

CITY COUNCIL
REGULAR MEETING
TUESDAY, APRIL 27, 2021

1. The meeting was called to order at 7:30 p.m., with the Pledge of Allegiance. The meeting was held with a Hybrid/in-person and through ZOOM format. Councilmembers present in the Council Chambers included Mayor Mike Lavey, Robert Dobry, Mayor Pro-tem Rachel Medina, David Rainey, and Arlina Yazzie. Councilmember Orly Lucero participated by ZOOM. Staff members present by ZOOM were Aquatics Supervisor Michelle Devall, Water Treatment Plant Superintendent Rich Landreth, City Planner Tracie Hughes, Associate Planner Neva Connolly, Director of Public Works Phil Johnson, and City Attorney Mike Green. Director of Finance Kelly Koskie, Chief of Police Vernon Knuckles, Grants and Special Projects Chris Burkett, System Analyst Shay Allred, IT Support Jason Gray, City Clerk Linda Smith, and City Manager John Dougherty were present in the Council Chambers. There were three people present in the Council Chambers. Six people were signed up as participants on ZOOM.

2. Mayor Lavey commented that there was a clerical error and that additional verbiage would be made to the Agenda, Other Items of Business Item 8, Executive Session, and that discussion would also be held on the letter received from Councilmember Amy Huckins. The Consent Agenda items acted upon by Council were as follows:
 - a. Approval of the Worksession, Regular Meeting, and Special Meeting Minutes of April 13, 2021.

 - b. Approval of the payment of the Expenditure Vouchers of April 27, 2021.

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

 - d. Approval of a renewal Fermented Malt Beverage Liquor License for Worldwide Restaurant, DBA Pizza Hut of Cortez, 1119 East Main Street, Cortez.

 - e. Approval of four Special Event Permits for Cortez Retail Enhancement Association to host the ‘Third Thursday’ events on June 17, July 15, August 19, and September 16, 2021, at Montezuma Park located at the corner of Market and Montezuma, Cortez.

 - f. Approval of a Modification of Premises for El Burro Pancho LLC, DBA Gustavo’s Authentic Mexican Restaurant and Bar, located at 125 East Main Street, Cortez.

 - g. Authorization of the Mayor to sign the Professional Services Agreement with Armstrong Consultants, Inc. for the Airport Master Plan.

Councilmember Dobry moved that the consent agenda be approved as presented with the change to Other Items of Business Item 8 (Executive Session) adding that discussion would be held on a settlement agreement and discussion will also be held on Councilmember Huckins’ letter of resignation. Councilmember Yazzie seconded the motion, and the vote was as follows:

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

3. CITIZEN PARTICIPATION – None.

4. PRESENTATIONS

a. National Hospital Week Proclamation. Mayor Lavey read the proclamation which proclaimed National Hospital Week as May 9-15, 2021. Mayor Lavey thanked all the hospital employees for their hard work and noted that we owe them our gratitude.

Councilmember Dobry moved that Council proclaim National Hospital Week as May 9-15, 2021. Councilmember Lucero seconded the motion, and the vote was as follows:

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

b. American Rescue Plan Act (ARPA) of 2021 – Information and Guidelines. Grants and Special Projects Burkett spoke about the ARPA act noting that several items are still being worked out; however, the dates for payout have been disclosed as May 10, 2021 and May 10, 2022 with closeout by December 31, 2024. He spoke of the estimated amount that the City of Cortez would receive; however, the funding continues to be revised. He spoke about what uses the money is proposed for (broadband/hydro-electric plant/water infrastructure) and noted there will be additional funding programs coming this summer. He stated that staff is recommending that Council wait until the end of summer to discuss how to use the money. In answer to a question from Mayor Pro-tem Medina, Grants and Special Projects Burkett stated that the money could be used towards the loss in lodger’s tax but there is still clarification that would need to be made. Grants and Special Projects Burkett suggested that a five-year capital project budget be completed by all the departments that identify specific projects and Council could consider the importance and priority of each. Director of Finance Koskie stated that the money would allow for City projects to get completed that the City doesn’t currently have the funding for. She noted that the money is coming directly from the Federal Government and would be directed through the Department of Local Affairs (DOLA). Discussion was held on helping local businesses with some of the funding as was done with the money received in 2020 (CARES funding) and handled through the help of Region 9.

5. PUBLIC HEARINGS

a. Ordinance No. 1287, Series 2021. Mayor Pro-tem Medina read in full Ordinance No. 1287, Series 2021, an ordinance granting a franchise by the City of Cortez, County of Montezuma, Colorado, to Atmos Energy Corporation, its successors and assigns, the right to furnish, sell and distribute gas to the City and to all persons, businesses and industries within the City and the right to acquire, construct, install, locate, maintain, operate and extend into, within and through said City all facilities reasonably necessary to furnish, sell and distribute gas to the City and to all persons, businesses and industries within the City and in the territory adjacent thereto and the right to make reasonable use of all streets and other public property as may be necessary, and fixing the terms and

conditions thereof. It was noted that the ordinance is being presented as a public hearing and final reading. Mayor Lavey opened the public hearing; however, no one spoke and the hearing was closed.

Councilmember Dobry moved that the Council approve on final reading Ordinance No. 1287, Series 2021, approving the Atmos Energy Corporation franchise agreement. Councilmember Yazzie seconded the motion, and the vote was as follows:

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

6. NEW BUSINESS

a. Request from Arts Advisory Board to Contribute to Cultural Center's Gallery. City Manager Dougherty stated that the Cortez Public Arts Advisory Board has made a request to Council for approval of \$1,200 from their budget to be used for the renovation of 547 square feet of dedicated art gallery exhibition space at the Cortez Cultural Center. He stated that the renovation would improve the visual appeal for locals and visitors who patronize the center. City Manager Dougherty stated that the request is being presented to Council for approval due to the board being an advisory board. In answer to a question from Mayor Pro-tem Medina, it was noted that the Arts Advisory Board has a budget of \$5,000 for the year 2021 from which this funding would come from.

Councilmember Rainey moved that Council approve the request from the Arts Advisory Board to donate \$1,200 to the Cortez Cultural Center for the art gallery. Councilmember Yazzie seconded the motion, and the vote was as follows:

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

b. Bid Results on Water Tank Rehabilitation Project. Director of Public Works Johnson stated that the City's water storage tanks are cleaned and inspected on a regular schedule. He stated that during the last inspection in 2019, it was noted that it is time to have the water tanks repaired and repainted. He stated that the last time Tank #1 was rehabilitated was in 1986 and Tank #2 was installed in 1996 and has never been rehabilitated. He stated that the rehabilitation of the two tanks would include spot steel shell and structural support repairs and clip replacements; floor plat spot replacements; sand blasting; painting the interior and exterior; and other appurtenant work. He stated that the project was advertised and eight bids were received. He stated that staff is recommending that the low bidder, Riley Industrial Services, Inc., from Farmington, NM, be awarded the bid and he noted that they are familiar with the City's water tanks and have done work for the City in the past. He stated that the money has been budgeted in the Water Capital Fund. In answer to a question from Mayor Lavey, Director of Public Works Johnson stated to preserve the City's water supply, only one tank would be out of service at a time.

Mayor Pro-tem Medina moved that Council award the Water Tank Rehabilitation Project Bid to Riley Industrial Services, Inc., as low bidder, in the amount of \$1,001,652.00. Councilmember Dobry seconded the motion, and the vote was as follows:

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

c. Bid Results on Montezuma and Mildred Intersection. Director of Public Works Johnson stated that there have been many complaints over the years about the congestion and hazards at the intersection of Montezuma and Mildred. He stated that the City changed the intersection to a four-way stop last year and utilized traffic cones to block off the left-turn lane on Montezuma's east-west traffic with good results to traffic issues in the area. He stated that this year's project will be to widen the existing median to eliminate the left-turn lanes, remove and replace the concrete gutter pans, relocate the existing light poles, and install ADA curb ramps on all four corners. He stated that the contract will utilize both full-depth pavement reconstruction and mill and overlay on the existing roadway. He noted that four bids were received and Oldcastle SW Group/Four Corners Materials from Durango was low bidder. He stated that the intersection will be made safe for the 4th of July holiday should the fireworks be held in the park this year and the project is planned to be completed prior to school starting in August. He stated that the landscaping of the medians will be completed by Parks and Recreation and will also be funded through the Street Capital Fund, as is this project. He noted that the new lighting will be installed similar to what is located near the Recreation Center and the pedestrian walk-area will be improved. In answer to a question from Mayor Lavey, Director of Public Works Johnson stated that Oldcastle SW Group/Four Corners Materials have done work for the City in the past and is capable of completing the project.

Councilmember Dobry moved that Council award the Montezuma and Mildred Reconstruction Project to Oldcastle SW Group Inc./Four Corners Materials as low bidder in the amount of \$340,500.00. Councilmember Yazzie seconded the motion, and the vote was as follows:

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

d. Appointment of Part-time Employee to Fill Position of Interim City Manager. City Manager Dougherty stated that he will be departing Cortez in a few days and Chris Burkett has agreed to be the Interim City Manager during the time it takes the City to hire a new City Manager. He stated that Mr. Burkett has agreed to be compensated at a rate of \$55.00 per hour. In answer to a questioned raised by Director of Finance Koskie, it was noted that Mr. Burkett would become a City employee during this time at an hourly rate, rather than through a contract. Mr. Burkett stated that he is available to work whatever hours are need by Council throughout the interim period. Councilmember Lucero noted that he would have preferred that an in-house employee be hired so that someone could have received experience/training with this type of work should the City Manager go on vacation and need a backup.

Councilmember Yazzie moved that Chris Burkett be appointed as an Interim City Manager until the permanent manager is hired with the terms as noted in the memo. Mayor Pro-tem Medina seconded the motion, and the vote was as follows:

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

e. Re-appointment of Historic Preservation Board Member. Associate Planner Connolly stated that Holly Tatnall’s term has expired and she is willing to continue serving on the Historic Preservation Board for another three-year term (through December 2023). Association Planner Connolly stated that Ms. Tatnall is a valuable member of the board and serves as the representative from the Cultural Center.

Councilmember Dobry moved that Council approve the re-appointment of Ms. Tatnall for a three-year term with the Historic Preservation Board to be retroactive from November 2020. Councilmember Rainey seconded the motion, and the vote was as follows:

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

7. DRAFT RESOLUTION/ORDINANCES - None

8. OTHER ITEMS OF BUSINESS

a. Executive Session. Council adjourned to Executive Session at 8:32 p.m., for a conference with the City Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) and 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)(e) to discuss the appointment of the new City Manager and a settlement agreement. Council returned to the regular meeting at 8:59 p.m.

b. Settlement Agreement. Councilmember Dobry moved that the City Manager be authorized to sign the General Lease and Settlement Agreement dated April 27, 2021, with the City of Cortez. Councilmember Yazzie seconded the motion, and the vote was as follows:

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

c. Amy Huckins Resignation. Council announced that Amy Huckins has submitted her letter of resignation dated April 26, 2021. Council thanked Ms. Huckins for her dedication to the City and noted that she will be greatly missed. Council gave direction to the City Clerk to proceed with advertising the open seat and to conduct interviews on June 8, 2021. It was noted that appointment would need to be completed by June 22, 2021, as outlined in the City Charter.

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 during the worksession Dr. Kent Aikin gave an update on regulations regarding the COVID pandemic and Director of Finance Koskie presented information on current budget changes. He noted that Director of Parks and Recreation Palmquist spoke about the opening of the outdoor swimming pool and City Planner Hughes reviewed a boundary conflict/surveying errors for vacant City owned property located south of Verde Vu Drive and east of South Cedar Street. Discussion was held on a request received for a four-way stop at 1st and Ash Streets and Director of Public Works Johnson gave an update on the current status of the City's water supply and water use restrictions.
- b. Boards and Commissions. Mayor Pro-tem Medina asked if all the boards and commissions are meeting again and it was noted that all the boards/commissions have returned to meeting in some form; however, the Youth Commission has been put on hold until the next school year.
- c. Mesa Verde Country Board. Discussion was held on the Mesa Verde Country Board and it was noted that Amy Huckins was attending the meetings and Councilmember Lucero (who serves currently as the backup on the board) stated that he would attend the board meetings until the appointment is made for Ms. Huckins replacement on Council.
- d. Child Advocacy Center Event. Mayor Lavey stated that he attended the pinwheel planting of 100 pinwheels at First National Bank in support of the Child Advocacy Center bringing attention to child safety in the community.
- e. County Emergency Management Relief (ERF) Relief. Councilmember Dobry stated that he attended the ERF training held at the County as the City's representative.
- f. Thank You John Dougherty. City Clerk Smith stated that Friday, April 30, 2021, a Farewell Party would be held to honor City Manager John Dougherty. She invited Council and the public to attend the come and go party that would be held from 2:00 to 4:00 p.m., in the Mesa Verde Room, at City Hall. Mayor Pro-tem Medina thanked City Manager Dougherty for all his hard work during his time as City Manager. Councilmembers echoed the sentiments and wished him well in his next chapter. City Manager Dougherty thanked Council for the support and the opportunity to serve the community. Council noted he will be missed.

The regular meeting was adjourned at 9:10 p.m.

ATTEST:

Linda L. Smith, City Clerk

Michael J. Lavey, Mayor