



AGENDA
 TOWN OF RICO BOARD OF TRUSTEES
 2 Commercial Street– Rico Town Hall
 July 19th, 2023
 6:00 PM

- Electronic copies of the Trustee Packet are available on the Town website.
- Action may be taken on any agenda item.
- Notice is hereby given that a majority or quorum of the Planning Commission may be present at the above noticed Rico Board of Trustee’s meeting to discuss any or all of the matters on the agenda below for Trustee’s consideration.
- The Town of Rico is not responsible for audio, video, or connectivity issues. In-person attendance is highly recommended.

Topic: Board of Trustees July Meeting

Time: Jul 19, 2023 08:00 PM Mountain Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/82719835180?pwd=c1FoWnQ3Q3Y4UHRRdFhHeUNsUnZvZz09>

Meeting ID: 827 1983 5180

Passcode: 293595

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Passcode: 293595

6:00 PM ROLL CALL

APPROVAL OF THE AGENDA

6:05 PM EXECUTIVE SESSION

- Townwide Voluntary Cleanup financial assurance and funding agreement. Determination of positions relative to matters that may be subject to negotiations, Development of strategy for negotiations and instruction of negotiators § 24-6 402(4)(e) C.R.S.

8:00 (approximate time) OPEN SESSION

APPROVAL OF THE MINUTES

PAYMENT OF THE BILLS

PUBLIC COMMENT

DISCUSSION ITEM

- Voluntary lead soils clean up (“VCUP”) update

- Discussion of the business tactics of ARCO subcontractor Entact and potential implications to the Board of Trustee's position on the VCUP negotiations
- Revised contract and legal document policy
- Quarter 2 Finances

ACTION ITEMS

- Review and execution, as concurring party, of Amendment 2 to the 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 5dl.478.19 resulting from the Atlantic Richfield Company small tracts act case no. 2020 project, Dolores County, Colorado
- Consideration of Resolution 2023-05 a resolution of the Board of Trustees of the Town of Rico authorizing an extraterritorial residential water tap for Lot 3 Homestake Little Cora.
- Consideration of a proposal from GovRates for a water impact fee study
- Consideration of a proposal from Goff Engineering and Surveying for waterline location services

STAFF REPORTS

- Clerk's Report
- Manager's Report

ADJOURN

Town of Rico Memorandum

Date: July 14, 2023

TO: Town of Rico Board of Trustees

From: Chauncey McCarthy

Voluntary lead soils clean up (“VCUP”) update

On June 30, 2023, the Town’s environmental attorneys emailed redlined revisions to the Voluntary Lead Soils Clean Up (“VCUP”) Funding, Implementation and Settlement Agreement (“Funding Agreement”) to Atlantic Richfield’s legal team. The revisions embody the negotiated revisions that resulted from the June 14 and June 15th in person meetings attended by the Mayor, Town Manager, Town environmental attorneys, Atlantic Richfield attorneys, and new Atlantic Richfield representative Mike Mcanulty, which addressed: incremental costs (including a specific incremental cost reimbursement schedule for the future sewer project); how to address remediation in the vegetated town rights-of-ways; storm water management system cost sharing; clean soil stockpile amounts and delivery of clean soil to larger scale developments; clarification language to ensure Town property projects are treated the same as other (private) development projects; and streamlining the various accounts (buckets of money) to be funded by Atlantic Richfield to pay for the VCUP.

A color copy of the most current draft Funding Agreement that reflects the negotiated revisions and (in redline) the issues still being negotiated was circulated to the Town Trustees by Town staff on July 12, 2023. An executive session is agendized for the first part of the Town Board’s meeting on July 19, 2023, for purposes of reviewing and discussing the financial assurances piece of the Funding Agreement.

Staff wanted you to have the most current version of the Funding Agreement in hand before that executive session, but we do not plan on going through the entire Funding Agreement in detail during that meeting. The Town’s environmental attorneys will continue to be available to answer any VCUP questions during the executive session and at the open portions of the Town Board meetings.

Discussion of the business tactics of ARCO subcontractor Entact and potential implications to the Board of Trustee's position on the VCUP negotiations

Chris Condon would like to update the Board of Trustees on his exchanges with Entact project management and Entact's CEO. Chris had reached out to both the CEO and the Entact management who had engaged the Mine Shaft Inn and citizen Kathy McJoynt to address concerns around the company's operating tactics. The intent was to proactively offer Entact the opportunity to address and remediate bad faith negotiating tactics which has resulted in harm to local businesses and citizens. As of July 17, 2023 we have not seen that Entact has satisfactorily addressed the issues. This should now be elevated to a Board of Trustees level discussion given the potential indicator for the type of engagements the town might expect from ARCO and its subcontractors in the execution of the VCUP program.

Revised contract and legal document policy

Mayor Pro Tem, Fallon, requested that this item be included for discussion during the July meeting. There is currently no policy in place for additional review of revised contracts and legal documents after redlined copies have been finalized.

Quarter 2 Finances

Included in the packet are comparative income statements to budget for all town accounts. All accounts are tracking to budget during quarter two. A budget amendment will be presented to the board for review and approval during our August meetings. This budget amendment will address additional revenue and expenditures for the town shop project, snow removal (fuel and labor), and other few other categories that need to be addressed.

Include in the packet is an MOA between the USFS and the Colorado State Historic Preservation regarding small tracts act case no 2020 Atlantic Richfield Company. In addition to the agreement, a plat of the proposed tract has been included and the past MOA and amendment. The Forest Service has requested that the town sign the agreement as a concurring party. In accordance with 36 CFR § 800.6(c)(3), a concurring party is a consulting party invited to concur in the agreement document but who does not have the authority to amend or terminate the agreement.

Like an invited signatory's signature, a concurring party signature is not required to execute the agreement; a concurring signature is essentially an endorsement of the agreement. Thus, the refusal to sign by any party asked to concur in the agreement does not prevent the agreement from being executed. Whether any or all other consulting parties are invited to concur in an agreement is at the federal agency's sole discretion. Extending the offer to sign an agreement as a concurring party may be an effective way of recognizing the assistance and support that a party has provided for the actions being evidenced in the agreement and encouraging their ongoing support.

Signing the amendment doesn't obligate the Town of Rico to any work, it only endorses the agreement and the change. This item was continued last month so the board could review the original MOA and first amendment prior to signing this agreement. Michelle Stevens, Heritage Program Lead NFS, will attend via zoom to answer any questions.

Consideration of Resolution 2023-05 a resolution of the Board of Trustees of the Town of Rico authorizing an extraterritorial residential water tap for Lot 3 Homestake Little Cora.

Included in the packet is resolution 2023-05 authorizing an extraterritorial tap for lot 3 of the Homestake Little Cora claim in exchange for an easement for Road 54.7. Since this lot is outside of Town limits water services can only be provided if approved by Board of Trustees. The water main and road 54.7 bisects the subject property and tapping into the main would require no additional CDOT/Town permits or infrastructure improvements.

Consideration of a proposal from GovRates for a water impact fee study

Included in the packet is a proposal from GovRates for a water impact fee study. This study is necessary if the Board elects to adopt an ordinance to impose impact fees to developers.

Consideration of a proposal from Goff Engineering and Surveying for waterline location services

Included in the packet is a proposal from Goff Engineering for subsurface utility engineering. Subsurface utility engineering is the service of mapping subsurface utilities. Although there is a map of the town's water system, it is dated, missing items, and has some discrepancies. Once the town engages in this service, we will need to obtain GIS software to utilize the data. The result of this project would allow for town staff to use handheld devices, in the field, to locate watermains, valves, curb stops, meter pits, and service lines.

RICO TOWN BOARD MEETING MINUTES

Date: March 15, 2023

Trustees Present: Mayor Nicole Pieterse
Mayor Pro Tem Patrick Fallon
Trustee Joe Dillsworth
Trustee Benn Vernadakis
Trustee Jordan Carr
Trustee Joe Croke
Trustee Chris Condon (7:05PM)

Trustees Absent:

Staff Present. Chauncey McCarthy, Wilton Anderson

Call to Order

Approval of the Agenda Motion

To approve the agenda.

Moved by Trustee Benn Vernadakis, seconded by Trustee Jordan Carr.

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 Mayor Nicole Pieterse, seconded by Trustee Benn Vernadakis.

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

Public Comment:

Gerrish Willis: The court room is very hard to hear in. Please consider taking care of the acoustics. Zoom is a very useful tool. Also hard to hear, please consider making changes for better audio.

Skip Zeller: Concern about the Forest Service sale. Concern about easement through the land to the other public land. Please revisit the letter to the Forest Service.

Laurie Adams: Artists or Rico and Rico Poetry collective having their first event next Friday.

Mark Eleison: Agrees with Skip regarding the Forest Service sale.

Benn and Nicole goes on record to say that a new letter has been written and sent to the Forest Service.

Benn Vernadakis the majority of the Board opposes the sale.

Pat Fallon would be happy to write a follow up letter.
 Nicole: to be discussed at the Next special meeting.
 Chauncey reads the opening sentence of the original letter opposing

Action Items

Consideration of first reading Ordinance No. 2023-02 an ordinance of the Town of Rico, Colorado, authorizing the execution and delivery of a site and improvement lease, a lease purchase agreement, and other documents incidental thereto, all for the purpose of financing a portion of the cost of acquiring, constructing and equipping a public works facility located at 101 Picker Street; and authorizing and approving the taking of all other actions necessary or appropriate for the consummation of the transactions contemplated by this ordinance.

Chauncey McCarthy gives summary of the Ordinance.
 Troy Bernberg talked over the bid process.

Motion

To approve the first reading of ordinance No. 2023-02.
Moved by Trustee Joe Dillsworth, seconded by Trustee Joe Croke.

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

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

Town Manager gave a summary.
 Clay Hall gives summary of Rico Frequency.

Public Comment:

Teal: supports the Rico Frequency event
 Skip Zeller: This is so important to give back to the community. In full support.

Board Discussion:

Provide an MOU for this event. To be presented to the Town at a future meeting.

Consideration of a letter of support for San Miguel Power Association, microgrid for the Town of Rico planning grant application

Town Manager Chauncey McCarthy gives summary. Necessary for San Miguel Powers grant application process. No financial obligation to the Town.

Public Comment:

Allyn Svoboda give explanation of grant process.

Motion

To authorize execution of the letter
Moved by Trustee Jordan Carr, seconded by Trustee Joe Croke.

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

Approval of DOLA EIAF Cycle 2023-07 grant application

Town Manager Chauncey McCarthy gives summary regarding the grant that the Town could apply for.

Discussion was had regarding the financing as well as the current Town finances.

Motion

To approve of DOLA EIAF Cycle 2023-07 grant application

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

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

Staff ReportManager's Report

Anna will write the minutes after she is back from maternity leave.

Anna will come in to reconcile the accounts the first week of March.

The Parks engagement team met tonight. The survey is live. Targeting all groups. Saturday 25th a public meeting at the Town Hall.

Planning Commission met last week and started the new LUC revision process.

Working on a Zoom resolution to put in place.

Pilot project of transportation to Cortez. Nominal cost for the transport. IGA to be available in May.

Working on getting a new patrol vehicle from Cortez. \$5000-\$6000 cost which is half what is budgeted.

Need to start thinking about a new small loader in the next year or two.

Discussion ItemsRegional broadband and readiness

Chauncey gives intro summary.

Shak Powers gives presentation.

Mayor Nicole Pieterse gives summary of the Rico Broad Band project.

Introduction to Rico Land Collaborative

Chauncey gives introduction.

Skip Zeller explains the purpose of the collective.

Teal officially fortified March 2022. Reads the mission statement.

Inventory of Town owned parcels

Chauncey gives summary. This has been talked about in the last meeting. Potential for future discussion. Potential housing project study. Structure and prioritize Rico local needs. Potential work session in the future.

Snow Removal and Street Fund

Chauncey gives update on current snow removal situation and needs. Need to be proactive for future snow storage. Need of a parking ordinance. Potential winter contract snow shuttle employee.

The street fund is underfunded. Pursuing a mil levy increase that is passable in the community.

Voluntary lead soils townsite clean up ("VCUP") agreement status

Nicole gives update on the agreement.

The meeting adjourned.

Anna Wolf
Rico Town Clerk

Nicole Pieterse
Mayor

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. KIOA is not necessary for this development. Because it is not subject to future development rights is it exempt from KIOA. 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

To 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.
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 quick 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 revoke encroachment agreement.
9. Revise plat note 8 subject to Town attorney's confirmation that it 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. Development may farther 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 and 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 and a covenant running with the land. Add reference to that booking 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.

Moved by Mayor Nicole Pieterse, 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 council of the applicant.

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

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 submit the application. There is a parallel path for the funding agreement.

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 is still being negotiated. This will come forth at the May reading.

DOLA grant 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 the 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

RICO TOWN BOARD MEETING MINUTES

Date: June 21, 2023

Trustees Present: Mayor Nicole Pieterse
 Mayor Pro Tem Patrick Fallon
 Trustee Joe Dillsworth
 Trustee Benn Vernadakis
 Trustee Jordan Carr
 Trustee Joe Croke

Trustees Absent:
 Trustee Chris Condon

Staff Present. Chauncey McCarthy, Anna Wolf

Call to Order

Approval of the Agenda Motion

To approve the agenda.

Moved by Trustee Benn Vernadakis, seconded by Trustee Jordan Carr.

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 Mayor Nicole Pieterse, seconded by Trustee Benn Vernadakis.

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

Public Comment:

Allyn Svoboda alerted the board to the fact that the public comment mic needed to be turned up

Mayor Pro Tem Pat Fallon asked to have document signing added to the agenda next month to ensure that if there are changes made a red line copy is first presented before the Trustee signs them.

Presentation

Rico School Committee to provide update on the Rico School Annexation/Detachment community engagement session.

Rico School committee gives update on public hearing and current progress.

FMP presentation

Christine Fischer gives update on project and potential vendors. She discusses the community outreach and work session that will be on July 10th, 2023.

Bohannon Huston to provide update on the wastewater preliminary engineering report.
Caroline and Donsel gave an update on the current project process and progress. Likely a formal presentation will be ready and presented to the Board in 2 months.

Action Items

Review and execution, as concurring party, of 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 5dl.478.19 resulting from the Atlantic Richfield Company small tracts act case no. 2020 project, Dolores County, Colorado amendment 2

Mayor Nicole Pieterse gives summary.

This will give the opportunity for the Town to be at the table to determine the location of the history signs for the railroad.

Mayor Pro Tem Pat Fallon would like to see the MOA before agreeing to this memorandum. In the past the Board sent an objection to this sale, he is not sure if the Board should engage at all with this.

Motion

To table Review and execution, as concurring party, of 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 5dl.478.19 resulting from the Atlantic Richfield Company small tracts act case no. 2020 project, Dolores County, Colorado amendment 2 to the July regular Board meeting provided the Trustees receive the original and amended MOA to look over.

Moved by Mayor Pro Tem Patrick Fallon, seconded by Trustee Joe Croke.

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

Review and execution of Resolution 2023- 04 a resolution of the Board of Trustees of the Town of Rico approving the final plat of the Dolores River Trail Subdivision Town of Rico, Colorado
Town Manager gave a summary of this resolution.

Motion

To approve Resolution 2023- 04 a resolution of the Board of Trustees of the Town of Rico approving the final plat of the Dolores River Trail Subdivision Town of Rico, Colorado

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

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

Consideration of second reading of Ordinance No. 2023-03 an ordinance of the Board of Trustees of the Town of Rico, Colorado extending the temporary moratorium on the acceptance of new land use applications for major or minor subdivisions, and residential or commercial planned unit developments.

Town Manager Chauncey McCarthy gives summary of first reading. It was approved without modifications on first reading.

Trustee Joe Croke asks how this will be different and when will the issues be resolved so the moratorium can be lifted.

Chauncey McCarthy explains impact fees for developments will be available for the Board to review before the moratorium ends. He is also working on the reopening of Silver Creek with a funding timeline of potentially 6-8 months.

Motion

To approve second reading of Ordinance No. 2023-03 an ordinance of the Board of Trustees of the Town of Rico, Colorado extending the temporary moratorium on the acceptance of new land use applications for major or minor subdivisions, and residential or commercial planned unit developments

Moved by Trustee Benn Vernadakis, seconded by Trustee Jordan Carr.

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

Consideration of liquor license for 2 Rico LLC, dba Silver Creek Rico
Town Clerk gives summary of application. It is complete and compliant.

Motion

To approve liquor license for 2 Rico LLC, dba Silver Creek Rico

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

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

Consideration of special event liquor license for Rico Frequency, Street Dance on Mantz July 4th event.

Town Clerk gives summary of application. It is complete and compliant.

Town Manager gives briefing on the Special Event.

Motion

To approve special event liquor license for Rico Frequency, Street Dance on Mantz July 4th event

Moved by Trustee Benn Vernadakis, seconded by Trustee Jordan Carr.

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

Staff Report

Clerk's Report

The clerk is caught up on the big picture items and is working through the minutes from the last 4 months.

Manager's Report

Blood Lead testing will start at the fire station June 22 and continue through Sunday. There will be testing again in October.

DOLA grant: Chauncey will be presenting on Wednesday at 2pm in Denver. Results should be known by July 4th if rewarded.

4th of July flyers are available.

IGA Montezuma pushed back on the amount we need to pay per trip to \$325. Rico Center will pay for this year's rides, nothing will come from the Town.

Chauncey will be out of the office July 25-28.

Discussion Items

VCUP

Mayor Nicole Pieterse gave an update. Planning Commission unanimously gave a recommendation to approve the Land Use Code amendment that helps keep the remediation work protected. Likely the draft will be presented in front of the Board in August.

Water System Update

Silver Creek reactivation project currently being reviewed by the Senator's office. The Town has been meeting with regional representatives on moving forward with the project even without senator funding is necessary.

Restoration of the last water tank to be discussed. Potential DOLA funding. Looking into the cost of a new tank.

AMI meter reading in the future. Currently we use a hand held device. Once AMI is in place the meters will be read every 15 minutes. This project is 2-3 months out and likely will take effect in 2024.

Rate and Fee study to determine the additional cost of additional meters outside of the Town platted lots. A Special session may be necessary to finalize the proposal.

SUE and GIS mapping is needed due to a federal mandate. This will also be a great asset for the Town for once Dennis retires, currently he holds all the knowledge in his head.

Historic Commercial Properties

Discussion on use by right, uncompliant signage, uncompliant storage, signage in the CDOT lanes. The Board gave direction to give a healthy period for the businesses to get into compliance. Sandwich boards need to be removed from the CDOT right of way and bike lanes. Open storage on Historic Commercial needs to be addressed including the old BBQ place.

EXECUTIVE SESSION

Voluntary Lead Soil Clean Up (VCUP) Funding agreement. Determination of positions relative to matters that may be subject to negotiations, Development of strategy for negotiations and instruction of negotiators § 24-6-402(4)(e) C.R.S

The meeting adjourned.

Anna Wolf
Rico Town Clerk

Nicole Pieterse
Mayor

NEW Town of Rico - General Fund
Check Register
For the Period From Jul 1, 2023 to Jul 31, 2023

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
17799	7/11/23	Greg Philips	10000	250.00
17800	7/11/23	Century Link	10000	96.84
17801	7/11/23	Jon Kelly	10000	375.00
17802	7/11/23	Fraley Propane, LLC	10000	603.00
17803	7/11/23	San Miguel Power Associ	10000	136.00
17804	7/11/23	CEBT	10000	4,022.40
17805	7/11/23	Rico Valley Cemetery	10000	1,000.00
17806	7/11/23	Nicole Pieterse	10000	113.37
17807	7/11/23	Utility Notification Center	10000	5.16
17808	7/11/23	Orkin	10000	79.01
17809	7/11/23	WM Corporate Services, I	10000	94.85
17810	7/11/23	Rico Telephone Company	10000	243.83
Total				<u>7,019.46</u>

NEW Town of Rico - Water Fund
Check Register
For the Period From Jul 1, 2023 to Jul 31, 2023

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
4516	7/11/23	San Juan Basin Health De	10000	35.00
4517	7/11/23	San Miguel Power Associ	10000	452.00
4518	7/11/23	Fraley Propane LLC	10000	402.00
4519	7/11/23	Rico Telephone Company	10000	115.00
4520	7/11/23	Core & Main LP	10000	1,131.05
4521	7/11/23	AT&T Mobility	10000	111.37
4522	7/11/23	UPS	10000	71.58
4523	7/11/23	Ferguson Waterwork #111	10000	727.40
4524	7/11/23	RVS Software	10000	197.12
Total				<u>3,242.52</u>

NEW Town of Rico - Open Park Fund
Check Register
For the Period From Jul 1, 2023 to Jul 31, 2023

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
1744	7/11/23	LePew Porta-Johns, Inc	11000	663.40
1745	7/11/23	San Miguel Power Associ	11000	26.00
1746	7/11/23	WM Corporate Services, I	11000	11.31
1747	7/11/23	Slavens, Inc	11000	134.98
Total				<u>835.69</u>

2018 NEW Town of Rico - Street Fund
Check Register
For the Period From Jul 1, 2023 to Jul 31, 2023

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
2867	7/11/23	WM Corporate Services, I	10000	166.67
2868	7/11/23	Rico Telephone Company	10000	42.77
2869	7/11/23	San Miguel Power Associ	10000	133.00
Total				<u>342.44</u>

NEW Town of Rico - Sanitation Fund
Check Register
For the Period From Jul 1, 2023 to Jul 31, 2023

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
1426	7/11/23	Bohannan Huston	13500	6,150.00
Total				6,150.00

NEW TOWN OF RICO - GENERAL FUND
BALANCE SHEET
JUNE 30, 2023

ASSETS

CURRENT ASSETS		
CASH - CHECKING	\$	697,910.05
C-SAFE		504,810.90
CASH WITH TREASURER		374.95
		1,203,095.90
TOTAL CURRENT ASSETS		
PROPERTY AND EQUIPMENT		
		0.00
TOTAL PROPERTY AND EQUIPMENT		
OTHER ASSETS		
		0.00
TOTAL OTHER ASSETS		
		0.00
TOTAL ASSETS	\$	1,203,095.90

LIABILITIES AND CAPITAL

CURRENT LIABILITIES		
FICA & FEDERAL W/H PAYABLE	\$	33,346.03
STATE W/H PAYABLE		927.43
COPFL		290.59
EMPLOYEE PERA		12,116.93
		46,680.98
TOTAL CURRENT LIABILITIES		
LONG-TERM LIABILITIES		
		0.00
TOTAL LONG-TERM LIABILITIES		
		0.00
TOTAL LIABILITIES		
		46,680.98
CAPITAL		
FUND BALANCE		1,000,725.72
NET INCOME		155,689.20
		1,156,414.92
TOTAL CAPITAL		
		1,156,414.92
TOTAL LIABILITIES & CAPITAL	\$	1,203,095.90

NEW Town of Rico - General Fund
Comparative Income Statement to Budget
For the Six Months Ending June 30, 2023

	YEAR TO DATE ACTUAL	ANNUAL BUDGET	YEAR to DATE VARIANCE	CURRENT MONTH ACTUAL	PERCENTAGE FAV (UNFAV)
Revenues - Operating					
Property Tax	\$ 67,779.55	\$ 87,600.00	(19,820.45)	6,319.46	77.37
Sales & Use Tax	117,501.16	220,000.00	(102,498.84)	13,668.09	53.41
SO Tax	2,357.66	4,500.00	(2,142.34)	600.37	52.39
Cigarette Tax	136.24	180.00	(43.76)	22.56	75.69
Del Tax & Interest	1,093.31	1,000.00	93.31	199.01	109.33
Payroll Transfer Funds	85,312.54	156,700.00	(71,387.46)	13,662.67	54.44
Building Permits	17,963.24	6,000.00	11,963.24	5,872.48	299.39
Development Applications	0.00	4,000.00	(4,000.00)	0.00	0.00
Business Licenses	425.00	725.00	(300.00)	25.00	58.62
Dog Licenses	130.00	150.00	(20.00)	0.00	86.67
Interest	9,965.68	550.00	9,415.68	2,336.60	1,811.94
Fines	2,941.00	13,000.00	(10,059.00)	1,178.00	22.62
Miscellaneous	224,615.00	0.00	224,615.00	5,700.00	0.00
Septic Permit	0.00	1,200.00	(1,200.00)	0.00	0.00
Lodging Tax	5,690.99	4,000.00	1,690.99	0.00	142.27
Rent	0.00	4,800.00	(4,800.00)	0.00	0.00
Attorney Pass Thru	92,290.83	100,000.00	(7,709.17)	38,044.01	92.29
SMPA Dividend Check	556.10	400.00	156.10	0.00	139.03
Total Revenues - Operating	628,758.30	604,805.00	23,953.30	87,628.25	103.96
Expenses - Operating					
Town Clean Up Day	0.00	(2,000.00)	2,000.00	0.00	0.00
Building Inspector	(1,350.00)	(5,000.00)	3,650.00	(900.00)	27.00
Town Administrator	(39,500.04)	(79,000.00)	39,499.96	(6,583.34)	50.00
Town Clerk	(23,325.00)	(46,650.00)	23,325.00	(3,887.50)	50.00
Payroll Taxes	(9,418.55)	(20,000.00)	10,581.45	0.00	47.09
Public Works	(25,000.08)	(50,000.00)	24,999.92	(4,166.68)	50.00
Employee Benefits - Health	(21,371.70)	(36,000.00)	14,628.30	(3,766.60)	59.37
Professional - Town Attorney	(24,258.84)	(30,000.00)	5,741.16	(5,515.00)	80.86
Town Planner	57.00	(5,000.00)	5,057.00	(330.00)	(1.14)
POST Maintenance/Ice	(4,476.00)	(7,000.00)	2,524.00	(1,506.00)	63.94
Professional - Auditor	(5,000.00)	(6,300.00)	1,300.00	0.00	79.37
Attorney Pass Thru	(144,759.08)	(100,000.00)	(44,759.08)	(52,468.25)	144.76
Municipal Court Judge	(2,250.00)	(4,500.00)	2,250.00	(375.00)	50.00
Town Marshall	(7,280.00)	(20,000.00)	12,720.00	(1,960.00)	36.40
POST - Groomer	(4,584.00)	(7,000.00)	2,416.00	(780.00)	65.49
Website Maintenance	(515.78)	(1,000.00)	484.22	0.00	51.58
Fuel	(1,129.12)	(3,000.00)	1,870.88	(204.47)	37.64
Advertisement/Agenda & Notice	0.00	(1,000.00)	1,000.00	0.00	0.00

For Management Purposes Only

NEW Town of Rico - General Fund
Comparative Income Statement to Budget
For the Six Months Ending June 30, 2023

	YEAR TO DATE ACTUAL	ANNUAL BUDGET	YEAR to DATE VARIANCE	CURRENT MONTH ACTUAL	PERCENTAGE FAV (UNFAV)
Insurance	(7,209.91)	(6,000.00)	(1,209.91)	0.00	120.17
Supplies	(4,874.78)	(10,000.00)	5,125.22	(698.00)	48.75
Town Vehicle	(1,284.48)	(15,000.00)	13,715.52	0.00	8.56
Electric	(762.00)	(2,000.00)	1,238.00	(122.00)	38.10
Propane	(3,618.00)	(5,500.00)	1,882.00	(1,206.00)	65.78
Employee Benefits - Life	0.00	(140.00)	140.00	0.00	0.00
Telephone	(1,784.82)	(4,500.00)	2,715.18	(302.62)	39.66
Utilities - Other	(287.67)	(1,200.00)	912.33	(42.73)	23.97
Employee Benefits - PERA	(12,898.14)	(26,000.00)	13,101.86	(3,240.81)	49.61
Treasurer Fees	(1,363.85)	(2,500.00)	1,136.15	(128.38)	54.55
Dues & Fees	(1,466.95)	(3,000.00)	1,533.05	(18.06)	48.90
Employees Consideration	0.00	(3,000.00)	3,000.00	0.00	0.00
Pass Thru/Rico Center	(12,000.00)	(8,300.00)	(3,700.00)	(12,000.00)	144.58
Travel/Conference Expenses	(6,114.25)	(7,500.00)	1,385.75	(4,432.59)	81.52
Miscellaneous	(1,000.00)	0.00	(1,000.00)	0.00	0.00
Sales & Use Tax	(23,269.42)	(44,000.00)	20,730.58	(2,733.62)	52.89
4th of July	(1,873.40)	(2,000.00)	126.60	(1,873.40)	93.67
Water Technician	(500.00)	(4,000.00)	3,500.00	(100.00)	12.50
Elections	0.00	(2,000.00)	2,000.00	0.00	0.00
Part Time Maintenance	(19,789.06)	(35,000.00)	15,210.94	(1,451.50)	56.54
Lodging Tax	(1,141.60)	(900.00)	(241.60)	0.00	126.84
Total Expenses - Operating	(415,399.52)	(605,990.00)	190,590.48	(110,792.55)	68.55
Net Income - Operating	\$ 213,358.78	\$ (1,185.00)	214,543.78	(23,164.30)	(18,004.96)
Revenues - Capital Improvement					
Rico Center Grant - pass thru	\$ 12,000.00	\$ 8,300.00	3,700.00	12,000.00	144.58
Excise Tax	6,575.75	4,500.00	2,075.75	1,711.50	146.13
Total Revenues - Capital Improve	18,575.75	12,800.00	5,775.75	13,711.50	145.12
Expenses - Capital Improvement					
Facilities Improvement	(76,245.33)	(5,000.00)	(71,245.33)	0.00	1,524.91
Total Expenses - Capital Improve	(76,245.33)	(5,000.00)	(71,245.33)	0.00	1,524.91

For Management Purposes Only

NEW Town of Rico - General Fund
Comparative Income Statement to Budget
For the Six Months Ending June 30, 2023

	YEAR TO DATE ACTUAL	ANNUAL BUDGET	YEAR to DATE VARIANCE	CURRENT MONTH ACTUAL	PERCENTAGE FAV (UNFAV)
Net Income - Capital Improvement	\$ (57,669.58)	\$ 7,800.00	(65,469.58)	13,711.50	(739.35)
Revenues - Special Projects					
Total Revenues - Special Projects	0.00	0.00	0.00	0.00	0.00
Expenses - Special Projects					
Community Meetings	\$ 0.00	\$ (2,000.00)	2,000.00	0.00	0.00
Total Expenses - Special Projects	0.00	(2,000.00)	2,000.00	0.00	0.00
Net Income - Special Projects	\$ 0.00	\$ (2,000.00)	2,000.00	0.00	0.00
Revenues - Other					
Total Revenues - Other	0.00	0.00	0.00	0.00	0.00
Expenses - Other					
Total Expenses - Other	0.00	0.00	0.00	0.00	0.00
Net Income - Other	\$ 0.00	\$ 0.00	0.00	0.00	0.00
TOTAL NET INCOME	\$ 155,689.20	\$ 4,615.00	151,074.20	(9,452.80)	3,373.55
Beginning Fund Balance	1,000,725.72	0.00			
Ending Fund Balance	1,156,414.92	4,615.00			

For Management Purposes Only

NEW Town of Rico - Water Fund
Comparative Income Statement to Budget
For the Six Months Ending June 30, 2023

	YEAR TO DATE ACTUAL	ANNUAL BUDGET	YEAR to DATE BALANCE	CURRENT MONTH ACTUAL	PERCENTAGE FAV (UNFAV)
Revenues - Operating					
Water Revenue	\$ 67,535.52	\$ 135,000.00	(67,464.48)	12,833.31	50.03
Interest	4,272.92	70.00	4,202.92	87.66	6,104.17
Electric Reimbursement	0.00	1,450.00	(1,450.00)	0.00	0.00
Total Revenues - Operating	71,808.44	136,520.00	(64,711.56)	12,920.97	52.60
Expenses - Operating					
Payroll Transfer	(42,090.42)	(93,000.00)	50,909.58	(8,206.25)	45.26
Professional - Town Attorney	(111.50)	(2,500.00)	2,388.50	0.00	4.46
Professional - Auditor	0.00	(6,300.00)	6,300.00	0.00	0.00
Repairs/Maintenance	(1,495.88)	(7,500.00)	6,004.12	(179.17)	19.95
Insurance	(6,500.00)	(6,500.00)	0.00	0.00	100.00
Supplies	(3,093.24)	(5,000.00)	1,906.76	(1,172.36)	61.86
Water Samples	(310.00)	(2,500.00)	2,190.00	(35.00)	12.40
Electric	(2,970.00)	(5,500.00)	2,530.00	(474.00)	54.00
Propane	(2,412.00)	(5,000.00)	2,588.00	(804.00)	48.24
Utilities - Other	(690.00)	(2,000.00)	1,310.00	(115.00)	34.50
Dolores Water Conservation Dis	(2,700.05)	(2,700.00)	(0.05)	0.00	100.00
Miscellaneous	(1,430.00)	(500.00)	(930.00)	0.00	286.00
Total Expenses - Operating	(63,803.09)	(139,000.00)	75,196.91	(10,985.78)	45.90
Net Income - Operating	\$ 8,005.35	\$ (2,480.00)	10,485.35	1,935.19	(322.80)
Revenues - Capital Improvement					
Water Tap	\$ 86,000.00	\$ 98,500.00	(12,500.00)	0.00	87.31
Total Revenues - Capital Improve	86,000.00	98,500.00	(12,500.00)	0.00	87.31
Expenses - Capital Improvement					
Tap Installation	0.00	(7,500.00)	7,500.00	0.00	0.00
Water Engineering Service	0.00	(5,000.00)	5,000.00	0.00	0.00

For Management Purposes Only

NEW Town of Rico - Water Fund
 Comparative Income Statement to Budget
 For the Six Months Ending June 30, 2023

	YEAR TO DATE ACTUAL	ANNUAL BUDGET	YEAR to DATE BALANCE	CURRENT MONTH ACTUAL	PERCENTAGE FAV (UNFAV)
Total Expenses - Capital Improve	0.00	(12,500.00)	12,500.00	0.00	0.00
Net Income - Capital Improvement	\$ 86,000.00	\$ 86,000.00	0.00	0.00	100.00
Revenues - Other					
Total Revenues - Other	0.00	0.00	0.00	0.00	0.00
Expenses - Other					
Total Expenses - Other	0.00	0.00	0.00	0.00	0.00
Net Income - Other	\$ 0.00	\$ 0.00	0.00	0.00	0.00
TOTAL NET INCOME	\$ 94,005.35	\$ 83,520.00	10,485.35	1,935.19	112.55
Beginning Fund Balance	202,044.69	0.00			
Ending Fund Balance	296,050.04	83,520.00			

2018 NEW Town of Rico - Street Fund
Comparative Income Statement to Budget
For the Six Months Ending June 30, 2023

	YEAR TO DATE ACTUAL	ANNUAL BUDGET	YEAR to DATE BALANCE	CURRENT MONTH ACTUAL	PERCENTAGE FAV (UNFAV)
Revenues - Operating					
Property Tax	\$ 9,292.36	\$ 12,000.00	(2,707.64)	866.38	77.44
Sales and Use Tax	11,634.71	22,000.00	(10,365.29)	1,366.81	52.89
Specific Ownership Tax	323.25	500.00	(176.75)	82.31	64.65
Del Tax and Intrest	2.92	250.00	(247.08)	2.92	1.17
Franchise Tax	3,988.70	7,000.00	(3,011.30)	0.00	56.98
Highway Users Tax	8,403.38	13,000.00	(4,596.62)	1,482.74	64.64
Lodging Tax	570.80	450.00	120.80	0.00	126.84
County R&B Reapportionment	13,276.45	12,000.00	1,276.45	0.00	110.64
Mineral Leasing	0.00	5,000.00	(5,000.00)	0.00	0.00
Interest	165.76	40.00	125.76	37.21	414.40
Excise Tax	6,575.75	4,500.00	2,075.75	1,711.50	146.13
Total Revenues - Operating	<u>54,234.08</u>	<u>76,740.00</u>	<u>(22,505.92)</u>	<u>5,549.87</u>	<u>70.67</u>
Expenses - Operating					
Payroll Transfer	(27,116.46)	(47,900.00)	20,783.54	(2,633.75)	56.61
Fuel	(12,171.63)	(10,000.00)	(2,171.63)	0.00	121.72
Equipt Repairs & Maintenance	(3,594.91)	(5,000.00)	1,405.09	(53.47)	71.90
Insurance	(4,536.97)	(3,500.00)	(1,036.97)	0.00	129.63
Supplies	(115.10)	(2,500.00)	2,384.90	0.00	4.60
Electric	(1,182.00)	(2,000.00)	818.00	(78.00)	59.10
Street Lights	(455.00)	(1,250.00)	795.00	(89.00)	36.40
Utilities - Other	(1,144.35)	(2,500.00)	1,355.65	(183.08)	45.77
Treasurer Fees	(185.88)	(350.00)	164.12	(17.36)	53.11
Equipment Rental	0.00	(5,000.00)	5,000.00	0.00	0.00
Total Expenses - Operating	<u>(50,502.30)</u>	<u>(80,000.00)</u>	<u>29,497.70</u>	<u>(3,054.66)</u>	<u>63.13</u>
Net Income - Operating	<u>\$ 3,731.78</u>	<u>\$ (3,260.00)</u>	<u>6,991.78</u>	<u>2,495.21</u>	<u>(114.47)</u>
Revenues - Capital Improvement					
Total Revenues - Capital Improvement	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>

For Management Purposes Only

2018 NEW Town of Rico - Street Fund
Comparative Income Statement to Budget
For the Six Months Ending June 30, 2023

	YEAR TO DATE ACTUAL	ANNUAL BUDGET	YEAR to DATE BALANCE	CURRENT MONTH ACTUAL	PERCENTAGE FAV (UNFAV)
Expenses - Capital Improvement					
Gravel Project - Streets	\$ (1,100.00)	\$ (2,500.00)	1,400.00	(1,100.00)	44.00
Preliminary Maint Facility	0.00	(5,000.00)	5,000.00	0.00	0.00
Total Expenses - Capital Improvement	<u>(1,100.00)</u>	<u>(7,500.00)</u>	<u>6,400.00</u>	<u>(1,100.00)</u>	14.67
Net Income - Capital Improvement	<u>\$ (1,100.00)</u>	<u>\$ (7,500.00)</u>	<u>6,400.00</u>	<u>(1,100.00)</u>	14.67
Revenues - Other					
Total Revenues - Other	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	0.00
Expenses - Other					
Total Expenses - Other	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	0.00
Net Income - Other	<u>\$ 0.00</u>	<u>\$ 0.00</u>	<u>0.00</u>	<u>0.00</u>	0.00
TOTAL NET INCOME	<u>\$ 2,631.78</u>	<u>\$ (10,760.00)</u>	<u>13,391.78</u>	<u>1,395.21</u>	(24.46)
Beginning Fund Balance	<u>145,913.58</u>	<u>0.00</u>			
Ending Fund Balance	<u>148,545.36</u>	<u>(10,760.00)</u>			

NEW Town of Rico - Sanitation Fund
Comparative Income Statement to Budget
For the Six Months Ending June 30, 2023

	YEAR TO DATE ACTUAL	ANNUAL BUDGET	YEAR to DATE BALANCE	CURRENT MONTH ACTUAL	PERCENTAGE FAV (UNFAV)
Revenues - Operating					
Property Tax	\$ 20,505.66	\$ 26,495.00	(5,989.34)	1,911.85	77.39
Specific Ownership Tax	713.27	950.00	(236.73)	181.63	75.08
Del Tax and Interest	6.45	150.00	(143.55)	6.45	4.30
Interest	275.36	0.00	275.36	61.95	0.00
Total Revenues - Operating	21,500.74	27,595.00	(6,094.26)	2,161.88	77.92
Expenses - Operating					
Septic-Inspector/Training	0.00	(1,000.00)	1,000.00	0.00	0.00
Treasurers Fees	(410.17)	(750.00)	339.83	(38.30)	54.69
Miscellaneous/ Engineering	0.00	(50,000.00)	50,000.00	0.00	0.00
Payroll Transfer	(7,191.66)	(15,800.00)	8,608.34	(1,316.67)	45.52
Total Expenses - Operating	(7,601.83)	(67,550.00)	59,948.17	(1,354.97)	11.25
Net Income - Operating	\$ 13,898.91	\$ (39,955.00)	53,853.91	806.91	(34.79)
Revenues - Capital Improve General					
Total Revenues - Capital Improve Gener	0.00	0.00	0.00	0.00	0.00
Expenses - Capital Improve General					
Total Expenses - Capital Improve Gener	0.00	0.00	0.00	0.00	0.00
Net Income - Capital Improve General	\$ 0.00	\$ 0.00	0.00	0.00	0.00
Revenues - Cap Improve - Dept Local Affairs					
Total Revenues - Cap Imp Dept Local A	0.00	0.00	0.00	0.00	0.00

For Management Purposes Only

NEW Town of Rico - Sanitation Fund
 Comparative Income Statement to Budget
 For the Six Months Ending June 30, 2023

	<u>YEAR TO DATE ACTUAL</u>	<u>ANNUAL BUDGET</u>	<u>YEAR to DATE BALANCE</u>	<u>CURRENT MONTH ACTUAL</u>	PERCENTAGE FAV (UNFAV)
Expenses - Cap Improve - Dept Local Affairs					
Total Expenses - Cap Imp Dept Local Af	0.00	0.00	0.00	0.00	0.00
Net Income - Cap Imp Dept Local Aff	\$ 0.00	\$ 0.00	0.00	0.00	0.00
Revenues - Cap Improve - USDA Devel Loan					
Total Revenues - Capital Improvement	0.00	0.00	0.00	0.00	0.00
Expenses - Cap Improve USDA Devel Loan					
Total Expenses - Cap Impr USDA Devel	0.00	0.00	0.00	0.00	0.00
Net Income - Cap Impr USDA Devel Lo	\$ 0.00	\$ 0.00	0.00	0.00	0.00
Revenues - Cap Improve USDA Devel Grant					
Total Revenues - Cap Imp USDA Devel	0.00	0.00	0.00	0.00	0.00
Expenses - Cap Improve USDA Devel Grant					
Total Expenses - Cap Imp USDA Devel	0.00	0.00	0.00	0.00	0.00
Net Income - Capital Improvement	\$ 0.00	\$ 0.00	0.00	0.00	0.00
Revenues - Cap Improve - EPA Grant					
Total Revenues - Cap Improve EPA Gra	0.00	0.00	0.00	0.00	0.00

For Management Purposes Only

NEW Town of Rico - Sanitation Fund
 Comparative Income Statement to Budget
 For the Six Months Ending June 30, 2023

	YEAR TO DATE ACTUAL	ANNUAL BUDGET	YEAR to DATE BALANCE	CURRENT MONTH ACTUAL	PERCENTAGE FAV (UNFAV)
Expenses - Cap Improve - EPA Grant					
Total Expenses - Cap Improve EPA Gra	0.00	0.00	0.00	0.00	0.00
Net Income - Cap Improve EPA Grant	\$ 0.00	\$ 0.00	0.00	0.00	0.00
TOTAL NET INCOME	\$ 13,898.91	\$ (39,955.00)	53,853.91	806.91	(34.79)
Beginning Fund Balance	237,795.71	0.00			
Ending Fund Balance	251,694.62	(39,955.00)			

NEW Town of Rico - Open Park Fund
Comparative Income Statement to Budget
For the Six Months Ending June 30, 2023

	YEAR TO DATE ACTUAL	ANNUAL BUDGET	YEAR to DATE BALANCE	CURRENT MONTH ACTUAL	PERCENTAGE FAV (UNFAV)
Revenues - Operating					
Sales & Use Tax	\$ 11,634.71	\$ 22,000.00	(10,365.29)	1,366.81	52.89
Lodging Tax	570.80	450.00	120.80	0.00	126.84
Interest	100.80	45.00	55.80	22.80	224.00
Rico Center Grant	36,000.00	36,000.00	0.00	0.00	100.00
Excise Tax	6,575.75	4,500.00	2,075.75	1,711.50	146.13
	<u>54,882.06</u>	<u>62,995.00</u>	<u>(8,112.94)</u>	<u>3,101.11</u>	<u>87.12</u>
Total Revenues - Operating					
Expenses - Operating					
Flowers	(1,184.28)	(1,500.00)	315.72	(1,184.28)	78.95
Winter Festival	0.00	(1,500.00)	1,500.00	0.00	0.00
Grooming supplies	(40,680.74)	(40,000.00)	(680.74)	0.00	101.70
Winter Trail Grooming Payroll	(3,804.00)	(7,000.00)	3,196.00	0.00	54.34
Repairs & Maint. Equipment	0.00	(1,000.00)	1,000.00	0.00	0.00
Insurance	(2,500.00)	(2,500.00)	0.00	0.00	100.00
Supplies	(1,270.70)	(5,000.00)	3,729.30	(66.57)	25.41
Ice Rink & Park Maint. Payroll	(5,110.00)	(7,000.00)	1,890.00	(1,506.00)	73.00
Miscellaneous	0.00	(500.00)	500.00	0.00	0.00
	<u>(54,549.72)</u>	<u>(66,000.00)</u>	<u>11,450.28</u>	<u>(2,756.85)</u>	<u>82.65</u>
Total Expenses - Operating					
Net Income - Operating	\$ <u>332.34</u>	\$ <u>(3,005.00)</u>	<u>3,337.34</u>	<u>344.26</u>	(11.06)
Revenues - Capital Improvement					
Total Revenues - Capital Improvement	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Expenses - Capital Improvement					
Facility Planning and Improvme	\$ <u>0.00</u>	\$ <u>(20,000.00)</u>	<u>20,000.00</u>	<u>0.00</u>	<u>0.00</u>
Total Expenses - Capital Improvement	<u>0.00</u>	<u>(20,000.00)</u>	<u>20,000.00</u>	<u>0.00</u>	<u>0.00</u>
Net Income - Capital Improvement	\$ <u>0.00</u>	\$ <u>(20,000.00)</u>	<u>20,000.00</u>	<u>0.00</u>	<u>0.00</u>

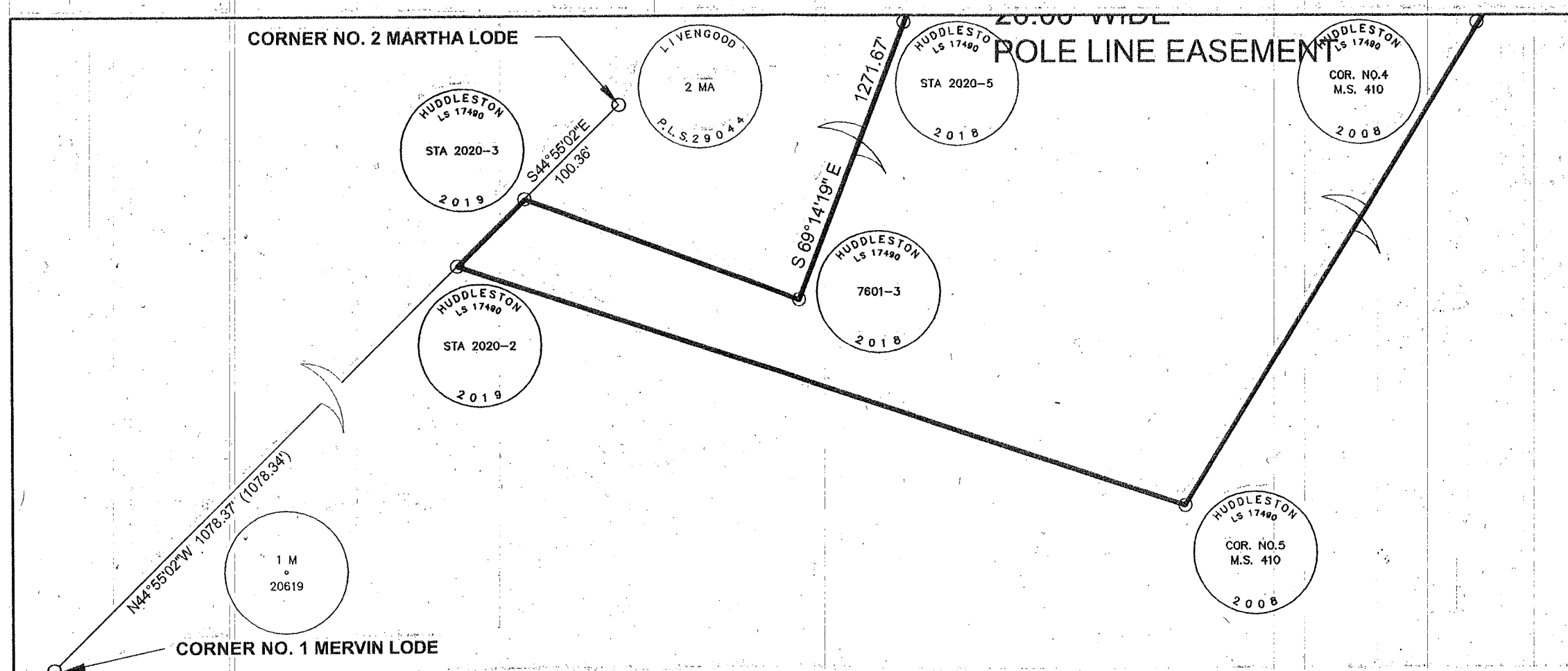
For Management Purposes Only

NEW Town of Rico - Open Park Fund
Comparative Income Statement to Budget
For the Six Months Ending June 30, 2023

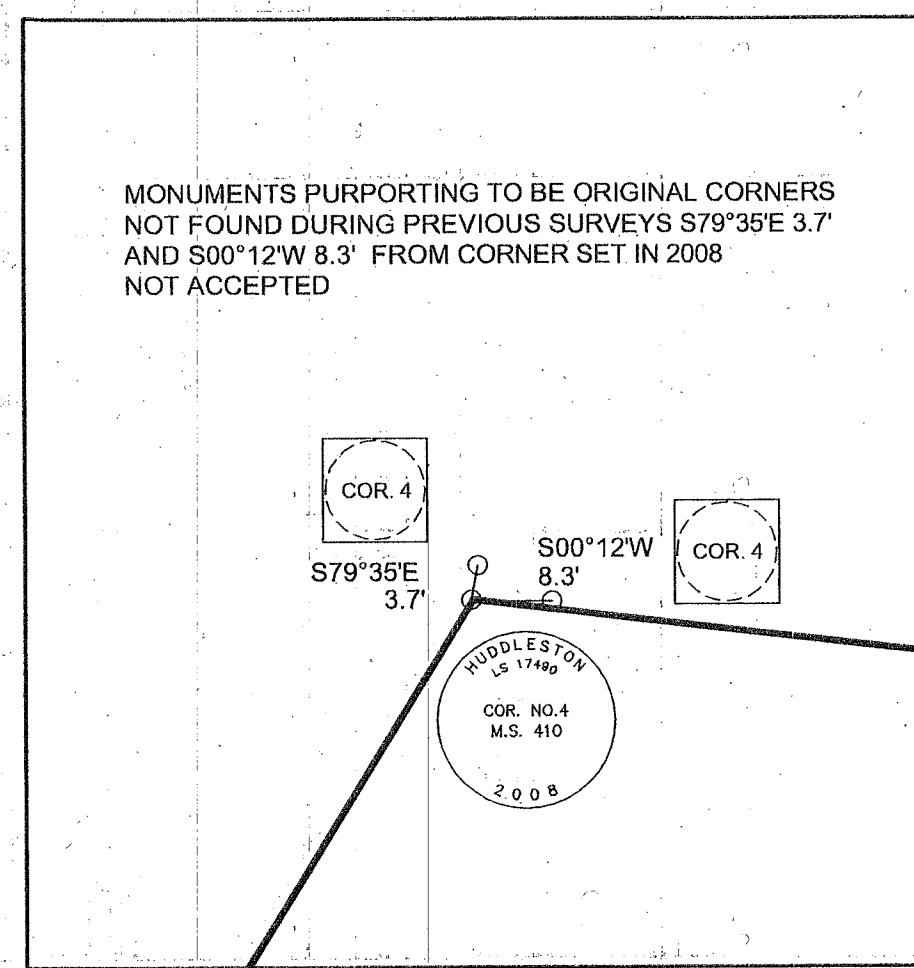
	<u>YEAR TO DATE ACTUAL</u>	<u>ANNUAL BUDGET</u>	<u>YEAR to DATE BALANCE</u>	<u>CURRENT MONTH ACTUAL</u>	PERCENTAGE FAV (UNFAV)
Revenues - Special Projects					
Total Revenues - Special Projects	0.00	0.00	0.00	0.00	0.00
Expenses - Special Projects					
Total Expenses - Special Projects	0.00	0.00	0.00	0.00	0.00
Net Income - Special Projects	\$ 0.00	\$ 0.00	0.00	0.00	0.00
Revenues - Other					
Total Revenues - Other	0.00	0.00	0.00	0.00	0.00
Expenses - Other					
Total Expenses - Other	0.00	0.00	0.00	0.00	0.00
Net Income - Other	\$ 0.00	\$ 0.00	0.00	0.00	0.00
TOTAL NET INCOME	\$ 332.34	\$ (23,005.00)	23,337.34	344.26	(1.44)
Beginning Fund Balance	92,040.97	0.00			
Ending Fund Balance	92,373.31	(23,005.00)			

NEW Conservation Trust Fund
Comparative Income Statement to Budget
For the Six Months Ending June 30, 2023

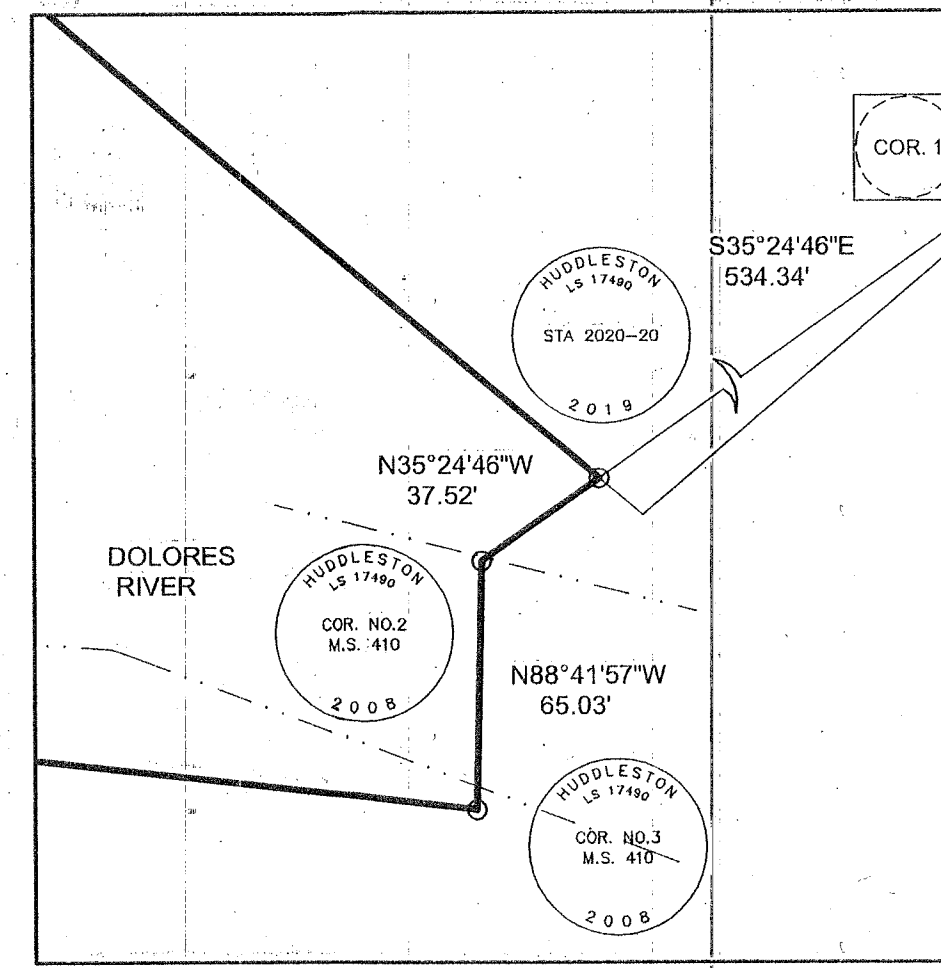
	YEAR TO DATE ACTUAL	ANNUAL BUDGET	YEAR to DATE VARIANCE	CURRENT MONTH ACTUAL	PERCENTAGE FAV (UNFAV)
Revenues - Operating					
Total Revenues - Operating	0.00	0.00	0.00	0.00	0.00
Expenses - Operating					
Total Expenses - Operating	0.00	0.00	0.00	0.00	0.00
Net Income - Operating	\$ 0.00	\$ 0.00	0.00	0.00	0.00
Revenues - Other					
Interest	\$ 32.04	\$ 0.00	32.04	11.31	0.00
Lottery Proceeds	1,255.14	2,500.00	(1,244.86)	0.00	50.21
Total Revenues - Other	1,287.18	2,500.00	(1,212.82)	11.31	51.49
Expenses - Other					
FMP Capital Park Improvement G	0.00	(40,000.00)	40,000.00	0.00	0.00
Total Expenses - Other	0.00	(40,000.00)	40,000.00	0.00	0.00
Net Income - Other	\$ 1,287.18	\$ (37,500.00)	38,787.18	11.31	(3.43)
TOTAL NET INCOME	\$ 1,287.18	\$ (37,500.00)	38,787.18	11.31	(3.43)
Beginning Fund Balance	44,595.71	0.00			
Ending Fund Balance	45,882.89	(37,500.00)			



DETAIL A
SCALE 1"=100'



DETAIL B
SCALE 1"=20'



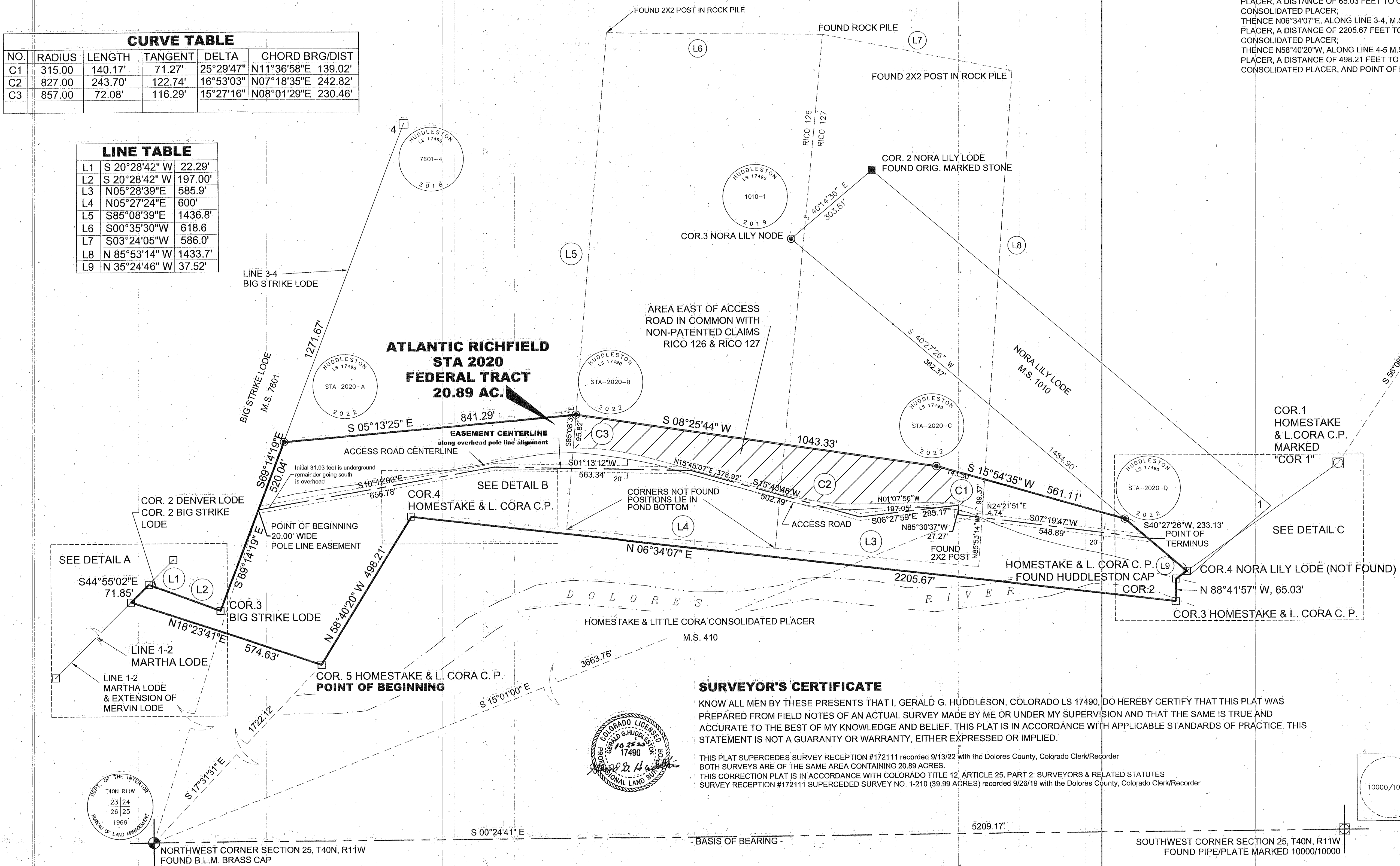
DETAIL C
SCALE 1"=50'

CURVE TABLE

NO.	RADIUS	LENGTH	TANGENT	DELTA	CHORD BRG/DIST
C1	315.00	140.17'	71.27'	25°29'47"	N11°36'58"E 139.02'
C2	827.00	243.70'	122.74'	16°53'03"	N07°18'35"E 242.82'
C3	857.00	72.08'	116.29'	15°27'16"	N08°01'29"E 230.46'

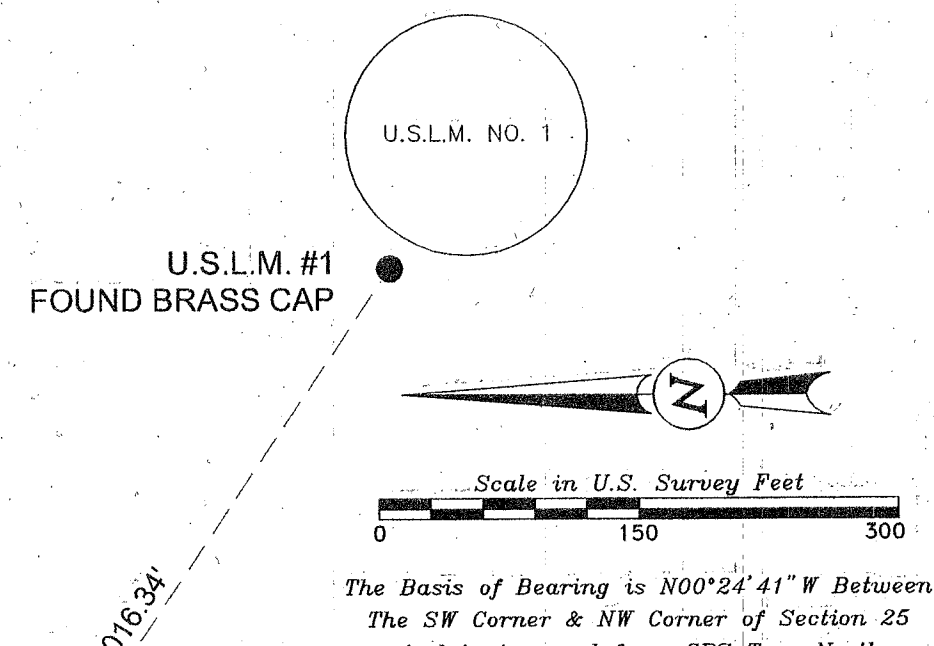
LINE TABLE

LINE	BEARING	DISTANCE
L1	S 20°28'42" W	22.29'
L2	S 20°28'42" W	197.00'
L3	N05°28'39"E	585.9'
L4	N05°27'24"E	600'
L5	S85°08'39"E	1436.8'
L6	S00°35'30"W	618.6'
L7	S03°24'05"W	586.0'
L8	N 85°53'14" W	1433.7'
L9	N 35°24'46" W	37.52'



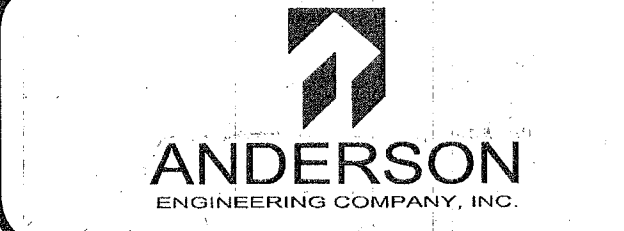
LEGAL DESCRIPTION OF STA 2020 FEDERAL TRACT, 20.89 ACRES

A TRACT OF LAND SITUATED IN THE WEST HALF (W1/2) OF SECTION 25, TOWNSHIP 40 NORTH, RANGE 11 WEST, NEW MEXICO PRINCIPAL MERIDIAN, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT CORNER NO. 5, M.S. NO. 410, HOMESTEAK & LITTLE CORA CONSOLIDATED PLACER, MONUMENTED WITH A REBAR, 3/4" DIAMETER, MARKED HUDDLESTON #17490, FROM SAID POINT OF BEGINNING, THE SECTION CORNER OF SECTIONS 23, 24, 25 & 26 BEARS N17°31'31"W, A DISTANCE OF 1722.12 FEET.
 THENCE N18°23'41"E, ALONG LINE 5-6, M.S. NO. 410 HOMESTEAK & LITTLE CORA CONSOLIDATED PLACER, A DISTANCE OF 574.63 FEET TO THE POINT OF INTERSECTION WITH LINE 1-2, M.S. NO. 20619, MARTHA LODE;
 THENCE S44°55'02"E, ALONG LINE 1-2, M.S. NO. 20619, MARTHA LODE, A DISTANCE OF 71.85 FEET TO THE POINT OF INTERSECTION WITH LINE 3-2, M.S. NO. 7601, DENVER LODE;
 THENCE S20°28'42"W, ALONG LINE 3-2, M.S. NO. 7601, DENVER LODE, A DISTANCE OF 22.29 FEET TO CORNER NO. 2, M.S. 7601, DENVER LODE;
 THENCE S20°28'42"W ALONG LINE 2-3, M.S. NO. 7601, BIG STRIKE LODE, A DISTANCE OF 197.00 FEET TO CORNER NO. 3, M.S. 7601, BIG STRIKE LODE;
 THENCE S69°14'19"E, ALONG LINE 3-4, M.S. NO. 7601, BIG STRIKE LODE, A DISTANCE OF 520.04 FEET;
 THENCE S05°13'25"E A DISTANCE OF 841.29 FEET;
 THENCE S08°25'44"W A DISTANCE OF 1043.33 FEET;
 THENCE S15°54'35"W A DISTANCE OF 561.11 FEET TO A POINT ON LINE 3-4, M.S. NO. 1010, NORA LILY LODE;
 THENCE S40°27'26"W ALONG LINE 3-4, M.S. NO. 1010, NORA LILY LODE, A DISTANCE OF 233.13 FEET TO THE POINT OF INTERSECTION WITH LINE 1-2, M.S. NO. 410, HOMESTEAK & LITTLE CORA CONSOLIDATED PLACER;
 THENCE N35°24'46" W, ALONG LINE 1-2, M.S. NO. 410, HOMESTEAK & LITTLE CORA CONSOLIDATED PLACER, A DISTANCE OF 37.52 FEET TO CORNER NO. 2, M.S. NO. 410, HOMESTEAK & LITTLE CORA CONSOLIDATED PLACER;
 THENCE N88°41'57"W, ALONG LINE 2-3, M.S. NO. 410, HOMESTEAK & LITTLE CORA CONSOLIDATED PLACER, A DISTANCE OF 65.03 FEET TO CORNER NO. 3, M.S. NO. 410, HOMESTEAK & LITTLE CORA CONSOLIDATED PLACER;
 THENCE N06°34'07"E, ALONG LINE 3-4, M.S. NO. 410, HOMESTEAK & LITTLE CORA CONSOLIDATED PLACER, A DISTANCE OF 2205.67 FEET TO CORNER NO. 4, M.S. NO. 410, HOMESTEAK & LITTLE CORA CONSOLIDATED PLACER;
 THENCE N58°40'20"W, ALONG LINE 4-5 M.S. NO. 410, HOMESTEAK & LITTLE CORA CONSOLIDATED PLACER, A DISTANCE OF 498.21 FEET TO CORNER NO. 5 M.S. NO. 410, HOMESTEAK & LITTLE CORA CONSOLIDATED PLACER, AND POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED.



- 2 1/4" IRON PIPE W/ 2 3/4" SCREW ON BRASS CAP MARKED AS SHOWN
- 5" IRON PIPE W/ 3/8" SQUARE PLATE WELDED ON TOP MARKED AS SHOWN
- ⊕ 2 1/4" IRON PIPE W/ 3 1/4" BRASS CAP (BLM 1969)
- CORNER FROM PREVIOUS SURVEY 3 1/4" ALUMINUM CAP ON 30" BY #6 REBAR
- ⊙ SET NEW 3 1/4" ALUMINUM CAP ON 30" X #6 REBAR MARKED "HUDDLESTON #17490"

ATLANTIC RICHFIELD COMPANY



CORRECTION PLAT

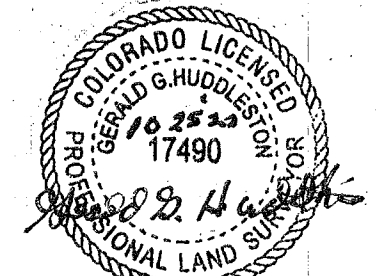
ATLANTIC RICHFIELD STA CASE #2020 WITHIN SECTION 25, T40N, R11W, N.M.P.M. NORTH OF THE TOWN OF RICO, DOLORES COUNTY, COLORADO

Project: _____ Sheet: _____
 Date: 25-OCT-2022
 Scale: AS SHOWN

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS THAT I, GERALD G. HUDDLESTON, COLORADO LS 17490, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM FIELD NOTES OF AN ACTUAL SURVEY MADE BY ME OR UNDER MY SUPERVISION AND THAT THE SAME IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS PLAT IS IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE. THIS STATEMENT IS NOT A GUARANTY OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

THIS PLAT SUPERCEDES SURVEY RECEPTION #172111 recorded 9/13/22 with the Dolores County, Colorado Clerk/Recorder BOTH SURVEYS ARE OF THE SAME AREA CONTAINING 20.89 ACRES.
 THIS CORRECTION PLAT IS IN ACCORDANCE WITH COLORADO TITLE 12, ARTICLE 25, PART 2: SURVEYORS & RELATED STATUTES SURVEY RECEPTION #172111 SUPERCEDED SURVEY NO. 1-210 (39.99 ACRES) recorded 9/26/19 with the Dolores County, Colorado Clerk/Recorder



172250
 Page 1 of 1
 Lana Hancock, County Clerk & Recorder
 Dolores County, CO
 10/27/2022 10:40AM Recording Fee \$13.00

NOTICE:

ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREIN.

**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 5DL.478.19
RESULTING FROM THE ATLANTIC RICHFIELD COMPANY SMALL TRACTS ACT
CASE NO. 2020 PROJECT,
DOLORES COUNTY, COLORADO
AMENDMENT 2**

WHEREAS, the Memorandum of Agreement (MOA) was executed on February 3, 2021; and

WHEREAS, the MOA Amendment 1 was executed on July 8, 2022; and

WHEREAS, it was determined that the undertaking would not result in the transfer of 19.1 of the originally consulted upon 39.99 acres out of federal ownership and updating this information is needed to more accurately account for the undertaking discussed and defined in the MOA; and

WHEREAS, the United States Forest Service, San Juan National Forest (USFS) will send a copy of this executed amendment to the Advisory Council on Historic Preservation.; and

NOW, THEREFORE, USFS, the Colorado State Historic Preservation Office, and the Atlantic Richfield Company agree to amend the MOA in accordance with Stipulation VII of the Agreement as follows:

Replace the following two paragraphs in their entirety:

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 (ARC) in Dolores County, Colorado as part of the Atlantic Richfield Company 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, 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

with the following:

WHEREAS, the United States Forest Service, San Juan National Forest (USFS) is proposing to transfer 20.89 acres of land out of federal ownership to the Atlantic Richfield Company (ARC) in Dolores County, Colorado as part of the Atlantic Richfield Company Small Tracts Act Case No. 2020 Project; and

WHEREAS, the USFS has defined the undertaking's area of potential effect as the 20.89 acres situated in the west half (W1/2) of Section 25, Township 40, Range 11 West, N.M.P.M depicted on the plat deposited with the Dolores County Clerk and Recorder's Office on October 27, 2022 under reception number 172250, a copy of which is shown in Attachment 1 of this Memorandum of Agreement (MOA); and

Replace the Attachment 1 of the Memorandum of Agreement (MOA) in its entirety with Attachment 1 of this Amendment.

Signatures. In witness whereof, the parties to AMENDMENT 2 of this MOA through their duly authorized representatives have executed AMENDMENT 2 of this MOA on the dates set out below, and certify that they have read, understood, and agreed to the terms and conditions of AMENDMENT 2 of this MOA as set forth herein.

The remainder of this page intentionally left blank.

The effective date of AMENDMENT 2 of this MOA for the **ATLANTIC RICHFIELD COMPANY 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

_____ Date: _____
David Neely, Forest Supervisor

COLORADO STATE HISTORIC PRESERVATION OFFICE

_____ Date: _____
Dawn DiPrince, Colorado State Historic Preservation Officer

INVITED SIGNATORY:

ATLANTIC RICHFIELD COMPANY

_____ Date: _____
Ron Halsey, Portfolio
Manager

CONCURRING PARTY:

TOWN OF RICO

_____ Date: _____
Nicole Pieterse, Mayor

RESOLUTION 2023-05**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF RICO
APPROVING THE CONVEYANCE OF A RESIDENTIAL WATER TAP FOR LOT 3
HOMESTAKE LITTLE CORA**

WHEREAS, the Town of Rico, Colorado (the "Town") is a home rule municipal corporation and political subdivision of the State of Colorado (the "State"), duly organized and operating under its home rule charter (the "Charter") and the constitution and the laws of the State; and

WHEREAS, the members of the Board of Trustees of the Town (the "Board") have been duly elected, chosen, and qualified; and

WHEREAS, Section 10.4 of the Town of Rico Home Rule Charter provides that enactments of the Board to extend the municipal utilities beyond Town boundaries shall be made by ordinance; and

WHEREAS, the Town of Rico adopted Ordinance 2019-06, an Ordinance of the Town of Rico repealing ordinance 2018-07, and replacing it with water regulations regarding rates, rules process and procedure concerning Rico municipal water services and providing for penalties for violation of the same; and

WHEREAS, Section 5.2 of Ordinance 2019-06 provides that the Board of Trustees may by written approval furnish services outside of the Town of Rico; and

WHEREAS, the following described real property lies contiguous to and outside of the Town's boundaries:

Lot 3, Subdivision Exemption Resolution #03-23-01 Homestake and Little Cora Consolidated Placer, MS 410-"Western Portion", according to the plat thereof recorded May 2, 2023 at Reception No. 172703, County of Dolores, State of Colorado ("Lot 3")

WHEREAS, Road 54.7 and the Town's water main were constructed across Lot 3 with no recorded easements; and

WHEREAS, tapping the main for Lot 3 would require no additional Town or CDOT permits, water main extensions or other Town infrastructure; and

WHEREAS, the Town Manager and Devon Petersen are purchasing Lot 3 to construct their home and propose providing an access and water utility easement for Road 54.7 in exchange for a ¾ inch water tap; and

WHEREAS, Lot 3 cannot be annexed and developed within the Town due to Town wetland regulatory requirements; and

WHEREAS, facilitating housing for its employees is a benefit to the Town.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF TRUSTEES OF THE

TOWN OF RICO, COLORADO:

The Board of Trustees for the Town of Rico approves the conveyance of a ¾ inch water tap to Lot 3, subject to the requirements of Ordinance 2019-06, in exchange for a perpetual easement under, over and across Road 54.7 for utilities and public ingress and egress.

APPROVED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO

This 19th day of July, 2023.

By:

Attest:

Pat Fallon, Mayor Pro Tem

Anna Wolf, Town Clerk

For the Town of Rico, Colorado



PROPOSAL FOR:

WATER IMPACT FEE STUDY

June 26, 2023



**MSRB-REGISTERED
MUNICIPAL
ADVISOR**

GovRates, Inc.
**Utility, Financial, Rate, and Management
Consultants for Governments**
www.govrates.com

Contact: Bryan Mantz, President
bmantz@govrates.com
Phone and Fax: (833) GOV-PLAN

June 26, 2023

Mr. Chauncey McCarthy
Town Manager
Town of Rico
P.O. Box 9
2 Commercial Street
Rico, CO 81332

Subject: Proposal to Perform Water Impact Fee Study

Dear Mr. McCarthy:

GovRates, Inc. ("GovRates") greatly appreciates the opportunity to submit this proposal to provide utility consulting services to the Town of Rico (the "Town"). This proposal provides a scope of services and not-to-exceed budget for performing a water impact fee study (the "Project").

Proposed Project Manager

On behalf of the Project team, Bryan Mantz, CMC, CGFM would serve as the Project manager for this engagement. He would be the primary contact between the Project team and the Town and would be responsible for ensuring that the project is performed as efficiently as possible, that all project deadlines are met, that all scope of services requirements are fulfilled, and that the Town's expectations are exceeded. Qualifications of Mr. Mantz include:

- Over 25 years of financial and accounting experience; has successfully completed thousands of rate and financial projects for local government and utilities throughout the United States.
- Certified Management Consultant (CMC) and Certified Government Financial Manager (CGFM). The prestigious CMC certification is recognized by the insurance industry as reducing risk. A CMC has demonstrated a history of results and excellent performance based on client testimonials, references, and repeat business.
- Series 50-qualified Municipal Advisor Representative and, as such, can legally provide debt financing recommendations and debt financing support for the Town. Series 54-qualified Municipal Advisor Principal and, therefore, can legally manage, direct, or supervise municipal advisory activities of a municipal advisor firm and its associated persons.
- A nationally recognized utility rate expert, Mr. Mantz has been involved in the development of several manuals of practice including two (2) that are continually referenced by the utility industry for guidance on the development of rates, fees, and charges:



- The American Water Works Association's (AWWA's) *Manual of Practice 1 (M1): Principles of Water Rates, Fees, and Charges*.
- The Water Environment Federation's (WEF's) *MOP 27: Financing and Charges for Wastewater Systems*.

He will soon be a primary author of a new manual of practice on impact fees that is being developed by the AWWA.

- Has authored several papers on topics at the forefront of the utility industry. Two (2) of his papers on utility rates and impact fees won national Management and Leadership Division Best Paper Awards from the AWWA. These papers were entitled "Utility Rates and the Political Environment" and "Utility Impact Fees: Practices and Challenges."
- Co-Chair of the Publications arm of the national AWWA's Rates and Charges Committee and manages rate and financial publications outside of manual development.
- Vice Chair of the AWWA's national Finance, Accounting, and Management Controls Committee.
- Has completed the AWWA's Utility Risk and Resilience Certificate Program.
- MBA with Honors, Concentration in Finance, from Rollins College. (Attended via Merit Scholarship.) Bachelor of Science in Economics from the Wharton School of the University of Pennsylvania. Bachelor of Applied Science in Management and Technology from the School of Engineering and Applied Science of the University of Pennsylvania. Graduated from the Management and Technology Program of the University of Pennsylvania, the most competitive and selective program offered by this Ivy League school.



Mr. Mantz as the proposed project manager has had a tremendous success rate at securing the adoption and public acceptance of rate and financial recommendations.

Scope of Services

This scope of services is organized into major tasks related to project organization / background and methodology review / data collection; technical analysis to perform the water impact fee calculations; preparation of fee schedules, a technical report, and a briefing document; and meetings / presentations.



GovRates uses Microsoft Teams and other virtual platforms to provide real-time review of our financial / rate models and project deliverables with clients. Microsoft Teams sessions:

- Are very cost-effective, as they eliminate travel time and expenses.
- Can be scheduled with minimal lead time.
- Allow the working group to have more frequent meetings to communicate results, ideas, plans, and strategies as well as to address issues and help keep the project on schedule and within budget.
- Enable the project to continue moving forward during times of social distancing.

We will establish a shared project folder via Microsoft Teams to enable working group members to share files (e.g., data and deliverables). All of the data will be organized in the shared project folder so that working group members can see what has been provided.

The work plan for the studies is presented in the remainder of this section.

TASK 1: BACKGROUND AND METHODOLOGY REVIEW

Subtask 1.1 – Data Compilation and Review

Subtask 1.2 – Review Update Methodology / Approach and Other Policy Development Assistance

A detailed data request will be prepared for the Town staff to compile information necessary to perform the evaluation. This information may include:

- Historical customer and usage statistics.
- Monthly operating reports from the Town's treatment facilities.
- Detailed fixed asset records.
- Multi-year capital improvement program for the water utility system.
- Master planning documents.
- Plant and water use permits.
- Line inventory by size.
- Service area population estimates.

The Project team will discuss with the Town staff any management preferences with respect to the equivalent residential unit (EQR) determination methodology for nonresidential customers.



Accepted methodologies for water impact fees include meter equivalents; customer attributes (e.g., flow per seat, square feet, etc.); plumbing fixtures; historical or projected usage; and hybrid approaches. Each accepted methodology has advantages and disadvantages. GovRates has extensive experience in developing EQR relationships for both impact fees and user rates.

The Project team will also discuss with the Town staff alternative impact fee submission policies as well as policies to review actual usage vs. capacity paid for through the impact fees.

TASK 2: EQUIVALENT RESIDENTIAL UNIT (EQR) METHODOLOGY REVIEW

Subtask 2.1 – Customer Statistics Review

The Project team will review summarized customer statistics as a part of evaluating the Town's level of service standards and determining appropriate EQR relationships for both the residential and nonresidential classes. As previously mentioned, GovRates has extensive experience in developing EQR relationships for both impact fees and user rates.

Subtask 2.2 – Development of EQR Determination Options

Based on the Town's management preferences, the Project team will assist the Town in exploring and evaluating alternative EQR determination methodologies.

Subtask 2.3 – Comparison of EQR Methodology with Those of Other Colorado Utilities

GovRates will provide information on the EQR methodologies of other Colorado utilities to the Town for comparison purposes.

TASK 3: WATER IMPACT FEE CALCULATIONS

Subtask 3.1 – Evaluation of Existing Utility Assets

The Project team will evaluate existing facility costs and incremental capital costs necessary to provide utility service to future service area growth or the buildout population. We will functionalize the utility costs to the service categories (e.g., treatment, transmission, etc.) to evaluate current assets in place to provide service.

Subtask 3.2 – Review of Levels of Service and Capacity Analysis

The Project team will review customer statistics and treated flow information to evaluate the Town's level of service (LOS) standards per EQR. Based on the LOS standards, historical flows, and plant capacity, the capacity utilization of the water facilities will be evaluated.



Subtask 3.3 – Evaluation of Capital Improvement Program

The Project team will review the Town's multi-year capital improvement program (the "CIP") and capacity additions necessary to serve growth. The CIP will be incorporated into the impact fee analysis. We will work with Town staff and the Town's consulting engineers to identify capital expenditures that i) are 100% allocable to new development or growth within the identified capital planning horizon; ii) serve to upgrade or enhance utility facilities that have remaining capacity allocable to growth; iii) are allocable to new development or growth outside of the identified capital planning horizon; and iv) are for renewals and replacements of assets associated with serving existing customers and maintaining current capacity.

Subtask 3.4 – Design of Water Impact Fees

Based on i) the LOS standards and facilities use projections; ii) the allocated capital / utility asset evaluation; and iii) population estimates (current vs. buildout), the Project team will develop proposed impact fees for water service for the Town. The fees will be developed recognizing the reservation and utilization of capacity by an equivalent residential customer (e.g., single-family residential). The Project team will include separate fee calculations for the supply / treatment and transmission functions – this detail is often necessary to determine impact fee credits for contributed infrastructure.

Subtask 3.5 – Impact Fee Comparison

A comparison of the water impact fees per EQR with those of neighboring or similar utilities will be prepared. Based on data availability, the LOS standards of each utility in the comparison will be included in the comparison as well as how the fee is applied to new development.

TASK 4: DEVELOPMENT OF FEE SCHEDULES, TECHNICAL REPORT, AND BRIEFING DOCUMENT

Subtask 4.1 – Prepare Reports and Briefing Documents – Drafts and Final

The Project team will prepare i) reports documenting our assumptions, analyses, and primary data sources; ii) briefing documents (PowerPoint presentations) to summarize the project results; and iii) proposed impact fee schedules. The report will contain a detailed explanation of how the calculated fees comply with Colorado statutory requirements.

Subtask 4.2 – Review of Impact Fee Resolutions or Ordinances

The Project team will provide assistance to the Town staff and legal counsel in the development of the impact fee resolutions or ordinances. Our review will help ensure that the recommended impact fees, EQR determination methodologies, and related policy changes are properly reflected in the resolutions or ordinances.



TASK 5: MEETINGS AND PRESENTATIONS

No in-person meetings are assumed for the purposes of performing the water impact fee study. All meetings will be conducted virtually via Microsoft Teams or another virtual platform.

For all presentations, the Project team will prepare user-friendly, easy-to-follow materials in PowerPoint and provide drafts to the Town staff for review prior to each meeting / presentation.

In addition to these formal meetings, the Project team will be in close contact with the Town's Project Manager to ensure that the Town is aware of the Project progress.

Project Deliverables

The anticipated deliverables to be provided during the project include the following items:

- Initial data request for information compilation.
- Financial model – drafts and final.
- Rate comparison of existing and proposed water impact fees with those of neighboring or other jurisdictions.
- Comprehensive rate study reports providing the assumptions, findings, and conclusions of the update as well as a detailed explanation of how the calculated fees comply with Colorado statutory requirements – drafts and final.
- Briefing documents for presentation of study results to the Board of Trustees and public – drafts and final.

Not-to-Exceed Budget for Project

For our level of experience and expertise, the Project team offers top value for the services we provide. We propose to establish a not-to-exceed budget for the Project of \$9,000, reflecting a level of service of up to 80 hours to complete the Project. We have always completed projects on time and within budget and have never requested a change order. Since the Project team is very experienced, the Project would be completed efficiently and cost-effectively.

A breakdown of this not-to-exceed budget is on the following page. The not-to-exceed budget is proposed to be billed on a monthly basis based on the actual hours worked on the tasks applied to the hourly billing rates.



Town of Rico, Colorado

Project Tasks and Not-to-Exceed Budget for Water Impact Fee Study



Line No.	Description	Project Manager	Senior Consultant	Estimated Hours	Estimated Cost
	Project Billing Rates (\$/Hour)	\$125.00	\$100.00		
	TASK 1: BACKGROUND AND METHODOLOGY REVIEW				
1	1.1 Data Compilation and Review	2	2	4	\$450
2	1.2 Review Update Methodology / Approach and Other Policy Development Assistance	2	1	3	350
3	Task 1 Subtotal	4	3	7	\$800
	TASK 2: EQUIVALENT RESIDENTIAL UNIT (EQR) METHODOLOGY REVIEW				
4	2.1 Customer Statistics Review	2	4	6	\$650
5	2.2 Evaluation of EQR Determination Options	1	2	3	325
6	2.3 Comparison of EQR Methodology with Those of Other Colorado Utilities	2	4	6	650
7	Task 2 Subtotal	5	10	15	\$1,625
	TASK 3: WATER IMPACT FEE CALCULATIONS				
8	3.1 Evaluation of Existing Utility Assets	4	4	8	\$900
9	3.2 Review of Levels of Service and Capacity Analysis	1	2	3	325
10	3.3 Evaluation of Capital Improvement Programs	4	4	8	900
11	3.4 Design of Water Impact Fees	4	4	8	900
12	3.5 Impact Fee Comparison	0	4	4	400
13	Task 3 Subtotal	13	18	31	\$3,425
	TASK 4: DEVELOPMENT OF FEE SCHEDULES, TECHNICAL REPORTS, AND BRIEFING DOCUMENT				
14	4.1 Prepare Reports and Briefing Documents - Drafts and Final	8	8	16	\$1,800
15	4.2 Review of Impact Fee Resolutions or Ordinances	2	0	2	250
16	Task 4 Subtotal	10	8	18	\$2,050
	TASK 5: MEETINGS AND PRESENTATIONS [*]				
17	Meeting Allowance, Including Preparation	8	1	9	\$1,100
18	Task 5 Subtotal	8	1	9	\$1,100
19	Total Not-to-Exceed Budget (Rounded)	40	40	80	\$9,000

[*] No onsite meetings are assumed. All meetings will be conducted via Microsoft Teams or another virtual platform.

The proposed schedule of hourly labor rates for the Project team professionals is as follows:

SCHEDULE OF PROPOSED HOURLY BILLING RATES [*]

<u>Project Team Member</u>	<u>Hourly Billing Rate</u>
Principal-in-Charge / Project Manager	\$125.00
Consultant	\$100.00

[*] Rates will be applied to actual hours worked on the Project subject to the not-to-exceed budget.

Other direct costs (e.g., travel, deliverable costs, etc.) are recovered through the Project Team hourly billing rates.

Project Schedule

The Project team will work with the Town staff to determine an appropriate timeframe for the Project. It is anticipated that the Town may want a new water impact fee effective by January 1, 2024, at which time the temporary moratorium on the acceptance of new land use applications may be lifted.

Liability Insurance

GovRates is fully insured for any rate and financial work that the Town may need, and we maintain insurance levels well above the minimum required.

Project Manager Contact Information

Bryan A. Mantz, CMC, CGFM
 President
 GovRates, Inc.
 1988 Varick Way
 Casselberry, FL 32707-2409
 Phone and Fax: (833) GOV-PLAN; (833) 468-7526
 Cell: (407) 921-9753
 E-mail: bmantz@govrates.com



Acceptance of Proposal

A purchase order issued by the Town for the Project shall be considered an acceptance of the proposed scope of services for the Project.

GovRates, Inc.

Jenny Mantz
Chief Executive Officer



June 30, 2023

Chauncey McCarthy
 Town Manager, Rico, Colorado
 970-967-2863
townmanager@ricocolorado.gov

RE: Town of Rico Waterlines Location Proposal

Dear Chauncey,

Thank you for the opportunity to provide you with our quote for locating the Town of Rico waterlines. Our fees and associated tasks are separated below.

// TASKS	
Office: Office to field preparation	\$984.00
Field: Electromagnetic non-invasive pipeline locates (VM-Metrotech 810 & RD4000). Supplement with GPR as site conditions require	\$23,800.00
Office: Field data reduction and processing. Produce GIS deliverable SHP file and updated Town of Rico Existing Waterline Map	\$3,036.00
Office: PLS oversight/QA/QC	\$1,200.00
Reimbursable (mileage)	\$486.00
>> TOTAL PROJECT FEE \$29,506.00	

If you have any questions, please feel free to contact me. We look forward to working with you and thank you for calling on Goff Engineering for your surveying needs.

Sincerely,



Rob Trudeau, P.L.S.
 Goff Engineering & Surveying, Inc.

GOFF ENGINEERING & SURVEYING, INC. STANDARD TERMS AND CONDITIONS

- 1. STANDARD OF CARE:** Services shall be performed in accordance with the standard of professional practice ordinarily exercised by the applicable profession at the time and within the locality where the Services are performed. Professional services are not subject to, and GOFF cannot provide, any warranty or guarantees contained in any uniform commercial code. Any such warranties or guarantees contained in any purchase orders, requisitions, or notices to proceed issued by Client are specifically objected to and excepted from the contract between GOFF and the Client.
- 2. CHANGE OF SCOPE:** The Scope of Services set forth in this Agreement is based on facts known at the time of execution of this Agreement, including, if applicable, the information supplied by the Client. For some projects, the scope may not be fully definable during the initial phases. As the Project progresses, facts discovered may indicate that scope must be redefined. Any change of scope will be considered additional services (if additive) and the contract fee will increase to cover the additional scope. GOFF will notify the Client by including additional service items on the standard monthly billing forms. Any additional service fees shall be deemed approved if not objected to in writing within 15 days of receipt by the Client.
- 3. SAFETY:** GOFF has established and maintains corporate programs and procedures for the safety of its employees. GOFF specifically disclaims any authority or responsibility for general job site safety and safety of persons other than GOFF employees.
- 4. DELAYS:** If events beyond the control of either Client or GOFF, including, but not limited to, fire, weather, snow, rain, flood, explosion, riot, strike, war, process shutdown, the act of God, or the public enemy, and act or regulation of any government agency, result in a delay to any schedule established in the Agreement, such schedule shall be amended to the extent necessary to compensate for such delay. In the event such delay exceeds 90 days, GOFF shall be entitled to an equitable adjustment in compensation. In the event Client delays GOFF and such delay exceeds 30 days, GOFF shall be entitled to an extension of time equal to the delay and an equitable adjustment in compensation. Any non-payment of any invoice by Client may be deemed sufficient cause for GOFF to delay all work on the Project until such time that full payment of past due accounts are received.
- 5. TERMINATION/SUSPENSION:** Either party may terminate this Agreement upon 30 days written notice to the other party. The client shall pay GOFF for all Services, including profit relating thereto, rendered prior to termination, plus any expenses of termination. GOFF shall retain ownership of all project deliverables.
- 6. INSURANCE:** GOFF will maintain insurance coverage for Professional, Comprehensive, General, Automobile, Worker's Compensation, and Employer's Liability in amounts in accordance with legal, and GOFF's business requirements. Certificates evidencing such coverage will be provided to the Client upon request.
- 7. LIMITATIONS OF LIABILITY:** To the fullest extent permitted by law, GOFF's total liability to Client for any and all injuries, claims, losses, expenses, or damages whatsoever arising out of or in any way related to the Project or this Agreement from any causes including, but not limited to, GOFF's negligence, errors, omissions, strict liability, or breach of contract shall not exceed, either (a) the total compensation received by GOFF under this Agreement, or (b) re-performance of the defective services by GOFF at no cost to Client. No employee or agent of GOFF shall have individual liability to the Client. IN ANY EVENT AND UNDER NO CIRCUMSTANCES SHALL GOFF BE LIABLE TO THE CLIENT FOR CONSEQUENTIAL, INCIDENTAL, INDIRECT, SPECIAL, OR PUNITIVE DAMAGES.
- 8. LENGTH OF TIME THIS PROPOSAL IS VALID:** This proposal, associated fee schedule, and the presented costs are valid for 45 days from the date of the proposal. However, if this contract is accepted, signed, and executed by Client and GOFF, the associated fee schedule and presented costs shall be valid until the project is completed, or excessive delays are experienced (see paragraph 4.) or this contract is terminated.
- 9. ACCESS:** Client shall provide GOFF safe access to any premises, on or off the project site, necessary for GOFF to provide the Services.
- 10. OWNERSHIP AND REUSE OF PROJECT DELIVERABLES:** All documents furnished by GOFF to Client are instruments of service and shall remain the copyrighted property of GOFF. These documents include but are not limited to, plats, sketches, reports, calculation sheets, field books, specifications, design & layout concepts & drawings, documents, electronic imagery, maps, photographs, inked tracings, and/or all other visual impressions, whether recorded and/or delivered on paper, magnetically, electronically, optically or otherwise. GOFF is not obligated to, and will not provide electronic copies, copies on disk, or any computer files of the product to the Client or other parties unless this is specifically called for in the contract documents. Reuse or alteration of any documents or other deliverables, including electronic media, pertaining to the Project by Client for any purpose other than that for which such documents or deliverables were originally prepared, is prohibited and if done by the client or his representative, shall be at the Client's risk. Client agrees to defend, indemnify, and hold harmless GOFF from all claims, damages, and expenses, (including reasonable litigation costs), arising out of such reuse or alteration by Client or others acting through Client.
- 11. AMENDMENT:** There are no understandings or agreements, verbal, written, or other, except as herein expressly stated. This agreement, upon execution by both parties hereto, can be amended only by a written instrument signed by both parties.
- 12. ASSIGNMENT:** Except for assignments (a) to entities which control, or are controlled by, the parties hereto or (b) resulting from the operation of law, the rights and obligations of this Agreement cannot be assigned by either party without written permission of the other party. This Agreement shall be binding upon and inure to the benefit of any permitted assigns.
- 13. STATUTES OF LIMITATIONS:** To the fullest extent permitted by law, Client agrees that, except for claims for indemnification, the time period for bringing claims under this Agreement shall expire one year after Project completion.
- 14. PREVAILING PARTY LITIGATION COSTS:** In the event any actions are brought to enforce this Agreement, if GOFF is the prevailing party, GOFF shall be entitled to collect its litigation costs and reasonable attorney fees from the other party.
- 15. NO WAIVER:** No waiver by either party of any default by the other party in the performance of any particular section of this Agreement shall invalidate any other section of the Agreement or operate as a waiver of any future default, whether like or different in character.
- 16. SEVERABILITY:** The various terms, provisions, and covenants herein contained shall be deemed to be separate and severable, and the invalidity or unenforceability of any of them shall not affect or impair the validity or enforceability of the remainder.
- 17. AUTHORITY:** The persons signing this Agreement warrant that they have the authority to sign as, or on behalf of, the party for whom they are signing.
- 18. PAYMENT FOR SERVICES:** Statements will be mailed monthly and the Client agrees to be solely responsible for payment of all bills immediately upon receipt of invoices, with the total amount due at the time of delivery of the product. The client agrees to pay 2% per month for all amounts due not received within 15 days of the billing statement. Should collection procedures be required, GOFF shall be allowed to receive collections fees including reasonable attorney fees. If any past due accounts exceed 30 days, GOFF has the authority to suspend all work, without liability, until the total amount is paid in full and GOFF will be entitled to an extension of time to complete the Services or have the option to terminate this Agreement.
- 19. CREDIT CARD PAYMENTS:** Payments made by credit card will be subject to a 3.50% surcharge added to the invoice amount.