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**CORTEZ CITY COUNCIL  
REGULAR MEETING  
TUESDAY, JANUARY 24, 2023  
7:30 P.M.**

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL, APPROVAL OF AGENDA.
2. CONSENT AGENDA

The listing under "Consent Agenda" is a group of items to be acted on with a single motion and vote. This agenda is designed to expedite the handling of limited routine matters by City Council. Either the public or a Councilmember may request that an item may be removed from the Consent Agenda at that time, prior to Council's vote. The Mayor will ask if a citizen or Councilmember wishes to have any specific item removed from the Consent Agenda for discussion.

- a. Approval of the Council Work Session and Agenda Minutes of January 10, 2023
  - b. Approval of the Expenditure List for January 24, 2023
  - c. Approval of a renewal Hotel and Restaurant Liquor License for Rudosky Unlimited LLC, DBA Rudosky Unlimited, located at 2310 East Empire Street, Cortez.
  - d. Approval of a Special Events Permit for Cortez Area Chamber of Commerce to host an open house event on Thursday, January 26, 2023, on the premises of PASCO/SW Health Care, located at 2208 East Main Street, Cortez.
  - e. Approval of a Change in Premise application for Dillon Companies, LLC, DBA City Market #8, located at 508 East Main Street, Cortez.
  - f. Approval of a Transfer of Ownership application for Shiloh Inc. DBA Shiloh Steakhouse, located at 5 South Veach Street, Cortez.
3. PUBLIC PARTICIPATION

**There is no limit to the number of speakers, although public comments will be held to an overall time limit of 30 minutes.**

(Speakers have a time limit of three (3) minutes per person, may only speak once, and may not cede time to another commenter. Please reference rules below.)

4. PRESENTATIONS
5. PUBLIC HEARINGS

- a. **Ordinance No. 1305, Series 2023**

Ordinance No. 1305, Series 2023, presented on second reading, amends the City of Cortez Land Use Code, Section 3.05 -- Use Regulations regarding mobile vendors in the Central Business District.

**Presenter:** Contract City Planner Nancy Dosdall

6. UNFINISHED BUSINESS

7. NEW BUSINESS

a. **Ordinance No. 1314, Series 2023**

First reading on Ordinance No. 1314, Series 2023, changing the zoning designation from R-1 Residential Single Family to C, Commercial Highway, and set for second reading and public hearing on February 14, 2023.

**Presenter:** Contract City Planner Nancy Dosdall

b. **Ordinance No. 1315, Series 2023**

First reading of Ordinance No. 1315, Series 2023, an ordinance to rezone a .59 acre parcel located on the southwest corner of North Chestnut Street and West Empire Street, Cortez, Colorado, from R-1, Residential Single-Family District, to R-2 Residential Multi-Family District, and set for second reading and public hearing on February 14, 2023.

**Presenter:** Contract City Planner Nancy Dosdall

8. DRAFT RESOLUTION/ORDINANCES

9. CITY ATTORNEY'S REPORT

10. CITY MANAGER'S REPORT

11. CITY COUNCIL COMMITTEE REPORTS

a. Mayor's Report on Workshop

b. Other Board Reports

12. OTHER ITEMS OF BUSINESS

a. Executive Session as needed.

13. PUBLIC PARTICIPATION

**There is no limit to the number of speakers and no overall time limit.**

**(Speakers have a time limit of three (3) minutes per person, may only speak once, and may not cede time to another commenter. Please reference rules below.)**

14. ADJOURNMENT

PURSUANT TO RESOLUTION 11, SERIES 2022, PUBLIC COMMENT:

--Individuals may comment regarding items on the Council agenda or any other topic they wish to address the City Council about, including items discussed in a previous Council Workshop. Those wishing to comment must register by completing an "Intent to Speak" card (located outside of the Council chambers). Completed cards will be collected at the start of the meeting and delivered to the Mayor, who will call each speaker to the podium at the appropriate time. Comments specific to agenda items scheduled for public hearings should be reserved and delivered during the public hearing session.

--Courtesy, civility, and respect for others is expected. All comments should be addressed directly to the Council. Commenters who are called upon by the Mayor to speak are the only persons allowed to speak during the allotted time. Comments, or other distractions from the audience intended for commenters or others are not permitted. The Mayor, as the chairperson for the meeting, retains the discretion to deviate from the formats described below.

--There are two general opportunities for citizens to address the Council:

For the first opportunity (which will occur toward the start of the meeting) there is no limit to the number of speakers, although public comments will be held to an overall time limit of 30 minutes so City business may proceed. Speakers have a time limit of 3 minutes per person, may only speak once, and may not cede time to other commenters.

For the second opportunity (which will occur toward the end of the meeting) there is no limit to the number of speakers, and no overall time limit. Speakers have a time limit of 3 minutes per person, may only speak once, and may not cede time to other commenters.

--Other Opportunities to Participate

Citizens may also participate via email if addressed to [councilcomments@cortezco.gov](mailto:councilcomments@cortezco.gov). Comments received by 3:00pm the day of a Council meeting will be delivered to Council the same day and entered into the meeting minutes. Citizens may also send letters to the Council by addressing them to "City Council" 123 Roger Smith Ave., Cortez, CO 81321. In-person deliveries are also accepted.

MOTION TO GO INTO EXECUTIVE SESSION:

--For a conference with the City attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b);

--For the purpose of 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);

--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)

--For discussion of a personnel matter under C.R.S. Section 24-6-402(4)(f)(I) and not involving: any specific employees who have requested discussion of the matter in open session: any member of this body or any elected official: the appointment of any person to fill an office of this body or of an elected official: or personnel policies that do not require the discussion of matters personal to particular employees

--For discussion of a matter required to be kept confidential by the following federal or state law, or regulation under C.R.S. Section 24-6-402(4)(c)

--For discussion of specialized details of security arrangements or investigations under C.R.S. Section 24-6-402(4)(d)

--For consideration of documents protected by the mandatory nondisclosure provisions of the Open Records Act under C.R.S. Section 24-6-402(4)(g)

AND THE FOLLOWING ADDITIONAL DETAILS ARE PROVIDED:

(a brief description must be included following the statute citation regarding why the executive session is being held)



CITY OF CORTEZ  
123 ROGER SMITH AVENUE  
CORTEZ, CO 81321

**Linda Smith**  
City Clerk  
123 Roger Smith Avenue  
Cortez, CO. 81321  
lsmith@cortezco.gov

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### Memorandum

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**To:** CORTEZ CITY COUNCIL

**From:** LINDA SMITH, CITY CLERK

**Date:** January 18, 2023

**RE:** Approval of the Council Work Session and Agenda Minutes of January 10, 2023

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### Attachments

January 10, 2023 Work Session Minutes  
January 10, 2023 Agenda Minutes



CITY COUNCIL  
REGULAR WORK SESSION  
TUESDAY, JANUARY 10, 2023  
6:45 p.m.

1. The Workshop was called to order at 6:45 p.m., at the City Council Chambers. Councilmembers present included Mayor Rachel Medina, Mayor Pro-tem Arlina Yazzie, Lydia DeHaven, Robert Dobry, Matt Keefauver, David Rainey, and Dennis Spruell. Staff members present included Director of General Services Rick Smith, Library Director Isabella Sharpensteen, Airport Manager Jeremy Patton, Director of Finance Kelly Koskie, Court Clerk/Administrator Carla Odell, Grant Administrator Scott Baker, Payroll/Sales Tax Administrator Sara Coffey, Manager of Marketing and Events Jon Brooks, Community and Economic Development Director Rachael Marchbanks, Director of Parks and Recreation Creighton Wright, Chief of Police Vernon Knuckles, IT Support Technician Aaron Holleman, IT Manager Shay Allred, Deputy City Clerk Donna Murphy, City Clerk Linda Smith, City Manager Drew Sanders, and City Attorney Patrick Coleman. There were three people present in the audience.

2. A presentation was made by City staff about the City's new website. Introductions were made of the many people that worked on the site (Jon Brooks, Aaron Holleman, Shay Allred, Rachael Marchbanks, and others) and Director of Parks and Recreation Wright spoke about the highlights of the new website, which include a variety of new graphic buttons and department header packages. It was noted that the website has gone live and will be reviewed by a team of employees (Website Users Group) to keep everything fresh. Comment was made that the website will always be evolving and a tour of the different pages was given by Director of Parks and Recreation Wright. It was noted that the Animal Services page is the number one most searched page on the website. In answer to a question from Councilmember DeHaven, Director of Parks and Recreation Wright stated that the Report of Concern form filters to the Human Resources Assistant and the City Manager and then is distributed to the department which may be responsible for the concern. Discussion was held regarding the Planning and Building page which is still listed on the site, and it was noted that the public looks for that department for various questions/projects and would not necessarily know that it is part of the Community and Economic Development Department. It was asked that a calendar be created for the classes and events that are held at the Library and Recreation Center. Council gave kudos to all the people that worked on the website and it was noted that the site looks really great. Councilmember Dobry commented that he is glad that staff will continue to work on the site and keep it a living document.

3. General Discussion: Councilmember DeHaven spoke about a survey that is being circulated regarding childcare and noted that meetings are being held at the Dolores, Mancos, and Cortez Libraries regarding the subject. She asked that everyone share the survey so that comments can be received from the community. She also spoke about an item that was recently in the newspaper regarding the Town of Dolores hiring an affordable housing consultant and she hopes that the City can collaborate with this person/task force that will be created. She also spoke about a statistic from the Montezuma County Regional Resiliency Recovery Roadmaps program

which states that housing has increased 84% from 2019 to 2022. Mayor Medina asked if City staff could add to their list of upcoming projects to update the City's three mile plan. The regular workshop was adjourned at 7:15 p.m.

CITY COUNCIL  
REGULAR MEETING  
TUESDAY, JANUARY 10, 2023

1. The meeting was called to order in the City Council Chambers at 7:30 p.m., with the Pledge of Allegiance. Roll Call was taken and the following Councilmembers were present: Mayor Rachel Medina, Mayor Pro-tem Arlina Yazzie, Lydia DeHaven, Robert Dobry, Matthew Keefauver, David Rainey, and Dennis Spruell. Staff present included Chief of Police Vernon Knuckles, Director of Parks and Recreation Creighton Wright, Manager of Marketing and Events Jon Brooks, Finance Director Kelly Koskie, Payroll/Sales Tax Administrator Sara Coffey, Grant Administrator Scott Baker, Court Clerk/Administrator Carla Odell, City Engineer Kevin Kissler, Airport Manager Jeremy Patton, City Engineer George Tripp, Contract Planner Nancy Dossall, Library Director Isabella Sharpensteen, Community and Economic Development Director Rachael Marchbanks, Director of Public Works Brian Peckins, Director of General Services Rick Smith, IT Manager Shay Allred, IT Support Technician Aaron Holleman, Deputy City Clerk Donna Murphy, City Clerk Linda Smith, City Manager Drew Sanders, and City Attorney Patrick Coleman. There were nine people present in the audience.

Mayor Pro-tem Yazzie moved that the agenda be approved. Councilmember DeHaven seconded the motion and the vote was as follows:

DeHaven	Dobry	Keefauver	Medina	Rainey	Spruell	Yazzie
Yes	Yes	Yes	Yes	Yes	Yes	Yes

2. The Consent Agenda items acted upon by Council were as follows:
  - a. Approval of the Council Worksession and Agenda Minutes for December 13, 2022.
  - b. Approval of the Expenditure List for January 10, 2023.
  - c. Approval of a renewal Hotel and Restaurant Liquor License for Lakeside Lanes Inc., DBA Lakeside Lanes, located at 410 Lakeside Drive, Cortez.

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

DeHaven	Dobry	Keefauver	Medina	Rainey	Spruell	Yazzie
Yes	Yes	Yes	Yes	Yes	Yes	Yes

3. CITIZEN PARTICIPATION – None.
4. PRESENTATIONS

- a. Finance Director Kelly Koskie read for the record the memo included in the Council packet regarding the audit situation. She commented that the 2017, 2018, and 2019 audits were considered

high risk audits due to the embezzlement that was discovered and that the auditors (Atlas CPA's and Advisors) chose to defer completion of the final audit reports until the 2019 audit was completed. She thanked the City's Finance team (Sara Coffey, Lynette Reece, David Schaak, MJ Reike, and Scott Baker) and the auditors of Atlas CPA's and Advisors, especially lead auditor Andrew Wendt, for all their work in helping complete the three years of audits. It was noted that the 2020 audit is being worked on now and the State Auditor's office has directed Montezuma County to release the property taxes that have been held by Montezuma County through 2019. Andrew Wendt, Lead Auditor for Atlas CPA's and Advisors, (present by Zoom) spoke about the 2017, 2018, and 2019 audits commenting that the information on their completion will be forwarded to the State Auditor's office. He stated that work has begun on the 2020 audit and it is hoped that the City will be up to date on their audits by the end of the year. Discussion was held on the Conservation Trust Fund money that is being held and Director of Finance Koskie stated that the funding will not be released until all the audits are completed. Also noted was Department of Local Affairs (DOLA) funding which Director of Finance Koskie stated funding has been received from DOLA for the swimming pool intuitive grant. City Manager Sanders stated that the completion of the three audits is a major accomplishment and he and Council thanked Director of Finance Koskie, the Finance team, and Atlas CPA's and Advisors for all their hard work.

## 5. PUBLIC HEARINGS

a. Resolution No. 1, Series 2023. Contract City Planner Dosdall stated that Resolution No. 1, Series 2023, approves a site plan change of use from mixed commercial/motel to mixed commercial/residential for property located at 550 and 640 South Broadway. She stated that the current motel will be converted into 57 residential apartment units and she referenced several variances and special exceptions which have been granted by the Planning and Zoning Commission and Board of Adjustment and Appeals to allow for the project to move forward. The variances granted are in regard to the minimum floor area allowed on the ground floor; the minimum unit size of the apartments; and the parking ratio. A special exception approved by the Planning and Zoning Commission was granted in regard to parking requirements. Contract City Planner Dosdall spoke about the criteria for reviewing a site plan as outlined in the Cortez Land Use Code Section 6.14. Contract City Planner Dosdall stated that Planning and Zoning has recommended that Council approve the site plan for the project with three conditions; including condition three that states should parking become a problem in the future, the applicants will propose additional spaces in either the adjacent properties or existing green spaces on the property. In answer to a question from Mayor Pro-tem Yazzie, Oliver Hart of Zuma Apartments, LLC stated that the units will be rented at market rate, or about 10% less, and noted that there will be 20 studio apartments, 10 one-bedroom, 26 two-bedroom, and one three-bedroom unit. It was noted that ADA rooms will be available with parking located directly outside the unit, and that the current plan for the old restaurant area would include a laundromat that could be used by the residents of the apartments. Discussion was held on the green space and the applicants reasoning for the parking layout. Mayor Medina opened the public hearing; however, no one spoke and the hearing was closed.

Councilmember Yazzie moved that Council approve Resolution No. 1, Series 2023, approving a site plan change of use from mixed commercial/motel to mixed commercial/residential for 550 and 640 South Broadway, with three conditions as stated in the resolution. Councilmember DeHaven seconded the motion, and the vote was as follows:

DeHaven	Dobry	Keefauver	Medina	Rainey	Spruell	Yazzie
Yes	Yes	Yes	Yes	Yes	Yes	Yes

6. UNFINISHED BUSINESS – None.

7. NEW BUSINESS

a. 2023 Street Sweeper Bid Results. Director of General Services Smith stated that the 2023 Equipment Fund provides \$280,000 for the purchase of a new street sweeper. He reviewed the bid process and commented that the new street sweeper will replace Tymco sweeper Unit #998, which will be sold at public auction once the delivery of the new sweeper is received. He commented that one bid was received from Hardline Equipment for a Dulevo 6000 sweeper at a bid amount of \$299,772.25. After discussion with the Public Works staff and Hardline regarding various options that were included on the sweeper bid that the City did not feel they needed, the bid was lowered to \$293,446.25. Discussion was held on the amount that the old sweeper may be sold for and that the amount could go towards the difference of the budgeted amount and the purchase price. Councilmember Spruell stated that he has a concern that the City continues to only receive one bid on items and that possibly changes need to be made so that more bids could be received. Mayor Medina asked how the budgeted amount is determined and Director of General Services Smith explained that the bid amount is determined based on information that is available at the time when the budget is set. Delivery of the new sweeper is expected by the end of this year.

Councilmember Keefauver moved that Council award the 2023 Street Sweeper Bid to Hardline Equipment for the Dulevo 6000 Sweeper in the amount of \$293,446.25. Mayor Pro-tem Yazzie seconded the motion, and the vote was as follows:

DeHaven	Dobry	Keefauver	Medina	Rainey	Spruell	Yazzie
Yes	Yes	Yes	Yes	Yes	Yes	Yes

b. 2023 Service Center HVAC Equipment Bid Results. Director of General Services Smith stated that the 2023 Capital Projects budget provides for the replacement of the City Service Center HVAC unit. He stated that the bid was a national cooperative bid from Trane Technologies via the Omni Cooperative Purchase Group (nation wide competitive bid process), of which the City is a member. Discussion was held on the equipment which is being ordered by the City due to the long lead time on the equipment and the project will continue forward after the bids are reviewed on the installation portion. Director of General Services Smith stated that the Library HVAC equipment was ordered in 2022 and installation is expected to be completed this year. It was noted that the installers will be qualified to install the equipment for both buildings and the current HVAC system at the Service Center was installed in 2001, which normal life expectancy is ten to fifteen years. City Manager Sanders spoke about the process that has been completed for the HVAC replacements for the Service Center and Library and that the delay has been due to no one bidding on the project. He spoke about the reason for the City doing the job in phases by ordering the equipment now and hoping to have it installed this year. In answer to a question from Councilmember Dobry, Director of General Services Smith stated that the warranty would not begin until after the installation.

Councilmember DeHaven moved that Council award the 2023 Service Center HVAC Equipment

bid to Trane Technologies in the amount of \$127,368.00. Councilmember Keefauver seconded the motion, and the vote was as follows:

DeHaven	Dobry	Keefauver	Medina	Rainey	Spruell	Yazzie
Yes	Yes	Yes	Yes	Yes	Yes	Yes

c. Resolution No. 2, Series 2023. Contract City Planner Dosdall stated that Resolution No. 2, Series 2023, approves the right-of-way dedication plat for Montezuma Avenue between Mildred Road and Roger Smith Avenue. She stated that it has been discovered that the right-of-way was not dedicated for the existing road which allows for access to public right-of-way to adjoining property owners and utilities. It was noted that there was no concern for the plat amendment from the affected agencies/departments/utility providers. Contract City Planner Dosdall stated that staff recommends Council approve Resolution No. 2, Series 2023, with the two standard conditions. Discussion was held on how the issue was discovered and the need to fix the plat which currently shows this portion of Montezuma Avenue is still part of Parque de Vida.

Councilmember Dobry moved that Council approve Resolution No. 2, Series 2023, approving a right-of-way dedication plat for Montezuma Avenue between Mildred Road and Roger Smith Avenue, with two conditions as stated in the resolution. Councilmember Keefauver seconded the motion, and the vote was as follows:

DeHaven	Dobry	Keefauver	Medina	Rainey	Spruell	Yazzie
Yes	Yes	Yes	Yes	Yes	Yes	Yes

d. Ordinance No. 1305, Series 2023. Contract City Planner Dosdall stated that Ordinance No. 1305, Series 2023, amends the City Land Use Code to allow for mobile vendors in the Central Business District (CBD) under specific provisions. She reviewed the discussion that has been held with the citizens, Planning and Zoning Commission, and City Council regarding the mobile vendor issue noting that discussion has been held for several months. She commented that Ordinance No. 1305, Series 2023, is being presented on first reading and would allow mobile vendors in the CBD zone at approved temporary, special events such as Third Thursdays and the Farmers Market. Also, the ordinance states that mobile vendors may be allowed in the CBD outside of special events only after issuance of a conditional use permit which allows for the consideration for impacts on adjacent businesses. Council thanked staff for all the work they have done on the ordinance and that it is time to move the ordinance forward to allow a public hearing to be held and hear from community on the changes. It was noted that approved special events would not have to apply for a conditional use permit, but the conditional use permit would be applied only for those vendors that would want to be more permanent in nature. Director of Community and Economic Development Director Marchbanks commented that citizens that have attended various meetings on the mobile vendor topic have received notices that the ordinance is moving forward to public hearing so they could comment should they wish too.

Councilmember Keefauver moved that Council approve on first reading Ordinance No. 1305, Series 2023, an ordinance amending the City of Cortez Land Use Code, Section 3.05 – Use Regulations regarding mobile vendors, and set for public hearing and second reading on January 24, 2023. Mayor Pro-tem Yazzie seconded the motion, and the vote was as follows:

DeHaven	Dobry	Keefauver	Medina	Rainey	Spruell	Yazzie
Yes	Yes	Yes	Yes	Yes	Yes	Yes

e. Re-appointment of Members on City Advisory Boards. City Clerk Smith stated that currently there are eight members of various City Advisory Boards whose terms expired in November and they have each submitted a letter requesting re-appointment. The re-appointments are for seats on the Parks, Recreation and Forestry Advisory Board, Planning and Zoning Commission, Library Advisory Board, Board of Adjustment and Appeals, and the Golf Advisory Board. It was noted that each of the eight members have completed background checks with the Human Resources Department. Advertisement was completed on the City's website for the openings with no letters of interest received. City Clerk Smith noted that the re-appointments would be for three year terms and that there are no term limits for advisory board members. Council thanked the citizens for their continued interest to serve on the City boards. Discussion was held on how the City could get information out to the community regarding advisory board seats so the public is more aware of the City advisory boards and future open seats.

Councilmember Keefauver moved that Council re-appoint the following board members for three year terms: George Tripp, Parks, Recreation, and Forestry Advisory Board; Lance McDaniel, Planning and Zoning Commission; Holly Tatnall, Library Advisory Board; Karen Sheek, Library Advisory Board; Carolyn Goff, Library Advisory Board; Suzy Meyer, Library Advisory Board; Glenn Leighton, Board of Adjustment and Appeals; and Samuel Jarvis, Golf Advisory Board. Councilmember Rainey seconded the motion, and the vote was as follows:

DeHaven	Dobry	Keefauver	Medina	Rainey	Spruell	Yazzie
Yes	Yes	Yes	Yes	Yes	Yes	Yes

8. DRAFT RESOLUTION/ORDINANCES – None.

#### 9. CITY ATTORNEY'S REPORT

City Attorney Coleman congratulated the Finance Department for completing the audits through 2019 noting that in his job, there is some stress regarding the known liability and even more stress about the unexploded land mines that we don't know about. He stated that by completing the audits, it helps remove an unknown liability and resolve an issue for the City.

#### 10. CITY MANAGER'S REPORT

City Manager Sanders spoke about the following items: Water Shares – The City has been successful in working with Montezuma Valley Irrigation Company (MVIC) on establishing the City's ownership of 177 MVIC shares of water. He stated that the shares were issued in several different City department names and they are now all issued to the City of Cortez and filed with the City's documents.

2023 City projects include year-end financial reports, updates to the City's health insurance plan, finalizing job descriptions of new or modified employment positions, land use code bid and selection process, identifying a location for a backup dispatch center, water carriage agreement,

various capital projects, and finalizing the future disposition of the City's broadband system. City Manager Sanders stated that it is a pleasure to work with so many hard working, competent, and dedicated team members.

Graffiti - A noticeable uptick of graffiti incidents has been reported and the City is working to catch up on addressing the damage that has been done and move toward speedy mitigation. The weather is making it somewhat more difficult, but staff is addressing the problem. Everyone is encouraged to contact the Police if they observe graffiti incidents in progress, or if their property has been damaged by this act. It was noted that the Police Department continues investigating the graffiti situation and legal action will be taken when the persons are identified. The flyer that was created on graffiti will be posted to the City's Facebook to remind citizens about the process.

The Finance Department received a check from the County Treasurer's Office in the amount of \$601,741.65. This amount represents the mill levy funds impounded by the State Auditor's Office resulting from the delinquent audit circumstance for the period of Oct. 2, 2017 to Sept. 30, 2021. City Manager Sanders thanked Finance Director, Kelly Koskie for all her hard work and noted that her successful relationship of trust developed with the State Auditor's Office has allowed the partial release of impounded funds. City Manager Sanders thanked the Montezuma County Treasurer's Office for their ongoing patience during this process. It was noted that the mill levy funds are deposited into the General Fund.

## 11. CITY COUNCIL COMMITTEE REPORTS

a. Mayor's Report on Workshop. Mayor Medina stated that during the worksession a presentation was made by Director of Parks and Recreation Creighton Wright regarding the City's new website. It was noted that the website is up and running. Also, a childcare survey is being circulated and meetings are being held at the Dolores, Mancos, and Cortez Libraries regarding the childcare issues in the communities.

b. Childcare Survey/Montezuma Homelessness Coalition. Councilmember DeHaven stated that she attended the Montezuma County Homeless Coalition on December 29, 2022, and a presentation was made by Lucia Bueno-Valdez from the Pinon Project on helping to find the gaps in the community on people that are falling through the cracks. She stated that there is rising concern that there has been loss of life in the community this winter and many different organizations are coming together to try and find solutions to help with the issues. Discussion is being held on what the rules are for different facilities such as the recreation center and other facilities that could be used to help with the situation. Councilmember DeHaven stated that a warming tent has been set up at the Bridge Shelter and will help on really cold days. She stated that the Montezuma County Homelessness Coalition will continue to meet to discuss the concerning issues in the community on the fourth Monday of the month at 3:00 p.m. at the Pinon Project. Discussion was held on having a public restroom open during the day at the Recreation Center and Library.

c. Cortez Historic Preservation Board. Councilmember Dobry stated that at the Historic Preservation Board meeting held on January 9, 2023, Linda Towle was elected as Chairperson and Holly Tatnall elected as Vice-Chairperson. He stated that discussion at the meeting included an



update on the progress of the 2022 CLG Grant and the current status of the 2023 GLG Grant application.

12. OTHER ITEMS OF BUSINESS – None.

13. PUBLIC PARTICIPATION- None.

14. ADJOURNMENT: Councilmember Yazzie moved that the regular meeting be adjourned at 8:55 p.m. Councilmember DeHaven seconded the motion, and the vote was as follows:

DeHaven	Dobry	Keefauver	Medina	Rainey	Spruell	Yazzie
Yes	Yes	Yes	Yes	Yes	Yes	Yes

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Rachel B. Medina, Mayor

ATTEST:

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Linda L. Smith, City Clerk



CITY OF CORTEZ  
123 ROGER SMITH AVENUE  
CORTEZ, CO 81321

**Kelly Koskie**  
Director of Finance  
123 Roger Smith Ave  
Cortez, CO. 81321  
[kkoskie@cortezco.gov](mailto:kkoskie@cortezco.gov)

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### Memorandum

**To:** CORTEZ CITY COUNCIL

**From:** SARA COFFEY, PAYROLL/SALES TAX ADMINISTRATOR

**Date:** 01/18/2023

**RE:** Approval of the Expenditure List for January 24, 2023

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### Attachments

Expenditure List

## EXPENDITURE LIST FOR WEEK ENDING JANUARY 13, 2023

Department	Vendor Name	Description	Amount
City Manager	STAPLES ADVANTAGE	HP410A Print cartridge 3pk - Cyan/Yellow/Mage	\$ 264.32
		Total	\$ 264.32
Finance	CLEARGOV INC	Bundle Discount for term starting 1/1/23 and en	\$ (20,600.00)
	CLEARGOV INC	Transparency Suite - Renewal - 1/23 thru 12/23	\$ 6,600.00
	CLEARGOV INC	Capital Budgeting Suite - Renewal - 1/23 thru 12	\$ 7,400.00
	CLEARGOV INC	Digital Budget Book Suite - Renewal - 1/23 thru	\$ 7,400.00
	CLEARGOV INC	Operational Budgets Suite - Renewal - 1/23 thru	\$ 12,100.00
	POSTAL PROS, INC.	INVOICES	\$ 520.40
		Total	\$ 13,420.40
Events	KSJD RADIO	ADVERTISING	\$ 3,000.00
		Total	\$ 3,000.00
Library	EMPIRE ELECTRIC ASSOCIATION	ELECTRIC SERVICE	\$ 812.10
	INGRAM LIBRARY SERVICES	BOOKS	\$ 3.84
	INGRAM LIBRARY SERVICES	BOOKS	\$ 10.64
	INGRAM LIBRARY SERVICES	BOOKS	\$ 12.42
	INGRAM LIBRARY SERVICES	BOOKS	\$ 12.64
	INGRAM LIBRARY SERVICES	BOOKS	\$ 15.39
	INGRAM LIBRARY SERVICES	BOOKS	\$ 15.59
	INGRAM LIBRARY SERVICES	BOOKS	\$ 23.95
	INGRAM LIBRARY SERVICES	BOOKS	\$ 24.99
	INGRAM LIBRARY SERVICES	BOOKS	\$ 38.23
	INGRAM LIBRARY SERVICES	BOOKS	\$ 50.87
	INGRAM LIBRARY SERVICES	BOOKS	\$ 51.07
	INGRAM LIBRARY SERVICES	BOOKS	\$ 64.49
	INGRAM LIBRARY SERVICES	BOOKS	\$ 105.50
	INGRAM LIBRARY SERVICES	BOOKS	\$ 177.07
	INGRAM LIBRARY SERVICES	BOOKS	\$ 288.47
	INGRAM LIBRARY SERVICES	BOOKS	\$ 501.09
	INGRAM LIBRARY SERVICES	BOOKS	\$ 613.72
	INGRAM LIBRARY SERVICES	BOOKS	\$ 1,347.82
	BLACKSTONE PUBLISHING	AUDIO BOOKS	\$ 31.19
	XEROX CORPORATION	EQUIPMENT RENTAL	\$ 284.78
		Total	\$ 4,485.86
City Hall Operations	ATMOS ENERGY	GAS SERVICE	\$ 2,132.12
		Total	\$ 2,132.12
Welcome Center	EMPIRE ELECTRIC ASSOCIATION	ELECTRIC SERVICE	\$ 386.61
	ATMOS ENERGY	GAS SERVICE	\$ 400.52
		Total	\$ 787.13
Police Department	CRIMEWATCH	Discount	\$ (884.20)

## EXPENDITURE LIST FOR WEEK ENDING JANUARY 13, 2023

Department	Vendor Name	Description	Amount
	CRIMEWATCH	Crimewatch subscription	\$ 3,094.68
	VERIZON WIRELESS	CRADLE PORTS	\$ 40.01
	ADAPTIVE DIGITAL SYSTEMS INC	Raptor Audio Recorder	\$ 3,800.00
	MONTEZUMA COUNTY LANDFILL	ANIMAL WASTE	\$ 157.50
	AXIS HEALTH SYSTEM	Blanket Purchase Order for Jail Contract	\$ 350.00
	ALSCO (AMERICAN INDUSTRIAL)	Blanket PO for Mat Services	\$ 126.03
	MANE SHIPPING LLC	SHIPPING EXPENSE	\$ 25.46
	MANE SHIPPING LLC	SHIPPING EXPENSE	\$ 46.90
	MANE SHIPPING LLC	SHIPPING EXPENSE	\$ 103.70
	EMPIRE ELECTRIC ASSOCIATION	ELECTRIC SERVICE	\$ 157.86
	ATMOS ENERGY	GAS SERVICE	\$ 240.59
	ATMOS ENERGY	GAS SERVICE	\$ 388.77
	AMAZON CAPITAL SERVICES	MS Wireless Display Adapter, USB to HDMI	\$ 80.40
		Total	\$ 7,727.70
Animal Shelter	DOLORES ANIMAL HOSPITAL	CASTRATION	\$ 92.00
	DOLORES ANIMAL HOSPITAL	SPAY	\$ 112.00
		Total	\$ 204.00
Public Works	OFFICE DEPOT	211193 Smead Tuff A-Z Expanding File Folder, Le	\$ 10.40
	OFFICE DEPOT	221227 Smead Tuff A-Z Expanding File Folder, Le	\$ 14.41
	MONTEZUMA COUNTY LANDFILL	STREET SWEEPINGS	\$ 1,254.40
	INTERMOUNTAIN FARMERS ASSOC.	CLOTHING ALLOWANCE	\$ (5.95)
	INTERMOUNTAIN FARMERS ASSOC.	CLOTHING ALLOWANCE	\$ 85.79
	INTERMOUNTAIN FARMERS ASSOC.	CLOTHING ALLOWANCE	\$ 305.95
	MONTEZUMA COUNTY LANDFILL	MATTRESS	\$ 102.00
	EMPIRE ELECTRIC ASSOCIATION	ELECTRIC SERVICE	\$ 515.09
		Total	\$ 2,282.09
Outdoor Pool	EMPIRE ELECTRIC ASSOCIATION	ELECTRIC SERVICE	\$ 681.38
		Total	\$ 681.38
Golf Course Maint	MONTEZUMA VALLEY IRRIGATION CO	LOST CERTIFICATES	\$ 226.00
		Total	\$ 226.00
Parks	MONTEZUMA VALLEY IRRIGATION CO	LOST CERTIFICATES	\$ 226.00
	BRAVO CLEANING & RESTORATION	Blanket PO - Litter/Refuse Removal for Parks	\$ 1,664.00
	EMPIRE ELECTRIC ASSOCIATION	ELECTRIC SERVICE	\$ 384.65
	ATMOS ENERGY	GAS SERVICE	\$ 277.86
		Total	\$ 2,552.51
Planning & Building	SHORT-ELLIOTT-HENDRICKSON INC	Blanket PO - On Call Planning Services for 2023	\$ 8,882.50
	BALLANTINE COMMUNICATIONS	NEWSPAPER ADS/NOTICES	\$ 5.46
	BALLANTINE COMMUNICATIONS	NEWSPAPER ADS/NOTICES	\$ 8.19
	BALLANTINE COMMUNICATIONS	NEWSPAPER ADS/NOTICES	\$ 35.16

## EXPENDITURE LIST FOR WEEK ENDING JANUARY 13, 2023

Department	Vendor Name	Description	Amount
		Total	\$ 8,931.31
Shop	RON TURLEY ASSOCIATES, INC.	Annual Software Updates	\$ 50.00
	RON TURLEY ASSOCIATES, INC.	Annual Maintenance Agreement for 3/1/23 to 2	\$ 2,800.00
	FOUR CORNERS WELDING & GAS SUPP	T-Argon Cylinder lease - Annual	\$ 72.00
	FOUR CORNERS WELDING & GAS SUPP	K Oxygen cylinder lease - Annual	\$ 144.00
	FOUR CORNERS WELDING & GAS SUPP	Medium Acetylene 111/150 Cylinder lease - Ann	\$ 162.00
	FOUR STATES TIRE CO.	Blanket PO - Tire Repairs and Alignments	\$ 65.00
	FOUR STATES TIRE CO.	Blanket PO - Tire Repairs and Alignments	\$ 90.00
	FOUR STATES TIRE CO.	Blanket PO - Tire Repairs and Alignments	\$ 95.00
	FOUR STATES TIRE CO.	Blanket PO - Tire Repairs and Alignments	\$ 283.80
	FORCE AMERICA DISTRIBUTING LLC	6 Bank AAS Section Seal Kit #1058825	\$ 4.47
	FORCE AMERICA DISTRIBUTING LLC	20LS-10-04-LCHA Spool Valve, 4-way - Unit 989	\$ 405.56
	O'REILLY AUTO PARTS	Blanket PO - Parts for Fleet Repairs/Supplies	\$ 92.70
	PARTNERS IN PARTS, INC.	Blanket PO - Repair parts	\$ 13.05
	PARTNERS IN PARTS, INC.	Blanket PO - Repair parts	\$ 17.77
	PARTNERS IN PARTS, INC.	Blanket PO - Repair parts	\$ 139.38
	PARTNERS IN PARTS, INC.	Blanket PO - Repair parts	\$ 278.76
	PARTNERS IN PARTS, INC.	Blanket PO - Repair parts	\$ 325.04
	PARTNERS IN PARTS, INC.	Blanket PO - Repair parts	\$ 419.58
	ROBERTS TRUCK CENTER	7098211C92-CORE Cylinder Head Assembly w/V	\$ (720.00)
	ROBERTS TRUCK CENTER	1841296C1 Oil suction tube gasket	\$ 19.15
	ROBERTS TRUCK CENTER	1817961C1 M8-1.25 x 90MM Hex flange bolts	\$ 20.76
	ROBERTS TRUCK CENTER	1842570C92 Connecting rod bolt	\$ 21.72
	ROBERTS TRUCK CENTER	1842570C92 Connecting rod bearing	\$ 87.59
	ROBERTS TRUCK CENTER	BX801553 Transmitter Speed Sensor	\$ 96.33
	ROBERTS TRUCK CENTER	1836197C1 Oil pan gasket	\$ 195.07
	ROBERTS TRUCK CENTER	1889320C95 Piston cylinder kit - Unit 725	\$ 594.08
	ROBERTS TRUCK CENTER	1883133C1 Cylinder head bolts	\$ 680.94
	ROBERTS TRUCK CENTER	7098211C92-CORE Cylinder Head Assembly w/V	\$ 720.00
	ROBERTS TRUCK CENTER	1889321C95 Cylinder head kit	\$ 909.83
	ROBERTS TRUCK CENTER	7098211C92 Cylinder Head Assembly w/Valves -	\$ 4,502.46
	SUPERIOR AUTO	Blanket PO - Parts for Fleet Repairs	\$ 4.05
	SUPERIOR AUTO	Blanket PO - Parts for Fleet Repairs	\$ 5.35
	SUPERIOR AUTO	Blanket PO - Parts for Fleet Repairs	\$ 6.78
	SUPERIOR AUTO	Blanket PO - Parts for Fleet Repairs	\$ 14.35
	SUPERIOR AUTO	Blanket PO - Parts for Fleet Repairs	\$ 18.03
	SUPERIOR AUTO	Blanket PO - Parts for Fleet Repairs	\$ 35.71
	SUPERIOR AUTO	Blanket PO - Parts for Fleet Repairs	\$ 58.07
	SUPERIOR AUTO	Blanket PO - Parts for Fleet Repairs	\$ 451.20
	SUPERIOR SERVICES, LLC	Blanket PO - Janitorial Services at Service Center	\$ 1,950.00
	ALSCO (AMERICAN INDUSTRIAL)	Blanket PO - Floor Mat Service - Service Center	\$ 101.70
	ALSCO (AMERICAN INDUSTRIAL)	Blanket PO - Floor Mat Service - Service Center	\$ 101.70
	INDEPENDENT STATIONERS	Appointment Book - Daily 5x8	\$ 18.41
		Total	\$ 15,351.39

## EXPENDITURE LIST FOR WEEK ENDING JANUARY 13, 2023

Department	Vendor Name	Description	Amount
Technology	MONTEZUMA COUNTY LANDFILL	ELECTRONICS	\$ 26.00
	CENTURYLINK	TELEPHONE SERVICE	\$ 3.32
		Total	\$ 29.32
Streets	BALLANTINE COMMUNICATIONS	NEWSPAPER ADS/NOTICES	\$ 21.54
		Total	\$ 21.54
Equipment	BALLANTINE COMMUNICATIONS	NEWSPAPER ADS/NOTICES	\$ 7.92
		Total	\$ 7.92
Airport	ARTHUR J. GALLAGHER RISK MANAGEM	AIRPORT LIABILITY INSURANCE	\$ 2,766.00
	GARVER LLC	Airport Terminal Parking Lot Rehab. Design - Gra	\$ 17,171.21
	WESTERN PAPER DISTRIBUTORS	BSL-91045 Toilet Tissue - Airport	\$ 232.56
	ZORO TOOLS INC	Gojo 5361-02 Foaming Hand Soap, 2 per case	\$ 281.30
	GARVER LLC	Airport Hangar Development Catergorical Exclud	\$ 1,870.83
		Total	\$ 22,321.90
Dispatch	LANGUAGE LINE SERVICE	INTERPRETATION SERVICES	\$ 19.30
		Total	\$ 19.30
Rec Center	SYMMETRY ENERGY SOLUTIONS LLC	GAS SERVICE	\$ 4,216.71
	AMERICAN FIRST AID & SAFETY	FIRST AID SUPPLIES	\$ 97.62
	CORTEZ COPY & PRINT	ACH DEBIT CARD FORMS	\$ 80.75
	WESTERN PAPER DISTRIBUTORS	CLEANING SUPPLIES	\$ 186.08
	XEROX CORPORATION	EQUIPMENT RENTAL	\$ 346.74
	THE PLUMBING STORE	GRAB BAR	\$ 15.00
		Total	\$ 4,942.90
Water	POSTAL PROS, INC.	POSTAGE	\$ 654.48
	COLORADO RURAL WATER ASSOCIATION	2023 System Membership Renewal, 1/1/23 to 1	\$ 450.00
	SAN JUAN BASIN HEALTH DEPT.	Blanket PO - Lab testing for Bac-T's	\$ 350.00
	CHIROPRACTIC HEALTH ALLIANCE	DOT PHYSICAL - R BAKER	\$ 80.00
	VERIZON WIRELESS	CRADLE PORTS	\$ 160.18
	EMPIRE ELECTRIC ASSOCIATION	ELECTRIC SERVICE	\$ 58.81
	THATCHER CHEMICAL CO.	Blanket PO - Liquid Alum AL2	\$ 5,505.94
	USA BLUEBOOK	30024 Hach Bromocresol Green - Methyl Red Ind	\$ 27.29
	USA BLUEBOOK	21119 Hach Phenolphthalein Indicator Powder	\$ 27.99
	USA BLUEBOOK	47878 Hach Sulfuric Acid Cartridge for Digital Tit	\$ 31.29
	USA BLUEBOOK	77498 Swift Test DPD Free CL2 Reagent	\$ 101.90
	CHIROPRACTIC HEALTH ALLIANCE	DOT PHYSICAL - NEELY	\$ 80.00
	VERIZON WIRELESS	CRADLE PORTS	\$ 40.03
	BIG R/JOHN DEERE FINANCIAL	CLOTHING ALLOWANCE	\$ 299.45
	BIG R/JOHN DEERE FINANCIAL	CLOTHING ALLOWANCE	\$ 299.94
	INTERMOUNTAIN FARMERS ASSOC.	CLOTHING ALLOWANCE	\$ (9.63)

## EXPENDITURE LIST FOR WEEK ENDING JANUARY 13, 2023

Department	Vendor Name	Description	Amount
	INTERMOUNTAIN FARMERS ASSOC.	CLOTHING ALLOWANCE	\$ 85.80
	INTERMOUNTAIN FARMERS ASSOC.	CLOTHING ALLOWANCE	\$ 207.61
	INTERMOUNTAIN FARMERS ASSOC.	CLOTHING ALLOWANCE	\$ 309.63
	CORE AND MAIN	16 inch Megalug Accessory Kit less Gland	\$ 286.80
	CORE AND MAIN	16 EBAA Megalug MJ Ductile 1116	\$ 1,771.76
	CORE AND MAIN	263-171515-000 Full circle repair clamp 17.15 -	\$ 1,840.18
	CORE AND MAIN	16MJ C153 Dom Sleeve	\$ 2,135.46
	BALLANTINE COMMUNICATIONS	NEWSPAPER ADS/NOTICES	\$ 30.40
	BROWNS HILL ENGINEERING & CONTR	PRV Vault - PLC Panel Project - South Broadway	\$ 12,050.00
	APEX INSPECTION & CONSULTING LLC	Blanket PO - Tank 3 NACE Inspection/Consulting	\$ 3,680.00
	APEX INSPECTION & CONSULTING LLC	Blanket PO - Tanks 1 & 2 NACE Inspection/Consu	\$ 4,520.00
		Total	\$ 35,075.31
CCN Fund	UTILITY NOTIFICATION CENTER	Blanket PO - Utility Notification Charges	\$ 61.10
	CALIX INC	110-01568 Essential Support: 1/21/23 to 1/20/2	\$ 6,295.00
	APEX TELECOM LLC	Labor - Fiber Splicing - 16 Splices	\$ 1,040.00
	MAMMOTH NETWORKS	Blanket PO - D1A, CRTZ2018-001R 2Gbps comm	\$ 1,695.00
	VISIONARY COMMUNICATIONS, INC.	Blanket PO - Tower rental, Business wireless inte	\$ 1,949.60
		Total	\$ 11,040.70
Refuse	MONTEZUMA COUNTY LANDFILL	RECYCLE CREDIT	\$ (233.60)
	POSTAL PROS, INC.	POSTAGE	\$ 654.48
	MONTEZUMA COUNTY LANDFILL	Blanket PO - Landfill Charges	\$ 29,075.25
	BIG R/JOHN DEERE FINANCIAL	CLOTHING ALLOWANCE	\$ 76.49
	ABLE TOWING OF CORTEZ	H2247SCPW 22.5 Single Chains - Unit 719	\$ 202.12
	FOUR CORNERS WELDING & GAS SUPP	QOX Cylinder Lease	\$ 60.00
	FOUR CORNERS WELDING & GAS SUPP	KAGMIX Cylinder Lease	\$ 70.00
	FOUR CORNERS WELDING & GAS SUPP	Small Aectylene Cylinder Lease	\$ 81.00
	MONTEZUMA COUNTY LANDFILL	RECYCLE CHARGE	\$ 384.60
		Total	\$ 30,370.34
Total			\$ 165,875.44

## EXPENDITURE LIST FOR WEEK ENDING JANUARY 20, 2023

Department	Vendor Name	Description	Amount
City Council	MESA VERDE COUNTRY V.I.B.	Annual Tourism Contract - Paid Quarterly	\$ 28,081.00
		Total	\$ 28,081.00
City Manager	BURKETT COMPANY, LLC	CONTRACT SERVICES	\$ 1,012.50
		Total	\$ 1,012.50
City Clerk	CMCA	CITY CLERK MEMBERSHIPS	\$ 260.00
		Total	\$ 260.00
Library	NCSI	EMPLOYEE DRUG TESTS	\$ 18.50
	ALPINE SECURITY & ELECTRONICS	ALARM SERVICE	\$ 45.50
		Total	\$ 64.00
City Hall Operations	ALPINE SECURITY & ELECTRONICS	ALARM SERVICE	\$ 25.00
	ALPINE SECURITY & ELECTRONICS	ALARM SERVICE	\$ 45.50
	EMPIRE ELECTRIC ASSOCIATION	ELECTRIC SERVICE	\$ 1,714.82
	FIRST RESPOND	FIRST AID SUPPLIES	\$ 34.45
	PARKER'S WORKPLACE SOLUTIONS	OFFICE SUPPLIES	\$ 188.78
	VITAL RECORDS CONTROL	DOCUMENT DESTRUCTION	\$ 57.65
		Total	\$ 2,066.20
Welcome Center	ALPINE SECURITY & ELECTRONICS	ALARM SERVICE	\$ 45.50
	MESA VERDE COUNTRY V.I.B.	Contracted Services for CO Welcome Center	\$ 2,501.00
		Total	\$ 2,546.50
Police Department	VITAL RECORDS CONTROL	DOCUMENT DESTRUCTION	\$ 120.51
	CIRSA	INSURANCE EXPENSE	\$ 59.12
	LORI OLIVER	REIMBURSE PETTY CASH - HEADLIGHT BULB	\$ 16.41
	LORI OLIVER	REIMBURE PETTY CASH - STRAPS	\$ 59.02
	ALPINE SECURITY & ELECTRONICS	ALARM SERVICE	\$ 45.50
	ORKIN LLC	PEST CONTROL	\$ 175.00
	QUILL	Quill 901-970398STP 2-drawer Commercial	\$ 305.09
		Total	\$ 780.65
Animal Shelter	CORTEZ ADOBE ANIMAL HOSPITAL	SPAY/NEUTER	\$ 281.23
	ALPINE SECURITY & ELECTRONICS	ALARM SERVICE	\$ 45.50
	ORKIN LLC	PEST CONTROL	\$ 101.00
	EMPIRE ELECTRIC ASSOCIATION	ELECTRIC SERVICE	\$ 39.90
	NCSI	EMPLOYEE DRUG TESTS	\$ 18.50
		Total	\$ 486.13
Public Works	DIANE ROBERTS	REIMBURSE GIFT CARD EXPENSE	\$ 40.00
	VICKIE HADDIX	REIMBURSE COOKING SUPPLIES	\$ 66.10
	BRIAN PECKINS	REIMBURSE LICENSE RENEWAL FEE	\$ 80.00
	NCSI	EMPLOYEE DRUG TESTS	\$ 18.50



## EXPENDITURE LIST FOR WEEK ENDING JANUARY 20, 2023

Department	Vendor Name	Description	Amount
	INTERMOUNTAIN FARMERS ASSOC.	CLOTHING ALLOWANCE	\$ 219.27
	EMPIRE ELECTRIC ASSOCIATION	ELECTRIC SERVICE	\$ 212.04
	CIRSA	INSURANCE CREDIT	\$ (28.27)
		Total	\$ 607.64
Outdoor Pool	ALPINE SECURITY & ELECTRONICS	ALARM SERVICE	\$ 45.50
		Total	\$ 45.50
Golf Pro	ALPINE SECURITY & ELECTRONICS	ALARM SERVICE	\$ 35.50
		Total	\$ 35.50
Golf Course Maint	ALPINE SECURITY & ELECTRONICS	ALARM SERVICE	\$ 45.50
	LE PEW PORTA-JOHNS INC.	PORT-A-JOHN RENTAL	\$ 418.80
	EMPIRE ELECTRIC ASSOCIATION	ELECTRIC SERVICE	\$ 39.90
		Total	\$ 504.20
Parks	CIRSA	INSURANCE EXPENSE	\$ 20.89
	ALPINE SECURITY & ELECTRONICS	ALARM SERVICE	\$ 22.00
	LE PEW PORTA-JOHNS INC.	PORT-A-JOHN RENTAL	\$ 658.00
	DOG WASTE DEPOT	DOG WASTE BAGS	\$ 391.94
		Total	\$ 1,092.83
Recreation	ALPINE SECURITY & ELECTRONICS	ALARM SERVICE	\$ 22.00
	NCSI	EMPLOYEE DRUG TESTS	\$ 370.00
	BRAND CENTRAL	VOLLEYBALL SHIRTS	\$ 501.47
		Total	\$ 893.47
Lodger's Tax	MESA VERDE COUNTRY V.I.B.	Annual Tourism Contract - Paid Quarterly	\$ 48,919.00
		Total	\$ 48,919.00
Shop	CIRSA	INSURANCE EXPENSE	\$ 9.32
	ALPINE SECURITY & ELECTRONICS	ALARM SERVICE	\$ 45.50
	VITAL RECORDS CONTROL	DOCUMENT DESTRUCTION	\$ 92.65
		Total	\$ 147.47
Technology	INTELLICHOICE, INC.	Annual License and Support, 2nd Year - Cor	\$ 4,998.30
	INTELLICHOICE, INC.	Eforce Annual License and Support Fee, 2nd	\$ 24,481.85
		Total	\$ 29,480.15
Airport	SOLAR GARDEN PARTNERS 2	Solar Lease Agreement - AIRPORT	\$ 13,418.00
	EMPIRE ELECTRIC ASSOCIATION	ELECTRIC SERVICE	\$ 56.28
	MONTEZUMA COUNTY WATER DIST.	WATER - M064	\$ 50.00
	MONTEZUMA COUNTY WATER DIST.	WATER - M068	\$ 62.30
	RENT ALL RENTALS	SKID STEER RENTAL	\$ 447.90
		Total	\$ 14,034.48

## EXPENDITURE LIST FOR WEEK ENDING JANUARY 20, 2023

Department	Vendor Name	Description	Amount
Rec Center	ALPINE SECURITY & ELECTRONICS	ALARM SERVICE	\$ 30.00
	ALPINE SECURITY & ELECTRONICS	ALARM SERVICE	\$ 45.50
	NCSI	EMPLOYEE DRUG TESTS	\$ 37.00
	SILVIA PINA	FITNESS CLASSES	\$ 16.00
	STERICYCLE INC.	HAZARDOUS WASTE REMOVAL	\$ 397.44
	AMAZON CAPITAL SERVICES	CHLORINE TEST KIT	\$ 65.33
	TOP LINE INSTALLERS INC.	ROOF SERVICE CALL	\$ 503.89
		Total	\$ 1,095.16
Water	MCC DRUG & ALCOHOL SCREENING	EMPLOYEE DRUG TEST	\$ 62.00
	NCSI	EMPLOYEE DRUG TESTS	\$ 18.50
	ALPINE SECURITY & ELECTRONICS	ALARM SERVICE	\$ 45.50
	ATMOS ENERGY	GAS SERVICE	\$ 2,592.84
	INTERMOUNTAIN FARMERS ASSOC.	CLOTHING ALLOWANCE	\$ (5.95)
	INTERMOUNTAIN FARMERS ASSOC.	CLOTHING ALLOWANCE	\$ 305.95
	INTERMOUNTAIN FARMERS ASSOC.	CLOTHING ALLOWANCE	\$ (5.38)
	INTERMOUNTAIN FARMERS ASSOC.	CLOTHING ALLOWANCE	\$ 97.74
	INTERMOUNTAIN FARMERS ASSOC.	CLOTHING ALLOWANCE	\$ 161.49
		Total	\$ 3,272.69
Refuse	BIG R/JOHN DEERE FINANCIAL	CLOTHING ALLOWANCE	\$ 141.97
	INTERMOUNTAIN FARMERS ASSOC.	CLOTHING ALLOWANCE	\$ 82.21
	INTERMOUNTAIN FARMERS ASSOC.	CLOTHING ALLOWANCE	\$ 157.24
	INTERMOUNTAIN FARMERS ASSOC.	CLOTHING ALLOWANCE	\$ (49.55)
	INTERMOUNTAIN FARMERS ASSOC.	CLOTHING ALLOWANCE	\$ 349.55
		Total	\$ 681.42
Total			\$ 136,106.49



CITY OF CORTEZ  
123 ROGER SMITH AVENUE  
CORTEZ, CO 81321

**Linda Smith**  
City Clerk  
123 Roger Smith Avenue  
Cortez, CO. 81321  
lsmith@cortezco.gov

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### Memorandum

**To:** CORTEZ CITY COUNCIL

**From:** DONNA MURPHY, DEPUTY CITY CLERK

**Date:** 01/18/2023

**RE:** Approval of a renewal Hotel and Restaurant Liquor License for Rudosky Unlimited LLC, DBA Rudosky Unlimited, located at 2310 East Empire Street, Cortez.

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### Attachments

Renewal- Rudosky Unlimited



CITY OF CORTEZ  
123 ROGER SMITH AVENUE  
CORTEZ, CO 81321

1/18/2023

MEMO TO: Honorable Mayor and City Council

FROM: Donna Murphy, Deputy City Clerk

SUBJECT: RENEWAL APPLICATION ON A HOTEL AND RESTAURANT LIQUOR  
LICENSE FOR RUDOSKY UNLIMITED LLC, DBA RUDOSKY UNLIMITED,  
LOCATED AT 2310 EAST EMPIRE STREET, CORTEZ.

#### BACKGROUND

The renewal application referred to above was filed in the City Clerk's office on December 28, 2022. The application appears to be complete and all fees were paid. There is an active liquor license at this location, however, no alcohol is currently being served.

#### ISSUES

The fire inspection report shows no violation to the Fire Code.

The police report shows no liquor violations were found over the past twelve months.

The sales tax account is current.

#### RECOMMENDATION

Staff recommends approval of a Hotel and Restaurant Liquor License for Rudosky Unlimited, Located at 2310 East Empire Street, Cortez.



CITY OF CORTEZ  
123 ROGER SMITH AVENUE  
CORTEZ, CO 81321

**Linda Smith**  
City Clerk  
123 Roger Smith Avenue  
Cortez, CO. 81321  
lsmith@cortezco.gov

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### Memorandum

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**To:** CORTEZ CITY COUNCIL

**From:** DONNA MURPHY, DEPUTY CITY CLERK

**Date:** 01/18/2023

**RE:** Approval of a Special Events Permit for Cortez Area Chamber of Commerce to host an open house event on Thursday, January 26, 2023, on the premises of PASCO/SW Health Care, located at 2208 East Main Street, Cortez.

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### Attachments

SEP-Chamber/PASCO



CITY OF CORTEZ  
123 ROGER SMITH AVENUE  
CORTEZ, CO 81321

1/18/2023

MEMO TO: Honorable Mayor and City Council

FROM: Donna Murphy, Deputy City Clerk

SUBJECT: APPLICATION FOR A SPECIAL EVENT PERMIT FOR THE CORTEZ AREA  
CHAMBER OF COMMERCE

#### BACKGROUND

The application referred to above was filed with the City Clerk's office on January 5, 2023. The application appears to be complete, the fees have been paid, and the public notice sign has been posted on the premises. The Special Event Permit would allow The Cortez Area Chamber of Commerce to host an Open House event on Thursday, January 26, 2023, on the premises of the PASCO/SW Health Care, located at 2208 East Main Street, Cortez.

#### ISSUES

Non-profit organizations are allowed fifteen Special Event Permits per year. This application is the first event for 2023.

#### RECOMMENDATION

Staff recommends approval of a Special Event Permit to the Cortez Area Chamber of Commerce for an Open House event on Thursday, January 26, 2026 from 5:00 p.m. until 8:00 p.m. on the premises of the PASCO/SW Health Care, located at 2208 East Main Street, Cortez.



CITY OF CORTEZ  
123 ROGER SMITH AVENUE  
CORTEZ, CO 81321

**Linda Smith**  
City Clerk  
123 Roger Smith Avenue  
Cortez, CO. 81321  
lsmith@cortezco.gov

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### Memorandum

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**To:** CORTEZ CITY COUNCIL

**From:** DONNA MURPHY, DEPUTY CITY CLERK

**Date:** 01/18/2023

**RE:** Approval of a Change in Premise application for Dillon Companies, LLC, DBA City Market #8, located at 508 East Main Street, Cortez.

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### Attachments

MOP- City Market  
City Market Diagram



CITY OF CORTEZ  
123 ROGER SMITH AVENUE  
CORTEZ, CO 81321

1/18/2023

MEMO TO: Honorable Mayor and City Council

FROM: Donna Murphy, Deputy City Clerk

SUBJECT: APPLICATION FOR A CHANGE IN PREMISES FROM DILLON COMPANIES LLC., DBA CITY MARKET #38, LOCATED AT 508 EAST MAIN STREET, CORTEZ

### BACKGROUND

A request for a Change of Premises has been received from Dillon Companies LLC., DBA City Market #8. A diagram of the proposed change to the licensed premises is attached. The change would add additional retail space to the existing licensed premise. The application appears to be in order and the fee to the Colorado Department of Revenue has been paid.

### ISSUES

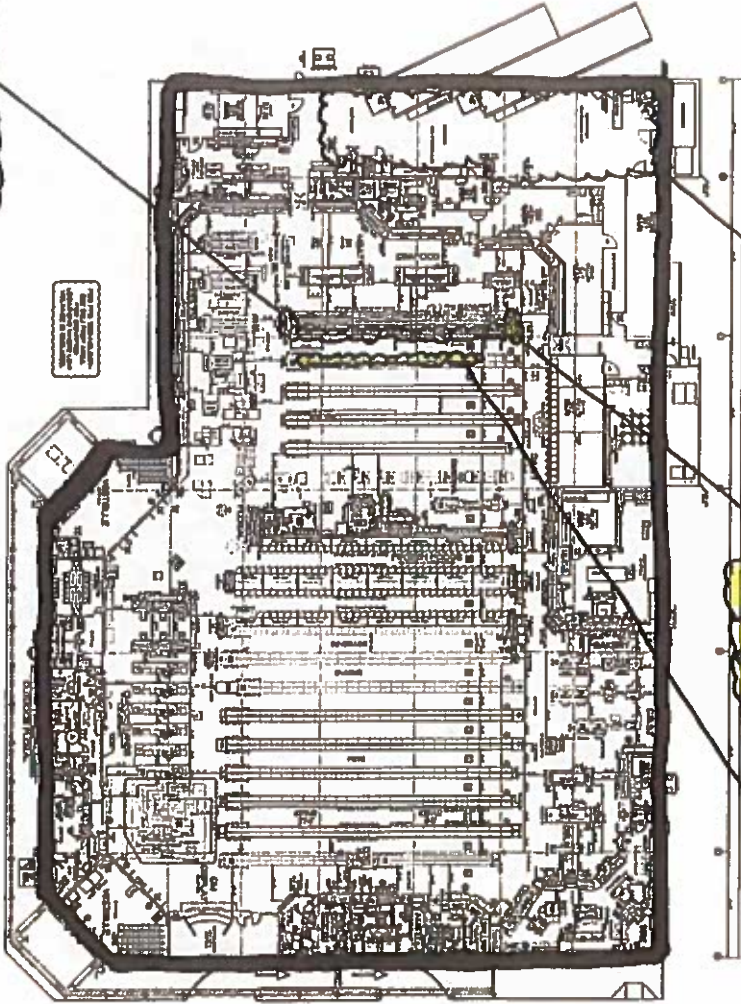
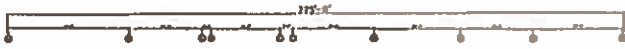
When a request is made for a change of premises, licensing authorities are to consider only the requirements of Regulation 47-302, subsections 44-3-302(1)(b), 44-3-202(2)(a)(I)(A), and 44-3-202(2)(a)(I)(D), C.R.S., the main factor is the reasonable requirements of the neighborhood and the desires of the inhabitants. If permission to change the licenses premises is denied, the licensing authority shall give notice in writing and shall state grounds upon which the application was denied. The licensee shall be entitled to a hearing on the denial if a request in writing is made to the licensing authority within fifteen days after the date of notice.

### RECOMMENDATION

Staff recommends approval of the Change of Premise Application for Dillon Companies LLC., DBA City Market #8, located at 508 East Main street, Cortez.



After Diagram 100' linear ft.



Existing Alcohol Beverage Retail Display 84'

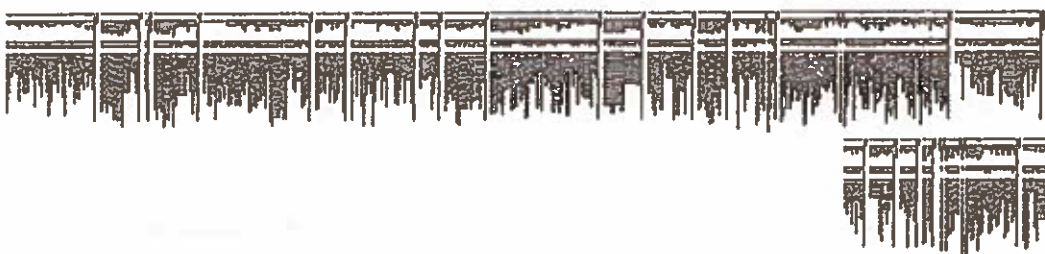
Existing back of House Storage

Proposed Alcohol Beverage Retail Display 81'

Proposed Alcohol Beverage Retail Display 68'



Base Store 64, 649 sq. ft. "does not include measuring"



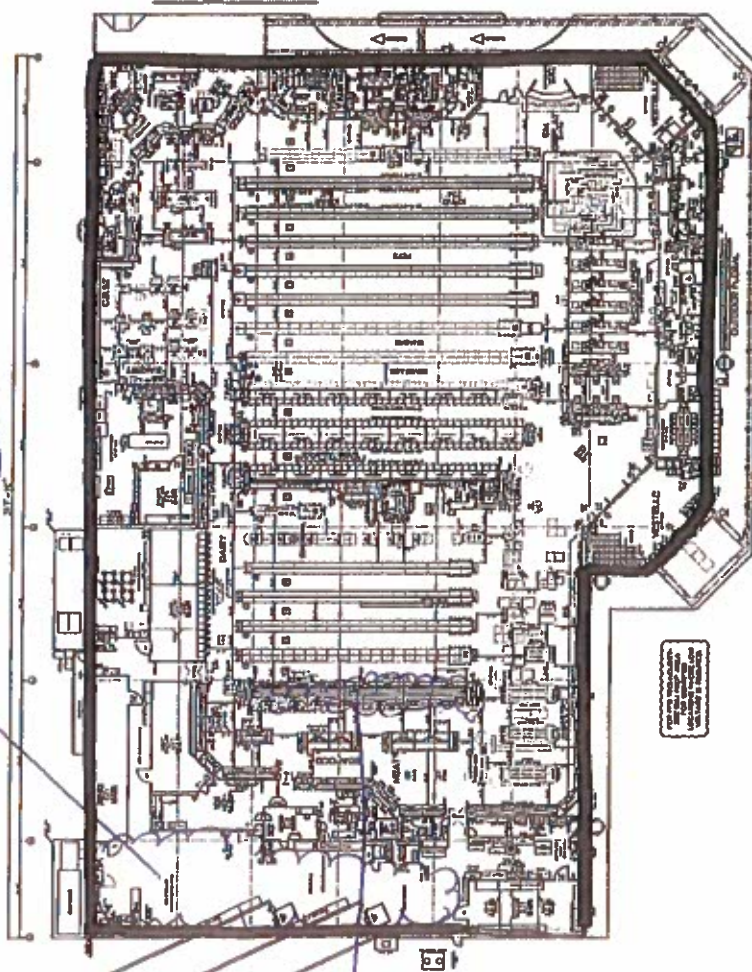
Dillon Companies LLC dba City Market #008  
508 E. Main St. | Cortez - 81321  
FNB off premise license - 01-109779-0129

FINAL PLAN

<b>MINOR WITHIN THE WALLS</b> <b>CM-408</b> 508 EAST MAIN CORTEZ, CO		 <b>Kroger</b> FRESH STORE FAMILY DISCOUNT 800-451-4514	 <b>CityMarket</b> (NEW) NEIGHBORHOOD 85 TEXAS STREET CORTEZ, CO PHONE (970) 770-5054 FAX (970) 871-7282	<b>GENERAL NOTES:</b> 1. ALL DIMENSIONS ARE IN FEET AND INCHES. 2. ALL DIMENSIONS ARE TO THE CENTER OF THE WALL OR THE CENTER OF THE OPENING. 3. ALL DIMENSIONS ARE TO THE EXTERIOR OF THE BUILDING. 4. ALL DIMENSIONS ARE TO THE EXTERIOR OF THE BUILDING. 5. ALL DIMENSIONS ARE TO THE EXTERIOR OF THE BUILDING. 6. ALL DIMENSIONS ARE TO THE EXTERIOR OF THE BUILDING. 7. ALL DIMENSIONS ARE TO THE EXTERIOR OF THE BUILDING. 8. ALL DIMENSIONS ARE TO THE EXTERIOR OF THE BUILDING. 9. ALL DIMENSIONS ARE TO THE EXTERIOR OF THE BUILDING. 10. ALL DIMENSIONS ARE TO THE EXTERIOR OF THE BUILDING.
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Back of house  
Storage

retail 7MB  
display 84"



Dillon Companies LLC dba City Market # 08  
508 E Main St j Cortez 81321

Base Store  
64,647 sf.  
"Does not  
include Mezz<sup>h</sup>

# FINAL PLAN

FMB Off premise license #01-16779-0127

<p><b>GENERAL NOTES:</b></p> <p>1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION, MICHIGAN DEPARTMENT OF TRANSPORTATION, AND THE STANDARD SPECIFICATIONS FOR BRIDGE CONSTRUCTION, MICHIGAN DEPARTMENT OF TRANSPORTATION.</p> <p>2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.</p> <p>3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND HIGHWAYS AT ALL TIMES.</p> <p>4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.</p> <p>5. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES THROUGHOUT THE PROJECT.</p>	<p><b>CM-408</b></p> <p><b>MINOR WITHIN THE WALLS</b></p> <p><b>508 EAST MAIN</b></p> <p><b>CORTEZ, CO</b></p>	<p><b>Kroger</b></p> <p><b>1000 E. 50th St.</b></p> <p><b>SPRINGFIELD, MO 65765</b></p>	<p><b>PLANNED LAYOUT FROM THE 2005</b></p> <p><b>OWNER: CO</b></p> <p><b>DATE: 08-15-2005</b></p>
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CITY OF CORTEZ  
123 ROGER SMITH AVENUE  
CORTEZ, CO 81321

**Linda Smith**  
City Clerk  
123 Roger Smith Avenue  
Cortez, CO. 81321  
lsmith@cortezco.gov

---

### Memorandum

**To:** CORTEZ CITY COUNCIL

**From:** DONNA MURPHY, DEPUTY CITY CLERK

**Date:** 01/19/2023

**RE:** Approval of a Transfer of Ownership application for Shiloh Inc. DBA Shiloh Steakhouse, located at 5 South Veach Street, Cortez.

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### Attachments

Shiloh- Memo





CITY OF CORTEZ  
123 ROGER SMITH AVENUE  
CORTEZ, CO 81321

1/19/2023

MEMO TO: Honorable Mayor and City Council

FROM: Donna Murphy, Deputy City Clerk

SUBJECT: APPLICATION FOR A TRANSFER OF OWNERSHIP FOR SHILOH STEAKHOUSE, LOCATED AT 5 SOUTH VEACH, CORTEZ

### BACKGROUND

The application for a Transfer of Ownership for a Hotel and Restaurant Liquor License was recently completed for Shiloh Steakhouse. The application is being transferred from Rodgers Inc. (Mark and Anita Rodgers) to Shiloh Inc. (Ernie and Christina Padilla). Transfer of Ownership application is available for view in the City Clerk's Office.

### ISSUES

When a request is made for a Transfer of Ownership, licensing authorities are to consider only the requirements of C.R.S. 2022, 44-3-303, which refers to the character of the licensee. Individual History records were completed on Ernie and Christina Padilla.

As per Section 44-3-303(d) the local licensing authorities may cause a hearing to be held on the application for Transfer of Ownership; however, the local licensing authority may approve the Transfer of Ownership without a hearing.

### RECOMMENDATION

Staff recommends approval of the Transfer of Ownership of a Hotel and Restaurant Liquor License for Rodgers Inc., DBA Shiloh Steakhouse, located at 5 South Veach without a public hearing.



CITY OF CORTEZ  
123 ROGER SMITH AVENUE  
CORTEZ, CO 81321

**Rachael Marchbanks**  
Community/Economic Development Director  
123 Roger Smith Ave  
Cortez, CO. 81321  
rmarchbanks@cortezco.gov

## Memorandum

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**To:** CORTEZ CITY COUNCIL

**From:** Cheryl Lindquist, Permit Technician/Deputy City Clerk

**Date:** 1/17/2023

**RE:** Ordinance No. 1305, Series 2023

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### DISCUSSION

The existing land use code allows food trucks, subject to health department and other rules in most locations within City limits. Food trucks are currently excluded from the Central Business District. Since May of 2022, the Planning Department, Planning Commission and City Council have conducted numerous public meetings and solicited public input through a survey, both on-line and in person regarding the issue of revising the Land Use Code to allow Food Truck in the Central Business District. A draft ordinance is attached which would revise the code, establishing regulations for when food trucks might be allowed in the Central Business District.

### BACKGROUND

The City Council requested that the Community and Economic Development Department consider revisions to Section 3.05 of the Land Use Code after being contacted by the Cortez Farmers Market representatives, who were interested in allowing Food Trucks at their downtown market.

### FISCAL IMPACT

Fiscal impact has not been analyzed, but no direct impact to the City is anticipated.

### RECOMMENDATION

Staff recommends that Council approve on second and final reading Ordinance No. 1305, Series 2023, amending the City of Cortez Land Use Code, Section 3.05 -- Use Regulations regarding mobile vendors in the Central Business District.

### MOTION

If agreed upon by the City Council, a possible motion would be: I move that City Council approve on second and final reading Ordinance No. 1305, Series 2023, amending the City of Cortez Land Use Code, Section 3.05 - Use Regulations regarding mobile vendors in the Central Business District.

---

### Attachments

Ordinance No. 1305, Series 2023

**ORDINANCE NO. 1305  
SERIES 2023**

**AN ORDINANCE AMENDING THE CITY OF CORTEZ LAND USE CODE, SECTION 3.05 – USE REGULATIONS REGARDING MOBILE VENDORS.**

WHEREAS, uses identified Mobile Vendors in the City of Cortez Land Use Code (the “Code”), Section 3.05, are classified as Permitted Uses in all zone districts in the City of Cortez with the exception of the CBD, central business district zone; and

WHEREAS, mobile vendors have requested to operate in the CDB under special conditions such as at approved special events; and

WHEREAS, the Code currently further restricts Mobile Vendors in the CBD under specific provisions in Section 3.05(11); and

WHEREAS, the City has held meetings with the general public, food truck advocates and CBD business owners; and

WHEREAS, at the September 6, 2022 Planning and Zoning Commission meeting, the Planning and Zoning Commission reviewed the revisions to the Code as described in this ordinance, and as evidenced by the adoption of P&Z Resolution No. 6, Series 2022; and

WHEREAS, based on the evidence and testimony presented at said meeting, the Planning and Zoning Commission recommends that the Schedule of Use Regulations, Cortez Land Use Code Section 3.05 be revised as set forth in this ordinance to allow Mobile Vendors as Conditional Uses in the CBD zone; and

WHEREAS, the authority and procedure for amending the City Land Use Code is set forth in the Cortez City Charter, and the Code.

NOW THEREFORE, BE IT ORDAINED BY THE CORTEZ CITY COUNCIL THAT THE CITY OF CORTEZ LAND USE CODE, SECTION 3.05, IS AMENDED AS FOLLOWS:

**Section 3.05 – Schedule of Use Regulations** is amended to classify a Mobile Vendor as a Conditional Uses in the CBD Zoning District.

**Section 3.05(b)(11)** is deleted in its entirety and replaced with the following:

(11) Mobile vendors shall be allowed as a permitted use on public or private property in the CBD zone at approved temporary, special events such as Third Thursdays and the Farmers Market. Mobile vendors may be allowed in the central business district (CBD) outside of special events only after issuance of a conditional use permit with full consideration for impacts on adjacent businesses. Mobile Vendors in the CBD shall only be allowed in approved locations and never in public right of way of State or Public roads, unless closed for approved special events. Mobile vendor food courts may be approved with a Conditional Use Permit that would allow the mobile vendor to remain for up to 90 days on private land in an approved location. Mobile vendors shall also be regulated as set

forth in the Cortez City Code at Chapter 15, Article IX, Mobile Food Vendors Sections 15-66 thru 15-68.8 and all other applicable Cortez City Code sections, now in effect or as may be amended from time to time with the exception that the Conditional Use Permit shall determine the time frame.

REPEALER. All orders, bylaws, ordinances, and resolutions of the City, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed to the extent only of such inconsistency or conflict.

SEVERABILITY. If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

RECORDING AND AUTHENTICATION. Upon adoption hereof, this Ordinance shall be recorded in a book kept for that purpose and shall be authenticated by the signatures of the Mayor and the City Clerk.

EFFECTIVE DATE. This ordinance shall be effective upon publication after second reading and final passage.

FIRST READING. This ordinance shall be considered first reading on the 10<sup>th</sup> day of January, 2023, at the hour of 7:30 p.m., in the City Council Chambers in City Hall, Cortez, Colorado, at which time this ordinance shall be read and the public hearing for the second or final reading of this ordinance shall be set.

PUBLIC HEARING. This ordinance shall be considered for second or final reading on the 24<sup>th</sup> day of January, 2023, at the hour of 7:30 p.m., in the City Council Chambers in City Hall, Cortez, Colorado, at which time and place all persons may appear and be heard concerning the same.

PASSED, ADOPTED AND APPROVED ON FIRST READING THIS 10<sup>th</sup> DAY OF, January 2023.

CITY OF CORTEZ

ATTEST:

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RACHEL B MEDINA, MAYOR

---

LINDA L. SMITH, CITY CLERK

PASSED, ADOPTED AND APPROVED ON SECOND AND FINAL READING THIS DAY 24<sup>th</sup> OF JANUARY, 2023.

CITY OF CORTEZ

ATTEST:

---

RACHEL B MEDINA, MAYOR

---

LINDA L. SMITH, CITY CLERK

APPROVED AS TO FORM:

---

J. PATRICK COLEMAN, CITY ATTORNEY





CITY OF CORTEZ  
123 ROGER SMITH AVENUE  
CORTEZ, CO 81321

**Rachael Marchbanks**  
Community/Economic Development Director  
123 Roger Smith Ave  
Cortez, CO. 81321  
rmarchbanks@cortezco.gov

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## Memorandum

**To:** CORTEZ CITY COUNCIL

**From:** Cheryl Lindquist, Permit Technician/Deputy City Clerk

**Date:** 1/18/2023

**RE:** Ordinance No. 1314, Series 2023

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### DISCUSSION

See attached staff report for full discussion

### BACKGROUND

A request from the owners, James L & Jean M Wootton to rezone of a .52 acre parcel located at 1345 S. Broadway, from R-1 Residential Single Family to C, Commercial Highway

### FISCAL IMPACT

Fiscal impact has not been analyzed.

### RECOMMENDATION

Staff recommends that Council approve on first reading Ordinance No. 1314, Series 2023, changing the zoning designation from R-1 Residential Single Family to C, Commercial Highway, and set for second reading and public hearing on February 14, 2023.

### MOTION

If agreed upon by the City Council, a possible motion would be:

Move to approve on first reading Ordinance No. 1314, Series 2023, changing the zoning designation from R-1 Residential Single Family to C, Commercial Highway, and set for second reading and public hearing on February 14, 2023.

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### Attachments

Ordinance No. 1314, Series 2023  
Yellow Car Report  
yellow car additional info  
P&Z Resolution  
Public Comment Received

**CITY OF CORTEZ**  
**ORDINANCE NO. 1314, SERIES 2023**

**AN ORDINANCE TO REZONE A .52 ACRE PARCEL LOCATED AT 1314 S. BROADWAY, CORTEZ, COLORADO, FROM R-1, RESIDENTIAL SINGLE-FAMILY DISTRICT, TO C, COMMERCIAL HIGHWAY DISTRICT**

WHEREAS, the owner/applicants, James L. and Jean M. Wootton (the “Applicants”), currently maintain a residence and operate the Yellow Car Country Wines as a home occupation on a .52-acre tract of land, located at 1345 S. Broadway, Cortez, Colorado, as more particularly described as follows (the “Property”):

Section: 34 Township: 36 Range: 16 TR INSE1/4NW1/4; 0.52 AC; B588 P182, B612 P250.

WHEREAS, the Applicants have applied to rezone the Property from R-1, Residential Single-Family District, to C, Commercial Highway District; and

WHEREAS, the Cortez Planning and Zoning Commission (the “P&Z Commission”) reviewed the application for rezoning in a public hearing at its regular meeting held on December 6, 2022; and

WHEREAS, based upon the evidence and testimony presented at the December 6, 2022 public hearing, the P&Z Commission recommended that the City Council approve the request for rezoning of the Property, as stated in P&Z Resolution No.13, Series 2022; and

WHEREAS, the authority and procedure for rezoning property is set forth in Chapter 6.02 of the Land Use Code of the City of Cortez; and

NOW, THEREFORE, BE IT ORDAINED BY THE CORTEZ CITY COUNCIL:

THAT all requirements of Chapter 6.02 of the Land Use Code of the City of Cortez for a zoning classification amendment have been met.

THAT the City of Cortez Official Zoning Map, adopted March 12, 1996, and effective June 1, 1996, and readopted December 11, 2001, shall be amended to change all that portion of the Property, as described above in this Ordinance, from the current zoning classification of R-1, Residential Single-Family District, to the C, Commercial Highway District zoning classification.

REPEALER. All orders, bylaws, ordinances, and resolutions of the City, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed to the extent only of such inconsistency or conflict.

SEVERABILITY. If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

RECORDING AND AUTHENTICATION. Upon adoption hereof, this Ordinance shall be recorded in a book kept for that purpose and shall be authenticated by the signatures of the Mayor and the City Clerk.

EFFECTIVE DATE. This ordinance shall be effective upon publication after final passage of this ordinance on second reading.

FIRST READING: This ordinance shall be considered on first reading on January 24, 2023, at the hour of 7:30 p.m., in the City Council Chambers in City Hall, Cortez, Colorado, at which time the ordinance shall be introduced and authorized to be considered for approval at a public hearing on second and final reading at a later date.

PUBLIC HEARING: This Ordinance shall be considered for second and final reading on the 14<sup>th</sup> day of February 2023, at the hour of 7:30 p.m., in City Council Chambers in City Hall, 123 Roger Smith Ave, Cortez, Colorado 81321, at which time and place all persons may appear and be heard concerning the same.

PASSED, ADOPTED AND APPROVED ON FIRST READING THIS 24<sup>th</sup> DAY OF JANUARY, 2023.

CITY OF CORTEZ

\_\_\_\_\_  
RACHEL B. MEDINA, MAYOR

ATTEST:

\_\_\_\_\_  
LINDA L. SMITH, CITY CLERK

PASSED, ADOPTED AND APPROVED ON SECOND AND FINAL READING THIS 14<sup>th</sup> DAY OF FEBRUARY 2023.

CITY OF CORTEZ

\_\_\_\_\_  
RACHEL B. MEDINA, MAYOR

ATTEST:

\_\_\_\_\_  
LINDA L. SMITH, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
J. PATRICK COLEMAN, CITY ATTORNEY



*City of Cortez Planning  
and Building  
123 Roger Smith Avenue  
Cortez, CO 81321*

Item No: 7a.

Meeting Date: January 24, 2023

Project No. ZA22-0174

**TITLE:** Public Hearing on an Application for a rezoning of a .52 acre parcel located at 1345 S. Broadway, from R-1, Residential Single Family to C, Commercial Highway

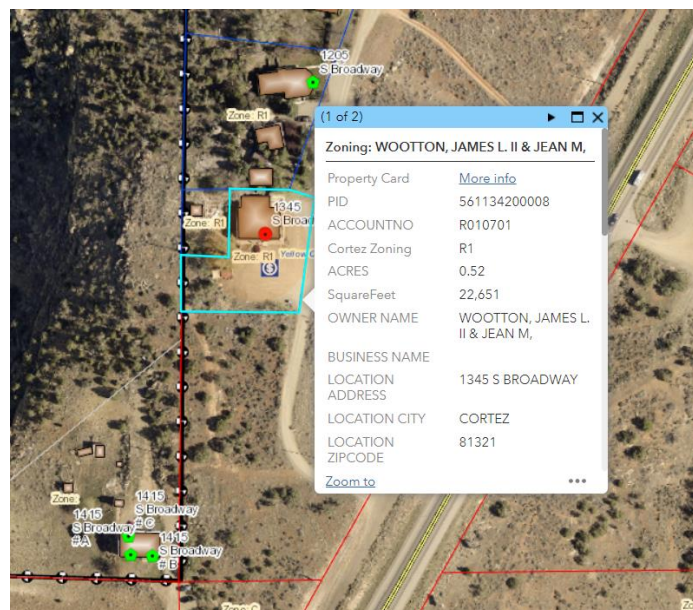
**SUBMITTING DEPARTMENT:** Community and Economic Development

**ATTACHMENTS:** P&Z Resolution No. 13, Series 2022  
Application Packet

### BACKGROUND

The .52 acre parcel located at 1345 S. Broadway is currently zoned R-1. The property has operated as both a residence for the Wootens and Yellow Car Winery since 2018. The Winery was originally established under the existing zoning as a Home Business, although it has since outgrown that designation and its strict requirements.

The site is bounded on the north by single family homes zoned R-1, on the west by unincorporated land in Montezuma County and on the east and south by Commercially zoned land. Access to the property is through the commercially zoned property, also owned by the Wootens from S. Broadway.



*Vicinity Map*

## ISSUES

Sec. 6.02 of the Land Use Code establishes the following criteria for a zoning amendment:

1. Items for Consideration in Zoning Amendments. The planning commission shall in its action on the rezoning request, consider the following:
  - a. Was the existing zone for the property adopted in error?
  - b. Has there been a change of character in the area (e.g. installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.)?
  - c. Is there a need for the proposed rezoning within the area or community?
  - d. Are the proposed uses compatible with the surrounding area or uses; will there be adverse impacts; and/or can any adverse impacts be mitigated?
  - e. Will there be benefits derived by the community or area by granting the proposed rezoning?
  - f. Are adequate facilities available to serve development for the type and scope suggested by the proposed zone? If utilities are not available, could they be reasonably extended?
  - g. Is the proposal in conformance with the policies, intents and requirements of the Cortez comprehensive plan?
  - h. Does the proposed change constitute "spot zoning?"

## DISCUSSION

This property is located in an area dominated by highway oriented commercial development, with areas of single-family homes behind the commercial development. The property itself has an unusual history, having been owned by Hospice of Montezuma County from 1997 until 2018 and as church prior to that time. The photo from the County Assessor's page is below and appears to show the more commercial nature of the property:



The request is to rezone the property from R-1 to C, which would allow for the existing winery to expand and operate with less stringent requirements than its current home occupation limits.

### Criteria:

- a. It does appear that perhaps this property was zoned in error, given that the existing structure on the property was likely built as a commercial structure or perhaps a church and was only recently (2018) into the residence/winery. Of course, it is not possible to know what the original thought of the zoning was, the property itself is on the border between commercial and residential zoned property.
- b. The neighborhood has developed commercially over the years, although it does not appear that there have been many recent changes. The current access situation has stymied very recent

proposals for adding commercial uses to the area.

- c. The rezoning is being requested to allow the winery to come into compliance with existing land use codes and to expand to some degree.
- d. The area is a mix of land uses, including single family homes, rural properties and existing commercial uses. The neighbor to the immediate north, a residential property, has expressed concerns regarding adverse impacts from the existing uses. Should the rezoning be approved, a site plan for the existing and expanded uses of the winery would be required, that could help to mitigate impacts.
- e. The rezoning to commercial will allow a locally grown business to operate legally and perhaps expand, which could lead to additional sales taxes.
- f. Adequate facilities for the business are available, including water, sewer, access and all other utilities.
- g. The Cortez Comprehensive plan includes numerous goals that support the requested rezone. Goals and policies include the following:
  - a. Sustain a well-balanced and diverse local economy (Goal 11.1)
  - b. To incubate the development and expansion of niche goods and services.
  - c. Improve the image of Cortez as a tourist destination.
  - d. Respond to the needs of the agribusiness economy to ensure sustainability of the community's rural character, promoting efforts to establish a year-round marketplace and encouraging the distribution of local products at local stores.
- h. The property is surrounded on two sides by commercially zoned property and has been operated commercially in the past so it should not be considered "spot zoning."

## **AGENCY REVIEW**

### **GIS Coordinator (Doug Roth)**

No Concerns. As applicant noted the use of this parcel has been commercial for over 25 years, likely pre-dating the 1996 land use code.

### **Cortez Police Department (Andy Brock)**

The Cortez Police Department has no issues with the proposed re-zoning.

### **Cortez City Engineer (George Tripp)**

The small residential lot needs to have an access and utility easement so that it does not become isolated if it gets sold separately from the newly zoned commercial lot.

### **Cortez Parks and Recreation (Creighton Wright)**

No comment.

## **PLANNING COMMISSION RECOMMENDATION**

**The Planning Commission recommended that Council approve the requested rezone from R-1 to C for property located at 1345 S. Broadway, Cortez, located in Section 34, Township 36, Range 16, tr in SE1/4NW1/4; .52 acres, as submitted by James L & Jean M. Wootton through P&Z Resolutions No. 13, Series 2022, with the following findings:**

- a. The existing zone for the property may have been adopted in error because the property has a long history of commercial use, not residential.
- b. The community will benefit from additional commercial use of the property by the

- additional economic benefits of additional jobs, opportunities and taxes generated.
- c. Adequate facilities are available to serve development for the type and scope suggested by the proposed zone.
  - d. The proposal is in conformance with the policies, intents and requirements of the Cortez Comprehensive Plan.

## **ALTERNATIVES**

1. The Council can approve the rezone request from R-1 to C Commercial for property located at 1345 S. Broadway, Cortez, located in Section 34, Township 36, Range 16, tr in SE1/4NW1/4; .52 acres, as submitted by James L & Jean M. Wootton
2. The Council can deny the request for a rezoning and state their reasons; or
3. The Commission can ask for more information and table the application.

## **STAFF RECOMMENDATION**

Staff recommends that Council approve the requested rezone from property located at 1345 S. Broadway, Cortez, located in Section 34, Township 36, Range 16, tr in SE1/4NW1/4; .52 acres, as submitted by James L & Jean M. Wootton through Ordinance No. 1314, Series 2023, with the following findings:

- a. The existing zone for the property may have been adopted in error because the property has a long history of commercial use, not residential.
- b. The community will benefit from additional commercial use of the property by the additional economic benefits of additional jobs, opportunities and taxes generated.
- c. Adequate facilities are available to serve development for the type and scope suggested by the proposed zone.
- d. The proposal is in conformance with the policies, intents and requirements of the Cortez Comprehensive Plan.

**APPENDIX D - CITY OF CORTEZ  
APPLICATION FOR ZONING ACTION**

*nd \$500-cc*

This application is for.	
<input type="radio"/> Conditional Use Permit	<input type="radio"/> Special Exception
Right-of-Way or Easement Vacation	Site Plan Review
Replat or Plat Amendment	Variance
Condominium Subdivision/Conversion	Minor Subdivision

**1. APPLICANT SHALL COMPLETE:**

JAMES L. + JEAN M. WOOTTON 1345 S. BROADWAY  
 Property Owner Mailing Address Phone/Fax  
JAMES WOOTTON 1345 S. BROADWAY (970) 560-5752  
 Contact Person Mailing Address Phone/Fax  
1345 S. BROADWAY CORTEZ  
 Subject Property Street Address

Legal Description; or ☒ Attached YELLOW CAA RESIDENCE  
 Existing Use(s) YELLOW CAR DINERY RESIDENCE 3323 14.67%  
 Proposed Use(s) Square Footage to/ Lot Coverage (%)  
.52 AC. (22,651 s 14

Lot Size Proposed Building Height O/T-Street Parking Spaces

Proposed Setbacks: Front Side Rear

Public Works Department Approval

Sanitation District Approval

**OATH OF APPLICANT**

I hereby certify, subject to penalty of perjury, that the above is true and accurate to the best of my knowledge and that I understand all provisions of City and State codes applicable to the proposed development, any and all conditions placed upon the proposed development by the City Council and all information requested by this document. I also understand that if I violate any applicable provisions of City and or State codes, I may be required to remedy such violation(s) through appropriate legal process imposed by the City, including moving or removing structures and/or construction and/or uses

{1 // aa

Signature of Applicant

Date

**2. APPLICANT SHALL ATTACH 2 COPIES OF A COMPLETE SITE AND ACCESS PLAN OR PLAT SHOWING THE BUILDING OR STRUCTURE IN SUFFICIENT DETAIL TO DEMONSTRATE THAT THE PROPOSED CONSTRUCTION, RECONSTRUCTION OR CONVERSION, MOVING AND/OR ALTERATION IS IN CONFORMANCE WITH THE PROVISIONS OF THE APPLICABLE ACTION.**

Other Items Required:



James L. II & Jean M. Wootton

1345 S Broadway

Cortez, CO 81321

(970)560-5752

Re: Letter of Petition for rezoning of 1345 S Broadway from Residential to Commercial

Dear Zoning Administrator,

We are applying to change 1345 S Broadway's zoning designation from Residential to Commercial. Included is a list of papejwork requested.

The proposed zone change reflects the current usage of the property by Yellow Car Country Wines & Meads. We are an approved and State-certified winery that allows a tasting room, but we have been restricted as a designated home-based business to be able to adequately service our customers and run our business.

The building has had a history of commercial businesses, including Hospice of Montezuma County from 1997 to 2018, and Cortez Congregation of Jehovah's Witnesses prior to 1997.

The property is surrounded by Commercial-zoned land on the south & east sides, residential on the north side, and McEimo Canyon on the west side. On the Northwest comer is also a small piece of residential land located at 1349 S Broadway that is also owned by us that we plan on keeping residential at this time. We also own the Commercial-zoned land that is connected to this property on the south & east side under J4G Holdings LLC (no physical address).

A home-based designation only allows 4 customers at a time, and limited signage to be able to market our business. These are the two biggest obstacles to successfully run our winery. We feel it is in the best public interest to be able to develop and market our business to increase tourism, city taxes, jobs and help in our future endeavors of developing the adjacent commercial property owned by J4G Holdings LLC (owners James L Wootton II, and Susan Lisak).

The building is set with 2738 square feet of residential area, and 585 square feet of winery production space. There are no improvements or construction of new buildings set for this property, we would like to just use the existing structure as it is now.

Our change in zoning should have a minimal impact on the neighbors to the north of the property. Yellow Car has already been in business for 3 years since October 2019, with closing hours at 8pm in the Summer, and 7pm in the winter. Our live music is respectful to not go over these times and only happens 1-2 times a month during the summer.

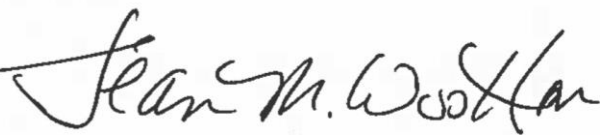
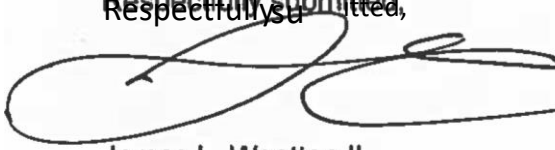
Current changes to the south Cortez area, with Love's Truck Stop coming in and wired broadband installed (part of which runs down the commercial property that J4G holdings own), means that more businesses will be looking to develop the empty tracts of commercial land that currently run along the frontage road and highway. We have already noticed this, as soon as Love's announced they were going in, people were already inquiring about tracts of land down this South Broadway corridor.

There is an access road that comes up from the frontage road to the winery that is gravel. In March/April 2022 we invested \$8000 dollars in road improvements to add morel gravel and blading. We are planning to add additional gravel in the spring of 2023.

We are planning future projects on the adjacent 8.4 acres owned by J4G Holdings, with 2 proposed RV parks, winery & production facility, and future condos going up. This will be a

positive development in this area and for the city, and will drive more tourism, business and city taxes to the town. It will also promote more businesses to open in this area, driving the economy and jobs in a forward positive direction.

Respectfully submitted,



James L. Wootton II

Jean M. Wootton

yellowcarcountrywines@gmail.com

City of Corte: Land Use Code

Appendix D Application for Zoning Action

3. ZONING ADMINISTRATOR SHALL VERIFY COMPLIANCE WITH:

Application Completeness:(If incomplete, return to applicant)

Zoning: \_\_\_\_\_ Conditional Use Permit # \_\_\_\_\_

Floodplain Development Permit # \_\_\_\_\_ Board of Adjustments Resolution # \_\_\_\_\_

List Conditions of Approval or Attached';  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Should Building Permit Application Be Considered? Yes \_\_\_\_\_ No \_\_\_\_\_

Comments:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Zoning Administrator

Date

4. BUILDING OFFICIAL SHALL VERIFY COMPLIANCE WITH:

use: \_\_\_\_\_ Height: \_\_\_\_\_ Setbacks: \_\_\_\_\_  
Access: \_\_\_\_\_ Driveway Width: \_\_\_\_\_ Parking Spaces: \_\_\_\_\_  
\_\_\_\_\_

Water Supply:  
\_\_\_\_\_

Sanitation Service:

Can Building Permit Be Applied For?

Yes

No

Comments

Signature of Building Official

Date

5. IF THE BUILDING OFFICIAL SO AUTHORIZES, APPLICATION(S) FOR A BUILDING PERMIT THAT CONFORM MATERIALLY WITH ALL INFORMATION PROVIDED ABOVE MAY BE SUBMITTED TO THE BUILDING DEPARTMENT.

For Official Use Only:

Date Received:

Date Of Public Hearing(s):

Date Of Approval:

ADOPTED AS AMENDED THROUGH DECEMBER 2006

(1 of 1)



Parcels: LINDSAY, JAMES KENT & SHARON D.

10/27/2012, 6:33 PM

Montezuma County Map Viewer

ACCOUNTNO R010706  
PID 561134200013  
PermitNumber  
County Zoning City  
ACRES Actual 0.82  
Property Card [More info](#)  
OWNERNAME1 LINDSAY, JAMES KENT & SHARON  
D.  
CAREOFNAME  
LOCATIONADDRESS 1201 S BROADWAY  
LOCATIONCITY CORTEZ LOCATIONZIPCODE  
81321  
MAILADDRESS1 1201 S BROADWAY  
MAILADDRESS2  
MAILCITY CORTEZ  
MAILSTATE CO  
MAILZIPCODE 81321

TAXAREA	1 1001
LEGALSEARCH	Section: 34 Township: 36 Range: 16 TR IN SE1/4NW1/4; 0.82AC B 498 P 277 B 517
SUBDIVISION	P 209
LANDTYPE	RESIDENTIAL
ABSTCODE	1 1 12, 1212
IMPACTUALVAL	165,036.00
TOTALMILLEVY	54.75
ACTUALVAL	203,646.00
ASSESSEDVAL	1 4, 150.00
LASTSALEDATE	
SALEP	
DEEDTYPE	
GRANTOR	
GRANTEE	
RECPTNO	

Assessor Picture

2

<https://montezumacounty.maps.arcgis.com/apps/webappviewer/index.html?id=cl50aOba951a4df68a31Wacde80045e>
1/2 10127/22. 6:30 PM



Montezuma County Map Viewer
  
Parcels: LINDSAY, R. GRANT & TAMARA KAY

---

ACCOUNTNO	R010707
PID	561134200014
PermitNumber	
County Zoning	City
ACRES Actual	0.00
Property Card	<a href="#">More info</a>
OWNERNAMEI	LINDSAY, R. GRANT & TAMARA KAY
CAREOFNAME	LOCATONADDRESS 1205 S BROADWAY
LOCATEONCITY	CORTEZ LOCATIONZIPCODE 81321
MAIL-ADDRESSI	1205 S BROADWAY
MAILADDRESS2	
MAILCITY	CORTEZ
MAIL-STATE	co
MAILZIPCODE	81321 TAXAREA 11001
LEGALSEARCH	Section: 34 Township: 36 Range: 16 TR IN W1/2SE1/4NW1/4; 0.68AC 3525 P807-08 B683 P508
SUBDIVISION	

---

LANDTYPE            RESIDENTIAL  
ABSTCODE           1 1 12, 1212  
IMPACTUALVAL       131,945.00  
TOTALMILLEVY    54.75 ACTUALVAL  
                     170,555.00  
ASSESSEDVAL    \$14850.00 LASTSALEDATE  
SALEP  
DEEDTYPE  
GRANTOR  
GRANTEE  
RECPTNO  
  
Assessor Picture

Property Record Card - Page

Property Record Card

Montezuma Assessor

2

4



Abstract Summary

1212	SINGLE FAM.RES-	\$235,686	\$16,380	NA	NA
	SINGLE FAM.RES.				
	IMPROVEMENTS				
2230	SPEC.PURPOSE-IMPROVEMENTS		\$9,940		NA
			saun		

# Property Record Card - Page

## Property Record Card

Montezuma Assessor

M:

4 of 4

form

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3

2



### XFOB Occurrence 1

SubArea	Actual	Effective	FiaBsmst	Footprint	Garage	LiveArea	Un/Bmt
SQFT. SQFT	120						
	120.00						
Value Rate Rate Rate R.ie Rate Rate stt162 9.68							

### Commercial/Ak Occurrence I

hOFtyCode	2230	SPEC.PURPOSEIMPROVEMD(TS		ActuJ Year Built	1986			
Effætive Yeu Duilt &ilding Type	1986			Use Code	1 000.RESIDENTIAL IMPROVED			
	1603 - Winery			Architeatral Style	1603 - Winery			
COMtnrtim	S - Avnge			•rig	1 • STORIES 1.0			
Quality					2 • COMP ROU.			
Root Strudtrc				RoofCover				
PecetM	100			ExteriorWdl	43 -Stucco			
PnerN	100			Interior Wall	1 • Drywdl I			
	100			Floor	•			
	100				Allowance			
SubAru			Effective	FioBnn1	Footprint	Garage	LiveAre•	UufBmt
UND.		Actual	585.0		585.0		585.0	
Ut&fined								
Tul		585.00	585.00		58500		585.00	
	Valoe	Rate	R.te	Rate	Rate	Rate	Rate	Rate
	\$34,290	58.62	5862		38.62		58.62	

R010701 561134200008 AS of: 101042022

## Property Record Card - Page

### Property Record Card

Montezuma Assessor



10/04/2022 10:04:00 AM

#### Abstract Summary

Code	Classification	Actual Value	Taxable Value	Actual Override	Taxable Override
1112	SINGLE FAMILY RESIDENTIAL	\$5,302	\$3,150	NA	NA
		\$3,150			

A#: R010701 P#: 561134200008 As of: 10/04/2022

Page 3 of 4

Form

• 1-800.ALAMODE

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esign.elamode.conÜvertfy

2



#### Land Occurrence 1

Value	Rate	Rate	Rate	Rate	Rate	Rate	Rate	Value
Rate "5,302 2.00								
R010701	561134200008	AS of: 101042022						





## Property Record Card - Page

### Property Record Card

Montezuma Assessor

Property Code	1212 - SINGLE FAM.RES- IMPROVEMENTS	Actual Year Built	2018
Effective Built	2018	Deptcaatim	2018-1
ure Expectancy	65	QBIity	Aya*age
XFOB Coe	1022 - SHED.WOOD		

A#: R010701 P#: 561134200008 As of: 10/04/2022

Page 2 of 4

Serial W 5BC958SE

Form 1-800-Aeslon.alamode.comtverty

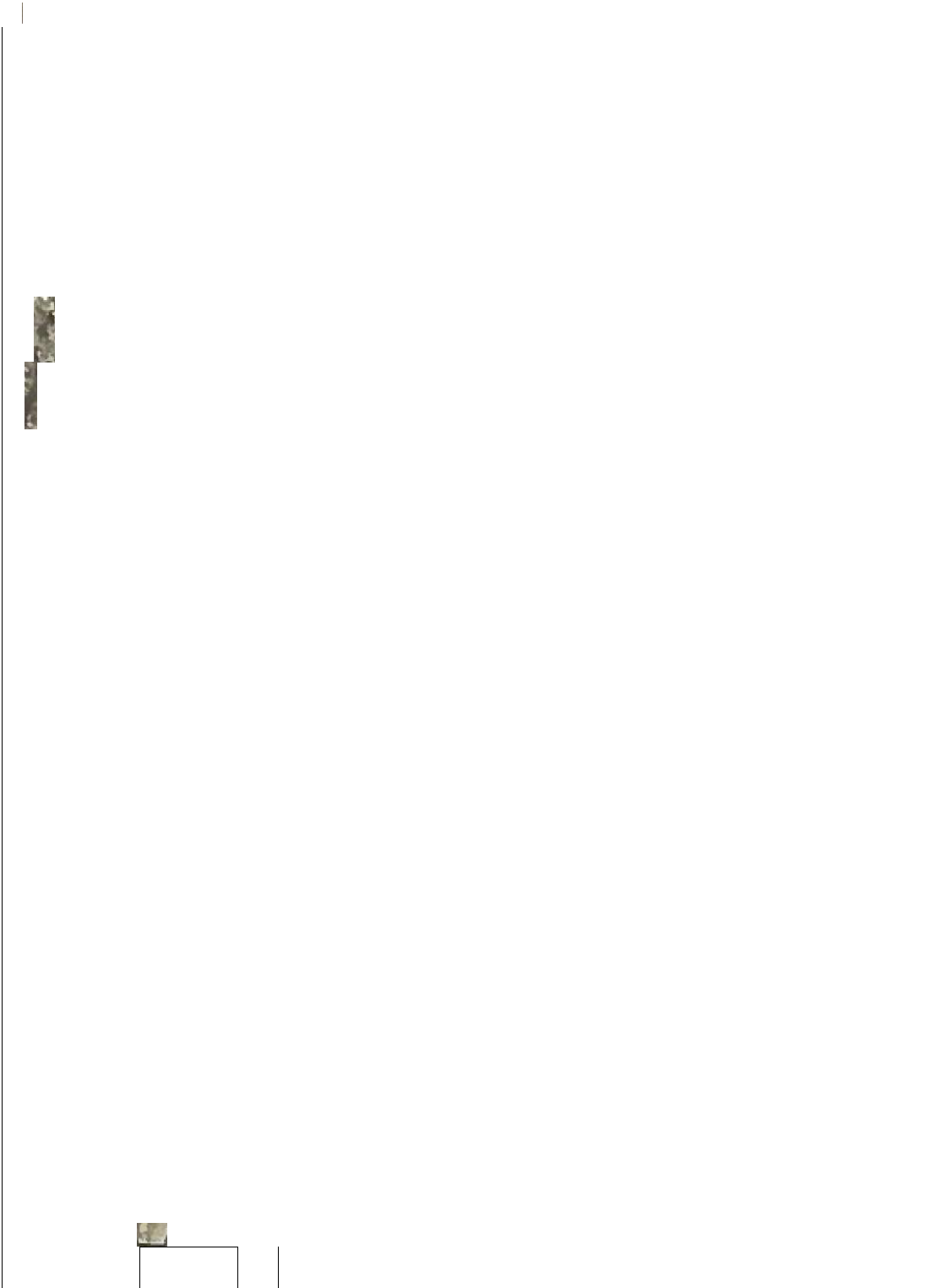
R010701 561134200008 AS of: 101042022

Location Map

James Wootton			
1345 S Broadway			
Lender/&lt	United Wholesale Mort a e	Catty Montezuma	81321
		co	

a la mode inc:

SURJE  
1345 S Bcoadway



gcesae

--> Verify your Address HERE ~ GIS Department Homepage ~



2

## Property Record Card - Page 1



### Property Record Card

Montezuma Assessor

WOOTTON, JAMES L. 11 & Account: R010701

Parcel: 5611-342-00-008

JEAN M,

Tax Area: 11001 • DISTRICT 1 1001 Situs Address: Acres:  
0.520 1345 S BROADWAY

1345 S. BROADWAY  
CORTEZ, CO 81321

CORTEZ, 81321

#### Value Summary

#### Legal Description

Value By:

Market

Section: 34

36

Range:

16TR INSE1/4NW1/4; OS2AC

Override B588 P182 B612 P250

LAI (I)

\$45,302

WA

Rai&uial (I)

\$234,524

NIA

XFOB(I)

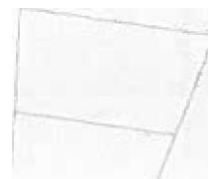
Sl.162

NIA

CunmaciWAg (I)

\$34,290

NIA



Total

\$315,278

515,278



53'5,278



Sale Data

Doc.	Sale Date	Deed Type	Validity	Verified	Sale Price	Ratio	Adj. Price	Ratio	Time Adj.	Ratio
620293	11/26/2018	WDJ W			\$140,000	225.20	\$140,000	225.20	\$140,000	225.20
465525	09/16/1997				\$96,800	325.70	\$96,800	325.70	\$96,800	325.70

Land Occurrence I

Property Code	112 - SINGLE FAMILY RESIDENTIAL		Measure By	Square Feet		
	0.52		SQFr	22651.2		
Land Code	907tsos • CORTEZ. BROADWAY COM DIST		Type	O - UNKNOWN		
SubArea	Actual	Mectiye	Footprint	Gange	LiveArea	UnfBsmt
ACRES	0.52					
SOFT	22651.2					
Total	24651.72					

M: R010701 P#: 561134200008 As of: 10104/2022

Page 1 of 4

10127/22, 6:23 PM

Form SCNLTR - "TOTAL" appraisal software by a la mode, Inc. • 1-800.ALAMODE  
Montezuma County Map Viewer

SerialW 5BC9585E  
eslgn.alamode.comWertW

(1 of 1)

Parcels: WOOTTON, JAMES L II & JEAN M,

ACCOUNTNO	R010700
	561 134200007
PermitNumber	
County Zoning	City
ACRES Actual	0.17
Property Card	<a href="#">More info</a>
OWNERNAMEI	WOOTTON, JAMES L II & JEAN M,
CAREOFNAME	
LOCATIONADDRESS	1349 S BROADWAY *GUESS
LOCATIONCITY	CORTEZ
LOCATIONZIPCODE	81321
MAILADDRESSI	1345 S. BROADWAY
MAILADDRESS2	
MAILCITY	CORTEZ
MAILSTATE	CO
MAUIPCODE	81321
TAXAREA	11001
LEGALSEARCH	Quarter: NW/4 Section: 34 Township: 36 Range: t 6 TR 75FTX1 OOFT SEI/4NW1/4 W OF HWY .17AC 8668 P301
SUBDIVISION	
LANDTYPE	VACANT_LAND
ABSTCODE	1 1 12
IMPACTUALVAL	0.00
TOTALMILLLEVY	54.75
ACTUALVAL	15,836.00

ASSESSEDVAL	1,100.00
LASTSALEDATE	1 1/25/2018
SALEP	140,000.00
DEEDTYPE	WDJ-
GRANTOR	HOSPICE OF MONTEZUMA, INC
GRANTEE	WOOITON, JAMES L II & JEANM
RECPTNO	620293

Assessor Picture

2

4 I: Nelda 340-296

3.36 Ac.

**.25A4.**

. 68 Ac.

6.

178.021

12.23 Ac.

## Taxing Dist. I-C

449  
Taxing Dist.

h' Grant

Tam ra  
 . 68 Ac

120.15

**S 00°**

Cortez  
Congregation  
Jehovah's  
Witnesses

52A

164.0  
C95 649/83



---

property profile report

1 message

---

Marie Rogers <mrogers@coloradotitleservices.com>

Mon, Oct 31, 2022 at 4:27 PM

To: "yellowcarcountrywines@gmail.com" &lt;yellowcarcountrywines@gmail.com&gt;

Hope the attached works for what you need, I did find the 2018 tax ctf. showing the property as non-residential. Let me know if you need anything further.



Marie Rogers Patrick

Colorado Title &amp; Closing Services

631 E. Main Street

Cortez, CO 81321

Ph: (970) 564-9770

Fax: (970) 564-9769

**\*\*\*WIRE FRAUDALERT\*\***

Before sending any funds to CTS via wire transfer, you should contact your Closing Officer directly by phone to confirm that you have received the correct wiring instructions. Protect yourself by always verifying any wiring instructions via telephone using a telephone number that is independently verified from a source other than the proposed wiring instructions. Be on guard that criminals are able to spoof the Closing Officer's email address and may have access to your emails.

---

 20221031152802130.pdf  
3279KPROPERTY REPORT

COLORADO TITLE &

Cortez, CO 81321

CLOSING SERVICES LLC

Phone: (970) 564-9770

Fax: (970) 564-9769

NOTE: THIS REPORT CANNOT BE RELIED UPON AS ESTABLISHING OWNERSHIP. THIS REPORT IS ONLY INTENDED TO SHOW THE NAME(S) OF THE PERSON(S) PRESENTLY APPEARING TO CLAIM OWNERSHIP AND ANY ENCUMBRANCES OF RECORD. THIS REPORT SHOULD NOT BE CONSTRUED AS A TITLE OPINION, LIABILITY OF THE COMPANY UNDER THIS REPORT IS LIMITED TO THE AMOUNT PAID FOR SAME.

To: CITY OF CORTEZ

Report No.: 038

Property Address: 1345 S. Broadway, Cortez. CO 81321

Tax ID No.: 5611-342-00-008/R010701

Effective Date: OCTOBER 30, 202

1. The purported owner to the estate in said land is at the date hereof vested inv

JAMES L. WOOTTON, II AND JEAN M. WOOTTON

2. The encumbrance(s) (voluntary) if any to which said land is subject

Deed of Trust from James L. Wootton II and Jean M. Wootton to the Public Trustee of the County of Montezuma, for the use of Amerisave Mortgage Corporation, to secure \$179,025.00, dated July 19, 2021 , recorded July 23, 2021 as Reception No. 638754.

Deed of Trust from James L. Wootton II and Jean M. Wootton to the Public Trustee of the County of Montezuma, for the use of United Wholesale Mortgage, LLC, to secure \$252,000.00, dated October 17, 2022, recorded October 24, 2022 as Reception No. 648082.

3. The judgment(s)/lien(s) (involuntary) if any, to which said land is subject:

NIA

4. Legal Description: Montezuma County

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

5. Tax Status: (NOTE: This tax status is based on verbal information and no guarantee is being made as to the accuracy)

Taxes for the year 2021 have been paid and taxes for 2022 are not yet due or payable.

Thank you for your business,

COLORADO TITLE &

Cortez, CO 81321

CLOSING SERVICES LLC

Phone: (970) 564-9770

Fax: (970) 564-9769

COLORADO TITLE & CLOSING SERVICES, LLC

  
Marie Rogers Patrick

EXHIBIT "A"

A tract of land in the SE114NW1/4 of Section 34, Township 36 North, Range 16 N.M.P.M., being more particularly described as follows:

BEGINNING at a point from which point the Southwest Comer of said Section 34 bears South  $22^{\circ}54'$  00"

West a of 2,498.1 feet and from which point the Northwest Comer of said SE114NW1/4 of said Secuon 34 bears North  $00^{\circ}30'00''$  East a distance of 758.6 feet;

Thence South  $00^{\circ}30'00''$  West a **i i sta** of 100 feet;

" South  $88^{\circ}00'00''$  East a **i i stan** of 75 feet;

" North  $00^{\circ}30'00''$  East a **i i stance** of 100 feet;

" North  $88^{\circ}00'00''$  West a **i i sta** of 75 feet to fre point of **nce** beginning.

AND

A tract of land in fre SE114NW1/4 of Section 34, Township 36 North, Range 16 West, N.M.P.M., being more particularly described as follows:

BEGINNING at a point from which the Northwest Corner of the SE114NW1/4 of said Section 34, bears North  $00^{\circ}30'$  West a distance of 758.6 feet;

Thence South  $88^{\circ}00'00''$  East a disunce of 75 feet to the point of beginning of the tract hereby conveyed;

" South  $88^{\circ}00'00''$  East a distance of 75 feet;

" South  $00^{\circ}30'00''$  East a **i i stance** of 100 feet;

" North  $88^{\circ}30'00''$  West a **i i stance** of 75 feet;

" North  $00^{\circ}30'00''$  West a **i i stance** of 100 feet to the point of beginning.

AND

A tract of land in the SE114NW114 of Section 34, Township 36 North, Range 16 West, N.M.P.M., being more particularly described as fouows:

BEGINNING at a point in the SE114NW1/4 of said Section 34 from which point the Southwest comer of said

Section 34 bears South  $24^{\circ}09'39''$  West a distance of 3332.83 feet;

Thence East a distance of 164.02 feet;

COLORADO TITLE &

Cortez, CO 81321

CLOSING SERVICES LLC

Phone: (970) 564-9770

Fax: (970) 564-9769

"  
North 08° 23' 38" East a distance of 97.72 feet; North 06° 59' 02" East a distance of 68.06 feet; "North 73° 34' 30" West a distance of 38.12 feet; South a distance of 100.00 feet;

"

"

"West a distance of 150.00 feet;

"South a distance of 75.00 feet to the point of beginning.

TOGETHER WITH a nonexclusive access easement, being 30 feet in width, and being 15 feet each side of the following described centerline:

BEGINNING at a point in the NW 1/4 of Section 34, Township 36 North, Range 16 West, N.M.P.M., from which point the SW Corner of said Section 34 bears South 25° 11' 18" West a distance of 3569.42 feet; Thence South 73° 34' 30" East a distance of 50.05 feet;

South 06° 59' 02" West a distance of 80.82 feet;

South 08° 23' 38" West a distance of 251.91 feet;

"

South 19° 37' 50" East a distance of 74.30 feet;

South 74° 23' 55" East a distance of 119.53 feet to the West shoulder of a road which parallels U.S. Highway 160-666, from which point the SW Corner of said Section 34 bears South 30° 48' 41" West a distance of 3241.83 feet.

Any facts, rights, interests or claims which are not shown by the Public Records, but which could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.

1. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
2. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
3. Any lien, or right to a lien, for services, labor or materials heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
4. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the Public Records or attaching subsequent to the Effective Date hereof but prior to the date the proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by the Commitment.
5. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
6. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) ditches and ditch rights; water rights, claims or title to water; (d) all interest in

COLORADO TITLE &

Cortez, CO 81321

CLOSING SERVICES LLC

Phone: (970) 564-9770

Fax: (970) 564-9769

oil, gas, coal and other mineral rights severed by predecessors in Title and any and all assignments thereof or interests therein; whether or not the matters excepted under (a), (b), (c) or (d) are shown by the Public Records.

7. Easement from J.W. Ertel and Edna Ertel to Empire Electric Association, Inc. recorded November 25, 1952 in Book 176 at Page 328.
8. All oil, gas and other minerals as reserved by J.W. Ertel in Deed to John Watson Ertel recorded March 6, 1957 in Book 234 at Page 244, and any and all assignments thereof or interests therein and any easements or right of entry with respect thereto.
9. All oil, gas and other minerals as reserved by J.W. Ertel in Deed to John Watson Ertel, recorded June 4, 1957 in Book 238 at Page 373, and any and all assignments thereof or interests therein and any easements or right of entry with respect thereto.
10. Right of way easement from Ertel Investments, A Colorado Corporation to Empire Electric Association, Inc. recorded August 17, 1981 in Book 528 at Page 904.
11. All oil, gas and other minerals as reserved by Ertel Investments, Inc. in Deed to Cortez Congregation of Jehovah's Witnesses, a Colorado Non-profit Corporation, recorded June 4, 1986 in Book 588 at Page 182, and any and all assignments thereof or interests therein and any easements or right of entry with respect thereto.
12. Access easement across subject property as described in Deed from The Cortez Congregation of Jehovah's Witnesses Inc. to Robert Conner recorded February 5, 1993 in Book 668 at Page 301 and rerecorded March 2, 1993 in Book 669 at Page 83.

# MONTEZUMA COUNTY TREASURER

## CERTIFICATE OF TAXES DUE

Account Number R010701

Parcel 561134200008

Assessed To

HOSPICE OF MONTEZUMA,  
PODRAWER  
Parcel 561

CORTEZ, CO 81321

Certificate Number 15266

Order Number M021804001

Veadoc ID 2

COLORADO TITLE & CLOSING SERVICES  
631 E. Main

Cortez, CO 81321

Legal Descripdoa

Quarter: NW1/4 Section: 34 Township: 36 Range;  
16

Pt82 B612 P250

Sims Addrsg

S: 34 T: 36 R: i6TRSEL/4NW1/4.S2A B588 1345 SBROADWAY CORTEZ

Yeu

Intaest

Fees

Pavmen18

Gtmd Total Due as of 1

1

50.00

Tax Billed at Rates for Tax Area 1001- DISTRICT 1 toot

Authoriy	Mill Levy	Amomt	V	Actnal	Assessed
MONTEZUMA COUNTY ROAD AND	1.0580000	\$0.00	EXEMPT CHARITABLE NON RESIDENTIAL	\$28,750	\$8,340
CITY OF CORTEZ RIB	1.0580000	50.00	CHARITABLE NON RESIDENTIAL IMP	\$138,023	\$40,030
RE-I CORTEZ	18.9510000	50.00			
CITY OF CORTEZ 12400000		50.00			
MONTEZUMA COUNTY HOSPITAL D	0.9940000	\$0.00	Total	\$166,773	\$48370
MTZ.DOLORES CTY METRO REC D	0.7770000	50.00			
CORTEZ SANITATION	9.1960000	50.00			
CORTEZ CEMETERY	03660000	50.00			
DOLORES WATER DISTRICT	0.4830000	50.00			
DOLORES WATER BONDIDEBT	1.9248000	50.00			
SOUTHWEST WATER	0.4070000	50.00			
CONSERVATIO					
MOSQUITO DISTRICT	0.4080000	50.00			
CORTEZ FIRE DISTRICT	6.8420000	50.00			
CORTEZ nRE ADDITIONAL LEVY	45000000	50.00			
MONTEZUMA-CORTEZRE i BOND	3.0030000	\$0.00			
MONTEZUMA couvryG ENER	11.4150000	50.00			
MONTEZUMA COUNTY SOCIAL SVC	0.8000000	50.00			

Taxes Billed 2017

63.4225000

sono

All Tax Lien Sale amounts are subject to change due to endorsement of current taxes by the lienholder or to advection and distraint warrant fees. Changes may occur and the Treasurer's office needs to be contacted prior to remittance and the dates; Personal property and Mobile homes - September 1st. Real property - September 1.

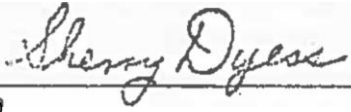
**TAX LIEN SALE REDEMPTION AMOUNTS MUST BE PAID BY CASH OR CASHIERS CHECK.**

Special taxing districts and the boundaries of such districts may be on file with the Board or County Commonees, the County Clerk, or the County Assessor,

This certificate does not include land or improvements assessed under a separate account number, personal property taxes, transfer tax or misc. tax collected on behalf of other entities, special or improvement district assessments or mobile homes, unless specifically mentioned.

I, the undersigned, do hereby certify that the entire amount of taxes due upon above described parcels of real property and all outstanding sales for unpaid taxes as shown by the records in my office from which the same may still be redeemed with the amount required for redemption are as noted herein. In \_\_\_\_\_ whereof, have hereunto set my hand and seat,

TREASURER, MONTEZUMA, SHERRY  
DYESS, BY  
140 W. MAN STREET, SUITE 2, CORTEZ.  
COLORADO 81321 (970)

  
70 81321 (970) 565-7550

---

Nov 2, 2018      AM

Page 1 of 1

**CITY OF CORTEZ  
PLANNING AND ZONING COMMISSION  
RESOLUTION NO. 13, SERIES 2022**

**A Resolution Recommending Approval of a Rezoning of a .52-acre parcel located at 1345 S. Broadway, from R1 Residential Single Family to C, Commercial Highway**

WHEREAS, owner/applicants James L. & Jean M. Wootton have applied for review of a rezoning from R1 to C of a .52-acre parcel located at 1345 S. Broadway, Cortez, Colorado and more particularly described as follows (the "Property"):

*1345 S. Broadway, Cortez, located in Section 34, Township 36, Range 16, tr in SE1/4NW1/4*

WHEREAS, the Owner/applicant has applied to the City for a rezone from R1, Residential Single Family to C, Commercial Highway of the Property; and

WHEREAS, the Owner/applicant presented a request and necessary submittal items for review by the City Planning and Zoning Commission at a regular meeting held on December 6, 2022; and

WHEREAS, Land Use Code Section 6.02, Zoning Map and Land Use Code Amendments, indicates that the owner or developer of a property may request an amendment to the zoning classification of property; and

WHEREAS, the Planning and Zoning Commission reviewed the request for an amendment to the zoning classification from R1 to C and is recommending approval of the request on the Property, as evidenced in the adoption of P&Z Resolution No. 13, Series 2022; and

WHEREAS, the Owner/applicant has held legal ownership of the Property subsequent to the adoption of this P&Z Resolution No. 13, Series 2022, and is interested in further development of the Property; and

WHEREAS, based on the evidence and testimony presented at said meeting, the Planning and Zoning Commission is recommending approval of the requested zoning classification amendment; and

WHEREAS, it appears that all requirements of Chapter 6.00 of the City's Land Use Code for a zoning classification amendment have been met.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF CORTEZ PLANNING AND ZONING COMMISSION:



THAT, P&Z Resolution No. 13, Series 2022, establishes the finding for approval for the reclassification of the Property; and,

THAT, the reclassification and full application for the Property are hereby recommended to the Cortez City Council for approval, subject to the following findings:

1. The existing zone for the Property may have been adopted in error because the Property has a long history of commercial use, not residential.
2. The community will benefit from additional commercial use of the Property by the additional economic benefits of additional jobs, opportunities and taxes generated.
3. Adequate facilities are available to serve development for the type and scope suggested by the proposed zoning.
4. The proposal is in conformance with the policies, intents and requirements of the Cortez comprehensive plan.

MOVED, SECONDED, AND ADOPTED THIS 6<sup>th</sup> DAY OF DECEMBER, 2022

  
\_\_\_\_\_  
Robert Rime, Chairman

ATTEST:

  
\_\_\_\_\_  
Cheryl Lindquist, Deputy City Clerk

Cortez City Council

I am writing to oppose the change of zoning and change of use at 1345 S. Broadway. The Yellow Car Winery.

This area has been residential since at least the early 50s. Ertel heights was established with the concept that the front of the property along the highway would be commercial and the back would remain residential. This can be seen with the businesses along South Broadway and the houses behind them. It would seem that this is on the edge of a spot zoning.

The access along the frontage is not up to City standards and there has been NO approval from CDOT. The turning of large motor homes and pull behind campers is then a climb up a steep grade to enter a narrow road to the property. This also creates a traffic hazard as you cannot pass each other without one vehicle having to pull off either road. If there were an emergency such as medical or fire there would be a lot of confusion with people and large vehicles trying to exit and emergency vehicles trying to get to the scene.

The owners had enough forethought to obtain a license from the State of Colorado for the operation of a winery and also the forethought to obtain a sales tax license from the City. There have been numerous additions to the property without building permits, electrical permits, no septic review, no building inspections, no health inspections and no fire inspections. There was never a survey done of the neighborhood as to the wine license, I am not sure if it required under State law. The set backs have not been honored and there have been more than 20 people at various evening and nighttime events that have also been accompanied by loud bands and music.

I would that this change be denied until such time as all laws , regulations and inspections be done and an access review and permit from CDOT be acquired.

Sincerely,

Kent and Sharon Lindsay

Grant and Tammy Lindsay  
1205 South Broadway  
Cortez, Colorado 81321  
(970) 560-1742

To: City of Cortez Council Members

Reference: rezoning of property located at 1345 So. Broadway, Cortez, Colorado

1. History of the zoning of this property:

**It is possible** to know what the original thought of the zoning was if you know the history.

When initially subdivided the city planners did an exemplary job of a planned lay out of residential properties to lie along the rim of Hartman Draw from North Street, which sits behind Steve Keetch Motors all the way South to the city limits. With commercially zoned properties existing closer to the highway for **proper access**. The property being proposed for rezoning was initially owned by Walt Ertel Senior and given to his Son John to potentially build a residence. John donated the property to the Jehovah's Witness church (**a nonprofit entity**). When the Jehovah's Witness built a new church the property could not be sold or rezoned as commercial (there may have also been deed restrictions) because of the access and was subsequently sold to Hospice (**another nonprofit entity**). The City allowed this **noncommercial use** of both entities due to the nature of the low impact of traffic and noise. Hospice was also unable to sell the property or have it potentially rezoned commercial due to its access. Access would require mitigation and approval from the Colorado Department of Transportation (C-DOT) The property was meant to be residential.

When Hospice decided to sell, we were given right of first refusal and were told they did have an interested buyer who had a hobby (wine making) and wished to have a small tasting room and patio. This being said, lead us to the decision to decline the purchase, thinking it would be great to have someone living there that could enjoy the area as much as we have and restore it to the residence it was originally meant to be. That restoration has been taking place since the purchase in 2018 with the majority of the structure 2738 sq. ft. of the 3323 being used as a residence.

2. Change in character of the area:

The neighborhood has not changed in character (**it is residential**) and there has been no commercial development. Entities occupying the structure at 1345 So. Broadway in the past as stated above were non- profit. We build our home in 1981, the residence to the north of us belonging to Kent and Sharon Lindsay was built in the 1970's and the residence belonging to Richard Lindsay also to the north has existed as residence for over 100 years.

3. Disruptions and concerns

The city granted a special use permit to operate a homebased business out of this residence which included **restrictions in an occupancy letter** (of which we only recently learned of in the fall of 2022). Many of the Items in this letter were never adhered to. We certainly would have contacted the city if we had known about these restrictions. **We were never informed**. I have provided photos that demonstrate the noncompliance that we have delt with and like the dumping onto our property and along our fence we are still dealing with. Once served a violation notice however, much was corrected

though there is still signage up and an unusable unlicensed vehicle in the front. As well as continued blockage of our drive and use of the easement which cannot be used by either party.

**Item g. of the letter of occupancy states the traffic will not disturb the other three homes further down the drive. No more than 4 persons be at the winery at a time. Item h. of the letter states no loud noise will be generated.** The past few years this has been an ongoing issue with the increase in the number of person and the live bands located a few feet from our home. When there is live music, it is so loud we can not even be in our homes and have been forced to leave. We have since been told that we needed to have called the police. I chose to try to talk with Mr. Wooten and resolve the matter in a more personal friendly manner, even suggesting to just give us a heads up when they were going to have a band and we could be gone. In retrospect we should have called the police as no one should be forced from their home.

#### Colorado Liquor Code

44-3-403 Limited winery license – rules (available open source online)

**II (B) The state licensing authority must consider the response from the local licensing authority, if any, and may deny the proposed sales room application if the local licensing authority determines the approval of the proposed sales room will impact traffic, noise, or other neighborhood concerns in a manner that is inconsistent with local regulations or ordinances, which may be determined by the local licensing authority without requiring a public hearing, or that the applicant cannot sufficiently mitigate any potential impacts identified by the local licensing authority.**

Local ordinances that define a limited winery and bar are what come into question. My understanding is a limited winery cannot operate as a bar and this appears to be what this entity has been doing.

The extended strawbale lined parking area and **enclosed patio** sits just a few feet from the property line. **The close proximity of the structures and the propane fires used,** present some major issue and concerns of fire hazard. We have experienced major fires in the past, with the more recent fire burning down the residence that sat directly behind the property in question. We have carried out major fire mitigation last summer along our fence line by removing all trees (some that we planted 40 years ago) and brush in an effort to protect our home. There is no room for expansion. Setbacks and fire codes need to be addressed regardless of the zoning of the property.

An extension of parking was added to accommodate large RV's, campers, vans, 5<sup>th</sup> wheels and buses. All of which use and park in the easement along the right of way to our property (easements cannot be used according to law), often blocking our access at all hours. These are most often parked overnight (was/is this entity permitted to run an RV park?). They have no existing facilities for this. **There are times when it would not be possible to get an emergency vehicle, fire truck or ambulance to our homes.** I have provided photos that demonstrate the impact. There have been mornings in which the driveway has been blocked and I've had to wait to be able to leave.

#### 4. Access

**By far the biggest concern is the safety of the public and should be yours.** There is no public access to this property, it is a private (though shared) drive that we have graveled and maintained. This driveway was not meant to and cannot sustain the use of large recreational vehicles. It extends to the

west from the State highway frontage road. All the traffic to this location is funneled to a turn off the highway at the bottom of a blind incline, with the speed limit increasing to 55 miles per hour just before the turn, in one of the most dangerous sections on this highway in the city limits. We have lived in this location for 42 years and have witnessed and heard countless accidents that have resulted in injury and death. The most recent being just a few weeks ago and I included a photo of that. With an increase in numbers and the nature of the vehicles (buses, RV's, 5<sup>th</sup> wheels, etc.) attempting to make that turn it has exponentially increased that danger. I have personally and fortunately avoided collisions as cars have attempted to pass those RV's stopped on the highway trying to make that turn.

When considering this proposal, I would like for you take into account not just the disruption it has created for us and for the area around us, but for the safety of those that travel that highway.

## 5. Development

This council has a unique opportunity to ensure that the development of our area is done in a **proper and safe** manner. The property that borders the frontage road to the East of the property in question is already zoned commercial and is owned by the Wootens. This large parcel provides plenty of room for expansion for their winery (which they have expressed the desire to do) with less impact to the existing homes and neighbors.

Thank you



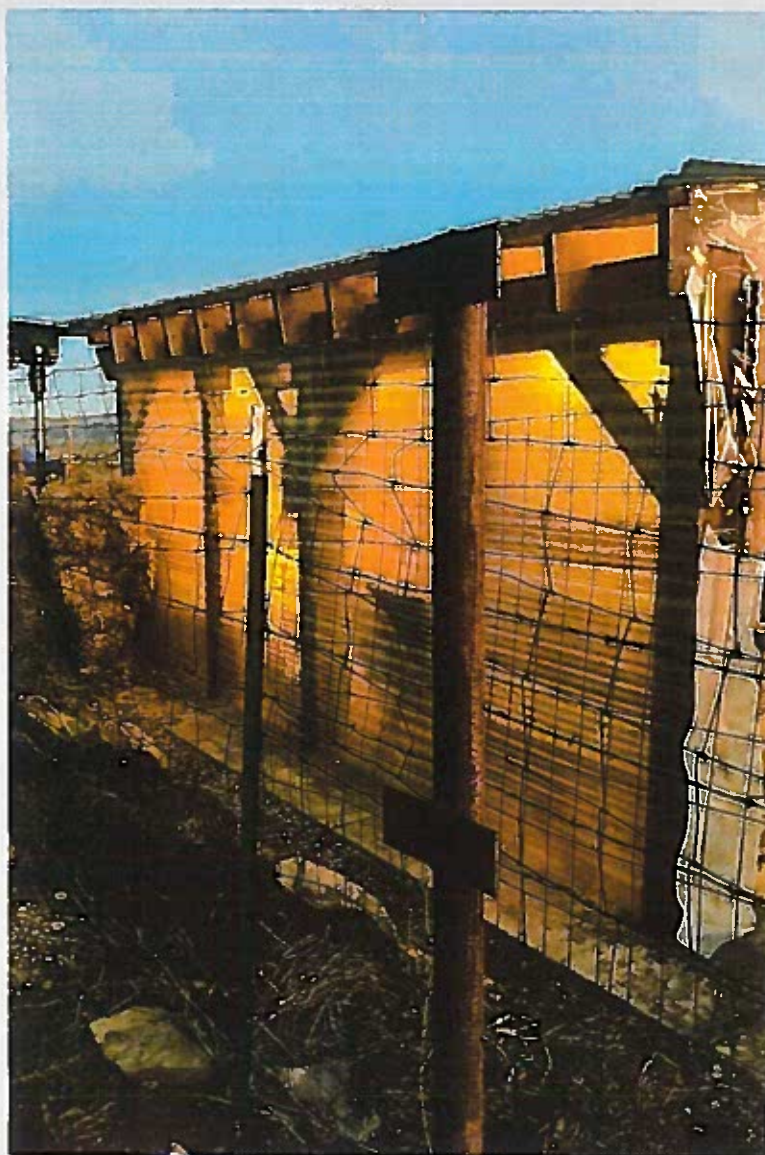




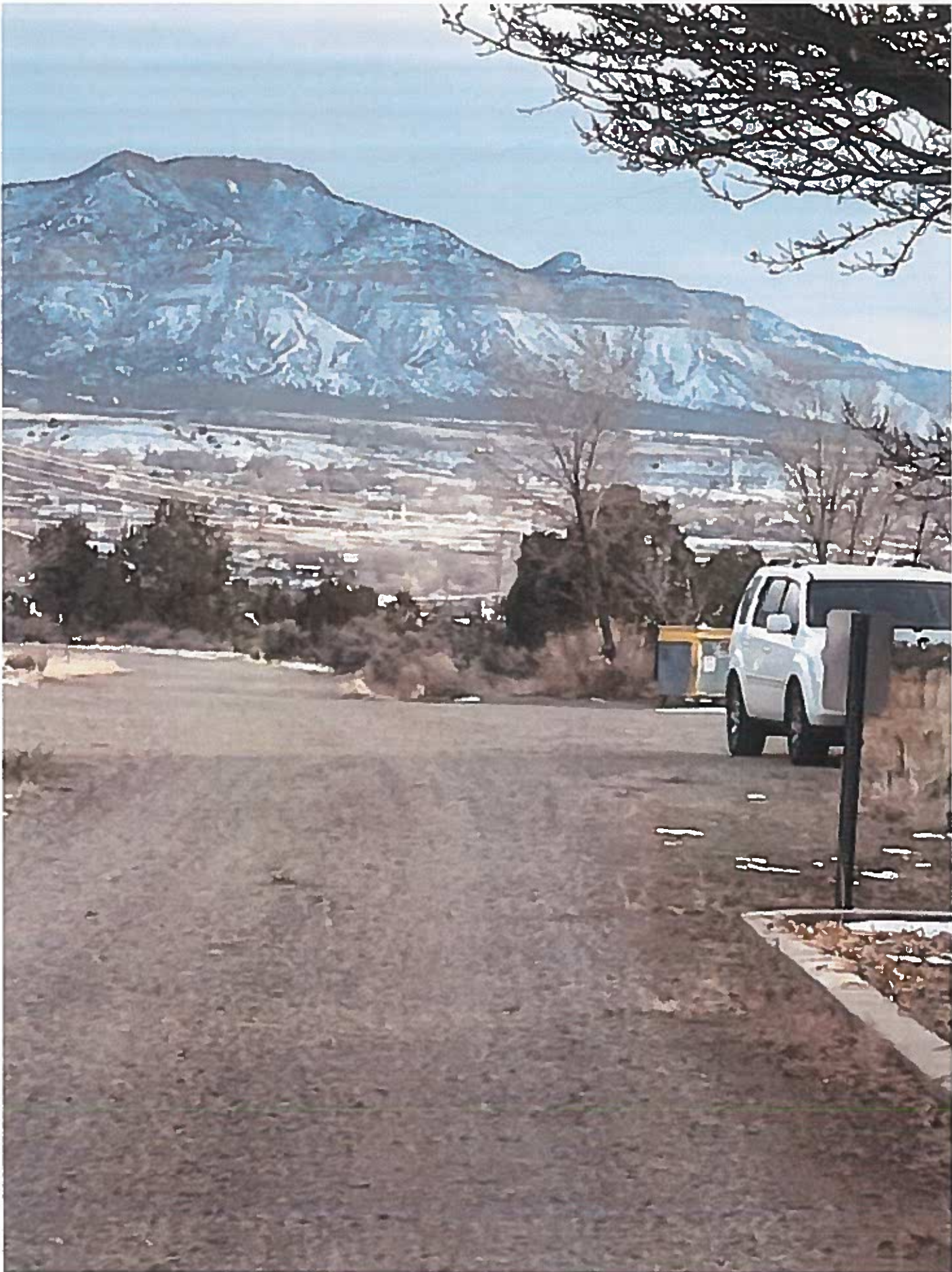


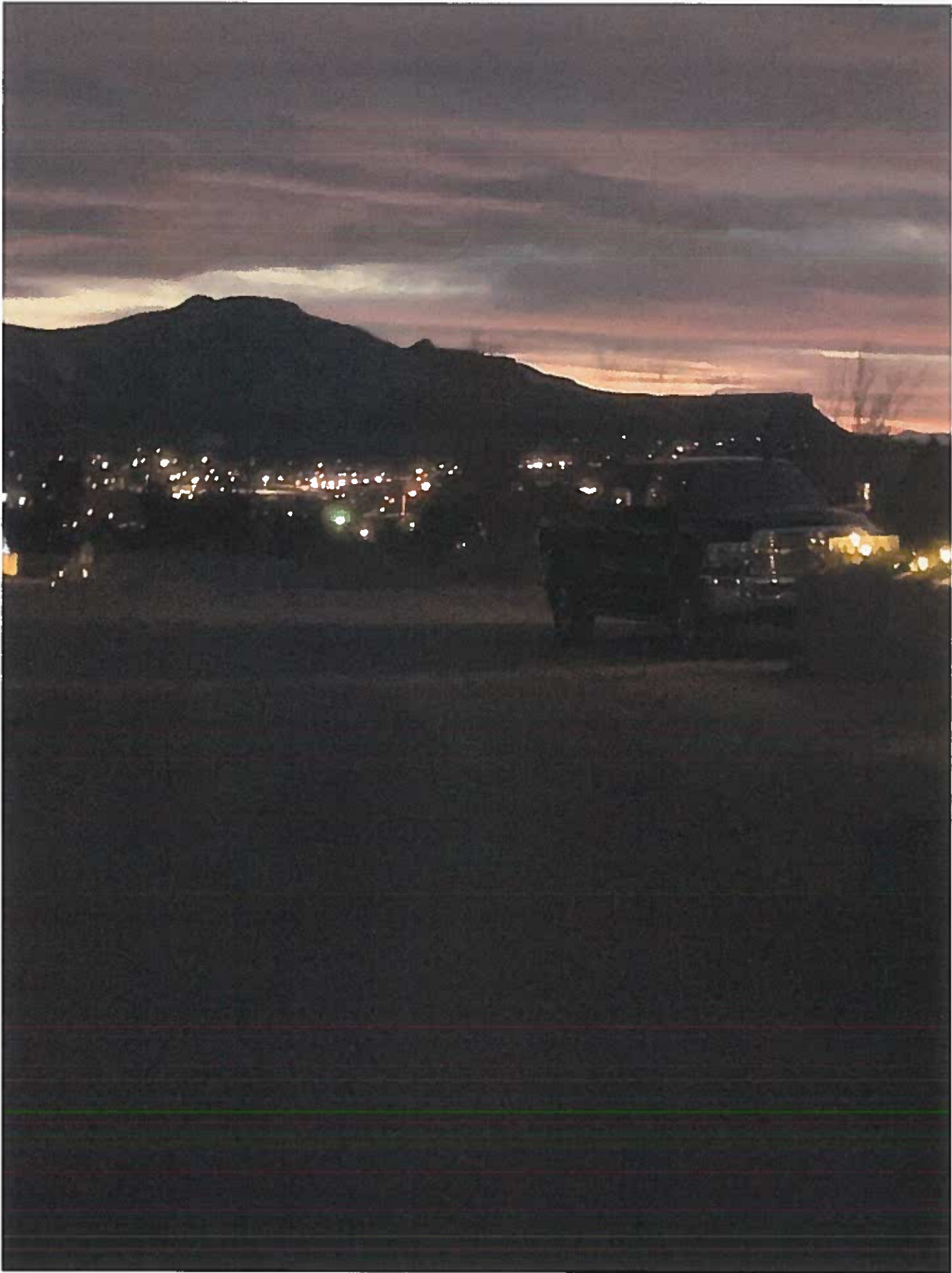








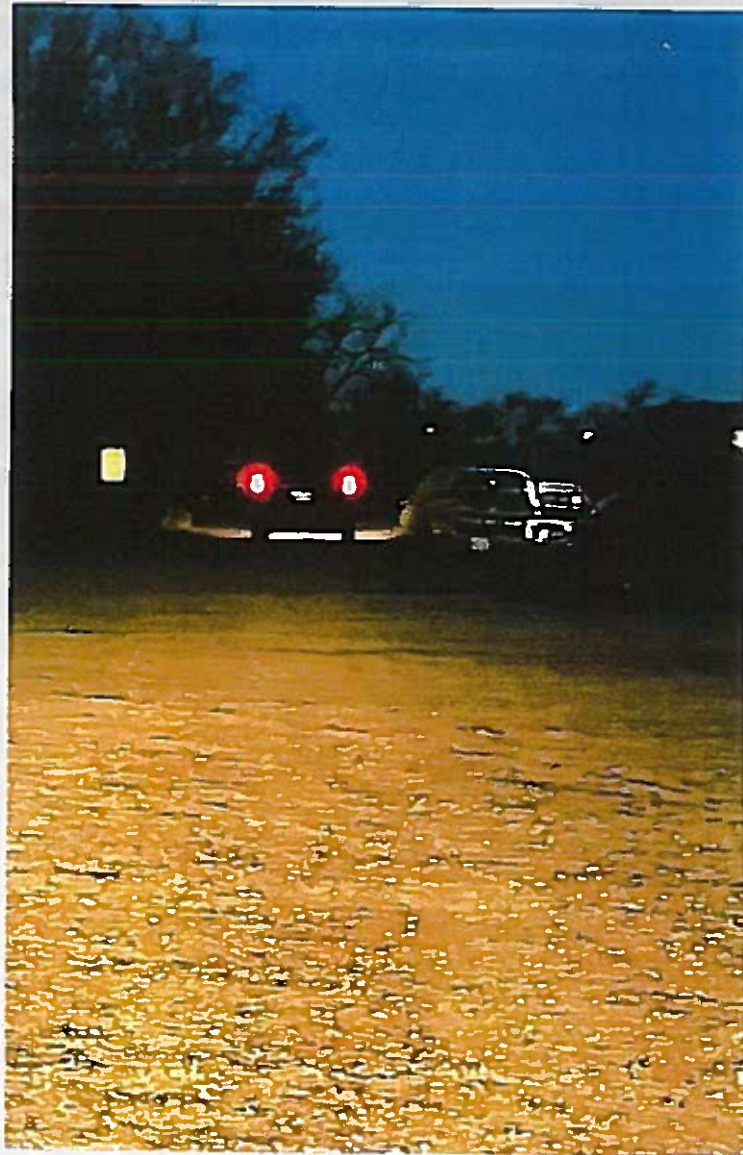
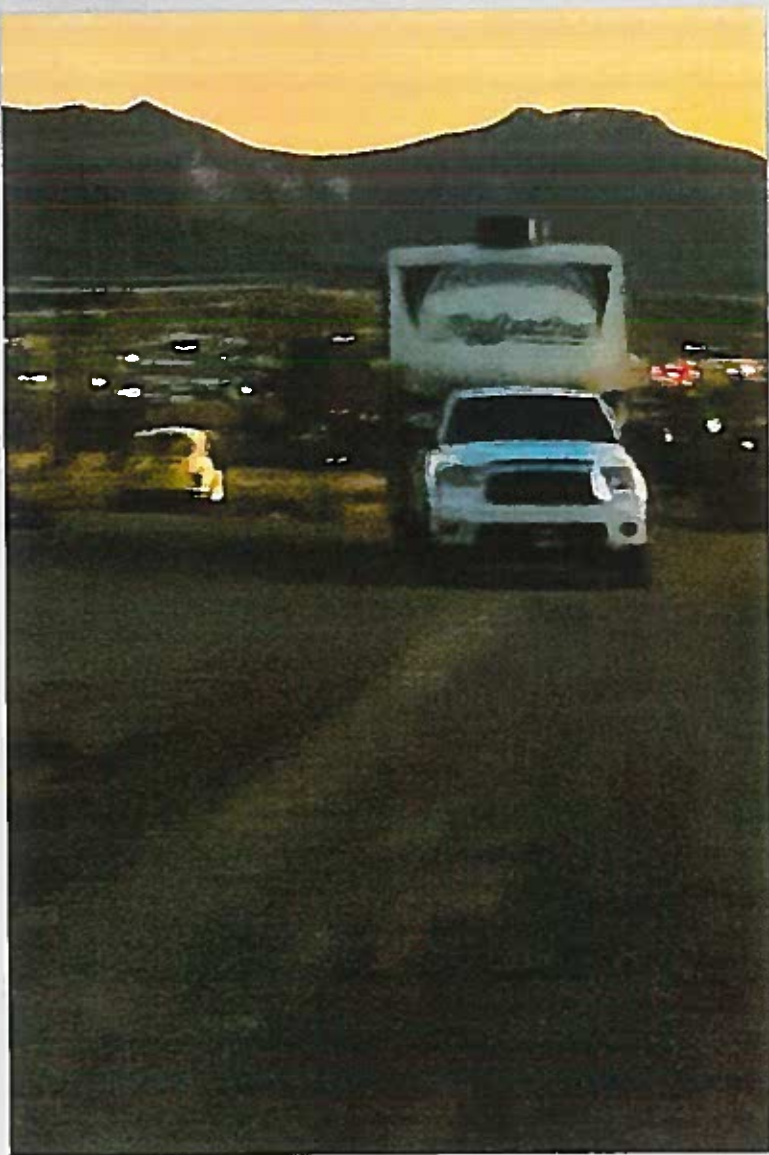




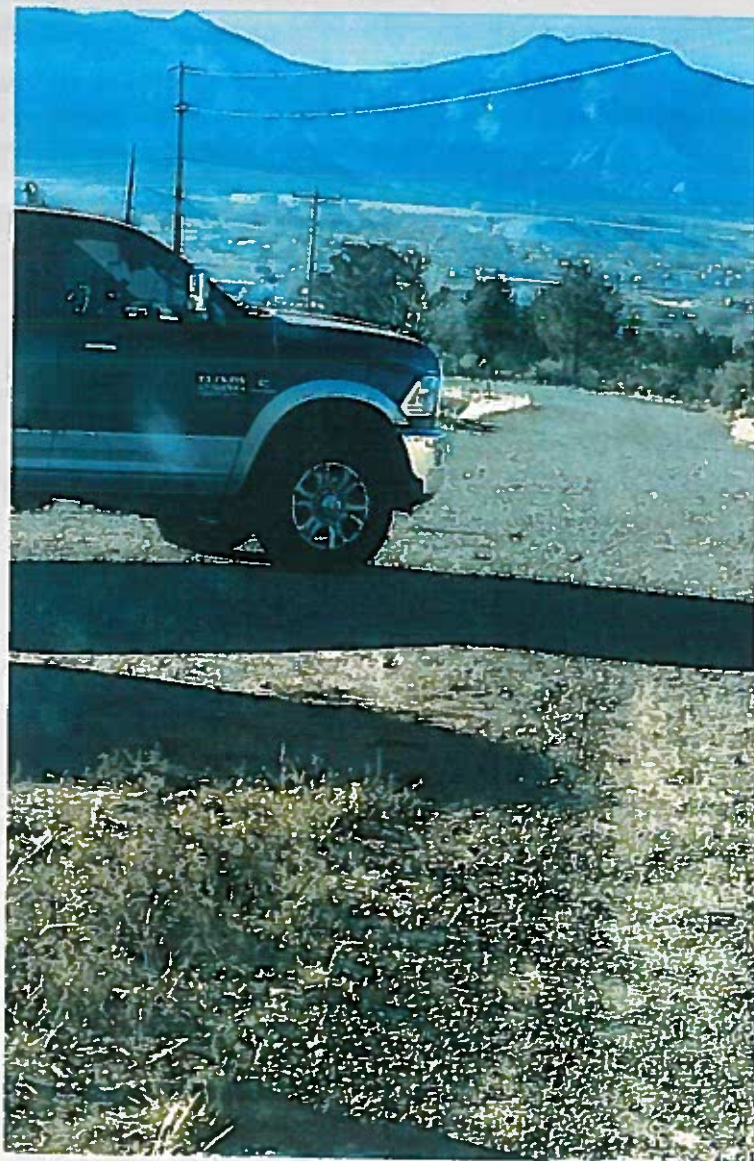
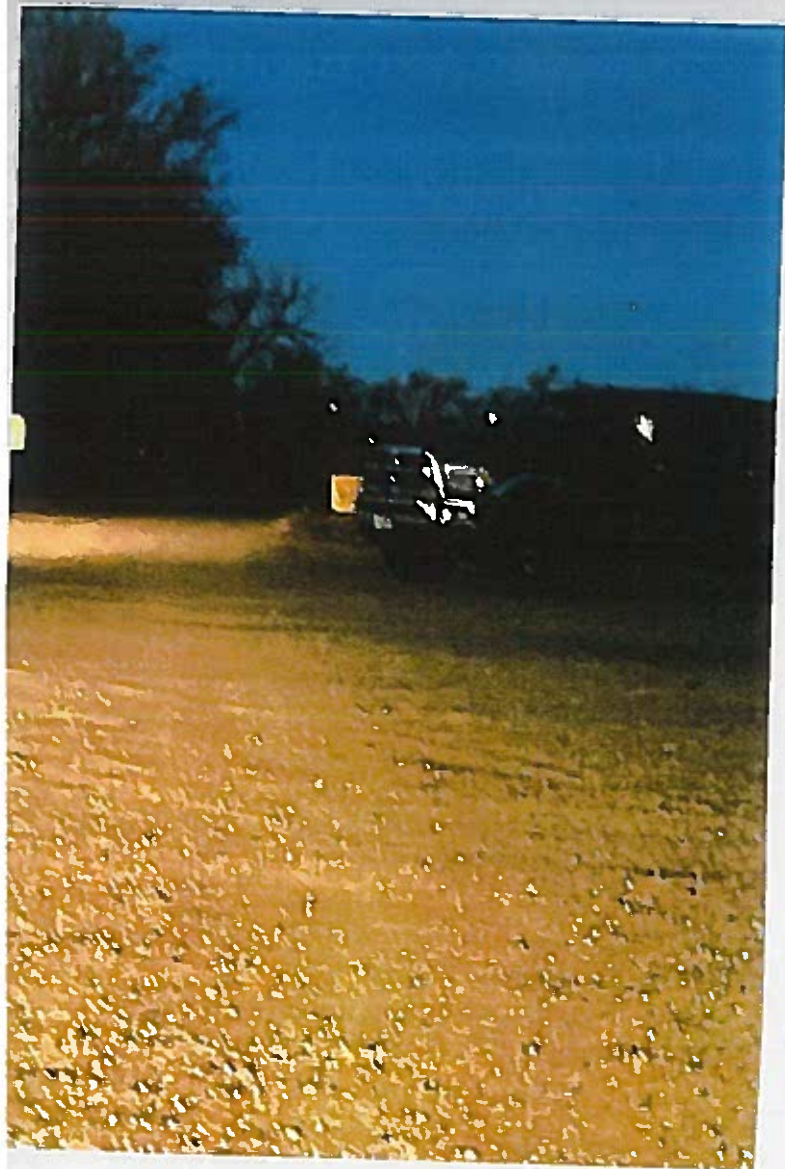




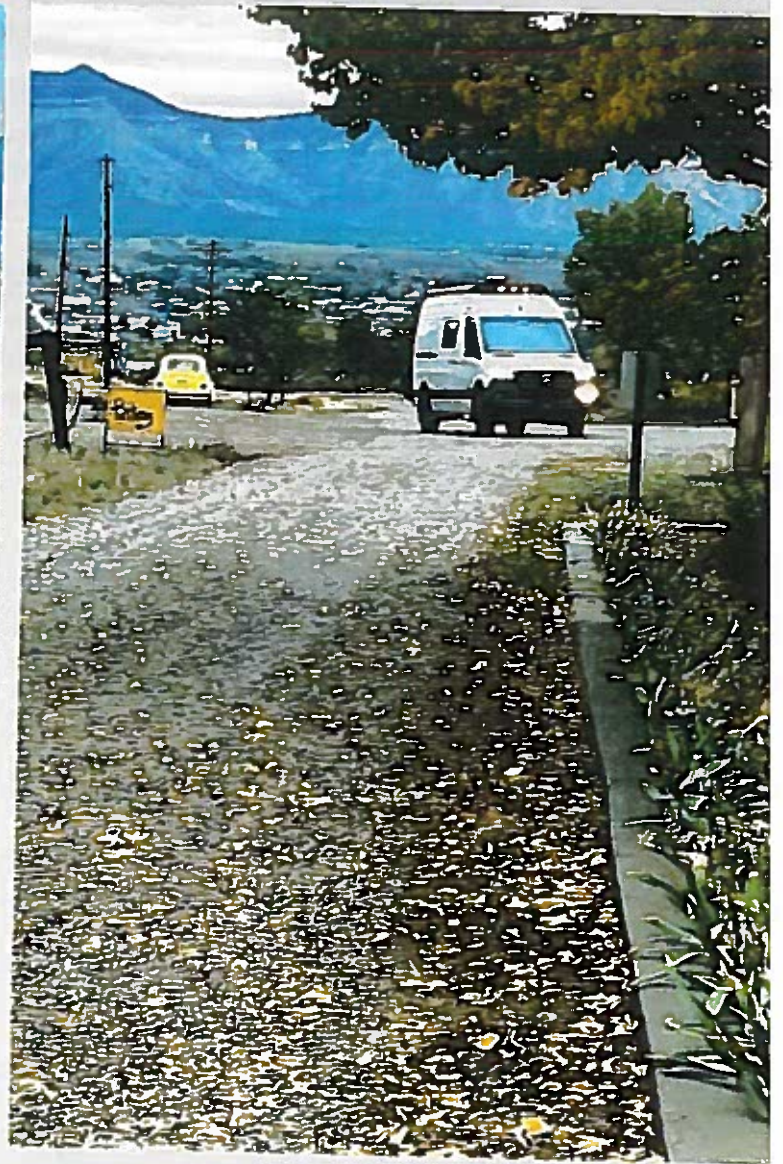
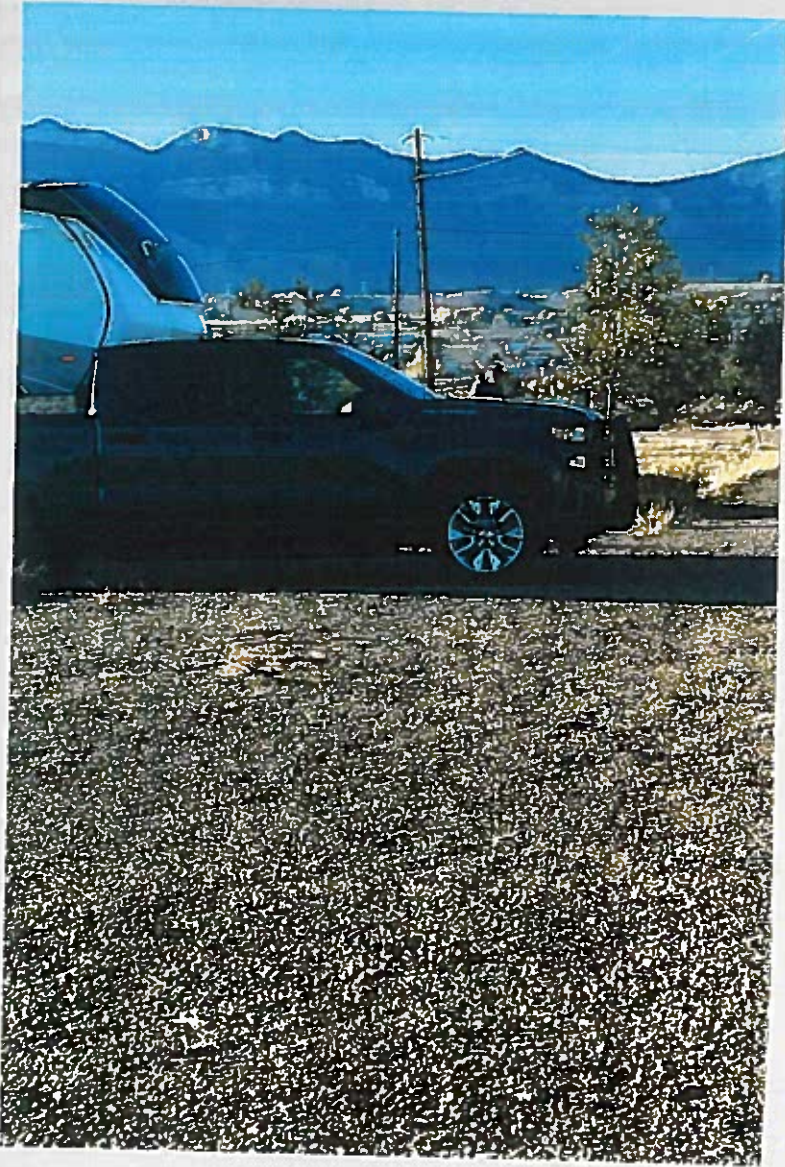




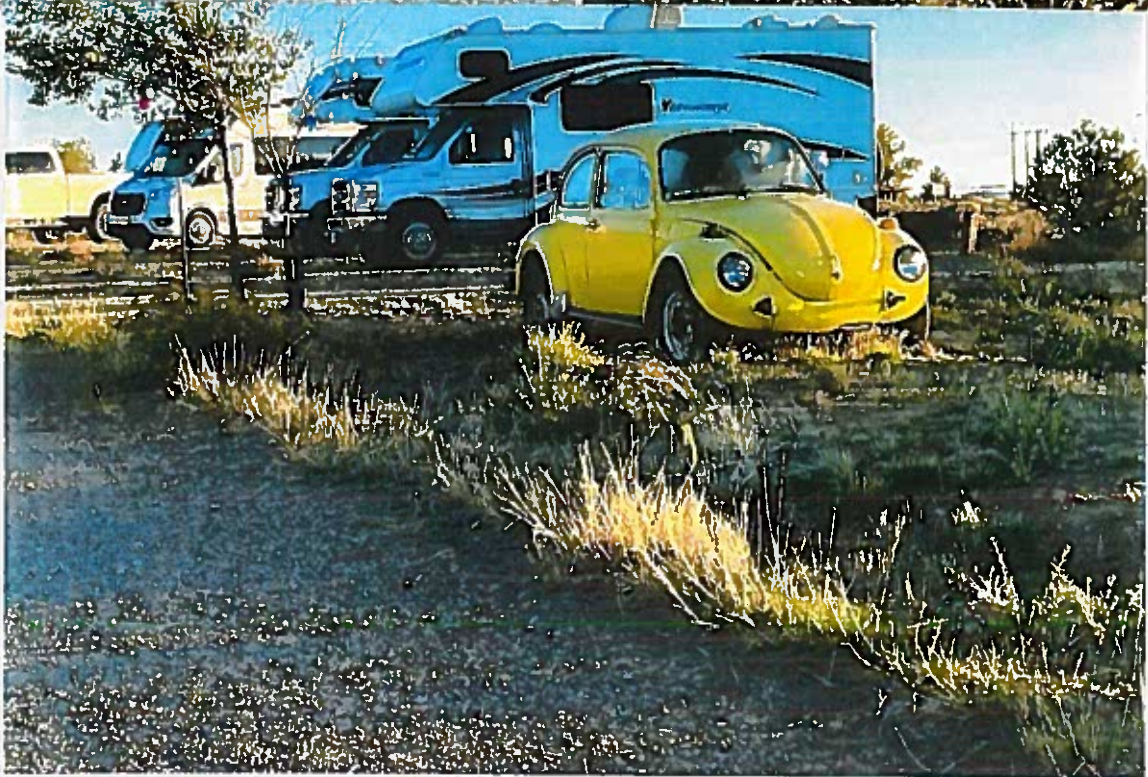
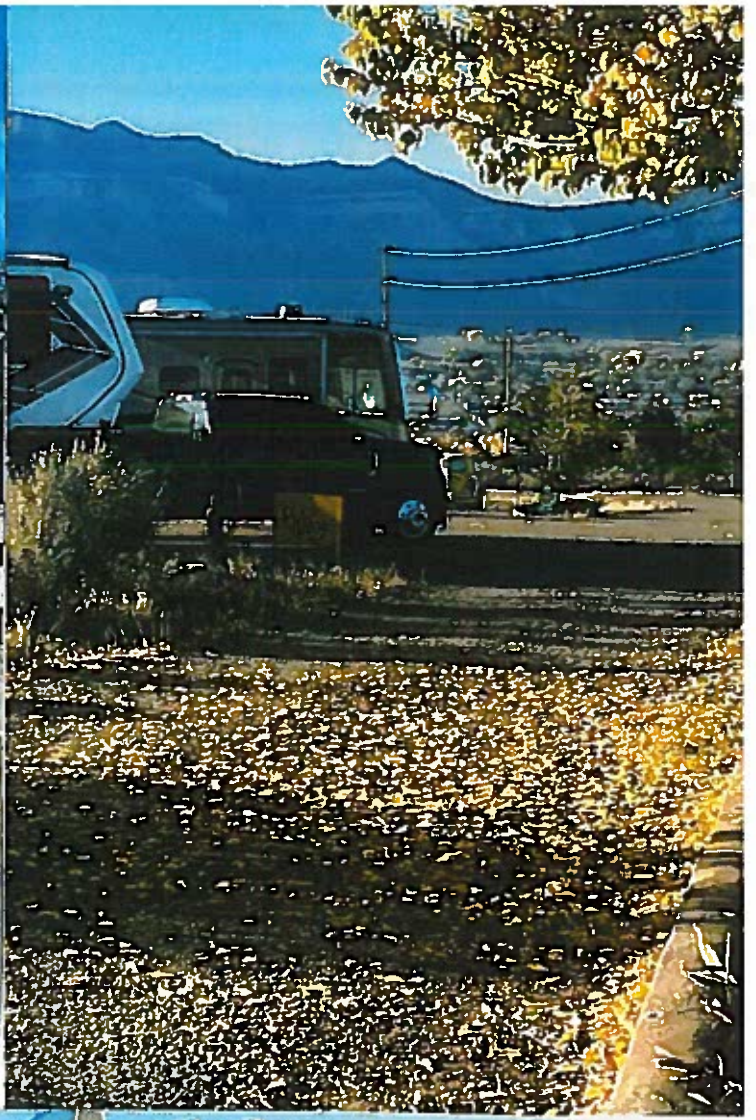




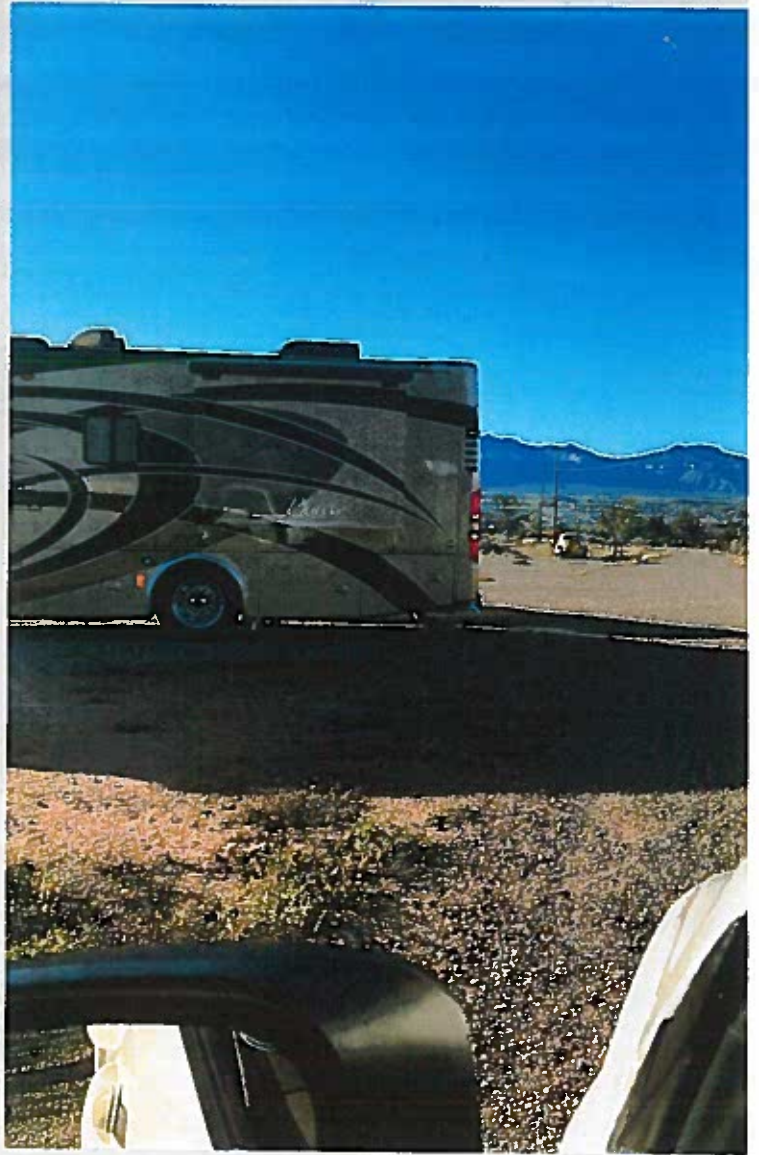




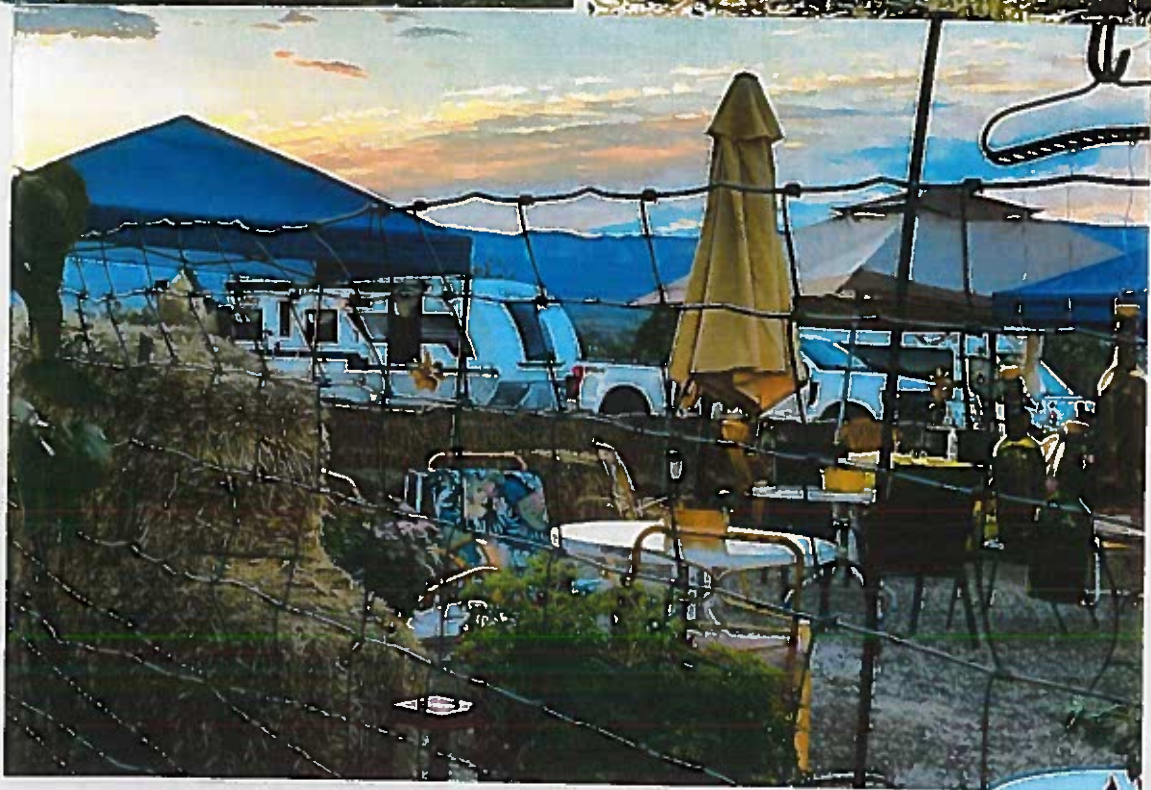
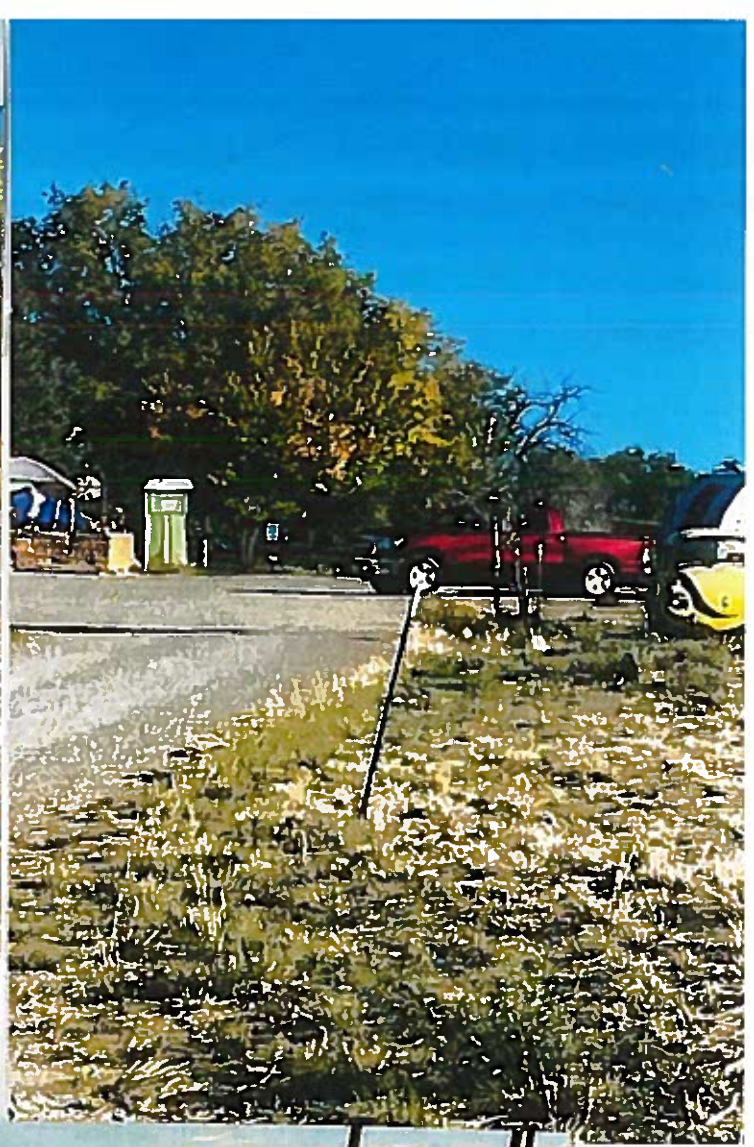
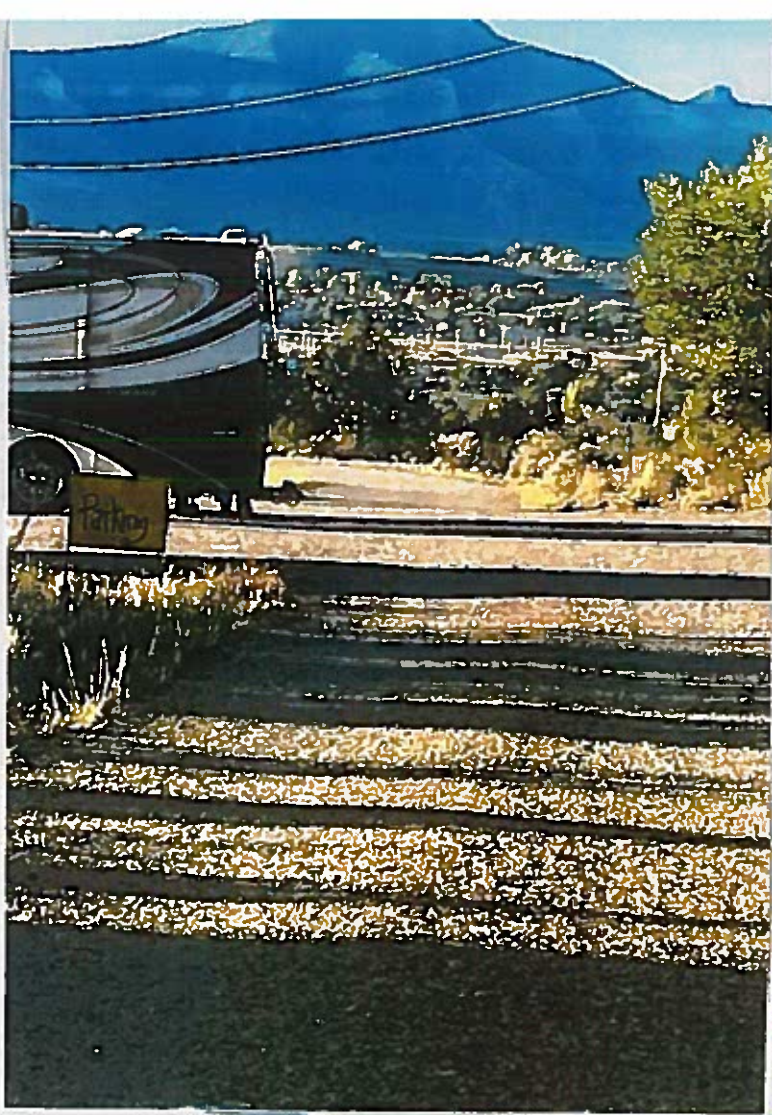




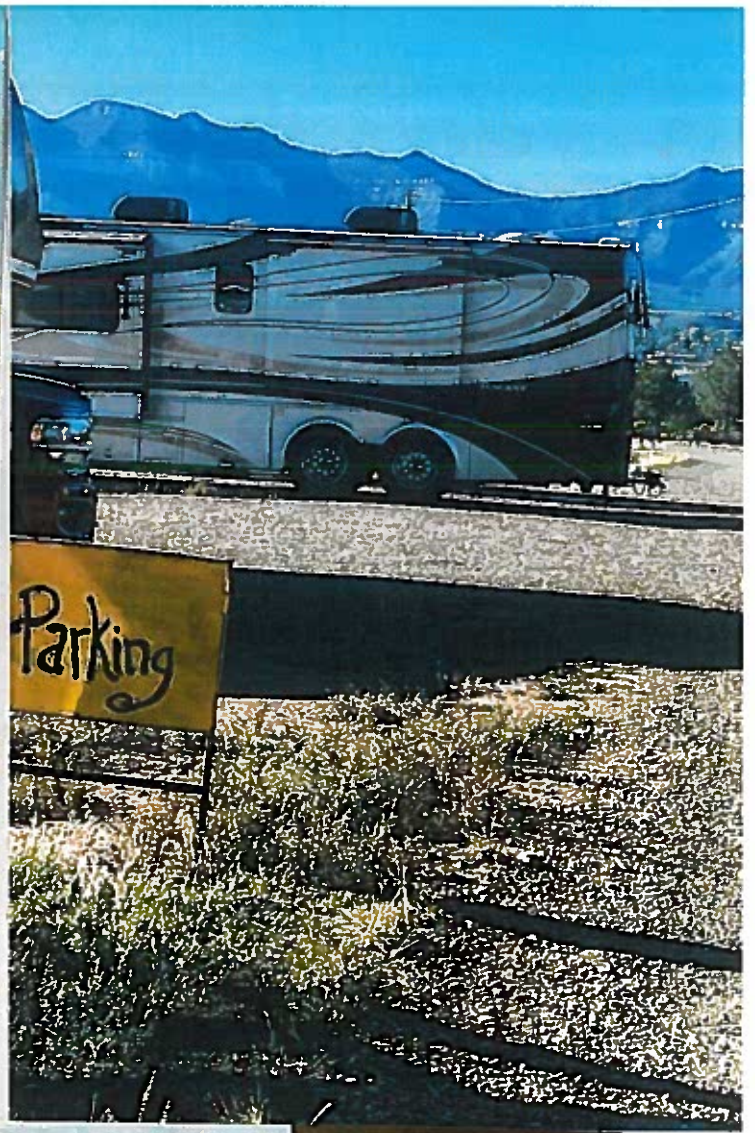
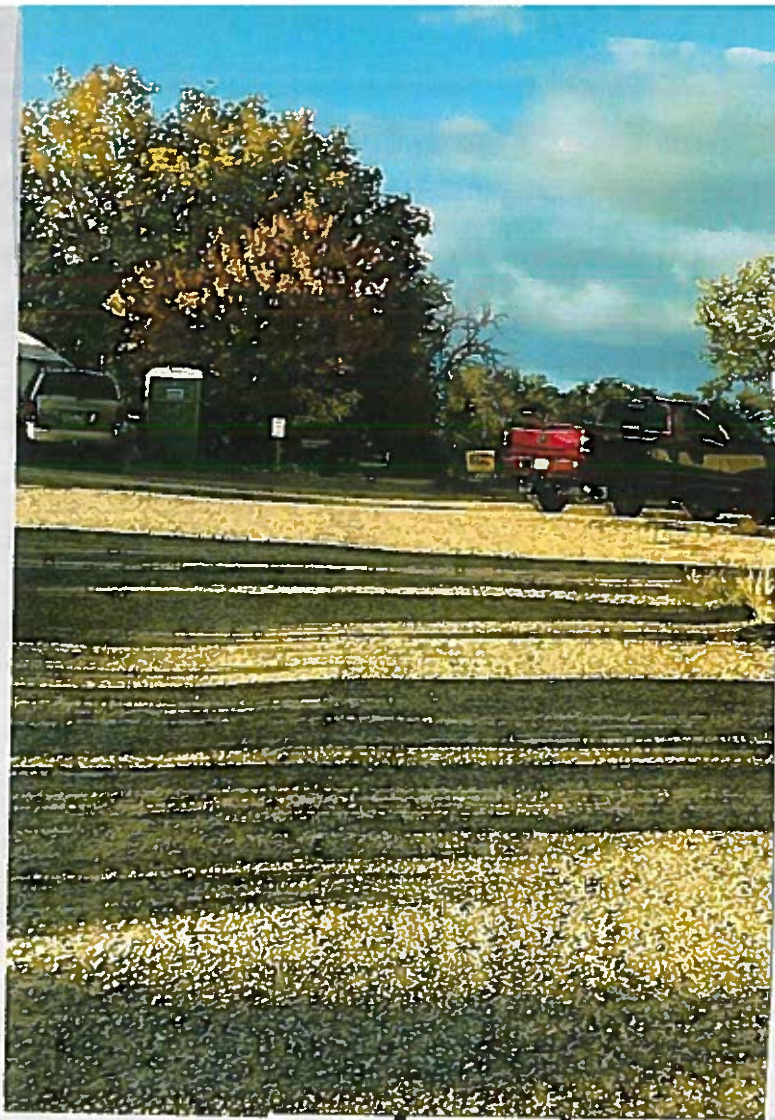




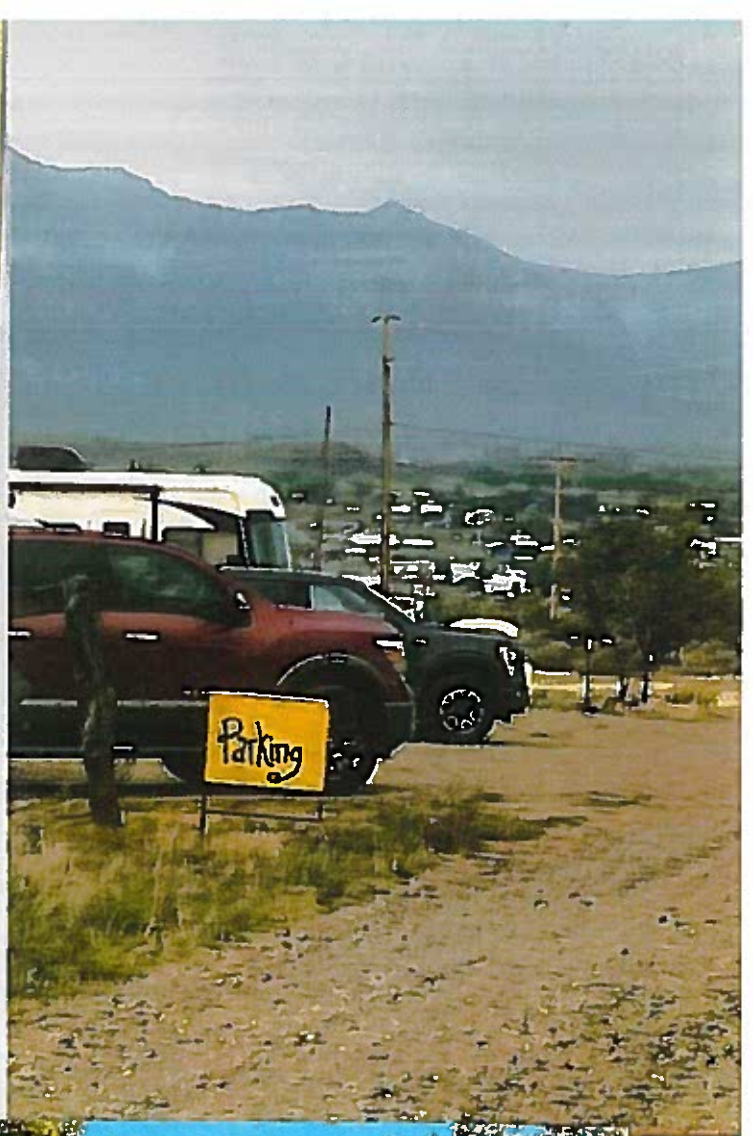
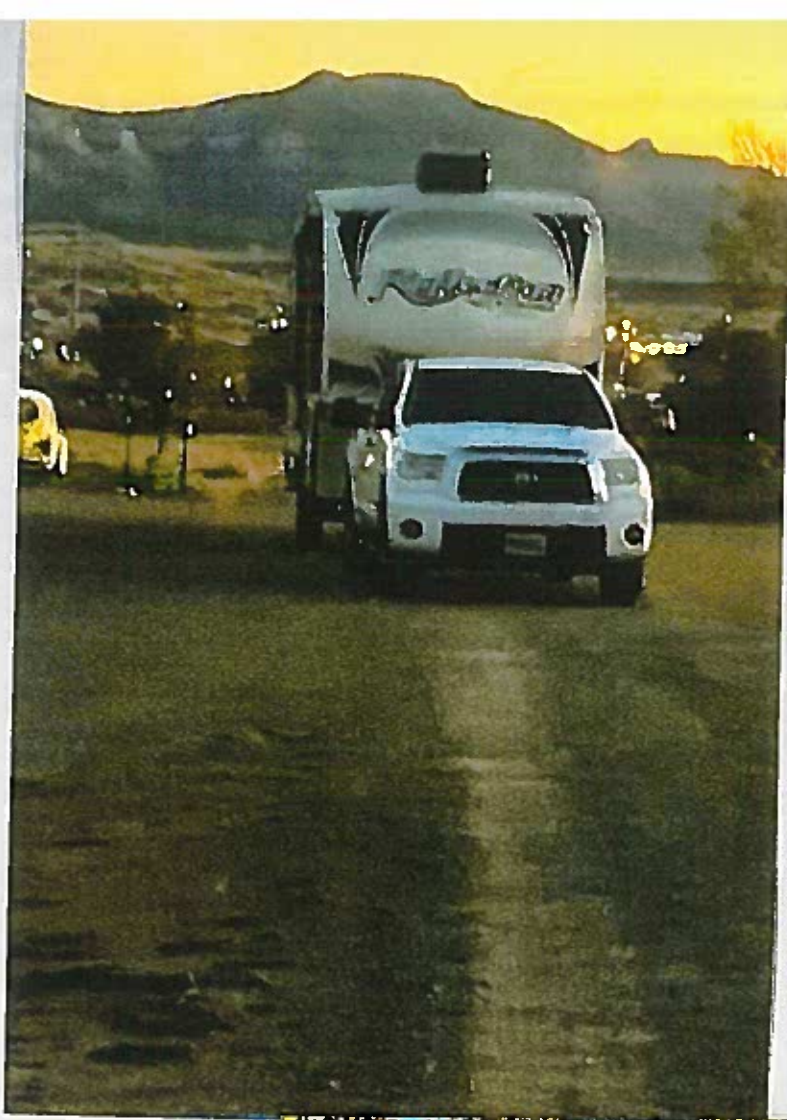












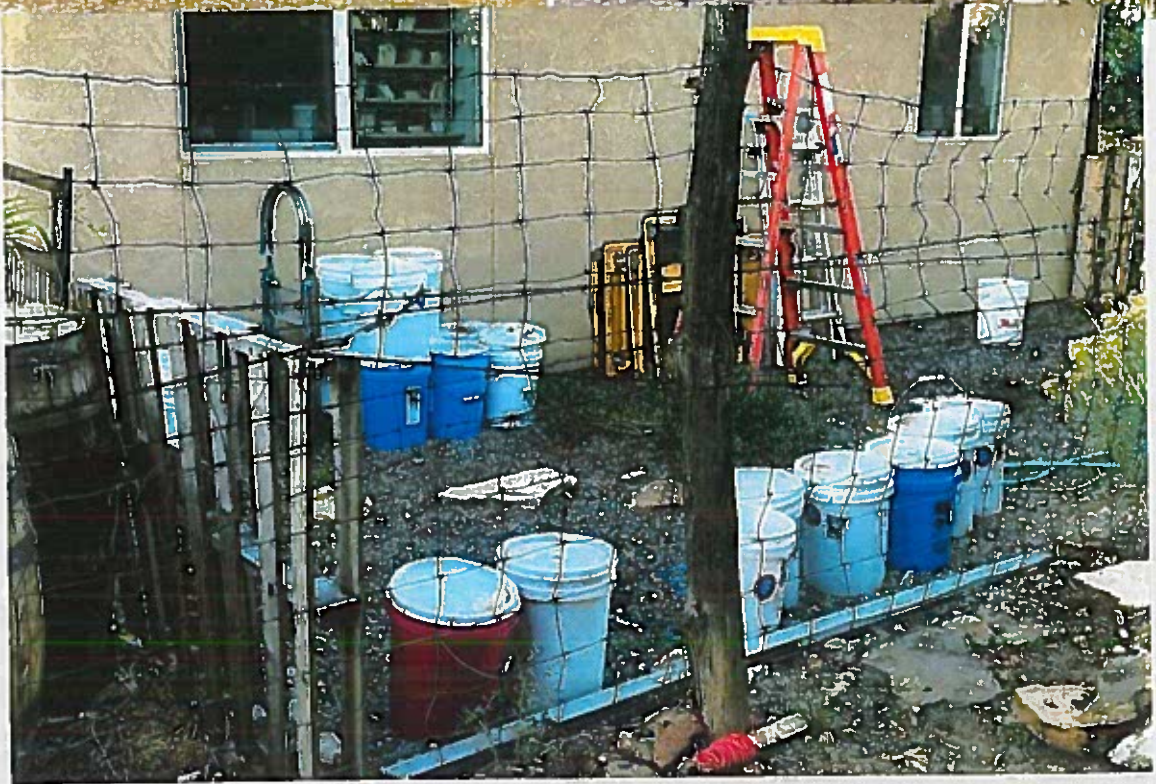




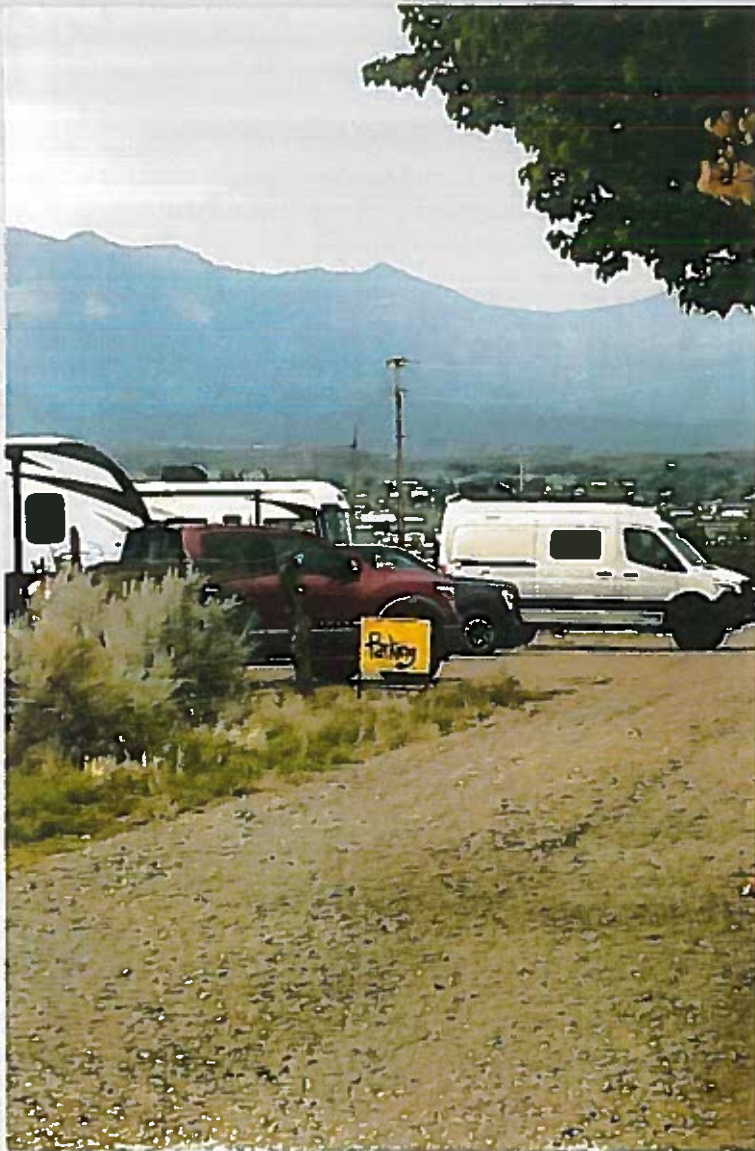
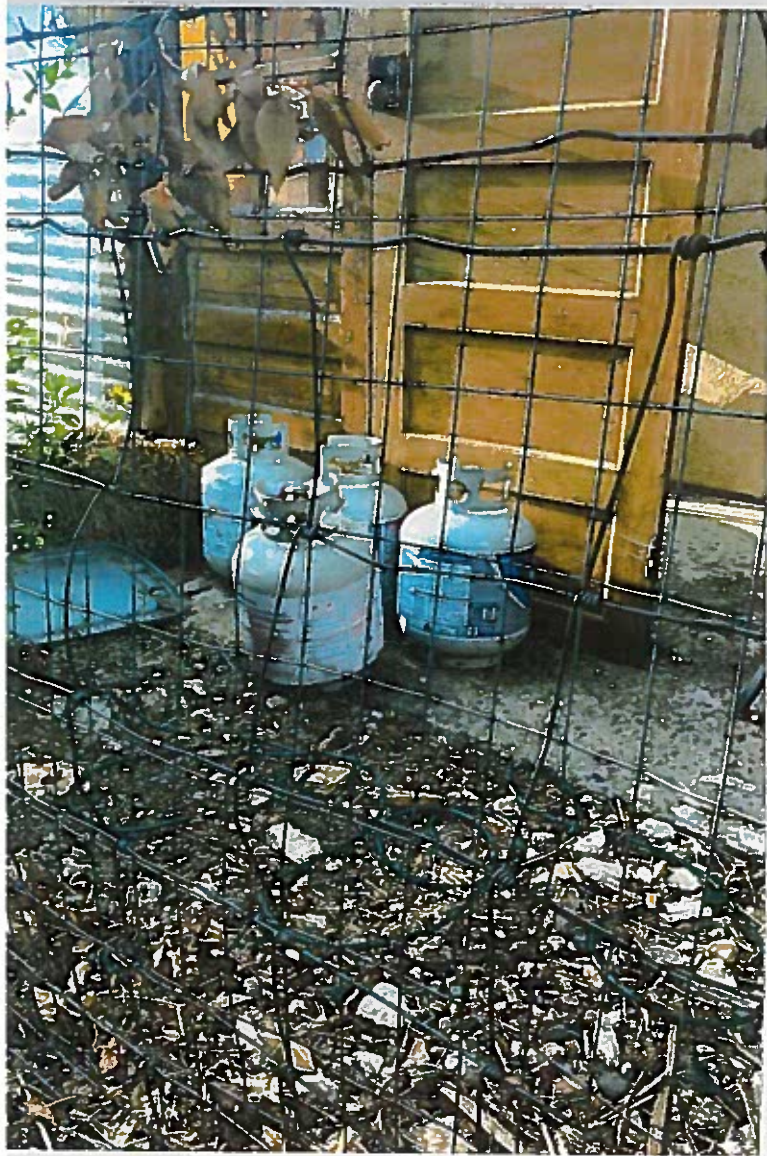
















CITY OF CORTEZ  
123 ROGER SMITH AVENUE  
CORTEZ, CO 81321

**Rachael Marchbanks**  
Community/Economic Development Director  
123 Roger Smith Ave  
Cortez, CO. 81321  
rmarchbanks@cortezco.gov

## Memorandum

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**To:** CORTEZ CITY COUNCIL

**From:** Cheryl Lindquist, Permit Technician/Deputy City Clerk

**Date:** 1/17/2023

**RE:** Ordinance No. 1315, Series 2023

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### DISCUSSION

This property is located in an unusual transition area of the City. Properties to the immediate north, south and east are zoned appropriately and developed as single family residential. The current R-1 zoning would allow for this parcel to be subdivided into 3 single family lots, however the property is immediately adjacent to a nonconforming use of an older mobile home park, making this property much less desirable for single family development.

The request is to rezone the property from R-1 to R-2, which would allow for single family, duplex or multi-family development. 4 single family lots could be developed, 6 duplex units (3 structures) or 8 townhouse style units. Should affordable housing be proposed, a maximum of 12 units could be developed. Of note, manufactured homes and parks are not allowed in the R-2 district.

### BACKGROUND

The .59 acre parcel located on the southwest corner of the intersection of N. Chestnut St. and W. Empire St. is currently zoned R-1. The parcel is vacant and for sale.

The site is bounded on the north and south by single family homes zoned R-1, on the west by the Rust Mobile Home Park which is a non-conforming property zoned R-1. Commercially zoned property is located to the northwest.

### FISCAL IMPACT

Fiscal impact has not been analyzed.

### RECOMMENDATION

Staff recommends that Council approve on first reading Ordinance No. 1315, Series 2023, an ordinance to rezone a .59 acre parcel located on the southwest corner of North Chestnut Street and West Empire Street, Cortez, Colorado, from R-1, Residential Single-Family District, to R-2 Residential Multi-Family District, and set for second reading and public hearing on February 14, 2023.

### MOTION

If agreed upon by the City Council, a possible motion would be:

Move to approve on first reading Ordinance No. 1315, Series 2023, an ordinance to rezone a .59 acre parcel located on the southwest corner of North Chestnut Street and West Empire Street, Cortez, Colorado, from R-1, Residential Single-Family District, to R-2 Residential Multi-Family District, and set for second reading and public hearing on February 14, 2023.

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## Attachments

Ordinance No. 1315, Series 2023  
Chestnut Memo  
Chestnut Additonal Information  
P&Z Resolution

**CITY OF CORTEZ**  
**ORDINANCE NO. 1315, SERIES 2023**

**AN ORDINANCE TO REZONE A .59 ACRE PARCEL LOCATED ON THE SOUTHWEST CORNER OF N. CHESTNUT ST. AND W. EMPIRE ST., CORTEZ, COLORADO, FROM R-1, RESIDENTIAL SINGLE- FAMILY DISTRICT, TO R-2 RESIDENTIAL MULTI-FAMILY DISTRICT**

WHEREAS, the owner/applicant, Donetta Hegwood (the “Applicant”), owns a .59 acre parcel of land located on the southwest corner of N. Chestnut Street and W. Empire Street, Cortez, Colorado, as more particularly described as follows (the “Property”):

Subdivision: CRSP ADDITION, Lots 2-8, Block 1, B612 P165-66

WHEREAS, the Applicant has applied to rezone the Property from R-1, Residential Single-Family District, to R-2, Residential Multi-Family District; and

WHEREAS, the Cortez Planning and Zoning Commission (the “P&Z Commission”) reviewed the application for rezoning in a public hearing at its regular meeting held on December 6, 2022; and

WHEREAS, based upon the evidence and testimony presented at the December 6, 2022 public hearing, the P&Z Commission recommended that the City Council approve the request for rezoning of the Property, as stated in P&Z Resolution No.12, Series 2022; and

WHEREAS, the authority and procedure for rezoning property is set forth in Chapter 6.02 of the Land Use Code of the City of Cortez; and

NOW, THEREFORE, BE IT ORDAINED BY THE CORTEZ CITY COUNCIL:

THAT all requirements of Chapter 6.02 of the Land Use Code of the City of Cortez for a zoning classification amendment have been met.

THAT the City of Cortez Official Zoning Map, adopted March 12, 1996, and effective June 1, 1996, and readopted December 11, 2001, shall be amended to change all that portion of the Property, as described above in this Ordinance, from the current zoning classification of R-1, Residential Single Family District, to R-2, Residential Multi-Family District.

REPEALER. All orders, bylaws, ordinances, and resolutions of the City, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed to the extent only of such inconsistency or conflict.

SEVERABILITY. If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

RECORDING AND AUTHENTICATION. Upon adoption hereof, this Ordinance shall be recorded in a book kept for that purpose and shall be authenticated by the signatures of the Mayor and the City Clerk.

EFFECTIVE DATE. This ordinance shall be effective upon publication after final passage of this ordinance on second reading.

FIRST READING: This ordinance shall be considered on first reading on January 24, 2023, at the hour of 7:30 p.m., in the City Council Chambers in City Hall, Cortez, Colorado, at which time the ordinance shall be introduced and authorized to be considered for approval at a public hearing on second and final reading at a later date.

PUBLIC HEARING: This Ordinance shall be considered for second and final reading on the 14<sup>th</sup> day of February 2023, at the hour of 7:30 p.m., in City Council Chambers in City Hall, 123 Roger Smith Ave, Cortez, Colorado 81321, at which time and place all persons may appear and be heard concerning the same.

PASSED, ADOPTED AND APPROVED ON FIRST READING THIS 24<sup>th</sup> DAY OF JANUARY 2023.

CITY OF CORTEZ

\_\_\_\_\_  
RACHEL B. MEDINA, MAYOR

ATTEST:

\_\_\_\_\_  
LINDA L. SMITH, CITY CLERK

PASSED, ADOPTED AND APPROVED ON SECOND AND FINAL READING THIS 14<sup>th</sup> DAY OF FEBRUARY 2023.

CITY OF CORTEZ

\_\_\_\_\_  
RACHEL B. MEDINA, MAYOR

ATTEST:

\_\_\_\_\_  
LINDA L. SMITH, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
J. PATRICK COLEMAN, CITY ATTORNEY



*City of Cortez Planning and Building*  
*123 Roger Smith Avenue Cortez, CO 81321*

Item No: 7b.

Meeting Date: January 24, 2023

Project No. ZA22-0655

**TITLE:** Public Hearing on an Application for a rezoning of a .59 acre parcel located on the southwest corner of N Chestnut St and W Empire St, also known as CRSP Addition, lots 2-8, Block 1 B612 P165-66, from R-1 Residential Single Family to R-2 Residential Multi-family.

**SUBMITTING DEPARTMENT:** Community and Economic Development

**ATTACHMENTS:** P&Z Resolution No. 12, Series 2022  
Application Packet

### **BACKGROUND**

The .59 acre parcel located on the southwest corner of the intersection of N. Chestnut St. and W. Empire St. is currently zoned R-1. The parcel is vacant and for sale.

The site is bounded on the north and south by single family homes zoned R-1, on the west by the Rust Mobile Home Park which is a non-conforming property zoned R-1. Commercially zoned property is located to the northwest.



*Vicinity Map*

## ISSUES

Sec. 6.02 of the Land Use Code establishes the following criteria for a zoning amendment:

1. Items for Consideration in Zoning Amendments. The planning commission shall in its action on the rezoning request, consider the following:
  - a. Was the existing zone for the property adopted in error?
  - b. Has there been a change of character in the area (e.g. installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.)?
  - c. Is there a need for the proposed rezoning within the area or community?
  - d. Are the proposed uses compatible with the surrounding area or uses; will there be adverse impacts; and/or can any adverse impacts be mitigated?
  - e. Will there be benefits derived by the community or area by granting the proposed rezoning?
  - f. Are adequate facilities available to serve development for the type and scope suggested by the proposed zone? If utilities are not available, could they be reasonably extended?
  - g. Is the proposal in conformance with the policies, intents and requirements of the Cortez comprehensive plan?
  - h. Does the proposed change constitute "spot zoning?"

## DISCUSSION

This property is located in an unusual transition area of the City. Properties to the immediate north, south and east are zoned appropriately and developed as single family residential. The current R-1 zoning would allow for this parcel to be subdivided into 3 single family lots, however the property is immediately adjacent to a nonconforming use of an older mobile home park, making this property much less desirable for single family development.

The request is to rezone the property from R-1 to R-2, which would allow for single family, duplex or multi-family development. 4 single family lots could be developed, 6 duplex units (3 structures) or 8 townhouse style units. Should affordable housing be proposed, a maximum of 12 units could be developed. Of note, manufactured homes and parks are **not** allowed in the R-2 district.

### Criteria:

- a. It is not possible to determine whether the property was zoned in error but it appears unlikely. The neighborhood on three sides is zoned and developed with single family homes, in conformance with the zoning. The older mobile home park located immediately to the west of the property is considered legal, nonconforming to the existing R-1 zoning, perhaps in an attempt to encourage redevelopment.
- b. The neighborhood does not appear to have experienced many changes in recent years, except perhaps for deterioration of the property to the west, which given its nonconforming status is likely to continue. There does appear to be a need in the neighborhood for more of a transition from the highway corridor and existing mobile home park to the developed single-family neighborhoods to the east.
- c. The recent Housing Study for the Cortez area demonstrates a need for additional housing opportunities, especially for multi-family development at a more affordable level. The existing owner has had the property listed for sale and had interest from several individuals interested in developing it for multi-family, but not for single family homes.
- d. The area is a mix of land uses, including both single family homes and an existing, older mobile home park. Commercial uses are to the northwest of the parcel. A small multi-family development, if well designed with adequate parking, could be considered compatible with the surrounding area.

- e. The rezoning to allow for multi-family development, in the midst of a housing crisis should provide the dual benefits of providing for additional housing and likely spurring development of a vacant parcel. While any housing proposed on the site is not guaranteed to be affordable, most often, multi-family development is sold or rented at the lower end of market rates.
- f. Adequate facilities for a small multi-family development are available, including water, sewer, access and all other utilities. Given its location as a proposed infill project, all other services including schools and public safety are also available.
- g. The Cortez Comprehensive plan includes numerous goals that support the requested rezone. Goals and policies include the following:
  - a. Promote infill opportunities within the corporate limits to preserve open space surrounding the City while making the best use of land within the City (Policy 5.1.12)
  - b. Encourage infill development on vacant land which will complement the established character of the neighborhood (Policy 5.4.1)
  - c. Strongly encourage new development proposed on surplus, vacant, or underutilized land throughout the city when the development is appropriate for the area and complies with the Land Use Code (Policy 5.4.2)
  - d. Encourage expansion of the housing supply within the City of Cortez to meet the needs of current and future residents (Goal 6.1, ongoing objective)
  - e. Strongly encourage the development of new housing on surplus, vacant, and underutilized land throughout the City, with appropriate incentives, zoning regulations, and development standards.
  - f. In addition to single family homes, promote the development of new duplexes and multi-family housing opportunities for families (Policy 6.4.30).
- h. The property is surrounded by R-1 zoned parcels with the exception of a small corner to the northwest. While this might normally be considered “spot zoning” the nonconforming status of the property immediately to the west creates a more complicated picture for this property.

## **AGENCY REVIEW**

### **GIS Coordinator (Doug Roth)**

No concerns. There are other existing multi-family developments in the surrounding blocks. For future development of this lot it is important to consider that access will need to be off of N Chestnut St., not Empire St.

### **Cortez Police Department (Andy Brock)**

The Cortez Police Department has no issues with the proposed re-zoning.

### **Cortez City Engineer (George Tripp)**

I defer to P&Z for mixed use zoning allowance. Just be aware, there may be an existing 18” PVC storm drain under the NE corner of the property.

### **Cortez Parks and Recreation (Creighton Wright)**

No comment.

## **PLANNING COMMISSION RECOMMENDATION**

At their meeting of December 6, 2022, the Planning and Zoning Commission **recommended that Council approve the requested rezone from R-1 to R-2 for property located on the southwest**

**corner of N Chestnut St and W Empire St, also known as CRSP Addition, lots 2-8, Block 1 B612 P165-66, as submitted by Donetta Hegwood through P&Z Resolutions No.12, Series 2022, with the following findings:**

1. There is a demonstrated need for additional housing in the City of Cortez
2. The proposed use of multi-family housing is compatible with existing development in the surrounding area.
3. Adequate facilities for the proposed use are already present in the area.
4. The proposed rezone is consistent with multiple goals of the Cortez Comprehensive Plan including the provision of additional housing opportunities and the development of a currently vacant, infill property.

### **ALTERNATIVES**

1. The Council can approve the rezone request from R-1 to R-2 for a .59 acre parcel located on the southwest corner of N Chestnut and W Empire as submitted by Donetta Hegwood.
2. The Council can deny the request for a rezoning and state their reasons; or
3. The Commission can ask for more information and table the application.

### **STAFF RECOMMENDATION**

#### **RECOMMENDATION**

Staff recommends that Council approve the requested rezone from R-1 to R-2 for property located on the southwest corner of N Chestnut St and W Empire St, also known as CRSP Addition, lots 2-8, Block 1 B612 P165-66, as submitted by Donetta Hegwood through Ordinance No.1315, Series 2023, with the following findings:

1. There is a demonstrated need for additional housing in the City of Cortez
2. The proposed use of multi-family housing is compatible with existing development in the surrounding area.
3. Adequate facilities for the proposed use are already present in the area.
4. The proposed rezone is consistent with multiple goals of the Cortez Comprehensive Plan including the provision of additional housing opportunities and the development of a currently vacant, infill property.



## APPENDIX D - CITY OF CORTEZ APPLICATION FOR ZONING ACTION

This application is for	
<input type="checkbox"/> Conditional Use Permit <input type="checkbox"/> Right-of-Way or Easement Vacation <input type="checkbox"/> Replat or Plat Amendment <input type="checkbox"/> Condominium Subdivision/Conversion	<input type="checkbox"/> Special Exception <input type="checkbox"/> Site Plan Review <input checked="" type="checkbox"/> Variance <input type="checkbox"/> Minor Subdivision

### 1. APPLICANT SHALL COMPLETE:

Donetta Hegwood 27221 Road M.T. Dolores, CO 81323 (970) 759-4234  
 Property Owner Mailing Address Phone/Fax

Same as above  
 Contact Person Mailing Address Phone/Fax

TBD N. Chestnut St., Cortez, CO 81321  
 Subject Property Street Address

Subdivision CRBP Addition Lot 28, Block 1, B612 P 165-66 R/478173  
 Legal Description; or ☒ Attached

Vacant Land  
 Existing Use(s)

Multi Family  
 Proposed Use(s) Square Footage Lot Coverage (%)

.590 Acres  
 Lot Size Proposed Building Height Off-Street Parking Spaces

Proposed Setbacks: Front Side Rear

Public Works Department Approval Sanitation District Approval

OATH OF APPLICANT	
<i>I hereby certify, subject to penalty of perjury, that the above is true and accurate to the best of my knowledge and that I understand all provisions of City and State codes applicable to the proposed development, any and all conditions placed upon the proposed development by the City Council and all information requested by this document. I also understand that if I violate any applicable provisions of City and/or State codes, I may be required to remedy such violation(s) through appropriate legal process imposed by the City, including moving or removing structures and ceasing of construction and/or uses</i>	
<u>Donetta Hegwood</u> Signature of Applicant	<u>11-8-22</u> Date

### 2. APPLICANT SHALL ATTACH 2 COPIES OF A COMPLETE SITE AND ACCESS PLAN OR PLAT SHOWING THE BUILDING OR STRUCTURE IN SUFFICIENT DETAIL TO DEMONSTRATE THAT THE PROPOSED CONSTRUCTION, RECONSTRUCTION OR CONVERSION, MOVING AND/OR ALTERATION IS IN CONFORMANCE WITH THE PROVISIONS OF THE APPLICABLE ACTION.

Other Items Required: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



**RE/MAX Mesa Verde Realty**

1640 E Main St.

Cortez, CO 81321

**Marti 970-739-0447**

**Casey 970-640-6378**

**Kim 970-301-0029**

To Whom it May Concern;

I am writing as a representative to Donetta Hegwood, owner of TBD N. Chestnut St. We are requesting a zoning change from R1 to R2 for this .59-acre parcel in Cortez city limits with the legal description - Subdivision: CRSP ADDITION Lot: 2-8 Block: 1 B612 P165-66.

The zoning change is being requested because we have received interest from multiple parties that would like to purchase this land. The reasons have ranged from workforce housing to multi family dwellings being used on the parcel.

This property sits adjacent to a non-conforming use property (Cortez Mobile Estates), the NW corner of the property is directly across the street from a parcel zoned commercial and it sits 3 parcels west of property zoned commercial on the Highway 491 corridor.

For the reasons stated above we feel this request is worth getting in front of the decision makers at the City of Cortez.

If any other information is needed with this application, please contact Casey Spitzer.

Thank You,

Casey Spitzer

Stephens Family Trust  
130 W Empire St.  
Cortez, CO 81321

Keith Evans  
10659 Road 26  
Cortez, CO 81321

Travis and Mia Parker  
702 N Chestnut St.  
Cortez, CO 81321

Kevin Foiles  
614 N Chestnut St.  
Cortez, CO 81321

Janet Bookless  
606 Colorado St.  
Cortez, CO 81321

Robert and Linda Sessler  
602 N Chestnut. St.  
Cortez, CO 81321

Melissa Mathews  
P.O. Box 441  
Mancos, CO 81328

Cortez Mobile Estates, LLC.  
212 E Desert Holly Dr.  
San Tan Valley, AZ 85143

Carl Godfrey  
705 N Chestnut St.  
Cortez, CO 81321

Joan Mercurio  
P.O. Box 1373  
Cortez, CO 81321

Terry Verdahl  
713 N Chestnut St.  
Cortez, CO 81321

Christiann Kantner  
706 N Chestnut St.  
Cortez, CO 81321

Kirk and Sandy Ruckman  
710 N Chestnut St.  
Cortez, CO 81321

Anthony Martinez  
102 MacArthur Ave.  
Cortez, CO 81321

Michael W. Taylor Trust  
P.O. Box 3066  
Pasole Robles, CA 93447

# Statement of Taxes Due

Account Number R018043	Parcel 561126205004
Legal Description	Situs Address
Subdivision: CRSP ADDITION Lot: 2-8 Block: 1 B612 P165-66 R/478173	TBD N. CHESTNUT ST CORTEZ

Account: R018043  
HEGWOOD, DONETTA  
27221 ROAD M.7  
DOLORES, CO 81323

Year	Tax	Interest	Fees	Payments	Balance
Tax Charge					
2021	\$219.00	\$0.00	\$0.00	(\$219.00)	\$0.00
Total Tax Charge					\$0.00
Grand Total Due as of 11/07/2022					\$0.00

Tax Billed at 2021 Rates for Tax Area 11001 - DISTRICT 11001

Authority	Mill Levy	Amount	Values	Actual	Assessed
MONTEZUMA COUNTY ROAD AND B	1.3126000	\$5.25	LESS THAN 1 AC	\$13,806	\$4,000
CITY OF CORTEZ R/B	1.3126000	\$5.25	Total	\$13,806	\$4,000
RE-1 CORTEZ	19.8810000	\$79.52			
CITY OF CORTEZ	1.1718000*	\$4.69			
MONTEZUMA COUNTY HOSPITAL D	0.9940000	\$3.98			
MTZ-DOLORES CTY METRO REC D	0.7770000	\$3.11			
CORTEZ CEMETERY	0.3510000	\$1.40			
DWCD	0.4830000	\$1.93			
DWCD BOND/DEBT	1.8159000	\$7.26			
SOUTHWEST WATER CONSERVATIO	0.4070000	\$1.63			
MOSQUITO DISTRICT	0.3920000	\$1.57			
CORTEZ FIRE DISTRICT	6.7280000	\$26.91			
CORTEZ FIRE ADDITIONAL LEVY	4.4821000	\$17.93			
MONTEZUMA-CORTEZ RE 1 BOND	2.9740000	\$11.90			
MONTEZUMA COUNTY GENERAL FU	10.8698000	\$43.46			
MONTEZUMA COUNTY SOCIAL SVC	0.8023000	\$3.21			
Taxes Billed 2021	\$4,7541000	\$219.00			
* Credit Levy					

ALL TAX LIEN SALE AMOUNTS ARE SUBJECT TO CHANGE DUE TO ENDORSEMENT OF CURRENT TAXES BY THE LIENHOLDER OR TO ADVERTISING AND DISTRAINT WARRANT FEES. CHANGES MAY OCCUR AND THE TREASURER'S OFFICE WILL NEED TO BE CONTACTED PRIOR TO REMITTANCE AFTER THE FOLLOWING DATES: PERSONAL PROPERTY AND MOBILE HOMES - SEPTEMBER 1ST, REAL PROPERTY - SEPTEMBER 1ST. TAX LIEN SALE REDEMPTION AMOUNTS MUST BE PAID BY CASH OR CASHIERS CHECK. MONTEZUMA COUNTY TREASURER, 140 WEST MAIN, SUITE 2, CORTEZ, CO 81321 (970) 565-7550.



# Property Record Card

Montezuma Assessor

**HEGWOOD, DONETTA**

27221 ROAD M.7  
DOLORES, CO 81323

**Account: R018043**

Tax Area: 11001 - DISTRICT 11001  
Acres: 0.590

**Parcel: 5611-262-05-004**

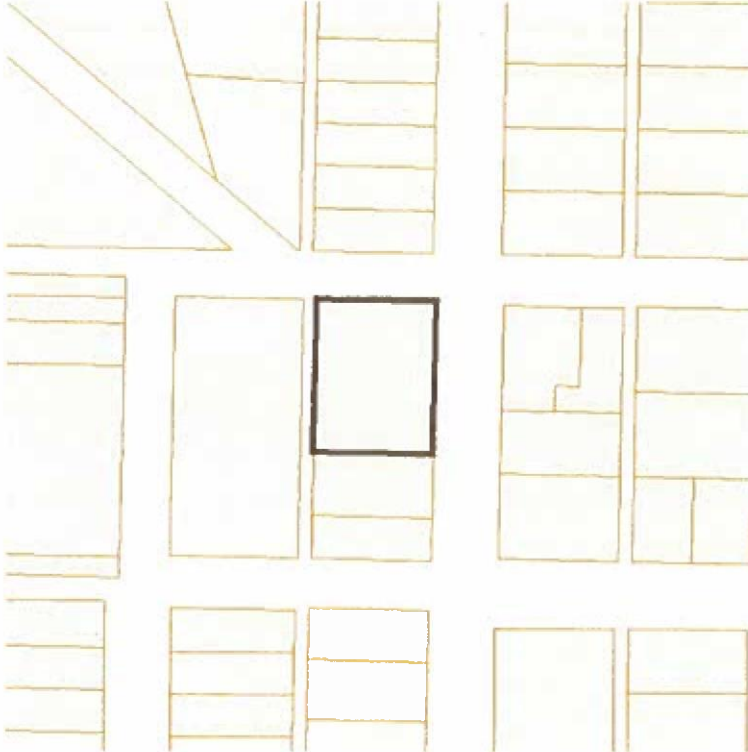
Situs Address:  
TBD N. CHESTNUT ST  
CORTEZ, 81321

## Value Summary

Value By:	Market	Override
Land (1)	\$13,806	N/A
<b>Total</b>	<b>\$13,806</b>	<b>\$13,806</b>

## Legal Description

Subdivision: CRSP ADDITION Lot: 2-8 Block: 1 B612 P165-66  
R/478173



## Land Occurrence 1

Property Code	0510 - LESS THAN 1 AC	Measure By	Acres
Acres	0.59	SQFT	93654
Units	0	Land Code	358150A - CORTEZ ACRES
Sewer Type	2 - COMM/PUBLIC		

SubArea	Actual	Effective	FinBsmnt	Footprint	Garage	LiveArea	UnfBsmnt
ACRES	0.59						
SQFT	93654						
Total	93,654.59						
	Value	Rate	Rate	Rate	Rate	Rate	Rate
	\$13,806	0.15					

## Abstract Summary

Code	Classification	Actual Value	Taxable Value	Actual Override	Taxable Override
0510	LESS THAN 1 AC	\$13,806	\$4,000	NA	NA
<b>Total</b>		<b>\$13,806</b>	<b>\$4,000</b>	<b>NA</b>	<b>NA</b>



DEPARTMENT OF PLANNING & BUILDING  
123 ROGER SMITH AVE, CORTEZ, CO 81321  
PH. 970-565-3402 FAX 970-565-8172  
24 HR. INSPECTION LINE: 970-564-4071

City of Cortez  
File Number: 22-000655

Commercial and Large Residential  
ZA22-000003

Project Address: TBD North Chestnut Street  
Legal Description:

Owner:  
Name: Donetta Hegwood  
Address: 27221 Rd M.7  
Dolores, Co /1323

Phone:

Project Description: Donetta Hegwood re-zone TBD N. Chestnut

Special Conditions: Note: This is a receipt only -- The Site Plan is subject to approval by the City of Cortez

**Fees:**

Description	Total Cost
Commercial and Large Residential Fee	500.00
<b>Total:</b>	<b>500.00</b>
<b>Total Paid:</b>	<b>500.00</b>
<b>Balance Due:</b>	<b>0.00</b>

**Payments:**

Date	Type	Reference	Receipt	Received	From	Amount
11/08/2022	Check	4280	325	Donetta Hegwood		500.00

Receipt No: 30 002391

Nov 8, 2022

Donetta Hegwood

Building Permits - Plans & Maps ZA22-3	500.00
Total:	500.00
Check                      Check No: 4280	500.00
Payor: Donetta Hegwood	
Total Applied:	500.00
Change Tendered:	.00

11/08/2022 10:31 AM

**CITY OF CORTEZ  
PLANNING AND ZONING COMMISSION  
RESOLUTION NO. 12, SERIES 2022**

**A Resolution Recommending Approval of a Rezoning of a .59-acre parcel located on the southwest corner of N Chestnut St and W Empire St, also known as CRSP Addition, lots 2-8, Block 1 B612 P165-66 from R1, Residential Single Family to R2, Residential Multi-Family**

WHEREAS, owner/applicant Donetta Hegwood has applied for review of a rezoning from R1 to R2 of a .59-acre parcel located on the southwest corner of N. Chestnut St. and W. Empire St, Cortez, Colorado and more particularly described as:

*CRSP Addition, lots 2-8, Block 1 B612 P165-66*

WHEREAS, the Owner/applicant has applied to the City for a rezone from R1 to R2 of said property; and,

WHEREAS, the Owner/applicant presented a request and necessary submittal items for review by the City Planning and Zoning Commission at a regular meeting held on December 6, 2022; and,

WHEREAS, Land Use Code Section 6.02, Zoning Map and Land Use Code Amendments, indicates that the owner or developer of the property may request an amendment to the zoning classification of property; and,

WHEREAS, the Planning and Zoning Commission reviewed the request for an amendment to the zoning classification from R1 to R2 and is recommending approval of the request on said property, as evidenced in the adoption of P&Z Resolution No. 12, Series 2022; and,

WHEREAS, the Owner/applicant has held legal ownership of the property subsequent to the adoption of said P&Z Resolution No. 12, Series 2022, and is interested in further development of this property; and,

WHEREAS, based on the evidence and testimony presented at said meeting, the Planning and Zoning Commission is recommending approval of the requested zoning classification amendment; and,

WHEREAS, it appears that all requirements of Chapter 6.00 of the City's Land Use Code for a zoning classification amendment have been met.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF CORTEZ PLANNING AND ZONING COMMISSION:

THAT, P&Z Resolution No. 12, Series 2022, establishes the finding for approval for the reclassification of the afore-mentioned property; and,



THAT, the reclassification and full application for said property are hereby recommended to Council for approval, subject to the following findings:

1. There is a demonstrated need for additional housing in the City of Cortez
2. The proposed use of multi-family housing is compatible with existing development in the surrounding area.
3. Adequate facilities for the proposed use are already present in the area.
4. The proposed rezone is consistent with multiple goals of the Cortez Comprehensive Plan including the provision of additional housing opportunities and the development of a currently vacant, infill property.

MOVED, SECONDED, AND ADOPTED THIS 6<sup>th</sup> DAY OF DECEMBER, 2022

  
Robert Rime, Chairman

ATTEST:

  
Cheryl Lindquist, Deputy City Clerk