

**Town of Mancos
Board of Trustees Meeting
February 12, 2014
7:00 p.m.**

A. CALL TO ORDER: Mayor Rachael Simbeck called the meeting to order at 7:01 p.m.

B. ROLL CALL: Present: Mayor Rachael Simbeck, Trustee Queenie Barz, Trustee Rovilla Ellis, Trustee Chip Tuthill, Trustee Todd Kearns, Trustee Alan Rolston
Mayor pro tem Perry D. Lewis joined the meeting at 7:39 p.m.

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

C. APPROVAL OF AGENDA: Trustee Todd Kearns made the motion to add the appointment of the Planning Commission liaison as the last item on the agenda and approve the agenda. Trustee Queenie Barz seconded the motion to approve the amended agenda. Motion passed.

D. APPROVAL OF MINUTES OF January 22, 2014: Trustee Rovilla Ellis made the motion to approve the minutes of January 22, 2014 as written. Trustee Alan Rolston requested the motion be amended to reflect the correction of Jim "Coady" to "Cody". Trustee Rovilla Ellis amended her motion to include the requested information. Trustee Todd Kearns seconded the amended motion to approve the minutes. Motion passed.

E. AUDIENCE BUSINESS

- John Leibowitz, Conservation Director of the Montezuma Land Conservancy - He distributed maps to the Board. They are seeking funds from GOCO to purchase 240 acres in the San Juan National Forest as a conservation easement. They are requesting a letter of support from the Town of Mancos for their grant application. The deadline for the letter of support is within the next three weeks. The Board authorized the Town Administrator to draft a letter of support.
- Madeline Williams, 681 Grand Ave. - She is present to discuss Ordinance 678 Habitation in RVs. She feels the ordinance is necessary but infringes on the rights of Mancos citizens.

F. ANNOUNCEMENTS

- Town Administrator Andrea Phillips offered an update on the water system issues. The permanent pump will be installed tomorrow. The temporary pump is operational. System flushing and chlorinating is complete. Tomorrow morning sampling will begin at various points around Town for State review. Once the boil alert is allowed to be lifted, a public advisory will be sent out. Andrea will be coordinating with the Mancos Chamber to encourage patronage of the Mancos businesses. The Board complimented Robin for his handling of the entire situation. The volunteers and

donations are greatly appreciated by Town Staff.

- Trustee Chip Tuthill thanked Robin for his efforts during this process.
- Trustee Chip Tuthill stated he feels public business should be conducted in public. He disagrees with not recording or keeping minutes at Board workshops.
- Library bake sale is on Friday for Valentine's Day.
- Mancos Chamber Citizen of the Year award is tomorrow night at 6:00 p.m. at the Visitor's Center.
- Mardi Gras is March 1 at the Mancos Opera House.
- The Board and Planning Commission Workshop is February 15.
- The infrastructure capital improvements and water rates public forum is February 18 from 6:00 – 8:00 p.m.

G. PRESENTATION –Fiberoptic Project Update – Dr. Rick Smith

Dr. Rick Smith was present on behalf of SWCCOG. As of today, the SCAN project has been completed which includes vaults, conduit, fiber and enclosures. DB Tech installed conduit and fiber from Beech St. to the Public Works Shop. They also installed the conduit and fiber to the Town Hall from the vault in Boyle Park. FastTrack is running fiber from Echo Basin into the Town limits. FastTrack is still in the process of negotiating with EagleNet. The GIS maps will be provided by SWCCOG for both Town fiber, EagleNet fiber and FastTrack fiber. Discussion will ensue as to what the plans are for the Mancos Shop and the Town Hall. Dr. Rick will provide a list of options to the Town with regard to internet providers. Mayor Rachael Simbeck thanked Dr. Rick for his work and the work of the SWCCOG on this project. She inquired as to if private entities will be able to purchase internet? Dr. Rick advised that only the City of Cortez is allowed to work with private entities because they were in existence prior to the Senate bill. If the Town wants to work with local businesses, we can partner with the SWCCOG in the future. Wireless companies are an option to provide fiber to residences.

Mayor pro tem Perry D. Lewis joined the meeting at 7:39 p.m. Mayor Rachael Simbeck requested we deal with item #3 under New Business, Ordinance 681 Emergency Moratorium on Large Scale Commercial Retail.

H. TREASURER'S REPORT

1. January Bills & Claims

Trustee Queenie Barz made the motion to pay the January Bills & Claims as presented. Trustee Rovilla Ellis seconded the motion. Motion passed.

2. 2013 Year End Unaudited Financial Report

Staff worked diligently to keep expenditures under budget for 2013. As a result, all funds finished in the black, with the exception of the sewer fund. Due to the Muffin Monster project, we did dip into reserves in the approximate amount of \$54,000. Once the audit is finalized, official copies will be presented to the Board of Trustees.

I. UNFINISHED BUSINESS

- Water Meter Vendor Selection
The Town received eight responses to our Water Meter RFP. After review, Staff is recommending the approval of Mountain States Pipe & Supply as the authorized water meter vendor for the Town of Mancos Water Meter Replacement Project. The goal is to replace all water meters by 2018. Total project cost is \$227,311, excluding engineering and contingency. Mayor Rachael Simbeck wanted to ensure the Town wasn't committing to a contract. Trustee Alan Rolston inquired as to if financial statements are available from MSPS. Trustee Todd Kearns suggested Staff look into the option of an insurance policy versus a warranty. Trustee Chip Tuthill suggested using Dun and Bradstreet. Board authorized Town Administrator Andrea Phillips to begin negotiation with Mountain States Pipe & Supply as the authorized water meter vendor for the Town of Mancos, with the draft contract and financial statements being brought back to the Board for final approval.
- Approval to Engage Consultant for HBD LUC Updates
Town Administrator Andrea Phillips is recommending the approval of engaging the Planning Consultant from Russell Engineering for the Highway Business District land use code workshop on February 15 between the Board of Trustees and Planning Commission. She is also requesting the Board authorize \$2,400 for this consultant. Trustee Todd Kearns made the motion to approve the engagement of the Planning Consultant from Russell Engineering as stated at the expense of \$2,400. Trustee Rovilla Ellis seconded the motion. Trustee Chip Tuthill stated he feels it is a waste of Town money. Motion passed unanimously by roll call vote with Trustee Chip Tuthill voting against.

J. NEW BUSINESS

3. Extension of Moratorium on Commercial Development
The existing moratorium on large scale commercial retail will expire on March 11, 2014. Staff is recommending an extension of the moratorium through June 1, 2014 to allow the Planning Commission and Board of Trustees time to amend the Land Use Code. Trustee Chip Tuthill made a motion to substitute the 5,000 square foot to 10,000 square feet. There was no second. Trustee Chip Tuthill called for a vote on the record. Motion defeated by roll call vote, with Trustee Chip Tuthill voting in favor. Mayor pro tem Perry D. Lewis made a motion to extend the moratorium to June 1 as written. Trustee Queenie Barz seconded the motion. Trustee Chip Tuthill voted against, which defeated the emergency motion. Town Attorney David Liberman suggested passing the ordinance as a non emergency motion. Trustee Todd Kearns requested to be allowed to read a prepared statement. Mayor Rachael Simbeck declined to allow the statement to be read. Mayor pro tem Perry D. Lewis inquired as to the objections of Trustee Chip Tuthill. Trustee Queenie Barz stated she has heard the Town citizens and the citizens want this to happen properly. She doesn't feel that 90 days is unreasonable. Trustee Todd Kearns feels the Board should be looking at the long term health of the Town. Mayor pro tem Perry D. Lewis and Trustee Queenie Barz agreed. Trustee Queenie Barz made the motion to approve Ordinance 683 Series 2014 as a non-emergency ordinance of the Town of Mancos Colorado Extending Its Temporary Moratorium On The Permitting Or

Consideration Of Applications through June 1, 2014 For Development Regarding Large-Scale Commercial Retail Projects In The Town Of Mancos For The Purpose Of Allowing The Town To Prepare And Adopt Zoning, Land Use And Design Standard Regulations With Regard To Such Projects. Trustee Alan Rolston seconded the motion. Motion passed by roll call vote with Trustee Chip Tuthill voting against.

Mayor pro tem Perry D. Lewis left the meeting at 7:55 p.m.

4. Prohibition on Dumping Within Town Limits

The existing prohibition on dumping in the Mancos Municipal Code references the Town dumping facility. This facility is no longer in existence. Town Administrator Andrea Phillips recommends approving an updated ordinance prohibiting dumping within Town Limits outside a proper receptacle or on Town-owned property and instituting a violation fine. Trustee Chip Tuthill inquired as to the status of those citizens that store trash for bulk pickup. He also commented on combustible material. Marshal John Cox commented that every law has discretion built into it somewhere. The Mancos Marshal's Office will use discretion. Trustee Rovilla Ellis made the motion to approve Ordinance #682 Series 2014 An Ordinance Making Certain Amendments To The Mancos Municipal Code Prohibiting Dumping In Town Limits. Trustee Todd Kearns seconded the motion. Discussion ensued with regard to town owned property outside Town limits. Town Attorney David Liberman advised of the need for research with regard to property in the County. Motion passed unanimously by roll call vote.

Town Attorney David Liberman advised that the ordinance prohibiting large scale commercial retail didn't pass as an emergency ordinance because seven elected officials requires 6 votes. Because the Town of Mancos states the mayor is not considered a member of the board of trustees for voting purposes, which changes the number to six elected officials. If that is the case, only 5 votes would be needed to pass an emergency ordinance. The Board voted on the extension of the moratorium on large scale commercial retail as both an emergency and non emergency ordinance. Town Attorney David Liberman will research this issue further and contact Town Administrator Andrea Phillips.

5. Cash In Lieu of Land Dedication Fee

Each year the Planning Commission sends a recommendation to the Board of Trustees regarding the cash in lieu of land dedication fee. The Planning Commission is recommending the updated fee be set at \$55,000 per acre. Trustee Chip Tuthill would like to see the fee be set at \$100,000. Mayor Rachael Simbeck reminded the Board we are trying to encourage development. Trustee Todd Kearns made the motion to approve Resolution 4 Series 2014 Cash in Lieu as written. Trustee Queenie Barz seconded the motion. Motion passed by roll call vote with Trustee Alan Rolston and Trustee Chip Tuthill voting against.

6. FYI 2013 Year End Activities Report & Monthly Administrator Report

Both reports attached for Board review. Trustee Alan Rolston complimented Streets Supervisor Jeff Watenpaugh for his efforts to map the Town infrastructure. Trustee Chip Tuthill inquired as to whether bids were received on the Solar RFP. Four valid proposals

were received.

7. Appointment of Planning Commission Liaison

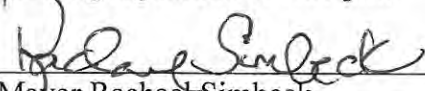
Trustee Chip Tuthill resigned as the ex officio liaison to the Planning Commission. Trustee Todd Kearns nominated Trustee Alan Rolston to the position. Trustee Alan Rolston accepted the nomination. Trustee Todd Kearns made the motion to appoint Alan Rolston as the ex officio liaison to the Planning Commission. Trustee Queenie Barz seconded the motion. Motion passed.

K. ITEMS FOR FEBRUARY 26, 2014 AGENDA

- Ordinance 678 Habitation in RVs
- Ordinance 679 Storage of RVs and Equipment
- Ordinance 681 Mayor Voting Requirements

L. ADJOURNMENT

Meeting adjourned at 9:01 p.m.



Mayor Rachael Simbeck



Town Clerk/Treasurer Heather Alvarez