

CITY COUNCIL
REGULAR WORKSHOP
TUESDAY MAY 23, 2023
6:00 p.m.

1. The Workshop was called to order at 6:02 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, Chief of Police Vern Knuckles, Community and Economic Development Director Rachael Marchbanks, Director of Public Works Brian Peckins, IT Technician Jason Gray, Deputy City Clerk Donna Murphy, City Clerk Linda Smith, City Manager Drew Sanders, and City Attorney Patrick Coleman. There were 9 people present in the audience.
2. Council conducted interviews for appointments/reappointments on the various City Advisory Boards including the Arts Advisory Board, the Historic Preservation Board, and the Parks, Recreation and Forestry Advisory Board. Each applicant provided their personal background and reason for applying for Board of their choice.
3. Andrea McAlpin, Child Care Navigator with the Montelores Early Childhood Council gave a presentation regarding child care in Montezuma County. She gave an update on the current childcare options stating there is a total of fourteen licensed providers, of which 3 provide care for infants (under the age of one year), and 5 that provide care for toddlers. Half of these providers do not provide summer care and only offer care during regular school hours (8:00 am-3:00 pm). She gave reasons that early childhood care is important and how it will benefit the children, the families and the workforce. She presented data and possible solutions to the child care crisis in Montezuma County.
4. Director of Public Works Brian Peckins presented Council with a draft Drought Management and Mitigation Plan. The overall goal of the plan is to facilitate appropriate response to varying drought conditions, a primary focus on best management practices to manage demand, while evaluating options for alternate water sources, and determining water use priorities for the purpose of adopting a resolution. He spoke about the Drought Taskforce that was created by Council in order to manage, update and implement the Plan. The taskforce is responsible for monitoring and assessing drought conditions and making recommendations and made up of following members: Council members, City Manager, Public Works, Community Development, Parks and Recreation, Fire Department, Police Department, Critical Water Users and interested citizens. He spoke of additional drought information and the other entities that are involved in drought responses and coordination of the information and public involvement. Drought Plan Triggers were discussed and the response actions that will be taken during each stage of response plan, noting that during the Stage 3 Response Action the goal would be to achieve a 30% voluntary reduction of total water demand, increase public messaging, invoke a ban of open burning, implement progressive water rate schedule, if necessary, while managing the supply and reducing the demand. He spoke of the water use allocations during each stage of the response

action plan and reviewed the enforcement of the Plan. A question and answer session followed with Council.

4. General Discussion: Councilmember DeHaven asked that Council consider developing a relationship with the Cortez School Board. After discussion it was resolved that a Board to Board meeting would be scheduled. Councilmember DeHaven also asked if a new employee review process could be developed that would streamline the process for Council to review annually the City Manager and City Attorney. Discussion was held and it was decided to leave the process the same but give more time to Council to conduct the review of these two employees.

The regular workshop was adjourned at 7:35 p.m.

CITY COUNCIL
REGULAR MEETING
TUESDAY, MAY 23, 2023

1. The meeting was called to order in the City Council Chambers at 7:45p.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 Chief of Police Vernon Knuckles, Community and Economic Development Director Rachael Marchbanks, Contract City Planner Nancy Dosedall, Director of General Services Rick Smith, 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 Technician Jason Gray, Deputy City Clerk Donna Murphy, City Clerk Linda Smith, City Manager Drew Sanders, and City Attorney Patrick Coleman. There were 8 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 May 9, 2023.
 - b. Approval of the Expenditure List for May 23, 2023.
 - c. Approval of a renewal Fermented Malt Beverage and Wine Liquor License for Maverick Inc., DBA Maverick #497, located at 455 State Street, Cortez.
 - d. Approval of a renewal Hotel and Restaurant Liquor License for BMCJ Inc., DBA Stonefish Sushi and More, located at 16 West Main Street, Cortez.
 - e. Approval of a renewal Fermented Malt Beverage and Wine Liquor License for Stokely Corporation, DBA Handy Mart South, located at 806 ½ South Broadway, Cortez.
 - f. Approval of a Special Event Permit Application for Montelores Early Childhood Council/Pinon Project to host a Teacher Appreciation event on Wednesday, May 31, 2023, on the premises of the Cortez Area Chamber of Commerce, located at 20 West Main Street, Cortez.

Councilmember DeHaven 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: None

5. PUBLIC HEARINGS:

a. Ordinance No. 1320, Series 2023. City Attorney Coleman stated that at the May 9, 2023 Council meeting Ordinance No. 1320, Series 2023 was presented on first reading along with a draft contract amendment for Judge Padilla’s compensation. He reminded Council that the City Charter requires the Judge’s compensation be established by ordinance. Judge Padilla presented information to Council about her time spent in Court. She gave statistical information stating in 2022 there were forty-eight scheduled court times, which was reflected in the salary contract. There have been forty court appearances so far this year. Mayor Medina opened the public hearing, no one spoke and the public hearing was closed.

Councilmember Rainey moved that Council approve on second and final reading Ordinance No. 1320, Series 2023, an ordinance approving an amendment to the Professional Services Contract for Municipal Judge Services. 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

b. Ordinance No. 1319, Series 2023. Contract City Planner Dosedall stated that the applicant, Quick-N-Clean CO-03, LLC, is proposing to vacate an existing, undeveloped alley located in Block 2 of the Veach Subdivision and then combine the 28 existing lots into one parcel for development, with the new lot totaling 2.185 acres. The property, located at 1511 E. Main Street, is a vacant lot and zoned Commercial Highway (C) and is bounded on the west by commercially zoned land that includes Papa Murphy’s, on the east and south by vacant parcels, and on the north by East Main Street and Safeway. All neighboring parcels are zoned Commercial Highway (C). After Agency review and the recommendation from the Planning and Zoning Commission, staff recommends approving the alley right-of-way vacation. Council discussion included city utilities in right-of-way, CDOT highway access, alleyway to the west and the flood plain to the east. A representative from Quick-N-Clean spoke letting Council know their clients have agreed to the proposed conditions. Mayor Medina opened the public hearing, no one spoke and the public hearing was closed.

Councilmember Dobry moved that Council approve on second and final reading Ordinance No. 1319, Series 2023, an ordinance approving a right-of-way vacation plat vacating 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 E. Main St., zoned Commercial Highway. 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

c. Resolution No. 13, Series 2023. Contract City Planner Dossdall stated that the applicant, Cortez Main LLC, is proposing a two-lot subdivision on the property recently approved for a retail drive through restaurant located at 610 E. Main Street. The subdivision will divide the existing parking lot to create a separate lot for the new commercial structure. The property is zoned Commercial (C) Highway and is bounded on the west by commercially zoned land that includes City Market and developed commercial properties are also located to the south and east; neighborhood business properties with single-family homes are located to the north. The subdivided lots share an access with the existing 610 E. Main commercial structure, located on a separate parcel. Issues with the requested subdivision concern the parcel to the north, which has not been included in the requested subdivision. The parcel to the north is considered nonconforming, in that its only legal access is to North Adams St., the front access to the building appears to be on the property line and there is not adequate parking associated with the structure. The applicants, who own the existing structure, propose to address these issues somewhat by dedicating the entirety of Tract 1 to a parking easement and including two 30' access easements near the east and west property lines. The extent of the easements will render Tract 1 unbuildable for future development. An additional concern with the submitted plat is that the proposed 30' access easements are not clearly dedicated to anyone, and do not connect to each other, or to the adjacent properties to the east and west as would be necessary for eventual compliance with the CDOT access control plan, and to allow loading and turning movements for the existing structure at 610 E. Main Street. Staff recommends approval of the Minor subdivision plat with two conditions.

Councilmember Keefauver moved that Council approve Resolution No. 13, Series 2023, a resolution approving a Minor Subdivision Plat to divide a 1.6-acre tract into 2 lots located in the southeast ¼ of the Northeast ¼, Section 26, Township 36 North, Range 16 West, N.M.P.M, located in the Commercial Highway (C) zone district in Cortez, Colorado. 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

6. UNFINISHED BUSINESS: None

7. NEW BUSINESS

a. Resolution No. 9, Series 2023. Contract City Planner Dossdall stated that the applicant, Quick-N-Clean CO-03, LLC, is proposing a site plan to construct a new 5,389 square foot express car wash with associated vacuum and pay station canopies to be located on what is currently platted as 28 separate lots separated by a City owned alley. The applicants have applied to vacate the alley and combine all lots into one, which was approved through Resolution No. 13, Series 2023 (above item 5C). The new lot will total 2.185 acres. The property, located at 1511 E. Main Street, is a vacant lot and zoned Commercial Highway (C) and is bounded on the west by commercially zoned

land that includes Papa Murphy’s, on the east and south by vacant parcels, and on the north by East Main Street and Safeway. All neighboring parcels are zoned Commercial Highway (C). The project as submitted appears to meet all development standards. Staff recommends approval of the site development plan for a new car wash on the property located at 1511 E. Main Street with four conditions.

Councilmember DeHaven moved that Council approve Resolution No. 9, Series 2023, a resolution approving a site plan for a car wash to be located on property at 1511 E. Main, zoned Commercial Highway, located in Block 2 of the Veach Subdivision. 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

b. CDOT Aeronautics Discretionary Grant Resolution. Airport Manager Patton stated that with all Airport Improvement Program Grants, there is a Federal, State and local apportionment and this resolution with the State must be made to approve the small dollar grant award for the two projects scheduled. The resolution includes a schedule and budget for the two projects; participate in Federally funded apron expansion and Federally funded access road rehabilitation (part of parking lot project). The Cortez Municipal Airport remains in the Airport Improvement Program that shares costs of approved projects based on a 95% Federal, 2.5% State and 2.5% local share. The Apron Expansion Design Grant and Access Road Rehabilitation have been approved by the FAA. Construction of these projects is anticipated in 2024-2025 depending on cost estimates and further approval. As depicted in the Master Plan, apron expansion is vital to future hangar development as current space is limited. The access road component of the parking lot is the passenger drop off and pickup, as well as a pilot access road to the south hangars. These elements are also vital to the infrastructure of the Airport parking lot and accessibility. The Apron Expansion Design and Access Road Rehab projects schedule and budget depicts a total cost of \$615,527.00. The total Federal share equals \$584,750.00, State and local share of \$15,389.00 each. \$10,125.00 of the local share is coming out of ARPA funding that is factored into the parking lot improvement project, depicted in the schedule as Access Road Rehabilitation. The remaining local share of \$5,264.00 for the Apron Expansion Design will come out of the Airport budget. Staff recommends that Council approve the Resolution with CDOT for the Small Dollar Grant Award.

Councilmember Dobry moved that Council approve and authorize the Mayor to sign the Resolution with CDOT Aeronautics for the Small Dollar Grant Award. Councilmember Rainey seconded the motion, and the vote was as follows:

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

c. 2023 Library HVAC Installation. Director of General Services Smith stated the 2023 Capital Budget provides \$470,000 for the Cortez Library HVAC replacement and membrane roof replacement. The budget also provides \$240,000 for the Service Center HVAC replacement. The total budget for the two projects is \$710,000.00. Engineering and design development and the roof replacement are complete. Expenditures to date including the HVAC components on order is

\$482,205.00. This leaves \$227,795.00 for installation of the HVAC systems for the Library. The Service Center install will need to be a 2024 project subject to funding availability. The City has bid the HVAC installation three different times with only one bid received each time. The Comfort Air bid amount of \$246,430.00 is \$18,635.00 above the remaining overall budget for the Library and the Service Center. The Police Department driveway project (also an approved Capital Project) is now projected to come in under budget enough to cover the amount over on this project. Staff recommends that Council approve the Comfort Air April 12, 2023 bid for the Library HVAC install at the bid amount of \$246,430.00.

Councilmember Dobry moved that Council award the bid to complete the Library HVAC project to Comfort Air in the amount of \$246,430.00. Councilmember Rainey seconded the motion, and the vote was as follows:

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

d. City Council Priorities. City Manager Sanders spoke to Council about the priorities that were set at the Council retreat on April 29, 2023. The list of priorities included the following: infrastructure improvements, urban renewal and economic development, water conservation, housing, and updating guiding documents. He stated no questions were received and the priorities are being presented to Council for adoption.

Councilmember DeHaven moved that Council accept the stated Council priorities. Councilmember Rainey seconded the motion, and the vote was as follows:

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

e. Appointment/Re-Appointments to City Advisory Boards. City Clerk Smith stated that Council interviewed seven applicants during the worksession. Advertisement for the openings were placed in the Cortez Journal, the City’s website, Facebook and emails to organizations in the community. Staff is recommending that the seven applicants that were interviewed be appointed/reappointed to the various City Boards. Councilmember Dobry asked about the term length for the Arts Advisory Board. City Clerk Smith stated that the members of the Board could discuss their terms should they be appointed.

Councilmember Dobry moved that Council appoint the following residents to the boards which they have applied for:

Cortez Arts Advisory Board - Anne Beach, Sascha Steinberg, and Erik Quiroz. Terms would consist of three-year and two-year terms.

Cortez Historic Preservation Board - Kathleen Russell and Mitchell Toms for three-year terms.

Parks, Recreation, and Forestry Advisory Board - Mike Lavey and Abraham Proffitt for two-year terms. Councilmember Rainey seconded the motion, and the vote was as follows:

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

8. DRAFT RESOLUTION/ORDINANCES: None
9. CITY ATTORNEY'S REPORT: City Attorney Coleman reported that the Four Corners Bar Association gives a scholarship to local high school students and he was asked to serve on the selection committee. Letters were sent to the local high school Councilors to solicit applicants. He said they received 6 applications and each applicant was very worthy of the scholarship. Criteria for the scholarship included grades, civic duties and extracurricular activities. Two scholarships were awarded for \$500.00 each.
10. CITY MANAGER'S REPORT: City Manager Sanders gave a report on the following items:
- The Cortez Kennel hosted the Bergen Spay/Neuter Clinic in conjunction with For Pet's Sake Humane Society May 11-14, 2023. The clinic was very successful with estimates of over 250 animals being served.
 - There is blood drive May 24, 2023 from 8:00 am to 12:00 pm at the Service Center. Walk-ins are welcome.
 - This week, May 21-27, 2023, is National Public Works week. The theme this year is "Connecting the World Through Public Works" to show how public works connects us all through infrastructure and service, enhancing the quality of life for the communities these professionals serve.
 - Employee Spotlight- Diane Roberts, Project Manager, with the Public Works Department is someone who exemplifies the "can do" spirit of our Public Works team. Diane has gone above and beyond our expectations since she arrived at the City in 2017. Before that, Diane spent over 20 years as a Superintendent in the male dominated construction industry and brought an "I'll outwork anyone" mentality to the job. She is usually the first person in the office and the last to leave. Diane was hired as our Safety Inspector, but has done a little bit of everything to keep our Public Works projects on track. She has served as our primary project manager, developed project scopes and cost estimates in the absence of a City Engineer, served as our on-site construction representative, and even worked on the trash trucks when needed, while continuing to serve as our Safety Inspector. In the last year, Diane was instrumental in leading the efforts to successfully completing our Sligo and Mildred Street Capital Improvement projects, street improvement program projects, and many other Public Work projects. She also provided ongoing support to co-workers across a broad spectrum of skill sets and is an asset in every situation. Diane is a consummate professional, a dedicated public servant, and is a credit to the Public Works team and the City of Cortez.
11. CITY COUNCIL COMMITTEE REPORTS
- a. Mayor's Report on Workshop. Mayor Medina stated that during the workshop interviews were conducted for appointments/reappointments for the various City Advisory Boards. A presentation was given by Andrea McAlpin, Child Care Navigator with the Montelores Early Childhood

Council regarding childcare in Montezuma County. Director of Public Works Brian Peckins presented Council with a draft of the Drought Management and Mitigation Plan. General Council discussion included the development of a relationship with the School Board and a new employee annual review process for the City Manager and City Attorney.

b. Public Arts Committee. Councilmember Rainey stated that the Arts Advisory Board discussed ways to create funding and revenue to go towards future projects.

c. Library Board/ Montelores Homeless Coalition. Councilmember DeHaven attended the Library Board meeting where a draft of the 5-year strategic plan was presented by Director Sharpsteen. She attended the Montezuma County Homeless Coalition meeting where an update was given on the current number of unhoused people in the community. Discussion was held about a memorial for the people that lose their life every year due to homelessness.

d. Parks, Recreation and Forestry Advisory Board. Councilmember Keefauver stated that the hours at the Recreation Center have been temporarily reduced due to staffing issues. Playground Days registration is open and the outdoor pool opening is set for June 5, 2023. Staff is working on an adult softball league and everything is going well at the golf course.

e. Historic Preservation Board: Councilmember Dobry stated that Historic Preservation Day on May 13, 2023 was a huge success and he thanked everyone for their hard work.

12. OTHER ITEMS OF BUSINESS:

a. Executive Session. Councilmember Dobry moved that Council adjourn into Executive Session at 8:59 p.m. for discussion of a personnel matter, and specifically to conduct an annual performance review of the Cortez City Manager and to discuss possible amendments to Mr. Sanders' employment agreement as authorized by C.R.S. Section 24-6- 402(4)(f)(I). The Executive Session will not involve any specific employee who has requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees. Councilmember Rainey seconded the motion, and the vote was as follows:

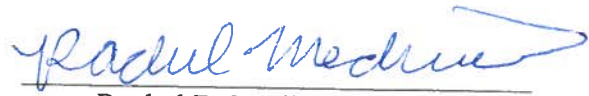
DeHaven	Dobry	Keefauver	Medina	Rainey	Spruell	Yazzie
Yes	Yes	Yes	Yes	Yes	Yes	Absent

Council returned from Executive Session at 10:34 p.m. Participants in the Executive Session included City Manager Sanders, City Attorney Coleman, Mayor Medina, Councilmember DeHaven, Councilmember Dobry, Councilmember Keefauver, Councilmember Rainey, and Councilmember Spruell. No adoption of any policy, position, resolution, rule, regulations, or other formal action occurred during Executive Session.

13. PUBLIC PARTICIPATION:

14. ADJOURNMENT: Councilmember DeHaven moved that the regular meeting be adjourned at 10:36 p.m. Councilmember Rainey 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