RICO TOWN BOARD MINUTES

December 13, 2017

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

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

Staff Present. Kari Distefano and Linda Yellowman. Absent was Patrick Drew and Dennis Swank.

Guests Present. Derek Padilla/Forest Service.

Approval of the Agenda. The agenda for December 13, 2017 was presented for approval. Town Manager Kari Distefano would like to move the USFS Travel Plan Letter and approval for Signing Net Neutrality first under Action Items. Barbara Betts made a motion to approve the agenda as amended for December 13, 2017 and seconded by Keith Lindauer. The motion passed unanimously.

Consent Agenda:

Approval of the Minutes. The Rico Town Board minutes for November 15, 2017 were presented for approval. Barbara Betts made a motion to approve the minutes as presented for November 15, 2017 and seconded by Genevieve Yellowman. The motion passed unanimously.

Approval of the Monthly Bills. The Monthly bills for December 2017 were presented for approval. Keith Lindauer made a motion to approve the bills for December 2017 as presented. Seconded by Genevieve Yellowman. The motion passed unanimously.

Approval of the Treasurer's Report.

Citizens Communication.

Town Clerk. Town Clerk Linda Yellowman has no report.

Public Works. We had ten lead and copper samples to do and took them to Green Analytical Laboratory in Durango to get tested and picked up some parts.

The new loader might be here in December. The dresser loader is running well, I let it run for 3 hours and there was no problem with it. We will chain up all the equipment.

The water leak at Argentine Alley is going to be replace with a new water line. Lewis Excavation will do the work. Found another water meter leak and repaired it in Silverglance.

Water Consultant. Town Manager Kari Distefano gave a brief update on the water system.

Parks & Recreation. Zach McManus reported on the parks and recreation. There has been no grooming for the ice rink since there is no snow. The snowmobile and snow blower are ready to go. At the Rico Trail Alliance meeting, it was mentioned that the signs will be coming in for the

trails. Winter Carnival was briefly discussed and will happen the latter part of January 2018. Sophia Kyriakakis and Nicole Pieterse gave their opinion.

Town Board Reports. Zach McManus reports pictures from locals are being put up in the hallway at the courthouse. Mr. McManus stated he received one bid for plaster work in the courthouse and would like to have the Board give their approval to get the work done. With no further discussion, Keith Lindauer made a motion to move forward with the plaster work. Barbara Betts seconded by the motion. The motion passed unanimously.

Geothermal Committee. Barbara Betts reports that CU will have a proposal in May 2018 available.

Ms. Betts stated she will be out of town January through March and would like to be excused for not attending the town board meetings. Request granted.

Grant Writer.

Town Manager's Report. Kari Distefano submitted the Rico Community Meeting Summary from our consultant, Marjo Curgus. The summary was included in the water bills and likely you have had a chance to read it. Our next meeting should be dedicated to answering the questions that are in the summary. Depending on Ms. Curgus's schedule, we are looking at holding a second community meeting sometime in late January. Based on engineering work done in the past on the central sewer system, it may be possible to answer some cost questions fairly accurately by January, however, we won't have updated numbers until we get our preliminary engineering report after we have issued the request for proposals. Questions about the water system will be more difficult to answer since we don't really understand the extent of the problems and won't know until we have the proposed engineering analysis. Nevertheless, I believe that we should go ahead with the meeting in January and answer question to the degree possible. The grant application to DOLA for the preliminary engineering report for the sewer system has been submitted. We should get word sometime in late March whether or not the application is successful. The water system analysis grant application is due on January 1st and we should also know whether that grant has been successful in late March. I have applied for funding from Sonoran Institute for two more meetings. I believe that it will be valuable to keep the community actively engaged.

Action Items. <u>USFS Travel Plan Letter.</u> Mrs. Distefano mentioned that Mike Curran would like the Town to consider signing the attached letter thanking Derek Padilla of the USFS for respecting the Town of Rico's request. It's the Boards decision to approve the letter as is or not send the letter or revise the letter. Derek Padilla briefly gave an update what and where the discussion is regarding the travel management plan. Hearings for the travel management plan will be posted.

<u>Net Neutrality Order.</u> The proposed revisions to the 2015 net neutrality order by the FCC were the subject of a discussion at the South West Colorado Council of Governments last Thursday. The proposal currently being considered would eliminate restrictions on such activities as paid prioritization, blocking and throttling. Throttling is the intentional slowing of certain sites by internet providers. Eliminating these restrictions is particularly detrimental to rural communities that do not have any choice of internet providers. Throttling is the intentional slowing of certain sites by internet providers. Eliminating these restrictions is particularly detrimental to rural communities that do not have any choice of internet providers. Doing away with net neutrality would essentially allow internet providers control access to certain websites based on their ability to pay. South West Colorado Council of Governments has kindly provided us with a template for a letter of objection to the revisions. Mrs. Distefano strongly recommend that the sign and send it. The vote will be December 14, 2017 so this issue needs to be decided and acted upon tonight so that we can email it. The consensus from the Town Board was to send a letter by email.

Second Reading for the Adoption of the Year 2018 Budget. Town Manager Kari Distefano mentioned there are three minor changes to the budget as it was approved on the First Reading. One was an addition error that affected the general fund summary for this year. The other two are changes in the 2018 budget. After having reviewed the numbers on the grant application for the sewer proposed engineering report, I decided that the request should be for \$148,000 rather than \$140,000. That revision is shown in the sewer page. The other revision is to the Parks, Open Space and Trails budget. We would like to apply for a Great Outdoors Colorado Mini Grant for the pocket park just north of Town Hall. I had neglected to include that in the original budget. A copy of the revised budget and ordinance is attached. Keith Lindauer made a motion to approve the second reading for the Adoption of the Year 2018 Budget. Seconded by Barbara Betts. The motion passed unanimously.

<u>Colorado Water Board Grant.</u> Mrs. Distefano needs formal board approval to submit an application to the Colorado Conservation Board for an engineering analysis. A copy of the proposal was submitted. Zach McManus made a motion to approve the application to the Colorado Conservation Board for an engineering analysis. Seconded by Keith Lindauer. The motion passed unanimously.

<u>River Corridor.</u> The River Corridor plat is finally finished and I have begun the process of collecting signatures. The Board of Trustees needs to approve the Town of Rico's signature. Zach McManus made a motion to approve the Town of Rico's signature. Seconded by Barbara Betts. The motion passed unanimously.

<u>Renewal for the Liquor License at Rico High Inc./Approval.</u> Town Clerk Linda Yellowman says everything is in order and recommends approval. Keith Lindauer made a motion to approve Rico High Inc.'s liquor license renewal. Seconded by Nicole Pieterse. The motion passed unanimously.

Appointment/Deanna Drew to Planning Commission. No appointment, Mrs. Drew decided not to.

Discussion Items:

<u>Tim Regan Plat Amendment.</u> We discussed last month, Tim Regan would like to submit an application for a plat amendment to remove the reference to "institutional controls" from the plat of his property in the Hancock Subdivision. At Genevieve's suggestion, I brought the Voluntary Clean up files from the basement and have endeavored to educate myself on the V-Cup negotiation and the origination of that plat note. The way I understand it is that under the proposed institutional controls, ARCO would have created a fund with which property owners (including the Town of Rico) could remediate vacant land that was not remediated in the first phase of the voluntary clean up as they decided to develop their lots. The Town of Rico in turn would have administered the program. The original intent of the institutional controls was to create a soil hazard overlay in Rico's land use code and use this as a mechanism by which to insure the effected vacant lots got cleaned up using ARCO's funding before they were sold. Apparently sometime late in 2013, the Town backed out of the V-Cup altogether. This leaves the Town with two questions. How do we deal with these vacant lots in the future if they are known to exceed EPA lead levels and who is responsible for the remediation? I talked to Pat Willits of Trust for Land Restoration briefly on Friday. We will continue the conversation next week.

Mine Shaft Building Rico Land Use Code Violation. Tabled to the next regular meeting.

Adjournment. Keith Lindauer made a motion to adjourn the meeting at 9:00 and seconded by Barbara Betts. The motion passed unanimously.

Linda Yellowman Rico Town Clerk Zach McManus Mayor Public works report December 2017

The water line at Argentine alley is places with new water line and service line and meter yokes and ect.

The new John Deere loader is here we are working on the front blade it need some adjusting for are streets.

Working on a water meter that not turning on we may need to turn the main water line off for repairs that in Argentine alley.

Plowing snow off city streets and removing snow off highway 145.

Water plant is running 25 gpm and we are working on the other explorer fuel pump.

Thank You Dennis

TOWN CLERK REPORT January 2018

Everything is going well at the courthouse. The outside steps are heated and not have to worry about shoveling at the moment. Nice and warm in the building.

2018 dog tags are in. If you need to get one, come by and purchase one or two or three.

NEW Town of Rico - General Fund Check Register For the Period From Jan 1, 2018 to Jan 31, 2018

Check #	Date	Payee	Cash Account	Amount
15745	1/15/18	Karen L. Distefano	10000	1,728.66
15747	1/15/18	Dennis E: Swank	10000	1,029.05
15748	1/15/18	Linda M. Yellowman	10000	1,021.07
15749	1/15/18	Thomas E. Halper	10000	315.89
15750	1/15/18	CIRSA	10000	1,000.00
15751	1/15/18	CIRSA	00001	213.75
15752	1/15/18	SWCCOG	10000	2,593.00
15753	1/15/18	Kari Distefano	10000	37.94
15754	1/15/18	CEBT	10000	3,163.40
15755	1/15/18	CIRSA	10000	1,022.75
15756	1/15/18	CIRSA	10000	2,355.75
15757	1/15/18	Jon Kelly	10000	375.00
15758	1/15/18	Town of Rico	10000	642.67
15759	1/15/18	Century Link	00001	43.58
15760	1/15/18	Fraley Propane, LLC	10000	700.00
15761	1/15/18	Rico Telephone Company	10000	256.74
15762	1/15/18	San Miguel Power Associ	10000	288.00
15763	1/15/18	Colorado Department of R	10000	1,577.00
15764	1/15/18	Town of Rico	10000	642.67
15765	1/15/18	Dennis Swank	10000	75.15
15766	1/15/18	CDHS Central Accounting	10000	750.00
15767	1/15/18	Masters & Viner, P.C.	10000	980.50
15768	1/15/18	Waste Management of N	10000	62.74
15769	1/15/18	Xerox Corporation	10000	193.73
Total				21,069.04

NEW Town of Rico - Water Fund Check Register For the Period From Jan 1, 2018 to Jan 31, 2018

Check #	Date	Payee	Cash Account	Amount	
3825	1/15/18	Colorado Rural Water Ass	10000	275.00	
3826	1/15/18	DPC Industries, Inc	10000	20.00	
3827	1/15/18	Town of Rico	10000	4,381.71	
3828	1/15/18	CIRSA	10000	1,000.00	
3829	1/15/18	CIRSA	10000	1,022.75	
3830	1/15/18	CIRSA	10000	2,355.75	
3831	1/15/18	Fraley Propane LLC	10000	100.00	
3832	1/15/18	San Juan Basin Health De	10000	25.00	
3833	1/15/18	San Miguel Power Associ	10000	549.00	
3834	1/15/18	Slavens, Inc	10000	5.99	
Fotal				9,735.20	

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

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Check #	Date	Раусс	Cash Account	Amount	
2358	1/15/18	Honstein Oil & Distributin	10000	794.72	
2359	1/15/18	Town of Rico	10000	1,795.24	
2360	1/15/18	CIRSA	10000	1,022.75	
2361	1/15/18	CIRSA	10000	2,355.75	
2362	1/15/18	Deere Credit, Inc.	10000	23,159.32	
2363	1/15/18	Partners in Parts, Inc	10000	27.58	
2364	1/15/18	Fralcy Propane LLC	10000	155.00	
2365	1/15/18	Rico Telephone Company	10000	42.04	
2366	1/15/18	San Miguel Power Associ	10000	150.00	
2367	1/15/18	Utility Notification Center	10000	1.45	
2368	1/15/18	Waste Management of N	10000	85.05	
Total				29,588.90	

NEW Town of Rico - Open Park Fund Check Register For the Period From Jan 1, 2018 to Jan 31, 2018

Check #	Date	Payee	Cash Account	Amount	
1449	1/15/18	San Miguel Power Associ	11000	20.00	
1450	1/15/18	Town of Rico	11000	2,570.00	
1451	1/15/18	CIRSA	11000	1,022.75	
1452	1/15/18	CIRSA	11000	2,355,75	
1453	1/15/18	Slavens, Inc	11000	345.00	
[454	1/15/18	Waste Management of N	11000	40.45	
Total				6,353.95	

Town of Rico Memorandum

Date: January 10th, 2018

TO: Town of Rice Board of TrusteesFROM: Kari Distefano, Rico Town ManagerSUBJECT: Town Manager's Report

Update on grant applications and DOLA Fiscal Stability Strategic Planning Initiative – *Rico Center, Sonoran Institute and Colorado Water Conservancy Board* The Town of Rico has received grant funding from the Rico Center for the Parks, Open Space and Trails Fund (\$29,000) and the community meetings (\$5,000). I went before the Southwestern Water Conservation District roundtable on January 10th. Our application for an engineering analysis received unanimous board support and we will likely get at least \$60,000 for this project with the possibility of getting an additional \$30,000 from the Colorado Water Conservancy District. In addition, Rico has been recommended by Patrick Rondinelli, our Department of Local Affairs (DOLA) representative, to be the recipient of technical support through a new DOLA program called the Fiscal Stability Strategic Planning Initiative. This will help us create a budget that will be proactive rather than reactive.

V-Cup

Following last month's discussion regarding V-cup, I contacted Pat Willits from the Trust for Land Restoration along with Mark Rudolf of the CDPHE, both of whom worked on the original V-cup agreement. Pat Willits has agreed to attend this upcoming Trustee's meeting and be available for questions. Mark Rudolf may also be available for questions. The discussion I had with them continues to leave the Town with two questions. How do we deal with these vacant lots in the future if they are known to exceed EPA lead levels and who is responsible for the remediation? I also talked to Christopher Sanchez about obtaining the lead sampling information in a GIS format. I would like to have a record of what clean up has already occurred on residential property as well. He said that he would contract the field manager for BP to see if we could have that. I believe that as a town, it is our responsibility to alert both potential buyers and potential builders of the risk of high lead levels if we in fact know the soil lead content is elevated in certain areas. I would also like to open up another conversation with BP about their willingness to help mitigate. This continues to be a difficult issue but I don't believe that we can just ignore it.

Possible Paradox Community Trust Challenge Grant Program application for an artist's space in the Town of Rico property on Glasgow Ave.

The Paradox Community Trust Challenge Grant Program has \$40,000 available for Rico, Norwood, Redvale, Nucla, Naturita, Paradox, and Bedrock for projects that seek to create locally owned commercial activities. I was thinking about the possibility of facilitating an effort toward applying for the creation of an artist's cooperative on the Town owned Glasgow Ave. property. The grant application suggests that the applicants be a team of business owners, non-profits or governmental entities. With the trustee's approval, I will contact the Artists of Rico members and talk to them about what it would take to outfit that building as a work/sales space.

Proposed Campground

I have been in contact with the new owner of a portion of the Dolores Placer south of town, formally owned by Ron Markey. His name is Michael Popek. He is interested in developing a campground on a portion of that property however due to the in-stream flow requirement by the Colorado Water Conservation Board, it is unlikely that he would be able to obtain water rights for such a venture. If the Town would like to see this happen, there is the potential of annexation. If the Trustees are interested in this potential project, I could do some more research regarding how much water a campground would require and how such a project would affect the Town.

2018 Work Plan

I know everyone is busy, but I would like to talk about the potential of having a Trustee's retreat to help me to develop a work plan. A work plan would not only help me to

establish priorities, but it would give you a matrix by which to evaluate my performance as town manager.

First Reading for the Adoption of the Amended 2017 Budget

We have closed out the 2017 books and I have included a spreadsheet and the suggested resolution with the final numbers in your packet. The following is a summary of the final numbers as well as graphs illustrating lasts year's predictions as opposed to the actual spent and received information.

2017 General Fund Revenues

General Fund Revenues are divided into for categories. The operating revenues category includes property tax, sales tax and some small miscellaneous taxes. The intergovernmental category includes mineral leasing revenues, severance tax, building and development permits as well as licenses. Miscellaneous Revenues includes such things as rent and fines. Payroll transfers are the revenues gathered from other Rico funds including the street fund, the water fund and the parks, open space and trails fund. As you can see from the following graph, revenues, particularly in the operating revenues category fell short of expectations. This is primarily due to the difference in the projected sales tax income or \$90,000 and the actual of \$72,625.57. The rest of the projections were relatively accurate although it is worth noting that the mineral leasing revenue was projected to be \$35,000 and was actually \$30,246.17 and the fines were projected to be \$7,500 and were actually \$13,811. I expect this trend to continue and that expectation is reflected in the 2018 budget.



2017 General Fund Expenses – Employees

Employee expenses were slightly lower than projected for 2017. This was due to the fact that I didn't start until May 15th. The projected cost of employees and their associated



benefits was a total of \$280,590.92. The actual cost at the end of 2017 was \$249,880.22.

2017 General Fund Expenses – Other Administrative Expenses

Administrative costs including insurance, advertising, supplies, dues and fees, utilities and other miscellaneous expenses were also slightly lower than projected, \$62,857.97 as opposed to \$68,868.00, which was anticipated.



2017 General Fund Expenses – Special Projects and Capital Improvements

2017's special projects and capital improvement included further work on the River Corridor map and revising the Rico Land Use Code, as well substantial upgrades to the Rico Town Hall including removing and relocating our bat colony (they moved next door to the church), replacing the boiler, insulating the attic and redoing floors in the main hall and on the stairs. While it needed to be done, money for the work on the Rico Town Hall had not been appropriated so it is reflected in this graph as an over expenditure. The total cost of the Town Hall projects was \$59,873.36.

2017 Water Fund Revenues and Expenses

The water fund revenues received an unanticipated boost from the payment of a lien as well as a new tap and installation but necessary repairs took their toll. This year we had our three water tanks inspected and repaired. That activity cost \$11,500. Money for this project had not been appropriated. In addition, we replaced the old iron pipe that ran along Argentine Street from King Street to Mountain Fuel. The cost of the work on that line was \$47,318.92. Total annual projected revenues for the water fund were \$125,250 and actual total revenues were \$137,250.79. Total annual projected expenses for the water fund were \$144,936.29 and total actual expenses were \$165,580.80.





2017 Street Fund Revenues and Expenses

Last year's tough winter and additional snowplowing costs were somewhat offset by a grant from the Rico Center. Since the excessive amount of snow and the unanticipated grant fund were not forecast, neither expenses nor revenues to the street fund match the adopted 2017 budget. Total annual projected revenues for the street fund were \$49,939.74 and actual total revenues were \$80,355.41. Total annual projected expenses for the street fund were \$53,552.47 and total actual expenses were \$81,293.12.



2017 Sewer Fund Revenues and Expenses

The sewer fund is financed by a mill levy of 3.939 mills. 2017 projected revenue for the sewer fund was \$23,136.49 and the actual revenue was \$23,303.35. The projected expenses were \$5,465.55 and the actual \$2,540.73.

2017 Parks, Open Space & Trails Revenues and Expenses

The POST fund is supported mainly by the Rico Center. Last year they contributed \$29,000. The main expenses incurred are payroll – administration and maintenance including grooming Nordic trails and taking care of the ice rink. Last years expenses were anticipated to be \$37,221.60. The actual expenses were \$37,243.92. Last years projected income was \$36,375 and the actual income was \$38,553.93.

Resolution to Appoint Town Manager as Zoning Code Enforcement Officer

Carol Viner, our Town Attorney, has advised me that prior to taking any formal action on the Mine Shaft Building Zoning violation, I will need to be appointed as the Town enforcement official. That resolution is included in your packet.

Letter regarding the Rico Elementary School

I have continued the discussion about the closure of the Rico Elementary School with Telluride School district superintendent, Mike Gass, and Dolores County School District superintendent, Bruce Hankins. It is my understanding after having spoken with both that Mr. Hankins is prepared to recommend the closing of the Rico Elementary and Mr. Gass is prepared to absorb all Rico students into the Telluride School District. I return, Mr. Gass would like to have the assets including both the school building and the buildings and land adjoining. The process would begin with a memorandum of understanding and culminate in a formal legislative process, probably in 2019. Mr. Gass would like to have a formal letter from the Rico Board of Trustees supporting this measure. Based on our local geography and the physical distance of the Dove Creek School, I believe that this situation would benefit both the students and parents in Rico. It is important however that the school building not be abandoned. Mike Gass is amenable to keeping the school open for some community benefit, be it an outdoor education program or some adult learning opportunity. While it is unfortunate that we are in this situation, I believe that there is an opportunity here to create a center that has the potential to draw people and activities to Rico.

RESOLUTION 2018-01

A RESOLUTION BY THE BOARD OF THE TOWN OF RICO APPOINTING THE TOWN MANAGER AS THE ENFORCEMENT OFFICIAL OF THE TOWN OF RICO

WHEREAS, the Town of Rico land Use Code requires that an Enforcement Official be appointed by the Board of Trustees pursuant to RLUC Article 732 to enforce and administer the RLUC.

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

The Town Manager is hereby appointed as the Enforcement Official of the Town of Rico and is authorized to enforce and administer the Rico Land Use Code.

ADOPTED this ____ day of January, 2018, by the Board of Trustees.

TOWN OF RICO, COLORADO

Zachary McManus, Mayor

Attest:

Linda Yellowman, Town Clerk

TOWN OF RICO ORDINANCE NO.2018-2

AN ORDINANCE OF THE TOWN OF RICO, COLORADO, AMENDING RICO BUDGET ORDINANCE NO. 2016-3 TO REFLECT ADDITIONAL REVENUES AND EXPENDITURES

WHEREAS, the Rico Town Charter, Article VI, sec. 6.7, states that the Rico Board of Trustees may make additional appropriations by Ordinance during the fiscal year to amend the Town's 2017 Budget as previously adopted by Ordinance No. 2017-3, for unanticipated expenditures or receipt of additional revenues. The purpose of this amended budget ordinance is to reconcile and amend the 2017 budget for increased expenditures and their corresponding revenues;

WHEREAS, the Town of Rico's General Fund budget lines that support a transfer or expenditure line have been increased. The result was an additional increase in funding to make unforeseen but necessary improvements to the Rico Town Hall. Expenditure estimates have also been increased to account for costs associated with said improvements. Town of Rico's General Fund has incurred an increase in expenses of \$69,566.01 funded through reserves in the General Fund.

WHEREAS, the Town of Rico's Water Fund budget lines that support a transfer or expenditure line have been increased. The result was an additional increase in funding to make unforeseen but necessary improvements to the Town of Rico Water system including the replacement of 425 lineal feet of water line in Argentine Street from King Street to Mountain Fuel and long over due tank inspection and repairs. Expenditure estimates have also been increased to account for costs associated with said improvements. Town of Rico's Water Fund has incurred an increase in expenses of \$28,330.01 funded through reserves in the Water Fund.

WHEREAS, the Town of Rico's **Street Fund** budget lines that support a transfer or expenditure line have been increased. The result was an additional increase in funding for the rental of snow removal equipment necessary to deal with the excessive amount of snow Rico received during the winter of 2017. Expenditure estimates have also been increased to account for costs associated with said improvements. Town of Rico's **Street Fund** has incurred an **increase** in **expenses \$30,740.65 funded through a grant from the Rico Center for \$30,728.65**.

WHEREAS, the Town of Rico Board of Trustees declares that it is in the best interest of the Town's citizens and necessary for the health, safety and welfare of the Town to amend the 2017 annual budget to reflect the above described changes in revenues and expenses.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OFTHE TOWN OF RICO AS FOLLOWS:

SECTION 2. The amendments set forth herein in no way effect the taxes levied as set forth in the 2017 Budget, Ordinance No. 2017-2.

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

ORDINANCE INTRODUCED, READ, APPROVED AND ADOPTED ON THE 17th DAY OF January 2018.

ORDINANCE READ, APPROVED AND ADOPTED BY FINAL READING THIS 14th DAY OF FEBRUARY 2018.

By: _

Rico Mayor

Attest:

Rico Town Clerk