

CITY COUNCIL  
REGULAR MEETING  
TUESDAY, APRIL 26, 2022

1. The meeting was called to order in the City Council Chambers at 7:30 p.m., with the Pledge of Allegiance. Councilmembers present included Mayor Mike Lavey, Mayor Pro-tem Rachel Medina, Robert Dobry, Matthew Keefauver, Orly Lucero, David Rainey, and Arlina Yazzie. New Councilmembers Lydia DeHaven and Dennis Spruell were also present. Staff present included Director of Public Works Brian Peckins, Chief of Police Vernon Knuckles, Director of General Services Rick Smith, Director of Parks and Recreation Creighton Wright, Inspector/Safety Coordinator Diane Roberts, Community and Economic Development Director Rachael Marchbanks, Deputy City Clerk Donna Murphy, City Clerk Linda Smith, City Manager Drew Sanders, and City Attorney Mike Green. There were approximately 45 people present in the audience.
2. The Consent Agenda items acted upon by Council were as follows:
  - a. Approval of the Special Worksession and Regular Meeting Minutes of April 12, 2022.
  - b. Approval of the Expenditure List for April 26, 2022.
  - c. Approval of a Medical Marijuana Center/On Site Optional Premises Cultivation License for Mountain Annie's, LLC, located at 310 East Main Street, Cortez.
  - d. Approval of a renewal Retail Marijuana Store/Retail Marijuana Cultivation License for Mountain Annie's, LLC, located at 310 East Main Street, Cortez.
  - e. Approval of a renewal Fermented Malt Beverage Liquor License for Worldwide Restaurant Corporation, DBA Pizza Hut of Cortez, located at 1119 East Main Street, Cortez.
  - f. Approval of a renewal Fermented Malt Beverage Liquor License for Paragon Business Investments, LLC, DBA Gopher Food & Fuel, located at 2410 Fairway Drive, Cortez.
  - g. Approval of a renewal Hotel and Restaurant Liquor License with one optional premise for Rudosky Golf LLC, DBA Conquistador Golf Course, located at 2018 North Dolores Road, Cortez.
  - h. Approval of a Special Events Permit to Cortez Celtic Fair to host an event on Saturday, June 25, 2022, at Parque de Vida, located at 400 North Mildred Road, Cortez.
  - i. March 2022 Financial Statements.

Councilmember Dobry moved that the Consent Agenda be approved with the removal of item i, March 2022 Financial Statements. Councilmember Keefauver seconded the motion, and the vote was as follows:

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

Director of Finance Koskie spoke about the highlights of the March 2022 Financial Statements noting that all the departments are within budget and sales tax is averaging 25.7% through the first quarter. Councilmember Yazzie moved that Council approve item i, March 2022 Financial Statements. Councilmember Dobry seconded the motion, and the vote was as follows:

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

### 3. CITIZEN PARTICIPATION

a. Thank You for Your Service. Karen Sheek thanked retiring members Orly Lucero and Mike Lavey. She stated that during her time of serving on Council she valued working with both Orly and Mike and commented that they are great examples of public service. She also welcomed new Councilmembers Dennis Spruell and Lydia Dehaven.

### 4. PUBLIC HEARINGS

a. Ordinance No. 1299, Series 2022. Chief of Police Knuckles stated that Ordinance No. 1299, Series 2022, approves Built Year Agreement with Kansas State Bank (Government Obligation Contract with Attachments) and Vehicle Lease. He stated that the lease would allow for the purchase of six vehicles for the Police Department for a total amount of \$358,642.02 over a four year period. Mayor Lavey opened the public hearing; however, no one spoke and the hearing was closed.

Councilmember Dobry moved that Ordinance No. 1299, Series 2022, approving Build Year Agreement with Kansas State Bank and Vehicle Lease, be approved on final reading. Councilmember Keefauver seconded the motion, and the vote was as follows:

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

### 5. PRESENTATIONS

a. Thank You and Goodbye to Mayor Michael Lavey and Councilmember Orly Lucero. City Manager Sanders thanked Mayor Lavey and Councilmember Lucero for their years of service to the City of Cortez noting that they are men of integrity and dedicated to the City. He stated that they will be missed. Councilmember Lucero wished the new Councilmembers well and thanked the City employees for all their hard work. He stated that he would see everyone around and asked Council to keep the City moving forward. Mayor Lavey stated that it has been a roller coaster especially the last few years with the pandemic but every obstacle was turned into an opportunity. He stated that Cortez is a great place to live and he thanked everyone for being great Cortez citizens.

b. Oath of Office for New Councilmembers: Lydia DeHaven, Robert Dobry, Matt Keefauver, and Dennis Spruell. The oath of office was taken by the four newly elected candidates.

c. Nomination for Mayor. The floor was opened by the City Clerk for nominations for Mayor. Councilmember Yazzie moved that Rachel Medina be nominated as Mayor. Councilmember Dobry seconded the motion. Councilmember Spruell moved that Matt Keefauver be nominated as Mayor. Councilmember Rainey seconded the motion. No other nominations were received. A paper ballot vote was taken and the results were as follows:

Four (4) votes for Rachel Medina and three (3) votes for Matt Keefauver. Rachel Medina was therefore elected as Mayor.

d. Nomination for Mayor Pro-tem. The floor was opened by the City Clerk for nominations for Mayor Pro-tem. Councilmember Keefauver moved that Robert Dobry be nominated as Mayor Pro-tem. Mayor Medina seconded the motion. Mayor Medina moved that Arlina Yazzie be nominated as Mayor Pro-tem. Councilmember Rainey seconded the motion. No other nominations were received. A paper ballot vote was taken and the results were as follows:

Five (5) votes for Arlina Yazzie and two (2) votes for Robert Dobry. Arlina Yazzie was therefore elected as Mayor Pro-tem.

Mayor Medina read a brief message thanking Council for the nomination of Mayor noting that it is a great honor. She stated that the Mayor is only a figure head position and that Council is a team of seven making decisions for the City of Cortez. She asked for everyone's patience as she navigates the new position and that she will do her best to serve the community.

e. Shred Paper Ballots. Councilmember Keefauver moved that the City Clerk be authorized to shred the paper ballots used for the Mayor and Mayor Pro-tem election. Councilmember Rainey seconded the motion, and the vote was as follows:

DeHaven	Dobry	Keefauver	Medina	Rainey	Spruell	Yazzie
Yes	Yes	Yes	Yes	Yes	Yes	Yes

6. UNFINISHED BUSINESS – None.

7. NEW BUSINESS

a. Bid Results on the 2022 Mildred Road Street and Water Project (PW-2-01-SW). Director of Public Works Peckins stated that North Mildred Road from Empire Street north to Animas Street has two water lines under it: the 6" line is circa 1950's and the newer 16" line installed in the early 80's. He stated that two new water valves will be installed on the 16" line in front of Southwest Memorial Hospital to provide water from two directions, so the hospital should never be without water. He explained that the 6" line would be abandoned, and all of the current service lines would be transferred and upgraded to the 16" line. He spoke about the street improvements for North Mildred Road that would also occur during the project. He stated that only one bid was received and staff recommends that the bid be awarded to D&L Construction at a bid amount of

\$1,261,220.00. In answer to a question from Mayor Medina, Director of Public Works Peckins stated that the water portion of the project is over budget; however, the street portion of the project is under budget and therefore the project comes within the estimated budgeted amount.

Councilmember Keefauver moved that Council award the 2022 Mildred Road Street and Water Project to D&L Construction at a bid price of \$1,261,220.00. He noted that the monies have been budgeted in the Street and Water Capital Funds. Councilmember Dobry seconded the motion, and the vote was as follows:

DeHaven	Dobry	Keefauver	Medina	Rainey	Spruell	Yazzie
Yes	Yes	Yes	Yes	Yes	Yes	Yes

b. Bid Results on the South Sligo Street Reconstruction Project (PW-22-02-S). Director of Public Works Peckins stated that South Sligo Street will be reconstructed this summer. He stated that the first development of South Sligo was done in 2005 and was not designed for heavy traffic. He stated that a 1" overlay was put down in 2008 to help maintain the road. He stated that Sligo Street is a major through way for traffic to 7<sup>th</sup> Street and is utilized for the school bus traffic. He stated that the road is scheduled to be excavated down to subgrade and will be reconditioned to sufficiently handle projected future traffic. He stated that the project would begin after school is completed at the end of May. He stated that three bids were received and staff is recommending that the bid be awarded to D&L Construction at a bid price of \$871,675.00. He stated that the money for the project is budgeted in the Street Capital Fund. In answer to a question from Mayor Medina, Director of Public Works Peckins stated that D&L Construction has said, if they are awarded the bid, they would begin the Sligo Street project a couple weeks after the start of the project on Mildred Road and will work simultaneously on both projects.

Councilmember Dobry moved that Council award the bid for the 2022 Sligo Street Reconstruction Project to D&L Construction at their bid price of \$871,675.00. Councilmember Keefauver seconded the motion, and the vote was as follows:

DeHaven	Dobry	Keefauver	Medina	Rainey	Spruell	Yazzie
Yes	Yes	Yes	Yes	Yes	Yes	Yes

c. Bid Results on the 2022 Street Striping Project. Director of Public Works Peckins stated that all of the streets in Cortez are in need of restriping and it is more efficient to contract the work out since the City does not have the proper striping equipment to perform the work. He noted that the City has contracted the striping out for over ten years and allows the work to be completed in approximately one week. He stated that the monies have been budgeted in the Public Works General Fund, Traffic Services. He stated that, as was done in 2013 and 2016, the bid specifications noted that it is in the best interest of the City to not seek yearly bids for the project, but rather to allow the contractor to renew the contract provided the total cost of the project, with the same parameters as outlined in the Bid Documents, and that an increase is not more than 3% per annum for a period of three years. He stated that two bids were received and staff recommends that the bid be awarded to Branson Traffic Control Co., Inc., for the bid amount of \$44,094.00, with the escalation clause for three years. Mayor Medina asked if the parking spaces and cross walks would be completed as well with this process and Inspector/Safety Inspector Roberts stated that the

parking spaces and cross walk striping are not part of the project.

Mayor Pro-tem Yazzie moved that Council award the bid for the 2022 Street Striping Project to Branson Traffic Control Co., Inc., at their bid price of \$44,094.00 with the escalation clause for three years. Councilmember Rainey seconded the motion, and the vote was as follows:

DeHaven	Dobry	Keefauver	Medina	Rainey	Spruell	Yazzie
Yes	Yes	Yes	Yes	Yes	Yes	Yes

d. Request to Purchase Cortez Area Chamber of Commerce Membership to Help Sustain Business-Support Efforts by our Partner. Community and Economic Development Director Marchbanks stated that she would like the City to purchase a Cortez Chamber of Commerce membership in the amount of \$850 paid out of the Council contingency expenditure line. She stated that the membership amount was not included in the budget. She stated that the membership would help support the Chamber's economic development initiatives and business programs. In answer to a question from Mayor Pro-tem Yazzie, Colton Black, Executive Director of the Chamber of Commerce, spoke about membership benefits which include a discount at Chamber events and listing in the on-line business directory. He spoke about the different membership benefits should the City choose to go with the \$1,000 membership fee. Mayor Medina asked if the funds were available for the membership fee which Director of Finance Koskie stated there was money available in the contingency line item. Councilmember Keefauver commented that the City approved funding to the Chamber of Commerce during the Community Support Grant process for 2022 and he thought that the funding would include a membership. City Manager Sanders stated that the grant (approximately \$4,000) was to include a membership; however, the City is trying to formalize a membership for the next twelve months. He stated that the \$850 membership meets the needs of the City.

Councilmember Dobry moved that Council approve the purchase of a Cortez Area Chamber of Commerce Membership in the amount of \$850, paid for out of the Council contingency expense line. Councilmember Rainey seconded the motion, and the vote was as follows:

DeHaven	Dobry	Keefauver	Medina	Rainey	Spruell	Yazzie
Yes	Yes	Yes	Yes	Yes	Yes	Yes

e. Resolution No. 13, Series 2022 – Land Acquisition – 1002 East Empire Street, Cortez, Colorado. City Manager Sanders stated that it is a long-term goal of the City to improve the intersection of Mildred Street and Empire Street due to the high traffic volume. He stated that the property at 1002 East Empire Street is for-sale and noted that the City owns the other three corners at the intersection. He stated that he spoke with Council in Executive Session on March 29, 2022, about the reasons for the acquisition of the property and Council granted permission to negotiate with the property owner for a fair price for the property. He stated that a sale price of \$105,000.00 was agreed upon, plus one-half of the closing costs (\$298.50). He stated that the property could be used for parking during special events until something is done with the intersection in the future. Councilmember Keefauver asked that landscaping be placed on the lot as three of the four corners are not very attractive.

Councilmember Dobry moved that Council approve Resolution No. 13, Series 2022, authorizing the purchase of land known as 1002 East Empire Street, Cortez, Colorado, pursuant to the purchase agreement, for the amount of \$105,298.50. Councilmember Keefauver seconded the motion, and the vote was as follows:

DeHaven	Dobry	Keefauver	Medina	Rainey	Spruell	Yazzie
Yes	Yes	Yes	Yes	Yes	Yes	Yes

8. DRAFT RESOLUTION/ORDINANCES – None.

9. CITY ATTORNEY’S REPORT – None.

10. CITY MANAGER’S REPORT

a. Community Intervention Program (CIP)/Business Beautification Mini Grant Program/CCN Broadband/City Attorney. City Manager Sanders stated that Community Intervention Program (CIP) is set to go live on May 1, 2022. He also announced that the City is re-launching its Business Beautification Mini Grant Program. He stated that the matching grant (up to \$300) could be used for the purchase of materials utilized in the enhancement of a business’s existing façade or primary public entrance. He thanked the Community and Economic Development Department for bringing the program back to life. City Manager Sanders stated that seven responses were received to the City’s Request For Information (RFI) for leasing the existing broadband system. He stated that all seven bidders will be interviewed and narrowed down for Council review. He noted that the interview process to select a new City Attorney will occur May 6, 2022. Employee Highlight, nominated by Director of Parks and Recreation Wright, includes the three Aquatics Management Team consisting of Ahnna Higgins, Ivana Kibel and Jenna Barner. He noted that the team has almost 18 years of experience in the Aquatics Division and each has had firsthand experience with just about every situation that one could imagine. Director of Parks and Recreation Wright wrote that the team works at an amazing level together and on their own to create a safe, supportive, and fun environment for Cortez residents and visitors.

11. CITY COUNCIL COMMITTEE REPORTS

a. Mayor’s Report on Workshop. Mayor Medina stated that a reception was held during the worksession to thank Michael Lavey and Orly Lucero for their service to the community.

b. Parks, Recreation, and Forestry Advisory Board Meeting. Mayor Pro-tem Yazzie stated that the Parks, Recreation, and Forestry Advisory Board reviewed the posters for the Arbor Day contest. She commented that there were some great drawings from local elementary students. Also, discussion during the meeting included the the latest happenings/projects for the Parks and Recreation Department.

12. OTHER ITEMS OF BUSINESS

a. Councilmember Dobry moved to adjourn at 8:20 p.m. to Executive Session to discuss the selection process for a new City Attorney under C.R.S. Section 24-6-402(4)(e), wherein Council

will hear from recruiting firm Columbia LTD. A discussion will be held regarding a possible business agreement or partnership with a local utility under C.R.S. Section 24-6-402(4)(e). Council will also hold a discussion on purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under C.R.S. Section 24-7-402(4)(a). Council returned from Executive Session at 10:25 p.m., with no further discussion held.

13. PUBLIC PARTICIPATION – None.

The regular meeting was adjourned at 10:26 p.m.



Rachel B. Medina, Mayor

ATTEST:



Linda L. Smith, City Clerk

