

TOWN OF RYE
RECORD OF PROCEEDINGS
December 8, 2021

Call to Order/Roll Call

Mayor Marty Rahl called the Regular Monthly Board Meeting to order at 6:01 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; Patrick Ryan, Trustee; Larry Sisk, Trustee; Markus Buck, Trustee; Richard Hopp, Operator in Responsible Charge (via Zoom); Gib Rokich, Water Operator; Madison Rokich, Water Operator; and Sherri Beach, Clerk. Also present were: Joe Kemp, Resident; Kathy Dufty, Resident; Nigel Smedley, Resident; Greg Colter, Colorado Rural Water; Jason Willis, Property Owner; and Lisa Willis, Property Owner. Those absent were: Sandra Steele, Trustee; and Levi Bernal, Trustee. The Pledge of Allegiance was recited.

Audience Participation

Joe Kemp addressed the board with concerns about the Town of Rye water expenses. He received the letter with his bill about water and sewer rate increases and wants to know where all the water revenue is being spent. He requested copies of documentation about the Town's revenue and expenses. Sherri was instructed to copy documentation that he can pick up tomorrow. She is to call Marty to confirm the documentation to be copied in the morning.

Kathy Dufty asked the board when she can expect the permanent cap to be installed on Columbine and voiced her concern about citizen safety with it being a temporary cap that blows off when the wind blows. She said she requested this to be done in June. Gib Rokich said that he has ordered the permanent cap and that Hanson Construction will need to be called to do excavation before the permanent cover can be installed. Madison Rokich texted Hanson Construction from the meeting, and they will take care of this excavation as soon as possible. If they do not do this work within a week or so, Madison is to contact Patrick Ryan, and he will call Mike Steele to ask about doing the work. It was noted that if Mike does the work, he will need to have proof of insurance prior to beginning the job.

Nigel Smedley addressed the board and said he is still waiting for his property to be inspected per his request at the November meeting. He feels an inspection is necessary so he knows where he stands regarding the number of efficiency unit fees that he will be required to pay each month. He said he has three cabins, an RV pad, and a garage. He has septic for each, so he will only be charged for water, but he wants to connect to the Town sewer system soon. Marty Rahl explained that he will be responsible to pay his water through his home cabin, \$40 for the second cabin, \$40 for the third cabin, and \$40 for the RV pad. He stated that he has additional property behind the cabins where he would like to install an additional RV spot. Marty said that he would need to install a water and sewer tap at a cost of \$5,000 each prior to installation of the taps. He said his property is a single-family status with Pueblo County, and he does not want to face zoning changes, and Marty explained that his water/sewer structure fee has nothing to do with Pueblo County's records. Gib Rokich, Patrick Ryan and Markus Buck will go to the property tomorrow morning at 9:00 am to inspect the property with Mr. Smedley.

Lisa and Jason Willis addressed the board to contest the water/sewer rate increase and efficiency unit charges of \$55 for each of the six apartments in their building. Lisa asked that the board reconsider the \$55 per unit fees, as all their tenants are financially strapped. Jason said water has become the second most expensive utility in Rye, next to propane, and his tenants are all on very restricted incomes and cannot afford an additional \$55 fee per month. He asked if \$55 must be paid on units even if they are not occupied, and he was told yes by the board.

Consent Agenda Items

- Sheila Henderson made a motion that the Minutes of the November 10, 2021, regular Board of Trustees Meeting be approved. Larry Sisk seconded. The motion passed unanimously.
- The Water Treatment Plant Executive Report was presented to the Board with the information that was available. Richard Hopp, ORC, informed the Board that we are ready to proceed with the next steps at the Water Treatment Plant for the lead/copper issue. He told the Board that he looked up the prices and has reviewed them with Marty Rahl. A chemical tray is \$387 plus shipping from USA BlueBook, and he estimates the other equipment and parts to be approximately \$2500. A tapping sleeve will cost approximately \$80-\$100. For all equipment and parts necessary, Richard believes the cost to be less than \$3,000 total which will include installation by himself and the two Town water operators. He said they will use the calibration tube that is now in use to save approximately \$1,000. Sheila Henderson made a motion that Gib Rokich order all the equipment and parts per Richard's recommendation. Markus Buck seconded. The motion passed unanimously. Greg Colter reviewed an SOW (Statement of Work) that will need to be completed by the water operators when people are hired to do work. Sherri Beach created a template, which was given to each of the water operators for use. As these forms are completed, they are to be given to the clerk to add to the Master Calendar, and to plan to pay the invoices as they come in. Greg also shared TOC Data Results and Rye WTP TMP Trending reports with the water operators and explained how to track tests and data on a regular basis to prepare for replacement of equipment at the appropriate times. He explained that had tracking been done, we would have been prepared to replace water meters as they came to the end of their life expectancy and started to have problems. Greg further stated that the meters are wearing out, and current water production is fluctuating because of equipment failure. He explained that the issue with HAA5s will require carbon filters to fix. Richard will check with Nick at Element Engineering for the next steps in this project. Note that a copy of the Element Engineering Optimal Corrosion Control Treatment Basis of Design Report is available in the clerk's office for review. Gib stated that Chuck Goins from Colorado Rural Water fixed a clay valve at the Water Treatment Plant. Gib also said a clay valve needs to be installed on the Dragon property, and he will work with Hanson Construction to schedule the installation. Gib stated that the vibration reducer rubber boot at the Water Treatment Plant is cracked and needs to be replaced. Sheila Henderson made a motion that Gib order the vibration reducer rubber boot. Markus Buck seconded. The motion passed unanimously. Gib told the board that he believes the suspected area of large water loss per John Messec on the Dragon property in the 1990s was resolved and is no longer an issue. Gib received an estimate from Altitude Leak Detection in the amount of \$2,350 to inspect for water leaks in the lines. Richard Hopp said this

is a reputable company, and he recommended using them. The detection of the leak/break will eliminate sand and rocks from coming into the Water Treatment Plant and wearing out the pumps, filters, etc., and extend their life expectancy. Sheila Henderson made a motion to accept the estimate and have Altitude Leak Detection do the inspection of the lines. Patrick Ryan seconded. The motion carried unanimously. Gib will contact Altitude Leak Detection to schedule the appointment.

- The Water and Sewer Monthly Meter Usage (Billing Register) was reviewed. Notes were again written on the board packet copy so trustees could see concerns and explanations for unusual usage. Sherri was asked to draft and send a letter to account #44 requiring them to fix the leak on their property because of the significant amount of water loss. Gib was instructed to call to speak with Joey Davidson at Core and Main to discuss meter parts that are failing to work. Sheila Henderson made a motion that Gib schedule Hanson Construction to excavate the property of account #90 to inspect for a water or sewer leak/break. Markus Buck seconded. The motion passed unanimously.
- The Town of Rye Summary of Accounts (with information available), RVS Systems Totals Report and CCMD Sewer Flow Chart were reviewed. Madison and Gib Rokich were instructed to get the numbers of treated gallons, backwash gallons, and gallons delivered to the Town to Richard Hopp at each month's end so he can complete his End of Month Reports and get them to the clerk for completion of monthly Water Treatment Plant Executive reports.
- The Summary Aged Receivables were discussed. Past due accounts were called by Sherri Beach and reminded of their late due accounts. They were informed of the past due balance as well as the current due balance.
- 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. The motion passed unanimously.
- The Board reviewed the Profit & Loss and Balance Sheets.
- The Master Calendar was reviewed.

Unfinished Business

Sherri Beach informed the board that the Stipulation and Agreement between the Town of Rye and Table Mountain Church Regarding Water/Sewer Connections was signed and received this morning. A check in the amount of \$15,000 was also received in full. Patrick Ryan made a motion that \$5,000 be deposited into the Water Filter Fund; \$5,000 be deposited into the Water Fund; and \$5,000 be deposited into the Sewer Fund. Sheila Henderson seconded. The motion passed unanimously.

Sherri Beach told the board that Sheila Henderson had discovered documentation in the storage room concerning the easement to the lagoon property. This information has been copied and emailed to the Town attorney, and we are waiting for next steps to selling of this property.

The Short-Term Rentals was briefly discussed. Markus Buck will go through the Custer County Ordinance and make adjustments that would apply to the Town of Rye and take out the portions that do not apply. He will have information prepared to review at next month's meeting so an Ordinance can be drafted.

Despite several attempts by Sherri Beach to contact Adam Perlman concerning the possibility of cell tower installation, there have been no return emails or phone calls. She was instructed to remove the item from the agenda until such time as we are contacted again about this potential source for increasing revenue.

Sherri Beach told the board she had reached out to Art Klock for requested information concerning the hanging baskets donation for the Rye Triangle. She has not received a response and was instructed to remove the item from the agenda until such time as we are contacted by Mr. Klock again.

Reports

Accountant/CPA Update:

Sherri Beach presented the board with the entire 2022 Budget Packet for approval to be submitted to DOLA on December 31, 2021. Patrick Ryan made a motion to adopt Resolution 2021-6 to Set Mill Levies, Resolution 2021-7 to Adopt the Budget, and Resolution 2021-8 to Appropriate Sums of Money. Sheila Henderson seconded. The motion passed unanimously.

Sherri Beach reminded the board that Robert Boyd will be coming at 10:00 am on Monday, December 13, 2021, to complete the W2s and 1099s for the year.

Attorney Update: None

Trustee Updates:

Markus Buck and Sheila Henderson visited the Water Treatment Plant to determine if the loud vibration was continuing to rattle the windows. They found that it was not vibrating. Markus noted miscellaneous tools, coolers, equipment, etc., on the floor that appears not to have a place to be properly stored. Markus Buck made a motion that two plastic 6-shelf units (approximately \$40 each) be purchased for the Water Treatment Plant so tools and equipment can be stored appropriately. Sheila Henderson seconded. The motion passed unanimously.

Sheila Henderson told the board that she believes a rain gutter extension needs to be purchased and installed across the Town Hall driveway to stop ice from forming on the sidewalk and driveway, posing a danger to anyone walking on it. Markus Buck made a motion to purchase a flex tube rain gutter extension and have it installed. Larry Sisk seconded. The motion passed unanimously. Sheila will purchase the flex tube and install it. Gib stated that he will also come to clean and fix the gutters.

Sheila Henderson reminded Gib and Madison Rokich that the cardboard in the storage room needs to be taken to the recycling at 10:00 am on Saturday, December 11, 2021. Madison said that she will take it this Saturday when she comes to do the tasks at the Water Treatment Plant.

Marty Rahl informed the board that our prior ORC, John VanOort passed away. There will be a service for him at the Brush Canyon Ranch at 1:00 pm on Saturday, December 10, 2021. Patrick Ryan made a

motion that a plaque be ordered to show appreciation for John's service to the Town of Rye and displayed at the Town Hall. Sheila Henderson seconded. The motion passed unanimously.

Staff Updates:

Sherri Beach informed the board that we have received a CMS IP Technologies 10-hour Service Block invoice in the amount of \$1,220.00. We are currently out of "blocks" of service. Markus Buck made a motion to purchase the 10 blocks. Patrick Ryan seconded. The motion passed unanimously.

Sherri Beach told the board that in the meeting minutes of April 10, 2019, account #10 had requested that her water meter be pulled so the monthly right to serve fees would be ceased. The resident was told that if the meter was vacated and pulled, she would need to pay \$5,000 each for water and sewer taps if she ever wanted to have them installed again. She was instructed to submit a letter to the clerk, at which time the meter would be vacated immediately. She did submit a letter on May 10, 2021, and the meter was pulled.

Annual Honorariums were presented to the Mayor and Trustees for the 2021 year. Patrick Ryan made a motion that a Bill of Sale be created for the wood stove in the storage room to be given to Sheila Henderson to compensate for the number of days she worked without honorarium compensation, as Sheila went significantly over the \$599.99 cap. Larry Sisk seconded the motion. Patrick Ryan, Larry Sisk, and Markus Buck voted in favor, and the motion passed.

Sherri Beach informed the board that Cordell Henderson has been working free of charge to clean and organize the storage room, rake the Town Hall lawn, trim the trees at the Town Hall, fix the signs that were hanging up-side-down throughout the Town, helping Terry Golly to erect the Christmas decorations on Main Street, etc. Patrick Ryan made a motion that a \$25 gift certificate from Rye Café be purchased to show Cordell our appreciation. Markus Buck seconded. Patrick Ryan, Larry Sisk, and Markus Buck voted in favor, and the motion passed.

Sherri Beach reviewed current efficiency units that have been confirmed by residents for the water and sewer rate increases. She noted that account #103 had a significant leak during the 3-month-average timeframe which gave him an unrealistic bill amount. She took an average of 7 months of his water usage and believes it would be fair to charge him for 2,428 gallons times the calculation for sewer usage = $\$12.14 + \$29.64 = \$41.78 + \90.29 estimated water usage = an estimated \$132.07 per month total. Patrick Ryan made a motion to use Sherri's calculation for the sewer usage. Markus Buck seconded. The motion passed unanimously. Account #47 will be inspected tomorrow when Patrick and Markus walk through the property, and the efficiency rate will be determined at the next board meeting on January 12, 2022. Sherri shared a letter from account #114 that indicates the resident purchased the property with 12 water and sewer connections, but he has restructured to only have 9. However, he stated that he has not abandoned any of the connections. Marty Rahl will call this resident for clarification and will update the board at the next meeting of her findings so a determination can be made about the number of efficiency units we need to charge per month. Sherri Beach shared the holiday schedules observed by other Towns in Colorado. The board confirmed that she will receive Friday, December 24, 2021, as a paid holiday for Christmas since it falls on a

Saturday. She will also receive Monday, January 3, 2022, as a paid holiday for New Year's Day so as not to interfere with the billing schedule.

Sherri Beach requested that she be allowed to take her final two paid time off days on Tuesday, December 28 and Wednesday, December 29, 2021. The board granted permission. Gib Rokich agreed that he will be available to do meter reading for billing on Friday, December 31, 2021.

New Business

Accounts #69 and #87 were briefly discussed concerning the Nuisance Ordinance. Sherri was instructed to mail a letter to #69 informing him that we will give him until January 31, 2022, to clean up his property. If it is not cleaned up per the standards set forth in the Ordinance, we will hire someone to bring his property into compliance and charge him \$7,500 for the service. Should he choose not to pay, the \$7,500, the full amount will be put on a lien on the property.

Sheila Henderson stated that on November 21, 2021, a resident fell on the sidewalk in front of her home. He was okay, but Sheila told the board that if he has complications, the Town of Rye would be responsible because he fell on our severely broken sidewalks. Sheila said another resident tripped and fell on a piece of lumber on the pathway to the Post Office. Gib Rokich said that he will check for lumber that needs to be pulled on the walkway. Marty Rahl said she gave information about the Main Streets Revitalization Grant to account #47, as he has agreed to assist with writing of a grant request to replace and fix sidewalks and the pathway to the Post Office. She will follow up with him on this request and advise the board of her findings at the next meeting.

Sheila Henderson noted that there is a great deal of dog waste in front of the property of accounts # 61 and 62, and on the pathway to the Post Office. Sherri was instructed to write a letter to all residents to include in the December billing that they are requested to pick up after their dogs and dispose of the waste appropriately.

Adjournment

At 9:13 pm, Sheila Henderson made a motion that the Board close the regular meeting and enter into Executive Session. Patrick Ryan seconded. The motion passed unanimously.

Those in attendance of Executive Session were Marty Rahl, Mayor; Sheila Henderson, Mayor Protem; Patrick Ryan, Trustee; Larry Sisk, Trustee; and Markus Buck, Trustee.

Executive Session

Personnel: For discussion of a personnel matter under CRS Section 24-6-402(2)(f) and NOT involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees.

At 9:20 pm, Sheila Henderson made a motion that the Board return to its regular meeting. Markus Buck seconded, and the motion passed unanimously.

Regular Meeting

Patrick Ryan made a motion that Gib and Madison Rockich each receive a gift card for Three Sisters' Restaurant and Sherri Beach receive a check for their service this year. Markus Buck seconded. The motion passed unanimously.

Adjournment

- At 9:25 pm, Sheila Henderson made a motion that the Regular Board Meeting be adjourned. Patrick Ryan seconded. The motion passed unanimously.


Marty Rahl, Mayor

Mayor Pro Tem


Sherri Lynn Beach, Town Clerk

**The Next Regular Session meeting will be held on
January 12, 2022, 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).