

**Town of Mancos
Board of Trustees Meeting
April 23, 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, Mayor pro tem Todd Kearns, Trustee Queenie Barz, Trustee Michele Black, Trustee Alan Rolston, Trustee James Maestas, Trustee Will Stone

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

C. APPROVAL OF AGENDA: Trustee Alan Rolston made the motion to add an item to the agenda, Executive Session for Purposes of Soliciting Legal Advice from the Town Attorney. Mayor pro tem Todd Kearns seconded the motion to approve the amended agenda. Motion passed.

D. APPROVAL OF MINUTES OF April 9, 2014: Trustee Michele Black made the motion to approve the minutes of April 9, 2014 as written. Trustee Queenie Barz seconded the motion to approve the minutes. Motion passed.

E. AUDIENCE BUSINESS

None for items not on the agenda.

F. ANNOUNCEMENTS

- Town Clean Up is next weekend, Friday, Saturday and Sunday. Tire disposal is \$3.00 per tire
- May 7 at 7:00 a.m. in the Board Workshop. Topics for discussion may include upcoming projects, issues and citizen complaints.

G. ARBOR DAY PROCLAMATION

Mayor Rachael Simbeck read the Arbor Day Proclamation for May 25 which is National Arbor Day.

H. UNFINISHED BUSINESS

1. Public Hearing: Mancos Brewing LLC Liquor License Application

Public Hearing opened at 7:10 p.m.

- Rollin Lunders, 44190 CR M.3 – spoke in support of the Mancos Brewing Company LLC.

Public Hearing closed at 7:13 p.m.

The Mancos Brewing Company, LLC has submitted all required information and passed a background check for a new Liquor License located at 550 Railroad Ave.

Trustee Queenie Barz made the motion to approve the liquor license application for Mancos Brewing, LLC and authorize the Town Clerk to send the information to the State for issuance. Trustee Will Stone seconded the motion. Motion passed unanimously by roll call vote.

I. NEW BUSINESS

2. Quarterly Financial and Department Activity Reports

First quarter 2014 financial reports were presented for Board review and comment. First quarter 2014 work plans and activity reports for each department were also included.

Trustee Michele Black inquired as to why the budget for tax revenue was significantly less than 2013. She also asked about personnel costs. Her third question was regarding the budgeted operating deficit in the general fund for 2014. Mayor Rachael Simbeck commented that the budget may be a topic of discussion at a future workshop. Trustee Michele Black inquired as to how the water tank budget was decided.

With regard to the Department Activity Reports, Trustee Alan Rolston inquired as to the if the sewer work performed by the Streets Department was maintenance. Streets Supervisor Jeff Watenpaugh advised that this is an annual maintenance project performed in the spring of each year. Mayor Rachael Simbeck inquired as to the status of Mancos Days planning. Parks and Recreation Coordinator Leslie Hopkins updated the Board on the status of these meetings. Trustee Alan Rolston inquired about the backwash at the Wastewater Treatment Plant. Public Works Director Robin Schmittel stated his goal is 8,000 gallons per day based on the engineer recommendation. Mayor pro tem Todd Kearns inquired about the other needs of the Marshal's department. Marshal John Cox advised that he will be researching grant opportunities for a School Resource Officer again this year. Trustee Queenie Barz asked how the new police vehicle was working. Marshal John Cox appreciates the new vehicle. Parks & Recreation Director Leslie Hopkins thanked the Board for allowing her to hire part-time seasonal help with grounds maintenance and recreation programs. The Board thanked Staff for their efforts.

3. Public Hearing: Ordinance 685 Design Review Board Guidelines

Public Hearing opened at 7:42 p.m.

- David Espinoza, 303 N. Beech St – him and his wife have run a home day care at that location for 21 years. Under this new ordinance, they would be non-compliant. He is questioning how this would affect their business and property values in the future. He also inquired as to the section that does not allow his home to be rebuilt if it there is more than 60% damage, how does this affect their insurance? He also stated that there was not enough public outreach for this issue.
- Regina Roberts, 601 Grand Ave. – she is in favor of a design review board to assist businesses with their planning process. She does not agree with each suggested design requirement in the proposed ordinance.

Public Hearing closed at 7:51 p.m.

The Planning Commission reviewed and approved Ordinance 685 at its regular meeting on March 19, 2014 and recommends its approval at the Board of Trustees. This ordinance establishes a Design Review Board, whose members are appointed by the Board of Trustees, and is responsible for the design review of projects in the Highway Business District and the Commercial District according to the Design Review Guidelines. Mayor Rachael Simbeck asked Regina Roberts how she voted during the Planning Commission meeting. Commissioner Regina Roberts voted in favor of the Design Review Board but voted against the design guidelines. Mayor pro tem Todd Kearns stated that the Board should talk specifically about the Design Review Board. Town Administrator Andrea Phillips reminded the Board that this ordinance addresses both the Design Review Board and the Design Review Guidelines. Trustee Michele Black stated that she is concerned that the creation of a Design Review Board may leave either the new Board or the Town open to liability issues. Town Attorney David Liberman stated that the new Board will hear certain matters regarding new construction in the Commercial and Highway Business District. The Board of Trustees does have the authority to delegate these duties. Town Administrator Andrea Phillips advised there is an appeal process that will be heard before the Board of Trustees. Trustee Will Stone inquired as to whether the final decision rests with the Board. Town Administrator Andrea Phillips advised that the final approval will be heard before the Board of Trustees. Trustee Will Stone stated he feels this is adding an unnecessary step to the process. He inquired as to why these items will not remain with the Planning Commission. Marianne Griffin, Planning Commission Chair, stated that the Planning Commission has been working on this process for approximately one year. She advised the Board that the Planning Commission has drafted this ordinance to assist them with the workload, both current and future, that will be brought before the Planning Commission. Trustee Alan Rolston commented that he feels the Design Review Standards are a negotiation tool, rather than an iron clad document. Mayor pro tem Todd Kearns stated that the moratorium was enacted to give the Board time to draft these Design Review Guidelines. Chairperson Griffin stated that the Design Review Guidelines were drafted to allow maximum flexibility with regard to materials and design. Mayor Rachael Simbeck feels this document is a compromise. Trustee Michele Black is concerned with having people on the Design Review Board that are not Town residents. She would also like to see a Trustee liaison assigned to the Design Review Board. Trustee Michele Black appreciates the implementation of the Comprehensive Plan, and she would like to incorporate mention of the Land Use Code in the ordinance. She would also like the "operation" section of the ordinance to be changed from a journal to actual minutes of the meetings. Trustee Alan Rolston would not object to one out of Town citizen sitting on the Board. Trustee Will Stone objects to the formation of a Design Review Board. Trustee James Maestas is concerned about requiring an architect to sit on the Design Review Board. Mayor pro tem Todd Kearns inquired as to the process. Town Administrator Andrea Phillips advised the application will go to her first for initial review. If necessary, the application would then be heard before the Planning Commission if a variance or something similar was required. Then the application would go before the Design Review Board. Trustee Alan Rolston made the motion to set up the Design Review Board with the following changes:

- One out of town resident is allowed to sit on the Design Review Board provided they reside in the 81328 zip code.
- A Trustee liaison will be assigned to the Design Review Board.
- Official minutes of the meetings will be taken.
- The ordinance will reference the Land Use Code in addition to the Comprehensive Plan.
- Signage in the Highway Business District regarding Wall Mounted signs be lowered from 50 sq. ft. to 32 sq. ft.
- Signage in the Highway Business District regarding Free Standing signs be lowered from 80 sq ft. to 40 sq. ft.

Mayor pro tem Todd Kearns seconded the motion. Motion passed by roll call vote with Trustee Will Stone voting against.

4. Public Hearing: Ordinance 686 Highway Business District LUC Changes

Public Hearing opened at 8:39 p.m.

- David Espinoza, 303 N. Beech St – him and his wife have run a home day care at that location for 21 years. Under this new ordinance, they would be non-compliant. He is questioning how this would affect their business and property values in the future. What if they want to sell their home or business in the future? He also inquired as to the section that does not allow his home to be rebuilt if it there is more than 60% damage, how does this affect their insurance? He also stated that there was not enough public outreach for this issue.
- Theresa Espinoza, 303 N. Beech St – she addressed the Board regarding the issue of children on the Highway Business District. She feels slighted by this ordinance due in part to the fact that it references the safety of children along the highway. Their child care business is properly licensed by the State of Colorado.

Public Hearing closed at 8:42 p.m.

P and Z reviewed and approved Ordinance 686 at its regular meeting on March 19, 2014 and recommends its approval at the Board of Trustees. Changes to the Highway Business District focus on making this important corridor more conducive to land uses that promote business and commercial development. It was felt that there are other areas of town that can support housing, churches, etc. Town Attorney David Liberman advised that the Land Use Code does address Mr. Espinoza's concerns. Town Administrator Andrea Phillips advised that all discussion with regard to this topic have been properly noticed. She gave a brief history of the process used to draft this ordinance, including hiring a Planning Consultant to assist with drafting the ordinance. The property would be able to be sold, renovations would be allowed provided no square footage was added. In the event the property was more than 60% destroyed, the property owner would be able to seek a variance before the Planning Commission to rebuild a single family residence. Trustee Queenie Barz reiterated that if the home was destroyed, a variance would be required to rebuild on the existing location. Mayor Rachael Simbeck agrees with the reasoning to make these changes to the Highway Business District, but she would prefer to see allowances for existing residences or businesses. Trustee Will Stone inquired about an exemption for existing residences or businesses. Town Attorney David Liberman stated that the non conforming use section could be amended to allow existing

residences and businesses to be rebuilt in the event of destruction or to allow for the addition of square footage during a renovation. Planning Commission Chairperson Marianne Griffin suggested making child care allowable under a special use permit. Trustee Alan Rolston suggested postponing this item until the suggested changes may be researched. Mayor Rachael Simbeck reminded the Board that a new Public Hearing must be noticed. Town Attorney David Liberman advised that this issue may be resolved by amending Mancos Municipal Code 16-21-10, adding subsection g to state that subsections b, d, e and f do not apply to existing single family residences, churches and day care centers in the highway business district. The changes to the signs from the previous ordinance will also need to be included in this ordinance. Mayor pro tem Todd Kearns made the motion to approve Ordinance 686 Series 2014 An Ordinance Making Certain Text Amendments Concerning the Highway Business District in the Town of Mancos Land Use Code including changing wall mounted signs from 50 sq ft to 32 ft and free standing signs from 80 sq ft to 40 sq feet in the Highway Business District and adding a subsection in the Land Use Code 16-21-10 that states subsections b, d, e and f do not apply to existing single family residences, churches and day care centers in the highway business district. Trustee James Maestas seconded the motion. Motion passed by roll call vote with Trustee Will Stone voting against.

Meeting recessed at 9:25 p.m.

Meeting reconvened at 9:33 p.m.

5. Appointment of Planning Commission

The terms of office have expired for the above Planning Commission members. All have expressed interest to the Planning Commission to continue serving. The Planning Commission appointed Marianne Griffin, Regina Roberts & Colleen Brennan at their April 16, 2014 meeting. Trustee Alan Rolston made the motion to ratify the appointment of Marianne Griffin, Regina Roberts & Colleen Brennan to the Planning Commission. Trustee Queenie Barz seconded the motion. Motion passed.

6. Formula Based Business Discussion

Town Administrator Andrea Phillips is requesting direction from the Board as to how to proceed with regulations of these types of businesses. Mayor Rachael Simbeck wanted this issue brought before the Board for discussion. The moratorium on any businesses over 5,000 square feet expires on June 1, 2014. The Design Review Standards approved during this meeting would address any new business within the Town limits. Trustee Will Stone made the motion to allow the current moratorium to expire. Trustee Michele Black seconded the motion. Motion passed.

7. Economic Development Incentive Policy

Town Administrator Andrea Phillips presented a draft Ordinance with an Economic Development Policy for Board review and discussion. The ordinance includes sales tax rebates, allowing forgiveness of 50% of standard fees up to \$3,000 per business with a square footage of 5,000 feet or less, a mini grant of 50% not to exceed \$1,000 per year for façade improvement. A payment plan for utility tap fees was also discussed. These incentives would also apply to businesses wishing to annex in to the Town as well.

Trustee Alan Rolston made the motion to approve Ordinance 687 Series 2014 . Trustee Will Stone seconded the motion. After discussion, motion and second were withdrawn. The Board requested information as to where the funding for the mini grants will come from in the 2014 budget. This item will be brought to the next meeting.

8. Executive Session – Soliciting Legal Advice For Purposes of Negotiation

Mayor pro tem Todd Kearns made the motion to enter executive session for discussion with the Town attorney to receive legal advice pursuant to CRS 24-6-402(4)(b) and pursuant to C.R.S. 24-6-402(4)(e). Trustee Alan Rolston seconded the motion. Motion passed.

Executive session started at 10:22 p.m.

Executive session ended at 10:53 p.m.

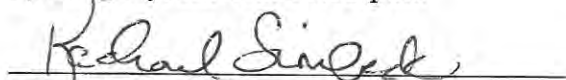
Mayor Rachael Simbeck, Mayor pro tem Todd Kearns, Trustee James Maestas, Trustee Michele Black, Trustee Queenie Barz, Trustee Will Stone, Trustee Alan Rolston, Town Administrator Andrea Phillips, Town Clerk/Treasurer Heather Alvarez, Town Attorney Davd Liberman participated. No comments with regard to executive session.

J. ITEMS FOR MAY 14, 2014 AGENDA

- Committee Reports
- Water Emergency – After Action Steps Update
- Recreational Marijuana Draft Regulations
- ED Coordinator Work Plan (Chelsea Jones)
- Monthly Administrator Report

K. ADJOURNMENT

Meeting adjourned at 10:53 p.m.



Mayor Rachael Simbeck



Town Clerk/Treasurer Heather Alvarez