in 1960. Mayor Sheek opened the public hearing; however, no one spoke and the hearing was closed.

Councilmember Betts moved that Council approve on final reading Ordinance No. 1262, Series 2019, approving the inclusion of the structure located within the “Original Townsite of Cortez” to be included in the City of Cortez Register of Historic Structures, Sites, and Districts, specifically the structure at 109 West Main Street. Mayor Pro-tem Lucero seconded the motion, and the vote was as follows:

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

6. UNFINISHED BUSINESS

a. Letter of Support for Statewide Hydrocarbon Emissions Reduction (SHER) Task Force and the Colorado Air Quality Control Commission. Tabled at the January 22, 2019, meeting, City Manager Dougherty stated that he had reviewed several sites on the request from SHER Task Force and included the information from the Colorado Department of Public Health and Environment in the Council packet.

Councilmember Noyes moved that Council pass (deny) on sending a letter of support for Statewide Hydrocarbon Emissions Reduction (SHER) Task Force and the Colorado Air Quality Control Commission supporting strong, State-wide controls on air quality. Councilmember Betts seconded the motion, and the vote was as follows:

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

7. NEW BUSINESS

a. QUASI-JUDICIAL – Set Public Hearing Date for New Hotel and Restaurant Liquor License for Wigglin’ Pig. Mayor Sheek noted that the request for a new Hotel and Restaurant Liquor License is a Quasi-Judicial item and asked if anyone had conversation on the liquor license to note that for the record; however, no one spoke. City Attorney Green stated that the applicants, Wigglin’ Pig LLC, have requested a liquor license for their premises at 44 West Main Street. He stated that Council needs to set a public hearing date of February 26, 2019, and the neighborhood boundaries as the City limits for review of the liquor license application.

Councilmember Betts moved that Council set a public hearing date of February 26, 2019, and the neighborhood boundaries as the City limits for a new Hotel and Restaurant Liquor License for the Wigglin’ Pig LLC, DBA Wigglin’ Pig, located at 44 West Main Street, Cortez. Councilmember Noyes seconded the motion, and the vote was as follows:

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

b. QUASI-JUDICIAL – Set Public Hearing Date for New Hotel and Restaurant Liquor License for Rudosky Unlimited. Mayor Sheek noted that the request is a Quasi-Judicial item as well and that anyone that may have had a discussion regarding the license request would need to disclose that discussion; however, no one spoke. City Attorney Green stated that Rudosky Unlimited LLC, DBA Rudosky Unlimited, located at 2310 East Empire Street, is also seeking a Hotel and Restaurant Liquor License for their premises. He noted that the public hearing date and neighborhood boundaries would need to be set for the review of the liquor license request.

Councilmember Keel moved that Council set a public hearing date of February 26, 2019, and the neighborhood boundaries as the City limits for a new Hotel and Restaurant Liquor License for Rudosky Unlimited LLC, DBA Rudosky Unlimited, located at 2310 East Empire Street, Cortez. Mayor Pro-tem Lucero seconded the motion, and the vote was as follows:

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

c. Appointment of Parks, Recreation, and Forestry Advisory Board Meeting. Director of Parks and Recreation Palmquist stated that currently there are three adult vacancies on the Parks, Recreation, and Forestry Advisory Board and Alan Klein has sent a letter of interest to serve on the board. Director of Parks and Recreation Palmquist stated that the Parks, Recreation, and Forestry Advisory Board met on January 18, 2019, and unanimously support the appointment of Mr. Klein to the board for a two-year term. He stated that Council could choose to interview the candidate prior to making its decision or forego the interview process and appoint Mr. Klein to the advisory board.

Mayor Pro-tem Lucero moved that Council appoint Alan Klein to the Parks, Recreation, and Forestry Advisory Board as recommended by the Parks, Recreation, and Forestry Advisory Board foregoing the interview process. Councilmember Keel seconded the motion, and the vote was as follows:

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

d. Refuse Truck Replacement. Director of Public Works Johnson stated that at the January 22, 2019, Council worksession, discussion was held on the need to replace the current refuse pickup due to age, mileage, and mechanical condition. He stated that Council approved pursuing a replacement vehicle to be funded from the Refuse Enterprise Fund. He stated that after discussion with the Fleet Maintenance Supervisor and the Refuse Foreman, it was concluded that a used truck would meet the needs for the replacement vehicle. He noted that Marvin Cramer, Fleet Maintenance Supervisor, contacted the three local dealers to check on their used stock and a 2012 Ford F-250 was located at Keesee Motor Company. He stated that the truck is in very good condition and suits the needs. He stated that the truck has 52,000 miles on it with a cash price of \$20,950. He stated that staff recommends approval of the used pickup from Keesee Motor Company.

Mayor Pro-tem Lucero moved that the City purchase a used pickup truck from Keesee Motor Company in the amount of \$20,950 out of the Refuse Enterprise Fund. Councilmember Noyes seconded the motion, and the vote was as follows:

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

e. Resolution No. 3, Series 2019. Director of Planning and Building Proffer stated that Resolution No. 3, Series 2019, provides economic development incentives by means of authorizing the reduction or waiving of building permit and/or use tax fees and other incentives, by launching the “Cortez Housing Affordability and Mitigation Plan” (CHAMP) Incentive Program. He stated that, at the November 27, 2018, Council worksession, discussion was held on offering an incentive program to help boost residential development in older areas and vacant parcels that are blighted and/or under-utilized. He stated that the City’s Comprehensive Plan specifically addresses properties to be targeted for programs designed to encourage development and revitalization of existing neighborhoods. He stated that the public was invited to an open meeting on January 15, 2019, to discuss the proposal. He stated that staff is recommending that for ‘stick-frame’ homes, the City would reduce 75% of both building permit and Use Tax fees and for HUD and Colorado IRC approved manufactured homes, the City would waive 100% of both the building permit and Use Tax fees. He spoke about the map which would outline the properties that would qualify for the program and stated that the CHAMP Incentive Program would be implemented for one-year time frame beginning March 1, 2019 through March 1, 2020. He reviewed the financial impact should the developers take advantage of the proposal and stated that there may be other creative ways that would spark more development in residential construction. In answer to a question from Mayor Sheek, Director of Planning and Building Proffer stated that the program would be monitored during the year process and could be extended.

Councilmember Noyes moved that Council approve Resolution No. 3, Series 2019, establishing the “Cortez Housing Affordability and Mitigation Plan” (CHAMP) Incentive Program. Councilmember Keel seconded the motion, and the vote was as follows:

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

f. Ordinance No. 1264, Series 2019. City Planner Hughes stated that Ordinance No. 1264, Series 2019, would allow for theaters to be included in the Open Zone. She stated that on November 5, 2018, the Planning Commission was presented with information regarding the placement of an outdoor stage in Montezuma Park. She stated that the Planning Commission asked that a public meeting be held for the neighborhood to discuss the idea and that meeting was held in December with support received from the public for the theater to be placed in Montezuma Park. She stated that the original idea was to place theaters in the Neighborhood Business (NB) zone as Montezuma Park is located in the NB zone; however, discussion has been held about changing the zone for Montezuma Park to the Open zone. She stated that parks are an allowed use in all zoning districts as they fall under the broad category of “municipal facilities.” She stated that the Planning Commission reviewed the text of the Land Use Code to allow theaters as a permitted use in the Open zoning district at their February 5, 2019, meeting and, after much discussion, decided to recommend that theaters be allowed as conditional use, rather than a permitted use. She spoke about the process for a conditional use which would require two additional meetings for approval. City Manager Dougherty asked if there were properties that are zoned Open that do not belong to the City, and City Planner Hughes stated that the property owned by the Children’s Kiva Montessori School located on Mildred Street is zoned Open. City Manager Dougherty stated that most of the ‘Open’ space zoned property is City owned and Council is not going to do anything in the park without Council’s approval. He recommended that theaters be a permitted use in the Open zone. Mayor Sheek stated that she feels the City’s process is sometimes drug out longer than it should be and theaters should be a permitted use in the Open zone. In answer to a question from Councilmember Keel, City Planner Hughes stated that the Planning Commission felt that by requiring a conditional use, there could be public input on how the theater would be designed and sited and that it was compatible with the surrounding neighborhood. City Attorney Green stated that there are two other similar structures (stages) already in the City parks, one at Parque de Vida and one in City Park, and staff is trying to be consistent in what is provided to the citizens.

Councilmember Keel moved that Council approve on first reading Ordinance No. 1264, Series 2019, allowing theaters as a permitted use in the Open Zone by amending Land Use Code Section 3.05(a), and set for public hearing on February 26, 2019. Councilmember Noyes seconded the motion, and the vote was as follows:

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

g. Ordinance No. 1263, Series 2019. City Planner Hughes stated that Ordinance No. 1263, Series 2019, rezones the property addressed as 15 West Montezuma Avenue, known as Montezuma Park, from Neighborhood Business (NB) to Open (O) Zone. She stated the property is owned by the City of Cortez and is located on the southwest corner of North Market Street and West Montezuma Avenue and is a total of .461 acres in size. She stated that the Planning Commission voted to recommend approval of the rezoning and she reviewed the rezoning criteria from Land Use Code Section 6.02. She stated that the property was originally zoned with the surrounding area; however,

the character in the area is changing and it is staff's belief that the park is a municipal use and should be zoned Open.

Councilmember Noyes moved that Council approve on first reading Ordinance No. 1263, Series 2019, rezoning the property addressed as 15 West Montezuma Avenue, known as Montezuma Park, from Neighborhood Business (NB) to Open (O) Zone, and set for public hearing on February 26, 2019. Councilmember Betts seconded the motion, and the vote was as follows:

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

8. DRAFT ORDINANCES/RESOLUTIONS – None.

9. OTHER ITEMS OF BUSINESS – None.

10. ADDITIONAL CITIZEN PARTICIPATION – None.

11. CITY ATTORNEY'S REPORT – None.

12. CITY MANAGER'S REPORT

a. Employee Appreciation Dinner. City Manager Dougherty reminded Council of the Employee Appreciation Dinner that would be held on Sunday, February 17, 2019, at the Cortez Elks Club, beginning at 4:00 p.m. He stated that he would be unable to attend if someone would like to take his seats.

13. CITY COUNCIL COMMITTEE REPORTS

a. Mayor's Report on Workshop. Mayor Sheek stated that during the worksession discussion was held on the Enterprise Funds paying a portion of administrative shared services and the Cortez CHAMP Incentive Program (Resolution No. 3, Series 2019) was reviewed. She stated that a brief discussion was held on Councilmember's participation in meetings should they not be able to be present in person. She stated that Council adjourned to Executive Session for determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e).

b. Southwest Council of Governments (SWCOG). Mayor Sheek stated that she and City Manager Dougherty attend the SWCOG meeting on Thursday, February 7, 2019, and discussion was held on the grant that was denied by the FCC to increase broadband in the area. She stated two new grants have been submitted for affordable housing and recycling.

c. Emergency Preparedness Meeting. Mayor Sheek stated that she attended the Emergency Preparedness meeting on Tuesday, February 12, 2019, and it was noted that the County and the cities in the County have to have a plan on file to be able to apply for reimbursement should a disaster happen. She stated that the current plan is being revised and the group would like to include an active shooter plan in the revised version. She stated that the Emergency Operations

Center, which is located in the Montezuma County Jail/Sheriff's office, has received a grant to upgrade IT equipment. She stated that a presentation was made by the Red Cross on what they provide should they be called for an emergency.

The regular meeting was adjourned at 8:30 p.m.

ATTEST:

Karen W. Sheek, Mayor

Linda L. Smith, City Clerk