

Date: December 7th, 2020

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

Atlantic Richfield small tract purchase from the U.S. Forest Service

This will be a continuation of the discussion regarding the proposed Atlantic Richfield small tract purchase of a 39.99 acre parcel from the San Juan National Forest located north of Rico. Based on comments from the Trustees at the site walk that took place at the last meeting, the Board is still concerned about continued access by the public on the trails that cross the parcel scheduled for sale.

Todd Robertson, the Western Lands Group consultant that is working on this project on behalf of Atlantic Richfield, has requested that he be invited to the Trustee's meeting to answer any questions that the Trustees may have about the sale. It is my understanding that ARCO may be willing to provide a recreational easement to ensure continued public access over commonly used trails. Mr. Robertson should be able to offer the Trustees more information at the meeting.

I went on another site visit last week with Dave Bulson to explore opportunities to construct a more formal trail that would connect the Town of Rico to the San Juan National Forest north of Rico with the ultimate goal of a trail connection from the top of Lizardhead to the Dolores / Montezuma County line. This may be an opportunity to extend the trail northward. If the Trustees are interested in pursuing this project, I will begin to put together the necessary information for an easement agreement with the hopes that ARCO will be amenable and begin investigating a possible trail alignment northward.

Rico Water Plan

At the October meeting while we were discussing the Bedrock Subdivision, there was a suggestion by Nicole Pieterse that we explore the option of moving the point of diversion for Silver Creek. Rico has water rights on Silver Creek that pre-date the in-stream flow requirements that made it difficult to get water rights for our well beyond the 0.178 cfs (84 gallons per minute) that we currently have. Rico would have enough water to serve a larger population should we be successful in changing the diversion point to the existing well. This

would likely be a less expensive alternative to upgrading the Silver Creek system but the water quality would not be as good as that of Silver Creek.

I have invited Marti Whitmore to discuss the pros and cons of taking this route to increase Rico's access to water. She is a water rights attorney and will be able to answer any questions that the Board may have.

Recycling in Rico

Brandy Randall was able to provide me with a contact person with the Four Corners Recycling Initiative, named Marianne Mate. Ms. Mate was able to give me some good information about recycling in the area. Apparently, the Cortez landfill had discontinued recycling due to the pandemic, but they have started to recycle again and will recycle glass, numbers 1 and 2 plastics, cardboard and mixed metals. The challenge would be to get the items that are to be recycled to Cortez. She suggested that I contact Colby Early, who works at the Cortez Landfill, and who has come up with a template to construct a trailer that would house recycling bins and could be attached to a truck and periodically driven to the landfill in Cortez. I contacted Mr. Early and he has provided us with a very comprehensive list of suggestions for recycling that is included in this packet. Photos of trailer setups are also included in this packet.

I believe that this could offer an opportunity to reinstate recycling in Rico. With Mr. Early's information, we could generate an estimate of what it would cost to build the trailer and haul the recycling to Cortez weekly or bi-weekly depending on demand. We could potentially cover the cost of the trailer and hauling by charging a fee to people that are interested in recycling. If the Trustees wish to go forward with this, I will come up with a cost estimate and survey the Rico residents to get an idea of how much interest in recycling there is community wide and how much people would be willing to pay per month for this service.

Changes to Rico's Shuttle Route

Joe Dillsworth is the Town of Rico's representative on the San Miguel Authority for Regional Transportation (SMART) board. He mentioned at the last meeting that there had been some discussion at the SMART board meeting regarding changes to the Rico shuttle route. At the request of the Ski Ranches HOA, there has been some preliminary investigation of the possibility of the shuttle entering the Ski Ranches at the Vance Creek (southern entrance) and exiting at the Fox Farm Entrance (northern entrance). This addition to the route would add approximately 10 minutes to the trip between Rico and Telluride. SMART is in only the very

preliminary stages of assessing the need for this route and no decisions will be made without input from the Rico community.

Another topic that Joe and I have discussed with David Averill, the executive director of the SMART Board, was the addition of one or two bus garages to our public works facility should we find the funding to rebuild it. This could be a mutually favorable arrangement since it would open the door to CDOT grant funding in addition to any funding that we could get from the Department of Local Affairs. Joe and I will be continuing this discussion with David and will keep the Board apprised of any developments.

Consideration of a proposal to enter into a Memorandum of Agreement between the United States Forest Service (San Juan National Forest) and the Colorado State Historic Preservation Officer regarding adverse effects to Site 5DL478.19 resulting from the Atlantic Richfield Small Tracts Act Case No. 2020 Project, Dolores County, Colorado

This subject came up initially in April when the Town was first notified of the US Forest Service intention to sell a 39.99 acre parcel to Atlantic Richfield under the small tracts act. The USFS must go through a process to sell a parcel to a private entity. As part of this process, they are required to conduct an archaeological survey as a provision of Section 106, the National Historic Preservation Act of 1966. The USFS hired Alpine Archaeological Consultants to perform this survey. As you may recall, the consultants found two segments of historic railroad grade on the parcel. One is a portion of the Rio Grande Southern and the other is a portion of the Enterprise Branch of the Rio Grande Southern. The consultants also found two small mine shafts. The mine shafts and the Rio Grande Southern grade were considered by the archaeologists to be historically insignificant, but they did deem the portion of the Enterprise Branch to be of value. As such they determined that the sale to a private landowner would have an adverse effect on the Enterprise Branch grade. As a result of this finding, to go through with the sale, the USFS must mitigate the adverse effect.

At the discussion in April, the trustees requested that the Town be a consulting party to an agreement with the Colorado State Historic Preservation Officer. Subsequently the Town was invited to be a signatory on the Memorandum of Agreement between the USFS and the Colorado State Historic Preservation Officer. This agreement acknowledges that selling the parcel to a private entity will have an adverse effect on historic resources, specifically site 5DL478.19, which is the Enterprise Branch of the Rio Grande Southern Railroad. The proposed mitigation is to document the site, which will include a narrative history, and maps and photos of archival quality. The mitigation will also include the installation of an interpretive sign, the location of which is to be determined. It is important to note that agreeing with the mitigation of the adverse

effect does not imply support of the project as a whole. It only means that should the project go through the Town supports the mitigation.

The proposed Rio Grande Southern Trail to the south of Rico including the stretch that goes across Mike Popek's land will also be reviewed under the Section 106, the National Historic Preservation Act of 1966. Any objections by the Town to the proposed mitigation of the Enterprise segment of the railroad grade could ultimately have negative ramifications to the Town's efforts to extend that trail. Should the Town have reservations about entering into the memorandum of agreement, a more neutral approach would be to request that the Town not be included as a signatory but rather continue as a consulting party. With respect to the sale, it is my understanding there will be a public comment period. That would be the more appropriate time to voice concerns regarding the sale to ARCO.

A copy of the Memorandum of Agreement is included in the packet. John Chmelir, Archaeologist for the San Juan National Forest will be joining us by zoom to answer any questions that the Board may have.

Consideration of the 2nd reading of the 2021 Budget, appropriating sums of money and setting and certifying Town mill levies

The budget, budget message and the ordinance to certify the mill levies are included in the packet. There are no substantive differences between this iteration and the first reading however I would like to call your attention to a couple of details. As directed by the Trustees at the last meeting, I have included a line item in the amount of \$5,000 for the Rico Cares project. In addition, based on the cost of the two town marshals over the course of the year, I have had to adjust the budget for the marshals from \$20,000 to \$34,000. I have also included \$5,000 in both the street and the water funds to be used as funding for the preliminary planning of a new public works facility. The suggested motion is to approve or approve with conditions the 2nd reading of the 2021 Budget, appropriating sums of money and setting and certifying Town mill levies.

Consideration of an Ordinance of the Town of Rico Colorado Amending Rico Budget Ordinance 2019-7 to Reflect Additional Expenditures

When the Town opened up new discussions with Atlantic Richfield and British Petroleum for the purpose of negotiating a clean-up agreement, we immediately asked that they pay an attorney to represent the Town. They agreed but when I created the 2020 budget, I had no idea what he would cost and as a result, the 2020 budget under appropriated funding for this attorney's services. This money comes back to the Town from BP, but we need to revise last

year's budget to reflect the cost of the attorney. The revenue side of the budget reflects the additional revenue that comes from BP to reimburse the Town for these costs. I also underestimated our revenue from sales tax. This resulted in an under appropriation of the sales use tax line item that reflects the money that the general fund takes in from the State and then pays to the street fund and the parks, open space and trails fund.

The street fund budget also needs to be revised because we paid the lease for the loader early so this year's budget expenditures reflects two \$24,533.77 invoices for a total of \$49,067.53 but we will not have this bill in 2021 however we still spent less of the street fund than we had anticipated, mostly in contract snow removal. There is a large discrepancy in the water fund that is a result of spending much less than anticipated on the water meter replacement project. Since we spent less, there was and smaller reimbursement from the Department of Local Affairs, the entity that gave us the grant for the project. This project will be carried over until next year. Discrepancies in the other funds were minor.

Consideration of the 1st reading of an Ordinance of the Town of Rico, Colorado Amending Ordinance No. 2008-1 to increase water user's fees for the Town of Rico Water Enterprise Fund

As discussed at the last meeting, I have included in your packet an ordinance to amend Ordinance 2008-1 to increase water user fees. This increase was discussed and agreed upon. This ordinance proposes a \$5.00 per month increase in the base rate for water use. The rate would go from \$33.00 per month to \$38.00 per month for residences and from \$63.00 to \$68.00 per month for commercial operations. This ordinance does not include an increase to the \$5.00 charge levied on each additional 1000 gallons beyond the 3000 gallon minimum for residences and the \$6.00 charge for each 1000 additional gallons for commercial operations. It is worth noting that these rates have not been raised since 2008 and if the water user rates had kept up with inflation, the base rates would be \$39.91 and \$76.19. The purpose of this rate increase is to start saving money for necessary capital improvements to the water system. The suggested motion is to approve, approve with conditions or deny the first reading of an Ordinance of the Town of Rico, Colorado Amending Ordinance No. 2008-1 to increase water user's fees for the Town of Rico Water Enterprise Fund.

Consideration of an application for a height variance for a cell phone tower at 119 S. Glasgow (Rico Fire Department Building), SAC Wireless on behalf of AT&T, applicant.

The applicant, SAC Wireless, is requesting a height variance for a cell phone tower that will be replacing the existing tower and associated equipment on the Rico Fire Station lot. The Rico Fire Station is in the Historic Commercial Zone District. In this zone district, the maximum allowable height for structures is 30'. The existing tower is 30' high. The applicant is requesting a variance for a tower that would be 45' high. According to the narrative in the application, a copy of which is included in this packet, they want to install equipment that would allow the operation of FirstNet. As stated in the narrative "The FirstNet mission is to deploy, operate, maintain, and improve the first high-speed, nationwide wireless broadband network dedicated to public safety". In addition to the Variance Application, there are two maps included in the packet. They are intended to illustrate the difference in coverage between the 30' tower and the 45' tower. The application is complete and compliant.

When evaluating a variance application, the following should be considered:

There are special circumstances existing on the property on which the application is made related to size, shape, area, topography, surrounding conditions, access, and location that do not apply generally to other property in the same area and Zone District;

the Variance will not unduly impact such things as: snow removal, streetscapes, separation of buildings for fire protection, and opportunity for off-street parking, which are provided by minimum setbacks; solar access, and protection of neighbors views to the surrounding mountains, which are provided by maximum building heights; continuity of design, minimization of visual impact, and provision of minimal yard area, which is provided by maximum floor areas (particular attention shall be given to the impacts of the Variance on neighbors); and,

the Variance, if granted, will not constitute a material detriment to the public welfare or injury to the use, of property in the vicinity; and,
the Variance is not sought to relieve a hardship to development of the property which has been created by the Applicant; and,

the proposed use is a permitted use in the underlying Zone District.

The applicant has addressed these questions in the application and makes the argument that this is a public safety issue. This service is available only to first responders, but it is my understanding that the FirstNet service passes through AT&T. Prior to the Planning Commission meeting, I called AT&T hoping for an AT&T technician that could answer two questions. Will cell service get better in Rico as a result of this tower? Would AT&T be able to expand its service in Rico? In the past, I have been told by AT&T that they don't extend their service to

Rico. I was on hold with AT&T for an hour before having to give up and move on to other things.

As you all know, cell service in Rico is a problem. I get constant complaints about Verizon. It does not interconnect with land lines and is often just bad. Despite the fact that AT&T says they don't have service in Rico, both my phone and the SCADA (the electronic network that links the water storage tanks to the well house) for our water system use AT&T. We rarely have problems but if you call AT&T, they will tell you that AT&T does not serve Rico and on several occasions my service has disappeared for a period of time and the technicians were unable to tell me what was going on.

The planning meeting was informative. According to the applicants, the higher tower would improve service to the Town. The FirstNet service is partnered with AT&T and Allyn Svoboda, who had done some research on the subject said that he was told by AT&T that they were not charging for roaming in Rico. The applicants said that they had an arrangement with Verizon as well as AT&T and T Mobile so in theory, those services should also work better with the higher tower. While the planning commission did not make a finding of hardship related to size, shape, area, topography, surrounding conditions, access, and location that would require a height variance, they did determine that the potential benefit to the community outweighed the conflict with prior rejections of height variances and recommended approval of the height variance by the Rico Board of Trustees. The suggested motion is to approve, approve with conditions or deny the variance request by the applicants.

Consideration of an Ordinance to increase in septic permit fees as per Colorado Department of Public Health and Environment Regulation 43, Section 43.4.B.a 25-10-107, C.R.S. from \$3.00 to \$150.00.

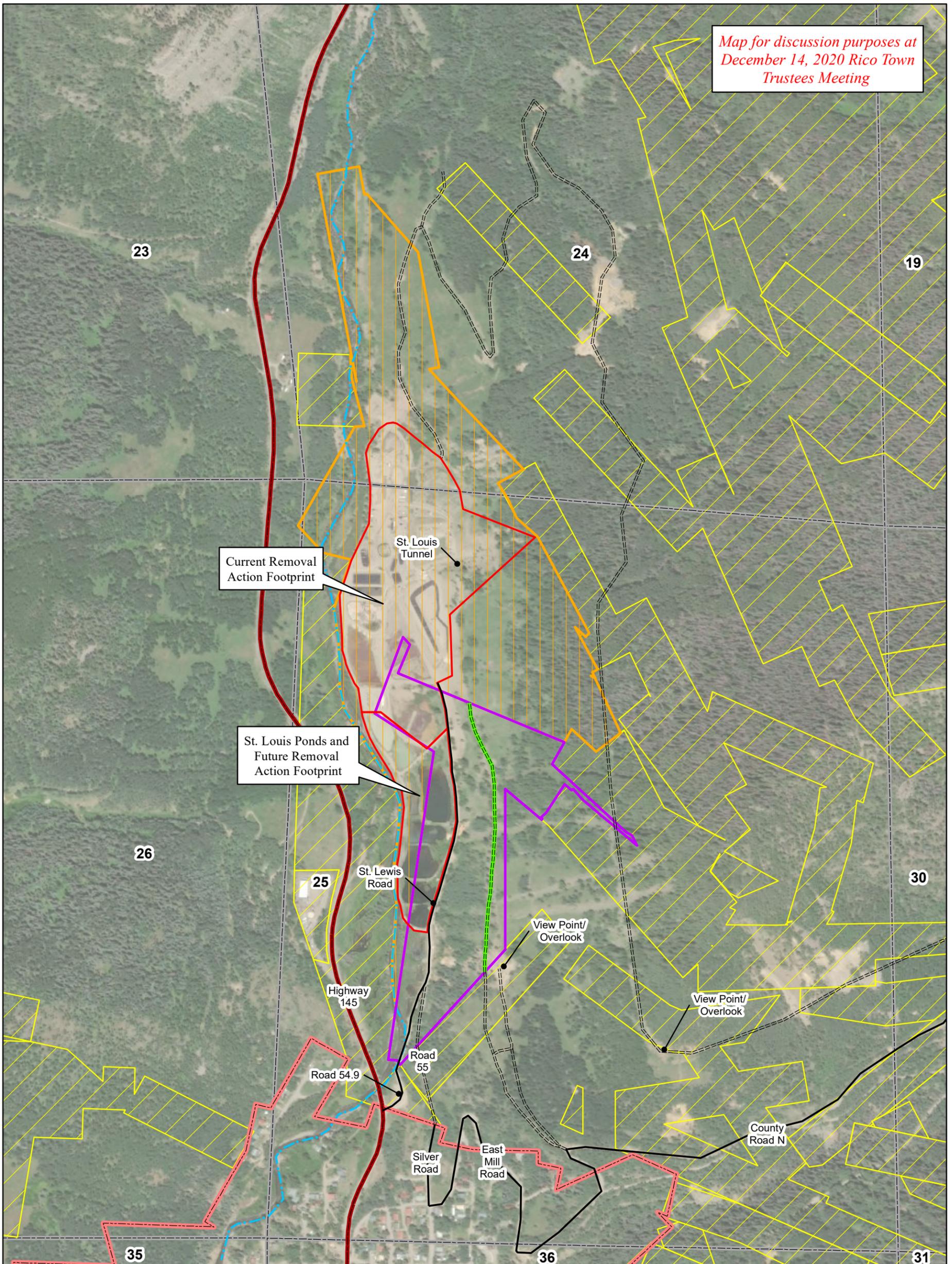
When the Board of Trustees adopted Colorado Department of Public Health and Environment (CDPHE) Regulation 43 in 2017, embedded in the language that we adopted is a provision that requires a surcharge of \$23.00 for septic systems. \$20 dollars goes to the (CDPHE) and "the local public health agency must retain three dollars to cover the local public health agency's administrative costs". For the purpose of issuing permits and inspecting septic systems, the Town of Rico is the local public health agency. The \$3.00 dollars does not cover the cost to the Town of reviewing septic system plans, conducting installation inspections and maintaining a filing system that allows owners to review septic system information. We have discussed charging more at prior meetings and I am suggesting that a permit fee of \$150.00 for routine septic review, inspections and filing. On some occasions, a system may require the review of an outside expert such as a licensed

engineer. On these occasions the cost of that review should be passed along to the applicant. Included in this packet is an ordinance to increase these fees. The suggested motion would be a motion to approve or deny the ordinance to increase septic permit fees as per Colorado Department of Public Health and Environment Regulation 43, Section 43.4.B.a 25-10-107, C.R.S. from \$3.00 to \$150.00.

Update on Corona Virus Relief Fund (CVRF)

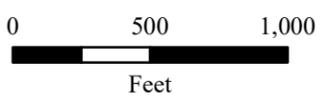
The Corona Virus Relief Fund is a fund given to local governments to help offset the costs of the COVID19 pandemic. So far, the Town of Rico has gotten \$7,847.80 to offset the unbudgeted costs of additional cleaning, zoom meeting expenses, food distribution costs and administrative costs related to COVID 19. We will be getting an additional \$3,000 for grants to local businesses to help offset COVID costs as well as funding to recoup the cost of the equipment to provide a video feed of the board meetings and an additional internet line for the meeting room.

Map for discussion purposes at
December 14, 2020 Rico Town
Trustees Meeting



**Small Tracts Act Case #2020
Proposed Non-Motorized Trail Easement
Alignment for future Galloping Goose Trail**

T40N, R11W, Sec 25, N.M.P.M.
San Juan National Forest
Dolores County, Colorado



1:8,000

Map Date: December 10, 2020

- | | | | |
|---|---|---|--|
|  | STA Case #2020 (NFS lands identified for acquisition by Atlantic Richfield) |  | Lands owned by Atlantic Richfield Company |
|  | Proposed Easement Alignment for Future Galloping Goose Trail |  | Rico-Argentine Site Remediation Footprints |
|  | Improved Roads |  | Privately-owned lands outside of town limits |
|  | Historic/Unimproved Roads |  | Rico Town Limits |
|  | Highway 145 |  | National Forest System Lands (areas outside of town limits with no hatching) |
| | |  | Section Lines |



Recycling ideas

1. Identify the potential amount (Yardage) of recycling Rico would likely produce and from what sources.
 - Based on projected yards collected and what type of materials you want to capture this would tell you what type of trailer would best suit the town's needs. I would go as big as I could within the limitations of my haulers capabilities and parking location.
2. Identify the top commodities Rico would like to pursue for collection, here are some thoughts.
 - Type #1 and #2 plastic: We typically see 3x more number ones collected in our streams than number twos
 - Cardboard: a program driver to be sure, but very bulky and will take up most of your collection space.
 - Tin Steel Ferrous: small ferrous items and tin and steel cans. large cans from area restaurants?
 - Aluminum: Cans pans and foil
3. Identify Possible revenue streams to build a trailer and continue services
 - Grants like to see ongoing services after infrastructure purchases.
 - Consider an RREO grant with matching funds from other organizations for the trailer build. Don't forget letters of support.
 - CDPHE has a public drop off rebate available for public drop offs that collect a minimum of three commodities and have a minimum of 12 yards' collection capacity. They calculate distance from processing facility and amount of commodities collected. Currently the information is filled out and submitted once a year and has been the main source of income for FCRI. This could be a way for Rico to move forward. Visit for more information <https://cdphe.colorado.gov/sustainability-programs/recycling>
 - Consider large producers that would benefit from lower garbage bills to host a location or donate to your service.
4. Identify public drop-off location
 - The State has requirements for access to public drop off locations if you wish to try and go after these types of funds.
5. Identify Hauler
 - Volunteer?
 - Town Funded?
 - Paid portion of rebate?
 - Paid per haul/with required paper work and records keeping?
6. Research CDPHE call Kendra and the team, they are very willing to help towns and remote locations in rural Colorado get going. They could even help with grant and funding ideas.





CITY OF CORTEZ
1-2-2012

CAUTION
DM
COATING SYSTEM
A WARNING

DM
COATING SYSTEM
A WARNING

4C 4 CORNERS TRAILERS
BATFIELD, COLORADO
4CORNERSTRAILERS.COM



ND C EDM




diamondc.com

4C 4 CORNERS TRAILERS
BAYFIELD, COLORADO
4CORNERSTRAILERS.COM

MEMORANDUM OF AGREEMENT
BETWEEN
THE UNITED STATES FOREST SERVICE (SAN JUAN NATIONAL FOREST),
AND THE COLORADO STATE HISTORIC PRESERVATION OFFICER,
REGARDING ADVERSE EFFECTS TO SITE 5DL478.19
RESULTING FROM THE
ATLANTIC RICHFIELD SMALL TRACTS ACT CASE NO. 2020 PROJECT,
DOLORES COUNTY, COLORADO

WHEREAS, the United States Forest Service, San Juan National Forest (USFS) is proposing to transfer 39.99 acres of land out of federal ownership to the Atlantic Richfield Company (ARCO) in Dolores County, Colorado as part of the Atlantic Richfield Co. Small Tracts Act Case No. 2020 Project; and

WHEREAS, the USFS has defined the undertaking's area of potential effect as the 39.99 acres situated in the west half (W1/2) of Section 25, Township 40 North, Range 11 West, N.M.P.M. depicted on the plat deposited with the Dolores County Clerk and Recorder's Office on September 26, 2019 as Survey 1-210, a copy of which is shown in Attachment 1 of this Memorandum of Agreement (MOA); and

WHEREAS, the USFS has determined, in consultation with the SHPO, that 5DL.478.19 is eligible for listing on the National Register of Historic Places (NRHP) under Criteria A and D, and that the undertaking will have an adverse effect to the historic property; and

WHEREAS, the USFS has consulted with the Colorado State Historic Preservation Officer (SHPO) pursuant to 36 C.F.R. part 800 of the regulations implementing Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108), and they are a Signatory to this MOA; and

WHEREAS, on February 24, 2020 the USFS invited the Jicarilla Apache Nation, Kewa Pueblo, Navajo Nation, Ohkay Owingeh, Pueblo de Cochiti, Pueblo de San Ildefonso, Pueblo of Acoma, Pueblo of Isleta, Pueblo of Jemez, Pueblo of Laguna, Pueblo of Nambe, Pueblo of Picuris, Pueblo of Pojoaque, Pueblo of San Felipe, Pueblo of Sandia, Pueblo of Santa Ana, Pueblo of Santa Clara, Pueblo of Tesuque, Pueblo of Zia, Southern Ute Indian Tribe, Taos Pueblo The Hopi Tribe, Uintah and Ouray Tribal Business Committee, Ute Indian Tribe, Ute Indian Tribe, Ute Mountain Ute Tribe, and Zuni Pueblo to consult on the proposed undertaking pursuant to Section 106 of the NHPA and have invited them to sign the MOA as a concurring party; and

WHEREAS, on April 17, 2020 the Southern Ute Indian Tribe indicated support for a finding of No Adverse Effect for the project, on March 5, the Hopi Tribe has deferred to the SHPO

regarding findings of effect, on April 9 and May 4 respectively, 2020 the Navajo Nation Tribe and the Pueblo of San Ildefonso specifically declined to comment, and the remaining Tribes have not expressed comment as of the signing of this MOA; and (NOTE This would be updated to reflect the situation at the time of signing. As of 12/2/2020 this is the known situation.)

WHEREAS, on April 10, 2020 the USFS has invited Atlantic Richfield Company Co. (ARCO) to participate in consultation as an invited Signatory to this MOA, and ARCO accepted on April 14, 2020; and

WHEREAS, on February 24, 2020 the USFS invited Town of Rico to be a concurring party to this agreement, and the town agreed to participate via email on October 29, 2020; and

WHEREAS, in accordance with 36 C.F.R. § 800.6(a)(1), on February 24, 2020 the USFS notified the Advisory Council on Historic Preservation (ACHP), of its adverse effect determination providing specified documentation as required by 36 CFR § 800.11(e), and the ACHP elected, in a letter dated August 26, 2020 not to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

WHEREAS, the USFS is the lead agency for Section 106 responsibilities; and

WHEREAS, this MOA represents the entire and integrated agreement between the parties and supersedes all prior negotiations, representations, and agreements, whether written or oral, regarding compliance with Section 106 of NHPA for adverse effects to site 5DL478.19 and subsequent updates as stipulated below; and

NOW, THEREFORE, pursuant to Section 106 of the NHPA, the USFS, the SHPO, and ARCO agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effects of the undertaking on historic properties.

STIPULATIONS

The USFS shall ensure that the following measures are carried out:

I. MITIGATION

- A. Site 5DL478.19 shall be recorded in accordance with the guidance for Level II Documentation found in “Historic Resource Documentation, Standards for Level I, II, and III Documentation” (Office of Archaeology and Historic Preservation Publication 1595, March 2013). The documentation will be of archival quality, and will include a detailed narrative history, mapping of the property, and photographic documentation of the portions of the historic property to be included in the project. Archival research will be completed.
- B. The USFS shall submit to the SHPO a copy of the draft documentation following completion of fieldwork so that it may review and provide comment. The SHPO

shall have 30 days for review and comment following receipt of the draft documentation.

- C. The USFS and ARCO shall develop and install interpretive signage relating to the Rio Grande Southern Railroad at a location to be determined by the parties.

Stipulations IA and IB shall be satisfied prior to the conveyance of property out of federal ownership. Stipulation IC shall be satisfied prior to the expiration of this agreement.

II. GENERAL REQUIREMENTS AND STANDARDS

The activities prescribed by the stipulations of this MOA shall be carried out by or under the direct supervision of a person or persons meeting, at minimum, the Secretary of the Interior Professional Qualifications Standards (48 FR 44738-39) (PQS) in the appropriate discipline. This does not preclude the use of properly supervised persons who do not meet the PQS.

III. DURATION

This MOA will be in effect for two (2) years from the date of its execution or until all requirements have been completed. Prior to such time, the USFS may consult with other signatories to reconsider the terms of this agreement and amend it in accordance with Stipulation VII below. Upon completion of the requirements of this MOA, the USFS will file a final report with all signatories and ACHP stating that the agreement has been completed.

IV. POST-REVIEW DISCOVERIES

If potential historic properties are discovered or unanticipated effects on historic properties found, USFS shall consult pursuant to 36 C.F.R. § 800.13.

V. MONITORING AND REPORTING

Annually on January 1, beginning the year following the execution of this MOA until it expires or is terminated, the USFS shall provide all parties to this MOA a summary report describing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in USFS's efforts to carry out the terms of this MOA.

VI. DISPUTE RESOLUTION

Should any signatory or concurring party to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, the USFS shall consult with such party to resolve the objection. If the USFS determines that such objection cannot be resolved, the USFS will:

- A) Forward all documentation relevant to this dispute, including the USFS's proposed resolution, to the ACHP. The ACHP shall provide the USFS with its advice on the resolution of the objection within thirty (30) days of receiving

adequate documentation. Prior to reaching a final decision on the dispute, the USFS shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. The USFS will then proceed according to its final decision.

- B) If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, the USFS may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the USFS shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA and provide them and the ACHP with a copy of such written response.
- C) The USFS's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

VII. AMENDMENTS

This MOA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all the signatories is filed with the ACHP.

VIII. TERMINATION

If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other signatories to attempt to develop an amendment per Stipulation VII, above. If within thirty (30) days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

Once the MOA is terminated, and prior to work continuing on the undertaking, the USFS must either (a) execute an MOA pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. The USFS shall notify the signatories as to the course of action it will pursue.

Execution of this MOA and implementation of its terms evidence that the USFS has taken into account the effects of the **Atlantic Richfield Co. Small Tracts Act Case No. 2020 Project** on historic properties and has afforded the ACHP an opportunity to comment on the undertaking, its effects, and resolution of adverse effects.

Signatures. In witness whereof, the parties to this MOA through their duly authorized representatives have executed this MOA on the dates set out below, and certify that they have read, understood, and agreed to the terms and conditions of this MOA as set forth herein.

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DRAFT

The effective date of this MOA for the **ATLANTIC RICHFIELD SMALL TRACTS ACT CASE NO. 2020 PROJECT** is the date of the last Signatory signature affixed to these pages.

SIGNATORIES:

UNITED STATES FOREST SERVICE, SAN JUAN NATIONAL FOREST

Kara Chadwick, Forest Supervisor

Date: _____

COLORADO STATE HISTORIC PRESERVATION OFFICE

Steve Turner, Colorado State Historic Preservation Officer

Date: _____

INVITED SIGNATORIES:

ATLANTIC RICHFIELD COMPANY

Patricia Gallery, Vice President

Date: _____

Town of Rico

Barbara Betts, Rico Mayor

Date: _____

ATTACHMENT 1
Insert recorded plat

DRAFT

**TOWN OF RICO ORDINANCE
NO.2020-05
AN ORDINANCE OF THE TOWN OF RICO, COLORADO, AMENDING RICO
BUDGET ORDINANCE NO. 2019-7 TO REFLECT ADDITIONAL REVENUES AND
EXPENDITURES**

WHEREAS, the Rico Town Charter, Article VI, sec. 6.7, states that the Rico Board of Trustees may make additional appropriations by Ordinance during the fiscal year to amend the Town's 2020 Budget as previously adopted by Ordinance No. 2019- 7, for unanticipated expenditures or receipt of additional revenues. The purpose of this amended budget ordinance is to reconcile and amend the 2020 budget for increased expenditures and their corresponding revenues;

WHEREAS, the Town of Rico's General Fund budget lines that support a transfer or expenditure line have been increased. The result was an additional increase in funding to cover the unforeseen costs of an attorney to negotiate a voluntary cleanup agreement with AR/BP. Expenditure estimates have also been increased to account for costs associated with said costs. Town of Rico's General Fund has incurred an increase in expenses of \$40,296 funded through reserves in the General Fund.

WHEREAS, the Town of Rico's Sewer Fund budget lines that support a transfer or expenditure line have been increased. The result was an additional increase in funding to account for payroll transfers. Town of Rico's Sewer Fund has incurred an increase in expenses of \$775.00 funded through reserves in the Sewer Fund.

WHEREAS, the Town of Rico Board of Trustees declares that it is in the best interest of the Town's citizens and necessary for the health, safety and welfare of the Town to amend the 2020 annual budget to reflect the above described changes in revenues and expenses.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO AS FOLLOWS:

SECTION 2. The amendments set forth herein in no way effect the taxes levied as set forth in the 2020 Budget, Ordinance No. 2019-7

SECTION 3. This Ordinance shall take effect immediately upon final adoption.

This Ordinance was, following public notice, introduced, read and adopted upon first reading on the 13th day of December 2020.

This Ordinance was, following public notice, introduced, read and adopted finally adopted upon second reading on the 20th day of January 2021.

This Ordinance was, following public notice, introduced, read and adopted upon first reading on the 13th day of December 2020.

This Ordinance was, following public notice, introduced, read and adopted finally adopted upon second reading on the 20th day of January 2021.

By: _____
Barbara Betts, Mayor

Attest: _____
Linda Yellowman, Town Clerk

Town of Rico 2021 Budget

2020 and 2021 Budget Summary

Revenues - projected December 31st, 2020			
	2020 Adopted Budget	2020 December 31st Estimate	2021 Proposed Budget
General Fund	\$402,339	\$527,279	\$506,789
Street Fund	\$90,540	\$86,101	\$73,413
Water Fund	\$411,559	\$187,038	\$393,651
Sewer Fund	\$24,740	\$24,473	\$24,945
Parks, Open Space & Trails	\$11,535	\$18,371	\$12,285
Conservation Trust Fund	\$2,000	\$1,306	\$1,000
Expenditures - projected December 31st, 2020			
General Fund	-\$426,470	-\$466,739	-\$547,081
Street Fund	-\$127,094	-\$119,413	-\$117,317
Water Fund	-\$793,386	-\$456,875	-\$283,406
Sewer Fund	-\$16,500	-\$17,275	-\$21,819
Parks, Open Space & Trails	-\$32,700	-\$26,429	-\$47,550
Conservation Trust Fund	-\$5,000	-\$0	-\$5,000

Revenues vs. Expenditures

	2020 Adopted Budget	2020 Budget Estimate	2021 Proposed Budget
General Fund	-\$19,131	\$60,540	-\$40,292
Street Fund	-\$36,554	-\$33,312	-\$43,904
Water Fund	-\$386,827	-\$269,837	\$110,245
Sewer Fund	\$8,240	\$7,198	\$3,126
Parks, Open Space & Trails	-\$21,165	-\$8,058	-\$9,534
Conservation Trust Fund	-\$3,000	\$1,306	-\$1,000

Reserves

<i>Fund</i>	<i>From 2019 Audit Unrestricted</i>	<i>Projected 2020 end of year Balance</i>	<i>Projected 2021 end of year Balance</i>
General Fund	\$811,822	\$827,362	\$787,070
Street Fund	\$91,625	\$58,313	\$14,409
Water Fund	\$479,288	\$209,451	\$319,696
Sewer Fund	\$191,299	\$198,497	\$201,623
Parks, Open Space & Trails	\$92,715	\$84,657	\$75,123
Conservation Trust Fund	\$35,332	\$36,638	\$35,638

General Notes

- ❑ Per the 2016 Budget Financial Policies, the general fund should maintain a carry-over reserve balance of six months of basic operations for periods of revenue downturns.

- ❑ The November 2020 assessed valuation for the Town of Rico is \$6,0003,815
- ❑ There is a levy of 13.020 mills upon each dollar of total valuation for assessment of taxable property in the Town of Rico that goes to the General Fund.
- ❑ There is a levy of 1.785 mills upon each dollar of total valuation for assessment of taxable property in the Town of Rico that goes to the Street Fund.
- ❑ There is a levy of 3.939 mills upon each dollar of total valuation for assessment of taxable property in the Town of Rico that goes to the Sewer Fund.
- ❑ The General Fund receives 80% of the total revenue collected from the Town of Rico sales tax, which is 5%. The Parks, Open Space and Trails Fund gets 10% and the Street Fund gets 10%.
- ❑ Payroll allocations for 2020 include the following: **Town Manager** - General Fund 60%, Water Fund 30%, Sewer 10%; **Town Clerk** - General Fund 50%, Water 50%; **Full Time Maintenance Position** - Water Fund 60%, Street Fund 40%; **Part Time Maintenance position** - Water Fund 30%, Street Fund 70%; **Water Technician** - Water Fund 100%; **Town Marshall** - General Fund 100%; **POST Administrator** - POST Fund 100%; **POST groomer and ice rick maintenance positions** - POST Fund 100%.
- ❑ Contract Labor allocations for 2018 include the following: **Municipal Court Judge** - General Fund 100%; **Town Prosecutor** - General Fund 100%; **Attorney** - General Fund 90%, Water Fund 10%; **Town Planner** - General Fund 100%; **Grant Writer** - General Fund 100%; **Auditor** - General Fund 60%, Water Fund 40%; **Accounting Services** - General Fund 100%. The **Building Inspector** gets paid directly from building permit fees.
- ❑ Employer Payroll taxes for 2021 are estimated at 9.56%, employee PERA contribution for full time employees is 14.2%.

General Fund Notes

- ❑ Sales taxes are expected to be higher than last year despite COVID 19. This is due to a change in Colorado law that now requires off-site retail operations such as Amazon to pay local taxes. The November property tax valuation is \$43,036 higher than last year. Due to the increased sales activity this year, that number is expected to go up next year again.
- ❑ The Town continues to see increased costs of facilities maintenance. The Rico Town Hall needs constant care just to keep it from falling apart. We have budgeted \$15,000 for facility improvements. Other costs that are expected to go up are health care and utilities.

Street Fund Notes

- ❑ The Street fund is financed by a 1.785 mil levy. It also receives 10% of Town of Rico sales taxes, Highway Users Tax funding and County Road and Bridge reapportionment. This funding is dedicated to the Street Fund and cannot be used elsewhere. We are continuing the lease agreement with John Deere for a loader. We are experiencing a heavy shortfall in this fund due to loses from the Highway User's Tax that are a result of decreased travel due to COVID19. We have applied to the Rico Center for supplementary snowplowing funding.

Water Fund Notes

- ❑ The water fund is supported by user fees. The water fund is an enterprise fund, which is an account for operations financed and operated in a similar manner to a private business enterprise, where the intent is that costs are to be financed or recovered primarily through user charges. Enterprise funds are exempt from Tax Payer Bill of Right's (TABOR) restrictions if they meet certain requirements. Monies in this fund cannot be used for anything other than water system operations. This year's budget contemplates an increase in user fees from \$33 to \$38 as a base fee for residences. It also reflects a \$150 fee for shutting off and turning on taps.
- ❑ While replacing the water treatment plant in order to reactivate the Silver Creek system will likely have to wait, there are a number of other upgrades that we can and should continue. This year, we are replacing aging meters with new remote read meters that are more accurate and will save in labor costs. This work is being funded by a grant from the Department of Local Affairs.

- ❑ This year we also repaired and repainted two of three water tanks. Bids for repairing and repainting all three came in significantly higher than expected so we decided to work on the two new tanks with the idea of ultimately replacing the older tank. It is easier to get grant funding for capital projects than it is to get funding for repairs.

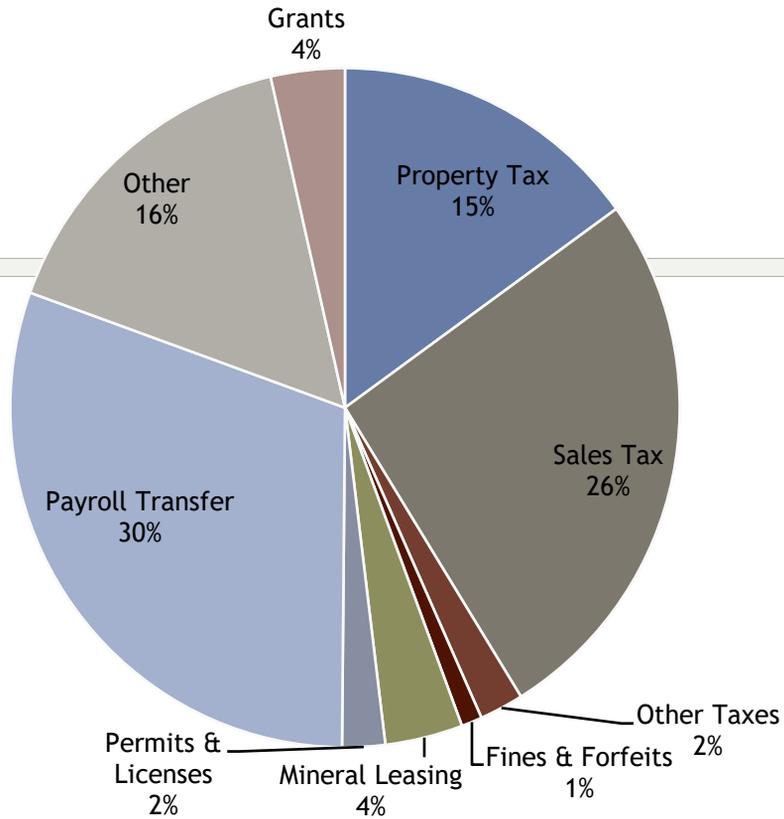
Sewer Fund Notes

- ❑ The sewer fund is supported by a 3.939 mill levy. Like the water fund, it is an enterprise fund and monies cannot be used for anything other than sewer operations.

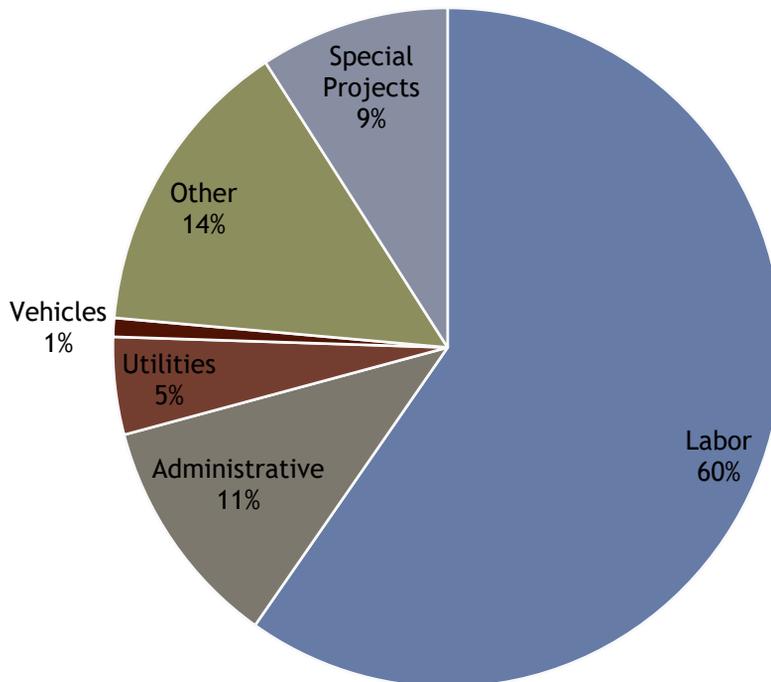
Parks, Open Space and Trail (POST) Fund Notes

- ❑ Parks, Open Space and Trails fund receives 10% of the total revenue collected from sales tax. The sales tax rate for the Town of Rico is 5%. POST also receives all proceeds from the lodging tax, which is 1% as per Ordinance 2001-5. These funds are specific to POST and cannot be used for any other Town of Rico operations.
- ❑ POST activities include Nordic grooming, installing and maintaining the ice-skating rink and caring for the volleyball court and park area. We also host a winter carnival and the annual Town Cleanup.
- ❑ Special projects for next year include planning a trail south of Town over the Dolores Placer that will ultimately connect to the Rio Grande Southern railroad right-of-way across USFS land to the County Line.

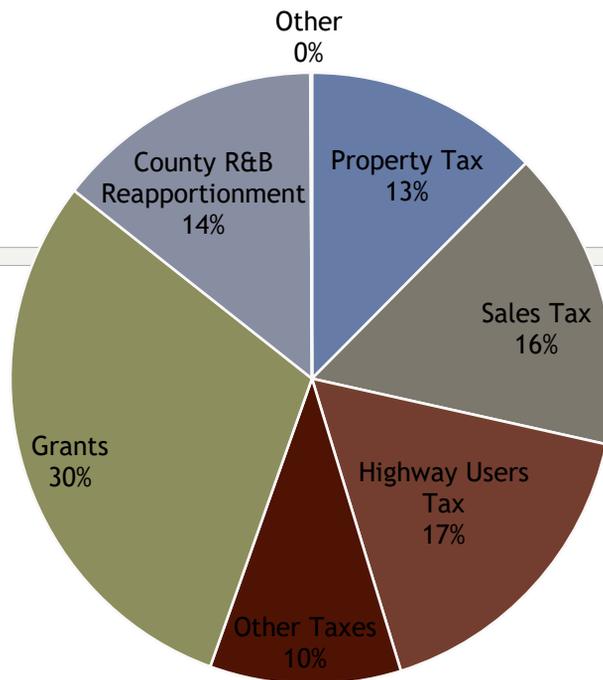
General Fund - Where the money comes from:



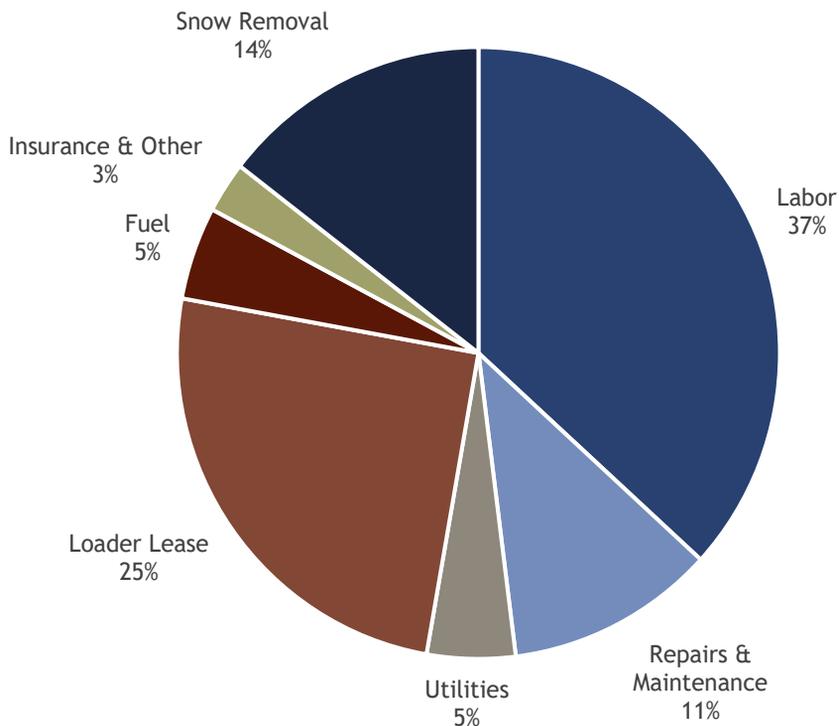
General Fund - Where the money goes:



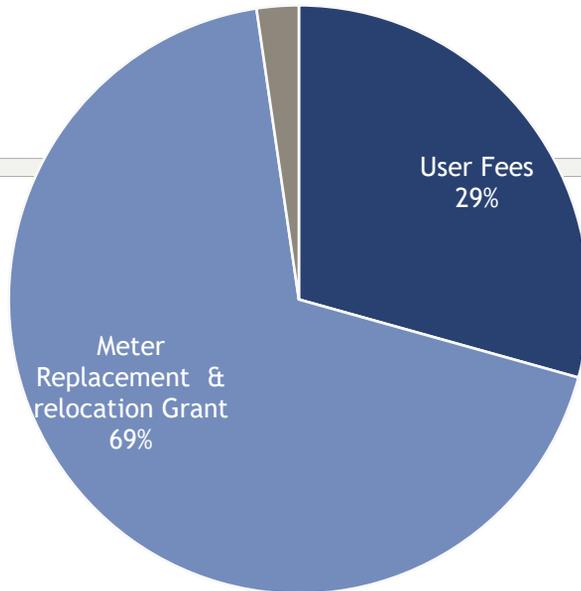
Street Fund - Where the money comes from:



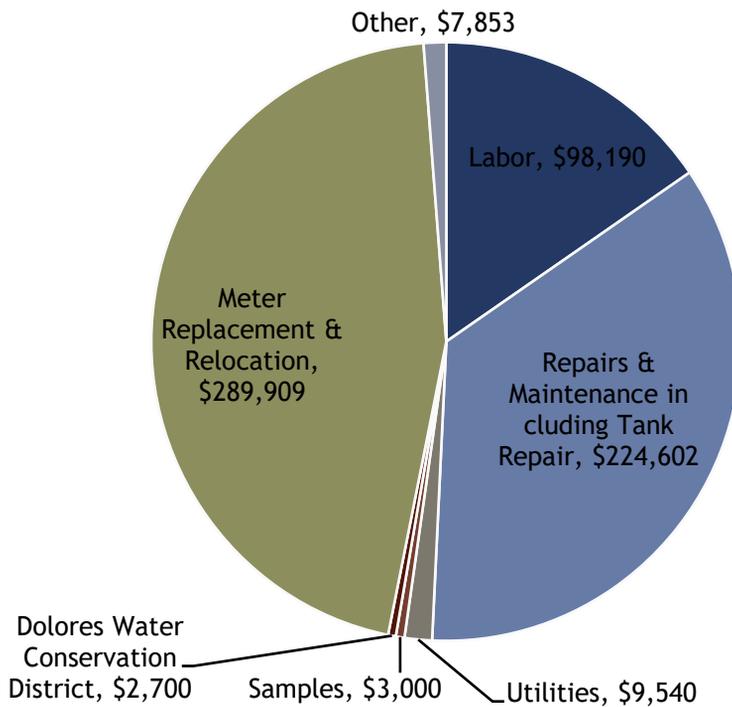
Street Fund - Where the money goes:



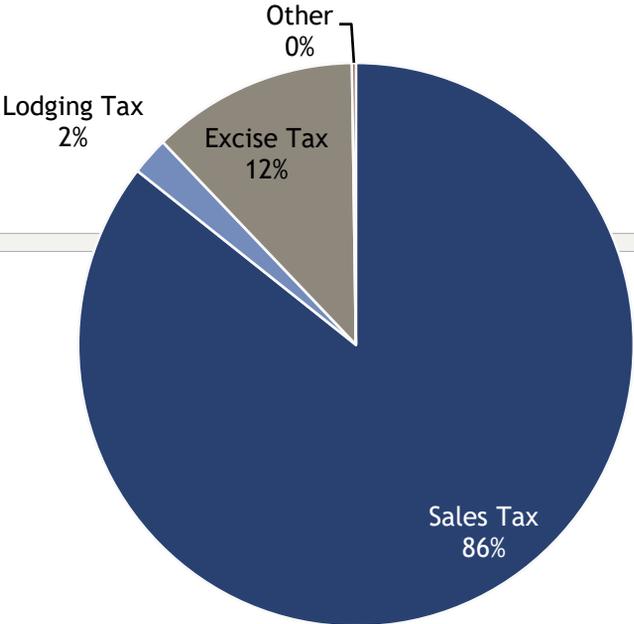
Water Fund - Where the money comes from:



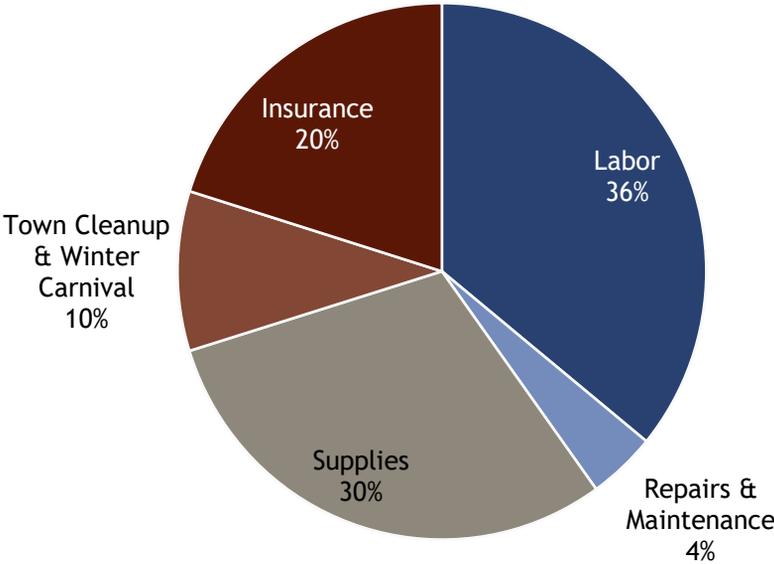
Water Fund - Where the money goes:



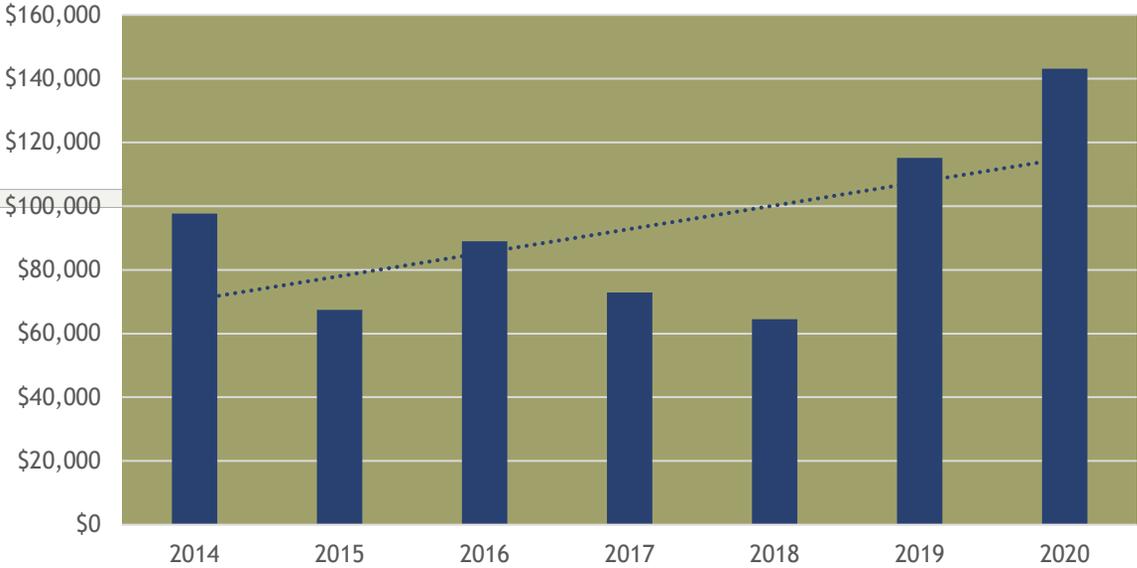
Parks, Open Space & Trails Fund - Where the money comes from:



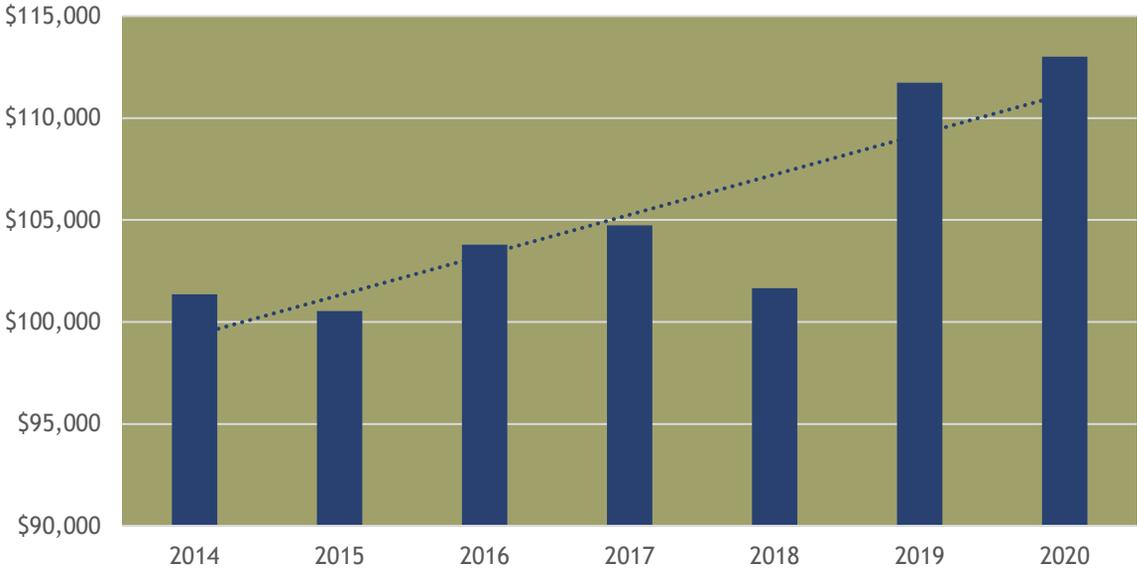
Parks, Open Space & Trails Fund - Where the money goes:



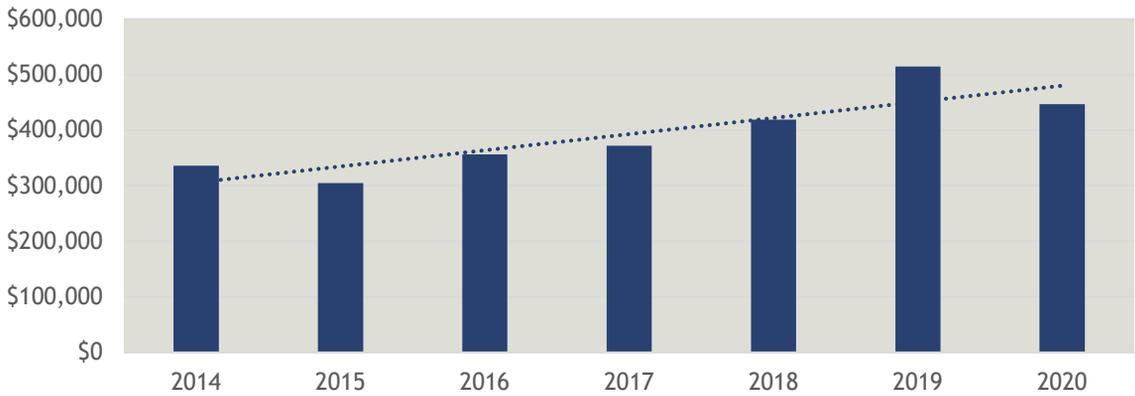
Sales Tax Revenue Trends



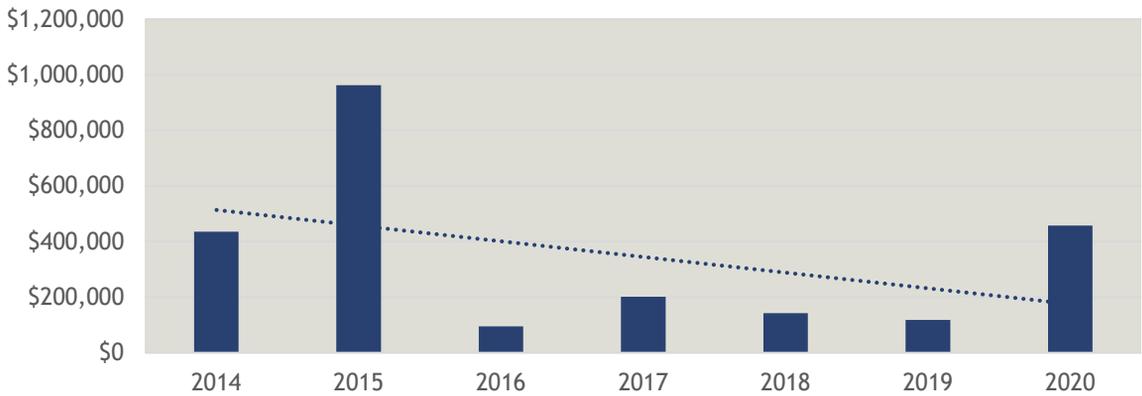
Property Tax Revenue Trends



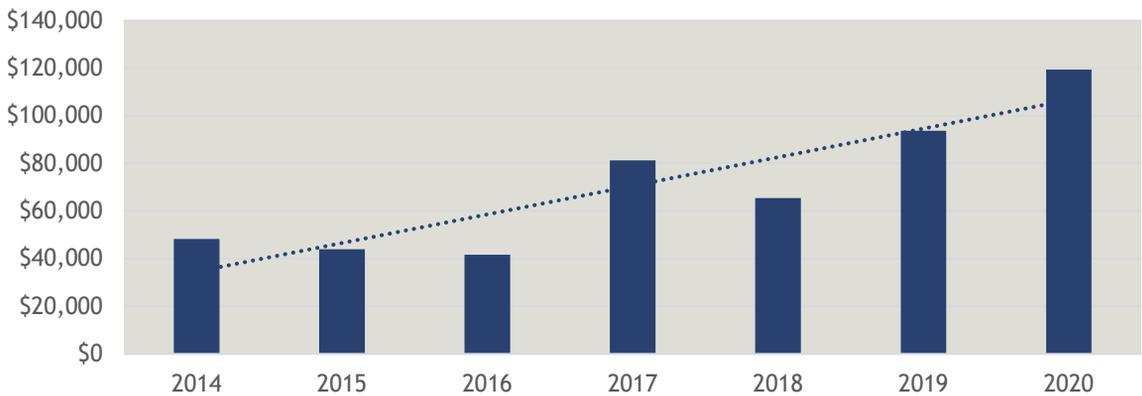
General Fund Expense Trends



Water Fund Expense Trends



Street Fund Expense Trends



General Fund Revenues	From 2019 Audit	2020 Original Budget	2020 Original vs. Amended	December 31st Estimated Budget	2021 Proposed Budget
Operating Revenues					
Property Tax	69,976.00	77,894.60	-1,720.26	76,174.34	78,169.67
Delinquent Taxes & Interest	395.00	350.00	-85.98	264.02	200.00
Sales & Use Tax	93,279.00	100,000.00	43,119.25	143,119.25	130,000.00
Specific Ownership Tax	3,835.00	3,750.00	292.57	4,042.57	3,800.00
Cigarette Tax	0.00	100.00	30.70	130.70	120.00
Motor Vehicle Tax	1,272.00	1,000.00	471.51	1,471.51	1,300.00
Total Operating Revenues	168,757.00	183,094.60	42,107.79	225,202.39	213,589.67
Intergovernmental Revenue					
Mineral Leasing	23,095.00	20,000.00	-1,306.98	18,693.02	15,000.00
Severance Tax	2,610.00	2,500.00	-542.46	1,957.54	1,200.00
Building Permits	0.00	1,000.00	9,614.60	10,614.60	3,000.00
Septic Permits	0.00	0.00	12.00	12.00	0.00
Development Applications	0.00	2,000.00	1,050.00	3,050.00	500.00
Business Licenses	0.00	200.00	300.00	500.00	200.00
Dog Licenses	0.00	90.00	40.00	130.00	100.00
All licenses & permits combined on audit	15,377.00				
Total Intergovernmental Revenues & Fees	41,082.00	25,790.00	9,167.16	34,957.16	22,780.00
Miscellaneous Revenues					
Reimbursement	0.00	0.00	1,149.24	1,149.24	0.00
Insurance Reimbursement	0.00	0.00	354.00	354.00	0.00
Interest	573.00	350.00	86.31	436.31	400.00
Fines & Forfeits	5,089.00	6,500.00	-239.82	6,260.18	4,000.00
Rent	0.00	5,700.00	-500.00	5,700.00	5,700.00
CVRF (COVID relief fund)	0.00	0.00	7,847.38	7,847.38	6,000.00
SMPA Dividend	0.00	600.00	433.49	1,033.49	1,000.00

General Fund Revenues	From 2019 Audit	2020 Original Budget	2020 Original vs. Amended	December 31st Estimated Budget	2021 Proposed Budget
Miscellaneous (combined line items on Audit)	61,791.00	0.00	220.00	220.00	0.00
Total Miscellaneous Revenues	67,453.00	13,150.00	9,850.60	23,000.60	17,100.00
Total Revenues before Payroll Transfers	277,292.00	222,034.60	61,125.55	283,160.15	253,469.67
Payroll Transfer	108,802.00	166,648.58	-15,234.52	151,414.06	169,848.87
Attorney pass through	0.00	0.00	70,000.00	70,000.00	50,000.00
Contract Labor Transfers	0.00	500.00	-500.00	0.00	5080.00
Total Payroll Transfers to / From Other Funds	108,802.00	167,148.58	54,265.48	221,414.06	224,982.87
Total Operating Revenues and Transfers	386,094.00	389,183.18	115,391.03	504,574.21	478,398.54

General Fund Expenditures – Employees & Contract Labor	From 2019 Audit	2020 Original Budget	2020 Original vs. Amended	December 13st Estimated Budget	2021 Proposed Budget
Operating Expenses - Salaries & Wages					
Town Administrator / Manager	65,000.00	67,600.00	0.00	67,500.00	67,600.00
Town Clerk	32,749.00	33,731.86	0.00	33,731.86	33,731.86
Maintenance Man	35,504.00	36,569.49	0.00	36,569.49	36,569.49
Park & Recreation Administrator	35,550.00	5,000.00	-5,000.00	0.00	5,000.00
Park & Recreation groomer – with PT maintenance in Audit	0.00	6,500.00	241.81	6,741.81	7,000.00
Park & Recreation ice rink & park – with PT maintenance in Audit	0.00	6,500.00	918.18	7,418.18	8,900.00
Part Time Maintenance Person	4,740.00	20,000.00	-18,500.00	1,500.00	20,000.00
Water Technician	2,115.00	7,500.00	-5,168.18	2,331.82	5,000.00
Town Marshall	8,657.00	20,000.00	2,224.43	22,224.43	34,000.00
Subtotal – Salaries & Wages	181,315.00	203,401.35	-25,283.76	178,117.59	208,801.35
Operating Expenses - Employee Taxes & Benefits					
Payroll Taxes	19,380.00	19,000.86	-5,572.08	13,428.78	19,674.61
Employer PERA	0.00	18,255.76	2,661.44	20,917.20	21,500.00
Employee Consideration	0.00	5,200.00	-2,000.00	3,000.00	3,000.00
Employee Health Insurance	0.00	41,704.80	-2,064.00	39,640.80	41,704.80
Employee Life Insurance – All employee benefits are included in Audit	55,025.00	106.80	26.81	133.61	150.00
Subtotal – Employee Taxes & Benefits	74,414.00	84,268.22	-7,146.83	77,120.39	86,029.41
Subtotal – Employee Costs	255,729.00	287,669.57	-32,431.59	255,237.98	303,830.76
Contract Labor					
Town Prosecutor	0.0	1,500.00	-914.73	585.27	1,500.00

General Fund Expenditures – Employees & Contract Labor	From 2019 Audit	2020 Original Budget	2020 Original vs. Amended	December 13st Estimated Budget	2021 Proposed Budget
Municipal Court Judge	4,500.00	4,500.00	0.00	4,500.00	4,500.00
Town Attorney – includes pass through costs being paid by BP on Audit	69,850.00	18,000.00	7,835.83	25,835.83	26,000.00
Town Planner	0.00	2,500.00	-1,500.00	1,000.00	2,500.00
Attorney pass through	0.00	0.00	70,000.00	70,000.00	50,000.00
Building Inspector	0.00	0.00	2,500.00	2,500.00	3,000.00
Accounting Services	0.00	2,500.00	0.00	2,500.00	2,500.00
Building Inspector	0.00	0.00	2,500.00	2,500.00	2,500.00
Auditor	4,072.00	8,500.00	0.00	8,500.00	10,000.00
Subtotal – Contract Labor	78,422.00	37,500.00	77,921.10	115,421.10	100,000.00
Total Employee & Other Labor	334,151.00	325,169.57	45,489.51	370,659.08	403,830.76

General Fund Expenditures – Other Expenses	From 2019 Audit	2020 Original Budget	2020 Original vs. Amended	December 31st Estimated Budget	2021 Proposed Budget
Administrative Costs					
Insurance (CIRSA)	4,357.00	5,000.00	-32.03	4,967.98	5,200.00
Website - Domain Maintenance	0.00	1,000.00	0.00	1,000.00	1,200.00
Advertisements/Agenda	0.00	300.00	-300.00	0.00	1,000.00
Supplies	8,765.00	10,000.00	-936.71	9,063.29	12,000.00
Dues & Fees	0.00	6,000.00	-4,413.00	1,587.00	3,000.00
Travel/Conference Expenses	0.00	2,000.00	-727.60	1,242.40	1,750.00
Miscellaneous – Audit put most line items in this category	24,430.00	1,500.00	3,578.72	5,078.72	1,500.00
Debit Card - Transfer - Miscellaneous	0.00	0.00	0.00	0.00	0.00
Subtotal – Administrative Costs	37,552.00	25,800.00	-2,860.61	22,939.39	25,650.00
Utilities					
Electric	0.00	2,000.00	-417.09	1,582.91	2,000.00
Propane	0.00	4,500.00	-272.73	4,227.27	5,000.00
Telephone and Internet	0.00	4,000.00	37.63	4,052.95	5,500.00
Utilities-Other – Audit included all utilities in this category	12,846.00	1,000.00	-253.04	746.96	1,200.00
Subtotal - Utilities	12,846.00	11,500.00	-889.91	10,610.09	13,700.00
Vehicle Costs					
Fuel – not separated on audit	0.00	1,500.00	-299.74	1,200.00	2,000.00
Repair & Maintenance	0.00	500.00	2,656.78	3,156.78	3,000.00
Subtotal – Vehicle Costs	0.00	2,000.00	2,357.04	4,357.04	5,000.00
Other Costs					
Courthouse Roof Snow Removal	0.00	3,000.00	-2,100.00	900.00	3,000.00
Treasurer Fees – not on audit	0.00	2,000.00	-349.65	1,650.35	2,500.00

General Fund Expenditures – Other Expenses					
	From 2019 Audit	2020 Original Budget	2020 Original vs. Amended	December 31st Estimated Budget	2020 Proposed Budget
Sales & Use Tax – does not show up on audit	0.00	10,000.00	18,618.34	28,618.34	30,000.00
Excise Tax/Building Permits – pass through to other accounts	0.00	0.00	1,547.00	1,547.00	2,000.00
July 4th Expenses	0.00	1,500.00	-1,500.00	0.00	2,500.00
Elections	0.00	5,000.00	-2,000.00	3,000.00	8,000.00
Traffic Fine-Surcharge	0.00	2,500.00	0.00	2,500.00	2,500.00
Subtotal - Other	0.00	21,000.00	17,215.69	38,215.69	47,500.00
Total – Other Expenses	50,398.00	60,300.00	15,822.21	76,122.21	91,850.00

General Fund – Special Projects & Capital Improvements	From 2019 Audit	2020 Original Budget	2020 Original vs. Amended	December 31st Estimated Budget	2021 Proposed Budget
Revenues					
Excise Tax	0.00	0.00	4,930.36	4,930.36	2,000.00
Subtotal - Excise Tax	0.00	0.00	4,930.36	4,930.36	2,000.00
Grants					
Telluride Foundation - Marketing	0.00	0.00	500.00	500.00	0.00
Rico Center - River Corridor	0.00	5,000.00	-5,000.00	0.00	3,000.00
Rico Center – Cemetery pass-though	0.00	0.00	3,400.00	3,400.00	3,400.00
Rico Center – LUC Amendments	0.00	5,155.50	-5,155.30	0.00	20,000.00
Rico Center – Facilities Improvements – all grants revenues included in this line item in audit	54,129.00	0.00	13,000.00	13,000.00	0.00
Rico Center – Food Bank	0.00	0.00	874.00	874.00	0.00
Community Meetings grants	0.00	3,000.00	-3,000.00	0.00	0.00
Subtotal - Grants	54,129.00	13,155.50	4,618.93	17,774.43	26,400.00
Total Revenues	54,129.00	13,155.50	9,549.29	22,704.79	28,400.00
Expenses					
Capital Improvements Expenses					
Facility Improvements – all special projects in this line item in audit	130,077.00	30,000.00	15,060.00	14,940.00	15,000.00
Total Capital Improvements Expenses	130,077.00	30,000.00	15,060.00	14,940.00	15,000.00
Special Projects / Expenses					
River Corridor	0.00	0.00	0.00	0.00	5,000.00
LUC Amendments & High Resolution Photo	0.00	3,000.00	-1,382.00	1,618.00	20,000.00
Rico Cemetery pass though	0.00	0.00	3,400.00	3,400.00	3,400.00
Rico Cares	0.00	0.00	0.00	0.00	5,000.00

Community Meetings	0.00	3,000.00	-3,000.00	0.00	3,000.00
General Fund – Special Projects & Capital Improvements	From 2019 Audit	2020 Original Budget	2020 Original vs. Amended	December 31st Estimated Budget	2021 Proposed Budget
Sub-Total – Special Projects Expense	0.00	3,000.00	-2,018.00	5,018.00	31,400.00
Total Expenses	130,077.00	41,000.00	-21,042.00	19,958.00	51,400.00

Street Fund	From 2019 Audit	2020 Original Budget	2020 Original vs. Amended	December 31st Estimated Budget	2021 Proposed Budget
Revenues					
Operating Revenues					
Property Tax	9,634.00	10,679.10	-213.70	10,495.40	10,762.68
Sales & Use Tax	11,549.00	10,000.00	4,309.17	14,309.17	11,000.00
Specific Ownership Tax	488.00	400.00	154.21	554.21	500.00
Delinquent Tax & Interest	0.00	0.00	12.03	12.03	0.00
Franchise Tax	6,210.00	6,000.00	7.25	6,303.85	6,000.00
Highway Users Tax	18,573.00	18,000.00	-3,778.81	14,221.19	13,500.00
County R&B Reapportionment	10,649.00	10,000.00	1,779.75	11,779.75	10,000.00
Interest	48.00	45.00	2.83	47.83	40.00
Miscellaneous	1,739.00	0.00	25.00	25.00	100.00
Rico Center Grant – Plowing & Repair	0.00	34,416.09	-9,787.71	24,628.38	20,000.00
Subtotal - Street Fund Operating Revenues	58,890.00	89,540.19	-7,193.38	82,346.81	71,912.68
Capital Improvement Revenues					
Excise Tax	2,572.00	1,000.00	2,754.00	3,754.00	1,500.00
Subtotal - Street Fund Capital Improvement Revenues	2,572.00	1,000.00	2,754.00	3,754.00	1,500.00
Total – Street Fund Revenues	61,462.00	90,540.19	-4,439.38	86,100.81	73,412.58
Expenses					
Operating Expenses - Labor					
Payroll Transfer	25,783.00	36,416.09	-831.03	35,585.06	37,017.31
Auditor	2,036.00	0.00	0.00	0.00	0.00
Accounting Services	0.00	0.00	0.00	0.00	0.00
Subtotal – Operating Expenses - Labor	27,819.00	36,416.09	831.03	35,585.06	37,017.31

Street Fund	From 2019 Audit	2020 Original Budget	2020 Original vs. Amended	December 31st Estimated Budget	2021 Proposed Budget
Operating Expenses - Other					
Snow Removal - Contract	14,459.00	20,000.00	-8,600.00	11,400.00	20,000.00
Fuel	7,292.00	8,000.00	-2,959.48	5,040.52	8,000.00
Equipment Repairs & Maintenance	9,371.00	21,678.38	-11,965.49	9,712.89	12,000.00
Insurance	3,831.00	5,000.00	-5,000.00	0.00	5,000.00
Supplies	3,565.00	2,500.00	-1,299.87	1,200.13	2,500.00
Electric	1,114.00	2,000.00	-653.82	1,346.18	2,000.00
Street Lights	1,128.00	1,200.00	719.94	1,919.94	2,000.00
Utilities - other	1,753.00	2,000.00	-164.24	1,835.76	2,000.00
Treasurer Fees	192.00	300.00	-75.50	224.50	300.00
Subtotal – Other Expenses	42,705.00	62,678.38	29,998.46	32,679.62	53,800.00
Capital Improvement Expenses					
Gravel Project - Various Streets	0.00	3,000.00	-920.00	2,080.00	3,500.00
Equipment Lease Loader	23,159.00	25,000.00	24,067.53	49,067.53	0.00
Water Truck	0.00	0.00	0.00	0.00	18,000.00
Preliminary maintenance facility planning					5,000.00
Subtotal – Capital Improvement Expenses	23,159.00	28,000.00	23,612.47	51,147.53	26,500.00
Total Street Fund Expenses	93,683.00	127,094.47	-7,681.96	119,412.51	117,317.31

Water Fund	From 2019 Audit	2020 Original Budget	2020 Original vs. Amended	December 31st Estimated Budget	2021 Proposed Budget
Revenues					
Operating Revenues					
Water Revenue – reflects higher rates	119,448.00	120,000.00	6,855.20	126,855.20	140,00.00
Interest	1,692.00	150.00	15.36	155.75	100.00
Electric Reimbursement	1,625.00	1,500.00	669.81	2,169.81	1,750.00
Miscellaneous & Insurance	500.00	0.00	0.00	0.00	0.00
Shut-off fee (\$150) per household	0.00	0.00	0.00	0.00	5,250.00
Subtotal – Water Fund Operating Revenues	123,265.00	121,650.00	7,530.76	129,180.76	147,100.00
Capital Improvement Revenues					
Water Meter Replacement & Relocation Grant	43,010.05	289,909.00	-240,051.47	49,857.53	240,051.47
Water Tap	0.00	0.00	8000.00	8,000.00	5,000.00
Tap Installation	0.00	0.00	0.00	0.00	1,500.00
Subtotal – Capital Improvement Revenues	43,184.00	289,909.00	-232,051.47	57,857.53	246,551.47
Total – Water Fund Revenues	166,449.00	411,559.00	-224,520.71	187,038.29	393,651.47
Expenses					
Operating Expenses - Labor					
Payroll Transfer	44,646.00	110, 511.69	-11,446.62	99,065.07	108,389.77
Employee Benefits Life	0.00	125.00	-24.79	100.21	140.00
Auditor	2,036.00	2,035.75	89.25	2,125.00	2,125.00
Accountant	0.00	0.00	0.00	0.00	0.00
Attorney	0.00	3,000.00	-3,000.00	0.00	1,000.00
Subtotal - Employee and Other Labor Costs	49,362.00	115,672.44	14,382.16	101,290.28	111,654.77

Water Fund	From 2019 Audit	2020 Original Budget	2020 Original vs. Amended	December 31st Estimated Budget	2021 Proposed Budget
Operating Expenses - Other					
Insurance	3,981.00	6,000.00	-714.98	5,285.02	6,000.00
Repairs & Supplies	10,380.00	11,500.00	-8,500.00	3,000.00	7,500.00
Water Samples	2,859.00	3,500.00	1,416.20	4,916.20	6,000.00
Electric	5,133.00	5,300.00	-104.00	5,196.00	5,400.00
Propane	1,100.00	1,200.00	981.82	2,181.82	2,500.00
Utilities - Other	0.00	1,000.00	1,014.88	2,014.88	2,100.00
Dolores Water Conservation District	2,700.00	2,700.05	0.00	2,700.05	2,700.05
Tank Repairs	0.00	200,000.00	20,000.00	220,000.00	5,000.00
Miscellaneous	220.00	500.00	-363.64	136.36	500.00
Subtotal Operating Expenses - Other	26,373.00	231,700.05	13,730.28	245,430.33	37,700.05
Capital Improvement Expenses					
Water Meter Replacement & Relocation	0.00	446,014.00	-336,014.00	110,000.00	130,051.47
SCADA System	41,826.00	0.00	0.00	0.00	0.00
Tap Installation	0.00	0.00	0.00	0.00	1,500.00
Water Engineering	0.00	0.00	154.12	154.21	2,500.00
Preliminary maintenance facility planning					5,000.00
Subtotal – Capital Improvement Expenses	41,826.00	446,014.00	335,859.88	110,154.12	2,500.00
Total Water Fund Expenses	117,561.00	793,386.49	336,511.76	456,874.73	283,406.29

Sewer Fund	From 2019 Audit	2019 Original Budget	2019 Original vs. Amended	December 31st Estimated Budget	2020 Proposed Budget
Revenues					
Operating Revenues					
Property Tax	21,258.00	23,565.18	-519.81	23,045.37	23,750.26
Specific Ownership Tax	1,160.00	1,000.00	222.98	1,222.98	1,000.00
Miscellaneous	0.00	0.00	26.00	26.00	50.00
Delinquent Tax & Interest	0.00	75.00	4.88	79.88	50.00
Interest	105.00	100.00	-1.40	98.60	95.00
Grant	17,692.00	0.00	0.00	0.00	50.00
Total Sewer Fund Operating Revenues	40,215.00	24,740.18	-267.35	24,472.83	24,945.26
Expenses					
Payroll Transfer	0.00	0.00	9,258.44	9,258.44	10,219.46
Septic Inspection Certification & Training	0.00	1,000.00	-387.50	612.50	1,000.00
Treasurer Fees	424.00	500.00	-4.62	495.38	600.00
Insurance	0.00	0.00	0.00	0.00	0.00
Auditor	0.00	0.00	0.00	0.00	0.00
Attorney	0.00	0.00	3,000.00	3,000.00	0.00
Miscellaneous Engineering	48,613.00	15,000.00	-11,091.68	3,908.32	10,000.00
Total Sewer Fund Operating Expenses	49,037.00	16,500.00	774.64	17,274.64	21,819.46

Parks, Open Space & Trails Fund	From 2019 Audit	2020 Original Budget	2020 Original vs. Amended	December 31st Estimated Budget	2021 Proposed Budget
Revenues					
Operating Revenues					
Sales & Use Tax	10,287.00	9,000.00	5,309.17	14,309.17	10,000.00
Lodging Tax	1,392.00	1,000.00	-736.12	263.88	250.00
Interest	42.00	35.00	8.75	43.75	35.00
Excise Tax	3,796.00	1,500.00	2,254.00	3,754.00	2,000.00
Misc. Income	0.00	0.00	0.00	0.00	0.00
Subtotal Park Fund Operating Revenues	15,517.00	11,535.00	6,835.80	18,370.80	12,285.00
Special Project Revenues					
Rico Center Grant	33,813.00	0.00	0.00	0.00	0.00
Miscellaneous	728.00	0.00	0.00	0.00	0.00
Subtotal Park Fund Revenues	50,058.00	11,535.00	0.00	0.00	0.00
Total Revenues	50,058.00	11,535.00	6,835.80	18,370.80	12,285.00
Operating Expenses					
Winter Trailing Grooming Payroll	0.00	6,500.00	446.67	6,946.67	7,000.00
Ice Rink & Park Maintenance Payroll	0.00	6,500.00	-5,114.55	1,385.45	8,900.00
Administrator Payroll	35,180.00	5,000.00	-5,000.00	0.00	5,000.00
Repairs & Maintenance of Equipment – combined on audit	4,015.00	1,000.00	0.00	1,000.00	1,000.00
Insurance	3,831.00	5,500.00	-648.28	4,851.72	5,500.00
Ice Rink Supplies	0.00	500.00	500.00	1,000.00	1,000.00
Winter Trails Program Supplies	0.00	4,000.00	-2,828.28	1,171.62	4,000.00
Supplies	11,429.00	200.00	6,459.40	6,659.40	5,000.00
Miscellaneous	295.00	0.00	0.00	0.00	300.00
Subtotal Park Fund Operating	54,750.00	29,200.00	-6,270.89	26,429.11	48,550.00

Expenses					
Parks, Open Space & Trails Fund	From 2019 Audit	2020 Original Budget	2020 Original vs. Amended	December 31st Estimated Budget	2021 Proposed Budget
Special Project Expenses					
Town Clean Up	0.00	1,500.00	214.25	1,714.25	2,000.00
Flowers	0.00	0.00	1,100.00	1,100.00	1,100.00
Winter Carnival	0.00	0.00	600.00	600.00	750.00
Rico Grande Southern Extension Trail	0.00	2,000.00	-2,000.00	0.00	6,000.00
Subtotal Park Fund Special Project Expenses	0.00	3,500.00	-86.00	3,414.25	9,850.00
Total Expenses	54,750.00	32,700.00	-6,270.89	26,429.11	48,550.00

Colorado Conservation Trust Fund	From 2019 Audit	2020 Original Budget	2020 Original vs. Amended	December 31st Estimated Budget	2021 Proposed Budget
Revenues					
Operating Revenues					
Lottery Proceeds	3,013.00	2,000.00	-693.99	1,306.01	1,000.00
Reimbursements	0.00	0.00	0.00	0.00	0.00
Total CTF Revenues	3,013.00	2,000.00	-693.99	1,306.01	1,000.00
Expenses					
Projects – Rio Grande Southern Extension	0.00	5,000.00	-5,000.00	0.00	5,000.00
Total Expenses	0.00	5,000.00	-5,000.00	0.00	5,000.00

TOWN OF RICO
ORDINANCE NO. 2020-06
AN ORDINANCE OF THE TOWN OF RICO, COLORADO AMENDING ORDINANCE
NO. 340 TO INCREASE WATER USER FEES FOR THE TOWN OF RICO WATER
ENTERPRISE FUND

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 Town of Rico has recently undergone substantial improvements to its water treatment facilities and will continue to undergo additional improvements in the coming year;

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;

WHEREAS, the Board of Trustees finds that charging water tap users an amount which pays for the 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 1. Water Rates, Ordinance 2020-06, subsection A, subparagraphs 1 and 2 (which Amended Ordinance 340), are hereby amended as follows:

- A. All water tap holders in the Town of Rico shall pay to the Town Clerk the sums set for water usage in accordance with the following schedule:
1. Three Hundred Ninety-Six Dollars (\$456.00) per year minimum for each residential tap holder within the Town of Rico. The \$456.00 per year minimum residential payment may be paid monthly at the rate of Thirty-Three Dollars (\$33.00) per month. The minimum payment shall entitle each tap holder to the use of 3,000 gallons per calendar month.
 2. Seven Hundred Fifty-Six (\$816.00) per year minimum for each commercial tap holder within the Town of Rico. The \$816.00 per year minimum commercial payment may be paid
 3. monthly at the rate of Sixty-Three Dollars (\$68.00) per month. The minimum payment shall entitle each tap holder to the use of 7,000 gallons per calendar month.
 4. Each residential tap holder shall pay, in addition to the minimum monthly fee set forth above, Five Dollars (\$5.00) per thousand (1,000) gallons of water usage above the entitled three thousand (3,000) gallons of water usage for each calendar month.

5. Each tap holder outside the municipal limits of the Town of Rico shall pay fees for water service at the rate of two times the prevailing rates in the Town.
6. Each commercial tap holder shall pay, in addition to the minimum monthly fee set forth above, Six Dollars (\$6.00) per thousand (1,000) gallons of water usage above the entitled seven thousand (7,000) gallons of water usage for each calendar month.
7. Each tap holder wishing to turn off their water for a period of time shall pay a fee of \$150.00 to have the water turned back on. Water shall not be turned on until the fee is paid.

B. Water fees shall begin the month that a water tap holder connects to the Rico Water System. The minimum monthly fees shall be assessed in full for the first month, on a calendar basis, that the water tap holder connects to the Rico Water System

This Ordinance was, following public notice, introduced, read and adopted upon first reading on the 13th day of December 2020.

This Ordinance was, following public notice, introduced, read and adopted finally adopted upon second reading on the 20th day of January 2021.

This Ordinance shall take effect upon final adoption and publication.

By: _____
Barbara Betts, Mayor

Attest: _____
Linda Yellowman, Town Clerk

Complete & Compliant Letter



December 4th, 2020

SAC Wireless on behalf of AT&T
Joseph Levie

RE: Height variance for a cell phone tower at 119 S. Glasgow

Dear Applicants,

The Town of Rico has received an application for height variance for a proposed cell phone tower at 119 S. Glasgow. I have performed an initial review of this application 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 December 9th, 2020 Rico Planning Commission meeting and the December 14th Rico Board of Trustee's meeting.

These applications include the following required components:

Attachments Required Variance:

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:

North Arrow

Scale not greater than 1"= 20' unless the entire site will not fit on a 24"x 36" sheet

Vicinity Map

Lot lines

Easements

Acreage of Lot

Adjacent streets with labels

Areas of environmental concern if applicable

Locations of existing buildings if applicable

Location of proposed buildings if applicable

Location of existing utilities if applicable

Location of setbacks and proposed setbacks if applicable

Description of Variance Request – cite Rico Land Use sections for which the variance is sought.

Narrative of reasons that Variance should be granted

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 \$200.00

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: 10-15-2020

Application Fee Received: 10 -15-2020

Application Complete: Yes

Mailing Notice Complete: Yes

Application Reviewed by: KLD

Date of Hearing: 12-09-2020 & 12-14-2020

Rico Planning Commission Action _____

Approval Subject to Conditions _____

Other comments:

None.

Variance Application



Applicant Name SAC Wireless on behalf of AT&T Phone Number 312-858-9024

Address 540 W. Madison 9th Floor Chicago, IL 60661 Cell Phone Number 312-858-9024

Email joseph.levie@sacw.com Fax Number _____

Street Address of Subject Property 119 S. Gasgow Ave

Legal Description of Subject Property LTS 9, 10, 11, 12 BLK 2 - Town of Rico

Zone District of Subject Property Historic Commerical

Attachments Required:

- Description of Variance Request – cite Rico Land Use sections for which the variance is sought.
 - Narrative of reasons that Variance should be granted
 - 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 \$200.00
 - 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.
 - Two (2) 24" by 36" Site Plans and (1) electronic (pdf) site plan showing the following:
-

North Arrow

✓ Adjacent streets with labels

Scale not greater than 1" = 20' unless the entire site will not fit on a 24"x 36" sheet

✓ Areas of environmental concern if applicable

✓ Vicinity Map

✓ Location of existing buildings if applicable

no Lot lines with dimensions

✓ Location of proposed building if applicable

no Easements with dimensions

✓ Location of existing utilities if applicable

no Acreage of lot

* Locations of setbacks and proposed setbacks if applicable *not*

I swear that the information provided in this application is true and correct and that I am the owner of the property or otherwise authorized to act on behalf of the owner of the property.

Signature: *Scott Orr* Date 10/09/2020

Date Application Received 10-15-2020

Application Reviewed by KLD

Application Fee Received

Date of Hearing

Application Complete no

Rico Planning Commission Action

Mailing Notice Complete no

Approval Subject to Conditions

Other comments:

**Project Narrative for Commnet Rico
Jurisdiction- Town of Rico, Colorado
119 S. Gasgow Avenue Rico, CO 81332**

Description of Proposed Use

Commnet is currently proposing a drop and swap where they will be building a new 45' stealth flag pole next to the existing 33' stealth flag pole and then decommissioning/demolishing the existing tower. The RAD center of the FirstNet antennas will be located at 30' and the RAD center for the comment Antennas will be located at 41'. There will also be an addition of (1) two bay ground cabinet to a new shifted leased area. The current zoning classification of the site is Historic Commercial.

ANTENNAS: Three sectors would consist of a total of two (2) new panel antennas. See page A-2.0 "Proposed Antenna Plan" of the drawings submitted with this application for reference to the antenna layout.

CABINETS: Commnet proposes installing (1) two bay equipment. The dimensions and model information can be found on page A-4.0 of the attached plans. The concrete pad will be 3'-6"x10'-0". The new layout of the new equipment will be installed per plans, according to page A-1.1, "Proposed Site Plan."

Requirements for Proposed Use

The proposed site was chosen to comply with the Town of Rico's land use requirements, as closely as feasibly possible.

204.6. Building Height. The highest point of each roof segment shall not exceed 28 feet as measured from the average height of the supporting points of that roof segment at pre-construction grade. The lowest exposed point of the structure to the highest point of the structure shall not exceed 35 feet of total elevation. For structures with an irregular footprint, the Enforcement Official shall determine the reference points which meet the purpose of this RLUC. Existing pre-construction grade shall be determined by the Town's two foot contour maps, as exist or may be amended from time to time, or shall be determined by a survey prepared by a licensed surveyor. Any property owner has the right to challenge reference points determined by the Enforcement Official for structures with an irregular footprint. This challenge must be initiated first through a Variance Application (Section 430, et. al.), and subsequently may be appealed to the Board of Trustees by following RLUC, Section 516.

Applicant Response: Commnet is requesting the variance to go about the 35' highest point on a structure in order to install FirstNet equipment and move over the existing commnet equipment onto the new tower. The FirstNet mission is to deploy, operate, maintain, and improve the first high-speed, nationwide wireless broadband network dedicated to public safety. This reliable, highly secure, interoperable, and innovative public safety communications platform will bring 21st century tools to public safety agencies and first responders, allowing them to get more information quickly and helping them to make faster and better decisions. The installation of FirstNet will have a direct impact to the police department.

244. Standards for Review

244.1 The application complies with the Design Regulations for the HC Zone District; the application should incorporate architectural features similar to features established by the historic commercial structures in the Town; such features include, but are not limited to: windows, doors, cornices, trim, and decorative architectural features; and,

Applicant Response: The design of the proposed wireless communication facility will match the existing stealth flag pole. The proposed tower will also be a stealthed flagpole instead of an ordinary monopole. This stealth design was chosen to fit in with the decorative architectural features of the Historic Zone District.

244.2 proposed structure or alteration of existing structure utilizes design that is practical and functional with respect to pedestrian traffic flow, parking, loading and deliveries;

Applicant Response: The new wireless telecommunications facility will not interfere with any pedestrian traffic flow, parking, load and deliverables. The compound is enclosed by an existing wooden fence and the proposed stealth flag pole is an unmanned site.

244.3 the design provides visual interest by avoiding long monotonous walls without windows, doors, openings, or trim detail and by using siding materials, doors, windows, and trim detail that provide visible texture, relief, and shadow lines; and,

Applicant Response: The stealth flagpole was designed to fit in with the decorative architectural features of the Historic Zone District.

244.4 the overall design is compatible and complimentary to existing buildings in the HC Zone District.

Applicant Response: The New wireless telecommunications facility design will match the design of the existing telecommunications facility.

436. Standards for review of Variance Applications

436.1. There are special circumstances existing on the property on which the application is made related to size, shape, area, topography, surrounding conditions, access, and location that do not apply generally to other property in the same area and Zone District;

Applicant Response: The current property has the use of a fire station. We propose the installation of this facility to help deploy the FirstNet equipment that benefits the first responders, including the Fire Department, Police Department and EMTs. Additionally, the tower would allow the expansion for future wireless growth to improve service in the surrounding area. There is already an existing wireless telecommunications facility located on this property.

436.2. the Variance will not unduly impact such things as: snow removal, streetscapes, separation of buildings for fire protection, and opportunity for off-street parking, which are provided by minimum setbacks; solar access, and protection of neighbors views to the surrounding mountains, which are provided by maximum building heights; continuity of design, minimization of visual impact, and provision of minimal yard area, which is provided by maximum floor areas (particular attention shall be given to the impacts of the Variance on neighbors); and,

Applicant Response: As this is an unmanned facility, the site will not unduly impact items listed above as the tower is located on south side of the Rico Volunteer Fire Department away from the firetruck access driveway. The tower is also not located in an area that would impact snow removal, streetscape, separation of a building for fire protection, or an area that would be used as off-street parking. The tower is in a nook in the back of the fire station, which minimizes the visual impact that would disrupt any views to the surrounding mountains or solar access. Additionally, the site will not generate excessive traffic; will not cause any noise, air, light or water pollution. No noise, lights, dust or vibrations will be generated. Screening has been taken into consideration in project design and is reflected so in the plans. The visual impact to the adjoining properties will not be significantly altered by the replacement pole or the new antennas and equipment due to the proposed concealment features.

436.3. the Variance, if granted, will not constitute a material detriment to the public welfare or injury to the use, of property in the vicinity; and,

Applicant Response: The variance will not constitute a material detriment to the public welfare or injury to the use, or property in the vicinity because there already is an existing wireless telecommunication facility on the property in the location where the new tower will be installed.

436.4. the Variance is not sought to relieve a hardship to development of the property which has been created by the Applicant; and,

Applicant Response: The variance is not sought to relieve a hardship to development of the property which has been created by the applicant. The new wireless telecommunications facility is being built to improve the communication for public safety and first responders.

436.5. that the proposed use is a permitted use in the underlying Zone District.

The use for wireless facilities is already existing due to the previous approval of the existing tower.

Other Information

If you have any further questions or comments concerning this application, please feel free to contact me at 312-858-9024, or via email at: Joseph.lievie@sacw.com. I thank you in advance for your kind courtesies and attention with respect to this application.

Joseph Levie

From: Joi Redshaw <dcjoir@fone.net>
Sent: Monday, July 13, 2020 9:44 AM
To: Joseph Levie
Subject: exempt property

Here is a screen print that shows owner information. This property is exempt.

```
ACCOUNT FILE MAINTENANCE
Account      504736222009  Flag R
Name  RICO TOWN OF
Address 1
Address 2
Address 3 P.O. BOX 56
Address 4 RICO
State/Zip CO 81332 0000
Property 119 S. GLASGOW AVE
Map Num 504736222009
Prev Name1 RICO PROPERTIES L.L.C.
Prev Name2 RICO DEVELOPMENT CORPORATION  VALUES-ASSD  TAXABLE
                                                LAND
                                                EXEMPT
                                                2900

Use 91490 City 00000 Subdv 00052
Anlys 000 Tax/Dst 102 Zone 00
Exempt E Late Filing Advrt Y Bnrkpt N TOTALS 2900
ACRES: Master Legal Value Ignore PP $ 2233 Exemption N
00000000000 000 000 NOV # NOD #
CHANGES
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LETTER OF AUTHORIZATION

TO THE CITY/COUNTY OF: Rico

APPLICATION FOR ZONING/USE/BUILDING PERMIT

The undersigned Rico Fire Protection District of the below described Property ("Owner"), does/do hereby appoint Commnet of Nevada, LLC ("Commnet"), as agent for the purpose of consummating any zoning and permitting applications necessary to ensure its ability to use and/or construct improvements to the Property leased, or licensed to it, for the purpose of constructing a wireless communications facility. I understand that the application may be denied, modified or approved with conditions and that those conditions or modifications must be complied with prior to issuance of building permits. Owner hereby authorizes the employees of the City/County of Rico to enter upon the Property during normal business hours as necessary to inspect the Property for the purpose of processing this application.

Property Located at: 119 S. Glasgow Ave, Rico, CO 81332 ("Property")

Assessor's Parcel Number: 504736222009

Owner's Name (print): Rico Fire Protection District

Signature (and title, if applicable) of Property Owner:

Name: _____ 

Title: Chairman RFPD

Date Executed: June 23, 2020

Site Name: Rico



October 18, 2019

Re: LETTER OF AUTHORIZATION FOR SAC WIRELESS

Dear Sir or Madam:

By way of this letter, please recognize that Commnet has engaged SAC Wireless to represent our company to evaluate site conditions, negotiate modifications to our current real estate agreements, obtain necessary permits, and perform maintenance and service work at our facilities. Commnet values its reputation with its landlords and local government agencies and has instructed SAC Wireless to protect its good standing in all matters. To that extent, please accept this as Commnet authorization for you to discuss the terms of our site agreement and possible improvements or changes that may be proposed at the facility with SAC Wireless.

We very much appreciate your assistance in the continuing operation of this wireless communication facility. Thank you for your attention to this matter and if you require further information or if you have any questions, please feel free to contact Cindy Phillips at (720) 733-7854.

Regards,

A handwritten signature in blue ink, appearing to read "Ken Bomer", is written over a horizontal line.

Ken Bomer
SVP - Network Operations
Commnet Wireless

AFFIDAVIT OF MAILING PUBLIC NOTICE LETTER

Town of Rico
P.O. Box 9
Rico, Colorado, 81332

Re: Certification and Affidavit of Mailing Public Notice Letter for (legal description of property), Town of Rico.

I hereby declare that I, Jeremy Boone of SAC Wireless, mailed a copy of the Town approved, enclosed public letter via U.S. First Class Mail, postage prepaid thereon on 11/18/2020 to the attached list of property owners. The public notice letter was prepared and mailed in accordance with the public noticing requirements of the Rico Land Use Code. The public notice letter was placed in the mail on 11/18/2020, which was 20 days prior to the public hearing(s) to be held on December 9th & December 16th, 2020. The list of property owners includes all lot and condominium property owners located within 200 feet of the boundary of the existing or proposed lot(s). The adjacent property owner list was compiled from the Dolores County GIS website or Assessors Office.

Attached is the copy of the noticing letter, list of all property owners noticed, including their lot number and mailing address, a copy of the vicinity map mailed with the noticing letter, and a map showing all lots that were included within the 200 foot noticing area.

I declare under penalty of perjury under the laws of the State of Colorado that the foregoing is true and correct.



Parcel Number	Owner Name		Mailing Address	City	State	Zip Code	Property Address
504736223021	MILLS ANNA LYNNE		P.O. BOX 324	RICO	CO	813320000	134 S. GLASGOW AVE.
504736223018	TEACHER BD, INC. MONEY PURCHASE	PENSION PLAN	280 WIGMORE DRIVE	PASADENA	CA	911050000	102 S. GLASGOW STREET
504736221002	RICO TOWN OF		P.O. BOX 56	RICO	CO	813320000	RIVERVIEW DR.
504736221003	HASLER JORY & ELIZABETH A.	STAFFORD (JT)	P.O. BOX 282	RICO	CO	813320000	137 S. RIVER STREET
504736222002	DOLORES COUNTY SCHOOL DIST RE-2		P.O. BOX 459	DOVE CREEK	CO	813240000	16 W. CAMPBELL STREET
504736222003	HOLT FAMILY TRUST	HOLT P. DUANE & JUDY L. TRUSTEES	P.O. BOX 30	GILA BEND	AZ	853370030	130 S. RIVER STREET
504736222004	HASLER JORY		P.O. BOX 282	RICO	CO	813320000	136 S. ARGENTINE STREET
504736222001	DOLORES COUNTY SCHOOL DIST RE-2		P.O. BOX 459	DOVE CREEK	CO	813240000	101 S. GLASGOW AVENUE
504736222009	RICO TOWN OF		P.O. BOX 56	RICO	CO	813320000	119 S. GLASGOW AVE
504736222013	RICO FIRE PROTECTION DISTRICT		P.O. BOX 39	RICO	CO	813320000	125 S. GLASGOW AVE
504736222014	RICO FIRE PROTECTION DISTRICT		P.O. BOX 39	RICO	CO	813320000	131 S. GLASGOW AVE
504736222005	YELLOWMAN LINDA & GENEVIEVE		P.O. BOX 36	RICO	CO	813320000	137 S. GLASGOW AVENUE
504736223017	UTE TRAIL MTN. HOMES, LLC.		952 GRETNA GREEN WAY	LOS ANGELES	CA	900490000	102 S. GLASGOW STREET
504736223004	MORRIS ROBERT J. & JEAN ANN	MORRIS REVOCABLE LIVING TRUST	1907 SOUTH 14TH AVENUE	YUMA	AZ	853640000	110 S. GLASGOW AVE.
504736223015	PASQUINELLI GARY J. FAMILY TRUST	AGREEMENT	P.O. BOX 2949	YUMA	AZ	853662949	116 S. GLASGOW AVENUE
504736223007	RICO HOTEL, LLC, A DELAWARE LLC		565 MOUNTAIN VILLAGE BLVD.	TELLURIDE	CO	814350000	124 S. GLASGOW AVE

Town of Rico

Hasler

Dolores County School District

Holt

Hasler

Dolores County School District

Town of Rico

Rico Fire Protection District

Rico Fire Protection District

Yellowman

Ute Trail MTN.

Teacher

Morris

Pasquinelli

Rico Hotel, LLC

Mills

NOTICE OF PENDING MINOR VARIANCE APPLICATION

Date: November 12, 2020

RE: Public Hearing on Variance Application

Dear Property Owner,

You are receiving this public notice as required by the Town of Rico Land Use Code because you own property within 200 feet of a proposed variance application.

The application is for a Commnet project in partnership with AT&T to build a new 45' stealth flag pole next to the existing 33' stealth flag pole and then demolish the existing tower at 119 S. Glasgow Avenue. This will allow FirstNet to be added to the new stealth flag pole. The existing Comment equipment will also be transferred from the existing tower to the new tower. The FirstNet network will provide first responders with priority access to wireless communications services on a single nationwide network, enabling increased coordination among first responder agencies and decreased response times throughout the Town of Rico. A variance is required for a tower that exceeds 35'.

Name of Applicant: SAC Wireless on Behalf of AT&T

Type of Development Application(s): Variance Application

Legal Description:

Location 119 S. GLASGOW AVE

WITHIN CORPORATE

Legal1 LIMITS FROM: RICO
PROPERTIES LLC

Legal2 RICO LTS 9,10,11,12 BLK
2 36-40-11

Legal3 B-65 P-587 B-71 P-30 B-
180 P-75-77

Legal4 B-193 P-340,351 B-233 P-
496,497

Legal5 B-238 P-312 B-266 P-
445,446B-276 P-497,498

Address: 119 S. Glasgow Avenue Rico, Colorado

Lot Size: +/- 101'-3" x 100'-0"

Review Authority: Rico Planning Commission and Rico Board of Trustees

Rico Planning Commission Hearing Date: December 9th, 2020

Board of Trustee's Hearing Date: December 16th, 2020

Location of Public Hearing: Rico Town Hall, 2 Commercial Street, Rico Colorado, 81332

Send emailed comments addressed to the townmanager@ricocolorado.gov

Or by surface mail to:

Kari Distefano

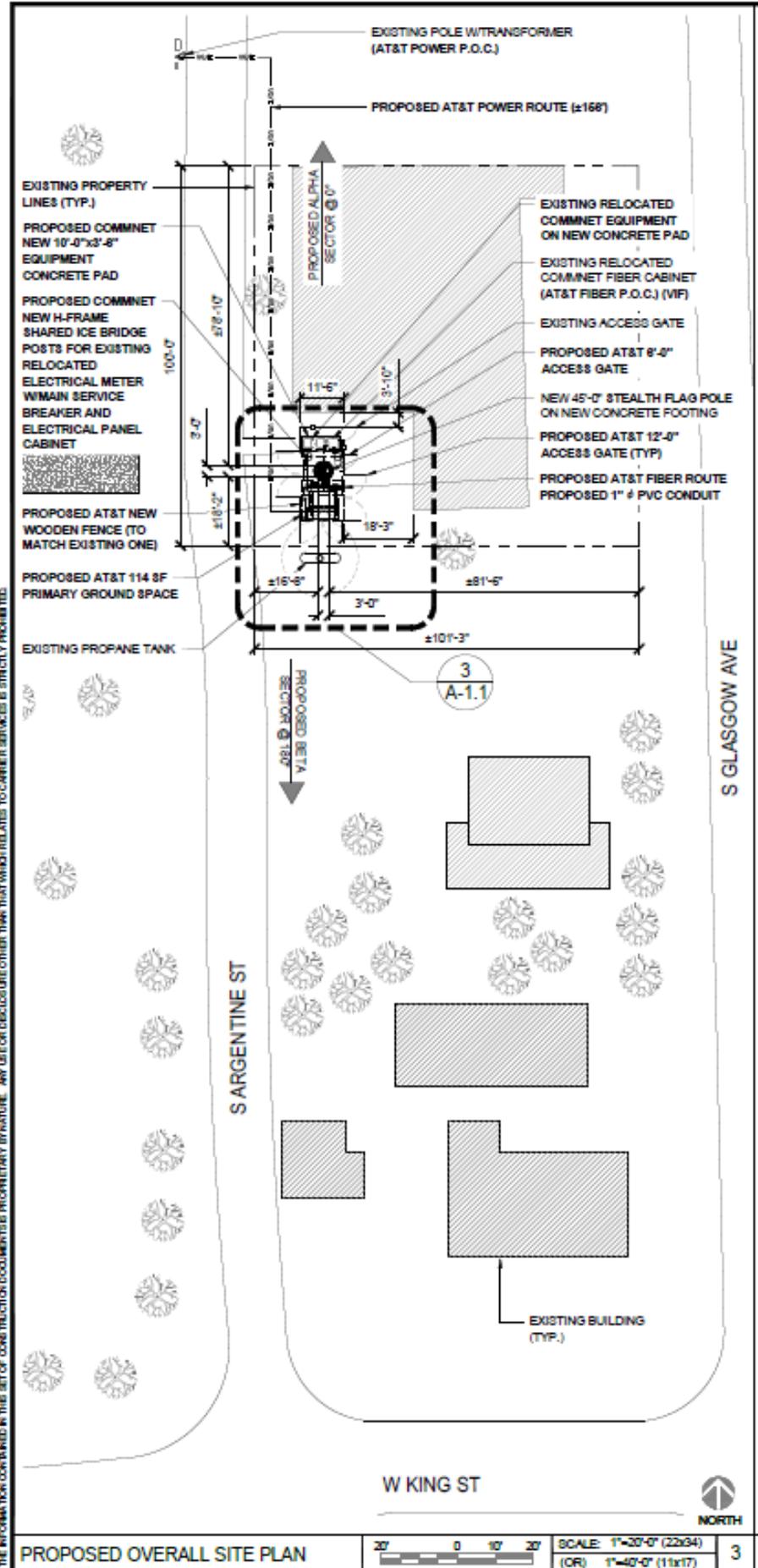
Town of Rico

PO Box 9

Rico Colorado, 81332

Please see map of the location on the next page

MAP



THE INFORMATION CONTAINED IN THIS SET OF CONSTRUCTION DOCUMENTS IS PROPRIETARY INFORMATION. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO THE SERVICES IS STRICTLY PROHIBITED.

Doc 6.00

WARRANTY DEED

THIS DEED, dated March 1, 2004
between the Jerrie L. Matthews Akey and Robert H. Akey,
of the County of Dolores, State of Colorado, grantor and

STATE DOCUMENTARY FEE
DATE <u>3-16-04</u>
\$ <u>6.00</u>

the Rico Fire Protection District, a Colorado Municipal Corporation, whose legal
address is 2 Commercial Street, P.O. Box 39, Rico, CO 81332,
of the County of Dolores, State of Colorado, grantee:

WITNESS, that the grantor, for and in consideration of the sum of
SIXTY THOUSAND DOLLARS (\$60,000.00), the receipt and sufficiency of which is hereby acknowledged, has
granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the
grantee, heirs and assigns forever, all the real property, together with improvements, if any situate, lying and being
in the County of Dolores, State of Colorado, described as follows:

**Lots 13 and 14, Block 2, Town of Rico, according to the plat thereof filed for record in the office of the Clerk
and Recorder.**

also known by street and number as **TBD, Town of Rico, 81332**

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise
appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and the
estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the
above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the
grantee, heirs and assigns forever. The grantor, for seller, heirs and personal representatives, do covenant, grant,
bargain and agree to and with the grantee, heirs and assigns, that at the time of the ensembling and delivery of these
presents, is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of
inheritance, in law, in fee simple, and has good right, full power and authority to grant, bargain, sell and convey the
same in manner and form as aforesaid, and that the same are free and clear from all former and other grants,
bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever.

The grantor shall and will **WARRANT AND FOREVER DEFEND** the above bargained premises in the quiet and
peaceable possession of the grantee, heirs and assigns, against all and every person or persons lawfully claiming the
whole or any part thereof.

IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above:

Jerrie L. Matthews Akey
Jerrie L. Matthews Akey

Robert H. Akey
Robert H. Akey

STATE OF Colorado }
COUNTY OF Montezuma } ss.

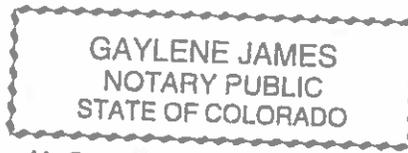
acknowledged the foregoing instrument before me this 1st day of March 2004 by Jerrie L. Matthews and Robert H. Akey.

Witness my hand and official seal.

My commission expires: _____

(SEAL)

Gaylene James
Notary Public



My Commission Expires 07/06/2007

Heading=305°

Grid Size : 2' x 2'

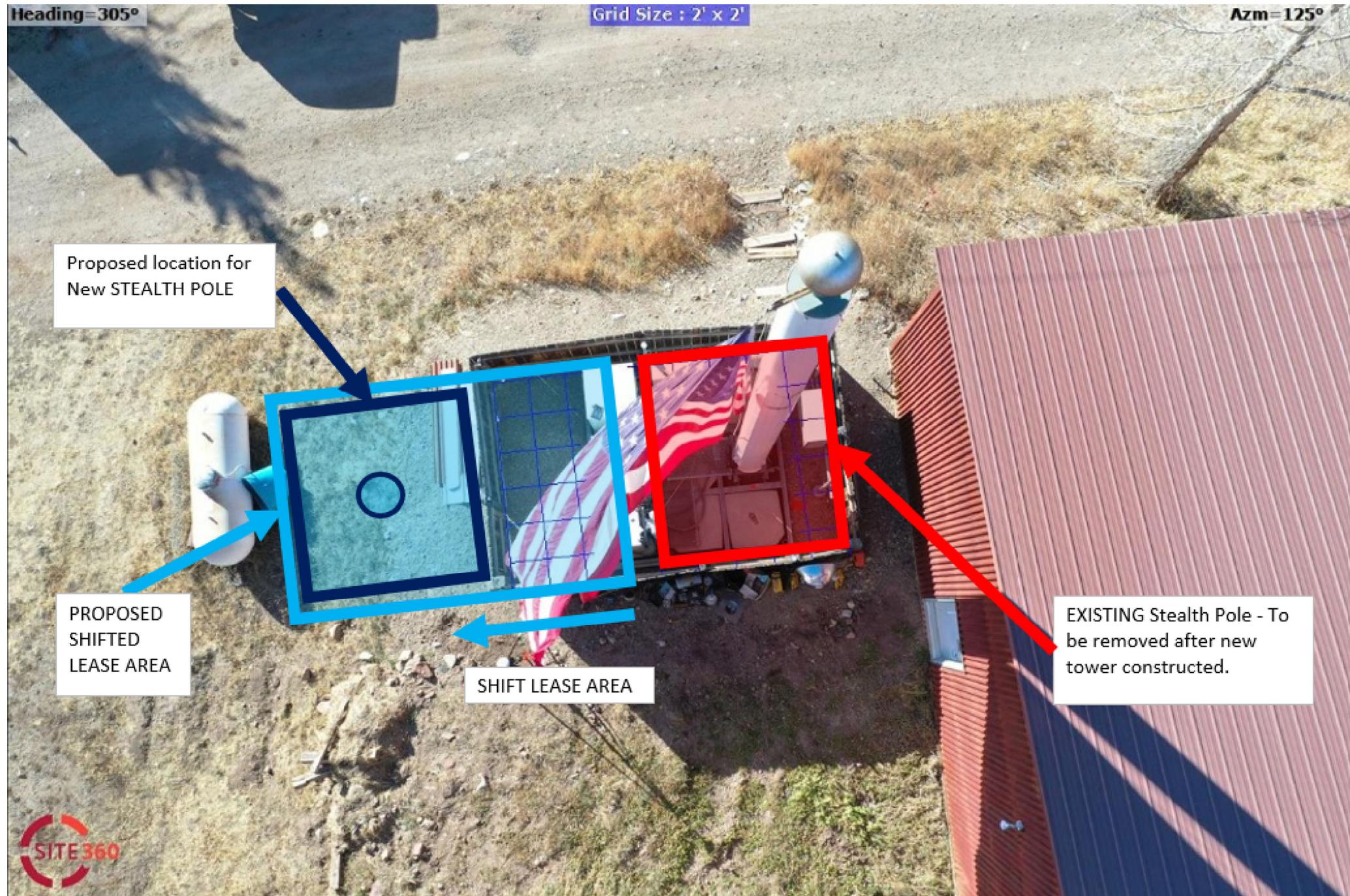
Azm=125°

Proposed location for
New STEALTH POLE

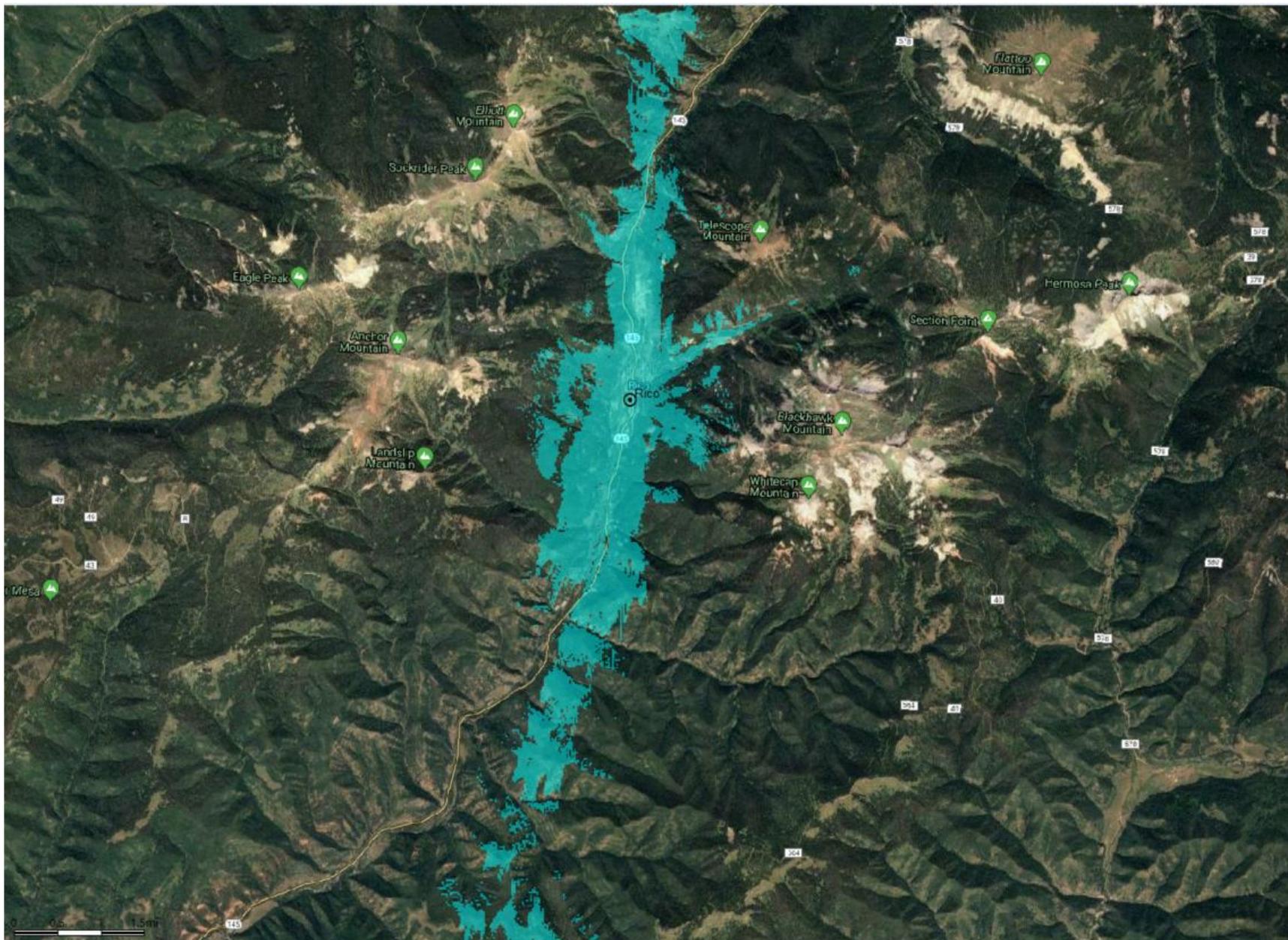
PROPOSED
SHIFTED
LEASE AREA

SHIFT LEASE AREA

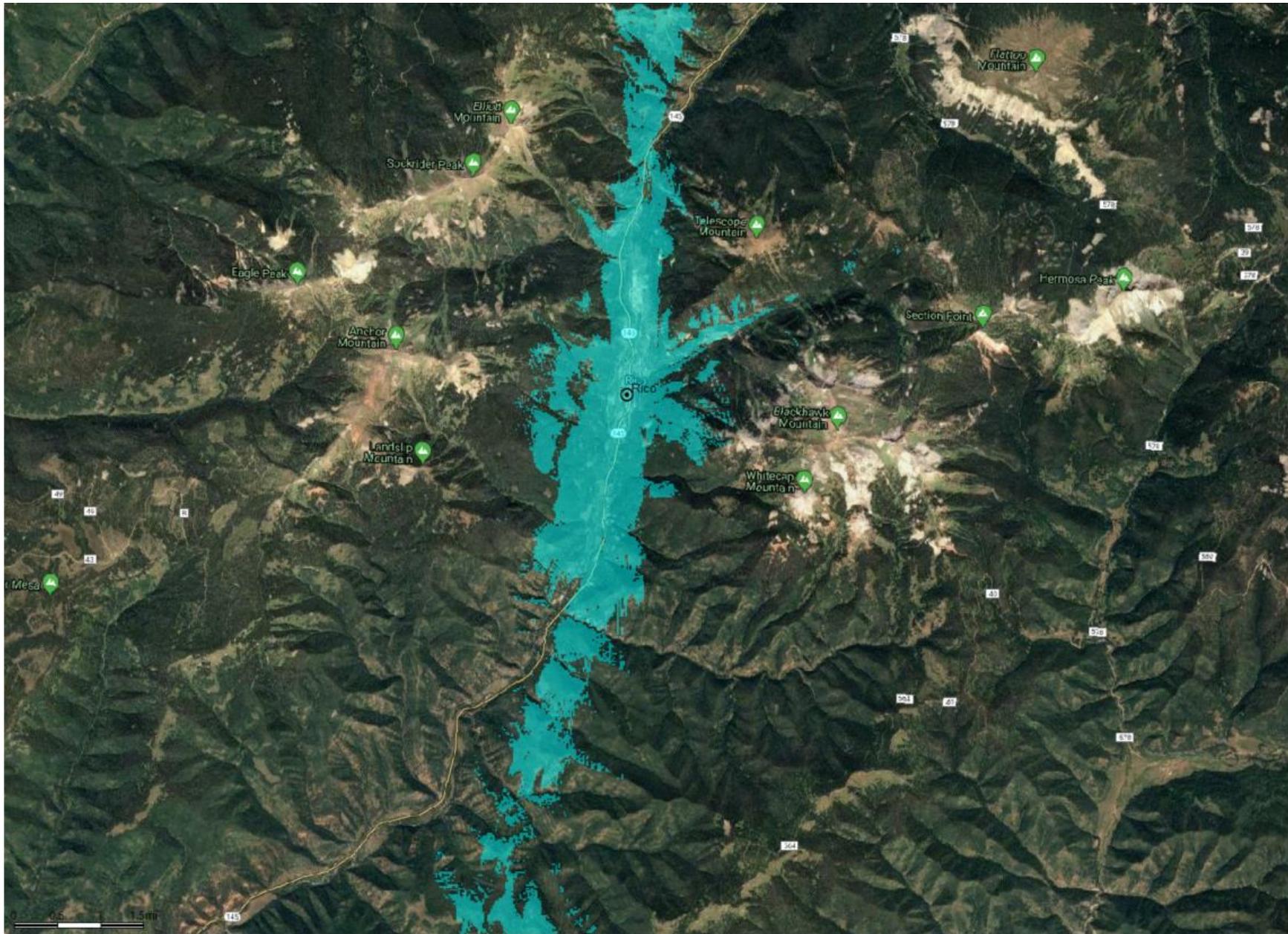
EXISTING Stealth Pole - To
be removed after new
tower constructed.



Rico, CO
Existing Coverage
Commnet Wireless- 28ft Antenna Height
08/10/2020



Rico, CO
Proposed Coverage
Commnet Wireless- 41ft Antenna Height, 45ft Tower Height
08/10/2020



TOWN OF RICO
ORDINANCE NO. 2020-07
AN ORDINANCE OF THE TOWN OF RICO, COLORADO TO INCREASE SEPTIC
PERMIT FEES AS PER COLORADO DEPARTMENT OF HEALTH AND
ENVIRONMENT REGULATION 43, SECTION 43.4B.a 25-10-107, C.R.S. FROM \$3.00
TO \$150.00

WHEREAS, it is the duty and obligation of the Board of Trustees to set and establish rates and charges for permits in an amount sufficient to pay for the plan review, inspection costs and filing of septic permits;

WHEREAS, the Board of Trustees finds that the current application surcharge of \$3.00 is insufficient to cover the costs of septic system permitting and wishes to charge a permit application fee;

WHEREAS, the Board of Trustees finds that charging septic permit applicants an amount which pays for the plan review, inspection costs and filing promotes the health, safety and welfare of the Rico community.

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

SECTION 1. Ordinance 2017-1, Section 1, 100.4 are hereby amended as follows:

A. Permit application fees shall be \$150.00 unless review of the system requires an expert such as a licensed engineer. In that instance, cost of the professional review shall be paid by the applicant.

This Ordinance was, following public notice, introduced, read and adopted upon first reading on the 13th day of December 2020.

This Ordinance was, following public notice, introduced, read and adopted finally adopted upon second reading on the 20th day of January 2021.

This Ordinance shall take effect upon final adoption and publication.

By: _____
Barbara Betts, Mayor

Attest: _____
Linda Yellowman, Town Clerk