

CITY COUNCIL
REGULAR MEETING
TUESDAY, MAY 25, 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 Virtual contact 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 was absent. Director of Finance Kelly Koskie, Chief of Police Vernon Knuckles, Director of Public Works Phil Johnson, Director of General Services Rick Smith, IT Support Kyle Kuhn, System Analyst Shay Allred, IT Support Jason Gray, City Clerk Linda Smith, City Manager Drew Sanders, and City Attorney Mike Green were present in the Council Chambers. There were 11 people present in the Council Chambers and 2 people in the Mesa Verde Room. There were 25 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 of May 11, 2021.
 - b. Approval of the payment of the Expenditure Vouchers of May 25, 2021.
 - c. Approval of a renewal Fermented Malt Beverage Liquor License for Stokley Corporation, DBA Handy Mart South, located at 806 ½ South Broadway, Cortez.
 - d. Approval of a renewal Hotel and Restaurant Liquor License for Fiesta Mexicana No. 3, Inc., DBA Fiesta Mexicana Family Restaurant, located at 430 North Highway 145, Cortez.
 - e. Approval of a Change in Corporation for a Tavern Liquor License for Cortez Elks Lodge No. 1789 Inc., DBA Cortez Elks No. 1789, located at 2100 North Dolores Road, Cortez.

Councilmember Dobry moved that the Consent Agenda be approved as presented, with the amendment to the agenda adding New Business Item f. regarding water restrictions. Councilmember Yazzie seconded the motion, and the vote was as follows:

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

3. CITIZEN PARTICIPATION

a. Proclamation. Matt Keefauver, 226 North Market Street, stated that he appreciates Council's leadership and thanked Council for considering the LBGTQ2S+ Proclamation which would designate June as Pride Month. He stated that this past year there has been bullying and threats made to LBGTQ people and signing the proclamation can be seen as the first step in healing a divided community.

b. Proclamation. Sherry Simmons, Lewis, began with a prayer and commented that celebrating the

proclamation in the month of June is hurtful to Christians. She stated that the proclamation brings more division in the community and asked why there is a need to put one group above another. She commented that everyone is human and is made in the image of God.

c. Proclamation. Rebecca Busic, on ZOOM, thanked Council for considering the designation of June as Pride Month in Cortez. She spoke of her brother-in-law who had passed away and commented that discrimination has no place anywhere. She commented that she hopes others take a more inclusive approach to leadership.

d. Proclamation. Raileigh Mormorstein, Road 21, thanked Council for their leadership and she spoke about the proclamation helping with suicide prevention as the proclamation means we all matter here.

e. Proclamation/COVID Regulations. Tiffany Ghery, 1752 Brooke Street, thanked Council for allowing everyone to be heard. She spoke about her cousin who identifies as gay and commented that she doesn't care what a person identifies as. She commented that she is disappointed that the proclamation was signed in advance of the public comment and she feels the proclamation causes more division. She also spoke of a concern that a person was recently not allowed in the Recreation Center because they would not wear a mask. She commented that there are no COVID restrictions in Montezuma County and asked why this person was not allowed entrance in a citizen owned facility.

f. Proclamation. Jim Skvorc, 1102 East Carpenter, thanked Council for the job they are doing and for considering the LGBTQ Pride Month Proclamation. He spoke of a story from Martin Niemoller, a clergyman who lived in Germany during World War II noting that from his story about the cowardness of those that didn't stand up for the Christian virtue of charity.

4. PRESENTATIONS

a. LGBTQ2S+ Pride Month Proclamation. Mayor Pro-tem Medina read the proclamation proclaiming June 2021 as LGBTQ2S+ Pride Month in the City of Cortez.

Mayor Pro-tem Medina moved that the Mayor be authorized to sign the June Month Pride Proclamation. Councilmember Rainey seconded the motion, and the vote was as follows:

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

Councilmember Yazzie commented that she has received over 50 emails on the topic and understands that everyone will continue to believe what they will. She stated that one of the goals of Council is to create an inclusive and safe community that welcomes diversity. She stated that there is power in words and that the words of the proclamation will permeate into the norms of our community, promoting a stronger feeling of connectedness. She stated that those that have not felt welcome, should feel welcome as they are wanted and accepted here. She commented that LGBTQ+ youth are at a much greater risk to experience adverse childhood experiences around family dysfunction and emotional abuse growing up which absolutely contributes to feelings of

suicidality and if the most immediate thing that the City could do is to simply acknowledge and accept those youth and adults as they are, ensure that they feel welcome in this community, could help with the prevention of suicide.

5. PUBLIC HEARING – None.

6. UNFINISHED BUSINESS

a. Review of the Ride of the Ancients Gravel Grinder Sponsorship Request. Susan Thomas, Coordinator for Trail of the Ancients National Scenic Byway, stated that a presentation was made to the Board of County Commissioners for support of the event; however, they declined to allocate funding but said they would consider funding the event with the 2022 Budget. She noted that the event is hoped to reach 200 riders and spoke about the funding that has been received so far. Council spoke about sponsoring a portion of the expenses. Councilmember Dobry stated that he has a concern about approving funding outside of the regular grant program but would consider sponsoring the law enforcement and EMS fees. He did encourage Ms. Thomas to ask that the permit fees be waived by the Town of Dolores and Montezuma County. Mayor Lavey spoke about the benefit of economic development to the City with the attraction of the bikers to the area.

Mayor Pro-tem Medina moved that Council donate \$1,000 towards the Ride of the Ancients Gravel Grinder event. Councilmember Rainey seconded the motion, and the vote was as follows:

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

7. NEW BUSINESS

a. 2021 Concrete Cost-Share Project. Director of Public Works Johnson stated that the City provides an annual sidewalk cost-share program to help residents and business owners either install new sidewalk or replace deteriorated sidewalks on their property. He stated that the program encourages and promotes improvement of the City’s public walkways by offering a 50% cost-share agreement with local residents and the City utilizes the project for maintenance on sidewalks, ADA accessible ramps, and curb and gutters. He stated that this year’s project includes removal and replacement of approximately 469 SY of damaged concrete sidewalks,; 911 LF of curb and gutter; 94SY of new concrete sidewalks, ten ADA curb ramps; and miscellaneous other concrete work throughout the City. He stated that two bids were received for the project and Daniel’s Concrete and Excavation of Cortez was low bidder at \$189,710.57. He stated that \$210,000 was budgeted for concrete and storm drain work for 2021 and that \$7,400 (citizens/businesses pay half and the City pays half) would be reimbursed by the cost-share participants. In answer to a question from Councilmember Yazzie, Director of Public Works Johnson stated that Daniel’s Concrete can do the work and will do a good job.

Councilmember Dobry moved that Council award the 2021 Concrete Cost-Share Project to Daniel’s Concrete in the amount of \$189,710.57. Mayor Pro-tem Medina seconded the motion, and the vote was as follows:

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

b. QUASI-JUDICIAL ITEM – Set Public Hearing Date for Transfer of Location for a Medical Marijuana Center/On Site Optional Premises Cultivation Facility and Retail Marijuana Store for Durango Organics, LLP, DBA DO Cortez, from 1104 East Main Street to 1013 East Main Street, Cortez. City Attorney Green stated that two processes will be held during the public hearing on the request from Durango Organics as the request is for a Medical Marijuana Center/On Site Optional Premises Cultivation facility as well as a Retail Marijuana Store. He stated that the City would need to set the public hearing date for presentation of the Transfer of Location for the facility as it is currently located at 1104 East Main Street and will be moving to 1013 East Main Street.

Councilmember Dobry moved that Council set a public hearing date of June 8, 2021, for Transferring the Location for a Medical Marijuana Center/On Site Optional Premises Cultivation Facility and Retail Marijuana Store for Durango Organics, LLP, DBA DO Cortez, from 1104 East Main Street to 1013 East Main Street, Cortez. Councilmember Yazzie seconded the motion, and the vote was as follows:

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

c. Stop Loss Employee Insurance. Director of Human Resources Cashner stated that staff is recommending that the City's Stop Loss Employee Insurance carrier be changed due to the proposal from Berkshire Hathaway increasing the City's premiums 13.1%. He explained what the Stop Loss program is noting that the City is self-insured and the first \$100,000 of a claim is paid out of the City's self insurance plan. He stated that USI, the City's insurance broker, has been researching the market to find a better option. Dan Clark and Steve Scarano from USI spoke to Council about their research and commented that TMS Re, Inc. could provide the Stop Loss Employee Insurance policy at a 2.4% increase. He spoke about how the Stop Loss amount is determined and noted that the two laser employees that had high claims for the City in the past are no longer on the plan with the City. In answer to a question from Mayor Lavey, Mr. Clark explained what the no laser provision means.

Mayor Pro-tem Medina moved that Council award the Stop Loss Employee Insurance carrier to TMS Re, Inc., based on the no laser provision and the moderate increase in premiums. Councilmember Dobry seconded the motion, and the vote was as follows:

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

d. Adoption of COVID Protocol. Councilmember Dobry stated that in light of the new guidance from the Centers for Disease Control and Prevention (CDC) and the Colorado Department of Public Health and Environment (CDPHE), he moved that the City's current COVID policy end and the City Manager be authorized to set the policy and the Mayor sign the resolution accordingly. Councilmember Yazzie seconded the motion, and the vote was as follows:

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

e. 4th of July Plans for the City of Cortez. City Manager Sanders stated that the 4th of July celebration was not held in 2020 and staff is asking how Council would like to proceed with the protocol for the 2021 event. It was noted that there are not any restrictions at this time as per Montezuma County's regulations regarding large gatherings. Mayor Pro-tem Medina asked about fire concern and Fire Chief Jay Balfour, representing the Cortez Fire Protection District, commented that the Cortez park is the safest place in the State of Colorado to host the fireworks. He noted that the Fire District partners with Keenan Ertel to put on the fireworks show and there will be additional fire crew on hand for the demonstration. He spoke about the fireworks that have already been purchased and commented that the show will be bigger than previous years. Councilmember Rainey stated that he is still concerned about the pandemic. Discussion was held on encouraging families to use their best judgement and stick with their family units and to wear masks if you feel the need to do that. It was noted that there is plenty of space in the parks to allow for social distancing.

Councilmember Yazzie moved that staff proceed with planning the 4th of July activities. Councilmember Dobry seconded the motion, and the vote was as follows:

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

f. Voluntary Water Restrictions. Councilmember Dobry moved that Council implement the voluntary water restrictions due to the on-going drought. Councilmember Rainey seconded the motion, and the vote was as follows:

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

8. DRAFT RESOLUTION/ORDINANCES - None

9. OTHER ITEMS OF BUSINESS

a. Executive Session. Council adjourned to Executive Session at 8:20 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). Council returned to the regular meeting at 9:50 p.m. Discussion was held with the City Manager on his contract.

10. CITIZEN PARTICIPATION

a. Proclamation/Thank You. Justin Vasterling, 2527 Trinity Avenue, thanked Council for letting the public back into the Council Chambers and also for approving June as Pride Month. He commented that the prayer that was said during the earlier Citizen Participation was beautiful. He welcomed City Manager (Drew Sanders) to Cortez. He stated that he was sorry for the loss of Councilmember Huckins and wished her well. He stated that he will continue to attend Council

meetings to offer support for Council.

11. CITY ATTORNEY'S REPORT – None.

12. CITY MANAGER'S REPORT – None.

13. CITY COUNCIL COMMITTEE REPORTS

a. Mayor's Report on Workshop. Mayor Lavey stated that during the worksession discussion was held on the CDOT Multimodel Options Fund Grant and voluntary water restrictions. Also discussion was held on the local vendor preference regulations and an update was given on the Airport. Mayor Lavey stated that a presentation was also made on the outdoor pool re-opening.

b. Parks, Recreation, and Forestry Advisory Board. Councilmember Yazzie stated that the Parks, Recreation, and Forestry Advisory Board met in Centennial Park and discussion was held on the forestry program and the possible separation of the Tree Commission from the Parks and Recreation Board. She stated that discussion also included the re-opening of the outdoor swimming pool. She stated that a walk was made around the disc golf course and discussion was held on improvements that are planned to make the course more interesting.

c. Airport Strategic Planning Meeting. Councilmember Dobry stated that discussion at the Airport Strategic Planning meeting including ideas on how to help the Airport grow and support economic development.

d. Emergency Support Training. Councilmember Dobry stated that he also attended an Emergency Support Training which held a table top demonstration of a possibly emergency and how the different emergency support operations would work together.

e. Economic Development Meeting. Councilmember Dobry stated that discussion was held with Montezuma County and Region 9 on how to build a better structure to grow economic development in Montezuma County and Cortez.

f. Mesa Verde Country Tourism Meeting. Mayor Pro-tem Medina stated that discussion at the Mesa Verde Country Tourism meeting included information on the hotels in the area, which it was noted are doing well, and also noted was that Mesa Verde National Park cliff dwelling tours will begin on June 16, 2021. She stated that it is hoped that 2021 will be a good tourism season.

g. Public Arts Board. Councilmember Rainey stated that Public Arts Board held a productive meeting with discussion including the remodeling of the Cortez Cultural Center with the new art display. He noted that several residents have applied to serve on the board.

h. Department Head Meeting. Mayor Lavey stated that he attended the Department Head meeting, which is held each Tuesday morning, and he noted that it was good to hear what is on the minds of each of the staff members. He welcomed City Manager Sanders and commented that he appreciates his optimism and the way he looks at all the issues with a positive mind.

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

ATTEST:

Michael J. Lavey, Mayor

Linda L. Smith, City Clerk