

**Town of Mancos  
Board of Trustees Meeting  
December 9, 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 Matthew Baskin, Trustee Queenie Barz

Staff Present: Town Administrator Andrea Phillips, Town Clerk/Treasurer Heather Alvarez, Public Works Director Robin Schmittel, Acting Town Marshal Jason Spruell, Town Attorney David Liberman

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

**D. APPROVAL OF THE MINUTES OF November 10, 2015:** Mayor pro tem Todd Kearns made the motion to approve the minutes of November 10, 2015 with the amendment to show Trustee Queenie Barz entering the meeting late. Trustee Michele Black seconded the motion. Motion passed.

**E. APPROVAL OF THE MINUTES OF Special Meeting on November 16, 2015:** Trustee Michele Black made the motion to approve the minutes of the special meeting on November 16, 2015 as written. Trustee Queenie Barz seconded the motion. Motion passed.

**F. APPROVAL OF THE MINUTES OF Special Meeting on December 2, 2015:** Trustee Queenie Barz made the motion to approve the minutes of the special meeting on December 2, 2015 as written. Mayor pro tem Todd Kearns seconded the motion. Motion passed.

**G. AUDIENCE BUSINESS**

- Chip Tuthill, 849 Riverside Ave., Mancos – He addressed the Board regarding Concerned Residents Of Riverside’s concerns with regard to the Western Excelsior construction permit public comment period from the APEN. The public comment period ends December 17, 2015. He sent an email to each Trustee with a 37 page attachment outlining their concerns. He is requesting the Town draft a letter to CDPHE outlining the concerns outlined in the attachment. Mayor Rachael Simbeck advised her understanding is that CDPHE is only accepting comments from individual citizens rather than groups or other entities.

**H. ANNOUNCEMENTS**

- Town Community Dinner will be held on Friday, December 11 from 5 p.m. to 7 p.m. at the Mancos Community Center.
- The Town is currently advertising the vacancy on the Board of Trustees. The deadline is December 30, 2015 at 3:00 p.m.
- The Marshal and Deputy Marshal positions will be advertised in the near future.
- The contract with the Montezuma County Sheriff’s Office has been executed.

- The meeting with Western Excelsior, CROR, and the County went very well.
- Trustee Queenie Barz advised the VFW Annual Christmas Party is this Sunday beginning at 1:00 p.m.

**I. TREASURER'S REPORT: NOVEMBER BILLS AND CLAIMS**

Mayor pro tem Todd Kearns made the motion to approve the November bills and claims per signed purchase orders. Trustee Will Stone seconded the motion. Motion passed.

**J. UNFINISHED BUSINESS**

1. Ordinance 709 Series 2016: Livestock Regulations Land Use Code Amendment – first review

This item was discussed in tandem with item #2, Ordinance 710 Series 2016. This draft ordinance reflects the recommendations from the community through surveys, public forums and the work of a group of resident volunteers. Ordinance 709 proposes amendments to the Land Use Code (Chapter 16). These changes will need to be reviewed by the Planning and Zoning Commission and the Board of Trustees in a public hearing prior to passage. Trustee Will Stone requested clarification regarding approval from local churches. Would this require each parishioner to approve or the church administration to approve? Mayor Rachael Simbeck asked Town Attorney David Liberman if there was a conflict of interest regarding Trustee Will Stone on this issue? Town Attorney David Liberman advised he does not feel there is a conflict of interest in this instance since it's an ordinance that will apply to the entire Town. Trustee Michele Black interpreted the church approval to mean the church would come to a consensus amongst themselves. Mayor pro tem Todd Kearns interprets the church to have one vote, the same as if there is a residence next door who also receives one vote. Trustee Queenie Barz inquired as to if items that are "grandfathered in" are discussed. Town Administrator Andrea Phillips advised this is covered in ordinance 710 section 7-7-840. Trustee Will Stone disagrees with the wording regarding the grandfather clause as it is written. Mayor Rachael Simbeck advised that the section allowing items to be "grandfathered in" can be removed altogether. Trustee Matthew Baskin feels that there is a conflict of interest for Trustee Will Stone because livestock does have a monetary value. Trustee Will Stone feels that this ordinance does directly affect him because he is the only citizen in Town who currently owns a cow. Mayor Rachael Simbeck advised she wouldn't want to live next door to a home with horse manure, flies, etc. because that is how disease is spread. Trustee Michele Black feels that a survey was conducted which shows 79.4% of respondents don't want cows in Town. Mayor Rachael Simbeck feels the intent of the ordinance was to allow for a limited amount of animals in Town to allow for self-sustainment. Town Administrator Andrea Phillips stated chickens, bees, aquaculture and rabbits don't require a permit. Bovines and horses would be allowed with a special permit. Trustee Will Stone feels requiring 100% of neighbor's agreement is too stringent. Trustee Matthew Baskin requested that the Planning Commission review the 200' condition be reviewed with the thought that the lots in Mancos are not uniform, so maybe amend the wording to make the approval process uniform, i.e. adjacent properties or a reduced surrounding footage requirement or something similar. Trustee Queenie Barz agrees with Trustee Matthew Baskin. Trustee Matthew Baskin also suggested a written objection be the trigger rather than written approval. Trustee Will Stone suggested specifying a standard square footage for the enclosures in the ordinance. Mayor Rachael Simbeck is concerned with spreading of disease and cleanliness. Trustee Michele Black is concerned with attracting predators to Town. Mayor Rachael Simbeck would like to remove the "grandfather" clause and require everyone to become compliant with a stated amount of time. Trustee Will Stone questioned the legality of this

issue. Town Attorney David Liberman will research this issue and give this information to Town Administrator Andrea Phillips to present to the Planning Commission.

Trustee Will Stone left the meeting at 8:10 p.m. The meeting paused at 8:10 p.m. to allow Town Attorney David Liberman to review the quorum requirements for the 2016 Emergency Budget Ordinance. Meeting reconvened at 8:24 p.m.

Trustee Michele Black inquired how aquaculture or any other commercial enterprise fits into this ordinance in the SFR district. She also inquired as to clarification regarding types of fencing and if putting animals up at night requires a barn or structure. With regard to commercial sales, will there be disease testing requirements for livestock? Trustee Matthew Baskin questioned how to track the number of fish in a pond. He also asked if a distinction between slaughtering and butchering be added to 7-7-860. With regard to beehives, Trustee Matthew Baskin feels five hives is excessive. With regard to sustainability, he stated commercial enterprises exceed sustainability and create surplus. With regard to exotic animals, Mayor Rachael Simbeck inquired as to if these will be addressed. Town Administrator Andrea Phillips feels that animals inside homes shouldn't be included in this ordinance. The Board directed Town Administrator Andrea Phillips to bring their suggestions and comments to the Planning Commission for discussion and recommendation. They also directed her to bring up the issue of requiring a permit in the AR district if it is adjacent to other zones.

2. Ordinance 710 Series 2016: Livestock Regulations – first review

This item was discussed in tandem with item #1, Ordinance 709 Series 2016. This draft ordinance reflects the recommendations from the community through surveys, public forums and the work of a group of resident volunteers. Ordinance 710 proposes changes to the animals section of Chapter Seven of Mancos Municipal Code.

3. Ordinance 708 Series 2015: Public Hearing and Adoption of 2016 Budget

Public Hearing Opened at 8:48 p.m.

No one signed up to speak

Public Hearing Closed at 8:48 p.m.

Trustee Queenie Barz made the motion to approve Ordinance 708 Series 2015 An Ordinance To Adopt The Budget (Pursuant to 29-1-108, C.R.S.) An Ordinance Setting The Mill Levy And Adopting The Annual Budget For The Town Of Mancos For The Fiscal Year Commencing January 1, 2016 And Ending December 31, 2016. Trustee Matthew Baskin seconded the motion. Motion passed unanimously by roll call vote.

4. Resolution 10 Series 2015: Amending 2015 Budget

Mayor pro tem Todd Kearns made the motion to approve Resolution 10 Series 2015 A Resolution for Supplemental Budget & Appropriating Additional Sums of Money To Defray Expenses In Excess Of Amounts Budgeted For the Year 2015 For The Town Of Mancos Colorado (Pursuant to Section 29-1-109, C.R.S). Trustee Michele Black seconded the motion. Motion passed unanimously by roll call vote.

**K. NEW BUSINESS**

5. Ordinance 706 Series 2015: Retail Marijuana Hours of Operation

At its December 2<sup>nd</sup> workshop, the Board discussed this issue and general consensus was that there was no objection to amending the hours back to the original closing time of 9:00 pm. With the recent passage of Ordinance 701, the hours of operation for retail marijuana businesses were reduced from 9:00 am to 9:00 pm to 9:00 am to 7:00 pm. The intent was to make the hours of operation for medical establishments the same as retail establishments. However, local retail marijuana business owners stated that evenings are their busiest time and that the change would impact sales. Town staff, including the Marshal's Office, has no objection to changing the hours back to the original closing time.

- Nate Fete, LiveWell Representative – he wanted to thank the Board for taking this action.

Trustee Matthew Baskin made the motion to approve Ordinance 706 Series 2015 Making Certain Amendments to the Code of the Town of Mancos Concerning the Hours of Operation for Retail Marijuana Establishments within the Town of Mancos. Trustee Queenie Barz seconded the motion. Motion passed unanimously by roll call vote.

6. Letter of Support for Mesa Verde NP Designation as Dark Sky Park

Mesa Verde National Park is requesting certification as a Dark Sky park through the International Dark Sky Association. The Board directed Town Administrator Andrea Phillips to send the letter of support.

7. Resolution 1 Series 2016 Setting Board of Trustee Meeting Dates

Trustee Queenie Barz made the motion to approve Resolution 1 Series 2016 A Resolution Designating A Public Place For The Posting Of Notices Of Public Meetings In The Town of Mancos And Approving A Schedule of Regular Board of Trustees Meetings For 2016. Trustee Matthew Baskin seconded the motion. Motion passed unanimously by roll call vote.

8. Resolution 2 Series 2016 Water & Sewer Tap Fee Increase

Trustee Matthew Baskin made the motion to approve Resolution 2 Series 2016 A Resolution Of The Town of Mancos, Colorado Adopting New Residential Water & Sewer Tap Fees. Trustee Michele Black seconded the motion. Motion passed unanimously by roll call vote.

9. Resolution 3 Series 2016 Water Rate Increase

Trustee Queenie Barz made the motion to approve Resolution 3 Series 2016 A Resolution Pursuant to Sec. 13-1-40 Of The Mancos Municipal Code With Regard To An Increase In Water Rates For The Town Of Mancos. Trustee Matthew Baskin seconded the motion. Motion passed unanimously by roll call vote.

10. Resolution 4 Series 2016 Municipal Fees Increase

Trustee Michele Black made the motion to approve Resolution 4 Series 2016 A Resolution Changing Certain Fees Imposed by the Mancos Municipal Code Town of Mancos Colorado. Trustee Matthew Baskin seconded the motion. Motion passed unanimously by roll call vote.

11. Resolution 11 Series 2016 April 2016 Municipal Election

Our regular Municipal Election will be held on April 5, 2016. As a reminder, the Mayor seat and five Trustee seats are up for vote this next election. Trustee Michele Black made the motion to approve Resolution 11 Series 2015 A Resolution of the Town Of Mancos Authorizing A Mail

Ballot Election On April 5, 2016 And Setting Forth Other Details Relating Thereto. Trustee Queenie Barz seconded the motion. Motion passed unanimously by roll call vote.

12. Ordinance 707 Series 2015 Municipal Fees Increase

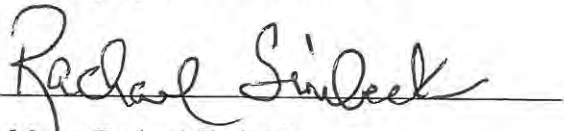
Trustee Queenie Barz made the motion to approve Ordinance 707 Series 2015 An Ordinance Increasing Marijuana Occupation Tax, Changing Finger Print Fee, Changing VIN Inspection Fee, Eliminating Special Event Permit Fee, and Changing Amount of Dog Fines. Mayor pro tem Todd Kearns seconded the motion. Motion passed unanimously by roll call vote.

13. Monthly Administrator Update

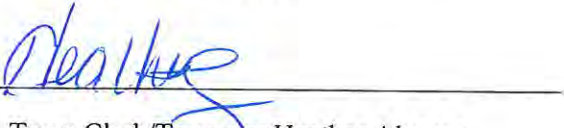
Town Administrator Andrea Phillips submitted her December report for Board review/comment. The Water System Improvements Project is complete.

**L. ADJOURNMENT**

Meeting adjourned at 9:26 p.m.



Mayor Rachael Simbeck



Town Clerk/Treasurer Heather Alvarez