

Ridgway Town Council
Regular Meeting Agenda
Wednesday, March 14, 2018
201 N. Railroad Street, Ridgway, Colorado

5:30 p.m.

ROLL CALL Councilors Robb Austin, Vicki Hawse, Ellen Hunter, Nick Williams, Mayor Pro Tem Eric Johnson and Mayor John Clark

EXECUTIVE SESSION

The Council will enter into a closed session pursuant to Colorado Revised Statutes 24-6-402(b) and (e) for conference with the Town Attorney for the purpose of receiving legal advice and to discuss matters subject to negotiations.

6:00 p.m.

ADDITIONS & DELETIONS TO THE AGENDA

ADOPTION OF CONSENT CALENDAR All matters listed under the consent calendar are considered to be routine by the Town Council and enacted by one motion. The Council has received and considered reports and recommendations prior to assigning consent calendar designations. Copies of the reports are on file in the Town Clerk's Office and are available to the public. There will be no separate discussion on these items. If discussion is requested, that item will be removed from the consent calendar and considered separately.

1. Minutes of the Regular Meeting of February 21, 2018.
2. Minutes of the Joint Workshop with the Planning Commission on March 5, 2018.
3. Minutes of the Workshop of March 7, 2018.
4. Register of Demands for March 2018.
5. Water leak adjustment for Account# 3600.1/Stanley.

INTRODUCTIONS

Introduction of new Deputy Marshal, Monty English, and Victim Advocate for Ouray County, Elaine Wood.

PUBLIC COMMENTS Established time for the public to address the Council regarding any item not otherwise listed on the agenda. Comments will be limited to 5 minutes per person.

PUBLIC HEARINGS Public comments will be limited to 5 minutes per person; hearings may be limited to 20 minutes.

6. Application for Brew Pub Liquor License from Colorado Boy Depot LLC; sole member: Daniel Richards; to operate at 687 N. Cora Street - Town Clerk.
7. Recommendation from the Planning Commission on approval of Sketch Plan and Preliminary Plat with conditions for Preserve Planned Unit Development; Location: Savath Subdivision Part of Outlot A and Woodford Addition; Address: TBD County Road 23; Zoned: Residential; Applicant: Del-Mont Consultants; Owner: Ridgway River Development LLC - Town Manager.

8. Adoption of Ordinance Amending the Official Zoning Map to Provide for the Uncompahgre River Overlay District, Creating River Corridor Development Regulations and Amending the Town's Subdivision Regulations for Preliminary Plat and Required Improvements - Town Manager.

POLICY MATTERS Public comments will be limited to 5 minutes per person; overall discussion of each item may be limited to 20 minutes.

9. Memorandum of Understanding for access to Railroad Street for Park Subdivision, Lot A and Mitchell Subdivision No. 2, Lot 1 - Town Manager.
10. Discussion regarding required animal resistant containers - Town Manager.
11. Resolution Supporting an Application to the State of Colorado Creative Industries Division for Recertification of the Ridgway Creative District as a Colorado Certified Creative District - Town Manager.
12. Correction Easement between the Town of Ridgway, Shepherd's Song Limited LLC and Acroama Holdings LLC terminating the Pipeline Easement dated May 1080 and entering into a Corrected Easement locating the Lake Otonowanda pipeline in its as-built location - Town Manager.
13. Revised map for Exhibit A to the Fiber-Optic Indefeasible Right of Use Agreement with Clearnetworx for sharing fiber-optic conduit approved by the Council at the February 21, 2018 meeting - Town Manager.
14. Dispatch Services for 2019 and Letter of Intent to explore opportunity for dispatch services with Western Colorado Regional Dispatch Center (WestCO) - Town Manager.
15. Letters of Interest to the fill the vacancy created by the resignation of Councilor Young - Town Clerk.
16. Resolution Canceling the April 3, 2018 Regular Election; acknowledgment of the Town Clerk declaring the candidates elected to a two year term; and discussion pertaining to filing vacant seats - Town Clerk.
17. Consideration of appointment to the Ridgway Ouray County Joint Planning Commission - Mayor Clark.

MANAGERS REPORT

Project Updates:

Water supply and drought planning

River Restoration

Master Plan

Space to Create

Region 10 Broadband

Parking Assessment

Parks Committee: pickle ball courts and GOCO grant for Green Street Park

Onboarding and training plan for new Councilors and Commissioners

Meeting, Workshop and Training Schedule

CML Conference

STAFF REPORT Written report is provided for informational purposes prior to the meeting updating Council on various matters that may or may not warrant discussion and action.

COUNCIL COMMITTEE REPORTS Informational verbal reports from Councilors pertaining to the following committees, commissions and organizations:

Chamber of Commerce Liaison - Councilors Hawse and Young
County Board of Appeals - Mayor Clark
County Weed Board - Councilor Williams; alternate - Public Works Director
Fairgrounds Liaison - Councilor Hunter
Gunnison Valley Transportation Planning Region - Town Manager; alternate - Town Engineer
Joint Planning Board - Councilor Hunter, citizens Rod Fitzhugh & Rick Weaver;
alternate-Mayor Pro Tem Johnson
Multi-Jurisdictional Housing Advisory Committee - Councilor Austin; alternate - Town Manager
Sneffels Energy Board - Mayor Clark and Town Manager; alternate - Mayor Pro Tem Johnson
Ouray County Transit Committee - Public Works Director; alternate - Town Manager
Ouray County Water Users Association - Councilor Williams
Parks, Trails & Open Space Committee - Councilors Austin, Williams and Mayor Pro Tem Johnson
Planning & Zoning Commission representatives - Mayor Clark and Councilor Hunter
Region 10 - Mayor Clark
Scholarship Committee - Councilors Young, Mayor Pro Tem Johnson and Mayor Clark
Sister Communities Initiative Committee - Councilors Hawse and Young
Communities That Care Coalition - Mayor Clark

ADJOURNMENT

Deadline for agenda items for next regular meeting, Wednesday, April 4, 2018 at 4:00 p.m., Town Clerk's Office, 201 N. Railroad Street, Ridgway, Colorado.

RIDGWAY TOWN COUNCIL
MINUTES OF REGULAR MEETING
FEBRUARY 21, 2018

CALL TO ORDER

The Mayor called the meeting to order at 5:40 p.m. in the Community Center at 201 N. Railroad Street, Ridgway, Colorado. In attendance Councilors Austin, Hawse, Hunter and Mayor Clark. Mayor Pro Tem Johnson was not present for the roll call; Councilors Williams and Young were absent.

EXECUTIVE SESSION

The Town Attorney requested an executive session pursuant to CRS 24-6-402(b) and (e) for conference with the Town Attorney for the purpose of receiving legal advice and to discuss matters subject to negotiations.

ACTION:

It was moved by Councilor Hunter, seconded by Councilor Austin and unanimously carried to enter into closed session.

The Council entered into executive session at 5:40 p.m. with the Town Attorney and Town Manager.

Mayor Pro Tem Johnson entered the meeting at 5:55 p.m.

The Council reconvened to open session at 6:05 p.m.

CONSENT AGENDA

1. Minutes of the Regular Meeting of January 10, 2018.
2. Minutes of the Special Workshop Meeting of January 25, 2018.
3. Minutes of the Joint Workshop Meeting of January 30, 2018.
4. Register of Demands for February 2018.

ACTION:

It was moved by Mayor Pro Tem Johnson and seconded by Councilmember Hawse to approve the consent agenda. The motion carried unanimously.

ACKNOWLEDGMENTS

The Mayor welcomed Deputy Marshal Shane Schmalz. Town Manager Coates explained Deputy Schmalz has met his six month probation period, and the Marshal is recommending permanent employment status.

PUBLIC COMMENTS

Kuno Vollenweider addressed the Council regarding maintenance of snow removal on sidewalks along the highway, noting uncleared sidewalks create safety hazards for children.

Town Manager Coates explained snow removal on sidewalks is the responsibility of the adjacent property owner, which can be difficult along the State Highway. She reported staff has spoken with the Department of Transportation regarding assistance with plowing snow from the highway in ways which would facilitate easier snow removal from the adjacent sidewalks. The Public Works staff have proposed options pertaining to maintenance of the sidewalks including establishing seasonal maintenance; purchasing equipment to accommodate the width of the sidewalk to allow staff to maintain them; allow a variance to regulations for sidewalk maintenance for property owners adjacent to the highway; or enforce all of the current regulations unilaterally.

There was discussion between Council and staff.

PUBLIC REQUESTS AND PRESENTATIONS

5. Presentation of contribution for the electric vehicle charging station installed in Hartwell Park

Willy Freeman with San Miguel Power Association, presented the Town with a contribution towards the electric vehicle charging station recently installed in the Hartwell Park parking lot. He noted the charging station completes the RAMP Project, and provides benefits to members of the community and visitors.

6. Request for letter of support for application of grant for Recycling Resources Economic Opportunity funding from Colorado Department of Public Health and Environment

Manager Coates explained last year the Council prepared a letter of support for a recycling resource grant applied for by the Mautz Brothers 3XM, LLC. She reported the grant was not received and the company is applying this year, and seeking another letter of support. The Town of Telluride has committed \$60,000 in matching funds to the project which will purchase equipment to establish a composting yard. The facility will recycle food and green waste for Delta, San Miguel, Montrose and Ouray Counties.

ACTION:

Councilmember Austin moved to approve a letter of support for the grant application for Recycling Resources Economic funding for Mautz Brothers 3XM, LLC. Councilor Hunter seconded and the motion carried unanimously.

POLICY MATTERS

7. Introduction of Ordinance Amending the Official Zoning Map to Provide for the Uncompahgre River Overlay District, Creating River Corridor Development Regulations and Amending the Town's Subdivision Regulations for Preliminary Plat and Required Improvements

Letter dated Feb 9, 2018 from Stephen Johnson Law Firm presenting concerns from Ridgway River Development regarding impacts to proposed development plans.

Manager Coates noted introduction of the ordinance is in follow up the January 25th workshop. She noted no changes have been made to the content of the ordinance, it remains as presented at the workshop.

SPEAKING FROM THE AUDIENCE:

Kuno Vollenweider stated “we need to protect the land owners” “so nobody gets hurt by this process”. He said he feels the regulations are “taking peoples property rights away” and “tell them what they can do on the river”. He suggested the Town approach property owners and offer to purchase property to “tie into Rollans Park”. He said he feels the ordinance is “too restrictive of property owners” and “I think morally it’s wrong”.

Linda Ingo noted her opposition to the regulations.

Laura Hagert explained along the river corridor in the City of Montrose, people are living under the bridges, and noted “we may have that problem”.

There was comments and discussion by the Council.

ACTION:

Councilmember Hunter moved, with a second by Councilor Hawse, to introduce the Ordinance Amending the Official Zoning Map to Provide for the Uncompahgre River Overlay District, Creating River Corridor Development Regulations and Amending the Town’s Subdivision Regulations for Preliminary Plat and Required Improvements. The motion carried unanimously.

8. Intergovernmental Agreement with the City of Ouray and Ouray County for administration of the State of Colorado Public Safety’s Victim Assistance in Law Enforcement (VALE) grant

The Town Manager reported the Town, City and County of Ouray have received a \$40,000 Victim Assistance grant to fully fund a victims advocate position for one year. She explained the employee will be on call to assist law enforcement within all three jurisdictions, and presented an intergovernmental agreement to address accountability and responsibility of the shared grant.

ACTION:

Councilor Austin moved to approve the Intergovernmental Agreement for Shared Victim Advocacy Services as presented, Mayor Pro Tem Johnson seconded, and the motion carried unanimously.

9. Fiber-optic Indefeasible Right of Use Agreement with Clearnetworx for sharing fiber-optic conduit

Manager Coates reported staff has worked with Clearnetworx to set fiber-optics conduit in the RAMP project area and throughout Hartwell Park. The conduit is owned by Clearnetworx and leased by the Town for 99 years. The Town paid to invest in placement of the conduit, and though it is owned and will be maintained by Clearnetworx, the Town has an interest in the use and can provide a carrier neutral location to other entities in the future, of which Clearnetworx retains fifty percent of the use. The Town owns the conduit in the Park, and can lease the fifty percent of use in the RAMP Project to the open market.

Town Attorney Nerlin noted the conduit is in the ground and ready for fiber optics. The agreement contains a repayment provision if the Town terminates within the first five years.

The Town Manager noted staff will produce a clearer, more accurate map to attach to the agreement which delineates all locations. She asked the Council to approve the agreement noting the map, which will be prepared through the GIS system, will be presented at another meeting.

ACTION:

Mayor Pro Tem Johnson moved to approve the Fiber-Optic Indefeasible Right of Use Agreement with Clearnetworx LLC with the exception of the appendix which will be ratified at a later date. Councilor Hunter seconded and the motion carried unanimously.

10. Contract to purchase 2017 Ford Explorer for Marshals Department

Manager Coates explained the Council budgeted funds to purchase two new police vehicles, and presented a contract to purchase a new Ford Explorer. She asked the Council to approve the purchase of the vehicle, and a second vehicle which will be ready in the next few months. She noted cost of both vehicles will be under the budgeted amount.

ACTION:

Mayor Pro Tem Johnson moved, Councilor Hunter seconded and it carried unanimously to approve this contract and a subsequent, similar contact to purchase a 2017 Ford Explorer for the Marshals Department.

11. Submittal of planning grant to the Colorado Department of Local Affairs for update to the Master Plan

The Town Manager reported the request for proposals for preparation of an update to the Master Plan was advertised last week. Staff is requesting approval to submit a planning grant application to the Department of Local Affairs for \$25,000 in funding, to supplement the \$75,000 budgeted by the Town.

ACTION:

It was moved by Councilor Hunter to approve submittal of a planning grant to the Colorado Department of Local Affairs for development of an update to the Master Plan, Councilor Hawse seconded the motion which carried unanimously.

12. Resolution amending the Police Procedures Manual to add Section 23: Seat Belt Policy

Manager Coates explained the Marshal is applying for "Click it or Ticket it" grant funding, and the application requires department procedures contain a seat belt policy. She presented a resolution adding a seat belt policy to the Police Procedures Manual.

ACTION:

Moved by Councilor Austin to approve the Resolution Amending the Police Procedures Manual to add Section 23: Seat Belt Policy. Councilmember Hunter seconded and on a call for the vote the motion carried unanimously.

13. Letter regarding the impact of House Bill 4239 transferring control of oil and gas drilling on public lands to States

Mayor Clark presented a letter from The Mountain Pact addressed to members of the Senate and House of Representatives regarding House Bill 4239, the Secure American Energy Act, asking that the impacts of transferring control of oil and gas drilling on public lands be considered.

ACTION:

Mayor Pro Tem Johnson moved to approve the letter to the Senate and House of Representatives regarding the impact of House Bill 4239 transferring control of oil and gas drilling on public lands to States, Councilmember Hunter seconded, the motion carried unanimously.

14. Letter of resignation from Councilor Young

Mayor Clark reported the Council has received a letter of resignation from Councilmember Erica Young.

ACTION:

Moved by Councilor Hunter, seconded by Mayor Pro Tem Johnson to regretfully accept the resignation of Erica Young from the Council. The motion carried unanimously.

There was discussion regarding the vacancy on the Council and the Town Clerk was directed to advertise the vacancy and present letters of interest at the next regular meeting.

TOWN MANAGERS REPORT

Manager Coates reported the Statewide Basins are reporting minimum accumulation of snow pack this winter, with low snow to water equivalent. Currently the Gunnison Basin is at 23%, which is considered severe drought. She suggested the Council enact voluntary water restrictions, and if the Public Works Department determines the need, mandatory restrictions can be implemented at the beginning of summer.

There was discussion by the Council and it was agreed to direct staff to prepare a plan to present to the Council, addressing voluntary restrictions beginning May 1st and encouraging water users to check for leaks in plumbing and irrigation systems, and then look at mandatory restrictions in summer.

The Town Manager presented an update on the master plan process; reported a request for proposal for a parking assessment is being prepared; the request for proposals for waste removal will be presented at the next meeting; a citizen newsletter is being prepared by staff; time to re-certification of the Creative District will be approaching; staff is creating outreach to property owners regarding snow removal on sidewalks; attendance at the annual Colorado Municipal League Conference in June; and suggested moving the meeting date for the Council Workshop to hear a report on a site specific development plan for Lena Street Commons to March 7th. The Council agreed to postponing the meeting date and beginning the meeting at 6:00 p.m.

COUNCIL REPORTS

Councilor Austin presented an update on the recent public forum held by the Housing Authority Committee.

Councilor Hunter left the meeting at 8:20 p.m.

EXECUTIVE SESSION

The Town Attorney requested an executive session pursuant to CRS 24-6-402(b) CRS 24-6-402(b) and (e) for conference with the Town Attorney for the purpose of receiving legal advice and to discuss matters subject to negotiations.

ACTION:

It was moved by Mayor Pro Tem Johnson, seconded by Councilmember Hawse and unanimously carried to enter into closed session.

The Council entered into executive session at 8:25 p.m. with the Town Attorney and Town Manager.

The Council reconvened to open session at 8:55 p.m.

ADJOURNMENT

The meeting adjourned at 8:55 p.m.

Respectfully Submitted,

Pam Kraft, MMC
Town Clerk

RIDGWAY TOWN COUNCIL
& PLANNING COMMISSION

MINUTES OF JOINT WORKSHOP

MARCH 5, 2018

The Town Council convened for a Joint Workshop with the Planning Commission at 6:15 p.m. in the Ridgway Community Center at 201 N. Railroad Street, Ridgway, Colorado. In attendance Councilors Hawse, Hunter, Williams, Mayor Pro Tem Johnson and Mayor Clark. Councilmember Austin was absent. Present from the Planning Commission, Chairperson Canright.

Town Clerk's Notice of Joint Workshop Meeting dated February 21, 2018.

Staff Report dated March 5, 2018 from the Town Planner and Town Manager recapping and presenting updates on affordable housing efforts.

Planner Shay Coburn noted the Ouray County Affordable Housing Advisory Committee (OCHAC) was present at the meeting; staff will present updates and wishes to receive guidance on affordable housing efforts. She presented an update on prior discussions, and noted at the February 2017 workshop staff was directed to pursue encouraging construction of accessory dwelling units for rental purposes through fee waivers, adding incentives and removing barriers. Subsequently staff prepared a promotional flyer and has reached out to property owners.

Planner Coburn noted the maximum purchase price in the area median income table was updated from the 2011 Regional Housing Means Assessment. She reviewed fee waivers pertaining to affordable deed restricted units for past and proposed developments. Staff, Council and members of the OCHAC discussed fee waivers which included deferring or financing tap fees, waiving fees for excise tax, plan checks and building permits. There was discussion pertaining to deed restricting accessory dwelling units.

Planner Coburn noted inclusionary housing or zoning is a large topic and there are many ways of addressing regulations, which could be enacted as requirements or incentives. There was discussion by the Council and committee, and it was noted this will be discussed during updates to the Master Plan.

The Planner noted the Town could consider amending the annexation policy to include affordable housing requirements.

Town Manager Coates reported the update to the Town's Master Plan will contain an affordable housing module, and the consultant will led public discussions to create policies to develop the element. She asked the OCHAC to participate in those public conversations and encourage public involvement.

There were discussions between members of the OCHAC and staff, and the committee agreed to support the Town's efforts by participating in community meetings and in public discussions.

Chris Pike, representing the Ridgway Ouray Community Council Affordable Housing Advisory Committee presented a letter to the OCHAC dated November 16, 2017 and response from

the committee dated February 21, 2018 regarding consideration of requiring affordable housing units in new developments.

ADJOURNMENT

The meeting adjourned at 7:50 p.m.

Respectfully Submitted,

Pam Kraft, MMC
Town Clerk

MINUTES OF WORKSHOP MEETING

RIDGWAY TOWN COUNCIL

MARCH 7, 2018

The Town Council convened for a workshop meeting at 6:05 p.m. in the Ridgway Community Center, 201 N. Railroad Street, Ridgway, Colorado. The Council was present in its entirety with Councilors Austin, Hawse, Hunter, Williams, Mayor Pro Tem Johnson and Mayor Clark in attendance.

Town Clerk's Notice of Workshop Meeting to review and discuss the Site Specific Development Plan for Lena Street Commons dated 2-22-18.

Town Manager Jen Coates explained the Planning Commission has approved the sketch plan for the Lena Street Commons project, and is now in the preliminary plat review process. During discussions the developers expressed interest in pursuing the vested rights process, including a site specific development agreement. Staff is seeking Council input on development of the agreement.

Architect Sundra Hines presented an overview of the project which is located in GC zoning along N. Lena Street, between Charles and Otto Streets, with an outlot zoned HB. She reviewed the 'Phasing Plan' noting the project consists of five buildings, one commercial containing four units, and four with residential town homes. Three of the buildings will have five units, and one with four. The buildings will have the ability to be live work, with a commercial element on the ground floor. Some of the units will have two car garages and others one covered parking space. Landscaped area will be incorporated into the development with 'walkable connections'. The project will be constructed to sell the completed units, three of the 19 will be deed restricted. She noted the design is 'sensitive to the existing residences' on the street, and 'meet residential building codes regarding height'.

Tom Kennedy, attorney representing the developers, explained the Municipal Code allows two years for the infrastructure process, and the developers are requesting three years to complete through a development agreement with vested rights. The agreement would also include time frames for 'build out' of each building, noting the proposal after final plat approval is the first building will be completed within two years, the second within two to three years, and the remaining two buildings within three to four years. The agreement will contain provisions the developers will 'come back and check in' with the Council during the construction phases regarding time frames. He explained the affordable housing units will be set with a 10% profit margin for the developers. Staff has provided language regarding the deed restrictions which will be referenced on the plat map and within the development agreement. He reported all of the utilities needed for infrastructure can not be accommodated in the current right-of-way, and the developer is seeking an easement across Town property, and purchase of a 'small portion' of Town property for storm drainage easement and to be used for parking. Staff has provided cost estimates for the purchase price for the fee titled property and easement. There have been discussions regarding paving of Lena Street.

Town Manager Jen Coates noted the proposed project contains a 'significant amount of development' and the 'developed parcels are over twice the normal density that would be allowed in that zoning'. The developer desires to purchase Town property at the north east corner of the development and place an easement along Otto Street.

Developer Tate Rogers stated he feels the sale of property and easement will be 'mutually beneficial to both' parties, explained storm drainage needs to be discharged on to Railroad Street and the easement would accommodate this. He said he feels 'the valuation' of the property 'is

higher than what it would be if professionally appraised' but agreed the cost of an appraisal would be half the purchase price, and would not be worth pursuing. He explained 'staff is using \$10.70 a square foot' for the purchase of 1600 square feet and easement of 1700 square feet.

Town Attorney Bo Nerlin asked if the Council was comfortable selling the property and providing the easement.

There was discussion by the Council. It was agreed that the sell and easement demonstrate a public benefit.

Manager Coates reported off-site improvements for the PUD process would include participating in the asphalt paving of Lena Street. She noted the two other abutting streets are paved, and there have been discussions pertaining to the developer and Town sharing equitably in the paving. The development is required to install curb, gutter and sidewalk which needs to 'abut' the road base. Staff is currently determining if the substructure can accommodate the paving. Town Engineer Joanne Fagan reported the grade and flow of the current street is acceptable, and will have a determination of approximate paving costs within a few weeks.

There was discussion between the Council and staff regarding Town participation in the paving project and there was consensus to participate.

Attorney Kennedy noted the HB parcel will need rezoning on a portion of the lot, as the property line "need to move slightly to the north end" of the property.

Manager Coates noted some of the units will be allowed to be rented short term, and this will be included in the development agreement.

The Town Manager presented an overview of the discussion and consensus of Council of the items which will be contained in the site specific development agreement. These included infrastructure timing and phasing of three years to reach the final plat phase; six years to develop after final plat approval, four years for residential buildings and two years for the commercial buildings; an equitable share to hard surface Lena Street; the sale of Town property and approval of easement; the profit for affordable units to be capped at 10% profit for the developer and resale of units to be capped at 3%; the HB zoned lot may be severed from the project and sold between now and final plat and some rezoning will be necessary to accommodate this. The Council agreed.

There were questions from the Council to staff.

Manager Coates noted the Planning Commission will be reviewing the Preliminary Plat at the March 27th meeting, and may be making a recommendation to the Town Council at the April meeting.

ADJOURNMENT

The meeting adjourned at 7:20 p.m.

Respectfully Submitted,

Pam Kraft, MMC
Town Clerk

Town of Ridgway
The Register of Demands
March 2018

Name	Memo	Account	Paid Amount
Mesa County HDR Laboratory		Alpine-Operating Account	
		990WOO · Testing - water	-42.00
TOTAL			-42.00
SGS Accutest Inc		Alpine-Operating Account	
		990WOO · Testing - water	-606.50
TOTAL			-606.50
Montrose Water Factory, LLC		Alpine-Operating Account	
		632GO2 · Supplies & Materials	-5.12
		732POO · Supplies & Materials	-5.12
		932SOO · Supplies & Materials	-5.13
		932WOO · Supplies & Materials	-5.13
TOTAL			-20.50
Scott's Printing & Design		Alpine-Operating Account	
	embroidery patches	883GO3 · Uniforms	-75.57
TOTAL			-75.57
City of Delta		Alpine-Operating Account	
		918SOO · Testing & Permits - sewer	-216.00
TOTAL			-216.00
Quill.com		Alpine-Operating Account	
	newsletter paper & labels	541GOO · Office Supplies	-190.97
		531GOO · Community Outreach	-192.32
		541GOO · Office Supplies	-11.67
		941WOO · Office Supplies	-11.66
		941SOO · Office Supplies	-11.66
TOTAL			-418.28
Galls		Alpine-Operating Account	
	polos (3), pants (2)	883GO3 · Uniforms	-226.00
TOTAL			-226.00
Pureline Treatment Systems		Alpine-Operating Account	
	Mar 2018	989WOO · Plant Expenses - water	-1,650.00
TOTAL			-1,650.00
Caselle Inc		Alpine-Operating Account	
	Apr 2018	914SOO · Consulting & Engineering Servs	-159.50
	Apr 2018	914WOO · Consulting & Engineering Ser...	-159.50
TOTAL			-319.00

Town of Ridgway
The Register of Demands
March 2018

Name	Memo	Account	Paid Amount
True Value		Alpine-Operating Account	
		632GO2 · Supplies & Materials	-23.01
		661GO2 · Vehicle & Equip Maint & Repair	-4.22
		732PO1 · Supplies - community center	-7.48
		832GO3 · Equipment & Supplies	-19.98
		861GO3 · Vehicle Maintenance & Repair	-4.99
		961SOO · Vehicle & Equip Maint & Repair	-21.71
		932SOO · Supplies & Materials	-23.02
		932WOO · Supplies & Materials	-23.01
		961WOO · Vehicle & Equip Maint & Repair	-21.70
TOTAL			-149.12
Sunset Automotive		Alpine-Operating Account	
	tires - Ranger	761POO · Vehicle & Equip Maint & Repair	-545.88
	mount tires - Chevy 2500	661GO2 · Vehicle & Equip Maint & Repair	-72.00
	tire repair - 2000 F-150	961WOO · Vehicle & Equip Maint & Repair	-22.00
TOTAL			-639.88
Voyager Youth Program		Alpine-Operating Account	
		5025GO1 · Voyager Program	-7,000.00
TOTAL			-7,000.00
Deeply Digital LLC		Alpine-Operating Account	
	Apr 2018 maintenance	514GOO · Consulting Services	-76.60
	Apr 2018 maintenance	630GO2 · Computer	-76.60
	Apr 2018 maintenance	830GO3 · Computer	-76.60
	Apr 2018 maintenance	930WOO · Computer	-76.60
	Apr 2018 maintenance	930SOO · Computer	-76.60
TOTAL			-383.00
Bruin Waste Management		Alpine-Operating Account	
	Feb 2018	516GOO · Refuse Collection Franchise	-10,535.85
TOTAL			-10,535.85
UNCC		Alpine-Operating Account	
		915WOO · Dues & memberships	-7.25
		915SOO · Dues & Memberships	-7.25
TOTAL			-14.50
Ouray County Road & Bridge		Alpine-Operating Account	
	Feb 2018	660GO2 · Gas & Oil	-548.22
	Feb 2018	760POO · Gas & Oil	-50.67
	Feb 2018	960WOO · Gas & Oil	-334.48
	Feb 2018	960SOO · Gas & Oil	-322.20
	Feb 2018	860GO3 · Gas & Oil	-411.68
TOTAL			-1,667.25
550 Publishing Inc		Alpine-Operating Account	

Town of Ridgway
The Register of Demands
March 2018

<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Paid Amount</u>
		540GOO · Printing & Publishing	-37.41
TOTAL			-37.41
SGM		Alpine-Operating Account	
	thru 2/10/18	552GOO · GIS Mapping - admin	-519.00
	thru 2/10/18	952SOO · GIS Mapping - sewer	-519.00
	thru 2/10/18	952WOO · GIS Mapping - water	-519.00
TOTAL			-1,557.00
Ridgway Office Supply & Servic...		Alpine-Operating Account	
	1099s	541GOO · Office Supplies	-2.00
TOTAL			-2.00
Verizon Wireless		Alpine-Operating Account	
		943SOO · Telephone	-40.56
		943WOO · Telephone	-75.37
		843GO3 · Telephone	-88.73
		543GOO · Telephone	-115.28
		643GO2 · Telephone	-37.32
		552GOO · GIS Mapping - admin	-10.00
		952SOO · GIS Mapping - sewer	-10.01
		952WOO · GIS Mapping - water	-10.01
TOTAL			-387.28
Verizon Wireless		Alpine-Operating Account	
		943WOO · Telephone	-35.04
TOTAL			-35.04

From: Karin Stanley
To: [Jennifer Coates](#)
Cc: [Wanda Taylor](#)
Subject: water line break adjustment?
Date: Thursday, February 22, 2018 4:48:31 PM

Hi, Jen -- I just got back to town yesterday afternoon, after 16 days out of town (and country).

On Wednesday, Jan. 31, I was notified by Wanda that the water bill for 151 S Cora St. #2 was going to exceed \$1000.00 and that the meter was showing a loss of about 10,000 gallons of water per day. That afternoon, a tenant reported that her shower had started to making a screaming noise and the kitchen sink's pressure diminished.

On Thursday, Feb. 1, I called Jonathan Discoe of Fall Line Construction to schedule a leak investigation and hopefully a repair as soon as possible. He called for a utilities locate that morning, and scheduled the work for Monday, Feb. 5.

On the morning of Monday, Feb. 5, I left home to drive to Denver for my flight to Italy for a pre-arranged trip with a close friend. That day, the Discoe brothers began, and completed, the troubleshooting and repair work. I do not know what day the Town of Ridgway mailed the January water-and-sewer bills to my home. I had the Post Office hold my mail until my return. I picked up my mail yesterday afternoon, Wednesday, Feb. 21.

So I am writing to request an adjustment of my \$1322.43 bill for January for 151 S Cora St #2, if it's at all possible. I'll forward a copy of the invoice from Fall Line Construction.

Thanks for taking this situation into consideration. Please let me know what the Town is able to do, if anything, to provide some relief.

Karin Stanley
970-626-5415

STAFF REPORT

Subject: Request for water leak adjustment - Account #3600.1/Stanley
Initiated By: Pam Kraft, MMC, Town Clerk
Date: March 5, 2018

BACKGROUND:

Attached is a request for a water leak adjustment from Karin Stanley for a multi-unit residential complex at 151 South Cora Street, for excess usage of 168,500 gallons. After being notified by staff of increased usage, a leak was discovered underground between the meter and the residence and was immediately repaired by the property owner.

ANALYSIS:

Pursuant to Municipal Code Section 9-1-23 the Council has the authority to authorize water leak adjustments. The provisions are as follows:

9-1-23:WATER BREAK ADJUSTMENTS.

(A) The Town Council shall have authority to make an equitable adjustment to a water bill when the bill is extraordinarily high due to an undiscovered break downstream of the customer's meter if the break was not caused by the customer's negligence and the customer did not have a reasonable opportunity to discover the break more quickly than it was discovered.

(B) No adjustment shall be allowed unless the customer submits a written request for the adjustment within fifteen days of the mailing of the bill in question and unless the leak has been repaired.

(C) The adjustment shall not reduce the customer's bill below the cost to the Town of producing the water supplied through the meter.

The customer was billed for 168,500 excess gallons, based on the leak adjustment rate, this would calculate to a credit of \$366.

FINANCIAL CONSIDERATIONS:

There is a loss in revenue when the water rate is decreased.

STAFF RECOMMENDATION:

Approve a water leak adjustment for Account #3600.1 Stanley, in the amount of of \$366.

ATTACHMENT: Letter dated February 22, 2018 from Karin Stanley

From: Karin Stanley
Sent: Thursday, February 22, 2018 4:48 PM
To: Jennifer Coates <jcoates@town.ridgway.co.us>
Cc: Wanda Taylor <wtaylor@town.ridgway.co.us>
Subject: water line break adjustment?

Hi, Jen -- I just got back to town yesterday afternoon, after 16 days out of town (and country).

On Wednesday, Jan. 31, I was notified by Wanda that the water bill for 151 S Cora St. #2 was going to exceed \$1000.00 and that the meter was showing a loss of about 10,000 gallons of water per day. That afternoon, a tenant reported that her shower had started to making a screaming noise and the kitchen sink's pressure diminished.

On Thursday, Feb. 1, I called Jonathan Discoe of Fall Line Construction to schedule a leak investigation and hopefully a repair as soon as possible. He called for a utilities locate that morning, and scheduled the work for Monday, Feb. 5.

On the morning of Monday, Feb. 5, I left home to drive to Denver for my flight to Italy for a pre-arranged trip with a close friend. That day, the Discoe brothers began, and completed, the troubleshooting and repair work. I do not know what day the Town of Ridgway mailed the January water-and-sewer bills to my home. I had the Post Office hold my mail until my return. I picked up my mail yesterday afternoon, Wednesday, Feb. 21.

So I am writing to request an adjustment of my \$1322.43 bill for January for 151 S Cora St #2, if it's at all possible. I'll forward a copy of the invoice from Fall Line Construction.

Thanks for taking this situation into consideration. Please let me know what the Town is able to do, if anything, to provide some relief.

Karin Stanley

Agenda Item _____

File No. _____

STAFF REPORT

Subject: Brew Pub License Application – Colorado Boy Depot LLC
Initiated By: Pam Kraft, MMC, Town Clerk
Date: February 22, 2018

BACKGROUND:

The Town has received an application for a Brew Pub Liquor License from Daniel Richards, sole member of Colorado Boy Depot LLC, to license the premise at 687 N. Cora Street and operate a brew pub establishment called Colorado Boy Depot.

The applicant currently holds a license for Colorado Boy Pub and Brewery on the corner of Cora and Clinton. The request before the Council is to for a new (and additional) brew pub license for a facility in the Town Industrial Zone. The building will contain a 'brewhouse' and also have a 400 square foot area for the public, submitted plans show four bar stools and one table with six chairs. The facility location is not within 500 feet of either of the two public schools.

State law requires a public hearing before the local jurisdiction for application of a new liquor license. A notice of hearing before the Town Council has been posted and published, and the premises posted, in accordance with state statutes. All requirements of license application have been met, all fees paid, and all forms received.

ANALYSIS:

Daniel Richards, is the sole member of Colorado Boy Depot LLC, which is leasing the property at 687 N. Cora Street from Chad Baillie. The term of the lease expires on August 1, 2019.

Options Analysis

The application hearing is a quasi-judicial proceeding and the local licensing authority (Town Council) must allow any party in interest to present evidence and to cross-examine witnesses. A new license application generally cannot be received or acted upon for any type of liquor establishment within 500 feet of any public or parochial school or the principal campus of any college, university, or seminary unless the local licensing authority has waived this requirement. A license may not be issued to any sheriff or deputy, or police officer or a person under the age of 21 years of age. No license may be issued to or held by any person who is not of good moral character and any person employing, assisted by, or financed in whole or part by any other person who is not of good moral character and reputation satisfactory to the licensing authority.

Option 1. State statute requires that a decision of the local authority to approve or deny a license must be made within 30 days after the date of the public hearing; the local authority must determine that the building where the licensee will operate is ready for occupancy.

ATTACHMENT 1. Notice of Public Hearing
ATTACHMENT 2. Premises map

NOTE: All documents are on file and open to Council inspection

Wood Fence

Outside
Lot

— LICENSED
PREMISES

Back Door

Private
Brewery &
Storage

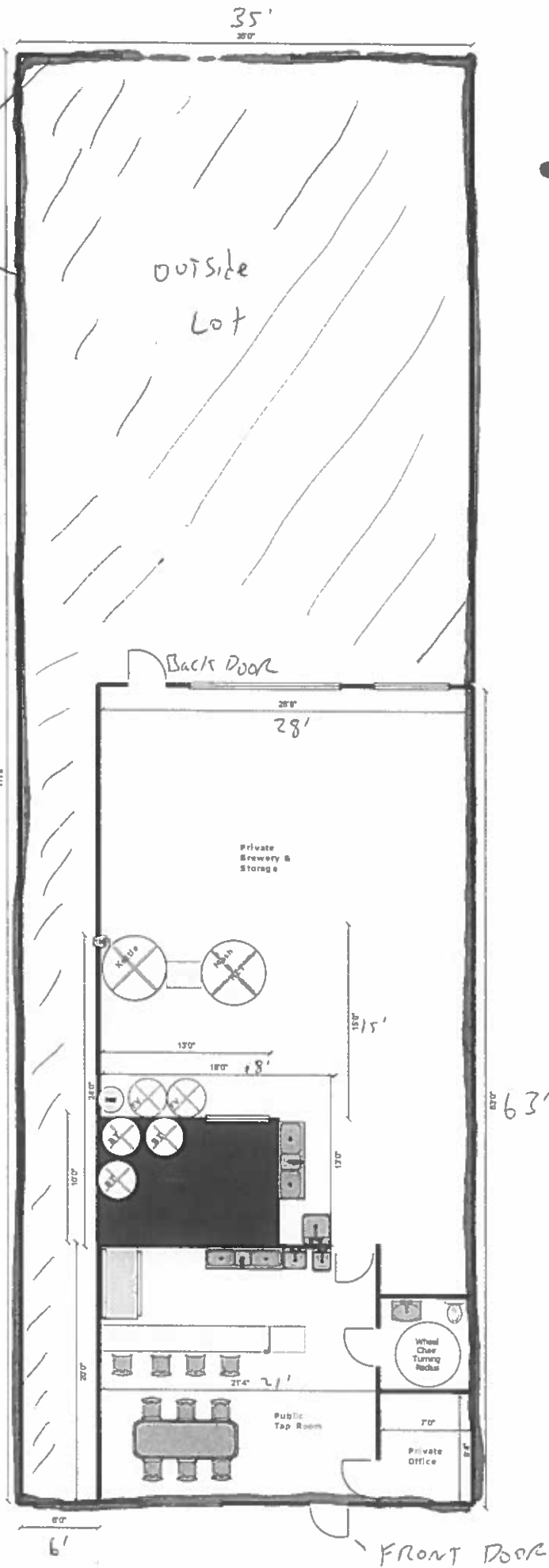
63'

Wheel
Chair
Turning
Radius

Public
Tap Room

Private
Office

FRONT DOOR



NOTICE OF PUBLIC HEARING FOR LIQUOR LICENSE

NOTICE IS HEREBY GIVEN that the Ridgway Town Council will hold a Public Hearing at 201 N. Railroad Street, Ridgway Colorado, on Wednesday, March 14, 2018 at 5:30 p.m. to consider a **Brew Pub Liquor License for Colorado Boy Depot; Applicant: Colorado Boy Depot LLC, Shareholder: Daniel Richards; Application to Operate at 687 N. Cora Street; filed on: February 8, 2018.**

All persons interested in the aforementioned application may appear before the Council either in person or represented by counsel, and present testimony, or may submit written correspondence to the Ridgway Town Clerk, P.O. Box 10, Ridgway, CO 81432.

DATED: February 8, 2018



Pam Kraft, MMC, Town Clerk

TOWN OF RIDGWAY

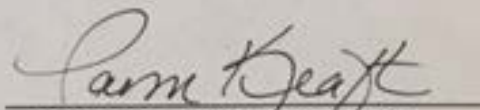
Notice is hereby given that on February 21, 2018 the Town Council introduced an ordinance entitled:

Amending the Official Zoning Map to Provide for the Uncompahgre River Overlay District, Creating River Corridor Development Regulations and Amending the Town's Subdivision Regulations for Preliminary Plat and Required Improvements

The Council shall consider the final adoption of said ordinance at the regular meeting scheduled to be held on Wednesday, March 14, 2018 at 5:30 p.m., Ridgway Community Center, 201 N. Railroad Street, Ridgway, Colorado.

A copy of said document is available at Ridgway Town Hall, 201 N. Railroad Street, or by emailing pkraft@town.ridgway.co.us

Dated: February 22, 2018


Pam Kraft, MMC, Town Clerk

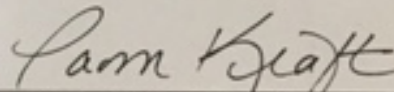
**NOTICE OF TOWN COUNCIL PUBLIC HEARING
PERTAINING TO A LEGISLATIVE REZONING
OF PROPERTY ALONG THE UNCOMPAHGRE RIVER**

NOTICE is hereby given of a public hearing of the Ridgway Town Council regarding a legislative rezoning of specified properties along the Uncompahgre River within the Town boundaries, scheduled for a legislative rezoning to become part of the Uncompahgre River Overlay District.

The public hearing will be held on Wednesday, March 14, 2018 at 5:30 p.m. in the Council Chambers at Ridgway Town Hall, located at 201 North Railroad Street.

To obtain copies of the proposed ordinance and the overlay district map, or if you have any questions, please can contact the Town Planner Shay Coburn, at 970-626-5308 Ext 222.

Dated: February 26, 2018



Pam Kraft, Town Clerk

ORDINANCE NO. 18- _____

AN ORDINANCE OF THE TOWN OF RIDGWAY, COLORADO AMENDING THE OFFICIAL ZONING MAP TO PROVIDE FOR THE UNCOMPAHGRE RIVER OVERLAY DISTRICT, CREATING RIVER CORRIDOR DEVELOPMENT REGULATIONS AND AMENDING THE TOWN'S SUBDIVISION REGULATIONS FOR PRELIMINARY PLAT AND REQUIRED IMPROVEMENTS.

WHEREAS, the Ridgway Town Council desires to pursue goals and action items from the 2011 Land Use Plan Update (the "Plan") regarding community goals for the river corridor and Re-Connecting the Uncompahgre River; and

WHEREAS, a primary opportunity identified in the Plan is to Re-Connect the Uncompahgre River:

"The Uncompahgre River Corridor has long been recognized by the community as a valuable asset to the Town of Ridgway. Recent restoration efforts improved its riparian area into the successful conservation and recreation area that is now enjoyed by both wildlife and Ridgway residents. Now, Rollans Park, Dennis Weaver Memorial Park, and the Uncompahgre River Trail provide improved access to the river and new opportunities for the community to explore. The importance of the Uncompahgre to the past, present, and future of Ridgway are driving the need to once again discuss the community values, concerns, and goals for the river and the adjacent lands. Additional recreational opportunities, further restoration, wildlife protection, and the potential for focused commercial or residential development along the Uncompahgre may all be considered as opportunities to meet the Town's vision and land use goals. Opportunities that the community specifically identified relating to the Uncompahgre River include maintaining connectivity of the RiverWay Trail beyond Ridgway, ultimately to Ouray and Montrose; the identification of activity hubs along the river to promote a variety of river uses; and, a desire to encourage public-private partnerships to promote the conservation of the river and to achieve river-related development and access projects. There is also regional importance to restoring and enhancing the river corridor, as demonstrated by recent Great Outdoors Colorado planning grants, and other regional river-planning efforts such as in Montrose for the Uncompahgre River. Such interest will undoubtedly further this opportunity for Ridgway."; and

WHEREAS, Goal 4 of the Plan calls for the community to "Preserve, restore, and re-engage the Uncompahgre River to strengthen the riparian corridor as an asset to the community"; and

WHEREAS, the following Policies are identified within Goal 4 of the Plan:

- *Protect the riparian zone, floodplain, waterway, and wildlife habitat areas along the river while providing for context-appropriate public access and recreation areas.*
- *Require all development within the riparian corridor to carry out a detailed analysis of the land, including identification of all wetlands in accordance with local, state, and federal requirements.*

- *Protect wildlife movement corridors and important habitat features, such as bald eagle roosts, within the Uncompahgre River corridor in light of future growth, development, and increased recreation.*
- *Seek public acquisition of very high value environmental areas for permanent protection.*
- *Expand upon existing public access points to the Uncompahgre River, in order to improve the quality of life and diversify the recreation experience for Ridgway residents and visitors.*
- *Explore opportunities for active public spaces and access including a river play park/ kayak park, boat launches, and fishing access.*
- *Reinforce Rollans Park and the public property east of Rollans Park as an anchor of the community-wide park system and river access.*
- *Work with regional partners and neighboring communities to establish a cohesive vision for the Uncompahgre River corridor for the future, including connecting Ridgway to Ouray and other regional destinations via the Uncompahgre RiverWay Trail.*
- *Ensure improvements completed along the river corridor are appropriately maintained and reliable revenue sources are secured to sustain the dynamic continuous demands of the river; and*

WHEREAS, the following Action Items are identified within Goal 4 of the Plan:

Develop policies and guidelines informing new development of the Town's desire to preserve, improve and protect the river corridor, including mandatory public access requirements and a river buffer zone restricting development, yet provides for some areas of light, appropriate development such as ped(estrian) trails, boat launches, etc.

Work with independent organizations such as the Uncompahgre Watershed Partnership, non-profit groups, regional Land Trust organizations and others to improve, restore and protect the river corridor through fund-raising efforts for maintenance improvements and property acquisition efforts; and

WHEREAS, as a part of the Plan, the 2011 Future Land Use Framework Map identifies the River Buffer Zone as all land within the 100-year flood plain or within 100 feet of the bank of the Uncompahgre River, whichever is greater. This River Buffer Zone, as identified in the Plan, is the policy basis for establishing parcels within the Uncompahgre River Overlay District; and

WHEREAS, a minimum setback of 100' along river corridors has been identified as a land use best practice for protection of river corridors and riparian areas; and

WHEREAS, securing public access to the river corridor is a legitimate interest of the Town of Ridgway as it fosters a sense of community, furthers preservation and zoning goals and provides for unique amenities for the residents and guests of the community. Further, there is a clear relationship, nexus and connection between development within the Uncompahgre River Overlay District and public access to the river corridor; and

WHEREAS, pursuant to Section 7-3-17 of the Town of Ridgway Municipal Code, rezoning may be requested or initiated by the Town; and

WHEREAS, Amendments to the Official Zoning Map of the Town of Ridgway are allowed so long as the amendments are not adverse to the public health, safety and welfare; and the amendments are in substantial conformity with the Master Plan; and

WHEREAS, The Town of Ridgway has invested, and continues to invest, significant funding and resources into the restoration of the river corridor in the heart of the Ridgway Community through the reclamation of the river and the development of Rollans Park for the good of the public and for the health of the river, and the Town Council of the Town of Ridgway desires to continue being a good steward of the river corridor for the benefit of the Ridgway community; and

WHEREAS, The Town Council held twelve public meetings and workshops to discuss these regulations and provide a forum and opportunity for public feedback and input into these regulations; and

WHEREAS, the Review Procedure for Legislative Zoning and the notice requirements under Section 7-3-18(D) of the Ridgway Municipal Code have been met.

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF RIDGWAY, COLORADO, as follows:

SECTION 1.

Incorporation of Recitals

The foregoing recitals are hereby affirmed and incorporated herein by this reference as findings of the Town Council.

* * *

SECTION 2.

Creation of the Uncompahgre River Overlay District

(A) Section 7-3-9.6 is added to the Ridgway Municipal Code creating the Uncompahgre River Overlay District ("UROD").

(B) The Town Council, following notice and hearing, pursuant to Section 7-3-18 hereby designates the tracts of land identified in the attached UROD map as tracts that are within the UROD, and the Town Council hereby finds that the creation of the UROD and inclusion of these parcels within the UROD advances the public health, safety and welfare of the Town and its citizen, and is in substantial conformity with the Town's master plan, the 2011 Land Use Plan Update.

* * *

SECTION 3.

Uncompahgre River Overlay District Map and Amendment to the Official Zoning Map of the Town of Ridgway

The Uncompahgre River Overlay District is hereby incorporated in the Official Zoning Map and shall be maintained by the Town of Ridgway. Further, this Ordinance shall create an amendment to the Official Zoning Map of the Town of Ridgway, designating those parcels as identified in the attached UROD map as included in the "UROD" Uncompahgre River Overlay District.

* * *

SECTION 4.

Section 7-3-2 DEFINITIONS, is amended to add a definition for High-Water Mark, as follows:

HIGH-WATER MARK: The boundary dividing a river bed from a river bank and defined as the line on the bank up to which the presence and action of water are so usual and long-conditioned as to impress on the bed a character distinct from that of the bank with respect to the nature of the ground surface, soil and vegetation.

* * *

SECTION 5.

Section 7-3-9.6 Uncompahgre River Overlay District is amended to the Ridgway Municipal Code, as follows:

7-3-9.6 Uncompahgre River Overlay District

(A) Purpose and Intent

The purpose of the UROD is to promote the public health, safety and welfare of the citizens of the Town of Ridgway. The Town shall use the UROD to implement goals, policies and action items in the Town of Ridgway's Land Use Plan; preserve, improve and protect the river corridor as a Town amenity; regulate buildings and structures to maximize access to the Uncompahgre River and view corridors along the Uncompahgre River; utilize design and development techniques that avoid, minimize and mitigate impacts to the natural environment; and ensure aesthetic and ecological qualities of the river corridor continue to be a community asset.

(B) Applicability

The provisions and regulations of this Section 7-3-9.6 shall apply to all land within the Town of Ridgway Official Zoning Map included as part of the UROD; and as defined within these regulations. The provisions of this Section 7-3-9.6 shall apply in addition to the applicable requirements of the underlying zoning district, the Flood Plain Management Regulations in Ridgway Municipal Code Chapter 6-2, and other regulations of the Town. When the standards of this UROD conflict with any other provision of the Ridgway Municipal Code, the more stringent limitation or requirement shall apply. Within the UROD, all land use activity, development, redevelopment, renovation, and/or change in use requiring a building, development, or other land use permit (for the purposes of this Section of the Ridgway

Municipal Code shall be defined as “Development”) are subject to the provisions of this Section 7-3-9.6.

(C) Uses by Right

Uses permitted by the underlying zoning district are allowed unless specifically prohibited, provided that the use complies with this Section 7-3-9.6, and provided any Development complies with this Section 7-3-9.6.

(D) Conditional Uses

All conditional uses allowed within the underlying zoning district may be permitted upon approval in accordance with Section 7-3-14, and provided any Development complies with this Section 7-3-9.6.

(E) Development between 25 and 75 Feet

(1) Development between 25 and 75 feet from the High-Water Mark shall be reviewed in accordance with Section 7-3-14, as a conditional use. In addition to the review criteria under Section 7-3-14, the following shall also apply:

- (a) All of this Section 7-3-9.6.
- (b) The applicant shall provide an Ecological Characterization Study in accordance with Subsection 7-3-9.6(G) which concludes that any adverse impacts to the river environment with the proposed Development can be mitigated, and the applicant shall incorporate the mitigation into the development plan and construct the mitigation with the Development.
- (c) Special consideration for Development shall be given so as to not deprive reasonable use of any land within the UROD.

(F) Performance Standards

(1) Setback: All Development must be setback a minimum of 75 feet from the High-Water Mark, unless approved as a Conditional Use as further set forth under Subsection 7-3-9.6 (D) and (E).

(2) Public Access

- (a) If any proposed or existing trail, path or public access area as described in the Town’s Land Use Plan or Parks and Trails Map, as amended from time to time and including the Uncompahgre RiverWay Trail, traverses a parcel proposed for Development, the Town may require as a condition of Development approval, dedication of a bicycle/pedestrian trail easement and/or public access easement benefiting the Town of Ridgway. The preferred dedication is for a 10 foot wide bicycle/pedestrian public access trail easement. However, in reviewing the proposed site plan, the Town shall evaluate the nature and extent of the proposal and the proportionality between the proposal and the dedication and may determine that the 10 foot dedication is appropriate or may reduce the dedication based on the proportionality assessment. The Town may also take into consideration whether and to what extent there are existing easements over the subject property, which provide the same functions of the required public access trail easements. Any trail easements shall be located at, or above, the High-Water Mark or abutting a public right of way. In lieu of a trail dedication, other trail locations that provide for connectivity to existing or future trails,

and are made accessible to the public through a dedicated public access easement, may be approved by the Town.

- (b) As a condition of Development approval, if any proposed or existing trail, path or public access area as described in the Town's Land Use Plan or Parks and Trails Map, as amended from time to time and including the Uncompahgre RiverWay Trail, does not traverse a parcel proposed for Development the Town shall not seek a dedication of bicycle/pedestrian trail easement and/or public access easement benefiting the Town of Ridgway. However, parcels within the UROD are encouraged to provide public access to the Uncompahgre River including clearly defined access points to public trail segments. "Access" refers to the provision of access from a public right-of-way to a publicly accessible trail or path and/or to the water's edge of the Uncompahgre River.
- (3) Design Guidelines and Standards
- (a) These Design Guidelines and Standards under this Subsection 7-3-9.6(D)(3) shall apply to all Development within the UROD, with the exception of single-family and duplex residential buildings.
 - (b) Site Planning
 - (i) Existing or historic drainage ways shall be accommodated with the development plan.
 - (ii) Discharge of storm water directly into the river is prohibited. Use of landscaped/grassed catchment areas and similar design features shall be used for managing, controlling and filtering parking lot and site drainage.
 - (iii) Outdoor common areas, seating and/or dining is recommended on the river side of building.
 - (iv) A visible and accessible public entrance from the side of the property facing the Uncompahgre River is encouraged for commercial properties that are open to the public.
 - (c) Parking and Loading
 - (i) Parking and loading shall be sited to provide the least visual impact from public rights-of-way, including the Uncompahgre River corridor.
 - (ii) Trees shall be incorporated to provide parking lot shading. Bollard and/or street lighting shall be used to provide lighting at critical access points.
 - (iii) Site parking shall include bike racks and areas for parking strollers and other non-motorized vehicles near the main entrance to the primary building(s) and should have a logical connection to on-site non-motorized access routes.
 - (d) Mass, Scale, Architectural Design and Materials
 - (i) Total building façade length shall be less than 50 feet in length parallel to the river.
 - (ii) Buildings shall avoid monolithic shapes and surfaces by incorporating solids and voids, changes in color, pattern, texture and materials at minimum along the primary façade and the façade along the linear frontage of the river.

- (iii) Use of naturally-derived materials, such as stone, wood and innovative materials such as metal, or high-quality environmentally friendly wood-alternative decking and siding, shall be required.
- (e) Screening and Buffers: All parking areas, outside trash receptacles, large utility boxes, mechanical systems and other unattractive views shall be screened with landscaping from public rights-of-way, including the Uncompahgre River corridor. Screening is not required where access is necessary but shall be screened with a gate where feasible. The purpose of screening and buffers is to promote the public health safety and welfare to conserve views along the Uncompahgre River corridor, and to improve the visual appearance along the river.
- (f) Exceptions to these Design Guidelines and Standards may be pursued through the variance process pursuant to Section 7-3-16.

(G) Submittal Requirements

These submittal requirements are in addition to the underlying zoning district submittal requirements for the type of land use activity or development proposed. The following information must be completed and included in all applications for development or land use activity:

- (1) A development plan showing compliance with the Performance Standards listed in Subsection 7-3-9.6(F).
- (2) Survey map including: property boundaries, the location of the High-Water Mark and 75 foot setback. In the event the identification or location of the High-Water Mark is disputed by the Town, the Town may hire a professional experienced in the identification of a High-Water Mark, to survey the High-Water Mark, and charge the cost of such survey to the Property Owner.
- (3) In addition to the above, Development applicants seeking a Conditional Use in accordance with Subsection 7-3-9.6(D) and (E) are required to submit an Ecological Characterization Study completed by a professional qualified in the areas of ecology, wildlife biology or other relevant discipline. The Ecological Characterization Study shall describe, without limitation, the following:
 - (a) the boundary of wetlands and riparian areas and a description of the ecological functions and characteristics provided by those wetlands and riparian areas;
 - (b) the pattern, species and location of any significant native trees and other native site vegetation;
 - (c) the pattern, species and location of any significant non-native trees and non-native site vegetation that contribute to the site's ecological, shade, canopy, aesthetic and cooling value;
 - (d) the top of bank, the 25 foot setback and High-Water Mark of any perennial stream or body of water on the site;
 - (e) the wildlife use of the area showing the species of wildlife using the area, the times or seasons that the area is used by those species and the "value" (meaning feeding, watering, cover, nesting, roosting, perching) that the area provides for such wildlife species;
 - (f) special habitat features;

- (g) wildlife movement corridors;
- (h) the general ecological functions provided by the site and its features;
- (i) any issues regarding the timing of Development-related activities stemming from the ecological character of the area; and
- (j) any measures needed to mitigate the projected adverse impacts of the development project on natural habitats and features along the Uncompahgre River corridor.

(H) Exempt Uses and Activities

The following uses and activities are exempt from these regulations, including the Performance Standards of Subsection 7-3-9.6(F) and the Submittal Requirements of Subsection 7-3-9.6(G), provided plans and specifications are approved by the Town, and all local, state and federal permitting is approved:

- (1) Public improvements essential for public health and safety, installed by, and/or approved by the Town, including but not limited to: public utility buildings, facilities, systems and accessory structures;
- (2) Public improvements such as: pedestrian and automobile bridges, trails and recreational amenities installed by, and/or approved by the Town;
- (3) Irrigation, drainage, flood control or water diversion structures installed by, and/or approved by the Town; and
- (4) Bank stabilization, river restoration and planting of native vegetation installed by, and/or approved by the Town.

* * *

SECTION 6. Subdivision

(A) A new **Subsection 7-4-5(B)(6)(m) for Subdivision Preliminary Plat Submittals**, is added to the Ridgway Municipal Code, as follows:

(m) For all parcels located in the Uncompahgre River Overlay District, excluding subdivisions of existing structures that do not include any additional site development, an Ecological Characterization Study completed by a professional qualified in the areas of ecology, wildlife biology or other relevant discipline. The ecological characterization study shall describe, without limitation, the following:

- (i) the boundary of wetlands and riparian areas and a description of the ecological functions and characteristics provided by those wetlands and riparian areas;
- (ii) the pattern, species and location of any significant native trees and other native site vegetation;
- (iii) the pattern, species and location of any significant non-native trees and non-native site vegetation that contribute to the site's ecological, shade, canopy, aesthetic and cooling value;
- (iv) the top of bank and High-Water Mark of any perennial stream or body of water on the site;
- (v) the wildlife use of the area showing the species of wildlife using the area, the times or seasons that the area is used by those species and the "value" (meaning feeding,

- watering, cover, nesting, roosting, perching) that the area provides for such wildlife species;
- (vi) special habitat features;
 - (vii) wildlife movement corridors;
 - (viii) the general ecological functions provided by the site and its features;
 - (ix) any issues regarding the timing of development-related activities stemming from the ecological character of the area;
 - (x) any measures needed to mitigate the projected adverse impacts of the development project on natural habitats and features along the Uncompahgre River corridor; and
 - (xi) 25 foot and 75 foot development setback area from the High Water Mark.

* * *

(B) A new **Subsection 7-4-6(A)(11) for Required Improvements for Subdivisions**, is added to the Ridgway Municipal Code, as follows:

(11) Public trail easements shall be provided and constructed as described in the Town's Land Use Plan or Parks and Trails Map, as amended from time to time, and including the Uncompahgre RiverWay Trail. The Town may waive this requirement if the property at issue has existing trail easements dedicated to the Town of Ridgway.

* * *

Section 7. Ordinance Effect

All Ordinances of the Town, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed, replaced and superseded to the extent only of such inconsistency or conflict.

* * *

Section 8. Severability

The Provisions of this Ordinance are severable and the invalidity of any section, phrase, clause or portion of this Ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of this Ordinance.

* * *

Section 9. Public Hearing

A public hearing on this Ordinance was held on the _____ day of _____, 2018 in the Town Council Chambers of the Town of Ridgway, 201 N. Railroad Street, Ridgway, CO 81432.

INTRODUCED before the Town Council of the Town of Ridgway, Colorado on the 21st day of February, 2018.

TOWN OF RIDGWAY, COLORADO, A HOME-RULE
MUNICIPALITY

By _____
John Clark, Mayor

ATTEST:

Pam Kraft, MMC, Town Clerk

Approved As to Form:

BO JAMES NERLIN, Town Attorney

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Ridgway, Colorado, this ____ day
of _____, 2018.

TOWN OF RIDGWAY, COLORADO, A HOME-RULE
MUNICIPALITY

By _____
John Clark, Mayor

ATTEST:

Pam Kraft, MMC, Town Clerk

Approved As to Form:

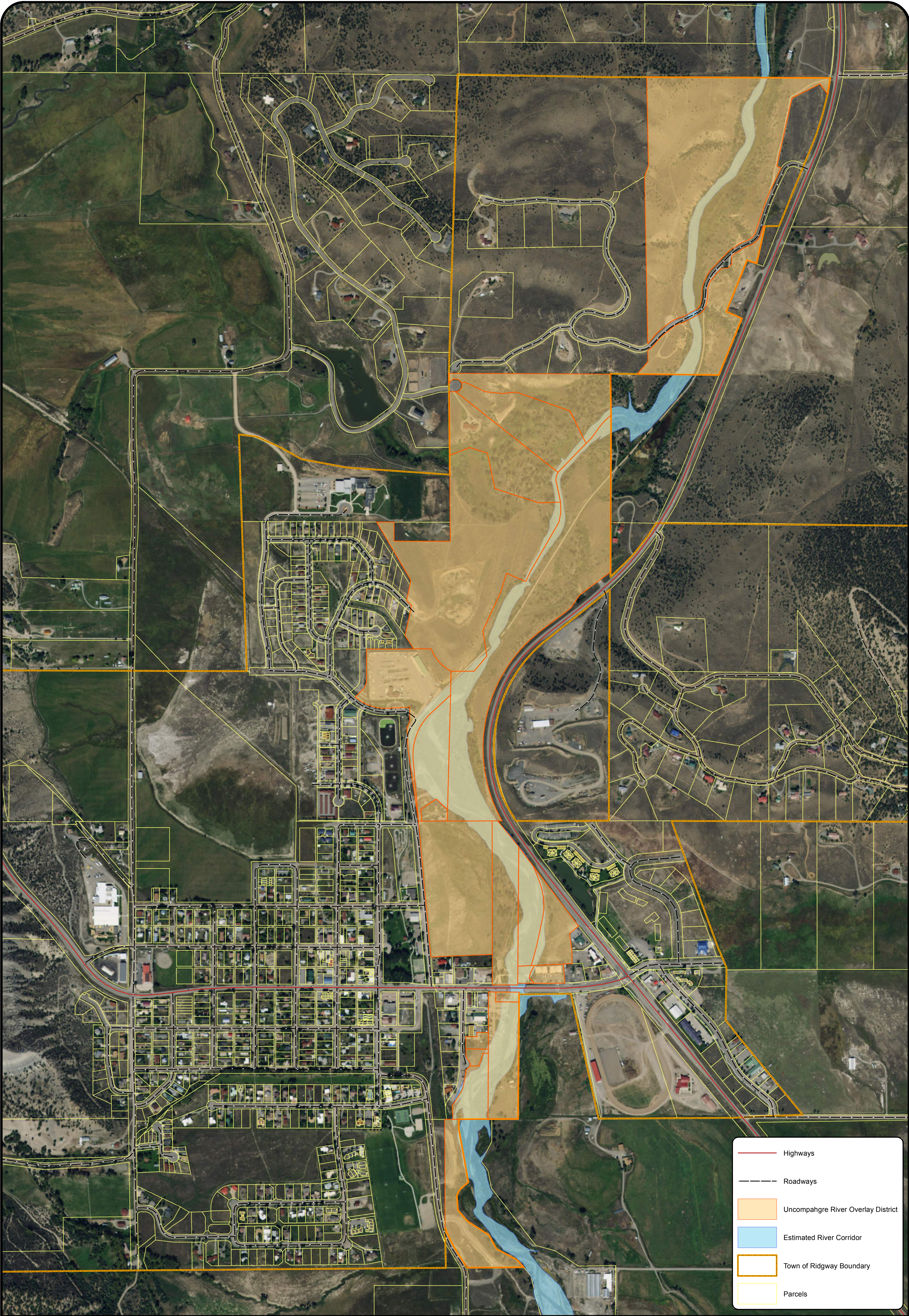
BO JAMES NERLIN, Town Attorney

CERTIFICATE OF TOWN CLERK

The foregoing Ordinance was introduced at a meeting of the Ridgway Town Council on _____, 2018, published by title and posted thereafter, and adopted by the Town Council on _____, 2018.

(SEAL)

Pam Kraft, MMC, Town Clerk



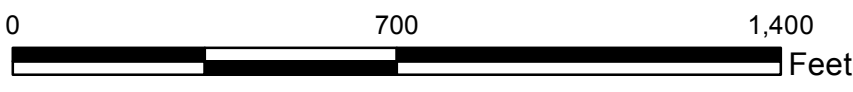
118 W. Sixth St., Suite 200
Glenwood Springs, CO 81601
970.945.1004
www.sgm-inc.com

Town of Ridgway

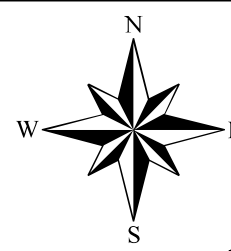
Uncompahgre River Overlay District

Date:	10/18/2017	Job No.	2016-286.001	Map by:	RKK
Coordinate System:	Town of Ridgway Custom			Projection:	Custom
Data Sources:	ESRI, Town of Ridgway, Ouray County, SGM			Map:	Uncompahgre River Overlay District
File:	I:\2016\2016-286-Ridgway\001-GIS_AMS\H-Dwgs\GIS\MXD\RIDGWAYRIVERBANKMAP.mxd				

The information displayed above is intended for general planning purposes. Refer to legal documentation/data sources for descriptions/locations.



1 inch = 350 feet



Glenwood Springs – Main Office
201 14th Street, Suite 200
P. O. Drawer 2030
Glenwood Springs, CO 81602

Aspen
323 W. Main Street
Suite 301
Aspen, CO 81611

Montrose
1544 Oxbow Drive
Suite 224
Montrose, CO 81402

jjc@mountainlawfirm.com

Direct: 970.928.2124

Office: 970.945.2261

Fax: 970.945.7336

**Direct Mail to Aspen Office*

March 9, 2018

Town Council
Town of Ridgway
c/o Jennifer Coates
jcoates@town.ridgway.co.us

Via Email

Re: Proposed Amendments to the Uncompahgre River Overlay District (“UROD”)

Dear Council:

I represent Jack Petrucelli, who owns property in the Town of Ridgway. Mr. Petrucelli has monitored the progress in Council’s consideration of the UROD and provided comment in the past. Mr. Petrucelli suggests two simple amendments to the UROD for Council’s consideration as part of its second reading to adopt the UROD. We believe these changes make practical sense and look forward to discussing them with Council.

1. Add the **bold, underlined** language to Section 7-3-9.6(H). This change is intended to protect the investments of persons with existing structures that will now be located in the UROD.

(H) Exempt Uses and Activities

The following uses and activities are exempt from these regulations, including the Performance Standards of Subsection 7-3-9.6(F) and the Submittal Requirements of Subsection 7-3-9.6(G), provided plans and specifications are approved by the Town, and all local, state and federal permitting is approved:

- (1) Public improvements essential for public health and safety, installed by, and/or approved by the Town, including but not limited to: public utility buildings, facilities, systems and accessory structures;
- (2) Public improvements such as: pedestrian and automobile bridges, trails and recreational amenities installed by, and/or approved by the Town;
- (3) Irrigation, drainage, flood control or water diversion structures installed by, and/or approved by the Town; and
- (4) Bank stabilization, river restoration and planting of native vegetation installed by, and/or approved by the Town.
- (5) **Notwithstanding Section 7-3-15 of the Code, any Development (as defined in Section 7-3-9.6(B)) related to any structure within the UROD that was legally conforming prior the date of adoption of this Section, so long as such Development does not expand the building footprint of the structure.**

Page 2

2. Add the **bold, underlined** language to Section 7 of the UROD Ordinance. This change is intended to protect the investment-backed expectations of those with planned but undeveloped property in the UROD.

Section 7. Ordinance Effect.

This Ordinance shall take effect one (1) year from its date of adoption. All Ordinances of the Town, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed, replaced and superseded to the extent only of such inconsistency or conflict.

We recognize the late-timing of these comments and proposed changes; however, strongly believe that is important to include them in the initial adoption of the UROD. These changes will allow the UROD to move forward and accomplish its intent, while not unduly burdening property owners. Thank you in advance for your consideration.

Very truly yours,

KARP NEU HANLON, P.C.

A handwritten signature in blue ink, appearing to read "Jeffrey J. Conklin", with a long horizontal flourish extending to the right.

Jeffrey J. Conklin

JJC:jjc

cc: Client (via email).

Stephen B. Johnson Law Firm, P.C.

526 W. Colorado Ave.

P.O. Box 726

Telluride, CO 81435

Telephone: (970) 728-5301 Fax: (970) 728-4271 Email: steve@8750law.com
<http://telluridecolawyer.com>

March 9, 2018

Mr. John Clark, Mayor
Town Councilpersons
Town of Ridgway, CO

Via Email: John Clark jclark@town.ridgway.co.us

With Copy to J. Coates, P. Kraft: jcoates@town.ridgway.co.us; pkraft@town.ridgway.co.us

RE: Ridgway Uncompahgre River Overlay District – Comment on Proposed Ordinance

Dear Mr. Mayor and Town Councilpersons:

Thank you once again for the opportunity to further comment on the proposed revised ordinance to adopt the Uncompahgre River Overlay District (“UROD”) on behalf of our client, Ridgway River Development, L.L.C. (“RRD”).

RRD has previously submitted comments on the proposed rezoning by letters dated February 9, 2018 and January 5, 2018. RRD stands by those comment letters and believes that based on common law vested rights to complete The Preserve PUD, principles of estoppel, and takings law, the RRD property known as The Preserve should be entirely excluded from the scope of the UROD.

RRD wishes to formally notify the Town Council that, while reserving all of the objections and arguments previously submitted, RRD has nevertheless re-submitted an application for sketch plan/preliminary subdivision and PUD approval. The Town Manager has found the application to be in substantial conformity with current application requirements, subject to several additional requests for supplemental information. P&Z unanimously voted to recommend approval with conditions on February 27, 2018.

In that new application, RRD has agreed to accept certain setback limitations, in lieu of the originally-approved 8’ setback from lot lines, similar to some of those no-build 25’ from High Water Mark (HWM) setbacks proposed in the UROD. For example, multiple lots would be limited to a 25’ building setback from the surveyed HWM. Others would be limited to 10’ from HWM in order to salvage what is hopefully minimally-sufficient site coverage and buildable area. The Preserve PUD would then be exempted from certain UROD-required Ecological Site Characterization studies. And no conditional use approval would be required for buildings between 25’ to 75’ from HWM.

Yet, Town staff still requests that The Preserve still be included in the UROD, subject to certain Plat-note based exceptions requested for the new application as conditions of approval. If the UROD is

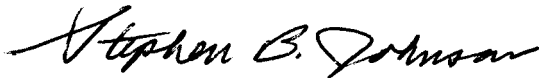
imposed on The Preserve PUD, lots would still be subject to the vagaries of possible future amendments to the UROD, and The Preserve lots could be made non-conforming when and if HWM changes. Having agreed to comply where reasonably possible with the purposes of the UROD, RRD requests that The Preserve be excluded from the UROD.

In order to supplement the record of consideration of the UROD and buttress, to the extent necessary, RRD's arguments for exclusion, I am attaching a compendium of Ridgway Planning & Zoning Commission and Town Council deliberations and actions on The Preserve PUD. The list of attached documents is appended to this letter. The actual documents have been submitted to the Town Clerk for review by the Town Council.

The RRD property should be excluded from the UROD in order to clearly allow completion of the improvements and infrastructure already installed with Town preliminary approval for The Preserve PUD and reduce uncertainty as to future build-out. At minimum the exclusion should apply so long as the Preserve PUD re-application or any further application for final PUD/subdivision plat is pending. If that application is not ultimately approved, UROD inclusion could be re-addressed.

Additionally, the UROD should be substantially amended in a manner consistent with the revisions that RRD has proposed (in particular, express variance authority and relaxed river corridor impact mitigation language) to allow development of The Preserve PUD and similar properties so as to prevent manifest injustice.

Sincerely,

A handwritten signature in black ink, reading "Stephen B. Johnson". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

STEPHEN B JOHNSON LAW FIRM, P.C.

c. Ty Jennings, Nick Barret, Eric Jacobson, Adam Miller

Encl.

LIST OF CORA DOCUMENTS - MINUTES

Doc Type	Date	Author	Topic
Minutes	9-14-05	Town Council	Pre-annexation agreement
Minutes	9-28-05	Town Council	Resolution accepting pre-annexation
Minutes	10-12-05	Town Council	Land Design for Woodford Addition
Minutes	11-9-05	Town Council	Annexation request Woodford Addition
Minutes	11-29-05	P & Z	Discussion of Ridgway River Development
Minutes	12-14-05	Town Council	Adoption of Ordinance annexing Woodford
Minutes	1-31-06	P & Z	Application for Sketch Plan Elk Stone
Minutes	2-28-06	P & Z	Application for Sketch Plan Elk Stone
Minutes	3-28-06	P & Z	Application for Sketch Plan Elk Stone
Minutes	4-25-06	P & Z	Discussion of Grading plan for Elk Stone
Minutes	5-10-06	Town Council	Voluntary water restrictions
Minutes	5-30-06	P & Z	Application for preliminary plat Woodford
Minutes	6-27-06	P & Z	Application for preliminary plat Woodford
Minutes	7-25-06	P & Z	Application for preliminary plat Preserve
Minutes	8-16-06	Town Council	Recommend approve prelim plat Preserve
Minutes	7-11-07	Town Council	Intro Ordinance to rezone Woodford
Minutes	8-8-07	Town Council	Adopt Ordinance to rezone Woodford
Minutes	9-12-07	Town Council	Intro Ordinance to designate Woodford
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Minutes

Brian Peters asked that the Council "set requirements and timetables" to address the issue and it be upheld "in a strict manner". He said that "what applies to me" should also apply to Mr. Ketzner.

CONSENSUS:

Direct the Building Inspector to review the plans and inspect the building and determine if it is in compliance and bring the report back to the Council before they decide if the permit will be reissued.

The Council took a recess at 9:20 p.m. and reconvened at 9:30 p.m.

Mayor Pro Tem Clark returned the gavel to Mayor Willits.

POLICY MATTERS

11. Presentation by Carter-Burgess regarding Draft Town of Ridgway & Tri-County Water Feasibility Study

Ray Hamilton, Engineer with Carter & Burgess presented a slide presentation of a draft study examining five different alternatives that relate to both shared regional water treatment scenarios and independent water treatment scenarios, between the Town and Tri-County Water Conservancy District.

Mike Barry, Manager for Tri-County Water Conservancy District, asked the Council to consider the findings of the draft noting "it has to be a win-win situation" for the entities to consider some type of sharing arrangement that would be mutually beneficial, to "avoid any duplicate efforts and costs".

12. Request to use Town property to stage building materials and park vehicles during construction

The Town Manager explained that he received a request from Chipeta Sun Lodge to utilize a portion of Cottonwood Creek Park adjoining their facility to the north-east, to stage construction materials and park vehicles during construction of a new building. He suggested approval since the portion of the park is not currently utilized by the public and is open space that has been maintained by the Lodge.

Bob Allison explained that there is no room on the existing property to stage materials during construction, and he needs a place for his employees to park their personal vehicles during construction. He estimated the length of time they would need to use the property to be six to eight months.

There was discussion and the Council agreed to allow the use for six to eight months if the area is fenced off with a temporary wooden snow fence and the area is restored after the use with top soil and reseeding. The Town Manager said he will prepare a permit.

13. Preannexation Agreement with Ridgway River Development LLC

The Town Manager presented a draft Preannexation Agreement prepared by Ridgway River Development LLC's attorney Andy Mueller, which has been reviewed by staff and the Town Attorney. The agreement sets out conditions for development of the 6.8 parcel

including infrastructure, roads and affordable housing. The property lies up to the southern part of the urban growth boundary and does not affect the intergovernmental agreement with Ouray County.

There was discussion between Council, staff, the applicant and their legal counsel. The Council asked the applicant to supply an annexation map and petition to the Town Attorney and he will prepare a resolution to be presented to the Council at the next meeting. The Town Manager was directed to contact Ouray County and inform them of the Town's intentions to annex the property.

14. Ordinance Clarifying that Accessory Dwelling Units Will Not be Counted in Computing Development Excise Tax

The Town Manager presented an ordinance to clarify the municipal code regulations and exempt accessory dwelling units when computing development excise tax.

ACTION:

Mayor Pro Tem Clark moved, with Councillor Hebert seconding the motion to adopt Ordinance 05-08 Clarifying that Accessory Dwelling Units Will Not be Counted in Computing Development Excise Tax as an emergency measure. The motion carried unanimously.

15. Overview of September 3rd Block Party and October 8th Park Dedication

Manager Clifton reported that the September 3rd Block Party went well, and the October 8th dedication of the river recreation corridor, Rollans Park, and the Bob Hackley Memorial Pedestrian Bridge has been planned and the plaques ordered.

ADJOURNMENT

The Mayor adjourned the meeting at 11:25 p.m. to a Regular Adjourned Meeting on September 28, 2005 at 6:00 p.m.

Respectfully Submitted,

Pam Kraft, CMC
Town Clerk

ACTION:

It was moved by Councillor Fitzhugh, seconded by Councillor Hebert and unanimously carried to re-issue the building permit for a six month period on the condition that all applicable fees are paid up front.

3. Resolution accepting Preannexation Agreement with Ridgway River Development LLC

Continued from the meeting of September 14, 2005. Preannexation Petition dated 9-28-05 from Ridgway River Development LLC. Resolution prepared by the Town Attorney as directed at the last meeting.

Councillor Fitzhugh declared a conflict of interest and excused himself from discussion on the issue.

Attorney Andy Mueller asked the Council to schedule a public hearing for the regular meeting in November to consider the annexation request. He explained the applicants will attend the October meeting and present a land plan.

ACTION:

Councilmember Hebert moved to adopt Resolution No. 05-04 Setting an Annexation Hearing for The Woodford Annexation, Councilmember Johnson seconded and it carried unanimously with Councilmember Fitzhugh abstaining.

The meeting adjourned at 8:50 pm.

Respectfully Submitted,

Pam Kraft, CMC
Town Clerk

11. Presentation on services provided by Tri-County Resource Center

Cathy McElman, Tri-County Resource Center Advocate, explained the organization was formed in 1980, and serves Montrose, Ouray and Delta Counties by offering free comprehensive services for victims of domestic violence and sexual assault. Last year they sought out, and received, a merger with Hill Top, an organization which provides community-based services funded primarily from state and federal grants. This has allowed Tri-County Resource Center to continue their work without having to write grants and seek out funding. Services include a 24 hour crisis line; two safe houses in Montrose and Delta; safe passage services; advocate outreach programs; community awareness and educational programs and a transitional housing program.

12. Presentation from the Ridgway Chamber of Commerce of the Semi-Annual Report of 2005 Lodging Tax Funds and proposed 2006 Budget

Letter dated 10-7-05 from the Chamber of Commerce Board of Directors presenting the 2006 Lodging Tax Work Plan and 2005 Third Quarter Marketing and Lodging Tax Funds Report.

Chamber Board Treasurer, Barb Sublette, reported that the Chamber was established to "promote business and community growth in the Ridgway area". This year has seen a "general decline in tourism in the county" which she attributed to increased gasoline prices. The first two quarters of 2005 lodging tax funds are down 61% from 2004. She explained that the organizations advertising is funded one hundred percent from the lodging tax funds and this year it had to be subsidized from the general fund. This year they advertised in the Triple A (AAA) Travel/Tour Book for Colorado. There has been a "significant increase in tour buses coming to the Railroad Museum" she reported, and the website averages 260 visits a day, many requesting information on the area. The 2006 Budget was drafted anticipating another decrease in lodging tax funds. If more funds are received they will be used for additional advertising.

The Council took a recess at 7:05 p.m. and reconvened at 7:15 p.m.

13. Presentation of land design for The Woodford Addition (annexation)

Attorney Andy Mueller, speaking on behalf of his clients Ridgway River Development, LLC, explained at the Council's last meeting they set a public hearing for 11-9-05 to consider annexation of The Woodford Addition. At that time the Council requested the applicant present at this meeting, an informal sketch plan of the development which encompasses 6.8 acres to be annexed south of the current 1.5 acres in the Town limits. The property is located north of Liddell-Stanton Subdivision, adjacent to County Road 24 and across from the community park, and will extend to the urban growth boundary. The project will be done as a Planned Unit Development and include bike paths, open space and higher density or multi-plex units on the north end and residential lots on the south end.

Rahn Zaccari presented a land design depicting the plan. He noted the proposal includes a four plex unit which should address the deed restrictions and meet the affordable component. The development would include 37 to 40 units.

There was discussion between the applicants, Council and staff.

RIDGWAY TOWN COUNCIL
MINUTES OF REGULAR MEETING
NOVEMBER 9, 2005

CALL TO ORDER

The Mayor called the meeting to order at 5:40 p.m. in the Council Chambers, 201 N. Railroad Street, Ridgway, Colorado. In attendance were Councilmembers Drew, Johnson, Pettet, Mayor Pro Tem Clark and Mayor Willits. Councillors Hebert and Fitzhugh were not present for the roll call.

CONSENT CALENDAR

1. Minutes of the regular meeting of October 12, 2005.
2. Minutes of the adjourned regular meeting of October 20, 2005.
3. Register of Demands No. 05-11.
4. Placement of banner in Town Park for the Chamber of Commerce annual Christmas in the Park event, December 9, 2005.
5. Water leak adjustment for Meter No. 6220.1, Barbara Greischel-Quinn.
6. Renewal of liquor license for Ouray County Fairgrounds.

ACTION:

It was moved by Mayor Pro Tem Clark and seconded by Councillor Drew to approve the consent agenda. The motion carried unanimously.

DEPARTMENTAL REPORTS

7. Quarterly report from the Police Department

Marshal Scott distributed a statistical report from January 2004 to date, he noted the increase in dogs-at-large enforcement, as directed by the Council. He reported that Deputy Allen Paquin has been back on duty since August, being rehired after over a years absence. His familiarity with the Town makes it seems "like he never left in some ways", he said. He noted the department received a new patrol car this year, and increased safety trainings.

Councillor Hebert entered the meeting at 5:50 p.m.

PUBLIC HEARINGS

8. Annexation request for The Woodford Addition

Hearing called by Council Resolution No. 05-04 and noticed by the Town Clerk. Letter dated 10-25-05 from the Ouray County Commissioners stating they reviewed the annexation petition on 10-24-05 and felt it was in compliance with the conditions of the Intergovernmental Agreement.

Town Attorney John Kappa presented the official proceedings file explaining the public hearing notice was published and posted and delivered to the various taxing districts along with a copy of the petition and annexation map. The only response received was from the Ouray County Commissioners. He presented the file to the Council for their review. He noted the Town Manager has signed a testimony stating the legal requirements conform with state statutes.

Town Manager Clifton explained that the annexation request process began a year and a half ago, and the proposal currently before the Council contains property which lies within the urban growth boundary. It is in conformance with the master plan, and up to now has had the consent of the Council and Planning Commission. He and the Town Attorney are in the process of preparing the pre-annexation agreement which will address the extension of utilities and infrastructure and road improvements.

Representing the applicants Ridgway River Development, LLC Rahn Zaccari addressed the Council explaining they have retained the services of Del Mont Consultants, who will be performing the project engineering, including access to the river and pedestrian pathways. The project consists of three parcels, one of the parcels is currently in the town boundaries, zoned commercial and will be rezoned to residential. He explained pursuant to Council direction, they have changed the density from clustered high density, to a mix of density, and gone from 40 units to 42, noting the Council has asked that it be limited to no more than 50. He presented new building designs and asked for Council comments. The drawings were variations of different designs for single family, duplex, tri-plex and four-plex units, at a height limit of 24 feet. He noted the lots are "not deep, but wide". The Council agreed that garages should not be placed in the front, but on the side or to the back of the lots.

Councillor Fitzhugh entered the meeting at 6:05 p.m.

Mr. Zaccari explained the design theme is "mountain victorian" which they feel is a "modern carry over from the historic business district". They will construct 18 of the structures and sell the remaining 11 lots to individual buyers with architectural guidelines so that a common design theme is carried throughout the development. The affordable housing is located in a four-plex unit on the north end of the property, and deed restrictions are based on the current model that has been used in the Parkside and River Park PUD's, 10 year residency restrictions and a cap of three percent increase in value. He explained the plan includes an under and above ground culvert to move the ditch water to the river, stating he plans to "over engineer so the ditch can handle the capacity".

Mr. Zaccari answered questions from the Council and there was discussion regarding the culvert and streets.

SPEAKING FROM THE AUDIENCE

Trisha Joy spoke in support of garages being to the rear of the lot and behind the residence.

Janet Smith asked about energy efficient construction and Mr. Zaccari explained that roofs will be constructed to support five solar panels which will be offered for heating and electricity use.

There was discussion between Council, staff and applicant. It was noted an eight foot wide concrete bike path will be installed along the county road and dedicated to the Town.

The Town Attorney explained to the Council that the next step would be to adopt a resolution stating that based on review of the petition and maps statutory requirements have been met. The final step would be adoption of an ordinance annexing the property. He recommended that if the Council wishes to authorize the annexation they introduce the ordinance at this meeting and consider adoption at the next, so they have time to review the annexation agreement.

ACTION:

Mayor Pro Tem Clark moved, with Councillor Hebert seconding the motion to adopt the Resolution setting forth the findings of fact and conclusions annexing The Woodford Addition. The motion carried with Councillor Fitzhugh abstaining.

ACTION:

On a motion by Mayor Pro Tem Clark with a second by Councilmember Drew, the motion to introduce the Ordinance for Annexation of The Woodford Addition carried with Councillor Fitzhugh abstaining.

9. Adoption of Ordinance Clarifying Provisions Relative to the "DS" Downtown Service District

Town Clerk's Notice of Public Hearing dated 10-13-05.

The Town Manager explained the ordinance was initiated by Council direction and defines the location of properties which can be rezoned as Downtown Service District.

SPEAKING FROM THE AUDIENCE

Michelle Becker asked for clarification on the process and procedure of rezoning to downtown service designation. She questioned if the zoning transferred with the sale of a property. The Town Attorney responded that "the approval runs with the land".

ACTION:

Councillor Johnson moved, with Councillor Drew seconding the motion to adopt Ordinance No. 05-05 Clarifying Provisions Relative to the "DS" Downtown Service District. The motion carried unanimously.

PUBLIC REQUESTS AND PRESENTATIONS

10. Request to construct ice sculpture in Town Park

Lyle Braund approached the Council with an idea to construct a permanent sculpture in Town Park that would be a light fixture housed within a 3/16 inch structural metal column and during the winter months ice could form over it and the lighting could change colors and reflect through the ice. He stated he was willing to donate the labor if the Town would pay for the materials, he noted it would require electrical and water service sources.

Mr. Braund answered questions from the Council. The Council agreed to support artistic expression in the park and asked Mr. Braund to meet with staff and Councilmember Hebert to determine where the sculpture could be constructed and report back to Council at the next meeting.

Scott Schroeder discussed proposed changes to the River View Plaza, noting by adding 2 apartments to each building, he will exceed the square footage and apply for a conditional use for over 10,000 square feet per building, also presenting a concept of the proposed signage. Scott Schroeder added he has applied for a CDOT access permit, with no word at this point. The Commission discussed landscaping, accommodating drainage through a retention area that does not exceed the historic flow. The Commission confirmed with Scott Schroeder that he would have to apply for a Multi-Site PUD along with the Conditional Use for both the square footage and residential units and it would be advisable for the applicant to apply for a master sign plan as he is limited to a total of 150 square feet. The Commission noted that the performance standards in the GC zone require buildings over 10,000 square feet use design, landscaping and berming to break up the size of the building, adding it would be advisable to add landscaping towards the building to break up the monolithic design. The Commission suggested adding visual architectural features to make it look like the buildings were built at different times, and adding a porch or aesthetic design feature on the west and possibly east sides of the building as they would be very visible. Town Manager Clifton added there would be more weather exposure on the west side of the building, so working with the architect to consider this with the design, also addressing the historic drainage possibly into the wetland area.

4) Discussion of Ridgway River Development, Rahn Zaccari, Eric Jacobsen

Andy Mueller noted Ridgway River Development bought the Abbott property, adding there is a 1.5 acre parcel that exists in the town limits, another portion of the property is located in the urban growth boundary, with an additional 6.6 acres to be annexed into Town. The remaining portion of the 57 acres purchased will remain in Ouray County. Andy Mueller discussed the proposed development, proximity to the town center, noting the density will be similar to the existing historic residential or north edge of solar ranch development, pedestrian use, with a minimum of 10% of the development toward attainable housing, the balance designed with the more historic feel of footprint and porches.

Rahn Zaccari discussed land design, architectural design, noting the southern lots of approximately 10,000 square feet will be sold as vacant land and the northern homes will be built by Mericana Corporation and use one architect for the design of the multi-family and single family homes on smaller lots. There was discussion between staff and the Commission on requirements for open space or land dedication upon annexation. Rahn Zaccari stated they would provide one four-plex and possibly one single family house as attainable houses with approximately 1200 square feet each. Rahn Zaccari discussed the proposed variation of building design and building mass, adding they propose to have solar energy available on the houses. The Commission suggested trying to make this look like they were not built at the same time, stressing to avoid the California or monotonous feel, that a mix of setbacks, lot size, building design all attribute to a successful development. Rahn Zaccari talked about discussions they have had with the Army Corps on wetlands, water fowl and wildlife areas, not disturbing the existing Abbott gravel areas to see how the river channel will change.

The Commission suggested wrapping up the discussion, reiterating adding contour lines to the site map, the interior roadways, geotechnical engineering suggestions, surface drainage, soil structure, with Andy Mueller noting this is required at preliminary plat. Town Engineer Fagan noted there is a lower requirement of soils report required at sketch plan.

Mayor Willits noted the Town Council was having a special meeting Thursday Dec 8th for Ridgway Village, Lot 3, RUSA for those interested in attending.

David Patterson addressed the Council regarding ongoing concerns with roof drainage of the recently constructed Redcliff Condominiums, which are adjacent to his home and property. He explained he expressed concerns during the construction process regarding the setbacks, and that snow would shed unto his property, noting "last winter I couldn't use my yard because the snow shed unto my property". The heated gutters that were installed "aren't working" and "the snow clips are buried in ice and there are eight foot ice spears and I fear for my dogs when they are in the yard". He explained during the recent paving of Lena Street, a drainage cut out was installed in the street, to compensate for the roof drainage from the Redcliff Building, and now the area "is icing in front of my house". He noted it is a "hazard" since it was constructed as a "cut out in the pavement" and is located in the parking area. He requested "immediate relief of the unnatural drainage".

The Town Manager clarified that at the time of approval of the building permit the use of snow clips, heated gutters and heat tape was required to mitigate any problems. He explained that last winter after receiving Mr. Patterson's concerns regarding snow on his property he investigated and found it had been caused by snow that had been shoveled from the second floor of the construction project, not from the roof shedding snow. He explained that the cut out in the pavement is to address drainage from under the sidewalk and is not a final design. It is being monitored by staff to determine how water exits on to the street, and if there is no ice build up, a planter will be installed over the area. He noted these types of problems will continue to occur because the Town allows structures in the Historic Business District to be built to the lot lines.

On a question from the Council, Building Inspector Bill Behan noted the snow clips may need to be enlarged or spaced differently.

Mr. Patterson further stated "I was told" a "concrete valley pan" would be installed to direct water away from his property. Builder Roger Schafer explained that the concrete valley pan was replaced with a submerged buried pan to provide "gravity fed drainage".

There was discussion by the Council. Mayor Pro Tem Clark noted that with new growth in Town, "projects will affect neighbors in unforeseen ways" and since construction is allowed lot line to lot line engineering should be done to find solutions.

The Council expressed concerns regarding safety issues with the cut out in the street and directed staff to block the hole while it is being monitored and in the spring a permanent solution can be found. Staff was asked to determine if a bar should be installed on the roof, instead of the snow clips and to review regulations regarding setbacks in the Historic Business District.

PUBLIC HEARINGS

8. Adoption of Ordinance annexing the Woodford Addition

Town Clerk's Notice of Public Hearing dated 11-10-05. Manager Clifton reported that Council previously received a petition and annexation map and adopted a resolution setting a public hearing and introduction of ordinance to consider the annexation. He and the Town Attorney have been negotiating an annexation agreement with the developers.

There was no one from the audience wishing to address the annexation proposal.

Attorney for the applicant, Andy Mueller, distributed copies of the proposed annexation agreement. The Council discussed the document with staff and questioned if infrastructure requirements should be placed in the agreement. Mr. Mueller commented that he feels these type of requests can be made during the PUD process. The Council reviewed the document and directed that a number of changes be made.

ACTION:

Councillor Hebert moved, with Mayor Pro Tem Clark seconding the motion to adopt Ordinance No. 05-10 for the annexation of the Woodford Addition contingent upon changes to the annexation agreement 1) hard surface the street at the southern entrance and continue pavement to Lena Street along Chipeta Drive 2) insert in paragraph four "at least two points" 3) irrigation water shall be supplied by the Town's raw water system in exchange for Dallas Ditch water rights 4) the sewer will be constructed to be able to hook up to the gravity system when it becomes available. The motion carried with Councillor Fitzhugh abstaining due to a conflict of interest, which he noted, had been previously disclosed.

9. Application for restaurant liquor license for Siam Restaurant, 146 N. Cora, Applicant: Jeff Badger

Town Clerk's Notice of Public Hearing dated 11-3-05. Staff Report from the Town Clerk presenting an application for a restaurant liquor license from Jeff Badger to operate a new restaurant, Siam, in the Herran House building, at 146 N. Cora.

The Town Clerk explained that in accordance with state law the premises were posted and a notice of hearing posted and published. She told the Council all requirements of the license application have been met, all fees paid, and forms received. One of the requirements is that applicants must be fingerprinted and a background check conducted and as of this date she has not received the results back from the Colorado Bureau of Investigation. She asked the Council, if the license is approved they do so pursuant to receipt of a clear background check.

The applicant noted the business will not have a bar and will only serve beer and wine with meals.

ACTION:

Councillor Johnson moved to approve the liquor license application for Siam Restaurant based on receipt of the background check information. Mayor Pro Tem Clark second the motion, and it carried unanimously.

10. Application for transfer of restaurant liquor license from the Sun Palace to Oriental Chinese Restaurant, 535 Sherman Street, Applicant: Guang Zhan Pan

Town Clerk's Notice of Public Hearing dated 11-23-05. Staff Report from the Town Clerk presenting an application from Guang Zhan Pan to transfer the Sun Palace's restaurant liquor license at 535 Sherman Street, Unit 3. The owner, Sen Sun, has sold the business which will now be called the Oriental Chinese Restaurant.

The Town Clerk explained that state liquor codes allow transfer of ownership and issuance of temporary operating permits. State law does not require a local authority to hold a public hearing for a transfer of an existing license, but she has posted the premises and noticed

2. Application for Variance on frontage for lot split; Location: 357 North Lena Street; Zoned: Historic Residential (HR); Applicant: Vince Anderson

Commissioner Anderson stepped down to sit in the audience due to a conflict of interest.

Documents distributed to the Commission prior to the meeting: Town Clerk's Notice of Public Hearing dated January 19, 2006. Staff report from Town Manager Greg Clifton dated January 25, 2006 recommending approval of the application for Variance with conditions.

Applicant Vince Anderson requested this Variance based on the total square footage of their lot, stating the lot split will result in two lots over 5000 square feet each. The Commission discussed the relevant hardship and problems with the decreased lot frontage on Lena Street.

Speaking from the audience Andy Mueller discussed the variance regulations from the Ridgway Municipal Code, adding as a homeowner it would be good to encourage higher density towards the core of Town. The Commission and staff discussed the alleys, parking, street frontage, pedestrian access, and buildable space versus square footage limitations. Town Manager Clifton confirmed this would require a plat for restrictions on the alley setback, with Mayor Pro Tem Clark adding there could be another plat note stating maximum footprint or maximum square footage. Town Manager Clifton noted the southwest shed may pose a problem that has to be dealt with by Town Council on the encroachment into the alley.

ACTION:

Commissioner Petruccelli moved, with Commissioner Liske seconding the motion to approve the Application for Variance on frontage for lot split at 357 North Lena Street with the following conditions:

No driveway or parking pads off of Lena Street

8' setback required on alleyway on west side of north lot

Sheds must come into compliance that the encroachment be dealt with at time of replat

Setbacks be met on new building site

Square footage of new house be limited to 2250 total square feet

All recommendations 1-5 from Town Manager staff report of January 25, 2006 be met

2 on-site parking spaces required on alley side

The motion carried unanimously.

Commissioner Anderson returned to sit with the commission.

The Commission took a break at 7:20 and reconvened at 7:30 p.m.

Town Manager Clifton introduced the new assistant planner, Jen Coates to the Commission, stating she has been working since the beginning of the year

3. Application for Sketch Plan for Elk Stone Ranch Subdivision (for forty-two dwelling units); Location: East side of Town between the Uncompahgre River and County Road 23 and south of Chipeta Drive; Zoning is pending a Residential designation; Applicant: Rahn Zaccari

Documents distributed to the Commission prior to the meeting: Town Clerk's Notice of Public Hearing dated January 11, 2006. Staff Report from Town Manager Greg Clifton dated January 28, 2006 noting discussion items for the Commission. Staff report from Town Engineer Joanne Fagan dated January 25, 2006 pointing out discrepancies that are necessary for sketch plan.

The Commission discussed concerns with the applicant on the roads, questioning the slope of the land if the road is to be built up, buildable area on sloping lots, concerns with grade changes, wetlands existing on the property, the length of the cul-de-sac and floodplain issue. Applicant Zaccari reported the wetlands will have to be mitigated, that they would have to be recreated somewhere else on site and they would get a FEMA amendment to the floodplain. Applicant Zaccari added they have to do annual maintenance after spring runoff to maintain the river channel, using the resulting material as fill for the street contour. Mayor Willits expressed concerns that items have not been addressed that were discussed by Town Council. Attorney Andy Mueller confirmed they are requesting a higher density on this subdivision based on the proximity to the center of Town. Applicant Zaccari noted bonuses offered to the Town are paving to the subdivision, affordable housing, open space, adding they will submit as a PUD. The Commission noted it may be easier to create two u-shape roadways to the project to help with the topography issues, suggesting the applicant be creative in the clustering of smaller lots throughout the PUD. The Commission noted their concerns of the culverts handling debris in isolated severe storms and whether the culvert design would handle these isolated incidents.

4. Application for Condominium plat for two unit duplex subdivision; Location: Lot 87, Solar Ranches PUD, Filing 2C (602 Tabernash, Units A & B); Zoned: Residential (R); Applicant: Scott Schroeder

Documents distributed to the Commission prior to the meeting: Town Clerk's Notice of Public Hearing dated January 20, 2006. Staff report from Town Manager Greg Clifton dated January 25, 2006 recommending approval of the application for Conditional Use Permit.

Karen Hawkins representing the applicant stated after reviewing the staff report, there are no concerns and these items are acceptable as written. There was discussion on clarification on the CCR's as noted in the Town Manager's staff report.

ACTION:

Moved by Mayor Willits to recommend approval to Town Council the application for Condominium plat for two unit duplex subdivision at Lot 87, Solar Ranch PUD, Filing 2C (602 Tabernash, Units A & B) subject to the six items noted in Town Manager Greg Clifton's staff report dated January 28, 2006. The motion was seconded by Commissioner Petruccelli and unanimously approved.

5. Application for Condominium plat for two unit duplex subdivision; Location: Lot 301, River Park PUD, Filing 1 (405 & 407 Kismet Street); Zoned: Residential (R); Applicant: Mark Schroeder

Documents distributed to the Commission prior to the meeting: Town Clerk's Notice of Public Hearing dated January 20, 2006. Staff report from Town Manager Greg Clifton dated January 25, 2006 recommending approval of the application for Conditional Use Permit.

Attorney Greg Lawler noted adjacent landowner might be willing to provide an easement, however with the landowner not present the Commission could not base the meeting on heresay. Town Engineer Fagan noted the ditch has been disrupted by construction and this is supposed to be a surface drainage easement, that through construction of this lot, the drainage is gone adding either the deck needs to be modified to allow surface drainage or the surface drainage would need to be diverted through Kolowich's property, but the surface drainage needs to be maintained. Town Manager Clifton noted it is important to assure unobstructed water /drainage flow.

RIDGWAY PLANNING & ZONING COMMISSION

MINUTES OF REGULAR MEETING

FEBRUARY 28, 2006

CALL TO ORDER

Chairman Hunter called the meeting to order at 5:35 p.m. in the Council Chambers, Ridgway Town Hall, North Railroad Street, Ridgway, Colorado. The Commission was present in its entirety with Commissioners Liske, McNeil, Petruccelli, Anderson, Mayor Pro Tem Clark, Mayor Willits and Chairman Hunter in attendance.

PUBLIC HEARINGS

1. Application for Sketch plan for Elk Stone Ranch Subdivision (for forty-two dwelling units); Location: East side of Town between the Uncompaghe River and County Road 23 and south of Chipeta Drive; Zoning is pending a Residential designation; Applicant: Rahn Zaccari (Continued from the January 31, 2006 meeting)

Applicant Rahn Zaccari noted he has been in discussion with property owner Tom Warlick on providing a gravity feed sewer line easement through his property. Town Engineer Fagan noted the easiest placement would be the eastern boundary, to run laterals east to west with the least depth, adding this would require an additional setback on Warlicks property which would be determined by the depth of the line anticipating a 15' easement. Applicant Zaccari had Jim Roberts with Del-Mont Consultants discuss the road contour and cut and fill calculations, discussing proposed changes in the roadway with two u-shape contours. Town Engineer Fagan noted there needs to be a plat note to state individual homes will require a lift station. Applicant Zaccari added they will be meeting with Chris Phillips this week to update the Army Corps of Engineers permit and the wetlands delineation. The Commission questioned alluvium that exists and how do you fill these massive areas to provide a structural base for a dwelling unit.

The Commission discussed their ideas of cluster development not having to have quite as much fill required, with Zaccari noting the problem would be access due to the configuration of the property. Zaccari noted the changes in the sketch plan will decrease to 35 or 36 units which includes built and vacant land. The Commission suggested the applicant discuss changes with both the school district and post office to incorporate their suggestions.

The applicant requested a continuance of sketch plan review to the next meeting, March 28th.

- 2) Variance to place pre-built storage shed abutting south property line; Location: 490 North Cora Street; Zoned: Historic Residential (HR); Applicant: Eric Johnson & Kaye Middleton

Documents distributed to the Commission prior to the meeting: Town Clerk's Notice of Public Hearing dated February 17, 2006. Staff Report from Assistant Planner Jen Coates dated February 23, 2006 recommending approval with 3' setback from property line.

Town Manager Clifton reported the building officials comments on setback requirements are included in the staff report. Applicant Johnson discussed with staff and the Commission the fire separation requirements, with particular attention to the Town's fire insurance rating and relative hardship due to configuration of the lot.

RIDGWAY PLANNING & ZONING COMMISSION

MINUTES OF REGULAR MEETING

MARCH 28, 2006

CALL TO ORDER

Chairman Hunter called the meeting to order at 5:35 p.m. in the Council Chambers, Ridgway Town Hall, North Railroad Street, Ridgway, Colorado. Present from the Commission were Commissioners Anderson, McNeil, Mayor Pro Tem Clark, Mayor Willits and Chairman Hunter. Absent from the meeting were Commissioners Liske and Petruccelli.

PUBLIC HEARINGS

1. Application for Sketch plan for Elk Stone Ranch Subdivision (for forty-two dwelling units); Location: East side of Town between the Uncompaghre River and County Road 23 and south of Chipeta Drive; Zoning is pending a Residential designation; Applicant: Rahn Zaccari (Continued from the February 28, 2006 meeting)

Documents distributed to the Commission prior to the meeting: Town Clerk's Notice of Public Hearing dated March 9, 2006. Staff Report from Town Manager Greg Clifton dated March 24, 2006 recommending approval

Applicant Rahn Zaccari discussed working with Chris Phillips for the engineering of the wetlands delineation, calculations of fill material available from the river, mitigating and reclaiming the riverway. The Commission discussed with staff the process for sketch plan approval and the supporting documentation that would be presented at preliminary plat stage, noting there is nothing vesting for the applicant at this juncture. Town Manager Clifton stated that more documentation was required regarding fill material and drainage. The applicant stressed they are still providing 4 units as affordable residential units.

The Commission discussed lot sizes and density bonuses for providing affordable housing, adding cut and fill calculations were important to discuss, noting the overall concept is favorable. Mayor Willits noted in a recent meeting with Army Corps of Engineers, they were not aware of the intended project in the river upstream from the current Town's project. Town Engineer Fagan questioned the overhead power that bisects two lots, with applicant Zaccari noting they intend to place it underground, that the obstacle would be crossing the river underground. Town Manager Clifton added the density might require a legislative change that the PUD does not address change in density, that the PUD language could be amended prior to future meetings.

ACTION:

Mayor Pro Tem Clark moved, with Commissioner McNeil seconding the motion to approve the application for sketch plan for Elk Stone Ranch PUD with the following concerns

- The applicant understands the concerns of cut and fill requirements for this lot layout and that this may require lot reconfiguration or drainage changes, especially on the south and one lot to the north.
- Density specifics in terms of lot square footage may have to be resolved by legislative change

The motion passed with unanimous approval.

2. Application for sketch plan for River View Plaza; Location: Lot 2, River Bank Subdivision (Hwy 62, west of Citizens State Bank); Zoned: General Commercial (GC); Applicant: Scott Schroeder
3. Application for Conditional Use Permit for residential dwelling units in a General Commercial zone; Location: Lot 2, River Bank Subdivision (Hwy 62, west of Citizens State Bank); Zoned: General Commercial (GC); Applicant: Scott Schroeder
4. Application for Conditional Use Permit to exceed building height from 27 to 35 feet; Location: Lot 2, River Bank Subdivision (Hwy 62, west of Citizens State Bank); Zoned: General Commercial (GC); Applicant: Scott Schroeder

Documents distributed to the Commission prior to the meeting: Town Clerk's Notice of Public Hearing dated March 8, 2006. Staff Report from Town Manager Greg Clifton and Assistant Planner Jen Coates dated March 28, 2006 recommending approval of Conditional Use Permits and discussion points on Sketch Plan review.

Applicant Schroeder noted he is still working with CDOT on obtaining the access permit. The Commission clarified that a joint access agreement with Citizens State Bank will need to be provided and it is still encouraged for the applicant to provide access to the Ridgway Hot Springs property. There was discussion between the Commission, staff and applicant on drainage, the easterly road width, the overhead powerline and relocation, with the Commission stressing if the overhead lines still exist at preliminary plat the building cannot remain the size shown. The Commission stressed at least providing a 20' easement on each side of the joint access for emergency access to the future hot springs hotel, with a 24" curb and gutter. The Commission discussed paving of the parking area asking if the applicant was willing to commit to a date to pave, with Town Manager Clifton noting with the adjoining property being hard surfaced, it is best to have a hard surface, adding this changes the stormwater drainage issues. The Commission discussed having the requirement for hardscaping within 12 months of CO and this would have to be bonded for. Applicant noted he can string line the building envelope to show the building footprint on both the east and west side, noting this should be done within the next two weeks adding he intends to keep the healthy cottonwood trees. The Commission discussed the fenestration of the buildings, using different materials to break up the vast amount of wood, not making the two sides the same mirror, anything that can be done to help make the buildings look like they evolved over time. The applicant noted he intended to put 3' of stone on the building front, stamped acid washed slate look concrete for walkways. The Commission noted reducing the maneuvering area to 25' might create more of a landscape area in the front, to add more visual attractiveness and will save the applicant money with less hardscaping required. Architect John Schoup reported the west end of the building is about 7' lower than the roadway and the building would not appear as tall as 35'. Town Engineer Fagan noted the western parking spaces do not provide adequate maneuvering area and the applicant confirmed they would study the required area more. Speaking from the audience, Larry Falk commented that traveling west bound on HWY 62 would obscure visibility toward the escarpment, river corridor and the applicant would best enhance the project by improved landscaping. The Commission discussed with the applicant that the caliper of trees for this project is not adequate, that the line of site will have to be maintained, adding the key areas would be to possibly have the east and west ends with more concentration.

ACTION:

Mayor Willits moved to approve the application for sketch plan for River View Plaza, Lot 2, River Bank Subdivision;

- urging the developers to include in the preliminary plat to pave the parking lot within 12 months of obtaining the CO or bond,
- work with the Town on keeping the cottonwoods,
- include a diversity of fenestration on the building, both the west and east sides,
- resolve the power line easement,
- reduce the parking lot area to 25',
- and improve the landscaping areas.

The motion was seconded by Mayor Pro Tem Clark.

The motion was amended by Mayor Willits, seconded by Mayor Pro Tem Clark

- to adjust the east property line easement as it may not be adequate at 15',
- with the possibility of obtaining the emergency easement to the Hot Springs Hotel,
- work with the Town Engineer to assure the east driveway is adequate for drainage and traffic
- and to provide for at a minimum emergency access for Lot 1 Triangle Subdivision.

The motion as amended was unanimously approved and the original motion was unanimously approved.

ACTION:

It was moved by Mayor Pro Tem Clark to approve the application for Conditional Use Permit for residential dwelling units in a General Commercial zone at Lot 2, River Bank Subdivision conditioned that the motion is only granted for the River View Plaza subdivision.

The motion was seconded by Commissioner Anderson and unanimously approved.

ACTION:

It was moved by Mayor Pro Tem Clark to approve the application for Conditional Use Permit to exceed building height from 27' to 35' at Lot 2, River Bank Subdivision conditioned that the approval is only for the Lot 2 subdivision approval, that this only applies to the fenestration detail on those portions exposed to the east and west traffic view with the height not to exceed to 35', being located over the residential dwelling units, with the remainder to remain under 25' as provided in the drawings presented tonight. The motion was seconded by Commissioner McNeil and unanimously approved.

The Commission took a break at 7:40 p.m. and reconvened at 7:54 p.m.

5. Application for Final Plat; Location: Ridgway Village West, Lot 2, Filing No. 1, Ridgway USA Subdivision; Zoned: General Commercial (GC); Applicant: Ridgway Development

Documents distributed to the Commission prior to the meeting: Town Clerk's Notice of Public Hearing dated March 9, 2006. Staff Report from Town Manager Greg Clifton dated March 24, 2006 recommending approval subject to conditions.

The Commission noted the Conditional Use limits the scenario of what can happen next if the final plat is granted tonight. Staff reported occupancy triggers upon the next phase that 75% of the occupants have to move in and completion of the lift station prior to the start of the buildings D & E. The Commission discussed the term occupancy and confirmed it would not be considered as occupied if it were owned and waiting to be occupied. Attorney Mike Hockersmith confirmed all that was being approved tonight was the final plat for just the three buildings in phase 1, which is buildings F, G and H. Town Engineer Fagan added only one building has received a Certificate of Occupancy, the other two buildings will be by the middle of May. The Commission discussed the seven items contained in the Town Manager staff report, that the CC&R's are being reviewed, that the Town Attorney is still reviewing the legal

Speaking from the audience Andy Mueller complimented Mr. Schaefer on the design of the Redcliff buildings and suggested the town needs to be open to change. Brian Peters noted this building highlights the immediate need for implementing a 'in-lieu-of' parking fee, stressing that impacts of overflow parking create a nuisance to nearby residential residents. Mr. Schaefer asked about the hurdles they will have to address with sketch plan and preliminary plat, with the Commission noting that combining the variance on the third story setback with the one for additional height seems difficult to defend.

6) Informal discussion on grading plan for Elk Stone Ranch Subdivision

Rahn Zaccari discussed the grading plan that has been worked on by Del Mont Consultants, stating the northern portion of the project accounts for approximately 25% of the required fill and that some areas on the south end require as much as 22 feet of fill. The Commission agreed that this validated concerns expressed by members since the beginning of the project. Their engineer states there is adequate material across the river, and that the applicant will seek approval from the Army Corps of Engineers to transport said material. Rahn distributed cross section designs showing the fill requirements and discussed the cul-de-sac length and possible changes that could be made to reduce the amount of fill required, either reconfiguring the southern road or having allowances on the sewer service. Town Engineer Fagan noted a lift station usually cannot be maintained by the Home Owners Association, so the town would take over ownership and maintenance. Ms. Fagan added state requirements necessitate redundant pumps and a back-up power source for any project such as this. Rahn noted it would be more aesthetic to be nearer to natural grade for the houses on the south end with Engineer Fagan adding the building height restriction is based on existing natural grade. There was discussion on not having the cul-de-sac and bringing the road back to CR 23 outside of the town urban growth boundary.

The applicant agreed to pursue further design revisions based on this discussion.

APPROVAL OF MINUTES

7. Minutes of the regular meeting of March 28, 2006

It was moved by Commissioner Anderson, seconded by Commissioner McNeil to approve the minutes of the March 28, 2006 meeting, with unanimous approval. Commissioners Petruccelli and Liske abstained from the vote.

The meeting was adjourned at 10:35 p.m.

Respectfully submitted,

Malia Rush
Secretary to the Planning and Zoning Commission

difference in cost, and if it is affordable change the product type before the first application will be made on the 18th of the month.

The Town Manager suggested that the Council implement the voluntary water restrictions as done in previous years.

ACTION:

It was moved by Mayor Pro Tem Clark seconded by Councillor Johnson and unanimously carried to institute the same voluntary water restrictions as previous years.

Town Engineer Fagan reported she will be performing more design consulting on the lift consolidation project for the east side of Town, then was originally estimated.

COUNCIL COMMITTEE REPORTS

Councillor Drew reported on a recent meeting regarding the fairgrounds. Councillor Hebert reported on the recent Region 10 meeting.

Manager Clifton announced the Town will be hosting a breakfast for the GOCO Board of Directors on May 24th, and the Board will be hosting a lunch that day in the Community Center. Mayor Willits suggested the Town present the Board with a photo taken at the dedication of the river park (which a GOCO grant funded). The Manager further noted the Town will be hosting the Chamber of Commerce After-Hours on May 18th.

Councillor Fitzhugh inquired into the drainage and culvert upgrades on South Railroad Street, and was told the project would begin soon.

The Town Attorney told the Council he has received the agreement for the Woodford Addition Annexation, and it appears that all conditions set by the Council have been met.

EXECUTIVE SESSION

Town Attorney Kappa asked the Council to enter into an executive session to discuss legal issues pertaining to the excise development tax; negotiations with Tri-County Water; lease purchase agreement with the school district; the school district and Kolowich negotiations; and negotiations pertaining to the sewer extension agreement.

ACTION:

Mayor Pro Tem Clark moved, with Councillor Hebert seconding the motion to enter into closed session. The motion carried unanimously.

The Council took a recess at 9:40 p.m. and reconvened at 9:50 p.m. at which time they entered into closed session with the Town Attorney, Town Manager and Town Engineer to discuss legal issues and matters subject to negotiation.

The Council reconvened from closed session at 11:20 p.m. and entered into open session.

The Commission expressed concerns on the size and scale of the project and the vertical wall that would be seen directly fronting Sherman Street. The Commission noted the alleyway will be used for vehicular traffic and the new streetscape requirements will fall in line with the timeframe on this project. Staff explained the actual building is measured from the lowest point of natural grade which means the building height is measured from the northeastern edge adjacent to the tavern building. The architect added the actual building height seen from the western end would be about 34' or 35'. Applicant Schaefer discussed items in the staff report noting he is not changing the historical stormwater drainage and that he will not hard surface the east/west alley but provide curb stops to define parking spaces. The Commission discussed with staff the surface requirements on the alleyway with Town Engineer Fagan noting pros and cons of hardsurfacing the alleyway adding even with gravel surfacing it will increase drainage to the streets. Roger requested that the two 600 square foot studios be deed restricted and only require one parking space each. The Commission discussed with the applicant the taps existing on the property, noting the tap usage is determined by tap size, not what the current use is.

ACTION:

Mayor Willits moved, with Mayor Pro Tem Clark seconding the motion to approve the application for sketch plan of the multi-site development located on Lots 9 – 16, Block 26. The motion carried unanimously.

8. Application for Preliminary Plat for PUD; Location: Woodford Annexation, County Road 23, past Chipeta Drive, east of the Regional Recreational Park; Zoned: Residential (R); Applicant: Rahn Zaccari for Ridgway River Development, LLC

Documents distributed to the Commission prior to the meeting: Town Clerk's Notice of Public Hearing dated May 19, 2006. Staff Report from Town Manager Greg Clifton dated May 27, 2006 noting discussion points. Staff Report from Town Engineer Joanne Fagan dated May 28, 2006 addressing concerns with engineering issues.

Applicant Zaccari stated the PUD name has been changed to The Preserve. Mr. Zaccari added there is at least another 90 days work with the Army Corps of Engineers (ACOE) on the wetlands delineation and material availability. Mr. Zaccari addressed concerns in the Town Engineers staff report adding there is sufficient material to be reviewed by the engineering firm including sewer service and material infill. He discussed the efforts working on gravity flow for the sewer service with a lift station being required between the southern and northern ends of the development that will then enable gravity flow through Warlick's property (if approved) to Hwy 62. Town Engineer Fagan noted there will continue to be discussion between the Town Engineer and the applicants engineering firm to resolve issues on grading plan, sewer service, utility easements, fill requirements and the material excavation as approved by the ACOE. Engineer Fagan added the soils report is not complete and there is more information required to present at another meeting.

Rahn requested a continuance of the application for preliminary plat to the next meeting asking if the Commission sees any inherent problems in the submittal. The Commission suggested the applicant work on items the Town Engineer had concerns over. The Commission discussed the new southern road configuration may trigger an access easement from the County. Mr. Zaccari explained the reason for the new configuration was to reduce fill requirements and to eliminate the long cul-de-sac. Mr. Zaccari noted the development slated around 26 lots, with some duplex, triplex and one four-plex lot that would contain the required affordable housing unit.

ACTION:

Mayor Pro Tem Clark moved to approve the applicants request for continuance on the hearing for Preliminary Plat for a PUD to the next meeting. The motion was seconded by Commissioner McNeil and unanimously approved.

APPROVAL OF MINUTES

9. Minutes of the regular meeting of April 25, 2006

It was agreed the minutes from the April 25, 2006 meeting would be continued to the next meeting.

The meeting was adjourned at 12:10 a.m.

Respectfully submitted,

Malia Rush
Secretary to the Planning and Zoning Commission

Mayor Pro Tem Clark motioned to continue the meeting until next month at the applicants request- seconded by Commissioner McNeil and unanimously approved.

The Commission took a break at 6:50 p.m. and reconvened at 6:58 p.m.

4. Application for Variance for ten foot front yard setback; Location: Lots 21-24, Block 32, 505 Charles Street; Zoned: Historic Business (HB); Applicant: John and Shannon Robinson
5. Application for Lot Split to create two individual lots; Location: Lots 21-24, Block 32, 505 Charles Street; Zoned: Historic Business (HB); Applicant: John and Shannon Robinson

Staff confirmed there is no variance requirement as this application is located in the Historic Business district and setbacks are eight feet. Commissioner Petruccelli moved to refund the applicants money for the application for variance.

Staff and the Commission confirmed with the applicant the subject shed would be removed before the lot split. The lot split was confirmed to be administrative at this point.

6. Application for Preliminary Plat for PUD for Woodford Annexation; Location: Woodford Annexation, County Road 23, past Chipeta Drive, east of the Regional Recreational Park; Zoned: Residential (R); Applicant: Rahn Zaccari for Ridgway River Development, LLC

(Continued from the May 30, 2006 meeting)

Documents distributed to the Commission prior to the meeting: Town Clerk's Notice of Public Hearing dated May 19, 2006. Staff Report from Town Manager Greg Clifton dated June 27, 2006 recommending continuance of the hearing for engineering review.

Applicant Rahn Zaccari claimed they have addressed all engineering items and will submit for review at the July meeting. Mr. Zaccari discussed the status of the application with the Army Corps of Engineers in terms of restoration of the riverway. Mr Zaccari added the wetlands mitigation plan includes restoration of the river corridor on the northern end of the project. Mr Zaccari noted the developers intend to improve the river corridor for selling aesthetics and wildlife improvement. Rahn Zaccari added any changes in the wetland areas must be replaced by equal 1:1 ratio of new wetland areas.

Speaking from the audience Tom McKenney questioned what the operation and maintenance of the river corridor would be to the developers. The Commission discussed the economic value of the Town obtaining river material. Mr. Zaccari stated even after donating the river bottom to the Town, there would have to be escrowed funds for maintenance over a several year period.

There was discussion between the applicant, Commission and staff on the right-of-way width necessary for this PUD. The discussion was focused on the advantages and disadvantages of 50 or 60' road width and easements beyond that with the Town Engineer noting her preference is a 60' right-of-way and 10' easements on both sides. The Commission defers to the Town Engineer on recommendations of right-of-way versus easement width. The Commission commented that this is a legislative change but could be dealt with during this PUD process.

Rahn Zaccari expressed concerns on the expectations for the development regarding the bike path noting the developers intended to do a crushed gravel surface on the bike path, not a concrete surface. The Commission and Town Engineer discussed the annexation process

discussed having an 8' concrete bike path but was not included in the finalized annexation agreement. The Commission discussed extending the time period that the concrete bike path would have to be completed, with discussion on a special improvement district to fund the project. The Commission noted this would probably be an item that the Town Attorney would confirm. Town Engineer Fagan discussed they should provide a hook up to the 18 acre park to provide sewer service on the restroom facilities there. The applicant confirmed the sewer stub would be there.

Attorney Mueller commented that he felt the Town Engineer requiring the road from Chipeta off Lena be paved with curb and gutter to the development is an excess from the recorded annexation agreement. Engineer Fagan confirmed she is requesting 3" of asphalt to the development from Chipeta Drive. The applicant is requesting to do chip seal from Chipeta to the development with discussion between staff and the commission on the disadvantages of this design. The Commission stressed this roadway needs to be asphalt. The applicant discussed the status of the sewer lines and gravity flow to existing sewer connections. Town Engineer Fagan confirmed there would be some homes that would be on a lift station, the question is just how many and where the lift station would be.

CONSENSUS:

The Commission confirmed with the applicant that too much information was lacking for a decision tonight and the applicant requested a continuance of the meeting to next month.

7. Application for 8-unit Condominium subdivision; Location: 195 S Lena Street (Redcliff Condominiums Phase II); Zoned: Historic Business (HB); Applicant: Roger Schaefer for Redcliff LLC

Documents distributed to the Commission prior to the meeting: Town Clerk's Notice of Public Hearing dated June 12, 2006. Staff Report from Town Manager Greg Clifton dated June 23, 2006 recommending approval with conditions.

Applicant Roger Schaefer noted there would be individual certificate of occupancies for each unit as completed and then a certificate of occupancy for the entire project. Mr. Schaefer noted some of the conditions like landscaping cannot be completed until the lots can be cleaned up.

The Commission discussed the complaints on the drainage on the first building, noting this issue needs to be resolved before approval of this condominium subdivision. There was discussion between the applicant, Commission and staff on how to best resolve the drainage problems between both phase one and phase two of these condominium units and possibly diverting some drainage toward Hyde Street. After further discussion, the Commission stated this matter needs to be resolved at staff level. The Commission discussed when you build lot line to lot line there are going to be drainage issues but commended the applicant on working with staff to resolve these issues. Staff reported they would like to include in the staff recommendations to the alley improvements including more gravel and improved drainage. The Commission stressed the applicant work with the subcontractors to keep the traffic off the Town roads.

ACTION:

It was moved by Mayor Pro Tem Clark to recommend approval to Town Council the application for Condominium subdivision of Redcliff II Condos at 195 S. Lena Street with the 11 stated conditions submitted tonight on Town Manager Clifton's staff report with the addition that the alley be brought back

3. Application for Preliminary Plat for The Preserve PUD; Location: Woodford Annexation, County Road 23, past Chipeta Drive, east of the Regional Recreational Park; Zoned: Residential (R); Applicant: Rahn Zaccari for Ridgway River Development LLC

(Continued from the June 27, 2006 meeting)

Documents distributed to the Commission prior to the meeting: Staff Report from Town Manager Greg Clifton dated July 20, 2006 with numerous recommendations for approval.

Applicant Rahn Zaccari discussed meeting with San Miguel Power on providing service that bisects several lots underground to the development with the Commission requesting a more specific letter on the utility service to this development. The Commission discussed the items noted in the staff report on documentation that was missing from this filing. Mr. Zaccari claimed he brought in a geo tech report on June 1st and another copy to the office just two days ago. The Commission discussed with staff the necessary reports with confirmation of how critical these reports are to the Planning and Zoning Commission for approval of this development. Town Engineer Fagan noted concerns with sewer service since the eastern lots are lower than the streets. The applicants engineer noted the elevations and depth of the sewer service will require a private lift station at each house.

Attorney Mueller stated he would like to work with staff on the wording of lots that would allow multi-site lots to be built as single family units which allow easier sale of the units. Engineer Fagan noted the sewer is located under the pavement and the water service would be located in the easements adjoining the roadway adding they should set the taps before they pave the streets. Engineer Fagan added it may be best to have the sewer force main located in the landscape easement. The Commission confirmed with the applicant that their request would be for condominiumization of the property and separate buildings. The Commission discussed the size of sewer taps required for different size lots with Engineer Fagan adding this may be a better discussion at Town Council for the Town Attorney to answer the one building, one tap requirement. The Commission continued discussion with the Town Engineer on the engineering issues that need further clarification. Mr. Zaccari discussed concerns on the geotechnical report, engineering report and sewer service. Mr. Zaccari noted the 404 permit is still in progress from the Army Corps of Engineers. The Commission discussed with the Town Engineer concerns that the basements cannot have bathrooms unless they pump the sewer from the basements. Engineer Fagan added it should be a plat note that the lot may require a grinder pump to provide sewer service to houses with basements.

Commissioner Anderson left the meeting at 7:35 p.m.

Rahn Zaccari discussed the bike path and surfacing requirements with the ultimate desire to be part of the Uncompahgre Riverway trail to connect the bike path all the way from Ouray to Montrose. Mr. Zaccari added they will dedicate tracts F, C, D & E to the Town with a Special Improvement District that will provide the hard surfacing of the sidewalk at a future date. The Commission discussed with the applicant the individual lots and street access, discussing adjustments to the lot sizes and layout to provide individual driveways, specifically adjusting lot 19 to a duplex and increasing lots 15-18 a little farther north to allow more driveways.

The Commission took a break at 8:25 p.m. and reconvened at 8:30 p.m.

Mayor Pro Tem Clark moved to recommend to Town Council approval of the application for preliminary plat for The Preserve PUD with the following conditions from the Town Manager's staff report dated July 20, 2006:

1. Approval of the deviation for front yard setback on each lot to be 10 foot as opposed to the required 15 foot identified in R.M.C.§7-3-10
 2. Approval of lot frontage deviations to be less than the 50 feet required by R.M.C.§7-3-10, but not less than 37 feet as defined by Preliminary Plat
 3. A completed geotechnical report reviewed and approved by the Town Engineer
 4. Drainage and storm water calculations submitted to approved by the Town Engineer
 5. Hydraulic calculations submitted to and approved by the Town Engineer
 6. Cut and fill calculations submitted to and approved by the Town Engineer
 7. A site application for the lift station approved by the Town and Colorado Department of Public Health and Environment
 8. Acceptable specifications and design calculations for the lift station
 9. Dedication of the lift station to the Town of Ridgway
 10. Continued cooperation with the Army Corps of Engineers (ACOE) and appropriate wetlands mitigations as identified by the ACOE including an approved 404 permit
 11. Completion of the recreation path to include prepared base with crushed gravel 8 foot wide with hard surfacing required when there is continuity for the Uncompahgre Riverway through a Special Improvement District (SID). An engineering plan should detail what will be built now and what will be covered by the SID with the recreation path continuing to the southernmost road
 12. Resolution of the gravity sewer, specifically for the east side of the north loop of the subdivision. The plat will include language stating anything below street grade will not gravity serve on the sewer service
 13. Dedication of a parcel of land of sufficient size to accommodate the lift station to the Town
 14. The south end of Preserve Drive will require access approval from the County as it is their jurisdiction. This roadway from the Town boundary to the south service road will then be dedicated to the Town. The recreational path will also continue to the south road
 15. 3 inch asphalt road on Chipeta Drive from Lena Street to County Road 23, then on County Road 23 to the south access on the south loop of the subdivision. Approval needs to be obtained from the County to pave County Road 23 to where the south end of Preserve Drive connects with County Road 23
 16. Lot frontage on Lots 11-19 (the east side of Heron Court) be adjusted to provide lot sizes with a minimum frontage of 37 feet to accommodate separate driveways
 17. Lot 19 will be a duplex lot
 18. Lots 11, 20, 21 and 25 and Lot 1 on Preserve Drive cannot have the driveways accessing onto County Road 23. Driveways must access a minimum of 25 feet from the east end of the curb return on County Road 23. Lot 20 will not have more than a 24 feet curb cut
 19. Review and approval by the Town Attorney
- The motion was seconded by Commissioner Liske with unanimous approval.
4. Application for Variance for side yard setback; Location: Lots 13 & 14, Block 12, Charlotte Street; Zoned; Historic Residential (HR); Applicant: Karen Matsuda

Documents distributed to the Commission prior to the meeting: Town Clerk's Notice of Public Hearing dated July 17, 2006. Staff Report from Town Manager Greg Clifton dated July 20, 2006 recommending approval of the variance request with conditions.

Teresa Smithson from Buckhorn Geotech is representing the applicant with the Commission questioning the reason for the variance. Ms. Smithson stating there were changes in the control map in 1999 which was not recorded anywhere. Town Engineer Fagan confirmed there were problems and new centerline monuments were placed to establish the 66' road right-of-way. The Commission confirmed we were lucky that this occurred on a road right-of-way. Engineer Fagan noted the blocks are not perfectly 300'- that you apportion the differences in

the block size between each property. Teresa Smithson confirmed the variance request is a result of going off the wrong centerline monument.

ACTION:

Mayor Pro Tem Clark moved to approve the side and front yard setback variance for Lots 13 & 14, Block 12 noting the hardship is granted for an error in surveying. Additionally:
-No additional setback variances will be allowed on this property, with regard to future construction and no increase in the setbacks as stated in this report shall be allowed.
-Use of the survey plat submitted tonight, which is based on the Del-Mont centerline monuments, should be utilized to ensure appropriate setbacks are met for this property in the future.
The motion was seconded by Commissioner Liske and unanimously approved.

APPROVAL OF MINUTES

5. Minutes of the regular meeting of June 27, 2006

It was moved by Mayor Pro Tem Clark, seconded by Commissioner McNeil to approve the minutes from the June 27, 2006 meeting. The motion passed unanimously.

6. Minutes of the adjourned regular meeting of July 6, 2006

It was moved by Mayor Pro Tem Clark, seconded by Chairman Hunter to approve the minutes from the July 6, 2006 meeting. The motion was unanimously approved with Commissioners McNeil and Liske abstaining from the vote.

The meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Malia Rush
Secretary to the Planning and Zoning Commission

ACTION:

Councillor Johnson moved, with a second by Councilmember Fitzhugh to approve the application for Condominium Subdivision of Lots 307 & 308 River Park Filing 2, with all the conditions as recommended by the Commission. The motion carried unanimously.

12. Planning and Zoning Commission recommendation to approve Preliminary Plat for The Preserve PUD; Location: Woodford Annexation, County Road 23; Zoned: Residential; Applicant: Rahn Zaccari for Ridgway River Development LLC

Planning and Zoning Commission recommendation from the meeting of 7-25-06 and Staff Report dated 7-20-06.

Manager Clifton reported the application is for a residential development on a recently annexed parcel which abuts County Road 23, and constant with the annexation agreement, limits the development to the preliminary plat being presented. He noted the applicants will have on-going permitting requirements with the Army Corp of Engineer to mitigate wetlands and address river restoration, the sewer lift station plans will need to be reviewed by staff. The development includes varying lot sizes and building types with a mix of residential and multi-family units, and is conditional upon hard surfacing Chipeta Drive between Lena and County Road 23.

Town Engineer Fagan expressed concerns with the amount of fill that will be necessary to construct roads to the existing grades; the need for sewer lift pumps if plumbing fixtures are placed on the first floor of a home; and that the amount of embankment may present stability problems unless homes are constructed "very carefully".

Applicant Rahn Zaccari explained the project is located in a wetlands and the plan for mitigation and restoration has been presented to the Army Corp of Engineers. He stated they have indicated support and "want to see this happen to this property".

There was discussion between the Council, staff and applicants regarding some of the conditions placed by the Commission, and others the Council would like included.

ACTION:

Councillor Hebert moved, with Mayor Pro Tem Clark seconding the motion to approve the Planning and Zoning Commission recommendation to approve Preliminary Plat for The Preserve PUD at the Woodford Annexation on County Road 23 contingent upon the recommended conditions of the Planning and Zoning Commission and the inclusion of new conditions including dedication to the Town of Parcels C, D, E and F containing recreation paths; plat notes shall contain the geo-technical study; a change in the sidewalks on Herron and Preserve Streets requiring construction of sidewalk only on the east side and in-lieu of the west side of the street sidewalks, the hard surfacing of the entire recreation paths on the west side of the subdivision; under grounding of three phase line for San Miguel Power Association shall run through the property heading south. The motion carried with Councillor Fitzhugh abstaining.

The conditions placed upon this approval are as follows:

1. Approval of the deviation for front yard setback on each lot to be 10 foot as opposed to the required 15 foot identified in R.M.C.§7-3-10, but not less than 37 feet as defined by Preliminary Plat.

2. Approval of lot frontage deviations to be less than the 50 feet required by R.M.C.§7-3-10.
3. A completed geotechnical report reviewed and approved by the Town Engineer.
4. Drainage and storm water calculations submitted to approved by the Town Engineer.
5. Hydraulic calculations submitted to and approved by the Town Engineer.
6. Cut and fill calculations submitted to and approved by the Town Engineer.
7. A site application for the lift station approved by the Town and Colorado Department of Public Health and Environment.
8. Acceptable specifications and design calculations for the lift station.
9. Dedication of the lift station to the Town of Ridgway.
10. Continued cooperation with the Army Corps of Engineers (ACOE) and appropriate wetlands mitigations as identified by the ACOE including an approved 404 Permit.
11. Completion of the recreation path to include prepared base with crushed gravel 8 foot wide with hard surfacing required when there is continuity for the Uncompahgre Riverway through a Special Improvement District (SID). An engineering plan should detail what will be built now and what will be covered by the SID with the recreation path continuing to the southernmost road.
12. Resolution of the gravity sewer, specifically for the east side of the north loop of the subdivision. The plat will include language stating anything below street grade will not gravity serve on the sewer service.
13. Dedication of Tract G to the Town, to provide a large enough tract for the lift station.
14. The south end of Preserve Drive will require access approval from the County as it is their jurisdiction. This roadway from the Town boundary to the south service road will then be dedicated to the Town. The recreational path will also continue to the south road.
15. 3 inch asphalt road on Chipeta Drive from Lena Street to County Road 23, then on County Road 23 to the south access on the south loop of the subdivision. Approval needs to be obtained from the County to pave County Road 23 to where the south end of Preserve Drive connects with County Road 23.
16. Lot frontage on Lots 11-19 (the east side of Heron Court) be adjusted to provide lot sizes with a minimum frontage of 37 feet to accommodate separate driveways.
17. Lot 19 will be a duplex lot.
18. Lots 11, 20, 21 and 25 and Lot 1 on Preserve Drive cannot have the driveways accessing onto County Road 23. Driveways must access a minimum of 25 feet from the east end of the curb return on County Road 23. Lot 20 will not have more than a 24 feet curb cut.
19. Review and approval by the Town Attorney.
20. Dedication of Parcels C, D, E and F, containing recreation paths, to the Town.

21. Plat Notes shall contain the geo-technical study.
22. Sidewalks on Herron and Preserve Streets shall be constructed only on the east side of the street.
23. All recreation paths on the west side of the subdivision shall be hard surfaced.
24. Under grounding of three phase line for San Miguel Power Association shall run through the property heading south.

The Council took a recess at 8:10 p.m. and reconvened at 8:20 p.m.

POLICY MATTERS

13. Discussion regarding Historic Business District parking regulations, in-lieu of fees and purchase of land for parking lot

Continued from meeting of 7-12-06.

SPEAKING FROM THE AUDIENCE:

Jack Petruccelli spoke in favor of requiring parking for new construction in the Historic Business District noting "tenants will resist leasing if there is no parking" and "buyers will resist purchasing". "Half the market is built" he noted "and it's fine if the lot next door is empty" but this will "change later".

Brian Peters spoke in support of requirements for parking in the district stating "we will never have a viable business area if people can't park". "Business owners now say, don't do this, you'll impact me, but later they will come in and demand that you fix it" if parking is not available.

Jack Petruccelli stated "if you let the market dictate this, it will be way to late", "this needs to be addressed for the future". "The real estate has to have the parking, or it's no good" "without parking you won't attract tenants".

Dick Bjurstrom suggested a fee structure by use.

Council discussed the use of the existing municipal parking lot and Councillor Pettet noted "people want to be within a block to shop and use businesses". There was discussion about purchasing property for a lot closer to the historic core.

The Council agreed that an ordinance should be prepared requiring new buildings in the historic business district provide three parking spaces for each 25 foot lot constructed upon and in-lieu of fees would be used to purchase land for parking lots. Staff was also asked to research language for a ballot question regarding formation of a special improvements district to pay for purchase of parking lots.

14. Recommendation regarding award of bid for upgrades to water treatment plant

Engineer Fagan reported that two bid proposals were received for upgrades to the water treatment plant, out of three potential companies that perform this type of service. Both

residential properties and public access would affect the quality of life of the property owners.

ACTION:

Councillor Fitzhugh moved, with Councilmember Hebert seconding to approve the plat amendment to River Park PUD. The motion carried unanimously.

The Council took a recess at 9:30 p.m. and reconvened at 9:45 p.m.

POLICY MATTERS

17. Introduction of Ordinance No. 07-12 Amending the Official Zoning Map to Designate Lots 15 & 16, Block 23, Known as 123 S. Laura Street as Downtown Service District

Continued from the meeting of 6-13-07. Planning Assistant Coates explained a recommendation from the Planning Commission to approve rezoning Lots 15 & 16, Block 23 to downtown service district was presented to the Council at the previous meeting. Staff has prepared an ordinance amending the zoning map and approving rezoning the property at 123 S. Laura.

ACTION:

Moved by Councillor Fitzhugh seconded by Mayor Pro Tem Clark and unanimously carried to introduce Ordinance No. 07-12 Amending the Official Zoning Map to Designate Lots 15 & 16, Block 23, as Downtown Service District.

18. Presentation of Ordinance No. 07-11 Extending the Expiration Date of the San Miguel Power Association Franchise and declaring an emergency

Town Attorney John Kappa explained that the term of the franchise agreement with San Miguel Power Association has expired. He requested the Council approve extending the expiration date of the franchise agreement to allow continued negotiations.

ACTION:

On a motion by Mayor Pro Tem Clark with a second by Councilmember Fitzhugh the motion to approve Ordinance No. 07-11 Extending the Expiration Date of the San Miguel Power Association Franchise and declaring an emergency carried unanimously.

19. Introduction of Ordinance No. 07-13 Amending the Official Zoning Map to Rezone the Woodford Addition as "R" Residential District

Attorney Kappa distributed an ordinance zoning the Woodford Addition as a Residential District.

There was discussion between Council and staff regarding the rezoning process.

ACTION:

Councillor Hebert moved, with a second by Councillor Fitzhugh to introduce Ordinance No. 07-13 Amending the Official Zoning Map to Rezone the Woodford Addition as Residential. The motion carried unanimously.

20. Discussion regarding invoice from Siemens Water Technologies for new water filtering equipment at the water plant

Town Engineer Joanne Fagan explained the contract with Siemens Water Technologies for the new water plant filtering equipment requires payment of 40% after installation. There are a number of items which have not been completed she noted, but recommended approval at this time.

ACTION:

It was moved by Councilmember Hebert seconded by Mayor Pro Tem Clark and unanimously carried to approve payment of \$181,400 to Siemens Water Technologies.

21. Discussion pertaining to request from US Postal Service to renew the lease of Town property

Continued from the meeting of 6-13-07. The Town Attorney stated he was not present at the previous meeting at which time the Council had expressed concerns with the renewal lease to use Town property for the US Postal Service facility.

There was discussion between the Council and Town Attorney. The Council agreed to request a rent of \$10,000 a year for the first five years and \$15,000 a year for the next five and instructed the Town Attorney to proceed with revising the lease agreement.

22. Follow up discussion regarding Council request to rezone all properties within the Downtown Service District

Continued from the meeting of 6-13-07. The Town Manager explained that current zoning regulations require application for rezoning of property to downtown service district and application for a conditional use permit to conduct a business. At the prior meeting the Council had questioned the complexity of the rezoning process and agreed that the designated area should be rezoned to allow property owners who wished to use the downtown service designation to make one application before the Planning Commission, for a conditional use permit.

There was discussion between the Council and staff pertaining to the process and possible ways to establish the standards. The Council directed the Town Attorney to prepare an ordinance to rezone all properties west of Laura Street within 100 feet of Highway 62 to Downtown Service District and to notify all affected property owners.

23. Proposal to perform compensation survey

Memo dated 7-2-07 from the Town Clerk and Town Manager presenting a proposal from Mountain States Employers Council, Inc. to perform an in-house compensation study.

to create a buffer between residential and commercial areas, and it would be a more effective buffer to zone the area commercial instead of downtown service, especially since the "area already has a huge commercial feel".

Susan Ulery, a neighbor adjacent to Ms. Buford, explained she recently moved on to the highway and stated "I didn't realize how commercial it would feel". "It is not residential" she noted, and suggested that the Council consider zoning the properties on the highway commercial.

Mayor Pro Tem Clark presented a perspective on the history of the creation of the DS zone and explained the use was intended to be a buffer between the highway and residential areas; and to allow limited commercial use by mitigating the amount of customer traffic that is associated with commercial use. Another intent he noted, was to insure that there was not a strip type of commercial area in Town.

Barbara Cohen noted prior to the zoning change a number of properties on the highway were not being occupied and the change in use allowed residents "to have a business and a residence as well".

ACTION:

Mayor Pro Tem Clark moved to introduce Ordinance No. 07-16 Amending the Official Zoning Map to Rezone Certain Lots Lying Westerly of Laura Street, and Within 100 Feet of the Row of Highway 62, Currently Zoned Residential or Historical Residential, to be Included Within the "DS" Downtown Service District, and Further Adding Certain Conditional Uses to the Regulations for the "DS" District. Councilmember Fitzhugh seconded the motion and it carried unanimously.

14. Application for tavern liquor license for Independence Cafe, 555 Clinton Street

Town Clerk's Notice of Public Hearing dated 6-28-07. Staff Report from the Town Clerk dated 7-27-07 presenting an application for a tavern liquor license from Independence Cafe at 555 West Clinton Street.

The Town Clerk reported that all requirements of the license application have been met, all fees paid, and all forms received, including receipt of the background check from the Colorado Bureau of Investigation, which was received cleared. She explained the applicant, John Metcalf, is the sole owner of the business, and also owns the building and property in which it will be located. The applicant intends to be open from 5:00 p.m. to 10:00 p.m. Tuesday through Friday, and from 2:00 p.m. to 10:00 p.m. on weekends serving beer, wine, coffee, teas and appetizers.

ACTION:

Mayor Pro Tem Clark moved, with Councillor Johnson seconding to approve the liquor license for the Independence Cafe at 555 Clinton Street. The motion carried unanimously.

15. Adoption of Ordinance No. 07-13 Amending the Official Zoning Map to Rezone the Woodford Addition as "R" Residential District

Town Clerk's Notice of Public Hearing dated 7-13-07.

Manager Clifton explained the draft ordinance zones the annexation of the Woodford Addition as residential, in accordance with the master plan. The ordinance references the plat and the list of conditions on the map.

There was discussion between the Council and staff regarding the zoning designation being placed as residential or future development.

Councillor Fitzhugh moved to adopt Ordinance No. 07-13 Amending the Official Zoning Map to Rezone the Woodford Addition as "R" Residential District and Councillor Johnson seconded the motion. There was discussion and Councillor Fitzhugh withdrew the motion, and Councillor Johnson the second.

ACTION:

It was moved by Mayor Pro Tem Clark seconded by Councilmember Hebert and carried with Councillors Fitzhugh and Johnson voting no to direct staff to change Ordinance No. 07-13 to zone the Woodford Addition as "FD" Future Development District.

16. Adoption of Ordinance No. 07-12 Amending the Official Zoning Map to Designate Lots 15 and 16, Block 22, known as 123 S. Laura Street, as Downtown Service District

Town Clerk's Notice of Public Hearing dated 7-13-07.

ACTION:

It was moved by Councillor Fitzhugh with a second by Mayor Pro Tem Clark to adopt Ordinance No. 07-12 Amending the Official Zoning Map to Designate Lots 15 and 16, Block 22, known as 123 S. Laura Street, as Downtown Service District. The motion carried unanimously.

The Council took a recess at 7:40 p.m. and reconvened the meeting at 7:55 p.m.

LAND USE ISSUES

17. Recommendation from Planning and Zoning Commission to approve rezoning Lots 6, 7 and a ½ of Lot 8, Block 22 (767 Sherman Street) to Downtown Service District

Letter from applicant dated 6-15-07 presenting an analysis of impacts on the neighbors and parking as they relate to the requests. Staff Report dated 7-31-07 from the Town Manager and Planning Assistant pertaining to the application for rezoning to downtown service.

The Town Manager presented a recommendation from the Planning and Zoning Commission meeting of 7-31-07 to approve the rezoning of Lots 6, 7 and ½ of Lot 8, Block 22 to Downtown Service District zoning. He explained the applicant will be conducting yoga classes in the home, and renting a professional office to a massage therapist.

ACTION:

Mayor Pro Tem Clark moved to accept the recommendation from the Planning and Zoning Commission and introduce Ordinance No. 07-17 Amending the Official Zoning Map to Designate Lots 6, 7 and ½ of Lot 8, Block 22, known as 767 Sherman Street, as Downtown Service District Councillor Johnson seconded the motion and it carried unanimously.

this winter. He asked the Building Inspector to present some of the items that will be considered, and requested Council feedback.

Inspector Bill Behan presented some ideas being used in other municipalities which are based on size of home; solar heating of hot water; and reducing building permit fees. He asked the Council if they would like the program to be geared towards offering strong monetary incentives, or a checklist of green building items that are mandatory, and the consumer will save money down the road.

There was discussion and it was agreed that the committee should focus on mandatory plus incentives.

15. Introduction of Ordinance No. 07-15 Amending the Official Zoning Map to Designate the Riversage Addition as a "FD" Future Development District

Town Manager Clifton explained the Riversage Addition was annexed in January and is currently before the Planning Commission with an application for preliminary plat. He suggested the property be zoned future development and after preliminary plat approval, it can be rezoned to residential.

There was discussion between the Council, staff and applicant, Rick Weaver.

ACTION:

It was moved by Mayor Pro Tem Clark with a second by Councillor Fitzhugh to introduce Ordinance No. 07-15 Amending the Official Zoning Map to Designate the Riversage Addition as an "FD" Future Development District. The motion carried unanimously.

16. Request to extend time for compliance with conditions of preliminary plat approval for The Preserve Subdivision

The Town Manager distributed a letter received from Joseph Solomon, the applicants attorney, formally requesting an extension of preliminary plat approval for one year from today's date, to allow time for Army Corp of Engineers application process.

ACTION:

On a motion by Councillor Fitzhugh with a second by Councilmember Johnson the motion to approve the request to approve an extension of time for one year, to comply with the conditions of preliminary plat approval carried unanimously.

17. Introduction of Ordinance No. 07-13 Amending the Official Zoning Map to Designate the Woodford Addition as a "FD" Future Development District

Manager Clifton explained at the July meeting the Council introduced an ordinance zoning the Woodford Addition as residential. At the subsequent meeting staff was asked to prepare another ordinance designating the property with future development zoning. Since that time the Council has received communications from the applicants attorney and confidential communications from the Town Attorney. He explained contents of the annexation agreement, subdivision review process and preliminary plat approval locks into place items the Council would like to have addressed in the subdivision process. Approval

of the ordinance as being presented, would require an amendment to the annexation agreement.

Applicant Rahn Zaccari explained three years ago the process began with discussion regarding the vision the Council would like to see in the project. To comply with preliminary plat requirements, obtaining a permit from the Army Corp of Engineers for wetland mitigation is needed. He reported he is currently in the application process with the Corp.

There was discussion between the Council, the applicant and his Attorney, Joe Soloman. Mr. Soloman encouraged the Council to zone the property residential, to allow for conformance with the annexation agreement.

ACTION:

Mayor Pro Tem Clark moved to reintroduce Ordinance No. 07-13 Amending the Official Zoning Map to Designate The Woodford Addition as an "R" Residential Development District. Councillor Fitzhugh seconded. The motion carried unanimously.

18. Increase in contract expenditures for wastewater plant sludge removal due to increased quantities for removal

Town Engineer Fagan explained the bid for removal of sludge from the wastewater plant was awarded for removal of 78 tons, and there were 87. The contract was originally approved at \$75,000, but an additional \$7,000 will need to be expended.

ACTION:

On a motion by Councillor Hebert with a second by Mayor Pro Tem Clark the motion to approve the expenditure of an additional \$7,000 for sludge removal carried unanimously.

19. Approval of bid for installation of trees on Green Street in Parkside Subdivision

Proposal from L.B. Landscapes to install trees and irrigation system on Green Street within the Parkside Subdivision.

The Town Manager explained at a prior meeting the Council approved sharing in the cost with the developer of Parkside Subdivision, for planting of trees and installation a drip irrigation system, along Green Street. He presented a proposal for fall planting of flowering crabapple and cottonwood trees, and a drip irrigation system which will use Town potable water.

ACTION:

It was moved by Councilmember Fitzhugh with a second by Councillor Johnson to approve the bid from L.B. Landscapes to install trees and a drip irrigation system on Green Street. The motion carried unanimously.

The Council took a recess at 7:25 p.m. and the meeting reconvened at 7:40 p.m.

20. Discussion regarding affordable housing and possible acquisition of residential structure at 260 S. Charlotte

ACTION:

Councillor Johnson moved, with Councilmember Fitzhugh seconding the motion to approve placement of a stone bench and plaque, in memory of Brian Callaway, in the swale of Cottonwood Park. The motion carried unanimously.

11. Proposed Eagle Scout community project to construct a sign kiosk in Town Park

Town Manager Greg Clifton explained the Town has supported two Eagle Scout projects within the last year, and both were successfully completed. The Town has been approached by Tommy Stovicek who would like to conduct a project, in which the Town would provide the materials.

Mr. Stovicek explained to the Council he and the Town Manager have discussed a number of potential projects. They agreed upon rebuilding the sign in Town Park which presents the history of the railway and the Uncompahgre Riverway Trail System. The existing sign is deteriorating, the wood and plexiglas need to be replaced, and the roof is not sufficient to keep the weather off the panels. He proposed to create a three sided kiosk which would house the two existing sign panels, and provide a community bulletin board. He estimated he could begin assembling the project by the end of October and the sign could be erected by the end of November.

The Council agreed to the concept. It was agreed the kiosk would be three sided, located on the west side of the sidewalk from the existing sign, have a broad roof to protect the panels, and would be installed into the existing lawn so that sod would be at the base of the sign, not cement.

ACTION:

Councillor Hebert moved to authorize staff to work with Tommy Stovicek to place an informational kiosk in Town Park. Councillor Johnson seconded the motion and it carried unanimously.

12. Request to participate in use of proposed storage facility at Athletic Park

Michelle Kyne addressed the Council on behalf of the Ridgway-Ouray Soccer Association. She explained the organization currently uses a portion of the storage closet in the restrooms at the Athletic Park to store chalk and field marking equipment. She noted they also have balls and jerseys which need to be stored. She suggested participating with the Town in the proposed construction of storage building to house Town equipment in the park, noting they would need a 10x8 space.

Manager Clifton agreed with the concept and reported the building will probably be constructed at the end of the summer in 2008, after a drainage assessment and wetlands delineation is made of the proposed site.

PUBLIC HEARINGS

13. Adoption of Ordinance No. 07-13 Amending the Official Zoning Map to Designate the Woodford Addition as an "R" Residential Development District

The Town Manager reported all proper notices have been provided.

ACTION:

Councillor Johnson moved to adopt Ordinance No. 07-13 Amending the Official Zoning Map to Designate The Woodford Addition as an "R" Residential Development District. Councillor Fitzhugh seconded. The motion carried unanimously.

14. Introduction of Ordinance No. 07-15 Amending the Official Zoning Map to Designate the RiverSage Addition as an "FD" Future Development District

ACTION:

It was moved by Councilmember Hebert with a second by Councillor Fitzhugh to adopt Ordinance No. 07-15 Amending the Official Zoning Map to Designate the RiverSage Addition as an "FD" Future Development District. The motion carried unanimously.

LAND USE ISSUES

15. Recommendation from Planning Commission to approve Amended Plat for Lot 302, River Park PUD, Filing 1; Zoned: Residential (R); Applicant: Bridger Construction Services

Recommendation from the Planning & Zoning Commission meeting of September 25th recommending approval of amended plat for Lot 302, River Park PUD, Filing 1.

Planning Assistant Coates presented an overview of the proposal. She explained the property is platted for a three plex, and the request is to allow a duplex and single family unit instead.

There was discussion between the Council and staff. The Council agreed with the concept, noting the structure would have less mass and scale, yet the density would remain the same.

ACTION:

Councillor Fitzhugh moved, with Councillor Hebert seconding to approve the application to amend the plat for Lot 302, River Park PUD, Filing 1 to allow one single family home and one duplex. The motion carried unanimously.

POLICY MATTERS

16. Consideration of Intergovernmental Agreement Between the City of Ouray, Colorado, The Town of Ridgway, Colorado, and the Board of County Commissioners of Ouray County Establishing a Multijurisdictional Housing Authority

The Town Manager noted the Council is aware of the progress and processes regarding preparation of the intergovernmental agreement between the City of Ouray, County of Ouray and the Town to create a joint affordable housing authority. Sandy Stuller has been assisting the agencies in preparing the document. He asked the Council to consider adopting the agreement conditioned on review by the Town Attorney.

Redline changes reflected here are changes from the ordinance introduced by the Council in late 2017 to reflect the terms of bid documents and to update any rate or service changes with the new contract.

AN ORDINANCE OF THE TOWN OF RIDGWAY, COLORADO AMENDING CHAPTER 9 OF THE RIDGWAY MUNICIPAL CODE TO PROVIDE FOR MANDATORY ANIMAL-RESISTANT TRASH CONTAINERS FOR ALL PROPERTIES WITHIN THE TOWN OF RIDGWAY, DEFINING ANIMAL-RESISTANT CANS, CONTAINERS AND DUMPSTERS, AND AMENDING THE SHORT-TERM RENTAL REGULATIONS IN CHAPTER 7-3 TO REFERENCE THE ENTIRE CHAPTER 9-2 FOR TRASH AND RECYCLING UTILITY SERVICES, AND REVISING REGULATIONS AND RATES FOR TOWN CURBSIDE SOLID WASTE AND RECYCLING SERVICE,-

WHEREAS, the Town Council of the Town of Ridgway desires to ensure the safety of the community and the safety of our wildlife; and

WHEREAS, when wildlife has access to trash, it brings them closer to our homes, businesses and public spaces, creating a potentially dangerous situation for animals and people and creating a nuisance for the community by distributing trash; and

WHEREAS, the Town Council desires to compel compliance with Town regulations making trash inaccessible to animals; and

WHEREAS, the Town has received numerous complaints on bears in town accessing garbage, and birds distributing trash from open trash receptacles into the streets and public places; and

WHEREAS, the Town's current regulations in Chapter 9 Section 2 state "Animal resistant cans and containers are preferred"; and

WHEREAS, the Town Council has discussed the necessity of requiring animal-resistant cans and containers for a number of years and the past couple of years have seen an increase in wildlife access to garbage throughout the Town; and

WHEREAS, the Town of Ridgway Municipal Code Section 2-4 currently provides for Administrative Enforcement of the Ridgway Municipal Code including issuance of Notices of Violation and Citations for violations of the Ridgway Municipal Code including violations of Chapter 9 Section 2, with penalties assessed from \$150 for the first citation and up to \$999 for the third violation; and

WHEREAS, the Town of Ridgway needs to revise its regulations and rates to dovetail with the provisions of its contract for Solid Waste Collection services,

WHEREAS, the Town Council has determined it is necessary and appropriate to change the Town's regulations for trash to preserve the public health, safety and welfare of the Ridgway community.

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF RIDGWAY, COLORADO, as follows:

SECTION 1.

Subsection 9-2-1(C) is added, as follows:

* * *

(C) Any trash hauler who provides a refuse container to a town customer shall only provide animal-resistant refuse cans, animal-resistant containers or animal-resistant dumpsters, which meet the requirements set forth herein or is approved by a Town-designated official.

* * *

Subsection 9-2-4(D) of the Ridgway Municipal Code, is amended, as follows:

* * *

(D) All refuse cans and refuse containers shall be animal-resistant, except for those cans and containers used for yard-trimmings such as grass, leaves and branches. Animal-resistant refuse cans and animal-resistant refuse containers means a fully enclosed container that can be constructed of pliable materials, but must be reinforced to deter access by wildlife. The container must employ a sturdy lid that has a latching mechanism preventing access to its contents by wildlife. Wildlife Resistant Containers must meet the standards of testing by the Living With Wildlife Foundation and a “passing” rating by the Interagency Grizzly Bear Committee (IGBC) as bear resistant for 60 minutes ~~or otherwise be approved by a City designated official.~~

* * *

Subsection 9-2-4(H) of the Ridgway Municipal Code, is amended, as follows:

* * *

(H) When common dumpsters are used, they shall be screened by fencing. All common dumpsters shall be animal-resistant. Animal-resistant dumpster enclosure means an enclosed structure consisting of four (4) sides and a secure metal door or cover, which shall have a latching device of sufficient design and strength to prevent access by wildlife.

* * *

Subsection 9-2-4(I) of the Ridgway Municipal Code is added, as follows:

* * *

(l) If a container or enclosure is damaged, allowing access by wildlife, repairs must be made within seventy-two hours after written notification by a Town official.

* * *

SECTION 2.

Subsection 7-3-13(l)(3)(d) of the Ridgway Municipal Code regarding Short Term Rentals, is amended as follows:

* * *

(d) Adequate animal-resistant trash and recycle containers shall be provided and information on placement for collection shall be provided in the short-term rental as stated in Ridgway Municipal Code Section 9-2.

* * *

SECTION 3.

Subsections 9-2-3(A), 9-2-6, and 9-2-7 of the Ridgway Municipal Code are amended to read as follows.

9-2-3. CHARGES FOR REFUSE COLLECTION SERVICES.

(A) (1) The base monthly charge for recycling services for each residential dwelling unit shall be \$ _____ for weekly pick up of one Town or contractor supplied recyclable container.

(2) The base monthly charge for each single family residential dwelling unit shall be:

(a) \$ _____ for customers using up to **65 gallons** of customer provided **animal-resistant** cans or an **animal-resistant** poly cart acceptable to contractor; customers may arrange to lease or purchase an **animal-resistant** poly cart from contractor.

(3) Unless the Town authorizes the use of individual cans or containers, the base monthly charge for lots with three or more dwelling units in one or more buildings, shall be \$ _____ for each one-yard **animal-resistant** common dumpster, plus \$ _____ for each two-yard **animal-resistant** common dumpster, plus \$ _____ for each three yard **animal-resistant** common dumpster utilized by the customer.

(4) In addition to the base monthly charge customers shall be subject to a fuel surcharge as set out by the Town's current solid waste collection contract as authorized by the Town Council.

Note: We may also need to:

Update Recyclables or other updated contract provisions;

Declare an emergency to have rates be consistent with contract date of June 1, 2018.

INTRODUCED before the Town Council of the Town of Ridgway, Colorado on the ____ day of _____, 2017

TOWN OF RIDGWAY, COLORADO, A HOME-RULE
MUNICIPALITY

By _____
John Clark, Mayor

ATTEST:

Pam Kraft, MMC, Town Clerk

Approved As to Form:

BO JAMES NERLIN, Town Attorney

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Ridgway, Colorado, this ____ day of _____, 201~~8~~⁷.

TOWN OF RIDGWAY, COLORADO, A HOME-RULE
MUNICIPALITY

By _____
John Clark, Mayor

ATTEST:

Pam Kraft, MMC, Town Clerk

Approved As to Form:

BO JAMES NERLIN, Town Attorney

CERTIFICATE OF TOWN CLERK

The foregoing Ordinance was introduced at a meeting of the Ridgway Town Council on _____, 201~~7~~⁸, published by title and posted thereafter, and adopted by the Ridgway Town Council on _____, ~~2017~~²⁰¹⁸.

(SEAL)

Pam Kraft, MMC, Town Clerk

Resolution No. 18-04

Resolution of the Town Council of Ridgway, Colorado Supporting an Application to the State of Colorado Creative Industries Division for Recertification of the Ridgway Creative District as a Colorado Certified Creative District

WHEREAS, Colorado's Creative Industries Division (CCI), within the Office of Economic Development and International Trade, was established in July 2010 to capitalize on the immense potential for Colorado's creative sector to enhance economic growth in Colorado, and

WHEREAS, CCI administers the Colorado Creative District program which recognizes districts that are contributing to Colorado's economy through creativity, culture, and the arts, as enabled in 2011 by State legislation (HB11-1031) to support the development of creative districts around the state, in order to:

- attract creative entrepreneurs and artists to a community, infusing new energy and innovation which in turn will enhance the economic and civic capital of the community;
- create hubs of economic activity, thereby enhancing the area as an appealing place to live, visit and conduct business, as well as create new economic activity;
- attract visitors;
- revitalize and beautify communities;
- provide a focal point for celebrating and strengthening a community's unique identity;
- showcase cultural and artistic organizations, events, and amenities,
- improve the quality of life of Colorado residents, and

WHEREAS, 2018 is the year that the five creative districts certified by the State in 2013 must re-apply for another 5 years as Colorado certified creative districts, should they choose to do so, in order to be eligible for grants and technical assistance through CCI, and

WHEREAS, certified districts must meet the following criteria:

- Clearly define their unique place and niche, and identify what sets them apart,
- Comprise a geographically contiguous area that is walkable and/or easily navigable,
- Be distinguished by physical, artistic, or cultural resources that play a vital role in the quality of life of the community, including its economic and cultural development,
- Be the site of a concentration of artistic and cultural activity, a major arts/culture facility, arts and entertainment businesses, arts and cultural activities, or artistic/cultural and creative sector production,
- Be engaged in promotion, preservation, and educational aspects of arts and culture, providing interpretive, education or entertainment uses,
- Employ a paid district program manager (full- or part-time),
- Utilize a strategic plan (preferably covering 3-5 years),
- Have an advisory or governing board and broad community support and buy-in,
- Have a cash operating budget of at least \$10,000, and

WHEREAS, the original Ouray County Creative District Committee was formed in 2011 as a result of the Ouray County Bottom Up Economic Development Planning, and Goal #3 of the final plan was to “Use HB 11-1031 to Define a Creative District within Ouray County to Obtain Funding to Promote Creative (Artistic) Industries and Cultural Heritage”, and

WHEREAS, the Ridgway Creative District Committee formed in May 2012 and has met monthly since then, making excellent progress on the district’s 2013 Strategic Plan goals and its annual work plans (in conjunction with Town Council and Staff), including identity development; collaboration with creative sector individuals, businesses, and organizations; promotional strategies; and strengthened recognition of Ridgway as a creative place; and

WHEREAS, the Ridgway Creative District continues to actively cultivate a vibrant creative community (its tagline!), having contributed to the activation of the creative sector through:

- its MoonWalk event series highlighting Creatives,
- leveraging its status to obtain and manage funding for the design and installation of creative furnishings and sculptures within Ridgway’s major downtown infrastructure project,
- its advocacy for the selection of Ridgway by Colorado Space to Create to plan, design, and construct a multi-million dollar facility to provide long-term affordable and financially sustainable workforce housing and working spaces for creative sector employment,
- its creation of a directory of local Creatives,
- its adoption and implementation of a phased wayfinding and signage plan, and
- its founding membership, in collaboration with the Ridgway Area Chamber of Commerce, in the recently grant-funded Colorado Creative Corridor to increase visitation and provide unique experiences along a route leading more than 300 miles between five creative district destinations (Carbondale, Salida, Paonia, Crested Butte, and Ridgway).

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF RIDGWAY, COLORADO that the Town Council supports an application to the State of Colorado to re-certify the Ridgway Creative District.

PASSED AND APPROVED this 14th day of March, 2018.

TOWN OF RIDGWAY

John I. Clark, Mayor

ATTEST

Pam Kraft, MMC, Town Clerk

CORRECTION EASEMENT

THIS CORRECTION EASEMENT is made this ____ day of _____, 2017 by and between Acroama Holdings, LLC, a Colorado limited liability company ("Acroama"), and Shepherd's Song Ltd., LLC, a Colorado limited liability company ("Shepherd's Song") (Acroama and Shepherd's Song shall be collectively referred to as "Grantors"); and the Town of Ridgway, Colorado, a Colorado home rule municipality ("Grantee" or the "Town"). Grantors and Grantee are each referred to herein as "Party" and collectively as the "Parties."

RECITALS:

A. Grantee entered into a Pipeline Easement dated May 8, 1980 and recorded May 13, 1980 in Book 194, Pages 526 – 527, in the real property records of the office of the Ouray County Clerk and Recorder (the "1980 Pipeline Easement"), with Rosamond Rohlf's Zetterrolm and Anna Louise Rohlf's Sanders (First Party under the 1980 Pipeline Easement).

B. Acroama is the current owner of real property more particularly described on Exhibit A, attached hereto and incorporated herein (the "Acroama Property") and is a successor in interest to the First Party under the 1980 Pipeline Easement.

C. Shepherd's Song is the current owner of real property more particularly described on Exhibit B, attached hereto and incorporated herein (the "Shepherd's Song Property") and is a successor in interest to the First Party under the 1980 Pipeline Easement.

D. The 1980 Pipeline Easement, subject to certain conditions contained therein, granted the Town a fifteen foot (15') perpetual easement over portions of Grantors' properties to construct, maintain and repair underground pipelines and mains for the purpose of conveying water over, across, through and under the easement area described therein.

E. The water pipeline was constructed, installed and completed by Grantee (the "Pipeline") over portions of Grantors' properties.

F. The true location of the Pipeline installed by the Town is partially outside of the easement area described in the 1980 Pipeline Easement.

G. The Parties wish to enter into this Correction Easement to provide a full, correct legal description of the easement described in the 1980 Pipeline Easement, to correctly identify the location of the Pipeline and provide a correct easement location therefor, and to terminate in its entirety the 1980 Pipeline Easement and substitute this Correction Easement therefor, all on the terms and conditions contained herein.

NOW, THEREFORE, for ten dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned Parties agree as follows:

EASEMENT:

1. **Recitals Correct.** The Parties represent that the above Recitals are true and correct, and the foregoing Recitals are incorporated herein by reference.

2. **Grant of Easement by Grantors.** Acroama, with respect to the Acroama Property, and Shephard Song, with respect to the Shepherd's Song Property, hereby grant, convey and deliver to Grantee, upon the terms and conditions set forth herein, a perpetual easement fifteen feet (15') in width, on the Acroama Property and the Shepherd's Song Property, respectively, within the easement area as further legally described and depicted on Exhibit C attached hereto and incorporated herein (the "Easement Detail"), for the purposes of entering upon said properties for constructing, maintaining and repairing underground pipelines and mains for conveying water over, across, through, and under said lands together with the right to excavate and rebuild ditches and trenches for the location of said pipelines and mains, and the right to remove trees, but not to exceed three (3) ponderosa pines, bushes, undergrowth and other obstructions interfering with the location, construction and maintenance of said pipelines and mains.

3. **Perpetual Easement.** The easements granted hereby shall be permanent, perpetual and run with the land, and may not be transferred, assigned or conveyed apart or separately from the Acroama Property (with respect to the easement burdening that property) or the Shepherd's Song Property (with respect to the easement burdening that property).

4. **Termination of 1980 Pipeline Easement.** The Parties acknowledge and agree that the 1980 Pipeline Easement is hereby terminated, abandoned and of no further force and effect in its entirety.

5. **Use by Acroama.** Acroama, with respect to Acroama's Property, expressly reserves the right to use the Easement Detail area in any manner that does not unreasonably interfere with the use of the Easement Detail area by Grantee.

6. **Not a Public Dedication.** Nothing herein contained shall be deemed to be a gift or dedication of the Easement Detail area or any portion thereof to the general public, or for any public use or purposes whatsoever except as specifically set forth herein. Except as herein specifically provided, no right, privileges or immunities of any party shall inure to the benefit of any third party, nor shall any third party be deemed to be a beneficiary of any of the provisions contained herein.

7. **Enforcement.** This Correction Easement may be enforced by any of the parties hereto and their respective successors and assigns; and in the event legal or administrative suits or proceedings are brought against any party for the purpose of such enforcement, the prevailing party or parties shall recover from the non-prevailing party or parties all costs associated therewith, including, without limitation, reasonable attorneys' fees and legal costs.

8. **E-Mail Transmissions; Counterparts.** Original signatures of the parties hereto on copies of this Correction Easement transmitted by e-mail (PDF) shall be deemed originals for all purposes hereunder and such copies shall be binding on all parties hereto. This Correction

Easement may be executed in any number of counterparts, each of which shall be deemed to be an original and all of which together shall be deemed to be one and the same instrument.

9. Notice. Any demand, notice or other communication required or permitted under or in connection with the transactions contemplated by this Correction Easement shall be in writing and shall be deemed to be effective when delivered in person, or deposited in the United States mail and sent by certified mail, return receipt requested, postage prepaid, addressed as follows. Email shall be permitted for communications under this instrument.

To Acroama:

Adam E. Max
The Jordan Company
399 Park Avenue, 30th Floor
New York, NY 10022
Tel.: 212.572.0820
E-Mail: amax@thejordancompany.com

With a copy to:

Michael J. Lynch, Esq.
Robinson Waters & O'Dorisio, P.C.
P.O. Box 2636
Telluride, CO 81435
Tel.: 970.728.3029
E-Mail: mlynch@rwolaw.com

To Shepherd's Song:

Shepherd's Song LLC

Tel.: _____
E-Mail: _____

To Grantee:

Town Manager
Town of Ridgway
PO Box 10
Ridgway, CO 81432
Tel.: 970.626-5308
E-Mail: jcoates@town.ridgway.co.us

10. Applicable Law. This Correction Easement is made and entered into pursuant to, and shall be governed by and construed in accordance with, the laws of the State of Colorado. Venue shall be in the Ouray County District Court.

IN WITNESS WHEREOF, the Parties indicate their acceptance of the terms and conditions

of this Correction Easement by affixing their respective signatures hereto.

GRANTOR:

Acroama Holdings, LLC, a Colorado limited liability company,

By: _____
Adam E. Max, Manager

STATE OF _____ }

}

COUNTY OF _____ }

The foregoing instrument was acknowledged before me this ____ day of _____, 2017 by Adam E. Max, as Manager of Acroama Holdings, a Colorado limited liability company.

My commission expires: _____

Notary Public

GRANTOR:

Shepherd's Song Ltd., LLC, a Colorado limited liability company,

By: _____
_____, Authorized Agent

STATE OF _____ }

}

COUNTY OF _____ }

The foregoing instrument was acknowledged before this ____ day of _____, 2017 by _____, as Authorized Agent of Shepherd's Song Ltd., LLC, a Colorado limited liability company.

My commission expires: _____

Notary Public

GRANTEE:

Town of Ridgway, Colorado, a Colorado home rule municipality,

By: _____
Jennifer Coates, Town Manager

Attest: _____

STATE OF _____ }

}

COUNTY OF _____ }

}

The foregoing instrument was acknowledged before this ____ day of _____, 2017 by Jennifer Coates as Town Manager of the Town of Ridgway, Colorado, a home rule municipality.

My commission expires: _____

Notary Public

EXHIBIT A
[ACROAMA PARCEL]

EXHIBIT B
[SHEPERD'S SONG PARCEL]

EXHIBIT C
[EASEMENT DETAIL]

12 – 12.16

September 14, 2016

Ms. Joanne Fagan
P. O. Box 10,
Ridgway, Co. 81432

Re: Boundary description, water transmission line easement from Lake Otonowanda, revised 9/22/16.

Dear Joanne:

The included description is based upon a cad file of an ALTA survey by Del-Mont Consultants Inc that you provided me. I did not do any field work in regard to this easement. I have carefully reviewed it and sign and seal it to be accurate to the best of my knowledge and belief as described. Any change, addition or deletion of any part of this description will act to void any warranty or responsibility, express or implied, that I may have towards the subject property. It is my understanding of the law that any responsibilities or warranties relieved of me in the above manner will automatically flow to the party responsible for the changes.

The following is the description herein referred to:

An existing permanent water line easement, fifteen feet (15') in width, centered on the existing as constructed Town of Ridgway water transmission line crossing the SW¼ of Section 29, the E½ NE¼ of Section 31, and the NW¼ NW¼ of Section 32, all in T 45 N, R 8 W, New Mexico Principal Meridian, originally conveyed to the Town of Ridgway, Colorado by the instrument recorded in the office of the Clerk and Recorder of Ouray County, Colorado on May 13, 1980 under Reception No. 128306, the centerline of said easement being generally described as follows:

Beginning at a point on the Northerly line of that certain parcel of land designated as "Outlet Property" in the instrument recorded in the said office of the Clerk and Recorder of Ouray County on May 12, 2014 under Reception No. 212026 whence the quarter section corner

common to said Sections 31 and 32 (an X chiseled in an existing rock outcrop) bears S 08° 59' 30" E, 1336.70 feet, considering the line between the Northwest sixteenth section corner of said Section 32 and the North sixteenth section corner common to said Sections 31 and 32 (both rebar with 1-1/2" metal cap monuments stamped PLS 10738) to bear N 89° 29' 13" W and all other bearings to be relative thereto; thence N 09° 07' 16" W, 112.27 feet; thence N 01° 18' 58" W, 62.33 feet; thence N 18° 59' 55" E, 50.61 feet; thence N 24° 29' 39" E, 45.20 feet; thence N 56° 02' 19" E, 27.64 feet; thence N 72° 10' 35" E, 142.92 feet; thence N 67° 15' 44" E, 136.71 feet; thence N 61° 29' 54" E, 117.06 feet; thence N 59° 27' 37" E, 106.56 feet; thence N 52° 30' 40" E, 37.28 feet; thence N 36° 32' 09" E, 95.83 feet; thence N 40° 58' 41" E, 115.82 feet; thence N 31° 04' 10" E, 88.36 feet; thence N 10° 49' 55" E, 77.23 feet; thence N 01° 59' 02" W, 195.19 feet; thence N 12° 50' 17" E, 26.24 feet; thence N 25° 27' 11" E, 90.22 feet; thence N 21° 42' 48" E, 181.09 feet; thence N 24° 33' 24" E, 110.67 feet; thence N 20° 17' 13" E, 62.92 feet; thence N 21° 42' 12" E, 71.86 feet; thence N 17° 14' 03" E, 115.45 feet; thence N 14° 55' 56" E, 197.98 feet; thence N 12° 11' 43" E, 96.64 feet; thence N 24° 16' 47" E, 114.27 feet; thence N 22° 56' 01" E, 139.59 feet; thence N 24° 55' 22" E, 122.33 feet; thence N 26° 59' 34" E, 163.71 feet; thence N 27° 51' 26" E, 165.18 feet; thence N 20° 20' 48" E, 86.25 feet; thence N 12° 09' 48" E, 92.37 feet; thence N 21° 05' 26" E, 132.79 feet; thence N 11° 13' 49" E, 138.86 feet; thence N 04° 44' 54" E, 119.96 feet; thence N 03° 04' 07" E, 214.62 feet; thence N 04° 12' 41" W, 76.56 feet; thence N 07° 05' 17" E, 223.34 feet; thence N 10° 48' 43" E, 217.30 feet; thence N 31° 21' 00" E, 104.82 feet; thence N 34° 36' 59" E, 112.75 feet; thence N 08° 29' 26" E, 35.46 feet to the North line of the said SW¼ of Section 29.

County of Ouray,
State of Colorado.

You are hereby notified that according to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event, may any legal action based upon any defect in this survey be commenced more than ten years from the date of the certification evidenced by this letter.

If you have any questions regarding this description or if I can be of further service to you, please do not hesitate to contact me.

Sincerely,

Jessie J. Messenger, P.L.S.
Jjm

An existing permanent water line easement, fifteen feet (15') in width, centered on the existing as constructed Town of Ridgway water transmission line crossing the SW¼ of Section 29, the E½ NE¼ of Section 31, and the NW¼ NW¼ of Section 32, all in T 45 N, R 8 W, New Mexico Principal Meridian, originally conveyed to the Town of Ridgway, Colorado by the instrument recorded in the office of the Clerk and Recorder of Ouray County, Colorado on May 13, 1980 under Reception No. 128306, the centerline of said easement being generally described as follows:

Beginning at a point on the Northerly line of that certain parcel of land designated as "Outlet Property" in the instrument recorded in the said office of the Clerk and Recorder of Ouray County on May 12, 2014 under Reception No. 212026 whence the quarter section corner common to said Sections 31 and 32 (an X chiseled in an existing rock outcrop) bears S 08° 59' 30" E, 1336.70 feet, considering the line between the Northwest sixteenth section corner of said Section 32 and the North sixteenth section corner common to said Sections 31 and 32 (both rebar with 1-1/2" metal cap monuments stamped PLS 10738) to bear N 89° 29' 13" W and all other bearings to be relative thereto; thence N 09° 07' 16" W, 112.27 feet; thence N 01° 18' 58" W, 62.33 feet; thence N 18° 59' 55" E, 50.61 feet; thence N 24° 29' 39" E, 45.20 feet; thence N 56° 02' 19" E, 27.64 feet; thence N 72° 10' 35" E, 142.92 feet; thence N 67° 15' 44" E, 136.71 feet; thence N 61° 29' 54" E, 117.06 feet; thence N 59° 27' 37" E, 106.56 feet; thence N 52° 30' 40" E, 37.28 feet; thence N 36° 32' 09" E, 95.83 feet; thence N 40° 58' 41" E, 115.82 feet; thence N 31° 04' 10" E, 88.36 feet; thence N 10° 49' 55" E, 77.23 feet; thence N 01° 59' 02" W, 195.19 feet; thence N 12° 50' 17" E, 26.24 feet; thence N 25° 27' 11" E, 90.22 feet; thence N 21° 42' 48" E, 181.09 feet; thence N 24° 33' 24" E, 110.67 feet; thence N 20° 17' 13" E, 62.92 feet; thence N 21° 42' 12" E, 71.86 feet; thence N 17° 14' 03" E, 115.45 feet; thence N 14° 55' 56" E, 197.98 feet; thence N 12° 11' 43" E, 96.64 feet; thence N 24° 16' 47" E, 114.27 feet; thence N 22° 56' 01" E, 139.59 feet; thence N 24° 55' 22" E, 122.33 feet; thence N 26° 59' 34" E, 163.71 feet; thence N 27° 51' 26" E, 165.18 feet; thence N 20° 20' 48" E, 86.25 feet; thence N 12° 09' 48" E, 92.37 feet; thence N 21° 05' 26" E, 132.79 feet; thence N 11° 13' 49" E, 138.86 feet; thence N 04° 44' 54" E, 119.96 feet; thence N 03° 04' 07" E, 214.62 feet; thence N 04° 12' 41" W, 76.56 feet; thence N 07° 05' 17" E, 223.34 feet; thence N 10° 48' 43" E, 217.30 feet; thence N 31° 21' 00" E, 104.82 feet; thence N 34° 36' 59" E, 112.75 feet; thence N 08° 29' 26" E, 35.46 feet to the North line of the said SW¼ of Section 29.

County of Ouray,
State of Colorado.

(3-1/4" METAL CAP
WITNESS MONUMENT
STAMPED PLS 10738)

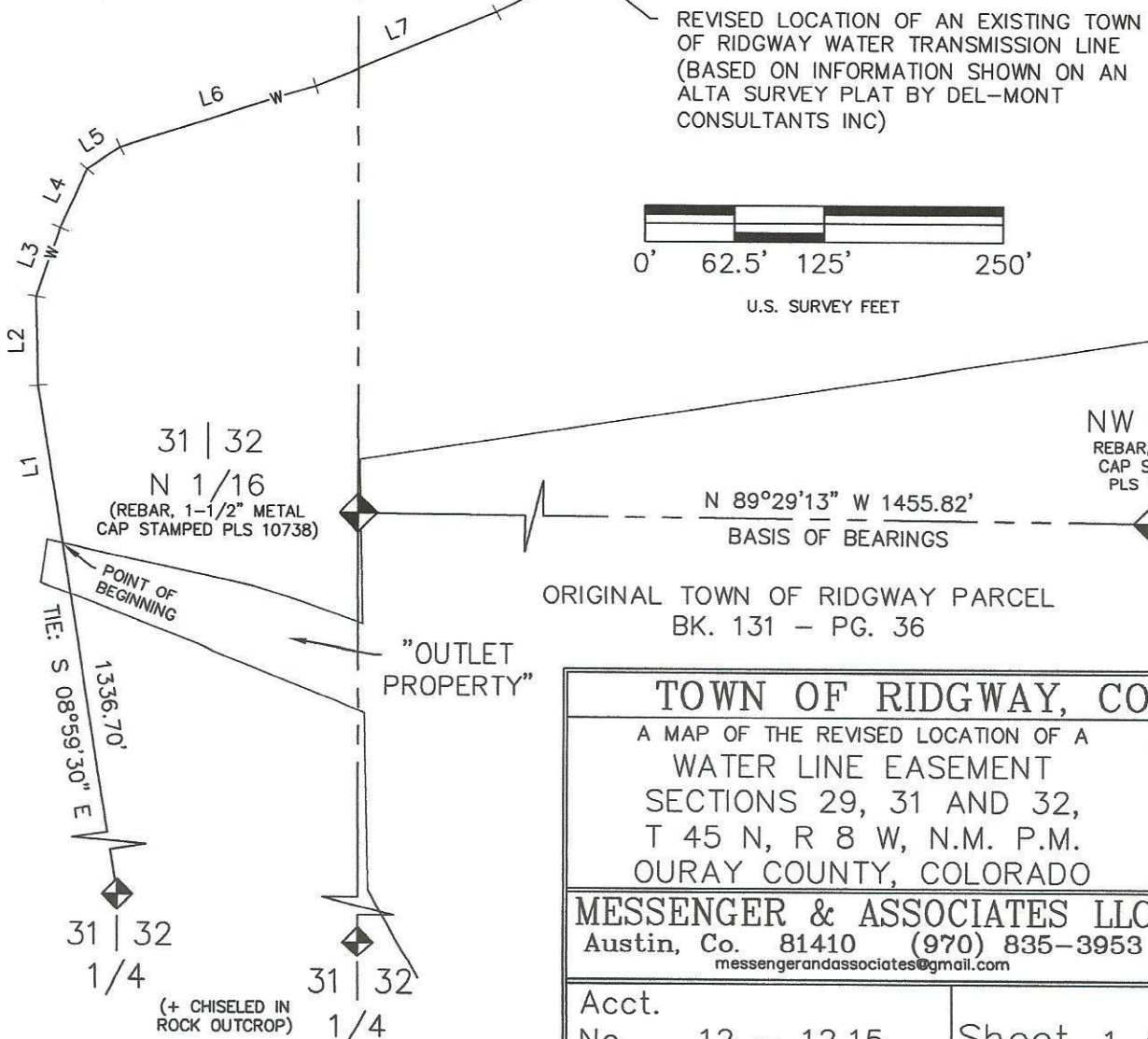
30 | 29
31 | 32



LINE	BEARING	DISTANCE
L1	N 09°07'16" W	112.27'
L2	N 01°18'58" W	62.33'
L3	N 18°59'55" E	50.61'
L4	N 24°29'39" E	45.20'
L5	N 56°02'19" E	27.64'
L6	N 72°10'35" E	142.92'
L7	N 67°15'44" E	136.71'
L8	N 61°29'54" E	117.06'
L9	N 59°27'37" E	106.56'
L10	N 52°30'40" E	37.28'
L11	N 36°32'09" E	95.83'
L12	N 40°58'41" E	115.82'
L13	N 31°04'10" E	88.36'
L14	N 10°49'55" E	77.23'
L15	N 01°59'02" W	195.19'
L16	N 12°50'17" E	26.24'
L17	N 25°27'11" E	90.22'
L18	N 21°42'48" E	181.09'

MATCH LINE

PAGE 2
PAGE 1



TOWN OF RIDGWAY, CO.

A MAP OF THE REVISED LOCATION OF A
WATER LINE EASEMENT
SECTIONS 29, 31 AND 32,
T 45 N, R 8 W, N.M. P.M.
OURAY COUNTY, COLORADO

Revised

Scale

1"=125'

Date

8/11/15

Dwn. By

Jjm

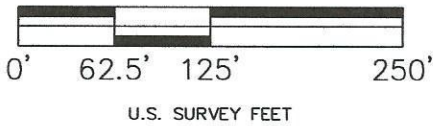
MESSENGER & ASSOCIATES LLC
Austin, Co. 81410 (970) 835-3953
messengerandassociates@gmail.com

Acct.

No. 12 - 12.15

Sheet 1 of 3

LINE	BEARING	DISTANCE
L17	N 25°27'11" E	90.22'
L18	N 21°42'48" E	181.09'
L19	N 24°33'24" E	110.67'
L20	N 20°17'13" E	62.92'
L21	N 21°42'12" E	71.86'
L22	N 17°14'03" E	115.45'
L23	N 14°55'56" E	197.98'
L24	N 12°11'43" E	96.64'
L25	N 24°16'47" E	114.27'
L26	N 22°56'01" E	139.59'
L27	N 24°55'22" E	122.33'
L28	N 26°59'34" E	163.71'
L29	N 27°51'26" E	165.18'
L30	N 20°20'48" E	86.25'
L31	N 12°09'48" E	92.37'



30 | 29
31 | 32
(3-1/4" METAL
CAP WITNESS
MONUMENT
STAMPED
PLS 10738)

29
32 W 1/16
(REBAR WITH A METAL
CAP STAMPED PLS 10738)

NOTICE: according to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event, may any legal action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

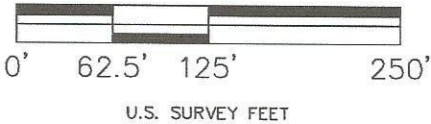
NOTICE: No guarantee as to the accuracy of the information contained hereon is either stated or implied unless the copy bears an original signature and seal of the licensed Professional Land Surveyor herein named. Copies without original signatures and seals may contain unauthorized alterations and should not be relied upon or used in any manner.

Scale	MESSENGER & ASSOCIATES	
1" = 125'	P.O. Box 104, Austin, Co. 81410	
DATE	Acct.	Sheet 2 of 3
10/18/16	No. 12-12.16	

30 | 29
1/4
(REBAR WITH A
METAL CAP
STAMPED
PLS 33645)

CENTER 1/4
CORNER
(REBAR WITH A METAL CAP
STAMPED PLS 24299)

LINE	BEARING	DISTANCE
L30	N 20°20'48" E	86.25'
L31	N 12°09'48" E	92.37'
L32	N 21°05'26" E	132.79'
L33	N 11°13'49" E	138.86'
L34	N 04°44'54" E	119.96'
L35	N 03°04'07" E	214.62'
L36	N 04°12'41" W	76.56'
L37	N 07°05'17" E	223.34'
L38	N 10°48'43" E	217.30'
L39	N 31°21'00" E	104.82'
L40	N 34°36'59" E	112.75'
L41	N 08°29'26" E	35.46'



REVISED LOCATION OF AN EXISTING TOWN
OF RIDGWAY WATER TRANSMISSION LINE
(BASED ON INFORMATION SHOWN ON AN
ALTA SURVEY PLAT BY DEL-MONT
CONSULTANTS INC)

CERTIFICATE OF SURVEY:

I, JESSIE J. MESSENGER, ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, HEREBY CERTIFY THAT THIS MAP OF THE REVISED LOCATION OF A WATER LINE EASEMENT WAS MADE BY ME FROM INFORMATION SHOWN ON AN ALTA SURVEY PLAT BY DEL-MONT CONSULTANTS INC PROVIDED TO ME BY THE TOWN OF RIDGWAY WHICH I ORIENTED TO A SURVEY I MADE OF THE ADJACENT TOWN OWNED PROPERTY. THIS MAP DOES NOT REPRESENT AN ACTUAL FIELD SURVEY MADE BY ME OF THE EXISTING WATER LINE LOCATION. THIS MAP IS NOT A WARRANTY OR GUARANTEE EXPRESSED OR IMPLIED.

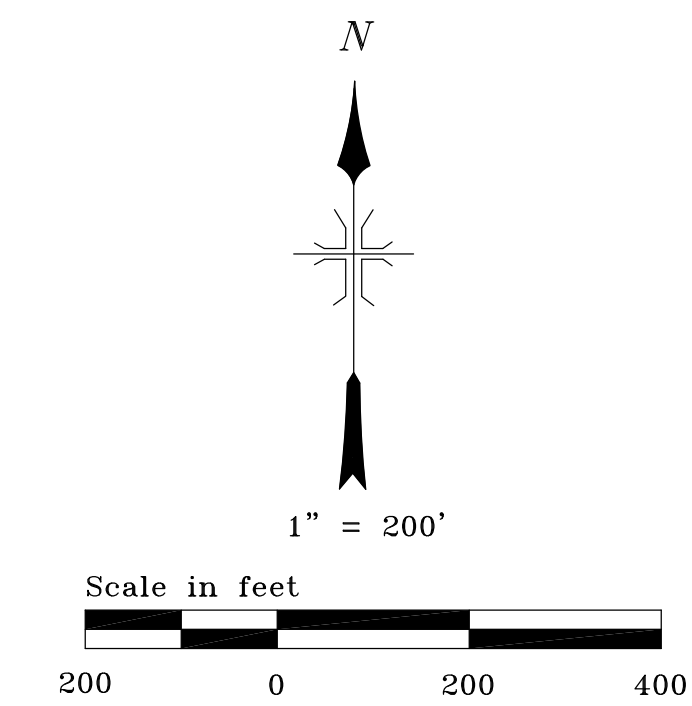
FOR REVIEW


JESSIE J. MESSENGER P.L.S. 14621

DATE

Scale 1" = 125'	MESSENGER & ASSOCIATES LLC P.O. Box 104, Austin, Co. 81410	
DATE 10/18/16	Acct. No. 12-12.16	Sheet 3 of 3

IN
SECTIONS 29, 30, 31 & 32, T.45N., R.8W., N.M.P.M.,
COUNTY OF OURAY, STATE OF COLORADO



 DEL-MONT CONSULTANTS, INC. ENGINEERING • SURVEYING • PLANNING 125 Cedarvale Ave. • Montrose, CO 81401 • (970) 248-2251 • (970) 248-2342 fax www.deltmont.com • service@del-mont.com				TITLE: TOWN WATERLINE EXHIBIT	
				CLIENT: ADAM MAX c/o MICHAEL LYNCH	
FIELD BOOK: 852		DRAWN BY: NEB		DATE: 06/21/16	
SHEET: 1 OF 1		FILE: 14086V ALTA		TYPE: EXHIBIT	
		JOB NO: 14086			

March 7, 2018

DRAFT

WestCO (Western Colorado Regional Dispatch Center)
Attn: Mandy L. Stollsteimer, Executive Director
434 S. 1st Street | PO Box 790
Montrose CO 81402
mstollsteimer@wcrdc.net

Ms. Stollsteimer:

Thank you for reaching out to our collective Ouray County Law Enforcement Agencies and Fire Protection Districts in January of this year via email in follow up to discussions with the Montrose County Sheriff's Office (MCSO) where the MCSO reported to WestCO that they would not provide dispatch services to Ouray County effective January 1, 2019.

We appreciate your diligence with this effort, and want to follow up with you as a collective Ouray County group. The Ouray County agencies currently using Montrose County dispatch services include: City of Ouray PD, Ridgway Marshal, Ridgway Fire, Ouray Fire, Loghill Fire, and the Ouray County Sheriff's Office, including EMS and Mountain Rescue. We have met as collective agencies in Ouray County and want to express our desire to discuss with you the opportunity to commence dispatch services with WestCO effective January 1, 2019.

We thought it would be helpful for you to have an organized communication with our agencies, and to that end we are sending this letter with the following identified topics of conversation for any transfer of services.

1. Do you have the waivers you need for the release of information from MCSO to WestCO that you requested in your January 22, 2018 email to the agencies? We can help obtain these, if needed.
2. VHF is a primary concern of our agencies.
 - a. Do you need more information from us to facilitate the use of VHF for dispatch services in Ouray County?
 - b. How much time is needed for any VHF exploration and implementation? Can we help?
3. How much time is needed for the transfer of services for all Ouray County agencies from MCSO to WestCO? We are thinking a minimum of 6 months to accommodate the cell phone transfer time frame, and want to allow as much time as possible for a successful transfer.
4. Is it possible to provide cost estimates for each agency with the information you have?
5. What additional information do you need from us to explore this opportunity?

We are happy to meet and discuss or make a formal request and presentation to your Board, whatever you need to commence or continue due diligence for providing dispatch services for our Ouray County agencies.

To make this as simple for you as possible, our primary contact for all of our agencies is:

_____.

Thank you,

Junior Mattivi, Ouray County Sheriff

Justin Perry, City of Ouray Police Chief

Tammy Stroup, Town of Ridgway Marshal

Chris Miller, Ridgway Fire Chief

Trevor Latta, Ouray Fire Chief

John Rogers, Log Hill Fire Chief

Dear Pam,

I am writing to express my interest in the town council vacancy. To tell you a little about myself, I live with my wife Teresa and our four year-old daughter Mila in the town of Ridgway. We moved to Ridgway over two years ago, but have mostly been in the region since 2001. We are currently in the process of purchasing the home we live in and our daughter is beginning her adventure into preschool.

My background is somewhat diverse. I am a small business owner working as a certified arborist with several employees. I also am on the Tree Board at the City of Montrose and work closely with the botanical gardens there.

Other interest and experience includes work as a professional musician, and also in the field of psychology. I earned a PhD in psychology in 2011 in the Bay Area and have worked with a number of organizations and universities mostly on a project or publication basis. These organizations include Stanford University's Center for Compassion and Altruism Research and Education, UC Berkeley's Greater Good Science Center, Mind and Life Institute, U of Wisconsin's Center for Healthy Minds, and the Korean Institute of Soen Psychology in Seoul, S. Korea. Work with these organizations has involved everything from publication in journals, lecturing in universities in S. Korea, organizing and coordinating international conferences and research seminars, and presentations. I have contributed 15 publications to the field, including a qualitative methodological text book used by the University of Nebraska's graduate research studies program.

Thank you for considering me for this vacancy. I am very interested in the directions Ridgway is headed and excited for the opportunity. Feel free to contact me with any questions.

Sincerely,
Jonathan Barfield

PO Box 505
Ridgway, CO
81432



Ninah Hunter

Pam Kraft
Town of Ridgway
201 N. Railroad St.
Ridgway, CO 81432

Dear Pam,

I happened to run into Mayor John Clark this past Tuesday. He informed me the Town Council currently has 3 vacancies. This letter is to let you know that I am interested in filling one of those vacancies.

I will await further information from you as to how I should proceed from this point in time.

Thank you.

Yours truly,



Ninah Hunter

Dear Ms. Kraft,

I am interested in serving out the remaining term of a town council member position. I am a registered voter and have lived within the town limits of Ridgway since 2009. I am a US citizen and over the age of 18.

I have 30 years of combined experience in business management, engineering, and industrial, commercial, and residential construction.

I would like to be part of helping the town prosper in all future operations.

Thank you for your time and consideration.

Best,

Tim Malone

--

Tim Malone
PO Box 1093
755 N. Laura Street
Ridgway, CO 81432

Dear Pam:

I am very interested in the appointment to the town council. My wife and I moved here in November of 2016 and we love Ridgway. I am retired from the US Forest Service and served in five regions. I began my service in forestry and wildlife. Then in Fire Management where I participated in many campaign fires all over the country as a member of an Incident Command Team. About midway through my career I became a Realty Specialist and I purchased over 75,000 acres of land for the Forest Service through purchase and exchange. I also bought over 100 right of ways. After retiring at the end of 1994 my wife and I got involved in "Firewise USA" in Custer, SD, and started a thinning and "firewise consulting business to help people become "firewise." In addition, we helped our subdivision become the first "firewise" subdivision in the southern Black Hills within the wildland Interface. Since arriving in Ridgway, I joined ROCC and have been active in the Social Justice and Energy Committees. My wife and I recently became the co-chairs of the the Social Justice committee. This committee has been concerned with issues involving affordable housing and victim advocacy. In regard to the energy committee I have been helping install LED's in the high school and will continue doing this until it is completed. I am on the board of the Riverpark HOA and have been involved in trimming the trees in the subdivision this winter and will continue this work in the spring. I pick up trash as an ongoing thing on N. Railroad and within the Riverpark and Park subdivision. I am an active member of St. Daniel's Catholic Church in Ouray. I do not have any experience as a town council member but I am more than willing to learn the issues and become an active member of the council. My wife and I travel and camp some but would be able to make most meetings. This year we have a family reunion and would not be able to make the July meeting. All other meetings and workshops would make a point to be present if appointed.

Sincerely,

Tom Heffernan
405 Kismet St.
Ridgway, CO 81432

RESOLUTION NO. 18-03

**RESOLUTION OF THE TOWN OF RIDGWAY, COLORADO
CANCELING THE APRIL 3, 2018 REGULAR ELECTION**

Whereas, the only matter before the voters at the April 3, 2018 regular election is election of a Mayor and three Councilors; and

Whereas, there were three vacant seats for Councilors and one nomination petition was received by the legal filing deadline of February 16, 2018; and one vacant seat for Mayor and one nomination petition was received; and

Whereas, regulations pertaining to cancellation of an election are provided for in CRS 31-10-507 and Subsection 4-1-2(A) of the Ridgway Municipal Code, which states 'if the only matter before the voters at any election is the election of persons to office and if, at the close of business on the 33rd day before the election, there are not more candidates than offices to be filed at such election, including candidates filing Affidavits of Intent, the Town Clerk shall cancel the election and by resolution declare the candidates elected'.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF RIDGWAY, COLORADO that the Council hereby accepts the Town Clerks cancellation of the regular election slated for April 3, 2018 and acknowledges that the Clerk has published and posted notice of said cancellation, and deemed the candidates elected for a two year term.

APPROVED AND ADOPTED this 14th day of March, 2018.

By: _____
John I. Clark, Mayor

ATTEST:

Pam Kraft, MMC, Town Clerk

NOTICE OF CANCELLATION OF ELECTION

Notice is hereby given that the Town of Ridgway Municipal Election to be held on Tuesday, April 3, 2018 for the Mayor and three Councilors has been cancelled.

State Statute 31-10-507 and Municipal Code Section 4-1-2(A) allows the Town Clerk to cancel the election and declare the candidates elected, if the election of persons to office is the only matter before the voters, and if, at the close of business on the 33rd day before the election, there are not more candidates than offices to be filled at the election, including write-in candidates filing affidavits of intents.

The following candidates have been declared elected:

John Clark, Mayor	2 year term
Robb Austin, Councilor	2 year term



Pam Kraft, MMC
Town Clerk

Dated: March 2, 2018

NOTICE OF VACANCY ON THE RIDGWAY TOWN COUNCIL

Notice is hereby given that a vacancy exists on the Ridgway Town Council.

Anyone interested in serving out the remainder of the term, to April 2, 2019, may apply in writing. Qualifications for serving on the Council are: a qualified elector of the State of Colorado; have resided within the Town limits for at least twelve consecutive months immediately proceeding the date of appointment; a United States Citizen; on or before this date shall be 18 years of age or older.

Please send letters of interest to the Town Clerk at pkraft@town.ridgway.co.us mail to Post Office Box 10, Ridgway, CO 81432 or deliver to the Town Administrative Offices, 201 N. Railroad Street.

Deadline for receipt is Thursday, March 8, 2018 at 5:00 p.m.

Appointments will be considered by the Town Council at the regular meeting on March 14, 2018.

Any questions should be directed to the Town Clerk at 626-5308, Ext. 211.

RIDGWAY PLANNING COMMISSION AGENDA

Tuesday, February 27th, 2018
Planning Commission Regular Meeting: 5:30 pm
Ridgway Community Center
201 North Railroad Street, Ridgway, Colorado

ROLL CALL Chairperson: Doug Canright, Commissioners: John Clark, Thomas Emilson, Larry Falk, Ellen Hunter, Bill Liske, and Jennifer Nelson

REGULAR MEETING: 5:30 pm

PUBLIC HEARINGS:

1. **Application:** Sketch Plan and Preliminary Plat for Preserve; **Location:** Savath Subdivision Part of Outlot A and Woodford Addition; **Address:** TBD County Road 23; **Zone:** Residential (R); **Applicant:** Del-Mont Consultants **Owner:** Ridgway River Development, LLC
Referred to Town Council for approval with conditions.

OTHER BUSINESS:

2. Ridgway Area Joint Planning Board – recruit new member
Will continue to work on recruiting an appointee and revisit at the March Planning Commission meeting.
3. Master Plan process update
Published the RFP, proposals are due March 16th, expect to have a recommendation to TC for a consultant at the regular April meeting.
4. Downtown Parking Assessment, DOLA/Colorado Main Street
With funding from the Colorado Main Street Program/DOLA the Town is receiving a downtown parking assessment to better understand our parking inventory and options for the future. Expected completion is mid-2018.

APPROVAL OF MINUTES:

5. Minutes from the meeting of January 30th, 2018
Approved.

ADJOURN REGULAR MEETING



To: Ridgway Town Council (TC) and Planning Commission (PC) and Department Heads
From: Jen Coates, Town Manager
Date: March 9, 2018
RE: 2018 Meeting, Workshop, Training Schedule and Conference Opportunities

- Regular Town Council meetings are the 2nd Wednesday of the month.
- Regular Planning Commission meetings are the last Tuesday of the month.
- Most workshops are the 3rd Wednesday of the month. There are exceptions.
- 2018 will be working on the Space to Create project and a Master Plan update, so there will be quite a number of additional opportunities to meet! Stay tuned.

WORKSHOPS, TRAININGS, MEETINGS

January

Jan 3rd: PC Regular Meeting (*rescheduled from December 2016*)
Jan 11th: TC Regular Meeting
Jan 24th: Tri-Agency Dinner
Jan 25th: TC Special Workshop Meeting: River Corridor
Jan 30th: 5:30 pm: TC/PC Joint Workshop: Comp Plan Prep
6:30 pm: PC Regular Meeting

February

Feb 21st: Regular TC Meeting
Feb 27th: PC Regular Meeting

March

March 5th: TC/PC Joint Workshop: Affordable Housing Discussion (6:00 pm)
March 7th: TC Workshop Meeting: Lena Street Commons Development Agreement
March 14th: TC Regular Meeting (5:30 pm)
March 26th: *TC Training: Orientation with Manager and Clerk (5:30 – 8:30 pm)
March 27th: PC Regular Meeting (5:30 pm)
March 28th: *TC/PC Training: Marshal (5:30 – 6:30)

April

April 11th: TC Regular Meeting (5:30 pm)
April 18th: TC/PC Training: CIRSA Public Official Liability (5:30 – 8:00 PM) –confirm
April 24th: PC Regular Meeting (5:30 pm)
April 25th: *TC/PC Training: Zoning and Subdivision Training, Master Plan process update and review, and Community Development- confirm (5:30 – 8:30 pm)

May

May 9th: TC Regular Meeting (5:30 pm)



May 23rd: TC/PC Joint Workshop: Ridgway Creative District Direction and meeting with volunteer committee (5:30 – 6:30 pm)

May 29th: PC Regular Meeting (5:30 pm)

June

June 13th: TC Regular Meeting (5:30 pm)

June 26th: PC Regular Meeting (5:30 pm)

July

July 11th: TC Regular Meeting (5:30 pm)

July 25th: TC/PC Workshop: Sign Code Update

July 31st: PC Regular Meeting (5:30 pm)

August

August 8th: TC Regular Meeting (5:30 pm)

August 15th: TC Workshop: Procurement and Per Diem Policies (5:30 pm)

August 22nd: TC Budget Retreat #1 (5:30 – 9:00 pm)

August 28th: PC Regular Meeting (5:30 pm)

September

September 12th: TC Regular Meeting (5:30 pm)

September 19th: TC Budget Workshop #2 (5:30 pm)

September 25th: PC Regular Meeting (5:30 pm)

October

October 10th: TC Regular Meeting (5:30 pm)

October 17th: TC Workshop: Presentation of Draft Water and Sewer Utilities Capital Improvements Planning (5:30 pm)

October 24th: TC Budget Workshop #3 and Legislative Update (5:30 pm)

October 30th: PC Regular Meeting (5:30 pm)

November

November 14th: TC Regular Meeting (5:30 pm)

November 27th: PC Regular Meeting (5:30 pm)

November 28th: TC Budget Workshop #4 (5:30 pm)

December

December TBD: Holiday Party

December 12th: TC Regular Meeting (5:30 pm)

December 25th: PC Regular Meeting (*move to January 8th?*)

**Trainings with an asterisk are primarily for new elected or appointed officials but all are welcome*



2018 CONFERENCES and EDUCATIONAL OPPORTUNITIES

March

Rocky Mountain Land Use Institute

Date: March 16-17th
Info: <http://www.law.du.edu/index.php/rmlui>
Location: Denver
Cost: \$475 plus travel, lodging, meals

National Main Street Conference

Date: March 26-28, 2018
Info: <http://www.preservationnation.org/main-street/training/conference/>
Location: Kansas City, MO
Cost: The scholarship opportunity for 2018 has been used

May

Colorado Creative Industries Spring Convening and Summit

Date: May 9-11, 2018
Info: <http://www.coloradocreativeindustries.org/summit>
Location: Greeley, CO
Cost: \$100 plus travel, lodging, meals

June

CML Annual Conference

Date: June 19-22
Info: <http://www.cml.org/annual-conference/>
Location: Vail
Cost: \$295 plus travel and lodging (some meals included);
There is a scholarship available for this; CIRSA reimburses travel and other expenses if you attend their lunch at the conference on Tuesday

October

Colorado Chapter of the American Planning Association Annual Conference

Date: October 3-5
Info: <http://www.apacolorado.org/2018-conference>
Location: Keystone
Cost: \$425 plus travel, lodging and meals