

**CORTEZ CITY COUNCIL  
REGULAR WORKSHOP/SPECIAL MEETING  
TUESDAY, NOVEMBER 22, 2022**

The Council Worksession for November 22, 2022, was not held

CITY COUNCIL  
REGULAR MEETING  
TUESDAY, NOVEMBER 22, 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, Refuse/Recycling Foreman Colby Earley, Director of General Services Rick Smith, Chief of Police Vernon Knuckles, IT Technician Kyle Kuhn, Community and Economic Development Director Rachael Marchbanks, Contract City Planner Nancy Dosdall, City Clerk Linda Smith, and City Attorney Patrick Coleman. There were three people present in the audience. Mayor Medina asked for a moment of silence in honor of those that were affected by the tragedy in Colorado Springs. Mayor Medina made a brief statement noting that as a nation we strive to build communities where no one is made to feel unsafe and that there is freedom for all people to be who they are. She stated that following the recent tragedy in Colorado Springs, she hopes that the State and Nation can come together and heal our divisions, accept our differences, and promote safe communities for all.

Councilmember Dobry moved that the agenda be approved. 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

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

- a. Approval of the Minutes of the Regular Council Meeting held on November 8, 2022.
- b. Approval of the Expenditure List for November 22, 2022.
- c. Approval of a renewal Fermented Malt Beverage Liquor License and Change of Manager application for Walmart Store No. 0966, located at 1835 East Main Street, Cortez.

Councilmember Rainey moved that the Consent 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	Yes

3. CITIZEN PARTICIPATION – None.

4. PRESENTATIONS

- a. An Update by Municipal Judge Beth Padilla. Municipal Judge Padilla stated that she and Municipal Court Clerk Carla Odell attended the Municipal Judges Association Conference in

Glenwood Springs and that they both received a lot of information from the various classes and contacts that were made. She spoke about changes that are being made to the law effective January 1, 2023, and how they will affect Municipal Court. She also spoke about some specialty courts, one most interesting to her, was in regards to the handling of the homeless in court. She thanked Council for allowing them to attend the conference. She spoke about the substance abuse evaluation program which is being recommended for defendants and most are complying and the useful public service (UPS) program that will begin in January 1, 2023. Judge Padilla thanked the City for working through that process so it can be included in sentencing. She discussed some changes that are being worked on with the City Attorney in regard to Municipal Court regulations in the City of Cortez Code Book. Mayor Medina spoke about the 'Built for Zero' program which is being run by the Pinion Project and also the 'Street Medicine' program noting that the Municipal Court should reach out to them to see how the programs could tie together in regard to the homeless. Judge Padilla stated that she would reach out to the two groups.

## 5. PUBLIC HEARINGS

a. Champion Xpress Car Wash Request to Withdraw their Application for a Conditional Use Permit. Mayor Medina stated that the applicant has withdrawn their request for the Champion Xpress Car Wash Conditional Use Permit and therefore no further action will be taken regarding the application.

b. Ordinance No. 1303, Series 2022. Contract City Planner Dosdall stated that Ordinance No. 1303, Series 2022, is being presented on second and final reading, amending the City Land Use Code, Section 3.05 – Use Regulations Regarding Dwelling, Accessory Unit – ADU. She stated that the City allows accessory dwellings currently in the RE (Residential Estate) and R-1 (Residential Single Family) zones; however, the changes would allow accessory dwelling to also be located in the R-2 (Residential Multi-family), MH (Manufactured Housing), NB (Neighborhood Business), and C (Commercial) zones with certain requirements being met. Mayor Medina opened the public hearing; however, no one spoke. She did note that an email was received from the public and they were in favor of the changes.

Councilmember Yazzie moved that Council approve on second and final reading Ordinance No. 1303, Series 2022, amending the City Land Use Code, Section 3.05 – Use Regulations Regarding Dwelling, Accessory Unit – ADU. 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. Bid Results and Lease of Four Refuse Trucks. Director of Public Works Peckins stated that staff has been working on updating the refuse and recycling program over the last six months and the last part of the process is to get the trucks needed to run the program. He spoke about the on-going

issues with the current fleet of refuse trucks and commented that on November 15, 2022, a serious engine problem sidelined one of the trucks until a diagnosis and repair can occur. He stated that staff has reached out for quotes from prospective bidders for larger units with known reliable drivetrains that meet industry best practices. The City researched upgrading the fleet through Sourcewell Cooperative Bid Agent that the City subscribes to and satisfies the competitive bidding requirements of the City of Cortez. He reviewed the quotes received from Sourcewell and stated that staff recommends the City lease three 25-yard rear-load units from McNeilus (\$280,682 each) and one 30-yard side-load unit from Kois Brothers (\$340,142.50). The money has been budgeted in the 2023 Refuse Enterprise Fund and placeholder Lease-to-Own Agreements have been secured through Kansas State Bank. It was noted that the lease is for five years and Director of Public Works Peckins stated that they hope the City can get in a rotation to keep the trucks in good shape. In answer to a question from Councilmember Keefauver, Refuse/Recycling Foreman Earley stated that it is fairly common to lease refuse vehicles especially due to the supply chain issues that continue. Discussion was held on the training that would need to be completed for the side load unit and it was noted that two of the staff have already completed that training. In answer to a question from Mayor Medina, Director of Public Works Peckins noted that refuse fees will be going up in 2023; however, Refuse/Recycling Foreman Earley stated that the refuse fee is still below the local market rates. Discussion was held on the lease payments beginning when the trucks are delivered which is estimated mid 2023.

Councilmember Keefauver moved that Council award the bid to McNeilus through Sourcewell at \$280,682 each for three 25-yard rear-load units (\$842,046 total) and one 30-yard side-load unit to Kois Brothers at \$350,142.50. He stated that both companies have met City specification requirements for quotes and have the available chassis and work bodies required to meet our schedule. The monies have been secured through Kansas State Bank. 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. Possible Cancellation of Council Meeting Scheduled for Tuesday, December 27, 2022. City Clerk Smith noted that traditionally the second Council meeting in December has been canceled due to the holidays. Staff is asking that Council consider approving the cancellation of the December 27, 2022, meeting.

Councilmember Yazzie moved that Council approve the cancellation of the Council meeting scheduled for Tuesday, December 27, 2022, due to the holidays. 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

8. DRAFT RESOLUTION/ORDINANCES – None.

9. CITY ATTORNEY'S REPORT

a. City Attorney Coleman stated that he has been reviewing various code regulations with

Municipal Judge Padilla and a few changes will be presented to Council after the first of the year that will better clarify enforcement of statutes. City Attorney Coleman also spoke about some Land Use Code changes that need to clarify any conflict and make them more user friendly.

10. CITY MANAGER'S REPORT – None.

11. CITY COUNCIL COMMITTEE REPORTS

a. Mayor's Report on Workshop. Mayor Medina noted that the workshop was canceled.

b. Parks, Recreation, and Forestry Advisory Board. Councilmember Keefauver stated that the Parks, Recreation, and Forestry Advisory Board met November 18, 2022, and discussion included the loss of Rosa Dimon from the staff at the Recreation Center as she going to the school system to teach. Ryan Thetga, Golf Course Superintendent, gave an update on the maintenance of the golf course and it was noted that the community is thankful for how good the course has looked this past year. Discussion was held on setting the meeting time so it is better defined.

c. Library Advisory Board. Councilmember DeHaven stated that the Library Advisory Board meeting was held on November 17, 2022, and discussion was held on previous events held in the Library as well as upcoming events. Discussion was also held on revamping the Friends of the Library program and also recruiting new members.

d. Mesa Verde Country Board Meeting. Councilmember DeHaven stated that she and Councilmember Keefauver attended Mesa Verde Country Board meeting on November 14, 2022, with discussion held on the 2023 Budget.

e. Montezuma Leadership Network. Councilmember Yazzie stated that a Montezuma Leadership Network will be held on December 8, 2022, at the Wild Edge Brewery. The event will be an ugly sweater event and will allow for recruitment of new members for various boards. She stated that it is a great time to meet people that want to serve the community. Councilmember Keefauver commented that all past members of Leadership Montezuma are invited to attend and connect with others past members and that the networking will allow for volunteers to hear about the various boards that interest them.

f. Arts Advisory Board. Councilmember Rainey stated that an Arts Board Meeting was held on November 7, 2022, with discussion held on establishing a downtown business district.

g. Council Meeting with Students. Mayor Medina stated that Southwest Open High School students came to City Hall to visit and learn more about City government. She noted that she and Councilmember Spruell shared with the students what it is like to serve on City Council and they asked a lot of questions and enjoyed sitting in the Councilmember's seats. Also, students from the English as a Second Language Program from the Adult Learning Center came and had a tour of City Hall and also visited with Councilmember Rainey, Councilmember Spruell and herself on the roll of the City Council.

12. OTHER ITEMS OF BUSINESS – None.

13. PUBLIC PARTICIPATION- None

14. ADJOURNMENT: Councilmember Dobry moved that the regular meeting be adjourned at 8:10 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

Mayor Medina wished everyone a Happy Thanksgiving.



Rachel B. Medina, Mayor

ATTEST:



Linda L. Smith, City Clerk