

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.

- Sheila Henderson made a motion to approve the October 20, 2023- Emergency Board Meeting Minutes. Markus Buck seconded the motion. The motion passed unanimously.
- The ORC Water Treatment Plant End of Month Report was reviewed by the Board. Jocelyn Ensley stated that the documents Kathy MacCormack requested at the October 20, 2023, Emergency Meeting had been provided from the Water Treatment Plant Operators showing that all required daily reads, daily logs, monthly reports, monthly logs, etc. have been being recorded and provided to the ORC who then reviews all such data, creates reports, and submits all required reports to CDPHE. Jocelyn Ensley stated that the Board is free to review all such reports per request and that all information can be emailed over if it makes it easier to read. Jocelyn Ensley emphasized that she and Mayor Rahl have not received a complaint from the current or previous ORCs in any delays in the Water Treatment Plant Operators conducting and submitting the required documents to the ORC in a timely manner. Mayor Rahl stated that if any Board member has any questions about the information provided by the Water Treatment Plant operators, they may contact the ORC for further information. Jocelyn Ensley stated that CDPHE has approved the Design and Permitting for the Town of Rye GAC Project submitted by Element Engineering and that following the approval from CDPHE a quote was requested for the equipment that will be needed for installation for the project from Filter Tech Systems. Jocelyn Ensley went on to explain that she and Mayor Rahl had a meeting with Element Engineering on October 30, 2023, and it was explained that the equipment needed for the GAC Project had been altered in the Design and Permitting submittal due to requirements from CDPHE changing since 2022, resulting in a larger filtration system being needed for the Town of Rye Water Treatment Plant to be in compliance with regulations. Jocelyn Ensley explained that following the meeting with Element Engineering a quote for equipment for the GAC project was received from Filter Tech Systems and that the cost of equipment had increased from around \$45,000.00 in August 2022 to \$166,650.00 in November 2023. Jocelyn Ensley stated that the total estimated amount for the GAC Project was believed to be \$80,000.00 in 2022 when a grant was submitted to DOLA for funding needed by the Town for the GAC project and later approved in February 2023, but due to the increase in the equipment cost (due to CDPHE requirements) the project is now estimated to cost upwards of \$200,000. Mayor Rahl stated that she and Jocelyn Ensley have a meeting with CDPHE and Element Engineering to review the new regulation changes that occurred in 2023 requiring the larger filtration system so that confirmation can be made that funding for the GAC Project will need to be established to meet the new requirements. The Board agreed that the quote from Filter Tech Systems for the equipment for the GAC Project will not be able to be purchased until further grant funds are acquired and that further conversations will need to be had by the Board in regard to the project. Jocelyn Ensley confirmed that a Special Meeting has been confirmed with Scott Thomas with Colorado Rural Water on November 20, 2023, at 10:00 a.m. to review the new Lead & Copper Inventory Rules and Requirements for all water systems in Colorado by CDPHE, where Scott Thomas can help to explain the inventory requirements that the Town will be required to establish and submit by October 2024 to CDPHE.
- The Water and Sewer Monthly Meter Usage (Billing Register) was reviewed. Jocelyn Ensley stated that she has spoken to account #1 about their recent water leak and confirmed that the water leak is in the process of being repaired and an application for water credit has been sent to them so that they can submit it once the leak is fixed. Account #13 will need to have their meter

inspected for replacement. Account #56 continues to use excessive water and will continue to be charged the conservation tier rates for excessive water usage.

- The Town of Rye Summary of Accounts, RVS Systems Totals Report and CCMD Sewer Flow Chart were reviewed by the Board.
- The Summary of Aged Receivables was discussed by the Board. Past due accounts were called by Jocelyn Ensley and reminded of their past due balance as well as the current due balance. The Board instructed Jocelyn Ensley to issue disconnect letters for all delinquent accounts surpassing 61+ days in payment.
- Markus Buck 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. Sheila Henderson seconded the motion. The motion passed unanimously.
- The Board reviewed the Profit & Loss and Balance Sheets.
- The Master Calendar was reviewed. Jocelyn Ensley has updated the calendar to reflect the date and name of persons completing monthly items. Mayor Rahl stated that she has been able to get in contact with San Isabel Electric and that they will be turning off the streetlight on Highway 165 and Main Street.

### Unfinished Business

- Jocelyn Ensley presented preliminary information from Direct Discharge Consulting for the main sewer line jetting and cameraing services performed in October 2023. A full report will be provided as soon as it is made available by Direct Discharge Consulting.
- The Board read, reviewed, and discussed the 2024 Budget Draft. The Board instructed Jocelyn Ensley to add \$200,000.00 to the Water Fund for the GAC Project. The finalized 2024 Budget Resolution will be provided at the December 13, 2023, regular monthly meeting for the Board to vote on for approval.
- The Board discussed the 2023 Tree Lighting Ceremony that will be held on December 2, 2023, at 6:00 p.m. Jocelyn Ensley updated the Board with available information pertaining to the event. Mayor Rahl stated that she will email Chelsie Kersey and see if she can provide any further information that the Board has questions about and have her reply to everyone. Jocelyn Ensley stated she will contact Pastor Ken to confirm whether the Town will have permission to use their kitchen and serving appliances. The Board agreed that allowing up to 500 refreshments will be suitable for the event. Mayor Rahl stated that she can meet any available Board Members at Town Hall to test all lighting supplies before it is needed for decorating the tree. The Board agreed that no advertisements will be made in the paper for the event as social media feedback and word of mouth has seemed to be very successful.
- Mayor Rahl stated that she met with Terry Golly in regard to trimming the tree outside Town Hall and removing the bushes and that approval to perform service for \$300.00 was made.
- The Board reviewed speed limit signs made available by Jocelyn Ensley per the Board's instruction. The Board will table the conversation until December 13, 2023, at the regular monthly meeting.
- The Board read and reviewed a quote provided by Ryan Jacob for hourly and emergency rates if needed for contract services in the future.

## Reports

CPA Update: N/A

Attorney Update: The Board reviewed an email from the attorney in regard to account #69.

Trustee Updates:

- Kathy MacCormack stated that she is offended by Halloween Town and that the "Halloween Town" signage is placed on the "Rye" sign on the corner of Main Street and Highway 165 in the Town of Rye. Kathy MacCormack stated that she does not celebrate Halloween and that her religious beliefs consider this to be worshipping the dead and that Halloween is a religious celebration of the occult. Kathy MacCormack stated she thinks we should include a baby Jesus and the words Christmas to the Tree Lighting Ceremony, and she feels it is unfair that we do not include her religious beliefs to the Tree Lighting Ceremony. Sheila Henderson stated that Halloween Town is not hosted by the Town of Rye and that the Board of Trustees do not participate in planning the event but that the Tree Lighting Ceremony is hosted by the Town of Rye and Board of Trustees. Kathy MacCormack stated she feels it is a violation of her constitutional rights to not include her religious beliefs in the Tree Lighting Ceremony even though the Town allows Halloween Town to be held each year and asked who runs Halloween Town. Jocelyn Ensley answered Karen Banta. Mayor Rahl explained that Halloween Town is a family friendly event and if the Board voted to not allow Halloween Town to take place in Rye that it would be devastating to the families in the community. Jocelyn Ensley explained that since we are a municipality and we do not run Halloween Town, that we do need to be aware of hosting religious events as it opens a door that would require the Board to allow all religious events in Town and that the Tree Lighting Ceremony is intended to include everyone in the community, and that she doesn't know of a religion that currently celebrates Halloween due to it being a secular holiday not a religious holiday. Kathy MacCormack stated to Jocelyn Ensley that she needs to study up on her religious beliefs. Jocelyn Ensley stated that she does not need to study up on Kathy MacCormack's religious beliefs and that it is inappropriate for a Board Member to tell a Town employee to do such a thing. The Board continued to try to explain that the Tree Lighting Ceremony is an event hosted by the Town of Rye and the Board of Trustees and is intended to include everyone in the community. Mayor Rahl explained that the "Rye" sign sits on property that is owned by CDOT and is not owned by the Town, furthermore the Town does maintain the property through a conservation trust but does not directly own the property and that if Mrs. MacCormack would like to request permission from CDOT to put up a "Merry Christmas" sign she is welcome to do that as a private citizen.

Staff Updates: N/A

## New Business

- The Board reviewed the 2023 Honorarium for the Board of Trustees. Sheila Henderson made a motion to approve paying Mayor Rahl the cap of \$599.99 for the 2023 year per the Town of Rye Policy Manual. Markus Buck seconded the motion. Markus Buck voted aye. Sandra Steele voted aye. Kathy MacCormack abstained. Sheila Henderson voted aye. The motion passed 3-0. Jocelyn Ensley stated that Sheila Henderson assists her each month in performing the bank reconciliation for all eight bank accounts for the Town and that in previous years the Board has voted to pay

Sheila \$20.00 per month for helping the Clerk with this task. Mayor Rahl explained to the Board that performing bank reconciliations with two people is important in maintaining clean and transparent book records. Jocelyn Ensley stated that Sheila Henderson's experience at the Bank of the San Juans has proven to make the reconciliation process efficient. Markus Buck made a motion to approve paying Sheila Henderson \$20.00 per month for the 2023 year for her assisting the Town Clerk in performing the monthly bank reconciliations for all eight Town of Rye bank accounts. Sandra Steele seconded the motion. Markus voted aye. Sandre Steele voted aye. Kathy MacCormack abstained. Sheila Henderson voted abstained. The motion failed 2-0.

- The Board read and reviewed the Town of Rye Policy Manual "WATER & SEWER PAYMENTS & DELINQUENCIES: Past Due Accounts Policy". Kathy MacCormack stated that she believes that Ordinance and Resolution Violation fees should not be attached to the water and sewer accounts and that account holders should not have their water shut off if they do not pay violation fees assessed for Ordinance and Resolution violations. Sheila Henderson stated that she believes the Town of Rye delinquency policies was revised multiple times during and after their creation and that the current version does not need to be altered to separate Ordinance and Resolution violation fees from water and sewer accounts. Jocelyn Ensley stated that the billing system the Town of Rye uses does not allow a way to separate the Ordinance and Resolution violation fees from the water and sewer monthly billing accounts and that if the Board wishes to separate them she will figure out a way to keep records accordingly but that the current system and the Town of Rye Policy Manual delinquency policies has worked efficiently and effectively at getting account holders to pay their Ordinance and Resolution violation fees. Markus Buck stated that it seems that changing things will overcomplicate record keeping and that attaching the Ordinance and Resolution violation fees to water and sewer accounts, and the current Town of Rye delinquency policies has proven to hold account holders accountable and ultimately get them to pay the assessed fines. The Board discussed how they would be able to hold account holders accountable for paying Ordinance and Resolution violation fees if they did not attach them to water and sewer accounts and if they did not include them in the delinquency policies. Sandra Steele stated she believes the Board needs to keep things the same and not change the policies. The majority of the Board agreed (Sheila Henderson, Markus Buck and Sandra Steele) that the Town of Rye Policy Manual "WATER & SEWER PAYMENTS & DELINQUENCIES: Past Due Accounts Policy" should not be revised to separate Ordinance and Resolution violation fees from the policy if they are not paid and that assessed fees will be subject to the current policies in place. The Board did agree that verbiage needs to be added to the Town of Rye Policy Manual "WATER & SEWER PAYMENTS & DELINQUENCIES" to allow account holders to request a payment plan option that the Board can review for approval on a case-by-case basis for Ordinance and Resolution violation fees only. The Board instructed Jocelyn Ensley to add the appropriate verbiage to the Town of Rye Policy Manual for review and approval at the December 13, 2023, Regular Monthly Meeting.
- The Board read and reviewed Ordinance 2021-3 Public Nuisance. Jocelyn Ensley asked each Board member to explain if they think the Ordinance needs to be changed or revised and explained that in doing so, would require the Ordinance to be recirculated in the paper and go through the proper Colorado Revised Statute laws. Kathy MacCormack stated that she feels the Ordinance needs to be thrown out completely, if not at the very least cut down tremendously as she feels it is a violation of the rights of property owners and that it is a complete overreach of government. Sheila Henderson stated that when the Ordinance was created, they went through

many meetings to create it and that it was revised many times prior to approval and that she believes it needs to be kept as is with no revisions. Mayor Rahl stated that when the Board was originally creating the Ordinance, they cut many portions of the Ordinance out of the first version provided by the Town Attorney as it was originally very detailed and that though the current Ordinance is still significant in detail it has helped to maintain the Towns integrity and allow property owners to not have too many rules. Jocelyn Ensley stated that most Towns, Cities, etc. have many codes, permitting requirements, HOA's, Ordinances and Resolutions, etc. that are required to be followed by residents and that Ordinance 2021-3 Public Nuisance is the only Ordinance the Town has to hold people accountable for maintaining their property. Kathy MacCormack reiterated that it is a violation of people's rights to have whatever they want on their property and that unless it is a public health hazard people should be allowed to do whatever they want on their property, and she thinks the Ordinance needs to be redacted. Markus Buck stated that he agrees that people should be allowed to have whatever they want on their property, but that when someone's personal belongings are on public property and their belongings become a nuisance to the public it becomes a public issue, and they have the right to store their items and belongings out of the public eye however they like. Markus Buck then stated that the Board and the Ordinance is in place to protect the citizens and to protect the Town and that multiple citizens are in favor of the Ordinance and the Board was clearly in favor of the Ordinance when it was approved in 2021 and that he believes it needs to stay the same without revision. Sandra Steele stated that she thinks the Board needs to leave the Ordinance as is. Kathy MacCormack made a motion to revise Ordinance 2021-3 Public Nuisance in full at a later date and set up a Special Meeting to do so. Sandra Steele seconded the motion. Markus Buck voted no. Sandra Steele voted no. Kathy MacCormack voted aye. Sheila Henderson voted no. The motion failed 1-3.

- The Board read, reviewed, and discussed the quote from CIRSA for No-Fault Water Line Rupture and/or Sewer Backup Optional Coverage. The Board agreed to table the topic until 2024.

At 9:02 p.m. Sheila Henderson made a motion to enter into executive session. Markus Buck seconded the motion. The motion passed unanimously.

### Executive Session

Personnel: For discussion of personnel matters (the Town Clerk mileage and annual staff bonuses) under CRS Section 24-6-402(4)(f) and NOT involving: any specific employees who have requested discussion of the matters 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.

### Regular Meeting

At 9:15 p.m. Sheila Henderson made a motion to come out of executive session. Markus Buck seconded the motion. The motion passed unanimously.

Sheila Henderson made a motion to approve the Board agreed upon percentage as an annual bonus for all Town employees for the 2023 year to be paid out in December 2023. Markus Buck seconded the motion. Markus Buck voted aye. Sandra Steele voted aye. Kathy MacCormack abstained. Sheila Henderson voted aye. The motion passed 3-0.

Kathy MacCormack made a motion to pay out the Town employees remaining PTO and accrued sick time for the 2023 year in December 2023. Sheila Henderson seconded the motion. The motion passed unanimously.

### Adjournment

At 9:25 p.m., Sheila Henderson made a motion that the Board close the regular meeting. Markus Buck seconded the motion. The motion passed unanimously.

  
\_\_\_\_\_  
Marty Rahl, Mayor

  
\_\_\_\_\_  
Jocelyn Ensley, Town Clerk

The Next Regular Session meeting will be held on  
December 13, 2023, at 6:00 pm at the Town Hall at 2067 Main Street, Rye, CO 81069  
The 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).*