

## RICO TOWN BOARD MEETING MINUTES

Date: April 20, 2022

### Call to order

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

### Trustees Present:

Mayor Nicole Pieterse  
Trustee Christopher Condon – Zoom  
Trustee Joe Croke  
Trustee Joe Dillsworth  
Mayor Pro Tem Patrick Fallon  
Trustee Benn Vernadakis  
Trustee Linda Yellowman, Sworn in after first action item.

**Staff Present.** Chauncey McCarthy and Anna Wolf

### Approval of the Agenda

#### Motion

To approve the agenda.

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

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

### Approval of Minutes

Correct misspelling of Voluntary as well as Tom Simmons title of risk not Rick.

#### Motion

To approve the VCUP work session minutes with correction.

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

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

#### Motion

To approve the VCUP presentation minutes.

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

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

#### Motion

To approve the Short Term Rental work session minutes.

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

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

#### Motion

To approve the March 16, 2022 Board of Trustee meeting minutes.

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

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

### Consent Agenda

#### Payment of Bills

**Motion**

To approve the payment of the bills.

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

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

**Public Comment.**

Craig Anderson and Todd Jones from the Rico Fire District requested that the Board of trustees consider donating the land the Fire Department Building is on to the District. The Fire District requests this to use the land as leverage for a loan to build the new Fire building. The Board of Trustees requested that this be put on the agenda for the May 18<sup>th</sup>, 2022 Board of Trustee meeting.

**Action Items**Appointing and swearing in of the new member of the Rico Board of Trustees

Two letters of interest were presented. The candidates are the following: Linda Yellowman and Jordan Carr.

Board members addressed the candidates with questions.

**Motion**

To appoint Jordan Carr as the new member of the Rico Board of Trustees.

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

Discussion continued as board members urged each other to think about continuity as well as preexisting knowledge of the issues the board will be facing.

**Vote.** A roll call vote was taken and the motion was not approved, 2-4.

**Motion**

To appoint Linda Yellowman as the new member of the Rico Board of Trustees.

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

**Vote.** A roll call vote was taken and the motion was approved, 5-1.

Consideration of first reading of Ordinance No. 2022 – 03 an ordinance of the Town of Rico, Colorado issuing a temporary moratorium on the acceptance of new short-term rental dwelling unit permit application.

The Town Manager recapped that the Board directed staff to have legal draft up an ordinance at the March 16, 2022 Board Meeting.

Board members asked for clarification from Karp Neu Hanlon on the duration this moratorium would last and how the board could end it early or extend it if necessary.

**Public Comment:**

Public is in favor of the Moratorium. If approved it would allow for the board to slow down with the Short Term Rental ordinance and think it all through.

**Motion**

To approve Ordinance No. 2022 – 03.

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

**Vote.** A roll call vote was taken and the motion was not approved, 3-4.

Consideration of the first reading of Ordinance No. 2022-04 an ordinance of the Town of Rico, Colorado amending ordinance No. 2019-06 to increase the water tap fees for the town of Rico water enterprise fund.

Mayor Nicole Pieterse recused herself due to conflict of interest.

The Board discussed the volume rather than the diameter of the tap. Agreeing that volume should

be considered rather than the diameter of the tap. Board members agreed that \$10,000 is not enough as more taps will result in more wear and tear on the system. They also expressed that larger taps than 1 inch should be exponentially more expensive as those builds will generate profit for the builders.

**Public Comment:**

Members of the public are in favor of the tap fee increase as they understand the issues that may arise as we live in a draught area.

Public also commented that for those currently looking at building this is a large increase that they did not budget for.

**Motion**

To charge \$12,500 for a residential ¾ inch water tap and \$22,500 for a 1 inch tap.

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

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

**Motion**

To adjourn Board of Trustee Meeting for the time being and convene the Board of Adjustments.

**Moved by** Mayor Nicole Pieterse, seconded by Trustee Linda Yellowman.

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

**Call to order**

Mayor Nicole Pieterse called the meeting to order.

**Trustees Present:**

Mayor Nicole Pieterse  
Trustee Christopher Condon – Zoom  
Trustee Joe Croke  
Trustee Joe Dillsworth  
Mayor Pro Tem Patrick Fallon  
Trustee Benn Vernadakis  
Trustee Linda Yellowman

Consideration of an application for a setback, height, and roof pitch variance on 132 Commercial Street, Lots 23-27, Block 8, McKinley Hale and Jeremy Womack, applicants.

Trustee Benn Vernadakis recused himself due to conflict of interest.

Town Manager Chauncey McCarthy summarized the application to the Board.

Applicant Jeremy Womack discussed the reasons they are looking for these variance approvals.

The Board discussed that this is a special circumstance as the topography of this lot is different than most town lots.

**Motion**

To approve this application for a variance pursuant to section 430 of the Land Use Code based on the findings that all of the review standards in section 436 have been satisfied and with the condition that the project include two off-street parking spaces at the third level.

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

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

Consideration of an expansion of a non-conforming use or building, 26 N Glasgow, Craig and Sarah Lyons, applicants.

Town Manager Chauncey McCarthy summarized the application to the Board.

Applicants requested that this be streamlined as much as possible so they can complete the project before the cold sets in again as they will be living in the house as it is worked on.

Board members were sympathetic with the applicants request and discussed approving the project at this meeting. Some concern was mentioned on the design and whether or not it will match the commercial district vision. Legal advised the Board that they must wait until a future meeting as it was not an agenda item.

**Public Comment:**

Public expressed that keeping people in town is important. To not make applicants jobs harder as long as they follow the rules.

**Motion**

To approve the expansion of a non-conforming use.

**Moved by** Trustee Joe Dillsworth, seconded by Trustee Linda Yellowman.

**Vote.** A roll call vote was taken and the motion was approved, 6-1.

**Motion**

To adjourn Board of Adjustments Meeting and re-convene as the Board of Trustees.

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

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

**Staff Reports**

**Clerk's Report.**

The clerk sought guidance on how to proceed with outstanding water bills. The board directed the clerk to send out shut-off notices to accounts overdue by 60 days and to instruct the facilities maintenance personnel to shut of the water on that date if the account holder does not pay the amount due.

**Manager Report.**

The Town manager sought clarification regarding the minutes concerning Marty and filing. The Board directed him as follows, if there were objections the Board would revisit whether to stay with Marty or change to new council.

CDOT came and looked at the school site for the new bus stop. They are having engineering move forward with a proposal.

Town Clean-up will be scheduled for June 4, 2022. Using a new trash company that will save the town money.

Chauncey McCarthy filled for a grant to fund the water filtration system. If the grant is not rewarded the Town Manager would like to reallocate funds to complete this project. The project cost is estimated at \$10,000 including labor, supplies, and installation.

The Historic Society have reported that they have funds budgeted for the repairs for the Van Winkle headframe. They don't have the bandwidth to apply for grants at this time.

All Board members have access to personal board emails if the board would like. If using these emails do not reply all as that would be an unnoticed Board meeting.

While in the beginning stages the Town Manager is optimistic about acquiring the Voodoo skate ramps. If this happens Rico will formally adopt them.

**Discussion Items**

**Short Term Rental draft Ordinance Review**

Karp Neu Hanlon representative Joely and Karl were present to answer questions.

The Board discussed the advantages of a right by use direction. The board made notes from

changes in the draft ordinance such as defining Short Term Rental in the ordinance. Only one STR per property should be allowed. The business license verbiage should dovetail with STR ordinance. Make noticing of fire bans mandatory for STR license holders.

#### Public Comment:

Asked for clarification on quadrants of the town. The public noted that the fees should be high enough to pay for itself. Public expressed concern with use by right.

Board directed legal to make changes and move forward for a first reading on May 18, 2022. As well as a reading on May 10, 2022 at the Planning Commission meeting.

#### Trust for Public Land and Montezuma Land Conservation effort.

Patrick Gardner, Travis Custer, and James Reimann talked about coming to Rico to hear the concerns regarding the Disposition Property listing. The sale of this property could have huge impact on the community. These organizations want the community to be part of the process of what should happen with these properties.

The next steps will be to sit down and look at maps. Long term having an assessor out as the real value is projected to be significantly lower than the listed price.

#### Town site Land Soils Voluntary Clean Up (VCUP) update.

This was not discussed in detail as the board has been meeting weekly for work sessions. The next work session is scheduled for April 25, 2022 at 6:00PM.

#### Smalls tract act conveyance (Atlantic Richfield Co.).

The Board debated on whether or not to send a letter as it is currently the public comment section. Ultimately the board decided not to comment as a letter was sent from the town in March 2021.

#### Quarterly Financial Review

The Town Manager summarized 2022 First Quarter. Explaining that he is working off of someone else's budget with different views and goals for the Town.

#### Second Marshall

Using the direction of the Board staff will look in to hiring a second Marshall to assist Jerry Sam as his commitment in Cortez may not allow him to increase his hours through the summer. The budget accounts for two Marshalls.

#### Town Shop Improvements Update.

The site is disqualified from grants for remediation due to lack of Phase 1 environmental evaluation when the Town acquired the property. VCUP could still remediate the site if it remediates the town. Funding for the shop is limited. There is \$100,000 from SMART to store their bus. Considerations should be made to potentially fund the new shop by selling the Bike Shop.

The Board directed staff to look into the proper method to sell this town property. The Board is on board with selling it for Fair market Value or higher if it will fund the new shop.

#### Impact fees and overall capital improvement program.

The board agreed that there was no need for a discussion at this point.

#### Adoption of Model Traffic Code and Speed Limit Reduction

Dolores County Sheriff Don Wilson expressed that if town pursues this it could end up raising the speed limit. If 70% of traffic in driving at 40mph through town the speed limit would be raised.

The Board directed staff to look into whether the speed sign on the South side of town records data.

#### **Motion**

To adjourn Board of trustee meeting and go into Executive session.

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

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

**Motion**


To adjourn.

**Moved by** Trustee Joe Dillsworth, seconded by Trustee Christopher Condon.

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

The meeting adjourned at 10:28 pm.

  
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Anna Wolf  
Rico Town Clerk

  
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Nicole Pieterse  
Mayor