

**TOWN OF RYE
RECORD OF PROCEEDINGS
AUGUST 11, 2021**

Call to Order/Roll Call

Mayor Marty Rahl called the Regular Monthly Board Meeting to order at 6:00 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; Levi Bernal, Trustee (via telephone); Patrick Ryan, Trustee; Larry Sisk, Trustee; Greg Colter, Operator in Responsible Charge; and Sherri Beach, Clerk. Also present were Michael Peck, resident and Rye business owner; Thomas Mooek, resident and Rye business owner; Kristen Bell, resident; and Nitai Morano, resident. Those absent were Markus Buck, Trustee. The Pledge of Allegiance was recited.

Audience Participation

Nigel Smedley was on the agenda but was unable to attend tonight's meeting.

Mike Peck addressed the board about the Café he is opening on Main Street. He is waiting for a pizza oven and a final inspection, then he will be able to open. He would like to pursue obtaining a liquor license to serve wine and beer, and he is currently researching the ability to provide this service based upon the proximity to the schools. He also informed the board that he will be selling basic groceries at the Café. Finally, Mike stated that he and his partner, Tom Mooek, will be opening an antique/vintage/thrift store in the Main Street Properties building.

Consent Agenda Items

- Sheila Henderson made a motion that the Minutes of the July 14, 2021, regular Board of Trustees Meeting be approved. Sandra Steele seconded. Those voting in agreement of the motion were: Sheila Henderson, Sandra Steele, Levi Bernal, Larry Sisk, and Patrick Ryan. The motion passed.
- Patrick Ryan made a motion that the Special Board Meeting minutes of the August 9, 2021, be approved. Sheila Henderson seconded. Those voting in agreement of the motion were: Sheila Henderson, Sandra Steele, Levi Bernal, Larry Sisk, and Patrick Ryan. The motion passed.
- The Water Treatment Plant Executive Report was presented to the Board. Greg Colter, Operator in Responsible Charge, informed the Board that the data on the Executive Report is very good this month, we are not losing water, and he is confident that everyone is being charged for their water usage. Larry Sisk asked if the water that is being returned to the creek could be processed and used. Greg explained that it would be very expensive, so it is not a feasible option. Patrick Ryan asked about the monitoring of the amount of water we can take from the creek. Greg explained that we are allotted 45 gallons per minute, 1/10th acre foot daily. We cannot use more than we are allotted. Marty Rahl said the Town of Rye has the second water right to the creek, and Cuerna Verde has the first right. Sandra Steele spoke briefly about how Rye used to have the first water right. Greg told the board that the block and

bleed valves are complete, so we were able to avoid a violation. He said the number one tank remains offline, yet the total organic carbons are increasing at the plant. Therefore, the organics issue is with the source water, not the ground water. He said Element Engineering is continuing to collect data to make decisions about how to remove the organics with chemicals, filters, etc. Element Engineering also continues to work on adjusting the Ph levels and monitoring for lead and copper. Greg stated that Vision Mechanical has been scheduled to bring a camera to video the lines to confirm there is no infiltration via breaks, no roots growing inside the lines, etc. He said the pressure relief valve was fixed which will extend the life span of our equipment. A chlorine pump has been ordered, and the one we have will be rebuilt as a backup. Greg will provide a monthly reading chart for the Greenhorn Creek above Rye so the board can monitor heavy weather events. Sherri Beach noted that the only Backflow Prevention and Cross Connection certificates we are missing are for accounts #111, 105, 121, and the Water Treatment Plant. She continues to email and call our consultant weekly for reminders to submit this information.

- The Water and Sewer Monthly Meter Usage (Billing Register) was reviewed. Sherri Beach noted that she spoke with account #111 about a high usage, and she was told they had a running urinal that has been fixed. She spoke with account #65 about if they had used water, as there was no usage on the meter. Upon investigation, it was discovered that the meter had frozen, and Gib Rokich replaced it today.
- The Town of Rye Summary of Accounts, RVS Systems Totals Report and CCMD Sewer Flow Chart were reviewed.
- 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. Larry Sisk seconded. Those voting in agreement of the motion were: Sheila Henderson, Sandra Steele, Levi Bernal, Larry Sisk, and Patrick Ryan. The motion passed.
- The Board reviewed the Profit & Loss and Balance Sheets.
- The Master Calendar was reviewed.

Unfinished Business

Sherri Beach was asked to email Chris Branderwei of RCAC to invite him to attend the September 8, 2021, meeting to explain the water/sewer rate study and help board to determine the next steps in the process.

The board asked that Sherri email the Town Attorney to ask about suspension of water service or next steps if we do not receive a response to our July 29, 2021, letter to Account 105 concerning illegally installed water and sewer taps.

Marty Rahl reported that we are still waiting for the scores to be compiled for the CDOT Main Street Revitalization Grant for the sidewalks. Once the applications are scored, the grants will continue to be awarded. She will update at the next monthly meeting.

The board of trustees was given a copy of Rye Public Nuisance Ordinance that has been under discussion by Patrick Ryan and Markus Buck. Trustees were asked to review the ordinance worksheet and make notations, simplify the language, and be prepared to discuss at the next monthly meeting.

Reports

Accountant/CPA Update:

The board discussed options for increasing revenue and decreasing spending per the August 9, 2021, meeting with CPA Evie Pettrikou. Patrick Ryan made a motion to pay 10% from the General fund, 45% from the Sewer fund, and 45% from the Water fund for expenses (utilities of the Town Hall, trustee honorariums, office supplies, etc.), as feasible, instead of paying 100% from the General fund. Sheila Henderson seconded. Those voting in agreement of the motion were: Sheila Henderson, Sandra Steele, Levi Bernal, Larry Sisk, and Patrick Ryan. The motion passed.

Attorney Update:

Marty Rahl stated that she reached out to the Town Attorney to inquire about a moratorium to prohibit approval of any new water and sewer taps within the Town of Rye. The Attorney requested information from Greg Colter that pertains to a moratorium. Sherri Beach has been scanning ordinances and resolutions, and she discovered that Ordinance 2004-1 is an ordinance placing a moratorium on approval of any new water and sewer taps within the Town of Rye. There is no documentation that shows this moratorium has been suspended. Sherri was asked to email the Ordinance 2004-1 as well as Greg's information to the attorney for review and recommendation.

Trustee Updates:

Marty Rahl stated that she spoke with Ethan Beeman of Rye High School. He is the FFA sponsor. He stated that he has a couple of students who may be needing volunteer hours for the organization, and he will talk with them to see if they would be interested in volunteering to weed and tend the flower garden at the Rye Triangle at the corner of Highway 165 and Main Street. Sherri Beach told the board that Kurt Beller came in and had discovered GFIs that were defective at the Rye Triangle, and it was causing the issues with the sprinkler system and the breaker box. Kurt said he could replace the parts, and she can just reimburse him for the part. He will be volunteering his time to replace it. The board agreed that Sherri is to pay him when he brings the sales ticket for the part.

Patrick Ryan presented the board with a Scope of Work he created for the installation of water taps. The board agreed that this document will be given to contractors who install water taps.

Sheila Henderson stated that a resident asked her about increasing the water service line on her residential property from $\frac{3}{4}$ " to 2" to better accommodate cabins behind her home. Sheila informed her that she would need to come to a board meeting to discuss options with the board.

Sheila Henderson presented a letter from Brian Henderson and Danielle Hall. They are interested in the purchase of the property (parcel numbers 4731101004 and 4731100011) which is owned by the Town of Rye. This is the property that a lagoon was on for years. This property is outside the Town of Rye limits, and the couple would like to drill a well and obtain an easement from Dr. Hunter. Patrick Ryan asked if it would need to be put out for public bid, would we need a contract that we will sell "as is," and not do cleanup. Sandra Steele asked what the liability of the Town of Rye would entail. Sherri Beach was instructed to consult the Town Attorney to ask for guidance on this proposal and report her findings at the next monthly meeting.

Marty Rahl brought maps of the head gates that she received from Billy Bechaver of BH2. He was able to obtain these maps from Wachob and Wachob. They include the inversion dam, three valves, tanks, etc. The Town of Rye property is lot 46 and half of lot 45. There are property pins in the creek. Marty explained that the area where we take water out of the Greenhorn Creek is not on our property, but the road is ours. We have given the property owner access to her property, and in turn, she gives us access to the creek. One of the maps shows our entire water line from the head gates and includes drops, roadways, etc. The Town of Rye owns all the way from Daisey Lane to Heller on lots 46 and half of lot 45. After discussion, the board agreed that the Town does not need to invest in a survey at this time. Marty will have a copy of the maps made for the Water Treatment Plant and laminate copies for both the plant and the Town Hall. Sherri Beach was instructed to let the property owner know as a courtesy any time a large project is being done at the headgate.

Marty Rahl said there has been some challenge in getting the meeting minutes, ordinances/resolutions, and agendas posted to the Town website. She has asked that SIPA will provide information to allow Sherri Beach access to the website so she can load all this information for residents for transparency and legal purposes.

Staff Updates:

Gib Rokich requested permission to purchase a weed eater at Ace Hardware for \$199. Sheila Henderson made a motion that Gib be permitted to purchase a weed eater from Ace Hardware for \$199 from CTF funds for the Rye Triangle. Patrick Ryan seconded. Those voting in agreement of the motion were: Sheila Henderson, Sandra Steele, Levi Bernal, Larry Sisk, and Patrick Ryan. The motion passed.

Sherri Beach told the board that she will begin keeping all trustee and mayor paperwork in her office in file folders per instruction from CMCA and our insurance company. She instructed that "first amendment auditors" are allowed inside the Town Hall, as it is a public building, and they cannot be asked to leave. It is important that all information be put away and not left out for these "auditors."

Sherri Beach stated that a resident has voiced a concern about two RV's that are parked on Main Street and appear to have people living inside. She spoke with account 68, and they belong to him and his daughter. They are in the process of moving out of state and selling their home, so they are preparing to live inside the RV's. Sheila Henderson made a motion that both RVs are to be moved by August 31, 2021. Larry Sisk seconded. Those voting in agreement of the motion were: Sheila Henderson, Sandra

Steele, Levi Bernal, and Larry Sisk. Patrick Ryan was not in agreement. With the quorum, the motion passed. Sherri was instructed to write a letter to the owner and Marty will sign it before mailing.

Sherri Beach informed the board that Pueblo County Roads and Bridges have been unavailable to assist with the Greenhorn Creek mitigation from the flooding event. She spoke again with Tony Martinez with the Army Corps of Engineers, and he gave her wording to use in requirements for volunteers to do the mitigation for future reference.

Sherri Beach reminded the trustees about the CIRSA Lunch & Learn on September 29, 2021, and she encouraged them to register if they are interested in attending.

Sherri Beach told the Board of her findings in securing an area for board packets from meetings from 1937 to present. A quote was received from Fordable Lock & Key Locksmith, LLC, is \$522.80 for locks to be installed on the lower wooden cabinets' sliding doors in the storage room. The installer voiced a concern about these locks being easily cut through with bolt cutters. A Realspace Steel Storage Cabinet with five shelves can be purchased for \$229.99 at Office Depot. After a short discussion, the board agreed to just keep the documents in the storage room in the lower cabinets with sliding doors without locks.

Sherri Beach asked the board about scheduling another workday in the storage room. Patrick Ryan made a motion that it be on Friday, August 20, 2021, beginning at 9:00 am. Larry Sisk seconded. Those voting in agreement of the motion were: Sheila Henderson, Sandra Steele, Levi Bernal, Larry Sisk, and Patrick Ryan. The motion passed.

Sherri Beach reported that she and Marty Rahl reviewed her Clerk Agreement/Contract, and it has been signed as of the date it was implemented, April 19, 2021.

Sherri Beach informed the board that Jim McGahn from the Pueblo County Health Department contacted her today and said that the sewer on account 6 has still not been installed. He visited the property owners and told them they have 30 days to install the sewer. If sewer is not installed correctly, the Town of Rye will be directed to suspend their water service.

Sherri Beach told the board that a resident has inquired about the possibility of creating a museum with Native American artifacts. She was asked to research this topic and report to the board her findings next month.

Sherri Beach said that a resident has expressed a concern about the number of Air B and B's opening in the area. She was asked to research this topic and report to the board her findings next month.

Sherri Beach informed the board that she has taken her personal water cooler home. She was asked to research different options for getting one for the Town of Rye. She is to provide her findings next month.

New Business

Sherri Beach informed the board that Hanson Construction has been working to remove debris from the settling pond at the head gates following the flooding of the Greenhorn Creek. The flood event had pushed a lot of debris into the pond, and the heavy waters had moved large rocks, etc., that needed to be moved back to its original location so we can provide water to residents. Hanson Construction has removed debris from the roadway on the corner of Oak and Peterson and from the dip on Main Street from the creek breach/flooding event. Craig Stevens of CIRSA came to evaluate the damage, and he stated that the Town of Rye policy covers \$50,000 per year for debris removal from flooding. We are currently awaiting an invoice from Hanson Construction for the work they performed, which will then be submitted to CIRSA for the processing of the claim. Patrick Ryan noted that a lot of the large debris in the creek has been pushed downstream, and it is no longer causing a blockage at the Boulder bridge.

Adjournment

At 8:48 pm, Patrick Ryan made a motion that the Board close the regular meeting and enter Executive Session. Larry Sisk seconded. Those voting in agreement of the motion were: Sheila Henderson, Sandra Steele, Levi Bernal, Larry Sisk, and Patrick Ryan. The motion passed.

Those in attendance of Executive Session were Marty Rahl, Mayor; Sheila Henderson, Mayor Protem; Sandra Steele, Trustee; Levi Bernal, Trustee (via phone); Patrick Ryan, Trustee; Larry Sisk, Trustee; and Sherri Beach, Clerk.

Executive Session

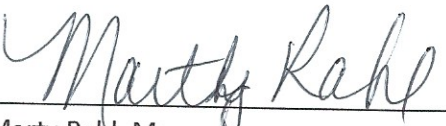
Personnel: *For discussion of a personnel matter under CRS Section 24-6-402(2)(f) and NOT involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of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

At 8:55 pm, Sheila Henderson made a motion that the Board return to its regular meeting. Sandra Steele seconded. Those voting in agreement of the motion were: Sheila Henderson, Sandra Steele, Levi Bernal, Larry Sisk, and Patrick Ryan. The motion passed.

Sheila Henderson made a motion that Madison Rokich not be paid mileage. Larry Sisk seconded. Those voting in agreement of the motion were: Sheila Henderson, Sandra Steele, Levi Bernal, Larry Sisk, and Patrick Ryan. The motion passed.

Adjournment

At 8:57 pm, Sheila Henderson made a motion that the Regular Board Meeting be adjourned. Larry Sisk seconded. Those voting in agreement of the motion were: Sheila Henderson, Sandra Steele, Levi Bernal, Larry Sisk, and Patrick Ryan. The motion passed.


Marty Rahl, Mayor

 9/8/2021
Sherri Lynn Beach, Town Clerk

**The Next Regular Session meeting will be held on
September 8, 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).