

CITY COUNCIL
REGULAR MEETING
TUESDAY, JUNE 11, 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, Ty Keel, Mike Lavey, and Gary Noyes. Staff members present were Management Intern Peyton Heitzman, Director of Planning and Building Sam Proffer, City Engineer Chad Hill, Patrol Lieutenant Andy Brock, City Clerk Linda Smith, City Attorney Mike Green, and City Manager John Dougherty. There were nine 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 May 28, 2019.
 - b. Approval of the payment of the Expenditure Vouchers of June 11, 2019.
 - c. Approval of a renewal Hotel and Restaurant Liquor License for Fiesta Mexicana Restaurant No. 3, DBA Fiesta Mexicana, located at 430 North Highway #145, Cortez.
 - d. Approval of a renewal Hotel and Restaurant Liquor License for Taste of India, DBA Taste of India, located at 1013 East Main Street, Cortez.
 - e. Approval of Four Special Event Permits for the Cortez Retail Enhancement Association to host the ‘Third Thursday’ on June 20, July 18, August 15, and September 19, 2019, at Montezuma Park, located at the corner of Market Street and Montezuma Avenue, Cortez.
 - f. Approval of a renewal Retail Marijuana Store License/On Site Optional Premises Cultivation for Durango Organics, DBA DO Cortez, located at 1104 East Main Street, Cortez.

Councilmember Keel asked what the blanket P.O. (\$2,074.00) to Caselle, Inc. was for and City Manager Dougherty stated that the amount is the monthly fee paid for Caselle’s software and support. He noted that the last check to Caselle for the 2016 audit work is still being held until the audit is completed. Councilmember Keel moved that Council approve the Consent Agenda with the additional expenditures of \$102,101.13. Councilmember Betts seconded the motion, and the vote was as follows:

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

3. PRESENTATIONS –None.
4. CITIZEN PARTICIPATION – None.
5. PUBLIC HEARINGS – None.

6. UNFINISHED BUSINESS

a. Appointment to the Golf Advisory Board. City Manager Dougherty stated that Council had interviewed three candidates (Sam Jarvis, Nicci Crowley, and Bill Lewis) at the worksession and it would be Council's decision on the appointment. Councilmember Carlson thanked all three candidates for applying for the position and noted that they all could offer different experience to the board. She stated that she would encourage the two that aren't chosen to apply for other board openings.

Councilmember Keel moved that Council re-appoint Sam Jarvis to the Golf Advisory Board for a three-year term. Councilmember Noyes seconded the motion, and the vote was as follows:

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

7. NEW BUSINESS

a. 2019 Concrete Cost-Share Project Bid. City Engineer Hill stated that each year 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 public walkways by offering a 50% cost-share agreement with local residents. He stated that the City also utilizes the project for maintenance on City sidewalks, ADA accessible ramps, and miscellaneous curb and gutter work. He stated that this year's project includes removal and replacement of approximately 6,800 SF of damaged concrete sidewalks; 850 LF of curb and gutter; 3,700 SF of new concrete sidewalks, six ADA curb ramps, and miscellaneous concrete work throughout the City. He stated that there are eleven applications from residents in the City for concrete work and the total would be approximately \$32,000 for their participation. He spoke about the four bids received and stated that, after several minor addition errors were revised, Biard Brothers DBA Four States Aggregate, was the low bidder at \$152,299.75. He stated that the bid process would be changed in 2020 to try and avoid future mathematic errors. In answer to a question from Councilmember Carlson, City Engineer Hill stated that the Engineer's Estimate is usually on the conservative side and the lower bids are pretty close.

Councilmember Lavey moved that Council award the 2019 Concrete Cost-Share Project Bid to Four States Aggregate (Biard Brothers) in the amount of \$152,299.75. Councilmember Carlson seconded the motion, and the vote was as follows:

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

b. Quasi-Judicial – Renewal Hotel and Restaurant Liquor License for Stonefish Sushi and More. City Attorney Green stated that the liquor license for Stonefish Sushi and More is up for renewal and staff wanted to inform Council that the sales tax account is not current for the business. He stated that staff recommends approval of the Hotel and Restaurant Liquor License and allow the owner the next year to bring the account into compliance.

Councilmember Carlson moved that Council approve a renewal Hotel and Restaurant Liquor License for BMCJ Inc., DBA Stonefish Sushi and More, located at 16 West Main Street, Cortez. Councilmember Noyes seconded the motion, and the vote was as follows:

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

c. Quasi-Judicial – Change of Ownership of a Retail Marijuana Store and Cultivation License and a Medical Marijuana Center/On Site Optional Premises Cultivation License for The Herbal Alternative. City Attorney Green stated that Garrett Smith, owner of The Herbal Alternative, has applied to change the name of the corporation that has been in place since he bought the business many years ago and also give his mother (Liana Smith) 1% of the business. He stated that the change of name would be from David Krzysztofiak LLC to THA Corporation. He stated that staff recommends approval.

Councilmember Keel moved that Council approve a Change of Ownership of a Retail Marijuana Store and Cultivation License and a Medical Marijuana Center/On Site Optional Premises Cultivation License for David Krzysztofiak LLC, (changing the name to THA Corporation) DBA The Herbal Alternative, located at 1531 Lebanon Road. Mayor Pro-tem Lucero seconded the motion, and the vote was as follows:

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

d. Quasi-Judicial – Set a Public Hearing Date for Review of a Change of Ownership/New License for a Retail Marijuana Store for Green Kiwi 4, LLC, DBA LivWell, located at 1819 East Main Street, Cortez. City Attorney Green stated that an application from LivWell has been received allowing the owner (John D. Lord) to give a percentage of the business to his son (Michael J. Lord). He stated that the percentage is over 10% and requires a public hearing to be held to allow the change. He asked that a public hearing date be set for the Change of Ownership/New License.

Councilmember Carlson moved that Council set a public hearing date of June 25, 2019, to review a Change of Ownership/New License for a Retail Marijuana Store for Green Kiwi 4, LLC, DBA LivWell, located at 1819 East Main Street, Cortez. Mayor Pro-tem Lucero seconded the motion, and the vote was as follows:

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

8. DRAFT ORDINANCES/RESOLUTIONS – None.
9. OTHER ITEMS OF BUSINESS
10. ADDITIONAL CITIZEN PARTICIPATION – None.
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 during the workshop an update was given on the Gun Club Lease with the City. She stated that Manager of Marketing and Events Jon Brooks gave a review of the marketing that has been done for the golf course and Phil's World over the last few years. Council interviewed three candidates (Sam Jarvis, Nicci Crowley, and Bill Lewis) for the at-large seat on the Golf Advisory Board and the appointment to the board was made during the regular meeting. She stated that information was shared on the discussion held with the Convention Center Committee and Council adjourned to Executive Session for a conference with the City Attorney for the purpose of receiving legal advice on specific legal questions regarding sales tax, under C.R.S. Section 24-6-402(4)(b).

b. Positive Youth Development Training. Councilmember Lavey stated that he attended the Positive Youth Development Training held in Mancos on Friday, June 7, 2019. He stated that the training was a wonderful opportunity with a good cross section of people involved. He stated that the information included how to involve youth in the process and to allow them to be heard.

c. Committee Fill-In. Councilmember Carlson stated that since the Montezuma Community Economic Development Association (MCEDA) has disbanded she is not appointed to any committee at this time and she would be happy to serve for anyone should they need her to fill-in. Councilmember Keel stated that he is unable to attend the Golf Advisory Board for the summer due to his work commitment and Councilmember Carlson said she would fill in for the summer months for him. Councilmember Keel noted the Golf Advisory Board meetings on the 4th Wednesday of the month at 7:00 a.m. at the Golf Pro Shop.

d. Cortez Historic Preservation Board. Councilmember Betts stated that she attended the Cortez Historic Preservation Board meeting on June 5, 2019, and new member Cody Wells was sworn in. She stated discussion was held on getting more historic properties included on the City's register and it was noted that a \$500 grant was recently awarded to the board.

e. Literary Festival. Mayor Sheek stated that there was great attendance at the Literary Festival held at the Library on Friday, June 7 and Saturday, June 8, 2019. She stated that the Library staff did a tremendous job and there were lots of vendors, authors, and activities for everyone.

f. Colorado Municipal League (CML) Conference. Councilmember Carlson stated that she and Mayor Sheek will be attending the CML Conference on June 18-21, 2019, and they would be happy to bring any material back that Council may want from the different classes.

g. Skate for Life Suicide Awareness Event. Councilmember Lavey stated that on Saturday, June 8, 2019, he helped set up tents and handed out water bottles at the program held at the skate park. He stated that there were scooters, skateboards, and bicycles that participated in the event and he complimented the kids noting that they are so talented. He stated that there were speakers on suicide awareness and everyone seemed to enjoy themselves.

The regular meeting was adjourned at 7:55 p.m.

ATTEST:

Karen W. Sheek, Mayor

Linda L. Smith, City Clerk