

RICO TOWN BOARD MEETING MINUTES

Date: December 21, 2022

Call to order

Mayor Nicole Pieterse called the meeting to order at 7:00PM.

Trustees Present: Mayor Nicole Pieterse
Mayor Pro Tem Patrick Fallon
Trustee Joe Dillsworth
Trustee Christopher Condon (Zoom)
Trustee Joe Croke

Trustees Absent:
Trustee Benn Vernadakis

Staff Present. Chauncey McCarthy (Zoom), Anna Wolf, Wilton Anderson

Approval of the Agenda

Motion

To approve the agenda.

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

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

Approval of the Minutes

Motion

To approve the minutes.

Moved by Trustee Joe Dillsworth, seconded by Trustee Joe Croke.

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

Consent Agenda

Payment of the Bills

Chauncey McCarthy talked about the Bulson Survey bill.

Motion

To approve the payment of the bills.

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

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

Public Comment:

Will Nolan gave an update on the Skate Park project. THE features that were donated from Telluride.

Action Items

Public Hearing: Disturbance permit for the Dolores River Trail Development, located on portions of the Hillside 1, 2, and Yankee Boy, Rebecca and Gordon Mortensen, applicants.

Town Manager Chauncey McCarthy gives summary of the application highlighting the items included in the packet as well as the staff memo.

Mayor Nicole Pieterse impressed upon the Board that if approved this would be conditioned upon the subdivision approval.

Public Comment:

Larry Carver asked the Board who monitors the quality of the work done.

Mayor Nicole Pieterse expressed that the Town would hold collateral with which anything could be fixed if need be.

Motion

To approve the Disturbance permit for the Dolores River Trail Development on the condition that the subdivision receive final approval first, on the conditions that these improvements are addressed in the subdivision improvement agreement.

Moved by Mayor Nicole Pieterse, seconded by Mayor Pro Tem Patrick Fallon.

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

Public Hearing: Disturbance permit for the Sam Patch patented mining claim, Rebecca and Gordon Mortensen, applicants.

Town Manager Chauncey McCarthy gives summary of the application.

The Board discussed the water rights issues and conditions surrounding this application.

Mayor Nicole Pieterse asked if the applicants had started work on this disturbance.

Town Manager Chauncey McCarty relayed the information the applicant provided with regarding the removal of willows. The applicant did not know the LUC standards and used the army Corp of Engineers standards when they started the work. This disturbance permit would bring them into compliance.

Public Comment:

Larry Carver impressed upon the Board that Iron Draw is iconic and has gone down to a trickle but has never gone dry. Who is going to monitor the water that is being taken out of Iron Draw? He also asked why the ponds cannot be moved to the North where they would not be in the wetlands area.

Mayor Nicole Pieterse that a lot of Larry's questions are not within the Town's preview.

Board Deliberation:

Discussion was had on the location of the ponds and why they cannot be moved out of the wetlands area.

Motion

To continue to the January Town Board Meeting with additional mapping and verification on why it cannot be outside of the wetlands.

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

Board Discussion: the Board would like the applicants to be present to answer questions the Board has.

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

Consideration of first reading Ordinance No. 2022-12 an Ordinance of the Town of Rico, amending the Rico Land Use Code Fee Schedule, and adopting the UBC 97 table no. 1-a – building permit fees

Town Manager gave a summary of ordinance 2022-12. This went in front of the Planning Commission and is recommend for approval 4-1.

Motion

To approve the first reading of Ordinance No. 2022-12.

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

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

Consideration of Ordinance No. 2022-13 An Emergency Ordinance of the Town of Rico, Colorado, Enacting a Temporary Moratorium on the Acceptance of Applications for Major or Minor Subdivisions, and Residential or Commercial Planned Unit Developments

Town Manager gives summary of the Emergency Ordinance.

The Board discussed the length of the moratorium to ensure it is appropriate to complete dealing with the water issue and find a solution.

Wilton Anderson advised that 6 months is recommended for moratoriums it can be reevaluated at 6 months and extended if needed.

Public Comment:

Skip Zeller: Impressed upon the Board that this is a turning point. The Town and people of the Town have an obligation to the environment and the community. Does the Town really need 650 more houses? If dealing with the sewer is so difficult how are we going to ensure enough water?

Larry Carver: Asked about restrictions to drill wells. Board members answered that your parcel must be 35+ acres.

John Miller: would like to extend Telski as a good neighbor who would like to help.

Board Discussion:

Joe Croke expressed that it would be worthwhile to have new water engineering done. Getting engineering to get Silver Creek back online.

Chauncey McCarthy explained that the Town had engineering done in 2018.

Motion

To approve the Emergency Ordinance No. 2022-13 An Emergency Ordinance of the Town of Rico, Colorado, Enacting a Temporary Moratorium on the Acceptance of Applications for Major or Minor Subdivisions, and Residential or Commercial Planned Unit Developments

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

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

How to move forward with the pending application in Water Court

Motion

To withdraw the application and to reassign all water legal matters to our town attorney.

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

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

Consideration of an agreement between the United States Forest Service and the Town of Rico regarding Forest Service Road 422 and Burnett Creek Bridge.

Town Manager Chauncey McCarthy gave a summary of this agreement. The reason it is coming in front of the board is because the Service road and Burnett Creek Bridge were never conveyed to the Town.

Derek Padilla, Dolores District Ranger spoke to the condition of the bridge. The background that the Town has maintained it for the past 30 years.

Mayor Nicole Pieterse requested that the town attorney look over the agreement and change the verbiage in paragraph II.

Public Comment:

Skip Zeller asked clarifying questions on where FS 422 public access starts.

Board discussion:

Joe Croke: reluctant to accept without second opinion about the bridge.

Chauncey McCarty explained there was a CDOT yearly review as well.

Mayor Pro Tem Patrick Fallon would like legal to look the agreement over before motion is made.

Donation to Southwest Colorado Rural Philanthropy Days

Town Manager gave a summary

Motion

To approve \$250 Donation to Southwest Colorado Rural Philanthropy Days

Moved by Trustee Joe Dillsworth, seconded by Trustee Joe Croke.

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

Staff Report

Clerk's Report

Working on the end of year budget and closing out the month, quarter, and year. As this is new to the clerk she is making sure all is in order.

Manager's Report

Town manager gave a shout-out to Dennis and Esteban for fixing the 70,000gallon water leak. The repair was prompt. They were able to locate, fix and finish the job in a very long day.

An Ultra race has approached the Town to set up an aid station in the park the dates are August 18-19. Town manager wanted to get thoughts from the Town Board on this event.

The vacant seats on the Town Board and Planning Commission have been notices.

The Town Manager is working with the County to open the food bank again.

The Town Manager would like to host an employee appreciation at the Fireweed December 30th.

Consideration of a micro grid within the community with San Miguel Power. Allyn Svoboda gave a presentation of the Micro Grid.

Discussion ItemsVCUP Status Update

Mayor Nicole Pieterse gave a detailed summary. There will be a revision in Q1 2023 by the Board.

Internet committee and grant update

Jim Ostrem gave an update on the timeline for the upgrade and the current steps that are being taken.

Town Shop Update

Town manager gave a summary. He elaborated on materials present in the packet. The Town will be shooting to apply for the February DOLA grants. He talked over finance opportunities. Including renting one bay to SMART rather than being tied to IGAs. The board liked the design of the new Shop.

Town Park Planning

Chauncey gave a summary of the findings regarding funding the park project. He outlined the timeline moving forward including: Community outreach starting late January 2023, grants and fundraising until June 2024, breaking ground July 2024, and opening by October 2024.

Wastewater preliminary engineering report addendum request for proposal

Town manager gave a summary of the handout.

Work session regarding 2023 work plan

It was agreed upon to start a work session at 6:00PM before the January 18th, 2023 regularly scheduled Town Board Meeting


Motion

To adjourn Board of trustee and enter Executive Session: 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 Bike shop contract, Town owned commercial space §24-6-402(4)(e), C.R.S. Determination of positions relative to matters that may be subject to negotiations, development of strategy for negotiations and instruction of negotiators

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

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

The meeting adjourned at 9:10 PM.


Anna Wolf
Rico Town Clerk


Nicole Pieterse
Mayor