

CITY COUNCIL  
REGULAR MEETING  
TUESDAY, JUNE 8, 2021

1. The meeting was called to order at 7:30 p.m., with the Pledge of Allegiance. The meeting was held with a Hybrid/In-person and Virtual contact through ZOOM format. Councilmembers present in the Council Chambers included Mayor Mike Lavey, Robert Dobry, Mayor Pro-tem Rachel Medina, David Rainey, and Arlina Yazzie. Councilmember Orly Lucero was present through ZOOM. Director of Finance Kelly Koskie, Assistant Chief of Police Andy Brock, Director of Public Works Phil Johnson, Director of General Services Rick Smith, Airport Manager Jeremy Patton, IT Support Kyle Kuhn, System Analyst Shay Allred, Deputy City Clerk Sara Coffey, City Clerk Linda Smith, City Manager Drew Sanders, and City Attorney Mike Green were present in the Council Chambers. There were 14 people present in the Council Chambers and four people on ZOOM.
  - a. Special Presentation. Grant and Special Projects Chris Burkett was presented with a plaque from City Council thanking him for serving as Interim City Manager on May 23, 2018 to July 30, 2018 and May 3, 2021 to May 18, 2021. Mayor Lavey thanked Mr. Burkett for his service and dedication.
2. The Consent Agenda items acted upon by Council were as follows:
  - a. Approval of the Worksession and Regular Meeting Minutes of May 25, 2021.
  - b. Approval of the payment of the Expenditure Vouchers of June 8, 2021.
  - c. Approval of a renewal Hotel and Restaurant Liquor from La Casita de Cortez LLC, DBA La Casita de Cortez, 332 East Main Street, Cortez.
  - d. Approval of a renewal Hotel and Restaurant Liquor License from Rosita Inc., DBA Tequila's, 1740 East Main Street, Cortez.
  - e. Approval of a renewal Arts Liquor License for the Community Radio Project, Inc., DBA KSJD, located at 2-8 East Main Street, Cortez.
  - f. Approval of a renewal Retail Marijuana Store License for Chronic Therapy Cortez LLC, located at 1020 South Broadway, Cortez.
  - g. Approval of a Special Event Permit for the Rotary Club of Cortez to host the Rotary Beer Garden on July 4, 2021, from 12:00 p.m. to 8:00 p.m., with clean-up by 9:00 a.m., at Centennial Park, located between Park Street and Mildred Road, Cortez.

Councilmember Dobry asked that item e. be removed from the Consent Agenda due to a possible conflict-of-interest as he works for the Community Radio Project, Inc. Councilmember Dobry moved that the Consent Agenda be approved with the removal of item e. Councilmember Rainey seconded the motion, and the vote was as follows:

Dobry	Lavey	Lucero	Medina	Rainey	Yazzie
Yes	Yes	Yes	Yes	Yes	Yes

Councilmember Yazzie moved that Council approve the renewal Arts Liquor License for the Community Radio Project, Inc., DBA KSJD, located at 2-8 East Main Street, Cortez. Mayor Pro-tem Medina seconded the motion, and the vote was as follows:

Dobry	Lavey	Lucero	Medina	Rainey	Yazzie
*	Yes	Yes	Yes	Yes	Yes

\*Councilmember Dobry recused himself from the vote due to a possible conflict-of-interest.

### 3. CITIZEN PARTICIPATION

a. Walking Path Around Cortez. Jim Skvorc, Cortez, spoke about a Council candidate that ran in 2020 that had spoken about their support for having a walking path around Cortez. Mayor Pro-tem Medina spoke about her support for having walking paths throughout the community. He stated that he supports the walking paths and would ask Council for some action on moving that forward.

b. Park at Old High School Property. Susan Kemnetz, 511 S. Cedar Street, asked about the plan for the park that was planned for the old high school property. Mayor Lavey stated that the park has been put on hold due to budgetary issues but will be revisited again in the future.

### 4. PRESENTATIONS

a. Alzheimer's and Brain Awareness Month. Mayor Lavey read the Alzheimer's and Brain Awareness Month Proclamation and encouraged all citizens to join in honoring caregivers and Cortez families effected by Alzheimer's disease. He commented on his experience with a family member that had Alzheimer's and how the disease can affect everyone involved.

### 5. PUBLIC HEARING

a. Resolution No. 10, Series 2021. City Planner Hughes stated that Resolution No. 10, Series 2021 approves a site development plan for the construction of the NuVue Retail Marijuana facility to be located at 503 Patton Street. She stated that the plan depicts the construction of a 2,400 square foot building on the property and that the intent is to house a retail marijuana facility. She noted that the Land Use Code requires 16 parking spaces and the applicant is proposing 17 spaces. She commented that the proposed building will be located roughly in the middle of the property with the parking to the south of the structure and access from Patton Street. She noted that the Colorado Department of Transportation (CDOT) has issued an access permit for the property. She reviewed the setback requirements and also noted that the applicant has proposed 51,239 square feet of landscaping. She stated that the applicant has also submitted a minor subdivision application to plat the two parcels that are currently unplatted. She stated that the site plan approval will be conditional upon the formal creation of the lots through the subdivision process. She noted that the Planning and Zoning Commission reviewed the proposal at their May 4, 2021, meeting and recommended approval with conditions. She noted that the proposed facility is subject to all local

and State marijuana licensing requirements. She stated that all the agency requirements have been addressed by the applicant and staff recommends approval through Council Resolution No. 10, Series 2021, with eight conditions. Discussion was held on sidewalk being provided for pedestrian safety crossing Highway 145 and running parallel with Highway 160 to the facility; however, it was noted that was not a requirement the City could enforce, but did ask for. Mayor Lavey opened the public hearing; however, no one spoke and the hearing was closed.

Councilmember Yazzie moved that Council approve Resolution No. 10, Series 2021, approving a site development plan for the construction of the NuVue Retail Marijuana facility at 503 Patton Street, as submitted by Paul Julian agent for property owner 4740 Dillon Dr. LLC, with eight conditions as listed in the resolution. Councilmember Rainey seconded the motion, and the vote was as follows:

Dobry	Lavey	Lucero	Medina	Rainey	Yazzie
Yes	Yes	Yes	Yes	Yes	Yes

b. QUASI-JUDICIAL ITEM – Transfer of Location for a Medical Marijuana Center/On Site Optional Premises Cultivation Facility and Retail Marijuana Store for Durango Organics, LLP. Mayor Lavey reviewed the Quasi-Judicial rules; however, no Councilmember recused themselves. City Attorney Green spoke about the change of location request from Durango Organics, LLP for both a (local) Medical and Retail (State) Marijuana facility to be relocated from 1104 East Main Street to 1013 East Main Street. He noted that the distance requirement has been met and he reviewed the findings as outlined in City Code Section 4-215 addressing the approval of the two applications (retail and medical). It was confirmed that the applicant is current with the City on their sales tax payments and that the licenses would not be granted until the Certificate of Occupancy is issued by the City for the new premises. City Attorney Green noted that the licenses for Durango Organics, LLP will remain in place for the current location until DO Organics moves to their new location, at which time the new licenses would be issued. He stated that staff recommends that the transfer of location be approved. Discussion was held on the Medical Marijuana Center/On Site Optional Premises Cultivation facility and City Attorney Green noted that the City joined the two licenses together for licensing purposes as a center was required to grow a certain amount of their product in the same building as it was sold. Mayor Lavey opened the public hearing. Barbara Rosenbaugh, 1106 East Main Street, asked about the licensing portion of the process asking that when the one license ends, then the other begins. City Attorney Green confirmed that the licenses for the new location would begin when the Certificate of Occupancy is issued for the new premises and the licenses would then end at the current premises and be transferred. He stated that the licenses could not run concurrent for both addresses. Jonny Radding, owner of DO Cortez, thanked Council for the opportunity to move to the new location and commented that they are looking forward to making the building look nicer. Mayor Lavey closed the public hearing.

Councilmember Dobry moved that Council approve the Transfer of Location for a Medical Marijuana Center/On Site Optional Premises Cultivation Facility and Retail Marijuana Store for Durango Organics, LLP, DBA DO Cortez, from 1104 East Main Street to 1013 East Main Street, Cortez, and adopt the findings that have been submitted for each. Councilmember Yazzie seconded the motion, and the vote was as follows:

Dobry	Lavey	Lucero	Medina	Rainey	Yazzie
Yes	Yes	Yes	Yes	Yes	Yes

6. UNFINISHED BUSINESS – None.

7. NEW BUSINESS

a. Resolution No. 11, Series 2021. City Planner Hughes stated that Resolution No. 11, Series 2021, approves the NuVue Minor Subdivision for property located at 503 Patton Street. She stated that the property is zoned Commercial Highway and consists of approximately 2.9 acres. She commented that the subdivision will result in two lots, one with 1.64 acres and one with 1.27 acres. She stated that both lots will have street frontage on Patton Street and the lot to the south, 503 Patton Street will have frontage on both Patton Street and East Main Street. She stated that the proposal will dedicate an access easement on the west side of the lot that will serve the properties located to the west of the parcel; however, the easement is for a non-City owned street already serving existing lots. She commented that staff recommends approval of the NuVue Minor Subdivision through Resolution No. 11, Series 2021, with five conditions as stated in the resolution. Discussion was held on the non-City owned street being dedicated and it was noted that there will not be a City street built at this time and the property is only an easement. Director of Public Works Johnson spoke about the process of changing the easement to a City street and what would need to be completed if that was to be done.

Councilmember Rainey moved that Council authorize the Mayor to sign Resolution No. 11, Series 2021, approving the NuVue Minor Subdivision, as submitted by 4740 Dillon Dr. LLC, with five conditions. Mayor Pro-tem Medina seconded the motion, and the vote was as follows:

Dobry	Lavey	Lucero	Medina	Rainey	Yazzie
Yes	Yes	Yes	Yes	Yes	Yes

b. Ordinance No. 1288, Series 2021. Airport Manager Patton stated that Ordinance No. 1288, Series 2021, approves a lease with the United States of America for Airport Terminal Space (TSA CE2). He commented that the lease arrangement with TSA has been in place since 2001 and is for housing the operational security staff and equipment which is located in the Cortez Terminal adjacent to the screening area and the baggage check-in area. He spoke of the pricing that would go into effect beginning July 1, 2021 through December 31, 2026 (five year agreement with a five year extension).

Councilmember Dobry moved that Council approve on first reading Ordinance No. 1288, Series 2021, approving a lease with the United States of America for Airport Terminal Space (TSA CE2), and set for second reading on June 22, 2021. Councilmember Yazzie seconded the motion, and the vote was as follows:

Dobry	Lavey	Lucero	Medina	Rainey	Yazzie
Yes	Yes	Yes	Yes	Yes	Yes

c. Contract with Pro Electric, LLC for the Emergency Replacement of Runway 03 Precision

Approach Path Indicators (PAPI). Airport Manager Patton stated that the agreement is in the final steps to move forward with the emergency replacement of the PAPI lights on Runway 03. He stated that Pro Electric was selected for completion of the repair based on a number of factors including the PAPI replacement coordination with the engineers and certification of the lights. He noted that very few contractors will do this type of work and that much of the coordination is handled between Pro Electric and Armstrong Consultants. He commented that the reimbursable agreement with the FAA entails an initial payout, scheduling and conducting the flight, and being reimbursed for the difference in time allotted for the aircraft. He stated that the cost is indicated in the insurance payment release of claims. He spoke about the replacement of the concrete bases if needed.

Councilmember Dobry moved that Council authorize the Mayor to sign the service order and the Reimbursement Agreement for the emergency replacement of Runway 03 Precision Approach Path Indicators. Councilmember Rainey seconded the motion, and the vote was as follows:

Dobry	Lavey	Lucero	Medina	Rainey	Yazzie
Yes	Yes	Yes	Yes	Yes	Yes

d. Resolution No. 13, Series 2021. City Attorney Green stated that Resolution No. 13, Series 2021, ends the Declaration of Local Health Disaster Emergency. He stated that in March 2020 City Council declared a local health disaster emergency; however, due to the lessening of the COVID 19 crisis, it is felt that the emergency declaration is no longer needed. He commented that Council would need to approve the resolution to end the emergency and that discussion would be held with staff regarding items that may need to be revised due to the emergency ending. Councilmember Rainey spoke about his concern to end the emergency stating that he feels the information is a bit vague. City Attorney Green stated that some items were put in place with liquor and marijuana licenses and they may continue due to State regulations; however, the ZOOM portion of the emergency would end and Council would appear in-person in the Council chambers for future meetings. He stated that the State of Emergency is not necessary for any funding and it does not appear that it is a necessity to have the emergency in place any longer. It was noted that there is no County emergency in place and a lot of communities across the State have done away with their emergency declarations. Discussion was held on if the City had met thresholds for COVID expenses to receive emergency funding from the State and it was noted that the City has not. Mayor Pro-tem Medina commented that she understands that Council would need to be present in the Chambers if the emergency was dissolved but she commented that she likes the ZOOM being available for citizens to participate. City Attorney Green stated that an ordinance would need to be completed if ZOOM was to continue for citizen participation only.

Councilmember Dobry moved that Council approve Resolution No. 13, Series 2021, ending the Declaration of Local Health Disaster Emergency. Councilmember Yazzie seconded the motion, and the vote was as follows:

Dobry	Lavey	Lucero	Medina	Rainey	Yazzie
Yes	Yes	Yes	Yes	No	Yes

e. Resolution No. 14, Series 2021. Director of General Services Smith stated that Resolution No.

14, Series 2021, changes the local Vendor Preference Policy for procurement of goods and services used by the City of Cortez. He stated that discussion has been held by Council at the past two worksession and the resolution would change the language as has been discussed.

Councilmember Dobry moved that Council approve Resolution No. 14, Series 2021, changing the Local Vendor Preference Policy for procurement of goods and services used by the City of Cortez. Councilmember Yazzie seconded the motion, and the vote was as follows:

Dobry	Lavey	Lucero	Medina	Rainey	Yazzie
Yes	Yes	Yes	Yes	No	Yes

f. Resolution No. 15, Series 2021. City Attorney Green stated that Resolution No. 15, Series 2021, accepts the revised City of Cortez Intergovernmental Agreement for Dispatch Services. He stated that the Dispatch User Group would like to move the agreement forward for all the users to sign and comply with. Director of Finance Koskie stated that the agreement meets the needs of the group and the budget would be presented to the group by July 31, 2021. It was noted that there would be one representative from each of the members of the users group and two representatives from the City of Cortez. City Manager Sanders stated that the agreement helps move the group forward with accountability and inclusion and he supports the resolution.

Councilmember Yazzie moved that Council approve Resolution No. 15, Series 2021, accepting the revised City of Cortez Intergovernmental Agreement for Dispatch Services. Councilmember Lucero seconded the motion, and the vote was as follows:

Dobry	Lavey	Lucero	Medina	Rainey	Yazzie
Yes	Yes	Yes	Yes	Yes	Yes

g. Resolution No. 17, Series 2021. City Attorney Green stated that Resolution No. 17, Series 2021, supports the Montezuma County Drought Emergency. He stated that approval of the resolution shows support that we are all in this together. Discussion was held about the voluntary watering program and making it permanent and City Manager Sanders stated that City will continue discussion on the watering regulations over the next few months and will be working on a contingency plan should one be needed. In answer to a question from Councilmember Lucero, City Attorney Green stated that someone within the County was involved in writing the Order Declaring a Disaster in and for Montezuma County, Colorado.

Councilmember Yazzie moved that Council approve Resolution No. 15, Series 2021, supporting the Montezuma County Drought Emergency. Councilmember Dobry seconded the motion, and the vote was as follows:

Dobry	Lavey	Lucero	Medina	Rainey	Yazzie
Yes	Yes	Yes	Yes	Yes	Yes

h. Resolution No. 18, Series 2021. City Attorney Green stated that Resolution No. 18, Series 2021, rejects the grant for CDOT Contract #23715 – Cortez MMOF (Multi Model Options Fund) Sidewalk Project. He stated that due to the cost that would be incurred with CDOT requirements

for the project, City staff is recommending that the grant be rejected and the project be completed with City funding only.

Councilmember Dobry moved that Council approve Resolution No. 17, Series 2021, rejecting the grant for CDOT Contract #23715 – Cortez MMOF (Multi Model Options Fund) Sidewalk Project. Councilmember Rainey seconded the motion, and the vote was as follows:

Dobry	Lavey	Lucero	Medina	Rainey	Yazzie
Yes	Yes	Yes	Yes	Yes	Yes

i. Appointment to City Council for Open Seat. City Council agreed that they would like to vote on the appointment to the open seat on Council. The silent ballots were received and read by City Clerk Smith with all six votes being read in favor of Matthew Keefauver.

Mayor Pro-tem Medina moved that Council appoint Matthew Keefauver to the open seat on City Council. Councilmember Rainey seconded the motion, and the vote was as follows:

Dobry	Lavey	Lucero	Medina	Rainey	Yazzie
Yes	Yes	Yes	Yes	Yes	Yes

City Clerk Smith noted that just recently an opening has become available on the Planning and Zoning Commission and she commented that the three candidates that were interested in the Council seat would be informed of the open seat should they be interested in applying.

8. DRAFT RESOLUTION/ORDINANCES - None

9. OTHER ITEMS OF BUSINESS – None.

10. CITIZEN PARTICIPATION – None.

11. CITY ATTORNEY’S REPORT – None.

12. CITY MANAGER’S REPORT

a. Results from the Special Municipal Election. City Clerk Smith announced the unofficial results of the Special Municipal Election noting that 1,294 votes were received with 1,113 voting yes and 227 voting no.

b. Financial Audits/Water/Montezuma County Communication. City Manager Sanders stated that the audit team continues to move forward; however, there is a bit of a delay with moving 2017 forward due to some data/software issues. He noted that the team has an aggressive time frame planned and hopefully the process will move along quickly. He spoke about a discussion that has been held with staff in the Parks and Recreation Department and Public Works Department about scaling back water usage and three plans are being draw up so everyone will know the impacts should one of the plans be implemented. He also spoke about a drought contingency plan that is being worked on should the restriction of water be needed. He also spoke about meeting with Shak

Powers, Montezuma County Administrator, commenting that he looks forward to working together with the County in the future.

c. Colorado City and County Management Association (CCCMA). City Manager Sanders stated that he would be attending the CCCMA training and would miss the June 22, 2021, Council meeting.

### 13. CITY COUNCIL COMMITTEE REPORTS

a. Mayor's Report on Workshop. Mayor Lavey stated that during the worksession Council held four interviews with citizens interested in the open seat on Council. Discussion was also held on marijuana regulations and the Director of Parks and Recreation Palmquist spoke about the "rotary forum" panels proposed for the park system. He noted that Director of Finance Koskie also gave a budget adjustment presentation.

b. Thank you for Being Here. Councilmember Yazzie thanked the public for being present at the meeting!

The regular meeting was adjourned at 9:10 p.m.

ATTEST:

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Linda L. Smith, City Clerk

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Michael J. Lavey, Mayor