

## RICO TOWN BOARD MEETING MINUTES

Date: March 17, 2021

### Call to order

Mayor Barbara Betts called the meeting to order at 6:32 PM and requested that Mayor Pro Tem Nicole Pieterse moderate.

### Trustees Present:

Mayor Barbara Betts  
 Mayor Pro Tem Nicole Pieterse  
 Trustee Joe Croke  
 Trustee Joe Dillsworth  
 Trustee Pat Fallon  
 Trustee Brandy Randall  
 Trustee Stephen Roberts.

**Staff Present.** Kari Distefano  
 Linda Yellowman.

### Meeting Information

This meeting was held virtually due to the COVID-19 virus

### Consent Calendar:

#### Approval of the Agenda

#### Motion

To amend the agenda with two corrections: to hear the action items prior to the discussion items and after the committee reports and to have a separate meeting for the water tap allocation and land use discussion with the Town land and water use attorney present.

**Moved by** Mayor Pro Tem Nicole Pieterse, seconded by Trustee Stephen Roberts.

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

#### Approval of the Minutes.

The January 20, 2021 minutes as presented.

**Move by** Trustee Joe Dillsworth, seconded by Trustee Stephen Roberts.

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

#### Motion

To approve the February 17, 2021 minutes as presented.

**Moved by** Mayor Pro Tem Nicole Pieterse, seconded by Trustee Joe Croke.

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

#### Approval of Bills.

Trustee Joe Croke requested that the itemized attorney bills be made available for his review.

**Motion**

To approve the bills as presented.

**Moved by** Trustee Joe Croke, seconded by Trustee Stephen Roberts.

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

**Citizen Communication.**

Citizen communication regarding items that are not on the agenda.

Laurie Adams gave details of the Artisans of Rico's snowman building contest.

**Sewer Committee Report**

Gregg Anderson presented the Sewer Committee report with options and the pros and cons of each option.

1. The Board directed staff to pursue the STEP system for Phase 1A and look at other finance options that would not involve asking taxpayers for money. Staff was directed to investigate forming a special district that would encompass the Historic Commercial District and funding the system either through tax increment financing or bonding through the special district. Staff was also directed to look at grant funding that might be available for infrastructure through the COVID relief bill and investigate the cost of creating a special district. Commercial district landowners should be surveyed to determine if they are interested in creating a special district.

**Parks, Open Space and Trails Committee Report**

Kari Distefano reported that she had been unsuccessful in getting a planning grant from Colorado Parks and Wildlife (CPW) for the planning and engineering of a trail through the Dolores Placer along the easement granted by Mike Popek. She said that with funding from a San Miguel Power Association grant, the town could fund the engineering plans for the bridge and the environmental assessment but the Town would have to apply for money from CPW and GOGO for the construction of the bridge.

Stephen Roberts said he was done grooming Nordic for the winter.

**Clerk's Report**

Linda Yellowman, the Town Clerk, had no report.

**Public Hearing**

1. **Consideration of the 1<sup>st</sup> reading of a repeal of Ordinance 334 of the Board of Trustees of the Town of Rico, Colorado repealing and replacing Ordinance No. 315, including repeal of the temporary development restrictions on Minor Subdivisions and Lot Splits.**

Mayor Pro Tem Nicole Pieterse opened the public hearing.

Manager Kari Distefano presented an overview of the proposed repeal of Ordinance 334, which included a temporary restriction on subdivision linked to the construction of sewer.

**Public Comment**

None.

**Motion**

To approve the repeal of Ordinance 334.

**Moved by** Trustee Joe Croke, seconded by Mayor Pro Tem Nicole Pieterse

**Public Comment**

None.

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

**2. Consideration of a letter to the U.S.F.S. regarding the small tract sales adjacent or near the Town of Rico.**

Mayor Pro Tem Nicole Pieterse opened the public hearing.

Manager Kari Distefano presented an overview of the letter to the USFS regarding small tract sales.

The Board directed staff to make the following revisions:

1. Revise the date to reflect the current year – 2021
2. Revise the letter to read "the Rico Board of Trustees disapproves of any sale of public land to private entities within the Rico planning area, which includes lands in the East Fork of the Dolores River within three miles of the Town Boundary."
3. Strike from "in this instance to in the future" and begin with "The Town would like to be notified of the receipt of small and large applications within our planning area when received by the USFS.
4. Strike the first three lines, Begin with "The Board understands the need to keep the public away from reclamation activities however, much of the hillside portion of the small tract is not needed for reclamation work. The Board is also concerned about future transfers of a portion of the small tract property to third party speculators and developers."
5. Paragraph three – "accordingly the Board would like to see the small tract that does not include the reclamation area and associated safety areas surveyed and deeded (or placed in a conservation easement in perpetuity) to the Town of Rico for recreation and conservation purposes.
6. Make the objectives with respect to preserving access clear and add a map as an attachment to the letter.
7. Post the revised letter on the Town web site.

**Public Comment**

Mark Eleison said he wanted the letter to be posted on the website and he thought that the letter should state that the Board opposes the sale.

Dave Bulson commented that it was important to identify and preserve access corridors, especially the access corridor that goes to Telescope Mountain.

Gregg Anderson suggested that the Town add a line to the letter that states that all sales should go through the NEPA process including all EISs as required.

Jim Ostrem offered to edit the letter and supports Dave Bulson's comments.

**Motion**

To revise the letter to the USFS based on the direction received by the Board and public.

**Moved by** Trustee Joe Dillsworth, seconded by Stephen Roberts.

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

3. **Consideration of a Memorandum of Agreement between the United States Forest Service (San Juan National Forest), and the Colorado State Historic Preservation Officer, regarding adverse effects to Site 5DL.478.19 resulting from the Atlantic Richfield Company Small Tracts Act Case No. 2020 Project, Dolores County.**

Manager Kari Distefano presented an overview of the Memorandum of Agreement.

**Public Comment**

Mark Eleison objected to the Board signing the letter on the premise that the signing of the letter by the Board of Trustees implied that the Trustees had accepted the sale.

**Motion**

To approve the Memorandum of Agreement between the United States Forest Service (San Juan National Forest), and the Colorado State Historic Preservation Officer, regarding adverse effects to Site 5DDDL.478.19 resulting from the Atlantic Richfield Company Small Tracts Act Case No. 2020 Project, Dolores County.

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

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

4. **Consideration of a tavern license request or Garden Bar LLC (the owners of the Mine Shaft).**

Town Clerk, Linda Yellowman reported that all paperwork was in order.

**Public Comment**

None.

**Motion**

To approve a tavern license for Garden Bar LLC.

**Moved by** Trustee Joe Dillsworth, seconded by Mayor Pro Tem Nicole Pieterse.

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

5. **Consideration of the 1<sup>st</sup> reading of an Ordinance to allow the consumption of alcohol in public areas.**

Manager Kari Distefano presented an overview of the proposed Ordinance and expressed concern that patio areas on CDOT property may be subject to different restrictions.

**Public Comment**

None

**Motion to approve on 1<sup>st</sup> reading an Ordinance to allow the consumption of alcohol in public areas.**

**Moved by Trustee Joe Croke, seconded by Stephen Roberts.**

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

**6. Consideration of an application for a special use permit for the purpose of a short-term rental, 110 N. Silver Street, Anne Belaska, applicant.**

Manager Kari Distefano presented an overview of the application.

**Public Comment.**

There were three emails to the Town that objected to short-term rentals. One was from Jim Baron, one was from Lloyd and Corinna Marvin and one was from Nate Seeley. Lynda Hackleton commented that short-term rentals should be changed, more sales tax and required to have business license fee. Jenny Wheeler objected to short-term rentals due to housing shortage concerns. Gordon Mortensen said perhaps the Town could allow rentals of rooms in their houses rather than short-term. Gregg Anderson said short-term renters came to Rico, spent money and left.

**Trustee's Comments**

Brandy Randall expressed concern about the number of short-term rentals and the possible detrimental effects on communities especially when there is a housing shortage. Pat Fallon reminded the public that the short-term rentals were reviewed annually and the public would have an opportunity to address the Board then with their comments.

1. Staff was directed to research short-term rental regulations in other communities and evaluate the possibility of requiring business licenses for short-term rentals.
2. Staff was directed to explain at the next meeting the financial requirements of short-term rentals and to check the business license ordinance to find out if it did have requirements for short-term rentals.

**Motion to approve an application for a special use permit for the purpose of a short-term rental, 110 N. Silver Street, Anne Belaska, applicant with the condition that applicant provide proof of smoke and carbon monoxide detectors.**

**Moved by Trustee Pat Fallon, seconded by Nicole Pieterse.**

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

**7. Consideration of an application for a special use permit for the purpose of a short-term rental, 111 Short Street, Paul Jacobsen, Applicant.**

Manager Kari Distefano presented an overview of the proposed special use permit application.

**Public Comment**

None.

**Trustees Comments**

Joe Croke said the Town should figure out how to audit and police short-term rentals.

**Motion to** approve an application for a special use permit for the purpose of a short-term rental, 111 Short Street, Paul Jacobsen, applicant with the condition that he pay his back taxes and provide proof of smoke and carbon monoxide detectors.

**Moved by** Trustee Brandy Randall, seconded by Stephen Roberts.

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

**8. Consideration of an application for a right-of-way encroachment agreement, 204 E. Mantz, Bonnie Emerick and James Schroff, applicants.**

Manager Kari Distefano presented an overview of the proposed right-of-way encroachment agreement.

**Public Comment**

Raegan Ellease supported the application. Dylan Robertson said there was a drain in the alley.

**Motion by** approve an application for a right-of-way encroachment agreement, 204 E. Mantz, Bonnie Emerick and James Schroff, applicants.

**Moved by** Mayor Pro Tem Nicole Pieterse, seconded by Stephen Roberts.

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

**9. Consideration of an application for a re-subdivision (replat) for the purpose resolving an access issue with the Town of Rico, 314 N. Piedmont, Rebecca Adams and Gordon Mortensen, applicants.**

Manager Kari Distefano presented an overview of the proposed re-subdivision.

**Public Comment**

Gordon Mortenson said that there was a survey error that affected all of the lots in that region and that the road right-of-way with the trade was still 50'. He also said that the surveyed lot lines were in the middle of the tri-plex to the north of the lot in question. Gregg Anderson commented that the survey discrepancies should be treated globally and fixed in one effort. He also said that the Town should not vacate rights-of-way. Dave Bulson agreed that the survey error should be fixed in the whole area.

**Trustees Comments**

Joe Croke said the whole subdivision should be fixed at the same time. Stephen Roberts said that when he bought his property across from the subject property, there was a problem with the entry to the Piedmont subdivision and that he had benefited from a lot line shift.

**Motion to** approve an application for a re-subdivision (replat) for the purpose resolving an access issue with the Town of Rico, 314 N. Piedmont, Rebecca Adams and Gordon Mortensen, applicants, with the condition that the applicants amend the re-subdivision (replat) to bring the lot line out of the traveled way of the road.

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

**10. Consideration of the approval of the River Corridor Tract Map, a boundary line agreement, Section 35 and 36, T.40 N. R.11 W., Section 1 and 2, T.39N. R.11 W., Dolores County Colorado, Town of Rico, applicant.**

Manager Kari Distefano and surveyor Dave Bulson presented an overview of the proposed boundary line agreement.

**Public Comment**

Raegan Ellease wanted to see a plan for a new trail.

Trustee Joe Croke suggested that this issue be tabled until next meeting and staff was directed to produce a color coded map showing tracts and the easement that the town owns as well as the map overlaid on an aerial photograph.

**Motion**

To continue the discussion the next meeting.

**Moved by** Trustee Joe Croke, seconded by Mayor Pro Tem Nicole Pieterse.

**Discussion Items**

1. Lazy Rooster Campground. The applicant is seeking a land use (zoning) change on a parcel located directly south of the Town of Rico. The site plan and application are on the website at <https://townofrico.colorado.gov/planning-in-rico>. There will be a meeting at the Rico Town Hall located at 2 Commercial Street on April 10, 2021 at 1:00 PM to discuss the proposal. The Town of Rico is a referral agency. Trustee Nicole requested that if there was input from Dolores County about a proposed bridge, the Trustees would like to hear it.
2. Street fund mill levy analysis. Staff was directed to clarify valuations and the differences between appraised, actual and assessed values as well as what portion of people's tax bills are Town, which are County and which are other entities. Staff was directed to create a survey to prioritize infrastructure needs and to include a percentage of increase to tax bills associated with each mill levy increase option.
3. Water tap allocation proposal. The water tap allocation proposal was tabled until the next meeting.

**Manager's Report.**

1. Internet. Kari Distefano reported on her internet upgrade research, the results of which are included in the Town manager's memo in the packet. Public Comment suggested that we focus on our existing providers.
2. Water filtration system. Kari Distefano reported that she did not have estimates of what this filtration system will cost yet. She was directed to bring the estimates to the next meeting.

**Motion**

To adjourn the March 17<sup>th</sup> meeting of the Board of Trustees.

**Moved by** Mayor Pro Tem Nicole Pieterse, seconded by Trustee Pat Fallon.

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

The meeting adjourned at 11:00.

  
Linda Yellowman  
Rico Town Clerk

  
Barbara Betts  
Mayor

