

TOWN OF RYE
RECORD OF PROCEEDINGS
July 13, 2022

Call to Order/Roll Call

Mayor Marty Rahl called the Monthly Board Meeting to order at 6:00 p.m. at the Town Hall at 2067 Main Street in Rye, Colorado. Those in attendance were as follows: Marty Rahl, Mayor; Sheila Henderson, Mayor Protem; Larry Sisk, Trustee; Patrick Ryan, Trustee; Kathy Dufty, Trustee; Jocelyn Mower, Clerk; Brad Azuremar, Contractor; and Nigel Smedley, Resident. Those absent were: Markus Buck, Trustee and Sandra Steele, Trustee. The Pledge of Allegiance was recited.

Audience Participation

Brad Azuremar addressed the Board about introducing Jesse and Jen White, owners of We are Family, a local social justice non-profit. Mr. Azuremar believes they will be able to assist the Town of Rye with grant writing needs in the future and will bring them to future meetings for formal introduction.

Nigel Smedley addressed the Board with multiple inquiries, the first being the topic of short-term rentals being listed on the Town of Rye monthly board meeting agenda for multiple months with no update in the meeting minutes. Jocelyn Mower explained that the topic has been tabled for multiple months but that a decision was agreed on by the Board at the June 8, 2022, Regular Board Meeting to start drafting an Ordinance. Jocelyn Mower went on to explain that the draft will be presented to the public for review and feedback and that the process could take a few months before anything is voted on formally. Mr. Smedley then inquired about the meeting minutes and the legality in not having written "word for word" meeting minutes available to the public. Jocelyn Mower explained that the meeting minutes written are by the advisement of the Town attorney and that the Town of Rye meeting minutes includes a much more detailed written recount compared to other municipalities that only include voted on decisions by their Board. Jocelyn Mower also explained that all meetings are audio recorded and the audio recording is available at the request of the public and that all meeting minutes are uploaded to the Town of Rye website the day after approval from the Board but that no meeting minutes can be provided to the public until the Board votes to approve them and the mayor signs them. Mayor Rahl explained that the Board is in the process of applying for a SIPA grant that would provide funding for video and audio recording so that all meetings can be live streamed and/or recorded so that the Clerk can upload every meeting to the public and that all written meeting minutes are within compliance of the Colorado Revised Statutes and the Town's attorney advisement. Mr. Smedley then inquired about obtaining a sewer tap for his property, requesting to purchase the sewer tap for the current cost of \$5,000.00 but with the understanding that he may not install the sewer connection until he chooses to. Mr. Smedley explained that his current septic system functions well and that his interest in purchasing the sewer tap would be to increase his property value, lock in the current price of the tap, and give him the flexibility to install the connection when and if he chooses to in the future. The board agreed that if this type of arraignment were to be made that no right to serve fees or efficiency fees would be assessed until the sewer connection is installed. Sheila Henderson recommended to the Board that a time frame would need to be included in the agreement and advised a one year maximum for

installation to be completed. Patrick Ryan agreed that a time frame should be included in the agreement due to the uncertainty that the future can hold and asked Mr. Smedley if a 3-year installation limit would be agreeable to Mr. Smedley. Mr. Smedley expressed that he did not see a need for a time frame to be included in the agreement and asked the Board why this would be necessary. The Board explained that there had been situations in the past where these types of agreements had been made and ended in legal matters and that they do not want to leave the Town open to problems in the future. Mayor Rahl explained to Mr. Smedley that it will be in the Town's best interest to get the advisement of the Town's attorney pertaining to his request and that the Board will get him a response as soon as possible. Jocelyn Mower asked Mr. Smedley if there was a timeframe that he felt would be fair to have the sewer connection installation completed by and he stated 5-10 years. Mr. Smedley then asked the Board that if he were to bring payment this evening for the sewer tap and have it installed within one month, if they would approve the request. Jocelyn Mower stated that the Board would need to vote to approve his request. Mr. Smedley then stated that it shouldn't make a difference if the sewer connection would be installed in one month or five years. Mayor Rahl explained to Mr. Smedley that the Board's job is to protect the Town and that by allowing him to purchase a sewer tap with no timeframe for installation to be completed will set precedent for the rest of the residents of Rye. Mr. Smedley then stated that there was a water tap in his garage that was removed by the previous owner over 20 years ago and asked if any research had been done regarding this matter. Mayor Rahl and Sheila Henderson stated that after extensive research into meeting minutes and notes from previous boards there was no found information on the topic of his property pertaining to this matter. Mr. Smedley stated that he would like the current Board to come to a solution for reciprocity due to him because of the previous owner removing the water tap in the garage. The Board stated that no such agreement would be made. Mr. Smedley then asked the Board to consider a 1-year installation agreement to be made in the matter of purchasing a sewer tap. Jocelyn Mower explained to Mr. Smedley that his request would be submitted to the Town attorney first thing in the morning, and that following the attorney's response, the Board will review and determine their decision, at which case a response would be made to Mr. Smedley via email with the Town attorney's response and the decision of the Board and that if Mr. Smedley chooses to go forward with the Board's decision that Jocelyn Mower will schedule an emergency Board meeting that coming week for the Board to formally vote on the matter and for an agreement to be signed between Mr. Smedley and the Town of Rye. Mr. Smedley acknowledged this decision by the Board. Mr. Smedley left the meeting. Mr. Smedley later returned to the Board meeting at 9:00 p.m. with a check written for the sewer tap and proceeded to try to give it to Jocelyn Mower. Jocelyn Mower stated that the Board and Mr. Smedley had agreed that the matter would need to be sent to the Town attorney before any form of payment would be accepted or any agreements would be voted on by the Board. The Board then went over the previously discussed decision to contact the attorney and the steps that would happen following the response from the attorney. Patrick Ryan asked Mr. Smedley if 1-3-year installation deadline would be suitable, and he agreed. Mr. Smedley acknowledged the Board's decision to contact the attorney and give him a response in writing following their response. The Board thanked Mr. Smedley for bringing this matter to their attention so that policy can be created for all residents regarding water and sewer installation timelines.

Consent Agenda Items

- Sheila Henderson made a motion that the Meeting Minutes of the June 8, 2022, Board of Trustees Monthly Meeting be approved. Kathy Dufty seconded. The motion passed unanimously.
- The Water Treatment Plant Executive Report, provided by Richard Hopp, was presented to the Board with the information that was available. Mayor Rahl presented information from Maddie Rokich, Water Treatment Plant Operator Assistant, to the Board. Ms. Rokich reported that the pumps needed for the Water Treatment Plant have been ordered but are on back order and will be shipped as soon as they are available. Ms. Rokich reported that HACH will come assess the NTU meter. Ms. Rokich reported that the residential lead & copper testing came back negative, and that the Town will not have any violations. Ms. Rokich also reported that the new SCADA computer is working well. The Board discussed a possible sprinkler issue at the Rye Triangle where water is accumulating after watering in the morning. Larry Sisk asked Jocelyn Mower for the total amount of money that has been spent on chemicals for the water treatment plant this year. Jocelyn Mower stated that she will provide a year-to-date report to the Board at the next regular monthly meeting.
- The Water and Sewer Monthly Meter Usage (Billing Register) was reviewed. The Board acknowledged the high usage by a large percent of the residents during the month of June 2022 due to watering lawns. The Board instructed Jocelyn Mower to send a letter with the July 2022 billing statements at the end of the month asking residents to water their lawns before 8:00 a.m. and after 6:00 p.m. to help conserve water and to avoid future water restrictions.
- The Town of Rye Summary of Accounts, RVS Systems Totals Report and CCMD Sewer Flow Chart were reviewed. The Board instructed Jocelyn Mower to contact CCMD to help explain the flow chart highs and lows.
- The Summary Aged Receivables were discussed. Past due accounts were called by Jocelyn Mower and reminded of their late due accounts. They were informed of the past due balance as well as the current due balance. The Board instructed Jocelyn Mower to ask the Town attorney about delinquent accounts and pulling meters following turning water service off. Jocelyn Mower stated she will contact the attorney and search for the Ordinance/resolution and/or meeting minutes that the policy was decided to have the Board and attorney review.
- Sheila Henderson made a motion for the Accounts Payable/Transfer of Funds from appropriate accounts be paid and that the appropriate funds be transferred to the associated accounts. Larry Sisk seconded. The motion passed unanimously. Jocelyn Mower stated that the second round of covid relief funds have been received and deposited into the water savings account until the Board votes to allocate the funds to a ARPA approved project.
- The Board reviewed the Profit & Loss and Balance Sheets. The Board instructed Jocelyn Mower to review the profit and loss sheet with the Town CPA to ensure expenses are being allocated properly. The Board also instructed Jocelyn Mower to start preparing for the 2023 budget with the CPA.
- The Master Calendar was reviewed. Jocelyn Mower has updated the calendar to reflect the date and name of persons completing monthly items. Calendar items are up to date. The Board instructed Jocelyn Mower to talk to Greg Colter about calibrating the Town's master meters.

Unfinished Business

The Board instructed Jocelyn Mower to remove the sale of the lagoon property from the agenda.

Jocelyn Mower stated that the Ordinance for short-term rentals is in process and a first draft should be ready for the board and public review at the next regular board meeting but may take longer.

The Board discussed account #69. Due to continued issues with the property being out of compliance Sheila Henderson recommended that the Board contact the sheriff department to have them evaluate legitimacy of license plates and registrations. Mayor Rahl stated that she will contact the Sheriff's Department for license plate inspections.

The Board discussed account #87 regarding Ordinance 2021-3 violations. The Board determined that an effort has been made to clean up the property including the removal of weeds, debris, as well as an on-site dumpster being utilized. Patrick Ryan made a motion that the violation fees previously assessed to account #87 by the Board will remain in effect to be paid to the Town of Rye but that due to the cleanup effort made by the account the property is now in compliance with Ordinance 2021-3, and no additional fees will be issued. Sheila Henderson seconded the motion. The motion passed unanimously. The Board instructed Jocelyn Mower to remove account #87 from the agenda.

Jocelyn Mower stated that the Ordinance for Pretreatment Program & Grease Control Program is in process but that due to the intricacies of the Ordinance there is no current estimated time for a draft to be finalized.

The Board discussed the need for customized signs stating, "Please respect our Town. No Speeding. No blocking driveways. Leash laws in affect. Please clean up after your dogs." The Board instructed Jocelyn Mower to purchase 4 large signs to be posted at all entrances to the Town of Rye and 3 smaller signs to be posted around Town.

Jocelyn Mower stated that she is still waiting for paving quotes to present to the Board. Larry Sisk asked for concrete quotes to also be presented for paving the path to the post office. The Board instructed Jocelyn Mower to contact Pueblo County Roads and Bridges to see if they can also provide a quote. Kathy Dufty discussed the issue of a concrete spill, that occurred earlier in the year, damaging roads in the Town. The Town instructed Jocelyn Mower to contact the company associated with the spills so that they can clean up the roads.

Jocelyn Mower discussed the upcoming event, The Town Square Fair, that will be held on Saturday, August 6th, from 11:00 a.m. to 4:00 p.m. Jocelyn Mower updated the Board on the vendor Contract Packet that is being distributed to vendors, businesses and individuals that are interested in having a table or booth the day of the event as well as the insurance waiver that is being signed by all participants. Jocelyn Mower then went on to review all the vendors that have received a vendor Contract Packet, over 40 in total, and discussed some of the larger features that have been booked for the event including You Bee Hungry Food Truck, MiMi's Shaved Ice Food Truck, Kurt Corsair & The Apache Creek Fiddlers, bounce houses, face painters and more. Jocelyn Mower then reviewed the sponsors and donations that have been pledged or received to cover expenses for the event. Jocelyn Mower then reviewed pricing of traffic cones that can be utilized for the event and for future water and sewer issues that may occur. Sheila Henderson made a motion to purchase 50 VEVOR Safety Cones and

split the cost between the water and sewer accounts. Kathy Dufty seconded the motion. The motion passed unanimously. Jocelyn Mower also reviewed canopy pricing for the event. Mayor Rahl stated that her family has a large canopy that can be utilized at Town Hall to help protect the grill station volunteers from the sun. No vote was made to purchase canopies.

Jocelyn Mower reviewed safety equipment needed for the Water Treatment Plant Operators. Sheila Henderson made a motion to purchase four chemical resistant 3-piece suits, 4 pairs of chemical resistant gloves, and one 10-pack of protective face shields with built in glasses for the WTP Operators. Patrick Ryan seconded the motion. The motion passed unanimously.

Jocelyn Mower provided an update on the SIPA Payport program to the Board. Jocelyn Mower is waiting for SIPA to roll out the program to her for finalization. No estimated time has been given to Jocelyn Mower as to when the program can be utilized by residents to pay their water and sewer bills online or in the office with a debit/credit card.

Jocelyn Mower updated the Board on the USDA SEARCH Grant. The grant is in process and will be submitted after a USDA Rural development representative can help review the application for submittal.

Mayor Rahl discussed the EPA Lead & Copper Rule Revision Webinar for the Board members that were unable to watch it. There will be multiple webinars in the next year to update stakeholders as Colorado moves to adopt the new EPA rules.

The Board reviewed the CIRSA Insurance Inspection had taken place on June 1, 2022. The Board discussed an eyewash station log that will need to be updated monthly to ensure the eyewash station is flushed regularly. Sheila Henderson stated that Kevin Nagel will come and look at the other items that were listed in the report for maintenance repairs. The Board also discussed remodeling the bathroom to accommodate ADA regulations. Jocelyn Mower stated that the Town may be able to claim the remodel on insurance due to lack of funds for the remodel for multiple years.

The Board reviewed the updated Town of Rye Policy Manual. Mayor Rahl instructed Jocelyn to remove Robert Boyd as the Accountant.

Jocelyn Mower was instructed to remove account #56 & #44- Leaks from the agenda.

Jocelyn updated the Board on the WTP SCADA computer virus protection and backup that was installed. Everything is up and running and functioning properly.

Reports

Accountant/CPA Update: None.

Attorney Update: None.

Trustee Updates: None.

Staff Updates: None.

New Business

Jocelyn Mower informed the Board of the cost Terry Golly quoted the Town of Rye to remove the dead tree in front of Town Hall. The Board agreed that the tree should be removed after the Town Square Fair in August. Patrick Ryan made a motion to approve Terry Golly's quote to remove the dead tree in front of Town Hall after the Town Square Fair. Sheila Henderson seconded the motion. The motion passed unanimously.

Jocelyn Mower presented information for a Wildfire Mitigation & Preparedness Meeting that will be held on Saturday, July 23, 2022, from 10:30 a.m. to 12:30 p.m. at the Colorado City Public library. Paul Minow, retired BLM, will speak on wildfire modeling/risk and Paul Branson, CSFS, will talk about wildfire mitigation and the importance of Firewise USA Communities. Jocelyn Mower stated that she and Mayor Rahl will be attending the meeting and welcomed all Board members to spread the word to residents. Informational packets have been printed by Jocelyn Mower for residents to pick up at Town Hall if interested.

Jocelyn Mower presented a Town of Rye logo created by Trevor Mower as a donation to the Town. Sheila Henderson motioned to approve the submitted logo from Trevor Mower for the Town of Rye. Larry seconded the motion. The motion passed unanimously.

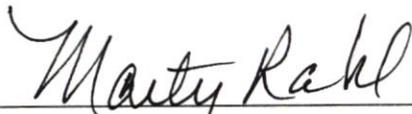
At 9:18 p.m., Patrick Ryan made a motion to close the regular Board meeting and enter into Executive Session. Sheila Henderson seconded the motion. The motion passed unanimously.

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.

Adjournment

At 9:42 p.m., Sheila Henderson made a motion that the Board close the meeting. Patrick Ryan seconded the motion. The motion passed unanimously.



Marty Rahl, Mayor



Jocelyn Mower, Town Clerk

**The Next Regular Session meeting will be held on
August 10, 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).