

CITY COUNCIL
REGULAR MEETING
TUESDAY, APRIL 22, 2025

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, Robert Dobry, Matthew Keefauver, Bill Lewis, April Randle, and Dennis Spruell. Mayor Pro-tem Lydia DeHaven was absent. Staff present included: Director of Parks and Recreation Creighton Wright, Payroll/Sales Tax Administration Sara Coffey, Interim Chief of Police Andy Brock, Library Director Beth Edson, Airport Director Jeremy Patton, IT Director Jay Rohrer, Contract City Planner Nancy Dosdall, Director of General Services Casey Simpson, Director of Public Works Brian Peckins, Community and Economic Development Specialist Helen West, Director of Community and Economic Development Rachael Marchbanks, Permit Tech/Deputy City Clerk Cheryl Lindquist, and City Attorney Patrick Coleman. There were 11 members of the public present in the audience.

Councilmember Dobry moved that the agenda for April 22, 2025, be approved as amended. Councilmember Lewis seconded the motion and the vote was as follows:

DeHaven	Dobry	Lewis	Keefauver	Medina	Randle	Spruell
absent	Yes	Yes	Yes	Yes	Yes	Yes

2. The Consent Agenda items acted upon by Council were as follows:
 - a. Approval of the Council Worksession/Special Meeting and Agenda Minutes for April 8, 2025.
 - b. Approval of the Expenditure List for April 22, 2025.
 - c. Approval of a renewal application on a Fermented Malt Beverage and Wine Liquor License from Worldwide Restaurant Corporation, DBA Pizza Hut of Cortez, located at 1119 East Main Street, Cortez.
 - d. Approval of a renewal application on a Fermented Malt Beverage and Wine Liquor License from Paragon Business Investments, LLC, DBA Gopher Food and Fuel, located at 2410 Fairway Drive, Cortez.
 - e. Approval of a renewal application for a Retail Marijuana Store License for NuVue Pharma LLC, located at 503 Patton Street, Cortez.
 - f. Approval of a renewal application for a Retail Marijuana Store License for Mountain Annie's LLC, currently located at 310 East Main Street to be relocated to 435 East Main Street, Cortez.
 - g. Approval of a Special Event Permit for the Cortez Celtic Fair to host an event on June 28, 2025, from 7:00 a.m. to 8:00 p.m., in the Parque de Vida Park, located at 400 North Mildred Avenue, Cortez.

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

DeHaven	Dobry	Lewis	Keefauver	Medina	Randle	Spruell
absent	Yes	Yes	Yes	Yes	Yes	Yes

3. PUBLIC PARTICIPATION: None.

4. PRESENTATIONS:

a. Historic Preservation Day Proclamation. Community and Economic Development Specialist West stated that every year in May, local preservation groups, state historical societies, and civic organizations across the country celebrate Historic Preservation Month through events that promote historic places and that demonstrate the social and economic benefits of historic preservation. This year is the 15th Annual Cortez Historic Preservation Day sponsored by the Cortez Historic Preservation Board in cooperation with the Cortez Cultural Center, Montezuma County Historical Society, and Cortez Retail Enhancement Association. Saturday, May 31, 2025, at 2:00 p.m., the Montezuma Heritage Museum will be hosting a presentation on the Civilian Conservation Corps camp that was located adjacent to the Carpenter Natural Area in the late 1930's. Also in May, the Historic Preservation Board invites the public to engage in historic preservation through a photo scavenger hunt. Participants should download and color in an image from the Historic Cortez Coloring Book, then find the real-life location of their image and take a photo of themselves, holding their colored-in image, standing in front of the location. Prizes will be awarded to the winners. Information on the events for Historic Preservation Month may be found at <https://tinyurl.com/CortezHistory>. Mayor Medina read the Historic Preservation Day Proclamation urging the citizens of this community to recognize and support the opportunities to learn more about the history of our community through various events held throughout the month of May.

5. PUBLIC HEARINGS:

a. Change of Location for Lotsa Pasta and Thatza Pizza. City Attorney Coleman stated that Kashmien LLC, DBA Lotsa Pasta and Thatza Pizza has filed an application for a Change in Location for their Hotel and Restaurant Liquor License from 439 East Main Street to 925 South Broadway, Cortez. Colorado Revised Statutes 44-3-311 outlines the requirements for a Change in Location which allows for the neighborhood to comment on the location change. The request must also meet the zoning requirements and the distance from schools. A sign was posted on the premises on March 19, 2025, and public notice was placed in the Cortez Journal on April 2, 2025. Staff recommends that a Change of Location for a Hotel and Restaurant Liquor License for Kashmien LLC, DBA Lotsa Pasta and Thatza Pizza be approved, allowing the business to relocated from 439 East Main Street to 925 South Broadway.

Stormy Cordova-Beattie, owner of Lotsa Pasta and Thatza Pizza, stated that she has been in her current location for approximately six years and worked for the previous owners prior to her taking ownership. She noted that her new premises is located in the Johnson Building and she commented that the restaurant should be open in the new location around the middle of May. Mayor Medina

opened the hearing for public comment; however, no one spoke and the hearing was closed. Mayor Medina stated she is glad the Johnson Building is being remodeled and that Lotsa Pasta and Thatza Pizza is staying open. In answer to a question from Councilmember Randle, Ms. Cordova-Beattie stated that signage will be placed on the large sign that is located near the second entrance into the parking area of the Johnson Building.

Councilmember Lewis moved that Council approve the Change of Location on a Hotel and Restaurant Liquor License for Kashmien LLC, DBA Lotsa Pasta and Thatza Pizza, to relocate from 439 East Main Street to 925 South Broadway, Cortez. Councilmember Dobry seconded the motion and the vote was as follows:

DeHaven	Dobry	Lewis	Keefauver	Medina	Randle	Spruell
absent	Yes	Yes	Yes	Yes	Yes	Yes

b. Resolution No. 2, Series 2025. Contract City Planner Dosdall stated that Resolution No. 2, Series 2025, is a resolution approving the request for an exception to Land Use Code Section 5.03, Driveways and Access, for property located at 906 North Market Street. The property at 906 North Market Street is an undeveloped residential lot, zone R-1, that was created and annexed into the City in 1957 as part of the Montview Addition. While the parcel was legally created and annexed, the 900 block of North Market was never fully constructed to City standards. The right-of-way was platted but the road is not surfaced with asphalt, but does have a road base and gravel. The portion of the 900 block of North Market which is not asphalt surfaced or fully constructed serves only one existing home, 921 North Market, which shows an effective year of construction on County records of 1992. Ted and Robyn Schaefer have purchased the parcel at 906 North Market and would like to construct a single-family home on the property. Section 5.03 of the Cortez Land Use Code, effective April 18, 2025 (and the previous code) requires that all access be designed and surfaced to meet full design standards. Section 5.01.2 of the new Land Use Code includes the provision that the Planning and Zoning Commission and the City Council shall have the authority to approve less restrictive minor deviations or exceptions to the strict application of the provisions of the Site Development Standards in Chapter 5 of the Land Use Code in circumstances in which the Planning and Zoning Commission or City Council determine unique characteristics of a particular property, of a particular proposed use, inconsistency with surrounding property, other circumstances that make the strict application of the provisions of the Land Use Code inequitable, physically impractical or contrary to the public good. An applicant/owner that requests a less restrictive minor deviation or exception must provide objective reasons for the need for such deviation or exception. The 900 block of North Market appears to have been designed in the 1950's and it is unclear what the road standards were at that time and why it was not constructed when the other roads in the subdivision were. The non-asphalt surfaced section of North Market is approximately 480 feet long. In order to grant this exception or minor deviation to allow the Schaeferes to proceed with home construction without the asphalt surfacing of North Market, the City Council must determine that there are unique characteristics of this property, inconsistency with surrounding property, or other circumstances that make the strict application of the provisions of the Land Use Code inequitable, physically impractical or contrary to the public good. A letter from the Schaeferes was read for the record noting their five reasons for the exception. Staff is recommending approval of Resolution No. 2, Series 2025, granting the exception with a condition that the unimproved portion of the 900 block on North Market Street shall not be maintained by the City of Cortez. The applicants or

owners of 906 North Market Street shall maintain the road at all times to meet all requirements of the adopted Building code regarding fire access roads. Discussion was held on the requirement of keeping up the road when it is shared with the property owner at 921 North Market Street and the requirement was not placed on them to keep the road up. City Attorney Coleman stated that the requirement is not for the entire road but just for the portion from Driscoll up to the Schaefer's driveway. It was noted that the 921 North Market Street property is beyond the area required for upkeep for the 906 North Market Street property. It is unclear what requirements were in place when the property at 921 North Market Street was developed and it therefore becomes a pre-existing non-conforming use. Director of Public Works Peckins stated that leaving the road as it is now would just keep the road at status quo as it was before the development of the property at 906 North Market Street was proposed. The street is a dedicated City street and is included for periodic maintenance on the graveled road along with all the streets in Cortez.

Mr. Schaefer stated that they understand the circumstances with the development of the property and that after speaking with the neighbor, the street has been the way it is for a long time and there is no issue with it being left a graveled street. The road is in good shape and the road would not be used much more than it is already being used. Mr. Schaefer complimented City staff on walking them through the process on the planning side as well as helpful in getting the utilities put in place. Discussion was held on the condition included in the resolution on who would maintain the road. Councilmember Lewis stated that this a very unique circumstance as the lot has been vacant since 1957 and this request meets the need for an exemption. Councilmember Dobry commented that the request is for a unique single in-fill lot on an existing dirt road and he doesn't know of another situation similar to this request. Councilmember Keefauver stated that he walks the area a lot and commented that the road is very well maintained and everyone seems to be okay with how the road is now. Councilmember Spruell stated that he does not feel the property owner of 906 North Market Street should have to maintain the road. Mayor Medina opened the hearing for public comment; however, no one spoke and hearing was closed.

Councilmember Randle moved that Council approve Resolution No. 2, Series 2025, a resolution approving the request for an exception to Land Use Code Section 5.03, Driveways and Access, for property located at 906 North Market Street. Councilmember Randle amended the motion stating that the City is not taking on any more responsibilities than it has in maintaining the road. Councilmember Keefauver seconded the first and amended motion, and the vote was as follows:

DeHaven	Dobry	Lewis	Keefauver	Medina	Randle	Spruell
absent	Yes	Yes	Yes	Yes	Yes	Yes

6. UNFINISHED BUSINESS: None.

7. NEW BUSINESS

a. Memorandum of Understanding between the City and County regarding County Landfill. Interim Chief of Police Brock stated that the Animal Control position of the Cortez Police Department has historically managed nuisance skunks within the City of Cortez by setting traps to capture them. Once captured, the skunks are transported to the Montezuma County landfill, where they are euthanized at the designated dead animal pit. If left uncontrolled, skunks can become a

significant nuisance to residents and can carry diseases that pose risks to both people and animals. According to State Statute, trapped skunks must be euthanized and cannot be relocated or released elsewhere. To allow the City of Cortez Police Department to continue its skunk control efforts, a Memorandum of Understanding (MOU) has been developed and approved by both the City and County Attorneys. The MOU grants the Cortez Police Department authorization to discharge firearms at the landfill strictly for the purpose of euthanizing vermin, in a safe and controlled environment. Staff recommends that the Mayor be authorized to sign the MOU so the City can continue to effectively manage the skunk population. On average, approximately 20 skunks are trapped and euthanized each year.

Councilmember Spruell moved that Council approve the Memorandum of Understanding allowing for the continued humane disposal of nuisance skunks at the Montezuma County Landfill “dead animal pit” and authorize the Mayor to sign the agreement on behalf of the City. Councilmember Lewis seconded the motion and the vote was as follows:

DeHaven	Dobry	Lewis	Keefauver	Medina	Randle	Spruell
absent	Yes	Yes	Yes	Yes	Yes	Yes

b. Consider Award of Contract for Service Center Security Fencing Project. Director of General Services Simpson stated that due to security issues in the lower yard at the City Service Center, it was decided during the budget process last year to have the area fenced off. Plans and specifications were drawn up and a walk-through was held with seven interested vendors in attendance. Six bids were received on Thursday, April 10, 2025, with two of the bids being disqualified as they did not enclose the required bid guarantee. The Service Center personnel reviewed the bids and scored them according to the evaluation criteria listed in the Advertisement for Bids (AFB). The process used in the selection was the Competitive Sealed Best Value Bidding method. Both qualifications and bid prices were considered and staff has recommended a final ranking with qualifications given 40% of the value of the weighted criteria and the bid price given 60%. A total of \$77,460.00 has been budgeted in the General Fund Capital Projects for the Service Center fence. Staff recommends that the bid be awarded to Hornet Fence, LLC at its bid price of \$69,960.00. It was noted that a new gate would be installed on the west side of the property where the equipment is stored but the area used by the public for the water dock and recycling will remain as it is currently.

Councilmember Dobry moved that the Council accept the bid and award the contract for the Service Center Security Fencing Project to Hornet Fence, LLC at its bid price of \$69,960.00, and authorize the City Manager to negotiate and sign a contract on behalf of the City for this purpose. Councilmember Spruell seconded the motion and the vote was as follows:

DeHaven	Dobry	Lewis	Keefauver	Medina	Randle	Spruell
absent	Yes	Yes	Yes	Yes	Yes	Yes

8. DRAFT RESOLUTION/ORDINANCES: None

9. CITY ATTORNEY’S REPORT: None.

10. CITY MANAGER'S REPORT: Mayor Medina noted that City Manager Sanders is in attendance at the CCCMA (Colorado City and County Management Association) Conference in Glenwood Springs.

11. CITY COUNCIL COMMITTEE REPORTS

a. Mayor's Report on Workshop. Mayor Medina stated that Municipal Court Judge Beth Padilla gave an update on the operations of Municipal Court. Airport Director Patton presented the 2025 Colorado Aviation Economic Impact Study for Cortez Municipal Airport and Vice Chair Linda Towle presented information on the Historic Preservation Board and plans for Historic Preservation Month which is scheduled for the month of May.

b. Golf Advisory Board. Councilmember Lewis stated that the Golf Advisory Board met on April 18, 2025, and it was noted that revenue is up and the course conditions are excellent. Discussion was held on the use of private carts at the course and how the current regulations may be changed which involves a new ordinance with City Council. Discussion on the item will continue at the next meeting in May.

12. OTHER ITEMS OF BUSINESS: None.

13. PUBLIC PARTICIPATION: None.

14. ADJOURNMENT: Councilmember Lewis moved that the regular meeting be adjourned at 8:33 p.m. Councilmember Dobry seconded the motion, and the vote was as follows:

DeHaven	Dobry	Lewis	Keefauver	Medina	Randle	Spruell
absent	Yes	Yes	Yes	Yes	Yes	Yes

Rachel B. Medina, Mayor

ATTEST:

Cheryl Lindquist, Permit Tech/Deputy City Clerk