

CITY COUNCIL
REGULAR WORKSHOP/SPECIAL MEETING
TUESDAY JULY 11, 2023
6:00 p.m.

1. The Workshop was called to order at 6:01 p.m., at the City Council Chambers. Councilmembers present included, Mayor Rachel Medina, Mayor Pro-tem Arlina Yazzie, Robert Dobry, Matt Keefauver, David Rainey, Dennis Spruell, and Lydia DeHaven. Staff members present included, Police Chief Vernon Knuckles, IT Technician Aaron Holleman, Deputy City Clerk Donna Murphy, City Manager Drew Sanders, and City Attorney Patrick Coleman. There were no people present in the audience.

2. Councilmember Dobry moved that Council adjourn into Executive Session at 6:02 p.m. for discussion of a personnel matter, and specifically to conduct an annual performance review of Patrick Coleman, the Cortez City Attorney, and to discuss possible amendments to Mr. Coleman's 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	Yes

Council returned from Executive Session at 7:25 p.m. 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.

3. General Discussion: None

The regular workshop was adjourned at 7:26 p.m.

CITY COUNCIL
REGULAR MEETING
TUESDAY, JULY 11, 2023

1. The meeting was called to order in the City Council Chambers at 7:32 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, Community and Economic Development Director Rachael Marchbanks, Contract City Planner Nancy Dossdall, Director of General Services Rick Smith, Director of Parks and Recreation Creighton Wright, Court Clerk/Administrator Carla Odell, Director of Public Works Brian Peckins, Refuse/Recycling Foreman Colby Earley, Human Resources Director Matt Cashner, Library Director Isabella Sharpensteen, IT Technician Aaron Holleman, 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 Dobry made the motion to amend the agenda to relocate the executive session agenda item, currently number 12(a), to occur prior to the public hearing agenda items that commence with agenda item 5(a), to accommodate the schedule of an anticipated participant in the executive session. 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

2. The Consent Agenda items acted upon by Council were as follows:
 - a. Approval of the Council Worksession and Agenda Minutes of June 13, 2023.
 - b. Approval of the Expenditure List for July 11, 2023.
 - c. Authorize the Mayor to sign the application on behalf of the Local Licensing Authority for the Colorado Liquor Sales Room License for Yellow Car Country Wines, LP, to be located at 1345 South Broadway, Cortez, noting that the City of Cortez does not have any objection to the application being approved by the State of Colorado Liquor Licensing Authority.
 - d. Approval of a renewal Liquor Store Liquor License for Marjana Lloyd, DBA The Cellar, located at 2410 Fairway Drive, Suite B, Cortez.
 - e. Approval of a renewal Liquor Store Liquor License for Seven Eighteen Cortez, Inc., DBA Liquid Assets, located at 718 East Main Street, Cortez.
 - f. Approval of a renewal Fermented Malt Beverage and Wine Liquor License for Good 2 Go Stores, LLC, DBA Good 2 Go, located at 717 South Broadway, Cortez.
 - g. Approval of a renewal Fermented Malt Beverage and Wine Liquor License for Good 2 Go

Stores, LLC, DBA Good 2 Go. located at 302 West Main Street, Cortez.

h. Approval of a renewal Hotel and Restaurant Liquor License for Mi Mexico, Inc., DBA Mi Mexico, located at 801 East Main Street, Cortez.

i. Approval of a renewal Hotel and Restaurant Liquor License and Outdoor Dining Agreement for Blondies Trophy Room LLC, DBA Blondies Trophy Room, located at 45 East Main Street, Cortez.

Councilmember DeHaven moved that the Consent Agenda be approved as amended. 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

3. PUBLIC PARTICIPATION:

- Eric Henderson, W. 6th Street, Cortez, asked Council the status of the South Side Park noting his involvement in the early stages of the plan. Mayor Medina gave a brief update on the status stating that the project was put on hold due to the audits and financial issues and not being able to receive grant funding as well as a change in leadership. She stated that the park is an ongoing project.

4. PRESENTATIONS:

a. Proclamation in Recognition of Rebecca Levy for her service to the City of Cortez. Mayor Medina read the Proclamation in Recognition of Rebecca Levy for her service to the City of Cortez and presented Ms. Levy with a copy of the proclamation and a picture with Council was taken.

b. 2023 May Financial Statements. Director of Finance Koskie presented Council with the May 2023 Financial statements noting that Municipal Court revenue is over the projected income budgeted. Investment revenue is up significantly over last year due to a consolidation of CDs which brought a higher rate of return. Mayor Medina asked a question regarding sales tax revenue.

12. EXECUTIVE SESSION: (Moved to earlier spot on the Agenda by motion)

a. Councilmember Dobry moved that Council adjourn into Executive Session at 7:47 p.m. for a conference with legal counsel for the purpose of receiving legal advice on specific legal questions pursuant to C.R.S. Section 24-6-402(4)(b), and for discussion of a personnel matter pursuant to C.R.S. Section 24-6-402(f)(b)(I), all of which specifically relate to a personnel matter involving the City Manager, who has not requested discussion of the matter in open session. 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 9:01 p.m. Participants in the Executive Session included City Manager Sanders, City Attorney Coleman, Special Counsel Bill Kelly, 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.

5. PUBLIC HEARINGS:

a. Ordinance No. 1321, Series 2023. City Manager Sanders presented Council with Ordinance No. 1321, Series 2023, for second reading, an ordinance proposing amendments to Section 2-3, Council Rules of Procedure Generally of the City Code. He stated that there are outdated references to gender, notification practices that are not in keeping with current methods, and a requirement for strict adherence to Roberts Rules of Order, and other restrictions. The need has arisen to update the rules to reflect current practices. Public Hearing was opened, no one spoke, and it was closed. There was no Council discussion.

Mayor Pro-tem Yazzie moved that Council approve on second and final reading Ordinance No. 1321, Series 2023, an ordinance approving a revision to Section 2-3, Council Rules of Procedure Generally, of the Cortez City Code. 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. Resolution No. 15, Series 2023. Contract City Planner Dosedall presented Council with Resolution No. 15, Series 2023, for approval of a Conditional Use Permit at 210 E. 1st Street, Cortez. The proposal is to replace the existing business, Jimmy’s Transmission, with a new business, Rocky Mountain Spray Liners. She noted that although the businesses have similar impacts, the existing use was grandfathered, with no evidence of ever receiving a Conditional Use Permit as required under the current Land Use Code. The building also has frontage at 24 S. Ash Street, which is proposed for a hair salon. Hair salons are permitted uses in the Central Business District (“CBD”). Parking in front of the building will only be used for temporary parking. Apartments are located adjacent to the business. She outlined the criteria for a Conditional Use Permit and that the Planning Commission has reviewed and recommended approval. Staff is also recommending approval with standard conditions and noise levels during and after business hours.

Councilmember Keefauver asked about the chemicals used in the spray process and the mitigation of the chemicals given the location of the apartments adjacent to the business. Mayor Medina asked if the Cortez Sanitation District had any comments on the proposal and the answer was they did not. Kathy Stone, representing Rocky Mountain Spray Liners, spoke about the chemicals stating there should not be a problem and that parking of vehicles would only be temporary. Public Hearing was opened, no one spoke, and it was closed.

Councilmember Spruell moved that Council approve the Conditional Use Permit for Rocky Mountain Spray Liners on property located at 210 East 1st Street, in the Central Business District (CBD) zone, as submitted by Kathy Stone through City of Cortez Resolution No. 15, Series 2023, with the following conditions:

1. All requirement of utility providers, City departments, CDOT and affected districts must be satisfied, as outlined in adopted City Codes and other regulatory documents. Specifically, all public improvements shall comply with minimum requirements of the 2009 City of Cortez Construction design standards and Specifications.

2. Operation of the business shall not exceed CRS 25-102-103, maximum permissible noise levels. Specifically, from 7:00 am to 7:00 pm noise levels shall not exceed 55db(A) at the property line. From 7:00 pm to 7:00 am noise levels shall not exceed 50db(A) at the property line.

3. The Owners shall operate the business in conformance with all provision of the submitted narrative.

Councilmember Dobry seconded the motion, and the vote was as follows:

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

6. UNFINISHED BUSINESS: None

7. NEW BUSINESS

a. Ordinance No. 1317, Series 2023. Contract City Planner Dosdall presented Council with Ordinance No. 1317, Series 2023 stating that this is a first reading only on an ordinance approving a rezoning of property located at 10206 Highway 491, Cortez from (C) Commercial Highway to (I) Industrial. She outlined the process of passing the ordinance noting that the first reading is presented to Council and they will set the ordinance for a second reading and public hearing. During the public hearing is where public comment will be allowed. Mayor Medina reiterated the process as well.

Mayor Pro-tem Yazzie moved that Council approve on first reading Ordinance No. 1317, Series 2023, an ordinance approving an application for a rezoning from C, Commercial Highway, to I, Industrial, of a parcel of land located at 10206 Hwy 491, Cortez, Colorado, and set for second reading and public hearing on July 25, 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	Yes

b. Resolution No. 14, Series 2023. Finance Director Koskie presented Council with Resolution No. 14, Series 2023, approving Exhibit D, Government Obligation Contract dated June 5, 2023, between KS State Bank and the City of Cortez. She stated that part of the financing process to lease four new refuse trucks is to have the Obligor Resolution signed by the City of Cortez and submitted to Kansas State Bank since the total lease price is over one million dollars. Councilmember Dobry verified this was approved by City Council in the 2023 Budget and Mayor Medina asked if this was coming out of the Enterprise Fund.

Councilmember Dobry moved that Council approve Resolution No. 14, Series 2023, to be included in the financing packet for Kansas State Bank, approving Exhibit D, Government Obligation Contract dated as of June 5, 2023 between KS State Bank (Obligee) and City of Cortez, Colorado (Obligor). 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

8. DRAFT RESOLUTION/ORDINANCES: None

9. CITY ATTORNEY’S REPORT: None

10. CITY MANAGER’S REPORT: City Manager Sanders gave a report on the following items:

- The City of Cortez has been selected to receive the very competitive 2023 RAISE Grant in the amount of \$825,300. The project will fund a comprehensive plan, spread across three phases, to evaluate and reform the city's interstate corridors, including a corridor assessment and public engagement strategy, engineering and technical design, and a feasibility study, including benefit-cost analysis.
- The July 4th festivities were abundant in Cortez this year culminating with a stellar firework show. The City hosted two bands in Centennial Park, the Four Corners Community Band from 4:30 – 6 p.m. and then Flashback from 7 – 9 p.m., along with several food trucks. It was estimated that Cortez hosted even more revelers this year than in the past.
- Mike Monarco’s last day with the City of Cortez was on July 7, 2023 after 31 years of service. He has accepted a position with Clearnetworx. Mike started in the parks department, and transferred to the building maintenance staff. When the City started the fiber project, Cortez Community Network, Mike stepped up to learn everything about fiber, from fiber drops and construction, maintaining electronics, trouble-shooting connectivity, customer service, and everything in between to help manage the project in the field for the City. Mike will now take his skills to help Clearnetworx complete the full fiber network build out for Cortez. His knowledge and abilities will be great assets to Clearnetworx, but he will be truly missed here at the City.
- CML/Mayor panel – The Colorado Municipal League conference was a success. There were some very relevant topics presented and discussed that will help us with our mission here in Cortez. Of note was the invitation by CML to our Mayor Medina to sit on what was termed as

the “Meeting of the Minds” panel that discussed various municipal topics. Others on the panel included other mayors from municipalities such as Golden, Colorado Springs, and Aurora, as well as Senator Hickenlooper. She made some significant contributions to the panel discussion and was very well received by the audience. At the conclusion of the panel discussion my title changed from the Cortez City Manager to “that guy with the Cortez Mayor”. We were all very proud of her performance.

- The heater at the indoor pool had a catastrophic breakdown. The estimated closure will be approximately four to six weeks. Lap swimmers will be able to swim at the outdoor pool between 11:45 to 12:45 p.m. after paying the daily fee or buying a pass.

11. CITY COUNCIL COMMITTEE REPORTS

- a. Mayor’s Report on Workshop. Mayor Medina stated that during the workshop Council went into Executive Session to conduct the annual review of City Attorney, Patrick Coleman. She spoke about her time at the CML conference and the great feedback from the community about the fireworks. She stated that there is an opening on the P&Z Commission and applicants can send their letter of intent to City Clerk, Linda Smith.
- b. Public Arts Committee. Councilmember Rainey attended the Public Arts Committee meeting on July 10, 2023. Discussion was held on supporting and raising awareness of all the arts.
- c. Golf Advisory Board. Councilmember Spruell attended the Golf Advisory Board on June 21, 2023. He stated that revenue is ahead of last year by seven percent. The committee will be reviewing tournament play and the discussion of a kid’s golf camp.

12. OTHER ITEMS OF BUSINESS:

- a. Executive Session. Moved to earlier time on the agenda.


13. PUBLIC PARTICIPATION: None

14. ADJOURNMENT: Mayor Pro-tem Yazzie moved that the regular meeting be adjourned at 9:32 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:


 Donna Murphy, Deputy City Clerk