

Town of Mancos  
Board of Trustees  
June 24, 2015

- A. Call to Order- Mayor Simbeck called the meeting to order at 7:00 p.m.
- B. Roll Call-present Mayor Rachael Simbeck, Mayor pro tem Todd Kearns, Trustee Mathew Baskin, Trustee Queenie Barz, Trustee Will Stone, Trustee James Maestas, Trustee Michele Black  
Staff present-Town Administrator Andrea Phillips, Public Works Director Robin Schmittel, Marshal John Cox, Attorney David Liberman, Building Inspector Holly Rankin, Deputy Clerk Georgette Welage
- C. Approval of the Agenda-Trustee Barz made the motion to approve the agenda as written. Mayor pro tem Kearns seconded the motion. Motion passed.
- D. Approval of the Minutes of June 10, 2015-Trustee Maestas would like more detail on Audience Business. He was asked to submit, in writing, what he would like included. Trustee Maestas made the motion to table the minutes of 6/10/15 until 7/8/15. Mayor pro tem Kearns seconded the motion. Motion passed.
- E. Audience business  
All who signed up for audience business are speaking on agenda items. They will be allowed three minutes when the agenda item is addressed.
- F. Announcements

Trustee Barz stated that the Mancos Days Queen's Quilt raffle tickets would go on sale next week.

Town Administrator Phillips made the following announcements:

The town hired a new Public Works Tech to fill a vacant position in Streets. His name is Kevin Judson.

Our new sister city, Feins, France, will have a presentation at the Mancos Library this Friday, June 26 at 11 a.m., via teleconference.

Town Hall will be closed July 3<sup>rd</sup> in observance of Independence Day.

The second meeting with CDOT and the public for Hwy 160 planning was held June 23<sup>rd</sup> at the Community Center.

Town Administrator Phillips and Mancos Marshal Cox attended a Table Top Exercise for Emergency Preparedness. A mock exercise was held at the Mancos Schools on June 20<sup>th</sup> involving Law Enforcement, Mancos Fire Dept, EMT's, and the School. At the board workshop on July 1<sup>st</sup> Paul Hollar, County ER Manager and Trevor Denney, State Dept of Homeland Security, will hold training on emergency preparedness for elected officials.

The new water tank has been installed at the water plant.

Mancos Days meetings are now held every Monday at 6 p.m. in town hall.

### **Unfinished Business**

#### 1. Backyard Farming-Public Feedback Summary

The town sent out 400 surveys to town residents. 180 were returned. The town held two public forums to gather information.

Town Administrator Phillips compiled all of the comments/suggestions and presented the board with her summary. 63 % said they are comfortable with their neighbors raising small livestock animals with regulations. 64% were in favor of a dog park in Cottonwood Park. Most felt barking dogs and dog waste were problems in town.

Based on the survey the board asked the Town Administrator to form a task force to develop appropriate guidelines for a proposal to the Town Board of Trustees at a future meeting.

#### 2. MJ Code Changes

The Town moratorium extends until 12/31/2015.

Questions the Board might want answered include:

Indoor grow-Hemp impact on utilities

Fertilizer impact on sewer plant.

The following were signed up to speak during this topic:

Tom Cramer, proposed business location-198 E. Frontage Rd, Mancos

He is looking to put in a commercial kitchen to produce infused products with high cannabinoids/medicinal. Colorado has 465 grows in the state and 224 MIP kitchens with only 11 on the western slope.

Karen Mee, 7735 CR 203, Durango-spoke on the medicinal benefits of high cannabinoids marijuana. They are looking for a MIP kitchen.

Jane Burk, 1562 CR 39 Mancos-Would like to grow hemp for CBD oil in a commercial grow. They would have 25-32 people employed-in agricultural zoned property.

Roy Starr, 11279 CR 42- talked about the extraction process of hemp. Carbon filtration would be used in the extraction process.

Gina Roberts, 601 Grand- Hemp is separate from marijuana. She felt there had been enough moratoriums.

Mayor Simbeck was glad to have people with a vested interest in business but was concerned the board might not be getting the full picture. She asked staff to research the topic. The board might want to rethink the types of licenses.

Town Administrator Phillips stated the Town can regulate the “time, place and manner” for all licenses.

Trustee Baskin made the motion to pass this to the Planning & Zoning Commission for review. Ask the question “do we limit businesses. Limit the number of kitchens?”

Trustee Black seconded the motion. Motion passed

### 3. Executive Session

The Executive Session is for the Board only.

Trustee Barz made the motion to go into executive session at 8:00 p.m. for a conference with the Town Attorney for purposes of receiving legal advice on specific legal questions under C.R.S. section 24 -6-402(b). Trustee Black seconded the motion. Motion passed.

The time is 9:02 p.m., and the executive session has been concluded. The participants in the executive session were: Mayor Rachael Simbeck, Mayor pro tem Todd Kearns, Trustee Matthew Baskin, Trustee Queenie Barz, Trustee Will Stone, Trustee James Maestas, Trustee Michele Black. Attorney David Liberman and Town Administrator Andrea Phillips.

For the record, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into the executive session or that any improper action occurred during the executive session in violation of the Open Meetings Law, I would ask that you state your concerns for the record.

Seeing none, the next item on the agenda is...

### 3. Western Excelsior Particulate Matter Reduction

Notes from the board workshop discussion on Western Excelsior Particulates 6/3/15-

Residents of Riverside and Monte-Concerned Residents of Riverside-have expressed concern about the accumulation and spread of particulates from the Western Excelsior plant.

Options to Consider:

Town staff is seeking direction from the Board of Trustees on how to proceed.

Option #1 Accept (adopt) the plan provided to Colorado Dept of Public Health & Environment for Fugitive Particulate Reduction, require updates every 4-6 months from Western Excelsior at Board Meetings on progress.

Option #2 Direct town staff to proceed with Administrative Enforcement Procedures. This would involve progressive warnings, citations and fines. If contested (which is likely, it would be heard in front of Judge Shaner as Administrative Hearing Officer. It should be noted that the town could cite for nuisances under Mancos code, not health impacts (e.g. littering, dumping on property, etc.). Protocol would need to be developed around frequency of citations, response, etc.

Option #3 Partner with Western Excelsior (and perhaps the county) to help create a "buffer zone." Although it would cost some money, it would potentially help reduce the spread of particulates. There are two incompatible land uses located next to each other with little buffer. A new development of this type would be required to install landscaping buffers and make other improvements to reduce the impact on neighbors (esp. residential). Since Western Excelsior is an existing use, can we partner to create windbreak and buffer zone? For example, chip seal Monte and the first block of Riverside to cut down on dust. Install a 4-5 foot earthen berm on the southeast corner of the property and plant tall mature trees on top of the berm to create a windbreak. Double the height of the metal fence behind it.

Option #4 Help Western Excelsior relocate away from town. County Commissioners and Western Excelsior have expressed interest in relocating. Does the Town want to help in this (e.g. purchasing the property from Western Excelsior)?

Option #5 Establish better dialogue between the Concerned Residents of Riverside, Western Excelsior and other parties. Perhaps a third party or trained mediator would be helpful to enhance communication and to develop an agreement between parties.

Option #6 Require monitoring of particulates. This would involve the installation and monitoring of specialized equipment to measure the amount of particulates in the air. This could be used to measure how successful the improvement are over time. However, the town is unable to ascertain health impacts from particulate measurement and caution should be shown in this regard. We are not qualified to make that determination. Neither the state, nor the county, seem to be able (or interested) in determining this either.

Option #7 Do Nothing

Option # 8 (Chip Tuthill) Board should support efforts of Concerned Residents of Riverside. Not approve FPECP and have a public comment period.

Signed up to speak:

Chip Tuthill, 849 Riverside Ave.

After reading his lengthy paper, Mr. Tuthill stated "At this time CROR (Concerned Residents of Riverside) requests the Town take no action on the FPECP (Fugitive Particulate Emission Control Plan). CROR (Concerned Residents of Riverside) asks the Town to request that CDPHE (Colorado Department of Public Health and Environment) hold a formal written public comment period, that WEC (Western Excelsior Corp.) begin immediate air quality monitoring of plant emissions, and the Town continue enforcement actions for nuisance violations at the WEC (Western Excelsior Corp) plant."

Bernadette Tuthill, 849 Riverside Ave.

#1-no

#2-not true

#3-untrue-no requirement since in Montezuma County. A cosmetic non solution-benefit a private corporation.

Tom Nunn, 864 Riverside Ave.



#3 –object- Town money spent cleaning up private property

#4 –object-Town money

#5-object- pointless suggestions-take action

#6-yes to monitoring

Sherry Romero, 864 Riverside Ave.

#7-Do nothing-Really? This would be a callous disregard for the health, and welfare of the community. After years of citizen's efforts, to wash your hands of the problem is unconscionable.

Vicki Maestas, 866 Riverside

#7-uncalled for-see above

Gina Roberts, 601 W. Grand said someone from the Concerned Residents of Riverside group showed up at her house yesterday taking pictures of the “excelsior from Western Excelsior”. She stated she lives on a dirt street and expected dust on her vehicles. It is not proper to complain about the dust when you purchase property by a plant that produces excelsior. The plant has been at the same location for over seventy five years and provides jobs for over one hundred people.

Mayor Simbeck made the comment that the Board cannot instruct Law Enforcement to write citations/tickets. The goal is to reach compliance.

Marshal Cox stated he did not appreciate the way things were handled during a recent situation with the group Concerned Citizens of Riverside. He has complete discretion over the writing of citations. No one can order Law Enforcement to write tickets. He has given Deputy McClellan and Deputy Spuell instructions that they are not to write Western Excelsior citations. If after his review, something needs to be done he will handle the case.

A lengthy dialogue between the board and the Concerned Residents of Riverside took place.

The Board decided on a “wait and see” attitude. Hold off on adopting a plan. The board asked staff to write a letter to the state and ask for a comment period.

Concerned Residents of Riverside will be back the end of July 2015.

**G. New Business**

Mayor pro tem Kearns made the motion to table Items 1 & 2 under New Business until the July 8<sup>th</sup> meeting due to the late hour. Trustee Will Stone seconded the motion. Motion passed.

1. Discussion on Adoption of Fire Codes

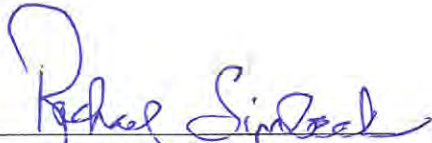
The Board would like to proceed with the adoption of the 2012 IBC and related codes by Ordinance. Building Inspector Holly Rankin would require some additional classes and the town would be required to purchase two sets of the code books. The remainder of the discussion was tabled until July 8, 2015.

2. Parking Lots Resurfacing Bids

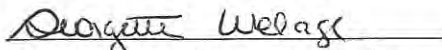
Tabled until July 8, 2015

Adjournment

10:37 p.m.



Mayor Rachael Simbeck

  
Deputy Clerk Georgette Welage