

CITY COUNCIL
REGULAR MEETING
TUESDAY, SEPTEMBER 8, 2020

1. The meeting was called to order at 7:30 p.m., through a Hybrid Meeting (City Council Chambers/ZOOM). The meeting was opened with the Pledge of Allegiance. 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, 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 Deputy City Attorney Tina Martinez. There were 17 people present in the Council Chambers and 134 people signed up as participants on ZOOM.
2. The Consent Agenda items acted upon by Council were as follows:
 - a. Approval of the Worksession and Regular Meeting Minutes of August 25, 2020.
 - b. Approval of the payment of the Expenditure Vouchers of September 8, 2020.
 - c. Approval of a renewal Fermented Malt Beverage Liquor License for Dillon Companies LLC, DBA City Market #8, located at 508 East Main Street, Cortez.
 - d. Approval of a renewal Hotel and Restaurant Liquor License for Loungin' Lizard Inc., DBA Loungin' Lizard, located at 2 – 4 West Main Street, Cortez.
 - e. Approval of a renewal Hotel and Restaurant Liquor License for Taste of India, DBA Taste of India, located at 1013 East Main Street, Cortez.
 - f. Approval of a renewal Brew Pub Liquor License for Wildedge Brewing Collective LLC, DBA Wildedge Brewing Collective, located at 111 North Market Street, Cortez.

Councilmember Yazzie moved that the Consent Agenda be approved with the removal of the expenditure vouchers. Mayor Pro-tem Medina seconded the motion, and the vote was as follows:

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

In answer to a question from Councilmember Yazzie, City Manager Dougherty stated that he would speak to staff as to why utilities have not been shut off since the outdoor pool is not being used. Councilmember Yazzie moved that the expenditure vouchers be approved. Mayor Pro-tem Medina 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. Patriot Rally/Freedom Riders. Citizens spoke in favor of the Patriot Rally that is being held on Saturdays on Main Street over the past few months. Many of the citizen's names and addresses could not be heard; however, comments received included concern for the disrespect/harrassment that has been received by the participants of the rally. It was also stated that there are people waving to others and honking of horns as the rally goes by. Comments were made on freedom, support for First Responders, and the constitutional right to speak. Mayor Pro-tem Medina asked if the citizens have any suggestions on how to heal the community, noting that most everyone wants the best for the community. Tiffany Ghery, 1752 Brooke Street, gave suggestions on how she feels the community could heal including the recognition that all lives matter. Several citizens invited anyone that would like to participate in the rally to come and see what they are about.

b. Justice and Peace Walk. Raleigh Marmorstein stated that she is co-organizer of the Justice and Peace Walk and noted that the group walks on Saturday mornings and the walk has been done in silence. She spoke of the history of the walks and that no one is there to cause any conflict but to walk only in peace. Several citizens commented on the disrespect and intimidation that has been directed towards the walkers. Comments were received that anyone is welcome to join the group and if anyone would like more information about the walk they could reach out to the group. Discussion was held on the two groups moving their times of walking to allow each other space between the two rallies.

c. American Legion RV Parking. Ray Goodall, 405 North Henry Street, asked why the City is not allowing the American Legion to have veterans traveling through the area park their RV's at the American Legion. City Manager Dougherty stated that RV parking is not allowed on the property due to the City's zoning code and there is not a waiver to allow the RV parking in the Residential Zone. Alan Maez spoke in favor of the American Legion being open for RV parking and possibly the space could be used to help deal with the homeless issue.

d. Thank You Police/Sheriff Departments. A citizen (name and address not clear) spoke of supporting the Police Department and the need to have social awareness for citizens. A comment was made on the idea of having community based policing and that the Police Department receive training through the ICOP (International Chief of Police). Fred Blackburn, 104 East Carpenter Street, stated that he has lived here 40 years and thanked the Sheriff's Office and Police Department for keeping everything low key. He spoke about his support for the Police to give tickets to those that are not abiding by the law. He spoke about the division that is happening to family and friends and helping each other. He asked that everyone think about what you are doing and commented that the message is the same.

e. Freedom. Many citizens spoke of being patriotic and how they feel about racism. Comments were also made on neighbors helping neighbors and the heroism that has been given to protect everyone's rights. Todd King, 14251 Road 31, Mancos, stated that he owns a business downtown and expressed his disappointment in Council not visiting all the businesses downtown and getting their opinion on the rallies that are being held. He stated that both groups that are marching have the right to express their beliefs; however, they should remain peaceful. Craig Robinson, Southern

Bluffs, stated that he served in the US Army for 27 years defending the constitution and he doesn't understand why people don't come together and celebrate their freedom.

f. Bridge Emergency Shelter. Alan Maez asked why the Bridge Emergency Shelter is not open for families and asked that the City look into the issue. M.B. McAfee, 22277 County Road 20, Lewis, stated that the Bridge Emergency Shelter was never built or had a concept to house children and families. She commented that the Bridge Emergency Shelter was built to keep people safe in the winter.

5. PUBLIC HEARINGS

a. Ordinance No. 1277, Series 2020. Associate Planner Connolly stated that Ordinance No. 1277, Series 2020, approves the inclusion of three properties 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. She spoke about the process of receiving Certified Local Government (CLG) grants in the City and noted that the grant of 2019 identified 22 potential historic properties and three of those properties have submitted applications for inclusion in the Cortez Register of Historic Structures. She reviewed Section 6.19(f) of the Land Use Code which defines the criteria for designating a structure as historic and noted that each of the three properties have been found to meet the criteria. Mayor Lavey opened the public hearing; however, no one spoke and the hearing was closed.

Councilmember Huckins moved that Council approve Ordinance No. 1277, Series 2020, on final reading, approving the inclusion of three properties 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. Councilmember Lucero 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 – New Retail Marijuana Cultivation License for Rinnie Rulez LLC. Mayor Lavey spoke about the Quasi-Judicial rules should someone need to recuse themselves from the discussion. Deputy City Attorney Martinez reviewed the process for approval/denial of a Retail Marijuana Cultivation License and noted that Rinnie Rulez LLC, DBA Doobie Sisters Botanics, located at 695 North Broadway has applied for a new Retail Marijuana Cultivation License. She noted that there are no issues with the distance requirement as the license will be owned by the same LLC (Rinnie Rulez LLC). City Clerk Smith noted that the background checks for each of the owners and the application is complete.

Mayor Lavey opened the public hearing; however, no one spoke and the hearing was closed. Deputy City Attorney Martinez read Section 4-215 (1-10) for the record and it was noted that all the regulations have been met. She stated that staff recommends approval of the Retail Marijuana Cultivation License.

Councilmember Rainey moved that Council approve a new Retail Marijuana Cultivation License

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

6. UNFINISHED BUSINESS – None.

7. NEW BUSINESS

a. 2020 Airport Pavement Maintenance Project. Airport Manager Machen stated that a grant was received from the State of Colorado in the amount of \$297,000 to sealcoat and re-stripe pavement at the Airport. He stated that the matching funds for this project will be paid from the Airport Fund at 10% of estimated project cost, which is \$33,000, making the total funding for the project at \$330,000. He spoke about the two bids which were received on the project and reviewed the scope of work that the project would include. He stated that there is a shortfall from the low bid amount of \$369,500.55 and spoke about the use of the CARES Act Funding that has been given to the Airport to cover the shortfall amount (\$39,500.55). He spoke about the options should Council choose not to use the CARES Act Funding to cover the shortfall; however, noted that he is unsure when the City would receive another grant from the State of Colorado. Mayor Pro-tem Medina stated that this is a great opportunity to have all the work done using grant funding.

Councilmember Lucero moved that Council award the 2020 Airport Pavement Maintenance Project to apply seal coating and re-striping of Airport pavement to Maxwell Asphalt, for \$369,500.55, allowing an additional \$39,500.55 to be expended. Councilmember Yazzie seconded the motion, and the vote was as follows:

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

b. Solar Generating Installations at Airport. Airport Manager Machen stated that Council reviewed the project in depth during the worksession and noted that \$66,570 will be expended over a five-year period for the solar lease cost. He stated that in the start of year six, an option for purchase of the solar array is available for \$23,183. He spoke of the estimated savings that will be realized after year six and onward and commented that the panels will have a 25-year warrantee on them. He noted that the Airport has solar panels of a much smaller configuration for remote hilltop lighting that have been in service for 27 years with no reduction in performance. Discussion was held on the City Hall solar panels which have been producing more than was anticipated.

Councilmember Yazzie moved that Council approve a contract with Shaw Solar for the installation of a solar electric generating array at the Airport. Councilmember Rainey seconded the motion, and the vote was as follows:

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

c. Amendment to the Independent Contract Agreement with Burkett Company LLC. City Manager Dougherty stated that he has asked Chris Burkett to keep track of the receipts for the CARES Act Funding that is being used within the City. He stated that the CARES Act funding is over and above normal grants and is a reimbursable expense, he felt it would be best for Council to approve a supplemental contract to track the reimbursable payments. Councilmember Yazzie noted it is important to keep a watchful eye on the expenses so that the money does not have to be given back.

Councilmember Yazzie moved that Council authorized the City Manager to sign the contract with Burkett Company LLC. In the amount not to exceed \$7,500.00 in fiscal year 2020 for the tracking and reporting of reimbursable expenses as set forth in the CARES Act. Councilmember Rainey seconded the motion, and the vote was as follows:

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

d. Grant Application Request for the 2021 Conservation Service Corps. City Manager Dougherty stated that the City has received several properties that have invasive tree species and noxious weeds on them and the City has been limited on how much City resources can be put towards eliminating or mitigating the issues. He stated that the City would like to apply for a 2021 Conservation Service Corps Grant which would allow for eight workers to dedicate three weeks of work toward the project at Denny Lake Park, Geer and Carpenter Natural Areas. He stated that the grant is offered through Great Outdoors Colorado and the Colorado Youth Corps Association. He stated that there would not be any cash match required from the City. He stated that Great Outdoors Colorado does not require current financial audits for a grant proposal and the grant funding would go directly to the Colorado Youth Corps Association.

Councilmember Lucero moved that Council give permission for the City of Cortez to apply for the 2021 Conservation Service corps Grant and for Mayor Mike Lavey to sign the grant application. Also, the City of Cortez recognizes that it will not receive payment from Great Outdoors Colorado and hereby authorizes Great Outdoor Colorado to make payment on its behalf directly to the Colorado Youth Corps Association in the event this project is chosen for funding. Councilmember Huckins seconded the motion, and the vote was as follows:

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

e. Appointments to the Library Advisory Board. City Manager Dougherty stated that interviews were completed during the worksession and noted that there are two open seats on the Library Advisory Board.

Councilmember Rainey moved that Council appoint Karen Sheek and Suzy Meyer to the Library Advisory Board. Councilmember Huckins 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 – None.

10. ADDITIONAL CITIZEN PARTICIPATION

a. Mask Concerns. A citizen from the audience stated his concern for people pulling their masks down when they talk. He spoke about the Library staff and that he has been kicked out of the Library for pulling his mask down.

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 two interviews were held during the worksession for the Library Advisory Board and discussion was held on the homeless problems. He stated that also discussed was the cost share proposal for County Road F and the solar project at the Airport. Director of Finance Burkett reviewed the Monthly Finance Report and discussion was held on parades on Main Street.

b. Food Security. Councilmember Yazzie stated that if any families are in need of any food baskets to contact the Montezuma County Health Department. She also asked that if anyone has fruit that is not being picked to contact the Good Food Collective Project and they would volunteer to pick fruit that could then be redistributed in community.

c. Public Comments. Mayor Pro-tem Medina spoke about public comments that were made previously in the meeting including the reason that the Bridge Emergency Shelter does not allow families and asked what could be done to help the American Legion with their RV issue. City Manager Dougherty stated that the code needs to be fixed on several items and this item could be reviewed during that process. She commented that she feels the underlying theme is that people are pigeon holed into one identity and people are multi-faced and should not be placed into one category. She stated that we should find common ground and not make assumptions of people. She asked that everyone treat each other how they would like to be treated. Mayor Lavey commented that people live in Cortez because we love this area and we are all different but we can embrace those differences.

d. Veteran’s Park Dedication. Mayor Lavey invited everyone to attend the Veteran’s Park dedication on Friday September 11, 2020, at 10:00 a.m. He commented that he will be offering the opening remarks and Councilmember Lucero will close the ceremony which will include several different speakers.

The regular meeting was adjourned at 10:15 p.m.

ATTEST:

Michael J. Lavey, Mayor

Linda L. Smith, City Clerk