

CITY COUNCIL
REGULAR MEETING
TUESDAY, FEBRUARY 23, 2021

1. The meeting was called to order at 7:30 p.m., with a Hybrid/in-person and through ZOOM format. 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, Water Treatment Plant Superintendent Richard Landreth, City Engineer Chad Hill, Director of Public Works Phil Johnson, City Planner Tracie Hughes, Finance Director Kelly Koskie, Chief of Police Vern Knuckles, IT Support Technician Kyle Kuhn, IT Support Technician Jason Gray, Network Administrator Bill Kuhn, City Clerk Linda Smith, City Manager John Dougherty, and City Attorney Mike Green. There were eleven 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 February 9, 2021.
 - b. Approval of the payment of the Expenditure Vouchers of February 23, 2021.
 - c. Approval of a Change in Ownership for a Retail Marijuana License with Kiwi 4 LLC, DBA LivWell, located at 1819 East Main Street Cortez.

Councilmember Lucero moved that Council approve the consent agenda as presented removing item 6k, Emergency Ordinance No. 1284, Series 2021, regarding snow removal, from the regular agenda. 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

3. PRESENTATIONS – None.
4. PUBLIC HEARINGS
 - a. Ordinance No. 1283, Series 2021. City Attorney Green stated that Ordinance No. 1283, Series 2021, approves the City moving forward with an election to reestablish the right of the City of Cortez to provide high-speed internet services, telecommunications services, and/or cable television services. He stated that the ordinance allows the City to opt out of Senate Bill (SB) 05-152 through the process of an election. He stated that the ordinance does not tie the City to any financial obligations but asks the citizens for the opportunity to provide telecommunication services should the City establish that it is feasible to provide the services. In answer to a question from Councilmember Lucero, City Attorney Green stated that there is no obligation by the City to proceed should the citizens vote to opt out of SB 05-152 but it allows the City to look into the options in the future. Discussion was held on the cost that would be entailed with having an election for a single question and City Attorney Green stated that it would take time to figure out

the process should the City want to move forward if the opt-out question is approved. Mayor Lavey opened the public hearing; however, no one spoke and the hearing was closed.

Councilmember Yazzie moved that Council approve on final reading Ordinance No. 1283, Series 2021, concerning an election to reestablish the right of the City of Cortez to provide high-speed internet services, telecommunications services, and/or cable television services. 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

5. UNFINISHED BUSINESS – None.

6. NEW BUSINESS

a. City of Cortez Source Water Protection Plan. Water Treatment Plant Superintendent Landreth stated that in 2010, the City of Cortez, along with other water providers in the Dolores River Watershed, began the process of developing a Source Water Protection Plan which was led by the Colorado Rural Water Association (CRWA). He stated that a draft plan was started but never finalized and adopted by the City. He stated that in 2018, the City started working with several groups to complete the plan which is now being circulated for a comment period before formal adoption. He stated that the public comment period would be open for 30 days and all comments would be addressed prior to final presentation before City Council. In answer to a question from Mayor Pro-tem Medina regarding the Debris Management Plan that is currently being written by the County, Water Treatment Plant Superintendent Landreth stated that the plan would be added when completed and commented that the plan is a living document and can be updated as new items come up. Discussion was held on the mussels being kept out of the water shed and Water Treatment Plant Superintendent Landreth noted that the mussels are not a problem for Colorado at this time.

Councilmember Dobry moved that Council approve the 30-day public comment period for the City on the Cortez Draft Source Water Protection Plan. 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. Resolution No. 6, Series 2021. City Planner Hughes stated that Resolution No. 6, Series 2021, supports a grant application to History Colorado State Historical Fund for a historic property survey of properties within the City of Cortez not already surveyed. She stated that since 2011, the City has received eight Certified Local Government (CLG) grants to inventory properties within the Original Townsite and create a podcast of the Montezuma Avenue walking tour. She stated that inventories have been completed on Montezuma Avenue to Second Street. She noted that the grant for 2021/2023 will begin in June of 2021 and will complete an inventory on possible historic buildings in the area outside of the City of Cortez original townsite and develop a plan for completing a historic building survey for the rest of Cortez. She noted that the grant is for \$15,000

e. Resolution No. 4, Series 2021. City Attorney Green stated that Resolution No. 4, Series 2021, approves a lease of real property between the City of Cortez and Cortez Retail Enhancement Association (CREA). He stated that the City receives rent space from CREA which provides retail enhancement services for the City. He stated that the lease is a normal, commercial lease, universally used and the new lease provides all the protections and obligations available by law that the previous lease did not. He stated that the lease amount would be deducted from the monies that are paid to CREA from the City.

Councilmember Huckins moved that Council approve Resolution No. 4, Series 2021, approving a lease of real property between the City of Cortez and Cortez Retail Enhancement Association (CREA) and authorize the Mayor to sign the lease. 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

f. Resolution No. 5, Series 2021. City Attorney Green stated that Resolution No. 5, Series 2021 approves the Mayor to sign the agreement with Mesa Verde Country Tourism Office to provide tourism services to the City and also the lease of real property between the City of Cortez and Mesa Verde Country Tourism Office. He stated that Mesa Verde Country Tourism leases space from the City at the Welcome Center and also has an agreement with the City for tourism development services. He stated that the two agreements have both been changed to match the format of the City’s professional services contract form as well as a traditional lease. He stated that the rent will be deducted from amounts paid to Mesa Verde Country Tourism Office by the City.

Councilmember Dobry moved that Council approve Resolution No. 5, Series 2021, approving the Mayor to sign the agreement with Mesa Verde Country Tourism Office to provide tourism services to the City and also the lease of real property between the City of Cortez and Mesa Verde Country Tourism Office. 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

g. Golf Course Contour Mower Bid Award. Director of General Services Smith stated that two bids were received on the new contour mower for the Golf Course. He stated that the 2021 Equipment Fund budget provides \$62,000 for the purchase and it is planned that the old mower unit would be traded-in with the purchase. He stated that the low bidder was Potestio Brothers at a bid amount of \$61,722.00 for a John Deere unit with trade-in. He noted that the bid is \$278.00 below the budgeted amount and staff recommends the bid be awarded to Potestio Brothers. Discussion was held on the trade-in amount and it was noted the equipment is pretty worn out when it is traded-in by the City.

Councilmember Rainey moved that Council award the 2021 Contour Mower Bid to the low bidder – Potestio Brothers including the trade-in at the bid amount of \$61,722.00. 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

h. Bid Award for 2021 10-Yard Dump Truck. Director of General Services Smith stated that the 2021 Equipment Fund budget provides \$130,000.00 for the new dump truck which would include a snow plow attachment for snow removal. He stated that seven bids were received from four different dealers for the 10-yard dump truck which will be used in the Public Works Department. He reviewed each of the bids and commented that currently the City's medium duty truck fleet is all International trucks. He commented that also all the diagnostic equipment, parts inventory and repair manuals are for International trucks and commented that the difference in the two low bids (one for a Freightliner truck and the other an International truck) was \$81.00. He stated that staff recommends that the bid be awarded to McCandless for the International truck at the bid amount of \$128,631.00. In answer to a question from Councilmember Yazzie, City Manager Dougherty stated that unit number 988, which will be replaced by the new dump truck, will be sold by auction to maximize the sell amount.

Mayor Pro-tem Medina moved that Council award the 2021 10-Yard Dump Truck to McCandless for the International truck at the bid amount of \$128,631.00. Councilmember Dobry seconded the motion, and the vote was as follows:

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

i. Commercial Lease Agreement with Four Corners Materials to Utilize City Property for Staging CDOT Project #NHPP 145A-076. Director of Public Works Johnson stated that the CDOT Region 5 personnel recently approached the Public Works Department to propose using City property east of the Service Center as a staging area. He stated that CDOT will be conducting two projects this summer in Cortez which will include resurfacing of asphalt pavement on South Broadway and micro-grinding the concrete pavement on Main Street. He stated that the request is for Four Corners Materials to lease City property for the project that will improve road conditions on US 160 and US 145. He spoke about the specific areas of US 160 and US 145 which will be improved and stated that the City has a good relationship with CDOT and has approved City space to be used for this type of use in previous years. He stated that staff recommends that the agreement be approved to allow Four Corners Materials to use the space which is located in the Industrial Park Expansion area. It was noted that the area is a location for placing additional snow and larger trees that may have been taken down in the community and the area that would be leased would not impact the City's operations at all. In answer to a question from Mayor Pro-tem Medina, Director of Public Works Johnson stated that the concreted area by Hawkins Street (new street light) would not be affected by the paving project.

Councilmember Yazzie moved that Council authorize the Mayor to sign the Commercial Lease Agreement with Four Corners Materials to lease approximately five acres of City-owned property in the Industrial Park Expansion area for a project office, laboratory, and staging area for necessary support equipment. 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

j. Request from Cortez Fair Association. Keenan Ertel, representing the Cortez Fair Association, spoke to Council regarding the request to the City to contribute \$4,250 towards the fireworks for the 4th of July show. He noted that due to the COVID pandemic and economic devastation to the businesses of Cortez, it would be difficult to ask the local businesses for donations towards the fireworks show this year. He stated that CREA is donating \$5,000 and if the City could contribute \$4,250, which was previously donated in past years by the City towards the insurance policy, the fireworks show could go on. He noted that the Cortez Fire Protection District is now in charge of the Fireworks show and he helps with the process. Discussion was held on whether the 4th of July fireworks would be held in the park this year and Mr. Ertel noted that if the fireworks show is not allowed the fireworks would be kept for when they could be used. City Manager Dougherty noted that the City brought in more revenue than was projected in 2020 and he felt the City could cover the amount requested. He stated that the funding could be added to the additional appropriation list that is being completed for Council.

Councilmember Huckins moved to table the approval of the donation to the Cortez Fair Association; however, after further discussion was held on the timeframe for ordering the fireworks, Councilmember Dobry moved that Council approve the request from the Cortez Fair Association for \$4,250 to be used towards the 4th of July fireworks extravaganza. 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

k. Emergency Ordinance No. 1284, Series 2021. The emergency ordinance was removed from the agenda.

7. DRAFT RESOLUTION/ORDINANCES - None

8. OTHER ITEMS OF BUSINESS

a. Executive Session. No Executive Session was held.

9. CITIZEN PARTICIPATION

a. Fee Assessment for Brandon's Gate Green Space/Concern about Public Attendance at Council Meetings. Tiffany Ghere commented on the fee assessment which is included on the water bills for the resident's of Brandon's Gate. She questioned why all the lots are not being charged the assessment fee. She spoke about the fee that could have been garnered from all the lots paying each year since the development originally began. City Attorney Green spoke about the assessment for the residents of Brandon's Gate noting that the improvements that are being assessed to the residents were part of the approval process when the subdivision was originally approved by the City. Ms. Ghere also spoke about her concern for not allowing residents in the Council chambers during Council meetings commenting that accommodations should be made for people to attend

without wearing masks if they have medical concerns. Discussion was held on the continued review by City Council for allowing the public into the Council chambers during regular meetings and it was noted that Dr. Aiken will be speaking with Council at the their next Council meeting on his recommendations.

10. CITY ATTORNEY'S REPORT – None.

11. CITY MANAGER'S REPORT

a. New City Manager Advertisement. City Manager Dougherty stated that the City of Cortez City Manager advertisement has been posted.

12. CITY COUNCIL COMMITTEE REPORTS

a. Mayor's Report on Workshop. Mayor Lavey stated that the discussion in the worksession included a presentation on street plans for the City. It was noted that the ordinance regarding snow removal was removed from the agenda for further review. Also, an update was given on the Airport and discussion was held on opening City Hall for public access during Council worksessions and regular meetings. Mayor Lavey stated that Council held further discussion on Brandon's Gate and Rodeo Subdivisions green space maintenance fees.

b. Library Advisory Board. Mayor Lavey stated that the Library Advisory Board held a ZOOM meeting on February 18, 2021. He stated that discussion included information on the Friends of the Library group, programs that the Library offers, the proposed band shell, and the future expansion of the Library.

c. Council Retreat. Mayor Lavey stated that Council held a four hour retreat on Saturday, February 20, 2021, at the Conquistador Golf Course, and discussion included plans, hopes, and dreams for the future as well as an ice breaking time for Councilmembers. Councilmember Yazzie stated that she is looking forward to continuing the discussion on the goals for City Council. Council noted that the retreat was time well spent.

The regular meeting was adjourned at 8:50 p.m.

ATTEST:

Linda L. Smith, City Clerk

Michael J. Lavey, Mayor