

CITY COUNCIL  
REGULAR WORKSHOP/SPECIAL MEETING  
TUESDAY, OCTOBER 24, 2023  
7:00 p.m.

1. The Workshop was called to order at 7:00 p.m., at the City Council Chambers. Councilmembers present included Mayor Pro-tem Arlina Yazzie, Robert Dobry, Matt Keefauver, David Rainey, Dennis Spruell, and Lydia DeHaven. Mayor Rachel Medina was absent. Staff members present included: Chief of Police Vernon Knuckles, Finance Director Kelly Koskie, Community and Economic Development Director Rachael Marchbanks, Director of General Services Rick Smith, IT Technician Aaron Holleman, Refuse/Recycling Foreman Colby Earley, Court Clerk/Administrator Carla Odell, Human Resources Director Matt Cashner, City Clerk Linda Smith, Municipal Judge Beth Padilla, City Manager Drew Sanders, and City Attorney Patrick Coleman. There were two people present in the audience.

2. Judge Padilla gave an update on the Municipal Court, thanking Court staff Carla Odell and Pam Imm for all their hard work in keeping the court process running smoothly. She spoke about the Outreach Court which went live in August and stated that the program is based upon the American Bar Association model that specifically addresses homelessness. The program has been adjusted to meet the needs of the community, specifically addressing substance abuse, mental health, and housing issues. She stated that seven defendants participated in September and seven defendants participated in October. The program is in partnership with the Pinon Project (Lucia Bueno-Valdez). Judge Padilla stated that she is optimistic that there is forward progress with the program. Council thanked Judge Padilla and Court staff for blazing the trail and helping others in a dignified manner. Councilmember Spruell stated that he wanted to be sure the victims are being remembered in the process and Judge Padilla spoke about the crimes which are typically in Municipal Court, noting that they are usually associated with trespassing/open container and if there is a restitution component, the person does not qualify for the Outreach Court. Judge Padilla spoke about the juvenile process, noting that there are not a lot of young people in the court. Also, the community service process was reviewed and Judge Padilla noted that there are four court appointed attorneys available for defendants. It was noted that WebX continues to work well for the court room.

3. General Discussion: It was noted that term limits for City boards will be discussed at the next Council worksession.

The regular workshop was adjourned at 7:21 p.m.



CITY COUNCIL  
REGULAR MEETING  
TUESDAY, OCTOBER 24, 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 Pro-tem Arlina Yazzie, Lydia DeHaven, Robert Dobry, Matthew Keefauver, David Rainey, and Dennis Spruell. Mayor Rachel Medina was absent. Staff present included: Chief of Police Vernon Knuckles, Finance Director Kelly Koskie, Community and Economic Development Director Rachael Marchbanks, Contract City Planner Nancy Dosedall, Court Clerk/Administrator Carla Odell, Library Director Isabella Sharpsteen, Airport Manager Jeremy Patton, Refuse/Recycling Foreman Colby Earley, 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 two people present in the audience.

Councilmember DeHaven moved that the agenda for October 24, 2023 be approved. Councilmember Dobry seconded the motion and the vote was as follows:

DeHaven	Dobry	Keefauver	Medina	Rainey	Spruell	Yazzie
Yes	Yes	Yes	absent	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 October 10, 2023.
  - b. Approval of the Expenditure List for October 24, 2023.
  - c. Approval of a Transfer of Ownership application for Four Corners Brewing, LLC, DBA Main Street Brewery and Restaurant, located at 21 East Main 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	absent	Yes	Yes	Yes

3. PUBLIC PARTICIPATION – None.
4. PRESENTATIONS

- a. **Greenlight A Vet Proclamation.** Mayor Pro-tem Yazzie read the Greenlight A Vet Proclamation noting that America’s veterans are some of our nation’s bravest, hardest-working men and women. She asked that residents of Cortez change one light to green in a visible location – on your porch, your home, or at your office and keep it glowing every day during the month of November as a symbol of appreciation and support for our veterans.

## 5. PUBLIC HEARINGS

a. Resolution No. 24, Series 2023. Mayor Pro-tem Yazzie stated that Resolution No. 24, Series 2023, approves a site development plan for a new office building on property located at TBD North Sligo Cortez, Colorado, in the Commercial Highway (C) Zone. Contract City Planner Dosedall stated that the applicant, 2474 Paterson Road, LLC, has requested approval to construct a new 3,456 square feet office building on what is currently platted as three separate lots located on North Sligo Street (estimated to be 60 and 72 North Sligo Street). The applicant would be required to submit a plat amendment to combine all lots into one and if approved, the new lot would total .53 acres. The property is currently vacant and bounded on all sides by commercially zoned properties. The requirements for review of approving a site development plan were reviewed and it was noted that the proposal meets all City requirements. Contract City Planner Dosedall stated that the Planning and Zoning Commission and City staff recommended approval of the site development plan with five conditions as follows:

1. 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.
2. The appropriate construction drawings and reports for the project, revised as required by the City Engineer shall be signed and stamped by a Colorado licensed architect or engineer, must be approved by the Building Official and City Engineer, and a building permit obtained prior to any construction on the Property.
3. A drainage report meeting CDPHE requirements shall be submitted and approved by the City Engineer prior to issuance of a building permit for the property.
4. The landscaping plan shall be revised to meet minimum code standards. Improvements shall be installed prior to issuances of a Certificate of Occupancy. Irrigation and maintenance must be provided. In the event that construction of the building and all other requirements are met prior to the installation of the landscaping, and the Applicant desires a Certificate of Occupancy, the Applicant may choose to provide a financial surety and obtain a CO in advance of completing the landscaping improvements. In this event, the Applicant shall provide an assurance bond, letter of credit, or other financial security agreed to by both parties, providing a guarantee of installation of the landscaping within a time frame approved by the City of Cortez.
5. The plat amendment consolidating the lots shall be approved and recorded prior to issuance of a building permit for the property.

Councilmember Keefauver stated that he really appreciates the infill and that the proposal makes a lot of sense for the property. Discussion was held on the drainage and Contract City Planner Dosedall stated that the City Engineer continues to work with the applicant on the draining issues and the best way to slow down drainage from the property. She noted that the applicants are not present but are aware of the conditions of approval. Mayor Pro-tem Yazzie opened the public comment portion of the hearing; however, no one spoke and the public comment portion of the hearing was closed.

Councilmember Keefauver moved that Council approve Resolution No. 24, Series 2023, approving a site development plan for a new office building on property located at TBD North Sligo Cortez,

Colorado, in the Commercial Highway (C) Zone with the five conditions listed in the resolution. Councilmember Spruell seconded the motion and the vote was as follows:

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

b. Resolution No. 26, Series 2023. Mayor Pro-tem Yazzie stated that Resolution No. 26, Series 2023, approves an application for a site plan/Conditional Use Permit for a proposed storage facility to be located at 459 West North Street, Cortez, CO. Contract City Planner Dossdall stated that the applicant, S N Warehouse, LLC, has requested to establish/renovate a storage facility that is located on West North Street in the Commercial Highway (C) zone. Currently, there is an existing building on the western lot that has never been completed and the applicant hopes to renovate the existing building into a climate controlled indoor storage with a small office, meeting room, and kitchen for employees. The second structure would consist of covered outdoor storage for large recreational vehicles, boats, etc. A lot consolidation will be required prior to construction. Storage facilities are considered conditional uses in the Commercial Highway zone. The conditions of approval of a site plan and Conditional Use Permit were reviewed and Contract City Planner Dossdall stated that the proposal meets all City requirements. The Planning and Zoning Commission and City staff recommended approval with four conditions as follows:

1. 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.
2. The appropriate construction drawings and reports for the project, revised as required by the City Engineer shall be signed and stamped by a Colorado licensed architect or engineer, must be approved by the Building Official and City Engineer, and a building permit obtained prior to any construction on the Property.
3. A drainage report meeting CDPHE requirements shall be submitted and approved by the City Engineer prior to issuance of a building permit for the Property.
4. Prior to issuance of a building permit for the project, the lots will be consolidated.

Discussion was held on the outdoor storage area and it was noted that the structure will be covered and have three sides. Mayor Pro-tem Yazzie opened the public comment portion of the hearing; however, no one spoke and the public comment portion of the hearing was closed.

Councilmember Rainey moved that Council approve Resolution No. 26, Series 2023, approving a Conditional Use Permit/site development plan for the proposed storage facility on property located at 459 West North Street, Cortez, Colorado, with the four conditions listed in the resolution. Councilmember Spruell seconded the motion, and the vote was as follows:

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

6. UNFINISHED BUSINESS – None.

7. NEW BUSINESS

a. Resolution No. 27, Series 2023. Mayor Pro-tem Yazzie stated that Resolution No. 27, Series 2023, approves a lease of real property by the City of Cortez to Mesa Verde Country Visitor Information Bureau. City Manager Sanders stated that Mesa Verde Country Visitor Information Bureau leases property at the Colorado Welcome Center and they wish to continue their lease which would be in effect through January 1, 2024, with one additional one-year renewal that would terminate December 31, 2024. He stated that the lease was suppose to be signed earlier in the year, but was missed and is now in front of Council for approval. The lease for the space that is occupied by Mesa Verde Country is at market rate.

Councilmember Dobry moved that Council approve Resolution No. 27, Series 2023, approving a lease of real property by the City of Cortez to Mesa Verde Country Visitor Information Bureau. Councilmember DeHaven seconded the motion and the vote was as follows:

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

b. Vehicle Purchase for the Refuse Division. Refuse/Recycling Foreman Earley stated that the Refuse Division needs to replace an outdated 1994 Ford F-250 welding truck with a more modern light-medium duty work truck. He stated that the aging truck needs a lot of repair and is ill-equipped to handle the City’s welding and refurbishment needs. He stated that four bids were received for a replacement truck and staff recommends that the City purchase a 2023 F-250 truck from the low bidder Keesee Motor Company for \$54,584. He stated that the funding to purchase the truck was budgeted in the Refuse Enterprise Fund. Discussion was held on what would be needed to prepare the truck for use by the City and it was noted that there is additional funding budgeted to outfit the truck.

Councilmember DeHaven moved that Council approve the acquisition of a Ford F-250 pickup truck from Keesee Motor Company for the Refuse Division in the amount of \$54,584. Councilmember Keefauver seconded the motion and the vote was as follows:

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

c. Letter of Support. Councilmember Dobry recused himself from the discussion and vote noting he is writing the grant for Montezuma County. City Manager Sanders stated that Montezuma County has requested a letter of support for the USDA Community Wildfire Defense Grant. The grant is slated to assist at-risk local communities and Indian Tribes with planning and mitigating against the risk created by wildfire and helps communities in the wildland urban interface implement the three goals of the National Cohesive Wildland Fire Management Strategy. City Manager Sanders stated that staff recommends approval of the Letter of Support and that the City Manager be authorized to sign the letter on behalf of the City. Councilmember Spruell stated that he would support a Letter of Support if the Indian Tribes requested a letter as well and City Manager Sanders stated that if the City is asked for a letter from the Indian Tribes, he would bring that forward to Council.

Councilmember Rainey moved that Council authorize the City Manager to sign the Letter of

Support for the Community Wildfire Defense Grant submitted by Montezuma County. Councilmember Spruell seconded the motion and the vote was as follows:

DeHaven	Dobry	Keefauver	Medina	Rainey	Spruell	Yazzie
Yes	*	Yes	absent	Yes	Yes	Yes

\*Councilmember Dobry recused himself from the discussion and vote due to a possible conflict-of-interest.

d. Approval of the 2024 Budget on First Reading. Mayor Pro-tem Yazzie stated that Ordinance No. 1323, Series 2023, approves on first reading Ordinance No. 1323, Series 2023, an ordinance summarizing expenditures and revenues for each fund and adopting a budget for the City of Cortez, Colorado, for the calendar year beginning on the first day of January 2024 and ending on the last day of December 2024, and set for second reading and a public hearing on November 14, 2023. Director of Finance Koskie stated that the fiscal impact of the 2024 Budget is approximately 35 million dollars which represents all projected revenue for the General Fund, Enterprise Funds, and Capital Projects. The annual budget and approved appropriations are an important and required part of the fiscal cycle as the budget not only sets priorities of where money will be spent, it is used as a guiding document for each department within the City of Cortez throughout the year. Director of Finance Koskie spoke of the process of preparing the proposed budget. She noted that notice of the 2024 proposed Budget has been placed on the front page of the City’s webpage and also with the appropriate social media outlets. No public comment has been received to date on the proposed budget. Staff recommends approval of Ordinance No. 1323, Series 2023, on first reading and a second reading and a public hearing be set for November 14, 2023. Mayor Pro-tem Yazzie reminded the public that the comment section on the 2024 Budget is still open on the City’s webpage. Council thanked staff for their hard work on preparing the proposed budget.

Councilmember DeHaven moved that Council approve on first reading Ordinance No. 1323, Series 2023, an ordinance summarizing expenditures and revenues for each fund and adopting a budget for the City of Cortez, Colorado, for the calendar year beginning on the first day of January 2024 and ending on the last day of December 2024, and set for second reading and public hearing on November 14, 2023. Councilmember Spruell seconded the motion and the vote was as follows:

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

8. DRAFT RESOLUTION/ORDINANCES – None.

9. CITY ATTORNEY’S REPORT – None.

10. CITY MANAGER’S REPORT – City Manager Sanders gave the following report:

- Cortez Public Works hosted another successful Clean-Up Week October 9-13, 2023. Over 24 tons of debris was collected along with 46 mattresses. This Fall the City started charging \$17 per mattress to cover the disposal cost to the City.

- The Four Corners Fall Fly In, held October 14, 2023, in conjunction with the annular solar eclipse, was a huge success with an estimated 1,600 visitors to the Cortez Airport for the day's activities. This was an increase in visitation from 900 last year.
- The City has assembled a team, including Mayor Medina, to attend the Colorado Growing Water Smart workshop in Grand Junction, CO this week, October 23-25, 2023. The workshop is hosted by the Babbitt Center for Land and Water Policy and the Sonoran Institute. These workshops are held across the State to help leaders integrate water and land use planning to further the sustainability and resilience of their communities. Their actions will help attain the goals of Colorado's Water Plan to close the annual supply gap and have 75% of Colorado residents living in communities that have incorporated water saving actions into land use planning. The hosts also provide all necessary lodging and most meals during the workshop.
- A neighborhood update for the 7th Street Park, former high school site, will be held at 5:30 p.m. Monday, October 30, 2023 on location. The City PIO, Ms. Kelly Codner, will send out information about the upcoming meeting on the City website and social media.
- Employee Spotlight: Rachael Marchbanks joined the City of Cortez in January, 2022 as a highly sought-after employee for the City. When she joined our organization, she was hired to lead the newly formed Community and Economic Development Department and tasked with various roles including the planning function. Starting a new department was a daunting task by all measures and she did an excellent job of creating what is now a high functioning department. Rachael came to the table with a significant amount of education and experience including service as a public administrator and an elected official, in addition to a Master's Degree in Public Policy and Administration and Political Science. During her time in Cortez, she has earned my trust and admiration for her leadership skills and work ethic. Additionally, I rely upon Rachael to provide me with her perspective on various matters, and even guidance at times. We have a strong leadership team here in Cortez, and Rachael contributes regularly towards team successes.

One of the most daunting roles of a local government is the land use planning function, which has generated increased attention in recent weeks and months. In many ways, the land use planning function is essentially attempting to fit a square peg into a round hole; and rarely do land use applications fit perfectly within the code, which then requires the application of experience, reason, and judgement on our part. To add to this, there are the pressures of attempting to work within a land use code that has been amended on a piecemeal basis over many years, (which leads to unique challenges for the planners and which we are working diligently to replace), as well as significant neighboring interests that are often at odds with one another. To say the land use planning function is under a microscope is an understatement. Ultimately, the planning function is caught between pressures emanating from land use applicants, as well as opposing interests (some more than others), and often no way to please everyone with the outcomes. To manage all of this requires a team, and there are many hours and hands (mine included) involved in decision making and working to arrive at the right outcomes utilizing a very structured process as outlined in our governing documents.

As part of our roles as public administrators we understand that criticisms will come our way – this is part of our accountability to the community. We accept that others may disagree with decisions and outcomes at times and we do the best we can within the established framework.



However, personal attacks on individuals and their reputations based upon speculation or conspiracy theories, without actual evidence or proof of malfeasance in their handling of exceptionally challenging issues is very difficult to accept, and falls beneath our community values. Even so, at the City of Cortez, criticism of one, is criticism of us all. I am very proud to be numbered as a coworker with someone with as much skill, integrity, and character as Director Rachael Marchbanks, and I publicly thank her for her service to our community. In my opinion, we are very lucky as a community to have her on our side.

11. CITY COUNCIL COMMITTEE REPORTS

a. Mayor’s Report on Workshop. Mayor Pro-tem Yazzie stated that during the worksession Judge Padilla gave an update on Municipal Court noting that the new Outreach Court has begun and continues to progress. Also, WebX is working well and the office is really busy. The Municipal Court staff was thanked for all their efforts of keeping everything running smoothly.

b. Parks, Recreation, and Forestry Advisory Board. Councilmember Keefauver stated that the Parks, Recreation, and Forestry Advisory Board meet on October 20, 2023; however, he was not able to attend. Information from the meeting included discussion on the south pocket parks and the 2024 Budget. Also, a tour was given of the park system. Discussion was held about changing the meeting day and time.

c. Library Advisory Board. Councilmember DeHaven stated that discussion at the Library Advisory Board held on October 12, 2023, included review of the Library five-year plan. It is hoped that the plan will be available for the public at the first of the year on the City’s website. Discussion was also held on future speakers at the Library.

d. Fall Fly-in at Airport/Thank You to Staff. Mayor Pro-tem Yazzie stated that she attended the Fly-in held at the Airport on Saturday, October 14, 2023 and commended staff and everyone that helped with the event, noting it was really unique and everyone was so excited to be there. She also thanked staff for all the work that continues to be done in the City.

12. OTHER ITEMS OF BUSINESS

a. Councilmember Dobry moved that Council go into Executive Session at 8:15 p.m., for discussion of the following matters: 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 mater involving the City Manager, who has not requested discussion of the matter in open session. Councilmember Keefauver seconded the motion, and the vote was as follows:

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

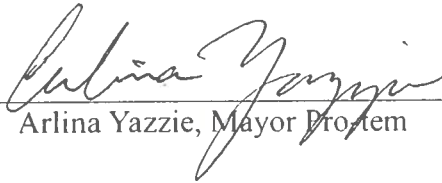
Council returned from Executive Session at 9:17 p.m. The participants in the Executive Session included Mayor Pro-tem Arlina Yazzie, David Rainey, Lydia DeHaven, Matt Keefauver, Dennis

Spruell, Robert Dobry, and via Zoom, Mayor Rachel Medina, who is out of town at a conference. Also participating via Zoom were Special Employment Attorney Bill Kelly. At the commencement of the Executive Session, City Manager Drew Sanders and City Attorney Patrick Coleman were present, but they departed the Executive Session at 8:26 p.m., before substantive personnel discussions began, and before the attorney-client privileged discussions began. No adoption of any policy, position, resolution, rule, regulations, or other formal action occurred during Executive Session.

13. PUBLIC PARTICIPATION – None.

14. ADJOURNMENT: Councilmember DeHaven moved that the regular meeting be adjourned at 9:18 p.m. Councilmember Dobry seconded the motion, and the vote was as follows:

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

  
 Arlina Yazzie, Mayor Pro Tem

ATTEST:

  
 Linda L. Smith, City Clerk