ORDINANCE NO. 340
TOWN OF RICO

AMENDING ORDINANCE NO. 299 TO AMEND WATER RATES FOR THE TOWN WATER ENTERPRISE

WHEREAS, it is the duty and obligation of the Board of Trustees to set and establish rates and charges for the Town's Water Enterprise in an amount sufficient to pay for the operation, maintenance, and indebtedness of the Town's water system;

WHEREAS, the Board of Trustees finds that the current rates for water service are insufficient to pay for the costs of providing water service to water tap holders in the Rico area; and,

WHEREAS, the Board of Trustees finds that charging water tap users an amount which pays for the costs of providing water service will promote the availability of necessary water service and will thereby promote the health and welfare of the Rico community;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO, the following:

Section 3. Water Rates, sub-section A., sub-paragraphs 1 and 2 of Ordinance No. 299 are hereby repealed in their entirety and reenacted to read as follows:

1. Three Hundred Twenty Four Dollars ($324.00) per year minimum for each residential tap holder within the Town of Rico. The $324 per year minimum residential payment may be paid monthly at the rate of twenty seven dollars ($27.00) per month. The minimum payment shall entitle each tap holder to use 3,000 gallons of water per calendar month.

   Six Hundred Forty Eight Dollars ($648.00) per year minimum for each commercial tap holder within the Town of Rico. The $648 per year minimum commercial payment may be paid monthly at the rate of fifty four dollars ($54.00) per month. The minimum payment shall entitle each tap holder to use seven thousand (7,000) gallons of water per calendar month.

2. Each residential tap holder shall pay in addition to the minimum monthly fee four dollars and fifty cents ($4.50) per thousand (1,000) gallons of water usage above the entitled three thousand (3,000) gallons of water usage for each calendar month.

   Each commercial tap holder shall pay in addition to the minimum monthly fee four dollars and seventy-six cents ($4.76) per thousand (1,000) gallons of water usage above the entitled seven thousand (7,000) gallons of water usage for each calendar month.

Publication: After final adoption, the Town Clerk shall cause a copy of this ordinance to be posted in accordance with Resolution No. 104 of the Town of Rico, Colorado.

Effective Date: This Ordinance shall take effect June 1st, 1999.

First reading introduced, read and adopted on the 25th day of February, 1999.

Second and final reading introduced, read and adopted on the 10th day of March, 1999.

By:_____
Joe Croke, Mayor

Attest:_____
Linda Yellowman, Town Clerk

ORDINANCE NO. 1999-2
TOWN OF RICO

ESTABLISHING THE DUTIES OF THE TOWN MANAGER

WHEREAS, Colorado Revised Statutes §31-4-304 authorizes the Board of Trustees to establish the duties of a town administrator by ordinance;

WHEREAS, the Board of Trustees desires to establish the duties of the Town Administrator;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO, the following:

SECTION 1. DUTIES OF TOWN ADMINISTRATOR
The Town Administrator shall be known and referred to as the "Town Manager". The duties of the Town Administrator shall include:

A. Preparing a Town Budget annually which shall include as an option a balanced budget;
B. Acting as the Code Enforcement Officer and Building Official unless the Town Board of Trustees designates someone else by motion or resolution as the Code Enforcement Officer and/or Building Official of the Town;
C. Acting as the Town Planner unless the Town Board of Trustees designates someone else by motion or resolution as the Town Planner;
D. Carrying out such lawful acts as are directed by the Town Board of Trustees including the execution of contracts.

SECTION 2. REPEALER
Resolution No. 138 is hereby repealed in its entirety. Any prior resolution, ordinance, or other Town law which is in conflict with this ordinance, or provision thereof, is hereby repealed.

SECTION 3. PUBLICATION
Following adoption, the Town Clerk shall cause this Ordinance to be published in full in the Dolores Star in accordance with Ordinance No. 323 of the Town of Rico, Colorado.

Ordinance No. 1999-2 – Establishing the Duties of Town Manager

READ AND APPROVED ON FIRST READING on the 12th day of May, 1999.

READ, APPROVED AND ADOPTED ON SECOND AND FINAL READING on the 14th day of July, 1999.

By: Joe Croke, Mayor

Attest: Linda Yellowman, Town Clerk **[Town Seal]**

EMPLOYMENT AGREEMENT

BETWEEN ERIC JAMES HEIL AND THE TOWN OF RICO,

This employment agreement ("Agreement") is entered into as of April 14, 1999, between Eric James Heil ("Heil"), and the Town of Rico, Colorado, acting by its Town Trustees ("Town"), both of whom are collectively referred to as the "parties."

1. PURPOSE OF AGREEMENT

The Trustees and Heil hereby agree to enter into this Employment Agreement to retain Heil as a contract employee for the position of Town Administrator. Heil shall perform such duties as are set forth in the Scope of Services, Exhibit A, of the Energy Impact Assistance Grant which is partially funding this position. Heil shall perform such other duties as directed by the Board of Trustees and Department of Local Affairs.

2. TERM AND COMPENSATION

The term of this Agreement shall commence on April 15th, 1999, and shall continue until March 30, 1999 (11 ½ months). Heil shall be employed for 80 (eighty) hours per calendar month (40 hours for the month of April, 1999) which shall average approximately 20 (twenty) hours per week. This Agreement may be renewed for additional periods of such duration as are mutually acceptable to the parties. Heil shall be paid a total salary in the amount of twenty thousand dollars ($20,000.00) for the term of this Agreement. Such payment shall be payable as follows: $1,818.18 (eighteen thousand eighteen dollars and eighteen cents) payable each month of eleven (11) months beginning in the month of May and ending in the month of March.

3. BENEFITS AND EXPENSES

The Town shall furnish office facilities in the main floor North West corner office for Heil, in which Heil may conduct a private law practice and planning consulting firm. Town shall provide a budget of $2,500.00 (two thousand five hundred dollars) for benefits and $5,000.00 (five thousand) for expenses. The budget for benefits may include 401k or other retire contributions, life insurance, workers compensation, health benefits, and such other benefits as may be deemed appropriate by the parties. The expense budget may include office equipment and supplies, office expenses, mileage reimbursement, and such other expenses as may be deemed appropriate by the parties. The details of the budget for benefits and expenses shall be proposed by Heil and shall be subject to review and approval by Town. Heil shall not be provided vacation time or sick leave under this Agreement.

4. TERMINATION

This Agreement may be terminated by either party by providing 30 (thirty) days' advance written notice to the party. Upon the effective date of termination, Heil shall be entitled to no further compensation or benefits provided for by this Agreement. Heil shall be considered an 'at will' employee and may be terminated with or without cause.

5. NO LIMITATION ON PROFESSIONAL ACTIVITIES

This Agreement shall not restrict Heil in any manner from engaging in any non-Town employment activities for compensation.

6. ASSIGNMENT

The rights and obligations of the parties under this Agreement are not assignable.

7. NOTICES

All notices required or permitted herein shall be in writing and shall be personally delivered or mailed by registered or certified U.S. mail, postage prepaid, return receipt requested, to the parties at the addresses given below or at such other addresses that may be specified by written notice in accordance with this paragraph:

If to the Town:
Mayor
Town of Rico
P.O. Box 56
Rico, CO 80498

If to Heil:
Eric Heil
P.O. Box 189
Rico, CO 80498

8. ENTIRE AGREEMENT

This instrument contains the entire agreement of the parties, and may be amended or superseded only by written agreement signed by both parties.

9. APPROVAL

By execution of this Agreement, the Town acknowledges that all required approvals have been obtained by the Town Trustees so that this Agreement shall be fully effective and binding upon the parties hereto.

IN WITNESS WHEREOF, the Town of Rico, Colorado, has caused, this Agreement to be signed by its Mayor, attested by its Town Clerk, and impressed with its municipal seal, all as duly authorized by its Town Trustees, and Eric James Heil has signed his name to this Agreement, as of the day and year first appearing above.

Town:

By:_____
Joseph V. Croke, Mayor

Attest:

By:_____
Linda Yellowman, Town Clerk

Heil:

By:_____
Eric James Heil

TOWN OF RICO, COLORADO
ORDINANCE NO. 1999-5

AUTHORIZING THE LEASE OF THE OLD FIRE HOUSE BUILDING

WHEREAS, C.R.S. §31-15-715 authorizes the Board of Trustees to lease real property owned by the Town by ordinance, and,

WHEREAS, Board of Trustees finds that lease of the Old Firehouse Building will provide revenues to the Town and will allow beneficial use of an existing building in Rico which will promote the welfare of the Rico community,

NOW THEREFORE, THE BOARD OF TRUSTEES OF THE TOWN OF RICO ORDAINS:

Lease Approved. The Board of Trustees hereby approved the attached lease. In connection with such lease, the Town authorizes its officers, including the Mayor and Town Clerk, to execute such instruments as are necessary and convenient to the purpose of this Ordinance.

READ, MOVED AND APPROVED ON FIRST READING ON THE 10TH DAY OF MARCH, 1999. MOVED, SECONDED AND FINALLY PASSED ON SECOND AND FINAL READING ON THE 14th DAY OF JULY, 1999.

TOWN OF RICO, COLORADO

BY: _____
Joe Broke, Mayor

ATTEST: _____
Linda Yellowman, Town Clerk

Approved as to form:

_____
Eric James Heil, Town Attorney

C:\Rico\Ordinances\Ord 99-5 Firehouse Lease.doc
7/9/99

ORDINANCE NO. 1999-6
TOWN OF RICO

CERTIFYING BALLOTS ISSUES FOR THE NOVEMBER 2nd, 1999 ELECTION

WHEREAS, the Board of Trustees finds that increasing local control and authority over matters which affect the Town of Rico will promote the interests of citizens and residents of the Rico community; and,

WHEREAS, the Municipal Home Rule Act of 1971, C.R.S. 1973, 31-2-201 *et seq.*, as amended, authorizes the Board of Trustees to initiate, by ordinance, the adoption of a home rule charter; and,

WHEREAS, the Board of Trustees of the Town of Rico desires to initiate the adoption of a home rule charter for the Town of Rico; and,

WHEREAS, the Board of Trustees finds that additional funding for maintenance and capital improvements related to the Street Fund, Main Street area, and Park, Open Space and Trails will promote the quality of life, economic health, public safety, and general welfare of the Rico community;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO, STATE OF COLORADO the following:

SECTION 1. INITIATION OF HOME RULE

In accordance with the provisions of Article XX of the Colorado Constitution and the Municipal Home Rule Act of 1971, the following question shall be submitted to a vote of the registered electors of the Town of Rico, at a regular election to be held on the 2nd day of November, 1999:

> "HOME RULE CHARTER: Shall the Town of Rico form a home rule charter commission?"

SECTION 2. COMMISSION MEMBERS

At the election on the 2nd day of November, 1999, the registered electors shall elect a total of nine (9) members to the charter commission, all members to be elected at large, to take office if the formation of the charter commission is approved by the qualified electors.

SECTION 3: BALLOT ISSUES

The following additional ballot issues with ballot titles are hereby submitted to a vote of the registered electors of the Town of Rico at a regular election to be held on the 2nd day of November, 1999:

A. "STREET FUND: SHALL THE TOWN OF RICO, COLORADO, TAXES BE INCREASED $10,000.00 ANNUALLY in the first full fiscal year, and thereafter by whatever annual amount future collections total, by imposition of an additional mill levy not to exceed one point eight (1.8) mills, WHICH REVENUES SHALL BE DEDICATED TO THE TOWN'S STREET FUND, and shall the Town be permitted to collect, retain, and expend the full proceeds of such tax, notwithstanding any state restriction on fiscal year spending, including without limitation the restrictions of Article X, Section 20 of the Colorado Constitution?"

B. "MAIN STREET IMPROVEMENTS: SHALL THE TOWN OF RICO, COLORADO, TAXES BE INCREASED $8,800.00 ANNUALLY in the first full fiscal year, and thereafter by whatever annual amount future collections total, by imposition of an additional mill levy not to exceed one point four (1.4) mills for not more than ten (10) years, WHICH REVENUES SHALL BE DEDICATED TO THE TOWN'S MAIN STREET IMPROVEMENT FUND, and SHALL THE TOWN OF RICO, COLORADO, DEBT BE INCREASED $140,000.00 WITH A REPAYMENT COST OF $19,100.00 for the purpose of financing improvements to Glasgow Avenue (main street) by the issuance of general obligation and special improvement district debt instruments in a total principal amount not to exceed $140,000.00 at a net effective interest rate not to exceed 6% per annum and with a maturity date not to exceed 10 years from the date of issuance; and shall the proceeds of the issuance of such debt instruments, and shall the Town be permitted to collect, retain, and expend the full proceeds of such tax and any earnings from the investments of such proceeds, notwithstanding any state restriction on fiscal year spending, including without limitation the restrictions of Article X, Section 20 of the Colorado Constitution, and shall such amounts constitute a voter approved revenue and spending change?"

C. "PARKS, OPEN SPACE, AND TRAILS FUND: SHALL THE TOWN OF RICO, COLORADO, TAXES BE INCREASED $17,500.00 ANNUALLY in the first full fiscal year, and thereafter by whatever annual amount future collections total, by imposition of an additional mill levy not to exceed three point one five (3.15) mills, WHICH REVENUES SHALL BE DEDICATED TO THE TOWN'S PARKS, OPEN SPACE AND TRAILS FUND, and shall the Town be permitted to collect, retain, and expend the full proceeds of such tax, notwithstanding any state restriction on fiscal year spending, including without limitation the restrictions of Article X, Section 20 of the Colorado Constitution?"

D. "TOWN MARSHALL: Does the Town of Rico need a resident Town Marshall?"

E. "PUBLICATION OF ORDINANCES: Shall the Town of Rico publish ordinances by title only?"

SECTION 4: PUBLICATION

After final adoption, the Town Clerk shall cause a copy of this ordinance to be published in the Dolores Star in accordance with Ordinance No. 323 of the Town of Rico, Colorado.

Introduced, Read, and Approved this 11th day of August, 1999.

Read and approved on Second and Final Reading this 31st day of August, 1999.

By: _____
Joseph V. Croke, Mayor

Attest: _____ *[Town Seal]*
Linda Yellowman, Town Clerk

Approved as to form: _____
Eric James Heil, Esq., Town Attorney

ORDINANCE NO. 1999-7
TOWN OF RICO

ADOPTING THE RICO LAND USE CODE

WHEREAS, the Town of Rico has certain statutory and police power authority to regulate the use and subdivision of land, establish zone districts, and restrict development activities in areas of state and local interest;

WHEREAS, the Town adopted the Rico Regional Master Plan in 1996;

WHEREAS, the Planning Commission conducted a public hearing on August 10th and took action to recommend adoption of this Rico Land Use Code;

WHEREAS, the Board of Trustees held a public hearing on the 31st day of August, 1999, after publishing notice in the Rico Sun Times, a paper of general circulation, on July 21, 28, August 4, 11, 18 and 25, and in the Dolores Star, the official paper of record, on July 22, 29, August 5, 12, 19, and 26, after posting notice at the Rico Town Hall and Rico Post Office on July 29th, 1999, and after mailing notice to all property owners in the Rico Fire Protection District tax assessment area which includes all property in the Town of Rico and certain properties adjacent or near to the Town of Rico on July 29th, 1999;

WHEREAS, C.R.S. §24-68-102.3(1)(a) requires each local government to specifically identify by ordinance the type of site specific development plan approvals that will cause property rights to vest by January 1, 2000; and,

WHEREAS, after considering all public comments the Board of Trustees finds that the adoption of the Rico Land Use Code will promote the goals, and policies of the Rico Regional Master Plan and will promote the health, safety and general welfare of the Rico community;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO, the following:

SECTION 1. ORDINANCES AND RESOLUTIONS REPEALED

The following ordinances and resolutions are hereby repealed in their entirety:

- **Ordinance No. 274** – A ZONING ORDINANCE REGULATING THE USE OF LAND AND STRUCTURES; DIVIDING THE TOWN OF RICO INTO DISTRICTES FOR SUCH PURPOSES; ADOPTING MAPS OF SAID TOWN SHOWING BOUNDARIES AND THE CLASSIFICATION OF SUCH DISTRICTS; ESTABLISHING A BOARD OF ADJUSTMENTS AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS
- **Ordinance No. 275** – AN ORDINANCE CLASSIFYING STREETS WITHIN THE TOWN OF RICO, REGULATING THE DEVELOPMENT OF SAID STREETS, AND ADOPTING MAPS IDENTIFYING SAID STREETS AND THEIR CLASSIFICATIONS.
- **Ordinance No. 281** – AN ORDINANCE CONCERNING THE FLOOD DAMAGE PREVENTION
- **Ordinance No. 283** – AN ORDINANCE AMENDING ORDINANCE NO. 274 OF THE TOWN OF RICO, BEING "AN ORDINANCE REGULATING USE OF LAND AND STRUCTURE, DIVIDING THE TOWN OF RICO INTO DISTRICTS, AND FOR SUCH PURPOSES ADOPTING MAPS SHOWING BOUNDARIES IN THE CLASSIFICATIONS OF SUCH DISTRICTS ESTABLISHING A BOARD OF ADJUSTMENTS AND PRESCRIBING PENALTIES FOR THE VIOLATIONS OF ITS PROVISIONS"; AND REPEALING ANY PROVISIONS IN CONFLICT WITH SAID AMENDMENT.
- **Ordinance No. 285** – AN ORDINANCE AMENDING ORDINANCE NO. 274 OF THE TOWN OF RICO, BEING "AN ORDINANCE REGULATING USE OF LAND AND STRUCTURE, DIVIDING THE TOWN OF RICO INTO DISTRICTS, AND FOR SUCH PURPOSES ADOPTING MAPS SHOWING BOUNDARIES IN THE CLASSIFICATIONS OF SUCH DISTRICTS ESTABLISHING A BOARD OF ADJUSTMENTS AND PRESCRIBING PENALTIES FOR THE VIOLATIONS OF ITS PROVISIONS; AND REPEALING A PROVISION OF ORDINANCE NO. 283 AND REPEALING ANY PROVISIONS IN CONFLICT WITH SAID AMENDMENTS AND REPEALERS".
- **Ordinance No. 294** – AN ORDINANCE TO PROVIDE FOR, CREATE, AND ESTABLISH THE TOWN OF RICO PLANNING COMMISSION FOR THE PURPOSES UNDER AND AS PROVIDED BY COLORADO STATUTES, ESTABLISHING THE MEMBERSHIP OF THE PLANNING COMMISSION, THEIR DUTIES AND POWERS AND REPEALING ORDINANCE NO. 230.

- **Ordinance No. 300** – AN ORDINANCE ADOPTING THE RICO SUBDIVISION REGULATIONS AND ENACTING PENALTIES FOR ILLEGAL SUBDIVISION ACTIVITIES
- **Ordinance No. 319** – AN ORDINANCE AMENDING ORDINANCE NO. 294 TO REPEAL THE REQUIREMENT THAT THE MAYOR SIT ON THE RICO PLANNING COMMISSION.
- **Ordinance No. 325** – AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO, ADOPTING ACCESS REQUIREMENTS FOR NEW DEVELOPMENT AND FOR CHANGE IN USE OR ADDITIONAL USES ON EXISTING LOTS; AND FURTHER ENACTING A ROAD MAINTENANCE IMPACT FEE ON NEW DEVELOPMENT THAT RESULTS IN THE CONSTRUCTION OF NEW ROADS OR THE EXTENSION OR WIDENING OF EXISTING ROADS.
- **Ordinance No. 326** – AN ORDINANCE DESIGNATING THE BOARD OF TRUSTEES TO ACT AS THE BOARD OF ADJUSTMENTS AND ENACTING PROCEDURES AND DUTIES.
- **Ordinance No. 334** – AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO, REPEALING AND REPLACING ORDINANCE NO. 315, INCLUDING REPEAL OF THE TEMPORARY DEVELOPMENT RESTRICTION ON MINOR SUBDIVISIONS AND LOT SPLITS.
- **Ordinance No. 336** – AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO AMENDING SECTION 2(A) OF ORDINANCE NO. 274 TO REQUIRE A BUILDING PERMIT FOR CERTAIN REMODELING AND RESTORATION ACTIVITIES AND SECTION 2(B) OF ORDINANCE NO. 274 REGARDING ADMINISTRATIVE AND LEGAL PROCEDURES IN THE EVENT OF A VIOLATION OF THE ORDINANCE; AND PROVIDING FURTHER DETAILS IN RELATION TO THE FOREGOING.
- **Resolution No. 109** STREET PLAN, 1987
- **Resolution No. 114** BOARD OF ZONING ADJUSTMENT
- **Resolution No. 138** APPOINTING THE MAYOR AS ENFORCEMENT OFFICER

SECTION 2. RICO LAND USE CODE ADOPTED

The Rico Land Use Code, which includes the text dated July, 1999, the Official Zone Map of the Town of Rico, the Street Plan for the Town of Rico, and a series of hazard and constraint maps entitled Avalanche Hazard, Geologic Hazard, Wildfire Hazard, Wildlife Hazard, Flood Hazard, Wetlands Hazard, and an informational non-regulatory Mining Hazard map, are all hereby adopted. Section 110., and any other provision of the Rico Land Use Code relating to the vesting of property rights, is hereby deemed to comply with the requirements of C.R.S. §24-68-103(1)(a) to adopt an ordinance which specifically identifies the types of site specific development plan approvals that will cause property rights to vest.

SECTION 3. PUBLICATION

Following adoption, the Town Clerk shall cause this Ordinance to be published in full in the Dolores Star in accordance with Ordinance No. 323 of the Town of Rico, Colorado.

INTRODUCED, READ, APPROVED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO on the 11th day of August, 1999.

READ AND APPROVED ON SECOND AND FINALLY READ AFTER CONDUCTING A PUBLIC HEARING BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO on the 31st day of August, 1999.

By: Joseph V. Croke, Mayor

Attest: Linda Yellowman, Town Clerk **[Town Seal]**

Approved as to Form: Eric James Heil, Esq.
Town Attorney

TOWN OF RICO, COLORADO
ORDINANCE NO. 1999-8

ACCEPTING A DONATION OF REAL PROPERTY
LOTS 39 & 40, BLOCK 14, FROM JOHN FUHLER

WHEREAS John Fuhler has offered to donate Lots 39 & 40, Block 14, Town of Rico to the Town for open space and park purposes; and,

WHEREAS C.R.S. §31-15-101(1)(d) authorizes municipalities to acquire real property; and,

WHEREAS the Board of Trustees finds that the acceptance of this donation of land complies with the Rico Regional Master Plan;

NOW THEREFORE, THE BOARD OF TRUSTEES OF THE TOWN OF RICO ORDAINS:

Section 1. Acceptance of Donation. Acceptance of the donation of Lots 39 & 40, Block 14, Town of Rico, subject to covenants restricting use of the land to open space and park purposes, is hereby approved. The Trustees authorize the Mayor, Town Clerk, and Town Attorney to execute all documents necessary to complete the donation and conveyance of Property to the Town of Rico.

READ, MOVED AND APPROVED ON FIRST READING ON THE 10TH DAY OF NOVEMBER, 1999. MOVED, SECONDED AND FINALLY PASSED ON SECOND AND FINAL READING ON THE 8TH DAY OF DECEMBER, 1999.

TOWN OF RICO, COLORADO

BY:_____
Joseph V. Croke, Mayor

ATTEST:_____
Linda Yellowman, Town Clerk

APPROVED AS TO FORM:
_____
Eric James Heil, Town Attorney

Published by Title only before 2nd Reading -
in the Rico Sun-Times: November 24, 1999
in the Dolores Star: November 25, 1999

Published by Title only after adoption -
in the Rico Sun-Times: December 15, 1999
in the Dolores Star: November 16, 1999