

RICO TOWN BOARD MINUTES

September 16, 2020

The regular Town Board meeting was called to order at 6:00 pm by Mayor Barbara Betts.

Members Present. Barbara Betts, Joe Dillsworth, Patrick Fallon, Sophia Kyriakakis, Nicole Pieterse, Brandy Randall and Stephen Roberts.

Staff Present. Kari Distefano and Linda Yellowman.

Guests Present.

Approval of the Agenda. The agenda for September 16, 2020 was presented for approval. Barbara Betts made a motion to approve the agenda for September 16, 2020 as amended. Sophia Kyriakakis seconded the motion. The motion passed unanimously.

Approval of the Minutes. The Rico Town Board minutes for August 19, 2020 were presented for approval. Sophia Kyriakakis made a motion to approve the minutes for August 19, 2020. Brandy Randall seconded the motion. The motion passed unanimously.

Consent Agenda:

Approval of the Monthly Bills.

The Monthly bills for September 2020 were submitted for approval. Sophia Kyriakakis made a motion to approve the bills for September 2020. Stephen Roberts seconded the motion. The motion passed unanimously.

Citizens Communication. Susan Robertson talked about mice problems in the Library. Patrick Fallon thinks the issue should be handled by us and that would be less expensive. The cost for Orkin to come, Ms. Robertson asked if the Town would be willing to help with some cost. Patrick Fallon made a motion to go half on the cost. Barbara Betts seconded the motion. The motion passed unanimously.

Discussion Items-

Presentation by the Rico Trail's Alliance.

On behalf of the Rico Trail's Alliance, Katie Stokes made a presentation with some brief background information on the Rico Trail's Alliance (RTA) and the history of the joint USFS/Town/RTA river trail project. RTA was formed in 2017 by a group of Rico trails enthusiasts in order to establish and maintain a network of non-motorized trails in and around the Town of Rico in partnership with the Town and the U.S. Forest Service (USFS).

Action Items.

Consideration of a Memorandum of Agreement with the Rico Trail's Alliance to Formalize a Cooperative Agreement to Develop and Manage the Rio Grande Southern River Trail.

This agreement would formalize the cooperation between the Town of Rico and the Rico Trail's Alliance. Pros and cons were expressed by some Board members. After a brief discussion, Joe Dillsworth made a motion to approve the Memorandum of Agreement with the Rico Trail's Alliance to Formalize a Cooperative Agreement to Develop and Manage the Rio Grande Southern River Trail. Barbara Betts seconded the motion. Voting yes: Barbara Betts, Joe Dillsworth, Sophia

Kyriakakis, Brandy Randall and Stephen Roberts. Voting No: Patrick Fallon. Nicole Pieterse abstained.

Consideration of the Approval of the Pursuit of a Grant Application to Colorado Parks and Wildlife for Planning the Construction of a Trail and a Bridge that would Extend the Existing Rio Grande Southern River Trail through Mike Popek's Property to the USFS Property to the South.

Following direction from the Board of Trustees last month, staff has begun to put together an application for a planning grant from the Colorado Parks and Wildlife for planning the construction of a trail and a bridge on the Dolores Placer (Mike Popek's property). If we are successful in obtaining this grant, it would fund an engineer's construction plan for the abutments of the bridge and a cost estimate along with the necessary environmental assessment. The Town will be requesting \$17,500 for this work. The required match is 30% or \$7,500. The Rico Trail's Alliance has agreed to contribute \$3,000 in addition to helping with support letters. It should be noted that when I talked to Rico Trail's Alliance, I was intending to request a total of \$20,000 rather than \$25,000. I upped the request to \$25,000 subsequent to being alerted by the Trail's Alliance that the environmental assessment that they supplied to the USFS for trail work was \$10,000 rather than my estimate of \$5,000. The stretch of trail that we would be evaluating would be shorter and more impacted by Colorado Highway 145 so the \$25,000 will cover the total cost of the project. Barbara Betts made a motion to approve the Pursuit of a Grant Application to Colorado Parks and Wildlife for Planning the Construction of a Trail and a Bridge that would extend the Existing Rio Grande Southern River Trail through Mike Popek's Property to the USFS Property to the South. Joe Dillsworth seconded the motion. Motion passed unanimously with Nicole Pieterse abstaining.

Consideration of Signing a Recreational Easement Agreement with Mike Popek for a Trail Easement across the Dolores River.

Mike Popek emailed a signed easement agreement for a recreational trail easement across his property to the Town. The Rico Town Board of Trustees have expressed in both the 2019 and 2020 Work Plan that they supported the pursuit of this trail agreement and we have been fortunate to get Mike Popek's cooperation. Joe Dillsworth made a motion to approve the Signing of the Recreational Easement Agreement with Mike Popek for a Trail Easement across the Dolores River. Stephen Roberts seconded the motion. Motion passed unanimously.

Consideration of Rico Center Grant Application.

Based on the Town budget, staff would like to submit two applications to the Rico Center for grant funding. One for snowplowing and one for a legal review by Marti Whitmore of the proposed Rico Land Use Code Revisions. The Board gave their consensus to move forward with the grant application.

Consideration of an Emergency Reading of the Re-Adoption of the Model Traffic Code with an exception to establish a speed limit of 15 miles per hour on all roads other than Colorado Highway 145, otherwise known as Glasgow Avenue within the Town of Rico.

Carol Viner has finished drafting an ordinance that would ensure that the Town of Rico has an enforceable 15 miles per hour speed limit on all streets within Town except Colorado Highway 145 (Glasgow Avenue). Nicole Pieterse made a motion to approve the Emergency Reading of the Re-Adoption of the Model Traffic Code with an exception to establish a speed limit of 15 miles per hour on all roads other than Colorado Highway 145, otherwise known as Glasgow Avenue within the Town of Rico. Sophie Kyriakakis seconded the motion. Motion passed unanimously.

Consideration of an Access Agreement with Atlantic Richfield for Road Sampling and Potential Removal of Certain Surfaces Where Lead Levels Exceed 1700 ppm.

Atlantic Richfield would like to begin sampling activities on the Rico roads to determine whether or not they exceed the 1700ppm threshold that indicates dangerous contamination and whether or not material that may be taken from the roads as part of the remediation process would be suitable for use as general or structural fill at the St. Louis Tunnel clean-up site north of Town. Sampling is an important first step in the remediation process for the roads should the Town embark on a VCUP agreement with Atlantic Richfield. The sampling may take place this fall and with knowledge gathered from the sampling, a remediation program can be generated. After a brief discussion regarding the sampling, Patrick Fallon made a motion to table the Access Agreement with Atlantic Richfield and add to the agenda an Executive Session for further discussion at the next regular meeting. Stephen Roberts seconded the motion. The motion passed unanimously.

Consideration of a Change of Meeting Date to Accommodate that October 15, 2020, 1st Reading of the Town Budget Deadline.

The State of Colorado mandates that a budget be submitted for review by the governing body of a municipality by October 5, 2020. Scheduled a discussion about the budget is on the agenda, but we may want to continue the discussion into next month, which would mean that we would need to schedule a special meeting to accommodate both readings of the budget the 2nd Reading deadline of December 5, 2020. Nicole Pieterse made a motion to Change the Meeting Date to Accommodate that October 13, 2020, 1st Reading of the Town Budget Deadline at 6:00 pm. Barbara Betts seconded the motion. Motion passed unanimously.

Consideration of a Transfer of Ownership for Motherlode Liquors, Applicant Paul Wintin.

Paul Wintin would like to reopen Motherlode Liquors and is in need of a Transfer of Ownership. His documents are all in order. Sophia Kyriakakis made a motion to approve the Transfer of Ownership for Motherlode Liquors/Paul Wintin. Stephen Roberts seconded the motion.

Barbara Betts made a motion to adjourn the Board of Trustees Meeting and Reconvene as the Board of Adjustments. Joe Dillsworth seconded the motion. Motion passed unanimously.

Agenda Town of Rico, Board of Adjustments

Call to Order

Consideration of an Application of a Building Height Variance on Lot A, Block 29, Jeff Gibson owner, Robert Trimble and Ben Jackson, applicants.

The applicant Jeff Gibson would like a height variance for a proposed building on Lot A, Block 29. The application has been reviewed, complete and compliant. There is a conflict in the building height portion of the Rico Land Use Code. Comments from neighbors were noticed and this application provoked a lively discussion at the Rico Planning Commission meeting. The Rico Planning Commission gave conditional approval to the variance if the building could be re-designed at a height of thirty feet. After a lengthy discussion about the heights, Joe Dillsworth made a motion to deny the application of a Building Height Variance request. Sophia Kyriakakis seconded the motion. Motion passed unanimously.

Consideration of an Applicant for Setback Variances on Lots 19 and 20, Block 1, 39 S. Glasgow, Mesut Cetian, owner, Daniel Mazzotti, applicant.

The applicant Mesut Cetian is intending to build a café with a living space on the second floor on the vacant lot at 39 S. Glasgow. The application is complete and compliant.

The Rico Land Use Code requires that buildings in the Historic Commercial Zone District, be built lot line to lot line with no side yard setback. The applicant is requesting a variance to that requirement and would like to have 5' on either side on building.

This variance application also produced a lively discussion among Planning Commission members. The recommendation for approval by the Rico Planning Commission is conditional upon the applicant constructing the roof in such a manner as to prevent snow shed and other drainage from doing any damage to future neighboring buildings and that the five-foot area between the proposed building and any future building not become a collection area for trash. Further, the variance should not exert any other negative impact to the neighboring property.

The applicant is also requesting a variance to the parking requirements. In the Historic Commercial District, two off-street parking spaces are required per 1000 square feet of commercial space. The café will be 1680 square feet and so would require two off-street parking spaces. The parcel in question can accommodate two off-street parking spaces as shown on the site plan but the applicants would like to use Campbell Street for five additional spaces. Citing an advantage to the Town with the construction of five additional parking spaces in the Town right-of-way, the Rico Planning Commission approved recommending this variance to the Rico Board of Trustees.

Nicole Pieterse made a motion to approve the Application for Setbacks Variance on Lots 19 and 20, Block 1 39 S. Glasgow, Mesut Cetian/owner and Daniel Mazzotti/applicant. Barbara Betts seconded the motion. Motion passed unanimously.

Sophia Kyriakakis made a motion to adjourn the Board of Adjustments and Reconvene as the Board of Health. Joe Dillsworth seconded the motion. Motion passed.

Agenda Town of Rico, Board of Health

Call to Order

Consideration of an Application for Setback Variances on Lots 19 and 20, Block 1, 39 S. Glasgow, Mesut Cetian, owner, Daniel Mazzotti, applicant.

This variance request by the applicant is to Colorado Department of Health and Environment Regulation 43 that was adopted by the Town in October of 2017 and involves septic setbacks. Regulation 43 requires 10' setbacks from all lot lines but allows setback variances if there is technical justification by a professional engineer that the variance would result in no greater risk to public health than compliance with the setbacks. In this case, one setback variance request is at the back of the lot (west side) that borders Argentine Alley and the other is the side of the lot the borders Campbell Street (south side). There is a water line in Argentine Alley but the proposed soil treatment area is the required 10 feet from that line. The soil treatment area will be encased on three sides by PVC liner, which will afford further protection to the water line.

Chuck Cousino from Colorado Department of Health and Environment reviewed the application because the lot is so constrained that staff felt a more experienced set of eyes would be appropriate. The applicant has agreed to install bollards as per Mr. Cousino's first suggestion.

The other method of encasement to which he refers is the PVC liner. This has been used in Rico in the past. Documentation of waste strengths is typically included in the final septic design and the Planning Commission was assured by the applicant that would be included when the construction plans were produced. The Rico Planning Commission also recommended approval of this variance to the Board of Trustees.

Nicole Pieterse made a motion to approve the Application for Septic Setback Variances on Lots 19 and 20, Block 1, 39 S. Glasgow, Mesut Cetian/owner and Daniel Mazzotti/applicant. Barbara Betts seconded the motion. Motion passed unanimously.

Adjournment of the Board of Health and Reconvene as the Board of Trustees

Council and Committee Reports.

Town Clerk.

Work Session.

2020 Budget.

The draft budget was presented and reviewed with the Board. Town Manager Kari Distefano talked about each funds.


Town Manager's Report.

CDOT Sidewalk Work.

CDOT is intending to build sidewalks in the commercial core of Rico. This work will likely start in 2021.

Adjournment. Barbara Betts made a motion to adjourn the meeting at 800 pm. Sophia Kyriakakis. Motion passed unanimously.


Linda Yellowman
Rico Town Clerk


Barbara Betts
Mayor