

TOWN OF RYE  
RECORD OF PROCEEDINGS  
November 8, 2023

Call to Order/Roll Call

Marty Rahl called the Regular 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; Kathy MacCormack, Trustee; Markus Buck, Trustee; Sandra Steele, Trustee; Jocelyn Ensley, Town Clerk; Dennis Noonan, Property Owner; Ellen McCanless, Property Owner. Those absent were: Chelsie Kersey, Trustee; Patrick Ryan, Trustee.

Audience Participation

Dennis Noonan addressed the Board and read his response letter to the Board dated October 19, 2023, in regard to Ordinance 2021-3 Public Nuisance violations. In the letter Mr. Noonan requested a forty-five-day extension, allowing him until December 3, 2023, to bring his property into compliance with the Ordinance and stated that the vehicles on his property are all in running condition. Mayor Rahl inquired about the vehicles on the property and whether or not they are registered. Mr. Noonan stated they are not registered but he is in the process of selling them. Mayor Rahl inquired about the fence that he has been working towards constructing and Mr. Noonan stated he will have it constructed this weekend (November 10, 2023 - November 12, 2023). Kathy MacCormack stated that she has seen that progress has been made to bring the property into compliance and is in favor of approving the request for extension. Sheila Henderson stated that the Ordinance allows for a thirty-day extension, not a forty-five-day extension. Markus Buck stated that he would be in favor of granting a thirty-day extension from the date Mr. Noonan received his violation notification letter from the Board on October 18, 2023, and that he could potentially request an additional extension if needed. Jocelyn Ensley stated a thirty-day extension from the date that Mr. Noonan received the letter would allow him until November 17, 2023, to bring the property into compliance with the Ordinance and asked Mr. Noonan what he has been able to accomplish since receiving the letter. Mr. Noonan stated that he has been trying to clean up the property but that he hasn't had the time to accomplish anything and that he knows it is still a mess. Mayor Rahl asked Mr. Noonan if the Board were to approve an extension would he be able to bring the property into complete compliance by December 3, 2023. Kathy MacCormack made a motion to allow account #69 an extension, until December 8, 2023, to bring the property into complete and full compliance with Ordinance 2021- Public Nuisance. Markus Buck seconded the motion. Markus Buck voted aye. Sandra Steele voted aye. Kathy MacCormack voted aye. Sheila Henderson abstained. The motion passed 3-0. Mayor Rahl explained to Mr. Noonan the motion that was made and the extension that was granted, emphasizing that the property must be in complete and full compliance by December 8, 2023, or he will face penalty per the Ordinance. Mr. Noonan acknowledged that he understands the agreed upon extension and thanked the Board.

Ellen McCanless addressed the Board in regard to Ordinance 2021-3 Public Nuisance violations and requested that the fees assessed to her account in October 2023 for her property being out of compliance be retracted by the Board. Mayor Rahl explained that the Ordinance violation fees that were

assessed and the water and sewer service fees all go onto one account and are not billed separately. The Board discussed Ms. McCanless' property status and that it is still out of compliance with the Ordinance and that as of November 8, 2023, no response had been received for the multiple letters that had been sent in regard to the property being out of compliance and assessed fees. The Board discussed the property line of Ms. McCanless and the current personal items of Ms. McCanless that are currently on public property that need to be removed and cleaned up. Jocelyn Ensley pulled up the property on the Pueblo County Assessors website onto the TV so that the Board and Ms. McCanless could all properly analyze the property. Mayor Rahl stated that if a flood were to occur on the creek, as it has happened in the past, it would be a public health hazard. Sheila Henderson stated that if Ms. McCanless were to parallel park her licensed and registered vehicles on the North side of the property that would resolve the issue of the vehicles blocking through traffic. Kathy MacCormack stated that she believes that the property seems to be in better condition and that she believes progress has been made in bringing the property into compliance with the Ordinance. Markus Buck stated that there is a vehicle that is not properly registered and a motor bike that is on blocks in front of the property that is on public property and that they would either need to be properly registered or stored in the garage, out of the public eye. Sandra Steele stated that the west side of the property is still a total mess and is not in compliance with the Ordinance. Jocelyn Ensley asked Ms. McCanless to restate what she is requesting of the Board. Ms. McCanless requested a thirty-day extension to bring the property into complete compliance with Ordinance 2021-3 Public Nuisance, giving her until December 8, 2023. Sheila Henderson made a motion to approve the thirty-day extension request to allow account #37 until December 8, 2023, to bring the property into full compliance with Ordinance 2021- Public Nuisance. Markus Buck seconded the motion. Markus Buck voted aye. Sandra Steele abstained. Kathy MacCormack voted aye. Sheila Henderson voted aye. The motion passed 3-0. Ms. McCanless then requested that the Ordinance fees that were assessed in October 2023 be retracted from her account. The Board explained that due to her lack of communication and lack of bringing the property into compliance as of November 8, 2023, that was not going to be approved. The Board discussed the option of allowing the \$1000.00 in assessed fines to Ms. McCanless' account be broken into a payment plan. Sheila Henderson made a motion to create a payment plan for account #37 for Ordinance 2021-3 Public Nuisance violation fees that were assessed in October 2023 in the amount of \$1000.00, that would allow the \$1000.00 in fees to be broken into \$100.00 payments over the course of ten months and that if Ms. McCanless defaults on making the monthly \$100.00 payment along with her regular water and sewer monthly bill in a timely manner it will result in a disconnect notification letter being sent immediately, requiring the total account balance to be paid in its entirety within five business days of the notice or else water and sewer service will be disconnected on her property per the Town of Rye Policy Manual, under "WATER & SEWER PAYMENTS & DELINQUENCIES: Past Due Accounts Policy". Sandra Steele seconded the motion. The motion passed unanimously. Sheila Henderson emphasized to Ms. McCanless that it is in her best interest to make her payments as early as possible so that she does not run the risk of defaulting on this agreement and having her water service disconnected.

### Consent Agenda Items

- Sheila Henderson made a motion to approve the October 11, 2023- Regular Monthly Board Meeting Minutes. Markus Buck seconded the motion. The motion passed unanimously.