

CITY COUNCIL  
REGULAR WORKSHOP/SPECIAL MEETING  
TUESDAY AUGUST 8, 2023  
5:45 p.m.

1. The Workshop was called to order at 5:47 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. Also present were Planning and Zoning Commission members: Chairperson Robert Rime, Katrina Weiss, and Jim Skorvc. Staff members present included, Chief of Police Vern Knuckles, Finance Director Kelly Koskie, Community and Economic Development Director Rachael Marchbanks, Contract City Planner Nancy Dossall, Community and Economic Development Specialist Helen West, Permit Technician/Deputy Clerk Cheryl Lindquist, Director of Parks and Recreation Creighton Wright, IT Technician Aaron Holleman, Deputy City Clerk Donna Murphy, City Manager Drew Sanders, and City Attorney Patrick Coleman. There were six people present in the audience.

2. A joint worksession was held with the Planning and Zoning Commission and City Council regarding the update to the City of Cortez Land Use Code. Jennifer Gardner and McKayla Dunfey from the consulting group of Logan Simpson were in attendance to give an assessment report for the update to the Land Use Code. Ms. Gardner presented a project overview of the update process noting the guiding principles, who is involved, and public outreach/listening sessions that were conducted. Conversation was held for each chapter of the Land Use Code with suggested recommendations at which time Council and the P&Z Commission had the opportunity to ask questions and make suggestions. Ms. Garner spoke of the next steps of the process and presented a timeline for completion noting that drafting of Module 1 will take place in the fall/winter of 2023.

3. General Discussion: None

The regular workshop was adjourned at 7:14 p.m.



CITY COUNCIL  
REGULAR MEETING  
TUESDAY, AUGUST 8, 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, Community and Economic Development Director Rachael Marchbanks, Contract City Planner Nancy Dossdall, Community and Economic Development Specialist Helen West, Permit Technician/Deputy Clerk Cheryl Lindquist, Airport Manager Jeremy Patton, Director of Parks and Recreation Creighton Wright, Court Clerk/Administrator Carla Odell, Director of Public Works Brian Peckins, Refuse/Recycling Foreman Colby Earley, Public Information Officer Kelly Codner, Human Resources Director Matt Cashner, Library Director Isabella Sharpensteen, IT Technician Aaron Holleman, Deputy City Clerk Donna Murphy, City Manager Drew Sanders, and City Attorney Patrick Coleman. There were 34 people present in the audience.

Councilmember DeHaven moved that the agenda 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/Special Meeting and Agenda Minutes of July 25, 2023.
- b. Approval of the Expenditure List for August 8, 2023.

- c. Approval of a renewal Fermented Malt Beverage and Wine Liquor License for Dillon Companies, LLC, DBA City Market #8, located at 508 East Main Street, Cortez.

Councilmember Dobry moved that the Consent Agenda be approved as amended. 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:

- Susan Kemnetz- spoke about the dangerous crosswalk on South Broadway and Third Street noting that she has witnessed multiple vehicles running through the crosswalk when the lights are flashing.
- Charles Jeter- spoke about the City's response to emails and housing.

## 4. PRESENTATIONS:

a. Truck- Naming Contest Winners. Public Works Director Peckins presented Council with the winning names in the "Truck Naming Contest" that was held from June 16 - July 20, 2023. He stated that entries were accepted online as well as in City office buildings, and Third Thursdays. 218 entries were received and a five-person selection committee selected the winners. The winners will each receive a \$100 Cortez Cash gift card. The following are the winning truck names and contest winners: PacMan- Jayson Bedker, Bin Diesel- Carol Duran, Truck Norris- Chelsi Podrazik-Frascht, Sidewinder- David Roberts, and Meryl Sweep- Ginny Rock.

b. Council Chambers AV Options- Round 2. Director of Finance Koskie presented Council with a presentation regarding the AV options for the Council Chambers noting that at the July 25, 2023 Council meeting the options were narrowed down with minor adjustments. Director Koskie asked Council for their input regarding the level and quality of user experience for City residents when accessing meeting videos. Discussion was held by Council and a decision to move forward with option two was made.

5. PUBLIC HEARINGS: None

6. UNFINISHED BUSINESS: None

## 7. NEW BUSINESS

a. Colorado LOMA Application (Local Match Application). Director of Finance Koskie spoke to Council regarding the Colorado LOMA Application (Local Match Application). She gave a brief history on the U.S. Department of Transportation RAISE grant that the City of Cortez has been recently awarded. She stated that the City is now eligible to apply for LOMA, the Local Match Application that will help the City meet the 20% RAISE grant match requirement. New criteria added to LOMA asks the City to verify the request as a "community priority" that the applicant Board, Council or Trustees must record their direct support of the funding request, and agree to conform to TABOR regulations. She stated that staff is recommending Council acknowledge the RAISE planning initiative as a community priority and approve the application for Colorado LOMA funds to offset its required match commitment.

Mayor Pro-tem Yazzie moved that Council acknowledge the RAISE planning initiative as a community priority, and thus approve the application for Colorado LOMA funds to offset its required match commitment. 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. 1322, Series 2023. Contract City Planner Dosdall presented Council with Ordinance No. 1322, Series 2023. She stated that an approximately 10-acre parcel of land located at 1050 Lebanon Road is currently zoned "C" Commercial Highway and there is a request to rezone

the parcel to "I" Industrial. She stated that the ordinance is being introduced on first reading and Council will vote to set a public hearing and second reading of the ordinance to be held on August 22, 2023 at which time public comment will be heard. Mayor Medina reiterated the process of moving the ordinance along to second reading.

Councilmember Dobry moved that Council introduce and approve Ordinance No. 1322, Series 2023, on first reading and set a public hearing to consider on second reading the rezone request from Commercial "C" to Industrial, "I" for the approximately 10-acre parcel located at 1050 Lebanon Road. 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

c. Resolution No. 18, Series 2023. Sarah McClain of Western Spaces, LLC, presented Council with the 2023 Housing Action Plan for the City of Cortez. She thanked the members of the housing committee; which included individuals from around the community, City Council and the Planning and Zoning Commission. She gave a brief introduction of the plan and provided an overview of the process which included a needs assessment (how much and what type of housing is needed for whom at what prices), an action plan (establish goals, identify and prioritize housing policies, define roles and responsibilities, and the timeline), and management and ongoing monitoring of the plan (administration, coordination, tracking and monitoring, and need: capacity funding and partners). She spoke about the active community voice which was instrumental in shaping the approach and ensuring the plan fits the needs of the community noting that key themes from the community included housing quality, work within the market, more housing across the spectrum and the rehabilitation of existing inventory. She stated that it was determined that there is a housing need across the full spectrum of income levels and housing production has not kept pace with population and economic growth. The greatest housing needs include: ownership units priced below 140% AMI (area median income), rental units priced below 80% AMI, and the rising need for homeless/transitional and special needs housing. The plan establishes three goals that describe the outcome that Cortez seeks to achieve: 1) preserve, protect, revitalize and maintain the quality and attainability of the community's existing housing stock, 2) increase the amount of housing in Cortez and encourage a diverse mix of housing types, and 3) focus new housing on the full range of incomes in need and for various life stages with priority placed on entry level rentals, first time ownership, missing middle and supportive housing. She concluded with strategies for the Action Plan including education/outreach, building collaborative relationships, top priority items for immediate implementation and priority items that will need to be revisited periodically to evolve with the needs of the City.

Councilmember Keefauver moved that Council approve Resolution No. 18, Series 2023, accepting and adopting the 2023 Housing Action Plan for the City of Cortez. 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

d. Bid Results- 2023 Street Improvement Plan Project. Director of Public Works Peckins presented Council with the bid results for the 2023 Street Improvement Project stating that the City’s Public Works Department prepared the bid plans and specification for the project and advertised the project on the City’s website and in the Cortez Journal. He stated that three sets of bid documents were picked up, and a pre-bid meeting was held on July 26, 2023, with all interested prospective bidders. Bids were opened on July 28, 2023, with only one bid received from Oldcastle SW Group, Inc., in the amount of \$885,950.24. Council discussion included: the budget and where the portion of the street improvement will take place.

Councilmember DeHaven moved that Council award the bid for the 2023 Street Improvement Project to Oldcastle SW Group, Inc. at its bid price of \$885,950.24. 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

e. Resolution No. 19, Series 2023. City Attorney Coleman stated that a city staff member filed a confidential complaint about an interaction between themselves and the City Manager. The complaint was presented to the City Manager’s Supervisor, City Council for resolution. He stated that an independent investigation was conducted and outside legal counsel was retained. Through discussion with City Council in executive session, outside legal counsel Bill Kelly prepared an action plan to resolve the complaint through a resolution and recommends that Council approve and adopt the action plan through Resolution No. 19, Series 2023. Mayor Medina shared the actions that Council is taking in light of the situation. She stated the City will conduct training on personnel policies and the complaint process, including measures against retaliation, for all City employees. Supervisors and managers will attend further training on handling responses to complaints regarding personnel policies. The City is also initiating an independent review of the City’s workplace complaint policies and investigation procedures. She stated that Council would like the public and staff to know that Council takes workplace harassment, intimidation, and complaints about safety very seriously and whether grievances are founded or not they should be put through the process with respect and objectivity. Council strives to have an environment where staff feels safe and there exists a trusted system for when a situation arises. She stated that the actions stated in the resolution provide the proper response to this issue. Councilmember Keefauver stated sometimes good things come out of a negative situation and he feels that good things have come out of this situation including standardizing the way the City conducts training and that having a safe and respectful work environment regardless of their department and that the action plan is a positive thing.

Councilmember DeHaven moved that Council approve Resolution No. 19, Series 2023, and thereby approving an action plan resolving a personal matter. 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:

- Small updates have been made to the City of Cortez website to help make it more user friendly for the public, i.e. one- click Council/P&Z live stream meetings and recordings access on the home page. The website user group meets regularly and continues to fine tune the new website and work out any complications and 'bugs' that emerge.
- Ms. Carla Odell, Municipal Court Clerk/Administrator, organized and hosted the very successful first Municipal Court Networking Event on July 28, 2023. Court Clerks, Administrators, and Judges from around the area converged here in Cortez for presentations from Judge Padilla and the ADC, Alternative Defense Counsel, along with networking, and lunch. It was a great event for everyone to get to know one another and be able to work together.
- The 19th Annual Cortez Balloon Rendezvous was a huge success with a least 20 balloons participating. The Friday night balloon glow was a wonderous sight, and the Saturday morning mass ascension was viewed by more than 100 people in Parque de Vida, and countess others throughout the City.

11. CITY COUNCIL COMMITTEE REPORTS

a. Mayor's Report on Workshop. Mayor Medina stated that during the worksession a joint workshop was held with the Planning and Zoning Commission and City Council regarding the Assessment Report for the City of Cortez Land Use Code Update. The workshop also included the Land Use Code consultants from Logan Simpson. She commented that it was a very productive meeting in which issues with the code were presented, changes to the code were addressed, and the Land Use Code is ready to be drafted. She stated that through the drafting of each module of the code public engagement is encouraged.

b. Public Arts Committee. Councilmember Rainey attended the meeting of the Arts Committee and stated that it was one of the best meetings he has attended in a long time. He mentioned that the Committee has a lot of plans in the works and are networking through the creative community to spread awareness of the arts.

c. Historic Preservation Board. Councilmember Dobry stated that the Board is holding a public meeting on August 23, 2023, at 6:00 p.m. in the Mesa Verde Room at City Hall, in which the results of the priority property survey of the 17 gas stations, motels and restaurants that are eligible for various levels of preservation will be presented.

12. OTHER ITEMS OF BUSINESS:

a. Executive Session. Councilmember Dobry moved that Council adjourn into Executive Session at 8:33 p.m. for the purpose of 1) determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under C.R.S.

Section 24-6-402(4)(e) and to discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under C.R.S. Section 24-6-402 (4)(a) to discuss the purchase of real estate and 2) To discuss a personnel matter pursuant to C.R.S. Section 24-6-402(4)(f)(I), and for a conference with special employment counsel Bill Kelly for the purpose of receiving legal advice on specific legal questions pursuant to C.R.S. Section 24-6-402(4)(b), all of which specifically relate to a personnel matter involving the City Manager, who has not requested discussion of the matter in open session. 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

Council returned from Executive Session at 10:29 p.m.

Participants in the Executive Session to discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under C.R.S. Section 24-6-402(4)(a), and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under C.R.S. Section 24-6-402(4)(e), all in connection with the possible purchase of real estate included: City Manager Sanders, City Attorney Coleman, Mayor Medina, Mayor Pro-tem Yazzie, Councilmember DeHaven, Councilmember Dobry, Councilmember Keefauver, Councilmember Rainey, Councilmember Spruell, and Finance Director Koskie.

Participants in the Executive Session to discuss a personnel matter pursuant to C.R.S. Section 24-6-402(4)(f)(I), and for a conference with Special Employment Counsel Bill Kelly for the purpose of receiving legal advice on specific legal questions pursuant to C.R.S. Section 24-6-402(4)(b), all of which specifically relate to a personnel matter involving the City Manager, who has not requested discussion of the matter in open session included City Manager Sanders, City Attorney Coleman, Mayor Medina, Mayor Pro-tem Yazzie, Councilmember DeHaven, Councilmember Dobry, Councilmember Keefauver, Councilmember Rainey, Councilmember Spruell, and Special Council Bill Kelly.

Participants in the privileged attorney-client session included Mayor Medina, Mayor Pro-tem Yazzie, Councilmember DeHaven, Councilmember Dobry, Councilmember Keefauver, Councilmember Rainey, Councilmember Spruell, and Special Council Bill Kelly

No adoption of any policy, position, resolution, rule, regulations, or other formal action occurred during Executive Session.

### 13. PUBLIC PARTICIPATION:

- Charles Jeter- spoke about housing expectations and deed restrictions for First Responders/ Public Safety.

### 14. ADJOURNMENT: Mayor Pro-tem Yazzie moved that the regular meeting be adjourned at 10:35 p.m. Councilmember Dobry seconded the motion, and the vote was as follows:



DeHaven  
Yes

Dobry  
Yes

Keefauver  
Yes

Medina  
Yes


Rainey  
Yes

Spruell  
Yes

Yazzie  
Yes

  
Rachel B. Medina, Mayor

ATTEST:

  
Donna Murphy, Deputy City Clerk

