

CITY COUNCIL
REGULAR MEETING
TUESDAY, APRIL 14, 2020

1. The meeting was called to order at 7:30 p.m., by virtual contact through ZOOM, 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, Director of Finance Ben Burkett, IT Support Technician Bill Kuhn, City Clerk Linda Smith, City Manager John Dougherty, and City Attorney Mike Green. There were 17 people signed up as participants.

2. The Consent Agenda items acted upon by Council were as follows:
 - a. Approval of the Worksession and Regular Meeting Minutes of March 10 and Special Meeting on March 18, 2020.

 - b. Approval of the payment of the Expenditure Vouchers of April 14, 2020.

 - c. Approval of a renewal Fermented Malt Beverage Liquor License for Western Refining Retail, LLC, DBA Speedway #9492, located at 2320 East Main Street, Cortez.

 - d. Approval of a renewal Fermented Malt Beverage Liquor License for Western Refining Retail, LLC, DBA Speedway #9496, located at 2021 East Main Street, Cortez.

 - e. Approval of a renewal Fermented Malt Beverage Liquor License for Worldwide Restaurant Corp., DBA Pizza Hut of Cortez, located at 1119 East Main Street, Cortez.

 - f. Approval of a renewal Fermented Malt Beverage Liquor License for Paragon Business Investments, LLC, DBA Gopher Food & Fuel, located at 2410 Fairway Drive, Cortez.

 - g. Approval of a renewal Hotel and Restaurant Liquor License for Rudosky Golf LLC, DBA Conquistador Golf Course, located at 2018 North Dolores Road, Cortez.

 - h. Approval of a Retail Marijuana Store License for Durango Organics, LLP, DBA Durango Organics, located at 1104 East Main Street, Cortez.

 - i. Approval of a Retail Marijuana Store License for Southwest Sunshine LLC, DBA Doobie Sisters, located at 695 North Broadway, Cortez.

 - j. Approval of a Special Event Permit for Montezuma Land Conservancy to host a Special Event (Annual Beer Festival) at Montezuma Park, located at the corner of Market Street and Montezuma Avenue, Cortez, on Saturday, September 12, 2020, from 2:00 p.m. to 11:59 p.m.

 - k. Approval of a Special Event Permit for The Pinon Project to host a Special Event (Annual Celtic

Fair) at Parque de Vida, located at 400 West Mildred Avenue, Cortez, on Saturday, June 27, 2020, from 8:00 a.m. to 8:00 p.m.

Mayor Pro-tem Lucero moved that the Consent Agenda be approved. Councilmember Lavey seconded the motion, and the vote was as follows:

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

3. PRESENTATIONS – None.

4. CITIZEN PARTICIPATION – None.

5. PUBLIC HEARINGS – None.

6. UNFINISHED BUSINESS – None.

7. NEW BUSINESS

a. 2020 Refuse Truck Bid. Director of General Services Smith stated that the 2020 Refuse Budget provides \$140,000 for the purchase of a new 20-yard refuse truck. He stated that the purchase includes a trade-in of unit no. 723, a 2002 Freightliner. He stated that six bids were received and all bidders were out-of-town vendors. He stated that McCandless Truck Center was the low bidder with trade-in at \$136,919.00. He stated that the amount is \$3,081.00 below the budgeted amount. In answer to a question from Mayor Pro-tem Lucero, Director of General Services Smith stated that the pusher-axle for the refuse truck is included in the bid. Councilmember Lavey asked if the City has done business with McCandless before, and Director of General Services Smith stated that the City has purchased equipment (truck chasses) from them in the past.

Councilmember Betts moved that Council award the 2020 Refuse Truck Bid to the low-bidder – McCandless Truck Center at the bid amount with trade-in of \$136,919.00. 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

b. Temporary Suspension/Modification of Budget for 2020. City Manager Dougherty spoke about the loss of revenue due to the Coronavirus epidemic and noted that the estimated amount is just a guess at this time. He stated that the departments were asked to cut between 5-15% to help with the lost revenue. He stated that there will be a hiring freeze except for some key positions within the Police Department and the Library and no further merit/salary increases will be given after March 31, 2020. He stated that the merit increases will be the first thing that would be reinstated if everything works out differently. He spoke about the various department cuts that are being suggested and stated that personnel are not being cut at this time. He spoke about the funds that are available for the City noting that there is a fund balance that could be used; however, it may require loans to pay back their different funds. Discussion was held on the audits that have not been

completed since 2016 and City Manager Dougherty stated that it is still unknown when they would be completed. In answer to a question from Councilmember Keel, City Manager Dougherty stated that the CBI investigation on the embezzlement has been turned over to the District Attorney’s office.

Finance Director Burkett spoke about moving money from different ‘buckets’ and stated that the 2020 budget was challenging to balance and with the COVID-19 issues, the revenues will take a large hit. He commented that the City has enough money for 3 ¼ months to pay all the bills should there not be any revenue coming in at all. He stated that is revenue coming in but it is unsure how much that will be since the reporting is not due until April 20, 2020, for March.

Councilmember Lavey moved that Council temporarily suspend/modify the 2020 Budget as allowed in Section 7-12, Cortez City Code. Councilmember Betts seconded the motion, and the vote was as follows:

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

c. Opening of Conquistador Golf Course. City Manager Dougherty stated that he has received several emails and calls from golfers requesting that Conquistador Golf Course be opened. He stated that he has a problem with a Municipal Golf Course being open when the Governor’s orders are to stay home. He spoke about safety precautions that are being taken should the course be open and that he would not have an issue with opening the course as soon as the Montezuma County Public Health Department says it is an appropriate time. He stated that for the public health of the community, it is the right thing to do to keep the course closed for now. Mayor Sheek spoke about the research she has done on other communities that have closed their courses and stated that it is better to keep it closed until it can be opened and remain open, instead of opening it then having to close it again. Councilmember Keel stated that Cortez can’t be compared to larger communities as there are a lot more people that live in those areas. He stated that there are a lot of businesses that are open in Cortez and the chance of getting something in the larger retailers is much greater than getting something on the open golf course. He stated there are mixed messages being sent out by the State about isolating but get exercise and he commented golf is a good exercise for people. He commented that distancing oneself from each other golfing is far easier than distancing oneself in a retail outlet. Councilmember Lavey stated that he would rather error on the side of caution until the Governor gives the go ahead to open the course up. Mayor Sheek stated that the County Health Department and Dr. Kent Aiken, Hospitalist for Southwest Memorial Hospital, both have recommended that the course remain closed. Mayor Pro-tem Lucero stated that the Governor has requested that people stay at home and he feels the City should stay with that request.

Tom Seymour commented on the responsibility that everyone is taking regarding the health concerns, but his opinion is that the Governor gave the Counties the opportunity to choose whether to open or close golf courses. He stated that people seem to congregate in the restaurants and pro shops. Unfortunately, Mr. Seymour was disconnected and was not able to continue his with his comments. City Attorney Green stated that Conquistador Golf Course is the City’s property and it would be the City’s responsibility to oversee what happens at the course. City Clerk Smith noted that several people (Sam Jarvis and Joyce Humiston) were trying to connect and were not able to

get into the site.

Sam Jarvis, 114 Lakeside Drive, was connected and commented that he serves on the Golf Advisory Board and understands the abundance of caution that the City is demonstrating for the health concerns; however, the Governor did leave the choice of opening the municipal golf courses to the individual communities. He spoke of courses that are open in Colorado Springs and Durango. He stated that everyone is told to get outside and exercise which can include hiking, biking, etc. and he noted golfers would follow the guidelines that are required of them. He stated that a lot of safety provisions would be set up for golfers should they be allowed to play and spoke of his experience of playing at Dalton Ranch over the weekend. He stated that he would like the course opened and that his opinion is that the national model of surges for the COVID-19 can change and are being over estimated. He stated that exercise on the golf course is as good as riding your bike at Phil’s World and hiking the Hawkins or Carpenter Trails. He stated that there are concerns that people from the outside will come to the golf course; however, people are already coming to Cortez as is seen by the license plates at LivWell, Wal-Mart, and Phil’s World. He thanked Council for listening to his opinion.

Councilmember Lavey moved that Council not open the Conquistador Golf Course until the Governor opens the course for the general public. Councilmember Betts seconded the motion, and the vote was as follows:

Betts	Keel	Lavey	Lucero	Noyes	Sheek
Yes	No	Yes	Yes	absent	Yes

Mayor Sheek stated that she know the decision is disappointing for people but Montezuma County is lucky that they have only been 12 cases (2 deaths COVID-19 related) and when the Health Department is saying they want the course closed, she tends to listen to what they are saying.

d. Review of City Manager’s Annual Review. City Manager Dougherty stated that at his last review in July 2019, Council spoke about the fact that the next City Manager review would be done with a new Council taking office. He stated that he did not know if Council wanted to offer input for the new Council to consider when they complete the review in July. After discussion was held, Council agreed that the new Council could complete the review and could push back the review date should they need more time. Mayor Sheek suggested that Council receive a copy of the evaluation prior to the review so they know what the requirements are of the City Manager. Councilmember Betts thanked Councilmember Keel and Mayor Sheek for all the reviews they have completed over the past years and stated that the new Council can take it from there.

Councilmember Betts moved that the City Manager’s annual review be conducted by the Council that will be in office when the review is due in July or soon thereafter as Council deems possible. Councilmember Keel 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

a. Thank You. Tom Seymour thanked Mayor Sheek and other Councilmembers that are leaving Council for their service.

11. CITY ATTORNEY'S REPORT – None.

12. CITY MANAGER'S REPORT

a. Communication Problems and Backdrop on Virtual Meeting. City Manager Dougherty stated that he had glitches with the ZOOM program and would work out the issues with IT before the next meeting.

13. CITY COUNCIL COMMITTEE REPORTS

a. Mayor's Report on Workshop. The workshop for April 14, 2020, was canceled.

b. Communication Problems. Mayor Sheek thanked everyone for participating in the meeting and apologized to those that could not connect or couldn't speak. She stated that the IT staff will work on the issues prior to the next meeting and try to make it a smoother process.

The regular meeting was adjourned at 8:22 p.m.

Karen W. Sheek, Mayor

ATTEST:

Linda L. Smith, City Clerk