

**Town of Mancos
Board of Trustees Meeting
August 26, 2015
7:00 p.m.**

- A. CALL TO ORDER:** Mayor Rachael Simbeck called the meeting to order at 7:03 p.m.
- B. ROLL CALL:** Present: Mayor Rachael Simbeck, Mayor pro tem Todd Kearns, Trustee Will Stone, Trustee Michele Black, Trustee Darrel Ellis, Trustee Queenie Barz joined the meeting at 7:31 p.m.
Absent: Trustee Matthew Baskin

Staff Present: Town Administrator Andrea Phillips, Town Clerk/Treasurer Heather Alvarez, Town Attorney David Liberman, Public Works Director Robin Schmittel, Parks and Recreation Director Leslie Hopkins

- C. APPROVAL OF AGENDA:** Mayor pro tem Todd Kearns made the motion to approve the agenda as written. Trustee Michele Black seconded the motion to approve the agenda. Motion passed.

- D. APPROVAL OF MINUTES OF August 12, 2015:** Trustee Michele Black made the motion to approve the minutes of August 12, 2015 as written. Mayor pro tem Todd Kearns seconded the motion. Motion passed.

E. AUDIENCE BUSINESS

- Betsy Harrison, 895 W. 2nd Ave., Mancos – she is representing the Mancos Common Press Board. She thanked Public Works Director Robin Schmittel, Streets Supervisor Jeff Watenpaugh and Town Administrator Andrea Phillips for their work locating an old water tap at the Mancos Times building.

F. ANNOUNCEMENTS

- The monthly Board workshop on September 2 will include 2016 Budget discussion
- Our sister city, Feins, France, sent a package with local items and the resolution passed by their Board naming Mancos as their sister city
- CML Regional Meeting is Sept. 30 from 4 – 8 p.m. in Pagosa Springs
- Fall town wide clean up is October 3 & 4
- Fall Harvest Festival is being held on September 13 on Grand Ave.
- The water meter project is complete. A final update will be presented to the Board at a future meeting.

G. UNFINISHED BUSINESS

1. Ordinance 701 Series 2015 Marijuana Code Changes (second reading)

Ordinance 701 is being presented to the Board tonight to allow you to see the changes from the last meeting. During the last meeting the Board requested clarification from Staff on several items including 1) Co-locating marijuana businesses with any other type of business to allow the optional marijuana license types to be located at the back of a building with a storefront. After consultation with the Town Attorney, we are unable to do that at this time. We have the right to require an optional medical or retail license be co-located with a medical marijuana center or retail marijuana store. We are unable to require co-location with any other type of businesses. Sections 6-7-30 and 6-10-30 have been amended to reflect that language; 2) Language to prohibit hydroponic growing has been added to sections 6-7-120 and 6-10-120; 3) With regard to pre-treatment of effluent before it is introduced into our wastewater system, Staff was unable to find any language from other Colorado municipalities addressing this issue. There were no changes to the ordinance on this issue. Once the Planning Commission has reviewed Ordinance 702 and made recommendations, both ordinances will be brought before the Board for final review, comment and approval. An informal poll of the Board showed that Trustee Will Stone prefers any type of store front be co-located with a manufacturing or production facility; Mayor Rachael Simbeck, Trustee Michele Black, Mayor pro tem Todd Kearns are fine with the proposed draft; Trustee Queenie Barz is undecided. Direction from the majority of the Board is to move forward with the proposed draft. This will be presented to the Board on October 14 for review and approval.

2. Ordinance 702 Series 2015 Marijuana Land Use Code Changes

The attached draft ordinance reflects changes to Chapter 16 of the Mancos Municipal Code related to land use code amendments for medical and retail marijuana businesses. These are line with the Board's decisions on licensing and locations as identified in Chapter 6 and prepared in Ordinance 701. This would go to the Planning and Zoning Commission for public hearing on Sept. 16 and come back to the Board of Trustees on Oct. 14 for a public hearing.

3. Recommendations For Next Steps On Particulate Matter

After much discussion with the Board of Trustees, Western Excelsior Corporation, Concerned Residents of Riverside, officials at the Colorado Department of Public Health and Environment Air Pollution Control Division, Montezuma County, etc. Town Administrator Andrea Phillips offered several suggestions to move forward: 1) Hire a trained facilitator; 2) Continue conversations with all parties; 3) Seek funding opportunities for the bag house dust collection system and other equipment needed to reduce particulates. The Town would NOT contribute funds but would leverage our public status; 4) Explore options for a public health analysis; 5) Construct a landscaped wind break berm to cut down on road and particulate dust; 6) Continue to apply mag chloride to

keep road dust down on Monte St. and Riverside Ave.; 7) Continue to monitor nuisance issues at the site; 8) Establish a Mancos Environmental Health and Safety group to explore air quality, water quality issues, and other public health issues and how they can impact the town's residents.

- Chip Tuthill, 849 Riverside, Mancos – thanked the Town Administrator for the options in her staff report. He brought the air quality monitor purchased by CROR. They are installing a monitoring station at a private residence on Riverside Ave. to monitor particulates.
- Tom Nunn, 864 Riverside, Mancos - thanked the Board for the continued attention to this matter. He is concerned that Town funds being set on this matter will set a bad precedent. He feels that this is an enforcement issue instead of a negotiation.
- Sherry Romero, 864 Riverside, Mancos – she thanked the Town Administrator for her efforts. She thanked Trustee Will Stone for sharing his personal experience. She does not feel the mediation option will be successful. With regard to item #7, she inquired as to if the Town would monitor and take action instead of waiting for a formal complaint. She likes the idea of forming a health and safety group.

Trustee Queenie Barz inquired as to if moving the gate will affect Town property. It will not be located on Town property. Trustee Will Stone is concerned that the berm will not have much effect on the air borne particulates. He suggested some type of dampening system to help control the dust. Trustee Queenie Barz inquired as to if any contract that comes out of mediation would be enforceable. Town Attorney David Liberman advised it may. After discussion, the Board directed Town Administrator Andrea Phillips to: 1) coordinate a preliminary meeting to explore whether Western Excelsior is willing to be involved in this process and inquire if they would be willing to pay a portion of the mediation costs; 2) Continue the administrative citation process; 3) Move forward with the windbreak after the gate is moved; 4) Add information to our website as it becomes available; 5) Begin exploring the formation of some type of health and safety group.

H. NEW BUSINESS

4. The Bud Farm Medical Marijuana Center and Optional Premises License Renewal
The medical marijuana licenses for Willow North LLC dba The Bud Farm are expiring on August 30, 2015. Jim & Lea Cody have submitted the renewal application to the Town for your review. There have been no violations in the past twelve months. The Mancos Marshal's Office has no objections to the renewal. Trustee Will Stone made the motion to approve the renewal of the Medical Marijuana Center and Optional Premises business permits for Willow North LLC dba The Bud Farm. Trustee Queenie Barz seconded the motion. Trustee Will Stone amended his motion to include conditional upon receiving the renewal license from the State of Colorado. Trustee Queenie Barz seconded the amended motion. Motion passed unanimously by roll call vote.

5. Raw Water & Distribution Projects Design and Grant Applications

The town is discussing preliminary designs and grant options for additional improvements to the water system supply with its contracted engineering firm. Estimates for preliminary design and engineering are attached. In an effort to maximize public dollars by leveraging other funding sources, town staff plans to apply for grants this fall to make improvements to the raw water intake and distribution of treated water in older areas of town.


Specifically, the town is seeking to: 1) rebuild and enhance the capacity of the PRV station that feeds the town's supply; 2) make improvements to the head gates and overflows of raw water into the system from the river; and 3) replace old water lines in the southeast section of town. These lines are the oldest ones in town. The first two projects are identified in this year's capital budget. Funds in the amount of \$26,940 for preliminary design and engineering for three projects are budgeted in 2015. Staff is recommending the use of Russell Engineering for this work as they are the engineer of record for the Town at this time. Trustee Michele Black made the motion to authorize town staff to work with Russell Planning and Engineering on preliminary design for the three projects indicated below and apply for grants to complete the projects. Trustee Queenie Barz seconded the motion. Motion passed unanimously by roll call vote.

I. ITEMS FOR September 9, 2015 AGENDA


- *Conceptual Designs for 160 Corridor Access Management Plan*
- *Public Hearing and Zoning Map Corrections*

J. ADJOURNMENT

Meeting adjourned at 9:30 p.m.



Mayor Rachael Simbeck


Town Clerk/Treasurer Heather Alvarez