

RICO TOWN BOARD MINUTES

August 21, 2019

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, Stephan Roberts and Genevieve Yellowman. Absent was Nicole Pieterse.

Staff Present. Kari Distefano and Linda Yellowman.

Guests Present. Jim Gregg, Anna Mills, Erin Johnson, Mr. and Mrs. Jim Ostrem.

Approval of the Agenda. The agenda for August 21, 2019 was presented for approval. Barbara Betts made a motion to approve the agenda for August 21, 2019 as amended and seconded by Sophia Kyriakakis. The motion passed unanimously.

Approval of the Minutes. The Rico Town Board minutes for June 26, July 17 and July 29, 2019 were presented for approval. Genevieve Yellowman made a motion to approve the June 26, 2019 minutes. Seconded by Barbara Betts. The motion passed unanimously. Sophia Kyriakakis made a motion to approve the July 17, 2019 minutes. Stephan Roberts seconded the motion. The motion passed unanimously. Genevieve Yellowman made a motion to approve the July 29, 2019 minutes. Seconded by Stephan Roberts. The motion passed unanimously.

Public Comment. Erin Johnson mentions an application for a setback variance and exclusive easement will be forth coming to the Rico Planning Commission soon.

Consent Agenda:

Approval of the Monthly Bills. The Monthly bills for August 2019 were submitted for approval. Genevieve Yellowman made a motion to approve paying the Bills for August 2019 as presented. Barbara Betts seconded the motion. The motion passed unanimously.

Treasurers Report.

Action Items. Approval of Katelyn Stokes special use permit application for the short-term rental of Lot 1A, Atlantic Cable Subdivision. Stokes would like to use her house as a short-term rental and applied for a Special Use Permit as required by the Rico Land Use Code. The proposed activity is unlikely to produce noxious odors, noise, smoke or problems with any of the other issues mentioned in the review criteria. The only concern would be additional traffic. The house is on the corner of Hinckley and Glasgow and there appears to be adequate space for at least two on-site parking spaces. In the past, the Town required that the applicants be limited to two off-street parking spaces. There should be a renewal review after one year of the short-term rental operations. The Rico Planning Commission recommended approval of this application at their meeting on August 14, 2019. Barbara Betts made a motion to approve the special use permit application for Katelyn Stokes. Stephan Roberts seconded the motion. The motion passed unanimously.

Approval of a Letter Supporting the Central Sewer System in Rico's Commercial Core and Upgrades to the Rico Town Hall. The State of Colorado Office of Economic Development and

International Trade offers Enterprise Zones communities, in which Rico and the rest of Dolores County reside, an opportunity to put forward projects to be considered "EZ Economic Development Projects". If your project meets the criteria to become an EZ Development Project, donations to the project are eligible for a 25% income tax credit for donations of up to \$100,000 per taxpayer. Mrs. Distefano wants to apply to this program on behalf of both the sewer project and funding for the upkeep of the Town Hall. With no further discussion, Barbara Betts made a motion to approve a letter supporting the Central Sewer System in Rico's Commercial Core and upgrades to the Rico Town Hall. Sophia Kyriakakis seconded the motion. The motion passed unanimously.

Resolution Adopting Revised Permit Applications for Various Development Activities. The revised applications and process diagrams were the subject of discussion at the joint Rico Planning Commission and Rico Board of Trustees work session. The Town can approve the revised applications with a resolution prior to making all the necessary changes to the Rico Land Use Code. The new applications will enable applicants to understand our process better without making the substantive revisions and to start using them sooner than later. The Rico Planning Commission reviewed them at their meeting on August 14, 2019. Sophia Kyriakakis made a motion to approve the Resolution adopting revised permit applications for various development activities. Genevieve Yellowman seconded the motion. The motion passed unanimously.

Resolution Supporting the Inclusion on the November 5th Ballot a question asking the voters of Rico for a mill levy increase for the purpose of constructing a central sewer system in Rico's commercial core and Resolution supporting the inclusion on the November 5, 2019 ballot a question asking the voters of Rico if Rico should be included in the San Miguel Authority for Regional Transportation Service Area. The final language for the mill levy increase for central sewer in the commercial core. After a great deal of discussion with the staff of the State Revolving Loan Fund and the CDPHE, we decided to request a mill levy increase of \$3,000,000 because any additional money would require that the Town obtain a leverage loan with an interest rate of 2.5% rather than the interest rate that they would give us for a \$3,000,000 loan of 1.5%. A 2.5% interest rate would necessitate a mill levy increase of 46.3 and I think that such an increase would be more than the taxpayers of this community could tolerate. To reduce the cost of the project, we have taken out the stretch of sewer line that progresses south of the gazebo property to the Little Ada mill site. Also took out a stretch that would serve the residences on Glasgow (Highway 145) north of Mantz. Additionally, the State Revolving Fund will give the town a grant of up to \$600,000 for final design and engineering costs and since the town will not be applying to the USDA for funding, the town can take out the line item in the engineer's estimate for the interim loan that the USDA requires and the construction management cost of a daily, on-site Professional Engineer, also a requirement of the USDA.

Also included in this resolution, is a request that the voters consider supporting Rico's inclusion in the San Miguel Authority for Regional Transportation (SMART) area. This request is a provision of our current intergovernmental agreement with SMART. This ballot question also comes with a very minor tax increase, 0.75 mills as a .25 cents on the dollar sales tax increase. It is important to note that the Rico route is heavily subsidized by SMART even with this minor increase. SMART pays the drivers of the route as well as vehicle maintenance, insurance and other associated costs of keeping the shuttle running. With no further discussion, Zach McManus made a motion to approve the Resolution supporting the inclusion on the November 5th ballot question asking the voters of Rico for a mill levy increase for the purpose of constructing a central sewer system in Rico's commercial core and Resolution supporting the inclusion on the November 5th ballot a question asking the voters of Rico if Rico should be included in the San Miguel Authority for

Regional Transportation Service Area. Barbara Betts seconded the motion. The motion passed unanimously.

Resolution Supporting the Inclusion on the November 5th Ballot a question regarding whether the Town can re-establish its right to provide telecommunication services, advanced services and cable television services either directly or indirectly with public or private sector partners. This ballot questions asks the voters whether or not the Town of Rico should opt out of Senate Bill 152, which is a bill prohibiting most uses of municipal or county money for infrastructure to improve local broadband services without first going to a vote of the people. Zach McManus made a motion to approve the Resolution supporting the inclusion on the November 5th ballot a question regarding whether the Town can re-establish its right to provide telecommunication services, advanced services and cable television services either directly or indirectly with public or private sector partners. Barbara Betts seconded the motion. The motion passed unanimously.

2nd Reading of an Ordinance Amending the 2011 Rico Land Use Code to Include Regulating Regarding Tiny Homes. The 1st Reading of this ordinance passed at the last meeting. The only change is a clarification of the difference between a tiny home by the definition of the Colorado Department of Health and Environment (CDPHE) and a tiny home by the definition of the International Building Code (IBC). The CDPHE definition is more restrictive, 400 square feet including loft space, but it allows a smaller soil treatment area. IBC does not require that loft space be included in the square footage. Barbara Betts made a motion to approve the 2nd Reading of an Ordinance Amending the 2011 Rico Land Use Code to Include Regulating Regarding Tiny Homes. Seconded by Sophia Kyriakakis. The motion passed unanimously.

Discussion and Possible Action Items. Discussion of Setbacks and firewalls on the McCroke Venture Project. Postponed.

Atlantic Cable Lot 28 Easement Vacation Request. The Town has had a request by a potential buyer Charlynn Whicker, to vacate an easement that goes across Lot 28 of the Atlantic Cable Subdivision. According to Dennis Swank, there are no Town utilities in the easement. The Atlantic Cable Subdivision plat language is not specific. The former owners of Lot 25 got a quitclaim deed from the Town for the extension of the easement in question that goes over that property. Suggestion was made to Ms. Whicker that she contact SMPA and Rico Telephone to make sure that they do not need the easement and then provide a draft easement vacation agreement or a quitclaim deed for the approval by the Board of Trustees.

Executive Session. Executive Session, pursuant to C.R.S. 24-6-402(4)(e) to discuss and determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators regarding British Petroleum remediation protocol. Zach McManus made a motion to go into executive session, pursuant to C.R.S. 24-6-402(4) (e) regarding British Petroleum remediation protocol at 7:45 p.m. Seconded by Barbara Betts. The motion passed unanimously. Out of executive session at 8:10 Barbara Betts made a motion to call the regular meeting back to order. Seconded by Sophia Kyriakakis. The motion passed unanimously.

Town Clerk. No Report.

Public Works. No Report.

Water Consultant. No Report.

Parks & Recreation. Mr. McManus gave an update. New sand were delivered to the volleyball field. Possibly Clay Hall will have some music at the chili cook off at the park in September 2019

Town Board Reports.

Town Manager's Report. Rico School Situation. Dolores County School Superintendent Ty Gray requested a meeting with the Mayor and Town Manager earlier this month. Mr. Gray brought a facilitator Brad Miller who they hired to look at the situation and make recommendations. Mr. Miller is often a proponent of charter schools but in the case of Rico, even he admitted that a charter school was unlikely to be sustainable. Mr. Miller recommended to Mr. Gray that the Rico School be absorbed into the Telluride School District. They were more optimistic about selling that plan to the community of Dove Creek than I am but there may be a legislative avenue. I also had a conversation with Paul Reich who is on the Telluride School Board and he suggested that we try to resolve this prior to Mike Gass's retirement. Ms. Distefano drafted a letter that we should try to get both school boards to sign and then with your approval, the letter will be sent to Don Coram.

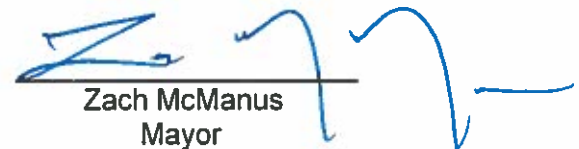
Lynn Markey Conversation Regarding a Proposed Trail Easement. A disappointing conversation with Lynn Markey regarding the Rio Grande Southern Railroad right-of-way trail. Ms. Markey is not willing to entertain the possibility of a trail easement without concessions to which the Town would unwilling or unable to agree, such as a vehicular bridge.

Pump Track. A brief discussion was held regarding the pump track. Staff didn't have the chance to discuss the possibility of putting it on the Gazebo property with Oli Swanky.

Adjournment.

Barbara Betts made a motion to adjourn the meeting at 8:30 pm. Seconded by Genevieve Yellowman. The motion passed unanimously.


Linda Yellowman
Rico Town Clerk


Zach McManus
Mayor