

CITY COUNCIL
REGULAR MEETING
TUESDAY, JUNE 10, 2025

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, Lydia DeHaven, Robert Dobry, Matthew Keefauver, Bill Lewis, April Randle, and Mayor Pro-tem Dennis Spruell. Staff present included: Payroll/Sales Tax Administrator Sara Coffey, Interim Chief of Police Andy Brock, Director of General Services Casey Simpson, Director of Parks and Recreation Creighton Wright, Airport Director Jeremy Patton, Paralegal I Lydia Regalado, Community and Economic Development Specialist Helen West, Director of Community and Economic Development Rachael Marchbanks, IT Director Jay Rohrer, City Clerk Linda Smith, City Manager Drew Sanders, and City Attorney Patrick Coleman. There were nine members of the public present in the audience.

Councilmember Dobry moved that the agenda for June 10, 2025, be approved. Councilmember Lewis seconded the motion and the vote was as follows:

DeHaven	Dobry	Lewis	Keefauver	Medina	Randle	Spruell
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 for May 27, 2025.
 - b. Approval of the Expenditure List for June 10, 2025.
 - c. Approval of a Change in Corporate Structure for a Hotel and Restaurant Liquor License for El Campestre Mexican Restaurant LLC, located at 1430 East Main Street, Unit 6, Cortez.
 - d. Approval of a renewal application for a Tavern Liquor License for Cortez Elks Lodge 1789, Inc., DBA Cortez Elks 1789, located at 2100 North Dolores Road, Cortez.
 - e. Approval of a Change in Corporate Structure and a renewal application for an Arts Liquor License for the Cortez Cultural Center, Inc., Dba Cortez Cultural Center, located at 25 North Market Street, Cortez.
 - f. Approval of a renewal application on a Fermented Malt Beverage and Wine Liquor License for Good 2 Go Stores LLC, DBA Good 2 Go, located at 717 South Broadway, Cortez.
 - g. Approval of a renewal application on a Fermented Malt Beverage and Wine Liquor License for Good 2 Go Stores LLC, DBA Good 2 Go, located at 302 West Main Street, Cortez.
 - h. Approval of a renewal application on a Hotel and Restaurant Liquor License for La Casita de Cortez, LLC DBA La Casita de Cortez, located at 332 East Main Street, Cortez.

i. Approval of a Transfer of Ownership application on a Retail Marijuana Store/Retail Marijuana Cultivation Facility for THA Corp., DBA The Herbal Alternative, located at 1530 Lebanon Road, Cortez.

Councilmember Dobry moved that the Consent Agenda be approved as presented. Councilmember DeHaven seconded the motion, and the vote was as follows:

DeHaven	Dobry	Lewis	Keefauver	Medina	Randle	Spruell
Yes	Yes	Yes	Yes	Yes	Yes	Yes

3. PUBLIC PARTICIPATION:

a. Susan Kemnetz, Cortez, stated that the 3rd Street/South Broadway school crossing has recently been completed and has a new speed limit for the area. She stated that laws are made but they are not enforced and that people continue racing through that intersection even with the new lights. The new speed limit did not change anything and the people that follow the law are now asking why they have to go so slow in the area. She asked that the City should try enforcing the laws they have first before making changes.

b. Michael Levy, Cortez, stated that this is the last City Council meeting that Linda Smith will be the City Clerk. He expressed how much he appreciated Ms. Smith and her hard work and dedication she gave while he served on City Council. He presented Ms. Smith with some flowers and a card and thanked her for her years of service and wished her well in her retirement.

c. Karen Sheek, Cortez, stated that she had the good fortune to serve on City Council for 8 ½ years and during that time Linda Smith was awarded the Colorado Clerk of the Year Award in 2016. She stated that she and the City Manager at the time, Shane Hale, were present at the Clerk Conference to make the presentation to Ms. Smith for her award. She spoke about the importance of the City Clerk job and the customer service which was provided by Ms. Smith. She thanked Ms. Smith for her service and stated she would be greatly missed. She stated that she and her husband (Rick Smith) have given decades of their lives to the City and our community is better for it.

4. PRESENTATIONS:

a. Presentation on the Class III Cultural Resources Survey of Carpenter and Geer Natural Areas. Ryan Spittler, M.A., RPA, spoke to Council about the Class III Cultural Resource Survey of Carpenter and Geer Natural Areas completed by Woods Canyon Archaeological Consultants. The survey was approved through a Certified Local Government Grant Award. Fieldwork was conducted in September 2024 and the final report was submitted April 2025. A total of 13 sites were documented, ten prehistoric components, and six historic components were recommended as eligible to the National Register of Historic Places (NRHP) as the sites were either associated with an important event or likely to yield important information. He reviewed prehistoric artifacts that were found and the site types. Historic items found included artifacts from the Civilian Conservation Corps (CCC) camp, a small family cemetery (from 1890's), and some dump sites probably from old homesteads. Information on the CCC camp was shared and it was noted that the camp on the northern edge of the City of Cortez was in place from 1939 to 1941. The camp worked

on soil conservation service projects and on private land helping farmers. There were approximately 200 people that served at the Cortez camp and a picture of the camp from 1940 was shared with Council. Mr. Spittler stated that the camp was dismantled in 1942 and was transferred to the War Department; however, items from the camp were found such as trash and materials from the buildings. Recommendations were that all six NRHP-eligible sites should be avoided and preserved for future undertakings, periodic monitoring is recommended at eligible sites where a trail passes through to ensure the site is not being vandalized, looted, or collected. Prior to any maintenance of overhead powerlines, and underground waterlines and sewerlines, an archaeologist (or volunteer) should be consulted, and prohibit or limit the specific site location information in the future. He thanked the City staff, the Historic Preservation Board, and the Montezuma Heritage Museum, for their help on sharing information on the property. Council thanked Mr. Spittler for sharing his research with the community.

b. Mesa Verde National Park Navajo Hill Water Tank Project. City Manager Sanders stated that Mesa Verde National Park contacted the City asking for comments on the Navajo Hill Water Tank Project which will consist of the construction of a 250,000–gallon water tank adjacent to an existing two-million-gallon water tank located on Navajo Hill along the northern edge of Mesa Verde National Park. The impact on the City of Cortez is that the tank could possibly be seen. The tank will be painted green to blend in with the scenery. Discussion was held on the tower that will be put on the tank; however, that does not seem to be an issue. It is appreciate that they asked, but Council did not have any concerns.

5. PUBLIC HEARINGS:

a. New Hotel and Restaurant Liquor License for La Catrina Bar and Grill. City Clerk Smith stated that an application was received from Chavolo Ortiz, owner of the La Catrina Bar and Grill, to be located at 220 West Main Street. In considering an application for a new liquor license, Council is directed by State Statutes to determine the needs of the neighborhood, the desires of the residents of the neighborhood, and to verify that the applicant is of good character. The owner was not present; however, his fingerprints were completed with no issues and his Individual History Record is on file with the City Clerk's office. Mr. Ortiz circulated a petition in support of his liquor license which was included in the Council packet. Interim Chief of Police Brock was sworn in and presented his report on the issuance of the Hotel and Restaurant Liquor License. Public notice was given by the posting of a proper sign on May 9, 2025 on the property described and the application and notice was placed in the Journal on May 28, 2025. A poll of the surrounding neighborhood showed that 38 were in favor of granting the liquor license and two were against. The location complies with Colorado Liquor Code Rules and Regulations and the location does not create any known public safety issues or endanger public health. Mayor Medina opened the public hearing; however, no one spoke and the public hearing was closed.

Councilmember DeHaven moved that after considering the reasonable requirements of the neighborhood, the desires of the adult inhabitants, the necessity of any restrictions on the license, the good character of the applicant, and compliance with all provisions of Colorado Revised Statutes 44-3-301, that Council approve a new Hotel and Restaurant Liquor License for La Catrina Bar and Grill LLC, DBA La Catrina Bar and Grill, to be located at 220 West Main Street, Cortez. Councilmember Lewis seconded the motion and the vote was as follows:

DeHaven	Dobry	Lewis	Keefauver	Medina	Randle	Spruell
Yes	Yes	Yes	Yes	Yes	Yes	Yes

b. Ordinance No. 1338, Series 2025. Mayor Medina stated that Ordinance No. 1338, Series 2025, is an ordinance approving 7 West 1st Street for Historic Designation and include the property on the City Register of Historic Resources. Community and Economic Development Director Marchbanks stated that the owners of 7 West 1st Street have applied to the Historic Preservation Board to have their building listed on the City Register of Historic Places. The Historic Preservation Board met on May 6, 2025, to consider the application and unanimously recommended that the building be designated as historic and included in the City Register of Historic Resources based on the “Cultural” criteria outlined in Chapter 7, Section 4.1.2.b in the Cortez Land Use Code. Community and Economic Development Specialist West stated that the building was built for the New Mexico Lumber Company, is a ‘McPhee home’, and was moved from McPhee, Colorado between 1947 to 1957 to its current location at 7 West 1st Street. The home was owned by the McEwen family, a prominent family in the history of Cortez. Staff is requesting Ordinance No. 1338, Series 2025, be approved on second reading. Mayor Medina opened the public hearing; however, no one spoke and the hearing was closed.

Councilmember Lewis moved that the Council approve on second and final reading Ordinance No. 1338, Series 2025, an ordinance approving 7 West 1st Street for Historic Designation and include the property on the City Register of Historic Resources. Mayor Pro-tem Spruell seconded the motion and the vote was as follows:

DeHaven	Dobry	Lewis	Keefauver	Medina	Randle	Spruell
Yes	Yes	Yes	Yes	Yes	Yes	Yes

c. Ordinance No. 1339, Series 2025. Mayor Medina stated that Ordinance No. 1339, Series 2025, would establish a six-month temporary moratorium on all new applications for marijuana business licenses and permits. City Attorney Coleman stated that Council had previously discussed in a worksession about putting in place a temporary moratorium on accepting, processing and approving applications for licenses for marijuana businesses and any other related license or permit involving marijuana, for the next six months which would allow Council the ability to engage in a discussion about methods for further limiting the number of marijuana businesses licensed or permitted in the City. Currently there are seven marijuana businesses in the community.

Mayor Medina opened the public hearing. Monique Wolf, from the Doobie Sisters, asked if the new language in the marijuana code would include a license for a consumption lounge. Corrin Wolf, 30 West Montezuma, asked if the City would consider updating the City’s laws once a year to be more in line with the State and that she would like to request that the City add a new license for a consumption lounge as people ask where they can use cannabis and there is not a place to consume legally. No one else spoke and the public hearing was closed.

Councilmember Lewis stated that he is opposed to the ordinance as he feels the City is singling out marijuana shops and that a moratorium is not being placed on licenses for liquor though we have a lot of licenses in the community. Mayor Pro-tem Spruell stated that the ordinance includes a whereas that says ‘the City finds and determines that the subject regulations concerning the number

of marijuana businesses are necessary to the immediate preservation of the public health, safety, and welfare and that this ordinance should therefore become effective upon adoption on second reading.' He stated that he has not heard anything about a public health issue as the State has approved marijuana and the City should not say it is a public health issue unless they can prove it. City Attorney Coleman stated that the language on public health, safety, and welfare is boiler plate language to justify why you would put in place a moratorium. Mayor Medina stated that the moratorium would allow Council time to evaluate the current rules and any changes by putting a pause on accepting any marijuana applications during that review period. Councilmember Dobry noted that on site consumption is prohibited by Cortez as there currently is not a license for that use and regulation for that use could be created at any time should Council chose to do that. The current regulations are in place until other regulations are put in place and the marijuana changes do not rise to the public safety notice included in the ordinance. Councilmember Dobry stated that there are some changes that need to be made to the marijuana section of the City Code, such as signage and clarifying distance requirements; however, that could be done through the regular process.

Councilmember Randle asked about the distances and how many more stores could potentially be allowed in the community. She asked how the Council could receive that number from the GIS technology that is available to the City today. Mayor Medina stated that the GIS information would probably take a few weeks to complete. Councilmember Randle stated that she is opposed to the moratorium and that she disagrees with the language in the ordinance that states it is urgent and necessary to preserve the status quo in order to allow the City the time and ability to engage in a discussion about methods for further limiting the number of marijuana businesses licensed or permitted in the City. She stated that Council can look at the changes that may need to be made in a rapid fashion and that staff obtain the GIS information on the distance possibilities. Councilmember DeHaven stated that she agrees that it would be better if Council made this a priority and address the issues such as adding a consumption license, rather than put in place a moratorium. Councilmember Keefauver stated that a few months ago he was asked if there was a possibility of having an eighth facility in Cortez and he didn't know the answer. He stated that staff does not know the answer either and Council needs to know that answer so they can make decisions on how to move forward. He also stated that the language needs to be updated and discussion had on if a consumption lounge may be added to the current language so businesses in the community can make decisions for their future. Councilmember Dobry stated that he does not feel it is the role of government to provide intel on how a business could grow as that it is upon the business to do their research. He stated that Council's role is to define what is best for the community. Council asked that staff receive the GIS information on distances in the community between the current marijuana businesses and to provide how distances are measured. Also, Council asked for information on the current signage language for the marijuana industry and information on what other communities are doing regarding regulations for on site consumption lounges. City Manager Sanders stated that the distances and signage could be done by the first meeting in July; however, the information regarding on site consumption lounges may take a bit longer possibly into August.

Mayor Pro-tem Spruell moved that Council not approve Ordinance No. 1339, Series 2025, an ordinance establishing a six-month temporary moratorium on all new applications for marijuana business licenses and permits. Councilmember Lewis seconded the motion and the vote was as follows:

DeHaven	Dobry	Lewis	Keefauver	Medina	Randle	Spruell
Yes	Yes	Yes	Yes	Yes	Yes	Yes

d. Ordinance No. 1340, Series 2025. Mayor Medina stated that Ordinance No. 1340, Series 2025, would amend the City Manager's compensation in accordance with the amended contract. City Attorney Coleman stated that at the conclusion of the evaluation for the City Manager, Council had asked that the City Attorney draft an amendment to the City Manager's employment contract providing an adjustment to his compensation. The City Charter mandates that fixing compensation has to be done by ordinance which is the reason for the contract being presented in ordinance form. The salary number is suggested at the step one of the grade in which the City Manager has been slotted in the compensation study. Staff recommends approval of Ordinance No. 1340, Series 2025, on second and final reading. Mayor Medina stated that an Executive Session was held to evaluate the City Manager and that Council had rated the City Manager with meets and exceeds expectations. The wage study showed that the City Manager was underpaid and the new contract will put the City Manager on the steps recommended. Councilmember Dobry stated that the wage study was one of the tasks given to the City Manager over the last year and that has been accomplished and fits the community. Many of the jobs in the wage study required increases and it is important to have the City Manager on the step program with the other employees. Mayor Medina opened the public hearing; however, no one spoke and the hearing was closed.

Councilmember Keefauver moved that Council approve on second and final reading Ordinance No. 1340, Series 2025, an ordinance amendment to the City Manager's employment contract and fixing the City Manager's compensation at \$186,191.00 effective May 19, 2025. Councilmember Randle seconded the motion and the vote was as follows:

DeHaven	Dobry	Lewis	Keefauver	Medina	Randle	Spruell
Yes	Yes	Yes	Yes	Yes	Yes	Yes

6. UNFINISHED BUSINESS: None.

7. NEW BUSINESS

a. Necessity to Request Audit Extension for FY2024. City Manager Sanders stated that speaking with the City's auditors, Atlas CPA, it is necessary for the City to request an extension with the Colorado Office of the State Auditor due to Mesa Verde Country's audit not being completed. Mesa Verde Country is a component unit of the City that must be audited annually due to the amount of money they receive from the City each year for tourism promotion services. Per the contract between the City of Cortez and Mesa Verde Country, the audit needs to be completed and turned in on or before April 1st of each year. The audit has not been completed at this time and therefore the City needs to file for an audit extension. Discussion was held on the contract with Mesa Verde Country regarding the late audit and how that can be handled in the future. Mayor Medina commented that the City has worked hard to be in good standing and it is disappointing that the City has to ask for an extension. It was noted that more discussion would be held on future funding of Mesa Verde Country at a later date.

Councilmember Lewis moved that Council authorize Mayor Medina to sign on behalf of the City of Cortez the Request for Extension of Time to File Audit form to be submitted to the State of Colorado. Councilmember Dobry seconded the motion and the vote was as follows:

DeHaven	Dobry	Lewis	Keefauver	Medina	Randle	Spruell
Yes	Yes	Yes	Yes	Yes	Yes	Yes

b. Letter of Support Request from Erik Quiroz. Community and Economic Development Specialist West stated that the Regional Film Liaisons Program is part of the Colorado Office of Film, Television and Media (COFTM), a division of the Office of Economic Development and International Trade. Regional Film Liaisons across Colorado share expertise with filmmakers and help attract productions to their communities. These volunteer regional partners market the diversity of Colorado's regions and help identify local support services for the film industry. There are currently 12 Regional Film Liaisons across the State of Colorado, the closest appointed being in Durango. Eric Quiroz, a member of the Public Arts Advisory Committee and employee of KSJD and the Sunflower Theater, is requesting a letter of support from the City of Cortez in order to apply for the Regional Film Liaison Program. As a Regional Film Liaison, Mr. Quiroz would be in charge of adding locations in Montezuma County to a statewide database that is available for film production companies. Mr. Quiroz currently assists in curating films for the Sunflower Theatre and has extensive knowledge of the film industry, having been involved in acting, screenwriting, and as a film critic. Councilmember Keefauver stated that Mr. Quiroz was a child star in California and has a long history with film and television and has started 'Movies in the Park' on the first Friday of each month. He stated that he went to the first Friday movie and it was fantastic with over a 100 people in attendance. Mr. Quiroz bought the blow up screen for the movies and he loves this community and giving back. The next movie night is August 1, 2025.

Councilmember Keefauver moved that the Council authorize Mayor Medina to sign the letter of support for Erik Quiroz's application to the Regional Film Liaisons Program. Councilmember Dobry seconded the motion and the vote was as follows:

DeHaven	Dobry	Lewis	Keefauver	Medina	Randle	Spruell
Yes	Yes	Yes	Yes	Yes	Yes	Yes

8. DRAFT RESOLUTION/ORDINANCES: None

9. CITY ATTORNEY'S REPORT: None.

10. CITY MANAGER'S REPORT: Following is the report for the current term:

- The tentative dates for the upcoming natural medicine workshops are:
 - Tuesday June 17, 2025, 6- 8 p.m.
 - Tuesday July 15, 2025, 6-8 p.m.If you have not already, please let me know your availability.
- There are significant issues and structural failures with the slide tower at the rec center pool which have caused the closure of the slide and the lazy river. A structural engineer has been

consulted and the damage is being assessed. To date, the reopening of the lazy river is unknown.

- The Cortez Library summer reading kick-off party took place tonight, Tuesday June 10, 2025 at the Library in Centennial Park from 5-7 p.m.
- Ms. Linda Smith has submitted her resignation for retirement after 33 years with the City of Cortez, and almost 29 years as the City Clerk. Her last day will be July 4, 2025. A card was presented from the Council and refreshments are available following the meeting.

11. CITY COUNCIL COMMITTEE REPORTS

- a. Mayor's Report on Workshop. Mayor Medina stated that Joe Thein, CEO with Southwest Health System, gave an update on how the hospital is doing and information on past years. The workshop can be viewed on the City's web page for those interested in the presentation. Also, an Executive Session was held to conduct the City Attorney's annual review.
- b. Historic Preservation Board. Councilmember Randle stated that the Historic Preservation Board met on June 3, 2025, and discussion included the new Land Use Code and the Historic Preservation section. Review was held on a property that is interested in historic designation and it was noted that the Native Indian Dances will be starting soon at the Cortez Cultural Center.
- c. Parks, Recreation, and Forestry Advisory Board. Councilmember Keefauver stated that the Parks, Recreation, and Forestry Advisory Board met on June 5, 2025, and a presentation was made by Asialynn Hager on the 2025 events that have been planned for the summer, discussion was held on speaking to the various high schools about recruiting a youth member for the board, and it was noted there were 91 students that attended the Arbor Day program.
- d. Arts Advisory Board. Mayor Medina stated that the Arts Advisory Board met on June 2, 2025, and an election was held on a vice-chair for the board. Currently there is one opening on the board if anyone is interested in applying. Discussion was held on the 1st Friday event which is a promotion of arts and businesses and includes a movie in the park and other events. Discussion was also held on the logo competition for the anniversary of the Nation, Colorado, and Cortez which will happen in 2026.

12. OTHER ITEMS OF BUSINESS:

- a. Colorado Municipal League Attendance. Mayor Medina stated that several staff and Councilmembers will be attending the Colorado Municipal League Annual Conference in Breckinridge, Colorado, the week of June 23rd and therefore there will not be a City Council meeting held on June 24, 2025.

13. PUBLIC PARTICIPATION:

- a. Mike Lavey, Cortez, asked what the Natural Medicine discussion is about. City Manager Sanders stated that the natural medicine, also known as magic mushrooms, is a Colorado voter initiative that was approved and allows for healing facilities and other uses of administration. The

City is working on the regulations of time, place, and manner for the natural medicine use. The public is invited to the worksessions that are being held in Council chambers. Currently there is a moratorium on any business applications being received to allow Council time to establish the regulations.

14. ADJOURNMENT: Councilmember Lewis moved that the regular meeting be adjourned at 9:25 p.m. Councilmember Dobry seconded the motion, and the vote was as follows:

DeHaven	Dobry	Lewis	Keefauver	Medina	Randle	Spruell
Yes	Yes	Yes	Yes	Yes	Yes	Yes

Rachel B. Medina, Mayor

ATTEST:

Linda L. Smith, City Clerk