

Town of Rico Memorandum

Date: August 11th, 2020

TO: Town of Rico Board of Trustees
FROM: Kari Distefano
SUBJECT: Town Manager's Report

1. Fall Fling

I have had requests by two members of the Board of Trustees to include a discussion of the Fall Fling on this agenda. Currently the State of Colorado is under the "Safer at Home and in the Great Outdoors" orders. While Counties can apply for the more lenient "Protect our Neighbors" classification, according to the Dolores County Public Health Official, there has been no move by Dolores County to apply for that status. This means that at this time outdoor events are limited to 50 people. Subsequent to adding this issue to the agenda, I got an email from Skip Zeller stating that the organizers of the Fall Fling have decided to postpone it until next year. I have included a copy of the letter in this packet.

2. Business license enforcement.

There appear to be two unlicensed short-term rental operations going on in Rico. Both parties have been notified in the past that they will be fined if they continue to operate illegally. I have talked to our attorney regarding this matter and we have agreed to fine both owners \$300 with a caution that the fine will go up to \$500 if they continue to short-term their houses without a permit.

3. Consideration of a minor subdivision application for the Ferando Subdivision, a portion of Tract C, Town of Rico, Nicole Pieterse and Rob Cummings, representatives

Tract C is a vacant tract that lies to the south of the Ferando Tract, which is owned by Kevin and James Ferando and to the north of Lot 40, Block 20, which is owned by Nicole Pieterse and Rob Cummings. The two families would like to purchase the lot from the current owners, the Lackeys, and subdivide it into two parcels, one of which would be owned by the Ferandos and the other which would be owned by Pieterse and Cummings.

Because the proposed subdivision has less than three lots and the proposed lots are currently served by Town water and would not involve extensions of any other services, the applicants are

allowed to combine the conceptual plan, the preliminary plat and the final plat in this application and review.

The current total area of the tract is 1 acre or 43,560 square feet. This proposed subdivision would divide the tract into one 0.64 acre (27,922 sq. ft.) lot and one 0.36 acre (15,863 sq. ft.) lot as shown on the plat included in this package. Both proposed lots are served by existing Town water lines and an existing alley that accesses the Ferando Tract to the north of the proposed subdivision.

There are two waterlines running through Lot 2 (the southern lot). Previously there were no formal easements dedicated to the Town for access to the waterlines. This proposed subdivision would rectify that situation. This proposed subdivision also carves out a swath on the eastern boundary of the lots for a right-of-way dedication to the Town that is more in line with the traveled way that actually exists on the ground.

Approximately two thirds of Lot 1, the northerly lot, appears to be located in a flood zone categorized by Chris Wilbur, P.E. and Doug Bradley in October of 1995 as Zone A or AE with flood elevations that are undetermined. This should be taken as a precaution rather than a determination. If building should occur on this lot, mitigations for flooding should be undertaken and the septic system should be designed with the possibility of flooding in mind.

The application is complete and compliant. That letter is included and the proposed subdivision plat are included in this packet.

Minor subdivisions should be reviewed with the following in mind:

- The proposed land use shall be consistent with the underlying zoning (residential).
- All lots shall meet the subdivision design standards as defined in Section 550 of the Rico Land Use Code.
- All lots shall have building sites and access that are not in any known hazards or constraints to development.
- The proposed subdivision layout shall not cause excessive cut and fill excavation or removal of trees and vegetation in relationship to feasible alternatives.
- The proposed subdivision shall not exceed or overburden the capacity of any existing Town facilities or services unless the Applicant expands the Town facilities or service capacity to meet the increased demand of the proposed subdivision.
- The proposed subdivision shall be consistent with the Rico Regional Master Plan.
- The proposed subdivision shall not violate any laws of the Town of Rico, State of Colorado, or United States of America.

The Rico Planning Commission approved the subdivision unconditionally at the August 12th meeting. Should this replat be approved by the Rico Board of Trustees, a 24"x 36" mylar that includes all the requirements listed in Rico Land Use Code Section 544 shall be produced and signed by both the Rico Planning Commission and the Rico Board of Trustees.

3. Consideration of the approval of a pursuit of a grant application to Colorado Parks and Wildlife for the construction of a trail and a bridge that would extend the existing Rio Grande Southern Railroad Grade trail through Mike Popek's property to the USFS property to the south

We discussed this trail at last month's meeting. If we are to proceed with a grant application to the Colorado Parks and Wildlife this year, with the idea of beginning construction next season, I will need the approval by resolution of the Rico Board of Trustees to go forward. The grant application is due October 1st. These applications are time consuming and if we are going to pursue this funding, we need to start as soon as possible.

The bridge will be the most significant expense and based on estimates from the internet, I think that we should expect it will cost between \$100,00 and \$110,000. These grants require a 30% match, which would be between \$33,300 and \$36,630. According to the latest treasurer's report, the Parks, Open Space and Trails (POST) fund has a balance of \$83,521.90 and the Conservation Trust Fund has a balance of \$36,637.64. This is funding that cannot be shifted to other accounts. Moving POST funding to support other Town functions would require approval by the voters. The Conservation Trust Fund is administered by the State of Colorado and again can only be used for specific purposes related to recreation.

It is possible that the Town could acquire match funding from other organizations such as the Rico Center or the Rico Trail's Alliance but if we are going to apply for this grant, I believe that the Town should be prepared to cover the cost of the match. We do not want to be in the position of obtaining the grant and then having to turn it down because our match funding fell through. That circumstance would hurt our chances for any future funding with the Colorado Parks and Wildlife. These grants are very competitive and applicants that are not fully prepared to not do well in the process.

I have attached a proposed resolution supporting the application. If this issue warrants more discussion, signing could be put off until next month, but it would need to be passed then if we are going to take advantage of this opportunity.

4. Discussion of signage, speed bumps and the consideration of the 1st reading of the re-adoption of the Model Traffic Code with an exception to establish a speed limit of 15 miles per hour on all

roads other than Colorado Highway 145, otherwise known as Glasgow Avenue, within the Town of Rico.

Speeding continues to be a problem in Town. I have had a number of queries regarding more speed bumps and signs. Before sending the marshals out to start issuing tickets on side streets and potentially posting speed limit signs, I thought that I had better check to see what the speed limit on the side streets was supposed to be. Unfortunately, the only ordinance that I could find that addressed speeding was Ordinance 2002-3 adopting the Model Traffic Code. The Model Traffic Code says that the speed limit in residential areas should be 30 mile per hour. Obviously that is inappropriate for Rico. If Rico is to have a safer speed limit in our residential areas, the Board needs to re-adopt the Model Traffic Code with an exception to establish a speed limit of 15 mile per hour on the side streets.

I would also like some direction with respect to purchasing signs and more speed bumps. Currently we do not have any more funding appropriated for traffic calming devices however, they are popular. The signs are not expensive. They can be ordered for about twenty dollars a piece. They will need to be installed though and that may take a while. We still have one speed bump that needs to be installed but I have had several requests for more. The speed bumps are about \$200 a piece. Dennis is busy with the meter replacement project and it will likely be several months until he will be able to work on the speed signs and bumps but I do think that this project should be added to our work plan.

5. Consideration of an agreement with the Artists of Rico to administer the showing of artwork in the Rico Town Hall

There has been some discussion among the Artists of Rico regarding showing work in the Rico Town Hall. Two representatives from the Artists of Rico met with me on Monday to discuss a proposal that allow the Artists to administer the display of artwork on the Town Hall walls. I reminded them that since it is a public place, any agreement with respect to who is allowed to show their work must be inclusive. I have attached their proposed agreement for your review and comment. I believe that it is a workable agreement and would recommend approval.

6. Consideration of the renewal of the liquor license for the Enterprise Bar and Grill

The Enterprise Bar and Grill is applying to the Town for the renewal of their liquor license. Their application is complete. Recommended action – approval of the Enterprise Bar and Grill liquor license renewal.

7. Consideration of a Rico Land Use Code Amendment to allow certain wire fences

The Rico Land Use Code, under General Design Guidelines, Section 204.3 has a paragraph that states the following:

204.3. Fences. Fences in the front yard set back portion of the property shall not exceed four (4) feet in height. Fences in the remainder of the property shall not exceed six (6) feet in height. Fences shall use wood, logs, bark slab, stone, wrought iron, or any combination of these materials. All service yards associated with commercial activities or on commercially zoned properties shall be fenced so as not to be visible from any street, and such fences shall be a minimum of six (6) feet in height and a maximum of seven (7) feet in height. Fences in the Historic Commercial Zone District shall follow the design regulations in Section 243 which requirements shall supercede the fence regulations in this section 204.3.

It had been brought to my attention by one of the Trustees that there are a couple of wire fences around houses, one of which has a dog that gets protective of his territory when I go to read the water meter. Based on the RLUC paragraph above, people should not only not have wire fences, but they should not exceed four feet in the front. This presents a dilemma because many dogs can jump over a four-foot fence, especially in the winter and some landlords allow their tenants to have dogs without building fences to keep the dogs in the yards. The other issue is that although the Rico Land Use Code requires that people who want to build fences in the Historic Commercial District get a permit, fences in the rest of the town as long as they are less than six feet high do not require permits. Wire fences are the most inexpensive option for fencing and it is understandable that someone with a newly acquired puppy would put up a wire fence if they don't own the property.

This issue merits some discussion by the Trustees to determine whether the Town should continue to enforce aesthetic regulations or revise the Rico Land Use Code to make it easier to contain at-large dogs.

8. Water tank repair and reseal project

The water tank repair and reseal project is proceeding on schedule. The two newer tanks are in fairly good condition but they have required some welding where there was corrosion. The project should be finished in a couple of weeks and we will be able to refill both tanks.

9. New website

The new website is scheduled to go live on September 9th. While the format is somewhat different than the current website, the information is the same. Please take a look at our current website and let me know if there is anything else you would like to see included. The new website will have a form that you can fill out if you would like to be included on an email list for Town information.

10. CDOT sidewalk work

I got an email from Krisinda Rapiejko of CDOT regarding improvements CDOT is planning to make to sidewalks in 2021. She would like to meet with the Town and do a site walk to look at the areas of the proposed improvements. She and other CDOT staff members are planning to be in Rico the week of August 24th and can meet with us any day that week except for Tuesday. I will certainly make myself available but we could adjust the schedule for any of the Trustees that would like to join us. Please let me know and we will pick a day that works for you.

08.12.2020

Dear Rico Board of Trustees and staff,

We have been hoping to avoid this announcement but due to the ongoing restrictions on gatherings we feel that staging the Rico Fall Fling will not be possible this year. It is a huge disappointment to us that what started out as a weekend of music to bring community together is being derailed by policies that, right or wrong, are tearing it further apart. We would like to thank those of you that supported us in developing the idea of an event of this sort for Rico. It is our hope that this is a postponement and not a cancellation.

Thanks so much,

The Rico Frequency

Complete & Compliant Letter



January 31st, 2020

Nicole Pieterse
Rob Cummings

RE: Ferando Subdivision to a portion of Tract C, Town of Rico within the SW ¼ of Section 26, T40N, R11W, NMPM, Town of Rico, County of Dolores, State of Colorado.

Dear Applicants,

The Town of Rico has received an application for a minor subdivision of the above mentioned lots. We have performed an initial review of these applications and at this time the application is complete and compliant. This determination does not preclude the Town from determining following additional review at a subsequent time, that the application is not complete or compliant. In such an event, the Town Staff would require the applicant to correct any deficiencies.

Pursuant to this determination that this application is complete and compliant, this application is scheduled for the August 12th, 2020 Rico Planning Commission meeting and the August 19th Rico Board of Trustee's meeting.

These applications include the following required components:

Attachments Required Minor Subdivision:

☒ Two (2) 24" by 36" paper Plats (1) electronic (pdf) site plan showing the following signed and stamped by a surveyor licensed in the State of Colorado:

- | | |
|--|---|
| <input checked="" type="checkbox"/> North Arrow and Scale | <input checked="" type="checkbox"/> Notes |
| <input checked="" type="checkbox"/> Legend | NA Mortgage consent if applicable |
| <input checked="" type="checkbox"/> Vicinity Map | <input checked="" type="checkbox"/> Dolores County Clerk's acceptance |
| <input checked="" type="checkbox"/> Legal Description | <input checked="" type="checkbox"/> Lot lines with dimensions and acreage |
| <input checked="" type="checkbox"/> Surveyor's Certificate | <input checked="" type="checkbox"/> Easements with dimensions |
| <input checked="" type="checkbox"/> Title Insurance Company Certificate | <input checked="" type="checkbox"/> Lot and street labels |
| <input checked="" type="checkbox"/> County Treasurer's Certificate | <input checked="" type="checkbox"/> Right-of-way dimensions |
| NA Dedication | NA Zone district labels |
| <input checked="" type="checkbox"/> Approval by Rico Planning Commission | <input checked="" type="checkbox"/> Adjoining lots with labels |
| <input checked="" type="checkbox"/> Approval by Town of Rico | |

- ☒ Statement from County Treasurer showing the status of current taxes due on affected property
- ☒ Letter of agency if applicant is other than the owner of the property
- ☒ An application fee in the amount of \$750.00
- ☒ A Certificate of Mailing with names, addresses, and property owned of property owners within 200 feet of subject property.
- ☒ A copy of the deed for the property.

Date Application Received: 01-23-2020

Application Reviewed by _____

Application Fee Received: 01-23-2020

Date of Hearing _____

Application Complete Yes*

Rico Planning Commission Action _____

Mailing Notice Complete _____

Approval Subject to Conditions _____

Other comments:

A 24"x 36" mylar will be required for recording if the re-subdivision is approved.

RESOLUTION 2020-08

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO
SUPPORTING THE SUBMISSION OF A GRANT APPLICATION FOR FUNDS FROM COLORADO
PARKS AND WILDLIFE FUND**

WHEREAS, the Town of Rico supports the Colorado Parks and Wildlife grant application to fund a portion of the construction costs of a connecting trail and a bridge across the Dolores River from the southern boundary of the Town of Rico across the parcel known as the Dolores Placer to the existing Rio Grande Southern Trail on the San Juan National Forest; and

WHEREAS, the Town of Rico intends to provide local funding dedicated to parks, open space and trails and financial support from other non-profit entities for the construction of a trail and a bridge with these grant funds, subject to the award and execution of a grant agreement.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO THAT:

SECTION 1: The Town Board of Trustees hereby authorizes the Town Manager to sign the Colorado Parks and Wildlife grant application, and if awarded, the grant agreement with Colorado Parks and Wildlife.

SECTION 2: The Town Board of Trustees hereby authorizes the expenditure of funds as necessary to meet the terms and obligations of the grant agreement and application.

SECTION 3: This resolution to be in full force and effect from and after its passage and approval.

ADOPTED this 19th day of August 2020, by the Rico Board of Trustees.

Barbara Betts, Mayor, Town of Rico

Attest:

Linda Yellowman, Rico Town Clerk

Artists of Rico Court House Gallery Maintenance Proposal

Summary: With the dramatic changes that have taken place this year with COVID-19, the Artists of Rico ["ARC"] have had to forgo an important cornerstone of their summer mission—the Popup Gallery at the Mercantile Building. The building has served as temporary exhibit space for ARC, but the changes this year created a need for a more permanent solution to show artwork.

ARC proposes to the Town Board (Exhibit A) to use the downstairs hallway of the Court House as a rotating exhibit space for local artists to show their work. It is anticipated that the work will rotate annually (at a minimum) in order to create public engagement and allow artists to display new work. ARC proposes the following guidelines to meet this objective.

1. ARC will be responsible for selecting, hanging and rotating work displayed in the gallery space as defined by the north and south walls of the first-floor hallway of the Court House/City Hall. Although ARC will be responsible for selecting appropriate work, any local artist wishing to exhibit may contact ARC about the next exhibition rotation.
2. ARC will provide the Town Manager with a signed indemnification agreement (Exhibit B) by each exhibiting artist stating that the artist assumes all liability for the work as part of the opportunity to display.
3. ARC will be responsible for any repair and maintenance of the walls relative to hanging the artwork. Access to the building will be coordinated with the Town Manager.
4. ARC will be responsible for returning or storing artwork that has been taken down as part of the annual exhibit rotation.
5. ARC will curate each exhibit so that the body of work is appropriate and in good taste for such public space.

ARC is certainly open to any additional requirement or restrictions regarding use of the Court House walls. This agreement may also be subject to review and renewal as a matter of compliance and to reconsider the benefits to both parties.

Attachments:

Exhibit A: ARC Proposal Letter

Exhibit B: Hold Harmless Agreement

EXHIBIT A



Town of Rico Board of Trustees
c/o Kari Distefano, Town Manager
2 Commercial Street
Rico Town Hall
Rico CO. 81332

August 12, 2020

RE: Artist of Rico Proposal for use of Court House Wall Space

The Artists of Rico, Colorado, (aRc) are working to nurture a sense of fellowship among the area's talented artists and craftspeople.

Currently, many of us have artwork located in the downstairs hallway. As an effort to update/rotate some of the artwork we submit the attached proposal for your consideration. Please note that there may be minor changes to the draft as the aRc membership will not approve the proposal until the evening of August 13, 2020. Any changes will be presented at the Town Board meeting next week.

Thank you for your time.

Ann C. Williams

Ann C Williams
President
Artists of Rico

Post Office Box 13, Rico Colorado 81332

Email artistsofrico@gmail.com

Website: www.artistsofricocolorado.com

#artistsofricocolorado

Exhibit B

ARTWORK AGREEMENT

This agreement is made this __ day of _____, 2020, between the Town of Rico (Rico), and _____, _____, Colorado

Name

Address

_____ (Artist).

Zip code

Whereas, Artist has artwork that Artist desires to display at Rico Town Hall;

Whereas, Rico would like to display any artist's artwork at Rico Town Hall but does not wish to undertake any responsibility for any artwork that is displayed;

NOW THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. Artist shall be allowed to display certain artwork in Rico Town Hall for a period of time not to exceed _____ as set forth by the Artists of Rico in return for the below release of liability and indemnification agreement.
2. Artist is responsible for delivering the artwork to a location determined by the Artists of Rico and for display and for picking up the artwork after the display period has ended.

RELEASE OF LIABILITY AND INDEMNIFICATION AGREEMENT

(Please Initial Each Paragraph)

_____ I understand that participation in the above-described activity may involve risk to my artwork. I further acknowledge that such risks may cause property loss or damage.

_____ By signing this RELEASE AND INDEMNIFICATION AGREEMENT, I hereby expressly assume all such risks of injury, loss, or damage to my artwork, whether or not caused by the act, omission, negligence, or other fault of the Rico, its officers, agents, employees, or any other cause.

_____ By signing this RELEASE AND INDEMNIFICATION AGREEMENT, I further hereby waive, and exempt, release, and discharge Rico, its officials and its employees from, any and all claims, demands, and actions for such injury, loss, or damage, arising out of or in any way related displaying artwork, whether or not caused by the act, omission, negligence, or other fault of Rico, its officials, agents, employees, or any other cause.

_____ I agree that this RELEASE AND IDEMNIFICATION AGREEMENT extends to all acts, omissions, negligence, or other fault of the Town, its officers, agents, and employees, and that this agreement is intended to be as broad and inclusive as is permitted by the laws of the State of Colorado. If any portion hereof is held invalid, it is further agreed that the balance shall, notwithstanding, continue in full legal force and effect.

_____ I understand and acknowledge that Rico, its officials, agents and employees are relying on this RELEASE AND INDEMNIFICATION AGREEMENT, and do not waive or intend to waive any provision of the Colorado Governmental Immunity Act, C.R.S. §§24-10-101 et seq., as amended, or otherwise available to Rico, its officials, agents and employees.

_____ I understand and agree that this RELEASE AND INDEMNIFICATION AGREEMENT shall be governed by the laws of the State of Colorado, and that jurisdiction and venue for any suit or cause of action under this Agreement shall lie in the courts of Dolores County, Colorado.

_____ This RELEASE AND INDEMNIFICATION AGREEMENT shall be effective as of the date set forth below and shall be binding upon me, my successors, representatives, heirs, executors, assigns, or transferees.

By: Town of Rico

Kari Distefano, Town Manager

By: Artist

Printed Name

Signature