

AGENDA
TOWN OF RICO BOARD OF TRUSTEES
2 Commercial Street– Rico Town Hall
November 13th, 2018
7:00 p.m.

- Electronic copies of the Trustee Packet are available on the Town website at www.ricocolorado.gov. A hard copy of the Packet is also available at Town Hall for interested citizens.
- Action may be taken on any agenda item
- Notice is hereby given that a majority or quorum of the Planning Commission or Geothermal Committee may be present at the above noticed City Council meeting to discuss any or all of the matters on the agenda below for Council consideration

CALL TO ORDER at 7:00 p.m.

ROLL CALL

APPROVAL OF THE AGENDA

- Appointment of members of the Rico Board of Trustees

APPROVAL OF MINUTES

CONSENT AGENDA

- Payment of bills
- Approval of Treasurer's Report

CITIZENS COMMUNICATION

CITY COUNCIL AND COMMITTEE REPORTS

- Town Clerk
- Public Works
- Water Consultant
- Parks and Rec

TOWN MANAGER'S REPORT

- REDI Grant Application
- Electric vehicle charging station update
- Rico Center Grant for larger bus
- Logo

ACTION ITEM

- 2nd reading of an ordinance to repeal Ordinances 312 and 2002-5 and replace with Ordinance 2018-8, ordinances concerning the regulation of dogs.
- 1st reading of an ordinance to adopt the Rico Town Budget for 2019
- Change of date for next meeting

DISCUSSION ITEMS

- Rico Land Use Code Revisions

ADJOURNMENT

To WHOM IT MAY CONCERN,

I, ZACH MCMAHON, WOULD LIKE TO
CONTINUE MY SERVICE TO THE TOWN OF
RICO AS MAYOR.



11/5/18

RICO TOWN BOARD MINUTES

September 17, 2018

The Regular Town Board meeting was called to order at 7:00 p.m. by Mayor Zach McManus.

Members Present. Zach McManus, Barbara Betts, Sophia Kyriakakis, Keith Lindauer Nicole Pieterse, Stephen Roberts and Genevieve Yellowman.

Staff Present. Kari Distefano. Absent was Linda Yellowman.

Guests Present.

Approval of the Agenda. The agenda for September 17, 2018 was presented for approval. Genevieve Yellowman made a motion to approve the agenda for September 17, 2018 and seconded by Stephen Roberts. Motion passed unanimously.

Approval of the Minutes.

Consent Agenda.

Payment of Bills.

Approval of the Treasurers Report.

Citizens Communication.

Jeremy Bailey's Water Bill.

City Council and Committees Reports.

Town Clerk

Public Works

Water Consultant

Parks and Rec

Geothermal

Town Managers Report.

Town Marshal Schedule Change. Tom Halper is retiring from the Telluride police force on October 1, 2018. Mr. Halper will have more spare time and I have asked him to patrol on Friday, Saturday and potentially one other day instead of Wednesday and Thursday. There is more traffic on the weekends and as a result, more speeders.

Transit Update and Rico Center Grant Applications. School has started and ridership on the shuttle has increased. One day Esteban had to turn people away. In one respect, this is a good problem to have because it means that the program has been

successful, however, if there is the perception that the van is full, people will stop trying to use it. We also heard at last month's meeting regarding the school that transportation to Telluride is a pressing need. At this time, Mrs. Distefano has not made any headway with the Dolores County School District about paying their share but I do not think that waiting on them is a viable solution. The town is applying for a grant from the Rico Center to purchase a larger vehicle. Staff has also been in discussion with David Averill, the executive director of SMART about formally including Rico in their transportation district. Inclusion in the transportation district will require a vote in the November 2019 election.

Preliminary discussion with the SMART Board including Rico will take place at their meeting in October and it is my hope that they will approve the Rico route on a temporary basis until the November 2019 election. Inclusion in the region would require a .75 mill levy. The advantage to inclusion in the district is that SMART will provide drivers and bus maintenance through a contract with Telluride Express.

If the Town obtains grant funding and purchase the larger bus, the town may have to include some funding from the Town this until election for operation and maintenance. Mrs. Distefano would like to do this. There may be some negotiations involved concerning what they think is fair but I think that this is a valuable service and believe that we need to make every effort to keep it going.

Electric Vehicle Charging Station. The town received two proposals for the installation of electric vehicle chargers in front of the Rico Town Hall. The proposal from KITU included the electric work but not any of the other installation work, which includes a concrete pedestal on which to mount the charger. The other proposal is from Living Solar and ChargePoint. This proposal includes everything. In addition to installing the entire package without it being necessary for the staff to chase down contractors, ChargePoint is a more commonly used system and after a conversation with the man who oversees the grants from the Charge Ahead Colorado office, staff decided that it would be better to go with the more commonly used system. Both proposals were higher than I had anticipated but we will be eligible for not only a rebate from SMPA, but some grant funding from them.

Community Meeting Recap. Town Manager Kari Distefano briefly talked about the community recap.

Action Items.

Request for an Encroachment Agreement on Hinckley Dr. for Soil Treatment Area (septic) for Lots 17, Atlantic Cable Subdivision. Patsy Cone, the owner of Lot 17 in the Atlantic Cable Subdivision is requesting an encroachment agreement from the Town of Rico to construct a soil treatment area in the right of way of Hinckley Drive. Ms. Cone is currently using a cesspool and would like to bring her septic system into compliance with Colorado Department of Health and Environment standards. A proposal site plan was presented.

There is a 15' utility easement that runs north/south across the eastern portion of her lot that accommodates a water line. The house location and the waterline location preclude construction of a soil treatment area on the lot and the only option is to locate the soil treatment area in the road right of way. Should the Trustees approve an agreement, some mechanism such as boulders or a fence should be placed on the edge of the traveled way of the road to ensure that people don't drive on the soil treatment area.

The other issue with this lot is that it has been remediated for mine waste contamination. Until such time as we reach some other agreement with BP and the Colorado Department of Health and Environment, we are referring people that are doing work on lots that have been remediated or requiring remediation directly to Formation Environmental LLC, a contractor that works with BP to take care of the potentially contaminated soil. Ms. Cone has been given the information that she needs to contact them.

The request for an Encroachment Agreement on Hinckley Dr. for Soil Treatment Area (septic) for Lots 17, Atlantic Cable Subdivision was approved.

2nd Reading of an Ordinance to Allow Accessory Dwelling Units on Lots Less Than 7,500 Square Feet. This ordinance to allow accessory dwelling units on parcels of less than 7,500 square feet was approved with some modifications at the meeting on August 15th. The modifications which included revisions to the paragraph addressing the separation of utilities and the billing of those utilities have been made to the copy of the ordinance that was presented. The 2nd Reading of an Ordinance to Allow Accessory Dwelling Units on Lots Less Than 7,500 Square Feet was approved

2nd Reading of an Ordinance to Adopt a Fee Schedule for Marijuana Establishment within the Town of Rico Boundaries. This ordinance was also approved on first reading. The fees established are included as Exhibit A in the ordinance. The 2nd Reading of an Ordinance to Adopt a Fee Schedule for Marijuana Establishment within the Town of Rico Boundaries was approved.

2nd Reading of an Ordinance to Revise Tap Fees. This ordinance to revise water tap fees was approved with the addition of a provision that the tap fee could be revoked if a certificate of occupancy was not received within five years of the issuance of the building permit. A copy of the revised ordinance was presented. The 2nd Reading of an Ordinance to Revise Tap Fees was approved.

Fire Ban Lift. Given the onset of the monsoons, Mrs. Distefano believes that the town can lift the fire ban in the Town of Rico. The Board agreed to lift the fire ban in the Town of Rico.

Change of Date for Next Meeting. To conform to the calendar set forth by the State of Colorado, our "budget officer" must submit a proposed budget to the Board of Trustees

by October 15th. Staff is suggesting that the Board of Trustees change the Town Board meeting date to Monday, October 15, 2018. The Board agreed to change the meeting date from October 17th to October 15th.

Discussion Items.

Chain Link Fence in Rico Town Park. Since the Rico Elementary School is no longer open, Ms. Distefano have had several requests to remove the old chain link fence. Should we need to replace it for any reason, we could replace it with a more attractive fence.

River Corridor Map. The staff has been talking to Oli Swanky, the contact for Disposition Properties, regarding the River Corridor Map for quite some time and believe that the town finally has the easement agreement with the Town that he requested resolved so I am hopeful he will sign the map in the near future. Mrs. Distefano also requested that Disposition Properties consider a revocable easement agreement with the Town over the hot springs property so that the town can advertise it to the general public.

On August 23rd, the Rico Trail's Alliance (RTA) had a meeting with the Forest Service. One of the RTA's priorities is to develop the Circle Trail, which goes east of Rico and connects to the Colorado Trail. Part of that connection crosses mining claims owned by Disposition Properties. It would be helpful to have an easement agreement with Disposition Properties across these mining claims as well as an easement on the hot springs property.

There is one more proposal that I would like Mr. Swanky to consider pending the outcome of this discussion. Disposition also owns the property south of the main part of town commonly known as the Gazebo Property. This property had been considered by the engineers from SGM as a site for a sewer treatment plant until they contacted Mark Rudolph from the Colorado Department of Health and Environment and he told them that since that area was part of a prior remediation activity, digging would require a further expensive remediation plan.

Mrs. Distefano has often thought that site might be appropriate for a solar array and decided to bring up the possibility with Paul Hora from San Miguel Power Association. I believe that solar arrays could be affixed to a concrete slab-on-grade that would not require breaching the geotechnical liner that is under the soil cap on the property. Mr. Hora thought that it was a "phenomenal idea" and in keeping with a community solar program, they are thinking of implementing in conjunction with Mountain Film and Eco Action Partners. I don't know if Mr. Swanky would consider this but if you all have no objections, staff would like to add that possibility to the list. A copy of the draft letter to Mr. Hora was presented.

School Update. As you recall, at the last meeting the town had a community discussion about the closure of the Rico Elementary School. At this discussion Superintendent Ty Gray and other members of the school board said that they didn't have a plan because

they hadn't heard from the community. Following that meeting, Sue Kunz put together a survey which was posted on the Town web site. There were 51 responses. After the discussion on August 27th, staff emailed Ty Gray and Mike Gass a potential plan. Although I have been communicating with Mike Gass, I have not heard a word from Ty Gray.

When after some time, we have not heard from Ty Gray, Ms. Distefano called Barbara McLachlan, a Colorado State Representative from Durango who is on the education committee. Ms. McLachlan asked that we email a written explanation of our problem. I did that but as of today I have not heard back. A copy of the results of the survey, the email that was sent to Mike Gass and Ty Gray and the email that was sent to Barbara McLachlan. At this point I am at somewhat of a loss, but believe that there are two things that we could consider, one being a letter from the Rico Town Board of Trustees to the Dolores County School Board and every paper in the region and one being a lawsuit. Unfortunately the Colorado State Statute regarding education is a document that would kindly describe as ineffectual. The one argument that we could potentially make is the Dolores County is not providing a "thorough and uniform" education to Rico students.

Budget Committee. It is that time of year again and staff is in need of two volunteers to be a part of the budget committee. Genevieve Yellowman kindly helped last year. It tends to be a rather depressing activity.

Adjournment.

Nicole Pieterse made a motion to adjourn the meeting and seconded by Barbara Betts. All voted in favor.

Linda Yellowman
Rico Town Clerk

Zach McManus
Mayor

RICO TOWN BOARD MINUTES

October 15, 2018

The Regular Town Board meeting was called to order at 7:00 p.m. by Mayor Zach McManus.

Members Present. Zach McManus, Barbara Betts, Keith Lindauer and Nicole Pieterse, Stephan Roberts and Genevieve Yellowman. Absent was Sophia Kyriakakis.

Staff Present. Kari Distefano and Linda Yellowman.

Guests Present. James Gregg, Timothy Regan and Mike Curran.

Approval of the Agenda. The agenda for October 15, 2018 was presented for approval. Barbara Betts made a motion to approve the agenda for October 15, 2018 as presented and seconded by Keith Lindauer. The motion passed unanimously.

Consent Agenda:

Approval of the Minutes. The Rico Town Board minutes for August 15, 2018 were presented for approval. Barbara Betts made a motion to approve the minutes as submitted for August 15, 2018 and seconded by Zach McManus. The motion passed unanimously.

Approval of the Monthly Bills. The Monthly bills for October 2018 were submitted for approval. Nicole Pieterse made a motion to approve paying the Monthly Bills for October 2018 as presented. Keith Lindauer seconded the motion. The motion passed unanimously. Town Clerk Linda Yellowman mentioned that the September 2018 monthly bills have been paid upon return from my vacation.

Approval of the Treasurer's Report. Town Manager Kari Distefano stated the report will be part of the 2019 Budget.

Citizens Communication. Mayor Zach McManus reports he attended the Dolores County Commissioners meeting October 15th and requested if the Commissioners meeting can be broadcasted for Rico residents.

Other issues brought up was recycling with Waste Management and the trailer at the town shop was moved. Was wondering about the title. Town Clerk Linda Yellowman stated she will look for it.

Town Clerk. Town Clerk mentioned that Barbara Betts, Zach McManus and Stephen Roberts, their term is expiring this year.

Public Works. None.

Water Consultant. Everything is going well with both water plants per Kari Distefano.

Parks & Recreation. Mr. McManus says another grant has been submitted to the Rico Center for more upgrades. Trails grooming and ice rink will soon happen when winter arrives.

Town Board Reports. None.

Geothermal Committee. None.

Town Manager's Report. Rural Economic Development Initiative Grant Application. One of the recommendations from the community meeting on September 13th was that the Town should provide an economics analysis of the potential benefits of constructing a central sewer that would serve the commercial core. To this end, the Town has applied for grant funding from the Rural Economic Development Initiative to seek funding for an economic development analysis that would examine the importance of infrastructure for economic growth and the barrier that the lack of infrastructure imposes on our community. With this analysis, the town should be able to provide the community with important information regarding the construction of a sewer system and help answer the question: would the cost of construction be worth the potential economic gain? Mrs. Distefano welcomes ideas. Will businesses be included was asked and the response was yes.

Telluride Foundation Grant Application. Just in case the town does not get the funding from the Rural Economic Development Initiative, the town is also applying for funding for the economic analysis through the Telluride Foundation.

Rico Community Meeting Summary. The September Community meeting to discuss infrastructure improvements was well attended. The community meeting presentation and associated documents were included in the packet, if you were unable to attend as well as a summary of the public discussion.

Action Items:

Motherlode Liquor License Renewal. Town Clerk Linda Yellowman presented the renewal license for Motherlode Liquor and recommended for approval. Zach McManus made a motion to approve the renew license for Motherlode Liquor. Seconded by Barbara Betts. The motion passed unanimously.

Request for Approval of a Plat Amendment for Lots 10R and 12R Hancock Subdivision. Tim Regan is requesting approval for a plat amendment for Lots 10R and 12R of the Hancock Subdivision. Mr. Regan would like to amend the plat with the removal of an existing plat note that states "The property owners(s) shall comply with the requirements of Institutional Controls once adopted." This note references a set of controls that were being contemplated when the Town of Rico was negotiating a voluntary cleanup agreement with Atlantic Richfield in an effort to mitigate soil contamination resulting from mining practices. The Town of Rico pulled out of the agreement prior to the adoption of the Institutional Controls referenced by the plat note.

The Town of Rico is in the process of revisiting an agreement that would address remediation of contaminated soils but do not expect a revised agreement prior to the end of 2018. In an effort to resolve Tim Regan's issue (he would like to build) in a timely manner, we have been coordinating with Kathryn Tegtmeyer and Luke Pokorny, two environmental consultants working for Atlantic Richfield and British Petroleum. They gave Mr. Regan test data regarding soil contamination on his lots. The only place on Mr. Regan's lot that lead levels exceed the 1100 ppm threshold for residential property is in the flood plain so building in that area is subject to review and in many cases prohibited anyway.

The Rico Land Use Code does not specifically address plat amendments but recording the amendment in the Dolores County Clerk's Office may require approval by both the Rico Planning Commission and the Rico Board of Trustees. The Planning Commission approved the request at their October 10th meeting and Mrs. Distefano is recommending approval of his request contingent upon Mr. Regan providing the town with a legal document signed by a licensed surveyor that would formally amend the plat and can be recorded in the County of Dolores Clerk's office.

Keith Lindauer made a motion to approve the request for Plat Amendment for Lots 10R and 12R of the Hancock Subdivision and Mr. Regan provides the town with a legal document signed by a licensed surveyor. Barbara Betts seconded the motion. Motion passed unanimously.

1st Reading of an Ordinance to Repeal Ordinance No. 312 and 2002-5 and Replace with Ordinance No. 2018-8, an Ordinance Concerning the Regulations of Dogs. In August, there were several incidents that involved an at large dog that entered at least two houses and made a mess and caused some wreckage. The second incident resulted in a case of mistaken dog identity that devolved into fisticuffs. Due to the serious nature of the damage and the fact that this dog may have been the object of another complaint, I had recommended to Tom Halper that the owner be fined \$300.00. The case made its way through municipal court and the court due to an ambiguity in suggested fines in the dog ordinance, levied a fine of \$25.00. Town Attorney Carol Viner recommended that the town resolve that ambiguity through an updated ordinance. The revised ordinance has been highlighted with the suggested changes in the fine structure for bad dogs (and owners).

Zach McManus made a motion to approve the 1st Reading of an Ordinance to Repeal Ordinance No. 312 and 2002-5 and Replace with Ordinance No. 2018-8, an Ordinance Concerning the Regulations of Dogs. Nicole Pieterse seconded the motion. Motion passed unanimously.

Discussion Items.

Excavation Permit. A brief discussion was held regarding the excavation permit. Comment was made to make some changes to the permit and raise the permit fee. There were two places dig without any plans or getting a permit. The equipment operator should be aware of the permit before digging. Suggestion was made that the Planning Commission will be working on the permit and bring it back to the Board for review.

Motorized Trail Groups Challenge to the USFS Travel Management Plan. The Trail's Preservation Alliance, the San Juan Trail Riders and the Public Access Preservation Association have filed a complaint in court against the USFS Travel Management Plan. In response Sheep Mountain Alliance, Dunton and Cindy Farney and other interested parties are going to intervene to defend the Travel Management Plan and file their own complaint against the USFS for allowing five months of motorized use during elk calving season. The Town of Rico supported the USFS Travel Management Plan. The question is whether the Town of Rico wants to participate in the pro bono portion of the intervention.

First Draft of the 2019 Budget. The first draft of the proposed 2019 Budget was presented. Town Manager Kari Distefano says as you can see from the document, normal Town expenses have exceeded revenues since 2016 and the trend is expected to continue. While the Town has healthy revenues, we also have a backlog of maintenance and repairs that we need to address. While existing town services can continue next year and probably the following year, but we can't live on our savings forever. Either we need an increase in revenue or we will need to cut staff time.

It is my hope that improved infrastructure will increase property taxes and sales taxes but that will require an investment by the community.

Adjournment.

Zach McManus made a motion to adjourn the meeting at 9:00 pm. Seconded by Barbara Betts. The motion passed unanimously.

Linda Yellowman
Rico Town Clerk

Zach McManus
Mayor

RICO TOWN BOARD MINUTES

October 24, 2018

The Special Rico Town Board meeting was called to order at 6:00 p.m. by Mayor Zach McManus.

Members Present. Barbara Betts, Zach McManus, Nicole Pieterse and Genevieve Yellowman. Absent were Sophia Kyriakakis, Keith Lindauer and Stephen Roberts.

Staff Present. Kari Distefano and Linda Yellowman

Guests Present.

Citizens Communication. None.

Action Items. Motorized Trail Groups Challenge to the USFS Travel Management Plan. Discussion was held regarding the complaint that was filed in court against the USFS Travel Management Plan. Question was expressed if the Town of Rico would like to participate in the pro bono portion of the intervention. Maybe the Town and Trails Alliance can share the cost of \$1,000.00 pro bono.

Nicole Pieterse made a motion to intervene and a cap on attorney fees be \$1,000.00 pro bono and to notify the Forest Service. Zach McManus seconded the motion. The motion passed unanimously.

FYI, Town Manager Kari Distefano mentioned that BP would like to have a workshop with the Town Board. The Board members present were in favor.

Nicole Pieterse made a motion to adjourn the meeting at 6:30 pm. Zach McManus seconded the motion. The motion passed unanimously.

Linda Yellowman
Rico Town Clerk

Zach McManus
Mayor