

COUNCIL WORKSHOP/SPECIAL MEETING
TUESDAY, FEBRUARY 11, 2020
6:00 P.M.

CALL TO ORDER

- A. 6:00 p.m., Update on Janitorial Bid at Welcome Center
(Director of General Services Rick Smith)
- B. 6:15 p.m., Finance Department Update
(Director of Finance Ben Burkett)
 - 2016 Bookkeeping Cleanup
 - Current VOCA Grant and 2021/2022 Grant
 - Sales Tax Audit
 - Land Use Code Information
- C. 6:30 p.m., Discussion on Commission and Boards Qualifications
and Disciplining (City Manager John Dougherty)
- D. 6:40 p.m., Discussion on Panhandling, Pedestrian Safety and Median
Ordinances Passed in Durango
(City Manager John Dougherty)
- E. 7:00 p.m., Council will adjourn to Executive Session for discussion of a
personnel matter under C.R.S. Section 24-6-402(2)(f) and not
involving: any specific employees who have requested discussion
of the matter in open session; any member of this body or any
elected official; the appointment of any person to fill an office of
this body or of an elected official; or personnel policies that do not
require the discussion of matters personal to particular employees
- F. 7:20 p.m., General Council Discussion
- G. For Your Information
 - 1. Copy of Certified City of Cortez Election Ballot for the
Municipal Election to be held on April 7, 2020
 - 2. Memo from City Engineer Chad Hill on 7th Street Extension Cost
Update
 - 3. Montezuma County Commissioner Minutes of January 14 and 21,
2020

ADJOURN



Item No: Workshop

Meeting Date: February 11, 2020

TITLE: WELCOME CENTER JANITORIAL - REVISED

SUBMITTING DEPARTMENT: GENERAL SERVICES

ATTACHMENTS: RED FIN JANITORIAL LETTER AND INSURANCE

BACKGROUND

In December 2019 at the request of the Welcome Center the City issued a bid for Janitorial Services for the building. Bids were received and Red Fin Janitorial was the low-bidder for the Services in the amount of \$21,775.16. The bid amount was over the 2020 budgeted amount.

City Council requested a re-bid in order to get the cost in line with the 2020 Welcome Center budget. Red Fin Janitorial is currently contracted to clean the Welcome Center under the 2019 contract.

DISCUSSION

City staff contacted Red Fin Janitorial and provided them with an update on the status of the bid.

Red Fin Janitorial notified the City that they are willing to extend the 2019 Welcome Center Janitorial contract at the same terms and conditions that they are currently under contract for. See attached letter requesting the extension of the current contract. Also attached are the new insurance requirements to extend the contract.

The 2019 contract if extended would be in the amount of \$18,175.20.

FISCAL IMPACTS

The extension of the 2019 contract would meet the 2020 Welcome Center budget amount as requested by City Council.

RECOMMENDATION

Staff recommends allowing the City Manager to sign and extend the current 2019 Welcome Center contract at the same terms and conditions in the amount of \$18,175.20 which meets the 2020 Welcome Center budgeted amount.

Prepared By: Rick Smith, General Services Director *RS*


 City Manager

RedFinJanitorial LLC

28260 Hwy 160 325

Cortez, CO 81321

970-560-3517

City of Cortez

I will renew my contract for 2020 under the 2019 contract terms and conditions for the Colorado Welcome Center in Cortez.

Thank you for your business

A handwritten signature in cursive script that reads "Dusten Friend".

Dusten Friend owner of RedFinJanitoialLLC

02/04/2020



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
02/04/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER State Farm RICKY KING STATE FARM 1438 E MAIN ST CORTEZ CO 81321	CONTACT NAME: JOSH RANK PHONE (A/C, No. Ext): 970-565-3796 FAX (A/C, No.): 970-565-4494 E-MAIL ADDRESS: JOSH.RANK.FAWC@STATEFARM.COM
	INSURER(S) AFFORDING COVERAGE INSURER A: State Farm Fire and Casualty Company INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:

INSURED
 DUSTEN FRIEND
 DBA REDFIN JANITORIAL LLC
 28260 US HWY 160 SPC 25
 CORTEZ CO 81321

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	Y	Y	96-C2-R282-2	02/01/2020	02/01/2021	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED \$ RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	FIDELITY BOND			96-BN-Q833-7	02/01/2020	02/01/2021	\$5000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 additional insured: City of Cortez, 110 W Progress Circle, Cortez, CO 81321

CERTIFICATE HOLDER ADDITIONAL INSURED: City of Cortez 110 W Progress Circle CORTEZ CO 81321	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS AUTHORIZED REPRESENTATIVE
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ORDINANCE NO. O-2018 -11

AN ORDINANCE OF THE CITY OF DURANGO, COLORADO AMENDING SECTION 17-60 OF THE CODE OF ORDINANCES RELATED TO PEDESTRIAN SAFETY AND ACCESS TO SIDEWALKS AND PUBLIC RIGHTS OF WAY IN THE DOWNTOWN BUSINESS AREA OF THE CITY AND REGULATIONS, AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council and City staff have received complaints from a wide variety of citizens and visitors about concerns over the safety of sidewalks and accessibility to the public sidewalks in the City, with a focus on concerns about people sitting and lying down in the most crowded portions of the Downtown Commercial District; and

WHEREAS, numerous downtown business owners and managers have submitted complaints regarding the safety of pedestrians and reduced accessibility to the sidewalks and public rights of way by persons sitting or lying down on those sidewalks and public rights of way; and

WHEREAS, similar concerns about those safety and accessibility issues have been expressed by the Durango Business Improvement District (BID) on behalf of the public and on behalf of the constituents of the BID; and

WHEREAS, the volume and intensity of the complaints prompted the City staff to conduct a public session on April 18, 2018 to take input on the issues of sidewalk safety and accessibility, particularly as those issues relate to persons sitting or lying down on the downtown sidewalks and public rights of way; and

WHEREAS, 54 persons signed in at that public session and 34 persons gave testimony on the topic at that public session; and

WHEREAS, the testimony included recitations of numerous incidences where pedestrian safety and access have been impacted by persons sitting and lying down on crowded sidewalks and public rights of way; and

WHEREAS, the City Council held a study session on April 24, 2018 to discuss the issues of sidewalk safety and accessibility. The Council reviewed a summary of testimony given at the public session and additional comments received after that session; and

WHEREAS, the City Council scheduled a public hearing on the issue of adoption of an Ordinance to regulate the obstruction of sidewalks and public rights of way, particularly by persons sitting or lying down in congested areas; and

WHEREAS, the City Council desires to minimize the congestion on the sidewalks and public right of way to make the Downtown Business Area more hospitable to local citizens as well as to out of town visitors, thereby promoting economic vitality; and

WHEREAS, the City Council is committed to maximizing the public health, safety and welfare of the citizens of and visitors to the City; and

WHEREAS, following the public hearing and the review of all verbal and written testimony, the City Council finds as follows:

-The surface of the public sidewalks are constructed and maintained for the primary purpose of providing safe and unimpaired passage of pedestrians rather than for sitting down or lying down.

-The surface of alleys, streets, railroad tracks, alleys, curbs, parking spaces and other public rights of way are constructed and maintained for the primary purpose of providing safe and unimpaired passage of vehicles and railroad uses rather than for sitting or lying down.

-The use of sidewalks and other public rights of way for purposes of sitting or lying down creates significant and serious safety concerns for pedestrians, vehicles and train uses as well as for those sitting or lying down in those areas.

-Durango is host to many tourists and out of town travelers who are not familiar with the sidewalks and public rights of way, leading to increased concerns over safety and accessibility and conflicts with those who are using those areas for purposes other than their primary intended uses.

-The Downtown Business Area as described herein is one of the most crowded areas in the City and raises significant concerns over pedestrian safety and accessibility, with those concerns being documented by public testimony received by the City Council.

-Durango has a lively night life, causing people to use the sidewalks and alleys late at night, with darkness increasing the chances of conflicts between pedestrians and person sitting or lying on sidewalks and public rights of way.

-There are established benches and other places to rest within the Downtown Business Area that will afford more than adequate opportunities for persons to sit down or rest.

-The presence of persons sitting on the sidewalks and public rights of way is unexpected, creating a sense of hazard and disorder that discourages people from visiting the Downtown Business Area.

-Persons who attempt to avoid the dangers and disorder caused by people sitting or lying down on the sidewalks often causes them to avoid the congestion and danger by walking in the streets, thereby creating even greater hazards to pedestrians and traffic.

-Weather conditions during a portion of the year, including ice and snow, increase the hazards associated with restricted access to sidewalks and public rights of way in the Downtown Business Area.

-The railroad tracks located within the Downtown Business Area present unique and specific hazards to people sitting and lying down.

-The alleys in close proximity to Main Avenue are used for primary access to businesses in the alleys and by pedestrians visiting those businesses, causing conditions similar to those on the sidewalks downtown. People sitting and lying in the alleys or other rights of way create dangerous interactions with traffic and service vehicles such as delivery trucks, garbage trucks and utility vehicles. People sitting or lying down near solid waste receptacles could suffer serious injury during operations to pick up those items.

-There are legitimate circumstances where a person may be required to sit or temporarily lie down on sidewalks, and reasonable exceptions to the restrictions are appropriate.

-Some of the testimony provided to the Council focused on objectionable behavior by persons in the Downtown Business Area that is already illegal under state or local law and the provisions of this ordinance are not directed at that behavior. Rather, this ordinance is focused on restricting acts that impair the safety and access to sidewalks and public rights of way.

WHEREAS, the City Council finds that the adoption of the restrictions contained herein will promote pedestrian safety and accessibility and are in the best interests of the public health, safety and welfare of the City.

NOW THEREFORE, THE CITY OF DURANGO HEREBY ORDAINS:

Section 1. Section 17-60 of the Code of Ordinances of the City of Durango is hereby amended by the addition of a new subsection 17-60(c) to read as follows:

(c). It shall be unlawful for any person to sit, kneel, recline or lie down in the Downtown Business Area upon any surface of any Public Right-of-Way, or upon any bedding, chair, stool, or any other object placed upon the surface of any Public Right of Way between the hours of 7:00 a.m. and 2:30 a.m. of the next day.

1. As used herein, "Public Right-of-Way" shall mean any public sidewalk, street, railway, alley, parking space, curb, or other publicly owned property intended for pedestrian or vehicular travel.

2. As used herein, the "Downtown Business Area" is that area contained within the following boundaries: (1) The right of way for the railroad tracks of the Durango Silverton Narrow Gauge Railroad lying north of College and south of 12th Street; (2) 12th Street between the railroad right of way and the Main/2nd Avenue alley; (3) the Main/2nd Avenue alley lying north of 9th Street and south of 12th Street; (4) 9th Street between the Main/2nd Avenue alley and 2nd Avenue; (5) 2nd Avenue north of College Drive and south of 9th Street; (6) College Drive from 2nd Avenue to the Main/2nd Avenue alley; (7) the Main/2nd Avenue alley from College Drive to 5th Street; (8) 5th Street from Depot Place to Main Avenue; (9) Main Avenue from 5th Street to College Drive; (10) College Drive from Main Avenue to the railroad right of way. The area included within the above description shall include the full width of all described railroad, street or alley rights of way, including all public sidewalks.

3. The following activities or circumstances shall not be deemed to be a violation of this section:

- i. The person is experiencing a bona fide medical emergency.
- ii. The person has a disability or is utilizing a wheelchair, walker, crutches or other similar mobility assisting device within the Public Right of Way.
- iii. The person is sitting on furniture or other objects installed in or placed upon the public right of way by the City or by others with a license or permit issued by the City that are intended primarily to allow persons to sit or rest, including items such as chairs, benches and seat walls.
- iv. The person is a child in a stroller.
- v. The person is attending a parade, festival, performance, rally, demonstration, meeting or other special event conducted pursuant to a permit or license issued by the City.

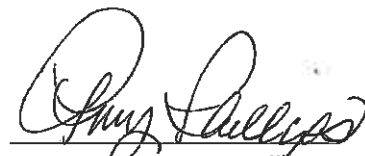
4. No peace officer shall issue a citation or otherwise enforce this subsection (c) against any person until the peace officer first seeks voluntary compliance and unless the person continues to engage in conduct that is prohibited by this subsection (c) after having been notified by a peace officer that the conduct violates the provisions of this Section.

5. Upon conviction for a first violation of this subsection (c), the Court shall impose a fine not to exceed one hundred dollars (\$100.00) or probation or other penalty it deems appropriate. Upon a subsequent conviction for the violation of this subsection (c), the Court shall impose a fine not to exceed two hundred dollars (\$200.00), probation, or other penalty it deems appropriate.

Section 2. This ordinance shall become effective ten (10) days after its passage and final publication as provided by law.

CITY COUNCIL OF THE CITY OF DURANGO

Attest:

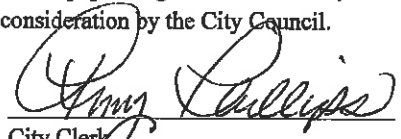

 City Clerk


 Mayor

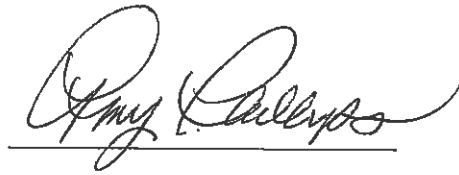


STATE OF COLORADO)
) ss.
COUNTY OF LA PLATA)

I, Amy Phillips, City Clerk of the City of Durango, La Plata County, Colorado, do hereby certify that Ordinance No. O-2018-11 was regularly introduced and read at a regular meeting of the City Council of the City of Durango, Colorado on the 15th day of May, 2018, and was ordered published in accordance with the terms and conditions of the statutes in such cases made and provided, in the Durango Herald, a newspaper of general circulation, on the 19th day of May 2018, prior to its final consideration by the City Council.


City Clerk

I further certify that Ordinance No. O-2018-11, was duly adopted by the Durango City Council on the 5th day of June, 2018, and that in accordance with instructions received from the Durango City Council, said amended ordinance was published by title only in the Durango Herald on the 9th day of June, 2018.


City Clerk

ORDINANCE O-2015-14

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF DURANGO BY THE AMENDMENT OF SECTION 24-3 (AMENDMENTS TO THE MODEL TRAFFIC CODE) BY THE ADDITION OF SECTION 809 TO THE 2010 EDITION OF THE MODEL TRAFFIC CODE REGARDING PEDESTRIANS REMAINING IN RESTRICTED MEDIANS, AND DECLARING AN EFFECTIVE DATE

WHEREAS, the City Council has previously adopted the 2010 Edition of the Model Traffic Code to control the movement of traffic and pedestrians within the City; and

WHEREAS, the City Council made certain amendments to the Model Traffic Code at the time of its adoption in order to address specific needs to control traffic and pedestrians in the City; and

WHEREAS, the City Council has been informed of safety concerns related to pedestrians occupying medians, traffic islands and other areas located between the lanes of travel of divided streets within the City (hereafter referred to as Restricted Medians); and

WHEREAS, the City Council has the authority to impose restrictions on the use and occupancy of the public streets and rights of way within the City to assure the safety of its citizens;

WHEREAS, the Council finds that the Restricted Medians within the City are very narrow and there are high traffic volumes passing in close proximity to those medians. The Council further finds that pedestrians standing or remaining in those Restricted Medians creates a distraction for drivers, and people in the Restricted Medians greatly increases the probability of an accidental fall into traffic or other adverse interaction between automobiles and pedestrians in those areas. Persons occupying those Restricted Medians also greatly increases the chance of vehicles being required to take sudden evasive action to avoid conflicts with those persons thereby increasing the likelihood of collisions with other vehicles; and

WHEREAS, the restrictions contained herein are imposed without regard to the purpose for the occupancy of those Restricted Medians; and

WHEREAS, a public hearing has heretofore been held pursuant to notice, and the Council has concluded, subsequent to said hearing, that the adoption of this provision of this Ordinance pertaining to an amendment to the Model Traffic Code regarding the occupancy of Restricted Medians is in the best interests of the citizens of the City of Durango;

NOW, THEREFORE, THE CITY OF DURANGO HEREBY ORDAINS:

Section 1. That Chapter 24, Article I, Section 24-3 (Amendments to Model Traffic Code) is amended to include an additional provision to the Model Traffic Code by the addition of Section 809 entitled "Pedestrians remaining in Restricted Medians, traffic islands or areas between divided streets," such addition to read as follows:

809. Pedestrians remaining in Restricted Medians.

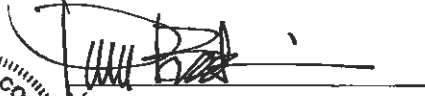
1. No person shall stand, persist or remain in any portion of a median, traffic island or other area located between divided public streets within the City as further described herein as Restricted Medians for any reason for a period that is longer than the reasonable amount of time required to complete a safe crossing of a street at an intersection or in a designated crosswalk. The medians and/or traffic islands defined as Restricted Medians and which are subject to the restrictions contained herein are as follows:
 - a. Those within the portion of Dominguez Drive that is located west of U.S. Highway 160/550 and east of Escalante Drive.
 - b. Those within the portion of River Road that is located west of U.S. Highway 160/550 and east of Escalante Drive.
 - c. Those within the portion of College Drive that is located west of Camino Del Rio.
 - d. Those that are located within Camino Del Rio.
 - e. Those that are located within Santa Rita Drive.
 - f. Those within the portion of U.S. Highway 160 West that is located west of the intersection of U.S. Highway 160 West and U.S. Highway 160/550.
2. Any person who violates any provision of this section commits a class B traffic offense.

Section 2. This ordinance shall become effective ten days after its passage and final publication as provided by law.

CITY COUNCIL OF THE CITY OF DURANGO

Attest:

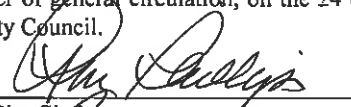

City Clerk


Mayor

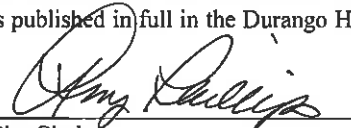


STATE OF COLORADO)
) ss.
COUNTY OF LA PLATA)

I, Amy Phillips, City Clerk of the City of Durango, La Plata County, Colorado, do hereby certify that Ordinance No. 0-2015-14 was regularly introduced and read at meeting of the City Council of the City of Durango, Colorado on the 19th day of May, 2015, and was ordered published in accordance with the terms and conditions of the statutes in such cases made and provided, in the Durango Herald, a newspaper of general circulation, on the 24 day of May, 2015, prior to its final consideration by the City Council.


City Clerk

I further certify that Ordinance No. 0-2015-14 was duly adopted by the Durango City Council on the 2nd day of June, 2015, and that in accordance with instructions received from the Durango City Council, said ordinance was published in full in the Durango Herald on the 7th day of June, 2015.


City Clerk

ORDINANCE O-2015-17

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF DURANGO BY THE REPEAL OF SECTION 17-24 AND BY THE AMENDMENT OF SECTION 17-43 REGARDING CERTAIN ACTIVITIES RELATED TO AGGRESSIVE PANHANDLING WITHIN THE CITY, AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Durango has the authority pursuant to state law and its Charter to adopt regulations to prevent disorderly conduct and disturbances and to maintain order and to protect and enhance the health, safety and welfare of its citizens in public places; and

WHEREAS, the City of Durango has the authority to enact reasonable ordinances to control the use of streets, sidewalks, parks and other public property within the City; and

WHEREAS, the citizens of and visitors to the City of Durango have recently expressed concerns and fears regarding adverse effects to their safety and convenience due to an increase in certain activities related to panhandling, particularly those activities that are aggressive, threatening, coercive or obscene; and

WHEREAS, panhandling has been found by the Courts to be a form of speech that is afforded certain protections under the Constitution of the United States; and

WHEREAS, the City of Durango may impose reasonable time, place and manner restrictions on panhandling activities in order to protect the legitimate interests of the City and its citizens and visitors; and

WHEREAS, the City of Durango has a legitimate governmental interest in protecting the safety and convenience of all persons using or occupying public places within the City; and

Panhandling: Any solicitation or request made in person on any street, right of way, sidewalk, park or other public place in the City, in which a person requests a donation of money or any other item of value from another person.

Coercive: To compel another person by physical force or threat of physical force to take any action against his or her free will.

Intimidating: Conduct that puts the fear of bodily harm in another person.

Obscene: A blatantly offensive description of a sexual act or solicitation to commit a sexual act, whether actual or simulated.

Obstruct: Any activity that acts to hinder or slow progress, that makes the accomplishment of a task slower or more difficult or that comes in the way of or impedes any person to any unreasonable extent.

Public Place: Any area or place to which the general public has access and a right to occupy for business, entertainment or any other lawful purpose, including, but not limited to, any front, entryway, doorway, vestibule or immediate access area to any store, shop, restaurant, tavern or other place of business and shall include public buildings, public grounds, parks, trails, plazas, streets, alleys, sidewalks, parking lots and medians owned or maintained in whole or in part by the City or other governmental entity.

- b. It shall be unlawful for any person to engage in Aggressive Panhandling in any Public Place within the City.
- c. Nothing contained in this section shall apply to or limit any Panhandling that is conducted solely by passively standing or sitting with a sign or other indication that one is seeking donations, without approaching or directing a request to any specific person.

Section 3. This ordinance shall become effective ten days after its passage and final publication as provided by law.

CITY COUNCIL OF THE CITY OF

DURANGO

Attest:

Amy Phillips
City Clerk



[Signature]
Mayor

STATE OF COLORADO)
) ss.
COUNTY OF LA PLATA)

I, Amy Phillips, City Clerk of the City of Durango, La Plata County, Colorado, do hereby certify that Ordinance No. 0-2015-17 was regularly introduced and read at a regular meeting of the City Council of the City of Durango, Colorado on the 19th day of May, 2015, and was ordered published in accordance with the terms and conditions of the statutes in such cases made and provided, in the Durango Herald, a newspaper of general circulation, on the 24th day of May, 2015, prior to its final consideration by the City Council.

Amy Phillips
City Clerk

I further certify that Ordinance No. 0-2015-17 was duly adopted by the Durango City Council on the 2nd day of June, 2015, and that in accordance with instructions received from the Durango City Council, said ordinance was published in full in the Durango Herald on the 7th day of June, 2015.

Amy Phillips
City Clerk

SAMPLE

OFFICIAL BALLOT
CITY OF CORTEZ MUNICIPAL ELECTION
April 7, 2020

Linda L. Smith, City Clerk, Cortez, Colorado

To Vote: Fill in the oval next to the candidate of your choice as shown (colored oval here)

CITY COUNCIL CANDIDATES
VOTE FOR NO MORE THAN FIVE (5)

STEPHANIE CARVER

JASON A. WITT

ARLINA YAZZIE

RAYMOND RALPH GOODALL

RAFE M. O'BRIEN

SUE BETTS

JUSTIN VASTERLING

DAVID N. RAINEY

RACHEL MEDINA

AMY HUCKINS

GEOF BYERLY

JOE FARLEY

BILL BANKS

LEROY A. ROBERTS

Sample

I, Linda Smith, City Clerk, certify that the information above is the correct information to be placed on the April 7, 2020, Ballot.

Sample



*City of Cortez
City Council
Work Session Agenda Memorandum*

Meeting Date: February 11, 2020

TITLE: 7TH STREET EXTENSION COST UPDATE

SUBMITTING DEPARTMENT: PUBLIC WORKS

**ATTACHMENT: ENGINEER'S OPINION OF PROBABLE CONSTRUCTION COSTS
PROJECT TO-DATE VS COUNTY COMMISSIONER'S REPORT**

BACKGROUND:

A Montezuma County Commissioner reported that the project cost to-date for the 7th Street Extension was \$90,000 compared to the City's engineers cost estimate of \$500,000 during public comment portion of the January 28, 2020 City Council meeting. He went on to say that is why the County does not have engineers on their staff. Other disparaging comments followed.

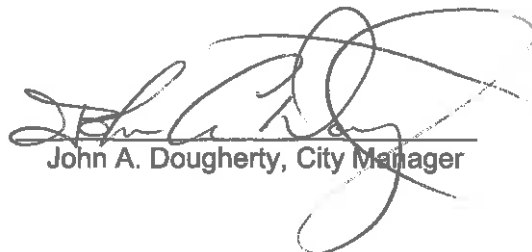
DISCUSSION:

The City's engineering staff conducted a site visit of the extension project after the above Council meeting to review the completeness of the work to-date. The rough/mass grading has been completed and culverts installed in preparation for finish grading, aggregate base, and asphalt installation in the spring per the originally planned construction sequence. The County self-performed the work rather than using a private (for profit) contractor as originally discussed. We commend them for taking that approach to reduce costs and the work appears to be of high quality.

The City engineers adjusted their original cost estimate, which is based on a fully completed project to reflect the estimated cost of the work currently completed. The City engineer's estimate for work completed to-date is \$124,000 vs the County's reported cost of \$90,000. Our cost is based on utilizing a private (for profit) contractor to perform the work per the County's original plan. We were unable to find any previous references to a partially completed project with a cost of \$500,000, as reported by the Commissioner.

We feel it is important to point out the inaccuracy of the Commissioner's statement for the record.

Prepared by: Chad Hill, City Engineer


John A. Dougherty, City Manager

j:\pwadmin\philip\council memos\7th street extension cost update.docx

7TH ST. EXTENSION COST UPDATE



7th St. Extension - County vs. City's Estimate (Update as of 1/31/20)

Item	Description	% Complete (As of 1/31/20)	City Engineer's Cost to Date
1.1	Mobilization/Bonds/Insurance/Traffic Control (Not required for county performing project)	0%	\$0
1.2	Construction Surveying/Staking	40%	\$6,000
1.3	Stormwater Management/Erosion Control/Washout	25%	\$5,000
1.4	Vehicle Tracking Pad	10%	\$300
1.5	Engineering	80%	\$12,000
1.6	Geotechnical Testing	0%	\$0
1.7	Hydro-Vac & Potholing for existing utilities	0%	\$0
1.8	Excavation, Grading, Scarify, Recompact, & Shape Subgrade for Paving, (Includes any soft spot excavation and clearing/grubbing) (Includes excavation for class 2 and class 6 ready for paving)	50%	\$52,500
1.9	Class 4 (or 2) Aggregate Base Course Backfill/leveling (installed) (6" depth)	0%	\$0
1.10	Class 6 Aggregate Base Course Backfill/leveling (installed)(6" depth)	0%	\$0
1.11	Geogrid Pavement Reinforcement Fabric	0%	\$0
1.12	Hot Mix Asphalt Pavement - 3" Thick (30' wide for county portion and 42' wide for city portion)	0%	\$0
1.13	Street Striping	0%	\$0
1.14	Mag Chloride (Dust/Erosion Control)	0%	\$0
1.15	12" Storm Drain with Inlet/Outlet Protection & Flowfill surrounding Drain	100%	\$8,640
1.16	24" Storm Drain with Inlet/Outlet Protection & Flowfill surrounding Drain	100%	\$9,360
1.17	36" Storm Drain with Inlet/Outlet Protection & Flowfill surrounding Drain	100%	\$14,000
1.18	Storm Drain Inlet, Type R w/ grate	0%	\$0
1.19	6" Sleeves for utility crossings	100%	\$16,200
1.20	Signage (panels and posts)	0%	\$0
1.21	Landscape Restoration (Place 4" Topsoil, seed, and mulch)	0%	\$0
1.22	Remove and replace existing fence/obscure gate	0%	\$0
	City's Cost Estimate to Date		\$124,000
	County's Reported Cost To Date		\$90,000

18



**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
January 14, 2020**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday January 14, 2020 at the courthouse in Cortez, Colorado, there were present:

Larry Don Suckla, Chairman
Jim Candelaria, Vice Chairman
Keenan Ertel, Commissioner of Deeds
Shalako Powers, County Administrator
John C. Baxter, County Attorney
Kim Percell, County Clerk

CHAIRMAN, SUCKLA opened the meeting of January 14, 2020 with the Pledge of Allegiance.

MINUTES: Commissioner Candelaria moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated January 7, 2020 as presented. Motion was seconded by Commissioner Suckla and carried.

PLANNING: Director, Haley with Assistant, Duncan presented for signatures an Exemption Resolution and Mylar on property owned by **Kevin & Heather Rice**, located at 14879 Road 21, Cortez, CO, consisting of 7.5 acres, more or less, west and east of Road 21, north of Road P, situated in Sec. 36, T.37N., R.17W., N.M.P.M. Commissioner Candelaria moved to accept the exemption and mylar, for the property owned by Kevin and Heather Rice, located at 14879 Road 21 Cortez, Co., consisting of 7.5 acres more or less. Second by Commissioner Suckla and carried. (See attached)

PUBLIC COMMENT: No comments were made.

COOPORATIVE WEATHER OBSERVER, NOAA, NWS representative **James Andrus** presented the precipitation report through the month of December 2019. (See attached)

IT: IT Director, Jim McClain met with the Commissioners to give updates on the following topics; the purchased **VX Rail**, progress on the data storage transition, the development of a new **Caselle** server, the Landfill wireless project, the recent power outage incident at the Landfill, a wiring update at Annex I, the 7th Street Extension fiber project, internet at the new Pleasant View Road Shop and the new IT electric car.

COUNTY VEHICLE MAINTENANCE: Road & Bridge Superintendent, Rob Englehart along with **Road & Bridge Equipment Manager, Shane Higman** met with the Commissioners to discuss the county vehicle maintenance program. A discussion was held regarding a developed process and funding for County department vehicle purchases. Other topics discussed included; the addition of 8 new vehicles to the county fleet, tracking the fleet inventory, government pricing, the new electrical cars distribution list, the funding plan for future vehicle replacements, a vehicle purchasing memo from Administrator Powers and a proposed Road Department service truck replacement. Commissioner Candelaria moved to accept the purchase of a Chevy 3500 with a factory bed installed for the amount of \$39,394.00 plus bed installation of \$7,145.00. Second by Commissioner Suckla and carried. Superintendent Englehart presented quotes for the purchase of two, 2020 trucks, from **Peterbuilt** in the amount of \$305,000.00 and **Western Star**, in the amount of \$274,516.00. Commissioner Candelaria moved to accept the cost of \$274,516.00 for the purchase of two Western Star 2020 trucks. Second by Commissioner Suckla and carried. (See attached)

GROUNDS AND BUILDINGS: Maintenance Supervisor, Mike Chenard gave a report on proposed 2020 projects. Topics discussed included; the replacement of a heater for the recreation yard at the jail, the Sally Port at the Montezuma County Combined Courts building, installation of a new roof at the Jail, a new roof on the Annex III building, repair of garage doors at the jail, an update on the City requested Back Flow project, a suggested installation of Automated Water Shut-off valves, installation of a back flow for the Coroner-Evidence building, and the proposed purchase of a new truck. (See attached)

GIS MAPPING: GIS Manager, Doug Roth and **Mapping Specialist, Rachel Medina** met with the Commissioners to give an update on 2020 projects. Topics discussed included; the final bid presentation for the aerial imagery flyover, an approved CDOT contribution, the ordered plotter, the 2020 HUTF, the 2020 County road map update, the 2020 census and the development of County building safety and evacuation plans.

COUNTY ATTORNEY REPORT: Attorney, John Baxter gave an update on the Walmart and the Kinder Morgan lawsuits.

NATURAL RESOURCES, PLANNING & PUBLIC LANDS: Resource Director, James Dietrich, met with the Commissioners to give his weekly report. Director Dietrich gave an update on the **Paths to Mesa Verde Trail Project**, and presented, **Resolution #1-2020** for approval. Commissioner Candelaria moved to accept Resolution #1-2020, a resolution in support of Montezuma County's grant request to the Multimodal Options Funds (MMOF) for the completion of the Paths to Mesa Verde Trail Project, Cortez to Mesa Verde design phase 2.

Second by Commissioner Suckla and carried. Other topics discussed included the Sage Hen Trail and a proposed resolution on the BLM Resource Advisory Committee. (See attached)

COUNTY ADMINISTRATOR REPORT: Administrator, Shak Powers discussed, public notice postings for future BOCC meetings. Scheduled meetings discussed included; Cortez City Council meetings January 14th and 28, 2020 @ 7:30 p.m. Commissioner Town Hall meeting in Mancos, February 20, 2020, @ 6:30 p.m. Town of Mancos Board meeting, June 15, 2020, @ 6:30 p.m. Town of Dolores Board meeting, July 6, 2020, @ 6.30 p.m. Empire Electric Board to Board meeting, February 3, 2020, @ 5:00 p.m. (See attached)

COUNTY COMMISSIONER REPORT: Commissioner Suckla discussed his participation in a Public Lands conference call and the attended Citizens with Concerns meeting regarding the City of Cortez, Land Use Code. Commissioner Candelaria discussed the Pleasant View Fire District building purchase, the attended Town of Dolores Board meeting and the scheduled meeting with Empire Electric regarding the charging stations. Commissioner Ertel was absent

PUBLIC COMMENT: Lisa Henry discussed the Commissioner's transparency, a public apology for the 2020 budget discussion meeting and non-profit funding requests made to the BOCC.

CORRESPONDENCE: The following correspondence was read and noted:

MOTION TO ADJOURN: was made by Commissioner Candelaria seconded by Commissioner Suckla and carried.

MEETING ADJOURNED: 11:15 p.m.

Clerk January 14, 2020

Chairman

**PROCEEDINGS OF THE BOARD OF COMMISSIONERS
MONTEZUMA COUNTY, COLORADO
January 21, 2020**

STATE OF COLORADO)
) ss.
COUNTY OF MONTEZUMA)

At a regular meeting of the Board of Commissioners, Montezuma County, Colorado, held on Tuesday January 21, 2020 at the courthouse in Cortez, Colorado, there were present:

Larry Don Suckla, Chairman
Jim Candelaria, Vice Chairman
Keenan Ertel, Commissioner of Deeds, Absent
Shalako Powers, County Administrator
John C. Baxter, County Attorney
Kim Percell, County Clerk, Absent

MINUTES: Commissioner Candelaria moved to approve the minutes of the Proceedings of the Board of Commissioners Montezuma County, Colorado dated January 14, 2020 as presented. Motion was seconded by Commissioner Suckla and carried.

PUBLIC HEARING: It being the time set aside a public hearing is held for the purpose of for the purpose of determining a proposed vacation of a right-of-way located within the **Lebanon Town Sites**, located on the south side of Road T, west of Road 25, situated in S.22 T.37N, R.16W, N.M.P.M. The roll was called, the public notice read, and the proceedings were recorded for the record. Mr. Hill was present. **Planning Director, Don Haley** with **Assistant, S. Jane Duncan** presented the details of the application and the findings of the Planning and Zoning Commission. Commissioner Suckla opened the hearing to public comment. Danny Wilkin shared his knowledge and intent of said right-of-way and his opposition to vacation of said right-of-way. Bill Wedelich HOA Superintendent for Lebanon Town Sites, gave his support and results from the HOA voting which supported the vacationing of said right-of-way. After hearing all the evidence presented Commissioner Candelaria moved to approve the vacation of the right-of-way located on the south side of Road T, west of Road 25, situated in S. 22 T. 37 N., R. 16W, N.M.P.M. Second by Commissioner Suckla with attached Resolution #2-2020 and carried. Commissioner Suckla closed the hearing at this time. (See attached)

PLANNING: Planning Director, Don Haley with Assistant, S. Jane Duncan presented for signatures a Mylar on property owned by Larry & Michelle Funk, located at 11504 Road 22, Cortez, CO, consisting of 21.19 acres, more or less, located south of Road M, east of Road 22, situated in S.17 T.36N., R.16W., N.M.P.M

PUBLIC COMMENT: No public comment at this time.

EMERGENCY ALERT SYSTEM / E911: Dispatch Manager, Lori Johnson, met to discuss memorandum of agreement, intergovernmental agreement with Dolores County and request for proposal for dispatch voice recording system. Lori submitted an estimation worksheet showing the breakdown of raising surcharge's to various amounts. Commissioner Candelaria moved to approve the request for proposal of the Dispatch Recording System. Second by Commissioner Suckla and carried. (See attached)

COOPERATIVE WILDFIRE PROTECTION AGREEMENT: Charles Lanoue, Regional Battalion Chief Division Fire Prevention Control and Steve Ellis, Southwest District Chief for the Division of Fire Prevention Control. Held a discussion with the Commissioners, Sheriff and County Attorney. Sheriff Nowlin questioned and wanted to confirm that if Montezuma County doesn't sign the agreement then they can't enter into an agreement with Emergency Fire Fund. Steve Ellis address this question and confirm that the Sheriff was correct. Attorney Baxter commented on a couple of sections within the agreement that he would like changed to protect Montezuma County. Commissioner Candelaria ask if they could get these concerns changed. Steve Ellis said all they can do is take the comments and concerns back to the State Attorneys' Office. (See attached)

SHERIFF'S MONTHLY REPORT: Sheriff Steven Nowlin met with the Commissioners to give his monthly report which included the numbers for service calls, communications, and transport numbers for 2019. (See attached)

COUNTY CORONER: Coroner George Deavers met with the Commissioners to ask for money to finish the autopsy room and gave his report for 2019. (See attached)

EMERGENCY MANAGER REPORT: Emergency Manager Mike Pasquin met with the Commissioner and gave a monthly update. Topics discussed were the quotes for updating the Hazard Mitigation Plan, only one was submitted. Debris Management Plan, Emergency Operation Plan, Resource Mobile Plan, Red Cross agreement, Exercises were being planned to take place in Montezuma County but has been decided to move over to La Plata County and the Emergency Operation class will be a two day sponsored class by the State of Colorado either in March or April. Commissioners discussed the possibility to redo the request for proposal if the one that was submitted was unable to negotiate for a lower bid.

DISCUSSION: M&M Commissioner Suckla, discussed the situation at the M&M and Mudd Creek locations. Commissioners talked about various ways to clean up the M&M area and Mudd Creek area and asked for any comments or suggestions from the community.

COUNTY ATTORNEY REPORT: Attorney, John Baxter filed our answer brief in the court of appeals in the Kinder Morgan case on Friday of last week. Also, had a brief court appearance setting Walmart's case for trial.

COUNTY ADMINISTRATOR REPORT: Administrator, Shak Powers presented the Public Notice for board to board meeting at Empire Electric between Montezuma County Board of County Commissioners and the Board of Empire Electric. (See attached)

COUNTY COMMISSIONER REPORT:

Commissioner Suckla discussed his attendance at the Cortez City Council meeting and San Juan Citizens Alliance.

Commissioner Candelaria discussed his participation in several meetings, Pueblo Community College regarding Colorado AgrAbility 2020 workshop, Cortez City Council, DCC meeting, HEMP talk out in Dove Creek, class on the All Scenic Byways Committee meeting of which Highway 160 is a part of and mentioned the M&M and Mudd Creek properties. Also, attended the Disable Veterans chapter house renaming on Broadway. Met with Larry Copeland to do the final redline drawings of the fairgrounds kitchen/ bathroom remodel and Montezuma Valley Irrigation meeting.

Commissioner Ertel was absent.

PUBLIC COMMENT: M. B. McAfee suggested that the Commissioners form a citizens committee to address the M&M and Mudd Creek properties. **Greg Kemp** made a comment on the possibility of CDOT helping down at the M&M and brought to the Commissioners attention that the Cedar Mesa Ranches Subdivision has plans to exercise an emergency evacuation of the subdivision which would also involve moving large animals to the fairgrounds. **Commissioner Suckla** and **Commissioner Candelaria** discussed the possibility of upgrading roads/subdivision roads by someone creating a Special Improvement District.

CORRESPONDENCE: The following correspondence was read and noted:

MOTION TO ADJOURN: was made by Commissioner Candelaria seconded by Commissioner Suckla and carried.

MEETING ADJOURNED: 11:50 p.m.

Clerk January 21, 2020

Chairman