

CITY COUNCIL
REGULAR WORKSHOP
TUESDAY, SEPTEMBER 13, 2022
6:15 p.m.

1. The worksession was called to order at 6:16 p.m., at the City Council Chambers. Councilmembers present included Mayor Rachel Medina, Lydia DeHaven, Robert Dobry, Matt Keefauver, David Rainey, and Dennis Spruell. Mayor Pro-tem Arlina Yazzie was absent. Staff members present included Director of Parks and Recreation Creighton Wright, Chief of Police Vern Knuckles, Director of Public Works Brian Peckins, Court Administrator Carla Odell, Airport Manager Jeremy Patton, Director of Community and Economic Development Rachael Marchbanks, IT Technician Aaron Holleman, Deputy City Clerk Donna Murphy, City Clerk Linda Smith, City Manager Drew Sanders, and City Attorney Patrick Coleman. There were four people present in the audience.

2. It was noted that Orly Lucero is interested in serving on the Board of Adjustment and Appeals. Should Council make the appointment, Mr. Lucero would replace Katrina Weiss who has recently been appointed to the Planning and Zoning Commission. Also, Rachel Weaver was interviewed for the Historic Preservation Board opening. Ms. Weaver stated that she is a realtor and has a great interest in historic properties. It was noted that Ms. Weaver would replace Cody Wells who recently resigned. Councilmember Dobry, serving as Council representative on the Historic Preservation Board, stated that it is helpful to have a realtor on the board as they can offer information on homes in the community.

3. Airport Manager Jeremy Patton; Court Administrator Carla Odell; Director of Parks and Recreation Creighton Wright; Director of Community and Economic Development Rachael Marchbanks; and Director of Public Works Brian Peckins made presentations to City Council on the highlights of each of their departments.

4. General Council Discussion. Mayor Medina spoke about a Letter of Support for the Dolores River Natural Conservation Area; however, after discussion on the letter it was decided to add the item to the next Council agenda for further discussion. Also, Mayor Medina stated that Councilmember Yazzie had wanted to thank Manager of Marketing and Special Events Jon Brooks for his help with planning the RISE Southwest Suicide Awareness Walk that was held last weekend. She stated that there were over 150 participants at the event.

The regular worksession was adjourned at 7:27 p.m.



CITY COUNCIL
REGULAR MEETING
TUESDAY, SEPTEMBER 13, 2022

1. The meeting was called to order in the City Council Chambers at 7:35 p.m., with the Pledge of Allegiance. Roll Call was taken and the following Councilmembers were present: Mayor Rachel Medina, Lydia DeHaven, Robert Dobry, Matthew Keefauver, David Rainey, and Dennis Spruell. Mayor Pro-tem Arlina Yazzie was absent. Staff present included Chief of Police Vernon Knuckles, IT Technician Aaron Holleman, Director of Finance Kelly Koskie, Director of Parks and Recreation Creighton Wright, Director of General Services Rick Smith, Director of Public Works Brian Peckins, Contract City Planner Nancy Dosdall, Director of Community and Economic Development Rachael Marchbanks, Deputy City Clerk Donna Murphy, City Clerk Linda Smith, City Manager Drew Sanders, and City Attorney Patrick Coleman. There were 15 people present in the audience.

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

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

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 August 23, 2022.

b. Approval of the Expenditure List for September 13, 2022.

c. Approval of a renewal Hotel and Restaurant Liquor License for Loungin' Lizard, Inc., DBA Loungin' Lizard, located at 2 West Main Street, Cortez.

d. Approval of a renewal Tavern Liquor License for the Cortez Conference Center, LLC, DBA Destination Grill, located at 2121 East Main Street.

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

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

3. CITIZEN PARTICIPATION

Mayor Medina opened the Citizen Participation.

a. Lisa Passell, 515 Texas Street and local business owner, questioned the expenditure for a

housing needs assessment (\$46,000) asking why the City has money for such items when the City is trying to trim funds. She commented that everyone knows what the housing market is in the area and suggested that Council spend the money on attracting industry and jobs to the area that will provide higher paying jobs. Ms. Passell also spoke about the Refuse Fund commenting on the revenue/expenditures for the recycling program which as of July 31, 2022 is at a \$93,000 loss. She asked why the program is continued at such a loss. She asked that Council review the projects that come before them and quit spending tax payer dollars on unnecessary items.

b. County Commissioner Kent Lindsay asked that Council consider approving a Letter of Support for the Dolores River Natural Conservation Area. He stated that the County has been working on this project for many years and discussion continues on how best to preserve water rights for the community (Mancos, Dolores, and Cortez) into the future.

4. PRESENTATIONS

a. National GEAR UP Week 2022 and Proclamation. Tai Rogers, Colorado GEAR UP Pre-Collegiate Advisory at Montezuma-Cortez High School, thanked Council for the opportunity to speak about the GEAR UP program (Gaining Early Awareness and Readiness for Undergraduate Programs). He spoke about the background of the program which helps provide low-income, minority, and disadvantaged students with the support and resources they need to go to college. He spoke about the events that will be held during the week of September 26-30, 2022, at M-CHS in regard to GEAR UP Week and noted that this is the fourth year that the program is being celebrated in the community. It was noted that there are several youth positions open on City boards should any youth be interested. Mayor Medina read the proclamation for the record.

b. 2022 July Financial Statements. Finance Director Koskie reviewed the highlights of the 2022 July Financial Statements stating that the golf course green fees revenue is up 82.4% and the outdoor pool revenue has doubled what was projected. It was noted that staff is working on the 2023 Budget and the public may comment on the budget through the ClearGov transparency section which is available on the City's website. Council will review the comments made by the public during the review of the 2023 proposed budget scheduled for Saturday, September 24, 2022.

5. PUBLIC HEARINGS

a. Resolution No. 24, Series 2022. Contract City Planner Dosdall stated that Resolution No. 24, Series 2022, approves a preliminary plat for CBERT Cortez, LLC Subdivision, a three lot subdivision in the E1/2, SW1/4, S25, T36N, R16W, N.M.P.M., located in the Commercial Highway (C) Zoning District. She stated that the property is zoned Commercial Highway and the American Family Care Clinic which was recently constructed would be located on Lot 1 and a small commercial lot would be available on Lot 2. She commented that Tract 1 (Lot 3) is 15.91 acres and is currently vacant with no proposed plans at this time for the property. Pictures of the site were shown for Council and the public to view regarding the layout of the property. Contract City Planner Dosdall spoke about the reason for the major subdivision noting that the proposal includes the dedication of several streets (extension of Texas Street, extension of Montezuma Avenue, and the extension of Kansas Street to connect with Hawkins Street). She commented that the dedication of the easement for the streets does not mean that the streets are being constructed; however, the

dedication is required as part of the preliminary plat process. She spoke about the review of the proposal in regard to meeting any provisions of the Comprehensive Plan and the City's Thoroughfare Plan. She noted that the Planning and Zoning Commissioner reviewed the proposal on September 6, 2022, and recommended approval with three conditions.

Mayor Medina opened the public hearing. Kay and James Garlinghouse, 33 North Texas Street, stated that they object to the proposal and asked about Montezuma Avenue being developed through the vacant property. Discussion was held on the right-of-way being dedicated for future streets and it was again emphasized that there are no plans for anything to be constructed on Lot 3 at this time. Gary Unrein, 1902 Downey Avenue, spoke about his concerns with the plat and how it is laid out and what may be developed on the property. He spoke about the current streets that are constructed in the area and how they cannot take heavy traffic. He stated the property is zoned Commercial and anything can go onto the property, such as a high density housing development. Spencer Smith, applicant for the project, stated that he does not know where the rumor started that a high occupancy housing development was being proposed for the property; however, that information is incorrect and there are no plans for development of Lot 3 at this time. In answer to a question from Mr. Garlinghouse, Mayor Medina stated that whatever is eventually proposed for the 15 acre parcel in the future will require notice to the public.

Councilmember Keefauver noted that the proposal is for the development of Lot 1 and Lot 2 at this time and one day Lot 3 will be developed; however, nothing is proposed at this time. City Attorney Coleman commented that Council is only reviewing the request for approval of a subdivision of three lots and the lots, when developed, will be determined for their usage through the zoning requirements. Mayor Medina closed the public hearing.

Councilmember Keefauver moved that Council approve Resolution No. 24, Series 2022, approving a preliminary plat for CBERT Cortez, LLC Subdivision, a three lot subdivision in the E1/2, SW1/4, S25, T36N, R16W, N.M.P.M., located in the Commercial Highway (C) Zoning District, with three conditions. Councilmember Dobry seconded the motion, and the vote was as follows:

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

b. Resolution No. 23, Series 2022, regarding Champion Xpress Carwash has been postponed until October 11, 2022.

6. UNFINISHED BUSINESS – None.

7. NEW BUSINESS

a. Letter of Support for Region 9 Middle Mile Fiber Network Project. Director of General Services Smith introduced Shak Powers, Regional Projects Manager for Region 9, who presented the information regarding the Letter of Support for the Region 9 Middle Mile Fiber Network Project. Mr. Powers stated that Region 9 is submitting a grant request on behalf of the five counties to the State of Colorado Broadband Office (CBO) and the Federal NTIA for a region Middle Mile Fiber Optic Network. He stated that the project would construct a fiber network (middle mile) along

Highway 160 from Cortez eventually to Walsenburg. He stated that an Intergovernmental Agreement would be completed at a later date should the grant be approved and the plans would then be put in place on how to manage the Middle Mile Fiber Network Project. He spoke about the grant funding request and how some of the match would be provided through CDOT (Colorado Department of Transportation) and Empire Electric.

Councilmember Dobry moved that Council approve a Letter of Support for Region 9 to apply for the Middle Mile Fiber Network Project and authorize the Mayor to sign the letter. Councilmember Spruell seconded the motion, and the vote was as follows:

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

b. Ordinance No. 1303, Series 2022, Land Use Code Amendment regarding Accessory Dwelling Units (ADU) has been postponed. First reading for Ordinance No. 1303, Series 2022, will be held on September 27, 2022. Second reading and public hearing is scheduled for October 11, 2022.

c. Ordinance No. 1305, Series 2022, Land Use Code Amendment regarding Food Trucks and Ordinance No. 1311, Series 2022, Land Use Code Amendment regarding Affordable Housing have been postponed. First reading for Ordinance No. 1305, Series 2022 and Ordinance No. 1311, Series 2022, will be held on October 11, 2022. Second reading and public hearing is scheduled for October 25, 2022.

d. Ordinance No. 1310, Series 2022. Contract City Planner Dosdall spoke about Ordinance No. 1310, Series 2022, which is presented on first reading, amending the City of Cortez Land Use Code, Section 3.05, regarding the re-classification of large home based child care facilities from Conditional Uses to Permitted Uses in the RE, R-1, R-2, MH, and NB zones. She stated that Colorado House Bill 21-1222 became effective on September 8, 2021, and requires local agencies to treat all licensed family child care homes the same as they would treat a single family dwelling. She stated that the existing Land Use Code allows small, home based child care facilities as a permitted use in all zones (except Open zone) that allow single family homes without additional regulations. She stated that large home based child care facilities (12 or less children) are currently conditional uses in all zones (except Open zone) that allow single family homes. She stated that Ordinance No. 1310, Series 2022, would bring the code into compliance as the House Bill requires.

Councilmember Keefauver moved that Ordinance No. 1310, Series 2022, amending the City of Cortez Land Use Code, Section 3.05, regarding the re-classification of large home based child care facilities from Conditional Uses to Permitted Uses in the RE, R-1, R-2, MH and NB zones, be approved on first reading and set for second reading on September 27, 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	absent

e. Bid Proposal Results for 2023 City of Cortez Housing Needs Assessment. Director of Community and Economic Development Marchbanks stated that in May of 2022, Council met and

identified housing as a top priority during its retreat. She stated that in order to better facilitate housing development and better position the City for grants, a Cortez-specific housing needs assessment is needed. She stated that the City has approached CHFA to help fund the assessment in the amount of \$25,0000, and that the remainder of the amount for the assessment would come from the Grants Administration budget. A Request for Proposals was advertised and two proposals were received. Staff is recommending that the bid be awarded to Williford, LLC (low bidder) in the amount of \$46,000. In answer to a question from Councilmember Spruell, the scope of services/benefits of the assessment was reviewed as outlined in the proposal. Councilmember Spruell noted that one of the important items to him that would be completed in the project would include information on the problems, challenges, and recommendations on the regulatory policies of the City. Director of Community and Economic Development Marchbanks noted that the City would likely spend \$10,500 for the match this year and the other part of the match (\$10,500) in 2023. Councilmember DeHaven commented that everyone knows of the housing issues for the community but the data that will be provided by the experts is important to help know more about the housing needs and to be able to apply for grants.

City Attorney Coleman suggested that Council open the item to receive public input. Susan Kemnitz, 511 South Cedar Street, stated that she feels the City goes about things in the wrong way commenting that most of the jobs in the community are low paying and the City should be trying to attract businesses that pay a decent living wage so the people would be able to buy a better home. John Kennedy, 620 East Empire Street, stated that new businesses have come to Cortez and are bringing new jobs. No other public comments were received. Mayor Medina stated that the City is not getting in the real estate business but is asking what can the City do to help facilitate development. She commented that the City can make changes to the Land Use Code and partner with stakeholders to help move the needle on housing development.

Councilmember DeHaven moved that Council award the Housing Needs Assessment Project to Williford, LLC in the bid amount of \$46,000, and authorize the City Manager to negotiate and enter into a professional services contract with Williford, LLC. Councilmember Dobry seconded the motion, and the vote was as follows:

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

f. Approval to Apply for Housing Incentives Grant (IHOP) from DOLA. Director of Community and Economic Development Marchbanks stated that in order to address current and future housing needs, the City is applying for funding assistance from the Colorado Department of Local Affairs (DOLA) Innovative Housing Strategy Grant (IHOP). She stated that the City intends to apply for approximately \$175,000, with a 25% match required, that would be used to develop innovative land use policies and regulations in order to facilitate and incentivize the development of workforce housing. She noted that the City's current Land Use Code will need to be adjusted to follow best practices in order to address housing development. In answer to a question from Councilmember Dobry regarding the match, Director of Community and Economic Development Marchbanks stated that the Housing Needs Assessment funding would not be able to be used for the match required for the Housing Incentives Grant (IHOP).

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

8. DRAFT RESOLUTION/ORDINANCES – None.

9. CITY ATTORNEY'S REPORT – None.

10. CITY MANAGER'S REPORT

a. Annual Budget Preparation/Board to Board Meeting/Community and Economic Development Department. City Manager Sanders stated that the annual budget preparation process continues and he encouraged the public to link into the ClearGov Financial Center to offer their comments on the financial priorities for 2023. He stated that Council participated in a Board to Board meeting at the Ute Mountain Casino on August 25, 2022. He stated that there was some excellent interaction between all the governing bodies (Town of Mancos, Town of Dolores, Ute Mountain Ute Tribe, and Montezuma County) and noted that the meeting will result in partnerships on various projects. He stated that he is proud of the Community and Economic Development Department and the progress that is being made with partners and stakeholders on meaningful changes and improvements for the community.

11. CITY COUNCIL COMMITTEE REPORTS

a. Mayor's Report on Workshop. Mayor Medina stated that during the worksession an interview was held with Rachel Weaver for an opening on the Historic Preservation Board. Also, she stated that presentations were made by the following City departments: Airport Manager Jeremy Patton; Court Administrator Carla Odell; Director of Parks and Recreation Creighton Wright; Director of Public Works Brian Peckins; and Director of Community and Economic Development Rachael Marchbanks. She spoke about the Board to Board meeting with the Town of Dolores, Town of Mancos, Ute Mountain Ute Tribal Members, and Montezuma County noting that it was a great meeting and she hopes that everyone will continue to communicate and work together for the betterment of the community. She also noted that the Ute Mountain Ute Tribe celebrated their 30th anniversary of the casino and she and Councilmember DeHaven attended the event. She stated that it was a great event which included past Tribal Councilmembers speaking about their experiences. Mayor Medina spoke about signing a proclamation for the Daughters of the Revolution which celebrates the 235th birthday of the constitution. And also that she attended an ice cream social at Madison House and signed a proclamation on National Assisted Living Week. Mayor Medina also noted that on Wednesday, September 14, 2022, she will attend the Mesa Verde Tourism Board meeting.

b. Arts Committee/Cortez Cultural Center. Councilmember Rainey stated that the Arts Committee continues to discuss the possibility of a creative district and is reaching out to other neighboring communities that have similar districts. He encouraged everyone that hasn't been to the Cortez Cultural Center recently to stop by and visit the newly remodeled gallery.

c. Cortez Historical Preservation Board. Councilmember Dobry stated that Rachel Weaver, applicant for the opening on the Cortez Historical Preservation Board, was interviewed by the board members during the board meeting on September 7, 2022.

12. OTHER ITEMS OF BUSINESS

a. Councilmember Dobry moved that Council convene to Executive Session at 9:10 p.m. for the purpose of determining positions relative to matters that may be subject to negotiations, strategy for negotiations, and/or instructing negotiators pursuant to C.R.S. Section 24-6-402(4)(e)(I). The topics of the Executive Session include contract negotiations with Mesa Verde Country regarding their current professional services contract and an update will be given on the negotiations for the possible sale or lease of the Cortez Community Fiber Network. Councilmember DeHaven seconded the motion, and the vote was as follows:

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

Council returned from Executive Session at 10:25 p.m. Participants in the Executive Session included City Manager Sanders, City Attorney Coleman, Mayor Medina, Councilmember DeHaven, Councilmember Dobry, Councilmember Keefauver, Councilmember Rainey, and Councilmember Spruell. No adoption of any policy, position, resolution, rule, regulations, or other formal action occurred during Executive Session.

13. PUBLIC PARTICIPATION – None.

Councilmember Dobry moved that the regular meeting be adjourned a 10:26 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	absent



Rachel B. Medina, Mayor

ATTEST:


Linda L. Smith, City Clerk