

Town of Rico Memorandum

Date: October 9, 2024

TO: Town of Rico Board of Trustees
FROM: Chauncey McCarthy, Rico Town Manager
SUBJECT: October Board of Trustees Regular Meeting

Consideration of a cash contribution to the Dolores Watershed Collaborative for their WARP grant application to the Colorado Water Conservation Board

During the Board of Trustees September meeting the Board approved a letter of support for the Dolores Watershed Collaborative WARP grant application. In addition to the requested letter of support the DWC also approached the Town about a cash contribution to be used as matching funds for the grant. The Trustees requested that Nina Williams, DWC Coordinator, attend the October 16 meeting to discuss.

Consideration of Resolution 2024-04 A Resolution of the Board of Trustees of the Town of Rico, Colorado supporting a yes vote on Ballot Issue 3A referred by the San Miguel Authority for Regional Transportation (“SMART”) seeking voter approval for a .82%% sales tax increase, a 1.25% lodging tax increase, and a 1.336 mill levy increase for the purpose of funding regional transportation (Pg. 12-21)

Included in the packet is Resolution 2024-04 along with Agenda Item Summary and Factual Summary Regarding SMART’s Referred Measure 3A provided by SMART. David Averill, Executive Director of SMART, will be in attendance to discuss.

Consideration of lease agreement between the Town of Rico and Dolores County Library for the Town of Rico Library located at 2 North Commercial Street (Pg. 21-26)

Included in the packet is a lease agreement between the Town of Rico and the Dolores County Library District for use of the Town of Rico Library located at 2 N. Commercial Street. This lease agreement has been approved as to form and content by the Town attorney. A lease agreement was first brought up by a Trustee during the March 16, 2022 meeting. The Rico Board of Trustees then invited the Dolores County Library District Board of Trustees to discuss the Town of Rico library at the February 15, 2023 meeting. Those minutes have been included in the packet.

Consideration of certificate of appointment judges of election (Pg. 27)

Included in this packet for consideration is a certificate of appointment judges of election as drafted by the Town of Rico’s Clerk. Anna has been in communication with the proposed judges.

Consideration of liquor license renewal for Boulder City Mixology LLC, DBA The Enterprise Bar and Grill (Pg. 28-31)

Included in this packet is a liquor license renewal for Boulder City Mixology LLC, DBA The Enterprise Bar and Grill. This application is complete and compliant.

Consideration of an application to vacate a portion of West Soda Street and vacate Leah Lane, McCroke Venture LLC applicant (Pg. 32-71)

Included in the packet is a road vacation permit application from McCroke Venture LLC to vacate the west end of West Soda Street and Leah Lane. There have been quite a few public comment letters submitted in regard to this application. Those letters have been included in the packet. In addition to the application materials is a staff memo reviewing the submittals to the RLUC.

The Planning Commission conducted a public hearing on September 11, 2024 and recommended denial of the application.

Motion

To recommend to the Town Board that the road vacation application for West Soda Street and Leah Lane by McCroke Venture LLC, applicant request be denied

Moved by Gerrish Willis, seconded by Kiplynn Smith.

Vote. A roll call vote was taken and the motion was approved, 5-0.

Second reading of Ordinance 2024-04 an Ordinance of the Board of Trustees of the Town of Rico, Colorado adopting town soils overlay zone regulations and adopting by reference Appendix D of the Rico Land Use Code (lead soils management regulations). (Pg. 72-106)

Included in the packet are four documents pertaining to Ordinance 2024-04. These documents are:

- Memo titled “What is the Rico Townsite Soils VCUP” (Pg. 72-73)
- Memo titled “What does the VCUP mean for me?” (Pg. 74-75)
- Flow chart titled “What will the Rico Land Use code Soils Management Regulations require?” (Pg. 76)
- Ordinance 2024-04 an Ordinance of the Board of Trustees of the Town of Rico, Colorado adopting town soils overlay zone regulations and adopting by reference Appendix D of the Rico Land Use Code (lead soils management regulations). (Pg. 77-106)

The first reading of this ordinance was approved at the September 18, 2024 meeting.

First reading of Ordinance 2024-05 an Ordinance of the Town of Rico, Colorado adopting the year 2025 Town budget; appropriating sums of money; and setting and certifying Town mill levies (Pg. 107-129)

Included in the packet is the 2025 budget containing ordinance 2024-05, staff memo, certificate of valuation by Dolores County Assessor, and a detailed budget for each fund. The Board reviewed the draft 2025 budget at length during their special session on October 7, 2024. All changes to the budget that were requested by the Board at that meeting have been updated.

Stormwater system design (Pg. 130-134)

Anderson Engineering presented a conceptual design for a stormwater system at the Board of Trustees meeting on August 21, 2024. After discussions with the engineers, it was clear they understood the system should be designed for a 25-year event. However, the Board did not offer enough direction regarding whether to use shallow swales or channels. The topic was revisited at the September 18, 2024, board meeting, where the Board requested additional information from Anderson Engineering. That memo has been included in the packet.

Town project updates

Staff to provide an update on current town projects.

RICO TOWN BOARD MEETING MINUTES

Date: September 18, 2024
Call to Order 7:00PM

Trustees Present: Mayor Nicole Pieterse
Mayor Pro Tem Patrick Fallon
Trustee Joe Dillsworth
Trustee Benn Vernadakis
Trustee Cristal Hibbard
Trustee Chris Condon

Trustees Absent:

Staff Present. Chauncey McCarthy, Anna Wolf (Zoom), Wilton Anderson (zoom), Tom Bloomfield, Samantha (Sam) Carvello

Approval of the Agenda Motion

To approve the agenda.

Moved by Mayor Nicole Pieterse, seconded by Trustee Benn Vernadakis

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

Approval of the Minutes

Typo to be corrected in SMART proposal.

Motion

To approve the minutes of August 21.

Moved by Trustee Benn Vernadakis, seconded by Trustee Chris Condon.

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

Consent Agenda

Payment of the Bills

Town Clerk clarifies some items from the check register.

Motion

To approve payment of the bills.

Moved by Trustee Cristal Hibbard, seconded by Trustee Benn Vernadakis.

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

Public Comment:

Chauncey McCarthy gives reminder of the Rico Roundup car show.

Action Items:

Consideration of a special use permit 1 N. Glasgow, Boulder City Mixology dba Enterprise Bar and Grill applicant

Town Manager gives summary.
 Applicant gives comment
 Board has discussion.

Motion

Move to approve a special use permit 1 N. Glasgow, Boulder City Mixology dba Enterprise Bar and Grill. With the following conditions:

1. The subject RV will be used as an office and or space for temporary stays for employees of the applicant commuting from out of town.
2. The permit shall sunset if the property is sold or Boulder City mixology is no longer the lessee.
3. Any change of the original requested use shall require an amendment of the special use permit to be reviewed pursuant to the RLUC special use permit standards.
4. Annual review/renewal at staff level
5. Staff level suspension of use pending investigation and review of written complaints submitted to the Town with the applicant having the right to appeal via public hearing to the Board of Trustees

Moved by Mayor Nicole Pieterse, seconded by Trustee Cristal Hibbard.

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

Consideration of liquor license renewal for Rock Laubster LLC, DBA Mountain Top Liquor
 Town Manager Chauncey McCarthy gives summary

Motion

Move to liquor license renewal for Rock Laubster LLC, DBA Mountain Top Liquor.

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

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

Consideration of a letter of support and cash contribution for the Dolores Watershed Collaborative WARP grant application to the Colorado Water Conservation Board
 Town Manager Chauncey McCarthy gives summary.

Gerrish Willis gives summary as a technical advisory board member.
 Board of Trustees has discussion.

Motion

Move to approve a letter of support and request additional information regarding the grant (i.e., matching funds request).

Moved by Trustee Benn Vernadakis, seconded by Trustee Cristal Hibbard.

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

Consideration of a Resolution 2024-03 a Resolution of the Board of Trustees of the Town of Rico approving the execution of a Voluntary Lead Soils Cleanup Program (“VCUP”) Implementation, Funding, and Settlement Agreement with Atlantic Richfield Company and an Intergovernmental Agreement with the Colorado Department of Public Health and Environment (“CDPHE”)

Mayor Nicole Pieterse gives summary.
 Board of Trustees has discussion.

Public Comment was taken from: Dylan Robertson, Sophia Kyriakakis, Brad Fox, Dave Bulson, Teal Stenson-Lee, and Gerrish Willis

Responses were made to the Public comments.

Mike Mcanulty from Atlantic Richfield addresses use of Colombia Tailings Site and agrees to strike last sentence part of 7.8.7. allowing future use of the Columbia Tailings site as a Town VCUP lead soils repository if the Town expressly consents.

Public Comment: Dylan Robertson, Jim Ostrem,

Responses were made and Board discussion was had.

Potential conflict of interest of Trustee, Cristal Hibbard was discussed by Board of Trustees. Wilton Anderson clarifies that disinterested trustees to vote on whether or not a conflict of interest exists.

The Board votes on whether it Trustee Hibbard's disclosure and relationships constitute a conflict of interest: 3-2, Benn Vernadakis and Pat Fallon vote it is a conflict of interest Nicole Pieterse, Joe Dillsworth and Chris Condon voted no conflict of interest.

Motion

Move to approve Resolution 2024-03 a Resolution of the Board of Trustees of the Town of Rico approving the execution of a Voluntary Lead Soils Cleanup Program ("VCUP") Implementation, Funding, and Settlement Agreement with Atlantic Richfield Company and an Intergovernmental Agreement with the Colorado Department of Public Health and Environment ("CDPHE").

Condition:

Striking from the last sentence of Sec. 7.8.7 the phrase "unless the Town expressly consents to the use of the Columbia Tailings Site for that purpose".

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

Vote. A roll call vote was taken and the motion was approved, 4-1. Mayor Pro tem votes no. Trustee Cristal Hibbard abstains from voting.

First reading of Ordinance 2024-04 an Ordinance of the Board of Trustees of the Town of Rico, Colorado adopting town soils overlay zone regulations and adopting by reference Appendix D of the Rico Land Use Code

Mayor Nicole Pieterse gives summary.

Sam Carvello gives summary of all changes since Planning Commission's review and recommendation.

Board of Trustees has discussion.

Public Comment: Dylan Robertson

Motion

Move to approve First reading of Ordinance 2024-04 an Ordinance of the Board of Trustees of the Town of Rico, Colorado adopting town soils overlay zone regulations and adopting by reference Appendix D of the Rico Land Use Code (lead soils management regulations).

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

Vote. A roll call vote was taken and the motion was approved, 4-1. Mayor Pro tem votes no. Trustee Cristal Hibbard abstains from voting.

Staff Report

Clerk's report:

Election update.

Manager's report

Rico Center Grant for 2025 discussion.
2025 budget.
Park structure is open. Grand opening event September 26 at 5PM

Discussion Items

Stormwater system design

Town manager Chauncey McCarthy gives update.

Town project updates

Town manager Chauncey McCarthy gives updates
Project needs assessment grant of \$10,000 for water system.
Fiber project update
Pavilion concrete work to start soon
Skate Park / pump track next summer
Double track trail from existing park to the pavilion and Skate Park
Town public works shop update

Motion

Move to go into executive Session:

Townwide Voluntary Cleanup settlement, implementation, 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.

Personnel matters except if the employee who is the subject of the session has requested an open meeting. § 24-6-402(4)(f)(I), C.R.S.

Moved by Mayor Nicole Pieterse, seconded by Trustee Cristal Hibbard.

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

Moved and approved by unanimous consent to come out of executive session and adjourn the meeting at 10:02pm

Anna Wolf
Rico Town Clerk

Nicole Pieterse
Mayor

NEW Town of Rico - General Fund
Check Register
For the Period From Oct 1, 2024 to Oct 31, 2024

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
18223	10/7/24	Colorado Dept of Public H	10000	40.00
18224	10/7/24	Fralely Propane, LLC	10000	485.00
18225	10/7/24	Jon Kelly	10000	375.00
18226	10/7/24	Karp Neu Hanlon, PC	10000	1,269.00
18227	10/7/24	Orkin	10000	126.99
18228	10/7/24	Wagner Equipment Co	10000	4,229.65
18229	10/7/24	Grande River Environtal,	10000	2,331.64
18230	10/7/24	Century Link	10000	52.92
18231	10/7/24	Utility Notification Center	10000	118.68
18232	10/7/24	CEBT	10000	4,439.40
18233	10/7/24	San Miguel Power Associ	10000	98.00
18234	10/7/24	Rico Telephone Company	10000	250.00
Total				<u>13,816.28</u>

NEW Town of Rico - Water Fund
Check Register
For the Period From Oct 1, 2024 to Oct 31, 2024

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
4663	10/7/24	Dewco	10000	119.37
4664	10/7/24	PVS DX, INC	10000	10.00
4665	10/7/24	Rico Telephone Company	10000	115.00
4666	10/7/24	RVS Software	10000	25.00
4667	10/7/24	AT&T Mobility	10000	111.35
4668	10/7/24	La Plata County PH Dept	10000	38.50
4669	10/7/24	San Miguel Power Associ	10000	436.00
4670	10/7/24	Fralely Propane LLC	10000	200.00
Total				<u>1,055.22</u>

2018 NEW Town of Rico - Street Fund
Check Register
For the Period From Oct 1, 2024 to Oct 31, 2024

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
2959	10/7/24	Capital One Trade Cr	10000	79.46
2960	10/7/24	Capital One Trade Credit	10000	39.99
2961	10/7/24	San Miguel Power Associ	10000	189.00
2962	10/7/24	Rico Telephone Company	10000	45.00
Total				<u>353.45</u>

NEW Town of Rico - Open Park Fund
Check Register
For the Period From Oct 1, 2024 to Oct 31, 2024

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
1783	10/7/24	LePew Porta-Johns, Inc	11000	370.00
1784	10/7/24	San Miguel Power Associ	11000	28.00
Total				<u>398.00</u>

TOWN OF RICO**RESOLUTION NO. 2024 -04****A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO SUPPORTING A YES VOTE ON BALLOT ISSUE 3A REFERRED BY THE SAN MIGUEL AUTHORITY FOR REGIONAL TRANSPORTATION (“SMART”) SEEKING VOTER APPROVAL FOR A .82%% SALES TAX INCREASE, A 1.25% LODGING TAX INCREASE, AND A 1.336 MILL LEVY INCREASE FOR THE PURPOSE OF FUNDING REGIONAL TRANSPORTATION**

WHEREAS, in accordance with the Taxpayer's Bill of Rights, Article X, Section 20 of the Colorado Constitution ("TABOR"), governmental entities are required to seek advance voter approval for any new tax or tax increase it seeks to impose; and

WHEREAS, the Board of Directors of the San Miguel Authority for Regional Transportation referred ballot issue 3A to be placed on the ballot for the November 5, 2024 coordinated election, seeking voter approval to impose a sales tax rate increase of .82%, a lodging tax increase of 1.25%, and a mill levy increase of 1.336 mills for the purpose of funding gondola operations and maintenance and regional bus services; and

WHEREAS, in accordance with the Colorado Fair Campaign Practices Act (C.R.S. § 1-45-117) and pursuant to the Town of Rico Home Rule Charter, Article III §§ 3.1 and 3.9, the Board of Trustees may pass a resolution taking a position on any ballot issue; and

WHEREAS, The Gondola is a critical piece of our public transportation system. Initiative 3A will make sure that the gondola continues to operate past the year 2027 as a free public transportation service between Telluride and Mountain Village.

WHEREAS, The gondola helps create and sustain jobs to support local workers within the community, reduces traffic between Telluride and Mountain Village, alleviates parking issues for local residents, and the gondola is crucial in reducing our region's carbon footprint and fighting climate change.

WHEREAS, The gondola provides a reliable and free transportation alternative that reduces the number of cars on the road and cuts down on greenhouse gas emissions.

WHEREAS, Initiative 3A creates a new funding source spread over different user groups to keep the gondola running and create a capital reserve for building a new gondola.

WHEREAS Initiative 3A also supports expanding SMART services throughout the SMART district.

WHEREAS, the revenues generated from the increases would be subject to oversight by the SMART Board of Directors and standard independent annual financial audits; and

WHEREAS, SMART staff have engaged with residents beginning in 2023 and then extensively in 2024 to hear about the community's priorities regarding the need to find a long term funding source for the Gondola and expanding regional transportation options; and

WHEREAS, residents and business leaders from throughout the community have spoken about the importance of ensuring a viable future of the gondola in the region; and

WHEREAS, a survey of residents shows that ensuring that the gondola continues to operate in

the future is one of the top regional priorities; and

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO:

1. The above recitals are hereby incorporated as findings by the Board of Trustees of the Town of Rico, Colorado.

2. THE BOARD OF TRUSTEES OF THE TOWN OF RICO HEREBY SUPPORTS A "YES" VOTE ON SMART BALLOT ISSUE 3A AND URGES THE REGISTERED ELECTORS OF THE TOWN OF RICO TO VOTE IN FAVOR OF THE PROPOSED .82% SALES, THE 1.25% LODGING TAX, AND THE 1.336 MILL LEVY INCREASE TO PAY FOR VITAL REGIONAL TRANSPORTATION SERVICES INCLUDING THE GONDOLA AND REGIONAL BUS SERVICE.

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

This 16th day of October, 2024.

By:

Nicole Y. Pieterse, Mayor

Attest:

Anna Wolf, Town Clerk

AGENDA ITEM SUMMARY (AIS)

San Miguel Authority for Regional Transportation



MEETING DATE: September 5th, 2024

AGENDA ITEM: 3

ACTION REQUESTED: Approval of Resolution 2024-15

SUBMITTED BY: D.Averill

BACKGROUND INFORMATION/KEY POINTS:

This is an action item for the Board to consider placing a funding question on the November 2024 ballot.

Background:

The SMART Governing IGA, which all members of SMART (Town of Mountain Village, Town of Rico, San Miguel County, Town of Telluride) have individually ratified, has always contemplated that SMART would at some point have a significant role in the “gondola”. This is most clearly articulated in Section 6.03 (f) of that foundational document, which states:

6.03 Specific Responsibilities

(f) Aerial Tramway (Gondola). The Authority may plan for transitioning operations, maintenance, capital improvements, and the funding required for such functions of the Telluride-Mountain Village Gondola system (the "Gondola") to the Authority by December 31, 2027.

1) Capital Expenses. The Authority may fund capital expenditures that have a useful life that extends beyond December 31, 2027. In such an event the Authority would fund the portion of the capital expense that is projected to extend beyond December 31, 2027. This limitation, however, shall not preclude individual Member contributions and/or Authority contributions for capital expenditures for enhanced Gondola operations prior to December 31, 2027 above the legal minimum service standards as established under the legal requirements of the First Amended and Restated Gondola Operating Agreement dated July 28, 1999.

2) Operational Expenses. The Authority may aggregate funds from Members related to the operation for the Gondola prior to December 31, 2027, but the Authority may not expend such funds for operations prior to December 31, 2027. This limitation, however, shall not preclude individual Member contributions and/or Authority contributions for enhanced Gondola operations above the

legal minimum service standards as established under the legal requirements of the First Amended and Restated Gondola Operating Agreement dated July 28, 1999, nor shall this limitation preclude the Authority from expending local, state or federal grants for the operation of the Gondola.

Nothing in this Section 6.02(f)(2) shall be construed as obligating Authority tax revenue to fund operational expenses up to the legal minimum service standards of the Gondola prior to December 31, 2027.

Notwithstanding any of the foregoing, it is an objective of the Authority to assure the ongoing operation of the Gondola beyond December 31, 2027.

More recently, in response to a broader discussion of the future of the gondola amongst the Gondola Leadership Committee, and recognizing the importance of the gondola to the region, the SMART Board passed Resolution 2023-6 in February of 2023, which expressed the intent of the Board for SMART to accept the responsibility of assuming the lead role in identifying a funding strategy for the operation of the gondola post-2027, and a longer term strategy for the eventual rebuild of the gondola at such time it needs to be replaced.

With the passage of Resolution 2023-24 in November of 2023, SMART entered into an Intergovernmental Agreement with its gondola planning partners (Town of Mountain Village, San Miguel County, Town of Telluride, Telski, TMVOA) which obligated SMART, in addition to assuming the responsibility for leading "gondola project development" activities, to placing a question regarding the gondola on the November 2024 ballot.

It should be noted that per the current terms of the gondola project development IGA with our planning partners, SMART isn't obligated to spend any money on "the gondola" (aside from some staff and attorney time) during this project development phase. All significant costs are currently the responsibility of those other entities through a cost-sharing arrangement articulated in the IGA. To date, the partners have committed close to \$1m in funding that funded the work that got us to this point in the ballot development process and is at the same time also supporting the engineering/design work and other outside consultant work that is helping us to develop cost estimates and the longer term strategy for the eventual rebuild of the gondola. I want to point out that this has been a team effort to get this far, that SMART couldn't do this alone, and that we look forward to continuing the partnership well into the future as we work to address this critical regional need.

Development of the ballot question:

The decision to move forward with development of the ballot language under consideration was driven by the identified financial needs of the future, and the need to put a plan in place to address those needs. Discussions of how those needs would ultimately be met through the ballot development process were guided by the expressed values of the Gondola Leadership Committee (comprised of members from the Town of Mountain Village, Town of Telluride, San Miguel County, Telski, TMVOA, and SMART) and was further refined by regional polling and stakeholder input.

Recognizing the overwhelmingly positive economic, environmental, and social benefits that the gondola provides to the region, it was determined early on that “doing nothing” about the ongoing funding for the gondola post 2027 was not an option. Furthermore, it was recognized that the gondola should remain fare-free to users in the future, and that any increase in taxes to fund the ongoing operations of the gondola should be spread across multiple user groups. To that end, every entity involved in this process “gave” a little in negotiating the final tax mix being considered. One entity didn’t want to see any sales tax increase. Another didn’t want to see any lodging tax increase. Yet another didn’t want to see any property tax increase. What we have before us now should be considered a “grand bargain”, where every entity involved has compromised and made concessions from their initial positions.

Working through a consensus driven and collaborative process, the Gondola Leadership Committee has publicly deliberated on the mix of taxes starting nearly a year ago in October of 2023. This topic was further discussed and debated at the open public meetings in January, March, April and May of this year. The specifics of the ballot language, how the funds would be used, etc., were most recently discussed at the July 2024 Leadership meeting, which was also open to the public.

The ballot question under consideration today by SMART is the culmination of this work that has taken place over the last 11 months. The revenue amounts identified in the ballot are derived from projected ongoing costs for annual gondola operations and maintenance needs post-2027, as well as costs associated with supporting and expanding the SMART regional bus system. The primary intent of the ballot is to assure that there is an ongoing source of revenue for the operation of the gondola post-2027 when the current funding arrangement for operations terminates. New revenue collected for gondola related purposes in 2025, 2026, and 2027 will be used to stand-up a gondola reserve fund at SMART that covers both an operating and capital reserve for future gondola needs. Remaining funds from collections for gondola purposes in 2025, 2026, and 2027 could eventually go towards a rebuild of the gondola (in conjunction with direct cash contributions from Telluride and our partners in Mountain Village, potentially others, as well as State and Federal grants) when the time comes for the current machine to be replaced. It should be emphasized that SMART and its partners hope to maximize Federal grants for a potential rebuild of the system but to do so it is essential that as a first step we secure a source of ongoing operations funding. The Federal Transit Administration does not fund projects that they don't think grant applicants will be able to operate sustainably. It's also important to note that the ballot question does include additional funding for the expansion of the existing SMART bus services (\$1m annually). This needs to be pointed out because while it isn't the bulk of the funding, this aspect of the ballot question and extended benefits to the SMART regional bus system is often overlooked.

It is also beneficial to point out that the ballot language contains a guaranteed amount of funding for the gondola that cannot be used for any other purpose(s). The ballot also allows some flexibility to collect fewer taxes in the future, if at some point it is determined that the full \$7.2m reserved for the gondola is not needed.

It should also be noted that the proposed ballot language is consistent with the SMART IGA, all relevant State statutes, and requirements under TABOR.

COMMITTEE DISCUSSION:

Both the Gondola Advisory Committee and the Gondola Leadership Committee have guided the development of the ballot language, it's intent, how the funds will be used, etc. at multiple public meetings and have expressed support for the ballot question as presented.

SUPPORTING INFORMATION: NA

FISCAL IMPACT:

The fiscal impact of this ballot question passing is significant. Specific amounts of new revenue, by tax type and rate are anticipated to be:

- Sales tax: The proposed .82 percent increase in sales tax yields a projected \$4,596,350 increase in revenue.
- Lodgers tax: The proposed 1.25% lodging tax yields a projected \$1,983,407 increase in revenue.
- Property tax: The proposed 1.336 mill levy increase yields a projected \$1,620,243 increase in revenue.

Across all sources the projected increase in tax revenues tied to this ballot question will total \$8.2m annually. As currently written, this will ensure that the gondola has guaranteed funding of \$7.2m annually starting in 2027, with the remaining funding going to support other SMART services.

ADVANTAGES: The advantages of the ballot question being referred and passing are many, as discussed previously. If successful, the ballot package secures the projected costs associated with gondola operations and maintenance post-2027, meets the requirement to set up a gondola reserve fund at SMART, meets the need to begin aggregating some capital funding for the eventual replacement of the gondola, and meets needs associated with sustainably expanding and supporting SMART's other services.

DISADVANTAGES:

Disadvantages of multiple taxing scenarios were discussed by the stakeholders in the development of the ballot language and mix of taxes over several months. This scenario, while maybe not perfect in the eyes of all stakeholders, was the most preferred among those discussed.

ANALYSIS/RECOMMENDATION: Staff recommends that the Board refer the ballot question to SMART district voters as presented.

ATTACHMENTS:

SMART ballot question in final form

Factual Summary Regarding SMART's Referred Measure 3A

Ballot Language (Final):

SAN MIGUEL AUTHORITY FOR REGIONAL TRANSPORTATION (SMART) BALLOT ISSUE 3A:

AUTHORIZATION OF FUNDING FOR THE TELLURIDE-MOUNTAIN VILLAGE GONDOLA AND OTHER PROJECTS AND PURPOSES OF THE SAN MIGUEL AUTHORITY FOR REGIONAL TRANSPORTATION.

SHALL SAN MIGUEL AUTHORITY FOR REGIONAL TRANSPORTATION ("SMART") TAXES BE INCREASED \$8,200,000 IN 2025 AND BY WHATEVER ADDITIONAL AMOUNTS AS ARE RAISED ANNUALLY THEREAFTER, FOR THE PURPOSE OF MAINTAINING AND IMPROVING GONDOLA AND SMART TRANSPORTATION SERVICES, INCLUDING:

- PROVIDING NECESSARY FUNDING TO CONTINUE GONDOLA SERVICE BETWEEN TELLURIDE AND MOUNTAIN VILLAGE AND PREVENT A SHUTDOWN OF THE GONDOLA AFTER DECEMBER 31, 2027;
- CONTINUING TO PROVIDE GONDOLA SERVICE THAT REDUCES TRAFFIC AND GREENHOUSE GAS EMISSIONS; AND
- MAINTAINING AND IMPROVING THE LEVEL OF SMART'S BUS TRANSIT SERVICE;

WITH 87.8% OF THE NEW REVENUE RAISED ANNUALLY PURSUANT TO THIS QUESTION BEING USED FOR THE PURPOSE OF FUNDING GONDOLA CAPITAL IMPROVEMENTS AND PAYING FOR THE OPERATION AND MAINTENANCE OF THE GONDOLA AND WITH THE REMAINING NEW REVENUE BEING USED BY SMART FOR PURPOSES CONSISTENT WITH ITS MISSION, FROM THE LEVY OF A VISITOR BENEFIT TAX OF UP TO 1.25% ON LODGING, AN ADDITIONAL SALES TAX OF UP TO 0.82% (8.2 CENTS ON EACH \$10.00 PURCHASE) AND AN ADDITIONAL MILL LEVY OF UP TO 1.336 MILLS; AND SHALL ALL AMOUNTS RECEIVED BY SMART FROM SUCH TAXES AND ANY OTHER REVENUE SOURCES AND THE EARNINGS THEREON BE COLLECTED AND SPENT WITHOUT LIMITATION OR CONDITION AS A VOTER-APPROVED REVENUE CHANGE UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, OR ANY OTHER LAW?

What Your YES votes means:

A YES vote on 3A will provide funding so that SMART can maintain and improve gondola service between Telluride and Mountain Village past December 31, 2027, which will reduce traffic and greenhouse gas emissions, and establishes a capital reserve to support the construction of a new gondola, and supports the expansion and improvements to SMART's regional bus transit system.

What your NO vote means:

A NO vote on 3A means no change in current SMART taxes and the Gondola will not have a dedicated source of operational funding after December 31, 2027, and regional bus services will not be expanded.

Summary and Analysis:

The current funding agreement for the Gondola expires January 31, 2027. 3A provides a new funding source since the Gondola has no identified funding to operate in 2028. 87.8% of the funds raised are dedicated to the operation and maintenance of the Gondola (including funds collected between 2025-2028 to support an initial operating reserve as well as a capital reserve for a new gondola), with remaining funds (12.2%) dedicated to funding SMART regional bus services expansion and capital needs. The proposed taxes and their respective cost are as follows to raise \$8.2 million in 2025 and as adjusted annually thereafter:

Lodging Tax of 1.25%, which is anticipated to generate \$1,983,407 annually.

- This tax equates to \$6.25 a night for a \$500 hotel room.

Sales Tax of 0.82%, which is anticipated to generate \$4,596,350 annually.

- Example: This equates to 8.2 cents on an eligible \$10 sale.
- IMPORTANT: As a SMART referred ballot measure, existing sales tax exemptions will remain in place for essential goods (e.g., groceries)

Property Tax of 1.336 mills, which is anticipated to generate \$1,620,243 annually.

- Example: \$99.00 yearly per million dollar property valuation

Argument for 3A:

The Gondola is a critical piece of our public transportation system. 3A will make sure that the gondola continues to operate past the year 2027 as a free public transportation service between Telluride and Mountain Village. The gondola helps create and sustain jobs to support local workers within the community, reduces traffic between Telluride and Mountain Village, alleviates parking issues for local residents, and is crucial in reducing our region's carbon footprint and fighting climate change.

Initiative 3A creates a new funding source spread over different user groups to keep the gondola running and create a capital reserve for building a new gondola. Initiative 3A also supports expanding SMART services to support Rico and the East End.

Argument Against 3A:

Increasing taxes on lodging targets the guests and out of town visitors who stay at hotels and short-term rentals and stimulate our local economy. Property taxes impact all property owners. A sales tax will increase the cost of items that local residents and our guests buy. It will become

more expensive for local residents and visitors to the region. The current bus system is sufficient and we don't need to expand services.

TOWN OF RICO
DOLORES COUNTY LIBRARY LEASE

THIS AGREEMENT is made and entered into this ____ day of _____, 2024 by and between the DOLORES COUNTY LIBRARY DISTRICT (hereinafter referred to as "DC Library") and the TOWN OF RICO, a home rule municipality, (hereinafter referred to as "Rico").

In consideration of the mutual promises and agreements contained in this Agreement, the parties agree as follows:

1.0 THE FACILITY

1.1 Rico shall make available to DC Library exclusive use of certain Rico facility space located at 2 Commercial Street, Rico, CO 81332, known and used as the current library, together with non-exclusive use of, parking, common areas and restrooms (the "Facility").

2.0 USE OF FACILITY

2.1 The Facility shall be used by DC Library for the following purposes only:

Housing and operating a library facility open to the public.

2.2 Use of the Facility shall be subject to all applicable provisions of state and federal law.

2.3 The Facility will be available for use by DC Library at all times during the term of this Agreement. Rico shall be provided advance notice of changes in hours of operation.

2.4 Notwithstanding the forgoing, DC Library shall not use the Facility for the purposes of storing, manufacturing or selling any explosives, flammables or other inherently dangerous substance, chemical, thing or device. DC Library shall restrict its use to those reasonably related library operations and related appurtenances, and shall not use or permit the use of the Facility for any other purpose, except as set forth herein, without the written consent of Rico. The DC Library shall carry on and conduct its business from time to time carried on upon the Facility in such manner as to comply with all statutes, bylaws, rules and regulations of any federal, state, municipal or other competent authority and will not do anything on or in the Facility in contravention of any of them. It is DC Library's obligation to determine whether its business is properly operating in the Facility under zoning and other applicable state, federal, county, and city laws.

3.0 TERM

3.1 The term of this Agreement shall be ten (10) years, unless earlier terminated through any of the following:

- a. Mutual agreement; or
- b. Destruction of or damage to the Facility to the extent that it can no longer be used for the intended purpose hereunder. In the event that Rico intends to repair or rebuild, DC Library shall have the option of permanently vacating, or vacating until construction is completed, then continuing the occupancy; or
- c. Ceasing to operate the Facility continuously as a library for a period exceeding 90 days; or
- d. Breaching any terms of this Agreement without correcting said breach within forty-five (45) days of written notice by Rico.

3.2 This Agreement shall automatically renew at the expiration date of any term for an additional term of five (5) years, unless either party gives written notice to the other not less than one year in advance of the expiration date, stating the intent to terminate this Agreement at the end of the term.

4.0 MAINTENANCE AND COSTS

4.1 Rico shall be responsible for all Facility utilities, maintenance and repairs, except as follows:

- a. Custodial related to the library area; and
- b. Telephone and internet service for the library area.

4.2 The rental amount for the use of the Facility shall be \$1.00 per year. The parties understand the benefit the DC Library brings to the Town of Rico in terms of employment and library availability. The parties agree that the consideration of those benefits is additional value for the Facility use.

4.3 Rico is shall not be responsible for any power, water or other utility outages.

4.4 Rico may upon reasonable notice to the DC Library, temporarily close the Facility, parking, common areas, restrooms and/or access thereto in the event Town deems it necessary for perform work in, on or around the Facility and/or the Town Hall building in which the Facility is situated, and may do so without prior notice to the DC Library in the event of an emergency.

5.0 INSURANCE

5.1 To the extent permitted by applicable law the Tenant agrees to hold harmless and defend Rico, its officers, employees, insurers, and self-insurance pool, from and against all liability, claims, and demands, on account of injury, loss, or damage, including without limitation claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other losses of any kind whatsoever, which arise out of or are in any manner connected with this Lease, if such injury, loss, or damage is caused in whole or in part by, or is claimed to be caused in whole or in part by, the act, omission, error, professional error, mistake, negligence, or other fault of the Tenant, or any officer, employee, representative, or agent of the Tenant, or which arise out of any workers' compensation claim of any employee of the Tenant.

5.2 The parties hereto understand and agree that Rico is relying on, and does not waive or intend to waive by any provision of this Lease, the monetary or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, C.R.S. §24-10-101 *et seq.*

5.3 DC Library shall be responsible for any third-party: claims, damages, awards or other matters arising out of or related to use by DC Library of the Facility. The foregoing shall be limited by and subject to the rights, defenses and limitations upon liability available to the County pursuant to Article 11, Section 1 and Article X, Section 20 of the Colorado constitution and/or pursuant to the Colorado Governmental Immunity Act, CRS §24-10-101 *et seq.*, and nothing herein shall be construed to waive or limit any such rights or defenses. Apart from specific performance of terms herein, the parties to this Agreement hold each other harmless from any and all damage claims or liability related to this Agreement.

5.4 DC Library shall maintain in force at all times this Agreement is in effect the following insurance coverages: General liability insurance in an amount equal to the monetary limits of liability set forth in the Colorado Governmental Immunity Act as now in effect or as hereinafter amended. Rico shall be named as additional insured on any insurance policies that Tenant obtains or maintains pursuant to this Agreement. Tenant's insurance shall be primary; tenant shall be responsible for payment of premiums and deductibles. DC Library shall maintain in force at all times this Agreement workers compensation insurance in accordance with applicable law.

6.0 MISCELLANEOUS

6.1 This Agreement is the entire agreement between the parties and may be changed or modified only by written agreement of the parties. All previous written or oral understandings and agreements by the parties are superseded by this Agreement.

6.2 If any of the terms of this Agreement are in conflict with any rule of law or statutory provision, then those terms shall be deemed inoperative and null and void to the extent of that conflict, but the remaining provisions of this Agreement shall remain in full force and effect.

6.3 At the termination of this Agreement, DC Library shall be entitled to remove any and all content, fixtures, shelving, cabinetry and equipment. Any damage caused by the removal shall be promptly repaired by DC Library.

6.4 Any financial obligation of either party hereunder payable after the current fiscal year is contingent upon funds for that purpose being budgeted, appropriated, or otherwise made available.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

TOWN OF RICO BOARD OF TRUSTEES

ATTEST:

Anna Wolf, Clerk

By: _____
Nicole Pieterse, Mayor

DOLORES COUNTY LIBRARY BOARD OF TRUSTEES

ATTEST:

Secretary, Board of Trustees

By: _____

Presentations:Region 9 presentation.

Heather Otter presents on economic development.

Discussion ItemsRico Library discussion

Town Manager Chauncey McCarthy gives high level summary.

Library Board members Dixie, Cindy, and Catherine present to discuss this topic.

The library agrees that an agreement is needed. Traditionally the Town provides the space and the library provides the rest.

Board members asked about the library budget and whether Rico is getting their fair share of finances based on the amount of taxes paid by the residence. The Library board expressed that more is spent on the Rico library than is received from the Rico taxes.

The Board agrees to not charge for the overhead of the Library. A lease agreement will be presented by the Town to the Library Board.

Rico Land Use Code Global revision

Chairman Michael Contillo gives summary of 6 month progress.

Mr. Contillo asked for the Boards input to go back to the Land use code and revise it rather than use the new document that previous Town Manager Kari Distefano had written. Board agrees to this.

Slated to be done with the revisions by December 2023 and a redline document will be presented to the Board.

Action ItemsConsideration of second reading Ordinance No. 2023-01 an Ordinance of the Town of Rico, Colorado approving the sale of town owned property located at 13 South Glasgow Avenue

A slight change was made from the first reading to include an extension to the closing date. Closing will happen March 16, 2023.

Discussion was had to confirm that the Town's legal council had read the agreement.

Motion

To approve second reading Ordinance No. 2023-01 an Ordinance of the Town of Rico, Colorado approving the sale of town owned property located at 13 South Glasgow Avenue

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

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

Staff ReportManager's Report

Region 9 broadband would add a redundant loop in Town this will enable the town to not "go dark". The loop will go from Dolores to Silverton through Rico.

Senior citizen bussing has been proposed 2 times a month for groceries and medical appointments. Pilot program to start in April or May.

Email migration has begun. Google suite will be available once the migration is complete.

Discussion ItemsTown Shop Update

Precinct No.....

THIS IS TO CERTIFY That the following have been appointed by the.....

Board of Trustees of the Town of Rico
(Governing body) (City or Town of)

to serve as JUDGES OF ELECTION:

Name..... Mary Hagan Address..... 134 Argentine St Rico, CO 81332

Name..... Genevieve Yellowman Address..... 137 S Glasgow Ave Rico, CO 81332

Name..... Robert Cummings Address..... 138 N River St Rico, CO 81332

Name..... Address.....

Name..... Address.....

Name..... Address.....

Name..... Address.....

Name..... Address.....

Also to Certify That the appointment of all of the above has been made in all respects in accordance with the provisions of the Colorado Municipal Election Code.

In Witness Whereof, I, Anna Wolf
City Clerk of the Town of Rico, in the State of Colorado,
have hereunto set my hand and official seal, this
day of, 19.....

.....Clerk.

* Mary Hagan, Judge of Election is to call in person at Clerk's office on Monday the 4 day November, 2024 the day before Election to pick up the Election and Registration Supplies.

*The Clerk will deliver the Election and Registration supplies to..... Judge of Election on Monday the day of, 19..... the day before Election.

Judges are required to meet at Rico Town Hall in said Precinct on Tuesday, 5th November, 2024 day of Election, qualify as such Judge of Election as the law provides.

*Strike according to fact.
Clerk should make extra copy for filing.

DR 8400 (08/23/24)
COLORADO DEPARTMENT OF REVENUE
 Liquor Enforcement Division
 PO BOX 17087
 Denver CO 80217-0087
 (303) 205-2300

Submit to Local Licensing Authority

Fees Due	
Annual Renewal Application Fee	\$ 250
Renewal Fee	500
Storage Permit \$100 X _____	\$
Sidewalk Service Area \$75.00	\$
Additional Optional Premises Hotel & Restaurant \$100 X _____	\$
Related Facility - Campus Liquor Complex \$160.00 per facility	\$
Amount Due/Paid	\$ 750

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

Retail Liquor License Renewal Application

Please verify & update all information below. Return to city or county licensing authority by due date.

Note that the Division will not accept cash.

Paid by check

Uploaded to MoveIt on Date

Paid online

Licensee Name

Doing Business As Name (DBA)

Liquor License Number

License Type

Sales Tax License Number

Expiration Date

Due Date

Business Address

Street Address

Phone Number

City

State ZIP Code

Mailing Address

Street Address

City

State ZIP Code

Email

Operating Manager

Date of Birth

Stuart Weitzman

01/11/1969

Home Address

Street Address

15060 Road 28

Phone Number

206.295.9084

City

Dolore

State

CO

ZIP Code

81323

1. Do you have legal possession of the premises at the street address?..... Yes No

Are the premises owned or rented? Owned

*If rented, expiration date of lease

Rented*

11/2028

2. Are you renewing a storage permit, additional optional premises, sidewalk service area, or related facility?..... Yes No

If yes, please see the table in the upper right hand corner and include all fees due.

3. Are you renewing a takeout and/or delivery permit?..... Yes No

(Note: must hold a qualifying license type and be authorized for takeout and/or delivery license privileges)

If selecting 'Yes', an additional \$11.00 is required to renew the permit.

If so, which are you renewing?..... Delivery Takeout Both Takeout and Delivery

4. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business?.... Yes No

Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.?..... Yes No

5. Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)?..... Yes No

If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested.

6. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime?..... Yes No
If yes, attach a detailed explanation.

7. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked?..... Yes No
If yes, attach a detailed explanation.

8. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee?..... Yes No
If yes, attach a detailed explanation.

9. I would like to apply for a Two-Year Renewal..... Yes No

Affirmation & Consent

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business

Stuart Weitzman

Title

Member/Manager

Signature



Date (MM/DD/YY)

10/01/2024

Report & Approval of City or County Licensing Authority

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 44, Articles 4 and 3, C.R.S., and Liquor Rules.

Therefore this application is approved.

Local Licensing Authority For

[Empty box for Local Licensing Authority Name]

Title	Attest
[Empty box]	[Empty box]

Signature	Date (MM/DD/YY)
[Empty box]	[Empty box]

Local Licensing Authority Approves this license for a two-year renewal..... Yes No

If "No", please cite the law, regulation, local ordinance or resolution that gives the local licensing authority the ability to deny the applicant and grounds for denial. Also, please provide any and all investigative reports, and administrative or criminal action that relate or justify this denial.

Proof of Violation

[Large empty box for Proof of Violation]



TOWN OF RICO
INCORPORATED OCTOBER 11, 1879
2 North Commercial Street
Post Office Box 9
Rico, Colorado 81332
Office # 970.967.2861
Fax # 970.967.2862
www.ricocolorado.gov

To: Board of Trustees 9/21/2024
 From: Chauncey McCarthy, Town Manager
 Subject: West Soda Street and Leah Lane road vacation application permit review

McCroke Venture LLC is proposing the vacation of the west termination of West Soda Street and Leah's Lane a sixteen-foot plated alley starting at West Soda Street and running north. The Rico Land Use Code sections 480, 482, 484 address road vacation applications in addition to Colorado Revised Statutes 43-2. The RLUC does not provide required submittal materials although certain materials are necessary to have a complete application. These items include:

- A statement by the applicant describing how the vacation meets applicable standards set forth in the Rico Land Use Code
Submittal requirement met
- Vacation Plat prepared by Registered Land Surveyor showing the location and dimensions of areas to be vacated.
Exhibit provided
- Written legal description of the proposed vacation
Submittal requirement met.
- Easements and legal documents
Submittal requirement not met
- Certificate of public hearing notice mailing to all property owners within 200 feet.
Submittal requirement met

In addition to the submittal requirements the applicant provided two exhibits titled, Block 18, Alley Vacation and Post Alley Vacation Property Configuration. Block 18, Alley Vacation depicts owner Milstead receiving 1275 Sqft of land, which may be incorrect. C.R.S 43-2-302 (1)

(c) *“In the event that a roadway bounded by straight lines is vacated, title to the vacated roadway shall vest in the owners of the abutting land, each abutting owner taking to the center of the roadway”*

Post Alley Vacation Property Configuration shows a replat of the block 18. It assumes that owner Chmielewski would be willing to vacate an interior property line creating one parcel from the two that she currently owns. It also assumes that owner Milstead would be willing to grant a 7.5' access easement.

480. VACATION OF ROAD RIGHTS-OF-WAY

The following sections establish procedures and standards for Vacation of public rights-of-way by the Town of Rico. The Board of Trustees shall approve or deny vacation requests after conducting a public hearing. A request to vacate a public road right-of-way shall be reviewed first by the Planning Commission after conducting a public hearing. Notice of the public hearing shall be posted and published at least ten (10) days prior to the hearing and shall be mailed to all property owners within 200 feet of the proposed vacated road right-of-way at least twenty (20) days prior to the hearing.

482. STANDARDS FOR REVIEW OF VACATION REQUEST

The Planning Commission and Board of Trustees shall consider the following standards when reviewing a request to vacate a public right-of-way in addition to the statutory requirements of C.R.S. sec. 43-2-301 et seq. as may be amended from time to time:

482.1. The topography of the public right-of-way does not allow road building to meet the design standards in 478;

RLUC Section 478.4 states roads shall be constructed with a maximum grade of 10%. The maximum grade of roads thirty (30) feet from intersections, on either side of a proposed driveway access, and on curves with a radius of less than 250 feet shall not exceed 8%. Both right of ways being proposed to be vacated are below 10% grade.

482.2 the public right-of-way does not provide any public benefit, including but not limited to: pedestrian access, recreational access, off-street parking, and open space buffer lot between developable lots; or, the requested vacation is part of an application which would result in the Town acquiring property or rights-of-way which has a greater public benefit than the vacated public right-of-way; and,

Standard not met. Leah Lane provides access to owners Kendrick and Chmielewski. C.R.S. 43-2-303(2)(a) “no platted or deeded roadway or part thereof or unplatted or undefined roadway which exists by right of usage shall be vacated so as to leave any land adjoining said roadway without an established public road or private-access easement connecting said land with another established public road.” This proposed vacation would leave adjoining owners Kendrick and Chmielewski without a public road or private access easements to their properties.

482.3. sufficient easements or rights-of-way for utilities are retained or provided.

Standard not met. Applicant provided a statement that easements would be granted but did not provide a vacation plat map depicting easements or location of.

484. MINIMUM REQUIREMENTS FOR VACATION OF RIGHT-OF-WAY

484.1. The Trustees shall enact a public right-of-way vacation by ordinance;

484.2. the ordinance shall specifically amend the Present Road Status Map and Designated Road Use Map;

484.3. the vacated right-of-way shall be divided at the midpoint and title shall pass to the adjoining property owners;

484.4. vacated rights-of-way shall be subject to the provisions of this RLUC and shall be included in the same Zone District as the adjoining property, unless otherwise determined by the Trustees; and

484.5. the Town may not receive any monetary compensation in return for any vacated public right-of-way

Recommendation:

Staff recommend denying this application as it is in violation of C.R.S 43-2-303(2)(a) and would eliminate access to both Kendrick and Chmielewski's lots. Although the Post Alley Vacation Property Configuration exhibit shows Chmielewski property as one contiguous lot running east to west, Chmielewski is not required to vacate her interior lot line as shown on the exhibit.

September 11, 2024

Town of Rico Planning Commission

Town of Rico Board of Trustees

Re: Vacation Application, Alleyway and West Soda Street

Blocks 18 and 25

Dear Commissioners and Trustees,

This application is filed in hopes that, if approved, the neighborhood affected in the alleyway portion of the application would retain its natural state. The neighborhood consists of few property owners. Leah, Big Jim, the Milsteads, Robertsons, and Crokes, our house was the 4th house built following Big Jim, the Milsteads and the Robertson's. We all strived to maintain privacy and protect all native habitats. My proposal would not affect the current nature of the area, rather, it would prevent the disturbance and destruction of old growth trees, leave unaffected the wildlife habitat, preserve existing wetlands, and leave the Dolores River active waterway as it exists. The vacation is not only a benefit to the Town, it benefits all adjacent owners with additional land without the necessity of radically disturbing the native surroundings and character of the neighborhood.

In addition to the adjacent property owners acquiring additional land, the Town would secure legal easement to install and maintain utilities for water line repair and future sewer service and town responsibility for winter maintenance is eliminated. Leah's property would be contiguous from Hancock St. to her lots in Block 18. All properties, (other than ours) contiguous to the vacated ROW already have access to their properties either from Hancock St. or West Soda St. Snow removal and storage would not be affected, and the Town would be relieved of maintenance obligations in the vacated area.

The other part of this application involves the "dead end" portion of West Soda, SEE ATTACHED MAP. This "dead end" is the only access to the Smuggler and Shamrock claims. The vacation will provide access to the claims as well as to our home at 216 W Soda St. and will not affect how the town currently plows and maintains snow removal in the area.

The Town purports to own a small portion of property, yet surveyed, which is an island east of the Shamrock Claim and west of Town lots in Block 25 (see attached map). This property does not access the river. There is no benefit of ownership to the public. However, as a part of the vacation discussion, we would entertain the possibility of creating an easement for

utilities and non-motorized access in favor of the Town on the trail connecting West Rico and Piedmont, through the Shamrock and Smuggler Claims. Currently, the trail crosses through private property which includes the Shamrock and Smuggler claims. In exchange, the Town would quitclaim any interest it may have in said "island" which are located west of the Town's lots in Block 25 and east of the Shamrock as described above.

Finally, as we drafted and considered the inclusion of a Vacation provision in the RLUC in 1998-99, as a committee, decided that it was a useful planning tool for the growth of a Townsite platted in the 1800's to adapt to current and future planning and growth goals of the community.

This application is not intended to "grab land", to the contrary, it is made in the hope that the common sense of our elected and appointed officials will prevail over the wishes of a few and make sound decisions that benefit the community as a whole for its future vs benefiting one at the expense of many. It accomplishes many positives, by cleaning up property issues, allowing permanent access for the public over existing trails, allows for potential access for future utility lines between piedmont and west rico and eliminates maintenance responsibilities for the Town, all without denying access to property owners properties.

Thank you for your consideration,

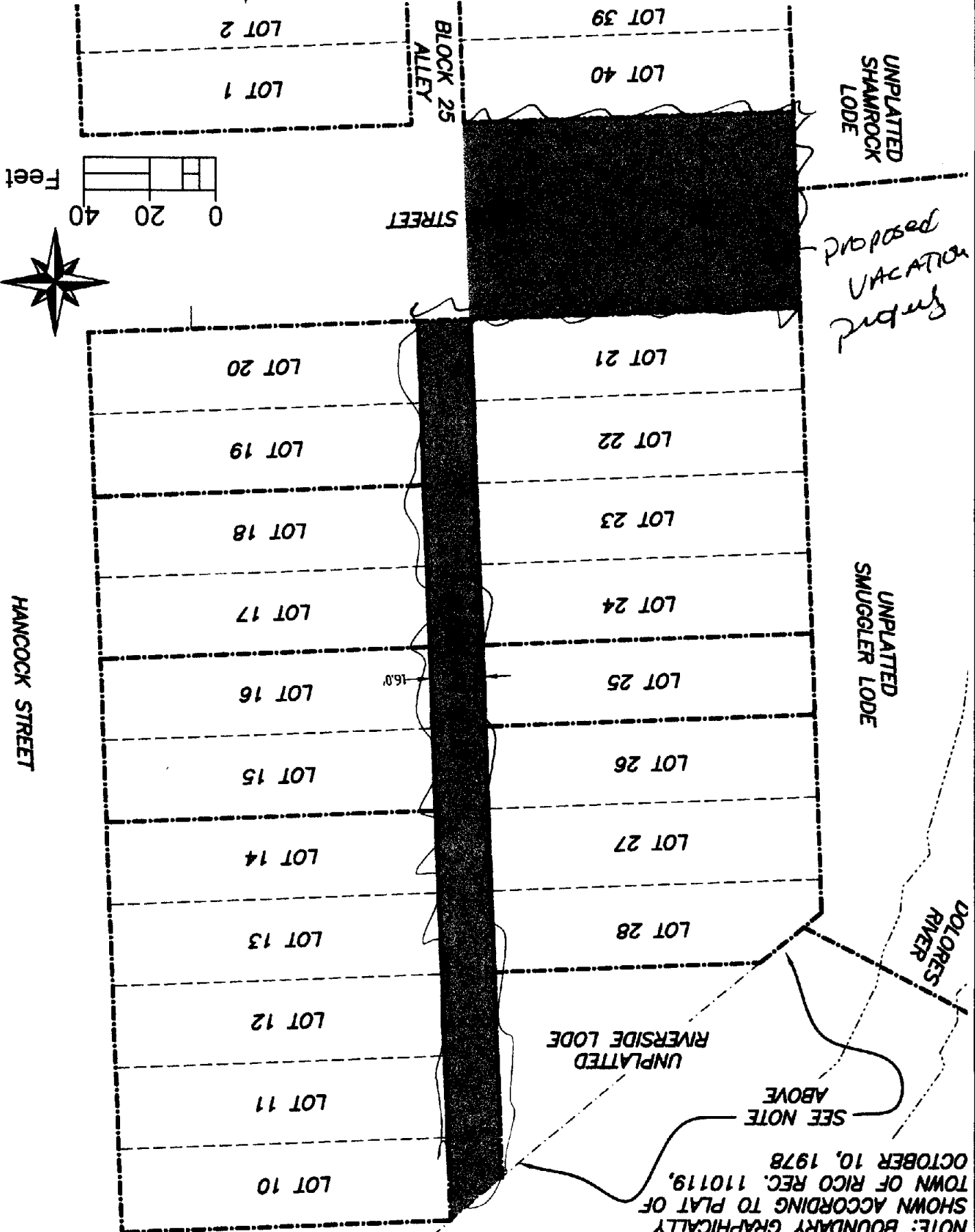
A handwritten signature in black ink, appearing to read "Joe Croke". The signature is fluid and cursive, with a long horizontal stroke at the end.

Joe Croke

BULSON SURVEYING



**ROW VACATION
BLOCKS 18 AND 25, RICO**



NOTE: BOUNDARY GRAPHICALLY SHOWN ACCORDING TO PLAT OF TOWN OF RICO REC. 110119, OCTOBER 10, 1978

SEE NOTE ABOVE

UNPLATTED RIVERSIDE LODGE

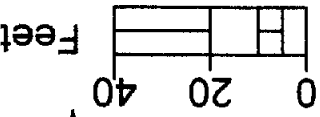
UNPLATTED SMUGGLER LODGE

UNPLATTED SHAMROCK LODGE

PROPOSED VACATION

STREET

BLOCK 25 ALLEY



HANCOCK STREET

DOLORS RIVER

LOT 2

LOT 1

LOT 39

LOT 40

LOT 20

LOT 21

LOT 19

LOT 22

LOT 18

LOT 23

LOT 17

LOT 24

LOT 16

LOT 25

LOT 15

LOT 26

LOT 14

LOT 27

LOT 13

LOT 28

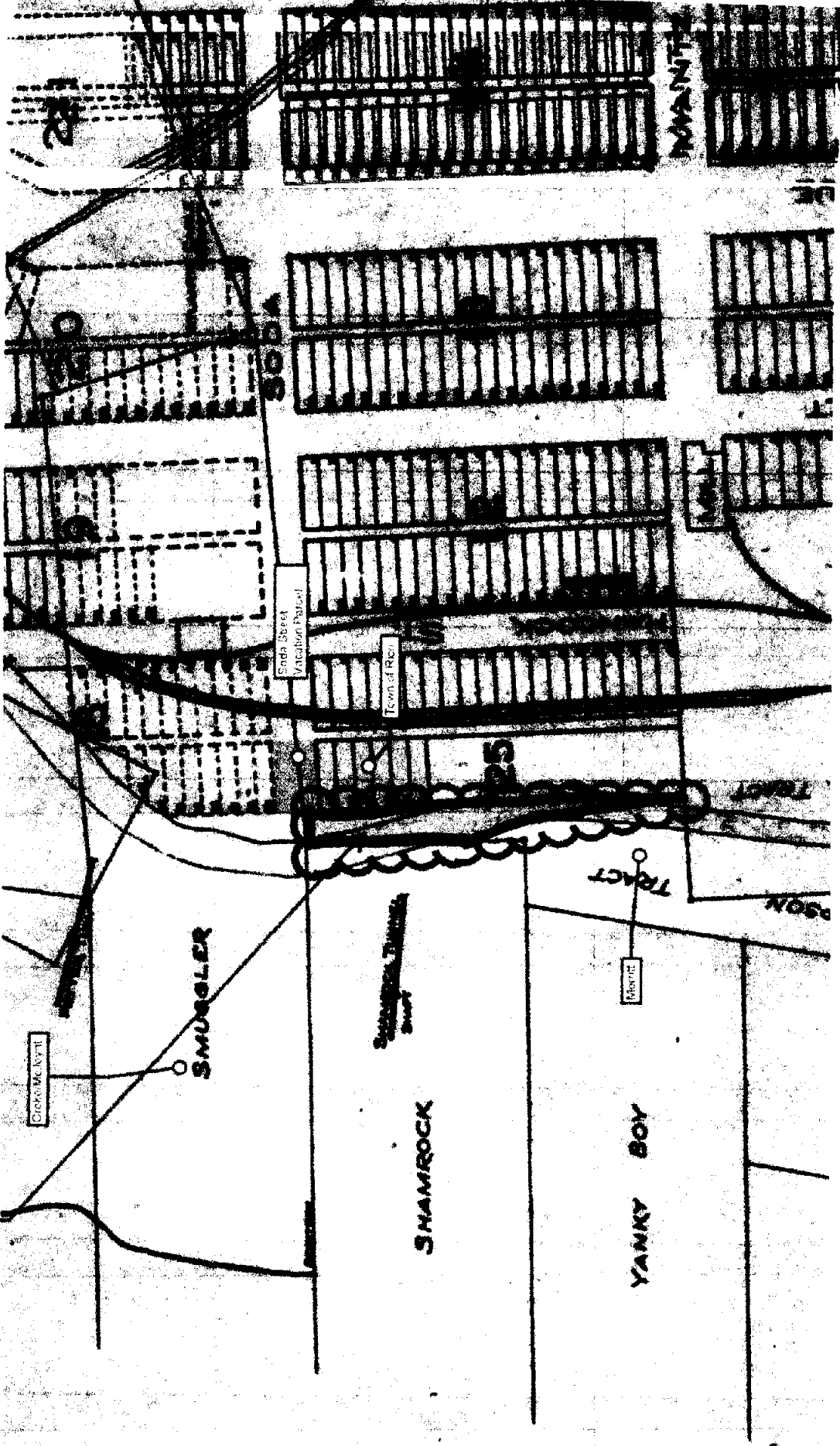
LOT 12

LOT 11

LOT 10

16.0'

Area in question about Town of Fido Oversight



Road & Right-of-way Vacation
Request



Applicant Name McCROCKE VENTURES LLC Phone Number 970-708-7747
KATHY MEDINA / JOE ADKINS
 Address PO BOX 8, RLD, CO. 81332 Cell Phone Number _____
 Email JMcCrocke@yahoo.com Fax Number _____
 Description of right-of-way See Attached

Zone District of Subject Property RESIDENTIAL

Attachments Required:

- Statement by the applicant describing how the vacation meets applicable standards set forth in the Rico Land Use Code
- Vacation Plat prepared by Registered Land Surveyor showing the location and dimensions of the areas to be vacated. Include and identify all adjacent parcels of land adjacent to and affected by the proposed vacation;
- Written legal description of the proposed vacation
- Easements and legal documents
- Letter of agency if applicant is representing another party
- An application fee in the amount of \$350.00
- A Certificate of Mailing with names, addresses, and property owned of property owners within 200 feet of subject property.
- A copy of the deed for the adjoining property/properties.

*Final approval is not valid until the final Plat, Map and ordinance are signed by the Board of Trustees and all are recorded with the County Clerk and Recorder

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

Signature: _____

[Handwritten Signature], JOE CROKE FOR
McCroke Ventures and Kathy McToynt

Date

7/22/24

Date Application Received _____

Application Reviewed by _____

Application Fee Received _____

Date of Hearing _____

Application Complete _____

Rico Planning Commission Action _____

Mailing Notice Complete _____

Approval Subject to Conditions _____

Other comments:



AFFIDAVIT OF MAILING PUBLIC NOTICE LETTER

Date: 7/23/24

Town of Rico
Rico Planning Commission
PO Box 9
Rico, Colorado, 81332

Re: Certification and Affidavit of Mailing Public Notice Letter for INSERT LOT, ADDRESS ETC. LEGAL DESCRIPTION ATTACHED

I hereby declare that I, *Insert name of person that mailed letter*, mailed a copy of the Town approved, enclosed public notice letter via U.S. First Class Mail, postage prepaid thereon on *Insert date* that letter was dropped in the mail, to the attached list of property owners. The public notice letter was prepared and mailed in accordance with the public noticing requirements of the Rico Land Use Code. The public notice letter was placed in the mail on *insert date of mailing* which was at least 20 days prior to the public hearing(s) to be held on *Insert dates of public hearing(s)*. The list of property owners includes all lot and condominium property owners located within 200 feet of the boundary of the existing or proposed lot(s). The adjacent property owner list was compiled from the Dolores County GIS Website or Assessors Office.

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

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

Sincerely


JOSEPH CROOK

Insert Printed Name
Insert Title

APR 25 10 00 00	CHAMBERLAIN LEAH FELICE	PO. BOX 151	1217	STAN	2177
4726401818	STACK VINCENT J. & HADELSON, SARAH E. (JT)	7630 MEADOWLARK LANE	NECO	CO	8139
4726402002	MULDOON CORNELIUS F. & BARBARA D. MULDOON (JT)(50%), (50%)(JT)	3418 REDSHIELD DR.	SALIDA	CO	8138
4726403002	ROBERTSON DYLAN I.	PO. BOX 87	MONTROSE	CO	8140
4726403007	ROBERTS MARIA G.	2900 S. PALO VERDE LANE, UNIT 18	NECO	CO	8133
4726403001	SMITH KIPLYNN I. TRUST DATED 8/12/06	P.O. BOX 152	YUMA	AZ	8136
4701100002	SAN JUAN NATIONAL FOREST	15 HERMITTS COURT	NECO	CO	8133
4726400518	DRS LLC	PO. BOX 8	DURANGO	CO	8130
4726402014	MILSTEAD JAY & MARY LOU MILSTEAD VOCABLE TRUST DATED 5/16/19	1420 SOUTH 6TH AVENUE	NECO	CO	8133
4726402010	CHAMBERLAIN LEAH FELICE	P.O. BOX 151	YUMA	AZ	8136
4726403007	BUTCHER JAMES W.	P.O. BOX 26	NECO	CO	8133
4726402008	ROBERTSON DYLAN J. & JESSE E. ROBERTSON (JT)	PO. BOX 87	NECO	CO	8133
4726402017	MC JOYNT KATHLEEN A. & JOSEPH V. CROCKE (JT)	P.O. BOX 8	NECO	CO	8138
4726402003	KENDRICK GARY	832 CROSSMEBERS DRIVE	NECO	TX	7610
4726402013	KACO TOWN CP	PO. BOX 9	FT. WORTH	CO	8133
4726403006	ANDERSON GREGORY E. & BENNETT, MONIQUE D. (JT)	PO. BOX 2171	NECO	CO	8143
4726404012	HILLMAN RABGAN	PO. BOX 87	NECO	CO	8133
4701E-11	SAN JUAN NATIONAL FOREST	15 BURNHITH COURT	DURANGO	CO	8131

July 15, 2024

SUMMARY OF ROAD VACATION APPLICATION

**A PORTION OF SODA STREET AND ALLEYWAY SEPARATING LOTS 21-30 AND LOTS 1-20
BLOCK 18, AND LOT 40 BLOCK 25 AND BLOCK 18 LOT 21**

APPLICANT: MCCROKE VENTURES LLC, KATHY MCJOYNT AND JOE CROKE

This application for road vacation is made in accordance with RLUC 484.5 and meets the standards for review set forth in RLUC 482 et seq.

RLUC 482.1: The road building and disturbance permit granted to Leah Chmielewski (lots 26-28, block 18) does not meet the design standards of RLUC 478, et seq. Wetland, flood plain and disturbance issues have not been met. To wit, the permit does not address the 90 degree intersection requirements (Soda St. and the alley in question), the requirements for Cul du Sac streets, and the impacts of the road building on the abutting property owners and the natural state of the neighborhood. (Disturbance Permit)

RLUC 482.2: The right of way in question (alley way, block 18) provides no public benefit for pedestrian, recreation, open space, or open space buffers. The requested vacation is a public benefit resulting in the town acquiring additional property (3000 square feet) adjacent to Lot 40, Block 25 presently owned by the Town. In addition, the Town will be relieved of maintenance, snow removal, grading and drainage issues associated with the roads proposed for vacation.

RLUC 482.3: The proposed vacation will provide for rights of way easements for future sewer, water service, electrical and fiber optic services.

RLUC 484 et seq: The application meets all requirements of this application for a right of way vacation.

CRS sec. 43-2-301 et seq: The application meets the statutory requirements of State Law.

ATTACHMENTS:

Vacation Plat

Legal Description

Alley Vacation and Post Vacation Property Configuration

Topographic map

Rico Town Plat

Relevant sections of the RLUC

Town Street Map

List of owners to be notified

Proposed Vacation Ordinance

NOTICE OF PENDING ROAD VACATION APPLICATION

Date: *8/14/24*

RE: Public Hearing on Road Vacation Application

Dear Property Owner,

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

Name of Applicant: *The Croke Ventures LLC, Joseph Croke, Kathleen McJoynt*
 Type of Development Application(s): *Road and right of way vacation application*
 Legal Description: *affected - previously split*
 Road Location and Intersection: Rico, Colorado
 Review Authority: Rico Planning Commission and Board of Trustees
 Rico Planning Commission Hearing Date: *9/11/24*
 Rico Board of Trustees Hearing Date: *10/16/24*
 Location of Public Hearing: Rico Town Hall, 2 Commercial Street, Rico Colorado, 81332

Send emailed comments addressed to the townmanager@ricocolorado.gov

Or by surface mail to:
 Chauncey McCarthy
 Town of Rico
 PO Box 9
 Rico Colorado, 81332

Sincerely,

Joseph Croke
Kathleen McJoynt
The Croke Ventures LLC.

JULY 22, 2024

Dear Property Owner;

The enclosed Notice of a Public Hearing for a Road Vacation Application concerns the alley which divides lots on Block 18 and 25. Block 25 contains 6 lots owned by the Town which are separated from lots in Block 18 by the 60' Soda Street extension. Vacation of this dead end roadway will result in the addition of 30' x 100' to the Town's holdings and relieve the Town of its maintenance obligations of the entire 60' ROW and add to snow storage in Winter months.

Vacation of the alley dividing Block 18 would relieve the Town of its obligation to maintain road and drainage conditions, provide utility easements on the vacated ROW property, and eliminate the need for disturbing existing conditions.

The proposed vacation does not deny the Town of a public benefit or access to developable Property. Rather, all affected owners will obtain an additional 8' x 25' , (200 square feet) for each lot owned and adjacent to the alley. As a further benefit to the neighborhood is the avoidance of the inevitable disturbance and realignment of existing roads (Soda and Hancock Streets) and the preservation of wetlands and old growth conifer and cottonwood trees in and adjacent to a floodplain.

In summary, the Application For Vacation meets all the standards of the RLUC Section 480 Et seq., and therefore warrants Town approval.

Thank you for your consideration and support.

**Joe Croke and Kathy McJoynt individually, and representing McCroke Ventures LLC
Soda**

⁴⁶
NOTE: BOUNDARY GRAPHICALLY SHOWN ACCORDING TO PLAT OF TOWN OF RICO REC. 110119, OCTOBER 10, 1978

SEE NOTE ABOVE

UNPLATTED RIVERSIDE LODE

DOLORES RIVER

UNPLATTED SMUGGLER LODE

UNPLATTED SHAMROCK LODE

UNPLATTED TRACT A RICO TOWNSITE

LOT 28

LOT 27

LOT 26

LOT 25

LOT 24

LOT 23

LOT 22

LOT 21

LOT 40

LOT 39

LOT 10

LOT 11

LOT 12

LOT 13

LOT 14

LOT 15

LOT 16

LOT 17

LOT 18

LOT 19

LOT 20

LOT 1

LOT 2

BLOCK 18 ALLEY

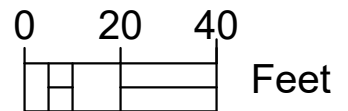
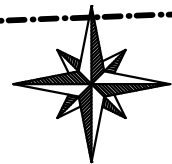
BLOCK 25 ALLEY

HANCOCK STREET

SODA STREET

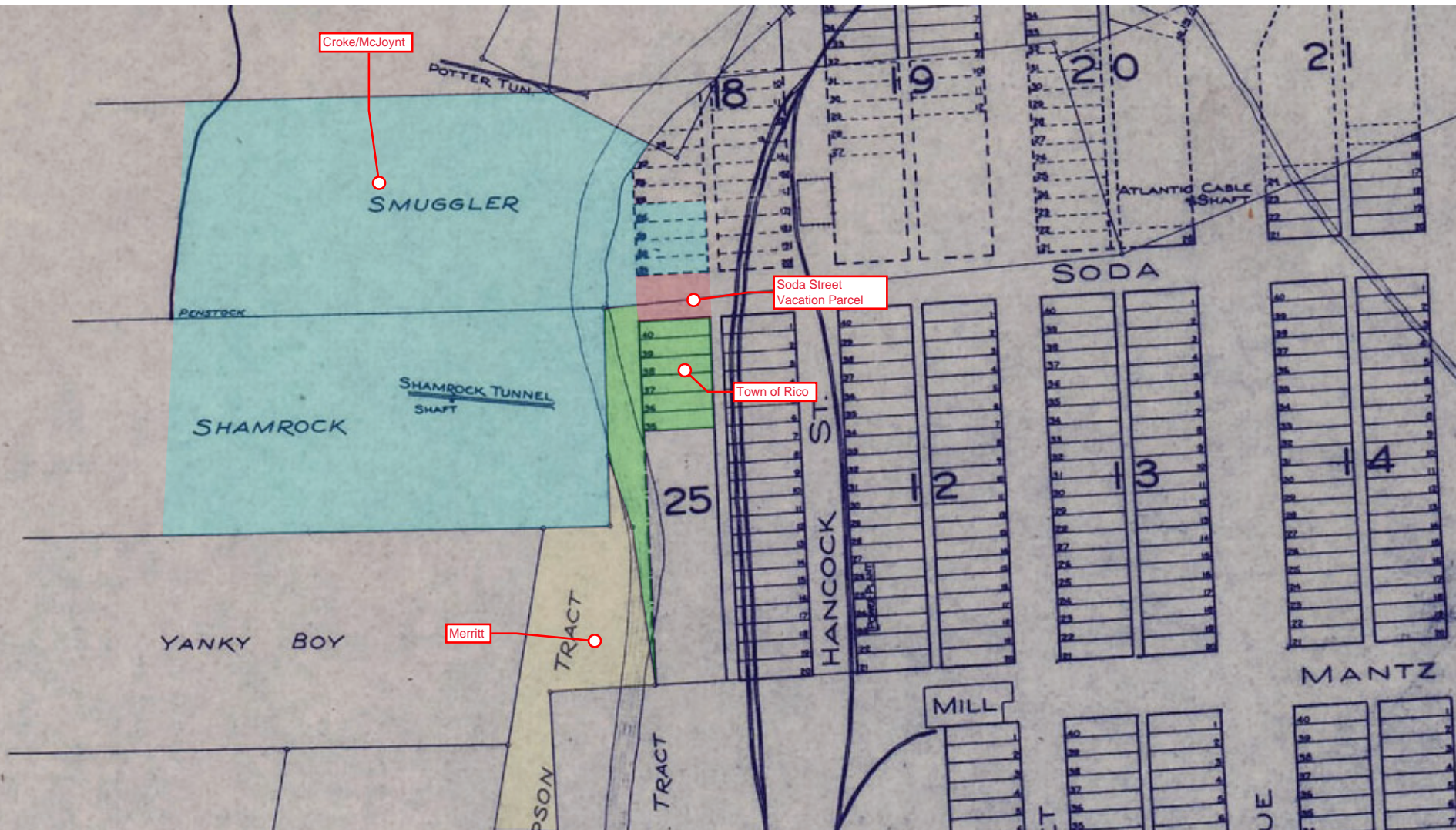
60.0'

16.0'



**ROW VACATION EXHIBIT
BLOCKS 18 AND 25, RICO
(THIS IS NOT A SURVEY)**

 **BULSON
SURVEYING**



**ROW VACATION
BLOCKS 18 AND 25, RICO**



166 Alexander Overlook
Telluride, CO 81436
telephone: 970-318-8887
www.bulsonsurveying.com

**ROW VACATION
Blocks 18 and 25, Town of Rico**

The 16' alley lying within Block 18, Town of Rico as the same is depicted on the official plat of the Town of Rico recorded in reception number 110119 on October 10, 1978 with the Clerk and Recorder of Dolores County, State of Colorado ("**BLOCK 18 ALLEY**")

TOGETHER WITH

That portion of the Soda Street Right of Way described as follows;

BEGINNING at the southeast corner of Lot 21, Block 18, Town of Rico according to the official plat of the Town of Rico recorded in reception number 110119 on October 10, 1978 with the Clerk and Recorder of Dolores County, State of Colorado;

Thence Southerly to the northeast corner of Lot 40, Block 25, Town of Rico according to the official plat of the Town of Rico recorded in reception number 110119 on October 10, 1978 with the Clerk and Recorder of Dolores County, State of Colorado;

Thence westerly along the northern boundary of said Lot 40 to the northwest corner of said Lot 40;

Thence northerly to the southwest corner of said Lot 21, Block 18, Town of Rico;

Thence easterly along the southern boundary of said Lot 21, to the southeast corner of said Lot 21, being the **POINT OF BEGINNING** ("**PORTION OF SODA STREET**")

ORDINANCE NUMBER _____**TOWN OF RICO****AN ORDINANCE VACATING AN EXTENTION OF SODA STREET
AND AN ALLEY SEPARATING BLOCK 18**

WHEREAS, the Rico Land Use Code Section 480 et seq. and CRS Section 43-2-301 authorizes the Town to vacate rights of way;

WHEREAS, the Board of Trustees finds that the portions of Soda St. and the alley dividing Block 18 to be vacated is not necessary for the future road improvements and reserves an easement for future utilities to serve developable adjacent properties;

WHEREAS, the Board finds the vacation will not deny rights of way access to any property;

WHEREAS, the Board of Trustees finds that the Town owns property adjacent to vacated property (Block 25, Lot 40) and;

WHEREAS, The Board of Trustees finds that the vacation will promote the health, safety and the general welfare of the Rico community;

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

SECTION 1: VACATION OF PORTIONS OF SODA STREET AND THE ALLEY DIVIDING BLOCK 18, The portions of said rights of way as described in the Road Vacation legal description, as set forth in the ROAD VACATION BLOCKS 18 AND 25, prepared by Bulson Surveying is hereby vacated.

SECTION 2: ZONING, The properties located in the surveyed area by this ordinance are included in the Residential Zone District.

SECTION 3: SAFETY CLAUSE, The passage of this ordinance is necessary for the preservation of the public health, safety, morals and welfare of the Town of Rico community.

SECTION 4: Following adoption, the Town clerk shall cause this ordinance to be published in full in the publication of legal notices, as selected by the Town, as required by Ordinances of the Town of Rico, Colorado.

SECTION 5: The town clerk shall cause a copy of this ordinance to be recorded with the Dolores County Clerk and Recorder after final adoption.

READ, APPROVED AND ADOPTED AFTER CONDUCTING A SECOND READING OF THE BOARD OF TRUSTEES, following a public hearing held on the ____ day of ____, 2024.

By : Nicole Pieterse, Mayor

Attest: Anna Wolf, Town Clerk

Approved as to Form: Town Attorney

TOPOGRAPHIC MAP OF LOTS 26, 27 AND 28, AND LOTS 29 AND 30, BLOCK 18,
TOWN OF RICO, SECTION 35, T40N, R11W, N.M.P.M., DOLORES COUNTY, COLORADO.

CONTOUR INTERVAL-1'
N

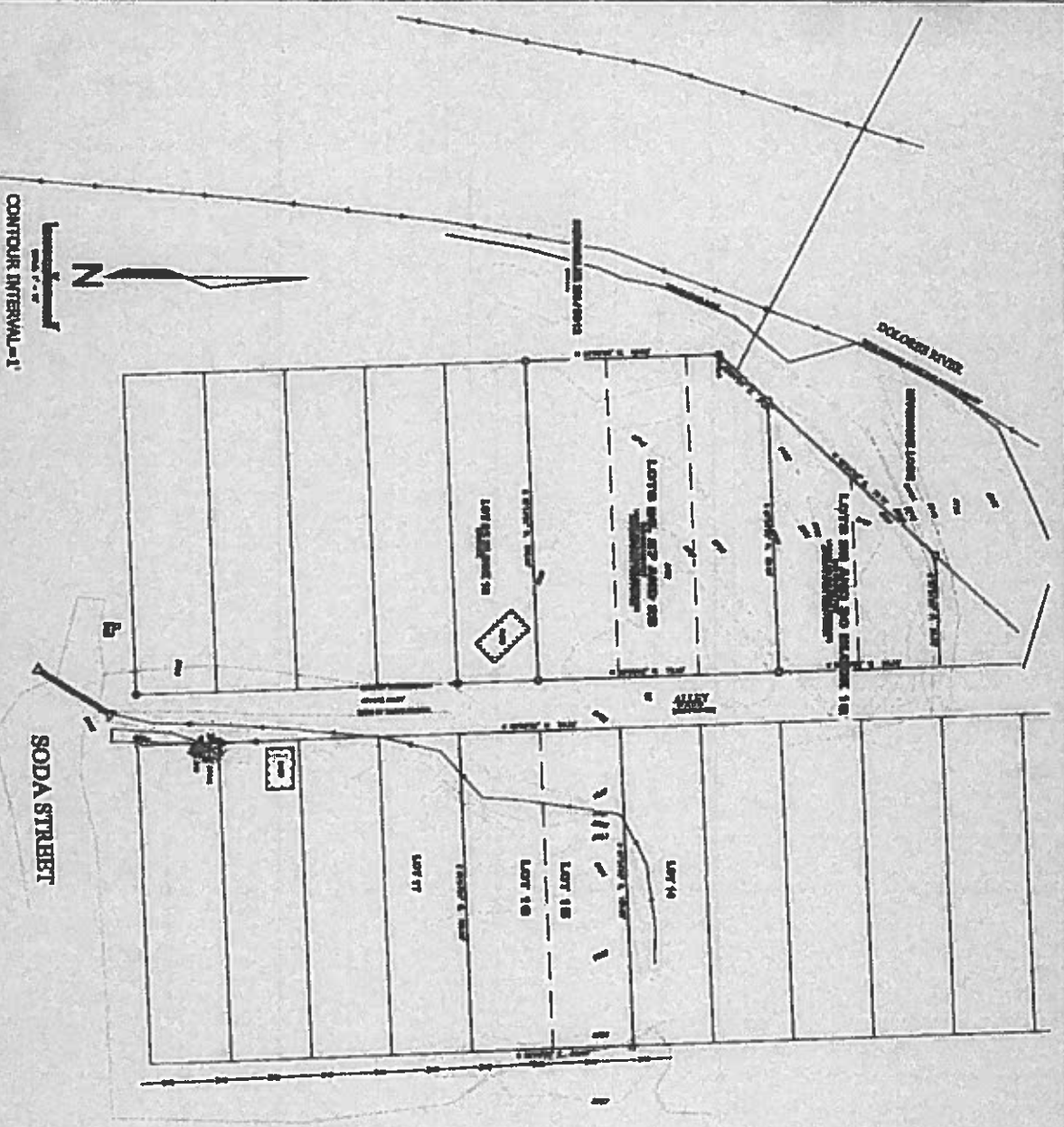
SODA STREET

HANCOCK STREET

21

ALL POINTS LAND SURVEY L.L.C.
PO BOX 754 OHRA, COLORADO 81435 (970) 709-8884

DATE	BY	SCALE



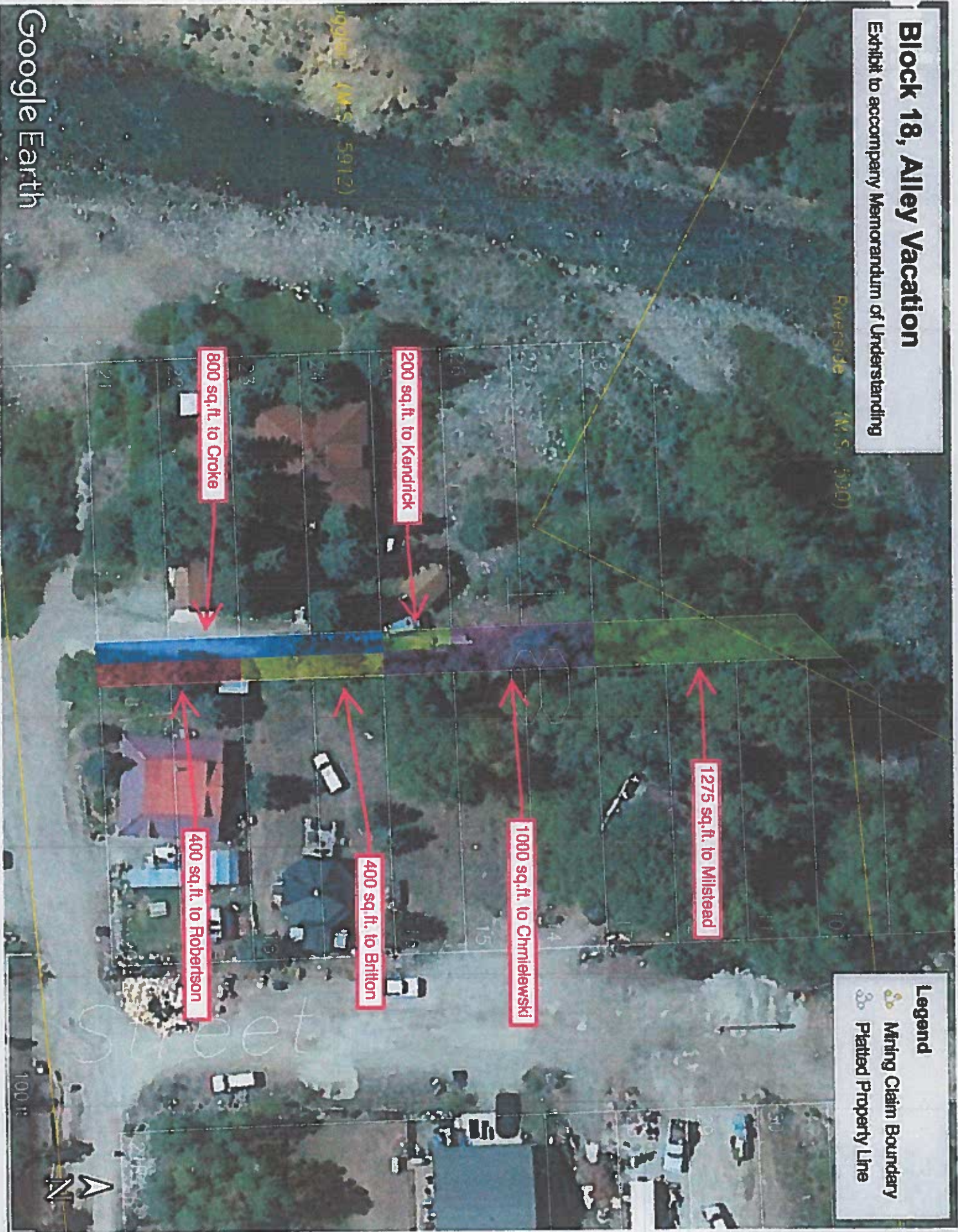
I, **[Signature]**
 Surveyor
 State of Colorado
 License No. **[Number]**
 do hereby certify that the above is a true and correct copy of the original map on file in my office.



ALL RIGHTS RESERVED
 NO PART OF THIS MAP
 MAY BE REPRODUCED OR
 TRANSMITTED IN ANY FORM
 OR BY ANY MEANS, ELECTRONIC
 OR MECHANICAL, INCLUDING
 PHOTOCOPYING, RECORDING, OR
 BY ANY INFORMATION STORAGE
 AND RETRIEVAL SYSTEM, WITHOUT
 PERMISSION IN WRITING FROM
 ALL POINTS LAND SURVEY L.L.C.

Block 18, Alley Vacation

Exhibit to accompany Memorandum of Understanding





Legend

- Mining Claim Boundary
- Platted Property Line

Post Alley Vacation Property Configuration

Block 18, Town of Rico

- Legend**
-  Adjusted Ownership Boundaries
 -  7.5' Access Easement



Chauncey McCarthy
Town Manager
Town of Rico
P.O. Box 9
Rico, Colorado 81332

Re: McCroke Ventures, LLC, Kathleen McJoynt, Joseph Croke, Road + ROW Vacation Request

Date: 08-26-24

Dear Mr. McCarthy, Town of Rico Planning Commission, and Rico Town Trustees:

As a co-owner of a single-family home located at 39 N. Hancock and being within 200' of the requested vacation, I request that the Town of Rico Planning Commission and The Rico Board of Trustees reject and deny this requested vacation. I have the following comments:

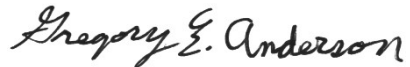
1. If the vacation of the alley was approved it would eliminate legal access to Lot 25, Block 18 (Kendrick property). Is it legal for the Town to approve a vacation that eliminates legal access to a private property owner? Even if this lot is not developable, per the current Land Use Codes, doesn't it still have a right to public access?
2. The lands to the North of the existing alley right-of-way will also have legal access eliminated. An existing legal access option to all the lots to the East will also have a legal access option eliminated. Is this acceptable per current Rico Land Use Code, Colorado Statue, fairness, and common sense?
3. Does the Town have documentation that it owns a portion of the unplatted Tract A Rico Townsite which might be possibly part of the old Thompson Tract per the Bulson Surveying exhibit included in the application? If this is Town of Rico Property, why would the Town vacate any portion of Soda Street which will limit future public connections to the river. As an owner in the area, I believe it is important that the Town of Rico obtain a clear understanding of the ownership in this area by having a boundary survey completed of this river front area. If Soda Street is not vacated and the Town owns the adjoining property why is it OK for a private owner to continue to utilize this property and block off public access? Please see the attached exhibits of the area in question.
4. The alley proposed to be vacated was approved for a Road Building Permit in March of 2024. How can the alley be vacated while there is an approved building permit? If the applicant believed that the Road Building and Disturbance Permit granted did not meet the design standards, why did they not attend the Rico Board of Trustee Meetings when it was being approved to express their concerns at that time? Isn't that when objections to an application are to be presented and not almost 5 months later.

5. Why would the Town of Rico trade existing right-of-way for utility easements when there is not a clear understanding of the existing or possible future utility locations in the alley or road right-of-ways? The Revised Preliminary Engineering Report, Town of Rico, Central Wastewater Collection & Treatment, Collection System drawing, dated 04-05-05, prepared by Basin Engineering, Inc., depicts a collection main in the alley that is being requested to be vacated. These right-of-ways should not be vacated until a central sewer is constructed as there may be a need at the time of construction for those right-of-ways. The submitted application states that utility easements will be provided but no exhibit or legal description provided depicting these proposed utility easements prepared by a Colorado licensed Land Survey is included in the application.
6. There is a 7.5' Access Easement proposed over the Milstead property. Is this for access for the Chmielewski property? Is this approved by the Milstead property owner? Did the applicant have a wetlands study to determine if this property is feasible for construction of a driveway. 7.5 feet is narrow for a driveway per the current Rico Land Use Code. Why would the owner of property on both sides of the alley want to utilize part of the existing property for access when currently there is access by the provided by the platted alley?
7. Why aren't the other adjoining property owners part of this application? Are these adjoining property owners in favor of these vacations?
8. There is currently a public benefit provided by both existing right-of-ways, as they allow the public to locations where they can see the river and creek, plus possibly access to property adjoining the river that may be owned by the Town. By vacating the alley and the street the public will no longer be able to enjoy either of these natural water ways, which in my opinion is a great loss to the citizens of Town of Rico.
9. Currently the Town can utilize the ends of Soda Street and the Alley as snow storage while maintaining access to the existing and proposed homes. This application should be denied if only for maintaining these snow storage areas.
10. Until the town has a clear understanding of the proposed drainage improvements being discussed it isn't in the Public's interest to vacate the Soda Street right-of-way. This right-of-way could possibly be utilized to access a Town pocket park and/or drainage improvements on the lots it currently owns and possibly the property as discussed above in item 3 above.
11. Per a discussion with a Board Member of Colorado State Board of Licensure for Architects, Professional Engineers, and Professional Land Surveyors, Colorado Department of Regulatory Agencies, Division of Professions and Occupations the legal description that is provided is not considered valid until it is sealed by a Colorado Licensed Land Surveyor. Why was the legal description that was provided to the Town as part of this application not sealed by a Colorado Licensed Land Survey working with Bulson Surveying?

12. I request that the Town require the applicant to provide a legal boundary survey, prepared a Colorado licensed Land Surveyor, of this area with final replated lots and easements representing final ownership of both right-of-ways and adjoining properties to clear up all property line and easement questions.

Due to the reasons and questions listed above I request that the Town reject and deny this right-of-way vacation request. Due to the unknown nature of a future sanitary sewer system and drainage improvements, I request the Town not vacate any right-of-ways now or in the near future that may be requested anywhere in the Town of Rico.

Respectfully,

A handwritten signature in cursive script that reads "Gregory E. Anderson".

Gregory E. Anderson

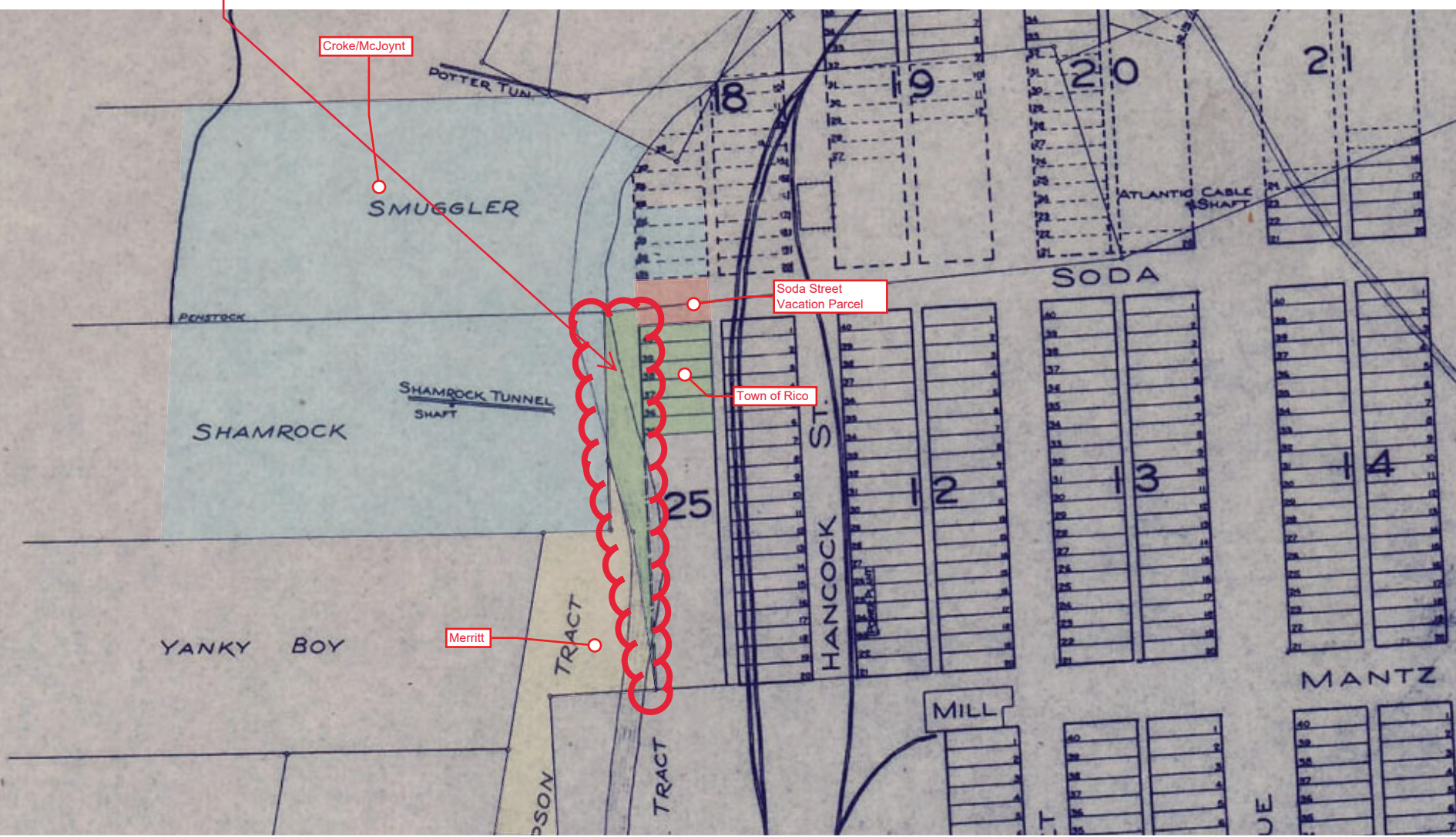
Co-owner Lots 1 and 2, Block 25
(39 N. Hancock)

Encl:

Rico Exhibit

1977/1979 Rico Plat

Area in question
about Town of Rico
Owership



Recorded at 2:00 o'clock P.M. Sept 13, 1929

Reception No. 112506 Book 2 Page 8

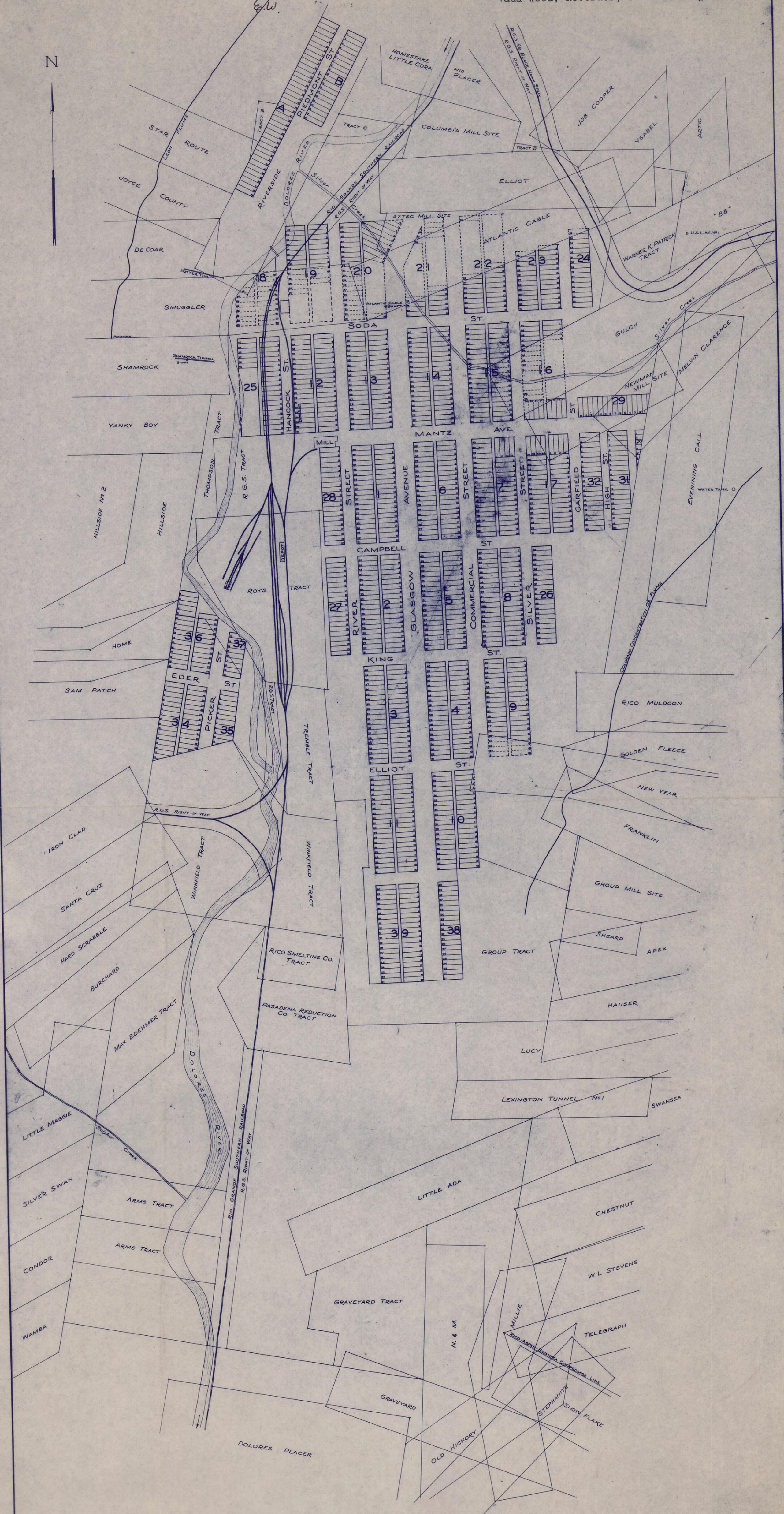
Vada Wood, Recorder, Dolores Co., Colorado.

INDEXED

Recorded at 2:30 o'clock P.M. Dec. 6, 1927

Reception No. 108227 Book 174 Page 253

Vada Wood, Recorder, Dolores Co., Colorado.



MAP OF THE
TOWN OF RICO
 DOLORES COUNTY
 COLORADO

SCALE: 1 IN. = 400 FT.



McCroke Ventures Land Vacation Request

1 message

Molly Crowe <molly.crowe2@gmail.com>
To: townmanager@ricocolorado.gov

Hi there! Below I have included my response as well as concerns regarding the McCroke Ventures Land Vacation Request.

8/8/24

Upon reading through "Road and ROW Vacation Request" by applicant "McCroke Ventures LLC, Kathleen McJoynt, Joseph Croke," I see no impact besides resident, I find the request to be boldly screaming of one household attempting to seize both land and power in a manner which benefits no other entity. The vacation approval are inaccurate. It is additionally nearly fictional to believe that the applicant values town land when they have blocked public use of this land. At the end of Soda street, they are met with a chain barrier which was not approved by the town, and does nothing but prevent our residents and our visitors from

Reaching further than violating town standards and the according formalities, this request is threatening to the very culture which makes Rico a community effort to request a vacation until another Rico resident began planning the development of lots nearby. Considering the timing of this request, and its basic seize opportunity from other residents as well as their endeavors. As a young adult who jumped directly into the deep end of the Rico community, I can say resident of our town holds an incredible value of what Rico is, and what it could be. If approved, this request would slaughter the potential of multiple future applicants.

Sincerely,
Molly Crowe

Chauncey McCarthy
Town Manager
Town of Rico
PO Box 9
Rico, CO 81332

Re: McCroke Ventures, LLC, Kathleen McJoynt, Joseph Croke Road and ROW
Vacation Request

Dear Mr. McCarthy and to Whom it May Concern,

As an owner of property within 200 feet of the "Road and ROW Vacation Request" by applicant "McCroke Ventures LLC, Kathleen McJoynt, Joseph Croke" and as a town of Rico citizen, I request the town to reject the application. The vacation request clearly does not meet the vacation standards outlined in Section 480 of the Rico Land Use Code, and would result in ultimate detriment to the public.

The proposed ordinance denies rights of way access to my property on the west side of the alley. It also denies access to Kendrick's property. The alley is the only public right of way that allows access to these properties.

The town just approved a road building permit for roadwork improvements of both the Soda Street and alley rights of way, area which the applicant is requesting to vacate. Thousands of dollars have already been spent in the approval process, which completed October 2023 - March 2024. The vacation applicants had six months during the road building approval process to address concerns - the road building permit was approved. It seems a waste of town resources to even consider such an application in direct conflict with recent town approvals and while an active permit exists. The vacation application appears to be a last ditch attempt by the applicants to seize control of town land and prevent neighbors' access to property. Note also that the area proposed includes both already developed right of way area in both Soda street and the alley, as well undeveloped area currently used by pedestrians, as well as area recently approved for improvement in order to provide access to lots.

Additionally, I would like to point out that the below standards required for vacation of Town property are not met:

482.1. STANDARD NOT MET. The topography of the public right-of-way does allow road building to meet the design standards in 478. The topography of the alley ROW is only approximately 1-4% grade. Part of the SODA street ROW in the proposal has already been developed and is used for parking, snow storage, vehicular turn around at the dead end, and access to the alley. ROW improvements also already exist in the alley ROW, which is used by the town for snow storage and provides access to utilities. Additionally, the town has already approved additional ROW improvements in the alley and Soda street in March 2024, which provides access to multiple private properties as well as creates more snow storage for the town. Approval of this ROW vacation request

would also violate the Town's recent approval and issuance of active road building permit for road improvement in the both alley and Soda street.

The claims by McJoynt and Croke that road building permit standards have not been met are false - the road building permit for improvements was approved by the town. Applicants Kathy McJoynt and Joe Croke had every opportunity to address any concerns with the road building permit application during the 6 month long road building permit application process. These new and false claims appear to be another instance of Croke and McJoynt attempting to create costly delays and in circumventing town processes.

482.2 STANDARD NOT MET. The public right of way provides public benefit to include pedestrian access, recreational access, and off-street parking. The existing area proposed to be vacated in the application provides public benefit that would be lost if vacated. Cars use the existing ROW in Soda street to both turn around and as off-street parking within the platted ROW. The area proposed in both ROWs to be vacated is also used for public benefit such as snow storage. Pedestrians use the ROWs as well. I and companions regularly walk as pedestrians along the ROW. The applicants use it as well. The Soda Street area in question is also historically used by the public to access the river - it is only due to the McCroke installment of a chain across the ROW without Town approval that the entire extent of the public area is of late less frequented by pedestrians than before. The Soda street area also provides direct access to the alley, to include the drainage/culvert diagonally across Soda street from the alley that already exists and is required for access to property owners along the alley. I depend on the public ROWs in question to access my personal property. Town approval to make further improvements in these ROWs was recently granted. These ROWs are the only access to my property on the west side of the alley and my direct neighbor's, Kendrick. Imagine if someone made a request to remove the only access to your property - and my property would not be the only lots affected.

The proposed vacation would also put the town in legal liability by dissolving sole legal access to private property owners along the west side of the alley, which is a violation of Colorado statutes (C.R.S.).

If the town approves the vacation request, it would make my west alley lots unaccessible and therefore not developable, devaluing my property to practically zero.

The proposed 7.5ft access easement on the Milstead property does not address the devaluation of west side alley properties, AND the proposed access easement goes through wetlands, with no plans to address a wetlands disturbance or permit.

I recommend the town receive legal counsel on implications of approving the vacation request and denying property owners legal access. I believe it would also be helpful for the town to officially survey its land and river access along and adjacent to Soda Street, so as to more accurately be able to assess additional public benefit potential.

482.3 STANDARD NOT MET. Sufficient easements are not retained or provided. Utility Lines are in the process of being installed and updated in the area in accordance with ROW development plans approved by the town in March 2024. There is not a clearly defined utility easement plan by the ROW vacation applicants.

484. The application does not meet the minimum requirements for vacation of Right-of-Way. In addition to the standards not being met, the lots and areas depicted in the application are falsely portrayed and allocated. I have deeds to lots 29-32, the area which the applicants falsely mark as "unplatted Riverside Lode" - their claim does not match the 110119 plat and they omit the actual plat in their application, using the false depiction instead. The application then goes on to dedicate the entirety of the town platted alley north of lot 28 to property owners on the west side of the alley, instead of splitting it down the middle, in conflict with the RLUC. The depiction of ROW vacation among property owners in the alley area does not meet the RLUC 484. Lots north of lot 28 are on the Rico Town Plat - see attached plat 110119.

The applicants do not meet statutory requirements of State Law - the applicants' plans would put the town in legal liability by denying legal access to personal property owners.

With regards to the Soda Street portion of the request, there is also no public benefit to the vacation, but rather a public detriment, if approved.

The applicant falsely claims that vacation of the west end of Soda Street would result in an addition to town holdings of 30' x 100', when in fact the town already owns that land as part of its Soda street ROW.

In fact, the town would lose 30'x100' by giving half of the Soda Street public ROW away to McCroke Ventures, if approved. The town would only retain 30'x100' of the 60'x100' in question, because the town owns adjacent property to the Soda ROW. The town already has current purview over the entire 60' x100' in question. This is a net loss for the town. Additionally, were the town ever to sell the adjacent property, there would be no snow storage at the west end of soda street. Even if the town retains the adjacent property, the town would lose current snow storage. Currently, undeveloped Soda Street ROW is used by the town for snow storage. The area is also identified in snow storage plans of the ROW improvement plans recently approved with the granted road building permit.

There is no addition of snow storage with this proposal, but rather a significant LOSS of snow storage if approved.

Additionally, as many know, there has been historical contention among the applicants and neighbors over parking in the area. The proposal would essentially seize off-street parking within the platted ROW for personal use for the ROW vacation applicants. I am concerned the town would be setting a precedence for residents to claim public off-street parking within ROWs for personal property.

If approved, the town would be setting a precedence to encourage private seizure of town land, as in this case, McJoynt and McCroke have placed chains across the town right of way, without town approval, at the west end of soda street in attempt to prevent other citizens from using and accessing the ROW. They have historically made false claims that the public property is theirs, and when that didn't work they are asking the town to give it to them through this vacation request. The town needs to stand up for what is right - the town needs to keep the land to continue to provide the public access and for snow storage, parking, and the newly granted road building permit.

Relinquishing the land limits the towns ability to adapt to future changes and impairs current operations. The McCroke behaviors and practices, such as blocking public ROWs with chains and vehicles, highlight the need for a town ordinance addressing ROW obstruction and emergency vehicle access. Can Croke/McJoynt finally legally be held responsible for their violations of town Ordinance 275 and Ordinance 315 that were made when they illegally made improvements in the Soda Street and alley ROWs? Can they be held responsible for their trash and obstructions in the ROWs?

Beyond the notable amount of town property at risk in the tens of thousands of dollars range, approval would set a precedence for citizen financial loss. I personally have invested over \$30,000 in prep work for the town, in addition to the cost of my properties, without yet having broken any ground for lot or ROW improvements.

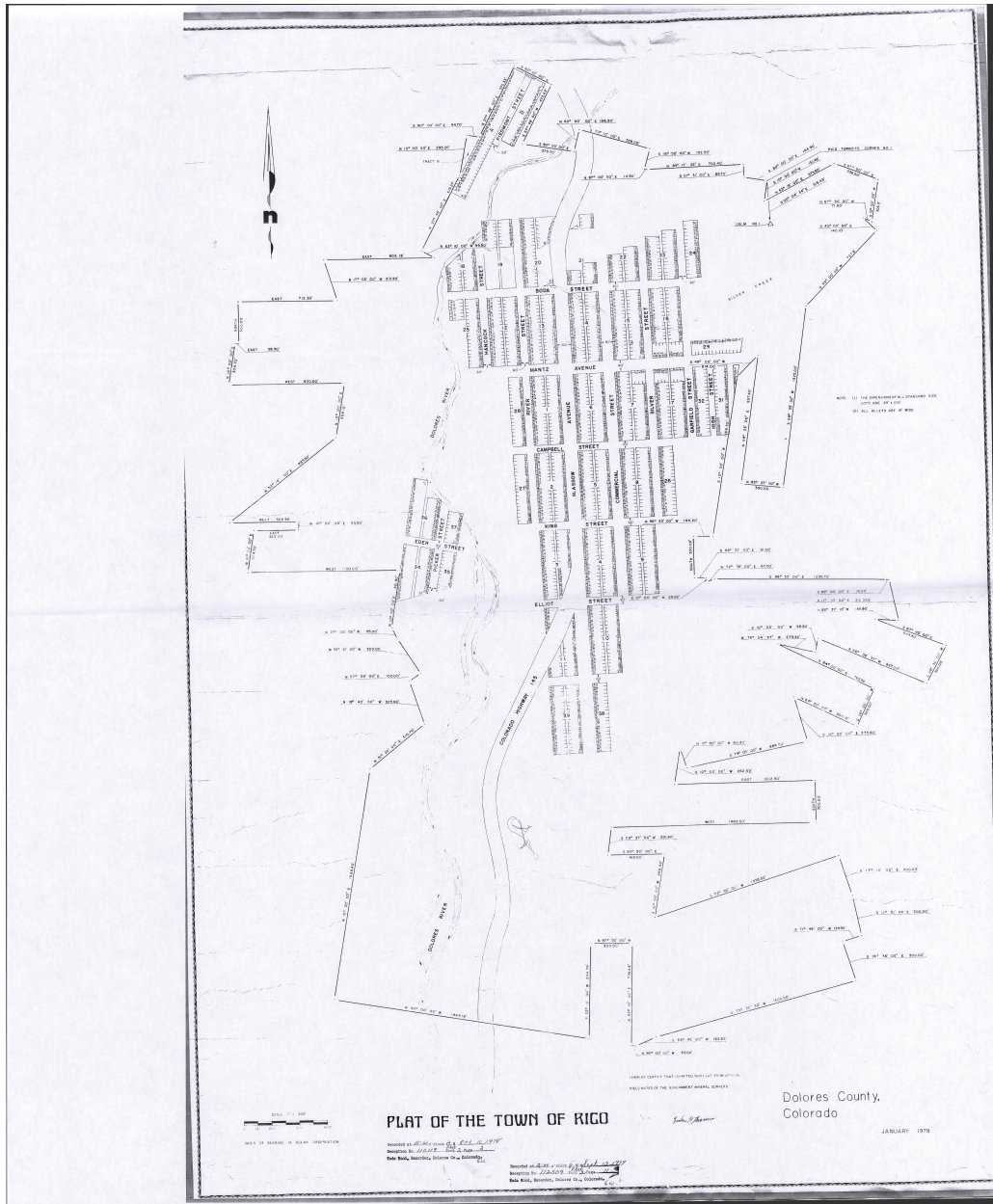
Instead of the town ceding land to McCroke Ventures, the town could instead consider dedicating the part of the Soda Street ROW that is not in approved plans or current use for snow storage for the town as an open space buffer lot between developable lots (McCroke and town owned lots), with the town maintaining ownership of the entire area (Town lot and McCroke lot are developable lots both adjacent to existing west end portion of Soda ROW that is not yet developed). This idea protects current ROW development and recently approved ROW development, and could provide additional public benefit.

The McCroke ROW vacation request, if approved, is detrimental for residents, visitors, and the town in general. I request the McCroke ROW vacation application be denied.

Sincerely,

A handwritten signature in black ink, appearing to read 'Leah Chmielewski', written in a cursive style.

Leah Chmielewski
22 August 2024





Chauncey McCarthy <townmanager@ricocolorado.gov>

ROW vacation application Block 18

Thomas Clark <allpointslandsurvey@gmail.com>
To: Chauncey <townmanager@ricocolorado.gov>

Thu, Aug 22, 2024 at 11:31 AM

Hi Chauncey,

I noticed that there is an application to vacate the alley in Block 18 and the end of Soda Street.

I do not see any reason that this would be any benefit to the Town of Rico. The plated streets and alleys have been public Right of Ways for over 100 years; it is not clear why this would need to change at this point. This is going to create properties with no access and I think that may be the point of the application. Approval of this application is likely to trigger legal action against the town. I strongly encourage the Board to reject this application.

Thank you for your consideration in this matter.

Tom Clark

--

Thomas A Clark
All Points Land Survey, LLC

LICENSE NOTICE

Electronic horizontal, vertical control information, reports, calculations, specifications, and/or other items attached may be used exclusively by the party designated, to be used for information purposes only. By opening the included file(s), the user agrees: that the data may not be transferred to any other party; that this electronic information may not necessarily represent the information shown on the recorded or approved document; and that the user is responsible for verifying the information contained within the electronic data against the recorded or approved document.

By opening this file(s), you agree to the terms of this license

As a homeowner and resident of lot 19,20 on block 18 of Rico Colorado for over thirty five years I find the proposal brought forth by McCroke Ventures LLC for a road vacation to be rather odd. It is not as simplistic as proposed, due to the assumed land I would be granted would be a ditch that was in part installed by the applicants for this road vacation proposal. This ditch is engineered to divert groundwater/surface water flows away from the property of the applicants. Being how the applicants installed this ditch and the ditch is to prevent potential risk of damage for the applicants property, how would I assume to take that over as my land? Would I then be responsible if this ditch failed and the applicant's property flooded? Would the applicants have to install a new ditch? What if I wanted to use that land how I see fit, perhaps planting trees or installing a new fence that could potentially make a narrow space rendering parking a car in the applicant's garage nearly impossible, how does that apply in this equation? What about emergency vehicles and access for the neighborhood? If the proposal is granted, suddenly my neighbors north of me would lose an access route to their property. Due to the history of the town snow plowing the alley of block 18 for decades, at the towns expense, at our expense as a community through tax revenue, I do not see why the alley cannot just remain as is.



Chauncey McCarthy <townmanager@ricocolorado.gov>

Re: McCroke V2

1 message

ellease@proton.me <ellease@proton.me>

Tue, Sep 10, 2024 at 10:25 AM

To: Chauncey McCarthy <townmanager@ricocolorado.gov>

Hi Chauncey,

Please include these comments in the P&Z and Board of Trustees meeting packets regarding the pending road vacation for Blocks 18 and 25 submitted by McCroke Ventures (Kathleen and Joseph Croke).

As a noticed neighbor within 200 feet of this proposed road vacation application, I request that P&Z and the Board of Trustees reject this request unanimously for the following reasons:

- Existing permits issued to Chmielewski for alley realignment and extension to access buildable platted residential lots and associated needs for snow storage at the end of Soda St - both locations where this road vacation is requested. This agenda item should be unanimously rejected with no further discussion unless the town is considering revoking already issued permissions to Chmielewski which took a lot of time and energy from both the applicant and P&Z/Board of Trustees in addition to thousands of dollars from Chmielewski.
- McCroke's application inaccurately claims that the Town of Rico will be gaining an additional 30' x 100' area of land that the town does not already own but that is incorrect as the town already owns the entire 60' x 100' of the Soda St ROW and this application is actually requesting that 30' x 100' of said ROW be gifted to McCroke leaving the town with only 50% of the ROW currently in the town's possession. I would argue that this application does not benefit the general public, the neighborhood or the town and instead only stands to benefit the applicant by gaining 30' x 100' of the Soda St ROW for their own private uses (presumably for personal parking needs for McCroke's residence and access to the Smuggler/Shamrock mining tracts also owned by McCroke's) and prevents Kendrick and/or Chmielewski from building a single family residence with drivable access on the west half of block 25. This would result in McCroke's single family residence being the only house on the west half of block 25 indefinitely which would surely be nice and private for McCroke's but is not reasonable or fair to the other property owners on that block who also have the right to build single family residences.
- The application requests the removal of any legal drivable access to Kendrick's platted single residential lot which would remove the ability to develop as a single family residence which could be challenging as a single lot with the septic requirements but is not impossible particularly with a tiny house and pressurized one bedroom leach field system. In addition, this request to vacate the alley also removes

68

reasonable drivable access to Chmielewski's lots between the alley and the river. This application also reduces potential legal drivable access from two streets to only one street for Milstead's lots, Chmielewski's Hancock St lots and Britton's lots which is not ideal from an emergency/fire rescue response perspective. The town does not need an easement for utilities down this alley as they already own the 16' alley ROW and can install utilities there already, in fact there is already a water main in this alley that provides water to McCroke's house.

- Additional single family residences built on existing platted residential lots provide greater benefit to the town and community than a slight reduction of snow removal responsibilities. It seems impractical and unnecessary to reduce the number of drivable access residential lots in a town of this size which this application would accomplish with removing drivable access to Kendricks and Chmielewski's alley only accessed lots.

Thank you,

Raegan Ellease

[135 W Soda St](#)
[Rico, CO. 81332](#)

Sent with [Proton Mail](#) secure email.

On Wednesday, September 4th, 2024 at 2:06 PM, Chauncey McCarthy <townmanager@ricocolorado.gov> wrote:

Yes, very similar. Please see the attached application.

On Wed, Sep 4, 2024 at 12:14 PM <ellease@proton.me> wrote:

Hi Chauncey,

Is V2 McCroke Road Vacation essentially the same as V1?

Thanks,
Raegan

Sent with [Proton Mail](#) secure email.

--

Chauncey McCarthy
Town Manager - Rico Colorado
O: 970-967-2863

September 10, 2024

Chauncey McCarthy
Town Manager
Town of Rico
PO Box 9
Rico, CO 81332

Re: McCroke Ventures, LLC, Kathleen McJoynt, Joseph Croke, Road and ROW Vacation Request

Dear Mr. McCarthy:

I'm just wondering how many times these people need to hear NO and how many times they get to resubmit this request?

Thank you for your consideration,

A handwritten signature in cursive script that reads "Susan Gerstenkorn".

Susan Gerstenkorn

Sept. 10, 2024
August 8, 2024

Chauncey McCarthy
Town Manager
Town of Rico
PO Box 9
Rico, CO 81332

Re: McCroke Ventures, LLC, Kathleen McJoynt, Joseph Croke, Road and ROW Vacation Request

Dear Mr. McCarthy:

I live at 131 N Hancock, (Blk.18, Lots 19 and 20) in the town of Rico, Colorado. I have lived at this location for over forty years. I was living there when Joe and Kathy purchased their property and started building their home. I watched as they literally ripped the willows and wetland plants right out of the ground. So, believe me when I say Joe and Kathy had no regard to the wetlands then as they seem to have now. They followed no EPA guidelines at all that I am aware of. I think at that time, the town did not have much in place for our wetlands. So, they basically did what they wanted to do and got away with it.

I believe I am correct in saying that Joe and Kathy put in the road that is there now in what is being called Block 18 alley. I'm sorry that it was not done correctly in the first place. It just seems that had they gone a few more feet to the west with their driveway, we would not be talking about all of this again. But they did not. So here we go again.

I understand that Joe and Kathy do not want traffic going in front of their house. But it is alright for them to drive between my place of residence and the Anderson's residence **many** times a day. I am not exaggerating that between the two residents (Joe and Kathy) and their company, they sometimes drive by 10 to 20 times a day.

My family and I are not interested in gaining 8' of more property. Especially with the liability that could go with it. What we would gain is a ditch that fills up with water in early summer when the ground warms up enough. This ditch protects property owners, such as ourselves and Jim Britton, from their land becoming thoroughly saturated. We would gain a huge liability if water would travel to Joe and Kathy's property from ours. No, do not even want to go there.

I know things will change and look different and I will admit I do not do well with change. I will be sad to see the old growth of trees get cut down, but I am totally in favor of seeing things done right and Leah and Mr. Kendrick having access to there property. The property owners that this would affect the most will just have to watch the change and deal with it. But it will be done correctly and we can move on.

There has been an issue with parking for a while with the alley towards Block 25. Seems where we were told that we could not park, Joe and Kathy's guests or hired help park there frequently.

I will be happy to see the double standards stopped. A "No Parking" sign may help. I would also appreciate it if the town could tell Joe and Kathy to take down their signage blocking Soda Street. They have used saw horses, dog ties, chain and different hanging things to block Soda Street to the west. They hang Keep Out signs, Private Property signs blocking a public road. I have gone to three different town managers only to have my feelings fall on deaf ears. No one cared what happening in my neck of the woods. I have been blocked from the river right behind my house for years before Joe and Kathy purchased their property by the river. Now I do not have the right to cross on their land. But I and many others were kept from enjoying the river at all because they want their private haven and wanted no others down there except who they say can cross that invisible line they came up with.

I would also like to entertain the thought that Lot 25, Block 18 has a garage/shed building that Joe and Kathy built on Mr. Kendrick's property. I would like to see a letter or something stating that Mr. Kendrick gave them permission to build the building on his property. I'm wondering if he even knows that the building exists. If the vacation is approved, Mr. Kendrick would be land locked with no access to his property. Does not seem right, does it?

It just seems there is a lot going on down by me that I admit I do not fully understand and I'm sure I have not covered all of what I am thinking and wondering about. But I do know right from wrong and the vacation proposal is just plain wrong. Joe and Kathy seem to not care about who they step on to get what they want. Afterall, there was a Road Building Permit issued and now we're back saying **NO** again. I am asking the Town of Rico to do the right thing. I am asking the Town of Rico Planning Commission and The Rico Board of Trustees to deny this requested vacation.

Thank you for your consideration,



Susan Gerstenkorn

What is the Rico Townsite Soils VCUP?

Colorado created the VOLUNTARY CLEANUP AND REDEVELOPMENT PROGRAM (VCUP) in 1994 to facilitate the cleanup and redevelopment of contaminated properties. The Colorado Department of Public Health & Environment (CDPHE) has overseen over 1,500 VCUP projects throughout Colorado since the program's inception in 1994. It is a very common way to manage contamination in Colorado.

The Rico Townsite Soils VCUP (Rico VCUP) will continue to protect public health and the environment by reducing exposure to lead soils. As with other VCUPs, CDPHE will oversee the Rico VCUP. The Rico VCUP will provide public health benefits while minimizing disruption.

How will the Town benefit from the Rico VCUP?

Under the Rico VCUP, Atlantic Richfield (AR) will conduct soil sampling and analysis; remediate developed lots with elevated lead levels; provide funding, technical assistance, and materials for Town residents to remediate property at the time future development occurs and maintain remediated lots; provide access to a repository for disposal of lead-contaminated soil; and pay for remediation of Town roads with elevated lead levels and associated stormwater diversion.

How will the Rico VCUP affect me?

As part of the Rico VCUP, the Town will incorporate Soil Management Regulations (also called the Overlay Zone Regulations) into its Land Use Code that will apply to property owners digging or excavating 1 cubic yard or more of soil on their property. AR will reimburse the additional costs property owners incur to comply with these regulations. Reimbursement amounts will be determined prior to the start of the program and are referred to as "incremental costs." If your property requires cleanup under the VCUP, when the cleanup work is finished, you will receive a no further action (NFA) determination from CDPHE confirming that no additional remediation is needed to protect human health and the environment.

What are the details of the Rico VCUP?

The Rico VCUP will proceed in three phases. In Phase I, AR will conduct soil sampling and analysis at previously unsampled properties. AR will remediate all developed properties where Phase I or other prior testing confirms that lead concentrations exceed the CDPHE-approved lead action level. AR will also work with property owners and the Town to obtain NFAs from CDPHE for remediated properties. If property owners refuse access to AR, those properties will not be sampled or remediated during this phase. Phase I will also include remediation of

road segments that contain elevated levels of lead and construction of drainage features needed to manage stormwater flows from, and upgradient of, remediated road segments. The lead action level (761 mg lead/kg soil) for road segments will be the same as the lead action level used for residential and commercial properties in Town.

Phase II will start at the same time as Phase I. In Phase II, an AR contractor will help property owners comply with the Soil Management Regulations during initial development of un-remediated properties and soil-disturbing activities on developed properties (remediated and un-remediated). Phase II will continue for 3 years after completion of Phase I or until 15 previously undeveloped properties are remediated, whichever is later.

In Phase III, the Town will oversee the contractor helping property owners comply with the Soil Management Regulations, with continued funding provided by AR.

Throughout the VCUP, AR will provide: access to a repository for disposal of soil with lead concentrations exceeding the action level; assistance and materials (including clean soil) for compliance with the Soil Management Regulations; and payment of incremental costs incurred to comply with the Rico VCUP, which has no end date.

What does the Rico VCUP mean for me?

As part of the Rico Townsite Soils Voluntary Cleanup and Redevelopment Program (Rico VCUP), the Town will adopt Soil Management Regulations (also called the Overlay Zone Regulations) that require certain steps when excavating 1 cubic yard or more of soil. Technical assistance, materials, and reimbursement will be provided by Atlantic Richfield (AR). These regulations are a key part of the Rico VCUP, because they will ensure that remediated property stays clean.

Will the Soil Management Regulations apply to me?

The Soil Management Regulations will be part of the Rico Land Use Code and will apply to everyone in Town digging or excavating 1 cubic yard or more of soil. There are exceptions for activities such as installation of fences and porches, soil testing for new septic tanks, emergency situations, such as broken water lines, and developments on properties where prior testing confirmed that lead concentrations are below the action level.

Will I be reimbursed for the extra costs of complying with the Soil Management Regulations?

Yes, AR will provide funding to the Town to reimburse Rico property owners for the costs of complying with these regulations. Reimbursement will be determined according to a set schedule, that adjusts for inflation, and will generally be a set dollar amount per cubic yard of soil. This will keep reimbursement equitable and simple to calculate.

What will the Soil Management Regulations require?

Property owners and developers will have to obtain a permit per the Rico Soils Management Program (which will be created as part of the Rico VCUP) before any digging or excavation activity that will disturb 1 cubic yard or more of soil.

If the property was not previously remediated, and soil sampling data shows lead levels below the lead action level (as approved by the Colorado Department of Public Health & Environment (CDPHE)), the property owner will receive a confirmation from the Rico Soils Management Program that no remediation is required and no permit application needs to be submitted. If soil sampling data shows lead levels above the lead action level, the property owner will need to remove the top 12 inches of soil and transport it to AR's lead soil repository north of Town. A fabric marker and 12 inches of clean soil will be placed in the excavation area that remains exposed once developed. *State and federal agencies have determined that a 12-inch layer of clean soil provides adequate protection from lead left in soils below that depth.* The Rico Soils Management Program (funded by AR) will provide these materials and technical assistance.

If the property was previously remediated and already has a fabric marker and 12 inches of clean soil, the property owner/developer may (1) dig or excavate within the clean soil layer and not

disturb the fabric marker; or (2) remove and stockpile the clean soil layer, conduct the digging or excavation, and replace the fabric marker and the stockpiled soil.

Disposal of soil at the repository will be limited to soil (excluding large rocks and other debris) that cannot be returned to an excavation and that contains lead concentrations exceeding the lead action level. However, excavated soil less than 3 cubic yards in volume and soil removed to make space for the 12-inch clean soil layer may also be disposed of at the repository.

What if I do not have any plans to excavate any soil at my property where I currently live? Will the lead soil be remediated if it exceeds the action levels?

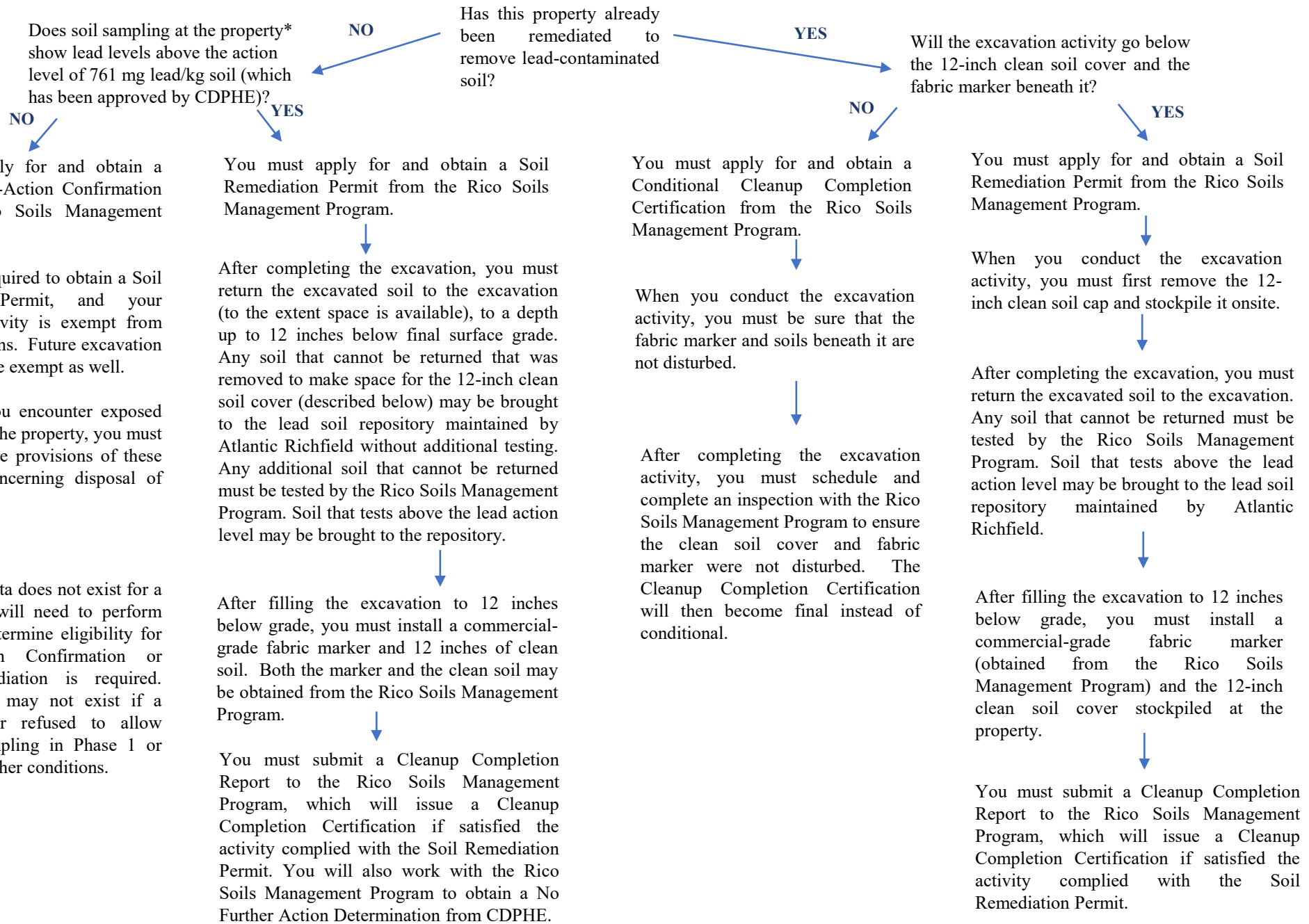
Yes. For currently developed properties with elevated lead in the soil, AR's contractor will complete the remediation with consent of the property owner, at no cost to the property owner.

Will elevated lead in the streets be remediated?

Yes, as part of the Rico VCUP, the Town will hire a contractor to remediate the portion of Town roads and alleys where the road surface material contains lead that exceeds the CDPHE-approved lead action level. The lead action level for Town roads and alleys will be the same as the lead action level used for residential and commercial properties in Town (761 mg lead/kg soil). AR will fund this remediation, including the cost of stormwater management needed to manage stormwater flows from, and upgradient of, remediated road and alley segments.

What will the Rico Land Use Code Soil Management Regulations require?

The Soil Management Regulations (also called the Overlay Zone Regulations) apply to any excavation, digging, landscaping, or similar activity that disturbs more than 1 cubic yard of soil on properties in Rico (with certain exceptions). This flow chart is intended as a general guide to the most common situations under these Regulations, and does not cover all possible circumstances or requirements. The Rico Soils Management Program will help you comply with these requirements by answering questions and providing technical support, advice, and materials. **You will be reimbursed by the Soils Management Program for costs incurred to comply with the Regulations, based on a schedule of incremental costs.**



TOWN OF RICO ORDINANCE NO. 2024-04
ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF RICO,
COLORADO ADOPTING TOWN SOILS OVERLAY ZONE REGULATIONS
AND ADOPTING BY REFERENCE APPENDIX D OF THE RICO LAND USE
CODE (LEAD SOILS MANAGEMENT REGULATIONS)

WHEREAS, the Town of Rico, Colorado (the “Town”) is a Colorado home rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Rico Home Rule Charter (the “Charter”); and

WHEREAS, pursuant to C.R.S. §§ 29-20-101 et seq., 31-15-101 et seq., and 31-23-101 et seq., the Town has broad authority to ensure the health, safety and welfare of the community and its residents; and

WHEREAS, the Board of Trustees (the “Board”) is authorized to act on behalf of the Town pursuant to and in accordance with the Charter to adopt such regulations as are necessary to protect the health, welfare and safety of residents and visitors of the Town; and

WHEREAS, the Board recognizes that soil located within the Town and the surrounding areas may contain elevated levels of lead from past mining activities, as well as local geologic conditions that may lead to naturally-occurring elevated lead levels, which has been documented in the Rico Townsite Soils Voluntary Cleanup Program (“VCUP”) application submitted by the Town and Atlantic Richfield Company (“AR”) and approved by the Colorado Department of Public Health and Environment (“CDPHE”) on May 16, 2023 (the “VCUP Application”), pursuant to the Colorado Voluntary Cleanup and Redevelopment Act, C.R.S. § 25-16-301; and

WHEREAS, the Rico Land Use Code (“RLUC”) establishes the regulations and standards governing the use and development of land within the Town for the purpose of promoting the public health, safety and general welfare of the citizens of the Town; and

WHEREAS, adoption of the RLUC amendments contained in Appendix D of the RLUC, attached as Exhibit A and incorporated by this reference, will create two overlay zoning districts within the current Town boundaries as defined areas of environmental concern and will provide local land use controls specifying requirements for soil testing, handling, stockpiling, remediation, and disposal to promote the public health, safety and general welfare of the citizens of the Town; and

WHEREAS, adoption of the proposed RLUC amendments is a condition of the VCUP; and

WHEREAS, the Rico Planning Commission may propose changes and amendments to the RLUC which are in the public interest pursuant to RLUC § 412; and

WHEREAS, the Rico Planning Commission may recommend amendment of the RLUC to the Board after the Planning Commission conducts a public hearing on the amendment; and

WHEREAS, the Rico Planning Commission has considered the RLUC amendments contained in this Ordinance, and conducted a duly noticed public hearing regarding the amendments at its June 14, 2023 meeting, and recommended the Board adopt the amendments; and

WHEREAS, the Board has determined that the RLUC amendments contained in this Ordinance meet the standards for review contained in RLUC § 418 as the amendments are compatible with the land uses in the Town; and will serve a community need and promote the public health, safety, or welfare of the Rico community and the public services and infrastructure are adequate to meet the needs of the proposed amendments; and the proposed amendments are consistent with the purposes of the RLUC and the goals and objectives of the Rico Regional Master Plan; and

WHEREAS, the Board has considered the increased administration activities associated with complying with the proposed RLUC amendments and finds that any increased administrative duties are justified by the assurance that the amendments will protect the public health, safety, and welfare of the citizens of the Town; and

WHEREAS, a public hearing was held on September 18, 2024 at a regular meeting of the Board of Trustees of the Town of Rico prior to the adoption of this Ordinance for the purpose of taking public comment on the advisability of adoption of proposed Appendix D of the RLUC.

NOW THEREFORE, the Board of Trustees of the Town of Rico does hereby ORDAIN as follows:

1. The recitals above are hereby adopted as findings and incorporated herein.
2. There is hereby adopted for the purposes of providing minimum standards to safeguard life, health, property and public welfare, Appendix D of the RLUC as incorporated in the RLUC. The subject matter of Appendix D is regulations governing management of soil in the Town of Rico to ensure that soil with elevated lead concentrations has been properly removed or capped to protect public health, safety, and welfare.
3. The adopted Appendix D shall be effective beginning January 1, 2025.
4. The adopted Appendix D shall be applied to all areas within the Rico Soils Overlay Zone District and the Environmental Remediation Overlay Zone District, a map of which is attached to this Ordinance in Exhibit A.

5. Any development permit application pending but not issued as of January 1, 2025, shall be issued subject to the requirements of this Ordinance and the adopted Appendix D.
6. It shall be unlawful to commence any development activity covered by Appendix D without an approved Soil Remediation Permit as defined by Appendix D.
7. It shall be unlawful to violate any provision of this Ordinance, or any provision of the adopted Appendix D, or applicable state laws and regulations.
8. Violations of this Ordinance, or any provision of the adopted Appendix D, shall be enforced as provided in Appendix D, as a violation of the RLUC, or as otherwise provided by law.
9. Town staff is directed to take necessary actions to immediately implement this Ordinance, including without limitation, preparing necessary forms and procedures to implement Appendix D.

THIS ORDINANCE WAS, FOLLOWING PUBLIC NOTICE, INTRODUCED, READ, AND APPROVED ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY ON September 18, 2024.

TOWN OF RICO, COLORADO

Nicole Pieterse, Mayor

ATTEST:

Anna Wolf, Town Clerk

THIS ORDINANCE WAS, FOLLOWING PUBLIC NOTICE, INTRODUCED, READ ON SECOND READING, PASSED AND ORDERED PUBLISHED BY TITLE ONLY TO BE EFFECTIVE IMMEDIATELY THIS 16th DAY OF OCTOBER 2024.

TOWN OF RICO, COLORADO

Nicole Pieterse, Mayor

ATTEST:

Anna Wolf, Town Clerk

Effective Date: October 16, 2024

Exhibit A
to Town of Rico Ordinance No. 2024-04

Rico Land Use Code Appendix D Section D.1 Findings of Fact

- A. **Background.** In the Town of Rico (the “Town”) and the surrounding area, elevated levels of lead are present in the soil due to solid waste from past mining activities, as well as local geologic conditions that may lead to naturally-occurring elevated lead levels. The presence of elevated levels of lead has been described in a number of documents, including the Rico Townsite Soils Voluntary Cleanup Program (“VCUP”) application submitted by the Town and Atlantic Richfield Company and approved by the Colorado Department of Public Health and Environment (“CDPHE”) on May 16, 2023 (the “VCUP Application”), pursuant to the Colorado Voluntary Cleanup and Redevelopment Act, § 25-16-301, C.R.S. There are two designated areas in the Town where elevated levels of lead and potentially other metals in soil may be present: the Rico Soils Overlay Zone District (“RSOZ”) and the Environmental Remediation Overlay Zone District (“EROZ”). These Environmental Overlay Zone Regulations (alternatively referred to hereinafter as the “Regulations”) primarily pertain to the RSOZ and remediation of lead soils contamination. The EROZ covers several non-contiguous areas within the Town boundaries, as listed in Section D.2.B.10, that were subject to previous VCUP remediation efforts.
- B. **Not Areas of State Interest.** Except to the extent the boundaries of the RSOZ or EROZ overlap with properties of an area designated as an Area of State Interest in Article VIII of the Rico Land Use Code (“RLUC”), properties within the RSOZ or EROZ shall not be considered Areas of State Interest. To the extent a development activity covered by these Regulations is proposed for properties within an area designated as an Area of State Interest, the provisions in the RLUC relating to Areas of State Interest shall be separate from, and apply in addition to, the requirements provided for in these Regulations.
- C. **Environmental Overlay Zone Regulations Are Additional.** These Regulations are in addition to any other applicable requirements of the RLUC.
- D. **Non-Liability of the Town of Rico.** These Regulations shall not be construed to hold the Town or any of its employees, officials, or designees, acting within the scope of their employment, responsible or liable for any damages to persons or property resulting from: any inspection, enforcement, or review, or failure to inspect, enforce, or review as required by these Regulations; the issuance or denial of any permit pursuant to or in accordance with these Regulations; or the institution or failure to institute any court action as authorized or required by these Regulations. In enacting these Regulations, the Town intends to preserve all rights of the Town, its agencies and departments, and its elected and appointed officials, employees, and designees to immunity from liability as set forth in the Colorado Governmental Immunity Act, §§ 24-10-101, C.R.S., *et seq.*, and any other applicable law, regulation, or standard.

Rico Land Use Code Appendix D Section D.2 General Provisions

- A. Lands to Which Environmental Overlay Zone Regulations Apply. Sections D.1 – D.9 of these Regulations shall apply to all lands situated in the overlay zone known as RSOZ. For lands located within the overlay zone known as EROZ, Sections D.1, D.2, and D.9 shall apply.
- B. Definitions. The following terms, as used throughout these Environmental Overlay Zone Regulations, shall have the meanings set forth below. Where there is a conflict between the definitions set forth below and the definitions set forth in Article IX of the RLUC, the definitions below shall prevail for purposes of these Regulations only.
1. Action Level(s). Action Level(s) shall mean the site-specific, human health risk-based, concentration levels of lead in soil approved by CDPHE, with concurrence from the U.S. Environmental Protection Agency, in 2022 for soil remediation performed as part of Rico Townsite Soils VCUP project. The Action Levels are set at 761 mg/kg for Residential Use properties (the “Residential Action Level”), 967 mg/kg for Public Facilities properties (the “Public Facilities Action Level”), and 4,010 mg/kg for Open Space properties (the “Open Space Action Level”). On portions of Public Facilities and Open Space properties where active play areas frequented by young children (as identified by the Town) are present, the Residential Action Level will apply. On portions of Town-owned properties where recreational trails are constructed for public use, the Open Space Action Level will apply.
 2. Application. Application shall mean an application submitted under these Regulations requesting a Soil Remediation Permit, as that term is defined below.
 3. CDPHE. CDPHE shall mean the Colorado Department of Public Health and Environment.
 4. Cleanup Completion Certification. Cleanup Completion Certification shall mean a determination by the Town issued pursuant to Section D.5.C of these Regulations.
 5. Cleanup Completion Report. Cleanup Completion Report shall mean a report prepared and submitted by a Developer as required by Section D.5.B of these Regulations.
 6. Development Activity. Development Activity shall mean any manmade change in the use or character of land that involves or results in construction, grading, excavation, digging, demolition, drilling, planting, placing Non-Native Fill, landscaping, or other similar activities that disturb or move soils.
 7. Developer. Developer refers to the property owner, or other person or entity acting on the property owner’s behalf, engaged in a Development Activity.
 8. Disturbed Native Soils. Disturbed Native Soils are Native Soils that have been significantly disturbed by prior activities (e.g., regrading).

9. Environmental Officer. Environmental Officer refers to the Town Manager or the Town Manager's designee for the purposes of administering these Regulations and issuing Soil Remediation Permits.
10. Environmental Remediation Overlay Zone District ("EROZ"). Environmental Remediation Overlay Zone District means the sites listed below within Town boundaries that (i) received a VCUP No Further Action Determination on December 10, 1999, from CDPHE pursuant to the state VCUP program, (ii) were otherwise remediated under CDPHE oversight, or (iii) nonetheless warrant inclusion within the EROZ due to unique environmental conditions on the property. These properties are depicted in Figure 1 and are defined as follows:
- a. Columbia Tailings Site, CDPHE VCUP Site No. 30, located on the east side of the Dolores River corridor west of Highway 145 and Rico townsite Blocks 11 and 39, in portions of E1/2 of the NE1/4 of the SE1/4 of Section 35, and the NW1/4 of the NW1/4 of the SW1/4 of Section 36, T40N, R11W, NMPM, Dolores County, within portions of the following land tracts: Tremble Tract, Winkfield Tract East, and Town of Rico tracts (bounded on west by Winkfield Tract East and Tremble Tract, and on the east by Blocks 11 and 39). Approximately 3.3 acres.
 - b. Grand View Smelter Site, CDPHE VCUP Site No. 40, located on the east side of State Highway 145 at the north end of the Town of Rico in the middle of the SW1/4 of the SW1/4 of Section 25, T40N, R11W, NMPM, Dolores County, comprising portions of the following patented mine claims: Columbia Millsite (Patent No. 10202, Mineral Survey No. 365B), and Homestake & Little Cora Consolidated Placer (Patent No. 14903, Mineral Survey No. 410). Approximately 1.7 acres.
 - c. Santa Cruz, Iron Clad, and Rico Boy Mines Site, CDPHE VCUP Site No. 36, located on the west side of the Dolores River Corridor, south of west Rico townsite Blocks 34 and 36, in a portion of N1/2 of the NE1/4 of the SE1/4, and the NW1/4 of the SE1/4 of the SE1/4 of Section 35, T40N, R11W, NMPM, Dolores County, comprising portions of the San Juan Nation Forest, R.G.S. "Y" Tract, Winkfield Tract, Winkfield Tract West, A.E. Arms Tract North, and Max Boehmer Tract, and portions of the following patented mine claims: Iron Clad (Mineral Survey No. 865), Santa Cruz (Patent No. 25864, Mineral Survey No. 6132), Hardscrabble (Patent No. 27326, Mineral Survey No. 8070), and Burchard (Patent No. 27326, Mineral Survey No. 8070). Approximately 5 acres.
 - d. Silver Swan Mine Site, CDPHE VCUP Site No. 22, located on the west side of the Dolores River corridor in the southwest portion of the Rico townsite in a portion of the S1/2 of the SE1/4 of the SE1/4 of Section 35, T40N, R11W, NMPM, Dolores County, comprising portions of the A.E. Arms Tract North,

- A. E. Arms Tract, F.G. Day Tract, A.E. Arms Tract South, and R.G.S. R.O.W. South. Approximately 4 acres.
- e. Silver Swan Mine East Wasterock Pile Site, located on the east side of the Dolores River corridor west of the historic Rio Grande Southern railroad grade, in portions of the SE1/4 of the SE1/4 of the SE1/4 of Section 35, T40N, R11W, NMPM, Dolores County, within portions of the following land tracts: F.G. Day Tract and R.G.S. R.O.W. South; materials from the site were consolidated to the Columbia Tailings Site, CDPHE VCUP Site No. 30. Approximately 0.1 acre.
 - f. Pro Patria Mill Tailings Site, located on the east side of the Dolores River corridor east of the historic Rio Grande Southern railroad grade, west of River Street, and southwest of the west end of Mantz Avenue (where the historic Pro Patria mill was located), in portions of the E1/2 of the E1/2 of the NE1/4 of Section 35 and SW1/4 of the NW1/4 of the NW1/4 of Section 36, T40N, R11W, NMPM, Dolores County, within portions of the following land tracts: R.G.S. Tract, Roy's Tract, and Block 28, Lots 3-4 and west 80 feet of Lots 5-20; materials from the site were consolidated to the Columbia Tailings Site, CDPHE VCUP Site No. 30. Approximately 2 acres.
 - g. Van Winkle Mine Site, Van Winkle Subdivision (recorded plat at Reception No. 157374), Lot 2 and Lot 3, Rico, Dolores County.
 - h. East Shamrock Mine Wasterock Pile Site, located north of the Pro Patria Mill Tailings Site on the east bank of the Dolores River, approximately ½ mile north of the Columbia Tailings Site; materials from the site were consolidated to the Columbia Tailings Site, CDPHE VCUP Site No. 30.
11. Excavated Soils. Excavated Soils shall mean soils (including Surface Soils and underlying soils) disturbed at, or excavated from, the property during a Development Activity.
 12. Existing Soils Cover. Existing Soils Cover shall mean a Soils Cover that has been installed over a geotextile fabric or other cover that meets the requirements of Section D.7.D, the placement of which is documented in soil remediation records maintained by the Town under these Regulations.
 13. Mine Waste. Mine Waste shall mean solid waste materials resulting from mining, milling, smelting or processing operations, including, without limitation, waste rock, ore, and tailings, which are visibly distinctive in appearance (color and texture) as compared to the surrounding Native Soil, unless testing shows the material does not contain lead at a concentration greater than the Residential Action Level using the analytical procedures set forth in Section D.6.C.
 14. Native Soils. Native Soils shall mean naturally occurring soils (not imported fill or landscaping materials) that exist at the property subject to the Development Activity

- prior to the Development Activity that have not been significantly disturbed in the past (e.g., regraded).
15. Non-Native Fill. Non-Native Fill shall mean soils from a location other than the property subject to the Development Activity.
 16. Open Space. Open Space shall mean an area of one or more parcels that is zoned as an Open Space District as defined in the RLUC, Article II § 290. The Open Space Action Level applies to soil on Open Space properties, except on those portions of Open Space properties where active play areas frequented by young children (as identified by the Town) are present, in which case the Residential Action Level will apply.
 17. Open Space No Action Confirmation: Open Space No Action Confirmation shall mean a determination by the Town issued pursuant to Section D.2.D of these Regulations for an Open Space property with lead soil concentrations below the Open Space Action Level. An Open Space No Action Confirmation issued pursuant to Section D.2.D is separate and independent from a VCUP No Action Determination as defined in Section D.2.B.29.
 18. Planned Unit Development. Planned Unit Development shall have the meaning stated in § 24-67-103(3), C.R.S., and shall include, without limitation, any Development (as defined in Article IX, Section 910 of the RLUC) within a Residential Planned Unit Development District or a Commercial Planned Unit Development District in the Town of Rico, as such terms are used and defined in Articles II, III, and VIII of the RLUC.
 19. Public Facilities. Public Facilities shall mean an area of one or more parcels that is zoned as a Public Facilities Zone District as defined in the RLUC, Article II § 290. The Public Facilities Action Level applies to soil on Public Facilities properties, except on those portions of Public Facilities properties where active play areas frequented by young children as identified by the Town are present, in which case the Residential Action Level will apply.
 20. Public Facilities No Action Confirmation: Public Facilities No Action Confirmation shall mean a determination by the Town issued pursuant to Section D.2.D of these Regulations for Public Facilities property with lead soil concentrations below the Public Facilities Action Level. A Public Facilities No Action Confirmation issued pursuant to Section D.2.D is separate and independent from a VCUP No Action Determination as defined in Section D.2.B.29.
 21. Residential No Action Confirmation. Residential No Action Confirmation shall mean a determination by the Town issued pursuant to Section D.2.D of these Regulations for a Residential Use property with lead soil concentrations below the Residential Action Level. A Residential No Action Confirmation issued pursuant to Section

- D.2.D is separate and independent from a VCUP No Action Determination as defined in Section D.2.B.29.
22. Residential Use. Residential Use shall mean use of a property where zoning allows for residential use, as provided in the RLUC. Residential Use is allowed in all zoning districts except for “Public Facilities” and “Open Space.” The Residential Action Level applies to soil on Residential Use properties and those portions of Public Facilities and Open Space properties where active play areas frequented by young children as identified by the Town are present.
 23. Rico Soils Lead Repository or Repository. Rico Soils Lead Repository or Repository shall mean the soil lead repository located approximately 0.75 miles north of Rico and adjacent to the St. Louis Tunnel portal in the NW1/4, NW1/4 of Section 25, T40N, R11W in Dolores County, and operated under the Certificate of Designation issued by Dolores County on October 24, 2005.
 24. Rico Soils Overlay Zone District (“RSOZ”). Rico Soils Overlay Zone District shall mean the area delineated on Figure 1 as the RSOZ but excluding the area delineated as the EROZ.
 25. Soil Remediation Permit. Soil Remediation Permit shall mean a soils excavation and grading permit approved by the Environmental Officer pursuant to these Regulations.
 26. Soils Cover. Soils Cover shall mean a cover consisting of natural earthen or other material that meets the requirements of Section D.7.D placed over contaminated soils or material to encapsulate, immobilize, and eliminate surface exposure of such soils and material.
 27. Subdivision. Subdivision shall mean the subdivision activities listed in Article V, Section 506.1 of the RLUC, and any other division of land within the Town of Rico into two or more lots, tracts, sites, parcels, separate interests, interests in common, or other division that is subject to the Rico Subdivision Regulations, as defined in Article V, Section 506.1 of the RLUC.
 28. Surface Soils. Surface Soils shall mean earthen material found in the top twelve (12) inch soil layer. Where Surface Soils are either Native Soils or Disturbed Native Soils or Non-Native Fill comprising a depth of at least twelve (12) inches, soil samples collected from the top two (2) inches of the soil layer shall be considered representative of Surface Soils for the purpose of characterizing the soil lead concentrations. Where Surface Soils are Disturbed Native Soils or Non-Native Fill comprising a depth of less than twelve (12) inches, soil samples collected from the top two (2) inches of the soil layer may be considered representative of Surface Soils on a case-by-case basis in consultation with the Environmental Officer.
 29. VCUP No Action Determination (“VCUP NAD”). VCUP NAD shall mean a property-specific determination made by CDPHE pursuant to the Colorado Voluntary Cleanup and Redevelopment Act, § 25-16-307, C.R.S., that remediation of the

property is not necessary to protect human health and the environment in light of the current or proposed use of the property, because sampling performed in accordance with these Regulations demonstrates that lead in soil does not exceed the applicable Action Level. A VCUP NAD also means CDPHE written concurrence with a Residential, Public Facilities, or Open Space No Action Confirmation obtained from the Town pursuant to Section D.2.D of these regulations, when the property owner (or property owner's designated representative) submits a no action petition to CDPHE pursuant to § 25-16-307, C.R.S. Consistent with Section D.2.F.6 of these Regulations, Development Activities on properties for which a prior VCUP NAD has been made are exempt from these Regulations, provided that, (i) no exposed Mine Waste is encountered on the property; and (ii) for Public Facilities properties, there has not been a change in the zoning of the property to Residential Use, and for Open Space properties, there has not been a change in the zoning of the property to Public Facilities or Residential Use since issuance of the VCUP NAD.

30. VCUP No Further Action Determination ("VCUP NFA"). VCUP NFA shall mean a property-specific determination made by CDPHE pursuant to the Colorado Voluntary Cleanup and Redevelopment Act, § 25-16-307, C.R.S., that soil remediation performed and maintained in accordance with a Soil Remediation Permit issued by the Town pursuant to these Regulations is adequate to protect human health and the environment in light of the current or proposed use of the property, where the surface soil-lead concentrations were above the applicable Action Level before the Development Activity, and the property owner (or property owner's designated representative) has requested, and received, the determination after the Effective Date of these Regulations. VCUP NFA shall also mean a property-specific determination by CDPHE issued pursuant to § 25-16-307, C.R.S., prior to the Effective Date of these Regulations for soil remediation performed on a property in accordance with a CDPHE-approved VCUP application that resulted in a prior VCUP NFA. Development Activities on properties for which a prior VCUP NFA has been made remain subject to these Regulations.

31. CDPHE VCUP Project Manager. CDPHE VCUP Project Manager shall mean the current CDPHE individual(s) overseeing any existing and prospective VCUP projects in and around Rico, CO, whose office is located at 4300 Cherry Creek Drive South, Denver, CO 80246.

- C. Town Approval. Unless exempt under these Regulations, any Development Activity within the RSOZ shall require (a) prior approval by the Town of a Soil Remediation Permit; or (b) a Residential, Public Facilities, or Open Space No Action Confirmation issued by the Town pursuant to Section D.2.D of these Regulations. A Residential, Public Facilities, or Open Space No Action Confirmation under these Regulations will apply to subsequent development activities at the property, unless the provisions of Section D.2.D provide otherwise.

D. Residential, Public Facilities, or Open Space No Action Confirmations. A Residential, Public Facilities, or Open Space No Action Confirmation under these Regulations shall mean that the property or portion of the property for which the Confirmation is obtained is exempt from the requirement to obtain a Soil Remediation Permit. However, a Public Facilities No Action Confirmation will no longer apply if the zoning on the property changes to allow Residential Use, and an Open Space No Action Confirmation will no longer apply if the zoning on the property changes to allow Residential Use or Public Facilities (subject to applying for and receiving a Residential or Public Facilities No Action Confirmation following the change in use). Additionally, properties that receive Residential, Public Facilities, and Open Space No Action Confirmations shall remain subject to the Mine Waste management provisions of Section D.7.E of these Regulations if exposed Mine Waste is encountered on the property during a Development Activity. A Residential, Public Facilities, or Open Space No Action Confirmation under these Regulations may be obtained under the following circumstances and with the following conditions:

1. **For Developments on Residential Use or Public Facilities Property Less than 5,000 Square Feet:** If the lead concentration in each composite sample collected from Surface Soils at the property is below the applicable Action Level based on soil sampling conducted pursuant to the procedures established in Section D.6, then the Developer may apply for a Residential or Public Facilities No Action Confirmation, as applicable based on the zoning of the property. However, a Public Facilities No Action Confirmation will no longer apply if there has been a change in zoning of the property to allow Residential Use (subject to applying for and receiving a Residential No Action Confirmation following the change in use).
2. **For Developments on Residential Use or Public Facilities Properties Greater than 5,000 Square Feet:** If the lead concentration in each composite sample collected from Surface Soils at the property is below the applicable Action Level based on soil sampling conducted pursuant to the procedures established in Section D.6, then the Developer may apply for a Residential or Public Facilities No Action Confirmation, as applicable based on the zoning of the property. If sampling has been or is conducted on only the portion of the property that is developed or is to be developed, and the lead concentration in each composite sample collected from Surface Soils in that portion of the property is below the applicable Action Level based on soil sampling conducted pursuant to the procedures established in Section D.6, then the Developer may apply for a Residential or Public Facilities No Action Confirmation for that portion of the property, as applicable based on the zoning of the property. The Residential or Public Facilities No Action Confirmation will not apply to any other portion of the property. Additionally, a Public Facilities No Action Confirmation will no longer apply if there has been a change in zoning of the property to allow Residential Use (subject to applying for and receiving a Residential No Action Confirmation following the change in use).

3. **For Developments on Open Space Areas:** If the lead concentration in each composite sample collected from Surface Soils in the portion of the property to be developed is below the Open Space Action Level based on soil sampling conducted pursuant to the procedures established in Section D.6, then the Developer may apply for an Open Space No Action Confirmation for that portion of the property. The Open Space No Action Confirmation will not apply to any other portion of the property. Additionally, the Open Space No Action Confirmation will no longer apply if there has been a change in zoning of the property to allow Residential Use or Public Facilities (subject to applying for and receiving a Residential or Public Facilities No Action Confirmation following the change in use).
 4. **Recording:** A Residential, Public Facilities, or Open Space No Action Confirmation shall be signed by the Environmental Officer and filed with the Town within five (5) business days after the Environmental Officer's issuance of the Residential, Public Facilities, or Open Space No Action Confirmation. The Developer may elect to record the Residential, Public Facilities, or Open Space No Action Confirmation in the Dolores County Clerk and Recorder's Office.
- E. Activities Not Entitled to Certain VCUP Benefits. A Development Activity proposed for the sole purpose of covering, capping, removing, or reducing the concentration of or potential for exposure to contamination or contaminants in the soil, *e.g.*, where there is no current or planned use of the property for residential, commercial, or recreational purposes, or need for the Development Activity for utility maintenance or repair, shall not be eligible for certain benefits of the Rico Soils Management Program, as described in the VCUP Application, including reimbursement for incremental costs, use of the Repository, and the provision of materials.
- F. Activities Exempt from Regulations. The following Development Activities are hereby exempt from review and application of these Regulations, except that if Mine Waste is encountered in the course of a Development Activity in the RSOZ, the Developer shall comply with Section D.7.E:
1. A discrete event of excavation/grading/digging/filling, not associated with a larger plan for development, resulting in a disturbance of less than a total of **one cubic yard** of soil associated with the Development Activity, provided that this exemption does not apply to any excavation the purpose of which is to install, relocate, or repair underground utilities;
 2. Installation, repair or relocation of fences and porches;
 3. Excavation for the sole purpose of conducting soil sampling and other soils testing, provided that this exemption does not apply to test pitting for the purposes of soil sampling if the excavation disturbs greater than one cubic yard of soil;
 4. Excavation for the sole purpose of conducting soil testing for septic tanks on undeveloped properties;

5. Excavation/grading/digging/filling required to address an emergency situation, including, without limitation, broken or frozen plumbing fixtures, provided that the Environmental Officer confirms the emergency nature of the situation, that the Developer complies with these Regulations to the maximum extent practicable under the circumstances, and that the Developer complies fully as soon as the emergency has passed, including by complying with the remedial standards in Section D.7; and
 6. Development Activities on properties where testing has confirmed that lead concentrations in Surface Soils do not exceed the applicable Action Level, and either (i) the Town has issued a Residential, Public Facilities, or Open Space No Action Confirmation consistent with Section D.2.D of these Regulations, or (ii) a prior VCUP NAD has been made and remains in effect.
- G. Phase 1 VCUP Remediation Exempt from Regulations and Article IV, Section 494 of the RLUC. The Phase 1 VCUP soil remediation work performed by Atlantic Richfield Company, pursuant to Section 6 and Appendix B of the VCUP Application, shall be exempt from review and application of these Regulations because Section 6 and Appendix B of the VCUP Application satisfy the requirements of these Regulations. For the same reason, Phase 1 VCUP soil remediation work performed by Atlantic Richfield Company on property owned by the Town, pursuant to Section 6 and Appendix B of the VCUP Application, shall be exempt from the requirements of Article IV, Section 494 of the RLUC.
- H. Exemption for Town Development Activities Along Road and Alley Segments Prior to Phase 1 VCUP Road Remediation. At the Environmental Officer's discretion, the Environmental Officer may exempt from these Regulations Development Activities involving excavation of Town road and alley segments for the purpose of installing utility infrastructure prior to the commencement of the Phase 1 road remediation described in Appendix B of the VCUP Application, provided that excavated material is returned to the excavation or otherwise managed consistent with these Regulations. A decision by the Environmental Officer to grant or deny an exemption pursuant to this Section D.2.H may be appealed to the Board of Trustees, which appeal shall proceed in accordance with the provisions set forth in Article V, Section 516 of the RLUC.
- I. Failure to Obtain Prior Approval. The following are deemed a violation of this RLUC and shall be punishable in accordance with Article VII: (a) the commencement of any Development Activity not exempted by Section D.2.F within the RSOZ prior to review and approval by the Town; and (b) the failure to comply with Section D.9 for any property within the EROZ.
- J. Failure to Obtain or Comply with Soil Remediation Permit or File Required Cleanup Completion Report. Any failure to obtain a Soil Remediation Permit when so required, to comply with a Soil Remediation Permit that has been obtained, or to file a Cleanup Completion Report required pursuant to Section D.5.B is hereby deemed a violation of this RLUC and shall be subject to the enforcement provisions of the RLUC, including but not limited to provisions in Article VII.

- K. Prohibition on Creation of Nuisance. Partial completion of work covered by an approved Soil Remediation Permit can in some instances create a nuisance pursuant to Ordinance Number 277. The creation of such nuisance is hereby prohibited.
- L. Failure to Perform and Report Required Testing. It is illegal and a violation of these Regulations to falsify or fail to disclose to the Town any test results required by these Regulations.
- M. Persons Liable. The owner, tenant, or occupant of any building or land or part thereof and any builder, agent, or other person who participates in, assists, directs, creates, or performs any Development Activity without first performing the requirements of these Regulations may be held responsible for the violation of these Regulations and subject to the enforcement provisions of the RLUC.
- N. Duration of Soil Remediation Permit. Soil Remediation Permits issued under these Regulations shall be valid for a period not to exceed one year, unless renewed by the Environmental Officer.
- O. Transfer of Soil Remediation Permit. A Soil Remediation Permit is not transferable to a subsequent owner unless the subsequent owner expressly agrees to transfer of the permit into his or her name in writing and obtains written consent of the Environmental Officer for such transfer.
- P. Effective Date of Regulations. These Regulations shall take effect on January 1, 2025, which shall be the “Effective Date,” and shall only apply to Applications filed pursuant to Section D.4 after the Effective Date.
- Q. Consultation to Amend. Prior to the Town considering any amendment to these Regulations in this Appendix D of the RLUC, the Town shall consult with CDPHE and shall incorporate such requirements as CDPHE may recommend to ensure these Regulations continue to protect human health and the environment.
- R. Lack of Third-Party Enforcement Rights. The enforcement of these Regulations is within the discretionary police power of the Town of Rico, and these Regulations are not intended to, nor do they, create a third-party right of enforcement; provided, however, that these Regulations are directly enforceable by CDPHE, pursuant to the Intergovernmental Agreement between CDPHE and the Town of Rico.
- S. Water Quality Issues Not Addressed. These Regulations do not address water quality issues, and it remains the responsibility of the Developer to comply with state and federal requirements with respect thereto.

Rico Land Use Code Appendix D Section D.3 Reviewing Entity

- A. Environmental Officer. The Town Manager is the representative of the Town for purposes of administering these Regulations and shall be responsible for issuing Soil Remediation Permits under these Regulations. The Town Manager shall be referred to as the “Environmental Officer” in this capacity. The Town Manager may, with consent of the

Board of Trustees, designate another person to serve as the Environmental Officer for purposes of these Regulations or to fulfill certain tasks for which the Environmental Officer is responsible under these Regulations. Such designation shall remain in effect until revoked by the Town Manager or Board of Trustees, with or without cause.

Rico Land Use Code Appendix D Section D.4 Application Requirements

Before commencing any non-exempt (with exempt activities being those specified in Section D.2.F) Development Activity within the RSOZ, the Developer shall prepare and submit an application in hard copy and in electronic format to the Town, for review by the Environmental Officer. The application shall contain the following information unless, in consultation with CDPHE, the Environmental Officer determines that the required information is not applicable to the scope of work to be performed under the application, or that the Environmental Officer already has the required information on file, and waives the requirement for the Developer to include that specific information:

- A. Existing Soil Sampling Data. The Developer shall submit with the application all existing soil sampling data reasonably available to the Developer for the subject property and/or any information regarding the presence of Disturbed Native Soils, Non-Native Fill materials, and/or an Existing Soils Cover at the subject property. The source of soil data shall be identified. The Developer shall consult with the Environmental Officer regarding the availability of existing data before submitting an application, so that all existing data, including soil data collected to support VCUP projects within the Town of Rico, is provided in the application.
- B. New Soil Sampling Data. If the existing soil sampling data for the property do not meet the standards for soil sampling set forth in Section D.6, or conditions on a site have changed such that existing soil sampling data are no longer representative, then the Developer shall submit new soil sampling data that meet the standards of Section D.6. The Environmental Officer may also determine upon review of the application that more data are desired to assess soil or fill conditions or to facilitate the development of the property for the proposed use, in which case the Developer shall resubmit the application with the required soil sampling data.
- C. Soil Sampling Data Must Be Submitted with Application. The Developer shall submit the required sampling data, whether existing or new, with the Application, regardless of whether the Developer proposes to place Non-Native Fill, use Disturbed Native Soils, or retain the Native Soils following the Development Activity. Submission of sampling data for an Existing Soils Cover is not required.
- D. Description of Property Zoning. The Developer shall identify whether the property qualifies as Residential Use, Public Facilities, or Open Space pursuant to these Regulations and the zoning provisions of the RLUC.
- E. Description of Proposed Development Activity. The Developer shall describe the proposed Development Activity, including a narrative statement, site plan, description of area and depth of any excavation or fill placement, extent of any grading, and the time frame for the

Development Activity. To the extent stockpiling of soils is planned during the Development Activity, the Developer shall specify the means of protecting the stockpile and the planned duration of the proposed stockpiling. If placement of a Soils Cover is an element of the Development Activity, the Developer shall specify the source of the Soils Cover material to be used and the means by which that cap shall be placed and maintained.

- F. Authorization for VCUP Representation. In an application submitted pursuant to these Regulations, the Developer may, if it has not already done so, authorize the Town and Atlantic Richfield Company to act as its VCUP representative for purposes of obtaining a VCUP NFA from CDPHE upon completion of a Development Activity performed in accordance with these Regulations.

Rico Land Use Code Appendix D Section D.5 Application Review and Determinations

- A. Application Review. The Environmental Officer shall review the application to determine: (1) whether the required information is contained in the application, taking into account any waiver granted by the Environmental Officer pursuant to Section D.4; (2) whether a Soil Remediation Permit is in fact required for the specific property and Development Activity at issue; (3) if soil sampling data is required for the specific property and Development Activity, whether sufficient data that meets the standards for soil sampling set forth in Section D.6 has been submitted; (4) whether the Developer has requested a conditional Cleanup Completion Certification for the Development Activity pursuant to Section D.5.D; and (5) whether the Developer has requested a Residential, Public Facilities, or Open Space No Action Confirmation pursuant to Section D.2.D. If the required information has been submitted, the Environmental Officer may: (1) approve the application and issue the Soil Remediation Permit; (2) issue a conditional Cleanup Completion Certification; (3) issue a Residential, Public Facilities, or Open Space No Action Confirmation; or (4) deny the application. If the application is denied, the Environmental Officer shall state in writing the reason(s) for the denial.
- B. Cleanup Completion Report. For any Development Activity subject to an approved Soil Remediation Permit, the Developer shall prepare and submit a Cleanup Completion Report to the Town once the work as described in the approved Soil Remediation Permit is complete. The Cleanup Completion Report shall set forth: a legal description of the site; a description of the nature of the site, lead concentrations in Surface Soils, and date of soil sample collection and analysis for lead; documentation of the location, quantity and date that soils with elevated lead concentrations were removed from the site; and shall include as an attachment the Soil Remediation Permit approved by the Town. If the Developer has removed soil from the property, the Developer shall provide documentation that the soil was properly disposed of pursuant to this Appendix D of the RLUC.
- C. Cleanup Completion Certification. Based on the information provided in the Cleanup Completion Report, the Environmental Officer shall either issue a Cleanup Completion Certification for the Development Activity or decline to issue a Cleanup Completion Certification and provide conditions that need to be met to obtain a Cleanup Completion

Certification. At its sole discretion, the Environmental Officer may require an inspection of the property to determine whether the information provided in the Cleanup Completion Report is accurate before issuing or declining to issue a Cleaning Completion Certification. The Cleanup Completion Report shall be signed by the Environmental Officer and filed with the Town within five (5) business days after the Environmental Officer's issuance of a Cleanup Completion Certification. The Developer may also record the Cleanup Completion Report and Cleanup Completion Certification in the Dolores County Clerk and Recorder's Office.

- D. Conditional Cleanup Completion Certification. A Cleanup Completion Certification may be issued conditionally when the conditions outlined in Section D.7.A.1 of these Regulations are met. The Environmental Officer may include appropriate conditions in a conditional Cleanup Completion Certification, including but not limited to the conditions that the Development Activity not disturb soils below an Existing Soils Cover and the Existing Soils Cover will be repaired as part of the Development Activity. After completion of the Development Activity and a successful inspection by the Environmental Officer to ensure that the requirements of Section D.7.D are met, the Environmental Officer shall make the conditional Cleanup Completion Certification final rather than conditional, and the Cleanup Completion Certification may be recorded in the Dolores County Clerk and Recorder's Office.
- E. Appeals. A Developer may appeal any final decision by the Environmental Officer as to the issuance or denial of a Soil Remediation Permit, Residential, Public Facilities or Open Space No Action Confirmation, or Cleanup Completion Certification. The Developer may appeal the decision of the Environmental Officer to the Board of Trustees by filing a notice of appeal with the Town Clerk within thirty (30) days of the Developer's receipt of the final decision by the Environmental Officer. The appeal to the Board of Trustees shall proceed in accordance with the provisions set forth in Article V, Section 516 of the RLUC.

Rico Land Use Code Appendix D Section D.6 Standards for Soil Sampling

The following requirements and guidelines shall govern all environmental testing and sampling performed under these Regulations:

- A. Existing Soil Sampling Data. A Developer may use existing soil sampling data to satisfy Soil Remediation Permit requirements if the number and types of samples collected and the laboratory analyses conducted meet the standards in this Section D.6.
- B. Approved Sampling Contractors. All sampling and analysis must be performed by a qualified contractor, and the conformance of all sampling and analysis with the standards set forth in this Section D.6 must be certified by a Professional Engineer ("P.E.") registered and licensed in the State of Colorado or a Professional Geologist ("P.G.") meeting the requirements of § 23-41-208(1)(b), C.R.S. The proper chain of custody shall be maintained and documented for all samples collected for the property. All samples undergoing laboratory analysis shall be submitted to a CDPHE-approved or EPA-certified laboratory qualified to perform metals analysis in a solid matrix.

- C. Analytical Procedures. All samples to be analyzed for lead content will be sieved through a U.S. Standard No. 10 mesh sieve. If any sample has less than 5 percent passing the No. 10 sieve it should be discarded and not processed further for metals analysis. Soil samples shall be analyzed for lead using laboratory-grade x-ray fluorescence (XRF) or using inductively coupled plasma (ICP). Analytical methods shall conform to the then-current procedures prescribed in EPA's Test Methods for Evaluating Solid Waste, Physical / Chemical Methods, SW-846, as amended, or an equivalent method approved by the Environmental Officer.
- D. Minimum Number of Samples. Within each sampling sector established pursuant to Section D.6.E, soil samples will be collected from a depth of 0 inches to 2 inches (below the base of any sod or root mat that may be present) at five randomly selected locations. The five surface samples collected from within each sector should be of similar size and composited into a single sample for analysis for that sector. Soil samples should not be collected from locations where Mine Waste material is observed or from the drip zone of buildings (four feet from the edge of a building) to avoid lead paint contamination. If any areas of the sampling sector include areas from which Mine Waste has been removed, one of the samples should be collected from that area.
- E. Number and Division of Sampling Sectors. When soil sampling data are collected, whether before or after development, adherence to the following sampling plans is required:
1. **For Properties Less than 5,000 Square Feet**: Properties less than or equal to 5,000 square feet in total area will be divided into at least two sampling areas, excluding buildings, pavement, or other permanent caps over the soil. A minimum of two composite samples (comprised of five subsamples each), one each from the front yard and back yard (and side yard if substantial), plus a separate sample for each distinct driveway, vegetable garden, and play area, if present, will be collected.
 2. **For Public Facilities Properties Greater than 5,000 Square Feet and Less than 0.5 Acre**: The property shall be divided into a minimum of four (4) sampling sectors not to exceed 5,000 square feet in size (excluding buildings, pavement, or other permanent caps over the soil that cannot be removed by hand to expose the underlying soil). If only a portion of such property is to be developed, the Developer may: (i) subdivide the property subject to provisions in the RLUC and complete the sampling only on the portion of the property that will be developed; or (ii) sample a 100-foot radius ("Sampling Radius") around the area affected by the Development Activity and, when submitting a Cleanup Completion Report to the Town per Section D.5.B, provide clear documentation of the portions of the property that have and have not been sampled and remediated. If the resulting Subdivision or Sampling Radius results in an area greater than 5,000 square feet, it shall be divided into sampling sectors as described in this sub-paragraph. If the resulting Subdivision or Sampling Radius results in an area less than 5,000 square feet in size, it shall be divided into two (2) sampling sectors based on the criteria in Section D.6.E.1. Once the sampling sectors have been defined, the procedures established in Section D.6.D shall be followed for each sampling sector. A separate sample will also be collected for each

distinct driveway, vegetable garden, and play area, if present. This section does not create any additional rights for creating a Subdivision, and any Subdivision must comply with all other applicable requirements of the RLUC for obtaining the Subdivision approval.

3. **For Residential Use Properties Greater than 5,000 Square Feet and Less than 0.5 Acre:** The property shall be divided into a minimum of four (4) sampling sectors not to exceed 5,000 square feet in size (excluding buildings, pavement, or other permanent caps over the soil that cannot be removed by hand to expose the underlying soil). If only a portion of such property is to be developed, the Developer may (i) subdivide the property subject to provisions in the RLUC; or (ii) establish and document a Sampling Radius as provided for in Section D.6.E.2, and complete the sampling only on the portion of the property to be developed and, if necessary, remediated, so long as the development area sampled includes the greater of: (a) a total area of 3,000 square feet adjacent to and surrounding the residence, not including areas covered by pavement or other permanent caps over the soil; (b) the portion of the property to be developed that will not be covered by buildings, pavement, or other permanent caps over the soil; or (c) all areas to be developed as lawns (sod or seeded), play areas, gardens, and other landscaped features around any structures. If the sampling area based on the above criteria is greater than 5,000 square feet, it shall be divided into sampling sectors as described in this subparagraph. If the sampling area based on the above criteria is less than 5,000 square feet in size, it shall be further divided into two (2) sampling sectors based on the criteria in Section D.6.E.1. Once the sampling sectors have been defined, the procedures established in Section D.6.D shall be followed for each sampling sector. A separate sample will also be collected for each distinct driveway, vegetable garden, and play area, if present. This section does not create any additional rights for creating a Subdivision, and any such Subdivision must comply with all other applicable requirements of the RLUC for obtaining the Subdivision approval.
4. **For Residential Use and Public Facilities Properties Greater than 0.5 Acres:** The property to be sampled shall consist of a 100-foot radius around the area affected by the Development Activity. The procedures of Section D.6.E.1 through D.6.E.3 shall apply depending on the size and zoning designation – Residential Use or Public Facilities – of the portion of the property subject to sampling. On portions of such property outside the 100-foot radius around the area affected by the Development Activity, no specific standard or requirement applies, except that if Mine Waste is encountered, the provisions for management of Mine Waste in Section D.7.E shall apply.
5. **For Open Space Areas:** The area to be sampled shall consist of the area affected by the Development Activity (e.g., only the area impacted by a utility easement, road, or trail), and not the full area of the individual lot or lots. The procedures of Section D.6.E.1, D.6.E.2, and D.6.E.4 shall apply depending on the size of the portion of the

property subject to sampling. On undisturbed portions of such property where the use is to remain Open Space, no specific standard or requirement applies, except that if Mine Waste is encountered, the provisions for management of Mine Waste in Section D.7.E shall apply.

- F. Placement of Non-Native Fill. The Developer shall identify the source of any Non-Native Fill transported to the property as part of the Development Activity, whether for use as a Soils Cover or any other purpose, and shall: (1) show that the source has been approved by the Town pursuant to Section D.7.D; or (2) show, using sampling data or other information acceptable to the Environmental Officer, that the Non-Native Fill contains less than 100 mg/kg lead.
- G. Additional Sampling. Additional sampling may be required if deemed necessary by the Environmental Officer for accurate analysis of potential health risks posed by soil conditions considering the proposed Development Activity and/or use of the property.
- H. Failure to Certify Soil Testing. The Developer's failure to provide to the Town soil sampling data that has been certified by a registered and licensed P.E. or a P.G. meeting Colorado statutory requirements shall result in denial of the Soil Remediation Permit.
- I. Provision of All Soil Sampling Results. Developers shall promptly provide all soil sampling results to the Town.

Rico Land Use Code Appendix D Section D.7 Remediation Standards

The objective of these Remediation Standards is to ensure that the average lead concentration in exposed soil in each sector of the property, whether Native Soils, Disturbed Native Soils, or Non-Native Fill, based on soil samples collected according to or in a manner consistent with Section D.6, do not exceed applicable Action Levels. If the lead concentration of one or more composited Surface Soil samples collected within a sampling sector exceeds the applicable Action Level for the property in question, then the average lead concentration for Surface Soils in that sector is deemed to exceed the Action Level.

- A. Requirements Applicable to Development Activities on Properties or Property Sectors with an Existing Soils Cover.
 - 1. If the Development Activity will not disturb soils below the Existing Soils Cover or any disturbance to the Existing Soils Cover is limited to the depth of that soil cover, which is typically no more than twelve (12) inches below the ground surface, and the Existing Soils Cover will be repaired as part of the Development Activity, the Developer may seek a conditional Cleanup Completion Certification from the Town, based on the existing conditions meeting the requirements of Section D.7.D. The purpose of the conditional Cleanup Completion Certification is to allow the Development Activity to proceed with minimal administrative requirements, while ensuring the Environmental Officer is aware of the Development Activity. Upon completion of the Development Activity, the Developer shall schedule and complete

- an inspection by the Environmental Officer to ensure that the requirements of Section D.7.D are met.
2. If the Development Activity will disturb an Existing Soils Cover and underlying soils, then:
 - a. The Existing Soils Cover material (above the geotextile fabric) shall, to the extent practicable, be removed and stockpiled on a clean surface (e.g., pavement or plastic sheets) and later reused for repairing the Soils Cover (or at other locations at the site), provided the Existing Soils Cover material does not become contaminated with underlying soils or Mine Waste and provided further that such Existing Soils Cover material is stockpiled onsite at the property that is subject to the Development Activity. If contamination of the Existing Soils Cover material occurs during the course of a Development Activity, the Developer shall notify the Environmental Officer, who will address such situations on a case-by-case basis to ensure proper management and disposal of the contaminated Existing Soils Cover material. In the Environmental Officer's discretion, and on a case-by-case basis, contamination of the Existing Soils Cover material may lead to the Developer's exclusion from certain benefits of the Rico Soils Management Program, as described in the VCUP Application, up to and including loss of reimbursement for the incremental costs of handling the contaminated Existing Soils Cover material.
 - b. Excavated Soils shall (i) to the extent space is available in the excavation, be returned to the excavation to a depth up to twelve (12) inches below the final surface grade and placed below a Soils Cover pursuant to Section D.7.D; or (ii) demonstrated to have lead levels below the applicable Action Level using the sampling procedures established in Section D.6. Any Excavated Soils that remain after backfilling to a depth up to twelve (12) inches below the final surface grade shall be managed in accordance with Section D.7.C. If Excavated Soils are stockpiled onsite at the property that is subject to the Development Activity, they must be stockpiled in an area to be capped or on a surface that will be cleaned after the stockpile is removed.
 - c. Stockpiled Excavated Soils shall be protected from erosion, covered with plastic sheets, or managed using other appropriate controls if left on site for more than 24 hours. Any soil that does erode or blow from a stockpile shall be promptly collected and returned to the stockpile. Using best management practices, the Developer must also control generation and dispersal of fugitive dust from any soil or Mine Waste that is exposed by the Development Activities. It is not permissible to stockpile soils that will be sent to the Repository, except as provided in Section D.7.C.

- d. The final grade in the area disturbed by the Development Activities must consist of a Soils Cover meeting the requirements of Section D.7.D.
- e. Confirmation soil samples must be collected according to the procedures established in Section D.6 in any areas where the upper 2 inches of the exposed final grade consists of Native Soils that were not previously tested (for example, deeper soils exposed by excavation and grading activities or Surface Soils that remained in place but were potentially contaminated by Development Activities), to demonstrate that these materials are below the applicable Action Level. Confirmation sampling is not required for caps consisting of imported fill from a location pre-approved by the Town pursuant to Section D.7.D.

B. Requirements Applicable to Development Activities on Properties or Property Sectors Without an Existing Soils Cover.

1. If the lead concentration in each composite sample collected from Surface Soils at the property is below the applicable Action Level based on soil sampling conducted pursuant to the procedures established in Section D.6, then no further testing or remedial action will be required under these Regulations (other than compliance with the requirement for placement of clean Non-Native Fill), and the Developer may apply for a Residential, Public Facilities, or Open Space No Action Confirmation pursuant to Section D.2.D. However, if exposed Mine Waste is encountered on the property, the procedures of Section D.7.E shall apply.
2. For each sector where one or more composite samples in existing Surface Soils at the property is above the applicable Action Level based on soil sampling conducted pursuant to the procedures established in Section D.6, Excavated Soils shall be managed as follows:
 - a. Excavated Soils shall, to the extent space is available in the excavation, be returned to the excavation to a depth up to twelve (12) inches below the final surface grade and placed below a Soils Cover pursuant to Section D.7.D. Excavated Soils that remain after backfilling to a depth up to twelve (12) inches below the final surface grade shall be managed in accordance with Section D.7.C. Stockpiled Excavated Soils must be placed in an area to be capped or on a clean surface (e.g., pavement or plastic sheets) that will be cleaned after the stockpile is removed.
 - b. In a sampling sector where the average lead concentration of Surface Soils is below the applicable Action Level, the Applicant can elect to remove and temporarily stockpile the Excavated Soils and later reuse such soils for the Soils Cover, provided that such soils do not become contaminated with underlying soils or Mine Waste, and provided further that such materials are stockpiled onsite. Stockpiled Excavated Soils must be placed in an area to be capped or on a clean surface (e.g., pavement or plastic sheets or clean sector).

- c. Stockpiled Excavated Soils shall be protected from erosion, covered with plastic sheets, or managed using other appropriate controls if left on site for more than 24 hours. Any soil that does erode or blow from a stockpile shall be promptly collected and returned to the stockpile. The Developer must also control fugitive dust using best management practices. The Soil Remediation Permit Application shall specify appropriate time limits for temporary stockpiling of soil disturbed during the Development Activities, to be approved by the Environmental Officer.
- d. The final grade in the area disturbed by the Development Activities must consist of Soils Cover materials meeting the requirements of Section D.7.D.
- e. Confirmation soil samples must be collected pursuant to the procedures established in Section D.6 in any areas where the upper 2 inches of the final grade consists of soils that were not previously tested (for example, deeper soils exposed by excavation and grading activities or Surface Soils that remained in place but were potentially contaminated by Development Activities) to demonstrate that the average lead concentrations of these materials are below the applicable Action Level. Confirmation sampling is not required for caps consisting of imported fill from a location pre-approved by the Town pursuant to Section D.7.D.

C. Management and Disposal of Excavated Soils.

1. **For Development Activities Involving a Single Lot:** For Development Activities on a property that is not within or associated with a Planned Unit Development or Subdivision consisting of six (6) or more total lots created after the Effective Date, or at any lot subject to a Development Activity following the initial remediation of such lot pursuant to these Regulations, soils meet the criteria for disposal at the Repository if they are: (1) Excavated Soils from sectors that exceed the applicable Action Level and that remain as excess after Excavated Soils are used as backfill in the excavation; or (2) Mine Waste identified and managed in accordance with Section D.7.E. If the amount of excess Excavated Soil from a Development Activity that cannot be used as backfill is three (3) cubic yards or less, it may be transported by the Developer to the Repository for disposal without further testing to determine the concentration of lead in the soil. If the amount of excess Excavated Soil from a Development Activity that cannot be used as backfill is greater than three (3) cubic yards, excluding any soil removed to accommodate the twelve (12)-inch cap, the Developer must contact the Environmental Officer to request confirmation testing of the Excavated Soil. If such confirmation testing confirms that the excess Excavated Soil exceeds the Action Level, it may be transported by the Developer to the Repository for disposal. If such confirmation testing determines that the excess Excavated Soil does not exceed the Action Level, it shall not be transported to the Repository for disposal, and the Developer shall manage it in accordance with Article VIII of the RLUC or otherwise to prevent a nuisance. In all instances, the soil removed to accommodate the twelve

(12)-inch cap may be transported to the Repository without confirmation testing. In general, materials such as tree roots, large boulders, trash, and other non-soil debris may not be disposed of at the Repository, and must be removed from Excavated Soils before transport by the Developer to the Repository; provided however that materials removed from the top 12 inches of a property to make room for a clean Soils Cover will be accepted at the Repository, including when such materials contain rocks and vegetation. Soils to be disposed of at the Repository must be placed directly into trucks or roll-off containers at the time of excavation, or stockpiled pursuant to the procedures described in Sections D.7.A and D.7.B. The Developer shall ensure that all soils and Mine Waste transported to the Repository are covered during transport to the Repository. The Developer shall obtain a certificate from the operator of the Repository to demonstrate that soils excavated pursuant to these Regulations were in fact disposed of at the Repository, and shall submit this certificate with its Cleanup Completion Report.

2. **For Development Activities Involving a Planned Unit Development or Subdivision Consisting of Six (6) or More Total Lots Created After the Effective Date:** Excavated Soils and Mine Waste from a Development Activity within or associated with a Planned Unit Development or Subdivision consisting of six (6) or more total lots created after the Effective Date are not eligible for disposal at the Repository. Such Excavated Soils and Mine Waste shall be managed and disposed of as follows: Any Developer who generates Excavated Soils or Mine Waste in connection with a Development Activity within or associated with a Planned Unit Development or Subdivision consisting of six (6) or more total lots created after the Effective Date shall submit a soils management and disposal plan to the CDPHE VCUP Project Manager and the Environmental Officer for review and approval. The soils management and disposal plan shall describe the methods and procedures to be used by the Developer to ensure that all Excavated Soils and Mine Waste that cannot be returned to the excavation to a depth up to twelve (12) inches below the final surface grade and/or placed below a Soils Cover are managed and disposed of in accordance with applicable federal, state, and local requirements. Excavated Soils and Mine Waste from a Development Activity within or associated with such Planned Unit Developments or Subdivisions shall not be transported from the property that is subject to the Development Activity except in accordance with the soils management and disposal plan after approval in writing by CDPHE, with concurrence from the Environmental Officer. The restrictions in this paragraph do not apply where a Development Activity occurs on a lot following the initial remediation of such lot pursuant to these Regulations.

D. Installation of Soils Covers. The following materials may be used as a cap to cover soils exceeding the Action Level.

1. Soils Cover. A minimum of 12 inches of soil from the property subject to the Development Activity may be used as the Soils Cover if it has an average lead

- concentration below the applicable Action Level, provided the soils are adequately protected against erosion (e.g., by appropriate grading and/or vegetation). Alternatively, the Soils Cover may consist of soils imported from off-site (e.g., from a location other than the property subject to the Development Activity), provided the imported soils contain less than 100 mg/kg lead and otherwise are suitable for use as a Soils Cover. Such clean soils must come from a source approved by the Environmental Officer, or be shown to be clean fill by soil sampling data obtained pursuant to the procedures set forth in Section D.6. The Environmental Officer may pre-approve soil borrow areas based on analytical testing from geographic areas demonstrating the soils from such areas are below 100 mg/kg lead and otherwise suitable for use as fill due to the absence of contamination. A commercial-grade geotextile fabric or other marker material, as approved by the Environmental Officer, shall be installed directly beneath the clean soil layer to mark the boundary between the Soils Cover and underlying Native Soils.
2. Mature Trees. Where mature trees are present and will remain after the Development Activity, soil beneath the canopy must have a lead concentration less than the applicable Action Level (or 100 mg/kg lead concentrations if imported soils are used) to a depth of 12 inches at the edge of the canopy, and to a depth of 0 inches at the base of the tree trunk. For soil beneath mature Aspen trees, the depth of soil may be reduced to a uniform 4 inches depth beneath the canopy.
 3. Pavement. An impervious surface such as 4 inches of concrete or 2 inches of asphalt over a minimum 4 inches of clean granular fill (e.g., driveways, patios, walks) may be used to cover soils with concentrations of lead above the applicable Action Level.
 4. Buildings and Structures. Where construction of a permanent building or structure is part of the Development Activity, the footprint of the building or structure may be used to cover soils with lead concentrations above the applicable Action Level.
- E. Identification, Management, and Disposal of Mine Waste. Notwithstanding other terms of these Regulations, in the event that Mine Waste is encountered during any Development Activity, the Developer shall (i) presume that such materials exceed the applicable Action Level; (ii) contact the Environmental Officer to confirm the presence or absence of Mine Waste through a visual inspection and/or testing; and (iii) upon such confirmation, manage such waste pursuant to Section D.7 by removing Mine Waste from a depth of 0 to 12 inches below the ground surface for disposal at the Repository and installing a Soils Cover meeting the requirements of Section D.7.D. Alternatively, the Developer may choose to leave the Mine Waste in place on the property and cap the Mine Waste by installing a Soils Cover meeting the requirements of Section D.7.D that fully covers the Mine Waste to prevent exposure. The Mine Waste may be contoured as needed. Additionally, Mine Waste present at depths greater than 12 inches shall be left in place below a Soils Cover. If Mine Waste is excavated from a depth greater than 12 inches during the Development Activity, it shall be managed the same as other Excavated Soils in accordance with the provisions of this Section.

Rico Land Use Code Appendix D Section D.8 Maintenance of Remedial Features

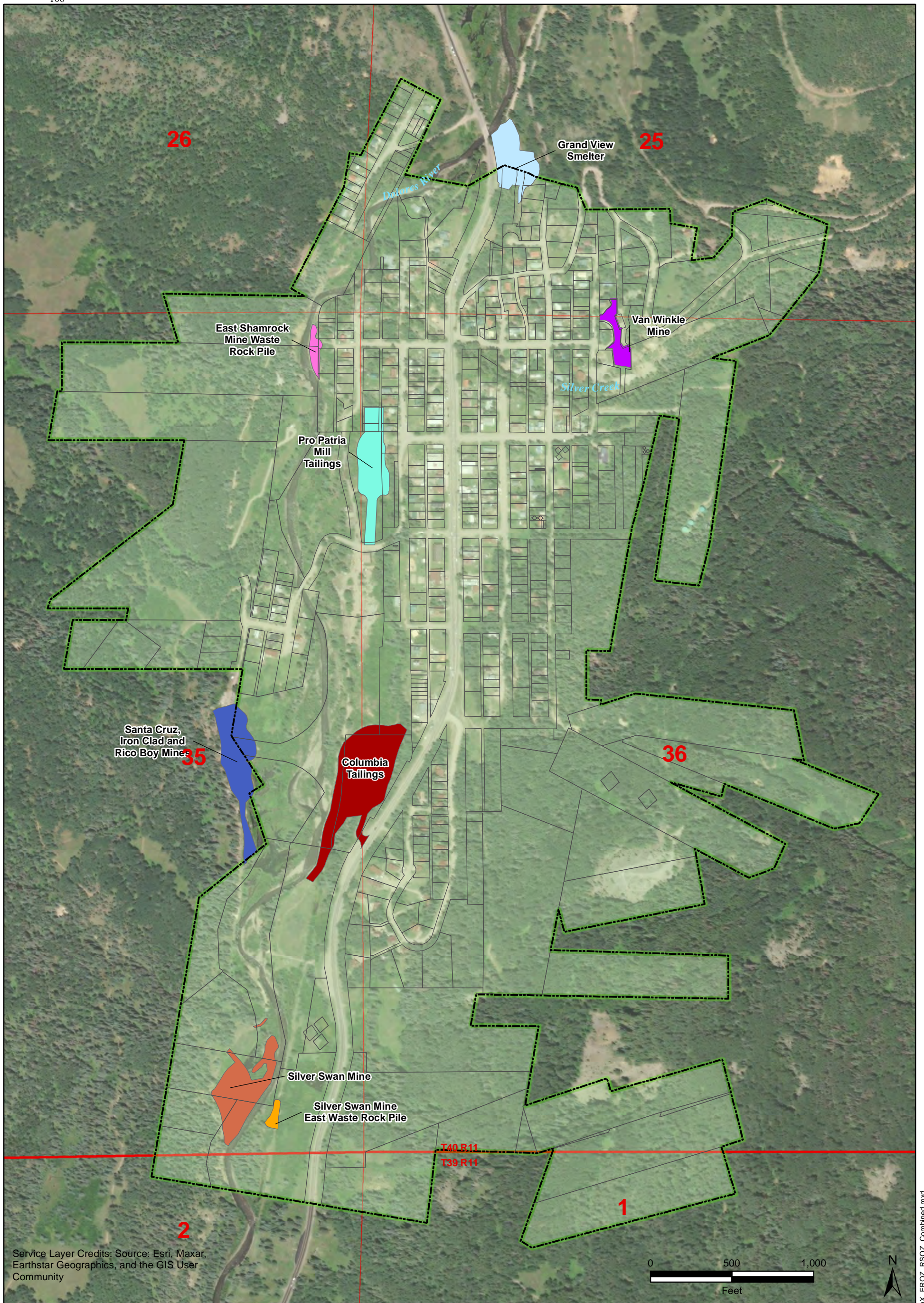
- A. To the extent a Soils Cover exists on a property, the current owner of that property is required to maintain the integrity of that Soils Cover in a manner that minimizes the risk of human exposure to soils with elevated levels of lead that may exist below the Soils Cover. Filing of the Cleanup Completion Certification, Soil Remediation Permit, and related documents with the Town (and optional recording the same in the Office of the Dolores County Clerk and Recorder) is intended to advise transferees and future owners of past remediation activities and on-going maintenance requirements with respect to the Soils Cover.
- B. In the event that a Soils Cover is not maintained as required by this Appendix D, the Town Manager may issue a written notice of violation to the then-current property owner describing the conditions present on the property that constitute a failure to maintain the Soils Cover. If such a notice is issued, the notice shall be posted on the property in a conspicuous place and mailed via registered mail to the last known address of the property owner according to the Dolores County Assessor's records. The property owner shall have thirty (30) days after the posting and mailing of such notice to remedy all conditions on the property related to the described violation.
- C. A property owner can request an extension of time to remedy any violation under this Section D.8, which request shall be in writing, shall indicate good cause for requesting an extension, and shall propose a definite date to remedy all impaired property conditions and restore the integrity of the Soils Cover consistent with the approved Soil Remediation Permit. The Town Manager on behalf of the Town shall have authority to grant a single extension of up to one hundred eighty (180) days. The Rico Board of Trustees shall have the authority to grant greater extensions. Any grant of extension shall be in writing and mailed to the property owner at the last known address according to the Dolores County Assessor's records.
- D. The failure to remedy any violation under this Section D.8 within thirty (30) days after receiving notice, or after a definite date approved in an extension, shall be deemed a violation of the RLUC and each day shall be deemed a separate violation, and such violation shall be punishable in accordance with Article I of this RLUC.

Rico Land Use Code Appendix D Section D.9 Development Activities Within the EROZ Overlay

- A. Properties within the EROZ. Properties within the EROZ were subject to previous remedial efforts pursuant to the State VCUP program or otherwise have unique environmental conditions that warrant inclusion within the EROZ. Substantial Development Activities on such lands could pose the risk of contaminating other nearby lands within the Town through erosion, wind-blown dust, changes to erosion controls, or other damage to existing remedial features. As a result of these conditions and the involvement of CDPHE, Development Activities within the EROZ are prohibited unless the Developer obtains approval from the CDPHE VCUP Project Manager pursuant to a separate VCUP or other written approval from

CDPHE for the Development Activity. Certain EROZ properties contain erosion control features, soil caps, surface grading, and passive water treatment features. It is the responsibility of the owner of the property to maintain those features and protect them against damage resulting from any proposed Development Activity.

- B. Developer Submittals. At the same time the Developer submits materials related to the Development Activity to the CDPHE VCUP Project Manager, the Developer shall provide copies of documents to the Environmental Officer.
- C. Approvals from CDPHE. If the Developer obtains approval from the CDPHE VCUP Project Manager, the Developer shall provide written documentation of the approval to the Town prior to initiating the Development Activity. Upon completion of the Development Activity, the Developer shall provide notice to the Town that the work has been completed to the satisfaction of the CDPHE VCUP Project Manager, including but not limited to any documentation from CDPHE with respect to same. A written approval from the CDPHE VCUP Project Manager obtained pursuant to this Section D.9 does not relieve the Developer from any other required approvals or requirements that may apply to the Development Activity.
- D. Restrictive Covenants or Notices. To the extent a property within the EROZ contains a land use covenant or restrictive notice that is more restrictive than these Regulations, the more restrictive covenant or notice requirement shall apply in addition to these Regulations, including additional notice or approval requirements that may be imposed by virtue of the land use covenant. Development Activities inconsistent with the more restrictive land use covenant or notice shall not be permitted.
- E. EROZ and RSOZ Overlaps. To the extent a legal parcel lies within both the EROZ and RSOZ, only the portion of parcel that is within the EROZ is subject to this Section D.9, with the balance of the parcel being subject to the other provisions of these Regulations; however, in such situations, a Developer may elect to manage an entire parcel under this Section D.9 at its option.



Service Layer Credits: Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Legend

EROZ Sites

- Columbia Tailings
- Grand View Smelter
- Santa Cruz, Iron Clad and Rico Boy Mines
- Silver Swan Mine
- Silver Swan Mine East Waste Rock Pile
- Pro Patria Mill Tailings
- Van Winkle Mine
- East Shamrock Mine Waste Rock Pile

Rico Soils Overlay Zone Boundary (RSOZ)

- Rico Soils Overlay Zone Boundary (RSOZ)
- Town of Rico Boundary
- Parcels
- Section
- Township/Range



RICO, COLORADO
FIGURE 1

**ENVIRONMENTAL REMEDIATION
OVERLAY ZONE (EROZ) AND RICO
SOILS OVERLAY ZONE (RSOZ)**

DATE: September 2024

BY: DKG

FOR: BGH

FORMATION
ENVIRONMENTAL



Town of Rico
2025 Fiscal Year Budget

Town of Rico Budget Summary

Date: October 8, 2024

TO: Town of Rico Board of Trustees
 FROM: Chauncey McCarthy, Town Manager
 SUBJECT: Town of Rico Budget Summary

Consideration of the 2025 Budget

The state requires that the 2025 proposed budget be submitted to the governing body no later than October 15. December 10 is the deadline in which the Town of Rico must then approved the budget and provide a certificate of mill levy to the county. The budget must be adopted via two reading of Ordinance 2024-05 an Ordinance of the Town of Rico, Colorado adopting the year 2025 Town budget; appropriating sums of money; and setting and certifying Town mill levies. The proposed budget Revenue from property taxes is based upon the August certification.

Included in the budget details are notes describing the method in which assumptions were made regarding revenues and expenses. The following is a summary of each fund.

General Fund Revenues:

2024 sales tax revenue has been doing very well and is on track to exceed \$350,000. Staff believes this increase is due to the purchase of modular homes. Sales tax revenues were budgeted lower for 2025 than what 2024 has been projected to finish out as due to the uncertainty of 2025 construction trends.

Property tax is based on the Town's assessed valuation. 2024 assessed valuation was \$8,119,423; Projected to generate \$105,500 of property tax revenue for the town. Development this year proceeded at a similar pace compared to last year. Revenues within these categories were budgeted with the assumption that two new homes will be constructed during 2025.

Revenue through the Town's investment account has been budgeted lower for 2025 than what 2024 has been projected to finish out as due to changes in the Federal Reserve rates and the Town drawing upon some of the funds for the Town Shop project.

Other revenues include licenses, lodging and specific ownership tax, and fines. These revenues are harder to forecast. Fines and forfeits have grown over the last year and our marshal department has focused on increasing tickets to offset labor and fuel cost.

All revenues for building and septic permits are based upon the construction of two new homes

General Fund Expenses - Employees:

All full-time salary positions have been budgeted to receive a 5% cost of living adjustment. The Town Manager and Town Clerk saw an additional increase due to the VCUP approval. The following is a summary of the staffing expenses that are reflected in this budget:

Town Manager. In addition to a COLA this position is budgeted to receive a 12% increase due to the approval of the VCUP. Full time, \$100,620.00 per year with benefits that include insurance for one person and PERA retirement benefits at a 14.78% match with a total cost including payroll taxes of \$132,573.10. This expense is distributed as follows: General Fund 50%, Water Fund 20%, Sanitation fund 20%, and Street Fund at 10%.

Maintenance 1. Full time, \$55,125 per year with benefits that include insurance for one person and PERA retirement benefits at a 14.78% match with a total cost including payroll taxes of \$76,668.84. This expense is distributed between the Water Fund 50% and the Street Fund 50%.

Town Clerk/Administrative Assistant. In addition to a COLA this position is budgeted to receive a 7% increase due to the approval of the VCUP. Full time (32 HR/WK), \$56,425 per year with benefits that include insurance for one person, 80% coverage for dependents, and PERA retirement benefits at a 14.78% match with a total cost including payroll taxes of \$90,955.44 This position is funded by the General Fund 60% and the Water Fund 40%.

POST Groomer. Part Time, no benefits, \$32.50 per hour. The amount spent on this activity is dependent entirely on the weather. There is \$8,000 budgeted for this activity based on last year's expenses.

POST Maintenance – Ice Rick and Park. Part Time, no benefits, \$25.00 per hour. This position is also variable. There is \$8,000 budgeted for this position.

Maintenance 2. Part Time, no benefits, \$32.50 per hour. There is \$35,000 budgeted for this position based on last year's expense. This position is funded by the Water Fund, 35%, and the Street Fund, 65%. (Funds are transferred based upon actual hours worked within each department). Ideally, the town will not need to expend the entirety of what has been appropriated. This position includes plowing snow, summer maintenance of roads, and assisting with the water system.

Water Technician. Part Time, no benefits, \$50.00 per hour. This position is that of Rico's water system's Responsible Operator. Having a Responsible Operator is a requirement of the Colorado Department of Public Health and Environment. This activity is highly specialized and requires years of training and testing to become certified. This position is funded entirely by the Water Fund.

Town Marshal. Part Time, no benefits, \$35.00 per hour. This position is funded through the General Fund. In 2024 the Marshal wage was offset by fines on traffic violations.

General Fund Expenses - Subcontractors:

Currently the Town employs several contractors

Municipal Court Judge. The Town has a long-standing arrangement with John Kelly for this duty. This arrangement will remain unchanged in the upcoming year.

Town Attorney. The Rico Home Charter requires that Rico have a Town Attorney. Karp, Neu, Hanlon is the appointed Town Attorney. Attorney cost are budgeted \$10,000 higher (\$45,000) than 2024 to help in the review and approval of the Rico Land Use Code Global Revision. Tom Bloomfield is used by the Town for matters involving the VCUP. Per the VCUP funding agreement in 2025 there is 60,000 budgeted for the implementation of the program. This account is a pass-thru account and should create no actual expense for the town.

Town Planner. This position is offset by development application. Currently the Town Manager handles smaller land use permit applications (variances, special use permits). Larger development applications that are reviewed by the planner are treated as a pass thru.

Auditor. The Town of Rico signed a letter of engagement with Atlas CPA for the 2024 – 2026 Audits. The cost of the 2024 audit will be \$13,000 and will be split between the General Fund and Water Fund

Building Inspector. Building fees offset plan review and building inspections. This expense, \$2,500, has been budgeted based upon the project 2024-year end cost.

General Fund Expenses - Other:

The other general fund expenses are dedicated to administrative related expenses including insurance, utilities and supplies as well as other things that are included in the budget details attached to this summary. These expense estimates are based on last year's cost. Town insurance saw a slight increase for 2025. Supplies and software have seen an increase in the 2025 budget due to the need to obtain licenses for ADA compliance software. Two additional projects are being considers:

- Codification of all Town ordinances work to be completed by MuniCode over the course of 2 years. (\$7,000 budgeted per year)
- Courthouse sidewalk and stair resurfacing due to cracks and damage that makes the building not ADA compliant (\$10,000 budgeted)

General Fund – Capital Improvement:

Capital improvement revenue for the construction of the town shop is being funded through a DOLA grant. The town shop project started in Q4 of 2023 and forecasted grant revenue and expenditures for 2024 related to this project have been used to determine the 2025 budget. The general fund shows a loss during the 2025 fiscal year due to this project. If the town shop project was removed from the 2025 budget the general fund would close approximately \$47,000 above the forecasted 2024-year end.

VCUP Fund

The revenue from this fund is paid by Atlantic Richfield per the VCUP Settlement, Implementation, and Funding Agreement. Section 9.1 initial payment for one-time VCUP-related expenses is \$60,000. These funds are to be used for purchase of a fire hydrant water meter, permitting software, and road resampling. Section 9.2 addresses annual payments to the Town for recurring VCUP related expenses. This payment totals \$102,800 and are to be used for a soil contractor, supplement to the Town manager's annual salary (25%), VCUP outreach and education programs, dust control on town roads, and potential insurance increase as a result of the VCUP. Section 8.1 establishes that AR shall pay 75,000 to the Town to be used for the VCUP incremental costs funding. This account is projected to close the year with a zero-dollar balance since the intent of the program is to have AR only directly fund the incurred cost. "By January 31 of each year, the Town shall provide AR with an annual accounting documenting all amounts withdrawn by the Town from the VCUP General Funding Account and the amount of any funds remaining in the VCUP General Funding Account at the end of the calendar year. Any such funds remaining in the VCUP General Funding Account at the end of a calendar year shall reduce on a dollar-for-dollar basis the total amount of the next annual payment owed by AR."

Water Fund Revenues:

Revenues from this year were based on proposed minimum yearly rates (which the Board will be considering for first reading at the November meeting) for commercial and residential accounts. The budgeted revenue is very conservative, and town should expect to exceed this number. Water Tap and System Improvement Fees are based upon the construction of two new homes.

Water Fund Expenses:

The expense budget is derived from the previous year's expenditures. Revenue generated from the sale of water taps is required to be used for capital improvement projects. Current capital projects being considered is the GIS software buildout, town shop lease purchase payment and additional engineering services.

If the Town of Rico decides to proceed with reactivating Silver Creek and restoring the third water tank, the Town may be awarded a low-interest loan with principal forgiveness (grant) from the State Revolving Fund. In that case, the Board of Trustees will need to amend the 2025 budget to reflect these additional revenues and expenditures.

Street Fund Revenues:

Street Fund revenues come from sales and use taxes, property taxes, franchise tax (SMPA), highway user's tax (State), lodging tax, excise tax, and the County Road and Bridge Reapportionment. Property tax is the only revenue line item that can be predicted based upon the previous year assessment. All other revenues are harder to forecast and are greatly affected by economic forces. The Street Fund only collects 1.875 mills generating \$14,493 dollars of property tax annually. Without the town pursuing a mill levy increase the combined revenues in this fund are often less than projected expenditures. Large capital projects and purchases are not currently feasible until property taxes are raised.

Mineral Leasing and Severance Tax have been inconsistent and historically shrinking. This year was a strong with \$38,265 deposited between the two revenue categories. Due to the uncertainty of these sources of revenue they have been budgeted very conservatively

Street Fund Expenses:

Cost estimates for the Street Fund were based on last year's expenses. The Street Fund as budgeted shows the expenses continuing to outpace revenue. The 2024 budgeted forecasted this issue as well; Due to upticks in certain revenue items and oversight on expenditures the street fund is projected to close above the prior year by approximately \$28,000.

Sanitation Fund Revenues:

Sanitation fund revenues are generated from a 3.939 mill levy. Additionally, this fund is expected to experience a significant increase in revenue, 1.65 million, due to congressionally directed spending for the design of a sewer treatment plant and a townwide collection system.

Sanitation Fund Expenses:

Payroll transfers have been budgeted to cover 20% of Town Manager salary. Also included in this budget is \$15,000 for miscellaneous engineering and legal which may be utilized for the environmental assessment and permitting. An additional 1.65 million has been budgeted to cover the cost of engineering for the sewer system. This expense is grant funded and should not result in any additional funds being spent out of the sanitation fund reserves.

Parks, Open Space and Trails Fund Revenues:

This fund is supported by sales and use tax, lodging tax, and excise tax from building permits. Additional revenue for the park improvement project will come from the approved GOCO grant along with a donation from the Rico Skatepark 503c

Parks, Open Space and Trails Fund Expenses:

The budgeted expenses for day-to-day operations are based on last year's expenses since there are no significant changes. The current park improvement project will carry over from 2024 into

2025. The 2025 budget accounts for the \$80,000 cash match that was committed by the Town in 2024 for the park improvement project. (\$30,000 from the park fund reserve and \$50,000 from the CTF for grant match)

Conservation Trust Fund

\$50,000 from this fund has been appropriated to be used as a grant match for the FMP park improvement project. This accounted is funded state lottery sales.

Conclusion

The 2025 budget for the Town of Rico reflects a proactive approach to financial planning, with a focus on balancing revenues and expenses while addressing community needs and regulatory requirements.

Revenue Projections: The budget conservatively estimates revenues across various streams, particularly sales and property taxes, which are influenced by construction trends and economic factors. The anticipated increase in sales tax due to modular home purchases is encouraging; however, the decision to budget conservatively for 2025 highlights a prudent approach to uncertain market conditions.

Expense Management: A significant emphasis is placed on personnel costs, with appropriate adjustments made for cost-of-living increases and specific raises tied to the VCUP approval. The detailed breakdown of employee salaries and benefits demonstrates the Town's commitment to fair compensation while managing overall expenditures effectively.

Infrastructure and Compliance Projects: The budget includes important allocations for infrastructure improvements and compliance with ADA regulations. Projects such as the codification of Town ordinances and enhancements to public facilities reflect a commitment to maintaining and improving community standards.

Long-term Planning: The VCUP fund shows a strategic effort to address environmental concerns while securing necessary resources for the cleanup. The planned expenditures in the Water, Sewer, and Parks funds illustrate a vision for sustainable development, prioritizing both essential services and community amenities.

Challenges Ahead: Despite the thorough planning, challenges remain, particularly in the Street Fund, where revenues are projected to continue falling short of expenditures. Addressing this gap may necessitate future discussions on increasing the mill levy or identifying alternative funding sources.

In summary, the 2025 budget not only seeks to meet the immediate fiscal responsibilities of the Town of Rico but also lays a foundation for long-term sustainability and community resilience. The careful consideration of both revenue and expenditure ensures that the town remains financially stable while effectively serving its residents.

**TOWN OF RICO
ORDINANCE NO. 2024-05**

**AN ORDINANCE OF THE TOWN OF RICO, COLORADO ADOPTING THE YEAR
2025 TOWN BUDGET; APPROPRIATING SUMS OF MONEY; AND SETTING AND
CERTIFYING TOWN MILL LEVIES**

WHEREAS, the Board of Trustees designated Chauncey, Rico Town Manager to prepare and submit a proposed budget to the Governing Body; and

WHEREAS, a public hearing was conducted on the 16th day of October, and the 20th day of November 2024 in accordance with the law;

WHEREAS, the Rico Town Board finds that the adoption of the budget is essential to the provision of basic and necessary services and finds that this ordinance is necessary for the preservation of the health, safety and general welfare of the Rico community; and,

WHEREAS, the Town of Rico has reviewed and considered the 2025 Budget in accordance with the Local Government Budget Law on the 20th day of November, 2024; and,

WHEREAS, the proposed budget has made provisions therein for revenues in an amount equal to or greater than the total proposed described below; and,

WHEREAS, the August 26, 2023 valuation for the Town of Rico as certified by the County Assessor is \$8,119,423 and,

**NOW THEREFORE, THE BOARD OF TRUSTEES OF THE TOWN OF RICO
ORDAINS:**

SECTION 1. BUDGETED REVENUES AND EXPENDITURES

The following sums are hereby appropriated for the revenue of each fund, for the purposes stated. The budgeted revenues and expenditures for each fund are as follows:

General Fund Revenues:	
Reserve Balance	1,048,445.00
Non Property Tax Revenues	607,130.00
Property Tax revenues	105,500.00
Grant/Other Revenues	592,028.00
Total General Fund:	<u>2,353,103.00</u>
General Fund Expenditures:	<u>1,633,610.00</u>
VCUP Fund Revenues:	
Reserve Balance	1,000.00
Non Property Tax Revenue	237800.00
Total VCUP Fund:	<u>238,800.00</u>

VCUP Expenditures: 237,800.00

Street Fund Revenues:

Reserve Balance	197,150.00
Non Property Tax Revenue	71,850.00
Property Tax Revenue	14,400.00
Grant/Other	0.00

Total Street Fund: 283,400.00

Street Fund Expenditures: 119,950.00

Parks Trails and Open Space Revenue:

Reserve Balance	194,182.00
Non Property Tax Revenues	27,550.00
Grants/Other Revenues	270,450.00

Total Parks, Trails and Open Space Fund: 492,182.00

**Parks, Trails and Open Space
Expenditures:** 389,450.00

Water Enterprise Fund Revenues:

Reserve Balance	412,080.00
Non Property Tax Revenues	192,950.00
Grants/Other Revenues	

Total Water Enterprise Fund: 605,030.00

Water Fund Expenditures: 179,251.00

Sewer Fund Revenues

Reserve Balance	190,930.00
Non Property Tax Revenue	1,750.00
Property Tax Revenues	31,980.00
Grants/Other Revenues	1,650,000.00

Total Sewer Fund: 1,874,660.00

Sewer Fund Expenditures: 1,685,724.00

SECTION 2. ADOPTION OF BUDGET

The Budget as submitted, amended, and hereinabove summarized by fund hereby is approved and adopted as the Budget of the Town of Rico for the year 2025. The Budget shall be signed by the Mayor and made part of the public records of the Town.

SECTION 3. CERTIFICATION OF MILL LEVIES

That for the purpose of meeting all general operating expenses of the Town of Rico during the 2025 budget year there is hereby levied a tax of 13.020 mills upon each dollar of the total valuation for the assessment of all taxable property within the Town for the year 2024.

That for the purpose of meeting all Street Fund expenses of the Town of Rico during the 2025

budget year there is hereby levied a tax of 1.785 mills upon each dollar of the total valuation for assessment of all taxable property within the Town for year 2024.

That for the purpose of meeting all Sewer Fund expenses of the Town of Rico during the 2025 budget year, there is hereby levied a tax of 3.939 mills upon each dollar of the total valuation for assessment of all taxable property within the Town for year 2024.

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

This budget document was presented on the 7th day of October 2024. This Ordinance was introduced, read, approved, and adopted on the 16th day of October 2024 and considered for a second reading on the 20th day of November 2024.

THIS ORDINANCE WAS, FOLLOWING PUBLIC NOTICE, INTRODUCED, READ, AND APPROVED ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY THIS 16TH DAY OF OCTOBER 2024.

TOWN OF RICO, COLORADO

Nicole Pieterse, Mayor

ATTEST:

Anna Wolf, Town Clerk

THIS ORDINANCE WAS, FOLLOWING PUBLIC NOTICE, INTRODUCED, READ ON SECOND READING, PASSED AND ORDERED PUBLISHED BY TITLE ONLY TO BE EFFECTIVE IMMEDIATELY THIS 20TH DAY OF NOVEMBER 2024.

TOWN OF RICO, COLORADO

Nicole Pieterse, Mayor

ATTEST:

Anna Wolf, Town Clerk

Effective Date: January 1, 2024

CERTIFICATION OF VALUATION BY DOLORES COUNTY ASSESSOR

New Tax Entity? YES NO

DATE: 8/26/2024

NAME OF TAX ENTITY: TOWN OF RICO

USE FOR STATUTORY PROPERTY TAX REVENUE LIMIT CALCULATION ("5.5%" LIMIT) ONLY

IN ACCORDANCE WITH 39-5-121(2)(a) and 39-5-128(1), C.R.S., AND NO LATER THAN AUGUST 25, THE ASSESSOR CERTIFIES THE TOTAL VALUATION FOR ASSESSMENT FOR THE TAXABLE YEAR _____:

1.	PREVIOUS YEAR'S NET TOTAL TAXABLE ASSESSED VALUATION:	1.	\$	<u>7,572,162</u>
2.	CURRENT YEAR'S GROSS TOTAL TAXABLE ASSESSED VALUATION: ‡	2.	\$	<u>8,119,423</u>
3.	LESS TOTAL TIF AREA INCREMENTS, IF ANY:	3.	\$	<u> </u>
4.	CURRENT YEAR'S NET TOTAL TAXABLE ASSESSED VALUATION:	4.	\$	<u>8,119,423</u>
5.	NEW CONSTRUCTION: *	5.	\$	<u>30,559</u>
6.	INCREASED PRODUCTION OF PRODUCING MINE: ≈	6.	\$	<u> </u>
7.	ANNEXATIONS/INCLUSIONS:	7.	\$	<u> </u>
8.	PREVIOUSLY EXEMPT FEDERAL PROPERTY: ≈	8.	\$	<u> </u>
9.	NEW PRIMARY OIL OR GAS PRODUCTION FROM ANY PRODUCING OIL AND GAS LEASEHOLD OR LAND (29-1-301(1)(b), C.R.S.): ☉	9.	\$	<u> </u>
10.	TAXES RECEIVED LAST YEAR ON OMITTED PROPERTY AS OF AUG. 1 (29-1-301(1)(a), C.R.S.). Includes all revenue collected on valuation not previously certified:	10.	\$	<u> </u>
11.	TAXES ABATED AND REFUNDED AS OF AUG. 1 (29-1-301(1)(a), C.R.S.) and (39-10-114(1)(a)(I)(B), C.R.S.):	11.	\$	<u>125.59</u>

- ‡ This value reflects personal property exemptions IF enacted by the jurisdiction as authorized by Art. X, Sec. 20(8)(b), Colo. Constitution
- * New Construction is defined as: Taxable real property structures and the personal property connected with the structure.
- ≈ Jurisdiction must submit to the Division of Local Government respective Certifications of Impact in order for the values to be treated as growth in the limit calculation; use Forms DLG 52 & 52A.
- ☉ Jurisdiction must apply to the Division of Local Government before the value can be treated as growth in the limit calculation; use Form DLG 52B.

USE FOR TABOR "LOCAL GROWTH" CALCULATION ONLY

IN ACCORDANCE WITH ART.X, SEC.20, COLO. CONSTUTION AND 39-5-121(2)(b), C.R.S., THE ASSESSOR CERTIFIES THE TOTAL ACTUAL VALUATION FOR THE TAXABLE YEAR _____:

1.	CURRENT YEAR'S TOTAL ACTUAL VALUE OF ALL REAL PROPERTY: ¶	1.	\$	<u>69,304,658</u>
ADDITIONS TO TAXABLE REAL PROPERTY				
2.	CONSTRUCTION OF TAXABLE REAL PROPERTY IMPROVEMENTS: *	2.	\$	<u>456,114</u>
3.	ANNEXATIONS/INCLUSIONS:	3.	\$	<u> </u>
4.	INCREASED MINING PRODUCTION: §	4.	\$	<u> </u>
5.	PREVIOUSLY EXEMPT PROPERTY:	5.	\$	<u> </u>
6.	OIL OR GAS PRODUCTION FROM A NEW WELL:	6.	\$	<u> </u>
7.	TAXABLE REAL PROPERTY OMITTED FROM THE PREVIOUS YEAR'S TAX WARRANT: (If land and/or a structure is picked up as omitted property for multiple years, only the most current year's actual value can be reported as omitted property.):	7.	\$	<u> </u>

DELETIONS FROM TAXABLE REAL PROPERTY

8.	DESTRUCTION OF TAXABLE REAL PROPERTY IMPROVEMENTS:	8.	\$	<u> </u>
9.	DISCONNECTIONS/EXCLUSIONS:	9.	\$	<u> </u>
10.	PREVIOUSLY TAXABLE PROPERTY:	10.	\$	<u> </u>

- ¶ This includes the actual value of all taxable real property plus the actual value of religious, private school, and charitable real property.
- * Construction is defined as newly constructed taxable real property structures.
- § Includes production from new mines and increases in production of existing producing mines.

IN ACCORDANCE WITH 39-5-128(1), C.R.S., AND NO LATER THAN AUGUST 25, THE ASSESSOR CERTIFIES TO SCHOOL DISTRICTS:
TOTAL ACTUAL VALUE OF ALL TAXABLE PROPERTY \$ _____

IN ACCORDANCE WITH 39-5-128(1.5), C.R.S., THE ASSESSOR PROVIDES:
HB21-1312 VALUE OF EXEMPT BUSINESS PERSONAL PROPERTY (ESTIMATED): ** \$ 315.02
** The tax revenue lost due to this exempted value will be reimbursed to the tax entity by the County Treasurer in accordance with 39-3-119.5(3), C.R.S.

NOTE: ALL LEVIES MUST BE CERTIFIED to the COUNTY COMMISSIONERS NO LATER THAN DECEMBER 15.

General Fund Revenues	2023	2024	2024	2024	2025	Notes
	Audit	Budget	Original vs Projected	Projected Year End Budget	Proposed Budget	
Operating Revenues						
Property Tax*	104,650.00	98,580.00	14,570.00	113,150.00	105,500.00	1
Delinquent Taxes & Interest	2,432.00	1,000.00	500.00	1,500.00	1,000.00	
Lodging Tax	11,556.00	8,000.00	0.00	8,000.00	8,000.00	
Sales & Use Tax	227,918.00	220,000.00	135,000.00	355,000.00	250,000.00	\$20,833 assumed monthly revenue
Specific Ownership Tax	5,189.00	4,500.00	-500.00	4,000.00	4,000.00	
Cigarette Tax	-	180.00	0.00	180.00	150.00	
Total Operating Revenues	351,745.00	332,260.00	149,570.00	481,830.00	368,650.00	
Intergovernmental Revenue						
Building Permits - All licenses and permits are grouped together in audit	26,049.00	11,000.00	-2,620.00	8,380.00	10,000.00	Based on 2 new homes
Septic Permit	-	800.00	0.00	800.00	800.00	Based on 2 new homes
Development Applications	-	2,500.00	-150.00	2,350.00	2,000.00	
Licenses	-	1,100.00	4,500.00	5,600.00	2,500.00	Includes STR, Business, Liquor
Dog Licenses (licenses & permits together on audit)	-	150.00	-30.00	120.00	120.00	Based on 2024
Total Intergovernmental Revenues & Fees	26,049.00	15,550.00	1,700.00	17,250.00	15,420.00	
Miscellaneous Revenues						
Interest	31,734.00	20,000.00	46,000.00	66,000.00	40,000.00	
Fines & Forfeits	12,892.00	13,000.00	6,000.00	19,000.00	20,000.00	
SMPA dividend - in miscellaneous in audit	-	400.00	155.00	555.00	400.00	
Miscellaneous Revenues (lumped together in audit)	426,909.00	0.00	0.00	0.00	0.00	
Total Miscellaneous	471,535.00	33,400.00	52,155.00	85,555.00	60,400.00	
Total Revenues before Payroll						
Transfers	849,329.00	381,210.00	203,425.00	584,635.00	444,470.00	
Transfers						
Payroll Transfer	164,395.00	175,690.00	0.00	175,690.00	208,160.00	
Attorney pass through	-	100,000.00	60,000.00	160,000.00	60,000.00	Per funding agreement 9.4
Total Payroll Transfers to / From Other Funds	164,395.00	275,690.00	60,000.00	335,690.00	268,160.00	
Total Operating Revenues and Transfers						
	1,013,724.00	656,900.00	263,425.00	920,325.00	712,630.00	
Special Projects Revenues	521,036.00	960,500.00	-596,137.00	364,363.00	592,028.00	
Total Revenues	1,548,180.00	1,617,400.00	-332,712.00	1,284,688.00	1,304,658.00	
Total Expenses	868,852.00	2,583,270.00	-659,135.00	1,924,135.00	1,633,610.00	
Fund Balance Ending	1,687,892.00	722,022.00		1,048,445.00	719,493.00	

Notes:

1. A levy of 13.020 mills upon each dollar of the total valuation for assessment of taxable property in the Town of Rico.

	Property Taxes,		
	2023 Aug AV	2023	Mill Levy
Assessed Valuation (AV)	8,119,423.00	105,714.89	13.020

General Fund Employee & Contract Labor Expenses	2023 Audit	2024 Budget	2024 Original vs Projected	2024 Projected Year End Budget	2025 Proposed Budget	Notes
Operating Expenses						
Salaries & Wages						
Town Administrator / Manager	79,000.00	86,000.00	0.00	86,000.00	100,620.00	5% COLA + 12% VCUP
Maintenance 1	50,000.00	52,250.00	0.00	52,250.00	55,125.00	5% COLA
Town Clerk / Admin Assistant	46,650.00	50,380.00	0.00	50,380.00	56,425.00	5% COLA + 7% VCUP
Park & Recreation groomer - combined with all POST programs in audit	-	8,000.00	0.00	8,000.00	8,000.00	
Park & Recreation ice rink & park - combined with all POST programs in audit	-	8,000.00	-3,000.00	5,000.00	8,000.00	
Maintenance 2	39,062.00	35,000.00	-10,000.00	25,000.00	35,000.00	
Water Technician	1,350.00	4,000.00	-2,000.00	2,000.00	4,000.00	
Town Marshall	23,982.00	20,000.00	-2,000.00	18,000.00	20,000.00	
Subtotal - Salaries & Wages	240,044.00	263,630.00	-17,000.00	246,630.00	287,170.00	
Employee Taxes and Benefits						
Payroll Taxes	18,578.00	21,200.00	0.00	21,200.00	23,000.00	7.6% Employer match
FAMLI	-	1,150.00	-1,150.00	0.00	1,150.00	.45% Employer match
Employer PERA (employee benefits combined on audit)	74,718.00	27,900.00	-1,650.00	26,250.00	32,000.00	14.78% of full time wages
Employee Health Insurance	-	42,500.00	4,500.00	47,000.00	50,000.00	
Employee Life Insurance (employee benefits combined on audit)	-	140.00	-140.00	0.00	140.00	
Employee Consideration	-	4,000.00	0.00	4,000.00	4,000.00	
Subtotal - Employee Taxes & Benefits	93,296.00	96,890.00	1,560.00	98,450.00	110,290.00	
Subtotal - Employee Costs	333,340.00	360,520.00	-15,440.00	345,080.00	397,460.00	
Other Labor						
Municipal Court Judge (Part Time)	4,500.00	4,500.00	0.00	4,500.00	4,500.00	
Town Attorney (plus prosecutor)	24,808.00	30,000.00	0.00	30,000.00	45,000.00	LUC Review
VCUP Attorney (pass through)	-	100,000.00	60,000.00	160,000.00	60,000.00	1
Town Planner	-	4,000.00	500.00	4,500.00	5,000.00	
Auditor	6,300.00	6,600.00	0.00	6,600.00	6,500.00	Split between general and water
Building Inspector - not on audit	-	4,000.00	-1,500.00	2,500.00	2,500.00	
Subtotal - Other Labor	35,608.00	149,100.00	59,000.00	208,100.00	123,500.00	
Total Employee & Other Labor	368,948.00	509,620.00	43,560.00	553,180.00	520,960.00	
Other Administrative Expenses	499,893.00	117,650.00	11,305.00	128,955.00	117,650.00	
Special Projects Expenses	521,036.00	1,956,000.00	-714,000.00	1,242,000.00	995,000.00	
Total General Fund Expenses	868,852.00	2,583,270.00	-659,135.00	1,924,135.00	1,633,610.00	

General Fund Other Administrative Expenses	2023 Audit	2024 Budget	2024 Original vs Projected	2024 Projected Year End Budget	2025 Proposed Budget	Notes
Administrative Costs						
Insurance (CIRSA)	7,044.00	9,400.00	905.00	10,305.00	9,400.00	Based on renewal price
IT/Website - Domain	-	1,500.00	-850.00	650.00	750.00	
Maintenance - under miscellaneous in audit	-	1,500.00	-1,500.00	0.00	1,000.00	
Advertisements/Agenda - in supplies in audit	9,541.00	10,000.00	0.00	10,000.00	14,000.00	
Supplies/Software	-	3,000.00	-1,000.00	2,000.00	2,500.00	
Dues & Fees - in miscellaneous in audit	-	7,500.00	-1,750.00	5,750.00	7,500.00	CML conference for board members.
Travel/Conference/ Training Expenses - in miscellaneous in audit	470,546.00	1,000.00	2,000.00	3,000.00	1,000.00	
Miscellaneous						
Subtotal - Administrative Costs	487,131.00	33,900.00	-2,195.00	31,705.00	36,150.00	
Utilities						
Electric	-	1,800.00	-400.00	1,400.00	1,800.00	
Propane	-	7,500.00	-400.00	7,100.00	6,000.00	Based upon prepayment
Telephone & Internet	-	3,600.00	0.00	3,600.00	3,100.00	Removing Fax account
Utilities-Other (all included in audit)	12,762.00	1,000.00	-200.00	800.00	1,000.00	
Subtotal - Utilities	12,762.00	13,900.00	-1,000.00	12,900.00	11,900.00	
Town Vehicle Costs						
Fuel (not separated on audit)	-	3,000.00	-2,000.00	1,000.00	1,000.00	
Repair & Maintenance	-	2,500	-2,500.00	0.00	2,500	
Subtotal - Vehicle Costs	0.00	5,500.00	-4,500.00	1,000.00	3,500.00	
Other						
Facilities Maintenance - all lumped into special projects on Audit	-	5,000.00	0.00	5,000.00	10,000.00	Sidewalk and stair resurface
Elections	-	2,000.00	0.00	2,000.00	2,000.00	
July 4th Expenses	-	2,000.00	-250.00	1,750.00	2,000.00	
Treasurer Fees	-	2,500.00	-500.00	2,000.00	2,500.00	
Lodging Tax Transfer	-	2,000.00	-400.00	1,600.00	1,600.00	Transfers from General Fund to POST and Street Funds 20%
Sales & Use Tax Transfer	-	44,000.00	27,000.00	71,000.00	48,000.00	Transfers from General Fund to POST and Street Funds 20%
Subtotal - Other	0.00	57,500.00	25,850.00	83,350.00	66,100.00	
Total Other Administrative Expenses	499,893.00	110,800.00	18,155.00	128,955.00	117,650.00	

General Fund Capital Improvement Revenues	2023 Audit	2024 Budget	2024 Original vs Amended	2024 Projected Year End Budget	2025 Proposed Budget	Notes
Excise Tax	7,836.00	2,500.00	-698.00	1,802.00	2,500.00	1
Total Capital Improvement Revenues	7,836.00	2,500.00	-698.00	1,802.00	2,500.00	
Special Projects / Grants Revenues						
Rico Center Cemetery Pass through	-	13,000.00	-13,000.00	0.00	0.00	Based on 2023 (pass-thru)
DOLA - Town Shop Grant	-	925,000.00	-582,439.00	342,561.00	569,528.00	
Lease Purchase Tranfer	-	20,000.00	0.00	20,000.00	20,000.00	
All lumped together on Audit	513,200.00					
Total Special Projects / Grants Revenues	513,200.00	958,000.00	-595,439.00	362,561.00	589,528.00	
Total Capital & Special Projects Revenues	521,036.00	960,500.00	-596,137.00	364,363.00	592,028.00	
Capital Improvements Expenses						
Facility Improvements	-	0.00	0.00	0.00	0.00	
Town Shop Construction	-	1,900,000.00	700,000.00	1,200,000.00	945,000.00	
Lease Purchase Payment	-	42,000.00	0.00	42,000.00	42,000.00	
Total Capital Improvements Expenses	0.00	1,942,000.00	700,000.00	1,242,000.00	987,000.00	
Special Projects Expenses						
Codifcation	-	-	-	-	7,000.00	
Rico Center Cemetery Pass through	-	13,000.00	-13,000.00	0.00	0.00	Based on 2023 (pass-thru)
Community Meetings	-	1,000.00	-1,000.00	0.00	1,000.00	
Total Special Projects/ Capital Improvement Expenses	521,036.00	1,956,000.00	-714,000.00	1,242,000.00	995,000.00	

Notes:

- The Town has a \$2.00 per square foot excise tax on all new construction. The General Fund receives 25% of the excise tax. All revenues received from the excise tax can only be used for capital improvements and purchases.

VCUP Fund	2023	2024	2024	2024	2025	Notes
	Audit	Budget	Original vs Projected	Projected Year End Budget	Proposed Budget	
Operating Revenues						
Initial Payment	-	-	-	-	60,000.00	1
Annual Payment	-	-	-	-	102,800.00	2
Miscellaneous	-	-	-	1,000.00	0.00	
Total VCUP Fund Operating Revenues		0.00	0.00	1,000.00	162,800.00	
Incremental Cost Funding Account						
Incremental Cost	-	-	-	-	75,000.00	3
Total VCUP Revenues	0.00	0.00	1,000.00	1,000.00	237,800.00	
Operating Expenses						
Dust Control	-	-	-	-	37,345.00	2
Salary stipend payroll transfer	-	-	-	-	25,155.00	2
Outreach and Education Programs	-	-	-	-	3,000.00	2
Insurance	-	-	-	-	2,300.00	2
Soil Remediation Contractor	-	-	-	-	35,000.00	2
Road Resampling	-	-	-	-	20,000.00	1
Hydrant Water Meter	-	-	-	-	10,000.00	1
Permitting Software Development	-	-	-	-	30,000.00	1
Total VCUP Fund Operating Expenses	0.00	0.00	0.00	0.00	162,800.00	
Incremental Cost Funding Account						
Incremental Cost	-	-	-	-	75,000.00	3
Total VCUP Fund Expenses					237,800.00	
Total VCUP Fund Balance Ending				1,000.00	1,000.00	

1. VCUP Funding agreement section 9.1 Initial payment for one-time VCUP-related expenses

2 VCUP Funding agreement section 9.2 Annual Payments for Recurring VCUP-Related expenses

3 VCUP Funding agreement 8.1 Establishment and annual funding of the VCUP Incremental Costs funding account

Water Fund Revenues	2023	2024	2024	2024	2025	Notes
	Audit	Budget	Original vs	Projected Year	Proposed	
			Projected	End Budget	Budget	
Operating Revenues						
Water Revenue	249,142.00	135,000.00	11,100.00	146,100.00	153,180.00	1
Interest	1,119.00	800.00	350.00	1,150.00	1,100.00	
Electric Reimbursement	-	1,450.00	350.00	1,800.00	1,450.00	
Total Water Fund Operating Revenues	250,261.00	137,250.00	11,800.00	149,050.00	155,730.00	
Capital Improvement Revenues						
Water Tap	-	37,500.00	35,500.00	73,000.00	25,000.00	2
Water System Improvement Fee		-	-	12,220.00	12,220.00	2
Total Water Fund Capital Improvement Revenues	0.00	37,500.00	47,720.00	85,220.00	37,220.00	
Total Water Fund Revenues	250,261.00	174,750.00	59,520.00	234,270.00	192,950.00	
Total Water Fund Expenses	160,644.00	192,990.00		164,290.00	179,251.00	
Water Fund Balance Ending	342,100.00	323,860.00		412,080.00	425,779.00	

Notes:

1. Base on number of accounts multiplied by the proposed monthly minimum rate
2. Based upon the construction of 2 new homes, funds to be used for capital projects only

Water Fund Expenses	2023	2024	2024	2024	2025	Notes
	Audit	Budget	Original vs Amended	Projected Year End Budget	Proposed Budget	
Operating Expenses						
Payroll Transfer	90,556.00	84,890.00	0.00	84,890.00	86,501.00	
Auditor	-	6,600.00	0.00	6,600.00	6,500.00	Split between general and water
Attorney	-	1,000.00	-1,000.00	0.00	2,000.00	
Subtotal - Employee and Other Labor Costs	90,556.00	92,490.00	-	1,000.00	91,490.00	95,001.00
Other Costs						
Insurance	6,500.00	6,500.00	0.00	6,500.00	6,500.00	Based on renewal price
Repairs & Maintenance	7,958.00	5,000.00	2,750.00	7,750.00	7,500.00	Software licenses moved into new account
Supplies	10,044.00	5,000.00	0.00	5,000.00	5,000.00	
Water Samples	8,868.00	2,000.00	-1,500.00	500.00	3,000.00	
Electric	4,463.00	6,000.00	-200.00	5,800.00	6,000.00	
Propane	4,824.00	5,000.00	-1,000.00	4,000.00	3,000.00	
Telecommunication	1,492.00	2,800.00	-50.00	2,750.00	2,750.00	ATT and WiFi
Dolores Water Conservation District	2,700.00	2,700.00	300.00	3,000.00	3,000.00	
Software	-	7,900.00	-	2,300.00	2,500.00	
Miscellaneous	23,239.00	500.00	200.00	700.00	500.00	
Water Fund Operating Expenses	70,088.00	43,400.00	-	5,100.00	38,300.00	39,750.00
Total Water Fund Operating Expenses	160,644.00	135,890.00	-	-6,100.00	129,790.00	134,751.00
Capital Improvement Expenses						
Water Tap & Installation	-	4,000.00	1,500.00	5,500.00	5,500.00	
Water Tank replacement	-	0.00	0.00	0.00	0.00	
Lease Purchase Transfer	-	10,000.00	0.00	10,000.00	10,000.00	
Neptune AMR Gateway	-	15,000.00	-	0.00	0.00	
GIS Development	-	8,100.00	-	0.00	9,000.00	
Water Engineering Service	-	20,000.00	-1,000.00	19,000.00	20,000.00	
Total Water Capital Improvement Expenses	0.00	57,100.00	-	22,600.00	34,500.00	44,500.00
Total Water Fund Expenses	160,644.00	192,990.00	-	28,700.00	164,290.00	179,251.00

Street Fund Revenues	2023	2024	2024	2024	2025	Notes
	Audit	Budget	Original vs Projected	Projected Year End Budget	Proposed Budget	
Operating Revenues						
Property Tax	12,058.00	13,515.00	-1,015.00	12,500.00	14,400.00	1
Sales & Use Tax	28,468.00	22,000.00	13,500.00	35,500.00	24,000.00	2
Specific Ownership Tax	711.00	500.00	0.00	500.00	500.00	
Delinquent Tax & Interest	-	100.00	-85.00	15.00	100.00	
Franchise Tax	7,234.00	7,000.00	-500.00	6,500.00	6,500.00	
Highway Users Tax	18,607.00	15,000.00	4,000.00	19,000.00	17,900.00	Based on CDOT estimates
County R&B Reapportionment	13,276.00	13,000.00	1,965.00	14,965.00	13,000.00	
Lodging Tax	-	1,000.00	-200.00	800.00	800.00	3
Interest	500.00	300.00	200.00	500.00	550.00	
Miscellaneous	-	0.00	0.00	0.00	0.00	
Mineral Leasing	-	5,000.00	30,125.00	35,125.00	5,000.00	4
Severance Tax	-	1,000.00	2,140.00	3,140.00	1,000.00	4
Other taxes (audit)	26,991.00	-	-	-	-	
Total Street Fund Operating Revenues	107,845.00	78,415.00	50,130.00	128,545.00	83,750.00	
Capital Improvement Revenues						
Excise Tax	7,836.00	2,500.00	-700.00	1,800.00	2,500.00	5
Total Street Fund Capital Improvement Revenues	7,836.00	2,500.00	-700.00	1,800.00	2,500.00	
Total Street Fund Revenues	115,681.00	80,915.00	49,430.00	130,345.00	86,250.00	
Total Street Fund Expenses	82,477.00	120,650.00		102,228.00	119,950.00	
Street Fund Balance Ending	169,033.00	129,298.00		197,150.00	163,450.00	

Notes:

1. A levy of 1.785 mills upon each dollar of the total valuation for assessment of taxable property in the Town of Rico.

	Property Taxes,		
	2023 Aug AV	2023	Mill Levy
Assessed Valuation (AV)	8,119,423.00	14,493.17	1.785

2. Street Fund receives 10% of the total revenue collected from the Sales Tax. The Sales Tax rate for the Town of Rico is 5%.
3. The Street Fund receives 10% of proceeds from the lodging tax, which is a 7% tax on all lodging. Ordinance No. 2022-05.
4. Mineral leasing and severance tax has been shrinking historically.
5. The Town has a \$2.00 per square foot excise tax on all new construction. The Street Fund receives 25% of the excise tax. All revenues received from the excise tax can only be used for capital improvements and purchases.

Street Fund Expenses	2023	2024	2024	2024	2025	Notes
	Audit	Budget	Original vs Amended	Projected Year End Budget	Proposed Budget	
Operating Expenses						
Payroll Transfer	45,527.00	57,600.00	0.00	57,600.00	60,375.00	
Subtotal - Employee and Other Labor Costs	45,527.00	57,600.00	-	57,600.00	60,375.00	
Contract Snow Removal	0.00	5,000.00	-5,000.00	0.00	5,000.00	1
Equipment Rental	-	5,000.00	-5,000.00	0.00	5,000.00	1
Fuel	16,601.00	17,000.00	-8,000.00	9,000.00	15,000.00	
Equipment Repairs & Maintenance	5,681.00	7,500.00	0.00	7,500.00	7,500.00	
Insurance	4,537.00	4,700.00	0.00	4,700.00	5,500.00	
Supplies	4,936.00	2,500.00	0.00	2,500.00	2,500.00	
Electric	1,524.00	2,000.00	0.00	2,000.00	2,000.00	
Street Lights	1,027.00	1,000.00	68.00	1,068.00	1,300.00	
Utilities - other	2,408.00	2,500.00	2,100.00	4,600.00	3,000.00	
Treasurer Fees	236.00	350.00	-100.00	250.00	275.00	
Total Street Fund Operating Expenses	36,950.00	47,550.00	- 15,932.00	31,618.00	47,075.00	
Capital Improvement Expenses						
Gravel Project - Various Streets	-	2,500.00	-1,500.00	1,000.00	2,500.00	
Lease Purchase Transfer	-	10,000.00	0.00	10,000.00	10,000.00	
Street Safety	-	3,000.00	-990.00	2,010.00	-	
Total Street Fund Capital Improvement Expenses	0.00	15,500.00	-2,490.00	13,010.00	12,500.00	
Total Street Fund Expenses	82,477.00	120,650.00	-18,422.00	102,228.00	119,950.00	

Notes:

1. These funds are appropriated as a contingency but are not forecasted to be expended during 2024 fiscal year

Sewer Fund	2023	2024	2024	2024	2025	Notes
	Audit	Proposed Budget	Original vs Projected	Projected Year End Budget	Proposed Budget	
Operating Revenues						
Property Tax	26,608.00	29,825.00	-2,375.00	27,450.00	31,980.00	1
Specific Ownership Tax	1,570.00	950.00	150.00	1,100.00	1,000.00	
Miscellaneous		0.00	0.00	0.00	0.00	
Interest		500.00	140.00	640.00	700.00	
Delinquent Tax and Interest	621.00	50.00	-10.00	40.00	50.00	
Special Project and Grant Revenues						
CDS/EPA Grant					1,650,000.00	
Total Sewer Fund Operating Revenues	28,799.00	31,325.00	-2,095.00	29,230.00	1,683,730.00	
Sewer Fund Expenses						
Payroll Transfer	67,550.00	17,200.00	0.00	17,200.00	20,124.00	
Treasurer Fees	-	750.00	-190.00	560.00	600.00	
Misc. Engineering/ legal	-	25,000.00	0.00	25,000.00	15,000.00	2
Special Project and Grant Expenses						
Sewer Engineering					1,650,000.00	
Total Sewer Fund Operating Expenses	67,550.00	42,950.00	-190.00	42,760.00	1,685,724.00	
Sewer Fund Balance Ending	204,460.00	192,835.00		190,930.00	188,936.00	

Notes:

1. A levy of 3.939 mills upon each dollar of the total valuation for assessment of taxable property in the Town of Rico.

	2023 Aug AV	Property Taxes, 2023	Mill Levy
Assessed Valuation (AV)	8,119,423.00	31,982.41	3.939

2. Misc. expenditures have been appropriated for the legal and engineering for town wide sewer project

Conservation Trust Fund (CTF) Fund	2023 Audit	2024 Budget	2024 Original vs Projected	2024 Projected Year End Budget	2025 Proposed Budget	Notes
Operating Revenues						
Lottery Proceeds	4,275.00	2,500.00	1,200.00	3,700.00	2,500.00	
Intrest	102.00	-	-	100.00	50.00	
Total CTF Revenues	4,377.00	2,500.00	1,200.00	3,700.00	2,500.00	
Conservation Trust Expenses						
FMP Capital Park Improvement						
Grant Match	-	45,000.00	-45,000.00	0.00	50,000.00	1
Total CTF Expenses	0.00	45,000.00	-45,000.00	0.00	50,000.00	
Total CTF Expenses	0.00	45,000.00		0.00	50,000.00	
CTF Fund Balance Ending	48,973.00	6,473.00		52,673.00	5,173.00	

Notes:

1. Funds to be appropriated for the grant match required for the town's parks and rec facility improvements.

Parks, Open Space and Recreation (POST Fund)	2023	2024	2024	2024	2025	Notes
	Audit	Budget	Original vs Projected	Projected Year End Budget	Proposed Budget	
Operating Revenues						
Sales & Use Tax	28,468.00	22,000.00	13,500.00	35,500.00	24,000.00	1
Lodging Tax	1,310.00	1,000.00	-200.00	800.00	800.00	2
Interest	346.00	150.00	250.00	400.00	250.00	
Excise Tax	7,836.00	2,500.00	-700.00	1,800.00	2,500.00	3
Miscellaneous Income	-	0.00	0.00	0.00	0.00	
Total POST Fund Operating Revenues	73,858.00	25,650.00	12,850.00	38,500.00	27,550.00	
Special Project Revenues						
Rico Center Grant		40,000.00	0.00	40,000.00	40,000.00	
Rico Skatepark 503c Donation GOCO/Park Improvements Grant		-	-	-	75,000.00	
		594,990.00	-75,450.00	519,540.00	155,450.00	
Total POST Fund Revenues	73,858.00	660,640.00	-62,600.00	598,040.00	298,000.00	
Operating Expenses						
Grooming Payroll Transfer (all payroll combined on Audit)	1,244.00	8,000.00	0.00	8,000.00	8,000.00	
Ice Rink & Park Maintenance Payroll Transfer	-	8,000.00	-5,000.00	3,000.00	8,000.00	
Repairs & Maintenance of Equipment (combined on audit)	-	2,000.00	0.00	2,000.00	2,000.00	
Supplies (combined on audit)	6,007.00	5,000.00	-500.00	4,500.00	3,000.00	
Insurance	13,220.00	2,500.00	0.00	2,500.00	3,600.00	
Miscellaneous	-	500.00	10,750.00	11,250.00	500.00	
Total POST Fund Operating Expenses	20,471.00	26,000.00	5,250.00	31,250.00	25,100.00	
Special Project Expenses						
Flowers	-	1,500.00	-195.00	1,305.00	1,500.00	
Carnival/Festival/Event	-	1,500.00	-1,500.00	0.00	1,500.00	
Grooming supplies	-	1,500.00	0.00	1,500.00	1,000.00	
Park Improvements (Grant)	40,681.00	670,000.00	-195,450.00	474,550.00	385,450.00	
POST Fund Special Project Expenses	40,681.00	674,500.00	-197,145.00	477,355.00	389,450.00	
Total POST Expenses	61,152.00	700,500.00		508,605.00	414,550.00	
POST Fund Balance Ending	104,747.00	64,887.00		194,182.00	77,632.00	

Notes:

1. The POST Fund receives 10% of the total revenue collected from the Sales Tax. The Sales Tax rate for the Town of Rico is 5%.
2. The POST Fund receives 10% of proceeds from the lodging tax, which is a 7% tax on all lodging. Ordinance No. 2022-05.
3. The Town has a \$2.00 per square foot excise tax on all new construction. The POST Fund receives 25% of the excise tax. All revenues received from the excise tax can only be used for capital improvements and purchases.

Employee Allocation Details																
Summary of Total Wages and Allocation Percentages 2024																
Employees	General Fund	Water Fund	Sewer Fund	Street Fund	Parks Fund	Total Allocation	2024							Life Insurance per year	Total Cost	
							Compensation	Payroll Taxes 7.65%	FAMLI 0.45%	PERA 14.8%	Medical	Dental	Vision			Total Health Care
Town Manager	50%	20%	20%	10%	0%	100%	100,620.00	7,697.43	452.79	14,871.64	\$8,279.64	540.00	76.00	35.60	132,573.10	
Maintenance 1	0%	50%	0%	50%	0%	100%	55,125.00	4,217.06	248.06	8,147.48	\$8,279.64	540.00	76.00	35.60	76,668.84	
Town Clerk/Admin Assistant	60%	40%	0%	0%	0%	100%	56,425.00	4,316.51	253.91	8,339.62	\$23,548.80	1,080.00	76.00	35.60	90,955.44	
Part Time POST Groomer	0%	0%	0%	0%	100%	100%	8,000.00	612.00	36.00						8,648.00	
Part Time POST ice rink & park	0%	0%	0%	0%	100%	100%	8,000.00	612.00	36.00						8,648.00	
Maintenance 2	0%	40%	0%	60%	0%	100%	35,000.00	2,677.50	157.50						37,835.00	
Water Technician	0%	100%	0%	0%	0%	100%	4,000.00	306.00	18.00						4,324.00	
Town Marshall	100%	0%	0%	0%	0%	100%	20,000.00	1,530.00	90.00						21,620.00	
							287,170.00	21,968.51	1,292.27	31,358.73	40,108.08	2,160.00	228.00	42,496.08	106.80	384,392.38

Transfers						
Employees	General Fund	Water Fund	Sewer Fund	Street Fund	Parks Fund	2024
						Compensation
Town Manager	50,310	20,124	20,124	10,062	-	100,620.00
Maintenance 1		27,563	-	27,563	-	55,125.00
Town Clerk/Admin Assistant	33,855	22,570	-	-	-	56,425.00
Part Time POST Groomer	-	-	-	-	8,000	8,000.00
Part Time POST ice rink & park	-	-	-	-	8,000	8,000.00
Part Time Maintenance	-	12,250	-	22,750	-	35,000.00
Water Technician	-	4,000	-	-	-	4,000.00
Town Marshall	20,000	-	-	-	-	20,000.00
Total Allocations	104,165.00	86,506.50	20,124.00	60,374.50	16,000.00	287,170.00

Contract Labor						
Employees	General Fund	Water Fund	Sewer Fund	Street Fund	Parks Fund	2024
						Total Allocation
Municipal Court Judge	4,500	-	-	-	-	4,500.00
Town Attorney	30,000	1,000	-	-	-	31,000.00
VCUP Attorney	100,000	-	-	-	-	100,000.00
Town Planner	4,000	-	-	-	-	4,000.00
Auditor	6,600	6,600	-	-	-	13,200.00
Building Inspector	4,000	-	-	-	-	4,000.00
Total Allocations	149,100.00	7,600.00	-	-	-	156,700.00



2053 N Hillcrest Road
Saratoga Springs, UT 84045

W: 801-972-6222

F: 801-972-6235

andersoneng.com

October 7, 2024

Chauncey McCarthy
Town Manager - Rico Colorado
O: 970-967-2863

Subject: Constructing Concrete Waterways Instead of Pipe Culverts at Designated Road Crossings

Dear Chauncey,

Anderson Engineering Company, Inc. (Anderson) recommended the installation of concrete waterways at road intersections as an alternative to installing 12-inch pipe culverts at crossings in the Town of Rico Stormwater Control Plan (30% submittal) drawing set. In addition, a concrete waterway was proposed in place of a channel for a section of Argentine Street in front of housing units at 222 to 234 South Argentine Street.

Anderson is currently designing roadside ditches that are specific to each street and street segment based on Right-of-Way (ROW) and existing roadway widths, existing utility locations, and the existing topography. Roadside ditches will be constructed as either 6.0 feet wide by 6 inches deep or 3.5 feet wide by 9 inches deep.

Ditch Transition Considerations

To install a 12-inch pipe culvert at crossings, the minimum cover distance over pipes is twelve inches. The ditches are required to transition and match the inlet and outlet pipe invert elevations, and the transition length from pipe outlets varies based on the road grade. The ditch transition length is the longest at the pipe outlet, transitioning at a depth of 2 feet to 0.5 feet (6 inches). Along an existing road with a 5% grade, the roadside ditch transition length from a pipe outlet is 37.5 feet. In non-traffic areas, the pipe culvert can have less than 12-inches of cover, therefore part of this transition length will be included in the total pipe length.

For a concrete waterway, the transition length is longer at the inlet. A concrete transition section will be constructed at the start of the waterway to transition from a 6-inch to a 2-inch depth. Along an existing road with a 5% grade, the roadside ditch transition length to the waterway is 8.33 feet.

In addition to having longer transition lengths, pipe culverts are more likely to have conflicts with existing utilities, such as buried underground power and the new fiber optic cables recently or currently being installed. Anderson was informed by Direct Communications that fiber optic cables were/are being installed at depths varying between 24 to 30 inches. Anderson was informed by the San Miguel Power Association that primary (high voltage) cables were typically installed at 40-inch depths while secondary (low voltage) cables were installed at 30-inch depths. A 12-inch pipe culvert requires twelve inches of cover and approximately 6-inch bedding depth (material dependent) for a total excavation depth of 30 inches.

Installation Cost Considerations

Estimated installation costs for 12-inch pipe culverts is roughly \$150 per linear foot, including the cost of the materials.. Anderson estimates the cost to construct a 6-foot-wide concrete waterway to be between \$180 to 240 per linear foot. Though it's possible larger quantities of concrete could result in lower unit prices. The initial cost to install a pipe culvert is less than a concrete waterway, however the cost of installation is expected to increase with each utility conflict resolution. (The cost to resolve utility conflicts is not known at this time.)

For comparison's sake, the total length of pipe culvert is equal to the total length of a concrete waterway. The cost to install 64 feet of pipe culvert has an estimated cost of \$9,600+/- while a concrete waterway of equal length may have an estimated installation cost of \$11,520 to \$15,360.

Long Term Maintenance

Pipe culvert maintenance at road crossings includes the removal of trash, debris, and sediment from around and in pipes. Concrete waterway maintenance includes maintaining flush grading with the road along the edges of the waterway, and the removal of sediments in the flowline of the concrete waterways. An example of this is shown below in a picture taken at the City of Ouray, Colorado in June 2024. Anderson inspected the town concrete waterways for practical use in the Town of Rico. Anderson found that most of the concrete waterways functioned as designed. As shown in the picture below, gravel and fines can be found in the waterways, but did not appear to impede flows.



Figure 1 - Ouray, Colorado Waterway Example

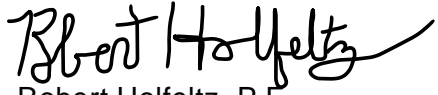
Anderson found at 200 and 8th Ave. in Ouray Colorado that stormwater runoff from a parking area had eroded the grade along the edge of the waterway that created a secondary flowline. If left unmaintained the edge of concrete may be damaged during snow plowing activities or additional wear from vehicle traffic. Occasional grading will be required to maintain a flush grades with the edges of concrete prior to snow fall and or during general road grade maintenance to smooth the surface from wash boarding.



Figure 2 - Erosion Alongside Waterway, Ouray Colorado

We appreciate the opportunity to collaborate with you on this project. If you would like further information, please contact us at (801) 972-6222.

Sincerely,
ANDERSON Engineering Co., Inc.



Robert Holfeltz, P.E.
Project Engineer

ANDERSON Engineering Co., Inc.

Justin M. Dye, P.E
Principal | Team Lead - Civil

Reviewed by: