

CITY COUNCIL
WORK SESSION/SPECIAL MEETING
TUESDAY, AUGUST 22, 2023

1. The work session was called to order at 6:30 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: Chief of Police Vernon Knuckles, Finance Director Kelly Koskie, Contract City Planner Nancy Dosdall, Community and Economic Development Rachael Marchbanks, City Clerk Linda Smith, City Manager Drew Sanders, and City Attorney Patrick Coleman. There were four people present in the audience.

2. Council interviewed Emily Waldron, applicant for the Planning and Zoning Commission. She spoke about her background which included serving on the Planning and Zoning Commission in Hayden, Colorado for three years prior to moving to Cortez about a year ago. She stated that while serving on the Planning and Zoning Commission in Hayden she worked on completion of a Comprehensive Plan and Municipal Code. She spoke about her current employment and commented that she feels she would be a good fit for the Commission. The appointment for the Planning and Zoning Commission opening would be discussed during the regular Council meeting.

3. City Manager Sanders stated that staff and several Councilmembers were in attendance at a meeting held with the marijuana retailers regarding their businesses and how the City may help them now that other states have legalized marijuana and revenue has dropped. The retailers spoke about their concern for new licensees coming to the community and spoke about other ideas that they felt may help their businesses thrive. City Manager Sanders reviewed the information included in the Council packet, noting the marijuana sales tax revenue amounts that the City has received from 2015 to current. It was noted that the sales tax for 2023 is projected to come in around the amount received by the City in 2016/2017. The City renewal fees that are charged annually for the medical/retail licenses were reviewed as well as what the surrounding communities charge for annual renewals. Staff would like to recommend that the renewal fee be set at \$1,200 annually for a medical license and also a retail license effective in 2024. A new license fee would be set at \$12,000 (currently the fee is \$7,000). Discussion was held as to why the new license fee would be increased and it was noted that the fee would cover staff time and administrative fees involved in a new license process. Also, the fee increase is being recommended in response to the request from the current licensees to help deter new licensees which would then allow for the free market to dictate how many licenses would continue in the community. It was noted that the proposed marijuana renewal fees would be more in line with annual renewal liquor licensing fees. Also, it has been found that there is not a lot of staff time needed for enforcement of the marijuana licenses. It was noted that the fees received from the marijuana licensees are included in the City's General Fund. Council agreed that the fees should be more in line with liquor licensing fees. It was noted that there would be seven retail licenses and one medical license in 2024.

4. General Discussion – None.

The special meeting/work session was adjourned at 6:58 p.m.

CITY COUNCIL
REGULAR MEETING
TUESDAY, AUGUST 22, 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, Director of Parks and Recreation Creighton Wright, Community and Economic Development Director Rachael Marchbanks, Contract City Planner Nancy Dossall, Director of Public Works Brian Peckins, Court Clerk/Administrator Carla Odell, Library Director Isabella Sharpensteen, Airport Manager Jeremy Patton, City Manager Executive Assistant Wendy Mimiaga, Human Resources Assistant/Risk Manager Debbie Speer, Human Resources Director Matt Cashner, Director of General Services Rick Smith, City Clerk Linda Smith, City Manager Drew Sanders, and City Attorney Patrick Coleman. There were approximately 48 people present in the audience.

Councilmember Dobry moved that the agenda of August 22, 2023 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	Yes

2. The Consent Agenda items acted upon by Council were as follows:

- a. Approval of the Council Worksession and Agenda Minutes for August 8, 2023.
- b. Approval of the Expenditure List for August 22, 2023.
- c. Approval of a Special Event Permit for the Cortez Area Chamber of Commerce to host a partnership event with Hospice of Colorado on Wednesday, September 20, 2023, on the premises located at 512 North Broadway, Cortez.
- d. Approval of a renewal Retail Liquor Store License for Tubros LTD, DBA Cork N' Bottle, located at 443 East Main Street, Cortez.
- e. Approval of a Change in Premises application from Jodi Jahrling, DBA Zu Gallery, located at 48 West Main Street, Cortez.

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

a. Charles Jeter spoke about urban services boundary in the County regarding an agriculture conversion that was being sought after by Region 9 for Road G and Road 25. He spoke about infill and having a walkable community and that the regional objectives need to be monitored by the Council as they could conflict with the Cortez community benefits. He stated that jobs drive home ownership and that he will be presenting more information regarding new businesses at future meetings.

b. Lisa Passell, small business owner and resident of Cortez, stated that she has noticed there are expenditures (totaling \$22,903.75) included in recent Council packet expenditure lists that have been paid for an investigation involving a City employee and the City Manager. She spoke about the incident which was reported in a Police Report. She stated that an investigation was completed on the incident which occurred in March and Council approved Resolution No. 19, Series 2023, on August 8, 2023, in response to the investigation. She commented that the issue has been swept under the rug and that no employee should be afraid to report incidents or be ridiculed no matter how small the item is. She asked that items 7c and 7d, regarding amendments to the City Attorney/City Manager contracts, be tabled until the active Sheriff's investigation is complete.

c. Jim Mischke stated that he has lived at the corner of North and Ash Street for 44 years and there has been a continuing problem with noise from Main Street. He commented that the speed on Main Street is a problem and needs to be addressed. Safety of pedestrians on Main Street is also a concern and that excess noise continues to go up. He presented Council with a noise ordinance/resolution which he would like Council to consider adopting so that the Police Officers can stop motorists that make excessive noise and that he would like quiet at the end of his years.

4. PRESENTATIONS

a. 2023 July Financial Statements. Director of Finance Koskie spoke about the 2023 July Financial Statements, noting that the Recreation Center Enterprise Fund is doing well with a net income almost double of projected. She commented that there may be a few equipment repairs yet to be done this year; however, they are still on track for a strong second half of the year. Also noted was that the 2021 Audit is well underway and the 2022 should be completed by the end of the year. She stated that the completion of the 2022 audit would bring the City into compliance and the 2023 audit would be required to be completed by June 2024.

5. PUBLIC HEARINGS

Mayor Medina read a statement regarding her concern about the disrespect that has been exhibited to the working staff pertaining to certain land use issues. She commented that staff has the duty and obligation to bring forward land use applications, make recommendations, and shepherd applications through the system. She commented that City Council makes the decisions and have the obligation to consider all the facts prior to making a decision on an application. She stated that everyone desires a fair and consistent process and Council takes all decisions very seriously. She stated that sending opinions on Quasi-Judicial land use issues to Council could hinder the review process and asked that all letters regarding land use issues be sent to the City Clerk. The letters will

then be forwarded to Council through the agenda packet and included in the public record. The information will then be reviewed by Council during the public presentation. She thanked the public for their engagement and commented that there needs to be respect and fairness for the public process.

a. Ordinance No. 1322, Series 2023. Mayor Medina read a statement from the applicants regarding the review of Ordinance No. 1322, Series 2023, (which would amend the City of Cortez Zoning Map for a 9.64 acre parcel located at 1050 Lebanon Road, Cortez, Colorado, to change the zoning on the parcel from C, Commercial Highway to I, Industrial District). She stated that the applicants have requested that City Council consider continuing the review of the application for both a rezone and a Conditional Use Permit (item 5b.) to the September 26, 2023, meeting due to circumstances beyond the applicants control.

Councilmember Keefauver stated that Council has received a lot of comments from citizens regarding the property at 1050 Lebanon Road. He stated that the matter is a Quasi Judicial item which requires Council to consider the information that is presented at the meeting which provides fairness for all involved and that the point of a public hearing is to hear from both sides. He stated that the applicants cannot be present at this meeting for Council to hear their information and to answer questions and therefore the hearing needs to be continued so everyone can be heard.

Councilmember Dobry moved that, as the applicants are not available, Council continue the public hearing and second and final reading on Ordinance No. 1322, Series 2023, to September 26, 2023, at 7:30 p.m., in the City Council Chambers. 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. Resolution No. 21, Series 2023. Mayor Medina noted that Resolution No. 21, Series 2023, (review of a Conditional Use Permit for an approximately 10-acre parcel located at 1050 Lebanon Road, Cortez, owned by Anthony Moore and Mary Lancaster, DBA Independent Log) is also included in the request for continuance to the September 26, 2023, Council meeting.

Councilmember Dobry moved that, as the applicants are not available, that Council continue the review of Resolution No. 21, Series 2023, to September 26, 2023, at 7:30 p.m., in the City Council Chambers. 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

It was noted that all comments should be sent to the City Clerk’s office. City Attorney Coleman stated that notice of the items that are continued will be completed with the publication of the agenda which occurs five days before the Council meeting.

6. UNFINISHED BUSINESS – None.

7. NEW BUSINESS

a. Resolution No. 20, Series 2023. Contract City Planner Dosdall stated that Resolution No. 20, Series 2023, approves an application for a minor subdivision plat for a three-lot subdivision located at 1552, 1602, and 1702 South Broadway. The applicant is Mike Mikkelson, on behalf of the owners, Mark Mikkelson, Lana Mikkelson, Gary Sisco, and Sherry Sisco. The parcels are identified on a document labeled as the 2nd Revised Plat and Topo Map of Garwood Subdivision, a Part of the Leland Addition to the City of Cortez, Montezuma County Colorado, which contains an approval by the City Planning Commission dated October 22, 1958, and recorded with the Montezuma County Clerk and Recorder on January 27, 1959. There is no record of the City Council having approved the Plat, and staff is unable to determine whether or not the Cortez City Code required Council approval in 1958 or 1959. There have been discussions and research by previous City staff, a previous City attorney, and a title company as early as 1996, in an attempt to confirm whether or not the Garwood Subdivision Plat legally divided the parcels. The intent of this minor subdivision is to fully and legally subdivide the parcels, clear up the existing title issues, and allow the owners to sell legal parcels that can be insured by a title insurance company. The parcels are zoned Commercial Highway (C). The parcels are bounded on the north, west, and east by commercially zone land and Residential, R-1, zoned land is located to the south, currently undeveloped. An issue staff has identified with this subdivision is whether or not there is legal access to each of the parcels. A 40-foot shared access easement is provided and will provide access to South Broadway and property behind their property; however, the access is being questioned by the Colorado Department of Transportation (CDOT) and they are suggesting a different access that could serve the entire area. It was noted that a requirement of the applicants would be that prior to recordation, the plat shall be revised to include a 60' public easement/ROW running east/west between lots A and B. Contract City Planner Dosdall stated that staff recommends approval of Resolution No. 20, Series 2023, with three conditions which were read for the record. Mike Mikkelson stated that he agrees with the three conditions included in the resolution and noted that they are working with CDOT on the access issue.

Mayor Pro-tem Yazzie moved that Council approve Resolution No. 20, Series 2023, approving the Minor Subdivision to be known as Mikkelson Subdivision, located at 1552, 1602, and 1702 South Broadway, Cortez, Colorado, with the conditions as outline 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. Appointment to the Planning and Zoning Commission. City Clerk Smith stated that three letters of interest were received for the opening on the Planning and Zoning; however, two of the applicants have withdrawn their letters. Council interviewed Emily Waldron during the regular Council worksession and Council can appoint Ms. Waldron or have staff re-advertise the opening.

Councilmember DeHaven moved that Council appoint Emily Waldron to serve on the Planning and Zoning Commission for a three-year term. 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

c. Amendment to City Manager Employment Contract. City Attorney Coleman stated that he was given instructions by Council to draft an amendment to the City Manager’s Employment Contract. He stated that the contract says that each year Council should consider amendments and the annual evaluation was completed and the changes were therefore included in the amendment. He stated that Council can amend the draft as they choose. Mayor Medina thanked Mr. Sanders for all that he has accomplished over the last year. She commented that the salary is in line with this type of profession and other similar positions in the region. Councilmember Keefauver commented that he appreciates that the City Manager made it a priority to pay off City loans that will save the City a lot of money.

Councilmember Spruell moved that Council approve the amendment to the City Manager Employment Contract with Drew C. Sanders to become effective May 29, 2023. 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

d. Amendment to City Attorney Employment Agreement. City Manager Sanders stated that Patrick Coleman had his evaluation completed at the Executive Session on July 25, 2023, at which time Council gave instructions to amend the City Attorney’s contract. He noted that the draft amendment to the City Attorney’s Employment Agreement is attached to the packet for Council’s review. Mayor Medina stated that she feels bringing on an attorney full time was the right decision and that a lot of items have been cleaned up thanks to Mr. Coleman’s work. Councilmember Dobry thanked Mr. Coleman for helping the City build a legal department and address the legal needs of the City. Councilmember Keefauver commented that once people get to know Mr. Coleman they know he is a good fit for the community not just as an attorney but as a citizen. Councilmember DeHaven thanked Mr. Coleman for hitting the ground running and commented that his experience from previous work has really benefitted the City of Cortez.

Councilmember Spruell moved that Council approve the amendment to the City Attorney Employment Contract with J. Patrick Coleman to become effective June 26, 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

8. DRAFT RESOLUTION/ORDINANCES – None.

9. CITY ATTORNEY’S REPORT – None.

10. CITY MANAGER’S REPORT

City Manager Sanders noted the following information:

- The City of Cortez has five employees from various departments who will be participating in the 2023/24 Leadership Montezuma leadership training class. This is a two-year program of leadership training focused on industries and sectors within Montezuma County. The program is designed to promote engaged and informed community leaders, and expand their understanding of local resources, organizations and systems. Applicants are chosen, in part, by their ability to be able to use the knowledge and skills imparted by Leadership Montezuma for the long-term benefit of Montezuma County.
- The 2024 City Council Budget Hearing is slated for September 23, 2023 in Council Chambers. The proposed 2024 City budget will be presented and discussed.
- The new 2024 Community Support Grant application, for local grant requests up to \$5,000, was posted on the City website Wednesday August 2, 2023. Applications will be accepted through Friday October 13, 2023 from organizations that provide programs for citizen welfare, arts, and education. Programming and activities must be accessible to the City of Cortez community.
- The Cortez Library has installed a children's "Story Walk" in Centennial Park from the playground to the Library. It tells the story of the fun of going back to school, and also includes different activities for the children. Library Director Isabella Sharpsteen and the Children's Librarian Maya McElroy have been developing the concept since mid-July, 2023 and with the help of building maintenance who built the story boards, were able to install the project on August 21, 2023.
- City Manager Sanders spoke about an interaction that took place on March 2, 2023, with a fellow employee. He spoke about the importance of maintaining public trust and demonstrating to team members and the community that everyone in the organization is held accountable and the process is applied equally to everyone. He spoke about his engagement with everyone in the organization and that many strong relationships have been developed. He stated that some interactions are not as smooth as hoped and others may feel the same. He stated that his interaction on March 2, 2023, was meant to be a quick, light hearted interaction intending to be kind and connect with the other person in the same joking manner in which the other person exhibited in initiating the encounter. He stated that the interaction was heard by others in the room and that no threats were made to this person and there was no indication at the time that the words said were misinterpreted or that the interaction was anything but positive. He regrets that his intentions were taken differently by the other person than was intended. He stated that he has not been involved in the Council Executive Sessions regarding the matter nor seen the investigation information. He regrets that the complaint on the matter was reportedly not handled adequately and in compliance with City policy and stated that he insists upon a workplace that all employees can be heard and taken seriously when complaints are made. He stated that he was not aware of how the complaint was handled but what is clear is the City needs to do better. He supports the findings of the City Council and will promptly follow the orders to the letter. He stated that in compliance with best practices to insure a fair and unbiased process the incident was referred to an outside agency for investigation which took approximately three

months. He stated that City Council received the information on the investigation and the information is reflected in Resolution No. 19, Series 2023, that was passed two weeks ago. He stated that the person has reported the incident to the Cortez Police Department which has in turn been referred to the Montezuma County Sheriff's office for investigation in order to avoid any appearance of bias or favoritism. He stated that he respects this person's right to report this incident; however, he denies any criminal or wrong doing and welcomes an appropriate investigation.

11. CITY COUNCIL COMMITTEE REPORTS

a. Mayor's Report on Workshop. Mayor Medina stated that during the worksession Council interviewed Ms. Waldron for the opening on the Planning and Zoning Commission and discussion was held on the fees for marijuana licensees in Cortez.

b. Cortez Public Arts Advisory Committee. Councilmember Rainey stated that the Cortez Public Arts Committee discussed the brochure on the murals in the community which is hoped to allow tourists and citizens to visit and enjoy the murals. He stated that, at the suggestion of another Councilmember, that a QR code could be added to the murals and they could be viewed on-line.

c. Montezuma County Homelessness Prevention Coalition. Councilmember DeHaven stated that last week a bench was dedicated at Veterans Park to memorialize the lost friends and relatives in the community that have passed due to homelessness or exposure. She stated that the quote under the bench says 'The act of being a good neighbor must always begin with us' written by Karen Barnhill who is a children's author.

d. Parks, Recreation, and Forestry Advisory Board. Councilmember Keefauver stated that the Parks, Recreation, and Forestry Advisory Board meeting included discussion on the bike trails throughout the City and a presentation was made on a volunteer wildlife study that is taking place at the Carpenter Open Space. Discussion was also held on the pocket park playgrounds on the south side of town and budget planning for 2024. He stated that he and Boardmember Quigley are going to meet neighbors within two blocks of the pocket parks and talk about what they would like to see in the parks and encourage the neighbors to use them.

e. Cortez Historic Preservation Board. Councilmember Dobry stated that a presentation will be made in the Mesa Verde Room at City Hall on Wednesday, August 23, 2023, at 6:00 p.m., on the Commercial and Auto Tourism Historic Preservation survey that has been conducted over the last 15 months. He invited the public and Council and attend.

12. OTHER ITEMS OF BUSINESS – None.

13. PUBLIC PARTICIPATION

a. Charles Jeter spoke about his background in leadership and that his engagement with the City Manager and staff has been positive and positive change has happened in the last two years.

14. ADJOURNMENT: Mayor Pro-tem Yazzie moved that the regular meeting be adjourned at 8:35 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