

**Town of Mancos  
Board of Trustees Meeting  
January 22, 2014  
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 Perry D. Lewis, Trustee Queenie Barz, Trustee Rovilla Ellis, Trustee Chip Tuthill, Trustee Todd Kearns, Trustee Alan Rolston

Staff Present: Town Administrator Andrea Phillips, Town Clerk/Treasurer Heather Alvarez, Public Works Director Robin Schmittel, Marshal John Cox, Parks & Recreation Coordinator Leslie Hopkins, Streets Supervisor Jeff Watenpaugh, Town Attorney David Liberman

**C. APPROVAL OF AGENDA:** Mayor pro tem Perry D. Lewis made the motion to move the Website RFP to the last item on the agenda. Trustee Todd Kearns made the motion to approve the amended agenda. Trustee Queenie Barz seconded the motion approve the agenda. Motion passed.

**D. APPROVAL OF MINUTES OF January 8, 2014:** Trustee Queenie Barz made the motion to approve the minutes of January 8, 2014 as written. Trustee Alan Rolston seconded the motion to approve the minutes. Motion passed.

**E. AUDIENCE BUSINESS**

None

**F. ANNOUNCEMENTS**

- Trustee Queenie Barz – Mardi Gras theme this year is “Hard Days Night” on March 1, 2014 at Mancos Opera House.
- Mayor Rachael Simbeck requested the Trustees complete the survey for Board training needs and return to her.

**G. PRESENTATION – Family Dollar T & N Properties/Leading Tech Development**

Mayor pro tem Perry D. Lewis recused himself. Greg Wall, T&N Properties, and Brad Lasater, Family Dollar, were present at the meeting. Family Dollar is a general retail merchandise store that contains a broad array of merchandise, including common household items. Greg stated they are comparable to Walgreens without the pharmacy, photo department or cosmetics counter. They do not compete with hardware or grocery stores, but are more of a convenience store. Mayor Rachael Simbeck inquired as to the proposed location. Greg advised that the current location is on the NE side of the intersection on Willow and Menefee. They are under contract for 560 Menefee. The proposed floorplan is 8,120 square feet. Greg showed the Board samples of construction materials used when building the stores. The standard Family Dollar sign is internally illuminated sign on the post in front of the building and mounted on the sides of the building. Sign and parking lights are angled down. The estimated full time employee count is between 9 and 11. General store hours may vary. The proposed location can accommodate 46 parking spaces. Landscaping will be installed according to the Town ordinances. They anticipate an average of 6 – 7 trips per hour at the proposed location. They will send the Public Relations contact information to Town Administrator Andrea Phillips. The Board will be requesting financial information from the PR contact. Family Dollar has been researching Mancos for approximately three years.

- David Franks, 112 W. Menefee – he is not at all interested in having a Family Dollar. He feels that the majority of this Town doesn't want Family Dollar based on the community survey. He is disappointed that the Board will not respect those results.
- Liz Bohm, 39405 Rd G – what are the details of the moratorium? If allowed, what are costs to the Town for this project? Will there be any subsidies provided? She found her research at The Institute For Local Self Reliance.
- Jinny Moore, 896 2<sup>nd</sup> Ave. – she agrees with the previous speakers. Mancos is an art community, and she feels a big dollar store will downgrade our community.
- Jim Cody, Beacon Wellness - 560 Menefee was the address identified, but he is inquiring as to where the parking lot will be located? Would the store develop the south side (Hwy 160) only? Would CDOT allow improvements to Hwy 160 and Willow, and would Family Dollar perform these improvements to accommodate traffic?

According to Greg Wall, access will be coordinated with CDOT. There would be no access from Hwy 160, so access would be on Town roads and would follow Town ordinances. The façade of the building would be engineered to follow Town ordinances. Family Dollar would consider design ideas to accommodate the neighbors on Menefee St.

Access and road improvements will be addressed through the Planning Commission recommendations to the Board of Trustees. A moratorium is currently in place to allow Planning commission time to research and implement better codes for large scale commercial retail. The Town currently offers no tax breaks or incentives. A streets impact fee is included in the current Zoning Development Permit. The Board requested Town Administrator Andrea Phillips research this topic further and bring a recommendation to a future meeting.

Mayor pro tem Perry D. Lewis rejoined the meeting.

## H. UNFINISHED BUSINESS

- Retail Marijuana Information & Tax Question  
The Board requested additional information on retail marijuana laws and what would be possible in Mancos if the Board allows. Medical marijuana establishments are currently allowed in several districts within the Town limits. The State will allow an establishment to apply beginning July 1, 2014 after meeting certain requirements. Local approval would also be required. The current Town moratorium is expiring on June 30, 2014. The Mancos Marshal's Office prepared a fact sheet with regard to law enforcement within the Town limits. The fact sheet will be placed on the Town website.
  - Nathan Fete, Beacon Wellness – he is questioning why an excise tax is being considered before regulations have been put in place? He feels an additional 5-10% Town tax is greedy because the Town will receive money from the State.
  - Jim Cody, Beacon Wellness – as of today, Beacon Wellness has completed all required State and local inspections. He feels that regardless of what tax is implemented, Four Corners residents will come to Mancos to purchase recreational marijuana.

The Board requested information on what municipalities in Colorado are allowing or not allowing now. They would also like information on what types of establishments are being allowed, such as storefronts, smoking clubs, etc. How many locations are allowed in Mancos? This item was postponed until a future Board meeting.

- Ordinance 680 Retail Marijuana Ballot Question

At the last Board meeting, the Board authorized an ordinance drafting language to place an issue on the ballot regarding the taxation of retail marijuana. Sherman & Howard has drafted an emergency ordinance that contains all required language, including TABOR legal requirements, for the April 1, 2014 mail ballot election. Trustee Chip Tuthill inquired as to whether the occupation tax could be applied above a certain sale threshold. Town Attorney David Liberman feels that this would be possible to implement after the election. Mayor pro tem Perry D. Lewis inquired as to how we will audit the transactions. Beacon Wellness will be able to provide this information with their current software. Trustee Chip Tuthill made the motion to approve Approve Emergency Ordinance 680 Series 2014 An Ordinance Of The Town of Mancos Authorizing A Tabor Election On April 1, 2014; Fixing The Ballot Title And Question; Providing For the Use of Certain Provisions Of the Uniform Election Code For Such Election; Setting Forth Other Details Related Thereto; And Declaring An Emergency. Trustee Todd Kearns seconded the motion. Motion passed unanimously by roll call vote.

Meeting recessed at 8:45 p.m.

Meeting reconvened at 8:51 p.m.

- Communication Plan for Water Rate Increase  
Town Administrator Andrea Phillips submitted a proposed communication plan for the potential water rate increase. RPI offered to host a public meeting at an additional cost of \$700. Board and Staff will host the public meeting instead. A Town Hall meeting in February will be advertised on our February 1 utility bills. A Public Hearing at the March 12, 2014 meeting will be advertised on our March 1 utility bills.

## **I. NEW BUSINESS**

4. Ratification of Planning Commission Chair & Vice Chair  
At the Planning Commission meeting on January 15, 2014, the Planning Commission recommended appointment of Marianne Griffin as Chair and Bob Seney as Vice Chair. Mayor pro tem Perry D. Lewis made the motion to ratify the appointment of Marianne Griffin as Chair and Bob Seney as Vice Chair of the Planning Commission. Trustee Chip Tuthill seconded the motion. Motion passed.
5. Role of Planning Commission & Joint Planning Session for Highway Business District  
Town Administrator Andrea Phillips provided information to the Board from the Mancos Municipal Code and Colorado Revised Statutes with regard to the duties of the Planning Commission and Town Administrator. A joint meeting of the Planning Commission and Board of Trustees will be held on February 15, 2014 to discuss these roles, along with future development of the Highway Business District. Trustee Chip Tuthill commented that he feels that the Board should be directing the creation of ordinances rather than receiving suggested ordinances from the Planning Commission. He feels the best use of Staff, Board and Planning Commission time should be to offer proposals to the Board, receive Board approval to move forward, then the Town Attorney drafts an ordinance. The information may be reviewed and brought to the joint meeting with the Planning Commission. Mayor Rachael Simbeck does not feel this topic should be addressed at a Town Board meeting. She wants to discuss this issue at the joint meeting. Trustee Alan Rolston suggested laying out their concerns to the Planning Commission to receive feedback from the Planning Commission members. Trustee Queenie Barz appreciated receiving the information. Mayor Rachael Simbeck stated the Highway Business District Planning Session is a separate issue from the discussion as to how the Board and Planning Commission will work effectively together. Trustee Alan Rolston feels that there should be an initial meeting to discuss the communication between the Board and Planning Commission. Then there should be a second meeting to discuss the use of the Highway Business

District. Trustee Chip Tuthill requested that his handout from the previous Board workshop be used at the next workshop. Mayor Rachael Simbeck stated the Town employs a Town Administrator to bring the information to the Board, and she should be allowed to do her job. Trustee Chip Tuthill stated he disagrees. Town Attorney David Liberman advised under the current ordinance the Planning Commission has broad authority. If that authority is being changed, it should be done by ordinance. Trustee Todd Kearns feels that the Board has created the current situation, so it is the Board's responsibility to open the dialogue to correct the situation. Mayor Rachael Simbeck stated the workshop agenda should be decided upon, then followed, to ensure the public is aware of what is being discussed. Trustee Alan Rolston suggested an agenda with a timeline. Trustee Chip Tuthill reiterated his request to include his handout on Committee and Commissions Policies. Trustee Todd Kearns stated the Mancos Municipal Code should be the starting point of a discussion, not a new document. Trustee Queenie Barz suggested waiting until after the first joint meeting with the Planning Commission before moving forward with this discussion. Mayor pro tem Perry D. Lewis agreed with Trustee Barz. Bob Seney, Vice Chair of the Planning Commission, commented that of the five members, three have been there less than 5 months. They understand that they serve at the pleasure of the Board. They see themselves as the fact finding arm of the Board. He feels it is extremely important that the communication between the Commission and the Board is clarified. Ultimately, the Board decided to use the February 15, 2014 meeting with the Planning Commission to host some teambuilding and discuss communication. The meeting is from 10:00 a.m. – 2:00 p.m., and the Town will provide lunch. Town Administrator Andrea Phillips will advise the proposed consultant that the Town will get back to her.

Trustee Chip Tuthill made the motion to adjourn at 10:00 p.m. Motion died for lack of second.

6. 2014 Work Plans

Work plans for 2014 were presented for all departments.

7. Economic Development Coordinator Postion

Town Administrator Andrea Phillips submitted a draft job description for the new part time Economic Development Coordinator Postion. Mayor pro tem Perry D. Lewis commented that he appreciates the job description. His only concern is how much we will be asking of a part time employee. Trustee Chip Tuthill questioned why we don't use the job description from the DCI report contracted by the Town. Town Administrator Andrea Phillips advised that this position will include duties outside the DCI recommendations. Trustee Todd Kearns made the motion to approve the Economic Development Coordinator job description. Mayor pro tem Perry D. Lewis seconded the motion. Motion passed.

Mayor pro tem Perry D. Lewis recused himself and left the meeting at 9:54 p.m.

8. Town Website RFP

The Town website is in need of updating and remodeling to not only bring it in line with current technology, but also to allow ease of use for our citizens and the general public. The Board of Trustees authorized \$5,500 in the 2014 budget to complete this project. Trustee Chip Tuthill made the motion to authorize Town Staff to begin the public bidding process for the upgrade and redesign of Town's website by utilizing the proposed RFP. Trustee Alan Rolston seconded the motion. Motion passed unanimously by roll call vote.

**J. ITEMS FOR FEBRUARY 12, 2014 AGENDA**

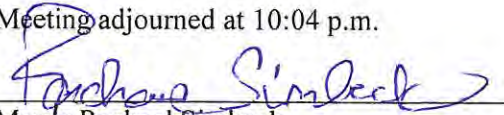
- 2013 Year End Financial Report
- 2013 Year End Activity Report

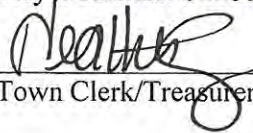
- Water Meter Vendor Selection

Trustee Chip Tuthill inquired as to a legal opinion on whether the Town Administrator is able to receive applications for large scale commercial retail under the existing moratorium. Trustee Todd Kearns stated that the moratorium was implemented in good faith. The Town Attorney will review the issue and offer a legal opinion. Town Attorney David Liberman did advise against accepting applications while the moratorium is in effect.

#### K. ADJOURNMENT

Meeting adjourned at 10:04 p.m.

  
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Mayor Rachael Simbeck

  
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Town Clerk/Treasurer Heather Alvarez