

CITY COUNCIL  
REGULAR MEETING  
TUESDAY, APRIL 28, 2020

1. The meeting was called to order at 7:30 p.m., by virtual contact through ZOOM, and was opened with the Pledge of Allegiance. Councilmembers present were Mayor Karen Sheek, Mayor Pro-tem Orly Lucero, Sue Betts, Ty Keel, Mike Lavey, and Gary Noyes. Council-elect Rachel Medina, Arlina Yazzie, David Rainey, and Amy Huckins were also present. Staff members present were Interim Chief of Police Andy Brock, Director of Public Works Phil Johnson, IT Support Technician Bill Kuhn, City Clerk Linda Smith, City Manager John Dougherty, and City Attorney Mike Green. There were 36 people signed up as participants.
  
2. The Consent Agenda items acted upon by Council were as follows:
  - a. Approval of the Worksession and Regular Meeting Minutes of Aril 14, 2020.
  
  - b. Approval of the payment of the Expenditure Vouchers of April 28, 2020.
  
  - c. Approval of a renewal Hotel and Restaurant Liquor License for Thai Cortez LLC, DBA Thai Cortez, located at 1430 East Main Street, Suites 1, 2, and 3, Cortez.
  
  - d. Approval of a renewal Retail Marijuana Store/Cultivation Facility for Mountain Annie’s LLC, DBA The Medicine Man of Cortez, located at 310 East Main Street, Cortez.
  
  - e. Approval of a renewal Medical Marijuana Center/On Site Optional Premises Cultivation Facility for Mountain Annie’s LLC, DBA The Medicine Man of Cortez, located at 310 East Main Street, Cortez.

Councilmember Keel moved that the Consent Agenda be approved. Councilmember Lavey seconded the motion, and the vote was as follows:

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

3. UNFINISHED BUSINESS

a. Resolution No. 4, Series 2020. City Attorney Green stated that citizens have informally asked to fund raise and construct a bandshell for the City in Centennial Park and Resolution No. 4, Series 2020, would allow the group to raise money to have the bandshell constructed. He stated that citizens have indicated that they would raise funds on their own and pay for all costs of design, construction, and other attendant costs associated with the construction of the bandshell with no cost to the City. It was noted that the City would not handle the money and the group has been asked to created a 501C organization to handle the fund. It was noted that the City would take over the bandshell when it is done including insuring it after it is gifted to the City. Discussion was held on upkeep of the bandshell and if negotiation could be done by the City for the group to help with

taking care of it after it is completed. Councilmember Lavey noted that if the bandshell was built it could attract others to use the facility as well as local performances.

Councilmember Betts moved that Council approve Resolution No. 4, Series 2020, approving fund raising for a bandshell to be located in Centennial Park. Councilmember Keel seconded the motion, and the vote was as follows:

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

b. Settlement Approval with Western Gravel Constructors, LLC (WGC). City Attorney Green stated that a settlement agreement has been reached with WGC for the median/alley job that was completed in 2019. He stated that the City held payment of \$53,502.17 in retainage at the end of the project and following negotiations on a possible litigation, the City agreed to settle the issue with an additional payment of \$21,497.83. He stated that documentation will need to be completed to close out the project with the Colorado Department of Transportation (CDOT) should Council approve the settlement and the project would then be concluded. Discussion was briefly held on NuVue Pharma and the setting of a hearing date possibly by the end of June.

Councilmember Lavey moved to authorize the Mayor to sign the Western Gravel Constructors, LLC, Settlement Agreement and pay WGC \$75,000.00 (\$53,502.17 retainage and \$21,497.83 settlement of pending litigation). Councilmember Betts seconded the motion, and the vote was as follows:

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

4. THANK YOU AND GOODBYE to Councilmembers Karen Sheek, Ty Keel, and Gary Noyes

Many thanks were given by Councilmembers Karen Sheek, Ty Keel, and Gary Noyes to staff and fellow Councilmembers. It was noted that Mayor Sheek served on Council from October 25, 2011 to April 28, 2020, (serving as Mayor from 2014-2020) along with serving on other committees including the Heart and Soul Advisory Board, Mesa Verde Country, and Library Advisory Board. Ty Keel served on Council from April 24, 2012 to April 28, 2020, (serving as Mayor Pro-tem 2014-2018), and served on the Golf Advisory Board and Cortez Historic Preservation Board. Gary Noyes served on Council April 24, 2018 to April 28, 2020, and also represented the City on the Mesa Verde Country Board. Mayor Sheek stated that she would be forever grateful to have had the opportunity to serve the community as a Councilmember and Mayor. She stated that she looks forward to the new Council moving the City forward in a positive way. Councilmember Keel stated that it is hard ending his eight years without hugs/handshakes thanking people. He stated that it has been an honor to serve and he appreciated those that will be serving on City Council noting they have grit. Councilmember Noyes stated that he has learned so much and is thankful for all the people that have helped him through the two years. He wished the new Council good luck. City Manager Dougherty read a noted from the Town of Mancos regarding Mayor Sheek’s efforts on working together especially on technology/broadband. He stated that the Mayor and City Manager in Mancos look forward to working with the new City Council in the future. He also thanked

Karen, Ty, and Gary for all their hard work and noted they will be missed. Councilmember Lavey thanked Karen, Ty, Gary, and Jill noting they are an inspiration to everyone. Councilmember Betts wished Karen, Ty, and Gary (especially one night) a good ride into the sunset. Councilmember Rainey thanked Karen, Ty, and Gary for their service and commented that he hopes he will do as good as job as they have done. City Clerk Smith noted some of the highlights that Council has accomplished over the past ten years and commented that it has been a pleasure to work with the Councilmembers. It was noted that a thank you/goodbye party is planned for May 12, 2020, if it is possible to gather on that date.

5. OATH OF OFFICE was taken by newly elected Councilmembers Rachel Medina, Arlina Yazzie, David Rainey, Amy Huckins, and Sue Betts

6. ELECTION OF MAYOR AND MAYOR PRO-TEM

a. Nomination for Mayor. The floor was opened by the City Clerk for nominations for Mayor. Councilmember Yazzie moved that Mike Lavey be nominated for Mayor. Councilmember Medina seconded the motion. No other nominations were received, and the vote was as follows:

Betts	Huckins	Lavey	Lucero	Medina	Rainey	Yazzie
Yes	Yes	Yes	Yes	Yes	Yes	Yes

b. Nomination for Mayor Pro-tem. The floor was opened by the City Clerk for nominations for Mayor Pro-tem. Councilmember Rainey moved that Rachel Medina be nominated for Mayor Pro-tem. Councilmember Yazzie seconded the motion. No other nominations were received, and the vote was as follows:

Betts	Huckins	Lavey	Lucero	Medina	Rainey	Yazzie
Yes	Yes	Yes	Yes	Yes	Yes	Yes

7. CITIZEN PARTICIPATION

a. Open Outdoor Tennis/Pickleball Courts. Jean Flesch, 25555 Road N.6 Loop, stated that Montezuma County has decided to follow the Governor’s order to Stay at Home and after reading the Governor’s information on his site, she asked if the outdoor tennis/pickleball courts could be opened sooner than June 1, 2020, when the indoor facilities are being proposed to be opened.

8. PUBLIC HEARINGS – None.

9. NEW BUSINESS

a. Opening Date for Various City Facility. City Manager Dougherty stated that on April 14, 2020, he brought forward the request to close City facilities due to the Governor’s Executive Order to Stay Home. He stated that the Managers for Montezuma County have recently reviewed a plan for opening businesses in the community and have sent a request to the Montezuma Public Health Department for their approval. He stated that once approval has been received it will be sent to the Governor for his approval which includes information on gatherings and distancing. He stated that

he would like to recommend that the City move forward with opening City facilities as follows: May 1, the Golf Course and disc golf would open; May 4, City Hall, the Service Center, and the Library (limited service) would open; and June 1<sup>st</sup> is the proposed date for the Recreation Center and parks to open. City Manager Dougherty stated that the outdoor tennis/pickleball courts may be opened sooner than June 1, 2020, if the County Health Department agrees to that. In answer to a question from Mayor Lavey, City Manager Dougherty stated that the books received back at the Library will be quarantined for a week before being put back on the shelves. Councilmember Rainey asked about monitoring the golf course and City Manager Dougherty stated that the Golf Pro Micah Rudosky will be monitoring the golfers and the greens flag will not be touched (removed) as there will be special precautions taken at each hole. It was noted the precautions that have been taken to protect the front desk people in City Hall and masks are required to enter building. In answer to a question from Councilmember Yazzie, City Manager Dougherty stated that the exercise equipment has been moved to the gym in the Recreation Center to better space all the equipment out and the only pool that would be open is the lap pool with spacing between each lane. It was noted that it is unsure if the children’s day camp will be held this summer or not as the City is waiting to hear direction from the State. Mayor Pro-tem Medina stated that she would like to see the outdoor tennis/pickleball courts open sooner than the Recreation Center as she feels they are lower risk.

Councilmember Yazzie moved that the City open the Conquistador Golf Course on May 1, City Hall, Service Center, and Library (limited service) on May 4, and the Recreation Center and the parks on June 1, 2020. Councilmember Rainey seconded the motion, and the vote was as follows:

Betts	Huckins	Lavey	Lucero	Medina	Rainey	Yazzie
Yes	Yes	Yes	Yes	Yes	Yes	Yes

b. Contributing to the Community Emergency Relief Fund (CERF). City Manager Dougherty stated that the City was approached by the Community Emergency Relief Fund to provide funding which would be matched and made available to local non-profits. He stated that CERF was established in 2008 for broad-based community emergencies in Southwest Colorado and is administered by the Community Foundation and was recently reactivated in response to COVID-19 protective measures. He explained that Phase 1 included \$50,000 of grants from CERF matched by \$50,000 from local philanthropists through the Community Foundation and distributed to front line non-profit organizations across Southwest Colorado in late March. He stated that local non-profits included in Phase 1 funding were the Good Samaritan Food Bank, Montelores Emergency Assistance Coalition, and the Pinon Project. He stated that the Ballantine Family Foundation made a \$30,000 donation to CERF to purchase a food truck and pallets and CERF is currently working on the purchase of another food truck. He stated that contributions are being requested from the Counties and Municipalities to help fund Phase 2. He stated that the City has been asked to contribute \$10,000 towards the project and noted that the funding could come from the Public Arts Committee as the money from the account was not taken during the budget reductions that were approved at the April 14, 2020, Council meeting. In answer to a question from Councilmember Yazzie, City Manager Dougherty stated that CERF serves LaPlata, Montezuma, and Dolores Counties. Discussion was held on having the Public Arts Committee speak on how they would use the money and City Manager Dougherty stated that he could invite members from the committee to meet with Council on their future projects if Council would like. City Manager Dougherty spoke of

projects the Public Arts Committee has used their funding for in the past. He stated that the Mancos Town Council has said no to the request as they have said they give to their local people on their own.

Councilmember Rainey moved that Council donate \$10,000 to the Community Emergency Relief Fund with the funds to be taken from the Public Arts Committee 2020 budget. Councilmember Lucero seconded the motion, and the vote was as follows:

Betts	Huckins	Lavey	Lucero	Medina	Rainey	Yazzie
Yes	Yes	Yes	Yes	Yes	Yes	Yes

10. DRAFT RESOLUTION/ORDINANCES – None.

11. OTHER ITEMS OF BUSINESS – None.

12. ADDITIONAL CITIZEN PARTICIPATION

13. CITY ATTORNEY’S REPORT – None.

14. CITY MANAGER’S REPORT

a. Hertz Car Rental at Airport. City Manager Dougherty stated that he had recently reported to Council in his Weekly Report that Hertz Car Rental would be leaving the Airport; however, today they have decided to stay.

b. Embezzlement Case. City Manager Dougherty stated that City Attorney Green spoke with the District Attorney and they have received the information on the embezzlement case from the Colorado Bureau of Investigation (CBI) and the prosecution will take place in May or June; however, the perpetrator will not be arrested. He stated that the case does not have anything to do with the City as it is in the hands of the prosecutor now.

c. Ride the Rockies/Celtic Fair have Canceled Events. City Manager Dougherty stated that Ride the Rockies and the Celtic Fair organizers have canceled their events both planned for June in Cortez. He stated that Council will need to talk about whether the Fourth of July event will be held this year or not.

15. CITY COUNCIL COMMITTEE REPORTS

a. Mayor’s Report on Workshop. Mayor Lavey stated that an update from the Finance Department was given in the Worksession.

b. Welcome New Councilmembers. Councilmember Lucero welcomed new Councilmembers and thanked the out-going Councilmembers for their service.

c. Cortez Cultural Center Meeting. Mayor Lavey stated that he attended the Cortez Cultural Center meeting by ZOOM on April 21, 2020, and discussion included the cancellations of events due to

COVID-19. He stated that a virtual Pueblo to Pueblo race was held on April 25, 2020, with people logging their mileage. He stated that summer field trips are being planned since the Birding Festival was canceled and people are donating their fees that would have been paid to Cortez Cultural Center for the Birding Festival.

d. Youth Leadership Training (YLT). Councilmember Huckins stated that she was invited to speak on local government issues at the YLT, which is a youth leadership training institute. She stated that the group is spearheading individual projects including the need for a crosswalk going from the Southwest Open High to the Maverick. She stated that another youth project is the Dolores playground. She commented how nice it is to see the youth staying motivated and involved in their local government. Mayor Lavey stated that he also participated in the ZOOM meeting and commented that it is encouraging to see the youth step up and be involved. He stated that one of the youth from the group is interested in serving on the Parks, Recreation, and Forestry Advisory Board and his name has been given to Director of Parks and Recreation Dean Palmquist to pursue the possibility. City Manager Dougherty stated that the crosswalk at the Southwest Open High will be completed as requested by the students and the speed monitor sign has been placed in the area to remind people to slow down in the school zone.

e. City Board Appointments. City Clerk Smith stated that the list of the City Boards which Council serves on will be sent to the Councilmembers within the next week so they could choose the boards they may be interested in serving on over the next two years. It was noted that the the appointments can be made at the next Council meeting on May 12, 2020.

The regular meeting was adjourned at 8:40 p.m.

ATTEST:

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Linda L. Smith, City Clerk

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Michael J. Lavey, Mayor