

## RICO TOWN BOARD MINUTES

September 17, 2018

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

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

**Staff Present.** Kari Distefano. Absent was Linda Yellowman.

**Guests Present.**

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

**Approval of the Minutes.**

**Consent Agenda.**

Payment of Bills.

Approval of the Treasurers Report.

**Citizens Communication.**

Jeremy Bailey's Water Bill.

**City Council and Committees Reports.**

Town Clerk

Public Works

Water Consultant

Parks and Rec

Geothermal

**Town Managers Report.**

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

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

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

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

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

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

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

#### **Action Items.**

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

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

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

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

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

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

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

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

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

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

#### **Discussion Items.**

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

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

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

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

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

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

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

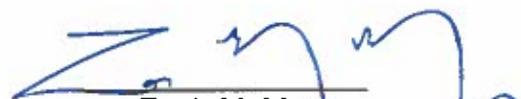
When after some time, we have not heard from Ty Gray, Ms. Distefano called Barbara McLachlan, a Colorado State Representative from Durango who is on the education committee. Ms. McLachlan asked that we email a written explanation of our problem. I did that but as of today I have not heard back. A copy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

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

**Adjournment.**

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

  
Linda Yellowman  
Rico Town Clerk

  
Zach McManus  
Mayor