

CITY COUNCIL
REGULAR MEETING
TUESDAY, JULY 9, 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, City Clerk Linda Smith, 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 25, 2019.
 - b. Approval of the payment of the Expenditure Vouchers of July 9, 2019.
 - c. Approval of a renewal Fermented Malt Beverage Off Premises Liquor License for Good 2 Go Stores LLC, DBA Good 2 Go #710, located at 717 South Broadway, Cortez.
 - d. Approval of a renewal Fermented Malt Beverage Off Premises Liquor License for Good 2 Go Stores LLC, DBA Good 2 Go #711, located at 302 West Main Street, Cortez.
 - e. Approval of a renewal Tavern Liquor License for Cortez Elks Lodge 1789, Inc., DBA Cortez Elks #1789, located at 2100 North Dolores Road, Cortez.

Mayor Pro-tem Lucero moved that Council approve the Consent Agenda with the additional expenditures of \$68,243.84. Councilmember Keel seconded the motion, and the vote was as follows:

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

3. PRESENTATIONS – None.
4. CITIZEN PARTICIPATION
 - a. Escalante Days in Dolores. Susan Lisak, Dolores Chamber of Commerce Manager, spoke about Escalante Days set for August 9 and 10, 2019, in Dolores. She spoke about the many events that will be held including a Town Board tug of war. She challenged City Council to participate in the tug of war contest which she is hoping Town of Dolores, City of Cortez, Town of Mancos, and Town of Dove Creek will participate in.
5. PUBLIC HEARINGS – None.
6. UNFINISHED BUSINESS – None.

7. NEW BUSINESS

a. Out-of-City Water Tap at 10762 MC Road 26 (North Mildred Road). Director of Public Works Johnson stated that the City allows property owners located outside the City limits to purchase a City water tap when they are near an existing City main waterline. He stated that a request has been received from Ouida Vincent for a ¾-inch water tap to be installed at 10762 MC Road 26, which is where North Mildred Road ends and the County Road begins. He stated that research of the property shows that there was a mobile home located on the property at one time and possibly the water was supplied from an old cistern. He stated that there are easements recorded for a sewer line and a shared use driveway. He stated that Ms. Vincent has submitted a letter of application, a signed contract for the out-of-City water service, and completed Pre-Annexation Agreement, as required for consideration of water service outside the City limits. He stated that there is a 16” transmission line running down the west side of Road 26 and easily accessible for Ms. Vincent to tap onto City water. He stated that Montezuma Water Company is not an option as their closest line is MC Road L. He stated that the fee for Ms. Vincent would be \$8,349 for the tap and a backflow prevention device would be needed to be also installed at Ms. Vincent’s expense. In answer to a question from Councilmember Betts, Director of Public Works Johnson stated that the applicant pays the entire amount of \$8,349 for the water tap installation.

Councilmember Keel moved that Council approve the application for a ¾-inch out-of-City water tap request and pre-annexation agreement for property located at 10762 MC Road 26 (North Mildred Road), as requested by Ouida Vincent, with the stipulation that the applicant install an approved backflow prevention device. Councilmember Noyes seconded the motion, and the vote was as follows:

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

b. Redpoint Action Direct Final Payment Approval. City Attorney Green stated that litigation with Redpoint Action Direct is almost concluded and two of the contractors (PAP and Daniel’s Concrete) have settled with Redpoint on the amount that was due to them. He stated that staff is recommending that the City issue a check to Redpoint for \$95,503.18, which is the amount owed after the retainage is deducted. In answer to a question from Mayor Pro-tem Lucero, Director of Public Works Johnson stated that the liquidated damages of \$31,000 was the amount that was deducted from the retainage amount (\$126,503.18) for not finishing the project on time. It was noted that after this payment, the project would be completed and paid in full. In answer to a question from Councilmember Keel, City Attorney Green stated that it is not known what was paid and not-paid to the sub-contractors; however, everything seems to be settled with everyone.

Councilmember Noyes moved that the final payment of \$95,503.18 be paid to Redpoint Action Direct for the completion of the Paradise Village Project. Councilmember Lavey seconded the motion, and the vote was as follows:

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

c. QUASI-JUDICIAL – Renewal Tavern Liquor License for Angels End Zone. Mayor Sheek noted that the item is Quasi-Judicial and asked if anyone had spoke on the item prior to its discussion before Council; however, no one spoke. City Attorney Green stated that Angels End Zone has applied for their renewal Tavern Liquor License and has been working on bringing their sales tax current. He stated that staff recommends approval of the renewal license. Discussion was held on the property which is partly located in the County and it was noted that the property is considered as a premises under the City’s purview for the liquor license.

Councilmember Betts moved that Council approve a renewal Tavern Liquor License for A&S LLC, DBA Angels End Zone, located at 309 North Broadway, Cortez. Councilmember Carlson seconded the motion, and the vote was as follows:

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

d. Letter of Support for the Colorado Wilderness Act of 2019. City Manager Dougherty stated that a request has been made by Congresswoman DeGette to support the Colorado Wilderness Act of 2019. Councilmember Betts stated that she would like to receive more information and Councilmember Carlson stated that she would forward the bill that is being proposed as well as the Denver Post article. Councilmember Carlson noted that her understanding is that the bill is to put certain wilderness areas under protection to keep them from being overdeveloped. Councilmember Lavey pointed out that Cross Canyon, McKenna Peak, Snaggletooth, and Weber-Menefee are areas that are in close proximity of Cortez and it would be beneficial for their protection.

Councilmember Lavey moved that Council write a Letter of Support for the Colorado Wilderness Act of 2019 as requested from Congresswoman DeGette. Councilmember Keel seconded the motion, and the vote was as follows:

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|-------|---------|------|-------|--------|-------|-------|
| Betts | Carlson | Keel | Lavey | Lucero | Noyes | Sheek |
| No | Yes | Yes | Yes | No | 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. Southwest Colorado Council of Governments (SWCCOG) and Window in City Manager’s Office. City Manager Dougherty stated that if Council has anything further they would like the SWCCOG to work on, as discussed in the worksession, to email him the information. He commented that the window in his office has a BB gun hole in it and it would be replaced this week.

13. CITY COUNCIL COMMITTEE REPORTS

a. Mayor's Report on Workshop. Mayor Sheek stated that during Council worksession discussion was held on marijuana regulations and City Attorney Green will be researching information on what other communities require for dispensaries to produce their own edible products. She stated that discussion was also held on a alternate for City Attorney Green in Municipal Court should he be unable to attend and suggestions were made on items that the SWCCOG could be working on in the future.

b. Golf Advisory Board. Councilmember Carlson stated that she attended the Golf Advisory Board in place of Councilmember Keel on June 26, 2019, and discussion included tree removal and replacement of new trees. She stated that discussion also was held on buffering the porta-potties and placement of a memorial flag pole. She stated that next time she hopes to get a tour of the golf course.

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

Karen W. Sheek, Mayor

ATTEST:

Linda L. Smith, City Clerk