

CITY COUNCIL  
REGULAR MEETING  
TUESDAY, JUNE 25, 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 Parks and Recreation Dean Palmquist, Risk Manager/Executive Assistant Dawn Lightenburger, Deputy City Clerk Sara Coffey, City Attorney Mike Green, and City Manager John Dougherty. There were six 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 June 11, 2019.
  
  - b. Approval of the payment of the Expenditure Vouchers of June 25, 2019.
  
  - c. Approval of a renewal Fermented Malt Beverage Off Premises Liquor License for Western Refining Retail, LLC, DBA Speedway #9499, located at 921 East Main Street, Cortez.
  
  - d. Approval of a renewal Fermented Malt Beverage Off Premises Liquor License for Stokley Corp., DBA Handy Mart South, located at 806 ½ South Broadway, Cortez.
  
  - e. Approval of two Special Event Permits for the Cortez Area Chamber of Commerce to host two “Business After Hours” events, one on Friday, July 5, 2019, at Buffalo Bob’s Co-Op, located at 90 North Mildred Road, and one on Thursday, July 11, 2019, at the Cleaning and Restoration Experts/Roinson’s Roasters, located at 27 South Broadway, Cortez.

Mayor Pro-tem Lucero moved that Council approve the Consent Agenda with the additional expenditures of \$56,975.82, less the CIRSA claims in question on the extra expenditure list. Councilmember Keel seconded the motion, and the vote was as follows:

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

In answer to a question from Councilmember Carlson, Risk Manager/Executive Assistant Lightenburger explained that the expenditure payments to CIRSA were for special event coverage which is reimbursed by the person that the coverage was for and the City’s portion of a premium that was paid for a vehicle accident and attorney fees. Councilmember Carlson moved that Council approved the CIRSA expenditure payments. 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

a. CIRSA Presentation. Courtney Fagan, Strategy and Member Engagement Manager for CIRSA, introduced Mike Wagner, Claims Manager, and spoke to Council about the coverage that CIRSA provides to over 200 Colorado municipalities. Ms. Fagan stated that CIRSA is owned by the members and besides the core property/liability and workers’ compensation programs, provides safety training, and loss control services. She spoke about the variety of training options offered and the special coverages which include contract reviews and property appraisals. Mr. Wagner spoke about the process that is completed when claims are submitted to CIRSA and shared the claim history of the City of Cortez since January 2017. He spoke about how the claims process differs from a traditional carrier and how CIRSA reviews the settlement or defense of claims. He noted that there is a liability hotline should anyone have any questions/problems regarding employment issues. In answer to a question from Mayor Sheek, Ms. Fagan stated that an accumulated list is available of what training City staff has taken and employees are encouraged to continue training to keep everything ‘top of mind.’ In answer to a question from Councilmember Carlson regarding reasonable suspicion of testing employees, Ms. Fagan noted that Sam Light, General Counsel for CIRSA, would need to be questioned on what the law provides in that area.

4. CITIZEN PARTICIPATION – None.

5. PUBLIC HEARINGS

a. QUASI-JUDICIAL – Review of a Change of Ownership/New License of a Retail Marijuana Store for Liv/Well. City Attorney Green stated that Green Kiwi 4, LLC, DBA LivWell, located at 1819 East Main Street, has submitted a Transfer of Ownership application to allow John D. Lord to transfer 18% of the LLC to his son Michael J. Lord. He stated that the public hearing is being held due to the ownership being more than 10%. He stated that the background check is completed on Michael Lord and all the paperwork is completed. Mayor Sheek opened the public hearing; however, no one spoke and the hearing was closed.

Councilmember Carlson moved that the Change in Ownership structure will result in a person’s interest greater than 10% and Council has considered all of the requirements under City Code Section 15-414 and finds no reasons to deny the Change of Ownership application for a Retail Marijuana Store for Green Kiwi 4, LLC, DBA LivWell, located at 1819 East Main Street, Cortez. 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

6. UNFINISHED BUSINESS – None.

7. NEW BUSINESS

a. 2019 Professional Design Services for South Neighborhood Park. Director of Parks and Recreation Palmquist stated that bids for professional design services were solicited from qualified Professional Design Consultants to provide civil/site, landscape architectural, and architectural

design services and construction contract document preparation services for the City’s South Neighborhood Park. He stated that three bids were received and two of the bidders (DHM Design and Connect One Design) were interviewed by a selection committee. He stated that the pros and cons of the two bidders were discussed and based on the professional design services in constructing numerous parks and years of experience in working together as a team, the recommendation is that the bid be awarded to DHM Design Team, from Durango, at a bid amount of \$92,753. He stated that funding for the project would come from the Great Outdoors Colorado grant funds (\$50,000) and the remaining amount from the Conservation Trust Fund. In answer to a question from Mayor Sheek, Director of Parks and Recreation Palmquist stated that the project includes the defining of the infrastructure and to lay out the plan for the three different phases. Discussion was held on how payment would be made since some of the funds can not be reimbursed until the audits are completed. Director of Parks and Recreation Palmquist spoke about grants that the City would like to apply for in the future for the development of the park.

Councilmember Lavey moved that Council award the professional design services for the City’s South Neighborhood Park Project to DHM Design Team with a bid of \$92,753. Councilmember Carlson seconded the motion, and the vote was as follows:

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

a. Colorado Municipal League (CML)/CIRSA Meeting. City Manager Dougherty stated that he attended the CIRSA Board meeting and the Colorado Municipal League meetings in Breckenridge on June 18-22, 2019. He stated that he attended a class on 1<sup>st</sup> Amendment Audits and has spoken with the Chief of Police Roy Lane about the information. He stated that the classes he attended were very informative. Councilmember Carlson stated that she enjoyed attending CML also and learned a lot. She stated that she would recommend that Councilmembers attend next year if they can.

13. CITY COUNCIL COMMITTEE REPORTS

a. Mayor’s Report on Workshop. Mayor Sheek stated Council, Planning and Zoning members, and City staff held discussion on the draft Land Use Code during the Council worksession.

b. Parks, Recreation, and Forestry Advisory Board Meeting. Councilmember Lavey stated that he attended the Parks, Recreation, and Forestry Advisory Board meeting on June 19, 2019, at the

Carpenter Natural Area trailhead. He stated that discussion included the plant signage and the board viewed new switchbacks on the trails that were created by the Montezuma Inspire Coalition Community Development crew. He stated that the picnic area at the pond has been recently landscaped and looks really nice.

c. 4<sup>th</sup> of July. Councilmember Betts encouraged everyone to take a moment on the 4<sup>th</sup> of July and think about what the celebration is really about and what the Declaration of Independence and our freedom mean to each of us.

The regular meeting was adjourned at 8:25 p.m.

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Karen W. Sheek, Mayor

ATTEST:

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Linda L. Smith, City Clerk