

TOWN OF RYE
RECORD OF PROCEEDINGS
February 10, 2021

Call to Order/Roll Call

Mayor Marty Rahl called the Regular Monthly Board Meeting to order at 5:57 pm at the Town Hall at 2067 Main Street in Rye, Colorado. Those in attendance were as follows: Marty Rahl, Mayor; Sheila Henderson, Mayor Protem; Sandra Steele, Trustee; Patrick Ryan, Trustee; Larry Sisk, Trustee; Markus Buck, Trustee; and Sherri Beach, Clerk. Also present were: Greg Colter, ORC; Nicole Quartiero, resident; Dr. Hunter, resident; and (via Zoom) Dude Solutions consultants. Those absent were: Levi Bernal, Trustee. The Pledge of Allegiance was recited.

Audience Participation

Resident #1 voiced a concern about the neighborhood activity on Peterson and Oak Streets. She has witnessed the use of illegal drugs in the street, domestic violence in front of the apartments, fighting, traffic that does not respect the 1-way street signs or speed limit signs, constant emergency equipment from the Rye Fire Protection District and Pueblo County Sheriff's Department multiple times each week, overflowing garbage, drug needles on the street, etc. She said she does not feel safe, and she is concerned about the safety of her family. She has reported the illegal activity to the Pueblo County Sheriff's Department many times. She is concerned about retaliation, but she feels the need to bring the issues to the board for consideration in helping to resolve the ongoing happenings for the safety of her family and the residents of the Town of Rye.

Resident #2 addressed the board about the undesirable activity on Peterson and Oak Streets. He has lost a \$75,000 barn and milk sheds that were burned down because of illegal activity, he has "chased people off his property" multiple times, individuals have caused cement damage and destroyed valves through attempts to divert water from the creek to a settling basin for ice skating and swimming. The diversion has caused issues with his fish hatchery as well as the creek. Individuals have cut through his fencing, stolen his no trespassing signs, dumped trash onto his property, and have created well-worn paths onto and through his property. He has discovered drug paraphernalia, clothing, and garbage on his property. He has reported this destructive and illegal activity to the Pueblo County Sheriff's Department, but it seems that nothing is being done to stop it. He asked the board to help.

Resident #3 emailed a letter to the Town of Rye with his concerns about the illegal activity on Peterson and Oak Streets. He has witnessed and reported many incidents to include animal fighting and neglect, loud noise/music from vehicles and apartments, "violent fights between tenants involving deadly weapons and the police," "evidence of IV drug use at the complex," overflowing parking lots that cause traffic and emergency services to be impeded, break ins and thefts, and trash dumpsters that are filled past capacity. He is concerned about repercussions from the owner of the complex. He feels the area is a dangerous nuisance, and he believes approximately half of the residents at the Apache Falls Apartments are causing serious problems for other residents and the Town in general. He pointed out that there is no onsite management, and the owner of the property lives hours away. He also stated

that emergency vehicles from the local fire department and/or Pueblo County Sheriffs' Department respond to emergency calls many times each week. He asked if the board could help.

The Board of Trustees discussed these concerns, and they asked that Sherri contact the Town Attorney to ask about the possibility of creating an Ordinance concerning a Public Nuisance at Apache Falls Apartments. She is to ask if the landlord can be held accountable. She is also to compose a letter to the Pueblo County Sheriff's Department about the concerns and mail a copy to the property owner.

Dude Solutions gave a presentation via Zoom about their GIS/Asset Management Program. They encouraged the Town to be proactive vs reactive in data driven decisions at the Water Treatment Plant. A first step is gathering information concerning all the assets and equipment owned and entering it into the program. The second step would be scheduling work that needs to be done, beginning with items that the Town may be facing potential violations. Third, we would create a scheduled preventative maintenance database. Their program will track work orders, provide a history to review, send notifications to do work, track completed and pending work orders, etc. The program allows the Town to consider repair costs vs replacement costs, and it provides over 85 different reports. It helps to project future expenditures and houses all details of equipment and costs associated with each. It will create a mapping of the Water Treatment Plant that would tie to the GPS coordinates while categorizing equipment, types of work, missing items, and upcoming fines/penalties. The program can track water, sewer, streets, and all public works. The basic annual fee is \$4,000 for water and wastewater, and it is based on population. They provide a Dude University for training all utility employees for businesses who purchase and implement their program.

The board briefly discussed Dude Solutions' presentation and decided to consider other options for our GIS/Asset Management needs based on the cost of the service. There was discussion about creating our own small-scale system using spreadsheets and maintenance calendars.

Consent Agenda Items

- Sheila Henderson made a motion that the Minutes of the January 13, 2021 regular Board of Trustees Meeting be approved. Patrick Ryan seconded. Sheila Henderson voted yes, Sandra Steele voted yes, Larry Sisk voted yes, Patrick Ryan voted yes, and Markus Buck voted yes. The motion passed.
- The Water Treatment Plant Executive Report was presented to the Board. Greg Colter, Operator in Responsible Charge, informed the Board that he had completed and submitted the Emergency Response Plan Review to the CDPHE for approval. Sherri Beach noted that the plumber was changed to Patterson Plumbing and Heating, and the pump service was changed to Dave's Pump Service. Greg stated that the underground tank work is being completed and will be operable within 2-3 days. Greg and Gib are working to have a plumber perform the backflow prevention connections at the Water Treatment Plant next week, as we have 120 days to correct the issues per CDPHE. Greg is working to have the calibration on the flow meter done as soon as possible, which will cost less than \$400 annually. Mr. Colter has drafted a letter to the Programs Managers, Small Systems, Office of Water, Office of Ground Water and Drinking Water, United States Environmental Protection Agency (USEPA) to collaborate with Professor

Karan Venayagamoorthy and his team at Colorado State University and partner institutions (the SUCCESS Team) on a project entitled "Towards Achieving SUCCESS in Drinking Water." The team's proposed holistic plans will bring a promising new approach to address the ongoing challenges and needs our small public water system faces. They will be inspecting our Water Treatment Plant. After brief review, the board approved.

- The Water and Sewer Monthly Meter Usage (Billing Register) was reviewed.
 - a) Only a RTS fee was charged to #72 because a lock was not replaced on the meter when water was disconnected following an inspection.
 - b) Account #49 has been charged a RTS fee since December 2017, though a family lives in the home. The prior usage was an average of 3,000-4,000 gallons per month. Gib Rokich has been asked to check the faulty meter.
 - c) Account #122 has been charged a RTS fee since installation in August 2020. Gib Rokich has been asked to check the meter as it is not showing usage. Charges for sewer will be calculated when our rate study is complete and new fees are updated.
- The Town of Rye Summary of Accounts, RVS Systems Totals Report and CCMD Sewer Flow Chart were reviewed.
- The Summary Aged Receivables were discussed.
 - a) Account #13 was called and will bring payment tomorrow.
 - b) Account #37 was called, and a voicemail was left asking that payment be remitted so we are not forced to file a lien against the property.
 - c) Account #71 does not have a phone number. Sheila Henderson made a motion that a notice be hung on the resident's door. Markus Buck seconded. Sheila Henderson voted yes, Sandra Steele voted yes, Larry Sisk voted yes, Patrick Ryan voted yes, and Markus Buck voted yes. The motion passed.
 - d) Account #72 was called and will bring a payment tomorrow.
 - e) Account #89 does not have a phone and lives outside the country. The property is on the list for lien in September with our Town attorney.
- Sheila Henderson made a motion that the Accounts Payable/Transfer of Funds from appropriate accounts be paid and that appropriate funds be transferred per the Checks Written form. Markus Buck seconded. Sheila Henderson voted yes, Sandra Steele voted yes, Larry Sisk voted yes, Patrick Ryan voted yes, and Markus Buck voted yes. The motion passed.
 - a) Patrick Ryan made a motion that \$1,000 be transferred from the General fund to the Highway Users Fund as a loan to cover expenses until it can be repaid. A notation will be made on the Checks Written sheet as a reminder to repay the money after plowing season has ended and the Highway Users fund has money. Sheila Henderson seconded. Sheila Henderson voted yes, Sandra Steele voted yes, Larry Sisk voted yes, Patrick Ryan voted yes, and Markus Buck voted yes. The motion passed.
 - b) The board agreed that Jim Beach will come into the Town Hall to assist Sherri in changing Microsoft and the Ring doorbell programs into the Town of Rye name so billing will be paid by the Town instead of Sherri's personal accounts. Jim will come on Friday or Monday to work on these changes.
- The Board reviewed the Profit & Loss and Balance Sheets.
- The Master Calendar was reviewed.

Unfinished Business

The water and sewer taps of Table Mountain Church were discussed. Following review of correspondence from the Town attorney, the board agreed that a letter is to be drafted by Marty Rahl and Sherri Beach to Table Mountain Church advising them that the Town of Rye will concede with the five sewer taps that were installed being acceptable. However, Table Mountain Church must pay for the five water taps that were installed, for a total due of \$25,000. These water taps must be paid in full or be removed. Going forward there are to be no tap installations without prior approval of the board. This draft letter is to be approved by the Town attorney, then emailed to all board members for approval prior to mailing to Table Mountain Church.

Sherri was asked to contact the Town attorney to inquire about charging Table Mountain Church 12 RTS fees monthly for the RVs, as all water is going through a single 2" meter. She was also asked to discuss with the Town attorney how to amend Ordinance 2020-9 to include turning off water to the property if the \$25,000 total tap fee is not paid and if the taps are not disconnected.

Sheila Henderson made a motion to approve mailing a letter to Tom Holgerson informing him that pursuant to the May 2020 policy, all taps MUST be installed pursuant to the Town's current policy – not one established 42 years ago. Prior to any future taps he claims to have purchased in 1980 being installed, he must get prior board approval based upon the feasibility of the installation. Larry Sisk seconded. Sheila Henderson voted yes, Sandra Steele voted yes, Larry Sisk voted yes, Patrick Ryan voted yes, and Markus Buck voted yes. The motion passed.

The board discussed the upgrade fee from the ¾" meter to the 1 ½" meter at 6020 Boulder. Sherri Beach reported that she contacted Brian Hanson, and he told her there was not a meter in the pit on the property when he dug it up. He said the pit and lid were destroyed, and Gib Rokich told him to throw them away. The board decided not to charge Mr. Beierle the upgrade fee per the letter dated December 1, 2020. Sherri was asked to draft a letter to Mr. Beierle, get approval from Marty and the board, then mail to inform him that we will not be charging him an upgrade fee for his prior upgrade.

Sherri Beach reported that Gib called Brian Hanson on February 4, 2021, and they will be meeting when the mud and snow clear up to look at the Rye Triangle area for the quote to install the ¾" meter.

Reports

Attorney Update: None

Trustee Updates: None

Staff Updates:

Sherri Beach relayed a message from Carl Siepker asking if 0-100 gallons of water could be included in the RTS fee for accounts. He lives in Pueblo but often comes to Rye to check his home. He often needs

to flush once or twice. After discussion, the board agreed to keep the RTS usage at zero. Sherri will let Mr. Siepker know.

Sherri informed the board that the 2020 year-end tax forms were completed and e-filed on time. Per board instruction, Bob Boyd purchased and installed the TAS Payroll Program and the TAS 2020 Tax Form Program on the Town computer. He spent a day training Sherri how to gather the information and complete the forms. He created a BAS Online connection to e-file the information to the Social Security Administration, but when he attempted to create the IRS Online connection to e-file the taxes, he was informed that only a "tax expert" can have access to the site. Sherri spoke with a gentleman at the IRS, and he reiterated that only a "tax expert" can e-file the documentation, and it appears that all filing for governmental agencies must be filed online from here forward. Mr. Boyd quoted Sherri \$350 to complete and e-file the forms W2, 1099s, 1106, and 1093. Ted from Ahora Tax and Bookkeeping also gave a quote of approximately \$350 to include \$20 each W2, \$20 each 1099, and \$20 for 1106 and \$20 for 1093 completion and e-filing. Two other firms that were contacted for quotes did not return telephone calls.

Brian Hanson spoke with Gib Rokich in Sherri's office and stated that he is still waiting on parts to fix the fire hydrant on Roley. It is an old hydrant, and he is having difficulty obtaining the correct parts. Brian will meet with Gib and Greg at the Water Treatment Plant and the inlet to discuss the work to be done. Prior to working on Mr. Dragon's property, he will also meet with Greg and Gib for instruction.

Our CPA, Evie Petrikkou requested that changes be made to update and correct our 2020 and 2021 Budgets. She recommended that Sherri's payroll and withholdings be divided 10% from the general fund, 45% from the sewer fund, and 45% from the water fund; the audit fee be divided 10% from the general fund, 45% from the sewer fund, and 45% from the water fund; accounting expenses be divided 20% from the general fund, 40% from the sewer fund, and 40% from the water fund; and property insurance be divided 10% from the general fund, 60% from the sewer fund, and 30% from the water fund. In addition, Evie recommended that \$14,816.00 be transferred from the water fund to the general fund and \$7,484.36 be transferred from the sewer fund to the general fund to allocate the appropriate funds for the above divisions for 2020 and 2021. Sheila Henderson made a motion to transfer \$14,816.00 from the Water fund to the General fund and \$7,484.36 from the Sewer fund to the General fund to update and correct our 2020 and 2021 Budgets. Markus Buck seconded. Sheila Henderson voted yes, Sandra Steele voted yes, Larry Sisk voted yes, Patrick Ryan voted yes, and Markus Buck voted yes. The motion passed. Sherri was instructed to transfer the funds and advise the CPA of the action taken.

Per Evie's instruction, Sherri asked the board how they would like to allocate \$250 bonus that she and Gib received for 2020. After discussion, the board determined that this will be allocated as a payroll reimbursement for their personal office supply purchases and personal cell phone data usage for the Town of Rye. In the future, the bonuses will be allocated as bonuses and will be taxed.

Jim Beach, Fire Marshall for Rye Fire Protection District, inspected the Town Hall and the Water Treatment Plant on February 6, 2021, per the recommendation of Jay Williamson of CIRSA. The board was given Jim's Building Inspection Reports for both properties. There are a few items that need to be

addressed at the Water Treatment Plant such as updated stickers and signs (NFPA 704 symbol, denoting hazardous chemicals; No Smoking; and Office). It was recommended that the storage shed be organized, the WTP area be free of scattered tools and equipment, that the SDS sheets are in a book and new wording be adjusted on the book to bring it current, get additional tags for the lock-out/tag-out station, remove all disconnected equipment from the site, remove of all empty chemical containers and chemicals that are no longer in use, etc. In addition, the Town needs to purchase a KNOX box and have it installed on a pedestal so the keys and codes are readily assessable to the Fire Department in the event of an emergency. The cost of the recommended KNOX Box is \$429. Markus Buck made a motion that a KNOX Box be purchased for the Water Treatment Plant. Sheila Henderson seconded. Sheila Henderson voted yes, Sandra Steele voted yes, Larry Sisk voted yes, Patrick Ryan voted yes, and Markus Buck voted yes. The motion passed.

Items that need to be taken care of at the Town Hall per the fire inspection report include the storage room be kept free of miscellaneous tools and equipment in the walkway, a fluorescent light fixture in the storage room needs to have a plate to cover the wires or remove the fixture in its entirety, a label noting that the deadbolt of the front door of the board room is to remain unlocked while the building is occupied, and gutters outside the Town Hall need to be repaired so water does not discharge onto the drive and cause a slip hazard for employees and emergency responders.

New Business

Sherri was asked by the board to instruct Gib Rokich to pull up the damaged 2X4s on the path to the Post Office and replace them with redwood 2X4s to eliminate the trip hazard that is currently present.

Following review, the board members all signed a Harassment and Violence Policy per CIRSA.

After review, the board approved the Data Security Incident Response Plan Policy per CIRSA. Mayor Marty Rahl signed it.

Following review, the board approved the Town of Rye Emergency Incident Response Plan per CIRSA. Mayor Marty Rahl signed it.

After a brief discussion, the board instructed Sherri to contact Matthew Hill and ask that he shovel the sidewalks at the Town Hall and the path to the Post Office before 9:00 am on days that it snows. He will be paid as a contractor at a rate of \$15 per hour. Sherri or Gib will show him where to shovel.

Markus Buck asked the board for permission to carry his weapon as an open carry. He is in the process of obtaining a concealed carry permit. The Town Attorney said it is permissible with the signing of a Consent form from the board. The Mayor and all trustees signed a Consent for Possession of Firearm.

The board discussed hiring Madison Rokich as a part time employee. Patrick Ryan made a motion that she be hired as a "Water Operator/Maintenance Assistant" on a part time basis. Her hourly rate will be \$15, and she will turn in a monthly time sheet. She will be responsible to work with Greg Colter and Gib Rokich as her supervisors, and she will clean the Town Hall monthly prior to board meetings. Markus

Buck seconded. Sheila Henderson voted yes, Sandra Steele voted yes, Larry Sisk voted yes, Patrick Ryan voted yes, and Markus Buck voted yes. The motion passed. Madison will be asked to sign an agreement.

Adjournment

At 9:25 pm, Larry Sisk made a motion that the Regular Board Meeting be adjourned. Markus Buck seconded. Sheila Henderson voted yes, Sandra Steele voted yes, Larry Sisk voted yes, Patrick Ryan voted yes, and Markus Buck voted yes. The motion passed.


Marty Rahl, Mayor


Sherri Lynn Beach, Town Clerk

**The Next Regular Session meeting will be held on
March 10, 2021, at 6:00 pm at the Town Hall at 2067 Main Street, Rye, CO 81069
Public is encouraged to attend**

Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting the Rye Town Clerk at 719-489-2011. We would appreciate if you would contact us at last 48 hours in advance of scheduled events so arrangements can be made to locate the requested auxiliary aid(s).