

CITY COUNCIL
REGULAR MEETING
TUESDAY, AUGUST 25, 2020

1. The meeting was called to order at 7:30 p.m., through a Hybrid Meeting (City Council Chambers/ZOOM). The Pledge of Allegiance was said and a Moment of Silence was held in Honor of Councilmember Sue Betts. Councilmembers present were Mayor Mike Lavey, Mayor Pro-tem Rachel Medina, Amy Huckins, Orly Lucero, David Rainey, and Arlina Yazzie. Staff members present were Chief of Police Vernon Knuckles, Airport Manager Russ Machen, Director of Finance Ben Burkett, City Planner Tracie Hughes, Associate Planner Neva Connolly, Director of Public Works Phil Johnson, System Analyst Shay Allred, Network Administrator Bill Kuhn, City Clerk Linda Smith, City Manager John Dougherty, and City Attorney Mike Green. There were eight people signed up as participants/audience members.
2. The Consent Agenda items acted upon by Council were as follows:
 - a. Approval of the Worksession and Regular Meeting Minutes of August 11, 2020, and Special Worksession Minutes for August 18 and 19, 2020.
 - b. Approval of the payment of the Expenditure Vouchers of August 25, 2020.
 - c. Approval of a renewal Tavern Liquor License and a Temporary Change in Premises for Cortez Conference Center LLC, DBA Destination Grill, located at 2121 East Main Street, Cortez.
 - d. Approval of a renewal Liquor Store License for Tubros LTD, DBA Cork N Bottle, located at 443 East Main Street, Cortez.
 - e. Approval of a renewal Arts Liquor License for The Cortez Center Inc., DBA Cortez Cultural Center, located at 25 North Market Street, Cortez.
 - f. Approval of a renewal Fermented Malt Beverage Liquor License for Maverik Inc., DBA Maverik #497, located at 455 State Street, Cortez.

Councilmember Lucero moved that the Consent Agenda be approved as presented with the addition of item 9a (CDOT – Multimodal Options Fund Award). Councilmember Rainey seconded the motion, and the vote was as follows:

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

3. PRESENTATIONS – None.
4. CITIZEN PARTICIPATION
 - a. Trash Citation/M&M Property. Bob Teetsell stated that he owns the property where Bob's Drive-In used to be and he is receiving weed citations and wants that to end as the weeds keep the

property green rather than a dirt patch and trash. He also spoke about his proposal for the M&M property that has become an eye sore and a public hazard. He stated that the property has been listed for sale, so it is unclear how the project may proceed at this time.

5. PUBLIC HEARINGS

a. QUASI-JUDICIAL ITEM – Resolution No. 13, Series 2020. Mayor Lavey read the Quasi-Judicial regulations should someone need to recuse themselves. City Planner Hughes stated that Resolution No. 13, Series 2020, approves a manufactured home park site plan for the development at 1226 Animas Street. She stated that ten spaces are allowed; however, the applicant is only asking for three units to be placed on the property. She reviewed Section 3.05(b) of the Land Use Code regarding the requirements for a manufactured home park and commented that each unit would have their own parking and open space. She stated that the proper utilities will need to be installed and each unit will be required to have a building permit. In answer to a question from Councilmember Yazzie, City Planner Hughes stated that the item was tabled at the last Council meeting as there was some concern regarding the driveway that comes from the County to the north. City Attorney Green stated that the third condition in the resolution has been changed to protect the City should the driveway be used someday for access into the City. He stated that access for the land outside the City shall be through County Road 26 and if the owner wants to use Animas Street in the future from the County property, City infrastructure may have to be improved which would be paid for by the property owners. Discussion was held on the continuation of Animas Street and it was noted that there are issues with continuing the street in the area. In answer to a question from Councilmember Huckins, City Planner Hughes stated that no public comment was received on the project at the Planning and Zoning meeting on August 4, 2020. Joe Gray, owner of the property, stated that three manufactured homes will be placed on 1226 Animas Street and a single-family home will be placed on the property to the north in the County.

Mayor Lavey opened the public hearing. Francesco Marchiano, 1609 Taylor Street, stated that there have been three homes on the property at 1226 Animas Street for several months and asked why this is being talked about now. Mr. Gray stated that there are three homes on the property; however, only two of the homes are hooked up at this time. He stated that he has gone through the process to receive approval for the third home which will have its own water and sewer taps. No one else spoke and the public hearing was closed.

Councilmember Lucero moved that Council approve the updated Resolution No. 13, Series 2020, approving the manufactured home park site plan for the development at 1226 Animas Street, as submitted by Joe D. Gray, with three conditions. Councilmember Yazzie seconded the motion, and the vote was as follows:

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

b. QUASI-JUDICIAL ITEM – Resolution No. 15, Series 2020. Associate Planner Connolly stated that Resolution No. 15, Series 2020, approves a site development plan for construction of a cannabis grow facility at 695 North Broadway. She stated that Chris Wolf, representing property owners Partners Rock, LLC and Choice Building Supply, Inc., would like to construct a 12,728

square foot building in two phases (phase one 74’ x 112’ facility and a phase two 74’ x 60’ extension). She stated that the building will be used to house a cannabis grow facility. She reviewed the parking requirements and stated that the applicant would provide 11 spaces in phase one and 6 spaces in phase two. She stated that a Special Exception to the parking requirement (for 25 spaces) was approved during the August 4, 2020, Planning and Zoning meeting. She stated that a plat amendment was approved recently increasing the property to 1.66 acres and noted that the proposed building for the grow facility will be located to the west of the current building on the property. She noted that all the requirements have been met for phase one and two including the landscaping which will be at 28%. She noted that all agency review and comments have been resolved and Planning and Zoning recommends approval of the proposal. In answer to a question from Councilmember Huckins, Associate Planner Connolly stated that the applicant will purchase a separate water tap for the new facility. Discussion was held on the parking requirements and the reason the Special Exception was issued noting there will be no public access to the new building, only employees would use the parking spaces. Associate City Planner Connolly stated that if there is a change in use for the property, the full parking requirement would come into play. Mayor Lavey opened the public hearing; however, no one spoke and the hearing was closed.

Councilmember Huckins moved that Council approve Resolution No. 15, Series 2020, approving a site development plan for the construction of a cannabis grow facility at 695 North Broadway, located in the Commercial Highway (C) Zoning District, with eight conditions. Councilmember Lucero seconded the motion, and the vote was as follows:

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

6. UNFINISHED BUSINESS – None.

7. NEW BUSINESS

a. Airport Master Plan Consulting Services Contract. Airport Manager Machen stated that every eight to ten years the FAA requires the Airport to seek Master Plan consulting services. He stated that advertisement was completed as required and six companies submitted proposals. He stated that a committee consisting of City Manager Dougherty, Councilmember Huckins, and Councilmember Rainey interviewed four of the six companies and the committee is recommending that the bid be awarded to Armstrong Consultants, Inc. out of Grand Junction. He stated that the 2020 Budget allotted for \$473,684.00 for the Master Plan consulting services. He stated that the final pricing will be unknown until the scope of work is negotiated and approved by the FAA. Justin Pietz, Airport Planning Manager and Principal in Charge with Armstrong Consultants, Inc., introduced himself and the other two members who would work on the project, Brooke Barber, Airport Planner and Julie Thiessen, P.E., Colorado Program Manager. He spoke about the work that has been done by Armstrong in southwest Colorado and spoke about the experience of the team noting that he has been with the firm for 16 years. He commented that they are currently working on a project at the Airport in Farmington, New Mexico, and have completed work in Moab, Utah, and Durango, Colorado, among many other communities in the area. Councilmember Huckins commented that she feels Armstrong Consultants, Inc., will be able to relate to Cortez and serve the community well.

Mayor Pro-tem Medina moved that Council award the Airport Master Plan Consulting Services Contract to Armstrong Consultants, Inc. Councilmember Rainey seconded the motion, and the vote was as follows:

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

b. Gray and Black Market Marijuana Enforcement Grant and Peace Officers Mental Health Support DOLA Grants. Chief of Police Knuckles stated that he is not able to submit the two grants due to the audits not being completed. He stated that the Gray and Black Market Marijuana Enforcement Grant has been used by the City in the past and he was under the assumption that the grant could be applied for as the City had the grant the last two years. Discussion was held on the importance of offering mental health support for the police officers. Chief of Police Knuckles commented that he would apply for the grants as soon as the City is allowed to. No vote was taken on the matter.

c. Resolution No. 14, Series 2020. Director of Finance Burkett stated that Resolution No. 14, Series 2020, approves the Department of Revenue Sales and Use Tax Software (SUTS System). He explained the program commenting that the SUTS System is a one-stop portal that allows taxpayers to collect and remit sales and use tax in an easy, automated, and seamless fashion. He stated that the program uses MUNIREvs which the City of Cortez already uses and the process should be fairly easy for the City to implement. Discussion was held on why the system was created and it was noted that the system allows on-line retailers to pay all the communities in Colorado which they owe sales tax to, in one program. In answer to a question from Councilmember Yazzie, Director of Finance Burkett stated that some companies pay sales tax to the City of Cortez already; however, some do not and this program should help receive sales tax that isn't being received now.

Councilmember Huckins moved that Council approve Resolution No. 14, Series 2020, authorizing the Mayor to sign the Sales and Use Tax System (SUTS) Agreement. Councilmember Lucero seconded the motion, and the vote was as follows:

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

d. Professional Services Agreement for 2017 Audit. Director of Finance Burkett stated that the 2016 audit is almost completed and the City is moving on to correct the 2017 transactions. He stated Professional Management Solutions has submitted an agreement to work on the 2017 transactions, though the Finance team has already done some of the work, Lorraine Trotter of Professional Management Solutions, would be completing the accounting correction efforts quicker. He stated that the not-to-exceed amount of \$21,900 may not all be used. In answer to a question from Councilmember Huckins, Director of Finance Burkett stated that Ms. Trotter will continue working on the project if she reaches the not-to-exceed amount and is not finished. Director of Finance Burkett stated that the 2016 audit information is in the hands of the auditors and the City is waiting for them to finish up some details. He stated that funds for the service agreement was part of the 2020 approved budget. He noted that the contract for each audit year will be reviewed giving Council the opportunity to change the auditor/consultant should they chose too.

Councilmember Lucero moved that Council approve a Professional Services Agreement with Professional Management Solutions for a not-to-exceed amount of \$21,900 to support the 2017 accounting correction efforts. Councilmember Huckins seconded the motion, and the vote was as follows:

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

e. Resolution No. 16, Series 2020. City Planner Hughes stated that Resolution No. 16, Series 2020, approves the South Elm Townhome Subdivision Amended Plat. She stated that Jay and Korina Cruzan of JKC Investments, LLC, are requesting a plat amendment as the original plat depicted all of the space on the outside of the units as common open space but the owner had intended to provide space adjacent to each unit as exclusive to each unit. She stated that the amended plat will adjust the boundaries to expand the area of the exclusive ownership for each unit. It was noted that a Home Owners Association (HOA) will be in place to maintain the front yard area which will remain a general common element.

Councilmember Rainey moved that Resolution No. 16, Series 2020, approving the South Elm Townhome Subdivision Amended Plat, with two conditions, be approved. Councilmember Yazzie seconded the motion, and the vote was as follows:

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

f. Ordinance No. 1277, Series 2020. Associate Planner Connolly stated that Ordinance No. 1277, Series 2020, would add three properties to the City of Cortez Historic Designation. She noted that the three houses located at 23 South Market, 33 South Market, and 35 South Beech Streets, were part of the recent survey that was completed along 1st Street in the spring and summer of 2019. She stated that Ordinance No. 1277, Series 2020, is being presented on first reading and would be reviewed through the public hearing process on September 8, 2020.

Mayor Pro-tem Medina moved that Council approve on first reading Ordinance No. 1277, Series 2020, approving the inclusion in the City of Cortez Register of Historic Structures, Sites, and Districts, specifically the structures located at 23 South Market, 33 South Market, and 35 South Beech Streets, and set for public hearing on September 8, 2020. Councilmember Rainey seconded the motion, and the vote was as follows:

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

g. QUASI-JUDICIAL – Set Public Hearing for Doobie Sisters New Retail Cultivation License. City Manager Green stated that Rinnie Rulez LLC, DBA Doobie Sisters Botanics, has applied for a new Retail Marijuana Cultivation License for property located at 695 North Broadway. He asked that Council set a public hearing date to review the application.

Councilmember Yazzie moved that Council set a public hearing date of September 8, 2020, for

review of a new Retail Marijuana Cultivation Facility for Rinnie Rulez LLC, DBA Doobie Sisters Botanics, to be located at 695 North Broadway, Cortez. Councilmember Huckins seconded the motion, and the vote was as follows:

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

h. Disposal of Airport Fire Truck. City Manager Dougherty stated that during the Council worksession discussion was held on the disposal of the Airport fire truck. He stated that the Cortez Fire Protection District has stated their interest in the truck and the City Council can determine what they would like to do with the truck due to its decommission by the FAA.

Councilmember Yazzie moved that the Airport fire truck be declared surplus and repurposed. Councilmember Rainey seconded the motion, and the vote was as follows:

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

Council discussed the need for making the arrangement binding should the City give the fire truck to the Cortez Fire Protection District so that anyone in the future would know of the agreement that was made. Mayor Pro-tem Medina moved that the City donate the Airport fire truck to the Cortez Fire Protection District; however, no second was received for the motion. Councilmember Yazzie moved that staff work with the Cortez Fire Protection District to see if a Memorandum of Understanding (MOU) can be reached with the District to cover the Airport should there be a need for services at the Airport. Councilmember Huckins seconded the motion, and the vote was as follows:

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

i. Appointment to Cortez Cultural Center Board. City Manager Dougherty stated that Mayor Pro-tem Medina has requested that she give up her seat on the Cortez Cultural Center Board due to time constraints and Councilmember Rainey has volunteered to take the seat. Mayor Pro-tem Medina stated that she enjoyed the time she served on the Cortez Cultural Center Board; however, the meeting time is during work hours which has made it difficult to attend. She thanked Councilmember Rainey for volunteering to take the seat.

Councilmember Huckins moved that Council appoint Councilmember Rainey to the Cortez Cultural Center Board in place of Mayor Pro-tem Medina. Councilmember Lucero seconded the motion, and the vote was as follows:

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

j. Appointment of Youth Member to the Golf Advisory Board. City Manager Dougherty stated that Thayer Plewe has applied for the youth position on the Golf Advisory Board and was

interviewed during the Council worksession. He stated that the Golf Advisory Board unanimously supports Mr. Plewe be appointed to the youth position for a one year term.

Councilmember Rainey moved that Thayer Plewe be appointed as the youth member on the Golf Advisory Board. Councilmember Yazzie seconded the motion, and the vote was as follows:

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

k. Appointment to the Board of Adjustments and Appeals Board. City Manager Dougherty stated that there are currently two open seats on the Board of Adjustments and Appeals. He stated that two qualified letters of interest were received and Council interviewed Rebecca Levy during the Council worksession; however, Nick Manning was not able to participate in the interview process due to his call out for work. Mayor Pro-tem Medina stated that she sat on the Board of Adjustments and Appeals and commented that it is hard to get people to sit on the board and she is thankful that there were two applicants and commented that she feels they both should be appointed.

Mayor Pro-tem Medina moved that Council appoint Rebecca Levy and Nick Manning to the two vacancies on the Board of Adjustments and Appeals Board. Councilmember Lucero seconded the motion, and the vote was as follows:

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

8. DRAFT RESOLUTION/ORDINANCES – None.

9. OTHER ITEMS OF BUSINESS

a. CDOT – Multimodal Options Fund Award. Director of Public Works Johnson stated that SB 18-001 established a Multimodal Options Fund (MMOF) in order to promote a complete and integrated multimodal system. He stated that \$1,247,368 was allocated to be used in the Southwest Colorado Transportation Planning Region and in January 2020 the City applied for and was approved for \$146,000 matching fund grant to improve safety on certain street crossing/intersections. He shared a map of the areas that would be improved, including ADA compliant pedestrian street crossing and sidewalks. The areas which were reviewed included Madison House (Main Street/Highway 160); Montezuma Avenue; and the four-way stop at Mildred/Montezuma Avenue. Director of Public Works Johnson stated that the Intergovernmental Agreement with the Colorado Department of Transportation (CDOT) would tie-up the funds which would be used in 2021. He noted that the matching funds from the City would come from the 2021 Concrete Cost-Share program. Discussion was held on other intersections that are needing ADA improvements and Director of Public Works Johnson spoke about the improvements that were made in front of Kemper Elementary School and that he would like to have further conversation with Council on future improvements at a later date.

Councilmember Yazzie moved that the Mayor sign the Intergovernmental Agreement with CDOT – Contract MMOF 23715 – to receive grant funds totaling \$146,000 with matching funds from the

City. Councilmember Lucero seconded the motion, and the vote was as follows:

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

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 Lavey stated that interviews were held during the worksession for the youth position on the Golf Advisory Board and the two open seats on the Board of Adjustments and Appeals. Also during the worksession, a presentation was made by Mark Drudge, Executive Director of Cortez Retail Enhancement Association (CREA), and an update was given on truck traffic issues on South Broadway (Highway 491/Highway 160). Mayor Lavey stated that discussion was held on the disposal of the Airport fire truck and an update was given on the proposed Montezuma County Land Use Code. Information was shared on how the vacancy on City Council would be filled.

b. Golf Advisory Board Meeting. Councilmember Yazzie stated that discussion at the Golf Advisory Board meeting included information on water allocations which have been extended into September for the golf course and Thayer Plewe was present to discuss his interest in serving on the board as the youth member.

c. Parks, Recreation, and Forestry Advisory Board Meeting. Councilmember Yazzie stated that discussion at the Parks, Recreation and Forestry Advisory Board meeting included information on the ceremony that will be held on September 11, 2020, at 10:00 a.m., dedicating Veterans Park. Also, discussion was held on how the tennis courts are being reinforced due to freeze and thaw.

d. Suicide Awareness Month. Councilmember Yazzie stated that September is Suicide Awareness Month and she asked that the suicide crisis care line number of 970-247-5245 be included for anyone that may want the number. She encouraged everyone to be connected to others and ask questions should you be concerned.

e. Public Arts Committee/Cortez Cultural Center/Cortez Youth Commission. Councilmember Rainey stated that that the Public Arts Committee is taking some time off from meeting and he commented that he has not attended a Cortez Cultural Center or Cortez Youth Committee meeting yet.

f. Southwest Colorado Council of Governments (SWCCOG). Mayor Lavey stated that he and City Manager Dougherty attended the SWCCOG meeting by ZOOM on August 13, 2020, and discussion included the 2019 audit and a variety of reports included an update on broadband and transportation.

The regular meeting was adjourned at 9:45 p.m.

ATTEST:

Michael J. Lavey, Mayor

Linda L. Smith, City Clerk