

CORTEZ CITY COUNCIL  
REGULAR WORKSHOP/SPECIAL MEETING  
TUESDAY, MARCH 22, 2022

The Council Worksession for March 22, 2022, was not held



CITY COUNCIL  
REGULAR MEETING  
TUESDAY, MARCH 22, 2022

1. The meeting was called to order in the City Council Chambers at 7:30 p.m., with the Pledge of Allegiance. Councilmembers present included Mayor Mike Lavey, Robert Dobry, Matthew Keefauver, Orly Lucero, David Rainey, and Arlina Yazzie. Mayor Pro-tem Rachel Medina was absent. Staff present included Chief of Police Vernon Knuckles, Director of Public Works Brian Peckins, Director of General Services Rick Smith, IT Support Technician Kyle Kuhn, Contract City Planner Nancy Dosedall, Director of Parks and Recreation Creighton Wright, Golf Course Supervisor Tom Kramlich, Municipal Judge Beth Padilla, Community and Economic Development Director Rachael Marchbanks, Deputy City Clerk Donna Murphy, City Clerk Linda Smith, City Manager Drew Sanders, and City Attorney Mike Green. There were 14 people present in the audience.
2. The Consent Agenda items acted upon by Council were as follows:
  - a. Approval of the Special Worksession and Regular Meeting Minutes of March 8, 2022.
  - b. Approval of the Expenditure List for March 22, 2022.
  - c. Approval of four Special Event Permits for Cortez Retail Enhancement Association to host "Third Thursday" events on June 16, July 21, August 18, and September 15, 2022, at Montezuma Park located at the corner of Market and Montezuma, Cortez.
  - d. Approval of a renewal Hotel and Restaurant Liquor License for Mi Mexico Restaurant Inc., DBA Mi Mexico, located at 801 East Main Street, Cortez.

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

Dobry	Keefauver	Lavey	Lucero	Medina	Rainey	Yazzie
Yes	Yes	Yes	Yes	absent	Yes	Yes

3. CITIZEN PARTICIPATION – None.

4. PRESENTATIONS

a. Update by Municipal Court Judge Padilla. Municipal Court Judge Padilla gave an update to Council noting that there are 105 cases filed this year with 48 of them for parking violations. She spoke about the first quarter tracking of Police Reports, noting that 43% of the cases are alcohol or drug related. She spoke about the first substance use evaluation that was ordered and completed, stating that she hopes the evaluations will continue. She stated that warrants are issued for those that do not appear in court and staff is working on closing old traffic cases. She spoke about the Zoom option that is now available in the Court room and stated that the Court security is a vast

improvement. Council thanked Judge Padilla for her work and commented that the data being tracked will contain a variety of information that could be used in the future.

b. Proclamation Supporting the Government and Especially the People of the Sovereign Nation of Ukraine. City Manager Sanders stated that there has been a lot of news regarding Ukraine. He stated that other communities have supported a proclamation for Ukraine and therefore, after speaking with the Mayor, a proclamation was created for Council's review. Mayor Lavey read the proclamation and commented that the City Council condemns the acts of Russian aggression imposed upon the Ukrainian people and supports the government and especially the people of the sovereign nation of Ukraine. He stated that the public servants at the local level in Ukraine should be recognized as they strive to support and protect their fellow citizens under war time conditions.

Councilmember Keefauver moved that Council support the proclamation supporting the government and especially the people of the sovereign nation of Ukraine. Councilmember Dobry seconded the motion, and the vote was as follows:

Dobry	Keefauver	Lavey	Lucero	Medina	Rainey	Yazzie
Yes	Yes	Yes	Yes	absent	Yes	Yes

c. Proclamation for Mayor's Monarch Pledge. Director of Parks and Recreation Wright stated that the proclamation for Mayor's Monarch Pledge Day was forwarded by citizens of the community and a current Councilmember. He stated that the proclamation encourages pollinator-friendly plants be planted in the community gardens as they provide a habitat for the monarch butterfly. Mayor Lavey read the proclamation declaring March 22, 2022, as the Mayor's Monarch Pledge Day in the City of Cortez. Mayor Lavey spoke about his niece that tags monarch butterflies so they can be tracked on their migration.

## 5. PUBLIC HEARINGS

a. Resolution No. 7, Series 2022. Contract City Planner Dosedall stated that Resolution No. 7, Series 2022, approves a Site Development Plan for the establishment of a restaurant (Popeyes Louisiana Chicken) at 330 South Broadway. She stated that Plaza Street Fund 211, LLC, DBA Plaza Street Partners, is proposing a site plan to construct a new 3,341 fast food restaurant with a drive through to be located on a .93 acre parcel at 330 South Broadway. She stated that the property is zoned Commercial Highway (C) and is currently vacant. She stated that restaurants are considered a permitted use in the Commercial Highway zone. She stated that the site is bound on the south by commercially zoned land that includes a Sonic Drive-In and the USDA Service Center. She stated that the property shares an access with the parcel to the north, currently occupied by Family Dollar. The property to the east is zoned Residential Multi-Family (R-2), and is currently vacant. Contract City Planner Dosedall noted that Planning and Zoning Commission reviewed the proposal on March 1, 2022, and has recommended approval. She reviewed the four conditions of approval. Contract City Planner Dosedall spoke about the proposed landscaping by Popeyes which will exceed the minimum requirements (over 9,000 square feet) and, she commented should look really good along the frontage area. Mayor Lavey opened the public hearing; however, no one spoke and the hearing was closed.

Councilmember Dobry moved that Council approve Resolution No. 7, Series 2022, approving a Site Development Plan for the establishment of a restaurant (Popeyes Louisiana Chicken) at 330 South Broadway, Cortez, with four conditions. Councilmember Yazzie seconded the motion, and the vote was as follows:

Dobry	Keefauver	Lavey	Lucero	Medina	Rainey	Yazzie
Yes	Yes	Yes	Yes	absent	Yes	Yes

6. UNFINISHED BUSINESS – None.

7. NEW BUSINESS

a. Resolution No. 9, Series 2022. Contract City Planner Dossdall stated that Resolution No. 9, Series 2022, approves an Amended Plat of Lots 171 and 172 of the Southern Bluffs Subdivision, Second Amended. She stated that Rodney and Debbie Case, owners of Lots 171 and 172, would like to combine the two existing lots into one larger lot, totaling 13,259 square feet. She stated that the existing lots are vacant with 20’ utility easements along the street frontages. She commented that the proposal meets the requirements of Land Use Code Section 6.09 (9), relocate or vacate one or more lot lines between one or more adjacent lots and/or parcels or tracts where the owner or owners of all such property join in the application for the plat amendment. She commented that there were no comments of concern received from the utility/agency reviews and stated that staff recommends approval through Resolution No. 9, Series 2022, with two conditions.

Councilmember Yazzie moved that Council approve Resolution No. 9, Series 2022, approving an Amended Plat of Lots 171 and 172 of the Southern Bluffs Subdivision, Second Amended, for Rodney and Debbie Case. Councilmember Keefauver seconded the motion, and the vote was as follows:

Dobry	Keefauver	Lavey	Lucero	Medina	Rainey	Yazzie
Yes	Yes	Yes	Yes	absent	Yes	Yes

b. Resolution No. 10, Series 2022. Contract City Planner Dossdall stated that Resolution No. 10, Series 2022, approves the Correction Plat of Tract 3 of the Verde Vu Subdivision. She stated that Tract 3 belongs to the City of Cortez. She stated that a recent survey work was completed by the City to locate the center line of Verde Vu Drive and it was noted by the surveyor that a previous survey was in error, resulting in a conflict with the two adjacent properties to the east. She stated that the plat is intended to correct the previous surveying error. She stated that the result will be a reduction in the City owned lot of .14 acres, with the acreage being added to the two lots to the east. She stated that staff recommends approval with one condition.

Councilmember Rainey moved that Council approve Resolution No. 10, Series 2022, a resolution approving the Correction Plat of Tract 3, Verde Vu Subdivision. Councilmember Dobry seconded the motion, and the vote was as follows:

Dobry	Keefauver	Lavey	Lucero	Medina	Rainey	Yazzie
Yes	Yes	Yes	Yes	absent	Yes	Yes

c. Resolution No. 11, Series 2022. City Manager Sanders stated that Resolution No. 11, Series 2022, updates the language, format, and rules for citizen comments during City Council meetings, as well as a corresponding update to the Council order of business as was previously adopted in Resolution No. 23, Series 2021. He reviewed the suggested changes which would allow for two opportunities for the public to address Council (one at the start of the meeting and one at the end). He stated that the speakers will have a time limit of three minutes per person, may only speak once, and may not cede time to other commenters. He stated that the first opportunity to speak at the start of the meeting will be limited to an overall time limit of 30 minutes. He also noted that citizens may also communicate with Council via email (addressed to [councilcomments@cortezco.gov](mailto:councilcomments@cortezco.gov)) which will be delivered to Council and entered into the meeting minutes if received by 3:00 p.m. the day of the Council meeting. Councilmember Yazzie stated that she would like any mention of citizen comment/participation be changed to public comment/participation. Councilmember Rainey stated that he did not feel the second comment period should be added to the agenda; however, if it is added to the agenda he would like an overall time limit set. Councilmember Dobry commented that it is rare that there are a lot of public comments and that he would like the last public comment period to be left open on time. Council agreed to allow a person to speak once at the first of the meeting and once at the end of the meeting. Councilmember Keefauver stated that public comments should be directed to City business and all comments should be courteous, civil and respectful.

Councilmember Dobry moved that Council approve Resolution No. 11, Series 2022, a request to update language, format, and rules for citizen comments during City Council meetings, as well as a corresponding update to the Council order of business as adopted in Resolution No. 23, Series 2021, with the change of the word ‘citizen’ to ‘public’ where ever it is used. Councilmember Yazzie seconded the motion, and the vote was as follows:

Dobry	Keefauver	Lavey	Lucero	Medina	Rainey	Yazzie
Yes	Yes	Yes	Yes	absent	Yes	Yes

d. 2022 Flatbed Truck Bid Results. Director of General Services Smith noted that a new memo was given to Council at the beginning of the meeting that outlines the purchase of two new flatbed trucks. He stated that the 2022 Equipment Fund provides \$90,000 for the purchase of one of the flatbed trucks that would be used in the Public Works Department and the 2022 Water Fund provides \$90,000 for the purchase of a flatbed truck that would be used by the Water Department. He reviewed the three responses that were received for the bid and stated that the City recommends that the two flatbed trucks be purchased from the low-bidder, Roberts Truck. He stated that the estimated delivery is 365 days. He stated that the new trucks would replace 1993 Ford F700’s. He stated that the flatbed trucks are used for a variety of purposes including hauling tree limbs, snowplowing, and citizen cleanup. Discussion was held on selling the old trucks on the City’s on-line auction site and that they may bring in enough to cover the overage of the budgeted amount; however, Director of General Services Smith stated that there is funding available in the Equipment Fund and Water Fund for the overage amount.

Councilmember Keefauver moved that Council award the purchase of two (2) flatbed trucks from the low-bidder, Roberts Truck, one unit from the Equipment Fund at \$93,643.83, and one unit from the Water Fund at \$93,643.83, for a total award of \$187,287.66. Councilmember Dobry seconded

the motion, and the vote was as follows:

Dobry	Keefauver	Lavey	Lucero	Medina	Rainey	Yazzie
Yes	Yes	Yes	Yes	absent	Yes	Yes

e. Change Order No. 1 for Purchase of a Chevrolet Truck. Director of General Services Smith stated that on May 13, 2021, the City placed an order for a new pickup for Building Maintenance with a utility bed. He noted that the purchase of the truck was from the Equipment Fund. He stated that the new truck is built and is at the utility bed company awaiting installation of the utility bed. He stated that Morehart Murphy notified the City that the utility bed price has increased \$1,358.00 due to 18% materials increase. He asked that Council approve the change order to the authorization made by Council in 2021, changing the price for the pickup to \$42,767.64.

Councilmember Yazzie moved that Council approve Change Order No. 1 of \$1,358.00 for the purchase of a Chevrolet truck for a new total purchase price of \$42,767.64. Councilmember Lucero seconded the motion, and the vote was as follows:

Dobry	Keefauver	Lavey	Lucero	Medina	Rainey	Yazzie
Yes	Yes	Yes	Yes	absent	Yes	Yes

f. Award of the Bids for Parks and Golf Course Fertilizer and Chemicals. Director of Parks and Recreation Wright stated that in order to maintain turfgrass health and playability, the Parks and Recreation Department purchases several types of fertilizers and chemicals for the parks and golf course. He stated that the Request for Bids for fertilizer and chemicals is combined for the parks and golf course to secure the best price and each item is awarded individually. He stated that six companies submitted bids and each bidder was awarded at least one item. He reviewed the recommended award of the individual bids. In answer to a question from Councilmember Dobry, Director of General Services Smith stated that the City could work with surrounding communities and the school district to see if they would wish to join in on the bid for fertilizers and chemicals for their parks/property in the future. Councilmember Keefauver asked that areas that are fertilized in the parks be flagged so citizens could know of the locations.

Councilmember Dobry moved that Council award the following bids: Bid Items #10 and 19 to Winfields in the amount of \$2,171.16; Bid Items #6, #7, #8, #11 and #20 to Van Diest in the amount of \$3,065.40; Bid Items #12, #15, #23, and #26 to Target Specialty in the amount of \$2,757.90; Bid Items #1, #2, #3, #16, #21, #24, and #25 to Harrell's in the amount of \$21,065.10; Bid Items #4, and #22 to Horizon in the amount of \$1,858.20; and Bid Items #17 and #18 to Mile High Turfgrass in the amount of \$2,745.00; for a total award of \$33,662.76. Councilmember Yazzie seconded the motion, and the vote was as follows:

Dobry	Keefauver	Lavey	Lucero	Medina	Rainey	Yazzie
Yes	Yes	Yes	Yes	absent	Yes	Yes

g. Resolution No. 8, Series 2022. City Attorney Green stated that Resolution No. 8, Series 2022, approves an amendment to the Community Network Enterprises Agreement. He stated that Montezuma County has changed the distribution of the strands that they have ownership of giving

144 strands to the Southwest Counsel of Governments, and/or its successors or assigns. City Attorney Green noted that any amendments made to the agreement requires both the City and Montezuma County to approve the amendment due to the joint ownership of the fiber strands. City Attorney Green noted that he and the County Attorney have reviewed the amendment and recommend approval.

Councilmember Dobry moved that Council approve Resolution No. 8, Series 2022, a resolution approving Cortez Community Network Enterprises' Amendment to Agreement. Councilmember Yazzie seconded the motion, and the vote was as follows:

Dobry	Keefauver	Lavey	Lucero	Medina	Rainey	Yazzie
Yes	Yes	Yes	Yes	absent	Yes	Yes

8. DRAFT RESOLUTION/ORDINANCES – None.

9. CITY ATTORNEY’S REPORT – None.

10. CITY MANAGER’S REPORT

a. Code Enforcement Officer/Open House/Sligo and Mildred Road Project. City Manager Sanders stated that Thomas Anderson, Code Enforcement Officer, has earned his ICC Residential Building certification which will help the already overstretched building inspector. He stated that with all the new directors in place, the City is hosting an Open House at the Sunflower Theatre on April 6, 2022, from 5:30 to 7:00 p.m. He stated that a short presentation will be made by Director of Community and Economic Development Rachael Marchbanks. City Manager Sanders stated that work will begin on the Sligo and Mildred road project in May. He spoke about the planning that is being completed for the project and noted that the City will communicate with the public prior to work commencing and also during the project construction period.

Employee Highlight: Lori (Oliver) Millich, Executive Assistant to the Chiefs of Police, has been with the City for 37 years beginning as a PBX Operator in 1985, General Services Secretary in 1987, Records Clerk at the Police Department in 1991, and Chief of Police Administrative Secretary in 1996. It was noted that Lori always takes on additional responsibilities and her contributions to the Police Department and the City of Cortez are numerous as she is always eager to jump in and help. Lori is a country girl who loves farming, driving the tractor, cutting hay, and ranching with her husband. She is an avid runner, a mother of two and grandmother of three. She goes above and beyond to help anyone and provides the best possible service to the citizens and visitors. Council thanked Lori for her good work.

11. CITY COUNCIL COMMITTEE REPORTS

a. Mayor’s Report on Workshop. Mayor Lavey stated that no worksession was held this evening.

12. OTHER ITEMS OF BUSINESS


a. Councilmember Dobry moved that Council adjourn to Executive Session at 8:40 p.m., 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). Discussion was held on possible land acquisition. Councilmember Yazzie seconded the motion and the vote was as follows:

Dobry	Keefauver	Lavey	Lucero	Medina	Rainey	Yazzie
Yes	Yes	Yes	Yes	absent	Yes	Yes

Council returned from Executive Session at 9:02 p.m. No decisions were made in Executive Session, and the regular meeting was adjourned at 9:03 p.m.

  
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Michael J. Lavey, Mayor

ATTEST:

  
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Linda L. Smith, City Clerk

