

CITY COUNCIL
REGULAR MEETING
TUESDAY, MAY 26, 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 Mike Lavey, Mayor Pro-tem Rachel Medina, Sue Betts, Amy Huckins, Orly Lucero, David Rainey, and Arlina Yazzie. Staff members present were Director of Finance Ben Burkett, Interim Chief of Police Andy Brock, Director of Public Works Phil Johnson, IT Support Technician Bill Kuhn, City Clerk Linda Smith, City Manager John Dougherty, and City Attorney Mike Green. There were 12 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 May 12, 2020.
 - b. Approval of the payment of the Expenditure Vouchers of May 26, 2020.

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

Betts	Huckins	Lavey	Lucero	Medina	Rainey	Yazzie
Yes	Yes	Yes	Yes	Yes	Yes	Yes

3. PRESENTATIONS – None.
4. CITIZEN PARTICIPATION – None.
5. PUBLIC HEARINGS
 - a. QUASI-JUDICIAL – Resolution No. 5, Series 2020. Mayor Lavey read the Quasi-Judicial rules and Mayor Pro-tem Medina disclosed that she served on the Planning and Zoning Commission when this application was brought before the board and asked if she should recuse herself due to already hearing the information prior to the Council meeting. It was noted that Mayor Pro-tem Medina would not have to recuse herself as she stated she could be impartial on making a decision based on what she hears at the Council presentation. Associate Planner Connolly stated that Resolution No. 5, Series 2020, approves a site development plan to establish a heavy equipment rental and sales yard at 1410 and 1480 Industrial Road (Lots 1 and 2 of the Cortez Light Industrial Park). She stated that James Duke, authorized representative for property owner DwendeDuke LLC, has proposed to locate a Target Rental on the site. She stated that the applicant proposed to use the existing 4,545 square foot building at 1480 Industrial Road (Lot 2) to conduct business and to serve the rental equipment. She stated that 1410 Industrial Road (Lot 1) will be used for equipment storage and display. She noted that the egress and ingress to the two lots is from Industrial Road. She stated that the applicant’s site plan has been designed to allow each lot to continue to function separately in the case of a future sale of one of the properties. She stated that

each lot will have individually functioning drainage systems and will not share any easements or legal agreements. She stated that Planning and Zoning approved the site development plan on March 3, 2020, with two conditions. She stated that a covered 25'x25' wash bay will be constructed on Lot 2, on the north side of the building which is the reason for the site plan review due to new development on the lot. She reviewed the landscaping and parking requirements for the proposal and noted that the applicant will meet the required parking spaces and exceeds the minimum landscaping requirements for both lots. She stated that the project was sent out for review by affected agencies and utility providers and the only comment received was from the GIS Coordinator who recommended that the City install a "Caution Trucks Entering" sign at the curve of Industrial Road, east of the driveway entrance to the lots. She reviewed the alternatives for Council to review regarding the approval/denial of the proposal. She stated that staff feels the site plan has met the requirements of the Land Use Code and recommends approval of the project through Council Resolution No. 5, Series 2020, with two conditions.

James Duke stated that Target Rental is open on one of the lots and is waiting for approval to complete the use on both lots. He explained how the oil/water separator would work and noted that it is cleaned every two years. He spoke about how the gas/diesel pumps were set-up and in answer to a question from Mayor Lavey, he stated that his family also owns a facility in Durango. Councilmember Betts asked how many employees his Cortez facility would employ and Mr. Duke stated that they have three Montezuma County employees and two more employees have moved from Durango to the Cortez area. He stated that they are happy to be part of the Cortez community. Mayor Lavey opened the public hearing; however, no one spoke and the hearing was closed.

Councilmember Lucero moved that Council approve Resolution No. 5, Series 2020, approving a site development plan to establish a heavy equipment rental and sales yard at 1410 and 1480 Industrial Road, as submitted by James Duke, authorized representative for property owner DwendeDuke LLC., with two conditions. Councilmember Huckins seconded the motion, and the vote was as follows:

Betts	Huckins	Lavey	Lucero	Medina	Rainey	Yazzie
Yes	Yes	Yes	Yes	Yes	Yes	Yes

6. UNFINISHED BUSINESS – None.

7. NEW BUSINESS

a. Professional Services Agreement to Provide Civil Engineering, Design, and Survey Services to the City. Director of Public Works Johnson stated that as discussed in the Council worksession, the Public Works Department is seeking a qualified engineering firm to provide on-call professional civil engineering design, construction management, project inspections, and field survey services related to a variety of civil engineering and City capital improvement projects. He stated that this service will also provide core engineering review processes for the Planning and Building Department as needed. He stated that seven applicants responded to the Request for Proposals and staff is recommending that a Professional Services Agreement be signed with SGM Inc., from Durango, Colorado to provide the services. He stated that the City has worked with SGM Inc., on several projects and their Project Manager would be Chad Hill who previously worked for the City

of Cortez as City Engineer. He stated that eventually the City would fill the City Engineer position, but this would fill the void for the present time. In answer to a question from Councilmember Lucero, Director of Public Works Johnson stated that SGM Inc., would be consulted for any projects that would come up involving streets, etc. and the contract would be for two years. It was noted that the savings is a reduction of 75% for the City Engineer and 50% for Assistant Engineer salaries based on the time of year they resigned.

Councilmember Rainey moved that Council enter into a Professional Services Agreement with SGM Inc. to provide civil engineering, design, and survey services to the City. Councilmember Lucero seconded the motion, and the vote was as follows:

Betts	Huckins	Lavey	Lucero	Medina	Rainey	Yazzie
Yes	Yes	Yes	Yes	Yes	Yes	Yes

b. Colorado Water/Wastewater Agency Response Network (CoWARN) Mutual Aid and Assistance Agreement. Director of Public Works Johnson stated that the CoWARN is a statewide network of utility providers that have agreed to help each other during an emergency. He stated that the agreement formalizes the standards and procedures to be followed by CoWARN and its members in the event of an emergency where aid is given or accepted and allows the membership access to various resources and tools related to emergency response.

Mayor Pro-tem Medina moved that Council authorize the City Manager to sign the Colorado Water/Wastewater Agency Response Network Mutual Aid and Assistance Agreement and name the City Manager as the Authorized Official for the purpose of requesting or offering assistance during an emergency. Councilmember Lucero seconded the motion, and the vote was as follows:

Betts	Huckins	Lavey	Lucero	Medina	Rainey	Yazzie
Yes	Yes	Yes	Yes	Yes	Yes	Yes

c. Dolores Water Conservancy District M&I Lease 2020. Director of Public Works Johnson stated that the City currently maintains 2,300 acre feet of water per year that is part of the Dolores Project. He stated that historically the City under-utilizes a good portion of the stored water and the City was approached with the idea of leasing out a portion of the unused municipal and irrigation (M&I) allotment to the Dolores Water Conservancy District (DWCD). He stated that the water is used by the agricultural users in the area and is a one-year agreement with DWCD which is solely responsible for the payment to the City. He stated that the City would receive payment of \$33.17 per acre foot, or \$33,170. He stated that this agreement was approved the last two years, though it was only used one year due to the need for the water. In answer to a question from Councilmember Huckins, Director of Public Works Johnson reviewed a graph regarding the usage in the year 2000 which was a dry year and he explained how the graph shows the consumption of water over time.

Councilmember Betts moved that Council authorize the City Manager to execute the one-year lease of M&I Water from the City of Cortez to the Dolores Water Conservancy District for supplemental irrigation use. Councilmember Lucero seconded the motion, and the vote was as follows:

Betts	Huckins	Lavey	Lucero	Medina	Rainey	Yazzie
Yes	Yes	Yes	Yes	Yes	Yes	Yes

d. WildEdge Brewing Collective Outdoor Dining Agreement. Councilmember Huckins recused herself from the discussion and vote due to a possible conflict-of-interest. City Attorney Green reviewed the proposed Outdoor Dining Agreement that would be completed with WildEdge Brewing Collective, located at 111 North Market Street. He stated that the Outdoor Dining Agreement would allow WildEdge Brewing to serve outside on the sidewalk in front of their business. He noted that the sidewalk is owned by City and therefore requires the Outdoor Dining Agreement to allow the use. He stated that the outdoor area was approved for serving liquor during the original liquor license application; however, an Outdoor Dining Agreement was not completed at that time. He stated that the agreement requires that WildEdge provide an insurance policy for coverage of the area and noted that the premises would cover approximately six feet from the front of the building. He stated that staff recommends approval and noted that the agreement would be renewed each year with the liquor license renewal. Mayor Lavey commented that anything the City can do to help the local businesses is good for everyone. In answer to a question from Mayor Pro-tem Medina, City Attorney Green stated that the City would work with each individual business that may request this to see if the outdoor area will fit with ADA requirements. City Attorney Green stated that the area for WildEdge will be set up as required by the social distancing guidelines from the Governor.

Councilmember Lucero moved to approve an Outdoor Dining Agreement with WildEdge Brewing Collective, located at 111 North Market Street, Cortez. Councilmember Rainey seconded the motion, and the vote was as follows:

Betts	Huckins	Lavey	Lucero	Medina	Rainey	Yazzie
Yes	*	Yes	Yes	Yes	Yes	Yes

*Councilmember Huckins recused herself from the discussion and vote due to a possible conflict-of-interest.

e. Renewal Hotel and Restaurant Liquor License for Stonefish Sushi and More. City Clerk Smith stated that Stonefish Sushi and More is requesting renewal of their liquor license and was listed separate from the Consent Agenda to inform Council on their sales tax account which has an outstanding balance. She noted that the fire inspection and Police Department have stated they do not have an issue with the renewal license being issued. Finance Director Burkett stated that Stonefish Sushi has been working with the Finance Department on their outstanding sales tax balance and staff recommends that their license be renewed.

Councilmember Huckins moved that a renewal Hotel and Restaurant Liquor License for BMCJ, Inc., DBA Stonefish Sushi and More, located at 16 West Main Street, Cortez. Councilmember Lucero seconded the motion, and the vote was as follows:

Betts	Huckins	Lavey	Lucero	Medina	Rainey	Yazzie
Yes	Yes	Yes	Yes	Yes	Yes	Yes

f. Appointment of a Planning and Zoning Commissioner. Mayor Lavey stated that Stephen

Candelaria was interviewed by Council during the worksession for the open Planning and Zoning Commission seat. Mayor Pro-tem Medina stated that she feels Mr. Candelaria can be professional and separate any issues he may have should there be a conflict-of-interest. Councilmember Rainey stated that he feels Mr. Candelaria is qualified for the position. It was noted that there were two other applicants for the open seat; however, the two had withdrawn prior to the interview process.

Mayor Pro-tem Medina moved that Stephen Candelaria be appointed to the Planning and Zoning Commission. Councilmember Rainey seconded the motion, and the vote was as follows:

Betts	Huckins	Lavey	Lucero	Medina	Rainey	Yazzie
Yes	Yes	Yes	Yes	Yes	Yes	Yes

8. DRAFT RESOLUTION/ORDINANCES – None.

9. OTHER ITEMS OF BUSINESS – None.

10. ADDITIONAL CITIZEN PARTICIPATION

a. Re-Opening Businesses in Cortez. Tiffany Ghere, from J. Fargos located at 1209 East Main Street, asked how the City was going to help with re-opening businesses in the community. Mayor Lavey noted that the City is listening to what the Governor and the Montezuma County Health Department recommends and follow their directives. Ms. Ghere spoke about the Council being a voice for the community and encouraged Council to get behind the small businesses and create an engagement with them. Discussion was held on communicating with the community and Mayor Lavey stated that it is in the best interest of everyone to work together and support each other. Council thanked Ms. Ghere for her work in the community and for helping others in this transition. Councilmembers noted that they check their emails often and the community is welcome to correspond with them should they have any concerns.

11. CITY ATTORNEY’S REPORT – None.

12. CITY MANAGER’S REPORT – None.

13. CITY COUNCIL COMMITTEE REPORTS

a. Mayor’s Report on Workshop. Mayor Lavey stated that Stephen Candelaria was interviewed for the open Planning and Zoning Commission seat and Director of Finance Burkett gave an update on the April Financial Report and COVID-19 Financial Impact. Mayor Lavey stated that Public Works Director Johnson updated Council on a Professional Services Agreement to provide civil engineering, design, and survey services to the City; a Colorado Water/Wastewater Agency Response Network Mutual Aid and Assistance Agreement; and a Dolores Water Conservancy District M&I Lease Agreement for 2020, which were all approved during the regular Council meeting. He stated that Director of Parks and Recreation Palmquist spoke about the re-opening of the Recreation Center and an update was given on a tree that is being cut down on Montezuma Avenue and signs that are available for local businesses free of charge through Pioneer Printing. He encouraged everyone to continue to be kind, help your neighbor, and stay safe.

b. Cortez Cultural Center Meeting. Mayor Pro-tem Medina stated that she attended the Cortez Cultural Center meeting this day (May 26, 2020) and discussion included the Hawkins Preserve which is open for the public to use. She stated that the Indian Dances will begin June 18, 2020, and will be held Thursday through Saturday.

c. Montezuma Business Task Force. Councilmember Yazzie stated that she, Mayor Pro-tem Medina, and Mayor Lavey attended a meeting with discussion being held on a survey that was sent out to the businesses from the Tri-City Chamber of Commerce. She stated that the survey was part of an effort to reach out to businesses and ask why they need from the Chambers. Mayor Lavey stated that a Power Breakfast would be held soon by the Chamber of Commerce and that it is a good time for businesses to get together and talk about their issues should they want to attend.

The regular meeting was adjourned at 8:40 p.m.

ATTEST:

Linda L. Smith, City Clerk

Michael J. Lavey, Mayor