

CITY COUNCIL  
REGULAR MEETING  
TUESDAY, MAY 14, 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 Patrol Lieutenant Andy Brock, Management Intern Peyton Heitzman, City Planner Tracie Hughes, Director of Planning and Building Sam Proffer, Director of Parks and Recreation Dean Palmquist, Children's Librarian Laura McHenry, Library Director Eric Ikenouye, City Attorney Mike Green, City Clerk Linda Smith, and City Manager John Dougherty. There were 31 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 April 23, 2019.
  
  - b. Approval of the payment of the Expenditure Vouchers of May 14, 2019.
  
  - c. Approval of a renewal Hotel and Restaurant Liquor License with Optional Premise for Rudosky Golf LLC, DBA Conquistador Golf Course, located at 2018 North Dolores Road, Cortez.
  
  - d. Approval of a renewal Arts Liquor License for Community Radio Project Inc., DBA KSJD, located at 2 – 8 East Main Street, Cortez.
  
  - e. Approval of a Special Event Permit for the Pinon Project to sponsor the Celtic Fair at Parque de Vida Park, located at 400 North Mildred Road, on Saturday, June 22, 2019, from 7:00 a.m. to 7:00 p.m.
  
  - f. Approval of a Special Event Permit for the Montezuma Land Conservancy to sponsor a Community Barbeque for the Great Outdoors Colorado (GOCO) at Parque de Vida Park, located at 400 North Mildred Road, on Thursday, September 26, 2019, from 5:00 p.m. to 9:00 p.m.

Councilmember Keel stated that he would like clarification on the expenditure to Community Connections for \$4,693.75 for clean-up of the park. City Manager Dougherty stated that he would get an explanation of the expenditure. Mayor Pro-tem Lucero moved that Council approve the Consent Agenda with the additional expenditure list totaling \$70,419.90, and with the clarification of the expenditure to Community Connections. 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

3. PRESENTATIONS

- a. Historic Preservation Day Proclamation. City Planner Hughes stated that the Cortez Historic

Preservation Day is scheduled for May 18, 2019. She stated that in cooperation with the Cortez Cultural Center, Montezuma County Historical Society, Cortez Arts Commission, and Cortez Retail Enhancement Association, the 10<sup>th</sup> anniversary of Cortez Historic Preservation Day would be held with sidewalk tours of historic buildings and murals being conducted in downtown Cortez. She stated that the tours will be held on Saturday, May 18, 2019, starting at 10:30 a.m., with sign-ups held at the Cortez Cultural Center. She stated that the Cortez Historic Preservation Board was originally formed in 1996 to protect historic signs on Main Street and she shared a handout provided by the board that shows the accomplishments of the group since they were formed. She stated that 51 properties are included in the City Historic Register and two are on the National Register (Montezuma Valley National Bank in 2009 and the Calkins Building in 2016). Mayor Sheek read the proclamation and urged citizens to learn more about the history of our community through various events held on Historic Preservation Day. She stated that a presentation would be made by the Montezuma County Historical Society at the location of the proposed Montezuma Heritage Museum, 35 South Market, on May 18, 2019, at 3:00 p.m.

Councilmember Keel moved that Council proclaim Historic Preservation Day as May 18, 2019. 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

b. Raising Readers Presentation. Library Director Ikenouye stated that since 2016 the Library has had a Raising Readers Tutoring Program which began with children reading to dogs. He stated that a lot of people that didn't have dogs wanted to help tutor children so the program has expanded. He stated that there are currently 20 tutors that are used by the schools and home schooled children. He stated that the program has its first adult client and there is a waiting list of adults wanting a tutor. Children's Librarian McHenry stated that the tutoring program begin in 2015 and she praised the volunteers which include retired educators and retired librarians. She spoke about the coordination with the Alliance of Therapy Dogs and introduced Kathy Hennek with her dog Peach. She stated that they have never had an incident with the dogs and stated that a dog is a buffer and a comfort for students and can help build confidence as a student reads to them. She spoke about the adult that is being tutored by one of the Library staff members and how they feel it has helped him. Carol Hitti, a tutor for the program, stated that she enjoys having kids read to her and being able to read to kids as well. She stated that she had the opportunity to work with a girl from China that only knew a few words of English. She introduced Gabby whom she has been working with for over four years now and spoke of her progress. Amber Rudosky, 4<sup>th</sup> Grade Teacher at Mesa Elementary School, stated that Gabby has done well with the help of Ms. Hitti and is excited to work on her reading. Mayor Sheek commented that anything that helps out the schools and kids in the community is so appreciated and can be very rewarding. She encouraged anyone that would like to help with the tutoring program, to contact Children's Librarian McHenry.

4. CITIZEN PARTICIPATION

a. Dolores River Festival. Susan Lisak, 22793 County Road P, stated that she is the new Dolores Chamber Manager, and she invited everyone to attend the Dolores River Festival that will be held

on June 1, 2019. She stated that this is the 16<sup>th</sup> year for the event sponsored by the Greater Dolores Action, which is a non-profit that does a lot of river clean-up and signage for rivers. She stated that there will be river rides, music throughout the day, and other fun activities.

5. PUBLIC HEARINGS

a. QUASI-JUDICIAL ITEM – New Fermented Malt Beverage Liquor License for Paragon Business Investments LLC, DBA Gopher Food and Fuel. Mayor Sheek noted the item is a Quasi-Judicial item and asked if anyone needed to recused themselves from discussion and voting on the item; however, no one spoke. Patrol Lieutenant Brock was sworn in and gave the Police Department report on the issuance of a new Fermented Malt Beverage Liquor License for Paragon Business Investments LLC, DBA Gopher Food and Fuel, to be located at 2410 Fairway Drive. He stated that public notice was given by posting the premises on April 10, 2019, and notice was published in the Cortez Journal on April 12, 2019. He stated that the poll of the surrounding neighborhoods and businesses show 45 were in favor of granting the license, zero were against granting the license, and three were neutral and did not wish to express an opinion. He stated that the location complies with the Colorado Liquor Code Rules and Regulations and the location does not create any known public safety or endanger public health. The petitions and report were entered into the record. Marjana Lloyd, applicant for the new liquor license, presented the petition that she had circulated in favor of granting the license. She submitted the petition for the record and stated that she and her husband (Rodney Lloyd) have had previous liquor licenses and have never had any negative issues or any violations. City Attorney Green stated that staff recommends approval of the Fermented Malt Beverage Liquor License. Mayor Sheek opened the public hearing; however, no one spoke and the hearing was closed.

Councilmember Carlson moved that after considering the reasonable requirements of the neighborhood, the desires of the adult inhabitants, the necessity of any restrictions on the license, the good character of the applicants, and compliance with all the provisions of Title 44, Article 3-312, Colorado Revised Statutes, that Council approve a new Fermented Malt Beverage Liquor License for Paragon Business Investments LLC, DBA Gopher Food and Fuel, located at 2410 Fairway Drive, 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

b. QUASI-JUDICIAL ITEM – Two New Fermented Malt Beverage Liquor Licenses for Western Refining Retail, LLC, DBA Giant #7154 and Giant #6064. Mayor Sheek noted the item for review is a Quasi-Judicial item; however, no one recused themselves from the discussion. Patrol Lieutenant Brock was sworn in and read the Police Department report on the issuance of two new Fermented Malt Beverage Liquor Licenses for Western Refining Retail LLC, DBA Giant #7154, located at 2021 East Main Street, and Giant #6064, located at 2320 East Main Street. He stated that public notice was given by posting signs on the two premises on April 10, 2019, and notice was placed in the Cortez Journal on April 12, 2019, for both license requests. He stated that the poll of the surrounding neighborhood shows 45 were in favor of granting the licenses, zero were against, and five were neutral and did not wish to express an opinion. He stated that both locations comply with the Colorado Liquor Code Rules and Regulations and the locations do not create any known

public safety or endanger public health. Bill Bixler, representing Western Refining Retail LLC, presented petitions that his managers had circulated in support of the licenses for the two Giant stores (#7154 and #6064). In answer to a question from City Attorney Green, Mr. Bixler stated that he would like the petitions included in the record. Mr. Bixler stated that he appreciates the City Council consider the granting of the licenses for the two stores. Mayor Sheek opened the public hearing; however, no one spoke and the hearing was closed.

Councilmember Betts moved that after considering the reasonable requirements of the neighborhood, the desires of the adult inhabitants, the necessity of any restrictions on the license, the good character of the applicants, and compliance with all the provisions of Title 44, Article 3-312, Colorado Revised Statutes, approve a new Fermented Malt Beverage Liquor License for Western Refining Retail, LLC, DBA Giant #7154, located at 2021 East Main Street, and Giant #6064 located at 2320 East Main Street, Cortez. Councilmember Lavey 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. Appointment to the Golf Advisory Board. Director of Parks and Recreation Palmquist stated that three letters of interest were received for the at-large opening on the Golf Advisory Board. He stated that the Golf Advisory Board interviewed the three quality candidates and unanimously recommended J. Samuel Jarvis to continue serving on the board. Director of Parks and Recreation Palmquist stated that Council may either choose to interview each candidate prior to making its decision, or could forego the interviews and base its decision upon review of the letters of interest and the recommendation of the Golf Advisory Board.

Councilmember Carlson stated that due to the three great applications received for the Golf Advisory Board, she recommended that Council interview the three candidates. Councilmember Betts seconded the motion, and the vote was as follows:

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

Council asked that the candidates be interviewed at the next worksession and it was suggested that in the future that Council be informed on openings and when interviews would be held in case Councilmembers would like to participate in the interviews at the board level.

b. Appointments to the Cortez Public Art Committee. Library Director Ikenouye stated that four people have applied for the Cortez Public Art Committee to replace four members (Kirbi Vaughn, Dan Simplico, Brandon Shubert, and Student Member Corrine Dammore Rome) that their terms have either expired or can no longer commit the time for the committee. He stated that four letters were received from the community members expressing their interest to serve on the board. He

stated that the Art Committee interviewed Mark Allen, Chris Lindell, Brenda VanKeuren, and Student Member Alexandra York and have recommended their appointment. He stated that two of the members were present in the audience if Council would like to have them speak. He stated that Council could interview the applicants or could appoint the four members to the Cortez Public Art Committee. Chris Lindell, 32905 Road P, stated that he is excited to help the City move along with the arts. He stated that he has a background in music and other arts as well. Mark Allen, 11921 Road 29, stated that he has been a public school music teacher for 37 years and was recently retired from New Mexico and hired by the Cortez School District. He stated that he plays with local bands and started the Four Corners Community Band 20 years ago. He stated that he would like to make his contribution to Cortez.

Councilmember Lavey moved that Council appoint Mark Allen, Chris Lindell, Brenda VanKeuren, and Student Member Alexandra York as members of the Cortez Public Art Committee. 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

c. QUASI-JUDICIAL ITEM – Transfer of Ownership of a Hotel and Restaurant Liquor License to Lotsa Pasta and Thatza Pizza. Councilmember Carlson recused herself from the discussion and vote due to a possible conflict-of-interest. Mayor Sheek noted that the item is a Quasi-Judicial item and asked if anyone would need to recuse themselves; however, no one else spoke. City Clerk Smith stated that Stormy Cordova-Beattie, applicant for Lotsa Pasta and Thatza Pizza, has completed the application to Transfer Ownership of a Hotel and Restaurant Liquor License from Jimmers, located at 439 East Main Street. City Clerk Smith noted that the Transfer of Ownership can be completed without a public hearing as Jimmers has a current Hotel and Restaurant Liquor License through August 2019. She stated that Ms. Cordova-Beattie has completed the background check and all her paperwork is in order. Ms. Cordova-Beattie stated that she worked for the original owners of Lotsa Pasta for eight years and when they closed she decided to purchase the business; however, has been looking for the right location for the business. She stated that an agreement has been completed with the owners of Jimmers and the business should be open soon. She stated that the serving of liquor will benefit the restaurant and go with the serving of pasta and pizza. City Attorney Green stated that staff recommends approval of the license.

Councilmember Noyes moved that Council approve a Transfer of Ownership of a Hotel and Restaurant Liquor License from Jimmers BBQ to Kashmien LLC, DBA Lotsa Pasta and Thatza Pizza, owner Stormy Cordova-Beattie, located at 439 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

\*Councilmember Carlson recused herself due to a possible conflict-of-interest.

d. Ordinance No. 1266, Series 2019. City Planner Hughes stated that Ordinance No. 1266, Series 2019, approves the inclusion of the structure located within the “F.R. Coffins Addition Subdivision” in the City of Cortez Register of Historic Structures, Sites, and Districts, specifically the structure at

310 East Main Street. She spoke about the history of designating historic structures in the City of Cortez and stated since the first survey (2010) to inventory historic properties, 50 of the eligible property owners have applied to City Council for historic designation and have received said designation. She stated that the property located at 310 East Main Street (currently occupied by Medicine Man) was eligible under the fifth survey completed in 2017. She stated that the property was originally constructed in 1920 by Bill Kenyon to house his motor company (Kenyon Motors) that sold Pontiac autos, tractors and farm equipment. She stated that the structure has been remodeled and updated at various times and was later used by Bozeman Garage, Cortez Motor Sales, and currently is a marijuana dispensary. She stated that the Historic Preservation Board has recommended that Council approve the historic designation for the building located at 310 East Main Street as the property was a location of commerce and part of the commercial core of Cortez. In answer to a question from Councilmember Keel, City Planner Hughes stated that the regulations for the local designation are the same for businesses and houses and noted that the building is more than 50 years old.

Mayor Pro-tem Lucero moved that Council approve on first reading Ordinance No. 1266, Series 2019, approving the inclusion of the structure located within the “F.R. Coffins Addition Subdivision” in the City of Cortez Register of Historic Structures, Sites, and Districts, specifically the structure at 310 East Main Street, and set for a public hearing on May 28, 2019. 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

e. Appointment to the Cortez Youth Commission. Management Intern Heitzman stated that Daveed Eastin has applied to serve on the Cortez Youth Commission. She stated that the bylaws for the Youth Commission allows up to 15 members. She stated that currently there are 11 students appointed from both MCHS (Montezuma-Cortez High School) and SWOS (Southwest Open School). She stated that Mr. Eastin is a senior at SWOS and has attended the Youth Commission meetings since February. She stated that staff is requesting his appointment, though it would be for a short time as he is set to graduate in the spring.

Councilmember Lavey moved that Council appoint Daveed Eastin to serve on the Cortez Youth Commission. 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

f. Resolution No. 17, Series 2019. City Manager Dougherty stated that Resolution No. 17, Series 2019, provides delegation of fiduciary duty of defined contribution, deferred compensation retirement plans for City employees. He stated that currently the individuals (Kathi Moss, Shane Hale, and Gay Hall) that are listed on the fiduciary duties are no longer with the City and asked that the new resolution list the job position (City Manager, Human Resources Director, and Finance Director) rather than a person, so the resolution would not have to be changed again. In discussion it was noted that Roy Lane, Chief of Police, is designated for the Police Department retirement plan; however, that would not be included in the new resolution.

Councilmember Carlson moved that Council approve Resolution No. 17, Series 2019, approving the delegation of fiduciary duty of defined contribution, deferred compensation retirement plans for City employees. 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

g. Resolution No. 15, Series 2019. City Attorney Green stated that Resolution No. 15, Series 2019, adopts an Open Records Request Policy and forms for requesting records and sets standards, fees, and charges for records requests. He stated that the new policy would include current regulations as per current law and as the City currently operates. He stated that the policy does not include criminal justice records/court records which is handled through the Police Department. He stated that staff recommends approval.

Councilmember Lavey moved that Council approve Resolution No. 15, Series 2019, adopting an Open Records Request Policy and forms for requesting records and setting standards, fees, and charges for records requests. 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

h. Litigation Settlement Decisions. City Attorney Green stated that during Executive Session Council received recommendations from Attorneys representing the City on two lawsuits. He stated that motions would need to be made concerning the lawsuit settlements.

Councilmember Carlson moved that Council reject the settlement offer in the NuVue Pharma matter. 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

Councilmember Carlson moved that Council authorize the Attorneys representing the City of Cortez to settle the French lawsuit with the amount discussed during Executive Session. 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

8. DRAFT ORDINANCES/RESOLUTIONS – None.
9. OTHER ITEMS OF BUSINESS – None.
10. ADDITIONAL CITIZEN PARTICIPATION – None.
11. CITY ATTORNEY’S REPORT – None.

## 12. CITY MANAGER'S REPORT

a. 2016 Audit. City Manager Dougherty stated that the 2016 financial papers have been sent to the auditors and they are expected to review the information by the middle of June. It is expected that the 2017 audit will move along quicker once the numbers have been confirmed for 2016. Councilmember Carlson stated that she wanted to acknowledge that Caselle has exceeded her expectations on how they have handled the City and the audit issues.

b. Clarification of Expenditure on Council Additional Expenditure List. Director of Parks and Recreation Palmquist stated that the expenditure to Community Connections in the amount of \$4,693.75 is for the clean-up of the parks that is completed by the group. He stated that the expenditure is paid quarterly for the janitorial work they perform on behalf of the City and is the same amount that was paid last year.

## 13. CITY COUNCIL COMMITTEE REPORTS

a. Mayor's Report on Workshop. Mayor Sheek stated that during the workshop Council adjourned to Executive Session for discussion with the City Attorney for the purpose of receiving legal advice on specific legal questions regarding settlement of litigations, as per C.R.S. Section 24-6-402(4)(b).

b. Historic Preservation Board. Councilmember Betts stated that it was noted earlier with the approval of the proclamation that Historic Preservation Day would be May 18, 2019.

c. Mesa Verde Country Tourism Board. Councilmember Betts stated that she and the Mayor attended the Mesa Verde Country Tourism Board meeting on May 8, 2019, and discussion was held on the Welcome Center revamping which Kelly Kirkpatrick has taken charge of. Councilmember Betts stated that a lot of volunteers have come forward to work at the Welcome Center. Mayor Sheek stated that Darren Uptain will be the new manager (full-time) and Krisy Rodri, will be the assistant manager (part-time) for the Welcome Center. Mayor Sheek spoke about the lodger's tax which is down though it is unsure that there are some miss-payments that need to be caught up. She stated that discussion also included marketing that is being done with Great Britain, France, Germany, Australia, and Asian Countries.

d. Southwest Colorado Council of Governments (SWCCOG). Mayor Sheek stated that she and City Manager Dougherty attended the SWCCOG meeting on May 9, 2019, and discussion included the consolidation of services as members have dropped out of the organization. She stated that there is a broadband grant that has been applied for and there was discussion on the effects that the TABOR/Gallagher Amendment has had on the State being able to provide services to the citizens. She stated that future meetings will be held to form a strategic plan for the group. She stated that Farmington has asked to join the SWCCOG as they feel the group is closer than the New Mexico group that meets in Gallup and feel they have more in common with the SWCCOG.

The regular meeting was adjourned at 8:55 p.m.

---

Karen W. Sheek, Mayor

ATTEST:

---

Linda L. Smith, City Clerk