

CITY COUNCIL  
REGULAR WORK SESSION/SPECIAL MEETING  
TUESDAY, FEBRUARY 14, 2023  
6:00 p.m.

1. The Workshop/Special Meeting was called to order at 6:00 p.m., at the City Council Chambers. Councilmembers present included Mayor Rachel Medina, Mayor Pro-tem Arlina Yazzie, Robert Dobry, Matt Keefauver, David Rainey, and Dennis Spruell. Councilmember Lydia DeHaven was absent. Staff members present included Director of General Services Rick Smith, Chief of Police Vern Knuckles, Deputy City Clerk Donna Murphy, City Clerk Linda Smith, City Manager Drew Sanders, and City Attorney Patrick Coleman. There were no people present in the audience.

2. Councilmember Dobry moved that Council adjourn at 6:00 to Executive Session for three specific reasons:

1) for a conference with the City Attorney for the purpose of receiving legal advice on specific legal questions concerning the possible lease of the Cortez Community Network under C.R.S. Section 24-6-402(4)(b),

and 2) for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiator regarding the possible lease of the Cortez Community Network under C.R.S. Section 24-6-402(4)(e),

and 3) for discussion of a personnel matter, and specifically to discuss goals and objectives for the City Attorney's office, as authorized by C.R.S. Section 24-6-402(4)(f)(I). Executive Session number 3 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 Keefauver seconded the motion and the vote was as follows:

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

Council returned from Executive Session at 7:06 p.m. Participants in the Executive Session included City Manager Sanders, City Attorney Coleman, Mayor Medina, Mayor Pro-tem Yazzie, Councilmember Dobry, Councilmember Keefauver, Councilmember Rainey, Councilmember Spruell, and General Services Director Smith. No adoption of any policy, position, resolution, rule, regulations, or other formal action occurred during Executive Session.

The Workshop/Special Meeting was adjourned at 7.06 p.m.



CITY COUNCIL  
REGULAR MEETING  
TUESDAY, FEBRUARY 14, 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, Robert Dobry, Matthew Keefauver, David Rainey, and Dennis Spruell. Councilmember Lydia DeHaven was absent. Staff present included Chief of Police Vernon Knuckles, Director of Parks and Recreation Creighton Wright, Finance Director Kelly Koskie, Airport Manager Jeremy Patton, Contract Planner Nancy Dosdall, Community and Economic Development Director Rachael Marchbanks, Human Resources Director Matt Cashner, Director of Public Works Brian Peckins, Director of General Services Rick Smith, Deputy City Clerk Donna Murphy, City Clerk Linda Smith, City Manager Drew Sanders, and City Attorney Patrick Coleman. There were 23 people present in the audience.

Mayor Pro-tem Yazzie moved that the agenda be approved. Councilmember Dobry seconded the motion and the vote was as follows:

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

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

- a. Approval of the Council Worksession and Agenda Minutes for January 24, 2023.

- b. Approval of the Expenditure List for February 14, 2023.

- c. Approval of a renewal Hotel and Restaurant Liquor License for The Wigglin' Pig, LLC, DBA The Wigglin' Pig, located at T.B.D., Cortez.

- d. Approval of a Change in Premises application for Safeway Stores 46, Inc., DBA Safeway Store #1892, located at 1580 East Main Street, Cortez.

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

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

3. CITIZEN PARTICIPATION

- a. Paul Ermigiotti commented that he would like to speak on the rezoning of property located on the corner of Empire and Chestnut Streets. Mayor Medina stated that a comment period will be held during the public hearing portion (5a.) on the rezone of North Chestnut and West Empire Street.

No one else spoke and the public participation was closed.

#### 4. PRESENTATIONS

a. 2022 December Financial Statements. Finance Director Koskie stated that the 2022 December Financial Statements include the year end information (both revenue and expenses) for all City Departments. She noted that the year end net income in 2022 was \$2,658,315 and commented that as of December 31, 2022, the City has 276 days of unrestricted cash available in the General Fund. The City received \$203,390 in Federal funding from USDOT for the Safe Streets and Roads for All (SS4A) grant which is to be used for the plan; however, the funding is not for construction use.

#### 5. PUBLIC HEARINGS

a. Ordinance No. 1315, Series 2023. Contract City Planner Dosedall stated that Ordinance No. 1315, Series 2023, is being presented on second reading and would approve the rezone of a .59 acre vacant parcel located on the southwest corner of North Chestnut Street and West Empire Street from R-1, Residential Single Family District, to R-2 Residential Multi-Family District. She stated that the request to rezone the property from R-1 to R-2, would allow for single-family, duplex, or multi-family development which could consist of four single-family lots, six duplex units (3 structures), or eight townhouse style units. She stated that a maximum of 12 units could be developed should affordable housing be proposed. It was noted that the surrounding area includes a mix of land uses, including both single family homes and an existing non-conforming older mobile home park. Commercial uses are located to the northwest of the parcel. Contract City Planner Dosedall stated that a small multi-family development, if well designed with adequate parking, could be considered compatible with the surrounding area. The regulations for rezoning were reviewed (Land Use Code Section 6.02) and it was noted that the proposal might normally be considered "spot zoning", however with the nonconforming status of the property immediately to the west (Rust Mobile Home Park) creates a more complicated picture for the proposed property for rezone. Contract City Planner Dosedall stated that the property has been for sale for several years and has not been sold and it is felt by the realtors that if the property could be rezoned to multi-family, the property may be sold and developed. Contract City Planner Dosedall reviewed numerous goals that support the requested rezone. She stated that additional public hearings would be held in the future if the property is rezoned to review a site development plan for the property, which would include discussion on how the development would be compatible with the neighborhood. Contract City Planner Dosedall stated that the Planning and Zoning Commission reviewed the application on December 6, 2022, and recommended approval with four conditions. She reviewed the three alternatives for approval/denial of the application and commented that staff recommends approval with the four conditions as stated in the ordinance.

Mayor Medina asked how many non-conforming uses are located in the City and Contract City Planner Dosedall stated that she did not know that number. Discussion was held on the desirability of developing the property if it were rezoned to multi-family. City Attorney Coleman explained that he did not feel that rezoning the property would be considered spot zoning as the change to the R-2, Residential Multi-Family zone, would allow for a more dense use, but the property remains residential use. In answer to a question from Councilmember Keefauver, Contract City Planner Dosedall noted that the Comprehensive Plan has many references regarding the encouragement of in-

fill.

Mayor Medina opened the public comment portion of the public hearing. Paul Ermigiotti, stated that he has lived in his home on Chestnut Street for over 22 years and a few of his observations are that the intersection at Empire Street and Chestnut Street is blind to the traffic coming from the east due to the hill which makes it very dangerous. He also commented on the traffic that can get backed up on Empire Street as people are trying to access Highway 491. He also spoke about the tractor trailer trucks that continue to use Empire Street that is posted as a 'no-through truck' area. No one else spoke and Mayor Medina closed the public comment portion of the public hearing.

In answer to a question from Mayor Medina, it was noted that access to the property would be dealt with during the site development plan process. Discussion was also held on Empire Street and it being used by semi-trucks. Councilmember Spruell stated that the property has been vacant as long as he can remember and the traffic is an issue in the area. He stated that if the property is developed, it will need to meet conditions that will be set during the site review.

Councilmember Spruell moved that Council approve on second reading Ordinance No. 1315, Series 2023, re-zoning property owned by Donetta Hegwood, a .59 acre parcel located on the southwest corner of North Chestnut Street and West Empire Street, also known as CRSP Addition, Lots 2-8, Block 1 B612 P1650-66, from R-2, Residential Single-Family to R-2, Residential Multi-Family. Mayor Pro-tem Yazzie seconded the motion, and the vote was as follows:

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

b. Ordinance No. 1314, Series 2023. Contract City Planner Dosdall stated that Ordinance No. 1314, Series 2023, is being presented on second reading and would approve the rezone of .52 acre parcel located at 1345 South Broadway from R-1, Residential Single-Family to C, Commercial. The background of the parcel shows that the property was a church prior to being owned by Hospice of Montezuma County from 1997 until 2018. Contract City Planner Dosdall stated that the winery has been operating on the property as a Home Business since 2018 and the property is also used as owner's residence. She stated that there have been some concerns with the operation as the Home Occupation Permit was issued with the restrictions that no more than four persons would be at the winery at one time and traffic should not impact residences to the north. In October 2022, the adjacent property owners to the winery asked how the use on the property was approved and staff determined that the winery was not currently operating in compliance with the Home Occupation Permit and was therefore issued a code violation. The code violation noted specific items that were not being adhered to including signage near the Highway 160 access road, loud live band music, presence of more than four patrons on the premises at one time, and the presence of RVs with more than two axles being parked on the property. Contract City Planner Dosdall stated that the applicants were instructed to comply with the home business regulations and that the only way to operate legally as they are currently operating would be to rezone the property. It was noted that if the rezone of the property was approved by City Council, a site development plan would be required with regulations of compliance for a commercial property being reviewed. Included in the review of a site development plan would be the requirements that the Colorado Department of Transportation (CDOT) may have in regard to access. It was noted that the current access situation

has stymied very recent proposals for adding commercial uses in the area. Contract City Planner Dosdall reviewed numerous goals from the Cortez Comprehensive Plan that support the requested rezone and stated that the Planning and Zoning Commission recommended approval. She stated that staff recommends approval of the rezoning request through Ordinance No. 1314, Series 2023, with four conditions.

The applicant, James Wootten spoke to Council regarding his request to rezone the property noting that the history of the property shows that there has been commercial use of the property for many years and there is commercially zoned land on the south and east sides. with residential use on the north, and McElmo Canyon on the west. He stated that the home-based designation only allows four customers at a time and limited signage to market the business which he feels are the two biggest obstacles to successfully run the winery. He stated that it is in the best interest of the public to be able to develop and market the business to increase tourism, City taxes, jobs and help in the future endeavors of developing the adjacent commercial property owned by J4G Holdings LLC (owners James L. Wootton and Susan Lisak). He spoke about the different wines that are made by Yellow Car and that they harvest locally from orchards in Montezuma County. He also spoke about the honey meads which they make. Mr. Wootten stated that they sponsor many events/organizations in the community. He stated that they hope to build a production facility and tasting room on the property that they own adjacent to this property sometime in the future. He stated that until the adjacent property can be developed, they would like to continue operating their business at the current location and when the new facility is constructed, the current location would be used as a testing facility and for storage of wine. He spoke about the RVs that park on the property noting there are no hook-ups and they stay no more than two to three nights. He stated that the City's regulations allow for RVs to park on private property no more than 30 days. He spoke about the frontage road that services many different businesses as well as a residential neighborhood and that the 10 to 15 cars a day they have to the winery should have no impact. He stated that discussion is continuing with CDOT on the frontage road that connects to Highway 491 and how improvements need to be made. He stated that the winery has passed all their inspections and have paid their taxes on time. Mr. Wootten spoke about the people that come to their winery, many of them members of the Harvest Fest, noting their great reviews of their visit to the area. Susan Lisak stated the City wants more commercial businesses and promotes economic development. She stated that the winery wants to promote tourism and give back to the community and that their request is only going to be temporary and that as soon as the new winery building can opened, the current location would be used for storage of wine, some production, and a testing facility. City Attorney Coleman suggested that Council take a few minutes to read the letters which were handed out by the applicant so they could become part of the public record. Council took a short break following the public comment portion of the public hearing to read the letters.

Mayor Medina opened the public comment portion of the public hearing and noted that information was included in the Council packet which has been read by Council. Sharon Lindsay stated that she has lived at her home on South Broadway for 43 years. She commented that the history of the area included the property being used previously as a church and by Hospice of Montezuma. She stated that the use of the property as a winery has caused noise issues with their loud music and parties going into the night. She spoke about the many cars using the access road as well as RVs which are camping on the property and causing congestion. She spoke about access from the highway onto the frontage road which is dangerous as the road narrows near the frontage road area. She also

spoke about her concern for fires in the canyon which would cause concern for everyone in the area needing to get out and emergency trucks trying to get in on a road that cannot handle both. Ms. Lindsay also noted her concern for the porta potty that was set up for the winery on the entrance to her driveway.

Jim Reser stated that he has known the Woottens for about three years and commented that they are outstanding citizens in the community and have brought a significant investment to their business and are planning a larger investment in the future. He stated that the property was used as a commercial type property which generated a lot of traffic and the winery probably does not generate any more traffic than was generated before. He stated that he feels the fire department has the ability to keep fires in control should there be a fire in the canyon. He stated that he feels the social and economic benefit that the winery brings to Cortez far outweighs the noise that occurs during the live music events, which do not go past 8:30 p.m.

Tammy Lindsay stated that she has provided a letter along with photos that were included in the Council packet outlining many of her concerns. She also handed additional photos to the Mayor showing various issues of concern with the winery being located within three feet from their home's fence. She commented that one of the regulations for the Home Business Permit was that the winery be compatible with the neighbors. She stated that they have had to deal with noise, lights, setbacks, fire safety, and access to their property due to the winery's patio being so close to their property. She stated that she has lived at her home for 42 years and she just wants to enjoy her patio without the noise being so unbearable. She spoke about her concern with RV campers parking on the property and running their generators all night as well as the concern for fires in the canyon. She spoke about access to their property which continues to be blocked and many times is impassable due to the larger vehicles using the access road. She stated that the appropriate place for the winery is on the commercially zoned property which Mr. Wootten owns with access to the highway. Ms. Lindsay spoke about the garbage that has been dumped next to their fence as well as on their property and that the waste attracts yellow jackets and bees. She spoke about her dog, which they have had since the neighbors moved in, and is being fed by the neighbors even though they have asked them to stop. She asked how the operation can continue when the winery operation does not meet the Land Use Code requirements and they have not contained the noise and lights on their premises as required. Ms. Lindsay spoke about their historic right-of-way access that is 30 feet wide and extends from the frontage road to their homes and is not designed for the traffic it is being used for. She stated that development can be a good thing and that Council has a unique opportunity to be sure that tourism is developed in a safe way and beautifies and enhances the area rather than just have a place for people to park their RVs for free.

Kent Lindsay spoke about the frontage road which is owned by CDOT but has not been maintained and contains many pot holes, gravel and surface rock. He spoke about the line of site from the frontage road onto the highway and commented that it is extremely dangerous. He spoke of the accidents that have occurred on the highway and commented that emergency vehicles cannot pass each other on the frontage road. He spoke of the fires that have happened in the canyon on two different occasions and that the fire hydrants located in the area don't match the flow that is needed. He stated that they have been advised by their attorney that this is spot zoning due to the residential/agriculture property surrounding this property and asked that Council deny the rezoning.

James Williams stated that he lives three miles south of the property that is being reviewed and commented that it is very tricky to enter onto Highway 160 from the area. He spoke about his concern for the speed limit in the area and that any mitigation of the speed limit would be appreciated. No one else spoke and the public comment period was closed. Council took a few minutes to read the letters that were submitted by Mr. Wootten, which were entered into the record.

Councilmembers asked several questions and raised concerns including: once the zoning is changed, it would be there forever; a zoning violation to the Home Occupation Permit has occurred and it seems to be ongoing; and the applicants have stated that they would like to move their operation to the south on property they already own sometime in the future. Contract City Planner Dosedall stated that the business can continue to operate under the Home Business Permit approval. She stated that if the rezoning is approved, Yellow Car would have to continue operating under the Home Business Permit until their site development plan was approved by both Planning and Zoning and City Council and they were able to comply with all the restrictions that would be approved with the site development plan. In answer to a question from Council, Contract City Planner Dosedall stated that with the current inspection it was found that one sign is up and the neighbors have said that there have been more than four people on the property recently. Discussion was held on the safety issues with access to the highway and improvements that would need to be made to the frontage road for better access. Councilmember Spruell stated that he feels the Yellow Car is a good business for the community; however, when the property was purchased it was listed as an R-1 residential zone and Yellow Car was issued a special use permit which had conditions and they have pushed the limits and violated several of the conditions. He stated that the property was zoned residential for a reason and if it becomes commercial it can impact the quality of life and property values for the residences in that area. Mayor Medina asked about the fence height for a residential use located next to a commercial use and the time line of getting the building up to code if the rezone was approved. Contract City Planner Dosedall spoke about the regulations for fencing and noted that the period of time could be up to three months to complete all the processes required. She also spoke about the regulations that could be included in a site development plan to deal with mitigation including a CDOT access permit. Mayor Medina stated that she feels that the request is not spot zoning and that the request is for a migration of a zoning district. It was noted that if the property was zoned commercial it would have to comply with the 50% requirement for residential use. Contract City Planner Dosedall noted that if the property were ever resold, the new owner would be required to submit a new site plan. She also spoke about the requirements for an RV park. City Attorney Coleman spoke about the regulations for Council to review as outlined in the Land Use Code for the consideration of a rezoning (Section 6.02 a-h).

Councilmember Spruell moved that Council deny the rezoning from R-1, Residential Single-Family to C, Commercial Highway for the property located at 1345 South Broadway, with the following findings: a) There has not been any change of character, installation of new public facilities or other development in the area in the recent past; b) There is not a need for the proposed zoning in the area given the abundance of vacant, commercially zoned land in the area and community; c) The proposed use is not compatible with the adjacent residential properties; and d) Existing access to the property is not adequate to serve commercial development. Councilmember Keefauver seconded the motion, and the vote was as follows:



DeHaven absent	Dobry Yes	Keefauver Yes	Medina No	Rainey Yes	Spruell Yes	Yazzie Yes
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The motion passed 5-1.

6. UNFINISHED BUSINESS – None.

7. NEW BUSINESS

a. Ordinance No. 1316, Series 2023. Director of General Services Smith thanked the Review Committee that interviewed the applicants for the Cortez Community Network (CCN) fiber optic project which included Councilmember Dobry, Finance Director Koskie, Director of Public Works Peckins, City Attorney Coleman, and City Manager Sanders. He stated that during the 2022 Budget process it was felt that the best way to move forward with the CCN project is to lease the network to a private fiber network operator by way of a formal RFP (request for proposal) process which received seven responses. After consulting with Doug Dawson of CCG Consulting, the Review Committee held interviews and upon instruction by City Council, negotiation has begun with Vero Broadband LLC to lease the City system. Doug Seacat, Evan Viagi, and Casey Irving, representing Vero Broadband, LLC/Clear Networks were introduced. Mr. Irving spoke to Council thanking them for the opportunity to work with Cortez and stated that they are working with other communities in the area similar to Cortez in developing fiber internet. He spoke about how they like to partner with communities and create excitement around the new utility. Director of General Services Smith stated that Ordinance No. 1316, Series 2023, authorizes and approves a lease of the City's fiber broadband network to Vero Broadband, LLC, and staff recommends Council move the ordinance forward for second reading on February 28, 2023. City Manager Sanders stated that more introduction will be made on the project at second reading on February 28, 2023. Mayor Medina stated that this is exciting to have the project move forward and thanked everyone for their hard work on getting to this point. Councilmember Dobry stated that when the discussion began on the project there were a few things that Council wanted to have come to fruition which included having fiber built out to the entire community of Cortez, to avoid excessive costs to the City of Cortez and recoup the money in the CCN fund that had already been spent, and to find a partner who respected the current ISP's and work with the open aspect part of the project. He stated that he feels the City got all the things they were looking for in Vero Broadband, LLC.

Councilmember Dobry moved that Council approve on first reading Ordinance No. 1316, Series 2023, authorizing and approving a lease of the City's fiber broadband network to Vero Broadband, LLC, and set the ordinance for public hearing and second reading on February 28, 2023. Mayor Pro-tem Yazzie seconded the motion, and the vote was as follows:

DeHaven absent	Dobry Yes	Keefauver Yes	Medina Yes	Rainey Yes	Spruell Yes	Yazzie Yes
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b. Intergovernmental Agreement for Dispatch Services. Police Chief Knuckles stated that the Intergovernmental Agreement included in the packet is for dispatch services which includes eleven members. He stated that the agreement is the same as was approved for 2022 and would be in place for one year. He stated that staff would also ask that two representatives be designated to serve on

the Dispatch Center Users Group and currently he and Director of Finance Koskie serve as the City's representatives. Councilmember Spruell stated that he would be interested in serving on the committee and City Manager Sanders stated that it may be a good time to make a change as Finance Director Koskie was helping with financial information on the committee and could still supply that information should there be a request. City Attorney Coleman stated that he would be updating the agreement for 2024; however, he feels the 2023 agreement should move forward as it is. Councilmember Dobry disclosed that he recused himself from voting on the agreement when it was presented to the Hospital District Board so that he could vote on the agreement with City Council.

Mayor Pro-tem Yazzie moved that Council approve the Intergovernmental Agreement for Dispatch Services and authorize the Mayor to sign the Agreement and to appoint Police Chief Knuckles and Councilmember Spruell as designees on the committee. Councilmember Dobry seconded the motion, and the vote was as follows:

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

c. Grant Resolution – Airport Flight Simulator Grant Initiative. Airport Manager Patton stated that the Airport would like to enter into a grant agreement with CDOT Aeronautics for the purchase of a flight simulator to be located at the Airport. He stated that upon approval of the agreement, the City would be required to maintain a point-of-sale, log hours of use, track users, maintain software and hardware, and secure the flight simulator. Airport Manager Patton stated that the benefits of a flight simulator in this region are numerous including flight training, pilot currency and proficiency, introduction flights, community and education engagement, career enhancement, and more. He spoke about the revenue that could be received from the simulator and stated that the funding would be split 90% paid by the grant (\$38,814,30) and 10% (\$4,312.70) for the local match. The closest simulator to Cortez is Albuquerque and Grand Junction has a minimal simulator. He stated that staff recommends that Council approve the Colorado Division of Aeronautics Discretionary Aviation Grant Resolution so the City can move forward with getting the simulator in place.

Councilmember Spruell moved that Council approve the Colorado Division of Aeronautics Discretionary Aviation Grant Resolution and authorize the Mayor to sign the Resolution, which outlines the grant assurances and justification for an Advance Aviation Training Device at the Cortez Municipal Airport. Councilmember Rainey seconded the motion, and the vote was as follows:

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

d. Response to RFP for Water Rate Study Services. Director of Public Works Peckins stated a Request for Proposals (RFP) was initiated to receive quotes for services related to a municipal water rate study. Five bids were received for the RFP and staff recommends that the City award the Water Rate Study Service to Short Elliott Hendrickson (SEH®) at a bid amount of \$32,430. Director of Public Works Peckins stated that the firm would collect all data necessary for evaluation of the City's current and projected 10-year fair value water rates based on future operation and maintenance needs. It was noted that the budgeted amount for the study was \$40,000. Director of

Public Works Peckins stated that the company has qualified engineers on staff and are experienced in various projects and will meet the City's needs. City Attorney Coleman stated that the agreement follows the City's new Professional Services Contract format. Discussion was held on how the data could be used reviewing fair rates for water, meeting the demand for water use/rates in the future, and incentives for people to use less water. Director of Public Works Peckins stated that one public outreach meeting will be held as part of the study.

Councilmember Keefauver moved that Council approve the Professional Services Agreement with Short Elliott Hendrickson Inc. (SEH®) to complete a Municipal Water Rate Study and authorize the Mayor to sign the Agreement. Councilmember Rainey seconded the motion, and the vote was as follows:

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

e. 2022 60-inch Zero Turn Mower bid Results. General Services Director Smith stated that the 2023 Equipment Fund Budget provides \$18,000 for the purchase of a new 60-inch Zero Turn Mower to be used in the City Parks system. The new unit would replace unit #502 which will be auctioned off after receipt of a new mower. He stated that three bids were received and staff is recommending that the bid be awarded to the low bidder Postestio Bros. #1 for a John Deere unit at a bid amount of \$18,161. He stated that the equipment would be delivered by April 23, 2023.

Councilmember Dobry moved that Council award the 2022 60-inch Zero Turn Mower Bid to the low bidder Postestio Brothers #1 bid in the amount of \$18,161.00. Councilmember Keefauver seconded the motion, and the vote was as follows:

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

f. Letter of Support – Montezuma County Homelessness Prevention Coalition. City Manager Sanders stated that a letter of support is being requested from the Pinon Project on behalf of the Montezuma County Homelessness Prevention Coalition. The letter would be added to the application for a Transformational Homelessness Response Grant.

Councilmember Keefauver moved that Council authorize the Mayor to sign the Letter of Support for the Transformational Homelessness Response Grant being submitted by the Pinon Project on behalf of the Montezuma County Homelessness Prevention Coalition. Mayor Pro-tem Yazzie seconded the motion, and the vote was as follows:

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

g. Change of Location Application for a Hotel and Restaurant Liquor License. City Clerk Smith stated that The Wigglin' Pig, LLC, DBA The Wigglin' Pig, has applied to relocate their business from 44 West Main Street to 76 South Veach. She stated that public notice has been given by posting at the premises at 76 South Veach as well as a notice being placed in the Cortez Journal.

She stated that staff is requesting that a public hearing date of February 28, 2023, be set and the neighborhood boundaries for review of the license be set as the City limits.

Councilmember Keefauver moved that Council set a public hearing date of February 28, 2023, for the review of a Change of Location application for a Hotel and Restaurant Liquor License for Wigglin' Pig, LLC, DBA Wigglin' Pig to be located at 76 South Veach, Cortez, and set the neighborhood boundaries as the Cortez City limits. Councilmember Dobry seconded the motion, and the vote was as follows:

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

h. Amendment to City Attorney Employment Agreement. City Manager Sanders stated that Council has reviewed the City Attorney's contract and has advised staff to complete an amendment to Patrick Coleman's Employment Agreement. The amendment to the agreement would increase the compensation for Mr. Coleman from \$130,000 to \$140,000 effective at his six month anniversary on December 20, 2022.

Councilmember Keefauver moved that Council approve the Amendment to the City Attorney Employment Agreement and increase the compensation for Mr. J. Patrick Coleman, City Attorney, from \$130,000.00 to \$140,000.00, effective December 20, 2022. Councilmember Spruell seconded the motion, and the vote was as follows:

DeHaven	Dobry	Keefauver	Medina	Rainey	Spruell	Yazzie
absent	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, due to time, his report would be available on the City's website and is attached to the record should someone wish to view the information. Included in the report was information on the Economic Outlook, employment with the City, and that the announcement that the Southwest Colorado Council of Governments (SWCCOG) will now be a derivative of the Region 9 Economic Development District.

11. CITY COUNCIL COMMITTEE REPORTS

a. Mayor's Report on Workshop. Mayor Medina stated that during the worksession three Executive Sessions were held.

b. Historic Preservation Board. Councilmember Dobry stated that the Historic Preservation Board has been discussing plans for the Historic Preservation Day.

c. Parks, Recreation, and Forestry Advisory Board. Councilmember Keefauver stated that the next Parks, Recreation, and Forestry Advisory Board will be held virtually on February 17, 2023. He stated that if anyone wants more information to contact him.

d. Cortez Arts Advisory Board. Councilmember Rainey stated that the Cortez Arts Advisory Board will be making a presentation to City Council at the February 28, 2023, meeting on the accomplishments for 2022 and the plans for 2023.

12. OTHER ITEMS OF BUSINESS – None.

13. PUBLIC PARTICIPATION- None.

14. ADJOURNMENT: Mayor Pro-tem Yazzie moved that the regular meeting be adjourned at 9:55 p.m. Councilmember Dobry seconded the motion, and the vote was as follows:

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



Rachel B. Medina, Mayor

ATTEST:



Linda L. Smith, City Clerk

