

RICO TOWN BOARD MEETING MINUTES

Date: November 16, 2022

Call to order

Mayor Nicole Pieterse called the meeting to order at 7:05PM.

Trustees Present: Mayor Nicole Pieterse
Mayor Pro Tem Patrick Fallon
Trustee Benn Vernadakis
Trustee Joe Dillsworth

Trustees Absent:

Trustee Christopher Condon
Trustee Joe Croke

Staff Present. Chauncey McCarthy, Anna Wolf, Wilton Anderson, Jen Stark

Approval of the Agenda

Motion

To approve the agenda.

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

Vote. A roll call vote was taken and the motion was approved, 4-0.

Approval of the Minutes

Motion

To approve the minutes.

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

Vote. A roll call vote was taken and the motion was approved, 4-0.

Consent Agenda

Payment of the Bills

Motion

To approve the payment of the bills.

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

Vote. A roll call vote was taken and the motion was approved, 4-0.

Public Comment:

Skip Zeller brought to the attention of the Board and the members of the public that the Forest Service has reduced the volume of land from 30 acres to close to 20 acres with the deal regarding ARCO. Public Comment is open until May 24th, 2023.

Action ItemsSwearing in of the new member of the Rico Board of Trustees.

The Town Clerk Anna Wolf sworn in Joe Dillsworth as the new member of the Rico Board of Trustees.

Consideration of a liquor License transfer, Boulder City Mixology LLC, applicant.

The Town Clerk gave a summary of the transfer application.

Motion

To approve a liquor license transfer for Boulder City Mixology dba Enterprise Bar and Grill.

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

Vote. A roll call vote was taken and the motion was approved, 4-0

Consideration of second reading of Ordinance No. 2022-11 an Ordinance of the Town of Rico, Colorado adopting the year 2023 town budget; appropriating sums of money; and setting and certifying town mill levies.

Town Manager gave a summary of ordinance 2022-11 and the first reading of the ordinance. The only difference that was noted was the increase in revenue to the General fund due to the updated property tax estimation from the assessor's office.

Motion

To approve the second reading of Town of Rico Ordinance No. 2022-11 adopting the year 2023 town budget; appropriating sums of money; and setting and certifying town mill levies.

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

Vote. A roll call vote was taken and the motion was approved, 4-0.

Public hearing: preliminary plat of the Dolores River Trail Development, located on portions of Hillside 1, 2, and Yankee Boy, Rebecca and Gordon Mortensen, applicants.

Town Planner Jen Stark highlighted a report and chronological timeline of the process so far that are in the packet.

Chauncey McCarthy brought up the hazards from the conceptual plan have been resolved. The applicants and their lawyer provided comments.

Mayor Nicole Pieterse requested that the Town Planner read and explain the PUD table in the packet.

The question of whether the applicant was also rezoning was brought up during this discussion. Town Manager Chauncey McCarthy expressed that they were not rezoning. The application would result in 6 lots the tracks would be quick claimed to the neighboring owners.

Track F is the land dedication, it does not fulfill the 10% dedication that would also include the easement on the trail connecting Piedmont and West Rico. The acceptance of the land dedication is up to the Board of Trustees.

Jen Stark recommends that the plat note from the Sam Patch be carried over to this plat regarding the Engle Barnette easement.

Clarifying questions were asked regarding the location of the access to FS 422.

Joe Dillsworth brought up the concerns from the Town staff regarding the snow storage and the width of the road.

Chauncey McCarthy explained the two options. The road being dedicated to the town and the Town maintaining it or a maintenance agreement with a private shared driveway easement.

Mayor Nicole asked the Town's legal counsel Wilton Anderson if the town can accept the trail easement as the land dedication. Traditionally the dedication must be usable land. Wilton assured the board that the easement would be sufficient and appropriate for the dedication.

Applicant's discussion.

Applicant explained the process of the application thus far including the 2 years of discussion with the Planning Commission. She noted the access issues of her neighbors and the fact that they are using this land as their access. This development will solve those issues. The variances that are requested will keep the neighborhood feel rather than a very wide road. The 40' right of way would still be there just with a narrower road.

The applicant's lawyer explained that the biggest questions here are the land dedication and the issue of the road. She explained the variances are not necessary but address the needs that were heard during public hearings and from the community.

Nicole asked the Applicants to consider putting no build zones on the plat as wetlands may change in the future.

Public Comment:

Greg Anderson questions why they would need to re-plot for the neighbors. He is also concerned about the non-motorized status of the trail as in the future we may not want it to be non-motorized. Should definitely be accessible via motorized vehicles for emergency responders.

Ed Merritt: While no one likes development in their back yard Rebecca and Gordon have been great at communicating with all of the neighbors. The Merritt's want to build here as well. In favor of this development.

Skip Zeller: Agrees with Ed Merritt and the communicative nature of the applicants. The importance of this for the community and to minimize the impact on the town and environment. HE would rather not see any trees taken down if possible.

Jill Carver: has had a concerns from the beginning. Would like to minimize the impact on the trees and forest. The road is narrow but would be a shame to blow it out to 24'. Adding more snow storage as needed should be enough. She likes the idea of non-motorized with access for emergency personnel. Since the owners have put a sign up there is less motorized traffic. Adding a dead end sign may help even more.

Jordan Carr: is in support of the development. This will give the opportunity to bring more people to the community. The reason people live in Rico is to access the outdoors the applicants are trying to make it right so people aren't trespassing.

Rebecca Adams agrees that the emergency motorized vehicles can be added for the trail.

Nicole asked the Applicant if they will be putting signage or gates up for the trail.

The applicant expressed that it will look very similar to how it is now. The changes will be the culvert installation and a turnaround where their property ends.

Nicole asked if the Applicant would be willing to put tree protection agreement in place.

The Applicant expressed that the most sensitive area is the area that will be the land dedication.

Nicole asked if they would be willing to put an easement agreement on the Sam patch plat

Nicole asked Greg Anderson the Town's Engineer, if the roads are to a driveway standard. Greg expressed that they are within the driveway standard.

Joe Dillsworth asked what actions the Town could take if the roads are not maintained through the maintenance agreement.

Chauncey McCarthy expressed that the Town could do the maintenance needed and put a lien on the properties.

Wilton Anderson the Town Attorney confirmed that the Town manager is correct regarding the lien process if the road is not maintained. There would be a provision in the PUD to maintain the driveway. The PUD allows municipal intervention to ensure maintenance is being done as required.

Nicole is concerned that owner organizations have not worked in the past in Rico.

Board Discussion:

Nicole reviewed the PUD standards to ensure the requirements are met.

The following were questioned:

Wetlands and how close the road comes to it. Chauncey expressed it comes within the buffer zone of the wetlands. The Disturbance application is in process.

The road width is currently only 16'. The roadway needs to be widened for the increase of traffic. Snow storage areas have not been identified yet.

Pat does not believe the Town should take on any more roads. Only if it was widened to 24' should the Town consider taking over the maintenance.

Greg Anderson reminds the board that the FS 422 is moving back an additional 50' that is not compliant with the Town's 24' road way.

Benn believes the Town should continue to maintain the roadway to where it has in the past. He agrees that suitable snow storage is needed.

Joe Dillsworth is amendable if the roadway is widened to the standard of 24'. Only continue to maintain the currently maintained road if it is widened to the standard of 24'.

Nicole: is not in support of the road being maintained by the Town. Need plat note indicating that and calling out the easement for the private access and 20' wide utility easement and the town would maintain the utilities and other town wide utilities. Need a plat note for the private access. And being clear that the PUD statute allows for the town to come in and maintain it if the private driveway is not maintained.

Nicole: the plat notes need to not reference a maximum floor area. The PUD size could change. If the Land Use Code changes the size determination should change. That would be dependent on when the applicant applies for a building permit.

Motion

To approve preliminary large scale subdivision plat for the Dolores River Subdivision based on the findings tonight and with the following conditions.

1. The area currently noted as the Dolores River Trail forty foot right of way not be dedicated as a Town road but that the Applicant come back with final plat showing it as a common area with a road maintenance association or a private easement and the proposed draft easement agreement for that based on what we discussed tonight.

2. Modify plat note 1 concerning maximum floor area to reflect that the property within the subdivision is subject to PUD review under the RPUD Land Use Code provisions or any successor provisions in effect of the time of development or PUD review.
3. Condition that plat note 2 regarding building envelopes be revised to note that no building can occur outside of these areas as you stated in your application but it is not referenced on the plat. Meaning no fences houses, outbuildings, etc.
4. The applicant should consider whether they want to include a plat note limiting the Lots 1-6 to single family residence or maybe accessory dwelling units.
5. A condition that the dedicated public access for Forest Service Road referenced in plat note 3 be revised to reference the Forest Service Road number and that you submit an easement agreement with your final plat submittal and it is referenced as being recorded in plat note 3.
6. A new plat note dedicating a 20' wide non-exclusive public trail easement and also an easement agreement that will allow non-motorized public access and motorized emergency access and Town public works access.
7. Condition that you meet the requirements of the Town Engineer's letter dated November 7th, 2022.
8. Condition that the turnaround portion of the access area be noted on the plat not just in the construction drawings.
9. That you show all of the drainage easement areas on the plat as well.
10. Change the reference on tract F from "open space" to "Land Dedication Area".
11. Another condition is that you obtain or provide written approval of the land owners that applicant will be transferring tracts A-E to and include a plat note stating that no building is allowed, no improvements are allowed other than access and landscaping in the tracts A-E.
12. That the plat show calculation for the total size of the 10% land dedication area.
13. The condition of dedication of the road currently maintained by the Town to the Town to widen the travel way to 24' or if you want it to stay private what that option would look like.
14. Condition on approval of a wetlands disturbance permit for that portion of the access that's in the wetlands buffer area and condition that you identify sufficient snow storage areas on you plat.

Moved by Mayor Nicole Pieterse, seconded by Trustee Joe Dillsworth

Vote. A roll call vote was taken and the motion was approved, 4-0.

Staff Report

Clerk's Report

Provided business cards to all Board Members.

Manager's Report

Bear proof trash bins were awarded through a grant. One will replace the WM trash can. One will go to the new shop and the third will be used by the Town Hall.

Senior Transportation conversation has started. The Town is working with Montezuma Counties senior advocate who does the Montezuma county senior transport.

Park Planning: GOCO will source funding. The big picture is a pump track, pavilion for the ice skating rink, and 10 primitive camp sites. The camp sites would offset a full time Park employee. This has turned into a much bigger project.

Discussion Items

Building Code discussion tabled.

VCUP Status Update

Mayor Nicole Pieterse gave a detailed summary. AR gave a revision. There will be a call with AR in the next 2 weeks. An updated draft has been submitted to the CDPHE. The board will receive it for review in December or January.

Ordinance No. 2022-12 an Ordinance of the Town of Rico, amending the Rico Land Use Code Fee Schedule, and adopting the UBC 97 table no. 1-a – building permit fees

Chauncey McCarthy gave a summary of the ordinance. This ordinance would be more so to offset the cost for staff and planning review.

The cost of building permits per the request of the board were available.

This will require a Land Use Code amendment and must go in front of the planning commission first.

Moratorium on Subdivision, PUD, and multifamily development applications.

Town manager gave a summary why the town should consider the moratorium. The value for a 6 month pause would be to discuss potential ways to have appropriate water. To burden the developers and not the town.

Discussion was had on future plans.

Staff was directed to write this up as an emergency ordinance to be read at the December meeting.

Rico Public Library Rent Proposal

Nicole gave a summary of the proposal. This would purely to reimburse the town's out of pocket expense.

Chauncey explained the 3 expenses that are in question: Propane, Electricity, and insurance.

Linda Yellowman expressed that she was there on behalf of the Library Board. She explained that when the library moved in they put the heating system in as well as the ADA access in the back. Linda expressed that she is against the rent proposal.

Chauncey McCarthy expressed that regardless it would be good to have a lease agreement with the Library district whether there is a charge in place or not.

Public Comment:

Jonathan Hay: Isn't this a public building it shouldn't matter.

Chauncey McCarthy explained that the citizens of Rico pay taxes to the Town and the Library district separately. This would be to offset the town from the Library budget. Right now the community is paying twice for the library.

Motion

To adjourn Board of trustee and enter Executive Session: North Argentine Access §24-6-402(4)(b), C.R.S., Conferences with an attorney for the public entity for the purposes of receiving legal advice on specific legal questions • Town owned commercial space §24-6-402(4)(e), C.R.S. Determination of positions relative to matters that may be subject to negotiations, development of strategy for negotiations and instruction of negotiators

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

Vote. A roll call vote was taken and the motion was approved, 4-0.

The meeting adjourned at 10:34 PM.



Anna Wolf
Rico Town Clerk



Nicole Pieterse
Mayor

