

CITY COUNCIL
REGULAR MEETING
TUESDAY, MAY 24, 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, Matthew Keefauver, David Rainey, and Dennis Spruell. Councilmember Lydia DeHaven and Robert Dobry were absent. Staff present included Chief of Police Vernon Knuckles, Director of Parks and Recreation Creighton Wright, Airport Manager Jeremy Patton, IT Support Technician Jason Gray, Community and Economic Development Director Rachael Marchbanks, Contract City Planner Nancy Dossall, 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 13 people present in the audience.

City Attorney Green asked that the Interim City Attorney Contract be added to the Executive Session for Council to discuss. Mayor Pro-tem Yazzie moved that the agenda be approved as presented with the addition of the Interim City Attorney Contract to the Executive Session for discussion, the addition of the LGBTQ2S+ proclamation to the regular agenda under Presentations, and the removal of item 2h. in the Consent Agenda, April 2022 Financial Statements to allow for the Director of Finance to review the statements. Councilmember Keefauver seconded the motion and the vote was as follows:

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

2. The Consent Agenda items acted upon by Council were as follows:

a. Approval of the Minutes of the Special Council Meeting on May 6, 2022, and Worksession and Regular Council Meeting held on May 10, 2022.

b. Approval of the Expenditure List for May 24, 2022.

c. Approval of a renewal Hotel and Restaurant Liquor License for Ocean Pearl Cortez, LLC, DBA Ocean Pearl Chinese Restaurant, located at 300 East Main Street, Cortez.

d. Approval of a renewal Hotel and Restaurant Liquor License for Fiesta Americana No. 3, Inc., DBA Fiesta Mexicana Family Restaurant, located at 430 North Highway 145, Cortez.

e. Approval of a renewal Hotel and Restaurant Liquor License for BMCJ Inc., DBA Stonefish Sushi and More, located at 16 West Main Street, Cortez.

f. Approval of a renewal Fermented Malt Beverage Liquor License for Western Refining Retail, LLC, DBA Speedway #9492, located at 2320 East Main Street, Cortez.

g. Approval of a renewal Fermented Malt Beverage Liquor License for Western Refining Retail,

LLC, DBA Speedway #9496, located at 2021 East Main Street, Cortez.

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

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

Director of Finance Koskie spoke about the April 2022 Financial Statements (item 2h.) explaining that 33% of the fiscal year has been concluded. She directed Council to page 2 under the revenue section noting the golf course has done well with 47% for the golf cart revenue above the projected amount for this time of year. She also referenced page 44 noting that the Recreation Center Fund has a net revenue of \$432,000 and commented that the Recreation Center has paid off their bond and is now debt free. She also reviewed the Refuse Fund (page 56) which shows a credit from the land fill for recycling items.

3. CITIZEN PARTICIPATION – None.

4. PRESENTATIONS

a. Proclamation in Recognition of Asian American, Native Hawaiian, and Pacific Islander Heritage Month. Mayor Medina read the proclamation declaring the month of May in recognition of Asian American, Native Hawaiian, and Pacific Islander Heritage Month. She stated that the community would like to pay tribute to the contributions these Americans bring to our history, society, and culture.

b. Proclamation for Public Service Recognition, 2022. Mayor Pro-tem Yazzie read the proclamation recognizing the dedicated public servants throughout the nation as federal, state, county, and local government employees. She noted the indispensable contributions that public servants make and commented that they are the lifeblood of our democracy.

c. Proclamation for June 2022 as LGBTQ2S+ Pride Month in the City of Cortez. Councilmember Keefauver stated that June is being designated as LGBTQ2S+ Pride Month. He stated that every person should be able to live without fear of prejudice, discrimination, violence and hatred based on race, religion, gender identity and/or sexual orientation. He urged residents to respect and honor our diverse community and to celebrate and build a culture of inclusiveness and acceptance.

5. PUBLIC HEARINGS

a. Ordinance No. 1300, Series 2022. City Attorney Green stated that Ordinance No. 1300, Series 2022, approves a correction on a deed(s) for the sale of real estate to Montezuma Partners LLC. He stated that when the deeds were drawn up on the sale of the property with Montezuma Partners LLC there was a mistake made on the legal descriptions. He stated that Lot 1B was transferred to Montezuma Partners instead of Lot 1A. He stated that the City will exchange deeds with Montezuma Partners LLC to convey the correct ownership of the lots. He stated that staff recommends approval of Ordinance No. 1300, Series 2022, following the public hearing. Mayor

Medina opened the public hearing; however, no one spoke and the public hearing was closed.

Mayor Pro-tem Yazzie moved that Council approve Ordinance No. 1300, Series 2022, approving a correction on a deed(s) for the sale of real estate to Montezuma Partners LLC., on second and final reading. Councilmember Keefauver seconded the motion, and the vote was as follows:

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

b. Resolution No. 14, Series 2022. Contract City Planner Dosdall stated that Resolution No. 14, Series 2022, approves a site development plan for the construction for a 4,000 square foot metal storage building to be located on the Southwest Memorial Hospital Campus located at 1311 North Mildred, in the Montezuma County PUD (Planned Unit Development) Hospital District. She stated that the storage building would be located behind the existing hospital on the hospital's existing complex. She stated that no new parking, landscaping, or utilities are proposed with the project which would have access from a new curb cut off of Dr. EE Johnson Drive. She commented that the proposal is required to meet the development standards of the PUD. She noted that in 2016 an ambulance bay was approved by the City on the hospital complex and was required to place a color band and some stucco on the building to help with the appearance. She stated that the Planning and Zoning Commission reviewed the proposal on May 3, 2022, and recommended approval of the project with the added condition that a metal storage building would be allowed as a one-time exception and all future buildings in the PUD are to meet design standards, including all future metal buildings. Contract City Planner Dosdall stated that there were no concerns from agency review and she stated that staff recommends approval with three conditions. Discussion was held on landscaping being provided around the building and Contract City Planner Dosdall stated that the building would be filling the vacant space on the property and there would not be any additional room for landscaping. Mayor Medina asked if the building would be required to have fire suppression and Contract City Planner Dosdall stated that fire suppression would be part of the building permit process. Dean Matthews, Board Chairman for Montezuma County Hospital District, stated that the hospital is required to keep on hand more items for disaster relief than the hospital has room for and therefore the new storage building is needed. Mayor Medina opened the public hearing; however, no one spoke and the hearing was closed.

Councilmember Keefauver moved that Council approve a site development plan for the construction for a 4,000 square foot metal storage building on property located at 1311 North Mildred, the Southwest Memorial Hospital Campus, through Resolution No. 14, Series 2022, with the following conditions: 1. All requirements of utility providers, City departments, CDOT, and affected districts must be satisfied, as outlined in adopted City Codes and other regulatory documents. Specifically, all public improvements shall comply with the minimum requirements of the 2009 City of Cortez Construction Design Standards and Specifications. 2. The appropriate construction drawings and reports for the project, signed and stamped by a Colorado licensed architect or engineer, must be approved by the Building Official and City Engineer, and a building permit obtained prior to any construction on site. And 3. In approving the application for a metal storage building at Southwest Memorial Hospital, being aware that it does not meet the design standards for this PUD. This is a one time exception. All future buildings in this PUD are to meet design standards, including all future metal buildings. Councilmember Rainey seconded the

motion, and the vote was as follows:

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

6. UNFINISHED BUSINESS – None.

7. NEW BUSINESS

a. Chevrolet Pickup with Utility Bed Purchase for Parks Department. City Manager Sanders stated that the 2022 Equipment Fund provides \$52,000 for the purchase of a new ¾ ton 4-wheel drive pickup with a utility bed for the Parks Department. He stated that the City continues to face challenges in acquiring vehicles and, though this is outside the normal bid process, General Services Director Rick Smith was able to locate this vehicle with the utility bed already included. He noted the amount for the vehicle is under budget and that the vehicle is needed in the Parks Department.

Councilmember Rainey moved that Council authorize the purchase of the 2022 ¾ ton pickup with utility bed from Morehart Murphy at the price of \$50,942.15, for the Parks Department. Mayor Pro-tem Yazzie seconded the motion, and the vote was as follows:

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

b. Re-Appointment of Three Current Members and New Appointment of an Open Seat to the Parks, Recreation, and Forestry Advisory Board. Director of Parks and Recreation Wright stated that three incumbent spots and one vacant spot is available for appointment on the Parks, Recreation, and Forestry Advisory Board. He stated that the Parks, Recreation, and Forestry Advisory Board consists of six resident members, one Councilmember, and one youth. He stated that currently three of the board members (Alan Klein, Kenneth Quigley, and Roman Jefferson) have requested that they be reappointed as their terms will be expiring or have expired. He noted that there is one vacant spot on the board and two applicants have applied. He stated that interviews are being set up with Council for the next worksession on June 14, 2022. He stated that the three incumbents bring valuable experience and they contribute to forwarding the parks and recreation mission and; therefore, staff recommends the three incumbents be re-appointed.

Councilmember Keefauver moved that Council re-appoint Alan Klein, Kenneth Quigley, and Roman Jefferson to the Parks, Recreation, and Forestry Advisory Board and postpone the appointment to the open seat on the board until after the interviews are held on June 14, 2022. Councilmember Rainey seconded the motion, and the vote was as follows:

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

c. Re-Appointment of Three Current Members to the Library Advisory Board. City Manager Sanders stated that Library Director Isabella Sharpsteen has requested that three incumbents,

Melanie Rime, Roxanne Rogers, and John Kennedy, be re-appointed to the Library Advisory Board for another term.

Mayor Pro-tem Yazzie moved that Council re-appoint the three members to the Library Advisory Board. Councilmember Rainey seconded the motion, and the vote was as follows:

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

d. Appointments of City Councilmembers to City Boards. Mayor Medina noted that the preliminary list of Council Boards (10 seats total) was included in the packet and Council held discussion on the various appointments. Mayor Pro-tem Yazzie stated that she would like to forfeit serving on the Cortez Arts Committee to Councilmember Rainey and would serve on the Cortez Youth Commission. Councilmember Keefauver stated that he would like to serve on the Parks, Recreation, and Forestry Advisory Board as noted and Councilmember Rainey stated that he would accept the Cortez Arts Committee position but would be unable to continue on the Cortez Cultural Center Board. Mayor Medina stated that she would like to have conversation with Council at a later date on the Cortez Cultural Center Board seat and asked that the seat remain vacant at this time. Councilmember Spruell stated that he would serve on the Golf Advisory Board. Mayor Medina stated that the Councilmembers on the Mesa Verde Country Board would include herself and Councilmember DeHaven with Councilmember Keefauver as the alternate. Councilmember Keefauver confirmed that he would serve as the alternate. Mayor Medina also noted that Councilmember DeHaven would serve on the Library Advisory Board and Councilmember Dobry would serve on the Cortez Historic Preservation Board.

Councilmember Keefauver moved that Council approve the appointments as recited by the Mayor for the time period of May 2022 through April 2024. Mayor Pro-tem Yazzie seconded the motion, and the vote was as follows:

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

e. Ordinance No. 1301, Series 2022. City Attorney Green stated that Ordinance No. 1301, Series 2022, authorizes a ground lease with Classic Air Medical for construction of an aircraft hangar at the Cortez Municipal Airport. He stated that the ordinance is required as the lease will be for forty years. He noted that the Airport Land Lease and Hangar Development Agreement is attached to the ordinance as Exhibit 1. He stated that staff recommends approval of Ordinance No. 1301, Series 2022, and that a public hearing date be set for June 14, 2022. Airport Manager Patton introduced Matthew Harman, Base Manager for Classic Air Medical, and stated that Classic Air Medical has had a helipad at the Cortez Municipal Airport for two years and has wanted to build a fixed wing hangar base so they could provide more services for the community. Discussion was held on the rent fees and Airport Manager Patton stated that the rent increase is based on inflation but is usually pretty minimal. He noted that the lease adjustment is the same that has been used for hangars located at the Airport for many years. Mr. Harmon stated that they are thankful to be able to expand and have the helicopter and an airplane at the Airport. Mayor Medina thanked Classic Air Medical for investing in the community.

Councilmember Spruell moved that Council approve on first reading Ordinance No. 1301, Series 2022, authorizing and approving a Ground Lease with Classic Air Medical for construction of an aircraft hangar at the Cortez Municipal Airport, and set for public hearing on June 14, 2022. Councilmember Keefauver seconded the motion, and the vote was as follows:

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

f. Ordinance No. 1302, Series 2022. City Attorney Green stated that Ordinance No. 1302, Series 2022 approves a Second Amendment to the Agreement between Montezuma County and the City of Cortez owned Cortez Community Network Enterprise regarding a broadband fiber network. He stated that Montezuma County asked that the agreement be changed to a 25 year agreement instead of a five year term. He stated that the longer agreement period allows for the providers and customers a more certain period of investment assurance than the shorter term. He stated that the history of the CCN agreements with Montezuma County were attached as exhibits. It was noted that nothing else was changed in the Second Amendment other than the term.

Councilmember Keefauver moved that Council approve on first reading Ordinance No. 1302, Series 2022, approving a Second Amendment to the Agreement between Montezuma County and the City of Cortez owned Cortez Community Network Enterprise regarding a broadband fiber network. Councilmember Rainey seconded the motion, and the vote as follows:

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

8. DRAFT RESOLUTION/ORDINANCES – None.

9. CITY ATTORNEY’S REPORT – None.

10. CITY MANAGER’S REPORT

a. Playground Days Program/Human Resources Department/Parks Department/Brownfield Clean-up. City Manager Sanders stated that the Playground Days program starts on June 6, 2022, and there seems to be a lot of interest. He also noted that there a few counselor positons open for the Playground Days program if there are any interested people that would like to apply for the summer job. He also noted that the Human Resources Department is working to find easier ways to streamline the process better for when applicants apply for jobs with the City. He stated that the Parks Department is having difficulty recruiting seasonal parks workers and may be until July before they are fully staffed. He asked that the community have patience as the parks team does all they can to keep the parks clean and maintained. He stated that the Colorado Department of Public Health was awarded a 2 million dollar grant to address brownfield clean-up and the City of Cortez was part of the grant. He stated that the City should know in two to three weeks if they will be awarded funding that could be used towards clean-up of two properties (old dry cleaners located on Market Street and a gas station on Broadway) located in Cortez. Employee Highlight: Nominated by Director of Public Works Brian Peckins, Dona Thompson, Public Works Administrative Assistant, has been with the City since 1979. She has a wealth of institutional

knowledge and is the glue that holds the Public Works Department together. He stated that she is the one that can find information on old contracts, handshake agreements and notes from long ago meetings and is always two steps ahead of anyone else in the department. He stated that Dona typed the 1980 Construction Design Standards and Zoning Ordinance without a computer and has helped initiate the recycling program, incorporated Planning and Zoning, GIS, Cross-Connection, and Engineering into the Public works Department. She has seen it all and done it all, but she is not done yet and commented what a long, strange trip its' been.

11. CITY COUNCIL COMMITTEE REPORTS

a. Mayor's Report on Workshop. Mayor Medina presented a card to City Manager Sanders acknowledging his first year with the City of Cortez. City Manager Sanders stated that he has really enjoyed working for the City. She stated that an update was given on the new City web site design, discussion was held on food truck/mobile vendor regulations, and protocols for Council were reviewed. Also, discussion was held on the Council workshop venue and a presentation was made on changing the closing time for marijuana establishments.

12. OTHER ITEMS OF BUSINESS

a. Mayor Pro-tem Yazzie moved to adjourn at 8:32 p.m. to Executive Session for discussion 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) and 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 new City Attorney and the Interim City Attorney contracts. Councilmember Keefauver seconded the motion, and the vote was as follows:

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

Council returned from Executive Session at 9:02 p.m. Mayor Pro-tem Yazzie moved that Council approve the City Attorney Contract with J. Patrick Coleman. Councilmember Keefauver seconded the motion, and the vote was as follows:

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

Councilmember Keefauver moved that Council approve the Interim City Attorney Contract with Michael F. Green, effective through July 1, 2022. Councilmember Rainey seconded the motion, and the vote was as follows:

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

13. PUBLIC PARTICIPATION

a. Community Call to Action. Susan Kemnitz, 511 South Cedar Street, Cortez, stated that citizens would be gathering at the VFW on Friday, May 27, 2022, to place flags in the Montezuma County cemeteries on veteran's grave sites. She reminded everyone to remember what Memorial Day symbolizes and that veterans should be honored as they have given their lives to secure our freedom.

Councilmember Keefauver moved that the regular meeting be adjourned at 9:10 p.m. Mayor Pro-tem Yazzie seconded the motion, and the vote was as follows:

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



Rachel B. Medina, Mayor

ATTEST:



Linda L. Smith, City Clerk