

CITY COUNCIL
REGULAR WORKSHOP
TUESDAY, MARCH 28, 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, Robert Dobry, Matt Keefauver, David Rainey, and Dennis Spruell. Councilmember Lydia DeHaven was present by phone. Staff members present included Chief of Police Vern Knuckles, Finance Director Kelly Koskie, Community and Economic Development Director Rachael Marchbanks, Director of Parks and Recreation Creighton Wright, Director of General Services Rick Smith, Public Works Director Brian Peckins, Court Clerk/Administrator Carla Odell, City Engineer Kevin Kissler, IT Technician Aaron Hollman, IT Manager Shay Allred, Deputy City Clerk Donna Murphy, City Clerk Linda Smith, City Manager Drew Sanders, and City Attorney Patrick Coleman. There were six people present in the audience.
2. Judge Beth Padilla gave an update on the operations of Municipal Court, noting that alcohol evaluations are being required for criminal offenses where alcohol is allegedly involved and a majority of people are completing the evaluations. She stated that funding is available to help with the cost if needed. She spoke about the Alive at 25 program that is being required for young people that have driving offenses. The Web-X program continues to be helpful for Court and the docket is now posted digitally on a sign located by the window in Municipal Court. Municipal Court staff will be hosting a meeting this summer to bring those that work in court system together to network. Discussion was held on the homelessness/outreach court that staff is hoping to bring to the community. Judge Padilla stated that she will be working with various partners that service at-risk individuals to see if the court can become a reality and noted that if the court is created it would be the first in Colorado. Discussion was held on how many juvenile cases are handled in Municipal Court as well as the need to not forget about the victims from crimes in the community.
3. Laura Lewis Marchino, Executive Director for Region 9, reviewed the 2022 Performance Report for Montezuma County and the 2022 Corporate Annual Report. She commented that Region 9 is a non-profit organization that promotes and coordinates economic and community development efforts throughout Southwest Colorado. She stated that Region 9 covers 5 counties, 10 municipalities and 2 Native American Tribes. She explained how Region 9 was originated and that it is led by a 26-member Board of Directors. She spoke about the programs and services provided by Region 9 and stated that one of the highlights for 2022 is the successful integration of the Southwest Colorado Council of Governments with Region 9. She spoke about the new loans that were given in 2022 and the loans that were paid off. The current activity updates that Region 9 is working on in 2023 include: SWORD (SouthWest Opioid Response District) feasibility study; transit connectivity; data dashboard/reports; commercial real estate search tool; grant digest/grant navigator; updating community development action plan; build middle mile broadband infrastructure; regional housing efforts; and economic development support. She stated that Region 9 is here to help however they can.

4. City Manager Sanders spoke about the information received regarding proposed state legislation that is opposed by the Colorado Municipal League (CML) that could preempt local authority for land use involving affordable housing. He stated that the information included in the packet was to inform Council on the legislation and to ask for direction on how much Council would like to be involved in commenting on the legislation. Cortez already meets or exceeds proposed requirements for a municipality of our classification, all of which was accomplished at the local level and without State input or oversight. He spoke about the items which Cortez has already completed in regard to housing requirements. City Attorney Coleman stated that the legislation is continuing to be modified and may change in its wording before being proposed as a final bill. He spoke about the overlap of State regulations on home rule communities, noting that it doesn't seem the State has gotten into policy issues in the past. Council asked that staff keep everyone informed as the bill moves forward so Council can be pro-active on a response to the bill.

5. Council General Discussion. Councilmember Spruell noted that his wife was recently hit on North Broadway, though she is okay, he hopes that something can be done to help make Broadway more safe.

The regular workshop was adjourned at 7:25 p.m.

CITY COUNCIL
REGULAR MEETING
TUESDAY, MARCH 28, 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 present by phone. 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 Dossdall, Community and Economic Development Director Rachael Marchbanks, Library Director Isabella Sharpsteen, 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 thirteen 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 March 14, 2023.

- b. Approval of the Expenditure List for March 28, 2023.

- c. Approval of a Special Events Permit application for Habitat for Humanity of Montezuma County for a fundraiser event on Friday, April 21, 2023, at the Cortez Chamber of Commerce, located at 20 West Main Street, Cortez.

- d. Approval of a Fermented Malt Beverage Liquor License renewal for Esmeralda's Ranchito Mexican Store, located at 2501 East Main Street, Cortez.

Councilmember Dobry 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 – None.

4. PRESENTATIONS

- a. 2023 February Financial Statements. Finance Director Koskie stated that the contingency

account reflects the payment of four loans for the Water Enterprise Fund being paid off. She stated that the Water Enterprise Fund revenue reflects the amount from the General Fund for the loans paid off through February 2023. The Dolores Water Conservancy District payoff was made on March 10, 2023. Director of Finance Koskie noted that the invoice for the Bridge Shelter has been received and payment is in process. She commented that the City is officially debt free and, that as far as she can tell, it is the first time since the 1980's. She thanked Council for their support of the loan payoffs. City Manager Sanders noted that the City being debt free is a great accomplishment and a good attitude to take into the future is if we don't have the cash to pay for it we can't afford it.

5. PUBLIC HEARINGS – None.

6. UNFINISHED BUSINESS

a. 2023 Community Support Grant Addendum. City Manager Sanders stated that Renew, Inc. had applied for a 2023 Community Support Grant (in October 2022); however, the City's email was blocked and the email was sent to barracuda so the City was not aware of the application. He stated that the application was found after the City was alerted about the application and the original grant committee reviewed the application and have recommended that the request be funded. He stated that \$29,380.00 was awarded for the 2023 Community Support Grants from the originally budgeted \$32,000.00 which leaves \$2,620.00 available. He stated the recommendation is that the remaining amount of \$2,620.00 be awarded to Renew, Inc. Councilmember Keefauver stated that Renew provides an invaluable service that the City does not have the capacity to provide and he is glad the City can support them. City Manager Sanders stated that Renew has been asked to apply for grant funding for 2024 as their service is really important to the community.

Councilmember Spruell moved that Council approve the 2023 Cortez Community Grant award for Renew, Inc. in the amount of \$2,620.00. 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

7. NEW BUSINESS

a. Resolution No. 7, Series 2023. Contract City Planner Dosdall stated that Resolution No. 7, Series 2023, approves a site plan for a 2,365 square foot retail/fast food restaurant with a drive through to be located on property located at 610 East Main Street. She stated that the property is zoned Commercial Highway. The Planning and Zoning Commission requested that a color rendering be provided for Council's review of the building layout showing the rear/back of the structure that will face Main Street. Contract City Planner Dosdall noted that the existing Land Use Code does not require any design features for structures facing the street. She also noted that neighbors of the project spoke at the Planning and Zoning meeting regarding traffic concerns in the area. Staff has had conversation with the neighbors about the issues and some potential solutions. Discussion was held on the location of the proposed building and it was noted that the property is located next to City Market and Kemper Elementary School. It was noted that a right turn-in and right turn-out would be required by the Colorado Department of Transportation (CDOT) as well as

signage noting the limitation on the access point. Discussion was held on a gate that was located on the property, once closed but now open, and also on a fence that is located between the property to the east (liquor store/yoga studio) which may hinder line of sight from the property. Contract City Planner Dosedall spoke about the landscaping that is being proposed which will help with the view of the building and stated that staff is recommending approval of the proposal as the application has met all the requirements of the Land Use Code.

Cliff Sorrell, representing MBH Architects, spoke about the plan for circulation of traffic on the property commenting that the building is proposed to be set back from Main Street by 30 feet. He stated there should not be any problem with the building obscuring the vision of people coming in and out of the property. Mayor Medina opened the meeting for public comment. Dana Jansen, North Adams Street, thanked City staff for visiting with her regarding her concerns. She spoke about living in the historic neighborhood adjacent to the commercial properties for many years and her concerns with the traffic that will come from the proposed project as well as the traffic that has already occurred with the opening of the gate that had been in place for many years. She spoke about the speed of cars driving on Adams Street which is located next to a school zone and noted that area is a busy intersection used by parents dropping off/picking up their children as well as City Market trucks driving into the loading bays at the back of the building. She stated that any mitigation that could be done to help with her concerns would be appreciated. No one else spoke and the public comment period was closed.

Discussion was held on the parking lot located on the adjacent property and what area would be left to serve the commercial buildings that are already located on the property (some are vacant at the moment). Contract City Planner Dosedall stated that she is unsure on what parking would be required as the numbers are based upon the type of business that occupies a building. Discussion was also held on the squatters in the area and whether it helps to have the gate open or closed. It was noted that Planners usually want to keep all access points open for connectivity throughout the community. It was suggested that additional enforcement be used for the area to help monitor traffic concerns. Director of Public Works Peckins stated that a traffic count is being conducted on the area and staff will make decisions on how to proceed following the receipt of the information.

Mayor Pro-tem Yazzie moved that Council approve Resolution No. 7, Series 2023, a resolution approving a site plan for a 2,365 square foot retail/fast food restaurant with drive through to be located on property located at 610 East Main Street, zoned Commercial Highway, with the three conditions listed. Councilmember Dobry seconded the motion, and the vote was as follows:

DeHaven	Dobry	Keefauver	Medina	Rainey	Spruell	Yazzie
absent	Yes	No	Yes	No	Yes	Yes

The resolution passed with a 4-2 vote.

b. New 124-inch Rotary Mower for the Parks Department. Director of General Services Smith stated two bids were received for a new 124-inch rotary mower for the Parks Department. He stated that the low bidder Simpson-Norton said they could order the mower with no deposit required, and the order could be canceled anytime. Once Simpson-North has a build date for the unit they would notify the City and the process could be completed for the purchase or lease of the

equipment upon its delivery. The mower will replace unit #624 which has over 4,000 hours on it. It was noted that the new unit could take up to 18 months for delivery. Council held discussion on receiving only two bids and if the price would go up when the City took delivery on the mower in 2024. The equipment has gone up \$25,000.00 from the budgeted amount that was planned during the review process in August 2022. Comment was made that the bidders have no incentive to give discounts as the companies can sell what they build. Discussion was held on the importance of the mower to the Parks Department as it is one of their main pieces of equipment. Parks and Recreation Director Wright spoke about the importance of keeping the mowers under 3,000 hours and getting them in a cycle for replacement so major repairs don't have to be made. Discussion was held on ordering the mower and possibly rebidding the mower to see if a better price could be obtained. City Attorney Coleman recommended that the City order the mower so it is in the process to be built and if the City decides not to complete the purchase, the mower can be canceled without any penalty. He stated that the purchase or lease will be brought before Council prior to the delivery and the vendor has been advised of the purchase arrangement. He noted that there are very few vendors that deal in this size of mower and that Bidnet, which the City uses to advise for bids, allows the City to broadcast bids nationwide.

Councilmember Dobry moved that Council authorize staff to place a no penalty, revocable order for a new 124-inch rotary mower with the low bidder, Simpson-Norton at the bid amount of \$129,373.00, and that staff be encouraged to investigate lower cost or quicker options for the mower. 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

c. Award of Bid for Park Litter and Trash Removal Service. Parks and Recreation Director Wright stated that keeping the parks clean is one of the most important duties of the Parks Department; however, it is challenging especially during the winter months. He stated that the City began contracting the litter and trash removal last year and staff feels that it is an efficient manner of completing the work. He stated that the scope of services includes litter and trash removal service at eleven City park sites, seven days per week, including holidays from April through October and reduced to three days per week during the months of November through March. He stated that the City also requested a per-site special event fee. The City received two bids and Bravo! Cleaning and Restoration is the low bidder in the amount of \$30,840.00. He noted that the amount bid is slightly under the budgeted amount of \$32,400.00.

Councilmember Keefauver moved that Council award the Parks Litter and Trash Removal Service Contract to Bravo! Cleaning and Restoration in the amount of \$30,840.00. 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. Award of Bid for Outside Restroom Janitorial Services. Parks and Recreation Director Wright stated that having a clean restroom is an integral part of a satisfactory park experience and the City has contracted for outside restroom janitorial services for the last several years. He stated that the

scope of service includes cleaning and sanitizing six park restrooms sites seven days per week from April 3 through October 30. He noted that special event cleanings are also included in the scope of the bid. He stated that if the restrooms stay open longer than October 30 (which happened in 2022), staff cleans the restrooms until they are closed. Three bids were received and Bravo! Cleaning and Restoration is the low bidder in the amount of \$16,643.24. He stated that the bid is slightly over the budgeted amount (\$16,000.00); however, the Parks Division can handle the overage in their budget.

Councilmember Keefauver moved that Council award the bid for Outside Restroom Janitorial Services to Bravo! Cleaning and Restoration in the amount of \$16,643.24. 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

e. Vehicle Purchase of an Airport Pickup. Airport Manager Patton stated that the Airport ordered a new fleet pickup in the spring of 2021; however, the vehicle was never received and is not in the queue any longer due to the supply chain issues. He stated that the Airport needs to replace an aging 2005 light-duty pickup with a more modern medium-duty truck. He reviewed the three quotes which were obtained from the local dealerships and stated that staff is recommending that the City purchase the 2020 F150 with 49,809 miles on it from Keesee Motor Company for \$38,864.00. He stated that the truck is the same type of truck as the existing 2018 F150 the Airport uses now. He stated that the purchase is fully reimbursed under the Airport CARES Grant and the purchase is allowed under the Federal grant threshold for qualifying as a simplified acquisition. He stated that the purchase will not affect the general fund equipment budget. Discussion was held on the amount left (\$127,000.00) in the Airport CARES Grant/AARPA funding which will expire in 2024.

Councilmember Dobry moved that Council approve the acquisition of an Airport pickup from Keesee Motor Company in the amount of \$38,864.00 to be fully reimbursed by the Airport CARES Grant. 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

f. Airport Land Lease Amendments. Airport Manager Patton stated that it was discovered that the word Lessee and Lessor were reversed on current Airport Land Leases and staff would like to have the leases amended so the wording is cleaned up. He stated that each of the seven lessees have been informed of the amendment to the lease and are in support of fixing the wording.

Councilmember Dobry moved that Council approve the seven amendments to the Airport Land Lease and Hangar Development Agreements for the following Lessees: Thomas N. Buffaloe; Bernard Karwich, DBA N294CC, LLC; Roland LaFont; Joseph and Twila Moore; Jack Thompson; Karl Spielman; and Jared Engbring. Councilmember Keefauver 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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8. DRAFT RESOLUTION/ORDINANCES – None.

9. CITY ATTORNEY'S REPORT

a. New Assistant. City Attorney Coleman stated that an offer has been made for an assistant that will be shared by the City Attorney and Community and Economic Development Department. The new assistant will begin in April.

10. CITY MANAGER'S REPORT

The following information was shared by City Manager Sanders:

- The Southwestern Water Conservation District's 39th Annual Southwest Water Seminar will be held this Friday, March 31, 2023 in Ignacio, CO. This is a full day of in-depth discussions on seeking common ground in securing a better water future for Coloradans. We have five people attending from the City, including Mayor Medina.
- The restoration project for Water Tank #3 is close to completion. The timeline was extended a few weeks due to the weather. This marks the completion of restoration and rehabilitation of all City water storage tanks.
- The City is working on a mutual aid agreement with Montezuma County for emergency response to all hazards. We have submitted for their consideration a draft and are awaiting their reply. This will become a Council agenda item once fully agreed upon. Additionally, our Emergency Operations Plan (EOP) was last updated in 2018. We will be embarking upon an update of our local plan as well.
- The Senior Staff retreat is slated for this Thursday, March 30, 2023. This is preparation, in part, for the City Council retreat which is scheduled for April 29, 2023.
- Employee Spotlight – Sean Canada, our current Building Official, is celebrating 11 years as an employee for the City of Cortez. He is a valued member of the team and has taken on roles and responsibilities above and beyond his job description while taking great personal initiative. He is an excellent manager and mentor to our Building/Code Enforcement division employees. Sean thoroughly understands building best practices and knows the City building codes inside and out. He keeps his training up to date and ensures other division employees are also well trained. Working well with contractors and developers ensures safe construction throughout the City and also called upon for County construction on occasion. Sean guides the City's efforts at code enforcement and works with our residents and businesses to help keep our City safe. With the recent proliferation of graffiti, he has worked with law enforcement and public works to identify problem areas and work with property owners to address the defacement of their properties in a timely manner - even going so far as to help clean some himself. When he sees a problem or a need, he rolls up his sleeves to help mediate the situation. Recently, Sean spent several hours shoveling out the City hall parking lot so our employees and residents had a safe place to walk. Sean is a dedicated, thoughtful, and diligent employee who gracefully tackles difficult situations and continually goes the extra mile. Plus, he has a great sense of humor.

11. CITY COUNCIL COMMITTEE REPORTS

a. Mayor's Report on Workshop. Mayor Medina stated that during the worksession Judge Beth Padilla gave an update on Municipal Court operations and Laura Lewis Marchino, Executive Director of Region 9, spoke about the economic outlook for the region. City Manager Sanders spoke about state legislation that is being opposed by the Colorado Municipal League that could preempt local authority for land use involving affordable housing. It was noted that staff will keep Council informed on the legislation as it continues through the process.

b. Parks, Recreation, and Forestry Advisory Board Meeting. Councilmember Keefauver stated that the Parks, Recreation, and Forestry Advisory Board meeting was held on Friday March 17, 2023 with discussion held on a clean-up date for the Carpenter Natural Area and plans for Arbor Day. He stated that discussion also included the pool reservation process and the pocket park playground subcommittee, which will meet to solicit information from neighbors on the south side of town on what they would like to see in the pocket parks. He stated that a general update was also given on the Recreation Department.

c. Dispatch Center Users Group. Councilmember Spruell stated that he attended the Dispatch Center Users Group meeting which included an update on the financials. He stated that the next meeting will be held in the next quarter.

d. City of Cortez Advisory Board Seat Vacancies. Mayor Medina noted that there are many seats open on various City Advisory Boards: four seats on the Cortez Public Arts Board and one student representative; three seats on the Historic Preservation Board; two seats on the Parks, Recreation, and Forestry Advisory Board and two student representatives; and one student representative on the Golf Advisory Board. She encouraged anyone interested to send a letter of interest to the City Clerk and commented that this is a great way to get involved in local government.

12. OTHER ITEMS OF BUSINESS – None.

13. PUBLIC PARTICIPATION- None.

14. ADJOURNMENT: Councilmember Keefauver moved that the regular meeting be adjourned at 9:05 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

