

CITY COUNCIL
SPECIAL MEETING
TUESDAY, JANUARY 24, 2023
6:30 p.m.

1. The Workshop was called to order at 6:30 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, Chief of Police Vern Knuckles, Court Clerk/Administrator Carla Odell, Deputy City Clerk Donna Murphy, City Clerk Linda Smith, City Manager Drew Sanders, and City Attorney Patrick Coleman. There were zero people present in the audience.

2. Councilmember Dobry moved to adjourn at 6:32 p.m. into Executive Session for the discussion of a personnel matter, specifically to conduct a six-month performance review of Patrick Coleman, Cortez City Attorney, and to discuss possible amendments to Mr. Coleman's employment agreement as authorized by C.R.S. Section 24-6-402 (4)(f)(I). The Executive Session will not involve any specific employee who has requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees. 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

Council returned from Executive Session at 7:27 p.m. and reconvened during the regular Council meeting for additional discussion of the matter. Participants in the Executive Session included City Manager Sanders, City Attorney Coleman, Mayor Medina, Mayor Pro-tem Yazzie, 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.

3. General Discussion: None

The regular workshop was adjourned at 7:28 p.m.

CITY COUNCIL
REGULAR MEETING
TUESDAY, JANUARY 24, 2023

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 Vern Knuckles, Director of Public Works Brian Peckins, Director of Parks and Recreation Creighton Wright, Court Clerk/Administrator Carla Odell, Airport Manager Jeremy Patton, Contract City Planner Nancy Dosdall, Library Director Isabella Sharpensteen, Director of General Services Rick Smith, Community and Economic Director Rachael Marchbanks, Human Resources Director Matt Cashner, IT Technician Kyle Kuhn, Deputy City Clerk Donna Murphy, City Clerk Linda Smith, City Manager Drew Sanders, and City Attorney Patrick Coleman. There were 22 people present in the audience.

Councilmember Dobry moved to amend the agenda and add an Executive Session under item number 12. Other Items of Business. 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

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

- a. Approval of the Council Agenda Minutes for on January 10, 2023.
- b. Approval of the Expenditure List for January 24, 2023.
- c. Approval of a renewal Hotel and Restaurant Liquor License for Rudosky LLC, located at 2310 East Empire Street, Cortez.
- d. Approval of a Special Event Permit for Cortez Area Chamber of Commerce to host an open house event on Thursday, January 26, 2023, on the premises of PASCO/SW Health Care, located at 2208 East Main Street, Cortez.
- e. Approval of a Change in Premise application for Dillon Companies, LLC, DBA City Market #8, located at 508 East Main Street, Cortez.
- f. Approval of a Transfer of Ownership application for Hotel and Restaurant Liquor License for Shiloh Inc., DBA Shiloh Steakhouse, located at 5 South Veach Street, Cortez.

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

DeHaven
Yes

Dobry
Yes

Keefauver
Yes

Medina
Yes

Rainey
Yes

Spruell
Yes

Yazzie
Yes

3. PUBLIC PARTICIPATION-

a. Justin Vasterling- spoke about the exemplary support from the community in regards to the upscale hotel development that was anticipated for the Holiday Inn and Destination Grill. He stated that the owners' group have received a lot of offers on the property and have made the decision to sell the Holiday Inn and Destination Grill and they are now under contract. He stated he believes the new owners will do great things and possibly invest new monies in the property. He thanked the community and the local partners for the work that was done on the project and stated a change should be seen within the next sixty days.

b. Amy King, owner of the Cortez Quilt Company, spoke about her concern with the snow removal that is happening within the city. She stated that North, Chestnut and Market Streets have only been plowed down the middle and does not allow for any or very limited parking on those streets. She said her son had plowed the parking lot at the church but that accommodates the staff from the local businesses. She spoke about her concerns about the ramps not being plowed, and that this is hindering the elderly customers from visiting her store. She stated that during the storm she understood the city not being able to keep up with the plowing but wants to know why the city hasn't done anything now that would help people come to the stores.

4. PRESENTATIONS- None

5. PUBLIC HEARINGS

a. Ordinance No. 1305, Series 2023. Contract City Planner Nancy Dosdall presented Ordinance No. 1305, Series 2023, on second and final reading, an ordinance amending the Cortez Land Use Code, Section 3.05- use regulations regarding mobile vendors. She stated this has been brought before Council on multiple occasions and the Community and Economic Development Department have made several revisions to the amendment. She stated that one amendment would be to allow food trucks in the Central Business District (CBD) during approved special events such as Third Thursday or the Farmer's Market without special approval, and a second amendment would be to allow a food truck to apply for a conditional use permit, which would require them to go through Planning and Zoning and Council for approval.

Mayor Medina opened public comment and the following comment was made:

Billy Akers - spoke in favor of allowing food trucks in the Central Business District for events and allowing possible use of the side streets off Main Street as well.

Mayor Medina closed public comment.

Councilmember Keefauver commented on the process involved with the adoption of the ordinance and appreciates the public comment received from citizens.

Mayor Pro-tem Yazzie made the motion to approve on second and final reading Ordinance No. 1305,

Series 2023, amending the City of Cortez Land Use Code, Section 3.05- Use Regulations regarding mobile vendors in the Central Business District. 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

6. UNFINISHED BUSINESS

7. NEW BUSINESS

a. Ordinance No. 1314, Series 2023. Contract City Planner Nancy Dosdall presented Council with Ordinance No. 1314, Series 2023, changing the zoning designation from (R-1) Residential Single Family to (C) Commercial Highway at the property located at 1345 S. Broadway, currently the home of Yellow Car Country Wines. City Planner Dosdall stated this is a difficult project with a lot of emotion and provided background information on the project. She stated the request is to rezone a small .52-acre parcel from (R-1) Residential to (C) Commercial. She stated a topic of concern is why there is a commercial business in a residential zone and that the winery was approved in December 2018 as a home business. City Planner Dosdall provided Council with the definitions of what a home business allows and stated that the business has operated outside the definition of a home business and that in 2022 she issued a code violation, she then listed the reasons for the violation. She said that while working with the owner on the code violation they determined the only way to make this business work without significantly affecting the business would be to rezone it as a commercial property. She stated this will not allow carte blanche on the property and will require a site plan review by both Planning and Zoning and Council. During the presentation City Attorney Coleman made the announcement that this ordinance is being read on first reading and will come back before Council as a Public Hearing. He stated that a Public Hearing is where Council will hear the testimony, gather the information, receive evidence and vote to approve or deny the proposed ordinance. He stated that generally there is minimal public comment on first readings of ordinances; however, since there are people in the audience who may want to speak he recommends Council to allow comment but cautioned the public that comments made will not be included in Council's consideration until the public hearing and second reading is held.

Mayor Medina opened public comment on the ordinance and the following people spoke:

- Bill Akers- spoke in favor of the rezoning of the property.
- Jim Wooton, owner of Yellow Car Country Wine- gave a history on the property, and their current and future business plans.
- Jedidiah Coy- stated he was a neighbor to both and cited Scripture and asked for communication between both parties in working together. He stated he was in favor of the project.
- Robin Smith- spoke in support of the rezoning.

Mayor Medina closed the public comment.

Councilmember Rainey made the motion to approve on first reading Ordinance No. 1314, Series 2023, changing the zoning designation from R-1 Residential Single Family to C, Commercial Highway, and set for second reading and public hearing on February 14, 2023. 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

b. Ordinance No. 1315, Series 2023. Contract City Planner Nancy Dosdall presented Council with Ordinance No. 1315, Series 2023. She stated this is a first reading of the ordinance that proposes rezoning of a .59-acre parcel of land located on the southwest corner of North Chestnut Street and West Empire Street from (R-1) Residential Single Family to (R-2) Residential Multi-Family. Council discussion included: communication to developers regarding the increased density bonus for affordable housing, how the city could more actively engage developers, and how pre-existing parcels do not match the Land Use Code and how this will be addressed in the future.

Mayor Medina opened up public comment on the ordinance and no one spoke.

Councilmember DeHaven made the motion to approve on first reading Ordinance No. 1315, Series 2023, an ordinance to rezone a .59-acre parcel located on the southwest corner of North Chestnut Street and West Empire Street, Cortez, Colorado, from R-1, Residential Single-Family District, to R-2 Residential Multi-Family District, and set for second reading and public hearing on February 14, 2023. 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- None

10. CITY MANAGER'S REPORT:

- City Manager Sanders stated that on January 21, 2023 he attended the annual meeting of the Montezuma Valley Irrigation Company to represent the City's irrigation shares. He stated that it was a productive meeting wherein an election was held and a budget was passed and he learned that costs are going up exponentially, mostly due to assessment increases for diversion out of McPhee Reservoir by the Dolores Water Conservation District and that the City can anticipate that the MVI assessments for 2024 will increase.
- City Manager Sanders stated that a selection committee met last week to review the 11 applications that were received pursuant to the RFP to update the City's Land Use Code and the list has been narrowed down to 4 finalists. He stated that the committee is preparing to conduct interviews in the near future. He thanked the committee for their service and recognized Rachael Marchbanks, Community and Economic Development Director for leading the effort.

- City Manager Sanders spoke about snow removal during the recent storm and how it has been a difficult task for the staff and they are still removing snow while repairs are being done to equipment and this has been a massive effort. He stated that the other municipalities in the area are struggling as well with snow removal. He thanked the Public Works Department, Parks and Recreation Department and the Airport crew for their hard work conducting snow removal during the heavy snow received lately. He stated these crews worked very early mornings, evenings, and weekends removing snow from roads, walkways, parking lots, and the airport. He said that it was a losing battle for a time, but they eventually prevailed, and the work still continues. He stated that he is very proud of Public Works team member Scott Goodall who was literally on his way out of town when he received a call to assist an elderly infirmed couple that had been snowed in and that Scott responded without question and went above and beyond to clear heavy snow sufficiently to allow the couple and other residents of a compact dead-end street to get out onto other roadways. He stated he would like to recognize the airport crew who ensured that medical flights could still occur during this time. City Manager Sanders credited much of the success of the recent snow operations to the leadership of these respective department heads: Brian Peckins, Creighton Wright, and Jeremy Patton.
- City Manager Sanders stated that the city has now paid off three of the five outstanding debts the city has and are waiting on pay off instructions from the creditors before the City can pay off the remaining two.

11. CITY COUNCIL COMMITTEE REPORTS

- a. Mayor's Report on Workshop. Mayor Medina stated that Council went into Executive Session to conduct the six-month performance review of Patrick Coleman, Cortez City Attorney and Council will resume the discussion during Executive Session, item 12, later in the meeting.
- b. Councilmember DeHaven attended a meeting of the Montelores Early Childhood Council at the Cortez Library. She stated they are creating a taskforce to determine childcare needs and obstacles in the area, such as lack of child care, quality of care, and lack of flexibility. She stated the data is being collected and will be analyzed to find solutions to fit our county's needs. She gave additional statistics of childcare within the county. Councilmember DeHaven also stated she attended the Montezuma County Homeless Coalition and that she and Mayor Medina went out with the street medicine team and highlighted the cooperation and action the team has with the Coalition. She stated that there have been 7 exposure deaths in the county this year. She stated that Piñon Project, on behalf of the Montezuma County Homeless Coalition is applying for the transformational homelessness response grant through the State to provide a warming shelter that would be open year-round but with varied hours depending on needs, and asked for a letter of support from the city. She also stated the point and time count will take place this week, noting this count tracks the sheltered and unsheltered people who are experiencing homelessness and the data collected will be used for funding by the Federal government. She stated there is a rehab scam going on in Cortez where people are taking the unhoused or individuals dealing with addiction issues to Arizona, enrolling them in the Arizona Medicaid system, keeping their food stamps then ultimately dropping these people off in downtown Phoenix leaving them stranded. She stated that the Piñon Project needs donations of warm clothing, coats, gloves, socks, sleeping bags, blankets, and tents.

She said she attended the Library Board meeting and there is a community member who wants to re-start the Friends of the Library. She also stated that the Bridge Shelter will be starting up the Fathers group again.

c. Parks, Recreation and Forestry Advisory Board. Councilmember Keefauver attended the meeting on January 20, 2023 and reviewed the Parks and Recreation Master Plan stating there is still work to do and Creighton Wright, Director of Parks and Recreation has done a lot of work and it's looking good. He also stated that Director Wright has put together a department update report detailing the many aspects of the Parks Department that includes the progress on any ongoing projects.

d. Public Arts Advisory Board. Councilmember Rainey stated that the public arts committee has some ambitious goals to create greater awareness of the variety and the quality of the businesses in the downtown area and to encourage passer throughs to stop and shop.

12. OTHER ITEMS OF BUSINESS

Councilmember Dobry moved to adjourn at 8:46 p.m. into Executive Session for the discussion of a personnel matter, specifically to conduct a six-month performance review of Patrick Coleman, Cortez City Attorney, and to discuss possible amendments to Mr. Coleman's employment agreement as authorized by C.R.S. Section 24-6-402 (4)(f)(I). The Executive Session will not involve any specific employee who has requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees. 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

Council returned from Executive Session at 9:45 p.m. Participants in the Executive Session included City Manager Sanders, City Attorney Coleman, Mayor Medina, Mayor Pro-tem Yazzie, 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

14. ADJOURNMENT: Councilmember Dobry moved that the regular meeting be adjourned at 9:47 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:



Donna Murphy, Deputy City Clerk

