

Town of Mancos
Board of Trustees Meeting
March 23, 2016
7:00 p.m.

A. CALL TO ORDER: Mayor Rachael Simbeck called the meeting to order at 7:02 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, 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 March 9, 2016: Trustee Queenie Barz made the motion to approve the minutes of March 9, 2016. Trustee Lorraine Becker seconded the motion. Motion passed.

E. AUDIENCE BUSINESS

- Kevin Cook, 257 S. Main St. – spoke about the livestock issues, reminded the Board that he spoke on this issue about seven months ago, he is suggesting the issue be decided item by item rather than as a whole, he is also disappointed the Board delegated the entire process, he suggested the Board take part in the process of finding a solution
- Scott Coch, 528 Bauer Ave. – thanked the Board for listening to the discussion on livestock issues, he doesn't feel an ordinance is necessary, he feels neighbors should work it out amongst themselves, he feels the Town does not need to be involved in this topic, he feels dust, smell and runoff are legitimate concerns, he offered a mushroom fungi mycelium as an alternative to the Board if they are interested.

F. ANNOUNCEMENTS

- Trustee Queenie Barz advised the Easter Egg hunt is this Saturday at 10:00 a.m. at the VFW.
- Town Administrator Andrea Phillips advised the sound in the Board room has been adjusted using the new equipment.
- Low cost rabies clinic and dog licensing will be held on April 9 at the Mancos Valley Vet.
- Town Administrator Andrea Phillips attended the DOLA Tier II hearing on the Mancos Raw Water Project. We will be advised within the next few weeks.
- Parks & Recreation Coordinator Leslie Hopkins has tendered her resignation effective April 6, 2016.
- SB152 Ballot Issue pamphlet is available to the public.

G. PRESENTATION – COUNTY BROADBAND PROJECT

Rick Smith, General Services Manager, and Jim McLain, IT Director for Montezuma County, presented information on the Broadband project being conducted by the County. The first build phase includes the most populated areas of the County, including the Town, by stringing fiber from telephone poles. An E7 node will be installed in Mancos which allows a build out area of 20 miles. This will supply up to 1GB to each home/business and increase EMS response. The Town will participate on a steering committee to determine how the model will look. This project leverages the infrastructure installed during the SCAN project. They have retained a firm to provide a feasibility study and detailed design to provide fiber to businesses and residences in Montezuma County. The cost for Mancos to participate is \$4,166.50, which is based on a price of \$6.50 per address for 641 addresses within the Town limits. Trustee Matthew Baskin made the motion to authorize \$4,166.50 payable to Montezuma County for the broadband feasibility study. Trustee Michele Black seconded the motion. Motion passed unanimously by roll call vote.

H. UNFINISHED BUSINESS

1. Ordinance 711 Series 2016 for Paquin/Albert Subdivision – Public Hearing Public Hearing opened at 7:41 p.m.

- Gina Roberts, 601 Grand Ave. – she spoke in favor of this item, she feels this will encourage additional business within the Highway Business District, she's requested conditional approval for the potential new Laundromat.
- Terry Moores, 6700 CR 38, Mancos – he will be opening the new Laundromat, he's requesting conditional approval to allow him to open the business.

Public Hearing closed at 7:44 p.m.

A public hearing has been held at the P and Z Commission. This item is coming back to the Board for further review from the January 27 Board meeting. Since that time, the surveyor has not made all of the changes to the preliminary plat reflecting the town engineer's comments, so those comments are included as requirements of conditions of approval of the final plat. A development agreement will be adopted on or around the time of the final plat approval to indicate what the terms of current and future development requirements shall be. Trustee Will Stone made the motion to Adopt Ordinance 711 Series 2016 An Ordinance Amending the Zoning Map of the Town Of Mancos, Accepting Dedicated Rights of Way for Public Streets and Water and Wastewater System Easements and Accepting the Subdivision Development Agreement for the Paquin-Albert Subdivision. Trustee Lorraine Becker seconded the motion. Trustee Queenie Barz asked if there were any year-round RV spaces available in the current mobile home park. Jim Paquin advised there are. Mayor Rachael Simbeck confirmed that the development agreement will clarify when fees are paid, etc. Town Administrator Andrea Phillips advised that is the current plan. Motion passed unanimously by roll call vote. Staff will work on a temporary/conditional business license for the new Laundromat.

2. Chapter 13 – Utility Fees and Tap Discussion

This item was discussed during the 2016 budget formulation process, the monthly workshop on March 2 and the March 9 regular meeting. The Board requested more information. Town Administrator Andrea Phillips is requesting direction from the Board with regard to removing the inactive fees and changes to the Plant Investment Fee. Mayor Rachael Simbeck inquired as

to the definition of a yard tap. Town Administrator Andrea Phillips advised it is a separate tap used for irrigation. Trustee Matthew Baskin questioned the use of “occupant” with regard to vacant lots. He also suggested differentiating between vacant homes and vacant lots with regard to fees. Trustee Queenie Barz feels this issue needs more research. She suggested discussing this item at a workshop. Trustee Matthew Baskin suggested soliciting additional feedback from the Public Works Dept. during a workshop. This item will tentatively be brought to the May 4, 2016 workshop.

3. Beech St/Hwy 160 Pedestrian Crossing Project

This project has been a Board priority since at least 2008. Staff has been working with the Town Engineer, Russell Planning and Engineering, and CDOT to design a pedestrian safe crossing at Hwy 160 and Beech Street. Russell Engineering has provided two design options. CDOT has given preliminary approval for both designs. The budget for Design Option A is \$237,122. The budget for Design Option B is \$201,182. The Town has received TAP funds in the amount of \$74,767. Staff is also requesting Board approval to apply to DOLA for funding on this project. Trustee Will Stone made the motion to approve Design Option A and authorize the Town Clerk/Treasurer to move forward with a grant application to DOLA for additional EIAF funds by April 1, 2016. Trustee Queenie Barz seconded the motion. Motion passed unanimously by roll call vote.

I. NEW BUSINESS

4. Willow North dba The Bud Farm Retail Store & Retail Cultivation Renewal

Willow North, LLC, dba The Bud Farm, has submitted the required application and supporting documentation for a retail marijuana store and cultivation license. Town Administrator Andrea Phillips, Public Works Director Robin Schmittel, Acting Marshal Jason Spruell and Building Inspector Holly Rankin conducted an inspection of the premises. Boyd Neagle, the Compliance Officer with the Cortez Police Department also assisted. They specifically reviewed the ventilation and filtering for potential odor. See attached documents re: specs on filters. While the odor is strong inside of the building in certain areas, staff felt that it was negligible outside of the building with the new equipment installed. They have no issues at this time and recommend renewal. Trustee Matthew Baskin made the motion to approve the business permit renewals for Willow North LLC Retail Marijuana Store and Retail Marijuana Cultivation conditional upon receipt of the State license. Trustee Will Stone seconded the motion. Motion passed unanimously by roll call vote.

5. Special Use Permit – 651 N. Main St. – Public Hearing

Public Hearing opened at 8:30 p.m.

- Donna Schmittel, 116 E. Sunset Dr. - she spoke against this permit. She presented a list to the Board with signatures of the majority of residents on Sunset Dr. against this permit (after the Board decision, Mrs. Schmittel retracted her list.) She is allergic to marijuana pollen, and she is inquiring as to if the proposed filtration system will alleviate the pollen issue.
- Patty Harpham, 224 W. Menefee – she spoke in favor of this permit because they are bringing a new business to Mancos.

- Barbara Zeutzius, 120 Sunset Dr. – she spoke against this permit. She is allergic to marijuana. She would like to see a different business at this location.
- Gina Roberts, 601 Grand Ave. – she spoke in favor of this permit. She does not feel allergies are a reason to deny this permit. She feels this business will provide jobs and a decent wage.
- Mary Carlson – against this permit. She submitted a letter to the Board.
- Ida Velasquez – reiterated what Donna Schmittel said.

Public Hearing closed at 8:47 p.m.

Gilbert and Sherry Garcia dba New Millennium Wholesale is seeking a special use permit for the existing building at 651 N. Main St. to cultivate RMJ product (marijuana plants) in a facility within the Light Industrial (LI) zoning district of Mancos *up to 5,000 SF*. A public hearing and review was held at the February 17, 2016 Planning Commission meeting. The Planning Commission approved the application with conditions: 1) All external mechanicals shall be located to the northeast of the building; 2) A landscaped treed buffer shall be installed on the south side of the property where it abuts residential uses; 3) Odors shall be controlled through proper filters and ventilation; 4) Sufficient parking shall be noted on the plan. Town Attorney David Liberman advised that the business will still have to apply for a license from the Town and the State, this is just the land use issue. Trustee Will Stone made the motion to approve the special use permit for New Millennium Wholesale up to 5,000 square feet at 651 N. Main St. and assign conditions as necessary. Trustee Matthew Baskin seconded the motion. Dean Brookie of Brookie Architecture and Planning, the architect on this project, advised that the conditions imposed by the Planning Commission have been addressed in the plans. The odor filters being proposed have been widely adopted, and the odor won't have any impact on the neighborhood. He advised that this is a completely enclosed facility which includes filtration, and the female buds do not exude pollen bursts. Motion passed by roll call vote, with Trustee Michele Black voting against.

Meeting paused at 9:01 p.m.

Meeting resumed at 9:10 p.m.

6. Riverwood RV Park Development Agreement

The Town has received an application and plans for a 68-space RV resort at 350 E. Grand Ave. It will be open all year, except for the winter months. In addition, the developer obtained approval for: State Highway Access Permit from CDOT on 160D (Grand Ave. business route), US Army Corps of Engineer wetlands permit, CDPHE stormwater permit, town floodplain development permit, etc. Grass swales must be installed per the permit. The developer estimates that they will be able to break ground this spring and open in spring 2017. Mayor Rachael Simbeck inquired, in the absence of a fence along the back of the property, how will customers know when they are leaving the RV park property? Mr. Dugan McDonald advised that the property will be manicured up to the property line.

- Carrie Baikie, 321 E. Grand Ave. – outlined several questions to which she is requesting answers: 1) will sidewalks be installed to downtown, is our sewer system adequate for the additional load, 2) when will the RV park be open, 3) is there going to be a lit sign at the entrance to the RV park, 4) has noise been considered during check

in times, 5) where will the RVs be parked if they arrive outside check in times, 6) is the summer usage going to affect summer water availability, 7) has the Town considered additional stop signs for pedestrian safety

- Ed Hallam, 351 E. Grand Ave. – he is directly across from the proposed development with the entry across from his driveway: 1) where is parking for RV park employees, 2) where does the RV park during check in, 3) majority of sites are back in sites so how will towed vehicles be offloaded, 4) development agreement noted that exterior boundaries will be fenced, 5) what is the impact on tree removal for mature trees, 6) has the impact to the water and sewer system been considered
- Gina Roberts, 601 Grand Ave. – she is in favor of this project, there are currently no parking spaces for RVs in Town, the proposed development is an opportunity to attract visitors
- Peter Brind'Amour, 325 E. First St. – he is requesting a no pesticide spraying requirement be added to the agreement
- Jim Cody, 43728 Road M, Mancos – he is in favor of this project, he does not feel late arrivals will be an issue with the RV park, he feels the local businesses will be helped by attracting visitors

With regard to the impact on the water and sewer system, Town Administrator Andrea Phillips advised that an 8" water line will be installed as part of the development agreement. Public Works Director Robin Schmittel advised RVs do not use a large amount of water. He also does not feel there will be an adverse impact to the wastewater system from the chemical toilet contents. The sewer line is also fairly new. The RV park has agreed to install a sewer valve and sewer line caps so if there is a flood, the line can be isolated. With regard to the sign, Town Administrator Andrea Phillips advised any signage will need to comply with the current Mancos Municipal Code. With regard to check in times, 9:00 a.m. to dusk is outlined in the Mancos Municipal Code, and a caretaker will be onsite to allow check in at any time. Trustee Queenie Barz spoke with residents living next to RV parks in other communities, and they don't have any complaints. Trustee Matthew Baskin inquired about the sidewalks. Town Administrator Andrea Phillips advised that the Town would need to work with CDOT. A river trail crosses private property, so that would need to be negotiated. With regard to employee parking, Mr. McDonald advised they deliberately restricted parking to prohibit non-residents or customers from parking on the property. With regard to potential tree removal, Mr. McDonald advised they are going to preserve as many trees as they can in addition to planting additional trees. With regard to check in traffic, if there's a back up, the customer would be escorted to their site then return to check in to avoid traffic backing up on Highway 160. Trustee Will Stone made the motion to direct the Town Administrator to enter into a Development Agreement for Public Improvements with Riverwood RV Resort LLC. Trustee Matthew Baskin seconded the motion. Trustee Lorraine Becker commented on the limitation on hours of operation being 8:00 a.m. to dusk. Town Administrator Andrea Phillips advised the Development Agreement states 9:00 p.m. would be when the park would enforce their internal noise policy. The RV park will be open May through November. The Board requested the addition of a clause requesting whenever possible an organic weed control process will be utilized in place of pesticide spraying to the development agreement. With regard to exterior boundaries, a fence to the north and east of the RV park is not included to allow animals to move freely. Motion passed unanimously by roll call vote.

7. Four Corners Recycling

Mayor pro tem Todd Kearns made a motion to table this item until a future meeting. Trustee Michele Black seconded the motion. Motion passed.

8. Mancos Creative District Updates & Adoption of Strategic Plan

Mayor pro tem Todd Kearns made a motion to table this item until a future meeting. Trustee Michele Black seconded the motion. Motion passed.

J. ITEMS FOR April 13, 2016 Agenda

- *Countywide Hazard Mitigation Plan*
- *Hospice of Montezuma Presentation*
- *Four Corners Recycling*
- *Mancos Creative District Updates & Adoption of Strategic Plan*

K. EXECUTIVE SESSION PERSONNEL – Marshal Recruitment Process

Mayor pro tem Todd Kearns 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 Michele Black seconded the motion. Motion passed.

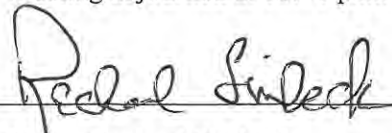
Executive session started at 10:07 p.m.

Executive session ended at 10:40 p.m.

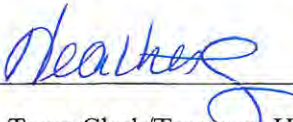
Mayor Rachael Simbeck, Mayor pro tem Todd Kearns, Trustee Lorraine Becker, Trustee Michele Black, Trustee Queenie Barz, Trustee Matthew Baskin, Trustee Will Stone, Town Administrator Andrea Phillips, Town Clerk/Treasurer Heather Alvarez, Town Attorney David Liberman participated. No comments with regard to executive session.

L. ADJOURNMENT

Meeting adjourned at 10:41 p.m.



Mayor Rachael Simbeck



Town Clerk/Treasurer Heather Alvarez