

CITY COUNCIL
REGULAR MEETING
TUESDAY, MARCH 26, 2019

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, Mayor Pro-tem Orly Lucero, Sue Betts, Jill Carlson, and Ty Keel. Councilmembers Mike Lavey and Gary Noyes were absent. Staff members present were Chief of Police Roy Lane, Management Intern Peyton Heitzman, Director of General Services Rick Smith, Director of Parks and Recreation Dean Palmquist, Recreation Supervisor Rosa Dimon, City Engineer Chad Hill, Director of Planning and Building Sam Proffer, City Attorney Mike Green, City Clerk Linda Smith, and City Manager John Dougherty. There were 31 people present in the audience. Mayor Sheek spoke about the flags being flown at half-staff recently in honor of those killed in the mosque shootings in Christchurch, New Zealand. She stated that now the flag is at half-staff until after the service of Sgt. 1st Class Will Lindsay who was killed in Afghanistan on Friday, March 22, 2019. She spoke about the sacrifice that he and his family have given.

2. The Consent Agenda items acted upon by Council were as follows:
 - a. Approval of the Worksession and Regular Meeting Minutes of March 12, 2019.

 - b. Approval of the payment of the Expenditure Vouchers of March 26, 2019.

 - c. Approval of a renewal Hotel and Restaurant Liquor License for Mi Mexico Restaurant Inc., DBA Mi Mexico, located at 550 South Broadway, Cortez.

 - d. Approval of a Change in Premises for a Fermented Malt Beverage License for Dillon Companies LLC, DBA City Market #8, located at 508 East Main Street, Cortez.

 - e. Approval of a renewal Retail Marijuana Store License for Durango Organics, LLP, DBA Durango Organics, located at 1104 East Main Street, Cortez.

 - f. Approval of a Special Event Permit for the Montezuma Land Conservancy to host their 21st Annual Harvest Beer Festival at Parque de Vida on September 14, 2019, from 2:00 p.m. to midnight.

 - g. Approval of a Special Event Permit for High Desert Devo to host a fundraiser at Kokopelli Bike and Board, located at 130 West Main Street, on April 4, 2019, from 6:00 p.m. to 8:00 p.m.

Mayor Sheek asked that the expenditure vouchers be removed from the Consent Agenda for further explanation of one of the expenditures. Councilmember Carlson moved that the Consent Agenda, less the expenditure vouchers, be approved. Councilmember Keel seconded the motion, and the vote was as follows:

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

In answer to a question from Mayor Sheek, City Manager Dougherty stated that the \$7,943.65 expenditure for Pueblo Community College is for the tuition of a new patrol officer to enter the Police Academy. Councilmember Betts moved that Council approve the Consent Agenda with the additional expenditure list totaling \$45,808.57 Councilmember Carlson seconded the motion, and the vote was as follows:

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

3. PRESENTATIONS

a. Developmental Disabilities Awareness Month. Brandy Harris, Program Assistant for Adult Services at Community Connections in Cortez, introduced two Community Connections board members and spoke about the month of March being designated as Developmental Disabilities Awareness Month. She thanked the City for recognizing the month with a proclamation and for the financial support of \$1,500 given this year. Cynthia Sandler, Board Member of the Pinon Project, introduced her daughter Kaki Sandler, and stated that her daughter has been with Community Connections for several years and has benefitted from the programs they offer. Mayor Sheek read the Developmental Disabilities Awareness Proclamation urging all citizens to give full support of efforts to enable people with developmental disabilities to live full and productive lives of inclusion in our communities and presented the proclamation to Kaki Sandler.

b. Arbor Day Proclamation. Recreation Supervisor Dimon stated that the Arbor Day celebration is an annual event sponsored by the Parks, Recreation, and Forestry Advisory Board. She stated that the program is for local 4th grade students to bring awareness to Arbor Day and its meaning. She stated that the City has been a Tree City USA member for 27 years and the proclamation is a part of the Tree City USA requirements. She stated that Arbor Day is planned for Thursday, April 25, 2019, and would involve over 300 students from Cortez, Mancos, and Dolores schools. She stated that small Blue Spruce trees will be given to each student from Trees of Trail Canyon and water bottles will be given to the students, teachers, and volunteers with the partnering of the Water Conservation Committee. Mayor Sheek read the proclamation proclaiming Arbor Day as Thursday, April 25, 2019, and urged all citizens to plant trees to gladden the hearts and promote the well being of present and future generations.

4. CITIZEN PARTICIPATION

a. Climate Crisis. Dan Petersen, 15600 Road J, Cortez, spoke to Council about his research on climate crisis and left a handout for the Councilmembers. Mayor Sheek stated that Western Water Assessment and a climatologist have made several presentations to staff and members of the community on water and climate concerns and discussion has been held on how to educate the community regarding the issues. She stated that a public outreach program has begun and a public meeting will be held in City Hall on April 11, 2019, 5:30 p.m., for the public to learn more about what they can do. She stated that more education programs will be held throughout the summer as well.

5. PUBLIC HEARINGS

a. QUASI-JUDICIAL – Public Hearing on a Transfer of Ownership for The Medicine Man LLC to Mountain Annie’s LLC. City Attorney Green stated that a Transfer of Ownership of a Retail Medical Marijuana Store, Medical Marijuana Center/On Site Optional Premises Cultivation, and Medical Marijuana-Infused Product Manufacturer License has been received from Mountain Annie’s LLC, owners Clifton Randall Knipe and Ann Marie Whiteley. He stated that the Transfer of Ownership of the licenses is to allow Medicine Man LLC, located at 310 East Main Street to be transferred to Mountain Annie’s LLC as outlined in City Code Sections 15-308 and 15-416. He noted the memos included in the packet from Patrol Lieutenant Andy Brock indicates that no criminal or financial issues preclude the new owners from doing business in Cortez; the Planning and Building Department (Sam Proffer) noted issues that need to be addressed at the location and those issues have been already completed; and Finance Assistant/Deputy City Clerk Sara Coffey has noted that the sales tax is current for Medicine Man LLC. In answer to a question from Councilmember Keel, City Attorney Green stated that the employees can be transferred with the change with some administrative adjustments. Discussion was held on whether a kitchen would be required for the infused product manufacturing license and it was noted that discussion will be held on the issues when it is known what the applicants want to do in regard to manufacturing items.

Mayor Sheek opened the public hearing. Randy Knipe, applicant for the Transfer of Ownership and co-owner of Mountain Annie’s, stated that he is in the process of purchasing two grow facilities in Ridgway and a Retail Store in Durango as well as Medicine Man in Cortez. He thanked Council for the opportunity and stated that their business model is to be a good community member and make a positive contribution to the area. He stated that they want to leave a good impression and commented that he would be in Cortez often. No one else spoke and Mayor Sheek closed the public hearing.

Mayor Pro-tem Lucero moved that Council approve a Transfer of Ownership of a Retail Marijuana Store, a Medical marijuana Center/On Site Optional Premises Cultivation, and a Medical Marijuana-Infused Product Manufacturer from The Medicine Man, LLC to Mountain Annie’s LLC, located at 310 East Main Street, Cortez. Councilmember Keel seconded the motion, and the vote was as follows:

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

6. UNFINISHED BUSINESS – None.

7. NEW BUSINESS

a. Bid Results on the 2019 Water Transmission and Loop Waterline Project. City Engineer Hill stated that a new 12” HDPE pipe (pipe furnished by the City of Cortez) will be installed inside of an existing 16” steel transmission line and approximately 2,904 LF of new 8” PVC waterline will be installed (on the east side of the golf course) in the Water Transmission and Loop Waterline Project. He stated that the existing water main and water services will be preserved for the duration of the project and, if necessary, temporary water services will be provided to residents affected by the project. He stated that two bids were received and staff recommends that the bid be awarded to the low bidder D & L Construction at the bid amount of \$404,680.00.

Mayor Pro-tem Lucero moved that Council award the 2019 Water Transmission and Loop Waterline Project to D & L Construction in the amount of \$404,680.00. Councilmember Betts seconded the motion, and the vote was as follows:

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

In answer to a question from Mayor Sheek, City Engineer Hill stated that the project would be completed by the first part of June.

b. 2019 Municipal Outdoor Pool Painting Project. Director of Parks and Recreation Palmquist stated that four bids were received for painting the municipal outdoor pool with completion anticipated by May 5, 2019. He stated that re-painting the pool is usually required every seven to eight years. He stated that a specific paint (Olympic Zeron epoxy swimming pool paint) was requested in the bid this time because the last pool painting only lasted four years. He stated that Osborn Painting, Inc., out of Dolores, was the low bidder at a bid amount of \$27,500. He stated that Osborn Painting, Inc. received good reviews on their reference checks and staff recommends the award of the bid to Osborn Painting, Inc.

Councilmember Betts moved that Council award the 2019 Municipal Outdoor Pool Painting Project to Osborn Painting, Inc., at the bid amount of \$27,500.00 for providing the labor, materials, and equipment to paint the interior of the municipal outdoor pool. Councilmember Lucero seconded the motion, and the vote was as follows:

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

c. Appointment to the Parks, Recreation, and Forestry Advisory Board. Director of Parks and Recreation Palmquist stated that currently there are two adult vacancies on the Parks, Recreation, and Forestry Advisory Board and a letter of interest was received from Roman Jefferson to serve on the board. He stated that Mr. Jefferson is a certified arborist and would be a great addition to the board. He stated that the Parks, Recreation, and Forestry Advisory Board interviewed Mr. Jefferson and recommends his appointment for a two-year term.

Councilmember Carlson moved that Council appoint Roman Jefferson to the Parks, Recreation, and Forestry Advisory Board. Mayor Pro-tem Lucero seconded the motion, and the vote was as follows:

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

d. Memorandum of Agreement with City Attorney Mike Green. City Manager Dougherty stated that three people work for City Council, the Municipal Judge, the City Manager and the City Attorney. He stated that the Memorandum of Agreement formalizes the contract with City Attorney Green for City records.

Councilmember Keel moved to authorize the Mayor to sign the Memorandum of Agreement with Mike Green to represent the City in legal matters at the hourly rate spelled out in the contract, along with reimbursement for out-of-pocket expenses. Mayor Pro-tem Lucero seconded the motion, and the vote was as follows:

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

e. Professional Services Contract between Mesa Verde Country and the City of Cortez Welcome Center. Management Intern Heitzman stated that discussions have been held with Kelly Kirkpatrick, Executive Director of Mesa Verde Country, about management of the Welcome Center. She stated that Mesa Verde Country's role in the community is to market the region and attract visitors from around the world. She noted that Ms. Kirkpatrick has worked in the tourism world for 20+ years and has spent many years working out of the Welcome Center building in various professional roles including Cortez Retail Enhancement Association (CREA), the Chamber of Commerce, and Mesa Verde Country. She stated that Ms. Kirkpatrick has many valuable connections throughout the State that will only improve the Center's access to knowledge and other resources. She stated that other municipalities (the City of Durango and Town of Ouray) have partnered with tourism organizations to staff and operate their Welcome Centers and staff believes that the City will benefit from the proposed partnership with Mesa Verde Country which will integrate the professionalism and expertise of Ms. Kirkpatrick and the Welcome Center to operate under a common vision, working towards the same goals to promote the area and provide a welcoming atmosphere for visitors. She noted that the contract in Council's packet outlines the duties which would include the City maintaining building operations and Mesa Verde Country will be contracted to oversee staffing and daily operations of the Welcome Center. She stated that CREA, Mesa Verde Country, and the City's Marketing and Special Events will remain in the building and will continue to work together and partner to improve the City's overall marketing and visitor experience. She stated that Mesa Verde Country is funded through both lodgers tax and the general fund, acting as a quasi-governmental organization. She stated that the contract proposes to fund Mesa Verde Country with \$30,012 per year from the general fund for the contracted staffing services which will come from the 2019 Welcome Center's budget, meaning there will be no additional costs to the City. She stated that the contract was originally dated May 1, 2019; however, after discussion with staff it was suggested that the effective date be changed to May 6, 2019, so that it coincides with the end of a City pay period. She stated that staff recommends approval of the Professional Services Contract with Mesa Verde Country, subject to modifications that may come from the City Attorney's review. In answer to a question from Councilmember Keel, City Attorney Green stated that there may be some legal items (fine tuning the verbiage) that may need to be clarified in the contract prior to the signatures. City Manager Dougherty thanked Ms. Kirkpatrick and Management Intern Heitzman on their work putting the contract together.

Ms. Kirkpatrick, Executive Director of Mesa Verde Country Tourism Office, stated that Mesa Verde Country serves as the destination marketing organization for Dolores, Mancos, and Cortez. She spoke about the positive experience that visitors look for at a Welcome Center as they stop to receive information on the area. She spoke about the plan for running the Welcome Center which includes recruiting and training volunteers, additional training for staff, and re-engaging the local community with offerings of exhibits, gallery space, speaker receptions, etc. She stated that Mesa

Verde Country would continue to work with CREA and the Special Events and Marketing staff as has been done in the past. She stated that Mesa Verde Country believes in the power of tourism in the local economy and would like to contribute to the success of Visitor Center and thanked Council for considering the request.

Paulette Gazner, 15325 Road 22, Dolores, stated that she has concerns as a citizen and a volunteer that works at the Welcome Center about the proposal. She stated that she sees Mesa Verde Country as a separate entity that prints a magazine and brings visitors to the area and that the staff and volunteers at the Welcome Center assist the visitors when they are here. She stated that the staff that works at the Welcome Center offers a friendly atmosphere. She spoke about the Mesa Verde Country magazine which has information in it sending people to Durango. She stated she would like more volunteers that have information on the area to work at the Welcome Center. In answer to a question from Councilmember Keel, Ms. Gazner stated that there is so much done on the internet today and there isn't anything listed on the Mesa Verde calendar that is local.

Cheryl Friend, 28260 Highway 160, stated that she works at the Welcome Center and that there is a transition with the State currently going on regarding information that is shared with the tourists, specifically the brochures which she orders. She stated that there are not enough volunteers to help at the Welcome Center because Ms. Kirkpatrick wants to re-train people after they start.

Terry Lynn Tito, 13465 Road 21, spoke about the Welcome Center being locally managed and maintained and that she would like a volunteer program started for all volunteers to be part of a group representing the entire community. Mayor Sheek noted that Mesa Verde Country is funded by the local lodgers tax and Ms. Kirkpatrick is a local resident and her job is to bring people to the area and keep them here as long as she can. Councilmember Betts commented that it would be better if everyone was trained the same that works at the Welcome Center.

Sandra Crow, Welcome Center Manager, stated that the State is changing the map and the entire region is being re-branded. She commented that it has been confusing for everyone with the changes from the State and then the possibility of a change in management. She stated that she feels the timing is not right with the visitation season beginning. She stated that she was not informed of the changes being reviewed on management until the March 12, 2019, Council worksession. In answer to a question from Councilmember Carlson, Ms. Crow stated that she feels the idea is good but should have been done in January or February.

Mark Drudge, Executive Director of Cortez Retail Enhancement Association (CREA), stated that his office is in the Welcome Center and he sees the proposal as a positive change as CREA, Mesa Verde Country, and Marketing/Special Events work/plan very well together. He stated that there is a loss of vibrancy in the Welcome Center and he would like to have that back. He stated that Mesa Verde Country makes perfect sense to manage the center as they know the message, the area, and the trends and he has a lot of confidence in Ms. Kirkpatrick as she has good ideas to bring the vibrancy back.

Brian Bartlet, General Manager of the Baymont Inn and President of the Board of Directors for Mesa Verde Country, thanked everyone that has been involved in running the Welcome Center in the past and stated that change is inevitable. He commented that since the Council discussion held

at the previous worksession on the proposed changes for the Welcome Center, he has been approached by two dozen people who are interested in volunteering at the Welcome Center. He stated that it is hard to get volunteers in the community, but the Welcome Center would be a great place to begin showcasing a volunteer program. Mayor Sheek stated that with changes at the State level, this may be the perfect time to move forward with the idea.

Councilmember Keel moved to approve the Professional Services Contract between Mesa Verde Country and the City of Cortez for Mesa Verde Country to assume staffing operations out of the Colorado Welcome Center, with the contract subject to further negotiations and City Attorney review and approval. Mayor Pro-tem Lucero seconded the motion, and the vote was as follows:

Betts	Carlson	Keel	Lavey	Lucero	Noyes	Sheek
Yes	No	Yes	absent	Yes	absent	Yes

f. Vehicle Bid Award Revision. Director of General Services Smith stated that at the City Council meeting on March 12, 2019, Council awarded Bid Item IV to the Colorado State bid vendor (Daniels Long Chevrolet); however, the manufacturer has already shut down production of the model and the company was not able to fulfill the order. He stated that staff would like to award the vehicle, which was for the Police Department trip vehicle, to the second low bidder – New Country at a bid amount of \$27,516.35. He stated that the vehicle bid from the Equipment Fund would be increased by the difference in bids in the amount of \$206.87.

Mayor Pro-tem Lucero moved to approve the revision of the Bid Award amount for Bid Item IV (Police Department trip car) to the second low bidder – New Country Auto at the original bid amount of \$27,516.35. Councilmember Betts seconded the motion, and the vote was as follows:

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

8. DRAFT ORDINANCES/RESOLUTIONS – None.

9. OTHER ITEMS OF BUSINESS – None.

10. ADDITIONAL CITIZEN PARTICIPATION – None.

11. CITY ATTORNEY’S REPORT – None.

12. CITY MANAGER’S REPORT

a. Newspaper Columnist. City Manager Dougherty stated that Sean Dolan from the Cortez Journal has informed the City that he is no longer working for the newspaper.

13. CITY COUNCIL COMMITTEE REPORTS

a. Mayor’s Report on Workshop. Mayor Sheek stated that the worksession included a presentation on the draft Land Use Code (Part 2) and discussion on a proposal by the County Commissioners for a convention center to be located at the Fairgrounds. She stated that discussion was held on the

Housing Authority of Montezuma County's withdrawal of the purchase of the 3.3 acre property (on the east side) at the old High School site. She stated that newly proposed open record fees were also reviewed and staff was directed to update the policy and fee schedule and bring back to Council in the future.

b. Mesa Verde Country. Mayor Sheek stated that discussion at the Mesa Verde Country meeting held on March 13, 2019, included the website, the newsletter, and travel shows which Ms. Kirkpatrick recently attended to market the area. She stated that lodgers tax is down at the county level but up for the City. She stated that Ms. Kirkpatrick was invited to participate in the Colorado Tourism Office Leadership Program and was encouraged to enroll.

The regular meeting was adjourned at 9:00 p.m.

Karen W. Sheek, Mayor

ATTEST:

Linda L. Smith, City Clerk