

RICO TOWN BOARD MINUTES

September 18, 2019

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

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

Staff Present. Kari Distefano and Linda Yellowman.

Guests Present. David Averill/SMART, Jim Gregg, Anna Mills, Erin Johnson, Paul Ruud, Florence Ezell, Joan May, Will Lochte, Anneliese Riebel, Pat Fallon and Scott Jacobs.

Approval of the Agenda. The agenda for September 18, 2019 was presented for approval. Genevieve Yellowman made a motion to approve the agenda for September 18, 2019 as presented and seconded by Barbara Betts. The motion passed unanimously.

Approval of the Minutes. The Rico Town Board minutes for August 21, 2019 were presented for approval. Barbara Betts made a motion to approve the August 21, 2019 minutes. Seconded by Stephen Roberts. The motion passed unanimously.

Public Comment. Erin Johnson would like the Rico Women's Club to hold a candidate forum here at the courthouse.

Consent Agenda:

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

Treasurers Report.

Action Items. Consideration of a letter commenting to the Public Utilities Commission supporting goals outlined in HB 19-1261, to reduce 2025 greenhouse gas emissions by at least 26%, 2030 greenhouse gas emissions by at least 50% and 2050 greenhouse gas emissions by at least 90% of the levels of greenhouse gas emissions that existed in 2005. Former San Miguel County Commissioner Joan May is soliciting comment letters to the Public Utility Commission as part of the PUC's Rulemaking about Energy Resource Planning as it relates to Tri-State. Tri-State is the company that supplies and transmits electricity to our region by way of San Miguel Power Association. The comment that Ms. May is soliciting would be to support a new senate bill that would require that Tri-State submit and follow an Energy Resource Plan that meets the goals outlined in HB 19-1261. San Miguel Power Association is committed to exploring alternatives to coal-fired power plants but is unfortunately hindered in this effort by a 5% cap on renewable energy. This cap has already been reached. Should Tri-State be required to reduce greenhouse gas emissions, they would have an incentive to up the cap on alternative power or get rid of it altogether. Zach McManus made a motion to support the letter. Barbara Betts seconded the motion. The motion passed unanimously.

Appointment of Election Judges. Town Clerk Linda Yellowman recommends Mary Hagan, Susan Robertson and Laurie Adams for election judges. Zach McManus made a motion to appoint Mary Hagan and Susan Robertson as judges and Laurie Adams as the alternate. Genevieve Yellowman seconded the motion. Motion passed unanimously.

Consideration of an Intergovernmental Agreement with San Miguel Authority for Regional Transportation. According to the Town's existing intergovernmental agreement with the San Miguel Authority for Regional Transportation Board, the Town of Rico is obliged to conduct an election in November of 2019 to ask voters in Rico whether or not they would like to be included in the SMART's region. It does not obligate the Town of Rico to anything if the ballot measure fails. Barbara Betts made a motion to approve an Intergovernmental Agreement with San Miguel Authority for Regional Transportation. Genevieve Yellowman seconded the motion. The motion passed unanimously.

Adjournment of Board of Trustees Meeting and Reconvene as the Board of Adjustments.

AGENDA

Town of Rico, Board of Adjustments

Call to Order at 7:30 p.m.
Public Hearing

Consideration of an application for a setback variance on Lot 7, Van Winkle Subdivision, Gerrish Willis/Gulch Lode LLC owner. Mr. Willis is seeking a variance from the seven-foot side yard setback on the south side of his lot in Atlantic Cable Subdivision. He would like to construct a deck and covered stairs approximately 2.5 feet within the setback. His application is complete. There have been a couple of comments by members of the public expressing concern over the fate of the trail that goes from Garfield Street up to the Van Winkle mine structure. There is a 5 foot wide easement for this trail between the Gulch Lode property and the property to the north, the trail itself does not lie within the easements. Mr. Willis has expressed a desire to continue to allow use of his property for hikers as long as they stay to the north of the proposed retaining wall that will protect his soil treatment area. Citing unusual circumstances on the lot caused by the encroachment of the retaining wall built by Atlantic Richfield, the Rico Planning Commission recommended the approval of this variance at the September 11, 2019 meeting. Zach McManus made a motion to approve the application for a setback variance on Lot 7m Van Winkle Subdivision/Gerrish Willis,Gulch Lode LLC owner with a functional easement. Barbara Betts seconded the motion. The motion passed unanimously.

Consideration of an application for a setback variance on 122 N Garfield Street, Strategic Design Group LLC (Erin Johnson) owner. On June 12, 2019 Strategic Design Group/Erin Johnson applied for and obtained a Historic Alteration Certificate from the Rico Planning Commission for the old Catholic Church building at 122 N. Garfield Street. Ms. Johnson had also applied for a variance for the building's existing encroachment. The building as it exists encroaches into the 5-foot setback and does not want to move the building so the new middle will also encroach. The Rico Planning Commission recommended approval by the Rico Board of Trustees for the variance. Ms. Johnson took the application for the variance off the Rico Board of Trustee's agenda because the Catholic Church building was closer to the lot line than she had originally thought and in fact the building sits on the lot-line. She has talked to the adjacent property owners, the Truelsens about purchasing the adjoining lot and thus resolving the setback encroachment but they are unwilling to sell. The Rico Planning Commission recommended conditional approval of this variance pending the Town Attorney's review of the proposed easement, the recording of

the easement when the town attorney has reviewed it and either Ms. Johnson's acquisition of an additional three feet of the Truelsen's property to the north or the construction of a fire wall on the north side of the building that is required by the International Building Code for building that have less than a 3 foot setbacks from a lot line. After some discussion, the Board suggested to treat this application as a minor subdivision and do a boundary adjustment and lot line adjustment. Zach McManus made a motion to approve the minor subdivision application on 122 N Garfield Street-Strategic Design Group. Seconded by Barbara Betts. Motion passed unanimously.

Adjournment of the Board of Adjustments and Reconvene as the Board of Trustees at 7:30 p.m.

Consideration of an application for a minor subdivision on Lots 1 and 2, Block 38, Town of Rico, Will and Sandra Lochte, owners. The Lochtes own two lots that sit on the southwest corner of River and Mantz and another lot that is contiguous to the north and at the end of Mantz. Lots 1 and 2 are each 25'x100' and the lot at the west end on Mantz is 100'x80'. The owners would like to vacate the lot line between lot 1 and 2 and move the line between lot 1 and the lot at the end on Mantz 15 feet north so that the two remaining lots are each 65x100 (6500 square feet). The application is complete. The Rico Planning Commission recommended approval of this minor subdivision request. Zach McManus made a motion to approve the application for a minor subdivision on Lots 1 and 2, Block 38, owners Will and Sandra Lochte. Barbara Betts seconded the motion. The motion passed unanimously.

Consideration of Atlantic Cable Lot 28 quit claim deed. The owner of Lot 28, Atlantic Cable Subdivision is requesting that the Town execute a quit claim agreement on an easement that runs diagonally across Lot 28. On August 10, 1995, the Town quit claimed the portion of the same easement that runs across Lot 25, Atlantic Cable Subdivision. The Town does not have any existing utilities in that lot and due to the fact that it runs diagonally across a number of lots, many of which have existing structures, the Town maintenance department sees no future use for the easement. The Town Attorney is reviewing the quit claim deed. With no further discussion, Zach McManus made a motion to approve the quit claim deed for Atlantic Cable, Lot 28. Barbara Betts seconded the motion. The motion passed unanimously.

Consideration of a contract with Bryan Lewis for back up snowplowing. Last year during the very heavy snows, the town contracted with Bryan Lewis to help the Town with plowing. Mr. Lewis was efficient and reliable and would like to renew that contract. The Town will be applying to the Rico Center for funding for the additional cost of plowing should we need it. Barbara Betts made a motion to approve the contract with Bryan Lewis for back up snowplowing. Seconded by Stephan Roberts. The motion passed unanimously.

Truelson water tap. Val Truelsen, owner of two vacant lots with water tap have not paid his bill in over two years. According to Ordinance No. 2018-7, the Board of Trustees may declare the water tap in default after holding a public hearing thereon and providing 15 days written notice by certified mail to the water tap holder. Such notice shall state the time and place where the Board of Trustees will hold a hearing to determine whether a default exists. A certified mail was sent to Mr. Truelsen. They have been invited to either pay or to come to the September 18, 2019 Board meeting. As of today, the Town has not heard from Mr. Truelsen and has not picked up the certified mail. Zach McManus would like to table this to next month's meeting and notify Mr. Truelsen again.

1st Review of the 2020 Budget. The 2020 Budget was presented for review and discussion. If the sewer question does not pass, there will be no changes to the sewer enterprise budget and

the income will be based solely on the existing mill levy. As we discussed at the community meeting, Town revenues have been going down. Most importantly reserves are dropping. Kari Distefano reviewed each funds with the Board. I see very little potential in reducing costs without looking at labor. Facility maintenance on the Town Hall is a must as the longer we let that go, the more expensive it gets. We have little control over utility and insurance costs two other large line items. We have cut out almost everything else.

Town Clerk. No Report.

Public Works. No Report.

Parks & Recreation. Mr. McManus gave an update and getting ready for winter.

Town Board Reports.

Town Manager's Report. Election Updates As you may know, for the first time in over a decade, we have more people interested in being a member of the Board of Trustees than we have available seats. Candidates are Allyn Svoboda, Brandy Randall, Genevieve Yellowman, Joe Dillsworth and Nicole Pieterse. There are three available seats. We also have the three ballot issues. Town Clerk Linda Yellowman will be mailing out all the ballots out between October 14th and October 21st. Ballots will also be available upon request from the Clerk's office at the Rico Town Hall during regular hours until November 5, 2019. Ballots will be available on Election Day, November 5, 2019 from 7:00 a.m. to 7:00 p.m.

Adjournment.

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



Linda Yellowman
Rico Town Clerk



Zach McManus
Mayor