

CITY COUNCIL
REGULAR MEETING
TUESDAY, MAY 10, 2022

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, and David Rainey. Councilmember Dennis Spruell was absent. Staff present included Chief of Police Vernon Knuckles, Director of General Services Rick Smith, Community and Economic Development Director Rachael Marchbanks, Contract City Planner Nancy Dosedall, Director of Public Works Brian Peckins, Deputy City Clerk Donna Murphy, City Clerk Linda Smith, City Manager Drew Sanders, and City Attorney Mike Green. There were 12 people present in the audience.

Councilmember Dobry moved that the agenda be approved as presented with the removal of Consent Agenda item e., renewal Arts Liquor License for the Community Radio Project, Inc., DBA KSJD, located at 2-8 East Main Street, Cortez. Councilmember Yazzie seconded the motion. City Attorney Green asked that Council consider adding to the Executive Session and conference with the City Attorney for legal advice. Councilmember Dobry moved that the agenda be amended to add to the Executive Session 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). Councilmember Rainey seconded the motion, and the vote was as follows:

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

2. The Consent Agenda items acted upon by Council were as follows:
 - a. Approval of the Special Worksession and Regular Meeting Minutes of April 26, 2022.
 - b. Approval of the Expenditure List for May 10, 2022.
 - c. Approval of a renewal Hotel and Restaurant Liquor License for Thai Cortez, DBA Thai Cortez, located at 1430 East Main Street, Suites 1-3, Cortez.
 - d. Approval of a renewal Retail Marijuana Store/Retail Marijuana Cultivation License for Mountain Annie's, LLC, located at 310 East Main Street, Cortez.
 - e. Approval of a renewal Arts Liquor License for the Community Radio Project, Inc., DBA KSJD, located at 2-8 East Main Street, Cortez.

Councilmember Dobry moved that the Consent Agenda be approved with the removal of item e, renewal Arts Liquor License for the Community Radio Project. Councilmember Keefauver seconded the motion, and the vote was as follows:

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

Councilmember Dobry commented that he is recusing himself from the vote due to his employment at KSJD Radio. Councilmember DeHaven moved that item e, renewal Arts Liquor License for the Community Radio Project, Inc., DBA KSJD, located at 2-8 East Main Street, Cortez, be approved. Mayor Pro-tem Yazzie seconded the motion, and the vote was as follows:

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

*Councilmember Dobry recused himself from the vote due to a possible conflict-of-interest.

3. CITIZEN PARTICIPATION

Mayor Medina noted that the time was 7:35 p.m. and Citizen Participation would conclude at 8:05 p.m., and asked if there were any citizens interested in speaking.

a. Purchase of Property/Municipal Election. Lisa Passell stated that she lives at 515 Texas Street and is also a local business owner. She asked why Council recently purchased the vacant property located at 1002 East Empire Street through a resolution rather than an ordinance, which would have allowed for public input and better transparency. She also asked why an appraisal was not done on the property to find out if the price was fair. She commented that the City has said they didn't have money available for expenses for the Refuse Department at the beginning of the year but now they have money to purchase real estate, asking what has changed for the City since the beginning of the year. She also questioned the Municipal Election judge choices noting that a statement should be included in the Intergovernmental Agreement with the County regarding who would be acceptable to serve as a judge. She stated that the City is not ensuring public trust when they allow people serving as judges that have connection with staff/Councilmembers.

No one else spoke and the public comment period was closed.

4. PRESENTATIONS

a. Introduction by Police Chief Knuckles on Crime Wave. Chief of Police Knuckles introduced the new social media program used by the Police Department called Crime Wave. He stated that the platform allows the City to set the narrative and he reviewed the variety of topics that are included on the City's page. He stated that the program is designed to inform the community and communicate the City's story. Councilmember Keefauver gave kudos to the Police Department for all the work they have done and asked if there is a link for the Crime Wave site to the City's website. Chief of Police Knuckles stated that there will be link on the new City's website when it is launched. Discussion was held on the information included on the platform. Mayor Medina asked about the phone number that was included on the site and Chief of Police Knuckles noted that the number is the office number, not the emergency number. Council asked if other resources could be added to the platform including information on the CIP Program and Ride-A-Longs.

b. Proclamation for National Hospital Week on May 8-14, 2022. Councilmember Dobry read the proclamation for the record noting that National Hospital Week is May 8-14, 2022. He stated that the official theme is "We are Health Care." He stated that the City urges residents to express their appreciation for the people, facilities, and technologies which makes trustworthy, reliable health care possible in our community.

c. Proclamation for Historic Preservation Day on May 21, 2022. Mayor Medina read the proclamation noting that May is National Historic Preservation Month. She noted that walking tours of Cortez historic buildings will be given during the day of Saturday, May 21, 2022, and a sneak preview of the Montezuma Heritage Museum will be offered. She urged citizens of the community to recognize and support opportunities to learn more about the history of our community through various events held on May 21, 2022.

d. Proclamation in Recognition of Bike to Work Day 2022. Mayor Pro-tem Yazzie read the proclamation commenting that Bike to Work Day will be held on Friday, May 20, 2022. She commented that biking reduces traffic, lowers the need for parking spaces, improves air quality, and saves citizens money at the gas pump or car charger. Mayor Medina stated that WildEdge and the Cortez Recreation Center will have stations offering snacks and water between the hours of 7:00 a.m. and 9:30 a.m. and WildEdge will offer a station at the end of the day for those biking to work on May 20, 2022.

5. PUBLIC HEARINGS – None.

6. UNFINISHED BUSINESS – None.

7. NEW BUSINESS

a. Resolution No. 15, Series 2022. Contract City Planner Dosdall stated that Resolution No. 15, Series 2022, approves the amended plat for Lots 42 and 43, Sedona Estates Subdivision Phase 3, as submitted by the owner, Habitat for Humanity of Montezuma County. She stated that the property owner would like to combine the two lots into one lot and place a manufactured home on the lot which is currently vacant. She stated that no comments were received from agency review and staff recommends approval with two conditions. In answer to a question from Mayor Medina, Contract City Planner Dosdall stated that both of the lots are deep but narrow and by combining the lots it will make the lots long and narrow which allows for the home to fit better on the lot. Councilmember Keefauver stated that he drove by the site and it makes sense to combine the lots so the orientation of the house would fit the lot.

Councilmember Keefauver moved that Council approve Resolution No. 15, Series 2022, approving the amended plat for Lots 42 and 43, Sedona Estates Subdivision Phase 3, as submitted by the owner, Habitat for Humanity of Montezuma County, with two conditions. Councilmember Dobry seconded the motion, and the vote was as follows:

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

b. Resolution No. 16, Series 2022. Contract City Planner Dosdall stated that Resolution No. 16, Series 2022, approves an amended plat for three parcels of land located in the SW/4SW/4 Section 34, Township 36 North, Range 16 West, New Mexico Principal Meridan, as submitted by Mesa Holdings LLC. She stated that the applicant, owner of White Eagle Inn, has requested that the lot lines between the three lots be consolidated into two lots. She stated that the White Eagle Inn would be located on the proposed Tract 1, and a single family dwelling is located on the proposed Tract 2. She stated that when the White Eagle Inn was purchased it was found that access is on the adjacent property and the amended plat (boundary adjustment) would fix the issue and all the lots would be compliant. She stated a request was made during the agency review that a note be added to the plat with the ingress/egress area highlighted. She stated that the plat note will be addressed when the plat is completed. She stated that staff recommends approval with two conditions. In answer to a question from Councilmember Keefauver, Contract City Planner Dosdall stated that a survey was completed after the purchase of the White Eagle Inn by the applicants and it was found that the property was land locked and there was no access to the back of the property.

Mayor Pro-tem Yazzie moved that Council approve Resolution No. 16, Series 2022, approving an amended plat for three parcels of land located in the SW/4SW/4 Section 34, Township 36 North, Range 16 West, New Mexico Principal Meridan, as submitted by Mesa Holdings LLC, with two conditions. Councilmember Rainey seconded the motion, and the vote was as follows:

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

c. Bid Results on the 2022 Concrete Cost-Share Project. Director of Public Works Peckins stated that the City completes an annual sidewalk cost-share program to help residents and business owners either install new sidewalk or replace deteriorated sidewalks on their property. He stated that the program encourages and promotes improvement of the City's public walkways by offering a 50% cost-share agreement with local residents. In addition, the City utilizes the program for maintenance of sidewalks, ADA accessible ramps, curbs, and gutters. He reviewed the information included in the 2022 Concrete Cost-Share Project and stated that two bids were received, with B & B Concrete, Dolores, as the low bidder at \$178,848.10. In answer to a question from Councilmember Keefauver, Director of Public Works Peckins stated that residents can still be added to the project and should call Public Works if they are interested in joining in the cost-share program. Discussion was held on the second bidder and if they were from Cortez, which was confirmed they also were from Dolores and therefore the local vendor preference would be applied equally as Montezuma County businesses. It was noted that the sidewalk for Veteran's Park would also be included in the 2022 project.

Councilmember DeHaven moved that Council award the bid for the 2022 Concrete Cost-Share Project to B & B Concrete at their bid price of \$178,848.10. Councilmember Rainey seconded the motion, and the vote was as follows:

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

d. Resolution No. 12, Series 2022. Chief of Police Knuckles stated that Resolution No. 12, Series

2022, authorizes the transfer of equipment at the Caviness Mountain Tower to the State of Colorado. He stated that a grant was approved by the Department of Local Affairs (DOLA) in 2015 for equipment to be purchased for the digital trunked radio system (DTRS) which was placed on Caviness Mountain through an agreement with Southwest Television District, which owns the tower and building on the site. He stated that the DOLA grant required the City of Cortez to maintain ownership of the equipment for five years and that requirement has been met. He stated that it would be in the best interest of the City to transfer ownership of the electronic equipment to the State of Colorado Governor's Office of Information Technology so the equipment can be replaced/maintained. He stated that the City would continue to pay for the electricity and Forest Services fees; however, the equipment would be maintained by the State. He spoke about the importance of the tower which provides public safety communications coverage to several agencies due to holes in coverage, and stated that staff recommends approval of the resolution. In answer to a question from Councilmember Dobry, Chief of Police Knuckles stated that there is no time limit on the State taking over the cost for the equipment as it would be in perpetuity. Councilmember DeHaven noted that she is a Forest Service employee and asked if that was a conflict-of-interest for her to vote on the issue; however, it was noted she did not have a conflict.

Councilmember Dobry moved that Council approve Resolution No. 12, Series 2022, authorizing the transfer of equipment at the Caviness Mountain Tower to the State of Colorado. 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	absent	Yes

e. Ordinance No. 1300, Series 2022. City Attorney Green stated that Ordinance No. 1300, Series 2022, is being presented on first reading and is an ordinance approving correction deed(s) for the sale of real estate to Montezuma Partners LLC. City Attorney Green stated that there was a mistake in the deeds for the transfer (sold) of property to Montezuma Partners LLC. He stated that the City subdivided the property located in the Montezuma County Public Facilities (PUD) and reserved easements in Lot 1B; however Lot 1B was transferred to Montezuma Partners LLC instead of Lot 1A. He stated that the deeds need to be corrected with the correct legal description.

Councilmember Rainey moved that Council approve on first reading Ordinance No. 1300, Series 2022, an ordinance approving correction deed(s) for the sale of real estate to Montezuma Partners LLC, and set for public hearing on May 24, 2022. Mayor Pro-tem Yazzie seconded the motion, and the vote was as follows:

DeHaven	Dobry	Keefauver	Medina	Rainey	Spruell	Yazzie
Yes	Yes	No	Yes	Yes	absent	Yes

8. DRAFT RESOLUTION/ORDINANCES – None.

9. CITY ATTORNEY'S REPORT – None.

10. CITY MANAGER'S REPORT

a. New City Attorney/Community Intervention Program/Cortez Community Network Broadband. City Manager Sanders spoke about the City's current events including the interviews of three finalists for the City Attorney position. He stated that the selected candidate is currently in contract negotiations and background investigation and it is anticipated that a draft contract will be presented to Council on May 24, 2022. He stated that the Community Intervention Program went live on May 1, 2022. He stated that it is an honor for the City of Cortez to work with government and private partners to make this program come to life. He also spoke about the seven responses received for the RFI to the lease the existing broadband system and he stated that discussion would be held in Executive Session on the four finalist companies on how to proceed into the negotiation phase. Employee Highlight, nominated by Library Director Isabella Sharpensteen, Donna Peterson has been with the Library for nine years and knows the Library collection inside and out. Donna is a star shelper and knows when things are out of place and patrons cherish that they can get the best recommendations for their needs. She creates a very personal customer experience which is what is strived for at the Library.

11. CITY COUNCIL COMMITTEE REPORTS

a. Mayor's Report on Workshop. Mayor Medina stated that Patrick Rondinelli, Southwest Regional Manager for the Department of Local Affairs, made a presentation on Council 101, Role of Elected Officials. She stated that the presentation included information on ethics, rules, and regulations.

12. OTHER ITEMS OF BUSINESS

a. Councilmember Dobry moved to adjourn at 8:20 p.m. to Executive Session for the purpose of determining positions relative to matter that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under C.R.S. Section 24-6-402(4)(e). Discussion was held on the lease of the Cortez Community Network. Also, Council had discussion with the City Attorney on a possible litigation as allowed through C.R.S. Section 24-6-402(4)(b). Councilmember Rainey seconded the motion, and the vote was as follows:

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

Council returned from Executive Session at 10:25 p.m., with no further discussion held.

13. PUBLIC PARTICIPATION – None.

Mayor Pro-tem Yazzie moved that the regular meeting be adjourned at 10:26 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	absent	Yes



A handwritten signature in blue ink, reading "Rachel Medina", written over a horizontal line.

Rachel B. Medina, Mayor

ATTEST:



A handwritten signature in blue ink, reading "Linda L. Smith", written over a horizontal line.

Linda L. Smith, City Clerk

