

RICO TOWN BOARD MINUTES

August 15, 2018

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

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

Staff Present. Kari Distefano, Ryan Taylor and Linda Yellowman.

Guests Present. Dolores County School Superintendent Ty Gray, Dolores County School Board Jenny Smith and numerous of local citizens.

Approval of the Agenda. The agenda for August 15, 2018 was presented for approval. Barbara Betts made a motion to approve the agenda for August 15, 2018 as amended and seconded by Zach McManus. The motion passed unanimously.

Consent Agenda:

Approval of the Minutes. The Rico Town Board minutes for July 18, 2018 were presented for approval. Keith Lindauer made a motion to approve the minutes as corrected for July 18, 2018 and seconded by Barbara Betts. The motion passed unanimously.

Approval of the Monthly Bills. The Monthly bills for August 2018 were submitted for approval. Barbara Betts made a motion to approve paying the Monthly Bills for August 2018 as presented. Keith Lindauer seconded the motion. The motion passed unanimously.

Approval of the Treasurer's Report.

Citizens Communication. Liam Chamberlain brought up an issue with a traveling mobile parked by his business. Mr. Chamberlain stated he gave permission to have them parked there for the summer as security. Town Manager Kari Distefano suggested to Mr. Chamberlain to come by the office.

School Discussion: Town Manager Kari Distefano stated as you know, the Rico Elementary School will not be in operation this school year. According to a resolution approved by the Dolores County School District on March 7th, 2018, the Dolores County District Superintendent was directed by the School Board to develop "a plan for communicating in writing with parents, school staff and community." It also directed Superintendent to create a plan and a timeline for reassigning students to other public schools "which must, to the fullest extent practicable, take into account parents' choice concerning the public schools to which students are reassigned."

The closure of Rico Elementary brings up the broader issue of what responsibility Dolores County School District has with respect to educating students that live in Rico considering the citizens of Rico pay taxes to the Dolores County District for that very purpose. Earlier this summer Kari Distefano has a discussion with Mike Gass, the Telluride Superintendent and wrote the following regarding what I had heard the community express: Transportation, Continuity, and Stewardship of the property with scenarios for each items.

Letters regarding this matter went out in the water bills and notice of the meeting is also on the Town of Rico website as well as being posted on the Rico Bulletin. At this point it is incumbent on us to give some direction to the Dolores County School District. Mrs. Distefano would like to take a straw poll at the end of the discussion to get some input on which, if any, scenario is preferable to the community.

Discussion was opened to the public concerning the Rico School. Numerous of concerns were heard from the public regarding the property tax and transportation for students.

Town Clerk. No Report.

Public Works. None.

Water Consultant. No Report.

Parks & Recreation. We have had a request by the Rico Trails Alliance to take down the boards that provide a windbreak on the gazebo at the Town Park. They want to have a band for their fundraiser on August 18th. The staff talked to Dennis Swank and we are okay with that plan. Keith Lindauer made a motion to grant the request and seconded by Sophia Kyriakakis. Motion passed unanimously.

Sand has been purchased for the volleyball area. Citizens are finally playing volleyball again this summer.

Town Board Reports. None.

Geothermal Committee. Barbara Betts mentioned the report has been presented to the Rico Center and will be made public on the website.

Grant Writer. No report.

Town Manager's Report. Update on Professional Engineer's reports – reactivating Silver Creek and constructing sewer in the commercial core. The first draft of the preliminary engineering reports will be available by the end of the month. Eric Krch and Louis Meyer will talk about their report and answer questions. Now that the town has some preliminary cost estimates, the board can start thinking about potential sources of funding. I don't know that we will be ready to go to the ballot for taxpayer support for infrastructure upgrades in November. If we were to do this, we would have to have the ballot initiative ready to go by September 7th. Most of the grants for which we will be applying have deadlines in November and April, so the very earliest we would know whether or not we had received grant funding would probably be in the early spring – too late to factor whatever funding we could get into the potential mill levy increase ballot language. I believe that it would be better to wait a year and ask for a mill levy once we have applied for and hopefully obtained grant funding. Even if we were to go to a vote in November and get approval for the upgrades, there is still the final engineering that would need to be done and permits and approvals from the Colorado Department of Health and Environment that the town would need to obtain, so it is unlikely that we could start construction in the summer of 2019 anyway. Mrs. Distefano would like some direction from the Board regarding whether or not, the town should try to get this on the ballot for the November election. An update and presentation was given by Mr. Krch and Mr. Meyer/SGM.

Electric Vehicle Charger Grant. The Town of Rico has received a grant to install an electric vehicle charger. The town will be installing it at the town owned pocket park or in front of the Courthouse since we need internet access to operate it. Town Manager will be issuing a request for proposals for a company to install it as soon as the staff gets the paperwork from Charge Ahead Colorado. Telluride and Mancos also received grants for chargers and we may get a better deal if we collaborate.

Zach McManus made a motion to adjourn the Board of Trustees meeting and reconvene as the Board of Adjustments. Seconded by Barbara Betts. Motion passed unanimously.

Agenda Town of Rico, Board of Adjustments

Call to order

Approval of Resolution regarding Croke Variances: Lots 24-30, Block 3, Town of Rico. Town Manager Kari Distefano reviewed the variance application with the Board. With no further discussion, Nicole Pieterse made a motion to approve the Resolution regarding Croke Variances with some conditions. Seconded by Zach McManus. Motion passed unanimously.

The Board of Trustees meeting was called back to order by Zach McManus. Seconded by Barbara Betts. Motion passed unanimously.

Action Items:

1st Reading of an Ordinance to Allow Accessory Dwelling Units on Lots Less than 7,500 square feet. The current land use code allows accessory dwelling units on lots that are greater than or equal to 7,500 square feet except in the cases of Silverglance Subdivision and Atlantic Cable Subdivision where there is a footnote to the Residential Design Regulations that states the following: The minimum lot size for the Atlantic Cable, Upper Atlantic Cable, Silverglance Subdivision and Silverglance Subdivision Filing 2 shall be the existing platted lots because these subdivisions were platted to be single family lots, that is, neither further residential subdivision nor the development of accessory dwelling units of existing lots shall be not permitted as a use by right.

This note is a little hard to decipher but it is intended to prohibit accessory dwelling units in these two subdivisions. Board Members Zach McManus and Barbara Betts have requested that the town revisit this restriction. The Rico Planning Commission discussed the proposal to allow accessory dwelling units on smaller lots on June 27th and approved a plan to allow them on lots less than 7500 square feet provided an additional on-site parking space be included and an engineer certificate stating that the existing septic could accommodate the increased use or that the septic system could and would be expanded to accommodate the additional use.

Barbara Betts made a motion to approve the 1st Reading of an Ordinance to Allow Accessory Dwelling Units on Lots Less than 7,500 square feet as amended. Seconded by Zach McManus. Motion passed unanimously.

1st Reading of an Ordinance to Adopt a Fee Schedule for Marijuana Establishments within the Town of Rico Boundaries. Along with the marijuana licensing, the town needs to establish a fee structure. Town Attorney Carol Viner is suggesting that the town have an initial application fee, a

yearly renewal fee and a change of application fee at a minimum. The staff have looked at fee schedules for San Miguel County and Ouray County. San Miguel County charges \$1000.00 annual renewal fee. Ouray County's fee schedule was presented to the Board. There is an Ordinance, so as soon as the Board decides on the fees, the Town can enact it. The fee schedule will be attached as Exhibit A. Zach McManus made a motion to approve the 1st Reading of an Ordinance to Adopt a Fee Schedule for Marijuana Establishments within the Town of Rico Boundaries with a fee of \$100.00 on other fees. Seconded by Nicole Pieterse. Motion passed unanimously.

1st Reading of a Revised Tap Fee Ordinance. As the Board discussed at the meeting on June 20th, a copy of the proposed fee revision ordinance has been emailed to the Board and posted on the website. Town Staff reviewed the recording from the June meeting and it did not appear that the Board had reached a consensus regarding the tap fees so I am adding my original suggestion to the ordinance and the Board can change it at the meeting. As you may recall I had proposed the following fee structure as presented. Nicole Pieterse made a motion to approve the 1st Reading of a Revised Tap Fee Ordinance as amended. Seconded by Zach McManus. Motion passed unanimously.

Renewal of Tamosan & Company Liquor License. Town Clerk Linda Yellowman stated that Alex Steele has decided not to renew the liquor license for Tamosan & Company.

Renewal of Enterprise Bar & Grill Liquor License. Town Clerk Linda Yellowman is recommending approval for the renewal license. Zach McManus made a motion to approve the renewal license for Enterprise Bar & Grill. Seconded by Keith Lindauer. Motion passed unanimously.

Approval to Add Additional Trustees to the Dolores State Bank Signature Card. The Board gave their consensus to approve new signature cards for all the funds at the Dolores State Bank.

Approval of Letter Supporting First Southwest Community Fund Grant Application for Funding for a Capital and Transaction Advisor. A request from April Montgomery for a letter of support for a grant application that she is writing on behalf of the First Southwest Community Fund. The First Southwest Community Fund is an organization that has programs to help small businesses in Southwest Colorado. Its services include low interest microloans, technical assistance and rural development grants. The grant would be dedicated to funding a Capital and Transition Advisor who would help facilitate access to rural investment sources. The Board were in favor.

Approval of Resolutions Kyle Minor Subdivision. The resolution was presented for approval. Barbara Betts made a motion to approve the Resolution for Kyle Minor Subdivision. Seconded by Keith Lindauer. Motion passed unanimously.

Discussion Items.

Meeting with Colorado Department of Health and Environment and British Petroleum. For very understandable reasons, in 2014, the Town of Rico backed out of the original voluntary cleanup agreement (VCUP) with Atlantic Richfield. Unfortunately however, the problem of soil contaminated with lead did not go away with the VCUP agreement and this remains a barrier to development in some areas.

In accordance with the 2018 work plan approved at the February 2018 Trustee's meeting, Mrs. Distefano started to look at potential solutions to the problem that did not involve resources and expertise that the Town does not have. To that end, I contacted Brian Johnson, the liability


manager from BP (at some point subsequent the dissolution of the VCUP agreement, BP acquired Atlantic Richfield's properties and responsibilities) and he agreed to come to Rico for a meeting.

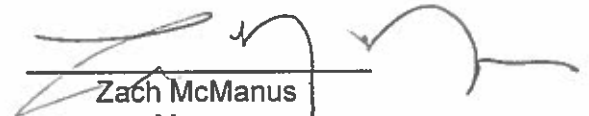
Wind Brake around Gazebo in Rico Town Park. Taken care of under Parks & Recs report.

Bench at Pocket Park Honoring Matthew (Matt) Johnston. The Board granted the request for a bench at Pocket Park.

Adjournment.

Zach McManus made a motion to adjourn the meeting at 10:45 pm. Seconded by Barbara Betts. The motion passed unanimously.


Linda Yellowman
Rico Town Clerk


Zach McManus
Mayor