

CITY COUNCIL
REGULAR WORKSHOP/SPECIAL MEETING
TUESDAY, JULY 26, 2022
5:30 p.m.

1. The Workshop/Special Meeting was called to order at 5:34 p.m., at the City Council Chambers. Councilmembers present included Mayor Rachel Medina, Mayor Pro-tem Arlina Yazzie, Lydia DeHaven, Robert Dobry, Matt Keefauver, David Rainey, and Dennis Spruell. Staff members present included Director of Finance Kelly Koskie, Director of Public Works Brian Peckins, Director of Community and Economic Development Rachael Marchbanks, Chief of Police Vern Knuckles, IT Technician Kyle Kuhn, IT Technician Aaron Holleman, City Clerk Linda Smith, City Manager Drew Sanders, and City Attorney Patrick Coleman. There were two people present in the audience.

2. Noah Peterson, Summer Engineering Intern, was introduced by Director of Public Works Peckins. Mr. Peterson stated that he is from the area and has really enjoyed his job with the City. He commented that he has done a bit of everything including working at the water plant, driving a dump truck, worked in the Refuse Department, completed survey work, and many other City duties. Council thanked Mr. Peterson for his work over the summer and Councilmember DeHaven commented that she hopes he will come back. It was noted that his favorite 4th Grade teacher was Councilmember Keefauver.

3. Sam Light, General Counsel for CIRSA (Colorado Intergovernmental Risk Sharing Agency), stated that CIRSA is a public entity that represents 282 Colorado cities/towns and affiliated entities. He stated that the boardmembers for the entity are from the member cities/towns and noted that the City of Cortez has been a member of CIRSA since 1995. He stated that CIRSA is the City's insurer for property and casualty insurance. He gave Councilmembers a copy of the Ethics, Liability and Best Practices for Elected Official Handbook and spoke about Council's commitment to the role as a public official noting that the community will view Council as a public official 24/7. He stated that Council is held to the Colorado State Code of Ethics and commented that Council needs to commit to supporting the City structure and "stay in their lane" to avoid risks of liability, including the risk of personal liability. He stated that the governing body is not seven councils of one but rather one council of seven, the voice of the Council. He spoke about setting aside a personal interest or agenda when there is lack of support and accept that the Council has spoken. He stated Council needs to honor transparency and commit to the requirements of the Open Meetings Law. He spoke about honoring transparency and a commitment to professional courtesy and respect for one another's divergent viewpoints and styles. He spoke about suggestions on how to handle social media and emails and the importance of ethical conduct. He also spoke about the commitment of Council to provide due process and should commit to a "no surprises" approach while dealing with one another and staff. He spoke about holding Executive Sessions and the basics of quasi-judicial decision making. He concluded his presentation commenting that Council sets the tone for the whole organization and are stewards of the City's best interests and assets.

The regular worksession/special meeting was adjourned at 7:15 p.m.



CITY COUNCIL
REGULAR MEETING
TUESDAY, JULY 26, 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 Director of Public Works Brian Peckins, Chief of Police Vernon Knuckles, IT Technician Kyle Kuhn, IT Technician Aaron Holleman, Director of Community and Economic Development Rachael Marchbanks, Director of Finance Kelly Koskie, Airport Manager Jeremy Patton, Deputy City Clerk Donna Murphy, City Clerk Linda Smith, City Manager Drew Sanders, and City Attorney Patrick Coleman. There were five people present in the audience.

Councilmember DeHaven moved that the agenda be approved. 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

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 July 12, 2022.
- b. Approval of the Expenditure List for July 26, 2022.
- c. Approval of a renewal Retail Liquor Store License for Marjana Lloyd, DBA The Cellar, located at 2410 Fairway Drive, Suite B, Cortez.
- d. Approval of a renewal Arts Liquor License for the Cortez Cultural Center, Inc., DBA Cortez Cultural Center, located at 25 North Main Street, Cortez.
- e. Approval of a renewal Tavern Liquor License for Cortez Elks Lodge 1789, Inc., DBA Cortez Elks 1789, located at 2100 North Dolores Road, Cortez.
- f. Approval of a renewal Fermented Malt Beverage Off Premises Liquor License for Good 2 Go Stores, LLC., DBA Good 2 Go, located at 302 West Main Street, Cortez.
- g. Approval of a renewal Fermented Malt Beverage Off Premises Liquor License for Good 2 Go Stores, LLC, DBA Good 2 Go, located 717 South Broadway, Cortez.
- h. Approval of a Change in Corporation Structure and Transfer of Ownership for New Hong Kong of Cortez, Inc., located at 332 West Main Street, Cortez.

Councilmember Dobry moved that the Consent Agenda be approved as presented. 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 of 7:35 p.m.

a. DyrI Graf, 12130 Road 26, stated that he is a 20-year veteran volunteer firefighter and EMT and he commented on the degradation of the dispatch center over the last five to seven years. He spoke about the safety concerns over the breakdown of communication and noted a specific incident which recently occurred regarding a lost person. He commented that the dispatch will not answer calls after they were paged out. He spoke about the recording of time when firefighters are responding to a scene and stated that the times are associated with insurance safety operators (ISO) rating which can raise insurance premiums. It was noted that staff will follow-up on the comment.

b. Susan Kemnetz, 511 South Cedar Street, spoke about the General Fund excess money that was spoken about at the last Council meeting during the presentation on the purchase of new AV equipment. She commented that she agrees with fixing things that need replaced but asked if the City needs the fanciest equipment. She stated that people are hurting and there is no room for extra expenditures right now and the City should be thoughtful in what they buy as well.

No other citizens spoke and Citizen Participation ended at 7:41 p.m.

4. PRESENTATIONS – None.

5. PUBLIC HEARINGS – None.

6. UNFINISHED BUSINESS – None.

7. NEW BUSINESS

a. Ordinance No. 1308, Series 2022. Director of Finance Koskie stated that Ordinance No. 1308, Series 2022, approves on first reading an ordinance amending the 2022 Budget. She reviewed Appendix B, noting that the total amount of the mid-year budget adjustment is \$470,044. In answer to a question from Councilmember Keefauver, Director of Finance Koskie stated that discussion on the AV Equipment could be held during the regular budget process for 2023. Mayor Medina asked that the budget be posted for the public so they could make comments and Director of Finance Koskie stated that the budget would be posted on the ClearGov transparency page toward the end of August. Discussion was held on funding of the CIP (Community Intervention Program) which Director of Finance Koskie commented that the request that was included in the 2022 mid-year budget was a one-time request.

Mayor Pro-tem Yazzie moved that Council approve on first reading Ordinance No. 1308, Series 2022, approving an ordinance amending the 2022 Budget, and set for public hearing on August 9,

2022. 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

b. Planning and Zoning Commission Appointment. Director of Community and Economic Development Marchbanks stated that Council interviewed Katrina Weiss at their worksession on July 12, 2022. She noted the experience Ms. Weiss has and stated that she is currently serving on the Cortez Board of Adjustment and Appeals. She commented that staff recommends appointment of Ms. Weiss to the open seat on the Planning and Zoning Commission. It was noted that the term for Ms. Weiss would be for two years beginning on the date of her appointment. Discussion was held on the membership of the Board of Adjustment and Appeals which allows for two members to serve from the Planning and Zoning Commission.

Councilmember Dobry moved that Council appoint Katrina Weiss to the Planning and Zoning Commission for two years. 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 thanked Ms. Weiss for her interest in serving on the Planning and Zoning Commission.

c. Bid Results on the 2022 Street Improvement Project. Director of Public Works Peckins stated that only one bid was received for the 2022 Street Improvement Project from Dave and Lana Waters, Inc. at a bid amount of \$536,038.74. He reviewed the streets and asphalt patching that would be included in this year's project. Discussion was held on why the Recreation Center parking lot was being completed again as it was re-paved within the last few years; however, Director of Public Works Peckins noted that he did not know the history of the Recreation Center re-pavement of the parking lot. He stated that normally a contractor is held accountable for their work; however, that is not the case in this issue. City Manager Sanders stated that he was not sure who completed the work previously at the Recreation Center but staff would get back to Council with the information. Director of Public Works Peckins stated that Dave and Lana Waters have done great work for the City and South Sligo Street will be opened within a few days. In answer to a question from Councilmember Rainey, Director of Public Works Peckins stated that the street improvement project would begin within a month. Discussion was held on how the streets that are included in the street improvement project are prioritized. Director of Public Works Peckins stated that currently there is a five-year plan for future street improvements.

Councilmember Keefauver moved that Council award the 2022 Street Improvement Project to Dave and Lana Waters, Inc. at their bid amount of \$536,038.74. 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

d. Ordinance No. 1309, Series 2022. Airport Manager Patton stated that Ordinance No. 1309, Series 2022, authorizes and approves a ground lease with Jared and Karen Hansen for construction of an aircraft hangar at the Cortez Municipal Airport. He stated that Ordinance No. 1307, Series 2022, was previously presented to Council and was canceled during second reading due to substantial changes that were requested by the tenant. He stated that a change was made to the assignability phrasing in the assignment clause of the lease and a few other edits were completed; however, the description of the hangar size and property on which the hangar will be placed remain the same.

Councilmember DeHaven moved that Council approve on first reading Ordinance No. 1309, Series 2022, authorizing and approving a ground lease with Jared and Karen Hansen for construction of an aircraft hangar at the Cortez Municipal Airport, and set for public hearing on August 9, 2022. 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

e. Amendment to Employment Contract for City Manager Drew C. Sanders. City Attorney Coleman stated that Council held an evaluation of the City Manager during the July 12, 2022, Executive Session and at the conclusion of the meeting the City Attorney was instructed to prepare an amendment to the City Manager's employment contract for Council's review at this meeting. Mayor Medina noted achievements that City Manager Sanders has accomplished over the last 14 months including the completion of the high risk financial audits, relationships with stakeholders are improving, implementation of new policies has been done, and other housekeeping items have been completed. Councilmembers commented on the pay that other communities the same size as Cortez are paying for their City Manager and noted that the raise would give Mr. Sanders a fair and comparable wage equal to his peers.

Mayor Pro-tem Yazzie moved that Council approve the amendment to the Employment Contract for City Manager Drew C. Sanders. 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

8. DRAFT RESOLUTION/ORDINANCES – None.

9. CITY ATTORNEY'S REPORT

a. Contracts Update. City Attorney Coleman stated that two of the main projects he is currently working on include updates for the Land Use Code and review of a variety of forms/contracts which are used by the Airport and General Services Department.

10. CITY MANAGER'S REPORT

a. Sligo Street Road Construction/Region 9/Hiring Employees/Airport Update. City Manager

Sanders stated that the Sligo Street road construction project is having the final touches completed and could be opened as early as tomorrow. He thanked D&L Construction and the City Streets Department for their work to complete the project on time. He also noted that Region 9 has agreed to oversee the SWCOG (Southwest Council of Governments) for the foreseeable future. He spoke about employees that continue to be hired for open positions in the Parks and Recreation Department and commented that the Refuse Department is now fully staffed. He stated that the Airport is installing remote access weather cameras as an addition to aid pilots. He also noted that the CO Fire continues aviation based fire suppression in the area and have successfully put out many small blazes before they could become major fires. He noted that most of the water infrastructure replacement work is complete on Empire Street and the project is moving forward. Employee Highlight: Donna Murphy, Deputy City Clerk, joined the City team in January 2022 and brought with her a wealth of experience and has jumped in with both feet taking on many new projects in the City. She is attending Council meetings and is a great asset prior to/during/after meetings. She has completed filing of important City documents, indexed Council minutes, agenda preparation, completes the monthly calendar, participated in her first election, and is a member of the Wellness Committee. She has completed her third year at the Colorado Municipal Clerk's Institute and is working towards her certification. Donna's enthusiasm and kindness to everyone is evident in all she does. We are thankful she is here.

11. CITY COUNCIL COMMITTEE REPORTS

a. Mayor's Report on Workshop. Mayor Medina stated that Summer Engineering Intern Noah Peterson was introduced and Sam Light, CIRSA General Counsel, spoke about the Role of Elected Officials and spoke of his suggestions for success of Councilmembers.

b. Golf Advisory Board. Councilmember Spruell stated that the golf course is doing well financially with a lot of out-of-town visitors this summer. He stated that discussion was held on dogs at the course and it was noted that golfers will be strongly advised to have their dogs on a leash when they are at the course.

c. Parks, Recreation, and Forestry Advisory Board. Councilmember Keefauver stated that updates given at the Parks, Recreation and Forestry Advisory Board meeting included the south Park project and how workforce housing would be included in the project. He stated there was discussion on upcoming plans for the City's pocket parks. He stated the 4th of July event was reviewed and it was noted that the new launch site for the fireworks display was better and allowed for more people to safely watch the fireworks; however, the traffic egress plan needs more work for next year. Also, he stated that the graffiti at the pickleball courts has been cleaned up.

d. Public Arts Committee. Councilmember Rainey stated that discussion continues on a creative district being formed in Cortez with the Cortez Cultural Center and artists in the area being included in the discussion.

e. Bridge Emergency Shelter. Councilmember DeHaven stated that on July 13, 2022, she attended a Bridge Emergency Shelter Board meeting and discussion included the welcoming of Theresa Wilson to her new position as Executive Director. It was noted that grant audits are being completed and the finances seem to be in good shape. She stated that discussion was also held on the staff that

will be returning to work at the shelter this winter season.

f. Cortez Historic Preservation Board. Councilmember Dobry stated that the July meeting was cancelled and the next meeting will be held on August 3, 2022, with discussion to be held with History Colorado on the auto/tourism grant survey that was recently approved.

g. Mesa Verde Country Board Meeting. Mayor Medina stated that the next meeting is scheduled for September.

12. OTHER ITEMS OF BUSINESS – None.

13. PUBLIC PARTICIPATION

a. Mayor Medina summarized the emails received through Cortez Comments (for Citizen Participation). She noted that Mindy Nelson commented on concerns with the Library Director and transaction fees for marijuana purchases. Mayor Medina noted that Council had met with the marijuana shop owners last year and have decided that it is not a good time to implement transaction fees at this time. Lynette Ward commented on her concerns with Pride related events. Tiffany Gray had commented on the Library, Pride related events, and marijuana transaction fees. Karen Sheek had commented on the high pay increase for the City Manager. Brenda O'Brien commented on her concerns about City spending and opposed the City Manager raise. Richard Zawistowski stated his concerns with City spending and the increase in pay for the City Manager. Lisa Passell expressed her concerns for the City Manager raise and City spending. Mayor Medina stated that all the emails will be included with the public record should anyone wish to read the comments verbatim.


Mayor Pro-tem Yazzie moved that the regular meeting be adjourned at 8:25 p.m. 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



Rachel B. Medina, Mayor

ATTEST:


Linda L. Smith, City Clerk