

**Town of Mancos  
Board of Trustees Meeting  
May 14, 2014  
7:00 p.m.**

- A. CALL TO ORDER:** Mayor Rachael Simbeck called the meeting to order at 7:01p.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, Town Attorney David Liberman

- C. APPROVAL OF AGENDA:** Mayor pro tem Todd Kearns made the motion to approve the agenda. Trustee Will Stone seconded the motion to approve the agenda. Motion passed.
- D. APPROVAL OF MINUTES OF April 23, 2014:** Mayor pro tem Todd Kearns made the motion to approve the minutes of April 23, 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 Administrator Andrea Phillips advised the Board Strategic Planning Retreat is scheduled for June 7, 2014 9:00 a.m. to 4:00 p.m. at the Community Center
- May 31, 2014 at 1:00 p.m. is the date for the Wastewater Treatment and Public Works Shop Facility Tour for the Board
- Town Administrator Andrea Phillips advised the monthly yard waste drop off at the Mancos Town Dump is available on the third Saturday of each month from 8:00 a.m. to 12:00 p.m. through October
- The corner of Hwy 160 and Willow has been landscaped with rock

**G. TREASURER UPDATE**

1. May Bills & Claims  
Town Clerk/Treasurer Heather Alvarez included an incorrect copy in the Board packet. A corrected version will be brought to the next meeting for Board review and approval.
2. Resolution 8 Series 2014 Financial Authorization  
The Town of Mancos currently has approximately \$1.1 million on account at Mancos Valley Bank. These funds are covered under the Public Deposit Protection Act. The Mancos Valley Bank is a registered PDPA Depository Commercial Bank through the

Colorado Division of Banking. Due to the recent election, it is necessary to update the signature cards on our active accounts at Mancos Valley Bank, particularly the operating checking accounts for the General and Enterprise Funds. Trustee Queenie Barz made the motion to approve Resolution 8 Series 2014 A Resolution Approving Authorization for Mayor Rachael Simbeck, Mayor pro tem Todd Kearns, Town Administrator Andrea Phillips and Town Clerk/Treasurer Heather Alvarez To Sign On Town of Mancos Checking/Operating Accounts and Approving Town Administrator Andrea Phillips and Town Clerk/Treasurer Heather Alvarez To Sign On All Other Town of Mancos Accounts. Trustee Will Stone seconded the motion. Motion passed unanimously by roll call vote.

## **H. COMMITTEE REPORTS**

### **3. Planning Commission Report**

Report submitted for Board review and comment. Marianne Griffin, Chairperson, was present to address the Board. The Board thanked her for her work on behalf of the Planning Commission. Interest has been received by several people, both in and out of town, to serve on the newly formed Design Review Board.

### **4. Mancos Trails Group**

Report submitted for Board review and comment. Trustee Michele Black inquired as to what the \$10,000 from the Conservation Trust Fund was earmarked for. Town Administrator Andrea Phillips advised it is for property owned by the Town due to the CTF restrictions. The Town of Mancos has committed \$20,000 for the TIGER grant/Trails to Mesa Verde project.

### **5. Mancos Tree Board**

Victoria Lewis was present on behalf of the Tree Board. The Tree Board is working on several projects in process: 1. First round of letters to send to citizens with regard to hazardous trees are being drafted and will be sent in the next week, 2. Arbor Day was celebrated in May with the Arbor Day Proclamation and the Tree Seedling Project with 4<sup>th</sup> and 5<sup>th</sup> grade classes at Mancos Elementary School, 3. A tree pruning demonstration workshop is tentatively scheduled for next month, 4. Tree City USA re-designation is in process. The proclamation is complete. The Forest Service Assessment is being drafted. The Tree Board meets at 9:00 a.m. on the third Thursday of each month at Town Hall.

### **6. Mancos Days Committee**

The committee is working hard on fund raising efforts. Regina Roberts is heading up the entertainment for Mancos Days.

## **I. UNFINISHED BUSINESS**

### **7. Ordinance 687 Series 2014 Economic Development Incentives**

Town Administrator Andrea Phillips submitted a revised ordinance with regard to Economic Development Incentives. The façade mini grant program will be funded with \$5,000 from sales tax revenue. Fee waivers of up to 50% not to exceed \$3,000 will be

offered. Trustee Queenie Barz requested a comma be added in the fourth Whereas after “incentives”, the exclusion of painting brick façade be removed from the ordinance and removing the word “become” from item #2. Mayor pro tem Todd Kearns made the motion to approve Ordinance 687 Series 2014 An Ordinance Of The Town of Mancos, Colorado Amending the Mancos Municipal Code Creating a New Chapter 6, Article 9 To Allow For the Waiving of Certain Town Fees For Purposes Of Encouraging Economic Development Within The Town of Mancos And For Providing Certain Financial Incentives For Purposes Of Encouraging Economic Development Within the Town of Mancos For Calendar Years 2014 and 2015 and Creating an Economic Development Incentives Fund for the Mancos Improvement Program with the changes above. Trustee Will Stone seconded the motion. Motion passed unanimously by roll call vote.

## **J. NEW BUSINESS**

### 8. Public Hearing - Designation of Mancos Times Building to Local Historic Register

Public Hearing opened at 7:34 p.m.

No one signed up to speak

Public Hearing closed at 7:35 p.m.

The Mancos Common Press has submitted an application to add the Mancos Times Building located at 135 Grand Ave. to the Mancos Local Historic Register. This building is currently owned by Ballantine Development LLC. The Planning Commission heard this item at their April 16, 2014 meeting and recommended approval to the Board of Trustees. Betsy Harrison passed out a brochure to the Board and addressed the Board. She offered some background on the building and historic presses. An open house will be held at the Mancos Community Center on June 19 from 5:30 – 7:30 p.m. The historic designation will allow the Mancos Common Press to apply for State grant monies. Trustee Queenie Barz made the motion to nominate Mancos Times Tribune Building for Local Historic Designation. Mayor pro tem Todd Kearns seconded the motion. Motion passed unanimously by roll call vote.

### 9. Columbine Bar Liquor License Renewal

The liquor license for Columbine Bar will renew on June 26, 2014. Betsy Harrison has submitted the 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 Will Stone made the motion to approve the renewal of the liquor license for Columbine Bar. Trustee James Maestas seconded the motion. Motion passed unanimously by roll call vote.

### 10. Mancos Liquor LLC Liquor License Renewal

The liquor license for Mancos Liquor will renew on May 29, 2014. Ryan McKie has submitted his 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 James Maestas made the motion to approve the renewal of the liquor license for Mancos Liquor LLC. Trustee Michele Black seconded the motion. Motion passed unanimously by roll call vote.

## 11. Recreational Marijuana Draft Regulations

Town Administrator Andrea Phillips presented Draft Ordinances 688 and 689 for Board review and discussion. Ordinance 688 addresses the business licensing, and the proposal includes allowing all four types of establishments allowed by the State. The application process would closely mirror the existing process for Medical Marijuana Centers. Ordinance 689 references the Land Use code for retail marijuana.

Nate Fete and Jim Cody, co-owners of Willow North, LLC, 385 N. Willow – Mr. Cody thanked the Town Administrator and Town Attorney for their work. He has several questions: 1. Article 10 Section 7 with regard to limitations states no flammable materials allowed for infused products. They are hoping to work with the Mancos Distillery in the future and are requesting clarification as to if alcohol is a flammable material, 2. Article 10 Section 8 with respect to stores doesn't allow the sale of candy bars or baked goods. All of the marijuana products are packaged in child-proof, opaque containers, 3. Sale of pipes and paraphernalia is not allowed. Mr. Cody is requesting the Board reconsider this item, 4. Mr. Cody did commend the Town for drafting Section 10 Article 24 regarding employee licensing, 5. Section 10 Article 8 with regard to fees requires a \$5,000 licensing fee. He is requesting the Board consider a lower fee, 6. Section 28 with regard to the Indemnification requirement, Mr. Cody is requesting clarification. Article 10 Section 23 already requires a statement on all packaging, 7. Article 10 Section 15 with regard to the business license transfers or change of ownership, Mr. Fete inquired as to clarification in the event they sell the business, 8. Mr. Fete requested the hours be aligned with the State hours, 9. Mr. Fete requested a special event permit process be added with regard to smoking tents, etc.

Regina Roberts, 601 Grand Ave. – Ms. Roberts had the following questions: 1. If an occupational license is already issued for an employee, will the Town waive the background check requirement? 2. If medical and retail co-locate, the 5,000 square foot requirement is prohibitive, 3. Why the \$100 fee for a lost occupational license within 30 days? 4. With regard to the fees, they are cost prohibitive.

The Board responded to citizen comments:

- a) Article 10 Section 7 is alcohol considered a flammable material? Mr. Cody advised that alcohol is used in the process to reduce marijuana to a gel, oil or lotion for example. The alcohol allows the process to occur at much colder temperatures and is used in place of butane, etc. which are used at a high temperature. Staff will research this issue.
- b) With regard to the fees, \$3,000 for the first year and \$2,000 for renewal. To add a license, the fee is \$1,000 per license the first year. For clarification, medical marijuana center license fees do not apply to retail marijuana licensing fees. Staff will research fees in surrounding communities.
- c) Article 10 Section 8 pertains to the sale of candy and food was lifted from the State statute 12-43.4-402(7)(a) which prohibits cigarettes, alcohol or edibles that do not contain marijuana.



- d) With regard to pipes & paraphernalia, the Board chose to allow these sales in a recreational marijuana establishment.
- e) With regard to whether the license is transferable, 12-43.4-308 addresses the transfer of licenses. Staff will research this issue.
- f) With regard to Indemnification, this language came from the medical marijuana requirements. Staff will research this item.
- g) With regard to the hours of operation, hours of operation will be amended to 9:00 a.m. to 9:00 p.m.
- h) With regard to the 5,000 square foot limit, each plant takes approx 12 sq. ft. of space. The current regulation for medical marijuana is 2,500 sq. ft. or less. For recreational marijuana, anything over 5,000 sq. ft. will require a special permit.
- i) With regard to the additional application fee and process for employees, Ms. Roberts feels this is a duplication of process. Staff will research this issue.
- j) Mayor Simbeck inquired as to if Staff should consider limiting the number of facilities within the Town limits. Staff will research this issue.
- k) Trustee Michele Black advised Article 10 Section 22 states “patient” with regard to the ledger required. She is requesting this be changed for recreational marijuana.
- l) When transporting products, there are State requirements that recreational marijuana establishments are required to follow.
- m) With regard to the timeline, July 9 is the earliest date to approve Ordinance 689 due to publishing requirements.
- n) With regard to a special events permit for use of recreational marijuana for festivals, etc, Amendment 64 does not allow the consumption of marijuana in public. Staff will research this issue.

Ordinance 688 with revisions will be brought back to the Board at the May 28, 2014 meeting. The public hearing for Ordinance 689 will be noticed for the Planning Commission meeting on June 18, 2014.

Meeting recessed at 9:11 p.m.

Meeting resumed at 9:17 p.m.

#### 12. Water Emergency After Action Report Update

The After Action Report for the Water Emergency in February 2014 was presented for Board review. The Board continues to encourage citizens to sign up at [www.Nixle.com](http://www.Nixle.com) which is a free service that will notify citizens in the event of an emergency.

#### 13. Temporary Lease with Mancos River LLC

Town Administrator Andrea Phillips presented a lease agreement with Mancos River LLC for the property located at 109 S. Main St. This lease will allow the Town to perform maintenance and improvements to the property until the property is sold. The Town would also have the use of the property for festivals and community gatherings. Trustee Will Stone made the motion to authorize Mayor Rachael Simbeck to enter into the lease agreement with Mancos River LLC for the property located at 109 S. Main St. Trustee James Maestas seconded the motion. Trustee Michele Black inquired as to the monetary commitment on behalf of the Town. Town Administrator Andrea Phillips

advised the Town will invest approximately \$200 in crusher fines to even out the surface and using a picnic table from Boyle Park. Portable planters will be placed on the property by the Mancos Beautification Group. Trustee Will Stone inquired as to whether there will be room for RV parking. Town Administrator Andrea Phillips will ask the property owner about using the rest of the property. Motion passed unanimously by roll call vote.

14. Resolution 9 Series 2014 Publication of Notices

Town Administrator Andrea Phillips is requesting Board authorization to utilize either the Cortez Journal or Mancos Times to publish legal notices required by law to allow for more expediency when publishing legal notices. Trustee Alan Rolston made the motion to approve Resolution 9 Series 2014 A Resolution Clarifying that the Cortez Journal is Considered a Newspaper of General Circulation and that the Town Clerk May Publish Public Notices and other Town Business in Either the Mancos Times or the Cortez Journal, Whichever is Most Expedient. Trustee Will Stone seconded the motion. Motion passed by roll call vote with Trustee Michele Black voting against.

15. Monthly Administrator Update

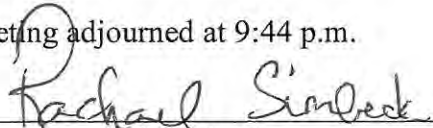
Town Administrator Andrea Phillips submitted her monthly update for May, 2014 for Board review. Trustee Michele Black inquired as to where she would find historical maps. Trustee Will Stone inquired as to the spraying in Boyle Park which necessitated the park closure on Wednesday morning.

**K. ITEMS FOR MAY 28, 2014 AGENDA**

- CIRSA Elected Officials Training – 5:30 p.m.
- Town Logo Options
- ED Coordinator Work Plan (Chelsea Jones)

**L. ADJOURNMENT**

Meeting adjourned at 9:44 p.m.

  
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Mayor Rachael Simbeck

  
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Town Clerk/Treasurer Heather Alvarez