

CITY COUNCIL
REGULAR MEETING
TUESDAY, FEBRUARY 25, 2020

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, Sue Betts, Ty Keel, and Mike Lavey. Mayor Pro-tem Orly Lucero and Councilmember Gary Noyes were absent. Staff members present were Interim Chief of Police Andy Brock, Director of General Services Rick Smith, Director of Public Works Phil Johnson, Permit Technician/Receptionist Cheryl Lindquist, Fire/Building Inspector Sean Canada, Associate Planner Neva Connolly, Airport Manager Russ Machen, City Clerk Linda Smith, City Manager John Dougherty, Deputy City Attorney Tina Martinez, and City Attorney Mike Green. There were 36 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 February 11, 2020.
 - b. Approval of the payment of the Expenditure Vouchers of February 25, 2020.
 - c. Approval of a renewal Hotel and Restaurant Liquor License for Hunan Kitchen Inc., DBA Hunan Chinese Restaurant, located at 2561 East Main Street, Cortez.
 - d. Approval of a Special Events Permit for Cortez Area Chamber of Commerce to host a “Business After Hours” on Thursday, March 12, 2020, from 4:00 p.m. to 7:00 p.m., at the Four Corners Community Bank, located at 77 West Main Street, Cortez.

Councilmember Lavey moved that the Consent Agenda be approved with the additional expenditure vouchers of \$20,709.94. Councilmember Keel seconded the motion, and the vote was as follows:

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

3. PRESENTATIONS – None.
4. CITIZEN PARTICIPATION
 - a. Respect and Ethics. Elizabeth Berger, Road 29, stated that discussion was held by City Council at the last Council worksession on respect and ethics. She commented on the appointment of a project manager for the Airport which was approved by Council at the February 11, 2020, Council meeting stating that she felt the comment made by City Manager Dougherty should have been more respectful. Mayor Sheek commented that City Manager Dougherty has great respect for Airport Manager Machen who does a wonderful job for the City.
 - b. Reintroduction of Wolves in Colorado. Piper Green, 28264 Road P, gave a report of the reintroduction of wolves to Colorado which is on the ballot in November. She gave both pros and

cons for voting on the question noting that she votes no due to several reasons, which includes the wolves kill livestock and wildlife. She commented that wolves can come into Colorado by natural migration. In answer to a question from Mayor Sheek, Ms. Green stated that her presentation was part of a school project and Mayor Sheek complimented her on a good job.

c. Upcoming Cortez Cultural Center Events. Rebecca Levy, Executive Director of the Cortez Cultural Center, invited Council and the public to a Business After Hours Networking Tourism Visioning Workshop that would be held on March 3, 2020, from 5:00 p.m. to 7:30 p.m. She stated that the event is being sponsored by the Cortez Cultural Center, the Cortez Chamber of Commerce, and the Colorado Tourism Office Colorado Rural Academy for Tourism (CRAFT). She spoke about the half day worksessions that would be held following the kick-off presentation on tourism and local economic development strategies to promote tourism and discuss grants that are available for tourism advertising.

d. Respect. Allan Mayes, Road 21, thanked the City for the training that seems to be taking place in regard to respect from staff and Committee board members.

5. PUBLIC HEARINGS

a. QUASI-JUDICIAL ITEM – Change of Location of Hotel and Restaurant Liquor License for Mi Mexico. Mayor Sheek noted that the item is a Quasi-Judicial item and read the rules for the Quasi-Judicial process asking if anyone had any contact on the manner prior to the meeting, which no Councilmember recused themselves. City Attorney Green noted the rules that would be used for the Quasi-Judicial public hearing as set in Colorado Revised Statutes (C.R.S.) Section 44-3-301. Interim Chief of Police Brock was sworn in and gave his report on the granting of a Change of Location for Mi Mexico, currently located at 550 South Broadway relocating to 801 East Main Street. He stated that public notice was completed by posting a sign on the property on February 5, 2020, and in the Cortez Journal on February 7, 2020. He stated that a poll of the surrounding neighborhood showed that 33 were in favor of granting the license and zero were against granting the license. He stated that the location complies with Colorado Liquor Code Rules and Regulations and does not create any known public safety issue or endanger public health. In answer to a question from City Attorney Green, the report was submitted for the record to meet the needs of the neighborhood and the desires of the inhabitants. It was noted that two signatures were from the County, though there is not a particular number required for support/or against the issuance of the Change of Location. The applicant was not present for the hearing.

Mayor Sheek opened the public hearing for comment from the audience. Kaelene Schooley, 606 Chamblee, was sworn in and stated that she doesn't understand why the applicants are moving from South Broadway to Main Street. City Clerk Smith explained that the applicants are currently leasing the building on South Broadway and have purchased the building on Main Street. Ms. Schooley stated that it is hard to read the signs on Main Street and that it is hard for trucks to get around. She also stated her concern for more liquor licenses on Main Street and that South Broadway needs to be built up. No one else spoke and the hearing was closed.

Councilmember Betts moved that pursuant to the application meeting the needs of the neighborhood and the desires of the applicant as per C.R.S. 2018, 44-3-301, that Council approve a

Change in Location of a Hotel and Restaurant Liquor License for Mi Mexico Restaurant Inc., DBA Mi Mexico, moving from 550 South Broadway to 801 East Main Street, Cortez. Councilmember Lavey seconded the motion, and the vote was as follows:

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

b. QUASI-JUDICIAL ITEM – Retail Marijuana License for NuVue Pharma, LLC. Mayor Sheek reminded Council that they are sitting as a Quasi-Judicial body and the findings of fact for the hearing shall be received during the hearing. No one from City Council had said they had contact with anyone concerning the application prior to the meeting. City Attorney Green stated that in speaking with the applicant prior to the meeting they have agreed to continue the hearing to the next Council meeting on March 10, 2020. Greg Whitehair, attorney for the applicant NuVue Pharma, LLC, stated that he is one of the attorneys working with Dr. Hasan in obtaining a retail marijuana license in Cortez. Mr. Whitehair stated that he understands there are only three Councilmembers, due to a recusal, and Mayor Sheek stated that Council wants to be sure that the hearing is fair. He stated that there is some frustration with the travel that was done but he will leave the process with how Council would like to proceed. He introduced the other attorneys (Meredith Callan and Kelly McCabe) that were present in the audience as well as the applicant Dr. Malik Hasan and stated they are ready to proceed if Council chooses to. After further discussion on continuing the hearing, Mr. Whitehair stated that he would have to check his calendar before committing to a date for the next hearing as he has other commitments in March.

Councilmember Keel moved that Council table the review of a Retail Marijuana License for NuVue Pharma, LLC, to be located at 503 Patton Street, Cortez, until either the March 10 or March 24, 2020, Council meeting. Councilmember Lavey seconded the motion, and the vote was as follows:

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

*Councilmember Betts abstained from the vote due to a possible conflict-of-interest.

Dr. Malik Hasan introduced himself and spoke of his background which included real estate as well as his medical experience and research of cannabis. He commented that he wants to be a good addition to the City by bringing his business to Cortez. Discussion was held on a citizen of the audience (Duane Cook, Block 1, Lot 10, Brandon's Gate Subdivision) wishing to comment on the marijuana license noting that he may be absent from the March meeting. It was agreed that no testimony would be allowed until the public hearing was held due to the Quasi-Judicial issue.

c. Ordinance No. 1273, Series 2020. City Attorney Green stated that Ordinance No. 1273, Series 2020, approves regulations regarding the use of an electric vehicle charging station for parking an electric vehicle. He stated that the ordinance allows any issues with parking in an electric charging station to be heard in Municipal Court. In answer to a question from Councilmember Keel, City Attorney Green explained that the electric vehicle charging station parking spaces are different than a compact car/regular parking space. He stated that for the electric vehicle charging stations to comply with grant funding they have to be available for electric cars which became protected

spaces. Discussion was held on enforcement of the regulation. Councilmember Lavey spoke about the importance of the charging station being available for the electric vehicles that are traveling through the area. Mayor Sheek opened the public hearing. Elizabeth Berger, Road 29, asked why Council would make a decision on this ordinance when there wasn't a decision made on the previous agenda item and Mayor Sheek explained that there were only three Councilmembers that would be hearing the marijuana issue as Councilmember Betts had abstained. Mayor Sheek noted that there are four Councilmembers voting on this item which is a quorum of Council. No one else spoke and the public hearing was closed.

Councilmember Lavey moved that Ordinance No. 1273, Series 2020, regarding use of an electric vehicle charging station for parking a non-electric vehicle. Councilmember Keel seconded the motion, and the vote was as follows:

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

6. UNFINISHED BUSINESS – None.

7. NEW BUSINESS

a. Airport Taxiway Shoulder Project Phase 2 Bid Award. Airport Manager Machen explained the bids that were received for the Airport Taxiway Shoulder Project Phase 2 and commented that there was a change since the memo was submitted for the Council packets on Friday. He stated that the project is funded through the Federal Aviation Administration (FAA), with a State and local match included. He spoke about the FAA dropping one of the payments of \$150,000 (2020 transfer return); leaving two payments (\$255,110.00) that will need to be paid back in 2021. He noted that Reams Construction is the low bidder at \$1,650,140.95. He reviewed the percentages paid by each funding source noting the City's portion would be \$6,710.00. In answer to a question from Mayor Sheek, Airport Manager Machen stated that the money due from the City was budgeted for in the 2020 Budget and is available for the project.

Councilmember Keel moved that Council award the contract for construction of the taxiway shoulders and drainage remediation to Reams Construction of Naturita, Colorado, for a total amount of \$1,650,140.95. Councilmember Lavey seconded the motion, and the vote was as follows:

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

Councilmember Keel moved that Council approve additional local funding of \$6,710.00 for the Airport Taxiway Shoulder Project Phase 2. Councilmember Lavey seconded the motion, and the vote was as follows:

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

Councilmember Keel moved that the Mayor be authorized to sign the FAA Grant application.

Councilmember Lavey seconded the motion, and the vote was as follows:

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

b. Resolution No. 3, Series 2020. Mayor Sheek stated that Resolution No. 3, Series 2020, supports the 2020 Census. City Manager Dougherty stated that in a couple of weeks the US Government is required to complete the census of the population and noted that this is very important to get an accurate count of the number of people in the community. He stated that the census is critical to help with planning for future growth, development and social needs for the City, as well as for Federal Assistance Programs that are census-derived. He encouraged all citizens to participate and asked that Council pass the resolution to encourage the census to be completed. Mayor Sheek spoke about the committee that has been working on the census planning for the last year and she shared with the Council the different items that are being distributed through the schools, hospital, Health Department, and local grocery stores. Mayor Sheek read the resolution noting that the City of Cortez is committed to working with the entire community to ensure every resident is counted in the upcoming 2020 Census.

Councilmember Lavey moved that Resolution No. 3, Series 2020, supporting the 2020 Census. Councilmember Betts seconded the motion, and the vote was as follows:

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

c. Cortez Historic Preservation Board Members Re-Appointment. Associate Planner Connolly stated that Linda Towle and Mitchell Toms have expressed interest in renewing their terms to serve on the Cortez Historic Preservation Board. She stated that Ms. Towle is a member-at-large and has been a driving force in obtaining grant funding for historic property inventory surveys and the annual Historic Preservation Day. She stated that Mitchell Toms currently serves on the Board as a representative for the Cortez Chamber of Commerce. She noted that letters of support were included in the Council packet.

Councilmember Betts moved that Council approve the re-appointment of Mitchell Toms and Linda Towle to the Cortez Historic Preservation Board for another term. Councilmember Lavey seconded the motion, and the vote was as follows:

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

d. Cortez Public Arts Committee Re-Appointment. City Manager Dougherty stated that Brenda VanKeuren is currently serving on the Public Arts Committee and she would like to be considered for re-appointment. He stated that several resignations have been received recently and Ms. VanKeuren is needed on the board to keep a quorum of boardmembers.

Councilmember Keel moved that Council approve the re-appointment of Brenda VanKeuren for another term on the Cortez Public Arts Committee. Councilmember Betts seconded the motion, and

the vote was as follows:

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

9. OTHER ITEMS OF BUSINESS – None.

10. ADDITIONAL CITIZEN PARTICIPATION

a. Thank You. Justin Vasterling, 2527 Trinity Avenue, stated that he did not think he would see another City Council meeting as tense as the Land Use Code, commenting that this was one. He thanked Council for being here.

11. CITY ATTORNEY’S REPORT – None.

12. CITY MANAGER’S REPORT – None.

13. CITY COUNCIL COMMITTEE REPORTS

a. Mayor’s Report on Workshop. Mayor Sheek stated that discussion in the worksession was on the procedures of how to handle Quasi-Judicial hearings.

b. Cortez Cultural Center. Councilmember Lavey stated that he attended the Cortez Cultural Center on February 25, 2020, and discussion included past and upcoming events. He spoke about a suicide prevention training that would be conducted on February 26, 2020 and noted that everyone is invited to attend.

c. Parks, Recreation, and Forestry Advisory Board. Councilmember Lavey stated that discussion at the Parks, Recreation, and Forestry Advisory Board meeting on February 21, 2020, included suggestions for naming the new park located on the south side of Cortez. He stated that there was also some discussion on creating a tree commission. He stated that Arbor Day is coming soon.

d. SWCCOG (Southwest Colorado Council of Governments). Mayor Sheek spoke about the SWCCOG meeting she attended on February 13, 2020, noting that the key discussion was held on broadband development in the area which would include a route from Phoenix to Denver, Denver to Salt Lake City, and Salt Lake City to Phoenix. She stated that the Ute Tribe is being approached to participate in the loop which would be an open access model.

e. Support for a Band Shell. Mayor Sheek noted that she has received two letters of support for a possible band shell in the community, noting that the interest continues to help fund and develop a band shell in Cortez.

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

Karen W. Sheek, Mayor

ATTEST:

Linda L. Smith, City Clerk