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**CORTEZ CITY COUNCIL
WORK SESSION/SPECIAL MEETING
TUESDAY, FEBRUARY 25, 2025
6:45 p.m.**

CALL TO ORDER

- A. 6:45 p.m., Procedures for Amending the Cortez City Charter
Presented by City Attorney Patrick Coleman
- B. 7:10 p.m., Council General Discussion
- C. For Your Information
 - a. Thank You from Hospice of Montezuma.
 - b. Minutes for the Montezuma County Board of Commissioners Meeting on February 11, 2025.

ADJOURNMENT of Work Session.



CITY OF CORTEZ
123 ROGER SMITH AVENUE
CORTEZ, CO 81321

02/25/2025

Agenda Item: 1. A.

MEMO TO: Honorable Mayor and City Council

FROM: PATRICK COLEMAN, CITY ATTORNEY

SUBJECT: 6:45 p.m., Procedures for Amending the Cortez City Charter
Presented by City Attorney Patrick Coleman

Attachments

Memo Regarding Procedures to Amend Charter



City Attorney
City of Cortez
123 Roger Smith Avenue
Cortez, CO 81321

February 18, 2025

TO: Members of the Cortez City Council
FROM: Patrick Coleman, City Attorney
SUBJECT: Procedures for Amending the Cortez City Charter

1. Summary of the City’s Authority and Procedures to Amend the Charter

The City of Cortez derives its authority and the procedures to amend its charter from three sources:

- A. The Colorado Constitution, Article XX, Section 6,
- B. Colorado Revised Statutes Section 31-2-210
- C. The Cortez City Charter, Article XIX, Section 1.

Approval from the voters of the City is required to amend the Charter. The Cortez City Council needs to pass an ordinance (on first and second reading) that will adopt a ballot title and recommend any charter amendments for voter approval. After adopting the ordinance, the City shall submit the proposed charter amendments to a City-wide vote.

Within 30 days following the adoption of the ordinance, the City must publish a notice of the election, which notice must contain the full text of the proposed amendments. Not less than 60 days, nor more than 120 days, following the publication of the notice, the election must be held. The City can hold the election on November 4, 2025 (the general election date), or January 7, 2026 (a municipal special election – cannot be held within 3 months prior to the general municipal election) or on April 7, 2026 (the general municipal election), or anytime in 2026 after April 7, 2026 (a special election).

2. Legal Authority to Amend the Charter

A. Colorado Constitution, Article XX, Section 6 (states in part):

The people of each city or town of this state, having a population of two thousand inhabitants as determined by the last preceding census taken under the authority of the United States, the state of Colorado or said city or town, are hereby vested with, and they shall always have, power

to make, amend, add to or replace the charter of said city or town, which shall be its organic law and extend to all its local and municipal matters.

Such charter and the ordinances made pursuant thereto in such matters shall supersede within the territorial limits and other jurisdiction of said city or town any law of the state in conflict therewith.

It is the intention of this article to grant and confirm to the people of all municipalities coming within its provisions the full right of self-government in both local and municipal matters and the enumeration herein of certain powers shall not be construed to deny such cities and towns, and to the people thereof, any right or power essential or proper to the full exercise of such right.

The statutes of the State of Colorado, so far as applicable, shall continue to apply to such cities and towns, except insofar as superseded by the charters of such cities and towns or by ordinance passed pursuant to such charters.

B. 31-2-210. Procedure to amend or repeal charter (only relevant sections shown below).

(1) Proceedings to amend a home rule charter may be initiated by either of the following methods:

(a) Filing of a petition meeting the following requirements, in the following manner:

(I) The petition process shall be commenced by filing with the clerk a statement of intent to circulate a petition, signed by at least five registered electors of the municipality. The petition shall be circulated for a period not to exceed ninety days from the date of filing of the statement of intent and shall be filed with the clerk before the close of business on the ninetieth day from said date of filing or on the next business day when said ninetieth day is a Saturday, Sunday, or legal holiday.

(II) The petition shall contain the text of the proposed amendment and shall state whether the proposed amendment is sought to be submitted at the next regular election or at a special election. If the amendment is sought to be submitted at a special election, the petition shall state an approximate date for such special election, subject to the provisions of subparagraph (IV) of this paragraph (a) and subsection (4) of this section.

(III) A petition to submit an amendment at the next regular election must be signed by at least five percent of the registered electors of the municipality registered on the date of filing the statement of intent and must be filed with the clerk at least ninety days prior to the date of said regular election.

(IV) A petition to submit an amendment at a special election must be signed by at least ten percent of the registered electors of the municipality registered on the date of filing the statement

of intent and must be filed with the clerk at least ninety days prior to the approximate date of the special election stated in the petition.

(b) An ordinance adopted by the governing body submitting the proposed amendment to a vote of the registered electors of the municipality. Such ordinance shall also adopt a ballot title for the proposed amendment.

(4) The governing body shall, within thirty days of the date of adoption of the ordinance or the date of filing of the petition (if the same is certified by the clerk to be valid and sufficient), publish notice of an election upon the amendment or proposal, which notice shall contain the full text of the amendment or statement of the proposal as contained in the ordinance or petition. The election shall be held not less than sixty nor more than one hundred twenty days after publication of such notice; except that, if the proposal is for formation of a charter commission, the election shall be held not less than sixty days after publication of such notice. If the amendment or proposal is initiated by petition and is sought to be submitted at a special election, the election shall be held as near as possible to the approximate date stated in the petition, but in any event shall be held within the time limits stated in this subsection (4).

(5) The procedure for the forming and functioning of a new charter commission shall comply as nearly as practicable with [sections 31-2-204](#) to 31-2-207, relating to formation and functioning of an initial charter commission.

(6) If a majority of the registered electors voting thereon vote for a proposed amendment, the amendment shall be deemed approved. If a majority of the registered electors voting thereon vote for repeal of the charter, the charter shall be deemed repealed and the municipality shall proceed to organize and operate pursuant to the statutes applicable to a municipality of its size.

A Home rule city is created and derives powers from Article XX, Section 6 of the Colorado Constitution. A home rule city does not derive its powers over local matters from the general assembly but is created and derives its powers from this article. Burks v. City of Lafayette, 142 Colo. 61, 349 P.2d 692 (1960).

C. Cortez City Charter, Article XIX. - General Provisions, Sec. 1. - Amending the Charter.

This Charter may be amended at anytime in the manner provided by Article XX of the Constitution of the State of Colorado.

3. Procedures for Determining Proposed Amendments to the Charter

I suggest three possible methods for determining the proposed amendments to the Charter, which are:

A. Council led review during the Council Work Sessions; or

- B. Council appointed charter review committee, which could hold public outreach sessions and meet with Council in Work Sessions to report on the committee's progress and receive direction; or
- C. Council could hire a consultant to hold public outreach, prepare proposed amendments, and work with City staff or a charter review committee.

4. Recommendation

I recommend option "B" above: Council appointed charter review committee, which could hold public outreach sessions and meet with Council in Work Sessions to report on the committee's progress and receive direction. Hiring a consultant is generally an option used when a municipality is converting from a statutory municipality to a home rule municipality, or when a smaller municipality with limited staff resources is attempting to amend its charter. I think the City of Cortez has adequate staff, with the assistance of public members and some Council Members on a charter review committee can accomplish the goal of amending the Cortez City Charter.



CITY OF CORTEZ
123 ROGER SMITH AVENUE
CORTEZ, CO 81321

02/25/2025

Agenda Item: 1. C. a.

MEMO TO: Honorable Mayor and City Council

FROM: LINDA SMITH, CITY CLERK

SUBJECT: Thank You from Hospice of Montezuma.

Attachments

Thank You Letter from Hospice



January 24, 2025

City of Cortez
123 Roger Smith Ave.
Cortez, CO 81321

Dear Friends of City of Cortez,

Thank you so much for your generous donation of \$2000.00 to Hospice of Montezuma. It is greatly appreciated. As you know, it is the support of our community and friends that make it possible for us to continue serving everyone in our region who needs hospice care.

The last thing that families should have to worry about is how to afford the care that is needed for a loved one. Families are stretched financially and emotionally when caring for a loved one on Hospice and as they strive to manage their every day needs. You have provided, with your generous donation, some peace of mind for these families.

Hospice of Montezuma, Inc. is a 501 (c)(3) nonprofit organization. This letter serves as your receipt and acknowledges that no goods or services were provided in association with your contribution. Please keep this written acknowledgement of our donation for your tax records as the IRS will no longer accept your cancelled check as proof of any donation of \$250 or more.

Sincerely,

Carol A. Baumgartner
Executive Director

*Thank you for
your continued
support for our
community programs*

/uh

970-565-4400 | 970-565-9543 (fax)

HOSPICEOFMONTEZUMA.ORG

P.O. Drawer 740 | 512 N. Broadway, Cortez, CO 81321



CITY OF CORTEZ
123 ROGER SMITH AVENUE
CORTEZ, CO 81321

02/25/2025

Agenda Item: 1. C. b.

MEMO TO: Honorable Mayor and City Council

FROM: LINDA SMITH, CITY CLERK

SUBJECT: Minutes for the Montezuma County Board of Commissioners Meeting on February 11, 2025.

Attachments

Montezuma County Minutes

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
February 11, 2025**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday February 11, 2025 at the Montezuma County Administration building in Cortez, Colorado, there were present:

- Jim Candelaria, Chairman
- Kent Lindsay, Vice Chairman,
- Gerald Koppenhafer, Commissioner of Deeds
- Travis Anderson, County Administrator
- Stephen Tarnowski, County Attorney
- Kim Percell, County Clerk

CHAIRMAN CANDELARIA opened the meeting of February 11, 2025 with the Pledge of Allegiance.

MINUTES: Commissioner Koppenhafer moved to approve the Proceedings of the Board of County Commissioners of Montezuma County, for Tuesday, February 4, 2025 as presented. The motion was seconded by Commissioner Lindsay and carried.

PUBLIC HEARING: It being the time set aside a public hearing is held for review and determination of a proposed Subdivision Amendment and Rezoning Application, to Tract 1 of the Ferguson Subdivision, submitted by **Sharon & David Milholland**, on property located at 17813 Road G, Cortez, CO, consisting of 10.02 acres, more or less, located north of Road G, situated in Section 33, Township 36N, Range 17W, N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. Agent: Sharon_Milholland was present. **Planning Director, Don Haley** along with **Assistant, S. Jane Duncan** presented the details of the application and the findings of the Planning and Zoning Commission. Commissioner Candelaria opened the hearing to public comment. Hearing no public comment that portion of the hearing was closed. After hearing all the evidence presented Commissioner Koppenhafer moved to accept the proposed subdivision Amendment and rezoning application, to Tract 1 of the Ferguson Subdivision submitted by Sharon & David Milholland, on property located at 17813

Road G. Cortez Co. Second by Commissioner Lindsay and carried. Commissioner Candelaria closed the hearing at this time. (See attached)

PUBLIC HEARING: It being the time set aside a public hearing is held for review and determination of a proposed single Lot Development & AR3-9 Rezoning Application, submitted by **Martha Pickens**; agent: **Kyle Roberts**, on property located at 5321 Road 24.5, Cortez, CO, consisting of 60.00 acres, more or less, located north of Road E, west of Road 24.5, situated in Section 15 Township 35N, Range 16W, N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. Agent: Kyle Roberts was present. **Planning Director, Don Haley** along with **Assistant, S. Jane Duncan** presented the details of the application and the findings of the Planning and Zoning Commission. Commissioner Candelaria opened the hearing to public comment. Hearing no public comment that portion of the hearing was closed. After hearing all the evidence presented Commissioner Lindsay moved to accept the proposed single lot Development & AR3-9 Rezoning application, submitted by Martha Pickens: Agent Kyle Roberts, on property located at 5321 Road 24.5 Cortez Co. Second by Commissioner Koppenhafer and carried. Commissioner Candelaria closed the hearing at this time. (See attached)

Planning Director, Don Haley along with **Assistant, S. Jane Duncan** presented for signatures a Mylar for an Amendment to Lots 1 & 3 of the Adair Estate Cluster Incentive Planned Unit Development and AR3-9 Rezoning submitted by **Kenneth & Julie Derrick**, on properties located at 19424 Hwy 491 & TBD Road V.3, Lewis, CO, consisting of 28.65 acres & 3.05 acres, more or less, both located east of Hwy 491, north of Road V, situated in Section 6, Township 37N, Range 16W, N.M.P.M.

Planning Director, Don Haley along with **Assistant, S. Jane Duncan** presented for signatures of a Mylar for a Single Lot Development and Rezoning application, consisting of 3.5 acres, more or less, submitted by **Maness Family Farm, LLC**; agent: **Mark Maness**, on property located at 25080 Road H, Cortez, CO, consisting of 177.29 acres, more or less, located south of Road H, east of Road 25, situated in Section 2, Township 35N, Range 16W, N.M.P.M.

PUBLIC COMMENT: Public comment was made by **Allen Maez** and **Susan Kemnetz**.

UNFINISHED BUSINESS:

COUNTY TREASURER / TRUSTEE: During the Monday workshop **Treasurer, Ellen Black** met with the Commissioner's to present the **Schedule of Receipts and Disbursements** for signatures. Commissioner Koppenhafer moved to accept and sign the schedule of receipts and Disbursements. Commissioner Lindsay Second and carried. (See attached)

AGREEMENT: The **Cooperative Wildfire Protection Agreement** was submitted during the Monday workshop by **Sheriff Steven Nowlin**. Commissioner Lindsay moved to accept and sign the Wildlife Protection Agreement. Second by Commissioner Koppenhafer and carried. (See Attached)

CONTRACT: The **Jail Based Behavioral Services Contract** amendment was presented for signatures at the Monday workshop by **Lt. Vicki Pierce** of the Montezuma County Sheriff Office. Commissioner Koppenhafer moved to accept and sign the Jail Based Behavioral Services Contract Amendment. Second by Commissioner Lindsay and carried. (See Attached)

PERMIT: The **Yellow Jacket & Flodine** Range Allotment permits were presented for signatures by James Dietrich. Commissioner Koppenhafer moved to accept and sign The Programmatic agreement between the United States Department of the Interior to fulfill its responsibilities and the Flodine Park grazing, and the Yellow Jacket grazing Allotments in the Canyon of the Ancients National Monument. Second by Commissioner Lindsay and carried. (See Attached)

AGREEMENT: The **Cooperative Planning Intergovernmental Agreement** with the Town of Mancos was presented at the Monday workshop for approval by **James Dietrich**. Commissioner Koppenhafer Moved to sign this Intergovernmental Agreement policy concerning the property planning efforts between Montezuma County and the Town of Mancos. Second by Commissioner Lindsay and carried. (See Attached)

NEW BUSINESS:

LIQUOR LICENSE: Deputy Clerk, Jerri Frizzell, presented for approval a retail liquor license renewal application for **Mancos Brewing Company & Mancos Brewery** Commissioner Lindsay moved to accept the retail liquor license renewal application for Mancos Brewing Company Located at 484 E. Frontage Road in Mancos, Co. Second by Commissioner Koppenhafer and carried. (See attached)

LIQUOR LICENSE: Deputy Clerk, Jerri Frizzell, presented for approval and signatures a Retail Liquor License Renewal Application for **Triple H&J Inc DBA Smitty's Liquor's**, located at 10255 Hwy 491, Cortez CO. **Co-Owner Shiloh Higgins** was present. Commissioner Lindsay moved to approve Retail Liquor License renewal application for Triple H&J INC., doing business as Smitty's Liquors at 10255 Hwy 491, contingent upon the new point of sale system being purchased, also in those contingencies attendance at the liquor licensing class, and an action plan presented to the Clerk's office within a week. Second by Commissioner Koppenhafer and carried. (See attached)

COUNTY ATTORNEY REPORT: Attorney Tarnowski discussed the posting of the Assistant Attorney Position. He reported that he had not received any additional applications, and he will be attending a panel discussion about practicing law in rural parts of the state with current law students.

COUNTY ADMINSTRATOR REPORT: Administrator Anderson reported he will be traveling to Denver February 19-21 for a CML Conference to discuss Legislative issues. He will continue to monitor the federal grants and revenues. Administration and finance will start to oversee the Sheriff office and budget starting March 1st 2025.

COUNTY CLERK & RECORDER: County Clerk, Kim Percell Introduced Diana Smith Deputy Clerk who is training to do BOCC minutes.

COUNTY COMMISSIONER REPORT: Topics within the Commissioners reports included:

Commissioner Koppenhafer reported he had attended by zoom the (AAA) Area Agency on Aging for the board of Senior Services. He Attended the Cattleman's Meeting on Saturday.


Commissioner Lindsay He attended the Cattleman's meeting on Saturday, and will be attending the City Council meeting tonight.

Commissioner Candelaria reported on the attended Cattleman's meeting. Attended an interview with the Cortez Journal along with administration discussing legislative briefing. Attended the Housing Authority meeting Saturday, and the Dolores Town Hall meeting.

MOTION TO ADJOURN: Commissioner Lindsay moved to adjourn, seconded by Commissioner Koppenhafer and carried.

CORRESPONDENCE: The following was read and noted: Veteran Services Monthly report for January 2025.

ADJOURNED: 10:07 am



Deputy Clerk February 11, 2025



Chairman