

Town of Mancos
Board of Trustees Meeting
June 10, 2015

- A. **CALL TO ORDER:** Mayor Rachael Simbeck called the meeting to order at 7:00 p.m.
- B. **ROLL CALL:** Present: Mayor Rachael Simbeck, Mayor pro tem Todd Kearns, Trustee James Maestas, Trustee Michele Black, Trustee Queenie Barz, Trustee Will Stone, Trustee Mathew Baskin
Staff Present: Town Administrator Andrea Phillips, Deputy Clerk Georgette Welage, Town Attorney David Liberman, Public Works Director Robin Schmittel, Parks & Recreation Director Leslie Hopkins, Economic Development Chelsea Jones
- C. **APPROVAL OF THE AGENDA:** Todd Kearns made the motion to approve the agenda adding additional items – Discussion on N. Monte Dedication and Lot Consolidation Plat for Family Dollar Store property. Will Stone seconded the motion. Motion passed.
- D. **APPROVAL OF THE MINUTES OF May 27, 2015:** Todd Kearns made the motion to approve the minutes of May 27, 2015 as written. Queenie Barz seconded the motion. Motion passed.

E. AUDIENCE BUSINESS

Sherry Romero, 864 Riverside Ave., Tom Nunn, 864 Riverside Ave. and Chip Tuthill, 849 Riverside Ave., all belong to the “Concerned Residents of Riverside” group. They spoke with concern regarding Western Excelsior. The Board thanked them for their comments.

6/24/15 Trustee Maestas “would like this to list full statements of the Residents of Riverside so that it is Public Record.” He submitted the following:

Chip Tuthill 849 Riverside Ave: members of CROR request that the Town of Mancos send letter to CDPHE opposing any mitigation or abatement plan or plans for Western Excelsior Corp that does not provide for monitoring and air quality testing.

Sherry Romero 864 Riverside Ave: spoke of airborne waste, unsolved problems and the test Western Excelsior performed and the WEC has admitted to the dust from the plant blowing into town.

Tom Nunn 864 Riverside Ave: spoke in reference to how much time WEC has to comply with ordinances that they are in violation of and the transparency and equal treatment under the law.

Attachment A is included.

F. ANNOUNCEMENTS

Thursday, June 11th, the Trails Group will hold a meeting and picnic at 6:30 p.m. in Cottonwood Park.

Saturday, June 13th, the Parks Department will hold a “Branding Party” encouraging local ranchers to place their brand on wooden barrels to be used as planters in the downtown area. Meet at the corner lot of Grand and Main from 6-8 p.m.

Terry Jennings passed the level D water certification test and Jeff Watenpaugh passed the Distribution test, level 3 and 2.

Queenie Barz reminded everyone that Sunday, June 14 was Flag Day and encouraged everyone to fly their flags from June 14th to July 4th.

G. TREASURER’S REPORT

Todd Kearns made the motion to approve the May 2015 Bills & Claims per signed purchase order. James Maestas seconded the motion. Motion passed.

H. UNFINISHED BUSINESS

1. Organic Parks Maintenance-Integrated Pest Management Procedure and Cost Estimates

During the March 25, 2015 Board meeting, staff was directed by the trustees to move forward with the proposed organic parks maintenance plan. Estimated cost are as follows:

Hire seasonal parks employee to focus on weed removal	\$4,000.00
Turf maintenance @ Boyle Park	\$3,900.00
Organic fertilizer & application	up to \$2,600.00
Organic signage	\$ 250.00
Spot treatment low impact areas	\$ 900.00

Chemicals are to be used in low impact areas only. Signs will be posted in those areas that are free of pesticides. The Parks Department will advertise for a part time seasonal employee who will focus on weed removal.

Will Stone made the motion to adopt the Weed Management and Integrated Pest Management Plan and direct the Town Administrator to move forward with the purchases detailed herein. Matt Baskin seconded the motion. Motion passed by roll call vote.

Staff was instructed to begin the program as soon as possible and review in the fall.

Funding could be obtained from the Conservation Trust Fund.

2. Proposed Amendments to Chapter 6 Marijuana Business Licensing

Mariju Helt signed up to speak. Her group is researching the possibility of opening a small wholesale marijuana-infused products business at 198 E. Frontage Road, Mancos.

In discussion, the Board mentioned they had talked about not allowing infused products-building code issues, odors, security issues, space and the safety of flammable extraction. There would be no tax benefit, this would strictly be wholesale.

At the May workshop, the Board gave feedback on proposed changes, which are reflected in the document presented tonight. Fee increase to be in line with state fees. Medical marijuana more in line with retail-recreational. Possibly scale back type of licenses.

The Board would like this item brought back to them prior to taking it to Planning & Zoning. More information is needed on small grow operations-infused products. The Board is not in favor of businesses using butane or flammable extraction. Some board members expressed concern about changing policy for one business.

I. NEW BUSINESS

1. Lot Consolidation Family Dollar

T&N Properties purchased the land at 560 W. Menefee (Lots 2,3,& 4, Block 2 J.L. Foutz Addition). The building they are proposing would be built across lot lines, they are requesting approval to consolidate three lots into one. Matthew Baskin made the motion to accept the preliminary plat for consolidation of lots 2,3, 4 Block 2 of the J.L. Foutz Addition in Mancos as presented and authorize the Mayor and Town Clerk to sign the final mylar plats once they are prepared and approved by utility companies and reviewers. Will Stone seconded. Motion passed by roll call vote.

2. Olio Liquor License Renewal

Queenie Barz made the motion to approve the renewal of the Olio Liquor License and authorize staff to send the application to the State. Michele Black seconded. Motion passed by roll call vote.

3. N. Monte Street Dedication

Property owner Jim Paquin is interested in dedicating a private road to the town as a public street in conjunction with a proposed lot split and rezoning for his property. The town's Future Streets Plan (2002) indicates that N. Monte should be a public street with full movement and will help facilitate movement to neighborhood roads on the north side of Hwy 160. This street will provide access to future development in this part of town. CDOT will need to review as well. The town has been asked to share survey costs. Once a final plat and dedication language is ready, it will come back to the Board for review and acceptance.

Michele Black directed the Town Administrator to move forward with discussion with the property owner (s) on the dedication to the town of N. Monte Street as a public road and to pay one – half of surveying costs for the street dedication. Seconded by Queenie Barz. Motion passed.

4. Street Furniture and Wayfinding Signage/Info Kiosk

Marie Chiarizia, Mancos Chamber of Commerce, signed up to speak.

The Mancos Chamber is working on options for two informational visitor kiosks, paid for by using lodger's tax funds. One is proposed for the Grand & Main Corner lot and one is proposed for the northeast corner of Boyle Park. Wayfinding Signage would direct visitors to community landmarks and public places.

One bike rack has been donated to the Town. Queenie Barz made the motion to purchase two additional bike racks for up to \$5000 for a total of three. Todd Kearns seconded the motion. Motion passed by roll call vote.

The Board would like to review the directional signs during a future meeting.

5. Liquor License Distance Requirements

The state set the standard distance requirement of 500 feet from a school to the property upon which liquor is served. This could be lowered or eliminated by a municipality if it chooses. In 2005 the distance from schools in Mancos was reduced to 200 feet for hotel and restaurant licenses only.

Staff seeks direction on whether to move forward with drafting an ordinance to make the change of lowering distance requirement from schools for liquor licenses.

The Board is open to exploring reduced distance requirements, with limited use. They need input from the school and would like to review the Town of Granby Ordinance on this topic.

6. Sister City Discussion

After discussion, Queenie Barz made the motion to move forward with partnering for a new sister city in Feins, France. Michele Black seconded the motion. Motion carried.

7. Monthly Administrator Report

Highway 160 Corridor Planning continues with a meeting June 23rd at the Community Center from 6-8 p.m.

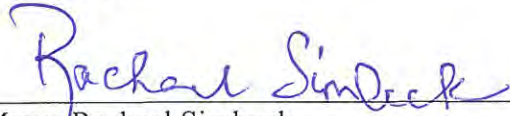
J. ITEMS FOR June 24, 2015 AGENDA

Backyard farming-Public Feedback Summary

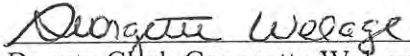
Contact the Cortez Fire Dept about doing inspections-If we adopt the 2011 or 2012 fire code.

K. ADJOURNMENT

9:06 p.m.



Mayor Rachael Simbeck



Deputy Clerk Georgette Welage

E. Audience Business

Would like this to list full statements
of the Residents of Riverside so that it
is Public Record

James Maestas

Minutes June 10 2015

Audience Business

6-10-2015

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Mancos BOT Meeting 6/10/2015

The members of CROR request that the Town of Mancos send a letter to the Colorado Department of Public Health and Environment (CDPHE) opposing any mitigation or abatement plan, or plans for the Western Excelsior Corporation (WEC) that does not provide for monitoring and air quality testing in accordance with CDPHE guidelines dated October 2012, et al.

Furthermore such mitigation plans must include provisions for the capture and containment of PM2.5 and PM10 to ensure the health, welfare, and well being of the residents of Mancos.

Additionally, the letter shall, in the strongest terms demand that the CDPHE shall hold a public comment period for residents input. The current CDPHE position as of Monday, was "if" a public comment period occurred, residents input would be considered. This is a significant change from CDPHE's prior position of commitment to a public comment period.

This letter must be sent asap, as time is of the essence, as the CDPHE is in the process of approving APEN (Air Pollution Emission Notice) and FPECP (Fugitive Particulate Emissions Control Plan) for the WEC.

Landscaping, Fencing, and Plantings (LFP). CROR holds that LFP will have a cosmetic benefit for the residents of Riverside. But LFP will not reduce the detrimental health effects of PM2.5 and PM10. Neither will LFP reduce the nuisance emissions from the plant. LFP shall not be a substitute for controlling nuisance or particulate emissions, but shall be in addition to mitigation and abatement plans.

Chip Tuthill, Chairman CROR
849 Riverside Ave.
Mancos, CO 81328
970-739-9989

Attachment "A"
5 Pages (3)

Mancos Town Meeting Comments: Sherry Romero June 10, 2015

My name is Sherry Romero and I reside at 864 Riverside Avenue in Mancos.

- Western Excelsior's dumping of airborne waste has been an unresolved problem prevailing in Mancos Times news articles for years.
- WEC has performed tests involving parts per million and determined that their annual airborne waste is measured in tons rather than pounds.
- WEC has published that winds originate to the west of their location and regularly blow their dust and debris toward the town of Mancos. They built a perimeter fence, but left a wide opening without a gate and continue to leave piles of waste in the yard. So when the wind gusts through their open yard, clouds of refuse particles are transported through Riverside Avenue and neighboring Mancos streets, landing in our windows, roof awnings, cars, and patio picnic plates.

Every breath, night and day, 365 days a year are affected by this entity's business practice of not effectively securing their waste. This is inarguably a nuisance, as well as an accumulative health hazard.

We, the Concerned Residents of Riverside, formed a group and elected a chair to represent us in an effort to manage communication while working toward meaningful resolution of this ongoing problem. Chip Tuthill's efforts have yielded more meaningful results than the collective efforts of the all of the governing body of Mancos, and they have been excruciatingly civil. I have been personally aware of his extreme patience and diligent respect for protocol. I am not surprised therefore to learn that he found the end of his patience recently. At a moment when the town Marshall's deputy was on Riverside while a gust of wind caused dust to billow eastward from the gateless opening at Western Excelsior's access point to Riverside, and the deputy admitted personally witnessing the code violation, he refused to take steps to enforce the provisions of the Code. Apparently, his reason was that Mr. Tuthill must first email a complaint form to the Town Administrator and be authorized by same in order to take any action.

Under what form of logic does a town's governing authority instruct its employed enforcers to wait for a paper trail of micromanagement before acting on a witnessed violation of its published municipal code?

The reaction of the Mancos governing body to this singular incident seems to be that Mr. Tuthill should now be made to step down and that we, the Concerned Residents of Riverside, choose a different representative. Yet your patience with WEC, the Author and Responsible Party of these code violations, has been downright saintly.

I am compelled to request that the Mancos Municipal Code be modified to include definitions for the word "prompt", as used in Chapter 19, Article 1, Section 10 B, and to add the word "promptly" to 19-10-20B in reference to the actions of the Enforcement Official.

ATTACHMENT "A"
5 PAGES (4)

I also request that, reference 19-1-30B, the amount of "time to comply with the provisions of the underlying ordinance" in violation (specifically) by Western Excelsior be determined, defined, and disclosed for the benefit of transparency and equal treatment under the law. The violation has been clearly and repeatedly identified, and acknowledged by all currently serving in Town government. Barring continued deferment of enforcement by delegating, naming a period of time reasonable to prove compliance should not be an unreasonable request.

My third request is that the use of the word "may" be reviewed and the word "will" or "shall" be used instead, in those locations of the Code, where the Town Administrator actually intends to enforce or authorize enforcement of the Code. For instance, 19-1-30E and 19-1-40A state what the Town "may" do, but includes no mention of duty to do so. This leaves open to the discretion of a single person, the Town Administrator, the decision to act or not act, and hinders timely appropriate enforcement of the law. In the event the Town Administrator has no intention of enforcing the prescribed procedures uniformly upon all Authors and Responsible Parties, then upon review of such inaction, perhaps Municipal Code should be reconsidered and rewritten.

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Reference 19-1-10B: "A purpose of this Article is to encourage **prompt** compliance with Code..."

Reference 19-1-20B: "Enforcement Official: A person employed or contracted by the Town and charged by the Town or Town Administrator with enforcing provisions of the Code."

Reference 19-1-30B: " Administrative citations for all violations of the Code shall be issued only after the Responsible Party has been issued a notice of violation and given **time to comply consistent with provisions of the underlying ordinance** unless, because of the nature of the offense, immediate compliance is required."

Reference 19-1-30E: "Enforcement actions are intended to be cumulative in nature. The Town **may** pursue one or more civil, criminal, and administrative actions, fees, fines, sentence, penalties judgments, and remedies, and **may** do so simultaneously or in succession."

Reference 19-1-40A: Upon discovering a violation of the Code and after having complied with Subsection 19-1-30B, an Enforcement Official **may** issue an administrative citation to a Responsible Party."

ATTACHMENT "A"
5 PAGES (5)