

CITY COUNCIL  
REGULAR MEETING  
TUESDAY, JUNE 14, 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, David Rainey, and Dennis Spruell. Staff present included Chief of Police Vernon Knuckles, Director of Parks and Recreation Creighton Wright, Library Director Isabella Sharpensteen, Children's Librarian Laura McHenry, Youth Services Librarian Cynthia Chaco, Tech and Teen Services Supervisor Alissa Baxstrom, Interlibrary Loan/Reference Tech Darren Uptain, Adult Programming Coordinator Heather Roe, Airport Manager Jeremy Patton, IT Support Technician Kyle Kuhn, Human Resources Director Matt Cashner, Community and Economic Development Director Rachael Marchbanks, 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 27 people present in the audience.

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

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

Mayor Medina made a statement as follows: I would like to make a statement in regards to the previously scheduled June 22<sup>nd</sup>, 2022 drag show hosted by the Cortez Public Library in celebration of Pride Month. Unfortunately, there was a chain of events which lead to the dissolution of this event. Although an intimidation attempt did occur, that event was not the only compelling factor that resulted in cancellation, but more a combination of logistics and timing as well. In the end, the City of Cortez does not back down to threats or intimidation though, and I call upon all Cortez residents to join us in condemning this type of behavior. As Mayor, I strive for Cortez to be a more inclusive and safe community for all people wherein we celebrate our differences and support one another. I recognize that the KSJD news story and information online has likely caused undue stress upon our LGBTQ2S+ community. I apologize for the miscommunications that have led to this situation, and I assure you that we will do better in the future. Whether or not we host, sponsor, or otherwise participate in this or future similar event, I want to assure you that this type of event falls within the mission of both the City and Library. I have read the outpouring of emails in support of using tax payer funds for this type of event, and appreciate the willingness of people to share their opinion with us. One of our City's strengths is its diversity and the City supports a variety of viewpoints and events that reflect this. We support our veterans, we support our Native American and Latino community, we support our agricultural heritage, we support our long term and new residents. We are all Cortezians together. Our diversity is what makes us strong and vibrant. Thank you.

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

- a. Approval of the Minutes of the Worksession and Regular Council Meeting held on May 24, 2022.
- b. Approval of the Expenditure List for June 14, 2022.
- c. Approval of a Modification of Premises for Chronic Therapy-Cortez LLC, located at 1020 South Broadway, Cortez, to allow for a walk-up window on the premises.
- d. Approval of a renewal application for a Retail Marijuana Store License for Durango Organics, LLP, DBA Durango Organics, located at 1013 East Main Street, Cortez.
- e. Approval of a renewal Hotel and Restaurant Liquor License for La Casita de Cortez, LLC, DBA La Casita de Cortez, located at 332 East Main Street, Cortez.
- f. Approval of a renewal Hotel and Restaurant Liquor License for Rosita Inc., DBA Tequila's, located at 1740 East Main Street, Cortez.
- g. Approval of a renewal Hotel and Restaurant Liquor License for Kashmien LLC, DBA Lotsa Pasta & That'za Pizza, located at 439 East Main Street, Cortez.
- h. Approval of a renewal Tavern Liquor License for A&S LLC, DBA Angel's End Zone, located at 309 North Broadway, Cortez.
- i. Approval of a Special Events Permit to Southwest Colorado Canyons Alliance to host an event on Friday, July 8, 2022, from 5:00 p.m. to 8:00 p.m., at Turquoise Raven Art Gallery, located at 104 East Main Street, Cortez.
- j. Approval of a Change in Corporation Structure and Transfer of Ownership for Thai Cortez, LLC, located at 1430 East Main Street, Suites 1-4, Cortez.

Councilmember Dobry moved that the Consent Agenda 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	Yes	Yes	Yes

### 3. CITIZEN PARTICIPATION

Mayor Medina opened the Citizen Participation noting the time is 7:40 p.m.

- a. Susie Meyer, 144 South Market, spoke about her concern regarding threats of violence having been brought to bare on Pride month. She stated that in the future she hopes we will be able to address our differences with well intentioned listening and productive dialogue that benefits all members of our community.
- b. Ryan Warren, 208 Sligo Street, presented a petition supporting the Recreation Center returning

to its original business hours so that everyone has the opportunity to use the facility. He stated that tourists also use the facility and with the facility closing at 7:00 p.m., instead of its original time of 9:00 p.m./10:00 p.m., does not allow the facility to be used to its full potential.

c. Kris Abrams, Montezuma County, thanked Council for their courage during this time of harassment and intimidation. She asked that Council be transparent about what happened with the event that was to be held in the Library. She spoke about the Trevor Project and commented that all citizens need to be included.

d. Raleigh Cati, Montezuma County, thanked the Mayor for her words at the start of the meeting and she stated that she supports City events that are offered to all citizens of the community. She stated that intentions are important but the messaging is more important and we need to say to everyone that they matter.

e. Karen Sheek, resident of the Southern Bluffs Subdivision, stated that she is thankful for the Library and its staff which work to be inclusive of all segments of the community. She stated that the Library offers a place to entertain, enlighten, and meet people who are different from us. She stated that she supports programs that foster respect and understanding for others and asked that everyone open themselves up to new ideas.

f. Janet Hough, Montezuma County, thanked City Council, the City Manager, the Library Director, and the Library staff for the tireless work they do in the community. She stated that LGBTQ people need to know that they are included and accepted in our community. She asked that people let others live the way they choose. She read Romans 12:18, noting if it is possible, as it depends on you, live at peace with everyone.

g. John Kennedy stated that he has lived in the City since 2018 and that we should treat everyone equally and love, respect, cherish and honor those that are different.

No other citizens spoke and Citizen Participation ended at 7:55 p.m.

#### 4. PRESENTATIONS – None.

#### 5. PUBLIC HEARINGS

a. Ordinance No. 1301, Series 2022. City Attorney Green stated that Ordinance No. 1301, Series 2022, presented on second reading, approves a Ground Lease with Classic Air Medical for construction of an aircraft hangar at the Cortez Municipal Airport. He stated that the agreement includes a real estate transaction and a lease that would be in effect for forty years. He noted that Classic Air is currently operating out of the Airport. 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. 1301, Series 2022, approving a Ground Lease with Classic Air Medical for construction of an aircraft hangar at the Cortez Municipal Airport. Councilmember Keefauver seconded the motion, and the vote was as follows:

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

b. Ordinance No. 1302, Series 2022. City Attorney Green stated that Ordinance No. 1302, Series 2022, amends the term of agreement by and between the City of Cortez owned Cortez Community Network Enterprise and Montezuma County. He stated that the ordinance will approve a 25-year agreement, rather than a 5-year agreement, which therefore allows the fiber network to have more stability for future planning. He stated that staff recommends approval of the ordinance on second and final reading. Mayor Medina opened the public hearing; however, no one spoke and the hearing was closed.

Councilmember Rainey moved that Council approve Ordinance No. 1302, Series 2022, amending the terms of the agreement by and between the City of Cortez owned Cortez Community Network Enterprise and Montezuma County. Councilmember Dobry seconded the motion, and the vote was as follows:

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

6. UNFINISHED BUSINESS – None.

7. NEW BUSINESS

a. Resolution No. 19, Series 2022. Community and Economic Development Director Marchbanks stated that Resolution No. 19, Series 2022, approves an amended plat for two parcels of land known as Lot 21 and Lot 22 of the Resubdivision of Lot 19 Fairway View Estates, Phase 6 as submitted by property owner, Billy Sanchez. She stated that the parcels are currently vacant and the proposal is to consolidate the two existing lots into one .68 acre lot for construction of one single family dwelling. She reviewed Land Use Code Section 6.09 noting that the proposal meets requirement (9) which states: ‘relocate or vacate one (1) or more lot lines between one (1) 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 stated that staff recommends approval of Resolution No. 19, Series 2022, with two conditions. In response to a question regarding the driveway, Community and Economic Development Director Marchbanks stated that all requirements of City departments would need to be met as outlined in condition one of the resolution.

Councilmember Dobry moved that Council approve an amended plat for two parcels of land known as Lot 21 and Lot 22 of the Resubdivision of Lot 19 Fairway View Estates, Phase 6 as submitted by property owner Billy Sanchez Inc., 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	Yes	Yes

b. Resolution No. 20, Series 2022. Community and Economic Development Director Marchbanks stated that Resolution No. 20, Series 2022, approves an application for a minor subdivision to be

known as Layline Townhome Subdivision, located on the east half of Lots 21-24, Block 14, F.R. Coffins Addition to the Town of Cortez, as submitted by Jaime Campuzano, property owner. She stated that the request is to divide the building to allow for separate sale of the existing units. She stated that the structure meets the requirements of Land Use Code Section 6.11(a). It was noted that any changes that would need to be made for the duplex to be divided, such as separate parking spaces/electric/water/trash service would need to be completed as required through the first condition of the resolution. She stated that staff recommends approval of Resolution No. 20, Series 2022, with two conditions.

Councilmember Dobry moved that Council approve Resolution No. 20, Series 2022, approving an application for a minor subdivision to be known as Layline Townhome Subdivision, located on the east half of Lots 21-24, Block 14, F.R. Coffins Addition to the Town of Cortez, as submitted by owner, Jaime Campuzano, 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	Yes	Yes

c. Fireworks Display Permit for the 4<sup>th</sup> of July and the Pinto Bean Golf Tournament. City Clerk Smith stated that as per City of Cortez Code Section 11-4, the chief of the fire department or his authorized agent shall have the power to grant permits within the City for supervised public displays of fireworks by the City. She noted that attached to the packet is a Fireworks Display Permit from the Cortez Fire Protection District to host fireworks on July 4, 2022, in Parque de Vida and on August 20, 2022, at the Conquistador Golf Course for the Pinto Bean Golf Tournament. She commented that the insurance certificate from the Cortez Fire Protection District is also included in the packet. Mayor Medina encouraged the public to attend the fireworks display on July 4<sup>th</sup> and not to have personal fireworks due to the drought and fire ban in the County.

Councilmember DeHaven moved that Council approve the Fireworks Display Permits from the Cortez Fire Protection District requesting permission to complete outdoor fireworks displays on July 4<sup>th</sup> in Parque de Vida and on August 20, 2022, at the Conquistador Golf Course for the Pinto Bean Golf Tournament. Councilmember Keefauver seconded the motion, and the vote was as follows:

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

d. Resolution No. 17, Series 2022. Human Resources Director Cashner stated that Resolution No. 17, Series 2022, approves adding Juneteenth as an observed holiday for the City of Cortez employees. He noted that the holiday is observed both Federally and by the State of Colorado and staff would like to add the holiday as it would serve as an additional fringe benefit and shows both employees and community members that the City values equality. He asked Council for approval of Resolution No. 17, Series 2022, effective in 2022.

Councilmember DeHaven moved that Council approve Resolution No. 17, Series 2022, altering City policy and recognize the State and Federal holiday known as Juneteenth (June 19<sup>th</sup>) for the

City of Cortez. Councilmember Rainey seconded the motion, and the vote was as follows:

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

e. Adoption of 2022 Updated Financial Policies. Director of Finance Koskie thanked Finance Department Employees Sara Coffey and Lynette Reece for their work on the Updated Financial Policy. She stated that the City had two different policies, an investment policy and a financial policy which were added together into one document. She stated that the policies reflect all of the requirements of GASB/GAAP and the policy was reviewed by the City's audit team (Atlas CPA's and Advisors) and a couple of changes were recommended and added to the final policy. She stated that the policy is clear and concise and easy to follow. Mayor Medina asked about wording on annual audits and budget timelines and Director of Finance Koskie stated that the policy does require audits to be completed annually and noted that it helps to keep the budget timeline flexible. City Manager Sanders commented that the budget requirements are outlined in the City Charter. Director of Finance Koskie stated that the document is available should anyone want a copy. In answer to a question from Councilmember Dobry, Director of Finance Koskie stated that a staff conflict-of-interest is outlined also in the City's Personnel Handbook and says that no financial transaction can be approved by an employee that would personally benefit from the transaction. Council thanked the Finance team for their hard work.

Councilmember Dobry moved that Council adopt the 2022 Updated Financial Policies. Councilmember DeHaven seconded the motion, and the vote was as follows:

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

f. Resolution No. 18, Series 2022. City Manager Sanders stated that Resolution No. 18, Series 2022, approves the adoption of a formal set of protocols for the City's governance. He stated that the document is modeled after other Colorado municipality's documents and includes information on adhering to open meetings laws; maintaining effective communication and organizational efficiency; and serves as a quasi-policy manual for Council members. In answer to a question from Mayor Medina, City Manager Sanders stated that document would become part of the Council candidate packets for new Councilmembers.

Councilmember Spruell moved that Council approve Resolution No. 18, Series 2022, adopting a formal set of protocols for its governance. Mayor Pro-tem Yazzie seconded the motion, and the vote as follows:

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

g. Resolution No. 21, Series 2022. City Manager Sanders stated that Resolution No. 21, Series 2022, supports the placement of State Initiative #63 on the November 2022 General Election ballot. He noted that Initiative #63 seeks to increase funding for preschool through twelfth-grade public education teachers. He stated that the community supports teachers and the initiative gives the

voters the opportunity to vote on changing the State funding for teachers pay without raising taxes. Mayor Medina read the resolution for the record.

Councilmember DeHaven moved that Council approve Resolution No. 21, Series 2022, supporting the placement of State Initiative #63 on the November 2022 General Election ballot. Councilmember Rainey seconded the motion, and the vote as follows:

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

8. DRAFT RESOLUTION/ORDINANCES – None.

9. CITY ATTORNEY'S REPORT – None.

10. CITY MANAGER'S REPORT

a. Sligo Street Reconstruction/Mildred Road Water and Street Project/Concrete Cost Share Program/City Painting. City Manager Sanders stated that Sligo Street (in front of the High School) is being reconstructed with the asphalt currently being removed. He stated that the project is going along well. Also the Mildred Road Water and Street Project will start on June 20, 2022; however, no total road closures will begin until after July 4<sup>th</sup>. He stated that the project will be in proximity of the hospital, State courts, and the Sheriff's office and the contractor will work hard to try and anticipate problems that may occur and make every attempt to ease the burden on the community. He reviewed the area that will be completed during the Concrete Cost Share Program and stated that City painting continues on side streets, parking spots, curbs, and crosswalks.

11. CITY COUNCIL COMMITTEE REPORTS

a. Mayor's Report on Workshop. Mayor Medina stated that interview of candidates for the Parks, Recreation, and Forestry Advisory Board was continued to another date. A presentation was made on the FAMLI (Family and Medical Insurance) program and a Board to Board meeting was held with the Montezuma County Commissioners/Administrator/Attorney on future joint projects.

b. Cortez Public Arts Committee. Councilmember Rainey stated that discussion at the Cortez Public Arts Committee meeting included a future creative art district and a DIY website was found which could be used to collaborate with other art groups.

c. Golf Advisory Board. Councilmember Spruell stated that he learned about snow mold which staff continues to be working on at the golf course. He stated that it was a great meeting other than comments on his golf game.

d. Ute Mountain Ute Tribe Bear Dance Parade. Mayor Pro-tem Yazzie stated that she filled in for Mayor Medina as a judge for the Ute Mountain Ute Tribe Bear Dance Parade which was held on Saturday, June 11, 2022. She stated it was an amazing experience and she was grateful for the opportunity to attend.

12. OTHER ITEMS OF BUSINESS



a. Councilmember Dobry moved to adjourn at 8:40 p.m. to Executive Session for the following purposes: 1) conference with Scott Krob, City of Cortez Water Attorney, for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b). Discussion will be held on water issues. Also, for 2) the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiations under C.R.S. Section 24-6-402(4)(e). Discussion will be held on the proposed band shell project and the broadband system. Councilmember DeHaven seconded the motion, and the vote was as follows:

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

Council returned from Executive Session at 9:53 p.m. Councilmember Dobry moved that Council instruct the City Manager to negotiation an agreement with Montezuma Valley Irrigation (MVI) to use the City's 4.2 cfs senior ditch rights. 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	Yes	Yes

### 13. PUBLIC PARTICIPATION

a. Lynette Ward, Aspen Drive, stated her objection to the Drag Queen event that was to be held at the Library. She commented on information she had obtained on the performer that would have been included in the event and stated that the event would not be family oriented.

b. Mayor Medina read for the record an email addressed to City Council from Rosie Carter regarding her concern for the cancellation of the Pride Month event that was to be held at the Library. She noted that she supports diversity in the community and that everyone belongs in Cortez.

Councilmember Dobry moved that the regular meeting be adjourned at 10:00 p.m. 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	Yes	Yes



Rachel B. Medina, Mayor

ATTEST:



Linda L. Smith, City Clerk