

CITY COUNCIL
REGULAR WORKSHOP
TUESDAY, SEPTEMBER 27, 2022
5:45 p.m.

1. The worksession was called to order at 5:45 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 Chief of Police Vern Knuckles, Director of Public Works Brian Peckins, Human Resources Director Matt Cashner, Library Director Isabella Sharpenstein, Director of General Services Rick Smith, Director of Finance Kelly Koskie, Director of Community and Economic Development Rachael Marchbanks, Contract City Planner Nancy Dosedall, IT Technician Kyle Kuhn, City Clerk Linda Smith, City Manager Drew Sanders, and City Attorney Patrick Coleman. There were eight people present in the audience.

2. Director of Community and Economic Development Marchbanks spoke about the award given to the Cortez Historic Preservation Board from the National Association of Preservation Commissions. She spoke about the work which has been accomplished by the all volunteer Cortez Historic Preservation Board including the receipt of ten grants used towards completion of an intensive inventory of historic properties in the community. She stated that the first inventory was completed in 2011 of the Original Townsite of Cortez and the current grant is for 17 properties in the auto/tourism field. A picture was taken with board members and City Councilmembers holding the award. Ms. Towle spoke about the current grant that includes inventory of the auto/tourism properties in the community and she shared pictures of various properties (hotels/motels/gas stations) that would most likely qualify for historic designation. She also spoke about several signs that have been designated historic already in the community. She commented that an owner of a historic property can contact the board to find out more information on how their property could be designated. Mayor Medina thanked Ms. Towle and the Historic Preservation Board members for their hard work on gathering the information on the history of Cortez and sharing it with the community.

3. Human Resources Director Matt Cashner, Library Director Isabella Sharpenstein, City Clerk Linda Smith, Chief of Police Vernon Knuckles, Director of General Services Rick Smith, and Director of Finance Kelly Koskie made presentations to City Council on the highlights of each of their departments. Councilmember DeHaven asked that some of the great accomplishments of the City (such as the solar program/budget) be included on the web site/social media so the citizens can see what their tax dollars are paying for.

4. General Council Discussion. Discussion was held on the Council meeting that will be held on November 8, 2022, which is Election night. More discussion will be held on whether to move the meeting to another night/cancel the meeting/or other options.

The regular worksession was adjourned at 6:55 p.m.



CITY COUNCIL
REGULAR MEETING
TUESDAY, SEPTEMBER 27, 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 Kyle Kuhn, Airport Manager Jeremy Patton, 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, City Clerk Linda Smith, City Manager Drew Sanders, and City Attorney Patrick Coleman. There were fifteen 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 September 13, 2022.

b. Approval of the Expenditure List for September 27, 2022.

Councilmember Keefauver 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 Citizen Participation.

Susan Kemnitz, 511 South Cedar Street, thanked the City and the Finance Department for the good job on the budget noting that it is good to know the City is trying to watch the finances because the rest of the people are really tightening their belts. She spoke about hearing that the Library is still trying to have the drag queen program and she commented that the program does not belong in the Library.

The following citizens spoke about the skateboard park: Daniel Fields, Anthony Saiz, Namicen

Jackson, Nathaniel Temple, Chase, Dorion, and Chris. Each of the speakers commented how the white paint that was recently painted on the skateboard park has made the park dangerous and that the paint is reflective in the sun and makes it hard to see. Jordan Romes commented that the City should improve the skate park as it is used by a lot of people and is one of the free programs offered to kids in the community. She stated that the white paint is very dangerous as it is bad for depth perception. She commented that the skateboard community should be consulted on changes to the park as they are really valuable to the discussion and that the kids have a connection to the art that was in the skate park. Mayor Medina thanked everyone for coming and asked if the contact numbers for the speakers could be collected so that they can be contacted for future discussion on the skate park. Councilmember Keefauver stated that the speakers are the best advocates for the skate park and when the park is opened for artists to paint again, it is important that people paint things that are cool and not paint things that are inappropriate.

4. PRESENTATIONS – None.

5. PUBLIC HEARINGS

a. Ordinance No. 1310, Series 2022. Contract City Planner Dosdall stated that Ordinance No. 1310, Series 2022, is being presented on second reading and amends the City of Cortez Land Use Code Section 3.05, Use Regulations regarding child care facilities, large home based. She commented that 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 noted that the existing Land Use Code allows small, home based child care facilities as a permitted use in all zones (except O) that allow single family homes without additional regulation. Currently large home based child care facilities (12 or less children) are allowed through the conditional use process which Contract City Planner Dosdall noted can take up to three months to complete. Mayor Medina opened the public hearing; however, no one spoke and the hearing was closed.

Councilmember DeHaven moved that Council approve on second reading Ordinance No. 1310, Series 2022, amending the City of Cortez Land Use Code Section 3.05 – Use Regulations regarding child care facilities, large home based. 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

6. UNFINISHED BUSINESS – None.

7. NEW BUSINESS

a. Resolution No. 27, Series 2022. Contract City Planner Dosdall stated that Resolution No. 27, Series 2022, approves a minor subdivision of an amended plat of Tract A, Lot 2, per re-subdivision of Lot 2 Russell Subdivision as AKC Townhomes. She stated that Candelaria Construction Inc., applicant, has submitted an application for a Minor Subdivision to divide a recently constructed triplex into three separate ownerships for individual sale. The tri-plex is located at 1408 North

Mildred and zoned Residential Multi-Family (R-2). She reviewed Land Use Code Section 6.11(a) regarding the regulations for a minor subdivision and noted that the existing structure meets all code/zoning requirements. She stated that staff recommends approval through Resolution No. 27, Series 2022, with two conditions.

Councilmember DeHaven moved that Council approve Resolution No. 27, Series 2022, approving a minor subdivision of an amended plat of Tract A, Lot 2, per Re-subdivision of Lot 2 Russell Subdivision as AKC Townhomes, with two conditions. 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

b. Resolution No. 28, Series 2022. Contract City Planner Dosdall stated that Resolution No. 28, Series 2022, approves a minor subdivision (boundary adjustment) of two parcels located in the E/2E/2NW/4NW/4NE/4 of Section 26, Township 36 North, Range 16 West, N.M.P.M. She stated that the Russell Cortez Rental Properties LLC, applicant, submitted an application for a Minor Subdivision to adjust the boundary between two adjacent properties located at 428 East Coronado Avenue and Empire Street. The properties total 1.91 acres and are zoned Residential Multi-Family (R-2). No comments were received from any agencies and the proposal meets the requirements of Land Use Code Section 6.11(a). She stated that staff recommends approval through Resolution No. 28, Series 2022, with two conditions.

Councilmember DeHaven moved that Council approve Resolution No. 28, Series 2022, approving a minor subdivision (boundary adjustment) of two parcels located in the E/2E/2NW/4NW/4NE/4 of Section 26, Township 36 North, Range 16 West, N.M.P.M, with two conditions. 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

c. Ordinance No. 1303, Series 2022. Contract City Planner Dosdall stated that Ordinance No. 1303, Series 2022, amends the City of Cortez Land Use Code, Section 3.05, Use Regulations regarding dwelling, accessory unit (ADU's). She stated that the ordinance is being presented on first reading to City Council and noted that the Planning and Zoning Commission has been working on the ordinance for some time. She spoke about the recommended code amendments for the accessory dwelling units (referred to as a mother-in-law apartment, alley home, garage flat, etc.) noting that they would be considered a subordinate to the principal unit or part of the house. An ADU would have a separate entrance and includes a kitchen, sleeping area, bathroom, and living area. Contract City Planner Dosdall commented that an ADU is not a duplex and cannot be sold separately and would always remain under one ownership. She spoke about the benefits of ADU's noting that they provide affordable housing and housing for niche markets such as empty nesters, young people just starting out, care givers, and/or the disabled. She reviewed statistics from the City of Durango on Accessory Apartments (as ADU's are referenced to in their community) noting that the rent is affordable for today's market. She commented on concerns with ADU's noting that there would be a loss of green space and possibly a loss of privacy for neighbors, as well as

parking, noise and emergency access concerns. Contract City Planner Dosdall reviewed the existing regulations from the Cortez Land Use Code Section 3.05 (22) noting that RE and R-1 currently allow ADU's as a conditional use. Discussion was held on the restrictive nature of the current City regulations on ADU's. Contract City Planner Dosdall noted that the average home size in Cortez is not all that large and commented that Planning and Zoning Commission is recommending the removal of the 20% requirement for lot size. She stated other recommended changes include the allowance of ADU's in the R-2 and MH zones; however, ADU's would only be allowed with an approved conditional use permit. She commented that two parking spaces would be required but allowed to be tandem and the property owner would be required to live on the property (either in the ADU or the primary home). She reviewed the comments that were received from public outreach on ADU's.

Discussion was held by Council on the recommendations with comment made that ADU's should be allowed in any zone in the City that residential units are allowed, including NB and CBD district. Discussion was also held on the parking requirements, short term or long term rental of the ADU's, lot coverage, size of the ADU's, amount of people allowed to live in an ADU, and if the ADU process should be through the conditional use permit or allowed as a use by right. Councilmember Keefauver asked if any one has communicated with the Cortez Sanitation District about the increase of use and the availability of sewer service. Contract City Planner Dosdall stated that the ADU's shouldn't have much affect on the utility providers. Council agreed that the verbiage for the ADU's should be clear and easy to understand and that the ADU's would offer different housing inventory in the community. City Attorney Coleman spoke about the options that Council has regarding tabling, denying, and/or moving the ordinance forward. He noted that it is helpful to have an ordinance that Council mostly agrees upon before the public makes comment and a final version is approved. Council agreed that they do not want to rush the ordinance through and would like to allow Council to offer their input on the regulations before the ordinance is prepared for a public hearing.

Councilmember Dobry moved that Council table Ordinance No. 1303, Series 2022, amending the City of Cortez Land Use Code, Section 3.-05, Use Regulations regarding dwelling, accessory unit (ADU), and that the regulations for ADU's be reviewed by Council at the October 11, 2022, worksession. 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

d. Appointment of Orly Lucero to the Board of Adjustment and Appeals and Rachel Weaver and Darren Uptain to the Cortez Historic Preservation Board. City Clerk Smith stated that Council interviewed Ms. Weaver at the last Council worksession and Ms. Weaver is being recommended for the open position on the Cortez Historic Preservation Board. Also, the Montezuma County Historic Society recommended that Darren Uptain be appointed to the Cortez Historic Preservation Board. Orly Lucero is being recommended for appointment to the Board of Adjustment and Appeals. City Manager Sanders stated that staff recommends that the applicants be appointed following their background checks being completed. Mayor Medina thanked the applicants for offering to serve on the various boards.

Councilmember Dobry moved that Council appoint Orly Lucero to the Board of Adjustment and Appeals for a three year term and Rachel Weaver to the Cortez Historic Preservation Board for a three year term. Also, as requested by the Montezuma County Historical Society, Darren Uptain be appointed as their representative on the Cortez Historic Preservation Board for a three year term, with the stipulation that their backgrounds checks are completed. 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

e. 2022 Library HVAC Equipment Bid Results. Director of General Services Smith stated that staff and ME&E, Mechanical Engineer Company for the project, has suggested that, to keep the replacement of the Cortez Public Library HVAC units moving forward, the City order the equipment for the project which could take up to eleven months to be delivered. One bid was received from Trane Technologies at a bid price of \$134,750.52. Director of General Services Smith stated that the equipment will not be paid for until the equipment is shipped in 2023 and funding will come from the Capital Project Budget. Discussion was held on why the City only received one bid. Director of General Services Smith stated that the bid was received from Omni cooperative which the City is a member of. In answer to a question from Councilmember Dobry, Director of General Services Smith stated that there are two different HVAC manufacturers (Trane and Carrier) and the local installers for HVAC systems sell both of the units so there should not be any issue on pre-ordering the units.

Councilmember Keefauver moved that Council award the 2022 Library HVAC equipment bid to Trane Technologies at the bid amount of \$134,750.52. 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

f. 4 Corners Rifle and Pistol Club Heating System. Director of General Services Smith stated that the 4 Corners Rifle and Pistol Club leases property from the City and would like to improve the heating system in the building that they lease. He noted that the current heating system is 50 years old and Comfort Air has looked at the system and is proposing a new system that will meet the Club's needs. Roger Lawrence, representing the 4 Corners Rifle and Pistol Club, stated that the members continue to maintain and repair the building when needed and noted that the current heating system is inefficient and needs to be replaced. He stated that the heating system replacement will be paid for by an NRA grant and members of the club. He stated that a working party will be pressure washing and painting the building in October and it is hopeful the restrooms will be upgraded next year. In answer to a question from Councilmember Dobry, City Attorney Coleman stated that the lease states that all improvements shall be completed by the 4 Corners Rifle and Pistol Club. Mr. Lawrence stated that they keep the City informed on any maintenance items they complete in the building and receive the proper permits prior to any changes.

Councilmember Spruell moved that Council give permission to the 4 Corners Rifle and Pistol Club to replace the heating system using the NRA grant and Club monies. 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

g. Lease Agreement with Denver Air Connection. Airport Manager Patton stated that Denver Air Connection is beginning their transition to flying planes in and out of Cortez beginning Saturday, October 1, 2022. He stated that City Attorney Coleman reviewed the previous agreement with Boutique Air and made appropriate changes to the new agreement with Denver Air Connection (owned by Key Lime Air Corporation) for use of the transition area of the terminal and the ramp area. He stated that the appropriate rates have been incorporated into the Lease Agreement with the Airport fund receiving \$6,742.32 in lease revenue and up to \$5,353.92 in landing fees in 2022. He stated that the agreement would be for a period of two years, beginning October 1, 2022 to September 30, 2024. The 2023 rates would be based on CPI increases. It was noted that Denver Air Connection participated in the 'Fly In' that was recently held at the Airport.

Councilmember DeHaven moved that Council approve the Lease Agreement with Denver Air Connection for use of the terminal and movement areas as described in the Lease Agreement. 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

h. Ordinance No. 1312, Series 2022. Airport Manager Patton stated that Ordinance No. 1312, Series 2022, authorizes and approves an amendment to a ground lease with Classic Air Medical for construction of an aircraft hangar at the Cortez Municipal Airport. He stated that Classic Air Medical signed a lease agreement under Ordinance No. 1301, Series 2022 on June 14, 2022, and since then the architectural firm has re-evaluated the area needed for a septic system and leech field to accommodate future crew quarters. He stated that Classic Air has requested a new property line. Their facility has housed a medical crew for a fixed-wing air ambulance that will provide EMS and interfacility transfers. Airport Manager Patton stated that the original site plan was going to have a septic system to the west of the structure and a parking area to the northwest. In the new orientation, parking will be designed on the west face of the structure, with additional land to the south being added for a sufficient septic tank and leech field area. Coincidentally enough, there is an existing drainage area to the south of Classic's lot that makes it impractical to build another hangar within 25' of Classic's proposed hangar. Airport Manager Patton stated that after review with both parties' on-call engineering, it has been determined that the proposed leech area is the most practical location. He stated that the new rate for the additional leased area will be applied beginning in January 2023 as the hangar construction will continue into the new year. The fees for 2023 will be determined by the CPI (Consumer Price Index) rates. Discussion was held on when the new building would be in place which probably won't happen until spring of 2023.

Councilmember Keefauver moved that Council approve on first reading Ordinance No. 1312, Series 2022, authorizing and approving an amendment to a ground lease with Classic Air Medical for construction of an aircraft hangar at the Cortez Municipal Airport, and set for public hearing on October 11, 2022. 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

i. Dolores River National Conservation Area and Special Management Area Letter of Support. City Manager Sanders stated that the Letter of Support for the Dolores River National Conservation Area and Special Management Area was prepared by staff on City letterhead. Should Council approve the letter, it will be sent to Senator Bennett's office

Councilmember Dobry moved that Council approve a Letter of Support for the Dolores River National Conservation Area and Special Management Area and authorize the Mayor to sign the letter. 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

8. DRAFT RESOLUTION/ORDINANCES – None.

9. CITY ATTORNEY'S REPORT

a. Budget/CML Conference. City Attorney Coleman apologized for missing the 2023 budget discussion held with City Council on Saturday, September 24, 2022. He stated that he was in attendance at the CML Municipal Attorney Conference that was held in Grand Junction. He noted that the conference allows for discussion with colleagues from around the State on what they are doing and ideas on how to handle a variety of issues. He thanked Council for allowing him to attend.

10. CITY MANAGER'S REPORT

a. 2023 Budget/Community Support Grant Deadline/Clean-Up Week. City Manager Sanders stated that City Council and leadership staff met at an open meeting on Saturday, September 24, 2022, to discuss the annual budget for fiscal year 2023. He noted that the budget will be available in draft form on the City's website under ClearGov and comments from the public will be received through October 11, 2022, prior to preparing the budget for first reading on October 25, 2022. Included in the proposed budget is the plan to retire City debt in 2023. City Manager Sanders is working with the Finance Director to ensure that all the details are worked out in advance and the impacts will be fully understood. He stated that the City Community Support Grant requests will be received through October 14, 2022, at 5:00 p.m. and the grant forms can be found on the City website. He noted that the City's clean-up week is this week through Friday.

11. CITY COUNCIL COMMITTEE REPORTS

a. Mayor's Report on Workshop. Mayor Medina stated that during the worksession an award was given to the Cortez Historic Preservation Board from the National Association of Preservation Commissions. The latest historic grant was reviewed and information was shared on historic properties in the City that have historic designation. Presentations were given by Department Heads as follows: Human Resources Director Matt Cashner, Library Director Isabella

Sharpenstein, City Clerk Linda Smith, Chief of Police Vern Knuckles, Director of General Services Rick Smith, and Director of Finance Kelly Koskie.

b. Bridge Shelter Board. Councilmember DeHaven met with the Bridge Shelter Board on September 14, 2022, and discussion was held on the opening of the shelter which is scheduled for October 16, 2022. She stated that if anyone is interested in volunteering, there is always room.

c. Golf Advisory Board. Councilmember Spruell stated that the next meeting is on September 26, 2022, and a walk through of the course is planned.

d. Parks, Recreation, and Forestry Advisory Board. Councilmember Keefauver stated that the Parks, Recreation, and Forestry Advisory Board met on September 16, 2022, with discussion held on the budget priorities. Employees of each divisions of the Parks and Recreation Department gave an overview of their latest happenings.

d. Mesa Verde Country Board Meeting. Mayor Medina stated that discussion at the Mesa Verde Country Board Meeting included tourism impacts and future ideas for tourism attraction. Also, the 2023 Budget was discussed.

e. Indian Health Services/CML District Meeting/Comments on 2023 Budget. Mayor Medina stated that Indian Health Services (IHS) has started a service in the community that includes a street medicine program. Every Tuesday, IHS is in Cortez and helping people that are out on the streets or those that do not feel comfortable going into institutions. Today the group was at Grace's Kitchen. Mayor Medina noted that tomorrow she and other Councilmembers and staff will be attending the CML District 9 meeting being held in Pagosa Springs. She stated that Council met with staff on Saturday, September 24, 2022 to review the 2023 proposed budget which is being prepared for first reading on October 25, 2022. Comments will continue to be received through ClearGov or citizens may email Council or City staff.

12. OTHER ITEMS OF BUSINESS – None.

13. PUBLIC PARTICIPATION – None.

Councilmember Dobry moved that the regular meeting be adjourned a 9:26 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	Yes	absent


Rachel B. Medina, Mayor

ATTEST:


Linda L. Smith, City Clerk