

CITY COUNCIL  
REGULAR WORKSHOP  
TUESDAY, MAY 9, 2023

1. The workshop was called to order at 5:45 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, Finance Director Kelly Koskie, Community and Economic Development Director Rachael Marchbanks, Contract City Planner Nancy Dodsall, Director of Parks and Recreation Creighton Wright, Director of Public Works Brian Peckins, Community and Economic Development Specialist Helen West, Community and Economic Development/Legal Assistant Lydia Regalado, IT Manager Shay Allred, Deputy City Clerk Donna Murphy, City Clerk Linda Smith, City Manager Drew Sanders, and City Attorney Patrick Coleman. There were eleven people present in the audience.

2. Willa Williford, of Williford, LLC, stated that she has served as the point of contact for the Housing Assessment team that completed the housing report for the City of Cortez. She spoke about the assessment which began in November 2022 and was guided by a lot of people within the community that offered information on the community. Ms. Williford stated that the City of Cortez commissioned a Housing Needs Assessment to understand current housing conditions and provide data to inform solutions to the housing conditions and the factors shaping the housing market. In addition, it provides a forecast of housing needs for the next five years, and recommendations for the next steps. She reviewed the recommendations to address the housing shortages and gaps identified in the report which include: continue to improve Land Use regulations and incentives; increase the supply of housing; invest in partnerships; provide land; preserve and re-use existing assets; and attract new funding to the area. The jobs/wages in Cortez were discussed as well as the rental market/housing inventory/housing prices. Discussion was held on housing in Montezuma County, construction costs/permit and tap fees for new construction, partnerships with the community for future housing, Land Use Code changes to facilitate future housing development as well as replacement of current housing inventory (such as mobile home parks), and keeping up with the aging infrastructure in the community before adding new infrastructure,

3. An update was given by Julie Constan, Region 5 Transportation Director, and Jennifer Allison, Region 5 Traffic and Safety Program Engineer, with the Colorado Department of Transportation (CDOT). They spoke to Council about multiple projects that are happening throughout the State of Colorado and how the funding works within CDOT. Ms. Constan noted that the smaller projects require working with partners to fund them. Region 5 has three transportation planning regions (8, 9, and 10) which consists of 15 counties and within those counties are 2 tribes and 55 towns/cities. Ms. Allison stated the funding for Region 5 (southwest and south central Colorado) is approximately 10% of the lane miles and is 5% of the State's population. Discussion was held on grant opportunities and working together for funding opportunities. Ms. Constan spoke about the projects for Cortez and she noted that a report is being completed on South and North Pinon Street/Broadway intersection and signage/speed is

being reviewed for Highway 491/160. She spoke about the local agency share for extra signage and stated that enforcement is really important with new signage which may include radar signage. She spoke about how speed limits are set and the requirement of speed limit studies to change them. Council noted that it is really important to the community to fix the speeds on Broadway and several stories were shared on the loss of life and the many accidents that have happened on Broadway. Ms. Constan spoke about the process for being included on the ten year plan list so that projects can move forward for prioritization and funding. Discussion was held on future development and how that ties with upgrades on CDOT roads for access. It was noted that the Speed Management Study for Broadway will be completed this summer and a report will be shared with Cortez.

4. General Discussion. Councilmember DeHaven stated that the League of Women Voters will be hosting a School Board 101 Workshop at the Cortez Library on Thursday, May 11, 2023, from 6:30 to 8:00 p.m., for anyone interested in running for a school board position.

The regular workshop was adjourned at 6:25 p.m.

CITY COUNCIL  
REGULAR MEETING  
TUESDAY, MAY 9, 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 Vernon Knuckles, Finance Director Kelly Koskie, Community and Economic Development Director Rachael Marchbanks, Contract City Planner Nancy Dossdall, Community and Economic Development Specialist Helen West, 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 Sharpsteen, Airport Manager Jeremy Patton, Director of General Services Rick Smith, IT Manager Shay Allred, Community and Economic Development/Legal Assistant Lydia Regalado, Deputy City Clerk Donna Murphy, City Clerk Linda Smith, City Manager Drew Sanders, and City Attorney Patrick Coleman. There were twelve people present in the audience.

Councilmember DeHaven moved that the agenda of May 9, 2023 be approved. 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 Worksession and Agenda Minutes of April 25, 2023.
  - b. Approval of the Expenditure List for May 9, 2023.
  - c. Approval of a renewal application for a Retail Marijuana Store License for Mountain Annie's, LLC, located at 310 East Main Street, Cortez.
  - d. Approval of a Special Event Permit for Cortez Celtic Fair to host an event on Saturday, June 24, 2023, at Parque de Vida, located at 400 North Mildred Road, Cortez.
  - e. Approval of a Special Event Permit for Denkai Sanctuary/Rescue to host a fundraiser/pet adoption event on May 20, 2023, from 8:00 a.m. to 4:00 p.m., located in the street at South Elm Street from the alleyway to 1<sup>st</sup> Street, Cortez.
  - f. Approval of a renewal application for a Hotel and Restaurant Liquor License for Rosita Inc., DBA Tequila's, located at 1740 East Main Street, Cortez.
  - g. Approval of a renewal Application for a Fermented Malt Beverage and Wine Liquor License for Paragon Business Investments, LLC, DBA Gopher Food & Fuel, located at 2410 Fairway Drive, Cortez.

h. Approval of a renewal application for an Arts Liquor License for Community Radio Project, Inc., DBA KSJD, located at 2-8 East Main Street, Cortez.

i. Approval of a renewal application for a Hotel and Restaurant Liquor License with one optional premise for Rudosky Golf, LLC, DBA Conquistador Golf Course, located at 2018 North Dolores Road, Cortez.

Councilmember Dobry moved that the Consent Agenda be approved as presented. 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

3. PUBLIC PARTICIPATION – None.

4. PRESENTATIONS

a. Proclamation for National Hospital Week for May 7-13, 2023. Mayor Medina read the proclamation declaring National Hospital Week as May 7-13, 2023. The official theme for the week will be ‘We are Health Care’. She thanked all the people that work in the health care system, especially through the unprecedented pandemic. Council presented the proclamation to Travis Parker, Chief Human Resources Officer, and Lisa Gates, Chief Nursing Officer, representing Southwest Memorial Hospital.

b. Proclamation for Historic Preservation Day on May 13, 2023. Mayor Medina read the proclamation noting that May 13, 2023 is being declared as Historic Preservation Day. She noted that walking tours of Cortez Historic Buildings will be given during the day on Saturday, May 13, featuring the former J.C. Penny’s, Woolworth’s and Montgomery Ward buildings.

5. PUBLIC HEARINGS

a. New Hotel and Restaurant Liquor License for Agave Azul Taqueria and Bar LLC. City Clerk Smith stated that Agave Azul Taqueria and Bar LLC has completed an application for a new Hotel and Restaurant Liquor License, to be located at 44 West Main Street, formerly the location of the Wigglin’ Pig Restaurant. She stated that the applicant would like to present petitions they have circulated in support of the issuance of the liquor license; however, first will be the report from the Chief of Police. She asked that, if Council agrees to the approval, that the motion include the verbiage noted in the memo which includes compliance with the Colorado Revised Statutes Section 44-3-301. Chief of Police Knuckles was sworn in and read his report for the record noting that public notice for the new application was posted on the property as well as in the Cortez Journal, and a poll of the surrounding neighborhoods and businesses was taken with 47 in favor of granting the liquor license and 2 against. He stated that the location complies with the Colorado Liquor Code Rules and Regulations and the location does not create any known public safety issues or endanger public health. The report from the Chief of Police was received for inclusion in the record. Applicant Juan J. Jimenez de la Cruz was sworn in and spoke to Council about his request

to open a restaurant in Cortez stating that his patrons would like to have the option of a beer or margarita with their meal. He stated that he also operates a restaurant in Dolores and commented that the restaurant in Cortez would be like a taqueria style. He presented his petitions which were signed by his neighbors in support of issuance of a liquor license for his premises. Council received the petitions to be included in the record. Mayor Medina opened the comment portion of the public hearing; however, no one spoke and the public comment portion of the hearing was closed.

Mayor Pro-tem Yazzie moved that after considering the reasonable requirements of the neighborhood, the desires of the adult inhabitants, the necessity of any restrictions on the license, the good character of the applicants, and compliance with all the provisions of Colorado Revised Statutes Section 44-3-301, that Council approve a new Retail Hotel and Restaurant Liquor License for Agave Azul Taqueria and Bar LLC, located at 44 West Main Street, Cortez. Councilmember DeHaven seconded the motion and the vote was as follows:

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

b. Ordinance No. 1318, Series 2023. Director of Community and Economic Development Marchbanks stated that a request has been made by the owners of property located at 20-30 West Main Street to have the property listed on the City Register of Historic Places. She stated that Ordinance No. 1318, Series 2023, is being presented as a public hearing on second reading. The application had been presented to the Cortez Historic Preservation Board on March 18, 2023, and the board felt the request meets the historic preservation requirements and have recommended approval. The J.C. Penny’s building was built in 1953 and has some cultural and historical significance. Director of Community and Economic Development Marchbanks read the five designation criteria which is reviewed prior to the local historic designation recommendation. Mayor Medina opened the public comment portion of the hearing; however, no one spoke and the public comment portion of the hearing was closed.

Councilmember Dobry moved that Council approve Ordinance No. 1318, Series 2023, presented on second and final reading, approving 20-30 West Main Street for Historic Designation and to include this property on the City Register of Historic Sites. 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

6. UNFINISHED BUSINESS – None.

7. NEW BUSINESS

a. Resolution No. 11, Series 2023. Community and Economic Development Director Marchbanks stated that Resolution No. 11, Series 2023, would accept the Housing Needs Assessment and establish it as guidance for future housing needs in the City. She stated that during the Council worksession, Willa Williford of Williford LLC made a presentation regarding the information received for the Housing Needs Assessment for Cortez. The data from the assessment is to help

inform solutions to the housing challenges that are faced by our community and to provide a forecast of housing needs for the next five years, as well as recommendations for the next steps. It was noted that the jobs and population of Cortez have been increasing more quickly than the housing supply in Cortez. With a limited inventory of homes for sale and the vacancy under 2% for rental housing, competition is driving up housing prices. The rising prices result in less affordable housing for the local workforce. As home prices and rents appreciated beyond what local wage earners can afford, new and existing homes are being sold to higher-income households both within and from outside the area. The Housing Needs Assessment includes detailed recommendations to address the housing shortages and gaps identified in the report. Mayor Medina encouraged the public to watch the Council worksession as there was some great discussion held regarding the Housing Needs Assessment. She stated that if anyone from the public has any questions, to reach out to the Community and Economic Development Department. It was noted that the assessment will be posted on the City’s website under the Community and Economic Department link.

Councilmember DeHaven moved that Council approve Resolution No. 11, Series 2023 a resolution accepting the 2023 Housing Needs Assessment and establishing it as guidance for future housing needs in the City. 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. 1319, Series 2023. Contract City Planner Dosdall stated that a request was made to vacate an undeveloped 16 foot alley located in Block 2 of the Veach Subdivision and consolidate all existing lots into one 2.185-acre parcel on property located at 1511 East Main Street. The parcel is located across the street from Safeway in the Commercial Highway zone. She stated that Ordinance No. 1319, Series 2023, is presented on first reading and, with Council’s approval would be set for second reading and a public hearing on May 23, 2023. It was noted that if the vacation is approved, the applicant would need to rededicate easements along the area of the alley and the applicants would then be able to develop the property. If the vacation of the alley is approved, a site development plan would be presented to Council for a car wash to be located on the property.

Councilmember Keefauver moved that Council approve on first reading Ordinance No. 1319, Series 2023, approving an application for vacation of the 16’ alley located in Block 2 of the Veach Subdivision and consolidation of all existing lots into one 2.185-acre parcel on property located at 1511 East Main Street, zoned Commercial Highway, owned by Quick N Clean CO-03, LLC, and set the ordinance for second reading and public hearing on May 23, 2023. Councilmember Spruell seconded the motion, and the vote was as follows:

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

c. Ordinance No. 1320, Series 2023. City Attorney Coleman stated that Ordinance No. 1320, Series 2023, approves an amendment to the Professional Services Contract for Municipal Judge Services. It was noted that three appointees report to Council with the City Manager and City Attorney working under an Employment Contract and the Municipal Judge working under a Professional Services Contract. The Professional Services Contract requires an ordinance for any

changes to the Municipal Judge contract as instructed in the City Charter. It was noted that Judge Beth Padilla was appointed November 15, 2021, as Municipal Court Judge and her contract has not been amended since her original agreement. Municipal Judge Beth Padilla reviewed her request for changes to her contract.

Councilmember Dobry moved that Council go into Executive Session at 8:10 p.m. for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators pursuant to C.R.S. Section 24-6-402(4)(e), and specifically regarding the proposed contract amendments proposed by the Municipal Judge. 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 8:29 p.m. Mayor Medina stated that the 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.

Discussion was held on the difference in the pay for the Municipal Judge from the current agreement which is salary plus hourly rate over the court time on Mondays to a base salary each month. Mayor Medina noted that Ms. Padilla has done incredible work for Municipal Court over the past year and a half. Councilmember Spruell asked if a cost of living raise had been given which Ms. Padilla confirmed there has not been any raises since she began in November 2021. Discussion was held on how the fee was negotiated in the past for the Municipal Judge which was not clear. City Manager Sanders stated that the 2023 Budget could incorporate the salary adjustment with the change taking effect August 1, 2023, as proposed; however, the changes for 2024 would need to be incorporated in the overall 2024 Budget. Council asked Ms. Padilla if she would keep track of her monthly hours so that Council could understand how much time it takes to run Municipal Court, which Ms. Padilla agreed she could do. City Attorney Coleman stated that the description of the work is not required; however, Council would like to know the time that is spent monthly so Council can determine the time versus pay the next time the subject comes up.

Mayor Pro-tem Yazzie moved that Council approve on first reading Ordinance No. 1320, Series, an ordinance approving an amendment to Professional Services Contract for Municipal Judge Services, and set for second reading and a public hearing on May 23, 2023. 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

8. DRAFT RESOLUTION/ORDINANCES – None.

9. CITY ATTORNEY’S REPORT – None.

## 10. CITY MANAGER'S REPORT

City Manager Sanders noted the following information:

- He attended the CCCMA, Colorado City and County Management Association, Conference April 25-28, 2023 in Glenwood Springs, CO. The conference was very educational and informative and a great way to connect and network with city managers and county administrators throughout the state. He was asked to present a leadership training that was very well received.
- The City has received the \$1.8M payment from Vero for the fiber lease. \$200,000 will be put into escrow as part of the contract and will be handled by the Finance Department.
- The City Council retreat was a success, and Council was able to get a lot done setting and updating their priorities for the City.
- A meeting was held with DOLA Local Government Division Director Chantal Unfug regarding the City again being able to apply for DOLA grants, and grants administered through DOLA. It was decided that since the City has completed the audits through 2020 and should be caught up on the 2021 and 2022 audits by this fall, we are now able to apply for grant funding during the next cycle, however, if we are awarded any grants, payment could be delayed until all audits are complete.
- The City will be installing a barrier this week at the end of North Adams Street, a dead-end street off of Montezuma Avenue to the east of City Market. North Adams Street is being used as an unauthorized through street across private property to access Main Street, thus causing an inordinate amount of traffic on a dead-end residential street. Information regarding this change is being shared with the affected property owners and the public at-large.
- Parks and Recreation Director Creighton Wright has noted that there continues to be some staff shortages in the Parks and Recreation Department and therefore the Recreation Center will be closed Sunday, May 14, 2023 (Mothers Day) and Saturday, May 20 and 27, 2023. Also, the Recreation Center will be closing at 7:00 p.m. on May 18, 19, 25 and 26, 2023. He stated that intermittent adjustments may need to be made through out summer. Any questions can be directed to Parks and Recreation Director Wright.

## 11. CITY COUNCIL COMMITTEE REPORTS

- a. Mayor's Report on Workshop. Mayor Medina stated that during the worksession information was shared on the Housing Needs Assessment recently completed for Cortez. Also, a report was given on future projects/traffic study for Broadway being completed by the Colorado Department of Transportation.
- b. Historic Preservation Board. Councilmember Dobry stated that Saturday, May 13, 2023, is Historic Preservation Day and there will be tours downtown of historic buildings. He stated the day would be a great way to check out all the historic work going on in Cortez.
- c. Cortez Arts Advisory Board. Councilmember Rainey stated that the board met on May 1, 2023, with discussion held on developing an arts district in Cortez and the current mural contracts. Several interested citizens that have applied to serve on the board attended the meeting.
- d. Golf Advisory Board. Councilmember Spruell stated that the board met on April 26, 2023, and it was noted that everything at the golf course is going well. Monday play will now start at 8:30



a.m. to allow for the early morning maintenance to take place.

e. Scholarship Award. Councilmember Spruell stated that he had the honor to serve on a board that has chosen a local student to receive a scholarship. He stated that the scholarship comes from the Colorado Grand in the amount of \$10,000. 16 applications were received and the students were all amazing on their achievements. The announcement will be made soon on the winner of the scholarship.

f. Mesa Verde Country Board. Mayor Medina stated that advertisement has been made for a new executive director.

12. OTHER ITEMS OF BUSINESS – None.

13. PUBLIC PARTICIPATION

a. Thank You. LeeAnn Milligan from Denkai Sanctuary/Rescue thanked the Planning staff for all their work helping Denkai plan their first fundraising event that will be held on May 20, 2023. She invited everyone to attend the special event which will include animal adoptions.

14. ADJOURNMENT: Councilmember Dobry moved that the regular meeting be adjourned at 8:50 p.m. 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

Rachel B. Medina, Mayor

ATTEST:

Linda L. Smith, City Clerk

