

CITY COUNCIL
REGULAR WORKSHOP/SPECIAL MEETING
TUESDAY, DECEMBER 12, 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 Rachel Medina, Mayor Pro-tem Arlina Yazzie, Robert Dobry, Matt Keefauver, David Rainey, Dennis Spruell, and Lydia DeHaven. 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, Director of Parks and Recreation Creighton Wright, Director of Public Works Brian Peckins, Deputy City Clerk Donna Murphy, City Clerk Linda Smith, City Manager Drew Sanders, and City Attorney Patrick Coleman. There were two people present in the audience.

2. An update was given by Joe Theine, CEO of Southwest Health Systems. He spoke about national healthcare challenges and how they affect the hospital. He stated that additional transparency has been added to the hospital website which includes financial reports, agendas and minutes for the board, and other key information. Mr. Theine shared information on labor costs for the hospital and noted the expenses for traveling nurses and commented on the turnover of nurses over the last year. He spoke about the recruitment efforts being made for new doctors to the area and noted that doctors make decisions on where to locate based on compensation, quality of life, and the people they will be working with. In answer to questions from Council, Mr. Theine spoke about the budget which is being presented to the Hospital District Board in a week, noting that the budget includes three different plans that it takes to run a hospital: a building facility, equipment and supplies, and trained staff. He stated that word of mouth drives health care decisions and staff is working on sharing information on the hospital and answering questions on the plans for the future so the public can have more confidence in what the hospital has to offer. It was noted that a grant writer is not employed currently at the hospital; however, grants are being pursued for capital construction projects for equipment and facility updates. Council thanked Mr. Theine for the update on the hospital and the transparency being shared with the community.

3. General Discussion: Councilmember Keefauver spoke about the Community Involvement Expo that will be held at the County Annex on Thursday, December 14, 2023, from 4:00 to 8:00 p.m. Information on the local non-profits will be share with citizens and door prizes will be given away for those in attendance.

The regular workshop was adjourned at 7:30 p.m.

CITY COUNCIL
REGULAR MEETING
TUESDAY, DECEMBER 12, 2023

1. The meeting was called to order in the City Council Chambers at 7:35 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, Patrol Officer Kristin Cannon, Patrol Office Jerry Sam, Library Night Custodian Ralph Parker, Director of Parks and Recreation Creighton Wright, Parks Superintendent Lyle Bair, Finance Director Kelly Koskie, Community and Economic Development Director Rachael Marchbanks, Court Clerk/Administrator Carla Odell, Library Director Isabella Sharpensteen, Human Resources Director Matt Cashner, Director of General Services Rick Smith, Director of Public Works Brian Peckins, Deputy City Clerk Donna Murphy, City Clerk Linda Smith, City Manager Drew Sanders, and City Attorney Patrick Coleman. There were two people present in the audience. A moment of silence was held in honor of Sergeant Michael Moran.

Mayor Pro-tem Yazzie moved that the agenda for December 12, 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. A motion, a second, and a vote was taken by Council for approval of the Consent Agenda; however the incorrect Consent Agenda was approved. A new motion was made at the end of the Council meeting on the Consent Agenda items to be acted upon by Council as follows:
 - a. Approval of the Council Worksession and Agenda Minutes for November 28, 2023.
 - b. Approval of the Expenditure List for December 12, 2023.
 - c. Approval of a renewal Retail Liquor Store Liquor License and Tasting Permit for West Slope Liquors, Inc., DBA West Slope Liquors located at 2212 East Main Street, Suite 1, Cortez.
 - d. Approval of a Special Event Permit for Cortez Area Chamber of Commerce to host a “Business After Hours” on December 21, 2023, on the premises of Dolores State Bank, located at 744 East Main Street, Cortez.

Councilmember Dobry moved that the corrected 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 – None.

4. PRESENTATIONS

a. Years of Service Award. City Manager Sanders announced the following City Anniversary Awards: **5 Years** – Kristin Cannon, Shane Fletcher, Koby Guttridge, Stephon Lobato, and Dustin Dalman; **10 Years** – Alissa Baxstrom, Ralph Parker, and Donna Peterson; **15 Years** – Jerry Sam; and **35 Years** – Rick Smith.

5. PUBLIC HEARINGS – None.

6. UNFINISHED BUSINESS – None.

7. NEW BUSINESS

a. Resolution No. 22, Series 2023. Human Resources Director Cashner stated that Resolution No. 22, Series 2023, provides for appropriate uses of Old Hire Police Pension Fund where no beneficiaries exist or may exist. He stated that the City would like to withdraw the remaining assets and terminate the existing retirement plan that was started in the 1970’s. The last surviving spouse receiving benefits from the plan passed away in 2022 which triggered the Fire and Police Pension Association (FPPA) to contact the City about the intentions concerning the use of the remaining funds left in the plan (\$263,201.29 as of September 30, 2023). Colorado Statute states if no person can become or is eligible for payment of a benefit from the plan, the City may authorize use of the money in the plan to make employer contributions under a local money purchase plan, which the paid police officers participate in currently. He spoke of the requirements of notice to the public on the remaining funds in the plan and that one person has spoken to the City Manager about the fund but has not filed an objection in writing. He stated that a resolution must be adopted stating the City’s desire to withdraw the remaining assets and terminate the plan as required by the statute and the funds will be used toward future contributions to police officer’s retirement plans. It was noted that money would be saved in the City’s general fund by using the money left from the plan to pay for police officers’ retirement contributions.

Councilmember DeHaven moved that Council approve Resolution No. 22, Series 2023, a resolution providing for appropriate uses of Old Hire Police Pension Fund where no beneficiaries exist or may exist. 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

b. Resolution No. 31, Series 2023. Contract City Planner Dosedall stated that Resolution No. 31, Series 2023, approves an amended plat of Lots 1-9, (not 1-8 as stated in Council packet) Block 2W, Western Addition to the Town of Cortez. She stated that the applicant, The S N Warehouse, LLC, recently received approval for a conditional use permit to establish/renovate a storage facility located on the property at 459 West North Street. 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 will consist of covered outdoor storage for large recreational vehicles, boats, etc. A lot consolidation is required prior to construction and it was discovered that there is 25 more feet (along North Street) involved in the consolidation which would consist of Lots

1-9. She noted that some additional landscaping will be required with the additional footage and will be added in during the building permit process. Staff recommends that Council approve Resolution No. 31, Series 2023, with two conditions as follows:

- a. All requirements of utility providers, City departments, CDOT, and affected districts must be satisfied, as outline in adopted City Codes and other regulatory documents.
- b. The plat shall be recorded at the Montezuma County Clerk and Recorders Office within six (6) months of City Council approval, in accordance with Land Use Code Section 6.05 (d)(2)a.

Councilmember Dobry moved that Council approve Resolution No. 31, Series 2023, approving an amended Plat of Lots 1-9, Block 2W, Western Addition to the Town of Cortez, Colorado, in the Commercial Highway (C) Zoning District, with two conditions of approval. 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

c. Award of Universal Maintenance Machine, Sweeping, Verticutting, and Flail-type Mowing Unit aka Turf Sweeper. Director of Parks and Recreation Wright stated that a turf sweeper is a core piece of equipment necessary to renovate, aerate, dethatch, remove debris (sweep) like aeration cores, and level and refresh turf grass fields. It is four pieces of equipment in one. It was noted that the Parks Division and the Golf Course currently share one turf sweeper and the current sweeper works great for the golf course but isn't ideal for the parks due to its size, limited features, and the labor intensiveness of its use. The specified unit that was bid is larger, and most importantly, parks can operate it with one staff member as it has a hydraulic reticulating hopper that can dump directly into a pick-up or dump trailer. The bid process was completed; however, the equipment is proprietary and not manufactured by any other entity, which essentially makes this a sole source purchase. It is only sold through dealerships and due to dealer territorial concerns, we cannot expect more than a single bid on this particular piece of equipment. A bid was received from Potestio Brothers for the turf sweeper at a bid priced not to exceed \$54,272.00. This equipment was not specifically included in the budget, but funds are available due to a projected surplus in the Parks Division 2023 Budget. Parks Superintendent Lyle Bair was in the audience to answer questions; however, there were no questions asked.

Councilmember DeHaven moved that Council award the Universal Maintenance Machine, Sweeping, Verticutting, and Flail-type Mowing unit aka Turf Sweeper to Potestio Brothers not exceeding \$54,272.00. 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

d. Employee Access to the Cortez Recreation Center. City Manager Sanders stated that the Cortez Recreation Center is not only a resource for the community but also a resource for the City's employees. The City currently pays 25% of the annual recreation center membership for the employee and their family as a discount and benefit. In the last year (2023) 36 staff enrolled in the

discounted recreation center access. The 25% discount is a great benefit; however, it hasn't inspired very many staff members to purchase passes and therefore staff is recommending that the City provide free access to employees. This would incentivize employees to utilize the services and gain the added personal benefits leading to healthier employees, lower healthcare costs, increased productivity, and a great recruitment tool. City Manager Sanders reviewed the fiscal impact to the City noting that the estimate is approximately less than \$10,000 in 2024 and predicted to be a bit more in 2025. It was noted that the benefit would be a taxable benefit to employees but it would be nominal. Council comments included the increase in morale that the benefit would offer as well as better health and welfare of employees who would choose to participate.

Councilmember Spruell moved that Council authorize the City to offer employees no-cost Cortez Recreation Center access during their term of employment with the City of Cortez under rules outlined by the Director of Parks and Recreation and approved by the City Manager. 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 – City Attorney Coleman spoke about the Colorado Open Records Act (CORA) requests that are currently being received noting that staff continues to work on them and have them processed as soon as possible.
- 10. CITY MANAGER’S REPORT – City Manager Sanders gave the following report:

Tonight, the sole topic I wish to report on is the memorial service for Sergeant Michael Moran that was held on Wednesday December 6, 2023. Before I start, I wish to thank the City Council and Mayor Medina for taking time to observe a moment of silence at the start of this meeting out of respect for this unspeakable loss.

The outpouring of support and tribute from our community and throughout the Country is humbling and inspiring to say the least. In addition to high attendance by Colorado law enforcement, I personally observed in attendance at the memorial service officers from Pennsylvania, Minnesota, Utah, Arizona, New Mexico, and Alabama. I know there were many others that I did not see, but all were welcomed and it was our honor to have them attend. I cannot give enough credit and thanks to the Colorado Fallen Hero Foundation who had people on the way to our community within two hours of the occurrence, and remained here until the memorial service was completed. Not only did the foundation help plan the memorial service, but they helped handle details and all arrangements for the Moran family as well. They literally worked day and night to ensure that every detail was covered. The memorial service for Sgt. Moran was the best, most well thought out and detailed service I have ever attended. Their help, professionalism and dedication are invaluable to the communities they serve when tragedy strikes, and the City of Cortez is most thankful for all their assistance during this trying and sorrowful time in our history. It should also be noted that the foundation did not ask for any financial assistance from Cortez PD or the City of Cortez. Also, Cortez PD has already made a commitment to lend

resources and participate in future Colorado Fallen Hero foundation operations.

To the Cortez Police Department and the Moran Family: We, collectively as a community, are so sorry for your loss of Sgt. Moran. But, in the words of Chief Knuckles “Your loss is our loss, your pain is our pain”.

Sergeant Michael Moran was a dedicated and highly esteemed police officer as well as a friend and guardian of our community who worked tirelessly to protect the community he loved. He is already missed, and will always be remembered.

11. CITY COUNCIL COMMITTEE REPORTS

a. Mayor’s Report on Workshop. Mayor Medina stated that during the worksession a presentation was made by Southwest Health Systems CEO Joe Theine about the hospitals expectations of being more transparent and where the hospital is moving today. Also, notice was announced that the Community Involvement Expo will be held on Thursday, December 14, 2023, at the County Annex.

b. Parks, Recreation, and Forestry Advisory Board. Councilmember Keefauver stated that discussion at the Parks, Recreation, and Forestry Advisory Board meeting included an update on the South Pocket Park Playground which is estimated to be completed in the spring. Also, discussion was held on development of the 7th Street Project located on the old high school property. The budget and recreation fees were reviewed and the date and time for the Parks, Recreation, and Forestry Advisory Board meetings may change in 2024.

c. CML Mayors Summit. Mayor Medina stated that she attended the CML Mayors Summit in Denver on November 30 and December 1, 2023. Topics held at the conference included Robert’s Rules of Order, housing, and updates from communities across the State on their struggles/successes. She stated that the loss of Sergeant Moran happened while she was at the conference and many communities sent their condolences to the community.

12. OTHER ITEMS OF BUSINESS

a. Councilmember Dobry moved that Council go into Executive Session at 8:10 p.m., for conference with legal counsel for the purpose of receiving legal advice on specific legal questions relating to a personnel matter involving the City Manager pursuant to C.R.S. Section 24-6-402(4)(b). Mayor Pro-tem Yazzie seconded the motion, and the vote was as follows:

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

Council returned from Executive Session at 9:18 p.m. The participants in the Executive Session included Mayor Rachel Medina, Mayor Pro-tem Arlina Yazzie, David Rainey, Lydia DeHaven, Matt Keefauver, Dennis Spruell, Robert Dobry, and via Zoom/Video Conference Special Employment Attorney Bill Kelly. No adoption of any policy, position, resolution, rule, regulations, or other formal action occurred during Executive Session.

b. Council made a motion on the Consent Agenda dated December 12, 2023, which is noted at the beginning of the minutes (2 a-d).

13. PUBLIC PARTICIPATION – None.

14. ADJOURNMENT: Mayor Pro-tem Yazzie moved that the regular meeting be adjourned at 9:20 p.m. 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


Rachel B. Medina, Mayor

ATTEST:


Linda L. Smith, City Clerk