

TOWN OF DOLORES, COLORADO

REGULAR BOARD MEETING

MINUTES FOR

JANUARY 13TH, 2020

6:30 P.M.

CALL TO ORDER: Mayor Wheelus called the meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE

1. ROLL CALL:

1.1 BOARD MEMBERS PRESENT: Mayor Chad Wheelus, Trustees, Jennifer Stark, Tracy Murphy, James Biard, Duvall "Val" Truelsen, Melissa Watters, and Robert "Cody" Folsom.

1.2 STAFF PRESENT: Manager Interim Ken Charles, Clerk Tammy Neely, Treasurer Tricia Gibson, Public Works Director Randy McGuire, Building Official David Douady, Attorney Jon Kelly, and Sheriff Steve Nowlin.

1.3 APPROVAL OF THE AGENDA: *Trustee Biard moved to approve the Agenda of January 13th, 2020 meeting, seconded by Trustee Murphy. Motion carried unanimously.*

2. IDENTIFICATION OF ACTUAL PERCEIVED CONFLICTS OF INTEREST. *None identified at the time of the meeting.*

3. PROCLAMATIONS/PRESENTATIONS: *None sated or presented.*

4. REVIEW OF THE CONSENT AGENDA: *Before a motion could be made, Mayor Wheelus stated that the appointments for Town Staff were missing. Trustee Truelsen motion to approve the consent agenda without the Staff appointments, seconded by Trustee Murphy. Before a vote was conducted, Trustee Stark brought to the Boards attention that the appointments were in the packet but not in correct order. Trustee Truelsen amended the motion to approve all items on the consent agenda, seconded by Trustee Murphy. Motion was carried unanimously.*

4.1 Approval of the minutes from the regular Board meeting held on December 9th, 2019.

4.2 Approval of the Proceedings from for the month of December 2019.

4.3 Approval of the Town Staff appointments for the year 2020.

5. COMMITTEE REPORTS:

5.1 Planning and Zoning: Planning Administrator Charles reported to the Board, of discussions and events coming up for the P&Z Committee. The Committee discussed Short Term Rentals and revisions as it will be available at the next Board meeting and proceeding with the Land Use Code updates.

5.2 Parks Advisory Committee: Kalin Grigg of the Parks Advisory Committee updated the Board with the upcoming events for the playground plans. January 25th and 26th, Play by Design will be available. The 26th of January is a very important date as there will be a large community

meeting, with play by design and residents of Dolores. This will give the Community an opportunity to meet Play by Design, Coordinators, and review the design. Kalin stated that the build dates are predicted to be June 9th through the 14th of 2020. Kaboom will also be onboard although Play-by-design and Kaboom will not be able to work together. Mayor Wheelus questioned if Play-By-Design will be meeting with the Board exclusively. Kalin replied that Play-By-Design wanted to meet with the coordinators and volunteers involved with the project; he stated that there may be some time on January 25th, 2020. Manager Charles explained that more information on meetings will be available as the project progresses.

5.3 Chamber of Commerce: Susan Lisak the Director for the Chamber of Commerce updated the Board. She reported that the Christmas lights will be taken down as well as all decorations in the next days. March 28th, 2020 will be spring banquets at which that time a new Chamber Board will be nominated. She announced that the Chamber will have a segment on the radio station KKDC, it will be known as the Chamber Chat, and will be live on Tuesday mornings. The OHV issue was scheduled for discussion later in the the Agenda. Mayor Wheelus wanted to begin discussion at this time. Susan started the discussion by explaining the petition and why it was being passed around. She stated that the business owners were trying to find a way for more economic development. Research was conducted on the town of Silverton (which is legal to own and operate an OHV in Silverton); mainly the OHV's draws tourism and revenue. The Mayor stated that he had no issue with the OHV's. The issue was that the Chamber circumnavigated the Board concerning the issue. His concern was that by passing a petition on a political issue was not the path to take as the Town supported the Chamber in every endeavor. The Mayor also mentioned that by the Chamber engaging in the petition it could cause problems with the Chambers 501-C6 (non-profit), it is prohibited to engage in political activities. Susan stated that the Chamber had no intention of going against the Board. The Mayor stated that he would like to see the petition pulled, and to have have discussions with the public as well as the Board. With a chance to research Silverton Colorado and Moab Utah. To give the issue full treatment. The Mayor opened the discussion to the Board and reminded them that they are discussing the process and not the issue. Trustee Biard stated that the businesses in the town were fed up because it takes the Board so long to make a decision; it is why a petition was being circulated. Trustee Stark stated that her concern was the Chamber being involved with the petition as well as the cost that could incur on the Town for a special election. Trustee Watters stated that she fully agreed with the Mayor. She stated that there is a need for a cost benefit analysis. It would be the responsibility of the Board to research such costs and benefits. Trustee Murphy questioned the petition and special election. If passed does the Town have the ability to initiate the laws, and process. Manager Charles stated that it would be the Towns responsibility. Trustee Truelsen stated that some were more interest in process than in accomplishment. Attorney Kelly stated that the Town would have to do their due diligence concerning fees and regulations.

6. STAFF REPORTS:

6.1 Sheriff's Report: Sheriff Steve Nowlin reported to the Board the calls that were made for the month of December 2019. Also in review was the total number of calls for the year of 2019.

6.2 Manager's Report: Manager Ken Charles reported that he met with Montezuma County Emergency, to see if he could get the public works, and one Administration cell phones. The phones are important, for safety and communication. He met with Shaw Solar for the Town and Plant lighting and electrical needs. This would be a lease program that the Town will host. Shaw would get the tax credit of 2.5% in an electrical fee. The lease would be for 2 years which avoids capital cost and is good for the environment and economics. Dolores will be paying up to 75%, which comes to \$90,000.00 dollars for a 10-15 year lease, making it to where the town will get all the benefit. Trustee Truelsen questioned what liability will be assumed. The town will have ownership of the system after 25 years. The Manager said this will be further discussed at the workshop. DOLA water grant was discussed. There is a possibility that water and sewer fees will need to be increased. The Manager mentioned a hearing for the energy grant impact and will need to be attended by a Board member either in person or remotely in Golden Colorado.

6.3 Treasurer's Report: Treasurer Tricia Gibson updated the Board on Budget approval by DOLA (Tax Levies) and budget 2020. Two SIPA grants for a new website and HR w2 data are

completed. Calculate and retirement funds are complete. Trustee Stark questioned as to why DOLA was approving the budget. Tricia answered that it was required by law. Tricia asked the Board if they required the CIRSA bill to be approved by the Board. The Board stated and agreed to have the Treasurer pay standard bills without approval.

6.4 Building Official/Inspector: Building Official David Douady gave a report on all permits pulled and projects going on in the Town. He also reported the upcoming projects. The Cidery brewery located at the apple plant and Cordoba Townhomes/Liana Smith. He is currently working on new building codes. He will be implementing annual building inspections. Handouts will also be updated. Trustee Stark questioned how the Cidery will be approved as far as Land Use Code. David stated that it was approved.

6.5 Public Works Department: Director Randy McGuire reported to the Board that they are working on the playground site, installed two water and sewer taps on 15th street.

7.0 CITIZENS TO ADDRESS THE BOARD:

7.1 Deanna Truelsen commented the the Fun Center (OHV Dealership) went out of business because potential buyers and buyers did not have a chance to ride the product. (Comment was made on the OHV issue).

7.2 Randy McGuire commented to the Board on the OHV issue. On a visit to Silverton Colorado, a town that allows OHVs. It was pleasant to see citizens using OHVs on the highways with no problems. They had it very organized on parking and traveling. There is access to motel and restaurants.

8. DISCUSSIONS AND ACTIONS:

8.1 SGM Contract. Contract will need to be signed and approved. Manager Charles explained on the timing concerning the grant as oppose the town paying for it. Manager Charles stated that by waiting for the grant it would put the Town farther behind. If the Town pays for it there would be no wait and the Town would proceed with construction. *Trustee Murphy motioned to sign the contract and release funds, seconded by Trustee Folsom. The motion was carried unanimously.*

8.2 Ordinance 541 Land Use Code: Attorney Jon Kelly discovered that the Land Use Code contained the letter "P" which meant permitted concerning the Marijuana issue. This will be considered the first reading of ordinance 541. The Planning Commission reviews it and recommended to the Board. *Trustee Truelsen motion to accept the first reading of Ordinance 541 and set the appropriate date., seconded by Trustee Murphy. Trustee Stark brought to the Boards attention that the second paragraph should not appear on Ordinance 541. Trustee Truelsen amended the motion to say the Ordinance #541 be accepted as first reading striking the second paragraph stating the CRS 31-23-204 provides planning and zoning commission may record its own minutes. Seconded by Trustee Murphy. Motion was carried unanimously.*

8.3 Resolution #408 Series 2020: Submitting a ballot question concerning whether off highway vehicles (OHV) should be permitted on designated streets in the Town of Dolores, Colorado. Manager Charles spoke to the Board about the OHV initiative. If the petition being circulated by the Chamber of Commerce meets the required amount of signatures there will be no time to place the question on the ballot resulting in a possible special election. The possible price of the special election could be approximately \$3000.00. This will give the Town more flexibility for analysis. Petition language was presented to the Board. Chamber Director read the petition wording to the Board. Trustee Stark questioned the routes that will be traveled. Mayor Wheelus questioned Director Lisik; if the Board approves the resolution will the Chamber of Commerce pull the petition and allow the question of OHV's be put on the ballot. Manager Charles stated that there was not much time as ballot issues per the County Clerk, the town would need to present the ballot questions on February 4th, 2020 or sooner. Manager Charles stated that this will need to be continued to the workshop or continued meeting on the 27th, of January. Attorney Jon Kelly gave several options for this initiative. *Trustee Truelsen motioned to adopt the wording of resolution #408 on the ballot with stipulations 1. That the wording will be reviewed at the continuation meeting/workshop on the 27th of January 2020. 2. The Chamber has withdrawn their petition. Seconded by Trustee Biard. Motion carried by 4 yes votes. 2 no votes and 1 abstain.*

8.4 Discussion and possible action: Resolutions for the Marijuana Ballot questions:

Manager Charles introduced several resolutions for questions on the ballot for the April 7th, 2020 Election. The Resolutions are as follows:

RESOLUTION # 409 SERIES 2020: A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF DOLORES, COLORADO SUBMITTING A BALLOT QUESTION TO THE REGISTERED ELECTORS OF THE TOWN OF DOLORES, COLORADO AT THE APRIL 2020 MUNICIPAL REGULAR/SPECIAL ELECTION TO BE HELD ON APRIL 7, 2020, CONCERNING WHETHER ESTABLISHMENT AND OPERATION OF MEDICAL MARIJUANA CENTERS AND RETAIL MARIJUANA STORES SHOULD BE PERMITTED IN THE TOWN OF DOLORES, COLORADO.

RESOLUTION # 410 SERIES 2020: A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF DOLORES, COLORADO SUBMITTING A BALLOT QUESTION TO THE REGISTERED ELECTORS OF THE TOWN OF DOLORES, COLORADO AT THE APRIL 2020 MUNICIPAL REGULAR/SPECIAL ELECTION TO BE HELD ON APRIL 7, 2020, CONCERNING WHETHER ESTABLISHMENT AND OPERATION OF MEDICAL MARIJUANA CENTERS AND RETAIL MARIJUANA STORES SHOULD BE PERMITTED IN THE TOWN OF DOLORES, COLORADO.

RESOLUTION #411 Series 2020: A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF DOLORES, COLORADO SUBMITTING A BALLOT QUESTION TO THE REGISTERED ELECTORS OF THE TOWN OF DOLORES, COLORADO AT THE APRIL 2020 MUNICIPAL REGULAR/SPECIAL ELECTION TO BE HELD ON APRIL 7, 2020, CONCERNING WHETHER ESTABLISHMENT AND OPERATION OF MEDICAL AND RETAIL MARIJUANA TESTING FACILITIES SHOULD BE PERMITTED IN THE TOWN OF DOLORES, COLORADO.

RESOLUTION #412 Series 2020: A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF DOLORES, COLORADO SUBMITTING A BALLOT QUESTION TO THE REGISTERED ELECTORS OF THE TOWN OF DOLORES, COLORADO AT THE APRIL 2018 MUNICIPAL REGULAR/SPECIAL ELECTION TO BE HELD ON APRIL 7, 2020, CONCERNING WHETHER ESTABLISHMENT AND OPERATION OF MEDICAL AND RETAIL MARIJUANA CULTIVATION FACILITIES SHOULD BE PERMITTED IN THE TOWN OF DOLORES, COLORADO.

RESOLUTION #413 SERIES 2020: A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF DOLORES, COLORADO SUBMITTING A BALLOT QUESTION TO THE REGISTERED ELECTORS OF THE TOWN OF DOLORES, COLORADO AT THE APRIL 2018 MUNICIPAL REGULAR/SPECIAL ELECTION TO BE HELD ON APRIL 7, 2020, CONCERNING WHETHER ESTABLISHMENT AND OPERATION OF MEDICAL MARIJUANA CENTERS AND RETAIL MARIJUANA STORES, MEDICAL AND RETAIL MARIJUANA PRODUCT MANUFACTURING FACILITIES, MEDICAL AND RETAIL MARIJUANA TESTING FACILITIES, AND MEDICAL AND RETAIL MARIJUANA CULTIVATION FACILITIES SHOULD BE PERMITTED IN THE TOWN OF DOLORES, COLORADO.

RESOLUTION #414 SERIES 2020: A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF DOLORES, COLORADO SUBMITTING A BALLOT QUESTION TO THE REGISTERED ELECTORS OF THE TOWN OF DOLORES, COLORADO AT THE MUNICIPAL REGULAR/SPECIAL ELECTION TO BE HELD ON APRIL 7, 2020 CONCERNING WHETHER THE TOWN OF DOLORES SHOULD LEVY A MUNICIPAL SALES TAX ON ALL SALES OF RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS.

RESOLUTION #415 SERIES 2020: A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF DOLORES, COLORADO SUBMITTING TO THE REGISTERED ELECTORS VOTING IN THE COORDINATED GENERAL ELECTION, TO BE HELD ON APRIL, 7, 2020, A BALLOT ISSUE CONCERNING WHETHER THE TOWN OF DOLORES SHOULD LEVY AN OCCUPATION TAX ON MEDICAL AND RETAIL MARIJUANA CENTERS.

RESOLUTION #416 SERIES 2020: A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF DOLORES, COLORADO SUBMITTING TO THE REGISTERED ELECTORS VOTING IN THE COORDINATED GENERAL ELECTION, TO BE HELD ON APRIL, 7, 2020, A BALLOT ISSUE CONCERNING WHETHER THE TOWN OF DOLORES SHOULD LEVY AN OCCUPATION TAX ON RETAIL MARIJUANA CENTERS

RESOLUTION #417 SERIES 2020: A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF DOLORES, COLORADO SUBMITTING A BALLOT QUESTION TO THE REGISTERED ELECTORS OF THE TOWN OF DOLORES, COLORADO AT THE MUNICIPAL REGULAR/SPECIAL ELECTION TO BE HELD ON APRIL 3, 2018 CONCERNING WHETHER THE TOWN OF DOLORES SHOULD LEVY A MUNICIPAL EXCISE TAX ON THE FIRST SALE OR TRANSFER OF UNPROCESSED RETAIL MARIJUANA CULTIVATION FACILITIES.

After thorough review of the proposed resolutions the Board discussed making a motion on all or separate resolutions. Also discussed were the options for fees, tax levies, occupational taxes, and sales taxes.

Trustee Murphy made a motion to accept resolutions #409, #410, and #412, and not #413 to appear on the ballot for the April 2020 election, seconded by Trustee Watters. Trustee Folsom abstained, the motion carried unanimously.

Trustee Murphy motion to approve Resolution #415, with the stipulation that the taxes do not exceed \$5.00 per transaction, seconded by Trustee Biard. Motion carries unanimously with the exception of Trustee Folsom who abstained.

Trustee Murphy moved to approve Resolution 415, seconded by Trustee Biard. Motion was then amend to approve Resolution #415 with the amendment of it stating not to exceed \$5.00 per transaction, seconded by Trustee Biard. Motion carried unanimously with the exception of Trustee Folsom who abstained.

Trustee Truelson moved to approve Resolution #417, excise tax on cultivation of marijuana, seconded by Trust Murphy, Motion carried with the exception of Trustee Folsom who abstained.

8.5 Letter of Support: A request of letter of support was made by Mesa Verde National Park personnel for Dark Sky Status. Request was made to the Town of Dolores as the comprehensive Plan and Land Use Code reflects similar values. *Trustee Folsom moved to approve the letter of support for Mesa Verde National Park Dark Sky Status, seconded by Trustee Watters. Motion carried unanimously.*

Trustee Murphy moved to approve a continuation of the Board meeting to January 27th, 2020, seconded by Trustee Truselzen. Motion carried unanimously.

Note: An agenda for January 27th, 2020 Board meeting will follow. A Workshop will also be conducted at 6:30 p.m. with regular Board meeting to follow.

Adjournment: Mayor Wheelus adjourned until January 27th, 2020, to continue this regular Board meeting.

Mayor Chad Wheelus

Town Clerk Tammy Neely