

CITY COUNCIL
REGULAR MEETING
TUESDAY, FEBRUARY 9, 2021

1. The meeting was called to order at 7:30 p.m., through ZOOM. The meeting was opened with the Pledge of Allegiance. Councilmembers present were Mayor Mike Lavey, Robert Dobry, Amy Huckins, Orly Lucero, Mayor Pro-tem Rachel Medina, David Rainey, and Arlina Yazzie. Staff members present were Director of General Services Rick Smith, Director of Parks and Recreation Dean Palmquist, Airport Manager Jeremy Patton, Director of Human Resources Matt Cashner, Network Administrator Bill Kuhn, City Clerk Linda Smith, City Manager John Dougherty, and City Attorney Mike Green. There were nine 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 for January 26 and Special Meeting on February 2, 2021.

 - b. Approval of the payment of the Expenditure Vouchers of February 9, 2021.

 - c. Approval of a renewal Hotel and Restaurant Liquor License with Rudosky Unlimited LLC, DBA Rudosky Unlimited, located at 2310 East Empire Street, Cortez.

 - d. Approval of a renewal Beer and Wine Liquor License for Hong Kong Chinese Restaurant Inc., DBA Hong Kong Chinese Restaurant, located at 332 West Main Street, Cortez.

 - e. Approval of a Change of Premises for a Hotel and Restaurant Liquor License for Mi Mexico Restaurant, Inc., DBA Mi Mexico, located at 801 East Main Street, Cortez.

 - f. Authorization of the Mayor to sign the FAA Agreement for Transfer of Entitlements transferring \$150,000 of fiscal year 2021 Federal funds from Cortez Municipal Airport to Colorado Air and Space Port.

Councilmember Huckins moved that Council approve the consent agenda as presented. Councilmember Rainey seconded the motion, and the vote was as follows:

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

3. PRESENTATIONS – None.

4. PUBLIC HEARINGS – None.

5. UNFINISHED BUSINESS – None.

6. NEW BUSINESS

a. 2021 Professional Services Proposal for Recreation Center HVAC Controls. Director of Parks and Recreation Palmquist stated that preliminary discussions were held at the Council worksession on the Cortez Recreation Center HVAC system. He stated that connectivity was lost in November 2020 which has cost the Recreation Center the ability to operate any settings on the HVAC control. He reviewed the past processes for repairing the HVAC system noting that a new Carrier Brand system was installed in the spring of 2018; however, during the final phase of the installation, issues arose due to the proprietary nature of the ACS (Alerton) controls which were installed in the Recreation Center when it was originally built. He stated that the staff is not able to adjust the temperatures, change dampers, schedule occupied versus unoccupied temps, fix issues, etc. He stated that Farmington Heating and Metal sent a controls specialist to look at the issues and they have said ACS needs to fix the issues and ACS has said the issues need to be repaired by Farmington Heating and Metal. He spoke about the cost to bring in both companies to figure out the problems in regard to connectivity from the controls; however, staff would like to recommend that the City discontinue using the Alerton controls and switch to Carrier controls.

Councilmember Dobry moved that Council discontinue using Alerton controls and switch to Carrier controls and sole sourcing the 2021 Professional Services Proposal for Recreation Center HVAC Controls to Farmington Heating and Metal, for a total amount of \$26,962.20. Councilmember Huckins seconded the motion, and the vote was as follows:

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

b. Ordinance No. 1283, Series 2021. City Attorney Green stated that Ordinance No. 1283, Series 2021, approves a ballot issue to re-establish the right of the City of Cortez to provide high-speed internet services, telecommunications services, and/or cable television services. He noted that C.R.S. Section 29-27-201 (which was enacted as part of Senate Bill 05-152) authorizes the City to seek voter approval for the City to reestablish its right to provide high-speed internet services (advanced service), telecommunications services, and/or cable television services. He stated that City staff is looking at extending existing services in the community and it is felt by several attorneys that authority would need to be granted by the citizens to proceed forward. He stated that there is no commitment to spend money or provide the services but it allows the City to look into the options to expand the fiber network into the residential areas of the City. In answer to a question from Councilmember Lucero, City Attorney Green stated that he would research the question on if the City would be considered a utility, rather than a service to the City, should the telecommunications services be extended.

Councilmember Rainey moved that Council approve on first reading Ordinance No. 1283, Series 2021, approving a ballot issue to re-establish the right of the City of Cortez to provide high-speed internet services, telecommunications services, and/or cable television services, and set for public hearing for February 23, 2021. Councilmember Yazzie seconded the motion, and the vote was as follows:

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

c. Set Public Hearing for New Retail Marijuana Cultivation Facility for Chronic Therapy- Cortez, LLC. City Clerk Smith stated that City Council reviewed and approved the site development plan for the new cultivation facility that is being proposed by Chronic Therapy-Cortez, LLC, on November 10, 2020. She noted that several conditions were included with the approval, one was in regard to the Colorado Department of Transportation (CDOT) requirements being met. She noted that CDOT has given their approval for the project and therefore staff is moving the process forward for approval of the new Retail Marijuana Cultivation Facility license. She noted that the public hearing process would include posting the premises as well as placing notice in the newspaper and she asked that March 9, 2021, be set for the public hearing date.

Mayor Pro-tem Medina moved that Council set a public hearing for March 9, 2021, to review a new Retail Marijuana Cultivation Facility license for Chronic Therapy-Cortez, LLC, DBA Chronic Cultivation, located at 1020 South Broadway. Councilmember Rainey seconded the motion, and the vote was as follows:

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

d. Resolution No. 3, Series 2021. City Clerk Smith stated that Resolution No. 3, Series 2021, approves the City waiving fees for certain liquor licenses, bars, and restaurants for the 2021 license year. She stated that the request is to waive the City fees for renewal of Tavern/Hotel and Restaurant/Brew Pub/Arts/Beer and Wine licensees for the year 2021. She noted that these licensees have been impacted by the COVID requirements through closure as well as limited seating in their businesses. She noted that the request would benefit 32 businesses in the Cortez community. It was noted that the recommendation was originally initiated by a grant which was being offered that the City could not participate in. Discussion was held on offering the waiver to all the licensees in the City and it was noted that the fermented beer and liquor store licenses have not been affected as much by the COVID requirements as they have been able to stay open due to their designation as essential businesses. Councilmember Yazzie stated that the waiver is a great way to help out the local businesses and asked that the City advocate to the State to offer the fee waived on their end as well.

Councilmember Dobry moved that Council approve Resolution No. 3, Series 2021, waiving liquor license renewal fees for certain liquor licenses, bars, and restaurants for the 2021 license year. Councilmember Rainey seconded the motion, and the vote was as follows:

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

e. Hybrid (in person)/ZOOM Council Meetings. Councilmember Yazzie stated that there are some Councilmembers that would like to appear in-person in Council chambers for the regular Council meetings and she would like to initiate discussion on what each Councilmember would like to do. Discussion was held about keeping the doors closed at City Hall to the public and have their participation continue by ZOOM. It was suggested that those Councilmembers that would like to attend in the Council chambers be allowed to attend in person (with masks on) and those that don't can continue to participate by ZOOM. It was also suggested that the City Manager, City Clerk, and

City Attorney be present in-person as well. Mayor Pro-tem Medina asked what the City is going to reference in regard to regulations for getting all of the Council back into the Council chambers for meetings. Discussion was held on the pros and cons of meeting in person and Councilmember Dobry commented that he feels by attending in-person it shows the employees and citizens that by wearing the proper precautions (following State guidelines) that the City can continue business in a fairly normal way. Discussion was held on the current COVID numbers and what would happen when the emergency is over. Discussion was held on allowing the public to appear in-person as some of the residents cannot/do not know how to access the meetings by ZOOM. Councilmember Yazzie pointed out that the Council chambers is large enough to comply with the requirements for in-person attendance for Councilmembers. It was suggested that the Mesa Verde room be set up for the public to attend and make their comments for four minutes. In answer to a comment from Councilmember Huckins, City Attorney Green reviewed the process for a public hearing and stated that a person’s address is required as part of the record should they want to speak at the meetings. It was noted that it is hard to hear Council speak in the Council chambers and that the sound should be checked out. Councilmember Dobry asked if the staff could check into the Executive Sessions being done by ZOOM rather than by phone calls. Council asked that City staff look into fixing the Mesa Verde Room to accommodate the public being able to attend the Council meetings in person.

Councilmember Dobry moved that Council approve the return of the Hybrid meetings (ZOOM/in-person) allowing Councilmembers that wish to return in-person to attend in the Council chambers along with limited staff that is required. Mayor Pro-tem Medina seconded the motion. After further discussion, Councilmember Dobry re-phrased his motion that Council approve the return of Hybrid meetings (ZOOM/in-person) allowing for as many Councilmembers that would like to attend in-person, as well as necessary City staff, up to the allowed State requirements, beginning at the next City Council meeting. Councilmember Yazzie seconded the motion, and the vote was as follows:

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

7. DRAFT RESOLUTION/ORDINANCES - None

8. OTHER ITEMS OF BUSINESS

a. Executive Session. City Attorney Green noted that an Executive Session is being added to the Council agenda each meeting should Council need to adjourn for discussion. He noted that an Executive Session is not needed at this meeting.

b. Approve Contract with Peckham & McKenney. City Attorney Green stated that the contract for Peckham & McKenney was included for Council’s review and in answer to a question from Councilmember Lucero, City Attorney Green stated that he has read the contract and is good with moving it forward for Council approval.

Councilmember Yazzie moved that Council approve the contract (Executive Search Services Agreement) with Peckham & McKenney. Councilmember Huckins seconded the motion, and the vote was as follows:

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

9. CITIZEN PARTICIPATION

a. Apology and Question on Fee Assessment. Tiffany Ghere apologized to Mike and Gail Lavey for wrongly accusing Ms. Lavey for pointing bear/wasp spray at her as it has been confirmed that it was someone else. She commented that she lives in Brandon's Gate and that very little gets done for maintenance on the roundabouts and that she is concerned about the fee assessment being raised. She questioned why the homeowners have to pay for the maintenance when it is part of the City and the homeowners on Montezuma Avenue don't pay for the maintenance of the medians on that street. She asked that a public comment period be received on the fee assessment before it is changed. She also commented that a lot of people are not tech savvy and should be able to attend Council meetings in-person.

10. CITY ATTORNEY'S REPORT – None.

11. CITY MANAGER'S REPORT – None.

12. CITY COUNCIL COMMITTEE REPORTS

a. Mayor's Report on Workshop. Mayor Lavey stated that the new Finance Director Kelly Koskie and Airport Manager Jeremy Patton were introduced in the worksession. Also, a presentation was made by Montezuma Local News and discussion was held on the HVAC System for the Recreation Center. He stated that a report was given on the fee assessments for Brandon's Gate and Rodeo Subdivisions and USI, broker for the City's employee insurance program, gave a presentation.

b. Colorado Library Board ZOOM Meeting. Mayor Lavey stated that Crystal Schimpt from the Colorado Library Board spoke about the duties and responsibilities of the Library Advisory Board. He said the meeting was very informational and several Cortez Library Advisory boardmembers were in attendance.

c. Welcome Commissioner Kent Lindsay. Councilmember Dobry welcomed Commissioner Lindsay to the Council meetings as the representative for the County Commissioners at the City Council meetings.

d. COVID Vaccine Distribution. Councilmember Yazzie noted that as of February 8, 2021, the State of Colorado is in Phase 1B.2 which allows ages 65-69, pre-K to grade 12 educators/child care workers, and licensed care programs to receive the vaccine

The regular meeting was adjourned at 8:30 p.m.

Michael J. Lavey, Mayor

ATTEST:

Linda L. Smith, City Clerk