

CITY COUNCIL  
REGULAR MEETING  
TUESDAY, OCTOBER 13, 2020

1. The meeting was called to order at 7:30 p.m., through a hybrid meeting format (City Council Chambers/ZOOM). The meeting was opened with the Pledge of Allegiance. Councilmembers present in the Council Chambers included Mayor Mike Lavey, Mayor Pro-tem Rachel Medina, and Arlina Yazzie. Councilmembers participating by ZOOM included Amy Huckins, Orly Lucero, and David Rainey. Staff members present were Director of Public Works Phil Johnson, Patrol Lieutenant Andy Brock, Associate Planner Neva Connolly, System Analyst Shay Allred, Network Administrator Bill Kuhn, City Clerk Linda Smith, City Manager John Dougherty, and City Attorney Mike Green. There were 39 people present in the Council Chambers and 15 people signed up as participants on ZOOM.
2. The Consent Agenda items acted upon by Council were as follows:
  - a. Approval of the Worksession and Regular Meeting Minutes of September 22, 2020.
  - b. Approval of the payment of the Expenditure Vouchers of October 13, 2020.
  - c. Approval of a renewal Tavern Liquor License for Purple Sage Rib Company and Saloon LLC, DBA Purple Sage Rib Company, located at 2591 East Main Street, Cortez.

Councilmember Huckins moved that the Consent Agenda be approved as presented. Councilmember Yazzie seconded the motion, and the vote was as follows:

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

3. PRESENTATIONS – None.
4. PUBLIC HEARINGS
  - a. Ordinance No. 1278, Series 2020. Associate Planner Connolly stated that Ordinance No. 1278, Series 2020, approves an application for historic designation of the structure at 25 South Elm Street. She stated that the property was surveyed for historic designation in 2019 as part of a grant from the Colorado Historic Preservation Office. She stated that the property was altered between the 2019 survey date and the listing application and the State Preservation Planner determined that the front façade alterations to the building made the property ineligible for State or National Registers; however, the property was determined to be eligible for the local historic designation by the Cortez Historic Preservation Board. She noted that the Cortez Historic Preservation Board supports the local designation noting that the property’s history as a McPhee House and the LoRay Photography Studio showed character, interest, and value as part of the heritage and cultural characteristics of the development of Cortez. Mayor Lavey opened the public hearing; however, no one spoke and the hearing was closed.

Mayor Pro-tem Medina moved that Council approve the inclusion of the structure located within the “Cortez Original Townsite” to be included in the City of Cortez Register of Historic Structures, Sites, and Districts, specifically the house located at 25 South Elm Street, through the approval of Ordinance No. 1278, Series 2020 (on final reading). Councilmember Lucero seconded the motion, and the vote was as follows:

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

5. UNFINISHED BUSINESS – None.

6. NEW BUSINESS

a. Contract Award of the Fixed Base Operator for the Cortez Municipal Airport. Mayor Lavey explained how Council would conduct the process for reviewing the Contract Award for the Fixed Base Operation (FBO) for the Cortez Municipal Airport noting that introduction of the contract process would be conducted, presentations would be made by the two companies which were interviewed by the Airport Committee, comments would be received from the Airport Committee, and Council would hold discussion prior to the Council vote. He noted that a lot of letters and phone calls had been received by City Council from the public regarding the matter and commented that no public input would be held during the presentation. Airport Manager Machen reviewed the background for receiving the submittals from the three parties interested in serving as the Fixed Base Operator (FBO) at the Airport. He stated that the current contract for the FBO expires on December 31, 2020. He stated that the Airport Committee, which was comprised of City Manager Dougherty, Councilmember Rainey and Councilmember Huckins, held interviews on September 14, 2020 with two firms: Right Rudder Aviation (Inverness, Florida) and Cortez Flying Service (Cortez, Colorado). He stated that the committee would give their comments during their presentation. It was noted that contract performance items could be added to the contract should Council wish to.

Gregg Tripp, representing Cortez Flying Service, gave a presentation on the strengths and intent of Cortez Flying Service as well as the goals for the future. He spoke about the history of Cortez Flying Service and the familiarity with the aviation area (weather, customers, etc.) which began in 1953. He spoke on each of the Cortez Flying Service team members and stated that there is over 240 years of total aviation experience with the team. He commented on the perfect safety record of Cortez Flying Service and pointed out key components and additional responsibilities that would be done for future growth. Mr. Tripp spoke about business develop initiatives which would include a web presence, social media platforms, and working with Mesa Verde Country to promote the area. He spoke about working to negotiate with rental car services and the local businesses to promote package deals, referrals, and seasonal specials. He noted that Cortez Flying Service will always be more committed to the community than any outside organization noting these are our friends and families that fly in and out of Cortez.

Andrew Chan, representing Right Rudder Aviation, spoke about the five business operations proposal from Right Rudder which included: Fixed Based Operations, flight training, aircraft maintenance, fuel sales, and Panthera dealership. He spoke about the informational website that

would be created as well as social media accounts to engage with businesses and customers. He spoke about the flight training program which they currently operate at the Inverness Airport and would bring to Cortez. He commented that safety is the only thing that matters in aviation and spoke of his team that are certified by the FAA in all aspects of the operations and aircraft maintenance. He spoke about fuel sales which he commented must reflect the lowest possible cost of business for the customer. He spoke about the opportunity of bringing the Panthera dealership to Cortez and bringing prospective buyers to the area for purchase of the aircraft. He shared information on the team that is involved with Right Rudder Aviation and commented that Right Rudder would work in conjunction and create a culture of success and service in Cortez.

The Airport Committee (City Manager Dougherty/Councilmember David Rainey/Councilmember Amy Huckins) reviewed the process for which they interviewed Cortez Flying Service and Right Rudder Aviation. City Manager Dougherty commented that Cortez Flying Service had stated at their proposal that they would continue as status-quo and would not be making any changes. He commented that Right Rudder Aviation had a lot of new ideas to make the airport better including the fuel service program, advertising of the airport services, and car rental issues. He stated that the airport needs to be beautified and offer a possibility of future economic development. Councilmember Rainey stated that the service record of Cortez Flying Service is not in question and commented that it is very impressive. He stated that the committee was looking at what the future of the airport could be and Right Rudder Aviation was pro-active and innovative. He stated that he feels the process was fair in what the City was looking for in moving forward. Councilmember Huckins stated that she doesn't have any bias and that she was presented the information and made an informed decision based on the proposal and the interview process. She stated that she is excited about the opportunity that Right Rudder offers for the youth to learn about aviation. She commented that the presentation given tonight by Cortez Flying Service was different than the one that was given during the interview process and she likes some of the things that have been done since the interview, including the production of a new website.

Mayor Pro-tem Medina moved that Council award the FBO contract to Right Rudder Aviation for a hybrid, minimum 5 year and potential 25 year contract. Councilmember Yazzie seconded the motion.

Discussion was held by Council on the two presentations made to the Airport Committee and Mayor Lavey stated that there is room for improvement at the airport and the airport needs to be part of the process for the City to prosper. Councilmember Yazzie asked about the years that the bid would be approved for and City Attorney Green stated that the contract is initially for five years and can be automatically renewed for up to 25 years. In answer to a question from Mayor Pro-tem Medina, Mr. Chan stated that some of the employees of Right Rudder Aviation would move to Cortez and some of the employees would be hired in Cortez. Mr. Chan spoke about the aviation training program they would like to offer in Cortez and commented that he is confident people would come for the program. In answer to a question from Mayor Pro-tem Medina, discussion was held with Cortez Flying Service on their plan for bringing rental cars to the airport and updating the current building. City Attorney Green explained how the bid process is handled and that Council does not usually open the process up for public comments. In answer to a question from Councilmember Lucero, Airport Manager Machen explained that the FBO contract expires December 31, 2020, and at a request from an airport tenant, the request for proposals (RFP) was put

out to bid. Mayor Lavey stated that he would support Cortez Flying Service receiving the bid award but he wants them to understand there needs to be change and growth and they need to do better. Mr. Tripp spoke to Council about giving Cortez Flying Service time to prove themselves as they have implemented many new things. Mr. Chan stated that Right Rudder Aviation would like the opportunity to bring their business proposal to Cortez. Mayor Pro-tem Medina asked for a show of hands from the people in the audience that support Cortez Flying Service (36 were counted) and it was acknowledged that many letters were received supporting Cortez Flying Service being awarded the FBO contract. City Attorney Green commented that once he knows who will be awarded, he would work with that company on completing the contract and that it would be presented to Council at the first meeting in November.

The vote was as follows on the motion previously made by Mayor Pro-tem Medina (award of the FBO contract to Right Rudder Aviation) and seconded by Councilmember Yazzie:

Huckins	Lavey	Lucero	Medina	Rainey	Yazzie
Yes	No	No	No	Yes	No

Motion failed with a 4-2 vote.

Mayor Pro-tem Medina moved that Council award the FBO contract to Cortez Flying Service for a hybrid, minimum 5 year and potential 25 year contract. Councilmember Lucero seconded the motion. Councilmember Yazzie asked that a condition be added that Cortez Flying Service provide a five year plan under the new contract. Mayor Pro-tem Medina also added that she would like that the car rental issue to be worked out. City Attorney Green stated that he would work with Cortez Flying Service on those items if they are awarded the contract. The vote was as follows:

Huckins	Lavey	Lucero	Medina	Rainey	Yazzie
Yes	Yes	Yes	Yes	No	Yes

Motion passed with 5-1 vote.

b. Transfer of Airport Land Lease due to Hangar Sale. Airport Manager Machen stated that Dan Morris has a hangar with a 40-year land lease at the Airport and he will be selling his hangar to Jerod Engbring. Airport Manager Machen stated that Mr. Engbring will be storing his private aircraft in the hangar. He stated that there are no fiscal impacts as a result of the transfer and the lease revenue remains the same.

Councilmember Lucero moved that Council approve a transfer of an Airport Land Lease from Dan Morris to Jerod Engbring. Councilmember Huckins seconded the motion, and the vote was as follows:

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

c. QUASI-JUDICIAL ITEM – Transfer of Ownership of Doobie Sisters Retail Marijuana License. City Attorney Green stated that a Transfer of Ownership application was received for a Retail

Marijuana Store currently licensed under Southwest Sunshine, LLC. He stated that the transfer would be to Rinnie Rulez LLC, DBA Doobie Sisters, located at 695 North Broadway, Cortez. He explained that Rinnie Rulez LLC recently received approval for a Retail Marijuana Cultivation License with City of Cortez and background checks were completed on the owners during that process. He stated that the transfer of ownership for the retail store would then have both licenses under the same LLC.

Councilmember Yazzie moved that Council approve a Transfer of Ownership of a Retail Marijuana Store to Rinnie Rulez LLC. Councilmember Lucero seconded the motion, and the vote was as follows:

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

d. Change 2020 Budget for Employee Raise Re-Implementation. City Manager Dougherty stated that in March 2020 discussion was held with Council on cuts that were being made to the budget due to the pandemic. He stated that raises for employees were frozen beginning April 1, 2020, as staff was projecting a decrease in sales tax revenue. He stated that staff has closely monitored the situation and staff feels comfortable that the employee raises be re-implemented. He noted that the fiscal impact for the merit increases for 2021 have already been calculated into the budget.

Councilmember Huckins moved that Council authorize the Finance Director to put back into the budget the merit raises for employees that were suspended beginning April 1, 2020, and be made retroactive to the employees anniversary date. Councilmember Lucero seconded the motion, and the vote was as follows:

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

City Manager Dougherty stated that on behalf of the employees, Thank You. Council agreed that it is a great way to show how much the employees are appreciated.

e. Appointment of New City Councilmember. City Attorney Green explained the process for the appointment of the new Councilmember following the interview process of the 13 applicants that was held on September 22, 2020. The silent ballots were received from the Councilmembers present in the Council Chambers as well as those by zoom (through email). City Clerk Smith read the first voting ballots which showed one vote for Lydia DeHaven, one vote for Geof Byerly, one vote for Robert Rime, and three votes for Robert Dobry. The second ballots received showed one vote for Lydia DeHaven, one vote for Geof Byerly, and four votes for Robert Dobry.

Mayor Pro-tem Medina moved that Council accept the City Council votes and appoint Robert Dobry to the open seat on City Council. Councilmember Yazzie seconded the motion, and the vote was as follows:

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

f. Remaining CARES Act Funding. Councilmember Yazzie disclosed that the Chamber of Commerce Director is her friend; however, she doesn't feel that it is an issue for her to participate in the discussion/vote. City Manager Dougherty stated that a couple weeks ago Patrick Rondinelli, Department of Local Affairs (DOLA) representative, had called and asked about the City requesting reimbursement for the CARES Act Funding and he had commented that if the City was not going to use the money, that the State would like the money back as they don't want to send any money back to the Federal Government. He noted that the City has made their first withdrawal request for approximately \$80,000; however, the deadline for spending the money is December 31, 2020, and staff would like direction on how to proceed with dispersing the remaining money that was given to the City from the CARES Act Funding. He stated that additional money will be spent in the courtroom for upgrades that are needed, but there should be an excess of \$100,000 to \$200,000 that may be left. Discussion was held on how the money could be dispersed and City Manager Dougherty stated that if the money is turned over to Region 9, he would like the process to begin today so businesses could apply for the money as it will take some time to review the applications and get the money distributed.

Mayor Pro-tem Medina moved that the City give the remaining CARES Act Funding money to Region 9 to distribute to the local businesses that can show verified, reliable, reimbursable expenses that are COVID related. Councilmember Rainey seconded the motion.

Discussion was held on the issue and it was noted that the Chamber of Commerce has requested \$100,000 from the funding to pay for all business's memberships for 2021; however, City Manager Dougherty stated that it is Council's decision on the request. He noted that the City would be on the hook to reimburse the Federal Government if money is given to the Chamber of Commerce and it is found to not be COVID related. Discussion was held on the good work that the Chamber has done; however, Council agreed that they would like to give the money to Region 9 and let them handle the disbursement and encourage the Chamber to apply for funding from Region 9. Discussion was held on the agreement that Montezuma County has with Region 9 and that the City could duplicate it. It was noted that Region 9 is handling the remaining CARES Act Funding money for Town of Dolores, Town of Mancos, and Montezuma County. City Manager Dougherty stated that Council would need to decide if the funding could be used to help non-profits and for-profit businesses and the amount that could be given to each applicant. Councilmember Yazzie stated that she would like the funding to help as many businesses as possible to keep them open through the coming winter.

Mayor Pro-tem Medina moved that Council approve that the remaining CARES Act Funding money that has not be used by the City be sent to Region 9 to be dispersed to Cortez qualified non-profit and for-profit businesses that can show verified, reliable, reimbursable expenses that are COVID related, with a minimum amount of \$500 and a maximum of \$5,000. Councilmember Huckins seconded the motion, and the vote was as follows:

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

7. DRAFT RESOLUTION/ORDINANCES – None.

## 8. OTHER ITEMS OF BUSINESS

a. Discussion on Hiring Another Auditor. City Manager Dougherty stated that he had spoke to the City's current auditor and he (Tim Mayberry) has commented that he is very close to having the 2016 audit wrapped up. City Manager Dougherty stated that he wanted to give Council the opportunity to talk about opening the auditing job up to another company should they want to do that. He spoke about the expense and the time to complete the bid process for a new auditor. After discussion, Council agreed to stay the course at this time and not hire another auditor.

## 9. CITIZEN PARTICIPATION

a. Inclusive Community/Indigenous Peoples Day. Robin Hamm, 667 South Oak Street, spoke about her concerns with the community noting that everyone needs to treat each other equally and that it is unpleasant to shop in Cortez. She stated that she has concerns for people that are in wheelchairs and that improvements need to made for their accommodations. She also spoke about her disappointment that the City did not celebrate Indigenous Peoples Day noting that it is an internationally celebrated day. She commented on her concerns for the event that was held at the Cortez Cultural Center for Indigenous Peoples Day and that some people in attendance were afraid.

b. Patriots Invitation. Tiffany Ghre stated that the Patriots were invited to the Indigenous Peoples event that was held at the Cultural Center over the weekend and that no one was surrounding the event or causing issues. She stated that everyone was there to show support and that descriptions of the situation that have been reported were not accurate.

c. Racism/Diversity/COVID Funding. Jordan Romeo thanked Council for their hard work and commented that the City could do better on accommodating disabled people in the downtown area. She also spoke about racism and diversity in the community and commented that there were issues at the Cultural Center during the Indigenous Peoples Day celebration in regard to intimidation. She asked that the City add an amendment to the motion that businesses that are not compliant with the masking requirement would not receive funding from the COVID money.

## 10. CITY ATTORNEY'S REPORT – None.

## 11. CITY MANAGER'S REPORT

a. Montezuma County Historic Society Request. City Manager Dougherty noted that he had checked with Finance Director Burkett and commented that there is \$5,000 left in the 2020 Community Grant Funding. He asked if Council would like to use the remaining money towards the request made during the worksession from the Montezuma County Historic Society. Discussion was held on how the community grant funding (non-profit) process works each year and it was noted that the Montezuma County Historic Society did make a request for funding through the grant funding process, besides the separate request that was made for the audio/visual theater for the museum. Council asked that more information be shared at the next Council meeting on the request.

b. Thank You to Fellow Councilmembers and City Staff. Mayor Pro-tem Medina thanked Council

and City staff for their dedication to the community and for all the work that is being done. City Clerk Smith thanked the Councilmembers that attended the City Employee Reconnect Luncheon noting that the employees were appreciative of the lunch and the opportunity to mingle with each other.

## 12. CITY COUNCIL COMMITTEE REPORTS

a. Mayor's Report on Workshop. Mayor Lavey stated that presentations made during the workshop included a request from Ann Brown of the Montezuma Heritage Museum Association for funding of the museum. He stated that Kelly Kirkpatrick, Executive Director for Mesa Verde Country, also made a presentation on the happenings of the tourism group. Director of Finance Burkett presented the monthly finance update and City Planner Hughes spoke on the Master Streets Plan. Council held discussion on the Montezuma County Land Use Code, sick leave for COVID-19, the remaining CARES Act funding, and trick-or-treat this year. Final discussion was held on the 13 candidates that were interviewed at the September 22, 2020, meeting to fill the open seat on City Council.

The regular meeting was adjourned at 10:30 p.m.

ATTEST:

---

Linda L. Smith, City Clerk

---

Michael J. Lavey, Mayor