

CITY COUNCIL
REGULAR MEETING
TUESDAY, MARCH 23, 2021

1. The meeting was called to order at 7:36 p.m., with a Hybrid/in-person and through ZOOM format. Councilmembers present in the Council Chambers included Mayor Mike Lavey, Robert Dobry, Amy Huckins, Mayor Pro-tem Rachel Medina, David Rainey, and Arlina Yazzie. Councilmember Orly Lucero participated by ZOOM. Staff members present by ZOOM were Airport Manager Jeremy Patton, Director of Parks and Recreation Dean Palmquist, Director of General Services Rick Smith, Director of Public Works Phil Johnson, and City Planner Tracie Hughes. Chief of Police Vernon Knuckles, IT Support Technician Kyle Kuhn, System Analyst Shay Allred, Network Administrator Bill Kuhn, City Clerk Linda Smith, City Manager John Dougherty, and City Attorney Mike Green were present in the Council Chambers. There were 15 people signed up as participants on ZOOM and two people were present in the Council Chambers.
2. The Consent Agenda items acted upon by Council were as follows:
 - a. Approval of the Worksession and Regular Meeting Minutes for March 9, 2021.
 - b. Approval of the payment of the Expenditure Vouchers of March 23, 2021.
 - c. Approval of a renewal Retail Marijuana Store License for Durango Organics, LLC, DBA Durango Organics, located at 1104 East Main Street, Cortez.
 - d. Approval of the Safety Plan to Reopen Council Chambers

Councilmember Dobry moved that the consent agenda be approved as presented. 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

The Pledge of Allegiance was said after a brief pause to open the doors for citizens to enter the chambers. Mayor Lavey asked that a brief moment of silence be held in honor of the lives lost in the tragedy in Boulder, Colorado.

3. CITIZEN PARTICIPATION
 - a. Thank You for your Service. Justin Vasterling, 2527 Trinity Avenue, spoke to Council about his appreciation for the work that Council has done and commented that they have shown great leadership through tough times. He commented that the citizens of Cortez made a good decision when they voted the current Councilmembers into office and commented that they should not become discouraged. He encouraged Council to allow everyone to speak and to listen to everyone's concerns. He stated that he trusts Council to guide the City and thanked them for their patience with the process and their service to the community.

b. Transparency. Tiffany Ghere reminded Council that they need to respond to e-mails and read information from the Sunshine Law regarding meetings attended by Council. She spoke about the need for transparency and commented that all official action is required to be conducted in a public meeting.

c. Sunshine Law Concerns. Melinda Nelson, Road N, spoke about the Council retreat which included the hiring of a mediator and lunch with taxpayers money. She also spoke about her concern of silencing the people and meetings being held against the Sunshine Law. She asked that Council open the Council chamber now that the County is in blue (on the COVID dial). She thanked Council for their service.

d. Concern on Safety Measures. Sherry Simmons, Road 20, stated that she had sent an email to City Council regarding discussion on the safety measures of reopening the chambers and had asked when the measures had been discussed. She stated that she did not receive a return email from any of the City Councilmembers but did hear from the City Manager in regards to the clarification of reopening Council chambers to the public. She spoke about the requirements for public notice from the Sunshine Law and questioned the time change on opening City Hall to the public for the (March 23, 2021) meeting.

4. PUBLIC HEARINGS

a. Ordinance No. 1286, Series 2021. City Attorney Green stated that Ordinance No. 1286, Series 2021, is presented on second reading and authorizes the purchase of items from Axon Enterprise, Inc. for the Police Department. He stated that the items that are being purchased include new tasers, body cameras, and equipment for an interview room with upgraded storage of digital materials. Mayor Lavey opened the public hearing; however, no one spoke and the hearing was closed.

Councilmember Dobry moved that Council approve on final reading Ordinance No. 1286, Series 2021, approving the purchase of items from Axon Enterprise, Inc. 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. QUASI-JUDICIAL – Set Public Hearing Date and Neighborhood Boundaries for Review of a New Retail Fermented Malt Beverage Off-Premises Liquor License for Esmeralda’s Ranchito Mexican Store. City Clerk Smith stated that Esmeralda Estrada, owner of Esmeralda’s Ranchito Mexican Store, located at 2501 East Main Street, has applied for a new Fermented Malt Beverage Off-Premises Liquor License. She noted that the Ms. Estrada’s fingerprints and individual history record have been completed and are on file. She asked that Council set the public hearing date and the neighborhood boundaries for review of the liquor license application for April 13, 2021.

Councilmember Yazzie moved that Council set a public hearing date for April 13, 2021, and the neighborhood boundaries as the City limits, for review of a new Retail Fermented Malt Beverage Off-Premises Liquor License for Esmeralda’s Ranchito Mexican Store, located at 2501 East Main Street, Cortez. 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

b. Intergovernmental Agreement with Montezuma County Clerk for Election. City Clerk Smith stated that approval of the Intergovernmental Agreement is the last part of the process to move the special election forward. She stated that the Intergovernmental Agreement outlines the duties for both the City Clerk and the County Clerk for the June 8, 2021, special election. She stated that the County will provide the election judges, equipment, plus any programming related to the election and will complete the counting of the ballots on election day. Mayor Pro-tem Medina thanked the County Clerk and the City Clerk for working so well together on the election process.

Councilmember Huckins moved that Council approve the Intergovernmental Agreement with the Montezuma County Clerk outlining the duties for the June 8, 2021, Special Election. 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. Fertilizer and Chemical Bid. Director of Parks and Recreation Palmquist stated that the fertilizer and chemical products needed for the Parks and Golf Course Maintenance Divisions were joined together in one combined bid to receive the best overall price. He stated that four companies submitted bids which included granular and liquid fertilizer, herbicide, and liquid growth regulator for the greens at the golf course. He reviewed staff’s recommendations for the bid awards noting that the total for the Golf Course Maintenance Division is \$21,317.59, which is \$1,317.59 over budget. He noted that the overage amount for the Golf Course Maintenance Division would be taken out of the Operating Supplies budget. He noted that the Parks Maintenance Division total bid amount is \$8,985.90, which is \$1,014.20 under budget. He noted the total bid award would be \$30,303.49.

Councilmember Dobry moved that Council award the Fertilizer and Chemical Bid to Harrell’s for \$13,094.15, Van Diest Support for \$11,410.64, Target Specialty for \$3,394.70, and Horizon for \$2,404.00, totaling \$30,303.49 for the Golf Course and Parks Maintenance Divisions. Councilmember Lucero seconded the motion, and the vote was as follows:

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

d. 2021 Subdivision Landscape Maintenance Services Bid Acceptance for Parks and Recreation Department. Director of Parks and Recreation Palmquist stated that three bids were received for the landscape maintenance services for Brandon’s Gate and Rodeo Subdivisions. He stated that staff is recommending that the contractual cost for the maintenance of the two subdivisions would be paid

for by the subdivision residents next year in the arrears along with the 2021 actual costs for the annual domestic and irrigation water use and metered electricity. He stated that the City is reviewing how the fee could be more equitably distributed to all the lots. He noted that Council held discussion on the item during the earlier worksession. He reviewed the three bid amounts and spoke about the estimated costs that would be passed on to the homeowners of the two subdivisions for the expenses. He stated that the landscape maintenance services contract would start on April 5, 2021 and run through October 29, 2021. In answer to a question from Councilmember Dobry, Director of Parks and Recreation Palmquist stated that approval is only of the bid award for the maintenance service and Council will discuss how the fees will be distributed to the homeowners at a later date.

Councilmember Rainey moved that Council award the Brandon’s Gate and Rodeo Subdivisions Landscape Maintenance Services Bid to Sprinkler Pros LLC for \$600 per month for the Brandon’s Gate Subdivision and \$300 per month for the Rodeo Subdivision. Councilmember Yazzie seconded the motion, and the vote was as follows:

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

e. Ordinance No. 1284, Series 2021. City Attorney Green stated that Ordinance No. 1284, Series 2021, repeals Section 24-20 regarding snow removal and sets new regulations. He spoke about enforcement of the existing ordinance and noted the responsibility of the City to have snow removed from sidewalks. He spoke about the definition of a sidewalk which was added to the new ordinance and commented that the time period to remove snow from the sidewalks was shortened to 12 hours, from 24 hours. He stated that there is a mix of residential and commercial that would be involved in the required snow removal regulations which would include Montezuma Avenue from Maple to Harrison with the current Main/Broadway area. He stated that a progressive fine for each day that the regulation is not complied with would be added to the requirements. He spoke about safe route funding that is available through the Colorado Department of Transportation (CDOT) for sidewalks to be developed where there are none. Councilmember Yazzie asked about the fines and City Attorney Green stated that the fine cap is \$499 and commented that the fine would motivate people to comply with the law. Councilmember Dobry asked if all the properties would be individually noticed about the new regulations and City Attorney Green stated that the ordinance would be published in the newspaper. In answer to questions from Councilmember Lucero, City Attorney Green stated that he did not know how many residents the regulation would affect on Main Street and that regulation would require the snow to be removed within 12 hours instead of 24 hours as is currently required.

Councilmember Huckins moved that Council approve on first reading Ordinance No. 1284, Series 2021, regarding snow removal from sidewalks in the City of Cortez repealing Cortez City Code Section 24-20, removal of snow and ice in its entirety and enacting Cortez City Code Section 24-20, removal of snow and ice creation of safe routes. Councilmember Rainey seconded the motion, and the vote was as follows:

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

7. DRAFT RESOLUTION/ORDINANCES - None

8. OTHER ITEMS OF BUSINESS

a. Executive Session. Council adjourned to Executive Session at 8:30 p.m., to complete the discussion that was held during the earlier Executive Session (Council worksession). Executive Session was held for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(d), regarding the dispatch center contract. Council returned to the regular meeting at 9:39 p.m., with no decisions made in Executive Session.

9. CITIZEN PARTICIPATION – None.

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 discussion in the worksession included a presentation by Shelley Millsap, Behavioral Health Manager for Axis Health System, and an update on the Library expansion. Also, discussion was held on the landscape and maintenance services bid (item 6d. New Business). Council adjourned to Executive Session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(3), regarding the dispatch center contract.

b. Mesa Verde Country. Mayor Pro-tem Medina spoke about the items that were discussed at the Mesa Verde Country meeting held on March 17, 2021. She noted that Mesa Verde Country received a grant to sponsor five mountain bikers to visit and report on the trails that are offered in the area. She spoke about the meeting that was held with the Grand Circle Association in Cortez noting that everyone that visited had enjoyed time in the community. She commented on the CARES Act that will be coming through the Colorado Tourism Office and how the funding would be spent.

c. Parks, Recreation, and Forestry Advisory Board. Councilmember Yazzie stated that the Parks, Recreation, and Forestry Advisory Board met on March 19, 2021, and discussion included the band shell project and re-opening of recreation facilities due to the COVID pandemic closures. She also spoke about a meeting that will be held with the neighbors of the 3rd Street Pocket Park regarding the addition of a community garden to the park. She noted that discussion was also held on the upcoming Arbor Day celebration.

d. Red Cross. Mayor Pro-tem Medina stated that the Red Cross is offering their ‘Sounding Alarm Program’ which includes information/training on fire and carbon monoxide alarms. She noted that the Red Cross has a preparedness program and virtual presentation also located on their website.

e. Southwest Colorado Council of Governments (SWCCOG). Mayor Lavey stated that he attended the SWCCOG meeting on March 11, 2021 and discussion included the partnership that has been created on the fiber project. Also, it was noted that a grant is being requested by the Montezuma Restoration Project for a storage building that would house a portable cider press. Mayor Lavey stated that the press would be used to harvest juice from the local orchards. He stated that discussion was held on the regional housing study and the need for an IT consultant for SWCCOG members. Also, the funding that would be received for the City of Cortez from the new Biden Bill was discussed. Mayor Lavey stated that Senator Hickenlooper's Southwest Regional Representative (Helen Katich) introduced herself and offered to be of assistance should anyone need anything.

The regular meeting was adjourned at 10:02 p.m.

ATTEST:

Linda L. Smith, City Clerk

Michael J. Lavey, Mayor