

**Town of Mancos
Board of Trustees Meeting
March 9, 2016
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, Trustee Lorraine Becker

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

C. APPROVAL OF AGENDA: Trustee Queenie Barz made the motion to amend the agenda by moving items 5, 6 & 7 to the March 23, 2016 meeting. Trustee Matthew Baskin seconded the motion to approve the agenda. Motion passed.

D. APPROVAL OF THE MINUTES OF February 24, 2016: Trustee Queenie Barz made the motion to amend the minutes of February 24, 2016 by showing Trustee Lorraine Becker as present and amend item #4 Resolution 6 Series 2016 to reflect that Trustee Queenie Barz added a condition to her "aye" vote to bring the item back to the Board to review percentages. Trustee Michele Black seconded the motion. Motion passed.

E. AUDIENCE BUSINESS

None for items not on the agenda.

F. ANNOUNCEMENTS

- Trustee Queenie Barz reminded everyone the VFW is hosting their annual Corned Beef and Cabbage dinner on March 17 from 5:00 p.m. to 7:00 p.m.
- Annual Easter Egg Hunt is March 26 at 10:00 a.m. at VFW
- Town Administrator Andrea Phillips introduced our new reporter from the Journal, Jacob Klopfenstein
- Marshal Candidate Community Meet and Greet is Thursday at the Mancos Community Center at 6:00 p.m.
- Municipal Election Candidate Forum is March 14 at 6:00 p.m. at the Mancos Community Center

G. TREASURER'S REPORT: FEBRUARY BILLS AND CLAIMS

Mayor pro tem Todd Kearns made the motion to approve the February bills and claims per signed purchase orders. Trustee Queenie Barz seconded the motion. Motion passed unanimously by roll call vote.

H. UNFINISHED BUSINESS

1. Review of Draft Ordinances 709 and 710 Livestock Ordinances

This is a continued discussion from prior Board meetings on this topic. Ordinance 709 proposes amendments to the Land Use Code (Chapter 16). Ordinance 710 proposes changes to the animals section of Chapter Seven of Mancos Municipal Code. A public hearing was held at the Jan. 20, 2016 Planning Commission Meeting. Public comment has been accepted at both the Jan. 20, 2016 and Feb. 23, 2016 meetings of the Planning Commission.

- Barbara Zeutzius, 120 Sunset – requested more than 8 rabbits for 4H purposes, she feels roosters should be allowed for 4H purposes, she feels the Planning Commission was too concerned with ending the meeting.
- Kevin Keith, 228 S. Mesa – he feels the Board should consider which animals make good neighbors, he does not feel roosters or male goats make good neighbors, he commented that many emergency room procedures stem from dog bites, he is against rottweilers and pit bulls, he feels the proposals unfairly disadvantage people with long, narrow lots, the shape of the lot makes a difference so he is requesting a review of set-back restrictions.
- Carrie Baikie, 145 Grand Ave. – she reminded the Board that Mancos is “where the west still lives,” she feels the size of the lot should be taken into consideration, the Planning Commission meeting was very unprofessional, she feels Mancos is a rural community, she is against limiting the number of dogs, she would like the ordinances to contain a grandfather clause.
- Celeste Aureorean, 646 Riverside Ave. – she was a member of the committee, she was disappointed that the committee wasn’t informed of the Public Hearing at the Planning Commission, she feels the committee suggestions didn’t make it into the draft ordinance, she feels the ordinance has too many rules for a small Town, she does not feel there should be a limit on chickens if space allows, she does not feel the Town will be able to enforce the proposed ordinances, she suggests putting back bees, aquaponics, revisiting setbacks, she would like the Board to take the time to do this right.
- Will Stone (speaking as a citizen, not a Trustee) – he was disappointed with the Planning Commission additions to the draft ordinances, he feels many people live in Mancos because animals are allowed, he addressed the prior comments regarding 4H and children having access to his animals, he does not feel fear of animals should drive decisions.
- Sherry Romero, 864 Riverside Ave. – she was a member of the committee, she does not have any outdoor animals, she agrees with Carrie Baikie’s comments that the reason people move here is for the rural lifestyle, the committee worked hard on the guidelines to ensure there was room for everyone, she was not aware this issue was being heard at the Planning Commission, she feels it is important to take time to be sure this is done right.
- Michael Looman, 304 Aztec – thanked the Board for sending the survey, he feels the majority of residents are opposed to large farm animals being raised in Town limits, he asked the Board to consider the survey results, he is unhappy with the smell of animals in Town, he doesn’t feel the Town has to revert back to the “Old West” ways.
- Kevin Cook, 257 S. Main St. – he lives next to bovines and chickens, he feels there’s a lack of adequate fencing for these animals, he asked the Board to consider citizens living next to this many animals, he feels property values are affected by this issue, he

feels the ordinances have been under consideration for a long time, he is in support of the passage of the proposed ordinances.

- Rayne Grant, 528 Bauer Ave – she feels roosters are beneficial to protect the flock, she feels that a no crow rooster collar is a humane solution to the noise issue as she uses this on her rooster, her rooster is considered a pet to her children, she is asking the Board to consider the importance of roosters as part of the flock.
- Scott Coch, 528 Bauer Ave – he feels people come to Mancos because it is unique, he feels the cattle and sheep are part of the Mancos lifestyle, he is against any changes to the current code and he is against these draft ordinances, he does not feel the majority of the community is being represented, he owns chickens and roosters, he feels dogs are a bigger issue.
- Tim Hunter, 100 Bauer Ave – he feels personal property rights should not be overridden, he feels existing ordinances are sufficient to address any issues.
- Randy Smith, 212 Montezuma – he supports the draft ordinances from Planning Commission, he has had bad experiences with roosters, he feels the proposed ordinances are fair to everyone and reflect the survey results.
- Maddie Williams, 681 Grand Ave – she feels that people live and move here because of the current atmosphere including cows and horses, she would like everything to stay the same, and she does not want to see gentrification in Mancos.
- Mark Werth, 439 N. Main – he has a neighbor who has many chickens and they are not a problem, he feels there should be a balance between personal property rights and neighborly rights, he feels that chickens aren't an issue, he does feel that cattle on small lots is an issue, he hopes the Board can find a balance with the proposed ordinances.

Mayor Rachael Simbeck thanked everyone who spoke on this issue. Trustee Will Stone recused himself from the Board table. Trustee Queenie Barz feels more research is needed. There are many properties that will be affected with regard to setbacks, she feels there are too many restrictions in these ordinances, she does feel large animal conditions should be considered, she does not feel roosters should be banned. Trustee Lorraine Becker has a problem with cows in Town due to the fact they are herd animals, space restrictions and the odors associated with Trustee Stone's cows. She does not want to see the cattle drives stop because that is a part of Mancos. She has no problem with the smaller animals in Town. Trustee Will Stone attempted to address Trustee Lorraine Becker's comments. Mayor Simbeck reminded the Board to keep the discussion related to Town wide issues rather than directed to one citizen. Trustee Matthew Baskin asked Town Attorney David Liberman to clarify if a Trustee recused himself should he still be in the audience addressing the Board. Town Attorney Liberman advised that when a Trustee recuses themselves, they do not participate in the debate or speak for/against the issue. Trustee Michele Black feels that changes are needed to meet the current atmosphere of the Town. She feels that a compromise should be reached with regard to personal property rights vs. neighbor relations. She questions how the Town will enforce an "odor" under these ordinances. She feels more time is needed. Trustee Matthew Baskin is an advocate for less restrictive policy. He feels the discussion has shifted from the process to ensure keeping animals doesn't affect neighbors to become more restrictive as a whole. He feels additional time is needed and maybe a step back is needed. He is not against including a grandfather clause in the proposed ordinances. He doesn't feel this has to be a zero sum argument but a compromise should be reached. He would prefer to start small and build on it as necessary. Mayor pro tem Todd Kearns agrees with things said by everyone tonight. He is disappointed the Planning

Commission proposed such a restrictive document. He does not like the ordinances as they are currently written. He understands this issue affects all citizens in some way. He feels the Board does have the responsibility to do something. He would like to see the committee remained involved in this process. Mayor Rachael Simbeck feels that the Mancos lifestyle is valued by everyone, however that is defined. She feels property rights are important, but when the qualities of neighbor's lives are impacted then it becomes an issue. She feels that valuable work has been done, and the Board has the responsibility to deal with this issue. She does not feel our current ordinances address this issue. She asked the Board for points of agreement to move the process forward. Trustee Queenie Barz proposed the Board, Planning Commission and committee meet at a special meeting to discuss the issue further. She does not feel these ordinances are ready to be passed at the next meeting. Trustee Michele Black feels the Board's responsibility is to plan for the entire Town, not specific situations or locations. Trustee Matthew Baskin feels that just because something is allowed doesn't mean a significant number of people are going to do it. He feels that the leash/tether item is acceptable, no one objects to hens or rabbits, exotic animals aren't an issue, he agrees with the removal of the slaughter clause, language regarding smell and nuisance is important but he's not sure of the language to address that issue, he agrees with the grandfather clause with the process to correct if an issue arises. Mayor Rachael Simbeck agrees with Trustee Michele Black that the Board needs to consider the entire Town in this process. She agrees that if the Town allows large animals such as cows or horses to be stabled in Town, then the space requirement should be increased. Mayor pro tem Todd Kearns feels that although he enjoys seeing cows and horses, it's not typical to keep these animals against your house. He feels responsible animal husbandry includes where and how those animals live. Trustee Queenie Barz feels lot size should be a consideration in future discussions. Mayor Simbeck suggested breaking this down in sections for ease of future discussion and decision. Trustee Matthew Baskin suggested discussion of setbacks and shelters as a starting point for future discussion because the proximity piece appears to be the main point of contention. Mayor Rachael Simbeck would like to give clear direction to Staff. Trustee Queenie Barz feels the grandfather clause and setbacks need to be considered. She reiterated her request for a special meeting with the Board, Planning Commission and staff. Town Administrator Andrea Phillips advised the Planning Commission proposed a sunset clause for non conforming animal shelters. Town Administrator Andrea Phillips advised the Town is stepping up enforcement on domestic issues. The Town is receiving complaints related to animal issues. Trustee Lorraine Becker feels any rules passed need to be able to be enforced. Mayor pro tem Todd Kearns suggested discussing this item in detail at the next workshop. He does not feel it's necessary to include the Planning Commission as they have presented their recommendations in the proposed ordinances. The Board agreed with this suggestion. This item will be discussed at the April 6 workshop.

Meeting recessed at 8:55 p.m.

Meeting reconvened at 9:08 p.m.

Mayor pro tem Todd Kearns exited the meeting.

Trustee Will Stone resumed his place at the Board table.

I. NEW BUSINESS

2. Resolution 7 Series 2016 Marshal's Office Vehicle Loan

During the 2016 Budget discussions, the Board authorized a maximum of \$17,330 in the 2016 budget to purchase vehicles for the Marshal's Office. After researching options, Staff decided to purchase a Ford Explorer and Ford F150, both with upfitting to include all required police equipment. The total for both vehicles and all equipment is \$71,869.12. Trustee Queenie Barz made the motion to approve Resolution 7 Series 2016 A Resolution Authorizing A Loan/Lease Agreement With Community Banks of Colorado, a division of NBH Bank, N.A. For The Purchase Of Law Enforcement Vehicles And All Related Equipment. Trustee Matthew Baskin seconded the motion. Motion passed unanimously by roll call vote.

3. Resolution 8 Series 2016 Support for SB152 Opt Out

At its January 13, 2016 meeting, the Board passed Resolution 5 Series 2016 adopting ballot language for the April 5, 2016 municipal election to ask voters to opt out of SB 152. Senate Bill 152 restricts municipalities in how it utilizes its fiber network. By opting out of SB 152, the town would have greater ability in the future to utilize its fiber network. Many communities throughout Colorado have either already passed such a ballot measure or are asking voters to do so in 2016. Trustee Matthew Baskin made the motion to approve Resolution 8 Series 2016 A Resolution Of The Town Of Mancos Board Of Trustees In Support Of Its Senate Bill 152 Ballot Issue, Known As Ballot Issue 2a, And Setting Forth The Reasons That The Passage Of Such Ballot Issue Is Important To The Citizens Of The Town Of Mancos. Trustee Lorraine Becker seconded the motion. Trustee Mathew Baskin amended his motion to approve Resolution 8 Series 2016 A Resolution Of The Town Of Mancos Board Of Trustees In Support Of Its Senate Bill 152 Opt Out Ballot Issue, Known As Ballot Issue 2a, And Setting Forth The Reasons That The Passage Of Such Ballot Issue Is Important To The Citizens Of The Town Of Mancos. Trustee Lorraine Becker seconded the amended motion. Motion passed unanimously by roll call vote.

4. Columbine Liquor License Renewal

The liquor license for Columbine Inc will renew on June 26, 2016. Tammy Davison has submitted her 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 Matthew Baskin made the motion to approve the Columbine Inc Liquor License Renewal and authorize the Town Clerk/Treasurer to submit the renewal application to the Dept. of Revenue. Trustee Michele Black seconded the motion. Motion passed unanimously by roll call vote.

5. Chapter 13 Utility Fees & Taps Discussion

During the 2016 budget formulation process and the monthly workshop on March 2, 2016, the Board discussed issues in Chapter 13 of the Mancos Municipal Code as it relates to charges for service for tap holders and the calculation of connection fees. Staff is requesting direction as to if the Board desires to move forward with this issue. Trustee Will Stone feels that the inactive fee should be removed. Trustee Queenie Barz and Mayor Rachael Simbeck feel that public outreach needs to be conducted before implementation. The Board directed Staff to move forward with research on inactive taps, research changes to Chapter 13 language and draft a public outreach plan.

6. Site Development Standards Discussion

Tabled until March 23, 2016 meeting.

7. Four Corners Recycling Drop Off Site/Service Levels
Tabled until March 23, 2016 meeting.
8. Mancos Creative District Updates & Adoption of Strategic Plan
Tabled until March 23, 2016 meeting.
9. Wastewater Treatment Plant Update
Public Works Director Robin Schmittel submitted an update on the Wastewater Treatment Plant. He is requesting approval to retain Souder Miller and Associates to review suggestions submitted by Aquarius Engineering and Clean-Tek to improve plant operations. The Board directed Town Attorney David Liberman to review the original contract on the plant to determine the Town's options. Trustee Matthew Baskin made the motion to employ Souder Miller & Associates (SMA) wastewater process engineer to study the wastewater plant and review suggestions put forth by the Aquarius process engineer, the representative from Clean-Tek equipment supplier and the Public Works Director in an effort to stop recurring problems that cause the treatment plant to be repeatedly shut down. Trustee Will Stone seconded the motion. Trustee Queenie Barz requested the motion be amended not to exceed \$10,000. Trustee Michele Black requested consultation with the Town Attorney be included in the motion. Trustee Matthew Baskin amended his motion as requested by Trustees Black and Barz. Trustee Will Stone seconded the amended motion. Motion passed unanimously by roll call vote.
10. Monthly Administrator Report
Town Administrator Andrea Phillips submitted her March report for Board review and discussion.

J. ITEMS FOR March 23, 2016 Agenda

- *Site Development Standards Discussion*
- *Four Corners Recycling Drop Off Site/Service Levels*
- *Mancos Creative District Updates & Adoption of Strategic Plan*
- *Public Hearing: Revised Preliminary Plat for Paquin Albert Subdivision*
- *Public Hearing: Special Use Permit for RMJ Cultivation 5,000 SF*

K. EXECUTIVE SESSION PERSONNEL – Town Administrator Annual Review

Trustee Queenie Barz made the motion to enter executive session personnel for discussion of a personnel matter under C.R.S. Section 24-6-402(4)(f) and not involving any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of any elected official; or personnel policies that do not require the discussion of matters personal to particular employees. Trustee Lorraine Becker seconded the motion. Motion passed.

Executive session started at 10:08 p.m.

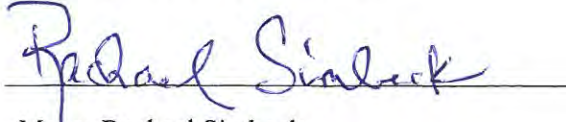
Executive session ended at 10:57 p.m.

Mayor Rachael Simbeck, Trustee Lorraine Becker, Trustee Michele Black, Trustee Queenie Barz, Trustee Matthew Baskin, Trustee Will Stone participated. No comments with regard to executive

session.

L. ADJOURNMENT

Meeting adjourned at 10:58 p.m.

A handwritten signature in blue ink, appearing to read "Rachael Simbeck", written over a horizontal line.

Mayor Rachael Simbeck

A handwritten signature in blue ink, appearing to read "Heather Alvarez", written over a horizontal line.

Town Clerk/Treasurer Heather Alvarez