

CITY COUNCIL
REGULAR MEETING
TUESDAY, FEBRUARY 11, 2020

1. The meeting was called to order at 7:30 p.m., and was opened with the Pledge of Allegiance. Councilmembers present were Mayor Karen Sheek, Mayor Pro-tem Orly Lucero, Sue Betts, Ty Keel, and Mike Lavey. Councilmember Gary Noyes was absent. Staff members present were Interim Chief of Police Andy Brock, Director of General Services Rick Smith, Director of Public Works Phil Johnson, Permit Technician/Receptionist Cheryl Lindquist, Fire/Building Inspector Sean Canada, City Clerk Linda Smith, City Manager John Dougherty, and City Attorney Mike Green. There were over 29 people present in the audience.

2. Mayor Sheek noted that the Janitorial Bid for the Welcome Center (discussed during the Council worksession) would be added to the agenda for approval by Council. The Consent Agenda items acted upon by Council were as follows:
 - a. Approval of the Worksession and Regular Meeting Minutes of January 28, 2020.

 - b. Approval of the payment of the Expenditure Vouchers of February 11, 2020.

 - c. Approval of a renewal Liquor store License and Tastings Permit for West Slope Liquors Inc., DBA West Slope Liquors, located at 2212 East Main Street, Unit 1, Cortez.

Councilmember Keel moved that the Consent Agenda be approved with the additional expenditure vouchers of \$2,895.54. Mayor Pro-tem Lucero seconded the motion, and the vote was as follows:

Betts	Keel	Lavey	Lucero	Noyes	Sheek
Yes	Yes	Yes	Yes	absent	Yes

3. PRESENTATIONS

- a. National Women's History Month Proclamation. Terri Helm, representing the League of Women Voters, presented information on how National Women's History Month came to be noting that in 1980 President Jimmy Carter proclaimed the week of March 8 as National Women's History Week. In 1987 Congress declared the month of March as National Women's History Month. She shared a story of a strike that was held in 1909 by women of the International Ladies Garment Workers Union that endured poor conditions working in a sweat shop. From the words of President Jimmy Carter spoken in 1980, *"From the first settlers who came to our shores, from the first American Indian families who befriended them, men and women have worked together to build this nation. Too often the women were unsung and sometimes their contributions went unnoticed. Too often. But the achievements, leadership, courage, strength, and love of the women who built America were just as vital as those of the men's names we know so well"*. Mayor Sheek read the proclamation declaring the month of March as National Women's History Month. She noted that the League of Women Voters is active in the community and if anyone is interested in joining they can check out the time and place of the meetings on the newspaper calendar.

b. Rebate for EV Charger Installed at Welcome Center. Andy Carter from Empire Electric presented a rebate check of \$3,000 to the City for the Electric Vehicle Charging Station that was recently installed at the Welcome Center. He spoke about the project that was funded in coordination with Osprey Packs, the Charge Ahead Grant from the State of Colorado, Empire Electric, and the City of Cortez.

4. CITIZEN PARTICIPATION – Mayor Sheek noted that no public comments would be received this evening regarding NuVue Pharma which has been scheduled for a public hearing on February 25, 2020, and is considered a Quasi-Judicial item. She stated that testimony regarding NuVue Pharma would only be heard during the scheduled hearing.

a. Vote for SV2Colorado. Rachel Brunson and Roman Winslow, from Montezuma Cortez High School representing the Cortez Youth Leadership Counsel, spoke about Student Voice, Student Vote (SV2) which is a growing coalition of young people, parents, educators, and civic organizations, seeking to change Colorado State law to allow 16 and 17-year-olds the right to vote in school board elections. She asked if Council would support the bill and asked everyone to sign a petition that will be presented to Colorado Legislators. In answer to a question from Councilmember Keel, Ms. Brunson spoke about 16 and 17-year-old having the capacity to take in information and process it over time. She spoke about making a difference and empowering 16 and 17-year olds to vote and that it would have a positive effect both locally and nationally. She also spoke about how valuable the teachers are in the community and noted that their wages need to be increased. Councilmember Lavey spoke about meeting the students at the Youth Leadership Council at the Cortez Cultural Center and how impressed he was of their knowledge and compassion for their community. He commended them for their work on this bill.

b. National Pandemic Concern. Jacob Ballas, 216 South Market Street, stated that he has a concern about the national pandemic and asked what is being done to protect the community. Mayor Sheek asked if Mr. Ballas has spoken with the Public Health Department (Karen Dickson), in which Mr. Ballas stated he has but is not getting answers to his questions. Mayor Sheek stated that the County/City has an emergency preparedness plan and she would obtain more information for Mr. Ballas and get back to him.

c. Concern for Intersection. Rachel Medina, 411 East 1st Street, spoke about her concern for the intersection at Empire Street/North Broadway (Highway 491) commenting that there is acceleration lane but there needs to be a right turn lane on Empire Street to allow the traffic to move more effectively.

d. Request for Discipline. Mindy Nelsen, Road N, read an e-mail from Dave Waters regarding his recommendation for discipline of several Planning and Zoning Commissioners and City staff and the reply from City Manager Dougherty regarding the e-mail. She gave Council a packet of information which included copies of social media posts and a c.d. disk.

e. Transparency on Embezzlement/Meeting Minutes/Open Records Request. Tiffany Randall, 22668 County Road S, commented that communication solves a lot of issues and feels that everyone can work together to form a better community if communication is reciprocated on both sides. She asked for transparency on the embezzlement noting that the public has a right to know

how Council is handling it. She stated that public records should be more transparent and commented that the minutes were only a page and a half for the public hearing held at the last Council meeting. She stated that her parents sent in a CORA request on January 21, 2020, and they have not received any records or recordings regarding this request. Mayor Sheek stated that there was a financial update given during the worksession this evening noting that the City is working through financial issues. She commented that any citizen that would like to hear individual comments made at the January 28, 2020, Council meeting can watch the live stream of the meeting on the City's web site. She noted that staff is working to get the records request completed as soon as possible.

5. PUBLIC HEARINGS – None.

6. UNFINISHED BUSINESS

a. Agreement with Living Solar. Grants and Special Projects Burkett stated that at the Council meeting of January 28, 2020, discussion was held on trees that may have been damaged when the contractor (Living Solar) was trenching lines for the new EV Charging Station located at the Welcome Center. He stated that Council had tabled approval of the agreement with Living Solar regarding payment for tree replacement. He shared information that may have clouded the responsibility for the tree damage. He stated that the staff recommends that the original agreement with the Contractor to replace trees should it become necessary be approved as the Contractor had abided by the direction given to it by the City and that due diligence for the project was not exercised in the project process by the City. He stated that the agreement was not rewritten as it was partially the City's fault as to what happened.

Mayor Pro-tem Lucero moved that Council authorize the Mayor to sign the agreement between the City of Cortez and Living Solar for the possible future replacement of identified trees damaged during the Charge Ahead Grant Project. Councilmember Keel seconded the motion, and the vote was as follows:

Betts	Keel	Lavey	Lucero	Noyes	Sheek
Yes	Yes	Yes	Yes	absent	Yes

7. NEW BUSINESS

a. QUASI-JUDICIAL ITEM – Set Public Hearing for Change in Location of Hotel and Restaurant Liquor License for Mi Mexico. City Attorney Green stated that Mi Mexico is moving from their current location at 550 South Broadway to 801 East Main Street and a public hearing date for the Change in Location would need to set so notice could be given to the public. City Clerk Smith stated that the Change in Location is required as the new premises that Mi Mexico is moving to (801 East Main Street) is not a licensed premises.

Councilmember Betts moved that Council set a public hearing date of February 25, 2020, for consideration of a Change in Location of a Hotel and Restaurant Liquor License for Mi Mexico Restaurant Inc., DBA Mi Mexico, moving from 550 South Broadway to 801 East Main Street, Cortez, and the neighborhood boundaries set as the City limits. Councilmember Keel seconded the

motion, and the vote was as follows:

Betts	Keel	Lavey	Lucero	Noyes	Sheek
Yes	Yes	Yes	Yes	absent	Yes

b. Ordinance No. 1273, Series 2020. City Attorney Green stated that Ordinance No. 1273, Series 2020, would set the regulations for use of electric motor vehicle charging stations for parking a motor vehicle. He stated that electric vehicles are important for Colorado in reaching a variety of renewable energy, environmental, and pollution control goals. He stated that the parking ordinance mimics the State Statute and makes the issue a municipal ordinance which makes the Court procedure easier.

Councilmember Lavey moved that Council approve on first reading Ordinance No. 1273, Series 2020, regarding the use of electric motor vehicle charging stations for parking a motor vehicle, and set for final reading on February 25, 2020. Councilmember Betts seconded the motion, and the vote was as follows:

Betts	Keel	Lavey	Lucero	Noyes	Sheek
Yes	Yes	Yes	Yes	absent	Yes

c. Acceptance of a Colorado State Aviation Grant for Airport Maintenance and Appointment of Russ Machen as Project Manager. City Manager Dougherty stated that since 2019 the City has been working on a pavement maintenance project for the Airport that would be funded by a grant from the Colorado Division of Aeronautics. He stated that the bids in 2019 came in too high and the project was re-bid in January 2020. He stated that State of Colorado requires that a project manager be approved by Council for the project and it was noted that the grant funds would total \$297,000 (representing 90% of the project), and the Airport Fund would pay the difference of the project at the remaining 10% (\$33,000).

Mayor Pro-tem Lucero moved that Council accept the grant offer from the State of Colorado for Airport pavement maintenance and approve Russ Machen as the Project Manager. Councilmember Lavey seconded the motion, and the vote was as follows:

Betts	Keel	Lavey	Lucero	Noyes	Sheek
Yes	Yes	Yes	Yes	absent	Yes

d. Refuse Truck Weight Limit Impacts. Director of Public Works Johnson stated that the Colorado State Patrol operates the Port of Entry, located at County Road G and Highway 160/491 and they have reached out to the City regarding refuse truck operations, restrictions, and compliance. He stated that the municipal-run single-axle compactor trucks are exempt from weight limits, but not tire load ratings. He stated that the City trucks have occasionally exceeded the tire load ratings and the City needs to address the issue. He stated that a meeting was held with Equipment Maintenance Supervisor Marvin Cramer, Refuse Foreman Eddie Vialpando, and Recycling Coordinator Colby Earley to discuss the issue and come up with some remedies to address the situation. He stated that staff is recommending that a 'pusher axle' be added to the two refuse trucks at a cost of \$20,158.00.

He stated that staff will take into consideration the weight limit requirements when refuse trucks are purchased in the future. It was noted that the expense was not budgeted for but would be paid from the Refuse Fund; however, noted that a new refuse truck was budgeted for in 2020 at \$160,000. He stated that if the new truck and the expense of the two pusher axles come in over the budgeted amount, staff will work with Council on amending the budget.

Councilmember Lavey moved that staff be allowed to purchase two pusher axles from Hardline Equipment at the quoted price of \$20,158.00. Mayor Pro-tem Lucero seconded the motion, and the vote was as follows:

Betts	Keel	Lavey	Lucero	Noyes	Sheek
Yes	Yes	Yes	Yes	absent	Yes

9. OTHER ITEMS OF BUSINESS

a. Welcome Center Janitorial Bid. Mayor Sheek noted that the Welcome Center Janitorial Bid was directed to be rebid at the Council meeting on January 28, 2020, and was discussed during the earlier worksession. She stated that staff had explained that Red Fin Janitorial has offered to continue their contract in 2020 at the 2019 amount.

Councilmember Keel moved that Council award the Welcome Center Janitorial Bid to Red Fin Janitorial at their 2019 bid price. Councilmember Lavey seconded the motion, and the vote was as follows:

Betts	Keel	Lavey	Lucero	Noyes	Sheek
Yes	Yes	Yes	Yes	absent	Yes

10. ADDITIONAL CITIZEN PARTICIPATION – None.

11. CITY ATTORNEY’S REPORT – None.

12. CITY MANAGER’S REPORT – None.

13. CITY COUNCIL COMMITTEE REPORTS

a. Mayor’s Report on Workshop. Mayor Sheek stated that discussion in the worksession included an update on janitorial bids at the Welcome Center and a Finance Department update which included information on the 2016 bookkeeping cleanup, current VOCA Grant and 2021/2022 Grant, upcoming sales tax audit, and information on funding/expenditures of the new Land Use Code. Discussion was also held on commission and board qualifications and disciplining and panhandling, pedestrian safety and median ordinances passed in Durango. Council adjourned 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.

- b. Power Breakfast Sponsored by United Way and Chamber of Commerce. Councilmember Lavey stated that he attended the Power Breakfast at First National Bank on February 11, 2020, and stated that the speaker, Ellen Baber, spoke on active listening skills.
- c. Home Grown Talent Initiative. Councilmember Keel stated that he is participating in the Home Grown Talent Initiative Committee which consists of local business leaders including teachers, public office representatives, and students. He stated that the group is looking at better ways to involve the community in education.
- d. Four Corners Human Trafficking Task Force. Councilmember Lavey stated that he attended a task force meeting on human trafficking in the Four Corners area and noted that the issue is of great concern.
- e. Band Shell Request. Mayor Sheek stated that she has received several letters from residents that are still interested in working with the City on constructing a band shell in the community that could be used for holding concerts. She stated that Bob Waggoner has been spearheading the support for the band shell and is hopeful that everyone could work together to make the band shell a reality.
- f. Thank You From The Bridge Shelter. Mayor Sheek stated that a thank you was received from the Bridge Shelter for the City's support.

The regular meeting was adjourned at 8:45 p.m.

Karen W. Sheek, Mayor

ATTEST:

Linda L. Smith, City Clerk