

CITY COUNCIL
REGULAR MEETING
TUESDAY, MARCH 10, 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, City Planner Tracie Hughes, Associate Planner Neva Connolly, Director of Planning and Building Dean Palmquist, City Clerk Linda Smith, City Manager John Dougherty, and City Attorney Mike Green. There were 32 people present in the audience.
2. The Consent Agenda items acted upon by Council were as follows:
 - a. Approval of the Worksession and Regular Meeting Minutes of February 25, 2020.
 - b. Approval of the payment of the Expenditure Vouchers of March 10, 2020.
 - c. Approval of a renewal Hotel and Restaurant Liquor License for The Wigglin Pig LLC, DBA The Wigglin' Pig, located at 44 West Main Street, Cortez.

Mayor Pro-tem Lucero moved that the Consent Agenda be approved with the additional expenditure vouchers of \$4,441.30. Councilmember Keel seconded the motion, and the vote was as follows:

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

3. PRESENTATIONS

a. Arbor Day Proclamation. Recreation Supervisor Dimon stated that Arbor Day will be held on April 23, 2020, and commented that a proclamation is completed each year to comply with Tree City USA requirements which the City has been a member of for 28 years. She stated that the program is geared toward the 4th grade classes in Montezuma County and that each of the students in attendance will receive a water bottle during the program which will include information on the importance of caring for trees. Mayor Sheek read the proclamation declaring the Arbor Day Celebration to be held on Thursday, April 23, 2020, and emphasized the importance of planting trees for future generations to enjoy.

b. Coronavirus Community Update by Health Department. Karen Dickson, Regional Emergency Manager for the Montezuma County Health Department, gave a brief overview on how the Health Department is handling concerns regarding the Coronavirus. She stated that information is constantly changing and the Health Department is working with Southwest Memorial Hospital to keep information for the public updated. She spoke about the screening and testing process which is still being worked out in detail. She stated that the stakeholders are meeting twice a week

(Monday afternoons and Friday mornings) and are communicating with the School District, Ute Tribe, and others on information that is being discussed. She spoke of the web sites and other places in which the community can receive information on the Coronavirus and that guidance continues to come from Southwest Memorial Hospital, CDPHE (Colorado Department of Public Health and Environment) and the CDC (Centers for Disease Control and Prevention) so everyone receives the same information. Mayor Sheek thanked Ms. Dickson for the report and asked that everyone not panic and do the things that you would do to keep communicable diseases under control.

4. CITIZEN PARTICIPATION

a. Comments on Appointment of Planning and Zoning Commissioner. Tammy Lindsay, 1205 South Broadway, stated that she had a letter she would like to read from Tiffany Randall regarding the re-appointment of Planning and Zoning Commissioners. Mayor Sheek asked Ms. Lindsay to read the letter during the agenda presentation later in the meeting.

b. Craft Studio 101. Mindy Nelsen, Road N, spoke about the Craft Studio 101 grant which was introduced to Council at their meeting on February 25, 2020, by Rebecca Levy, Executive Director of the Cortez Cultural Center. She stated that no education has been presented on the grant and questioned the City's support for the Cortez Cultural Center.

c. Thank You City Council. Tom Butler, 1718 Rolling Road, stated that he is a present member of the Planning and Zoning Commission and served two terms on City Council. He thanked City Council for the grand job they have done and complimented each of them for serving.

d. Miscellaneous Comments. Allan Maez, Road 21, clarified his comment made at the February 25, 2020, Council meeting stating that he was concerned about staff that used some bad language and that if there is some training that is being given to staff, it was noticed as the person did a better job. He commented that customer service training needs to be given to anyone that works either voluntarily or on a City committee. He commented that he has not heard publically an apology given to the veterans of the community regarding comments put on Facebook. He also spoke about the presentation that was given at the last meeting on wolves and questioned why she was asked about the presentation being a class project. Mayor Sheek reminded everyone that respect goes both ways and that the question was not to demean her presentation in any way but a question asked by an educator. Mr. Maez also spoke about the person which had spoke about the pandemic at a recent Council meeting and Mayor Sheek stated that she has responded to that person regarding their concerns and where they could get more information.

5. PUBLIC HEARINGS – None.

6. UNFINISHED BUSINESS – None.

7. NEW BUSINESS

a. 2020 Vehicle Bid Results. Director of General Services Smith reviewed the 2020 Vehicle Bid results stating that the 2020 Equipment Fund provides \$140,000 for the purchase of two police

patrol pickups, one SUV for the detectives, and one pickup with a utility bed for the Building Maintenance Department. He stated that the bids were compared to the Colorado State Bid which included the local vendor preference amount and estimated delivery charges from Denver to Cortez. He reviewed the three bid items and noted that the total amount of the bid is \$129,918.16, which is \$10,081.84 below the budgeted amount.

Councilmember Keel moved that Council award the 2020 Vehicle Bid as follows: Bid Item 1 (full-size four wheel drive, crew cab ½ ton pickup with police package): Two units to the low-bidder Morehart-Murphy bid at the amount of \$32,556.36 each; Bid Item 2 (mid-sized SUV all wheel drive): One unit to the low-bidder Tru West at the bid amount of \$27,451.00; and Bid Item 3 (one ton 4x4 pickup with utility bed): One unit to the low-bidder Colorado State Bid at the bid amount of \$37,354.44; for a grand total of \$129,918.16. Councilmember Betts seconded the motion, and the vote was as follows:

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

b. QUASI-JUDICIAL – Ordinance No. 1274, Series 2020. City Manager Dougherty asked that the ordinance be tabled and sent back to the Planning and Zoning Commission for further review.

Mayor Pro-tem Lucero moved that Council table Ordinance No. 1274, Series 2020, concerning the vacation of an alley in Block 47 and a portion of Block 50 between Lots 13 and 19, the north 10-feet and the south 10-feet of Second Street right-of-way from the eastern edge of the alley in Blocks 46 and 51 to the western edge of Ash Street, and the lots and blocks of Lots 1 through 12, Block 46; Lots 1 through 24, Block 47; Lots 1-6, Block 50; Lots 13-28, Block 50; and Lots 1-6, Block 51, of the Town of Cortez and Chamberlin’s Addition Plat. Councilmember Lavey seconded the motion, and the vote was as follows:

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

c. Naming of the South Neighborhood Park. Mayor Sheek stated that the Parks and Recreation Department will be conducting further surveys on naming the park and the matter would be tabled until a later date.

Councilmember Betts moved that Council table naming the south neighborhood park for further comment to be received. 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

d. Re-Appointment of Planning and Zoning Members. City Manager Dougherty stated that Tom Butler and Rebecca Levy have submitted letters for their re-appointment. He stated that several letters have been received from the public pro and con regarding Ms. Levy and Mr. Butler’s re-appointment which have been given to City Council. City Manager Dougherty stated that staff recommends the re-appointment of Ms. Levy and Mr. Butler. Mayor Sheek opened the floor for

public comment.

Tammy Lindsay read a letter from Tiffany Randall regarding her concern for the re-appointment of Ms. Levy and questioned the transparency of the advertisement for the re-appointment. She also questioned why the current City Council would be re-appointing the Commission members when the new City Council would be the persons that would be working with the Planning and Zoning Commission.

Elizabeth Berger, Road 29, referenced the Council packet and the letters submitted by Mr. Butler and Ms. Levy questioning what their qualifications are for these positions. She asked if these are the best candidates for the positions and encouraged Council to work towards an amicable transition and postpone the appointment of the Planning and Zoning members so the new City Council could address the issues.

Bill Banks, 403 North Henry, read a letter from Dave Waters objecting to the re-appointment of Mr. Butler and Ms. Levy stating that he feels that Ms. Levy does not conduct herself professionally at public meetings and noted the two people were part of the Commission that were involved in the drafting of the Land Use Code that was not approved by City Council. He also questioned transparency of advertising the positions to the public and suggested that the new City Council should appoint the new Planning and Zoning Commissioners rather than the current Council.

Mindy Nelsen, Road N, commented on the trust of the citizens in Cortez due to the Land Use Code failure and she feels the open positions should be appointed by a new City Council so the new board members can begin with the new Council.

Holly Tatnall, 1210 Cochita Drive, Cortez Cultural Center Board member, stated that she has served on several City boards and noted that positions have been advertised in the newspaper, though many times not very many people apply for the openings. She stated that she supports Ms. Levy being re-appointed to the board and commented on Ms. Levy's ability to decipher and explain government rules and regulations and that Ms. Levy is an asset to the Cortez Cultural Center. She spoke of the bullying behavior and threatening comments made on facebook towards Ms. Levy and that, she feels, there is a vendetta being created in relation to the Land Use Code.

Allan Maez, County Road 21, stated that everyone is affected by decisions that City Council makes whether they live in the City or in the County. He stated that people that live in the County support Cortez and there are people that want to serve and it should be the new Council that makes the re-appointments.

Hilary McMahon, 37A Montezuma Avenue, stated that she is on the staff at the Cortez Cultural Center and works for Ms. Levy. She commented that towns need people with expertise and knowledge and that Ms. Levy clearly stated in her letter for re-appointment that she has expertise to serve on the board. Ms. McMahon spoke about the Craft program which has been developed to help train people on tourism marketing and stated that there is no connection of the program connection with the Land Use Code or the United Nations. She stated that she supports Ms. Levy being re-appointed.

Rachel Medina, 411 East 1st Street, stated that she has served on the Planning and Zoning Commission and supports Ms. Levy and Mr. Butler being re-appointed. She stated that she would love to see more citizens involved and that at the time of her appointment there were only two applicants. She spoke about the commitment of serving on the board and the work that was done by the Commission on the Land Use Code.

David Rainey, 1324 Melrose, spoke about Ms. Levy stating that she cares deeply for her community and has given countless hours serving the City. He stated that there are people that throw rocks but never step up and run for office.

Tom Butler, 1718 Rolling Road, stated that he did not plan on defending himself but came to the meeting to thank Council for the good job they are doing. He spoke about serving on the Planning and Zoning Commission and also his time on City Council noting that it can be a hard and thankless job. He stated that he is pleased there are 14 candidates running for City Council. He spoke about people attending Council and Planning and Zoning meetings so they can be better informed. He stated that he and Ms. Levy don't always see eye to eye on some issues but complimented Ms. Levy for being at the meetings and making decisions. He stated that people criticizing others should step up and run for positions and noted his disappointment in the world being divided by hate.

Alan Klein, 206 Lakeside Drive, stated that he previously served on the Planning and Zoning Commission in the 1990's and remembers how there were not a lot of people waiting to serve in that capacity. He spoke about the confusion of a re-appointment of a Commissioner and the solicitation of a new person for the Commission. He stated that the item before Council is for the re-appointment of members that have already been appointed in the past and their terms are up and they are being renewed. He commented that the current Council is quite capable of making the decision and the re-appointments. He stated that he supports Mr. Butler and Ms. Levy being re-appointed and that the City is well served by their participation on the Planning and Zoning Commission. He stated that he is sure there will be people wanting to serve the next time there is an opening on the Planning and Zoning Commission.

Tammy Lindsay stated that she doesn't have anything against Ms. Levy or Mr. Butler but feels that it would be nice to have members of the community send in letters of interest to fill the positions to help mend the divisions and work together.

Councilmember Betts stated that she has known Mr. Butler a long time and he has been nothing but respectful. She stated that she and Ms. Levy had a good heart-to-heart talk and Ms. Levy has apologized and she deserves a second chance.

Councilmember Betts moved that Tom Butler and Rebecca Levy be re--appointed to the Planning and Zoning Commission for another term. Councilmember Lavey seconded the motion, and the vote was as follows:

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

e. QUASI-JUDICIAL – Ordinance No. 1275, Series 2020. City Manager Dougherty requested

that Council table Ordinance No. 1275, Series 2020, and send the ordinance back to the Planning and Zoning Commission for further review.

Mayor Pro-tem Lucero moved that Council table Ordinance No. 1275, Series 2020, regarding the request to vacate the north 24.30 feet of Coronado Avenue right-of-way south of Tract B, Block 6 of the Hiltzville Subdivision consisting of 975 square feet and located directly west of Lot 13, Block 3 of the Smith Addition, to allow further review by the Planning and Zoning Commission. Councilmember Lavey 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 – None.

10. ADDITIONAL CITIZEN PARTICIPATION – None.

11. CITY ATTORNEY’S REPORT – None.

12. CITY MANAGER’S REPORT

a. Dedication of Veteran’s Park. City Manager Dougherty stated that there will be a dedication of Veteran’s Park (previously called City Park) on Thursday, March 19, 2020, at 1:00 p.m., at the stage area. He invited the public to attend the dedication.

13. CITY COUNCIL COMMITTEE REPORTS

a. Mayor’s Report on Workshop. Mayor Sheek stated that discussion in the worksession included information on the Durango Swim Team using City facilities and also a bandshell that is being proposed to be located in Centennial Park. A presentation was made on naming the south neighborhood park which was tabled to allow for more public input. Council adjourned to Executive Session for a conference with the City Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) and also to discuss 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. Cortez Historic Preservation Board. Councilmember Betts stated that she attended the Cortez Historic Preservation Board meeting on March 4, 2020, and the board went on a field trip to the Mischke home to talk about support for re-doing the staircase due to the home’s historic value.

c. Dr. Kelly Busby Recognition. Councilmember Keel stated that Dr. Kelly Busby has been chosen by her peers to serve on the National Board of Osteopathic Doctors of which there are only 30 in the nation. He stated that it would be nice if there was a story done by the paper on the award. It was noted that Ms. Busby is a graduate of Montezuma-Cortez High School.

d. 2020 Water Conservation Meeting. Councilmember Lavey stated that he attended the 2020 Water Conservation meeting that included several City staff members on the effort which continues to be done encouraging citizens to conserve water. He stated that many programs continue to be promoted by the City and he noted that water is a precious resource and we need to do our part to conserve it. Mayor Sheek spoke about upcoming seminars that will be held at Four Seasons on rain barrels.

e. Commend Council Candidates. Councilmember Lavey commended the Council candidates (nine which were in attendance) for coming to the meeting and for their interest in running for City Council.

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

Karen W. Sheek, Mayor

ATTEST:

Linda L. Smith, City Clerk