

CITY COUNCIL  
REGULAR MEETING  
TUESDAY, APRIL 9, 2019

1. The meeting was called to order at 7:30 p.m., and was opened with the Pledge of Allegiance. Councilmembers present were Mayor Karen Sheek, Mayor Pro-tem Orly Lucero, Sue Betts, Jill Carlson, Ty Keel, and Gary Noyes. Councilmember Mike Lavey was absent. Staff members present were Management Intern Peyton Heitzman, Director of General Services Rick Smith, Director of Parks and Recreation Dean Palmquist, City Engineer Chad Hill, Director of Public Works Phil Johnson, City Planner Tracie Hughes, Director of Planning and Building Sam Proffer, City Attorney Mike Green, City Clerk Linda Smith, and City Manager John Dougherty. There were six people present in the audience.
2. The Consent Agenda items acted upon by Council were as follows:
  - a. Approval of the Worksession and Regular Meeting Minutes of March 26, 2019.
  - b. Approval of the payment of the Expenditure Vouchers of April 9, 2019.
  - c. Approval of a renewal Hotel and Restaurant Liquor License for La Casita de Cortez LLC, DBA La Casita de Cortez, located at 332 East Main Street, Cortez.
  - d. Approval of a renewal Retail Marijuana Store for Southwest Sunshine LLC, DBA Doobie Sisters, located at 695 North Broadway, Cortez.
  - e. Approval of a Special Event Permit for the Cortez Area Chamber of Commerce to host a 'Business After Hours' at the Pinon Project, located at 210 East Main Street, Cortez, on April 11, 2019, from 4:00 p.m. to 7:00 p.m.

Councilmember Keel moved that Council approve the Consent Agenda with the additional expenditure list totaling \$52,062.88. Mayor Pro-tem Lucero seconded the motion, and the vote was as follows:

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

3. PRESENTATIONS

a. Vulnerability, Consequences, and Adaption Planning Scenarios (VCAPS). Director of Public Works Johnson stated that the City of Cortez and Western Water Assessment (WWA) partnered to complete the VCAPS which included two half-day workshops held in Cortez on October 2-3, 2018. He stated that Western Water Assessment is a university-based applied research program that addresses societal vulnerabilities to climate variability and change, particularly those related to water resources. He stated that the group participants included City staff (Parks and Recreation, Water Plant, City Manager's office, Planning Department, and Public Works Department), City

Council members, and Planning and Zoning members. He stated that an Executive Summary and Final Report have been included in the Council packet and are the result of the team's efforts. He stated that VCAPS includes information on the City's water supply, the climate, and how it effects everyone in the short and long-term. City Planner Hughes gave a brief overview of the report noting that drought was identified as the key hazard of concern for the City, particularly in relationship to water supply management. She stated that discussion with the team included management concerns, climate stressors, outcomes, consequences and complicating factors and a list of future action items was generated to prepare for drought and reduced water supplies in the future. She noted that the process provided an important framework within which participants could contemplate how to address drought for the City of Cortez. Director of Public Works Johnson stated that Seth Arens with Western Water Assessment will make a presentation for the public in the City Council Chambers on Thursday, April 11, 2019, at 6:30 p.m. He stated that the presentation will include information on the local climate and its impact on water in the region. He stated that public education and programs that will be instituted regarding water conservation will be shared on the City's website and visual information will be placed in various City facilities. Mayor Sheek spoke about other speakers that will be coming to the community to speak on water usage and landscaping suggestions through the coming months.

4. CITIZEN PARTICIPATION

a. Conservation of Water. Dan Peterson, 15600 Road J, Cortez stated that he is on a well and asked if he should expect the water table to drop. Director of Public Works Johnson stated that Mr. Peterson could get ahold of the County GIS person (Doug Roth) and see if he could direct him to whom could answer his question on the water table in McElmo Canyon.

5. PUBLIC HEARINGS – None.

6. UNFINISHED BUSINESS – None.

7. NEW BUSINESS

a. 2019 Street and Waterline Improvements Project Bid. Director of Public Works Johnson stated that the 2019 Street and Waterline Improvements Project consists of the installation of approximately 7,700 SY of roadway excavation and asphalt paving; 7,500 tons of aggregate base course; 1,900 LF of curb and gutter; curb ramps; 1,575 feet of 6-inch water line; smaller line connections; fittings; valves; fire hydrants; 252 LF of 12" storm drain; 1 curb inlet; and other miscellaneous items. He spoke about the areas in which the work would be completed in the City. He stated that three bids were received and D & L Construction, Cortez, was the low bidder at \$928,433.00. He stated that the engineer's estimate was \$894,401.00 which is approximately less than 5% different from the low-bid.

Mayor Pro-tem Lucero moved that the 2019 Street and Waterline Improvements Project Bid be awarded D & L Construction in the amount of \$928,433.00. Councilmember Noyes seconded the motion, and the vote was as follows:

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

b. 2019 Street Striping Project Bid. Director of Public Works Johnson stated that the street striping project is a three year contract with a 3% escalation charge built into it annually as it allows the City to lock in the bid. He stated that the striping project includes all of the streets and bike lanes in Cortez. He stated that by contracting the striping out, it allows the work to be completed in approximately one week and utilizes a properly-equipped striping truck with precise placement of the stripes. He stated that added to the project this year is the completion of center lines on some of the wider streets. He stated that two bids were received and Stripe-A-Lot, Inc. was low bidder at \$29,094.00.

Councilmember Keel moved that Council award the 2019 Street Striping Project bid to Stripe-A-Lot, Inc., in the amount of \$29,094.00 with the escalation clause for three years as noted in the contract documents. Councilmember Carlson seconded the motion, and the vote was as follows:

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

c. 2019 Weed/Trash Abatement Contract Bid. Director of Planning and Building Proffer stated that Planning and Building maintains a line-item account for Code Enforcement that is used to mow lawns and abate nuisances whenever property owners are absent or are otherwise unable/unwilling to take care of their property. He stated that staff visited with the Public Works and Parks Departments to discuss City owned properties that sometimes have to wait to be mowed during times of rapid growth because of monsoon rains, etc. He stated that it becomes problematic when staff sends notices to abate nuisances on private property that is adjacent to City owned properties that also needs attention. He stated that because of the expanded use of the line-item, staff put the service out to bid for the 2019 calendar year and three responses were received. He stated that the low bidder was Superior Services LLC, out of Yellow Jacket, CO. He explained that steps are taken for the expense should the City need to mow private property. He stated that discussion was held with Superior Services LLC, regarding the qualifications for the bid and they have assured the City that they can meet the conditions.

Councilmember Carlson moved that Council award the 2019 Weed/Trash Abatement Contract Bid to Superior Services, LLC, Yellow Jacket, CO, for the total amount not to exceed \$7,000.00. Councilmember Betts seconded the motion, and the vote was as follows:

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

d. QUASI-JUDICIAL – New Fermented Malt Beverage Liquor License Application for Gopher Food and Fuel. City Attorney Green stated that a new Fermented Malt Beverage Liquor License (previously referred to as a 3.2% Beer License) application was received from Gopher Food and Fuel, located at 2410 Fairway Drive, Cortez. He stated that a public hearing date and the neighborhood boundaries need to be set for review of the license.

Councilmember Betts moved that Council set a public hearing date of May 14, 2019, and the neighborhood boundaries as the City limits for a new Fermented Malt Beverage Liquor License application for Paragon Business Investments LLC, DBA Gopher Food and Fuel, to be located at 2410 Fairway Drive, Cortez. Councilmember Carlson seconded the motion, and the vote was as follows:

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

e. QUASI-JUDICIAL – Two New Fermented Malt Beverage Liquor License Applications for Giant #7154 and Giant #6064. City Attorney Green stated that two Fermented Malt Beverage Liquor License applications have been received from Western Refining Retail, LLC, DBA Giant #7154, located at 2021 East Main Street and Giant #6064, located at 2320 East Main Street, Cortez. The public hearing date and neighborhood boundaries need to be set for review of the applications.

Councilmember Betts moved that Council set a public hearing date of May 14, 2019, and the neighborhood boundaries as the City limits for two new Fermented Malt Beverage Liquor License applications from Western Refining Retail, LLC, DBA Giant #7154, located at 2021 East Main Street, Cortez and Giant #6064, located at 2320 East Main Street, Cortez. Councilmember Carlson seconded the motion, and the vote was as follows:

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

f. 2019 City Facilities Backflow Bid. Director of General Services Smith stated that City Ordinance No. 1225, Series 2017, requires backflow preventers be installed on City facilities for water quality safety. He stated that the backflow preventers protect the City water system from contaminant or pollution due to backflow or back-siphonage of contaminants or pollutants through the water system. He stated that no grandfather clause exists and commented that the project would include backflow preventers for Parks and Recreation, Library, Police, and Airport facilities. He stated that the City is purchasing the materials (\$6,678.81) to save money and the bid covers the installation of the backflow devices. He stated that two bids were received and Sparks Plumbing was the low bidder at \$18,397.00. He stated that the cost of the backflow project was not included in the City 2019 Budget and will need to be accounted for in the 2019 Revised Budget for each impacted department. He noted that the backflow preventers have been required for commercial businesses and local citizens for some time and the City needs to complete the process for City facilities. Mayor Pro-tem Lucero stated that he has had citizens question the backflow preventers saying that once they were installed they have changed the water pressure for their home. Director of General Services Smith stated that the backflow preventer function is connected to the City's metering system which has a double check valve and possibly the check valve is faulty. It was suggested that Director of Public Works Johnson may be able to answer the question more clearly on the water pressure issue.

Councilmember Carlson moved that the 2019 City Facilities Backflow Bid be awarded to the low bidder – Sparks Plumbing in the amount of \$18,397.00 and account for the expenditures from each department in the 2019 Revised Budget. Councilmember Keel seconded the motion, and the vote

was as follows:

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

8. DRAFT ORDINANCES/RESOLUTIONS – None.

9. OTHER ITEMS OF BUSINESS

a. Caselle Professional Services Contract. City Manager Dougherty stated that Council is aware that there have not been financial audits completed since 2016 which is the year that the City switched from the AS400 to Caselle software. He stated that the State has cut the City off from applying for any grants and the County has withheld property taxes until the audits are completed. He stated that it has reached the point where the opportunities lost are getting to be greater with the continued unfinishable financial reports. He stated that discussion has been held with Caselle to have a person on their end to work with the City exclusively to complete the audit and they have given an estimate of \$3,500 for approximately 20 hours of work on the problems. He stated that he is not sure that the amount will be enough and asked Council to authorize him to spend the money necessary to get the work done and he will keep Council informed each week on the amount spent and the progress on completing the audits. Discussion was held on having a blank check for the expenditure and it was noted that Caselle needs to be accountable for their time with results pretty quickly. City Manager Dougherty stated that staff would receive more training on the program as well with the process. Discussion was held on how some of the issues could have been avoided and it was noted that training and the software conversion was not implemented correctly at the beginning in July 2016. Councilmember Keel suggested that the funding for the extra expenditure be taken from the City Council budget. City Manager Dougherty stated that Finance Director Ben Burkett will be working quite extensively with Caselle and will require that they are accountable for the time they spend on the City's issues.

Councilmember Keel moved that the City Manager be authorized to sign the contract with Caselle to complete the 2016 financial software work so the audit can be completed and that the necessary funds be used with the expenditure taken from the City Council Budget, and that Council be informed each step of the way. Councilmember Noyes seconded the motion, and the vote was as follows:

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

10. ADDITIONAL CITIZEN PARTICIPATION – None.

11. CITY ATTORNEY'S REPORT – None.

12. CITY MANAGER'S REPORT

a. Weekly Report/Airport. City Manager Dougherty stated that he would include in his Weekly Report information on an outside organization that is folding. He stated that the City is a member

of the organization and will receive their money back. He stated that the Airport is up on boardings/departures compared to this time last year.

### 13. CITY COUNCIL COMMITTEE REPORTS

a. Mayor's Report on Workshop. Mayor Sheek stated that discussion during the workshop included information on facility naming and memorials for City parks and facilities. It was noted that several people will be involved in a possible memorial in honor of Will Lindsay. Mayor Sheek noted that City Planner Hughes presented information on the newly revised Land Use Code and Councilmembers will receive a full copy for a final review. Mayor Sheek stated that discussion was also held on Montezuma County's request to extend 7<sup>th</sup> Street, the Fire Department's request regarding restricted parking by their new station, and speed control devices in the community. She stated that Director of Planning and Building Proffer spoke about the bid that was approved in the regular agenda on weed/trash abatement (item 7 c.) and discussion was held on the property owned by the City and used by the Four Corners Rifle and Pistol Club.

b. Golf Advisory Board. Councilmember Keel stated that the Golf Advisory Board meeting held on March 27, 2019, included discussion on upcoming tournaments and it was noted that the new floor in the club house looks really nice. He complimented Micah and Anette Rudosky and the golf course crew on getting the golf course ready for a good year.

c. Cortez Historic Preservation Board. Councilmember Betts stated the Cortez Historic Preservation Board meeting was held on April 3, 2019, and discussion was held on the historic tours that will be offered in May. She stated that if anyone has suggestions on any buildings in the community that haven't already been designated as historic to let her know so she can pass it along.

d. Four Corners Child Advocacy Center. Councilmember Carlson noted that the Four Corners Child Advocacy Center will host a Lip Sync Challenge Competition at the Sunflower Theater on Friday, April 12, 2019, at 6:30 p.m. She noted that the fundraiser will help the NEST which provides excellent services to abused children in the area.

e. Welcome Back Councilmember Lavey. Councilmember Keel noted that Councilmember Lavey was able to attend the Council worksession prior to the regular meeting and it was really nice to have him back.

The regular meeting was adjourned at 8:45 p.m.

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Karen W. Sheek, Mayor

ATTEST:

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Linda L. Smith, City Clerk