

RICO TOWN BOARD MEETING MINUTES

Date: April 19, 2023

Trustees Present: Mayor Nicole Pieterse
 Mayor Pro Tem Patrick Fallon
 Trustee Joe Dillsworth
 Trustee Benn Vernadakis
 Trustee Jordan Carr (zoom)
 Trustee Joe Croke
 Trustee Chris Condon (via phone 9:00PM until the end of the Action items)

Trustees Absent:

Staff Present. Chauncey McCarthy, Wilton Anderson

Call to Order

Approval of the Agenda

Town Manager Chauncey McCarthy brings to the Boards attention the updated agenda.

Motion

To approve the agenda.

Moved by Trustee Joe Croke, seconded by Trustee Benn Vernadakis.

Vote. A roll call vote was taken and the motion was approved, 6-0.

Consent Agenda

Payment of the Bills

Motion

To approve the payment of the bills.

Moved by Trustee Joe Dillsworth, seconded by Trustee Benn Vernadakis.

Vote. A roll call vote was taken and the motion was approved, 6-0.

Public Comment:

Nicole: internet committee update.

Forest Service letter set up a call with the Ranger.

Action Items

Consideration of a memorandum of understanding between the Town of Rico and the Colorado Non-Profit Corporation Rico Frequency (EIN 84-4539493)

Chauncey gives summary on 4th of July and Town park music days. This is the MOU that was requested by the Board at the March Board meeting.

Clay Hall gives update on the Rico Frequency MOU.

Nicole proposes changes language regarding law enforcement and insurance language.

Motion

To approve with the revisions.

Moved by Trustee Benn Vernadakis, seconded by Mayor Pro Tem Patrick Fallon.

Vote. A roll call vote was taken and the motion was approved, 6-0.

Public hearing and consideration of the final plat of the Dolores River Trail Development located on portions of hillside 1, 2 and Yankee Boy, Rebecca and Gordon Mortensen applicants.

Town Manager gave a summary of final plat proposal. He reads the Planning Commission recommendation.

Nicole: Question regarding the Dolores River trail road and the potential of a HOA to maintain the road. Asks the Town Attorney if there is language for the town to be able to come and maintain the road if needed.

Wilton Anderson: The Town would have authority based on statute.

Nicole: this will not be a Town dedicated road, however the Town will own the waterlines within the road to the property lines. Is there a need for a plat note regarding this dedication?

Wilton: the dedication of the water system has already been addressed but will be double checked.

Nicole: are all of the lots developable given the hazards and wetlands?

Chauncey: all are developable. Lot 2 has wetlands on it they will need a disturbance permit. Lot 6 has an avalanche slide path in it, there is ample space outside of it to build without any additional permits.

Nicole refers to a public comment that mentions that lot 1 does not meet the lot size requirement. It will need to be extended to the West.

Joe Croke: relative to the HOA which is a self-governing body that is a nonprofit. It is not a burden on the developer. It could assess dues as need be for snow removal or road maintenance.

Wilton: persuaded the applicant to go along with the HOA idea. CCIOA¹ is not necessary for this development. Because it is not subject to future development rights is it exempt from CCIOA. They can operate as an unincorporated association under state law so long as they have a statement of appointment representative on file with the Secretary of State so that there is always a primary point of contact for the town or any of the owners of the subdivision.

Applicants legal: gives presentation on the packet.

Board Discussion:

Joe Croke expresses concern about HOA makeup.

Benn Vernadakis expresses concern with the square footage rule.

Nicole Pieterse gives the following potential changes regarding verbiage on plat notes. Adjust Lot 1 so it complies with square footage requirements. Questions about 4500 square foot floor area. Including verbiage to not include improvements in the easement of the town. Discussion on the real estate transfer assessment. Forest road, the town will have no maintenance requirement of this road. Sam patch easement being rewritten to ensure the Town has no responsibility of the road maintenance. Plat should not be recorded until the wetland delineation has been completed. Staff to confirm that there is developable area on each lot as is required by the Land Use Code.

Joe Dillsworth brings up a public comment regarding square footage as well.

Motion

Mayor Pieterse moved approve the Dolores River Trail Development located on portions of hillside 1, 2 and Yankee Boy, Rebecca and Gordon Mortensen applicants with the following conditions:

1. Revise the plat to make Lot 1 a minimum of 22,000 square feet.
2. Show the square footage of each subdivision lot on the plat
3. Revise the Planning Commission verbiage on the plat to reference their meeting date.

¹ Colorado Common Interest Ownership Act

4. Add the Board of Trustees approval meeting date and sign off signature block to the plat.
5. The property acceptance section needs to add reference to each quit claim deed and its recording date and reception number.
6. Revise plat note 1 to say each lot is permitted to construct up to 4500 square feet maximum floor area and all improvements shall count towards that.
7. Amend section 5.D2 of the subdivision PUD agreement accordingly.
8. Revise plat note 7 to say that no permanent improvements will be constructed in the general easement by the lot owner without prior written approval from the Town in the form of a general easement revocable encroachment agreement.
9. Revise plat note 8 subject to Town attorney's confirmation that the transfer assessment is permissible under TABOR.
10. Add a plat note saying all property within the subdivision will be subject to the terms of the subdivision improvements agreement and PUD development agreement. Development may further require an environmental permit pursuant to section 804 of the Rico Land Use Code and other applicable provisions of the Rico Land Use Code, Town Ordinances and other federal or state law as may be amended from time to time.
11. Add to the same plat note saying all development requirements and standards not specifically addressed in said agreement or herein shall be subject to requirements of the Rico Land Use Code, Town Charter and codes and ordinances as modified from time to time.
12. Add the same verbiage or similar to the subdivision improvements and PUD agreement.
13. Add a plat note stating off street parking shall be provided on each lot pursuant to the Rico Land Use Code as amended from time to time.
14. Add a plat note regarding onsite waste water system being in the responsibility of each lot owner pursuant to State law and Town requirements. Remove any reference to Dolores County.
15. Add a plat note dedicating the water system outside of the lots to the Town.
16. Add a plat note dedicating the road up to the Dolores River Trail road to the Town upon the acceptance of the subdivision improvements by the Town.
17. Add a note stating that no gate is allowed that would obstruct public access to the Dolores River Trail road.
18. Remove the reference to private road from the plat.
19. On the map that is on page 27 delete notes 1, 7, 4, note 5 delete the reference to Dolores County health department.
20. Regarding the Dolores River Trail road enter an agreement with the owners of lots 2 through 6 in the subdivision and tract H with the Merritts that will be recorded as a covenant running with the land. Add reference to the recording Book and Page. Subject to a road maintenance agreement with a registered agent on record with the Colorado Secretary of State's office.
21. On the subdivision improvement agreement fix the page numbers. Incorporate and attach the utility and other subdivision improvement plans dated March 29, 2023 per the Town engineer's recommendation. Add verbiage saying everything that is not specifically varied or addressed by the PUD agreement in the subdivision is subject to the verbiage previously stated.
22. Add a condition that the subdivision agreement and the plat will not be recorded until the subdivision improvements are completed and accepted by the Town.
23. The forgoing approval is subject to documentation being finalized by Town staff consistent with the Boards direction and approval.

Seconded by Trustee Joe Croke.

With the addition of collateral for the completion of the improvements be it letter of credit or bond is agreed upon by the Town Council and the counsel of the applicant.

Amend the motion to withdraw the requirement that the SIA improvements need to be completed before recording the subdivision plat.

Mayor Pieterse accepted the amendments.

Vote. A roll call vote was taken and the motion was approved, 6-0.

Consideration of resolution no. 2023-02 a resolution of the Board of Trustees of the Town of Rico approving joint submittal of a Voluntary Cleanup program application with Atlantic Richfield Company to the Colorado Department of Public Health and Environment

The mayor gives summary

This is just to formally submit the application to the CDPHE. There is a parallel path for the funding agreement. The VCUP would not go into effect unless and until the funding agreement and other VCUP documents are approved by the Board.

Motion

To approve resolution no. 2023-02 a resolution of the Board of Trustees of the Town of Rico approving joint submittal of a Voluntary Cleanup program application with Atlantic Richfield Company to the Colorado Department of Public Health and Environment

Moved by Trustee Joe Dillsworth, seconded by Mayor Nicole Pieterse.

Vote. A roll call vote was taken and the motion was approved, 6-1.

Consideration of Resolution 2023-01 a resolution of the Board of Trustees of the Town of Rico in opposition to statewide land use and zoning preemptions in Senate Bill 23-213

Town Manager Chauncey McCarthy gave a summary of the resolution. Nothing has changed between readings.

Request was made to update the second reading date to January 23rd, 2023.

Motion

To approve Consideration of Resolution 2023-01 a resolution of the Board of Trustees of the Town of Rico in opposition to statewide land use and zoning preemptions in Senate Bill 23-213

Moved by Mayor Nicole Pieterse, seconded by Trustee Benn Vernadakis.

Vote. A roll call vote was taken and the motion was approved, 7-0.

Staff Report

Manager's Report

The lease purchase for the new Town shop financing is still being negotiated. This will come forth at the May reading.

DOLA grant application for funding the new Town shop is undergoing review.

Planning grant has been closed out and we received the \$25,000 from DOLA.

Parks and Rec survey had 88 adult responses 13 youth responses. Lots of thoughtful responses. The planning committee is planning on bringing back 5-6 options to the town based on the responses. Community outreach likely the second week of July in person at the Court house.

Senator Hickenlooper has put forth the \$3.8Million request for CBS funding to reactivate Silver creek including water treatment plant new intake and a pipeline slope protection. Not guaranteed, but in consideration. It goes in front of a committee now, if they agree with it will be included in the 2024 budget review.

Virtual walk through with an acoustic specialist of the court room. It is a \$6,000 project, Chauncey going after grants to cover most of the cost. Lots of locals volunteering to put it up. This will be permanent.

Discussion Items

Quarter 1 financial review

Town Manager gives summary. All funds trending well.

Colorado Municipal League Conference

Chauncey gives summary on availability for trustees to attend.

Hybrid Meeting policy resolution

Discussion on zoom and how to regulate it.

The meeting adjourned.



Anna Wolf
Rico Town Clerk



Nicole Pieterse
Mayor