

CITY COUNCIL
REGULAR WORKSHOP
TUESDAY APRIL 25, 2023
5:30 p.m.

1. The Workshop was called to order at 5:35 p.m., at the City Council Chambers. Councilmembers present included, Mayor Rachel Medina, Robert Dobry, Matt Keefauver, David Rainey, Dennis Spruell and Lydia DeHaven. Mayor Pro-tem Arlina Yazzie was absent. Staff members present included, Assistant Chief of Police Andy Brock, Finance Director Kelly Koskie, Community and Economic Development Director Rachael Marchbanks, Contract City Planner Nancy Dosedall, Community and Economic Development/Legal Assistant Lydia Regalado, IT Manager Shay Allred, Deputy City Clerk Donna Murphy, and City Attorney Patrick Coleman. There were three people present in the audience.

2. Community and Economic Development Director Marchbanks introduced Project Manager Jennifer Gardner with the firm of Logan Simpson. Ms. Gardner introduced Assistant Project Manager McKayla Dunfey and said that they are starting the public kick off of the project this week. They joined staff on a tour of the City which allowed them to see the different nuances of the town, the current development, potential future development, and future transportation connections. Community listening sessions are scheduled throughout the week of April 24th in-person and then virtually for the 2-3 weeks following. The proposed schedule was outlined, with completion and possible adoption in May-June 2024. A question and answer session followed with Council.

4. General Discussion: None

The regular workshop was adjourned at 6:26 p.m.

CITY COUNCIL
REGULAR MEETING
TUESDAY, APRIL 25, 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, Lydia DeHaven, Robert Dobry, Matthew Keefauver, David Rainey, and Dennis Spruell. Mayor Pro-tem Arlina Yazzie was absent. Staff present included Assistant Chief of Police Andy Brock, Finance Director Kelly Koskie, Community and Economic Development Director Rachael Marchbanks, Director of Parks and Recreation Creighton Wright, Court Clerk/Administrator Carla Odell, Director of Public Works Brian Peckins, Human Resources Director Matt Cashner, Library Director Isabella Sharpensteen, Airport Manager Jeremy Patton, IT Manager Shay Allred, Community and Economic Development/Legal Assistant Lydia Regalado, Deputy City Clerk Donna Murphy, and City Attorney Patrick Coleman. There were four people present in the audience.

Councilmember Dobry moved that the agenda be approved. Councilmember DeHaven seconded the motion and the vote was as follows:

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

2. The Consent Agenda items acted upon by Council were as follows:
 - a. Approval of the Council Worksession and Agenda Minutes of April 11, 2023.
 - b. Approval of the Expenditure List for April 25, 2023.
 - c. Approval of a Renewal application for a Retail Marijuana Store License for Durango Organics, LLP, DBA Durango Organics, located at 1013 East Main Street, Cortez.
 - d. Approval of a Change in Corporation Structure, Transfer of Ownership and Renewal Application for a Hotel and Restaurant Liquor License for Thai Cortez, LLC, DBA Thai Cortez, located at 1430 East Main Street, Suites 1-4, Cortez.
 - e. Approval of a Renewal Application for a Hotel and Restaurant Liquor License for Fiesta Mexican No.3 Inc, DBA Fiesta Mexicana Family Restaurant, located at 430 North Highway 145, Cortez.
 - f. Approval of a Renewal Application for a Fermented Malt Beverage-Off Premises Liquor License for Western Refining Retail, LLC, DBA Speedway #9492, located at 2320 East Main Street, Cortez.
 - g. Approval of a Renewal Application for a Fermented Malt Beverage-Off Premises Liquor License for Western Refining Retail, LLC, DBA Speedway #9496, located at 2021 East Main Street, Cortez.

h. Approval of Four Special Event Permits for Cortez Retail Enhancement Association to host "Third Thursday" events on June 15, July 20, August 17, and September 21, 2023, at Montezuma Park, located at the corner on Market Street and Montezuma Avenue, Cortez.

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

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

3. PUBLIC PARTICIPATION: None

4. PRESENTATIONS-

a. March 2023 Financials. Finance Director Koskie spoke about the March 2023 Financials highlighting that on March 2, 2023 the last of the water loans was paid to the Dolores Water Conservancy District in the amount of ~2.644 million dollars. The City has officially been awarded the Safe Streets to School grant from CDOT in the amount of \$750,000.00. The City looks forward to working with school officials and the community around Mesa Elementary School on this project. Grant Administrator Scott Baker has celebrated his one-year anniversary with the City and thus far has obtained approximately one million dollars in grant funding.

5. PUBLIC HEARINGS: None

6. UNFINISHED BUSINESS: None

7. NEW BUSINESS

a. New Application for a Hotel and Restaurant Liquor License. Deputy City Clerk Murphy presented Council with an application for a New Hotel and Restaurant Liquor License for Agave Azul Taqueria and Bar, to be located at 44 West Main Street. She stated that per statute Council is directed to determine the needs of the neighborhood, the desires of the residents of the neighborhood and verify that the applicant is of good character. Fingerprints for the applicants were sent to CBI and an individual history record have been completed. State regulations require that the local licensing authority schedule a public hearing not less than thirty days from the application date and to set the neighborhood boundaries. Public notice has been given by posting the premises and advertising in the Cortez Journal. Staff is requesting a public hearing date of Tuesday, May 9, 2023 and set the neighborhood boundaries as the Cortez City limits.

Councilmember DeHaven moved that Council set a Public Hearing date of Tuesday, May 9, 2023, for review of a New Hotel and Restaurant Liquor License for Agave Azul Taqueria and Bar LLC, DBA Agave Azul Taqueria and Bar, and that the neighborhood boundaries be set as the Cortez City limits. Councilmember Keefauver seconded the motion, and the vote was as follows:

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

b. Letter of Support- Montezuma County TAP Grant. Councilmember Dobry recused himself from the discussion due to possible conflict of interest. Community and Economic Development Director Marchbanks stated that Montezuma County has requested a letter of support for the Federal Transportation Alternatives Program (TAP) Grant. This grant is slated to help cover design changes and inflationary budget increases for the Paths to Mesa Verde Trail, segments C & D, in anticipation of meeting the 2026 construction schedule.

Councilmember DeHaven moved that City Council authorize the Mayor to sign the letter of support for the Federal Transportation Alternatives Program (TAP) grant submitted by Montezuma County. Councilmember Rainey seconded the motion, and the vote was as follows:

DeHaven	Dobry	Keefauver	Medina	Rainey	Spruell	Yazzie
Yes	*	Yes	Yes	Yes	Yes	Absent

*Councilmember Dobry recused himself from the discussion due to possible conflict of interest.

c. Ordinance 1318, Series 2023. Community and Economic Development Director Rachael Marchbanks stated this is a first reading for a designation of a historic building at 20-30 West Main Street, formally the old J.C. Penney building. The Historic Preservation Board met on March 8, 2023 to consider the application and merits of the structure for designation as historic and to be included on the City Register of Historic Places. A brief history on the building was given.

Councilmember Keefauver moved that Council approve Ordinance No. 1318, Series 2023, on first reading, approving 20-30 West Main Street for Historic designation and to include this property on the City Register of Historic Sites, and set for second reading and public hearing on May 9, 2023. Councilmember Dobry seconded the motion, and the vote was as follows:

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

d. Bid Results- 2023 Concrete Cost-Share Project. Director of Public Works Peckins presented Council with the bid results for the 2023 Concrete Cost-Share Project. The City of Cortez provides an annual sidewalk cost-share program to help residents and business owners either install new sidewalk or replace deteriorated sidewalks on their property. The program encourages and promotes improvement of our public walkways by offering a 50% cost-share agreement with local residents and the City utilizes this project for maintenance on sidewalks, ADA accessible ramps, curbs, and gutters. This year's project includes removal and replacement of approximately 276 square yards of damaged concrete sidewalk, 422 linear feet of curb and gutter, 298 square yards of new concrete sidewalks, 15 ADA curb ramps, and miscellaneous other concrete work throughout the City. The Street Capital Fund has a total of \$250,000 budgeted for concrete, cost-share, and storm drain work this year. After reviewing the cost-share applications and Public Works' areas of repair/replacement, Staff compiled the bid documents and advertised the project on the City's website, BidNet, and in the Cortez Journal. The Invitation to Bid was downloaded by seven contacts, and five sets of plans were picked up from the Service Center. An informational pre-bid

meeting was held on March 24, 2023, with three potential bidders in attendance. The bid opening was held on April 13, 2023, with one bid received from Chavez Construction Corporation at \$153,785.00. This is approximately 23% lower than the engineer's estimate of \$201,781.00. There are twelve citizens and/or businesses participating in the cost-share project. Staff recommends that the 2023 Concrete Cost-Share Project be awarded to Chavez Construction Corporation at their bid price of \$153,785.00.

Councilmember Keefauver moved that Council award the bid for the 2023 Concrete Cost-Share Project to Chavez Construction Corporation at its bid price of \$153,785.00. Councilmember Dobry seconded the motion, and the vote was as follows:

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

e. Bid Results- 2023 Cedar Street Improvement Project. Director of Public Works Peckins stated that The City of Cortez and the Cortez Sanitation District will combine efforts this summer to replace water and sewer mains on Cedar Street, from 7th Street south to Apple Drive. The City and the Cortez Sanitation District contracted with SGM and utilized Public Works staff to develop plans and specifications for this project. The project was advertised on the City's website, BidNet, and in the Cortez Journal. The Invitation to Bid was downloaded by 24 contacts, and eight sets of plans were picked up from the Service Center. A mandatory pre-bid meeting was held on March 27, 2023, with seven potential bidders in attendance. The bid opening was held on April 13, 2023, with two bids received. The Sanitation District will be replacing approximately 1540 linear feet of 8-inch sewer main, four manholes and 37 house service connections. The City will be removing 1740 linear feet of 6-inch cast-iron water line and replacing it with 8-inch PVC water line, along with five service line connections, house services, and all fittings. Upon completion of this work, the City will be replacing 180 square yards of sidewalk, 115 square yards of curb ramps, and 640 linear feet of curb and gutter. The City will then excavate 7500 square yards of roadway, lay a base course fill, and put down new asphalt paving. The Street Capital Fund has \$1,175,000 budgeted, and the Water Capital Fund has \$754,000 budgeted for the Cedar Street Improvement Project. An Intergovernmental Agreement (IGA) has been authorized between the City and the Sanitation District with a cost-share allowance depending on the nature of the work. Staff recommends that the 2023 Cedar Street Improvement Project be awarded to Candelaria Construction, Inc., at its bid price of \$1,596,803.04. Council discussion included the IGA with the Sanitation District, homeowner communications, water line replacements, and fiber installation.

Councilmember Keefauver moved that Council award the bid for the 2023 Cedar Street Improvement Project to Candelaria Construction, Inc., at its bid price of \$1,596,803.04. Councilmember DeHaven seconded the motion, and the vote was as follows:

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

f. Resolution No. 10, Series 2023. City Attorney Coleman presented to Council Resolution No. 10, Series 2023, a resolution of the City of Cortez in opposition to Statewide land use and zoning preemption in Colorado Senate Bill 23-213. SB23-213 represents the most sweeping attempt in

recent Colorado history to remove local control and home rule authority from elected leaders, professional planning staff, and the people of Colorado. The bill dramatically expands State authority by imposing top-down zoning and land use standards on municipalities, and it puts those decisions into the hands of developer interests and unelected third parties. SB23-213 does not recognize that local governments are best suited to address the needs of their communities, and it flies in the face of local government efforts to solve the affordable housing crisis. Colorado Municipal League (CML) has opposed the legislation and is asking members to enact a resolution opposing the bill. Staff recommends that Council approve Resolution No. 10, Series 2023.

Councilmember Spruell moved that Council approve City of Cortez Resolution No. 10, Series 2023, a resolution of the City of Cortez in opposition to Statewide land use and zoning preemptions in Senate Bill 23-213. Councilmember Dobry seconded the motion, and the vote was as follows:

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

8. DRAFT RESOLUTION/ORDINANCES: None

9. CITY ATTORNEY'S REPORT: None

10. CITY MANAGER'S REPORT: None

11. CITY COUNCIL COMMITTEE REPORTS

a. Mayor's Report on Workshop. Mayor Medina stated that in the workshop representatives from the firm of Logan Simpson presented information on the Land Use Code update and Council gave feedback with a question and answer period. The representatives toured the City today and were able to see the different areas of Cortez including zoning, vacant lots and areas to address with housing. They are here for the week for listening sessions. She emphasized that the City wants to hear from residents, business owners, landowners, etc. to get their ideas and feedback on the re-write. Mayor Medina attended Career Day at the Middle School and spoke about local government and listened to student ideas. The youth emphasized there is not a lot of free activities to do in the City. The students gave a list of things that they would like to see around the area. City Council is having a retreat on Saturday, April 29th to meet with staff to revisit last year's priorities, new priorities, what the future looks like and where the City should be focusing money and projects.

b. Public Arts Committee. Councilmember Rainey spoke about the committee potentially getting 3 or 4 new members.

c. Library Board. Councilmember DeHaven attended the Library Board meeting where Library director Sharpensteen discussed the SWAT analysis. She attended the Montezuma County Homelessness Coalition meeting and they went over summer operations. She said the City has opened the public restrooms and the Library and Recreation cNter is staying open longer. The Bridge Emergency Shelter is running a pilot summer maintenance program to help assist people who are in between unhoused and being in housing. The Shelter has laundry and showers

available on Mondays from 11:00-3:00 pm. The Pinon Project is planning day trips for the unhoused population to get people outside and out of survival mode. They are using their lobby as a make-shift day center. They applied for a grant to fund a day center but have not heard back yet.

d. Parks, Recreation and Forestry Advisory Board. Councilmember Keefauver was unable to attend the meeting but gave an update from the meeting. The following items were discussed. a.) the elimination of the reservation system for the lap lanes at Recreation Center and b.) the formation of a subcommittee in lieu of a separate tree commission.

e. Historic Preservation Board: Councilmember Dobry reminded everyone that the 13th Annual Historical Preservation Day in Cortez will be May 13, 2023.

12. OTHER ITEMS OF BUSINESS: None

13. PUBLIC PARTICIPATION: None

14. ADJOURNMENT: Councilmember DeHaven moved that the regular meeting be adjourned at 8:28 p.m. Councilmember Spruell seconded the motion, and the vote was as follows:

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


Rachel B. Medina, Mayor

ATTEST:


Donna Murphy, Deputy City Clerk