

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