

CITY COUNCIL  
WORK SESSION/SPECIAL MEETING  
TUESDAY, JULY 25, 2023

1. The workshop was called to order at 6:34 p.m., in 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: City Clerk Linda Smith, 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 6:32 p.m. for discussion of a personnel matter, specifically to discuss possible amendments to Cortez City Attorney Patrick 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 7:21 p.m. The participants in the Executive Session included City Manager Sanders (for a portion), City Attorney Coleman (for a portion), 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 special meeting/worksession was adjourned at 7:22 p.m.

CITY COUNCIL  
REGULAR MEETING  
TUESDAY, JULY 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, Mayor Pro-tem Arlina Yazzie, Lydia DeHaven, Robert Dobry, Matthew Keefauver, David Rainey, and Dennis Spruell. Staff present included: Assistant Chief of Police Andy Brock, Finance Director Kelly Koskie, Director of Parks and Recreation Creighton Wright, Community and Economic Development Specialist Helen West, Community and Economic Development Director Rachael Marchbanks, Contract City Planner Nancy Dossdall, Director of Public Works Brian Peckins, Court Clerk/Administrator Carla Odell, Library Director Isabella Sharpensteen, Airport Manager Jeremy Patton, Human Resources Director Matt Cashner, Director of General Services Rick Smith, IT Manager Shay Allred, City Clerk Linda Smith, City Manager Drew Sanders, and City Attorney Patrick Coleman. There were six people present in the audience.

Councilmember DeHaven moved that the agenda of July 25, 2023 be approved. 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 July 11, 2023.
  - b. Approval of the Expenditure List for July 25, 2023.
  - c. Approval of a renewal application for a Retail Marijuana Store License from Green Kiwi 4, LLC, DBA LivWell, locate at 1819 East Main Street, Cortez.
  - d. Approval of a renewal application for a Medical Marijuana Center/On Site Optional Premises Cultivation License for Durango Organics, LLP, DBA DO Cortez, located at 1013 East Main Street, Cortez.
  - e. Approval of a renewal Tavern Liquor License and Change in Corporation Structure for Cortez Elks Lodge 1789, Inc., DBA Cortez Elks 1789, located at 2100 North Dolores Road, Cortez.
  - f. Approval of a renewal Hotel and Restaurant Liquor License for Once Upon, LLC DBA Once Upon a Sandwich, located at 7 West Main Street, Cortez.
  - g. Approval of a renewal Arts Liquor License for The Cortez Center Inc., DBA Cortez Cultural Center, located at 25 North Market 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
Yes	Yes	Yes	Yes	Yes	Yes	Yes

3. PUBLIC PARTICIPATION – None.

4. PRESENTATIONS

a. 2023 June Financial Statements. Director of Finance Koskie spoke about the 2023 June Financial Statements, noting that the Street Improvement Enterprise Fund has spent only a small portion of its budget; however, their projects are just now getting underway. By the end of the year those projects should be complete and the budget will reflect those larger expenditures. Also, vehicles have been ordered which will affect the Equipment Enterprise Fund, but they have not been delivered yet and therefore not paid for. It was noted that it is not anticipated that any of the budget funds should be over their 2023 budgeted amount.

b. City Council Chambers AV Options. Director of Finance Koskie spoke to Council about the four AV equipment options for the Council Chambers. She commented that the considerations for the equipment should include cost, reliability/flexibility, and what fits the City’s needs. She stated that in the 2023 Budget there was funding in the amount of \$86,734.00 approved for the replacement of AV equipment. Since that time there has been discussion on a variety of issues with the equipment and staff is seeking Council’s guidance on how to proceed. Discussion was held on the four options and what each would include such as the number of cameras, video streaming capabilities/quality, and support for the equipment. Council asked about the need to improve the system to allow for hybrid meetings and it was noted that the cameras are planned to be stationary rather than moving around as they currently are used. Discussion was held on the companies that would be offering the different options and it was noted that there are two different companies which have bid on the AV equipment, with each offering different items. It was suggested that the microphones be replaced which would help with the sound and one of the tv’s that has the red line on it. Discussion was held on the availability of adding voting tablets and Councilmember Keefauver stated that there is power in conviction in making a vote in person and he feels that a voting machine takes away from that vote. In answer to a question from Mayor Medina, City Clerk Smith stated that she was not advocating for software to interact with AgendaQuick to create meeting minutes or the interactive voting process. Councilmember Dobry commented that the system needs to be the simplest system that meets the needs of the City and that IT can operate and maintain. In answer to a question from Mayor Medina, Director of Finance Koskie stated that the system would not be automatic and would require support from the IT Department. Councilmember Spruell spoke about the large price spread on the options noting a \$40,000 difference between each option. Director of Finance Koskie stated that \$86,734.00 was budgeted in 2023 based on estimates and commented that the 2024 budget process is beginning soon and could include additional funding if needed. Discussion was held on Montezuma County’s AV set up as well as Grand Junction Council chambers. In answer to a question from Councilmember Spruell, Director of Finance Koskie stated that the life expectancy for the equipment is between five and seven years; however, it could last longer but may not be able to be updated or supported. Council agreed to have staff look into Option 2 and Option 3 (without the tablets) and offer more specific

pricing for Council to consider. Mayor Pro-tem Yazzie spoke about the process of future discussion on the AV equipment noting that it would be more effective in communicating the issues to Council and give Council the opportunity to discuss the technology equipment that is needed/required rather than Council given options of what could be purchased.

5. PUBLIC HEARINGS

a. Resolution No. 17, Series 2023. Contract City Planner Dosdall stated that Resolution No. 17, Series 2023, approves a Conditional Use Permit for a new car wash (Quick N Clean) on property located at 1511 East Main Street. She stated that the Conditional Use Permit was missed during the previous approval processes (right-of-way vacation, minor subdivision plan and site plan) for the new car wash and this would be the last piece allowing the car wash to be constructed. She stated that Planning and Zoning Commission voted 3-0 to recommend approval of the Conditional Use Permit and staff is recommending approval through Resolution No. 17, Series 2023 with the following conditions:

- a. All requirements 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 the minimum requirements of the 2009 City of Cortez Construction Design Standards and Specifications and all requirements of CDOT for required highway improvements.
- b. Operation of the business shall not exceed CRS 25-12-103, maximum permissible noise levels. Specifically, from 7:00am to 7:00pm noise levels shall not exceed 55 db(A) at the property line. From 7:00pm to 7:00am noise levels shall not exceed 50 db(A) at the property line.
- c. The Owner/applicant shall operate the business in conformance with all provision of the submitted narrative.

The requirements for approval of a Conditional Use Permit were reviewed from Land Use Code Section 6.10(f) 1-6. Discussion was held on the wet land area and it was noted that there is property located to the east that is in a flood plain area and not wet lands and therefore would not be a problem with access as the Colorado Department of Transportation (CDOT) has agreed to move the entrance (full movement access) to the western side of the property. It was noted that not a lot of infill will be required for construction of the car wash with the access being moved to the western side of the property. Mayor Medina opened the public comment portion of the meeting; however, no one spoke and the hearing was closed.

Mayor Pro-tem Yazzie moved that Council approve Resolution No. 17, Series 2023, a resolution approving a Conditional Use Permit for a new car wash on property located at 1511 East Main Street, in the Commercial Highway (C) zone, as submitted by Quick N Clean CO-003, LLC, with the conditions stated in the resolution. 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. Ordinance No. 1317, Series 2023. Contract City Planner Dosdall stated that Ordinance No. 1317, Series 2023, approves an application for a rezone of a parcel of land located at 10206

Highway 491, Cortez, from C (Commercial) to I (Industrial). It was noted that there are two requests from Anthony Moore and Mary Lancaster (owners of Independent Log Company) for rezoning parcels of property; however, Ordinance No. 1317, Series 2023, is only for the approval of rezoning property located on Highway 491. She noted that the other request for property on Lebanon Road would be heard by Council in August. Independent Log Company operates as a Fire Mitigation and Response Company with several components including maintaining equipment which is used for wildfire response. In addition to wildfire response, the company conducts wildfire mitigation services which primarily include tree cutting and thinning services and are then brought to the company's property and prepared and used in several ways which include log home construction, wood furniture construction, fence materials, and firewood. The difference between Commercial Zoning allowed or conditional uses and Industrial Zoning allowed or conditional uses were reviewed. The properties located in the vicinity of the 10206 Highway 491 property and their uses were reviewed. Land Use Code Section 5.07(j) states that "no open storage of materials or commodities shall be permitted in any district except as an accessory use to a main use located in a building in an I or PUD industrial district. No open storage operation shall be located in front of a main building." Contract City Planner Dossdall stated that staff has determined that although both equipment storage and log home construction appear to be Conditional Uses in the Commercial zone, the proposed uses are more properly authorized by a rezoning of the property to Industrial zone because the applicants want open storage as a permitted use. Open storage was defined by both Contract City Planner Dossdall and City Attorney Coleman.

Section 6.02 of the Land Use Code establishes the criteria for zoning amendments and the criteria for conditions of approval of a Conditional Use Permit. The property is located in an area at the edge of the City that includes industrial and heavy commercial land uses and some residential properties are located in the County. The rezone criteria from Land Use Code Section 5.07(j) a-h was discussed and staff commented that the property is not considered as a 'spot zone' as there is Industrial zoned property adjacent to the 10206 Highway 491 property. The Cortez Comprehensive Plan cites several goals that would support the requested rezone. Discussion was held on the access approval which has not been received from the Colorado Department of Transportation (CDOT) at the current time; however, one of the conditions of approval includes the statement that the applicant will comply with all CDOT requirements.

Disclosure was made by Councilmember Rainey that he attended the Planning and Zoning meeting during which discussion was held on the rezone of the Independent Log Company property. He stated that he wanted Council and the public to know of his attendance. Councilmember DeHaven disclosed that she watched the Planning and Zoning meeting. Mayor Medina commented that that she has received many emails concerning the project and those emails have been forwarded to City staff to be part of the record.

Anthony Moore, owner of Independent Log Company, stated that he is a wild land firefighter and completes fire mitigation. He stated that he employees between 30 to 50 people and is trying to find other jobs for his employees during the down time from fire season. He commented that he would like to construct log cabin kits from the wood that is obtained as well as sell/deliver firewood. He spoke about the property which he has obtained and the process which they have been working with the City to bring the property into compliance for the use which they have proposed. He commented that he will bring five properties together and there will be storage of equipment on the

property. He commented that some of the property which he has purchased was previously oil field/logging storage use. Discussion was held on the mitigation of noise and hazardous materials and Mr. Moore stated that the band mill is small and not loud and measures 89 decibels which is minimal. He stated that there are no homes in the area as they bought the one home that was in the area. He spoke about how he would be handling the wood product waste which goes into a dump trailer and takes approximately six months to fill. The waste is taken to the dump and incorporated into the County's compost or sold. He stated that the heavy equipment on the yard does not come and go all day as the equipment is only dispatched as needed.

Councilmember Rainey stated that concerns he has heard from citizens is that the property would be an unsightly area, outside storage, traffic hazard with the big trucks, and there would be potential noise. Contract City Planner Dosedall stated that the main concerns that the City has heard from the community is in regard to the property on Lebanon Road rather than the Highway 491 proposal. She stated that the proposal for Highway 491 is very different from the Lebanon Road proposal and noted that the trucks that would be entering the Highway 491 property would come from the highway, not Lebanon Road.

Mayor Medina opened the public comment portion of the hearing. Sandra Valencia, located on Highway 491, neighbor to the property proposed for the rezone, commented that the neighbors have been landscaping their property and it looks really nice. She stated that the business has no more noise than the highway has and that they have been good neighbors to her. No one else spoke and the public hearing was closed. It was noted that the property owners (both County and City) within 300 feet of the proposed property were sent a letter notifying them of the public hearing.

Councilmember Dobry moved that Council approve on second and final reading Ordinance No. 1317, Series 2023, approving an application for a rezoning of a parcel of land from C, Commercial Highway to I, Industrial District, located at 10206 Highway 491, Cortez, as requested by property owners Anthony Moore and Mary Lancaster. 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. Resolution No. 16, Series 2023. Contract City Planner Dosedall stated that Resolution No. 16, Series 2023, would approve a Conditional Use Permit for a parcel of land located at 10206 Highway 491. The Conditional Use Permit criteria for approval was reviewed from Land Use Code Section 6.10(f) 1-6. It was noted that the Planning and Zoning Commission recommend approval with a vote of 3-0 and staff also recommends approval with nine conditions which were read for the record. The owner/applicant's narrative does a good job of establishing that the proposed uses will not be objectionable due to noise, lighting, smoke, fumes, hours of operation or hazardous materials, as long as all statements in the narrative are adhered to at all times. It was noted that the businesses that are surrounding the property are commercial in nature and seem to be compatible with the proposal for the property. Contract City Planner Dosedall stated that the City would request that the applicant submit a revised plan that complies with all landscape requirements for the Land Use Code, which is included as requirement 'e' in Resolution No. 16, Series 2023.

Mr. Moore, owner/applicant, spoke about the improvements that have been completed on the property and that they would be seeding a portion of the property to meet the landscaping requirement. He spoke about graveling the access and that eventually he would like to have an electric motor for his saw which would be less noisy.

Mayor Medina opened the public comment portion of the hearing; however, no one spoke. In answer to a question from Mayor Medina, Contract City Planner Dosdall stated that all the agencies receive notice of the projects and that some of the agencies send comments back, and some do not.

Councilmember Spruell moved that Council approve Resolution No. 16, Series 2023, approving a Conditional Use Permit for property located at 10206 Highway 491, Cortez, with the following conditions:

- a. All requirements of utility providers, City Departments, Colorado Department of Transportation (CDOT) and affected districts must be satisfied, as outlined in adopted City Codes and other regulatory documents. Specifically, all public improvements shall comply with the minimum requirements of the 2009 City of Cortez Construction Design Standards and Specifications and all requirements of CDOT for required highway improvements.
- b. The address shall be clearly marked for emergency response.
- c. The owners shall comply with the submitted project narrative at all times.
- d. The owners shall comply with the requirements of the City Engineer prior to establishment of any uses on the property.
- e. Prior to approval of a final site plan for the development, the owners shall submit a revised plan that complies with all landscape requirements for the Land Use Code.
- f. Prior to approval of a final site plan for the development, the owners shall propose a fencing plan that adequately screens the storage uses from Highway 491 or demonstrate that the storage will not be visible from the highway.
- g. Pursuant to Section 4.01 of the Cortez Land Use Code, a subdivision plat approved by the City Council shall be required prior to the issuance of a building permit on the property.
- h. The owners shall submit a plan for control of fugitive dust prior to start of operation.
- i. Operations shall comply at all times with CRS 25-12-103, maximum permissible noise levels.

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

Mayor Medina stated that she would like to have discussion sometime in the future on Industrial zoned property available in the City and commented that the City’s Comprehensive Plan needs to be updated. It was noted that following the Land Use Code update the Comprehensive Plan would be one of the next documents in line for review.

6. UNFINISHED BUSINESS – None.

7. NEW BUSINESS

a. Vehicle Transfer to another Governmental Agency. Assistant Chief of Police Brock stated that

the Cortez Police Department was contacted by employees from the Town of Rico to find out if there were any Police vehicles that the City of Cortez would be getting rid of. He commented that with the acquisition of four new patrol vehicles in 2023, a 2010 Ford Explorer would be decommissioned. He stated that the Town of Rico is interested in purchasing the vehicle. In an attempt to build a more robust Bike Patrol Program, the Police Department has been looking at purchasing e-bikes. A request for funding the e-bikes purchase was included in the 2023 Budget however that funding request was not approved. He stated that the City Manager has granted permission to pursue a trade and the 2010 Ford Explorer has been valued at approximately \$3,000 to \$5,000. The e-bike is worth just under \$6,500. Assistant Chief of Police Brock stated that the Equipment Fund would not receive the funding from the trade of the vehicle but the trade would help out a neighboring community and the City would receive an e-bike. Councilmember DeHaven stated that she likes the creative way to partner with other people in the area and that she looks forward to seeing the Police Department out in the community on the bike.

Councilmember DeHaven moved that Council authorize the transfer of the title on the 2010 Ford Explorer, Unit #469, VIN 1FMEU7DE8AUA04795, to the Town of Rico in exchange for a Bakcou Mule e-bike with police lights and one extra battery for the Cortez Police Department. 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

8. DRAFT RESOLUTION/ORDINANCES – None.

9. CITY ATTORNEY’S REPORT – None.

10. CITY MANAGER’S REPORT

City Manager Sanders noted the following information:

- Attended a meeting of The Board of County Commissioners (BOCC) the Southwest Health System Board of Directors (SHS) and the Montezuma County Hospital District Board of Directors (MCHD) on July 17, 2023 during the BOCC workshop. The current situation with Southwest Memorial Hospital remains a concern that we continue to monitor.
- Met with Cortez Fire District Interim Chief Rick Spencer and Battalion Chief Cory Elliott July 18, 2023. The District is currently in the process of hiring a full-time fire chief who will reportedly start soon. The July 4<sup>th</sup> fireworks display was a huge success. The City, through an MOU with the Fire District, contributed \$15K for the purchase of the fireworks. We look forward to continuing our strong partnership with CFPD.
- The Cortez Police Department has secured a \$235K grant from the Department of Justice (DOJ) to purchase and install mobile data terminals (MDT’s) in all police vehicles. An additional \$80K in BATTLE funds (Beat Auto Theft Through Law Enforcement) has been applied for through the Colorado Auto Theft Prevention Authority (CATPA.) If granted, this will help fund the addition of printers and e-citations to also be installed in all vehicles. This is a long overdue equipment upgrade for the PD and we will continue our efforts to accomplish this need.
- The 2024 budget process starts August 9, 2023 at the staff level.



11. CITY COUNCIL COMMITTEE REPORTS

a. Mayor’s Report on Workshop. Mayor Medina stated that during the worksession Council adjourned to Executive Session for discussion of possible amendments to Cortez City Attorney Patrick Coleman’s employment agreement.

b. Cortez Library Advisory Board. Councilmember DeHaven stated that discussion was held on the Director’s five-year plan.

c. Parks, Recreation, and Forestry Advisory Board Meeting. Councilmember Keefauver stated that discussion at the Parks, Recreation, and Forestry Advisory Board meeting included the information that the competition pool in the Recreation Center was down for a bit due to equipment failure, the 4<sup>th</sup> of July event was a success, the balloon rendezvous glow will be held on August 4, adult softball has begun, and new staff members were welcomed. Also, employment vacancies are being filled.

d. Dispatch Advisory Board. Councilmember Spruell stated that Director of Finance Koskie presented a financial report to the Dispatch Advisory board members.

12. OTHER ITEMS OF BUSINESS

a. Councilmember Dobry moved to go into Executive Session at 9:40 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(4)(f)(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 10:26 p.m. The participants in the Executive Session included City Manager Sanders (at the start of the Executive Session), City Attorney Coleman (at the start of the Executive Session), Mayor Medina, Mayor Pro-tem Yazzie, Councilmember DeHaven, Councilmember Dobry, Councilmember Keefauver, Councilmember Rainey, Councilmember Spruell, and Special Counsel Bill Kelly. No adoption of any policy, position, resolution, rule, regulations, or other formal action occurred during Executive Session.

13. PUBLIC PARTICIPATION – None.

14. ADJOURNMENT: Councilmember Dobry moved that the regular meeting be adjourned at 10:27 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